

In the United States District Court

USDC - GREENBELT
22 MAY 18 PM 02:15

for the

District of

Maryland

United States of America

v.

JOHANAH NAPOLEON }

22-60111-CR-SMITH/
Valle

Criminal No. GJH 22CR185

Consent to Transfer of Case

for Plea and Sentence

(Under Rule 20)

I, JOHANAH NAPOLEON, defendant, have been informed that a Superseding Information (indictment, information, complaint) is pending against me in the above designated cause. I wish to plead guilty (guilty, nolo contendere) to the offense charged, to consent to the disposition of the case in the Southern District of Florida in which I am under arrest (am under arrest, am held) and to waive trial in the above captioned District.

Dated: May 12, 2022 at Washington, FI

Johannah Napoleon
(Defendant)

(Witness)

Jn Rn
(Counsel for Defendant)

Approved

Erek L. Barron

United States Attorney for the

District of

Maryland

Juan Antonio Gonzalez

United States Attorney for the

Southern

Florida

District of

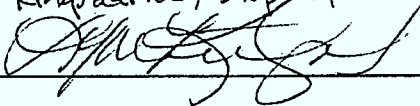
U.S. Department of Justice

Rule 20 -- Transfer Notice

To: Erek L. Barron U.S. Attorney for the District of Maryland	District Maryland	Date
Name of Subject: Johanah Napoleon	Statute Violated 18 U.S.C. 1343	File Data (Initials and Number)


Part A -- District of Arrest

- ☐ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☒ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☐ Other (Specify):
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- Date of Plea Date of Sentence Sentence

From (Signature and Title) Lynn K. Patrick, Deputy Criminal Chief 	Address 99 NE 4th Street Miami, FL 33132
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Part B -- District of Offense

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock
- (Kindly notify me of any anticipated delay)
- ☐ Enclosed are two certified copies of indictment or information Docket No. _____
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):

Signature (Name and Title) Erek L. Barron U.S. Attorney 	District Maryland	Date 5/9/2022
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
Replaces OBD-101, Fed. 83 edition may be used

JCC
CRC/KOH: USAO 2019R00339

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

JOHANAH NAPOLEON,

Defendant

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CRIMINAL NO. *6JH 22CR185*

(Wire Fraud, 18 U.S.C. § 1343; Aiding
and Abetting, 18 U.S.C. § 2;
Forfeiture, 18 U.S.C. § 981(a)(1)(C),
21 U.S.C. § 853(p), 28 U.S.C. § 2461(c))

INFORMATION

COUNT ONE
(Wire Fraud)

The United States Attorney for the District of Maryland charges that:

At all times relevant to this Information:

Introduction

1. State Boards of Nursing were established to protect the public's health by overseeing and assuring the safe practice of nursing. Boards of Nursing achieve this mission by establishing the standards for safe nursing care and issuing licenses authorizing the practice of nursing. Once a license was issued, the Boards of Nursing held licensees to provisions defined in state laws and, when necessary, acted against the licenses of those nurses who have exhibited unsafe nursing practice.

2. The purpose of a professional license was to protect the public from harm by setting minimal qualifications and competencies for safe entry-level practitioners. Nursing was regulated because it is one of the health professions that poses a risk of harm to the public if practiced by someone who is unprepared and/or incompetent.

3. Typical components of licensure to be a Registered Nurse (“RN”) or a Licensed Practical Nurse (“LPN”) included, among other things, verification of graduation from an approved pre-licensure nursing program, verification of successful completion of the National Council Licensure Examination (“NCLEX”), a criminal background check, and in some states—including New York—continuing education credits.

4. Once a nursing license was obtained in one jurisdiction, various state reciprocity agreements simplified the process to obtain a license and practice in another state.

The Defendant and Relevant Entities and Individuals

5. Palm Beach School of Nursing, LLC (“Palm Beach School of Nursing”) was a limited liability company incorporated under the laws of the State of Florida on or about April 11, 2016, with its principal address located in Lake Worth, Florida. Palm Beach School of Nursing was licensed by the Florida Board of Nursing as a nursing education program on or about June 22, 2012. Palm Beach School of Nursing’s license was terminated on or about May 2, 2017, due to the low passage rate of its graduates.

6. The defendant, JOHANAH NAPOLEON (“NAPOLEON”), was a resident of West Palm Beach County, Florida, and the President of Palm Beach School of Nursing.

7. Nursing School 1 was incorporated under the laws of the State of Virginia on or about July 2007. Nursing School 1 was licensed by the Virginia Board of Nursing in or around July 2008. In or around June 2013, Nursing School 1’s license was terminated by the Virginia Board of Nursing due to the low passage rates of its graduates.

8. Company 1 was a limited liability company incorporated under the laws of the District of Columbia on or about August 3, 2011.

9. **Patrick Nwaokwu** (“**Nwaokwu**”), a resident of Maryland, was an instructor at Nursing School 1 in Virginia and the owner of Company 1. **Nwaokwu** was the signatory on multiple bank accounts, including an account at Bank 1 in the name of Company 1 ending in -0980 (“**Bank 1-0980**”). **Bank 1-0980** was opened in or around November 2014, with a mailing address in Washington, DC. In or around May 2019, **Nwaokwu** changed the address on **Bank 1-0980** to an address in Laurel, Maryland.

10. **Geralda Adrien** (“**Adrien**”) was a resident of Broward County, Florida. **Adrien** was the signatory on several bank accounts, including an account at Bank 1 in **Adrien**’s name ending in -3677 (“**Bank 1-3677**”).

11. The New York State Education Department (“**NYSED**”) was the department of the New York state government responsible for all applications and licensure of medical professionals, including RNs and LPNs.

The Scheme to Defraud

12. In or around 2018, **NAPOLEON** and her co-conspirators, including **Nwaokwu** and **Adrien**, devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises—including by, among other things, selling fraudulent nursing diplomas, educational transcripts and other credentials, and assisting the purchasers in fraudulently obtaining licensure and ultimately employment in the healthcare field—all with the intent to defraud and with knowledge of the scheme’s fraudulent nature (the “scheme to defraud”).

Manner and Means of the Scheme to Defraud

It was part of the scheme to defraud that:

13. Beginning in or around 2018, **NAPOLEON, Nwaokwu**, and **Adrien** sold false and fraudulent diplomas and educational transcripts which falsely represented that the purchasers of the documents had completed the necessary courses and/or clinical training to obtain nursing degrees when, in fact, the purchasers had never completed the necessary courses and/or clinical training.

14. **Nwaokwu**, who resided in Maryland, targeted prospective purchasers and told them that he could help them obtain nursing degrees and licenses. **Nwaokwu** stated that he was affiliated with Palm Beach School of Nursing, which he explained was a nursing school in Florida, and purchasers would receive degrees from Palm Beach School of Nursing. **Nwaokwu** generally charged \$17,000 for RN degrees and \$10,000 for LPN degrees.

15. As part of the scheme, **Nwaokwu** directed purchasers to complete certain forms, including an application for Palm Beach School of Nursing. **Nwaokwu** instructed purchasers not to complete the dates on the application forms because the dates would be added in Florida and back-dated to make it appear as though the student had been part of a previous graduating class—a class that graduated in or before December 2019, which was the date of the last graduating class of the Palm Beach School of Nursing.

16. In addition, **Nwaokwu** directed purchasers to complete applications for licensure to be submitted to the NYSED, which asked for information about the applicant and the applicant's nursing education and degree(s). **Nwaokwu** instructed purchasers to list Palm Beach School of Nursing and to leave the dates of graduation blank, as the dates would be added in Florida.

17. **Nwaokwu** then mailed and caused others to mail these false and fraudulent application forms and documents to **NAPOLEON** and **Adrien** in Florida, including by sending them using the United States Postal Service.

18. **NAPOLEON**, **Adrien**, and others then added false and incorrect dates to these fraudulent application forms. **NAPOLEON**, **Adrien**, and others also created false and fraudulent diplomas and educational transcripts, all of which falsely represented that the purchasers of the documents had completed the necessary courses and/or clinical training to obtain nursing degrees (collectively, the “false and fraudulent documents”).

19. **NAPOLEON**, **Adrien**, and others then mailed and caused others to mail, by United States Postal Service, the false and fraudulent documents back to **Nwaokwu** to be provided to the purchasers. **NAPOLEON**, **Adrien**, and others also mailed and caused others to mail, by United States Postal Service, the false and fraudulent documents to the purchasers and to state licensing agencies, including the NYSED, on behalf of the purchasers.

20. Using the false and fraudulent documents, including continuing education certifications, **NAPOLEON**, **Adrien**, **Nwaokwu**, and others assisted the purchasers of the false and fraudulent documents to obtain fraudulent nursing licenses from state licensing agencies, and ultimately employment in the healthcare field.

21. In furtherance of the scheme, **Nwaokwu** caused purchasers to submit payment for the false and fraudulent documents via cash, check, or electronic wire transfer.

22. **Nwaokwu** used a portion of the purchaser’s funds to pay **Adrian** and **NAPOLEON** for providing false and fraudulent documents in furtherance of the scheme. Specifically, **Nwaokwu** (a) wired and caused others to wire money to **Adrien** via interstate electronic funds transfer; and (b) mailed and caused others to mail, by the United States Postal

Service, checks to **Adrien**. **Nwaokwu** provided these funds to **Adrien** as payment for **Adrien** and **NAPOLEON** providing false and fraudulent documents from Palm Beach School of Nursing.

23. **Adrien** and **NAPOLEON** agreed that **Adrien** would accept funds from **Nwaokwu** on behalf of both **NAPOLEON** and **Adrien**. After receiving the fraudulently obtained proceeds from **Nwaokwu**, **Adrien** shared these funds with **NAPOLEON**, often by providing **NAPOLEON** with cash.

24. **NAPOLEON**, **Adrien**, **Nwaokwu**, and others used the proceeds of the fraud for their personal use and benefit, and to further the fraud.

The Charge

25. On or about January 28, 2020, in the District of Maryland and elsewhere, the defendant,

JOHANAH NAPOLEON,

for the purpose of executing and attempting to execute the scheme to defraud, did knowingly transmit and cause to be transmitted by means of wire communication, in interstate and foreign commerce, writings, signs, signals, pictures, and sounds—to wit, on or about January 28, 2020, **NAPOLEON** caused to be transmitted an interstate wire transfer of approximately \$5,000 from **Nwaokwu** in Maryland, using Bank 1-0980, to **Adrien** in Florida, using Bank 1-3677.

18 U.S.C. § 1343
18 U.S.C. § 2

FORFEITURE ALLEGATION

The United States Attorney for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c) in the event of the defendant's conviction under Count One of this Information.

Wire Fraud Forfeiture

2. Upon conviction of the offense alleged in Count One of this Information, the defendant,

JOHANAH NAPOLEON,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

Substitute Assets

3. If, as a result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

18 U.S.C. § 981(a)(1)(c)
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)

Date: May 17 2022

Erek L. Barron /KOM
Erek L. Barron
United States Attorney

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CLOSED

**U.S. District Court
District of Maryland (Greenbelt)
CRIMINAL DOCKET FOR CASE #: 8:22-cr-00185-GJH-1**

Case title: USA v. Napoleon

Date Filed: 05/18/2022

Magistrate judge case number: 8:21-mj-02014-TJS

Date Terminated: 05/18/2022

Assigned to: Judge George Jarrod Hazel

Defendant (1)

Johanah Napoleon

TERMINATED: 05/18/2022

represented by **Rand William Lucey**

Jezic and Moyse LLC
2730 University Blvd West
Ste 604
Wheaton, MD 20902
2402927200
Fax: 2402927225
Email: rand.lucey@jezicfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel DeFabio
Florida Lawyer PA
201 Alhambra Circle Suite 503
Coral Gables, FL 33134
3054336191
Email: jd@jdefabio.com
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Disposition

Terminated Counts

18:1343 WIRE FRAUD; 18:2 AIDING
AND ABETTING
(1)

RULE 20 TRANSFER TO THE USDC
FOR THE SOUTHERN DISTRICT OF
FLORIDA

Highest Offense Level (Terminated)

Felony

Complaints

18 U.S.C. § 1349; Conspiracy to Commit
Health Care Fraud; 18 U.S.C. § 371;
Conspiracy to Commit False Statements
Relating to Health Care Matters; 18 U.S.C.
§ 1035; False Statements Relating to
Health Care Matters

Disposition

Plaintiff

USA

represented by **Caitlin R Cottingham**
United States Attorney's Office
6500 Cherrywood Lane, Suite 200
Greenbelt, MD 20770
(301) 344-0862
Email: caitlin.cottingham@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Kelly OConnell Hayes
Office of the United States Attorney
6406 Ivy Ln Ste 800
Greenbelt, MD 20770
13013440041
Fax: 13013444516
Email: kelly.hayes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
07/08/2021	<u>1</u>	SEALED CRIMINAL COMPLAINT as to Johanah Napoleon (1). (Attachments: # <u>1</u> Affidavit) (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/08/2021)
07/08/2021	<u>3</u>	Government's Motion to Seal and Order GRANTING same as to Johanah Napoleon Signed by Magistrate Judge Timothy J. Sullivan on 7/8/2021. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/08/2021)

07/12/2021	<u>4</u>	Government's Motion to Unseal Case and Order GRANTING same as to Johanah Napoleon Signed by Magistrate Judge Gina L Simms on 7/12/2021. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/12/2021)
07/15/2021	<u>5</u>	Rule 5(c)(3) Documents Received as to Johanah Napoleon (Attachments: # <u>1</u> Defense Attorney Appearance, # <u>2</u> Appearance Bond with Conditions of Release, # <u>3</u> Appearance Bond with Conditions of Release and Receipt, # <u>4</u> Order of Removal)(jcs, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/15/2021)
07/23/2021	<u>6</u>	MOTION to Appear Pro Hac Vice for Joel DeFabio <i>Movant, Thomas Morrow</i> (Filing fee \$100, receipt number 0416-9396315.). (Lucey, Rand) [8:21-mj-02014-TJS] (Entered: 07/23/2021)
07/23/2021	<u>7</u>	ORDER granting <u>6</u> Motion to Appear Pro Hac Vice on behalf of Joel DeFabio. Directing attorney Joel DeFabio to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration as to Johanah Napoleon (1). Signed by Clerk on 7/23/2021. (mh4, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/23/2021)
07/26/2021	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: Joel DeFabio as Retained Counsel appearing for Johanah Napoleon(DeFabio, Joel) [8:21-mj-02014-TJS] (Entered: 07/26/2021)
07/26/2021	<u>9</u>	Consent MOTION to Continue <i>Preliminary Hearing and Waive Filing of Indictment</i> by USA as to Johanah Napoleon. (Attachments: # <u>1</u> Text of Proposed Order)(Pulice, Erin) [8:21-mj-02014-TJS] (Entered: 07/26/2021)
07/26/2021	<u>11</u>	Initial Appearance as to Johanah Napoleon (Defendant informed of Rights.) held on 7/26/2021 before Magistrate Judge Timothy J. Sullivan.(FTR - Singletary - 2A) (ts2s, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/27/2021)
07/26/2021	<u>12</u>	ORDER Pursuant to Fed R Crim P 5(f) and the Due Process Protections Act as to Johanah Napoleon. Signed by Magistrate Judge Timothy J. Sullivan on 7/26/2021. (ts2s, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 07/27/2021)
07/27/2021	<u>10</u>	ORDER granting <u>9</u> Motion to Continue as to Johanah Napoleon (1). Signed by Magistrate Judge Timothy J. Sullivan on 7/27/2021. (jmm, Chambers) [8:21-mj-02014-TJS] (Entered: 07/27/2021)
07/28/2021	<u>13</u>	ORDER Setting Conditions of Release as to Johanah Napoleon. Signed by Magistrate Judge Timothy J. Sullivan on 7/28/2021. (bk4s, Deputy Clerk) Modified on 9/23/2021 (bk4s, Deputy Clerk). [8:21-mj-02014-TJS] (Entered: 07/28/2021)
08/18/2021		Check Received on 08/17/2021 from Johanah Napoleon. Check Number: 4039-27876140. Receipt Number: 14637129347. Amount: \$10,000.00. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 08/18/2021)
08/19/2021	<u>14</u>	Marginal Order approving registry deposit as to Johanah Napoleon Signed by Magistrate Judge Timothy J. Sullivan on 8/17/2021. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 08/19/2021)
08/27/2021	<u>15</u>	Consent MOTION for Protective Order by USA as to Johanah Napoleon. (Attachments: # <u>1</u> Text of Proposed Order)(Pulice, Erin) [8:21-mj-02014-TJS] (Entered: 08/27/2021)
08/30/2021	<u>16</u>	ORDER granting <u>15</u> Protective Order as to Johanah Napoleon (1) Signed by Magistrate Judge Timothy J. Sullivan on 8/27/2021. (mtds, Deputy Clerk) [8:21-mj-02014-TJS]

		(Entered: 08/30/2021)
10/27/2021	<u>17</u>	Consent MOTION to Continue <i>Preliminary Hearing and Waive Filing of Indictment</i> by USA as to Johanah Napoleon. (Attachments: # <u>1</u> Text of Proposed Order)(Pulice, Erin) [8:21-mj-02014-TJS] (Entered: 10/27/2021)
10/27/2021	<u>18</u>	Corrected MOTION to Continue <i>Consent Motion to Continue Preliminary Hearing and Waive Filing of Indictment</i> by USA as to Johanah Napoleon. (Attachments: # <u>1</u> Text of Proposed Order)(Pulice, Erin) [8:21-mj-02014-TJS] (Entered: 10/27/2021)
10/27/2021	<u>19</u>	ORDER granting <u>18</u> Corrected Motion to Continue Consent Motion to Continue Preliminary Hearing and Waive Filing of Indictment as to Johanah Napoleon (1) Signed by Magistrate Judge Timothy J. Sullivan on 10/27/2021. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 10/27/2021)
10/28/2021	<u>20</u>	NOTICE OF ATTORNEY APPEARANCE Kristi Noel O'Malley appearing for USA.(O'Malley, Kristi) [8:21-mj-02014-TJS] (Entered: 10/28/2021)
11/02/2021	<u>21</u>	NOTICE OF ATTORNEY APPEARANCE Kelly OConnell Hayes appearing for USA.(Hayes, Kelly) [8:21-mj-02014-TJS] (Entered: 11/02/2021)
11/04/2021	<u>22</u>	NOTICE by USA to <i>Withdraw Appearance of Erin Pulice</i> (Pulice, Erin) [8:21-mj-02014-TJS] (Entered: 11/04/2021)
12/31/2021	<u>23</u>	Consent MOTION to Continue <i>Preliminary Hearing and Waive Filing of Indictment</i> by USA as to Johanah Napoleon. (Attachments: # <u>1</u> Text of Proposed Order)(O'Malley, Kristi) [8:21-mj-02014-TJS] (Entered: 12/31/2021)
01/03/2022	<u>24</u>	ORDER granting <u>23</u> Motion to Continue as to Johanah Napoleon (1). Signed by Magistrate Judge Timothy J. Sullivan on 1/3/2022. (jmm, Chambers) [8:21-mj-02014-TJS] (Entered: 01/03/2022)
01/18/2022	<u>25</u>	NOTICE OF ATTORNEY APPEARANCE Caitlin R Cottingham appearing for USA.(Cottingham, Caitlin) [8:21-mj-02014-TJS] (Entered: 01/18/2022)
01/20/2022	<u>26</u>	NOTICE by USA <i>WITHDRAWAL OF APPEARANCE</i> (O'Malley, Kristi) [8:21-mj-02014-TJS] (Entered: 01/20/2022)
01/27/2022	<u>27</u>	Arrest Warrant Returned Executed on 07/10/2021 in case as to Johanah Napoleon - (Executed Arrest Warrant received from Chambers email on 1/27/2022 for docketing) (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 01/27/2022)
03/23/2022	<u>28</u>	Consent MOTION to Exclude <i>Time Pursuant to the Speedy Trial Clock</i> by USA as to Johanah Napoleon. (Cottingham, Caitlin) [8:21-mj-02014-TJS] (Entered: 03/23/2022)
03/24/2022	<u>29</u>	ORDER granting <u>28</u> Consent Motion to Exclude Time Pursuant to the Speedy Trial Clock as to Johanah Napoleon (1) Signed by Magistrate Judge Timothy J. Sullivan on 3/24/2022. (mtds, Deputy Clerk) [8:21-mj-02014-TJS] (Entered: 03/24/2022)
05/18/2022	<u>30</u>	INFORMATION as to Johanah Napoleon (1) count(s) 1. (dg3s, Deputy Clerk) (Entered: 05/18/2022)
05/18/2022	<u>32</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to USDC for the Southern District of Florida Counts closed as to Johanah Napoleon (1) Count 1. (dg3s, Deputy Clerk) (Entered: 05/18/2022)

05/18/2022	<u>33</u>	Notice to USDC for the Southern District of Florida of a Rule 20 Consent to Transfer as to Johanah Napoleon. Docket sheet and documents attached. (If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov.) (dg3s, Deputy Clerk) (Entered: 05/18/2022)
05/18/2022		Case electronically transferred to the USDC for the Southern District of Florida. (dg3s, Deputy Clerk) (Entered: 05/18/2022)