

DOCKETING STATEMENT

DOC NO
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2018 JAN 11 AM 10:20

RE:

Type of Action

- Civil
- Criminal/Prisoner
- Cross Appeal

PETER OPPENHEIM
CLERK US DISTRICT COURT
WD OF WISCONSIN

District THE WESTERN DISTRICT OF WISCONSIN

Judge BARBARA B. CRABB

District Court Docket Number 16-cv-541-bbc

Statute or other authority establishing jurisdiction in the

District Court 18 U.S.C. §3231 & 28 U.S.C. §2241

Court of Appeals 28 U.S.C. §1291 & 28 U.S.C. §2241

A. Timeliness of Appeal

1. Date of entry or judgment or order appealed from 12/12/17
2. Date this notice of appeal filed 1/9/18
If cross appeal, date first notice of appeal filed NA
3. Filing date of any post-judgment motion filed by any party which tolls time under FRAP 4 (a) (4) or 4 (b) NA
4. Date of entry of order deciding above post-judgment motion NA
5. Filing date of any motion to extend time under FRAP 4 (a) (5) or 4 (b) NA
Time extended to NA

B. Finality of Order of Judgment

1. Is the order or judgment appealed from a final decision on the merits?
yes (X) no ()
2. If no, a) did the district court order entry of judgment as to less than all claims or all parties pursuant to FRCP 54 (b)? yes () no ()
b) is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? yes () no ()

(Criminal ONLY)

3. Has the defendant been convicted? yes () no ()
4. Has a sentence been imposed? yes () no ()
5. Is the defendant incarcerated? yes () no ()

C. Has this case previously been appealed? yes () no (X)

If yes, give the case name, docket number, and disposition of each prior appeal on a separate sheet.

D. Are any related case or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? yes () no (X)

If yes, cite the case and the manner in which it is related on a separate sheet.

E. State the nature of the suit, the relief sought, and the outcome below.

See attached

F. Issues to be raised on appeal. Attach one additional page if necessary.

See attached

G. Is settlement being discussed? yes () no (X)

H. Is disposition on motions, memoranda, or an abbreviated briefing schedule appropriate?

yes () no (X)

If yes, explain on a separate sheet.

Is oral argument necessary? yes () no (X)

I. Were there any in-court proceedings below? yes () no (X)

J. List each adverse party to the appeal. Attach additional sheets if necessary. If no attorney, give address and telephone number of the adverse party.

1. Adverse party R. Marques

Attorney Jeffrey M. Anderson, AUSA

Address 222 West Washington Avenue, Suite 700 Madison, WI
53703

Telephone (608)264-5158

2. Adverse party _____

Attorney _____

Address _____

Telephone _____

K. Appellant(s) Name Terrance Roberts

If incarcerated, give identification number #09146-041

Address (if incarcerated, give institution address) Sandstone-FCI

P.O. Box 1000 Sandstone, MN 55072

Telephone _____

DOCKETING STATEMENT

E. I, Terrance Roberts, am a federal prisoner who filed a petition for a writ of habeas corpus under 28 U.S.C. §2241 to raise an actual innocence claim for my convictions of money laundering and conspiracy to commit money laundering after the United States Supreme Court's decision in United States v. Santos, 553 U.S. 507(2008), determined ambiguous the term "proceeds," as defined in 18 U.S.C. §1956, and that "proceeds" should be defined as "profits." As a result, I was convicted of a non-existing offense, and I sought vacation of my convictions for those offenses. After concluding that I met the procedural requirements for filing a §2241 petition, the District Court determined that Santos does not apply to my convictions and dismissed the case.

F. Whether, according to Eighth circuit law, Santos does not apply to this case.

Whether a merger problem exists.

Whether the District Court misapplied the law of the Eighth Circuit regarding Santos.

L. Attorney or pro se litigant filing Docketing Statement Rule 3(c)

Will you be handling the appeal? (In criminal cases, counsel below will handle the appeal unless relieved by this court.)

Name Terrance Roberts yes () no ()

Attorney () Pro Se ()

Firm _____

Address _____

Telephone _____

If this is a joint statement by multiple appellants, add the names and addresses of other appellants and counsel joining in this Docketing Statement on an additional sheet, accompanied by a certification that all petitioners or applicants concur in this filing.

Signature Terrance Roberts

Date 1/9/18

ATTACH:

1. Additional pages, if any containing extended answers to questions on this form.
2. A copy of the order or judgment from which the appeal is taken.
3. Copy 1 of the transcript order, if any.
4. A Certificate of Service.