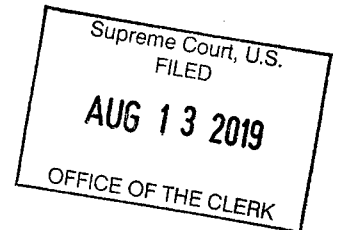


19-5700

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



MAXIMO BRITO TEJEDA — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MAXIMO BRITO TEJEDA

(Your Name)

555 Geo DR

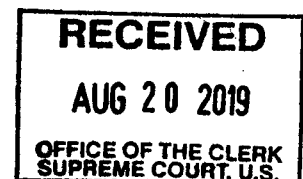
(Address)

Philipsburg, PA 16866

(City, State, Zip Code)

None

(Phone Number)



QUESTION(S) PRESENTED

WHETHER GARZA v. IDAHO, 139 S. Ct. 738 (2019), APPLIES
TO PETITIONER'S CLAIM THAT HIS DEFENSE COUNSEL WAS INEFFECTIVE
BY FAILING TO FILE A NOTICE OF APPEAL DESPITE PETITIONER
REQUESTING HIM TO DO SO?

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:

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On December 7, 2017, Brito filed a petition for federal habeas corpus relief pursuant to 28 U.S.C. Section 2255. Brito's petition asserts various grounds for relief, including charges of ineffective assistance of counsel. See Section 2255 Petition at page 1.

In response, the Government claims that Petitioner's issues were deemed procedurally defaulted. See Government Objection at page 1 & 2.

Over Petitioner's objections, see Reply at page 2, the district court denied Petitioner's Section 2255 petition. See Docket entry 15.

Petitioner filed a request for a certificate of appealability within the First Circuit Court of Appeals. Petitioner claimed that the district court's decision is legally incorrect, and jurists of reason would find it debatable whether the district court abused its discretion in denying Petitioner's Section 2255 petition, and jurist of reason would find it debatable whether Petitioner's Section 2255 petition states a valid claim of the denial of a constitutional right. In his case, Petitioner claims, among other issues, that the record shows that ~~the issue is debatable~~ because Brito specifically asked his defense counsel to file a notice of appeal in order to appeal to the First Circuit Court of Appeals meritorious issues and his defense counsel failed to do so. Petitioner cited also Massaro v. United States, 538 U.S. 500, 504 (2003), for that proposition.

On or about March 14, 2019, a panel of the First Circuit denied Petitioner's request for a COA. See Exhibit B.

On or about April 3, 2019, Petitioner filed a Petition for Rehearing and Suggestion for Rehearing en banc. However, the Petition was denied on May 23, 2019. See Exhibit A.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

MAXIMO BRITO TEJEDA

Date: August 9, 2019