Barker v. USA Doc. 34 Att. 1

# Exhibit A

The following is an outline of Barker's litigation history with respect to his § 2255 petition, motion for compassionate release, and pro se criminal motions.

### A. Petition Pursuant to 28 U.S.C. § 2255

#### 1. Motions

- July 5, 2019 Motion to Vacate Under 28 U.S.C. § 2255 (Dkt. No. 269; Civil Action No. 1:19CV134, Dkt. No. 1)
- July 19, 2019 Court Approved § 2255 Form (Dkt. No. 273; Civil Action No. 1:19CV134, Dkt. No. 5)
- September 3, 2019 Motion for Citation of Supplemental Authorities (Dkt. No. 277; Civil Action No. 1:19CV134, Dkt. No. 9)
- November 1, 2019 Motion to Expedite Ruling on the Pleadings (Dkt. No. 283; Civil Action No. 1:19CV134, Dkt. No. 10)
- April 30, 2020 Motion to Stay Pending § 2255 Proceedings (Dkt. No. 298; Civil Action No. 1:19CV134, Dkt. No. 17)
- June 2, 2020 Motion to Add Grounds 5 and 6 in Support of Motion Pursuant to 28 U.S.C. § 2255 (Dkt. No. 306; Civil Action No. 1:19CV134, Dkt. No. 18)
- June 30, 2020 Motion to Supplement Motion to Vacate Under 28 U.S.C. § 2255 with an Additional Claim of Prosecutorial Misconduct (Dkt. No. 315; Civil Action No. 1:19CV134, Dkt. No. 19)
- January 11, 2021 Motion to Amend Actual Innocence Exception to Statute of Limitations Pursuant to 28 U.S.C. § 2255 and to Invoke Rule 4(b) of § 2255 Proceedings (Dkt. No. 343; Civil Action No. 1:19CV134, Dkt. No. 28)

#### 2. Additional Filings

- August 26, 2019 Response to Hill v. Braxton Notice (Dkt. No. 276; Civil Action No. 1:19CV134, Dkt. No. 8)
- November 18, 2019 Memorandum in Support of the Actual Innocence Exception (Dkt. No. 285; Civil Action No. 1:19CV134, Dkt. No. 11)

- January 31, 2020 Memorandum of Fact and Law in Support of Supplemental 28 U.S.C. § 2255 Motion to Compel the Court that Equitable Tolling Should be Granted (Dkt. No. 287; Civil Action No. 1:19CV134, Dkt. No. 12)
- January 31, 2020 Memorandum of Fact and Law in Support of Ineffective Assistance of Counsel Claim (Dkt. No. 288; Civil Action No. 1:19CV134, Dkt. No. 13)
- February 21, 2020 Supplemental Motion to Show Cause to Excuse Procedural Default Pursuant to Hill v. Braxton (Dkt. No. 291; Civil Action No. 1:19CV134, Dkt. No. 15)
- November 23, 2020 Evidence in Support of Claim Seven: Prosecutorial Misconduct (Dkt. No. 336; Civil Action No. 1:19CV134, Dkt. No. 21)
- November 24, 2020 Declaration of Randall Barker in Support of Claim Seven: Prosecutorial Misconduct (Dkt. No. 338; Civil Action No. 1:19CV134, Dkt. No. 23)
- December 14, 2020 Evidence in Support of Prosecutorial Misconduct: Claim 7 (Dkt. No. 342; Civil Action No. 1:19CV134, Dkt. No. 25)
- September 24, 2021 Evidence in Support of Prosecutorial Misconduct: Claim Seven (Dkt. No. 369; Civil Action No. 1:19CV134, Dkt. No. 32)
- September 24, 2021 Evidence in Support of Amended Actual Innocence Exception (Dkt. No. 370; Civil Action No. 1:19CV134, Dkt. No. 33)

## B. Motion for Compassionate Release

- November 15, 2021 Motion for Compassionate Release (Dkt. No. 372)
- November 29, 2021 Emergency Supplemental Letter of Authority in Support of Motion for Compassionate Release (Dkt. No. 375)
- December 6, 2021 Citation of Supplemental Authority in Support of Motion for Compassionate Release (Dkt. No. 378)
- December 7, 2021 Second Citation of Supplemental Authority in Support of Motion for Compassionate Release (Dkt. No. 379)
- January 4, 2022 Reply in Support of Motion for Compassionate Release (Dkt. No. 383)
- January 14, 2022 Supplemental Citation of Authority in Support of Motion for Compassionate Release (Dkt. No. 386)

- January 18, 2022 Supplemental Citation of Authority in Support of Motion for Compassionate Release (Dkt. No. 387)
- February 9, 2022 Addendum to Compassionate Release Motion (Dkt. No. 389)
- March 15, 2022 Supplemental Documentary Evidence in Support of Motion for Compassionate Release (Dkt. No. 392)
- April 14, 2022 Supplemental Memorandum of Law in Support of Motion for Compassionate Release (Dkt. No. 393)
- April 21, 2022 Supplemental Citation of Authority in Support of Motion for Compassionate Release (Dkt. No. 394)
- June 14, 2022 Supplemental Letter of Achievement in Support of Motion for Compassionate Release (Dkt. No. 398)
- June 27, 2022 Supplemental Documentary Evidence in Support of Motion for Compassionate Release (Dkt. No. 400)
- July 19, 2022 Supplemental Letter After Status Conference (Dkt. No. 404)

#### C. Pro Se Criminal Motions

After entry of the Court's September 3, 2021 Memorandum Opinion and Order disposing of numerous previously filed pro se criminal motions, Barker filed the following pro se criminal motions and related documents.

## 1. Motions

- September 21, 2021 Motion to Appoint Counsel (Dkt. No. 362)
- September 21, 2021 Motion for Reconsideration of Memorandum Opinion and Order (Dkt. No. 366)
- December 16, 2021 Emergency Motion to Discharge Defendant from an Illegal Contract (Forfeiture) (Dkt. No. 381)
- January 19, 2022 Motion to Order Clerk of Court to Provide Defendant with Copies of Legal Documents from Criminal Case (Dkt. No. 388)

## 2. Additional Filings

• September 21, 2021 - Notice of Appeal of Memorandum Opinion and Order (Dkt. No. 361)

- September 29, 2021 Supplement to Point Four of Motion to Reconsider: AUSA Cogar's Copy and Paste Mistake (Dkt. No. 371)
- November 29, 2021 Emergency Supplemental Letter of Authority in Support of Motion to Reconsider Order Disposing of Pro Se Criminal Motions (Issue 2) (Dkt. No. 376)
- January 6, 2022 Supplemental Citation of Authority in Support of Motion for Reconsideration (Dkt. No. 385)