

No. 19-5990

IN THE SUPREME COURT OF THE UNITED STATES

DAVID ALAN VOGEL

DAVID ALAN VOGEL, v.

PETITIONER

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

RESPONSE TO THE MEMORANDUM FOR THE UNITED STATES

Pro Se Indigent Prisoner

David A. Vogel, Reg. # 09472049

Federal Medical Center, Camp I Unit

Box 879, Ayer, Mass. 01432

November 26, 2019

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RESPONSE TO MEMORANDUM TO THE UNITED STATES

The United States asks this Court in their memorandum to hold Petitioner's writ of certiorari pending a decision in Banister v. Davis (No. 18-6943). Petitioner David Vogel opposes this request simply because the issue in his Writ is different from the issue in Banister and the issue Mr. Vogel (Petitioner) presents has already been decided in his favor by this Supreme Court. A careful reading of Petitioner's writ will reveal that the underlying issue is whether the Fifth Circuit's narrow construction of Petitioner Vogel's Notice of Appeal conflicts with the established precedent of this Court. Petitioner Vogel's Writ makes that clear. Unless this Court chooses to overrule its prior established precedent, this Court can simply summarily rule on Mr. Vogel's writ and remand the case back to the Fifth Circuit to rule on the merits of his case.

Respectfully submitted,

David A. Vogel

November 26, 2019

A handwritten signature in black ink, appearing to read "David A. Vogel", is written over the typed name. The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.