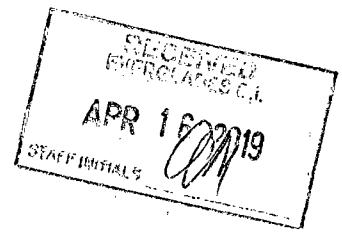


No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE UNITED STATES

IN RE "KAZI BOWLES" PRO SE — PETITIONER  
(Your Name)

FLORIDA DEPT. OF PARR. VS.  
ATTORNEY GENERAL, STATE OF FLORIDA, ET. AL. — RESPONDENT(S)  
EXTRAORDINARY  
ON PETITION FOR A WRIT OF CERTIORARI TO

ELEVENTH CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

KAZI BOWLES # D.C. M231d0

(Your Name)

Everglades Corrections Inst.

(Address)

1599 SW 187th Avenue  
Miami, Florida 33194

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DID THE ELEVENTH CIRCUIT COURT OF APPEAL ERROR BY NOT USING  
A CLEAR ERROR STANDARDS OF REVIEW WHILE REVIEWING THE  
PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT FOR ABUSE OF  
DISCRETION

DID THE SOUTHERN FEDERAL DISTRICT COURT OF FLORIDA HAVE  
JURISDICTION OR DID NOT HAVE JURISDICTION TO ACCEPT AND RULE ON THE  
PETITIONER'S MOTION FOR RELIEF FROM 2254 PETITION FOR WRIT OF  
HABEAS CORPUS UNDER INSIGNARES AND MAGWOOD

## 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:

MAGISTRATE JUDGE PATRICK WHITE FLORIDA SOUTHERN FEDERAL DISTRICT COURT

DISTRICT JUDGE JOAN A. LENARD FLORIDA SOUTHERN FEDERAL DISTRICT COURT

11TH CIRCUIT JUDGE(S) MARTIN AND JILL PRYOR

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>MAGWOOD V. PATTERSON</u> 561 US 320 130 S.Ct 2788 . 177 LEd 2d 592 (2010)	
<u>INSIGNARES V. FLORIDA DEPT. OF CORR.</u> 755 F.3d 1273 (11th Cir)	

STATUTES AND RULES

FEDERAL RULE CIVIL PROCEDURE RULE 52(a)

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 \_\_\_\_\_ to the petition and is 2016 US DIST LEXIS 153877 BOWLES V JONES MAY 19, 2016

[ ] reported at \_\_\_\_\_; or,

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

[ ] is unpublished. 2016 US DIST LEXIS 157950 BOWLES V JONES NOV 14, 2016

2017 US DIST LEXIS 136092 BOWLES V JONES AUGUST 23, 2017

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 JAN 12, 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: MARCH 5, 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).

THE PETITIONER'S REHEARING FROM THE 11TH CIRCUIT COURT OF APPEAL WAS DENIED ON MARCH 5, 2018. THEREFORE THE PETITIONER HAS UP UNTIL JUNE 5, 2018 TO FILE AND/OR RULE 24 STATES: "AT ITS OPTION HOWEVER THE COURT MAY CONSIDER A PLAIN ERROR NOT AMONG THE QUESTIONS PRESENTED BUT EVIDENT FROM THE RECORD AND OTHERWISE WITHIN ITS JURISDICTION TO DECIDE!"

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).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## STATEMENT OF THE CASE

The petitioner Kazi Bowles pro se, filed his third petition for a writ of habeas corpus in the southern federal district court of florida challenging a resentencing issue for the first time supported by 11th circuit case law of INSIGNARES and S.ct case law of MAGWOOD.

The reviewing magistrate judge issued a R & R requesting that the writ of habeas corpus petition be dismissed for lack of jurisdiction and found that the petitioner's writ of habeas corpus is second and successive in error. The petitioner then objected to the R & R and the reviewing district judge issued an order dismissing the petitioner's writ of habeas corpus with the new resentencing issue on it. The petitioner did not immediately appeal the district judge dismissal but rather choose to file a motion for relief from judgement challenging the plain error issue now before this court, and ultimately the motion for relief

from judgment was denied. The petitioner then filed a motion for rehearing en banc, and that motion was also denied. Now comes this Extraordinary Writ of Certiorari for the purpose of correcting the plain error that occurred during the lower district court and appellate court proceedings.

## REASONS FOR GRANTING THE PETITION

This supreme court should grant certiorari for the following reasons, First of all this court has jurisdiction to decide a plain error issue at its option according to Rule 24 of the supreme court rule book, and my case is one of those cases. The reason why this court should decide this case is because it has within it a situation that affects the entire state of Florida (GREAT PUBLIC IMPORTANCE) My issue is this I filed three writ of habeas corpus petitions in the Miami-Dade Federal courthouse, the first two habeas corpus petitions challenged my old sentence of 25 years with 20 min/man, My third habeas corpus petition which was erroneously dismissed challenged a new resentencing judgement for the first time which according to INSIGNARES and Magwood makes my third habeas corpus petition not second or successive and according to Insignares the court had jurisdiction to hear my petition. "Cut and dry"

In the appendix accompanying this Extraordinary writ, I have supplied the two habeas corpus petitions with the grounds only which this court has to review as evidence to settle this dispute which proves my assertions. My first two habeas corpus petitions (see Appendix E, F) that I recently ordered from the district court clerk, shows the grounds only that I argued. No where in those grounds do I challenge a claim contesting my new resentence sentence. See the evidence for yourself in the appendix. Now, however in my third habeas corpus petition I challenge for the first time my new resentence sentence of 25 years with 10 min/man, see third habeas corpus petition in the database records. When you look at the three petitions and the asserted grounds you will see for yourself that the first and second petition challenge my old 25 year with 20 min/man sentence and my third habeas corpus petition challenge my new

"The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to

it states:

II. NATURE OF S.C. REVIEW

and this

others similarly situated!

"the important of the case not only to you but to

and states:

III. Reasons for Granting the Petition

under

petition and rule book it states

Supreme Court deals with writ of certiorari petition, indigency

In the package that I recently received from this

appellate court are in plain error (erroreous).

the adverse ruling of the lower district court and

these exhibits (first and second habeas petitions) shows that

habeas corpus petition proper before the federal court and

resentencing sentence which makes me filing my latest

decide cases presenting issues of importance beyond the particular facts and parties involved."

and this:

#### Rule 20 Procedure on a Petition for an Extraordinary

Writ

"To justify the granting of any such writ, the petitioner must show that the writ will be in aid of the court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court".

The petitioner has shown that threw the exhibits in the appendix(E, F two habeas petitions grounds only) that a plain error does exist because the resentencing ground has never been challenged.

IN the following case law explaining plain error it states this:

176 LED 2D 1012, 560 U.S. 258 UNITED STATES V. MARCUS

"1 RULE 52(b) permits an appellate court to recognize a "plain error that affects substantial rights", even if the ~~court~~ claim of error was "not brought" to the district court's "attention". Lower courts of course, must apply the rule as this court has interpreted it. And the cases that set forth our interpretation hold that an appellate court may, in its discretion, correct an error not (pg. 1018) raised at trial only where the appellant demonstrates that (1) there is an error; (2) the error is clear or obvious, rather than subject to reasonable dispute; (3) the error "affected the appellant's substantial rights, which in the ordinary case means "it" affected the outcome of the district court proceedings"; and (4) "the error seriously affect(s) the fairness, integrity or public reputation of judicial proceedings."

The petitioner has shown through the evidence in the appendix that the lower courts ruling are plain error and the petitioner states that his reasons for trying to file his third habeas corpus petition with his new resentencing claim is to argue a case of great public importance. In my third habeas corpus petition I have a due process claim, that involves the ten/twenty/Life Law that affects the entire state of Florida (see third habeas petition in database).

This 10/20/Life claim or ground if you will involves the practice of how Florida courts are unlawfully sentencing citizens under the 10/20/Life Law without first proving that they qualify for it, which I argue is a due process violation. The thing is this the Florida Legislature has stated that the 10/20/Life Law is for criminals who are known to use guns only. I in my case have never been known to use any gun because there is no prior history (Rapsheet).

in my past with any gun use. See 10/20/Life argument in petitioner's third habeas corpus petition. This ground is one of great public importance because there are since 2016 at least 15,000 thousand citizens in the state of Florida that have been unlawfully sentenced under this law and their due process rights have been violated also, it is an important issue. The reason why I filed an extraordinary writ is because I have no other court that I can go to.

I have been barred in the lower state courts. see (Appendix G) with order prohibiting me from filing anymore pro se petitions. The petitioner request that this court decide his case because it is a case of great public importance since the due process rights of thousands have been affected by the unauthorized use of the 10/20/Life law in their cases as well plus to correct the plain error issue that has occurred in the petitioner case.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kay Bowles

Date: Apr. 16 2019