

*Lower Ct opinion*

Nos. 19-1909/1911

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Sep 12, 2019

DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,

)

Plaintiff-Appellee,

)

v.

)

O R D E R

RICHARD KNIDER JACKSON,

)

Defendant-Appellant.

)

)

Before: KETHLEDGE, BUSH, and MURPHY, Circuit Judges.

This matter is before the court upon initial consideration to determine whether appeal Nos. 19-1909 and 19-1911 were taken from appealable orders.

This case involves an ongoing criminal matter. The government charged Richard Knider Jackson with two counts of sex trafficking, in violation of 18 U.S.C. § 1591(a). On July 23, 2019, the district court entered an order striking, as untimely, Jackson's motion to dismiss "for lack of jurisdiction/racial discrimination/profiling," his motion to dismiss for a "speedy trial violation," his "motion for compliance re production of discovery," his "request re suppression of phone information or for evidentiary hearing," and his "motion for hearing on vague law." On July 29, 2019, the district court entered an order denying Jackson's "motion re standby lawyer termination/jurisdiction," denying as moot his "motion for excludable delay," and striking his "motion re suppression/for lack of jurisdiction/fraudulent intent with malice." In the July 29 order, the district court appointed counsel to represent Jackson. On August 12, 2019, Jackson filed separate notices of appeal from the orders entered on July 23, 2019 (appeal No. 19-1909) and July 29, 2019 (appeal No. 19-1911). On August 13, 2019, the district court entered an order striking the notices because they were filed pro se by a defendant who had appointed counsel.

As an initial matter, the district court's order of August 13, 2019, has no effect upon our jurisdiction over this appeal. *See Dickerson v. McClellan*, 37 F.3d 251, 252 (6th Cir. 1994).

Nevertheless, this court lacks jurisdiction over appeal Nos. 19-1909 and 19-1911. As this court noted in its orders dismissing appeal Nos. 18-1058, 18-1916, 18-2143, 19-1379, and 19-1404, taken from other pretrial orders in this case, the imposition of a sentence is the final judgment for purposes of an appeal in a criminal case. *Midland Asphalt Corp. v. United States*, 489 U.S. 794, 798 (1989); *Flanagan v. United States*, 465 U.S. 259, 263 (1984); *United States v. Yeager*, 303 F.3d 661, 665 (6th Cir. 2002).

Accordingly, appeal Nos. 19-1909 and 19-1911 are **DISMISSED** for lack of appellate jurisdiction.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:16-cr-20799-1

HONORABLE STEPHEN J. MURPHY, III

RICHARD KNIDER JACKSON,

Defendant.

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**ORDER STRIKING DEFENDANT'S NOTICES OF APPEAL [195, 196]**

Defendant Richard Knider Jackson is charged with two counts of sex trafficking by force, fraud, or coercion in violation of 18 U.S.C. § 1591(a)(1). On July 29, 2019, the Court found that Defendant is not competent to represent himself and required him to proceed with court-appointed counsel. ECF 192, PgID 717. The Court then appointed Mr. Michael McCarthy to be Defendant's attorney. *Id.* On August 12, 2019, Defendant filed, on his own, interlocutory appeals. ECF 195, 196.

"Although the Sixth Amendment guarantees defendants the right to conduct their own defense and even represent themselves, the right of self-representation does not include the right to proceed in a hybrid manner" through both "counsel and *pro se*" motions. *United States v. Dehar*, No. 07-20558, 2008 WL 4937855, at \*1 (E.D. Mich. Nov. 14, 2008) (citing *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) and *United States v. Mosley*, 810 F.2d 93, 97–98 (6th Cir. 1987)) (internal citation omitted). The Court will strike the *pro se* appeals under those applicable points of

law and instructs Defendant that he "should seek relief from this Court through his Court-appointed attorney," Mr. McCarthy. *See id.*

**WHEREFORE**, it is hereby **ORDERED** that Defendant's notice of interlocutory appeal [195] is **STRICKEN**.

**IT IS FURTHER ORDERED** that Defendant's notice of interlocutory appeal [196] is **STRICKEN**.

**SO ORDERED.**

s/ Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: August 13, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 13, 2019, by electronic and/or ordinary mail.

s/ David P. Parker  
Case Manager

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from this filing is  
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Clerk's Office.**