

FILED: June 7, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6986
(5:08-cr-00258-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RODNEY EARL CANNADY, a/k/a Camp Earl

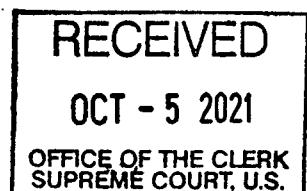
Defendant - Appellant

O R D E R

Upon consideration of appellant's motion to recall the mandate and reopen case, the court denies the motion.

For the Court

/s/ Patricia S. Connor, Clerk



FILED: April 27, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6986
(5:08-cr-00258-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RODNEY EARL CANNADY, a/k/a Camp Earl

Defendant - Appellant

O R D E R

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: Judge Agee, Judge Thacker, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED

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

No. 20-6986

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY EARL CANNADY, a/k/a Camp Earl,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:08-cr-00258-D-1)

Submitted: March 16, 2021

Decided: March 23, 2021

Before AGEE, THACKER, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rodney Earl Cannady, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Kristine L. Fritz, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Earl Cannady appeals the district court's order denying relief on his motion for a sentence reduction pursuant to the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. We have reviewed the record and find that the district court did not abuse its discretion in declining to reduce Cannady's sentence. *See United States v. Jackson*, 952 F.3d 492, 497 (4th Cir. 2020) (reviewing ruling on First Step Act motion for abuse of discretion). Accordingly, we affirm for the reasons stated by the district court. *United States v. Cannady*, No. 5:08-cr-00258-D-1 (E.D.N.C. June 29, 2020). We deny Cannady's motion for appointment of counsel. 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

IN THE UNITED STATES SUPREME COURT

CASE NO. 5:08-Cr-258-D

NO. 20-6986

RODNEY EARL CANNADY
PETITIONER

VS.

UNITED STATES OF AMERICA
RESPONDENT

PETITION FOR WRIT OF CERTIORARI
MEMORANDUM OF LAW

Before the UNITED STATES SUPREME COURT comes petitioner Rodney Earl Cannady, Cannady is a pro-se litigant challenging the district court and the Fourth Circuit Court of

Appeals decision denying his request for a sentence reduction pursuant to section 404 of the FIRST STEP ACT OF 2018, where the First Step Act of 2018 provision made the Fair Sentencing Act of 2010 provision Retroactive to Section-2 of the Fair Sentencing Act.

Cannady now argues that (if) the First Step Act of 2018 Retroactively made the Fair Sentencing Act of 2010 Retroactive to section-2 of the Fair Sentencing Act of 2010, Retroactively must be applied to cases before the court and not left up to the Judge's discretion, because Retroactively (is) Retroactively it's not an amendment that is left in the power of the Judge's discretion only. SEE SUPREME COURT'S long-established rule that congress "Says in a statute what it means and means what it Says, (quoting) CONN.NAT'L BANK V GERMAIN 503 U.S.249 (1992).

Cannady asserts that congress enacted the First Step Act of 2018 into law, "Specifically" to change the racial disparity between Crack and Powder Cocaine from 100-to-1 to 18-to-1 for those sentence before August 3, 2010 that are still effected by the racial stimulus law that has cause many peoples of color to serve a more harsher sentence (if) sentence for Cocaine base. Cannady asserts that the First Step Act of 2018 was enacted into law to eliminate those harsh sentences and to remedy a gap that was left open by Fair Sentencing act of 2010 and various amendments to the United States Sentencing Guidelines relative to sentences imposed for certain crack offenses. In 2010, congress enacted the Fair Sentencing Act in order to, among other things, reduce the disparity in treatment of crack and powder cocaine offenses by increasing the threshold quantities of crack required to trigger the mandatory

minimum sentences under 21 U.S.C. & 841(b)(1)(A) and (B). Fair Sentencing Act of 2010, pub. L. No. 111-220, § 2 124 Stat. 2372 (2010).¹²⁴ "Specifically, § 2 of the Fair Sentencing Act increased the drug amounts triggering mandatory minimums for crack trafficking offenses from five grams to 28 grams in respect to the five-year minimum and from 50 grams to 280 grams in respect to the 10-year minimum. In effect, § 2 reduced the crack-to-powder disparity from 100-to-1 to 18-to-1. Section-3 of the Fair Sentencing Act eliminated a mandatory minimum sentence for simple possession of cocaine base. The Fair Sentencing Act additionally instructed the sentencing commission to make such conforming amendments to the federal sentencing Guidelines as the commission determines necessary to achieve consistency with the other guideline provisions and applicable law. Pub. L. No. 111-220, § 8(2) 124 Stat. at 2372.

Now the question before this court (is); Did the district court error by denying defendant Cannady relief pursuant to the First Step Act retroactive law, which made the Fair Sentencing Act retroactive to section-2 of the Fair Sentencing act 18-to-1.

Cannady argues that the district court did error and that both courts were wrong in their decisions by denying Cannady's request for a sentence reduction, because the First Step Act of 2018 retroactively made the Fair Sentencing Act of 2010 Retroactive to section-2, relief should have been granted, because for one; Cannady was indicted for a "Covered Offense" of (50) grams or more of Cocaine base and second; Cannady pled guilty at his rule 11 plea hearing to a Covered Offenses of (50) grams or more of cocaine base. Second defendant Cannady asserts that at the time of his request for a sentence reduction he was eligible for relief, because

again his covered offense was for 50 grams or more of cocaine base, but at his original sentencing the district court erred by adopting the drug quantity as **FACTUAL BASIS** that was stated within the presentence investigation report of (601) grams or more of cocaine base, where Cannady was indicted by a Grand Jury for a drug quantity of 50 grams or more of cocaine base and Cannady participated in a written plea agreement as to a drug quantity of 50 grams or more of cocaine base, therefore Cannady should have been granted a sentence reduction for the reason stated.

Second; Did the district court error by adopting the "Covered Offense" of (601) grams or more of cocaine base alleged within the (PSR) as factual findings to deny Cannady relief under the First Step Act pursuant to the Fair Sentencing Act, whereas there is enough sufficient evidence within the record to support factual findings that Cannady entered into a written plea agreement to a drug quantity of (50) grams or more of cocaine base and that a Grand Jury returned an Indictment for Cannady for a drug quantity of (50) grams or more of cocaine base.

Cannady argues that the district court erred by adopting the factual findings stated within the presentence investigation report, where the fact within the record support that a Grand Jury returned an Indictment against Cannady for 50 grams or more of cocaine base, plus again Cannady entered into a written plea agreement to 50 grams or more of cocaine base. Upon this issue before the court, Cannady asserts that the district court erred, by adopting the (601) grams or more of cocaine base, among other things, to deny Cannady relief pursuant to the First Step Act.

Cannady asserts that he eligible for relief pursuant to the First Step Act retroactive,which made the fair sentencing act retroactive to section-2 of the fair sentencing act for those sentence before August 3,2010.

Cannady asserts that is eligible for relief,due to fact within the record that his **Covered offense** is for 50 grams or more of cocaine base and not for (601) grams or more of cocaine base and not only for that reason is he eligible for relief he is also eligible for relief,because he was sentence for before the August 3,2010 date.

Cannady asserts that he was sentence **March 25,2009** to a term of imprisonment of **384 months**,a sentence outside his guideline range with the erroneous career offender designation of **262-327 months**,where there are no aggravated factors listed for the district court to sentence him outside his guideline range.

Cannady argues that he should have been relief upon his request for a sentence reduction,due to facts that the district court and the Fourth circuit Court of Appeals both erred by denying him relief.

Under section-(404) of the First Step Act of 2018 concerning the retroactive application of the Fair Sentencing Act of 2010,A defendant is eligible for a sentence reduction under the First Step Act if; (1) he committed a **Covered Offense**;(2) his sentence was not previously imposed or reduced pursuant to the Fair Sentencing Act; and (3) he did not previously file a motion under the First Step Act that was denied on the merits.

Relief in this case should have been granted, because Cannady qualifies for as to all 3-of the requirements issue by First Step Act and because his covered offense is one charged in his indictment.

Now because the drug quantity is an element, which can increase the penalty for the offense in petitioner's case, the drug quantity attribute to the petitioner must be based in the statutory amounts alleged in the indictment and not the offense conduct noted in the presentence investigation report; Note; that other district court that were facing this same question under the First Step Act reached the conclusion that the "Covered Offense" is the offense charged in the indictment, See Caselaw for support;

UNITED STATES V LATTEN NO.1:02-Cr-11,2019 U.S.Dist.Lexis 103389,2019 WL 2550327 at 2-3 (W.D.VA.JUNE 20,2019):UNITED STATES V BOOKER NO.07-Cr-843,2019 U.S.Dist.Lexis 103189,2019 WL 2544247 at 2 (N.D.III.JUNE 20,2019);UNITED STATES V STONE NO.1:96-Cr-403,2019 U.S.Dist.Lexis 99457,2019 WL 2475750 at 2-3 (N.D.Ohio JUNE 13,2019);Rose 379 F.Supp.3d.233 2019 WL 23±4479 at 4-5) UNITED STATES V SMITH 379 F.Supp.3d.543,2019 WL 2092581 at 3 (W.D.VA.2019);UNITED STATES V POWELL F.Supp.3d.134 139 (N.D.N.Y.2019) UNITED STATES V DAVIS NO.07-Cr-245's,423 F.Supp.3d.13,2019 U.S.Lexis 36348,2019 WL 1054554, (431 F.Supp.3d.749) at 2-3 (W.D.N.Y. MAR 6,2091).

Therefore, the court finds that (1) the plain meaning of 404 allows the courts to impose a reduced sentence for crack cocaine offenses committed before the passage of the "FSA;" and (2) the

degree of eligibility for such a reduced sentence is based on the statutory charges in the "Indictment" not the offense conduct alleged in petitioner's PSR.SEE MARTY LORENZO WRIGHT V UNITED STATES 393 F.Supp.3d.432 ECF NO.721 (E.D.VA.2019);Moreover specifically,any drug quantity attributable to a defendant must come with the defendant's stipulation at their guilty plea or found by a Jury.

Cannady asserts that at his Rule 11 plea hearing he stipulated to (50) grams or more of cocaine base and a Grand Jury found him guilty beyond a reasonable doubt of (50) grams or more of cocaine base and for these two reason stated relief should be granted.

Third; Did the district court error by failing to Recalculate defendant's Cannady's guideline range,pursuant to the "Covered Offense" of (50) grams or more of cocaine base charged in defendant's Indictment.

Cannady argues that the district court erred by failing to Recalculate his guideline range before denying him relief,where he had made a request for a sentence reduction,because had the district court Recalculated Cannady's guideline range using the (50) grams or more of cocaine base found by a Jury resentencing would have been warranted.Cannady asserts that his guideline range would have been dramatically lower than 262-327 months,because without the erroneous career offender designation,combine with the (50) grams his guideline range and the incorrect Criminal history Category,Cannady's sentence would have been overwhelming lower than 262-327 months in prison,Cannady would have been looking at

a sentence of 63-78 months without the acceptance of responsibility, because Cannady's Criminal History Category without the erroneous "Career Offender" designation would have changed to a (CHC) of VI to a criminal history category of III or less. Cannady asserts that relief is warranted within his case for a sentence reduction pursuant to section-404 of the first step act.

See UNITED STATES V LANCASTER (20-6571) (4th cir 2021) (In Lancaster, lancaster argues that the court did not, however, recalculate lancaster's guideline range in light of intervening case law. (Noting process for (404) resentencing evaluation and finding the district court committed an error when it, *inter alia* did not apply non-retroactive intervening caselaw to correct, the back then and now erroneous career offender designation.

Fourth; Did the district court error at Cannady's original sentencing, where the district court designated defendant as a career offender for his prior 1997 Conspiracy Conviction;

Cannady assert that the district court erred at his original sentencing by designating him as a career offender, where the district court used defendant's 1997 Conspiracy Conviction as a predicate for career offender designation, where the law was already **Settled-Law** that a conviction for Conspiracy can not serve as a predicate offense for career offender designation, SEE PRECEDENT CASELAW: UNITED STATES V SHABANI 513 U.S.17 115 S.CT.382 130 L.Ed.2d.225 (1994) (holding that the Federal drug conspiracy at issue under 846 does not require proof of an *actus reus* beyond the

criminal agreement itself. Also review; UNITED STATES V NORMAN 935 F.3d 232 237-39 (4th cir 2019); UNITED STATES V WHITLEY 737 App'x 147 149 (4th cir 2018) (holding that 846 conspiracy conviction can not support an enhanced sentencing as a career offender, because they are not categorically controlled substance offenses within the meaning of the guidelines); UNITED STATES V MCCOLLUM 885 F.3d.300,303 (4th cir 2018) and these other cases UNITED STATES V CROOKS (20-1025)(10th cir 2021) and UNITED STATES V MARTINEZ-CRUZ 836 F.3d.1305 (10th cir 2016) to support Cannady's argument that it was just as much an error in 2009 as it was today to designate Cannady as a career offender. SEE UNITED STATES V CHAMBERS 956 F.3d.667 (4th cir 2020) (In Chambers, the Fourth Circuit held that a guideline error, corrected retroactively by intervening case law, must be corrected in a First Step Act resentencing.

Fifth; What part of the record, did the Fourth Circuit Court of Appeals agree with from the district court ruling to deny cannady relief pursuant to the First Step Act section-404 for a sentence reduction.

Cannady argues that the Fourth Circuit Court of Appeals erred in their decision to agree with the district court's decision to deny him relief pursuant to the First Step Act. In the Fourth Circuit's response as to the issue of; "abuse of discretion" the Fourth Circuit stated; We have reviewed the record and find that the district court did not "abuse its discretion" in declining to reduce Cannady's sentence and Cited UNITED STATES V JACKSON 952 F.3d.492 497 (4th cir 2020).

Cannady argues that "Jackson's" issue is entirely different from his issue, in Jackson's case, Jackson made a request to the

district court requesting that the district court reduce his sentence to 120 months, where the district court had already granted Jackson relief by reducing his sentence to **Time Served**. First off, Cannady argues that he never made a request to the district court for a specific sentence reduction as Jackson did nor did the ^{ds} granted his motion requesting a sentence reduction and the district court surely did not grant Cannady **Time served**.

^{Cannady} Again asserts that his "abuse of discretion" issue before the Fourth Circuit ^{was} entirely different from Jackson's "Abuse of discretion" issue, in Cannady's "abuse of discretion" argument, Cannady argues that the district court **"abuse its discretion"** not to reduce his sentence, where the district court relied on the "Covered Offense" of **(601) grams or more of Cocaine base** alleged within the **(PSR)** as relevant facts and not as to what Cannady pled guilty to or what the **Grand Jury** themselves found him guilty of, Cannady asserts that if the district court ^{had} granted him time served he would have been more than happy with the district court's decision.

(Review the district court's analysis on page-7 of its response to Cannady as to what his sentence would be if granted relief. June 29, 2020 response).

If the court used an offense level 30 and a criminal history category VI, Cannady advisory guideline range would be 168-210 months imprisonment. Note; Cannady has served 156 months on his 384 month sentence and has 1092 days of good ^{time} time credit, Cannady has not lost any good time credit since being in incarcerated. Cannady argues that the **Fourth Circuit Court of**

Appeals erred in their decision to deny Cannady relief by agreeing with the district court's decision to deny his motion for a sentence reduction. And still the question is; what part of the pertinent record did the Fourth Circuit review to agree with from the district court's decision to deny Cannady's motion seeking a sentence reduction, because ^{Cannady} has a **Fifth amendment right under the United States Constitution** to be put notice as to what part of the record did the Fourth Circuit review and their findings, which made the Fourth Circuit agree with the district court's decision to deny Cannady a sentence reduction.

SIXTH; What parts of the Fair Sentencing Act were made Retroactive by the First Step Act as though they were in effect at the time of Sentencing.

Cannady argues as he argued in his First motion and only motion; if the **First Step Act of 2018**, Retroactively, made the **Fair Sentencing Act of 2010 Retroactive**, then what parts of the Fair Sentencing act are Retroactive and why wasn't that Retroactive amendment applied upon his request for a sentence reduction, because Cannady did not qualify as a career offender at the time he made his request to the district court for a sentence reduction and he still does not qualify as a career offender and according to precedent law in **SHABANI** and other intervening ^{Circuit} law like **Norman, Whitley, Crooks, McCollum and Martinez-cruz** in these decision made by the **Fourth Circuit** and other ^{Circuit} Appeals Courts, Cannady does not qualify as career

offender, therefore, any and all Retroactive amendments and caselaw must apply to Cannady's and his request for a sentence reduction.

Seven; Does intervening change in law apply, where defendant is eligible for relief pursuant to the First Step Act Retroactive.

Cannady assert that this question before the court stems from the question and ruling within the Fourth Circuit case of **UNITED STATES V LANCASTER (20-6571) (4th cir 2021)** (Noting process for (404) resentencing evaluation and finding the district court committed an error when it, *inter alia* did not apply non-Retroactive intervening case law to correct the now-erroneous career offender designation. Cannady's argument is; should intervening case law apply to non-Retroactive intervening cases that were erroneously designated as a career offender.

Eight; Does Cannady qualify for the Retroactive Crack amendments 706, 750 and 782.

Cannady argues that he should qualify for those Retroactive Crack amendments, because he does not qualify as a career offender and being that he does not qualify for career offender designation the **706, 750 and 782 Crack amendment must apply Retroactively to Cannady's case** and if granted relief those Retroactive amendments would reduce Cannady's sentence dramatically. Again if granted relief pursuant to the First Step Act of 2018 those retroactive amendments would apply which would change Cannady's guideline range from 168-210 month guideline range to 100-125 months or less, because without the career offender not only will his guideline range change, but his Criminal History Category would

also change from a Criminal History Category of VI to a criminal history of III which would give Cannady a guideline of 121-151 months still under the 100-to-1 Crack to Powder Cocaine ratio, now with this 6-level reduction it would give Cannady a guideline range of 63-78 months or less under the 18-to-1 Crack-to-Powder Cocaine Ratio.

NINE; Is it "right" for the district court to continue to ignore an error a plain error that was committed by the district court at defendant's original sentencing where the district court themselves (knew) that a sentencing error had been committed by designating defendant Cannady as a Career Offender.

Cannady asserts that when a court commit an error that increases a defendant's sentencing guideline range by more years than defendant should receive, that error should be automatically corrected. In Cannady's case the district court acknowledged the error in its order, but refuse to fix or to correct the error that was mention in its order issued 6-29-2020 see page-4 of the district court's order stating; Cannady contends that under United States v Norman 935 F.3d.232 (4th cir 2019), If Cannady were sentenced today, he would not be a career offender. SEE U.S.S.G.4B1.1:cf PSR-33. Specifically, under Norman Cannady's 1997 Federal Conviction for; Conspiracy to Manufacture, distribute, and possess with intent to distribute cocaine and cocaine base (Crack) is no longer a "Controlled Substance Offense" under the guidelines.

Cannady argues that the district court (Knew) from its

inception that Cannady's 1997 Conspiracy Conviction did not qualify as a Controlled Substance Offense pursuant to the Supreme Court precedent UNITED STATES V SHABANI 513 U.S.10 17 115 S.CT.382 L.Ed.2d.225 (1994) (holding that Federal drug Conspiracy at issue under (846) does not require proof of an Actus Reus beyond the criminal agreement itself nor is Conspiracy a controlled substance offense.

Cannady argues once the district court had acknowledge of this error, it still refuse and fail to reduce Cannady's sentence, the district court even stated in its same order on 6-29-2020 on page-9 third paragraph stating; However, even if the court Miscalculated the New Advisory guideline range, it still would not reduce Cannady's sentence in light of the entire record and the section 3553(a) factors.

In Closing; Why shouldn't the error be correted knowing that defendant Cannady's sentence has been mistakenly increased by more than 20 years due to the Miscalculation of the advisory guideline range committed my the district court, this error committed by the district court to designate Cannady as a Career Offender was an error, a plain error, that affected the fairness, integrity or public reputation of judicial proceedings. SEE UNITED STATES V OLANO 507 U.S. 725 732 113 S.CT.1770 123 L.Ed.2d.508(1993).

CERTIFICATE OF SERVICE

I RODNEY EARL CANNADY HEREBY CERTIFIED THAT I HAVE PLACED THE FORGOING MOTION IN THE UNITED STATES POSTAL SERVICE HERE AT F.C.I.JESUP FOR FILING PURPOSES TO THE UNITED STATES SUPREME COURT.

DATE 8/24/2021

RODNEY EARL CANNADY
REG NO. 16940-056
Federal Correctional Institution
2680 HWY 301 SOUTH
JESUP GA, 31599

1s/ Rodney Earl Cannady

General Docket
United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 20-6986

Docketed:

07/06/2020

Termed: 03/23/2021

US v. Rodney Cannady

Appeal From: United States District Court for the Eastern District of North Carolina at
Raleigh

Fee Status: cja

Case Type Information:

- 1) Other Criminal
- 2) Post-Conviction
- 3) null

Originating Court Information:

District: 0417-5 : 5:08-cr-00258-D-1

Presiding Judge: James C. Dever, III, U. S. District Court
Judge

Date Filed: 09/04/2008

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
06/29/2020	06/29/2020	07/01/2020	07/01/2020

Prior Cases:

<u>09-4339</u>	Date Filed: 04/07/2009	Date Disposed: 06/23/2010	Disposition: opn.u.sub
<u>12-7951</u>	Date Filed: 11/14/2012	Date Disposed: 02/04/2013	Disposition: R45
<u>12-7951</u>	Date Filed: 02/15/2013	Date Disposed: 04/22/2013	Disposition: opn.u.sub
<u>16-9833</u>	Date Filed: 06/30/2016	Date Disposed: 07/18/2016	Disposition: order.sub
<u>18-6959</u>	Date Filed: 08/02/2018	Date Disposed: 12/21/2018	Disposition: opn.u.sub

Current Cases:

None

UNITED STATES OF AMERICA
Plaintiff - Appellee

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v.

RODNEY EARL CANNADY, a/k/a Camp Earl
(Federal Prisoner: 16940-056)
Defendant - Appellant

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RODNEY EARL CANNADY, a/k/a Camp Earl

Defendant - Appellant

07/06/2020 1 Case docketed. Originating case number: 5:08-cr-00258-D-1. Case manager: CBennett. Date notice of appeal filed: 07/01/2020 [20-6986] CB [Entered: 07/06/2020 09:19 AM]

07/06/2020 2 DOCKETING NOTICE issued Re: [1] First Step Act case. Originating case number: 5:08-cr-00258-D-1. Mailed to: Rodney Cannady, #16940-056, FCI JESUP, 2680 301 South, Jesup, GA 31599. [20-6986] CB [Entered: 07/06/2020 10:17 AM]

07/07/2020 3 APPEARANCE OF COUNSEL by Jennifer P. May-Parker for US. [1000769959] [20-6986] Jennifer May-Parker [Entered: 07/07/2020 08:36 AM]

07/13/2020 4 MOTION by Rodney Earl Cannady to appoint/assign counsel. Date and method of service: 07/09/2020 US mail. [1000773818] [20-6986] CB [Entered: 07/13/2020 03:52 PM]

07/13/2020 5 ORDER filed deferring action on Motion to appoint/assign counsel filed by Appellant Rodney Earl Cannady [4]. Copies to all parties. Mailed to: Rodney Cannady. [1000773837] [20-6986] CB [Entered: 07/13/2020 04:01 PM]

07/23/2020 6 INFORMAL BRIEFING ORDER filed. Mailed to: Rodney Cannady. Informal Opening Brief due 08/17/2020. Informal response brief, if any: 14 days after informal opening brief served. [20-6986] CB [Entered: 07/23/2020 07:53 AM]

07/23/2020 7 RECORD requested from Clerk of Court. Due: 08/06/2020. [20-6986] CB [Entered: 07/23/2020 07:57 AM]

07/27/2020 8 ASSEMBLED ELECTRONIC RECORD docketed. Originating case number: 5:08-cr-00258-D-1. Record in folder? Yes. Record reviewed? Yes. PSR included? Yes. [20-6986] CB [Entered: 07/27/2020 08:01 AM]

07/27/2020 9 Letter re: inquiry concerning filing of motion for compassionate release (COVID-19) by Rodney Earl Cannady. [1000782147] [20-6986] CB [Entered: 07/27/2020 03:05 PM]

07/30/2020 10 Notice issued re: [9] letter. Mailed to: Rodney Cannady. [20-6986] CB [Entered: 07/30/2020 05:15 PM]

08/17/2020 11 INFORMAL OPENING BRIEF by Rodney Earl Cannady. [20-6986] CB [Entered: 08/18/2020 08:04 AM]

08/20/2020 12 SUPPLEMENT to informal opening brief [11] by Rodney Earl Cannady. [1000797338] [20-6986] CB [Entered: 08/21/2020 03:54 PM]

09/03/2020 13 APPEARANCE OF COUNSEL by Kristine L. Fritz for US. [1000805324] [20-6986] Kristine Fritz [Entered: 09/03/2020 05:10 PM]

09/04/2020 14 APPEARANCE OF COUNSEL by Jennifer P. May-Parker for US. [1000805834] [20-6986] Jennifer May-Parker [Entered: 09/04/2020 02:35 PM]

12/07/2020 15 Letter requesting status of case by Rodney Earl Cannady. [1000862086] [20-6986] CB [Entered: 12/08/2020 04:27 PM]

12/09/2020 16 Notice issued re: letter [15]. Mailed to: Rodney Cannady. [20-6986] CB [Entered: 12/09/2020 02:40 PM]

01/04/2021 17 INFORMAL OPENING BRIEF by Rodney Earl Cannady (typed version of informal brief filed at ECF 11). [20-6986] CB [Entered: 01/05/2021 09:43 AM]

03/08/2021 18 DOCUMENT requesting status of case by Rodney Earl Cannady. [1000912274] [20-6986] CB [Entered: 03/09/2021 07:52 AM]

03/12/2021 19 Notice issued re: [18] document. [20-6986] TO [Entered: 03/12/2021 08:20 AM]

03/23/2021 20 UNPUBLISHED PER CURIAM OPINION filed. Motion disposition in opinion--denying motion to appoint/assign counsel [4]. Originating case number: 5:08-cr-00258-D-1. Copies to all parties and the district court. [1000920941]. Mailed to: Rodney Cannady. [20-6986] TW [Entered: 03/23/2021 08:58 AM]

03/23/2021 21 JUDGMENT ORDER filed. Decision: Affirmed. Originating case number: 5:08-cr-00258-D-1. Entered on Docket Date: 03/23/2021. [1000920954] Copies to all parties and the district court. Mailed to: Rodney Cannady. [20-6986] TW [Entered: 03/23/2021 09:04 AM]

04/12/2021 22 PETITION for rehearing and rehearing en banc by Rodney Earl Cannady (dated 4/2/2021). [20-6986] CB [Entered: 04/13/2021 08:03 AM]

04/13/2021 23 Mandate temporarily stayed pending ruling on petition for rehearing or rehearing en banc. Mailed to: Rodney Cannady. [20-6986] CB [Entered: 04/13/2021 08:15 AM]

04/27/2021 24 COURT ORDER filed denying Motion for rehearing and rehearing en banc [22]. Copies to all parties. Mailed to: Rodney Cannady. [1000940787] [20-6986] CB [Entered: 04/27/2021 08:08 AM]

05/05/2021 25 Mandate issued. Referencing: [20] unpublished per curiam Opinion, [21] Judgment Order. Originating case number: 5:08-cr-00258-D-1. Mailed to: Rodney Cannady. [20-6986] CB [Entered: 05/05/2021 07:59 AM]

05/17/2021 26 MOTION by Rodney Earl Cannady to reconsider Court Order [24]. Date and method of service: 05/11/2021 US mail. [1000953463] [20-6986] CB [Entered: 05/18/2021 10:10 AM]

05/19/2021 27 ORDER filed denying Motion to reconsider [26]. Copies to all parties. Mailed to: Rodney Cannady. [1000954425] [20-6986] CB [Entered: 05/19/2021 02:31 PM]

05/28/2021 28 MOTION by Rodney Earl Cannady to recall mandate, to reopen case. Date and method of service: 05/21/2021 US mail. [1000960239] [20-6986] CB [Entered: 05/28/2021 02:21 PM]

06/07/2021 29 COURT ORDER filed denying motion to recall mandate [28]; denying motion to reopen case [28]. Copies to all parties. Mailed to: Rodney Cannady. [1000964887] [20-6986] TW [Entered: 06/07/2021 02:54 PM]

06/07/2021 30 SUPPLEMENTAL AUTHORITIES by Rodney Earl Cannady [1000965422]. [20-6986] CB [Entered: 06/08/2021 10:06 AM]