INDEX TO APPENDICES

APPENDIX A:

Petitioner's Albert Allen's Rehearing or Rehearing *En Banc* Denied. The court of appeals did not issue a written opinion

(Attached to Appendix A is 1 page)

Appendix A
(1 page)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 19-1118

Albert Allen, Jr.

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:16-cv-00088-LRR)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Kelly did not participate in the consideration or decision of this matter.

August 05, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX A-1:

United States Court of Appeals for the Eighth Circuit, Formal Mandate.

(Attached to Appendix A-1 is 1 page)

Appendix A-1 (1-page)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 19-1118

Albert Allen, Jr.

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:16-cv-00088-LRR)

MANDATE

In accordance with the judgment of 06/21/2019, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

August 15, 2019

Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX B:

United States Court of Appeals for the Eighth Circuit, Affirmed Allen's sentence

(Attached to Appendix B is 1 page)

Appendix B
(1 Page)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 15-3301

United States of America

Plaintiff - Appellee

v.

Albert Allen, Jr.

Defendant - Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:13-cr-00066-LRR-1)

JUDGMENT

Before RILEY, Chief Judge, WOLLMAN and MURPHY, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

April 20, 2016

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX C:

The Court denies Petitioner Albert Allen's motion to request a reduced sentence pursuant to 18 U.S.C § 3582(C)(2).

(Attached to Appendix C are 3 pages)

Appendix C
(3 pages)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ALBERT ALLEN, JR., Defendant.	No. CR13-0066-LRR **ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)**

This matter comes before the court on the defendant's motion to reduce sentence under 18 U.S.C. § 3582(c)(2) (docket no. 66).[1] The defendant filed such motion on September 15, 2016.

In relevant part, 18 U.S.C. § 3582(c) provides:

> The court may not modify a term of imprisonment once it has been imposed except that . . . in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. [§] 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in [18

[1] In light of the record, the court concludes that it need not appoint counsel or conduct a hearing. *See United States v. Harris*, 568 F.3d 666, 669 (8th Cir. 2009) (concluding that there is no right to assistance of counsel when pursuing relief under 18 U.S.C. § 3582(c) and finding that a judge need not hold a hearing on a motion pursuant to 18 U.S.C. § 3582(c)); *see also United States v. Burrell*, 622 F.3d 961, 966 (8th Cir. 2010) (clarifying that "[a]ll that is required is enough explanation of the court's reasoning to allow for meaningful appellate review"); Fed. R. Crim. P. 43(b)(4) (stating that a defendant's presence is not required in a proceeding that involves the reduction of a sentence under 18 U.S.C. § 3582(c)).

> U.S.C. §] 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

18 U.S.C. § 3582(c)(2); *see also United States v. Auman*, 8 F.3d 1268, 1271 (8th Cir. 1993) ("Section 3582(c)(2) is a provision that permits a district court to reduce a term of imprisonment if the sentencing range upon which the term was based is subsequently lowered by the Sentencing Commission."). In addition, USSG §1B1.10, in relevant part, states:

> In a case in which a defendant is serving a term of imprisonment, and the guideline range applicable to that defendant has subsequently been lowered as a result of an amendment to the Guidelines Manual listed in subsection (d) below, the court may reduce the defendant's term of imprisonment as provided by 18 U.S.C. § 3582(c)(2). As required by 18 U.S.C. § 3582(c)(2), any such reduction in the defendant's term of imprisonment shall be consistent with this policy statement.

USSG §1B1.10(a)(1); *see also* USSG §1B1.10, comment. (n.1) ("Eligibility for consideration under 18 U.S.C. § 3582(c)(2) is triggered only by an amendment listed in subsection (c) that lowers the applicable guideline range.").

The defendant cites to Amendment 782 (subject to subsection (e)(1)), which is included within USSG §1B1.10(c). But, Amendment 782 (subject to subsection (e)(1)) took effect on November 1, 2014, and the court sentenced the defendant on September 29, 2015. Hence, when it sentenced the defendant, the court already considered the changes that the United States Sentencing Commission made when it revised the United States Sentencing Guidelines that are applicable to drug trafficking offenses. Moreover, the court

is not aware of any legal authority that permits it to impose a different sentence. Accordingly, the defendant's motion to reduce sentence (docket no. 66) is denied.

IT IS SO ORDERED.

DATED this 4th day of October, 2016.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

APPENDIX D:

The Court denies Petitioner Albert Allen's motion to reconsider reduced sentence pursuant to 18 U.S.C § 3582(C)(2).

(Attached to Appendix D is 1 page)

Appendix D
(1 page)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ALBERT ALLEN, JR., Defendant.	No. CR13-0066-LRR **ORDER**

This matter comes before the court on the defendant's motion to reconsider (docket no. 68). The defendant filed such motion on October 25, 2016. The defendant states nothing that leads the court to a different conclusion. The court is unable to rely on 18 U.S.C. § 3582(c)(2) to reduce the defendant's sentence, and the court did not address the merits of any claim that the defendant raised in his separate proceeding under 28 U.S.C. § 2255. Accordingly, the defendant's motion to reconsider (docket no. 68) is denied.

IT IS SO ORDERED.

DATED this 25th day of October, 2016.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

APPENDIX E:

The Court denies Petitioner Albert Allen's motion to vacate, set aside, or correct his conviction or sentence. District Court did not issue a written memorandum.

(Attached to Appendix E is 1 page)

Appendix E
(1 page)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

ALBERT ALLEN, JR.,	
Movant,	CASE NO. C16-0088-LRR NO. CR13-0066-LRR
vs.	JUDGMENT
UNITED STATES OF AMERICA,	
Respondent.	

DECISION BY THE COURT: This action came before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED pursuant to the Order filed December 18, 2018 (docket number #11): That the Movant's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 is denied. A certificate of appealability is denied.

DATED this 18th day of December, 2018.

ROBERT L. PHELPS, Clerk of Court
United States District Court
Northern District of Iowa

By: /s des
Deputy Clerk

APPENDIX F:

Petitioner Albert Allen notice of appeal and request to the United States Court of Appeals requesting Application for a Certificate of Appaealabiltiy.

(Attached to Appendix F are 8 pages)

This is a supplement notice of appeal request to the United States Court of Appeals requesting Application for a Certificate of Appealability.

RECEIVED JAN 24 2019

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

Appendix F
(8 pages)

UNITED STATES OF AMERICA,	*	Civil No. 16-CV-88
	*	
Plaintiff-Respondent,	*	Crim No. 13-CR-66
	*	
v.	*	
	*	
ALBERT ALLEN	*	
	*	
Defendant-Petitioner.	*	

NOTICE OF APPEAL AND REQUEST FOR CERTIFICATE OF APPEALABILITY

Petitioner Albert Allen, *pro se*, gives notice of appeal of the decision of this court, dated, December 18, 2018, denying his petition pursuant to 28 U.S.C. § 2255 and declining to issue certificate of appealability. At minimum Allen made a substantial showing of the denial of a constitutional right and that jurists of reason could disagree with the district court's resolution of each of his constitutional claims. *Miler-EL v. Cockrell*, 123 S. Ct. 1029, 1039 (2003). Defendant's Sentence Exceeded the Applicable Guideline Range, As The Prior Conviction Used to Enhance the Defendant's Sentence Under 21 U.S.C. § 841(A)(1)(B)(1)(A) and§ 851 Did Not Qualify as A Felony Drug Conviction, In Violation of Defendant's Right to Due Process Under the Fifth Amendment to The United States Constitution and Defendant's Right to Be Free from (Cruel and Unusual Punishment) As Protected by The Eight Amendment to The United States Constitution. The time Allen was sentenced, the law changed so that he is no longer eligible for a statutory minimum sentence of 22 years'

imprisonment. At the time of sentencing, Allen had no prior drug convictions. Instead his sentence under 21 U.S.C. § 851, increasingly his statutory penalty; and the court applied the USSG § 4B1.1 career offender enhancement, increasing his guideline range of imprisonment. Had Allen not received the erroneous criminal history enhancements, the statutory minimum would be 10 years. The prior offense used to enhance Allen's sentence to 22 years was not a qualifying predicate of offense under 21 U.S.C § 841(B)(1)(A). The Sentence of 22 years Should Be Vacated Because the Prior Conviction used 21 U.S.C. § 841(A)(1)(B)(1)(A) Should not be Applied.

Furthermore, On August 3, 2010, the President signed into law the Fair Sentencing Act of 2010 (hereafter alternatively referred to as "FSA"), which amended the penalty provisions of 21 U.S.C. § 841 of the Controlled Substances Act. Under this amendment, the five-year mandatory minimum for crack cocaine offenses is now triggered by 28 grams of crack cocaine (former provision was 5 grams), while 280 grams triggers a 10-year mandatory minimum penalty (former provision of 50 grams). See, §§ 841(b)(1)(A) and (B)(1)(B). The purpose of the FSA was to correct the harm and equal protection violations that had occurred as a result of the previous penalties applied to crack cocaine offenses. Allen was sentenced on September 29, 2015, after the effective date of the FSA, the FSA applies to Allen because he was sentenced after the FSA had become law. If the FSA had been properly Applied at Sentencing, Allen Would Have Faced a Penalty under 21 U.S.C § 841(B)(1)(B), and a Statutory Minimum 260 Months' Sentence Would Not Have Applied. Allen was Sentence under 21 U.S.C. 846 and 841(A)(1), increasing his Statutory Penalty; had the Court Not

Applied the 21 U.S.C. § 841(A)(1), the Statutory Minimum would be 10 Years. Allen should be sentence according to the lower penalty provisions under the FSA *Dorsey v. United States*, 132 S. Ct.2321, at 2330-31, 183 L. Ed. 2D 250 (2012). Petitioner argues that the 260 months' imprisonment had been erroneously imposed.

Therefore, Mr. Allen does not have any prior felony drug offense such that he should not have received an enhanced penalty to mandatory 30 years to life imprisonment. Nor should he have been treated as a career offender. These enhanced penalties must be set aside, subjecting Mr. Allen to a lower statutory range and a guideline range now falling above rather than below the mandatory minimum imprisonment term.

Allen alleges that he was prejudiced by the unreasonable performance due to his attorney's failure to move for acquittal that convicted under the firearm count § 924 (c) (1) (a) required proof of *mens rea*, i.e., proof that Allen had a firearm because if Allen went to trial, a reasonable juror, would have been unlikely to convict him of the firearm charge. Allen argues that an implied *mens rea* element must be proven in order to convict under § 924 (c) (1) (a) and that his counsel unreasonably neglected to challenge at sentencing omitting it. In *United States v. O'Brien*, 560 U.S. 218 (2010), the Supreme Court held that in a prosecution under 18 U.S.C. § 924 (c) (1) (a), proof that the weapon is an element of the offense, not a mere sentencing enhancement and must be proved beyond a reasonable doubt. Thus, Allen can establish cause for not raising the claim at sentencing or on direct appeal. The legal bases for his argument, trial counsel was constitutionally ineffective in failing to raise that claims at

sentencing or on direct appeal, *Strickland v. Washington*, 466 U.S. 668 (1984) (in the initial-review collateral proceeding, where the claim should have been raised, was ineffective.)

The combination of Errors resulted in a manifest injustice and must be corrected. Allen's case is unique because this Court can look to the Supreme Court precedent that unequivocally demonstrates that his sentence is more than 10 years longer than permitted by law. The Government cannot dispute that applying the holding in *Dorsey* that the statutory penalty and guideline range of imprisonment were erroneously inflated by at least 10 years at the time of his sentencing.

Correctly applying the Fair Sentencing Act to Mr. Allen results in his statutory punishment being determined under § 841(b)(1)(B), not § 841(b)(1)(A). Indeed, even the possibility of a mandatory minimum sentence is not possible under § 841(b)(1)(B). Therefore, his statutory punishment under § 841(b)(1)(B) is 5 to 40 years' imprisonment. Allen current sentence requires him to languish in prison for two decades longer than required under a correct application of the Guidelines. Accordingly, Allen submits that the failure to correct such obvious errors in the face of such severe consequences will result in a manifest injustice and violations of due process and equal protection. Mr. Allen would be to sanction the conviction and continued incarceration of a man innocent of the enhanced penalties. It would be adherence to a legal rule that threatens the "evils of archaic rigidity." *Holland v. Florida* 130 S. Ct. at 2563 (2010) (citations omitted).

Mr. Allen's motion at least facially claims that his decision to enter into the plea agreement was not knowing and voluntary as a result of ineffective assistance of counsel. Mr. Allen's plea could not have been knowingly or voluntarily made when he did not know at the time that prosecutor, Assistant United States Attorney Justin Lightfoot had breached the plea agreement; lied about the U.S.S.G §5K1 downward departure motion and concealed a conflict problem from the district court.

Moreover, Assistant United States Attorney Justin Lightfoot who later, rescued himself from the case due to a breached plea agreement; lied about the U.S.S.G §5K1 downward departure motion. Government intentions was to reduce Allen's sentence and run Albert's Illinois case concurrent if Allen plea bargain, that reduction didn't happened. At this point, Mr. Allen believed that the government was going to move for a U.S.S.G §5K1 downward departure. Mr. Allen relied on the Government promise to make a motion for U.S.S.G §5K1 downward departure in deciding to enter his plea of guilty and thus to forego his constitutional right to a jury trial.

Allen plea agreement was induced by deceit and those responses were based on the lies told to the defendant by Government. The Government submits that counsel was not ineffective and did not provide "faulty advice" during plea negotiations. There was no way for Mr. Allen to know that his attorney was giving him faulty advice at the time he entered his plea. The Supreme Court has repeatedly recognized that the prevailing professional norms of the legal profession are not within the knowledge of ordinary laymen. "Even the intelligent and educated laymen

have small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence." *See,* Gideon v. Wainwright, 372 U.S. 335,345 (1963) (quoting Powell v. Alabama, 287 U.S. 45, 68, (1932). *See* also, Argersinger v. Hamlin, 407 U.S. 25, 32 m.3 (1972) ("[T]he averages defendant does not have the professional skill to protect himself...That which is simple, orderly and necessary to the lawyer, to the untrained laymen may appear intricate, complex and mysterious.") (quoting Johnson v. Zerbst, 304 U.S. 458, 462-63 (1938); and *Smith*, 101 F. Supp. 2d at 347 (sentencing counsel's duty to ask federal court to adjourn sentencing was not reasonably discoverable by defendant unit years later.)

Thus, the decision to be bound by the provisions of the plea agreement, including the waiver provisions, must be knowing and voluntary. *See* United States v. Morrison, 171 F.3d 567, 568 (8th Cir. 1999). A decision to enter into a plea agreement cannot be knowing and voluntary when the plea agreement itself is the result of advice outside "the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474, U.S. 52, 56 (1985) (quoting McMann v. Richardson, 397, U.S. 759, 771 (1970)); Tollet v. Henderson, 411 U.S. 258, 266-67 (1973). Therefore, "[j]ustice dictates that a claim of ineffective assistance of counsel in connection with the negotiation of a cooperation agreement cannot be barred by the agreement itself-the very product of the alleged ineffectiveness." *Jones, 167 F.3d at 1145* (defendant convicted and entered into cooperation agreement before sentencing.) Accordingly, Allen requests a certificate of appealability in order to proceed to the court of appeals.

Respectfully submitted,

Dated: 1-20-19

Albert Allen Jr., *pro se*
Menard Correctional Center
P.O.Box 1000
Menard, IL, 62259

CERTIFICATE OF SERVICE

I DECLARE under penalty of perjury that the foregoing is true and correct and that this Motion for Notice of Appeal and Request for Certificate of Appealability was placed in the prison mailing system to the United States Attorney for the Northern District of Iowa, at the following address:

United States District Court
111 7th Ave SE
Cedar Rapids, IA 52401

Dated: 1-20-19

Signature of Albert Allen Jr.

Hibert Allen M49908
P.O. Box 1000
Menard IL, 62259

Correspondence From IDOC Inmate
-LEGAL MAIL-

1/22/19 gm

United States
District Court
111 4th AVE SE Cedar Rapids, IA 52401

Legal mail

Legal mail

APPENDIX F-1:

Petitioner Albert Allen notice of appeal and request to the United States Court of Appeals requesting Application for a Certificate of Appaealabiltiy.

(Attached to Appendix F-1 are 7 pages)

Appendix F-1
(7 pages)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

RECEIVED JAN 11 2019

UNITED STATES OF AMERICA,	*	Civil No. 16-CV-88
	*	
Plaintiff-Respondent,	*	Crim No. 13-CR-66
	*	
v.	*	
	*	
ALBERT ALLEN	*	
	*	
Defendant-Petitioner.	*	

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sentence of 20 years imprisonment. At the time of sentencing, Allen had no prior drug convictions. Instead his sentence under 21 U.S.C. § 851, increasingly his statutory penalty; and the court applied the USSG § 4B1.1 career offender enhancement, increasing his guideline range of imprisonment. Had Allen not received the erroneous criminal history enhancements, the statutory minimum would be 10 years. The prior offense used to enhance Allen's sentence to 22 years was not a qualifying predicate of offense under 21 U.S.C § 841(B)(1)(A). The Sentence of 22 years Should be Vacated Because the Prior Conviction used 21 U.S.C. § 841(A)(1)(B)(1)(A) Should not be Applied. On August 3, 2010, the President signed into law the Fair Sentencing Act of 2010 (hereafter alternatively referred to as "FSA"), which amended the penalty provisions of 21 U.S.C. § 841 of the Controlled Substances Act. Under this amendment, the five year mandatory minimum for crack cocaine offenses is now triggered by 28 grams of crack cocaine (former provision was 5 grams), while 280 grams triggers a 10 year mandatory minimum penalty (former provision of 50 grams). See, §§ 841(b)(1)(A) and (B)(1)(B). The purpose of the FSA was to correct the harm and equal protection violations that had occurred as a result of the previous penalties applied to crack cocaine offenses.

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S. Ct. at 2563 (citations omitted).

Mr. Allen's motion at least facially claims that his decision to enter into the plea agreement was not knowing and voluntary as a result of ineffective assistance of counsel. Mr. Allen's plea could not have been knowingly or voluntarily made when he did not know at the time that prosecutor, Assistant United States Attorney Justin Lightfoot had breached the plea agreement; lied about the U.S.S.G §5K1 downward departure motion and concealed a conflict problem from the district court.

Moreover, Assistant United States Attorney Justin Lightfoot who later, rescued himself from the case due to a breached plea agreement; lied about the U.S.S.G §5K1 downward departure motion. Government intentions was to reduce Allen's sentence and run Albert's Illinois case concurrent if Allen plea bargain, that reduction didn't happened. At this point, Mr. Allen believed that the government was going to move for a U.S.S.G §5K1 downward departure. Mr. Allen relied on the Government promise to make a motion for U.S.S.G §5K1 downward departure in deciding to enter his plea of guilty and thus to forego his constitutional right to a jury trial.

Allen plea agreement was induced by deceit and those responses were based on the lies told to the defendant by Government. The Government submits that counsel was not ineffective and did not provide "faulty advice" during plea negotiations. There was no way for Mr. Allen to know that his attorney was giving him faulty advice at the time he entered his plea. The Supreme Court has

repeatedly recognized that the prevailing professional norms of the legal profession are not within the knowledge of ordinary laymen. "Even the intelligent and educated laymen have small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence." ***See,*** ***Gideon v. Wainwright*****, 372 U.S. 335,345 (1963)** (quoting ***Powell v. Alabama*****, 287 U.S. 45, 68, (1932)**. *See* also, ***Argersinger v. Hamlin*****, 407 U.S. 25, 32 m.3 (1972)** ("[T]he averages defendant does not have the professional skill to protect himself...That which is simple, orderly and necessary to the lawyer, to the untrained laymen may appear intricate, complex and mysterious.") (quoting ***Johnson v. Zerbst*****, 304 U.S. 458, 462-63 (1938)**; and ***Smith*****, 101 F. Supp. 2d at 347** (sentencing counsel's duty to ask federal court to adjourn sentencing was not reasonably discoverable by defendant unit years later.)

Thus, the decision to be bound by the provisions of the plea agreement, including the waiver provisions, must be knowing and voluntary. ***See United States v. Morrison*****, 171 F.3d 567, 568 (8th Cir. 1999)**. A decision to enter into a plea agreement cannot be knowing and voluntary when the plea agreement itself is the result of advice outside "the range of competence demanded of attorneys in criminal cases." ***Hill v. Lockhart*****, 474, U.S. 52, 56 (1985)** (quoting ***McMann v. Richardson*****, 397, U.S. 759, 771 (1970))**; ***Tollet v. Henderson*****, 411 U.S. 258, 266-67 (1973)**. Therefore, "[j]ustice dictates that a claim of ineffective assistance of counsel in connection with the negotiation of a cooperation agreement cannot be

barred by the agreement itself-the very product of the alleged ineffectiveness." ***Jones, 167 F.3d at 1145*** (defendant convicted and entered into cooperation agreement before sentencing.) Accordingly, Allen requests a certificate of appealability in order to proceed to the court of appeals.

Respectfully submitted,

Dated: 1·4·19

Albert Allen

Albert Allen Jr., *pro se*
Menard Correctional Center
P.O.Box 1000
Menard, IL, 62259

CERTIFICATE OF SERVICE

I DECLARE under penalty of perjury that the foregoing is true and correct and that this Motion for Notice of Appeal and Request for Certificate of Appealability was placed in the prison mailing system to the United States Attorney for the Northern District of Iowa, at the following address:

United States District Court
111 7th Ave SE
Cedar Rapids, IA 52401

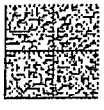
Dated: 1·4·19

Albert Allen

Signature of Albert Allen Jr.

Albert Allen M49908
P.C. Box 1000
Menard IL, 62259

Correspondence From IDOC Inmate
-LEGAL MAIL-



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United States District Court
111 4th AVE SE
Cedar Rapids, IA 52401

Legal mail

Legal mail

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APPENDIX G:

Petitioner's Albert Allen Application for a Certificate of Appealability, Denied.

(Attached to Appendix G is 1 page)

Appendix G
(1 page)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 19-1118

Albert Allen, Jr.

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:16-cv-00088-LRR)

JUDGMENT

Before GRUENDER, WOLLMAN, and SHEPHERD, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

June 21, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Additional material from this filing is available in the Clerk's Office.