To: Clerk of the Court, July-29-2024.

Please if you receive this letter Know that staff members of the Federal Bureau of Prisons are, and have been doing everything they can do here at U.S.P. Allen Wood and also U.S.P. Canaan to "Pervent" me from filing a Pro Se Motion to ask the Supreme Court to over turn the 4th. Circuit Court of Appeal Ruling of May-29-2024 that Denied my motion asking for relief - to over turn the local Judge deciding not to allow my Dr.'s Testimony to be heard by a Jury. It was Judge Richard Mark Gregel of Charleston, South Carolina.

I have until August-27-2024 to file an Appeal, Could this be my Motion, or do I need to do something eles? If so here's my case No: 224202 (9-18-CR-00685-RGM-1) U.S.

V.S.

George Hall.

My psychologist/Dr.'s Testimony should have been allowed to be heard before the Jury, other Curcuits Courts of Appeals allow it.

Pleas over turn their Penior of my motion.

George Hall
44777-004.
Federal Correctional Complex.
- Allen Wood U.S.P. - P.O. Box
3000. White Deer, PA
17887.

P.S. I don't have much money to pay court fee's, I am down to my last $140.34 could you wave all court fee's Please?

Enclose is a copy of my commissary receipt.

Also, please Know that the staffs here will not give me the opportunity to go to the Law Libuary since I arrived back here on July-17-2024, and from May-23-2024-Through-July-17-2024 I had been sent to U.S.P. Canaan where they also never allowed me to go to the Law Libuary, Etc. I fear they're going to have inmate Walls & his friend Rudoff-like the Red noes Raindeer-Rudoff Epps-007 to harm me, or some other inmate friends of federal staffs here at U.S.P. AllenWood by placing them in the cell with me to have them then make trouble with me!! They alread used inmate Rudoff Epp's, #xxxxx-007.

He made trouble with me for over 7 weeks as my cell mate at U.S.P. Canaan stating on May-23-2024 when I had arrived there from here U.S.P. Allen-Wood, on July-17-2024, U.S.P. Canaan sent me back here to U.S.P. AllenWood and I was giving inmate Rudoff Epp's. xxxxx-007 once again as my cell mate, 7-17-24.

He treaten me on July-19-2024, I had Lieuten-ant Ackley to give me another cellmate & inform him about inmate Walls & Rudoff both was speaking ill about me in Receiving & Discharging / R&D, and ask Lt. Ackley to never place inmate Walls & me in a cell together because I believe Walls will hurt me for his inmate friend Rudoff, and most importantly staffs of the federal B.O.P. Canaan

From June-04-2024 through July-17-2024 U.S.P. Didn't allow inmates to by writing stamps!!

Dear Clerk of the Court July-29-2024:

Please Know that the staff members of both these (2) prison U.S.P. Allenwood and U.S.P. Canaan have delade me from being able to file, or write to you for over two months!!

Today- July-29-2024 is the first time I've been allow or afforded an opportunity to go to the law Libuary in order to get your address, and last week on July-24-2024 was the first time I've been allow to by any writing stamps, because on May-23-2024 staffs of U.S.P. Allenwood sent me to U.S.P. Canaan where the Special Housing Unit Lieutantant Mr. Rivers, and the warden there for over 2 months never let me go to the law libuary to get your address, from May-23-2024 until July-17-2024 I was sent there to U.S.P. Canaan, and Canaan didn't allow us inmates in SHU to buy any writing stamps from June-04-2024 up until I left there U.S.P. Canaan and sent back here to U.S.P. Allenwood, where they also wouldn't allow me to go to the law Libuary until today- July-29-2024.

Once you receive this letter please if I need some extrat time to submitt my motion a differant way please send me the infor-mation along with all the forms, and give me extrat time for filing my motion.

But, If you would accept my motion as it is please acknowlege receiver, and acceipting a.s.a.p. because I'm afraid staffs may throw this letter, and this motion in the <Trash" > this case is about staffs using inmates of Estill F.C.I. to sexually harass & threaten to rape me, [redacted] Etc. on February-06-2018. Enclose is my (2) Page Motion.

P.S. Also, enclose is a copy of my inmate request to the warden or A.W. Dated: August-01-2024.

Cop-out
Page 1 of 1

To: Warden or A.W. August-01-2024

I have a deadline as of August-27-2024 to submitt a Pro Se Motion, I have legal Mail to mail out but S.H.U. Staff C.O. Disher return it to me and inform me to give it to unit team so they'ld put their signer on it then take it to mailroom for me.

On yesterday July-31-2024 I attempted to do just that by asking unit team Mr. Newton to deliever it to mailroom, but he refused it and claim that Counselor Mrs. Torris would came by after lunch and pit it up!! She never came,

Also, I need her to give me a green money form so I can send out a check by way of certified Mail!! After Unit Manager Mrs. Stackhouse deliever my inmate request to Counselor Mrs. Torris asking Mrs. Torris for both money form and certified Mail receipt along with green return card, and it's prices Counselor Mrs. Torris never came around to S.H.U. to deliever these items to me!! She received my request the week of July-21-2024, she haven't came by that week, nor this week of July-28-2024, today is August-01-2024 she still haven't came by yet!!

I believe your staffs are <Blocking Me from filing my <Pro Se Motion ?!!

Remedy Sought: Please see to it that you personly have your <Unit Team Members to meet all (3) of my above requests long before my August-27-2024 Deadline so I can file my Pro Se Motion. I thank you in advance.

George Hall. #44777-004.

S.H.U.
U.S.P. Allenwood.

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4202

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GEORGE HALL,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Richard Mark Gergel, District Judge. (9:18-cr-00685-RMG-1)

Submitted: January 12, 2024 Decided: May 29, 2024

Before KING and AGEE, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Kimberly H. Albro, Assistant Federal Public Defender, FEDERAL PUBLIC DEFENDER'S OFFICE, Columbia, South Carolina, for Appellant. Christopher Braden Schoen, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Hall appeals his convictions, following a jury trial, for assaulting another inmate with a dangerous weapon with intent to do bodily harm, in violation of 18 U.S.C. §§ 113(a)(3), 7(3), and assaulting another inmate with such assault resulting in serious bodily injury, in violation of 18 U.S.C. §§ 113(a)(6), 7(3), and the resulting 120-month sentence. On appeal, Hall argues that the district court erred in denying him the opportunity to present a justification defense, and that the court procedurally erred in imposing an upward departure at sentencing. He also asserts, in a letter filed pursuant to Fed. R. App. P. 28(j), that he should receive the benefit of the Sentencing Commission's recent amendment to U.S. Sentencing Guidelines Manual § 4A1.1 (Amendment 821). We affirm.

For a defendant to rely on the affirmative defense of justification, he must put forth sufficient evidence that: (1) he "was under unlawful and present threat of death or serious bodily injury;" (2) he "did not recklessly place himself in a situation where he would be forced to engage in criminal conduct;" (3) he "had no reasonable legal alternative (to both the criminal act and the avoidance of the threatened harm);" and (4) there was a "direct causal relationship between the criminal action and the avoidance of the threatened harm."* *United States v. Crittendon*, 883 F.2d 326, 330 (4th Cir. 1989). We agree with the district court that a justification defense was unwarranted because the evidence does not support a conclusion that Hall was under an imminent threat of death or serious injury. Although

* The parties dispute whether the district court's decision to preclude Hall's justification defense should be reviewed de novo or for an abuse of discretion. We need not resolve this issue because we discern no error by the district court under either standard.

Hall was threatened with physical harm by several inmates on the day he assaulted the victim, there is no evidence that the victim ever threatened Hall. Nor is there any evidence that the prisoners who did threaten Hall were anywhere near Hall's cell when, several hours after the threat, Hall assaulted the victim, whom he believed to be involved in the plan to harm him. And although Hall argues that the evidence should be viewed in conjunction with proffered testimony that he suffered from battered person syndrome, the district court correctly concluded that such evidence would be inadmissible. Although Hall faced sexual abuse and trauma throughout his life—including during his incarceration—he did not allege that any of the inmates who threatened him in prison had been one of his abusers, nor was he trapped with one of them as a cellmate. Instead, he argued that a mere threat of future violence against him—which is a common, although unfortunate, fact of prison life—was a sufficient reason for him to preemptively attack the victim. Thus, we conclude that the district court did not err in denying Hall's request to introduce a justification defense.

Turning to Hall's challenge to his sentence, we review a sentence for reasonableness by applying a "deferential abuse-of-discretion standard." *United States v. McCain*, 974 F.3d 506, 515 (4th Cir. 2020) (internal quotation marks omitted). In doing so, our "inquiry proceeds in two steps." *United States v. Friend*, 2 F.4th 369, 379 (4th Cir. 2021). We must "first ensure that the district court committed no significant procedural error, such as failing to calculate (or improperly calculating) the Guidelines range[] . . . or failing to adequately explain the chosen sentence." *Id.* (internal quotation marks omitted). "Only if we determine that the sentence is procedurally reasonable do we then proceed to substantive

reasonableness by considering the totality of the circumstances." *Id.* (internal quotation marks omitted).

A district court may depart upwardly from an applicable Guidelines range "[i]f reliable information indicates that the defendant's criminal history category substantially under-represents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes." U.S Sentencing Guidelines Manual § 4A1.3(a)(1), p.s. In determining whether the criminal history category underrepresents the defendant's criminal history, the court may consider prior sentences that were not used in computing the criminal history score as well as "[p]rior similar adult criminal conduct not resulting in a criminal conviction." USSG § 4A1.3(a)(2)(A), (E), p.s. If the district court finds the criminal history category inadequate, it must "refer first to the next higher category and . . . move on to a still higher category only upon a finding that the next higher category fails adequately to reflect the seriousness of the defendant's record." *United States v. Rusher*, 966 F.2d 868, 884 (4th Cir. 1992). The court must then state in writing "the specific reasons why the applicable criminal history category substantially under-represents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes." USSG § 4A1.3(c)(1), p.s. However, the district court need not "go through a ritualistic exercise in which it mechanically discusses each criminal history category . . . it rejects en route to the category . . . that it selects." *United States v. Dalton*, 477 F.3d 195, 199 (4th Cir. 2007) (internal quotation marks omitted).

The district court upwardly departed from a criminal history category of III to a criminal history category of VI. Hall argues that the court did not properly explain why it

viewed criminal history categories IV and V as inadequate. However, in both the oral pronouncement of sentence and the court's subsequent written order, the court outlined Hall's extensive history of violent prison incidents, as well as the violent nature of his previous conviction for shooting his brother. And although the court did not give distinct reasons for each category increase from III to VI, in its written order, the court noted that it had "carefully evaluated Defendant's conduct at each criminal history point above the calculated criminal history of III and determined that only at Criminal History VI was there an accurate reflection of his criminal history and risk of recidivism." We therefore conclude that the district court's explanation for its upward departure was sufficient.

Finally, Hall contends that the district court erred by failing to explain orally at the sentencing hearing why criminal history categories IV and V were inadequate. We review for harmless error a sentencing court's failure to adequately explain a chosen sentence. *See, e.g., United States v. Patterson*, 957 F.3d 426, 440 (4th Cir. 2020). "For a procedural sentencing error to be harmless, the government must prove that the error did not have a substantial and injurious effect or influence on the result." *United States v. Ross*, 912 F.3d 740, 745 (4th Cir. 2019) (internal quotation marks omitted). Any error here is harmless, given that the district court reaffirmed its reasoning in a subsequent sentencing memorandum.

Accordingly, we affirm the criminal judgment. We decline to decide whether Hall should be resentenced in light of Amendment 821. However, our decision is rendered without prejudice to Hall's ability to pursue a sentence reduction in the district court pursuant to 18 U.S.C. § 3582(c)(2). We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED