

APPENDIX X

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

July 29, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 20-30624 USA v. Scott
 USDC No. 3:20-CV-966

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Shea E. Pertuit

By: _____
Shea E. Pertuit, Deputy Clerk
504-310-7666

Ms. Allison Duncan
Mr. Jaquirro T. Scott
Ms. Cristina Walker

United States Court of Appeals
for the Fifth Circuit

No. 20-30624

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2021

UNITED STATES OF AMERICA,

Lyle W. Cayce
Clerk

Plaintiff—Appellee,

versus

JAQUIRRO T. SCOTT,

Defendant—Appellant.

Application for Certificate of Appealability from the
United States District Court for the Western District of Louisiana
USDC No. 3:20-CV-966

ORDER:

IT IS ORDERED that Appellant's motion for a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to proceed in forma pauperis is GRANTED.

/s/ James E. Graves, Jr.

JAMES E. GRAVES, JR.
United States Circuit Judge


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00105
vs.	*	JUDGE TERRY A. DOUGHTY
JAQUIRRO T. SCOTT	*	MAG. JUDGE KAREN L. HAYES

RULING

On July 29, 2019, Defendant Jaquirro T. Scott filed in this proceeding a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. No. 37]. However, Defendant was sentenced in this proceeding on October 2, 2018, and his appeal from his sentence was filed with the United States Court of Appeals for the Fifth Circuit on October 8, 2018 [Doc. No. 27] and is currently pending. Accordingly, the Court will issue a judgment of dismissal without prejudice because a collateral attack is premature in light of Movant's pending direct appeal from the judgment in Criminal Number 3:18-CR-00105.

Monroe, Louisiana, this 31st day of July, 2019.


TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00105
vs.	*	JUDGE TERRY A. DOUGHTY
JAQUIRRO T. SCOTT	*	MAG. JUDGE KAREN L. HAYES

RULING

On July 29, 2019, Defendant Jaquirro T. Scott filed in this proceeding a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. No. 37]. However, Defendant was sentenced in this proceeding on October 2, 2018, and his appeal from his sentence was filed with the United States Court of Appeals for the Fifth Circuit on October 8, 2018 [Doc. No. 27] and is currently pending. Accordingly, the Court will issue a judgment of dismissal without prejudice because a collateral attack is premature in light of Movant's pending direct appeal from the judgment in Criminal Number 3:18-CR-00105.

Monroe, Louisiana, this 31st day of July, 2019.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**


UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00105
vs.	*	JUDGE TERRY A. DOUGHTY
JAQUIRRO T. SCOTT	*	MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons set forth in this Court's Ruling,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. No. 37] is **DISMISSED WITHOUT PREJUDICE** as premature.

Monroe, Louisiana, this 31st day of July, 2019, in Monroe, Louisiana.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00105
vs.	*	JUDGE TERRY A. DOUGHTY
JAQUIRROT. SCOTT	*	MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending here is Defendant Jaquirro T. Scott's ("Scott") Motion to Alter or Amend Judgment and Reconsideration of Order Denying Movant's Section 2255 Motion [Doc. No. 51]. Scott requests the Court reconsider its Ruling and Judgment denying Scott's Motion Under 28 U.S.C. § 2255 [Doc. Nos. 46, 47].

A Rule 59(e) motion calls into question the correctness of a judgment. *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002). Rule 59(e) serves "the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence." *Basinkeeper v. Bostick*, 663 F. App'x 291, 294 (5th Cir. 2016) (quoting *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989)). Amending a judgment is appropriate under Rule 59(e): "(1) where there has been an intervening change in the controlling law; (2) where the movant presents newly discovered evidence that was previously unavailable; or (3) to correct a manifest error of law or fact." *Berezowsky v. Rendon Ojeda*, 652 F. App'x 249, 251 (5th Cir. 2016) (quoting *Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 (5th Cir. 2012)).

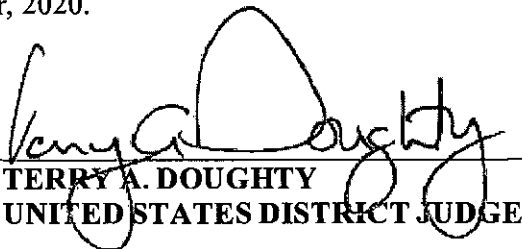
Because Rule 59(e) has a "narrow purpose," the Fifth Circuit has "observed that

‘[r]econsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.’” *Id.* (quoting *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004)). Thus, “a motion for reconsideration ‘is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.’” *Id.* (quoting *Templet*, 367 F.3d at 479).

Although Scott disagrees with the Court’s determination in this case, the Court has previously considered and rejected his arguments and finds no reason to alter or amend the Ruling and Judgment. Accordingly,

IT IS ORDERED that Scott’s Motion to Alter or Amend Judgment and Reconsideration of Order Denying Movant’s Section 2255 Motion [Doc. No. 51] is **DENIED**.

Monroe, Louisiana, this 24th day of September, 2020.


TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00105
vs.	*	JUDGE TERRY A. DOUGHTY
JAQUIRRO T. SCOTT	*	MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending here is Defendant Jaquirro T. Scott's ("Scott") Motion to Alter or Amend Judgment and Reconsideration of Order Denying Movant's Section 2255 Motion [Doc. No. 51]. Scott requests the Court reconsider its Ruling and Judgment denying Scott's Motion Under 28 U.S.C. § 2255 [Doc. Nos. 46, 47].

A Rule 59(e) motion calls into question the correctness of a judgment. In re Transtexas Gas Corp., 303 F.3d 571, 581 (5th Cir. 2002). Rule 59(e) serves "'the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence.'" Basinkeeper v. Bostick, 663 F. App'x 291, 294 (5th Cir. 2016) (quoting Waltman v. Int'l Paper Co., 875 F.2d 468, 473 (5th Cir. 1989)). Amending a judgment is appropriate under Rule 59(e): "'(1) where there has been an intervening change in the controlling law; (2) where the movant presents newly discovered evidence that was previously unavailable; or (3) to correct a manifest error of law or fact.'" Berezowsky v. Rendon Ojeda, 652 F. App'x 249, 251 (5th Cir. 2016) (quoting Demahy v. Schwarz Pharma, Inc., 702 F.3d 177, 182 (5th Cir. 2012)).


Because Rule 59(e) has a "narrow purpose," the Fifth Circuit has "observed that

‘[r]econsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.’” Id. (quoting *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004)). Thus, “a motion for reconsideration ‘is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.’” Id. (quoting *Templet*, 367 F.3d at 479).

Although Scott disagrees with the Court’s determination in this case, the Court has previously considered and rejected his arguments and finds no reason to alter or amend the Ruling and Judgment. Accordingly,

IT IS ORDERED that Scott’s Motion to Alter or Amend Judgment and Reconsideration of Order Denying Movant’s Section 2255 Motion [Doc. No. 51] is **DENIED**.

Monroe, Louisiana, this 24th day of September, 2020.


TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE