

APPX A**Interested Party****Aegis Security Insurance Company**

represented by **Aegis Security Insurance Company**
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 PRO SE

Interested Party**Abraham Wade**

represented by **Abraham Wade**
 1179 Black River Road
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**USA**

represented by **Beth Drake**
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Date Filed	#	Docket Text
07/22/2002	<u>1</u>	COMPLAINT as to Mike Rufus [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/22/2002		ARREST WARRANT issued as to Mike Rufus . bond to be set [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/22/2002		ARREST of Mike Rufus [3:02-m -550] (ttil) (Entered: 07/23/2002)

07/22/2002	<u>2</u>	Initial Appearance as to Mike Rufus held before Magistrate Judge Joseph R. McCrorey (Attorney John Herman Hare); gov't moves for detention; Location LC Court reporter: ESR/Tape02B33:458-6359 [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/22/2002	<u>3</u>	CJA 23 FINANCIAL AFFIDAVIT by Mike Rufus [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/22/2002	<u>4</u>	ORDER Appointing Federal Public Defender for Mike Rufus (Signed by Magistrate Judge Joseph R. McCrorey) [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/22/2002	<u>5</u>	ORDER OF TEMPORARY DETENTION as to Mike Rufus (Signed by Magistrate Judge Joseph R. McCrorey) [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/23/2002	<u>6</u>	DETENTION HEARING as to Mike Rufus held before Magistrate Judge Joseph R. McCrorey; witness sworn/testifies; court orders defendant detained pending trial; Court Reporter: ESR/Tape02B34:965-2133. [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/23/2002	<u>7</u>	ORDER OF DETENTION PENDING TRIAL as to Mike Rufus (Signed by Magistrate Judge Joseph R. McCrorey) [3:02-m -550] (ttil) (Entered: 07/23/2002)
07/23/2002		PRETRIAL SERVICES REPORT (Sealed) as to Mike Rufus [3:02-m -550] (ttil) (Entered: 07/23/2002)
08/05/2002	<u>8</u>	MOTION by Mike Rufus to substitute counsel [3:02-m -550] (ttil) (Entered: 08/05/2002)
08/07/2002	<u>9</u>	ORDER as to Mike Rufus granting [8-1] motion to substitute counsel terminated attorney John Herman Hare for Mike Rufus Added Joenathan S Chaplin as to Mike Rufus (1) (Signed by Magistrate Judge Joseph R. McCrorey) [3:02-m -550] (ttil) (Entered: 08/09/2002)
08/12/2002	<u>10</u>	MOTION by Mike Rufus for discovery and disclosure of evidence [3:02-m -550] (ttil) (Entered: 08/14/2002)
08/20/2002	<u>11</u>	INDICTMENT and record of grand jury ballot as to Mike Rufus (1) count(s) 1, 2, 3, 4, Elam Yisreal (2) count(s) 1 (jada) Modified on 08/21/2002 (Entered: 08/20/2002)
08/20/2002	<u>14</u>	NOTICE of Hearing as to Michael Alonza Rufus, Elam Yisreal set Arraignment for 10:00 9/4/02 for Michael Alonza Rufus, for Elam Yisreal before Magistrate Judge Joseph R. McCrorey (jada) (Entered: 08/21/2002)
08/23/2002		CASE assigned to Judge Matthew J. Perry (cqui) (Entered: 08/23/2002)
08/30/2002	<u>15</u>	ORDER as to Michael Alonza Rufus directing USM to relinquish custody of Defendant to DEA agents from time to time as needed (Signed by Judge Cameron M. Currie) (bwil) (Entered: 09/03/2002)
09/03/2002	<u>16</u>	Bench WARRANT Returned Executed as to Michael Alonza Rufus on 7/22/02 (ljon) (Entered: 09/03/2002)
09/03/2002	<u>17</u>	MOTION by Michael Alonza Rufus to substitute attorney (jada) (Entered: 09/04/2002)
09/04/2002	<u>18</u>	Arraignment as to Michael Alonza Rufus, Elam Yisreal held before Magistrate Judge Joseph R. McCrorey Michael Alonza Rufus (1) count(s) 1, 2, 3, 4, Elam

		Yisreal (2) count(s) 1 (Attorney Theresa N Johns makes a general appearance as to defendant, Michael Rufus; the court will relieve attorney JoeNathan Chaplin from representation of defendant, Michael Rufus once motion for substitution of counsel is granted; attorney Vincent A Sheheen makes a general appearance as to defendant, Vincent Sheheen) ; bond set at \$300,000.00 fully secured as to defendant, Elam Yisreal, bond set not met; Defendant pleads not guilty Location LC Court reporter: ESR/Tape1:0-4699 (ttil) (Entered: 09/05/2002)
09/04/2002	<u>19</u>	PLEA entered by Michael Alonza Rufus . Defendant enters plea of: not guilty. (ttil) (Entered: 09/05/2002)
09/04/2002	<u>22</u>	NOTICE of Hearing as to Michael Alonza Rufus, Elam Yisreal set pretrial conference for 11:30 9/30/02 for Michael Alonza Rufus, for Elam Yisreal before Judge Matthew J. Perry (ttil) (Entered: 09/05/2002)
09/05/2002	<u>23</u>	ORDER as to Michael Alonza Rufus granting [17-1] motion to substitute attorney terminated attorney Joenathan S Chaplin for Michael Alonza Rufus Added as to Michael Alonza Rufus Theresa N. Johns (1) (Signed by Judge Matthew J. Perry) (jada) (Entered: 09/06/2002)
09/12/2002	<u>28</u>	ORDER as to Michael Alonza Rufus directing the Marshal to allow agents to transport defendant for interviews and to return to Lexington County Jail as needed. (Signed by Magistrate Judge Joseph R. McCrorey) (jada) (Entered: 09/12/2002)
09/25/2002	<u>33</u>	MOTION by Michael Alonza Rufus for leave to file additional motions (jada) (Entered: 09/25/2002)
09/25/2002	<u>34</u>	MOTION by Michael Alonza Rufus to Adopt Motion of Other Defendant [27-1] motion to suppress evidence, [26-1] motion for discovery, [25-1] motion for Disclosure of 404B evidence (jada) (Entered: 09/25/2002)
09/30/2002	<u>36</u>	PRETRIAL CONFERENCE as to Michael Alonza Rufus held before Judge Matthew J. Perry ORAL ORDER granting [33-1] motion for leave to file additional motions as to Michael Alonza Rufus (1) scheduling another pretrial conference for 10/30/02 at 10:00 am Court Reporter: Gary Smith. (jada) (Entered: 09/30/2002)
09/30/2002	<u>37</u>	NOTICE of Hearing as to Michael Alonza Rufus, Elam Yisreal set pretrial conference for 10:00 10/30/02 for Michael Alonza Rufus, for Elam Yisreal before Judge Matthew J. Perry (jada) (Entered: 09/30/2002)
10/23/2002	<u>38</u>	NOTICE of filing Information with enhanced penalties by USA as to Michael Alonza Rufus (jada) (Entered: 10/23/2002)
10/30/2002	<u>41</u>	PRETRIAL CONFERENCE as to Michael Alonza Rufus held before Judge Matthew J. Perry;oral motion by defendant for a continuance ORAL ORDER granting motion for a continuance, government to prepare order Court Reporter: Debra Jernigan. (jada) (Entered: 10/30/2002)
10/31/2002	<u>45</u>	MOTION by Michael Alonza Rufus to set Bond; for the court to review the order of detention (jada) (Entered: 10/31/2002)
11/01/2002	<u>46</u>	NOTICE of Hearing as to Michael Alonza Rufus before Judge Matthew J. Perry set Motion Hearing for 10:00 11/5/02 as to: Michael Rufus, For Bond (jada) (Entered: 11/01/2002)

11/01/2002	<u>47</u>	NOTICE of Hearing as to Michael Alonza Rufus set pretrial conference for 11:30 1/7/02 for Michael Alonza Rufus before Judge Matthew J. Perry , set Jury trial for 1/8/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 11/01/2002)
11/05/2002	<u>48</u>	MOTION HEARING as to Michael Alonza Rufus held before Judge Matthew J. Perry ORAL ORDER granting [45-1] motion to set Bond; for the court to review the order of detention Bond set to \$50,000.00 with home detention with electronic monitoring - government expense; defendant to be allowed to go to work, Church, doctor and to visit family across the street, defendant remains in custody for Michael Alonza Rufus (1) Court Reporter: Gary Smith. (jada) (Entered: 11/05/2002)
11/06/2002	<u>49</u>	ORDER as to Michael Alonza Rufus Continuing due to ends of justice (Signed by Judge Matthew J. Perry) (jada) (Entered: 11/06/2002)
11/12/2002	<u>50</u>	BOND EXECUTION HEARING as to Michael Alonza Rufus held before Magistrate Judge Joseph R. McCrorey; Court Reporter: ESR/Tape02B48&02B49:5173-778. (ttil) (Entered: 11/13/2002)
11/12/2002	<u>51</u>	PROPERTY BOND entered by Michael Alonza Rufus in Amount \$ 50,000.00; surety: Abraham Wade, 1170 Black River Road, Camden, SC 29020 (Signed by Magistrate Judge Joseph R. McCrorey) (ttil) (Entered: 11/13/2002)
11/12/2002	<u>52</u>	ORDER Setting Conditions of Release as to Michael Alonza Rufus (Signed by Magistrate Judge Joseph R. McCrorey) (ttil) (Entered: 11/13/2002)
12/23/2002	<u>53</u>	MOTION by Michael Alonza Rufus to substitute attorney (jada) (Entered: 12/23/2002)
01/07/2003	<u>54</u>	PRETRIAL CONFERENCE as to Michael Alonza Rufus held before Judge Matthew J. Perry ORAL ORDER granting [53-1] motion to substitute attorney terminated attorney Theresa N Johns for Michael Alonza Rufus Added Allen B. Burnside as to Michael Alonza Rufus (1), Continuing due to ends of justice Court Reporter: Gary Smith. (jada) (Entered: 01/07/2003)
01/07/2003	<u>55</u>	ORDER Appointing Federal Public Defender for Michael Alonza Rufus (Signed by Judge Matthew J. Perry) (jada) (Entered: 01/07/2003)
01/15/2003	<u>56</u>	NOTICE of Hearing as to Michael Alonza Rufus set pretrial conference for 11:30 2/7/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 01/15/2003)
01/21/2003	<u>57</u>	NOTICE of Hearing as to Michael Alonza Rufus set pretrial conference for 3:30 2/11/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 01/21/2003)
02/11/2003		MOTION in open court by Michael Alonza Rufus for Continuance due to discovery issues and ongoing plea negotiations (mflo) (Entered: 02/11/2003)
02/11/2003	<u>58</u>	PRETRIAL CONFERENCE as to Michael Alonza Rufus held before Judge Matthew J. Perry ORAL ORDER granting [0-0] oral motion for Continuance due to discovery issues and ongoing plea negotiations as to Michael Alonza Rufus (1), Proposed written order to be submitted by defendant set Jury trial for 5/7/03 for Michael Alonza Rufus before Judge Matthew J. Perry Court Reporter: Debra Jernigan. (mflo) (Entered: 02/11/2003)

02/13/2003	<u>59</u>	EX PARTE MOTION (Sealed) by Michael Alonza Rufus (jada) (Entered: 02/13/2003)
02/18/2003	<u>60</u>	EX PARTE ORDER (Sealed) as to Michael Alonza Rufus granting [59-1] ex parte motion as to Michael Alonza Rufus (1) (Signed by Judge Matthew J. Perry) Upon the closing of the case, (jada) (Entered: 02/18/2003)
02/18/2003	<u>61</u>	EX PARTE ORDER (Sealed) as to Michael Alonza Rufus (Signed by Judge Matthew J. Perry) Upon the closing of the case, (jada) (Entered: 02/18/2003)
03/13/2003	<u>62</u>	NOTICE of Hearing as to Michael Alonza Rufus set pretrial conference for 10:00 4/25/03 for Michael Alonza Rufus before Judge Matthew J. Perry , set Jury trial for 5/7/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 03/13/2003)
04/02/2003	<u>63</u>	NOTICE of Hearing as to Michael Alonza Rufus reset Jury trial for 5/12/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 04/02/2003)
04/15/2003	<u>64</u>	MOTION with attachments by Michael Alonza Rufus to suppress evidence seized at time of arrest (former empl) (Entered: 04/16/2003)
04/25/2003	<u>65</u>	Plea Agreement as to Michael Alonza Rufus (jada) (Entered: 04/25/2003)
04/25/2003	<u>66</u>	PRETRIAL CONFERENCE as to Michael Alonza Rufus held before Judge Matthew J. Perry ORAL ORDER withdrawing [64-1] motion to suppress evidence seized at time of arrest as to Michael Alonza Rufus (1) [34-1] motion to Adopt Motion of Other Defendant [27-1] motion to suppress evidence, [26-1] motion for discovery, [25-1] motion for Disclosure of 404B evidence . Motion Terminated. as to Michael Alonza Rufus (1), [10-1] motion for discovery and disclosure of evidence . Motion Terminated. as to Michael Alonza Rufus (1); plea agreement filed during trial, plea proceedings began, matter continued until Monday 4/28 at 2:30 Court Reporter: Debra Jernigan. (jada) (Entered: 04/25/2003)
04/25/2003	<u>67</u>	NOTICE of Hearing as to Michael Alonza Rufus set Change of Plea Hearing for 2:30 4/28/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 04/25/2003)
04/28/2003	<u>68</u>	PLEA proffered by Michael Alonza Rufus as to count(s) 1 and 4 of the indictment. Court accepts plea, GUILTY PLEA ENTERED as to Michael Alonza Rufus (1) count(s) 1, 4 (Terminated motions -) Defendant remains on bond. (before Judge Matthew J. Perry) Court Reporter: Debra Jernigan (jada) (Entered: 04/28/2003)
04/28/2003	<u>69</u>	PLEA entered by Michael Alonza Rufus. Defendant enters plea of: guilty. (jada) (Entered: 04/28/2003)
10/01/2003	<u>77</u>	NOTICE of Hearing as to Michael Alonza Rufus set Sentencing for 11:00 10/17/03 for Michael Alonza Rufus before Judge Matthew J. Perry (jada) (Entered: 10/01/2003)
10/17/2003	<u>78</u>	MOTION by USA as to Michael Alonza Rufus for downward departure (jada) (Entered: 10/17/2003)
10/17/2003	<u>79</u>	SENTENCING held before Judge Matthew J. Perry Michael Alonza Rufus (1) count(s) 1, 4 Witness(es) no, (downward departure motion by the government granted), Court Reporter: Gary Smith (jada) (Entered: 10/17/2003)

10/17/2003		PRESENTENCE INVESTIGATION REPORT (Sealed) as to Michael Alonza Rufus (jada) (Entered: 10/17/2003)
10/17/2003		ORAL ORDER as to Michael Alonza Rufus granting [78-1] motion for downward departure as to Michael Alonza Rufus (1) during sentencing hearing (Entered by Judge Matthew J. Perry) (jada) (Entered: 10/17/2003)
10/21/2003	<u>80</u>	JUDGMENT Michael Alonza Rufus (1) count(s) 2, 3 . dismissed on government motion , Michael Alonza Rufus (1) count(s) 1, 4 . sentencing the defendant to the custody of the bureau of prisons for 37 months as to count 1 and 60 months as to count 4 to run consecutive for a total term of 97 months, recommending that the defendant participate in the Intensive drug treatment progrma while incarcerated, remanding the defendant to the marshal, placing the defendant on supervised release for 8 years as to count one and 3 years as to count four to run concurrent, the defendant shall not possess a firearm, the defendant shall participate in a program of testing and treatment for substance abuse as directed by the probation office, the special assessment of \$200.00 is not due as the court has found the defendant unable to pay, (Signed by Judge Matthew J. Perry) (jada) (Entered: 10/22/2003)
10/21/2003		Case closed as to Michael Alonza Rufus, Elam Yisreal (all defendants) (jada) (Entered: 10/22/2003)
10/24/2003	<u>81</u>	NOTICE OF APPEAL by Michael Alonza Rufus (1) count(s) 1, 4 Filing Fee \$ ifp (asni) (Entered: 10/27/2003)
10/27/2003		Notice of appeal and certified copy of docket as to Michael Alonza Rufus to USCA: [81-1] appeal (asni) (Entered: 10/27/2003)
11/06/2003		NOTICE of Docketing ROA from USCA as to Michael Alonza Rufus Re: [81-1] appeal USCA Number: 03-4840 Deborah Davenport (asni) (Entered: 11/06/2003)
11/06/2003	<u>83</u>	FOURTH CIRCUIT COURT OF APPEALS ORDER appointing FPD of Columbia, SC as counsel to represent appellant as to defendant Michael Alonza Rufus (asni) (Entered: 11/06/2003)
11/10/2003	<u>84</u>	TRANSCRIPT OF CHANGE OF PLEA HEARING as to Michael Alonza Rufus for dates of 4/28/03 before Judge Matthew J. Perry held in COLUMBIA Court Reporter: DEBRA JERNIGAN (jada) (Entered: 11/10/2003)
12/05/2003	<u>85</u>	TRANSCRIPT OF SENTENCING as to Michael Alonza Rufus for dates of 10/17/03 before Judge Matthew J. Perry held in Columbia Court Reporter: Gary Smith (jada) (Entered: 12/08/2003)
12/08/2003	<u>86</u>	Judgment Returned Executed as to Michael Alonza Rufus ; on 12/1/03 (jada) (Entered: 12/09/2003)
12/18/2003	<u>87</u>	Certificate that the Record on Appeal is Complete as to Michael Alonza Rufus for [81-1] appeal by Michael Alonza Rufus (asni) (Entered: 12/18/2003)
01/09/2004	<u>88</u>	FOURTH CIRCUIT COURT OF APPEALS ORDER appointing David Betts of Columbia, SC as new counsel for appellant pursuant to the provisions of the CJA and relieving court-appointed counsel Allen Burnside from the obligation of further legal representation fo appellant in this appeal as to defendant Michael Alonza Rufus (asni) (Entered: 01/09/2004)

01/28/2004		CJA24 LOCATION as to Michael Alonza Rufus : Transcript of hearing date: 4/25/03 by Court Reporter: Debra Jernigan to Judge Perry for approval of CJA24 (asni) (Entered: 01/28/2004)
01/29/2004		CJA24 LOCATION as to Michael Alonza Rufus : Transcript of hearing date: 4/25/03 by Court Reporter: Debra Jernigan to Debra Jernigan for preparation of CJA24 (asni) (Entered: 01/29/2004)
02/05/2004	<u>89</u>	TRANSCRIPT OF CHANGE OF PLEA HEARING as to Michael Alonza Rufus for dates of 4/25/03 before Judge Matthew J. Perry held in Columbia, SC Court Reporter: Debra Jernigan (asni) (Entered: 02/06/2004)
02/06/2004		CJA24 LOCATION as to Michael Alonza Rufus : Transcript of hearing date: 4/25/03 by Court Reporter: Debra Jernigan to Judge Perry for approval of CJA24 (asni) (Entered: 02/06/2004)
02/12/2004		CJA 24 PAYMENT for defendant Michael Alonza Rufus VOUCHER # 040211000029 to Debra Jernigan (cqui) (Entered: 02/12/2004)
04/06/2004	<u>92</u>	Certificate that the Record on Appeal is Complete as to Michael Alonza Rufus for [81-1] appeal by Michael Alonza Rufus (asni) (Entered: 04/06/2004)
05/07/2004	<u>95</u>	TRANSCRIPT OF DETENTION HEARING as to Michael Alonza Rufus for dates of 7/23/02 before Magistrate Judge Joseph R. McCrorey held in Columbia, SC Court Reporter: Cindy Lee Brunink (asni) (Entered: 05/07/2004)
12/01/2004	<u>96</u>	Opinion of the 4th Circuit as to Michael Alonza Rufus re: [81-1] appeal by Michael Alonza Rufus affirming the decision of the District Court (bbro) (Entered: 12/01/2004)
12/01/2004	<u>97</u>	JUDGMENT OF USCA (certified copy) as to Michael Alonza Rufus Re: [81-1] appeal affirming judgment/order Michael Alonza Rufus (1) count(s) 1, 4 _ (bbro) (Entered: 12/01/2004)
12/01/2004	<u>99</u>	Opinion of the 4th Circuit as to Michael Alonza Rufus re: affirming the decision of the USDC (asni) (Entered: 12/02/2004)
01/02/2008	<u>101</u>	NOTICE of Acceptance by Michael Alonza Rufus (Attachments: # <u>1</u> envelope) (ahen,) (Entered: 01/04/2008)
03/23/2009	<u>102</u>	Letter as to Michael Alonza Rufus in re: rescission of agreements (Attachments: # <u>1</u> statement, # <u>2</u> Envelope)(jada,) (Entered: 03/23/2009)
03/23/2009	<u>103</u>	Letter as to Michael Alonza Rufus in re: promissory note (Attachments: # <u>1</u> note, # <u>2</u> Envelope)(jada,) (Entered: 03/23/2009)
04/30/2009	<u>104</u>	Letter as to Michael Alonza Rufus (Attachments: # <u>1</u> Affidavit Rose Lee McQuillar, # <u>2</u> Letter from William Witherspoon, # <u>3</u> Affidavit Michael Alonza Rufus, # <u>4</u> Certificate of Request of Commercial Paper, # <u>5</u> Envelope)(ydav,) (Entered: 05/01/2009)
06/01/2009	<u>105</u>	NOTICE of request for independent action to vacate or set aside void judgment and/or judgment that has been satisfied/discharged by Michael Alonza Rufus (Attachments: # <u>1</u> Exhibit Public Notice of Michael Alonza Rufus, # <u>2</u> Certificate of Service, # <u>3</u> Cover letter, # <u>4</u> Envelope)(ydav,) (Entered: 06/02/2009)

06/26/2009	<u>107</u>	NOTICE of re: Petition for redress of grievances by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(ydav,) (Entered: 06/26/2009)
08/13/2009	<u>108</u>	MOTION for Bond, MOTION to Appoint Counsel, MOTION for Discovery, MOTION for Hearing by Michael Alonza Rufus. Proposed Order sent to Judge Chambers email address? n. (Attachments: # <u>1</u> Affidavit Attach A, # <u>2</u> Att B Certifice of Protest, # <u>3</u> Att. C Certificate of Protest, # <u>4</u> Affidavit Att D, # <u>5</u> Affidavit Att E, # <u>6</u> Att. F, # <u>7</u> Affidavit of truth and citizenship, # <u>8</u> Cover letter, # <u>9</u> Envelope)(ydav,) (Entered: 08/14/2009)
08/20/2009	<u>109</u>	TEXT ORDER denying <u>108</u> Motion for Bond as to Michael Alonza Rufus (1); denying <u>108</u> Motion to Appoint Counsel as to Michael Alonza Rufus (1); denying <u>108</u> Motion for Discovery as to Michael Alonza Rufus (1); denying <u>108</u> Motion for Hearing as to Michael Alonza Rufus (1) Signed by Honorable Matthew J Perry, Jr on 08/20/09.(rsdo,) (Entered: 08/20/2009)
08/21/2009	<u>110</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re 109 Order on Motion for Bond, Order on Motion to Appoint Counsel, Order on Motion for Discovery, Order on Motion for Hearing,placed in U.S. Mail to Michael Alonza Rufus (ydav,) (Entered: 08/21/2009)
08/31/2009	<u>111</u>	MOTION to Appoint Counsel, MOTION judicial notice by Michael Alonza Rufus. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(ydav,) (Entered: 09/01/2009)
09/11/2009	<u>112</u>	NOTICE OF CHANGE OF ADDRESS by Michael Alonza Rufus TO C/O Federal Correctional Institution Memphis, PO Box 34550, Memphis Tennessee 38184-0550 (ydav,) (Additional attachment(s) added on 9/14/2009: # <u>1</u> Envelope) (ydav,). (Entered: 09/14/2009)
09/11/2009	<u>113</u>	NOTICE OF APPEAL by Michael Alonza Rufus re 109 Order on Motion for Bond, Order on Motion to Appoint Counsel, Order on Motion for Discovery, Order on Motion for Hearing- The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov . If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> Envelope) (ydav,) Modified on 9/15/2009 to correct text (ydav,). (Entered: 09/14/2009)
09/14/2009	<u>115</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>113</u> Notice of Appeal - The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ydav,) (Entered: 09/15/2009)
09/18/2009	<u>117</u>	NOTICE of judicial notice for removal by Michael Alonza Rufus re <u>111</u> MOTION to Appoint Counsel MOTION judicial notice (Attachments: # <u>1</u> Exhibit Acknowledgment of filing number search, # <u>2</u> Exhibit Public Notice, # <u>3</u> Envelope) (ydav,) (Entered: 09/21/2009)
09/22/2009		ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS as to Michael Alonza Rufus re <u>113</u> Notice of Appeal - Final Judgment,, Electronic record successfully transmitted. (ydav,) (Entered: 09/22/2009)


09/28/2009	<u>118</u>	NOTICE OF APPEAL OF FINAL JUDGMENT by Michael Alonza Rufus re 109 Order on Motion for Bond, Order on Motion to Appoint Counsel, Order on Motion for Discovery, Order on Motion for Hearing, - The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov. If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> Envelope)(ydav,) (Entered: 09/28/2009)
09/28/2009	<u>119</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>118</u> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ydav,) (Entered: 09/29/2009)
11/20/2009	120	TEXT ORDER denying <u>111</u> Motion to Appoint Counsel as to Michael Alonza Rufus (1). Signed by Honorable Matthew J Perry, Jr on November 20, 2009.(rsdo,) Modified on 11/20/2009 to edit text (ydav,). (Entered: 11/20/2009)
11/20/2009	121	***DOCUMENT MAILED as to Michael Alonza Rufus re 120 Order on Motion to Appoint Counsel placed in U.S. Mail to Michael Alonza Rufus (ydav,) (Entered: 11/20/2009)
11/25/2009	<u>122</u>	USCA OPINION affirming and dismissing in part as to Michael Alonza Rufus for <u>113</u> Notice of Appeal - Final Judgment, filed by Michael Alonza Rufus. (asni,) (Entered: 11/25/2009)
11/25/2009	<u>123</u>	USCA JUDGMENT affirming and dismissing in part as to Michael Alonza Rufus re <u>113</u> Notice of Appeal - Final Judgment, (Attachments: # <u>1</u> notice of judgment)(asni,) (Entered: 11/25/2009)
01/19/2010	<u>124</u>	MANDATE of USCA as to Michael Alonza Rufus re <u>118</u> Notice of Appeal - Final Judgment, (ydav,) (Main Document 124 replaced on 1/19/2010) (ydav,). (Entered: 01/19/2010)
07/07/2010	125	TEXT ORDER finding as moot <u>111</u> Motion as to Michael Alonza Rufus (1). Signed by Honorable Matthew J Perry, Jr on July 7, 2010.(rsdo,) Modified on 7/8/2010 to edit text(ydav,). (Entered: 07/07/2010)
07/08/2010	126	***DOCUMENT MAILED as to Michael Alonza Rufus re 125 Order on Motion for Miscellaneous Relief placed in U.S. Mail to Michael Alonza Rufus (ydav,) (Entered: 07/08/2010)
07/14/2010	<u>127</u>	PRO SE MOTION to Appoint Counsel, MOTION for Hearing, MOTION to stay by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Exhibit Apostille, # <u>2</u> Certificate of Service, # <u>3</u> Envelope)(ydav,) (Entered: 07/14/2010)
07/15/2010	128	TEXT ORDER denying <u>127</u> Motion to Appoint Counsel as to Michael Alonza Rufus (1); denying <u>127</u> Motion for Hearing as to Michael Alonza Rufus (1); denying <u>127</u> Motion as to Michael Alonza Rufus (1). Signed by Honorable Matthew J Perry, Jr on 7/15/2010.(mbar,) (Entered: 07/15/2010)
07/16/2010	129	***DOCUMENT MAILED as to Michael Alonza Rufus re 128 Text Order on Motion to Appoint Counsel, Order on Motion for Hearing, Order on Motion for Miscellaneous Relief, placed in U.S. Mail to Michael Alonza Rufus (23 Hawthorne Ct Bishopville SC 29010 address on pro se motion envelope) (pcas,) (Entered: 07/16/2010)

		07/16/2010)
07/21/2010	130	***DOCUMENT RE-MAILED as to Michael Alonza Rufus re 125 Order on Motion for Miscellaneous Relief placed in U.S. Mail to Michael A. Rufus at 23 Hawthorne Ct, Bishopville, SC 29010, Mail Returned as Undeliverable. Addressee: Michael A. Rufus FCI PO Box 34550, Memphis, TN 38184-0550. Document Returned: 125 Order on Motion for Miscellaneous Relief as to Michael Alonza Rufus (ydav,) (Entered: 07/21/2010)
07/22/2010	<u>131</u>	NOTICE OF APPEAL OF FINAL JUDGMENT by Michael Alonza Rufus re 128 Order on Motion to Appoint Counsel, Order on Motion for Hearing, Order on Motion for Miscellaneous Relief- The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov. If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> Envelope) (ydav,) (Entered: 07/23/2010)
07/26/2010	<u>132</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>131</u> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ydav,) (Entered: 07/26/2010)
07/26/2010		ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS as to Michael Alonza Rufus re <u>131</u> Notice of Appeal - Final Judgment, Electronic record successfully transmitted. (ydav,) (Entered: 07/26/2010)
07/27/2010		USCA Case Number as to Michael Alonza Rufus 10-7034 for <u>131</u> Notice of Appeal - Final Judgment, filed by Michael Alonza Rufus. (ydav,) (Entered: 07/27/2010)
03/16/2011	<u>136</u>	USCA OPINION as to Michael Alonza Rufus for <u>131</u> Notice of Appeal affirmed- Final Judgment, filed by Michael Alonza Rufus. (ydav,) (Entered: 03/16/2011)
04/06/2011	<u>137</u>	Letter as to Michael Alonza Rufus in re: Remedy from Judgment (Attachments: # <u>1</u> Envelope)(ydav,) (Entered: 04/07/2011)
04/07/2011	<u>138</u>	USCA MANDATE and Judgment as to Michael Alonza Rufus re <u>131</u> Notice of Appeal - Final Judgment, (Attachments: # <u>1</u> Judgment, # <u>2</u> Notice)(ydav,) Modified on 4/8/2011 to edit text(ydav,). (Entered: 04/07/2011)
07/25/2011	<u>140</u>	Letter as to Michael Alonza Rufus in re: Reconsideration of Judgment (Attachments: # <u>1</u> Envelope)(ydav,) (Entered: 07/28/2011)
07/28/2011	141	DELETION OF DOCKET ENTRY NUMBER 139 as to Michael Alonza Rufus Reason: Per Judge's chamber document should not be considered as a Motion Corrected Filing Document Number <u>140</u> Modified filing date to that of original filing: 7/25/2011 (ydav,) (Entered: 07/28/2011)
04/04/2012	142	Case Reassigned as to Michael Alonza Rufus to Judge Chief Judge Margaret B Seymour. Judge Judge Matthew J Perry no longer assigned to the case. (pcas,) (Entered: 04/04/2012)
04/04/2012	143	MOTION to Show Cause re Revocation of Supervised Release for Michael Alonza Rufus (1) on counts Count 4 by USA (USPO) as to Michael Alonza Rufus. (mdea) (Entered: 04/04/2012)







04/04/2012	<u>144</u>	ORDER FOR ISSUANCE OF ARREST WARRANT as to Michael Alonza Rufus. Signed by Chief Judge Margaret B Seymour on 4/4/2012.(mdea) (Entered: 04/04/2012)
10/29/2012	<u>146</u>	NOTICE of Challenges to the Constitutionality of a Statute/Practice by Michael Alonza Rufus (Attachments: # <u>1</u> Affidavit of Michael Alfonza Rufus, # <u>2</u> Walton, GA Superior Court plea sheet, # <u>3</u> Envelope)(mdea) (Entered: 10/29/2012)
10/31/2012	<u>147</u>	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Michael Alonza Rufus for 12/19/12 - 01/03/13 (Witherspoon, William) (Entered: 10/31/2012)
11/29/2012	<u>148</u>	Pro Se MOTION for Writ of Error Coram Nobis by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 11/29/2012)
12/11/2012	<u>149</u>	ORDER denying <u>148</u> Motion for Writ as to Michael Alonza Rufus (1). Signed by Chief Judge Margaret B Seymour on 12/11/2012.(mdea) (mdea,). Modified on 1/4/2013 to convert from Text order to written order at request of 4CCA (mdea,). (Entered: 12/11/2012)
12/11/2012	<u>150</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>149</u> Order on Motion for Writ placed in U.S. Mail to Michael Rufus (mdea) (Entered: 12/11/2012)
12/27/2012	<u>151</u>	NOTICE OF APPEAL OF FINAL JUDGMENT by Michael Alonza Rufus re <u>149</u> Order on Motion for Writ - Filing fee \$ 455 - UNPAID. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov. If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/28/2012)
12/28/2012	<u>152</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>151</u> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (mdea) (Entered: 12/28/2012)
01/04/2013	<u>154</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>149</u> Order on Motion for Writ, placed in U.S. Mail to Michael Rufus (mdea) (Entered: 01/04/2013)
01/04/2013	<u>155</u>	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS as to Michael Alonza Rufus re <u>151</u> Notice of Appeal - Final Judgment, Electronic record successfully transmitted. (mdea) (Entered: 01/04/2013)
04/10/2013	<u>156</u>	USCA OPINION as to Michael Alonza Rufus for <u>151</u> Notice of Appeal - Final Judgment, filed by Michael Alonza Rufus. Decision of Appeals Court Affirming Decision of District Court. (mdea) (Entered: 04/10/2013)
05/20/2013	<u>157</u>	USCA MANDATE and JUDGMENT as to Michael Alonza Rufus re <u>151</u> Notice of Appeal - Final Judgment, (Attachments: # <u>1</u> 4CCA Judgment)(mdea) (Entered: 05/20/2013)

05/02/2014	<u>160</u>	Pro Se MOTION for Discovery, MOTION Plea to the Jurisdiction of the Court re <u>144</u> Order for Warrant by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Social Security Administration Request for Withdrawal of Application, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(mdea) (Entered: 05/02/2014)
05/02/2014	<u>161</u>	UNREDACTED DOCUMENT re <u>160</u> MOTION for Discovery MOTION Plea to the Jurisdiction of the Court re <u>144</u> Order for Warrant (mdea) (Entered: 05/02/2014)
05/02/2014	<u>162</u>	Pro Se MOTION to Disqualify Judge by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(mdea) (Entered: 05/02/2014)
01/26/2015	<u>163</u>	Letter as to Michael Alonza Rufus in re: cost for copies of certain documents (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 01/27/2015)
01/27/2015	<u>164</u>	Letter as to Michael Alonza Rufus in re: costs for specific copies (mdea) (Entered: 01/27/2015)
01/27/2015	<u>165</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>164</u> Letter placed in U.S. Mail to Michael Rufus (mdea) (Entered: 01/27/2015)
03/06/2015	<u>166</u>	Pro Se MOTION to Vacate under 28 U.S.C. § 2255 by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> letter, # <u>2</u> Envelope)(mdea) Civil case 3:15-cv-01101-MBS opened. (Entered: 03/06/2015)
03/06/2015	<u>167</u>	Pro Se MOTION to Proceed In Forma Pauperis by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Financial Certificate, # <u>2</u> Envelope)(mdea) (Entered: 03/06/2015)
03/06/2015	<u>168</u>	ORDER as to Michael Alonza Rufus that the United States Attorney file an answer or other pleading within 30 days of the filing date of this order. Response due to <u>166</u> MOTION to Vacate under 28 U.S.C. § 2255 Response to Motion due by 4/6/2015. Signed by Honorable Margaret B Seymour on 3/6/2015.(mdea) (Entered: 03/06/2015)
03/06/2015	<u>169</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>168</u> Order to Respond - 2255 placed in U.S. Mail to Michael Rufus (mdea) (Entered: 03/06/2015)
03/09/2015	<u>170</u>	TEXT ORDER finding as moot <u>167</u> Motion to Proceed in Forma Pauperis as to Michael Alonza Rufus (1) as there is no filing fee for a motion to vacate pursuant to 28 USC § 2255. Signed by Honorable Margaret B Seymour on 3/9/2015.(mdea) (Entered: 03/09/2015)
03/09/2015	<u>171</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>170</u> Order on Motion to Proceed in Forma Pauperis, placed in U.S. Mail to Michael Rufus (mdea) (Entered: 03/09/2015)
03/16/2015	<u>172</u>	MOTION to Dismiss <u>166</u> MOTION to Vacate under 28 U.S.C. § 2255 by USA as to Michael Alonza Rufus. No proposed order(Witherspoon, William) (Entered: 03/16/2015)
03/16/2015	<u>173</u>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days as to Michael Alonza Rufus. Response to Motion due by 4/20/2015. Signed by Honorable Margaret B Seymour on 3/16/2015.(asni,) (Entered: 03/16/2015)

03/16/2015	<u>174</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>173</u> Roseboro Order, placed in U.S. Mail to Michael Alonza Rufus (asni,) (Entered: 03/16/2015)
03/17/2015	<u>175</u>	Amended MOTION to Dismiss <i>Petitioner's Motion Pursuant To 28 U.S.C. 2255</i> by USA as to Michael Alonza Rufus. No proposed order(Witherspoon, William) (Entered: 03/17/2015)
03/17/2015	<u>176</u>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days as to Michael Alonza Rufus. Response to Motion due by 4/20/2015. Signed by Honorable Margaret B Seymour on 3/17/2015.(asni,) (Entered: 03/17/2015)
03/17/2015	<u>177</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>176</u> Roseboro Order, placed in U.S. Mail to Michael Alonza Rufus (asni,) (Entered: 03/17/2015)
03/26/2015	<u>179</u>	Pro Se REPLY TO RESPONSE to Motion by Michael Alonza Rufus re <u>166</u> MOTION to Vacate under 28 U.S.C. § 2255 (Attachments: # <u>1</u> Affidavit of Michael Rufus, # <u>2</u> cover letter, # <u>3</u> Envelope)(mdea) (Entered: 03/26/2015)
03/30/2015	<u>181</u>	Pro Se MOTION to Amend <u>166</u> MOTION to Vacate under 28 U.S.C. § 2255 filed by Michael Alonza Rufus by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Letter to AUSA William Witherspoon, # <u>2</u> Supporting Documents, # <u>3</u> Envelope)(mdca) (Entered: 03/31/2015)
04/08/2015	<u>182</u>	ORDER denying <u>162</u> Motion to Disqualify Judge as to Michael Alonza Rufus (1). Signed by Honorable Margaret B Seymour on 4/6/2015.(asni,) (Entered: 04/08/2015)
04/08/2015	<u>183</u>	ORDER AND OPINION denying <u>160</u> Motion for Discovery as to Michael Alonza Rufus (1); denying <u>160</u> Motion Plea to the Jurisdiction of the Court re <u>144</u> Order for Warrant as to Michael Alonza Rufus (1); denying <u>166</u> Motion to Vacate <u>2255</u> as to Michael Alonza Rufus (1); granting <u>175</u> Motion to Dismiss as to Michael Alonza Rufus (1); denying <u>181</u> Motion to Amend/Correct as to Michael Alonza Rufus (1). Signed by Honorable Margaret B Seymour on 4/6/2015.(mdea) Civil Case 3:15-cv-01101-MBS closed. (Entered: 04/09/2015)
04/08/2015	<u>184</u>	JUDGMENT on 28:2255 PETITION as to Michael Alonza Rufus re: <u>166</u> MOTION to Vacate under 28 U.S.C. § 2255 (mdea) (Entered: 04/09/2015)
04/09/2015	<u>185</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>182</u> Order on Motion to Disqualify Judge, <u>183</u> Order on Motion for Discovery, Order on Motion for Miscellaneous Relief, Order on Motion to Vacate 2255, Order on Motion to Dismiss, Order on Motion to Amend/Correct, <u>184</u> 28:2255 Judgment placed in U.S. Mail to Michael Rufus (mdea) (Entered: 04/09/2015)
04/20/2015	<u>186</u>	Pro Se MOTION for Reconsideration re <u>182</u> Order on Motion to Disqualify Judge, <u>183</u> Order on Motion for Discovery, Order on Motion for Miscellaneous Relief, Order on Motion to Vacate 2255, Order on Motion to Dismiss, Order on Motion to Amend/Correct by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 04/20/2015)
07/06/2015	<u>187</u>	Pro Se MOTION for Ruling on Motion and Access to the Court for Appeal re <u>186</u> MOTION for Reconsideration re <u>182</u> Order on Motion to Disqualify Judge, <u>183</u> Order on Motion for Discovery, Order on Motion for Miscellaneous Relief, Order

		on Motion to Vacate 2255, Order on Motion to Dismiss, Order on Motion to Amend/Correct by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> cover letter, # <u>2</u> Envelope)(mdea) (Entered: 07/06/2015)
07/20/2015	<u>188</u>	NOTICE OF CHANGE OF ADDRESS by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 07/27/2015)
08/26/2015	<u>189</u>	ORDER AND OPINION denying <u>186</u> Motion for Reconsideration re <u>182</u> Order on Motion to Disqualify Judge, <u>183</u> Order on Motion for Discovery, Order on Motion for Miscellaneous Relief, Order on Motion to Vacate 2255, Order on Motion to Dismiss, Order on Motion to Amend/Correct as to Michael Alonza Rufus (1); denying <u>187</u> Motion for Ruling on Motion and Access to the Court for Appeal as to Michael Alonza Rufus (1). Signed by Honorable Margaret B Seymour on 8/26/2015.(mdea) (Entered: 08/27/2015)
08/27/2015	190	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>189</u> Order on Motion for Reconsideration, Order on Motion for Miscellaneous Relief placed in U.S. Mail to Michael Rufus (mdea) (Entered: 08/27/2015)
09/08/2015	<u>191</u> 	NOTICE OF APPEAL OF FINAL JUDGMENT by Michael Alonza Rufus re <u>189</u> Order on Motion for Reconsideration, Order on Motion for Miscellaneous Relief - Filing fee \$ 505 - UNPAID. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov . If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 09/08/2015)
09/08/2015	<u>192</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>191</u> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (mdea) (Entered: 09/08/2015)
09/08/2015	193	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>192</u> Transmittal Sheet for Notice of Appeal to USCA, docket sheet placed in U.S. Mail to Michael Rufus (mdea) (Entered: 09/08/2015)
09/08/2015	194	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS as to Michael Alonza Rufus re <u>191</u> Notice of Appeal - Final Judgment, Electronic record successfully transmitted. (mdea) (Entered: 09/08/2015)
11/23/2015	<u>196</u>	Pro Se MOTION for Writ of Error Coram Nobis or Judice Statement of Cause by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Main Document 196 replaced on 11/23/2015) (mdea,). (Attachment 1 replaced on 11/23/2015) (mdea,). (Entered: 11/23/2015)
01/05/2016	<u>197</u>	ORDER denying <u>196</u> Motion for Writ of Error Coram Nobis or Judice Statement of Cause as to Michael Alonza Rufus (1). Signed by Honorable Margaret B Seymour on 12/30/2015.(mdea) (Entered: 01/05/2016)
01/05/2016	198	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>197</u> Order on Motion for Writ placed in U.S. Mail to Michael Rufus (mdea) (Entered: 01/05/2016)

01/08/2016	<u>199</u>	USCA OPINION as to Michael Alonza Rufus for <u>191</u> Notice of Appeal - Final Judgment filed by Michael Alonza Rufus. Appeal Dismissed. (mdea) (Entered: 01/08/2016)
01/29/2016	<u>200</u>	NOTICE OF APPEAL OF FINAL JUDGMENT by Michael Alonza Rufus re <u>197</u> Order on Motion for Writ - Filing fee \$ 505- UNPAID. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov. If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Attachments: # <u>1</u> letter, # <u>2</u> Envelope)(mdea) (Entered: 02/08/2016)
02/08/2016	<u>202</u>	Transmittal Sheet for Notice of Appeal to USCA as to Michael Alonza Rufus to US Court of Appeals re <u>200</u> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (mdea) (Entered: 02/08/2016)
02/08/2016	<u>203</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>202</u> Transmittal Sheet for Notice of Appeal to USCA, docket sheet placed in U.S. Mail to Michael Rufus (mdea) (Entered: 02/08/2016)
02/08/2016	<u>204</u>	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS as to Michael Alonza Rufus re <u>200</u> Notice of Appeal - Final Judgment, Electronic record successfully transmitted. (mdea) (Entered: 02/08/2016)
03/01/2016	<u>206</u>	USCA MANDATE and JUDGMENT as to Michael Alonza Rufus re <u>191</u> Notice of Appeal - Final Judgment (Attachments: # <u>1</u> 4CCA Judgment)(mdea) (Entered: 03/01/2016)
07/11/2016	<u>207</u>	USCA OPINION as to Michael Alonza Rufus for <u>200</u> Notice of Appeal - Final Judgment, filed by Michael Alonza Rufus. Decision of Appeals Court Affirming Decision of District Court. (mdea) (Entered: 07/11/2016)
08/02/2016	<u>208</u>	USCA MANDATE and JUDGMENT as to Michael Alonza Rufus re <u>200</u> Notice of Appeal - Final Judgment, (Attachments: # <u>1</u> 4CCA Judgment)(mdea) (Entered: 08/02/2016)
08/26/2019	<u>209</u>	NOTICE of Challenge of Jurisdiction pursuant to Criminal Rule 12(b)(2)/by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 08/26/2019)
08/26/2019	<u>210</u>	Pro Se MOTION for Recusal and Disqualification by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 08/26/2019)
03/13/2020	<u>211</u>	NOTICE OF CHANGE OF ADDRESS by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 03/13/2020)
03/05/2021	<u>213</u>	Pro Se MOTION to Appoint Counsel by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> cover letter, # <u>2</u> Envelope)(mdea) (Entered: 03/05/2021)
09/01/2021	<u>214</u>	Arrest of Michael Alonza Rufus in Middle District of GA (Macon). Clerk notified by: Clerk, MD/GA. (mdea) (Entered: 09/07/2021)
09/07/2021	<u>215</u>	Rule 5c3 Documents Received as to Michael Alonza Rufus (mdea) Modified on 9/7/2021 to edit filing date (mdea,). (Entered: 09/07/2021)




09/07/2021		CJA 23 Financial Affidavit (Restricted Access) by Michael Alonza Rufus (mdea) (Entered: 09/07/2021)
09/17/2021	217 	NOTICE OF HEARING as to Michael Alonza Rufus Initial Appearance on Revocation Proceedings set for 9/20/2021 02:15 PM in Columbia # 7, Matthew J. Perry Court House, 901 Richland St, Columbia before Magistrate Judge Paige J Gossett. (jpet,) (Entered: 09/17/2021)
09/17/2021		Warrant Returned Executed on 9/2/2021 in case as to Michael Alonza Rufus. (pschwartz-USMS,) (Entered: 09/17/2021)
09/20/2021	219  /	Minute Entry for proceedings held before Magistrate Judge Paige J Gossett: Initial Appearance re Revocation of Supervised Release as to Michael Alonza Rufus held on 9/20/2021. Defendant advised of right to remain silent and his right to counsel. Defendant informs court he wishes to proceed pro se; Court attempts to administer the pro se colloquy; defendant refuses to participate. AFD Allen Burnside appointed in the interest of justice. The matter of bond is continued until motion by defense counsel. Defendant continued in custody. Court Reporter Courtsmart. (jpet,) (Entered: 09/20/2021)
09/20/2021	<u>220</u>	CJA 23 Financial Affidavit (Restricted Access) (not sworn) by Michael Alonza Rufus (jpet,) (Entered: 09/21/2021)
09/20/2021	<u>221</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Michael Alonza Rufus. Signed by Magistrate Judge Paige J Gossett on 9/20/2021.(jpet,) (Entered: 09/21/2021)
10/01/2021	<u>222</u>	Pro Se MOTION for withdrawal of appointment of counsel by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Envelope)(mdea) (Entered: 10/01/2021)
10/01/2021	<u>223</u>	Pro Se MOTION for Discovery by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/01/2021)
10/07/2021	225 	NOTICE OF HEARING in case as to Michael Alonza Rufus re <u>222</u> Pro Se Motion for withdrawal of appointment of counsel and a Preliminary/Detention Hearing: Motion/Preliminary/Detention Hearing set for 10/12/2021 at 10:30 a.m. in Columbia # 8, Matthew J. Perry Court House, 901 Richland St, Columbia before Magistrate Judge Shiva V Hodges. ***The defendant is advised that if he refuses to recognize the jurisdiction of the court and refuses to participate in the court colloquy, his pro se motion will be denied.(ttil,) (Entered: 10/07/2021)
10/12/2021	227 	Minute Entry for proceedings held before Magistrate Judge Shiva V Hodges: Motion Hearing as to Michael Alonza Rufus held on 10/12/2021 re <u>222</u> Pro se Motion for withdrawal of appointment of counsel filed by Michael Alonza Rufus; defendant present w/AFPD Allen Burnside; defendant refuses to recognize the jurisdiction of the court and refuses to participate in the court colloquy; oral order denying <u>222</u> Pro se Motion for Withdrawal of Appointment of Counsel as to Michael Alonza Rufus. Court Reporter: Courtsmart. (ttil,) (Entered: 10/12/2021)
10/12/2021	228	ORAL MOTION for Detention by USA as to Michael Alonza Rufus. (ttil,) (Entered: 10/12/2021)

10/12/2021	229	Minute Entry for proceedings held before Magistrate Judge Shiva V Hodges: Preliminary/Detention Hearing as to Michael Alonza Rufus held on 10/12/2021; USA renews oral motion for detention; defendant present w/AFP Allen Burnside; defendant challenges the jurisdiction of the court; USA proffers evidence; defense counsel does not challenge evidence due to defendants refusal to participate; the court finds probable cause and orders the defendant detained pending the revocation hearing; defendant continued in custody. Court Reporter: courtsmart. (ttil,) (Entered: 10/12/2021)
10/12/2021	<u>230</u>	ORDER OF DETENTION granting 228 Oral Motion for Detention as to Michael Alonza Rufus. Signed by Magistrate Judge Shiva V Hodges on 10/12/2021.(ttil,) (Entered: 10/12/2021)
10/12/2021	<u>231</u>	Letter from Michael Alonza Rufus in re: requesting issuance of order in controlling officers' of the Court destruction of accused's right to know law and self representation (Attachments: # <u>1</u> Envelope)(mdea) Modified on 10/13/2021 to correct filing date (mdea,). (Entered: 10/13/2021)
10/12/2021	232	Letter from Michael Alonza Rufus in re: notice of accused's civil state & capacity in refuting the legal assumptions used to procure jurisdiction by fraud (Attachments: # <u>1</u> Supporting Documents , # <u>2</u> Envelope)(mdea) (Entered: 10/13/2021)
10/14/2021	<u>233</u>	Pro Se MOTION for subpoena for production of documents by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/14/2021)
10/18/2021	<u>234</u>	WAIVER of Appointed Counsel by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/18/2021)
10/18/2021	235	Letter from Michael Alonza Rufus in re: constitutionality of USMJ presiding and appointment of counsel (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/18/2021)
10/20/2021	236	NOTICE of Fraud Upon the Court by Officers of the Court in Depriving Accused of His Right to Self-Representation, Due Process, and Otherwise by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/20/2021)
10/20/2021	237	Plea to Oust Jurisdiction of the Court Procured by Fraud by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/20/2021)
10/21/2021	<u>238</u>	ORDER AND OPINION denying 210 Motion for Recusal as to Michael Alonza Rufus (1); denying as moot 213 Motion to Appoint Counsel as to Michael Alonza Rufus (1). Signed by Honorable Margaret B Seymour on 10/20/2021.(mdea) (Entered: 10/21/2021)
10/21/2021	<u>239</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>238</u> Order on Motion for Recusal,, Order on Motion to Appoint Counsel, placed in U.S. Mail from Columbia Clerks Office to Michael Alonza Rufus Barnwell County Detention Center 57 Wall Street Barnwell, SC 29812 (mdea) (Entered: 10/21/2021)
10/22/2021	240	NOTICE of Ineffective Assistance of Counsel under Ultra Vires and Fraudulent Appointment of Counsel by Michael Alonza Rufus (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 10/25/2021)

11/01/2021	<u>241</u>	Pro Se REPLY to <u>238</u> Order on Motion for Recusal,, Order on Motion to Appoint Counsel, (Attachments: # <u>1</u> Baldwin County, GA records, # <u>2</u> Envelope)(mdea) (Main Document 241 replaced on 11/1/2021) (mdea,). (Entered: 11/01/2021)
11/02/2021	<u>242</u>	MOTION Motion and Memorandum to Permit Defendant to Proceed Pro Se and to Appoint Standby Counsel by Michael Alonza Rufus. No proposed order(Burnside, Allen) (Entered: 11/02/2021)
11/02/2021	<u>244</u>	NOTICE OF HEARING ON MOTION in case as to Michael Alonza Rufus <u>242</u> MOTION Motion and Memorandum to Permit Defendant to Proceed Pro Se and to Appoint Standby Counsel: Motion Hearing set for 11/9/2021 11:00 AM in Columbia # 7, Matthew J. Perry Court House, 901 Richland St, Columbia before Magistrate Judge Paige J Gossett. (jpet,) (Entered: 11/02/2021)
11/09/2021	<u>245</u>	Minute Entry for proceedings held before Magistrate Judge Paige J Gossett: Motion Hearing as to Michael Alonza Rufus held on 11/9/2021 re <u>242</u> MOTION Motion and Memorandum to Permit Defendant to Proceed Pro Se and to Appoint Standby Counsel filed by Michael Alonza Rufus. Court notes defendant's filings have addressed the items in the pro se colloquy. After questioning, Court finds defendant's request is knowing and voluntary. Defendant's motion is granted, the AFD is relieved as counsel and is appointed as standby counsel. Defendant continued in custody. Court Reporter Courtsmart. (jpet,) (Entered: 11/09/2021)
11/09/2021	<u>246</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER AS STANDBY COUNSEL as to Michael Alonza Rufus. Signed by Magistrate Judge Paige J Gossett on 11/9/2021.(jpet,) (Entered: 11/09/2021)
11/09/2021	247	***DOCUMENT MAILED as to Michael Alonza Rufus re 245 Motion Hearing, <u>246</u> Order Appointing Public Defender placed in U.S. Mail from Columbia Clerks Office to Michael Alonza Rufus 99284-071 Barnwell County Detention Center 57 Wall Street Barnwell, SC 29812 (jpet,) (Entered: 11/09/2021)
11/15/2021	<u>248</u>	Letter from Michael Alonza Rufus in re: previous rulings (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 11/16/2021)
11/17/2021	<u>249</u>	NOTICE OF HEARING as to Michael Alonza Rufus Final Hearing re Revocation of Supervised Release set for 12/20/2021 10:30 AM in Columbia # 2, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable Margaret B Seymour. (mdea) (Entered: 11/17/2021)
11/19/2021	<u>250</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re 249 Notice of Hearing placed in U.S. Mail from Columbia Clerks Office to Michael Alonza Rufus 99284-071 Barnwell County Detention Center 57 Wall Street Barnwell, SC 29812 (mdea) (Entered: 11/19/2021)
11/19/2021	<u>251</u>	Pro Se MOTION for subpoenas by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 11/19/2021)
11/29/2021	<u>252</u>	Pro Se MOTION to Dismiss Proceedings Pursuant to rule 32.1(b)(1)(C) due to 5th and 6th Amendment violations by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Main Document 252 replaced on 12/16/2021) (mdea,). (Entered: 11/29/2021)

12/01/2021	<u>253</u>	RESPONSE in Opposition by USA as to Michael Alonza Rufus re <u>252</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit Verdict of Guilty)(Witherspoon, William) (Entered: 12/01/2021)
12/01/2021	<u>254</u>	Pro Se MOTION for modification due to agreed disposition or dismissal by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> letter to William Witherspoon, # <u>2</u> letter to Allen Burnside, # <u>3</u> Envelope)(mdea) (Entered: 12/01/2021)
12/08/2021	<u>256</u>	Pro Se MOTION for Disclosure of compensation records of AFPD Allen Burnside by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/08/2021)
12/08/2021	<u>257</u>	NOTICE of Indigency by Michael Alonza Rufus re <u>251</u> MOTION for subpoenas (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/08/2021)
12/10/2021	<u>258</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Michael Alonza Rufus Preliminary/Detention Hearing held on October 12, 2021, before Judge Shiva V. Hodges. Court Reporter/Transcriber Teresa B. Johnson, Telephone number/E-mail teresa_johnson@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 1/4/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (tjohnson,) (Entered: 12/10/2021)
12/13/2021	<u>259</u>	Pro Se MOTION for assistance as a pauper in obtaining authenticated foreign acts by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/13/2021)
12/13/2021	<u>260</u>	Pro Se REPLY TO RESPONSE to Motion by Michael Alonza Rufus re <u>252</u> MOTION to Dismiss (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/13/2021)
12/13/2021	<u>261</u>	Denial of Fundamental Fairness & Equality by Michael Alonza Rufus (Attachments: # <u>1</u> Letter from AFPD Allen Burnside to Defendant, # <u>2</u> Envelope)(mdea) (Entered: 12/13/2021)
12/13/2021	262	Pro Se MOTION for rulings pursuant to Local Rules 12.05-12.06 due to non-response by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) Modified on 12/15/2021 to edit text to correct typographical error (mdea,). (Entered: 12/13/2021)
12/20/2021	263	Minute Entry for proceedings held before Honorable Margaret B Seymour: granting <u>143</u> Motion to Show Cause re Revocation of Supervised Release as to Michael Alonza Rufus (1); denying as moot <u>223</u> Motion for Discovery as to Michael Alonza Rufus (1); denying <u>233</u> Motion for subpoena for production of documents as to Michael Alonza Rufus (1); denying <u>251</u> Motion for subpoenas as to Michael Alonza Rufus (1); denying <u>252</u> Motion to Dismiss as to Michael Alonza Rufus (1); denying <u>254</u> Motion for modification due to agreed disposition or dismissal as to Michael Alonza Rufus (1); denying <u>256</u> Motion for Disclosure as to Michael Alonza Rufus (1); denying <u>259</u> Motion for assistance as a pauper in obtaining authenticated foreign acts as to Michael Alonza Rufus (1); denying as moot <u>262</u> Motion for rulings pursuant to Local Rules 12.05-12.06 due to non-response as to Michael Alonza Rufus (1); Final

Packet v US

		Hearing re Revocation of Supervised Release as to Michael Alonza Rufus held on 12/20/2021. Government moves to dismiss violation #1 - granted. Defendant remains in custody. Court Reporter Kathleen Richardson. CJA Time 10:30-11:00. (mdea) Modified on 12/20/2021 to edit text (mdea,). (Entered: 12/20/2021)
12/20/2021	<u>264</u> 	JUDGMENT FOR REVOCATION of Supervised Release Sentence Date: 12/20/2021 as to Michael Alonza Rufus (1), Count(s) 1, 4, Defendant is committed to the custody of the BOP for 46 months, to run consecutively to any sentence he is presently serving. There shall be no supervised release to follow. Signed by Honorable Margaret B Seymour on 12/20/2021.(mdea) (Entered: 12/20/2021)
12/27/2021	 <u>265</u>	Pro Se MOTION for Copies by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/27/2021)
12/27/2021	<u>266</u>	Pro Se MOTION for Reconsideration re <u>264</u> Judgment for Revocation, MOTION for Recusal by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 12/27/2021)
01/03/2022	<u>267</u>	Pro Se Amended MOTION for Reconsideration re <u>264</u> Judgment for Revocation, by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 01/03/2022)
01/03/2022	<u>268</u>	Pro Se MOTION for Extension of Time to Appeal, MOTION for change of address, MOTION for Copies by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 01/03/2022)
01/03/2022	<u>269</u>	Pro Se MOTION to disregard records of Georgia case 11cr0354 by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 01/03/2022)
01/27/2022	<u>270</u>	Pro Se MOTION to Reduce Sentence by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> cover letter, # <u>2</u> Envelope)(mdea) (Entered: 01/27/2022)
02/07/2022	<u>271</u>	Pro Se MOTION to Appoint Counsel, MOTION for Extension of Time to Appeal, and Notice of Change of Address by Michael Alonza Rufus. No proposed order (Attachments: # <u>1</u> Envelope)(mdea) (Entered: 02/07/2022)
02/23/2022	<u>272</u> 	ORDER AND OPINION as to Michael Alonza Rufus: Defendant's motion for copies <u>265</u> is denied. Defendant's motion for reconsideration and recusal <u>266</u> is denied. Defendant's amended motion for reconsideration and recusal <u>267</u> is denied. As to miscellaneous relief, Defendant requests transcripts and other filings. Defendant's motion <u>268</u> is granted in part for an extension of time until 14 days from the date of entry of this order to appeal, denied in part, and denied as moot in part. Defendant's motion to disregard records of case 11cr0354 <u>269</u> is denied. Defendant's motion to reduce sentence <u>270</u> is denied. Defendant's motion for counsel is <u>271</u> is denied. Defendant's motion for the appointment of counsel <u>271</u> is denied as moot. Signed by Honorable Margaret B Seymour on 2/23/2022.(asni,) (Entered: 02/23/2022)
02/24/2022	<u>273</u>	***DOCUMENT MAILED as to Michael Alonza Rufus re <u>264</u> Judgment for Revocation, <u>272</u> Order placed in U.S. Mail from Columbia Clerks Office to Michael Alonza Rufus 99284-071 FCI Petersburg Medium P.O. Box 1000 Petersburg, VA 23804. (asni,) (Entered: 02/24/2022)

APPX B

FILED

IN THE UNITED STATES DISTRICT COURT

AUG 20 2002

FOR THE DISTRICT OF SOUTH CAROLINA

LARRY W. PROPPS, CLERK
COLUMBIA, SC

COLUMBIA DIVISION

UNITED STATES OF AMERICA)	CR. NO.:	3:02-550
)		21 USC § 846
vs.)		21 USC § 841(a)(1)
)		18 USC § 922(g)(1)
MICHAEL ALONZA RUFUS)		18 USC § 924(c)
ELAM YISREAL)		

INDICTMENT

COUNT 1

THE GRAND JURY CHARGES:

That beginning at a time unknown to the Grand Jury, but beginning at least on or about July 18, 2002, and continuing thereafter, to and including the date of this Indictment, in the District of South Carolina, the defendants, **MICHAEL ALONZA RUFUS** and **ELAM YISREAL**, did conspire with each other and with others both known and unknown to the grand jury, to possess with intent to distribute and to distribute 500 grams or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1);

All in violation of Title 21, United States Code, Section 846.

//

COUNT 2

THE GRAND JURY FURTHER CHARGES:

That on or about July 21, 2002, in the District of South Carolina, the defendant, **MICHAEL ALONZA RUFUS**, knowingly and intentionally did possess with intent to distribute 500 grams or more of cocaine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT 3

THE GRAND JURY FURTHER CHARGES:

That on or about July 21, 2002, in the District of South Carolina, the defendant, **MICHAEL ALONZA RUFUS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, a firearm which had been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a).

COUNT 4

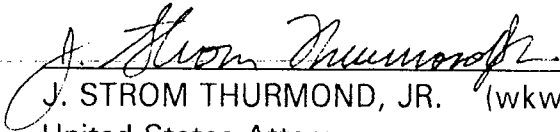
THE GRAND JURY FURTHER CHARGES:

That on or about July 21, 2002, in the District of South Carolina, the defendant, **MICHAEL ALONZA RUFUS**, knowingly did use and carry a firearm during and in relation to, and did possess the firearm in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(1).

A True Bill


FOREPERSON


J. STROM THURMOND, JR. (wkw)
United States Attorney

APPX C *United States District Court*
District of South Carolina

FILED ¹⁰⁻²²⁻⁰³
OCT 21 2003

UNITED STATES OF AMERICA

vs.

MICHAEL ALONZA RUFUS

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

LARRY W. PROPPS, CLERK
COLUMBIA, SC

Case Number: 3:02-550 (001)

Allen Burnside, AFPD
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 and 4 of the Indictment on 4/28/03
☐ pleaded nolo contendere to count(s) on which was accepted by the court.
☐ was found guilty on count(s) on after a plea of not guilty.

Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
<u>21:846</u>	Please see indictment	<u>8/20/02</u>	<u>one</u>
<u>18:924(c)(1)</u>	Please see indictment	<u>7/21/02</u>	<u>four</u>

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
☒ Count(s) 2,3 ☐ is ☒ are dismissed on the motion of the United States.
☐ Forfeiture provision is hereby dismissed on motion of the United States Attorney.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court or United States attorney of any material change in the defendant's economic circumstances.

Defendant's USM No.: 99284-071

Defendant's Residence Address:

23 Hawthorne Court
Bishopville, SC 29010

Defendant's Mailing Address:
23 Hawthorne Court
Bishopville, SC 29010

A TRUE COPY

Attest: Larry W. Propps
By: Jane Adams
DEPUTY CLERK

10/17/03
Date of Imposition of Judgment

Signature of Judicial Officer

Matthew J. Perry, Jr., Sr., U.S. District Judge
Name and Title of Judicial Officer

Date

October 21 2003

82

DEFENDANT: MICHAEL ALONZA RUFUS

CASE NUMBER: 3:02-550 (001)

CRIMINAL MONETARY PENALTIES

The defendant will make all checks and money orders payable to the "Clerk, U.S. District Court" unless otherwise directed by the court.

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ <u>200.00</u>	\$ <u>na</u>	\$ <u>na</u>

**** THE COURT HAS FOUND THE DEFENDANT UNABLE TO PAY THE SPECIAL ASSESSMENT AND ORDERS THAT PAYMENT OF THE SPECIAL ASSESSMENT IS NOT DUE. ****

☐ The determination of restitution is deferred until An Amended Judgment in a Criminal Case will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed on the next page.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified in the priority order or percentage payment column on the next page. However, pursuant to 18 U.S.C. § 3664(8), all nonfederal victims must be paid in full prior to the United States receiving payment.

SEE VICTIM(S) LIST ON THE NEXT PAGE

☐ If applicable, restitution amount ordered pursuant to plea agreement \$

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5, Part B, may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ The interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

**Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MICHAEL ALONZA RUFUSCASE NUMBER: 3:02-550 (001)**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A ☒ NO PAYMENT IS DUE.

☐ not later than , or

☐ in accordance with ☐ C, ☐ D, or ☐ E below; or

B ☐ Payments to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or

C ☐ Payments in (e.g., equal, weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence after the date of this judgment; or

D ☐ Payments in (e.g., equal, weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in property as directed in the Preliminary Order of Forfeiture, filed _____ and the said order is incorporated herein as part of this judgment:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

In The United States District Court
For The District of South Carolina
Columbia Division

APPX D

RECEIVED
USDC CLERK, COLUMBIA, SC

2021 OCT 20 AM 10:55

United States of America

Case no.: 3:02-cr-00550

Michael Monzo Riles

Plea To Oust Jurisdiction of the Court Procured by Fraud

COMES NOW Michael Monzo Riles, herein "Accused," acting in propria persona, in submitting this plea to oust the jurisdiction of this Court due to it being procured by fraud due to the following:

Authority

Federal courts are to presume that cases lie outside their jurisdiction, and the burden of proving jurisdiction rests on the party asserting it. *Kokkonen v Guardian Life Ins. Co. of Am.* 511 US 375, 377 (1994)

Many devices and instruments have been promoted to for the purpose of covering up fraud; but whenever the law is invoked they are declared nullities; the law looks upon them as if they had never been executed. They can never be justified, or sanctioned by any new shape or cover, by terms or secrets, by covenants or sanctions which the ingenuity or skill or genius of the age may devise. 24 Am. Jur. p. 218 562; See also *Glass Co. v Co.*, 332 US 238, 244-245

Applicable Facts

This Court's, unopposed exercise of jurisdiction in this suit and upon Accused's person

is under the 21 October 2003 Judgment in response to Accused's guilty plea to Count One: Conspiracy to possess and distribute and distribution of 500 Grams or more of cocaine in violation of 21 USC §§ 841(a)(1), (b)(1)(B), and 846; and Count Four: Using and carrying a firearm during and in relation to and possessing a firearm in furtherance of a drug trafficking crime in violation of 18 USC § 924(c)(1) of a Four Count Indictment.

Applicable to this filing Accused is now aware that the terms and phrases "persons" and/or "whoever" as used in the statutes for which he was charged with i.e. 18 USC §§ 922 and 924 and 21 USC §§ 841 and 846, ⁽³⁾ must be construed "uniquely" when determining personal liabilities. Particularly in doing such, which Accused was not informed by representing counsel, the law holds, in relevant part, "In determining the meaning of ~~any~~ ^{any} Act of Congress, unless the context indicates otherwise — ... the words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, ~~as well as~~ as well as individuals," 1 USC § 1, and its use in this chapter - The term "person" and the term "whoever" include any individual, corporation, company, association, firm, partnership, society, or joint stock company. "18 USC § 921(a)(1)

These "services of laws" are applicable to the Plaintiff's, United States of America, agents' and officers' initiation and prosecution of a prosecution proceeding, purportedly due to Accused's "being charged" for violating the laws of the States of South Carolina and Georgia.

Under South Carolina law § 2-7-30 holds "Construction of words (4) The words 'person' and 'party' and any other word importing the singular number used in any act or joint resolution shall too include the plural and too include firms, companies, associations, and corporations..."

Under Georgia law the applicable provisions hold "Definitions As used this Code

or any other law of this state, the term: (14) Person includes corporations." O.C.G.A. § 1-3-3

These definitions of the terms "person," "whenever," and "party," all being generic and including within their constructions for personal application "associations," "corporations," and other artificial persons in the jurisdictions of United States, South Carolina, and Georgia, can be and is being fraudulently and in violation of the prohibitions of the Due Process Clauses concealed by the agents and attorneys of the United States of America in initiating, having prosecuted, and now prosecuting this suit in behalf of and as if Accused is a lawfully presumed, and liable thereby, a member of Congress' "specialized society" made up of the association of persons legally presumed contracting or having contracted with and into Social Security Administration. See 42 USC 901 et seq. [a]

Accused has never knowingly, intentionally, or for certain fair considerations contracted with Social Security Administration or its delegated agents/agencies. Accused's, pre-petition, assignment of Social Security No. XX-XX-1050 is the result of Accused's parents, Rose Lee Boyd and Aaron Reles, completion of an application for Social Security shortly after his birth and while he suffered the legal disability of want of age. "A contract is the meeting of two minds. It involves an offer and acceptance, and it must bind both parties. The essentials of a contract are to be a person able to contract, a person able to contract with, a thing to be contracted for, a good and sufficient consideration, clear and explicit words to express the contract, and the assent of both, the contracting parties." *Hicks v Hicklin*, 187 SC 355, 197 S.E. 390, 392 quoting *Hicklin v Insurance Company* 176 SC 504; See also *State v Sellers* 134 SE 873, 875, 40 S.C. 66 "The legal disability is want of age. This is sufficient to void all contracts, on account of imbecility of judgment in the parties contracting;... Vol 1, bk 1 Cooley's Blackstone (4th Ed) 436.

Accused submits this petition/presentation under these circumstances.

Arguments and Citations of Authorities

(Clearly the officers of this Court, being public officers, acting in concert, had and has the duty to act in good faith and in a manner commensurate the Constitution. "A confidential or fiduciary relationship exists when one imposes a special confidence in another, so that the latter, in equity and good conscience, is bound to act in good faith and with due regard to the interests of the one imposing the confidence." *Idaho Car Wash, Inc. v Morris*, 293 SC 575, 579 (17 App 1987). Most of these officers are members of the State Bar of SC.

Said officers of the Court i.e. representing counsel, prosecuting attorney, probation officer(s), presiding judge(s) but not limited to, either conducted the actual acts or permitted the acts of this suit to be initiated, prosecuted, and being prosecuted without there being an affirmative or distinct avowment of what class of "person" Accused was being prosecuted under the statutory provisions of 1 USC § 714, 18 USC § 921(2)(1) 1d, S.C. Code § 2-7-30, and D.P.G.A. § 1-3-3. ~~These~~ acts and omissions are the equivalent of constructive fraud. "To establish constructive fraud, all elements of actual fraud ~~except~~ the element of intent must be established." *Arlos v Cox*, 314 SC 512, 515 (17 App 1993)... In order to prove actual fraud, the following elements must be shown: (1) a representation; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and proximate injury. ~~Neither actual dishonesty or purpose nor intent to deceive is an essential element of constructive fraud.~~ " *Hills v Jackson Nat Life Ins. Co.* 352 SC 319, 330-331

Accused's construction of the abovementioned provisions, being ~~equivalent~~ of a jurisdictional nature, are consistent with the doctrine of "In Pari Materia." "Statutes dealing with the same subject matter are in pari materia and must be construed together, if possible, to produce a single, harmonious result. *Joiner ex rel. Arlos v Arlos*, 342 SC 102, 109 (2000); *Tew v State*, 320 Ga App 127, 130 (2013) (same); *Wichowicz Bank v Schmidt*,

388 F.3d 444, 447. "[A]ll acts in pari materia are to be taken together, as if they were one law." quoting *United States v. Stewart*, 311 US 60, 64 (1940)

These statutory provisions i.e. 1 USC § 1, 18 USC § 921(a)(1), S.C. Code § 2-7-30, and O.C.G.A. § 1-3-3 are ultimately provisions that limit and confer^[37] jurisdiction under "classes of cases" for which general jurisdiction is obtained the district courts under 18 USC § 3231. "The decision of [the Supreme Court] require that the averments of jurisdiction shall be positive, that the declaration shall state expressly the fact on which jurisdiction depends. It is not sufficient, that jurisdiction may be inferred argumentatively from its averments. *Brown v. Kane*, 8 Pet. 112. The right to the jurisdiction must rest on clear, plain and simple averments, on which a single and simple issue can be joined." *Marken v. Amos Mbs et al*, 36 US 25, 32; See also *Cole v. Blankenship*, 30 F.2d 211, 216 (4th Cir 1929) "In testing the necessity of incorporating jurisdictional averments in a bill of complaint, there can be no doubt that the Circuit and District Courts of the United States are subjected to limitations certainly as strict as are applicable to courts of record and of general jurisdiction of any sovereign state^[47]. They are designed by the Constitution itself as inferior courts, and their jurisdiction must not only be based upon statutory authority, but must be averred in the pleadings. *Tuross v. Bank of North America*, 4 Del. 6 "

This Court's acquisition and exercise of jurisdiction, being procured under these provisions, must be adjudicated *coram non judge and void*. "From the beginning there has been a rule of equity to the effect that under certain circumstances, one of which after discovery had, relief will be granted against judgments. This equity rule, which was firmly established in English practice long before the foundation of our Republic, the courts have developed and fashioned to fulfill a universally recognized need for correcting injustices. Where the occasion has demanded, where the courts have willed their power without hesitation." *Hazel Atlas Glas Co. v. Hartford Empire Co.* 332 US 238, 244-246 *Citations and Punctuations Omitted*

The facts and circumstances herein pleaded also establish that this Court's proposed acquisition and exercise ~~of~~ jurisdiction over Accused's person is violative of the substantial commands and prohibitions of the Due Process Clauses. "Due Process law undoubtedly means in the due course of legal proceedings, according to those rules and forms which have been established for the protection of private rights." See *Kennard v Louisiana Ex Rel Morgan*, 92 US 480, 491 (1875), *Reese v City of Watertown*, 19 Wall 107, 123 (1873) (same), *Beckwith v Bean*, 98 US 266, 294-295

Accused's legal position that he has been and is being subjected to the jurisdiction of this Court as a member of Congress' "specialized society," See pg 2 herein, which is a "person" under the provisions of 1 USC 81, and 18 USC 3921(a)(1), due to legal presumptions he is a member of the association of persons legally presumed connected with Social Security Administration can not be considered without merit. Cf. *Wade v Gill* 889 SW2d 228, 214 (1994) "Military is undoubtedly a specialized society." *Proctor v Levy*, 417 US 733, 743 (1974) which has its own judicial system equipped to deal with the different standards of conduct... "[5]

Precedent for this Court's Circuit holds: "It is well settled that courts will not be blinded by corporate forms nor permit them to be used to defeat public convenience, justify wrong, or perpetrate fraud, but will look through the forms and behind the corporate entities involved to deal with the situation as justice may require." *International Telephone and Tel. Corp v Houston*, 247 F.2d 178, 181 (4th Cir. 1957)

Under these circumstances there can be no legal position as authorities cited by the persons, seeking to invoke the jurisdiction of this Court, that the overreights in their complaint comport with the mandates of fundamental fairness and said individuals' duties of good faith. "The requirement that a court have personal jurisdiction flows not from Art III, but from the Due Process Clause. The personal jurisdiction requirement recognizes ~~the~~ and protects an individual liberty interest. It represents a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty.

Thus, the test for personal jurisdiction requires that the "maintenance of the suit... not offend" traditional notions of fair play and substantial justice." *Insurance Corp. of Ireland, Ltd v. Anglo-Scottish Assurance Co. Ltd*, 456 US 694, 702-703; See also *Rend v. Harrison Development Corp.* 330 S.E.2d 532, 534 (1984 SC App) "Generally, as between the parties, the recipient of a fraudulent misrepresentation of fact is prohibited in relying upon its truth, although he might ~~possibly~~ have ascertained the falsity of the representation had he made an investigation. Restatement (Second) of Torts Section 570 (1977)"

Under the practice of pleadings used by the officers of this Court, similar to those of Federal Rules of Civil Procedure Rule 9, the requisite identification of "United States of America" being a threat for or acting in a representative capacity, too, and Accused's being charged and deemed liable as, the relevant and particular class of person(s) for which Congress has conferred jurisdiction under 1 USC § 1 and 18 USC § 921 (a)(1) when attempting to establish jurisdiction, See *Kokkonen v. Guardian Life Ins. Co. of Am. Id.* fails to comply with "those rules and forms which have been established for protection" of accused private right of liberty and must be adjudicated void as such. See *Wickens v. Amos Web et al Id.* and *Cole v. Blankenship Id.*

The pleadings herein require the jurisdiction of this Court to be asserted and otherwise adjudicated violative of the prohibitions of the Due Process Clause, *Carran* on justice and void.

WHEREFORE upon inquiry into these pleadings this Court must issue an order directing the plaintiff to show cause why the instant motion should not be granted; and upon hearing from the parties issuing an order dismissing this suit for a want of jurisdiction and any other relief warranted under law, equity, and justice in Accused's behalf under the circumstances.

I declare under the penalty of perjury that the foregoing is true and

CORRECT

Submitted Under Necessity

M.R.

Michael Moniz Rufus - Pro Se
Lexington County Sheriff's Dept.
P.O. Box 2019
Lexington, SC 29071

NOTE 1. As used Title 21 Subchapter B02 "distributor means a person who delivers a controlled or listed chemical. See 21 USC § 802(11)

NOTE 2. Social Security may be accurately described as a form of social insurance entirely personnel to (purposely) power to spend money in aid of the general welfare. See *Hemming v. Rep. Co.*, 363 US 603, 41 LEd 2d 1435, 1443-1444.

In comparing an individual's incorporation in or with Social Security Administration to similar circumstances adjudicated *Reid v. Virginia*, 19 L Ed 357 Congress was aware that precedent supports the legal position that these individuals are presumed by law to be artificial persons and not natural persons. 18 9/21/17

NOTE 3. Congress has made clear that entities of a corporate nature and their "individuals" can be "persons" for applying criminal provisions. Particularly within Title 18 Crimes and Criminal Procedure it identifies "Sec 6 Department and agency" and "Sec 13 Organization" as entities permitted to be prosecuted as a "person." i.e. "As used in this title, the term 'organization' means a person other than individual." SSA is an "agency" of the executive branch conducting business for Dept of Human & Health Services.

NOTE 4. "A court holding a special or limited jurisdiction, must show by the pleadings, the case within that jurisdiction. It can take no jurisdiction by intendment if under oath not only, that it has jurisdiction over the subject matter, but the person... It must be the construction the pleadings must conform. That they are necessary unless they show the jurisdiction of the court." 714 8 *Gibbs v. 5 US 185, 193*; See also *Gibbs v. 5 US 350, 371*

NOTE 5. Georgia laws, for which the state attorneys for the plaintiff attempts to hold *Harwood* liable for in the revocation proceedings, distinctly recognizes "artificial persons" as corporations and a separate class of its citizens from "natural persons." O.C.G.A. § 1-2-1 et seq. Both Georgia and South Carolina have obligated themselves to Social Security Administration under the provisions of 42 USC § 802(2)(1) and thereby regulate their incorporated inhabitants accordingly due to the contracting. 42 USC § 1761 et seq

Certificate of Service

I certify by my signature that a copy of the foregoing is being hand-delivered to a representative of the U.S. District Attorney's Office or mailed to them at 1441 Main Street Suite 500 Columbia, SC 29201 this 18th day of October, 2021 and Allen Bursick 181 Assembly Street, Suite 200 Columbia, SC 29201 and Wesley Satcher 401 West Evans Street, Suite 202 Florence, SC 29501.

M.R.
Michael Moniz Rufus - Pro Se

Defendant.

ORDER AND OPINION

Defendant was released to supervision on July 8, 2010. On March 1, 2011 Defendant was charged in Georgia with possession with intent to distribute marijuana and possession of a firearm

during the commission. Defendant was convicted and sentenced in Georgia state court on March 26, 2012 to 10 years incarceration on the possession of marijuana charge and 5 years probation, to be served consecutively, on the possession of a firearm charge.

On March 31, 2011, Defendant filed a petition pursuant to 28 U.S.C. § 2241, asserting, in part, that the court lacked subject matter jurisdiction because Defendant is a natural born citizen of South Carolina who has not negotiated his private status to take on that of the named defendant in the within action. Defendant alleged that he is not “of a body politic where his Private Rights can be taken away by the government as done [in] 3:02CR550.” See Rufus v. United States, C/A No. 6:11-746. Defendant’s § 2241 petition was summarily dismissed on June 3, 2011. The court found that it lacked jurisdiction to hear Defendant’s § 2241 petition because the § 2241 petition did not fall within the “saving clause” set forth in § 2255(e). The court also noted that, if Defendant’s petition were to be construed as a § 2255 motion, it would be successive and would be dismissed because Defendant had not obtained permission from the Court of Appeals for the Fourth Circuit to file a second or successive motion.

On December 6, 2011, Defendant filed a second petition pursuant to § 2241, asserting that he is actually innocent because his civil status is that of a native born citizen of the United States. Defendant asserted that he never knowingly, intentionally, or for certain fair consideration negotiated his private character status to take on the character of the “ens legis” MICHAEL ALONZA RUFUS, as he is identified in the caption of his criminal indictment.¹ The § 2241 petition was summarily dismissed on the grounds that Defendant’s claims were cognizable, if at all, under § 2255, and that

¹“Ens legis” means an artificial being that derives its existence entirely from the law, such as a corporation, as opposed to a natural person, such as a corporation. Black’s Law Dictionary, <https://thelawdictionary.org/ens-legis/> (accessed September 1, 2021).

Defendant was required to seek leave from the Fourth Circuit to file a successive motion. See Rufus v. United States, C/A No. 6:11-3276.

On April 2, 2012, the United States Probation Office (USPO) notified the court that Defendant had violated the conditions of his supervision because (1) he was arrested on October 12, 2010 on a warrant charging him with assault and battery of a high and aggravated nature in Lee County, South Carolina; (2) he submitted positive urine samples for cocaine on November 17, 2010 and January 17, 2011; (3) he was arrested on March 1, 2011 on a charge of possession with intent to distribute marijuana and possession of a firearm during the commission of a crime in Georgia; and (4) leaving the South Carolina District without permission. The court issued a warrant on April 4, 2012. A federal detainer was lodged against Defendant in the Georgia state court where he was serving his sentence. Defendant was taken into the custody of the U.S. Marshal's Service pursuant to the April 4, 2012 warrant on September 2, 2021.

On November 29, 2012, Defendant filed an application for writ of error coram nobis in the within action, again asserting that the court lacked personal and subject matter jurisdiction over his criminal matter because of his status as a "freeholder in the American sense an non-resident of 'this State (STATE OF SOUTH CAROLINA) or any other political corporation of a forum state with a 'body politic' or 'corporate.'" ECF No. 148, 1. Defendant again denied waiving, renouncing, or otherwise negotiating his private character status by applying for social security, a birth certificate, a driver's license "or other record(s) unlawfully used by government(s) as forms of social contracting private persons into associations, technically corporations and agencies of commerce." Id. at 2. The court denied Defendant's motion without comment on December 11, 2012.

On May 2, 2014, Defendant filed a motion for disqualification of the undersigned and the

(4th Cir. 2001). To the extent Defendant seeks habeas review, the court concludes that Defendant has not made the requisite showing. Accordingly, the court **denies** a certificate of appealability.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

October 20, 2021

States ex rel. McCann, 317 U.S. 269, 279 (1942)). However, “the Faretta right to self-representation is not absolute, and ‘the government’s interest in ensuring the integrity and efficiency of the trial at times outweighs the defendant’s interest in acting as his own lawyer.’” Frazier-El, 204 F.3d at 559 (quoting Martinez v. Court of Appeal of Cal., 528 U.S. 152 (2000) (holding that Faretta does not require that a criminal defendant be allowed to represent himself on direct appeal)). At this stage, Defendant has refused to engage in a colloquy with the Magistrate Judge. If Defendant wishes to proceed pro se, he must comply with court rules and procedures, including the development of the record before the Magistrate Judge.

It appears Defendant has abandoned his motion for appointment of counsel for the supervised release violation. Accordingly, Defendant’s motion for appointment of counsel for purposes of his supervised release violation is **denied as moot**.

Second, Defendant seeks counsel to assist him in resolving Defendant’s motions regarding the court’s jurisdiction. As set out in detail hereinabove, Defendant’s motions urging his status as a sovereign citizen are wholly without merit. The court declines to appoint counsel for the purpose of making frivolous arguments on Defendant’s behalf. Defendant’s motion for appointment of counsel to challenge the court’s jurisdiction in this manner is **denied**.

CERTIFICATE OF APPEALABILITY

A certificate of appealability will not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Rose v. Lee, 252 F.3d 676, 683-84

matters arising and prosecuted against individuals legally presumed and recognized as and retaining their civil status-capacity as originally ascribed citizens of the United States and characterized under the “private rights doctrine,” versus this Court’s, as a court of United States, obligation to adjudicating matters arising and prosecuted against the same individuals, being citizens of the United States in a political sense, but whom are legally presumed and recognized as having waived or renounced their originally ascribed civil status-capacity abovementioned due to social contracting with and becoming a member of Congress’ agency under the executive branch, Social Security Administration (42 USC § 901), and thereby birth into a civil status and national unincorporated association of persons that courts of the United States are mandate to prosecute under the “public rights doctrine” as recognized Northern Pipeline Construction Co. v. Marathon Pipeline Co. et al, 458 US 60, 83.

ECF No. 209, 1-2.

Defendant contends that the court’s refusal to address the authorities that support his position of a dual citizenry shows that the court has actual prejudice and bias toward Defendant. The court disagrees. “Sovereign citizens” share many of the same beliefs. For example, they believe that

there are two classes of citizens within the United States. One class is sovereign or “de jure” citizens or “original citizens of the states.” The second class, first created by the Fourteenth Amendment, is federal or U.S. citizens. Sovereign citizens enjoy all the rights of the constitution, but federal citizens do not. Federal citizens, the sovereigns believe, have bargained away their freedoms by accepting benefits from the United States government. Much of what sovereigns do is intended to rescind or denounce that federal citizenship and reclaim their common law sovereign citizen status with all its rights. That helps explain why they refuse to get drivers’ licenses or register vehicles, reject Social Security, avoid using ZIP codes, and may not pay taxes, because those are all forms of contracting with the government and accepting the lesser class of federal citizenship.

A Quick Guide to Sovereign Citizens, UNC School of Government (Revised Nov. 2013) (pdf accessed September 2, 2021).

Sovereign citizen-type arguments uniformly have been rejected by the courts as “frivolous,” Yashar’al v. Hopper, 849 F. App’x 591, 592 (7th Cir. 2021); “profoundly flawed views of the law,” United States v. Gougher, 835 F. App’x 231, 233 (9th Cir. 2020); “meritless, frivolous,

comment by order filed January 5, 2016.

Finally, on April 1, 2019, Defendant filed a petition for habeas corpus pursuant to 28 U.S.C. § 2254. Defendant contended that a void conviction and judgment in South Carolina state court for possession with intent to distribute marijuana was fraudulently being used to enhance his confinement on the Georgia conviction. Defendant advanced arguments in the same vein as those noted hereinabove regarding his civil status-capacity and the illegitimacy of his Georgia state court confinement. Rufus v. Warden, Autry State Prison, C/A No. 6:19-952-MBS, ECF No. 1, 2. Further, on May 3, 2019, Defendant filed a motion for recusal and disqualification of the court because it was a “party participant[] to this concealment and show[s] an obvious commitment to continuing [its] part in the unconstitutional practice presently and previously as practitioners of law.” Id., ECF No. 17, 4. By order filed June 3, 2019, the court concluded that arguments such as those raised by Defendant regarding his citizenship status had been uniformly rejected as legally frivolous by the courts. The court further denied Defendant’s motion for recusal, observing that to merit recusal, the alleged bias or prejudice of the judge must result in an opinion on the merits of a case on some basis other than what the judge learned from his participation in the case. Accordingly, Defendant’s motion for recusal was denied.

This matter is now before the court on Defendant’s request for recusal and disqualification, which motion was filed on August 26, 2019. Defendant argues the court has fraudulently failed to adjudicate his claims pursuant to authorities supporting his contention that the court must exercise jurisdiction ‘uniformly’ not universally, under a dual system of classification of citizens of the United States.” ECF No. 210, 1. In a related filing, Defendant again challenges the jurisdiction of the court over:

obstructionist,” United States v. Glover, 715 F. App’x 253, 255-56 (4th Cir. 2017); “frivolous,” Trevino v. Florida, 687 F. App’x 861, 862 (11th Cir. 2017); having “no conceivable validity in American law,” Charlotte v. Hansen, 433 F. App’x 660, 662 (10th Cir. 2011); “without merit [and] patently frivolous,” United States v. Jagim, 978 F.2d 1032, 1036 (8th Cir. 1992). The court has not addressed any purported authorities relied upon by Defendant because, upon review, his arguments are baseless and invalid. Defendant’s motion for recusal (ECF No. 210) is **denied**.

Also before the court is Defendant’s motion for appointment of counsel, which motion was filed on March 5, 2021. (ECF No. 213) There are two requests in the motion. First, Defendant seeks counsel for the supervised release violation that remains pending from April 4, 2012. However, Defendant was brought before a Magistrate Judge for his initial appearance on September 20, 2021 and for a detention hearing on October 12, 2021. Defendant has challenged the jurisdiction of the court and refused to participate in the proceedings. On October 18, 2021, Defendant filed a waiver of appointed counsel.

A criminal defendant has a constitutional right to manage his own defense. Faretta v. California, 422 U.S. 806, 829-30 (1975). “An assertion of the right of self-representation must be (1) clear and unequivocal, see Faretta, 422 U.S. at 835 []; United States v. Lorick, 753 F.2d 1295, 1298 (4th Cir.1985); (2) knowing, intelligent and voluntary, see Godinez v. Moran, 509 U.S. 389, 400–01 [] (1993); United States v. Singleton, 107 F.3d 1091, 1096 (4th Cir.1997); and (3) timely, see United States v. Lawrence, 605 F.2d 1321, 1325 n.2 (4th Cir.1979).” United States v. Frazier-El, 204 F.3d 553, 558 (4th Cir. 2000). Thus, the defendant must be made aware of the dangers and disadvantages of self-representation, so that the record will establish that “‘he knows what he is doing and his choice is made with eyes open.’” Faretta, 422 U.S. at 835 (quoting Adams v. United

Magistrate Judge pursuant to 28 U.S.C. § 455(b). Defendant alleged that he presumed the undersigned, the Magistrate Judge, “and practically any Judge assigned to this action has a financial and/or other interest in the adjudication of the merits of his case due to their previous capacities as attorneys.” According to Defendant, the undersigned and others in the legal profession have subjected their clients to “the jurisdiction of this State’s ‘tribunes,’ both state and federal, without being informed the distinct capacities they are presumed to have, the capacities that the opposing party maybe acting and/or if the opposing party is an organized association of persons.” ECF No.162, 2-3. On March 6, 2015, Defendant filed a § 2255 motion in the within action. The gravamen of Defendant’s grounds for relief was summarized as follows:

I allege that my allegations establish this court’s judgment void due to jurisdictional deficiencies which are not subject to limitations for collateral attacks. Further I allege that the “universal” application of § 2255 as the only post conviction remedy for my restraint of liberty by this court’s judgment is violative of my rights as a “private person” and of the class of persons identified and retaining their de jure capacities ascribed him as a “people of the U.S.” (see US Const.) whom are exempt from all of the special laws being fraudulently applied to me [in] this suit.

ECF No. 166, 11 (errors in original).

On April 8, 2015, the court denied Defendant’s motion for recusal, noting that a judge is not obligated to recuse herself because of ““unsupported, irrational or highly tenuous speculation.”” ECF No. 182, 1 (quoting United States v. Cherry, 330 F.3d 658, 665 (4th Cir. 2003)). Also on April 8, 2015, the court dismissed the March 6, 2014 § 2255 motion as successive and time-barred. The court further observed that Defendant had filed a motion for discovery that again challenged the jurisdiction of the court. The court determined that Defendant’s claims were meritless because:

subject matter jurisdiction in every federal criminal prosecution is derived from 18 U.S.C. § 3231, which grants the district courts of the United States original jurisdiction “of all offenses against the laws of the United States.” Moreover, the

only prerequisite for the exercise of personal jurisdiction in a federal criminal prosecution is the defendant's presence in the United States. United States v. White, 480 F. App'x 193 (4th Cir. 2012). . . . [T]he court properly exercised both subject-matter jurisdiction and personal jurisdiction over [Defendant] during his criminal prosecution.

ECF No. 183, 5-6.

On May 27, 2015, Defendant filed a § 2241 petition,, stating that the USPO “initiated a suit or quasi suit in a court being a adjunct of special and limited jurisdiction, without averring the alleged capacity I was being accused and/or the capacity that he or the U.S. would be acting or if an organization of persons was made a party in the proceedings.” Rufus v. United States of America, C/A No. 6:15-2127-MBS, ECF No. 1, 7. He further stated that, “[a]s a private person/citizen, with no lawful contracts or obligations to negate my status, the statutory provisions of supervised release, but not limited to, which the initiation and issuance of the 04/04/12 warrant is based is a special law I am exempt and unconstitutionally vague due to its being fraudulently ‘universally’ enforced without regards to Congress’ classification of subject matter for enactment and application to the classification of persons within its territorial jurisdiction.” Id. The court issued an order on January 4, 2016 wherein it determined that Defendant’s case was not ripe because his supervised release revocation had not been adjudicated. Defendant’s § 2241 petition was summarily dismissed without prejudice.

On November 23, 2015, Defendant filed an application for writ of error coram nobis. Defendant again argued that he “has never renounced his private character status as a private person” such that the within judgment is void. Defendant further argued that the Georgia sentence he was serving also was void and therefore the retainer lodged against him on April 4, 2012 should be deemed void and withdrawn. ECF No. 196, 4. The court denied Defendant’s motion without

APPX 7**UNITED STATES DISTRICT COURT**

District of South Carolina

UNITED STATES OF AMERICA

v.

MICHAEL ALONZA RUFUS

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case No. 3:02-550-001-MBS

USM No. 99284-071

Daniel Leonardi for Allen Burnside (stand-by counsel)

Defendant's Attorney

THE DEFENDANT:☒ admitted guilt to violation of condition(s) 2-5 of the term of supervision.☐ was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
2	Use/Possession of Illegal Drugs	12/20/2021
3	New Law Violation (PWID Marijuana)	12/20/2021
4	New Law Violation (Possession of a Firearm During Commission of a Felony)	12/20/2021
5	Leaving the District without Permission	12/20/2021

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 1050
December 20, 2021
 Date of Imposition of Judgment
Defendant's Year of Birth: 1976
/s/Margaret B. Seymour
 Signature of Judge

 City and State of Defendant's Residence:
Bishopville, SC
Margaret B. Seymour, Senior United States District Judge
 Name and Title of Judge

December 20, 2021
 Date

AO 245D (SCDC Rev. 09/19) Judgment in a Criminal Case for Revocations
Sheet 2— Imprisonment

DEFENDANT: MICHAEL ALONZA RUFUS
CASE NUMBER: 3:02-550

Judgment — Page 2 of 2

IMPRISONMENT

The defendant's term of supervised release is hereby REVOKED and the defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of forty-six (46) months, to run consecutively to any sentence he is presently serving. Upon completion of the sentence imposed, there shall be no supervised release to follow.

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

APPX G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)
)
 vs.) 3:02cr00550
)
Michael Alonza Rufus,)
)
 Defendant.) October 12, 2021

TRANSCRIPT OF PRELIMINARY/DETENTION HEARING

BEFORE THE HONORABLE SHIVA V. HODGES
United States Magistrate Judge, presiding

A P P E A R A N C E S:

For Government:

William K. Witherspoon, Esquire
US Attorneys Office
1441 Main Street, Suite 500
Columbia, SC 29201

For Defendant:

Allen B. Burnside, Esquire
Federal Public Defender's Office
1901 Assembly Street, Suite 200
Columbia, SC 29201

Recorded by Amanda Hilley
Transcribed by Teresa B. Johnson, CVR-M-CM, RVR, RVR-M
U.S. District Court Reporter
300 E. Washington Street, Room 304
Greenville, S.C. 29601

Proceeding recorded by electronic sound recording, transcript
produced by transcription service.

1 **MR. BURNSIDE:** There was sort of a lack of the
2 meeting of the minds as to whether or not he wanted to
3 represent himself or not. It was not addressed at all as far
4 as I -- as my understanding.

5 **THE COURT:** Okay. Okay.

6 So I'll need to do the detention hearing, then, today
7 because I think we're up on the time limit.

8 All right.

9 Mr. Rufus, you've got the right to remain silent.
10 Anything that you say can be used against you. You've got the
11 right to have counsel represent you. If you can't afford an
12 attorney, then I can appoint an attorney for you.

13 Have you -- do you understand all those rights I just
14 reviewed?

15 **THE DEFENDANT:** Judge Gossett ---

16 **THE COURT:** Do you understand all those rights I've
17 just reviewed?

18 **THE DEFENDANT:** (No audible response.)

19 **THE COURT:** Yes or no?

20 **THE DEFENDANT:** I've also filed a motion ---

21 **THE COURT:** Sir, do you understand -- I ask the
22 questions; you answer them. Do you understand those rights
23 I've just reviewed?

24 **THE DEFENDANT:** I'm not refusing to answer your
25 question.

1 **THE COURT:** All right.

2 You've received a copy of these, Mr. Burnside?

3 **MR. WITHERSPOON:** I'm giving it to him now,
4 Your Honor.

5 **THE COURT:** Okay.

6 Thank you.

7 Mr. Burnside, for the record, have you received a
8 copy of these?

9 **MR. BURNSIDE:** Yes, Your Honor.

10 **THE COURT:** All right.

11 Thank you.

12 **MR. WITHERSPOON:** And Your Honor, for the record,
13 after Mr. Rufus was released from Georgia Department of
14 Corrections, he was taken into custody by the marshals and
15 brought directly here. So these are the convictions for that
16 offense. We also, Judge -- there's another offense where he
17 allegedly assaulted a female. Ms. Swinton has spoken to her.
18 She provided a written statement.

19 Basically, Mr. Rufus invited a young lady over to his
20 house. She came over around 11 p.m. that night. Mr. -- with
21 her two children. Mr. Rufus wouldn't allow her to leave -- she
22 and her children to leave. He allegedly assaulted her with a
23 firearm, striking her in the head. She was not able -- that
24 caused a cut that she bled from. She went over about 11:15
25 that night. He didn't allow her to leave his house until

1 Government's Exhibits 1 and 2? And there is the -- the
2 victim's statement as to the criminal conduct in No. 1 and then
3 leaving the district without permission. Obviously, he was
4 arrested in Georgia, so he was outside of the jurisdiction --
5 outside of South Carolina.

6 **MR. BURNSIDE:** Judge, I am not in a position to
7 concede those facts or to contest those facts. I was appointed
8 -- I obviously was appointed to represent him. I made two
9 trips to the jail to try to interview him. They were short
10 meetings, in which he left in the middle of the first meeting;
11 the second time, he refused to see me. I tried to talk to him
12 right before this hearing. He was very respectful. He
13 respectfully told me he didn't want my services.

14 **THE COURT:** Okay.

15 **MR. BURNSIDE:** So I'm not in a position to address
16 detention or the preliminary hearing.

17 **THE COURT:** Well, you've got two choices, Mr. Rufus:
18 you can participate with your counsel through your counsel in
19 this preliminary and detention hearing or you can waive your
20 right to have those hearings. Those are your only two options.
21 So I'm going to give you an opportunity to speak with your
22 counsel and then I'll hear from Mr. Burnside ---

23 **THE DEFENDANT:** So I can't represent myself?

24 **THE COURT:** Don't talk to me while I am speaking.
25 You can speak with your counsel. I'm not going to hear

1 **THE COURT:** You need to sit down, Mr. Rufus. I did
2 not give you permission to stand up.

3 **MR. BURNSIDE:** The only thing Mr. Rufus wants me to
4 bring up to the Court is the Court's lack of jurisdiction in
5 his view.

6 **THE COURT:** All right. All right.

7 Thank you very much.

8 I'm going to find that probable cause exists for each
9 of the violations mentioned in the petition. And I'm going to
10 find that after having held a hearing pursuant to the Federal
11 Rule of Criminal Procedure 32.1(a)(6) and 46(d) and 18 U.S.C.,
12 Section 1343, violation of supervised release, that there is
13 probable cause to believe that the defendant has violated
14 several conditions of his supervised release and that he has
15 not met his burden of establishing by clear and convincing
16 evidence that he will not flee or pose a danger to any other
17 person or to the community.

18 And I'm going to sign this detention order. I'm
19 going to deny the pro se motion that was referred to me,
20 No. 222. And Mr. Rufus will be scheduled for his final
21 revocation proceeding before Judge Seymour at her convenience.
22 Anything further from the government?

23 **MR. WITHERSPOON:** Nothing, Your Honor.

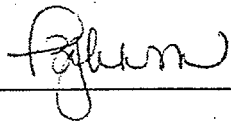
24 **THE COURT:** Anything further, Mr. Burnside?

25 **MR. BURNSIDE:** Your Honor, I would like for the

(Proceeding concludes at 10:46 a.m.)

C E R T I F I C A T E

I, Teresa B. Johnson, Official Reporter for the U.S.
District Court, District of South Carolina, hereby certify that
the foregoing is a true and correct transcript of the
electronically-recorded above proceedings, to the best of my
ability.



December 10, 2021

Teresa B. Johnson, CVR-M-CM, RVR, RVR-M

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

APPX H

UNITED STATES OF AMERICA,)

PLAINTIFF,)

-VERSUS-)

MICHAEL ALONZA RUFUS,)

DEFENDANT.)

3:02-CR-00550
DECEMBER 20, 2021
COLUMBIA, SC

BEFORE THE HONORABLE MARGARET B. SEYMOUR
UNITED STATES DISTRICT JUDGE, PRESIDING
SUPERVISED RELEASE VIOLATION HEARING

A P P E A R A N C E S:

FOR THE GOVERNMENT: WILLIAM WITHERSPOON, AUSA
UNITED STATES ATTORNEY'S OFFICE
1441 MAIN STREET, SUITE 500
COLUMBIA, SC 29201

FOR THE DEFENDANT: DAN LEONARDI, AFPD
STANDBY COUNSEL ONLY FEDERAL PUBLIC DEFENDER'S OFFICE
1901 ASSEMBLY STREET
COLUMBIA, SC 29201

COURT REPORTER: KATHLEEN RICHARDSON, RMR, CRR
UNITED STATES COURT REPORTER
901 RICHLAND STREET
COLUMBIA, SC 29201

STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

*** **

1 (JUDGE SEYMOUR IS PRESENT VIA VIDEOCONFERENCE.)

2 THE COURT: ALL RIGHT. GOOD MORNING.

3 MR. LEONARDI: GOOD MORNING, YOUR HONOR.

4 MR. WITHERSPOON: GOOD MORNING, YOUR HONOR.

5 THE COURT: WE ARE HERE TODAY FOR A REVOCATION
6 HEARING. THE DEFENDANT IS MICHAEL ALONZA RUFUS. IT'S
7 CRIMINAL ACTION NUMBER 3:02-550. MR. WITHERSPOON?

8 MR. WITHERSPOON: YOUR HONOR, AGAIN, THIS IS UNITED
9 STATES VERSUS MICHAEL ALONZA RUFUS, CRIMINAL ACTION NUMBER
10 3:02-550. MR. RUFUS IS PRESENT. HE'S REPRESENTING HIMSELF
11 AS ATTORNEY, YOUR HONOR. MR. LEONARDI IS STANDING IN FOR MR.
12 BURNSIDE WHO IS OUT SICK.

13 YOUR HONOR, WE HAVE FIVE VIOLATIONS IN THIS REPORT.
14 WANT TO CONFIRM THAT...

15 THE COURT: ALL RIGHT. LET ME JUST SAY THIS, MR.
16 WITHERSPOON. SO MR. LEONARDI IS STANDBY COUNSEL; IS THAT
17 CORRECT?

18 MR. WITHERSPOON: THAT IS CORRECT, YOUR HONOR.

19 THE COURT: OKAY. SO WE'VE HAD A COUPLE OF MOTIONS
20 THAT WERE PENDING BEFORE WE GET TO THE REVOCATION MATTER.

21 MR. WITHERSPOON: OKAY.

22 THE COURT: AND I THINK I'D LIKE TO RULE ON THOSE.
23 WITH RESPECT TO MR. RUFUS' PRO SE MOTION FOR DISCOVERY THAT
24 WAS FILED OCTOBER THE 1ST OF 2021 THAT WAS ECF NUMBER 223,
25 HAS THE GOVERNMENT DISCLOSED ITS WITNESSES?

1 MR. WITHERSPOON: JUDGE, AT THIS TIME WE WERE --
2 DID MOVE TO DISMISS COUNT NUMBER ONE, VIOLATION NUMBER ONE.
3 WE HAVE CONTACTED THROUGH THE PROBATION THE VICTIM IN COUNT
4 NUMBER ONE. SHE ASKED THAT BE DISMISSED. SHE WOULD REQUEST,
5 YOUR HONOR, THAT THERE BE NO CONTACT BETWEEN MR. RUFUS AND OR
6 ANY FAMILY MEMBERS IN REGARDS TO NUMBER -- THAT VIOLATION.

7 THE COURT: ALL RIGHT. SO THEN IF YOU'RE GOING TO
8 MOVE TO DISMISS THAT COUNT AND NOT GO FORWARD WITH IT, IT
9 WOULD APPEAR THAT YOUR MOTION WOULD BE MOOT. IS THAT -- HIS
10 MOTION WOULD BE MOOT; IS THAT CORRECT?

11 MR. WITHERSPOON: THAT'S CORRECT, JUDGE. THE ONLY
12 OTHER WITNESS WOULD BE MR. SWINTON AND OR PAPER
13 DOCUMENTATIONS THAT HE WOULD ALREADY HAVE.

14 THE COURT: OKAY. SO, HE ALSO FILED A MOTION FOR
15 SUBPOENA FOR PRODUCTION OF DOCUMENTS ON OCTOBER THE 14TH.
16 THIS IS ECF NUMBER 233. AND HE CONTENDS THAT THE SENTENCE HE
17 RECENTLY SERVED IN STATE COURT IN GEORGIA WAS TAINTED SUCH
18 THAT THIS COURT SHOULD NOT GIVE THE CONVICTION AND SENTENCE
19 FULL FACE IN CREDIT, ARGUMENTS REGARDING A UNIVERSAL LAW,
20 WHICH IS WHAT HE ALLEGED, AND MEMBERS OF THE COURT RECEIVING
21 SUPPLEMENTAL PAYMENTS TO PROCURE JURISDICTION. ALL OF THESE
22 ARGUMENTS HAVE BEEN UNIFORMLY REJECTED.

23 DOES THE GOVERNMENT HAVE ANYTHING ELSE WITH REGARD TO
24 THAT?

25 MR. WITHERSPOON: WE DO NOT, JUDGE. WE THINK THOSE

1 ARE FRIVOLOUS MOTIONS AND WE ASK BE DISMISSED.

2 THE COURT: OKAY. SO THEN THAT MOTION IS GOING TO
3 BE DENIED BY THE COURT.

4 HE ALSO FILED A MOTION FOR SUBPOENA TO ADMINISTRATIVE
5 OFFICE OF THE JUDICIAL CONFERENCE ON NOVEMBER THE 19TH, THIS
6 IS ECF NUMBER 251, AS WELL AS A MOTION FOR DISCLOSURE OF
7 COMPENSATION RECORDS THAT WAS FILED ON DECEMBER THE 8TH OF
8 2021. THIS IS ECF NUMBER 256.

9 IN THESE MOTIONS HE SEEKS TO INFORM OR SEEKS INFORMATION
10 REGARDING SALARIES AND PAYMENT TO THE COURT, THE MAGISTRATE
11 JUDGE, AND FEDERAL PUBLIC DEFENDER, MR. ALLEN BURNSIDE. THIS
12 ~~SEEMS TO BE AN APPARENT EFFORT TO PROVE JURISDICTION OVER~~
13 THESE PROCEEDINGS WERE PROCURED BY FRAUD. FOR THE REASONS
14 THAT HAVE BEEN PREVIOUSLY STATED, THE COURT IS ALSO DENYING
15 THIS MOTION, THESE MOTIONS.

16 AND HIS MOTION TO DISMISS ON NOVEMBER THE 29TH, 2021,
17 ECF NUMBER 252, THE DEFENDANT CHALLENGES THE DETERMINATION OF
18 PROBABLE CAUSE AT JUDGE HODGES' OCTOBER THE 12TH HEARING. HE
19 ~~X~~ ARGUES IN THAT MOTION THAT FILING UNSWORN DOCUMENTS CANNOT BE
20 USED TO ESTABLISH PROBABLE CAUSE.

21 I THINK THE GOVERNMENT RESPONDED AND STATES THAT IT
22 SUBMITTED CERTIFIED COPIES OF THE SENTENCING SHEETS FOR THE
23 CONVICTION IN SUPPORT OF THE VIOLATION TO THE MAGISTRATE
24 JUDGE. I'VE REVIEWED THE TRANSCRIPT OF THE HEARING AND IT
25 APPEARS THE GOVERNMENT HANDED UP EXHIBITS TO THE MAGISTRATE

1 JUDGE THAT SHE REVIEWED.

2 THE COURT ALSO REVIEWED THE EXHIBITS ATTACHED TO THE
3 GOVERNMENT'S RESPONSE AND THE COURT FINDS NO CLEAR ERROR IN
4 THE MAGISTRATE JUDGE'S DETERMINATION OF GOOD CAUSE. THE
5 MOTION TO DISMISS IS DENIED.

6 * HE ALSO FILED A MOTION FOR MODIFICATION ON DECEMBER THE
7 1ST OF 2020. THIS IS ECF NUMBER 254. HE MOVED FOR DISMISSAL
8 BECAUSE THE GOVERNMENT HAS FAILED TO ESTABLISH PROBABLE
9 CAUSE. IN THE ALTERNATIVE, THE DEFENDANT STATES HE'S WILLING
10 TO PLEAD GUILTY TO VIOLATIONS TWO TO FIVE AND TO WAIVE THE
11 VIOLATION HEARING. HE STATES THAT HE SHOULD BE SENTENCED TO
12 ~~TIME SERVED OR CONCURRENT SENTENCE RETROACTIVE TO HIS~~
13 MARCH 2011 ARREST AND CONVICTION IN THE GEORGIA CRIMINAL
14 ACTION WITH NO SUPERVISED RELEASE TO FOLLOW.

15 DOES THE GOVERNMENT WISH TO RESPOND TO MR. RUFUS'
16 PROPOSAL?

17 * MR. WITHERSPOON: JUDGE, AGAIN WE WOULD ASK IT BE
18 DISMISSED. THE CHARGES THAT HE SERVED IN GEORGIA WAS FOR THE
19 CHARGES IN GEORGIA. HE HAD NEVER BEEN BROUGHT BEFORE THIS
20 COURT TO ACCOUNT FOR THE CHARGES IN THIS CASE, AND SO WE'D
21 ASK FOR IT TO BE DISMISSED.

22 IF HE'S STIPULATING TO COUNTS TWO -- I MEAN VIOLATIONS
23 TWO THROUGH FIVE, THEN IT MATTERS -- JUST A MATTER OF A
24 SENTENCING ISSUE.

25 THE COURT: OKAY. WITH THAT, WITH THE GOVERNMENT'S

1 RESPONSE TO THAT, I'M GOING TO GO FORWARD WITH THE REVOCATION
2 PROCEEDINGS AND I WILL MAKE A DETERMINATION AS TO THE
3 APPROPRIATE SENTENCE AT THAT TIME, SO THE MOTION FOR
4 MODIFICATION IS DENIED.

5 HE ALSO FILED A MOTION TO OBTAIN AUTHENTICATING FOREIGN
6 ACTS FILED DECEMBER 13TH, 2021. THIS IS ECF NUMBER 259. HE
7 REQUESTS AN ORDER THAT ALLEN BURNSIDE OBTAIN CERTIFIED COPIES
8 OF THE ACTS ASSOCIATED WITH GEORGIA CODE ANNOTATED 50-2-21(A)
9 WHICH PROVIDES THAT GEORGIA'S JURISDICTION EXTENDS TO ALL
10 PERSONS WHILE WITHIN THE STATE'S LIMIT WHETHER AS CITIZENS OR
11 TEMPORARY SOLDIER, AS IT APPEARS MR. RUFUS IS REFERRING TO
12 ~~THE 2003 GEORGIA LAWS AT 363.~~

13 IN ANY EVENT, THE GEORGIA -- THE SUPREME COURT IN
14 HUMPHREYS VERSUS LANGFORD, WHICH IS 273 SE.2D 22 UPHELD THE
15 PRIOR VERSION OF SECTION 50-2-21, WHICH WAS SECTION 15-202,
16 AND THE COURT CONCLUDED THAT A PARTY WHO IS OBLIGATED ON A
17 TRANSITORY CAUSE OF ACTION AND WHO IS A SOJOURNER TO THE
18 STATE IS REQUIRED TO ABIDE BY THE LAWS OF THIS STATE AND
19 COULD EXPECT TO BE PROTECTED BY THOSE LAWS AS WELL AND TO
20 ACCEPT THE STATE BENEFITS AND TO AVOID ITS RESPONSIBILITIES
21 CREATES AN IMBALANCE WHICH WE COULD NOT RECOGNIZE.

22 THE LANGFORD CASE UPHOLDS THE CONSTITUTION OF GEORGIA
23 JURISDICTION. FURTHER, THIS COURT HAS EXPLAINED TO MR. RUFUS
24 ON PRIOR OCCASIONS 18, TITLE 18, UNITED STATES CODE, SECTIONS
25 3231 ESTABLISHES THIS COURT'S JURISDICTION, SO THEN THE COURT

1 DENIES MR. RUFUS' MOTION.

2 & FINALLY, HE FILED A MOTION FOR RULINGS ON DECEMBER THE
3 13TH OF 2021. THE COURT HAS RULED ON MR. RUFUS' MOTIONS, SO
4 THAT PART OF THE MOTION IS DENIED AS MOOT.

5 IN ADDITION, MR. RUFUS HAS FILED NOTICE OF FRAUD UPON
6 THE COURT BY OFFICERS OF THE COURT IN DECLINING ACCUSED OF
7 HIS RIGHT TO SELF REPRESENTATION, THIS IS ECF NUMBER 236,
8 PLEA TO OUST JURISDICTION OF THE COURT PROCURED BY FRAUD, ECF
9 NUMBER 237, NOTICE OF INEFFECTIVE ASSISTANCE OF COUNSEL UNDER
10 ULTRA VIRES AND FRAUDULENT APPOINTMENT OF COUNSEL, ECF NUMBER
11 240, AND DENIAL OF FUNDAMENTAL FAIRNESS AND EQUALITY, ECF
12 ~~NUMBER 21.~~

13 *TO THE EXTENT THAT THESE FILINGS REQUIRE COURT ACTION,
14 THEY ARE DENIED.

15 SO THERE, WE ARE GOING TO MOVE FORWARD TO THE REVOCATION
16 HEARING. AND MR. RUFUS HAS BEEN SUPPLIED A COPY OF THE
17 VIOLATION REPORT; IS THAT CORRECT, MR. LEONARDI?

18 MR. LEONARDI: YES, YOUR HONOR.

19 THE COURT: OKAY. AND THE VIOLATION REPORT SETS
20 FORTH THE FOLLOWING VIOLATIONS. VIOLATION NUMBER ONE IS NEW
21 CRIMINAL CONDUCT, ASSAULT AND BATTERY OF A HIGH AND
22 AGGRAVATED NATURE.

23 MY UNDERSTANDING IS THE GOVERNMENT HAS MOVED TO DISMISS
24 THIS; IS THAT CORRECT?

25 MR. WITHERSPOON: THAT'S CORRECT, YOUR HONOR.

1 THE COURT: ALL RIGHT. THE GOVERNMENT'S MOTION TO
2 DISMISS VIOLATION NUMBER ONE IS GRANTED. VIOLATION NUMBER
3 TWO IS USE, POSSESSION OF ILLEGAL DRUGS. ON NOVEMBER THE
4 17TH OF 2010 MR. RUFUS PROVIDED A POSITIVE SAMPLE FOR COCAINE
5 AT THE LEE CENTER LOCATED IN BISHOPVILLE, SOUTH CAROLINA.
6 THIS IS A GRADE C VIOLATION.

7 VIOLATION NUMBER THREE, NEW LAW VIOLATION. COUNT ONE,
8 POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE. ON MARCH
9 THE 1ST OF 2011 MR. RUFUS WAS ARRESTED BY THE SOCIAL CIRCLE
10 POLICE DEPARTMENT IN SOCIAL CIRCLE, GEORGIA AND CHARGED WITH
11 POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA. THIS IS A
12 ~~GRADE A VIOLATION.~~

13 VIOLATION NUMBER FOUR IS NEW LAW VIOLATION. ON MARCH
14 1ST, 2011 MR. RUFUS WAS ARRESTED AND CHARGED WITH POSSESSION
15 OF A FIREARM DURING COMMISSION OF A FELONY. THIS IS A GRADE
16 B VIOLATION.

17 AND VIOLATION NUMBER FIVE, LEAVING THE DISTRICT WITHOUT
18 PERMISSION. ON MARCH 1, 2011 MR. RUFUS WAS ARRESTED IN
19 GEORGIA AND CHARGED WITH POSSESSION WITH INTENT TO DISTRIBUTE
20 MARIJUANA AND POSSESSION OF A FIREARM DURING THE COMMISSION
21 OF A FELONY, AND HE DID NOT OBTAIN PERMISSION FROM PROBATION
22 OFFICER TO LEAVE THE DISTRICT OF SOUTH CAROLINA. THIS IS A
23 GRADE C VIOLATION.

24 *SO, ARE THE VIOLATIONS BEING CONTESTED? BASED ON ONE OF
25 THE MOTIONS FILED BY MR. RUFUS WHEN HE WAS AGREEING TO PLEAD

1 GUILTY TO VIOLATIONS TWO AND FIVE, TWO TO FIVE, I WOULD
2 ASSUME THAT THEY'RE NOT GOING TO BE CONTESTED. IS THAT
3 CORRECT? MR. RUFUS? MR. LEONARDI?

4 THE DEFENDANT: YOUR HONOR, STILL FOR THE RECORD,
5 IN THE BEST INTEREST OF MYSELF AND MY FAMILY, I WOULD NOT
6 LIKE TO CONTEST THE MERITS OF THE CASE BUT IT'S STILL A
7 ISSUES DEALING WITH THE TOTAL PROVISIONS THAT I WOULD LIKE TO
8 CHALLENGE, JURISDICTIONAL ISSUE AS FAR AS THE--

9 THE COURT: WE'RE NOT HERE TO CHALLENGE
10 JURISDICTION. I WANT TO KNOW IF YOU'RE GOING TO OBJECT TO
11 THESE VIOLATIONS.

12 THE DEFENDANT: MS. SEYMOUR--

13 THE COURT: YOU HAVE ALREADY SENT US A MOTION
14 SAYING THAT YOU'RE WILLING TO PLEAD GUILTY TO VIOLATIONS TWO
15 TO FIVE AND TO -- AND YOU ARE WILLING TO WAIVE THESE
16 HEARINGS; IS THAT CORRECT?

17 THE DEFENDANT: YES, MA'AM. BUT I'M SPEAKING OF
18 THE ACTUAL LAWFULNESS OF THIS WARRANT IN THIS CASE.

19 THE COURT: OKAY. WELL, WE'LL HAVE TO DO THAT AT
20 ANOTHER TIME. NOW WE ARE GOING FORWARD WITH THESE
21 VIOLATIONS. IF YOU'RE WILLING TO ADMIT THOSE VIOLATIONS,
22 THEN AS A RESULT OF THAT, AND THEY'RE NOT GOING TO BE
23 CONTESTED, THE STATUTORY PENALTIES ARE AS FOLLOWS.

24 ON COUNT ONE, NOT MORE THAN FIVE YEARS. COUNT FOUR, NOT
25 MORE THAN FIVE YEARS. SUPERVISED RELEASE ON COUNT ONE, AT

1 LEAST EIGHT YEARS. AND COUNT FOUR, NOT MORE THAN FIVE YEARS.
2 SO WE'RE NOT GOING FORWARD WITH COUNT ONE.

3 THE GRADE OF VIOLATION IN COUNT TWO THROUGH FIVE IS THE
4 HIGHEST WOULD BE AN A UNDER THE GUIDELINES WITH A CRIMINAL
5 HISTORY CATEGORY OF FOUR. YOUR GUIDELINE RANGE IS 37 TO 46
6 MONTHS.

7 LET ME HEAR FROM THE GOVERNMENT AT THIS TIME WITH REGARD
8 TO THE FINAL DISPOSITION OF THE CASE.

9 MR. WITHERSPOON: JUDGE, WE WOULD ASK YOU TO
10 SENTENCE HIM WITHIN THE GUIDELINES. WE WOULD ASK YOU TO
11 SENTENCE HIM TOWARDS THE HIGHER END OF THE GUIDELINES, THE 46
12 MONTHS. THIS IS A, AS YOU SAY, GRADE A VIOLATION. WHILE
13 HE'S ON SUPERVISED RELEASE HERE IN SOUTH CAROLINA FOR DRUG
14 CHARGES, HE LEAVES THE STATE WITHOUT PERMISSION, GOES TO
15 GEORGIA, IS ARRESTED ON DRUG CHARGES, AND THEN ALSO ARRESTED
16 FOR POSSESSING A FIREARM DURING THE COMMISSION OF THIS CRIME,
17 WHICH IS -- I GUESS IS COMPARABLE TO 18 USC 924(C).

18 IT SEEMS LIKE MR. RUFUS GOT OUT ON SUPERVISED RELEASE ON
19 JULY 2010 AND THEN IMMEDIATELY STARTED VIOLATING HIS
20 PROBATION, SUPERVISED RELEASE BY FAILING DRUG TESTS, LEAVING
21 THE DISTRICT, AND THEN COMMITTING OTHER CRIMES. SO WE WOULD
22 ASK THE COURT TO SENTENCE HIM WITHIN THE GUIDELINES OF THE 46
23 MONTHS.

24 *THE COURT: ALL RIGHT. MR. RUFUS, I'LL GIVE YOU AN
25 OPPORTUNITY TO SPEAK WITH REGARD TO THE PROPER DISPOSITION OF

1 YOUR -- OR WHAT YOU WOULD FEEL WOULD BE THE FINAL DISPOSITION
2 OF YOUR CASE WITHIN, AS I INDICATED, THE GUIDELINE RANGE
3 RECOMMENDED WAS --

4 THE DEFENDANT: MS. SEYMOUR?

5 THE COURT: -- 37 TO 46 MONTHS. YES.

6 THE DEFENDANT: MS. SEYMOUR, FOR THE RECORD, I
7 STILL THINK THAT THE WARRANT ISSUE FOR THE 3583I IS--

8 THE COURT: I CAN'T UNDERSTAND YOU. I'M SORRY.
9 CAN YOU SPEAK INTO THE MICROPHONE?

10 THE DEFENDANT: I STILL FEEL LIKE THE TOTAL
11 PROVISION AS FAR AS THE 3583I, THE WARRANT DOES NOT SATISFY
12 ~~THE MANDATES OF LAW BECAUSE THERE WASN'T A PROPER TAKEN OUT~~
13 UNDER OATH, A FORMATION. BUT I'M SEEING THAT YOU WANT TO GO
14 FORWARD WITH THIS WITHOUT ME HAVING A CHANCE TO ADJUDICATE
15 THOSE OTHERS.*

16 SO, REGARDING THE SENTENCE, IT'S MY UNDERSTANDING THAT
17 THE GUIDELINE RANGES ARE MERELY ADVISORY.

18 THE COURT: THAT'S CORRECT.

19 THE DEFENDANT: IN THIS CASE I ASK FOR SUBPOENAS
20 ABOUT CERTAIN RECORDS BECAUSE I WAS SENTENCED TO 10 YEARS
21 RECIDIVIST IN GEORGIA. THE STATUTORY -- THE PROVISION THAT
22 THEY ACTUALLY SENTENCED ME ON THE RECIDIVIST IS
23 UNCONSTITUTIONAL UNDER GEORGIA LAW.

24 ONE MOMENT. UNDER GEORGIA CONSTITUTION, ARTICLE FOUR,
25 SECTION TWO, PARAGRAPH 2B2, IT LIMITS THE GENERAL ASSEMBLY

1 POWER TO ISSUE MANDATORY MINIMUM AND SENTENCES THAT HAVE
2 REQUIRED TO BE ENTITLED -- DONE IN THEIR ENTIRETY ONLY DEADLY
3 SINS, AND THE DEADLY SINS ARE MOSTLY -- IT WASN'T ONE OF THE
4 CHARGES THAT I WAS CHARGED WITH.

5 ALSO IN 2012 THE 17 10-7C WAS IT WAS -- IT WAS AMENDED.
6 THEY ADDED A B1 INTO IT, AND THE B1 EXEMPTED MY CHARGE FROM
7 THE RECIDIVIST SENTENCE. THEY MADE THAT RETROACTIVE IN 2015
8 ON THE COURTS ON 2013 IN THE COURTS AND THEY MADE IT
9 RETROACTIVE ON THE PAROLE BOARD IN 2015.

10 SO UNDER THIS, I WAS SUPPOSED TO BE CONSIDERED FOR
11 PAROLE DURING THEM TIMES. BECAUSE OF THE ISSUES THAT -- THAT
12 ~~WERE GOING ON IN THE COURT, THEY DIDN'T EVEN CONSIDER ME FOR~~
13 PAROLE. NOW, DURING THIS TIME SO YOU'RE SPEAKING ABOUT, I
14 SHOULD HAVE BEEN ELIGIBLE FOR PAROLE FOR FIVE YEARS. OKAY.

15 WELL, THE MAXIMUM SENTENCE THAT THIS CARRY OUTSIDE OF
16 THE GUIDELINE RANGE IS FIVE YEARS. I LOST MY FATHER. I LOST
17 MY MOTHER. I'VE RECENTLY GOTTEN BACK IN CONTACT WITH MY
18 FAMILY, MY KIDS. I HAVE A FIANCEE THAT'S BASICALLY LOST
19 EVERYTHING. SHE'S MOVED DOWN HERE TO LIVE WITH ME.

20 DURING THIS TIME IN 2021 THE DEPARTMENT OF JUSTICE BEGAN
21 AN INVESTIGATION INTO ESCALATION OF THE MURDERS AND THE
22 ASSAULTS THAT WERE TAKING PLACE IN GEORGIA PRISONS. WELL,
23 BECAUSE I HAD THIS DETAINER ON ME THAT WASN'T RESOLVED AND I
24 WAS -- I DIDN'T GET PAROLE, I WAS HOUSED AT A MEDIUM
25 SECURITY. BEING AT A MEDIUM SECURITY, THE SENTENCING

1 COMMISSION -- GEORGIA CAME UP WITH A SENTENCING COMMISSION
2 THAT GAVE RECOMMENDATIONS STATING THAT MORE PRISON BEDS WERE
3 BEING FILLED BY VIOLENT PEOPLE.

4 SO NOW INSTEAD OF THESE PEOPLE WITH A LIFE SENTENCE, 99
5 YEARS GOING TO CLOSE CUSTODY, THEY WERE COMING TO THE CAMPS
6 THAT I WAS HOUSED AT, THAT I WAS HOUSED AT BECAUSE OF THIS
7 DETAINER. OKAY. I DID THIS FOR FIVE YEARS.

8 AND THIS IS NOT THE ISSUE OF BEING A SHORTAGE OF STAFF.
9 WITH THE SHORTAGE OF STAFF, EVERYTHING THAT WENT ON IN THE
10 PRISON WASN'T NORMAL PRISON -- PRISON LIFE. IT'S MY
11 UNDERSTANDING THAT UNDER I THINK IT'S 3553, THAT IT REQUIRES
12 ~~JUST PUNISHMENT THAT DEALS WITH RETRIBUTION AND THINGS LIKE~~
13 THAT.

14 WELL, YOUR HONOR, IF I HAD GOTTEN PAROLE, I WOULD HAVE
15 BEEN -- IF POSSIBLY SENTENCED BY THIS COURT TO THE MAXIMUM
16 SENTENCE, IT WOULD HAVE BEEN OVER FAR BY NOW. AND THIS IS
17 WHAT I WANT THE COURT TO CONSIDER. I HAVE ACTUALLY -- I HAVE
18 ACTUALLY SERVED THE JUST PUNISHMENT.

19 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. I
20 APPRECIATE THAT. I'LL TAKE THAT INTO CONSIDERATION.

21 ♀ MR. LEONARDI, DO YOU HAVE ANYTHING ELSE TO ADD?

22 MR. LEONARDI: I DO NOT HAVE ANYTHING ELSE TO ADD,
23 YOUR HONOR.

24 THE COURT: ALL RIGHT. DEFENDANT MR. MICHAEL
25 ALONZA RUFUS HAS SPENT OVER 10 YEARS INCARCERATED IN THE

APPX I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	
)	Cr. No. 3:02-550
vs.)	
)	ORDER AND OPINION
Michael Alonza Rufus,)	
)	
Defendant.)	
_____)	

On April 25, 2003, Defendant Michael Alonza Rufus pleaded guilty to conspiracy to possess with the intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. § 846 (Count 1), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (Count 4). On October 17, 2003, Defendant was sentenced to incarceration for a period of 37 months as to Count 1 and 60 months as to Count 4, to run consecutively for a total term of 97 months, to be followed by a term of supervised release for 8 years as to Count 1 and 3 years as to Count 4, to run concurrently. Defendant was released to supervision on July 8, 2010.

On April 2, 2012, the United States Probation Office requested the issuance of a warrant. Among other things, the United States Probation Office reported that Defendant had been arrested in Georgia on March 1, 2011. On March 26, 2012, Defendant was found guilty after a jury trial in the Superior Court of Walton County in Monroe, Georgia, and sentenced to a term of ten years imprisonment. He also pleaded guilty to possession of a firearm during commission of a felony and sentenced to five years of probation, to be served consecutively to his sentence of imprisonment. The warrant was issued on April 4, 2012. Defendant was arrested on this court's federal warrant on September 2, 2021.

Defendant came before the court on December 20, 2021 on a hearing for revocation of his

supervised release. Defendant was sentenced to the custody of the Bureau of Prisons for 46 months, to run consecutively to any other sentence he currently is serving, with no supervision to follow. Judgment was entered on December 20, 2021. Defendant filed a number of motions thereafter, which are adjudicated as follows.

1. Pro se motion for copies, which motion was filed on December 27, 2021. Defendant requests free access to copies of (1) the docketing sheet from November 2010; (2) the transcripts of hearings held September 20, 2021, November 9, 2021, and December 20, 2021; and (3) such additional copies as he may designate from the docketing sheet. Defendant states he requires these documents in preparing for his appeal.

Generally, an indigent defendant may be provided court documents at government expense only upon a showing by the litigant of a particularized need for the documents. United States v. Heflin, 907 F.2d 1140, 1990 WL 86396, *1 (4th Cir. June 19, 1990) (unpublished) (citing Jones v. Superintendent, 460 F.2d 150, 152-53 (4th Cir. 1972)). An indigent defendant is not entitled to free copies “merely to comb the record in hope of discovering some flaw.” Id. (quoting United States v. Glass, 317 F.2d 200, 2002 (4th Cir. 1963)). In forma pauperis status applies to the filing fee only and does not extend to other litigation costs. Badman v. Stark, 139 F.R.D. 601, 603-04 (M.D. Pa. 1991). Defendant has demonstrated no particularized need for copies of the transcripts of various proceedings. Defendant may obtain a copy of his docket sheet from the Office of the Clerk of Court for fifty cents per page. Defendant’s motion (ECF No. 265) is **denied**.

2. Pro se motion for reconsideration of judgment for revocation, motion for recusal, which motion was filed on December 27, 2021. Defendant asserts that the government failed to prove jurisdiction because records of criminal judicial proceedings in Georgia that comprised the

basis of Defendant's supervised release violation were not authenticated. As the court explained to Defendant at the revocation proceeding, the transcript of Defendant's probable cause hearing before the Magistrate Judge substantiates the government's contention that the Magistrate Judge reviewed pertinent documentation handed up by the government. ECF No. 258. Further, the court reviewed the sentencing sheets dated March 26, 2012 with respect to Defendant's convictions in Georgia for possession of marijuana with intent to distribute and possession of a firearm during commission of a felony. ECF No. 253. The court again concludes that the government established jurisdiction.

Defendant also seeks recusal of this court, contending that the court deprived Defendant of the right to present his claims. To the contrary, the court thoroughly reviewed Defendant's numerous motions filed prior to the revocation proceeding and ruled on them in open court. As the court previously has explained, a judge is not obligated to recuse herself because of unsupported, irrational or highly tenuous speculation. United States v. Cherry, 330 F.3d 658, 665 (4th Cir. 2003) (quoting United States v. DeTemple, 162 F.3d 279, 287 (4th Cir. 1998)). The alleged bias must derive from an extra-judicial source and result in an opinion on the merits on a basis other than that learned by the judge from her participation in the matter. In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Defendant's motion for reconsideration and recusal (ECF No. 266) is **denied**.

3. Amended Motion for Reconsideration & Disqualification, which motion was filed on January 3, 2022. Defendant contends that the statutes under which he originally was charged contain no conclusive jurisdiction language "spelling out the warrant for Congress to legislate." ECF No. 267, In Torres v. Lynch, 578 U.S. 452, 463 (2016), the Supreme Court explained:

The issue in this case arises because of the distinctive role interstate commerce elements play in federal criminal law. In our federal system, "Congress cannot punish felonies generally," Cohens v. Virginia, 6 Wheat. 264, 428, 5 L. Ed. 257

(1821); it may enact only those criminal laws that are connected to one of its constitutionally enumerated powers, such as the authority to regulate interstate commerce. As a result, most federal offenses include, in addition to substantive elements, a jurisdictional one, like the interstate commerce requirement of § 844(i). The substantive elements “primarily define[] the behavior that the statute calls a ‘violation’ of federal law,” Scheidler v. National Organization for Women, Inc., 547 U.S. 9, 18, 126 S. Ct. 1264, 164 L. Ed. 2d 10 (2006)—or, as the Model Penal Code puts the point, they relate to “the harm or evil” the law seeks to prevent, § 1.13(10).

The jurisdictional element, by contrast, ties the substantive offense . . . to one of Congress’s constitutional powers . . . , thus spelling out the warrant for Congress to legislate. See id., at 17–18, 126 S. Ct. 1264 (explaining that Congress intends “such statutory terms as ‘affect commerce’ or ‘in commerce’ . . . as terms of art connecting the congressional exercise of legislative authority with the constitutional provision . . . that grants Congress that authority”).

Defendant pleaded guilty to conspiracy to possess with the intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. § 846 (Count 1), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (Count 4). In Gonzales v. Raich, 545 U.S. 1, 25-26 (2005), the Supreme Court determined that the Controlled Substances Act regulates quintessentially economic activities, i.e., “the production, distribution, and consumption of commodities for which there is an established, and lucrative, interstate market. Prohibiting the intrastate possession or manufacture of an article of commerce is a rational (and commonly utilized) means of regulating commerce in that product.”

Courts also have found that 18 U.S.C. § 924(c)(1) “regulates an economic activity that substantially affects interstate commerce and, as such, is a valid exercise of Congressional power under the Commerce Clause.” United States v. Walker, 142 F.3d 103, 111 (2d Cir. 1998). The court in United States v. Bell, 90 F.3d 318, 320-21 (8th Cir. 1996), observed that § 924(c)(1) “imposes an additional penalty for using or carrying a firearm during or in relation to the violation of other federal statutes for which there plainly is a nexus to interstate commerce. One of the

statutory predicates for a § 924(c)(1) violation is the commission of a federal drug-trafficking offense, which is defined by § 924(c)(2) as including any felony punishable under the Controlled Substances Act, 21 U.S.C. §§ 801–971 (1994).”

The court reiterates its prior conclusions regarding recusal. Defendant’s amended motion for reconsideration and recusal (ECF No. 267) is **denied**.

4. Notice of Change of Address, Request for Extension of Time For Appeal, and Miscellaneous Requests, which motion was filed on January 3, 2022. Defendant informs the court that he is in transit to a federal facility and has no access to his legal materials. Defendant requests the court to forward his legal mail to a private residence. However, as described below, Defendant now has provided the court with his current location. Defendant’s request to send legal mail to a private residence is denied as moot. *

Regarding Defendant’s request for an extension of time to appeal his revocation sentence, Fed. R. App. P. 4(b)(1)(A) provides that a defendant’s notice of appeal must be filed within 14 days after entry of judgment. However, under Rule 4(b)(4), “[u]pon a finding of excusable neglect or good cause, the district court may--before or after the time has expired, with or without motion and notice--extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).”

In this case, the judgment for revocation was entered on December 20, 2021. Under Rule 4(b)(1)(A), the time to file a notice of appeal expired on January 4, 2022. Pursuant to Rule 4(b)(1)(C), 30 days from the expiration of January 4, 2022 was February 3, 2022, which date has passed. However, “[a]lthough ‘the Federal Rules of Criminal Procedure do not specifically provide for motions for reconsideration and prescribe the time in which they must be filed,’ Nilson Van &

Storage Co. v. Marsh, 755 F.2d 362, 364 (4th Cir.1985), a motion for rehearing or reconsideration in a criminal case extends the time for filing a notice of appeal if the motion is filed before the order sought to be reconsidered becomes final. See United States v. Ibarra, 502 U.S. 1, 4 n.2 [] (1991) (holding would-be appellant who files timely motion for reconsideration from criminal judgment entitled to full time period for noticing appeal after motion for reconsideration has been decided).” A criminal conviction becomes final at the end of the appellate process, which is when the time for a direct appeal expires and the defendant has not noticed an appeal. United States v. Oliver, 878 F.3d 120, 125 (4th Cir. 2017). Defendant filed his first motion for reconsideration (ECF No. 266) on December 27, 2021, before the judgment for revocation became final. Defendant’s motion for an extension of time is granted until 14 days from the date of entry of this order.

As to miscellaneous relief, Defendant requests transcripts and other filings. Defendant’s request is **denied** for the reasons set forth above in paragraph 1. Defendant’s motion (ECF No. 268) is **granted in part, denied in part, and denied as moot in part.** * 1/03/2022

5. Amended Request for Reconsideration of Defendant’s Objections to the Admittance and Use of Proceedings and Records of Georgia, which motion was filed on January 3, 2022. Defendant asserts that the Georgia superior court lacked jurisdiction over him under Ga. Code Ann. § 50-2-21(a), which provides that Georgia’s jurisdiction “extends to all persons while with [the state’s] limits, whether as citizens, denizens, or temporary sojourners.” According to Defendant, the Georgia superior court filings “fail to affirmatively aver on their face if the proceedings involved the class of persons whether as citizens, denizens, or temporary sojourners [therefore] they violate the rules and forms which have been established for Georgia’s courts of special and limited jurisdiction.” ECF No. 269, 5.

As an initial matter, superior courts are trial courts of general jurisdiction. Pursuant to Ga. Code Ann. § 15-6-8, the superior courts have authority:

- (1) To exercise original, exclusive, or concurrent jurisdiction, as the case may be, of all causes, both civil and criminal, granted to them by the Constitution and laws;
- (2) To exercise the powers of a court of equity;
- (3) To exercise appellate jurisdiction from judgments of the probate or magistrate courts as provided by law;
- (4) To exercise a general supervision over all inferior tribunals and to review and correct, in the manner prescribed by law, the judgments of:
 - (A) Magistrates;
 - (B) Municipal courts or councils;
 - (C) Any inferior judicature;
 - (D) Any person exercising judicial powers; and
 - (E) Judges of the probate courts, except in cases touching the probate of wills and the granting of letters of administration, in which a jury must be impaneled;
- (5) To punish contempt by fines not exceeding \$1,000.00, by imprisonment not exceeding 20 days, or both; and
- (6) To exercise such other powers, not contrary to the Constitution, as are or may be given to such courts by law.

Georgia law vests superior courts with exclusive subject matter jurisdiction over all felony trials. Goodrum v. State, 578 S.E.2d 484, 485 (Ga. Ct. App. 2003)(citing Ga. Const. art. VI, § IV, ¶ 1; Ga. Code Ann. § 15-6-8). Further, in Kitchens v. Georgia, 43 S.E. 256, 256 (Ga. 1903), the Georgia Supreme Court observed:

In the Herring¹ Case, after a review of the authorities, the following rule was laid down: “If, by the words of a statute, particular acts done are declared to be a crime for which punishment is provided, the offense created is general, and applicable to all, and an indictment which sets out the offense in the language of the statute is sufficient[.] . . . In such a case the offense is a complete one as it stands stated, and it is not necessary, in framing the indictment, to negative the conditions under which the force of the statute may be avoided. These are matters of plea and defense to a general statutory crime. If, however, by the terms of a statute, the doing of an act by a particular class of persons, or persons without certain qualifications, is declared to be a criminal offense, then the offense is not general. It does not apply to all, but is restricted to the class or condition of persons who may not lawfully do the act. In such a case the acts done amount to an offense only when done by particular persons, and in an indictment charging the offense it is absolutely essential that facts should be set forth which clearly aver that the commission of the acts by the persons charged is an offense against the law.”

Defendant was convicted under Ga. Code Ann. § 16-13-30, which provides that “it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.” He also was convicted under Ga. Code Ann. § 16-11-106, which states: “Any person who shall have on or within arm’s reach of his or her person a firearm or a knife having a blade of three or more inches in length during the commission of, or the attempt to commit . . . [a]ny crime involving the possession, manufacture, delivery, distribution, dispensing, administering, selling, or possession with intent to distribute any controlled substance or marijuana as provided in Code Section 16-13-30 . . . and which crime is a felony, commits a felony and, upon conviction thereof, shall be punished by confinement for a period of five years, such sentence to run consecutively to any other sentence which the person has received.” Both sections 16-13-30 and 16-11-106 are general statutes that apply to all. Defendant’s motion (ECF No. 269) is **denied**.

¹Herring v. Georgia, 39 S.E. 866 (Ga. 1901).

6. Defendant's Request for Modification of Sentencing Due to Implications of Covid, which motion was filed on January 27, 2022. Defendant contends that he was unnecessarily exposed to COVID-19 during his transport from Georgia to South Carolina in late 2021 and when transferred between detention centers in South Carolina. Defendant states he received his first vaccination against COVID-19 on December 3, 2021, and his second vaccination on December 28, 2021.

Defendant states that it is his understanding federal judges have been reducing sentences because of defendants' unnecessary exposure to COVID-19, as well as in consideration of defendants' obtaining vaccinations while incarcerated. Defendant requests the court to reduce his sentence to "at a minimum of twelve months and a maximum of no imprisonment and any relief warranted under law, equity, or justice under these extra-ordinary circumstances." ECF No.270, 4.

Fed. R. Crim. P. 35 provides that the court may reduce a sentence within 14 days after sentencing to correct a clear error that resulted from arithmetical, technical, or other clear error; or upon the government's motion if the defendant provides substantial assistance in investigating or prosecuting another person. Defendant's request satisfies neither criterion. Defendant's motion (ECF No. 270) is **denied**.

7. Notice of Change of Address; Request for Appointment of Counsel and Permission to File a Late Appeal Due to Extraordinary Circumstances. The Clerk of Court has made note of Defendant's change of address. As to Defendant's motion for appointment of counsel, U.S. Ct. App. 4th Cir. Rule 46(d) provides that "[i]n any appeal in which appointment of counsel is mandated by section (a)(1) of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1), counsel is appointed upon the docketing of the appeal without prior notice to the attorney who represented the indigent in the case below." The court is without jurisdiction to appoint Defendant counsel for the purpose of appeal.

Finally, the court hereinabove has granted Defendant fourteen days to file his notice of appeal. Defendant's motion for counsel is (ECF No. 271) is **denied**. Defendant's motion for the appointment of counsel (ECF No. 271) is **denied as moot**.

The Clerk of Court is directed to include a copy of the court's December 20, 2021 judgment for revocation (ECF No. 264) with the copy of the within order when it is forwarded to Defendant at his current address.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

February 23, 2022.

APPX J

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4161

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ALONZA RUFUS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Margaret B. Seymour, Senior District Judge. (3:02-cr-00550-MBS-1)

Submitted: September 7, 2023

Decided: October 10, 2023

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael Alonza Rufus, Appellant Pro Se. William Kenneth Witherspoon, Assistant United
States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Alonza Rufus appeals the district court's orders denying his pro se motions, revoking his supervised release, and imposing a sentence within his policy statement range of 46 months in custody with no further supervised release, after he admitted four violations of his supervised release conditions. On appeal, Rufus has chosen to represent himself and has raised several issues. He also has several pending motions. We grant his motion to proceed pro se, deny his other pending motions, and affirm the district court's orders.

We review de novo whether the district court had jurisdiction to rule upon alleged violations of supervised release. *United States v. Thompson*, 924 F.3d 122, 127 (4th Cir. 2019). We review a district court's factual findings underlying a revocation of supervised release for clear error and its decision to revoke a defendant's supervised release for abuse of discretion. *United States v. Cohen*, 63 F.4th 250, 254 (4th Cir. 2023). "A district court may revoke supervised release if it 'finds by a preponderance of the evidence that the defendant violated a condition of supervised release.'" *United States v. Patterson*, 957 F.3d 426, 435 (4th Cir. 2020). "This burden 'simply requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence.'" *Id.* When a defendant preserves the issue, we review a district court's evidentiary decisions in a supervised release revocation proceeding for abuse of discretion. *United States v. Combs*, 36 F.4th 502, 505 (4th Cir. 2022). We review an alleged denial of due process de novo. *United States v. Legree*, 205 F.3d 724, 729 (4th Cir. 2000).

"A sentencing court has broad discretion to impose a revocation sentence up to the statutory maximum." *United States v. Coston*, 964 F.3d 289, 296 (4th Cir. 2020) (internal

quotation marks omitted). ““We will not disturb a district court’s revocation sentence unless it falls outside the statutory maximum or is otherwise plainly unreasonable.”” *United States v. Doctor*, 958 F.3d 226, 238 (4th Cir. 2020). “First, we determine whether the sentence was procedurally or substantively unreasonable, taking ‘a more deferential appellate posture than we do when reviewing original sentences.’” *United States v. Rios*, 55 F.4th 969, 973 (4th Cir. 2022). “We then determine whether any unreasonableness was ‘plain,’ i.e., clear or obvious.” *Id.* We presume that a sentence within the policy statement range is reasonable. *United States v. Webb*, 738 F.3d 638, 641 (4th Cir. 2013).

“A revocation sentence is procedurally reasonable if the district court adequately explains the chosen sentence after considering the Chapter Seven policy statement range and the applicable [18 U.S.C.] § 3553(a) sentencing factors.” *Patterson*, 957 F.3d at 436. A sentence within the policy statement range requires less explanation. *Id.* at 439. The court “must address the parties’ nonfrivolous arguments in favor of a particular sentence, and if the court rejects those arguments, it must explain why in a detailed-enough manner that this Court can meaningfully consider the procedural reasonableness of the revocation sentence.” *United States v. Slappy*, 872 F.3d 202, 208 (4th Cir. 2017). Where the court has addressed a “defendant’s ‘central thesis’” for a lower sentence, it need not address each supporting data point. *United States v. Fowler*, 58 F.4th 142, 153-54 (4th Cir. 2023).

We first consider Rufus’ arguments that the district court lacked jurisdiction in his case and find them without merit. As a general rule, a district court “is without jurisdiction to revoke a supervised release term or sanction violations once the term has expired.” *Thompson*, 924 F.3d at 132. “But [18 U.S.C.] § 3583(i) sets out an exception to that rule,

allowing for ‘[d]elayed revocation’ proceedings when two conditions are met: First, a ‘warrant or summons [must be] issued’ before the term’s expiration, and second, any delay in adjudicating that summons must be ‘reasonably necessary.’” *Id.* Moreover, “under 18 U.S.C. § 3624(e), [there is] tolling of a supervised release term while a defendant ‘is imprisoned in connection with a conviction.’” *Id.* at 131; *see also Mont v. United States*, 139 S. Ct. 1826, 1831, 1835 (2019). Rufus’ eight-year supervised release term began on July 8, 2010; the arrest warrant on the supervised release violation petition issued on April 4, 2012, after he was convicted in Georgia for new criminal conduct; the supervised release term was tolled while he was imprisoned on the convictions; and the delay in adjudicating the warrant was “reasonably necessary.” 18 U.S.C. § 3583(i). Furthermore, as the district court explained to Rufus, it had jurisdiction over his case under 18 U.S.C. § 3231.

After reviewing the record and Rufus’ arguments on appeal, we conclude that the remaining issues raised in his informal brief are also without merit. The district court did not clearly err or abuse its discretion in finding that Rufus violated the conditions of his supervised release and revoking his supervised release, after he admitted four violations; and his sentence within the policy statement range with no further supervised release is not plainly unreasonable. We further conclude he has not shown any due process violations or other error or abuse of discretion by the district court.

Accordingly, we affirm the district court’s orders. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

FILED: October 10, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4161
(3:02-cr-00550-MBS-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MICHAEL ALONZA RUFUS

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK