

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Terron Dizzley — PETITIONER
(Your Name)

VS.

Warden Kenneth Nelson — RESPONDENT(S)

PROOF OF SERVICE

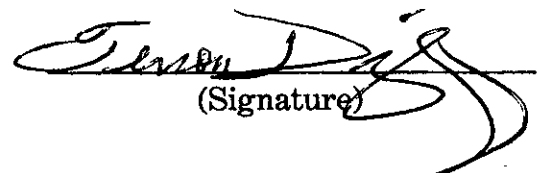
I, Terron Dizzley #359480, do swear or declare that on this date, December 3, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Warden Kenneth Nelson, 4460 Broad River
Rd. Columbia S.C. 29210

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2021


(Signature)

Supreme Court of The United States

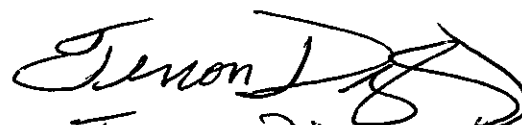
RE: Petition for Writ of Certiorari

USAP4 No. 21-1278

Certificate of Service

I Terron Dizzley certifies that on this 2nd day of February 2022 sent this declaration and notice granting an extension time which supports that his Writ of Certiorari was timely filed, and enclosed is the re-filing of his Writ of Certiorari to the Honorable Justice Sotomayor, by placing in U.S. mail, postage pre-paid sent to the address below:

Honorable Justice Sotomayor
1 First Street, N. E.
Washington D. C. 20543


Terron Dizzley #359480
4460 Broad River Rd.
Columbia S. C. 29210

Honorable Justice Sotomayor
1 First Street, N.E.

Washington, DC 20543

RE: Petition for Writ of Certiorari No. 21-1278

Dear Honorable Justice Sotomayor,

Because the mailroom at the institution I am at has been on quarantine for the last month due Covid-19, I recently received the return of my Writ of Certiorari in the aboved matter stating that it was untimely filed. I received this notice on January 28, 2022, after recovering from being sick with Covid myself.

My notice "mistakenly" indicates that my Writ of Certiorari was untimely, postmarked December 9, 2021 and was due December 7, 2021. If you check the documents filed you will see that you made a mistake, my Writ of Certiorari is post marked "December 3, 2021", "not" December 9, 2021, therefore, is not untimely.

Also, enclosed is a copy of a notice I received from this Court on December 8, 2021

granting my timely filed "Motion For Extension of Time," extending my time to file to "January 6, 2022." Therefore, this is another reason why my Writ is not untimely filed. I was able to finish it by December 3, 2021, therefore, I did not need the extension.

For two (2) years this Court has misapplied its discretionary powers and for the purpose of refusing to rule on the merits of my "false imprisonment," "double jeopardy" *ex parte* motion. However, such misapplication of the discretionary powers are contrary to this Court's own rules. In Ex parte Lange, 85 U.S. 163 (1873), it is clearly established that when a person's writ raises that he is being held incarcerated unlawfully, the writ then becomes a "writ of right," "where probable ground is shown that the party is in custody under or by color of authority of the United States, and is imprisoned without just cause, and, therefore, has a right to be delivered," the writ of habeas corpus then becomes a writ of right which may not be

denied, as it ought to be granted to every man who is unlawfully committed or detained in prison or otherwise restrained of his liberty," See U.S. v. Ohio Power, 353 U.S. 98 (1957), "The interest in finality of litigation must yield where interest of justice would make unfair strict application Supreme Court's rules."

This Writ is supported by your own ruling in Evans v. Michigan, 548 U.S. 313 (2013), that I was acquitted for the charges I am falsely imprisoned in my first trial of 2012, and that my second trial of 2014 was unlawful violation of the Fifth Amend. Double Jeopardy Clause.

Therefore, the sentence imposed on me pursuant to this unconstitutional trial was without jurisdiction and holds no authority to hold me in prison. See Ex parte Lange, 85 U.S. 163 (1873).

I have been falsely imprisoned for 8 years and counting without due process. Please allow me to exercise my right by adjudicating this case, under such circumstances it would be

a fundamental miscarriage of justice not
to.

I Terron Dizzley declare under penalties of
perjury that the contents and documents in
the declaration is true and authentic.

Date: Feb. 2, 2022

Respectfully Submitted,



Terron Dizzley #359480

4460 Broad River Rd.

Columbia S.C. 29210

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

December 8, 2021

Mr. Terron Dizzley
Prisoner ID #359480
4460 Broad River Rd.
Columbia, SC 29210

Re: Terron Dizzley
v. United States District Court for the District of South Carolina
Application No. 21A212

Dear Mr. Dizzley:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on December 8, 2021, extended the time to and including January 6, 2022.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by 

Emily Walker
Case Analyst

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Mr. Terron Dizzley
Prisoner ID #359480
4460 Broad River Rd.
Columbia, SC 29210

Clerk
United States Court of Appeals for the Fourth Circuit
1100 East Main Street
Room 501
Richmond, VA 23219