

FILED

1 Mark Alan Abrams  
2 #26687-112, Unit A4D  
3 Taft Correctional Institution  
4 P.O. Box 7001  
5 Taft, CA 93268  
6 Defendant/Movant In Pro Per

2011 AUG 25 AM 10:59

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. C. CALIF.  
LOS ANGELES

BY CP

\*510\*

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff/Respondent,  
12 v.  
13 MARK ALAN ABRAMS,  
14 Defendant/Movant.

**CV11 07012 DDP**

No. CR-06-44-DDP

MOTION TO VACATE, SET ASIDE  
OR CORRECT CONVICTION AND  
SENTENCE BY A PERSON IN  
FEDERAL CUSTODY PURSUANT TO  
28 U.S.C. §2255; MOTION TO  
WAIVE APPEARANCE

16  
17 1. Judgment was entered by the United States District Court  
18 for the Central District of California, the Honorable Judge Dean  
19 Pregerson presiding, in case number CR-06-00044-DDP. Judgment was  
20 entered on August 27, 2010.

21 2. Movant was sentenced to a term of 78 months incarceration.

22 3. Movant was convicted in Count 1 of Conspiracy (18 U.S.C.  
23 §371), Counts 2-10 of Bank Fraud (18 U.S.C. §1344(1)), Count 11 of  
24 False Statement on Tax Return (26 U.S.C. §7206(1)), and Count 12 of  
25 Obstruction of Justice (18 U.S.C. §1503).

26 4. Movant pleaded guilty to the referenced counts.

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AUG 24 2011  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

1           5. Movant did not go to trial.

2           6. No appeal has been filed at this time. Movant gave up his  
3 right to appeal his sentence, however, he did not waive an ineffect-  
4 ive assistance of counsel claim, or certain other claims, all pur-  
5 suant to paragraph 60 of his plea agreement.

6           7. No other appeals, motions, petitioner, or applications  
7 have been filed concerning the judgment of conviction in any court,

8           8. The ground upon which this motion is based is that Movant  
9 was denied his Sixth Amendment right to the effective assistance of  
10 counsel during the sentencing phase of his case.

11  
12           Movant is not attacking the length of his sentence. Rather,  
13 Movant believes that but for counsel's conduct below, the Court  
14 would have ordered 2 to 3 years of Movant's sentence to be served  
15 in home confinement. Movant states the following reasons:

16  
17           a. Counsel repeatedly stated to Movant that Movant would be  
18 sentenced to 3 to 4 years of incarceration, thereby causing Movant  
19 to not consider asking the Court for a portion of his  
20 sentence to be served in home confinement.

21           b. Counsel never provided Movant with a draft or final copy  
22 of Movant's sentencing memorandum, and did not seek input from  
23 Movant regarding same.

24           c. Counsel never provided Movant with a draft or final copy  
25 of the investigator's report and reference letters, and did not  
26 seek input from Movant regarding same.

27

28



1 12. Movant was represented at the sentencing by Michael R.  
2 Belter, whose address is 16 Marengo, Suite 619, Pasadena, CA 91101.

3 13. Movant was sentenced on the 12 counts referenced in the  
4 plea agreement.

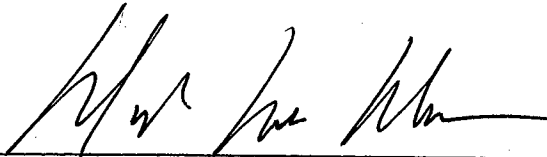
5 14. Movant has no other sentence in state or federal court  
6 to serve.

7 Movant requests the Court to waive his appearance at any  
8 hearing based on this motion.

9 WHEREFORE, Movant asks this Court to grant this motion, and  
10 amend Movant's sentence to provide for the last 2 to 3 years to be  
11 served in home confinement.

12 I declare under penalty of perjury that the foregoing is true  
13 and correct and that this motion under 28 U.S.C. §2255 was placed  
14 in the prison mailing system (mailbox rule) on August 20<sup>th</sup>, 2011.

15 Respectfully submitted,

16  
17 

18 \_\_\_\_\_  
19 Mark Alan Abrams  
20 Defendant/Movant, in pro per



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
312 North Spring Street, Room G-8 Los Angeles, CA 90012  
Tel: (213) 894-7984

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

TERRY NAFISI  
District Court Executive  
and Clerk of Court

Thursday, August 25, 2011

MARK ALAN ABRAMS  
#26687-112  
P.O. BOX 7001  
TAFT, CA 93268

Dear Sir/Madam:

A  Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number \_\_\_\_\_

A  Motion pursuant to Title 28, United States Code, Section 2255, was filed today in criminal case number **CR06-0044 DDP** and also assigned the civil case number **CV11- 7012 DDP**

A  Motion for Extension of Time to File Habeas Corpus Petition was filed today on your behalf and assigned civil case number \_\_\_\_\_

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

District Court Judge Dean D. Pregerson

Magistrate Judge \_\_\_\_\_

at the following address:

U.S. District Court  
312 N. Spring Street  
Civil Section, Room G-8  
Los Angeles, CA 90012

Ronald Reagan Federal  
Building and U.S. Courthouse  
411 West Fourth St., Suite 1053  
Santa Ana, CA 92701-4516

U.S. District Court  
3470 Twelfth Street  
Room 134  
Riverside, CA 92501

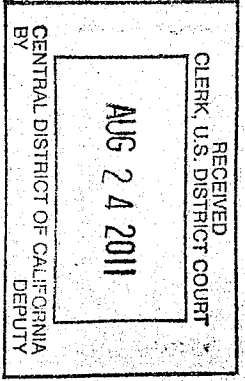
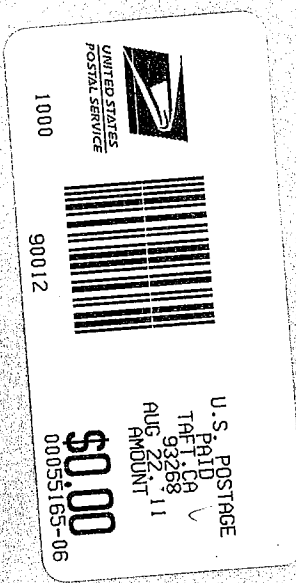
The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,  
Clerk, U.S. District Court

By: CPOWERS  
Deputy Clerk

Mark Alan Abrams  
#26687-112, Unit A4D  
Taft Correctional Institution  
P.O. Box 7001  
Taft, CA 93268

7000 0600 0024 7957 9523



**RETURN RECEIPT REQUESTED**

*DDG*

*POST*

Clerk of the Court  
U.S. District Court  
U.S. Courthouse, Rm G8  
312 N. Spring St.  
Los Angeles, CA 90012