

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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September 01, 2021

Clerk - Middle District of Florida  
U.S. District Court  
801 N FLORIDA AVE  
TAMPA, FL 33602-3849

Appeal Number: 21-12485-J  
Case Style: USA v. Gregory Darst  
District Court Docket No: 8:13-cr-00181-MSS-TBM-1

The referenced appeal was dismissed on 08/31/2021.

This appeal has been clerically reinstated in light of appellant's payment of the required docketing and filing fee paid prior to this court's dismissal.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Davina C Burney-Smith, J  
Phone #: (404) 335-6183

REINST-1 Appeal Reinstated

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-12485-J

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGORY ALBERT DARST,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Middle District of Florida

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ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Gregory Albert Darst failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules, effective August 31, 2021.

DAVID J. SMITH  
Clerk of Court of the United States Court  
of Appeals for the Eleventh Circuit

by: Davina C Burney-Smith, J, Deputy Clerk

FOR THE COURT - BY DIRECTION

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 8:13-cr-181-MSS-TBM**

**GREGORY ALBERT DARST**

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**ORDER**

**THIS CAUSE** is before the Court on Defendant Gregory Darst's Second/Renewed Motion to Close Improvidently Opened Civil Case 8:21-cv-1292. (Dkt. 126) On May 26, 2021, the Court directed the Clerk to docket Darst's Motion for Coram Nobis (Dkt. 118) and Motion to Compel Production in Support of Motion for Coram Nobis (Dkt. 119) in a new civil case. (Dkt. 120) Darst then filed a motion seeking to close the civil case and reinstate his Motions in the criminal case. (Dkt. 121) In denying that request, the Court explained that Darst's Motion for Coram Nobis, similar to a petition for relief under 18 U.S.C. § 2255, is a further step in the movant's criminal case but is properly docketed as a separate civil case pursuant to the Court's internal administrative procedures. (Dkt. 123) For that same reason, Darst's Second/Renewed Motion to Close Improvidently Opened Civil Case 8:21-cv-1292, (Dkt. 126), is **DENIED**.

Darst has also filed a Second Motion to Compel Production of Certain Documents, (Dkt. 125), after the Court denied his first Motion to Compel without prejudice in the civil case. The Clerk is directed to **TERMINATE** the Second Motion

to Compel, (Dkt. 125), in the instant action and docket it in Civil Case No. 8:21-cv-1292-MSS-JSS. The Court will consider the Second Motion to Compel, along with Darst's Motion for Coram Nobis, and rule on those matters in Civil Case No. 8:21-cv-1292-MSS-JSS. Any further filings related to Darst's Motion for Coram Nobis should be docketed in the civil case, and any renewed motion by Darst to close the civil case and proceed in the criminal case on his request for Coram Nobis relief will be **STRICKEN**.

**DONE and ORDERED** in Tampa, Florida, this 14th day of July 2021.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Counsel of Record