

IN THE SUPREME COURT  
UNITED STATES OF AMERICA

No. 4:20-CV-168-A  
No. 20-10690

In re: MARK MARVIN, Et al. Petitioner(s)

Against

THE COURT OF APPEALS FOR THE FIFTH UNITED STATES CIRCUIT,  
Et al. Defendants

APPENDIX

A-1,2,3 Court of Appeals Dismissal, final

B, Westlaw search court rules (second) : No sample brief November 19, 2020

C, CA-5, Refusal to send sample brief October 22, 2020

D-1,2, Plaintiff letter requesting sample brief, October 19, 2020

E, CA-5 letter refusal to send brief, see letter, October 15, 2020

F, Memorandum, October 15, 2020: brief due October 20, 2020

G, Plaintiff letter to U.S.D.C. requesting copy of record, October 6, 2020

H, Plaintiff letter to CA-5, request for sample brief, October 6, 2020

I, CA-5 letter on Record, October 02, 2020

J, Plaintiff request for sample brief, September 26, 2020

K-1,2,3, CA-5, letter of insufficient briefs, September 23, 2020

L, Plaintiff letter requesting sample briefs, September 12, 2020

M-1,2 CA-5 letter deficient briefs, Sept 01,2020

N-1,2, CA-5, letter of deficient briefs, August 17, 2020

O-1,2, CA-5, letter of deficient briefs, August 17, 2020

P-1,2, CA-5, letter of deficient briefs, August 17, 2020

Q, Plaintiff's letter upon filing briefs, "libraries are closed" August 10, 2020

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 30, 2020

Ms. Karen S. Mitchell  
Northern District of Texas, Fort Worth  
United States District Court  
501 W. 10th Street  
Room 310  
Fort Worth, TX 76102

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

By:

Lisa E. Ferrara, Deputy Clerk  
504-310-7675

cc w/encl:  
Mr. Mark Marvin

A-1

United States Court of Appeals  
for the Fifth Circuit

---

No. 20-10690

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MARK MARVIN, AND *on behalf of* MARJORIE MARVIN,

*Plaintiff—Appellant,*

*versus*

UNITED STATES BUREAU OF PRISONS; MICHAEL CARR,  
WARDEN; KATHLEEN HAWK SAWYER, DIRECTOR; JANE DOE;  
JOHN DOE,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:20-CV-168

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CLERK'S OFFICE:

Under 5<sup>TH</sup> CIR. R. 42.3, the appeal is dismissed as of October 30, 2020, for want of prosecution. The appellant failed to timely file record excerpts.

The brief also remains insufficient as noted in this court's letter dated August 17, 2020. If appellant moves to reopen the appeal, both record excerpts and a sufficient brief must accompany any motion to reopen this appeal.

A-2

20-10690

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Lisa E. Ferrara*

By: \_\_\_\_\_  
Lisa E. Ferrara, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

A-3

(laws + court rules)  
not case law

Search: Court of Appeals  
sample brief

5 (10)

Nov 19 '20

None

NARROW:

Back to Texas Statutes & Court Rules

Texas Statutes & Court Rules (50)

Set Default

RELATED DOCUMENTS

Select Multiple Filters

Search within results

1 - 20

Sort by: Relevance

Select all items No items selected

Jurisdiction

Texas 50

Content Type

Constitutions 7  
Court Rules 17  
Statutes 26

Date

All

Statute Title

Business and Commerce Code 3  
Civil Practice and Remedies Code 7  
Code of Criminal Procedure 7  
Constitution of the State of Texas 1876 7  
Estates Code 1

Statute Titles

Form Type

Text Forms 1

Select Multiple Filters

Search other sources:

News  
Dockets  
Intellectual Property  
Public Records  
Company Investigator

Did you mean: Court of Appeals 5 cir sample brief

1. § 19. Deprivation of life, liberty, etc.; due course of law

TX CONST Art. 1, § 19 Vernon's Texas Statutes and Codes Annotated

Vernon's Texas Statutes and Codes Annotated  
Constitution of the State of Texas 1876  
Article I. Bill of Rights

...Defendant's challenge on **appeal** that admission of closed **circuit** television testimony of minor complaining witness violated his due process and due course of law rights was not adequately **briefed** and thus could not be considered by Court of **Appeals**, where defendant's **brief** failed to provide any argument or authorities to support the issue....

...Not only must a parent be allowed to **appeal** the termination of his or her parental rights, but that **appeal** must be meaningful, as the Fourteenth Amendment requires that state procedures do not extend to some an **appeal** that is only a meaningless ritual while others have a meaningful **appeal**....

2. § 10. Rights of accused in criminal prosecutions

TX CONST Art. 1, § 10 Vernon's Texas Statutes and Codes Annotated

Vernon's Texas Statutes and Codes Annotated  
Constitution of the State of Texas 1876  
Article I. Bill of Rights

...Appeals ...

...Where court of criminal **appeals**, on **appeal** from robbery by assault conviction, instructed trial court to see that defendant's trial counsel prepared **brief** on his behalf or to appoint another attorney to act for him on **appeal**, and new counsel was appointed and filed **brief** in which all arguably legal points apparent from record and from independent investigation were presented, but were found to be without merit, and defendant was furnished copy of **brief**, mandate of United States Supreme Court decision respecting appointment of counsel to assist defendant in prosecuting **appeal**...

3. § 13. Excessive bail or fines; cruel and unusual punishment; remedy by due course of law

TX CONST Art. 1, § 13 Vernon's Texas Statutes and Codes Annotated

Vernon's Texas Statutes and Codes Annotated  
Constitution of the State of Texas 1876  
Article I. Bill of Rights

...Provision of city ordinance authorizing **appeal** within ten days of entry of order of Housing Standards Commission (HSC) did not restrict unreasonably and arbitrarily property owners' ability to take **appeal** so as to result in unconstitutional denial of property owners' right to access to courts, where, other than their claim that ordinance providing right of **appeal** violated enabling act which was silent on issue of **appeals**, property owners did not suggest, much less contend, that they attempted to **appeal** from order or that time allowed for **appeal** restricted or in any way infringed on their ability to take **appeal**...

Secondary Sources

§ 48.4. Testator's intention to dispose of property not testator's own—Spouse's community estate

Texas Practice Series TM

...The five children of the first marriage owned the remaining undivided one-half interest in equ shares....

§ 608. Omitted property

Texas Practice Series TM

...That court granted the district's cross motion for summary judgment and the owner **appealed** to the court of **appeals**....

§ 203. Recovery of damages—As against third person

Texas Jurisprudence, Third Edition

...As to the elements of conversion see Tex. Jur. 3d, Conversion §§ 5 16....

Briefs

Respondents' Brief on the Merits

NORTH AMERICAN MORTGAGE COMPANY, Petitioner, v. Donald L O'HARA, Jr. and others, Respond Supreme Court of Texas. January 29, 2004

...However, section 22.225(c) vests jurisdiction in the Supreme Court an interlocutory **appeal** "in which of the courts of **appeals** holds differently from prior decisions of another court of **appeals** or of the supreme court ....

Appellant's Initial Brief

Gregorius BROWN, Appellant, v. Gloria BROWN, Appellee. Court of Appeals of Texas, Houston First District. July 24, 2020

...Appellant's Notice of **Appeal** was timely filed on April 30th, 2020....

Trial Court Documents

Plaintiffs' Brief Concerning the Admissibility of Other Incidents Evidence

Amanda and Alan KOHUTEK,

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 22, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We received your letter requesting a copy of a sample brief on 10/16/20. In light of it is a duplicate request of the 10/13/20 letter, we are taking no action on this letter.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

By: \_\_\_\_\_  
Lisa E. Ferrara, Deputy Clerk  
504-310-7675

C

Def Brief - 1  
Sent Oct 20 2020

October 19, 2020

Clerk, Att. Lisa Ferrara, Deputy Clerk  
U.S. Court of Appeals  
F. Edward Herbert Building  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

Re: Marvin v. U.S. Bureau of Prisons, et al. 20-10690

To the Court:

I have received this Court's letter dated: October 15, 2020.

I note that you have not included a copy of the sample brief (Rule 28.7(b) ). I did not understand the "guidance letter for proper record references". That is why I need to see a sample brief. I do not have sufficient access to your web site because I cannot afford at home internet, and in our area of the country we are experiencing a Covid health crisis which has shut down all but minimal public access computers at libraries.

Therefore please send me a copy of the sample brief.

You may not have noticed, but my case was decided *sua sponte*. There is no extensive Opinion in the record. It says basically "dismissed."

I have made out a *prima facie* case that the defendants had a legal obligation to return my wife's body to me with her death. The defendants refused to deal with me, and defaulted on my petition and on their obligation to answer my brief. Therefore they are in default at all levels. "In that event, the court must award judgment to the plaintiff as a matter of law under Federal Rule of Civil Procedure 50(a)(1) ... or 52(c) ...." (*St. Mary's Honor Center v. Hicks*, 1993, 509 U.S. 502, 509, 113 S.Ct. 2742, 2748)

"Although judgment by default is considered an extreme sanction, if defendant demonstrates 'flagrant bad faith and callous disregard of its

1-1

responsibilities' the district court's choice to enter a default judgment is not an abuse of discretion." (*U.S. v. Dajj Ranch*, CA-5, 1993, 988 F.2d 1211) (See also: *Sindhi v. Raina*, CA-5, 2018, 905 F.3d 327, *Wooten v. McDonald Transit*, 2015, CA-5, 788 F.3d 490, also *Wooten* 2015, CA-5, 775 F.3d 689, *Lacy v. Sitel Corp.* CA-5, 2000, 227 F.3d 290, *Charlton L. Davis & Co. v. Fedder Data*, CA-5, 1977, 556 F.2d 308,)

The defendants have earned a default judgment.

Since "the only remaining deficiency in (my) brief is improper references to the proper record references" and since there is no opinion other than "dismissed" the court suffers no hardship and the defendants suffer no prejudice, it would seem prudent and just to waive that deficiency. If not, kindly send me a copy of the sample brief, which is in the Court rules, and the Court disregards while holding me to a minimal violation. (The U.S.S.C. and the Circuit Courts in the First, Second, Third, and Fourth never demanded such draconian compliance for my *pro se* submissions) (Note: *Bankers Life & Casualty, v. Holland*, 1953, 74 S.Ct 145)

Thanking you for your kind attention, I am  
very truly yours,

Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586  
845-778-4693

To:  
Department of Law, United States Bureau of Prisons,  
Federal Bureau of Prisons,  
320 First Street NW, Washington, D.C. 20534  
P.S. Your return date is impossible to comply with.

(30)

15-2



***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 15, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We are in receipt of your letter dated October 6, 2020  
requesting a copy of a sample brief.

As outlined in the clerk's letter dated September 23, 2020, the  
only remaining deficiency in your brief is improper references  
to the record. That letter attached a copy of the guidance for  
the proper record references. Please refer to this guidance in  
correcting your record citations.

Sample briefs may be viewed on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov),  
under the tabs Forms, Fees & Guides, Guides, Brief Guidance and  
Sample Briefs.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

By: \_\_\_\_\_  
Lisa E. Ferrara, Deputy Clerk  
504-310-7675

E

**FIFTH CIRCUIT  
OFFICE OF THE CLERK**

**TEL. 504-310-7700**  
**600 S. MAESTRI PLACE,**  
**Suite 115**  
**NEW ORLEANS, LA 70130**

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

The court has taken the following action in this case: The deadline to return a sufficient brief is extended to October 20, 2020.

LYLE W. CAYCE, Clerk

By:

By: Lisa E. Ferrara, Deputy Clerk  
504-310-7675

Mr. Mark Marvin

5

Mark to USBC WDTX  
Oct 6 '20  
a7

October 6, 2020

United States District Court  
Northern District of Texas  
501 West Tenth Street, Room 310  
Fort Worth, Texas 76102-3673

Re: Marvin v. U.S. Bureau of Prisons, etc.  
No. 4:20-CV- 168A  
20-10690

To the Court:

The Court of Appeals has advised me that I should obtain a copy of the Record on appeal in this matter. So, please provide me with a copy of the Record as soon as possible. I am so anxious to resolve this matter and have my beloved wife home as soon as possible.

I wonder if there are other cases where relatives remains are wrongly disposed of by the Bureau of Prisons?

Thanking you for your gracious cooperation, I am  
very truly yours,

Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586  
845-778-4693

E

Mark

Re (H)  
Oct 6 '20  
a7

October 6, 2020

Clerk, Att. Claudia N. Farrington  
U.S. Court of Appeals  
F. Edward Herbert Building  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

Re: Marvin v. U.S. Bureau of Prisons, et al. 20-10690

To the Court:

I am in receipt of your letter dated: October 02, 2020 and I still have not received a copy of the Sample Brief (Rule 28.7(b) which I am constantly being told I am not consistent with. I am so very eager to complete my appeal.

Please send me the sample brief as soon as possible.

I wonder if there are other cases where the defendants have improperly disposed of inmate remains?

Thanking you for your kind attention, I am  
very truly yours,

Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586  
845-778-4693

H

# *United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 02, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690 Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We are in receipt of your letter dated September 26, 2020 requesting the record on appeal. You may make your request for the record directly to the district court.

As advised in the Court's notice of July 31, 2020 pro se litigants may request the record from the district court to prepare their brief. Those proceeding in forma pauperis may receive the record without payment of shipping costs. If you wish to receive exhibits, you must specifically request them.

Sincerely,

LYLE W. CAYCE, Clerk

*Claudia N. Farrington*

By: \_\_\_\_\_

Claudia N. Farrington, Deputy Clerk  
504-310-7706

I

September 26, 2020

Clerk  
U.S. Court of Appeals  
F. Edward Herbert Building  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

Re: Marvin v. U.S. Bureau of Prisons, et al.

To the Court:

I am in receipt of the letter of the Deputy Clerk Renee McDonough dated September 23, 2020. The letter has not included the sample brief (rule 28.7(b) ) and a copy of the record I requested. I am eager to complete the submission requirements, kindly forward same.

If in fact, the court is obstructing my access to this Court, kindly say so (?) and I will move on.

“In an organized society (access to the courts) is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship” (*Chambers v. Baltimore & Ohio R.R.* 207 U.S. 142, 148, 28 S.Ct. 34 (1907). The right not only protects the ability to get into court, *see e.g. Ex parte Hull*, 312 U.S. 546, 61 S.Ct. 640 (1941) (striking down a prison regulation prohibiting prisoners from filing petitions for habeas corpus unless they are found “properly drawn” by a state official), but also ensures that access be “adequate, effective, and meaningful.” *Bounds v. Smith*, 430 U.S. 817, 822, 97 S.Ct. 1491 (1977) “Applying this standard, several of our sister circuits have found that government cover-ups can infringe the right of access to the courts.... The Fifth Circuit reached a similar result in *Ryland v. Shapiro*, 708 F.2d 967 (5<sup>th</sup>. Cir. 1983), recognizing a potential denial of the right of access when an alleged cover-up delayed release of the facts of a murder for eleven months. Noting that ‘delay haunts the administration of justice’ the court held that the victim’s parents could state a denial of access claim....” (*Harbury v. Deutch*, (2000) 233 F.3d 596, 607, 344 U.S. App. D.C. 68, 79)

Yours truly

Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586

J (24)

# *United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

September 23, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We filed your brief. However, you must make the following corrections within the next 14 days. You may:

1. Send someone to this office to correct the briefs;
2. Send someone to pick up the briefs, correct and return them;
3. Send a self-addressed stamped envelope and we will return your briefs, (we will tell you the postage cost on request). You must then mail the corrected briefs to this office;
4. Send corrected briefs and we will recycle those on file.

You need to correct or add:

Your brief is still insufficient for improper Record References: Although your brief contains citations to the record, they are not in proper form. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found, using the record citation form as directed by the Clerk of Court. The use of "id" is not permitted when citing to the record on appeal. (See 5<sup>TH</sup> CIR. R. 28.2.2) Please see the rules for our court attached below.

K-1

Sincerely,

LYLE W. CAYCE, Clerk

*Renee Mc Donough*

By:

Renee S. McDonough, Deputy Clerk  
504-310-7673

FED. R. APP. P. WITH 5TH CIR. R. & IOPs

50-15

### **Fifth Circuit Court of Appeals Form 1**

#### **Guidance for Record References as directed by the Clerk of Court**

Background: The Fifth Circuit adopted the Electronic Record on Appeal (EROA) as the official record in cases in which the district court created the appellate record on or after August 4, 2013. By an amendment to Fifth Circuit Rule 28.2.2, the court subsequently approved formats parties would use to cite to the new EROA. When properly cited by the parties, the standardized formats permit a court developed computer program to hyperlink citations to the new EROA, permitting judges ready access to the EROA matters referenced by the parties.

In accordance with Fifth Circuit Rule 28.2.2, the Clerk of Court directs the following for parties referencing the record in briefs and other pleadings.

1. For records on appeal with USCA5 pagination (records created before the introduction of the EROA), parties will cite to the USCA5 volume and page number, as appropriate.

2. For records on appeal with EROA pagination the following applies:

a. In single record appeals, parties will cite the short citation form, "ROA" followed by a period, followed by the page number. For example, "ROA.123."

- To cite to consecutive multiple pages, use a dash, for example: ROA.123-145, or ROA.123-25

- To cite to non-sequential pages, use a comma and a space, for example: ROA.123, 145, 156

- You may also cite to both non-sequential pages and consecutive pages in one cite, for example: ROA.123, 125, 131-140

b. For consolidated appeals with more than one EROA record, parties will cite "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record they reference, followed by a period, followed by the page of the record. For example, "ROA.13-12345.123."

3. For records on appeal with EROA pagination, parties may cite to specific lines within a transcript contained in the record on appeal in the following manner:

a. In single record EROA cases. "ROA" followed by a period, followed by the page number, followed by a colon, followed by the line number(s.) For Example, ROA.143:22-24 or

K-2



ROA.143:22-145:10 to mean page 143 starting with line 22 and ending at page 145 ending with line 10.

b. In multiple record EROA cases. "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record they reference, followed by a period, followed by the page of the record, followed by a colon, followed by the line number(s.) For Example, ROA.13-12345.143:22-24 or ROA.13-12345.143:22-145:10 to mean page 143 starting with line 22 and ending at page 145 ending with line 10.

K-3

September 12, 2020

Clerk  
U.S. Court of Appeals  
F. Edward Herbert Building  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

Re: Marvin v. U.S. Bureau of Prisons, et al.

To the Court:

Enclosed please find seven CORRECTED copies of my brief in this matter. Kindly recycle the previous briefs. Please use the Appendix previously submitted. Appellant received no Record from District Court.

Kindly send me sample briefs and record excerpts (rule 28.7(b) ) in the event brief(s) are unacceptable?

I called Deputy Clerk on 9/10 and 9/11 with no call back.

Thanking you for your kind consideration, I am  
very truly yours,

Mark Marvin  
135 Mills Road  
Walden, New York 12586  
845-778-4693

Enc.

RENOVO 504-310-7673  
Renovo Mc Donough 504-310-7673

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

September 01, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690 Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We filed your brief. However, you must make the following corrections within the next 14 days. You may:

1. Send someone to this office to correct the briefs;
2. Send someone to pick up the briefs, correct and return them;
3. Send a self-addressed stamped envelope and we will return your briefs, (we will tell you the postage cost on request). You must then mail the corrected briefs to this office;
4. Send corrected briefs and we will recycle those on file.

You need to correct or add:

Certificate of interested persons, see 5<sup>TH</sup> CIR. R. 28.2.1.

(3) Statement of the issues presented for review, see FED. R. APP. P. 28(a)(5). The text must be double spaced, see FED. R. APP. P. 32(a)(4).

(6) A concise statement of the case setting out the facts relevant to the issues submitted for review, see FED. R. APP. P. 28(a)(6). The facts should be incorporated within, or as a subsection of, the 'Statement of the Case'. A separate 'Statement of Facts' is not acceptable.

The brief content is out of order and must be rearranged. See 5<sup>TH</sup> CIR. R. 28.3.

M-1

7  
Record References: Although your brief contains citations to the record, they are not in proper form. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found, using the record citation form as directed by the Clerk of Court. The use of "id" is not permitted when citing to the record on appeal. (See 5<sup>TH</sup> CIR. R. 28.2.2)

Sincerely,

LYLE W. CAYCE, Clerk

*Renee McDonough*

By:

Renee S. McDonough, Deputy Clerk  
504-310-7673

cc:

504-310-7673

Record references I have no original record

Serial: Bureau of Prisons

Called this 9/14/20 at 430 PM  
9/11/ 117

M-2

P10 52

# United States Court of Appeals

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

August 17, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690 Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We filed your brief. However, you must make the following corrections within the next 14 days. You may:

1. Send a self-addressed stamped envelope and we will return your briefs, (we will tell you the postage cost on request). You must then mail the corrected briefs to this office;
2. Send corrected briefs and we will recycle those on file.

You need to correct or add:

Certificate of interested persons, see 5<sup>TH</sup> CIR. R. 28.2.1.

A section titled: Statement of the issues presented for review, see FED. R. APP. P. 28(a)(5). The text must be double spaced, see FED. R. APP. P. 32(a)(4).

A concise statement of the case setting out the facts relevant to the issues submitted for review, see FED. R. APP. P. 28(a)(6). The facts should be incorporated within, or as a subsection of, the 'Statement of the Case'. A separate 'Statement of Facts' is not acceptable. The facts must be included in the statement of the case section and not under a separate heading.

Standard of review, see FED. R. APP. P. 28(a)(8)(B).

Signature, see FED. R. APP. P. 32(d).

You must add a certificate of service. Your certificate of service/proof of service must include the names of the persons served; the mail or electronic addresses, facsimile numbers, or physical delivery addresses, as appropriate for the method of service; and the date and manner of service. Please update the

*You show  
of 28-1*

*print 28a  
should of case  
deposition*

N-1

certificate of service/proof of service with the current date of your filing. (See FED. R. App. P. 25(d) and 5<sup>TH</sup> CIR. R. 31.1)

The brief content is out of order and must be rearranged accordingly, see 5<sup>TH</sup> CIR. R. 28.3. *5<sup>TH</sup> Cir 28.3*

If you are referencing the record on appeal in your brief, your record citations must be in the proper format. Record References: Although your brief contains citations to the record, they are not in proper form. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found, using the record citation form as directed by the Clerk of Court. The use of "id" is not permitted when citing to the record on appeal. (See 5<sup>TH</sup> CIR. R. 28.2.2) *28.2.2*

Sincerely, *28*

LYLE W. CAYCE, Clerk

*Renee McDonough*

By:

Renee S. McDonough, Deputy Clerk  
504-310-7673

*5<sup>TH</sup> Cir Rules*

*Not avail in Westlaw*

*N-2*

# *United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

August 17, 2020

Mr. Mark Marvin  
135 Mills Road  
Walden, NY 12586

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We filed your record excerpts. However, you must make the following correction(s) within the next 14 days. You may:

1. Send a self-addressed stamped envelope and we will return your record excerpts, (we will tell you the postage cost on request). You must then mail the corrected record excerpts to this office;
2. Send corrected record excerpts and we will recycle those on file.

You need to correct or add:

Document has not been tabbed as required, see 5<sup>TH</sup> CIR. R. 30.1.7(c). The paper copies of record excerpts filed with the court must contain actual physical tabs containing numbers that extend beyond the edge of the document to facilitate easy identification and review of tabbed documents.

Caption on the record excerpts does not agree with the caption of the case in compliance with 5<sup>TH</sup> CIR. R. 30.1.7(d). Caption must exactly match the Court's Official Caption (see Official Caption below)

Cover page missing originating court and appellant's information.

A numbered Table of Contents, with citation to the record beginning with the lower court docket sheet is required, see 5<sup>TH</sup> CIR. R. 30.1.7(a).

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Copy of the district court docket entries in all cases is required,  
see 5<sup>TH</sup> CIR. R. 30.1.4(a).

Sincerely,

LYLE W. CAYCE, Clerk

*Renee Mc Donough*

By: \_\_\_\_\_

Renee S. McDonough, Deputy Clerk  
504-310-7673

②-2



# *United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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NEW ORLEANS, LA 70130

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Mr. Mark Marvin  
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Walden, NY 12586

No. 20-10690     Mark Marvin v. United States Bureau of  
Prison, et al  
USDC No. 4:20-CV-168

Dear Mr. Marvin,

We filed your brief. However, you must make the following corrections within the next 14 days. You may:

1. Send a self-addressed stamped envelope and we will return your briefs, (we will tell you the postage cost on request). You must then mail the corrected briefs to this office;
2. Send corrected briefs and we will recycle those on file.

You need to correct or add:

Certificate of interested persons, see 5<sup>TH</sup> CIR. R. 28.2.1.

A section titled: Statement of the issues presented for review, see FED. R. APP. P. 28(a)(5). The text must be double spaced, see FED. R. APP. P. 32(a)(4).

A concise statement of the case setting out the facts relevant to the issues submitted for review, see FED. R. APP. P. 28(a)(6). The facts should be incorporated within, or as a subsection of, the 'Statement of the Case'. A separate 'Statement of Facts' is not acceptable. The facts must be included in the statement of the case section and not under a separate heading.

Standard of review, see FED. R. APP. P. 28(a)(8)(B).

Signature, see FED. R. APP. P. 32(d).

You must add a certificate of service. Your certificate of service/proof of service must include the names of the persons served; the mail or electronic addresses, facsimile numbers, or physical delivery addresses, as appropriate for the method of service; and the date and manner of service. Please update the

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certificate of service/proof of service with the current date of your filing. (See FED. R. APP. P. 25(d) and 5<sup>TH</sup> CIR. R. 31.1)

The brief content is out of order and must be rearranged accordingly, see 5<sup>TH</sup> CIR. R. 28.3.

If you are referencing the record on appeal in your brief, your record citations must be in the proper format. Record References: Although your brief contains citations to the record, they are not in proper form. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found, using the record citation form as directed by the Clerk of Court. The use of "id" is not permitted when citing to the record on appeal. (See 5<sup>TH</sup> CIR. R. 28.2.2)

Sincerely,

LYLE W. CAYCE, Clerk

*Renee Mc Donough*

By:

Renee S. McDonough, Deputy Clerk  
504-310-7673

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August 10, 2020  
Clerk  
U.S. Court of Appeals  
F. Edward Herbert Building  
600 S. Maestri Place  
New Orleans, Louisiana 70130-3408

Re: Marvin v. U.S. Bureau of Prisons, et al.

To the Court:

Enclosed please find seven copies of my brief in this matter.

I do not have access to the internet as libraries are closed. I believe my briefs comply with this Circuit's requirements. (14 pt type, double space, etc.)

Thanking you for your kind consideration, I am  
very truly yours,

Mark Marvin  
135 Mills Road  
Walden, New York 12586  
845-778-4693

I certify under penalty of perjury that I mailed a copy of this brief to:

Department of Law, United States Bureau of Prisons,  
Federal Bureau of Prisons,  
320 First Street NW, Washington, D.C. 20534,

Mark Marvin, August 10, 2020

