

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

January 18, 2019

Before

DIANE P. WOOD, *Chief Judge*

JOEL M. FLAUM, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 18-3555

Rehear

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TIMOTHY B. FREDRICKSON,

Defendant-Appellant.

Appeal from the

United States District Court

for the Central District of Illinois.

No. 17-cr-40032-SLD-1

Sara Darrow,

Judge.

ORDER

On consideration of the petition for rehearing and for rehearing en banc, no judge in active service has requested a vote on the petition for rehearing en banc, and all of the judges on the original panel have voted to deny rehearing. It is therefore ordered that the petition for rehearing and for rehearing en banc is DENIED.

Issue raised: Dkt#13: A strike is a denial, and the court is precluded from holding otherwise.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

December 26, 2018

Before

DIANE P. WOOD, *Chief Judge*
JOEL M. FLAUM, *Circuit Judge*
DIANE S. SYKES, *Circuit Judge*

<p>No. 18-3555 Appeal</p>	<p>UNITED STATES OF AMERICA, Plaintiff - Appellee</p> <p>v.</p> <p>TIMOTHY B. FREDRICKSON, Defendant - Appellant</p>
<p>Originating Case Information:</p>	
<p>District Court No: 4:17-cr-40032-SLD-1 Central District of Illinois District Judge Sara Darrow</p>	

The following are before the court:

1. **RESPONSE TO COURT ORDER**, filed on December 11, 2018, by the pro se appellant.
2. **JURISDICTIONAL MEMORANDUM**, filed on December 12, 2018, by counsel for the appellee.
3. **JURISDICTIONAL MEMORANDUM**, filed on December 12, 2018, by the pro se appellant.

IT IS ORDERED that Timothy Fredrickson's appeal is **DISMISSED** for lack of jurisdiction. Fredrickson appeals from the district court's order striking his pro se motion for release on bond. This court has jurisdiction to review "a release or detention order" or "a decision denying revocation or amendment of such an order." 18 U.S.C. § 3145(c). But the district court did not address the merits of Fredrickson's pro se motion for release on bond. Fredrickson's appeal is best characterized as a challenge to the district court's decision to strike his pro se motion. This court does not have jurisdiction to review this interlocutory order.

AKA denial of bond

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

February 7, 2019

Before

DIANE P. WOOD, *Chief Judge*

JOEL M. FLAUM, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 18-3566

Rehear

IN RE:

TIMOTHY B. FREDRICKSON,
Petitioner.

Appeal from the

United States District Court

for the Central District of Illinois.

No. 17-cr-40032

Sara Darrow,
Judge.

ORDER

On consideration of the petition for rehearing, all of the judges have voted to deny rehearing. It is therefore ordered that the petition for rehearing is **DENIED**.

Dkt#6

Argument raised: Discretion is not whim (no support or informed decision), I highlighted proper factors for consideration, the scope of the mandamus was madefar broader than addressed (including err of law), the self-executing 18:3164 was not addressed, the merits of mandamus were not reached.

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ORDER

Submitted December 19, 2018

Decided December 27, 2018

Before

DIANE P. WOOD, *Chief Judge*

JOEL M. FLAUM, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 18-3566 Appeal	IN RE: TIMOTHY B. FREDRICKSON, Petitioner
Petition for Writ of Mandamus	
District Court No: 4:17-cr-40032-SLD-1 District Judge Sara Darrow	

The following is before the court:

Argument raised: Discretion was abused (authority \neq discretion), superseding self-execution. **WRIT OF MANDAMUS**, filed on December 3, 2018, by the pro se petitioner.

2. **AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on December 12, 2018, by the pro se petitioner,

IT IS ORDERED that the petition for writ of mandamus is **DENIED**. The district court did not exceed its authority when it rejected Timothy Fredrickson's attempts to file pro se motions while represented by counsel or when it struck his pro se motion for release on bond. See *United States v. Patterson*, 576 F.3d 431, 436 (7th Cir. 2009) (explaining that district courts have "wide discretion to reject pro se submissions by defendants represented by counsel"); *United States v. Chavin*, 316 F.3d 666, 671 (7th Cir. 2002) ("whether a defendant may act as co-counsel along with his own attorney, is a matter within the discretion of the district court"). **Centi crime of violence and good play withdraw.**

Thursday, 09 March, 2017 03:30:35 PM

Clerk, U.S. District Court, ILCD

AO 472 Order of Detention Pending Trial

UNITED STATES DISTRICT COURT
Central District of Illinois

UNITED STATES OF AMERICA

ORDER OF DETENTION PENDING TRIAL^v
Timothy Fredrickson
DefendantCase Number: 17-6412

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude the following facts require the detention of the defendant pending trial in this case.

PART I - Findings of Fact

- ____ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is:
- ____ a crime of violence as defined in 18 U.S.C. §3156(a)(4)
- ____ an offense for which the maximum sentence is life imprisonment or death.
- ____ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ____ a felony that was 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.

- ____ (2) The offense described in finding (a) was committed while the defendant was on release pending trial for a federal, state or local offense.

- ____ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).

- ____ (4) Findings Nos. (1)(2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ____ (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____ under 18 U.S.C. §924(c)
- ____ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

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

Comments will prepare**Part II - Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from person awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceedings.

s/Sara Darrow

Dated: 3/1/17_____
Signature of Judicial Officer_____
Name and Title of Judicial Officer

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