

18-8098
Case No. _____

Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

ANTONIO HALL,

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals for the Fourth Circuit
(USDC No. 1:14-CV-01693 (D. of Md.); USCA No. 17-6312)

PETITION FOR A WRIT OF CERTIORARI

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ORIGINAL

QUESTION PRESENTED

I.

DOES THE PRESUMPTION OF TIMELINESS TO BE ACCORDED THE PETITIONER'S PRO SE NOTICE OF APPEAL UNDER THE "MAIL BOX" RULE OF HOUSTON v. LACK, 487 U.S. 266 (1988) APPLY WHEN THE PETITIONER IS ABLE TO PROVE THAT HE TIMELY MAILED THE NOTICE OF APPEAL TO THE DISTRICT COURT AND THE U.S. ATTORNEY'S OFFICE — BUT IT WAS RECEIVED BY THE U.S. ATTORNEY ALONE? IS PROOF OF THE TIMELY MAILING CONTROLLING OR IS THE DISTRICT COURT'S FAILURE TO HAVE RECEIVED THE NOTICE OF APPEAL CONTROLLING?

LIST OF PARTIES

All parties appear in the caption of the case on the cover-page.

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QUESTION ONE

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DECISIONS BELOW

The Opinion of the United States Court of Appeals for the Fourth Circuit finding Petitioner Hall's Notice of Appeal to have been filed out of time, as well as the subsequent denial of the Petition for Panel Rehearing, appear at **Appendix A** and **B**, respectively, and are unpublished.

The Judgment of the United States District Court for the District of Maryland, at Baltimore, determining that Petitioner's Notice of Appeal appeared to have been filed out of time upon REMAND inquiry directed by the Fourth Circuit Court of Appeals, appears at **Appendix H**, and is unpublished.

JURISDICTION^{1/}

The decision of the United States Court of Appeals for the Fourth Circuit finding Petitioner's Notice of Appeal to have been filed out of time was filed on **MARCH 28, 2018**. SEE: Appendix A. A subsequent Petition for Panel Rehearing was denied on **JULY 17, 2018** and the Mandate was issued on **JULY 25, 2018**. SEE: Appendix C (Mandate).

The instant Petition for Writ of Certiorari is timely filed because, prior to the 90-day deadline for seeking certiorari review following the denial of the Petition for Panel Rehearing and Mandate, Petitioner Hall mailed his petition and accompanying pleadings to the U.S. Supreme Court Clerk and the U.S. Solicitor General on **OCTOBER 12, 2018**. SEE: PROOF OF SERVICE/AFFIDAVIT OF MAILING submitted herewith.

This Honorable Court has jurisdiction to entertain this cause pursuant to 28 U.S.C. §1254(1); §2253; §2255.

^{1/} Hall, proceeding pro se, asks that the Court would construe his pleadings liberally. HAINES v. KERNER, 404 U.S. 519, 520-21 (1972); ERICKSON v. PARDUS, 551 U.S. 89, 94 (2007).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the Fifth Amendment to the United States Constitution, which states:

AMENDMENT V

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation." (emphasis added).

STATEMENT OF THE CASE ^{2/}

A.) Nature of the Case.

This case involves important constitutional questions related to a pro se petitioner's ability to obtain judicial review at the COA stage ("certificate of appealability") following the denial of his 28 U.S.C. §2255 motion in the U.S. District Court. Specifically, this case involves the filing of a pro se inmate's Notice of Appeal and the so-called "Mail Box Rule" articulated by the Supreme Court in HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988).

As detailed herein, Hall timely mailed his pro se Notice of Appeal at his institution. Hall mailed the Notice of Appeal to both the District Court and the U.S. Attorney's Office. Hall's pleadings contained an affidavit of

^{2/} Hall, for the sake of brevity, respectfully asks the Court to fully incorporate into its considerations the entirety of the records from which this cause arises. SEE: UNITED STATES v. HALL, Case No. 1:10-CR-0744 (D. Md.); HALL v. UNITED STATES, Case No. 1:14-CV-01693 (D. Md.)(§2255); HALL v. UNITED STATES, Appeal No. 17-6312 (4th Cir.)(COA); UNITED STATES v. HALL, 506 Fed. Appx. 245 (4th Cir. 2013)(direct criminal appeal).

mailing as well. Later, after becoming concerned that he had not heard anything from either the District Court or the Court of Appeals, Hall submitted inquiries to both courts about the status of his Notice of Appeal and Motion for Leave to Proceed In Forma Pauperis on Appeal. The Court of Appeals for the Fourth Circuit then questioned the timeliness of the Notice of Appeal, remanding to the District Court for further determination. The District Court ultimately held the notice to have been untimely. Thereafter, the Fourth Circuit also held the Notice of Appeal to be untimely, but for another reason than the District Court. The District Court held that the notice was untimely by 4-days because a certified mail tracking receipt submitted by Hall indicated a postmark of January 26, 2017 ... while Hall's Notice of Appeal indicated a filing date of placement into the institution mail on January 20, 2017 (2 days prior to the January 22, 2017 deadline). Hall then explained to the Fourth Circuit that the January 26, 2017 postmark had nothing to do with timeliness because that was merely the date that the institution processed the envelope. Hall had still placed it into the mail box on January 20, 2018. In response, the Fourth Circuit held that it was more significant that the District Court never received the Notice of Appeal ... while the District Court had not.

This petition asks this Court to decide whether, when a petitioner can unequivocally prove that he mailed his Notice of Appeal timely to the District Court and the U.S. Attorney's Office ... but only the U.S. Attorney received the Notice of Appeal and the District Court did not ... does the presumption of timeliness to be accorded the pro se filing under HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988) apply upon proof of a timely mailing or is the failure of the District Court to have received the Notice of Appeal controlling. Petitioner

Hall asks this Court to clarify its prior articulation of the pro se prisoner "mail box rule." This Court's review is important to incarcerated pro se litigants because the Fourth Circuit apparently interprets HOUSTON v. LACK, to permit findings of untimeliness when a Notice of Appeal was not actually received by the District Court — but it is beyond dispute that it was timely mailed. The possibility that incarcerated pro se litigants will be denied critical due process interests because their Notice of Appeal is not received by the District Court, but proven to have been mailed, is contrary to the factors deemed most pertinent in HOUSTON v. LACK, i.e., that the timely depositing of the pro se filing in the institutions internal mail system was controlling rather than when the filing was actually received by the Court. Petitioner submits that the Fourth Circuit's emphasis on the District Court receiving the Notice of Appeal, despite demonstrative proof of the timely mailing, contravenes HOUSTON v. LACK. A manifest injustice will occur for Petitioner and other pro se incarcerated litigants unless this Court grants the petition for a writ of certiorari in the instant case.

This case is compelling because it raises a significant question of federal law, as well as an issue of importance beyond the particular facts and parties involved, that touch closely the fair administration of justice. Criminal defendants and other litigants proceeding pro se amidst the circumstances of incarceration have a reasonable expectation that the due process protections afforded them by the Constitution and this Court's precedents will be abided by and enforced. Both the public and pro se inmates alike have a substantial interest in the congruent and consistent application of this Court's precedents, establishing federal law, amongst our domestic courts. Based upon the points and authorities set forth herein, Petitioner beseeches the Court to grant certiorari review and vacate the prior judgment.

B.) Salient Summary of Relevant Background Facts.

Following a jury trial in 2011, in Baltimore, Maryland, Petitioner Hall was convicted of substantive narcotic distribution charges, including firearm possession and retaliation against a witness resulting in death. SEE: UNITED STATES v. ANTONIO HALL, Criminal Case No. 1:10-CR-0744 (D. Md.). The District Court subsequently sentenced Hall to a LIFE term of imprisonment.

Hall timely appealed, but the Fourth Circuit Court of Appeals AFFIRMED his convictions and sentence. SEE: UNITED STATES v. HALL, 506 Fed. Appx. 245 (4th Cir. 2013). No petition for a writ of certiorari was sought.

Hall's 28 U.S.C. §2255 Motion

In 2014, Hall filed a timely 28 U.S.C. §2255 motion in which he challenged particular conduct of the Government and his attorney(s) in relation to the legitimacy of witness testimony, trial errors, constitutionally ineffective assistance of counsel related to a plea agreement, and sentencing error. SEE: HALL v. UNITED STATES, Case No. 1:14-CV-01693-RDB (D. Md.). On November 23, 2016, the District Court summarily denied the §2255 motion, denied any evidentiary hearing, and denied any certificate of appealability. Hall then filed a timely pro se Notice of Appeal and Motion for Leave to Proceed In Forma Pauperis on Appeal, by depositing them into the internal mail system at his institution on January 20, 2017. Service was made to the U.S. District Court and the U.S. Attorney's Office. SEE: Appendix D. Hall's deadline to file his Notice of Appeal was January 22, 2017.

Hall's Application for a Certificate of Appealability ("COA")

Following Hall's mailing of his Notice of Appeal and Motion for Leave to Proceed in Forma Pauperis, on January 22, 2017, he eventually became concerned

when he did not receive any response communications from either the District Court or the Fourth Circuit Court of Appeals. This prompted Hall to submit inquiries to each court about the status of his Notice of Appeal and in forma pauperis motion. SEE: Appendix G (Inquiries to courts).

Ultimately, an appeal number was assigned and a deadline established by the Fourth Circuit for Hall to submit his application for a COA. Appeal No. 17-6312. On September 18, 2017, however, the Fourth Circuit issued an Order REMANDING the matter back to the District Court for a determination of timeliness as to the Notice of Appeal. The District Court's determination was directed to then be returned to the appellate court. SEE: Appendix H (District Court's REMAND determination of the Notice of Appeal timeliness, at page 2, recounting these events).

On November 27, 2017, the District Court issued an Order in which it determined that Hall's Notice of Appeal appeared to have been filed 4-days late ... based simply upon the January 26, 2017 postmark on the certified mail tracking receipt. SEE: Appendix C. The District Court acknowledged this same tracking receipt at page 2, footnote 1 of its Order. Appendix H. The District Court also indicated that the Notice of Appeal was not actually received by the District Court, but its determination was premised solely upon the postmarked certified mail receipt indicating a January 26, 2017 date ... which would be 4-days after the January 22, 2017 deadline. HOWEVER, Hall explained to the District Court on a Motion for Reconsideration, and to the Fourth Circuit in an advisory, that the affidavit of mailing on the Notice of Appeal affirmed a January 20, 2017 deposit into the internal mail system at his institution — while the January 26, 2017 postmark was merely the date that the prison processed out the envelope(s). Hall cited to HOUSTON v.

LACK, 487 U.S. 266, 275-276 (1988). **CF. Appendix F** (Mot. for Reconsideration **and** Advisory to Fourth Circuit). Neither the Motion for Reconsideration nor the advisory were specifically addressed.

On March 28, 2018, the Fourth Circuit Court of Appeals issued an Opinion dismissing Hall's appeal for lack of jurisdiction; finding Hall's Notice of Appeal to be untimely because it was not received by the District Court due to a "suggested" mailing mistake. **SEE: Appendix A.** The Fourth Circuit's determination was not what the District Court had determined to be the cause of the purported untimeliness (late mailing). Hall filed a Petition for Panel Rehearing explaining that the District Court's determination of mailing was erroneous under HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988) because it was the date affirmed on his Notice of Appeal that mattered (the date he placed it into the mail), not the postmarked date several days later when the institution actually processed it. Hall also explained that regardless of any purported error, he could demonstrate unequivocally that he had mailed the Notice of Appeal timely to both the District Court and U.S. Attorney's Office. Hall urged that the Court could tell that he had mailed the notice timely but was wrongly deeming the fact that the District Court did not receive the Notice of Appeal as controlling. **SEE: Appendix B** (Pet. for Panel Rehearing). Hall even told the Fourth Circuit that all it had to do was verify the receipt of the Notice of Appeal by the U.S. Attorney's Office — which it never did. On July 17, 2018, the Fourth Circuit denied the Petition for Panel Rehearing and the mandate issued on July 25, 2018. **SEE: Appendix C.**

The instant Petition for a Writ of Certiorari now timely follows.

Law and Argument in Support of Granting Certiorari

QUESTION ONE

DOES THE PRESUMPTION OF TIMELINESS TO BE ACCORDED THE PETITIONER'S PRO SE NOTICE OF APPEAL UNDER THE "MAIL BOX RULE" OF HOUSTON v. LACK, 487 U.S. 266 (1988) APPLY WHEN THE PETITIONER IS ABLE TO PROVE THAT HE TIMELY MAILED THE NOTICE OF APPEAL TO THE DISTRICT COURT AND THE U.S. ATTORNEY'S OFFICE — BUT IT WAS RECEIVED BY THE U.S. ATTORNEY ALONE? IS PROOF OF THE TIMELY MAILING CONTROLLING OR IS THE DISTRICT COURT'S FAILURE TO HAVE RECEIVED THE NOTICE OF APPEAL CONTROLLING?

For three decades this Court has held that an incarcerated pro se litigant's Notice of Appeal is deemed filed, and the Court of Appeals has jurisdiction, at the moment the notice is handed over to prison staff for processing in the U.S. Postal Mail. HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988). **CF. ALSO:** Supreme Court **Rule 29.2**; Fed.R.App.P. **Rule 4(c)(1)(A)**. **ACCORD, LEWIS v. RICHMOND CITY POLICE DEP'T**, 947 F.2d 733, 735-736 (4th Cir. 1991).

Petitioner Hall respectfully urges that the Fourth Circuit Court of Appeals dismissal of his appeal for "lack of jurisdiction" contravenes this Court's holdings in HOUSTON. Despite clear evidence that Hall timely mailed his Notice of Appeal, including the fact that the U.S. Attorney's Office received its service copy of the Notice of Appeal, the Fourth Circuit held that the failure of the District Court to receive the Notice of Appeal meant that the notice was untimely and the court of appeals lacked jurisdiction. **SEE: Appendix A** (Order, dismissing appeal). Petitioner Hall seeks this Court's certiorari review because the Fourth Circuit is misapplying HOUSTON. While

HOUSTON unequivocally mandates that Hall's Notice of Appeal was deemed filed and the appellate court obtained jurisdiction at the moment he mailed it at his institution — supported by an affidavit of mailing and contemporaneous evidence, including the receipt of the Notice of Appeal by the U.S. Attorney's Office — the Fourth Circuit nevertheless based its entire dismissal of the appeal upon the failure of the District Court to have actually received it. Petitioner Hall submits that the declaration and contemporaneous evidence supporting the apparent timely filing were the controlling factors under HOUSTON, not the fact that the District Court did not receive the Notice of Appeal (even if an error in mailing occurred). It was the evidence of timely mailing that HOUSTON and the Supreme Court and Federal Rules of Appellate Procedure rules make clear, not whether the Notice of Appeal actually arrived at the District Court. The contemporaneous evidence supporting Hall's timely mailing of his Notice of Appeal was wrongly considered by the Fourth Circuit as less important than the notices' arrival at the District Court.

Hall's Notice of Appeal was timely filed and the Fourth Circuit had jurisdiction at the time of mailing.

Hall's 28 U.S.C. §2255 motion was denied by the District Court on November 23, 2016. Pursuant to Fed.R.App.P. Rule 4(a)(1)(B), Hall had 60-days, or until January 22, 2017 within which to file his Notice of Appeal. Hall did so by depositing into the internal mail system at his institution his Notice of Appeal and Motion for Leave to Proceed In Forma Pauperis. SEE: Appendix D (Notice of Appeal/In Forma Pauperis Mot.). Appended to Hall's Notice of Appeal and In Forma Pauperis Motion was a sworn Affidavit of Mailing affirming that Hall had placed the Notice of Appeal into the internal mail

system on January 20, 2017. SEE: Appendix E (Certified Mail tracking receipt). **CF. Appendix H** (Order of the District Court on timeliness remand determination, at page 2, foot note 1, citing this same certified tracking number receipt and acknowledging the January 20, 2017 claimed by Hall). When Hall did not hear anything from either the District Court or the Fourth Circuit about his appeal process, he wrote inquiries about the status of his appeal. SEE: Appendix F. Ultimately, in a September 18, 2017 Order, the Fourth Circuit REMANDED the matter for purposes of a timeliness determination by the District Court of Hall's Notice of Appeal. **Appendix H** (Order of District Court, at 2). The District Court determined that Hall's Notice of Appeal was untimely by 4-days because the Certified Mail Tracking receipt pointed out by a regional attorney for the Federal Bureau of Prisons (not anyone at the institution) evidenced a January 26, 2017 postmark (Hall's deadline was January 22, 2017). Although the District Court also alluded to Hall's using the incorrect address for the District Court during mailing, it only based its untimeliness determination on the postmark, that's it. SEE: Appendix H (Order, at 2-3).

Upon receiving a copy of the District Court's timeliness determination Order, Hall immediately filed a Motion for Reconsideration to the District Court. SEE: Appendix F. Hall explained that the determination was totally erroneous because his affidavit of mailing indicated that he had deposited his Notice of Appeal into the internal mail system on January 20, 2017 — while the "postmark" date of January 26, 2017 was merely the date that the institution had processed his mailing. Hall cited to HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988) and explained that he was not responsible for the delay. Hall pleaded with the District Court to reexamine this critical fact that was being overlooked solely because of the "postmark" referenced by the

tangential assessment of the regional counsel — but was in fact not the date that the Notice of Appeal was placed into the prison mail system. The District Court never answered the Motion for Reconsideration.

Concerned of what the Fourth Circuit would make of the District Court's timeliness determination, Hall submitted an advisory explaining to the Fourth Circuit that the January 26, 2017 "postmark" reference that the District Court based its entire determination on was erroneous. Hall again detailed thoroughly that his Affidavit of Mailing appended to his Notice of Appeal swore that it was placed into the internal mail system at the prison on January 20, 2017 but not processed for whatever reason until January 26, 2017. Hall cited to HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988) and explained that it was the date that he placed his notice into the mail that controlled, not the postmark of January 26, 2017. SEE: Appendix F (Advisory). Hall also informed the Fourth Circuit therein that he had filed a Motion for Reconsideration in the District Court. Hall also explained the circumstances of his mailing on January 20, 2017, informing the Court that because he was secured in his cell during an institutional lock down he had to give his Notice of Appeal mailing to the unit officer during a security round for deposit in the internal mail system. Hall explained that this is the process for mailing when secured in his cell.

On March 28, 2018, however, the Fourth Circuit summarily dismissed Hall's appeal for lack of jurisdiction. Appeal No. 17-6312. SEE: Appendix A (Order dismissing appeal, at 2). Rather than relying on the District Court's timeliness determination that the January 26, 2017 postmark on the certified mail receipt referenced by regional counsel meant that the notice was mailed 4-days too late, the Fourth Circuit based its untimeliness and dismissal

determinations solely upon the fact that the District Court did not receive the Notice of Appeal because the record "suggested" that the Notice had been mailed with an incorrect address. The Fourth Circuit then construed an inquiry it had previously received from Hall about the status of his appeal, dated February 20, 2017, as the Notice of Appeal that was filed too late.

Hall immediately filed a Petition For Panel Rehearing. SEE: Appendix B. Hall explained that the panel's decision contravened HOUSTON v. LACK, 487 U.S. 266, 275-276 (1988) and prior precedents of the court because his Notice of Appeal was to be deemed timely and the Fourth Circuit had jurisdiction based on the January 20, 2017 mailing — irrespective of any purported mailing inaccuracy. Hall explained that apparent and unequivocal contemporaneous evidence supported the timely January 20, 2017 mailing irrespective of whether the District Court actually received his Notice of Appeal and Motion for Leave to Proceed In Forma Pauperis. Hall pointed out that he was to be accorded a presumption of timeliness under HOUSTON because he appended a sworn Affidavit of Mailing to his Notice of Appeal that he mailed it on January 20, 2017, he provided the certified mail tracking number, he wrote inquiries to the District Court and Fourth Circuit about the status of his appeal (in which he explained the timely mailing and referenced the certified mail tracking number from the January 20, 2017 package) (Appendix G, inquiries), and most importantly implored the Fourth Circuit to simply consult the U.S. Attorney's Office for verification that they had received the January 20, 2017 Notice of Appeal and In Forma Pauperis motion. Hall explained that the U.S. Attorney's Office would verify receiving the Notice of Appeal even if the District Court had not. This evidence proved contemporaneously that Hall had indeed been entitled to the presumption of timeliness under HOUSTON and the

Fourth Circuit indeed had jurisdiction based upon the timely mailing. To Hall's dismay, however, the Fourth Circuit simply denied his Petition for Panel Rehearing on July 17, 2018.

Petitioner Hall submits that the Fourth Circuit's dismissal of his appeal for lack of jurisdiction is due to be vacated because the decision contravenes HOUSTON. Because there was clear contemporaneous evidence that Hall timely mailed his Notice of Appeal, the Fourth Circuit is wrongly permitting the dismissal of incarcerated pro se litigants' appeals when the District Court did not actually receive the Notice of Appeal — rather than looking to the pro se litigant's sworn declaration of mailing and the apparent contemporaneous evidence that supported the affirmation, including the U.S. Attorney's Office having received the Notice of Appeal that was mailed at the same time. Rather than focusing the inquiry upon the sworn affidavit of mailing and supporting contemporaneous evidence and that the Notice of Appeal was deemed filed (as if in the District Court Clerk's Office) when it was placed into the internal mail system — being timely and giving the Fourth Circuit jurisdiction at the moment it was put into the mail system — the Fourth Circuit wrongly deemed dispositive the failure of the District Court to have received the filing of the Notice of Appeal. HOUSTON makes clear that it is the evidence of the timely mailing that matters, not the District Court's reception. Here, the Fourth Circuit wrongly based its entire determination on the District Court's reception of the Notice of Appeal when it was the apparent evidence of a timely mailing that was dispositive. The protections that this Court has set forth in HOUSTON are intended to prevent incarcerated pro se litigants from being subjected to the potential unfairness associated with delays that may occur

in the processing of mailings destined for the courthouse. **CF. HOUSTON**, 487 U.S. at 270-272, 275 (explaining unique obstacles facing incarcerated pro se litigants).

Because contemporaneous evidence and Hall's Affidavit of Mailing were dispositive of the timeliness of his Notice of Appeal and the jurisdiction of the Fourth Circuit Court of Appeals, **at the moment** of mailing, the dismissal of Hall's appeal was not properly subject to dismissal under HOUSTON based solely upon the District Court not receiving it. There existed ample evidence to conclude that Hall's Notice of Appeal was timely mailed and easily verified by the U.S. Attorney Office. Basing the dismissal on the District Court's receipt of the Notice of Appeal is inconsistent with the emphasis of HOUSTON being the timely mailing itself. **CF. HOUSTON**, 487 U.S. at 272 (a Notice of Appeal is "filed" **at the moment** it is placed into the internal mail system). "[T]he jailer is in effect the Clerk of the District Court[.]" HOUSTON, 487 U.S. at 270 (citing FALLEN v. UNITED STATES, 378 U.S. 139 (1964)). SEE ALSO: UNITED STATES v. MCNEIL, 523 Fed. Appx. 979, 980-982 (4th Cir. 2013)(citing cases in agreement that even an unreceived motion is entitled to presumption of timeliness); ALLEN v. CULLIVER, 471 F.3d 1196, 1198 (11th Cir. 2006)(per curiam)(same); HUIZAR v. CAREY, 273 F.3d 1220, 1222 (9th Cir. 2001)(same); LEWIS, 947 F.2d at 735-736 (recognizing a "bright line rule" in HOUSTON v. LACK, supra, that "Filing occurs when the petitioner delivers his pleading to prison authorities for forwarding to the Court Clerk"). **Notably**, the circumstances in HOUSTON itself had even involved a purported wrong mailing address, 487 U.S. at 268, but the Supreme Court nevertheless only looked to the contemporaneous evidence and sworn declaration of mailing as being dispositive of timeliness and jurisdiction of the appellate court. Hall's Certified Mail Receipt was addressed to the "U.S. District Court" in "Baltimore, Maryland." **Appendix E.**

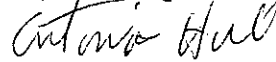
CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Petitioner Hall respectfully prays this Honorable Court grants his Petition for Writ of Certiorari, vacating and setting aside the prior judgment of the Fourth Circuit Court of Appeals.

I, ANTONIO HALL, declare under the penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is both true and correct.

Dated this 12th day of October, 2018.

Respectfully Submitted,



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