

FILED: June 10, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7184
(0:23-cv-02811-TMC)

TITO LEMONT KNOX

Petitioner - Appellant

v.

JEFFREY KRUEGER

Respondent - Appellee

O R D E R

The court denies the petition and supplemental petitions for rehearing.

Entered at the direction of the panel: Judge King, Judge Rushing, and Senior Judge Motz.

For the Court

/s/ Nwamaka Anowi, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-7184

TITO LEMONT KNOX,**Petitioner - Appellant,****v.****JEFFREY KRUEGER,****Respondent - Appellee.**

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Timothy M. Cain, District Judge. (0:23-cv-02811-TMC)

Submitted: March 28, 2024**Decided: April 2, 2024****Amended: April 3, 2024**

Before KING and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Tito Lemont Knox, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tito Lemont Knox appeals the district court's November 8, 2023, text order denying Knox's appeal of the magistrate judge's order directing that Knox's 28 U.S.C. § 2241 petition be re-docketed as a motion for discharge under 18 U.S.C. § 4247(h) and administratively closing the underlying case. On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Knox's informal brief does not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we affirm the appealed-from text order. We deny Knox's motion for copies of the grand jury minutes, as supplemented, and deny as moot Knox's motion to expedite resolution of this appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

Other Orders/Judgments

0:23-cv-02811-TMC Knox v.
Krueger CASE CLOSED on
07/12/2023

CLOSED,LC 1,PJG-Inmate

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 11/8/2023 at 7:40 AM EST and filed on 11/8/2023

Case Name: Knox v. Krueger

Case Number: 0:23-cv-02811-TMC

Filer:

WARNING: CASE CLOSED on 07/12/2023

Document Number: 19(No document attached)

Docket Text:

TEXT ORDER: On May 26, 2023, Tito L. Knox ("Petitioner"), proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the Western District of Missouri. (ECF No. 1). This case was subsequently transferred to the United States District Court for the District of South Carolina. (ECF No. 3). Petitioner filed an amended petition on June 30, 2023. (ECF No. 7). The magistrate judge issued an order on July 12, 2023, directing the Clerk of Court to re-docket Petitioner's petition and amended petition as motions for discharge pursuant to 18 U.S.C. § 4247(h) and to administratively close this case. (ECF No. 8). Thereafter, on July 18, 2023, Judge Donald C. Coggins, Jr. filed an opinion and order in Petitioner's ongoing criminal case wherein he interpreted the aforementioned petitions as motions for unconditional release pursuant to 18 U.S.C. § 4247(h) and, for the reasons articulated in his order, concluded the petitions were moot. United States v. Knox, Criminal Action No. 6:06-cr-269-DCC, dkt. entry 306 at 6 n.2 (D.S.C. July 18, 2023). Specifically, the motions were determined moot as Petitioner had already filed a separate pro se motion for unconditional release in his criminal case, and in the same July 18, 2023 order, Judge Coggins denied that motion on the merits. Id. at 6. Though Petitioner filed a letter in this case expressing a desire to appeal the magistrate's decision to re-docket his petitions and administratively close the case, (ECF No. 14), he provided no arguments in support of his appeal until he sent his subsequent letter, (ECF No. 18), which was filed October 30, 2023, over three months after the magistrate judge's order. In that letter, he argues the magistrate judge erred in closing his case, contending the only individuals who may file a petition for discharge under § 4247(h) is an individual's attorney or guardian. (ECF No. 18).

The petitions at issue in this case were addressed by the district court judge in Petitioners criminal case. No matter how Petitioner now attempts to recharacterize the issue in his appeal of the magistrate judges decision, he is asking the [c]ourt to do nothing other than second-guess an order issued by another judge on this [c]ourt, which this [c]ourt cannot do. Sibley v. Roberts, 224 F. Supp. 3d 29, 38 (D.C. 2016). Therefore, this court defers to Judge Cogginss determination on this matter, which the court notes was affirmed by the Fourth Circuit Court of Appeals in September 2023. United States v. Knox, No. 23-4498, dkt. entry 25 (4th Cir. Oct. 11, 2023) (mandate indicating judgment affirming District Court took effect); see also United States v. Knox, Criminal Action No. 6:06-cr-269-DCC, dkt. entry 320 (D.S.C. Oct. 11, 2023) (same but filed in District Court case). Accordingly, Petitioner's appeal of the magistrate judge's decision is DENIED. The Clerk shall mail a copy of this order to Petitioner at the address he provided to the court. IT IS SO ORDERED. Entered at the direction of Honorable Timothy M Cain on 11/07/2023. (apsn)

0:23-cv-02811-TMC Notice has been electronically mailed to:

0:23-cv-02811-TMC Notice will not be electronically mailed to:

Tito L Knox
13813-171
United States Medical Center for Federal Prisoners
P O Box 4000
Springfield, MO 65801

Other Orders/Judgments

0:23-cv-02811-TMC-PJG Knox v.
Krueger

LC 1,PJG-Inmate

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 7/12/2023 at 11:39 AM EDT and filed on 7/12/2023

Case Name: Knox v. Krueger

Case Number: 0:23-cv-02811-TMC-PJG

Filer:

Document Number: 8

Docket Text:

ORDER directing the Clerk of Court to re-docket Knox's petition and amended petition as motions for discharge pursuant to 18 U.S.C. § 4247(h) and administratively close this case. IT IS SO ORDERED. Signed by Magistrate Judge Paige J. Gossett on 07/12/2023. (apsn)

0:23-cv-02811-TMC-PJG Notice has been electronically mailed to:

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Tito L Knox
13813-171
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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

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[STAMP dcecfStamp_ID=1091130295 [Date=7/12/2023] [FileNumber=11345866-0] [a57d75c5b65254284476ead9993c591eb27139ce0f844472228519a40ac88a1e817f5008a32d3a6cff867abd6ab2c61047c01e0710477c7be185359c4dd30aa9]]

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

Tito L. Knox,

Petitioner,

v.

Jeffrey Krueger,

Respondent.

C/A No. 0:23-2811-TMC-PJG

ORDER

Tito L. Knox, a self-represented litigant, filed this action on a form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in United States District Court for the Western District of Missouri. The Western District of Missouri construed the action as seeking relief pursuant to 28 U.S.C. § 4247 and transferred the matter to this court, where Knox is already proceeding with counsel in Case No. 6:06-cr-269. Consequently, the Clerk of Court is directed to re-docket Knox's petition and amended petition as motions for discharge pursuant to 18 U.S.C. § 4247(h) and administratively close this case.

IT IS SO ORDERED.

July 12, 2023
Columbia, South Carolina


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**