

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:20-cv-03711-ODW**

Keith Preston Gartenlaub v. United States of America
Assigned to: Judge Otis D. Wright, II
Case in other court: USDC Central District of
California, 8:14-cr-00173-CAS
Cause: 28:2255 Motion to Vacate / Correct Illegal
Sentence

Date Filed: 04/22/2020
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate
Sentence
Jurisdiction: U.S. Government
Defendant

Petitioner

Keith Preston Gartenlaub

represented by **Tor B. Ekeland**

Tor Ekeland Law PLLC
30 Wall Street 8th Floor
New York, NY 10005
718-737-7264
Email: tor@torekeland.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark Jaffe

TorMark Law LLP
2120 University Avenue
Berkeley, CA 94704
415-770-0398
Fax: 718-504-5417
Email: mark@torekeland.com
ATTORNEY TO BE NOTICED

V.

Respondent

United States of America

represented by **Assistant 2241-2255 US Attorney
LA-CR**

AUSA - Office of US Attorney
Criminal Division - US Courthouse
312 North Spring Street
Los Angeles, CA 90012-4700
213-894-2434
Email:
USACAC.Criminal@usdoj.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/22/2020	<u>1</u>	**MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE** Filed as PETITION for Writ of Habeas Corpus by a Person in Federal Custody (28 USC 2241), Receipt No. ACACDC-26190894 for \$5 filing fee, filed by Petitioner Keith Preston Gartenlaub. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration Keith Gartenlaub, # <u>3</u> Declaration Jeff Fischbach) (Attorney Mark Jaffe added to party Keith Preston Gartenlaub(pty:pet))(Jaffe, Mark) Modified on 5/1/2020 (et). (Entered: 04/22/2020)
04/22/2020	<u>2</u>	CIVIL COVER SHEET filed by Petitioner Keith Preston Gartenlaub. (Jaffe, Mark) (Entered: 04/22/2020)
04/23/2020	<u>3</u>	NOTICE OF ASSIGNMENT to District Judge Otis D. Wright, II for motion filed under 28 U.S.C. 2255. (jtil) (Entered: 04/23/2020)
04/23/2020	<u>4</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Tor Ekeland. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (jtil) (Entered: 04/23/2020)
04/29/2020	<u>5</u>	Request for Clerk to Issue Summons on Petition for Writ of Habeas Corpus, <u>1</u> filed by Petitioner Keith Preston Gartenlaub. (Jaffe, Mark) (Entered: 04/29/2020)
04/30/2020	<u>6</u>	NOTICE OF DEFICIENCIES in Request to Issue Summons RE: Summons Request <u>5</u> . The following error(s) was found: Summons are Not issued for Habeas Petitions. Court will order service as appropriate. NOTE: Please Disregard the form language re : " The summons cannot be issued until this defect has been corrected. Please correct the defect and re-file your request"... AS THIS IS NOT APPLICABLE as cited above re Habeas Petitions. (lc) (Entered: 04/30/2020)
04/30/2020	<u>7</u>	(STRICKEN PER 8/24/2020 MINUTES, DOCKET NO. 10). APPLICATION of Non-Resident Attorney Tor Ekeland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee -

		\$400 Fee Paid, Receipt No. ACACDC-26287907) filed by Petitioner Keith Preston Gartenlaub. (Attachments: # 1 Declaration Tor Ekeland, # 2 Declaration Mark Jaffe, # 3 Proposed Order) (Jaffe, Mark) Modified on 8/25/2020 (lc). (Entered: 04/30/2020)
05/01/2020	8	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Tor Ekeland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. ACACDC-26287907) 7 . The following error(s) was/were found: Local Rule 83-2.1.3.4 Local counsel does not maintain an office within the District. (Thrasher, Lupe) (Entered: 05/01/2020)
05/01/2020	9	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Notice of Deficiency in Electronically filed Pro Hac Vice Application (G-112C) - optional html form, 8 The deficiency notice should not have been issued. Declaration of Local Counsel was submitted addressing his participation and qualifications to act as local counsel. (Thrasher, Lupe) (Entered: 05/01/2020)
08/24/2020	10	MINUTES (IN CHAMBERS) by Judge Otis D. Wright, II: On April 30, 2020, counsel for Petitioner applied to appear in this matter pro hac vice 7 . The Clerk of Court issued a Notice of Deficiency on May 1, 2020, on the basis that the application failed to identify local counsel with an office within this District (ECF No. 8). Also on May 1, 2020, the Clerk issued a Notice of Clerical Error explaining that the Notice of Deficiency had been issued in error (ECF No. 9). An application to appear pro hac vice must be accompanied by a certificate of good standing from each state bar in which the applicant is a member, issued no more than 30 days before filing the application. C.D. Cal. L.R. 83-2.1.3.3. Here, the Certificate of Good Standing attached to the application is dated March 12, 2020, which is more than 30 days before the date the application was filed. Accordingly, the Court STRIKES the application filed at ECF No. 7, and the applicant is hereby ORDERED to resubmit a new application. The filing fee shall not be refunded, but the applicant need not submit a new fee with the new application. (lc) (Entered: 08/25/2020)
08/27/2020	11	NOTICE OF MOTION AND MOTION to Supplement 28 U.S.C. § 2255 HABEAS CORPUS PETITION re Petition for Writ of Habeas Corpus, 1 filed by Petitioner Keith Preston Gartenlaub. (Attachments: # 1 Proposed Order) (Jaffe, Mark) (Entered: 08/27/2020)
08/28/2020	12	ORDER GRANTING MOTION FOR LEAVE TO SUPPLEMENT MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF 28 USC 2255 HABEAS CORPUS PETITION 11 by Judge Otis D. Wright, II: Petitioners Motion for Leave to Amend and Supplement his petition is granted. Plaintiff shall file his answer to the amended habeas petition a within 21 days of the date of this order. (lc) (Entered: 08/28/2020)

09/14/2020	13	(STRICKEN PER 9/15/2020 ORDER DOCKET NO. 15). APPLICATION of Non-Resident Attorney Tor Ekland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee - \$400 Previously Paid on 4/30/2020, Receipt No. 26287907) filed by Petitioner Keith Preston Gartenlaub. (Attachments: # 1 Certificate of Good Standing of Tor Ekland, # 2 Proposed Order) (Jaffe, Mark) Modified on 9/15/2020 (lc). (Entered: 09/14/2020)
09/14/2020	14	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Tor Ekland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee - \$400 Previously Paid on 4/30/2020, Receipt No. 26287907) 13 . The following error(s) was/were found: Local Rule 83-2.1.3.4 Local counsel does not maintain an office within the District. (Thrasher, Lupe) (Entered: 09/14/2020)
09/15/2020	15	ORDER by Judge Otis D. Wright, II: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: APPLICATION of Non-Resident Attorney Tor Ekland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee - \$400 Previously Paid on 4/30/2020, Receipt No. 26287907) 13 , for the following reasons: Comply with instructions on discrepancy doc no.14. Refile CORRECTLY and attach the proposed order to the e-filed document. Send proposed order in word to the judge's chambers email. This information is on the court's website. Review it for compliance! (lc) (Entered: 09/15/2020)
09/22/2020	16	APPLICATION of Non-Resident Attorney Tor Ekland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub (Pro Hac Vice Fee - \$400 Previously Paid on 4/30/2020, Receipt No. 26287907) filed by Petitioner Keith Preston Gartenlaub. (Attachments: # 1 Certificate of Good Standing of Tor Ekland, # 2 Declaration of Mark Jaffe, # 3 Proposed Order) (Jaffe, Mark) (Entered: 09/22/2020)
09/24/2020	17	ORDER GRANTING APPLICATION of Non-Resident Attorney Tor Ekland to Appear Pro Hac Vice on behalf of Petitioner Keith Preston Gartenlaub and designating Mark Jaffe as local counsel 16 by Judge Otis D. Wright, II (lc) (Entered: 09/24/2020)

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