

APPENDIX-A

APPENDIX-A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISON

UNITED STATES OF AMERICA

Plaintiff,

v.

Annamalai Annamalai, et al

Defendant(s).

No.1:13-cr-437-TCB-CMS

INTERESTED PARTY PARVATHI SIVANADIVAN'S REQUEST
FOR ADMISSIONS

To.

Byung J.pak

U.S.Attorney

Northern District of Georgia

75 Ted Turner Drive S.W. Suite

Atlanta Georgia-30303

COMES NOW, Parvathi Sivanadiyan (hereinafter Interested party/Agrieved party/Sivanadiyan) respectfully serving her'first request for admissions' concerning the pending 'forfeiture' proceedings, pursuant to Fed.R.Civ.P.36, 26(a)(1)(B)(if) and (1v).YOU have 30 days time to admit or otherwise, from the date of mailing of this document,Any of your failures in 'properly,' responding to the following request for admissions, will be considered later, as 'deemed admission(s)' and will be appropriately used by Parvathi Sivanadiyan to this action and also in any and all judicial, non-judicial, extra-judicial, quasi judicial, and arbitration proceedings against you and your 'privies' and or party in privity, if it deems appropriate to Parvathi Sivanadiyan.

Admission No.1

Admit that, your name is.
U.S.Attorney Pak

Byung J.Pak

and you are also known as

Response:

Admission No.2

Admit that, the forfeiture proceeding was initiated by you and or by your privies inclusive of United States Attorney for the Northern district of Georgia, in a malicious manner to unlawfully forfeit the properties as enumearted per the initial order of forfeiture (" pof ").

Response:

1.

E X H I B I T -

Evidence no-1

Admission No.3

Parvathi Sivanadiyan and Ashok Annamalai are the true owners of the following property:

(a) Real property located at 7600 Bayway Drive Baytown, Texas 77520. (Deed in the name of Mavles Yoga & Spiritual Healing Center, also known as Shiva Vishnu Temple of Texas and or Texas Krishna mandir.

(b). The real property located at 7522 Bayway Drive Baytown Texas 77520, deeded in the name of Ashok Spiritual Healing center, a Texas non profit corporation.

(c). Any and all real properties as per preliminary order of forfeiture (POF), which were shown as existing at the state of ohio and at the city of cleveland, Ohio

Response:-

Admission No. 4

Admit that, Ashok Annamalai is the sole owner of a land tract of approximately 10 acres located at Apple valley California as shown in the POF, and the defendant Annamalai Annamalai do not have any interest whatsoever in this property.

Response:-

Admission No.5

Admit that Parvathi Sivanadiyan is the sole owner of the real property located at 3220 Highway 27 North, Carrollton, Georgia 30117, & no one has any rights of whatsoever in any and by all means.

Response:-

Admission No.6

Admit that, the defendant Annamalai Annamalai was maliciously prosecuted by the U.S.Attorney's office of northern district of Georgia, which has caused the forfeiture action on the hand now.

Response:

Admission No.7

Admit that, defendant Annamalai Annamalai is an innocent Hindu High priest, man of honor, and he did not commit any of the crimes as shown in the indictment(s) in the criminal action no 1:13-cr-#37-TCB-CMS, and his conviction was secured with false pretences and in violation of suppressing several exculpatory materials favorable to Mr.Annamalai Annamalai (defendant).

Response:-

Admission No.8

Admit that; Annamalai Annamalai is being held under illegal custody of warden William True (Warden True) of BOP-MARION at Illinois, and also in violation of 18 U.S.C.3621(c), Bureau of Prisons program statement(s) 5800.18, Section 202; 5800.12, Section 203; 5 U.S.C.301, 18 U.S.C.4001.

Response:

Admission No.9

Admit that, as fair and just 'non monetary' compensation, YOU will take necessary legal steps to immediately 'release' Annamalai Annamalai (ANNAMALAI ANNAMALAI) from any and all custody by any of the federal government agencies and or by its contractors, inclusive of United States Government's privies.

Response:-

Admission No.10

Admit that, you " CONSENT & AGREE" that, Annamalai Annamalai will not be prosecuted again for any and all of his alleged commission and or omissions of any and all of his known and or unknown acts, which have occurred on or before March, 10th 2018 at all.

Response:

Admission No.11:-

Admit that, YOU gave 'deemed admissions' to admit various of your unlawful/illegal acts in an allied criminal case proceedings no.1:14-cr-391-TCB-1 per se.

Response:

Admission No.12:-

Admit that, the truth of the matters as requested and or shown in this document are with relates to the application of law to fact(s) or opinions about either genuiness of certain documents as ashown herein, or the facts as asserted herein.

Response:

Admission No.13:-

Admit that, the following individuals/corporations/business, do not have any interests in the properties as shown in the POE.

John A.Moon Sr
MOON CREDIT CORPORATION
UNITED STATES OF AMERICA
THOMPSON, O'BRIEN, KEMP & NASUTI PC
Albert M.Nasuti (Attorney at Law)
Patrick O'Brien (Attorney at Law)
UNITED STATES
United States

Response:

Admission No.14.

Admit that, the document attached hereto as "EVIDENCE PSA - 002" states the right material facts, and YOU DO NOT disagree with any of the items as stated in the EVIDENCE PSA - 002 now and ever at all.

Response:

Admission No.15

Admit that, the U.S.Attorney of Northern District of Georgia and or its prosecutors Mr.Samir Kaushal, and or Steven D.Grimberg, knowingly and wilfully caused to violate the N.D.Ga Local Rule 12.1(E) (1), 21 U.S.C.853(n), Fed.R.Crim.P.32.2(d), and thereby caused to 'release' the properties belonging to Parvathi Sivanadiyan, inclusive of properties located at 7600 bayway drive, baytown, Texas-77520 and 3220 Hwy 27 North Carrollton, GA-30117, and caused an injury in fact for Parvathi Sivanadiyan..

Response:

Respectfully Submitted on 10th February 2018.

A.D.M
Parvathi Sivanadiyan
Old no.48; New No.61
sathyamoorthi Road
Coimbatore-641009: INDIA
E-Mail: sparu32@gmail.com

VERIFICATION

Parvathi Sivanadiyan verifies under penalty of perjury under the laws of the United States that, the foregoing are True and Correct.

10th February, 2018.

A.D.M
Parvathi Sivanadiyan

CERTIFICATE OF SERVICE

Sivanadiyan certifies that, this document is caused to be mailed to the party as shown in the first page of this document, with the request for admissions to the court, to get filed in this action, via first class mail, postage being prepaid.

10th February 2018

A.D.M
Parvathi Sivanadiyan
Old No.48, New No.61
Sathyamoorthi Road
Coimbatore-641009
INDIA

The following are the Short list of the properties which were illegally searched and seized by the Government with the help of its party (a) in privilios.(All the Gods are Granite made, Handcrafted, and religiously initiated for years; unless otherwise noted herein below. The weights are only approximate weights.

No.	NAME OF THE PROPERTY (S)	WEIGHT/SEIZE/ QTY	VALUE IN U. S. DOLLARS
1.	SHIVA LINGAM	2 TONS LBS	50,000.00
2.	SHIVA NANDHI	250 LBS	10,000.00
3.	SHIVA NANDHI	2 TONS LBS	50,000.00
4.	LORD BALAJIAVISHNU	2 TONS AND 6 FEET HEIGHT	1,00,000.00
5.	LORD GANESHA	350 LBS	35,000.00
6.	LORD MAHARAJA, LORD GURU AND LORD SANI	50 LBS EACH (\$5000 X 3 PCS)	15,000.00
7.	GODDESSES PRATYANKARA, SOOLINI, AND SARABESWARA - SET	400 LBS AS SET	45,000.00
8.	GODS MADE OUT OF 24 CT. GOLD WITH 0.99% PURE SILVER	110 PCS @ 35,000.00 EACH	3,360,000.00
9.	ART-EFFECTS-WOOD INLAYER GODS HANGINGS	6' X 4' SIZE 50 PCS @ 10,000 EACH	500,000.00
10.	CASH HELD IN THE TEMPLE'S HUNDI (Hundi (CASH DONATION BOX (- It refers about the cash offerings made by the thousands of temple- devotees.	3, 11, 697.40	
	from July 2015 to August 2016, which were counted until, THE PROPERTY was illegally taken)		
11.	TV SETS	20 PCS @ 300.00 EACH	6,000.00
12.	TRADE SECRETS AND INTELLECTUAL PROPERTIES KEPT IN THE FORMAT OF PAPER FILERS, FOLDERS, CD-ROMS AND DVDS, (WHICH ALSO CONTAINED OVER THREE MILLION - FOLDERS NAMES, ADDRESSES E-MAILS, FINANCIAL DATA'S, AND OTHER PRIEST-PENITENT PRIVILEGED - INFORMATION'S AND INCLUSIVE OF 7392 BUNDLES OF ANCIENT OLD HINDU ATHARVA VEDA SECRET - PRACTICES, HERBAL MEDICINES, AND FORMULAS, DIAGRAMS, TECHNIQUES TO HEAL ALL KINDS OF CANCER, SEXUAL PROBLEMS, AUTISMS, SKIN RELATED PROBLEMS ETC. Value US 7 Billion.		
13.	AIR CURTAINS, MOBILE AIR CONDITIONERS	TOTAL OF 20 PCS @ 500 EACH	10,000.00
14.	CCTV CAMERS - UNITS WITH 32 NIGHT VISION CAMERAS AND TWO RECORDERS WITH TWO (2) 32" TVs		15,000.00
15.	SEVERAL BOXES OF OFFICE SUPPLIES, TWO NAME SIGNAGE BOARDS OF THE TEMPLES AND 40' SEA CONTAINER 24 OFFICE COMPUTERS AND 20 COPIERS AND PRINTERS AND 24, OFFICE LEATHER CHAIRS, DINING TABLES, KITCHEN UTENSILS, THREE SOFAS, COUCHES (LEATHER) AND THREE BED ROOM SETS OF 5 PCS SET PLACED IN THE TEMPLE'S GUEST QUARTERS FOR THE PRIESTS.		75,000.00

Evidence PSA -002

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISON

UNITED STATES OF AMERICA

Plaintiff,

v.

Annamalai Annamalai, et al

Defendant(s).

No.1:13-cr-437-TCB-CMS

INTERESTED PARTY PARVATHI SIVANADIYAN'S REQUEST
FOR ADMISSIONS

To.

Samir Kaushal
Assistant U.S. Attorney
Northern District of Georgia
75 Ted Turner Drive S.W. # 600
Atlanta Georgia-30303

COMES NOW, Parvathi Sivanadiyan (hereinafter Interested party/Aggrieved party/Sivanadiyan) respectfully serving her first request for admissions concerning the pending 'forfeiture' proceedings, pursuant to Fed.R.Civ.P.36, 26(a)(1)(B)(ii) and (iv). YOU have 30 days time to admit or otherwise, from the date of mailing of this document. Any of your failures in 'properly' responding to the following request for admissions, will be considered later, as 'deemed admission(s)' and will be appropriately used by Parvathi Sivanadiyan to this action and also in any and all judicial, non-judicial, extra-judicial, quasi judicial, and arbitration proceedings against you and your 'privies' and or party in privity, if it deems appropriate to Parvathi Sivanadiyan.

Admission No.1

Admit that, your name is. Samir Kaushal

Response:

Admission No.2

Admit that, the forfeiture proceeding was initiated by you and or by your privies inclusive of United States Attorney for the Northern district of Georgia, in a malicious manner to unlawfully forfeit the properties as enumerated per the initial order of forfeiture ("POF").

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EXHIBIT -

Evidence no-2

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Albert M. Nasuti (Attorney at Law)
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10th February 2018

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Evidence PSA -002

1/4

1 MR. GRIMBERG: Let me just first address the bank
2 fraud loss. And just so we are clear, what the government
3 intended to do to demonstrate loss would take less than an
4 hour. It would be calling a case agent who has reviewed all
5 of the credit card dispute files that we have, and they total
6 approximately 90 complete dispute files, and they would
7 testify as to the similar markings that those files have with
8 the exhibits and the evidence that were admitted at trial.

9 If you recall, Your Honor, we heard from about eight
10 victims. And each of them told remarkably similar stories
11 about what had happened to them, either interactions with the
12 defendant, with the Hindu Temple, and then with the
13 documentation that was submitted to their credit card company,
14 which forms the basis for the bank fraud.

15 If you recall, there were documents including, there
16 was sort of a form letter, as well as a certified mail
17 receipt, and a fake invoice that were all submitted over and
18 over and over again. And we saw more certified mail receipts
19 than we ever cared to see during the trial.

20 What we have now are, again, a total of approximately
21 90 complete dispute files. And what I will proffer to you,
22 Your Honor, is what the agent will testify to, is that each of
23 those files on the paper alone have those same bearings of
24 fraud.

25 They have that form letter that was submitted by the

Gigi Simcox, RMR, CRR

Evidence no. 004

Case: 18-13071 Date Filed: 10/24/2018 Page: 48 of 50
United States V. Annamalai (1:130cr-437-TCB-CMS) Testimony of Mr. Stephen 41
Langamandel (IRS Special Agent) given at sentencing of Annamalai
about the Fraud and Fraud loss11 (See lines 4 to 17 especially).

1 AMAZON WOULD SHOW, LOOK, THE PRODUCT WAS SHIPPED, HERE IS.
2 THE SHIPPING LABEL.

3 A. CORRECT.

4 Q. BUT YOU ASSUME THAT EVERY SINGLE PERSON FOR WHOM THERE
5 WAS AN INVOICE, A MAIL RECEIPT, OR A LETTER WAS DEFRAUDED.
6 EVERY ONE.

7 A. I WON'T SAY DEFRAUDED. THEIR PATTERN MATCHED THAT OF
8 WHAT WAS PROVEN DURING TRIAL.

9 Q. SO YOU AGREE THERE IS NOT EVIDENCE OF FRAUD WITH THE 55,
10 IT IS JUST THESE PEOPLE HAD DISAGREEMENTS WITH THE CREDIT
11 CARD COMPANY AND THEY HAD THE TYPICAL PAPERWORK IN IT THAT
12 YOU WOULD FIND FROM ANY DISPUTE. CORRECT?

13 A. CORRECT.

14 Q. WELL, LET ME ASK YOU TO KIND OF EMPHASIZE THAT FOR ME.
15 YOU WOULD AGREE WITH ME THAT WE CAN'T IDENTIFY THOSE 55
16 PEOPLE AS BEING DEFRAUDED?

17 A. RIGHT.

18 Q. NOW, THE NEXT STEP IS TO GET FROM THOSE 55 UP TO THE
19 MUCH LARGER NUMBER, NOT OF VICTIMS, BUT OF MONEY, WHICH IS
20 THE 536,000; CORRECT?

21 A. CORRECT.

22 Q. SO AGAIN, WE STARTED WITH EIGHT, THE EIGHT PEOPLE WHO
23 TESTIFIED -- SAY "YES" OR "NO" PLEASE.

24 A. YES.

25 Q. WE EXPANDED THAT TO 55 PEOPLE WHO HAD CHARACTERISTIC

NO FRAUD COMMITTED BY
Annamalai Annamalai

U.S. DISTRICT COURT
LORI BURGESS, RMR



Federal Deposit Insurance Corporation
1500 K Street, NW, Washington, DC 20429-3501

Legal Division

March 25, 2019

Arumalai Annamalai
Reg. ID # 56820-379
USP - MARION
P.O.Box-1000
Marion, IL 62259

FDIC FOIA Log Number 19-0143

Dear Arumalai Annamalai:

This will respond to your letter dated March 7, 2019, which we are processing pursuant to the provisions of the Freedom of Information Act ("FOIA"), 5 U.S.C. §552. In your letter, you ask the following:

Request you to provide me with the "status" of the following business entities about whether they are FDIC-insured financial institutions or not? I have given the "exact names" of those entities as follows:

Merchant Warehouse/Merchant Warehouse Inc.
Discover Financial Services Inc.
Capital One Financial Services, LLC
American Express Merchant Services
Discover
American Express
Capital One
Mitsum Merchant Services Inc./Micamp Merchant Services
Merchant Services/Merchant Services Inc.
Bankcard Merchant Services Inc./Bancard Merchant Services
Elavon Merchant Services Inc., Elavon

The FOIA does not require that an agency conduct research, answer questions, or provide information that has already been made publicly-available on our website. As a one-time courtesy, however, I provide the following information.

The FDIC is a regulator and an insurer of deposits at the nation's financial institutions. None of the entities you list are FDIC-insured financial institutions. Therefore, the FDIC would not have agency records under its custody or control relating to these entities.

Since your request does not seek access to FDIC agency records, it cannot be processed further, and we are administratively closing our file on your request. I trust you will find this information helpful.

Sincerely,

Lisa M. Snider

Lisa M. Snider
Government Information Specialist
FOIA/Privacy Act Group, Legal Division



Federal Deposit Insurance Corporation
550 17th Street, NW, Washington, DC 20429-3337

Legal Division

August 6, 2019

Annamalai Annamalai
Reg. ID # 56820-379
USP - MARION
P.O. Box-1000
Marion, IL 62959

FDIC FOIA Log Number 19-0263

Dear Annamalai Annamalai:

This will respond to your letter dated July 21, 2019, which we are processing pursuant to the provisions of the Freedom of Information Act ("FOIA"), 5 U.S.C. §552. In your letter, you ask the following:

According to your correspondence, I would like you to "clarify" it from the year January 2008 and until March 25, 2019, which is the date of your response, are any of the following entities which are listed as follows, where they ever under FDIC insured, "Financial Institutions?"

Merchant Warehouse/Merchant Warehouse Inc.
Discover Financial Services Inc.
Capital One Financial Services LLC
American Express Merchant Services
Discover
American Express
Capital One
Microm Merchant Services Inc./Microm Merchant Services
Merchant Services/Merchant Services Inc.
Bankcard Merchant Services Inc./Bankcard Merchant Services
Elavon Merchant Services Inc., Elavon

The FOIA does not require that an agency conduct research, answer questions, or provide information that has already been made publicly-available on our website. As a one-time courtesy, however, we provided you with federal deposit insurance information on this same list of entities. That information was provided to you in our March 25, 2019 response to your previous FOIA Request #19-0143.

As you have requested clarification of our last response, I offer the following with regard to "Capital One," which you have again included on your list. As written, "Capital One" could refer to any one of several different entities which are not FDIC-insured, including "Capital

One," the credit card, "Capital One Financial Corporation," a financial holding company, and "Capital One Financial Services, LLC," a financial services company. If the "Capital One" you are referencing in your list is any one of these three entities, please be advised that these entities are not FDIC-insured banks.

There are also two "Capital One" national banks which are open and operating, and are FDIC-insured. Our records show that FDIC certificate #4297, Capital One, National Association, headquartered in Fairfax, Virginia, became insured by the FDIC on January 1, 1934, and has continued to be FDIC-insured through the present. Our records further show that FDIC certificate #33954, Capital One Bank (USA), National Association, headquartered in Glen Allen, Virginia, became insured by the FDIC on November 22, 1994, and has continued to be FDIC-insured through the present.

Enclosed please find printouts for the two, FDIC-insured banks. The remainder of the entities you have listed are not FDIC-insured financial institutions.

This completes the processing of your request. You may contact me at (703)-562-2761, or lsnyder@fdic.gov, or our FOIA Public Liaison, FDIC Ombudsman M. Anthony Lowe at MLowe@FDIC.gov or by telephone at (312) 382-7552, for any further assistance and to discuss any aspect of your request.

Sincerely,

Lisa M. Snider

Lisa M. Snider
Government Information Specialist
FOIA/Privacy Act Group, Legal Division

Enclosures

UNITED STATES OF AMERICA, Plaintiff-Appellee, versus ANNAMALAI ANNAMALAI, a.k.a. Dr. Commander Selvam, a.k.a. Swamiji Sri Selvam Siddhar, Defendant-Appellant. UNITED STATES OF AMERICA, Plaintiff-Appellee, versus ANNAMALAI ANNAMALAI, a.k.a. Dr. Commander Selvam, a.k.a. Swamiji Sri Selvam Siddhar, Defendant-Appellant, PARVATHI SIVANADIYAN, Interested Party-Appellant. UNITED STATES OF AMERICA, Plaintiff-Appellee, versus ANNAMALAI ANNAMALAI, a.k.a. Dr. Commander Selvam, a.k.a. Swamiji Sri Selvam Siddhar, Defendant-Appellant.

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

2019 U.S. App. LEXIS 7087

No. 18-13071-DD, No. 18-14115-DD, No. 18-14292-DD

March 8, 2019, Decided

Editorial Information: Prior History

{2019 U.S. App. LEXIS 1} Appeals from the United States District Court for the Northern District of Georgia. *United States v. Annamalai*, 2018 U.S. App. LEXIS 30440 (11th Cir. Ga., Oct. 26, 2018)

Counsel

For United States of America, Plaintiff - Appellee (18-13071): Samir Kaushal, Christopher Conrad Bly, Jane Elizabeth McBath, U.S. Attorney Service - Northern District of Georgia, U.S. Attorney's Office, Atlanta, GA.

Annamalai Annamalai, a.k.a.: Commander Selvam, a.k.a.: Swamiji Sri Selvam Siddhar, Defendant - Appellant (18-13071), Pro se, Marion, IL.

For United States of America (18-14292, 18-14115), Plaintiff - Appellee: Christopher Conrad Bly, Samir Kaushal, Jane Elizabeth McBath, Erin N. Spritzer, Jenny R. Turner, U.S. Attorney Service - Northern District of Georgia, U.S. Attorney's Office, Atlanta, GA.

Annamalai Annamalai, a.k.a.: Dr. Commander Selvam, a.k.a.: Swamiji Sri Selvam Siddhar, Defendant - Appellant (18-14292), Pro se, Marion, IL.

Annamalai Annamalai, Defendant - Appellant (18-14115), Pro se, Marion, IL.

Parvathi Sivanadiyan, Interested Party - Appellant (18-14115), Pro se, Ram Nagar, Colmbatore.

Judges: Before JORDAN, BRANCH, and GRANT, Circuit Judges.

Opinion

BY THE COURT:

The government's motion to dismiss appeal Nos. 18-13071 and 18-14115 for lack of jurisdiction is DENIED. The government's alternative request{2019 U.S. App. LEXIS 2} to consolidate these appeals is DENIED as moot in light of our January 8, 2019 order.

In No. 18-13071, Annamalai Annamalai challenges a June 1, 2018 omnibus order disposing of 16 post-judgment motions. We have already dismissed a portion of this appeal for lack of jurisdiction. In No. 18-14115, Mr. Annamalai and Parvathi Sivanadiyan challenge a September 11, 2018 omnibus order disposing of ten post-judgment motions, and their opening brief in that appeal largely attacks Mr. Annamalai's criminal indictment. The government contends that these two appeals should be

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Evidence no-008

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dismissed because the district court lacked jurisdiction to entertain the postjudgment motions that are the subject of the omnibus orders, and because they are duplicative of Mr. Annamalai's direct appeal, which remains pending.

We express no opinion whether the district court retained jurisdiction to entertain or deny any of the 26 postjudgment motions that were disposed of in the omnibus orders. However, even if the district court lacked such jurisdiction, as the government contends, we would nevertheless retain jurisdiction over these appeals to review the issue of the district court's jurisdiction. *See Boyd v. Homies of Legend, Inc.*, 188 F.3d 1294, 1298 (11th Cir. 1999). To the extent the government contends that the district court lacked jurisdiction to enter the omnibus orders, in whole or in part, nothing shall preclude the government from raising such arguments in its response brief. In addition, although the two appeals at issue attack the indictment, they are not duplicative of Mr. Annamalai's direct appeal because they involve free-standing postjudgment motions. *See Mayer v. Wall St. Equity Grp., Inc.*, 672 F.3d 1222, 1224 (11th Cir. 2012). We therefore decline to exercise our inherent administrative power to dismiss these appeals as duplicative.

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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13071-DD

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANNAMALAI ANNAMALAI,
a.k.a. Dr. Commander Selvam,
a.k.a. Swamiji Sri Selvam Siddhar,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: JORDAN, BRANCH, and TJOFLAT, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. (FRAP 35) The Petition for Panel Rehearing is also denied. (FRAP 40)

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Nos. 18-13071, 18-14115, & 18-14292
Non-Argument Calendar

D.C. Docket No. 1:13-cr-00437-TCB-CMS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANNAMALAI ANNAMALAI,
PARVATHI SIVANADIYAN,

Defendants-Appellants.

Appeals from the United States District Court
for the Northern District of Georgia

(November 18, 2019)

Before TJOFLAT, JORDAN, and BRANCH, Circuit Judges.

PER CURIAM:

In *United States v. Annamalai*, No. 15-11854, 2019 WL 4621970 (11th Cir. Sept. 24, 2019), we resolved Annamalai Annamalai’s direct criminal appeal. We set aside a number of his convictions, as well as his sentence, and remanded for resentencing. In this appeal, Mr. Annamalai and one of his co-defendants, Parvathi Sivanadiyan, challenge the denial of their post-trial motions.

For the reasons which follow, we affirm. We assume the parties’ familiarity with the record, and set out only what is necessary to resolve these appeals.¹

1. The appellants contend that the district court could not rule on their post-trial motions without first referring them to a magistrate judge under Local Criminal Rule 12.1(E)(1) for the Northern District of Georgia. This argument fails because Rule 12.1(E)(1) applies to “pleadings and motions before trial.”

2. The appellants argue that they were entitled to certain documents under the Jencks Act, 18 U.S.C. § 3500. But they do not explain how these documents would help them, and as a result they are not entitled to relief on appeal. *See, e.g., United States v. Hameker*, 455 F.3d 1316, 1327 (11th Cir. 2006) (affirming denial of post-trial motion under the Jencks Act in part because the “non-disclosure of th[e] material[s] did not prejudice Appellants in any way”).

¹ We deny Mr. Annamalai’s motion to supplement the record in Nos. 18-14115 and 18-14292. We also deny Mr. Annamalai’s motion to expedite.

3. Mr. Annamalai challenges the district court's denial of his motion to strike the criminal judgment from the record. This claim is moot given our decision in *Annamalai*, 2019 WL 4621970, at *16, which requires that Mr. Annamalai be resentenced and that a new judgment be entered.

4. Mr. Annamalai says that the district court should have referred Agent Langmendel for investigation. We disagree. In fact, the portion of Agent Langmendel's testimony that Mr. Annamalai relies on is consistent with our explanation in *Annamalai*, 2019 WL 4621970, at *15-*16, that not all of the followers of the Hindu Temple were necessarily defrauded.

5. Mr. Annamalai asserts that the district court violated the Speedy Trial Act. We are not persuaded. First, a claim under the Act had to be asserted before trial, and then on appeal. *See, e.g.*, 18 U.S.C. § 3162(a)(2). Second, even if the argument was not waived, the trial took place within 70 non-excludable days of the indictment, so the Act was not violated.

6. Mr. Annamalai contends that there was insufficient evidence to support his convictions for bank fraud and filing a false federal tax return. He also asserts that venue was improper for the false tax return charge. But he did not challenge those convictions on direct appeal, and therefore cannot attack them after trial absent a showing of cause and prejudice or a fundamental miscarriage of justice. *See*

generally *United States v. Frady*, 456 U.S. 152, 167-68 (1982); *Mills v. United States*, 36 F.3d 1052, 1055-56 (11th Cir. 1994)

7. Mr. Annamalai argues that his convictions for bankruptcy fraud, conspiracy to commit bankruptcy fraud, money laundering, and conspiring to harbor a fugitive should be reversed for a number of reasons. These arguments are moot given our decision in *Annamalai*, 2019 WL 4621970, at *5-*14, in which we set aside these convictions.

8. Mr. Annamalai makes a number of claims relating to ineffective assistance of counsel. The record is not properly developed as to these claims, so we decline to address them at this time. *See United States v. Andrews*, 953 F.2d 1312, 1327 (11th Cir. 1992).

AFFIRMED.²

² As to any arguments not specifically addressed in this opinion, we summarily affirm.

**UNITED STATES COURT OF APPEALS
For the Eleventh Circuit**

Nos. 18-13071 ; 18-14115 ; 18-14292

District Court Docket No.
1:13-cr-00437-TCB-CMS-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANNAMALAI ANNAMALAI,
PARVATHI SIVANADIYAN,

Defendant - Appellant.

Appeals from the United States District Court for the
Northern District of Georgia

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: November 18, 2019
For the Court: DAVID J. SMITH, Clerk of Court
By: Jeff R. Patch

Addendum-1
[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Nos. 18-13071, 18-14115, & 18-14292
Non-Argument Calendar

D.C. Docket No: 1:13-cr-00437-TCB-CMS-1

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Plaintiff-Appellee,

versus

ANNAMALAI ANNAMALAI,
PARVATHI SIVANADIYAN,

Defendants-Appellants.

Appeals from the United States District Court
for the Northern District of Georgia

(November 18, 2019)

Before TJOFLAT, JORDAN, and BRANCH, Circuit Judges.

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