

NO ~~20-5680~~

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA

Larry L. STEELE, pr. se, prisoner, petitioner

Vs

Lois DAVIS, director, et al, Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO
U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

ORIGINAL

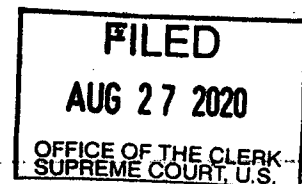
Larry R. Steele, pr. se, prisoner # 01364228

Cynough Unit

1093 S. Hwy 2037

Ht. Jackson, TX. 79735

WA



QUESTION 1) PRESENTED

Since STEELE is a prisoner and unable to send any documents, letters, or the like, directly to the U.S. Post Office nor is electronic filing available to any prisoner in Texas, then, should all prisoner filings in any court be considered filed on the date prisoners place them in the prison mailing system no matter how long it takes for the court's clerks to actually file any of the prisoner's documents?

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:

- ① Lorie Davis, Director, P.O. Box 19, Huntsville, TX 77340
- ② Texas Attorney General's Office, P.O. Box 12548, Austin, TX 78711.
- ③ U.S.D.C. Southern District of Texas, District Judge Lynn N. Hughes via Solicitor General of the United States, Rm. 5641, Dept. of Justice, 950 Pennsylvania Ave., N.W. Washington, D.C. 20530-2001

RELATED CASES

Texas v. Leroy R. Hilde, Trial Court No 17-11739-06, In the 273rd Judicial District of Texas, Judgment Entered June 13, 2013.

STEELE v. State of Texas, case no. 04-13-00486-CR, In the Fourth Court of Appeals of Texas, Judgment Entered June 4, 2014

STEELE v. State of Texas, case no. PD-039774, In the Texas Court of Criminal Appeals of Texas, Judgment Entered November 5, 2014

STEELE V. STEPHENS, USDC No. 4:15-CV-3274, in The United States District Court, Southern District of Texas, Judgment entered 12-3-2019.

STEELE V. STEPHENS, 5th Cir. No. 15-20770, In The United States Court of Appeals, Fifth Circuit, Judgment entered January 2, 2018

STEELE V. DAVIS, USDC No. 4:15-CV-3274, In The United States District Court, Southern District of Texas, Judgment entered February 5, 2019

STEELE V. Davis, USDC No. 4:15-CV-3274, In The United States District Court, Southern District of Texas, Judgment entered May 28, 2019.

STEELE V. Davis, 5th Cir. No. 19-20426, In The United States Court of Appeals, Fifth Circuit, Judgment entered April 2, 2020

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Appendix B : *Steele v. Davis*, USDC No. H-15-3274, In the U.S. District Court, Southern District of Texas, Judgment entered 5-28-19

Appendix C : *Steele v. Davis*, USDC No. H-15-3274, In the U.S. District Court, Southern District of Texas, Memorandum and Recommendation entered 5-2-19

Appendix D : *Steele v. Davis*, U.S. Court of Appeals, Fifth Circuit No. 19-20426, In the U.S. Court of Appeals, Fifth Circuit, Clerk's letter to STEELE entered 4-23-2020

Appendix E : *Steele v. Davis*, U.S. Court of Appeals, Fifth Circuit No. 19-20426 In the U.S. Court of Appeals, Fifth Circuit, STEELE's motion for Extension of Time "certified and

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Appendix F: Steele v. Davis, U.S. Supreme Court No. (ORDER List: 539 U.S.), In The United States Supreme Court, ORDER issued 3-19-2020.

Appendix G: Steele v. Davis, U.S. Supreme Court No. (ORDER List: 539 U.S.), In The United States Supreme Court, Clerk letter to STEELE entered 6-14-2020

Appendix H: Steele v. Davis, U.S. Supreme Court No. (ORDER List: 539 U.S.) In The United States Supreme Court, STEELE returned letter from Clerk, stamped received date of 6-9-2020

Appendix I: Steele v. Davis, U.S. Supreme Court No. (Clerk did not assign a number). In The United States Supreme Court, STEELE's Motion for Extension of Time to file Petitioner's Certificate, Briefing and Decisions mailed on 5-29-2020.

Appendix J: Steele v. Davis, U.S. Court of Appeals, Fifth Circuit No. 19-20426, In The U.S. Court of Appeals, Fifth Circuit, STEELE's letter to Clerk mailed 10-10-19 and Clerk response mailed 10-17-19.

Appendix K: Steele v. Davis, U.S. Court of Appeals, Fifth Circuit No. 19-20426. In The U.S. Court of Appeals, Fifth Circuit, STEELE's motion for a Certificate of Appealability, Certified and decided mailed 3-28-19.

Appendix L: Steele v. Davis, U.S. Court of Appeals, Fifth Circuit No. 19-20426, In The U.S. Court of Appeals, Fifth Circuit, STEELE's Brief in Support of Appellant's Request for a COA. From a Final Judgment from the USDC Southern District of Texas, Certified and Decided mailed on 3-28-19.

Appendix M: Steele v. Davis, USDC No. H-15-3274, In the U.S. District Court Southern District of Texas, STEELE's objection to Memorandum and Recommendation Confirmed and declared mailed on 5-13-19.

Appendix N: Steele v. Davis, USDC No. H-15-3274, In the U.S. District Court, Southern District of Texas, STEELE's motion to Court for Relief from an Order of Adoption and a Final Judgment" under Federal Rules of Civil Procedure Rule 60(b), certified and declared mailed on 4-19-19.

Appendix O: Steele's "Inmate Request to Official" Form E-60, to prison mailroom, sent 5-8-19 answered 5-9-19.

Appendix P: Steele v. Stephens, USDC No. 4:15-CV-03274, In the U.S. District Court, Southern District of Texas, STEELE's letter to magistrate Judge Peter Bray, mailed on 3-2-19.

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Appendix R: Steele v. Davis, USDC No. H-15-3274, In the U.S. District Court, Southern District of Texas, Judgment entered 2-5-19.

Appendix S: Steele v. Stephens, USDC No. 4:15-CV-3274, In the U.S. District Court, Southern District of Texas, STEELE's "Petitioner's written Objections to Memorandum and Recommendation" certified and declared mailed on 1-29-19.

Appendix T: Steele v. Stephens, USDC No. 4:15-CV-3274, In the U.S. District Court, Southern District of Texas, USDC Clerk's backlist sheet (USDC 4:15) mailed 5-8-2020.

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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

☒ The case is before the Court:

The opinion of the United States Court of Appeals appears at
Appendix G 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 K to the petition and is

☐ reported at _____, or

☐ has been designated for publication but is not yet reported,

☒ is unpublished.

☐ The case is 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,

☐ is unpublished.

The opinion of the _____ Court

appears at Appendix M to the petition and is

☐ reported at _____, or

☐ It has been designated the publication that is not yet reported for
☐ is very delayed

JURISDICTION

☐ We come from Federal Court:

The date on which the United States Court of Appeals decided my case was 4-22-2020

☐ A timely petition for rehearing was timely filed on 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 in Appendix _____.

☐ An extension of time to file the petition for a writ of habeas corpus was granted to me including August 31, 2020 on March 19, 2020 in Application No. A _____
(ORDER 2297-539 WL)

The jurisdiction of this Court is invoked under 28 USC § 1254(1)

☐ We come from a State Court:

The date on which the highest State Court decided my case was _____ A copy of that decision appears as Appendix _____.

☐ A timely petition for rehearing was timely 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 habeas corpus was granted to me including _____ in _____ in Application No. A _____.

The jurisdiction of this Court is invoked under 28 USC § 1257(a)

CONSTITUTIONAL AND STATUTORY

PROVISION FIVE

1. The United States Constitution of America Article VI (U.S. Const. Art. VI) "This Constitution, and the laws of the United States which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."
2. The United States Constitution of America, Constitutional amendment I (U.S. Const. amend I) "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, or to petition the government for redress of grievances."
3. The United States Constitution of America, Constitutional amendment XIV (U.S. Const. amend XIV) Section 1 "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State they reside. 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."
4. The Declaration of Independence, U.S. Congress July 4, 1776 (Declaration of Independence 1776) "When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another and to assume

assume among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitled them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. - That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed - That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed, but when a long train of abuses and usurpations, pursuing invariably the same object wins a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

The Universal Declaration of Human Rights, 12-10-1948 (Universal Declaration of Human Rights, 1948), Art. 6: Everyone has the right to recognition everywhere as a person before the law. Art. 7: All are equal before the law and are entitled without any discrimination to equal protection

of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any deterioration to such discrimination. Art. 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 12: No one shall be subject to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interferences or attacks. Art. 17: (1) Everyone has the right to freedom of peaceful assembly and association. Art. 29 (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society."

6. Rules of The Supreme Court of The United States, Part III, Rule 10(a), (5. (1. Rule 10(a)) "A United States Court of Appeals has entered a decision in conflict with the decision of another United States Court of Appeals or the same important matter; has decided an important federal question in a way that conflicts with a decision by a State Court of last resort; or 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 Court's supervisory power."

7 Federal Rules of Appellate Procedure Rule 25 filing and service (Fed. R. App. P. Rule 25 (b)(1)(ii)) "United States. If an institution has a system designed for legal mail, an inmate

continue then must use that system to receive the benefit of this Rule 25(a)(2)(A)(ii). A paper not filed electronically by e-mail on or before the last day for filing and if it is accompanied by a declaration in compliance with 28 USC §1746 - or a notarized (notarizing) - setting out the date of deposit and stating that first-class postage is being prepaid - or evidence (such as a postmark or date stamp) showing that the paper was so deposited and that postage was prepaid - or the Court of Appeals exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies Rule 25(a)(2)(A)(ii).

8. United States District Court of Texas, Southern District of Texas, Houston Division, Civil Rules, Local Rule 5 (USDC Local Rule 5)

LR 5.3 Certificate of Service. Papers must have at the end a certificate reflecting how and when service has been made or why service is not required. Federal Rules of Civil Procedure 5(b)(1)

9. Federal Rules of Civil Procedure Rule 60(b) (Fed. R. Civ. P. Rule 60(b))

Rule 60: Relief from a judgment or order. (b) Grounds for relief. From a final judgment, order, or proceeding on motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (i) mistake, inadvertence, surprise, or excusable neglect; (ii) any other reason that justice requires.

APPENDICES

1. Deady v. Feltle, 463 U.S. 830, 843 "First Congress established the requirement that a prisoner obtain a c.o. probable cause to appeal in order to prevent frivolous appeals from delaying the state's ability to impose sentences, including death sentences."

2. Conner v. Linsay, 310 F.3d 843 847-48 (5th Cir.) "In the case of a

pro se prisoner, a habeas corpus petition should be deemed filed when the petition is handed over to prison authorities for mailing." "The inability of an unrepresented prisoner litigant to effectively conduct over the filing of his pleadings, and his dependence on prison officials for such filing, supports a flexible approach to the application of deadlines."

3. Wright v. Methodist Hospital 416 F.3d 492. "The purpose of relief from a judgment rule is to afford relief from judgment that is unfairly obtained."

4. Hernandez v. Fletcher, 630 F.3d 420. "The district court did not dock the petition until June 1, 2005, but under the prison mailbox rule Hernandez's petition is deemed to have been filed on the date he placed it in the prison mail system see e.g., Stout v. Cain, 570 F.3d 669, 671 (5th Cir. 2009)." "The federal rules of appellate procedure have for their primary purpose the securing of speedy and independent justice in a uniform and well ordered manner. They were not adopted to set traps and pitfalls by way of technicalities for unrepresented litigants." Footnote: "The district court did not dock the petition until June 1, 2005, but under the prison mailbox rule, Hernandez's petition is deemed to have been filed on the date he placed it in the prison mail system see, e.g., Stout v. Cain, 570 F.3d 669, 671 (5th Cir. 2009)." (An application for habeas corpus presented by a prisoner without the aid of counsel will not be dismissed for mere technical defects, but will be considered with solicitude for the essential rights of the accused.)"

5. Hovine v. U.S. 524 U.S. 236, ____ "This court (9-11) has jurisdiction under 312.14(D) to review denials of applications for habeas by a circuit judge or a circuit appeals panel."

6. Houston v. Lack, 437 U.S. 264, 270, 101 L.Ed. 245, 108 S.Ct. 2379 (1978). "This [ambiguity] remedy is justified by the unique situation of prisoner seeking to appeal without the aid of counsel."

7. Miller v. Rockwell, 537 U.S. 322 (2002). "A state prisoner satisfies the proper evidentiary standard by demonstrating that just as seems, could (a) dispense with a district court's resolution of the prisoner's claim. Alternatively, (b) conclude the issues presented are equivalent to a decision encouraged to proceed further (pg 933)". (b) Before a prisoner seeking post conviction relief under 22 USC 2254 may appeal a district court's denial or dismissal of the petition, he must first seek and obtain a COA from a Circuit judge or judge. 22 USC 2253. This is a jurisdictional prerequisite. Congress mandates that a prisoner seeking post conviction relief under 22 USC 2254 has no automatic right to appeal a district court's denial or dismissal of the petition. Instead, petitioner must first seek and obtain a COA. The COA inquiry asks only if the district court's decision was debatable. The COA standing alone does not assert a grievance against authority, does not seek remedy or redress for any legal injury, and does not even require a "party" on the other side. It is nothing more than a request for permission to seek review. Hahn v. U.S. 524 U.S. 236, 256."

8. Slade v. McDaniel, 529 U.S. 473. Held: "That a COA does not require a showing that the appeal will succeed."

9. Spillane v. Kane, 149 F.3d 374, 376 (5th Cir.). "In the case of a pro se prisoner, a habeas corpus petition should be denied if and when the petition is handed over to prison authorities for mailing."

10. Straw v. Bels, 484 F.2d 268, 269 (5th Cir.). Fed. R. App. 22(b) provides, in part that in a habeas proceeding in which the detention complained

of orders out of process issued by a state court, an appeal by the applicant for the writ may not proceed unless a district or circuit judge issues a writ prohibitive order.

10. Mont v. Lom 570 (3d 669 (92 (11 2002)), "Prison mailbox rule could have made state courts post conviction petition timely if timely mailed but never received, given that an inmate's petition checked out and, pending if ever not received, the inmate promptly resubmitted it again. Dismissal of the federal petition under 28 USC § 2244(d)(1) was reversed." Under the prison mailbox rule, a prisoner's pleading is deemed to have been filed on the date that the prisoner places it into the mailbox to prison authorities, for mailing."

11. "Mailbox Rule" Black's Law Dictionary: mailbox rule. (1973) 1. Context.

The principle that an acceptance between attachable-one binds the offeree - once it has been properly mailed. The mailbox rule does not apply, however, if the offeror specifies that an acceptance is not attachable until received. 2. The principle that when a pleading or other document is filed or served by mail, filing or service is deemed to have occurred on the date of mailing. The mailbox rule varies from jurisdiction to jurisdiction. It may apply only to certain types of things, or it may apply to the use of an order - making covered instead of the u.s. mail - also termed "airmail rule". (1) Prison Mailbox Rule "

STATEMENT OF THE CASE

On June 18, 2013 STEELE was convicted in the 273rd Judicial District of Texas for a crime he did not commit. STEELE opted for a Jury trial and Jury sentencing and he was found guilty and sentenced to 12 years in prison. STEELE filed his notice of appeal and was granted an appeal attorney. Then the 10th Court of Appeals in Texas opted not to take on STEELE's appeal and signed it away to the next nearest appeals court and even though there were 4 other appeals courts that were closer to the 10th Court of Appeals, for some unknown reason it was given to the 4th Court of Appeals in San Antonio, Texas for review. Then on June 4, 2014, the 4th Court of Appeals affirmed STEELE's conviction. So, STEELE filed a timely Petition for Discretionary Review to the highest state court, Texas Court of Criminal Appeals in Austin, Texas in which on 11-5-14 the Court entered their judgment of "REFUSED". STEELE then mailed his Federal Habeas Corpus Writ 23 to 2014 on October 29, 2014. Due to the U.S. District Court, Southern District of Texas' (SDR) filing it on November 4, 2014 in which STEELE brought up the issues that were brought up in his P.O.R. Then on November 6, 2014 Magistrate Judge Stephen Smith was assigned to STEELE even though STEELE never filed a waiver to allow a magistrate judge to intervene. Magistrate Judge Stephen Smith erred in recommending to dismiss STEELE's § 2254 by stating that STEELE failed to exhaust state remedies because STEELE failed to file a state habeas before filing a federal habeas. STEELE objected to this recommendation and showed the Court

that a Federal Habeas Writ 285 2254 can be later without fixing
a side Habeas as long as STEELE only brings up the issues that
were brought forth in his P.O.R. But, the USDC, Southern District
of Texas' District Judge Lynn W. Hughes ruled and went against
the rules and laws and "Disputed" STEELE's Federal Habeas Corpus
285 2254 on 12-3-2018 for failure to exhaust state remedies.
So, STEELE appealed to the U.S. Court of Appeals, Fifth Circuit and
he was granted a Certificate of Appealability (COA) and a Federal
Recess. STEELE changed the US Court of Appeals but he did
exhaust state remedies. However, the court stated that STEELE
added a claim that was not exhausted and therefore made
his 2254 petition "mixed" and stated that STEELE be allowed
to voluntarily dismiss his 2254 or allow him to continue
with his "mixed" claim and the US Court of Appeals, Fifth
Circuit ruled, Vacated and Remanded on 1-28-19. STEELE filed
a two separate documents to file for a "stay" to allow him to
take state remedies on the mixed issue and amend his 2254
petition but was denied both times by the USDC Southern
District of Texas as they have the ultimate authority to grant or
deny a "stay" and it is unappealable. And after a series of
filings of Writs and STEELE and Magistrate Judge Peter Bray,
this will bring us to the start of the issue that brings STEELE
to your Court.

Magistrate Judge Peter Bray filed a Memorandum and
Recommendation to dismiss STEELE's Federal Habeas Corpus
285 2254 on 1-15-19 and gave STEELE 14 days to respond from
the date of his signing. STEELE received this notice on 1-22-19
which gave STEELE seven days to write his objections and more.

Thompson. STEELE p.d. send his "Objections" by certified mail and receiving
it mailed on 1-29-19 and the prison mailroom will confirm, but
the USDC Southern District of Texas' Clerk did not receive it until
it was 23 days. STEELE received an order of Adoption and Final
Judgment on 2-13-19 which was signed on 2-5-19 which states that
STEELE did not file any objections and therefore dismissed STEELE's
W(b)(6). Then on 2-13-19, the same day STEELE received notice of
the ruling, STEELE wrote the court clerk asking where his objections
were. But with no answer from the Clerk, STEELE wrote the Clerk
by a dated check and when STEELE received the docket sheet
on 3-4-19 he found out that when the Clerk received his letter
wondering where his objections were, then the Clerk filed his
objections. So STEELE wrote the magistrate Judge Peter Bray
on 3-14-19 asking him to investigate why STEELE's objections took
so long to get filed. But that letter also went unanswered. So,
STEELE certified an order and mailed his Federal Rule of Civil
procedure Rule 60(b) motion on 4-19-19 with the Clerk filed
on 4-26-19. Then on 5-2-19 magistrate Judge Peter Bray filed his
memorandum and Recommendation claiming that this case does
not merit and that as that if STEELE objections were filed on
time they are immaterial. So, on 5-10-19 STEELE mailed his
objections to the memorandum and Recommendation, the USDC,
Southern District of Texas, District Judge Lynn W. Hughes, denied
STEELE's objections and adopted the Magistrate Judge's memorandum
and Recommendation and issued a Final Judgment to deny STEELE's
W(b)(6) motion on 5-28-19. Then on 6-11-19 STEELE made his Notice
of Appeal to the US Court of Appeals 5th Circuit in New Orleans,
Louisiana. STEELE then requested a Certificate of Appealability (COA)

by filing a "Motion for a Certificate of Appealability" and "Prayer in Support of Appellant's Request for a C.O.A. from a Court Judged from to ASPC Southern District of Texas" and certifying and recording it marks on 9-29-20. Then on 4-2-20 the US Court of Appeals, Fifth Circuit, Circuit Judge Gregory Foster "Denied" STEELE a C.O.A. and "DENIED" STEELE to proceed Internally Pursuant. STEELE then certified and decided marked your honorable court a "Motion for Extension of Time" to request a review of the denial of STEELE's C.O.A. on 4-9-20 but the Clerk did not receive this motion until 4-21-20 with the Clerk stating it was untimely. STEELE then certified and decided marked your honorable court a "Motion for Extension of Time" to the court as certified on 5-29-20 but your Clerk did not receive it until 6-9-20. But your court had already issued, "ORDER LESS 589 U.S.", that expires with the Court's issues gets an automatic extension of time.

And now STEELE is in your honorable court to respectfully request that he be granted a writ of Certiorari.

REASONS FOR GRANTING THE PETITION

STEELE came to your court from a denial of a certificate of Appealability (C.O.A.) and an untimely, "Motion for Extension of Time" to file a review of the denial of his C.O.A. in the US Court of Appeals, Fifth Circuit, New Orleans, Louisiana.

This whole ordeal started as soon as STEELE, a prisoner in the Texas Department of Criminal Justice - Institutional Division filed his very first document in the Federal Court System. STEELE filed a "Petition for Writ of Habeas Corpus: 28 USC § 2254/§ 2255" by marking it in the TDCJ IS mailing system on the Lynnhurst Unit in

in Ft. Stockton, Texas on 10-29-15 to the USDC, Western District of Texas, Houston Division, But the Clerk of said court filed it 11-1-15, a full seven days past what STEELE established and decided it mattered on. Any this, departing from the acceptable and usual course of Judicial proceedings" continued all through the District Court and the U.S. Court of Appeals, Fifth Circuit. Any even though there are laws in effect to protect prisoners like STEELE from this type of action, "The U.S. Court of Appeals, Fifth Circuit has allowed the USDC, Southern District of Texas to do it now only you, The US Supreme Court can fix it. (see Fed. Rule 25(d))

Let me start by stating some case laws and Rules that protect prisoners like STEELE of this type of constitutional violations: In the case of Cousins v. Loring it states, "In the case of a habeas prisoner, a habeas petition should be deemed filed when the petition is handed over to prison authorities for mailing", Cousins v. Loring 310 (38 343, 347-48 (5th Cir.)). It goes on to state...

"The inability of an unrepresented prisoner to assert to exercise control over the filing of his pleadings, and his dependence on prison officials for such filing, supports a flexible approach to the application of deadlines." There is also, Sparks v. Cain, 199 (38 374, 376 (5th Cir.)(1982) with stating, "In the case of a pre-se prisoner, a habeas corpus petition should be deemed filed when the petition is handed over to prison authorities for mailing." Also in Houston v. Lack, 437 U.S. 266, 270, 127 L.Ed. 2d 245, 108 S.Ct. 2379 (1982) it states that, "This [malicious]

harassment justified by the un-guilty solicitation of prisoners seeking to appeal without the aid of counsel." (Even, Federal Rules of Appellate Procedure Rule 25(a)(2)(A)(ii)) States that, "A paper

not filed electronically by an inmate is timely if it is deposited in the institution's internal mail system on or before the last day for filing and it is accompanied by declaration stating that there is postage or other evidence such as postmark." And in Hernandez v. Thaler, 630 F.3d 420, it stated that, "The Federal Rules of Appellate Procedure have for their primary purpose the securing of speedy and inexpensive justice in a uniform and well ordered manner; they were not adopted to let hope and pitfalls by way of technicalities for unwary litigants." STEELE did file according to the Federal Rules of Appellate Procedure Rule 25(a)(2)(A)(iii), but the U.S. District, Southern District of Texas, Houston, Texas (USDC) and the U.S. Court of Appeals, Fifth Circuit, New Orleans, Louisiana (US Court of Appeals), Houston continue to file STEELE's documents on the wrong dates and occasionally made STEELE's filings, untimely, which would be a trap and for pitfall. And in the footnote of Hernandez v. Thaler, 630 F.3d 420, it states that, "The district court did not docket the petition until June 1, 2005 but under the prison mailbox rule, Hernandez's petition is deemed to have been filed on the date he placed it in the prison mail system. See, e.g., Shook v. Cain, 570 F.3d 669, 671 (5th Cir. 2009)." It goes on to state that, "an application for habeas corpus presented by a prisoner without the aid of counsel will not be dismissed for mere technical defects, but will be considered with solicitude for the essential rights of the accused."

Now that STEELE has established that he is a prisoner and that the "Mailbox Rule" should be in

effect to him, then, let's fast forward a few years to
2019, to where the petition by USDC, Clark, re: STEELE
Worm. This would be when USDC, Magistrate Judge Peter Bray
sent a memorandum and recommendation due to Dennis STEELE
{2251} on 1-15-19 (see Appendix "F" pg 3, 6th row down) and
gave STEELE 14 days (except the date of signing to object to them.
It took 7 days) for STEELE to receive them, 1-22-19, with
gave STEELE 7 days to object to Magistrate Judge Peter Bray's
recommendations. STEELE worked day and night to get his,
"Petitioner with objections to introduction and recommendation
from" with exhibit "A-N" done and STEELE completed it, with
it, declared it mailed on 1-29-19 (see Appendix "G"). But the
Clark at the USDC did not receive and file STEELE's objections
1-23 (23) twenty-three days, STEELE received the USDC, District
Judge Lynn W. Hughes' order of Adoption and final Judgment
on 2-14-19 that was signed on 2-5-19, with states that
STEELE did not object and therefore "thereby" STEELE's
{2251}, with prejudice (see Appendix "K"). STEELE is not an
attorney and is having difficulties with his "Access to
Court's" (from Lorie DAVIS), in Huntsville, Texas, STEELE
didn't so didn't know about filing a Petition. But STEELE's
main concern is; what are his objections. So STEELE wrote
the USDC, Clark in regard to his objections on 2-17-19 (see
Appendix "Q") but with no answer. So on 2-27-19 STEELE
requested a "Pocket Sheet" from the USDC, Clark and was
received by STEELE on 3-1-19 and that is when STEELE finds
out that his "objection" finally did get filed on the same date,
which happens to be the same day that STEELE's letter to the

USDC clerk received STEELE's letter asking when was STEELE's objection? Coincidence? ... I think not. So on 3-2-19 STEELE writes to USDC magistrate Judge Peter Broy a letter asking for him to investigate why it took 23 days for his clerk to file STEELE's objections (See Appendix "D"). But this letter also went unanswered and by the time, it is too late for STEELE to file for a timely review of such file or timely appeal to the US Court of Appeals, so, STEELE does some research and finds that the Federal Rules of Civil Procedure allow for a relief from an order of Default and final Judgment under Rule 60 of Civil Procedure Rule 60(b) (Federal R. Civ. P. Rule 60(b)). And STEELE filed this because STEELE believed the "mailbox rule" should apply to STEELE's filings (See Appendix "N"), but USDC, magistrate Judge Peter Broy, in his memorandum and recommendation stated that, "the circumstances of this case do not merit relief from a final judgment." And that, "Assuming the objections were timely filed, however, they are meritless." (See Appendix "C") STEELE objected to this memorandum and recommendation showing to court that STEELE's filings are to be considered filed on the date he places his "paper" in the Institutional machine system. (See Appendix "A") but USDC, Magistrate Judge Lynn N. Allyn, denied STEELE's objections and adopted USDC magistrate Judge Peter Broy's memorandum and recommendation as the court's own and filed a final Judgment denying STEELE's 60(b) motion, with prejudice, (See Appendix "B"). STEELE then files a timely notice of appeal to the US Court of Appeals, Fifth Circuit and then, STEELE mailed his, "Motion for Certification of Appealability and, Brief in Support of Applicant's Request for a C.O. A from

a final judgment" (see Appendix "K" and "L"). And in STEELE'S
"motion for a writ of Habeas Corpus", STEELE states that he
is requesting a C.O.A. because of a denial of his "motion to Court
for Relief from an order of adoption and a final judgment under
Federal Rule of Civil Procedure Rule 60(b)" (see Appendix "K", pg. 2
paragraph 7). Then in Paragraph II, STEELE states the reason for
filing said 60(b) motion by showing the Court that STEELE'S
papers did not get filed for approximately 22 days after STEELE
initiated and decided it mailed and showed the Court that
according to Fed. R. App. P. Rule 25(c)(2)(B)(iii) and the local
local rule, STEELE'S papers should have been considered filed
on the day he places his papers in the mail under the mailing
system. Then in paragraph III of the same brief, STEELE
goes on to state that, "as a result of the United States District
Court, Southern District of Texas" (Lock, David J. Brodsky, Father
to STEELE'S Petitioner, written objection to Memorandum and
Recommendation" with exhibit A-P for approximately 22 days after
STEELE decided and decided it mailed ... that STEELE'S Petition
for writ of Habeas Corpus § 2254 was dismissed." So, STEELE has to
appeal to the U.S. Court of Appeals, 5th Circuit and STEELE has to
request a Certificate of Appealability (C.O.A.) or request to do so by
a law firm. For instance, Stewart v. BELL 481 F.2d 763, 269
Fed. (2d) states that Fed. R. App. P. 22(b) provides in part that
in a habeas proceeding in which the detention complained of
arises out of a process issued by a state court, an appeal by the
applicant for the writ may not proceed unless a district or circuit
judge issues a certificate of appealability (C.O.A.), and if the
District Judge has denied the certificate, the applicant for the writ

may then request issuance of the certificate by a Circuit Judge per
in, Muller v. Cockrell 527 U.S. 322. It states that, "Before a
prisoner seeking post conviction relief under § 2254 may appeal
a district court denial or dismissal of the petition, he must
first seek and obtain a C.O.A. from a Circuit Justice or
judge, § 2253" and that, "the post mandate that a prisoner
seeking post conviction relief under 28 § 2254 has no automatic
right to appeal a district court denial or dismissal of the
petition. Instead, petitioner must first seek and obtain a C.O.A.
And even in Beechey v. Estelle 463 U.S. 890, 893, "Congress
established the requirement that a prisoner obtain a C.O.A. before
appeal in order to prevent frivolous appeals from
delaying the STATE's ability to impose sentences, including death
sentences." But the U.S. Court of Appeals, Circuit Judge Gregg S.
Corte denied STEELE a C.O.A. in his "ORDER" (see Appendix A) by
stating, "STEELE presents arguments concerning the district court's
denial of his underlying § 2254 application, contending that the
district court failed to consider his objections to the magistrate
judge's report and recommendation. He does not assert any arguments
relative to the district court's denial of Rule 60(b) relief."
THE underlying premise of the 60(b) motion is about the "MIL BORDO" rule.
STEELE has to mention the underlying § 2254 because that is the
reason that was caused by the failure of the Clerk to file
STEELE's papers for 23 days. And the very reason STEELE had
a 60(b) motion and because STEELE was denied this motion, that
should have been granted, STEELE was trying to receive a C.O.A.
And even in STEELE's "Motion to Compel the Defendant to Request for a
C.O.A. from a Circuit Judge" from the USDC Southern District of Texas

(See Appendix "L") in the "Table of Authorities" section of his Brief
his C.A. states, Federal Rules of Appellate Procedure Rule 284(2)(A)
(ii) on pgs 6, 9, 10, 11, and 13. This rule is about how a proponent
(Appellant) is considered (i.e.) when he places his papers in the appellate
meeting system. STEELE even states that the local rules of the
USDC, Local Rule 5, require that STEELE'S papers are considered
(i.e.) on the day he places them in the appellate meeting system.
STEELE also mentions Federal Rule 60(b) on pgs 12, and 13
and this is about a mistake, inadvertence, etc., with counsel or
adversely judgment through no fault of movant (STEELE). STEELE
only mentions one case law, Wick v. Methodist Hospital, 46 (3d
492 on pg 13 of his brief when that court had already ruled
that the "purpose of FedR is to provide a judgment rule in effect
which is more judgmental than one which is strictly obtained and not those
that may be factually incorrect". But the USDC, magistrate Judge
Brian Henry clearly stated in his interpretation and recommendation
(See Appendix "L") that, "Assuming the objection were timely filed,
however, they are mooted." But, in SLACK, 529 US at 431 held
that a C.A. does not require a showing that the appeal will
succeed, like in Miller v. Cockrell 527 U.S. 348 it states that,
"The Court inquiry asks only if the district court's decision
was debatable." It goes on to state "The Court, standing alone, can
does not assert a grievance against another, does not seek remedy or
redress for any legal injury, and does not even request a "policy" on
the other side. His policy, under this a request for permission to
seek review." Hahn v. US 524 U.S. 236, 256. So, why does Circuit
Judge Gregory Costa say, they are mooted? Is part of the basis
to deny STEELE a C.A.? That matters (from the Court of Appeals).

Circuit Judge Gregg J. Costa is a Dist. Judge and contrary to the law as in Miller v. Cockrell 937 US 322 it states that, "If the plea satisfies the plea could stand by demonstrating that part of reason could (a) disagree with a district court conclusion of the persons' Constitutional claims, (b) conclude the issues presented are adequate to deserve encouragement to proceed further (pg. 933)". In the Fed R. Cr. P. Rule 6(b) motion clearly states that it is for judgments that are untimely obtained. How much untimely can it be by the USDC, Clerk not John STEELE's objection on the date he placed his objection in the Southern District of Texas with record STEELE's 93754 to be dismissed on procedural grounds? Any part of reason can see how untimely this is. USDC magistrate judge goes on to state, "Assuming they are timely filed, then Judge never mentions it shows proof they were not filed according to the case law that I mentioned, Diaz v. United States 461 F.2d 442, the "Purpose for select from a judgment rate is to effect select from judgments that are untimely obtained and not those that may be factually incorrect." So, the USDC, magistrate judge's statement of "assuming they are timely filed, however, they are not" is incorrect and I dare say errors on the part of USDC, magistrate Judge, Mr. Beyer and even Mr. STEELE's brief for Co A (Proposed) L on p. 6 of "Statement of Issues" it clearly states the issue of requesting a C.O.B. It states that STEELE's (b)(6) motion L should have been granted by the USDC, Southern District of Texas, "since STEELE complied with all the rules and laws set forth." But there was some mistake, inadvertence, oversight or even essential neglect and/or even negligence in the interest of Justice of what legal proceedings that happened as a fault of

STEELE with a merely what the Federal Rules of Civil Procedure Rule 60(b) is for. Then STEELE mentions with a 60(b) motion was filed and of course he mentions the papers that took 23 days for the USDC, which is the three papers, that is why STEELE is filing a 60(b) motion and since the USDC, District Judge Lynn W. Hughes adopted magistrate Judge Peter Brays' proposed, memorandum and recommendation, then, the USDC, District Judge Lynn W. Hughes also entered a denying STEELE's 60(b) motion. Then STEELE continues in his brief for Court. (See Appendix "L") in the "SUMMARY OF THE ARGUMENT" to state that "his objection took 23 days to get filed with Grand Jurors at a Court trial and due process", and that "He presents a 60(b) motion to the USDC and they should have granted it. Then in STEELE's brief for Court. (See Appendix "L") in the "ARGUMENT" section STEELE states right off the bat that, "STEELE has continually been in compliance with the Federal Rules of Civil Procedure Rule 6(b) and Fed R. App. P. Rule 25(a)(2)(A)(iii) along with the USDC Southern District Local rule 5". STEELE then goes on to state that, "STEELE is seeking relief from a judgment from the USDC, Southern District of Texas that was filed on 5-29-14." That is not the judgment in STEELE's 12-24, that is the judgment of denying STEELE's 60(b) motion. STEELE does go into the background of why the 60(b) motion was filed and of course he has to mention the papers that didn't get filed for 23 days and STEELE even states how and when he filed those papers and how and when he did things to correct for those papers and his filing of his 60(b) motion. STEELE goes on to state on page 12 of STEELE's brief for Court. (See Appendix "L") that magistrate

Judge Peter Bray filed a memorandum and recommendation on 5-24 stating STEELE should be denied because [the circumstances of this case do not merit relief from a final judgment] and that, [if STEELE's objection was filed on time, it is meritorious], but the judge never showed the petition or the envelope that STEELE papers came in which would show no stamp or the front and a postmark date that proves STEELE filed it on time. STEELE goes on to state that STEELE mailed his objections to the magistrate on 4-22 and an extension on 5-10-14 in which STEELE shows that the magistrate, magistrate Judge is incorrect in trying to deny STEELE his 60(b) motion. STEELE also mentions case law, Wig. L. Math, Dist. H. April 46 (3044) which shows that magistrate Judge Peter Bray's statement is incorrect. STEELE states that the U.S. Circuit Court of Appeals clearly states that it is, for a mistake, inadvertence, surprise, or even excusable neglect and/or even might be in the interest of justice or other legal purposes. And at no fault of the person filing the 60(b) motion.

Now that STEELE has presented his motion for P.O.A. and his brief in support of his P.O.A. (see Appendix "K" and "L"), STEELE only sees himself talking about his 60(b) motion being denied and that it should have been granted. But STEELE mentions his underlying §2054 petition. He has to ask why would STEELE file a 60(b) motion without having an underlying issue? But mention U.S. Court of Appeals, Circuit Judge Gregg J. Costa, in his ORDER (see Appendix "A") denies STEELE of a C.O.A. by stating, "In his Court filing in this court, STEELE presents arguments concerning the District Court's denial of his underlying §2054 application contradicting the District Court

failed to consider his objections to the magistrate judge's report. But, STEELE has read over and over his motion for C.O.A. and his Brief in support for a C.O.A. (See Appendix "K" and "L") and STEELE can't find anywhere in those documents that STEELE is blaming the USDC for failing to consider his objections. STEELE's whole complaint is that his objection didn't get filed by the Clerk, therefore the Court couldn't consider STEELE's objections. That is a failure of the USDC, clerk. That is a failure of the court clerk to file them correctly. Then US ~~Supreme~~ Appeals, circuit Judge Gregg J. Costa continues on in his ORDER (See Appendix "A") to state "He [Steele] does not assert any arguments relative to the admissibility of Rule 60(b) relief." Well! Let's look again at STEELE's brief for a C.O.A. (See Appendix "L") at pg. 10, second paragraph of "SUMMARY OF THE ARGUMENT" which states that [STEELE (at L-1), Petitioner with an objection to memorandum and recommendation" along with its exhibits "A-N" but the Clerk of the USDC, denies STEELE to present his issue to the USDC. And STEELE should the USDC, in his motion to court for Relief from an order of adoption and Final Judgment Under Federal Rules of Civil Procedure Rule 60(b) with exhibits "H-E", and STEELE shows that at no fault of STEELE, his "Petitioner's written objection to Memorandum and Recommendation" (See Appendix "I") along with exhibits "A-N" did not get filed in the USDC, Southern District of Texas, correctly. And his STEELE's "Motion to Court for Relief from an Order of Adoption and a Final Judgment Under Federal Rules of Civil Procedure Rule 60(b)" (see Appendix "N") should have

have been granted.] Well, the last paragraph states it all (repeated)
And that STEELE's motion to Grant for Relief from an ORDER
of Adoption and a Final Judgment under Federal Rules of
Civil Procedure Rule 60(b) Should have been granted."

So, STEELE does present argument that his 60(b) motion should
have been granted. Well, Let's continue on to STEELE's brief
for C.O.A. (see Appendix "L") in the "ARGUMENTS" section in
the 1st paragraph, pg 11, that, [STEELE is seeking relief from
a judgment from the USDC, Southern District of Texas made on
5-28-19], in Appendix "C" of this writ, you will see that the
judgment STEELE is looking for relief from is his period of
his 60(b) motion. And the US Court of Appeals could not have
mistaken the two because in this instant writ, Appendix "C"
which was required to be attached to the brief for C.O.A.,
turns, towards the bottom of pg 12 of STEELE's brief for C.O.A.
(see Appendix "L"), STEELE states, [So, STEELE mailed his,

Objections to memorandum and Recommendation on 5-10-19 (both) mailed
in which STEELE should be made, magistrate Judge Peter Brog
is incorrect in trying to deny STEELE of his "Motion to Grant for
Relief from an Order (p/d) of adoption and a Final Judgment
Under Federal Rules of Civil Procedure Rule 60(b)". STEELE goes
on to state case law about a 60(b) motion's Pier L. Mitchell
Hopkins 42 (3d 492), the case law has nothing to do with a

§ 2254, it has everything to do with STEELE's 60(b)
motion that should have been granted. STEELE then continues
to state why a 60(b) motion would be granted, stating that,
"The Fed. R. Civ. Proc. R. 60(b) clearly states that it is for a
"mistake, inadvertence, surprise, or even excusable neglect but for

even might be in the interest of Justice or other legal precedent." And it has to be at no fault of the person filing the W (b) motion. But even though the rules state such and there is proof that STEELE is not at fault (see Appendix "G"), the U.S. District Judge Lynn N. Hughes still denied STEELE's W (b) motion to Court the Relief from a 2ndnd of Adjudication and a Final Judgment under Fed R. Civ. P. Rule 60(b), denying, yet again (see "RELATED CASES") in this writ, STEELE v. STEPHENS, U.S. DC No. 4315 CV-2274, Judgment entered (12-3-15), STEELE's Constitutional rights, 18 USC Const. Article I, V, and X. Now! STEELE has just mentioned about his W (b) motion in his "Summary of the Arguments" and his "Argument" in his Brief for Court (see Appendix "L"). So, how does the U.S. Court of Appeals, Circuit Judge Gregg J. Scola claim that, [STEELE] has not asserted any arguments relative to the District Court's denial of Rule 60(b) relief? Sure, STEELE's argument is short but his argument is about the denial of his W (b) motion that should have been granted. Therefore the writ had no basis, STEELE had a request for an extension of time, to request a review of the U.S. Court of Appeals (see Appendix "E") but STEELE was denied of that by U.S. Court of Appeals, Clerk because even though STEELE's "motion for Extension of Time" was mailed on 4-9-2023, it was not received until 4-21-2023 thereby, untimely (see Appendix "D"). There is yet another pitfall. A burden that STEELE has absolutely no control over and your Court should see Houston v. Lack, 487 US 266, 270, 101 LEd 2d 245, and 103 F.3d 2374 (1998) with states, "This leniency [mailbox Rule] is justified by the unique situation of prisoners seeking to appeal"

without the aid of Counsel," STEELE is a prisoner and all he can do is place his papers in the Institutional mailing system. STEELE has no control over any papers after that. And the Court should see Hernandez v. Thaler, 630 F.3d 420 that ruled that, "The Federal rules of appellate procedure have for their primary purpose the securing of speedy and inexpensive justice in a uniform and well ordered manner, they were not adopted to set traps and pitfalls by way of technicalities for unwary litigants."

So, it then is true and Fed. App. Proc. Rule 25 (c)(2)(A)(iii) states that, "A paper not filed electronically by an inmate is timely if it is deposited in the institutional mail and mailing system on or before the last day for filing and is accompanied by declaration stating first class postage of evidence such as postmark. And if this Honorable Court wishes to see this, look at (Appendices E, F, G, L, M, W, and S) you can see that STEELE certified and declared them as Postal, first class mailed on their respective dates, but if your Court will look at (Appendix "F") at this work, starting at p. 2, you can see the dates that STEELE certified and declared mailed his papers and the dates the Courts, Clerks actually filed them. These dates are many days apart, up to 23 days. Let's look at this by starting with STEELE's original filing of his § 2254 with STEELE certified and declared mailed on 10-27-15 but the Clerk filed it as 11-4-15, about 7 days. Then let's look at STEELE's filing of his objection to a memorandum of recommendation from Magistrate Judge Stephen Smith that STEELE certified and declared mailed on 11-13-15 but the Clerk filed it as 11-24-15, another 11 days. Then look at STEELE's filing of "Notice of Appeal" that STEELE certified and declared mailed on 12-10-15 but

the Clerk filed a 12-28-15, eleven days! Then STEELE filed a motion/
Application to proceed Informa Pauperem by certifying and declaring
it mailed on 2-4-16 but the Clerk filed it on 2-4-16, 6 days.
Now, on to pp. 3 & Appendix "T" STEELE filed a "Response to motion
for Summary Judgment" by certifying and declaring it mailed on
9-15-13 but the Clerk filed it on 9-25-13, That's eleven days apart
Then the court and STEELE's "objection to memorandum and
recommendation" that STEELE certified and declared mailed on 1-29-19
but the Clerk filed on 2-21-19, 23 days! Then, still that
STEELE's "motion for Relief from order and final Judgment
6-16" that STEELE certified and declared mailed on 4-19-19 but
the Clerk filed on 4-26-19, 8 days. Now, on to pp. 4 & Appendix
"F" STEELE filed an objection to memorandum and recommendation
by certifying and declaring it mailed on 5-15-19 but the Clerk filed
it on 5-14-19, 5 days. Then STEELE filed a "Notice of Appeal"
to the U.S. Court of Appeals and certified and declared it mailed on
6-11-19 but even the Clerk of the U.S. Court of Appeals, incorrectly
then phoned paper by filing it when they received it, like the
Clerk did to STEELE by filing it on 6-13-19, That's 8 days difference
STEELE even sent an "application to proceed Informa Pauperem on the
very same day as his notice of appeal", 6-11-19 but the Clerk didn't
file it until 6-22-19, 13 days! STEELE even sent a "motion/application
to proceed Informa Pauperem on 7-12-19 but the Clerk filed it on 7-15-19,
4 days difference. And even when STEELE tried to file an "Extension
of Time" to file for a review of the denial of his P.O.A. by
certifying and declaring it mailed on 4-9-2020 but the Clerk
refused to file it because it was received 4-21-2020, 13 days
difference and therefore untimely (see Appendix "D") There is

unless to STEEL and all persons. These couple can just empty all
 their pocket of personal litigation by just waiting to file any
 documents with their respective due dates, and then return
 will cause all persons to lose every time. That's tyranny!
 And we are protected against tyranny by the U.S. CONST. which
 makes. The universal Declaration of Human Rights, a right
 and also makes the Declaration of Independent on every right
 with both have, abolish all forms of tyranny in the
 United States of America. And since the U.S. Const. of Rights
 allows the USOC to continue in this violation of my rights,
 then, it is only your court, the United States Supreme Court,
 that can fix this problem. STEEL does want to make this
 perfectly clear that STEEL is here in worthwhile court to
 ask for a writ of Certiorari because STEEL was denied
 a Court order of Appellate (and) from the U.S. Court of Appeals.
 With Circuit (see Appendix A) and according to Hohn v. L.C.
 Say the 236 held that, "The Court has jurisdiction
 under § 1254(1) to review denials of applications for Certiorari
 at appellate by a Circuit judge of a Court of Appeals panel.
 And in fact, STEEL was denied a Court by a Circuit Judge
 and that judgment by the Circuit Judge is contrary to the
 acceptable and usual course of judicial proceedings. Although
 by "Hohn v. L.C." and because the U.S. Court of Appeals, with
 Circuit continues to disregard the "Hohn v. L.C." STEEL was
 denied at a review of the Circuit Judge ORDER which means
 the STEEL's way to get relief without filing for a motion
 to leave to the court-outcome would be to file a finally
 writ of Certiorari in your Honorable Court, so STEEL has

chosen to present a timely claim of his issue of the denial
of his C.O.A. to your Honorable Court, the United States
Supreme Court, as the U.S. Court of Appeals, Fifth Circuit had
allowed the USDC, Southern District of Texas, Houston, Texas to
violate this "Mailbox Rule" and may continued violating the
"Mailbox Rule" themselves and in effect has violated my
USCA 11 and my USCA 11 Court. I, IV and IV and
my Universal Declaration of Human Rights, and even violated
The Declaration of Independence (1776) by Tyranny.

CONCLUSION

In conclusion, STEELE's writ of Habeas Corpus is bringing the
question of, "Since STEELE is a prisoner and unable to send any
documents, letters, or the like, directly to the U.S. Post Office
and is therefore being available to any police prisoner in
Texas, then, should all prisoner's letters and documents be
controlled and or the date prisoner place them in the
prison mailing system no matter how long it takes for the Court
clerk to actually file any of the prisoner's documents?" And this
question affects every prisoner in the United States of America.

There is no telling how many other prisoners had their legal issues
dismissed/denied because of the Court's clerk refusing to file
prisoner's letters on the date a prisoner mailed his papers in the
prison mailing service if the prison they are confined in.
STEELE feels this kind of treatment is just as harmful as for
all of America, there is truly an injustice and STEELE believes
that since the laws that are already in place, that are being
ignored by the lower Courts, then, this United States Supreme

Court, should intervene and make it impossible for the Courts
to dismiss/deny prisoner filings, because the Court Clerks
refuse to file prisoner filings on the date a prisoner places
his papers in the prison internal mailing system, and therefore
STEELE's, "Petition for a Writ of Certiorari" should be granted
to review the US Court of Appeals, 11th Circuit, Circuit
Judge Gregory J. Cook's ORDER to deny STEELE a Certificate
of Appealability.

The petition for a Writ of Certiorari should be granted
immediately submitted,


Date: 8.18.2020

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LARRY R STEELE, pro se prisoner-petitioner

v.

LARRY DAVIS, Respondent

PROOF OF SERVICE

I, Larry R. Steele, Docket # 01267228, do swear or declare that on this date, 8-18, at 20, as required by Supreme Court Rule 29 I have caused the enclosed motion for leave to present Informa Populis and Petition for Writ of Habeas Corpus and party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivering to a United States Marshal or carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:
① Texas Attorney General, Attorney General, P.O. Box 12548,
Austin, Texas 78711

② U.S. District Judge Lynn A. Hudson via Solicitor General of the
United States, Room 5614, Dept of Justice, 950 Pennsylvania Ave.

W.W. Washington, D.C. 20530-0001. I declare under penalty of perjury that the foregoing is true and correct. Executed on
8-18 at 20 Signed: _____