

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 01-30303 **Docketed:** 09/06/2001
USA v. Bell **Termed:** 09/19/2002
Appeal From: U.S. District Court for Western Washington, Tacoma
Fee Status: IFP

Case Type Information:
1) criminal
2) sentence
3) null

Originating Court Information:
District: 0981-3 : [CR-00-05731-JET](#)
Court Reporter: Julaine V. Ryen, Court Reporter
Court Reporter: Catherine Maria Vernon
Trial Judge: Jack E. Tanner, District Judge
Date Filed: 11/29/2000
Date Order/Judgment: 08/24/2001 **Date NOA Filed:** 08/27/2001

Prior Cases:
[01-30143](#) **Date Filed:** 04/05/2001 **Date Disposed:** 05/22/2001 **Disposition:** Jurisdictional Defects - Judge Order
[01-30162](#) **Date Filed:** 04/25/2001 **Date Disposed:** 05/22/2001 **Disposition:** Jurisdictional Defects - Judge Order

Current Cases:

	Lead	Member	Start	End
Docketing Link Only	01-30296	01-30303	01/31/2003	

UNITED STATES OF AMERICA
Plaintiff - Appellee,

Helen J. Brunner, Esquire, Assistant U.S. Attorney
[COR LD NTC Assist US Attorney]
DOJ-Office of the U.S. Attorney
700 Stewart Street
Seattle, WA 98101

Steven L. Lane, Esquire, Attorney
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Rm. 7264
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Robert London, Esquire, Attorney
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[COR LD NTC Assist US Attorney]
DOJ-Office of the U.S. Attorney
700 Stewart Street
Seattle, WA 98101

v.

JAMES DALTON BELL (Federal Prisoner: 26906-086)
Defendant - Appellant,

Peggy Sue Juergens, Esquire, Attorney
Direct: 206/442-9232
[COR LD NTC CJA Appointment]
Law Offices of Allen R. Bentley
Ste. 2220
1111 Third Avenue
Seattle, WA 98101

James Dalton Bell
[NTC Pro Se]
FCI - FEDERAL CORRECTIONAL INSTITUTION - SHERIDAN
P.O. Box 5000
Sheridan, OR 97378-5000

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES DALTON BELL,

Defendant - Appellant.

- 09/06/2001 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Filed in D.C. on 8/29/01; setting schedule as follows: transcript shall be ordered by 9/26/01 for James Dalton Bell; transcript shall be filed by 10/26/01; appellant's briefs, excerpts due by 12/5/01 for James Dalton Bell; appellee's brief due 1/4/02 for USA; appellant's reply brief due by 1/18/02 for James Dalton Bell. (RT required: y) (Sentence imp 10 years) [01-30303] (BY) [Entered: 09/06/2001 08:22 AM]
- 09/06/2001 2 Criminal Justice Act voucher sent () to Robert M. Leen for Appellant James Dalton Bell in 01-30303 [01-30303] (SA) [Entered: 09/06/2001 02:43 PM]
- 09/20/2001 3 Received copy of transcript designation and ordering form filed in DC (sent to case file) (TM) [Entered: 09/26/2001 09:14 AM]
- 09/21/2001 4 rec notice of appearance of Peggy Sue Juergens for appellant (MOATT) [01-30303] (TM) [Entered: 09/26/2001 09:20 AM]
- 09/24/2001 5 Filed Robert M. Leen's motion to withdraw and substitute counsel; served on 9/18/01 (MOATT) (TM) [Entered: 09/26/2001 09:36 AM]
- 10/05/2001 6 Received copy of District Court order filed on 9/25/01 nunc pro tunc 8/31/01 appointing Peggy Sue Juergens counsel of record. (Filed by Judge Weinberg) [01-30303] (AH) [Entered: 10/11/2001 01:05 PM]
- 10/11/2001 9 Rec'd notice of change of address from Peggy Sue Juergens for Appellant James Dalton Bell in 01-30303; dated: 10/15/01. [01-30303] (RR) [Entered: 10/15/2001 11:35 AM]
- 10/22/2001 10 Filed order (Appellate Commissioner) MOATT: On 9/25/01, the d.c. appointed Peggy Sue Juergens, Esq., as appellant's counsel. The d.c.'s order is ratified. Accordingly, the motion of Robert M. Leen, Esq., to withdraw as counsel is denied as moot. The briefing schedule established previously shall remain in effect. The Clerk shall serve this order on appellant's former counsel Robert M. Leen, Esq. [01-30303] (TM) [Entered: 10/22/2001 09:45 AM]
- 10/29/2001 11 Filed certificate of record on appeal RT filed in DC 10/22/01 [01-30303] (TM) [Entered: 11/01/2001 10:51 AM]
- 11/30/2001 13 Filed motion of Appellant and order (Deputy Clerk lkk) Apt's motion for an extension of time to file the opening brief is granted in part. The opening brief is due 03/06/02 and the optional reply brief is due 14 days from service of the answering brief. (PROMO) [13] (Motion recvd 11/19/01) [01-30303] (DJV) [Entered: 11/30/2001 08:33 AM]
- 01/23/2002 14 Filed notice of appearance of Steven L. Lane for appellee [01-30303] (TM) [Entered: 01/24/2002 01:03 PM]
- 02/06/2002 15 Filed original and 15 copies Appellant James Dalton Bell's opening brief (Informal: n) 29 pages and five excerpts of record in 1volumes; served on 2/4/02 [01-30303] (TM) [Entered: 02/06/2002 04:58 PM]
- 02/06/2002 16 Filed pre-sentencing report UNDER SEAL. [01-30303] (TM) [Entered: 02/06/2002 05:01 PM]
- 02/06/2002 17 Filed Appellant James Dalton Bell's motion to file supplemental brief (MOATT) [01-30303] (TM) [Entered: 02/14/2002 10:14 AM]
- 02/14/2002 18 Received Appellant James Dalton Bell's motion to take judicial notice of appellate aty sabotage of appellant's case; served on 2/8/02 (MOATT) [01-30303] (TM) [Entered: 02/21/2002 11:49 AM]
- 02/25/2002 19 Filed order (Appellate Commissioner) MOATT: This court has received appellant's pro se motion to file a supplemental brief. Because appellant is represented by counsel, only counsel may file motions, and this court therefore declines to entertain the motion. The Clerk shall serve a copy of the pro se motion on appellant's counsel of record, Peggy Sue Juergens, Esq. Appellant is advised that counsel is vested with the authority to determine which issues should be raised. Appellee's answering brief is due 3/18/02. The optional reply brief is due within 14 days after service of the answering brief. The Clerk shall also serve this order on appellant individually. Lompoc. [01-30303] (TM) [Entered: 02/25/2002 09:42 AM]
- 03/04/2002 23 Filed Appellant James Dalton Bell's motion to demand the replacement of appt. attorney Peggy Juergens; served on 2/27/02. (MOATT) [01-30303] (CP) [Entered: 03/05/2002 12:07 PM]
- 03/12/2002 24 14 day oral extension by phone of time to file Appellee in 01-30303's brief. [01-30303] appellees' brief due 4/1/02; the optional reply brief is due 14 days from service of the answering brief. (CG) [Entered: 03/12/2002 01:06 PM]
- 03/15/2002 27 Filed motion & order :(Appellate Commissioner) This court has received apltr's pro se moton for judicial notice and pro se motion for new counsel. Because aplt is represented by counsel, only counsel may file motions, and this court therefore declines to entertain the motions. The Clerk shall serve a copy fo the pro se motion on aplt's counsel of record, Peggy Sue Juergens, Esq. The Clekr shall also serve this order on aplt individually at Reg. No. 26906-086, 3901 Klein Blvd., Lompoc, Ca 93436 (Motion recvd 3/4/02) (MOTIONS) [01-30303] (VT) [Entered: 03/15/2002 06:56 AM]
- 03/15/2002 28 Sent order dated 3/15/02 to aplt in Lompoc [01-30303] (VT) [Entered: 03/15/2002 07:00 AM]
- 03/22/2002 29 Received Appellant James Dalton Bell letter dated 3/18/02 re: "Protest Motion Against Acts by Appellate

- Commissioner" (APP.COM) [01-30303] (TM) [Entered: 03/28/2002 02:37 PM]
- 03/28/2002 31 Received Appellant James Dalton Bell's letter dated 3/24/02 re: Futher objection to illegal and unethical actions of appointed counsel.(MOATT) [01-30303] (TM) [Entered: 04/02/2002 04:54 PM]
- 04/02/2002 30 Filed original and 15 copies appellee USA's 56 pages brief, 1 Exc. vols. ; served on 4/1/02 [01-30303] (TM) [Entered: 04/02/2002 12:06 PM]
- 04/11/2002 33 14 day oral extension by phone of time to file Appellant James Dalton Bell in 01-30303's reply brief. [01-30303] appellants' reply brief due 5/2/02; (XX) [Entered: 04/11/2002 09:54 AM]
- 04/19/2002 34 Filed order (Appellate Commissioner) MOATT: This court has received appellant's pro se motions. Because appellant is represented by counsel, only counsel may file motions, and this court therefore declines to entertain the motions. The Clerk shall serve a copy of the pro se motion on appellant's counsel of record, Peggy Sue Juergens, Esq. The Clerk shall also serve this order on appellant individually. [01-30303] (TM) [Entered: 04/19/2002 10:00 AM]
- 05/06/2002 35 Filed original and 15 copies of James Dalton Bell reply brief (Informal: n) 4 pages; served on 4/29/02 [01-30303] (BY) [Entered: 05/06/2002 02:18 PM]
- 05/29/2002 37 Calendar check performed [01-30303] (RG) [Entered: 05/29/2002 11:47 AM]
- 06/17/2002 38 Calendar materials being prepared. [01-30303] [01-30303] (RG) [Entered: 06/17/2002 01:19 PM]
- 06/21/2002 40 CALENDARED: Seattle August 6, 2002 9:00 PM Courtroom Park Place, 21st Floor [01-30303] (RG) [Entered: 06/21/2002 08:34 AM]
- 08/06/2002 41 ARGUED AND SUBMITTED TO Michael D. HAWKINS, Ronald M. GOULD, James Ware [01-30303] (SB) [Entered: 08/06/2002 11:57 AM]
- 09/19/2002 45 FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Michael D. HAWKINS, author; Ronald M. GOULD; James Ware, author.) FILED AND ENTERED JUDGMENT. [01-30303] (VT) [Entered: 09/19/2002 11:57 AM]
- 10/04/2002 46 Filed Appellant James Dalton Bell's motion to stay the mandate; served on 9/29/02 (PANEL) [01-30303] (TM) [Entered: 10/04/2002 02:06 PM]
- 10/11/2002 48 [4557503] Received original and 4 copies Appellant James Dalton Bell petition, for panel rehearing and petition for rehearing en banc , deficient (late and petitioner has counsel) , served on 10/4/02 . Notified appellant (TM) [Entered: 10/16/2002 04:22 PM]
- 10/11/2002 49 Filed Peggy Sue Juergens's motion to withdraw as counsel ; served on 10/7/02 (PANEL) (TM) [Entered: 10/16/2002 05:03 PM]
- 10/31/2002 52 Received Appellant James Dalton Bell's motion to file late petition for rehearing en banc (PANEL) [01-30303] (TM) [Entered: 10/31/2002 03:51 PM]
- 11/04/2002 54 Filed order (Michael D. HAWKINS, Ronald M. GOULD): The motion to withdraw as counsel of record by Peggy Sue Juergens is granted. The motion for stay or recall of mandate is denied. [01-30303] (TM) [Entered: 11/04/2002 12:43 PM]
- 11/07/2002 55 Received Appellant James Dalton Bell letter dated 11/4/02 re: status of motion to recall the mandate. [01-30303] (TM) [Entered: 11/14/2002 08:59 AM]
- 11/07/2002 56 Received Appellant James Dalton Bell letter requesting a copy of the docket rpt. in this case and 01-30296 (Mailed them to him) [01-30303] (TM) [Entered: 11/14/2002 09:12 AM]
- 11/14/2002 58 Filed order (Michael D. HAWKINS, Ronald M. GOULD, James Ware):The motion for the court to accept the previously received petition for rehearing with suggestion for rehearing en banc is granted. The petition for rehearing with suggestion for rehearing en banc is ordered filed. [01-30303] (TM) [Entered: 11/14/2002 03:57 PM]
- 11/14/2002 59 [4580825] Filed original and 50 copies Appellant James Dalton Bell petition for panel rehearing and petition for rehearing en banc 16 p.pages, served on 10/4/02 (PANEL AND ALL ACTIVE JUDGES) (TM) [Entered: 11/14/2002 04:01 PM]
- 12/03/2002 60 Filed Appellant James Dalton Bell's motion to reconsider order of the Court and for stay of mandate (PANEL AND ALL ACTIVE JUDGES) [01-30303] (TM) [Entered: 12/03/2002 02:59 PM]
- 12/18/2002 61 Filed order (Michael D. HAWKINS, Ronald M. GOULD, James Ware): The petition for enbanc rehearing is denied. The motion for reconsideration of appellant's pro se motion for stay or recall of mandate is denied. [60] [01-30303] (TM) [Entered: 12/18/2002 10:54 AM]
- 12/27/2002 62 MANDATE ISSUED [01-30303] (TM) [Entered: 12/27/2002 11:27 AM]

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|------------|--------------------------|----|---|
| 01/15/2003 | <input type="checkbox"/> | 63 | Received Appellant James Dalton Bell's motion for clarification (PANEL) [01-30303] (TM) [Entered: 01/22/2003 11:04 AM] |
| 02/04/2003 | <input type="checkbox"/> | 67 | Filed Order (Michael D. HAWKINS, Ronald M. GOULD, James Ware.) The pnl as constituted above, on behalf of the ct, orders Aplt's Mtn for Clarification, rec'd by this ct on 1/15/03, filed in its entirety. The Mtn is DENIED. NO FURTHER FILINGS WILL BE ACCEPTED IN BOTH No. 01-30296 and No. 01-30303. [01-30296, 01-30303] (AF) [Entered: 02/04/2003 10:12 AM] |
| 10/15/2003 | <input type="checkbox"/> | 69 | NO ORIGINAL RECORD (JAS) [Entered: 10/15/2003 10:54 AM] |
| 09/05/2006 | <input type="checkbox"/> | 70 | Rec'd notice of change of address from James Dalton Bell dated 8/29/06. (New Add: Reg No. 26906-086 U.S. Penn P.O. Box 33, Terre Haute, IN 47808) Appellant James Dalton Bell in 01-30303 dated 8/29/06. [01-30303] (XX) [Entered: 09/12/2006 09:16 AM] |

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