

In The Supreme Court of the United States

Antoine Martwain Hill-El
Petitioner,

Appeal Case No. 20-7696
Civil Action No. 8:18-cv-01654-TDC

United States of America
Respondent.

Affidavit of Truth
Petition For A Writ of Certiorari
Index to Appendices

Comes now Antoine Martwain Hill-El petitioner does hereby certify pursuant to Title 28 USC 1746(1) served as true, correct copy of the Index To Appendices of the foregoing documents:

Appendix A: US District Court for the Western District of Louisiana (Shreveport Division) - Civil Action # 18-651-P
MEMORANDUM ORDER by Judge(s) Foote and Magistrate Judge Hornsby dated: June 1, 2018

Appendix B: US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order) dated: July 10, 2018
by U.S. District Judge Theodore D. Chuang (Doc #5, Filed: 7/11/2018, pages 1 of 3)

Appendix C: US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order) dated: August 3, 2018
by US District Judge Theodore D. Chuang (Doc #8, Filed: 8/6/2018, pages 1 of 2)

Appendix D: US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order, Memorandum Opinion)
dated: October 14, 2020 by U.S. District Judge Theodore D. Chuang (Doc #18, Filed: October 14, 2020, page 1 of 1)

Appendix E: US District Court - District of Maryland - Civil Action # TDC-18-1654 (Memorandum Opinion) dated:
October 14, 2020 by US District Judge Theodore D. Chuang (Doc #17, Filed: October 14, 2020, pages 1 of 7)

Appendix F: US Court of Appeals For The Fourth Circuit - Appeal No. 20-7690 (8:18-cv-01654-TDC) (Judgment)
dated: March 29, 2021 a total of 3 pages, and the (Mandate) dated: April 20, 2021 filed by Patricia S. Connor,
Clerk a total of 1 page.

Dated: April 15, 2021 remailed on June 15, 2021

Respectfully, As Explicit Preservation of Untriaubated Rights
Antoine Martwain Hill-El pursuant to 28 U.S.C. 1-367
Antoine Hill-El without Prejudice
Reg #44466-007
United States Penitentiary - Pollock
P.O. Box 2079
Pollock, Louisiana
(71467)
Non-Domestic without the U.S.

FILED: March 29, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7690
(8:18-cv-01654-TDC)

ANTOINE MARTWAIN HILL-EL, a/k/a Antoine Martwain Hill, a/k/a Antoine
M. Hill

Petitioner - Appellant

v.

CALVIN JOHNSON

Respondent - Appellee

JUDGMENT

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 20-7690

ANTOINE MARTWAIN HILL-EL, a/k/a Antoine Martwain Hill, a/k/a Antoine M. Hill,

Petitioner - Appellant,

v.

CALVIN JOHNSON,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Theodore D. Chuang, District Judge. (8:18-cv-01654-TDC)

Submitted: March 23, 2021

Decided: March 29, 2021

Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antoine Martwain Hill-El, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antoine Martwain Hill-El seeks to appeal the district court's order dismissing as untimely his 28 U.S.C. § 2254 petition. *See Gonzalez v. Thaler*, 565 U.S. 134, 148 & n.9 (2012) (explaining that § 2254 petitions are subject to one-year statute of limitations, running from latest of four commencement dates enumerated in 28 U.S.C. § 2244(d)(1)). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When, as here, the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez*, 565 U.S. at 140-41 (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Hill-El's informal brief does not challenge the dispositive timeliness determination by the district court, he has forfeited appellate review. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ANTOINE MARTWAIN HILL-EL,
also known as Antoine Martwain Hill,
also known as Antoine M. Hill,

Petitioner,

v.

Civil Action No. TDC-18-1654

CALVIN JOHNSON,

Respondent.

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. Petitioner Antoine Martwain Hill-El's Petition for a Writ of Habeas Corpus, ECF No. 1, is DISMISSED as time-barred.
2. The Court declines to issue a certificate of appealability.
3. The Clerk shall provide a copy of the accompanying Memorandum Opinion and a copy of this Order to Hill-El.
4. The Clerk shall close this case.

Date: October 14, 2020

/s/ Theodore D. Chuang
THEODORE D. CHUANG
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ANTOINE MARTWAIN HILL-EL,
also known as Antoine Martwain Hill,
also known as Antoine M. Hill,

Petitioner,

v.

CALVIN JOHNSON,

Respondent.

Civil Action No. TDC-18-1654

MEMORANDUM OPINION

Petitioner Antoine Martwain Hill-El, a District of Columbia prisoner confined at the United States Penitentiary-Pollock (“USP-Pollock”) in Pollock, Louisiana, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in which he collaterally attacks his 2005 conviction for robbery in the Circuit Court for Montgomery County, Maryland. In the Petition, Hill-El argues generally that the court lacked jurisdiction over his person because Moorish Americans have not agreed to submit to the jurisdiction of the United States government, and specifically that his conviction and sentence violated various provisions of the United States Constitution, including the Thirteenth Amendment’s prohibition on slavery and involuntary servitude, the provision in Article VI that debts contracted before the adoption of the Constitution remain valid, the Tenth Amendment, and “natural rights” within the Bill of Rights. Am. Pet. at 5, ECF No. 6. Respondent has filed an Answer asserting that the Petition should be dismissed as time-barred or, in the alternative, that the asserted claims fail on either procedural or substantive grounds. Pursuant to *Hill v. Braxton*, 277 F.3d 701, 707 (4th Cir. 2002), Hill-El was afforded an opportunity to explain

FILED: April 20, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7690
(8:18-cv-01654-TDC)

ANTOINE MARTWAIN HILL-EL, a/k/a Antoine Martwain Hill, a/k/a Antoine
M. Hill

Petitioner - Appellant

v.

CALVIN JOHNSON

Respondent - Appellee

M A N D A T E

The judgment of this court, entered March 29, 2021, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

ANTOINE MARTWAIN HILL-EL,

Petitioner,

v.

Civil Action No. TDC-18-1654

CALVIN JOHNSON,

Respondent.

ORDER

On July 27, 2018, self-represented Petitioner Antoine Martwain Hill-El, who is currently confined at United States Penitentiary – Pollack (“USP Pollack”) in Pollack, Louisiana, filed an Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. ECF No. 7. That same day, Hill-El filed a renewed Motion for Leave to Proceed In Forma Pauperis. ECF No. 6. Based on the information provided in the Motion, it appears Hill-El is indigent. Accordingly, the Motion will be granted and his earlier Motion for Leave to Proceed In Forma Pauperis, ECF No. 2, will be denied as moot. As to Hill-El’s Petition, having reviewed the submission, the Court will order Respondent to file an Answer to that Petition on the schedule set forth below.

Accordingly, it is hereby ORDERED that:

1. Hill-El’s renewed Motion for Leave to Proceed In Forma Pauperis, ECF No. 6, is GRANTED.
2. Hill-El’s Motion for Leave to Proceed In Forma Pauperis, ECF No. 2, is DENIED AS MOOT.
3. Pursuant to Rule 5(a) of the Rules Governing Section 2254 Cases in the United States District Courts, Respondent shall FILE an Answer to the Petition within **40 days** of the date of this Order. Should Respondent include any documents in his Answer, he shall provide copies of all such documents to Hill-El. Because Rule 5(a) permits only

the filing of an Answer, should Respondent file a Motion to Dismiss, the Motion will be stricken.

4. Pursuant to Rule 5(e) of the Rules Governing Section 2254 Cases in the United States District Courts, Hill-El shall have **30 days** to file a Reply to any Answer submitted by Johnson.
5. The Clerk is directed to send a copy of this Order to Hill-El and to send a copy of this Order and the Petition to Daniel Jawor, Office of the Attorney General State of Maryland, Criminal Appeals Division.

Date: August 3, 2018

/s/
THEODORE D. CHUANG
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ANTOINE MARTWAIN HILL-EL,

Plaintiff,

v.

Civil Action No. TDC-18-1654

CALVIN JOHNSON,

Defendant.

ORDER

On May 15, 2018, Plaintiff Antoine Martwain Hill-El, currently confined at United States Penitentiary – Pollack (“USP Pollack”) in Pollack, Louisiana, filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 together with a Motion for Leave to Proceed in *Forma Pauperis* in the Western District of Louisiana. ECF Nos. 1 and 2. On June 1, 2018, United States Magistrate Judge Mark L. Hornsby of the Western District of Louisiana ordered this case transferred to the District of Maryland. ECF No. 3.

In order to determine whether Hill-El qualifies for *in forma pauperis* status, the Court requires additional documents. Specifically, under 28 U.S.C. § 1915, a prisoner must “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(2) (2012). To assist Hill-El in providing this information, the Court directs the USP Pollack fiscal administrator to file a certificate indicating the average monthly balances in and deposits to Hill-El’s account for the six-month period preceding the filing of Hill-El’s Complaint.¹ Hill-El is

¹ If Hill-El was incarcerated at any other prison during the six-month period before the filing of his Complaint, he must also obtain a trust fund account statement from that prison.

cautioned that failure to assist prison personnel in obtaining such information may result in the dismissal of this action without prejudice and without further notice from the Court.

Once a §2254 petition is adjudicated on the merits, a second or successive §2254 petition may not be filed in district court challenging the judgment without first receiving permission to do so from the appropriate circuit court of appeals. *See* 28 U.S.C. §2255(h) (2012). Because any subsequent § 2254 motion Hill-El files challenging his state conviction and sentence will be subject to these restrictions, it is essential that he raise any and all grounds that he believes he has for federal *habeas corpus* relief. As filed, the Petition raises arguments premised on Moorish-American theories of citizenship and the “Zodiac Constitution” which are unlikely to warrant relief under § 2254. Pet. at 7, ECF No. 1.

Hill-El will thus be provided an opportunity to file an amended petition using the pre-printed forms for filing a § 2254 petition. He is cautioned that failure to file an amended petition within **28 days** will result in dismissal of this petition without further notice and without prejudice.

Failure to comply with this Order will result in review of the Petition as filed without further notice from the Court.

Accordingly, it is hereby ORDERED that:

1. The USP Pollack fiscal administrator shall FILE, within **21 days** of the date of this Order, an inmate account certificate that indicates the average monthly balances in and deposits to Hill-El’s account for the six-month period immediately preceding May 15, 2018.
2. Hill-El shall NOTIFY the Court of any changes to his address during the pendency of this litigation. *See* D. Md. Local R. 102.1(b)(iii). Failure to do so may result in dismissal of this action without further notice from the Court.

3. Hill-El is GRANTED **28 days** from the date of this Order to file an amended petition using the pre-printed forms for filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254.
4. Hill-El is CAUTIONED that failure to file an amended petition by the deadline will result in review of the Petition as filed without further notice from the Court.
5. The Clerk shall MAIL a copy of this Order and a § 2254 packet to Hill-El and a copy of this Order to the USP Pollack fiscal administrator.

Date: July 10, 2018

/s/
THEODORE D. CHUANG
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ANTOINE MARTWAIN HILL-EL

CIVIL ACTION NO. 18-651-P

VERSUS

JUDGE FOOTE

WARDEN CALVIN JOHNSON

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the court is a petition for writ of habeas corpus filed by pro se petitioner Antoine Martwain Hill-El, pursuant to 28 U.S.C. § 2254. This petition was received and filed in this court on May 15, 2018. Petitioner is incarcerated in the USP-Pollack in Pollack, Louisiana. He challenges his state court conviction and sentence in the District Court of Maryland, Montgomery County.

Pursuant to the authority granted in 28 U.S.C. § 1406, **IT IS HEREBY ORDERED** that the Clerk of Court **TRANSFER** the above captioned case to the United States District Court for the District of Maryland, Southern Division, the district in which the alleged cause of action arose. **IT IS FURTHER ORDERED** that a determination of Petitioner's pauper status be deferred to the transferee court for resolution and disposition.

THUS DONE and signed, in chambers, in Shreveport, Louisiana, on this 1st day of June 2018.


Mark L. Hornsby
U.S. Magistrate Judge