

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 20-2861

Reginald L. Shumpert

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the Eastern District of Missouri - Cape Girardeau
(1:19-cv-00116-SNLJ)

JUDGMENT

Before SHEPHERD, KELLY, and ERICKSON, 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.

Appellant's motions for erroneous review pursuant to FRCP 52(a) and for discovery pursuant to FRCP 26 Rule are denied as moot. The appeal is dismissed.

January 11, 2021

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

/s/ Michael E. Gans

Exhibit V 1/5

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE

RECEIVED
BY MAILJUL 22 2019 MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODYU. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

United States District Court		District
Name (under which you were convicted):		Docket or Case No:
Reginald L. Shumper		1:16-CR-00057-SNLJ
Place of Confinement:		Prisoner No:
U.S. Penitentiary Florence High		45833-044
Movant	V.	United States of America
Reginald L. Shumper		

MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Rush Limbaugh U.S. Courthouse
Cape Girardeau, Missouri 63701

- (b) Criminal docket or case number (if you know): 1:16-CR-00057-SNLJ

2. (a) Date of the judgment of conviction (if you know): October 20, 2016

- (b) Date of sentencing: January 17, 2017

3. Length of sentence: 240 MONTHS

4. Nature of crime (all counts): Bank Robbery 18: U.S.C 2113

5. (a) What was your plea: (Check one)

(1) Not guilty ☒(2) Guilty ☐(3) Nolo contendere (no contest) ☐

- (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? N/A

* Ground Five: Deprivation of Constitutional Rights - is Attached on Back.

6. If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge Only ☒
7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐

9. If you did appeal, answer the following:

- (a) Name of court: 8th Circuit Court of Appeals
- (b) Docket or case number (if you know): Thomas F. Eagleton Courthouse 17-1168
- (c) Result: affirmed the judgment
- (d) Date of result (if you know): May 4, 2018
- (e) Citation of the case (if you know): 889 F.3d 488 2018 U.S. App.
- (f) Grounds raised: in-court identification (impermissibly suggestive)

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): _____
- (2) Result: _____
- (3) Date of result (if you know): _____
- (4) Citation to the case (if you know): _____
- (5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a)(1) Name of court: 8th Circuit Court of Appeals
- (2) Docket of case number (if you know): [4793558] 17-1168

(3) Date of filing (if you know): 6-03-2019

(4) Nature of the proceeding: MOTION TO Recall the Mandate

(5) Grounds raised: Trial lawyer fail to file for suppression hearing during the critical stages of my proceedings. Appeal lawyer fail and refuse to file for certiorari writ during the critical stages of my proceedings.

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

(7) Result: MOTION Denied

(8) Date of result (if you know): June 6, 2019

(b) If you file any second motion, petition, or application, give the same information:

(1) Name of court: _____

(2) Docket of case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition Yes ☐ No ☒

(2) Second petition Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

filing 28 U.S.C 2255 before time barred

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Improper police conduct

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

June 16, 2017 - a complaint was filed showing improper police conduct. The court's error by stating it was a Appellant's Brief. It wasn't a brief, it was a complaint showing improper police conduct. See also May 9, 2018, Petition for Rehearing.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment or conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

June 16, 2017 the issue was "sealed" instead of being addressed for the record. Labeled as Appellant's Brief

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal?

Yes ☐ No ☐

(6) If your answer to question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket case number (if you know): _____

Date of the court's decision: _____

Result: (attach a copy of the court's opinion or order if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

Trying to keep from being time barred on this
28. U.S.C. 2255 motion

GROUND TWO: IN-COURT identification * (improperly & very suggestive)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

3 Photos of left, right, hands Plus a facial photo was taken while in Bell County Texas without a warrant or my consent. Once those photos were illegally obtained I was then placed in courtroom to be identified without a photo array.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment or conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal?

Yes ☐ No ☐

(6) If your answer to question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket case number (if you know): _____

Date of the court's decision: _____

Result: (attach a copy of the court's opinion or order if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND THREE: Ineffective Assistance of Counsel

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

fraudulent and passive concealment was made October 17 2016 Benton Prosecution kept a secret and Attorney Amanda Lee Atman on record at Pre-trial. Of the recordings that Attorney Amanda Atman made of a conversation of her and Steven Johnson in Texas. Which was the actual person that called in a crime stoppers tip and presented 2 photos that I explained to the court that Jada had no knowledge of and could not have been the caller. Making this issue a fraud on the court. (see Pre-trial transcript Oct 17 2016)

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment or conviction, did you raise this issue?

Yes ☒ No ☐

see June 16 2017 Record Ltr 2-12
court of Appeals

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes", state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal?

Yes ☐ No ☐

(6) If your answer to question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket case number (if you know): _____

Date of the court's decision: _____

Result: (attach a copy of the court's opinion or order if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR: Unauthorized dissemination of Record (NITC)

(a) Supporting facts (Do not argue, or cite law. Just state the specific facts that support your claim.):

Missouri Revised Statutes states fingerprints must accompany this inquiry to support this reason for a NITC search. There was not only fingerprints comparison that would involve me in this conviction. However Jada Pierce was used thru

(b) Direct Appeal of Ground Four: Illegal dissemination to be a witness.

(1) If you appealed from the judgment or conviction, did you raise this issue?

Yes ☒

No ☐

See June 16, 2017 Sealed Record (Circuit Court of Appeals)

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal?

Yes ☐ No ☐

(6) If your answer to question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket case number (if you know): _____

Date of the court's decision: _____

Result: (attach a copy of the court's opinion or order if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type or proceeding, and the issues raised:

motion to Recall Mandate. Trial transfer part to file for a suppression hearing during a critical stage of my proceedings. Appeal transfer part and refused to file for a writ of certiorari during the critical stage of my proceedings.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Michael Skien

(b) At arraignment and plea: Amanda Lee Atman

(c) At trial: Amanda Lee Atman

- (d) At sentencing: Amanda Lee Atman
- (e) On appeal: Daniel Lawrence Hoff Jr
- (f) In any post-conviction proceeding: _____
- (g) On appeal from any ruling against you in a post-conviction proceeding: _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitation as contained in 28 U.S.C. § 2255 does not bar your motion.* (see below) _____

*The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period limitations shall apply to a motion under this section. The limitation period shall run from the latest of:

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, Movant asks that the Court grant the following relief:

to vacate, set aside and overturn the District Court decision for immediate release.

or any other relief to which movant is entitled.

Pro Se

Signature of Attorney (if any)

I, declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion Under 28 U.S.C. § 2255 was placed in the prison mailing system on June 16 2019
(month, date, year)

Executed (signed) on _____ (date)

July 15, 2019

Shunpelt, Reginald

Shunpelt, Reginald

Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

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

No: 20-2861

Reginald L. Shumpert

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Eastern District of Missouri - Cape Girardeau
(1:19-cv-00116-SNLJ)

ORDER

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

February 17, 2021

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

/s/ Michael E. Gans

Exhibit II 5/5