

APR 13 2022

OFFICE OF THE CLERK

No. 22-6237

IN THE
SUPREME COURT OF THE UNITED STATES
APPLICATION NO. 21A468

ORLANDO DEAN HOBBS — PETITIONER
(Your Name)

vs.

CLINTON BRYANT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

WESTERN DISTRICT OF TENNESSEE (Jackson)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ORLANDO DEAN HOBBS
(Your Name)

1165 Stigall Road
(Address)

ORIGINAL

Camden, TN 38320
(City, State, Zip Code)

17314410403
(Phone Number)

RECEIVED
APR 19 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Was the Habeas Corpus in this case Effectively Suspended in this case? when the officers of the courts knew the petitioner's civil rights were restored?

This petition for a writ of certiorari presents a novel question, of statutory interpretation concerning the {Any conviction which has been ... had ... or has had] ... a question law requirement for the charging officer to perform?

Was the United States required by Title 18, U.S.C. Section 922(g) bound by 18 U.S.C. 921(a)(20) to certify documents containing information, containing successful completion of sentences (i.e., parole, paid fines, restitutions, probation, restoration of firearm rights, pardons, etc.) before filing indictment with a grand jury?

Was the Due Process Clause(s) pursuant to the Fourteenth Amendment and or the Fifth Amendment of the United States Constitution procedurally infringed when the officers of the court knew they did decline to exec 18 U.S.C. 921(a)(20)'s statute's intent and interpretation of the plain meaning of Section 921(a) [(20)]?

Is this case, and cases alike, to assume, that no officer of the court are aware of the laws related to 18 U.S.C Sections, 921(a)(20), 922(g)(1), and 924(e)(1) and the state offenses and [convictions to transpose to the required certified documents related to felons in possession of firearms? Would it contravene due process and equal protections under Law?

LIST OF PARTIES

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

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:

West & West, Attorneys
Steven L. West, Esq.,
P.O. Box 687
Huntingdon, TN 38344
(731) 986-5551

Office of U.S. Attorney Office
William J. Morrow, USA
Richard L. Grinalds, AUSA
Western District of Jackson
109 S. Highland Avenue # 300
Jackson, TN 38301
(731) 422-6220

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	18
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	20
STATEMENT OF THE CASE	21
REASONS FOR GRANTING THE WRIT	22
CONCLUSION.....	23

INDEX TO APPENDICES

APPENDIX A

Minnesota Sentence Expiration & Restoration of Civil Rights, February 15, 1995

APPENDIX B

Application for Extension of Time, Granted, Justice Kavanaugh, March 21, 2022/ April 14, 2022

APPENDIX C

6th Circuit's Order, November 15, 2021

APPENDIX D

Middle District of Tennessee's Memorandum & Order, March 5, 2021

APPENDIX E

Middle District of Tennessee's Memorandum & Order, January 27, 2021

APPENDIX F

6th Circuit's Order, October 6, 2020

APPENDIX G

BOP Administrative Remedy, No. 1002953-F1, March 11, 2020, ORDER

APPENDIX H

Petitioner's Request for Administrative Remedy

APPENDIX I

U.S. District Court, Criminal Docket, No. 1:08-Cr-10075JDB-1, September 21, 2021

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
United States v. Burleson, 657 F.2d 1040 (4th Cir. 2016)	
United States v. Haynes, 961 F.2d 50 (4th Cir. 1992)	
Dretke v. Haley, 541 U.S. 386 (2004)	
United States v. Sonczalla, 561 F.3d 842 (8th Cir. 2009), cert. denied.	
Walker v. United States, No. 14-5703 (6th Cir. 2015)	
United States v. Ramos, 961 F.2d 1003 (1st Cir. 1992), cert. denied.	
United States v. Cardwell, 967 F.2d 1349 (9th Cir. 1992)	
United States v. Cassidy, 899 F.2d 543 (6th Cir. 1993)	
Blum v. Stenson, 465 U.S. 886 (1984)	
In re Vause, 886 F.2d 794 (6th Cir. 1989)	
Walker v. United States, No. 14-5703 (6th Cir. 2015)	
Beechman v. United States, 511 U.S. 368 (1994)	
STATUTES AND RULES	
18 U.S.C. Section 921(a)(20)	
18 U.S.C. 922(g)(1)	
18 U.S.C. 924e (1)	
609.245 Aggravated robbery (1992 Revision)	
Minn. Stat. 609.165 (Simple Robbery) (1992)	
OTHER	
Minn. Stat. 624.714, subd. 22 (2018)	
Minn. Stat. 624.714, subd. 1a (2018)	
Minn. Stat. 609.165	
Minn. Stat. subd. 1 (1993)	

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 Appendix B ; 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 D to the petition and is

reported at _____ ; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

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

[] reported at _____ ; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

[] reported at _____ ; 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 November 15, 2021.

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 April 14, 2022 (date) on March 21, 2022 (date) in Application No. 21 A 468.

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 _____.
A copy of that decision appears at Appendix _____.
 A timely petition for rehearing was thereafter denied on the following date: _____, 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 _____ (date) on _____ (date) in Application No. 21 A 468.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article I, Section 9, Clause 2

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.

U.S. Const. Fifth Amendment

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, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. Fourteenth Amendment Section 1

All persons 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 shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

18 U.S.C. 921(a)(20)

(20) The term "crime punishable by imprisonment for a term exceeding one year" does not include— (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

18 U.S.C. 922(g)(1)

(g) It shall be unlawful for any person— (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.

18 U.S.C. 924(e) (1)

In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious ... committed on occasions different from one another

STATEMENT OF THE CASE

STATEMENT OF THE CASE

Orlando Dean Hobbs was convicted of a few Minnesota felony offenses in 1979 and 1992. Based on those convictions, Hobbs pled guilty in 2009 to possession of a firearm by a convicted felon, 18 U.S.C. Section 922(g), and was sentenced to a 180 month term of imprisonment, as an Armed Career Criminal Act ("ACCA"), 18 U.S.C. Section 924(e). Made aware, Hobbs was informed by counsel that his 1979 Minnesota aggravated robbery, and his two Minnesota simple robberies, he could be used to enhance a sentence if convicted to life in prison. As recommended and instructed by attorney West, Hobbs entered into a plea agreement with the AUSA, and changed his not guilty plea to guilty. According to Hobbs, because his civil rights were actually restored --Hobbs was not served a copy of the Notice, Appendix A his civil rights were restored fully restored after completion of ten years on his 1979, on the Minnesota state aggravated robbery offense. Appendix A.

On or about March 10, 2008, Orlando Hobbs stopped and was arrested by ~~Brucce~~ ~~Ton~~ state police during a traffic stop. The police discovered a firearm. Hobbs was subsequently indicted by a federal grand jury, after the state dropped the possession charge, charge for federal prosecution, he was subsequently indicted by a federal grand jury for convicted felon, see 18 U.S.C. Section 922(g), and a subsequently information was filed as an armed career criminal, 18 U.S.C. Section 924(e).

Unaware, and not informed by any of the three officers of the court, nor the State of Minnesota, Department of Corrections, Hobbs changed his plea from not guilty to guilty after he, years later became aware the state had restored his civil rights on February 15, 1995, and that he had in fact completed ten years of clear conduct. Hobbs received a copy of the expiration of sentence and restoration of civil rights on November 15, 2019, id., Appendix A, not realizing his previously civil filings (i.e., 2255, 2241, 3582(c), administrative remedy procedures by and through the BOP and the United States Attorney General), he had pled guilty and was not a armed career offender. Yet, the officers of the court knew.

REASONS FOR GRANTING THE PETITION

A prisoner generally may not raise a procedurally defaulted claim on habeas corpus unless he establishes both "cause" for the default and "actual prejudice" from the asserted error. There is, however, a narrow exception to that rule in the rare situation where the prisoner can show that he is "actually innocent." Because a prisoner's innocence of the crime of which he was convicted is both a compelling injustice and an extremely rare occurrence, allowing collateral review in that circumstance appropriately balances society's interest in finality, comity, and conservation of judicial resources and the individual's interest in avoiding a fundamentally unjust incarceration and his current restraints under federal supervision.

This case presents the question whether the actual innocence and or the wrongful imprisonment of 180 month exception should be extended to the situation where a prisoner claims innocence of a noncapital sentence. It should not, should it?

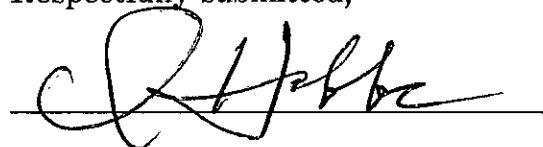
This case presents important questions touching the federal habeas corpus jurisdiction, 28 U.S.C. § 2241 et seq., in its relation to state criminal justice. The narrow question is whether he may be granted federal habeas corpus relief from judgment, and supervised release, for, that is, [the officers of the court] were aware that his civil rights were restored. Petitioner contends they knew all the laws, both state and federal, suspending the habeas corpus writ to which afforded him all the protection under color of law and equal protection; as well as, due process afforded once he was officially arrested and detained to present in federal custody?

Statutory Interpretation: Should the plain meaning of 18 U.S.C. 921(a)(20), been applied in this case, to the time in which the right were restored, to cases that overlooked, or failed to confirm all prior convictions were not [] restored, or expugned, or pardoned?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Hobbs", is written over a horizontal line.

Date: 04/13/2022