

No. \_\_\_\_\_

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

ROGER GARCIA. – PETITIONER  
VS.

THE UNITED STATES OF AMERICA – RESPONDENT

---

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

The Order appointing undersigned counsel appears on the docket sheet of the District Court, which is attached, but the document (DOC. 68) cannot be accessed by undersigned.

Respectfully Submitted,

Oscar O. Peña Law, PLLC  
1720 Matamoros St., Laredo, Tx. 78040  
P.O. Box 1324, Laredo, Tx. 78042  
Telephone: (956) 722-5167  
Fax: (956) 722-5186

By: /s/ Oscar O. Peña  
Oscar O. Peña, J.D.  
Texas State Bar Number: 90001479  
U.S. Supreme Court Bar #:310396  
[oscar@oscarpenalaw.com](mailto:oscar@oscarpenalaw.com)  
Attorney for Roger Garcia

**U.S. District Court**  
**SOUTHERN DISTRICT OF TEXAS (Laredo)**  
**CRIMINAL DOCKET FOR CASE #: 5:08-cr-01073 All Defendants**

Case title: USA v. Garcia

Date Filed: 07/08/2008  
Date Terminated: 11/24/2008

---

Assigned to: Judge Marina Garcia  
Marmolejo

**Defendant (1)**

**Roger Garcia**

*TERMINATED: 11/24/2008*

represented by **Oscar O Pena**

Attorney at Law

1720 Matamoros

Laredo, TX 78040

956-722-5167

Fax: 956-722-5186

Email: [oscar@oscarpenalaw.com](mailto:oscar@oscarpenalaw.com)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

**Abundio Rene Cantu**

Attorney At Law

1318 Juarez Ave.

P.O. Box 6024

Laredo, TX 78040

(956) 753-8400

Fax: 956-753-8401

Email: [rene\\_saints@hotmail.com](mailto:rene_saints@hotmail.com)

*TERMINATED: 12/08/2017*

*Designation: Retained*

**Silverio A Martinez , Jr**

Law Office of Silverio Martinez

1010 Juarez

Laredo, TX 78040

956-724-5047

Fax: 956-284-0371

Email: smartinez@smlawfirm.net

TERMINATED: 12/08/2017

Designation: Retained

**Pending Counts**

Receipt and distribution of child Pornography Penalty: Mandatory Minimum of 5 Yrs, Maximum of 20 Yrs, \$250,000.00 Fine; \$100 CVF; Not More Than 3 Yrs TSR.  
(1)

Receipt and distribution of child Pornography Penalty: Mandatory Minimum of 5 Yrs, Maximum of 20 Yrs, \$250,000.00 Fine; \$100 CVF; Not More Than 3 Yrs TSR.  
(2)

**Disposition**

Dismissed on Govts oral Motion

90 mos to serve; 10 yrs tsr, usual terms apply; \$100 cvf; \$1,000 fine at \$50 mthly to begin 60 days from release; register w/sex offender agency; cannot view or possess any video of children; cannot prescribe to any internet service while on tsr; no employment with anyone under 18 yrs of age; mental health or sex offender program; as to placement, courts leaves those recommendations to BOP; waived appeal. Plea Agreement unsealed. Deft pled not true to violations 1 thru 6; court finds sufficient evidence that deft has violated all 6 violations; Modified: continue under the same terms and conditions as previously imposed to include celph stmts must be provided to USPO. Pled not true to allegations 1,2,3; Court finds sufficient evidence that deft has violated srt, Revoked: 6 mos concurrent to all 3 allegations, consecutive to 18 mos in case 5:18cr33 for a total of 24 mos; srt

terminated; advised of right to appeal

Possession of Child Pornography  
 Penalty: Not More Than 10 Yrs,  
 \$250,000.00 Fine; \$100 CVF; Not  
 More Than 3 Yrs TSR.  
 (3)

Dismissed on Govts oral Motion.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
 (Terminated)**

None

**Disposition**

**Complaints**

None

**Plaintiff**

USA

represented by **Financial Litigation**  
 U S Attorney's Office  
 Southern District of Texas  
 1000 Louisiana St  
 Ste 2300  
 Houston, TX 77002  
 713-567-9000  
 Fax: 713-718-3391 fax  
 Email: flu.usatxs-@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
**Designation: Retained**

**U.S. Attorney's Office**  
 Appellate Division  
 P.O. Box 61129

Houston, TX 77208-1129  
 Email: usatxs.appellate@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**US Pretrial Svcs-LA**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**US Probation - L**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Christopher Andrew dos Santos**  
 US Attorney's Office  
 11204 McPherson Road  
 Suite 100A  
 Laredo, TX 78045  
 956-794-2113  
 Email:  
 christopher.dos.santos@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/08/2008	<a href="#">1</a>	INDICTMENT(Laredo)(The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Roger Garcia (1) count(s) 1-2, 3, filed. (nortiz) (Entered: 07/15/2008)
07/08/2008	<a href="#">2</a>	US Attys Criminal Docket Sheet as to Roger Garcia, filed.(nortiz) (Entered: 07/15/2008)
07/08/2008	<a href="#">3</a>	MOTION to Seal Indictment, Enter Warrant in NCIC by USA as to Roger Garcia, filed. (nortiz) (Entered: 07/15/2008)
07/08/2008	<a href="#">4</a>	ORDER granting <a href="#">3</a> Govt's Motion to Seal Indictment as to Roger Garcia (1). (Signed by Magistrate Judge Diana Saldana.) Parties notified.(nortiz) (Entered: 07/15/2008)
07/08/2008	<a href="#">5</a>	MOTION for Issuance of Bench Warrant by USA as to Roger Garcia,

		filed. (nortiz) (Entered: 07/15/2008)
07/08/2008	<a href="#"><u>6</u></a>	ORDER granting <a href="#"><u>5</u></a> Motion for Issuance of Bench Warrant as to Roger Garcia (1).(Signed by Magistrate Judge Diana Saldana.) Parties notified.(nortiz) (Entered: 07/15/2008)
07/09/2008	<a href="#"><u>7</u></a>	RECEIPT of <a href="#"><u>6</u></a> Order for Issuance of Bench Warrant submitted to the U. S. Marshals as to Roger Garcia, filed. (nortiz) (Entered: 07/15/2008)
07/14/2008	<a href="#"><u>9</u></a>	Minute Entry for proceedings held before Magistrate Judge Diana Saldana: INITIAL APPEARANCE as to Roger Garcia, (Deft informed of rights) held on 7/14/2008. Financial Affidavit executed. Order of Temporary Detention Pending Hearing. Defendant will retain counsel. No bond set. Detention Hearing & Arraignment set for 7/17/2008 at 10:00 AM in Courtroom 2C before Judge Micaela Alvarez Appearances: James Seaman, f/Govt.; Carmelina Salinas, PTSO; Agustin Gamez, USPO.(ERO: Laura Montalvo) (Interpreter: Ina Pool, not used) Deft remanded to custody, filed.(nortiz) (Entered: 07/15/2008)
07/14/2008	<a href="#"><u>10</u></a>	Sealed Financial Affidavit CJA 23 by Roger Garcia, filed. (Entered: 07/15/2008)
07/14/2008	<a href="#"><u>11</u></a>	NOTICE OF SETTING as to Roger Garcia. Allocution Hearing set for 7/17/2008 at 10:00 AM before Magistrate Judge Adriana Arce-Flores, filed. (nortiz) (Entered: 07/15/2008)
07/14/2008	<a href="#"><u>12</u></a>	NOTICE OF RESETTING as to Roger Garcia. Arraignment set for 7/17/2008 at 10:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana Detention Hearing set for 7/17/2008 at 10:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana, filed. (isanchez) (Entered: 07/15/2008)
07/15/2008	<a href="#"><u>13</u></a>	*** THIS ENTRY IS A DUPLICATE DOCUMENT OF #12 *** NOTICE OF RESETTING as to Roger Garcia. Arraignment and Detention Hearing set for 7/17/2008 at 10:00 AM in Courtroom 2C before Magistrate Judge Diana Saldana, filed. (nortiz) Modified on 7/16/2008 (nortiz). (Entered: 07/16/2008)
07/16/2008	<a href="#"><u>14</u></a>	NOTICE OF ATTORNEY APPEARANCE: Silverio A Martinez, Jr appearing for Roger Garcia <i>Lead Counsel</i> , filed.(Martinez, Silverio) (Entered: 07/16/2008)
07/16/2008	<a href="#"><u>15</u></a>	NOTICE OF ATTORNEY APPEARANCE: Silverio A Martinez, Jr appearing for Roger Garcia <i>Co-Counsel Rene Cantu</i> , filed.(Martinez, Silverio) (Entered: 07/16/2008)
07/16/2008		Attorney update in case as to Roger Garcia. Attorney Abundio Rene

		Cantu for Roger Garcia added. (atrevino, ) (Entered: 07/17/2008)
07/17/2008		Minute Entry for proceedings held before Magistrate Judge Diana Saldana: DETENTION HEARING as to Roger Garcia held on 7/17/2008. Government requests detention. Defense counsel requests bond. Witness #1: Immigration Agent Victor Garza (10:58-11:22) Court will take under advisement and will issue written order. (10:41-11:26) Appearances: AUSA Andy Guardiola f/govt; Silvero Martinez & co-counsel Rene Cantu f/deft; Pretrial: Adriana Blasco; USM: Rigo Saenz. (Court Reporter: Laura Montalvo) (Interpreter: not used) Deft remanded to custody, filed. (isanchez) (Entered: 07/17/2008)
07/17/2008	<a href="#"><u>17</u></a>	ORDER Accepting Defendant's Written Waiver of Arraignment as to Roger Garcia (Signed by Magistrate Judge Diana Saldana) Parties notified. (nortiz) (Entered: 07/19/2008)
07/17/2008	<a href="#"><u>18</u></a>	SCHEDULING ORDER as to Roger Garcia. Motion Filing due by 7/28/2008 Responses due by 8/4/2008 Pretrial Conference set for 8/12/2008 at 01:00 PM in Courtroom 2B before Magistrate Judge Adriana Arce-Flores Jury Selection set for 8/18/2008 at 09:00 AM in Courtroom 3B before Judge Micaela Alvarez Parties notified. (nortiz) (Entered: 07/19/2008)
07/18/2008	<a href="#"><u>16</u></a>	<i>Supplemental Letter to Detention Hearing</i> as to Roger Garcia, filed. (Pirra, Brigida) (Entered: 07/18/2008)
07/21/2008	<a href="#"><u>19</u></a>	MEMORANDUM by Roger Garcia <i>In Support of Bond</i> , filed. (Attachments: # <a href="#"><u>1</u></a> Exhibit A and B)(Martinez, Silverio) (Entered: 07/21/2008)
07/22/2008	<a href="#"><u>20</u></a>	Pretrial Services Report (Sealed) as to Roger Garcia, filed. (torozco, ) (Entered: 07/22/2008)
08/06/2008	<a href="#"><u>21</u></a>	ORDER OF DETENTION PENDING TRIAL as to Roger Garcia (Signed by Magistrate Judge Diana Saldana) Parties notified. (nortiz) (Entered: 08/07/2008)
08/12/2008		Minute Entry for proceedings held before Magistrate Judge Adriana Arce-Flores: RE-ARRAIGNMENT held on 8/12/2008. Roger Garcia (1) Guilty Count 2. Written plea agreement attached with factual basis, filed; order for psi, sentencing date 11/24/08 at 2:00 PM; cts 1, 3 dismissed at time of sentence. (1:00 - 3:25). Appearances: Brigida Pirra f/Gvt; Silverio Martinez f/dft; USPO Guillermo Garcia, Veronica Cuellar; USM Aaron Smith, Manuel Lucio. (ERO: Sara Medellin) (Interpreter: Ina Pool/Ana Koency, not used) Deft remanded to custody, filed. ( dflores ) (Entered: 08/12/2008)

08/12/2008	<a href="#"><u>22</u></a>	Consent to Administration of Guilty Plea and Fed.R.Crim.P. 11 Allocution by United States Magistrate Judge by Roger Garcia, filed. (nortiz) (Entered: 08/13/2008)
08/12/2008	<a href="#"><u>23</u></a>	Plea Agreement as to Roger Garcia, filed. Modified on 11/25/2008 (nortiz). (Entered: 08/13/2008)
08/12/2008	<a href="#"><u>24</u></a>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Roger Garcia. PSI Completion due by 9/16/2008 Sentencing set for 11/24/2008 at 02:00 PM in Courtroom 3B before Judge Micaela Alvarez Parties notified. (nortiz) (Entered: 08/13/2008)
08/13/2008	<a href="#"><u>25</u></a>	REPORT AND RECOMMENDATIONS as to Roger Garcia Objections to R&R due by 8/27/2008(Signed by Magistrate Judge Adriana Arce-Flores) Parties notified. (nortiz) (Entered: 08/14/2008)
08/26/2008	<a href="#"><u>26</u></a>	ORDER ADOPTING REPORT AND RECOMMENDATIONS as to Roger Garcia re: <a href="#"><u>25</u></a> Report and Recommendations. (Signed by Judge Micaela Alvarez). Parties notified. ( dflores ) (Entered: 08/26/2008)
09/17/2008	<a href="#"><u>27</u></a>	LETTER as to Roger Garcia re: The Presentence Report with an original Court disclosure date of 9/16/2008 is now complete. The new disclosure date is 09/17/2008. Counsel shall communicate in writing any objections to the Pre-Sentence Report within 14 calendar days, or by 10/01/2008, filed. (nortiz) (Entered: 09/19/2008)
10/08/2008	<a href="#"><u>28</u></a>	Final Presentence Investigation Report (Sealed) as to Roger Garcia, filed. (amedina, ) (Entered: 10/08/2008)
10/08/2008	<a href="#"><u>29</u></a>	Confidential Sentencing Recommendation(Sealed) regarding Roger Garcia, filed. (amedina, ) (Entered: 10/08/2008)
10/08/2008	<a href="#"><u>30</u></a>	Addendum as to Roger Garcia, Sealed Addendum as to Roger Garcia, filed. (amedina, ) (Entered: 10/08/2008)
10/10/2008	<a href="#"><u>31</u></a>	NOTICE OF RESETTING as to Roger Garcia. Sentencing set for 11/6/2008 at 01:30 PM in Courtroom 2A before Judge Micaela Alvarez, filed. (atrevino) (Entered: 10/10/2008)
10/10/2008	<a href="#"><u>32</u></a>	NOTICE OF RESETTING as to Roger Garcia. Sentencing set for 11/6/2008 at 01:30 PM in Courtroom 2A before Visiting Judge Joseph M. Hood, filed. (atrevino) (Entered: 10/10/2008)
10/10/2008	<a href="#"><u>33</u></a>	NOTICE OF RESETTING as to Roger Garcia. Sentencing set for 11/24/2008 at 02:00 PM in Courtroom 3B before Judge Micaela Alvarez, filed. (atrevino) (Entered: 10/10/2008)
10/10/2008	<a href="#"><u>34</u></a>	NOTICE OF RESETTING as to Roger Garcia. Sentencing set for

		11/24/2008 at 02:00 PM in Courtroom 3B before Judge Micaela Alvarez, filed. (atrevino, ) (Entered: 10/10/2008)
11/12/2008	<a href="#">35</a>	MEMORANDUM by Roger Garcia <i>Defendant's Motion for a Downward Variance and Departure</i> , filed.(Martinez, Silverio) (Entered: 11/12/2008)
11/21/2008	<a href="#">36</a>	Exhibits as to Roger Garcia <i>Notice of Filing Exhibits to Motion for a Downward Departure</i> , filed. (Attachments: # <a href="#">1</a> Exhibit Letter, # <a href="#">2</a> Exhibit Letter, # <a href="#">3</a> Exhibit Letter)(Martinez, Silverio) (Entered: 11/21/2008)
11/24/2008		Minute Entry for proceedings held before Judge Micaela Alvarez: Sentencing held on 11/24/2008 for Roger Garcia (1), Count(s) 2, 90 mos to serve; 10 yrs tsr, usual terms apply; \$100 cvf; \$1,000 fine at \$50 mthly to begin 60 days from release; register w/sex offender agency; cannot view or possess any video of children; cannot prescribe to any internet service while on tsr; no employment with anyone under 18 yrs of age; mental health or sex offender program; as to placement, Courts leaves those recommendations to BOP; waived appeal. Plea Agreement unsealed. Count(s) 1,3, Dismissed on Govts oral Motion. Appearances:Brigida Pirra f/Govt, Silverio Martinez and Rene Cantu f/Deft, MLucio f/USM, BGLoria f/USPO-L.(Court Reporter: Leticia Gomez [3:41-4:50]) (Interpreter:DGonzalez, not used) Deft remanded to custody, filed.(atrevino) Modified on 11/25/2008 (atrevino). (Entered: 11/24/2008)
12/02/2008	<a href="#">37</a>	JUDGMENT as to Roger Garcia.(Signed by Judge Micaela Alvarez) Parties notified. (bmendoza) (Entered: 12/03/2008)
12/02/2008	<a href="#">38</a>	Statement of Reasons (Sealed) as to Roger Garcia, filed. (Entered: 12/03/2008)
04/13/2016		Case as to Roger Garcia reassigned to Judge Marina Garcia Marmolejo. Judge Micaela Alvarez no longer assigned to the case. (atrevino, 5) (Entered: 04/13/2016)
04/14/2016	<a href="#">41</a>	NOTICE OF SETTING as to Roger Garcia - regarding 39 Probation Form 12C (PRIVATE ENTRY). Initial Appearance on Revocation Proceedings set for 4/15/2016 at 10:01 AM in Courtroom 2C before Magistrate Judge J. Scott Hacker, filed. (dflores, 5) (Entered: 04/14/2016)
04/15/2016	<a href="#">43</a>	Minute Entry for proceedings held before Magistrate Judge J. Scott Hacker: Initial Appearance re Violation of Supervised Rlease as to Roger Garcia held on 4/15/2016 (Deft informed of rights). Defendants

		first appearance. Deft advised of charges and rights. Financial Affidavit executed. Defendant will hire own attorney. No Bond Set. Preliminary Hearing - Prob/Superv Rls set for 4/29/2016 at 10:00 AM in Courtroom 2B before Magistrate Judge Diana Song Quiroga Status Conference set for 4/20/2016 at 01:10 PM in Courtroom 2C before Magistrate Judge J. Scott Hacker. Status to verify if defendant was able to hire own attorney. Supervised Release Revocation Hearing to be set before U. S. District Judge Marina Garcia Marmolejo at a later date. (TO BE ADVISED) Appearances:Sonah Lee, AUSA.(ERO: Ben Mendoza) (Interpreter: Ina Pool / Ana Koency, not used) Deft remanded to US Marshal Custody, filed.(nortiz, 5) (Entered: 04/18/2016)
04/15/2016	<a href="#"><u>44</u></a>	Sealed Financial Affidavit CJA 23 by Roger Garcia, filed. (Entered: 04/18/2016)
04/15/2016	<a href="#"><u>45</u></a>	NOTICE OF SETTING as to Roger Garcia. Preliminary Examination Hearing set for 4/29/2016 at 10:00 AM in Courtroom 2B before Magistrate Judge Diana Song Quiroga, filed.(nortiz, 5) (Entered: 04/18/2016)
04/15/2016	<a href="#"><u>46</u></a>	NOTICE OF SETTING as to Roger Garcia. Status Conference set for 4/20/2016 at 01:10 PM in Courtroom 2C before Magistrate Judge J. Scott Hacker, filed.(nortiz, 5) (Entered: 04/18/2016)
04/20/2016		Minute Entry for proceedings held before Magistrate Judge J. Scott Hacker: Status Conference as to Roger Garcia held on 4/20/2016. Attorney Oscar O. Pena present in the Courtroom to represent Defendant. Waiver of Preliminary Hearing - Supervised Release Violation submitted to the Court. Appearances: Christopher Coker f/Government; Oscar O. Pena f/Defendant; USM Michael Russell / Dave Klein. (ERO: Martha Perez). (Interpreter: Gregorio Ayala / Zeph Pease, not used). Deft remanded to custody, filed. (dflores, 5) Modified on 4/20/2016 (dflores, 5). (Entered: 04/20/2016)
04/20/2016	<a href="#"><u>47</u></a>	WAIVER of Preliminary Examination for Revocation Proceedings by Roger Garcia, filed. (dflores, 5) (Entered: 04/28/2016)
05/25/2016	<a href="#"><u>48</u></a>	Unopposed MOTION for Hearing <i>TSR Revocation</i> , Opposed MOTION for Bond <i>Pending TSR Revocation Hrg.</i> by Roger Garcia, filed. (Attachments: # <a href="#"><u>1</u></a> Proposed Order)(Pena, Oscar) (Entered: 05/25/2016)
05/31/2016	<a href="#"><u>49</u></a>	ORDER as to Roger Garcia granting <a href="#"><u>48</u></a> Unopposed MOTION for TSR Revocation Hearing. It is ORDERED that the Final Revocation Hearing be set for 6/2/2016 at 01:30 PM in Courtroom 2A before Judge Marina Garcia Marmolejo) ( Signed by Judge Marina Garcia Marmolejo) Parties notified. (sgonzalez, 5) (Entered: 05/31/2016)

05/31/2016	<a href="#"><u>50</u></a>	NOTICE OF RESETTING as to Roger Garcia - regarding 39 Probation Form 12C. USPO to Supplement Petition. Final Hearing - Superv Rls Violation set for 7/26/2016 at 02:00 PM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevino, 5) (Entered: 05/31/2016)
06/01/2016	<a href="#"><u>51</u></a>	NOTICE OF RESETTING as to Roger Garcia - regarding 39 Probation Form 12C. Final Hearing - Superv Rls Violation set for 8/3/2016 at 09:00 AM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevino, 5) (Entered: 06/01/2016)
06/07/2016	<a href="#"><u>52</u></a>	ORDER denying <a href="#"><u>48</u></a> Unopposed MOTION for Hearing TSR Revocation, Opposed MOTION for Bond Pending TSR Revocation Hrg. as to Roger Garcia (1). Bond is Denied.(Signed by Judge Marina Garcia Marmolejo.) Parties notified.(nortiz, 5) (Entered: 06/07/2016)
06/15/2016	<a href="#"><u>53</u></a>	NOTICE OF RESETTING as to Roger Garcia. Final Hearing - Superv Rls Violation set for 8/15/2016 at 02:00 PM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevinoadi, 5) (Entered: 06/15/2016)
06/16/2016	<a href="#"><u>54</u></a>	NOTICE OF RESETTING as to Roger Garcia - regarding 39 Probation Form 12C (PRIVATE ENTRY). Final Hearing - Superv Rls Violation set for 8/16/2016 at 03:00 PM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevino, 5) (Entered: 06/16/2016)
07/28/2016		US ATTORNEY'S NOTICE OF APPEARANCE. Christopher Andrew dos Santos appearing for USA, filed.(dos Santos, Christopher) (Entered: 07/28/2016)
08/01/2016	<a href="#"><u>56</u></a>	NOTICE OF RESETTING as to Roger Garcia. Final Hearing - Superv Rls Violation set for 8/24/2016 at 03:00 PM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevinoadi, 5) (Entered: 08/01/2016)
08/02/2016	<a href="#"><u>57</u></a>	NOTICE OF RESETTING as to Roger Garcia. Final Hearing - Superv Rls Violation set for 9/20/2016 at 11:00 AM in Courtroom 2A before Judge Marina Garcia Marmolejo, filed. (atrevinoadi, 5) (Entered: 08/02/2016)
09/14/2016	<a href="#"><u>58</u></a>	Sealed Event, filed. (With attachments) (Entered: 09/14/2016)
09/14/2016	<a href="#"><u>59</u></a>	RETURN of SUBPOENA Executed on 9/13/16 to Steven Moncivais, Investigator as to Roger Garcia, filed. (nortiz, 5) (Entered: 09/14/2016)
09/14/2016	<a href="#"><u>60</u></a>	Sealed Order, filed. (Entered: 09/15/2016)
09/15/2016	<a href="#"><u>61</u></a>	NOTICE OF RESETTING as to Roger Garcia. Sentencing set for 9/26/2016 at 02:30 PM in Courtroom 2A before Judge Marina Garcia

		Marmolejo, filed. (gsalinas, 5) (Entered: 09/15/2016)
09/15/2016	<a href="#">63</a>	Receipt of <a href="#">60</a> Sealed Order as to AUSA and Oscar O. Pena, filed. (With attachments) (Entered: 09/16/2016)
09/16/2016	<a href="#">62</a>	RETURN of Subpoena Unexecuted to Steven Moncivais, Investigator as to Roger Garcia, filed. (gsalinas, 5) (Entered: 09/16/2016)
09/16/2016		***Set/Reset Hearings as to Roger Garcia: Final Hearing - Superv Rls Violation set for 9/26/2016 at 02:30 PM in Courtroom 2A before Judge Marina Garcia Marmolejo (atrevino, 5) (Entered: 09/16/2016)
09/16/2016		**Terminate Sentence Hearing as to Roger Garcia: Deft is pending a revocation hearing. (atrevino, 5) (Entered: 09/16/2016)
09/19/2016	<a href="#">64</a>	RETURN of Subpoena to testify at a Hearing or Trial in a criminal case. Executed on 9/19/2016 to Investigator Steven Moncivais as to Roger Garcia, filed. (gsalinas, 5) (Entered: 09/19/2016)
09/26/2016		Minute Entry for proceedings held before Judge Marina Garcia Marmolejo: Final Hearing re: SRT Violation held on 9/26/2016 for Roger Garcia (1), Count(s) 2, Deft pled not true to violations 1 thru 6; court finds sufficient evidence that deft has violated all 6 violations; Modified: continue under the same terms and conditions as previously imposed to include ceph stmts must be provided to USPO. Appearances: AUSA Sarah Ellison Attorney Oscar O. Pena, USPO Frank Alvarez, DUSM Bobby Molina. (ERO: Edgar Hernandez [2:51-3:20]) (Interpreter: not utilized) Deft remanded to custody, filed. (atrevino, 5) (Entered: 09/26/2016)
09/28/2016	<a href="#">65</a>	JUDGMENT The offender continue on supervised release under the original terms and conditions of supervision until the original expiration date of January 20, 2025. ( Signed by Judge Marina Garcia Marmolejo) Parties notified. (gsalinas, 5) (Entered: 09/29/2016)
12/07/2017		Laredo-Notice of Setting as to Roger Garcia. Initial Appearance set for 12/8/2017 at 09:05 AM in Courtroom 2B before Magistrate Judge Diana Song Quiroga, filed. (dmorales, 5) (Entered: 12/07/2017)
12/08/2017		Minute Entry for proceedings held before Magistrate Judge Diana Song Quiroga. INITIAL APPEARANCE on Warrant on Arrest re Violation of Supervised Release as to Roger Garcia held on 12/8/2017. Defendant advised of charge(s) and rights. Financial Affidavit executed. Private attorney appointed: Oscar O. Pena, appointed (not present). No bond set. Appearances: David White, AUSA. (Opened/Adjourned: 10:28 AM - 10:33 AM) (ERO: Robert Tenorio) (Interpreter: Zeph Pease, not used) Defendant remanded to custody. Preliminary Hearing - Superv Rls set

		for 12/22/2017 at 10:00 AM in Courtroom 3C before Magistrate Judge Guillermo R Garcia. (cdom, 5) (Entered: 12/08/2017)
12/08/2017	<a href="#">67</a>	Sealed Financial Affidavit CJA 23 by Roger Garcia, filed. (nortiz, 5). (Entered: 12/08/2017)
12/08/2017	68	CJA 20 as to Roger Garcia. Appointment of Attorney Oscar O. Pena, appointed (not present). ( Signed by Magistrate Judge Diana Song Quiroga) Parties notified. (cdom, 5) (Entered: 12/08/2017)
12/08/2017	<a href="#">69</a>	NOTICE OF SETTING as to Roger Garcia. Preliminary Hearing - Superv Rls set for 12/22/2017 at 10:00 AM in Courtroom 3C before Magistrate Judge Guillermo R Garcia, (cdom, 5) (Entered: 12/08/2017)
12/08/2017	<a href="#">70</a>	Probation Warrant issued 12/1/17 Returned Executed on 12/06/17 in case as to Roger Garcia. Document restricted from PACER under privacy policy, filed. (nortiz, 5) (Entered: 12/08/2017)
12/22/2017		Minute Entry for proceedings held before Magistrate Judge Guillermo R Garcia. Preliminary Examination re Violation of Supervised as to Roger Garcia held on 12/22/2017. Atty Oscar O. Pena requested a short continuance to handle this matter together with 517mj1296 on 12/28/17. Court will reset Preliminary Hearing - Prob/Sup to 12/28/17 at 10 AM in courtroom 3C before Magistrate Judge Guillermo R. Garcia. (10:21-10:23). Appearances: AUSA Julian Castaneda; Atty Oscar O. Pena; DUSM Javier Torres.(ERO:Terry Lozano) Deft remanded to custody, filed.(aveliz, 5) (Entered: 12/22/2017)
12/22/2017	<a href="#">71</a>	NOTICE OF SETTING as to Roger Garcia. Preliminary Hearing - Prob/Superv Rls set for 12/28/2017 at 10:00 AM in Courtroom 3C before Magistrate Judge Guillermo R Garcia, filed. (aveliz, 5) (Entered: 12/22/2017)
12/28/2017		Minute Entry for proceedings held before Magistrate Judge Guillermo R Garcia.Preliminary Examination re Violation of Supervised as to Roger Garcia held on 12/28/2017. Atty Oscar O Pena filed a waiver of preliminary hearing - Prob/Sup to the Court. (ERO:Robert Tenorio) Deft remanded to custody, filed.(aveliz, 5) (Entered: 12/28/2017)
12/28/2017	<a href="#">72</a>	WAIVER of Preliminary Hearing by Roger Garcia, filed.(nortiz, 5) (Entered: 12/28/2017)
01/05/2018	<a href="#">73</a>	Opposed MOTION for Bond <i>pending TSR</i> by Roger Garcia, filed. (Attachments: # <a href="#">1</a> Proposed Order)(Pena, Oscar) (Entered: 01/05/2018)
01/09/2018	<a href="#">74</a>	ORDER denying <a href="#">73</a> Motion for Bond pending trial as to Roger Garcia (1).(Signed by Judge Marina Garcia Marmolejo.) Parties notified.

		(nortiz, 5) (Entered: 01/10/2018)
01/09/2018	<a href="#">75</a>	US PROBATION MEMORANDUM as to Roger Garcia. Court does concur with probation recommendation. ( Signed by Judge Marina Garcia Marmolejo) Parties notified. (nortiz, 5) (Entered: 01/10/2018)
01/11/2018	<a href="#">77</a>	Sealed RECEIPT of <a href="#">75</a> US Probation Memorandum submitted to the US Attorney's Office as to Robelio Garcia, filed. (Entered: 01/11/2018)
01/11/2018	<a href="#">78</a>	Sealed RECEIPT of <a href="#">75</a> US Probation Memorandum submitted to the Probation Office as to Rogelio Garcia, filed. (Entered: 01/11/2018)
08/03/2018	<a href="#">81</a>	PRETRIAL MEMORANDUM <i>and Motion for Leave and Motion to Dismiss TSR Revocation</i> by Roger Garcia, filed.(Pena, Oscar) (Entered: 08/03/2018)
08/06/2018	<a href="#">82</a>	RETURN of Subpoena Unexecuted to Dr. Grover Rollins as to Roger Garcia, filed. (gsalinas, 5) (Entered: 08/06/2018)
08/06/2018	<a href="#">83</a>	RETURN of Subpoena Executed on 7/31/2018 to Richard Santana as to Roger Garcia, filed. (gsalinas, 5) (Entered: 08/06/2018)
08/27/2018	<a href="#">84</a>	Sealed Event, filed. (Entered: 08/27/2018)
08/28/2018	<a href="#">85</a>	RETURN of SUBPOENA To Testify at a Hearing or Trial in a Criminal Case Executed on 8/17/18 to Mr. Ricardo D. Santana as to Roger Garcia, filed. (nortiz, 5) (Entered: 08/29/2018)
08/31/2018	<a href="#">86</a>	RETURN of Subpoena unexecuted to Dr. Grover Rollins as to Roger Garcia, filed. (gsalinas, 5) (Entered: 08/31/2018)
09/05/2018		Minute Entry for proceedings held before Judge Marina Garcia Marmolejo: Final Hearing re: SRT Violation held on 9/5/2018 for Roger Garcia (1), Count(s) 2, Pled Not True to allegations 1,2,3; Court finds sufficient evidence that deft has violated srt, Revoked: 6 mos concurrent to all 3 allegations, consecutive to 18 mos in case 5:18cr33 for a total of 24 mos; srt terminated; advised of right to appeal. Appearances:Chris dos Santos, AUSA, Oscar O. Pena, Attorney of Record, Veronica Cuellar, USPO, Carlos Gomez, DUSM.(ERO:Edgar Hernandez [3:28-4:58]) (Interpreter:not used) Deft remanded to custody, filed.(atrevino, 5) (Entered: 09/05/2018)
09/05/2018	<a href="#">87</a>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Roger Garcia (Filing fee \$ 505),filed.(dmorales, 5) (Entered: 09/06/2018)
09/06/2018	<a href="#">88</a>	Clerks Notice of Filing of an Appeal as to Roger Garcia. The following Notice of Appeal and related motions are pending in the District Court:

		<a href="#">87</a> Notice of Appeal - Judgment and Sentence. Fee status: CJA. Reporter(s): Robert Tenorio, Terry Lozano, and Edgar Hernandez, filed. (Attachments: # <a href="#">1</a> Notice of Appeal, # <a href="#">2</a> Docket Sheet) (dmorales, 5) (Entered: 09/07/2018)
09/11/2018	<a href="#">89</a>	JUDGMENT FOR REVOCATION as to Roger Garcia (1) ( Signed by Judge Marina Garcia Marmolejo) Parties notified. (vcantu, 5) (Entered: 09/11/2018)
09/12/2018		Notice of Assignment of USCA No. 18-40842 as to Roger Garcia re: <a href="#">87</a> Notice of Appeal - Judgment and Sentence, filed.(dmorales, 5) (Entered: 09/12/2018)
10/17/2018	<a href="#">90</a>	DKT13 TRANSCRIPT ORDER REQUEST by Oscar O. Pena CJA Appointed as to Roger Garcia. This is to order a transcript of Final Hearing re: TSR Violation held on 09/05/2018 before Hon. Marina Garcia Marmolejo. Court Reporter/Transcriber: Exceptional Reporting Services. This order form relates to the following: <a href="#">87</a> Notice of Appeal - Judgment and Sentence, SRT Violation - Final Hearing,,, filed.(Pena, Oscar) (Entered: 10/17/2018)
10/18/2018	<a href="#">91</a>	ACKNOWLEDGMENT for Final Hearing re: SRT Violation held on 9-5-18 before Hon. Marina Garcia-Marmolejo. Audio and Log Notes forwarded to Exceptional Reporting Services. Estimated Completion: 11/18/18 re: <a href="#">87</a> Notice of Appeal - Judgment and Sentence. USCA No. 18-40842, filed.(dmorales, 5) (Entered: 10/18/2018)
11/14/2018	<a href="#">92</a>	APPEAL TRANSCRIPT as to Roger Garcia re: SENTENCING held on 9/5/18 before Judge Marina Garcia Marmolejo. Court Reporter/Transcriber EXCEPTIONAL REPORTING. Ordering Party OSCAR O. PENA This transcript relates to the following: <a href="#">87</a> Notice of Appeal - Judgment and Sentence, <a href="#">90</a> Appeal Transcript Request, Release of Transcript Restriction set for 2/12/2019., filed. (thudson, ) (Entered: 11/14/2018)
11/15/2018	<a href="#">93</a>	Notice of Filing of Official Transcript as to <a href="#">92</a> Transcript - Appeal,. Party notified, filed. (sgonzalez, 5) (Entered: 11/15/2018)
12/17/2018		Electronic record on appeal certified to Fifth Circuit Court of Appeals as to Roger Garcia re: <a href="#">87</a> Notice of Appeal - Judgment and Sentence. USCA No. 18-40842, filed.(sgonzalez, 5) (Entered: 12/17/2018)
12/17/2018		Electronic Access to Record on Appeal Provided as to Roger Garcia re: <a href="#">87</a> Notice of Appeal - Judgment and Sentence. Attorneys of record at the Circuit may <a href="#">download the record from the Court of Appeals</a> . (USCA No. 18-40842), filed.(sgonzalez, 5) (Entered: 12/17/2018)

04/05/2019	<a href="#">94</a>	Order of USCA (copy) as to Roger Garcia ; USCA No. 18-40842. The court has considered the motion of United States of America to view non-public and/or sealed material in the record on appeal. Unless the court granted access to one or more specific documents ONLY, it is ordered, counsel for United States of America may obtain all ex parte documents filed on behalf of United States of America, and all other non exp parte documents in the record.,filed.(dmorales, 5) (Entered: 04/05/2019)
05/16/2019	<a href="#">95</a>	PER CURIAM: Order of USCA (copy) as to Roger Garcia ; USCA No. 18-40842. This Panel previously granted appellee's motion to dismiss the appeal and denied as moot an extension of time to file a brief. The Panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED,filed. (Attachments: # <a href="#">1</a> Memorandum to Counsel)(sgonzalez, 5) (Entered: 05/17/2019)
05/29/2019	<a href="#">96</a>	Per Curiam of USCA (copy) as to Roger Garcia issued as mandate 5/29/19; re: <a href="#">87</a> Notice of Appeal - Judgment and Sentence ; USCA No. 18-40842. It is ORDERED that appellee's opposed motion to dismiss the appeal is GRANTED. It is FURTHER ORDERED that appellee's unopposed alternative motion for an extension of time to file a brief until 30 days after denial of the motion to dismiss is DENIED AS MOOT.,filed.(dmorales, 5) (Entered: 05/29/2019)

PACER Service Center			
Transaction Receipt			
08/15/2019 13:30:21			
PACER Login:	oopena14:2610346:0	Client Code:	
Description:	Docket Report	Search Criteria:	5:08-cr-01073
Billable Pages:	14	Cost:	1.40