

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 5, 2015

To: Mr. Nolan Johnson, Reg No. 31896-034, Federal Correctional Institution - Beaumont
Medium, Post Office Box 26040, Beaumont, Texas 77720

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- ☒ **There is no case pending in the Court of Appeals of Georgia under your name.**
- ☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- ☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- ☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- ☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- ☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- ☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- ☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- ☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
Plaintiff,

v.

Nolan Johnson
Defendant,

§
§
§
§
§
§
§

Case No.:

RECEIVED IN OFFICE
2015 MAR -3 PM 12:00
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

MOTION TO DISMISS

TO THE HONORABLE COURT;

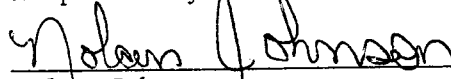
COMES NOW, Nolan Johnson, Petitioner, pro se, to petition this Court to Dismiss the above mentioned Case, with prejudice for want of prosecution. Petitioner has been incarcerated since September 10, 2010. The State of Georgia, Fulton County, has been aware of Petitioner's incarceration. Petitioner has sent several motions trying to deal with this charge appropriately. However, this Court has refused to act upon any of these motions, (Plea in Absentia, and Writ Habeas Corpus). The Bureau of Prisons also sent a 'Detainer Action Letter' to this Court. Therefore, this Court has had ample time to prosecute this Petitioner and has failed to do so.

CONCLUSION

This Court should dismiss these charges with prejudice, for want of prosecution. This Petitioner and the Bureau of Prisons have tried every avenue available to persuade this Court to prosecute to no avail. Therefore, this Court should dismiss all charges with prejudice.

As my understanding of the law is very limited and I am filing pro se, please give this Petitioner substantial leeway, Haines v. Kerner 404 US 519 30 Led 2d 652 92 S Ct. 594.

Respectfully Submitted,



Nolan Johnson
D.O.B. 05/09/1966

CERTIFICATE OF SERVICE

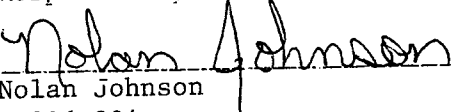
I, Nolan Johnson, Petitioner, pro se, do hereby certify, pursuant to 28 U.S.C. §1746, that on this day of December 15, 2014, I have placed true and correct copies of the foregoing Motion in the legal mail system for prisoners located herein at the Beaumont Medium Federal Correctional Institution, to be forwarded to the foregoing party(ies);

Rhonda G. Payne, Clerk
136 Pryor St., SW
Room c-155
Atlanta, GA 30303

William L. Martin III, Clerk/Court Administrator
47 Trinity Ave., SW, Suite 501
Atlanta, GA 30334

Therese Barnes, Clerk
244 Washington St., SW, Room 572
Atlanta, GA 30334

Respectfully Submitted,


Nolan Johnson

31896-034
FCI Beaumont medium
P.O. Box 26040
Beaumont, Texas 77720