

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-2577

Emem Ufot Udoh

Petitioner - Appellant

v.

Becky Dooley, Warden, Moose Lake

Respondent - Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:16-cv-04174-PAM)

JUDGMENT

Before LOKEN, COLLOTON, and BENTON, 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.

October 26, 2020

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

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
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Emem Ufot Udoh

Appellant

v.

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Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:16-cv-04174-PAM)

ORDER

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

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

November 19, 2020

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

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Emem Ufot Udoh,

Civ. No. 16-4174 (PAM/HB)

Petitioner,

v.

ORDER

Becky Dooley, Warden, MCF – Moose
Lake Prison,

Respondent.

This matter comes before the Court on Petitioner Emem Ufot Udoh's Renewed Motion to Vacate the Judgment and Order under Rule 60(b)(6).

Udoh was convicted in state court of criminal sexual conduct involving contact with his two minor stepdaughters. State of Minnesota v. Udoh, No. A14-2181, 2016 WL 687328 (Minn. Ct. App. Feb. 22, 2016). Udoh sought federal habeas relief, raising six grounds for relief. This Court denied Udoh's habeas petition on the merits on July 6, 2017. (Docket No. 19.) Udoh then moved under Rule 59 to amend his judgment, which this Court denied because Udoh presented additional argument on a claim he had failed to present to the state courts. (Docket No. 31.) Udoh then requested that this Court reconsider its decision to deny a certificate of appealability. Udoh's request was denied and the Eighth Circuit affirmed. (Docket Nos. 43, 49.)

Approximately two years later, Udoh sought to reopen this proceeding; the Eighth Circuit denied Udoh authorization to file a successive habeas petition. (Docket No. 54.) Udoh then moved in this Court under Rule 60(a) to vacate judgment asserting that victims

had recanted their trial testimony. This Court denied Udoh's request because a state postconviction matter was still ongoing. (Docket No. 58.) Udoh moves anew under Rule 60 to vacate judgment.

When reviewing a purported Rule 60(b) motion following dismissal of a habeas petition, courts are to conduct "a brief initial inquiry to determine whether the allegations in the Rule 60(b) motion in fact amount to a second or successive collateral attack under either 28 U.S.C. § 2255 or § 2254." Boyd v. United States, 304 F.3d 813, 814 (8th Cir. 2002). A Rule 60(b) motion constitutes a successive habeas claim if it asserts "a federal basis for relief from a state court's judgment of conviction" or attacks the "federal court's previous resolution of the claim on the merits." Williams v. Kelley, 858 F.3d 464, 470 (8th Cir. 2017) (quotation and emphasis omitted). Conversely, no habeas claim is presented if the Rule 60(b) motion attacks a defect in the previous federal habeas proceedings or a previous ruling precluding a merits determination was in error. Id. (citing Gonzalez v. Crosby, 545 U.S. 524, 532 n.4 (2005)).

Here, Udoh's Rule 60(b) motion attacks this Court's previous resolution of his habeas claim on the merits. Udoh seeks to vacate this Court's decision, arguing that a March 2, 2020, state court decision concludes that Udoh exhausted a particular claim on direct appeal. (Docket No. 70, at 3–4.) But contrary to Udoh's arguments that this Court found his claims to be unexhausted and procedurally barred, this Court decided Ground Four of his habeas petition—the claim he asserts was decided in error—on the merits, finding that the state courts' resolution of the claim was not unreasonable or contrary to federal law. (Docket No. 19, at 8–10.)

Rather than correct an error in the previous judgment, Udoh seeks to litigate his habeas claim, asserting “Respondent perpetrated fraud on the Court and on Petitioner” by excluding exculpatory evidence. (Id. at 23–24.) The evidence Udoh references is “impeachment evidence related to the threats, demands, the pressure, the coaching, the coercions, the benefits, and the promises made to [the two minor victims] to give a trial testimony against [Udoh] in 2014.” Id. at 24.) Udoh then explains a lengthy cause-and-effect chain: withholding this evidence denied Udoh due process, which denied him the right to full and fair access to the courts, which impugns the federal habeas proceeding leading to denial of his habeas petition. (Id.) Thus, Udoh asserts that the previous habeas decision is invalid because “this court did not consider these alleged misrepresentations, mistake, inadvertence, surprise, excusable neglect, fraud, etc., by Respondent when this court denied [Udoh’s] writ of habeas corpus.” (Id.) Habeas petitions, not Rule 60, are the proper vehicle to relitigate or make new claims for relief from a conviction. United States v. Matlock, 107 F. App’x 697, 698 (8th Cir. 2004). (“This court has consistently held that inmates may not bypass section 2244(b)(3)’s requirement for authorization by purporting to invoke some other procedure.”).

Moreover, Udoh fails to demonstrate “extraordinary circumstances” that would justify relief from judgment under Rule 60(b)(6). Gonzalez, 545 U.S. at 535. While Udoh himself does not describe in detail the facts that constitute the fraud upon which he relies, another court in this District observed in one of Udoh’s cases stemming from his state court conviction:

In April 2018, Emem sought post-conviction relief in state court on various grounds, including two affidavits allegedly written by K.K.W. and K.C.W. In those affidavits, K.K.W. and K.C.W. recanted their prior testimony and swore that Emem had not sexually abused them. The affidavits were filed in Hennepin County District Court, and an evidentiary hearing was held to determine whether Emem was entitled to post-conviction relief based on the victims' recantations. On direct examination by Emem (appearing pro se), both girls testified that Emem had not sexually abused them and that they had been coerced into testifying against Emem at his 2014 trial. The court found that the girls' testimony was not credible, that the Udohs had orchestrated the girls' recantations, and that Emem was not entitled to post-conviction relief.

Udoh v. Minn. Dep't of Human Servs., No. 16-cv-3119, 2020 WL 2468743, at *1 (D.

Minn. May 13, 2020) (Schiltz, J.) (citations omitted). The court further explained:

The [state] court's decision was based in part on a series of recorded jail calls between the Udohs. In one call, Emem spelled the word "recantation" for Tonya. In others, the Udohs quoted sections of what would ultimately become the victims' affidavits back and forth to each other, editing as they went. And in yet another, the Udohs discussed questions that their daughters were likely to face at the upcoming evidentiary hearing along with proposed answers.

Id. at *1 n.3. The serious doubts as to the veracity of Udoh's claims expressed by these courts undercut any extraordinary circumstances that could underpin Udoh's Rule 60 motion.

Because Udoh's Rule 60 motion is a second or successive habeas claim, this Court must either dismiss it or transfer it to the Eighth Circuit Court of Appeals. 28 U.S.C. § 2244(b)(3); Boyd, 304 F.3d at 814. Because Udoh has already brought a version of the present claim in a prior habeas petition, this Court will dismiss it. 28 U.S.C. § 2244(b)(1). Udoh has demonstrated he understands that he must seek approval from the Eighth Circuit prior to filing additional habeas claims. (Docket No. 54 (January 27, 2020 Eighth Circuit

Order denying authorization for file a successive habeas petition).) Accordingly, it is appropriate to dismiss Udoh's filing for noncompliance with § 2244(b)(3).

Finally, this Court concludes no certificate of appealability shall issue. See United States v. Lambros, 404 F.3d 1034, 1036 (8th Cir. 2005) (per curiam). Reasonable jurists cannot differ as to whether Udoh has received authorization from the Eighth Circuit to file a successive habeas claim. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (noting standard for Certificate of Appealability).

Accordingly, **IT IS HEREBY ORDERED that:**

1. Petitioner Emem Ufot Udoh's Renewed Motion to Vacate the Judgment and Order under Rule 60(b)(6) (Docket No. 70) is **DENIED**;
2. Petitioner Emem Ufot Udoh's Motion and Application to Proceed IFP in this Court and for Any Subsequent Appeal (Docket No. 69) is **DENIED AS MOOT**; and
3. A Certificate of Appealability is **DENIED**.

Dated: July 14, 2020

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge

5DIV,CLOSED,CV,HABEAS,MSOP,PRO-SE,PRO-SE INT,PSLC1-PS_cmpl

U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:16-cv-04174-PAM-HB

Udoh v. Dooley

Assigned to: Senior Judge Paul A. Magnuson

Referred to: Magistrate Judge Hildy Bowbeer

Case in other court: USCA 8th Circuit, 17-02695
20-02577

Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 12/15/2016

Date Terminated: 07/13/2017

Jury Demand: None

Nature of Suit: 530 Habeas Corpus
(General)

Jurisdiction: Federal Question

Petitioner**Emem Ufot Udoh**represented by **Emem Ufot Udoh**

OID #245042

MCF-Rush City

7600 525th Street

Rush City, MN 55069

PRO SE

V.

Respondent**Becky Dooley***Warden, Moose Lake*represented by **Kelly O'Neill Moller**

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Date Filed	#	Docket Text
12/15/2016	<u>1</u>	PETITION for Writ of Habeas Corpus. (Filing fee \$5 receipt number 44641091614.) Case assigned to Judge Paul A. Magnuson per 5th Prisoner list referred to Magistrate Judge Katherine M. Menendez. Filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G, # <u>8</u> Exhibit(s) H, # <u>9</u> Exhibit(s) I, # <u>10</u> Civil Cover Sheet) (LPH) cc: Udoh Exhibits D-H Restricted to Case Participants per HB Chambers. Modified on 1/31/2017 (KMM). Qc'd on 3/16/2017 (AKL). (Entered: 12/16/2016)
12/15/2016	<u>2</u>	MEMORANDUM IN SUPPORT by Emem Ufot Udoh re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(LPH) Qc'd on 3/16/2017 (AKL). (Entered: 12/16/2016)
12/15/2016	<u>3</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>2</u> Memorandum, <u>1</u> Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Envelope)(LPH) Qc'd on 3/16/2017 (AKL). (Entered: 12/16/2016)
12/20/2016	<u>4</u>	LETTER TO MAGISTRATE JUDGE by Becky Dooley <i>Attorney Substitution</i> . (Attachments: # <u>1</u> Cover Letter Attorney Substitution)(Frank, Matthew) (Entered: 12/20/2016)
12/22/2016	<u>5</u>	NOTICE of Appearance by Kelly O'Neill Moller on behalf of Becky Dooley. (Attachments: # <u>1</u> Certificate of Service)(Moller, Kelly) (Entered: 12/22/2016)
01/03/2017	<u>6</u>	ORDER OF RECUSAL. Magistrate Judge Katherine M. Menendez recused. Case reassigned to Magistrate Judge Hildy Bowbeer for all further proceedings. NOTE: the new case number is 16-cv-4174 PAM/HB . Please use this case number for all subsequent pleadings. Signed by Magistrate Judge Katherine M. Menendez on 12/30/16. (LPH) cc: Udoh (Entered: 01/03/2017)
01/04/2017	<u>7</u>	ORDER TO ANSWER. Signed by Magistrate Judge Hildy Bowbeer on 1/4/17. (LPH) cc: Udoh (Entered: 01/04/2017)
01/31/2017	<u>8</u>	MOTION for Extension of Time to File Response/Reply by Becky Dooley. (Attachments: # <u>1</u> Certificate of Service)(Moller, Kelly) (Entered: 01/31/2017)
01/31/2017	<u>9</u>	LETTER TO DISTRICT JUDGE re possible related case. (LPH) Document QC'd by JGK on 3/3/2017 (JGK). (Entered: 01/31/2017)
01/31/2017	<u>10</u>	ORDER granting <u>8</u> Motion for Extension of Time to File Response/Reply. The time for Respondent to file her Response to Petition for Writ of Habeas Corpus is extended to and including February 24, 2017. Signed by Magistrate Judge Hildy Bowbeer on 1/31/17. (LPH) cc: Udoh (Entered: 02/01/2017)
02/06/2017	<u>11</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh, re <u>9</u> LETTER TO DISTRICT JUDGE re possible related case. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(LPH) Document QC'd on 2/13/2017 (las). (Entered: 02/06/2017)

02/14/2017	<u>12</u>	MOTION to Seal Pleading/Motion/Other Document by Becky Dooley. (Moller, Kelly) (Entered: 02/14/2017)
02/14/2017	<u>13</u>	ORDER granting <u>12</u> Motion to Seal Document. Signed by Magistrate Judge Hildy Bowbeer on 2/14/17. (LPH) cc: Udoh (Entered: 02/15/2017)
02/23/2017	<u>14</u>	RESPONSE to Petition for Writ of Habeas Corpus by Becky Dooley. (Moller, Kelly) (Entered: 02/23/2017)
02/23/2017	<u>15</u>	MEMORANDUM by Becky Dooley re <u>14</u> Response to Habeas Petition filed by Becky Dooley. (Moller, Kelly) (Entered: 02/23/2017)
02/23/2017	<u>16</u>	APPENDIX filed re <u>14</u> Response to Habeas Petition, <u>15</u> Memorandum . (Attachments: # <u>1</u> Appendix)(Moller, Kelly) Sealed documents received on 2/23/2017 (SAE). (Entered: 02/23/2017)
02/23/2017	<u>17</u>	CERTIFICATE OF SERVICE by Becky Dooley re <u>14</u> Response to Habeas Petition, <u>15</u> Memorandum, <u>16</u> Appendix filed (Moller, Kelly) (Entered: 02/23/2017)
03/22/2017	<u>18</u>	REPLY re <u>15</u> Memorandum filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(LPH) DOCUMENT QC'd by KT on 3/22/17. (kt) (Entered: 03/22/2017)
07/06/2017	<u>19</u>	ORDER: IT IS HEREBY ORDERED that: 1. The Petition for a Writ of Habeas Corpus is DENIED <u>1</u> ; and 2. No certificate of appealability will issue. LET JUDGMENT BE ENTERED ACCORDINGLY. (Written Opinion). Signed by The Hon. Paul A. Magnuson on 07/05/2017. (LLM) cc: Emem Ufot Udoh. Modified on 7/6/2017 (lmb). (Entered: 07/06/2017)
07/06/2017	<u>20</u>	JUDGMENT cc: Emem Ufot Udoh with Appeal Packet (Attachments: # <u>1</u> Civil Notice - appeal). (lmb) Modified text on 7/6/2017 (lmb). (Entered: 07/06/2017)
07/14/2017	<u>21</u>	MOTION for Extension of Time to file Notice of Appeal filed by Emem Ufot Udoh. (LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>22</u>	MEMORANDUM in Support re <u>21</u> MOTION for Extension of Time to file Notice of Appeal filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>23</u>	MEET and CONFER STATEMENT re <u>21</u> Motion for Extension of Time to file Notice of Appeal filed by Emem Ufot Udoh.(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>24</u>	PROPOSED ORDER TO JUDGE re <u>21</u> MOTION for Extension of Time to file Notice of Appeal filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service of Proposed Order)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>25</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>24</u> Proposed Order to Judge, <u>21</u> MOTION for Extension of Time to file Notice of Appeal, <u>22</u> Memorandum in Support of Motion, <u>23</u> Meet and Confer Statement.

		(Attachments: # <u>1</u> Envelope)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>26</u>	Rule 59 MOTION to Reconsider re <u>20</u> Judgment filed by Emem Ufot Udoh. (LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>27</u>	MEMORANDUM in Support re <u>26</u> Rule 59 MOTION to Reconsider re <u>20</u> Judgment filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>28</u>	MEET and CONFER STATEMENT re <u>26</u> Rule 59 Motion to Reconsider filed by Emem Ufot Udoh.(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>29</u>	PROPOSED ORDER TO JUDGE re <u>26</u> Rule 59 MOTION to Reconsider re <u>20</u> Judgment filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/14/2017	<u>30</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>26</u> Rule 59 MOTION to Reconsider re <u>20</u> Judgment, <u>28</u> Meet and Confer Statement, <u>27</u> Memorandum in Support of Motion, <u>29</u> Proposed Order to Judge. (Attachments: # <u>1</u> Envelope)(LPH) DOCUMENT QC'd by KT on 8/2/17. (kt) (Entered: 07/14/2017)
07/17/2017	<u>31</u>	ORDER: IT IS HEREBY ORDERED that: 1. The Motion for Extension of Time to File Notice of Appeal <u>21</u> is DENIED as moot; 2. The Rule 59 Motion to Reconsider <u>26</u> is DENIED; and 3. Udoh may file a Notice of Appeal no later than SIXTY DAYS after the entry of this Order. (Written Opinion) Signed by The Hon. Paul A. Magnuson on 07/17/2017. (LLM) cc: Emem Ufot Udoh. Modified on 7/18/2017 (lmb). (Entered: 07/17/2017)
07/25/2017	<u>32</u>	MOTION for Certificate of Appealability filed by Emem Ufot Udoh. (LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for Certificate of Appealability filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>34</u>	MEET and CONFER STATEMENT re <u>32</u> Motion for Certificate of Appealability filed by Emem Ufot Udoh.(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>35</u>	PROPOSED ORDER TO JUDGE re <u>32</u> MOTION for Certificate of Appealability filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>36</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>35</u> Proposed Order to Judge, <u>33</u> Memorandum in Support of Motion, <u>32</u> MOTION for Certificate of Appealability, <u>34</u> Meet and Confer Statement. (Attachments: # <u>1</u> Envelope)(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)

07/25/2017	<u>37</u>	MOTION <i>to Proceed IFP on Appeal</i> filed by Emem Ufot Udoh. (LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>38</u>	Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>39</u>	MEMORANDUM in Support re <u>37</u> MOTION <i>to Proceed IFP on Appeal</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>40</u>	MEET and CONFER STATEMENT re <u>37</u> Motion for Miscellaneous Relief filed by Emem Ufot Udoh.(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>41</u>	PROPOSED ORDER TO JUDGE re <u>37</u> MOTION <i>to Proceed IFP on Appeal</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/25/2017	<u>42</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>40</u> Meet and Confer Statement, <u>37</u> MOTION <i>to Proceed IFP on Appeal</i> , <u>41</u> Proposed Order to Judge, <u>39</u> Memorandum in Support of Motion, <u>38</u> Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (LPH) Document QC'd on 8/7/2017 (las). (Entered: 07/25/2017)
07/26/2017	<u>43</u>	ORDER: IT IS HEREBY ORDERED that: 1. The Motion for Certificate of Appealability is DENIED <u>32</u> ; 2. The Motion to Proceed IFP on Appeal and accompanying Application are GRANTED <u>37</u> <u>38</u> . Signed by The Hon. Paul A. Magnuson on 07/26/2017. (LLM) cc: Petitioner. Modified on 7/27/2017 (lmb). (Entered: 07/26/2017)
08/02/2017	<u>44</u>	NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>19</u> Order, by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(LPH) Qc'd on 9/15/2017 (AKL). (Entered: 08/02/2017)
08/02/2017	<u>45</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit <u>44</u> . (LPH) cc: Udoh (Entered: 08/02/2017)
08/03/2017	<u>46</u>	USCA Case Number 17-2695 for <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (LPH) Modified file date on 8/7/2017 (LPH). (Entered: 08/07/2017)
08/03/2017	<u>47</u>	ORDER of USCA as to <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh (received electronically from COA). (LPH) Modified file date on 8/7/2017 (LPH). (Entered: 08/07/2017)
01/19/2018	<u>48</u>	TRANSMITTAL OF RECORDS re: Documents sent conventionally to the USCA. (LPH) (Entered: 01/19/2018)
02/08/2018	<u>49</u>	USCA JUDGMENT (electronic copy) as to <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (kt) (Entered: 02/09/2018)

03/20/2018	<u>50</u>	ORDER of USCA as to <u>44</u> Notice of Appeal to 8th Circuit: The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. (received electronically from COA) (AKL) (Entered: 03/21/2018)
03/27/2018	<u>51</u>	MANDATE of USCA (electronic copy) as to <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (LPH) (Entered: 03/27/2018)
06/08/2018	<u>52</u>	NOTICE FROM THE SUPREME COURT - The petition for a writ of certiorari was filed on June 8, 2018 as No. 17-9279. (MMP) (Entered: 06/13/2018)
10/02/2018	<u>53</u>	NOTICE FROM THE SUPREME COURT OF THE UNITED STATES - The petition for a writ of certiorari is denied. (Attachments: # <u>1</u> Cover Letter)(MMP) (Entered: 10/10/2018)
01/27/2020	<u>54</u>	USCA JUDGMENT (Successive habeas) electronic copy as to <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (KNK) (Entered: 01/28/2020)
01/27/2020	<u>55</u>	MANDATE of USCA (Successive Habeas) electronic copy as to <u>44</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (KNK) (Entered: 01/28/2020)
02/05/2020	<u>56</u>	MOTION TO VACATE THE JUDGMENT AND ORDER filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(KNK) Document QC'd on 2/12/2020 (MMG). (Entered: 02/05/2020)
02/05/2020	<u>57</u>	EXHIBITS 1-3 filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 Index Page, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3 Index Page, # <u>5</u> Exhibit 3, # <u>6</u> Envelope, # <u>7</u> Envelope (Second), # <u>8</u> Envelope (Third))(kt) (Entered: 02/06/2020)
02/06/2020	<u>58</u>	ORDER denying <u>56</u> Motion to vacate. Signed by Judge Paul A. Magnuson on 2/6/2020. (ALT) (Entered: 02/06/2020)
04/13/2020	<u>59</u>	NOTICE of Extraordinary Circumstances Exist in this Cases to Justify The Reliefs Requested in the Memorandum of Law by Emem Ufot Udoh (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(KNK). Paper QC'd on 4/15/2020 (MTP). (Entered: 04/13/2020)
04/13/2020	<u>60</u>	JUDICIAL NOTICE of the Existence of Prior Proceedings in Support of Petitioner's Memorandum of Law by Emem Ufot Udoh (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(KNK) . Paper QC'd on 4/15/2020 (MTP). (Entered: 04/13/2020)
05/01/2020	<u>61</u>	JUDICIAL NOTICE of the Existence of Prior Proceedings by Emem Ufot Udoh (Attachments: # <u>1</u> Exhibit)(KNK) Modified text on 5/4/2020 (KNK). Document QC'd on 5/7/2020 (MMG). (Entered: 05/04/2020)
05/14/2020	<u>62</u>	JUDICIAL NOTICE OF DENIAL AND/OR Lack of Access to the Prison Law Library by Emem Ufot Udoh (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(KNK) DOCUMENT QC'd by LJG on 5/16/2020 (LJG). (Entered: 05/14/2020)
05/18/2020	<u>63</u>	NOTICE/LETTER from Emem U. Udoh re: Evidence in Support of Petitioner Denial and/or Lack of Access to the Prison Law Library filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(KNK) (Entered: 05/18/2020)

05/20/2020	<u>64</u>	JUDICIAL NOTICE OF A PROCEEDING In Carlton County District Court by Emem Ufot Udoh (Attachments: # <u>1</u> Attachment, # <u>2</u> Envelope)(KNK). Document QC'd on 7/1/2020 (MTP). (Entered: 05/20/2020)
05/26/2020	<u>65</u>	JUDICIAL NOTICE OF PROCEEDINGS by Emem Ufot Udoh (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope, # <u>3</u> Envelope 2)(KNK) Document QC'd on 5/27/2020 (MMG). (Entered: 05/27/2020)
06/08/2020	<u>66</u>	JUDICIAL NOTICE OF PROCEEDINGS by Emem Ufot Udoh (Attachments: # <u>1</u> Attachments)(KNK) Document QC'd on 6/16/2020 (MMG). (Entered: 06/09/2020)
06/08/2020	<u>67</u>	SUPPLEMENTAL AUTHORITY AND JUDICIAL NOTICE of Prior Proceeding to Remove Judge Tamara Garcia In A18-1804 by Emem Ufot Udoh (Attachments: # <u>1</u> Attachments, # <u>2</u> Envelope)(KNK) Document QC'd on 6/16/2020 (MMG). (Entered: 06/09/2020)
06/08/2020	<u>68</u>	JUDICIAL NOTICE of a Recent Order Filed in A-20-0633 by Emem Ufot Udoh (Attachments: # <u>1</u> Attachments)(KNK) Document QC'd on 6/16/2020 (MMG). (Entered: 06/09/2020)
06/29/2020	<u>69</u>	Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Cover Letter to District Judge, # <u>2</u> Attachment receipt of payment, # <u>3</u> Exhibit 5, # <u>4</u> Exhibit 6, # <u>5</u> Certificate of Service, # <u>6</u> Envelope)(KNK) Document QC'd on 8/21/2020 (JGK). (Entered: 06/29/2020)
06/29/2020	<u>70</u>	RENEWED MOTION TO VACATE JUDGMENT and Order Under Rule 60(B)(6); for Application for Certificate of Appealability Authorizing an Appeal; and for Transfer to the Eighth Circuit for Authorization filed by Emem Ufot Udoh. (KNK) Document QC'd on 8/21/2020 (JGK). (Entered: 07/01/2020)
07/06/2020	<u>71</u>	JUDICIAL NOTICE of a Recent Order Filed by the U.S. Department of Justice by Emem Ufot Udoh. (lmb) (Additional attachment(s) added on 7/6/2020: # <u>1</u> exhibit, # <u>2</u> envelope) (lmb). Document QC'd on 7/10/2020 (MMG). (Entered: 07/06/2020)
07/06/2020		NOTICE OF DOCKETING CORRECTION for <u>71</u> Judicial Notice: The documents were not attached to the entry. Documents have been added and the entry has been regenerated. (lmb) (Entered: 07/06/2020)
07/06/2020	<u>72</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Envelope)(kt) (Entered: 07/07/2020)
07/14/2020	<u>73</u>	ORDER: IT IS HEREBY ORDERED that: 1. Petitioner Emem Ufot Udoh's Renewed Motion to Vacate the Judgment and Order under Rule 60(b)(6) <u>70</u> is DENIED; 2. Petitioner Emem Ufot Udoh's Motion and Application to Proceed IFP in this Court and for Any Subsequent Appeal <u>69</u> is DENIED as MOOT; and 3. A Certificate of Appealability is DENIED. (Written Opinion) Signed by The Hon. Paul A. Magnuson on 7/14/2020. (LLM) (Entered: 07/14/2020)
07/23/2020	<u>74</u>	NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>73</u> Order on Application on Proceed In Forma Pauperis on Appeal, Order on Motion for Miscellaneous Relief, by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(KNK)

		Document QC'd on 7/24/2020 (MMG). (Entered: 07/23/2020)
07/23/2020	<u>75</u>	Cover Letter/Request to Clerk's Office from Emem U. Udoh. (KNK) Document QC'd on 7/24/2020 (MMG). (Entered: 07/23/2020)
07/27/2020	<u>76</u>	Motion to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(KNK) Document QC'd on 8/7/2020 (JGK). (Entered: 07/27/2020)
07/29/2020	<u>77</u>	ORDER: IT IS HEREBY ORDERED that Petitioner Emem Ufot Udoh's Motion for Leave to Proceed In Forma Pauperis on Appeal <u>76</u> is GRANTED. Signed by The Hon. Paul A. Magnuson on 7/29/2020. (LLM) (Entered: 07/29/2020)
07/30/2020	<u>78</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit, <u>74</u> . (MKB) (Entered: 07/30/2020)
07/30/2020		USCA Case Number 20-2577 for <u>74</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (KNK) (Entered: 07/31/2020)
07/31/2020	<u>79</u>	SECOND NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>73</u> Order on Application on Proceed In Forma Pauperis on Appeal,, Order on Motion for Miscellaneous Relief, by Emem Ufot Udoh. (Attachments: # <u>1</u> Attachments, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(KNK) Document QC'd on 8/7/2020 (CLK). (Entered: 07/31/2020)
07/31/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Notice of Appeal to 8th Circuit, <u>79</u> . (MKB) (Entered: 08/04/2020)
08/04/2020	<u>80</u>	DOCUMENT FILED IN ERROR-DUPLICATE FILING. AMENDED NOTICE OF APPEAL TO 8TH CIRCUIT by Emem Ufot Udoh. (Attachments: # <u>1</u> Attachment, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(KNK) Modified text on 8/6/2020 (MKB). (Entered: 08/04/2020)
08/04/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Notice of Appeal to 8th Circuit <u>80</u> . (MKB) (Entered: 08/06/2020)
08/06/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Amended Notice of Appeal to 8th Circuit <u>80</u> . (KNK) (Entered: 08/06/2020)
09/04/2020	<u>81</u>	PETITION for Writ of Mandamus filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(kt). Document QC'd on 9/17/2020 (MTP). (Entered: 09/08/2020)
09/08/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Motion for Writ of Mandamus <u>81</u> . (kt) (Entered: 09/08/2020)
09/28/2020	<u>82</u>	USCA JUDGMENT (electronic copy) as to <u>74</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (KNK) (Entered: 09/29/2020)
09/28/2020	<u>83</u>	MANDATE of USCA (electronic copy) as to <u>74</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (KNK) (Entered: 09/29/2020)
10/26/2020	<u>84</u>	USCA JUDGMENT (electronic copy) as to <u>74</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (KNK) (Entered: 10/27/2020)

10/28/2020	<u>85</u>	DOCUMENT FILED IN ERROR, WILL BE REFILED - EMERGENCY MOTION FOR RELEASE PENDING APPEAL DUE TO COVID-19 Pandemic in Rush City Facility filed by Emem Ufot Udoh. (KNK) Modified text on 10/29/2020 (KNK). (Entered: 10/28/2020)
10/28/2020	<u>86</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>87</u> EMERGENCY MOTION (Attachments: # <u>1</u> Envelope)(KNK) Modified text on 10/29/2020 (KNK). (Entered: 10/28/2020)
10/28/2020	<u>87</u>	EMERGENCY MOTION FOR RELEASE Pending Appeal Due to Covid-19 Pandemic in Rush City Facility filed by Emem Ufot Udoh. (KNK) (Entered: 10/29/2020)
10/29/2020	<u>88</u>	ORDER denying <u>87</u> Emergency Motion for release pending appeal. Signed by Judge Paul A. Magnuson on 10/29/2020. (ALT) (Entered: 10/29/2020)
11/16/2020	<u>89</u>	LETTER TO CLERK'S OFFICE from Emem Udoh re: copy of docket history. (Attachments: # <u>1</u> Envelope)(MKB) (Entered: 11/17/2020)