

United States District Court
District of Rhode Island

RECEIVED

DEC 07 2022

United States of America

v.

David Staveley

U.S. DISTRICT COURT

DISTRICT OF RHODE ISLAND

Case No. 20-CR-00074-PBA

Defendant's Emergency Motion for
Leave to file Interlocutory Appeal

The following motion is presented to the honorable Court by the Defendant Pro Se. The Defendant was denied counsel by the Court in August 2022 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 21 days, with limited resources and during Covid-19 protocols creating limited ability for the Defendant to communicate, garner information or to achieve any level of justice or success in these proceedings.

Now comes Defendant, David Staveley, Pro Se and moves the Court as follows:

1. On 11/5/22 Defendant filed a motion for recusal of Judge Mary S. McElroy.
2. Upon information and belief the Court denied the Defendant's motion for recusal.
3. For the reasons stated in the Defendant's motion Defendant believes that the Defendant's rights

3. (cont.) including Defendant's Constitutional Rights to notice of these proceedings and an opportunity to be heard have been prejudiced by the Court.
4. Despite notice to the Court, notice and an opportunity to be heard for over (20+) twenty plus notices, decisions and other filings in this matter have been denied to Defendant since September 15, 2022 and continue to the date of this motion.
5. The Court has failed to admonish or otherwise caution the government, Atty. V. Iker, who has consistently filed false statements and unverified hearsay in violation of the rules of this proceeding and professional ethics.
6. Defendant believes the Court issued an order waiving the Defendant's attorney-client privilege before the period allotted for Defendant's reply and in advance of the Defendant's limited objection.
7. Upon information and belief, Defendant believes the Court has agreed to accept a "Declaration" from Defendant's prior attorney, Jason Knight, despite Defendant's request for a hearing to exercise his Constitutional right to cross examine Knight.

11/28/22
page 3

8. For the foregoing reasons and those stated in Defendant's prior motion for recusal, Defendant believes his rights have been prejudiced by the Court.

Wherefore, Defendant requests that the Court allow an emergency interlocutory appeal of the Defendant's motion for recusal.

Respectfully submitted

David Staveley

David Staveley
Pro Se