

No. \_\_\_\_\_

19-8700

IN THE  
SUPREME COURT OF THE UNITED STATES

Cody Streetman

(Your Name)

— PETITIONER

**ORIGINAL**

vs.

Eighth Circuit Court  
of Appeals

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

MAY 20 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Eighth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Cody Streetman

(Your Name)

P. O BOX 602

(Address)

Tecumseh NE 68450

(City, State, Zip Code)

\_\_\_\_\_

(Phone Number)

RECEIVED

MAY 28 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether the 8<sup>th</sup> Circuit Court of Appeals decision to deny the issuance of a COA attached to this appendix of this petition,<sup>13</sup> contrary to the decision of the US Supreme Court *Buck v. Davis* 580 U.S. — 137 S.Ct. 1971 L.Ed 2d (2017)

## **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**

1. *Barker v. Davis*, 588 U.S. 1375, 46 U.S.L.W. 2d 1 (2017)
2. *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L. Ed. 2d 542 (2000)

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

APPENDIX A	Decision of the 8th Circuit Court of Appeals
APPENDIX B	Decision of the Nebraska Federal District <del>Court</del> Court
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Buck v. Davis</i> , 580 US __, 137 S. Ct. (2017)	
<i>Slack v. McDaniels</i> , 529 US. 473, 484 (2000)	

## STATUTES AND RULES

US 28 2254

US 28 2253

## OTHER

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[ ] is unpublished.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 \_\_\_\_\_.

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

2253

1. 28 U.S.C. 2253(c)(2). A. COA will be granted if the petitioner makes a "substantial showing of the denial of a constitutional right"
2. US Constitution Amendment V. No person shall be deprived liberty without due process of law
3. US Constitution Article 1, 9 - The Writ of habeas corpus shall not be suspended

## STATEMENT OF THE CASE

1) On or about the - day of 30, July 2019 Mr. Strodtman filed a  
meritorious 28 U.S.C. 2254 Petition. In his Petition Mr. Strodtman  
particularized that defense counsel Darren Knepper provided  
him with constitutionally ineffective assistance of counsel, and denied  
him due process of law.

2) On or about the 13<sup>rd</sup> day of November 20 the Nebraska  
Federal District Court issued its order to deny Mr. Strodtman 2254  
Petition without addressing the merits of his Constitutional claim.

3) On or about the day of December, Mr. Strodtman file a  
motion in the 8<sup>th</sup> Circuit Court of Appeals, seeking a issuance of a  
Certificate of Appealability.

4) On the 20<sup>th</sup> day of March the 8<sup>th</sup> Circuit Court of Appeals  
issued its order to deny Mr. Strodtman motion seeking a Certificate  
of Appealability.

5. Here now Mr. Strodtman files this petition seeking a writ of  
Certiorari;

## REASONS FOR GRANTING THE PETITION

1. The 8<sup>th</sup> Circuit Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, and has sanctioned such a departure by the Nebraska Federal District Court, as to call for an exercise of this United States Supreme Courts supervisory powers and has decided an important Federal question in a way that is in conflict with relevant decisions of this United States Supreme Court in *Re Buck V. Davis*.

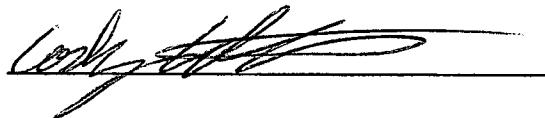
The 8<sup>th</sup> Circuit Court of Appeals did not follow the scope of the Certificate of Appealability analysis in this Courts Decision in *Buck V. Davis*. The COA Statute sets forth a two step process. (1) an initial determination whether a claim is reasonably debatable, and if it is<sup>(2)</sup> an appeal is the normal course. The 8<sup>th</sup> Circuit Court of Appeals did not make an examination or inquiry at the COA stage into the underlying merit of Mr Stradman ineffective assistance of Counsel claim and denial of due process claim and make a determination if the ~~the~~ Nebraska Federal District Courts decision to deny Mr Stradmans claims on the grounds of procedural Statutory limitations was reasonably debatable ~~before the 8<sup>th</sup> Circuit denied his COA~~ "as required by this Court decision in *Buck V. Davis*".

Denial of Certificates of Appealability, procedural bar to rel.<sup>v</sup>, and Denial of petition of Writ of habeas corpus to be heard on the merits because of Statute of limitations are public importance because these are Court defenses to finality of the conviction and is in conflict with the publics right to a Writ of habeas corpus and right not to be unlawfully imprisoned which is incorporated in the US Constitution Article I, Section 9, Which states "The privilege of the Writ of Habeas Corpus shall not be suspended unless in cases of rebellion or invasion, the public Safety may require it

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: May 15 2020