

TO:
SUBJECT: SAMUEL TURNER APPENDIX
DATE: 08/22/2022 12:12:58 PM

CASE NO.

SUPREME COURT OF THE UNITED STATES

SAMUEL TURNER,

Petitioner,

vs.


UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

APPENDIX

COMES NOW, Petitioner, Samuel Turner and submits the attached Appendix pursuant to Supreme Court Rules.


Samuel Turner
Petitioner
Reg. No. 13254-047
P.O. Box 725
Edgefield, SC 29824

Date: August 22, 2022

[REDACTED]

[REDACTED]

TO:
SUBJECT: SAMUEL TURNER APPENDIX EXHIBITS
DATE: 08/21/2022 12:14:45 PM

TABLE OF EXHIBITS

1. Order of Court, May 11, 2021 denying Defendant's Motion for Extension of Time to File 2255
2. Order of Court, June 8, 2021 denying Samuel Turner's Motion for Reconsideration
3. Order of Court, July 6, 2021 denying Motion for leave to File a Motion for Reconsideration
4. Order of Court, November 16, 2021 ordering the government to respond to Defendant's Motion for Leave to Allow for Filing a 28 U.S.C. 2255 Motion and Memorandum of Law Nunc Pro Tunc
5. Government's December 15, 2021 Motion to Extend Time for Filing Briefs in Response to Defendant's Motion
6. Memorandum and Order, January 4, 2022 stating that the Defendant's Motion was frivolous under Rule 60
7. Judgment/Order of Court, January 4, 2022 denying Defendant's Motion for Leave to File a Late 28 U.S.C. Motion for relief from judgment
8. Judgment/Order of Court, February 25, 2022 from the United States Court of Appeals for the Eighth Circuit Summarily Affirming the District Court's Judgment
9. Docket Entry Text, March 14, 2022 Record of Appellant's Request to File Petition for Rehearing En Banc
10. Order of Court, May 31, 2022 denying Rehearing En banc

①

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

ORDER

(For a variety of reasons, I will deny Defendant's Motion for Extension of Time to File a § 2255 Motion. First, Mr. Turner while signing the certificate of service, did not sign his motion. Second, to the extent that I have authority to extend the time to file a § 2255 motion, I decline to do so because the motion is untimely. Therefore,

(IT IS ORDERED that Defendant's Motion for Extension of Time to File a § 2255 Motion (Filing 164) is denied..

(Dated this 11th day of May, 2021.

(BY THE COURT:

Richard G. Kopf

(Richard G. Kopf

(Senior United States District Judge

②

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

ORDER

IT IS ORDERED that Samuel Turner's motion for reconsideration (Filing 166) is denied, for the reasons indicated in the undersigned's previous order (Filing 165).

Dated this 8th day of June, 2021.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge

③

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

ORDER

IT IS ORDERED that the defendant's "motion for leave to file motion for reconsideration of court order, or in the alternative, motion for relief from judgment pursuant to Rule 60(B)(6)" (Filing 168) is denied.

Dated this 6th day of July, 2021.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge

④

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

ORDER

Although I doubt the defendant is entitled to relief, out of an abundance of caution, I will request the government's counsel to respond to the most recent motion. Therefore,

IT IS ORDERED that no later than December 16, 2021, the government shall respond to the defendant's "motion for leave to allow for filing a 28 U.S.C. 2255 motion and memorandum of law nunc pro tunc due to clear and lawful excusable neglect, or in the alternative, motion for relief from judgment pursuant to Rule 60(B)(6)" (Filing 170). This order explicitly determines that the defendant may not respond to the government's submission.

Dated this 16th day of November, 2021.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge

⑤

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

MOTION TO EXTEND TIME FOR
FILING BRIEFS IN RESPONSE TO
DEFENDANT'S MOTION

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully requests that the time for filing the government's response to Defendant's Motion for Leave to Allow for Filing a 28 U.S.C. § 2255 (filing 170).

In support of this request, the undersigned submits the following:

1. On November 16, 2021, the Court ordered that the government's responsive brief is due December 16, 2021 (filing 171);
2. Counsel for the government has been preparing and is currently in a four-day trial before this Court in another matter;
3. Counsel for the government needs additional time to complete research and prepare the response to defendant's motion.

WHEREFORE, the United States respectfully requests that the time for filing the Brief in Response to Defendant's Motion be extended to December 23, 2021.

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL TURNER,

Defendant.

4:17CR3121

MEMORANDUM AND ORDER

Samuel Turner has filed a motion for leave to file a late § 2255 motion. (Filing 170.) The government has submitted a fully responsive and complete brief. (Filing 174.) There is no reason to restate what counsel for the government argues. The motion, frankly, is frivolous. There is also no basis for filing a judgment under Rule 60. Therefore,

IT IS ORDERED that the motion for leave to file a late § 2255 motion (Filing 170) is denied. To the extent that the defendant seeks a motion under Rule 60, it is denied as frivolous.

Dated this 4th day of January, 2022.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge

⑦

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SAMUEL TURNER,

Defendant.

4:17CR3121

JUDGMENT

IT IS ORDERED that the motion for leave to file a late § 2255 motion and the alternative motion for relief from judgment pursuant to Rule 60 are denied.

Dated this 4th day of January, 2022.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge

⑧

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

No: 22-1205

United States of America

Plaintiff - Appellee

v.

Samuel Turner

Defendant - Appellant

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:17-cr-03121-RGK-1)

JUDGMENT

Before LOKEN, KELLY, and GRASZ, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

February 25, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

9

22-1205 United States v. Samuel Turner

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 03/14/2022

Case Name: United States v. Samuel Turner

Case Number: 22-1205

Docket Text:

MOTION for extension of time to file petition for rehearing, filed by Appellant Mr. Samuel Turner w/service by USCA8 on 03/14/2022. [5139167] [22-1205]

The following document(s) are associated with this transaction:

Document Description: Motion for Extension of Time to File Petition for Rehearing

Notice will be mailed to:

Mr. Samuel Turner
FEDERAL CORRECTIONAL INSTITUTION
13254-047
P.O. Box 725
Edgefield, SC 29824-0000

Notice will be electronically mailed to:

Ms. Sara Elizabeth Fullerton: sara.fullerton@usdoj.gov,
annette.witte@usdoj.gov, caseview.ecf@usdoj.gov, usane.ecfcriminal@usdoj.gov

10

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

No: 22-1205

United States of America

Appellee

v.

Samuel Turner

Appellant

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:17-cr-03121-RGK-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

May 31, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans