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UNITED STATES DISTRICT COURT
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ATLANTA, GEORGIA 30303
OFFICIAL BUSINESS



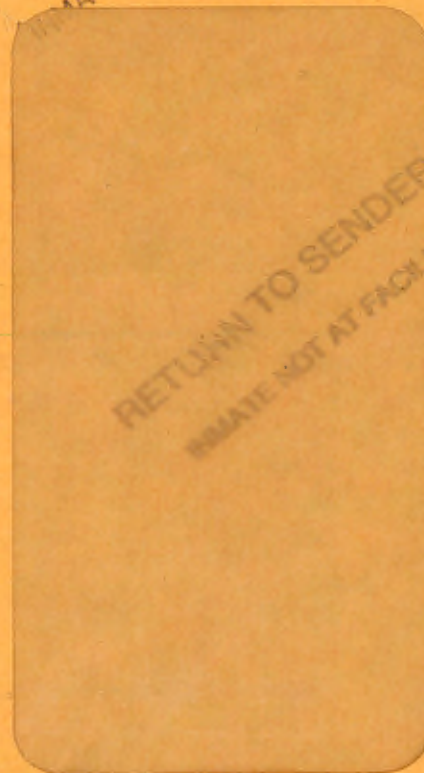
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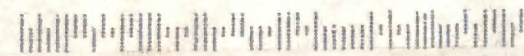
KEVIN P. WEIMER, Clerk
By *Emily [Signature]* Deputy Clerk

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CLEARED DATE
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Atlanta, GA 30303



RECEIVED
UNSEALED

Harrescia Hopkins
PO Box 14525
Lexington, KY 40512

***** ATTENTION *****

Attorney Registration for Electronic Case Filing (ECF)

Electronic Filing became mandatory for all attorneys effective July 15, 2005. If you are a bar member in good standing with the Northern District of Georgia or an attorney admitted pro hac vice, visit our website at <http://www.gand.uscourts.gov> for information on obtaining ECF access.

Other Orders/Judgments

1:22-cr-00284-SEG-CMS USA v. Hopkins **CASE**
CLOSED on 06/09/2023

2255,821,CLOSED,CertRdyTrl,SHORT,SUBMMG

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 2/27/2024 at 10:10 AM EST and filed on 2/26/2024

Case Name: USA v. Hopkins

Case Number: 1:22-cr-00284-SEG-CMS

Filer:

Document Number: 49

Docket Text:

REPORT AND RECOMMENDATION that the re [46] **MOTION to Vacate, set aside or correct sentence under 28 U.S.C. 2255 (Civil Action 1:23-CV-3612-SEG-CMS)** as to Harrescia Hopkins, as amended, be **DISMISSED WITHOUT PREJUDICE** and that a certificate of appealability be **DENIED**. Signed by Magistrate Judge Catherine M. Salinas on 2/26/2024. (ane)

1:22-cr-00284-SEG-CMS-1 Notice has been electronically mailed to:

Garrett L. Bradford garrett.bradford@usdoj.gov, CaseView.ECF@usdoj.gov, latashia.way@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Mildred Geckler Dunn Millie_Dunn@FD.Org, belinda_rogers@fd.org, GANAT_ECF@FD.ORG

Nathan Parker Kitchens nathan.kitchens@usdoj.gov, Andrea.Schulke@usdoj.gov, CaseView.ECF@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Whitman Matthew Dodge matthew_dodge@fd.org, nyeshia_mercier@fd.org

1:22-cr-00284-SEG-CMS-1 Notice has been delivered by other means to:

Harrescia Hopkins(Terminated)
FMC Lexington Atwood Unit
PO Box 14525
Lexington, KY 40512

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=2/27/2024] [FileNumber=13855647-0] [071228df812e567ffecfc8327aa2ec23a6fb6c33fd4a4062913d9061967044dc65dbe75b7a82ace4d816216abfe9fcd313ff3c23f26e2f01a5951fc62f2363ed]]

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.

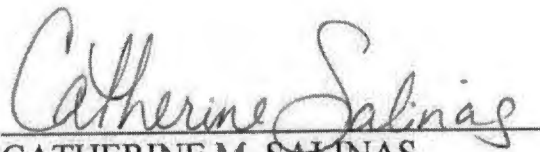
Civil Local Rule 41.2(B) provides that "[t]he failure . . . of a party appearing pro se to keep the clerk's office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds for either dismissal of 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).

Other Orders/Judgments

1:22-cr-00284-SEG-CMS USA v. Hopkins **CASE**
CLOSED on 06/09/2023

2255,821,CLOSED,CertRdyTrl,SHORT,SUBMMG

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 2/27/2024 at 10:12 AM EST and filed on 2/26/2024

Case Name: USA v. Hopkins

Case Number: 1:22-cr-00284-SEG-CMS

Filer:

Document Number: 50

Docket Text:

ORDER for Service of [49] Report and Recommendation, by Magistrate Judge Catherine M. Salinas as to Harrescia Hopkins. 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 Catherine M. Salinas on 2/26/2024. (ane)

1:22-cr-00284-SEG-CMS-1 Notice has been electronically mailed to:

Garrett L. Bradford garrett.bradford@usdoj.gov, CaseView.ECF@usdoj.gov, latashia.way@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Mildred Geckler Dunn Millie_Dunn@FD.Org, belinda_rogers@fd.org, GANAT_ECF@FD.ORG

Nathan Parker Kitchens nathan.kitchens@usdoj.gov, Andrea.Schulke@usdoj.gov, CaseView.ECF@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Whitman Matthew Dodge matthew_dodge@fd.org, nyeshia_mercier@fd.org

1:22-cr-00284-SEG-CMS-1 Notice has been delivered by other means to:

Harrescia Hopkins(Terminated)
FMC Lexington Atwood Unit
PO Box 14525
Lexington, KY 40512

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=2/27/2024] [FileNumber=13855669-0] [8c7a7a154e7b33a52fed36c3f5ac8a346359a3979023f759873b2dac1cf222331b58ea1995439d5597086452e6430b1c144cc117e0e53b52b1b5956c2624324f]]

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

**ORDER FOR SERVICE OF
REPORT AND RECOMMENDATION**

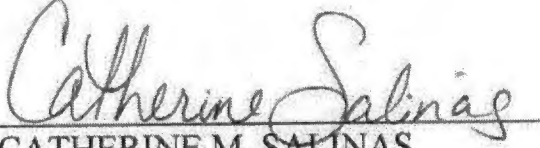
The Report and Recommendation of the undersigned United States Magistrate Judge made in accordance with 28 U.S.C. § 636(b)(1), FED. R. CIV. P. 72(b), LR72.1(B) & (D), NDGa., and Standing Order 18-01 (N.D. Ga. Feb. 12, 2018), has been filed. The Clerk is **DIRECTED** to serve upon counsel for the parties and directly upon any unrepresented parties a copy of the Report and Recommendation and a copy of this Order.

Pursuant to 28 U.S.C. § 636(b)(1), each party may file written objections, if any, to the Report and Recommendation within **FOURTEEN DAYS** of service of this Order. Should objections be filed, they shall specify with particularity the alleged error(s) made (including reference by page number to any transcripts, 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 United States District Judge assigned to this matter. If no objections are filed, the Report and Recommendation may be adopted as the opinion and order of the District Court, and on appeal, the Court of Appeals will deem waived any challenge to factual and legal findings to which there was no objection, subject to interests-of-justice plain error review. *See* 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 above time period.

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


CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE