Gary E. Peel
9705 (Rear) Fairmont Road
Fairview Heights, IL 62208

April 28, 2021

Ms. Rebecca A. Womeldorf
Rules Committee Chief Counsel
Administrative Office of the United States Courts
Washington, D.C. 20544

Re: Proposed Amendment Federal Rules of Criminal Procedure
Former Agenda Item 18-CR-D

Dear Ms. Womeldorf;

Under date of April 17, 2019, I had communicated with you concerning a suggestion to amend the Federal Rules of Criminal Procedure to mandate a time frame for ruling on habeas corpus motions. A copy of my April 17, 2019 letter is attached for your convenience. You were kind enough to address this issue, and in a response to me the Rules Committee felt that a new Criminal Rule wasn't needed, but that perhaps the courts could address the issue via local rules.

Despite the passage of two and a half (2-1/2) years since my letter to you, the U.S. Court of Appeals still has made no substantive ruling on my habeas corpus appeal. I have made five (5) semi-annual requests for a status report only to receive responses suggesting that the habeas appeal is proceeding as the court's docket permits and that a dispositive Order would be forthcoming "as soon as the court's docket permits." [Seventh Circuit Order of 4-13-21, docket No. 18-2732].

However, according to the Seventh Circuit's government website, http://www.ca7.uscourts.gov/opinions-and-oral-arguments/opinions-arguments.htm, as of 7:00 p.m. on 3-18-21 the Seventh Circuit had rendered at least 888 opinions, dissents, rulings, or corrected opinions in cases that were filed ***AFTER*** **mine [18-2732] was docketed**, to wit:

Appellate Case Numbers 18-2735 through 18-2799 =	20
Appellate Case Numbers 18-2803 through 18-2899 =	29
Appellate Case Numbers 18-2905 through 18-2993 =	16
Appellate Case Numbers 18-3000 through 18-3737 =	166
Appellate Case Numbers 19-1004 through 19-3534 =	537
Appellate Case Numbers 20- 1006 through 20-8005 =	120
Total =	888

Facing the frustration of two and a half (2-1/2) years with no decision on the Seventh Circuit's own Order to show cause, with no brief filed by the government/respondent/appellant and no dispositive order on the habeas appeal, I resigned myself to filing a Petition for Writ of Mandamus with the Supreme Court to

compel some action, any action, by the seventh circuit. My mandamus, filed on 3-23-21 was summarily denied on 4-26-21. See Supreme Court Docket No. 20-7597.

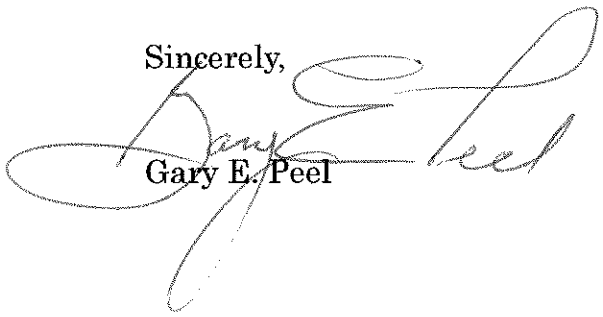
Again, I am NOT asking that you intervene in my habeas appeal. Instead, I am asking that your committee revisit the need for a change or amendment to the federal rules of criminal procedure to address the problem of non-action by the federal appellate courts on habeas corpus appeals.

When those courts refuse to act on pending habeas matters, and when the Supreme Court refuses to mandate appellate court action after a reasonable period of time, the habeas petitioner is left with NO option, despite having to endure the "in custody" restrictions imposed his/her freedoms.

Should you have any questions of me, I can be reached at Garyepeel@Hotmail.com or via cell phone at 618-514-7203

Thank you again for your time.

Sincerely,



Gary E. Peel

GEP:gep
Encl. (1)

Gary E. Peel
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April 17, 2019

Ms. Rebecca A. Womeldorf
Rules Committee Chief Counsel
Administrative Office of the United States Courts
Washington, D.C. 20544

Re: Proposed Amendment Federal Rules of Criminal Procedure
Former Agenda Item 18-CR-D

Dear Ms. Womeldorf;

I had previously suggested an amendment to the Federal Rules of Criminal Procedure to mandate a time frame for ruling on habeas motions. At the time, my concern was directed to the U.S. District Courts. You graciously informed me, by letter of 10-12-18 that my proposal had been declined but was being forwarded to the Advisory Committee for further consideration by the Judicial Conference Committee on Case Administration and Case Management.

The purpose of this letter is to seek reconsideration in light of similar delays that occur at the *appellate* level. Again, I am NOT seeking any intervention in my current appeal to the Seventh Circuit Court of Appeals (Case No. 18-2732), but I wanted to advise your office that the inexplicable delays at both the District and Appellate levels are particularly prejudicial to habeas petitioners who lose standing if they are no longer "in custody."

My appeal was opened by the Seventh Circuit on 8-9-18. Eight months has now passed, and the matter has not even been assigned a briefing schedule. However, on 4-15-19, oral argument was heard on six (6) cases and five of those [non-habeas] cases were filed *at a later date* than my habeas appeal.

Do you think that my case now serves as an example of how habeas cases are placed on the back burner and should perhaps warrant a reconsideration of a rules change?

Thank you for your consideration.

Very truly yours,

Gary E. Peel

From: Gary Peel
To: RulesCommittee Secretary
Subject: RE: Suggestion on Criminal Rules
Date: Friday, May 14, 2021 4:42:59 PM

Thank you for your response.

I have two suggestions for the committee.

1. Amend the civil and criminal rules to provide that all potentially *dispositive* motions be addressed (decided) within a certain number of days (e.g. 30, 60, 90, ?) after the final Response, Reply or Sur-Reply Brief is due, and
2. Add a new civil and criminal rule that obligates all appellate courts to render merit-based decisions on a chronological basis, i.e. the oldest pending appeal should be addressed and decided first (or as near to chronological as reasonable).

Exceptions can be permitted to the above rules, for example,

a. in the case of an emergency filing, the appellate court could announce that it is taking up the case immediately, or earlier than normal, because of the emergency nature of the appeal, or
b. a case pending in the Supreme Court could be potentially dispositive of the pending appellate case and for that reason alone, the appellate decision on the merits could be postponed.

From: RulesCommittee Secretary
Sent: Friday, May 14, 2021 2:51 PM
To: Gary Peel
Subject: RE: Suggestion on Criminal Rules

Mr. Peel – Your letter was also docketed as a suggestion on appellate rules (Docket No. 21-AP-F) and forwarded to the Chair and Reporter of the Advisory Committee on Appellate Rules. Thank you.

From: RulesCommittee Secretary
Sent: Friday, May 14, 2021 1:26 PM
To: Gary Peel
Subject: Suggestion on Criminal Rules

Good afternoon. The office of Rules Committee Staff received your April 28 letter concerning a new rule mandating a time frame for motion resolution. The suggestion has been forwarded to the Chair and Reporters of the Advisory Committee on Criminal Rules, and the Chair of the Standing Committee. We are posting the suggestion to the Rules & Policies page of the uscourts.gov website. Your suggestion will be located under the Rules Suggestions section as Docket No. 21-CR-G.

The minutes from the meetings of the Advisory Committees will reflect any action taken on your suggestion. The Judiciary's Rulemaking website houses the minutes and agenda materials for each Advisory Committee meeting at Records of the Rules Committees.

We very much welcome suggestions and appreciate your interest in the rulemaking process. Please do not hesitate to contact us with questions.

RULES COMMITTEE STAFF
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