

22-5035

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MAR 25 2022

STAFF INITIALS  
INMATE INITIALS

*[Handwritten initials]*

IN THE

SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

Irving-Cupely Lisboa PETITIONER  
(Your Name)

FILED  
JAN 10 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.

STATE OF FLORIDA — RESPONDENT(S)  
Secretary Richard Dixon  
ON PETITION FOR A WRIT OF CERTIORARI TO  
ELEVENTH CIRCUIT DISTRICT COURT  
OF APPEAL  
Atlanta, GA.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Irving-Cupely Lisboa

(Your Name)

CALHOUN CORRECTIONAL INSTITUTION  
19562 S.E. INSTITUTIONAL PR.

(Address)

Blountstown, Fla, 32424

(City, State, Zip Code)

NONE

(Phone Number)

MAR 25 2022

QUESTION PRESENTED

STAFF INITIALS *JS*  
INMATE INITIALS *JS*

- ① WHETHER THE ELEVENTH CIRCUIT DISTRICT COURT DENIED PETITIONER DUE PROCESS OF THE LAW UNDER THE AMENDMENT OF THE U.S. CONSTITUTION BY FAILING TO ISSUE A CERTIFICATE OF APPEALABILITY WHEN PETITIONER PRESENTED GREAT EVIDENCE IN SUPPORT OF GRANTING ONE?
- ② WHETHER THE MIDDLE DISTRICT COURT OF APPEAL DENIED PETITIONER DUE PROCESS BY DENING WITH PREJUDICE RELIEF AND REHEARING CONTRARY TO THE - AMENDMENT OF THE U.S. CONST. WHEN GREAT WEIGHT EXISTED TO SUPPORT RELIEF TO ISSUE DUE TO PLAIN ERROR/ MISSCARRIAGE OF JUSTICE/MANIFEST INJUSTICE.
- ③ WHETHER DISTRICT COURT OF APPEAL DENIED DUE PROCESS UNDER THE AMENDMENT OF THE U.S. CONSTITUTION BY PER CURIAM AFFIRMING PETITIONER'S APPEAL FAILING TO REACH THE MERITS OF HIS CASE DUE TO PLAIN/ERROR/ MANIFEST INJUSTICE?

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## LIST OF PARTIES

ALL parties appear in the caption  
of the case on the cover page

IN THE  
SUPREME COURT OF THE UNITED STATES

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PETITION FOR WRIT OF CERTIORARI

STAFF INITIALS

INMATE INITIALS

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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from state courts:

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

☒ reported at LISBON'S STATE / UNKNOWN; or,

☒ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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**JURISDICTION**

STAFF INITIALS                     

INMATE INITIALS                     

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

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

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, 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 Oct 12 2021.  
A copy of that decision appears at Appendix   A  .

☒ A timely petition for rehearing was thereafter denied on the following date: Oct 12, 2021, and a copy of the order denying rehearing appears at Appendix   A  .

☐ 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).

MAR 25 2022

STAFF INITIALS  
INMATE INITIALS

JURISDICTION

THIS HONORABLE COURT RETAINS  
JURISDICTION UNDER 28 U.S.C. § 1257(a)  
date of Rehearing October 12, 2021  
11<sup>th</sup> Circuit denial of Certificate of  
Appealability

MAR 25 2022

STAFF INITIALS  
JUDGE INITIALS

*[Handwritten initials]*

## Statement of the Case

On August 25<sup>th</sup> 1995 Petitioner was charged by information with 6 counts:

- 1) Lewd Act upon a child (F2-L7)
- 2) Lewd Act upon a child (F2-L7)
- 3) Sexual Battery (Life L9)
- 4) Lewd Act upon a child
- 5) Sexual Activity with a child (F2-L7)
- 6) Lewd Act upon a child (F2-L7)

Information # CR95-1698

On January 2015 was sentenced to life in prison with possibility of Parol in 25 years.

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# REASONS FOR GRANTING

STAFF INITIALS

INMATE INITIALS

LA  
CA

These reason present a issue of great public importance because the State of Florida is denying it's citizen's. Citizen's of the United States of Basic Due Process. Which is clogging the American Judicial System. With Prisoner's that are INNOCENT or NOT guilty of the crimes for which they are charged that are Trumped to the Max to cause the INNOCENT to sign Plea Bargain's or go to Trial and get Life for a crime they did not commit. Many Sex Crime's are being prosecuted against the Poor and UNlearned in the Law. By Viscious Prosecutor's and Lawyer's dead set on put people accused of sex crimes away for crimes they can not legally be found guilty of. I Irving Lisboa am serving a Life Sentence for Sexual Battery of a Person Less than 12 years. First Charged L. The assault allegedly happened in 1989 Then six year's later on or before Sept, 1995 and tried and sentenced in Jan 2015 of Law of 794.011(2) (2015) violating Ex Post Faeto. When if I would have signed a illegal plea Bargain for Lewd and Lascivious for 10 year's outside the Statute of Limitation. I would have not gotten a Life sentence. I would sign a 10 year plea now GROUND 1 of my § 3.850 Fla. Stat (2015



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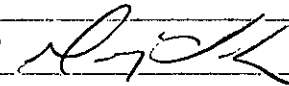
DECLARATION AND OATH

STAFF INITIALS

INMATE INITIALS

UNDER PENALTIES OF PERJURY, I declare that  
I read the foregoing document, and swear  
that the facts stated in it are true and  
correct

Executed this 10 day January 2020

1st 

IRVING-CUPELEY LISBOA

DC# C09556

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy  
of the foregoing Writ of Certiorari has  
been placed in the hands of a Calhoun  
Correctional Inst staff member by U.S. Mail  
to :

Executed this 10 day January 2020

1st 

IRVING-CUPELEY LISBOA

DC# C09556

CALHOUN CORRECTIONAL INSTITUTION

19562 S.E. INSTITUTIONAL DRIVE

Blountstown, Florida

32424