NO: 19-14756-D

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

ROGERIO CHAVES SCOTTON,
(A203085029)
Petitioner,

V.

WILLIAM P. BARR,
United States Attorney General,
Petitioner.

PETITIONER'S MOTION TO REQUEST COURT'S CONSIDERATION TO RE-OPEN THIS CASE GOOD CAUSE

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7797 GOLF CIRCLE DRIVE #204
MARGATE, FL 33063

ROGERIO CHAVES SCOTTON,
(A203085029)
Petitioner,

V.

WILLIAM P. BARR,
United States Attorney General,
Petitioner.

As an initial matter, Scotton respectfully request, as a prose litigant, that this Court construe his motion liberally pursuant to HAINES vs. KERNER, 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), accepts all factual allegations contained herein and as detailed under this application as true, and evaluates all reasonable inferences derived from those facts in the light most favorable to Scotton. TANNENBAUM vs. UNITED STATES, 148 F.3d 1262 (11th Cir. 1998). Indeed, Scotton reminds the Court that this is a prose motion that should be deserving of the less stringent standard of consideration mandated under UNITED STATES vs. JONES, 125 F.3d 1418, 1428 (11th Cir. 1997), and the Court "must look beyond the labels of petition filed by prose detainees to interpret them under whatever statute would provide relief". MEANS vs. ALABAMA, 209 F.3d 1241, 1242 (11th Cir. 2000) (per curiam); ANDREW vs. UNITED STATES, 373 U.S. 334, 337-38, 83 S. Ct. 1236, 10 L. Ed. 2d 383(1963). "[A]djudication upon the underlying merits of claims is not hampered by reliance upon the titles Scottons put upon their documents". (quotation omitted). This practice acknowledges the importance of allowing meritorious claims to be heard and decided regardless of mere pleading defects introduced by legally unsophisticated litigants, as

this one filed by Scotton. Hereby, the Petitioner ask this Court consideration to reopening this case since the Petitioner receive 3 different final administrative removal orders and thus, was removed from the US without due process. The Petitioner further ask for the Court consideration that he receive the Courts March 11, 2021 letter on March 25, 2021 via WhatsApp by his stepfather.

I. INTRODUCTION

The Petitioner contends that an I-130 petition was filed on his behalf by his U.S. mother on July 11, 2018 and such application was approved on July 31, 2019, approved notice, receipt # LIN1890519581.

ICE lodges a detainer against the Petitioner on May 3, 2012 to begin the Petitioner removal only due he was charged with an offense on Southern District Florida pursuant to 18 U.S. C. § 1341.

3. On February 26, 2014, Scotton lost a trial and was therefore adjudicated guilty of twenty-seven counts of mail fraud pursuant, in which was wrongfully as a matter of law a theft of shipping services affecting FedEx, UPS and DHL companies. See, UNITED STATES vs. ROGERIO CHAVES SCOTTON, CASE NO: 12-Cr-60049-KMW.

Scotton filed timely his notice of Appeals, and on April 12, 2016, the Eleventh Circuit affirmed the conviction.

4. On October 20, 2016, Scotton submitted his petition for Writ of Certiorari without the benefit of counsel and was denied on December 12, 2016.

5. On December 11, 2017, Scotton filed his petition for habeas corpus pursuant to 28 U.S.C. §2255 which the Southern District of Florida wrongfully denied on December 28, 2017. Scotton

appealed the Court's error and on March 7, 2019, the Eleventh Circuit vacated the Southern District of Florida Court's denial of Scotton's section 2255.

6. On April 19, 2019, the Southern District of Florida reopened Scotton's section 2255, in which the government subsequently responded by filing 91 pages to the Court. Scotton's 2255 is currently pending the Court's resolution.

7. On February 27, 2020, Scotton was released from feral prison and subsequently placed under the ICE custody based on the detainer lodged against him on May 3, 2012.

The Department of Homeland Security ("DHS") claimed that the Petitioner is an "aggravated felony" under the INA Act 1101(a)(43)(M) (i) based solely on the restitution order by the Southern District of Florida as a judicial finding.

8. On March 20, 2020, the Petitioner submitted his petition for judicial review on the Appeal Court for the Eleventh Circuit challenging the DHS argument that the Petitioner is an "aggravated felony" under § 1101(a)(43)(M)(i).

9. On March 20, 2020, the Petitioner filed to the Middle District of Georgia his habeas corpus pursuant to 28 U.S.C. § 2241 requesting his release from ICE custody which could be clearly determined under the law a double incarceration. Under his section 2241 the Petitioner outline that he is currently incarcerated under ICE's eight years old detainer which ICE ignored and failed to prosecute upon the Petitioner's requests.

10. The Petitioner removal would continue to bring "EXTREME HARDSHIP" to his U.S. Citizen mother who is extremely ill and is legally blind. The Petitioner also asserts that his U.S. stepfather has been also subjected to "extreme hardship" as he was enduring numerous medical issues. (See, Carlos Colon and Marina Colon affidavit and medical records in this case).

11. The Petitioner has extraordinarily strong family ties in the United States and have resided here for over thirty (32) years.

12. The Petitioner did not pose any danger to any person or any danger to the community. In fact, the Petitioner was a community leader during his professional career as a car driver. (See, www.scottonracing.com).

13. The Petitioner is requesting the exercise of discretion under § 212(h) of the Act.

Petitioner Rogerio Chaves Scotton ("SCOTTON"), filed his first judicial review in this Court on November 25, 2019 and his second was filed on March 22, 2020.

The Petitioner was handcuffed and shackled on May 13, 2020 for three straight days, taken to Atlanta, Louisiana, Texas, Puerto Rico and dumped in Brazil with only his clothing on his back after living on the United States for over 3 decades. Thus, the Final Administrative REMOVAL ORDER is therefore final, given this Court clear jurisdiction to review Scotton's claims.

Here in this case, the Petitioner failed to address the claims submitted by the Petitioner under a final administration order, knowing that there is no loss attributed to his 27 counts of conviction.

Now, Combined with the government's failures so to address the Petitioner claims and, far to "ma[k]e a strong showing that [it] is likely to succeed on the merits," *Hilton, 481 U.S. at 776*, or that the public interest weighs in favor of the Petitioner's removal, its additional failure to present evidence of irreparable harm necessarily means that, the Petitioner has failed to meet its burden of proof that the Petitioner's conviction qualify him as an aggravate felon based only on the restitution imposed.

The Petitioner deportation issue so far has been secured through numerous acts of misconduct and wrongfully assumption that he is an aggravated felon under 1101(a)(43)(M)(i).

In this case, the Petitioner has avoided to address the claims made by the Petitioner under his two judicial review motions, engage in an unconscionable plan to violate the law and pervert the course of justice. This deportation was without allowing the judicial process to take his normal and adequate course.

The Petitioner respectfully request this Court to re-opening this case because he was deported under a final administrative removal order which clear give the Court jurisdiction to see if government's allegation that the Petitioner conviction qualify an aggravate felony comported the currently laws.

The Petitioner contend that to establish that a noncitizen has been convicted of a fraud offense, the offense must involve fraud and the loss must be more than $10,000. All courts have applied the categorical and modified categorical approach to find these elements. See Carlos-Blaza v. Holder, 611 F.3d 583, 590 (9th Cir. 2010) (applying the modified categorical approach and concluding that conviction for misapplication of funds was one that involved "fraud or deceit" and was therefore an aggravated felony under 8 U.S.C. § 1101(a)(43)(M)(i)); Kharana v. Gonzales, 487 F.3d 1280, 1283–85 (9th Cir. 2007) (amount of loss determined under the modified categorical approach); Ferreira v. Ashcroft, 390 F.3d 1091, 1098–1100 (9th Cir. 2004) (same), abrogated on other grounds by Nijhawan v. Holder, 557 U.S. 29 (2009).

The Supreme Court held in Nijhawan v. Holder, 557 U.S. 29 (2009), that the monetary threshold in 8 U.S.C. § 1101(a)(43)(M)(i) "applies to the **specific circumstances** surrounding an offender's commission of a fraud and deceit crime on a specific occasion," rather than to an element of the fraud or deceit crime. Nijhawan, 557 U.S. at 40 (concluding that where defendant's own stipulation, produced for sentencing purposes, involved losses considerably greater than $10,000, and the court's restitution order showed the same, clear and convincing evidence supported

conclusion that conviction fell within the scope of 8 U.S.C. § 1101(a)(43)(M)(i)); Wang, 830 F.3d at 961 ("We use a "circumstance-specific" approach to assess whether the loss to the victim exceeded $10,000."). In determining the amount of loss, the court is not limited to the record of conviction used for the modified categorical approach. See Nijhawan, 557 U.S. at 40–42.

"The scope of [8 U.S.C. § 1101(a)(43)(M)(i)] is not limited to offenses that include fraud or deceit as formal elements. Rather, Clause (i) refers more broadly to offenses that 'involv[e]' fraud or deceit – meaning offenses with elements that necessarily entail fraudulent or deceitful conduct." Kawashima v. Holder, 565 U.S. 478, 483–84 (2012) (holding that petitioner's tax crimes qualified as an aggravated felony involving fraud or deceit). See also Wang v. Rodriguez, 830 F.3d 958, 961 (9th Cir. 2016) ("[A]n individual has been convicted of an aggravated felony under subsection (M)(i) only if the elements of the offense for which she was convicted necessarily entail fraudulent or deceitful conduct.").

On March 11, 2021, this Court submitted a letter with a decision on the case 19-14756-D, stating that have granted the government's motion to dismiss in the light that the FINAL ADMINISTRATIVE ORDER OF REMOVAL was cancelled. However, the Court was misled on the issue because the government was not honestly in this case where the intention was to deport at any cost. In fact, three (3) different final administrative removal order were lodged against the Petitioner. The cancellation of the first order was only to cover-up the due process violation of issue the intent administrative removal order on the same day that the final administrative removal order was issued and served. Second, the fact that on the same day of January 1, 2020 that the government cancelled the Final administrative removal order, the government issued another final administrative removal order.

II. COURT'S JURISDICTION

This Honorable Court have jurisdiction over constitutional claims and questions of law raised in this petition. 8 U.S.C. § 1252(a)(2)(D). Thus, the Court should review the denial of a motion for reconsideration for abuse of discretion. Assa'ad v. U.S. Att'y Gen., 332 F.3d 1321, 1341 (11th Cir.2003). A motion for reconsideration must specify the errors of law or fact on which the previous order was based. 8 U.S.C. § 1229a(c)(6). "[A] mistake of law is, by definition, an abuse of discretion." United States v. Hoffer, 129 F.3d 1196, 1200 (11th Cir.1997) (citation omitted). Whether Scotton's conviction qualifies as an "aggravated felony" is a question of law that the Court should review de novo. See United States v. Hooshmand, 931 F.2d 725, 737 (11th Cir.1991); Balogun v. U.S. Att'y Gen., 425 F.3d 1356, 1360 (11th Cir.2005).

II. OVERVIEW

The Respondent Rogerio Chaves Scotton came to the United States for the first time on November 13, 1989 through New York, JFK under B1/B2 visa. He is a native and citizen of Brazil. On May 3, 2012, ICE lodged a detainer against Scotton after he was charged with an offense pursuant to 18 U.S.C. § 1341 on March 8, 2012 by a federal indictment. This despite innocent until proven guilty.

On May 8, 2014, Scotton was sentenced in the Southern District of Florida to a total term of 108 months imprisonment and three years of supervised release and a judicial finding order to pay $2,582,935.60 in restitution for the alleged offense of mail fraud under § 1341.

Scotton was sent to a private prison namely D. Ray James C.F. located at Folkston, Georgia to serve his imposed term of 108 months imprisonment.

Scotton attempted to contact the Department of Homeland Security ("DHS") as well as ICE/ERO officer at the Savannah officer on many occasions to prosecute the detainer which was lodged against him on May 3, 2012. None of his attempts was responded.

On November 13, 2019, DHS charged the Scotton with administrative removability and SDDO Jeffrey Grant found Scotton removable for having been convicted of an "AGGRAVATED FELONY" pursuant to 101(a)(43)(M)(i) of the INA act 1101(a)(43)(M)(i).

Scotton asserts that his conviction did not qualify as an "aggravated felony" under 8 U.S.C. § 1101(a)(43)(M)(i) solely based on the loss amount stated in the restitution order.

This Honorable Court will see that the restitution order was the only document that referred to any loss in his conviction of mail fraud and as such was based on judicial finding regarding conduct and loss amounts that were not charged, proven, or admitted in the indictment.

Because the sentencing Court based its restitution order on judicial findings made by lower standard of proof, it was an error for the DHS officers to conclude that the restitution order, standing alone, constituted "clear, unequivocal, convincing" proof of the loss necessary under 1101(a)(43)(M)(i) to transform Scotton's conviction an aggravated felon under the INA act.

The Respondent's U.S. citizen mother filed on his behalf an I-130 application which was approved on July 31, 2019. This approval notice allows Scotton to adjust his immigration status under 212(h). Specially because his removal from United States would bring extreme hardship to his U.S. citizen mother who is legally blind and extremely ill.

The DHS also claiming that the Respondent entered the United States on August 2008 without inspection. However, on September 14, 2009, USCIS granted the application I-140 that was filed

by a NASCAR Racing Team on Scotton's behalf. Around the year of 2008, the Respondent also was granted by USCIS a visa for individuals with extraordinary ability, "VISA O1".

On November 01, 2010, USCIS also grant and issue on Scotton's behalf an EMPLOYMENT AUTHORIZATION CARD which was also renewed on August 23, 2011. This clear shows that the Respondent was not living under the shadows and thus, have attempted and/or have obtained some status in the United States.

Although the Respondent attempted to resolve his immigration issue before the expiration of his imprisonment terms, ICE ignored the detainer act as well as laws, regulations and Scotton's numerous requests which he was simply attempted to prevent unnecessary waste of tax resource and this DOUBLE INCARCERATION which is now subjected.

The Respondent contends that he is denied meaningful opportunity to access the Courts by way of unreasonably frustrating his ability to perform proper research to locate the proper laws and case citations to support this memorandum of law; to obtain and inspect the necessary evidence; to obtain the assistance of an attorney and to confront the validity and accuracy of the DHS underlying charges in the removal proceedings during this ICE incarceration. As a direct result, not all jurisdictional and other legal citations etc., are provided in this memorandum of law and some of those provided are from memory or personal notes. Thus, the Respondent asks that these circumstances not prejudice this petition and relief hereby requested.

IV. DISCUSSION

The INA provides that "[a]ny alien who is convicted of an aggravated felony at any time after admission is deportable." 8 U.S.C. § 1227(a)(2)(A)(iii). The INA specifically defines

"aggravated felony" to include "an offense that . involves fraud or deceit in which the loss to the victim or victims exceeds $10,000." 8 U.S.C. § 1101(a)(43)(M)(i). To determine whether a prior conviction constitutes an aggravated felony, the IJ must first look to the language of the statute of conviction. See In re Ajami, 22 I. & N. Dec. 949, 950 (BIA 1999). If the statutory language contains some offenses that would qualify as aggravated felonies, and others that would not, then the statute is "divisible," and the IJ must look to "the record of conviction, meaning the indictment, plea, verdict, and sentence, to determine the offense of which the Petitioner was convicted." Id.; Jaggernauth v. U.S. Att'y Gen., 432 F.3d 1346, 1349 n. 1 (11th Cir.2005). The IJ's determination that a prior conviction constitutes an "aggravated felony" must be supported by "clear, unequivocal, and convincing evidence." Woodby v. INS, 385 U.S. 276, 286, 87 S.Ct. 483, 17 L.Ed.2d 362 (1966); 8 U.S.C. § 1229a(c)(3)(A).

In this case, Scotton was charged with, was tried to, and was convicted of, twenty-seven counts of mail fraud, in violation of 18 U.S.C. § 1341. Scotton does not dispute that his alleged offense involved fraud or deceit; he only challenges the DHS and IJ's determination that his conviction qualifies as an aggravated felony based on the loss amount stated in the restitution order.

The plain language of the INA requires that an alien have been "convicted of an aggravated felony" for that conviction to form the basis of removal. 8 U.S.C. § 1227(a)(2)(A)(iii) (emphasis added). For our purposes here, this means determining, under the INA, whether Scotton's conviction constituted an "aggravated felony," defined as "an offense that . involves fraud or deceit in which the loss to the victim or victims exceeds $10,000." 8 U.S.C. § 1101(a)(43)(M)(i). This is analogous to the inquiry that a sentencing court undertakes when determining whether a prior conviction constitutes a "violent felony" for purposes of

sentencing enhancements under the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e). To make this determination in the sentencing context, the Supreme Court in Taylor v. United States, 495 U.S. 575, 110 S.Ct. 2143, 109 L.Ed.2d 607 (1990), held that a court can look only to the statutory elements, charging documents, and jury instructions to determine whether an earlier conviction after trial was for generic burglary, to qualify as a "violent felony" under the ACCA. Because, like the INA, the plain language of the ACCA focuses on convicted conduct, the Court found that the statute generally prohibited courts from looking to the particular facts behind the conviction, leaving the court normally to look only to the fact of conviction and the statutory definition of the prior offense. The Court should apply a modified Taylor approach to the immigration context in Jaggernauth, 432 F.3d at 1353-55 (vacating order of removal where neither the information, plea, judgment, or sentence provided clear, unequivocal, and convincing evidence that Jaggernauth was convicted of an aggravated felony).

In Shepard v. United States, 544 U.S. 13, 125 S.Ct. 1254, 161 L.Ed.2d 205 (2005), the Supreme Court applied the Taylor approach to a prior conviction based on a guilty plea. The Court held that a sentencing court determining the character of a prior, admitted burglary is generally limited to examining the statutory definition, charging document, written plea agreement, transcript of the plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented (elsewhere in the opinion stated as "adopted by the defendant," the "defendant's own admissions or accepted findings of fact," or "judicial record" of "the factual basis for the plea [as] confirmed by the defendant"). Id. at 20, 25-26, 125 S.Ct. 1254.

In this case, the elements of the conspiracy with which Scotton was charged did not require that any loss amount be proved. Neither the indictment nor during the trial the 27 counts have

specified any loss amount. Indeed, Scotton was not charged with any loss, and did not admit to any loss during trial or sentence. In fact, still today, the Petitioner claiming to be innocent and have continue to appeal his conviction. Moreover, there was no loss attributable to the 27 counts overt charged in the indictment, to which Scotton was tried and convicted. Contrary to the DHS and IJ's conclusion during his bond hearing, there was no evidence that the mail fraud with which Scotton was charged "alleged other losses." (emphasis added). In fact, the prosecutor had never indicated that there was any loss charged on the indictment or during tried rather than the introduction of unverified and inaccurately spreadsheets unlawfully introduced. The DHS and IJ therefore could not have relied on the statutory elements of the offense, the indictment, the trial, or the sentence to conclude that Scotton was convicted of an aggravated felony, as defined in the INA.

The DHS and IJ was also not entitled to rely solely on the loss amounts contained in the restitution order as "clear, convincing and unequivocal" evidence that Scotton was "convicted of an aggravated felony." On its face, the restitution order only indicated three institutional victims, FedEx, UPS and DHL and an amount of loss in total. The restitution was not based on the 27 counts charge to which Scotton were tried and convicted, nor have Scotton admitted to any loss amount during the sentence. Rather, the order was based on additional conduct that was alleged only in the PSI and government unverified spreadsheets, not linked to the 27 counts of conviction. Each count was alleged to be shipped on different occasion and different day. Scotton objected to the PSI's assertion that he had not committed the offense, and that there are no losses referred under the 27 counts, nor the spreadsheets were accurate. Scotto therefore did not admit, adopt, or assent to the factual findings that formed the basis of the restitution order. Furthermore, while a sentencing court in the criminal context may order restitution

not only for convicted conduct but also for a broad range of relevant conduct, the plain language of the INA requires that an alien have been convicted of an aggravated felony to be removable. The INA does not authorize removal based on the relevant conduct that may be considered at sentencing. Rather, what constitutes an "aggravated felony" for purposes of the INA must be tethered to ***convicted conduct***. Relevant conduct for sentencing purposes, on the other hand, may include criminal conduct that was not charged. See United States v. Ignancio Munio, 909 F.2d 436, 438-39 (11th Cir.1990). Scotton was charged and convicted by a jury to 27 counts of mail fraud and not by a spreadsheet. Relevant conduct may also include acquitted conduct. United States v. Watts, 519 U.S. 148, 117 S.Ct. 633, 136 L.Ed.2d 554 (1997); United States v. Averi, 922 F.2d 765, 766 (11th Cir.1991). Indeed, this Court have held that relevant conduct for sentencing purposes may even include losses caused by criminal conduct that cannot be prosecuted because those acts fall outside the statute of limitations. See United States v. Behr, 93 F.3d 764, 765-66 (11th Cir.1996). See also United States v. Dickerson, 370 F.3d 1330, 1342-43 (11th Cir.2004).

In Dickerson, this Court rejected the argument that a restitution order based on conduct that could not be prosecuted was inconsistent with the defendant's plea to a conspiracy charge, observing that "[c]ounsel confuses the separate issues of conviction and restitution." 370 F.3d at 1343, n. 20. Similarly, here, the DHS and IJ confused the issues of conviction and restitution. There was no basis in this record from which the DHS and IJ could have found by "clear, unequivocal and convincing" evidence that the restitution order was based on convicted or admitted conduct. See, e.g., Knutsen v. Gonzales, 429 F.3d 733, 739-40 (7th Cir.2005) (vacating removal order based on admission of loss caused by relevant conduct and contained in restitution order; holding that inquiry should focus narrowly on losses

"particularly tethered to convicted counts alone."). See also Khalayleh v. INS, 287 F.3d 978, 979-80 (10th Cir.2002) (conviction constituted aggravated felony where although defendant pled guilty to only one count in indictment, that count incorporated by reference a scheme to defraud that admittedly caused losses in excess of $10,000); Chang v. INS, 307 F.3d 1185, 1191 (9th Cir.2002) (vacating removal order based on restitution award in excess of $10,000 where amount of loss admitted in the plea agreement was less than the requisite amount); Munroe v. Ashcroft, 353 F.3d 225, 227 (3d Cir.2003) (conviction constituted aggravated felony where defendant pled guilty to fraud charges that alleged loss in excess of $10,000, even though sentencing court later reduced restitution amount to $9,999); Ferreira v. Ashcroft, 390 F.3d 1091, 1099 (9th Cir.2004) (conviction constituted aggravated felony where charging document alleged loss, and plea agreement set restitution at $22,305 for fraud conviction); Conteh v. Gonzales, 461 F.3d 45, 55-56 (1st Cir.2006) (conviction constituted aggravated felony where defendant was convicted of a conspiracy charge which also alleged overt acts in furtherance of the conspiracy that caused losses in excess of $10,000).

Moreover, the restitution order was insufficient as a matter of law for the Attorney General to have met his burden to show that the conviction constituted an aggravated felony under the INA (as an offense of fraud or deceit involving a loss more than $10,000) by "clear, convincing and unequivocal" evidence. The restitution order-which in this case was the only document that referred to any loss-was based on factual findings regarding conduct and loss amounts that were not charged, proven, or admitted. The sentencing court in the underlying criminal case was entitled to make these findings by a "preponderance of the evidence," rather than by "proof beyond a reasonable doubt." Alston, 895 F.2d at 1373 (quotations and citations omitted). The DHS and IJ, on the other hand, had to find that Scotton had been convicted of an offense

of fraud or deceit involving a loss more than $10,000 by "clear, unequivocal, and convincing" evidence. Because the sentencing court was entitled to base its restitution order on factual findings made by a lower standard of proof, it was error for the DHS IJ to conclude that the order, standing alone, constituted "clear, unequivocal and convincing" proof of the loss necessary to transform Scotton's conviction into an aggravated felony under the INA.

Other arguments (1) Scotton's due process were violated since he was not given de opportunity to file an waiver of deportation under former INA § 212(c); (2) the immigration service violated his due process rights because the charge against him only contained a statutory citation and no factual allegations; and (3) the IJ violated his due process rights by failing to notify him of the various forms of relief from deportation for which he could apply, especially since Scotton's US citizen mother application filed on his behalf were granted, July 31, 2019. (4) Scotton's due process were violated because on the third administrative removal order he was precluded from filed a judicial review since he was immediately handcuffed and shackled for three straight days and removed from US.

Accordingly, the Court should GRANT the petition, re-opening this case for good cause and as a matter of law to review the Petitioner claim and the unlawful deportation he was submitted.

Respectfully Submitted,

Rogerio Scotton

ROGERIO CHAVES SCOTTON
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PROOF OF SERVICE

I Rogerio Chaves Scotton, do certify that on this April 05, 2021, I have served the attached motion to REQUEST CASE TO BE REOPENING (which is under the Petitioner's constitutional rights) on the Eleventh Circuit in the above proceeding. I have served this motion via, United States Postal Service (USPS) certified mail through US postal office in Pompano Beach.

I Rogerio Chaves Scotton hereby for the second time, June 30, 2021, to serve this Court with this motion which the clerk of the Court confirmed today never received by the Court. This motion is hereby served by USPS first class mail.

Rogerio Scotton

ROGERIO CHAVES SCOTTON
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