

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

HARRESCIA HOPKINS,
BOP ID 15535-510,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

CIVIL ACTION NO.
1:23-CV-3612-SEG-CMS

CRIMINAL ACTION NO.
1:22-CR-284-SEG-CMS

FINAL REPORT AND RECOMMENDATION

On December 20, 2022, former United States Penitentiary–Atlanta correctional officer Harrescia Hopkins entered into a negotiated guilty plea agreement, and the Court accepted her plea after a Rule 11 hearing. *See* [Docs. 19, 19-1, 25]. Hopkins’ sentencing proceedings were delayed after she “called into question whether [her] plea should stand.” [Doc. 31 at 5]. The Court then conducted a second Rule 11 colloquy and stated that it was “satisfied that she does, indeed, stand by the entry of the plea that occurred in December of last year.” [*Id.* at 11].

On June 9, 2023, the Court sentenced Hopkins to a five-month term of imprisonment and two years of supervised release. *See* [Doc. 35]. Hopkins’ time to surrender was twice extended at her request. *See* [Docs. 37, 38, 40, 42, 43].

Hopkins subsequently moved to vacate her sentence pursuant to 28 U.S.C. § 2255 or, alternatively, for a sentence reduction pursuant to United States

Sentencing Guidelines Amendment 821. *See* [Docs. 44, 46, 47]. Hopkins' § 2255 motion, as amended, was referred to me, but her sentence reduction motion was not.

It now appears that Hopkins has completed the custodial portion of her sentence and been released from prison. *See* <https://www.bop.gov/inmateloc/> (last viewed Feb. 26, 2024; searched for "Hopkins, Harrescia"; stating "Released On: 02/09/2024"). And it further appears from the docket (which still lists her address as "FMC Lexington Atwood Unit") that Hopkins has not provided the Court with an updated address since she was released more than two weeks ago.

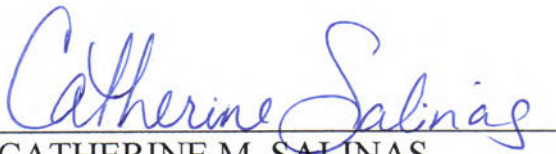
Civil Local Rule 41.2(B) provides that "[t]he failure . . . of a party appearing pro se to keep the clerk's office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds for either dismissal of the action without prejudice or for entry of a default judgment." *Accord* LR 83.1(D)(3), NDGa. Hopkin's failure to update her address adversely affects the management of this case because the Court has no valid address at which to contact her at present.

Accordingly, I **RECOMMEND** that Hopkins' § 2255 motion, as amended, be **DISMISSED WITHOUT PREJUDICE**.¹

¹ Because Hopkins was not sentenced until June 2023 and judgment did not become final until the appeal period ended, she has until roughly the end of June

I further **RECOMMEND** that a certificate of appealability be **DENIED** because Hopkins does not meet the requisite standard. *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000); 28 U.S.C. § 2253(c)(2).

SO REPORTED, RECOMMENDED, ORDERED, AND DIRECTED,
this 26th day of February, 2024.


CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE

2024 to refile her § 2255 motion and provide an updated address, should she elect to do so. *See* 28 U.S.C. § 2255(f)(1).