

UNITED STATES SUPREME COURT

NO. 17-7161

(5:16-hc-02154-BD)

OLECO TAYLOE BEST

Petitioner-Appellant

v.

Motion for Supreme Court

WARDEN OF SOUTHERN CORRECTIONAL INST.

To Review Petitioner-Appellant's

Respondent-Appellee

Writ of Certiorari

Now comes Petitioner-Appellant, and prayerfully requests that the Honorable Court reviews the attached writ of certiorari on the following grounds:

1. Petitioner-Appellant is a layman to law, not a bar-certified attorney;

2. Writ of Certiorari in the above-captioned matter was due on or before June 10, 2018. (See Exhibit-A included with Petition for Writ of Cert.)

3. Petition for Writ of Cert. was in fact filed in court before June 10, 2018, but was mistakenly filed in the United States Court of Appeals for the Fourth Circuit. (See Exhibit-B 'Certiorari Petition Returned' dated June 6, 2018), and not in the correct court which would have been The United States Supreme Court.

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4. The Petitioner Appellant's Petition for Writ of Certiorari has been initiated and stamped received by Fourth Circuit Court Of Appeals Deputy Clerk Joy Hargett Moore also on June 6, 2018. (See pg. 1 of Petition for Writ of Certiorari)

5. Petitioner Appellant made a reasonable mistake of filing Petition on time, but in the wrong court

Wherefore Petitioner Appellant prays that this court allows this Writ to be reviewed based on the above grounds, along with the fact that Petitioner's filing in wrong court was not intentional to cause any undue delay, neither was filing in bad faith.

Declaration

I declare under penalty of perjury the foregoing is true and correct.

Executed at Sanford Correctional on ~~2018~~ ^{August} 6, 2018.

Calero J. Best

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-7161

COLECO TAYLOE BEST,

Petitioner - Appellant,

v.

WARDEN OF SOUTHERN CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:16-hc-02154-BO)

Submitted: February 22, 2018

Decided: March 12, 2018

Before MOTZ and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Coleco Tayloe Best, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Coleco Tayloe Best seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. *Slack*, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Best has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

**Additional material
from this filing is
available in the
Clerk's Office.**