

NUMBER _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2018

ERIC DAVID BENNETT, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

APPENDIX A

TO PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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746 Fed.Appx. 218 (Mem)

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of Appeals 4th Cir. Rule 32.1.

United States Court of Appeals, Fourth Circuit.

UNITED STATES of America, Plaintiff-Appellee,

v.

Eric David BENNETT, Defendant-Appellant.

No. 18-4529

Submitted: December 13, 2018

Decided: December 21, 2018

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Irene C. Berger, District Judge. (5:10-cr-00064-1)

Attorneys and Law Firms

Christian M. Capece, Federal Public Defender, Jonathan D. Byrne, Assistant Federal Public Defender, Lorena E. Litten, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant.

Michael B. Stuart, United States Attorney, Charleston, West Virginia, John L. File, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Beckley, West Virginia, for Appellee.

Before DUNCAN and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Opinion

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric David Bennett appeals from the district court's order revoking his supervised release and imposing an 18-month term of imprisonment. Bennett contends that the district court

erred by considering the seriousness of his violations and that the sentence imposed was greater than necessary to meet the goals of a revocation sentence, especially considering the treatment option he presented during the revocation hearing. We conclude that the district court's sentence was not unreasonable, much less plainly unreasonable, and therefore affirm the district court's judgment.

We review a sentence imposed upon revocation of supervised release to determine whether "it falls outside the statutory maximum or is otherwise plainly unreasonable." *United States v. Padgett*, 788 F.3d 370, 373 (4th Cir. 2015) (internal quotation marks omitted). We determine reasonableness by generally following the procedural and substantive considerations used in reviewing original sentences. *United States v. Crudup*, 461 F.3d 433, 438 (4th Cir. 2006). In analyzing a revocation sentence, we apply "a more deferential appellate posture concerning issues of fact and the exercise of discretion than reasonableness review for [G]uidelines sentences." *United States v. Moulden*, 478 F.3d 652, 656 (4th Cir. 2007) (internal quotation marks omitted). A revocation sentence is procedurally reasonable if the district court considered the policy statements in Chapter Seven of the Sentencing Guidelines and the applicable 18 U.S.C. § 3553(a) (2012) factors. 18 U.S.C. § 3583(e) (2012); *Crudup*, 461 F.3d at 438-39. Where, as here, a defendant fails to object to the district court's explanation of his sentence, we review for plain error. *United States v. Webb*, 738 F.3d 638, 640 (4th Cir. 2013).

In fashioning an appropriate sentence, "the court should sanction primarily the defendant's breach of trust, while taking into account, to a limited degree, the seriousness of the underlying violation and the criminal history of the violator." *219 U.S. Sentencing Guidelines Manual ch. 7, pt. A(3)(b). According to 18 U.S.C. § 3583(e) (2012) (governing supervised release revocation), the court also must consider certain of the factors enumerated under § 3553(a), though not the need for the sentence "to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense." 18 U.S.C. § 3553(a)(2)(A); *see* 18 U.S.C. § 3583(e); *Crudup*, 461 F.3d at 439. We have recognized, however, that the § 3553(a)(2)(A) factors "are intertwined with the factors courts are expressly authorized to consider under § 3583(e)." *Webb*, 738 F.3d at 641. Thus, although the district court may not rely "predominately" on the § 3553(a)(2)(A) factors in selecting a revocation sentence, "mere reference to such considerations does not render a revocation sentence procedurally unreasonable when those factors are relevant to, and considered in conjunction with, the enumerated § 3553(a) factors." *Id.* at 642.

We find that Bennett has not successfully demonstrated that the district court procedurally erred in relying too heavily on the seriousness of his revocation conduct while on supervision. The district court noted that Bennett had engaged in violent criminal conduct constituting violations of the terms of his supervision. However, the court emphasized that this conduct showed a "clear disdain for the law and the members of the community." The court

also stated that it considered Bennett's history and characteristics and that the 18-month sentence would provide deterrence, protect the public, and avoid unwarranted sentencing disparities. Although the court commented on the seriousness of Bennett's violations, the court emphasized that it considered Bennett's "repeated violations of the Court's trust in determining that [a] sentence above the applicable advisory guideline ranges is, in fact, appropriate." Such consideration is relevant to the appropriate sentencing factors of the nature and circumstances of the violations, Bennett's history and characteristics, and the need for deterrence and to protect the public. *See 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (C), 3583(e).*

Bennett contends that the sentence imposed is unreasonable because the imposition of a term of imprisonment is greater than necessary to meet the goals of a revocation sentence. He asserts that the 46-month sentence he served for the underlying conviction did not deter him and contends that an additional sentence of 18 months also will not be effective. He argued instead for a term of supervised release with a condition that he successfully complete an intensive therapy program that he was directed to complete as a condition of his state probation. Bennett contends that the therapy program would better serve the goals of supervised release and also address Bennett's underlying domestic violence issues.

The district court considered Bennett's request, but determined that a sentence of 18 months was appropriate in light of Bennett's repeated violations. The court additionally recommended anger management treatment. Because the court appropriately considered the relevant factors and provided a sufficient explanation for the sentence imposed, we conclude that the revocation sentence imposed by the district court was not unreasonable and therefore not plainly unreasonable. *Webb*, 738 F.3d at 640; *Crudup*, 461 F.3d at 440.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

All Citations

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APPENDIX B

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1 take this year-long program to work on those issues because
2 the slightest little mess up on, on, in this program, I go
3 back to prison in West Virginia and in Ohio and I lose the
4 right to get my children back forever.

5 I should have thought about this more when I was out
6 and I, I realize that. I just didn't, I just didn't think.
7 I allowed my issues to get the best of me. And I'm asking
8 for an opportunity that I've never asked for before to be
9 able to work on these issues and also for my children
10 because the slightest mess-up, I'll never see my kids again.
11 I've got to show the courts significant improvement. And
12 with my history, that's going to be pretty hard to do.

13 And with that, Your Honor, I thank you for your time
14 allowing me to speak, allowing my family to speak and so
15 forth. I believe that's it.

16 THE COURT: All right. Thank you, Mr. Bennett.
17 How old are you today?

18 THE DEFENDANT: I'm 38 years old.

19 THE COURT: All right. So as I would say to some,
20 you will be 40 in a minute.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Before I give you my sentence, I want
23 to say a couple of things about what you have said.

24 One, the fact that you are accepting full
25 responsibility for your actions, as you stated here,

1 prepares you to be open for any type of treatment or
2 counseling or anything that can, in fact, help you. That's
3 a big step in the right direction.

4 I listened to your parents' testimony. Your father
5 indicated that you have difficulty with people saying "no"
6 or difficulty with rejection, and that it may be that he and
7 your mother didn't, from his perspective, tell you "no"
8 enough.

9 I thought that that was somewhat insightful on his part
10 and I wanted to say to you that's the kind of support that
11 will ultimately make you be successful no matter what I do
12 here today.

13 But when you're 38 years old, as you have done here
14 today, even if parents totally screwed up with raising you,
15 at some point you've got to get on your own and be
16 responsible for your own conduct which you have accepted
17 here today.

18 Likewise, one of the letters that I read that your
19 lawyer gave me from one of the -- I'm going to say character
20 witnesses for you who talked about what a good father you
21 are also indicated in it that "people kept pushing his
22 buttons and a person can only take so much."

23 That, to some degree, puts responsibility on someone
24 other than you which, again, I was happy to hear you step
25 away from because you have accepted responsibility here in

1 front of me, full responsibility which, again, will be of
2 assistance to you as you move forward after today.

3 This conduct is egregious. I sentence people often on
4 supervised release revocations who admit to conduct that
5 doesn't involve the violence, doesn't involve the criminal
6 conduct that's involved here. And, so, there has to be some
7 repercussions for that. There has to be some responsibility
8 for it.

9 But, at the same time, the position that you're taking
10 here today I hope you keep. You have support and people
11 willing to help you both professionally and personally which
12 if you're open to it after this can help you.

13 With that said, after careful consideration of the
14 nature of the violations, the admissions here, and the
15 position that you've taken with respect to the second
16 amendment, it's the judgment of this Court, Mr. Bennett,
17 that you be committed to the custody of the Federal Bureau
18 of Prisons for a term of 18 months.

19 I further order that no new term of supervised release
20 follow. I find that given the fact that you are on parole
21 and on probation will result in supervision. And my adding
22 a term of supervision will not be of any assistance to you
23 in any way.

24 I find, though, that the sentence of 18 months, which
25 is above the applicable advisory guideline range, is

1 appropriate. As I've indicated, there has to be some
2 repercussion to this type of violent conduct.

3 Your conduct in these violations was both violent and
4 egregious. It also has exhibited, Mr. Bennett, a clear
5 disdain for the law and the members of the community around
6 you, even including your children.

7 Having already served a lengthy prison sentence which
8 was 46 months, I consider to be a long time, you still
9 continued to be a danger to those around you and exhibit
10 abusive behavior. You destroyed property of your ex-wife
11 and exhibited a complete lack of self-control. And as you
12 have accepted here, you have an issue that has to be
13 addressed.

14 Your previous term of incarceration didn't deter you
15 from committing these violations. And any help that your
16 probation officer ordered was of no avail.

17 You had gotten fairly close to completing your term of
18 supervised release when all of this started. Commission of
19 a new offense while on supervised release is very serious.
20 It violates the trust of the Court, the probation office.

21 And to do it repeatedly, Mr. Bennett, is also
22 problematic and simply is abusing the trust that's been put
23 in you when you put lives, including your own, at risk given
24 the conduct that's alleged here and to which you have
25 admitted.

1 I am hopeful that the program that you have outlined in
2 the exhibits which were given to me and which Ms. Litten and
3 you have referred to will be available to you upon your
4 release.

5 I think you are correct that it can be of some help to
6 you, but that still does not mean to me that there isn't
7 some repercussions and some responsibility that has to be
8 taken for the conduct that brought you here to the
9 violations.

10 Having carefully considered your history, the
11 characteristics, I find that this sentence of 18 months is
12 sufficient and not greater than necessary to accomplish the
13 goals of sentencing as applicable to revocation proceedings.

14 I further find that a sentence within the applicable
15 advisory guideline range is not sufficient to meet the goals
16 of sentencing as those goals relate to 3553(a) factors
17 related to revocation proceedings.

18 This sentence should afford adequate deterrence. It
19 will protect the public. And it will provide you with some
20 mental health treatment as I am going to recommend that you
21 be given an assessment once you are housed, and that you be
22 given the mental health treatment, including anger
23 management treatment, that is available to you during your
24 period of incarceration.

25 I also find that this sentence serves to avoid

1 unwarranted sentence disparities among defendants with
2 similar records who have committed similar violations.

3 I have taken into consideration not just the
4 seriousness of the violations -- I want that to be clear --
5 but the violation, repeated violations of the Court's trust
6 in determining that this sentence above the applicable
7 advisory guideline range is, in fact, appropriate.

8 You have a right, Mr. Bennett, to appeal this Court's
9 sentence. If you want to do so, you must file a written
10 notice with the clerk of this court within 14 days of the
11 clerk's entry of my order of sentence and judgment. If you
12 fail to file it within that time frame, your right to appeal
13 will expire.

14 Do you understand that?

15 THE DEFENDANT: Yes, ma'am, I do.

16 THE COURT: If you file such a notice and the
17 Court finds that you don't have the money to procure
18 transcripts or other documents necessary to effect your
19 appeal or to pay for the services of an attorney, those
20 costs will be borne by the United States.

21 Do you understand that also?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Counsel, are there other matters that
24 we need to address here today?

25 MR. FILE: No, Your Honor.

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APPENDIX C

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STATEMENT OF CASE

Bennett was originally charged with making a false statement while purchasing a firearm. J.A. 10. A superseding indictment also charged Bennett with possession of firearms while having a prior conviction that constituted a misdemeanor crime of domestic violence. J.A. 11-14. Bennett pleaded guilty to the latter (the former was dismissed) and, on March 17, 2011, was sentenced to forty-six months in prison, to be followed by a three-year term of supervised release. J.A. 22-23. Bennett began his period of supervised release on April 23, 2014. J.A. 27.

On February 3, 2017, Bennett's probation officer filed a Petition for Warrant or Summons for Offender Under Supervision ("Petition"), seeking the revocation of Bennett's term of supervised release. J.A. 27-30. The Petition set forth several allegations related to domestic violence. First, the Petition alleged that Bennett committed "domestic violence against his girlfriend" in Ohio based on a physical altercation. J.A. 27. That incident also resulted in a protective order being issued against Bennett in Ohio. Second, the Petition alleged that Bennett violated that protective order, and engaged in destruction of property, in West Virginia based on incidents in which Bennett damaged his girlfriend's car and came to her place of employment. Third, the Petition alleged that Bennett committed domestic assault and again violated a protective order in West Virginia for going to his girlfriend's workplace and attempting to run her off the road. J.A. 28. Finally, the Petition

alleged a third incident that constituted a violation of the protective order in West Virginia for contacting his girlfriend by phone. J.A. 28-29. In addition to those violations, the Petition also alleged that Bennett went to Ohio without permission from his probation officer and failed to promptly notify the officer of a change in residence. J.A. 30.

On March 20, 2017, the probation officer filed an amendment to the Petition. J.A. 31-33. The amendment alleged a further domestic violence incident involving Bennett's ex-wife that resulted in Bennett being charged with burglary, domestic battery/assault, obstruction, and battery. J.A. 31-32. The probation officer filed a second amendment on July 12, 2018, alleging that Bennett had also been indicted in West Virginia for stalking his ex-wife while under a final protective order. J.A. 34-35.

A hearing on the Petition and the amendments was held on July 18, 2018. J.A. 36-74. Bennett admitted the allegations in the Petition and first amendment, but in light of the fact that the allegations in the second amendment were still pending in state court he acknowledged that the Government could prove them by a preponderance of the evidence. J.A. 48-49. Based on those admissions, the district court concluded that Bennett had violated the conditions of his term of supervised release and ordered that his supervised release be revoked. J.A. 52-53. The district

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APPENDIX D

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:10-cr-00064

ERIC DAVID BENNETT,

Defendant.

REVOCATION OF SUPERVISED RELEASE AND JUDGMENT ORDER

On the 18th day of July 2018, came the Defendant, Eric David Bennett, in person and by counsel, Lorena Litten, Assistant Federal Public Defender, and also came the United States by John L. File, Assistant United States Attorney, for a hearing on the *Petition for Warrant or Summons for Offender Under Supervision* submitted by the Defendant's supervising probation officer. United States Probation Officer Amy Berry-Richmond was also present at the hearing.

On March 17, 2011, the Defendant was sentenced to a term of imprisonment of forty-six (46) months to be followed by a term of supervised release of three (3) years. The Defendant began serving the term of supervised release on April 23, 2014. On February 3, 2017, the *Petition for Warrant or Summons for Offender Under Supervision* (Document 68) was filed charging the Defendant with violating certain conditions of supervised release. An *Amendment to Petition*

(Document 70) was filed on March 20, 2017; and a *Second Amendment to Petition* (Document 88) was filed on July 12, 2018.

At the hearing, the Court found that the Defendant had received written notice of the alleged violations as contained in the *Petition* and in the two amendments, and that the evidence against the Defendant had been disclosed. The Court further found that the Defendant appeared, was given the opportunity to present evidence, and was represented in the proceeding by counsel.

The Court then found, by a preponderance of the evidence, that the Defendant violated certain conditions of supervised release as contained in the *Petition* and in the two amendments, specifically:

1. **Statutory Condition: The Defendant shall not commit another federal, state, or local crime:**

On October 16, 2016, the Defendant was charged by the Belmont County, Ohio, Sheriff's Office, for the commission of domestic violence against his girlfriend, Alysha Perko.

According to the arrest report, on or about October 14, 2016, the Defendant wrapped a shirt around the nose and mouth of Ms. Perko, making it hard for her to breath. When the Defendant stopped this behavior, Ms. Perko tried to leave their apartment, but the Defendant held her on the floor. While holding her down, the Defendant told her if she tried to leave, he would kill her nephew. When the Defendant let her up, he threatened to harm her brother and father. Ms. Perko was able to get around the Defendant and head for the door, but the Defendant grabbed her from behind and placed her in a chokehold until she lost consciousness.

Later that same evening when the Defendant left Ms. Perko alone in a room, she took photos of the bruising on her neck and texted the photos to a friend. The next morning when Ms. Perko tried to leave, the Defendant once again placed her in a chokehold, stopping her from leaving. The Defendant grabbed Ms. Perko's puppy and began choking it until Ms. Perko begged him to stop.

Ms. Perko was unable to leave the home and filed a police report with the Belmont County Sheriff's Department. A domestic violence protective order was issued from October 17, 2016 until May 3, 2017.

On November 21, 2016, in Ohio County, West Virginia, the Defendant was arrested and charged with the commission of knowingly and willfully violating an emergency protective order, and unlawful injury to, or destruction of property.

According to the first of two police reports filed that day, Ms. Perko contacted the police at 9:22 a.m., and said the Defendant had come to her home and taken the valve stem pin out of her rear tire. According to Ms. Perko, she paid \$200 the previous day to have another tire fixed that the Defendant had allegedly tampered with.

Later that same day, Ms. Perko contacted the police and reported the Defendant came to her place of employment and took the valve stem pin out of a tire belonging to the elderly person she was employed by.

On November 22, 2016, a warrant for the arrest of the Defendant was issued in Ohio County, West Virginia.

On November 29, 2016, a criminal complaint was filed in Ohio County, West Virginia, against the Defendant for: domestic assault, unlawful; use of force capable of causing physical pain or injury against his or her family or household member; and violation of a protective order.

According to the police report, the Defendant drove by the employment of Ms. Perko on several occasions, in violation of his DVP. Later that same day, the Defendant attempted to run Ms. Perko off the road and a chase ensued between them on Interstate 70, in West Virginia.

On November 29, 2016, the Defendant was arrested and charged with the commission of domestic assault, two violations of a DVP, and destruction of property. The Defendant's bond was set at \$20,000.

On December 8, 2016, the Defendant's bond was reduced and he was released from custody. The Defendant's bond conditions included no contact with Alysha Perko, and no possession of a firearm.

On December 31, 2016, a warrant for the arrest of Mr. Bennett was issued in Ohio County, West Virginia, for violation of the protective order. Reportedly, the Defendant sent a text message to Ms. Perko from his personal cellular phone, 304-894-1240, telling her he was in Morgantown and drunk at Kegler's and wanted to see her. It is noted that the Defendant reported that same cellular phone number to his probation officer.

On January 8, 2017, the Defendant was charged with the commission of violating the DVP when he contacted Ms. Perko by cellular phone, attempting to get her to meet him at Quaker Steak for lunch in Wheeling, West Virginia.

On March 2, 2017, the Defendant was arrested and charged with the commission of the following violations of West Virginia State Code:

- 61-3-11 Burglary, feloniously break and enter a dwelling of another with intent to commit a crime
- 61-2-28 Domestic violence
- 47-27-90 Being a respondent who abused petitioner when minor children are present
- 61-5-17 Obstruction an Officer
- 61-2-10(b)(c) Battery

On March 2, 2017, members of the Raleigh County Sheriff's Department, Beckley, West Virginia, were dispatched to the home of Michelle Bennett, the ex-wife of the Defendant. Ms. Bennett had sought an Order of Protection from the Defendant. The order was to remain in effect until June 20, 2017.

According to the police report, Ms. Bennett arrived home from work on March 1, 2017, to find the Defendant inside her locked home. The Defendant had searched her home and found letters and clothing from another male. The Defendant destroyed these items in the presence of Ms. Bennett. She reportedly begged the Defendant to leave her home, then ran through her bedroom and locked herself in the master bathroom. The Defendant proceeded to break down the bedroom and bathroom doors to get to Ms. Bennett.

The Defendant reportedly threatened to kill Ms. Bennett if she called the police and continued to refuse to leave the home. The next morning, two of their children came home before school and were questioned by the Defendant on who the man was their mother was seeing. The Defendant left the home around 9:00 a.m., and told Ms. Bennett he would be back that night. Ms. Bennett then locked all her doors and windows before leaving for work.

Upon Ms. Bennett's return from work, she found the Defendant asleep inside the home. Ms. Bennett had her mother contact the police and request assistance. Upon arrival by members of the Raleigh County Sheriff's Department, Ms. Bennett allowed them in the door and told them the Defendant was asleep in her bedroom.

When approaching the bedroom door, the police noted Mr. Bennett standing in the doorway with a large fixed blade knife on his right side. Although being given orders to keep his hands up, the Defendant refused to comply. Ultimately, three officers deployed a Taser and arrested the Defendant.

The police verified that the Defendant had broken into Ms. Bennett's home by breaking a window frame and cutting the screen out of the bathroom window.

On September 13, 2017, the Defendant was indicted in Raleigh County Circuit Court on a violation of West Virginia State Code 61-2-9a(e), stalking while a final protective order is in effect. These charges are currently pending.

On or about April 2017, and August 2017, the Defendant did repeatedly harass or repeatedly make credible threats against another, being Michelle Bennett and/or her immediate family at a time when a protective order for injunctive relief was in effect, and after he had been served a copy of said order.

2. **Standard Condition Number One: The Defendant shall not leave the judicial district without permission of the court or the probation officer:**

On or about March 5, 2016, the Defendant moved to Bellmont, Ohio, without the permission of the Court or the probation officer.

3. **Standard Condition Number Six: The Defendant shall notify the probation officer at least ten days prior to any change in residence or employment:**

The conduct set forth in Violation 2 above is re-alleged.

In making these findings, the Court relied upon the information contained in the *Petition* and in the two amendments, the Defendant's admission that he committed the allegations contained in the *Petition* and in the original amendment, and the Defendant's acknowledgement that the Government could prove, by a preponderance of the evidence, the allegations contained in the second amendment.

Having found the Defendant to be in violation of the conditions of supervised release, the Court **REVOKE**D the Defendant's supervised release and, for the reasons more fully stated on the record, entered judgment as follows:

It is the **JUDGMENT** of the Court that the Defendant be committed to the custody of the Federal Bureau of Prisons for a term of **EIGHTEEN (18) MONTHS**. The Court **RECOMMENDS** to the Bureau of Prisons that the Defendant: 1) be given an assessment and receive any mental health treatment, including anger management, as needed; and 2) be placed in a facility as near as possible to his home in Beckley, West Virginia.

The sentence imposed herein is an upward variance from the applicable Guideline range. The Court finds that there should be repercussions for the Defendant's violent and aggressive behavior, for his disregard for the law and for violating the Court's trust. The Defendant's prior incarceration did not deter his repeated, serious and violent behavior. The Court finds that a sentence within the Guideline range is not sufficient, in this instance, to accomplish the goals of sentencing as they relate to revocation proceedings, and finds the upward variance to be appropriate. The Court finds that the sentence imposed herein is sufficient, but not more than necessary to accomplish the goals of sentencing, and that it protects the public from further crimes committed by this Defendant, and avoids unwarranted sentencing disparities between this Defendant and other Defendants with similar violations and similar history.

The Defendant was remanded to the custody of the United States Marshal.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: July 20, 2018


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA
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