

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

No: 23-2812

Kyle Maurice Parks

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

**Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:22-cv-00306-JAR)**

JUDGMENT

Before GRUENDER, ERICKSON, and KOBES, Circuit Judges.

The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction.

August 25, 2023

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

/s/ Michael E. Gans

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

No: 23-2812

Kyle Maurice Parks

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:22-cv-00306-JAR)

ORDER


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

November 14, 2023

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

/s/ Michael E. Gans

A

Date Filed	#	Docket Text
03/14/2022	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence by Petitioner Kyle M. Parks. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(DJO) (Entered: 03/14/2022)
03/14/2022		***Complaint Letter Created. This is to advise you that this office has received and filed your complaint and has assigned it the above-referenced case number. (DJO) (Entered: 03/14/2022)
03/14/2022		Case Opening Notification. Judge Assigned: Honorable John A. Ross. (DJO) (Entered: 03/14/2022)
03/14/2022		***Complaint Letter Processed (see notice of electronic filing for distribution list) Mon Mar 14 17:00:51 CDT 2022 (admin,) (Entered: 03/14/2022)
03/16/2022	<u>2</u>	MEMORANDUM AND ORDER. (See Full Order.) IT IS HEREBY ORDERED that movant's motion to vacate, set aside or correct sentence is DENIED AND DISMISSED as SUCCESSIVE. IT IS FURTHER ORDERED that no certificate of appealability shall issue. An appropriate Order of Dismissal will accompany this Memorandum and Order. Signed by District Judge John A. Ross on 3/16/2022. (CBL) (Entered: 03/16/2022)
03/16/2022	<u>3</u>	ORDER OF DISMISSAL. IT IS HEREBY ORDERED that movant's motion to vacate, set aside or correct illegal sentence pursuant to 28 U.S.C. § 2255 is DENIED AND DISMISSED AS SUCCESSIVE. IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. 28 U.S.C. § 2253. Signed by District Judge John A. Ross on 3/16/2022. (CBL) (Entered: 03/16/2022)
03/16/2022		ORDER RECEIPT: (see receipt) Docket No: 2, 3. Orders sent to party not electronically notified this date. Wed Mar 16 09:24:17 CDT 2022 (Long, Carol) (Entered: 03/16/2022)
04/04/2022	<u>4</u>	MOTION to Compel re: District Courts Review of Ineffective Assistance of Counsel by Petitioner Kyle M. Parks. (Attachments: # <u>1</u> Envelope)(CLO) (Entered: 04/07/2022)
04/12/2022	<u>5</u>	MEMORANDUM AND ORDER: IT IS HEREBY ORDERED that movant's motion titled, "Attachment, to Compel District Court[']s Review of Ineffective Assist[ance] of Counsel," [ECF No. <u>4</u>] is DENIED without prejudice. IT IS FURTHER ORDERED that the Clerk shall provide movant a form for filing a notice of appeal. Signed by District Judge John A. Ross on 4/12/2022. (Attachments: # <u>1</u> Form Notice of Appeal)(CLO) (Entered: 04/12/2022)
04/12/2022		ORDER RECEIPT: (see receipt) Docket No: 5. Mailed to party not set up for electronic delivery. Tue Apr 12 13:13:42 CDT 2022 (Olliges, Chelsea) (Entered: 04/12/2022)
04/15/2022	<u>6</u>	Request for Court Documents from case 15cr553 by Petitioner Kyle M. Parks. (CLO) (Entered: 04/15/2022)
04/18/2022	 <u>7</u>	PRO SE MOTION For Evidentiary Hearing by Petitioner Kyle M. Parks. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Envelope)(JAB) (Entered: 04/18/2022)

B

Inmate Statement



Inmate Reg #: 44051044
 Inmate Name: PARKS, KYLE
 Report Date: 10/24/2023
 Report Time: 2:10:43 PM

Current Institution: Terre Haute - FCC
 Housing Unit: THP-F-B
 Living Quarters: F02-223L

<u>Alpha</u> <u>Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction</u> <u>Amount</u>	<u>Encumbrance</u> <u>Amount</u>	<u>Ending Balance</u>
THA	9/8/2023 1:20:55 PM	YFRP0923			FRP Quarterly Pymt	\$0.00		\$0.05
THA	9/6/2023 6:21:54 AM	6			Sales	(\$9.95)		\$0.05
THA	9/1/2023 12:10:59 AM	VTHAD176 - 5839			Debt Encumbrance - Released		\$5.00	-----
THA	9/1/2023 12:10:59 AM	VTHAD176 - 6103			Debt Encumbrance - Released		\$5.00	-----
THA	9/1/2023 12:10:59 AM	WTHAD081 - 5840			Debt Encumbrance - Released		\$5.00	-----
THA	9/1/2023 12:10:59 AM	WTHAD081 - 6104			Debt Encumbrance - Released		\$5.00	-----
THA	9/1/2023 12:10:59 AM	WTHAD081	2473		PLRA Payment	(\$0.14)		\$20.00
THA	9/1/2023 12:10:59 AM	VTHAD176	2474		PLRA Payment	(\$10.00)		\$10.00
THA	8/30/2023 6:25:00 AM	7			Sales	(\$15.00)		\$20.14
THA	8/29/2023 7:13:22 AM	33323241			Western Union	\$25.00		\$35.14
THA	8/29/2023 7:13:22 AM	33323241			Pre-Release Transaction		\$0.00	-----
THA	8/29/2023 7:13:22 AM	VTHAD176 - 6103			Debt Encumbrance		(\$5.00)	-----
THA	8/29/2023 7:13:22 AM	WTHAD081 - 6104			Debt Encumbrance		(\$5.00)	-----
THA	8/24/2023 7:25:22 AM	23			Sales	(\$10.40)		\$10.14
THA	8/17/2023 7:38:51 AM	30			Sales	(\$4.91)		\$20.54
THA	8/14/2023 9:09:25 PM	33323226			Western Union	\$25.00		\$25.45
THA	8/14/2023 9:09:25 PM	33323226			Pre-Release Transaction		\$0.00	-----
THA	8/14/2023 9:09:25 PM	VTHAD176 - 5839			Debt Encumbrance		(\$5.00)	-----
THA	8/14/2023 9:09:25 PM	WTHAD081 - 5840			Debt Encumbrance		(\$5.00)	-----
THA	7/18/2023 8:34:49 AM	YICP0723			Inmate Co-pay	(\$2.00)		\$0.45
THA	7/6/2023 8:50:50 AM	YICP0723			Inmate Co-pay	(\$2.00)		\$2.45
THA	6/20/2023 8:59:51 AM	TL0620			TRUL Withdrawal	(\$2.00)		\$4.45
THA	6/15/2023 8:18:30 AM	48			Sales	(\$2.00)		\$6.45
THA	6/8/2023 7:38:06 AM	38			Sales	(\$1.55)		\$8.45
THA	6/2/2023 6:01:36 AM	YFRP0623			FRP Quarterly Pymt	\$0.00		\$10.00
THA	6/1/2023 12:10:38 AM	VTHAD176 - 4004			Debt Encumbrance - Released		\$5.00	-----
THA	6/1/2023 12:10:38 AM	WTHAD081 - 4005			Debt Encumbrance - Released		\$5.00	-----
THA	6/1/2023 12:10:38 AM	VTHAD176	1850		PLRA Payment	(\$1.92)		\$10.00
THA	5/30/2023 8:09:52 AM	56			Sales	(\$6.25)		\$11.92
THA	5/22/2023 7:55:52 AM	41			Sales	(\$1.95)		\$18.17
THA	5/15/2023 9:05:56 AM	67			Sales	(\$1.05)		\$20.12
THA	5/8/2023 8:10:35 AM	52			Sales	(\$4.43)		\$21.17
THA	5/6/2023 12:08:36 PM	33323126			Western Union	\$25.00		\$25.60
THA	5/6/2023 12:08:36 PM	33323126			Pre-Release Transaction		\$0.00	-----
THA	5/6/2023 12:08:36 PM	VTHAD176 - 4004			Debt Encumbrance		(\$5.00)	-----
THA	5/6/2023 12:08:36 PM	WTHAD081 - 4005			Debt Encumbrance		(\$5.00)	-----
THA	3/8/2023 8:15:51 AM	47			Sales	(\$7.70)		\$0.60
THA	3/3/2023 11:51:34 AM	YFRP0323			FRP Quarterly Pymt	\$0.00		\$8.30
THA	3/1/2023 12:10:49 AM	VTHAD176 - 2444			Debt Encumbrance - Released		\$4.00	-----

3

THA	3/1/2023	WTHAD081 -	Debt Encumbrance -		\$4.00	-----
	12:10:49 AM	2445	Released			
THA	2/8/2023	46	Sales	(\$12.05)		\$8.30
	8:21:56 AM					
THA	2/3/2023	33323034	Western Union	\$20.00		\$20.35
	6:08:27 PM					
THA	2/3/2023	33323034	Pre-Release		\$0.00	-----
	6:08:27 PM		Transaction			
THA	2/3/2023	VTHAD176 -	Debt Encumbrance		(\$4.00)	-----
	6:08:27 PM	2444				
THA	2/3/2023	WTHAD081 -	Debt Encumbrance		(\$4.00)	-----
	6:08:27 PM	2445				

1
Total Transactions: 45

Totals: (\$0.30) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available</u> <u>Balance</u>	<u>Pre-Release</u> <u>Balance</u>	<u>Debt</u> <u>Encumbrance</u>	<u>SPO</u> <u>Encumbrance</u>	<u>Other</u> <u>Encumbrance</u>	<u>Outstanding</u> <u>Instruments</u>	<u>Administrative</u> <u>Holds</u>	<u>Account</u> <u>Balance</u>
THA	\$0.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.05
Totals:	\$0.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.05

Other Balances

<u>National 6</u> <u>Months Deposits</u>	<u>National 6</u> <u>Months</u> <u>Withdrawals</u>	<u>Natioanl 6</u> <u>Months Avg Daily</u> <u>Balance</u>	<u>Local Max</u> <u>Balance - Prev 30</u> <u>Days</u>	<u>Average Balance -</u> <u>Prev 30 Days</u>	<u>Commissary</u> <u>Restriction Start</u> <u>Date</u>	<u>Commissary</u> <u>Restriction End</u> <u>Date</u>
\$75.00	\$75.55	\$6.50	\$0.05	\$0.05	10/11/2023	10/9/2024

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

No: 23-2812

Kyle Maurice Parks

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:22-cv-00306-JAR)

ORDER

The motion to compel the District Court to consider the ineffective assistance of counsel claim is denied.

October 04, 2023

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

/s/ Michael E. Gans

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

August 25, 2023

Kyle Maurice Parks
U.S. PENITENTIARY
44051-044
P.O. Box 33
Terre Haute, IN 47808-0033

RE: 23-2812 Kyle Parks v. United States

Dear Kyle Parks:

Enclosed is a copy of the dispositive order entered today in the referenced case.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing must be received by the clerk's office within the time set by FRAP 40 in cases where the United States or an officer or agency thereof is a party (within 45 days of entry of judgment). Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, pro se petitions for rehearing are not afforded a grace period for mailing and are subject to being denied if not timely received.

Michael E. Gans
Clerk of Court

JJB

Enclosure(s)

cc: Mr. Clerk, U.S. District Court, Eastern District of Missouri
Ms. Catherine Marie Hoag

District Court/Agency Case Number(s): 4:22-cv-00306-JAR

*Motion for rehearing was filed. Eighth
Circuit never replied to petitioner.*