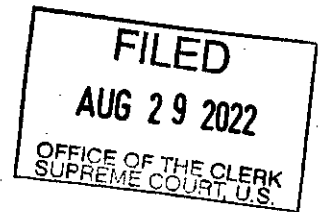


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IN THE
SUPREME COURT OF THE UNITED STATES



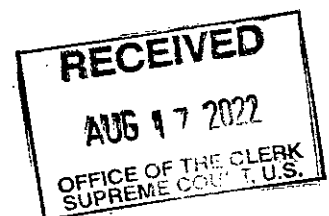
IN RE
DEANDRE JOHNSON, 1999377

PETITIONER

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

DEANDRE JOHNSON, 1999377
GREENSVILLE CORRECTIONAL CENTER
901 CORRECTIONS WAY
SARASOTA, VIRGINIA 23870
PRO SE PETITIONER



QUESTION PRESENTED

WHETHER A TWENTY-TWO MONTH DELAY IN ADJUDICATING A
FEDERAL HABEAS CORPUS PETITION DEPRIVES A PETITIONER OF A
SWIFT AND IMPERATIVE REMEDY?

LIST OF PARTIES

1. LAWRENCE R. LEONARD

U.S. MAGISTRATE JUDGE

600 GRANDY STREET

NORFOLK, VIRGINIA 23510

2. RAYMOND A. JACKSON

U.S. DISTRICT JUDGE

600 GRANDY STREET

NORFOLK, VIRGINIA 23510

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PETITION FOR A WRIT OF CERTIORARI

PETITIONER DEANDRE JOHNSON RESPECTFULLY REQUESTS THE ISSUANCE OF A WRIT OF CERTIORARI TO REVIEW THE JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

DECISION BELOW

THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT IS UNPUBLISHED, AND IS REPRODUCED AT PET. APP. 1, 2

JURISDICTION

THE FOURTH CIRCUIT ENTERED JUDGMENT ON MAY 24, 2022. SEE PET. APP. 1. THIS COURT'S JURISDICTION IS INVOKED UNDER 28 USC 1254.

THE FOURTH CIRCUIT DENIED REHEARING EN BANC ON JULY 26, 2022. SEE PET. APP. 2

STATEMENT OF THE CASE

DEANDRE JOHNSON PETITIONED THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT TO GRANT HIM MANDAMUS RELIEF, ORDERING THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA TO DECIDE HIS PETITION FOR A WRIT OF HABEAS CORPUS 28 U.S.C. 2254; JOHNSON FILED HIS HABEAS PETITION IN THE DISTRICT COURT ON SEPTEMBER 17, 2020. ~~THE FOURTH CIRCUIT DENIED~~

MANDAMUS RELIEF, FINDING THAT "THE PRESENT RECORD DOES NOT REVEAL UNWARRANTED DELAY..." PET. APP. 1. JOHNSON SOUGHT REHEARING EN BANC; THE FOURTH CIRCUIT DENIED THAT MOTION ON JULY 26, 2022. PET. APP. 2.

JOHNSON PROCEEDED PRO SE IN THE MANDAMUS PROCEEDING.

REASONS FOR GRANTING THE WRIT

I. THE FOURTH CIRCUIT'S JUDGMENT IS IN DIRECT CONFLICT WITH DECISIONS OF THE SUPREME COURT

WHEN THE FOURTH CIRCUIT DENIED JOHNSON'S REHEARING EN BANC APPLICATION, HIS HABEAS PETITION HAD BEEN PENDING FOR TWENTY-TWO MONTHS. "PROCEEDINGS IN HABEAS CORPUS ARE TO BE DISPOSED OF IN A SUMMARY WAY. THE INTERESTS OF... THE PUBLIC [THE STATE], AND THE PETITIONER REQUIRE PROMPTNESS; THAT IF HE IS UNLAWFULLY RESTRAINED OF HIS LIBERTY, IT MAY BE GIVEN TO HIM AS SPEEDILY AS POSSIBLE; THAT IF NOT, ALL HAVING ANYTHING TO DO WITH HIS RESTRAINT BE ADVISED THEREOF, AND THE MIND OF THE PUBLIC BE PUT AT REST, AND ALSO THAT IF FURTHER ACTION IS TO BE TAKEN IN THE MATTER IT MAY BE TAKEN WITHOUT DELAY." STOUTI V. MASSACHUSETTS, 183 U.S. 138, 143 (1901); ADDITIONALLY, HABEAS CORPUS WAS INTENDED TO PROVIDE "A SWIFT AND IMPERATIVE REMEDY IN ALL CASES OF ILLEGAL RESTRAINT OR CONFINEMENT." FAY V. NOIA, 392 U.S. 391, 400 (1963).

JOHNSON REPEATEDLY ASKED THE DISTRICT COURT TO DECIDE HIS HABEAS PETITION, BUT THE DISTRICT COURT TOOK NO ACTION. WHEREFORE, CONSIDERING THE SPIRIT, LETTER, AND INTENTION OF HABEAS CORPUS LAW, STONE AND FAY, THE FOURTH CIRCUIT'S JUDGMENT CONFLICTS WITH DECISIONS OF THIS COURT, AND A UNJUSTIFIED TWENTY-TWO MONTH DELAY SIMPLY IS NOT A SWIFT, PROMPT, AND IMPERATIVE REMEDY.

ACCORDINGLY, CERTIORARI IS WARRANTED.

II. THE FOURTH CIRCUIT'S JUDGMENT IS IN DIRECT CONFLICT WITH OTHER CIRCUIT COURTS OF APPEAL

IN JOHNSON V. ROGERS, 917 F.2d 1283 (CA10 1990), THE TENTH CIRCUIT ISSUED A WRIT OF HABEAS CORPUS ORDERING THE DISTRICT COURT TO DECIDE A HABEAS PETITION THAT HAD BEEN PENDING FOR FOURTEEN MONTHS. THE TENTH CIRCUIT STATED THAT "IF A FOURTEEN MONTH DELAY (ABSENT GOOD REASON) WERE ROUTINELY PERMISSIBLE, THE FUNCTION OF THE GREAT WRIT WOULD BE EVISCERATED." ID., AT 1284; MOREOVER, "EMERGENCY ATTENTION", RUBY V. UNITED STATES, 341 F.2d 585, 587 (CA9 1965) MUST BE GIVEN TO A HABEAS PETITION. HERE, UNLIKE IN JOHNSON V. ROGERS, JOHNSON HAS A TWENTY-TWO MONTH DELAY - EIGHT MONTHS MORE THAN THE TENTH CIRCUIT FOUND UNREASONABLE.

ACCORDINGLY, CERTIORARI IS WARRANTED

CONCLUSION

WHEREFORE, PETITIONER HUMPHRY ASKS THIS COURT TO GRANT HIS PETITION FOR CERTIORARI.

DEANDRE JOHNSON