

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
Houston DIVISION**

USA	§	
	§	
v.	§	CASE NUMBER: 4:00-cv-r-30-01
	§	District Judge: Melinda Harmon
Castro	§	Court Reporter(s):
	§	

**NOTICE OF THE FILING OF AN APPEAL**

In connection with this appeal, instrument # 319, filed by Jorge Eliecer Castro, a copy of the notice of appeal, the order being appealed and the docket sheet are attached.

In regard to this appeal:

- The Court of Appeal \$455.00 filing and docketing fees have not been paid, the appellant is a pro se litigant and a notice regarding a motion to proceed in forma pauperis was entered and a response is due.
- The Clerk of Court will submit to the Fifth Circuit Court of Appeals a Certificate of Non-Compliance if the appellant fails to pay the filing fee (or submit an application to proceed in forma pauperis).

Michael N. Milby, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
Houston DIVISION**

USA

§

§

v.

§ CASE NUMBER: 4:00-cv-r-30-01

§ District Judge: Melinda Harmon

§ Court Reporter(s):

Castro

§

**FILING FEE INSTRUCTIONS TO APPELLANT**

A filing fee of \$455.00 is required to proceed on appeal. The Clerk will file the notice of appeal without prepayment of the filing fee. However, for this appeal to proceed, the appellant must submit either: (1) the filing fee of \$455.00; or (2) a completed application to proceed in forma pauperis.

The appellant is instructed to comply as directed within thirty (30) days of the date of this notice. Failure to comply with this notice may result in your appeal being dismissed.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
Houston DIVISION**

USA

§

§

v.

§ CASE NUMBER: 4:00-cv-r-30-01

§ District Judge: Melinda Harmon

§ Court Reporter(s): n/a

Castro

§

**NOTICE OF THE FILING OF AN APPEAL**

In connection with this appeal, instrument # 319, filed by Jorge Eliecer Castro, a copy of the notice of appeal, the order being appealed and the docket sheet are attached.

In regard to this appeal:

- The Court of Appeal \$455.00 filing and docketing fees have not been paid, the appellant is a pro se litigant and a notice regarding a motion to proceed in forma pauperis was entered and a response is due.
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Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT

District of

Plaintiff

V.

Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER:

I, \_\_\_\_\_ declare that I am the (check appropriate box)

G petitioner/plaintiff/movant G other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? G Yes G No (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? G Yes G No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment G Yes G No
b. Rent payments, interest or dividends G Yes G No
c. Pensions, annuities or life insurance payments G Yes G No
d. Disability or workers compensation payments G Yes G No
e. Gifts or inheritances G Yes G No
f. Any other sources G Yes G No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts?           G Yes           G No

If "Yes," state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?           G Yes           G No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

United States District Court  
Southern District of Texas  
Houston Division

United States Courts  
Southern District of Texas  
FILED  
DEC 27 2005  
Michael N. Milby, Clerk

United States of America,  
Plaintiff-Respondent,  
  
v.  
  
Jorge Eliecer Castro,  
Petitioner-Defendant.

§  
§  
§ Cr. Case No. H-00-30-1  
§ Cv. Case No. H-03-890  
§  
§ VERIFIED MOTION  
§  
§

---

MOTION FOR LEAVE TO FILE OUT-OF-TIME NOTICE OF APPEAL  
AND CERTIFICATE OF APPEALABILITY DUE TO FAILURE TO RECEIVE  
ORDER DISMISSING §2255 AND REQUEST FOR COPY OF  
MEMORANDUM AND ORDER DISMISSING §2255.

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Comes Now Jorge Eliecer Castro, petitioner-defendant appearing pro se, interposing *Haines v Kerner*, 404 US 519 (1972) and hereby seeks leave of court to file out-of-time notice of appeal and certificate of appealability due to failure to receive order dismissing §2255 and request for copy of memorandum and order dismissing §2255. In support thereof, petitioner Castro submits the following, to wit;

1. Petitioner file his 28 USC §2255 on March 5, 2003.
2. On or about November 16, 2004 the Clerk of the court inadvertently mailed the U.S. Magistrate Judge's Report and Recommendation of the Brother, Victor Hugo Castro, to me.
3. On November 22, 2004 petitioner filed a motion to take Judicial Notice of mailing error (See Docket No. 288).
4. On December 2, 2004 the clerk of the court filed a renote to my Brother Victor Hugo Castro, a copy of the U.S. Magistrate

Judge's report and recommendation. (No new docket no. was issued.)

5. On October 20, 2005 the district court entered e memorandum and order dismissing petitioner's §2255.

6. On November 27, 2005 an inmate friend of petitioner had his family access the internet and pull up a copy of petitioner's criminal docket sheet and mail a copy to petitioner's friend.

7. On December 3, 2005 petitioner was given a copy of his criminal docket sheet.

8. Petitioner reading his docket sheet found that the district court had issued a denial order in his §2255 on October 20, 2005. [Ex "A"].

9. Petitioner avers that he never was notified nor received a copy of the district court's denial of his §2255.

10. Petitioner avers that he has diligently pursued his §2255 and all of it's litigation and even notified the court of the mailing error and tried to correct is when it occurred. (See Docket Sheet Ex "A" Dkt # 288).

11. Petitioner avers that he has diligently pursued his Booker issue, even amending his §2255 to include Booker on July 22, 2004. (See Docket Sheet No. 280).

12. Petitioner avers that he has been diligent in pursuing any and all of his §2255 litigation and wants to seek certification of his §2255 to appeal to the Fifth Circuit.

13. Petitioner avers that only because he was not notified of his §2255 being denied, did he not file his notice of appeal and application for certificate of appealability in a timely

manner.

WHEREFORE premises considered herein, petitioner Castro respectfully requests that this Honorable Court grant him leave of court to file an out-of-time notice of appeal and application for certificate of appealability. Petitioner further requests an order directing the clerk to send petitioner Jorge Eliecer Castro a copy of District Court's memorandum and order dated October 20, 2005 dismissing petitioners §2255.

Date: 12-15-05

Sincerely,

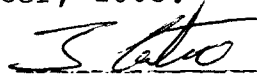


Jorge E. Castro  
Reg. No. 54072-079  
P.O. Box 26020  
Beaumont, TX 77720-6020

#### VERIFICATION

I, Jorge E. Castro hereby verify under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge. 28 USC §1746.

executed on this 15 day of December, 2005.



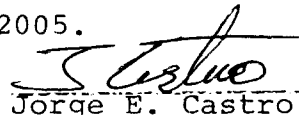
Jorge E. Castro

#### CERTIFICATE OF SERVICE

I, Jorge E. Castro hereby certify that I mailed a true and correct copy of the foregoing verified motion, addressed to:

U.S. Attorney's Office  
Att: Jeffery A. Babcock, AUSA  
P.O. Box 61129  
Houston, TX 77208-1129

on this the 15 day of December, 2005.



Jorge E. Castro



		(Entered: 08/16/2004)
09/13/2004	<u>283</u>	RESPONSE by USA as to Jorge Eliecer Castro re [280] Motion for Miscellaneous Relief , filed. (Attachments: # <u>1</u> Text of Proposed Order) (ctaylor, ) (Entered: 09/13/2004)
09/27/2004	<u>284</u>	REPLY TO RESPONSE to Motion by Jorge Eliecer Castro re [280] Motion for Miscellaneous Relief , filed.(ctaylor, ) (Entered: 09/28/2004)
11/09/2004	<u>285</u>	REPORT AND RECOMMENDATIONS as to Jorge Eliecer Castro re granted [273] Motion to Dismiss, denied [270] Motion to Vacate (2255), denied [280] Motion for Miscellaneous Relief Objections to R&R due by 11/19/2004( Signed by Judge Frances H Stacy ). Parties notified. (ncavazos, ) (Entered: 11/09/2004)
11/09/2004	<u>286</u>	MEMORANDUM AND RECOMMENDATION denying [275] Motion to Vacate (2255)set aside or correct sentence as to Victor Hugo Castro (2).(Signed by Judge Frances H Stacy.) Parties notified.(ncavazos, ) (Entered: 11/10/2004)
11/22/2004	<u>287</u>	MOTION to Take Judicial Notice of Mailing Error re <u>285</u> REPORT AND RECOMMENDATIONS as to Jorge Eliecer Castro re [273] Motion to Dismiss, [270] Motion to Vacate (2255), [280] Motion for Miscellaneous Relief by Jorge Eliecer Castro, filed. (ddarneille, ) (Entered: 11/26/2004)
11/22/2004	<u>288</u>	MOTION to Take Judicial Notice of Mailing Error by Jorge Eliecer Castro as to Victor Hugo Castro, filed. (ltien, ) (Entered: 11/30/2004)
12/02/2004		Memorandum and Recommendation (Instrument #286) manually renote to Victor Hugo Castro at FCI Big Spring; 1900 Simler Avenue; Big Spring TX 79720 as to Victor Hugo Castro: , filed. (ncavazos, ) (Entered: 12/02/2004)
12/13/2004	<u>289</u>	MOTION for Extension of Time to File Response to the Honorable Magistrate's recommendation and findings by Victor Hugo Castro, filed. ( pmartinez, ) (Entered: 12/15/2004)
12/17/2004	<u>290</u>	ORDER grants motion for extension of time <u>289</u> MOTION for Extension of Time to File Response/Reply as to Victor Hugo Castro Petitioner shall have 45 days from the entry of this Order to file a response to the Magistrate's Memorandum and Recommendation Doc. #286( Signed by Judge Melinda Harmon ). Parties notified. (ncavazos, ) (Entered: 12/20/2004)
02/03/2005	<u>291</u>	MOTION to Vacate under 28 U.S.C. 2255 ( Civil Action No. 03-2915) by Victor Hugo Castro, filed. (ncavazos, ) (Entered: 02/03/2005)
04/07/2005	<u>292</u>	REPORT AND RECOMMENDATIONS as to Victor Hugo Castro re denying <u>291</u> MOTION to Vacate under 28 U.S.C. 2255 ( Civil Action No. 03-2915) Objections to R&R due by 4/21/2005( Signed by Judge Frances H Stacy ). Parties notified. (ctaylor, ) (Entered: 04/08/2005)
10/20/2005	<u>293</u>	MEMORANDUM AND ORDER as to Jorge Eliecer Castro granting

		[273] Motion to Dismiss, denying [270] Motion to Vacate (2255), denying [280] Motion to Supplement. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)
10/20/2005	<u>294</u>	ORDER DISMISSING ACTION as to Jorge Eliecer Castro. Motion to Vacate, Set Aside or Correct Sentence [270] is denied and dismissed with prejudice. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)
10/20/2005	<u>295</u>	MEMORANDUM AND ORDER as to Victor Hugo Castro denying [275] & <u>291</u> MOTION to Vacate under 28 U.S.C. 2255 ( Civil Action No. 03-2915). Government's Motion to Dismiss [278] is granted. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)
10/20/2005	<u>296</u>	ORDER DISMISSING ACTION as to Victor Hugo Castro. Motion to Vacate, Set Aside or Correct Sentence is denied. Case is dismissed with prejudice. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)

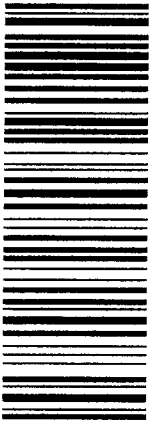
<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
11/27/2005 14:41:18			
<b>PACER Login:</b>	ws0416	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:00-cr-00030
<b>Billable Pages:</b>	24	<b>Cost:</b>	1.92

A

Jorge Castro  
54072-072-UB  
F. C. I. Low  
P.O. Box, 26020  
Beaumont TX 77720

*JD*

CERTIFIED MAIL™



7004 2510 0004 2935 5102



9264

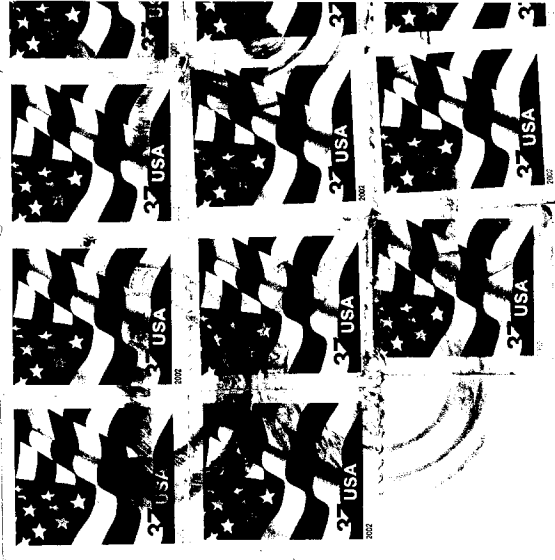


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U.S. POSTAGE  
PAID  
BEAUMONT, TX  
77707  
DEC 23, 05  
AMOUNT

\$0.00

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Special mail

US District Court  
Southern District of Texas  
Office of clerk  
515 Rusk Ave,  
Houston, TX 77002

DEC 16 2005

United States  
District  
FILE



DEC 27

Michael N. Hill

See enclosed for forwarding to the  
address for KISPEL  
program. We will  
not take responsibility for  
returnable stationery  
sent to the United States

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

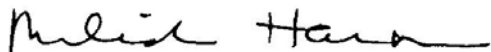
UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-00-30-1
	}	CIVIL ACTION NO. H-03-890
JORGE ELIECER CASTRO,	}	
<i>Defendant-Petitioner</i>	}	

**ORDER DISMISSING ACTION**

After careful and independent consideration of the record in this case, the Court

**ORDERS** that Petitioner Jorge Eliecer Castro's Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 is **DENIED** and his action is **DISMISSED WITH PREJUDICE**.

**SIGNED** at Houston, Texas, this 20<sup>th</sup> of October, 2005.



\_\_\_\_\_  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-00-30-1
	}	CIVIL ACTION NO. H-03-890
JORGE ELIECER CASTRO,	}	
<i>Defendant-Petitioner</i>	}	

**MEMORANDUM AND ORDER**

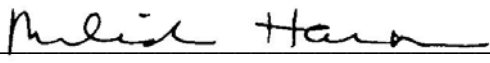
Presently before the Court are Petitioner Jorge Eliecer Castro’s Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 (Doc. 270), the United States’ Answer and Motion to Dismiss (Doc. 273), Petitioner’s Traverse to the United States’ Answer and Motion to Dismiss (Doc. 274), Petitioner’s Motion Seeking Permission to Supplement Pending § 2255 Motion to Vacate (Doc. 280), the United States’ Response to Petitioner’s Motion Seeking Permission to Supplement His Pending Motion to Vacate Sentence under 28 U.S.C. § 2255 (Doc. 283), Petitioner’s Reply to the Response (Doc. 284), and the Magistrate Judge’s Memorandum and Recommendation Denying Movant’s § 2255 Motion to Vacate, Set Aside, or Correct Sentence and Motion to Supplement § 2255 Motion and Granting the United States’s Motion to Dismiss (Doc. 285).

In his Motion to Supplement Petition, petitioner requests that he be allowed to argue through his § 2255 motion that the holding in *Blakely v. Washington*, 542 U.S. 296 (2004) precludes any enhancement of his sentence. (Doc. 283). Although the holding of *Blakely* was not expressly made applicable to the federal Sentencing Guidelines, a majority of the Supreme Court in *United States v. Booker* extended to the federal Sentencing Guidelines the rule announced in *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. Washington*, 542 U.S. 296 (2004): “that pursuant to the Sixth Amendment, any fact, other than the fact of a prior conviction, ‘which is necessary to support a sentence exceeding the maximum authorized by the facts established by a plea of guilty or a jury

verdict must be admitted by the defendant or proved to a jury beyond a reasonable doubt.” See *In re Elwood*, 408 F.3d 211, 212 (5th Cir. Apr. 28, 2005) (quoting *United States v. Booker*, \_\_ U.S. \_\_, 125 S. Ct. 738, 756 (2005)). However, the Supreme Court in *Booker* expressly stated that its holdings in the case were applicable only to “all cases on direct review.” *Booker*, 125 S.Ct. at 769. Petitioner seeks this relief through collateral review. Therefore, neither *Blakely* nor *Booker* can be applied retroactively to defendant’s sentence and conviction. See *In re Elwood*, 408 F.3d 211. Accordingly, the Court **ORDERS** that Petitioner’s Motion Seeking Permission to Supplement Pending § 2255 Motion to Vacate (Doc. 280) be **DENIED**.

After carefully considering the record and the applicable law, the Court concludes that Petitioner’s Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 (Doc. 270) should be **DENIED** and the Government’s Motion to Dismiss (Doc. 273) should be **GRANTED**. Accordingly, this action is **DISMISSED WITH PREJUDICE**. With the exception of the Magistrate Judge’s reasoning for her recommendation that Petitioner’s Motion to Supplement the Pending § 2255 Motion to Vacate, the Court adopts the Magistrate Judge’s Memorandum and Recommendation (Doc. 285) in full.

**SIGNED** at Houston, Texas, this 20<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

APPEAL, CLOSED, COMPLEX, MOTREF

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CRIMINAL DOCKET FOR CASE #: 4:00-cr-00030-1  
Internal Use Only**

Case title: USA v. Castro, et al

Date Filed: 01/19/2000

Date Terminated: 05/11/2001

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Assigned to: Judge Melinda  
Harmon

Appeals court case numbers: 01-  
20516, A.Traylor,  
AnitaG.Manley, J.Sanchez

**Defendant**

**Jorge Eliecer Castro (1)**  
*TERMINATED: 05/11/2001*

represented by **Jorge Eliecer Castro**  
54072-079  
FCI Low  
PO Box 26020  
Beaumont, Tx 77720  
PRO SE

**Andrew J Williams**  
Law Office Of Andrew J.  
Williams  
1420 C Stonehollow Dr  
Kingwood, TX 77339  
281-358-9111  
Fax: 866-275-8926  
Email: aw123@earthlink.net  
*TERMINATED: 05/11/2001*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Frank Aguilar**  
Attorney at Law  
1001 Texas Ave

Ste 580  
Houston, TX 77002  
713-222-2733  
Fax: 713-222-2605 fax  
*TERMINATED: 06/20/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Jorge Eliecer Castro**  
#54072-079  
FCC Beaumont  
P O Box 26020  
Beaumont, TX 77720-6020  
*TERMINATED: 05/11/2001*  
*ATTORNEY TO BE NOTICED*  
*Designation: Waived or Self (Pro Se)*

### **Pending Counts**

21:846=CD.F Conspiracy to possess w/intent to distribute 5 kilograms or more of a mixture or substance containing cocaine and 50 grams or more of a mixture or substance containing cocaine base  
MAX PENALTY: Life and/or \$4 million plus 5 yrs SRT  
(1)

21:841B=CD.F Aiding and abetting to possess w/intent to distribute 5 kilograms or more of a mixture or substance containing cocaine  
MAX PENALTY: Life and/or \$4 million plus 5 yrs SRT  
(2)

### **Highest Offense Level (Opening)**

Felony

### **Disposition**

240 mos impris, concurrent with Docket No. 00-10-001, cts 1-4, 5 yrs SRT, \$1,000.00 fine, \$100 SA

Dismissed on Govt's Mtn



**Terminated Counts**

None

**Disposition****Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **James L Turner**  
US Attorneys Office  
PO Box 61129  
Houston, TX 77208-1129  
713-567-9361  
Fax: 713-718-3302  
Email: jim.turner@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paula C Offenhauser**  
US Attorneys Office  
PO Box 61129  
Houston, TX 77002  
713-567-9364  
Fax: 713-718-3302  
Email:  
paula.offenhauser@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Eric Reed**  
Rhodes Vela  
808 Travis  
Suite 1447  
Houston, TX 77002  
713-600-1800 x 1803  
Fax: 713-600-1840  
Email: ereed@rhodesvela.com

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Financial Litigation**

U S Attorney's Office  
Southern District of Texas  
P O Box 61129  
Houston, TX 77208  
713-567-9000  
Fax: 713-718-3391 fax  
*ATTORNEY TO BE NOTICED  
Designation: Retained*

**US Marshal - H**

515 Rusk  
10th Floor  
Houston, TX 77002  
713-718-4800  
Fax: 713-718-4848  
*ATTORNEY TO BE NOTICED  
Designation: Retained*

**US Pretrial Svcs - H**

515 Rusk  
6th Floor  
Houston, TX 77002  
713-250-5218  
Fax: 713-250-5666  
*ATTORNEY TO BE NOTICED  
Designation: Retained*

**US Probation - H**

515 Rusk  
2nd Floor  
Houston, TX 77002  
713-250-5266  
Fax: INS\_prob1  
*ATTORNEY TO BE NOTICED  
Designation: Retained*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/19/2000	3	ORDER for Issuance of Warrant as to Jorge Eliecer Castro

		( Signed by Magistrate Judge Mary Milloy ), entered, (pgalvan) (Entered: 02/17/2000)
01/19/2000		WARRANT issued as to Jorge Eliecer Castro (pgalvan) (Entered: 02/17/2000)
03/31/2000		Complex case. (pgalvan) (Entered: 04/03/2000)
04/27/2000	87	MOTION by Jorge Eliecer Castro for Frumencio Reyes, Jr to withdraw as attorney , filed. (fmremp) (Entered: 04/28/2000)
05/02/2000	<a href="#">90</a>	ORDER granting [87-1] motion for Frumencio Reyes, Jr to withdraw as attorney (Terminated as to Jorge Eliecer Castro (1) ( Signed by Judge Melinda Harmon ), entered. Parties ntf. Deft. must retain new counsel immediatly. (fmremp) Modified on 05/03/2000 (Entered: 05/03/2000)
06/08/2000	96	First Appearance as to Jorge Eliecer Castro held before Magistrate Judge Calvin Botley Ct Reporter: ERO Interpreter: yes (Defendant informed of rights.) filed. C Joubert f/E Reed f/Govt Deft appeared w/o cnsl. Frank Aguilar apptd. Deft REMANDED. (pgalvan) (Entered: 06/12/2000)
06/08/2000	97	CJA 23 FINANCIAL AFFIDAVIT by Jorge Eliecer Castro , filed. (pgalvan) (Entered: 06/12/2000)
06/08/2000	98	ORDER OF DETENTION pending hearing as to Jorge Eliecer Castro ( Signed by Magistrate Judge Calvin Botley ), entered. (pgalvan) (Entered: 06/12/2000)
06/08/2000	99	CJA 20 as to Jorge Eliecer Castro : Appointment of Attorney Frank Aguilar Voucher # 0910193 ( Appointed by Magistrate Judge Calvin Botley ) , entered. (pgalvan) (Entered: 06/12/2000)
06/12/2000	100	WARRANT issued 1/19/00 Returned Executed as to Jorge Eliecer Castro on 6/6/00 , filed. (pgalvan) (Entered: 06/13/2000)
06/13/2000	101	First Appearance as to Jorge Eliecer Castro held before Magistrate Judge Calvin Botley Ct Reporter: ERO Interpreter: yes filed. E Reed f/Govt F Aguilar f/deft. Deft currently in custody in L.A. awaiting sentencing. Deft REMANDED. (pgalvan) (Entered: 06/14/2000)
06/13/2000	102	Arraignment held before Magistrate Judge Calvin Botley Ct Reporter: ERO Interpreter: yes , filed., Plea of Not Guilty: Jorge Eliecer Castro (1) count(s) 1, 2 E Reed f/Govt F Aguilar

		f/deft. Scheduling Order to be mailed. PTC: 7/7/00, Trial: 7/17/00. Deft REMANDED. (pgalvan) Modified on 06/14/2000 (Entered: 06/14/2000)
06/13/2000	<a href="#">105</a>	ORDER OF DETENTION Pending Trial as to Jorge Eliecer Castro ( Signed by Magistrate Judge Calvin Botley ), entered. (fmremp) (Entered: 06/20/2000)
06/14/2000	<a href="#">103</a>	SCHEDULING ORDER setting Motion Filing deadline on 6/28/00 for Jorge Eliecer Castro ; Motion Response deadline 7/5/00 Proposed Voir Dire and Jury Charges by 7/7/00 Pretrial Conference for 10:00 7/7/00; Jury Trial for 9:30 7/17/00 before Judge Melinda Harmon ( Signed by Magistrate Judge Calvin Botley ), entered. Parties ntf. (ckrus) (Entered: 06/19/2000)
06/16/2000	104	MOTION by Jorge Eliecer Castro for Frank Aguilar to withdraw as attorney , filed. (pgalvan) (Entered: 06/19/2000)
06/20/2000	<a href="#">106</a>	ORDER granting [104-1] motion for Frank Aguilar to withdraw as attorney (Terminated as to Jorge Eliecer Castro (1) ( Signed by Judge Melinda Harmon ), entered. Parties ntf. (fmremp) (Entered: 06/20/2000)
06/22/2000	107	Order referring motion (Counsel Determination) to Magistrate Judge Frances H. Stacy as to Jorge Eliecer Castro : (), entered. (fmremp) (Entered: 06/23/2000)
06/23/2000	108	CJA 20 as to Jorge Eliecer Castro : Appointment of Attorney Andrew J Williams Voucher # 0910449 ( Appointed by Magistrate Judge Frances H. Stacy ) , entered. (ckrus) (Entered: 06/27/2000)
06/23/2000	109	MOTION by Jorge Eliecer Castro to continue trial , filed. (fmremp) (Entered: 06/27/2000)
06/27/2000	110	MOTION by Deft Jorge Eliecer Castro for Bill of Particulars , filed. (ksanders) (Entered: 06/28/2000)
07/07/2000	<a href="#">112</a>	ORDER granting [109-1] motion to continue trial reset Jury trial for 9/25/00 for Jorge Eliecer Castro before Judge Melinda Harmon ( Signed by Judge Melinda Harmon ), entered. Parties ntf. (fmremp) (Entered: 07/10/2000)
09/18/2000	124	Re-Arraignment held before Judge Melinda Harmon Ct Reporter: J Sanchez Interpreter: yes , filed., Plea of Guilty: Jorge Eliecer Castro (1) count(s) 1 E Reed f/Govt A Williams f/deft. (pgalvan) (Entered: 09/18/2000)

09/18/2000	<a href="#">125</a>	ORDER for Disclosure of PSI , PSI completion by 11/24/00 for Jorge Eliecer Castro , Objection to PSI due 12/8/00 , Final PSI due 12/22/00 , Sentencing set for 10:00 1/5/01 before Judge Melinda Harmon ( Signed by Judge Melinda Harmon ) , entered. Parties ntf. (pgalvan) (Entered: 09/18/2000)
01/12/2001	155	STATEMENT of Acceptance of Responsibility by Jorge Eliecer Castro , filed. (fmrem) (Entered: 01/12/2001)
03/12/2001	161	MOTION by Jorge Eliecer Castro to extend time to file objections to PSI , filed. (pgalvan) (Entered: 03/13/2001)
03/13/2001	<a href="#">162</a>	ORDER granting [161-1] motion to extend time to file objections to PSI as to Jorge Eliecer Castro (1) reset disclosure order deadlines: Objections to PSI due 4/13/01 Sentencing set for 10:00 5/11/01 ( Signed by Judge Melinda Harmon ) , entered. Parties ntf. (ckrus) (Entered: 03/14/2001)
04/09/2001	176	STATEMENT of No Objections to Presentence Investigation Report by USA as to Jorge Eliecer Castro , filed. (pgalvan) (Entered: 04/09/2001)
04/13/2001	193	OBJECTION by Jorge Eliecer Castro to Presentence Investigation Report & Corrections, filed. (fmrem) (Entered: 04/16/2001)
04/19/2001	199	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Jorge Eliecer Castro , filed. (fmrem) (Entered: 04/20/2001)
04/19/2001	200	SEALED Confidential Sentencing Recommendation regarding Jorge Eliecer Castro to the Court, filed and placed in vault. (fmrem) (Entered: 04/20/2001)
05/02/2001	203	ADDENDUM by Jorge Eliecer Castro to [193-1] objection presentence investigation , filed. (fmrem) (Entered: 05/02/2001)
05/08/2001	207	SECOND ADDENDUM by Jorge Eliecer Castro to [193-1] objection presentence investigation , filed. (fmrem) (Entered: 05/09/2001)
05/11/2001	214	Sentencing Hearing as to Jorge Eliecer Castro not held before Judge Melinda Harmon Interpreter: yes, App: J. Vaden f/E. Reed f/govt, A. Balderas f/deft, def's cnsl Antonio Balderas may withdraw, the def will go before the Magistrate to determine financial eligibility for appointment of counsel,

		deft's letter to the ct will be filed under SEAL. Sentencing is reset to June 22, 2001 at 10:00 a.m. (pjones) (Entered: 05/15/2001)
05/11/2001	215	Sentencing held before Judge Melinda Harmon Ct Reporter: Anita Manley, Interpreter: yes, App: J. Vaden f/E. Reed f/govt, Andrew Williams f/deft, Jorge Eliecer Castro (1) count(s) 1. 240 mos impris, concurrent with Docket No. 00-10-001, cts 1-4, 5 yrs SRT, \$1,000.00 fine, \$100 SA, deft remanded to custody, filed. US Probation Officer: Kimberly Jones/Michael Oliveri (pjones) (Entered: 05/15/2001)
05/11/2001	222	MOTION by USA as to Jorge Eliecer Castro to dismiss cnt-2 of the indictment , filed. (fmrem) (Entered: 05/18/2001)
05/11/2001	226	THIRD ADDENDUM by Jorge Eliecer Castro to [193-1] objection presentence investigation , filed. (fmrem) (Entered: 05/29/2001)
05/14/2001	218	NOTICE OF APPEAL of judgment and sentence by Jorge Eliecer Castro (1) count(s) 1 FILING FEE: CJA, filed. (bdaniel) (Entered: 05/15/2001)
05/15/2001		Notice of appeal and Copy of docket as to Jorge Eliecer Castro to USCA: [218-1] appeal . Parties ntd. (bdaniel) (Entered: 05/15/2001)
05/16/2001	<a href="#">223</a>	ORDER granting [222-1] motion to dismiss cnt-2 of the indictment as to Jorge Eliecer Castro (1) ( Signed by Judge Melinda Harmon ), entered. Parties ntd. (fmrem) (Entered: 05/18/2001)
05/16/2001		DISMISSAL of Count(s) on Government Motion Counts Dismissed: Jorge Eliecer Castro (1) count(s) 2 (fmrem) (Entered: 05/18/2001)
05/16/2001	<a href="#">224</a>	JUDGMENT as to , Jorge Eliecer Castro (1) count(s) 1 ( Signed by Judge Melinda Harmon ), entered. Parties ntd. (fmrem) (Entered: 05/18/2001)
05/25/2001		USCA Case Number as to Jorge Eliecer Castro Re: [218-1] appeal USCA NUMBER: 01-20516 (mmapps) (Entered: 05/29/2001)
05/31/2001	228	Transcript Order Form as to Jorge Eliecer Castro requesting transcript of Re-Arrestment before Judge Harmon on 9/18/00 by Ct Reporter: J. Sanchez , filed. (fmrem) (Entered: 05/31/2001)

		06/01/2001)
05/31/2001	230	Transcript Order Form as to Jorge Eliecer Castro requesting transcript of Sentencing before Judge Harmon on 5/11/01 by Ct Reporter: A. Manley , filed. (fmrem) (Entered: 06/01/2001)
08/01/2001	242	TRANSCRIPT as to Jorge Eliecer Castro Re: [218-1] appeal Sentencing Hearing for dates of May 11, 2001 before Judge Melinda Harmon , filed. Ct Reporter: Anita G. Manley (pjones) (Entered: 08/03/2001)
09/05/2001		Certified and transmitted record on appeal consisting of 1 volume of record, 2 volume of transcripts, 2 sealed envelopes, to U.S. Court of Appeals as to Jorge Eliecer Castro : [218-1] appeal . Circuit No. 01-20516. Parties ntf. (mmapps) (Entered: 09/05/2001)
04/01/2002	<a href="#">260</a>	JUDGMENT OF USCA (certified copy)as to Jorge Eliecer Castro on 03/06/02 Mandate Issued 03/28/02 [218-1] appeal CCA No. 01-20516 affirming judgment count(s) 1 , filed. (mmapps) (Entered: 04/02/2002)
04/01/2002	<a href="#">261</a>	Copy of Fifth Circuit Court of Appeals Per Curiam as to Jorge Eliecer Castro , filed. U.S.C.A. No. 01-20516 (mmapps) (Entered: 04/02/2002)
04/01/2002		Record on Appeal as to Jorge Eliecer Castro returned from U.S. Court of Appeals: [218-1] appeal CCA No. 01-20516 Rec'd 1 vol of record, 2 vol of transcripts, 2 sealed envelopes, file reass'd fwd to fileroom. (mmapps) Modified on 04/02/2002 (Entered: 04/02/2002)
04/25/2002	262	ORDER OF USCA (certified copy) 04/17/02 that the motion of Andrew J Williams to withdraw as court appointed counsel for Appellant Jorge E Castro is GRANTED, Re: [250-1] appeal , filed. RE: Jorge Eliecer Castro (mmapps) (Entered: 04/25/2002)
01/07/2003	267	MOTION by Jorge Eliecer Castro to Correct Judgment , filed. Original forwarded to casemanager, lcb (lbrown) (Entered: 01/09/2003)
01/27/2003	<a href="#">268</a>	AMENDED JUDGMENT , Jorge Eliecer Castro (1) count(s) 1 ( Signed by Judge Melinda Harmon ), entered. Parties ntf. The Statement of Reasons has been placed under seal in the envelope with the Original Presentence Report. Copies of the

		SOR have been sent to the appropriate defense counsel, the AUSA, and the US Marshal. (lbrown) (Entered: 01/28/2003)
02/07/2003	269	RESPONSE by USA as to Jorge Eliecer Castro re: [267-1] motion to Correct Judgment , filed. (lbrown) (Entered: 02/10/2003)
03/11/2003	270	MOTION by Jorge Eliecer Castro to vacate under 28 U.S.C. 2255 (Civil Action # H 03-0890), filed. (ddarneille) (Entered: 03/14/2003)
03/17/2003	<a href="#">271</a>	ORDER that deft's motion pursuant to 28 USC 2255 was filed on 03/11/03. It is now hereby ORDERED that the US answer w/in 60 days as to Jorge Eliecer Castro ( Signed by Judge Melinda Harmon ), entered. Parties ntf. (lbrown) (Entered: 03/18/2003)
03/18/2003	272	Order referring motion to Magistrate Judge Frances H. Stacy as to Jorge Eliecer Castro : [270-1] motion to vacate under 28 U.S.C. 2255 ( Signed by Judge Melinda Harmon ), entered. (lbrown) (Entered: 03/18/2003)
05/16/2003	273	ANSWER to [270-1] motion to vacate under 28 U.S.C. 2255 as to Jorge Eliecer Castro by USA , filed. (lbrown) (Entered: 05/18/2003)
05/16/2003	273	MOTION by USA as to Jorge Eliecer Castro to dismiss defts 2255 mtn , filed. (lbrown) (Entered: 05/18/2003)
06/11/2003	274	TRAVERSE by Jorge Eliecer Castro to govt's response to [270-1] motion to vacate under 28 U.S.C. 2255 , filed. (pjones) (Entered: 06/11/2003)
07/22/2004	280	MOTION by Jorge Eliecer Castro to supplement pending section 2255 motion to vacate , filed. (ctaylor) (Entered: 07/23/2004)
07/23/2004	<a href="#">281</a>	Order referring motion: to Magistrate Judge Frances H. Stacy as to Jorge Eliecer Castro : [280-1] motion to supplement pending section 2255 motion to vacate ( Signed by Judge Melinda Harmon ), entered. (ctaylor) (Entered: 07/27/2004)
08/05/2004		Mail returned undeliverable as to Jorge Eliecer Castro on [281-1] referral/referred order forwarded to file. (ctaylor) (Entered: 08/09/2004)
08/12/2004	<a href="#">282</a>	ORDER Response to motion set to 9/15/04 for USA for [280-1] motion to supplement pending section 2255 motion to



		vacate ( Signed by Magistrate Judge Frances H. Stacy ), entered. Parties ntfd. (ctaylor) (Entered: 08/16/2004)
09/13/2004	<a href="#">283</a>	RESPONSE by USA as to Jorge Eliecer Castro re [280] Motion for Miscellaneous Relief , filed. (Attachments: # <a href="#">1</a> Text of Proposed Order)(ctaylor, ) (Entered: 09/13/2004)
09/27/2004	<a href="#">284</a>	REPLY TO RESPONSE to Motion by Jorge Eliecer Castro re [280] Motion for Miscellaneous Relief , filed.(ctaylor, ) (Entered: 09/28/2004)
11/09/2004	<a href="#">285</a>	REPORT AND RECOMMENDATIONS as to Jorge Eliecer Castro re granted [273] Motion to Dismiss, denied [270] Motion to Vacate (2255), denied [280] Motion for Miscellaneous Relief Objections to R&R due by 11/19/2004 ( Signed by Judge Frances H Stacy ). Parties notified. (ncavazos, ) (Entered: 11/09/2004)
11/22/2004	<a href="#">287</a>	MOTION to Take Judicial Notice of Mailing Error re <a href="#">285</a> REPORT AND RECOMMENDATIONS as to Jorge Eliecer Castro re [273] Motion to Dismiss, [270] Motion to Vacate (2255), [280] Motion for Miscellaneous Relief by Jorge Eliecer Castro, filed. (ddarneille, ) (Entered: 11/26/2004)
10/20/2005	<a href="#">293</a>	MEMORANDUM AND ORDER as to Jorge Eliecer Castro granting [273] Motion to Dismiss, denying [270] Motion to Vacate (2255), denying [280] Motion to Supplement. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)
10/20/2005	<a href="#">294</a>	ORDER DISMISSING ACTION as to Jorge Eliecer Castro. Motion to Vacate, Set Aside or Correct Sentence [270] is denied and dismissed with prejudice. ( Signed by Judge Melinda Harmon ). Parties notified. (bthomas, ) (Entered: 10/20/2005)
12/27/2005	<a href="#">297</a>	MOTION for Leave to File Notice of Appeal and Certificate of Appealability due to failure to receive order dismissing 2255 and Request for copy of Memorandum and Order Dimissing 2255 by Jorge Eliecer Castro, filed. (ctaylor, ) (Entered: 12/27/2005)
12/27/2005	<a href="#">319</a>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Jorge Eliecer Castro re <a href="#">294</a> Order, <a href="#">293</a> Memorandum and Order (Filing fee \$ 455),filed. ***THIS IMAGE IS A DUPLICATE OF DE# <a href="#">297</a> AND HAS BEEN

		RE-DOCKETED FOR CASE MANAGEMENT PURPOSES***(kcarr, ) (Entered: 09/07/2007)
01/13/2006	<a href="#">298</a>	RESPONSE by USA as to Jorge Eliecer Castro re <a href="#">297</a> MOTION for Leave to File Notice of Appeal and Certificate of Appealability due to failure to receive order dismissing 2255 and Request for copy of Memorandum and Order Dimissing 2255, filed. (Attachments: # <a href="#">1</a> Proposed Order)(Babcock, Jeffrey) (Entered: 01/13/2006)
01/13/2006	<a href="#">299</a>	MOTION To Eliminate Enhancements and Reduce Sentence (Under Rule 35) by Jorge Eliecer Castro, filed. (mkallie, ) (Entered: 01/17/2006)
02/08/2006	<a href="#">300</a>	REPLY TO RESPONSE to Motion by Jorge Eliecer Castro re <a href="#">297</a> MOTION for Leave to File Notice of Appeal and Certificate of Appealability due to failure to receive order dismissing 2255 and Request for copy of Memorandum and Order Dimissing 2255 , filed.(jbradford, ) (Entered: 02/08/2006)
02/14/2006	<a href="#">301</a>	RESPONSE to Motion by USA as to Jorge Eliecer Castro re <a href="#">299</a> MOTION to Reduce Sentence(Under Rule 35), filed. (Attachments: # <a href="#">1</a> Proposed Order)(Vaden, Jeff) (Entered: 02/14/2006)
02/15/2006	<a href="#">302</a>	ORDER denying <a href="#">299</a> Motion to Reduce Sentence(Under Rule 35) as to Jorge Eliecer Castro (1).(Signed by Judge Melinda Harmon.) Parties notified.(htippen, ) (Entered: 02/16/2006)
02/15/2006	<a href="#">303</a>	ORDER denying <a href="#">297</a> Motion for Leave to File as to Jorge Eliecer Castro (1).(Signed by Judge Melinda Harmon.) Parties notified.(htippen, ) (Entered: 02/16/2006)
02/27/2006	<a href="#">304</a>	Reply to Governments RESPONSE by Jorge Eliecer Castro , filed.(jbradford, ) (Entered: 02/28/2006)
03/01/2006	<a href="#">305</a>	MOTION for Reconsideration re <a href="#">303</a> Order on Motion for Leave to File by Jorge Eliecer Castro, filed. (ledwards, ) (Entered: 03/02/2006)
03/31/2006	<a href="#">308</a>	RESPONSE to Motion by USA as to Jorge Eliecer Castro re <a href="#">305</a> MOTION for Reconsideration re <a href="#">303</a> Order on Motion for Leave to File, filed. (Attachments: # <a href="#">1</a> Proposed Order Order for Motion for Reconsideration)(Vaden, Jeff) (Entered: 03/31/2006)

04/04/2006	<a href="#">309</a>	ORDER denying <a href="#">305</a> Deft's Motion for Reconsideration as to Jorge Eliecer Castro (1).(Signed by Judge Melinda Harmon.) Parties notified.(htippen, ) (Entered: 04/05/2006)
06/08/2006	<a href="#">310</a>	MOTION To Take Judicial Notice and Request for an Order Directing Clerk to Mail Petitioner Copy of October 20, 2005, Order and Final Judgment Denying Petitioner's 2255 by Jorge Eliecer Castro, filed. (mmarch, ) (Entered: 06/08/2006)
06/09/2006	<a href="#">310</a>	MOTIONS as to Jorge Eliecer Castro REFERRED to Magistrate Judge Frances Stacy: <a href="#">310</a> MOTION To Take Judicial Notice and Request for an Order Directing Clerk to Mail Petitioner Copy of October 20, 2005, Order and Final Judgment Denying Petitioner's 2255 (htippen, ) (Entered: 06/09/2006)
06/26/2006	<a href="#">313</a>	ORDER granting <a href="#">310</a> Motion as to Jorge Eliecer Castro (1). (Signed by Judge Frances H Stacy.) Parties notified. (mmarch, ) (Entered: 06/27/2006)
09/21/2007	<a href="#">320</a>	Notice of Assignment of USCA No. 07-20678 as to Jorge Eliecer Castro re: <a href="#">319</a> Notice of Appeal - Judgment and Sentence,,filed.(jdav, ) (Entered: 09/21/2007)