

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

JUL 31 2025

FILED

UNITED STATES OF AMERICA,
Respondent,

V.

CASE NO. 3:23-cr-00003-DHB-BKE

GLADYS HARUN,
Petitioner.

MOTION FOR SEQUENCING OF PENDING MOTIONS AND PRIORITY
CONSIDERATION OF MOTION TO SUPPLEMENT RECORD

Petitioner Gladys Harun, Pro se respectfully moves the Court to rule first on her Motion to Supplement the Record before evaluating the Government's Motion to Dismiss her 28 U.S.C. § 2255 petition and her Response thereto (filed July 2, 2025). In support, Petitioner shows:

FACTUAL AND PROCEDURAL BACKGROUND

1. On February 12, 2025, Petitioner filed her § 2255 motion, asserting ineffective assistance, prosecutorial misconduct, and actual innocence. Concurrently, she moved to supplement the record with newly discovered exculpatory evidence including SBA forgiveness letters, audit communications, payroll records, utility invoices, and related materials. These documents are crucial to refuting the Government's loss calculations.
2. On June 3, 2025, the Government moved to dismiss Petitioner's § 2255 motion, arguing waiver, procedural default, and lack of merit.

3. On July 2, 2025, Petitioner filed her Response to the Government's Motion to Dismiss, which incorporated and relied upon the evidence submitted in her Motion to Supplement the Record.
4. Due to her incarceration and restricted access to documents, Petitioner could not obtain critical SBA and banking and various business records until after filing her § 2255 motion. She diligently gathered and submitted these records as soon as they became available.

ARGUMENT

I

The Court Should Admit the Supplemented Evidence Before Evaluating Either the Motion to Dismiss or Petitioner's Response.

Rule 7 of the Rules Governing Section 2255 Proceedings provides that “[b]efore expanding the record . . . [a] movant must obtain leave of court” and that the Court “may consider affidavits and other materials submitted by the parties” as part of the record. Fed. R. Governing § 2255 Proceedings 7(b), (c). Supplementation “enables the judge to dispose of some habeas petitions . . . without the time and expense required for an evidentiary hearing.” Habeas Rules, Rule 7, Advisory Committee Note.

Petitioner's Response to the Motion to Dismiss rests entirely on the exculpatory evidence in the pending Motion to Supplement. Absent Court approval of supplementation, both the Government's Motion to Dismiss and Petitioner's Response would be decided on an incomplete record. The Court should therefore resolve the Motion to Supplement first, admit the newly discovered evidence, and then consider both the Motion to Dismiss and Petitioner's Response in light of the full record.

II.

Rule 7 and Controlling Precedent Authorize Expansion of the Record.

Under Rule 7(a), the Court “may direct the parties to expand the record by submitting additional materials relating to the petition.” The Eleventh Circuit recognizes that district

courts retain authority to ensure habeas proceedings proceed on a complete record. See *Gomez v. United States*, 899 F.2d 1124, 1125 (11th Cir. 1990) (en banc).

District courts in this Circuit have granted supplementation when petitioners faced document access issues due to incarceration. See *Walker v. United States*, No. 24-cv-00175-JPG, 2024 WL 832631, at *2–3 (S.D. Ill. Feb. 28, 2024). Likewise, *Thomas v. United States*, 470 F. Supp. 968, 970 (E.D. Pa. 1979), ordered supplementation with affidavits and records not in the original file before determining whether an evidentiary hearing was warranted.

III.

Sequencing Is Essential to Avoid Prejudice and Preserve Judicial Resources.

Premature ruling on the Motion to Dismiss—or evaluating Petitioner’s Response without the supplemented evidence—would force the parties to brief and the Court to decide issues on an incomplete factual record, leading to wasted resources and potential injustice. Admission of the SBA forgiveness letters, audit reports, and related documents is necessary for a fair evaluation of both motions.

CONCLUSION AND PRAYER FOR RELIEF

For these reasons, Petitioner respectfully requests that the Court:

1. Grant the Motion to Supplement the Record
2. Thereafter consider, together and in light of the supplemented record, the Government’s Motion to Dismiss and Petitioner’s Response (July 2, 2025); and
3. Grant such other relief as the Court deems just and proper.

Respectfully submitted this 23rd day of July, 2025.

GLADYS HARUN

192 AMELIA DR

BYRON GA 31008.

A handwritten signature in blue ink, appearing to be 'G. Harun', written in a cursive style.

CERTIFICATE OF SERVICE / Mailing address Change

I, Gladys Harun, Pro Se, of Dimas Charity Macon, hereby certify that on July 23 , 2025, I served a true and correct copy of my

- (a) Motion to supplement the record in the case, Case No. 3:23-CR-00003 DHB-BKE,
- (b) Motion for sequencing of pending motions and priority consideration of motion to supplement record.
- (c) Petitioner's motion for release pending adjudication of 28 U.S.C. § 2255 MOTION

I have mailed a copy of these motion in accordance with applicable law by handing it over to the halfway house officials responsible for mail delivery.

The copy was addressed as follows:

Assistant United States Attorney
United States Attorney's Office
P.O. Box 8970
Savannah, GA 31412

I further certify that this method of service complies with all applicable rules and procedures regarding notice and service in this matter.

Kindly mail all mail correspondences to the following address:

Gladys Harun, Pro Se
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Byron Ga 31008
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