

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA  
Plaintiff

v.

JOSE RODOLFO ESCAJEDA  
Defendant

Case No. EP:06-CR-2507(2)

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\*  
\*  
\*

UNTIMELY NOTICE OF APPEAL

Comes Now, Defendant, Jose Rodolfo Escajeda, pro se, respectfully request that the Court accepts his Untimely Notice of Appeal pertaining to the denying of Motion 18 USC § 3582(c)(2), in pursuant to Amendment 782, of USSG § 2D1.1, for the following reasons stated below:

Mr. Escajeda, filed a pro-se Motion 18 USC § 3582 for a reduction in sentence in pursuant to Amendment 782 of USSG § 2D1.1. The Court lthen appointed, Attorney Edgar H. Holguin to represnt the defendant on this matter.

However, upon the Courts order, Doc. 327, denying Defendant's motion on 12-16-20; the then, court appointed attorney for the defendant, Mr. Edgar H. Holguin, failed in his duties to informed the defendant of the Courts denial by not informing Mr. Escajeda through mail, nor have Mr. Edgar H. Holguin, provided Mr. Escajeda with a copy of the Courts order, denying his motion, so that he could request a timely filed appeal through his counsel.

Pro-se, Defendant, Mr. Escajeda, learnt of this Courts order denial after inquiring about his Amendment 782, USSG § 2D1.1 Two Level

Reduction, that he was eligible for, to Mrs. Hamilton, at FCI PHOENIX, Records Office, through an Institutional Request Form ("copout") that she responded to on 1-6-2022, and Providing him with a copy of the Courts Order, denying the defendant's 18 USC § 3582 sentence reduction motion, in pursuant to Amendment 782, USSG § 2D1.1.

It was at this stage that Mr. Escajeda learnt that his motion was denied, thus, making him time barred to file a Timely Notice of Appeal at the behest of Court Appointed Attorney, Edgar H. Holguin's Ineffectiveness, to informed defendant of the Court's Order, so that he could file a Timely Notice of Appeal.

Defendant, ask this honorable court to allow him to file a Timely Notice of Appeal.

Respectfully Submitted,

Jose Rodolfo Escajeda

Jose Rodolfo Escajeda  
Reg. No. 69445-280  
Acting Pro Se  
FCI PHOENIX  
37910 N. 45th Ave.  
Phoenix, Arizona 85086

CERTIFICATE OF SERVICE

I, Jose Rodolfo Escajeda, mailed a copy of the UNTIMELY NOTICE OF APPEAL to the UNITED STATES DISTRICT COURT, CLERK OF THE COURT, WESTERN DISTRICT OF TEXAS, EL PASO DIVISION, 525 Magoffin Ave. Suite 105, El Paso, Texas 79901, by placing into the Institutional mailbox, on the 11th day of January, 2022.

Respectfully Submitted

Jose Rodolfo Escajeda

Jose Rodolfo Escajeda  
Reg. No. 69445-280  
Acting Pro Se  
FCI PHOENIX  
37910 N. 45th Ave.  
Phoenix, Arizona 85086

BP-A0148  
JUNE 10

INMATE REQUEST TO STAFF CDPRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Hamilton</i>	DATE: <i>1-4-22</i>
FROM: <i>José Escajeda</i>	REGISTER NO.: <i>69445-280</i>
WORK ASSIGNMENT: <i>unit orderly</i>	UNIT: <i>N-B</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*El 4-de diciembre 2015 salio una nota oficial de la corte que dice que yo califico Para una redaccion de sentencia la Juez cordone firmo el Documento donde ordena que se me notifique que yo soy elegible Para redaccion de sentencia Pero ami nunca me an notificado nada aqui. señorita le Pido su ayuda Para investigar que Paso con esa carta que me mando la corte. Muchas gracias. Por su tiempo.*

(Do not write below this line)

DISPOSITION:

*Mande su pregunta a DSCC in Texas donde se encargan de sentencias y me mandaron los documentos adjunto con esta respuesta. Sus mociones fueron negados por el corte.*

Signature Staff Member <i>R. Hamilton, OSO</i>	Date <i>1-5-22</i>
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Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94

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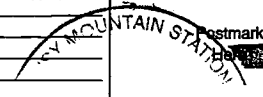
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Jose Rodolfo Escajeda  
Reg. # 69445-280  
FCI PHOENIX  
37910 N.45th Ave.  
Phoenix, Arizona 85086

*Handwritten signature*  
KC

RECEIVED 12 JAN 2022

JAN 18 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
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