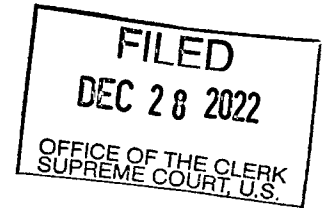


2-6499
No. _____

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

William B. Thornton-Bey — PETITIONER
(Your Name)

vs.

Warden USP Allen Ward — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United State Court of Appeals for The Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

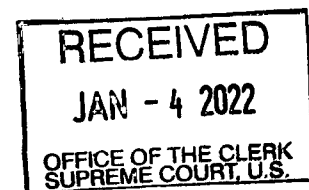
PETITION FOR WRIT OF CERTIORARI

William B. Thornton-Bey
(Your Name)

USP Allen Ward P.O. Box 3000
(Address)

W.D. Pa. 17887
(City, State, Zip Code)

(570) 547-0763
(Phone Number)



QUESTION(S) PRESENTED

1. Is 21 years of unlawful custody a Due Process Rights violation.
2. Why didn't the District Court GRANT petitioner relief to 2241 the court DEEMED petitioner was entitled to after ORDER of May 17, 2021 of preliminary review. Appx-B
3. Can the burden of USP Allenwood (BOP) continue to hold petitioner in custody after 21 years, of never obtaining the primary Jurisdiction (legal custody). That's needed to imprison anyone according to 18 USC 3585(c) Custody.

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:

RELATED CASES

1. State of Illinois v. Thornton DeJuan #02111353601
2. State of Illinois v. Thornton DeJuan 02-CR-9711 Nolle Prosequi
3. U.S.A v. Thornton DeJuan 02-CR-0444 Judgment Entered Jan 29, 03
U.S. District Court Northern District of Illinois Eastern Division
4. U.S.A v. Thornton-Bey 03-1407 U.S. Court of Appeals Seventh Cir Judgment
Entered Oct 2003
5. U.S.A v. Thornton-Bey 08-CV-3999, 12-CV-4535, 14-CV-2723 U.S. District
Court Northern District of Illinois Eastern Division Judgment All Denied
6. U.S.A v. Thornton-Bey 08-CV-3999, 12-CV-4535 U.S. Court of Appeals Seventh
Circuit Denied cases.
7. U.S.A v. Thornton-Bey 13-3698, 13-3741, 14-2656 U.S. Court of Appeals 7th
Circuit Judgment All Denied
8. U.S.A v. Thornton-Bey 14-2934, 14-3538 U.S. Court of Appeals 7th Circuit
Judgment Denied
9. U.S.A v. Thornton-Bey 16-CV-5532 U.S. District Court Northern District
of Illinois Eastern Division Judgment Entered ~~March 13, 2019~~ Jan 14, 2019

10. U.S.A V. Thornton-Bey 19-1404 U.S. Court of Appeals Seventh Cir -
Joint Judgment Entered March 15, 2021

11. L.J. ODDO V. Thornton-Bey 17-CV-1392 U.S. District Court MD-PA
Judgment Entered Oct 17, 2017

12. U.J. ODDO V. Thornton-Bey U.S. District Court MD PA Motion for Reconsider-
ation Judgment Entered Dec 6, 2017

13. ~~WARDEN~~ V. Thornton-Bey 21-CV-0874 U.S. District Court MD PA Judgment
Entered May 27, 2022

14. ~~WARDEN~~ of USP Allenwood 22-2147 U.S. Court of Appeals Third Circuit
Judgment Entered Sept 29, 2022

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(1) make false statements of facts or law to a tribunal or fail to correct	
a false statement of manifest fact or law previously made to the tribu	4 pN

OTHER

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 A 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 United States district court appears at Appendix B-C 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 Sept 29, 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: _____, 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. ____ 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 _____.
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. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Due Process 5th Amendment Right

28 USC 2241

725 ILCS 5/109.3

725 ILCS 5/111.2

18 USC 3585(a) Custody

X. Governing 2254 P(4) Preliminary Review

X. Governing 2254 P(5) Answer Allegations

Rule 3.3 sends forward tribunal

STATEMENT OF THE CASE

Petitioners claim simply stated petitioner has been "illegally imprisoned" for 21 years by the BLP, when the federal government failed to obtain primary jurisdiction (legal custody) that is need to enforce execute enforce execute enforce and execute a federal sentence. According to 18 USC 3585(a).

AUSA M. Swanger distorted the FACTS stating that Petitioners 2241 allege. 1) the District Court of the Northern of Illinois was "without JURISDICTION" to sentence petitioner. And 2) that petitioner was "LOANED" to the Illinois District Court from Cook County Illinois, and sentence.

Both of these statements are "FALSE" and a deliberate attempt to make petitioners 2241 appear to be a 2255 issue. See Appx-F; 1 Introduction. Violations Rule 3:361(c) Gender Toward Tribunal

But AUSA M. Swanger did admit that the federal government did not have or never obtained primary jurisdiction,

(legal custody) necessary to enforce execute enforce execute
enforce execute a federal sentence according to 18 USC 3585(a).

AUSA M. Swanger admitted that the federal government
never "obtained" "legal custody" (primary jurisdiction) over petitioner,
when the claimed petitioner was "LOANED" to the District
Court from Cook County of Illinois. (State of Illinois). Appx-F 1 ^{see}

And if this was the case the first foreign to first
maintain (primary jurisdiction) legal custody over the Defendant.
Hampden v. L. J. OSDD case that was before this very court see
attached to Appx-F2 P2. Hampden was transferred (LOANED)
to the federal government pursuant to a writ of Habeas corpus ad
prosequendum, he nevertheless remained in the primary jurisdiction (legal
custody) of the State. See *Pios v. Wiley* 201 F3d 257, 274 (3rd Cir 2000), and
Rinick v. Hayden *Re Mahanoy* 2018 U.S. Dist. LEXIS 214011 case before
this very court. Christopher C. Conner see Appx F3 p3

But Petitioner was NEVER (LOANED) to the District Court in this case. See Appx-E Certified Docket Sheets proves it. May 2, 2002

On May 17, 2021 the Hon Court ORDERED the Respondent to "PROVE" how the federal government "obtained" (Primary Jurisdiction) legal custody that is necessary to enforce federal sentence according to 18 USC 3585(a) Custody: To imprisoned petitioner for the last 21 years. And to do so according to R. Governing 2254 Case R. 1(b), 5(b)-(d) (explaining required contents of answer and supporting material). Appx-B/5(b) Answer must address allegations Appx-F4

The Respondent has "FAILED" to prove that the State of Illinois (Cook County) "RELINQUISHED" its Primary Jurisdiction (legal custody) over petitioner according to the Primary Jurisdiction Doctrine.

Petitioner was arrested on Feb 25, 2002, for possession of
4/3) 10th bags of Heroin PCS and 1 UULH possession of 1 Gram. An
Arrest by complaint see Appx-E: Certified Docket Sheet.

On 4-12-2002 State filed an Indictment 02-9711 42 days
later which makes it VOID see Appx-E: Docket Sheet. The
indict was VOID because not filed within 30 days according to
State Sup.

Now according to State of Illinois a defendant is entitled
to a Preliminary Hearing ILCs 725/109-3 on and Indictment
according to ILCs 725/111-2 within 30 days, To establish "Probable
Cause" to further detain the defendant, see

March 30, 2002 Petitioner was being detained illegally by
the State of Illinois. 4th Amend Violation because no Probable Cause
was ever obtained to continue to detain Petitioner.

April 29, 2002 Petitioner filed a Motion to Dismiss charges on the grounds that ^{he} did not receive a Preliminary Hearing or Indictment within 30 days. The Judge "DENIED" the motion see Appx-E Docket Sheet.

On May 2, 2002 the Judge McSweeney Moore "ORDERED" petitioner to be Released to the Federal Government Authorities. See Appx-E, petitioner was taken from the Judge's courtroom downstairs and turned over to the ATF agents who was waiting.

And petitioner was taken to the District Court Federal Court before Judge Ivan H. Lewis on indictment 02-CR-0444 See Appx-F5. This is how the Federal Government Obtained "physical custody" of petitioner but not "legal custody".

On May 2, 2002 the Judge McSweeney "Changed Priority Status" see Appx-E. Seeking to Relinquish the States primary Jurisdiction.

The State of Illinois never Relinquished its Primary Jurisdiction (legal custody) according to the Primary Jurisdiction Doctrine.

Which is one of four ways 1) Bail 2) Parole and 3) Dismiss charges 4) Expiration of sentence. In petitioners case such Relinquishing would have taken place when petitioner filed his Motion to "Dismiss" charges on 4-29-2002.

And if Judge McSweeney Moore would have Dismissed the charges this would have Relinquish the States Primary Jurisdiction (legal custody). See Hanrahan v. L. J. O'DD of See Appx-F2P3. And *Ninick v. Warden's Misbehavior* 2018 U.S. District LEXIS 214011 (Dec 20, 2018 3rd Cir) both cases were before the court. Christopher C. Conner see Appx-F3P3

But Judge McSweeney Moore "DENIED" petitioners motion to Dismiss on 4-29-2002 See Appx-E Certified Packet Sheet

AUSA Lisa B. Jackson of Little Rock AR. June 30, 2000

When arguing for the Federal Government U.S. Attorneys. When she argued a State Judge does not have the "authority" to relinquish a States Primary Jurisdiction.

Such function is of the Executive branch not the Judicial branch. See Timothy James Dowdle Attached to petition Appx-1F6. The Appeals Court of the Eighth Circuit "AGREED".
217 F.3d 610; 2000 U.S. App LEXIS 15310

Timothy Dowdles case is somewhat exactly like petitioners case. The State judge made a notation on his criminal docket sheet that the state relinquished custody, to the federal Bureau of Prison (BOP). The BOP refused to accept custody. Mr Dowdles filed a motion asking the federal court to determine if he was in federal or state custody. The district court found that the state judges notation on Mr Dowdles docket sheet validly relinquished the states custody and the BOP had primary custody. The U.S. Attorney appealed it argued a State Judge lacked authority to relinquish states jurisdiction over Mr. Dowdle. The Appeals Court AGREED.

Appx-E

So in like matter when the State Judge on 5-2-2002 noted on petitioners docket sheet "Change Priority". And ORDERED petitioner to be turned over to the Federal Authorities ATF Agents downstairs. The State judge lacked authority, and the BOP has never had primary custody over petitioner according to 18 USC 3585(a) to imprison him for 21 years.

28 U.S.C. 2241 vests federal district courts jurisdiction to grant a writ of habeas corpus to a person in custody in violation of the Constitution, laws or treaties of the United States. 28 U.S.C. 2241(c)(3) Habeas corpus review under 2241 allows a federal prisoner to challenge the "execution" of sentence. *Klodall v. BOP* 432 F.3d 235, 241 (3rd Cir 2005).

Petitioner claims is that his Constitutional rights of "Due process" has been violated. Because the federal government by way of the BOP has imprisoned petitioner for 21 years without legal custody (primary jurisdiction). And in violation of 18 U.S.C. 3585 custody. See *Johnson v. A.G. 11 Warden* pg 3 of 1 883 F.3d 706; 2018 U.S. App LEXIS 3980 case attached to see Appx-F 2 P2. BOP must have physical and legal custody.

REASONS FOR GRANTING THE PETITION

The U.S. Court of Appeals For The Third Circuit has defined execution for purpose of 28 USC 2241 and its jurisdiction extending to claims concerning the execution of a federal inmate sentence, as meaning "to put into effect or carry out". *Cardona v. Warden, B.A. Bledsoe* (681 F.3d 533, 2012 U.S. App LEXIS 12353 3rd Cir 2012) Appx F8 p2. A Habeas petition may be brought by a prisoner who seeks to challenge the fact or duration of his confinement *Preiser v. Rodriguez* 411 U.S. 495, 93 S.Ct 1827, 36 L.Ed 439 (1973). Habeas Corpus relief is available only when prisoners "seek to invalidate the duration of their confinement- either directly through an injunction compelling speedier release or indirectly through a judicial determination that necessarily implies the unlawfulness of the government's custody". *Cooks v. Bradley* Citing *Wilkinson v. Dotson* 544 U.S. 74, 85, 125 S.Ct 1242, 161 L.Ed 2d 253 (2005) Appx F9 p1,2.

Writ of Habeas 2241 traditionally been to inquire into the legality of the detention, and the only judicial relief authorized was the DISCHARGE of the prisoner or his admission to bail, and that only if his detention were found to be unlawful. *Cooks v. Bradley*. Appx F9 p.1. The Warden of U.S. P Altonwood (BOP) never obtained legal custody of petitioner according to 18 USC 3585(a) Custody.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

DeJuan B. Thornton-Bey
in propria persona sui juris

Date: Dec 24, 2022