United States v. Sharopetrosian

United States District Court for the Central District of California

November 6, 2026, Decided; November 6, 2026, Filed

2:11-cr-00072-RGK-4

Reporter
2026 U.S. Dist. LEXIS 257415 *; 2026 LX 638067

USA v. 4) Arman Sharopetrosian

Prior History: *United States v. Sharopetrosian, 2014 U.S. Dist. LEXIS 197239 (C.D. Cal., Aug. 15, 2014)*

Counsel: **[*1]** Arman Sharopetrosian, Defendant, Pro se.

Judges: R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE.

Opinion by: R. GARY KLAUSNER

Opinion

CRIMINAL MINUTES - GENERAL

Proceedings: (IN CHAMBERS) Order Re: Defendant's Motion for Reconsideration [4505]

I. INTRODUCTION

On April 17, 2014, a jury convicted Defendant Arman Sharopetrosian of RICO Conspiracy in violation of *18 U.S.C. § 1962(d)* (Count 1); and Extortion Conspiracy and Extortion in violation of *18 U.S.C. § 1951(a)* (Counts 4 and 5). (ECF No. 3191.) On September 22, 2014, Defendant was sentenced to 192 months' imprisonment. (ECF No. 3517.) On November 17, 2017, the Ninth Circuit reversed Defendant's 2014 trial conviction. (ECF No. 4140.) The case did not go to trial again. Instead, on December 12, 2022, Defendant pled guilty to the RICO Conspiracy (Count 1) pursuant to a written plea agreement. (ECF No. 4366.) On November 6, 2023, Defendant was sentenced to 137 months' imprisonment. (ECF No. 4390.). On November 7, 2023, the Court entered Defendant's judgment and commitment order. (ECF No. 4391.) Defendant did not appeal.

On November 5, 2024, Defendant's then-counsel delivered the motion and supporting papers to the Clerk's intake office and were directed to email the filing directly to this Chambers. (ECF No. 4512, Ex. A.) That same day, Defendant's then-counsel **[*2]** emailed the motion, supporting documents, and Petitioner's authorization to this Chamber's email address at RGK_Chambers@cacd.uscourts.gov. (*Id.*) On November 7, 2024, the Court informed Defendant's then-counsel that because there was no record of Defendant's attorney being withdrawn as attorney of record, the motion submitted in *pro se* form was thereby rejected and would not be considered or filed. That same day, Defendant's then-counsel emailed this Chamber with a request for approval or substitution or withdrawal of counsel. The Court informed Defendant's then-counsel that a formally noticed and served motion is required.

Counsel moved to withdraw as counsel for Defendant on November 8, 2024.[1] (ECF No. 4422.) On January 7, 2025, the Court denied the Motion to Withdraw on procedural grounds. (ECF No. 4430.) Counsel filed an additional Motion to Withdraw on January 28, 2024 (ECF No. 4433), which the Court granted on March 20, 2025. (ECF No. 4439.)

On February 10, 2025, Defendant filed a letter seeking a status update of his *28 U.S.C. § 2255* motion. (ECF No. 4437.) On March 21, 2025, the Court issued an Order "advis[ing] that there are currently no pending motions in this case." (ECF No. 4440.)

On July **[*3]** 10, 2025, Defendant filed a second letter seeking a status update on a motion to set aside Defendant's conviction, which the court construed as a *28 U.S.C. § 2255* motion. (ECF No. 4449.) On July 21, 2026, the Court denied Defendant's Motion for Status Regarding Request to Set Aside Conviction and Defendant's Motion to Initiate Disciplinary Action. ("July 21, 2026 Order," ECF No. 4495 (finding "there is no Motion to Set Aside Conviction before the Court" and "Defendant's time limit to file his motion would have expired on November 22, 2024, which is one year and fourteen days after Defendant's judgment became final.").)

Presently before the Court is Defendant's Motion for Reconsideration of the July 21, 2026, Order. (ECF No. 4504). For the following reasons, the Court **DENIES** Defendant's Motion for Reconsideration.

II. JUDICIAL STANDARD

Although the Federal Rules of Criminal Procedure do not specifically authorize motions for reconsideration, district courts have "inherent authority" to decide such motions. *United States v. Barragan-Mendoza, 174 F.3d 1024, 1028 (9th Cir. 1999)*; *see also United States v. Mendez, 2008 U.S. Dist. LEXIS 120217, 2008 WL 2561962, at *1 (C.D. Cal. June 25, 2008)* ("[N]umerous circuit courts have held that motions for reconsideration may be filed in criminal cases.").

"Courts have held that motions for reconsideration in criminal cases are governed **[*4]** by the rules that govern equivalent motions in civil proceedings." *Mendez, 2008 U.S. Dist. LEXIS 120217, 2008 WL 2561962, at *2*. Under *Federal Rule of Civil Procedure 60(b)*, a party may bring a motion for relief from a judgment due to mistake, surprise, or excusable neglect. *Fed. R. Civ. P. 60(b)*. Absent unusual circumstances, reconsideration is only appropriate where the court is presented with newly-discovered evidence, the court committed clear error, the decision was manifestly unjust, or there has been an intervening change in controlling law. *Beentjes v. Placer Cty. Air Pollution Control Dist., 254 F. Supp. 2d 1159, 1161 (E.D. Cal. 2003)* (citing *Sch. Dist. No. 1J, Multnomah Cty. v. AC & S, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)*). A motion for reconsideration should not be used to reargue the motion or present evidence which should have been presented previously. *Beentjes, 254 F. Supp. 2d at 1161*.

III. DISCUSSION

Upon further review of the docket, the parties' briefings, and this Chamber's communications with Defendant's prior counsel, the Court finds that no *28 U.S.C. § 2255* motion was filed before this Court before the November 22, 2024 deadline. The one-year statute of limitations runs from the "date on which the judgment of conviction becomes final." *28 U.S.C. § 2255(f)(1)*. Where a defendant does not seek an appeal, a defendant's conviction becomes final when the time to file a notice of appeal expires, which is fourteen days after entry of judgment. *See Fed. R. App. P. 4(b)*; *United States v. Gilbert, 807 F.3d 1197, 1199 (9th Cir. 2015)*. Here, Defendant did not appeal, and the deadline to file any motion pursuant to **[*5]** *§ 2255* was November 22, 2024.

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[1] That same day, the Court set the following briefing schedule: "Defendant's Response or any Opposition due on or before 12/9/2024. Any Reply due on for before 12/20/2024. The motion will be deemed submitted upon the filing of a reply or upon expiry of the reply deadline." (ECF No. 4425.)

On November 5, 2024, Defendant's then-counsel attempted to file Defendant's *pro se* motion pursuant to *§ 2255*. A defendant in a criminal case does not have a right to both self-representation and counsel. *United States v. Bergman, 813 F.2d 1027, 1030 (9th Cir. 1987)*. This Court does not normally consider *pro se* motions filed by a defendant who is represented by counsel. Here, Defendant was represented by counsel until March 20, 2025, and the Court did not consider Defendant's November 5, 2024 motion filed *pro se. See Krongkiet v. Beard, 597 F. App'x 416, 417 (9th Cir. 2015)* (holding court's "refusal to entertain [a] pro se motion" was proper because petitioner was "represented by counsel"); *Vigeant v. Baughman*, 2019 WL 1578381, at *2 (C.D. Cal. Feb. 14, 2019) (finding same).

While Defendant contends he was not aware that the motion was not properly filed before this Court, as evidenced by his February 10, 2025, and July 10, 2025, letters, Defendant's then-counsel had not withdrawn prior to the November 22, 2024 deadline, thereby permitting Defendant to file his motion as a *pro se* litigant. Nor did Defendant's then-counsel file a *§2255* motion prior to the deadline as Defendant's attorney of record. To date, no motion has been filed with the Court. All additional *pro se* filings by Defendant that reference the existence of such a motion were filed past the November **[*6]** 22, 2024 deadline. (*See* ECF No. 4449 (July 7, 2025 letter seeking a status update regarding the *§2255* motion).)

IV. CONCLUSION

Upon further review, the record does not provide any filings that the Court can construe as a timely *§ 2255* Motion. Accordingly, the Court **DENIES** Defendant's Motion for Reconsideration.

Additionally, the mailing address for Defendant was changed on February 18, 2025 to FCI Victorville Med I, PO Box 3725, Adelanto, CA 92301. Per Defendant's request, the Clerk's Office Records Department is ordered to send printed copies to Defendant Arman Sharopetrosian of the March 21, 2025 Order (ECF No. 4440) and the July 21, 2026 Order Re: Defendant's Motion for Status Regarding Request to Set Aside Conviction (ECF No. 4495).

IT IS SO ORDERED.

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