

DEAR CLERK,

10, 10, 24

I RESPECTFULLY REQUEST A 30 DAY CONTINUANCE
ON MY WRIT, THAT I AM FILING ON A 2241
THAT GOT DENIED OUT OF THE 5TH CIRCUIT
EARL HART V WARDEN U.S.P CANAAN, I BEEN
LOCKED UP A MONTH PENDING INVESTIGATION, I WAS
TOLD I WAS GOING BACK TO POPULATION IN ANOTHER
MONTH, I DON'T HAVE ANY NUMBERS OR DATES, DUE TO
NOT BEING ALLOWED TO HAVE LEGAL DOCUMENTS IN THE
LOCK UP, I BEEN LOCKED UP PENDING SINCE 9, 17, 2024
I JUST RECEIVED THE FORMS / BOOKLET ON 9, 16, 2024
FROM YOU, I AM SURE THE 30 DAYS I ASK FOR WILL
BE ENOUGH, I AM READY TO WRITE WRIT, SHOULD ONLY
TAKE ME A DAY OR TWO, I ONLY HAVE ONE ISSUE
FOR THE COURT, PLEASE GRANT MY REQUEST, LOCK UP
ORDER INCLOSED THANK YOU FOR YOUR TIME

RESPECTFULLY SUBMITTED

Earl Hart

EARL HART # 27106638
U.S.P CANAAN



HART V WARDEN
U.S.P CANAAN

ADMINISTRATIVE DETENTION ORDER

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

USP Canaan
Institution

Date/Time: 09-17-2024 9:30 AM

TO: Special Housing Unit Officer

FROM: Lt. M. Young (Name/Title)

SUBJECT: Placement of Hart, Earl (F-B) 6 GP, Reg. No. 27106-038, in Administrative Detention

(a) Is pending an investigation for a violation of Bureau regulations;

(b) Is pending an SIS investigation.

(c) Is pending investigation or trial for a criminal act;

(d) Is to be admitted to Administrative Detention

(1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.:

Staff Witness Printed Name Signature:

(2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded for an appropriate hearing by the SRO.

(e) Is pending transfer or is in holdover status during transfer.

(f) Is pending classification; or

(g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this Correctional Supervisor's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

YOU HAVE BEEN PLACED IN ADMINISTRATIVE DETENTION FOR CODE 224 ASSAULT

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on

(date / time) 9-17-2024 9:30 AM

Staff Witness Signature/Printed Name Lt. J. CONNOR

Date 09-17-2024

Supervisor 24 hour review of placement: Signature/Printed name

* In the case of DHO action, reference to that order is sufficient. In other cases, the Correctional supervisor will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager; Copy - Operation Supervisor - Administrative Detention Unit; Copy - Psychology; Copy - Central File

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 23, 2024

Lyle W. Cayce
Clerk

No. 23-40639
Summary Calendar

EARL FRANCIS HART,

Petitioner—Appellant,

versus

CHARLES DANIELS, *Warden, USP Beaumont,*

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:23-CV-165

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Earl Francis Hart, federal prisoner # 27106-038, appeals the dismissal of a 28 U.S.C. § 2241 petition challenging his convictions and sentences for conspiracy to possess with intent to distribute Oxycodone, attempted possession with intent to distribute Oxycodone, possession of a firearm and ammunition by a felon, and using and brandishing a firearm in furtherance of

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-40639

a drug trafficking crime. We review the district court's factual findings for clear error and its legal conclusions de novo. *Jeffrey v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001).

To collaterally challenge his convictions under § 2241, Hart must satisfy the “‘saving clause’” of 28 U.S.C. § 2255(e) by showing that “unusual circumstances make it impossible or impracticable to seek relief in the sentencing court.” *Jones v. Hendrix*, 599 U.S. 465, 478 (2023). He has abandoned any argument that he has satisfied the savings clause by failing to brief it before this court. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). To the extent Hart contends that actual innocence is an exception to the savings clause, he has not established that actual innocence provides a gateway for review of claims raised in a § 2241 petition. *See McQuiggin v. Perkins*, 569 U.S. 383, 386 (2013); *Schlup v. Delo*, 513 U.S. 298, 315 (1995).

The judgment of the district court is AFFIRMED. Hart's motion for the appointment of counsel is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 23, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 23-40639 Hart v. Daniels
USDC No. 1:23-CV-165

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 35, 39, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 and Fed. R. App. P. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you **MUST** confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

Christina Rachal

By: _____
Christina C. Rachal, Deputy Clerk

Enclosure(s)

Mr. Earl Francis Hart

**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
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J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion

for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.