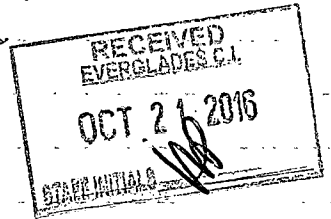


IN THE SUPREME COURT OF FLORIDA
ON Appeal From Eleventh judicial circuit
in Miami Dade County, Florida.



IN, RE;

JOSEPH LINDON POLLARD,
petitioner / appellant,

case NO S.C.11-1336 Lower 3D10-
2273.F00-24269

D.C.NO. 113C-1,1108-CV#23222-KMM

App.No. 11-13675-B

THE STATE OF Florida
Respondent / appellee,

TO: Clerk of FL S. Ct.

REQUEST OF CERTIFICATION

STATUS OF CASE

comenow JOSEPH LINDON POLLARD petitioner / appellant pro-se
movant is request for certification status of his
case filed on the above date 6/30/2011 A non final order
in the Circuit Court of the Eleventh judicial Circuit in
and out Miami-Dade County, Florida, Respondent filed
Appeal to Florida Supreme Court on this above date on
July 7 2011 case no S.C. 11-1336 Appeal was dismissed in
Court below Eleventh judicial Circuit in Miami County,
Florida, Motion to vacate judgment and sentence filed on
9/9/2009, under Fla. R. crim. P. 3.850(a) Notice of hearing
Fla. R. ct 3.890(c) [Sentence was corrected and was set
aside (see on docket) On a non final order. There are no
hearing set date or time in this above case order or
transcribed, (error).

On 8/13/2011 Petition filed a notice of appeal a non final
order in this United States District Court Southern District
of Florida Miami, case NO) 113C-1,1108-CV-23222-KMM under
28.215.C.2254 cases Amended petition case NO) 1108 CV-23222
KMM, under Fed R. App. P. 4(a)(6), Date Filed; 11/26/2008.

FILED
JOHN A. TOMASINO
OCT 27 2016

CLERK, SUPREME COURT

On Date August 8 2011 This notice of appeal was construed as C.O.A and was transmitted to United States Court of Appeals in Eleventh Circuit in A.G case Nos 11-13675-B, D.C NO; 113C-11108-CV-23222-KMM, L.T NO1 F00-24269, On September 29, 2011, mandate of this court order dismissal is issued on this motion for post-conviction relief filed under Fla. R. Crim. P. 3-850(a) Motion to vacate, Giving petitioner 21 days of the entry of such order, To file a motion to reconsider, vacate, or modify under 11th Cir R. 27-2, On 10-13-11 petitioner filed a Fla. R. crim P. 3-850(a) Motion for vacate, and after this notice of appeal C.O.A was appeal to United States Supreme Court on petition for writ of certiorari filed in the Supreme Court see S.Ct. R. 14-1(i), 10, 11 of this Rules, is in conflict. On April 16, 2012 Enclosed is your "Notice of Appeal" to the Supreme Court of the United States,

On 10/23/13 "petitioner filed notice of inquiry of this case's

"On December 26, 2013, The United States court of appeals for the eleventh circuit in A.G filed a respondent to petitioner inquiry filed on above date 12, 26, 2013. In the absence of a pending appeal, as required by Rule 4 of the Fed. R. App. P., this court has no jurisdiction to grant the relief" requested. see EX Attached

On 12/30/13 before the court of appeal respondent to petitioner notice of inquiry filed on 10/23/13. petitioner filed request by Leave of Court a legal memorandum in supports of this claim in the petition.

On January 09, 2014, The United States court of appeals in 11th cir in A.G filed [NO action will be taken in this closed case, and send docket sheet. see EX attached.

On May 15 2016 Petitioner / Appellant, Filed notice of inquiry status of cases To; the United States Supreme Court in D.C. and also in the Department of Justice on Actions. see EX attached

On April 29 2016 The United States Supreme Court Action was taken. Granting certiorari, see EX Attached in the United States Supreme Court reporter opinion is issued, received by Everglades Corr Inst on 6/8/2016 U.S. Supreme Court Reporter Book see EX attached record on appeal.

Petitioner requesting the court with jurisdiction on action, see Fed. R. crim. P. 35(a) under Dolan v. U.S. 560 U.S. 605 130 S.Ct. 2533, 177 L.Ed. 2d 108 (2010),

~~Joseph London Pollard #422860~~
Joseph London Pollard, pro-se

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been delivered to prison personnel for mailing this 21 day of Oct 2012 To; Florida Supreme Court, office of the clerk 500 South Duval Street Tallahassee, Florida 32399-1927 and to Respondent.

Respectfully Submitted
~~Joseph London Pollard~~ pro-se
Joseph London Pollard #422860
Everglades corr Inst
1599 S.W. 187th Ave
Miami Florida 33194
Pollard Joseph - L
D.C. # 422860
Cell 64113-V



United States Supreme Court Actions

Grants of Certiorari and Other Significant Actions

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April 29, 2016

CERTIORARI GRANTED:

Timing of Appeal From Deferred Restitution Judgment

Granting certiorari, the United States Supreme Court will address the Eleventh Circuit's rule that, when a district court enters a sentencing judgment that imposes a prison sentence and orders restitution but defers consideration of the restitution amount, the defendant may timely appeal from the sentencing judgment, which meets the finality requirement for immediate appealability, but, to appeal from the deferred restitution judgment, the defendant must timely file a new notice of appeal. The Eleventh Circuit's rule also allows the defendant to avoid bifurcation of the appeal by not filing any notice of appeal until after the deferred restitution judgment has been entered.

In the case at bar, the Eleventh Circuit sua sponte determined that it lacked jurisdiction for the defendant's appeal from the deferred restitution judgment, which was entered after the defendant had appealed from the sentencing judgment that sentenced the defendant to prison and ordered mandatory restitution but deferred consideration of the restitution amount. The defendant had not filed a new notice of appeal from the deferred restitution judgment.

The defendant's certiorari petition contended that the Eleventh Circuit's rule conflicts with Federal Rule of Appellate Procedure 4(b)(2), under which a premature notice of appeal matures or springs forward when the judgment under review is entered. The rule states: "A notice of appeal filed after the court announces a decision, sentence, or order — but before the entry of the judgment or order — is treated as filed on the date of and after the entry."

CONTENTS

Certiorari Granted, p. 1

Including:

- Proving intent to defraud a bank, p. 2

Other Actions, p. 3

Certiorari Denied, p. 4

Including:

- Exhausting state remedies before bringing takings claim, p. 4
- Fair use protection for search engine's digital copying of books, p. 5

Topical Index, p. 7

Jurisdictional Index, p. 17

The certiorari petition stated that the interaction of this rule with deferred restitution judgments has become a source of circuit conflict, particularly following the Supreme Court's decision in *Dolan v. U.S.*, 560 U.S. 605, 130 S.Ct. 2533, 177 L.Ed.2d 108 (2010), which allows a sentencing court to retain jurisdiction to determine the amount of mandatory restitution after the 90-day deadline in the Mandatory Victims Restitution Act (MVRA); that deadline applies when adjudication of the restitution amount is deferred because the victim's losses are not ascertainable ten days before sentencing. See 18 U.S.C.A. § 3664(d)(5).

The *Dolan* Court believed that, in deferred restitution situations, it makes sense to allow a defendant to appeal from the earlier sentencing judgment, because otherwise, the statutory 90-day restitution deadline, even when complied with, could delay appeals for up to 90 days, forcing defendants to wait three months before seeking review of their convictions when they could ordinarily do so within 14 days. See F.R.A.P. 4(b).

"Nonetheless," the *Dolan* Court, stated, "in light of the fact that the interaction of restitution orders with appellate time limits could have consequences extending well beyond cases like the present case (where there was no appeal from the initial conviction and sentence), we simply note the strength of the arguments militating against" the defendant's argument that a judgment setting forth a sentence is not final until it contains a definitive determination of the amount of restitution, "without deciding whether or when a party can, or must, appeal. We leave all such matters for another day." (Case below: *U.S. v. Manrique*, 618 Fed.Appx. 579 (C.A.11-Fla. 2015).)

Manrique v. U.S., No. 15-7250, April 25, 2016, 2016 WL 1618366.

West Key Number Digest: Criminal Law ⇌ 1081(2)

Not Requiring Proof Defendant Intended That a Bank Be the Principal Financial Victim of Bank Fraud

The United States Supreme Court has granted a criminal defendant's petition for certiorari review of the Ninth Circuit's decision that the "intent to defraud" element of a bank fraud conviction under 18 U.S.C.A. § 1344(1) does not require proof that a defendant intended that a bank be the principal financial victim of the fraud.

The bank fraud statute, 18 U.S.C.A. § 1344, makes it a crime for anyone to knowingly execute, or attempt to execute, a scheme or artifice: (1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

Here, the defendant was convicted under § 1344(1) for a scheme in which he convinced an account holder's bank to transfer and release to him approximately \$307,000 of the account holder's money. He did that by convincing the bank that he was the account holder and thus had authority to transfer money out of the account holder's bank accounts and into an account with an online payment and money transfer service, which the defendant controlled. The defendant maintained, however, that he only intended to expose the account holder and the money transfer service to any monetary loss, not the bank, and so he did not have the intent to defraud the bank required to support his conviction.

Legal mailing

IN THE UNITED STATES SUPREME COURT
Before A Judgment of the United States Court of Appeals
Eleventh Circuit in A. G.

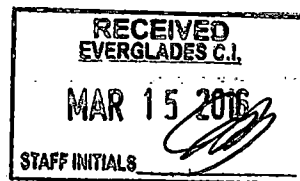
JOSEPH LINDON POLLARD
Petitioner, Appellant.

D.C. NO;113c-1;108-cv-23222
KMM

v.

App. No.: 11-13675-B

Secretary, Florida Department
Respondent-Appellee.



To Clerk of Court S. Ct. and Dept's of justice

NOTICE OF INQUIRY
STATUS OF CASES

Comes now JOSEPH LINDON POLLARD, Appellant, Petitioner in the above styled cause and action pursuant 28. U.S.C. 2254., see CF Miller-EL v.Cockrell, 537 U.S. 322 (2003) On Aug 3, 2011 to April 11, 2012, see S.Ct R14.1 (i) S.Ct.R. 10. See Kelly V. Roberts, 998 F.2d. 802, 809 & Nill (10th Cir. 1993). See e.g Tate v. Rose. 466 U.S. 1301 (1984), Sumner v. Mata, 446 U.S. 1302 (1979) see generally Mcfarland v. Scott, 515 U.S. 849-857-58(1994) Adams v. Lankford, 788 F.2d 1493, 1495-97 (11th Cir. 1986) see Davis v. United States, 417 U.S. 333,347 (1974) compare Hill v. United States, 368 U.S. 424 (1962). See e.g. Seymore v. Alabama, 846 F.2d. 1355, 1359-60 (11th Cir. 1988)cert. denied. 488 U.S. 1018 (1989). See also. Teague v. Lane, 489 U.S. 288 (1989). See Pollard v. United States, 352 U.S. 354 77 S. Ct. 481 L. Ed 2d 343 (1957). See Bivens v. Six

Unknown, Named Agents of Fed Bur of Narcotics, 403 U.S. 388. 91 S. Ct. 1991. 29 L.Ed.2d. 619 (1971). See also cert. denied 128 S. Ct. 674. 169 L.Ed.2d 528 (2007). United States v. Taylor, 487 U.S. 326 336, 108 S. Ct. 2413, 2419, 101 L.Ed.2d. 279.310 (1988). Bell v. Wolfish, 441 U.S. 520, 535 99 S. Ct. 1861,1872, 60 L.Ed.2d 447, 466 (1979), Lane v. Franks 513 U.S. - 134 S. Ct. 2369 - L. Ed. 2d -2014. See also Sneed v. Mayo, 69 So.2d 653, 655 (Fla. 1954) see also Deal v. Mayo, 76 So.2d 275, 276 (Fla. 1954) see also; Boykin v. Alabama, 395 U.S. 238 89 S. Ct 1709. 23L.Ed2d 274 (1969) see also; S. Ct. R. 5, 9(2), 10(9). See also 28 USC 505-526 of this rules, Bell v. Abdul Rahman 125 S. Ct. 2991 (2005), Gonzalez v. Crosby 125 S. Ct. 2641 (2005)

Joseph Lindon Pollard
Joseph Lindon Pollard
D.C.# 422860

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been delivered to prison personnel for mailing this 3 day of 15 2016. See S.Ct.R. 29 To 1 First Street, N.E. Washington, D.C. 20543; Solicitor General Of the United States Room 5616 Department of Justice 950 Pennsylvania Avenue, N.W. Washington D.C. 20530-0001. And the Attorney General of the State of Florida.

S Joseph Lindon Pollard pro-se
Joseph Lindon Pollard#422860
Everglades Corr Inst
1599 S.W. 187th Avenue
Miami, Fl 33194
Pollard, Joseph Lindon
D.C.# 422860
Cell G4113-U

CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT, IN AND
FOR DADE COUNTY, FLORIDA

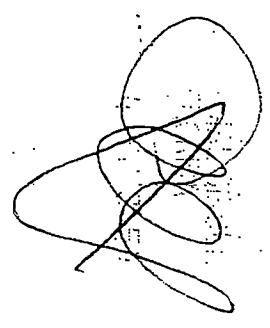
CRIMINAL DIVISION

CASE NO.: F00-24269

JUDGE: ALTONAGA

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THE STATE OF FLORIDA,)
)
Plaintiff,)
)
vs.)
)
JOSEPH POLLARD,)
)
Defendant.)
_____)



PLEA NEGOTIATIONS

Taken before the Honorable Cecelia Altonaga,
on December 14, 2001, Celia Dale, Court Reporter and
Notary Public in and for the State of Florida at Large.



P R O C E E D I N G S

1
2 THE COURT: Page 57 Joseph Pollard; I have the
3 evaluation on my desk. What was the state's position? Have
4 you reviewed -- are you relying on Ms. Ficaro's (phonetic)
5 notes?

6 THE STATE ATTORNEY: Ms. Ficaro indicated she did not
7 have an opportunity to speak with the victim. The victim
8 wanted prison as part of the sentence. She is was
9 requesting that the case be reset so that she could have an
10 opportunity to speak to the victim. I don't know what the
11 reason was for her not being able to reach them. I don't
12 have those details.

13 THE PUBLIC DEFENDER: Judge, I have Ms. Morton
14 (phonetic), the alleged victim, I have her work phone
15 number. I called her during the break. She gave me a beep.
16 She hasn't beeped me yet. I just reviewed the deposition to
17 see if she made her feelings for punishment clear in the
18 deposition. She did not. Previous conversations were that
19 was she did not oppose if the state or the court were to
20 offer Mr. Pollard probation with mental health treatment and
21 drug treatment.

22 THE COURT: Did you leave a message for her to call
23 you?

24 THE PUBLIC DEFENDER: To beep me.

25 THE COURT: Let me pass it then.

1 (The matter was passed and then recalled as follows:)

2 THE PUBLIC DEFENDER: On Mr. Pollard's case, the victim
3 is on the phone.

4 THE COURT: This is Judge Altonaga, good afternoon.
5 Can you hear us?

6 THE VICTIM: Yes.

7 THE COURT: This is Judge Altonaga; I'm hearing the
8 matter of Joseph Pollard. Could we have your name?

9 THE VICTIM: Elenor Morton.

10 (The victim was duly sworn, and the proceedings
11 continued as follows:)

12 THE COURT: Ms. Morton, I'm hearing the matter of
13 Joseph Pollard. His attorney has requested that I depart
14 from the sentencing guidelines; instead of sentencing him to
15 state prison, that I sentence him to a period of probation
16 with certain requirements. We wanted your input as you are
17 the victim in this case, on what your feelings are with
18 respect to such a sentence.

19 What are your feelings ma'am?

20 THE VICTIM: What exactly did his attorney say.

21 THE COURT: Mr. White, if you could give us what you
22 spoke to her about.

23 THE PUBLIC DEFENDER: Ma'am, can you hear me?

24 Okay, I relayed to the judge and to the state attorney
25 that you would have no problem with the state or the judge

1 offering Mr. Pollard probation, that he stay away from you
2 and your house, that he receive psychological treatment and
3 drug treatment while he is on probation, that there's no
4 need to send him to state prison as long as he were to
5 follow all of those special conditions.

6 Did I tell them correctly?

7 THE VICTIM: Yes.

8 THE COURT: Any questions?

9 THE STATE ATTORNEY: I don't believe I'm in a position
10 to ask the victim a question. I'm not familiar enough with
11 the case to inquire.

12 THE COURT: Thank you Ms. Morton, thank you for your
13 time.

14 THE STATE ATTORNEY: Your Honor, my understanding, and
15 I'm not familiar with this, it's my understanding that the
16 court is going to be departing from the guidelines?

17 THE COURT: That is the defense's request.

18 What was the basis?

19 THE PUBLIC DEFENDER: He was diagnosed with a mental
20 illness.

21 THE STATE ATTORNEY: Is there a sentencing proposal?

22 THE COURT: There is an evaluation by Dr. Toomer;
23 that's what I reset it for today. His diagnosis, he is in
24 need of psychological intervention, requires environmental
25 manipulation, structure, and regimentation. He is diagnosed

1 with major depressive disorder, schizophrenic disorder,
2 major psychiatric illness.

3 What was the defense requesting?

4 THE PUBLIC DEFENDER: I was hoping that you could place
5 him on probation, that he gets mental health treatment that
6 is referred to in the report, as well as the drug treatment
7 that had been referred to.

8 We do not have a specific program although he has been
9 having psychiatric treatment prior to his arrest at
10 Locktown. I would ask that he be able to receive
11 treatment.

12 THE COURT: Was an N.O.E. filed in this case, a notice
13 of enhancement?

14 THE STATE ATTORNEY: I would have to look through the
15 file.

16 THE PUBLIC DEFENDER: I don't remember one being filed.

17 THE COURT: What was the bottom of the guideline?

18 THE STATE ATTORNEY: I believe 106.95 months state
19 prison.

20 THE PUBLIC DEFENDER: Because of the nature of the
21 charges.

22 THE STATE ATTORNEY: That's correct.

23 THE PUBLIC DEFENDER: He is looking at the -- he has
24 never been to prison before. He has only been sentenced to
25 60 days?

1 I have discussed this with Mr. Pollard before. He
 2 anticipates no difficulty in staying away from this woman
 3 and abiding by the special conditions that has been
 4 suggested.

5 THE COURT: May I see his priors?

6 I suppose what we could work out is, I'm just thinking
 7 how to structure this. I can adjudicate him, place him on
 8 five years of reporting probation, special condition that
 9 he remain in Dade County jail until he is placed in
 10 residential a dual diagnosis program. Alternative to that
 11 is that I adjudicate him, put him on one year community
 12 control followed by four years of probation.

13 He will stay on community control until such time as
 14 he is admitted into a dual diagnosis program and upon him
 15 entering; he then would have to comply with the dual
 16 diagnosis residential treatment program, remaining on
 17 probation for the full five years, allowing for early
 18 termination of probation after three years, and it will
 19 have to be both issues, both the mental health as well as
 20 the substance abuse, and the stay away from the victim.

21 THE PUBLIC DEFENDER: Okay judge, I will convey that.

22 THE COURT: I will need a written order from you with
 23 respect to what the departure from the guidelines was.

24
 25

IN UNITED STATES DISTRICT COURT IN AND FOR

SOUTHERN DISTRICT OF FLORIDA Miami Dade County

PROVIDED TO
~~ORANGE-BEE CORRECTIONAL~~
INSTITUTION
ON 8/31/11 RB JAL
FOR MAILING

Joseph Lindon Pollard
Petitioner/Appellant/Defendant

CASE SC NO: SC11-1836

~~NO~~ NO: FD0-24269

~~NO~~ NO: 3D10-2273

Attorney NO: 08-23222-CIV/mk

No: 3D08-1658

The State of Florida
Appellee/Plaintiff/Responsibility

NOTICE OF APPEALS

NOTICE IS GIVEN that Joseph Lindon Pollard, Petitioner, Plaintiff,
Pecunia pro-se appeals to the United States District Court Southern
District of Florida, the order of this Petitioner are appealing:
Courts rendered 6/30/2011 - 7/7/2011

The nature of this order appealed is a non final order and final order.
And to orders granting, modifying, or continuing an injunction or
refusing to do so. Most "interlocutory" (interim) order such as class
certification, discovery, and evidentiary rulings are not appealable
until final judgment on the whole case is entered. Collateral
order, file a new or amended petition, issues are combined in one
appeal at the end of the cases, adverse decision on the merits
of my case, or from a refusal to permit you to proceed in forma
pauperis, 28. v.s.c 4422(b). The reason is clear on face of your
complaint. To deny the right to file a petition, is an exercise
of power so great in its impact on a petitioner that an appellate
court must be able to ascertain the grounds for denial in
order to fulfill its responsibility of review. It is therefore
imperative that denial of leave to file the petition, be
accompanied by an expression of the reason for the denial
either by informal, memorandum, by recitals in a order, or
by findings. See Rule 62(d) FRCP; Rules 7(c), 8(b) F.R.A.R. Rule 10 -

PROVIDED TO
OKEECHOBEE CORRECTIONAL
INSTITUTION
ON 8/3/11 OB
FOR MAILING

St Joseph Lindon Pollard
D.E # 244860 E2221-V
Okeechobee Corr inst
3420 N.E 168th Street
Okeechobee Fla. 34972

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has been furnished to United States District Court Southern District of Florida on 8 day 3 2011

St Joseph Lindon Pollard
Petitioner pro-se
vs Joseph Lindon Pollard

- cc. Directious to the clerk to include on the Record on Appeal
same now by Joseph. Lindon Pollard on the final order
on this cases, not final and appealable unless says so. be
totted (suspended) Rule 4(a)(4) FRAP.
- cc. order is final one, and refusal to appoint counsel is
appealable before a final judgment is entered.
Rule 4(a)(4), FRAP.

St Joseph Lindon Pollard
pro se
vs Joseph Lindon Pollard
Okee corr inst
3420 N.E 168th street
Okee Fla. 34972

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

STEVEN M. LARIMORE
CLERK OF COURT

APPEALS SECTION
305-523-5080



TO: COUNSEL OF RECORD/APELLANT

DATE: August 8, 2011

IN RE: District Court-No: 08CV23222-KMM
Style: JOSEPH LINDON POLLARD V. SECRETARY, WALTER A. MCNEIL

ORDERING AND DESIGNATION OF REPORTER'S TRANSCRIPTS [Pursuant to FRAP 10(b)]

This will acknowledge the Notice of Appeal filed in the above case which has been transmitted to the Eleventh Circuit Court of Appeals in Atlanta, GA.

WITHIN FOURTEEN (14) DAYS from the date of the Notice of Appeal being filed, the appellant must complete the attached *Transcript Information Form (TIF)*, **REGARDLESS OF WHETHER TRANSCRIPTS ARE BEING ORDERED OR NOT**. The *TIF* must be completed and mailed to the District Court Clerk at 400 N. Miami Avenue, Room 8N09, Miami, FL 33128-7716, **ATTN: COURT REPORTER COORDINATOR**.

COMPLETE THE SECTION REQUESTING TRANSCRIPTS ONLY WHEN REQUESTING TRANSCRIPTS OF HEARINGS WHICH TOOK PLACE IN THE DISTRICT COURT. Arrangements for payment must be made with the court reporter within ten (10) days of the request.

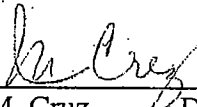
Counsel appointed pursuant to the Criminal Justice Act must complete a CJA 24, Authorization and Voucher for Payment of Transcript, attach it to this form and forward them to the **COURT REPORTER COORDINATOR** at the above mentioned address. These forms are available at the Intake Section of the Clerk's Office.

If opposing counsel wishes to file a supplemental designation of a transcript, **you must file a motion to supplement the record with the Court of Appeals in Atlanta**. If granted, a supplemental *TIF* must be prepared and forwarded to the court reporter. The District Court **cannot** file a late designation without an order from the Court of Appeals. The court reporter **cannot** accept any further designations for the purpose of appeal other than the appellant's original unless the Court of Appeals has granted permission.

The **CERTIFICATE OF READINESS OF THE RECORD ON APPEAL** will be transmitted upon the filing of the court reporter's transcript or upon notice that a transcript will NOT be ordered.

If you have any questions, please contact the Court Reporter Coordinator at 305-523-5635.

Sincerely,
Steven M. Larimore, Clerk of Court

By: 
M. Cruz Deputy Clerk

attachment

X 400 North Miami Avenue Room 8N09 Miami, FL 33128-7716 305-523-5100	299 E. Broward Boulevard Ft. Lauderdale, FL 33301 954-769-5400	701 Clematis Street West Palm Beach, FL 33401 561-803-3400	301 Simonton Street, Rm 130 Key West, FL 33040 305-296-4947	300 South 6 th Street Ft. Pierce, FL 34950 561-595-9691
---	--	--	---	--

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

September 29, 2011

Steven M. Larimore
United States District Court
400 N MIAMI AVE
MIAMI, FL 33128-1807

COPY

PROVIDED TO
OKEECHOBEE CORRECTIONAL
INSTITUTION
ON 10-13-11 A.J.P.
FOR MAILING

Appeal Number: 11-13675-B
Case Style: Joseph Pollard v. Secretary, Florida Department
District Court Docket No: 1:08-cv-23222-KMM

The enclosed certified copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

JOHN LEY, Clerk of Court

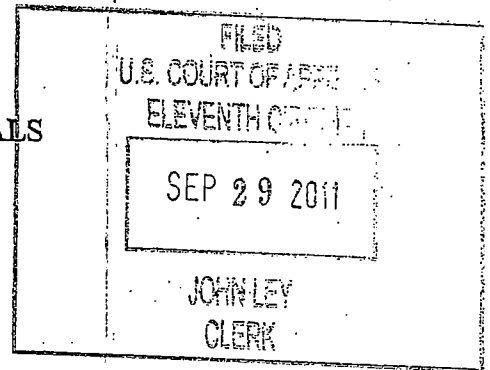
Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 11-13675-B



JOSEPH LINDON POLLARD,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

On Appeal from the United States District Court for the
Southern District of Florida

Before EDMONDSON, HULL, and MARTIN, Circuit Judges

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. Petitioner-Appellant's August 3, 2011, notice of appeal, which is treated as contesting the district court's February 18, 2009, order adopting the magistrate's report and recommendation and denying his *habeas* petition, is untimely. See Fed.R.App.P. 4(a)(1)(A), (6), (7); Fed.R.Civ.P. 58, 79(a); *Rinaldo v. Corbett*, 256 F.3d 1276, 1278-80 (11th Cir. 2001); *Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008); *Harris v. Ballard*, 158 F.3d 1164, 1165-66 (11th Cir. 1998); *McDaniel v. Moore*, 292 F.3d 1304, 1306 (11th Cir. 2002).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 27-2 and all other applicable rules.

In The Circuit Court Of The Eleventh Judicial

Circuit In And For Miami-Dade County, Florida

Joseph Linden Pollard

Defendant

PROVIDED TO
OKEECHOBEE CORRECTIONAL
INSTITUTION

ON 9-9-09
FOR MAILING

v.

State of Florida

Case No.: F00-24269

Plaintiff

Motion For Post Conviction Relief, Fla.

R.Crim.P. 3.850 (a); Notice For Hearing

Fla. R. Ct. 3.590(c)

Comes Now, Joseph Linden Pollard, Defendant pro-se pursuant to the above styled cause moves this Honorable court grant his motion or order an evidentiary hearing pursuant to the requirements of Fla. R. Crim. P. 3.850 (a) and (d); Fla. R. Crim. P. 3.172(c). See also *Hall v. Bellman*, 935 F.2d 1106, 1110 (11th Cir. 1991) (pro-se pleadings are to be held to a less stringent standard than pleadings drafted by attorneys). And submits the following:

Basis For Invoking Jurisdiction
A prisoner in custody under sentence of a court established by the laws of Florida claiming the right to be released upon the ground that the judgment was entered or that the sentence was imposed in violation of the Constitution or laws of the United States, or of the State of Florida, or that the court was without jurisdiction to enter such judgment or to impose such sentence or that the sentence was in excess of the maximum authorized by law, or that his plea was given involuntarily, or the judgment or sentence is otherwise subject to collateral attack, may move the

court which entered the judgment or imposed the sentence to vacate, set aside or correct the judgment or sentence.

A motion to vacate a sentence which exceeds the limits provided by law may be filed at any time. No other motion shall be filed or considered pursuant to this rule if filed more than two years after the judgment and sentence became final unless it alleges (1) the facts upon which the claims is predicated were unknown to the movant or his attorney and could not have been ascertained by the exercise of due diligence, or (2) the fundamental constitutional rights asserted was not established within the period provided for herein and has been held to apply retroactively.

Statement of The Case And Facts

1. On July 18, 2000, Metro Dade Police Department filed a report that an armed home-invasion-robbery was reported and the alleged weapon used was a foot-long piece of re-bar (construction material).

2. On June 11, 2001 by Information Defendant was charged with in count one, for Robbery/Armed/Firearm or Deadly Weapon in violation of Fla. Stat. 812.013 (2)(A) and 775.085 Fel. 1. In count two for Burglary/with Assault or Battery/Armed, in violation of Fla. Stat. 810.02 (2)(A) and 775.087. In count three for Kidnapping/~~attempts~~ in violation of Fla. Stat. 787.01(2), 777.04(1) and 775.087.

3. On July 19, 2004, Defendant due to misadvisment of counsel entered a guilty plea. After adjudication was sentenced to life in counts 1 and 2 and 30 years in count 3 concurrently.

4. The Honorable Judge Scott M. Bernstein was the presiding Judge.

5. Defendant was represented by appointed counsel.

Memorandum of Law

Under the doctrine of res judicata and collateral estoppel, the same person may demand a judicial determination of the same issue(s) only once. However, the issue(s) has been concluded only if the following criteria are met: the issue must be the same as that involved in the prior action; it must have been litigated in the prior action; the issue must have been in fact judicially determined in the prior action on the merits; and, the judgment in the prior action must have been dependant upon the determination of the issue(s). Thus the clear essential principles of established State and Federal procedural requirements of law and Constitutional provisions do not intend to foreclose a litigant from possible relief in another court if a matter has not been determined on the merits and if it is more appropriate for that later court to determine the merits of the issue.

Florida Rule of Criminal Procedure 3.172 governs the taking of pleas in criminal case. The rule provides basic procedures designed to ensure that a defendant's rights are fully protected when he enters a plea to a criminal charge. See, *Hall v. State*, 316 So2d 279, 280 (Fla. 1975). The rule specifically provides that a trial judge should, in determining the voluntariness of a plea, inquire into the defendant's understanding of the fact that he is giving up the right to plead not guilty, the right to a trial by jury with the

assistance of counsel, the right to compel the attendance of witnesses on his behalf, the right to confront and cross-examine adverse witnesses, and the right to avoid compelled self-incrimination, was in the interest of justice a prima facie showing exist in the out-come of the proceedings was ignored.

Defendant's plea is also deficient because the trial judge failed to inquire into the factual basis for the plea. Prior to accepting a plea of guilty, the trial judge must review in the record factual information to establish the offense to which the defendant has entered his plea. See also, *Williams v. State*, 316 So2d 267, 271 (Fla. 1975). In the case at bar there was absolutely no prima facie evidence in the record of the crimes to which Defendant entered his plea. Although Prosecution and defense counsel and judge may stipulate that there was a facial basis for the plea, a stipulation with no factual basis in the record is insufficient. See also, *CF. Dydek v. State*, 480 So2d 1255, 1257 (Fla. 2nd DCA 1987).

The failure to follow the necessary procedures in accepting the plea in this case is not solely the fault of the trial judge. As held by the Florida Supreme Court stated in numerous cases, the responsibility to ensure that the proper procedural steps are followed is shared by the judge, the prosecutor and the defense attorney. See also, e.g. *Robinson v. State*, 373 So2d 898, 903 (Fla. 1979); *Hall*, 316 So2d at 280.

Defendant asserts that his plea was involuntarily entered based on the misadvice of counsel and further asserts that he

would not have entered the plea had he been given the correct information. See also, Rankin v. State, 861 So.2d 1222 (Fla. 2nd DCA 2003).

The Trial Court's accepting Defendant's guilty plea should be reviewed as clear error. Defendant is entitled to an evidentiary hearing on his claims, the alleged facts constitutes prima facie showings exist he in the interest of justice and as a matter of law is entitled to relief. Defendant asserts that he was denied his sixth Amendment right to effective assistance of counsel must be reviewed de novo. See also, Spritzer v. Peters, 114 F.3d 1435, 1450 (7th Cir. 1997), modified in part, 127 F.3d 551 (7th Cir. 1997).

Defendant is guaranteed effective assistance of counsel at all stages of the proceedings against him. See also, Cates v. Superintendent, 981 F.2d 949, 952 (7th Cir. 1992). This right includes the right to "representation that is free from conflict of interest." Spritzer, 114 F.3d at 1450 (quoting Wood v. Georgia, 450 U.S. 261, 271, 101 S.Ct. 1097, 67 L.Ed.2d 220 (1981)).

There are two ways to assert a claim based on counsel's conflict of interest. One, under Shickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984), the Defendant may show that his attorney had a potential conflict of interest and that the potential conflict prejudiced his defense; or two, the Defendant may as in the case at bar proceed under Cuyler v. Sullivan, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980), where he must establish a violation "by showing that 'an actual conflict of interest adversely affected his lawyer's performance.'" Stoia, 22 F.3d at 770 (quoting Sullivan, 446 U.S. at 348, 100 S.Ct. 1708) (emphasis added).

Defendant proceeding under Sullivan places a "lighter burden" on the Defendant than Strickland because demonstrating an "adverse effect" is significantly easier than show "prejudice". Spreitzer, 114 F.3d at 1450; Stoia, 22 F.3d at 771. This more lenient standard applies because the requirements in Sullivan reflect that "prejudice is presumed" if as in the case at bar a prima facie showing exist based on the plea of guilty establishes due to the sentences imposed both that Defendant's counsel had an actual conflict and that the conflict had an adverse effect on counsel's performance. Stoia, 22 F.3d at 770-71 (quoting Strickland, 466 U.S. at 692; 104 S.Ct. 2052).

The Supreme Court in *Mickens v. Taylor*, 535 U.S. 162, 122 S.Ct. 1237, 152 L.Ed.2d 291 (2002) find no language in *Mickens* that requires Defendant to engage in speculation pointing to an actual adverse effect before he has the benefit of an evidentiary hearing. In the case at bar pleading guilty due to counsel misadvisements to two life sentences and 30 years is a prima facie showing demonstrating an adverse effect that there is a reasonable likelihood that his counsel's performance would have been different had there been no conflict of interest. Stoia, 22 F.3d at 771. Pursuant to the requirements in *Mickens*, Defendant pleaded guilty upon the advice of his attorney with a conflict of interest is not required to demonstrate that he would have decided against pleading guilty had he been represented by a conflict-free attorney. *Id.* (explaining the distinction between Strickland's "but for" requirement and Sullivan's adverse impact standard). Nor does Defendant need to establish that a conflict-free

attorney would have advised against pleading guilty. *Thomas v. Foltz*, 818 F.2d 476, 483 (6th Cir. 1987) (explaining that the proper focus should be on whether the defense counsel's conflict affected his actions and the Defendant's decision to plead guilty, not whether another attorney without conflict would have made the same recommendation).

Defendant presents a legally sufficient claim that his plea was involuntarily entered based on the misadvice of counsel. An evidentiary hearing or other appropriate relief as a matter of law is warranted. See also, *Matthews v. Circuit Court*, 515 So.2d 1065 (Fla. 5th DCA 1987).

s/ Joseph L. Pollack pro-se
Joseph Lindon Pollack #

An authorized Oath

Under penalty of perjury I declare that I have read the foregoing Motion for Post-Conviction Relief 3.850(a); Notice for Hearing, Fla. R. Ct. 3.890(c) and that the facts stated in it are true. See also, Fla. R. Crim. P. 3.987. See also, *Sheaver v. State*, 617 So.2d 721 (Fla. 5th DCA 1993)

s/ Joseph L. Pollack pro-se
Joseph Lindon Pollack #

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing has been delivered to prison personnel for mailing this, 9, day of, 9, 2009, to: Chief Judge, State Attorney's Office, Eleventh Judicial In And For Miami-Dade County, Florida.

Respectfully Submitted
s/ Joseph L. Pollack pro-se
Joseph Lindon Pollack #
Okla. Corr. Inst.
3420 NE 166th Street
Okla. Fla. 34972-4924

FOR THE ELEVENTH CIRCUIT

JOSEPH LINDON POLLARD

Petitioner - Appellant.

Appeal NO: 11-13675-B

Secretary, Florida Department of Corrections

Respondent, Appellee.

TO: CLERK OF THE COURT

NOTICE OF INQUIRY

Comes NOW, the Petitioner Appellant JOSEPH LINDON POLLARD, pro-se in propria persona, having "filed" a Motion to reconsider under Fla. R. Civ. P. 3.850(A) and (d) TO VACATE On: 10/13/2011 To the United States District court Southern District of Florida in Miami, Dade County, Order by Court 11th cir in A.G. on 9/29/11 to "filed" under Rule 11th cir 27-2 within 21 days. Motion was "filed" A. Motion to reconsider. Under 11th cir R. 41-4 and Sec. Fed. R. App. 4(b), over above dates hereby request the following information regarding the aforesaid pleading IF available at the time, and performance on appeal. U.S. v Reinhart 357 F.3d 521, 531, respectfully submitted this day of 2012 (5th cir 2004)

Joseph Linton Pollard, #422860
Okee cust corr
3420 N.W. 168th St
Okee #1 34992 F2221-U

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. mail by Okee corr inst, by Petitioner appearing pro se to the U.S.C.A in, A.G. on this 3. day of 13 2012.

PROVIDED TO
OKEECHOBEE CORRECTIONAL
INSTITUTION
ON 3/13/10 DB
FOR MAILING

S. Joseph Linton Pollard pro-se
N. Joseph Linton Pollard
D.C #422860

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 23, 2012

Joseph Lindon Pollard
Okeechobee CI - Inmate Legal Mail
3420 NE 168TH ST
OKEECHOBEE, FL 34972

Appeal Number: 11-13675-B

Case Style: Joseph Pollard v. Secretary, Florida Department

District Court Docket No: 1:08-cv-23222-KMM

We are in receipt of your letter dated 03/13/2012. Your original notice of inquiry was received by the district court on 11/21/2011 and is on their docket.

Appeal was dismissed 09/29/2011. 11th Cir. R. 40-4 states that reconsideration of an order dismissing an appeal for lack of jurisdiction must be filed within 21 days of the entry of such order.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

MP-1

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

April 11, 2012

Joseph Lindon Pollard
Okeechobee CI - Inmate Legal Mail
3420 NE 168TH ST
OKEECHOBEE, FL 34972

Appeal Number: 11-13675-B
Case Style: Joseph Pollard v. Secretary, Florida Department
District Court Docket No: 1:08-cv-23222-KMM

Enclosed is your "Notice of Appeal" to the Supreme Court of the United States, which is being returned to you. The procedure for filing a notice of appeal from a decision of a United States Court of Appeals was abolished by statute effective September 25, 1988.

Please note that a copy of this court's opinion, the judgment, and any order on rehearing should be attached as an appendix to any petition for writ of certiorari filed in the Supreme Court. See Supreme Court Rule 14.1(i).

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

NOTE: Any further inquiries on this issue will be placed in your file without action.

SPCT-5 NOA to SC rtrnd to prose

INFORMATION SHEET FOR PRO SE PARTY PROCEEDING IN FORMA PAUPERIS

FILING A PETITION FOR A WRIT OF CERTIORARI

Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. See Rule 10, Rules of the Supreme Court of the United States (Sup. Ct. Rule), for considerations governing review on certiorari.

1. A petition must be filed within 90 days of entry of judgment, in both criminal and civil cases. Judgment is entered at the time an opinion is filed. The time does not run from the issuance of the mandate. If a petition for rehearing (not solely a suggestion of rehearing en banc) is timely filed, the time runs from the date of the denial of the petition for rehearing or the entry of a subsequent judgment.
2. A motion for leave to proceed in forma pauperis, together with a notarized affidavit or declaration in support thereof, must accompany the petition. (A party not proceeding in forma pauperis should consult the Supreme Court's website noted below for current docket fee and filing information.)
3. The lower court opinion(s), judgment(s), and any order on rehearing must be included in an appendix to the petition. See Sup. Ct. Rule 14 for the required contents of a petition.
4. Unless incarcerated, a pro se party proceeding in forma pauperis must file: (a) an original and ten copies of a motion to proceed in forma pauperis and notarized affidavit or declaration in support thereof, (b) an original and ten copies of the petition with appendix, and (c) one original Proof of Service as described in Sup. Ct. Rule 29. An incarcerated pro se party proceeding in forma pauperis need file only an original of these documents.
5. The petition may not exceed 40 pages, excluding the pages that precede Page 1 of the petition (questions presented, list of parties and corporate disclosure statement, table of contents, table of authorities) and excluding the appendix. Pages must be 8 1/2 by 11 inches in size. Text must be double spaced, except for indented quotations, which must be single spaced. The original must be signed by the pro se party. The petition must have a cover page as described in Sup. Ct. Rule 34.
6. The clerk of the court having possession of the record shall keep it until notified by the Clerk of the Supreme Court that the record is to be certified and transmitted. The record will not be transmitted to the Supreme Court at the request of a party.
7. The Rules of the Supreme Court of the United States, as revised, are contained in Title 28, United States Code.

FOR SPECIFIC INFORMATION:

Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Telephone Number: 202-479-3000
Website: www.supremecourt.us.gov

MISC-13
5/06

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

ON APPEAL IN THE UNITED STATES
SUPREME COURT

JOSEPH LINDON POLLARD,
Appellant, Petitioner,

APNO: 11-13675-B

v.

DCAN 1:08-CN-23222-KA

Secretary, Florida Department of Corrections
Respondent - Appellee.

PROVIDED TO MARTIN
CORRECTIONAL INSTITUTION
ON 10-22-13
FOR MAILING

TO: CLERK OF COURT:

NOTICE OF INQUIRY

Comes now JOSEPH LINDON POLLARD, prose petitioner, Appellant
in the above style cause regarding about cases see:
Suprem court of the United States Rules 14-1 (i), 10, and 11.
And pursuant to statute 28 U.S.C. 2101(e); on or above
8/3/2011 to 4/10/2012; see also Fed. R. Civ. P. 56(e); 28 U.S.C 1915(e)(3)
The Clerk of the court having possession of the record shall
keep it until notified by the Clerk of the Supreme Court
that the record is to be certified and transmitted. The
record will not be transmitted to the Supreme Court at the
request of a party; "have been cited at this time request
about styled cause of action.

Respectfully submitted

is Joseph L. Lindon Pollard 10/23/2013.

Joseph Lindon Pollard prose. #22860 cell F2202-L

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing
has been furnished this 10 day of 23 2013 to clerk of court of
appeals eleventh circuit in A.G. and to opposing side, or this
U.S. Supreme Court.

Martin Cox just
1150 SW Allapattah Road
Indiatown, Florida 34956

Pollard, Joseph L #422860
cell, F4208-L on 10/23/13

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms
www.ca11.uscourts.gov

December 26, 2013

Joseph Lindon Pollard
Martin CI - Inmate Legal Mail
1150 SW ALLAPATTAH RD
INDIANTOWN, FL 34956

Appeal Number: 11-13675-B
Case Style: Joseph Pollard v. Secretary, Florida Department
District Court Docket No: 1:08-cv-23222-KMM

In the absence of a pending appeal, as required by Rule 4 of the Federal Rules of Appellate Procedure, this court has no jurisdiction to grant the relief requested.

Please forward your inquiry to the Supreme Court.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

MP-1

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

IN ATLANTA GEORGIA

JOSEPH LINDON POLLARD
Petitioner, Appellant

vs

Secretary, Florida Department
Respondent - Appellee

APP NO: 11-13675-B

O.C.#: 08-CV-23222

TO: OFFICE OF THE CLERKS, AND COURT JUDGES, HONORABLES,
REQUEST BY LEAVE OF COURT.

Comes now JOSEPH LINDON POLLARD, petitioner, Appellant
pro-se. The petitioner should ask leave of the court
to file a legal memorandum in support of any
claim in the petition. Although petitioner may choose
to do so if petitioner has reason to believe that the
judges will be disposed to act quickly and summarily
because of the circumstances of the case, the nature
of the issues. (AEDPA); see also e.g. Goald v. United States
657 F. Supp. 2d 321, 326 N3 (D. Mass 2009), from 3/3/2011 to 4/11/2012.
The Rule governing Section 2254 cases, Rule 5. The record
in many habeas corpus cases is often too long and
complicated to be easily accessible to the court without
guidance from the parties; see also: Magovick v Phillips, 144 F.
3d 348 363 (5th Cir 1998) see S. Ct R. 42; see also S. Ct. R. 36.3(b) (2010)
see also; S Ct. R. 49. see Hilton v. Bravnskill, 481 U.S. 57 Joseph Lindon Pollard
770, 773 (1987) see also; S. Ct. R. 36.3(b) (2010) Fed. R. app. Joseph Lindon Pollard
pro-se
p. 23(c). 02/30/2013 4922860

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing
has been furnished this 12 day of, 30 2013 to: Honorable Court and
Clerk of Court, the United States Court of Appeals, Eleventh
Circuit in Atlanta, Georgia, and to Opposition.

Joseph Lindon Pollard
pro-se

JOSEPH H LINDON POLLARD
4922860

cell # 72203-L

Martin corr inst 02/30/13
1150 SW 111 Apptan Road
Indiantown Florida 34956

PROVIDED TO MARTIN
CORRECTIONAL INSTITUTION
ON 12/30/13
FOR MAILING

1 clerk
1 copy

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 09, 2014

Joseph Lindon Pollard
Martin CI - Inmate Legal Mail
1150 SW ALLAPATTAH RD
INDIANTOWN, FL 34956

Appeal Number: 11-13675-B
Case Style: Joseph Pollard v. Secretary, Florida Department
District Court Docket No: 1:08-cv-23222-KMM

We have received your Request By Leave of Court, no action will be taken in this closed case.

See enclosed docket sheet.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

LetterHead Only

		A. White on 1/27/2009. (tw) (Entered: 01/27/2009)
02/09/2009	12	OBJECTION to 11 Report and Recommendations by Joseph Lindon Pollard. (ail) (Entered: 02/11/2009)
02/18/2009	13	ORDER ADOPTING 11 REPORT AND RECOMMENDATIONS. THIS MATTER came before the Court upon Petitioner's Motion for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 1 . THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge. Magistrate Judge White issued a Report and Recommendation 11 , recommending that the motion be denied. Objections were filed on February 11, 2009 12 . UPON CONSIDERATION of the Report and Recommendation, after a <u>de novo review of the record, and being otherwise fully-advised in the premises, it is ORDERED AND ADJUDGED that Petitioner's Motion for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 1 is DENIED. It is further ORDERED AND ADJUDGED that Magistrate Judge White's Report and Recommendation 11 is ADOPTED. The Clerk of the Court is instructed to CLOSE this case. All pending motions are DENIED AS MOOT. Signed by Judge K. Michael Moore on 2/18/2009. (rg1) (Entered: 02/18/2009)</u>
08/26/2009	14	NOTICE of Filing Inquiry to Clerk by Joseph Lindon Pollard (ail) (Entered: 08/27/2009)
05/26/2011	15	NOTICE of Inquiry by Joseph Lindon Pollard (Docket Sheet Sent) (ar2) (Entered: 05/27/2011)
08/05/2011	16	NOTICE OF APPEAL by Joseph Lindon Pollard re 13 Order Adopting Report and Recommendations. Filing fee \$(NOT PAID). Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (mc) (Entered: 08/08/2011)
08/05/2011	17	MOTION for Certificate of Appealability construed from 16 Notice of Appeal by Joseph Lindon Pollard. Responses due by 8/22/2011 (mc) (Entered: 08/08/2011)
08/05/2011	23	MOTION to Appoint Counsel (see Do# 16 Notice of appeal) by Joseph Lindon Pollard. Responses due by 8/22/2011 (cqs) (Entered: 09/01/2011)
08/08/2011	16	Transmission of Notice of Appeal, Report and Recommendations, Order and Docket Sheet to US Court of Appeals re 16 Notice of Appeal (mc) (Entered: 08/08/2011)
08/15/2011	20	TRANSCRIPT INFORMATION FORM by Joseph Lindon Pollard re 16 Notice of Appeal. No Transcript Requested. (mc) (Entered: 08/18/2011)
08/18/2011	18	NOTICE of filing Petitioner Response for Documents by Joseph Lindon Pollard re 16 Notice of Appeal (Attachments: # 1 Exhibit for Appeal, # 2 Exhibit A, # 3 Exhibit B)(mc) (Entered: 08/18/2011)
08/18/2011	19	MOTION for Leave to Proceed in forma pauperis on appeal by Joseph

		Lindon Pollard. (mc) (Entered: 08/18/2011)
08/19/2011	21	PAPERLESS ORDER DENYING Notice of Appeal [16, 17] and Motion for Leave to Proceed in Forma Pauperis <u>19</u> . THIS MATTER is before the Court upon Petitioner's Notice of Appeal [16, 17], which this Court construes to be a Motion for Certificate of Appealability [16, 17]. A prisoner appealing denial of a petition brought under 28 U.S.C. § 2254 must first obtain a Certificate of Appealability. Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). A Certificate of Appealability shall issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). After a review of the record, the Court finds that Petitioner has not raised an issue regarding the denial of a constitutional right which could be debatable among reasonable jurists, or is otherwise reasonably adequate to warrant further proceedings. Miller-El, 537 U.S. at 327, 336-38. Accordingly, it is ORDERED AND ADJUDGED that Petitioner's Notice of Appeal [16, 17] construed to be a Motion for a Certificate of Appealability is DENIED. In addition, Petitioner's Motion for Leave to Proceed in Forma Pauperis <u>19</u> is DENIED AS MOOT. Signed by Judge K. Michael Moore on 8/19/2011. (rg1) (Entered: 08/19/2011)
08/30/2011	22	Acknowledgment of Receipt of NOA from USCA re <u>16</u> Notice of Appeal, filed by Joseph Lindon Pollard. Date received by USCA: 8/12/2011. USCA Case Number: 11-13675-B. (cqs) (Entered: 08/30/2011)
09/01/2011	24	NOTICE of Inquiry, Re: appointment of counsel by Joseph Lindon Pollard (docket sheet sent) (cqs) (Entered: 09/01/2011)
09/19/2011	26	MOTION for Leave to Proceed in forma pauperis by Joseph Lindon Pollard. (jua) (Entered: 09/20/2011)
09/20/2011	25	PAPERLESS ORDER. THIS MATTER is before the Court upon Petitioner's Motion to Appoint Counsel <u>23</u> , which this Court construes from Petitioner's Notice of Appeal <u>16</u> . In a Paperless Order 21 issued on August 19, 2011, the Court denied Petitioner's Motion for a Certificate of Appealability. Petitioner therefore does not require counsel to represent him because this Court has denied any further appeal of this matter. Accordingly, it is ORDERED AND ADJUDGED that Petitioner's Motion to Appoint Counsel <u>23</u> is DENIED AS MOOT. Signed by Judge K. Michael Moore on 9/20/2011. (rg1) (Entered: 09/20/2011)
09/21/2011	27	PAPERLESS ORDER. THIS MATTER is before the Court upon Petitioner's Motion for Leave to Proceed in Forma Pauperis <u>26</u> . In a Paperless Order 21 issued on August 19, 2011, the Court denied Petitioner's Motion for a Certificate of Appealability and Motion for Leave to Proceed in Forma Pauperis. Accordingly, it is ORDERED AND ADJUDGED that Petitioner's Motion for Leave to Proceed in Forma Pauperis <u>26</u> is DENIED AS MOOT. Signed by Judge K. Michael Moore on 9/21/2011. (rg1) (Entered: 09/21/2011)
10/05/2011	28	ORDER of Dismissal by USCA as to <u>16</u> Notice of Appeal, filed by Joseph Lindon Pollard, for lack of jurisdiction, Petition for habeas is untimely,

USCA# 11-13675-B (cqs) (Entered: 10/05/2011)

Type	Date	Description	Attached Order Name
<i>Notice</i>	09/01/2010	Notice of Appeal Filed	
Notes:			
Filed By: PS Joseph Lindon Pollard 422860			
<i>Event</i>	09/20/2010	Conference Date Set	
Notes: 3rd DCA			
<i>Event</i>	09/20/2010	Assigned Date	
Notes:			
<i>Disposition</i>	10/27/2010	Affirmed	
Notes:			
Manner: Per Curiam Affirmed			
<i>Motion</i>	11/10/2010	Motion For Rehearing	
Notes:			Rehearing denied (OD57)
Filed By: PS Joseph Lindon Pollard 422860			Order Date: 11/19/2010 Due Date:
<i>Order</i>	11/19/2010	Rehearing denied (OD57)	
Notes:			
Ordered By: Panel			
<i>Event</i>	11/19/2010	West Publishing	
Notes:			
<i>Mandate</i>	12/08/2010	Mandate	
Notes:			
<i>Notice</i>	12/17/2010	Notice	
Notes: if inquiry			
Filed By: PS Joseph Lindon Pollard 422860			

[ome \(http://www.miami-dadeclerk.com/home.asp\)](http://www.miami-dadeclerk.com/home.asp)
[nline Services \(http://www.miami-dadeclerk.com/online_services.asp\)](http://www.miami-dadeclerk.com/online_services.asp)
[bout Us \(http://www.miami-dadeclerk.com/about.asp\)](http://www.miami-dadeclerk.com/about.asp)
[ontact Us \(http://www.miami-dadeclerk.com/contact.asp\)](http://www.miami-dadeclerk.com/contact.asp)
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Court Case No.: F-00-024269

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☰ Case Information		
State Case No.: 13-2000-CF-024269-0001-XX	Name: POLLARD, JOSEPH LINDON AKAs	Date of Birth: 02/06/1965
Date Filed: 07/28/2000	Date Closed: 12/14/2001	
Address: 1351 N.W. 12 ST		
Judge: MILLAN, STEPHEN THOMAS	Defense Attorney: GAER, S	
File Section: F006	File Location: RECORD CENTER	Box No: 262-602
Probation Start Date: 12/14/2001	Probation End Date: 12/15/2007	

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA

PROVIDED TO MARTIN
CORRECTIONAL INSTITUTION
ON 1/15/14 JLP on 1/15/14
FOR MAILING

JOSEPH LINDON POLLARD
Petitioner, Appellant.

CASE NO: SC 11-1336

X.5

Lower No 3 D10-2273,

FOO-24269

THE STATE OF FLORIDA
Respondent, Appellee,

APP NO 11-13675-B

O.C NO 1:08-CV-23332-KMM

TO: CLERK OF COURT,

PETITION FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS

Comes now JOSEPH LINDON POLLARD pro-se petitioner(s) Party has the right to engage in an activity termed "discovery". Discovery involves ~~and~~ specific procedures by which the parties seek information considerably to the time; (A notice of appeal was "filed" on and this above date of 6/30/2011. In the Circuit Court of The Eleventh Judicial Circuit in and for Miami-Dade County, Florida. An appeal was "filed" in the case above: No Lower Tribunal # 3 D10-2273; FOO-24269. By The State of Florida the Respondent(s) to this Appeals on July 7, 2011. Case NO: SC 11-1336

(1) The specific procedures, or pleading in a case are filed by the state of Florida. Hon, Pamela Jo Bondi, Hon Mary Kay Blanks, Clerk, Hon, Harvey Rubin, Clerk Hon; MARISA TINKLER Mendez; Respondent(s) produce for inspection or copying the following documents hereon files, THANK YOU HON CLERKS. see Harris v Nelson, 394 U.S. 286 (1969)

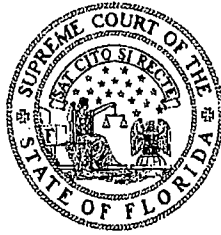
Respectfully Submitted
of Joseph Linton Pollard pro-se
N. Joseph Linton Pollard, O.C# 42286

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing has been furnished this 1 day of 15-2014 To: the Clerk of Court The Supreme Court of Florida, and all parties Martin corr INST

1150 S.W. 4th Street
Tallahassee, Fla 32305

Pollard, Joseph D.C# 422860 cell 220



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
KRY S GODWIN
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

FRIDAY, FEBRUARY 14, 2014

RE: JOSEPH LINDON POLLARD vs. STATE OF FLORIDA

CASE NUMBER: SC11-1336

Lower Tribunal Case No(s): 3D10-2273; 00-24269

The Florida Supreme Court has received the following documents reflecting a filing date of 01/21/2014.

Petitioner's First Request for Production of Documents

Please be advised that §§ 25.241 and 28.24, Fla. Stat., require this Court to charge \$1.00 per page for copies. To obtain a copy of the "Notice of Appeal" you will need to submit a check or money order in the amount of \$18.00 made payable to "Clerk, Florida Supreme Court."

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

ab

cc:

HON. PAMELA JO BONDI
JOSEPH LINDON POLLARD