

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2022

Lyle W. Cayce
Clerk

No. 22-20212
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JULIA ANN POFF,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-205
USDC No. 4:17-CR-669-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Julia Ann Poff, federal prisoner # 30835-479, pleaded guilty pursuant to a written agreement with the Government to violating 18 U.S.C. § 844(d), based on her mailing an improvised explosive device to President Barack

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 22-20212

Obama, and she was sentenced to 120 months of imprisonment. In this interlocutory appeal, she challenges the district court's denial of her motion for release on personal recognizance or bond pending disposition of her 28 U.S.C. § 2255 motion to vacate her conviction and sentence.

Poff asserts that release is warranted because she is very likely to succeed on one or more of her claims of ineffective assistance of counsel. She further asserts she has established extraordinary circumstances because she suffers from several serious medical conditions for which she is not being properly treated and because those conditions place her at greater risk of contracting COVID-19 and suffering serious harm to her health or death as a result.

To obtain release on bail pending the disposition of a § 2255 motion, or pending an appeal in a § 2255 case, the movant must “raise[] substantial constitutional claims upon which he has a high probability of success,” and she must also show that “extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective.” *Calley v. Callaway*, 496 F.2d 701, 702 (5th Cir. 1974).

In light of Poff's motion and the record, the district court's order denying Poff's motion for release pending collateral review is **AFFIRMED**. To the extent that Poff's notice of appeal could be construed as seeking bail pending conclusion of this appeal, that motion is **DENIED** as moot. Poff's motion for expedited consideration of her appeal also is **DENIED** as moot.