

THIS CASE HAS NOT BEEN SET FOR ORAL ARGUMENT

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4543

1:21-cr-00458-JKB-1

UNITED STATES OF AMERICA,

Appellee,

v.

ELIAS COSTIANES, JR.,

Appellant.

**APPELLANT'S REPLY TO GOVERNMENT RESPONSE TO
EMERGENCY MOTION FOR INJUNCTION, STAY, AND MOTION TO
EXPEDITE PENDING APPEAL**

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Appellant, ELIAS COSTIANES, JR., respectfully submits this Reply that concurs and is in support of the Government's Response at Document 20-1 ("Response"). The Government agreed that Mr. Costianes' case falls under the Presidential Pardon, and that he should immediately be released from incarceration.

He respectfully requests that this Court Order that the U.S. Marshals and BOP immediately release Mr. Costianes from the Northeast Ohio Corrections Center (NEOCC) where he is presently incarcerated, vacate the judgment of the district court, moot the current appeal in this Court, and remand the case to the district court with instructions for dismissal.

In addition to the release Order, the standard language used in the D.C. Circuit that this honorable Court may consider for the vacatur under the pardon is:

Upon consideration of the unopposed motion to vacate convictions and remand for dismissal, it is ORDERED that the judgment of the district court be vacated and the case be remanded with instructions to dismiss the case as moot. See *United States v. Schaffer*, 240 F.3d 35, 37–38 (D.C. Cir. 2001) (en banc) The Clerk is directed to issue the mandate forthwith to the district court.

Wherefore, in conclusion Mr. Costianes requests the Court grant and Order the relief requested and as supported in the Response: immediate release, vacatur of the lower Court's judgment, remand to the lower court for dismissal, and mooting of the present appellate case.

February 20, 2025

Respectfully Submitted,

/s/ Carolyn Stewart

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) of the Federal Rules of Appellate Procedure. As measured by the undersigned's word-processing system used to prepare this motion, the Reply contains 235 words.

2. This document complies with the type style requirements of Fed. R. App. P. 32(a)(6), because it has been prepared in a 14 point proportionally spaced roman-style typeface (Times New Roman).

February 20, 2025

/s/ Carolyn Stewart
Carolyn Stewart
Appellant's Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2025, I caused the foregoing Appellant's' Motion to be served on Appellee by the Court's electronic filing system where the Appellee is registered.

February 20, 2025

/s/ Carolyn Stewart
Carolyn Stewart
Appellant's Counsel