

SEP 17 2025

OFFICE OF THE CLERK

No.:

25A361

IN THE SUPREME COURT OF THE UNITED STATES

Michael Rene Garrett, Petitioner,

▼

United States of America, Respondent-Appellee.

APPLICATION FOR STAY

The Pro Se Petitioner submits this Application to the Honorable United States Supreme Court.

Petitioner Michael Rene Garrett, respectfully request temporary stay for 90 days, because of the interference with Michigan State Court proceedings. Furthermore, the outcome of the Michigan State Court case may impact this federal case and appeal before this Honorable United States Supreme Court. Granting the stay should prevent a repeat appeal before this Court or lower Court's for the same reasons.

The Petitioner currently has motions pending before the Michigan Supreme Court. See copy of Michigan Supreme Court's letter (dated: 11/30/2023). The record will show that indigent petitioner sought stay in the United States Court of Appeals for the Eleventh Circuit prior to this application for stay, but was denied. The Petitioner timely filed motion for stay in the 1th Circuit, but was denied.

Petitioner respectfully request a stay pending review on certiorari pursuant to United States Supreme Court Rule 23.1, 28 U.S.C. 1651(a), 28 U.S.C. 2101(f).

Dated: 09/ 15 . 2025

Respectfully submitted,



Michael R. Garrett

MDOC #508170

Lakeland Correctional Facility

141 First Street LCF

Coldwater, MI 49036

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

the following people and

entities have an interest in the outcome of this appeal:

Baverman, Hon. Alan J., United States Magistrate Judge

Boulee, Hon. Jean-Paul, United States District Judge

Buchanan, Yonette S., Assistant United States Attorney

Cooper, Natasha S., Assistant United States Attorney

Dodge, W. Matthew, Garrett's former defense counsel

Duffey, Jr., William S., former United States District Judge

Erskine, Kurt R., Acting United States Attorney

Garrett, Michael R., Appellant

Horn, John A., former United States Attorney

Jones, Paul R., Assistant United States Attorney

Kearns, Stephanie A., Executive Director, Federal Defender Program

McBurney, Robert C., former Assistant United States Attorney

Nahmias, David E., former United States Attorney

Pak, Byung J., former United States Attorney

Scofield III, Hon. E. Clayton, United States Magistrate Judge (*Retired*)

Traynor, William G., Assistant United States Attorney

United States of America, Appellee

Walker, Hon. Linda T., United States Magistrate Judge

Yates, Sally Q., former United States Attorney



Michigan Supreme Court
Office of the Clerk
Michigan Hall of Justice
P.O. Box 30052
Lansing, Michigan 48909
Phone (517) 373-0120

November 30, 2023

Michael R. Garrett #580170
Lakeland Correctional Facility
141 First Street
Coldwater, MI 49036

Re: People v Michael R. Garrett #580170, Supreme Court No. 166407
Court of Appeals No. 365985
Trial Court No. Wayne Cri 05-002715-FC

Michael R. Garrett #580170,

Your application for leave to appeal from a decision of the Court of Appeals has been received by the Supreme Court and accepted for filing. By copy of this letter, the prosecuting attorney is advised that your filing is complete. If the prosecuting attorney chooses to file an answer to the application, it is due on or before 12/25/2023. MCR 7.305(D). You have the right to file a reply to an answer within 21 days after the date of service. MCR 7.305(E).

Once all pleadings have been filed in the case, or the time for doing so has passed, the case will be submitted to the Court for a decision. Most cases are decided within seven to eight months of filing. That time may be shorter or longer depending on the Court's workload and the complexity of the case.

When the Court issues a decision, this office will provide a copy to all parties of record.

LARRY ROYSTER
Supreme Court Clerk

CC: Wayne Cnty Prosecutor Ofc - Appeals, Wayne Cri

Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909-7552

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Michael R. Garrett #580170
Lakeland Correctional Facility
141 First Street
Coldwater, MI 49036

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In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12491

MICHAEL RENE GARRETT,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:05-cr-00185-JPB-LTW-1

ORDER:

Michael Garrett, a federal prisoner, appeals the district court's denial of numerous post judgment motions, which he filed following the dismissal of his *pro se* 28 U.S.C. § 2255 motion. Garrett now moves for an expansion of the certificate of appealability ("COA") which this Court construes as a motion for a COA, as no COA has been granted by this Court or the district court. He also moves to proceed *in forma pauperis* ("IFP"), for appointment of counsel, and for remand to the district court.

Garrett would need a COA to appeal the denial of his motion for reconsideration. *Perez v. Sec'y, Fla. Dep't of Corr.*, 711 F.3d 1263, 1264 (11th Cir. 2013); *Jackson v. Crosby*, 437 F.3d 1290, 1294 (11th Cir. 2005). To obtain a COA, a movant must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The movant satisfies this requirement by demonstrating that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," or that the issues "deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotation marks omitted).

Here, reasonable jurists would not debate the district court's denial of Garrett's motion for reconsideration. As a preliminary matter, as to the issues that he now attempts to add to his case in his motion for COA, those issues are not considered. *See Hurley v. Moore*, 233 F.3d 1295, 1297 (11th Cir. 2000). As to the merits, the district court properly denied Garrett's motion for reconsideration, as it was an attempt to relitigate the district court's April 20, 2023, denial of his over 30 post-judgment motions. Specifically, Garrett

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did not present new newly discovered evidence or errors of law or facts that would warrant the court to reconsideration its previous denial.

Garrett does not need a COA to appeal the district court's denial of his remaining post-judgment motions, because they raised procedural issues and did not address the merits of the habeas proceeding. *See Harbison v. Bell*, 556 U.S. 180, 182-83 (2009). Generally, this Court will grant IFP upon a finding that (1) the appellant is indigent, and (2) his appeal is not frivolous. *See* 28 U.S.C. § 1915. An action "is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Here, Garrett has no non-frivolous arguments that the district court erred in denying his other post-judgment motions. The court properly denied those motions as moot because there were no substantive matters before the court. It also properly denied his motion for guidance, as it could not provide Garrett advice.

As to his motion for appointment of counsel, counsel is not warranted because the district court properly denied Garrett's numerous post-judgment motions, and thus, there are no issues that are so complex to warrant the appointment of counsel. *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993).

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Order of the Court

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Accordingly, his motion for a COA, IFP, and for appointment of counsel are DENIED, and his motion for remand to the district court is DENIED AS MOOT.

/s/ Adalberto Jordan

UNITED STATES CIRCUIT JUDGE

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Rene Garrett

— PETITIONER

(Your Name)

VS.

United States

— RESPONDENT(S)

PROOF OF SERVICE

I, Michael Garrett, do swear or declare that on this date, September 16th, 2025, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

A.U.S. Attorney Natasha Cooper
75 Ted Turner Drive S.W.
Atlanta, GA 30303

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

Executed on September 16th, 2025

M. Garrett

(Signature)

