IN THE SUPREME COURT OF THE UNIT! D STATES OAVID ALAN VOGEL DAVID ALAN VOGEL, v. PETITIONER

UNITAD STATES UF 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 UNIT | D STATES

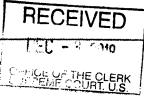
Pro Se Indigent Prisoner

David A. Vogel, Reg. # 09472049

Federal Medical Center, Camp I Unit Box 879, Ayer, Mass. 01432 November 26, 2019 RECEIVED

DEC - 3 2019

SUPPREME COURT, U.S.



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 aleady 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 Wogel's Notice of Appeal conflicts with the established precedent of this Court. Petitoner Vogel's Writ makes that clear. Unless this Court chooses to overrule is 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