IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

AMBUS RAY DAVIS, III, Petitioner, vs. NICK LUDWICK, Respondent.	**No. 4:15-cv-00461–JEG** **ORDER DENYING APPLICATION FOR HABEAS CORPUS RELIEF**

Petitioner Ambus Ray Davis III brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state court convictions from Scott County, Iowa. Pet., ECF No. 1. The parties have submitted briefs to support their respective positions, and the matter is fully submitted.[1] *See* Pet'r's Br., ECF No. 42; Resp't's Br., ECF No. 47; Pet'r's Reply, ECF No. 50. For the reasons that follow, the Court finds Davis is not entitled to federal habeas corpus relief.

I. FACTUAL AND PROCEDURAL BACKGROUND

In May 2005, following a "heated conversation," Davis shot Jalon Thomas as he ran away from Davis. *State v. Davis*, No. 06-0148, 2007 Iowa App. LEXIS 216, at *2–3 (Iowa Ct. App. Feb. 28, 2007) ("*Davis I*"). The state district court found Davis guilty of first-degree murder, willful injury, and going armed with intent. *Id.* at *1–2.

Davis' conviction was upheld on direct appeal, *id.*, and after postconviction relief proceedings. *See Davis v. State*, No. 13-1630, 2015 LEXIS 672 (Iowa Ct. App. Aug. 5, 2015) ("*Davis II*").

Davis then filed this federal petition for a writ of habeas corpus. Pet., ECF No. 1. With the assistance of counsel, Davis amended his petition to raise two additional claims. Am. Pet., ECF No. 11-1. Upon Respondent's motion, the Court previously dismissed Grounds Two and

[1] Petitioner filed a pro se brief in support of his petition. *See* Pro Se Mo., ECF No. 36. Davis is represented by counsel in this matter, and the Court did not consider the pro se pleading.

Three of the petition. *See* Order, ECF No. 35. The Court now addresses the remaining ground, which alleges ineffective assistance of trial and appellate counsel.

II. STANDARD OF REVIEW

A federal court may consider an application "for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). For claims properly before a federal court, a writ of habeas corpus shall be granted only if the prior adjudication of the claim:

> (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
>
> (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(d) (1) and (2).

"[A]n 'unreasonable application of' those holdings must be 'objectively unreasonable,' not merely wrong; even 'clear error' will not suffice." *White v. Woodall*, 572 U.S. 415, 419 (2014) (quoting *Lockyer v. Andrade*, 538 U.S. 63, 75–76 (2003)). This "difficult to meet" standard requires a petitioner to demonstrate "that the state court's ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Id.* at 419–20 (quoting *Harrington v. Richter*, 562 U.S. 86, 103 (2011)); *see also Woods v. Etherton*, 136 S. Ct. 1149, 1151 (2016) (per curiam) (reiterating standard).

Federal court review of underlying state court decisions is limited and deferential. *Morales v. Ault*, 476 F.3d 545, 549 (8th Cir. 2007). Except for certain kinds of error that require automatic reversal, even when a state petitioner's federal rights are violated, "relief is appropriate only if the prosecution cannot demonstrate harmlessness." *Davis v. Ayala*, 576 U.S. 257, 267 (2015). "Harmlessness" in the context of § 2254 means "the federal court has grave

doubt about whether a trial error of federal law had substantial and injurious effect or influence in determining the jury's verdict." *Id.* at 267–68 (internal citations omitted). This standard requires "more than a 'reasonable possibility' that the error was harmful." *Id.* at 268. These strict limitations reflect that habeas relief is granted sparingly, reserved for "extreme malfunctions in the state criminal justice systems" and "not as a means of error correction." *Greene v. Fisher*, 565 U.S. 34, 38 (2011).

III. DISCUSSION OF CLAIMS

Following Heemstra's conviction and while his appeal was pending, the Iowa Supreme Court decided *State v. Heemstra*, 721 N.W.2d 549, 558 (Iowa 2006). *See Davis II*, 2015 LEXIS 672, at * 2. Prior to *Heemstra*, "a consistent line of authority had upheld the use of a felony-murder instruction even in cases where the felony and the murder were the same act." *Nguyen v. State*, 829 N.W.2d 183, 188 (Iowa 2013). In 2006, the Iowa Supreme Court made a significant change in the law, holding that "if the act causing willful injury is the same act that causes the victim's death, the former is merged into the murder and therefore cannot serve as the predicate felony for felony-murder purposes." *Heemstra*, 721 N.W.2d at 558. The Iowa Supreme Court also ruled the change in law would not be applied retroactively except to "those cases not finally resolved on direct appeal in which the issue has been raised in the district court." *Id.*

Appellate briefs in *Heemstra* were filed throughout 2005, the same year Davis was charged with first degree murder. Pet'r's Br. 2, ECF No. 42. The Iowa Supreme Court retained the *Heemstra* case on December 18, 2005. *Id.* Davis' counsel did not raise any *Heemstra*-type issue before the trial court. *Davis II*, 2015 Iowa App. LEXIS 672, at *2. Davis was convicted on December 27, 2005. Pet'r's Br. 2, ECF. No. 42. The district court did not specify whether it found Davis guilty of first-degree murder based on a premeditated act or felony murder. *Davis II*, 2015 Iowa App. LEXIS 672, at *1–2.

Heemstra was argued to the Iowa Supreme Court on January 19, 2006. Pet'r's Br. 3, ECF No. 42. A week later, Davis filed his principal brief but did not raise any *Heemstra*-type issue. *Id.* *Heemstra* was decided in August of 2006, and Davis' appellate counsel immediately filed for, but was denied, leave to amend his brief to raise a *Heemstra*-type argument. *Id.*

Following his direct appeal, Davis filed an application for postconviction relief in state court, alleging trial counsel was ineffective for failing to make the merger argument at his own trial. *See Davis II,* 2015 Iowa App. LEXIS 672, at *3. The district court denied relief. *Id.* The Court of Appeals affirmed the district court, concluding counsel did not perform deficiently by failing to anticipate the ruling in *Heemstra*. *Id.* at *3–4.

Davis argues here that both trial and appellate counsel were constitutionally ineffective for failing to be aware of the claims being made in *Heemstra* and failing to raise the same arguments in his case as were raised in *Heemstra*. Pet'r's Br. 5–6, ECF No. 42.

A. Ineffective Assistance of Counsel Generally

To demonstrate constitutionally ineffective assistance under the Sixth Amendment to the United States Constitution, a petitioner must show (1) counsel's representation was deficient, and (2) the deficiency was prejudicial. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The first prong is established when a petitioner shows counsel's performance fell below an objective standard of reasonableness. *Id.* at 687–88. Prejudice is demonstrated with "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694.

When analyzing *Strickland* under the AEDPA standard of review, the review by the district court is "doubly deferential." *Cullen v. Pinholster*, 563 U.S. 170, 202 (2011). "[F]ederal courts are to afford 'both the state court and the defense attorney the benefit of the doubt.'" *Etherton*, 136 S. Ct. at 1151 (internal quotation omitted).

B. Ineffective Assistance of Trial Counsel

Davis asserts trial counsel was ineffective for failing to raise a *Heemstra*-type claim, and he cannot now receive the benefit of the change in Iowa law. Pet'r's Br. 6, ECF No. 42. The Iowa Court of Appeals held counsel had "no obligation to anticipate changes in the law." *Davis II*, 2015 Iowa App. LEXIS 672, at *3. Instead, the Court focused "on whether a reasonably competent attorney would have raised the issue in controversy." *Id.* "The test to determine whether counsel is required to raise an issue is 'whether a normally competent attorney would have concluded that the question . . . was not worth raising.'" *Id.* at *3–4 (quoting *State v. Graves*, 668 N.W.2d 860, 881 (Iowa 2003)). Davis argues this conclusion resulted in both (1) a decision that was unreasonable in light of clearly established Supreme Court law, and (2) a decision based on an unreasonable determination of the facts. Pet'r's Br. 8, ECF No. 42.

The Court first addresses whether the decision of the Iowa Court of Appeals was based on an unreasonable determination of the facts. Davis contends counsel was not aware the felony murder issue was ripe for change. *Id.* at 11. In support of his argument, Davis cites to the trial counsel's testimony at the postconviction relief hearing:

> Q: This trial happened in December of 2005, correct?
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> A: I think it started in December, right.
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> Q: At that time were you aware that there were attorneys challenging application of a felony murder rule at that point still unsuccessfully?
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> A: The felony murder rule hadn't changed at that time. I think -- I wasn't aware of any specific attorney doing it, challenging the felony murder rule. I think attorneys do that off and on, but I wasn't aware of any specific challenges.
>
> Q: In your motion for a new trial, did you do anything to challenge to old application of the felony murder rule as it stood at that point?
>
> A: I don't believe so. That wasn't the law at the time.
>
> Q: Isn't it true that Iowa's interpretation of the felony murder rule at that point was significantly different from most states?

> A: I practiced in Iowa and Illinois at the time, so for other states I couldn't tell you. With regard to Iowa, Iowa shifted in '06 to *Heemstra*, and *Heemstra's* been developing ever since, but at the time that was not the law.
>
> Q: If you recall, was there anything in the Court's verdict or findings of fact and conclusions of law that indicated whether the conviction, the verdict was based on the felony murder rule or on actual intent?
>
> A: I haven't seen the ruling in so long that I don't remember it, so I can't answer that question now.

Pet'r's Second Supp. App. 109, ECF No. 44. Trial counsel also acknowledged he made no "type of objection to instructions or the law utilized by the Court that we tried it to." *Id.* at 113.

Rather than address counsel's lack of information, Davis argues the Iowa Court of Appeals summarily concluded counsel was not expected to predict changes in the law. *Id.* at Pet'r's Br. 11, ECF No. 42. Davis contends a normally competent attorney must first be aware of emerging areas of the law in order to determine whether an issue was worth raising. *Id.* at 11–12. This is especially true, he argues, when the issue was ultimately retained by the state's supreme court, signifying "to defense counsel in the state that not only was a challenge being made, but it was meritorious enough for the Supreme Court to retain the issue for immediate determination." *Id.* at 11.

As pointed out by Respondent, however, *Heemstra* did not solely challenge his conviction based on the felony murder instruction but also raised issues related to medical records evidence and alleged jury misconduct. *See Heemstra*, 721 N.W.2d at 552. "*Heemstra* overturned more than twenty years of precedent which had explicitly allowed a felonious assault to serve as the predicate felony for felony-murder purposes." *Miller v. Fayram*, 2010 U.S. Dist. LEXIS 157712 (S.D. Iowa May 27, 2010). Given this history, it would have been reasonable to conclude the Iowa Supreme Court planned to address one of the other issues rather than the felony-murder rule. Retention of the *Heemstra* case did not, in and of itself, change existing law. Consequently, it did not create a duty for trial counsel to raise an objection that had been consistently overruled.

Davis also focuses on the fact that trial counsel was licensed in Illinois as well as Iowa, and Illinois had previously established the predicate felony could not be a felony that is inherent in the murder itself. Pet'r's Br. 11, ECF No. 42 (citing *People v. Toney*, 785 N.E.2d 138, 146–47 (Ill. 2003) ("because the predicate felonies arose from and were inherent in the murders of the two victims, the forcible felonies could not serve as predicate felonies for felony murder."). Testimony from trial counsel at the postconviction relief hearing established he did not know whether Iowa's interpretation of the felony murder rule was significantly different from most states because he only practiced in Iowa and Illinois. Pet'r's Second Supp. App. 109, ECF No. 44. Regardless of whether he knew about the merger rule in Illinois, he knew "at the time that was not the law" in Iowa. *Id.* Thus, what trial counsel knew or did not know about Illinois law was irrelevant.

Davis relies on these same reasons to support his second argument, that is, the decision of the Iowa Court of Appeals is contrary to, and an unreasonable application of United States Supreme Court law, namely, *Strickland*. Pet'r's Br. 12, ECF No. 42. According to Davis, *Strickland* requires an individualized assessment of an attorney's performance to determine whether the actions of any particular attorney were reasonable. *Id.* The Iowa courts, argues Davis, held "*no* attorney would ever have to have objected to willful injury as predicate felony despite the context." *Id.* (emphasis added).

Davis argues defense counsel are responsible for more "than simply applying establish precedent." *Id.* at 13. For example, the United States Supreme Court held defense counsel performed deficiently when he provided incorrect information to a noncitizen client regarding deportation, a collateral consequence of his conviction. *Padilla v. Kentucky*, 559 U.S. 356, 368–69 (2010). *Strickland*, he argues, requires defense counsel to "remain abreast of changes in the law and its practice." Pet'r's Br. 13, ECF No. 42 (quoting *Chaidez v. United States*, 568 U.S. 342, 367 (2013) (J. Sotomayor, dissenting)).

In *Padilla*, counsel was found constitutionally ineffective because he gave erroneous advice to his client about a collateral consequence to pleading guilty. *Padilla*, 559 U.S. at 359.

Counsel for Davis, however, did not fail to act based on a wrong understanding of the law. Instead, "[a]t the time of Davis's trial, willful injury was still a valid predicate felony for the felony-murder rule." *Davis II*, 2015 Iowa App. LEXIS 672, at *3.

"Reasonableness" depends on "prevailing professional norms" at the time counsel acted, with "every effort . . . made to eliminate the distorting effects of hindsight, . . . to evaluate the conduct from counsel's perspective at the time." *Strickland*, 466 U.S. at 688–89. "'A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to *evaluate the conduct from counsel's perspective at the time*.'" *Davis v. United States*, 858 F.3d 529, 534 (8th Cir. 2017) (alteration in original) (quoting *Strickland*, 466 U.S. at 689)).

The best attorney will stay updated about new trends across the criminal law landscape and monitor the Iowa Supreme Court for potential changes to that law. However, failure to do so is not per se constitutionally ineffective if counsel's decisions at the time of trial are based on accurate knowledge of current law. "Under the Constitution, a defendant is only guaranteed adequate, not exceptional counsel." *Brown v. United States*, 311 F.3d 875, 877 (8th Cir. 2002). In *Brown*, counsel failed to make an *Apprendi*-type argument to the Court even though similar claims were being made and were reasonably available prior to the Supreme Court's decision. *Id.* at 878. Although *Brown* argued counsel was ineffective for failing to have made the argument, the United States Court of Appeals held "counsel's decision not to raise an issue unsupported by then-existing precedent did not constitute ineffective assistance." *Id.*

"A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." *Strickland*, 466 U.S. at 689. Counsel may not have been aware of emerging trends in the felony murder law or that the Iowa Supreme Court had retained *Heemstra*, which raised a felony murder issue. Nonetheless, at the time of Davis' trial, "willful injury was still a valid predicate felony for the felony-murder rule," *Davis II*, 2015 Iowa App. LEXIS 672, at *3, and counsel was not constitutionally

deficient for limiting arguments to existing law or for failing to raise an issue unsupported by then existing precedent.

In sum, the decision of the state court was not "'so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.'" *Etherton*, 136 S. Ct. at 1151. The decision of the Iowa courts regarding ineffective assistance of trial counsel was both a reasonable determination of the facts and was not contrary to or an unreasonable application of *Strickland*.

Because it agrees with the conclusion that trial counsel did not perform deficiently, the Court does not need to address the issue of prejudice. *Strickland*, 466 U.S. at 697 ("there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one.").

C. Appellate Counsel[2]

Using the same arguments, Davis contends appellate counsel was also ineffective for failing to raise a *Heemstra*-type argument in his initial appeal brief, asserting "appellate counsel

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[2] Davis raises this claim in Ground One of his Amended Petition, alleging "[t]rial and appellate counsel did not object to or appeal willful injury being a predicate offense for felony murder as raised in [*Heemstra*]." Am. Pet. 5, ECF No. 11-1. Respondent filed a motion to dismiss Grounds Two and Three of the Amended Petition but in the brief in support of the motion to dismiss, conceded Ground One had finished "a complete cycle of state-court review." Mo. Dismiss 2, ECF No. 25-1.

The Court is unable to identify where the issue of ineffective assistance of appellate counsel was preserved before the Iowa courts. On postconviction relief, the trial court considered Davis' argument of ineffective assistance of trial counsel for failing to make a *Heemstra* challenge. Resp't's App. 142, 146, ECF No. 24. The postconviction relief appeal brief raised the issue as whether "trial counsel [had] to investigate and argue for a change in law when the law was changed shortly after the Applicant's trial." Resp't's App. 7, ECF No. 22-14. The Iowa Court of Appeals framed the issue as a challenge to "the postconviction court's finding that Davis's trial counsel was not ineffective for failing to challenge the felony-murder law." *Davis II*, 2015 Iowa App. LEXIS 672, at *3. The Application for Further Review also was limited as to whether "trial counsel was ineffective in not preserving the *Heemstra* issue"). Resp't's App. 2, ECF No. 22-19. These arguments focus on trial counsel's performance, and none raised the issue in the context of appellate counsel.

presumably is in an even better position than trial counsel to be up-to-date on emerging legal issues, like the *Heemstra* issue was in early 2006." Pet'r's Br. 15, ECF No. 42.

"To demonstrate that appellate counsel was ineffective, a petitioner 'must first show that his counsel was objectively unreasonable in failing to find arguable issues to appeal—that is, that counsel unreasonably failed to discover nonfrivolous issues and to file a merits brief raising them.' He must then 'show a reasonable probability that, but for his counsel's unreasonable failure to file a merits brief, he would have prevailed on his appeal.'" *Williams v. Ludwick*, 761 F.3d 841, 845 (8th Cir. 2014) (quoting *Smith v. Robbins*, 528 U.S. 259, 285 (2000)).

Davis argues appellate counsel was unconstitutionally ineffective for failing to include a *Heemstra*-type argument in his principal brief. Pet'r's Br. 15, ECF No. 42. The parties do not point to, and the Court cannot find, anything in the record to suggest whether appellate counsel was aware of developments in the felony-murder law. Regardless, Iowa Courts had consistently rejected this type of argument for over twenty years. Even though the issue had been argued to the Iowa Supreme Court at the time of the appeal, a reasonable attorney "could easily conclude a challenge to a law that had always failed would continue [to] fail and thus was not worth raising." *Davis II*, 2015 Iowa App. LEXIS 672, *4. Appellate counsel had no duty to raise an argument Iowa courts repeatedly rejected as meritless. *See Thai v. Mapes*, 412 F.3d 970, 978

"A petitioner who has not availed himself of a state's post-conviction procedure should be required to do so unless he has no available, nonfutile remedies or the state waives the exhaustion requirement." *Murray v. Wood*, 107 F.3d 629, 631 (8th Cir. 1997) (citing *Duvall v. Purkett*, 15 F.3d 745, 746 (8th Cir. 1994)). Respondent does not appear to be waiving exhaustion of this issue, but instead is making a statement regarding the procedural posture of the issue. *See Hampton v. Miller*, 927 F.2d 429, 431 (8th Cir. 1991) (quoting *Purnell v. Missouri Dep't of Corrs.*, 753 F.2d 703, 708 (8th Cir. 1985) ("When the State 'unequivocally concedes in pleadings that a petitioner's claims in the appropriate state courts have been exhausted, that concession constitutes an express waiver.'"). Thus, the Court will not treat this as a waiver.

Even if the issue has not been exhausted, however, a petition for habeas corpus relief "may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State." 28 U.S.C. § 2254(b)(2); *see also Padavich v. Thalacker*, 162 F.3d 521, 522 (8th Cir. 1998) ("exhaustion rule is not a rule of jurisdiction, and sometimes 'the interests of comity and federalism [are] better served by addressing the merits.'") (internal quotations omitted). The Court finds it is the interests of comity and federalism to proceed to address the merits of this claim.

(8th Cir. 2005) ("Thai cannot show that his counsel performed deficiently by failing to raise a meritless argument.").

Moreover, the Court finds no prejudice. Davis argues that had appellate counsel raised such a claim, the issue would have been before the Iowa courts to address. Pet'r's Br. 15, ECF No. 42. The record demonstrates, however, that counsel did give the Iowa courts an opportunity to address the claim. Although he did not raise the issue in his initial brief, appellate counsel moved to amend the brief a week after *Heemstra* was decided. *Id.* at 3. Thus, if it had chosen to do so, the Iowa Supreme Court could have addressed the issue. Instead, it rejected appellate counsel's attempt to raise the issue, reaffirming its intention to apply *Heemstra* only to those cases where it was first raised before the trial court. Thus, even if counsel had raised it in his principal brief, the Iowa Supreme Court would have rejected the merits of the claim for the same reasons it rejected appellate counsel's request to amend his brief. There is no reasonable probability that, but for counsel's failure to make this claim in his initial brief he would have prevailed on the Iowa Supreme Court to apply *Heemstra* retroactively to his case.

IV. SUMMARY AND CONCLUSIONS

Based on the above discussion, the Court finds Davis is not entitled to federal habeas corpus relief on Ground One of the petition. The Court previously dismissed Grounds Two and Three. *See* Order, ECF No. 35. This petition for habeas corpus relief is **DENIED** and **DISMISSED.**

Pursuant to Rule 11(a) of the Rules Governing Section 2254 Proceedings in the United States District Courts, "the district court must issue or deny a certificate of appealability when it enters a final order adverse to [a petitioner]." District Courts have the authority to issue certificates of appealability under 28 U.S.C. § 2253(c) and Fed. R. App. P. 22(b). "A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Such a showing means "petitioner must

demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Court recognizes the factual similarities between this case and *Heemstra* and the stark difference in outcomes. "However, the Iowa state courts determined that the *Heemstra* decision would not be applied retroactively, and accordingly, the federal courts cannot unravel this particular byzantine knot." *Dixon v. Wachtendorf*, 758 F.3d 992, 994 (8th Cir. 2014).

Davis has not made a substantial showing of the denial of a constitutional right on any of his claims, and the Court **DENIES** a certificate of appealability. Davis may request issuance of a certificate of appealability by a judge on the Eighth Circuit Court of Appeals. *See* Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated this 14th day of September, 2020.

JAMES E. GRITZNER, Senior Judge
U.S. DISTRICT COURT

APP G

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 20-3082

Ambus Ray Davis, III

Petitioner - Appellant

v.

Nick Ludwick, Warden

Respondent - Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:15-cv-00461-JEG)

JUDGMENT

Before LOKEN, BENTON, and GRASZ, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

January 05, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APP I

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 20-3082

Ambus Ray Davis, III

Appellant

v.

Nick Ludwick, Warden

Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:15-cv-00461-JEG)

ORDER

The petition for rehearing by the panel is denied.

March 23, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APP H

20-3082 Ambus Davis, III v. Nick Ludwick

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 03/02/2021

Case Name: Ambus Davis, III v. Nick Ludwick
Case Number: 20-3082

Docket Text:
PETITION for rehearing by panel filed by Appellant Mr. Ambus Ray Davis, III w/service by USCA8 03/02/2021. [5009918] [20-3082]

The following document(s) are associated with this transaction:
Document Description: Petition for Rehearing

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Mr. Ambus Ray Davis III
IOWA STATE PENITENTIARY
6179704
P.O. Box 316
Fort Madison, IA 52627

Notice will be electronically mailed to:

Ms. Angela L. Campbell: angela@dickeycampbell.com, taylor@dickeycampbell.com
Mr. Aaron James Rogers: aaron.rogers@ag.iowa.gov, benjamin.parrott@ag.iowa.gov,catie.johnson@ag.iowa.gov,tim.hau@ag.iowa.gov,elizabeth.dickey@ag.iowa.gov,kristle.finck@ag.iowa.gov

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