

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Antwoyn Terrell Spencer,

Case No. 19-MC-62 (PAM)

Petitioner,

v.

ORDER

J. Fikes,

Respondent.

This matter is before the Court for prescreening. Petitioner Antwoyn Spencer has once again attempted to file a petition for a writ of habeas corpus challenging his conviction. Because he has been restricted from any further filings in this District, however, the Court must evaluate his submissions to determine whether they should be filed. It is clear that they should not, and the Court will instead order these matters closed.

Spencer is a frequent litigant in this and other Districts. As a result of his filing numerous successive petitions for a writ of habeas corpus, Judge Susan Richard Nelson ordered that he be restricted from filing any new cases without receiving permission from either the Eighth Circuit Court of Appeals or from the presiding District Judge. See Jan. 22, 2019, Amended Order, Spencer v. Watson, No. 17cv3999 (D. Minn.). Spencer's filing of the instant Petition constitutes an implicit request for permission to proceed under Judge Nelson's Order.

But as has been explained to Spencer repeatedly, the Court lacks any jurisdiction over Spencer's claims. Without preauthorization from the Court of Appeals, this Court has no jurisdiction over claims related to Spencer's conviction and sentence. 28 U.S.C. § 2255(h). His requests for permission to proceed are therefore denied.

Similarly, an attempt to appeal this Order is not taken in good faith, and the Court will deny any request to proceed in forma pauperis on appeal.

Accordingly, **IT IS HEREBY ORDERED** that the Clerk of Court shall **CLOSE** this case.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: August 20, 2019

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge

FACTS NECESSARY:

- 1) On 4/15/19, Petitioner filed a motion for imposition of a reduced sentence pursuant to Section 404 of the First Step Act.
- 2) On 7/26/19, Petitioner's motion was denied by Chief Judge, John R. Tunheim, United States District Court (District of Minnesota).
- 3) Petitioner filed a notice of appeal
- 4) ON 8/27/19, Petitioner filed his brief after a briefing schedule was established by the Eighth Circuit Court of Appeals.
- 5) On 10/3/19, after receiving an extension, the United States filed its response brief.
- 6) On 10/16/19, Petitioner filed his reply brief.
- 7) On 8/12/19, Petitioner filed a petition for a writ of habeas corpus.
- 8) On 8/20/19, Petitioner's petition was denied by District Judge, Paul A. Magnuson, United States District Court (District of Minnesota).
- 9) Petitioner filed a notice of appeal
- 10) On 9/9/19, Petitioner filed a request for a certificate of appealability and an appellate brief.
- 11) Since Petitioner's last filing in both cases, there has been no action taken by the Court.

REASONS WRIT SHOULD ISSUE:

- 1) Petitioner is currently being deprived of his Civil Right of personal liberty against law.
- 2) Pending before the Eighth Circuit Court of Appeals are legally sufficient briefs that demonstrate Petitioner is being illegally restrained of his liberty (see attached briefs).

3) There has been no legal argument presented to contest Petitioner's position.

4) Mandamus is warranted to provide fairness in administration and to eliminate unjustifiable delay.

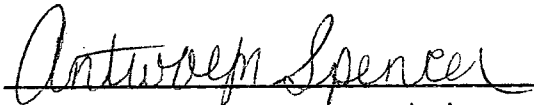
5) Mandamus is necessary to relieve Petitioner of his unlawful incarceration thereby setting Petitioner free from undue governmental restraint.

CONCLUSION

Petitioner prays this Honorable Court issue the writ of mandamus requested.

Respectfully submitted

Date 12/6/19


Antwoyn Spencer, Petitioner