IN THE UNITED STATES SUPREME COURT

22-5166

ORIGINAL

In re: DeVinche Javon AlBritton,

Petitioner,

V.

Record No. _____

Judge Motz, United States Court of Appeals, 4th Circuit,
Judge King, United States Court of Appeals, 4th Circuit,
Judge Quattlebaum, United States Court of Appeals, 4th Circuit,

Respondent(s).

PETITION FOR A WRIT OF MANDAMUS

DeVinche Javon AlBritton
#1016653
RiverNorth Correctional Center
329 Dellbrook Lane,
Independence, Virginia 24348

Question(s) Presented

(1) Should the United States Court of Appeals for the Fourth Circuit evaluating a 28 U.S.C. §2244 Motion for authorization to file a Second or Successive application under §2254, be required to articulate the Court's Ground(s) for its decision to either grant or deny authorization, both as to the Law and facts of the Motion and Documentary evidence submitted therefor under the criteria of §2244?

(2) Does the Congressional enactment of 28 U.S.C. §2244(E) prohibiting an Appeal, rehearing, or Certiorari review of the denial of a Motion for Authorization under §2244 by a United States Court of Appeals to file a Second or Successive application under §2254, Violate the 1st and 9th Amendments of the United States Constitution?

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IN THE
SUPREME COURT OF THE UNITED STATES

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Judge Quattlebaum, United States Court of Appeals, 4th Circuit,
Respondent(s).

OPINIONS BELOW

Petitioner DeVinche Javon AlBritton respectfully prays that a Writ of Mandamus issue upon the judgment below.

The Opinion of the United States Court of Appeals for the Fourth Circuit dated April 5, 2022, is attached herewith to this petition as "Exhibit #10"
This order was not designated for publishing, and is on File at the U.S. Court of Appeals, for the Fourth Circuit, under Record No. 22-147

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. §1651(a) upon the U.S. Court of Appeals, for the Fourth Circuit, order dated April 5, 2022, denying a Motion filed under §2244 for an Order Authorizing the District Court to Consider a Second or Successive Federal Habeas Application for Relief under 28 U.S.C. §2254, without Consideration or reasonable Cause Stated for the Court's denial.

The Issuance of a Writ of Mandamus in Petitioner Albritton's Cause of action will aid this Honorable Court in the exercise of its appellate and supervisory power in regards to a reasonable Standard of Course for the evaluation and dispositions for all 28 U.S.C. §2244 Motions for an Order Authorizing the District Court to Consider a Second or Successive Federal Habeas Application under 28 U.S.C. §2254, where the U.S. Court of Appeals, for the Fourth Circuit rejects and has so far departed from the Current Standard of Course established by all the other Sister Circuit Courts of Appeals and Congress' Governing Criteria for §2244 Authorizations to file a Second or Successive Federal Habeas Application as to Call for this Supreme Court's Supervisory Power pursuant to its Rule 20. The issue of whether a United States Court of Appeals upon the evaluation and disposition of a Motion filed under §2244, should be required to articulate and State the Court's reasons or Grounds to either Grant or Deny a §2244 Motion for Authorization, is an important Question of Federal Law that has not been, but should be, Settled by this Court as to provide an established and Unified Course of Judicial review to be followed and applied for all §2244 Motions.

Constitutional and Statutory Provisions Involved

Article 1, section 8, United States Constitution: The Congress shall have the power to make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the goverment of the United States, or in any department or officer thereof.

Article 1, section 9, United States Constitution: The privilege of the writ of habeas Corpus shall not be suspended, unless when in Cases of rebellion or invasion the public safety may require it.

Article 3, section 1, United States Constitution: The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Article 3, section 2, United States Constitution: In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original Jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and fact, With such exceptions, and under such regulations as the Congress shall make.

Constitutional and Statutory Provisions Involved

First Amendment, United States Constitution: 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 peacably to assemble, and to petition the government for a redress of grievances.

Ninth Amendment, United States Constitution: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

28 U.S.C. §2244: Finality of determination;
(b)(2) A claim presented in a second or Successive habeas Corpus application under >2254 that was not presented in a prior application shall be dismissed unless; (A) the applicant shows that the claim relies on a new rule of Constitutional law, made retroactive to cases on Collateral review by the Supreme Court, that was previously unavailable; or (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, 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;
(E) The grant or denial of an authorization by a Court of Appeals to file a second or Successive application shall not be appealable and shall not be Subject of a petition for rehearing or for a Writ of Certiorari.

STATEMENT OF THE CASE

Petitioner DeVinche Javon AlBritton (hereafter 'AlBritton") on November 1, 2010, was indicted and charged for an alleged Sodomy, Rape, and Abduction w/intent to defile which was said to have occurred in the City of Virginia Beach, Virginia on September 8th, 1999. AlBritton who was incarcerated in the Virginia Department of Corrections (VDOC) at the time he was indicted, where he was serving prison term on unrelated charges, was transferred to the Virginia-Beach City Jail (VBCJ) to be held to stand trial, where he immediately invoked his Constitutional Rights to Self-Representation and was placed into VBCJ isolation pending Trial as a result. AlBritton acting prose, Immediately plead Not guilty and moved and was granted a Court order of Discovery for various materials which included Virginia's 1999 Sexual Assualt Nurse-Examination (S.A.N.E.) Protocol, relevant to the prosecution's case regarding the alleged evidence of Rape against AlBritton, which the Attorney(s) for the Commonwealth of Virginia, Prosecuting AlBritton after Multiple Court hearings stated on the record in lieu of suppression of their Medical evidence, that their Office would search for and provide the relevant 1999 Virginia S.A.N.E Protocol to AlBritton for his defense at Trial. See (Exhibit #1, Copy of AlBritton's June 13-2011, Motion to Suppress hearing Transcript, where the prosecutors Stated that their Office would search for and provide the relevant 1999 S.A.N.E Protocol, pages #25-27). AlBritton also moved and was granted by the Trial Court, an Order of Production for the prosecution to produce a Large Scaled Aerial Map showing the alleged Victim's Point of Origin, the route that she took to work, and AlBritton's

Place of residence as they were on the morning of September 6, 1999, where the prosecution provided AlBritton with a Large scaled Aerial map which was designated and entered into Evidence at trial as "Defense Exhibit--#3." see (Exhibit #2, Copy of AlBritton's Motion for funds, the Trial Court's Order Granting funds and Production of the Large Scaled Aerial Map, and a replica of the Large scaled Aereal Map "Defense Exhibit #3"). Nevertheless, in total disregard of the Trial Court's Order to provide requested Discovery, the prosecutors failed and refuse to produce the relevant 1999 Virginia S.A.N.E. Protocol, while he was being held prisoner in Isolation, thereby forcing AlBritton who was acting prose, to proceed to his Jury Trials without the relevant 1999 S.A.N.E Protocol, which impeached the State's Vital S.A.N.E expert witness and Evidence. On March 28, 2012, after a 3 day Jury Trial, the Charge of Sodomy against AlBritton was dismissed upon his motion to strike, and the Jury after deliberation were deadlocked as to the two remaining Charges, resulting in the Trial Court declaring a Mistrial. However, One year later, upon a 3 day retrial between April 22-24, 2013, AlBritton again proceeding prose and still being held in VBCJ Isolation, was still never provided with the 1999 Virginia S.A.N.E. Protocol by the prosecution for his defense, and as a result, AlBritton was found guilty of both Rape and Abduction w/intent to defile, base on the prosecution's false expert S.A.N.E witness Testimony and Evidence which the 1999 Virginia S.A.N.E Protocol would have impeached and was Sentenced to a total term of Life plus 30 years. AlBritton after being Sentenced and released from VBCJ Isolation and transferred back to VDOC custody, during his Direct Appeal proceedings, discovered that the relevant 1999 Virginia S.A.N.E Protocol which the prosecution falsely stated but failed to provide to him for his defense at Trial while he was being held in VBCJ Isolation had been available on the internet in Public Records, which AlBritton as a prisoner in VBCJ Isolation had absolutely No access. see (Exhibit #3, Copy of East Coast Investigations Statement and 1st page of 1999 Virginia SANE Protocol)

AlBritton after being denied on Direct Appeal, sought State Habeas Corpus relief in the Virginia Supreme Court arguing that his Convictions and Sentences were unConstitutional where the prosecution clearly violated his rights to a fair Trial and Due process by falsely stating that it would provide him with a Copy of the relevant 1999 Virginia S.A.N.E Protocol for his defense citing > Strickler V. Greene, 527 U.S. -263 (1999) and Banks V. Dretke, 540 U.S. 668 (2004). However, The Virginia Supreme Court on November 18, 2016, denied and dismissed AlBritton's Brady violation claim, citing its most recent ruling in > Porter V. Warden, 283 Va. 326 (2012), holding that Brady does not apply to material available in public records. AlBritton Sought Federal Habeas relief arguing that he had not defaulted his Brady claim, where he had moved for discovery and that the prosecutors had lied on the record while he was being held in Jail Isolation (Exhibit #1), however, the Federal Magistrate relied and deferred to the Virginia Supreme Court's ruling in Porter V. Warden, supra... and denied habeas relief which was affirmed by the U.S. District Court Judge on March 6, 2018. AlBritton filed a Motion for Relief from Judgment under Federal Rule of Civil Procedure, Rule 60(b) arguing that he was entitled to relief upon his Brady violation claim, and on March 12, 2019, the District Court Judge after review of the evidence held that AlBritton had established that he had been denied access to the relevant 1999 Virginia S.A.N.E Protocol upon discovery during his Jury Trial, but that his Claim was still defaulted where he failed to sufficiently allege

prejudice or a miscarriage of Justice for the prosecutions failure to provide him with a copy of the 1999 S.A.N.E protocol. see (Exhibit #4, copy of U.S. District Court's March 12, -2019, order pages # 6-8). AlBritton Appealed the District Court's denial and dismissal of his Federal Habeas petition to the United States Court of Appeals for the Fourth Circuit, where on August 26, 2019, Circuit Judges King, Richardson, and Hamilton, denied and dismissed his Appeal. see (Exhibit #5, Copy of United states Court of Appeals for the 4th Circuit, unpublished Opinion, Record No. 19-6350 and 19-6464, August 26, 2019). Thereafter, AlBritton also filed an Appeal to the U.S. Court of Appeals for the 4th Circuit in regards to the denial of his Rule 60 (b) Motion, where Circuit Court Judges Motz, Quattlebaum, and Hamilton, on October 21, 2019, denied and dismissed his Appeal. see (Exhibit #6, Copy of U.S. Court of Appeals for the 4th Circuit, unpublished Opinion, Record -No. 19-6674, October 21, 2019). Thereafter, AlBritton filed a petition for a Writ of Certiorari to this Supreme Court in Application -No. 19A711, where after being Granted an extension of time, and with No Opposition filed by the Respondent Commonwealth, On April 27, 2020, The Court refused Certiorari review and dismissed the petition. AlBritton, Soon thereafter was transferred to RiverNorth Correctional Center and after recovering from being infected with Covid-19 began refiling his case for relief Whereupon AlBritton prepared and filed a Motion under §2244 for authorization to file a Second or Successive Federal Habeas Application to the U.S. District Court, arguing to the U.S. Court of Appeals

That he was deprived of his Constitutional rights to a fair review and meaningful opportunity for the U.S. District Court to have Considered his initial Federal Habeas Application filed in 2016, due to the Commonwealth of Virginia's Fraudulent application of the State's procedural default Rule in order to cover up the facts that the Virginia prosecutors lied on the Record and intentionally Violated petitioner ALBritton's Constitutional Rights to a fair Jury Trial under Brady V. Maryland, 373 U.S. 83 (1963), and presented false and Misleading S.A.N.E expert witness testimony and Evidence to Obtain his Conviction(s) and Sentence(s) for Crimes he did not Commit. See (Exhibit(s) #1, 3, 4, 7, 8, and 9)
Nevertheless, on April 5, 2022, a 3-Judge Panel for the Fourth Circuit Court of Appeals, Ignored and disregarded the facts that petitioner ALBritton's motion and Supportive Documentation Satisfied the prerequisites of §2244(b) to be Granted Authorization for him to file a Second or Successive Federal Habeas Application, and Immediately denied the motion, without stating any reasons or Grounds, if any, for the panel's decision to deny petitioner's §2244 Motion in the Court's Order. See (Exhibit # 10).
Petitioner ALBritton having no entitlement to file an Appeal or seek a Rehearing, Now moves this Honorable Court to issue him a Writ of Mandamus in order to obtain his entitled Fair §2244 Review by the U.S. Court of Appeals, 4th Circuit, as he has been denied.

REASONS FOR GRANTING THE PETITION

Petitioner Albritton states that a Grant of his petition for a writ of Mandamus will allow this Honorable Court to exercise its discretionary Jurisdiction under its Rule 20 in order to uphold and enforce Congressional mandated Law and his Constitutional Rights to the statutory requirements for a fair and reasoneeble Consideration of a Motion under 28 U.S.C. §2244 for an order by a United States Court of Appeals, authorizing the district court to consider a second or successive application for relief under 28 U.S.C. §2254, which was denied Consideration without any reasonable cause stated therefor by the United States Court of Appeals, for the Fourth Circuit. The remedy of mandamus is a drastic one, to be invoked only in extraordinary situations. > Will V. United States, 389 U.S. 90, 95, --88 S.Ct. 269 (1967); Bankers Life & Cas. Co. V. Holland, 346 U.S. --379, 382-385 (1953). As we have observed, the writ "has traditionally been used in the federal courts only 'to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.'" > Will V. United States, Supra, 389 U.S., at 95, quoting--Roche V. Evaporated Milk Assn., 319 U.S. 21, 26, 63 S.Ct. 938 (1943)

As a means of implementing the rule that the writ will issue only in extraordinary circumstances, we have set forth various conditions for its issuance. Among these are that the party seeking issuance of the writ have no other adequate means to attain the

relief he desires, > Roche V. Evaporated Milk Assn., supra, - - 319 U.S. at 26, 63 S.Ct., at 941, and that he satisfy "the burden of showing that (his) right to issuance of the writ is 'clear and indisputable.'" > Bankers Life & Cas. Co. V. - - Holland, 346 U.S., at 384, 74 S.Ct., at 148, quoting > United States - - ex rel. Bernardin V. Duell, 172 U.S. 576, 582, 19 S.Ct. 286 (1899). Here, Petitioner AlBritton's cause of action presents extraordinary circumstances which entitles him to Mandamus relief, where the United States Court of Appeals for the Fourth Circuit on April 5th - - 2022, in total disregard of its Congressional mandated duty under §2244 to Grant authorization to file a second or successive Federal Habeas application, immediately denied AlBritton's §2244 motion without any review or consideration of his supportive Documentary Evidence, and with no reasonable cause given therefor a couple of days after receiving his motion in the mail. (Exhibit #10). The filing of a second or Successive §2254 Petition is "tightly constrained by the provisions of the 'AEDPA.'" > Case V. Hatch, 731 F.3d 1015, - - 1026 (10th Cir. 2013) (cited with approval by the Eighth Circuit in > - - Johnson V. United States, 720 F.3d 720, 721 (8th Cir. 2013)). In enacting AEDPA, Congress "expressly established a two-step 'gate-keeping' mechanism for the Consideration of second or successive habeas Corpus applications in federal Courts." Id. Petitioners must first "move in the appropriate court of appeals for an order authorizing the district court to consider the application." > - - 28 U.S.C. § 2244 (b)(3)(A). If the Court of appeals finds that

The applicant has made "a prima facie showing that the application satisfies the requirements of [§2244(b)]," id. §2244(b)(3)(C), the habeas petitioner may pursue a claim in district court. See Case, 731 F.3d at 1026-27. Then, the district court must "review the proffered evidence, and 'shall dismiss any claim . . . that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of [§2244(b)].'" id. at 1027 (quoting 28 U.S.C. §2244(b)(4)). This is "not a difficult standard to meet." In re Lott, 366 F.3d 431, 432 (6th Cir. 2004). "Prima facie in this context means simply sufficient allegations of fact together with some documentation that would warrant a fuller exploration in the district court." Id. at 433; see also Bennett v. United States, 119 F.3d 468, 469 (7th Cir. 1997) ("If in light of the documents submitted with the application it appears reasonably likely that the application satisfies the stringent requirements for the filing of a second or successive petition, we shall grant the application."). When analyzing whether a Petitioner can pass through the second gate, the relevant court of appeals is "still required to determine, at the second gate, whether [Petitioner has] met §2244's jurisdictional requirements." Case, 731 F.3d at 1029. Therefore, in order for a Petitioner to satisfy the jurisdictional requirements of §2244(b) to pass through the second-gate, the petitioner must show that their claim(s) in their prospective petition were not presented in a previous federal petition, §§2244(b)(1),(2), that the claim(s) relies on a new rule of Constitutional Law, made retroactive to cases on collateral

review by the Supreme Court, that was previously unavailable, §2244(b)(2)(A); or the factual predicate for the claim(s) could not have been discovered previously through the exercise of due diligence, §2244(b)(2)(B)(i); and that "the facts underlying the claim[s], if proven and viewed in light of the evidence as a whole, 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." -> -- Id. §2244(b)(2)(B)(ii); see also > Case, 731 F.3d at 1030-44. Accordingly, In Petitioner AlBritton's case, he duly presented the United States Court of Appeals, for the Fourth Circuit, with documents submitted with his §2244(b) motion necessary to satisfy the requirements to be granted an Order authorizing the U.S. District Court to consider his prospective Second or Successive §2254 Federal Habeas application, where AlBritton established to the Court of Appeals that he was unable to discover the facts and evidence supporting the application before filing the first Federal habeas application, due to the fact that the Commonwealth of Virginia held him in Jail Isolation during his Jury Trials upon which they violated his Constitutional Rights to Brady evidence upon his pro se discovery request, which were granted by the Trial Court. see (Exhibit(s) #1, #3, and #4) citing > Strickler V. Greene, 527 U.S. -- 263 (1999); and > In re Boshears, 110 F.3d 1538, 1540 (11th Cir. 1997). Petitioner AlBritton showed the Appeals Court that the facts underlying his Claim(s), if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for Constitutional error, no reasonable factfinder would have found him guilty of the underlying offense."

> 28 U.S.C. §2244(b)(2)(B)(ii), where AlBritton presented the Appeals Court with a copy of the with held and suppressed 1999 Virginia S.A.N.E. Protocol, which proved that the Commonwealth of Virginia used false and perjured S.A.N.E expert witness testimony to obtain his Conviction and that he was Innocent. see (Exhibit# 1, -- Copy of the with held and Suppressed 1999 S.A.N.E Protocol, and Exhibit# 7, Copy of Commonwealth's S.A.N.E expert Witness' false and perjurous Testimony given on April 23, 2013, used to Obtain AlBritton's Convictions, Tr pgs# 333-358). Additionally, Petitioner AlBritton presented the Fourth Circuit Court of Appeals with argument and the Fact(s) that his claim(s) presented in his proposed Second or Successive Federal Habeas application relies on a new rule of Constitutional Law, made retroactive to cases on Collateral review by this Supreme Court, that was previously unavailable to him in 2016 when he filed his first Federal Habeas application, a ruling which would have preventing the U.S. District Court from denying and dismissing AlBritton's §2254 Habeas application based upon the Commonwealth's procedural default assertion, which was directly the result of the Commonwealth's intentional violation of AlBritton's Brady discovery Rights as a pro se, prisoner pending a Jury Trial while held in Jail Isolation and the use of perjured expert witness testimony, Citing > -- Ayestas V. Davis, (No. 16-6795), 584 U.S. ___ (2018), where this Supreme Court ruled that a State's application of a procedural default Rule Bar does not preclude a State prisoner upon a §2254 petition from receiving Federal funding under 18 U.S.C. -- §3599(f) for investigative services that are reasonably necessary

to assist them in the development of their Federal Habeas Claim(s) and for the search for evidence supporting their petition, as AlBritton's request for investigative services was precluded by the Commonwealth's fraudulent assertion of its procedural default rule in> Porter V. Warden, supra, to cover up its Constitutional Violation and unlawful Conviction obtained thereby. Nevertheless, Immediately upon receiving Petitioner AlBritton's §2244 motion and Supportive Evidence, the Panel of Judges for the U.S. Court of Appeals, Fourth Circuit, disregarded such in its entirety and denied AlBritton's §2244 motion with no reason or cause Stated therefor. (Exhibit #10). Whereas, every other U.S. Court of Appeals, each Circuit upon the Consideration of a motion under §2244 for a second or successive habeas corpus application, analyzes the motion and Evidence under the requirements of §2244(b), and States the reasons for or against authorization to file a second or Successive Federal Habeas application in a U.S. District Court for Consideration. See> Bennett V. United States, supra; In re Lott, supra; and In re Swearingen, 556 F.3d 344 (5th Cir. 2009). Accordingly, Petitioner AlBritton has a clear and indisputable right to the fair and reasonable review of his §2244 motion and supportive evidence under the requirements of §2244(b) by a Panel of the U.S. Court of Appeals, for the Fourth Circuit, and that he is entitled to be given a reasonable cause by the Panel of Judges for their determination of his §2244 motion and Supportive Evidence. Moreover, Petitioner AlBritton has No other adequate means to attain the equitable relief he now currently

seeks, due to the fact that under §2244(E): The grant or denial of an authorization by a Court of Appeals to file a Second or Successive application shall not be appealable and shall not be subject of a petition for rehearing or for a Writ of Certiorari, Therefore an issuance of a Writ of Mandamus by this Honorable Supreme Court under its Rule 20 for an ExtraOrdinary Writ, is AlBritton's only available means to Vindicate and receive his Constitutional Rights to a fair and reasonable review of his motion and supportive evidence for authorization to file a Second or Successive Federal Habeas application in the U.S. District Court under the requirements of §2244(b) and to be given a statement of reasonable cause by the relevant Panel of Judges for their decision thereof. Petitioner AlBritton maintains that he is innocent and that he has been unlawfully Convicted by the Commonwealth of Virginia which Violated his Constitutional Rights in order to Obtain his Conviction and Life plus 30 year sentence, AlBritton merely requests that he be given a full and fair hearing upon his motion under §2244(b) in order to file and authorize the U.S. District Court to Consider his proposed Second and/or Successive Federal habeas application, see -(Exhibit #9, copy of proposed 2nd or Successive §2254 habeas application), where he was deprived of his initial §2254 habeas review by the Commonwealth of Virginia, who has fraudulently asserted and applied the State's procedural

default Rule which was impossible for Petitioner ALBritton, who at that time was a prose prisoner held in Jail Isolation to have Complied with, in order for him to have received reasonable Discovery Ordered by the Trial Court and to have presented evidence in his favor to the jury thereby impeaching the Commonwealth of Virginia's S.A.N.E expert witness' false testimony and misleading evidence, and proving his Innocence. Petitioner ALBritton asserts that his 1st and 14th Amendment Rights entitled him to a fair and meaningful hearing upon his §2244 motion for an Order Authorizing the U.S. District Court to Consider his Second or Successive Federal Habeas application by a panel of Judges for the United States Court of Appeals, for the Fourth Circuit, as he duly presented the Court with documentation in satisfication of all the requirements of §2244(b) to have been Granted an Order Authorizing the District Court to Consider his proposed Second or Successive Federal Habeas Application. see (Exhibit(s) # 1, 2, 3, 4, 7, 8, and 9)

However, the panel of the Fourth Circuit Court of Appeals Immediately without any review of his Motion and Evidence, on April 5, 2022, denied ALBritton's Motion without any reason or Cause given for the Court's decision, which is in violation of the Constitution and unreasonably arbitrary to have denied a prisoner claiming Innocence without any stated reason or cause, whereas every other U.S. Court of Appeals in compliance with §2244(b) states the Court's reasons or Cause for its decision to deny or Grant any petitioner Authorization, especially where No further Appeal or Rehearing is permitted.

CONCLUSION

WHEREFORE, Petitioner DeVinche Javon AlBritton prays this Honorable Court upon consideration of his foregoing petition, to Grant and Issue him a Writ of Mandamus directed to the United States Court of Appeals for the Fourth Circuit, to Vacate the Court's April 5, 2022, Order in Record No. 22-141, denying AlBritton's Motion under U.S.C. §2244 for an Order Authorizing the District Court to Consider a Second or Successive Application for Relief under 28 U.S.C. §2254, to reinstate AlBritton's §2244 Motion and Supportive Documentary Evidence for review and analysis by a panel of the Court pursuant to the prerequisites of >--28 U.S.C. §2244(b) et seq, and to State the reasons and/or Cause, if any, for the panel's decision in the Court's order to either Grant or deny the Court's Authorization thereupon.

KALA Y SHEETS NOTARY PUBLIC REG. # 7739747 MY COMMISSION EXPIRES 11/30/24 COMMONWEALTH OF VIRGINIA

Kala Y. Sheets
7/11/2022

Respectfully Submitted!

DeVinche Javon AlBritton
#1016653