

19-5185

No. 18A1020

ORIGINAL

Supreme Court, U.S.  
FILED

JUN 04 2010

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

William Eric Taylor — PETITIONER  
(Your Name)

vs.

United States of America, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

William Eric Taylor  
(Your Name)

Federal Correctional Complex  
(Address)

P.O. Box 1031 (Low custody); Coleman, Fl. 33521  
(City, State, Zip Code)

None

(Phone Number)

**QUESTION(S) PRESENTED**

Should the Fifth Circuit Court of Appeals granted a certificate of appealability based the uncontested application submitted by the petitioner?

Alternatively, should the Fifth Circuit Court of Appeals issued an opinion that explained the factual predicates and legal premises for the denial of the certificate of appealability?

## 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:

## TABLE OF AUTHORITIES CITED

Carter v. Stanton,

### CASES

### PAGE NUMBER

Carter v. Stanton,  
405 U.S. 669 (1972).....

Slack v. McDaniel,  
579 U.S. 473 (2000).....

### STATUTES AND RULES

### OTHER

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June 6th, 2019

APPENDIX E

APPENDIX F

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**

**[x] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix A 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 is unpublished.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 c 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 is unpublished.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 is unpublished.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.

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

28 U.S.C. § 2253(c)(2):

A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

## **STATEMENT OF THE CASE**

On March 15, 2012, a one count indictment charged Mr. Taylor with production of child pornography, in violation of 18 U.S.C. § 2251(a) & (e). On March 27, 2012, Mr. Taylor pleaded guilty before U.S. Magistrate Judge Mazzant. On January 15, 2013, the U.S. District Judge Crone sentenced Mr. Taylor to a term of three hundred months. The judgment was entered on January 22, 2013. On appeal the Fifth Circuit Court of Appeals dismissed the appeal as frivolous, affirming the district court's judgment on November 18, 2013.

On January 5, 2015, Mr. Taylor filed a 28 U.S.C. § 2255 motion presenting four claims of ineffective assistance of trial and appellate counsel. The government filed a response asserting that Mr. Taylor failed to substantiate his claims and show prejudice, and that the claims are without merit. Mr. Taylor filed a reply and on March 12, 2018. Mr. Taylor filed a motion to set aside the order of dismissal which the district court denied on May 17, 2018.

On September 15, 2018, Mr. Taylor filed notice of appeal. The Court of Appeals dismissed the notice of appeal for failure to appeal within the time jurisdiction.

This petition ensue:

## REASON FOR GRANTING THE PETITION

The Constitution guarantees to every citizen: due process of law, equal protection of the law, and the right to petition for redress of grievance. The Fifth Circuit's unilluminating boilerplate order denying Mr. Taylor's certificate of appealability eviscerates those rights. The Fifth Circuit should follow this Court's general guidance and articulate the factual predicates and legal premises that support its judgments.

This Court has instructed federal courts that meaningful review—if not due process of law and fundamental fairness principles—requires a court to explain the reasoning behind its decrees, judgments, and orders. Cf., e.g. *Carter v. Stanton*, 405 U.S. 669, 771 (1972).

The Fifth Circuit denied Mr. Taylor's application for a certificate of appealability in a one paragraph boilerplate order. (App. "B"). The order was devoid of any factual predicates and references legal premises only at the highest level of generality, such as quoting the holding of *Slack v. McDaniel*, 579 U.S. 473 (2000). The Fifth Circuit's unilluminating, opaque, boilerplate order tells this Court, the parties, and the public nothing about why the appellate or district court does not believe that a claim sounding in actual innocence did not demonstrate that a constitutional right had been denied, or why jurists of reason would not disagree with the district court's refusal to address the motion's merits.

Or more precisely, the appellate court opinion does not explain why jurists of reason would not debate a summary denial of a motion that sounds in actual innocence, articulates a judicial denial of due process, and describes a fundamental flaw in the integrity of a habeas proceeding—a habeas court not addressing the merits of valid and cognizable claims.

## CONCLUSION

This Court should grant the writ and exercise its supervisory powers to direct the Fifth Circuit to provide a reasoned opinion for its denial of a certificate of appealability.

Respectfully submitted on this \_\_\_ day of May, 2019.

  
William Eric Taylor