

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:13CR435-1
)
BRIAN DAVID HILL)

ORDER

This case is before the court on several motions by the Defendant, Brian David Hill: Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor (Doc. 199); Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor (Doc. 206); Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill (Doc. 217); Petitioner's third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff/Respondent's favor (Doc. 222); and Motion to Grant Four Pending uncontested Motions (Doc. 264).

Having reviewed all the pending motions,

IT IS ORDERED as follows:

1. Mr. Hill's Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor (Doc. 199) is DENIED as meritless as filed, as is the Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the

Court against Brian David Hill (Doc. 217), which is DENIED as meritless as filed to the extent it involves the same issues as, or is filed in support of, the Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor, and is otherwise DENIED without prejudice. The proper route for attacking the court's judgment as to Mr. Hill's first supervised release revocation, following an unsuccessful appeal, would have been a motion pursuant to 28 U.S.C. § 2255. Mr. Hill can obtain proper forms from the Clerk of Court and file such a motion should he choose. However, by stating such, the court does not intimate that any such motion should be successful. The court cautions Mr. Hill that this Order does not affect the timeliness or successiveness of any § 2255 motion, and the parties can litigate those issues as appropriate if Mr. Hill files a § 2255 motion.

2. Mr. Hill's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor (Doc. 206) is DENIED as meritless as filed, as is the Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill (Doc. 217), which is DENIED as meritless as filed to the extent it involves the same issues as, or is filed in support of, the Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor, and is otherwise DENIED without prejudice. Mr. Hill can obtain proper forms from the Clerk of

Court and file a § 2255 motion should he choose. However, by stating such, the court does not intimate that any such motion should be successful. And again, the court cautions Mr. Hill that this Order does not affect the timeliness or successiveness of any § 2255 filing, and the parties can litigate those issues as appropriate if Mr. Hill files a § 2255 motion.

3. Mr. Hill's Third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff/Respondent's Favor (Doc. 222) is DENIED as both MOOT in light of the denial of the prior § 2255 motion and as being frivolous.

4. Mr. Hill's Motion to Grant Four Pending Uncontested Motions (Doc. 264) is DENIED in light of the court's denial of all of the other motions noted above.

 /s/ Thomas D. Schroeder
United States District Judge

November 17, 2020