

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

---

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. 4 ] 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)

# 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 Amount</u> \$0.00	<u>Encumbrance Amount</u>	<u>Ending Balance</u> \$0.05
THA	9/8/2023 1:20:55 PM	YFRP0923			FRP Quarterly Pymt			
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 48				Sales	(\$2.00)		\$6.45
THA	6/8/2023 8:18:30 AM	38			Sales	(\$1.55)		\$8.45
THA	6/2/2023 7:38:06 AM				FRP Quarterly Pymt	\$0.00		\$10.00
THA	6/1/2023 6:01:36 AM	YFRP0623			Debt Encumbrance - Released		\$5.00	-----
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			PLRA Payment	(\$1.92)		\$10.00
THA	6/1/2023 12:10:38 AM	VTHAD176 1850			Sales	(\$6.25)		\$11.92
THA	5/30/2023 8:09:52 AM	56			Sales	(\$1.95)		\$18.17
THA	5/22/2023 7:55:52 AM	41			Sales	(\$1.05)		\$20.12
THA	5/15/2023 9:05:56 AM	67			Sales	(\$4.43)		\$21.17
THA	5/8/2023 8:10:35 AM	52			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	5/8/2023 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	-----

THA 3/1/2023 WTHAD081 -  
 12:10:49 AM 2445  
 THA 2/8/2023 46  
 8:21:56 AM  
 THA 2/3/2023 33323034  
 6:08:27 PM  
 THA 2/3/2023 33323034  
 6:08:27 PM  
 THA 2/3/2023 VTHAD176 -  
 6:08:27 PM 2444  
 THA 2/3/2023 WTHAD081 -  
 6:08:27 PM 2445

Debt Encumbrance -	\$4.00	-----
Released Sales	(\$12.05)	\$8.30
Western Union	\$20.00	\$20.35
Pre-Release Transaction	\$0.00	-----
Debt Encumbrance	(\$4.00)	-----
Debt Encumbrance	(\$4.00)	-----

1

Total Transactions: 45

Totals: (\$0.30) \$0.00

Current Balances

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

Other Balances

<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>Natioanl 6 Months Avg Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End 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](http://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.*