

Appendix "1"

Eleventh Circuit Court of Appeals Order denying Mr. Bryant's
Motion to Discharge Counsel and Proceed Pro Se

Henry Lee Bryant moves to discharge counsel and proceed pro se in his appeal of the District Court denial of his Fed. R. Crim. P. 33 Motion for new trial. David Howard, Bryants criminal justice act counsel, has filed a brief on Bryants behalf, arguing that the district court erred in concluding that a federal agents misconduct did not warrant a new trial.

On March 9, 2018, Bryant filed the instant pro se motion to discharge Howard as appointed counsel in to proceed pro se. In his motion, Bryant alleges that he has not spoken with Howard in over a year and was unaware that Howard rose prosecuting an appeal on his behalf. He argues that Howard file the brief without his permission and acted without his consent, violating his due process rights and the laws of agency. He argues that he could not determine whether Howard had acted in his best interest, as he had no idea of what how we're dead or what arguments Howard made on his behalf. As relief, he asked this court to order Howard to turn over all case information to him, discharge Howard as counsel, and allow him to proceed pro se on appeal.

Howard has filed a response, reiterating that the procedural history of the case and explaining that, due to an oversight, Bryant did not receive a copy of the brief, or other filings in this court, when those documents were filed. Howard noted that, out of a abundance of caution and in response to Brian's discharge motion, he mailed the complete district court record regarding the rule 33 proceeding, and the relevant filings in this court, to Brian. Further, Howard admitted that, because Bryant was transferred to a different correctional facility, he no longer had the opportunity to meet in person with him. Howard acknowledged his mistake and alleged that he was unaware that Brian was not receiving pertinent findings until the discharge motion was filed. However, Howard argued that, although there was a significant oversight regarding copying Brian on the filings, he was taking every step necessary to advance Brian's case and preserve his rights. Although Howard admitted oversight and a lack of communication with Bryant, these mistakes have since been corrected, Brian has not filed any additional motions contesting Howard's a pellet arguments, and, therefore, it does not appear that there has been a complete breakdown in communication sufficient to warrant discharge of counsel. See *Thomas v. Wainwright*, 767 F.2d 738, 742 (11th cir 1985) *United States v. Young* 482 F.2d 993, 995 (5th cir. 1973). Brian's motion to discharge counsel and proceed pro se is denied.

Adalberto jordan

Appendix "2"

Motion for Reconsideration returned as unfiled by the Clerk
of the Courts for the Eleventh Circuit

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

July 23, 2018

Henry Lee Bryant
FCI Coleman Low - Inmate Legal Mail
PO BOX 1031
COLEMAN, FL 33521-1031

Appeal Number: 17-10010-FF
Case Style: USA v. Henry Bryant
District Court Docket No: 1:12-cr-20276-FAM-1

RETURNED UNFILED: Motion for Reconsideration on Denial of a New Trial Motion filed by
Henry Lee Bryant is returned unfiled because you are represented by Counsel, see 11th Cir. R.
25-1.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Janet K. Mohler, FF
Phone #: (404) 335-6178

MOT-11 Motion or Document Returned

**Additional material
from this filing is
available in the
Clerk's Office.**