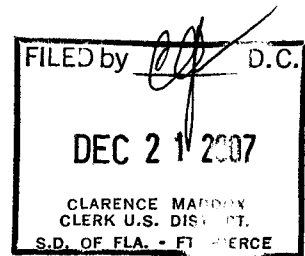


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION



UNITED STATES  
PLAINTIFF,  
vs.  
MARCELLUS M. MASON, Jr.,  
DEFENDANT

Case No.: 02-14020-CR-MOORE ✓  
Case No. : 99-14027-CV-Graham  
**DEFENDANT'S MOTION TO MODIFY  
MOTION TO VACATE CONVICTION AND  
WITHDRAW A REMEDY**

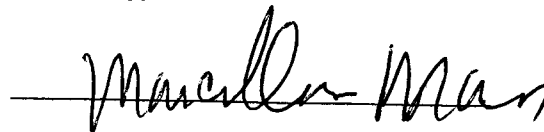
DEFENDANT, Marcellus M. Mason, Jr. hereby submits his MOTION TO MODIFY MOTION TO VACATE CONVICTION AND WITHDRAW A REMEDY. In support of this motion, Defendant states the following:

1. **Defendant, Marcellus M. Mason, Jr., resides at: 214 Atterberry Drive, Sebring, FL, 33870 and has been at this address for several years now.** Moreover, Defendant's Motion to Vacate has this address on it on page 23, (DE #106).
  - On 07/17/2007, (DE #106), Defendant filed a MOTION to Vacate Conviction.
2. This MOTION to Vacate Conviction asks for three specific remedies. (1)A declaration that the so-called "discovery orders", Case No. 99-14027-CV- Graham, (D.E. #201, dtd. 6-19-2000) and (D.E. #2461, dtd. 7-25-2000), are unconstitutional. (2)Vacate the *sua sponte* issued injunction of September 20, 2001, Case No. 99-14027-CV- Graham, (D.E. #878). (3)Vacate the contempt conviction is this matter.
  - Defendant withdraws his request to vacate the contempt conviction is this matter. Defendant reserves his right to submit a request for this remedy at a later date.
  - Defendant/Plaintiff, Marcellus M. Mason, Jr. seeks only civil remedies with respect to this matter. Defendant seeks only the first two remedies listed above in paragraph two.
  - Defendant/Plaintiff asserts his right under Federal Rules of Civil Procedure 60(b)(4) challenging the validity of the *sua sponte* issued injunction of September 20, 2001, Case No. 99-14027-CV- Graham, (D.E. #878), and the injunctions or so-called "discovery orders", Case No. 99-14027-CV- Graham, (D.E. #201, dtd. 6-19-2000) and (D.E. #2461, dtd. 7-25-2000).
  - Defendant/Plaintiff asserts that this matter be captioned under Case No. 99-14027-CV-Graham and Case No.: 02-14020-CR-MOORE.

Respectfully submitted:

Dated this 14<sup>th</sup> day of December 2007

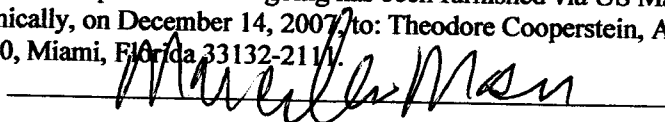
Marcellus M. Mason, Jr.  
214 Atterberry Drive  
Sebring, FL 33870



A handwritten signature in black ink, appearing to read "Marcellus Mason", is written over a horizontal line.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and electronic copies of the foregoing has been furnished via US Mail, postage prepaid, first class, and or electronically, on December 14, 2007 to: Theodore Cooperstein, Assistant U.S. Attorney, 99 N.E. 4<sup>th</sup> Street, Suite 300, Miami, Florida 33132-2111.



A handwritten signature in black ink, appearing to read "Marcellus Mason", is written over a horizontal line.