

In The
United States Court of Appeals
For The Fourth Circuit

UNITED STATES OF AMERICA,

Petitioner

v.

BRIAN DAVID HILL,

Respondent.

**ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AT GREENSBORO**

PETITION FOR REHEARING OR REHEARING EN BANC



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SEPTEMBER 2, 2022

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I. INTRODUCTION AND RULE 35(b)(1) STATEMENT

In the undersigned Appellant (“Appellant”) Brian David Hill’s judgment, the following situation exists: (1) a material factual, legal matter, or Constitutional matter was overlooked in the decision and (2) this proceeding involves one or more questions of exceptional importance.

Appellant will not submit two separate Petitions for Rehearing since both appeal cases no. 22-6325 and 22-6501 were consolidated by Court Order dated July 28, 2022.

Specifically, the material factual or legal matter which was overlooked and the question of exceptional importance is whether Appellant’s appeals should have been denied on the basis that they were not appealing a final order. Appellant believes his pro se appeals were misinterpreted as regular appeals instead of interpreted as interlocutory appeals over critical important factual matters and legal matters (if not an emergency issue) of possibly judges being blackmailed and compromised with child rape and murder due to issues raised by a credible licensed attorney from Georgia, and the Court is refusing to appoint a Special Master to review over the alleged blackmail videos and obtain them from Attorney Lin Wood’s source(s)/client(s) to determine if the federal judges directly involved in the foregoing case(s) had been in one of those alleged blackmail video recordings. This attorney

directly named on Twitter and on a public post (Dkt. #301-6, Page 3, Page 2) Supreme Court Justice John Roberts as an alleged suspect of being compromised by being blackmailed with child rape and murder. Until a Special Master can be appointed by the inferior District Court, until this matter is fully investigated and the blackmail video recordings reviewed, this matter of blackmail can never be resolved and the issue of federal judges being blackmailed with child rape and murder will never end as a never-ending suspicion of compromised judges' ruling the lower courts. Courts have the authority to construe pro se filings liberally. *Pierce v. Dobbs*, Civil Action 5:21-cv-00902-RBH, n.1 (D.S.C. Jul. 29, 2021) (“The Court is mindful of its duty to liberally construe Petitioner’s pro se filings. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (recognizing “[a] document filed pro se is to be liberally construed” (internal quotation marks omitted)). But see *United States v. Wilson*, 699 F.3d 789, 797 (4th Cir. 2012) (“Although courts must liberally construe the claims of pro se litigants, the special judicial solicitude with which a district court should view pro se filings does not transform the court into an advocate.””).

Question is regarding whether the Panel had erred in dismissing two consolidated appeals (Appeal cases no. 22-6325 Dkt. 2; no. 22-6501 Dkt. 6) over the U.S. District Court’s (“Trial Court”) decision in denying multiple pro se motions (Dkt. #294, #296) seeking a Special Master and Dkt. #301 motion to reconsider (Dkt. #312-Page 5) the order denying the Motion for a Special Master. Interlocutory appeals over denying motions asking for a Special Master to review over alleged sexual blackmail videos claimed by a licensed attorney Lin Wood are necessary over

issues of judges allegedly and possibly being blackmailed, being compromised and unable to perform their ministerial duties of the office they are appointed to. This Court has interlocutory jurisdiction over issues and matters of possibly/probable judicial blackmail being asserted due to the claims by credible/licensed Attorney Lincoln L. Lin Wood of Georgia (Credibility Dkt. #301-1, 301-2, 301-5, 301-6, 301-9, #299-Page 3) who had made claims on Twitter which is in the record (Dkt. #293-7, 293-8, 293-9, 293-10, 293-11, 293-12, 293-13) claiming that “judges” and “officials were being blackmailed (“...NUCLEAR LEVEL BLACKMAIL.”, DKT. #301-6 Page3) in a horrendous scheme allegedly with “child rape” and “murder” of the raped children in blackmail videotapes, allegedly. They are pending motions which were denied and was being appealed interlocutory in the two appeals, in the 28 U.S.C. § 2255 motion case, nevertheless the Constitutional, legal, and due process issues of the requirement of impartiality of judges due to the Code of Conduct for United States Judges in criminal cases and even Habeas Corpus cases where life, liberty, and/or property are at risk of being permanently lost are the most important issues here for reconsideration. Judges must never be blackmailed by anybody, they must never even be blackmailed by the Government so they must not blackmail judges and officials, and any issues from any credible witnesses such as a licensed attorney which were addressed on record give a reasonable belief that there are the alleged existence of video recordings with God-knows how many federal and/or state judges are being blackmailed with child rape and murder. Attorney Lin Wood even hinted that Chief Justice John Roberts of the U.S. Supreme Court (Dkt. #293-8, Page

2) who is assigned over this Fourth Circuit U.S. Court of Appeals may be one of those being allegedly blackmailed with the heinous crime. This is a very serious issue here requiring interlocutory relief instead of being denied.

Appellant believes this error contradicts with this Court's interlocutory powers under 28 U.S.C. § 1292, and contradicts this Court's supervisory authority over interlocutory appeals to prevent a partial, biased, or even a possibly compromised judge possibly compromised by blackmail materials, pursuant to the impartiality requirements of judges in cases and pursuant to 28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge. Interlocutory appeals are a right and necessity over issues of disqualification and issues of impartiality directly affecting and impacting the constitutional legal rights, due process, and all proceedings in a pending case.

II. SUMMARY OF THE ARGUMENT

This Court should find that the Panel erred in dismissing both interlocutory appeals concerning the District Court erring as a matter of law or abused discretion in denying multiple pro se motions (Dkt. #294, #296) seeking a Special Master and motion to reconsider (Dkt. #312-Page 5) the order denying the Motion for a Special Master. A Special Master is warranted when a witness is available with alleged evidence such as video recordings of blackmail activity concerning "judges" and "officials" (Dkt. #293-7, 293-8, 293-9, 293-10, 293-11, 293-12, 293-13). It is dangerous for a Special Master not to be appointed in a pending Habeas Corpus

2255 civil case when the issue of a vague number of judges allegedly being blackmailed arises from a credible licensed attorney from Georgia (Credibility Dkt. #301-1, 301-2, 301-5, 301-6, 301-9, #299-Page 3).

This Court should find that the panel erred in failing to consider the consolidated appeals as properly filed interlocutory appeals raising impartiality issues which cannot be resolved properly at the end of the disposition of the 2255 case when the damage which can be done by possibly blackmailed and compromised judges are at issue here. Possibly because the blackmail videos have not been subpoenaed and reviewed yet. Every law enforcement agency in America should be sifting through the alleged encrypted blackmail videos of child rape and murder concerning “judges” and “officials” yet no Court has dare to investigate the information on these alleged tapes brought up to the general public by this attorney from Georgia, referring to Attorney Lin Wood.

This Court should find that the panel should have extended and/or modified existing law to hold that the District Court erred or abused discretion by denying multiple pro se motions (Dkt. #294, #296) seeking a Special Master and motion to reconsider (Dkt. #312-Page 5) the order denying the Motion for a Special Master. That is because the alleged blackmail videos spoken of by this witness need to be reviewed over, need to be subpoenaed, and each and every alleged encrypted video needs to be sifted through to determine how many Federal Judges ever involved in the criminal case/2255 case of Appellant may have been blackmailed and compromised here.

III. ARGUMENT

- i. This Court should find that the panel erred in failing to find that the consolidated appeals were authorized as interlocutory appeals over a serious matter of a Special Master being necessary for reviewing over alleged and potentially serious blackmail materials (Appeal cases no. 22-6325 Dkt. 2; no. 22-6501 Dkt. 6).**

The panel erred with its unpublished opinion finding “The orders Hill seeks to appeal are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we dismiss the appeals for lack of jurisdiction” (citation reformatted, period omitted) when the issue of blackmail surfaces from this highly credible attorney from Georgia (Dkt. #301-1, 301-2, 301-5, 301-6, 301-9, #299-Pg.3).

This issue of blackout which was brought up as Appellant had been aware of this issue since January of 2021 (Dkt. #301-3), by Attorney L. Lin Wood’s public statements from Twitter Tweets my family made photocopies of (Dkt. #293-7, 293-8, 293-9, 293-10, 293-11, 293-12, 293-13). Appellant had asked this attorney (Dkt. #301-3) for whether specific Federal Judges directly involved in his criminal and/or civil cases from the Middle District of North Carolina were seen in any of the alleged blackmail videos. Attorney Lin Wood never gave an answer on whether or not those specific judges at issue in those denied motions were compromised or were not compromised. Blackmail leads to a judge being compromised and permanently removed a judge’s impartiality, lack of bias, ethics, and professionalism. The issue that Federal/State Judges may be blackmailed and set up into this by our Intelligence

Agencies with child rape and murder to control them. They hold our federal and state judiciary hostage and hold our democracy hostage to secret criminal forces through usage of pedophilia and blackmail. That would explain why things are broken in the state/federal legal systems. I hope that District Court judges are not being blackmailed by child rape and murder videotapes as Attorney L. Lin Wood suggested. It would ease the mind of Appellant and ease the mind of the U.S. Attorney to know whether or not the federal judges in both parties cases are A-Okay and are impartial, instead of worrying over being compromised and blackmailed. Appellant had formerly asked for the Judicial Council to investigate Lincoln L. Lin Wood's claims to subpoena and determine if any Judges involved in Appellant's cases were ever being blackmailed with child rape and murder videotapes by the Intelligence Agencies. That failed because the Judicial Complaint was denied and dismissed without any ever an investigation into Lin Wood's claims, they are left as they are, without confirmation from any investigators which could have gathered the evidence to make a determination over this fear of blackmail issue, once and for all. If that issue of blackmail is ever confirmed true than it further demonstrates total deprivation and violation of Due Process of Law and a multitude of frauds upon the court by usage of blackmail against the Judiciary by corrupt elements of the United States of America Government. **Appellant is not the source of such information; L. Lin Wood should be subpoenaed if this court so inquires. Ask him about who may be blackmailed in the District Court and how that may be relevant/material to Appellant's cases and always losing every case. That is why**

a Special Master is necessary to review over the alleged blackmail videos. If Lin Wood had lied about any of this, then he should be charged with obstruction of justice and disbarred for lying about a serious issue of child rape and murder. If Lin Wood is right, then there seriously needs to be a check on each judge of each district to determine if any of them were in the alleged videos and the remedy for such heinous criminal blackmail. Which that only remedy could be impeachment or resignation, then indictment and arrest of the blackmailed judges.

Appellant fears that he had been a victim of a double standard judiciary since his charge in 2013 because of the refusal of the U.S. Federal Bureau of no-Investigation (FBI) as they don't investigate high up political corruption, and the refusal of the U.S. Department of InJustice (DOJ) to investigate the blackmail and corruption within our United States Government, the Appellant and almost any other criminal defendant is subject to a double standard judicial system where laws don't matter, facts don't matter, people don't matter, nothing matters because the corruption can and will take away a person's liberty, property, and even their life (causing death). Real criminals do very well and the political prisoners just suffer each and every day with no hope of a presidential pardon or any relief, it just doesn't happen. The double standards are not lawful and not constitutional but they will exist until the high ups of corruption including the blackmailers are ever held to account in the judicial system. Appellant fears justice will never be done in this lifetime in America. America has fallen and may never be revived under such blatant

corruption. The DOJ/FBI will not end the practice of politicians and judges being blackmailed with sex crimes or any crimes if it fits the narrative of the Deep State and their Swamp of bureaucrats.

I mean a credible attorney comes in with claims of blackmail, child rape and murder, and nobody seems interested to want to do anything about it. Law enforcement is okay with the child rape and murder. The U.S. Attorney is okay with the child rape and murder, while Appellant was labeled a danger to the community (Dkt.#88, Page 5) as alleged by U.S. Probation Office in the first supervised release violation charge, Appellant's a virgin but is considered a danger to society, but it is okay for judges and officials to rape children and murder them on video files, and nobody does anything about it. How typical of the DOJ and FBI to do absolutely nothing but only target people for political persecution, ruin their lives, make people think of suicide, harassing them for the rest of their lives, attack and target, lie about individuals and never give them a fair trial. If the issue of blackmail can never be investigated, Appellant has completely lost faith in the federal judiciary and will never have faith in it again, even if it ever gets fixed. Appellant will never have faith in Government again.

- ii. **This Court should find that the panel erred in failing to find that the need for a Special Master to investigate the blackmail scheme alleged by Attorney L. Lin Wood concerning Appellant's fears (Dkt. #301-3) far outweighs the need to wait for a final disposition in the 2255 case when a non-impartial judge is more dangerous to a pending criminal or civil case warranting intervention by this court (Appeal cases no. 22-6325 Dkt. 2; no. 22-6501 Dkt. 6).**

Respectfully, this Court should find that the Panel made errors of judgment by overlooking the need for a Special Master to investigate the blackmail scheme alleged by Attorney L. Lin Wood concerning Appellant's fears (Dkt. #301-3) which far outweighs the need to wait for a final disposition in the 2255 case when a non-impartial judge is more dangerous to a pending criminal or civil case warranting intervention by this court.

While the law clearly states the impartiality requirement under federal law:

28 U.S.C. § 455 (“(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (b) He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding”)

Also in Tennessee, they have special interlocutory powers where if a judge may not be impartial, then such interlocutory appeal powers are warranted and authorized. For example see this rule, amended through July 28, 2022:

CITATION OF Section 2 - Availability of Interlocutory Appeal as of Right Following Denial of Disqualification or Recusal Motion, Tennessee Rules of the Supreme Court (“2.01. If the trial court judge enters an order denying a motion for the judge's disqualification or recusal, or for determination of constitutional or statutory incompetence, the trial court's ruling either can be appealed in an accelerated interlocutory appeal as of right, as provided in this section 2, or the ruling can be raised as an issue in an appeal as of right, see Tenn. R. App. P. 3, following the entry of the trial court's judgment. These two

alternative methods of appeal-the accelerated interlocutory appeal...”)

The primary example of this type of rule from the Tennessee Supreme Court system cited above as example, as well as citation thereof has shown the importance of the issue of 28 U.S.C. § 455 all demonstrating the necessity of a Special Master to make the determination of whether the Hon. Thomas David Schroeder (Dkt. #200) may or may not be compromised in one of the alleged blackmail videos alleged by Attorney L. Lin Wood causing Appellant’s fears (Dkt. 301-3, EMERGENCY LETTER TO LIN WOOD) as this same judge Appellant has this fear of blackmail over is at issue with his final criminal conviction judgment, at issue in this 2255 case (Dkt. #291, 292). Special Masters are warranted over such fears. Special Masters can end such fears by checking over the blackmail videos alleged by Lin Wood to determine if either Hon. Thomas David Schroeder or Hon. William Lindsey Osteen Junior may or may not be blackmailed with child rape and murder. The only way these fears go away is by questioning Attorney Lin Wood, holding an evidentiary hearing with Attorney Lin Wood, have his source or sources present the blackmail videos allegedly brought up and review over them to determine the legitimacy of Lin Wood’s claims. A Special Master is necessary for this step and can silence those fears of Appellant and make him feel more confident if the Middle District of North Carolina has no blackmailed judges. Proving the judges are not compromised would help quell those fears.

This Court should find that the Panel made errors by simply not rectifying the issues involving the need for a Special Master to review over the blackmail videos before proceeding any further with the 2255 case. It is not a good idea with Appellant's fears of what could or could not be true (Dkt. 301-3, EMERGENCY LETTER TO LIN WOOD), that refusing a Special Master to review over the alleged blackmail videos (Dkt. #293-7, 293-8, 293-9, 293-10, 293-11, 293-12, 293-13) from a credible licensed attorney witness (Dkt. #301-1, 301-2, 301-5, 301-6, 301-9, #299-Pg.3.). This attorney practices in the federal court system as well. For this attorney to make publicly vague statements about the blackmail is very concerning and requires investigation by law enforcement, the courts, or both. Doing nothing about addressing the claims of child rape and murder blackmail claims is insanity, and Appellant will always have this fear and anxiety that will never go away, it may keep increasing and no longer will Appellant trust the courts, he won't trust the Government, he won't trust anybody in law enforcement. These fears can spread with every concerned American who is a fan of Attorney Lin Wood or ever worked with this man.

- iii. This Court should find that the Panel misinterpreted or overlooked the fact that blackmail alleged by a credible attorney is a serious issue and should not have dismissed the two interlocutory appeals and remanded the issue for evidentiary proceedings, asking the source of the alleged information who is Attorney L. Lin Wood, and getting to the bottom of those blackmail fears of Appellant to justify whether relief may be appropriate and whether a Special Master is truly needed to resolve the issues of bias, prejudice, and impartiality if a judge is ever compromised by any blackmail scheme. (Appeal cases no. 22-6325 Dkt. 2; no. 22-6501 Dkt. 6)**

Respectfully, this Court should find that the Panel misinterpreted or overlooked the fact that blackmail alleged by a credible attorney is a serious issue and should not have dismissed the two interlocutory appeals and remanded the issue for evidentiary proceedings, asking the source of the alleged information through Attorney L. Lin Wood, and getting to the bottom of those blackmail fears of Appellant to justify whether relief may be appropriate and whether a Special Master is truly needed to resolve the issues of bias, prejudice, and impartiality if a judge is ever compromised by any blackmail scheme.

It's even made clear by Attorney Lin Wood that he publicly accused Chief Justice John Roberts who is assigned to the Fourth Circuit, and this allegation is against the Chief Justice, the most powerful position of the federal judiciary in the United States of America, these allegations must either be proven or this attorney should be disbarred as not credible, these issues warrant investigation by a Special Master if not law enforcement willing to take action to investigate this matter:

Dkt. 301-6, pg. 2-3: I received the information from a credible source who hired me as counsel and his/her identity is and shall remain confidential....I do not know if my involvement helped reveal the blackmail tapes. I hope it did...The key (password) was not used in any manner by me as it relates to Chief Justice John Roberts or Former VP Mike Pence. My posts related to potential wrongdoing by those officials are based on the evidence of a credible whistleblower.

Dkt. #292, Page 132: Lin Wood made it clear that: "I believe Chief Justice John Roberts & a multitude of powerful individuals worldwide are being blackmailed in a horrendous scheme involving rape & murder of children captured on videotape. I have the key to the files containing the videos. I have also shared

this information.”

Either Lin Wood is right or he is wrong. These allegations and accusations are too serious and are not a joke, it is not satire from this licensed attorney, I mean how can any of this ever be satire as it is not even funny, it is terrible and extremely dangerous stuff. Children are victims here if this is indeed true.

This Court needs to consider whether the two interlocutory appeals were ripe for jurisdiction and this Court should vacate the panel’s dismissal of the consolidated appeals and order remand on issues raised in both appeal briefs in both cases (Appeal cases no. 22-6325 Dkt. 2; no. 22-6501 Dkt. 6) for evidentiary proceedings, asking the source of the alleged information through Attorney L. Lin Wood and get the information from his client(s)/source(s) through this proxy attorney who has been protecting the identity or identities of whoever is allegedly revealing about this blackmail scheme, and getting to the bottom of those blackmail fears of Appellant (Dkt. #301-3) to justify whether relief may be appropriate and whether a Special Master is truly needed on a interlocutory basis to resolve the issues of bias, prejudice, and partiality if a judge is ever compromised by any blackmail scheme.

This Court should find that the Panel made errors by simply not rectifying the issues of this Court having jurisdiction over interlocutory appeals and should consider both appeals as interlocutory appeals pursuant to 28 U.S.C. § 1292.

IV. CONCLUSION

For the reasons stated above, the Appellant urges this Court to grant his petition for rehearing/rehearing en banc, vacate and/or modify the panel's opinion and judgment entered August 23, 2022, re-review over Appellant's Informal Briefs filed on May 2, 2022 (case no. 22-6501) and April 13, 2022 (case no. 22-6325), and vacate the judgments/orders denying multiple pro se motions (Dkt. #294, #296) seeking a Special Master and motion to reconsider (Dkt. #312-Page 5) the order denying the Motion for a Special Master

Respectfully Submitted,
Dated: SEPTEMBER 2, 2022

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CERTIFICATE OF COMPLIANCE

1. This brief complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

this brief contains [3,900] words.

this brief uses a monospaced type and contains [*state the number of*] lines of text.

2. This brief complies with the typeface and type style requirements because:

this brief has been prepared in a proportionally spaced typeface using [*Microsoft Word 2013*] in [*14pt Times New Roman*]; or

this brief has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].

Dated: September 2, 2022


Signed

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Pro Se Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 2nd day of September, 2022, I caused this Petition for Rehearing or Rehearing En Banc to be filed with the Clerk of the Court by mailing the foregoing (Priority Mail, postage prepaid) with the Clerk of the Court then request that pursuant to 28 U.S.C. §1915(d) that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system, which will send notice of such filing to the following registered CM/ECF users:

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