

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Hadori Karmen Williams PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Hadori Karmen Williams # 29573-064
(Your Name)
United States Penitentiary
F.O. Box 1000
(Address)

Leavenworth, Kansas 66048-1000
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

Whether, in light of *Bousley v. United States*, 523 U.S. 614 (1998), Mr. Williams' 28 U.S.C. section 2255 Motion to Vacate was timely if he was actually innocent of 18 U.S.C. section 924(c)?

Whether the dismissal of Mr. Williams' 28 U.S.C. section 2255 Motion to Vacate resulted in a complete miscarriage of justice in light of *Davis v. United States*, 417 U.S. 333 (1974)?

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:

RELATED CASES

None

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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

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 is unpublished.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 is unpublished.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 _____ 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 is unpublished.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 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 12, 2020.

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: _____, 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. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

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

A prisoner is entitled to habeas corpus if he can show the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such a sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack . . . 28 U.S.C. section 2255.

STATEMENT OF THE CASE

Please see "Appendix C", at pages 3-6, for a complete statement of this case. Mr. Williams' facility is on lock-down due to the Covid-19 Outbreak. He does not have access to typewriters, copy machines, or research materials and he must rely on his previously filed and received materials.

REASONS FOR GRANTING THE PETITION

The Tenth Circuit Court of Appeals recognizes that neither it nor the Supreme Court has definitively resolved whether a claim of actual innocence based on a new statutory interpretation - rather than a claim based on new evidence - can overcome section 2255's statute of limitations. Cf. *Bousley v. United States* 523 U.S. 614, 623, 118 S.Ct. 1604, 140 L.Ed.2d 828 (1998) (holding that a section 2255 motion could be actually innocent based on a new statutory interpretation, but remanding "to permit the defendant to attempt to make a showing of actual innocence"); *Batrez Grady v. Gonzales*, 490 F.3d 1206, 1209 (10th Cir. 2007) (recognizing that a statutory-interpretation-based claim of actual innocence could excuse lack of exhaustion in an appeal of an order of removal). The Court was required by this Court's decision in *Greenslaw v. United States*, 554 U.S. 237, 243, 128 S.Ct. 2559, 171 L.Ed.2d 399 (2008), rely on the parties to frame the issues for decision. Id. Mr. Williams submitted that he was actually innocent of the section 924(e) enhancement. The courts below refused to address the issue. The courts below also refused to address the issues of whether the district court at sentencing lacked jurisdiction to impose the sentence it imposed, and whether a complete miscarriage of justice resulted from the courts' dismissals of Mr. Williams' collateral attacks on the sentence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Hadari Williams

Date: April 27, 2020