

FILED: July 7, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1692
(5:21-hc-02239-M)

In re: CLIFTON WILLIAM BATTS

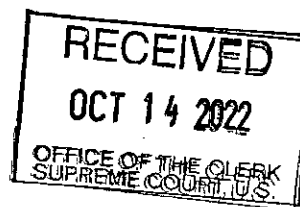
Petitioner

O R D E R

The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk



**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ANNEX
1100 EAST MAIN STREET, SUITE 501
RICHMOND, VIRGINIA 23219-3517
WWW.CA4.USCOURTS.GOV

PATRICIA S. CONNOR
CLERK

TELEPHONE
(804) 916-2700

February 7, 2022

Clifton Batts
#0023683
Caswell Correctional Center
444 County Home Road
Blanch, NC 27212


Re: Proposed Filing
Batts v. State of North Carolina
EDNC: 5:21-hc-02239-M

Dear Mr Batts:

This acknowledges receipt of your correspondence with respect to the above matter pending in the district court. Please be advised that this court has jurisdiction over matters appealed from federal district courts within our circuit, original proceedings arising from federal district courts within our circuit and appeals from certain federal agencies. A search of our docket does not reveal a pending matter to which your filing might attach. Accordingly, the court is without jurisdiction to act.

Should you wish to appeal an order by the district court, enclosed is a form notice of appeal and declaration of filing that should be filed in the district court.

Sincerely,


Nwamaka Anowi
Chief Deputy Clerk

NA:tyb
Enclosures



United States District Court
Eastern District of North Carolina
Office of the Clerk
PO Box 25670
Raleigh, North Carolina 27611

Phone (919) 645-1700
Fax (919) 645-1750

Peter A. Moore, Jr.
Clerk of Court

January 20, 2022

Clifton William Batts #0023683
Caswell Correctional Center
444 County Home Road
Blanch, NC 27212

Re: Batts v. State of North Carolina
5:21-HC-2239-M

Dear Mr. Batts,

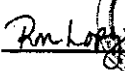
Our office has received your letter dated January 15, 2022 regarding the above-captioned case.

The case has been submitted for initial review. As soon as a review is completed by the court, an order will enter and the next appropriate step will be taken. A copy of the order will be mailed to you.

Sincerely,

Peter A. Moore, Jr., Clerk

By:


Deputy Clerk

PAM/rdl



United States District Court
Eastern District of North Carolina
Office of the Clerk
PO Box 25670
Raleigh, North Carolina 27611

Phone (919) 645-1700
Fax (919) 645-1750

Peter A. Moore, Jr.
Clerk of Court

September 21, 2022

Clifton William Batts #0023683
Nash Correctional Institution
P.O. Box 600
Nashville, NC 27856

Re: Batts v. State of North Carolina
5:21-HC-2239-M

Dear Mr. Batts,

Our office has received your letter dated September 16, 2022 regarding the above-captioned case.

All motions have been submitted for ruling. As soon as a ruling has been made, a copy of the order will be mailed to you.

Sincerely,

Peter A. Moore, Jr., Clerk

By:


Deputy Clerk

PAM/rdl

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:21-hc-02239-M**

Batts v. State of North Carolina
Assigned to: Chief Judge Richard E. Myers, II
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 11/15/2021
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Clifton William Batts**

represented by **Clifton William Batts**
0023683
Nash Correctional Institution
P.O. Box 600
Nashville, NC 27856
PRO SE

V.

Respondent**State of North Carolina**

represented by **Sherri Horner Lawrence**
North Carolina Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
919-716-6584
Fax: 919-716-0001
Email: slawrence@ncdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/15/2021	<u>1</u>	PETITION for Writ of Habeas Corpus filed by Clifton William Batts. (Attachment: # <u>1</u> Documents in Support) (Received at Raleigh Intake Office.) (Indig, A.) (Entered: 11/15/2021)
11/15/2021		Filing fee received: \$ 5, receipt number RAL088472 (Lopez, R.) (Entered: 11/15/2021)
11/15/2021	<u>2</u>	Letter regarding case opening sent to petitioner via US Mail. (Lopez, R.) (Entered: 11/15/2021)
11/15/2021		Case Submitted to Chief Judge Richard E. Myers II for initial review. As soon as review is completed by the court, an order will enter and the next appropriate step will be taken. (Lopez, R.) (Entered: 11/15/2021)
12/17/2021	<u>3</u>	Letter from Clifton W. Batts requesting status update of case. Courtesy copy of docket sheet sent in SASE provided by petitioner. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 12/17/2021)
01/03/2022	<u>4</u>	Letter from Clifton W. Batts requesting status update of case. Courtesy copy of docket sheet sent in SASE provided by petitioner. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 01/03/2022)
01/10/2022	<u>5</u>	Document in Support regarding <u>1</u> Petition for Writ of Habeas Corpus filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 01/10/2022)
01/10/2022	<u>6</u>	Letter from Clifton W. Batts requesting status update of case. Courtesy copy of docket sheet sent to petitioner in SASE provided. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 01/10/2022)

01/20/2022	<u>7</u>	MOTION (Petitioner Writ of Habeas Corpus) to Expedite filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Additional attachment(s) added on 2/1/2022: # <u>2</u> Corrected Petition with signature) (Lopez, R.). (Entered: 01/20/2022)
01/20/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>7</u> MOTION to Expedite. (Lopez, R.) (Entered: 01/20/2022)
01/20/2022	<u>8</u>	Letter from Clifton W. Batts requesting status update of case. Response letter has been mailed to petitioner via US Mail. (Attachments: # <u>1</u> Envelope, # <u>2</u> Response to request) (Lopez, R.) (Entered: 01/20/2022)
01/21/2022	<u>9</u>	ORDER OF DEFICIENCY regarding <u>7</u> MOTION to Expedite filed by Clifton William Batts. The filing is not signed. Plaintiff is DIRECTED to correct the deficiencies listed and return the corrected papers within 21 days from the filing of this order. Responses due by 2/11/2022. Signed by Magistrate Judge Robert B. Jones, Jr. on 1/21/2022. Copy of order and document sent to petitioner via US Mail. (Lopez, R.) (Entered: 01/21/2022)
01/26/2022	<u>10</u>	MOTION to Appoint Counsel filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Additional attachment(s) added on 2/9/2022: # <u>2</u> Signed motion, # <u>3</u> Envelope) (Lopez, R.). (Entered: 01/26/2022)
01/26/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>10</u> MOTION to Appoint Counsel. (Lopez, R.) (Entered: 01/26/2022)
01/26/2022	<u>11</u>	Letter from Clifton W. Batts requesting status of case. Courtesy copy of docket sheet sent to petitioner in SASE provided. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 01/26/2022)
01/27/2022	<u>12</u>	ORDER OF DEFICIENCY regarding <u>10</u> MOTION to Appoint Counsel filed by Clifton William Batts. The filing is not signed. Petitioner is DIRECTED to correct the deficiencies listed above and return the corrected papers within twenty-one (21) days from the filing of this order. Responses due by 2/17/2022. Signed by Magistrate Judge Robert B. Jones, Jr. on 1/27/2022. Copy of order and document sent to petitioner via US Mail. (Lopez, R.) (Entered: 01/27/2022)
02/01/2022	<u>13</u>	Notice and Request for Order regarding <u>1</u> Petition for Writ of Habeas Corpus filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/01/2022)
02/07/2022	<u>14</u>	Notice and Request for Order of Writ of Habeas Corpus filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/07/2022)
02/07/2022	<u>15</u>	MOTION of Request for Ruling filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/07/2022)
02/07/2022	<u>16</u>	MOTION for Notice and Request of Order filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/07/2022)
02/07/2022	<u>17</u>	MOTION for Writ of Mandamus filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/07/2022)
02/07/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>15</u> MOTION of Request for Ruling, <u>16</u> MOTION for Notice and Request of Order, <u>17</u> MOTION for Writ of Mandamus. (Lopez, R.) (Entered: 02/07/2022)
02/09/2022	<u>18</u>	ORDER - The court: DENIES the motion to appoint counsel [D.E. 10]; DENIES AS MOOT the motions seeking to expedite review [D.E. 7, 15, 16]; DENIES the motion seeking a writ of mandamus [D.E. 17]; ALLOWS the action to proceed; and DIRECTS the clerk to continue management of the case. Signed by Chief Judge Richard E. Myers II on 2/9/2022. Copy of order sent to plaintiff via US Mail. (Lopez, R.) (Entered: 02/09/2022)
02/09/2022	<u>19</u>	Letter sent to NC Department of Justice Office, with Petition for Writ of Habeas Corpus. Answers due by 3/21/2022. (Lopez, R.) (Entered: 02/09/2022)
02/16/2022	<u>20</u>	Letter from Clifton W. Batts requesting status update. Courtesy copy of docket sheet sent to petitioner via US Mail. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 02/16/2022)

02/17/2022	21	Motion for reconsideration for appointment of counsel filed by Clifton William Batts. (Attachments: # 1 IFP in support of motion, # 2 Trust Fund pages, # 3 Envelope) (Lopez, R.) (Entered: 02/17/2022)
02/17/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding 21 MOTION for Reconsideration: (Lopez, R.) (Entered: 02/17/2022)
02/28/2022	22	Notice of Appearance filed by Sherri Horner Lawrence on behalf of State of North Carolina. (Lawrence, Sherri) (Entered: 02/28/2022)
03/14/2022	23	Letter from Clifton William Batts requesting the status of the case. (Attachment: # 1 Envelope) Copy of docket sheet was sent on 2/16/22. Docket sheet from that date forward sent to petitioner via US Mail. (Indig, A.) (Entered: 03/14/2022)
03/18/2022	24	MOTION for Extension of Time to File Answer regarding 1 Petition for Writ of Habeas Corpus filed by State of North Carolina. (Attachments: # 1 Text of Proposed Order) (Lawrence, Sherri) (Entered: 03/18/2022)
03/18/2022		Motion Referred to Peter A. Moore, Jr., Clerk of Court regarding 24 MOTION for Extension of Time to File Answer regarding 1 Petition for Writ of Habeas Corpus. (Lopez, R.) (Entered: 03/18/2022)
03/18/2022	25	ORDER granting 24 Motion for Extension of Time to Answer. State of North Carolina answer due 4/20/2022. Signed by Peter A. Moore, Jr., Clerk of Court on 3/18/2022. Copy of order sent to petitioner via US Mail. (Lopez, R.) (Entered: 03/18/2022)
04/08/2022	26	ORDER denying 21 Motion for Reconsideration for appointment of counsel. Signed by Chief Judge Richard E. Myers II on 4/8/2022. Copy of order sent to petitioner via US Mail. (Lopez, R.) (Entered: 04/08/2022)
04/19/2022	27	MOTION for Extension of Time to File Answer regarding 1 Petition for Writ of Habeas Corpus filed by State of North Carolina. (Attachments: # 1 Text of Proposed Order) (Lawrence, Sherri) (Entered: 04/19/2022)
04/19/2022		Motion Referred to Peter A. Moore, Jr., Clerk of Court regarding 27 MOTION for Extension of Time to File Answer regarding 1 Petition for Writ of Habeas Corpus. (Lopez, R.) (Entered: 04/19/2022)
04/19/2022	28	ORDER granting 27 Motion for Extension of Time to Answer regarding 1 Petition for Writ of Habeas Corpus. State of North Carolina answer due 5/2/2022. Signed by Peter A. Moore, Jr., Clerk of Court on 4/19/2022. Copy of order sent to petitioner via US Mail. (Lopez, R.) (Entered: 04/19/2022)
04/25/2022	29	MOTION for Delayed by State of North Carolina filed by Clifton William Batts. (Attachments: # 1 Envelope) (Lopez, R.) (Entered: 04/25/2022)
04/25/2022	30	MOTION (Declaration) for Entry of Default filed by Clifton William Batts. **PLEASE REFER TO ATTACHMENT: WRONG MOTION WAS ORIGINALLY DOCKETED** (Attachments: # 1 Envelope) (Lopez, R.) (Additional attachment(s) added on 4/25/2022: # 2 Correct Motion for Default) (Lopez, R.). Modified on 4/25/2022 (Lopez, R.) (Entered: 04/25/2022)
05/02/2022	31	Answer RESPONSE to 1 Petition for Writ of Habeas Corpus by State of North Carolina. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	32	MOTION for Summary Judgment filed by State of North Carolina. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	33	Statement of Material Facts regarding 32 MOTION for Summary Judgment filed by State of North Carolina. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	34	Appendix to the Statement of Facts regarding 32 MOTION for Summary Judgment filed by State of North Carolina. (Attachments: # 1 Exhibit 1. North Carolina Court of Appeals Record on Appeal, No. COA19-1100 (Redacted), # 2 Exhibit 2. Petitioners North Carolina Court of Appeals Brief, No. COA19-1100, # 3 Exhibit 3. State of North Carolina's Court of Appeals Brief, No. COA19-1100, # 4 Exhibit 4. Petitioners North Carolina Court of Appeals Reply Brief, No. COA19-1100, # 5 Exhibit 5. North Carolina Court of Appeals Opinion, State v. Batts, No. COA19-1100, 2020 N.C. App.

		LEXIS, 657 (N.C. Ct. App. Sept. 15, 2020) (unpublished), # 6 Exhibit 6. North Carolina Court of Appeals Docket Sheet, No. COA19-1100, # 7 Exhibit 7. North Carolina Supreme Court Docket Sheet, No. 450P20, # 8 Exhibit 8. Petitioners Petition for Discretionary Review, No. 450P20, # 9 Exhibit 9. States Response to Petition for Discretionary Review, No. 450P20, # 10 Exhibit 10. Petitioners Motion to Withdraw Petition for Discretionary Review, No. 450P20, # 11 Exhibit 11. North Carolina Supreme Courts Order Allowing Petitioners Motion to Withdraw, No. 450P20, # 12 Exhibit 12. Petitioners Trial Transcript, Volume 1 (pages 1-168) (Redacted), # 13 Exhibit 13. Petitioners Trial Transcript, Volume 2 (pages 169-410) (Redacted), # 14 Exhibit 14. Petitioners Trial Transcript, Volume 3 (pages 411-601) (Redacted), # 15 Exhibit 15. Petitioners Trial Transcript, Volume 4 (pages 602-835) (Redacted), # 16 Exhibit 16. Petitioners Trial Transcript, Volume 5 (pages 836-947) (Redacted), # 17 Exhibit 17. Petitioners 11/06/2018 Pre-Trial Hearing Transcript (pages 1-29), # 18 Exhibit 18. Petitioners 12/04/2018 Pre-Trial Hearing Transcript (pages 1-46)) (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>35</u>	Memorandum in Support regarding <u>32</u> MOTION for Summary Judgment, <u>34</u> Appendix to the Statement of Facts,,,,,, <u>31</u> Response to Habeas Petition, <u>33</u> Statement of Material Facts filed by State of North Carolina. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>36</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Petitioner Clifton William Batts, Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>37</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Petitioner Clifton William Batts, Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>38</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Petitioner Clifton William Batts, Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>39</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Petitioner Clifton William Batts, Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>40</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>41</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by State of North Carolina (available to: Petitioner Clifton William Batts, Respondent State of North Carolina) regarding <u>35</u> Memorandum in Support,. (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>42</u>	MOTION to Seal <u>41</u> PROPOSED SEALED Exhibit, <u>38</u> PROPOSED SEALED Exhibit, <u>39</u> PROPOSED SEALED Exhibit, <u>37</u> PROPOSED SEALED Exhibit, <u>40</u> PROPOSED SEALED Exhibit, <u>36</u> PROPOSED SEALED Exhibit filed by State of North Carolina. (Attachments: # <u>1</u> Text of Proposed Order) (Lawrence, Sherri) (Entered: 05/02/2022)
05/02/2022	<u>43</u>	Memorandum in Support regarding <u>42</u> MOTION to Seal <u>41</u> PROPOSED SEALED Exhibit, <u>38</u> PROPOSED SEALED Exhibit, <u>39</u> PROPOSED SEALED Exhibit, <u>37</u> PROPOSED SEALED Exhibit, <u>40</u> PROPOSED SEALED Exhibit, <u>36</u> PROPOSED SEALED Exhibit filed by State of North Carolina. (Lawrence, Sherri) (Entered: 05/02/2022)
05/03/2022	<u>44</u>	Roseboro Letter – Right to Respond regarding <u>32</u> MOTION for Summary Judgment sent to petitioner via US Mail. Responses due by 5/23/2022. (Lopez, R.) (Entered: 05/03/2022)
05/03/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>42</u> MOTION to Seal <u>41</u> PROPOSED SEALED Exhibit, <u>38</u> PROPOSED SEALED Exhibit, <u>39</u> PROPOSED SEALED Exhibit, <u>37</u> PROPOSED SEALED Exhibit, <u>40</u> PROPOSED SEALED Exhibit, <u>36</u> PROPOSED SEALED Exhibit . (Lopez, R.) (Entered: 05/03/2022)
05/27/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>29</u> MOTION for Delayed by State of North Carolina, <u>30</u> MOTION for Entry of Default, and <u>32</u>

		MOTION for Summary Judgment : (Lopez, R.) (Entered: 05/27/2022)
06/01/2022	<u>45</u>	Petitioner's Traverse to Response to Order to Show Cause filed by Clifton William Batts. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Table of Cases, # <u>3</u> Appendix of Material, # <u>4</u> Supporting Material, # <u>5</u> Envelope) (Lopez, R.) (Entered: 06/01/2022)
06/06/2022	<u>46</u>	Opposition to a Motion to Dismiss or Deny Answer filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 06/06/2022)
06/07/2022	<u>47</u>	Letter from Clifton William Batts requesting the status of the case. (Attachments: # <u>1</u> Envelope, # <u>2</u> Response Letter) (Indig, A.) (Entered: 06/07/2022)
06/21/2022	<u>48</u>	Letter from Clifton William Batts requesting status update of case. Courtesy copy of docket sheet sent to petitioner via US Mail. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 06/21/2022)
06/24/2022	<u>49</u>	Document: "Writ of Mandamus" filed by Clifton William Batts. (Attachment: # <u>1</u> Envelope) (Indig, A.) (Entered: 06/24/2022)
07/29/2022	<u>50</u>	MOTION for Notice and Request of Order filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 07/29/2022)
08/01/2022	<u>51</u>	MOTION for Writ of Mandamus 28 U.S.C. § 1361 and Notice of request of order or enforcement filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 08/01/2022)
08/05/2022	<u>52</u>	MOTION to Appoint Counsel filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 08/05/2022)
08/05/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>52</u> MOTION to Appoint Counsel. (Lopez, R.) (Entered: 08/05/2022)
08/12/2022	<u>53</u>	MOTION to Appoint Counsel filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 08/12/2022)
08/12/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>53</u> MOTION to Appoint Counsel. (Lopez, R.) (Entered: 08/12/2022)
08/22/2022		Motions Submitted to Chief Judge Richard E. Myers II regarding <u>51</u> MOTION for Writ of Mandamus, <u>50</u> MOTION for Notice and Request of Order. (Lopez, R.) (Entered: 08/22/2022)
08/31/2022	<u>54</u>	MOTION for Request for Appointment of Counsel filed by Clifton William Batts. (Attachments: # <u>1</u> Envelope) (Lopez, R.) (Entered: 08/31/2022)
08/31/2022		Motion Submitted to Chief Judge Richard E. Myers II regarding <u>54</u> MOTION for Request for Appointment of Counsel. (Lopez, R.) (Entered: 08/31/2022)
09/21/2022	<u>55</u>	Letter from Clifton Batts requesting a status report and copy of the docket sheet. Response letter sent with a courtesy copy of the docket sheet to petitioner via US Mail. (Attachments: # <u>1</u> Envelope, # <u>2</u> Response letter sent via US Mail.) (Lopez, R.) (Entered: 09/21/2022)

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501, Richmond, Virginia 23219

July 7, 2022

CERTIFICATE OF SERVICE

RECEIVED
2022 JUL 14 PM 2:03
FOURTH CIRCUIT

No. 22-1692, In re: Clifton Batts
5:21-hc-02239-M

I certify that my petition for writ of mandamus / prohibition was served as follows:

(provide date of service) 6-17-2022

(select manner of service) [☒] by mail; [☐] by commercial carrier; [☐] in person

(provide name(s) and address(es) of trial court judge and/or parties served):

Chief Judge Richard Myers ET UNITED STATES

DISTRICT COURT EASTERN DISTRICT OF N.C.

P.O Box 25670 Raleigh, N.C. 27611,

/s/ SHERRI HORNER LAWRENCE N.C.

Department of Justice P.O Box 629

Raleigh, N.C. 27602, Clerk Office

U.S. Court of Appeals RICHMOND, VA 23219.

CLIFTON WILLIAM BATTIS

Clifton W. Batts

Signature

7-11-2022
Date

UNPUBLISHED

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

No. 22-1692

In re: CLIFTON WILLIAM BATTS,

Petitioner.

On Petition for Writ of Mandamus. (5:21-hc-02239-M)

Submitted: July 21, 2022

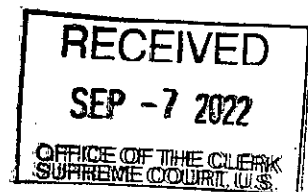
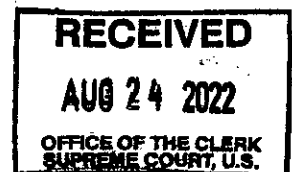
Decided: August 8, 2022

Before HARRIS, QUATTLEBAUM, and HEYTENS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Clifton William Batts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.



PER CURIAM:

Clifton William Batts petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on his 28 U.S.C. § 2254 petition. He seeks an order from this court directing the district court to act. The present record does not reveal undue delay in the district court. Accordingly, we deny the mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED

FILED: August 8, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1692
(5:21-hc-02239-M)

In re: CLIFTON WILLIAM BATTS

Petitioner

J U D G M E N T

In accordance with the decision of this court, the petition for writ of
mandamus is denied.

/s/ PATRICIA S. CONNOR, CLERK

FILED: August 8, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1692
(5:21-hc-02239-M)

In re: CLIFTON WILLIAM BATTS

Petitioner

J U D G M E N T

In accordance with the decision of this court, the petition for writ of
mandamus is denied.

/s/ PATRICIA S. CONNOR, CLERK