

JOINT APPENDIX

JA = Joint Appendix in Petition

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UNPUBLISHED

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

No. 20-7737

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN DAVID HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:13-cr-00435-TDS-1)

Submitted: April 22, 2021

Decided: April 27, 2021

Before GREGORY, Chief Judge, AGEE, Circuit Judge, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian David Hill, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian David Hill appeals the district court's order denying multiple pro se motions seeking sanctions against the Government, to vacate his criminal judgment and revocation judgment, and to grant his 28 U.S.C. § 2255 motion. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Hill*, No. 1:13-cr-00435-TDS-1 (M.D.N.C. Nov. 17, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: April 27, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7737
(1:13-cr-00435-TDS-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

Court against Brian David Hill (Doc. 217), which is DENIED as meritless as filed to the extent it involves the same issues as, or is filed in support of, the Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor, and is otherwise DENIED without prejudice. The proper route for attacking the court's judgment as to Mr. Hill's first supervised release revocation, following an unsuccessful appeal, would have been a motion pursuant to 28 U.S.C. § 2255. Mr. Hill can obtain proper forms from the Clerk of Court and file such a motion should he choose. However, by stating such, the court does not intimate that any such motion should be successful. The court cautions Mr. Hill that this Order does not affect the timeliness or successiveness of any § 2255 motion, and the parties can litigate those issues as appropriate if Mr. Hill files a § 2255 motion.

2. Mr. Hill's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor (Doc. 206) is DENIED as meritless as filed, as is the Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill (Doc. 217), which is DENIED as meritless as filed to the extent it involves the same issues as, or is filed in support of, the Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor, and is otherwise DENIED without prejudice. Mr. Hill can obtain proper forms from the Clerk of

Court and file a § 2255 motion should he choose. However, by stating such, the court does not intimate that any such motion should be successful. And again, the court cautions Mr. Hill that this Order does not affect the timeliness or successiveness of any § 2255 filing, and the parties can litigate those issues as appropriate if Mr. Hill files a § 2255 motion.

3. Mr. Hill's Third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff/Respondent's Favor (Doc. 222) is DENIED as both MOOT in light of the denial of the prior § 2255 motion and as being frivolous.

4. Mr. Hill's Motion to Grant Four Pending Uncontested Motions (Doc. 264) is DENIED in light of the court's denial of all of the other motions noted above.

/s/ Thomas D. Schroeder
United States District Judge

November 17, 2020

FILED: August 17, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7737
(1:13-cr-00435-TDS-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Chief Judge Gregory, Judge Agee, and Senior Judge Traxler.

For the Court

/s/ Patricia S. Connor, Clerk