

20-8222

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

MAR 11 2021

OFFICE OF THE CLERK

The Honorable Sonia Sotomayer, ^{*1*2}
SUPREME COURT JUSTICE,
In Chambers

In re: Marshall DeWayne Williams — PETITIONER ^{*3}
(Your Name)

vs.

(No respondent has been designated — RESPONDENT(S)
pursuant to Supreme Court Rule 20.4(b).)

ON PETITION FOR A WRIT OF HABEAS CORPUS,
Original Jurisdiction, 28 USC § 2241(a)

Marshall DeWayne Williams

(Your Name)

#14130-077

Federal Correctional Complex-1

(Address)

PO Box 1033

Coleman, FL 33521-1033

(City, State, Zip Code)

*1 Supreme Court Rule 22.1

*2 Supreme Court Rule 20.4(a) (see petition page for "Statement of Reasons")

*3 Supreme Court Rule 20.2

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APPENDIX A

No appendices are attached.

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JURISDICTION

The Honorable Sonia Sotomayer (other Justices and the Court), United States Supreme Court Justice has jurisdiction to hear and grant relief pursuant to 28 U.S.C. § 2241(a).

Supreme Court Rule 22, allows for "An application addressed to an individual Justice..." and Rule 20, et. seq. provides for, in subsection 2, an Extraordinary Writ pursuant to 28 U.S.C. § 2241(a).

Supreme Court Rule 20.4(a) states that an applicant must state that: "[A]dequate relief cannot be obtained in any other form or from any other court" (see below Statement of Reasons and prior exhaustion).

Statement of Reasons And Exhaustion of Remedies

Supreme Court Rule 20.4(a) provides: "A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. § 2241 and 2242, and in particular with the provision in the last paragraph of § 2242, which requires a statement of the 'reasons for not making application to the district court of the district in which the applicant is held.' " (Internal quotes substituted; emphasis added.)

Additionally, petitioner must state: "[T]hat adequate relief cannot be obtained in any other form or from any other court."

Petitioner exhausted his prior remedies by submitting a § 2241 to the United States District Court for the Middle District of Florida, styled: Marshall DeWayne Williams v. Warden, 05:19-CV-033-MSS-PRL (DE#1).

The district court held that it did not have jurisdiction over § 2241 petitions to prevent unlawful imprisonment within their jurisdiction on issues of an illegal sentence "beyond the statutory maximum" i.e., issued ab initio without statutory jurisdiction — because they claim that are blocked jurisdictionally by the saving clause of 28 U.S.C. § 2255(e).

Jurisdictional claims for relief within the court's jurisdiction are (DE#10) blocked (violating several hundred years of Supreme Court law), thus allowing unlawful imprisonment without recourse or remedy by law. Petitioner appealed to the United States Court of Appeals for the Eleventh Circuit, in Williams v. Warden, Appeal 19-13698 and in a Motion to Reopen Appeal No. 20-14736 both affirmed that applicants cannot attack jurisdictional claims of unlawful imprisonment that bypass 28 U.S.C. § 2255(e) in their respective venues.

(See attached § 2241.) Thus, no remedy is available to discharge from unlawful imprisonment in this jurisdiction. Petitioner unlawfully held for 37 years.

CLAIM (3) ~~QUESTIONS~~ PRESENTED

In order to save the Honorable Justice time and to keep from just repeating the same thing over-and-over, the Honorable Justice has a computer and can make three clicks and see the claim and supporting law all laid out in order and set forward in petitioner's "Motion to Reopen the Case" (DE #23), In case Marshall DelWayne Williams v Warden, Case No. 05: 19-CV-033 filed in the United States District Court for the Middle District of Florida, Ocala Division; which is hereby fully incorporated here by reference.

This type of incorporation saves time for the Honorable Justice

Additional Arguments

Petitioner's habeas corpus (DE #1), and the attached habeas with "Prayer for Relief" (citing prior case history) is hereby fully incorporated by reference.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) Fifth Amendment constitutional violations.
- (2) 28 USC § 2241, et seq.
- (3) 28 USC § 2255(e) gatekeeping clause

TABLE OF AUTHORITIES CITED

CASES: The authority cases are cited and hereby fully incorporated from the original §2241 Petition for Writ of Habeas Corpus, Motion to Reopen the Case (DE#23) and the attached Procedural History and Prayer for Relief.

STATUTES AND RULES

- (1) 28 USC § 2241, et seq.
- (2) 28 USC § 2255(c)
- (3) Supreme Court Rule 20.4(a)
- (4) Supreme Court Rule 22.

OTHER

STATEMENT OF THE CASE

Petitioner is being unlawfully held in custody (for over 37 years) on a sentence that is void ab initio as issued beyond the statutory maximum, i.e., without jurisdiction on Count One.

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:~~

** The Honorable Justice has not designated a respondent.*

REASONS FOR GRANTING THE WRIT OF HABEAS CORPUS
28 USC §2241

As stated above in the "Statement of Reasons and Exhaustion of Remedies," the Honorable Justice should grant ~~this~~ Petition for Writ of Habeas Corpus in order to preserve justice and ensure that a remedy is available to correct unlawful imprisonment - otherwise petitioner will die in prison unlawfully

CONCLUSION

In light of the above provisions and incorporations, Petitioner believes that he is entitled to relief and the Honorable Justice should grant the issuance of the writ and order petitioner discharged from unlawful custody on Count One.

Respectfully submitted this 9th day of March, 2021.

x Marshall DeWayne Williams

See Attachments