

CASE NO. 22-6206

In The United States Supreme Court

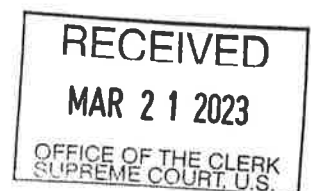
Albert HOLLAND, Jr.  
Petitioner,

vs.

State of Florida  
Respondent.

Reply Brief To The State OF Florida's  
Brief IN Opposition

Albert HOLLAND, Jr. D.O.C. #122651  
Pro Se  
UNION CORRECTIONAL INSTITUTION  
P.O. Box 1000,  
RAIFord, Florida 32083



## Holland's Reply Brief Arguments

(1) on March 7, 2023 Holland received a copy of the State's Brief in opposition which was filed on February 17, 2023, but postmarked March 2, 2023.

(2) on page # 13 of their brief the State argues "He then addresses the 11<sup>th</sup> circuit's 2020 denial of his application to file a second - successive habeas petition, arguing that the court's denial was wrong since the case it relied on United States v. Cotton 535 U.S. 625 (2002), did not come out until after his case was final, meaning that the indictment in his case did affect the state court's jurisdiction.... To the extent that this petition can be construed as a challenge to either or both the 2014 or 2020 11<sup>th</sup> circuit cases, Holland is time-barred from raising them now in this current petition....

(See Sup. court R. 13, allowing 90 days to file a certiorari petition in the Scotus seeking review of a judgment from a United States Court of Appeals).

But

Holland did seek certiorari review of the 11<sup>th</sup> circuit's 2014 decision but the writ of certiorari was denied by the Scotus on November 30, 2015. See Holland v. Florida, 577 U.S. 1021 (2015), on page #4 of the State's

Brief IN opposition.

Holland raised that argument in his Petition For a writ of certiorari only to show a "defect in the Integrity of the 11<sup>th</sup> circuit court's appellate proceedings."

Also

Pursuant to 28 U.S.C. §§ 2244(b)(3)(E) of the AEDPA of 1996 "The grant or denial of an authorization by a court of appeals to file a second-successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari."

The Law did not allow Holland to file a writ of certiorari. The 11<sup>th</sup> circuit court of appeals was the highest appellate court Holland could petition for relief, thus, their decision in February, 2020 is the "Law of this case." The 11<sup>th</sup> circuit's decision is also proof that Holland filed a "True" Rule 60(b)(4) motion in the District Court (Miami) attacking the void Armed robbery judgment; the void Attempted murder judgment; and the court's lack of jurisdiction as stated in Gonzalez v. Crosby, 545 U.S. 524 (2005).

The district court should not have denied Holland's motion nor denied Holland a COA.

Pursuant to SCOTUS Rule 15, instead of pointing out misstatements of fact or law in

Holland's petition for a writ of certiorari, the state has made misstatements of fact and law.

(3) on page #6 of their brief the state stated "In 2021 Holland filed a petition under the guise of a rule 60(b) motion in the southern district of Florida. That petition argued substantially the same issues that he tried to raise in the 2017 petition and in his application for a COA in 2020."

That is not true. Holland's rule 60(b)(4) motion was limited to:

- A) Holland's trial was void;
- B) The armed robbery judgment is void;
- C) The attempted murder judgment is void;
- D) Trial court lacked jurisdiction (absence of jurisdiction can be raised at any stage of the proceedings; IF court lacks jurisdiction it's proceeding is a nullity; which also means every court thereafter lacks jurisdiction. See McCordle, 19 L. ed. 264 (1869); 7 Wall 506.

IF necessary compare the rule 60(b)(4) motion with what Holland filed in the year 2017 and the year 2020.

Thus, Holland's rule 60(b)(4) motion was not a habeas claim.

The district court never inquired as to the jurisdiction of the lower state courts,

Failing to Follow proper procedures in making the relevant determinations.  
Abusing its discretion.

(4) The State of Florida refuses to acknowledge that the 11th Circuit Court of Appeals has decided important Federal questions in a way that conflicts with relevant decisions of the SCOTUS and also has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this SCOTUS' supervisory power to prohibit the lower courts from acting extrajurisdictionally by reversing their extrajurisdictional acts as has occurred in Holland's case as demonstrated in his petition for a writ of certiorari before this Honorable Court.

(5) pursuant to the case-or-controversy requirement, the constitution requires a Federal court in order to hear a case, the case must involve an actual dispute. The 11th circuit's overruling Ex parte Bain with Cotton, supra was a ruling on the merits. A definitive determination of the law on the facts of this case. Thus, there's no dispute or controversy.

(6) Pursuant to the mootness doctrine American courts will not decide moot cases — that is, cases in which there is no longer any actual controversy.

### Conclusion

Based on the foregoing arguments and authorities in this Reply Brief, Holland respectfully requests that this Honorable Scotus grant Holland's request for certiorari review.