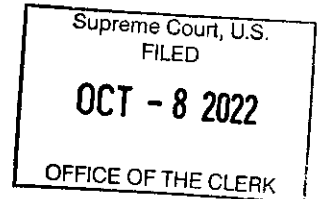


22-5843
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CLIFTON W. BATTS — PETITIONER
(Your Name)

vs.

USCA-4 Circuit — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CLIFTON W. BATTS
(Your Name)

NASH CORRECTIONAL INSTITUTION
(Address)
P.O. Box 600
NASHVILLE, N.C. 27856
(City, State, Zip Code)

252-459-4455
(Phone Number)

QUESTION(S) PRESENTED

What's the timely, timeline for Order or Ruling on 28 USC 2254 Writ of habeas Corpus, by deciding Judge Assigned to habeas on liberty & life Interest of STATE prisoner in Custody in Violation of Constitution and Federal Law?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Johnston County Superior Court
STATE OF NORTH CAROLINA
U.S. DISTRICT COURT E.D. OF NORTH CAROLINA
U.S. CA-4 Circuit

RELATED CASES

BOWMAN 139 N.C App, 18 533 SE 2d 248, 2000 N.C App
LEXIS 807 (2000) STATE vs Miller, 137 N.C App, 450, 528, S.E
2d 626 2000 N.C App Lexis 418 (2000)

* KERR V. UNITED STATES 426 U.S. 384, 402 (1976)

Heckler v. Ringer 466 U.S. 602, 616-17 (1984)

IN RE - RUSTON 475 Fed Appx 467, 468, (4th Cir 2012)

* UNITED STATES V. MOUSSAOUI 333 F.3d 509, 516-17
(4th Cir 2003)

SKINNER V. OKLAHOMA ex rel WILLIAMSON
* 316 U.S. 535, 62 S. Ct 1110, 86 L. Ed 1655 (1942)

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APPENDIX A 4th Circuit August 8, 2022 unpublished Mandamus
Denied

APPENDIX B

APPENDIX C

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APPENDIX E

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
SKINNER V. OKLAHOMA ex. rel WILLIAMSON 316 U.S. 535, 62 S. CT 1110, 86 L. Ed 1655 (1942)	
ADAMSON V. CALIFORNIA 332 U.S. 46, 67 CT 1672, 91 LED 1903-1947	
Buck V. Bell 274 U.S. 200 (1927)	
28. U.S.C.A. § 1361 Keer v. UNITED STATES 426 U.S. 394, 402 (1976)	
Heckler v. Ringer 466 U.S. 602, 616-17 (1984)	
In re - Ruston 475 - Fed Appx 467, 468, (4th Cir 2012)	
UNITED STATES V. MOUSSAOUI 333 F.3d 509, 516-17 (4th Cir 2003)	

STATUTES AND RULES

N/A

OTHER

N/A

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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 4th Circuit August 8, 2022; 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 N/A to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. N/A

☒ For cases from **state courts**:

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

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the N/A court appears at Appendix _____ to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 8, 2022

☒ 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: N/A, 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 N/A (date) on N/A (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 Withdrawn. A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

BOWAN 139 N.C App, 18 533 - S.E. 2d 248, (2000) N.C App Lexis 807
STATE V. MILLER 137 N.C App, 458, 528 - S.E. 2d 626

2000 N.C App Lexis 418 (2000) Amendment (V) (1791) No person shall be held to answer for a Capital, or otherwise infamous crime unless on a presentment or indictment of a grand Jury except in cases arising in the land or naval forces, or in the militia (6th) In all Criminal prosecution the accused shall enjoy the right to speedy and public trial by an impartial Jury of the STATE and district wherein the crime shall have been previously ascertained by law, and to be informed of the Nature and Cause of the Accusation to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the ASSISTANCE of Counsel for his defense. (14th) All person born or Naturalized in the UNITED STATES and Subject to the Jurisdiction thereof are Citizens of the UNITED STATES and of the STATE wherein they reside. NO STATE shall make or Enforce any law which shall abridge the privileges or Immunities of Citizens of the UNITED STATES NOR STATES deprive any person of life, liberty or property without due process

KERR V. UNITED STATES 426 U.S. 394, 402 (1976)
HECKLER V. RINGER 466 U.S. 602, 616-17 (1984)
IN-re-RUSTON 475 Fed Appx 467, 468 (4th Cir 2012)
UNITED STATES V. MOUSSAOUI 333 F.3d 509
516-17 (4th Cir 2003)

STATEMENT OF THE CASE

PETITIONER Filed 28^{USC} Writ of Habeas Corpus 2254 IN N.C. U.S. EASTERN DISTRICT IN Raleigh N.C, DISTRICT OF CASE (17CRS057623) FOR STATE Prisoner in Custody in Violation OF U.S. Constitution, filed 11.15.2021 AFTER 82 days OF Personal Screen by Hon. Chief Judge Richard Myers II, CASE WAS forward to Appellate Post Conviction board, forward to Respondent Special Deputy Assistant Atty General Steele Horner Lawrence to answer why; Petitioner should NOT be Entitled to habeas Corpus which took 86 days to Respond by Respondent; PETITIONER Responded within 30 day Deadline May 23. 2022; PETITIONER has waited An order, that have been ripe for Adjudication, for Day 1 of Filing 11.15.2021 Fundamental Constitution Violation of PETITIONER Constitutional Rights in Criminal proceeding (STATE vs Miller) BOWAN 139 N.C App, 18 533 - S.E 2. d 248, 2000 N.C App Lexis 807 (2000)

STATE vs. Miller, 137 N.C App, 450, 528. S.E 2.d. 626 2000 N.C App Lexis 418 (2000)

PETITIONER Filed 28. U.S.C 2254 Writ of habeas Corpus in U.S E.D of NORTH CAROLINA, AFTER Exhausting of STATE Remedy's and STATE fail to Correct Error, or PETITIONER Constitutional Rights be Protected, So petitioner filed mandamus ON Hon. Chief Judge Richard Myers II for order or Ruling of 5:21-he-02239-M Filed (11.15-2021)
: STATE OF NORTH CAROLINA V. CURTIS RAY GATES, JR NO. COA15.626

REASONS FOR GRANTING THE PETITION

STATE OF NORTH CAROLINA Lacked
Jurisdiction of the Subject of the Matter
of Criminal Convictions (17 CRS 057623) ^{* STATE CONVICTION}
For Violations of Petitioner Constitution Rights
in Criminal proceeding (5th) (6th) (14th) Amendment
Violation! Bowman 139 NC App, 18 533-S.E 2d 248, 2000,
N.C. App Lewis 807 (2000) STATE vs. MILLER, 137
N.C App, 450, 528-S.E 2d 626 2000 N.C

* Fatal Indictment, App Lexis 418 (2000)
* Jurisdiction *
Wrongful Jury Instruction, Abuse of discretion, Prosecutorial
Misconduct, miscarriage of Justice by STATE lower
Court, Johnston County Superior Court (17 CRS 057623)

Kerr v. UNITED STATES 426 U.S 394, 402 (1976)
Heckler v. Ringer 466 U.S 602, 616-17 (1984)
In-re-RUSTON 475 Fed Appx 467, 468 (4th Cir 2012)
UNITED STATES v. MOUSSAOUI 333 F.3d 509
516-17 (4th Cir 2003) Mandamus Denied UNpublished
U.S COA 4th Circuit # 22-1692
STATE OF NORTH CAROLINA v. Curtis Ray Gates, Jr (NO. COA15.626)

IN Good Faith of Constitutional Law, Petitioner
Prays this Certiorari be granted without delay, so
Petitioner can seek remedy & relief of exercising
Constitutional Rights without further delay
28. U.S.C 2254 Writ of habeas corpus
5:21-hc-02239-M

CONCLUSION

The petition for a writ of certiorari should be granted. (Due process)

Respectfully submitted,

September

Date: 30. 2022