

No. 20-7131

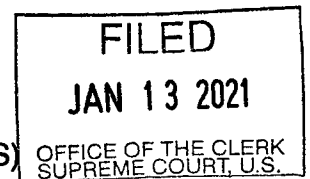
IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

SHEAN ELKINS — PETITIONER  
(Your Name)

vs.

TIM SHOOD — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

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

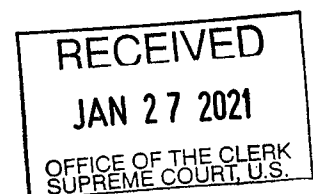
PETITION FOR WRIT OF CERTIORARI

SHEAN ELKINS  
(Your Name)

P.O. Box 5500  
(Address)

CHILLICOTHE OHIO 45601  
(City, State, Zip Code)

N/A  
(Phone Number)



### QUESTION(S) PRESENTED

WHAT REMEDY CAN A DEFENDANT USE TO RESTART  
THE 26 USC 2244 (d)(1)(a) STATUTE OF LIMITATIONS?

### **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**

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

JIMENEZ V. QUARTERMAN  
555 U.S. 113

### STATUTES AND RULES

### 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 2020 US APP LEXIS 38043; 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☐ is unpublished.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 \_\_\_\_\_ to the petition and is

☒ reported at 2:20-cv-2934; 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☐ is unpublished.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 2020-OHIO-2819; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the 10TH DIST. COURT OF APPEALS court appears at Appendix \_\_\_\_\_ to the petition and is

☒ reported at 19-AP-234; 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 12/4/20.

☒ 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 5/12/20.  
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

28 USC 2244 (d)(1)(a)

DUE PROCESS



### STATEMENT OF THE CASE

THE DISTRICT COURT DENIED THE WRIT OF HABEAS CORPUS DUE TO EXPIRATION OF THE STATUTE OF LIMITATIONS PURSUANT TO 28 USC 2244(d)(1)(A).

THIS COURT IN THE DECISION OF JIMENEZ V QUINTERO 555 US 113, GAVE A REMEDY IN ORDER TO RESET THE STATUTE OF LIMITATIONS, FILE A DELAYED APPEAL.

UNFORTUNATELY, OHIO DOES NOT ALLOW A DEFENDANT, WHO HAS ALREADY HAD A DIRECT APPEAL, TO FILE A DELAYED APPEAL.

THUS, PROCEDURE PREVENTS A DEFENDANT FROM FEDERAL REVIEW.

## REASONS FOR GRANTING THE PETITION

TO CREATE A REMEDY THAT WILL ALLOW FEDERAL  
REVIEW AFTER EXPIRATION OF THE STATUTE OF  
LIMITATIONS.

THERE MUST BE ANOTHER WAY TO REACH  
FEDERAL REVIEW.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arden Musgrave

Date: 1-4-21