

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCUS WASHINGTON,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

BRIEF FOR THE UNITED STATES AS APPELLEE

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STATEMENT REGARDING ORAL ARGUMENT

The United States believes that oral argument is unnecessary in this case.

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 21-5780

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCUS WASHINGTON,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

BRIEF FOR THE UNITED STATES AS APPELLEE

JURISDICTIONAL STATEMENT

This is an appeal from the district court’s denial of an extension of time for defendant to file an earlier notice of appeal that was itself untimely. That earlier appeal concerned the district court’s March 12, 2020, order denying a motion by the defendant that the court construed as a motion to modify conditions of supervised release. (Order, R. 149, PageID# 1978).¹ Defendant filed a belated

¹ “R. ___” refers to the document number assigned on the district court’s docket sheet for case number 3:15-cr-59. “PageID# ___” indicates the page

(continued...)

notice of appeal on April 22, 2020. (Notice of Appeal, R. 152, PageID# 1988-2002). This Court remanded the case (No. 20-5436) for the district court to decide whether the defendant had established excusable neglect or good cause for filing an untimely notice of appeal. (Order, R. 182, PageID# 2064). The district court construed the April 22 notice of appeal as a motion for extension of time to file an appeal under Federal Rule of Appellate Procedure 4(b)(4), but found no excusable neglect or good cause and on August 4, 2021, denied the motion. (Memorandum Opinion & Order, R. 185, PageID# 2073). On August 16, 2021, the defendant filed this timely notice of appeal from the district court's August 4 order denying him an extension of time to appeal the March 12, 2020, order. (Notice of Appeal, R. 186, PageID# 2074). The district court had jurisdiction under 18 U.S.C. 3231, and this Court has jurisdiction under 28 U.S.C. 1291.²

STATEMENT OF THE ISSUES

1. Whether the district court abused its discretion in denying Washington an extension of time to file his notice of appeal.

(...continued)

number in the paginated electronic record for case number 3:15-cr-59. "Br. ____" refers to the page number of Washington's opening brief.

² "A district court's order refusing to extend the time for filing a notice of appeal is itself an appealable final judgment" under 28 U.S.C. 1291. *Bishop v. Corsentino*, 371 F.3d 1203, 1206 (10th Cir. 2004); see also *Diamond v. United States Dist. Ct.*, 661 F.2d 1198, 1198 (9th Cir. 1981).

2. Whether the district court abused its discretion in denying Washington's motion to modify his conditions of supervised release to exempt him from the requirement under Tennessee's sex-offender registration law prohibiting him from living within 1000 feet of a school.

STATEMENT OF THE CASE

1. Underlying Charges And Plea Agreement

In December 2015, appellant Marcus Washington was charged in a superseding indictment on four counts: two counts of sex trafficking in violation of 18 U.S.C. 1591(a)(1) and (b)(1) and 1594(a); one count of conspiracy to possess with the intent to distribute Oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. 846 and 841(a)(1) and (b)(1)(C); and one count of possession with intent to distribute Oxycodone in violation of 21 U.S.C. 841(a)(1) and (b)(1)(C). (Superseding Indictment, R. 32, PageID# 206-210). In November 2016, Washington pled guilty to the two drug-related counts and to a one-count Information charging him with conspiracy to commit sex trafficking in violation of 18 U.S.C. 1594(c). (Plea Agreement, R. 107, PageID# 1614-1615).

In his plea agreement, Washington admitted to the following facts. In 2013, Washington recruited and coerced two adult women, A.S. and K.C., into engaging in commercial sex in exchange for money, knowing both had an Oxycodone addiction. (Plea Agreement, R. 107, PageID# 1616-1618). Although Washington

informed A.S. and K.C. that they would make a lot of money prostituting for him, all the proceeds from their commercial sexual activity went to Washington, who in turn used a small portion to purchase Oxycodone for A.S. and K.C. to fend off their opiate withdrawals. (Plea Agreement, R. 107, PageID# 1616-1617).

Washington used both women's addictions and fears of opiate withdrawal to compel their continued engagement in commercial sex. (Plea Agreement, R. 107, PageID# 1616-1617). He also threatened physical force to compel K.C. to engage in commercial sex. (Plea Agreement, R. 107, PageID# 1617).

2. *Sentencing And Appeal*

a. In March 2017, the district court sentenced Washington to 120 months' imprisonment on each of the three counts, to be served concurrently, and three years of supervised release for each count, also to be served concurrently.

(Judgment, R. 123, PageID# 1769-1770).³ Under the terms of his supervised release, Washington was required to register with the state sex-offender registration agency in the state where he would reside after he completed his term of imprisonment. (Judgment, R. 123, PageID# 1770).

³ The district court's judgment mistakenly ordered that Washington's sentence be served consecutively to the state sentence he was then serving on unrelated charges, contradicting the terms of his plea agreement. (Judgment Order, R. 131, PageID# 1857; see Amended Judgment, R. 132, PageID# 1859). The Bureau of Prisons later corrected this error, and Washington was granted custody credit beginning December 4, 2010, the date of his state court conviction. (See Memorandum & Order, R. 147, PageID# 1971).

b. Washington was released from federal custody on March 9, 2020. (Order, R. 149, PageID# 1978). Two days later, he filed pro se a “Mandamus Pursuant to 60(A)” in the district court, requesting that the court exempt him from a provision of Tennessee’s sex-offender law prohibiting sex offenders from residing within 1000 feet of a school. (Pro Se Motion, R. 148, PageID# 1972-1973).⁴ Washington contended that the only place available for him to live—other than in a hotel room that he could not afford—was with a family member who lived within 1000 feet of a school. (Pro Se Motion, R. 148, PageID# 1973). Thus, he argued, abiding by the Tennessee law effectively would leave him homeless. (Pro Se Motion, R. 148, PageID# 1973).

c. Construing Washington’s “Mandamus Pursuant to 60(A)” as a motion to modify conditions of supervised release, the district court denied it on March 12, 2020. (Order, R. 149, PageID# 1978-1980). In doing so, the court explained that its judgment required Washington to register as a sex offender in the state where he intended to reside—in this case, Tennessee—and that Tennessee state law places certain residency restrictions upon persons convicted of the types of crimes for which Washington was convicted. (Order, R. 149, PageID# 1979). Declining to

⁴ Presumably, the caption of Washington’s motion referred to Federal Rule of Civil Procedure 60(a), addressing relief from a civil judgment or order based on clerical mistakes, oversights, and omissions. (See Pro Se Motion, R. 148, PageID# 1974).

“override the requirements of Tennessee’s sex-offender registration laws,” the district court denied the motion. (Order, R. 149, PageID# 1980).

Forty days later, on April 22, 2020, Washington appealed the district court’s order refusing to modify the terms of his supervised release. (Notice of Appeal, R. 152, PageID# 1988-2002). That appeal was untimely because under Federal Rule of Appellate Procedure 4(b), a defendant in a criminal case must file a notice of appeal within 14 days after entry of the order being appealed. This Court remanded the case (No. 20-5436) to the district court to determine whether Washington could show excusable neglect or good cause to justify an extension of time to file his appeal. (Order, R. 182, PageID# 2063-2064). Construing defendant’s notice of appeal as a motion for extension of time to file an appeal under Federal Rule of Appellate Procedure 4(b)(4), the district court declined to grant Washington an extension, finding that his “account of his failure to file a timely notice of appeal is inconsistent with the record.” (Memorandum Opinion & Order, R. 185, PageID# 2071-2073). Washington claimed that because of the constant moving between hotels, searching for a job, and looking for an apartment that complied with the sex offender registration requirements, he missed the 14-day deadline to file a notice of appeal. (Response, R. 184, PageID# 2068). But the court found that Washington’s assertion conflicted with his probation officer’s sworn statements that he had lived in the same apartment throughout the relevant

period. (Memorandum Opinion & Order, R. 185, PageID# 2071). As to any failure to receive the order, the court also found that, even if Washington had been moving between hotel rooms, he knew “that he needed to keep his address current with the Court, or else risk adverse consequences to his case.” (Memorandum Opinion & Order, R. 185, PageID# 2072; see also Notice, R. 137, PageID# 1893).

Washington now appeals that order. (Notice of Appeal, R. 186, PageID# 2074).

d. While this appeal was pending, this Court dismissed Washington’s prior appeal (No. 20-5436) of the district court’s denial of his motion to modify the terms of his supervised release. (See Order, R. 197, PageID# 2091-2092).

SUMMARY OF ARGUMENT

1. The district court did not abuse its discretion in denying Washington an extension of time to file his first notice of appeal because Washington failed to show excusable neglect or good cause for an extension.

2. The Court should not entertain the merits of Washington’s appeal of the denial of his motion to modify the terms of his supervised release, which he addressed in No. 20-5436. This Court has correctly dismissed that appeal (see Order, R. 197, PageID# 2091-2092). But should the Court find that the district court abused its discretion in declining to grant an extension and consider the merits, it should affirm. The district court acted within its discretion when it

denied Washington’s motion to modify his conditions of supervised release to exempt him from Tennessee’s prohibition on his living within 1000 feet of a school. Washington pleaded guilty to conspiracy to commit sex trafficking in violation of 18 U.S.C. 1594(c). That offense qualifies as a “sex offense” under the Sex Offender Registration and Notification Act (SORNA), 34 U.S.C. 20911 *et seq.*, subjecting Washington to the statute’s mandatory requirement that, as a condition of supervised release, he register as a sex offender in the jurisdiction in which he resides. 34 U.S.C. 20913(a). Because Washington chose to reside in Tennessee, SORNA requires that he register there. But SORNA’s federal registration requirement is entirely separate from any obligations Washington has under *Tennessee* law for registering as a sex offender. The district court lacked authority to override Tennessee’s requirements, including the prohibition on where sex offenders may live.

ARGUMENT

I

THE DISTRICT COURT ACTED WITHIN ITS DISCRETION IN DENYING WASHINGTON AN EXTENSION OF TIME TO FILE HIS FIRST NOTICE OF APPEAL

A. *Standard Of Review*

“An order denying an extension of time to file a notice of appeal is reviewed for an abuse of discretion.” *Nicholson v. City of Warren*, 467 F.3d 525, 526 (6th

Cir. 2006). “An abuse of discretion exists when a court ‘commits a clear error of judgment, such as applying the incorrect legal standard, misapplying the correct legal standard, or relying upon clearly erroneous findings of fact.’” *Proctor v. Northern Lakes Comm. Mental Health*, 560 F. App’x 453, 456 (6th Cir. 2014) (quoting *Yeschick v. Mineta*, 675 F.3d 622, 628 (6th Cir. 2012)).

In this Court, it is “well settled that leave to file an untimely notice of appeal is to be granted only in unique or extraordinary circumstances.” *Marsh v. Richardson*, 873 F.2d 129, 130 (6th Cir. 1989). A court may grant an extension only if “th[e] party shows excusable neglect or good cause.” Fed. R. App. P. 4(a)(5). “Excusable neglect has been held to be a strict standard which is met only in extraordinary cases.” *Nicholson*, 467 F.3d at 526. And good cause is “found where forces beyond the control of the appellant prevented [him] from filing a timely notice of appeal.” *Ibid.*

B. Because Washington Fails To Show Excusable Neglect Or Good Cause For His Untimeliness, The District Court Acted Within Its Discretion In Denying Washington An Extension To File His Notice Of Appeal

The district court did not abuse its discretion in denying Washington an extension of time to appeal the court’s prior order denying his pro se “Mandamus Pursuant to 60(A).” (Pro Se Motion, R. 148, PageID# 1972-1977).

1. Washington argues that the “Mandamus Pursuant to 60(A)” constituted a Section 2255 habeas motion, extending the time to file his notice of appeal to 60

days (Br. 1). But the district court correctly construed his motion as one seeking to modify the conditions of supervised release (see Order, R. 149, PageID# 1978-1980).

Federal courts can “ignore the legal label that a *pro se* litigant attaches to a motion and recharacterize the motion * * * to avoid an unnecessary dismissal * * * or to create a better correspondence between the substance of a *pro se* motion’s claim and its underlying legal basis.” *Castro v. United States*, 540 U.S. 375, 381-382 (2003). But that principle does not help Washington here. Because Washington’s motion requested that the court override Tennessee’s sex-offender registration requirements and permit him to “live with his mother as he successfully completes his three years of probation/supervised release” (Pro Se Motion, R. 148, PageID# 1977), that motion is properly characterized as a motion to modify conditions of supervised release which, under 18 U.S.C. 3583(e), “is a criminal motion, which means that the fourteen-day deadline for filing a notice of appeal in a criminal case applies.” *United States v. Brown*, 817 F.3d 486, 488 (6th Cir. 2016) (dismissing pro se defendant’s untimely appeal of order denying his 18 U.S.C. 3582(c) motion to modify his sentence). Washington filed his appeal on April 22, 2020, 40 days after the district court entered its judgment on March 12, 2020. Because he filed his appeal within 30 days after the deadline, the district court correctly construed Washington’s notice of appeal as a motion for extension

of time to file an appeal under Federal Rule of Appellate Procedure 4(b)(4).

(Memorandum Opinion & Order, R. 185, PageID# 2073).

2. Washington has not established excusable neglect or good cause to justify an extension under Rule 4(b)(4). See *United States v. Douglas*, 746 F. App'x 465, 466-467 (6th Cir. 2018) (party seeking extension bears the burden of establishing excusable neglect or good cause) (citing *United States v. Thompson*, 82 F.3d 700, 702 (6th Cir. 1996)). On appeal, Washington contends that he “resided in hotel rooms * * * after being released from a 7 year prison term,” and that his “mental state and financial disposition caused multiple address changes,” resulting in “psychological burden[s]” that caused a delay in filing his notice of appeal. Br. 1. But, as the district court correctly pointed out, Washington’s account of events conflicts with the record and does not rise to the level of excusable neglect or good cause.

First, Washington’s probation officer testified that, from early March through August 2020, Washington was living in an apartment complex (see Amended Petition & Order, R. 160, PageID# 2029-2031), not in “hotel rooms” (Br. 2). Though Washington maintains that he “did not have an apartment” in March or April 2020, he offers no evidence, below or on appeal, to contradict his probation officer’s sworn testimony. (Memorandum Opinion & Order, R. 185, PageID# 2071); see *Barnes v. Cavazos*, 966 F.2d 1056, 1062 (6th Cir. 1992)

(reversing district court's grant of an extension of time because "there [wa]s no way to verify" the alleged excuse for untimeliness, and thus granting the extension would result in "an increase in the manufacture of excuses incapable of our verification").

Second, even if Washington was moving from one hotel to another at the time he should have filed his appeal, he fails to show how that would excuse his failure to file on time. Washington admitted that his family provided the financial means so that he could live in hotels (Response, R. 184, PageID# 2067), diminishing any claim that his "financial disposition" caused his untimely filing (Br. 1). And he offers no explanation of or support for his claim (Br. 1), that his "mental state" or "psychological burden" caused his late filing. See *Barnes*, 966 F.2d at 1062. Even accepting that Washington experienced personal hardships at the time he needed to file his notice of appeal, the record does "not establish that []he was *unable* to file [his notice] as a result of those challenges." *Proctor*, 560 F. App'x at 457-458.

To the extent Washington claims that moving from one hotel to another caused him not to receive the district court's March 12, 2020 order, the district court correctly found that does not constitute excusable neglect or good cause. (See Memorandum Opinion & Order, R. 185, PageID# 2072). Washington knew that, as a pro se litigant, he was required to update his address with the district

court. (See Memorandum Opinion & Order, R. 185, PageID# 2072). Indeed, Washington previously had filed a notice of a change of address in August 2018. (See Memorandum Opinion & Order, R. 185, PageID# 2072; Notice, R. 139, PageID# 1900). And the district court pointed out that he also could have asked his mother to call the Clerk's Office to update his address, which he has done previously. (Memorandum Opinion & Order, R. 185, PageID# 2073). Washington's delay in filing his notice of appeal thus resulted from his own mistake. And "mistakes by those who proceed without counsel are not necessarily excusable." *Nicholson*, 467 F.3d at 527.

Relatedly, although Washington asserts in his brief, without more, that good cause exists for his delay in filing his notice, he does not show any "forces beyond [him]" that prevented him from filing that notice. *Nicholson*, 467 F.3d at 526. This bare assertion does not satisfy his obligation to "present[] facts sufficient" to demonstrate good cause. *Douglas*, 746 F. App'x at 468.

In sum, Washington fails to explain adequately his failure to file his notice of appeal on time. His account of events conflicts with the record. He fails to show that any hardships he experienced caused his inability to file a timely notice of appeal. And any claim that Washington did not receive the court's order as a result of changing his address is due to his own failure to keep the district court

apprised of his whereabouts. Washington thus has not shown excusable neglect or good cause to warrant an extension. See *Nicholson*, 467 F.3d at 526.

II

THE DISTRICT COURT ACTED WITHIN ITS DISCRETION IN DENYING WASHINGTON'S MOTION TO MODIFY HIS CONDITIONS OF SUPERVISED RELEASE TO OVERRIDE TENNESSEE LAW

As explained above, this Court correctly dismissed Washington's appeal (No. 20-5436) of the district court's March 12, 2020, Order denying his motion to modify conditions of supervised release. (See Order, R. 197, PageID# 2091-2092). Accordingly, this Court should not decide the merits of that appeal. If the Court does consider the merits, however, it should affirm.

A. Standard Of Review

This Court reviews the district court's order denying a motion to modify conditions of supervised relief for an abuse of discretion. See *United States v. Carter*, 463 F.3d 526, 528-530 (6th Cir. 2006). "A district court abuses its discretion when it relies on clearly erroneous findings of fact, applies the law improperly, or uses an erroneous legal standard." *United States v. Pembroke*, 609 F.3d 381, 383 (6th Cir. 2010), cert. denied, 562 U.S. 1273 (2011).

B. Because The District Court Lacks Authority To Waive Tennessee Law Prohibiting Washington From Residing Within 1000 Feet Of A School, The District Court Properly Denied Washington's Motion To Modify His Conditions Of Supervised Release

In his motion to modify the terms of his supervised release, Washington argued that the court should exempt him from the requirements of Tennessee's sex-offender law that prohibits him from living within 1000 feet of a school because it would effectively render him without a home. (Pro Se Motion, R. 148, PageID# 1973). The district court correctly denied the motion because the court lacks authority to waive the requirements of Tennessee's sex-offender registration statute.

1. The Sex Offender Registration and Notification Act (SORNA) requires every sex offender convicted of a covered "sex offense" to "register, and keep the registration current, in each jurisdiction where the offender resides." 34 U.S.C. 20911(1), 20913(a). When Washington pleaded guilty to conspiracy to commit sex trafficking in violation of 18 U.S.C. 1594, he pleaded guilty to a "sex offense" under SORNA. 34 U.S.C. 20911(5)(A)(iii) and (v) ("the term 'sex offense' means * * * a Federal offense * * * under section 1591 * * * [or] an attempt or conspiracy to commit [such] an offense"). Because he "was convicted of a sex offense," he is a "sex offender" under SORNA, 34 U.S.C. 20911(1), and is subject to the statute's registration requirements, 34 U.S.C. 20913(a). And under 18

U.S.C. 3583(d), a district court must order as a condition of supervised release that a person required to register under SORNA comply with the provisions of that Act. Thus, as this Court has explained, the “requirement to register under SORNA is a mandatory (or so-called ‘explicit’) condition of supervised release, rather than a special condition of it * * * [and] the district court was statutorily required to impose [this requirement].” *United States v. Shannon*, 511 F. App’x 487, 489-490 (6th Cir.), cert. denied, 569 U.S. 954 (2013).

The district court’s amended judgment correctly required Washington to “register with the state sex offender registration agency in the state where [Washington] resides, works, or is a student” as part of his supervised release terms. (Order, R. 149, PageID# 1979-1980 (quoting Judgment, R. 123, PageID# 1768-1773 and Amended Judgment, R. 132, PageID# 1858-1863)). Washington asserts that he intends to reside in Tennessee. Br. 3-4 (No. 20-5436).

2. Tennessee law also requires Washington to register as a sex offender. See Tenn. Code Ann. § 40-39-202(19) and (20)(A)(xii) and (xvii) (2004) (defining a sex offender to include a person convicted of committing an act constituting the offense of conspiring to promote prostitution); Tenn. Code Ann. § 40-39-202(3) and (31)(R) and (Y) (defining a violent sex offender to include a person convicted of committing an act constituting the offense of conspiring to traffic for a commercial sex act); see also Tenn. Code Ann. § 40-39-202(1) (defining

“[c]onviction” to include not only judgments entered by a Tennessee court but also “a conviction by a federal court”). As such, he is subject to the limitations under Tennessee law that he now challenges. See Tenn. Code Ann. § 40-39-211(a)(1) (prohibiting a sex offender from residing or working within 1000 feet of schools and other facilities). But a sex offender’s obligations under state law are independent of any duties under SORNA. See, e.g., *Willman v. Attorney General of the U.S.*, 972 F.3d 819, 824 (6th Cir. 2020) (explaining that “federal SORNA obligations are independent of state-law sex offender duties”), cert. denied, 141 S. Ct. 1269 (2021); *United States v. Paul*, 718 F. App’x 360, 363-364 (6th Cir. 2017) (explaining that “SORNA imposes duties on *all* sex offenders, irrespective of what they may be obliged to do under state law”), cert. denied, 140 S. Ct. 342 (2019); see also 73 Fed. Reg. 38,046 (July 2, 2008) (noting that in setting “minimum national standards,” SORNA establishes a “floor,” not a “ceiling”).

The district court therefore did not have any authority to “override” any requirements imposed under Tennessee—as opposed to federal—law, and certainly did not abuse its discretion in declining Washington’s invitation to do so. Further, Washington does not argue, or cite any case holding, that Tennessee’s law is unlawful, nor does he raise an as-applied constitutional challenge. He complains only that Tennessee’s restrictions will burden him from finding a place of

residence. That, however, is not a basis for a federal court to grant the relief he seeks.

CONCLUSION

This Court should affirm the district court's denial of an extension of time for Washington to file his notice of appeal. In the alternative, if it finds that the district court abused its discretion in denying the extension and considers the merits, this Court should affirm the district court's denial of Washington's motion to modify the conditions of his supervised release concerning restrictions under Tennessee law on where he can live given his sex offender status.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing BRIEF FOR THE UNITED STATES AS
APPELLEE:

- (1) complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 3966 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f); and
- (2) complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it was prepared using Microsoft Office Word in a proportionally spaced typeface (Times New Roman) in 14-point font.

s/ Natasha N. Babazadeh
Natasha N. Babazadeh
Attorney

Date: February 22, 2022

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically filed the foregoing BRIEF FOR THE UNITED STATES AS APPELLEE with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. Not all case participants are CM/ECF registered. This brief will be served via United States certified mail to the following address:

Marcus Washington (48442-074)
Laurel County Correctional Center
206 W. Fourth Street
London, KY 40741

s/ Natasha N. Babazadeh
NATASHA N. BABAZADEH
Attorney

ADDENDUM DESIGNATING DISTRICT COURT DOCUMENTS

Appellee United States designates the following documents from the electronic record in the district court:

Record Entry Number	Description	PageID# Range
32	Superseding Indictment	206-210
107	Plea Agreement	1614-1619
123	Judgment	1769-1770
131	Judgment Order	1857
132	Amended Judgment	1858-1863
137	Notice	1893
139	Notice	1900
147	Memorandum & Order	1971
148	Pro Se Motion	1972-1979
149	Order	1978-1980
152	Notice of Appeal	1988-2002
160	Amended Petition & Order	2031
182	Order	2064
184	Response	2067
185	Memorandum Opinion & Order	2071-2073
186	Notice of Appeal	2074
197	Order	2091-2092