

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

RECEIVED
DEC 17 2020
PAUL D. BORMAN
U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

FARID FATA,)

Defendant)

No. 2:13-cr-20600

Hon. Paul D. Borman

DECLARATION OF FARID FATA

I, Farid Fata, declare under The Penalty of Perjury § 1746, that the following is true and correct to the best of my knowledge, information and belief.

1- In its response to Defendant's "Motion that FATA's Notice of Appeal was TIMELY", the Government argued that "Fata mailed an envelope to The SIXTH Circuit on July 16, 2020, but the contents of the envelope have never appeared any where on the docket in the Sixth Circuit, Case No. 20-1762 (Page ID # 4500, JE 296).

per case manager Ryan Orme at The Sixth Circuit,

the "Notice of Appeal" requests do not show or appear on the docket as they are sent to the District Court.

Fata's Notice of Appeal sent to the Sixth Circuit, post stamped on July 16, 2020, was delivered on July July 27, 2020; See Sixth circuit docket dated 9-25-2020: "Fata's response to Government Motion To dismiss appeal as Untimely" where the Sixth Circuit mailed Fata a Financial Affidavit on July 28, 2020 that was docketed on 8-12-2020 and entered 8-21-2020 at 9:25 AM (Sealed); See attached DE. In this Financial Affidavit there was notation referencing the notice of Appeal dated on or about July 14, 2020 sent to the Sixth Circuit, based on which the Sixth Circuit mailed/sent Fata a package that contained the Financial Affidavit and a Form of ProSe Appellant Brief

questionnaire including questions related to the specific issues to raise on appeal (see attached DE).

In summary, the Temporal Sequence of events and reciprocal mail between Fata and the Sixth Circuit as well as the docketed financial Affidavit referencing the Notice of Appeal dated on or about July 14, 2020, post stamped July 16, 2020, demonstrate that Fata's Appeal was timely, and/or at least there was no evidence of neglect on Fata's part to appeal his 3582 (c)(1)(A) Compassionate release denial by the District Court.

Respectfully Submitted,

Farid Fata November 30, 2020

Farid Fata

#48860-039

FCI Williamsburg

P. O. Box 340

Salters, SC 29590

**General Docket
United States Court of Appeals for the Sixth Circuit**

Court of Appeals Docket #: 20-1762		Docketed: 08/12/2020	
USA v. Farid Fata			
Appeal From: Eastern District of Michigan at Detroit			
Fee Status: pending in 6th Cir			
Case Type Information:			
1) Criminal			
2) Post-Conviction			
3) null			
Originating Court Information:			
District: 0645-2 : 2:13-cr-20600-1			
Trial Judge: Paul D. Borman, U.S. District Judge			
Date Filed: 08/14/2013			
Date Order/Judgment:		Date NOA Filed:	
07/10/2020		07/30/2020	
Prior Cases:			
<u>13-2375</u>	Date Filed: 10/11/2013	Date Disposed: 01/23/2014	Disposition: Motions Panel, Other
<u>15-1935</u>	Date Filed: 08/12/2015	Date Disposed: 05/25/2016	Disposition: Oral Argument
Current Cases:			
	Lead	Member	Start End
Related	<u>20-1713</u>	20-1762	08/12/2020

UNITED STATES OF AMERICA Plaintiff - Appellee	Sarah Resnick Cohen, Assistant U.S. Attorney Direct: 313-226-9637 [®] [COR LD NTC Government] United States Attorney's Office 211 W. Fort Street Suite 2001 Detroit, MI 48226
v.	
FARID FATA (Federal Prisoner: #48860-039) Defendant - Appellant	Farid Fata [NTC Pro Se] F.C.I. Williamsburg P.O. Box 340 Salters, SC 29590

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FARID FATA

Defendant - Appellant

- 08/12/2020 1 Criminal Case Docketed. Notice filed by Appellant Mr. Farid Fata. Transcript needed: n. (REO) [Entered: 08/12/2020 11:36 AM]
2 pg. 11.67 KB
- 08/12/2020 2 The case manager for this case is: Ryan Orme (REO) [Entered: 08/12/2020 11:42 AM]
- 08/12/2020 3 BRIEFING LETTER SENT setting expedited pro se briefing schedule: appellant brief due 09/11/2020; appellee brief due 09/28/2020. (REO) [Entered: 08/12/2020 11:44 AM]
2 pg. 12.97 KB
- 08/12/2020 4 APPEARANCE filed for Appellee USA by Sarah Resnick Cohen. Certificate of Service: 08/12/2020. [20-1762] (SRC) [Entered: 08/12/2020 05:06 PM]
1 pg. 102.59 KB
- 08/12/2020 5 Appellant MOTION filed by Mr. Farid Fata to proceed in forma pauperis. (REO) [Entered: 08/21/2020 09:23 AM]
1 pg. 51.16 KB
- * 08/12/2020 6 Financial Affidavit filed by Party Mr. Farid Fata. (REO) [Entered: 08/21/2020 09:25 AM]
6 pg. 305.01 KB
- 08/12/2020 7 Copy of notice of appeal from district court filed. (REO) [Entered: 08/21/2020 09:25 AM]
3 pg. 194.21 KB
- 08/24/2020 8 APPELLANT BRIEF filed by Mr. Farid Fata. Argument Request: not requested. (REO) [Entered: 08/25/2020 04:01 PM]
24 pg. 1.26 MB
- 08/27/2020 9 CORRESPONDENCE by Mr. Farid Fata. (REO) [Entered: 08/27/2020 03:53 PM]
2 pg. 203.24 KB
- 09/03/2020 10 MOTION filed by Ms. Sarah Resnick Cohen for USA to dismiss case as an untimely criminal appeal. Certificate of Service: 09/03/2020. [20-1762] (SRC) [Entered: 09/03/2020 10:10 AM]
5 pg. 93.12 KB
- 09/04/2020 11 RULING LETTER SENT to hold briefing in abeyance pending a ruling on the motion to dismiss. (REO) [Entered: 09/04/2020 04:18 PM]
1 pg. 10.13 KB
- * 09/25/2020 12 RESPONSE in opposition filed regarding a motion dismiss case - untimely criminal appeal, [10]; previously filed by Ms. Sarah Resnick Cohen in 20-1762. Response from Party Mr. Farid Fata Certificate of Service:09/18/2020. (REO) [Entered: 09/28/2020 12:13 PM]
10 pg. 412.31 KB
- 10/08/2020 ORDER filed : REMANDING the case to the district court for the limited

	<input type="checkbox"/>	<u>13</u>	purpose of allowing the court to determine whether Fata can show excusable neglect or good cause warranting an extension of the appeal period. Jurisdiction is retained . Bernice Bouie Donald, Circuit Judge.-- [Edited 10/14/2020 by YH] (REO) [Entered: 10/08/2020 03:49 PM]
	4 pg.	216.63 KB	
10/13/2020	<input type="checkbox"/>	<u>14</u>	TENDERED - SUPPLEMENTAL BRIEF filed by Party Mr. Farid Fata.-- [Edited 11/03/2020 by REO] (REO) [Entered: 10/14/2020 04:31 PM]
	3 pg.	188.81 KB	
11/03/2020	<input type="checkbox"/>	<u>15</u>	LETTER SENT to Mr. Farid Fata, regarding supplemental brief. (REO) [Entered: 11/03/2020 08:09 AM]
	1 pg.	9.95 KB	
11/09/2020	<input type="checkbox"/>	<u>16</u>	CORRESPONDENCE: requesting docket sheet by Mr. Farid Fata. (REO) [Entered: 11/10/2020 09:46 AM]
	10 pg.	455.27 KB	

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- Documents and Docket Summary
- Documents Only

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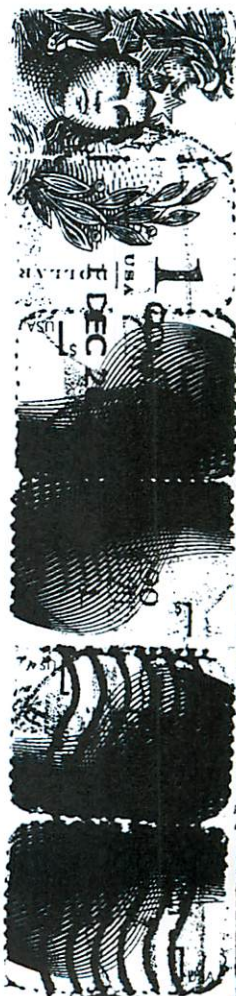
View Selected

Name: Farid Fata
Register Number: 48860-039
F.C.I. Williamsburg
Inmate Mail
P.O. Box 340
Salters, SC 29590

RECEIVED
DEC 17 2020
PAUL D. BORTNER
U.S. DISTRICT COURT

Honorable Paul Berwan
231 W. Lafayette BLVD
Theodore Levin BLDG
Detroit, MI 48226

LEGAL MAIL (CERTIFIED MAIL)



12/17/20



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OF THE RETURN ADDRESS; FOLD AT DOTTED LINE
CERTIFIED MAIL

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