

**APPENDIX TO THE PETITION FOR A WRIT
OF CERTIORARI**

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Order of the United States Court of Appeals for the Fourth Circuit (Oct. 11, 2017)	1a
Docket from the United States Court of Appeals for the Fourth Circuit (No. 16-4778).....	2a

FILED: October 11, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4778
(5:14-cr-00072-D-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELVIN MELTON, a/k/a Dizzy, a/k/a Old Man,

Defendant - Appellant.

O R D E R

Kelvin Melton has filed a motion for leave to proceed pro se on appeal. Because there is no constitutional right to self-representation on appeal, *Martinez v. Court of Appeal*, 528 U.S. 152, 161-64 (2000), and given the complexity of the case, we deny Melton's motion. The Clerk's Office will reinstate the briefing schedule by separate order.

For the Court

/s/ Patricia S. Connor, Clerk

PACER fee: Exempt

General Docket
United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 16-4778**Docketed:** 11/28/2016

US v. Kelvin Melton

Termed: 02/21/2019**Appeal From:** United States District Court for the Eastern District of North Carolina at Raleigh**Fee Status:** cja**Case Type Information:**

- 1) Criminal
- 2) Direct Criminal
- 3) null

Originating Court Information:**District:** 0417-5 : [5:14-cr-00072-D-1](#)**Court Reporter:** Shelia D. Foell, Court Reporter Coordinator**Court Reporter:** Linda Little, Contract Court Reporter**Court Reporter:** Michelle Maar, Official Court Reporter (Inactive)**Court Reporter:** Donna Tomawski, Official Court Reporter (Inactive)**Presiding Judge:** James C. Dever, III, U. S. District Court Judge**Date Filed:** 04/22/2014**Date Order/Judgment:**

11/10/2016

Date Order/Judgment EOD:

11/28/2016

Date NOA Filed:

11/28/2016

Date Rec'd COA:

11/28/2016

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Consolidated	17-4140	17-4163	10/05/2017	
Related	16-4778	17-4131	03/06/2017	
	16-4778	17-4593	09/19/2017	
	17-4140	16-4778	03/09/2017	
	17-4140	17-4131	10/05/2017	

UNITED STATES OF AMERICA

Plaintiff - Appellee

John Stuart Bruce

Direct: 919-856-4530

[On Brief]

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OFFICE OF THE UNITED STATES ATTORNEY

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v.

KELVIN MELTON, a/k/a Dizzy, a/k/a Old Man (Federal Prisoner:
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Defendant - Appellant

3a

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

KELVIN MELTON, a/k/a Dizzy, a/k/a Old Man

Defendant - Appellant

11/28/2016	<input type="checkbox"/> 1 1 pg, 11.83 KB	Criminal case docketed. Originating case number: 5:14-cr-00072-D-1. Date notice of appeal filed: 11/28/2016. Case manager: RWarren. [16-4778] RW [Entered: 11/28/2016 02:24 PM]
11/28/2016	<input type="checkbox"/> 2 2 pg, 14.12 KB	ORDER filed [999976007] appointing Laura Elizabeth Beaver as counsel for Kelvin Melton in 16-4778. Nunc pro Tunc Date: 11/28/2016. Representation Type: CJA-TD. Copies to all parties. [16-4778] RW [Entered: 11/28/2016 02:25 PM]
11/28/2016	<input type="checkbox"/> 3 7 pg, 37.7 KB	DOCKETING NOTICE issued Re: [1] case docketed Initial forms due within 14 days. Originating case number: 5:14-cr-00072-D-1. [16-4778] RW [Entered: 11/28/2016 02:27 PM]
12/01/2016	<input type="checkbox"/> 4 1 pg, 123.64 KB	DISTRICT COURT UPDATE. Notification to Appeals Court of Filing regarding [646] Order on Motion for Miscellaneous Relief. [16-4778] AD [Entered: 12/01/2016 09:49 AM]
12/07/2016	<input type="checkbox"/> 5 3 pg, 52.78 KB	DISTRICT COURT UPDATE. Notification to Appeals Court of Filing regarding [649] Notice - other filed by USA, [648] Order on Motion for Miscellaneous Relief. [16-4778] AC [Entered: 12/07/2016 08:40 AM]
12/09/2016	<input type="checkbox"/> 6	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL (DAY 2) as to Kelvin Melton for dates of June 8, 2016, before Chief District Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/2/2017. Redacted Transcript Deadline set for 1/12/2017. Release of Transcript Restriction set for 3/12/2017. [16-4778] AD [Entered: 12/09/2016 10:00 AM]
12/09/2016	<input type="checkbox"/> 7	DISTRICT COURT UPDATE. ***SEALED*** OFFICIAL TRANSCRIPT OF BENCH CONFERENCE PROCEEDINGS as to Kelvin Melton for dates of June 7, 2016, before Chief Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Does this satisfy all appellate orders for this reporter? No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available at http://www.nced.uscourts.gov/cmecf/default.aspx [16-4778] AD [Entered: 12/09/2016 10:01 AM]
12/12/2016	<input type="checkbox"/> 8	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL (DAY 4) AFTERNOON SESSION as to Kelvin Melton for dates of June 13, 2016, before Chief Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/5/2017. Redacted Transcript Deadline set for 1/15/2017. Release of Transcript Restriction set for 3/15/2017. [16-4778] AD [Entered: 12/12/2016 11:41 AM]
12/12/2016	<input type="checkbox"/> 9	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL (DAY 5) AFTERNOON SESSION as to Kelvin Melton for dates of June 14, 2016, before Chief District Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/5/2017. Redacted Transcript Deadline set for 1/15/2017. Release of Transcript Restriction set for 3/15/2017. [16-4778] AD [Entered: 12/12/2016 04:29 PM]
12/13/2016	<input type="checkbox"/> 10	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL (DAY 6) AFTERNOON SESSION as to Kelvin Melton for dates of June 15, 2016, before Chief District Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/6/2017. Redacted Transcript Deadline set for 1/16/2017. Release of Transcript Restriction set for 3/16/2017. [16-4778] AD [Entered: 12/13/2016 04:24 PM]
12/15/2016	<input type="checkbox"/> 11	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS as to Kelvin Melton for dates of June 17, 2016 - Afternoon Session, before Chief District Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/8/2017. Redacted Transcript Deadline set for 1/18/2017. Release of Transcript Restriction set for 3/18/2017. [16-4778] AD [Entered: 12/15/2016 02:16 PM]

12/15/2016	<input type="checkbox"/> 12	DOCKETING STATEMENT by Appellant Kelvin Melton. [16-4778] Laura Beaver [Entered: 12/15/2016 02:54 PM]
	6 pg, 391.88 KB	
12/15/2016	<input type="checkbox"/> 13	CJA 24 authorization for transcript by Kelvin Melton. [999988006] [16-4778] Laura Beaver [Entered: 12/15/2016 02:55 PM]
	1 pg, 374.27 KB	
12/15/2016	<input type="checkbox"/> 14	TRANSCRIPT ORDER ACKNOWLEDGMENT filed for Michelle Maar. Identify by proceeding and date all transcript ordered from this court reporter: Sentencing 11/10/2016 and Motion Hearing 06/06/2016. Names of all parties ordering transcript from this reporter: Kelvin Melton.. Originating case number: 5:14-cr-00072-D-1. Transcript due from Michelle Maar, Official Court Reporter on 01/23/2017. [16-4778] RW [Entered: 12/15/2016 03:05 PM]
	6 pg, 431.81 KB	
12/19/2016	<input type="checkbox"/> 15	DOCKETING FORMS FOLLOW-UP NOTICE ISSUED to Attorney Ms. Laura Elizabeth Beaver for Appellant Kelvin Melton re: filing of appearance form (Loc.R. 46(g)). Appearance form due on 12/22/2016 from Laura Elizabeth Beaver. [16-4778] RW [Entered: 12/19/2016 09:35 AM]
	1 pg, 13.58 KB	
12/19/2016	<input type="checkbox"/> 16	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS as to Kelvin Melton for dates of June 9, 2016, before Chief Judge James C. Dever III, regarding [643] Subsequent Notice of Appeal - Final Judgment, [639] Notice of Appeal - Final Judgment. Court Reporter Donna Tomawski. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - No. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 1/12/2017. Redacted Transcript Deadline set for 1/22/2017. Release of Transcript Restriction set for 3/22/2017. [16-4778] AD [Entered: 12/19/2016 11:38 AM]
12/27/2016	<input type="checkbox"/> 17	RULE 46 NOTICE issued to Ms. Laura Elizabeth Beaver for Kelvin Melton filing of appearance form (Loc.R. 46(g)). Requested document due 01/11/2017. [16-4778] RW [Entered: 12/27/2016 08:01 AM]
	1 pg, 14.02 KB	
12/27/2016	<input type="checkbox"/> 18	APPEARANCE OF COUNSEL (Local Rule 46(c)) by Jennifer P. May-Parker for US.[999993724] [16-4778] Jennifer May-Parker [Entered: 12/27/2016 12:26 PM]
	1 pg, 55.98 KB	
01/03/2017	<input type="checkbox"/> 19	APPEARANCE OF COUNSEL (Local Rule 46(c)) by Laura E. Beaver for Kelvin Melton.[999996484] [16-4778] Laura Beaver [Entered: 01/03/2017 11:46 AM]
	1 pg, 44.8 KB	
01/24/2017	<input type="checkbox"/> 20	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT of ARRAIGNMENT AND MOTION HEARING PROCEEDINGS as to Kelvin Melton for date of June 6, 2016 before Chief Judge James C. Dever III, regarding [639] Notice of Appeal - Final Judgment Official Court Reporter Michelle Maar. Transcript may be viewed at the court public terminal or purchased through the Official Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - no. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 2/16/2017. Redacted Transcript Deadline set for 2/26/2017. Release of Transcript Restriction set for 4/26/2017. [16-4778] AD [Entered: 01/24/2017 08:01 AM]
01/24/2017	<input type="checkbox"/> 21	DISTRICT COURT UPDATE. OFFICIAL TRANSCRIPT of SENTENCING HEARING as to Kelvin Melton for date of November 10, 2016 before Chief Judge James C. Dever III, regarding [639] Notice of Appeal - Final Judgment Official Court Reporter Michelle Maar. Transcript may be viewed at the court public terminal or purchased through the Official Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Does this satisfy all appellate orders for this reporter? - yes. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 2/16/2017. Redacted Transcript Deadline set for 2/26/2017. Release of Transcript Restriction set for 4/26/2017. [16-4778] AD [Entered: 01/24/2017 08:01 AM]
01/24/2017	<input type="checkbox"/> 22	BRIEFING ORDER filed. Opening brief and appendix due 02/28/2017. Response brief due 03/21/2017. [16-4778] RW [Entered: 01/24/2017 02:21 PM]
	3 pg, 20.84 KB	
02/28/2017	<input type="checkbox"/> 23	MOTION by to extend filing time for opening brief and appendix until May 30, 2017. Date and method of service: 02/28/2017 ecf. [1000032806] [16-4778] Laura Beaver [Entered: 02/28/2017 02:09 PM]
	3 pg, 105.48 KB	
02/28/2017	<input type="checkbox"/> 24	ORDER filed [1000032882] granting Motion to extend filing time [23] , updating briefing order deadlines. Opening brief and appendix due 03/21/2017. Response brief due 04/11/2017. Copies to all parties. [16-4778] RW [Entered: 02/28/2017 02:38 PM]
	1 pg, 8.3 KB	
03/08/2017	<input type="checkbox"/> 25	APPEARANCE OF COUNSEL (Local Rule 46(c)) by Leslie K. Cooley for US.[1000038216] [16-4778] Leslie Cooley [Entered: 03/08/2017 11:07 AM]
	1 pg, 55.96 KB	
03/20/2017	<input type="checkbox"/> 26	MOTION by Appellant Kelvin Melton to extend filing time for opening brief and appendix until June 19, 2017. Date and method of service: 03/20/2017 ecf. [1000045660] [16-4778] Laura Beaver [Entered: 03/20/2017 04:18 PM]
	4 pg, 107.7 KB	
03/23/2017	<input type="checkbox"/> 27	ORDER filed [1000048130] granting Motion to extend filing time [26] , updating briefing order deadlines. Opening brief and appendix due 04/13/2017. Response brief due 05/02/2017. Copies to all parties. [16-4778] RW [Entered: 03/23/2017 02:54 PM]
	1 pg, 8.28 KB	
















04/11/2017	<input type="checkbox"/> 28 4 pg, 107.98 KB	MOTION by Appellant Kelvin Melton to extend filing time for opening brief and appendix until 30 days. Date and method of service: 04/11/2016 ecf. [1000059897] [16-4778] Laura Beaver [Entered: 04/11/2017 12:33 PM]
04/11/2017	<input type="checkbox"/> 29 2 pg, 9.52 KB	ORDER filed [1000060212] denying in part Motion to extend filing time [28] , updating briefing order deadlines. Opening brief and appendix due 04/27/2017. Response brief due 05/18/2017. Copies to all parties. [16-4778] RW [Entered: 04/11/2017 04:10 PM]
04/27/2017	<input type="checkbox"/> 30 32 pg, 136.77 KB	BRIEF by Appellant Kelvin Melton in electronic and paper format. Type of Brief: OPENING. Method of Filing Paper Copies: hand delivery. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 04/27/2017. [1000071103] [16-4778] Laura Beaver [Entered: 04/27/2017 03:51 PM]
04/27/2017	<input type="checkbox"/> 31 1377 pg, 6.18 MB	FULL ELECTRONIC APPENDIX and full paper appendix by Appellant Kelvin Melton. Method of Filing Paper Copies: hand delivery. Date paper copies mailed dispatched or delivered to court: 04/27/2017. [1000071109] [16-4778] Laura Beaver [Entered: 04/27/2017 03:53 PM]
04/27/2017	<input type="checkbox"/> 36	OPENING BRIEF (PAPER) file-stamped, on behalf of Kelvin Melton. Number of pages: [32]. Sufficient: YES. Number of Copies: [1]. Entered on Docket Date: 05/01/2017. Received by clerk date: 04/27/2017. [1000072974] [16-4778] RW [Entered: 05/01/2017 01:11 PM]
04/27/2017	<input type="checkbox"/> 37	APPENDIX (PAPER) file-stamped, on behalf of Kelvin Melton. Total number of volumes (including any sealed): 4. Total number of pages in all volumes: 1415. Total number of sealed volumes: 1. Sufficient? Yes. CD/DVD/Other exhibit? Yes. Number of Copies: 2. Entered on Docket Date: 05/01/2017. Received by clerk date: 04/27/2017. [1000072976] [16-4778]--[Edited 05/10/2017 by RW] RW [Entered: 05/01/2017 01:12 PM]
04/28/2017	<input type="checkbox"/> 32	SEALED APPENDIX VOLUME(S) (court access only) by Appellant Kelvin Melton in electronic and paper format. Method of Filing Paper Copies: hand delivery. Date Copies Mailed, Dispatched, or Delivered to court: 04/27/2017.. Filed Ex parte: N. [16-4778] Laura Beaver [Entered: 04/28/2017 08:39 AM]
04/28/2017	<input type="checkbox"/> 33 1 pg, 7.53 KB	CERTIFICATE OF CONFIDENTIALITY (Local Rule 25(c)) by Kelvin Melton. Sealing Required: Yes.. [16-4778] Laura Beaver [Entered: 04/28/2017 08:39 AM]
04/28/2017	<input type="checkbox"/> 34 3 pg, 165.52 KB	MOTION by Appellant Kelvin Melton to exceed length limitations for appendix. Date and method of service: 04/28/2016 ecf. [1000072179] [16-4778] Laura Beaver [Entered: 04/28/2017 03:46 PM]
05/01/2017	<input type="checkbox"/> 35 1 pg, 8.13 KB	ORDER filed [1000072929] granting Motion to exceed length limitations [34] . Copies to all parties. [16-4778] RW [Entered: 05/01/2017 12:39 PM]
05/01/2017	<input type="checkbox"/> 38 1 pg, 8 KB	ORDER filed [1000072977] sealing joint appendix volume four. Copies to all parties. [16-4778] RW [Entered: 05/01/2017 01:13 PM]
05/02/2017	<input type="checkbox"/> 39 1 pg, 55.96 KB	APPEARANCE OF COUNSEL (Local Rule 46(c)) by Phillip A. Rubin for US.[1000074209] [16-4778] Phillip Rubin [Entered: 05/02/2017 02:25 PM]
05/03/2017	<input type="checkbox"/> 40 1 pg, 91.77 KB	DISTRICT COURT UPDATE. Notification to Appeals Court of Filing regarding [768] Order on Motion for Miscellaneous Relief. [16-4778] AC [Entered: 05/03/2017 09:46 AM]
05/16/2017	<input type="checkbox"/> 41	DISTRICT COURT UPDATE. Notification to Appeals Court of Filing regarding [772] SEALED Document regarding appeal (filed pro se) by Kelvin Melton. No document attached. [16-4778] AD [Entered: 05/16/2017 04:30 PM]
05/17/2017	<input type="checkbox"/> 42	SEALED district court document (court access only). Description of document:. Originating case number: 5:14-cr-00072-D-1. [16-4778] DL [Entered: 05/17/2017 11:18 AM]
05/17/2017	<input type="checkbox"/> 43 1 pg, 8 KB	ORDER filed [1000083418] suspending briefing. Copies to all parties. Mailed to: Kelvin Melton. [16-4778] DL [Entered: 05/17/2017 01:06 PM]
05/17/2017	<input type="checkbox"/> 45 3 pg, 17.49 KB	NOTICE ISSUED to Kelvin Melton re: status of counsel. Mailed to: Kelvin Melton, #58468-056, FCI Butner Medium II, P.O. Box 1500, Butner, NC 27509. Status of Counsel due 05/30/2017. [16-4778] DL [Entered: 05/17/2017 02:22 PM]
05/30/2017	<input type="checkbox"/> 46 3 pg, 222 KB	STATUS OF COUNSEL FORM by Appellant Kelvin Melton. [16-4778] RW [Entered: 05/30/2017 12:36 PM]
05/30/2017	<input type="checkbox"/> 47 3 pg, 225.94 KB	MOTION by Appellant Kelvin Melton to proceed pro se. [1000094720] [16-4778] RW [Entered: 06/05/2017 03:10 PM]
07/17/2017	<input type="checkbox"/> 48 2 pg, 180.44 KB	DOCUMENT by Appellant Kelvin Melton requesting status of pending motion to proceed pro se. [1000119598] [16-4778] RW [Entered: 07/17/2017 02:25 PM]
08/08/2017	<input type="checkbox"/> 49 2 pg, 139.62 KB	PRO SE MOTION by Appellant Kelvin Melton for transcript at government expense. [1000132962] [16-4778] RW [Entered: 08/08/2017 12:07 PM]
08/18/2017	<input type="checkbox"/> 50 1 pg, 13.41 KB	Notice issued re: [48] Document requesting status on pending motion. Mailed to: Kelvin Melton, #58468-056 US Penitentiary Max PO Box 8500 Florence, CO 81226-8500. . [16-4778] DD [Entered: 08/18/2017 11:02 AM]

09/18/2017	<input type="checkbox"/> 51 2 pg, 532.36 KB	PRO SE MOTION by Appellant Kelvin Melton to appoint/assign counsel. [1000157275] [16-4778] RW [Entered: 09/18/2017 01:46 PM]
10/11/2017	<input type="checkbox"/> 52 1 pg, 74.37 KB	COURT ORDER filed [1000171004] denying Motion to proceed pro se [47] . Copies to all parties. Mailed to: Kelvin Melton. [16-4778] RW [Entered: 10/11/2017 09:39 AM]
10/11/2017	<input type="checkbox"/> 53 1 pg, 8.1 KB	ORDER filed [1000171009] updating/ resuming briefing order deadlines. Response brief due 11/01/2017. Copies to all parties. [16-4778] RW [Entered: 10/11/2017 09:41 AM]
10/26/2017	<input type="checkbox"/> 54 3 pg, 10.14 KB	MOTION by Appellee US to extend filing time for response brief until 11/22/17. Date and method of service: 10/26/2017 ecf. [1000181335] [16-4778] Phillip Rubin [Entered: 10/26/2017 02:56 PM]
10/26/2017	<input type="checkbox"/> 55 1 pg, 8.26 KB	ORDER filed [1000181351] granting Motion to extend filing time [54] , updating briefing order deadlines. Response brief due 11/22/2017. Copies to all parties. [16-4778] RW [Entered: 10/26/2017 03:06 PM]
11/13/2017	<input type="checkbox"/> 56 4 pg, 727.08 KB	PRO SE MOTION by Appellant Kelvin Melton to reconsider court Order [52] , to file pro se supplemental brief. Supplemental brief(s) tendered?: N. and to appoint/assign counsel. [1000191236] [1000191236] [16-4778]. RW [Entered: 11/13/2017 02:49 PM]
11/13/2017	<input type="checkbox"/> 57 1 pg, 8.33 KB	ORDER filed [1000191319] deferring action on Motion to reconsider filed by Appellant Kelvin Melton [56] ; deferring action on Motion to appoint/assign counsel filed by Appellant Kelvin Melton [1000191236-4; denying Motion to file pro se supplemental brief(s) [56] . Copies to all parties. Mailed to: KELVIN MELTON. [16-4778] RW [Entered: 11/13/2017 03:29 PM]
11/15/2017	<input type="checkbox"/> 58 3 pg, 10.16 KB	MOTION by Appellee US to extend filing time for response brief until 12/13/2017. Date and method of service: 11/15/2017 ecf. [1000193148] [16-4778] Phillip Rubin [Entered: 11/15/2017 02:23 PM]
11/15/2017	<input type="checkbox"/> 59 1 pg, 8.25 KB	ORDER filed [1000193273] granting Motion to extend filing time 21 days [58] , updating/ resuming briefing order deadlines. Response brief due 12/13/2017 Copies to all parties. [16-4778] DL [Entered: 11/15/2017 03:53 PM]
11/20/2017	<input type="checkbox"/> 60 3 pg, 74.54 KB	PRO SE MOTION by Appellant Kelvin Melton to withdraw/relieve/substitute counsel. Attorney or client motion? client. Date and method of service: 11/03/2017 US mail. [1000195377] [16-4778] KS [Entered: 11/20/2017 01:58 PM]
11/20/2017	<input type="checkbox"/> 61 1 pg, 8.77 KB	ORDER filed [1000195450] deferring action on pro se Motion to withdraw/relieve/substitute counsel filed by Appellant Kelvin Melton [60] . Copies to all parties. Mailed to: Kelvin Melton, #58468-056, at USP Florence. [16-4778] KS [Entered: 11/20/2017 02:40 PM]
11/27/2017	<input type="checkbox"/> 62 1 pg, 76.09 KB	Supplemental MOTION by Appellant Kelvin Melton to withdraw/relieve/substitute counsel. [1000197945] [16-4778] RW [Entered: 11/27/2017 12:21 PM]
12/04/2017	<input type="checkbox"/> 63 5 pg, 882.25 KB	PRO SE MOTION by Appellant Kelvin Melton for judicial intervention and assistance. [1000202554] [16-4778] RW [Entered: 12/04/2017 01:40 PM]
12/05/2017	<input type="checkbox"/> 64 1 pg, 9.2 KB	ORDER filed [1000203811] authorizing transcript at government expense Copies to all parties. Mailed to: Kelvin Melton 58468-056 USP Florence ADMAX U.S. PENITENTIARY PO BOX 8500 FLORENCE, CO 81226. [16-4778] RW [Entered: 12/05/2017 04:05 PM]
12/11/2017	<input type="checkbox"/> 65 4 pg, 41.62 KB	MOTION by Appellee US to exceed length limitations for brief , file supplemental appendix.. Date and method of service: 12/11/2017 ecf. [1000206131] [16-4778] Phillip Rubin [Entered: 12/11/2017 10:12 AM]
12/11/2017	<input type="checkbox"/> 66 1 pg, 8.07 KB	ORDER filed [1000206460] granting Motion to file supplemental appendix [65] . Copies to all parties. [16-4778] RW [Entered: 12/11/2017 02:17 PM]
12/13/2017	<input type="checkbox"/> 67 74 pg, 195.92 KB	BRIEF by Appellee US in electronic and paper format. Type of Brief: RESPONSE. Method of Filing Paper Copies: mail. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 12/13/2017. [1000208256] [16-4778] RW [Entered: 12/14/2017 08:35 AM]
12/13/2017	<input type="checkbox"/> 68 214 pg, 3.25 MB	Supplemental FULL ELECTRONIC APPENDIX and full paper appendix by Appellee US. Method of Filing Paper Copies: mail. Date paper copies mailed dispatched or delivered to court: 12/13/2017. [1000208258] [16-4778] RW [Entered: 12/14/2017 08:36 AM]
12/13/2017	<input type="checkbox"/> 70	RESPONSE BRIEF (PAPER) file-stamped, on behalf of US. Number of pages: [74]. Sufficient: YES. Number of Copies: [1]. Entered on Docket Date: 12/21/2017. Received by clerk date: 12/18/2017. [1000212968] [16-4778] RW [Entered: 12/21/2017 01:21 PM]
12/13/2017	<input type="checkbox"/> 71	SUPPLEMENTAL APPENDIX (PAPER) file-stamped on behalf of US. Sealed volume: N. Total number of volumes (including any sealed): 1. Total number of pages in all volumes: 214. CD/DVD/Other exhibit? N. Number of Copies: [1]. Entered on Docket Date: 12/21/2017. Received by clerk date: 12/18/2017. [1000212969] [16-4778] RW [Entered: 12/21/2017 01:21 PM]
12/20/2017	<input type="checkbox"/> 69 1 pg, 8.05 KB	COURT ORDER filed [1000211552] granting Motion to exceed length limitations [65] . Copies to all parties. [16-4778] RW [Entered: 12/20/2017 08:13 AM]
12/27/2017	<input type="checkbox"/> 72 4 pg, 124.41 KB	MOTION by Appellant Kelvin Melton to extend filing time for reply brief until January 3, 2018. Date and method of service: 12/27/2017 ecf. [1000214935] [16-4778] Laura Beaver [Entered: 12/27/2017 05:12 PM]

12/28/2017	<input type="checkbox"/> 73 1 pg, 8 KB	ORDER filed [1000214998] granting Motion to extend filing time [72] , updating reply brief deadlines. Reply brief due 01/03/2018. Copies to all parties. [16-4778] RW [Entered: 12/28/2017 07:34 AM]
01/03/2018	<input type="checkbox"/> 74 14 pg, 803.22 KB	BRIEF by Appellant Kelvin Melton in electronic and paper format. Type of Brief: REPLY. Method of Filing Paper Copies: hand delivery. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 01/03/2018. [1000218213] [16-4778] Laura Beaver [Entered: 01/03/2018 04:21 PM]
01/03/2018	<input type="checkbox"/> 75	REPLY BRIEF (PAPER) file-stamped, on behalf of Kelvin Melton. Number of pages: [14]. Sufficient: YES. Number of Copies: [1]. Entered on Docket Date: 01/08/2018. Received by clerk date: 01/03/2017. [1000219747] [16-4778] RW [Entered: 01/08/2018 12:05 PM]
02/16/2018	<input type="checkbox"/> 76 2 pg, 16.79 KB	CASE TENTATIVELY CALENDARED for oral argument during the 5/8/18 - 5/10/18 argument session. Additional copies due: 02/21/2018. Notify Clerk's Office of any scheduling conflict by: 02/26/2018. [16-4778] JLC [Entered: 02/16/2018 11:04 AM]
02/26/2018	<input type="checkbox"/> 77	Additional copies of the OPENING BRIEF, APPENDIX (Vols. 1-4 Vol. 4 SEALED), and REPLY BRIEF received from Kelvin Melton. [16-4778] AC [Entered: 02/26/2018 12:40 PM]
02/26/2018	<input type="checkbox"/> 78 1 pg, 39.47 KB	NOTICE RE: CONFLICT WITH PROPOSED ARGUMENT DATES by Appellee US. Argument Session: 05/18 Days you are available: all Other scheduling information: requesting May 10, 2018 [16-4778] Phillip Rubin [Entered: 02/26/2018 06:19 PM]
03/02/2018	<input type="checkbox"/> 79	Additional copies of the RESPONSE BRIEF and SUPPLEMENTAL JOINT APPENDIX received from US. [16-4778] AD [Entered: 03/02/2018 12:40 PM]
03/06/2018	<input type="checkbox"/> 80 1 pg, 11.8 KB	COPY FOLLOW-UP NOTICE issued to Kelvin Melton requesting three additional copies of CD/DVD exhibit to joint appendix. Additional copies due 03/09/2018 [16-4778] AC [Entered: 03/06/2018 08:28 AM]
03/09/2018	<input type="checkbox"/> 81	Additional copies of the CD/DVD exhibit to joint appendix received from Kelvin Melton. [16-4778] AC [Entered: 03/09/2018 03:29 PM]
04/17/2018	<input type="checkbox"/> 82 1 pg, 11.84 KB	CASE CONTINUED FROM TENTATIVE CALENDAR TO AWAITING CALENDAR. [1000277673] [16-4778] JLC [Entered: 04/17/2018 03:43 PM]
06/15/2018	<input type="checkbox"/> 83 2 pg, 16.7 KB	CASE TENTATIVELY CALENDARED for oral argument during the 9/25/18 - 9/28/18 argument session. Additional copies due: 06/20/2018. Notify Clerk's Office of any scheduling conflict by: 06/25/2018. [16-4778] JLC [Entered: 06/15/2018 11:04 AM]
06/25/2018	<input type="checkbox"/> 84 1 pg, 46.21 KB	NOTICE RE: CONFLICT WITH PROPOSED ARGUMENT DATES by Appellee US. Argument Session: September 2018 Days you are available: none (please see uploaded document) Other scheduling information: Undersigned counsel respectfully requests that this case be continued to the October calendar. [16-4778] Phillip Rubin [Entered: 06/25/2018 03:22 PM]
06/27/2018	<input type="checkbox"/> 85 1 pg, 11.84 KB	CASE CONTINUED FROM TENTATIVE CALENDAR TO AWAITING CALENDAR. [1000320227] [16-4778] JLC [Entered: 06/27/2018 11:33 AM]
07/31/2018	<input type="checkbox"/> 86 2 pg, 17.2 KB	CASE TENTATIVELY CALENDARED for oral argument during the 10/10/18 argument session. Additional copies due: 08/03/2018. Notify Clerk's Office of any scheduling conflict by: 08/03/2018. [16-4778] JLC [Entered: 07/31/2018 04:30 PM]
08/06/2018	<input type="checkbox"/> 87 2 pg, 279.14 KB	PRO SE DOCUMENT by Appellant Kelvin Melton. [1000344851] [16-4778] RW [Entered: 08/07/2018 03:14 PM]
08/07/2018	<input type="checkbox"/> 88 1 pg, 9.02 KB	NOTICE ISSUED to Kelvin Melton re: document received/transmitted to counsel. Document transmitted: [87] document. Mailed to: Kelvin Melton. [16-4778] RW [Entered: 08/07/2018 03:15 PM]
08/20/2018	<input type="checkbox"/> 89 1 pg, 11.87 KB	CASE CONTINUED FROM TENTATIVE CALENDAR TO AWAITING CALENDAR. [1000351574] [16-4778] JLC [Entered: 08/20/2018 10:00 AM]
10/03/2018	<input type="checkbox"/> 92 2 pg, 16.8 KB	CASE TENTATIVELY CALENDARED for oral argument during the 12/11/18 - 12/13/18 argument session. Additional copies due: 10/08/2018. Notify Clerk's Office of any scheduling conflict by: 10/10/2018. [16-4778] JLC [Entered: 10/03/2018 03:36 PM]
10/29/2018	<input type="checkbox"/> 93 2 pg, 45.68 KB	CASE CALENDARED for oral argument. Date: 12/11/2018. Registration Time: 8:45 - 9:00. Daily Arguments Begin: 9:30. Oral argument acknowledgment form due within 10 days. [16-4778] JLC [Entered: 10/29/2018 03:18 PM]
11/05/2018	<input type="checkbox"/> 94 1 pg, 69.67 KB	ORAL ARGUMENT ACKNOWLEDGMENT by US. Counsel arguing: Phillip A. Rubin Answering argument time: 20 minutes [1000398533] [16-4778] Phillip Rubin [Entered: 11/05/2018 05:20 PM]
11/07/2018	<input type="checkbox"/> 97 1 pg, 8.18 KB	COURT ORDER filed [1000399930] denying pro se motions to substitute counsel [62] , [60] ; denying pro se motion to reconsider [56] . Copies to all parties. Mailed to: KELVIN MELTON Register Number: 58468-056 USP Florence ADMAX U.S. PENITENTIARY PO BOX 8500 FLORENCE, CO 81226. [16-4778] RW [Entered: 11/07/2018 11:15 AM]
11/19/2018	<input type="checkbox"/> 98 1 pg, 77.64 KB	ORAL ARGUMENT ACKNOWLEDGMENT by Kelvin Melton. Counsel arguing: Laura E. Beaver Opening argument time: 15 minutes Rebuttal argument time: 5 minutes [1000406150] [16-4778] Laura Beaver

[Entered: 11/19/2018 01:49 PM]

12/04/2018 <input type="checkbox"/> 100 10 pg, 116.24 KB	SUPPLEMENTAL AUTHORITIES by US. [1000415839]. [16-4778] Phillip Rubin [Entered: 12/04/2018 06:31 PM]
12/04/2018 <input type="checkbox"/> 107 7 pg, 736.1 KB	PRO SE DOCUMENT re: request for reconsideration by Kelvin Melton. [1000419832] [16-4778] RW [Entered: 12/12/2018 02:34 PM]
12/09/2018 <input type="checkbox"/> 101	SEALED DOCUMENT (court access only) by Laura E. Beaver, attorney for appellant Document type: MOTION to withdraw/relieve/substitute counsel. Date and manner of service: 12/09/2018 ecf, US mail. Filed Ex parte: N. [1000417935] [16-4778] Laura Beaver [Entered: 12/09/2018 02:12 PM]
12/09/2018 <input type="checkbox"/> 102 2 pg, 70.64 KB	MOTION by Laura E. Beaver, attorney for appellant to seal. Description of material to be sealed: Motion to Withdraw-Filed at docket entry 101.. Date and method of service: 12/09/2018 ecf. [1000417936] [16-4778] Laura Beaver [Entered: 12/09/2018 02:19 PM]
12/09/2018 <input type="checkbox"/> 103 5 pg, 95.9 KB	Redacted MOTION by Laura E. Beaver, attorney for appellant to withdraw/relieve/substitute counsel. Attorney or client motion? Attorney. Was a copy of the motion served on the defendant? N. Was the defendant advised of right to file response within 7 days? N. Date and method of service: 12/09/2018 ecf. [1000417938] [16-4778] Laura Beaver [Entered: 12/09/2018 02:37 PM]
12/09/2018 <input type="checkbox"/> 104 3 pg, 75.7 KB	MOTION by Kelvin Melton to continue/reschedule oral argument. Date and method of service: 12/09/2018 ecf. [1000417940] [16-4778] Laura Beaver [Entered: 12/09/2018 02:42 PM]
12/10/2018 <input type="checkbox"/> 105 3 pg, 39.58 KB	RESPONSE/ANSWER by US to Motion to continue/reschedule oral argument [104] . [16-4778] Phillip Rubin [Entered: 12/10/2018 11:57 AM]
12/10/2018 <input type="checkbox"/> 106 1 pg, 8 KB	COURT ORDER filed [1000418082] granting Motion to continue/reschedule oral argument [104] . Copies to all parties. [16-4778] KS [Entered: 12/10/2018 01:07 PM]
12/12/2018 <input type="checkbox"/> 108 1 pg, 8.47 KB	Notice that the court will not take any action on the request for reconsideration by Kelvin Melton. Mailed to: KELVIN MELTON Register Number: 58468-056 USP Florence ADMAX U.S. PENITENTIARY PO BOX 8500 FLORENCE, CO 81226. [16-4778] RW [Entered: 12/12/2018 02:37 PM]
12/13/2018 <input type="checkbox"/> 109 1 pg, 29.26 KB	Notice issued re: case review and oral argument. [16-4778] CP [Entered: 12/13/2018 05:10 PM]
01/03/2019 <input type="checkbox"/> 110 1 pg, 7.92 KB	COURT ORDER filed [1000431550] granting Motion to seal [102] . Copies to all parties. [16-4778] RW [Entered: 01/03/2019 09:26 AM]
01/22/2019 <input type="checkbox"/> 111 3 pg, 507.26 KB	PRO SE RESPONSE/ANSWER by Kelvin Melton to Motion to withdraw/relieve/substitute counsel [103] , [101] . [16-4778] RW [Entered: 01/23/2019 01:35 PM]
02/21/2019 <input type="checkbox"/> 112 13 pg, 41.12 KB	UNPUBLISHED PER CURIAM OPINION filed. Motion disposition in opinion--granting Motion to withdraw as counsel [103] , [101] . Originating case number: 5:14-cr-00072-D-1. Copies to all parties and the district court. [1000462137]. Mailed to: Kelvin Melton #58468-056 USP Florence ADMAX U.S. PENITENTIARY PO BOX 8500 FLORENCE, CO 81226. [16-4778] RW [Entered: 02/21/2019 10:45 AM]
02/21/2019 <input type="checkbox"/> 113 3 pg, 25.95 KB	JUDGMENT ORDER filed. Decision: Affirmed. Originating case number: 5:14-cr-00072-D-1. Entered on Docket Date: 02/21/2019. [1000462140] Copies to all parties and the district court. Mailed to: Kelvin Melton. [16-4778] RW [Entered: 02/21/2019 10:46 AM]
02/27/2019 <input type="checkbox"/> 114 2 pg, 38.51 KB	Copy of judgment and certiorari status form transmitted to defendant and counsel. [113] Judgment order , [112] unpublished per curiam Opinion. Copy mailed to defendant? Yes. Address of Defendant: KELVIN MELTON USM# 58468-056 USP FLORENCE ADMAX U.S. PENITENTIARY PO BOX 8500 FLORENCE, CO 81226. [16-4778] LM [Entered: 02/27/2019 02:49 PM]
03/15/2019 <input type="checkbox"/> 115 1 pg, 8.19 KB	Mandate issued. Referencing: [113] Judgment order, [112] unpublished per curiam Opinion. Originating case number: 5:14-cr-00072-D-1. Mailed to Kelvin Melton. [16-4778]--[Edited 03/15/2019 by DL] DL [Entered: 03/15/2019 07:27 AM]
03/15/2019 <input type="checkbox"/> 116 7 pg, 826.36 KB	PRO SE PETITION for rehearing and rehearing en banc by Kelvin Melton. [16-4778] RW [Entered: 03/18/2019 03:31 PM]
03/15/2019 <input type="checkbox"/> 118 1 pg, 63.75 KB	PRO SE MOTION by Kelvin Melton to appoint/assign counsel. [1000477430] [16-4778] RW [Entered: 03/18/2019 03:49 PM]
03/18/2019 <input type="checkbox"/> 117 1 pg, 8.05 KB	ORDER filed [1000477383] recalling mandate. Copies to all parties. Mailed to: Kelvin Melton. [16-4778] RW [Entered: 03/18/2019 03:32 PM]
03/20/2019 <input type="checkbox"/> 119 8 pg, 783.8 KB	Supplemental PRO SE PETITION for rehearing and rehearing en banc by Kelvin Melton. [16-4778] RW [Entered: 03/21/2019 09:12 AM]
04/10/2019 <input type="checkbox"/> 120 5 pg, 4.93 MB	Supplemental PETITION for rehearing and rehearing en banc by Kelvin Melton. [16-4778] TF [Entered: 04/10/2019 01:27 PM]
04/11/2019 <input type="checkbox"/> 121	COURT ORDER filed [1000492366] appointing/assigning counsel.. Nunc pro Tunc Date: 04/11/2019.

8 pg, 98.53 KB		Additional attorneys added: Juval Orisha Scott for Kelvin Melton, in case 16-4778 Representation Type: FPD.. Copies to all parties. Mailed to: Kelvin Melton - #58468-056, UNITED STATES PENITENTIARY FLORENCE ADMAX, P. O. Box 8500, Florence, CO 81226. [16-4778] LM [Entered: 04/11/2019 02:07 PM]
04/11/2019	 122 2 pg, 38.51 KB	Copy of judgment and certiorari status form transmitted to defendant and counsel. [113] Judgment order , [112] unpublished per curiam Opinion. Copy mailed to defendant?Yes. Address of Defendant: Kelvin Melton-# 63953-037 FCI PETERSBURG MEDIUM FEDERAL CORRECTIONAL INSTITUTION P.O. BOX 1000 PETERSBURG, VA 23804. [16-4778] LM [Entered: 04/11/2019 02:23 PM]
04/16/2019	 123 1 pg, 75.84 KB	APPEARANCE OF COUNSEL by Lisa M. Lorish for Kelvin Melton. [1000494930] [16-4778] Lisa Lorish [Entered: 04/16/2019 02:51 PM]
04/16/2019	 124 2 pg, 61.12 KB	MOTION by Kelvin Melton to extend filing time for Response to Court's Order until May 9, 2019.. Date and method of service: 04/16/2019 ecf. [1000495053] [16-4778] Lisa Lorish [Entered: 04/16/2019 03:51 PM]
04/16/2019	 125 1 pg, 8.07 KB	ORDER filed [1000495119] granting Motion to extend filing time [124] Number of days granted: 14. Copies to all parties. [16-4778] PSC [Entered: 04/16/2019 04:45 PM]
05/07/2019	 126 2 pg, 77.09 KB	NOTICE re: Intent to File Petition for Rehearing by Kelvin Melton. [16-4778] Lisa Lorish [Entered: 05/07/2019 09:50 PM]
05/10/2019	 127 1 pg, 8.02 KB	COURT ORDER filed [1000510501] extending filing time for petition for rehearing. Copies to all parties. [16-4778] TF [Entered: 05/10/2019 12:01 PM]
05/24/2019	 128 11 pg, 122.56 KB	PETITION for rehearing by Kelvin Melton. [16-4778] Lisa Lorish [Entered: 05/24/2019 04:20 PM]
05/24/2019	 129 1 pg, 8.3 KB	Mandate stayed pending ruling on petition for rehearing or rehearing en banc. [16-4778] CP [Entered: 05/24/2019 04:45 PM]
06/04/2019	 130 1 pg, 8.01 KB	COURT ORDER filed [1000523897] denying Motion for rehearing [128] ; denying Motion for rehearing and rehearing en banc [120] , denying Motion for rehearing and rehearing en banc [119] , denying Motion for rehearing and rehearing en banc [116] Copies to all parties. Mailed to: Melton. [16-4778] TF [Entered: 06/04/2019 10:07 AM]
06/12/2019	 131 1 pg, 8.22 KB	Mandate issued. Referencing: [113] Judgment order , [112] unpublished per curiam Opinion. Originating case number: 5:14-cr-00072-D-1. Mailed to: Melton. [16-4778] TF [Entered: 06/12/2019 09:24 AM]
06/27/2019	 132 1 pg, 10.28 KB	Certiorari status form issued to Kelvin Melton after denial of rehearing.. Certiorari Status Form due 08/26/2019 for Kelvin Melton. [16-4778] LM [Entered: 06/27/2019 01:58 PM]
08/09/2019	 133	CERTIORARI STATUS FORM by Appellant Kelvin Melton. [16-4778] Lisa Lorish [Entered: 08/09/2019 01:00 PM]
08/30/2019	 134 2 pg, 199.21 KB	SUPREME COURT REMARK--extension granted to file petition for writ of certiorari. Petition for certiorari now due: October 2, 2019. [16-4778] EB [Entered: 09/04/2019 10:19 AM]
09/09/2019	 135 2 pg, 174.53 KB	Letter re: [64] order by Kelvin Melton . [1000583999] [16-4778] TF [Entered: 09/09/2019 03:53 PM]
09/19/2019	 136 1 pg, 8.68 KB	NOTICE ISSUED to Kelvin Melton 's counsel requesting response to letter [135] Response due: 09/26/2019.[1000590807]. [16-4778] TF [Entered: 09/19/2019 11:14 AM]
09/26/2019	 137 1 pg, 325.74 KB	Letter re: [136] notice requesting response by Kelvin Melton . [1000595657] [16-4778] Lisa Lorish [Entered: 09/26/2019 04:14 PM]

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