

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-20717-JAL-2**

Case title: USA v. Hubbert, Jr. et al

Date Filed: 09/11/2015

Date Terminated: 04/29/2016

Assigned to: Judge Joan A. Lenard

Appeals court case numbers: 16-12294-D,
20-13847-BB USCA, 24-11658-C USCA

Defendant (2)

Romancee Oshay George
YOB 1990 ENGLISH
TERMINATED: 04/29/2016

represented by **Romancee Oshay George**
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Pending Counts

18:2119.F CARJACKING
(1)

Disposition

175 months imprisonment; 3 years supervised release

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
07/08/2024	230	<p>PAPERLESS ORDER Denying Romancee Oshay George's 225 Motion to Appoint Counsel and Granting 228 Motion for Referral to Volunteer Attorney Program.</p> <p>On May 20, 2024, Defendant Romancee Oshay George filed a 217 Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2) and a 218 Motion Requesting Documents. On March 28, 2024, the Court 222 denied Defendant's motions. The Court, in its Order, found that a reduction was not warranted because the Defendant did not receive a new sentencing guideline range that would make him eligible for a reduction pursuant to 18 U.S.C. § 3582(c)(2). The Court further found that the Defendant's request for documents in preparation for a potential successive § 2255 motion must be denied because prisoner litigants are not entitled to free copies of court records in the absence of a pending legal filing. (<i>See</i> D.E. 222.)</p> <p>Defendant 223 appealed the Court's Order on May 20, 2024, and subsequently filed the instant 225 Motion to Appoint Counsel and 228 Motion for Referral to Volunteer Attorney Program, both for the purposes of litigating his appeal.</p> <p>"[T]here is no statutory or constitutional right to counsel for a § 3582(c)[] motion or hearing, the decision to appoint an attorney is left to the discretion of the district court." <i>See United States v. Webb</i>, 565 F.3d 789, 795 (11th Cir. 2009). Because the Court is not aware of any exceptional or compelling reasons justifying the appointment of counsel, the Court finds in its discretion that there is no basis to appoint counsel.</p> <p>The Court will grant Defendant's motion to refer his request to the Court's Volunteer Attorney Program. Defendant should be aware that it will be up to volunteer attorneys, not the Court, to determine whether they wish to represent Defendant.</p> <p>Accordingly, Defendant's Motion to Appoint Counsel is Denied, and Defendant's Motion for Referral to Volunteer Attorney Program is Granted.</p> <p>This entry constitutes the PAPERLESS ORDER in its entirety.</p> <p>Signed by Judge Joan A. Lenard on 7/8/2024. (tbe) (Entered: 07/08/2024)</p>

06/10/2024	229	TRANSCRIPT ORDER FORM as to Romancee Oshay George re 223 Notice of Appeal - Other Order, filed by Romancee Oshay George. No Transcript Requested. (jgo) (Entered: 06/11/2024)
06/10/2024	228	MOTION for Referral to Volunteer Attorney Program by Romancee Oshay George. (jgo) (Entered: 06/11/2024)
05/23/2024	227	Acknowledgment of Receipt of NOA from USCA as to Romancee Oshay George re 223 Notice of Appeal - Other Order, date received by USCA: 05/21/2024. USCA Case Number: 24-11658-C. (jgo) (Entered: 05/23/2024)
05/21/2024	224	CLERK'S NOTICE of Mailing Pro Se Instructions to Romancee Oshay George re 223 Notice of Appeal - Other Order. (jgo) (Entered: 05/21/2024)
05/21/2024		Transmission of Notice of Appeal, Order under appeal, and Docket Sheet as to Romancee Oshay George to US Court of Appeals re 223 Notice of Appeal - Other Order. Notice has been electronically mailed. (jgo) (Entered: 05/21/2024)
05/20/2024	226	NOTICE of Filing/Request of Forms by Romancee Oshay George (Documents sent via mail.) (jgo) (Entered: 05/21/2024)
05/20/2024	225	MOTION to Appoint Counsel by Romancee Oshay George. Responses due by 6/4/2024. (jgo) Modified text on 5/21/2024 (jgo). (Entered: 05/21/2024)
05/20/2024	223	NOTICE OF APPEAL by Romancee Oshay George Re: 222 Order on Motion to Reduce Sentence - USSC Amendment 821/782 - 18:3582, Order on Motion for Miscellaneous Relief. Filing Fee: NOT PAID. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under All Forms and look for Transcript Order Form www.flsd.uscourts.gov/forms/all-forms . (jgo) (Entered: 05/21/2024)
03/28/2024	222	ORDER Denying Romancee Oshay George's 217 Motion to Reduce Sentence and 218 Motion for Release of Documents. Signed by Judge Joan A. Lenard on 3/28/2024. <i>See attached document for full details.</i> (tbe) (Entered: 03/28/2024)
03/13/2024	221	RESPONSE in Opposition by USA as to Romancee Oshay George re 217 MOTION to Reduce Sentence - USSC Amendment 821/782 - 18:3582, 218 MOTION Request the court release documents re d.e. 89 Replies due by 3/20/2024. (Rosenfeld, Daniel) (Entered: 03/13/2024)
03/05/2024	220	NOTICE OF ATTORNEY APPEARANCE Daniel Rosenfeld appearing for USA. . Attorney Daniel Rosenfeld added to party USA(pty:pla). (Rosenfeld, Daniel) (Entered: 03/05/2024)
02/28/2024	219	PAPERLESS ORDER Requiring Response from AUSA as to Romancee Oshay George's 217 MOTION to Reduce Sentence and 218 MOTION Requesting the Court Release Documents. Response due by 3/13/2024. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 2/28/2024. (tbe) (Entered: 02/28/2024)
02/28/2024	218	MOTION Request the court release documents re d.e. 89 by Romancee Oshay George. Responses due by 3/13/2024. (mee) (Entered: 02/28/2024)

02/28/2024	217	MOTION to Reduce Sentence - USSC Amendment 821/782 - 18:3582 (address updated) by Romancee Oshay George. Responses due by 3/13/2024. (mee) (Entered: 02/28/2024)
04/04/2023		SYSTEM ENTRY - Docket Entry 216 restricted/sealed until further notice. (kpe) (Entered: 04/04/2023)
02/14/2023		SYSTEM ENTRY - Docket Entry 215 restricted/sealed until further notice. (amb) (Entered: 02/14/2023)
02/14/2023		SYSTEM ENTRY - Docket Entry 214 restricted/sealed until further notice. (kpe) (Entered: 02/14/2023)
02/14/2023		SYSTEM ENTRY - Docket Entry 213 restricted/sealed until further notice. (kpe) (Entered: 02/14/2023)
02/13/2023	212	NOTICE OF ATTORNEY APPEARANCE Francesse Lucius appearing for USA. . Attorney Francesse Lucius added to party USA(pty:pla). (Lucius, Francesse) (Entered: 02/13/2023)
02/01/2023	211	Clerk's NOTICE of Compliance as to Romancee Oshay George re 210 Order to Seal: DE 209 sealed. (pcs) (Entered: 02/01/2023)
02/01/2023	210	PAPERLESS ORDER instructing the Clerk of Courts to seal Docket Entry 209 and its attachments, as the Motion indicates that it contains information that should be filed under seal, and the Motion and attachments contain confidential medical information that Defendant has previously asked to remain under seal. (See D.E. 123 .) This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 2/1/2023. (gie) (Entered: 02/01/2023)
01/31/2023		SYSTEM ENTRY - Docket Entry 209 restricted/sealed until further notice. (pcs) (Entered: 02/01/2023)
12/14/2022	208	<p>PAPERLESS ORDER DENYING Defendant Romancee Oshay George's 207 Motion for Appointment of Counsel, and DENYING 206 "Clear Error's Rule 36 Docket Entry 133 " to the Extent it seeks relief.</p> <p>By letter dated September 15, 2020, Chief John O'Brien of the Federal Bureau of Prisons Designation and Classification Center informed the Court that Defendant had requested that his federal sentence be served concurrently with certain Florida sentences, which would be accomplished by the Bureau of Prisons designating the state institution for service of his federal sentence under 18 U.S.C. § 3621(b). (Letter (D.E. 132) at 1.) On September 24, 2020, the Court entered an Order Recommending that Defendant's Federal Sentence be Served Consecutively to his State Sentences. (D.E. 133 .) Briefly, the Court found that the time Defendant spent in custody in Miami-Dade Case Nos. F-14-013929-B and F-13-026242 did not fall within the parameters of 18 U.S.C. sec. 3585(b) for purposes of recommending a concurrent federal sentence. The Court further found that Defendant should not be given credit for time spent in custody on Broward Case No. 1500259110A because that sentence has "been credited against another sentence." 18 U.S.C. sec. 3585(b). Defendant appealed the Court's Order, (D.E. 138), but the Eleventh Circuit dismissed the appeal for want of prosecution, (D.E. 179).</p> <p>Thereafter, Defendant filed a self-styled "Motion to Correct an Omission in the Judgment," in which he moved pursuant to Federal Rule of Criminal Procedure 36</p>

for an Order clarifying that his sentence in this case should run concurrently with his sentence in a related, but unidentified, Florida state court case. (D.E. [139](#) .) On December 14, 2020, the Court entered an Order finding, in relevant part, that assuming arguendo that the errors Defendant alleged were "clerical errors" for purposes of Rule 36, the Motion should be denied as moot because the Court had already entered an Order recommending that his federal sentence be served consecutively to his sentences in Case Nos. F-14-013929-B and F-13-026242. (D.E. 161.)

Thereafter, Defendant filed a Motion for Reconsideration of several orders, including the Court's December 14, 2020 Order denying the Rule 36 "Motion to Correct an Omission in the Judgment." (See D.E. [202](#) .) On July 14, 2022, the Court entered an Order denying the Motion for Reconsideration. (D.E. 204.) Relevant here, the Court noted that "[t]he Eleventh Circuit has observed that 'Rule 36 only allows for the correction of 'clerical mistakes' and stated that '[i]t is clear in this Circuit that Rule 36 may not be used to make a substantive alteration to a criminal sentence.'" (Id. (quoting United States v. Scott, 327 F. App'x 850, 851 (11th Cir. 2009) (quoting United States v. Portillo, 363 F.3d 1161, 1164 (11th Cir. 2004)).) The Court found "Defendant is not entitled to relief under Rule 36 because none of the errors alleged by Defendant are 'clerical' errors. Rather, he seeks substantive alterations to his criminal sentence by challenging findings that the Court made at sentencing." (Id. (citations omitted).)

On or about December 12, 2022, the Court received the instant [207](#) Motion for Appointment of Counsel and [206](#) "Clear Error's Rule 36 Docket Entry [133](#) ." The "Clear Error" filing again invokes Rule 36, and alleges that the Court clearly erred by recommending that his federal sentence run consecutively to Miami-Dade Case Nos. F-14-013929-B and F-13-026242 and Broward Case No. 1500259110A. (D.E. [206](#) .) He is "asking for credit and for his time to run concurrent with the federal offense due to he was violated for the federal offense after he committed this offense on 1-21-15." (Id. at 2.) In the other filing, Defendant asks the Court to appoint counsel to pursue these issues on his behalf. (D.E. [207](#) .)

The Court adopts its prior Orders on these issues. (D.E. [133](#) , 161, 204.) Briefly, Defendant is not entitled to relief under Rule 36 because none of the errors alleged by Defendant are "clerical" errors. Rather, he seeks substantive alterations to his criminal sentence. See United States v. Scott, 327 F. App'x 850, 851 (11th Cir. 2009); United States v. Portillo, 363 F.3d 1161, 1164 (11th Cir. 2004). And even assuming that the errors Defendant alleges were clerical errors, the Court made no error in recommending that Defendant's federal sentence run consecutively to Miami-Dade Case Nos. F-14-013929-B and F-13-026242 and Broward Case No. 1500259110A. Accordingly, Defendant's [207](#) Motion for Appointment of Counsel and [206](#) "Clear Error's Rule 36 Docket Entry [133](#) " are DENIED. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/14/2022. (gie) (Entered: 12/14/2022)

12/12/2022	207	MOTION for Appointment of Counsel by Romancee Oshay George. Responses due by 12/27/2022 (mee) (Entered: 12/13/2022)
12/12/2022	206	Clear Error's Rule 36 (address updated) by Romancee Oshay George (mee) (Entered: 12/13/2022)

07/14/2022	205	NOTICE of Compliance by Romancee Oshay George re 203 Order on Motion. Clerk has docketed the motion at DE#196 in 22-cv-22068. (scn) (Entered: 07/14/2022)
07/14/2022	204	<p>PAPERLESS ORDER DENYING 202 Motion to Reconsider 18 U.S.C. sec. 3582(c)(1)(A)(i) and to Fix Errors (Rule 36) by the Court.</p> <p>THIS CAUSE is before the Court on Defendant Romancee Oshay George's <i>pro se</i>, self-styled "Motion to Reconsider 18 U.S.C. sec. 3582(c)(1)(A)(i) and to Fix Errors (Rule 36) by the Court," filed on or about July 5, 2022 pursuant to the prison mailbox rule. ("Motion," D.E. 202 .) Therein, he asks the Court to reconsider its Order denying his Motion for Compassionate Release. (See D.E. 157 .) Defendant has filed at least two prior motions for reconsideration of the Court's denial of his Motion for Compassionate Release. (See D.E. 190 , 194 .) The Court denied both prior motions. (See D.E. 192 , 195.) Defendant also asks the Court to fix certain alleged sentencing errors pursuant to Rule 36 of the Federal Rules of Criminal Procedure. Defendant has filed at least five prior motions to fix alleged errors under Rule 36. (See D.E. 122 , 139 , 190 , 194 , 199 .) The Court has denied all five prior motions. (See D.E. 160, 161, 192, 195, 201.)</p> <p>"[M]otions for reconsideration in criminal cases are not specifically authorized either by statute or by rule." <i>United States v. Ortiz</i>, 741 F.3d 288, 292 n.2 (1st Cir. 2014) (citing <i>United States v. Rollins</i>, 607 F.3d 500, 502 (7th Cir. 2010)). However, both the Supreme Court and the Eleventh Circuit Court of Appeals have permitted parties to file motions for reconsideration in criminal cases. See <i>United States v. Phillips</i>, 597 F.3d 1190, 1199-1200 (11th Cir. 2010) (citing <i>United States v. Ibarra</i>, 502 U.S. 1, 6-8 (1991)). Because Rule 60(b) "cannot be used to obtain relief in criminal proceedings[.]" <i>Smith v. United States</i>, 433 F. Appx 891, 892 (11th Cir. 2011) (citing <i>United States v. Mosavi</i>, 138 F.3d 1365, 1366 (11th Cir. 1998)), courts deciding motions for reconsideration in criminal cases have used the standards applicable to such motions filed in civil cases under Federal Rule of Civil Procedure 59, see, e.g., <i>United States v. Robertson</i>, CASE NO: 8:08-cr-240-CEH-CPT, 2021 WL 2139070, at *1 (M.D. Fla. May 26, 2021); <i>United States v. Hammoud</i>, Case No. 8:04-CR-2-T-27MAP, 2012 WL 13176320, at *1 (M.D. Fla. May 26, 2021). "The only grounds for granting [a Rule 59] motion are newly-discovered evidence or manifest errors of law or fact." <i>Arthur v. King</i>, 500 F.3d 1335, 1343 (11th Cir. 2007) (quoting <i>In re Kellogg</i>, 197 F.3d 1116, 1119 (11th Cir. 1999)). A "manifest error" is "[a]n error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record." Manifest Error (under Error), <i>Black's Law Dictionary</i> 660 (10th ed. 2014). "[A] Rule 59(e) motion [cannot be used] to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment." <i>Arthur</i>, 500 F.3d at 1343 (quoting <i>Michael Linet, Inc. v. Vill. of Wellington, Fla.</i>, 408 F.3d 757, 763 (11th Cir. 2005)).</p> <p>Federal Rule of Criminal Procedure 36 is titled "Clerical Error" and provides: "After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." The Eleventh Circuit has observed that "Rule 36 only allows for the correction of 'clerical mistakes' and stated that '[i]t is clear in this Circuit that Rule 36 may not be used to make a substantive alteration</p>

		<p>to a criminal sentence." <u>United States v. Scott</u>, 327 F. App'x 850, 851 (11th Cir. 2009) (quoting <u>United States v. Portillo</u>, 363 F.3d 1161, 1164 (11th Cir. 2004)).</p> <p>First, the Court denies Defendant's motion to reconsider the denial of his Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). The Court's Order denying Defendant's Motion for Compassionate Release concluded that even assuming <u>arguendo</u> that Defendant presented extraordinary and compelling reasons for a sentence reduction based upon his health conditions in light of the COVID-19 pandemic, "the 3553(a) factors do not support a sentence reduction, and... Defendant is a danger to the safety of others and to the community." (D.E. 157 at 16-17.) Defendant has not established that these findings are manifestly erroneous or otherwise subject to reconsideration. And the Court finds that these conclusions are not erroneous or otherwise subject to reconsideration. Therefore, the Motion must be DENIED to the extent it seeks reconsideration of the Court's denial of Defendant's Motion for Compassionate Release.</p> <p>Second, the Court finds that Defendant is not entitled to relief under Rule 36 because none of the errors alleged by Defendant are "clerical" errors. Rather, he seeks substantive alterations to his criminal sentence by challenging findings that the Court made at sentencing. <u>See United States v. Lansing</u>, 71 F. App'x 84, 87-88 (2d Cir. 2003) (holding that alteration to a restitution order was a substantive alteration to the defendant's criminal sentence that was not permitted under Rule 36); <u>United States v. Jones</u>, 696 F. App'x 435, 438 (11th Cir. 2017) (holding that "the district court did not have the power under Rule 36 to correct any mistake involving the drug quantity finding"). Accordingly, Defendant's Motion is DENIED to the extent he seeks relief under Rule 36.</p> <p>This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 7/14/2022. (gie) (Entered: 07/14/2022)</p>
07/14/2022	203	<p>PAPERLESS ORDER TERMINATING Defendant Romancee Oshay George's 196 Motion for Answer and Transfer of Case and INSTRUCTING the Clerk to docket the Motion in Case No. 21-cv-22068, the case to which the Motion applies. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 7/14/2022. (gie) (Entered: 07/14/2022)</p>
07/12/2022	202	<p>MOTION to Reconsider 18 U.S.C. 3582 (c)(1)(a)(i) and to Fix Error's (Rule 36) by the Court ! re 201 Order on Motion for Reconsideration, by Romancee Oshay George. Responses due by 7/26/2022 (mee) (Entered: 07/13/2022)</p>
07/12/2022	201	<p>PAPERLESS ORDER DENYING 199 Rule 36 Errors by Government Request to Have Fixed.</p> <p>THIS CAUSE is before the Court on Defendant Romancee Oshay George's <u>pro se</u>, self-styled "Rule 36 Errors by Government Request to Have Fixed," filed on or about June 30, 2022. ("Motion," D.E. 199 .) Construed liberally, Defendant argues that: (1) the Court erred by applying a four-level sentence enhancement for using a dangerous weapon; (2) the Court erred by finding that Defendant was not entitled to a reduction of his offense level based on acceptance of responsibility; and (3) the amount of restitution the Court ordered is erroneous. Defendant has raised the first two arguments on at least three occasions. (<u>See</u> D.E. 96 , 190 , 194 .) The Court has previously found that Defendant is not entitled to relief on those claims. (D.E. 125 , 192 , 195.)</p>

Federal Rule of Criminal Procedure 36 is titled "Clerical Error" and provides: "After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." The Eleventh Circuit has observed that "Rule 36 only allows for the correction of 'clerical mistakes' and stated that '[i]t is clear in this Circuit that Rule 36 may not be used to make a substantive alteration to a criminal sentence.'" United States v. Scott, 327 F. App'x 850, 851 (11th Cir. 2009) (quoting United States v. Portillo, 363 F.3d 1161, 1164 (11th Cir. 2004)).

The Court finds that Defendant is not entitled to relief under Rule 36 because none of the errors alleged by Defendant are "clerical" errors. Rather, he seeks substantive alterations to his criminal sentence by challenging findings that the Court made at sentencing. See United States v. Lansing, 71 F. App'x 84, 87-88 (2d Cir. 2003) (holding that alteration to a restitution order was a substantive alteration to the defendant's criminal sentence that was not permitted under Rule 36); United States v. Jones, 696 F. App'x 435, 438 (11th Cir. 2017) (holding that "the district court did not have the power under Rule 36 to correct any mistake involving the drug quantity finding"). Accordingly, Defendant's Motion is DENIED. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 7/12/2022. (gie) (Entered: 07/12/2022)

07/12/2022

200

PAPERLESS ORDER DENYING [198](#) Motion to Appoint Counsel.

Defendant pled guilty to carjacking on January 13, 2016. (D.E. [40](#) .) The Court sentenced Defendant on April 27, 2016, (see D.E. [68](#)), and entered written Judgment on April 29, 2016, (D.E. [69](#)). On appeal, Defendant argued, inter alia, that "there is no record evidence that [he] possessed the statutorily required intent to kill." United States v. George, Case No. 16-12294, Appellant's Brief at 12-13 (11th Cir. Feb. 14, 2017) (citing Holloway v. United States, 526 U.S. 1, 2 (1999)). On September 18, 2017, the Eleventh Circuit issued an opinion affirming the Court's Judgment, United States v. George, 697 F. App'x 654 (11th Cir. 2017); Mandate issued October 23, 2017. (D.E. [91](#) .) Defendant did not seek rehearing in the Eleventh Circuit, and did not file a petition for writ of certiorari in the Supreme Court of the United States.

On June 30, 2022, Defendant filed the instant Motion to Appoint Counsel. (D.E. [198](#) .) He asks that the Court appoint him an attorney "to help [him] file an appeal on the Supreme Court level...." He states that he wants to "challenge his conviction" under "Holloway v. USA 1999 Supreme Court decision." In Holloway, the Supreme Court held that in order to satisfy the "intent" requirement of the federal carjacking statute, 18 U.S.C. sec. 2119, the Government must only prove "that at the moment the defendant demanded or took control over the driver's automobile the defendant possessed the intent to seriously harm or kill the driver if necessary to steal the car (or, alternatively, if unnecessary to steal the car)." 256 U.S. at 12.

Pursuant to Supreme Court Rule 13, "a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by... a United States court of appeals... is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment."

Here, the Court of Appeals issued an opinion affirming Defendant's conviction and

		<p>sentence on September 18, 2017, and issued its Mandate on October 23, 2017. Because more than 90 days has passed since the Court of Appeals entered its judgment, any petition for writ of certiorari would be untimely. Accordingly, Defendant's Motion to Appoint Counsel is DENIED. Cf. <u>Austin v. United States</u>, Nos. 3:06cr053, 3:07cv407, 2011 WL 3843689, at *5 (E.D. Tenn. Aug. 29, 2011) (finding that the court did not err by denying motion to appoint counsel for appeal because the time for filing a notice of appeal had expired and any appeal would have been dismissed as untimely). This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 7/12/2022. (gie) (Entered: 07/12/2022)</p>
07/01/2022	197	NOTICE of Inquiry (copy of docket sheet mailed, 2241,2254,2255, IFP form and mailing address updated) by Romancee Oshay George (mee) (Entered: 07/05/2022)
06/30/2022	199	Rule 36 Error's by Government to have fixed by Romancee Oshay George. Responses due by 7/14/2022 (mee) (Entered: 07/05/2022)
06/30/2022	198	Request for Appointment of Counsel by Romancee Oshay George. Responses due by 7/15/2022 (mee) Modified on 7/5/2022 (mee). (Entered: 07/05/2022)
06/22/2022	196	MOTION For Answer and Transfer Of Case by Romancee Oshay George. (docket sheet sent) Responses due by 7/6/2022 (cqs) (Entered: 06/23/2022)
02/25/2022	195	<p>PAPERLESS ORDER DENYING 194 Motion to Reconsider 3582(c)(1)(A) Clear Error Rule 36 Under 3553 Factors (A)(B)(C) & Clear Error on Enhancements.</p> <p>On or about November 15, 2021, Defendant Romancee Oshay George filed a <u>pro se</u> Motion to Reconsider 3582(c)(1)(A) Under 3553 Factors All Factors (A)(B)(C) Clear Error Rule 36. ("November 15 Motion," D.E. 190 .) The Motion asked the Court to reconsider its denial of his request for a downward variance, (<u>id.</u> at 1-2, 5-17); asserted that the Court erroneously applied a sentence enhancement for using a dangerous weapon, (<u>id.</u> at 17-18); and asked the Court to reconsider its denial of his Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A), (<u>id.</u> at 2). On December 27, 2021, the Court issued an Order denying the Motion. (D.E. 192 .)</p> <p>On or about February 22, 2022, Defendant filed an almost identical Motion for Reconsideration in the United States Court of Appeals for the Eleventh Circuit. ("February 22 Motion," D.E. 194 .) The only differences between the November 15 Motion and the February 22 Motion are that Defendant: (1) rewrote the first page, removing one sentence from the February 22 Motion; (2) accidentally omitted pages 11 and 12 from the February 22 motion; and (3) signed and dated the last page of the February 22 Motion. Otherwise, the February 22 Motion is a photocopied reproduction of the November 15 Motion. On February 24, 2022, the Eleventh Circuit forwarded the February 22 Motion to this Court "for disposition[.]"</p> <p>It is ORDERED AND ADJUDGED that the February 22 Motion is DENIED for the reasons stated in the Court's December 27, 2021 Order denying the virtually identical November 15 Motion. (D.E. 192 .) This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 2/25/2022. (gie) (Entered: 02/25/2022)</p>
02/22/2022	194	MOTION to Reconsider 3582(C)(1)(A) Clear Error Rule 36 under 3553 Factor's (A)(B)(C) Clear Error on Enhancements by Romancee Oshay George. Responses due by 3/8/2022 (hh) (Entered: 02/24/2022)

01/11/2022	193	NOTICE / Motion for Docket(s) by Romancee Oshay George (Docket Sheet Sent). (pcs) (Entered: 01/11/2022)
12/27/2021	192	ORDER DENYING 190 Motion to Reconsider 3582(c)(1)(A) Under 3553 Factors All Factors (A)(B)(C) Clear Error Rule 36. Signed by Judge Joan A. Lenard on 12/27/2021. <i>See attached document for full details.</i> (gie) (Entered: 12/27/2021)
12/27/2021	191	PAPERLESS ORDER DENYING Defendant Romance Oshay George's 189 Motion to Appoint Counsel. Defendant requests that the Court appoint him an attorney "to help present his newly discovered evidence claims for his 2255(h) actually innocent claims." (Mot. at 1.) However, on December 6, 2021, the Eleventh Circuit Court of Appeals denied Defendant's Application for leave to assert his actual innocence claims based upon newly discovered evidence in a second or successive 2255 Motion. <i>See George v. United States</i> , Case No. 21-14083 (11th Cir. Dec. 6, 2021). Accordingly, Defendant's 189 Motion for Appointment of Counsel is DENIED. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/27/2021. (gie) (Entered: 12/27/2021)
11/22/2021	190	MOTION to Reconsider by Romancee Oshay George. Responses due by 12/6/2021. (Attachments: # 1 Exhibit)(lbc) (Main Document 190 replaced on 12/14/2021) (ch1). (Entered: 11/22/2021)
09/28/2021	189	MOTION to Appoint Counsel by Romancee Oshay George. Responses due by 10/12/2021 (ls) (Entered: 09/28/2021)
09/16/2021	188	Response to Government's brief by Romancee Oshay George (lbc) (Entered: 09/16/2021)
08/31/2021	187	NOTICE of Inquiry by Romancee Oshay George (docket sheet mailed) (lbc) (Entered: 08/31/2021)
06/02/2021	186	PAPERLESS ORDER GRANTING IN PART AND DENYING IN PART Defendant Romancee Oshay George's 185 Motion to Seal. The Clerk is ORDERED to seal docket entries 97 , 109 , 151 , 155 , and 178 as those entries contain sensitive personal information. (Id.) The Motion is DENIED to the extent it asks the Court to seal docket entries 92 , 108 , 109 , 112 , 116 , 141 , and 176 as those entries do not contain sensitive personal information. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard (gie) (Entered: 06/02/2021)
06/02/2021	185	MOTION to Seal by Romancee Oshay George. Responses due by 6/16/2021. (lbc) (Entered: 06/02/2021)
04/15/2021	184	NOTICE of Inquiry (copy of docket sheet mailed) by Romancee Oshay George. Modified text on 4/16/2021 (mee). (Entered: 04/16/2021)
04/08/2021	183	PAPERLESS ORDER DENYING 182 Motion to Correct Under Federal Rule of Criminal Procedure 36. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 4/8/2021. (gie) (Entered: 04/08/2021)
03/24/2021	182	MOTION to Amend/Correct 45 - - AUTHORIZED USERS: See the Court's website for instructions on viewing the PSI report - - Disclosure of Presentence Investigation/Plea and Sentencing Report, by Romancee Oshay George. Responses due by 4/7/2021 (Attachments: # 1 Exhibit)(mee) (Entered: 03/24/2021)

181 PAPERLESS ORDER DENYING Motion for Change of Venue. ("Motion," D.E. [180.]) Defendant Romancee Oshay George moves pro se for a "change of venue" on the grounds that the undersigned Judge "has larceny in her heart towards [Defendant] and is bias[ed] towards [him]." (Mot. at 1.) The basis of this argument appears to be that the Court has repeatedly found his post-conviction motions to be meritless. (See id. at 1-5.) He asks that the Chief Judge move his entire case "to another courtroom." (Id. at 6.)

Federal Rule of Criminal Procedure 21 is titled "Transfer for Trial" and provides that a court (1) "must transfer the proceeding against that defendant to another district if the court is satisfied that so great a prejudice against the defendant exists in the transferring district that the defendant cannot obtain a fair and impartial trial there[,]" and (2) "may transfer the proceeding, or one or more counts, against that defendant to another district for the convenience of the parties, any victim, and the witnesses, and in the interest of justice." Fed. R. Crim. P. 21 (emphasis added). However, the rule only provides for a transfer of venue for trial.

Here, Defendant pled guilty to carjacking on January 13, 2016. (D.E. 40.) The Court sentenced Defendant on April 27, 2016, (see D.E. [68](#)), and entered written Judgment on April 29, 2016, (D.E. [69](#)). Defendant appealed, and the Eleventh Circuit affirmed the Court's Judgment; Mandate issued October 23, 2017. (D.E. [91](#) .) Defendant has not provided any authority holding that a court may entertain a motion for change of venue for post-trial proceedings in a criminal case. Accordingly, the Motion for Change of Venue is DENIED.

To the extent that the Motion could be construed as a motion for recusal, it is meritless. Recusal is governed by 28 U.S.C. secs. 144 and 455(a). Pursuant to 28 U.S.C. § 144, "[w]henver a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding." "To warrant recusal under § 144, the moving party must allege facts that would convince a reasonable person that bias actually exists." Christo v. Padgett, 223 F.3d 1324, 1333 (11th Cir. 2000) (citing Phillips v. Joint Legislative Comm. on Performance & Expenditure Rev., 637 F.2d 1014, 1019 n.6 (5th Cir. 1981)). "Properly pleaded facts in a § 144 affidavit must be considered as true[.]" id. (citing Phillips, 637 F.2d at 1019), "even when the [C]ourt knows these allegations to be false," United States v. Alabama, 828 F.2d 1532, 1540 (11th Cir. 1987), superseded by statute on other grounds as recognized in Lussier v. Dugger, 904 F.2d 661, 664 (11th Cir. 1990). The alleged facts must be "material and stated with particularity" and "show that the bias is personal, as opposed to judicial, in nature." Id. Finally, Section 144 states that "[a] party may file only one such affidavit in any case" and that it "shall be accompanied by a certificate of counsel of record stating that it is made in good faith." 28 U.S.C. § 144.

Here, Defendant has not filed "a timely and sufficient affidavit" that contains a certificate of counsel stating that it is made in good faith. See 28 U.S.C. §144 (stating that an affidavit supporting recusal "shall be accompanied by a certificate of counsel of record stating that it is made in good faith"). This provision has been deemed mandatory, even where the party urging recusal is proceeding pro se. See Stone v. Bank of N.Y. Mellon, N.A., Civil Action No. 1:11CV00081RWS, 2014 WL

61480, at *5 (N.D. Ga. Jan. 8, 2014); Williams v. N.Y.C. Hous. Auth., 287 F. Supp. 2d 247, 249 (S.D.N.Y. 2003) (dismissing a pro se plaintiff's motion for recusal because it lacked a certificate of counsel); Heimbecker v. 555 Assocs., CIVIL ACTION NO. 016140, 2003 WL 21652182, at *4 (E.D. Pa. Mar. 26, 2003). Indeed, at least one court has stated that the certificate of counsel requirement precludes pro se parties from bringing an affidavit under 28 U.S.C. §144. Robinson v. Gregory, 929 F. Supp. 334, 337 (S.D. Ind. 1996). Even assuming that a pro se party proceeding without counsel could make the required statement, Plaintiff has not (1) filed an affidavit, or (2) stated that his Motion is made in good faith. Even if he had, the Motion does not otherwise allege facts that would convince a reasonable person that bias actually exists. Accordingly, to the extent that the Motion could be construed as one for recusal under 28 U.S.C. sec. 144, it is DENIED.

Pursuant to 28 U.S.C. § 455(a), "[a] party may file a Recusal Motion when a Judge's impartiality may reasonably be questioned." In re Evergreen Sec., Ltd., 570 F.3d 1257, 1263 (11th Cir. 2009). See also 28 U.S.C. § 455(a) ("Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."). "The inquiry of whether a judge's impartiality might reasonably be questioned under § 455(a) is an objective standard designed to promote the public's confidence in the impartiality and integrity of the judicial process." Davis v. Jones, 506 F.3d 1325, 1332 n.12 (11th Cir. 2007) (internal citations omitted). "Thus, the court looks to 'the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.'" In re Evergreen, 570 F.3d at 1263 (quoting Cheney v. U.S. Dist. Court for Dist. of Columbia, 541 U.S. 913, 924 (2004) (quoting Microsoft Corp. v. United States, 530 U.S. 1301, 1302 (2000))); see also Glass v. Pfeiffer, 849 F.2d 1261, 1267 (10th Cir. 1988) ("Under this section, factual allegations need not be taken as true, and the test is whether 'a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality.'" (quoting Hinman v. Rogers, 831 F.2d 937, 938 (10th Cir. 1987)). However, "[d]isqualification under section 455(a) is required only when the alleged bias is personal in nature[.]" Loranger v. Stierheim, 10 F.3d 776, 780 (11th Cir. 1994) (citing Phillips, 637 F.2d at 1020). "[F]or a bias to be personal, and therefore disqualifying, it must stem from an extra-judicial source." Id. (quotation marks omitted) (quoting In re Corrugated Container Antitrust Litig., 614 F.2d 958, 964 (5th Cir. 1980) (quoting United States v. Grinnel Corp., 384 U.S. 563, 583 (1966))). "Thus, as a general rule, a judge's rulings in the same case are not valid grounds for recusal." Id. (citing Berger v. United States, 255 U.S. 22, 31 (1921)).

Here, the Court finds that recusal is unwarranted under 28 U.S.C. § 455. "Importantly, unlike in the context of § 144, it is the facts, not the movant's allegations, that control the propriety of recusal" under Section 455. Stone, 2014 WL 61480, at *5 (citing United States v. Patti, 337 F.3d 1317, 1321 (11th Cir. 2003)). Here, the facts establish that the Court has correctly applied the law to each and every issue that has arisen in this case. Because a reasonable observer who is informed of all the surrounding facts and circumstances would not question the Courts impartiality, nor infer a personal bias against Plaintiff, recusal is unwarranted under Section 455. Accordingly, to the extent that the Motion could be construed as one for recusal under 28 U.S.C. sec. 455, it is DENIED.

This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge

		Joan A. Lenard on 3/23/2021. (gie) (Entered: 03/23/2021)
03/05/2021	180	MOTION for a Change of Venue by Romancee Oshay George. (mee) (Entered: 03/05/2021)
02/19/2021	179	ORDER of DISMISSAL by USCA, DISMISSED for want of prosecution because the appellant Romancee Oshay George has failed to file an appellant's brief within the time fixed by the rules as to Romancee Oshay George re 138 Notice of Appeal - Other Order, USCA # 20-13847-BB (hh) (Entered: 02/19/2021)
02/01/2021	178	Letter to the Court by Romancee Oshay George (mc) (Entered: 02/01/2021)
01/21/2021	177	NOTICE of Inquiry (copy of docket sheet mailed) by Romancee Oshay George (mee) (Entered: 01/22/2021)
01/21/2021	176	Letter from Romancee George as to Romancee Oshay George (mee) (Entered: 01/22/2021)
01/11/2021	175	PAPERLESS ORDER instructing the Clerk to Seal Docket Entry 174 as it contains confidential medical information that Defendant has previously asked to remain under seal. (See D.E. 123 .) This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/11/2021. (gie) (Entered: 01/11/2021)
01/08/2021		SYSTEM ENTRY - Docket Entry 174 restricted/sealed until further notice. (cbr) (Entered: 01/11/2021)
01/06/2021	173	PAPERLESS SUPPLEMENTAL ORDER. On January 4, 2021, the Court entered an Order indicating that the Court would "mail Defendant a copy of all Orders issued after Docket Entry 143 , including another docket sheet with all Paperless Orders." (D.E. 170.) The Court has since spoken to the Supervisory Attorney at USP Coleman I who advised that inmates are generally not permitted to keep copies of their docket sheets, but may review them upon request. Accordingly, rather than mail Defendant a docket sheet containing all of the Paperless Orders, the Court will instead mail Defendant individual copies of all orders issued after Docket Entry 143 . The Court will mail separate copies to Defendant and the Supervisory Attorney at USP Coleman I to ensure that Defendant receives copies of the Orders. If Defendant wishes to review a copy of the entire docket sheet, he may make a request to do so through the appropriate channels at his institution. This entry constitutes the PAPERLESS SUPPLEMENTAL ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/6/2021. (gie) (Entered: 01/06/2021)
01/06/2021	172	Clerk's Notice of Compliance by Ronald Leon Hubbert, Jr., Romancee Oshay George re 171 Order, (cbr) (Entered: 01/06/2021)
01/05/2021	171	PAPERLESS ORDER instructing the Clerk to seal Docket Entries 158 , 164 , 165 , 166 , and 169 , as those documents contain confidential medical information that Defendant has previously asked to remain under seal. (See D.E. 123 .) This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/5/2021. (gie) (Entered: 01/05/2021)
01/04/2021	170	PAPERLESS ORDER DENYING WITHOUT PREJUDICE 169 Motion for Medical Treatment. Defendant alleges that the Bureau of Prisons ("BOP") is not providing him with adequate medical care, and seeks a Court order requiring BOP to perform certain medical tests on him. Defendant has made similar allegations in two other recent motions, (D.E. 158 , 165), both of which the Court denied, (D.E. 159, 167). In its prior orders, the Court explained that: (1) Defendant appears to

		<p>wish to pursue claims based on the lack of medical care at his institution of confinement (which is currently USP Coleman I); (2) such claims are cognizable in a motion under 42 U.S.C. sec. 1983; and (3) those claims should be brought in the district in which his prison sits (which is the Middle District of Florida). (<u>See</u> D.E. 167 (citing 28 U.S.C. sec. 1391; <u>Mendoza v. McGinnis</u>, Civil Action No. 9: 05-CV-1124 (TJM/DEP), 2008 WL 4239760, at *4 n.9 (N.D.N.Y. Sept. 11, 2008).) The Court adopts these findings and, accordingly, Defendant's 169 Motion for Medical Treatment is DENIED without prejudice. Defendant may pursue his claims in the Middle District of Florida, if appropriate.</p> <p>After the signature page of Defendant's Motion, he includes a note to the Clerk stating that the last document he received in the mail was Docket Entry 143 . He requests a copy of the docket sheet and everything after Docket Entry 143 . The Clerk has since filed a notation on the docket indicating that a copy of the docket sheet was mailed to Defendant at his current address at USP Coleman I. Because it appears that Defendant has not received several Court Orders, the Court will mail Defendant a copy of all Orders issued after Docket Entry 143 , including another docket sheet with all Paperless Orders. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/4/2021. (gie) (Entered: 01/04/2021)</p>
12/30/2020		SYSTEM ENTRY - Docket Entry 169 restricted/sealed until further notice. (cbr) (Entered: 01/06/2021)
12/23/2020	168	PAPERLESS ORDER DENYING 166 Defendant Romancee Oshay George's Motion dated December 15, 2020. Defendant Romancee Oshay George, who is serving a 175 month prison sentence for carjacking, moves the Court to order him to be killed by lethal injection. The Motion is DENIED. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/23/2020. (gie) (Entered: 12/23/2020)
12/23/2020	167	PAPERLESS ORDER DENYING WITHOUT PREJUDICE 165 Motion to Appoint Counsel. Defendant Romancee Oshay George seeks an order appointing him an attorney because BOP is allegedly not providing him with adequate medical care. Defendant recently filed a very similar motion, (D.E. 158), which the Court denied on December 2, 2020, (D.E. 159). As the Court explained in its December 2, 2020 Order, there is no general constitutional right to appointed counsel in post-conviction proceedings. <u>See Pennsylvania v. Finley</u> , 481 U.S. 551, 555 (1987); <u>Barbour v. Haley</u> , 471 F.3d 1222, 1227 (11th Cir. 2006) (citations omitted). Under the Criminal Justice Act, the Court may appoint counsel to represent an indigent prisoner in certain post-conviction proceedings--specifically, federal habeas proceedings under 28 U.S.C. secs. 2241, 2254, and 2255--where "the interests of justice so require[.]" 18 U.S.C. sec. 3006A(a)(2); <u>Schultz v. Wainwright</u> , 701 F.2d 900, 901 (11th Cir. 1983). Here, it appears that Defendant seeks the appointment of counsel to pursue claims based on the lack of medical care at his institution of confinement (which is currently USP Coleman I). That claim is cognizable in a motion under 42 U.S.C. sec. 1983, and should be brought in the district in which is prison sits (which is the Middle District of Florida). <u>See</u> 28 U.S.C. sec. 1391 ("A civil action may be brought in--(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or] (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action

		<p>is situated[.]"); <u>Mendoza v. McGinnis</u>, Civil Action No. 9: 05-CV-1124 (TJM/DEP), 2008 WL 4239760, at *4 n.9 (N.D.N.Y. Sept. 11, 2008) (finding that venue for the plaintiff's claims of inadequate medical care at two state prisons--one in the Western District of New York and one in the Northern District of New York--properly lied in the Northern District of New York pursuant to Section 1391). Accordingly, his Motion to Appoint Counsel is DENIED without prejudice. If and when Defendant files a complaint under Section 1983 in the proper judicial district, he may request that Court to appoint him counsel, if appropriate.</p> <p>This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/23/2020. (gie) (Entered: 12/23/2020)</p>
12/21/2020		SYSTEM ENTRY - Docket Entry 166 restricted/sealed until further notice. (cbr) (Entered: 01/06/2021)
12/15/2020		SYSTEM ENTRY - Docket Entry 165 restricted/sealed until further notice. (cbr) (Entered: 01/06/2021)
12/15/2020		SYSTEM ENTRY - Docket Entry 164 restricted/sealed until further notice. (cbr) (Entered: 01/06/2021)
12/14/2020	163	<p>PAPERLESS ORDER DENYING WITHOUT PREJUDICE 145 Motion to Produce Copies of Transcripts.</p> <p>On April 27, 2020, the Court adjudicated Defendant guilty of carjacking and sentenced him to 175 months' imprisonment to be followed by three years' supervised release. (D.E. 83 at 40:4 - 41:16.) Defendant appealed, (D.E. 72), and the Eleventh Circuit affirmed the Court's Judgment, (D.E. 92 .) Thereafter, Defendant filed a Motion under 28 U.S.C. sec. 2255 to Vacate, Set Aside, or Correct Sentence, (D.E. 93), which was assigned Case No. 18-22069-Civ-Lenard. On October 17, 2018, the Court entered an Order Denying the 2255 Motion. <u>George v. United States</u>, 18-22069-Civ-Lenard, D.E. 8. Defendant petitioned the Eleventh Circuit for a certificate of appealability, but the Eleventh Circuit denied the petition and dismissed his appeal. <u>George v. United States</u>, 18-22069-Civ-Lenard, D.E. 15. Defendant subsequently filed another 2255 Motion, (D.E. 96), which was assigned Case No. 19-25121-Civ-Lenard. On August 11, 2020, the Court entered an Order dismissing the second 2255 Motion because (1) it was an unauthorized second or successive 2255 Motion, and (2) the claims raised were not cognizable in a 2255 Motion. <u>George v. United States</u>, Case No. 19-25121-Civ-Lenard, D.E. 11. On or about October 19, 2020, Defendant filed the instant Motion requesting copies of the transcripts from his change of plea hearing and his sentencing hearing. (D.E. 145 .) He does not explain why he needs the transcripts other than that he wants to "see [his] rule 11 plea[.]" (<u>Id.</u>) He states that he only has \$11.34 and cannot afford to purchase the transcripts. (<u>Id.</u>)</p> <p>It appears that Defendant wants copies of his transcripts to search for possible defects; in fact, he previously moved the Court for copies of his sentencing hearing transcript, indictment, and factual proffer to aid him in pursuing his second or successive 2255 motion. (See D.E. 100 .) The Court denied the prior Motion without prejudice. (D.E. 103.) The former Fifth Circuit--whose decisions are binding upon this Court, <u>Bonner v. City of Prichard</u>, 661 F.2d 1206, 1209 (11th Cir. 1981)--"has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government's expense to search for possible defects merely</p>

		<p>because he is an indigent." <u>United States v. Herrera</u>, 474 F.2d 1049, 1049 (5th Cir. 1973) (citations omitted). The Court finds that Defendant has not provided an adequate basis for receiving copies of his transcripts at the Government's expense, as the Judgment in his criminal case is final and has been affirmed on appeal, his first 2255 motion was denied on the merits, and his second 2255 motion was dismissed as unauthorized. Accordingly, it is ORDERED AND ADJUDGED that Defendant's 145 Motion to Produce Copies of Transcripts is DENIED. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/14/2020. (gie) (Entered: 12/14/2020)</p>
12/14/2020	162	<p>PAPERLESS ORDER DENYING AS MOOT 142 Motion to Hold Legal Mail Until Defendant is Relocated. On October 9, 2020, Defendant Romancee Oshay George sent the Court the instant Letter from USP Lee in Jonesville, Virginia in which he indicates that he is "about to [be] transfer[red]" to a new penitentiary and asks that the Court hold his legal mail until he reaches his new facility. According to the Bureau of Prisons' website, Defendant is now incarcerated at USP Coleman I in Coleman, Florida. Accordingly, Defendant's 142 Motion to Hold Legal Mail Until Defendant is Relocated is DENIED AS MOOT. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/14/2020. (gie) (Entered: 12/14/2020)</p>
12/14/2020	161	<p>PAPERLESS ORDER DENYING AS MOOT 139 Motion to Correct an Omission in the Judgment. Defendant Romancee Oshay George moves pursuant to Federal Rule of Criminal Procedure 36 for an Order clarifying that his sentence in this case should run concurrently with his sentence in a related Florida state court case; however, he does not identify the Florida state court case by case number. (D.E. 139 .) The Government filed a Response arguing that the Motion should be denied as moot because the charges filed against Defendant in Miami-Dade Circuit Court Case No. F15-6865-A, which arose out of the same conduct as the instant case, were dismissed on November 21, 2016. (D.E. 150 at 2.) The Government attached a copy of the docket in Case No. F15-6865-A reflecting that a plea was set for November 21, 2016, the charges in that case have all been nolle prosequi or no actioned, and the case was closed November 21, 2016. (D.E. 150-1.) Defendant did not file a Reply.</p> <p>Assuming <u>arguendo</u> that these are "clerical errors" to which Rule 36 applies, the Motion is due to be denied as moot. First, to the extent that Defendant requests an Order clarifying that his sentence in this case should run concurrently with his sentence in Miami-Dade Circuit Court F15-6865-A, the Motion is DENIED AS MOOT because it appears that there is no sentence in that case to run concurrently with his federal sentence. Second, to the extent that Defendant seeks an Order reflecting that his sentence in this case should run concurrently with his with his state sentences in Case Nos. F-14-013929-B (Miami-Dade County), F-13-026242 (Miami-Dade County), and 15-002591CF10A (Broward County), the Motion is DENIED AS MOOT because the Court has already entered an Order recommending that this federal sentence be served <u>consecutively</u> to those state sentences. (D.E. 133 .)</p> <p>Accordingly, Defendant's 139 Motion to Correct an Omission in the Judgment is DENIED AS MOOT. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/14/2020. (gie) (Entered: 12/14/2020)</p>

PAPERLESS ORDER DENYING [122](#) Motion to Correct Clerical Error under Federal Rule of Criminal Procedure 36.

On January 13, 2016, Defendant Romancee Oshay George pled guilty to Carjacking. (See D.E. [1](#) , [40](#) , [82](#) .) Prior to sentencing, the United States Probation Office issued a Presentence Investigation Report finding that Defendant was subject to a four-level increase under United States Sentencing Guideline 2B3.1(b)(3)(B) because the victim sustained a "serious bodily injury." (D.E. [45](#) .) Defendant objected to this increase and, at Defendant's sentencing hearing, the Court sustained the objection and found that the victim only sustained a "bodily injury" under U.S.S.G. sec. 2B1.3(b)(3)(A) (as opposed to a "serious bodily injury" under Section 2B1.3(b)(3)(B). (D.E. [83](#) at 12:13-17.) The Court ultimately sentenced Defendant to 175 months' imprisonment to be followed by three years' supervised release. (*Id.* at 40:4 - 41:16.) Defendant appealed, (D.E. [72](#)), and the Eleventh Circuit affirmed the Court's Judgment, (D.E. [92](#) .) Thereafter, Defendant filed a Motion under 28 U.S.C. sec. 2255 to Vacate, Set Aside, or Correct Sentence, (D.E. [93](#)), which was assigned Case No. 18-22069-Civ-Lenard. On October 17, 2018, the Court entered an Order Denying the 2255 Motion. *George v. United States*, 18-22069-Civ-Lenard, D.E. 8. The Court's Order was also docketed in this criminal case. (D.E. [94](#) .) In the Order's recitation of the relevant background facts and procedural history of the case, the Court stated: "At the April 27, 2016, sentencing hearing, the Court found that Movant caused the victim serious bodily injury...." (*Id.* at 4 (emphasis added).) This was an incorrect statement because the Court only found that Movant caused the victim "bodily injury." (D.E. [83](#) at 12:13-17.)

On or about August 25, 2020, Defendant filed the instant Motion to Correct Clerical Error under Federal Rule of Criminal Procedure 36. Therein, he asks that the Court to the correct the statement in the Court's Order denying his 2255 motion that at Sentencing the Court found that Defendant caused the victim serious bodily injury. (D.E. [122](#) at 1-2.) The Government did not respond.

Federal Rule of Criminal Procedure 36 states: "After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission."

First, it is unlikely that Federal Rule of Criminal Procedure 36 even applies to the Court's Order denying Defendant's 2255 Motion, as 2255 actions are civil matters to which the Federal Rules of Civil Procedure apply. *Burgess v. United States*, 874 F.3d 1292, 1296-97 (11th Cir. 2017). However, even assuming arguendo that Federal Rule of Criminal Procedure 36 does apply to the Court's Order denying Defendant's 2255 Motion, it simply "allows," *United States v. Portillo*, 363 F.3d 1161, 1165 (11th Cir. 2004), but does not require the Court to correct a clerical error. While it is true that the Court's Order denying Defendant's 2255 Motion incorrectly states (in the Background section) that "[a]t the April 27, 2016, sentencing hearing, the Court found that Movant caused the victim serious bodily injury[,]"--whereas the Court actually found that Movant caused the victim "bodily injury"--the misstatement was irrelevant to the Court's disposition of his 2255 Motion and has no bearing on these criminal proceedings. As such, the Court sees no reason to issue an Amended Order to correct the misstatement. Accordingly, it is ORDERED AND ADJUDGED that Defendant's [122](#) Motion to Correct Clerical

		<p>Error under Federal Rule of Criminal Procedure 36 is DENIED.</p> <p>It is further ORDERED AND ADJUDGED that the Clerk shall update Defendant's address because, according to the Bureau of Prisons' website, Defendant is now confined at USP Coleman I:</p> <p>Romancee Oshay George Reg. No. 08537-104 USP Coleman I P.O. Box 1033 Coleman, FL 33521</p> <p>This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/14/2020. (gie) (Entered: 12/14/2020)</p>
12/02/2020	159	<p>PAPERLESS ORDER DENYING 154 Motion to Appoint Counsel, and DENYING 158 Motion to Transfer Prisons and to Appoint Counsel.</p> <p>THIS CAUSE is before the Court on Defendant Romancee Oshay George's 154 Motion to Appoint Counsel, filed on or about October 29, 2020 pursuant to the prison mailbox rule, and 158 Letter to the Court postmarked November 23, 2020 in which he asks the Court to (1) order BOP to transfer him to a new prison and (2) appoint an attorney to represent him.</p> <p>First, the Court lacks authority to designate an inmate's place of confinement. <u>See United States v. Nattinger</u>, CR 118-086, 2020 WL 4910352, at *1 (S.D. Ga. Aug. 20, 2020) (citing <u>Jones v. Woods</u>, CIVIL ACTION NO. 2:19-CV-61-WHA, 2019 WL 2754731, at *4 (M.D. Ala. June 4, 2019); <u>Brown v. Atkinson</u>, No. 09-23555-Civ-SEITZ, 2010 WL 3659634, at *4 (S.D. Fla. June 11, 2010)). Accordingly, Defendant's Motion to Transfer Prisons is DENIED.</p> <p>Second, there is no general constitutional right to appointed counsel in post-conviction proceedings. <u>See Pennsylvania v. Finley</u>, 481 U.S. 551, 555 (1987); <u>Barbour v. Haley</u>, 471 F.3d 1222, 1227 (11th Cir. 2006) (citations omitted). Under the Criminal Justice Act, the Court may appoint counsel to represent an indigent prisoner in certain post-conviction proceedings--specifically, federal habeas proceedings under 28 U.S.C. secs. 2241, 2254, and 2255--where "the interests of justice so require[.]" 18 U.S.C. sec. 3006A(a)(2); <u>Schultz v. Wainwright</u>, 701 F.2d 900, 901 (11th Cir. 1983). Here, Defendant appears to want counsel appointed primarily to pursue his Motion for Compassionate Release. (See D.E. 154 , 158 .) However, the Court denied that Motion in a Sealed Order entered November 20, 2020 (which was mailed to Defendant at USP Atlanta the same date). To the extent that Defendant seeks the appointment of counsel to pursue claims based on the lack of medical care at his institution of confinement (which is currently USP Atlanta), that claim is cognizable in a motion under 42 U.S.C. sec. 1983, and should be brought in the district in which is prison sits (which, currently, is the Northern District of Georgia). <u>See</u> 28 U.S.C. sec. 1391 ("A civil action may be brought in--(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or] (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated[.]"); <u>Mendoza v. McGinnis</u>, Civil Action No. 9: 05-CV-1124 (TJM/DEP), 2008 WL</p>

		<p>4239760, at *4 n.9 (N.D.N.Y. Sept. 11, 2008) (finding that venue for the plaintiff's claims of inadequate medical care at two state prisons--one in the Western District of New York and one in the Northern District of New York--properly lied in the Northern District of New York pursuant to Section 1391). Accordingly, his Motion to Appoint Counsel is DENIED without prejudice. If and when Defendant files a motion under Section 1983 in the proper judicial district, he may request that Court to appoint him counsel, if appropriate.</p> <p>This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/2/2020. (gie) (Entered: 12/02/2020)</p>
12/01/2020		SYSTEM ENTRY - Docket Entry 158 restricted/sealed until further notice. (cbr) (Entered: 01/06/2021)
11/20/2020		SYSTEM ENTRY - Docket Entry 157 restricted/sealed until further notice. (mc) (Entered: 11/20/2020)
11/12/2020		SYSTEM ENTRY - Docket Entry 156 restricted/sealed until further notice. (nc) (Entered: 11/12/2020)
11/06/2020	155	SUPPLEMENT to 151 Letter by Romancee Oshay George (mee) (Entered: 11/06/2020)
11/06/2020	154	MOTION to Appoint Counsel by Romancee Oshay George. Responses due by 11/20/2020 (mee) (Entered: 11/06/2020)
11/02/2020	153	AMENDED PAPERLESS ORDER Requiring the Government to obtain and file under seal Defendant Romancee Oshay George's BOP medical records, including any records reflecting a change in medical or health status after October 1, 2020. (See 144 , 146 , 151 .) The Government shall have until and including November 12, 2020 to file the records under seal. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 11/2/2020. (gie) (Entered: 11/02/2020)
11/02/2020	152	PAPERLESS ORDER Requiring the Government to obtain and file under seal Defendant Romancee Oshay George's BOP medical records, including any records reflecting a change in medical or health status after October 1, 2020. (See 144 , 146 , 151 .) This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 11/2/2020. (gie) (Entered: 11/02/2020)
11/02/2020	151	Letter re Covid-19 from and as to Romancee Oshay George (mee) (Entered: 11/02/2020)
10/28/2020	150	RESPONSE in Opposition by USA as to Romancee Oshay George re 139 MOTION to Amend/Correct 69 Judgment,, MOTION for Judgment Replies due by 11/4/2020. (Attachments: # 1 Exhibit #1 - Miami-Dade County Clerk Criminal Justice Docket - Romance George - F15-6865-A) (Reboso, Manolo) (Entered: 10/28/2020)
10/28/2020	149	RESPONSE in Opposition by USA as to Romancee Oshay George re 139 MOTION to Amend/Correct 69 Judgment,, MOTION for Judgment Replies due by 11/4/2020. (Reboso, Manolo) (Entered: 10/28/2020)
10/27/2020	148	Clerk's Notice of Compliance by Romancee Oshay George re 147 Order (cbr) (Entered: 10/27/2020)

10/26/2020		SYSTEM ENTRY - Docket Entry 146 restricted/sealed until further notice. (cbr) (Entered: 10/27/2020)
10/26/2020	147	PAPERLESS ORDER instructing the Clerk to seal Docket Entries 144 and 146 . This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 10/26/2020. (gie) (Entered: 10/26/2020)
10/26/2020	145	MOTION to Produce Copy of transcripts re d.e. 82 , 89 (voluminous amount of pages) by Romancee Oshay George. Responses due by 11/9/2020 (mee) (Entered: 10/26/2020)
10/20/2020		SYSTEM ENTRY - Docket Entry 144 restricted/sealed until further notice. (cbr) (Entered: 10/27/2020)
10/19/2020	143	Acknowledgment of Receipt of NOA from USCA as to Romancee Oshay George re 138 Notice of Appeal - Other Order, date received by USCA: 10/14/2020. USCA Case Number: 20-13847-BB. (apz) (Entered: 10/19/2020)
10/19/2020	142	MOTION Hold Mail by Romancee Oshay George. Responses due by 11/2/2020 (mee) (Entered: 10/19/2020)
10/19/2020	141	Letter from Romancee as to Romancee Oshay George (mee) (Entered: 10/19/2020)
10/19/2020	140	PAPERLESS ORDER Requiring Response from AUSA as to Romancee Oshay George's 139 Motion to Correct an Omission in the Judgment. Response due by October 28, 2020. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 10/19/2020. (gie) (Entered: 10/19/2020)
10/14/2020	139	MOTION to Correct an Omission in the Judgment 69 Judgment, MOTION for Judgment by Romancee Oshay George. Responses due by 10/28/2020 (Attachments: # 1 Supplement)(mee) Modified on 10/15/2020 (mr1). (Entered: 10/15/2020)
10/14/2020		Transmission of Notice of Appeal and Docket Sheet as to Romancee Oshay George to US Court of Appeals re 138 Notice of Appeal - Other Order. Notice has been electronically mailed. (hh) (Entered: 10/14/2020)
10/14/2020	138	NOTICE OF APPEAL by Romancee Oshay George Re: 133 Order. Filing fee \$ 505.00. Receipt#: FEE NOT PAID. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (hh) (Entered: 10/14/2020)
10/14/2020	137	PAPERLESS ORDER DENYING without prejudice 135 Defendant's Motion to Require the Prison Mail Room to Open Mail in Defendant's Presence. Defendant has not shown that the Court has the authority to issue such an order in post-conviction proceedings in a criminal case. Accordingly, the Motion is DENIED without prejudice. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 10/14/2020. (gie) (Entered: 10/14/2020)
10/14/2020	136	PAPERLESS ORDER instructing the Clerk to seal Docket Entries 134 and 135 . This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 10/14/2020. (gie) (Entered: 10/14/2020)

10/13/2020		SYSTEM ENTRY - Docket Entry 135 restricted/sealed until further notice. (cbr) (Entered: 10/15/2020)
09/29/2020		SYSTEM ENTRY - Docket Entry 134 restricted/sealed until further notice. (cbr) (Entered: 10/15/2020)
09/24/2020	133	ORDER RECOMMENDING THAT DEFENDANT'S FEDERAL SENTENCE BE SERVED CONSECUTIVELY TO HIS STATE SENTENCES. Signed by Judge Joan A. Lenard on 9/24/2020. <i>See attached document for full details.</i> (gie) (Entered: 09/24/2020)
09/23/2020	132	Letter from Bureau of Prisons as to Romancee Oshay George. (gie) (Entered: 09/23/2020)
09/10/2020	131	Clerk's Notice of Compliance by Romancee Oshay George re 129 Order (cbr) (Entered: 09/10/2020)
09/09/2020		SYSTEM ENTRY - Docket Entry 128 restricted/sealed until further notice. (cbr) (Entered: 09/10/2020)
09/09/2020		SYSTEM ENTRY - Docket Entry 127 restricted/sealed until further notice. (cbr) (Entered: 09/10/2020)
09/09/2020	130	NOTICE of filing request for docket sheet by Romancee Oshay George. (Copy of docket sheet mailed to Romancee Oshay George) (amb) (Entered: 09/09/2020)
09/09/2020	129	PAPERLESS ORDER instructing the Clerk to seal Docket Entries 126 , 127 , and 128 . This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 9/9/2020. (gie) (Entered: 09/09/2020)
09/01/2020		SYSTEM ENTRY - Docket Entry 126 restricted/sealed until further notice. (cbr) (Entered: 09/10/2020)
08/31/2020	125	ORDER DISMISSING 96 Motion under 28 U.S.C. sec. 2255 to Vacate, Set Aside, or Correct Sentence. Signed by Judge Joan A. Lenard on 8/31/2020. <i>See attached document for full details.</i> (gie) (Entered: 08/31/2020)
08/26/2020		SYSTEM ENTRY - Docket Entry 124 restricted/sealed until further notice. (gie) (Entered: 08/26/2020)
08/25/2020		SYSTEM ENTRY - Docket Entry 123 restricted/sealed until further notice. (nc) (Entered: 08/25/2020)
08/25/2020	122	Rule 36 Clear Error 69 Judgment, by Romancee Oshay George. Responses due by 9/8/2020 (mee) (Entered: 08/25/2020)
08/25/2020	121	Letter re: Informational Purposes from Romancee George as to Romancee Oshay George (mee) (Entered: 08/25/2020)
08/20/2020		SYSTEM ENTRY - Docket Entry 120 restricted/sealed until further notice. (nc) (Entered: 08/27/2020)
08/14/2020		SYSTEM ENTRY - Docket Entry 119 restricted/sealed until further notice. (nc) (Entered: 08/27/2020)
08/12/2020		SYSTEM ENTRY - Docket Entry 117 restricted/sealed until further notice. (nc) (Entered: 08/27/2020)

08/12/2020	118	PAPERLESS ORDER EXPEDITING RESPONSE to Defendant Romancee Oshay George's 117 Emergency Petition and Request for Immediate Release and/or Probation in Light of Heightened Risk for COVID-19. Response due by 8/14/2020 at 3:00 pm. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 8/12/2020. (gie) (Entered: 08/12/2020)
08/11/2020	116	Letter from Romancee George (copy of docket sheet mailed) as to Romancee Oshay George (mee) (Entered: 08/12/2020)
08/05/2020	115	Clerk's Notice of Compliance by Romancee Oshay George re 114 Order on Motion for Miscellaneous Relief. Order sent via US Mail to Defendant. (cbr) (Entered: 08/05/2020)
08/05/2020	114	PAPERLESS ORDER DENYING WITHOUT PREJUDICE 113 Motion Stating How Much Time Served. Defendant Romancee Oshay George sent the Court a letter regarding receiving credit for time served in state custody, which the Clerk docketed as a "Motion Stating How Much Time Served." (D.E. 113 .) Defendant attached exhibits showing that he had asked the Bureau of Prisons ("BOP") to give him credit toward time served in state custody, and BOP responded stating that it would ask the Court for a recommendation when it gathered all the necessary information. (<u>Id.</u> at 2.) To the extent that Defendant is requesting the Court to issue an Order regarding whether his state sentence is to run concurrently or consecutively with his state sentence, the Motion is DENIED WITHOUT PREJUDICE. District courts are not authorized to compute a credit at sentencing. <u>United States v. Wilson</u> , 503 U.S. 329, 333 (1992). Rather, it is the Attorney General, through BOP, who determines the amount of credit a defendant receives as an administrative matter. <u>Id.</u> at 335. However, where a federal district court does not indicate whether a federal sentence is to run concurrently with a state sentence, BOP may seek guidance from the district court as to whether it intended for the federal sentence to run concurrently with the state sentence. <u>See, e.g., United States v. McKenzie</u> , Case No. 05-20931-Cr-Lenard, D.E. 90 (S.D. Fla. Oct. 29, 2019). Here, BOP has indicated that it will seek the Court's recommendation when it has gathered all necessary information. (D.E. 113] at 2.) Until then, Defendant's 113 Motion is DENIED WITHOUT PREJUDICE. The Clerk is instructed to mail a copy of this Order to Defendant at his institution of confinement. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 8/5/2020. (gie) (Entered: 08/05/2020)
08/03/2020	113	Motion stating how much time served by Romancee Oshay George. Responses due by 8/17/2020 (mee) (Entered: 08/04/2020)
07/15/2020	112	Letter from Romancee George as to Romancee Oshay George (mee) (Entered: 07/15/2020)
07/14/2020	111	Clerk's Notice of Compliance by Romancee Oshay George re 110 Order on Motion for Release from Custody. Paperless order mailed to defendant. (cbr) (Entered: 07/14/2020)
07/14/2020	110	PAPERLESS ORDER DENYING WITHOUT PREJUDICE 97 Emergency Petition and Request for Immediate Release and/or Probation in Light of Heightened Risk for COVID-19 ("Motion"). The Court construes Defendants Motion as a request for Compassionate Release based on extraordinary and compelling reasons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). The Government filed a 107 Response on June 15, 2020, to which Defendant filed a 109 Reply on July 7, 2020.

Title 18, United States Code, section 3582(c)(1)(A), as amended by the First Step Act of 2018, authorizes a Court to reduce a term of imprisonment "upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendants behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier[.]" Thus, Defendant is permitted to file a motion for reduction of sentence only after he has exhausted his administrative remedies. See United States v. Rodriguez-Orejuela, __ F. Supp. 3d __, Case Number: 03-CR-20774-MORENO, 2020 WL 2050434, at *4 (S.D. Fla. Apr. 28, 2020); United States v. Milner, __ F. Supp. 3d __, Case No. 5:16-CR-32-5 (LAG-CHW), 2020 WL 2744088, at *2 (M.D. Ga. Apr. 20, 2020); United States v. Zywojko, __ F. Supp. 3d __, Case No. 2:19-cr-113-FtM-60NPM, 2020 WL 1492900, at *1 (M.D. Fla. Mar. 27, 2020).

To satisfy Section 3582(c)(1)(A)'s exhaustion requirement, a prisoner must first make a written request to the Warden of his institution that includes, at a minimum, the following information: "(1) The extraordinary or compelling circumstances that the inmate believes warrant consideration. (2) Proposed release plans, including where the inmate will reside, how the inmate will support himself/herself, and, if the basis for the request involves the inmates health, information on where the inmate will receive medical treatment, and how the inmate will pay for such treatment." 28 C.F.R. § 571.61(a). The prisoner may file a motion under Section 3582(c)(1)(A) after either: (1) thirty days have lapsed since the Warden received the request; or (2) after exhausting all administrative rights to appeal BOP's decision not to file a motion on the prisoners behalf, see 28 C.F.R. § 571.63--whichever is earlier. 18 U.S.C. § 3582(c)(1)(A). In order to exhaust administrative appeals, a prisoner has 20 calendar days to appeal the Warden's decision to the Regional Director. 28 C.F.R. § 542.15(a). If dissatisfied with the Regional Director's decision, the prisoner is required to appeal to BOP's General Counsel within 30 calendar days of the Regional Directors response. Id. Section 3582(c)(1)(A)'s exhaustion requirement is mandatory. United States v. Raia, 954 F.3d 594, 597 (3d Cir. 2020).

The Court finds that Defendant has not exhausted administrative remedies. Because Defendant failed to exhaust his administrative remedies, the Court is without authority to consider the Motion and need not analyze whether Defendant would otherwise qualify for a sentence reduction under Section 3582(c)(1)(A) and U.S.S.G. § 1B1.13 n.1. See United States v. Gray, Criminal Action No. 2:01-00007-KD-C, 2020 WL 2132948, at *6 (S.D. Ala. May 4, 2020); Guzman v. United States, No.: 3:10-CR-161-TAV-DCP, No.: 3:15-cv-57-TAV, 2019 WL 1966106, at *2 (E.D. Tenn. May 2, 2019); see also United States v. Solis, CRIM. ACTION NO. 16-015-CG-MU, 2019 WL 2518452, at *2 (S.D. Ala. June 18, 2019); United States v. Estrada Elias, Criminal Action No. 6: 06-096-DCR, 2019 WL 2193856, at *2 (E.D. Ky. May 21, 2019).

Accordingly, it is ORDERED AND ADJUDGED that Defendant's [97](#) Emergency Petition and Request for Immediate Release and/or Probation in Light of Heightened Risk for COVID-19 is DENIED WITHOUT PREJUDICE for failure to satisfy the statutory exhaustion requirement. Defendant may refile his Motion after: (1) thirty days have lapsed since the Warden of his institution received a proper request to file a motion for compassionate release on Defendant's behalf; or (2) after

		<p>exhausting all administrative rights to appeal BOP's decision not to file a motion on Defendant's behalf, whichever is earlier.</p> <p>The Clerk is instructed to mail a copy of this Order to Defendant. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 7/14/2020. (gie) (Entered: 07/14/2020)</p>
07/07/2020	109	<p>Objection to Government Arguments by Romancee Oshay George re 107 RESPONSE to Motion by USA 97 MOTION for Release from Custody (Attachments: # 1 Exhibit) (mee) (Entered: 07/07/2020)</p>
06/16/2020	108	<p>Letter re express concern of catching Covid-19 from Romancee George as to Romancee Oshay George (mee) (Entered: 06/16/2020)</p>
06/15/2020	107	<p>RESPONSE to Motion by USA as to Romancee Oshay George re 97 MOTION for Release from Custody Replies due by 6/22/2020. (Reboso, Manolo) (Entered: 06/15/2020)</p>
06/15/2020	106	<p>PAPERLESS ORDER STRIKING 105 Government's Response to Defendant's Motion to Reduce Sentence Pursuant to 18 U.S.C. sec. 3582(c)(1)(A)(i). Pursuant to Local Rule 7.1(c)(2), "neither a motion and its incorporated memorandum of law nor the opposing memorandum of law shall exceed twenty (20) pages" without leave of the Court. The Government's Response exceeds twenty pages, and the Court did not provide leave to exceed the page limitation established by the Local Rule. Accordingly, the Government's Response to Defendant's Motion to Reduce Sentence Pursuant to 18 U.S.C. sec. 3582(c)(1)(A)(i) is STRICKEN. The Government shall have until and including June 22, 2020 to file a Response that conforms with all applicable rules. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 6/15/2020. (gie) (Entered: 06/15/2020)</p>
06/12/2020	105	<p>STRICKEN per DE 106 RESPONSE to Motion by USA as to Romancee Oshay George re 97 MOTION for Release from Custody Replies due by 6/19/2020. (Reboso, Manolo) Text Modified on 6/15/2020 (cbr). (Entered: 06/12/2020)</p>
06/09/2020	104	<p>PAPERLESS ORDER GRANTING IN PART AND DENYING IN PART 101 Motion to Produce. THIS CAUSE is before the Court on Defendant Romancee Oshay George's Letter to the Court requesting: (1) the docket sheets in Case Nos. 15-cr-20717 and 19-cv-25121; and (2) "a motion for Freedom of Information Act." He states that he is "making an inquiry about the costs of [his] Sentencing Transcript, Indictment paperwork[.]" The Clerk construed this as a Motion to Produce (hereafter, "Motion") and mailed Defendant a copy of the docket sheet in both cases. Accordingly, the Motion is GRANTED IN PART and solely to the extent that it requested a copy of the docket sheet in this case.</p> <p>Defendant contemporaneously filed a separate Motion to Produce in which he asked the Court to provide him certified copies of his sentencing hearing transcripts, indictment, and factual proffer "to effectively present and litigate Movant's claims." ("Motion to Produce," D.E. 100 .) On June 9, 2020, the Court denied the Motion to Produce without prejudice. (D.E. 103.) Specifically, the Court found: "[Defendant] appears to be referring to the claims raised in his Motion under 28 U.S.C. sec. 2255 in Case No. 19-cv-25121. However, in that case Magistrate Judge [Lisette Reid] has issued a Report recommending that the Court dismiss the 2255 Motion without prejudice for lack of jurisdiction as an unauthorized second or successive 2255</p>

		<p>Motion. Defendant has filed Objections to the Report. If the Court adopts Judge Reid's Report, the Court will not reach the merits of Defendant's claims and there will be no need to consider the documents he requests in the instant Motion." (<u>Id.</u>) As such, the Court denied the Motion to Produce without prejudice and indicated that Defendant could refile that Motion if the Court ultimately reached the merits of the claims in his 2255 Motion. (<u>Id.</u>)</p> <p>The instant Motion states that Defendant is "making an inquiry about the costs of [his] sentencing transcript, indictment paperwork." (D.E. <u>101</u> .) However, the Court has already denied without prejudice Defendant's request for the sentencing transcript and other documents. (See D.E. 103.) Accordingly, the Motion is DENIED WITHOUT PREJUDICE as to Defendant's Request for "a Motion for Freedom of Information Act" and "an inquiry about the costs of [his] Sentencing Transcript, Indictment paperwork[.]" If the Court ultimately reaches the merits of the claims asserted in his pending 2255 Motion in Case No. 19-cv-25121, he may then inquire about the costs of his Sentencing Transcript, Indictment, and other documents. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 6/9/2020. (gie) (Entered: 06/09/2020)</p>
06/09/2020	103	<p>PAPERLESS ORDER DENYING WITHOUT PREJUDICE <u>100</u> Motion to Produce. Defendant Romancee Oshay George requests the Court to provide him certified copies of his sentencing hearing transcripts, indictment, and factual proffer "to effectively present and litigate Movant's claims." He appears to be referring to the claims raised in his Motion under 28 U.S.C. sec. 2255 in Case No. 19-cv-25121. However, in that case Magistrate Judge has issued a Report recommending that the Court dismiss the 2255 Motion without prejudice for lack of jurisdiction as an unauthorized second or successive 2255 Motion. Defendant has filed Objections to the Report. If the Court adopts Judge Reid's Report, the Court will not reach the merits of Defendant's claims and there will be no need to consider the documents he requests in the instant Motion. Accordingly, Defendant's <u>100</u> Motion to Produce is DENIED WITHOUT PREJUDICE. If the Court ultimately reaches the merits of the claims raised in his 2255 Motion, Defendant may refile the Motion to Produce. This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 6/9/2020. (gie) (Entered: 06/09/2020)</p>
06/09/2020	102	<p>PAPERLESS ORDER REQUIRING RESPONSE. On or about May 13, 2020, the Court received Defendant Romancee Oshay George's Emergency Petition and Request for Immediate Release and/or Probation in Light of Heightened Risk for COVID-19. (D.E. <u>97</u> .) The same day, the Court issued a Paperless Order Expediting the Government's Response to Defendant's Emergency Petition, providing the Government ten days to file a Response. (D.E. 98.) On May 14, 2020, Assistant U.S. Attorney Manolo Reboso entered an appearance in this case, (D.E. <u>99</u>); however, to date, he has not filed a Response to Defendant's Emergency Petition. Accordingly, it is ORDERED AND ADJUDGED that the Government shall respond to Defendant's Emergency Petition on or before June 12, 2020 and otherwise comply with the Court's May 13, 2020 Paperless Order, (D.E. 98). This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 6/9/2020. (gie) (Entered: 06/09/2020)</p>
06/08/2020	<u>101</u>	<p>MOTION for Freedom of Information Act Request Form (copy of docket sheet mailed) by Romancee Oshay George. Responses due by 6/22/2020 (mee) Modified relief on 6/8/2020 (asl). (Entered: 06/08/2020)</p>

06/08/2020	100	Production of Transcripts/MOTION to Produce by Romancee Oshay George. Responses due by 6/22/2020 (mee) (Entered: 06/08/2020)
05/14/2020	99	NOTICE OF ATTORNEY APPEARANCE Manolo Reboso appearing for USA. . Attorney Manolo Reboso added to party USA(pty:pla). (Reboso, Manolo) (Entered: 05/14/2020)
05/13/2020	98	PAPERLESS ORDER EXPEDITING RESPONSE to Romancee Oshay George's 97 Emergency Petition and Request for Immediate Release and/or Probation in Light of Heightened Risk for COVID-19. The Government shall file a Response on or before May 20, 2020. The Government shall have TEN DAYS from the date it files its Response to provide Defendant with a copy of (1) its Response and (2) this Order. The Government SHALL FILE a Notice of Compliance confirming the dates on which the Government's Response and this Order were (1) received by Defendant's institution and (2) distributed to Defendant. Defendant shall have FOURTEEN DAYS from the date he receives the Response to file a Reply. Under the prison mailbox rule, "a pro se prisoner's court filing is deemed filed on the date it is delivered to prison authorities for mailing." <i>Williams v. McNeil</i> , 557 F.3d 1287, 1290 n.2 (11th Cir. 2009). The Court assumes, "[a]bsent evidence to the contrary,... that a prisoner delivered a filing to prison authorities on the date that he signed it." <i>Jeffries v. United States</i> , 748 F.3d 1310, 1314 (11th Cir. 2014). This entry constitutes the PAPERLESS ORDER in its entirety. Signed by Judge Joan A. Lenard on 5/13/2020. (gie) (Entered: 05/13/2020)
05/13/2020	97	Emergency Petition and Request for Immediate Release/and or Probation in Light of Heightened Risk for Covid-19 (address updated, verified with b.o.p) by Romancee Oshay George. Responses due by 5/27/2020 (mee) (Entered: 05/13/2020)
12/12/2019	96	Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 by Romancee Oshay George (civil case number 19-CV-25121.) All further docketing related to the motion to vacate is to be done in the civil case. (drz) (Entered: 12/12/2019)
10/16/2019	95	NOTICE of Inquiry (copy of docket sheet mailed)by Romancee Oshay George (mee) (Entered: 10/17/2019)
10/17/2018	94	ORDER DENYING Romancee Oshay George's 93 Motion under 28 U.S.C. sec. 2255 to Vacate, Set Aside, or Correct Sentence. Signed by Judge Joan A. Lenard on 10/17/2018. <i>See attached document for full details.</i> (gie) (Entered: 10/17/2018)
05/22/2018	93	Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. 2255 by Romancee Oshay George (civil case number 1:18-cv-22069-JAL.) All further docketing related to the motion to vacate is to be done in the civil case. (vmz) (Entered: 05/24/2018)
02/15/2018	92	Letter to the Court by Romancee Oshay George (mc) (Entered: 02/15/2018)
10/23/2017	91	MANDATE of USCA, AFFIRMING judgment/order of the district court as to Romancee Oshay George re 72 Notice of Appeal - Final Judgment,, ; Date Issued: 10/23/17 ; USCA Case Number: 16-12294-DD (hh) (Entered: 10/23/2017)
07/11/2017	90	NOTICE of Filing by Romancee Oshay George (jc) (Entered: 07/11/2017)

04/10/2017	89	TRANSCRIPT of Entire Hearing Re: Sentencing as to Romancee Oshay George held on 4.15.2016 before Judge Joan A. Lenard, 1-84 pages, Court Reporter: Robin Dispenzieri, 305-523-5659 / Robin_Dispenzieri@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting Robin Dispenzieri before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/1/2017. Redacted Transcript Deadline set for 5/11/2017. Release of Transcript Restriction set for 7/10/2017. (rd) (Entered: 04/10/2017)
03/30/2017	88	TRANSCRIPT INFORMATION FORM as to Romancee Oshay George re 72 Notice of Appeal - Final Judgment,, filed by Romancee Oshay George. Complete Sentencing transcript(s) ordered. Order placed by Robert B. Cornell. Email sent to Court Reporter Coordinator. (Cornell, Robert) (Entered: 03/30/2017)
03/23/2017	87	NOTICE of Filing Sentencing Exhibits by USA as to Romancee Oshay George (Attachments: # 1 Exhibit GX-1,GX-2,GX-3,GX-4,GX-5, GX-6)(Langley, Matthew) (Entered: 03/23/2017)
03/06/2017	86	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: 72 Notice of Appeal - Final Judgment,, Appeal No. 16-12294-DD. The record on appeal is available electronically with the exception of: DE # 70. (hh) (Entered: 03/06/2017)
07/25/2016	85	ORDER denying 84 Motion to Amend/Correct Sentence as to Romancee Oshay George (2). The Criminal Judgment[DE 69] was entered on 4/29/16 and the Notice of Appeal 72 was filed on 5/9/16. Pursuant to the Federal Rules of Appellate Procedure, the Court no longer has jurisdiction of this matter. Judgment in this case is final. Signed by Judge Joan A. Lenard on 7/25/2016. (JAL) (Entered: 07/25/2016)
07/20/2016	84	Unopposed MOTION to Amend/Correct <i>Sentence</i> by Romancee Oshay George. Attorney Ricardo Javier Bascuas added to party Romancee Oshay George(pty:dft). Responses due by 8/8/2016 (Bascuas, Ricardo) (Entered: 07/20/2016)
06/15/2016	83	TRANSCRIPT of Sentencing Hearing as to Romancee Oshay George held on April 27, 2016, before Judge Joan A. Lenard, 1-45 pages, re: 72 Notice of Appeal - Final Judgment, Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/11/2016. Redacted Transcript Deadline set for 7/21/2016. Release of Transcript Restriction set for 9/16/2016. (le) (Entered: 06/15/2016)
06/15/2016	82	TRANSCRIPT of Change of Plea as to Romancee Oshay George held on January 13, 2016, before Judge Joan A. Lenard, 1-26 pages, re: 72 Notice of Appeal - Final Judgment, Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/11/2016. Redacted Transcript Deadline set for 7/21/2016. Release of Transcript Restriction set for 9/16/2016. (le) (Entered: 06/15/2016)

06/06/2016	81	TRANSCRIPT of sentencing as to Romancee Oshay George held on 4.16.16 before Judge Joan A. Lenard, 1-48 pages, re: 72 Notice of Appeal - Final Judgment,, Court Reporter: Robin Dispenzieri, 305-523-5659 / Robin_Dispenzieri@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting Robin Dispenzieri before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/30/2016. Redacted Transcript Deadline set for 7/11/2016. Release of Transcript Restriction set for 9/9/2016. (rd) (Entered: 06/06/2016)
05/17/2016	77	TRANSCRIPT INFORMATION FORM as to Romancee Oshay George re 72 Notice of Appeal - Final Judgment,, filed by Romancee Oshay George. change of plea, sentencing transcript(s) ordered. Order placed by Ricardo Bascuas. Email sent to Court Reporter Coordinator. (Bascuas, Ricardo) (Entered: 05/17/2016)
05/11/2016	76	Acknowledgment of Receipt of NOA from USCA as to Romancee Oshay George re 72 Notice of Appeal - Final Judgment,, date received by USCA: 5/10/16. USCA Case Number: 16-12294-D. (hh) (Entered: 05/11/2016)
05/11/2016	75	ENDORSED ORDER granting 73 Motion to Withdraw as Attorney. Silvia Beatriz Pinera-Vazquez withdrawn from case. as to Romancee Oshay George (2). Attorney Ricardo J. Bascuas is appointed to represent the defendant while on appeal. Signed by Judge Joan A. Lenard on 5/11/16. (pm) (Entered: 05/11/2016)
05/10/2016		Transmission of Notice of Appeal and Docket Sheet as to Romancee Oshay George to US Court of Appeals re 72 Notice of Appeal - Final Judgment,, Notice has been electronically mailed. (hh) (Entered: 05/10/2016)
05/09/2016	74	Clerks Notice to Filer re 72 Notice of Appeal - Final Judgment,. Document Not Linked ; ERROR - The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (hh) (Entered: 05/10/2016)
05/09/2016	73	Unopposed MOTION to Withdraw as Attorney <i>and to Appoint CJA Appellate Counsel</i> by Silvia B. Pinera-Vazquez. by Romancee Oshay George. (Attachments: # 1 Text of Proposed Order)(Pinera-Vazquez, Silvia) (Entered: 05/09/2016)
05/09/2016	72	NOTICE OF APPEAL by Romancee Oshay George re 69 Judgment, Filing fee \$ 505.00. CJA Appointment with Date of Appointment 09/29/2015. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (Attachments: # 1 Exhibit A)(Pinera-Vazquez, Silvia) (linked docket entry number) Text Modified on 5/10/2016 (hh). (Entered: 05/09/2016)
05/06/2016	71	FINAL Disclosure of AFTER-SENTENCING REVISED Presentence Investigation Report of Romancee Oshay George. This is a limited access document. Report access provided to attorneys Matthew John Langley, Silvia Beatriz Pinera-Vazquez by USPO (dms) (Entered: 05/06/2016)
05/04/2016	70	EXHIBIT LIST from sentencing hearing as to Romancee Oshay George (pm) (Entered: 05/04/2016)

04/29/2016	69	JUDGMENT as to Romancee Oshay George (2), Count(s) 1, 175 months imprisonment; 3 years supervised release Assessment: \$100 Closing Case for Defendant. - Motions terminated: 66 Unopposed MOTION to Continue Sentencing Hearing filed by Romancee Oshay George. Signed by Judge Joan A. Lenard on 4/29/16. (pm) NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69. (Entered: 05/02/2016)
04/27/2016	68	Minute Entry for proceedings held before Judge Joan A. Lenard: Sentencing held on 4/27/2016 as to Romancee Oshay George Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. (pm) (Entered: 04/28/2016)
04/20/2016	67	NOTICE OF RESETTING HEARING as to Romancee Oshay George. Sentencing set for 4/27/2016 04:30 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 04/20/2016)
04/20/2016	66	Unopposed MOTION to Continue Sentencing Hearing by Romancee Oshay George. Responses due by 5/9/2016 (Pinera-Vazquez, Silvia) (Entered: 04/20/2016)
04/18/2016	65	NOTICE as to Romancee Oshay George. Sentencing set for 4/21/2016 11:00 AM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 04/18/2016)
04/15/2016	64	Minute Entry for proceedings held before Judge Joan A. Lenard: Sentencing held on 4/15/2016, 2:20pm-5:10pm as to Romancee Oshay George. Present: Matthew Langley, Silvia Vazquez, USPO Carla Velasco, defendant. Det. Sorrento sworn, govt. exhibits 1-4 received; defense request medicals, probation to provide to defense; the Court heard from the victim. Sentencing continued to 4/21/16 at 11am Court Reporter: Robin Dispenzieri, 305-523-5659 / Robin_Dispenzieri@flsd.uscourts.gov. (pm) (Entered: 04/18/2016)
04/15/2016	63	THIRD NOTICE **TIME CHANGE ONLY** as to Romancee Oshay George. Sentencing set for 4/15/2016 02:00 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 04/15/2016)
04/15/2016	62	SECOND NOTICE **TIME CHANGE ONLY** as to Romancee Oshay George. Sentencing set for 4/15/2016 01:00 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 04/15/2016)
04/14/2016	61	SENTENCING MEMORANDUM by USA as to Romancee Oshay George (Langley, Matthew) (Entered: 04/14/2016)
04/14/2016	60	NOTICE **TIME CHANGE ONLY** as to Romancee Oshay George. Sentencing set for 4/15/2016 02:30 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 04/14/2016)
04/13/2016	59	SENTENCING MEMORANDUM by Romancee Oshay George (Pinera-Vazquez, Silvia) (Entered: 04/13/2016)
04/11/2016	58	FINAL Addendum 1 Disclosure of REVISED Presentence Investigation Report of Romancee Oshay George. This is a limited access document. Report access provided to attorneys Matthew John Langley, Silvia Beatriz Pinera-Vazquez by USPO (Attachments: # 1 Addendum, # 2 Objections by the Defendant)(dms)

		(Entered: 04/11/2016)
03/07/2016	48	NOTICE as to Romancee Oshay George. Sentencing set for 4/15/2016 03:30 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 03/07/2016)
03/07/2016	47	ENDORSED ORDER granting 46 Motion to Continue Change of Plea and/or Sentencing Hearing as to Romancee Oshay George (2). Sentencing hearing to be reset by separate notice. Signed by Judge Joan A. Lenard on 3/7/2016. (pm) (Entered: 03/07/2016)
03/04/2016	46	Unopposed MOTION to Continue Sentencing Hearing <i>and Deadline to File Objections to PSI</i> by Romancee Oshay George. Responses due by 3/21/2016 (Pinera-Vazquez, Silvia) (Entered: 03/04/2016)
02/19/2016	45	DRAFT Disclosure of Presentence Investigation Report of Romancee Oshay George. This is a limited access document. Report access provided to attorneys Matthew John Langley, Silvia Beatriz Pinera-Vazquez by USPO (Attachments: # 1 Position of Parties)(dms) (Entered: 02/19/2016)
01/14/2016	43	Notice of Presentence Investigation Assignment of Romancee Oshay George to US Probation Officer Carla Velasco in the Miami Wilkie D. Ferguson, Jr. U.S. Courthouse and she can be contacted at (305)523-5380 or Carla_Velasco@flsp.uscourts.gov. (lrm) (Entered: 01/14/2016)
01/14/2016	42	FACTUAL PROFFER STATEMENT as to Romancee Oshay George (pm) (Entered: 01/14/2016)
01/13/2016	41	ORDER as to Romancee Oshay George. Signed by Judge Joan A. Lenard on 1/13/2016. Sentencing set for 3/25/2016 03:00 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 01/13/2016)
01/13/2016	40	Minute Entry for proceedings held before Judge Joan A. Lenard: Change of Plea Hearing as to Romancee Oshay George held on 1/13/2016. Romancee Oshay George (2) Guilty Count 1. Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. (pm) (Entered: 01/13/2016)
01/07/2016	38	NOTICE **TIME CHANGE ONLY** as to Romancee Oshay George. Change of Plea Hearing set for 1/13/2016 03:00 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 01/07/2016)
01/07/2016	33	NOTICE as to Romancee Oshay George. Change of Plea Hearing set for 1/13/2016 04:00 PM in Miami Division before Judge Joan A. Lenard. (pm) (Entered: 01/07/2016)
01/06/2016	32	Minute Entry for proceedings held before Judge Joan A. Lenard: Calendar Call as to Romancee Oshay George held on 1/6/2016, 5:20-5:25pm. Present: Matthew Langley, Silvia Pinera-Vasquez-telephonic, case set for plea. Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. (pm) (Entered: 01/07/2016)
12/08/2015	26	CJA 24 as to Romancee Oshay George: Authorization to Pay Case Law Reporting, Inc. Voucher # FLST 15 0325. (lh) (Entered: 12/08/2015)
11/18/2015	25	Arrest Warrant returned executed on 9/21/15 as to Romancee Oshay George (lh) (Entered: 11/19/2015)

11/16/2015	23	TRANSCRIPT of Arraignment/Detention Hearing as to Ronald Leon Hubbert, Jr., Romancee Oshay George held on 9/25/2015 before Magistrate Judge Alicia M. Otazo-Reyes, 1-17 pages, Court Reporter: Bonnie Joy Lewis, Case Law Reporting, Inc. 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/10/2015. Redacted Transcript Deadline set for 12/21/2015. Release of Transcript Restriction set for 2/19/2016. (Attachments: # 1 Designation)(mc) (Entered: 11/16/2015)
10/29/2015	22	ORDER TO CONTINUE TRIAL as to Ronald Leon Hubbert, Jr., Romancee Oshay George Time excluded from 10/26/15. Re: 20 Unopposed MOTION to Continue Trial . (Calendar Call set for 1/6/2016 04:00 PM in Miami Division before Judge Joan A. Lenard., Jury Trial set for 1/11/2016 in Miami Division before Judge Joan A. Lenard.) - Motions terminated: 20 Unopposed MOTION to Continue Trial filed by Romancee Oshay George. Signed by Judge Joan A. Lenard on 10/29/2015. (pm) (Entered: 10/29/2015)
10/28/2015	21	Minute Entry for proceedings held before Judge Joan A. Lenard: Calendar Call as to Ronald Leon Hubbert, Jr., Romancee Oshay George held on 10/28/2015. 3:53-3:58pm; Matthew Langley, Aimee Ferrer, Silvia Pinera-Vasquez, defense request for continuance granted, trial reset to 1/11/16, order to follow. Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov. (pm) (Entered: 10/28/2015)
10/26/2015	20	Unopposed MOTION to Continue Trial by Romancee Oshay George. Responses due by 11/12/2015 (Pinera-Vazquez, Silvia) (Entered: 10/26/2015)
10/09/2015	19	RESPONSE to Standing Discovery Order by USA as to Ronald Leon Hubbert, Jr., Romancee Oshay George (Langley, Matthew) (Entered: 10/09/2015)
10/05/2015	18	NOTICE OF ATTORNEY APPEARANCE Nalina Sombuntham appearing for USA. Re: <i>Forfeiture</i> . Attorney Nalina Sombuntham added to party USA(pty:pla). (Sombuntham, Nalina) (Entered: 10/05/2015)
09/30/2015	15	ORDER OF DETENTION as to Romancee Oshay George. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 9/30/2015. (ear) (Entered: 09/30/2015)
09/30/2015	14	SCHEDULING ORDER as to Ronald Leon Hubbert, Jr., Romancee Oshay George Calendar Call set for 10/28/2015 04:00 PM in Miami Division before Judge Joan A. Lenard. Jury Trial set for 11/2/2015 in Miami Division before Judge Joan A. Lenard. Signed by Judge Joan A. Lenard on 9/30/2015. (pm) (Entered: 09/30/2015)
09/29/2015	13	CJA 20 - Voucher and Order Appointing Counsel as to Romancee Oshay George. Attorney Silva Pinera-Vazquez appointed for the defendant for Criminal Case CJA representation. Date attorney was appointed CJA: 9/22/15. Voucher Number: FLS 15 4464. (sl) (Entered: 09/29/2015)
09/25/2015	12	Minute Order for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Detention Hearing as to Romancee Oshay George (2) held on 9/25/2015. Witness S/A Tamyra Horn testified. Bond set: Pretrial Detention, danger to the community. ARRAIGNMENT Count 1 held on 9/25/2015. (Digital 10:08:22, 10:48:57) PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this

		order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 9/25/2015. (mdc) (Entered: 09/25/2015)
09/22/2015	9	Minute Order for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Initial Appearance as to Romancee Oshay George held on 9/22/2015. Date of Arrest or Surrender: 9/21/15. Arraignment set for 9/25/2015 10:00 AM in Miami Division before MIA Duty Magistrate. Detention Hearing set for 9/25/2015 10:00 AM in Miami Division before MIA Duty Magistrate. Attorney added: Silvia Beatriz Pinera-Vazquez for Romancee Oshay George for Criminal Case CJA representation. Date attorney was appointed CJA: 9/22/15. (Digital 14-17-22) Signed by Magistrate Judge Alicia M. Otazo-Reyes on 9/22/2015. (ch1) (Entered: 09/23/2015)
09/16/2015	7	ORDER granting 6 Motion for Writ of Habeas Corpus ad prosequendum as to Romancee Oshay George (2). Initial Appearance set for 9/25/2015 02:00 PM in Miami Division before MIA Duty Magistrate. Signed by Magistrate Judge Andrea M. Simonton on 9/16/2015. (dgj) (Entered: 09/17/2015)
09/16/2015	6	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Romancee Oshay George. (dgj) (Entered: 09/17/2015)
09/11/2015		SYSTEM ENTRY - Docket Entry 3 restricted/sealed until further notice. (dgj) (Entered: 09/11/2015)
09/11/2015	1	INDICTMENT as to Ronald Leon Hubbert, Jr. (1) count 1; and Romancee Oshay George (2) count 1; and FORFEITURE COUNT. (wc) (Additional attachment(s) added on 7/15/2021: # 1 Restricted Unredacted Indictment) (ch1). (Entered: 09/11/2015)