

NO: _____

20-8157

IN THE SUPREME COURT OF THE UNITED STATES

BLAKE SANDLAIN
Petitioner

VS.
R. Guy Cole Jr.

UNITED STATES SIX
Circuit Court of Appeals
Respondent

ORIGINAL

FILED
MAR 23 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF
MANDAMUS

BLAKE SANDLAIN #12250088
(Fct) McDowell
P.O. Box 1009
Weich, W.V. 24801

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QUESTION PRESENTED

Whether a petition for mandamus shall issue, where Petitioner has shown that a (COA) shall issue in the Sixth Circuit Court of appeals, and an inordinate delay of eight months has elapsed without the Sixth Circuit Court of appeals rendering a decision on the (COA), nor the district court.

STATEMENT OF THE CASE

ON JULY 6, 2020 PETITIONER SEEKED A (COA) ON THE DENIAL OF A 60(b)(4) VOID JUDGMENT MOTION FROM THE SIXTH CIRCUIT COURT OF APPEALS, CLEARLY SHOWING THAT REASONABLE JURISTS COULD FIND IT DEBATABLE THAT THE DISTRICT COURT ABUSED ITS DISCRETION IN DENYING THE MOTION, WHEN THE DISTRICT COURT DECISION WAS INCONSISTENT WITH DUE PROCESS, BY THE DISTRICT COURT FAILING TO GRANT THE MOTION ON THE BASIS THAT IT ORDERED THE GOVERNMENT TO RESPOND TO PETITIONER 2255, THEREAFTER WITHOUT PROVIDING PETITIONER WITH NOTICE AND OPPORTUNITY TO RESPOND TO THE GOVERNMENT RESPONSE TO THE 2255, DENIE THE 2255 SOLELY ON THE GOVERNMENT RESPONSE ALONE.

REASONS FOR GRANTING PETITION

MANDAMUS IS A DRASTIC REMEDY THAT SHOULD BE INVOKED ONLY IN EXTRAORDINARY CASES WHERE THERE IS A CLEAR AND INDISPUTABLE RIGHT TO THE RELIEF SOUGHT, UNITED STATES V YOUNG, 424 F.3D 499 (6th CIR 2005) AND A WRIT OF MANDAMUS MAY BE AVAILABLE IF THE DISTRICT COURT REFUSES TO ADJUDICATE THE CASE PENDING BEFORE IT, WILL V CALVERT FIRES CO., 437 U.S. 653 (1978).

PETITIONER HAS SHOWN A CLEAR AND INDISPUTABLE RIGHT PURSUANT TO

28 U.S.C. 2253(c)(1)(C), Fed. R. App. P. 22(6) at the (C.O.A.) shall issue, when the district court abused its discretion in denying the 60(b)(4) void judgment motion, when it rendered a decision to deny the motion after depriving petitioner due process to be heard on his 2253. United States AIDS Funds, Inc. v Espinosa, 559 U.S. 206 (2010). Despite that petitioner (C.O.A.) has been pending for eight months, there is no indication on the docket when a ruling in the motion might accrue, therefore petitioner Request that a mandamus issue from this court to require the district court to make a decision on whether to grant or deny a (C.O.A.).

LIST OF PARTIES

[✓] All parties appear in caption of the case on the cover page.

RELATED CASES

Criminal NO 14-CR-20283

Civil NO: 2:15-CV-12845 GAD

Appeal NO: 20-1697

TABLE OF AUTHORITIES

Page No.

Cases: United States AIDS Funds Inc v Espinosa, 559 U.S. 206 (2010) - 2
Will v Calvert Firearms Co. 437 U.S. 655 (1978) - - 4
United States v Young, 424 F.3d 499 (6th Cir 2008) - - - 1

OPINIONS BELOW

No opinion has been rendered in the case from the district court, but the attached ruling from the court of appeals failed to order that the district court render a decision on (C.O.A.)
(2)

JURISDICTION

PURSUANT TO 28 U.S.C. 1651(a) JURISDICTION IS VESTED WITH THIS COURT

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

NONE

CONCLUSION

The petition for a writ of mandamus
should be granted

Respectfully Submitted
Blake Sundheim

Date March 15, 2021

APPENDIX (A): COURT OF APPEALS Judgment

APPENDIX (B): DISTRICT COURT Judgment