

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MELVIN BROWN,)
)
)
v.) Criminal No. 03-114-P-S
)
) Civil No. 06-130-P-S
UNITED STATES OF AMERICA,)
)
)

RECOMMENDED DECISION ON 28 U.S.C. § 2255 MOTION

Melvin Brown has filed a 28 U.S.C. § 2255 motion seeking relief from his conviction on one count of distributing cocaine base in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C). Brown was sentenced to a term of 220 months imprisonment after the court concluded that he was a career offender. The United States has filed a motion for summary dismissal (Docket No. 10) and I recommend that the Court grant this motion and summarily deny Brown’s § 2255 motion, if the trial judge is satisfied that he would have imposed an identical sentence even if trial counsel had conveyed certain information to Brown.

Discussion

The two 28 U.S.C. § 2255 pleadings filed simultaneously by Brown include frontal challenges to his conviction and sentence as well as several ineffective assistance of counsel claims.

Brown's Direct Appeal and the Limitations of 28 U.S.C. § 2255 Review

On direct appeal Brown argued that the jury had to determine beyond a reasonable doubt that his prior convictions were controlled substance violations or violent

felonies and agree on the number of such convictions. He also asserted that his sentence was unreasonable because this Court should have departed downward because his criminal history reflected that he was merely a "street dealer."

The First Circuit Court of Appeals entered the following judgment on November 22, 2005:

After a thorough review of the record and of the parties' submissions, we affirm. We find no error in the sentencing court's conclusion that appellant Melvin Brown ("Brown") [had] at least two prior felony convictions for controlled substance offenses. The Pre-Sentence Report plainly supported this conclusion, and Brown's pure speculation, standing alone, that additional contradictory information may exist is insufficient. His challenge to the rule in *Almendarez-Torres* ... is unavailing, ... as is his narrower contention that the issue of relatedness under the career offender guideline must be determined by a jury beyond a reasonable doubt. Brown did not preserve a challenge to the district court's failure to depart below the sentencing guideline range; but even if he had, we would lack authority to review the charge to the extent the refusal to depart was discretionary. We find no indication in the record that the court misunderstood its authority to depart. Having reviewed the record and the sentence imposed here in light of the factors in 18 U.S.C. § 3553(a), and having considered the statements of the court at the sentencing hearing, we find nothing unreasonable about the sentence imposed, and we reject Brown's request for remand and resentencing.

(United States v. Brown, No. 04-2030.) On Brown's petition for certiorari review, the United States Supreme Court declined to review the conviction.

A 28 U.S.C. § 2255 motion is not a substitute for direct appeal and § 2255 movants must clear a higher hurdle to bring a § 2255, as opposed to a direct appeal, claim. See United States v. Frady, 456 U.S. 152, 164 (1982); United States v. Addonizio, 442 U.S. 178, 184-85 (1979). Once Brown's chance to appeal was waived or exhausted, this court is "entitled to presume" that he "stands fairly and finally convicted, especially when, as here," he "has had a fair opportunity to present" his "federal claims to a federal

forum." Frady, 456 U.S. at 164. "Where a defendant has procedurally defaulted a claim by failing to raise it on direct review, the claim may be raised in habeas only if the defendant can first demonstrate either 'cause' and actual 'prejudice,' or that he is 'actually innocent.'" Bousley v. United States, 523 U.S. 614, 622 (1998) (citations omitted); accord Massaro v. United States, 538 U.S. 500, 504 (2003).

Cause is "something external to the petitioner" that "cannot be fairly attributed to him" or her. Coleman v. Thompson, 501 U.S. 722, 753 (1991). "[C]ause for a procedural default on appeal ordinarily requires a showing of some external impediment preventing counsel from constructing or raising the claim." Murray v. Carrier, 477 U.S. 478, 492 (1986). A showing that the factual or legal basis for a claim was not reasonably available to counsel or that official interference made compliance with the procedural rules impracticable can constitute cause. See Strickler v. Greene, 527 U.S. 263, 283 n. 24 (1999). "Attorney ignorance or inadvertence is not 'cause' because the attorney is the petitioner's agent when acting, or failing to act, in furtherance of the litigation, and the petitioner must 'bear the risk of attorney error.'" Coleman, 501 U.S. at 753 (1991) (quoting Murray v. Carrier, 477 U.S. at 488). "Attorney error that constitutes ineffective assistance of counsel is cause, however." Id. at 753-54. See also Lynch v. Ficco, 438 F.3d 35, 46 (1st Cir. 2006). A showing of actual prejudice must be made along with the adequate showing of cause. Reed v. Farley, 512 U.S. 339, 358 (1994); Frady, 456 U.S. at 168 -69. In order to show prejudice, a movant must show "'a reasonable probability' that the result of the trial would have been different" had the claimed errors, which were procedurally defaulted, not occurred. Strickler, 527 U.S. at 289. Furthermore, Brown "must shoulder the burden of showing, not merely that the errors ... created a possibility

of prejudice, but that they worked to his actual and substantial disadvantage, infecting" his proceedings "with error of constitutional dimensions." Frady, 456 U.S. at 170.

If a defendant fails to establish "cause" and "prejudice" to excuse a procedural default, he or she can obtain collateral review of a constitutional claim only by demonstrating that the constitutional error "has probably resulted in the conviction of one who is actually innocent." Murray, 477 U.S. at 496; accord Bousley, 523 U.S. at 623. "Actual innocence means factual innocence, not mere legal insufficiency." Bousley, 523 U.S. at 615. To establish actual innocence, Brown must demonstrate that "it is more likely than not that no reasonable juror would have convicted" in light of the new evidence proffered in the habeas proceeding. Schlup v. Delo, 513 U.S. 298, 327 (1995).

Save for his ineffective assistance claims, all of Brown's claims have been procedurally defaulted and he has not come near to making the requisite showing of cause and prejudice or actual, factual innocence. I address the merits, or lack thereof, of the claims below, an exercise that emphasizes the want of prejudice with respect to both the ensuing procedural default analysis and the ineffective assistance analysis that follows.

Merits of Brown's Procedurally Defaulted Claims

Duplicity and statutory citation

Sans the formatting, Brown's indictment reads:

Count I: Commencing around July 23, 2003, and continuing until at least August 6, 2003, in the District of Maine, the Defendant, Michael Brown knowingly, willfully, and intentionally conspired with Timothy Smith and others to commit an offense against the United States, that is, to unlawfully, knowingly, and intentionally distribute and possess with intent to distribute cocaine base, a controlled substance[] listing in Title 21, United States Code, Section 812. All in violation of 21 U.S.C. §§ 841(a)(1), 841(a)(1), 841(b)(1)(C), and 846.

Count II: On July 23, 2003, in the District of Maine, the Defendant, Melvin Brown knowingly and intentionally distributed and aided and abetted the distribution of cocaine base, a controlled substance listed in 21 U.S.C. § 812. All in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and 18 U.S.C. § 2.

Count III: On August 6, 2003, in the District of Maine, the Defendant, Melvin Brown knowingly and intentionally distributed cocaine base, a controlled substance listed in 21 U.S.C. § 812. All in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

(Docket No. 7.)

With respect to Count III which the government proceeded to trial on and on which Brown was convicted, the statutory provisions cited are: 21 U.S.C. § 812 -- listing five schedules of controlled substances; 21 U.S.C. § 841(a)(1) – which provides that, "Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally-- to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance "; and 21 U.S.C. § 841(b)(1)(C) provides the sentencing parameters for violations of subsection (a).¹

1 It reads in full:

In the case of a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of Title 18, or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18, or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of Title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment.

Brown's argument that the indictment was duplicitous is without merit; Count III does not charge more than one offense in a single count. See United States v. Verrecchia, 196 F.3d 294, 297 (1st Cir. 1999) ("Duplicity is the joining in a single count of two or more distinct and separate offenses.")(quoting United States v. Martinez Canas, 595 F.2d 73, 78 (1st Cir.1979)); United States v. Valerio, 48 F.3d 58, 63 (1st Cir. 1995) ("A count is duplicitous when it charges more than one offense in a single count.") (citing United States v. Huguenin, 950 F.2d 23, 25 (1st Cir.1991) (per curiam)). This count targeted a single transaction in a single offense. See Verrecchia, 196 F.3d at 298.

Drug quantity

With regards to the drug quantity involved in his crime, Brown seems to believe that he should have been charged under 21 U.S.C. § 844, which outlines the penalties for simple possession. However, Brown was in fact charged in the indictment with a 21 U.S.C. § 841(b)(1)(C) distribution offense, carrying a maximum penalty of twenty years. Brown also argues that the jury did not attribute a specific drug quantity to him and that his conviction should be vacated, especially because the jury did not find him guilty of conspiracy. He contends that the maximum prescribed sentence for 103 milligrams of cocaine base is one year as a matter of law and that with the career offender overlay his exposure should have been no more than five years. What Brown fails to realize is that the court ultimately found only a "measurable amount" of crack. His severe sentencing exposure came not from the amount of drug involved but from his criminal history.

Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.

21 U.S.C.A. § 841(b)(1)(C).

Sufficiency of the evidence apropos intent to distribute

Brown claims that there was insufficient evidence of his intent to distribute the drugs involved. "The Due Process Clause requires the prosecution to prove beyond a reasonable doubt every element of the offense." Kater v. Maloney, 459 F.3d 56, 67 - 68 (1st Cir. 2006) (citing In re Winship, 397 U.S. 358, 364 (1970)).

At Brown's trial the Government relied on the testimony of Steven Mortimer, a confidential informant. Mortimer testified that he arranged to purchase crack cocaine from Brown. (Id. at 88.) Mortimer then contacted drug agent Roland Godbout on August 6, 2003, about conducting a controlled purchase. (Id. at 55-56, 88.) As a result, agents Godbout and Reynald Keaten searched Mortimer and his car, gave him marked bills with which to purchase the drugs, and equipped him with a recording device (Id. at 56-58, 76, 83.) During the transaction, Brown gave Mortimer a small rock of crack cocaine, which was later identified as 139 milligrams of cocaine base and was admitted in evidence. (Id. at 70, 77-78, 93.) Agents recorded the transaction, which took place in Mortimer's car, and the prosecutor played the recording at trial while the jury followed with a transcript. (Id. at 70-72, 94-96).

Cross-examination of Godbout revealed that Godbout never heard Mortimer say "here is my \$100 and crack cocaine," or Brown say "here is your cocaine" during the transaction. (Id. at 80.) Cross-examination of Mortimer challenged his credibility based on his drug use, motivations for working with drug agents, ability to be "pretty good at being deceptive," conviction for passing forged checks, potential racial bias, and the Government's promises to not prosecute Mortimer's controlled drug purchases. (Id. at

107-108, 113-118.) Mortimer testified that he had not removed his clothing for the preliminary search by the drug agents. (Id. at 122).²

Brown may think that United States v. Latham, 874 F.2d 852, 863 (1st Cir.1989) supports his insufficiency claim because the quantity of the drug underpinning his, Brown's, Count III prosecution is similarly small as that involved in Latham. However, as the United States points out, in United States v. Ford, 22 F.3d 374, 382 -83 (1st Cir. 1994) the First Circuit Court of Appeals made it clear that if there were other indicia of distribution in addition to the limited quantity of drugs then the jury verdict was sustainable even if the drug amount was minimal. Here, the United States introduced other evidence of distribution on Brown's part and the jury made a beyond a reasonable doubt determination that Brown's was a distribution offense.

² Although not evidence at trial the opening and closing arguments of counsel help put this testimony in context.

In his opening statement, the prosecutor described the August 6, 2003, drug transaction between Brown and Steven Mortimer, indicating that the evidence would show that Mortimer, a confidential informant, told drug agent Roland Godbout that he could obtain crack cocaine from Brown (Trial Tr. at 48-51.) Godbout arranged a controlled purchase, during which Brown sold Mortimer a small amount of crack cocaine. (Id. at 49-51.) During his opening, defense counsel told the fable of stone soup, implying that the Government's case was something made out of nothing. (Id. at 51-54.) The jury would not hear any discussion of cocaine or money on the recording of the transaction between Mortimer and Brown, and should question Mortimer's credibility (Id. at 53-54).

During his closing, the prosecutor explained that the drugs were the foundation, but not the whole of the Government's case (Id. at 130-31). He again described the events of August 6, defended the thoroughness of the initial search of Mortimer, and explained that informants like Mortimer were important to law enforcement and that one would not expect to hear specific references to drugs or money on the tape because people do not communicate that way (Id. at 131-36). Defense counsel's closing questioned Mortimer's racial bias, drug habit, and motives. (Tr. 137-140). He reiterated that Brown and Mortimer never discussed money or drugs on the tape recording and suggested that Mortimer could have hidden the small bit of cocaine on his person (Tr. 139-140). During rebuttal, the prosecutor redirected the jury's focus to the evidence concerning the events of August 6 (Id. at 142-43.) He concluded, "That leads you to one reasonable conclusion and that is that [Brown] picked up the drugs and sold them to Mortimer." (Tr. 143).

Claim that only conspiracy convictions can be used to establish career offender status

Brown believes that when a controlled substance (or crime of violence) offense is used as a predicate offense for career offender status, these crimes must have involved conspiracy.

A defendant is a career offender if:

- (1) the defendant was at least eighteen years old at the time the defendant committed the instant offense of conviction; (2) the instant offense of conviction is a felony that is either a crime of violence or a controlled substance offense; and (3) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense.

U.S.S.G. § 4B1.1(a). And,

The term "controlled substance offense" means an offense under federal or state law, punishable by imprisonment for a term exceeding one year, that prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance (or a counterfeit substance) or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute, or dispense.

Id. § 4B1.2 (b).

While conspiracy convictions can be predicate offenses it does not follow that only conspiracy offenses can serve as predicates. The plain language of the sentencing guideline supports this conclusion and, indeed, the First Circuit Court of Appeals has affirmed Career Offender sentences apropos convictions not involving a conspiracy overlay, with respect to controlled substance offenses, see, United States v. Beasley, 12 F.3d 280 (1st Cir. 1993), and crimes of violence, see e.g., United States v. Caraballo, 447 F.3d 26 (1st Cir. 2006); United States v. Santos, 363 F.3d 19 (1st Cir. 2004); United States v. Chhien, 266 F.3d 1, 10-11 (1st Cir. 2001).

Ineffective Assistance of Trial and Appellate Counsel Claims

Brown's motion is not always clear as to which claims of ineffective assistance of counsel he advances as independent 28 U.S.C. § 2255 claims and which are set forth to excuse his procedural default. The ineffective assistance claims discussed here are addressed under the Strickland v. Washington, 466 U.S. 668 (1984)/Strickler (discussed above) standard of deficient performance of counsel and prejudice. With respect to his ineffective assistance claims, Brown bears the burden of proof. Cirilo-Munoz v. United States, 404 F.3d 527, 530 (1st Cir. 2005) (citing Scarpa v. DuBois, 38 F.3d 1, 8-9 (1st Cir.1994)). Under Strickland v. Washington, 466 U.S. 668, 687(1984) Brown must "show (1) that counsel's performance fell below an objective standard of reasonableness, and (2) that but for counsel's failures, the outcome would likely have been different." Cirilo-Munoz, 404 F.3d at 530 (citing Strickland v. Washington, 466 U.S. 668, 687(1984) and Cofske v. United States, 290 F.3d 437, 441 (1st Cir.2002)).

Trial counsel failed to notice and advise Brown that the prosecutor had decided not to go forward on two of the three counts in the indictment

Brown's most troubling Sixth Amendment claim is premised on his assertion that trial counsel was ineffective because he admits not telling Brown that the prosecutor had decided to proceed on only one of the three counts, thereby preventing Brown of the benefit of pleading guilty to the third count. At sentencing defense counsel argued that Brown should have received a reduction for acceptance of responsibility because counsel neglected to tell him that the prosecutor had decided not to go forward on the other two charges and so Brown did not have a pre-trial opportunity to plead guilty to the third count. (Sentencing Tr. at 20.) Asked his view on United States Sentencing Guideline §3E1.1, the prosecutor replied that he had moved to dismiss Counts I and II "for many

reasons" but had gone "head-on" with Brown with respect to Count III. (Id. at 22.) Considering Brown's lengthy experience in the criminal justice system the prosecutor argued: "If there is anybody in the courtroom who understands that he could plead guilty [to] one count, it is this defendant." (Id.) Instead, the prosecutor opined, Brown tested the Government's evidence by going to trial and the acceptance of responsibility adjustment should be withheld. (Id.) The court declined the adjustment. It explained:

I believe the defendant is not entitled to acceptance of responsibility. Whether or not he got accurate advice from counsel is an issue he can raise after his sentencing by appropriate petition.

With regard to the issue of not knowing he could plead guilty, the defendant was certainly present in the courtroom when I gave the jury preliminary instructions and indicated that the defendant has elected to go to trial and has pled not guilty, the burden was on the government. I believe it was abundantly clear that I was indicating to the jury throughout that the defendant has a presumption of not guilty throughout and that he has in fact indicated that he was not guilty and willing to go to trial and leave it to the jury. I am going to not give the defendant the acceptance. I don't believe the issues in this case were such that would have warranted the exception that would have granted him acceptance in the face of going to trial. That issue is covered.

(Sentencing Tr. at 22-23.) Immediately thereafter Brown was offered the opportunity to speak and his allocution included the following representation concerning his missed opportunity to plead to Count III:

I never once denied that I was not guilty of this charge but I was charged with a three count indictment which was brought down December 18 and December 19, 2003 charging me with Smith and aiding and abetting. Those charges were dropped and I say today if I had known that I could have pled to the one charge, the one with Mr. Mortimer, I would have pled. I would not have put the government to the burden of trial. I had no choice going, two charges was not mine and I was found guilty of one

(Id. at 25-26.)

Given defense counsel's own admission that he neglected to tell his client that the United States was proceeding on only one of the three counts, the count pertaining to the Mortimer transaction, there is little reason for me to conduct an evidentiary hearing on this ineffective assistance claim. The Sentencing Judge is in the best position to measure the strength of Brown's claim given its first-hand involvement with the case, see United States v. McGill, 11 F.3d 223, 225 (1st Cir. 1993) ("[W]hen, as in this case, a petition for federal habeas relief is presented to the judge who presided at the petitioner's trial, the judge is at liberty to employ the knowledge gleaned during previous proceedings and make findings based thereon without convening an additional hearing."), and whether convening an evidentiary hearing would assist resolution of this claim.³ After all, Brown expressly concedes his guilt on this count and stresses that he would have chosen to plead guilty had counsel relayed to him that the prosecution was only proceeding to trial on the third count. Accordingly, the most he can hope for at this juncture is a re-sentencing in which the court could determine if he should be afforded the acceptance of responsibility adjustment.

The United States does argue that the entire motion should be denied on the ground that it is unsworn, a "fatal shortcoming" it asserts, culling languages from United States v. LaBonte, 70 F.3d 1396, 1413 (1st Cir. 1995) rev'd on other grounds 520 U.S. 751 (1997). Therein the Panel stated, apropos a bare allegation of ineffective assistance:

³ Brown also claims that he did not necessarily forfeit his entitlement to an acceptance of responsibility adjustment by proceeding to trial, acknowledging that it is rare for defendants who are convicted at trial to obtain this benefit and that if the benefit were afforded to a defendant who went to trial it would be based on pre-trial statements and conduct. He asserts that his trial and appellate attorneys should have pressed for his entitlement to this benefit despite the fact that he sought for a jury determination. If Brown is not entitled to relief on the basis of his trial attorney's admitted failure to counsel Brown on the fact and implications of two counts being dropped and the ability to plead before trial to the third count towards obtaining the acceptance of responsibility adjustment, then he would not be entitled to relief by virtue of this argument.

"Facts alluded to in an unsworn memorandum will not suffice." Id. In my view, denying Brown's motion on this ground is inappropriate because the evidence is that counsel conceded in open court that he had failed to inform Brown of the prosecutor's decision, thereby depriving his client of a pre-trial opportunity to plead guilty. It seems patently obvious to me that effective representation would have involved letting Brown know that two charges had been dismissed before commencing the trial. However, on the question of whether conveying that information would have made any difference in Brown's decision to proceed with the trial or the ultimate sentence imposed by the court under the advisory guidelines now in effect the trial judge is uniquely able to make the credibility and discretionary determinations mandated by this set of facts.

Trial counsel failed to notice that the indictment contained duplicitous counts

As already discussed above, the indictment in this case was not open to attack on the grounds that it was duplicitous and, therefore, counsel was not ineffective for not challenging it on this basis.

Trial counsel failed to challenge the use of prior offenses not involving conspiracy as predicates for Brown's career offender status

In his fifth ground articulated in his addendum memorandum, Brown asserts that his attorney should have investigated his criminal history towards the end of challenging the use of prior convictions that did not involve conspiracy in establishing his status as a career offender. As discussed earlier, Brown is mistaken in his interpretation of the law; controlled substance offenses need not have a conspiracy overlay in order to be used as predicate offenses for a career offender status. Counsel did not perform deficiently in declining to assert such an argument.

Appellate counsel failed to raise an ineffective assistance of trial counsel challenge on direct appeal

It is only in the most unusual circumstance that the First Circuit Court of Appeals will entertain an ineffective assistance claim on direct appeal. Even if Brown could have presented such a claim, there is no prejudice in counsel not doing so as such claims are properly presented in this 28 U.S.C. § 2255 motion. See United States v. Martins, 413 F.3d 139, 155 (1st Cir. 2005); Rivera Alicea v. United States, 404 F.3d 1, 3 (1st Cir. 2005).

Conclusion

For the reasons above I recommend that the Court grant the United States' motion (Docket No. 10) and summarily deny this 28 U.S.C. § 2255 motion.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

December 13, 2006.

/s/Margaret J. Kravchuk
U.S. Magistrate Judge

BROWN v. USA

Assigned to: JUDGE GEORGE Z. SINGAL

Referred to: MAG. JUDGE MARGARET J.
KRAVCHUK

Date Filed: 07/27/2006

Jury Demand: None

Nature of Suit: 510 Prisoner:

Related Case: [2:03-cr-00114-GZS](#)
Cause: 28:2255 Motion to Vacate / Correct Illegal
Sentenc

Vacate Sentence
Jurisdiction: U.S. Government
Defendant

Plaintiff

MELVIN BROWN

represented by **MELVIN BROWN**
04436-036
USP LEWISBURG
PO BOX 1000
LEWISBURG, PA 17837
PRO SE

V.

Defendant

USA

represented by **MARGARET D.
MCGAUGHEY**
U.S. ATTORNEY'S OFFICE
DISTRICT OF MAINE
100 MIDDLE STREET PLAZA
PORTLAND, ME 04101
(207) 780-3257
Email:
margaret.mcgaughey@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED