

Docket No.: \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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IN RE: RANDELL JOSEPH REDMOND  
On Petition for a Writ of Mandamus to the United  
States Court of Appeals for the Fifth Circuit

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APPENDIX

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Submitted by and for:

  
RANDELL J. REDMOND  
Leglanc Hart #72711D  
3695 FM 3514  
Beaumont, TX. 77705

## TABLE OF CONTENTS

|  |         |
|--|---------|
| Letters requesting § 2254 form                                 | App - 0 |
| Circuit Courts order   | App - 4 |
| District Courts order  | " " - 7 |
| Motion for Relief from Judgment<br>Fed. R. Civ. P. Rule 60(b)  |         |
| Fed. R. Crim. P. Rule 52(b)                                    | 12      |
| Notice of Appeal   | 31      |
| Application for Issuance of a Certificate<br>of Appealability  | 42      |
| Defendant's Request for Special charges<br>charge of the Court | 72      |
| Newly Discovered Evidence                                      | 78      |
|  | 88      |

Appendix "A"

***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

May 25, 2022

#727110  
Mr. Randell Joseph Redmond  
CID LeBlanc Pre Release Facility  
3695 FM 3514  
Beaumont, TX 77705-0000

No. 22-50112 Redmond v. Lumpkin  
USDC No. 5:98-CV-1032

Dear Mr. Redmond,

We will take no action on your documents entitled Objection to Order and Motion for Extension of Time to file Petition for Rehearing and Rehearing En Banc" because it is untimely. The time for filing a motion for extension of time or motion for reconsideration under **5TH CIR. R. 27** has expired.

Sincerely,

LYLE W. CAYCE, Clerk

By:

Monica R. Washington, Deputy Clerk  
504-310-7705

cc: Mr. Edwin Sullivan

Appendix "3"

United States Court of Appeals  
for the Fifth Circuit

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United States Court of Appeals  
Fifth Circuit

No. 22-50112

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**FILED**  
May 12, 2022

Lyle W. Cayce  
Clerk

RANDELL JOSEPH REDMOND,

*Petitioner—Appellant,*

*versus*

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,  
Correctional Institutions Division;* ATTORNEY GENERAL DAN  
MORALES,

*Respondents—Appellees.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:98-CV-1032

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Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

No. 22-50112

The notice of appeal states Petitioner is appealing the district court's denial of his Federal Rule of Civil Procedure 52(b) and 60(b) motions. A review of the district court docket sheet shows no such motions have been filed.

The final judgment was entered August 10, 1999. Therefore, the final day for filing a timely notice of appeal was September 9, 1999. Petitioner's pro se notice of appeal is dated February 2, 2022 and stamped as filed on February 8, 2022. Because the notice of appeal is dated February 2, 2022, it could not have been deposited in the prison's mail system within the prescribed time. *See FED. R. APP. P. 4(c)(1)* (prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for filing). When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

Appendix "C"

original

January 07, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: \_\_\_\_\_

JU

DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RANDELL JOSEPH REDMOND,  
TDCJ No. 0727110,

*Petitioner,*

v.

CIVIL NO. SA-20-CV-803-OLG

BOBBY LUMPKIN,<sup>1</sup> Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

*Respondent.*

**ORDER**

Before the Court is *pro se* Petitioner Randell Joseph Redmond's Motion for Relief from Judgment Pursuant to Federal Rules of Civil Procedure 60(b) and 52(b). (Dkt. No. 25). Since 1999, Petitioner has filed numerous federal habeas corpus petitions pursuant to 28 U.S.C. § 2254 seeking to challenge his 1995 state murder conviction. On July 23, 2020, this Court dismissed Petitioner's most recent § 2254 petition and Rule 60(b) motion for lack of jurisdiction because the pleadings were successive petitions and Petitioner had not obtained prior approval from the Fifth Circuit to file them. (Dkt. No. 6). For the same reason, the Court now lacks jurisdiction over Petitioner's current motion.

It is therefore **ORDERED** that Petitioner's Motion for Relief from Judgment, filed December 27, 2021 (Dkt. No. 25), is **DISMISSED**.

It is further **ORDERED** that a certificate of appealability is **DENIED** for the instant motion, as reasonable jurists could not debate the denial of Petitioner's motion on substantive or

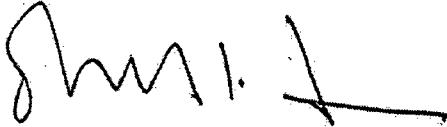
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<sup>1</sup> The previous named Respondent in this action was Lorie Davis. On August 10, 2020, Bobby Lumpkin succeeded Davis as Director of the Texas Department of Criminal Justice, Correctional Institutions Division. Under Rule 25(d) of the Federal Rules of Civil Procedure, Lumpkin is automatically substituted as a party.

procedural grounds, nor find that the issues presented are adequate to deserve encouragement to proceed. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

It is so **ORDERED**.

**SIGNED** this the 7th day of January, 2022.



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ORLANDO L. GARCIA  
Chief United States District Judge

Appendix "D"



JEANNETTE J. CLACK  
CLERK OF COURT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
655 E. Cesar E. Chavez Blvd. Rm. G-65  
San Antonio, Texas 78206

PHILIP J. DEVLIN  
CHIEF DEPUTY

January 3, 2022

Randell Joseph Redmond #00727110  
TDCJ- LeBlanc Unit  
3695 FM 3514  
Beaumont, Texas 77705

Re: \$5.00/ Check No. 745081/ Filing Fee

Mr. Redmond:

The Clerk's Office is in receipt of the above-referenced check. We are returning this check to you for the following reason:

Check is made payable to \_\_\_\_\_ Our office can only accept  
money orders cashier's checks made payable to Clerk, U.S. District Court.

\_\_\_\_\_ State the purpose for the check or money order, whether it is for special assessment, restitution or fine and list the case number. What was this payment for?

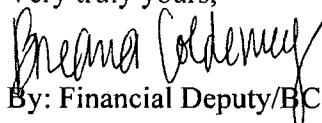
\_\_\_\_\_ Your case has been transferred to \_\_\_\_\_  
Please forward your payment to that office.

\_\_\_\_\_ The case number on your check or money order is incorrect. Indicate the correct number.

\_\_\_\_\_ There is no charge for the information you requested.

After reviewing the document, it was determined that it will be filed into 5:20-CV-00803-OLG as a Motion for Relief of Judgment. There is no filing fee due at this time.

\_\_\_\_\_ Other: As of December 1, 2020, the fee for Application into the Western District of Texas is now \$208.00. We will begin processing your application; however, it will not be sent to the Committee until payment is received.

Very truly yours,  
  
By: Financial Deputy/BC

Appendix "G"

# *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

February 18, 2022

#727110  
Mr. Randell Joseph Redmond  
CID LeBlanc Pre Release Facility  
3695 FM 3514  
Beaumont, TX 77705-0000

No. 22-50098      Redmond v. Lumpkin  
USDC No. 5:20-CV-803

Dear Mr. Redmond,

We have docketed the appeal as shown above, and ask you to use the case number above in future inquiries.

Before this appeal can proceed you must apply for a certificate of appealability (COA) to comply with 28 U.S.C. § 2253. If you wish to proceed, address your motion for COA to this court. Also send a separate brief supporting the motion. In the brief set forth the issues, clearly give supporting arguments. Your "motion for COA" and "brief in support" together may not exceed a total of 30 pages. You must file 2 legible copies within 40 days from the date of this letter. If you do not do so we will dismiss the appeal, see 5<sup>TH</sup> CIR. R. 42. Note that 5<sup>TH</sup> CIR. R. 31.4 and the Internal Operating Procedures following rules 27 and 31 provides the general sense of the court on the disposition of a variety of matters, which includes that except in the most extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

The district court denied you permission to appeal in forma pauperis. You need to: (1) pay the \$505.00 appellate docketing fee for filing the notice of appeal to the district court; or (2) file a motion requesting permission to appeal in forma pauperis. Attach to the motion the affidavit required by FED. R. APP. P. 24. You must file your request to appeal in forma pauperis by the date set for filing your brief. If you do not file the request by that date, or if you do not receive an extension of time from this court, you cannot proceed without paying costs. We will dismiss your appeal if you fail to pay the fees or to request permission to proceed in forma pauperis within 40 days.

**Special guidance regarding filing certain documents:**

General Order No. 2021-1, dated January 15, 2021, requires parties to file in paper highly sensitive documents (HSD) that would ordinarily be filed under seal in CM/ECF. This includes documents likely to be of interest to the intelligence service of a foreign government and whose use or disclosure by a hostile foreign government would likely cause significant harm to the United States or its interests. Before uploading any matter as a sealed filing, ensure it has not been designated as HSD by a district court and does not qualify as HSD under General Order No. 2021-1.

A party seeking to designate a document as highly sensitive in the first instance or to change its designation as HSD must do so by motion. Parties are required to contact the Clerk's office for guidance before filing such motions.

**Reminder as to Sealing Documents on Appeal:** Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk

*Renee S. McDonough*

By:

Renee S. McDonough, Deputy Clerk  
504-310-7673

CC:

Mr. Edward Larry Marshall

APPENDIX "H"

***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

March 04, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-50098 Redmond v. Lumpkin  
USDC No. 5:20-CV-803

The court has granted in part an extension of time to and including April 14, 2022 to comply with the certificate of appealability requirements and pay the filing fee.

Sincerely,

LYLE W. CAYCE, Clerk

Monica R. Washington

By: Monica R. Washington, Deputy Clerk  
504-310-7705

Mr. Edward Larry Marshall  
Mr. Randell Joseph Redmond

*Appendix "I"*

***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

April 14, 2022

#727110  
Mr. Randell Joseph Redmond  
CID LeBlanc Pre Release Facility  
3695 FM 3514  
Beaumont, TX 77705-0000

No. 22-50098 Redmond v. Lumpkin  
USDC No. 5:20-CV-803

Dear Mr. Redmond,

We received your Motion of Order of Designation of Record on Appeal. We have received the entire record on appeal from the district court, we are taking no action on this motion.

As a reminder the motion for a certificate of appealability with brief in support are due April 14, 2022, if you fail to comply your appeal will be dismissed without further notice.

Sincerely,

LYLE W. CAYCE, Clerk

Monica R. Washington

By: Monica R. Washington, Deputy Clerk  
504-310-7705

cc: Mr. Edward Larry Marshall

APPENDIX "K"

**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

February 07, 2020

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-50813 In re: Randell Redmond

The court has received your motion for authorization with supporting documents and has reinstated the case.

Sincerely,

LYLE W. CAYCE, Clerk  
*Claudia N. Farrington*

By:  
Claudia N. Farrington, Deputy Clerk  
504-310-7706

Mr. Randell J. Redmond

APPENDIX "L"

***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

March 12, 2020

Randell J. Redmond  
#727110  
CID Cotulla Transfer Facility  
610 FM 624  
Cotulla, TX 78014-0000

Dear Sir

We are in receipt of your correspondence dated February 29, 2020 referencing Case No. 108-95, WR-38;376-18 which is a state court case number. We cannot determine what district court case nor appellate case you refer to in your letter.

A successive petition was filed in case No. 18-50813. This case was dismissed for failure to comply with the Court's notice of October 1, 2018 regarding monetary sanctions imposed in appeal No. 17-50335. A copy is enclosed.

You have no pending cases with our Court.

Sincerely,

LYLE W. CAYCE, Clerk  
*Claudia N. Farrington*

By:  
Claudia N. Farrington, Deputy Clerk  
504-310-7706

Appendix "P"

**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

June 23, 2022

#727110  
Mr. Randell Joseph Redmond  
CID LeBlanc Pre Release Facility  
3695 FM 3514  
Beaumont, TX 77705-0000

No. 22-50112      Redmond v. Lumpkin  
                          USDC No. 5:98-CV-1032

Dear Mr. Redmond,

We will take no action on your petition for panel rehearing and/or rehearing en banc. The time for filing a petition for rehearing under **FED. R. APP. P. 40** has expired. Any rehearing was due for filing on May 31, 2022.

Sincerely,

LYLE W. CAYCE, Clerk



By: Mary Frances Yeager, Deputy Clerk  
504-310-7686

cc: Mr. Edwin Sullivan

**Additional material  
from this filing is  
available in the  
Clerk's Office.**