

20-7652
No. 19-1502

18-CV-13296

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Washington, D.C.

Lawrence L. Colton

— PETITIONER

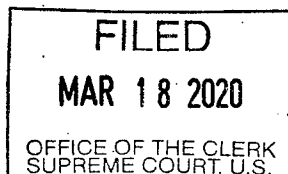
(Your Name)

VS.

J.A. Terris, Warden

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



United States Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lawrence L. Colton #16069-041

(Your Name)

Federal Correctional Institution, P.O. Box 1000

(Address)

Milan, Michigan 48160

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether the Order of the United States Court of Appeals for the Sixth Circuit is procedurally invalid because the Panel failed to consider and overlooked the issue of whether the District Court abused its discretion when it failed to consider and exercise its discretion in determining whether Petitioner's Petition for Writ of Habeas Corpus Pursuant to Section 28 U.S.C. § 2243 was appropriate, in the interests of justice?

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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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☒ is unpublished.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☒ is unpublished.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☐ is unpublished.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 January 8, 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: March 2, 2020, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

28 U.S.C. § 1254(1)

28 U.S.C. § 1291

28 U.S.C. § 2241

28 U.S.C. § 2243

STATEMENT OF THE CASE

In October 2018, Petitioner filed a Petition for Writ of Habeas Corpus under Section 28 U.S.C. § 2241 in the United States District Court Eastern District of Michigan Southern Division. On March 7, 2019, the District Court denied Petitioner's Petition for Writ of Habeas Corpus. (See Appendix B). Petitioner filed a Motion for Reconsideration. On April 23, 2019, the District Court denied Petitioner's Motion for Consideration. The United States District Court Eastern District of Michigan Southern Division had subject matter jurisdiction over Petitioner's Habeas Proceedings pursuant to Section 28 U.S.C. § 2241. Petitioner filed a Notice of Appeal. On January 8, 2020, the United States Court of Appeals for the Sixth Circuit denied Petitioner's Appeal. (See Appendix A). On January 14, 2020, Petitioner filed a Motion to Stay the Mandate and a Petition for Panel Rehearing. On January 27, 2020, the United States Court of Appeals for the Sixth Circuit denied Petitioner's Motion to Stay the Mandate. (See Appendix C). On March 2, 2020, the United States Court of Appeals for the Sixth Circuit denied Petitioner's Petition for Panel Rehearing. (See Appendix D). The United States Court of Appeals for the Sixth Circuit had subject matter jurisdiction over Petitioner's Appeal pursuant to Section 28 U.S.C. § 1291.

The question presented in this case whether the Order of the United States Court of Appeals for the Sixth Circuit is procedurally invalid because the Panel failed to consider and overlooked the issue of whether the District Court abused its discretion when it failed to consider and exercise its discretion in determining whether Petitioner's Petition for Writ of Habeas Corpus Pursuant to Section 28 U.S.C. § 2243 was appropriate, in the interests of justice. The Panel's decision denying Petitioner's Appeal was unaccompanied by any explanation or reason that it considered the issue in Petitioner's Brief. The Panel was obligated to consider the issue and provide a reasoned

explanation of whether the District Court abused its discretion in regard to the issue. The Panel overlooked the issue.

The question presented in this case involves an important public interest - the public's interest in the integrity of the judicial process. The public has a significant interest in protecting the integrity of the appeal process by ensuring strict adherence to Appellate Court procedures in adjudicating issues on the merits on appeal. This Court has emphasized repeatedly that a failure to adhere to the Court's uniform procedures in adjudicating issues on the merits on appeal undermines the very integrity of the Courts and undermines public confidence in adjudication

REASONS FOR GRANTING THE PETITION

- A. The Court of Appeals has so far departed from the accepted and usual course of Judicial Proceedings as to call for an exercise of this Court's Supervisory Power

At issue here is whether the Order of the three Panel Judges for the Sixth Circuit Court of Appeals is invalid because the Court failed to consider and overlooked the question of whether the District Court abused its discretion when it failed to consider and exercise its discretion in determining whether Petitioner's Petition for Writ of Habeas Corpus Pursuant to Section 28 U.S.C. § 2243 was appropriate, in the interests of justice.

The Court of Appeals' Order denying Petitioner's Appeal was unaccompanied by any explanation of reason that it considered issue two in Petitioner's Appellate Brief. The Court was obligated to consider issue two and provide a reasoned explanation of whether the District Court abused its discretion when it failed to consider whether Petitioner's Petition for Writ of Habeas Corpus Pursuant to Section 28 U.S.C. § 2243 was appropriate, in the interests of justice. The Court's Order contained no analysis for this Court to conduct a meaningful review of issue two. Judicial decisions are reasoned decisions. The Panel overlooked issue two in Petitioner's Brief.

B. The issue presented was of significant public interest

Supreme Court review is needed here because the issue in this case raises an important public interest - the public's interest in the integrity of the Judicial Process. The public has a significant interest in preserving the integrity of the Appeal Process by ensuring strict adherence to Appellate Procedures in adjudicating issues on the merits on appeal. The very integrity of the Court is jeopardized when the Court fails to adhere to the Court's uniform procedures in adjudicating issues on the merits on appeal. To preserve public confidence in the integrity of the Appeal Process, this overlooked issue must be resolved because this Court has emphasized repeatedly that a failure to adhere to the Court's uniform procedures undermines the very integrity of the Court's and undermines public confidence in adjudication.

CONCLUSION

Wherefore, for the reasons stated, Petitioner Lawrence L. Colton respectfully requests that this Court grant this Petition for Writ of Certiorari Pursuant to the Court's Supervisory Power, in the interests of justice.

Respectfully Submitted,

Lawrence L. Colton

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