

EIN: 7379

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[Appendix A]

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7679

JIMMY CHRISTOPHER JACKSON,

Petitioner - Appellant,

v.

STATE OF NORTH CAROLINA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:19-hc-02035-D)

Submitted: February 18, 2020

Decided: February 21, 2020

Before MOTZ, HARRIS, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jimmy Christopher Jackson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

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[Appendix A].

PER CURIAM:

Jimmy Christopher Jackson seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2018) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A) (2018). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2018). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Jackson has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

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[Appendix A]

FILED: February 21, 2020

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J U D G M E N T

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-HC-2035-D

JIMMY CHRISTOPHER JACKSON,)
)
Petitioner,)
)
v.)
)
STATE OF NORTH CAROLINA,)
)
Respondent.)

ORDER

On October 22, 2018, Jimmy Christopher Jackson (“petitioner” or “Jackson”), a state inmate proceeding pro se, filed a “claim of lien . . . for default and breach of contract under commercial law” against the Wake County District Attorney, a private defense attorney, a Wake County Superior Court judge, the Secretary and Director of Prisons for the North Carolina Department of Public Safety, and his prison warden [D.E. 1]. On February 28, 2019, Jackson refiled his claims on a form petition for writ of habeas corpus under 28 U.S.C. § 2254 [D.E. 4], an affidavit [D.E. 4-1], and several exhibits [D.E. 4-2]. Under Rule 4, the court must dismiss any petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4, Rules Governing Section 2254 Cases in the United States District Courts. As explained below, the court dismisses Jackson’s petition as frivolous.

On October 7, 2014, Jackson was convicted of two counts of trafficking in heroin in Wake County Superior Court and sentenced to 70–93 months’ imprisonment consecutively on each count. See [D.E. 4] 1; see also N.C. Dep’t of Pub. Safety, Offender Pub. Info., <https://webapps.doc.state.nc.us/opi/offendersearch.do?method=view> (search by inmate name) (last visited October 1, 2019). Jackson believes that he has somehow “discharg[ed] the charges” through

[Appendix B].


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principles of commercial transactions and bankruptcy law, and is now "debt free." See [D.E. 4] 2-15.

Jackson's belief that he may effect his release from incarceration through various purported financial instruments is frivolous. See, e.g., Rowe v. Pennsylvania, No. 14-2702, 2014 WL 2805239, at *1 (E.D. Pa. June 20, 2014) (unpublished); McCullough v. United States, No. 3:11CV176, 2011 WL 3652332, at *2 (E.D. Va. Aug. 18, 2011) (unpublished); Crawford v. United States, No. 09-3078-RDR, 2009 WL 1657546, at *1 (D. Kan. June 12, 2009) (unpublished). Jackson's "sovereign citizen" arguments are baseless. See, e.g., United States v. Perkins, No. 1:10-cr-97-1-JEC-LTW, 2013 WL 3820716, at *1-10 (N.D. Ga. July 23, 2013) (unpublished), aff'd, 787 F.3d 1329 (11th Cir. 2015).

In sum, the court GRANTS petitioner's motions to proceed in forma pauperis [D.E. 7], but DISMISSES the petition as frivolous. The clerk shall close the case.

SO ORDERED. This 1 day of October 2019.


JAMES C. DEVER III
United States District Judge

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available in the
Clerk's Office.**