

20-7733

Supreme Court of The United States

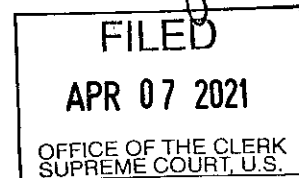
In re: Antwoyn Terrell Spencer
Petitioner

ORIGINAL

ON PETITION FOR A WRIT MANDAMUS
FROM THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

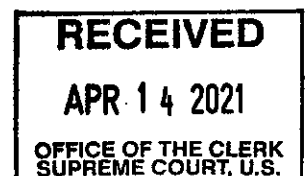
COMES NOW, Petitioner, Antwoyn Terrell Spencer proceeding pro se, and hereby moves this Honorable Court for a writ of Mandamus. In support thereof, Petitioner submits the following:

Relief Sought:



Petitioner respectfully request a writ of mandamus directing the Eighth Circuit Court of Appeals to proceed to a final decision in Case No. 19-2685.

Issue Presented



Petitioner is currently being deprived

of his Civil Right of personal liberty
against law therefor Petitioner suffers
unjust punishment due to the undue
delay in appellate ruling.

Facts Necessary

1. On 8/19/19 an appeal was processed in the Eighth Circuit Court of Appeals, appealing an order dated 7/26/19, denying Petitioner First Step Act relief.
2. On 8/26/19 Petitioner's pro se brief was filed.
3. On 10/3/19 the United States brief was filed.
4. On 10/16/19 Petitioner's reply brief was filed.
5. On 3/6/20 an order was issued appointing counsel and requesting supplement briefing.
6. On 5/19/20 appointed counsel Rob Meyers filed a supplement brief.
7. On 6/22/20 this Court denied Certiorari filed by Petitioner.

8. On 7/27/20 the United States filed its Supplement brief.
9. On 1/15/21 case no. 19-2685 was set for oral argument.
10. On 2/17/21 the case was argued and submitted.
11. On 2/17/21 an order requesting more Supplement briefing was issued.
12. On 2/25/21 the United States filed its brief.
13. On 3/5/21 appointed counsel Rob Meyers filed a Supplement brief.
14. There has been no action taken by the Court.

Reasons Writ Should Issue

Petitioner is currently being illegally detained. Pending before the Eighth
4.

Circuit Court of Appeals is an appeal fully briefed and argued to relieve petitioner of his illegal detention.

The Eighth Circuit Court of Appeals, without reasons, refuses to adjudicate Case No. 19-2685 pending before it.

Section 404 of the First Step Act in consolidation with due process of law establishes that petitioner has exceeded his sentence authorized by law.

This issue has been fully briefed since 10/16/19 and the Court of Appeals has continued to delay ruling on petitioner's legally sufficient argument establishing his due process right to be relieved of petitioner's unlawful detention.

Absent mandamus relief, petitioner will continue to suffer unlawful government restraint.

Conclusion

Wherefore, all of the above stated petitioner prays the instant petition is granted and the writ of mandamus requested is issued.

Respectfully Submitted,
/s/ Antwoyn Spencer

Dated: March 31st, 2021

Certificate of Service

I, Antwoyn Spencer, certify that I am sending the above petition along with a motion for leave to proceed in forma pauperis to the addresses listed below.

/s/ Antwoyn Spencer Dated: 3/31/21

Clerk of Court
U.S. Supreme Court
1 First Street NE
Washington DC 20543

Solicitor General
950 Pennsylvania Ave
Room 5614
Washington DC 20530