

No. 21-5788

ORIGINAL

Supreme Court, U.S.
FILED

SEP 17 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

PAUL J. BEGNOCHE, Sr. — PETITIONER
(Your Name)

vs.

SUPERINTENDENT SCI MERCER: PA. ATTORNEY GENERAL/or — RESPONDENT(S)
OFFICE OF ATTORNEY GENERAL; ATT. OF NOTICE: DEPUTY D.A. RYAN LYSAGHT
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S COURT OF APPEALS FOR THE 3rd CIRCUIT OF PENNSYLVANIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Paul J. Begnoche, Sr. PA DOC KH1738

(Your Name)

SCI MERCER
801 Butler Pike

(Address)

Mercer, PA 16137-5653

(City, State, Zip Code)

(Phone Number)

RECEIVED

SEP 22 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

This case before the Honorable Court through its Materiality of (5) years of impermissible Inordinate Delays presents important issues in the Interest of justice, U.S. Public Concern, and especially concerns of the U.S. Citizens immediately affected through the collateral **Liberty Interests Violations** disregarded through either **Judicial Neglect, Manifest Mistakes, prejudice of the subject matter, or Partiality** that eroded Federal Rights of **Due Process-Equal Protection of Law** in a 3rd Circuit Judicial System that failed to exercise its Jurisdiction under **Statute 28 U.S.C §2254.**; and its Statutory obligations of **de nova review** in adjudicating appellant's cognizable **Federal-Constitutional Law** claims contrary to: "[I]t is the birth right of every American citizen when charged with a crime, to be tried, in accordance to law...and if ineffectual, there is immunity from punishment..., " Ex Parte Milligan, *Infra*; "Habeas Corpus relief to redress due process violations regardless of the heinousness of the crime, [and], apparent guilt of the offender," Irvin, *Infra*; "There is no higher duty of a court, under our Constitutional system, then to carefully process and adjudication of petitioners for Writ of Habeas Corpus, for it is in such proceedings that a person in custody charges error, neglect, or evil purpose has resulted in unlawful confinement and he is deprived of freedom contrary to law," Harris, *Infra*. The gross Neglect to exercise **28 U.S.C §2254. Jurisdiction** that dismissed appellant's First **2254. Writ Petition**; without certificate of appealability is a serious matter risking injury to critical **human liberty Interests** that arises substantial questions of the Intergrity of the Thrid Circuit Judicial system? Mr. Begnoche presents the following questions:

- 1). Did the Panel of the Third Circuit Court of Appeals decree its Order denying appellant's Good Cause Motion for **Federal Rule App. P.5-4(a)(5)(A)(ii) Extension of Time**, to file contrary to the **Spirit and Language** of previous order; and District Court "**Covid Standing Order 2020-19**" and **United States Supreme Court "Covid List"**?
- 2). Did the Panel of the Third Circuit Lack Juridiction to rule on the merits of the Habeas Corpus Petition when it sidestepped the appropriate process which denied appellant his **Due Process Rights under §2253.** to make his substantial showing of his **L.A.R. 22.3 Statement of Reasons for Application of Certificate of Appealability**?
- 3). Did the Third Circuit Middle District Court's Abuse of Discretion denying (8) Motions for Court Appointed Counssel interfere with the **Normal Operations** of the Third Circuit Judiciary System, deny appellant his **Rights to Access to The Courts** to adequately develop his non-frivolous claims, and satisfy his **Burden of high legal standards** to show entitlement to an **evidentiary Hearing and Habeas Corpus relief** contrary to **18 U.S.C. §3006a** and **28 u.s.c. §1915(d) and §2241(C)**?

Exparte Milligan, 71 (wall) 2, 118-120 (1886)

Irvin v. Down, 366 U.S. 717, 722 (1961)

Harris v Nelson, 394 U.S. 286, 292 (1969)

DISCLOSURE OF CORPORATE OR FINANCIAL INTERESTED PERSONS

Pursuant to U.S. Supreme Court Rule 29.6, appellant Paul J. Begnoche presents for the Record the following Interested Persons and Corporate Disclosure:

- 1). Mr. Begnoche is not a subsidiary or affiliate of a public owned company;
- 2). All respondent interest parties are listed in the cover caption as Superintendent of PA DOC SCI MERCER; Pennsylvania Attorney General or the Office of Attorney General; all represented by attorney of Notice: Deputy D.A. Ryan H. Lysaght, Esq; further concerned parties of Service shall be the U.S. Court of Appeals for the Third Circuit of Pennsylvania; and the Middle District Court of the Third Circuit of Pennsylvania; as all parties in direct interest of the outcome of this case.

CASES IN RELATION TO THIS CASE

Timely filed Statute 28 U.S.C §2254. Writ of Habeas Corpus Petition, filed on October 8, 2015, as DKT No. 3:15-CV-02047, Documents 1-2

RELATED U.S. THIRD CIRCUIT COURT OF APPEALS CASES

Case No. 20-2205, Writ of Mandamus Petition; filed by appellant, DENIED

Case No. 18-1021 Supreme Court Rule §12.5 Interlocutory Appeals; filed by appellant and DENIED

Case No. 17-1556 Writ of Mandamus Petition; filed by appellant, DENIED

Case No. 16-3233 Writ of Mandamus Petition; filed by appellant; DENIED

COMMONWEALTH OF PENNSYLVANIA COURTS

Supreme Court of Pennsylvania Case No. 255 MDA 2015

Superior Court of Pennsylvania Case No. 286 MDA 2014

Court of Common Pleas Court DKT No. CP-22-CR-04038-2010

STATE OF CONNECTICUT, Uniform Criminal Extradition Act, Chapter 964, 54-166.

Habeas Corpus Proceedings, DKT No. CV10-4050404

INDEX TO APPENDICES

APPENDIX A MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS: and Affidavit or Declaration in support of Motion for Leave

APPENDIX B United States Court of Appeals for the Third Circuit ORDERS and all of appellant's Motions/Correspondences of Case No. 20-2616

APPENDIX C United States Court of Appeals ORDER, and appellant's Notice of Appeal, Briefs of Case No. 18-1021, District Court Order, Appellant's Motion for C.A.C.; Abuse of Discretion issues

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was January 12, 2021

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: June 25, 2021, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

And United States Supreme Court Rule 10.(a)-(c).

STATEMENT OF THE CASE

- 1). On 10/01/2015, AS DOCS 1-2, appellant very timely filed his **28 U.S.C. § 2254. Writ of Habeas Corpus Petition**; filed by the District Court on 10/21/2015;
- 2). Through Doc 8, appellant filed his 1st **Motion for C.A.C.**; and doc 11 choice of **Notice of election**;
- 3). On 12/18/2015, Doc 13, the District Court decreed its **Order To show Cause and Memorandum Order for respondents to Answer to the Writ Petition under Rules 3-4-5**;
- 4). On 3/09/2016, Doc 30, after (2) motions for extension of time, respondents filed a **Bad faith 28 U.S.C. § 2244(D)(1) Timeliness of Petition Defense**; with exhibits that showed appellant was in fact timely. Though respondents filed no other additional documents concerning the Court's Order for an Answer;
- 5). On 03/22/2016, Doc 31 appellant filed traverse letter, on 04/11/2016, doc 34, appellant filed 2nd traverse letter, and on 4/12/2016, Doc 36 appellant filed his Appendix of exhibits all supporting his **28 U.S.C. § 2244(D)(1) Timeliness of Petition**;
- 6). On 11/15/2017, Doc 93 District Court **Memorandum Order, 4. Respondents' request this matter be dismissed as untimely is DENIED**;" after (2) yrs of Inordinate Delays;
- 7). On 12/05/2017, Doc 96, respondents through further Bad Faith and prejudicial **piece-mealing**, submitted an answer alleging "**Procedural Default**," though never answered to the appellant's "**Core Issues**" of his writ petition. Respondents submitted no other documents that complied to the District Court's memorandum order Doc 13-96, Answer requiring Pennsylvania PCRA Petition proceeding document/Briefs/and Court orders;

8). On 02/26/2018, appellant filed his Docs 110-111 appendix of exhibits; and doc 112 Reply Brief in opposition, Doc 113 Memorandum of Law all condemning respondents' piece-mealed allegations of **"Procedural Default."** None of these Documents 110-11-112-113, were ever entertained by the district Court through any specific order;

9). After about (2) yrs of Inordinate delays on 4/22/2019, **Doc 160 Memorandum Order**; District Court ordered respondents to file, **"Supplemental appendix of exhibits consisting of the entire record before the Pennsylvania superior court when it affirmed denial of PCRA Relief to the petitioner;"**

10) Due to respondents' egregious Neglect to comply to the District Court's Orders, Docs 13-96-160, appellant was forced to file his 5/02/2020, **Motion to Enforce Court Orders**; that was also neglected to be entertained by the District Court until after the Writ Petition was denied. Leaving the District Court without any proper documents from the respondents concerning the **state PCRA Proceedings** to make any informed **mandatory de nova review required under statute 28 U.S.C. §2254.**;

11). Throughout this (5) yrs of District Court pre-verdict Inordinate delays, appellant was forced to file (8) Motions for court appointed counsel as Documents 15-18-41-65-82-95-143, and 173; all denied through **Abuse of Discretion**. On 01/03/2018, appellant timely filed his **"Notice of Appeal"** before the Third Circuit Court of Appeals, to appeal his (6th) **Motion for Court Appointed Counsel, Denial**. The Third Circuit Panel **failed to exercise its Jurisdiction under United States Supreme Court rule §12.5 Denial of Interlocutory Appeals**; and prejudicially dismissed appellant's **Case No. 18-1021 Appeal alleging lack of Jurisdiction**;

12). Appellant also was forced to file (3) Writ of Mandamus Petitions before the Third Circuit Court of Appeals to enforce his Rights to a **"prompt' and Speedy resolution** of his **28 U.S.C. §2254. Writ of Habeas Corpus Petition**, free of District Court's impermissible pre-verdict Inordinate delays. **First Writ of Mandamus** was filed on 7/26/2016, Doc 47, **Case No. 16-3233**; second **Writ of Mandamus** was filed on 2/28/2017, doc 63, **case no. 17-1556**, both prejudicially denied contrary to federal-Constitutional Laws as **Lack of Jurisdiction** by the Panel of the Third Circuit. Appellant through severe anxieties and despondence was preparing his 3rd **Writ of Mandamus** for about nine months before it was filed on 6/09/2020. Appellant sincerely believed he could obtain his **28 U.S.C. § Writ of Habeas Corpus Relief**, through the Third Circuit Court of Appeals under **Writ of Mandamus Jurisdiction**, though it too was denied on 8/03/2020, by Circuit Judges **Non Presidential Order of case No. 20-2205**.

13. On July 9th, 2020, the District Court simultaneously denied/Dismissed (4) of appellant's Writ of Habeas Corpus Documents to include appellant's entire first **28 U.S.C. §2254. Writ of Habeas Corpus Petition**, without **Certificate of Appealability**. Then next day on July 10th, 2020, the District Court made another Order denying/dismissing (4) more of appellant's Writ Documents 172-176-178-184. Through the overwhelming (8) simultaneous Orders it was both severely prejudicial and situationally impossible to appeal all these issues forced to proceed solely Pro-se during prime Covid -19 Pandemic and SCI MERCER Prison lockdowns.

14. **Appellant's Appendix of Exhibits B.(1)-(6)**, clearly identifies the remaining Facts and Procedures initiated through seeking relief in the U.S. Court of Appeals for the Third Circuit and its Panel Orders of **Case No. 20-2616**

I. [Question one] The Panel of the Third Circuit Court of Appeals decreed its Order denying appellant's **Good Cause Motion for Fed Rule App. P. 5, and 4(a)(5)(A)(ii) Extension of Time**; to file his **L.A.R. 22.3 Statement** contrary to the **Spirit and Language** of previous Order; and **District Court Covid Standing Order 2020-19,** and **United States Supreme Court "Covid Lists."**

Respectfully stating in **Good Faith** while Forced to proceed Pro-se, I plead to the Honorable Court that the Panel of the Third Circuit acted contrary to **Fed Rule App. P. 5, and 4(a)(5)(A)(ii) Extension of Time**; all enacted **Federal Covid Procedures**, and the Honorable Court's **"Covid Order List:589 U.S..** I diligently cited relative **Federal Laws-Rules** while pleading my **Good Cause** reasons of **Denied Access to the Courts** to be granted the **Fundamental Fairnes of Extension of Time** during prime pandemic/prison lockdown to file my **L.A.R. 22.3 Statement of Reasons for Certificate of Appealability.** All supported by Material Prison documents as expressed within my App. of Exhibits B.(1)-(6). Though as **Denied Due Process-Equal Protection of Law and Fundamental Fairnes**, I was prejudicially Denied extension.

II [Question Two] The Panel of the Third circuit lacked **Jurisdiction to rule on the merits of the Habeas Petition** when it sidestepped the appropriate process which denied appellant **Due Process Rights** under **28 U.S.C.§2253.** to make his **substantial showing** of his **L.A.R. 22.3 Statement of Reasons for Certificate of Appealability.**

When the Panel denied my **Fed Rule App. P. 5, and 4(a)(5)(A)(ii) Extension of Time**; in claim #1, it **sidestepped appropriate process** while denying me **Due Process Rights** to state my **substantial showing** of my **L.A.R. 22.3 Statement of Reasons for Certificate of Appealability**; see APP. of Exhibit B(1)-(6)

III [Question three] The Third Circuit Middle District Court's **Abuse of Discretion** denying (8) **Motions for Court Appointed Counsel** interefered with the **Normal Operations of the 3rd Circuit Judicial system**, denied appellant's **Rights to Access to the Courts** to adequately develop his non-frivolous claims, and to satisfy his **Burden of high Legal Standards** to show entitlement to an **Evidentiary Hearing** and **Habeas Corpus Relief** contrary to **18 U.S.C.§3006(A)**; **28 U.S.C. §1915(d)** and **§2241.**

Respectfully showing, it is obvious if I was represented by **C.A.C.** I wouldn't have to file an **Extension of time** to file my **L.A.R. 22.3 Statement of Reasons for C.O.A.**; or have been prejudicially subjected to **Denied Access** to the **§2254 Habeas Corpus Court** that affected the **Normal Operations of all 3rd Circuit Courts** and forced me to appeal before this Honorable Court. I support my (5) yrs **Inordinate Delays** and **Denied Access to the Federal Judicial system** in my APP. of Exhibits C.(1)-(5)

REASON FOR GRANTING THE PETITION

Respectfully stating, my pleadings are cognizable by Reasonable Application of Federal-Constitutional Laws the Panel prejudicially ignored when denying my **Fed Rule App. P. 5, and 4(a)(5)(A)(ii) Extension of Time**, to file my **L.A.R. 22.3 Statement of Reasons for C.O.A.**

CONCLUDING REQUEST FOR RELIEF

May the Honorable Court recognize this time between 6/25/21, to current date as **Extension of Time**; and accept my App. of Exhibit B.(7) **L.A.R. 22.3 Statement of Reasons for C.O.A.**; as timely as **Law and Justice requires** under **Codified Standards of §2253[i].** And To Be Court Appointed Counsel to gain full Access to The Federal Courts and protect my Federal-Constitutional Rights under **28 U.S.C.§2254.**