

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RANDY LEE STAPLETON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition For Writ of Certiorari
To The United States Court of Appeals
For the Ninth Circuit

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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INDEX TO APPENDICES

Appendix A	Order (granting appellee’s motion to dismiss), Ninth Circuit Court of Appeals, No. 19-50266, filed July 13, 2022	1a
Appendix B	Order (denying motion for reconsideration and motion for reconsideration en banc), Ninth Circuit Court of Appeals, No. 19-50266, filed October 27, 2022.	4a

Appendix A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 13 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RANDY LEE STAPLETON, AKA Brandon
Lee Stapelton, AKA Jeff Stapelton, AKA
Brandon Lee Stapleton, AKA Eric Javon
Stapleton, AKA Eric Savon Stapleton, AKA
Jeff Stapleton, AKA Jeffrey Lee Stapleton,
AKA Randy Lee Stapleton, Sr., AKA
Christopher Woods,

Defendant-Appellant.

No. 19-50266

D.C. No. 5:18-cr-00302-PA-1
Central District of California,
Riverside

ORDER

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

Appellee's unopposed motion to file under seal the motion to dismiss and to file a redacted motion to dismiss (Docket Entry No. 64) is granted. The Clerk will file publicly the redacted motion to dismiss (Docket Entry No. 63). The Clerk will file under seal the motion to seal (Docket Entry No. 64-1) and the unredacted motion to dismiss (Docket Entry No. 64-2).

Appellant's unopposed motion to file under seal the reply to appellee's opposition and to file a redacted reply (Docket Entry No. 77) is granted. The Clerk will file publicly the redacted reply (Docket Entry No. 76). The Clerk will file

under seal the motion to seal (Docket Entry No. 77-1) and unredacted reply (Docket Entry No. 77-3).

Appellant's motions to file a substitute opening brief (Docket Entry Nos. 68, 70 and 72) and to expand the record on appeal (Docket Entry Nos. 34 and 35) are denied. The Clerk will strike the briefs submitted at Docket Entry Nos. 69, 71 and 73.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver (Docket Entry Nos. 63 and 64) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable). Appellant's challenge to the denial of his motion to withdraw his guilty plea is covered by the appeal waiver. *See United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011). Even assuming this court recognized a "miscarriage of justice" exception to the enforcement of an appellate waiver, appellant has not shown that any such exception applies here. Finally, to the extent appellant contends the waiver is unenforceable because he received ineffective assistance of counsel, we decline to address that claim on direct appeal. *See id.* at 1259-60.

All other pending motions are denied as moot.

DISMISSED.

Appendix B

FILED

UNITED STATES COURT OF APPEALS

OCT 27 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RANDY LEE STAPLETON, AKA Brandon
Lee Stapelton, AKA Jeff Stapelton, AKA
Brandon Lee Stapleton, AKA Eric Javon
Stapleton, AKA Eric Savon Stapleton, AKA
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Defendant-Appellant.

No. 19-50266

D.C. No. 5:18-cr-00302-PA-1
Central District of California,
Riverside

ORDER

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

We treat appellant's "petition for rehearing and suggestion of rehearing en banc" (Docket Entry No. 81) as a motion for reconsideration and motion for reconsideration en banc. So treated, the motion for reconsideration is denied, and the motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.