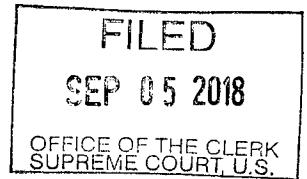


ORIGINAL

No. 18-7605

IN THE
SUPREME COURT OF THE UNITED STATES



DANIEL DIAZ — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE ELEVENTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

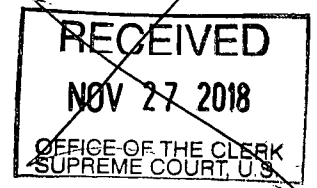
PETITION FOR WRIT OF CERTIORARI

DANIEL DIAZ
(Your Name)

PO Box 1031
(Address)

Coleman, FL. 33521
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

Whether the Eleventh Circuit Court of Appeals erred in affirming the denial of a request for certificate of appealability by holding that the charged statutes were not unconstitutionally overbroad in violation of the First Amendment to the U.S. Constitution.

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:

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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 _____ to the petition and is

☐ reported at _____; 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☒ is unpublished.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 _____~~ to the petition and is

☐ reported at _____; 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☒ is unpublished.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 _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ 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☐ is unpublished.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 April 19, 2018.

☐ 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: July 11, 2018, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (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 _____.
A copy of that decision appears at Appendix _____.

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

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

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

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. v. Williams, 553 U.S. 285 (2008)

JANUS v. AFSCME (2018) 585 U.S. ____ (2018)

NIFLA v. BECERRA, 585 U.S. ____ (2018)

STATUTES AND RULES

~~The First Amendment to the U.S. Constitution~~

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE FIRST AMENDMENT TO THE U.S. CONSTITUTION.

STATEMENT OF THE CASE

The Eleventh Circuit Court of Appeals denied my motion for certificate of appealability after the district court denied it. However, the statutes with which I was charged were overbroad in violation of the First Amendment to the U.S. Constitution because they were not limited to obscene sexually explicit conduct or depicting actual children engaged in sexually explicit conduct as required by *US v. Williams*, 553 U.S. 285 (2008).


REASONS FOR GRANTING THE PETITION

The case presents a question of exceptional importance warranting this court's immediate resolution. Recently this court in *Janus v. AFSCME* and *NIFLA v. Becerra* interpreted the First Amendment to the U.S. Constitution as stronger than previously held by many courts. This court should continue in that path to make sure the law is clear and the Constitution respected.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



DANIEL DIAZ

Date: 11/14/18