

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
2211 UNITED STATES COURTHOUSE
75 TED TURNER DRIVE, S W
ATLANTA, GEORGIA 30303
OFFICIAL BUSINESS

RECEIVED U.S. DISTRICT COURT
U.S.D.C. Atlanta

JUN 03 2024

KEVIN P. WEIMER, Clerk
By: *Emily Ross* Deputy Clerk

MHC

ATLANTA GA RPDC 302

6 MAY 2024 PM 10 L



US POSTAGE PAID PITNEY BOWES



ZIP 30303 \$ 000.88⁰
02 1W
0001383857 MAY 03 2024

CLEARED DATE

JUN 03 2024

U.S. Marshals Service
Atlanta, GA 30303

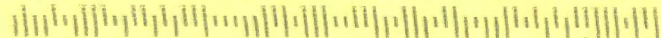
NIXIE

462 DE 1

0005/28/24

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 30303330999 *0761-03149-07-07



30001510090

Maurice Fayne-73197019
ATLANTA U.S. PENITENTIARY
601 McDonough Blvd, SE
P.O. BOX 150160
ATLANTA, GA 30315-4400

Other Orders/Judgments

1:20-cr-00228-MHC-JKL USA v. Fayne **CASE CLOSED**
on 09/20/2023

2255,CLOSED,CertRdyTrl,MEDIUM,SUBMDJ,SUBMMG

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 5/3/2024 at 10:52 AM EDT and filed on 5/3/2024

Case Name: USA v. Fayne

Case Number: 1:20-cr-00228-MHC-JKL

Filer:

Document Number: 337

Docket Text:

FINAL REPORT AND RECOMMENDATION as to Maurice Fayne re [326] MOTION to Vacate, set aside or correct sentence under 28 U.S.C. 2255 (Civil Action 1:23-cv-4917-MHC-JKL) recommending that this action be **DISMISSED WITHOUT PREJUDICE** for Plaintiffs failure to obey a lawful Order of the Court. The Clerk is **DIRECTED** to terminate the District Judges reference to the undersigned Magistrate Judge. Signed by Magistrate Judge John K. Larkins, III on 5/3/2024. (dgr)

1:20-cr-00228-MHC-JKL-1 Notice has been electronically mailed to:

Anthony C. Lake aclake@gwllawfirm.com

Bernita Malloy Bernita.Malloy@usdoj.gov, CaseView.ECF@usdoj.gov, felicia.nelson@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

John Russell Phillips russell.phillips@usdoj.gov, CaseView.ECF@usdoj.gov, Christine.Oseikwasi@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

L. Burton Finlayson LBFCOURTS@aol.com

Leigh Ann Webster law@stricklandwebster.com

Mark A. Campbell mcampbell.atty@gmail.com

Mark R. Jeffrey (Terminated) mark@jeffrey-law.com, courtney@jeffrey-law.com

Michael John Brown michael.j.brown2@usdoj.gov, CaseView.ECF@usdoj.gov, donna.president@usdoj.gov, kevin.ewere@usdoj.gov, kristi.henderson@usdoj.gov, tammy.black@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov, vickie.west@usdoj.gov

Radka T. Nations radka.nations2@usdoj.gov, cheronda.wesley@usdoj.gov, dena.hudson@usdoj.gov, shavaughn.broughton@usdoj.gov, Tia.Verrett@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov

Steven Todd Jumes steve@jumeslaw.com

1:20-cr-00228-MHC-JKL-1 Notice has been delivered by other means to:

Maurice Fayne(Terminated)
73197019
ATLANTA U.S. PENITENTIARY
601 McDonough Blvd, SE
P.O. BOX 150160
ATLANTA, GA 30315-4400

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060868753 [Date=5/3/2024] [FileNumber=14001343-0
] [2c1663d8d445b91178ee0b37a31faa3fadffea2c940f125e7ebf3d592d4c92f9ac4
6cd788667805dbc4362f90885469ea990e00d47ec242373f65d5844fa4510]]

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAURICE FAYNE,	:	MOTION TO VACATE
Fed. Reg. No. 73197-019,	:	28 U.S.C. §2255
Movant,	:	
	:	CRIMINAL NO.
v.	:	1:20-CR-228-MHC-JKL-1
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
Respondent.	:	1:23-CV-4917-MHC-JKL

FINAL REPORT AND RECOMMENDATION

Movant executed a motion to vacate his convictions and sentences pursuant to 28 U.S.C. §2255 on October 20, 2023, and indicated that a “Memorandum of Law in Support will be forthcoming.” (Doc. 326). On November 1, 2023, I entered an Order instructing Movant to file that supporting memorandum within twenty days. (Doc. 328).

Because Movant had not filed a supporting memorandum in compliance with my instructions, on February 1, 2024, I entered an Order instructing Movant to show cause within fourteen days why this case should not be dismissed for his failure to obey an order of the Court. (Doc. 332). In that same Order I noted that the lack of a memorandum in support of the motion to vacate makes it impractical for the Government to respond thereto. (*Id.*).

After Movant had neither responded to the show cause order nor filed a memorandum of law, on February 26, 2024, I entered a final report and

recommendation (“R&R”) which recommend dismissal under LR 41.3A, NDGa. for Movant’s failure to obey a lawful order of the court. (Doc. 333).

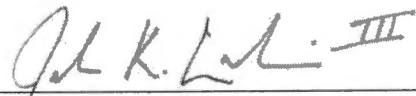
Three days after the R&R was docketed the Clerk received Movant’s response to the show cause order. (Doc. 335). Therein, Movant stated that he currently was in holdover status at the United States Penitentiary in Atlanta, Georgia (“USP-Atlanta”), he had no access to his property including the legal memorandum he previously prepared, and he did not know when he would receive that property. (*Id.*).

As a result of Movant’s response, I entered an Order on March 12, 2024, vacated the February 26, 2024, R&R, and provided Movant with one more opportunity – thirty days – to file a supporting memorandum. (Doc. 336). In that Order, I noted that even without his property movant could provide more factual details to support his claims and that he already had been provided with several months to do so, and I warned Movant that the Court may not be inclined to grant any further requests for an extension. (*Id.*). The March 12, 2024, Order was not returned to the Court, and as of May 2, 2024, Movant has not submitted a memorandum of law in support of the §2255 motion.

IT IS RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** for Plaintiff’s failure to obey a lawful Order of the Court. *See* LR 41.3A, NDGa.

The Clerk is **DIRECTED** to terminate the District Judge's reference to the undersigned Magistrate Judge.

IT IS SO ORDERED this 3rd day of May, 2024.



JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

Other Orders/Judgments

1:20-cr-00228-MHC-JKL USA v. Fayne **CASE CLOSED**
on **09/20/2023**

2255,CLOSED,CertRdyTrl,MEDIUM,SUBMDJ,SUBMMG

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 5/3/2024 at 10:53 AM EDT and filed on 5/3/2024

Case Name: USA v. Fayne

Case Number: 1:20-cr-00228-MHC-JKL

Filer:

Document Number: 338

Docket Text:

ORDER for Service of [337] Report and Recommendation, by Magistrate Judge John K. Larkins, III as to Maurice Fayne. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge John K. Larkins, III on 5/3/2024. (dgr)

1:20-cr-00228-MHC-JKL-1 Notice has been electronically mailed to:

Anthony C. Lake aclake@gwllawfirm.com

Bernita Malloy Bernita.Malloy@usdoj.gov, CaseView.ECF@usdoj.gov, felicia.nelson@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

John Russell Phillips russell.phillips@usdoj.gov, CaseView.ECF@usdoj.gov, Christine.Oseikwasi@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

L. Burton Finlayson LBFCOURTS@aol.com

Leigh Ann Webster law@stricklandwebster.com

Mark A. Campbell mcampbell.atty@gmail.com

Mark R. Jeffrey (Terminated) mark@jeffrey-law.com, courtney@jeffrey-law.com

Michael John Brown michael.j.brown2@usdoj.gov, CaseView.ECF@usdoj.gov, donna.president@usdoj.gov, kevin.ewere@usdoj.gov, kristi.henderson@usdoj.gov, tammy.black@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov, vickie.west@usdoj.gov

Radka T. Nations radka.nations2@usdoj.gov, cheronda.wesley@usdoj.gov, dena.hudson@usdoj.gov, shavaughn.broughton@usdoj.gov, Tia.Verrett@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov

Steven Todd Jumes steve@jumeslaw.com

1:20-cr-00228-MHC-JKL-1 Notice has been delivered by other means to:

Maurice Fayne(Terminated)
73197019
ATLANTA U.S. PENITENTIARY
601 McDonough Blvd, SE
P.O. BOX 150160
ATLANTA, GA 30315-4400

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

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060868753 [Date=5/3/2024] [FileNumber=14001354-0
] [9a0a8de9f7918830839af02ceb716da82f45261cfe5ca8c8463aa039c57f0430ab4
cb10bcfd1b9e7d6620f8c49281c25e1417ed11e4ed63293eb07b6470e7ee1]]

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAURICE FAYNE,	:	MOTION TO VACATE
Fed. Reg. No. 73197-019,	:	28 U.S.C. §2255
Movant,	:	
	:	
	:	CRIMINAL NO.
v.	:	1:20-CR-228-MHC-JKL-1
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
Respondent.	:	1:23-CV-4917-MHC-JKL

ORDER FOR SERVICE OF FINAL REPORT AND RECOMMENDATION

The Report and Recommendation of the United States Magistrate Judge, made in accordance with 28 U.S.C. §636(b)(1) and this Court's Local Rule 72, has been filed. The Report and Recommendation and a copy of this Order shall be served upon counsel for the parties.

Pursuant to 28 U.S.C. §636(b)(1)(C), within fourteen (14) days of service of this Order, each party may file written objections, if any, to the Report and Recommendation. If objections are filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the District Court. If no objections are filed, the Report and Recommendation may be adopted as the opinion and order of the District Court, and any appellate review of the factual and legal findings will be limited to a plain error

review. *United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983); 11th Cir. R. 3-1.

The Clerk is **DIRECTED** to submit the Report and Recommendation with objections, if any, to the District Judge after expiration of the time period stated above.

SO ORDERED this 3rd day of May, 2024.



JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE