

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
v.)
)
DANIEL MICHAEL MORRISSEY,)
)
Defendant.)

Criminal Action No. 21-660 (RBW)

FILED
JUL 11 2023
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ORDER

On August 16, 2022, the Court sentenced the defendant to forty-five days incarceration and a thirty-six-month term of probation. See Judgment at 2, 4, ECF No. 37. On August 19, 2022, the defendant appealed this sentence to the District of Columbia Circuit. See Notice of Appeal at 1, ECF No. 39. On October 18, 2022, the Court granted the defendant’s Motion for Permission to Proceed on Appeal In Forma Pauperis, ECF No. 41, to the extent that the defendant sought to proceed on appeal in forma pauperis. See Order at 1 (Oct. 18, 2022), ECF No. 45. The defendant’s appeal is currently pending before the Circuit. See Order at 1, United States v. Morrissey, No. 22-3059 (D.C. Cir. Mar. 31, 2023) (holding the defendant’s appeal in abeyance pending the Circuit’s resolution of the appeal in United States v. Little, No. 22-3018).

Following the Court’s October 18, 2022 Order granting the defendant’s request to proceed on appeal in forma pauperis, the defendant submitted six letters to the Court,¹ which are dated March 14, 2023; April 15, 2023; April 17, 2023; April 18, 2023; April 20, 2023; and

¹ The defendant also submitted two letters to the Court on October 6, 2022, and October 17, 2022, respectively, seeking the Court’s permission to proceed on appeal in forma pauperis. See ECF Nos. 56 and 57. The Court granted leave to file these letters on July 6, 2023, however, the requests made by the defendant to proceed on appeal in forma pauperis are now moot because the Court granted the defendant’s motion to proceed in forma pauperis on October 18, 2022. See Order at 1 (Oct. 18, 2022), ECF No. 45.

April 22, 2023, respectively.² See generally ECF Nos. 59, 60, 61, 63, 64, and 66. The content of the defendant's letters largely concerns a claim of ineffective assistance by his former counsel, Anthony Solis.³ See generally id.

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 59 (1982). Thus, when the defendant filed his notice of appeal with the Circuit, this Court was divested of jurisdiction over his case. See id. And, because the defendant's appeal raises a claim of ineffective assistance of his former counsel, see Notice of Appeal at 1, ECF No. 39 (appealing the Court's judgment and sentence dated August 16, 2022); see also Motion for Permission to Proceed on Appeal In Forma Pauperis, Exhibit ("Ex.") A (Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis) at 1, ECF No. 41-1 (stating that the defendant's issues on appeal are "[t]o be determined by [his] appellate counsel, but include, but are not necessarily limited to: ineffective assistance of counsel"), the Court will not "regain jurisdiction over th[at] issue[] until the court of appeals issues its mandate[.]" United States v. DeFries, 129 F. 3d 1293, 1302 (D.C. Cir. 1997) (per curiam). Accordingly, it is hereby

ORDERED that the defendant's request for a status hearing, as well as his requests for other relief, ECF Nos. 59, 60, 61, 63, 64, and 66, are **DENIED WITHOUT PREJUDICE**. It is further

² On July 6, 2023, and July 7, 2023, the Court granted leave to file the defendant's letters on the docket and requested that the Clerk of the Court file the April 18, 2023 letter and its attachments, as well as attachments to several of the other letters, under seal and ex parte because these documents contain attorney-client privileged communications.

³ The Court also notes that the defendant's letters include very similar allegations to the allegations that were raised by the defendant, and addressed by the Court, during a status hearing held on July 14, 2022. See Minute Entry (July 14, 2022).

ORDERED that the defendant's letter, ECF No. 57, is **DENIED WITHOUT PREJUDICE IN PART AND DENIED AS MOOT IN PART**. The letter is **DENIED WITHOUT PREJUDICE** to the extent that it seeks vacatur relief. The letter is **DENIED AS MOOT** to the extent that it seeks approval to proceed on appeal in forma pauperis, in light of the Court's October 18, 2022 Order granting the defendant's motion to proceed on appeal in forma pauperis. It is further

ORDERED that the defendant's request to proceed on appeal in forma pauperis, ECF No. 56, is **DENIED AS MOOT**, in light of the Court's October 18, 2022 Order granting the defendant's motion to proceed on appeal in forma pauperis.

SO ORDERED this 11th day of July, 2023.



REGGIE B. WALTON
United States District Judge