

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-298-RJC
(3:13-cr-199-RJC-1)**

FRED CARRASCO, JR.,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER comes before the Court on pro se Petitioner’s “Motion for Reconsideration re [] Order on Motion for Miscellaneous Relief.” (Doc. No. 15).

On June 6, 2016, Petitioner filed the underlying motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (Doc. No. 1). On October 13, 2016, this Court denied and dismissed Petitioner’s motion to vacate on the merits. (Doc. No. 8). Petitioner thereafter had sixty days in which to file his notice of appeal, but such notice was never entered on this Court’s docket. See FED. R. APP. P. 4(a)(1)(B)(i).

On April 12, 2017, Petitioner filed a motion, seeking an order from this Court vacating and amending the judgment dated October 13, 2016, so that Petitioner may file a timely appeal. (Doc. No. 10). On January 8, 2018, this Court entered an order finding that the Court is without jurisdiction to grant Petitioner’s motion to file an untimely appeal. (Doc. No. 11). On March 6, 2018, Petitioner filed a document in this Court, which the Clerk’s office docketed as a “Notice of Appeal.” (Doc. No. 12). On April 24, 2018, Petitioner filed the pending motion, captioned as a “Request for Clarification,” in which he states that the document filed in this Court on March 6,

2018, and currently docketed as Petitioner's Notice of Appeal, was not intended to be filed as a Notice of Appeal to the Fourth Circuit Court of Appeals. Rather, he states that "he was asking this court to review its own order, in light of the case law and facts that he cited in Doc. 12." (Doc. No. 15 at 1).

Based on the foregoing, the Court instructs the Clerk to docket the document identified as Docket No. 12, as a "Motion for Reconsideration" and to notify the Fourth Circuit that Petitioner did not intend for this document to be filed as a Notice of Appeal in this matter. Furthermore, the Court will deny the "Motion for Reconsideration" filed on March 6, 2018, for the same reasons that the Court has already found that this Court is without jurisdiction to grant Petitioner's motion to file an untimely appeal.

IT IS, THEREFORE, ORDERED that

- (1) Petitioner's "Motion for Reconsideration re 11 Order on Motion for Miscellaneous Relief," (Doc. No. 15), is **GRANTED** in part and **DENIED** in part for the reasons stated in this Order. Petitioner's Motion for Reconsideration (docketed initially as a "Notice of Appeal"), (Doc. No. 12), is **DENIED**.

Signed: June 19, 2018



Robert J. Conrad, Jr.
United States District Judge

