

11/18/22
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United States District Court
District of Rhode Island

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NOV 29 2022
U.S. DISTRICT COURT
DISTRICT OF R.I.

United States of America

v.

David Starkey

Case No. - CR-00074

Motion to request timely updates
by the Court as to Petitioners filings

The following motion is presented to the honorable court by the Defendant Pro Se. The Defendant was denied counsel by the Court and he is not an attorney nor does he have any legal experience. The Defendant is submitting this motion without advice of counsel, while incarcerated, without any Court notifications, Court Docket, notices, filings, or Court decisions in the last 60 days, with limited resources and during Covid-19 protocols creating a limited ability for the Defendant to communicate, garner information or to achieve any level of justice or success in these proceedings.

Now comes the Defendant, David Starkey, the petitioner under 18 USC, Section 2255 and requests that the Court provide weekly updates as to filings, decisions and any/all other docketed matters concerning his filings and petition. In support thereof states as follows:

1. On 8/29/22 Starkey filed a petition challenging his sentence in the Court.
2. Starkey is and has been at all times, in relation to this petition, incarcerated at FMC Devens in Ayer, Massachusetts.

3. Stareley has no access to the electronic filing system, which the court is well aware of, in this matter and is acting Pro Se against his will.
4. The Court has previously denied Stareley assistance of Counsel, his motion for appointment of counsel to assist him in this matter having been denied on 8/18/22.
5. During the pendency of this matter the Court has kept Stareley apprised of notices, filings and decisions by sending copies of same via U.S. Mail to Stareley at FMC Devens, but then abruptly stopped without notice.
6. Since 9/15/22 and as of the date of this motion, some (60) sixty-plus days, Stareley has not received copies of relevant matters on the Docket in this matter. Prejudicing the petitioner for over 60 days without any court notifications on actions, filings and decisions and leaving him voiceless. Specifically, actions by the court to waive defendants rights without the defendant having any ability to be heard with accuracy.
7. The Court has been notified of this omission since 11/4/22 via motion duly sent to the Court. The Court was again notified via motion on 11/7/22 and 11/10/22, but has done nothing to rectify this prejudicial failure. Demonstrating total disregard for the Defendant rights.

8. Stareley has a copy of the return receipt card for the 11/4/22 motion and the two (2) subsequent motions notifying the court. Attached hereto is Exhibit A, indicating the (3) motions were received by the Court, but still nothing has been done.

Wherefore Stareley hereby requests the following relief:

A. That the Court require the Clerk's office to update Stareley at least weekly by U.S. Mail to Stareley at FMC Devens with copies of all notices, filings, decisions and other matters relevant to his petition; and

B. All matters during the period of September 15, 2022 to present day, the period that Stareley was denied access to matters and all decisions in these proceedings he was never allowed knowledge of, should be set aside and the Defendant should be granted the ability to be heard for the first time. The Defendant has been rendered mute by the Court as decisions have been made without his knowledge waiving his rights.

C. Stareley request relief in a form that allows for him, based on being denied counsel, to adequately advocate for himself and have a legitimate ability for justice in these proceedings.

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D. Such other relief and Orders the Court finds
just and necessary in light of the extensive
evidence already provided.

Respectfully Submitted

D. Staveley

David Staveley
Pro Se

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11/04/2022

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11/10/2022

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Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053

Article Number (Transfer from service label)
7015 0640 0005 0955 9955

Article Addressed to:
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Dist. of R.I.
Clerk of Courts
Exchange Terrace
PROVIDENCE, RI 02903

3. Service Type

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☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	

2. Article Number (Transfer from service label)
7021 2720 0002 8232 2350

Article Addressed to:
Office of Atty. Jason Knight
One Turks Head Place
Suite 1440
Providence, RI 02903

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☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
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B. Received by (Printed Name)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes ☐ No

Exhibit A