

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:15-cr-42-FtM-38CM

TAVARES FELTON

ORDER¹

Before the Court is Defendant Tavares Felton's motion for miscellaneous relief ([Doc. 115](#)), and the Government's response in opposition ([Doc. 117](#)). For the following reasons, the Court denies the motion.

On April 16, 2016, the Court sentenced Felton to 188 months' imprisonment for possessing a firearm as a convicted felon in violation of [18 U.S.C. § 922\(g\)\(1\)](#). ([Doc. 80](#)). The Court sentenced him as an armed career criminal under [U.S.S.G. § 4B1.4](#) because he had three prior serious drug offense convictions. ([Doc. 77 at ¶ 53](#)). As best the Court can tell, Felton now wants this Court to compel the United States Probation Office to provide the *Shepard* documents associated with two of his prior drug offenses. ([Doc. 115](#)). Felton appears to want the documents in order to challenge being sentenced as an armed career criminal.

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The Government argues that Felton's motion fails for numerous reasons, all of which the Court agrees. First, the Federal Rules of Criminal Procedure do not entitle him to discovery after his judgment has become final. Second, the time for Felton to amend the Judgment has expired under [Federal Rule of Criminal Procedure 35\(a\)](#). Third, there is neither a clerical error nor error in the record from oversight or omissions to warrant amending the Judgment under [Federal Rule of Criminal Procedure 36](#). Fourth, Felton is already attacking the underlying criminal convictions in his § 2255 proceedings.

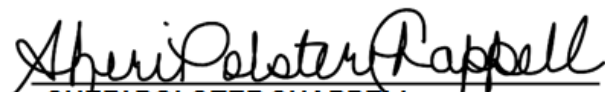
Regardless of the above findings, the Government has attached the *Shepard* documents for Felton's convictions to its response.² ([Doc. 117-1](#)). The Court thus denies Felton's motion.

Accordingly, it is now

ORDERED:

Defendant Tavares Felton's motion for miscellaneous relief ([Doc. 115](#)) is **DENIED as moot**.

DONE AND ORDERED at Fort Myers, Florida, this September 24, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record

² The Government states that it already provided Felton the *Shepard* documents during discovery.