No. 21-7096

IN THE

SUPREME COURT OF THE UNITED STATES

DANIEL LEE REED — PETITIONER
(Your Name)

vs.

BOBBY LUMPKIN-DIRECTOR — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DANIEL LEE REED
(Your Name)

2101 FM 369 N.
(Address)

IOWA PARK, TX 76367
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

QUESTION #1). Did the Fifth Circuit Court of Appeals err in denying Petitioner a Certificate of Appealibility where the record holds a clear showing that a constitutional error concerning the 6th Amendment of the United States Constitution exists and was found so by the Trial Court on Habeas but decided in error that prejudice did not exist? Because this is a procedural bar [time bar] situation, Petitioner was only required to show at least that reasonable jurists could debate whether the petition contains a valid constitutional violation and whether the same reasonable jurist could debate the correctness of the District Court's procedural ruling. The only issue left to decided for a jurist of reason concerning the valid constitutional violation, because the trial court found the trial attorney ineffective already, is the question as to prejudice.

QUESTION #2). Is it fundamentally fair to fail to extend the time to file a FRAP 35 and 40 Rehearing and Rehearing En Banc Motion when he only received the Fifth Circuits denial Order on the date of the expiration of the time to file said motions?

LIST OF PARTIES

[X] 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:

RELATED CASES

Dickson V Quaterman 453 F 3d 648 Fn.6 (Pertaining to prior overruled trial court ffndings substantiating the debatability of a constitutional violation's validity).

Strickland V Washington 466 U.S. 688 the Ineffective Assistance of Counsel standard.

Miller El v Cockrell 537 U.S.322 The COA Standard.

Slack v McDaniel 529 U.S. 473,484(Procedural bar COA standard).

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OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the Smith County District Court FFC court appears at Appendix D to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 17.2021.

[X] No petition for rehearing was timely filed in my case.
Only because Petitioner received the denial on [illegible] with only one day left to file rehearing.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] 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).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

The statement of this case boils down to a simple question of equitable tolling,in a case where the record and evidence shows beyond any fair minded disagreement,that Petitioner was in no way at fault in missing the one year statute of limitations because he was actively mislead by his attorney to believe it had passed when it had not. That statement is compounded when it is considered that the 2254 petition presents an easy decision, but for the time bar, to make concerning the unreasonable application of the Strickland V Washington 466 U.S. 668 standard and was unreasonable under facts and evidence presented in the State Habeas proceedings. In those proceedings, as reflected in Appendix-D and contrary to the Court of Criminal Appeals whitecard denial Appendix-C where the CCA reports there was no hearing, the Trial Court did hold a hearing and found trial attorney Lacy ineffective for failure to investigate the only defense Petitioner had once he admitted on the stand the sex act did take place but he was asleep until ejaculation taking place in a wet dream. However, attorney Lacy's excuse, leading to the no prejudice second prong of Strickland finding by the Trial Judge page 6-7 of Appendix-D, was that Smith County jurys aren't receptive to psychological defenses. The problem is,clearly stated, Petitioner had no other hope of any other defense under the specific circumstances of this case thereby leaving him with no defense at all. The sexomia defense,that the Trial Court found was uninvestigated, was the only hope of victory at trial. It is well settled that an attorney cannot be found effective in a situation where she completely failed to investigate the facts and circumstances of a case and its only defense.

The Trial Court's FFC supports that finding proffered by Petitioner here and at the time of the habeas hearings was proven out. However, the prejudice, or lack of prejudice finding made by the Trial Court, unreasonably applied the Strickland standard. The reason for that statement is on the face of this record. The reasons stated by the trial court Judge in refusing to find prejudice represent the unreasonable standard on 2254. First, abandonment of the only defense of the accused is unreasonable based on her belief that a jury wouldn't be recptive of it when its the only hope one has. Secondly, to accord the DNA evidence,as in some way affecting the jury's decision, is completely unreasonable given that the DNA evidence and its presence in this case was and is undisputed and in no way relevant to the sexomina defense, in fact it was readily admitted by the Petitioner on the witness stand at trial. The intent was the only issue at that point and Petitioner contends he wassasleep and awoke to the unintentional participation of his hypersexual grand daughter in an orgasim ending to a wet dream. It was the grand daughter who said it was wrong and should not be told not Petitioner, which was also used as an unreasonable covering for the ineffective attorney by the Trial Court.

The above statement is necessary to provide this Honorable Court the viable and substantial constitutional violation which forms the first part of the Miller El standard in the certificate of appealability contex. The correctness of the district court's time bar ruling, that is now upheld by the Fifth Circuit which is being contested here, is easily shown to be wrong and against the record and evidence. In support of that statement, Petitioner incorporates by reference Appendix A-E, that clearly shows no explanation of the (2254 Memo.)

evidence presented to the federal District Court and the Fifth Circuit other than intentional abandonment and outright lying to this Petitioner in an effort to keep him from filing the federal petition on time as he had always intended to do. The discussions back and forth with the attorney,that are documented by the exhibts entered, establish complete abandonment, not ineffective assistance of counsel or simple neglect. This is egregious conduct and provides a very equitable avenue to allow Petitioner the opportunity to overcome the AEDPA time bar and present his very valid constitutional violation of ineffective assistance of counsel. The Magistrate Judge at the federal level stated, and was adopted by the Federal Judge in Appendix-B at page 2, See DKT no.22,.."Petitioner presented no evidence of this alleged deception, only conclusory statements." This is plain error because Petitioner presented Appendicies A-E showing the conversation that can only be explained as deception or intentional abandonment for the purpose of stopping Petitioner from filing his 2254 on time. No other reasonable deduction can be made from the evidence that the federal District Judge and Magistrate state was not entered. In fact no mention of the Appendicies or how they establish or refute Petitioner's claims are made by the District Judge who claims he reviewed the record. There at least exisits a reasonable jurist showing that Petitioner was actively mislead, not by his adversary, but by his own retained attorney who knew the Trial Court had found the trial attorney ineffective and left nothing to prove on 2254 but the unreasonable no prejudice finding by the trial court. This alone establishes the valid constitutional violation prong on COA in the time bar context. In all fairness, this was a paid fully attorney who wrote the conflicting e-mails that Petitioner

e-mails that Petitioner presented to show the deception that the Federal Magistrate,and by adoption by the Federal Judge, says were not entered but only conclusory statements. If two statements are made by any person and in no way can both be true,and they are recorded, then the only reasonable deduction is that the person making the statements is a liar. If those lies led to the missing of the one year statute of limitations,then the person who was relying on the attorney who made conflicting and totally opposite statements should be allowed to proceed over the bar and present his valid constitutional violation otherwise justice,and the interest in thereof, has itself been abandoned in this great country. That is exactly what has happened in this case and throws the idea that one is entitled to rely on his attorney for sound legal advice out the window and completely usurps the Strickland standard. This is so eventhough it is well settled that one has no Sixth Amendment right to counsel on habeas. These issue is equity. Is it fair to be denied the right to present his otherwise unheard valid constitutional right violations due to a hired attorney's obvious and real abandonment by deception when it has been proven with documented evidence the attorney lied to a person who depended completely on him resulting in being time barred? That is what has happened and if the answer to that question is NO that is completely unfair, then this case presents the Court the opportunity today to establish clearly that such a defendant should be allowed to overcome the one year statute of limitations due to attorney conduct of this particular kind,respectfully.

UNTIMELY NOTICE OF DENIAL TO INMATES BY THE FIFTH CIRCUIT DUE TO THE INMATE FILER BEING PROVIDED THE DENIAL IN TO SHORT OF A TIME TO PREPARE A REHEARING AND OR REHEARING EN BANC MOTION.

In this present case, where the adoption of the Magistrate's

Recommendations by the Federal District Judge, and then Fifth Circuit in their Appendix-A denial below, points out exactly what Petitioner's positions is, attorney abandonment by deception, meaning they have considered at least the pleading that contain plain error going to whether or not Petitioner has presented any evidence of the claimed abandonment actively misleading him into missing thee one year statute of limitations-Rehearing and Rehearing En Banc are in order.

Petitioner received the Appendix-A Fifth Circuit denial on the very day that the rehearing and Rehearing en Banc motions are due in the Fifth Circuit to be timely filed. The only option Petitioner had at that time was to file a Motion for Extension of time to file the FRAP 35 and 40 motions based on good faith belief that the Fifth Circuit had simply followed the Magistrate's and Federal Judge's adoption of the fact that Petitioner had presented no evidence of the misleading by deception to find he had presented no valid constitutional violations that reasonable jurist could agree were debatable. If the Fifth Circuit continues to deny motions for extensions of time to file 35 and 40 motions under these circumstances, it will lead to many instances of injustice such as Magistrate's falsely claim that an above Petitioner presented no evidence when the record of this case will show that in the 2254 Memorandum of Law Appendix at Appendix-A-E Petitioner presented a full record of the deception that Magistrate Love found to not exist and find Petitioner made only conclusory statements. What's remarkable is the fact that He hand picked from the same Appendix pack the piecemeal evidence to find Shulman was not a federal writ writer, basically. No where ever did Schulman ever tell Petitioner that until he had fully deceived Petitioner concerning the filing date he once knew the correctness of.

The Fifth Circuit allows 14 days for the filing of the Rehearing and Rehearing En banc motions from the day of judgement. This, to an inmate filer who has no access to Pacer, includes the time for mailing and provision of the unit of assignment's mailroom. Sometimes it works out but many of the time it does not. In this case, it is and was in the interest of justice and equity to simply extend the time to file the meritorious motions and allowing Petitioner to brings his point before the entire Court for consideration hoping some one would read the record and see the Magistrate was completely wrong in his assessment of no evidence presented. Instead the Fifth Circuit deined the motion for extension of time almost immediately upon receipt.

This is wrong and the Court should exercise its authority in order that hopefully the Fifth Circuit would be inclined to consider inmate filers, and the mail time taken, in denial of request for extensions of time when it is proven that Petitioner's never received the judgement in time to file for Rehearing and Rehearing En Banc. This should require no congressional intervention because there is a procedure for the complaint, it just isn't being fairly applied to inmate filers justly. The Fifth Circuit and even this Court have procedure specifically made for inmate pro se filers and this is an importany issue to any one who ever must rely on the mail to timely file a response, objections or any other actions. The mail box rule can be no help to a person who received the judgement of denial on the day it was due back in the Fifth Circuit. In order to file a proper Rehearing Motion with merit, one must use the judgement's contents to establish the need for rehearing, otherwise it would be a waste of time and economy of the Court for inmate filers to pre-

pare ahead of time motion with no merit based on unfounded claims just to beat the clock. The good sense thing to do in equity is to adopt a practice that allows extra time for rehearing when it is clear that inmates confined in institutions are known to get their mail-yes even legal mail-later than filers who are not confined. If the rules are not followed, that is one thing, but when pro se litigants with serious concerns for justice are relegated to complaining after the fact, theelikelihood of change is not very likely,respectively.

Petitioner would also respectfully point out that he is not and was not a freeloader in theeFifth Circuit. he paid his filing fees and plainly asserts that he would have if given a fair opportunity, filed the Rehearing and Rehearing en banc motions based on the plain error that occurred at theefereral. Instances such as these require a 60(b)(6) motion where the record completely refutes the finding of and adopted magistrate judge's findings. This complete procedure may well have been cleared up in th eFifth Circuit if the extension of time would have been granted.

REASONS FOR GRANTING THE PETITION

The reasons for granting this petition include the fact that the below proceedings in the Fifth Circuit Court of Appeals, where 28 U.S.C. § 2253 provided the necessary jurisdiction to grant a COA, erred by upholding the denial of federal habeas corpus relief, where 28 U.S.C. § 2254 (d)(1)(2) provided that court with jurisdiction to hear the federal petition, based on a time bar and completely erroneous finding that Petitioner presented no evidence and only conclusory statements that his trial attorney actively misled him in a way that caused his to miss the 2244(d)(1)(A) statute of limitations in which to file the 2254 petition. Petitioner, in the 2254 Memorandum of law presented documented evidence of the communications between himself, his brother and Attorney Schulman that tell two completely different versions of the "truth" that can reasonably be considered nothing but active misleading. In fact, to credit the statements recorded from the attorney in writing with any form of credibility, one would have to make the determination that this skilled and highly esteemed attorney would have to actually unknow the correct legal advice he gave in order to give the following false and unsupported legal advice he gave that derailed the timely filing of the 2254 petition. What is amazing is the fact that no one even or ever properly considered the evidence Petitioner provided the 2254 Court other than to say, the US Magistrate, Attorney Schulman was merely a state habeas attorney who did not do federal petitions. That reasoning negated, unreasonably as it was, the fact that Attorney Schulman readily discussed and provided the correct timelines and stated his intention to file the 2254 petition at all times up to and until it was time to file one. See Appendicies of the 2254 petion memorandum A-E.

Basically what the Magistrate did was to credit 2254 Apendix-D full cover for the complete leading on and unknowing of the law that Attorney Schulman must have done in order to provide the correct advice and timeline in 2254 Appendix-C and make the completely false statements he made in Appendix-D, other than our discussions about filing the 2254 that Attorney Schluman cannot deny he advised Petitioner on and about many times and gave sound and correct legal advice then completely changed it. Either unknew the law or he is an outright liar, both stories cannot be true. Why Schluman decided to abandon Petitioner by deceit, Petitioner does not know, but he did and petitioner believed the new version of the law and thereby missed his 2254 filing deadline due to the deception recorded in the evidence presented that was only considered to support the denial of the 2254 and the rest ignored and claimed to be not presented. The claims Petitioner makes are not conclusory and are supported with evidence. The interest in granting this petition is that federal Magistrate Judges, and then by adoption Federal Judges, whose findings are then reported as reasons to deny COA, as is the case here, should not stand when the public of the United States of America's citizens could not and would not agree with the piecemeal hand picking of reasons to deny Petitioner a way to overcome a time bar and have his valid constitutional right violations heard by simply disregarding some of the evidence presented to prove the point in question and then taking from that exact set of evidence a small part and substantiating an attorney's performance and make a false claim themselves that a pro-se petitioner has presented no evidence of abandonment. This should not be allowed and should be a situation where this Honroable Court steps in and exercise its authority by requiring the lower Courts to

actually examine the entire record as Federal Judge Kernodle in the attached Appendix-B to this petitions says he did by adopting the Recommendations of Magistrate Love who incorrectly opined that Petitioner presented no evidence and only conclusory statements. The AEDPA requires the Fifth Circuit to accord a great deal of deference to the findings of a federal Judges, that is completely understood by this pro-se filer. However when the interest of justice and equity is the question, the examination of the record is a must not to be based upon a conclusory finding from a Magistrate Judge who hand picked from Petitioner's evidence entered, while ignoring the other statements from this attorney, the evidence to cover for the attorney. If attorney Schulman was not a federal attorney, then why was he giving correct information on the timelines and intending, from the text of his own words, to preserve the 2254 deadline? 2254 Appendix-C? If one cannot rely on his own attorney, who he has paid in full and made clear to him the 2254 was to be filed at all times, then who can a public citizen rely on for the protection of his constitutional right? The simple answer is the federal courts who are strapped with the responsibility to examine fully the record and evidence. Not in a vacuum in order to cover for the attorney who held himself out as one who was completely and correctly aware of the 2254 one year statute of limitation and then unknow the law to assure that citizen that the time had passed and it was his strategic decision to allow it when it was still active. This cannot be construed as miscalculation. This is deception and the evidence, contrary to the Honorable Magistrate's adopted findings, is direct proof of it. This then should not be allowed as part of the reason COA was and is denied.

The COA denial, eventhough the Miller El V Cockrell 537 US 322, 336...

standard is always at play as cited in the Fifth Circuit's Appendix-A denial attached hereto, because this is a time barred case, the proper standard is also shown on page two of the denial. The proper standard in a procedural bar [time bar] context as the Honorable Judge, Don Willet, correctly points out, is the Slack V McDaniel 529 U.S. 473,484 standard. Petitioner contends that, if the evidence he presented as evidence of abandonment is properly and fairly considered,no reasonable jurist could disagree that the District Court's dismissal of the 2254 claims are anything but wrong. The time bar finding is at least debatable as to its correctness. The adopted finding that Petitioner presented no evidence and only conclusory statements must be considered in a fair assessment of the record and evidence. Obviously it has not been thus far in the below proceedings. This argument is a little backward as to the two prong test announced in Slack, however, it is the demonstration of the two prongs that is needed to carry the burden. The correctness of the District Court's time bar ruling is based on an incorrect assessment of the record and the evidence. The evidence establishes the incorrectness of the Magistrate's opinion and the adoption by the Federal Judge of that assessment is faulty thereby as well as incorrect meeting the second prong of the Slack procedural bar standard, respectfully. The second prong is also easily met based on the Fifth Circuit's own precedent. The Fifth Circuit has routinely relied upon opposing views of a case Dickson V Quatermen 453 F3d 648 Fn6 to decide a COA is in order. Agreeably, this case is not exactly on point, however, the reasoning and the facts of this case establish that Petitioner has presented at least one, without abandonment of the other, constitutional violations in this present case that are valid.

The validity of the constitutional violation in question is established by the mere fact that the attorney in question-the trial attorney Lacy, was found to be ineffective in her performance concerning the only defense Petitioner had at trial. That specific defense was one of sexomina. The attorney admitted she did not investigate this defense and the trial court said so in the attached Appendix-D p.6-7 to this petition. There was no other defense! The Strickland v Washington 466U.S. 668,691 requires a full investigation into a defendant's only defense. Gomez v Beto 462 F 2d 596,597..." [W]hen a defense attorney fails to investigate his client's only possible defense...it can hardly be said that the defendant received effective assistance of counsel." The no prejudice finding would be the only issue for the federal district court of decide the reasonableness of at that level had this attorney not actively mislead and intentionally caused Petitioner to miss the deadline. This would have been easily and reasonably shown by the fact that the Trial Court Judge made up some very unreasonable reasons to support her no prejudice finding that was deferred to by the Texas Court of Criminal Appeals in denying relief. That findings reasonableness would have been defeated by the fact that attorney Lacy's relied on reason for her failure to investigate the sleep defense was that jurys from Smith County are not receptive of psychological defenses. But she failed to even investigate the intent factor of a sexomina defense that is relatively new on the scene. The other proffered prejudice defeating factor, the DNA evidence, and what the jury would likely have been affected by, is completely immaterial to the prejudice inquiry because no one contested that the sex act happened, only that because Petitioner was asleep having a wet dream at the time he had no intent to commit the crime that he readily admits to that took

place. INTENT is the only issue,destroying the reasonableness of each and every reason the Trial Court, and the Court of Criminal Appeals refusal to find prejudice. In short, a valid constitutional violation exist based on the unreasonable no prejudice determination by the Trial Court under the specific facts and circumstances of this case. The Trial Court's reasoning in this instance should have and would have been a viable issue on federal habeas but for the time bar that resulted in dismissal caused by Petitioner's hired attorney Schulman. The argument of federal habeas, but for the bar, is a well settled authority. That authority, and the Trial Court's non-factoring unreasonable reasons for the no prejudice finding require federal habeas relief once the attorney was determined to be ineffective for failure to investigate. It is clear that the Trial Court Judge invented reasons to find Attorney Lacy's ineffective assistance of counsel representation not harmful to the outcome of the trial. The Eighth Circuit in 2007, and many Court's after have held, in Marcrum V Lubbers 509 F 3d 489,while applying the Kimmelman v Morris 106 S.Ct. 2574 ineffective assistance of counsel standard, citing directly to the Supreme Court case ofRompilla v Beard 545 U.S. 374,395-96..."[T]he Supreme Court has held in several cases that the habeas court's commission is not to invent strategic reasons or accept any strategy counsel could have followed, with out regard for what actually happened; when a petitioner shows that counsels actions actually resulted from inattention or neglect, rather than reasoned judgement, the petitioner has rebutted the presumption of strategy, even if the government offersa possible strategic reason that could have, but did not, prompt counsel's course of action." Counsel never investigated Petitioner's only defense, the

intent negating sexomnia defense because of sleep during the sex act. She was found ineffective for the failure. The invented reasons offered by the habeas judge deferred to by the State's highest Court by whitecard denial based on the Trial Court's findings after a hearing-Appendix-C herein-prove there was a viable habeas constitutional issue ripe for federal review with clearly established Supreme Court to allow habeas relief under the AEDPA.

Yes finality is very important in this great country. However, so is the all important constitutionally guaranteed assistance of counsel. Novel defenses arise as the country evolves under the limited scope that the AEDPA allows. The AEDPA is strict but not insurmountable, nor should it be. The framers of the AEDPA themselves left open the door for equitable tolling in the most serious and equitable as well as rare circumstances. When a citizen who pays an attorney, as Petitioner did here, and that attorney tells him first the correct legal principles knowing of the client's desire to fight his conviction at the federal level, that no one can deny is the case here, and that same attorney later invents a complete lie to derail his own clients ability to advance to federal review-no matter the reason for doing so-any fair minded jurist or citizen should easily agree that the client sould be allowed to over come the bar and have his otherwise undecided constitutional violations heard. IF the AEDPA bar is so high as to allow the government to invent reasons for a pathetic attorney's actions and rely on lying habeas counsel to derail by timebar knowing exactly what he was doing to his client, then all hope for equity is lost.

Petitioner, due to his age, was given a life without the possibility to live long enough to see parole in Texas for a crime that was committed while asleep

took place while he was asleep. No one likes this type of crime, and neither does Petitioner who got on the stand and told his side of the story without effective counsel. No one wants to admit that there are hypersexual children who engage in strange sex acts as children but the record and evidence show my grandchild is and is now without hergrandfather for life.

All Petitioner is pleading with this Honorable Court and reader of this petition to do is look at the appendicies offered in the federal court. Compare the appendicies by date and time and subject matter. If after reading the petition and personally reviewing the evidence of this attorney's abandonment, that the federal Magistrate says is not presented, and the reader in equity can justify this attorney's lies to Petitioner, then Petitioner is without hope of presenting his claim of ineffective assistance of counsel. PLease read the exhibits offered at the federal level. The federl Court did not and invented a conclusory opinion that they were not presented. They were and are presented and the only way to justify the attorney's actions is to say that these documented and specific exhibits were not presented.

Than you for the opportunity to be heard.

The final,and secondary reason for granting this writ,is so maybe the Fifth Circuit will be given pause before routinely denying motions for extensions of time considering the pitfalls inmates have in receiving their denials from the Fifth Circuit, in the interest of justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 1-28-22