

CASE NUMBER: **20-8123**

IN THE UNITED STATES SUPREME COURT

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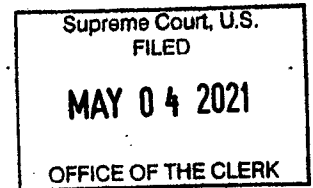
VERLAN PEREZ, JR.,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.



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MOVANT'S MOTION FOR A WRIT OF CERTIORARI

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From the United States Court of Appeals  
from the Fifth Circuit, Case Number: 20-10304

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United States District Court for the Northern  
District of Texas, Case Numbers: 3:19CV1688  
and 3:17CR498-2

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SOUTHERN DISTRICT OF NEW YORK

30-8152

## **QUESTION(S) PRESENTED**

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 NOTICE OF APPEAL AND CONSULT WITH THEIR CLIENT?

CONSTITUTIONAL COURT OF THE UNITED STATES OF AMERICA  
 DISTRICT OF COLUMBIA  
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THE COURT HAS REFUSED TO GIVE NOTICE OF APPEAL AND CONSIDER WITH THEIR OFFICIAL  
 RECORDS FROM THIS COURT REGARDING THE EFFECTIVE ASSISTANCE OF COUNSEL WHERE  
 PETITIONERS WHO HAS SHOWED THAT THE DISTRICT COURT IGNORED PRECEDENTIAL  
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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 issue 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

1945-1946

1. The first part of the report deals with the general situation in the country during the year 1945-1946. It is a very interesting and informative account of the events of the year, and of the progress of the various departments of the Government.

2. The second part of the report deals with the financial situation of the country during the year 1945-1946. It is a very interesting and informative account of the financial situation, and of the progress of the various departments of the Government.

3. The third part of the report deals with the administrative situation of the country during the year 1945-1946. It is a very interesting and informative account of the administrative situation, and of the progress of the various departments of the Government.

4. The fourth part of the report deals with the judicial situation of the country during the year 1945-1946. It is a very interesting and informative account of the judicial situation, and of the progress of the various departments of the Government.

5. The fifth part of the report deals with the educational situation of the country during the year 1945-1946. It is a very interesting and informative account of the educational situation, and of the progress of the various departments of the Government.

6. The sixth part of the report deals with the health situation of the country during the year 1945-1946. It is a very interesting and informative account of the health situation, and of the progress of the various departments of the Government.

7. The seventh part of the report deals with the social situation of the country during the year 1945-1946. It is a very interesting and informative account of the social situation, and of the progress of the various departments of the Government.

8. The eighth part of the report deals with the economic situation of the country during the year 1945-1946. It is a very interesting and informative account of the economic situation, and of the progress of the various departments of the Government.

9. The ninth part of the report deals with the foreign relations of the country during the year 1945-1946. It is a very interesting and informative account of the foreign relations, and of the progress of the various departments of the Government.

10. The tenth part of the report deals with the internal security of the country during the year 1945-1946. It is a very interesting and informative account of the internal security, and of the progress of the various departments of the Government.

11. The eleventh part of the report deals with the general situation of the country during the year 1945-1946. It is a very interesting and informative account of the general situation, and of the progress of the various departments of the Government.

REPORT OF THE GOVERNMENT OF INDIA

12. The twelfth part of the report deals with the general situation of the country during the year 1945-1946. It is a very interesting and informative account of the general situation, and of the progress of the various departments of the Government.

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-arraignment 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.

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