

United States District Court
District of Rhode Island

9/18/22

David Stareley

v.

United States of America

Criminal No. 20-CR-00074-MSR

Motion for Relief
from Order under Federal Rule of
Civil Procedure - Rule 60(b)

RECEIVED
SEP 26 2022
U.S. DISTRICT COURT
DISTRICT OF R.I.

The following Motion is presented to the Honorable Court by the defendant Pir Sô due to the Motion to Appoint Counsel (ECF No 76) Being denied by this receiving court. The Defendant is not an attorney and has no legal experience or knowledge and is submitting this motion while incarcerated, during Covid-19 protocols with limited resources, to research and investigate as well as communicate or utilize resources to assist the defendant in his action, this motion and attempt to effectively represent himself.

1. The Courts decision was made on 9/15/22 at 2:19pm. The Decision was made without reference to and receipt of Defendants motion in Objection dated 9/15/22 (see attached) and prior to the deadline for responses due by 9/26/2022 (See Attachment 2)
2. The Defendant reiterates his objection to the excessive amount of time requested (60) days and the overly broad grant of waiver of Attorney-Client privilege for which the order contains no

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2. (cont) limitations. Additionally, actions by the court demonstrate that while the defendant must represent himself Pro Se due to the denial of Counsel by this Court, his present incarceration hinders and prejudices the defendant's ability to be heard in a timely manner by the court in motions in objection and otherwise being presented. As demonstrated herewith.

3. The granting of the order (ECF No. 87) prior to consideration of the Defendants Objection and prior to the Court designated Response deadline of 9/26/22 is prejudicial.

The Defendant request relief as stated in Motion in Objection dated 9/15/22 and attached.

Respectfully Submitted

David Staveland
Pro Se

Other Orders/Judgments

1:20-cr-00074-MSM-LDA USA v. Staveley **CASE CLOSED on 10/12/2021**

U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 9/15/2022 at 2:19 PM EDT and filed on 9/15/2022

Case Name: USA v. Staveley

Case Number: 1:20-cr-00074-MSM-LDA

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER: The United States Motion for an extension of time (ECF No. [87]) is GRANTED and the United States is directed to respond to the Petitioners Motion to Vacate under 28 U.S.C. 2255 (ECF No. [79]) on or before November 10, 2022. Petitioner is directed to respond to the United States Motion for an Order finding a waiver of attorney client privilege (ECF No. [87]) by September 26, 2022. So Ordered by District Judge Mary S. McElroy on 9/15/2022.(Potter, Carrie)

1:20-cr-00074-MSM-LDA-1 Notice has been electronically mailed to:

Jason P. Knight jason.knight@jasonknightlaw.com

Lee Vilker lee.vilker@usdoj.gov, CaseView.ECF@usdoj.gov, jade.brennan@usdoj.gov, lauren.masse@usdoj.gov, lindsay.beltzer@usdoj.gov, michele.sisson@usdoj.gov, miriam.contreras-morales@usdoj.gov, richard.myrus@usdoj.gov, usari-ecf@usdoj.gov

Terrence P. Donnelly terrence.donnelly@usdoj.gov, brianne.campatelli@usdoj.gov, CaseView.ECF@usdoj.gov, emma.caslowitz@usdoj.gov, jade.brennan@usdoj.gov, lindsay.beltzer@usdoj.gov, tara.moniz@usdoj.gov, usari-ecf@usdoj.gov

1:20-cr-00074-MSM-LDA-1 Notice has been delivered by other means to:

David Staveley(Terminated)
04230049
FMC DEVENS - Federal Medical Center
P.O. Box 879
Ayer, MA 01432

*Federal Rule
of Civil Procedure Motion for Relief
from order under
Rule 60(b)*

08/17/2022	<u>77</u>	AMENDED MOTION to Appoint Counsel by David Staveley. Responses due by 8/31/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 08/17/2022)
08/18/2022		TEXT ORDER: Defendants Motion to Appoint Counsel (ECF No. <u>77</u>) is DENIED for the reasons stated in the Courts Text Order dated 8/17/2022 denying the same request in the same case. So Ordered by District Judge Mary S. McElroy on 8/18/2022.(Potter, Carrie) (Entered: 08/18/2022)
08/25/2022	<u>78</u>	MANDATE of the U.S. Court of Appeals for the First Circuit as to David Staveley and in accordance with <u>53</u> Notice of Appeal - Other. (DaCruz, Kayla) (Entered: 08/25/2022)
08/29/2022	77 <u>79</u>	MOTION to Vacate under 28 U.S.C. 2255 by David Staveley. Responses due by 9/12/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) Civil case 1:22-cv-00315-MSM opened. (Entered: 08/29/2022)
08/29/2022	78 <u>80</u>	MOTION of Improper Communication by Chief Judge District of RI by David Staveley. Responses due by 9/12/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 08/29/2022)
08/29/2022	79 <u>81</u>	MOTION to Strike Malicious Prosecution. by David Staveley. Responses due by 9/12/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 08/29/2022)
08/29/2022	<u>82</u>	MOTION to Show Prosecution - US Attorney Failed to Provide Exculpatory Evidence by David Staveley. Responses due by 9/12/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 08/29/2022)
08/29/2022	<u>83</u>	MOTION Identifying Prejudice Egregious Performance - Ineffective Council by David Staveley. Responses due by 9/12/2022. (Attachments: # <u>1</u> Envelope)(DaCruz, Kayla) (Entered: 08/29/2022)
08/31/2022	<u>84</u>	RESPONSE In Opposition to by USA as to David Staveley re <u>80</u> MOTION of Improper Communication by Chief Judge District of RI Replies due by 9/7/2022. (Vilker, Lee). (Entered: 08/31/2022)
08/31/2022	<u>85</u>	NOTICE OF ATTORNEY APPEARANCE Terrence P. Donnelly appearing for USA. (Donnelly, Terrence) (Entered: 08/31/2022)
08/31/2022	<u>86</u>	RESPONSE In Opposition to by USA as to David Staveley re <u>82</u> MOTION to Show Prosecution - US Attorney Failed to Provide Exculpatory Evidence Replies due by 9/7/2022. (Vilker, Lee). (Entered: 08/31/2022)
09/12/2022 <i>Attachment 2</i> →	86 <u>87</u>	MOTION REQUESTING AN ORDER (1) FINDING A WAIVER OF ATTORNEY-CLIENT PRIVILEGE IN §2255 PROCEEDING AND PERMITTING PRIOR COUNSEL TO DISCUSS ISSUES RAISED BY § 2255 PETITION AND (2) CONTINUING THE RESPONSE DATE FOR THE GOVERNMENTS MEMORANDUM re <u>79</u> MOTION to Vacate under 28 U.S.C. 2255, <u>83</u> MOTION Identifying Prejudice Egregious Performance - Ineffective Council, <u>81</u> MOTION to Strike Malicious Prosecution. by USA as to David Staveley. Responses due by 9/26/2022. (Attachments: # <u>1</u> Proposed Order)(Donnelly, Terrence) (Entered: 09/12/2022)
09/14/2022	<u>88</u>	MOTION to Preserve all Communication by Asst. U.S. Atty Lee Vilker by David Staveley. Responses due by 9/28/2022. (Attachments: # <u>1</u> Letter, # <u>2</u> Envelope) (DaCruz, Kayla) (Entered: 09/14/2022)
09/14/2022	<u>89</u>	MOTION to Preserve all Communication by the Court by David Staveley. Responses due by 9/28/2022. (Attachments: # <u>1</u> Letter, # <u>2</u> Envelope)(DaCruz, Kayla) (Entered: 09/14/2022)