

No. 19-6358

ORIGINAL

Supreme Court, U.S.
FILED
OCT 08 2019
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

MORRIS J. WARREN — PETITIONER
(Your Name)

vs.

U.S. PAROLE COMMISSION — RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS TO

SUPREME COURT OF THE UNITED STATES, 1 FIRST STREET N.E., WASH.20543
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

UNITED STATES DISTRICT COURT, 401 COURTHOUSE SQUARE, ALEXANDRIA,
PETITION FOR WRIT OF MANDAMUS; VIRGINIA, 22314-5798

Mary J. Warren
(Your Name)

FEDERAL PETERSBURG CORRECTIONAL COMPLEX

(Address)

P.O. BOX 1000, PETERSBURG, VIRGINIA 23804

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DOES DANIEL v. FULWOOD, CASE NO. 12-5327/CITATION 766 F. 3d 57 (D.C. CIR. 2014), APPLIES TO MY PAROLEBLE SENTENCE, WHERE WHICH WAS GIVEN DECEMBER 18, 1973, WHERE WHICH FALLS UNDER TITLE 9 OF 1972 PAROLE REGULATIONS?

DOES PETITIONER HAVE A SENTENCE THAT FALL UNDER THE EX POST FACTO UNITED STATES CONSTITUTIONAL ARTICLE 1, § 9, CLAUSE 3?

IS THERE A CONFLICT BETWEEN THE WASHINGTON, D.C. UNITED STATES DISTRICT COURT CIRCUIT AND THE UNITED STATES DISTRICT COURT AND U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT ABOUT WHERE WHICH MY PAROLE ELIGIBILITY SHALL BE UNDER?

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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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

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 (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☒ is unpublished.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 (B) 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☒ is unpublished.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 (C) to the petition and is

☒ reported at WARREN I, 436 A. 2d 821; WARREN II, 515 A. 2d 208; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the UNITED STATES COURT OF APPEALS, D.C. court appears at Appendix (D) to the petition and is (D.C. Cir. 2014):

☒ reported at DANIEL v. FULWOOD, 766 F. 3d 57; 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 MAY 20, MAY 31, JULY 23, JULY 31, AUGUST 20, 2019:

☐ 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: JULY 23, 2019, and a copy of the order denying rehearing appears at Appendix (A).

☐ 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).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 9/22/1986
10/9/1981.
A copy of that decision appears at Appendix (C).

☐ 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

UNITED STATES CONSTITUTIONAL ARTICLE 1, § 9, CLAUSE 3;

D.C. CODES 24-§ 203, -§ 204, § 208;

PETITIONER HAS AN ON-GOING DENIAL OF HIS CONSTITUTIONAL RIGHTS TO BE TAKEN UNDER THE PAROLE REGULATIONS OF (1972) D.C.M.R. OR D.C.R.R. TITLE 9, WHERE WHICH PETITIONER HAS HIS RIGHTS PURSUANT TO EX POST FACTO AT THE TIME HE WAS SENTENCED, NOT THE D.C.M.R. TITLE 28 (1987), WHERE WHICH CAN DENY PAROLE TO PETITIONER EVEN THOUGH PETITIONER HAS THREE MODEL INMATE AWARDS, FOR THE DURATION OF THE LIFE PORTION OF THE 10 TO LIFE SENTENCE.

STATEMENT OF THE CASE

This petition is very important to petitioner's Liberty and Ex Post Facto Rights Article 1, § 9, Clause 3, because the U.S. Parole Commission has convinced the District Court and the United States Court Of Appeals, Of The Fourth Circuit, to deny this petitioner the Right to be seen pursuant to the D.C. M.R. or D.C.R.R. Title 9 (1972) Regulations.

The D.C.M.R. Title 28 Of (1987) has on (12) occasions denied petitioner his rehabilitated Right to be Paroled pursuant to three Model Inmate Awards because of petitioner's false charges. There were no rapes on the part of petitioner, or kidnappings, or gun or knife being held on any of the victims by petitioner. Plus, none of the victims came back to Court after Davis's Case of (1973). Petitioner was reversed and remanded from Davis, and reversed and remanded in Warren I, and in Warren II, there were 11 Acquittals that merged with the other 7 Counts, where which should have also been vacated or dismissed.

On December 1, 2015, The Parole Commission sent out a Notice Of Action Memorandum to this petitioner, that Notice Of Action Memorandum was an entitlement that said, "Petitioner Shall Be Seen under the (1972) Regulations". That Parole Rehearing under the (1972) Regulations did not happen. The Parole Commission is still seeing petitioner under the (1987) Guidelines, where which can keep petitioner incarcerated for the duration of the 10 to life sentence.

D.C. Code 24-§ 208 (1973 Ed.) Defines:

"Shall not be paroled until he has served one-third of the sentence imposed, and in

STATEMENT OF THE CASE TWO

the case of 2 or more sentences for other than a felony, no parole may be granted until after the prisoner has served one-third of the aggregate sentences imposed".

All Eligible D.C. Code prisoners at that time in (1972), before March 3, 1985; The District Of Columbia Board Of Parole made their decisions pursuant to all Regulations of (1972) and (1973). All D.C. Code offenders or prisoners became eligible for parole after serving one-third of the minimum portion of that sentence imposed by the sentencing Court. (TITLE 9 M.C.R.R. §§ 104.1 and 105 1972).

It was defined by the Parole Commission December 1, 2015:

"At the rehearing, your case will be considered using the parole guidelines in the 1972 Regulations of the former District Of Columbia Board of Parole".

That new rehearing date never took place or happen where which petitioner shall be seen pursuant to the (1972) Regulations.

On October 20, 2017, petitioner was seen again pursuant to the Title 28 1987 Guidelines, even after the Parole Commission lost there Case on Appeals Case No. 12-5327/9-12-2014, Daniel v. Fulwood, 766 F. 3d 57 (D.C. Cir. 2014), because the Parole Commission was and still is in violation United States Constitutional Article 1, § 9, Clause 3, Ex Post Facto.

On February 13, 2018, United States District Court Judge for the District Of Columbia Circuit, Judge Amit P. Metha, again, had to Order the U.S. Parole Commission to give (CLASS Petitioner a rehearing defined or set forth in the Title 9 D.C.R.R. Parole Regulations of 1972):

STATEMENT OF THE CASE THREE

"The parties SHALL FILE a STATUS REPORT within 45 days in which it updates the the Court on the scheduling and holding of the ORDERED REHEARINGS for eligible persons."

The Enforcement of that ORDER was not or never had or carried out for this petitioner, where which the Parole Commission is still in the Constitutional Violation of Article 1, § 9, Clause 3, Ex Post Facto Rights.

Both the District Court and The Court Of Appeals is in refusal to hold the Parole Commission in violation of Constitutional abuse of the (1972 Regulations) and its Rights so defined.

REASON FOR GRANTING THE PETITION

The Exhibits and Documents from (A) Thru (J) attached in the Appendice shall give this U.S. Supreme Court Constitutional Reasons For Granting this Petition for Mandamus Entitlement. APPENDIX AND EXHIBIT (A):

1. The United States Court Of Appeals For The Fourth Circuit Case No. 19-6052, that Court Of Appeals Ordered suspension of the appellate proceedings pending a Ruling by the District Court where which petitioner has his Rule 60(b)(6) pending, and it was further Ordered that the Appeal would be granted once the District Court denied that 60(b)(6), or grant the 6(b)(6), motion if that District Court were to grant jurisdiction or restored it for hearing it for that purpose. This took place January 24, 2019.
2. On May 16, 2019, the District Court sent it's notice to the Court Of Appeals For The Fourth Circuit, but on May 20, 2019, the Court Of Appeals sent out its Unpublished per curiam opinion by or before Diaz, Thacker, Circuit Judges, and Hamilton, Senior Circuit Judge, denying the entire of appeal.
3. There was a stay of the mandate under Fed. R. App. P. 41 (d) (1), filed May 31, 2019, where which there was an attachment motion for an rehearing en banc.
4. On July 23, 2019, there was an Order where which no Judges would request for a poll pursuant to Fed. R. App. P. 35, on the motion or petition for an rehearing en Banc,
5. On July 31, 2019, in both case No.(s) 19-6052, and 19-6226, it was a Mandate filed, that the Court Of Appeals Judgment of

May 20, 2019, takes effect on that July 31, 2019-Date. Where which the Court Of Appeals Order and Judgment constitutes the formal Mandate pursuant to 41(a) of the Federal Rules Of Appellate Procedures.

EXHIBIT AND DOCUMENT (B):

Petitioner Morris J. Warren, housed in a federal Correctional Complex, has filed his proceedings pro se, where which was an writ of habeas corpus pursuant to 28 U.S.C. §2241, challenging petitioner's contineous incarceration in United States Constitutional Violation of Article 1, § 9, Clause 3, of the (1972) Parole Regulations Title 9 D.C.M.R. or D.C.R.R., and petitioner requested to proceed in forma pauperis in Case No. 1:18-cv-601 (LMB/MSN), and Civil Action will be Granted So ORDERED May 23, 2018.

Second Order of January 29, 2019, where which the District Court denied petitioner's Fed. R. Civ. P. 60(b)(6) was dismissed.

EXHIBIT AND DOCUMENT (C):

1. Warren I, 436 A. 2d 821, 828 (D.C. 1981), where which petitioner was named as accomplice but did not rape any of the three complainants.

2. Warren II, 515 A. 2d 208, 212-13 (D.C. 1986), where which petitioner's case summary and transcripts states what the D.C. Court Of Appeals finds as to their Disposition; "We reversed appellant's convictions from his first trial due to a prejudicial misjoinder with his then codefendant, John Davis, Davis v. United States, 367 A. 2d 1254 (D.C. 1976), cert. denied, 434 U.S. 847, 54 L. Ed. 2d 114, 98 S. Ct. 154 (1977). After our

remand, we reversed appellant's convictions again, this time due to a number of erroneous and prejudicial evidentiary rulings in his second trial. Warren v. United States, 436 A. 2d 821 (D.C. 1981)(Warren I). The present appeal is from appellant's convictions after his third trial. Although a dozen victims were abducted in what became known as the GREEN VEGA rape cases, appellant's convictions relate to only three of these incidents, one of which took place on June 19, 1972, and the others at different times on November 20, 1972. Because the facts and history of the case are amply states in our two previous opinions".

EXHIBIT AND COCUMENT (D):

On February 13, 2018, Judge Amit P. Mehta, issued a Memorandum Opinion to all Class Plaintiffs whom had charges or Felonies committed before March 3, 1985. This Order or Memorandum Opinion comes from the United States Parole Commission defunct against D.C. Code Plaintiffs parole eligibility determination where which the Parole Commission was adopting the 2000 Guideline Practices on Plaintiff such as petitioner instead of the 1972 Regulations. The Parole agreed to violating the Rights that petitioner or Plaintiffs had in (1972-Regulations). All parties reached a Settlement Agreement on December 18, 2015. They agreed to hold remedial parole hearings and rehearings for all Plaintiffs whom the 1972 Regulations are to key elements to. Their Settlement Agreement was defined in good faith, where which in reallity the Parole Commission had no intentions on honoring the settlement agreement, so, this Case had to go back to the Trial Judge Jurisdiction over this subject matter to enforce the terms of the settlement agreement.

Secondly, before the Memorandum Opinion of February 13, 2018, in Case No. 10-cv-00862 (APM), the United States Court Of Appeals For The District Of Columbia Circuit, held September 12, 2014, "This gives rise to a reasonable inference that the 2000 Guidelines create a significant risk of prolonging their incarceration in comparison to the 1972 Guidelines. Accordingly, the plaintiff have raised a plausible claim that the application of the later guidelines to their cases violates the Ex Post Facto Clause. We must therefore reverse the dismissal of the complaint and remand the case for further proceedings".

EXHIBIT AND DOCUMENT (E):

On December 7, 2015, where which that Document was written, December 1, 2015, that stated that petitioner is schedule for a NEW REHEARING on the Docket scheduled for the week of January 11, 2016, and, at that NEW REHEARING petitioner's case WILL BE CONSIDERED USING THE PAROLE GUIDELINES IN THE 1972 REGULATIONS of the former District Of Columbia Board Of Parole.

That NEW REHEARING that was supposed to be scheduled for January *11, 2016, NEVER WAS SCHEDULED or NEVER TOOK PLACE. Petitioner was seen October 20, 2017, for his rehearing, under the D.C.M.R. Title 28 1987 Parole Guidelines.

Secondly, On October 20, 2017, JoAnn L Kelley, Hearing Examiner was given a copy of the Notice Of Action submitted above that indicates petitioner's rehearing shall be scheduled January 11, 2016, conducted pursuant to the 1972 guidelines. The hearing examiner JoAnn L. Kelley, stated that she was not privy to the existence of this order. She went to administrator staff to in-

Constitutional Rights pursuant to the Eighth and fourteenth Amendments. (See Black's Law/Ground Law).

EXHIBIT AND DOCUMENT (J):

Indeterminate Sentences and Parole 24-§208.

Secondly, Former 9 D.C.R.R. §§ 104.1, 105.1 (1972), Regulations contained [NO] prescribed method for translating the factors into a parole release date.

DATE: _____ :

RESPECTFULLY SUBMITTED,

MORRIS J. WARREN

FED. REG. NO. 05203-016

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TIONAL COMPLEX, P.O. BOX
1000, PETERSBURG, VIRGINIA
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CONCLUSION

THE FOREGOING PETITION FOR THIS WRIT OF MANDAMUS SHALL BE GRANTED.
ED.

RESPECTFULLY SUBMITTED,

MORRIS J. WARREN

FED. REG. NO. 05203-016

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DATE: _____ :

APPENDIX A,B,C,D,E,F,G,H,I,J: AND DOCUMENTS