

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

MALVIN PALMER,

Defendant.

**Criminal No. 04cr355-08 (CKK)  
(Civil Action No. 12-1745)**

**MEMORANDUM OPINION & ORDER**

(April 16, 2015)

Presently before the Court is Malvin Palmer's [888] Letter in Response to the Court's [866] Order which the Court shall treat as a motion for reconsideration of its [882] March 30, 2015, Order denying Palmer's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence for the reasons described herein. On February 25, 2015, the Court issued an [866] Order indicating that its copy of Mr. Palmer's [786] Memorandum of Law in Aid of Petitioner Title 28 Section 2255 Motion to Vacate, Set Aside or Correct Sentence was missing page 4. The Court directed Mr. Palmer to file the missing page or, in the alternative, file a Notice to the Court indicating that Mr. Palmer preferred that the Court proceed to addressing the merits of his arguments without page 4 of his Memorandum of Law by no later than March 25, 2015. The Order further indicated that if the Court did not receive such a filing by the date as directed, then the Court would proceed to rule on Mr. Palmer's § 2255 motion as it generally understood the nature of his arguments. No filing was made in response to the Court's Order prior to March 25, 2015. On March 30, 2015, the Court issued an [882] Order and accompanying [883] Memorandum Opinion denying Mr. Palmer's [785] Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. On April 12, 2015, Mr. Palmer filed a letter explaining that he was unable to meet the March 25, 2015,

deadline because he was being transferred by the Bureau of Prisons to a different facility and did not receive the Court's Order until March 27, 2015. Mr. Palmer included page 4 of his [786] Memorandum of Law in Aid of Petitioner Title 28 Section 2255 Motion to Vacate, Set Aside or Correct Sentence as directed which the Court shall treat as a motion for reconsideration of its previously entered Order denying Mr. Palmer's § 2255 motion.

The Court has reviewed page 4 of Mr. Palmer's Memorandum of Law supporting his § 2255 motion and finds no grounds to disturb its [882] Order denying Mr. Palmer's [785] Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence and accompanying [883] Memorandum Opinion. Indeed, page 4 sets forth the language used in the indictment, in the jury instructions, and on the verdict form that Palmer asserts supports his argument that his counsel was ineffective for failing to object to Counts IV and VIII of the indictment as duplicitous. The Court fully discussed the relevant language of the indictment, jury instructions, and verdict form in reaching its holding that Mr. Palmer's ineffective assistance of counsel claim related to the alleged duplicity of Counts IV and VIII was without merit. *See* Memo. Op. (Mar. 30, 2015), at 7-13, ECF No. [883]. As such, the information provided in Page 4 does not provide any new information not previously considered by the Court in reaching its decision. Accordingly, the Court shall DENY Mr. Palmer's [888] Letter in Response to the Court's [866] Order which the Court is treating as motion for reconsideration.

For the reasons stated above, it is, this 16th day of April, 2015, hereby

**ORDERED** that Malvin Palmer's [888] Letter in Response to the Court's [866] Order shall be treated as a motion for reconsideration of the Court's [882] March 30, 2015, Order denying Mr. Palmer's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence; and it is

further

**ORDERED** that Mr. Palmer's [888] motion for reconsideration of the Court's [882] Order is DENIED; and it is further

**ORDERED** that the Clerk of the Court shall mail a copy of this Memorandum Opinion & Order to Mr. Palmer at his address of record.

**IT IS SO ORDERED.**

/s/  
**COLLEEN KOLLAR-KOTELLY**  
UNITED STATES DISTRICT JUDGE