

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHAD MICHAEL VICE

Petitioner,

~Vs~

LEE CNTY SHERIFF DEPT, ET AL.,

Respondents,

PETITION FOR A WRIT OF HABEAS CORPUS
TO THE UNITED STATES COURT OF
APPEALS FOR THE 8TH CIRCUIT

Chad Michael Vice #1065118

Anamosa State Penitentiary

406 North High Street

Anamosa, Iowa 52205

Phone No. (319) 462-3504

RECEIVED

APR 26 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JURISDICTION

1. That the judgment of the United States Court of Appeals for the 8th Circuit was entered on February 02, 2022. An Order denying a petition for rehearing was entered on March 16th, 2022. Jurisdiction is conferred by 28 U.S.C. § 1254(1).
2. That the U.S. Dist. Ct. had jurisdiction under the general Federal question jurisdiction conferred by 28 U.S.C. § 1332(a).
3. That the U.S. Dist. Ct. had jurisdiction under the general Federal question jurisdiction conferred by 28 U.S.C. § 1367.

STATEMENT OF THE CASE

4. That the undersigned seeks relief from the Dist. Ct. Order entered on November 23rd, 2021 (4:21-cv-00355-RGE-SHL) and subsequent judgments of the United States Court of Appeals for the 8th Circuit (No. 21-3909) in that, the Prison Litigation Reform Act in conjunction with Federal Rules of App. P. 8th Cir. Rule 47A(c) have violated

the undersigns access to the Courts and right to be heard. Whereby, he sought to enjoin the U.S. Dist. Ct. with Supplemental & Diversity Jurisdiction, with Iowa Tort §669 Proceedings - Cause No. CNEQ007059, under the Rules of Decision Act 28 U.S.C. §1652. The aforesaid mentioned Federal Courts lack jurisdiction to dismiss the State of Iowa's Tort proceeding (CNEQ007059) as untimely: See, James Rivers Ins. Co., -vs- Rapid Funding, L.L.C., 658 F.3d 1207, 1216-1217 (10th Cir. 2011); Royals Ins. Co. of Am. -vs- Ru-Val Elec. Corp., 918, Fed Supp. 647, 652 (E.D.N.Y. 1996); as Fed. Ct.'s must apply State Statute of limitations. Erie R.R. Co. -vs- Tompkins, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188 (1938); as well with Diversity Challenges: See, Wells -vs- Simonds Abrasive Co., 345 U.S. 514, 73 S. Ct. 856, 97 L. Ed. 1211 (1953); Eades -vs- Clark Distributing Co., Inc., 70 F.3d 441, 443-444 (6th Cir. 1995). As herein & to: these proceedings had already been adjudicated under State Tort §669, by Order of the Iowa Dist. Ct. For North Lee County; to be, December 3rd, 2021, under CNEQ007059.

5. That the undersigned asserts "dismissing a pro-se Complaint for Failure to State a Claim... Without opportunity to amend is generally error;... harmless error to dismiss without prejudice" *Bazrowx vs Scott*, 136 F.3d 1053, 1054 (5th Cir. 1998); as herein & to:

a. That the undersigned would ask of this Court to dismiss this Complaint without prejudice under 28 U.S.C. § 2106 in accord with Iowa Tort C/F R 70.59 wherein subject matter may be properly adjudicated for refiling Federal Supplemental & Diversity Claims therein.

EXTENSION OF TIME

6. That the undersigned has been working towards bringing proper suit in regards to the subject matter herein; as hereto:

That he has also written three different Clerks of Court to enquire whether the opinions are reported, designated for publication or unpublished; as hereto;

That his indigency creates a problem with postage and copies, thus hindering

his ability to bring a timely writ of
Certiorari and necessary attachments
(Copies of judgments & Orders etc...)

CONCLUSION

For the foregoing reasons, an extension
of time for filing a writ of Certiorari
should be granted in this case.

"I, the undersigned, declare under the penalty
of perjury pursuant to 28 U.S.C. §1746 that the
information contained herein to be true and
correct."

Respectfully Submitted,



Chad Michael Vice #1065118,
Anamosa State Penitentiary
406 North High Street
Anamosa, Iowa 52205
In Propria Persona

April 17th, 2022

Date

Situated individuals and of a National importance as other U.S. Dist. Ct's decisions are in conflict with the decisions in USCA8 21-3907 & USCA 21-3909, and most notably in conflict with every U.S. and Sup. Ct. decisions concerning timeliness governed by State statute of limitations.

With a 60 day extension I should be able to have a clear, concise and comprehensible Writ of Certiorari(s) ready for the Courts review.

Thank you for your time in regards herein.

Cardially,
C. L.

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

No: 21-3909

Chad M. Vice

Plaintiff - Appellant

v.

Lee County Sheriff Department; Lee County Correctional Center; John Canida; John Does

Defendants - Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00355-RGE)

JUDGMENT

Before COLLOTON, GRUENDER, and SHEPHERD, Circuit Judges.

The motion to proceed on appeal in forma pauperis has been considered and is granted. The full \$505 appellate and docketing fees are assessed against the appellant. Appellant will be permitted to pay the fee by installment method contained in 28 U.S.C. sec. 1915(b)(2). The court remands the calculation of the installments and the collection of the fees to the district court. This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion for appointment of counsel is denied as moot.

February 02, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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

No: 21-3909

Chad M. Vice

Appellant

v.

Lee County Sheriff Department, et al.

Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00355-RGE)

ORDER

Appellant's motion to file untimely petition for rehearing is denied. Appellant's petition for rehearing is denied as untimely.

March 22, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans