

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER DENYING DEFENDANT’S
)	MOTION TO CORRECT THE RECORD
vs.)	
)	Case No. 3:16-cr-272
Jovan Marquis Harris,)	
)	
Defendant.)	

Before the Court is the “Defendant’s Motion to Correct Record” filed on August 16, 2019. See Doc. No. 155. On May 14, 2018, a jury found the Defendant guilty of conspiracy to possess with intent to distribute and distribute a controlled substance resulting in serious bodily injury and death in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 18 U.S.C. § 2; three counts of distribution of a controlled substance resulting in death or serious bodily injury in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 18 U.S.C. § 2; and two counts of distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. See Doc. No. 97. After the Defendant was sentenced on December 18, 2018, he appealed the matter. See Doc. No. 143. The appeal is currently pending before the Eighth Circuit Court of Appeals.

Pursuant to Rules 4(b)(5) and 10(e)(2) of the Federal Rules of Appellate Procedure, it is less than clear whether the district court has jurisdiction to rule on the Defendant’s motion. The Defendant has alleged a litany of significant errors or omissions in the transcript of the trial. The undersigned believes this motion should first be presented to the Eighth Circuit Court of Appeals for instructions as to how to properly proceed. Specifically, it is unclear whether a response is first required from the court reporter concerning the accuracy of the trial record and/or the need for a supplemental record certified by the court reporter. Therefore, the Court **DENIES** the motion (Doc. No. 155) without prejudice.

IT IS SO ORDERED.

Dated this 19th day of September, 2019.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court