

NOV 24 2017

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ELEBERT FOX, PRO. SE. — PETITIONER
(Your Name)

vs.

STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS SUPREME COURT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELEBERT FOX, PRO. SE. #K-64319

(Your Name)

711 KASKASKIA ST. BOX-1000

(Address)

menard, illinois 62259-1000

(City, State, Zip Code)

(618) 826-5071
(Phone Number)

QUESTION(S) PRESENTED

I. Whether the State of Illinois violated Petitioner's 14th Amendment Right to A Direct Appeal which was meaningful and Adequate?

II. Whether the State of Illinois' Procedure of Restricting Claims on Direct Appeal for indigents violates Equal Protection, Due process, and AEDPA's requirements?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

| | |
|--|---|
| OPINIONS BELOW | 1 |
| JURISDICTION..... | |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | |
| STATEMENT OF THE CASE | |
| REASONS FOR GRANTING THE WRIT | |
| CONCLUSION..... | |

INDEX TO APPENDICES

| | |
|------------|-------------------------------------|
| APPENDIX A | <i>Denial of PLA</i> |
| APPENDIX B | <i>Rule 23 order</i> |
| APPENDIX C | <i>Pro se obstructive materials</i> |
| APPENDIX D | <i>Proposed Pro Se Brief</i> |
| APPENDIX E | |
| APPENDIX F | |

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

28 U.S.C. 2254

28 U.S.C. 2241

28 U.S.C. 2244

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix N/A to the petition and is

- ☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix N/A to the petition and is

- ☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is ILLINOIS SUPREME COURT

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the State Appellate court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was N/A.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 9-27-17.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N.A., and a copy of the order denying rehearing appears at Appendix N.A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N.A. (date) on N.A. (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

XIV, Amend, U.S.

28 U.S.C. § 2254(b)

STATEMENT OF THE CASE

The Illinois Appellate Court denied to Petitioner any meaningful opportunity to present his viable claims, in addition to preserving his claims by complying with Federal Presentment Requirements. State provided counsel may not create a procedural default on direct appeal, by failing to comply with (AEDPA), and then Abandon Petitioner to defend claims objected to by Petitioner before the direct Appeal Court.

REASONS FOR GRANTING THE PETITION

This Court should be inclined to Grant Certiorari to Address an instance where petitioner is denied any opportunity to preserve his federal claims, provide a Federal basis, or to comply with the terms of AEDPA, + afterwards abandoned by state provided counsel to defend frivolous claims which were summarily rejected by the direct Appeal Court, All to the demise and detriment of Petitioner, while also creating a procedural default under AEDPA.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

4-25-2018

Date: 