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DUE PROCE
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NO 18-9151

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA

BLAKE SANDIAIN PETITIONER

VS
UNITED STATES OF AMERICA RESPONDENTS

SIX CIRCUIT COURT OF APPEALS
(Name of court that last ruled on the merits of case)
Petition for writ of certiorari

BLAKE SANDIAIN
Name

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Address

Welch, WV 24801
City, state zip code

N/A
Phone number

RECEIVED
JUL 15 2019
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SUPREME COURT, U.S.

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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 subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
Petition for WRIT OF CERTIORARI

OPINIONS BELOW

☒ For cases from federal courts:
The opinion of the UNITED STATES COURT OF APPEALS
appears at appendix _____ to

- ☐ 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☐ is UNpublished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 case was December 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: January 23, 2019 and a copy of the order denying Rehearing appears at appendix

The Jurisdiction of this court is invoked under 28 U.S.C. 1254(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIFTH AMENDMENT DUE PROCESS

SIX AMENDMENT RIGHT

FOURTH AMENDMENT RIGHT

U.S. CONST. ART 1, 9, C12

STATEMENT OF THE CASE

Petitioner is Requesting a Rehearing on the basis that he has tried to use Post Conviction 2255, 2241, Remedies to Correct the UNCONSTITUTIONAL Ruling OF "Dicta" the District Court Used to deny his 2255. But the District Court Continue to use the ANTITERRORISM EFFECTIVE Death Penalty act of (1996) to Procedural bar hearing the UNCONSTITUTIONAL use of Dicta, and depriving petitioner an opportunity for Judicial Rectification of a fundamental defect that's causing Petitioner to be imprisoned in violation of his six amendment right to effective assistance of Counsel, as well as imprisoned in violation of his fourth amendment right to privacy in his home.

Further, Petitioner Request a Reconsideration ON how the District Court Used 2255(h)(2) ON how the COURT OF appeals are to Retain Jurisdiction to hear a petition ON the 2241 Saving Clause, and Deprived Petitioner an opportunity to show how the Statutory Ruling of Mathis V United States (2016) proves that his State statute they Used to enhance his sentence is a NONEXISTENT offense in the Federal Jurisdiction.

REASONS FOR GRANTING THE PETITION

A federal prisoner should be permitted to seek habeas corpus only if he had no reasonable opportunity to obtain earlier judicial correction of a fundamental defect in his conviction or sentence. But if a particular case does ~~not~~ provide an adequate substitute, like the district court using dicta on the issue petitioner presented in his 2255, and using 2255(h)(2) on the saving clause the courts are suspending the prisoner right to the writ of habeas corpus protected by U.S. Const. Art 1, 9, c12.

Petitioner Request that a (G.V.R) is granted to address petitioner being shut out the courts with the unconstitutional rulings from the district courts, and leaving petitioner incarcerated in violation of his six amendment right to effective assistance of counsel, as well as being incarcerated in violation of his fourth amendment right to privacy in his home. Petitioner ~~has~~ put forth issues where he is in custody in violation of the constitution or laws or treaties of the United States, and ask that this court (GVR) with instructions to hear the merits of his case. By statute, a federal habeas court has jurisdiction over any claim that a prisoner is in custody in violation of the constitution or laws of the United States. *Dunne v Henman*, 875 F.2d 244, 240 (9th Cir 1989) (district court has subject-matter jurisdiction because petition under 28 U.S.C. 2241 alleges federal question)

Petitioner lastely contends that the district court using a UNCONSTITUTIONAL Ruling of "Dicta" ON his Cognizable IN-effective assistance of Counsel issue in his 2255, Leaves him with no other post conviction Remedy to correct such a fundamental Rule of law. See Judge Pierre N. Leval "Dicta" about "Dicta", 81 N.Y.U.L. Rev. 1249, 1282(2006).

AS Judge Pierre N. Leval has brought out through his law Review, there lack an appeal Mechanism when a district court makes a Ruling through an UNCONSTITUTIONAL ERRONEOUS UNCONSTITUTION Ruling of "Dicta" in a petitioner 2255.

Petitioner cannot use 2255 second or successive 2255 to correct the above fundamental error of law, because the issues does not contain a new Rule of constitutional law, nor does it contain new discovered evidence therefore petitioner has no other way to address the constitutional question at before the court. See Persaud v United States, NO 13-GA-35(G v R) by this court, on the grounds that the writ of habeas corpus has to be available to correct fundamental error of law, OR SERIOUS CONSTITUTIONAL QUESTIONS OF SUS-pending petitioner Right to the writ of habeas corpus protected by U.S. Const. Art 1, 9, cl2 will be violated.

CONCLUSION

The Petition for writ of CERTIORARI should be
GRANTED

Respectfully Submitted,

Blake Sandlin

DATE June 20, 2019