

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

19-8700

IN THE  
SUPREME COURT OF THE UNITED STATES

Cody Stradtman

(Your Name)

— PETITIONER

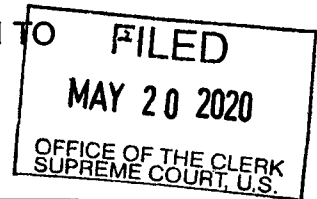
**ORIGINAL**

vs.

Eighth Circuit Court  
of Appeals

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



Eighth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Cody Stradtman

(Your Name)

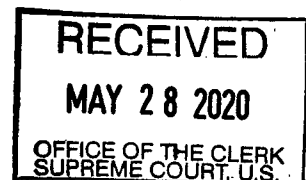
P. O. Box 400

(Address)

Tecumseh NE 68450

(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)



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>is</sup> contrary to the decision of the US Supreme Court *Buck v. Davis* 580 U.S. — 137867, 197 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. *Buck v. Davis*, 580 U.S. 1375 (2017), 137 L. Ed. 2d 1 (2017)
2. *Slack v. McDaniel*, 524 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000)

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## TABLE OF AUTHORITIES CITED

### CASES

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*Buck v. Davis*, 580 US \_\_\_, 137 S. Ct. (2017)  
*Slack v. McDaniel*, 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☒ is unpublished.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. <sup>US Constitution</sup> Amendment V. No person shall be deprived liberty without due process of law
3. US Constitution Article I, 9 - The Writ of habeas Corpus shall not be suspended



## STATEMENT OF THE CASE

- 1) On or about the 30 day of July 2019 Mr. Stodtman Filed a Meritorious 28 U.S.C. 2254 Petition. In his Petition Mr. Stodtman 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>th</sup> day of November 20 the Nebraska Federal District Court issued its order to deny Mr. Stodtman 2254 Petition without addressing the merits of his Constitutional claim.
- 3) On or about the day of December, Mr. Stodtman 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. Stodtman motion seeking a Certificate of appealability.
- 5) Here now Mr. Stodtman Files this petition seeking a writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

i. 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 Court's 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 Court's 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 (2) 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 Stradtman ineffective assistance of Counsel claim and denial of due process claim and make a determination if the ~~State~~ Nebraska Federal District Court's decision to deny Mr Stradtman's 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 relief, 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 public's 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,

A handwritten signature in black ink, appearing to be "Cody", written over a horizontal line.

Date: May 16 2020