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Omar Qazi
N.S.D.C.
2190 E. Mesquite Ave.
Pahrump, Nevada
Proper Person

UNITED STATES DISTRICT COURT

for the

District of Nevada

United States of America)

v.)

OMAR QAZI)

Defendant)

Case No. 2:15-cr-0014-APG-VCF

DETENTION ORDER PENDING FURTHER PROCEEDINGS

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of ☐ a federal offense ☐ a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
- ☐ an offense for which the maximum sentence is death or life imprisonment.
- ☐ an offense for which a maximum prison term of ten years or more is prescribed in _____
- ☐ a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
- ☐ any felony that is not a crime of violence but involves:
- ☐ a minor victim
- ☐ the possession or use of a firearm or destructive device or any other dangerous weapon
- ☐ a failure to register under 18 U.S.C. § 2250
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
- ☐ (3) A period of less than five years has elapsed since the ☐ date of conviction ☐ the defendant's release from prison for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum prison term of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. § 924(c).

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

UNITED STATES DISTRICT COURT

for the

District of Nevada

- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- X (1) There is a serious risk that the defendant will not appear.
- X (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is ordered detained as both a flight risk and as a danger to the community as that term is defined by The Bail Reform Act for the following reasons: The defendant did not interview with Pretrial Services, and this Court has no information regarding his background, family or community ties, employment history, financial status, or any other information that might be used to fashion terms and conditions of release. The defendant is charged with an offense for which the law creates a rebuttable presumption that he should be detained unless he can show, by clear and convincing evidence, that he is neither a flight risk nor a danger to the community. The defendant has not rebutted that presumption. The defendant's criminal history reflects multiple misdemeanor and gross misdemeanor convictions for drug and weapons related offenses, a felony conviction in 2011 for battery with substantial bodily harm, two misdemeanor convictions for first and second offense DUIs, and current charges pending in the state system for which he is awaiting a preliminary hearing on February 25, 2015 for possession of controlled substances and trafficking in controlled substances. Finally, it is reported that an outstanding surety bail detainer has been lodged against the defendant in one of his state court cases.

Part II—Statement of the Reasons for Detention

The Court finds the defendant is a flight risk by the preponderance of the evidence and a danger to the community by clear and convincing evidence and that there are no conditions or combination of conditions that could be fashioned that would reasonably assure the appearance of the defendant or the safety of the community.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: 2/24/2015


Judge's Signature

PEGGY A. LEEN, U.S. Magistrate Judge

Name and Title

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OMAR QAZI,

Petitioner,

v.

WARDEN JANICE KILLIAN, et al.,

Respondents.

Case No. 2:18-cv-00438-GMN-GWF

ORDER

Omar Qazi, a federal pretrial detainee, has filed a *pro se* habeas corpus petition pursuant to 28 U.S.C. § 2241 (ECF No. 1). He states that he is in federal custody pending trial in case no. 2:15-cr-00014-APG-VCF. Qazi states that he seeks to challenge the March 5, 2015 detention order in his criminal case (2:15-cr-00014-APG-VCF, ECF No. 14). The docket in the criminal case reflects that he has counsel. Qazi must challenge the detention order in his underlying criminal case. Accordingly, this petition is dismissed for failure to state a claim for which relief may be granted.

IT IS THEREFORE ORDERED that the petition is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: 13 April 2018.


GLORIA M. NAVARRO, CHIEF JUDGE
UNITED STATES DISTRICT COURT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 1 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

OMAR QAZI,

Petitioner-Appellant,

v.

JANICE KILLIAN; et al.,

Respondents-Appellees.

No. 18-15787

D.C. No. 2:18-cv-00438-GMN

District of Nevada,
Las Vegas

ORDER

Before: W. FLETCHER and WATFORD, Circuit Judges.

The request for a certificate of appealability is denied as unnecessary. *Cf.* 28 U.S.C. § 2253(c)(1)(B).

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis.

The Clerk shall serve a Form CJA 23 on appellant.

A review of the record demonstrates that this appeal may be appropriate for summary disposition because the questions on which the decision in the appeal depends may be so insubstantial as not to justify further proceedings. *See* 9th Cir.

R. 3-6. Within 21 days after the date of this order, appellant shall show cause why the judgment in this appeal should not be summarily affirmed.

Appellant's failure to comply with this order shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 16 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

OMAR QAZI,

Petitioner-Appellant,

v.

JANICE KILLIAN; et al.,

Respondents-Appellees.

No. 18-15787

D.C. No. 2:18-cv-00438-GMN
District of Nevada,
Las Vegas

ORDER

Before: SCHROEDER, HAWKINS, and SILVERMAN, Circuit Judges.

Appellant is granted in forma pauperis status based on completed Form CJA 23 (Docket Entry No. 5). The Clerk shall change the docket to reflect appellant's in forma pauperis status.

A review of appellant's response to the June 1, 2018, order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.