

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

No: 20-2949

Emem Ufot Udoh

Petitioner - Appellant

v.

Nate Knutson

Respondent - Appellee

No: 20-3033

Emem Ufot Udoh

Petitioner - Appellant

v.

Nate Knutson

Respondent - Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:19-cv-01311-MJD)
(0:19-cv-01311-MJD)

JUDGMENT

Before SHEPHERD, KELLY, and GRASZ, Circuit Judges.

Appellant's motions to proceed on appeal in forma pauperis are granted. Case number 20-2949 is dismissed as untimely. Case number 20-3033 is summarily affirmed in accordance with Eighth Circuit Rule 47A.

October 27, 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
FOR THE EIGHTH CIRCUIT**

No: 20-2949

Emem Ufot Udoh

Appellant

v.

Nate Knutson

Appellee

No: 20-3033

Emem Ufot Udoh

Appellant

v.

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Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:19-cv-01311-MJD)
(0:19-cv-01311-MJD)

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.

December 04, 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,

Petitioner,

v.

MEMORANDUM OF LAW & ORDER
Civil File No. 19-1311 (MJD/HB)

NATE KNUTSON,

Respondent.

Emem Ufot Udoh, pro se.

On May 31, 2019, United States Magistrate Judge Hildy Bowbeer issued a Report and Recommendation recommending that Petitioner Emem Ufot Udoh's Petition for Writ of Habeas Corpus be dismissed without prejudice. [Docket No. 5] With regard to Petitioner's claims challenging the validity of his state court conviction, the Report and Recommendation explained that the Court lacks jurisdiction over his successive habeas petition because Petitioner had not received authorization from the Eighth Circuit Court of Appeals to file a successive habeas petition. On August 29, 2019, this Court adopted the Report and Recommendation, dismissed Petitioner's Petition for Writ of Habeas Corpus

without prejudice, declined to issue a Certificate of Appealability, and entered judgment. [Docket No. 53] Petitioner appealed to the Eighth Circuit Court of Appeals. [Docket No. 57]

In September 2019, Petitioner filed a Motion to Reconsider [Docket No. 56] and a Letter requesting reconsideration of the Court's denial of his extension of time to file objections to the Report and Recommendation [Docket No. 55]. On September 18, 2019, this Court denied both motions. [Docket No. 60]

On January 30, 2020, Petitioner filed a Motion to Vacate, signed by Petitioner on January 27, 2020. [Docket No. 65] On January 28, 2020, the Eighth Circuit denied Petitioner's application for a certificate of appealability, denied Petitioner's motion to remand, and dismissed the appeal. [Docket No. 64]

In the Motion to Vacate, Petitioner argued that he should be granted authorization to file a successive habeas petition and requested that the judgment of this Court be vacated and that the matter be "remand[ed] for further consideration." (Motion at 13.) As the Court explained in previous orders, only the Eighth Circuit Court of Appeals can issue an authorization to file a successive habeas petition in this Court. This Court does not have jurisdiction to decide

whether such authorization is warranted. On February 4, 2020, this Court denied the Motion to Vacate. [Docket No. 67]

Since February 4, Petitioner has continued to file documents, letters and exhibits with this Court. (See [Docket Nos. 69, 70-71, 73-76].) This case is closed, and Petitioner does not have any motion currently pending before this Court. The Court does not have jurisdiction to authorize Petitioner to file a successive habeas petition. Therefore, the Court will take no action with regard to Defendant's recent letters and filings.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

Petitioner Emem Ufot Udoh is informed that the Court will take no further action on Petitioner's filings because there are no motions pending before the Court, Petitioner's motions for reconsideration and to vacate have been denied, and this matter is closed.

Dated: April 15, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Emem Ufot Udoh,

Case No. 19-cv-1311 (MJD/HB)

Petitioner,

v.

REPORT AND RECOMMENDATION

Nate Knutson, MCF-Moose Lake Prison,

Respondent.

Petitioner Emem Ufot Udoh was convicted in state court on one count of criminal sexual conduct and sentenced to a 144-month term of imprisonment. *See State v. Udoh*, No. A14-2181, 2016 WL 687328 (Minn. Ct. App. Feb. 22, 2016). Udoh is potentially subject to removal from the United States as a result of the conviction. [See Doc. No. 1-2 at 9-11 (correspondence between Udoh and immigration court).] Udoh has filed a petition for a writ of habeas corpus challenging his state-court conviction, the legality of the manner in which the ongoing removal proceedings are being conducted, and the validity of any final order of removal resulting from those proceedings. This matter is before the Court pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.¹ Based on that review, this Court concludes that it lacks jurisdiction over much of the petition and that those aspects of the petition over which the

¹ Some, though not all, aspects of Udoh's petition are governed by 28 U.S.C. § 2254. Nevertheless, the Rules Governing Section 2254 Cases may be applied to the entirety of his habeas corpus petition. *See* Rule 1(b).

Court does have jurisdiction have not been adequately exhausted. Accordingly, it is recommended that this matter be dismissed without prejudice.

As mentioned above, there are three distinct aspects to Udoh's habeas corpus petition. First, Udoh raises a variety of claims directly challenging the validity of his state-court conviction for criminal sexual assault, including prosecutorial misconduct, ineffective assistance of counsel, and newly discovered evidence. The Court lacks jurisdiction over these claims. Udoh previously sought federal habeas corpus relief from his conviction, including on many of the claims now being raised in the pending petition. *See Udoh v. Dooley*, No. 16-cv-4174 (PAM/HB), 2017 WL 2881126 (D. Minn. July 6, 2017). Udoh's current habeas petition attacking the same conviction is therefore a successive petition. A petitioner may raise only *new* claims in a second or successive habeas petition, and, even when raising entirely new claims, the petitioner must first receive authorization from the appropriate court of appeals before proceeding. *See* 28 U.S.C. § 2244(b). Udoh has not received the necessary authorization from the Eighth Circuit Court of Appeals; the Court therefore lacks jurisdiction over any claims challenging the validity of his state-court conviction.

Second, Udoh contends that the ongoing removal proceedings have been carried out *in absentia*, in violation of his due-process rights. By all indications, however, those removal proceedings are still ongoing, and Udoh will have every opportunity² to raise

² The nub of the dispute appears to be that Udoh objects to the removal hearings being conducted telephonically. [See Doc. No. 1-2 at 10-11.] Even if Udoh is correct that this amounts to a violation of his constitutional rights, he nevertheless has the opportunity to raise that objection through the immigration proceedings themselves.

due-process challenges before both the immigration court and, if necessary, the Board of Immigration Appeals. Although the general habeas corpus statute, 28 U.S.C. § 2241, does not include an express exhaustion requirement, because habeas corpus is an extraordinary remedy, petitioners are generally required to exhaust alternative remedies prior to seeking the writ. *See, e.g., Willis v. Ciccone*, 506 F.2d 1011, 1015 (8th Cir. 1974); *Cheatam v. Bureau of Prisons*, No. 15-cv-1210 (PAM/FLN), 2015 WL 9312479, at *1 (D. Minn. Nov. 19, 2015). None of the procedural claims put forward by Udoh regarding the immigration proceedings appear to have been fully litigated in those proceedings themselves (which, again, are by all indications ongoing). Until such time that those claims have been fully litigated before the administrative courts, adjudication of those claims in federal court would be premature.

Finally, Udoh suggests that any order of removal predicated upon his conviction would be unlawful. It does not appear that Udoh is yet subject to a final order of removal, and thus any finding on the putative legality of any such final order of removal would amount to nothing more than speculation. More importantly, though, this Court lacks jurisdiction over challenges to removal decisions, which must instead be brought to the relevant court of appeals. *See* 8 U.S.C. § 1252.

Accordingly, it is recommended that Udoh's petition for a writ of habeas corpus be dismissed without prejudice. It is further recommended that no certificate of appealability be issued as to those aspects of the habeas petition for which a certificate of appealability is required (*i.e.*, the challenge to Udoh's state-court conviction). *See*

28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22(b)(1); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. The petition for a writ of habeas corpus of petitioner Emem Ufot Udoh [Doc. No. 1] be **DISMISSED WITHOUT PREJUDICE**.
2. No certificate of appealability be issued.

Dated: May 31, 2019

s/ Hildy Bowbeer

Hildy Bowbeer

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EMEM UFOT UDOH,

Petitioner,

v.

MEMORANDUM OF LAW & ORDER
Civil File No. 19-1311 (MJD/HB)

NATE KNUTSON,

Respondent.

Emem Ufot Udoh, pro se.

I. INTRODUCTION

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated May 31, 2019. In response to the Report and Recommendation, Petitioner Emem Ufot Udoh has filed a Motion for Extension of Time [Docket No 6], a Motion for Injunctive Relief [Docket No. 13], a Motion to Amend [Docket No. 20], a Motion for Extension of Time [Docket No. 26] and an Application to Proceed in District Court without Prepaying Fees or Costs [Docket No. 27].

II. REPORT AND RECOMMENDATION [DOCKET NO. 5]

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Bowbeer dated May 31, 2019.

III. MOTION FOR EXTENSION OF TIME [DOCKET NO. 6]

Petitioner's Motion for Extension of Time [Docket No. 6] requests a 60-day extension until August 20, 2019, to respond to the Report and Recommendation on the grounds that Petitioner needs time to review the entire record filed in Docket Number 1 and to conduct legal research. He also argues that he will begin a state court trial on August 21, 2019 and will be occupied preparing for that trial.

The Court denies Petitioner's motion because he has failed to show good cause for a 60-day extension. Petitioner seeks time to review the record, yet he cites to the record that he, himself, submitted to the Court as exhibits to his own Petition and presumably reviewed before filing this case. Additionally, Petitioner's assertion that he is too busy preparing for his state court case and needs additional time for legal research is belied by the fact that, on the same day Petitioner filed the request for an extension, he also filed a 20-page Motion for Injunctive Relief that cites to a wide variety of caselaw. One week later,

Petitioner filed a Motion to Amend his Petition that was responsive to the Report and Recommendation. Additionally, granting a 60-day extension would prejudice Respondent by requiring Respondent to respond to Petitioner's later-filed injunctive motion in a lawsuit that should be dismissed. Petitioner cannot hold dismissal in abeyance by filing a motion for an extension and then proceed litigating and filing motions to which Respondent must respond. Finally, the Court has considered all of the many filings that Petitioner has made through August 21, 2019, so Petitioner has reaped the benefit that the grant of his request for an extension would have provided.

IV. MOTION FOR INJUNCTIVE RELIEF [DOCKET NO. 13]

In Petitioner's Motion for Injunctive Relief, he seeks "an Order directing the Clerk of the Minnesota Appellate Court to allow the filing of Petitioner's Notice of Appeal to permit" his post-conviction appeal; staying state court proceedings and immigration court proceedings until this Court decides Petitioner's actual innocence claims in his current Petition; and ordering Petitioner's immediate release pending resolution by this Court of his Petition. Because this Court adopts the Report and Recommendation and dismisses Petitioner's Petition, Petitioner's motion for injunctive relief is denied as moot. Additionally, because the Court has dismissed Petitioner's claims, the requests to

stay state and immigration proceedings and release Petitioner pending this Court's decision on those claims are moot.

Petitioner's request that the Court order the Minnesota Court of Appeals to allow him to file a notice of appeal is also dismissed as moot because there is no open case upon which a motion for injunction can be based. To the extent that the argument that the Minnesota Court of Appeals should be ordered to accept Petitioner's filings is related to Petitioner's later-filed request to amend, it has no legal basis. According to the documentation submitted by Petitioner, the Minnesota Court of Appeals dismissed Petitioner's appeal as premature. When Petitioner later attempted to file a motion in that dismissed case, the Court of Appeals returned the filing because it does not accept filings in closed cases. The Court of Appeals informed Petitioner that, if he had an appealable order within the previous 60 days, he could file a new notice of appeal. The Court of Appeals also explained that, if Petitioner wished to seek review of the Court of Appeals order, he needed to file a petition for review with the Minnesota Supreme Court. Petitioner's claim that the Minnesota Court of Appeals' refusal to accept his filing violates his due process rights fails because the evidence submitted by Petitioner shows that he had the option of filing a petition for review of the Minnesota

Court of Appeals decision with the Minnesota Supreme Court or filing a new notice of appeal with the Minnesota Court of Appeals. He fails to show that Minnesota's post-conviction proceedings fail to comport with due process. Nor has he shown that Respondent has denied him meaningful access to the courts to challenge the alleged violations of his constitutional rights. See Hartsfield v. Nichols, 511 F.3d 826, 831 (8th Cir. 2008) ("To prove a violation of the right of meaningful access to the courts, a prisoner must establish the state has not provided an opportunity to litigate a claim challenging the prisoner's sentence or conditions of confinement in a court of law, which resulted in actual injury, that is, the hindrance of a nonfrivolous and arguably meritorious underlying legal claim.") (citation omitted). Petitioner has not alleged any way in which his due process rights were violated.

V. MOTION TO AMEND [DOCKET NO. 20]

On June 20, Petitioner filed a motion entitled "Motion to Amend the 28 U.S.C. § 2241 Actual Innocence Petition." [Docket No. 20] Despite the title, the body of the motion requests a 60-day extension of time for an unspecified filing. The accompanying memorandum discusses a motion to amend. [Docket Nos. 20, 22] Therefore, the Court interprets the motion as a motion to amend and not a second motion for an extension.

Petitioner argues that the Court erred in recharacterizing his Petition as a second § 2254 petition without giving Petitioner an opportunity to withdraw or amend the Petition. When the Court intends to reclassify a pro se petitioner's pleading as a first § 2255 or § 2254 motion, the Court must warn the petitioner of the restrictions on second or successive motions and provide him the opportunity to consent to the reclassification or withdraw his motion. Morales v. United States, 304 F.3d 764, 767 (8th Cir. 2002). "The limitation applies when a court recharacterizes a pro se litigant's motion as a **first** § 2255 [or § 2254] motion." Castro v. United States, 540 U.S. 375, 383 (2003) (emphasis added). The Court is not required to provide Petitioner the opportunity to consent to reclassification or withdraw his motion when the Court is addressing Petitioner's second § 2254 motion. See, e.g., Hines v. Devore, No. 4:09CV1236 HEA, 2009 WL 3514491, at *1 n.1 (E.D. Mo. Oct. 29, 2009). This is because providing such a warning and the opportunity to withdraw the motion would not assist Petitioner: he is already barred from successive § 2254 petitions without appellate court authorization as a result of his first § 2254 petition in Udoh v. Dooley, Civil File No. 16-4174 (PAM/HB). See Hines, 2009 WL 3514491, at *1 n.1. With regard to Petitioner's first § 2254 petition, Petitioner, himself, entitled it

“Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody.” Udoh v. Dooley, Civil File No. 16-4174 (PAM/HB) [Docket No. 1].

Petitioner also asks for leave to amend his current Petition but does not explain how he would like to amend the Petition, beyond stating that he does not want it characterized as a § 2254 petition. Leave to amend a complaint shall be given “freely . . . when justice so requires.” Fed. R. Civ. P. 15(a)(2). Here, Petitioner provides no hint of how he seeks to amend his Petition to avoid characterization as a successive § 2254 petition. His original Petition and his motion for an injunction only address § 2254 claims, claims that are not yet exhausted, and a meritless claim regarding access to the Minnesota Court of Appeals. As explained in the Report and Recommendation, there is no portion of Petitioner’s original Petition that survives dismissal at this time. Therefore, because, even when all of Petitioner’s filings are construed liberally, Petitioner provides no basis for amending his Petition, the motion to amend is denied.

VI. MOTION FOR EXTENSION OF TIME [DOCKET NO. 26] AND APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS [DOCKET NO. 27]

In Docket Number 26, Petitioner has filed a motion entitled “Motion Proceedings in Forma Pauperis (IFP).” The body of the motion requests a 60-day extension of time for an unspecified filing. Accompanying the motion is a

completed Application to Proceed in District Court without Prepaying Fees or Costs. [Docket No. 27] The Court interprets these filings as an IFP application and not a second motion for an extension of time. Because Petitioner's Petition is dismissed, his IFP application is denied as moot.

VII. MOTION FOR APPOINTMENT OF COUNSEL [DOCKET NO. 34]

The Court denies Petitioner's request for appointment of counsel.

Petitioner's Petition and his motion for an injunction only address § 2254 claims over which the Court lacks jurisdiction, claims that are not yet exhausted, and a meritless claim regarding access to the Minnesota Court of Appeals. There is no need for an evidentiary hearing, and the case is not legally complex. The interests of justice do not require appointment of counsel. See, e.g., Hoggard v. Purkett, 29 F.3d 469, 471 (8th Cir. 1994). Appointment of counsel would not assist Petitioner in prosecuting his claims, which are subject to dismissal; nor would appointment assist the Court.

VIII. MOTION FOR STAY AND ABEYANCE [DOCKET NO. 39]

Petitioner requests that, instead of dismissing his Petition without prejudice, this Court stay his Petition while he pursues state post-conviction relief, exhausts administrative remedies in immigration court, and completes the legal proceedings regarding termination of parental rights. He asserts that a stay

is necessary because, if the Petition is dismissed, the claims raised in his Petition would be barred by the one-year statute of limitations. He further argues that a stay is necessary “[g]iven the length of Petitioner’s filings and submissions in other courts, Petitioner’s case load, and the deadlines [in other legal proceedings]”. (Brief at 4.) Petitioner fails to identify a claim on which a one-year statute of limitations is currently running that would expire without a stay. The length of Petitioner’s own filings, the number of legal proceedings in which he is involved, and the deadlines in those proceedings do not justify staying, rather than dismissing, claims over which this Court does not have jurisdiction or which are not yet ripe.

IX. MOTION FOR A NEW EVIDENTIARY HEARING [DOCKET NO. 46]

The Court denies Petitioner’s request for an evidentiary hearing because the record conclusively demonstrates that he is not entitled to relief. See White v. Dingle, 757 F.3d 750, 757 (8th Cir. 2014); Crawford v. Norris, 363 F. App’x 428, 430 (8th Cir. 2010); Kendrick v. Carlson, 995 F.2d 1440, 1446 (8th Cir. 1993).

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated May 31, 2019 [Docket No. 5].

2. Petitioner's Emem Ufot Udoh's Petition for Writ of Habeas Corpus [Docket No. 1] is **DISMISSED WITHOUT PREJUDICE**.
3. Petitioner's Motion for Extension of Time [Docket No 6] is **DENIED**.
4. Petitioner's Motion for Injunctive Relief [Docket No. 13] is **DENIED**.
5. Petitioner's Motion to Amend the 28 U.S.C. § 2241 Actual Innocence Petition [Docket No. 20] is **DENIED**.
6. Petitioner's Motion for Extension of Time [Docket No. 26] is **DENIED**.
7. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs [Docket No. 27] is **DENIED**.
8. Petitioner's Motion for Appointment of Counsel [Docket No. 34] is **DENIED**.
9. Petitioner's Motion for Stay and Abeyance [Docket No. 39] is **DENIED**.
10. Petitioner's Motion for a New Evidentiary Hearing [Docket No. 46] is **DENIED**.
11. No Certificate of Appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 28, 2019

s/ Michael J. Davis

Michael J. Davis

United States District Court

Appendix

5DIV,APPEAL,CLOSED,CV,HABEAS,PRO-SE,PRO-SE INT,PSLC1-PS_cmpl,PSLC2-PS_cmpl,PSLC3-PS_cmpl

**U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:19-cv-01311-MJD-HB**

Udoh v. Knutson

Assigned to: Judge Michael J. Davis

Referred to: Magistrate Judge Hildy Bowbeer

Case in other court: USCA 8th Circuit, 19-03181

USCA 8th Circuit, 20-02949

USCA 8th Circuit, 20-03033

Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 05/17/2019

Date Terminated: 08/29/2019

Jury Demand: None

Nature of Suit: 463 Habeas Corpus -

Alien Detainee

Jurisdiction: U.S. Government Defendant

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

Nate Knutson

MCF-Moose Lake Prison

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Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
05/17/2019	<u>1</u>	PETITION for Writ of Habeas Corpus (filing fee \$5, receipt number 4-03213) filed by Emem Ufot Udoh. Case assigned to Judge Michael J. Davis per 5th Prisoner list, referred to Magistrate Judge Hildy Bowbeer. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit(s) 1, # <u>3</u> Exhibit(s) 2, # <u>4</u> Exhibit(s) 3, # <u>5</u> Exhibit(s) 4, # <u>6</u> Certificate of Service) cc: Udoh. (MMP) Modified text on 5/20/2019 (MMP). Document QC'd by KMH on 6/17/2019 (KMH). (Additional attachment(s) added on 6/27/2019: # <u>7</u> Scanned Envelope) (KMH). Document QC'd by KMH on 6/27/2019 (KMH). (Entered: 05/20/2019)
05/21/2019	<u>2</u>	TEXT ONLY NOTICE: Magistrate Judge Hildy Bowbeer's Practice Pointers, which have recently been revised, are available on the United States District Court for the District of Minnesota's website (www.mnd.uscourts.gov). All parties are expected to be familiar with and adhere to these Practice Pointers, including any variances from the Local Rules. (JMK) cc: Udoh. Modified text on 5/21/2019 (JME). (Entered: 05/21/2019)
05/24/2019	<u>3</u>	LETTER TO MAGISTRATE JUDGE by Nate Knutson <i>Attorney Substitution</i> . (Attachments: # <u>1</u> Cover Letter Attorney Substitution) (Stockmeyer, Edwin) (Entered: 05/24/2019)
05/28/2019	<u>4</u>	NOTICE of Appearance by Jonathan P Schmidt on behalf of Nate Knutson. (Attachments: # <u>1</u> Certificate of Service)(Schmidt, Jonathan) (Entered: 05/28/2019)
05/31/2019	<u>5</u>	REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh. Signed by Magistrate Judge Hildy Bowbeer on 5/31/2019. (JMK) cc:Emem Ufot Udoh. Modified text on 6/3/2019 (MMG). (Entered: 05/31/2019)
06/13/2019	<u>6</u>	MOTION for Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed

		by Emem Ufot Udoh. (CLK) (Additional attachment(s) added on 6/14/2019: # <u>1</u> Envelope) (CLK). Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>7</u>	NOTICE OF HEARING ON MOTION <u>6</u> MOTION for Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh : Date and time to be determined. (CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>8</u>	MEMORANDUM in Support re <u>6</u> MOTION for Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>9</u>	EXHIBIT 5 re <u>8</u> Memorandum in Support of Motion, filed by Emem Ufot Udoh.(CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>10</u>	MEET and CONFER STATEMENT re <u>6</u> Motion for Extension of Time to File Response/Reply filed by Emem Ufot Udoh.(CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>11</u>	PROPOSED ORDER TO JUDGE re <u>6</u> MOTION for Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>12</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>9</u> Exhibit, <u>6</u> MOTION for Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh, <u>10</u> Meet and Confer Statement, <u>7</u> Notice of Hearing on Motion, <u>11</u> Proposed Order to Judge, <u>8</u> Memorandum in Support of Motion, (CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>13</u>	MOTION FOR INJUNCTIVE RELIEF and MEMORANDUM OF LAW - Expedited Handling Requested filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(CLK) Modified text on 6/14/2019 (CLK). Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>14</u>	NOTICE OF HEARING ON MOTION <u>13</u> MOTION for Injunctive Relief - Expedited Handling Requested : Date and time to be determined. (CLK) Modified text on 6/14/2019 (CLK). Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>15</u>	LR7.1/LR72.2 WORD COUNT COMPLIANCE CERTIFICATE by Emem Ufot Udoh re <u>13</u> MOTION FOR INJUNCTIVE RELIEF/Memorandum in Support of Motion, filed by Emem Ufot Udoh.(CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)

06/13/2019	<u>16</u>	MEET and CONFER STATEMENT re <u>13</u> Motion for Injunctive Relief filed by Emem Ufot Udoh.(CLK) Modified text on 6/14/2019 (CLK). Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>17</u>	PROPOSED ORDER TO JUDGE re <u>13</u> MOTION for Injunctive Relief - Expedited Handling Requested filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(CLK) Modified text on 6/14/2019 (CLK). Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/13/2019	<u>18</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>14</u> Notice of Hearing on Motion, <u>17</u> Proposed Order to Judge, <u>13</u> MOTION for Preliminary Injunction - Expedited Handling Requested, <u>16</u> Meet and Confer Statement, <u>15</u> LR7.1/LR72.2 Word Count Compliance Certificate (CLK) Document QC'd by KMH on 6/28/2019 (KMH). (Entered: 06/14/2019)
06/17/2019	<u>19</u>	LETTER TO DISTRICT JUDGE by Nate Knutson . (Attachments: # <u>1</u> Certificate of Service)(Schmidt, Jonathan) (Entered: 06/17/2019)
06/20/2019	<u>20</u>	MOTION to Alter/Amend/Supplement Pleadings <u>1</u> Petition for Writ of Habeas Corpus filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>21</u>	NOTICE OF HEARING ON MOTION <u>20</u> MOTION to Alter/Amend /Supplement Pleadings <u>1</u> Petition for Writ of Habeas Corpus filed by Emem U. Udoh. Date and time to be determined. (MMP) Document QC'd by KMH on 6/28/2019 (KMH). Document QC'd by KMH on 7/12/2019 (KMH). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>22</u>	MEMORANDUM in Support re <u>20</u> MOTION to Alter/Amend/Supplement Pleadings <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)(MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>23</u>	MEET and CONFER STATEMENT re <u>20</u> Motion to Alter/Amend /Supplement Pleadings filed by Emem Ufot Udoh.(MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>24</u>	PROPOSED ORDER TO JUDGE re <u>20</u> MOTION to Alter/Amend /Supplement Pleadings <u>1</u> Petition for Writ of Habeas Corpus, filed by Emem Ufot Udoh.(MMP) (Additional attachment(s) added on 6/20/2019: # <u>1</u> Certificate of Service) (MMP). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>25</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>22</u> Memorandum in Support of Motion, <u>23</u> Meet and Confer Statement, <u>20</u> MOTION to Alter/Amend/Supplement Pleadings <u>1</u> Petition for Writ of Habeas Corpus,, <u>21</u> Notice of Hearing on Motion, <u>24</u> Proposed Order to Judge (Attachments: # <u>1</u> Envelope)(MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>26</u>	Motion for Extension of time filed by Emem Ufot Udoh. (MMP) Modified text on 6/24/2019 (MMP). Modified text on 6/24/2019 (MMP). Document

		QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>27</u>	Application to Proceed in District Court without Prepaying Fees or Costs filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>28</u>	NOTICE OF HEARING ON MOTION <u>26</u> Motion for Extension of Time filed by Emem Ufot Udoh: Date and time to be determined. (MMP) Modified text on 6/24/2019 (MMP). (Entered: 06/20/2019)
06/20/2019	<u>29</u>	MEMORANDUM in Support re <u>26</u> Motion for Extension of Time filed by Emem Ufot Udoh filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(MMP) Modified text on 6/24/2019 (MMP). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>30</u>	MEET and CONFER STATEMENT re <u>20</u> Motion to Alter/Amend /Supplement Pleadings filed by Emem Ufot Udoh.(MMP) Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>31</u>	Attachment re: <u>26</u> Motion for extension of time filed by Emem Ufot Udoh. (MMP) Modified text on 6/24/2019 (MMP). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>32</u>	PROPOSED ORDER TO JUDGE re <u>27</u> Application to Proceed in District Court without Prepaying Fees or Costs filed by Emem Ufot Udoh filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(MMP) Modified text on 6/24/2019 (MMP). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/20/2019	<u>33</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>30</u> Meet and Confer Statement, <u>32</u> Proposed Order to Judge, <u>28</u> Notice of Hearing on Motion, <u>26</u> Motion filed by Emem Ufot Udoh, <u>29</u> Memorandum in Support of Motion, <u>27</u> Application filed by Emem Ufot Udoh, <u>31</u> Exhibit (Attachments: # <u>1</u> Envelope)(MMP) Modified text on 6/24/2019 (MMP). Document QC'd by KMH on 7/12/2019 (KMH). (Entered: 06/20/2019)
06/27/2019		NOTICE OF DOCKETING CORRECTION for <u>1</u> Petition for Writ of Habeas Corpus, scanned in envelope (KMH) (Entered: 06/27/2019)
08/21/2019	<u>34</u>	MOTION to Appoint Counsel filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>35</u>	NOTICE OF HEARING ON MOTION <u>34</u> MOTION to Appoint Counsel filed by Emem Udoh: Date and time to be determined. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>36</u>	MEMORANDUM in Support re <u>34</u> MOTION to Appoint Counsel filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>37</u>	MEET and CONFER STATEMENT re <u>34</u> Motion to Appoint Counsel filed by Emem Ufot Udoh.(MMP) Document QC'd by KMH on 9/10/2019

		(KMH). (Entered: 08/21/2019)
08/21/2019	<u>38</u>	PROPOSED ORDER TO JUDGE re <u>34</u> MOTION to Appoint Counsel filed by Emem Ufot Udoh.(MMP) (Additional attachment(s) added on 8/21/2019: # <u>1</u> Certificate of Service of Proposed Order) (MMP). Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>39</u>	MOTION <i>Stay and Abeyance</i> filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>40</u>	NOTICE OF HEARING ON MOTION <u>39</u> MOTION <i>Stay and Abeyance</i> filed by Emem Udoh: Date and time to be determined. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>41</u>	MEMORANDUM in Support re <u>39</u> MOTION <i>Stay and Abeyance</i> filed by Emem Ufot Udoh.(MMP) (Additional attachment(s) added on 8/22/2019: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate) (MMP). Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>42</u>	MEET and CONFER STATEMENT re <u>39</u> Motion for Miscellaneous Relief filed by Emem Ufot Udoh.(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>43</u>	PROPOSED ORDER TO JUDGE re <u>39</u> MOTION <i>Stay and Abeyance</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service of Proposed Order)(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/21/2019)
08/21/2019	<u>44</u>	CERTIFICATE OF SERVICE filed by Emem Ufot Udoh re <u>37</u> Meet and Confer Statement, <u>34</u> MOTION to Appoint Counsel, <u>35</u> Notice of Hearing on Motion, <u>36</u> Memorandum in Support of Motion, <u>38</u> Proposed Order to Judge. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>45</u>	CERTIFICATE OF SERVICE filed by Emem Ufot Udoh re <u>42</u> Meet and Confer Statement, <u>43</u> Proposed Order to Judge, <u>40</u> Notice of Hearing on Motion, <u>41</u> Memorandum in Support of Motion, <u>39</u> MOTION <i>Stay and Abeyance</i> . (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>46</u>	MOTION <i>FOR A NEW EVIDENTIARY HEARING</i> filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>47</u>	NOTICE OF HEARING ON MOTION <u>46</u> MOTION <i>FOR A NEW EVIDENTIARY HEARING</i> filed by Emem Udoh : Date and time to be determined. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>48</u>	MEMORANDUM in Support re <u>46</u> MOTION <i>FOR A NEW EVIDENTIARY HEARING</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)

08/21/2019	<u>49</u>	MEET and CONFER STATEMENT re <u>46</u> Motion for Miscellaneous Relief filed by Emem Ufot Udoh.(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>50</u>	PROPOSED ORDER TO JUDGE re <u>46</u> MOTION <i>FOR A NEW EVIDENTIARY HEARING</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service)(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>51</u>	CERTIFICATE OF SERVICE filed by Emem Ufot Udoh re <u>46</u> MOTION <i>FOR A NEW EVIDENTIARY HEARING</i> , <u>50</u> Proposed Order to Judge, <u>47</u> Notice of Hearing on Motion, <u>49</u> Meet and Confer Statement, <u>48</u> Memorandum in Support of Motion (Attachments: # <u>1</u> Envelope)(MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/21/2019	<u>52</u>	EXHIBIT 6 for R&R Objection re <u>1</u> Petition for Writ of Habeas Corpus filed by Emem Ufot Udoh. (MMP) Document QC'd by KMH on 9/10/2019 (KMH). (Entered: 08/22/2019)
08/29/2019	<u>53</u>	MEMORANDUM OF LAW & ORDER. IT IS HEREBY ORDERED: 1. The Court ADOPTS the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated May 31, 2019 <u>5</u> . 2. Petitioner's Emem Ufot Udoh's Petition for Writ of Habeas Corpus <u>1</u> is DISMISSED WITHOUT PREJUDICE. 3. Petitioner's Motion for Extension of Time <u>6</u> is DENIED. 4. Petitioner's Motion for Injunctive Relief <u>13</u> is DENIED. 5. Petitioner's Motion to Amend the 28 U.S.C. § 2241 Actual Innocence Petition <u>20</u> is DENIED. 6. Petitioner's Motion for Extension of Time <u>26</u> is DENIED. 7. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs <u>27</u> is DENIED. 8. Petitioner's Motion for Appointment of Counsel <u>34</u> is DENIED. 9. Petitioners Motion for Stay and Abeyance <u>39</u> is DENIED. 10. Petitioner's Motion for a New Evidentiary Hearing <u>46</u> is DENIED. 11. No Certificate of Appealability will be issued. LET JUDGMENT BE ENTERED ACCORDINGLY. (Written Opinion). Signed by Judge Michael J. Davis on 8/28/2019. (GRR) cc: Emem Ufot Udoh. Modified text on 8/30/2019 (lmb). (Entered: 08/29/2019)
08/30/2019	<u>54</u>	JUDGMENT. cc: Emem Ufot Udoh with Appeal Packet (Attachments: # <u>1</u> Civil Notice - appeal)(lmb) (Entered: 08/30/2019)
09/09/2019	<u>55</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) Document QC'd on 9/12/2019 (CLK). (Entered: 09/09/2019)
09/12/2019	<u>56</u>	MOTION to Reconsider filed by Emem Ufot Udoh. (MKB) Document QC'd by KMH on 10/8/2019 (KMH). (Entered: 09/13/2019)
09/12/2019	<u>57</u>	NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>53</u> Order Adopting Report and Recommendations, <u>54</u> Judgment by Emem Ufot Udoh. (MKB) Document QC'd by KMH on 10/8/2019 (KMH). (Entered: 09/13/2019)
09/12/2019	<u>58</u>	Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (MKB) (Entered: 09/13/2019)

09/12/2019	<u>59</u>	CERTIFICATE OF SERVICE by Emem Ufot Udoh re <u>56</u> MOTION to Reconsider, <u>58</u> Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh, <u>57</u> Notice of Appeal to 8th Circuit. (Attachments: # <u>1</u> Envelope)(MKB) Document QC'd by KMH on 10/8/2019 (KMH). (Entered: 09/13/2019)
09/18/2019	<u>60</u>	MEMORANDUM OF LAW & ORDER. IT IS HEREBY ORDERED: Petitioner Emem Ufot Udoh's letter request for reconsideration of the Court's denial of his extension of time to file objections to the Report and Recommendation <u>55</u> and Petitioner's Motion to Reconsider <u>56</u> are DENIED. (Written Opinion) Signed by Judge Michael J. Davis on 9/18/2019. (GRR) cc: Emem Ufot Udoh. Modified text on 9/19/2019 (lmb). (Entered: 09/18/2019)
10/03/2019	<u>61</u>	ORDER. IT IS HEREBY ORDERED THAT Petitioner Emem Ufot Udoh's filing <u>58</u> , titled "Motion for Permission to Appeal In Forma Pauperis; and Notice of Appeal" is GRANTED to the extent it seeks permission for Udoh to proceed in forma pauperis on appeal. Signed by Judge Michael J. Davis on 10/2/2019. (GRR) cc:Emem Ufot Udoh. Modified text on 10/4/2019 (MMG). (Entered: 10/03/2019)
10/04/2019	<u>62</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit <u>57</u> . (MMG) cc:Emem Ufot Udoh. Modified text on 10/7/2019 (MMG). (Entered: 10/04/2019)
10/08/2019	<u>63</u>	USCA Case Number 19-3181 for <u>57</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (MMP) (Entered: 10/08/2019)
01/28/2020	<u>64</u>	USCA JUDGMENT (electronic copy) as to <u>57</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (lmb) (Entered: 01/29/2020)
01/30/2020	<u>65</u>	MOTION to Vacate Order <u>53</u> Order Adopting Report and Recommendations, <u>54</u> Judgment, filed by Emem Ufot Udoh. (lmb) Qc'd on 2/6/2020 (KNK). (Entered: 01/31/2020)
01/30/2020	<u>66</u>	APPENDIX filed re <u>65</u> MOTION to Vacate Order <u>53</u> Order Adopting Report and Recommendations, <u>54</u> Judgment. (Attachments: # <u>1</u> Copy of State Court Motion Filing, # <u>2</u> Copy of State Court Motion Filing, # <u>3</u> Envelope)(lmb) Qc'd on 2/6/2020 (KNK). (Entered: 01/31/2020)
02/04/2020	<u>67</u>	MEMORANDUM OF LAW & ORDER. IT IS HEREBY ORDERED: Petitioner Emem Ufot Udoh's Motion to Vacate <u>65</u> is DENIED. (Written Opinion) Signed by Judge Michael J. Davis on 2/4/2020. (GRR) (Entered: 02/04/2020)
02/05/2020	<u>68</u>	NOTICE to USCA of subsequent filing in a civil case, Re: Order on Motion to Vacate Order <u>67</u> , Motion to Vacate Order <u>65</u> , Appendix filed <u>66</u> . (MMG) (Entered: 02/05/2020)
02/05/2020	<u>69</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 (First), # <u>7</u> Envelope (Second), # <u>8</u> Envelope (Third))(kt) (Entered: 02/06/2020)

02/14/2020	<u>70</u>	MEMORANDUM in Support of MOTION to Vacate Order <u>53</u> Order Adopting Report and Recommendations, <u>54</u> Judgment, filed by Emem Ufot Udoh. (lmb) Qc'd on 2/19/2020 (KNK). (Entered: 02/14/2020)
02/14/2020	<u>71</u>	EXHIBIT re <u>70</u> Memorandum filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(lmb) Qc'd on 2/19/2020 (KNK). (Entered: 02/14/2020)
02/25/2020	<u>72</u>	MANDATE of USCA (electronic copy) as to <u>57</u> Notice of Appeal to 8th Circuit filed by Emem Ufot Udoh. (MMP) (Entered: 02/26/2020)
03/17/2020	<u>73</u>	LETTER TO THE DISTRICT JUDGE IN SUPPORT FOR MOTION TO VACATE ORDER AND JUDGMENT filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Attachment to Letter, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(MMP) Qc'd on 4/3/2020 (KNK). (Entered: 03/17/2020)
04/08/2020	<u>74</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh. (Attachments: # <u>1</u> Attachment, # <u>2</u> Envelope)(MMP) Document QC'd on 4/29/2020 (MMG). (Entered: 04/09/2020)
04/13/2020	<u>75</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP). Paper QC'd on 4/15/2020 (MTP). (Entered: 04/14/2020)
04/13/2020	<u>76</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP). Paper QC'd on 4/15/2020 (MTP). (Entered: 04/14/2020)
04/15/2020	<u>77</u>	MEMORANDUM OF LAW & ORDER. IT IS HEREBY ORDERED: Petitioner Emem Ufot Udoh is informed that the Court will take no further action on Petitioner's filings because there are no motions pending before the Court, Petitioner's motions for reconsideration and to vacate have been denied, and this matter is closed. (Written Opinion). Signed by Judge Michael J. Davis on 4/15/2020. (GRR) (Entered: 04/15/2020)
04/22/2020	<u>78</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh. re: Judicial Notice of the Existence of Prior Proceedings in Support of Petitioner's Memorandum of Law. (Attachments: # <u>1</u> Envelope)(MMP) Modified text on 4/23/2020 (MMP). (Additional attachment(s) added on 4/29/2020: # <u>2</u> Exhibit) (MMP). (Entered: 04/23/2020)
04/22/2020	<u>79</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh re: Notice of Extraordinary Circumstances Exist in the Case to Justify the Reliefs Requested in the Memorandum of Law. (Attachments: # <u>1</u> Envelope) (MMP). Paper QC'd on 4/28/2020 (MTP). (Additional attachment(s) added on 4/29/2020: # <u>2</u> Exhibit(s)) (MMP). (Entered: 04/23/2020)
04/22/2020	<u>80</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(MMP) (Additional attachment(s) added on 4/29/2020: # <u>2</u> Exhibit(s)) (MMP). (Entered: 04/23/2020)

05/01/2020	<u>81</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh re: Evidence in Support of Petitioner Denial and/or Lack of Access to the Prison Law Library. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(MMP) Document QC'd on 5/7/2020 (MMG). (Entered: 05/04/2020)
05/06/2020	<u>82</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh re: Judicial Notice of Evidence in Support of Denial and/or lack of Access to the Prison Law Library to Appeal his case (A19-1129) Referenced in Doc <u>76</u> in Support of the Reliefs Requested. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) Modified text on 5/6/2020 (MTP). Document QC'd on 5/8/2020 (MMG). (Entered: 05/06/2020)
05/20/2020	<u>83</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh re: Judicial Notice of a Proceeding in Carlton County District Court. (Attachments: # <u>1</u> Attachment, # <u>2</u> Envelope)(MMP). Document QC'd on 7/1/2020 (MTP). (Entered: 05/20/2020)
06/19/2020	<u>84</u>	SUPPLEMENTAL AUTHORITY AND JUDICIAL NOTICE OF PRIOR PROCEEDING TO REMOVE JUDGE TAMARA GARCIA IN A18-1804 filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) Document QC'd on 8/18/2020 (MMG). (Entered: 06/22/2020)
07/31/2020	<u>85</u>	LETTER TO DISTRICT JUDGE by Emem Ufot Udoh re: Judicial Notice of a Recent Order Entered by Honorable Paul A. Magnuson in Udoh V. Dooley 16-cv-4174. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) DOCUMENT QC'd by KT on 7/31/2020. (kt) (Entered: 07/31/2020)
08/07/2020	<u>86</u>	MOTION FOR LEAVE AND APPLICATION TO PROCEED IN FORMA PAUPERIS IN THIS DISTRICT COURT AND AT THE EIGHTH CIRCUIT COURT OF APPEALS IN REGARDS TO THE RENEWED 60(B)(6) MOTION filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Attachment, # <u>2</u> Envelope)(MMP) Document QC'd on 10/28/2020 (MMG). (Entered: 08/07/2020)
08/07/2020	<u>87</u>	LETTER TO DISTRICT JUDGE filed by Emem Ufot Udoh. re: Record of Medical Evidence in Support of Petitioners Renewed Rule 60(B)(6) Motion to Show that he was at home and did not receive any notice of appearance for hearing. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) Modified text on 8/7/2020 (MMP). Document QC'd on 10/28/2020 (MMG). (Entered: 08/07/2020)
08/10/2020	<u>88</u>	RENEWED MOTION to Vacate the Judgment and Order filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(MMP) (Entered: 08/10/2020)
08/10/2020	<u>89</u>	CERTIFICATE OF COMPLIANCE with attached Certificate of Service re <u>88</u> Renewed Motion filed by Emem Ufot Udoh.(MMP) Modified text on 8/11/2020 (MMP). (Entered: 08/10/2020)
08/19/2020	<u>90</u>	MOTION for Certificate of Appealability filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(MMP) DOCUMENT QC'd by KT on 8/21/20. (kt) (Entered: 08/20/2020)

08/19/2020	<u>91</u>	AMENDED NOTICE OF APPEAL WITH APPLICATION FOR CERTIFICATE OF APPEALABILITY (PART I) as to <u>53</u> Order Adopting Report and Recommendations <u>67</u> Order on Motion to Vacate Order, <u>77</u> Memorandum & Opinion filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Amended Notice of Appeal with Application for Certificate of Appealability Part II)(MMP) DOCUMENT QC'd by KT on 8/21/20. (kt) (Entered: 08/20/2020)
08/19/2020	<u>92</u>	APPENDIX INDEX filed by Emem Udoh. (MMP) DOCUMENT QC'd by KT on 8/21/2020. (kt) . (Entered: 08/20/2020)
08/19/2020	<u>93</u>	CERTIFICATE OF COMPLIANCE re <u>91</u> Amended Notice of Appeal with Application for Certificate of Appealability filed by Emem Ufot Udoh.(MMP) DOCUMENT QC'd by KT on 8/21/20. (kt) (Entered: 08/20/2020)
08/28/2020	<u>94</u>	JUDICIAL NOTICE of a Motion for Remand Filed in the U.S. Eighth Circuit Court of Appeals by Emem Ufot Udoh (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit(s), # <u>3</u> Certificate of Service, # <u>4</u> Envelope)(MKB). Document QC'd on 9/2/2020 (MTP). (Entered: 08/31/2020)
09/14/2020	<u>95</u>	ORDER. IT IS HEREBY ORDERED that the application to proceed in forma pauperis on appeal of Petitioner Udoh <u>86</u> is DENIED AS MOOT, his renewed motion to vacate <u>88</u> is DENIED, his motion for a certificate of appealability <u>90</u> is DENIED, and his implicit request to remand <u>94</u> is DENIED. Signed by Judge Michael J. Davis on 9/14/2020. (GRR) (Entered: 09/14/2020)
09/17/2020	<u>96</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit <u>91</u> . (MMG) (Entered: 09/17/2020)
09/18/2020	<u>97</u>	USCA Case Number 20-2949 for <u>91</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (MMP) (Entered: 09/21/2020)
09/28/2020	<u>98</u>	NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>95</u> Order on Application on Proceed in District Court without Prepaying Fees or Costs,, Order on Motion to Vacate Order,, Order on Motion for Certificate of Appealability, by Emem Ufot Udoh. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Envelope)(MMP) Document QC'd on 10/16/2020 (JGK). (Entered: 09/28/2020)
09/28/2020	<u>99</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit, <u>98</u> . (MMP) (Entered: 09/28/2020)
09/28/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Notice of Appeal to 8th Circuit, <u>98</u> , Transmission of Notice of Appeal Letter <u>99</u> . (MMP) (Entered: 09/28/2020)
09/30/2020	100	USCA Case Number 20-3033 for <u>98</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (MMP) (Entered: 09/30/2020)

10/13/2020	<u>101</u>	Application to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(MMP) (Additional attachment(s) added on 10/19/2020: # <u>2</u> Attachment Page 6 of IFP received on 10/19/20) (MMP). Document 101 and 101-1 QC'd by JME on 10/23/2020 (JME). (Entered: 10/14/2020)
10/13/2020	<u>102</u>	Motion and Affidavit to Proceed In Forma Pauperis on Consolidated Appeals filed by Emem Ufot Udoh. (MMP) Document QC'd by JME on 10/23/2020 (JME). (Entered: 10/14/2020)
10/13/2020	<u>103</u>	EXHIBITS 1-8 re <u>101</u> Application to Proceed In Forma Pauperis on Appeal, <u>102</u> Motion to Proceed In Forma Pauperis on Appeal filed by Emem Ufot Udoh. (MMP) Document QC'd by JME on 10/23/2020 (JME). (Entered: 10/14/2020)
10/13/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Application to Proceed to Appeal In Forma Pauperis on Appeal <u>101</u> , Motion to Proceed to Appeal In Forma Pauperis on Appeal <u>102</u> , Exhibits 1-8 <u>103</u> . (MMP) (Entered: 10/14/2020)
10/13/2020	<u>104</u>	REQUEST for a copy of Document <u>86</u> . filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Envelope)(MKB) Document QC'd on 10/27/2020 (MKB). (Entered: 10/14/2020)
10/19/2020	<u>105</u>	ORDER. IT IS HEREBY ORDERED that the application to proceed in forma pauperis on appeal of petitioner Emem Ufot Udoh <u>101</u> & <u>102</u> is DENIED. Signed by Judge Michael J. Davis on 10/19/2020. (GRR) (Entered: 10/19/2020)
10/19/2020	105 <u>106</u>	MOTION <i>Emergency Motion for Release Pending Appeal Due to Covid-19 Pandemic in Rush City Facility</i> filed by Emem Ufot Udoh. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(MMP) Document QC'd on 10/28/2020 (MMG). (Entered: 10/19/2020)
10/19/2020		NOTICE to USCA of subsequent filing in a civil case, Re: Order on Application on Proceed In Forma Pauperis on Appeal, <u>105</u> , Motion for Miscellaneous Relief <u>106</u> , Request <u>104</u> . (MMP) (Entered: 10/19/2020)
10/27/2020	<u>107</u>	USCA JUDGMENT (electronic copy) as to <u>98</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh, <u>91</u> Notice of Appeal to 8th Circuit, filed by Emem Ufot Udoh. (KDS) (Entered: 10/27/2020)
11/16/2020	<u>108</u>	LETTER TO CLERK'S OFFICE from Emem Udoh re: copy of docket history. (Attachments: # <u>1</u> Envelope)(MKB) (Entered: 11/17/2020)