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United States of America
District of Rhode Island

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United States of America

v.

David A. Stavelley

Case No. CR-00074-WES-LDA
U.S. DISTRICT COURT
DISTRICT OF R.I.

1:22-cv-00315-MSM

Emergency Motion
to Enlarge Time for Petitioner's Reply to the
Government's Response (ECF:126) to Petitioner's
Renewed Motion to Compel Return of Petitioner's
Property (ECF:124)

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, while being denied Court Notifications including; Court Docket, notices, filings and Court decisions (Sept 15, 2022 - Dec. 7, 2022) and (December 7, 2022 - January 12, 2023) totaling over 110 days without notice and the ability to be heard. Defendant was absent intentionally/knowningly by the Court in over 40 Court actions. The Defendant has limited resources while incarcerated and during Covid-19 protocols additionally limiting the Defendants ability to research, communicate, garner information and/or achieve any level of equal justice or success in these highly prejudiced proceedings which are irretrievably tainted.

Now comes Defendant David Staveley and states as follows:

1. Petitioner filed a renewed (3RD) motion to Compel the Government to turn over Petitioner's property held by the Government and appearing on the inventory of this property prepared by the FBI.
2. The Government was first ordered to turn over^{all} Defendant's property on February 4, 2022 per text order of Judge Mary S. McElroy.
3. Petitioner has twice renewed his Motion to Compel on October 3, 2022 and most recently on December 14, 2022.
4. On January 12, 2023 Petitioner received the updated docket from the District Court noting that replies to the Government's Response (ECF:126) were due on January 12, 2023.
5. The envelope from the Court is postmarked on January 10, 2023 (See Attached) although the Docket notes the Government's reply was entered on January 5, 2023. On the rare occasion that the Petitioner received the

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5. (cont) Docket, only twice since September 15, 2022, the Petitioner had to file motions (emergency) to allow time to respond and be heard. This can no longer be regarded as an oversight.

6. Given the date of receipt of the notice setting the date for a reply it is impossible for Petitioner to file his response in a timely manner.

7. The matter is not moot even though the Government has finally returned Petitioner's driver's license, which was in the wallet not returned, as the rest of his property has yet to be returned. The inconsistency and ongoing double talk in AVSA Vilker's opposition (ECF:101) (ECF:125) demonstrates his lack of integrity and honesty to the Court which was previously displayed in Defendant's Motion (ECF:102) and the subsequent reply by Vilker (ECF:103). The Court although knowingly clear the Government is in contempt has given AVSA Vilker another pass.

8. Petitioner requests an extension of time

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8. (cont) to reply for a period of ten (10) days.

Now, therefore Petitioner requests that the Court allow the Petitioner to file his reply to the Government (ECF:125) by January 23, 2023.

Respectfully Submitted

D. Stoveley

David A. Stoveley
Pro Se

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Attachment 1

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David Staveley

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