CASE NUMBER: 20-8123

IN THE UNITED STATES SUPREME COURT

VERLAN PEREZ, JR.,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

MOVANT'S MOTION FOR A WRIT OF CERTIORARI

From the United States Court of Appeals

from the Fifth Circuit, Case Number: 20-10304

United States District Court for the Northern

District of Texas, Case Numbers: 3:19CV1688

and 3:17CR498-2

Verlan Perez, Jr., Pro Se

Registration Number: 56328-177

FCI Texarkana

PO Box 7000

Texarkana, TX 75505

QUESTION(S) PRESENTED

CAN AN APPEALS COURT DENY A CERTIFICATE OF APPEALABILITY TO A PETITIONER WHO HAS SHOWN THAT THE DISTRICT COURT IGNORED PRECIDENTIAL RULINGS FROM THIS COURT REGARDING INEFFECTIVE ASSISTANCE OF COUNSEL WHERE THE COUNSEL REFUSED TO FILE NOTICE OF APPEAL AND CONSULT WITH THEIR CLIENT?

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LIST OF PARTIES

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:

1. Assistant U.S. Attorney Jonathan Bradshaw, U.S. Attorney's Office
2. Assistant U.S. Attorney George Leal, U.S. Attorney's Office
3. Assistant U.S. Attorney Leigh Amy Simonton, U.S. Attorney's Office
4. Paul T. Lund, Attorney at Law, Dallas, Texas
5. Cody Lee Skipper, Attorney at Law, Dallas, Texas
6. Honorable Rebecca Rutherford, U.S. Magistrate Judge
7. Honorable Sam A. Lindsay, U.S. District Judge

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner prays that a writ of certiorari isse to review the judgement below.

a. The opinion of the United States Court of Appeals appears at Appendix A to the petition and is unpublished.

b. The opinion of the United States District Court appears at Appendix B to the petition and is reported at **Perez v. United States**, 2020 U.S. Dist. LEXIS 33370.

JURISDICTION

The date on which the United States Court of Appeals decided my case was December 28, 2020. No petition for rehearing was timely filed in my case. An extension of time to file the petition for a writ of certiorari was granted to 150 days due to the COVID-19 pandemic, per **Order**, 2020 U.S. LEXIS 1643, No. 589 (March 9, 2020). See Supreme Court Rules 13.1 and 13.3.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

a. Sixth Amendment, U.S. Constitution - Effective Assistance of Counsel,

b. 28 U.S.C. § 2253(c)(2) - Certificate of Appealability.

STATEMENT OF THE CASE

Question 1

Can an appeals court deny a Certificate of Appealability to a Petitioner who has shown that the District Court ignored precedential rulings from this Court regarding Ineffective Assistance of Counsel where the Counsel refused to

file a Notice of APpeal and consult with their client?

RELEVANT PROCEDURAL BACKGROUND

The Petitioner pled guilty to Possession of a Schedule II Controlled Substance with the Intent to Distribute (21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii)), and the U.S. District Court sentenced him to 156 months of imprisonment.

The Petitioner sought to have counsel file a Notice of Appeal because he believed he had an issue concerning how his sentence was formulated.

Petitioner's defense counsel -- Cody Lee Skipper, Esq. -- a former Assistant United States Attorney, represented the Petitioner at his re-araignment through to his sentencing. Because of counsel's dereliction of his constitutional duties, the Petitioner filed a motion under 28 U.S.C. § 2255, arguing that counsel failed to consult with him regarding filing a direct appeal, and that counsel ignored any efforts by the Petitioner to arrange for a meeting to discuss filing a direct appeal.

An evidentiary hearing was held on October 29, 2019 which resulted in the denial of the § 2255 motion on February 27, 2020.

The Petitioner then filed a motion for a Certificate of Appealability to the U.S. Court of Appeals for the Fifth Circuit. That request was denied on December 28, 2020, but the Petitioner was not notified of the decision until March 11, 2021.

Because of the appeals court and the district court rulings, which are at odds with the U.S. Supreme Court's clear precedents in **Garza v. Idaho**, 139 S. Ct. 738, 203 L. Ed. 2d 77 (2019), and **Roe v. Flores-Ortega**, 528 U.S. 470, 145 L. Ed. 2d 985, 120 S. Ct. 1029 (2000), the Petitioner is seeking relief via the writ of Certiorari.