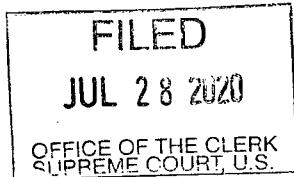


ORIGINAL

20-5354  
No. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

JOHNNIE LEE JORDAN JR. --PETITIONER

VS.

SECRETARY, FLORIDA DEPARTMENT  
OF CORRECTIONS, --RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI FROM  
ELEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

PROVIDED TO  
CROSS CITY C.I.

JUL 28 2020

FOR MAILING

Johnnie Lee Jordan Jr., DC# 116938  
Cross City Correctional Inst.  
568 N.E. 255<sup>th</sup> Street  
Cross City, Florida 32628

## **QUESTION(S) PRESENTED**

The Eleventh Circuit Court of Appeals has entered a decision that has departed from the accepted and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power.

Pro se Petitioner is unskilled at law and presents this inexpertly drafted petition and question to this Court.

The Question Presented is:

1. Whether pro se litigants can be sentenced to a natural life sentence because of Giglio and Brady violations, and insufficient evidence plain on the face of the records, and denied consideration on the merits of the COA even though reasonable jurist could disagree with the reasons for denial of a 2254 petition by the U.S. District Court?

## **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 CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

**[X] 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,  
[X] is unpublished.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,  
[X] is unpublished.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 January 13, 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: April 6, 2020 and a copy of the order denying rehearing appears at Appendix C.

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**

### **United States Constitution Amendment Five:**

No person shall be deprived of life, liberty, or property, without due process of law.

### **United States Constitution Amendment Fourteen:**

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## STATEMENT OF THE CASE

Pro se Petitioner, Johnnie Lee Jordan Jr., on February 18, 2010, was convicted by jury for count one attempted first degree premeditated murder and sentenced to a natural life sentence; and count two aggravated battery involving great bodily harm, and sentenced to thirty years mandatory running concurrently with fifteen years mandatory. Petitioner filed a 28 U.S.C. §2254 habeas petition on May 13, 2016 (see appendix B, pg. 1; Doc.# 1, U.S. District Courts Docket sheet).

On August 26, 2019 the U.S. District Court denied that §2254 petition claims, and a COA (See appendix B, pg. 7, Doc. # 78).

On September 9, 2019, Petitioner filed a motion to alter or amend judgment, on September 10, 2019 the next day it was denied (see appendix B, pg. 7, Doc. #s, 80, and 81).

On September 13, 2019, Petitioner filed a notice of appeal; and a notice of appeal on September 18, 2019 (See appendix B, pg. 7, Doc. #s 82-83, and pg. 8, Doc. #s 84-85).

Petitioner filed a timely application for COA on October 2, 2019 (see appendix F, pgs. 1-6).

There was confusion to what Petitioner's primary appeal number was, and what judgments and orders were being appealed.

On December 6, 2019 the Eleventh Circuit Court of Appeals issued an order, clarifying his appeal number is 19-13602, and all judgments would be reviewed under that appeal number "only" (See appendix D, pgs. 1-2).

On January 13, 2020 the Eleventh Circuit Court of Appeals issued an order denying the COA under a duplicative appeal number 19-13675-H, (See appendix A, pgs. 1-4).

Petitioner then filed an “emergency” motion for clarification. Then a motion for reconsideration under the duplicative appeal number, as to avoid missing the 21 day deadline. On April 6, 2020 the Eleventh Circuit Court of Appeals denied that motion for reconsideration under appeal number 19-13602 (See appendix C, pgs. 1-2).

This Court issued an order on April 23, 2020, extending the time to file certiorari to 150 days. (See appendix E, pgs. 1-3).

Petitioner has submitted the U.S. District Courts docket sheet as appendix B, because he does not have all his legal documents. When Petitioner was transferred from Gulf C.I. because of the hurricane in 2018, the correctional officers forced Petitioner to leave a lot of legal documents, and then they intentionally discarded those legal documents. Be advised please, that Petitioner is referring this Court to the page numbers inside appendix B, that is on the bottom right hand side corner of the docket sheet, pages 1-8.

Petitioner did not file a motion for rehearing, he was told that the denial on April 6, 2020 of the motion for reconsideration (See appendix C) is the denial of rehearing. The foregoing was told to Petitioner by the prison law clerk.

Particularly, the postconviction judge the Honorable Susan Sexton issued a show cause order to the prosecution Mr. Anthony Falcone telling him to respond to

Petitioner's claims, claim four was a Giglio violation claim. Mr. Falcone responded and stated the claims could not be refuted by the record and an evidentiary hearing must be conducted. Yet, the claim was denied, and no evidentiary hearing was ever conducted on that claim. The Petitioner presented substantial facts and evidence inside his motion to alter or amend judgment, to support the foregoing. (See appendix G, pgs. 1-7). Petitioner has attached a corporate disclosure statement as appendix H; he is assuming this is what the Court is asking for?

## REASONS FOR GRANTING THE PETITION

I. Certiorari is appropriate when a United States Court of Appeals has entered a decision that has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Courts supervisory power.

### INTRODUCTION

In this case Petitioner was denied fundamental fairness to have his application for a COA considered on its merits (See appendix F, pgs. 1-6); and unfairly denied by the Eleventh Circuit Court of Appeals to have all non-final orders and pre-judgment interlocutory orders reviewed on appeal, concerning crucial motions Petitioner filed, (See appendix D, pg. 1)..

After the United States District Court denied Petitioner's 28 U.S.C. §2254 petition, and denied COA (See appendix B, pg. 7, Doc. # 78), he filed a timely motion to alter or amend judgment on September 9, 2019, (See appendix G, pgs. 1-7). Because Petitioner believed the United States District Court had made errors in its order, and thought he could bring those errors to that court's attention, so that court would amend that judgment.

The very next day on September 10, 2019, the United States District Court gave a "hasty" review and denial of the motion for alter or amend judgment (See appendix B, pg. 7, Doc. 81).

Essentially, the Eleventh Circuit Court of Appeals rubber stamped Petitioner's COA and appeal; after sanctioning the United States District Courts

“specious” and “flawed reasons” for denial of Petitioner’s §2254 grounds (See appendix B, pg. 8, Doc. # 84).

The Eleventh Circuit Court of Appeals then gave erroneous facts, asserting that Petitioner is serving life imprisonment for first-degree murder and aggravated battery, and gave “specious” and flawed reasons for denial of the COA under a duplicative appeal number 19-13675-H. (See appendix A, pgs. 1-3).

Particularly, the foregoing unconstitutional practice by the Eleventh Circuit Court of Appeals and the United States District Court is a issue of public importance. Because there are thousands of pro se litigants who are habeas Petitioners filing pleading after pleading, year after year; which places undue burdens on judicial resources, and the taxpaying citizens of this country.

Most importantly, the rubber stamping of COA’s denies innocent pro se litigants, a good chance at relief, from a unconstitutionally imposed conviction and sentence.

This Court has had to periodically remind lower courts not to unduly restrict the path to appellate review see, e.g., Thape v. Sellers, 583 U.S. \_\_\_, 138 S. Ct. 545, 199 L. Ed. 2d 424 (2018) (per curiam), Buck v. Davis, 580 U.S. \_\_\_, 137 S. Ct. 759, 197 L. Ed. 2d. 1 (2017); Tennard v. Dretke, 542 U.S. 274, 124 S. Ct. 2562, 159 L. Ed. 2d 384 (2004); yet, the lower court’s still continue to do so. Most pro se litigants as habeas Petitioners; are unsophisticated, and proceeding without aid of counsel, like the Petitioner. The Petitioner provided substantial facts and evidence, and

arguments that were unexplored, that leaves a weighty question as to whether he is in custody in violation of the constitution.

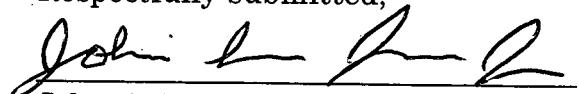
The Petitioner's case provides an example of what can be lost when COA review becomes hasty. This case gives this Court the perfect opportunity to protect pro se litigants as habeas petitioners who are untrained at law, and proceeding without aid of counsel, and further jurisprudence of federal habeas law; by exercising this Court's supervisory power; to address the Eleventh Circuit Court of Appeals departure from the accepted and usual course of judicial proceedings, concerning COA's.

This Court should grant the petition for writ of certiorari.

## CONCLUSION

The petition for a writ of certiorari should be granted based on all the foregoing reasons.

Respectfully submitted,

  
Johnnie Lee Jordan Jr., DC# 116938

Date: July 28, 2020