

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 22-2904

George S. Schrand, Jr.

Movant - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:21-cv-00751-BCW)

JUDGMENT

Before LOKEN, BENTON, and KOBES, 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).

October 13, 2022

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

/s/ Michael E. Gans

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GEORGE S. SCHRAND, JR.,)	
)	
Movant,)	
)	Case No. 21-00751-CV-W-BCW-P
vs.)	Crim. No. 17-00100-01-CR-W-BCW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**ORDER DENYING MOVANT’S MOTION UNDER 28 U.S.C. § 2255, GRANTING A
CERTIFICATE OF APPEALABILITY, AND DISMISSING CASE**

Movant, who is incarcerated at the USP Pollock in Pollock, Louisiana, pursuant to a conviction and sentence entered in the above-cited criminal case, has filed a *pro se* motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Docs. 1, 2. Respondent has filed suggestions in opposition to Movant’s motion. Doc. 9. Movant has filed a reply thereto. Doc. 11. Because this Court finds that the motion, files, and record conclusively show that Movant is not entitled to relief,¹ Movant’s § 2255 motion is denied, Movant is denied a certificate of appealability, and this case is dismissed.

I. Background

On March 28, 2017, an indictment was returned in the Western District of Missouri charging Movant with possession with intent to distribute fifty grams or more of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). Crim. Doc. 11.² Movant appeared before the magistrate court for a pretrial conference on April 19, 2018, at which time the Government discussed the charging decisions and the plea offer made to Movant. Crim. Doc. 30; Crim. Doc. 131, pp. 7-15. The Government explained that, after the original charges had been filed, laboratory analysis found a more accurate and greater amount of actual methamphetamine, which would support an enhanced charge.

¹ “A Section 2255 movant is entitled to an evidentiary hearing . . . unless the motion, files, and record conclusively show he is not entitled to relief.” *Roundtree v. United States*, 751 F.3d 923, 925 (8th Cir. 2014) (citation and internal quotation omitted).

² “Crim. Doc.” refers to the docket number entries in Movant’s criminal case, Case No. 17-00100-01-CR-W-BCW. “Doc.” refers to the docket number entries in Movant’s associated civil case, Case No. 21-00751-CV-W-BCW-P. Page number citations refer to the page numbers assigned by the CM/ECF electronic docketing system.

Crim. Doc. 131, p. 7. The Government had offered to let Movant plead to the lesser drug quantity charged in the original indictment, but because Movant had not accepted the lesser plea offer, the Government indicated that it would be filing a superseding indictment “so it comports with the evidence.” Crim. Doc. 131, pp. 7-10, 14-15. Movant did not object to the intent to seek a superseding indictment.

A superseding indictment was then returned, charging Movant with possession with intent to distribute fifty grams or more of methamphetamine (actual), in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). Crim. Doc. 33. A three-day jury trial commenced on October 29, 2018, after which Movant was found guilty. Crim. Docs. 84, 88, 89, 94, 116-118.

A Presentence Investigation Report (“PSR”) was issued thereafter, which summarized the offense conduct established at trial and converted the cash seized from Movant into drugs. Crim. Doc. 96, pp. 5-6. The PSR calculated a total offense level of 36 after applying a base offense level of 34 under U.S.S.G. § 2D1.1(a)(5) based on the drug amount and a two-level enhancement for obstruction of justice under § 3C1.2 based on flight from law enforcement. *Id.* at 7. With a criminal history score of 13 and a criminal history category of VI, Movant’s statutory range of punishment was 10 years’ to life imprisonment and his advisory Sentencing Guidelines range was 324 to 405 months. *Id.* at 19, 26. No formal objections to the PSR were filed by defense counsel, but Movant filed *pro se* objections to. *Id.* at 29; Crim. Doc. 95.

Movant appeared for sentencing before this Court on May 2, 2019, at which time Movant’s defense counsel raised new objections to the criminal history calculation by contending that, although Movant had pleaded guilty to multiple prior convictions, the court had not accepted the pleas and were holding the pleas in abeyance. Crim. Doc. 119, pp. 3-8. Had the objection been sustained, Movant’s criminal history score would have been reduced by one point, resulting in a criminal history category of V. *Id.* at 14. This Court, however, denied the objection after finding by a preponderance of the evidence that Movant had pleaded guilty. *Id.* This Court further denied Movant’s objection that the money seized was not related to the sale of drugs. *Id.* at 8-13. After hearing from the parties and Movant personally, this Court discussed the sentencing factors under 18 U.S.C. § 3553 and sentenced Movant to 360 months’ imprisonment. *Id.* at 15-24. Crim. Doc. 112.

Movant appealed, arguing that this Court erred in converting the seized United States currency into drugs. *United States v. Schrand*, 804 F. App’x 432 (8th Cir. 2020); Crim. Doc. 121-1. The Eighth Circuit found no plain error and affirmed, after first finding that Movant had failed to preserve the objection and noting that the Sentencing Guidelines otherwise authorize the conversion of seized money into drugs. Crim. Doc. 121-1, pp. 2-3.

Movant now seeks relief under 28 U.S.C. § 2255. Docs. 1, 2. Additional relevant facts in the record are set forth below in this Court's discussion of Movant's ground for relief.

II. Standard

Title 28 U.S.C. § 2255 provides that an individual in federal custody may file a motion to vacate, set aside, or correct his or her sentence. A motion under this statute "is not a substitute for a direct appeal and is not the proper way to complain about simple trial errors." *Anderson v. United States*, 25 F.3d 704, 706 (8th Cir. 1994) (internal citations omitted). Instead, § 2255 provides a statutory avenue through which to address constitutional or jurisdictional errors and errors of law that "constitute[] a fundamental defect which inherently results in a complete miscarriage of justice." *Sun Bear v. United States*, 644 F.3d 700, 704 (8th Cir. 2011) (quoting *Hill v. United States*, 368 U.S. 424, 428 (1962)).

III. Discussion

Movant raises the following two grounds for relief: (1) defense counsel was ineffective for four separate reasons, and (2) the cumulative effect of all of defense counsel's alleged errors "had to have had a substantial effect on" the indictment, Movant's sentence, and the jury's determination of guilty. Doc. 1, pp. 4-5; Doc. 2. Respondent argues that each of Movant's grounds for relief are without merit. Doc. 9. In reply, Movant argues that an evidentiary hearing is needed because "a genuine dispute exists with regards to each claim Movant has raised." Doc. 11, p. 2. As set forth below, this Court finds that each of Movant's grounds for relief are without merit.

A. Ground 1 is without merit.

In Ground 1, Movant argues that defense counsel was ineffective for failing to object to: (a) the superseding indictment based on prosecutorial vindictiveness, (b) the methodology used by this Court to convert currency into methamphetamine, (c) the reliability of the evidence used to prove Movant's prior convictions, and (d) the prosecutor's improper vouching of witness testimony. Doc. 1, pp. 4; Doc. 2, pp. 1, 6-17.

To establish that counsel was ineffective, Movant must "show that his 'trial counsel's performance was so deficient as to fall below an objective standard of reasonable competence, and that the deficient performance prejudiced his defense.'" *Nave v. Delo*, 62 F.3d 1024, 1035 (8th Cir. 1995) (quoting *Lawrence v. Armontrout*, 961 F.2d 113, 115 (8th Cir. 1992)); *see also Strickland v. Washington*, 466 U.S. 668, 687 (1984). To establish prejudice, Movant must show that there is a "reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would

have been different.” *Strickland*, 466 U.S. at 694. Both prongs of this test must be established in order to be entitled to § 2255 relief; failure to establish either one of the prongs is fatal to a claim of ineffective assistance of counsel. *Id.* at 697.

Ground 1(a)- failure to object to the superseding indictment.

As to Movant’s claim that counsel was ineffective for failing to object to the superseding indictment based on prosecutorial vindictiveness (Doc. 1, p. 4; Doc. 2, pp. 7-9), Movant fails to present any evidence or facts in the record establishing that the superseding indictment was sought in retaliation for Movant exercising his right to a jury trial. *See United States v. Chappell*, 779 F.3d 872, 879 (8th Cir. 2015) (“In order to demonstrate prosecutorial vindictiveness, a defendant must show that the superseding indictment containing the additional charges was sought in retaliation for exercising constitutional or statutory rights.”) (internal quotation omitted); *Kress v. United States*, 411 F.2d 16, 20 (8th Cir. 1969) (“In a § 2255 proceeding, the burden of proof with regard to each ground for relief rests upon the petitioner.”). Nor has Movant otherwise presented sufficient evidence to show a reasonable likelihood of vindictiveness that would entitle him to a presumption of vindictiveness. *See Chappell*, 779 F.3d at 879 (absent evidence of a vindictive or improper motive, “a defendant may, in rare circumstances, rely upon a presumption of vindictiveness if he provides sufficient evidence to show a reasonable likelihood of vindictiveness exists.”) (internal citation and quotation omitted, emphasis in original). Although Movant points to the Government’s statements during his pretrial conference as evidence of vindictiveness, the transcript of those proceedings only establishes that the Government planned to file a superseding indictment after forensic drug analysis resulted in a greater drug quantity and offered to let Movant plead guilty to the lesser drug quantity charged in the original indictment. Crim. Doc. 131, pp. 7-15. Such actions are insufficient to support a claim of vindictiveness, as “the initial charges filed by a prosecutor may not reflect the extent to which an individual is legitimately subject to prosecution,” and, as happened here, during preparations, “the prosecutor may uncover additional information that suggests a basis for further prosecution.” *United States v. Goodwin*, 457 U.S. 368, 381-82 (1982). Therefore, any objection on the issue would have been without merit.

Furthermore, Movant fails to establish that he was prejudiced by defense counsel’s failure to object, as his 360-month sentence is within the range of punishment authorized under both § 841(b)(1)(A) and § 841(b)(1)(B), and this Court would have imposed the same sentence if defense counsel’s objection was successful and the case proceeded on the original indictment, as Movant argues. *See* Doc. 2, p. 9 (“the proper sanction would be to dismiss the superseding indictment and this case would have proceeded on the single count charged in the original indictment.”). Consequently,

Movant fails to establish that defense counsel was ineffective for failing to object to the superseding indictment or that he was otherwise prejudiced by that alleged failure. Ground 1(a) is denied.

Ground 1(b)- failure to object to the drug conversion.

As to Movant's claim that defense counsel was ineffective for failing to object to the methodology used by this Court to convert currency into methamphetamine (Doc. 1, p. 4; Doc. 2, pp. 9-12), Movant's allegations are conclusory and unsupported in the record. Initially, the Court notes that, as the Eighth Circuit explained on direct appeal, "'the Guidelines authorize the district court to convert seized money into a quantity of drugs.'" Crim. Doc. 121-1, p. 3 (quoting *United States v. Grays*, 638 F.3d 569, 571-72 (8th Cir. 2011)). Although Movant disputes the methodology utilized in the PSR, expert testimony presented at trial established that in March 2017, the street value for an ounce of methamphetamine was \$450, ten ounces of methamphetamine had a value of between \$4,000 and \$4,500, and an eighth of an ounce had a street value of \$200 to \$250. Crim. Doc. 117, pp. 129, 132-133. The PSR utilized a more conservative cost of \$10,400 per pound when sold by the ounce, which reduced the drug amount by more than 400 grams from a conversion based solely on the trial testimony. Crim. Doc. 96, p. 6. Movant fails to provide sufficient evidence suggesting that defense counsel had a proper foundation for his objection or that there is otherwise a reasonable probability that such an objection would have resulted in a more favorable outcome in Movant's criminal proceedings. Rather, as Respondent points out, had counsel objected to the lack of foundation for the drug conversion utilized in the PSR, the Government would have referred to the trial testimony, which might have increased the drug amount. See Doc. 9, pp. 10-11. Therefore, Ground 1(b) is without merit and denied.

Ground 1(c)- failure to object to Movant's prior convictions.

As to Movant's claim that defense counsel was ineffective for failing to object to the reliability of the evidence used to prove Movant's prior convictions (Doc. 1, p. 4; Doc. 2, pp. 12-14), Movant fails to establish that such an objection would have been sustained or otherwise would have resulted in a reasonable probability of a different outcome at sentencing. At sentencing, defense counsel challenged the criminal history calculation by arguing that, although Movant had pleaded guilty to multiple prior convictions, the state court had not accepted the pleas and were holding the pleas in abeyance. Crim. Doc. 119, pp. 3-8. Had the objection been sustained, Movant's criminal history score would have been reduced by one point, resulting in a criminal history category of V. *Id.* at 14. This Court, however, denied that objection after finding by a preponderance of the evidence that Movant had pleaded guilty. *Id.* Had defense counsel raised further objections on the issue, including that this Court was not entitled to rely on the PSR and was required to receive evidence of Movant's prior

convictions, at most, Movant's sentencing would have been postponed in order for the probation office and the Government to acquire the state records. However, when this Court asked defense counsel if defense counsel and Movant needed more time to review the PSR and discuss their objections, defense counsel stated, "No, I asked him that and he said he wants to be sentenced today." Crim. Doc. 119, pp. 2-3. Even if Movant's sentencing hearing had been postponed in contravention of his wishes, Movant does not establish that the postponement would have resulted in the objection to his prior convictions being sufficiently supported at his rescheduled hearing. Movant does not provide any evidence from the state court establishing that his guilty pleas were held in abeyance. Even if Movant could demonstrate that the objection would have succeeded, this Court's 360-month sentence would remain within the adjusted advisory range and would have been imposed by this Court. Because Movant fails to establish either prong of an ineffective assistance claim regarding his prior convictions, Ground 1(c) is denied.

Ground 1(d)- failure to object to the Government's improper vouching.

In arguing that defense counsel was ineffective for failing to object to the prosecutor's improper vouching of witness testimony during closing argument (Doc. 1, p. 4; Doc. 2, pp. 14-17), Movant points to the following argument from the Government:

MR. MOEDER: How do we know this? The government's witnesses came in. They told you what they observed. They told you, they told the truth. They had no motive to lie. They had no motive to alter the truth. They had nothing to gain

Crim. Doc. 117, p. 205. Movant argues that there was a chain of custody issue in the case, in that the backpack that contained the drugs also contained a wallet and driver's license linking Movant to the backpack, but the wallet and driver's license got lost in the investigation for nearly five days. Doc. 2, pp. 15-17. Movant argues that, had defense counsel objected to the quoted argument, a reasonable juror may have doubted whether Movant's wallet and driver's license were found inside the backpack. *Id.* at 17.

The Court finds that the Government's closing argument did not amount to improper vouching. In context, the challenged argument amounts merely to a permissible argument for the credibility of the Government's witnesses and did not constitute the Government putting its personal reputation behind the testimony of its witnesses. *See Bass v. United States*, 655 F.3d 758, 761 (8th Cir. 2011) (no improper vouching where Government argued that the Government's witnesses told the truth about defendant after discussing the witnesses' testimony and the sentence reductions the witnesses received for testifying); *United States v. Littrell*, 439 F.3d 875, 82 (8th Cir. 2006) (where prosecutor stated that an investigator was "meticulous" and "telling the truth as he knew it" and that the jury could take

another witness's testimony "to the bank," finding no improper vouching because the comments "were made as part of the prosecutor's review of the evidence before the jury" and were not an attempt by the prosecutor to "put his personal reputation behind the testimony of its witnesses."). Here, in permissibly arguing for the credibility of its witnesses, the Government argued that the witnesses "had no motive to lie" and immediately followed that statement by highlighting other evidence in the record that corroborated their testimony, including the dash cameras and the physical evidence. Crim. Doc. 117, p. 205. Therefore, any objection to the Government's closing argument would have been without merit. The Court further finds that, even if the argument was improper, Movant fails to establish that the argument prejudiced the outcome of his trial, particularly in light of the totality of the inculpatory evidence presented at trial. Consequently, Ground 1(d) is denied.

Movant fails to establish that defense counsel was ineffective in any other manner. Consequently, each of Movant's allegations of ineffective assistance of counsel are without merit and are denied. For these reasons and in light of the record before this Court, Ground 1 is denied in its entirety.

B. Ground 2 is without merit.

In Ground 2, Movant raises a claim of ineffective assistance of counsel "based upon the cumulative effect of all alleged errors," and claims that the errors "had to have had a substantial effect on" the indictment, Movant's sentence, and the jury's determination of guilty. Doc. 1, p. 4-5; Doc. 2, p. 18. The Eighth Circuit Court of Appeals, however, "repeatedly ha[s] recognized 'a habeas petitioner cannot build a showing of prejudice on a series of errors, none of which would by itself meet the prejudice test.'" *Middleton v. Roper*, 455 F.3d 838, 851 (8th Cir. 2006) (quoting *Hall v. Luebbers*, 296 F.3d 685, 692 (8th Cir. 2002), and citing other cases so holding); *see also United States v. Brown*, 528 F.3d 1030, 1034 (8th Cir. 2008) (reiterating the rejection of "the cumulative error theory of post-conviction relief" in *Middleton*).

Based on the foregoing, Movant's claim of cumulative error is without merit, particularly because, as set forth in this Court's discussion of Ground 1, each of Movant's individual claims of ineffective of counsel are without merit. Therefore, Ground 2 is denied.

IV. Certificate of Appealability

Pursuant to Rule 11 of the Rules Governing Section 2255 Proceedings, the Court must issue or deny a certificate of appealability when it enters a final order adverse to Movant. A certificate of appealability may be issued "only if [Movant] has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Movant has made no such showing, the Court

declines to issue a certificate of appealability.

V. Conclusion

For the foregoing reasons, Movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied; a certificate of appealability is denied; and this case is dismissed.

It is so **ORDERED**.

/s/ Brian C. Wimes
BRIAN C. WIMES
UNITED STATES DISTRICT JUDGE

Dated: January 12, 2022.

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CLOSED,GAD,PPROSE

**U.S. District Court
Western District of Missouri (Kansas City)
CIVIL DOCKET FOR CASE #: 4:21-cv-00751-BCW**

Schrand v. USA

Assigned to: District Judge Brian C. Wimes

Referred to: Prisoner Pro Se

Related Case: 4:17-cr-00100-BCW-1

Case in other court: 8th Circuit, 22-01517

Eighth Circuit, 22-02904

Cause: 28:2255 Motion to Vacate / Correct Illegal Sentenc

Date Filed: 10/12/2021

Date Terminated: 01/12/2022

Jury Demand: None

Nature of Suit: 510 Prisoner: Vacate

Sentence

Jurisdiction: U.S. Government Defendant

Movant**George S. Schrand, Jr.**represented by **George S. Schrand, Jr.**

16623-045

USP Pollock

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PRO SE

Respondent**USA**represented by **Matthew Aaron Moeder**

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Email: matthew.moeder@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/12/2021	<u>1</u>	MOTION to vacate, set aside or correct sentence (2255) filed by George S. Schrand, Jr.(Davies, Cindy) (Entered: 10/14/2021)
10/12/2021	<u>2</u>	MOVANT'S MEMORANDUM in support of 2255 motion filed by George S. Schrand, Jr.(Davies, Cindy) (Entered: 10/14/2021)
10/12/2021	<u>3</u>	MOVANT'S MOTION for appointment of counsel and MOTION for discovery filed by George S. Schrand, Jr. Suggestions in opposition/response due by 10/28/2021. (Davies, Cindy) (Entered: 10/14/2021)

10/14/2021	<u>4</u>	ORDER: ORDERED that Respondent answer Movant's allegations and show cause on or before November 15, 2021 why the relief Movant seeks should not be granted. Signed on October 14, 2021 by District Judge Brian C. Wimes. (Davies, Cindy) (Entered: 10/14/2021)
10/14/2021	5	ORDER that: (1) Movant's request for appointment of counsel in Doc. <u>3</u> is denied without prejudice, as it does not yet appear that an evidentiary hearing is required in this matter or that appointment of counsel is required for the fair presentation of Movant's claims. See <i>Baker v. United States</i> , 334 F.2d 444, 447 (8th Cir. 1964); <i>United States v. Vasquez</i> , 7 F.3d 81 (5th Cir. 1993); and (2) Movant's request for transcripts in Doc. <u>3</u> of the April 19, 2018 pretrial conference in his criminal case is denied without prejudice, as Movant fails to establish at this time that the transcripts are required to decide a non-frivolous issue in the pending proceeding. See <i>United States v. Slaughter</i> , No. CR0729711DWFJSM, 2011 WL 13141448, at *2 (D. Minn. May 31, 2011) ("Because Defendant has not shown a genuine need for any transcripts or related materials in order to support a specific claim in a pending proceeding, his current motion must be denied"); <i>United States v. Losing</i> , 601 F.2d 351, 353 (8th Cir. 1979) ("it is clear that a majority of the [Supreme] Court [has] concluded that a prisoner has no absolute right to a transcript to assist him in the preparation of a collateral attack on his conviction, and that constitutional requirements are met by providing such materials only after judicial certification that they are required to decide the issues presented by a non-frivolous pending case"). Rather, Respondent has been directed to respond to Movant's Section 2255 motion, wherein Movant raises factual allegations concerning the pretrial conference that may or may not be in dispute. Movant may renew his request following Respondent's response upon a showing that the transcripts remain necessary to decide a non-frivolous issue in the pending proceeding. Signed on 10/14/2021 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Doty, Greg) (Entered: 10/14/2021)
10/14/2021	<u>6</u>	NOTICE of appearance by Matthew Aaron Moeder on behalf of USA (Attorney Matthew Aaron Moeder added to party USA(pty:res))(Moeder, Matthew) (Entered: 10/14/2021)
11/10/2021	<u>7</u>	MOTION for extension of time to file response/reply to <i>Pro Se Movant's</i> 2255 filed by Matthew Aaron Moeder on behalf of USA. Suggestions in opposition/response due by 11/24/2021 unless otherwise directed by the court. (Moeder, Matthew) (Entered: 11/10/2021)
11/10/2021	8	ORDER that Respondent's motion for an extension of time, up to and including December 15, 2021, in which to file a response in this case (Doc. <u>7</u>) is granted. No further extensions of this deadline will be granted absent a clear demonstration of extraordinary circumstances. Signed on 11/10/2021 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Willis, Kathy) Modified on 11/15/2021 to correct a clerical error. (Willis, Kathy). (Entered: 11/10/2021)
12/15/2021	<u>9</u>	SUGGESTIONS in opposition re <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by Matthew Aaron Moeder on behalf of Respondent USA. Reply suggestions due by 12/29/2021 unless otherwise directed by the court. (Related document(s) <u>1</u>) (Moeder, Matthew) (Entered: 12/15/2021)
12/15/2021	10	ORDER that Movant shall file a reply, on or before January 5, 2022, to Respondent's suggestions in opposition to Movant's Section 2255 motion (Docs. <u>9</u> , <u>1</u>) or face dismissal of this case without further notice. Signed on 12/15/2021 by District Judge

		Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Willis, Kathy) (Entered: 12/15/2021)
01/03/2022	<u>11</u>	MOVANT'S REPLY to Doc. <u>9</u> filed by George S. Schrand, Jr.(Davies, Cindy) (Entered: 01/03/2022)
01/03/2022	<u>12</u>	MOVANT'S MOTION for discovery and MOTION to appoint counsel filed by George S. Schrand, Jr. Suggestions in opposition/response due by 1/18/2022. (Davies, Cindy) (Entered: 01/03/2022)
01/04/2022	<u>13</u>	ORDER: Movant's motion for discovery and for appointment of counsel (Doc. <u>12</u>) is granted in part, in that the Clerk of the Court is directed to mail to Movant a copy of the transcripts of his April 19, 2018, Pretrial Conference (Crim. Doc. 131). Movant's remaining requests for grand jury transcripts and for appointment of counsel are denied for the reasons set forth herein. Signed on 1/4/2022 by District Judge Brian C. Wimes. (CLERK'S NOTE: A copy of this Order and a copy of the Pretrial Conference transcripts of April 19, 2018, mailed to Movant as directed.)(Willis, Kathy) (Entered: 01/04/2022)
01/12/2022	<u>14</u>	ORDER: Movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied; a certificate of appealability is denied; and this case is dismissed. Signed on 1/12/2022 by District Judge Brian C. Wimes. (Willis, Kathy) (Entered: 01/12/2022)
01/12/2022	<u>15</u>	CLERK'S JUDGMENT: Movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 is denied; a certificate of appealability is denied; and this case is dismissed. (Willis, Kathy) (Entered: 01/12/2022)
02/11/2022	<u>16</u>	MOVANT'S MOTION for reconsideration to Doc. <u>15</u> Clerk's Judgment filed by George S. Schrand, Jr. Suggestions in opposition/response due by 2/25/2022. (Davies, Cindy) (Entered: 02/11/2022)
02/11/2022	<u>17</u>	ORDER that Movant's motion for reconsideration (Doc. <u>16</u>) is denied for the reasons set forth in this Court's January 12, 2022 Order (Doc. <u>14</u>) and because Movant fails to set forth any appropriate reason for this Court to reconsider that Order. Signed on February 11, 2022 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Davies, Cindy) (Entered: 02/11/2022)
03/11/2022	<u>18</u>	MOVANT'S NOTICE OF APPEAL as to <u>14</u> Order and <u>17</u> Order on Motion for Reconsideration filed by George S. Schrand, Jr. (Davies, Cindy) (Entered: 03/11/2022)
03/11/2022	<u>19</u>	TRANSMISSION of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail. Related document <u>18</u> Notice of Appeal. (Davies, Cindy) (Entered: 03/11/2022)
03/11/2022		USCA Case Number from 8th Circuit is 22-1517 for <u>18</u> Notice of Appeal filed by George S. Schrand, Jr. (Davies, Cindy) (Entered: 03/11/2022)
03/11/2022	<u>20</u>	ORDER of US COURT OF APPEALS: If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. In accordance with Eighth Circuit Local Rule 30A(a)(2), the Clerk of the United States District Court is requested to forward to this Court forthwith any portions of the original record which are not available in an electronic format through PACER, including any documents maintained in paper format or filed under seal, pre-sentence report (3 copies), exhibits, CDs, videos, administrative records and state court

		files. These documents should be submitted within 10 days. (CLERK'S NOTE: All documents pertaining to this case are on CM/ECF. Nothing will be sent to the Court of Appeals.) (Davies, Cindy) (Entered: 03/11/2022)
03/31/2022	<u>21</u>	USCA Judgment as to <u>18</u> Notice of Appeal filed by George S. Schrand, Jr. This is a preliminary judgment of U.S. Court of Appeals; jurisdiction is not recovered until the Mandate is issued by the U.S Court of Appeals. This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed. (Davies, Cindy) (Entered: 03/31/2022)
05/26/2022	<u>22</u>	MANDATE of US COURT OF APPEALS as to <u>18</u> Notice of Appeal filed by George S. Schrand, Jr. with mandate issued on 5/24/2022. In accordance with the judgment of 04/26/2022, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter. (Willis, Kathy) (Entered: 05/26/2022)
07/29/2022	<u>23</u>	MOVANT'S MOTION to set aside filed by George S. Schrand, Jr. Suggestions in opposition/response due by 8/12/2022. (Related document 17) (Willis, Kathy) (Entered: 08/03/2022)
08/03/2022	<u>24</u>	ORDER that Movant's motion for this Court to set aside its February 11, 2022 Order (Doc. <u>23</u>) is denied. This Court denied Movant's Section 2255 motion on January 12, 2022 (Doc. <u>14</u>) and denied Movant's subsequent motion for reconsideration on February 11, 2022 (Doc. 17). Movant appealed, and the United States Court of Appeals for the Eighth Circuit denied Movant a certificate of appealability (Docs. <u>21</u> , <u>22</u>). Movant fails to set forth any appropriate argument or authority to disturb those rulings in his present motion. Signed on 8/3/2022 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Willis, Kathy) (Entered: 08/03/2022)
09/06/2022	<u>25</u>	NOTICE OF APPEAL filed by George S. Schrand, Jr. (Related document 24)(Willis, Kathy) (Entered: 09/07/2022)
09/07/2022	<u>26</u>	TRANSMISSION of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail. Related document <u>25</u> Notice of Appeal. (Willis, Kathy) (Entered: 09/07/2022)
09/08/2022	<u>27</u>	USCA Case Number from Eighth Circuit is 22-2904 for <u>25</u> Notice of Appeal filed by George S. Schrand, Jr. (Willis, Kathy) (Entered: 09/08/2022)
09/08/2022	<u>28</u>	ORDER of US COURT OF APPEALS: If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. In accordance with Eighth Circuit Local Rule 30A(a)(2), the Clerk of the United States District Court is requested to forward to this Court forthwith any portions of the original record which are not available in an electronic format through PACER, including any documents maintained in paper format or filed under seal, pre-sentence report (3 copies), exhibits, CDs, videos, administrative records and state court files. These documents should be submitted within 10 days.(CLERK'S NOTE: All documents pertaining to this case are on CM/ECF. Nothing will be sent to the Court of Appeals.) (Willis, Kathy) (Entered: 09/08/2022)
10/13/2022	<u>29</u>	USCA Judgment as to <u>25</u> Notice of Appeal filed by George S. Schrand, Jr. This is a preliminary judgment and/or opinion of U.S. Court of Appeals; jurisdiction is not recovered until the Mandate is issued by the U.S Court of Appeals. In accordance

		with the judgment of August 29, 2022, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter. (Willis, Kathy) (Entered: 10/14/2022)
12/12/2022	<u>30</u>	MANDATE of US COURT OF APPEALS as to <u>25</u> Notice of Appeal filed by George S. Schrand, Jr. with mandate issued on 12/12/2022. (Willis, Kathy) (Entered: 12/12/2022)

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