

20-7885

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court
File

APR 12, 1968
OFFICE OF THE CLERK

Maurice Proctor, Sr — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Fourth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Maurice Proctor, Sr #22389-037

(Your Name)

P.O. Box 1000

(Address)

Petersburg, VA 23804

(City, State, Zip Code)

M/A

(Phone Number)

QUESTION(S) PRESENTED

Did the lower Court err in denying Mr. Proctor's petition for writ of Mandamus to the District Court, particularly in light of its grant of Mr. Proctor's § 2844 petition in 2016?

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

United States v. Proctor, No. 1: 85-CR-00547-BKC-1
U.S. District Court, District of Maryland

United States v. Proctor File No: 20-1750
U.S. Court of Appeals for the 4th Circuit

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

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 _____ 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[] is unpublished.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 _____ 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[] is unpublished.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[] is unpublished.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 3/4/2021.

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 _____. 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

STATEMENT OF THE CASE

In 2016, the 4th Circuit Court of Appeals granted Mr. Proctor leave to file a second or subsequent § 87(2)(S). To date, the District Court has refused to rule on Mr. Proctor's § 87(2)(S) motion.

Mr. Proctor then sought relief in the form of a petition for writ of Mandamus to the District Court. Any ruling on Mr. Proctor's § 87(2)(S) would be preferable to the interminable wait he has endured. The District Court has refused to lift the stay on Mr. Proctor's case, despite the 4th Circuit having ruled on cases that very clearly entitle Mr. Proctor to relief. Both the District and Circuit Courts have abused their discretion in the instant matter and have severely prejudiced Mr. Proctor.

REASONS FOR GRANTING THE PETITION

Mr. Proctor has languished in prison for over 30 years on a conviction that was rendered invalid by this Court in 2015, and then made retroactive in 2016. Any further delay is a gross miscarriage of justice — a manifest injustice even — and must be rectified. The lower courts are actively engaged in collusion to force Mr. Proctor to die in prison when he should have been a free man — at the very least — four years ago, if not longer. This Court bears a moral burden to cause the lower court to grant Mr. Proctor's petition for writ of mandamus to force the District Court to rule on his pending § 87(2)(b).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Maurie Proctor

Date: 4/18/21