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Harris relies and hereby fully incorporates all exhibits as indicated in the index to appendixes, to support and get redress in this Court of his protected constitutional claims. I declare under penalty of perjury that the forgoing is true and correct pursuant to **28 U.S.C.S. §1746.**

Executed on May 2, 2022

Respectfully Submitted,



Isaiah S. Harris Sr. #570016
P.O. Box 8107
Mansfield, Ohio 44901

APPENDIX A

(Sixth Circuit Court's Clerk's Unpublished COA Denial, 3page)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ISAIAH HARRIS,

Petitioner-Appellant,

v.

DAVE MARQUIS, Warden,

Respondent-Appellee.

FILED

Sep 28, 2017

DEBORAH S. HUNT, Clerk

O R D E R

Isaiah Harris, a pro se Ohio prisoner, appeals the district court's judgment dismissing his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Harris moves the court for a certificate of appealability (COA) and to proceed in forma pauperis on appeal.

In May 2009, Harris was convicted after a bench trial of domestic violence, violating a protection order, rape, aggravated burglary, and intimidation. The trial court sentenced Harris to an aggregate term of twenty-three-and-a-half years of imprisonment. The Ohio Court of Appeals affirmed Harris's convictions, *State v. Harris*, Nos. 09CA009605, 09CA009606, 09CA009607, 2010 WL 1016085 (Ohio Ct. App. Mar. 22, 2010), and the Ohio Supreme Court denied leave to appeal, *State v. Harris*, 932 N.E.2d 339 (Ohio 2010). Harris did not seek state post-conviction relief.

In April 2014, Harris filed a § 2254 petition, and in February 2015 a supplement to the petition, raising a total of five claims: (1) he is actually innocent of the crimes of conviction; (2) the evidence was insufficient to find him guilty beyond a reasonable doubt; (3) the habeas statute of limitations should be equitably tolled; (4) and (5) he received ineffective assistance of appellate counsel. Over Harris's objections, the district court adopted a magistrate judge's report

and recommendation that concluded that Harris's claims were barred by the one-year 28 U.S.C. § 2244(d)(1) statute of limitations and that Harris was not entitled to equitable tolling based on his asserted inability to access the prison law library or his claim of actual innocence. The district court declined to issue a COA.

When a district court denies a habeas petition on procedural grounds, the court may issue a certificate of appealability only if the applicant shows "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Harris's claims are untimely under § 2244(d)(1)(A) because he filed his petition in 2014, more than one year after his convictions became final in November 2010, when his time for filing a petition for a writ of certiorari in the United States Supreme Court expired. *See Payton v. Brigano*, 256 F.3d 405, 409 n.3 (6th Cir. 2001). Harris does not argue that his petition is timely under any other provision of § 2244(d)(1). Reasonable jurists therefore would not debate the district court's conclusion that Harris's petition is barred by the statute of limitations.

The statute of limitations is not jurisdictional, however, and may be equitably tolled by the court upon a credible showing of actual innocence by the petitioner. *See Souter v. Jones*, 395 F.3d 577, 588-89 (6th Cir. 2005). The petitioner must support his actual innocence claim with new, reliable evidence that establishes that it is more likely than not that no reasonable juror would have found him guilty beyond a reasonable doubt. *See Cleveland v. Bradshaw*, 693 F.3d 626, 633 (6th Cir. 2012). Harris's actual innocence claim is based on allegedly newly discovered evidence that the victim in the case, his former girlfriend K.T., had falsely accused him of domestic violence in the past. Harris claims that the prosecution failed to disclose this evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), that it could have been used to impeach K.T. at trial, and that he probably would not have been convicted because the outcome of his trial hinged on her credibility. The district court concluded that Harris failed to make a credible showing of actual innocence.

Although the trial record shows that the prosecution did not disclose to Harris that K.T. had previously made domestic violence allegations against him that the police determined were unfounded, the record also shows that Harris's attorney acquired this information independently before trial. Consequently, the prosecution's failure to disclose the impeaching evidence was harmless. *See Carter v. Bell*, 218 F.3d 581, 601 (6th Cir. 2000) (stating that there is no *Brady* violation if the information was available to the defendant from another source). Moreover, the trial judge permitted Harris to testify, albeit in a limited fashion, that K.T. had previously made false accusations against him. Additionally, K.T. admitted on cross-examination that she had previously lodged false domestic violence charges against Harris and that she was nearly charged with making a false complaint. Consequently, the allegedly new impeachment evidence is cumulative and does not show that it is more likely than not that no reasonable juror would have convicted Harris. *See Byrd v. Collins*, 209 F.3d 486, 518-49 (6th Cir. 2000). Reasonable jurists therefore would not debate the district court's conclusion that Harris is not entitled to equitable tolling of the statute of limitations because he has not made a credible showing of actual innocence.

Finally, reasonable jurists would not debate the district court's conclusion that Harris is not entitled to equitable tolling based on his asserted inability to access the prison law library while he was on lockdown status. *See Hall v. Warden, Lebanon Corr. Inst.*, 662 F.3d 745, 751 (6th Cir. 2011).

Accordingly, the court **DENIES** Harris's COA application and **DENIES** as moot his motion to proceed in forma pauperis.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

Page 3

APPENDIX B

(6th Cir. published order before Judges, 2 pages)

Braun v. Orkin, 2022 U.S. App. LEXIS 1892
Copy Citation

United States Court of Appeals for the Sixth Circuit

January 21, 2022, Filed

No. 21-5525

Reporter

2022 U.S. App. LEXIS 1892 *

AARON BRAUN, Plaintiff-Appellant, v. ORKIN, LLC, Defendant-Appellee.

Notice:

Decision text below is the first available text from the court; it has not been editorially reviewed by LexisNexis. Publisher's editorial review, including Headnotes, Case Summary, Shepard's analysis or any amendments will be added in accordance with LexisNexis editorial guidelines.

Core Terms

definite term, regional, promissory estoppel, amend

Opinion

[*1] ON APPEAL FROM THE UNITED

STATES DISTRICT COURT FOR

THE EASTERN DISTRICT OF

TENNESSEE

ORDER

Before: GILMAN, KETHLEDGE, and MURPHY, Circuit Judges.

Aaron Braun, a Tennessee citizen, appeals the district court's judgment dismissing his diversity action against Orkin, LLC, a Delaware limited-liability company with citizenship in Delaware and Georgia. The parties have waived oral argument, and this panel unanimously agrees

has made that Braun allegedly relied upon to his detriment are exactly those in that contract. The

claim of promissory estoppel is moot in light of the contract, so we affirm the dismissal of the promissory-estoppel claim. Amending the complaint would also be futile.

III. Conclusion

For the foregoing reasons, we **AFFIRM** the judgment of the district court.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

Case: 21-5525 Document: 18-2 Filed: 01/21/2022 Page: 5

APPENDIX C

(6th Cir. published order before Judges, 2pages)

United States v. Wilson, 2022 U.S. App. LEXIS 1891
Copy Citation

United States Court of Appeals for the Sixth Circuit
January 21, 2022, Filed

No. 21-6218

Reporter

2022 U.S. App. LEXIS 1891 *

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. JEREMY DALE WILSON, Defendant-Appellant.

Notice:

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Core Terms

district court, compassionate, appealable order, notice of appeal

Opinion

[*1] ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

O R D E R

Before: GILMAN, KETHLEDGE, and MURPHY, Circuit Judges.

This matter is before the court upon initial consideration to determine whether this appeal was taken from an appealable order.

On November 1, 2021, Jeremy Dale Wilson filed a motion for compassionate release or reduction in his sentence under 18 U.S.C. § 3582(c)(1)(A). On December 6, 2021, Wilson filed a notice of appeal "from the order denying compassionate release filed in this action on the 18 day

of November, 2021." The government filed a response to Wilson's motion on November 18, 2021,

but no order was entered on or near that date.

No final or appealable order terminating all of the issues presented in the litigation has been entered by the district court. See *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373-75(1981); *Catlin v. United States*, 324 U.S. 229, 233 (1945); *Bonner v. Perry*, 564 F.3d 424, 426-

Case: 21-6218 Document: 12-2 Filed: 01/21/2022 Page: 1

No. 21-6218 - 2 -

28 (6th Cir. 2009). The motion for compassionate release remains pending in the district court, and a notice of appeal filed in anticipation of defeat is premature. *United States v. Hansen*, 795 F.2d 35, 38 (7th Cir. 1986).

Accordingly, appeal No. 21-6218 is **DISMISSED**.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

Case: 21-6218 Document: 12-2 Filed: 01/21/2022 Page: 2

APPENDIX D

(6th Cir. published order before Judges, 2pages)

United States v. Abdul-Rahman, 2022 U.S. App. LEXIS 1885
Copy Citation

United States Court of Appeals for the Sixth Circuit
January 21, 2022, Filed

No.21-6151

Reporter

2022 U.S. App. LEXIS 1885 *

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. MUHAMMAD ABDUL-RAHMAN, Defendant-Appellant.

Notice:

Decision text below is the first available text from the court; it has not been editorially reviewed by LexisNexis. Publisher's editorial review, including Headnotes, Case Summary, Shepard's analysis or any amendments will be added in accordance with LexisNexis editorial guidelines.

Core Terms

district court, notice of appeal, expired, excusable neglect, motion to dismiss, good cause, fourteen-day, thirty-day, deadline, filing of a notice of appeal, file a notice of appeal, limited purpose, appeal period, compassionate, timeliness, warranting

Opinion

[*1] ORDER

Before: BOGGS, Circuit Judge.

Muhammad Abdul-Rahman, a federal prisoner, appeals from the district court's order denying his motion for compassionate release or a reduction of his sentence under 18 U.S.C.

§ 3582(c)(1)(A). The government moves to dismiss the appeal as untimely. Alternatively, the government moves to remand the case for the limited purpose of allowing the district court to determine whether Abdul-Rahman has shown excusable neglect or good cause that warrants extension of his time to appeal under Federal Rule of Appellate Procedure 4(b)(4).

In a criminal case, the defendant must file a notice of appeal no later than fourteen days after the challenged order is entered. Fed. R. App. P. 4(b)(1)(A). A motion brought under

§ 3582(c) is part of the criminal proceedings, and the fourteen-day period for filing a notice of appeal therefore applies. See United States v. Brown, 817 F.3d 486, 488 (6th Cir. 2016).

Here, the district court entered its order denying the motion for compassionate release on November 2, 2021. The time for filing a notice of appeal expired on November 16, 2021. Abdul-Rahman's notice of appeal, dated December 2, 2021 and postmarked December 3, 2021, was filed in the district court on December 6, 2021.

No. 21-6151

- 2 -

The deadline in Rule 4(b)(1)(A) for a defendant to file a notice of appeal is not jurisdictional. [*2] See Brown, 817 F.3d at 489; United States v. Gaytan-Garza, 652 F.3d 680, 681 (6th Cir. 2011) (per curiam). But it is a mandatory claims-processing rule, so if the government raises the issue of timeliness, we must enforce the deadline. See Brown, 817 F.3d at 489; Gaytan-Garza, 652 F.3d at 681. The government has properly raised the timeliness issue here by filing a motion to dismiss.

Rule 4(b)(4) states that a district court, "[u]pon a finding of excusable neglect or good cause . . . may before or after the time has expired, with or without motion and notice, extend the time to file a notice of appeal for a period not to exceed 30 days." A notice of appeal filed by a criminal defendant after the fourteen-day deadline set forth in Rule 4(b), but before the expiration of the thirty-day period for seeking an extension pursuant to that rule, is treated as a request for an extension of time to file an appeal. See United States v. Payton, 979 F.3d 388, 390 (6th Cir. 2020) (order). Here the thirty-day period for obtaining an extension pursuant to Rule 4(b)(4) expired on December 16, 2021.

Abdul-Rahman's notice of appeal was filed after the fourteen-day appeal period but within the thirty-day period for possible extension pursuant to Rule 4(b)(4). The appeal is therefore

REMANDED to the district court for the limited purpose of allowing the court to determine whether Abdul-Rahman can show excusable neglect or good cause warranting [*3] an extension of the appeal period. After this limited remand, the record as supplemented will be returned to this court for further consideration. A ruling on the government's motion to dismiss is therefore deferred, pending the limited remand.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

APPENDIX E

(§2253 COA, 1page)

28 USCS § 2253

[Copy Citation](#)

Current through Public Law 117-42, approved September 30, 2021.

- [United States Code Service](#)
- [TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2253. Appeal

(a) In a habeas corpus proceeding or a proceeding under section 2255 [28 USCS § 2255] before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

(c)

(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

(B) the final order in a proceeding under section 2255 [28 USCS § 2255].

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

APPENDIX F

(Cir. R. 45. Duties of Clerks, 1page)

USCS Ct App 6th Cir, Cir R 45

[Copy Citation](#)

Current through changes received November 11, 2021.

- [USCS Federal Rules Annotated](#)
- [United States Court of Appeals for the Sixth Circuit](#)
- [Title VII. General Provisions](#)

Cir. R. 45. Duties of Clerks—Procedural Orders

(a) Orders That the Clerk May Enter. The clerk may prepare, sign, and enter orders or otherwise dispose of the following matters without submission to the court or a judge, unless otherwise directed:

- (1) Procedural motions;
- (2) Motions involving production or filing of the appendix or briefs on appeal;
- (3) Orders for voluntary dismissal of appeals or petitions, or for consent judgments in National Labor Relations Board cases;
- (4) Orders for dismissal for want of prosecution;
- (5) Orders appointing counsel under the Criminal Justice Act of 1984, as amended, in criminal cases in which the appellant is entitled to the appointment of counsel under the Sixth Circuit Plan for the Implementation of the Criminal Justice Act and in any other case in which an order directing the clerk to appoint counsel has been entered;
- (6) Bills of costs under [Fed. R. App. P. 39\(d\)](#);
- (7) Orders granting remands and limited remands where the motion includes a notice under [Fed. R. App. P. 12.1\(a\)](#); and
- (8) Orders dismissing a second appeal as duplicative, where the court has docketed a jurisdictionally sound appeal from the same judgment or final order.

(b) Notice. A clerk's order must show that it was authorized under [6 Cir. R. 45\(a\)](#).

(c) Reconsideration. A party adversely affected by a clerk's order may move for reconsideration by a judge or judges. The motion must be filed within 14 days of service of notice of entry of the order.

(d) Remand from the Supreme Court. The clerk refers remands from the Supreme Court of the United States to the panel that decided the case. Counsel need not file a motion concerning the remand—it is referred when the clerk receives a certified copy of the judgment. The clerk's office will advise counsel of further proceedings.

APPENDIX G

(USCS Fed Rule Civ. Proc. R. 55, 1page)

USCS Fed Rules Civ Proc R 55

Copy Citation

Current through changes received March 28, 2022.

- [USCS Federal Rules Annotated](#)
- [Federal Rules of Civil Procedure](#)
- [Title VII. Judgment](#)

Rule 55. Default; Default Judgment

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

(b) Entering a Default Judgment.

(1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

(2) By the Court. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to:

- (A)** conduct an accounting;
- (B)** determine the amount of damages;
- (C)** establish the truth of any allegation by evidence; or
- (D)** investigate any other matter.

(c) Setting Aside a Default or a Default Judgment. The court may set aside an entry of default for good cause, and it may set aside a final default judgment under Rule 60(b).

(d) Judgment Against the United States. A default judgment may be entered against the United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court.

APPENDIX H

(Supreme Court Rule 20, 1page)

USCS Supreme Ct R 20

Copy Citation

Current through changes received September 9, 2021.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part IV. Other Jurisdiction](#)

Rule 20. Procedure on a Petition for an Extraordinary Writ

1. Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651(a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

2. A petition seeking a writ authorized by 28 U.S.C. § 1651(a), § 2241, or § 2254(a) shall be prepared in all respects as required by Rules 33 and 34. The petition shall be captioned "*In re* [name of petitioner]" and shall follow, insofar as applicable, the form of a petition for a writ of certiorari prescribed by Rule 14. All contentions in support of the petition shall be included in the petition. The case will be placed on the docket when 40 copies of the petition are filed with the Clerk and the docket fee is paid, except that a petitioner proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2, together with a motion for leave to proceed *in forma pauperis*, a copy of which shall precede and be attached to each copy of the petition. The petition shall be served as required by Rule 29 (subject to subparagraph 4(b) of this Rule).

3.

(a) A petition seeking a writ of prohibition, a writ of mandamus, or both in the alternative shall state the name and office or function of every person against whom relief is sought and shall set out with particularity why the relief sought is not available in any other court. A copy of the judgment with respect to which the writ is sought, including any related opinion, shall be appended to the petition together with any other document essential to understanding the petition.

(b) The petition shall be served on every party to the proceeding with respect to which relief is sought. Within 30 days after the petition is placed on the docket, a party shall file 40 copies of any brief or briefs in opposition thereto, which shall comply fully with Rule 15. If a party named as a respondent does not wish to respond to the petition, that party may so advise the Clerk

and all other parties by letter. All persons served are deemed respondents for all purposes in the proceedings in this Court.

4.

(a) 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.” If the relief sought is from the judgment of a state court, the petition shall set out specifically how and where the petitioner has exhausted available remedies in the state courts or otherwise comes within the provisions of 28 U.S.C. § 2254(b). To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court’s discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. This writ is rarely granted.

(b) Habeas corpus proceedings, except in capital cases, are *ex parte*, unless the Court requires the respondent to show cause why the petition for a writ of habeas corpus should not be granted. A response, if ordered, or in a capital case, shall comply fully with Rule 15. **Neither the denial of the petition, without more, nor an order of transfer to a district court under the authority of 28 U.S.C. § 2241(b), is an adjudication on the merits, and therefore does not preclude further application to another court for the relief sought.**

5. The Clerk will distribute the documents to the Court for its consideration when a brief in opposition under subparagraph 3(b) of this Rule has been filed, when a response under subparagraph 4(b) has been ordered and filed, when the time to file has expired, or when the right to file has been expressly waived.

6. If the Court orders the case set for argument, the Clerk will notify the parties whether additional briefs are required, when they shall be filed, and, if the case involves a petition for a common-law writ of certiorari, that the parties shall prepare a joint appendix in accordance with Rule 26.

APPENDIX I

(Supreme Court Rule 44, 1page)

USCS Supreme Ct R 44

[Copy Citation](#)

Current through changes received March 28, 2022.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part VIII. Disposition of Cases](#)

Rule 44. Rehearing

1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time. The petitioner shall file 40 copies of the rehearing petition and shall pay the filing fee prescribed by Rule 38(b), except that a petitioner proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2. The petition shall state its grounds briefly and distinctly and shall be served as required by Rule 29. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). A copy of the certificate shall follow and be attached to each copy of the petition. A petition for rehearing is not subject to oral argument and will not be granted except by a majority of the Court, at the instance of a Justice who concurred in the judgment or decision.
2. Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial and shall comply with all the form and filing requirements of paragraph 1 of this Rule, including the payment of the filing fee if required, but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. The time for filing a petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ will not be extended. **The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). The certificate shall be bound with each copy of the petition. The Clerk will not file a petition without a certificate.** The petition is not subject to oral argument.
3. The Clerk will not file any response to a petition for rehearing unless the Court requests a response. In the absence of extraordinary circumstances, the Court will not grant a petition for rehearing without first requesting a response.
4. The Clerk will not file consecutive petitions and petitions that are out of time under this Rule.
5. The Clerk will not file any brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

6. If the Clerk determines that a petition for rehearing submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing submitted in accordance with Rule 29.2 no more than 15 days after the date of the Clerk's letter will be deemed timely. (Amended effective October 1, 2007; further amended effective February 16, 2010; amended effective July 1, 2013.)

APPENDIX J

(1st,5th,6th, and 14th U.S. Const., 6pages)

USCS Const. Amend. 1, Part 1 of 8

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 1 Religious and political freedom.](#)

Amendment 1 Religious and political freedom.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

USCS Const. Amend. 5, Part 1 of 13

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 5 Criminal actions—Provisions concerning—Due process of law and just compensation clauses.](#)

Amendment 5 Criminal actions—Provisions concerning—Due process of law and just compensation clauses.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

USCS Const. Amend. 6, Part 1 of 17

Copy Citation

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 6 Rights of the accused.](#)

Amendment 6 Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

USCS Const. Amend. 14, Part 1 of 15

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 14](#)

Amendment 14

Sec. 1. [Citizens of the United States.] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. [Representatives—Power to reduce apportionment.] Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. [Disqualification to hold office.] No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. [Public debt not to be questioned—Debts of the Confederacy and claims not to be paid.] The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or

rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. [Power to enforce amendment.] The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

APPENDIX K

(§2254 State Custody Federal, 2pages)

28 USCS § 2254, Part 1 of 6

Copy Citation

Current through Public Law 117-102, approved March 15, 2022.

- [United States Code Service](#)
- [TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2254. State custody; remedies in Federal courts

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain 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.

(b)

(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)

(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the 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.

(e)

(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

(A) the claim relies on—

(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

(f) If the applicant challenges the sufficiency of the evidence adduced in such State court proceeding to support the State court's determination of a factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. If the applicant, because of indigency or other reason is unable to produce such part of the record, then the State shall produce such part of the record and the Federal court shall direct the State to do so by order directed to an appropriate State official. If the State cannot provide such pertinent part of the record, then the court shall determine under the existing facts and circumstances what weight shall be given to the State court's factual determination.

(g) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing such a factual determination by the State court shall be admissible in the Federal court proceeding.

(h) Except as provided in section 408 of the Controlled Substance Acts [21 USCS § 848], in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel,

except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 [28 USCS § 2254].

APPENDIX L

(§2241 Power to Grant Writ, 1page)

28 USCS § 2241, Part 1 of 2

Copy Citation

Current through Public Law 117-102, approved March 15, 2022.

- [United States Code Service](#)
- [TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2241. Power to grant writ

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

(b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless—

(1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or

(2) He is in custody for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judge of the United States; or

(3) He is in custody in violation of the Constitution or laws or treaties of the United States; or

(4) He, being a citizen of a foreign state and domiciled therein is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; or

(5) It is necessary to bring him into court to testify or for trial.

(d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is

filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

(e)

(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

APPENDIX M

(Supreme Court Rule 44, 1 page)

USCS Supreme Ct R 44

[Copy Citation](#)

Current through changes received September 9, 2021.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part VIII. Disposition of Cases](#)

Rule 44. Rehearing

1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time. The petitioner shall file 40 copies of the rehearing petition and shall pay the filing fee prescribed by Rule 38(b), except that a petitioner proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2. The petition shall state its grounds briefly and distinctly and shall be served as required by Rule 29. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). A copy of the certificate shall follow and be attached to each copy of the petition. A petition for rehearing is not subject to oral argument and will not be granted except by a majority of the Court, at the instance of a Justice who concurred in the judgment or decision.
2. Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial and shall comply with all the form and filing requirements of paragraph 1 of this Rule, including the payment of the filing fee if required, **but its grounds shall be limited to intervening circumstances of a substantial or controlling effect** or to other substantial grounds not previously presented. The time for filing a petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ will not be extended. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). The certificate shall be bound with each copy of the petition. The Clerk will not file a petition without a certificate. The petition is not subject to oral argument.
3. The Clerk will not file any response to a petition for rehearing unless the Court requests a response. In the absence of extraordinary circumstances, the Court will not grant a petition for rehearing without first requesting a response.
4. The Clerk will not file consecutive petitions and petitions that are out of time under this Rule.
5. The Clerk will not file any brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

6. If the Clerk determines that a petition for rehearing submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing submitted in accordance with Rule 29.2 no more than 15 days after the date of the Clerk's letter will be deemed timely. (Amended effective October 1, 2007; further amended effective February 16, 2010; amended effective July 1, 2013.)

APPENDIX N

(April 27, 2022 cover letter of rehearing, 1 page)

Isaiah S. Harris Sr.
#570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

April 27, 2022

Supreme Court of the U.S.
Office of the Clerk
Washington, DC., 20543-0001

Re: In re Isaiah S. Harris Sr. Petition for Rehearing.

Dear Mr. Scott S. Harris,

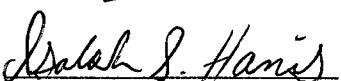
Let the record reflect that in **Case No. 21-5256** my petition of habeas corpus was denied on October 4, 2021. My petition for rehearing was filed or mailed out **in less than 72-hours on October 7, 2021.**

Now Higgins April 21, 2022 letter reveals 3 important details. **(1)** In Case No. 21-6978 the petition for rehearing was filed and postmarked less than **24-hours later on March 29, 2022.** **(2)** Higgins is actively denying me access to the court because he sent my paper work back to me for no legitimate reason at all. **(3) An evil, insidious, bare faced misrepresentation of this courts rule 44.**

Supreme Court Rule 44.2 clearly states in relevant part: "The petition shall be presented together with a certificate of counsel (or of party unrepresented by counsel) ... and it is present in good faith and not for delay". The reasons why Higgins April 21, 2022 letter **does not accurately profess** what Rule 44 requires is because my current petition for rehearing is, was, and still is in compliance with this Court Rules and Should be docketed. See attached letter from Higgins in comparison to this Court's Rule 44.

I have sent this "corrected" action first class U.S. mail on **April 27, 2022** to comply with this court's rule 44's strict 25-day deadline.

Sincerely,



Isaiah S. Harris Sr. #570016
P.O. Box 8107
Mansfield, Ohio 44901

Enclosures

APPENDIX O

(April 21, 2022 letter from Higgins, 1 page)

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 21, 2022

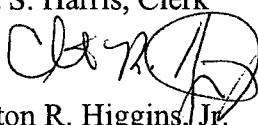
Isaiah Harris
#570016
Richland Corr Inst.
P.O. Box 8107
Mansfield, OH 44901

RE: In Re Isaiah S. Harris
No: 21-6978

Dear Mr. Harris:

The petition for rehearing in the above-entitled case was postmarked March 29, 2022 and received April 12, 2022 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

APPENDIX P

(Higgins, 2021 correspondence about letter to Justice Kavanaugh, 1page)

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

August 17, 2021

Isaiah Harris
#570016
Richland Corr Inst.
P.O. Box 8107
Mansfield, OH 44901

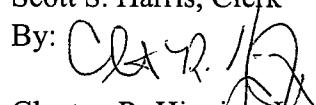
RE: Isaiah S. Harris

Dear Mr. Harris:

In reply to your letter or submission referred to this office by Justice Kavanaugh on August 16, 2021, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

Your papers are herewith returned.

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

APPENDIX Q

(March 14, 2022 6th Cir. John Doe Signature for New Application for COA, 1page)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OFFICE OF THE CLERK, UNITED STATES
COURT OF APPEALS
100 E FIFTH STREET, ROOMS 4C
CINCINNATI, OH 45202-3488



9590 9402 2116 6132 0369 71

2. Article Number (Transfer from service label)

1020245000224837619

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Mark A.*

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery
3/19

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes
 No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OFFICE OF THE CLERK, UNITED STATES
COURT OF APPEALS
100 E FIFTH STREET, ROOMS 4C
CINCINNATI, OH 45202-3488



9590 9402 2116 6132 0369 71

2. Article Number (Transfer from service label)

1020245000224837619

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Mark A.*

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery
3/19

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes
 No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

APPENDIX R

(March 2022, Proof of postage for New COA, 1page)

Legal Certified Mail with 20-digit tracking number & return receipt 21623412

Personal A/C Withdrawal
Check Out-Slip

Dollars:

17 45

Institution:

Rice

Date:

3-3-2022

Name:

United States Court of Appeals

Address:

100 E. Fifth Street, Room 540

City:

Cincinnati

State:

Ohio

Zip Code:

45202-3988

Postage Copies ID Misc. _____ Check-out CK # _____

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature:

Malah L. Hanish

Number:

570-016

Block & Cell Number:

3-C-77

App

7020 2450 0002 2482 7619

Witnessed:

DJ

Sgt Hall

Ship VIA:

Certified with 20-digit tracking number & receipt

Date Processed:

3/7/22

DRC 1004 (Rev. 3/01)

DISTRIBUTION: WHITE - Cashier

CANARY - Inmate

Pink

ACA 4046

Put in Mail Box on March 3, 2022

Certified Mail CO

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$ 3.75

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 3.05

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$ 1.00

Adult Signature Required \$ 1.00

Adult Signature Restricted Delivery \$

Postage \$ 10.65

Total Postage and Fees \$ 17.45

Postmark Here 10 2022

MANFIELD, OH 45247-9999

Sent to
OFFICE OF THE CLERK, UNITED STATES COURTS
Street and Apt. No., or PO Box No.
of APPEALS 100 E. Fifth Street, Room 540
City, State, ZIP+4 Cincinnati, OH 45202-3988

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

APPENDIX S

(Supreme Court Rule 39.8, 2pages)

USCS Supreme Ct R 39

[Copy Citation](#)

Current through changes received July 13, 2021.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part VII. Practice and Procedure](#)

Rule 39. Proceedings *In Forma Pauperis*

1. A party seeking to proceed *in forma pauperis* shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with [28 U.S.C. § 1746](#)) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed *in forma pauperis* was sought in any other court and, if so, whether leave was granted. If the court below appointed counsel for an indigent party, no affidavit or declaration is required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion.
2. If leave to proceed *in forma pauperis* is sought for the purpose of filing a document, the motion, and an affidavit or declaration if required, shall be filed together with that document and shall comply in every respect with Rule 21. As provided in that Rule, it suffices to file an original and 10 copies, unless the party is an inmate confined in an institution and is not represented by counsel, in which case the original, alone, suffices. A copy of the motion, and affidavit or declaration if required, shall precede and be attached to each copy of the accompanying document.
3. Except when these Rules expressly provide that a document shall be prepared as required by Rule 33.1, every document presented by a party proceeding under this Rule shall be prepared as required by Rule 33.2 (unless such preparation is impossible). Every document shall be legible. While making due allowance for any case presented under this Rule by a person appearing *pro se*, the Clerk will not file any document if it does not comply with the substance of these Rules or is jurisdictionally out of time.
4. When the documents required by paragraphs 1 and 2 of this Rule are presented to the Clerk, accompanied by proof of service as required by Rule 29, they will be placed on the docket without the payment of a docket fee or any other fee.
5. The respondent or appellee in a case filed *in forma pauperis* shall respond in the same manner and within the same time as in any other case of the same nature, except that the filing of an original and 10 copies of a response prepared as required by Rule 33.2, with proof of service as required by Rule 29, suffices. The respondent or appellee may challenge the grounds for the motion for leave to proceed *in forma pauperis* in a separate document or in the response itself.
6. Whenever the Court appoints counsel for an indigent party in a case set for oral argument, the briefs on the merits submitted by that counsel, unless otherwise requested, shall be

prepared under the Clerk's supervision. The Clerk also will reimburse appointed counsel for any necessary travel expenses to Washington, D. C., and return in connection with the argument.

7. In a case in which certiorari has been granted, probable jurisdiction noted, or consideration of jurisdiction postponed, this Court may appoint counsel to represent a party financially unable to afford an attorney to the extent authorized by the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, or by any other applicable federal statute.

8. If satisfied that a petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ is frivolous or malicious, the Court may deny leave to proceed *in forma pauperis*.

APPENDIX T

(Supreme Court Rule 14.5, 3pages)

USCS Supreme Ct R 14

[Copy Citation](#)

Current through changes received March 28, 2022.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part III. Jurisdiction on Writ of Certiorari](#)

Rule 14. Content of a Petition for a Writ of Certiorari

1. A petition for a writ of certiorari shall contain, in the order indicated:

(a) The questions presented for review, expressed concisely in relation to the circumstances of the case, without unnecessary detail. The questions should be short and should not be argumentative or repetitive. If the petitioner or respondent is under a death sentence that may be affected by the disposition of the petition, the notation "capital case" shall precede the questions presented. The questions shall be set out on the first page following the cover, and no other information may appear on that page. The statement of any question presented is deemed to comprise every subsidiary question fairly included therein. Only the questions set out in the petition, or fairly included therein, will be considered by the Court.

(b)

(i) A list of all parties to the proceeding in the court whose judgment is sought to be reviewed (unless the caption of the case contains the names of all the parties);
(ii) a corporate disclosure statement as required by Rule 29.6; and
(iii) a list of all proceedings in state and federal trial and appellate courts, including proceedings in this Court, that are directly related to the case in this Court. For each such proceeding, the list should include the court in question, the docket number and case caption for the proceeding, and the date of entry of the judgment. For the purposes of this rule, a case is "directly related" if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court, whether on direct appeal or through state or federal collateral proceedings.

(c) If the petition prepared under Rule 33.1 exceeds 1,500 words or exceeds five pages if prepared under Rule 33.2, a table of contents and a table of cited authorities. The table of contents shall include the items contained in the appendix.

(d) Citations of the official and unofficial reports of the opinions and orders entered in the case by courts or administrative agencies.

(e) A concise statement of the basis for jurisdiction in this Court, showing:

(i) the date the judgment or order sought to be reviewed was entered (and, if applicable, a statement that the petition is filed under this Court's Rule 11);
(ii) the date of any order respecting rehearing, and the date and terms of any order granting an extension of time to file the petition for a writ of certiorari;

- (iii) express reliance on Rule 12.5, when a cross-petition for a writ of certiorari is filed under that Rule, and the date of docketing of the petition for a writ of certiorari in connection with which the cross-petition is filed;
- (iv) the statutory provision believed to confer on this Court jurisdiction to review on a writ of certiorari the judgment or order in question; and
- (v) if applicable, a statement that the notifications required by Rule 29.4(b) or (c) have been made.

(f) The constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case, set out verbatim with appropriate citation. If the provisions involved are lengthy, their citation alone suffices at this point, and their pertinent text shall be set out in the appendix referred to in subparagraph 1(i).

(g) A concise statement of the case setting out the facts material to consideration of the questions presented, and also containing the following:

- (i) If review of a state-court judgment is sought, specification of the stage in the proceedings, both in the court of first instance and in the appellate courts, when the federal questions sought to be reviewed were raised; the method or manner of raising them and the way in which they were passed on by those courts; and pertinent quotations of specific portions of the record or summary thereof, with specific reference to the places in the record where the matter appears (e. g., court opinion, ruling on exception, portion of court's charge and exception thereto, assignment of error), so as to show that the federal question was timely and properly raised and that this Court has jurisdiction to review the judgment on a writ of certiorari. When the portions of the record relied on under this subparagraph are voluminous, they shall be included in the appendix referred to in subparagraph 1(l).
- (ii) If review of a judgment of a United States court of appeals is sought, the basis for federal jurisdiction in the court of first instance.

(h) A direct and concise argument amplifying the reasons relied on for allowance of the writ. See Rule 10.

(i) An appendix containing, in the order indicated:

- (i) the opinions, orders, findings of fact, and conclusions of law, whether written or orally given and transcribed, entered in conjunction with the judgment sought to be reviewed;
- (ii) any other relevant opinions, orders, findings of fact, and conclusions of law entered in the case by courts or administrative agencies, and, if reference thereto is necessary to ascertain the grounds of the judgment, of those in companion cases (each document shall include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of entry);
- (iii) any order on rehearing, including the caption showing the name of the issuing court, the title and number of the case, and the date of entry;
- (iv) the judgment sought to be reviewed if the date of its entry is different from the date of the opinion or order required in sub subparagraph (i) of this subparagraph;
- (v) material required by subparagraphs 1(f) or 1(g)(i); and
- (vi) any other material the petitioner believes essential to understand the petition.

If the material required by this subparagraph is voluminous, it may be presented in a separate volume or volumes with appropriate covers.

2. All contentions in support of a petition for a writ of certiorari shall be set out in the body of the petition, as provided in subparagraph 1(h) of this Rule. No separate brief in support of a petition for a writ of certiorari may be filed, and the Clerk will not file any petition for a writ of certiorari to which any supporting brief is annexed or appended.
3. A petition for a writ of certiorari should be stated briefly and in plain terms and may not exceed the word or page limitations specified in Rule 33.
4. The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration is sufficient reason for the Court to deny a petition.
5. If the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition submitted in accordance with Rule 29.2 no more than 60 days after the date of the Clerk's letter will be deemed timely.

APPENDIX U

(March 2019 Proof of Postage of Application to Justice Kagan, 1page)

Legal Mail

1 Lb

.50z

Personal A/C Withdrawal
Check Out-Slip

Dollars:

Cents:

8

30

Institution:	Post Card		
Name:	Supreme Court of the United States / Justice Elena Kagan		
Address:	1st Street NE, Washington DC 20543-0001		
City:	State:	Zip Code:	Washington DC 20543-0001

Postage Copies ID Misc. 1185 Check-out CK # _____

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature: Sarah Harris Jr.	Number: 570-016	Block & Cell Number: 3-C-3
Approved By: [Signature]	Witnessed: [Signature]	
Ship VIA:	Date Processed: 3/8/19	

DRC 1004 (Rev. 3/01) <input checked="" type="checkbox"/> DRC 1004 (Rev. 3/01)	DISTRIBUTION: WHITE - Cashier	CANARY- Inmate	Pink- <input checked="" type="checkbox"/> 30	ACA 4046
[Handwritten notes: 126 LETT]				

Page 1.

APPENDIX V

**(March 2020 Proof of Postage of Follow –up Letter about 2019 Application to
Justice Kagan, 1page)**

Legal mail send Certified mail

Personal A/C Withdrawal
Check Out-Slip

Dollars: 4	Cents: 75
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Institution: Richland	Date: 3-26-2020	
Name: Supreme Court of the United States/Justice Elena Kagan		
Address: 1 st Street N.E.		
City: Washington D.C.	State: Washington D.C.	Zip Code: 20543-0001

Postage Copies ID Misc. _____ Check-out CK # _____

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature: <i>Robert Haines Jr.</i>	Number: 570-016	Block & Cell Number: 3-De-30
Approved By: 	Witnessed: <i>Sgt HJM</i>	

Ship VIA: _____ Date Processed: 3-27-20

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL

MAILED

Certified Mail Fee \$ 3.55

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postmark **MAR 30 2020**
 Mansfield, Ohio

Postage \$ 1.20

Total Postage and Fees \$ 4.75

Sent To **Supreme Court of the United States**
 Street and Apt No., or PO Box No.
1st St. N.E.
 City, State, ZIP+4
Washington DC 20543-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Page 1.

APPENDIX W

**(Higgins November 9, 2018 Correspondence about February 2018 Writ of
Certiorari, 1page)**

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

November 9, 2018

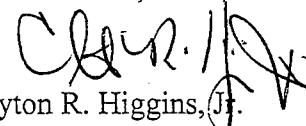
Isaiah Harris
#570016
Richland Corr Inst.
P.O. Box 8107
Mansfield, OH 44901

RE: Harris v. Marquis

Dear Mr. Harris:

The above-entitled petition for a writ of certiorari was postmarked February 16, 2018 and received February 23, 2018. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was September 28, 2017. Therefore, the petition was due on or before December 27, 2017. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

Page 1.

APPENDIX X

(Petitioner Harris' Notarized Statement About Phone Call with Higgins, 1page)

AFFIDAVIT OF ISAIAH S. HARRIS SR.

STATE OF OHIO) SS:

RICHLAND COUNTY, OHIO)

I, Isaiah S. Harris Sr., being first duly sworn according to the laws of the State of Ohio, deposes and says that I am the Plaintiff in the above entitled Complaint and inmate here at the Richland Correctional Institution, PO Box 8207, Mansfield, Ohio 44901.

I hereby certify swear and attest under the penalty of perjury that in November 2018 I talked to Defendant Higgins on Speaker phone with prison case manager Ms. Rebecca Jentes.

On the phone defendant Higgins told me that he lost my December 10, 2017 motion for a 60-day extension of time. Also, defendant Higgins told me that he actively looked for that filing and that's why he did not respond until nine-months after I filed the writ of certiorari and that there are two available remedies to still file the writ timely. (1) Send mailing affidavit regarding the December 10, 2017 motion pursuant to Supreme Court Rule 29.2. (2) File a motion to direct the clerk to proceed with the out of time certiorari as if it is timely.

I certify that each of the following foregoing statements are true and correct to the best of my knowledge and belief.

Executed this 27 day of April, 2022.

Isaiah S. Harris Sr.

Isaiah S. Harris Sr., Affiant.

Subscribed and sworn before me

On this 27th day of April, 2022



KELLY ROSE
Notary Public
State of Ohio
My Comm. Expires
May 17, 2025

NOTARY PUBLIC

My Commission Expires: May 17, 2025

APPENDIX Y

**(Higgins February 15, 2019 Correspondence About February 2018 Writ of
Certiorari, 1page)**

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 15, 2019

Isaiah Harris
#570016
Richland Corr Inst.
P.O. Box 8107
Mansfield, OH 44901

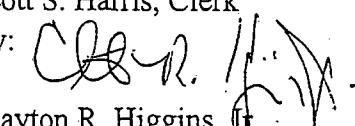
RE: Harris v. Marquis
USAP6 No. 17-3326

Dear Mr. Harris:

The above-entitled petition for a writ of certiorari was originally postmarked February 16, 2018 and received again on November 28, 2018. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was September 28, 2017. Therefore, the petition was due on or before December 27, 2017. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

This Office has no record of receiving a request for an extension of time within which to file the petition for writ of certiorari.

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

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