

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION**

GLADYS HARUN,	:	
Petitioner	:	
	:	
V.	:	CR 323-003
	:	
UNITED STATES OF AMERICA	:	
Respondent	:	

MOTION FOR LEAVE TO FILE PETITIONER’S OBJECTIONS TO
UNITED STATES MAGISTRATE JUDGE’S FINAL REPORT AND
RECOMMENDATION AFTER THE DEADLINE

COMES NOW the above named Petitioner, GLADYS HARUN, and moves this Honorable Court to allow the late filing of Petitioner’s objections to the Magistrate’s Report and Recommendation by showing as follows:

1.

Petitioner filed and litigated her § 2255 motion pro se. The Magistrate’s Report and Recommendation were filed, and Petitioner’s objections were due on June 22, 2026.

2.

Shortly before the due date, Petitioner engaged counsel to file objections on her behalf. Undersigned counsel began reviewing the various transcripts and documents in the underlying criminal case and the subsequent § 2255 motion.

3.

On June 22, undersigned counsel filed a notice of appearance. Thereafter, he attempted to file Petitioner's objections. Counsel attempted numerous times via this ecf system. On every attempt, Petitioner was not listed as a party for counsel to submit a document. Counsel tried numerous web browsers but none would allow the filing.

4.

On this date, counsel contacted the clerk's office, whereupon the clerk attempted to help counsel. Said clerk attempted to assist counsel, and she confirmed that counsel was unable to file a document. She believed that the ecf system had not properly registered counsel's appearance, but when she believed she corrected this, the ecf system still did not allow the filing. As she was unable to further assist, she forwarded counsel to Cindy at the clerk's office. Cindy ultimately determined that because the case was terminated, an attorney would not be able to file any document but the notice of appearance. She manually changed the termination allowing counsel to file.

5.

The late filing was solely due to the ecf system's termination of the case disallowing counsel from filing the objections.

6.

Petitioner is attaching a copy of the objections timely prepared.

WHEREFORE, Petitioner prays that the this Court allow Petitioner to file her objections to the Magistrate's Report and Recommendation based on the ecf system's program not allowing the filing of documents.

This 23nd day of June, 2026.

/s/Rodney Zell
Rodney Zell
State Bar No. 784650
Attorney for Petitioner

Zell & Zell, P.C.
1111 Bull Street
Savannah, Georgia 31401
(404) 523-4611

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document on the attorney for the Unites States of America, the Honorable Assistant United States Attorney Channell V. Singh, P.O. Box 8970, Savannah, GA 31412, (912) 652-4422, by electronically filing the document in accordance with the Rules of this Court.

This 23nd day of June, 2026.

/s/Rodney Zell
Rodney Zell

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PETITIONER’S OBJECTIONS TO UNITED STATES MAGISTRATE

JUDGE’S FINAL REPORT AND RECOMMENDATION

COMES NOW the above named Petitioner, GLADYS HARUN, and files these objections to the Magistrate Judges Final Report and Recommendation filed and served on April 30, 2026.

ISSUE RAISED

Petitioner is entitled to an evidentiary hearing to present evidence that her plea counsel was ineffective pursuant to *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). The sole basis to which Petitioner is objecting is the amount of the restitution imposed on her at sentencing. She is not objecting to any finding regarding the entry of her guilty plea or her sentencing apart from the amount of restitution.

OBJECTIONS

Petitioner objects to the Magistrate's recommendation that her motion to supplement the record be denied. (Doc. 77, p. 23). She further objects to the recommendation that her claim of ineffective assistance in II (D)(2) regarding the presentation of mitigation evidence for the restitution be denied. (Doc. 77. pp. 39-40).

The recommendation to deny her motion to supplement the record form the basis for her allegations of ineffective assistance of counsel, as those are the records necessary to support her claims. As Vines was her counsel for the sentencing portion of her prosecution, Petitioner is only objecting to the denial based on his representation at the sentencing hearing. Petitioner contends that she provided numerous documents, including W-2's, 1099's, and Square Payroll documentation supporting her sentencing objection that the relevant conduct should not have been included in the restitution amount. When Petitioner was testifying at the sentencing hearing, she testified she gave W-2's, 1099's, and Square Payroll documents supporting her objections to the amount of restitution to her counsel. (Doc. 48, p. 31). Counsel never denied receiving these documents and was not asked in court what Petitioner gave him. *Id.* Petitioner contends that this is the basis of the ineffective assistance of counsel, and Petitioner submits that an evidentiary hearing is necessary to examine counsel regrading this. If the documentation included in Petitioner's motion to supplement the record were

provided to counsel and support her claim that the restitution was not properly calculated, then counsel's performance would be objectively unreasonable for failing to present evidence that would have likely produced a different result.

A petitioner raising ineffective assistance of counsel must show that counsel's representation was not reasonable, and counsel's error prejudiced the defense. *Strickland*. *Massaro v. U.S.*, 538 U.S. 500, 505, 123 S.Ct. 1690, 155 L.Ed.2d 714 (2003), citing *Strickland*, held that counsel's strategy must be reasonable. Courts should liberally construe pro se filings, including those pursuant to § 2255. *Mederos v. United States*, 218 F.3d 1252, 1254 (11th Cir.2000). Petitioner should be granted a hearing if she alleges facts that if true would warrant relief. *Id.* As long as the Petitioner allege said facts, she is entitled to a hearing unless the allegations are patently frivolous, unsupported generalizations, or contradicted by the record. *Id.* Petitioner should be granted a hearing, so she may present competent evidence in support of her sole issue that her counsel was ineffective in presenting evidence that would have reduced her amount of restitution.

WHEREFORE, Petitioner prays that the Petitioner's motion to supplement the record be granted, and that she be granted a hearing to present evidence in support of her claim of ineffective assistance of counsel at sentencing.

This 22nd day of June, 2026.

/s/Rodney Zell
Rodney Zell
State Bar No. 784650
Attorney for Petitioner

Zell & Zell, P.C.
1111 Bull Street
Savannah, Georgia 31401
(404) 523-4611

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document on the attorney for the United States of America, the Honorable Assistant United States Attorney Channell V. Singh, P.O. Box 8970, Savannah, GA 31412, (912) 652-4422, by electronically filing the document in accordance with the Rules of this Court.

This 22nd day of June, 2026.

/s/Rodney Zell
Rodney Zell