

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT R. DAVIES, Petitioner

v.

UNITED STATES, Respondent

*On Petition for Writ of Certiorari to the
United States Court of Appeals for the
Third Circuit*

APPENDIX

ROBERT R. DAVIES
Pro se
7455 Harmon Rd.
Conneaut, Ohio 44030
(440) 969-6032
Petitioner

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

July 14, 2017
BCO-103

No. 17-2276

UNITED STATES OF AMERICA

v.

ROBERT R. DAVIES,
Appellant

(W.D. Pa. No. 2-07-cr-00436-001)

Present: AMBRO, GREENAWAY, JR., and SCIRICA, Circuit Judges

1. Clerk's Submission for Possible Dismissal due to Jurisdictional Defect;
2. Motion by Appellee for Summary Affirmance or to Dismiss the Case;
3. Response by Appellant to Motion for Summary Affirmance or to Dismiss;
4. Motion by Appellant to Stay Sentence Pending Appeal;
5. Response by Appellee to Motion to Stay Sentence Pending Appeal;
6. Reply by Appellant to Response to Motion to Stay Sentence.

Respectfully,
Clerk/kr

ORDER

The District Court entered judgment in this matter on October 16, 2009, following the entry of a guilty plea on May 27, 2009. Davies filed a notice of appeal on June 8, 2017, seeking review of the judgment of conviction. The notice of appeal was not filed within fourteen (14) days of the entry of judgment, and Appellant did not file a motion for extension of time to file the notice. See Fed. R. App. P. 4(b)(1)(A)(i), 4(b)(4).

The Government has filed a motion to dismiss the appeal as untimely. "Rule 4(b)'s deadline is rigid. Upon proper invocation of the rule when a notice of appeal is filed out of time, we must dismiss the appeal." Virgin Islands v. Martinez, 620 F. 3d 321, 328-29 (3d Cir. 2010). The Court of Appeals cannot extend the time to file a notice of

appeal. See Fed. R. App. P. 26(b)(1). Accordingly, the Government's alternative motion to dismiss the appeal as untimely is granted and the appeal is dismissed for lack of appellate jurisdiction. Given this, Appellee's motion for summary affirmance and Appellant's motion to stay the sentence pending appeal are dismissed as moot.

It is noted that Appellant raised an issue regarding the District Court docket entry for the notice of appeal filed on June 8, 2017 and whether the District Court appointed counsel for this appeal. A review of the District Court docket shows the notation "Federal Public Defender appointed." It appears this notation was made in reference to whether or not fees were due for the appeal. If the Federal Public Defender was appointed during a case, the defendant may be regarded as having in forma pauperis status unless there is a change in circumstances. It is noted that the Federal Public Defender withdrew from Appellant's case on November 12, 2008, and retained counsel was substituted. The Federal Public Defender has not been appointed for the appeal and Appellant's prior retained counsel, Komron J. Maknoon, Esq., was allowed to withdraw on August 6, 2013. Insofar as Appellant requests appointment of counsel, the motion is denied.

By the Court,

s/Anthony J. Scirica
Circuit Judge

Dated: September 19, 2017

kr/cc: Robert R. Davies
Laura S. Irwin, Esq.



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk
Certified order issued in lieu of mandate.

UNITED STATES DISTRICT COURT

WESTERN

District of

PENNSYLVANIA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ROBERT DAVIES

Case Number: CR 07-436

USM Number: 31526-160

Komron J. Maknoon, Esquire
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense	Count
18 USC §§ 2423(b) and (e)	Travel with Intent to Engage in Illicit Sexual Conduct	11/4/2007	1

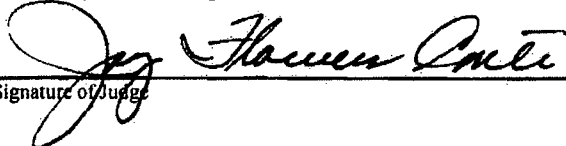
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- Count(s) _____ ☐ is _____ are dismissed on the motion of the United States.

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.

October 9, 2009

Date of Imposition of Judgment



Signature of Judge

Joy Flowers Conti, United States District Judge

Name and Title of Judge

October 16, 2009

Date

DEFENDANT: ROBERT DAVIES
CASE NUMBER: CR 07-436**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time served

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 _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHALBy _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ROBERT DAVIES
CASE NUMBER: CR 07-436

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

Life

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from the use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

Upon finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

All of the conditions listed in this order have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signature)

(Date)

U.S. Probation Officer/Designated Witness

(Date)

DEFENDANT: ROBERT DAVIES
CASE NUMBER: CR 07-436

Judgment—Page 4 of 6

ADDITIONAL SUPERVISED RELEASE TERMS

14. The defendant shall not illegally possess a controlled substance.
15. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
16. The defendant shall participate in a program of testing, and if necessary, treatment for substance abuse, said program approved by the probation officer, until such time as the defendant is released from the program by the court. Further the defendant shall be required to contribute to the costs of services for any such treatment in an amount determined by the probation officer but not to exceed the actual cost. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.
17. The defendant shall participate in a mental health and/or sex offender treatment program, as approved by the probation officer, until such time as the defendant is released from the program by the court. The defendant shall abide by all program rules, requirements, and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if he is in compliance with the conditions of release.
18. The defendant shall not associate with children under the age of 18, except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer.
19. As required by 18 U.S.C. §§ 3563(a)(8) and 3583(d), and the Sex Offender Registration and Notification Act (SORNA, 42 U.S.C. § 16901 *et seq.*), the defendant shall report the address where he will reside and any subsequent change of residence to the probation officer responsible for defendant's supervision, and further, the defendant shall register as a convicted sex offender in any state where he resides, is employed, carries on a vocation, or is a student.
20. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
21. The defendant is permitted to possess and/or use a computer and is allowed to access the Internet. The defendant, however, shall consent to the installation of any hardware/software to monitor any computer or other electronic communication or data storage devices used by the defendant or to prevent access to particular materials. The defendant shall consent to periodic inspection of any such hardware/software to ensure it is functioning properly. The defendant shall pay the monitoring costs as directed by the probation officer.
22. The defendant shall provide the U.S. Probation Office with accurate information about his entire computer system (hardware/software) and other electronic communication or data storage devices or media to include all passwords used and the name of the Internet Service Provider(s). The defendant will also abide by all rules of the Computer Restriction and Monitoring Program.
23. The defendant shall submit his person, property, house, residence, vehicle, papers, effects, computers, and other electronic communication or data storage devices or media. To search at any time with or without a warrant by any law enforcement or probation officer based upon reasonable suspicion of contraband, evidence of a violation of a condition of release/supervision, or unlawful conduct by the defendant. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

DEFENDANT: ROBERT DAVIES
 CASE NUMBER: 07-436

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
15 year old victim, whose name and address are on file with the United States Probation Office	\$5000.00	\$5000.00	

TOTALS	\$	<u>\$5000.00</u>	\$	<u>\$5000.00</u>
--------	----	------------------	----	------------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ 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: ROBERT DAVIES
CASE NUMBER: CR 07-436

SCHEDULE OF PAYMENTS

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

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., 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 ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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 the court.

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

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- x The defendant shall forfeit the defendant's interest in the following property to the United States:
- The Dell computer and Seagate hard drive used in committing the offense.

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

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-2276

UNITED STATES OF AMERICA

v.

ROBERT R. DAVIES,
Appellant

(W.D. Pa. No. 2-07-cr-00436-001)

SUR PETITION FOR PANEL REHEARING

Present: AMBRO, GREENAWAY, JR., and SCIRICA, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court, it is hereby O R D E R E D that the petition for rehearing by the panel is denied.

BY THE COURT,

s/Anthony J. Scirica
Circuit Judge

Dated: October 23, 2017
kr/cc: Robert R. Davies
Laura S. Irwin, Esq.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 17-2276

United States v. Davies
(W.D. Pa. No. 2-07-cr-00436-001)

ORDER

The notice of appeal was not filed within the time prescribed by Fed. R. App. P. 4(b)(1)(i). The judgment appealed was entered on October 16, 2009, but the notice of appeal was not filed until June 8, 2017. See Fed. R. App. P. 4(b)(1)(i). All parties must file written responses addressing this issue, with a certificate of service attached, within fourteen (14) days from the date of this order.

For the Court,

s/ Marcia M. Waldron
Clerk

Dated: June 9, 2017

kr/cc: Robert R. Davies
Rebecca R. Haywood, Esq.

Activity in Case 2:07-cr-00436-JFC USA v. DAVIES Notice of Appeal - Final Judgment

1 message

ecf_intake_pawd@pawd.uscourts.gov
<ecf_intake_pawd@pawd.uscourts.gov>
To: pawd_ecf@pawd.uscourts.gov

Fri, Jun 9, 2017 at
9:34 AM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 6/9/2017 at 9:34 AM EDT and filed on 6/8/2017

Case Name: USA v. DAVIES
Case Number: 2:07-cr-00436-JFC
Filer: Dft No. 1 - ROBERT DAVIES
Document Number: 245

Docket Text:

NOTICE OF APPEAL at [64] Plea Entered by ROBERT DAVIES Motion for IFP granted. Court Reporter(s): Virginia Pease, Juliann Kienzle. 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. The Transcript Purchase Order form will not be mailed to the parties. The form is available on the Court's internet site. (Attachments: # (1) Order being Appealed) (plh)

2:07-cr-00436-JFC-1 Notice has been electronically mailed to:

Robert R. Davies rdavies44030@gmail.com, harolddavies23@yahoo.com

Soo C. Song soo.song@usdoj.gov, anne.foley@usdoj.gov

2:07-cr-00436-JFC-1 Filer must deliver notice by other means to:

ROBERT DAVIES(Terminated)
7455 Harmon Road
Conneaut, OH 44030

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=6/9/2017] [FileNumber=5068726-0]
[00d854503933eb6fb6fd2cb0ef29702a748f7d5b4c37d9e12d104e7acfbca07794c9
adc021338fb1f24d29496e4860e0afb201cef0115cfc8e5b688c70c9cbcb]]

Document description: Order being Appealed

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=6/9/2017] [FileNumber=5068726-1]
[6927549e49c0d5f77d402b49e8e74424e5a6139f790ac7f14370572fe0982218b770
b5ef442cb5df686ed26ef3c9afe3620a67b9130ac26c1dc8d37ce5327f0c]]

- ☐ 06/08/2017 243 NOTICE OF APPEAL by ROBERT DAVIES re 64 Change of Plea Entered (Attachments: # 1 Order Being Appealed) (Davies, Robert) Modified on 6/9/2017. (plh) This document removed from public view and redocketed at Doc. # 245 .
- ☐ 06/08/2017 244 MOTION to Stay the Sentence *Pending Outcome of Appeal*, by ROBERT DAVIES. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Davies, Robert)
- ☐ 06/08/2017 CLERK'S OFFICE QUALITY CONTROL MESSAGE re 243 Notice. ERROR: Wrong event selected. CORRECTION: Re-docketed as Notice of Appeal under Appeal Documents. This message is for informational purposes only. (plh) (Entered: 06/09/2017)
- ☐ 06/08/2017 245 NOTICE OF APPEAL at 64 Plea Entered by ROBERT DAVIES - Federal Public Defender appointed. Court Reporter(s): Virginia Pease, Juliann Kienzle. 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. The Transcript Purchase Order form will not be mailed to the parties. The form is available on the Court's internet site. (Attachments: # 1 Order bein g Appealed) (plh) (Entered: 06/09/2017)
- ☐ 06/09/2017 246 Order Response/Briefing Schedule re 244 Motion to Stay Execution of the Sentence. Government's Response to Motion due by 6/29/2017. Signed by Chief Judge Joy Flowers Conti on 6/9/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (smc)
- ☐ 06/09/2017 248 TRANSCRIPT REQUEST (TPO) re 245 Notice of Appeal - Final Judgment, by ROBERT DAVIES *indicating that transcript is already on file in the D.C. Clerks office*. (Davies, Robert)
- ☐ 06/12/2017 Record Complete for Appeal Purposes re 245 Notice of Appeal - Final Judgment, as to ROBERT DAVIES. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified copy of the docket entries. (plh)
- ☐ 06/12/2017 249 MOTION for Clarification re 245 Notice of Appeal - Final Judgment, filed by ROBERT DAVIES by ROBERT DAVIES.

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Case No. 07-CR-436

ROBERT R. DAVIES,
Defendant

NOTICE OF APPEAL

Notice is hereby given that Robert R. Davies, Defendant in the above named case, appeals to the United States Court of Appeals for the Third Circuit from the judgment of conviction entered May 27, 2009. (ECF No. 64)

Date: June 8, 2017

/s/Robert R. Davies

Robert R. Davies

7455 Harmon Rd.

Conneaut, OH 44030

(440) 969-6032

rdavies44030@gmail.com

Defendant

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ROBERT R. DAVIES,
Defendant

Case No. 07-CR-436

MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*

I, Robert R. Davies, Defendant in the above captioned case, hereby request leave to appeal *in forma pauperis* and state, under penalty of perjury, that I am unable to pay the costs for commencement of appeal or to give security therefore, as shown from the attached Affidavit.

I believe I am entitled to redress on the following issue: Did the district court lack constitutional and statutory power to adjudicate the case, where the definition of "illicit sexual conduct" in 18 U.S.C. § 2423(f)(1) does *not* encompass sexual contact or violations of state laws?

Date: June 8, 2017

/s/Robert R. Davies
Robert R. Davies
7455 Harmon Rd.
Conneaut, OH 44030
(440) 969-6032
rdavies44030@gmail.com
Defendant

Orders on Motions

2:07-cr-00436-JFC USA v. DAVIES CASE CLOSED on 10/16/2009

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 9/29/2017 at 1:17 PM EDT and filed on 9/29/2017

Case Name: USA v. DAVIES

Case Number: 2:07-cr-00436-JFC

Filer:

Document Number: 259(No document attached)

Docket Text:

ORDER as to ROBERT DAVIES denying as moot the motions for leave to proceed in forma pauperis [237] [242] because an ORDER granting Motion for Leave to Appeal In Forma Pauperis [78] was entered on 8/4/2010. Signed by Chief Judge Joy Flowers Conti on 9/29/2017. Text-only entry; no PDF will issue. This Text-only entry constitutes the Order of the Court or Notice on the matter. (kjm)

2:07-cr-00436-JFC-1 Notice has been electronically mailed to:

Robert R. Davies rdavies44030@gmail.com, harolddavies23@yahoo.com

Laura Schleich Irwin Laura.Irwin@usdoj.gov, CaseView.ECF@usdoj.gov, diane.m.rohaley@usdoj.gov, usapaw-ecfcriminal@usdoj.gov, usapaw.ecfcivil@usdoj.gov

Soo C. Song soo.song@usdoj.gov, CaseView.ECF@usdoj.gov, anne.foley@usdoj.gov, usapaw.ecfcriminal@usdoj.gov

2:07-cr-00436-JFC-1 Filer must deliver notice by other means to:

ROBERT DAVIES(Terminated)
7455 Harmon Road
Conneaut, OH 44030

Orders on Motions

2:07-cr-00436-JFC USA v. DAVIES CASE CLOSED on 10/16/2009

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 9/20/2017 at 12:17 PM EDT and filed on 9/20/2017

Case Name: USA v. DAVIES

Case Number: 2:07-cr-00436-JFC

Filer:

Document Number: 257(No document attached)

Docket Text:

ORDER denying as moot [244] Motion to Stay as to ROBERT DAVIES (1); denying as moot [249] Motion for Clarification as to ROBERT DAVIES (1). Signed by Chief Judge Joy Flowers Conti on 9/20/2017. Text-only entry; no PDF will issue. This Text-only entry constitutes the Order of the Court or Notice on the matter. (smc)

2:07-cr-00436-JFC-1 Notice has been electronically mailed to:

Robert R. Davies rdavies44030@gmail.com, harolddavies23@yahoo.com

Laura Schleich Irwin Laura.Irwin@usdoj.gov, CaseView.ECF@usdoj.gov,
diane.m.rohaley@usdoj.gov, usapaw-ecfcriminal@usdoj.gov, usapaw.ecfcivil@usdoj.gov

Soo C. Song soo.song@usdoj.gov, CaseView.ECF@usdoj.gov, anne.foley@usdoj.gov,
usapaw.ecfcriminal@usdoj.gov

2:07-cr-00436-JFC-1 Filer must deliver notice by other means to:

ROBERT DAVIES(Terminated)
7455 Harmon Road
Conneaut, OH 44030

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 17-2276

United States v. Davies
(W.D. Pa. No. 2-07-cr-00436-001)

To: Clerk

1) Motion by Appellant for Leave to Proceed In Forma Pauperis

No action will be taken on the motion to proceed in forma pauperis as it is unnecessary as the fee has been waived in this appeal based on Appellant's prior indigent status. To the extent Appellant requests the appointment of counsel, the motion is referred to the merits panel.

For the Court,

s/ Marcia M. Waldron
Clerk

Dated: October 27, 2017

kr/cc: Robert R. Davies
Laura S. Irwin, Esq.