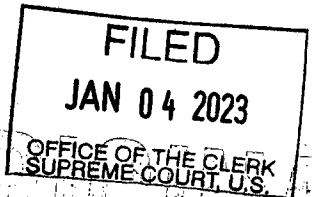


22-6604

No. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

DANIEL SHEEHAN — PETITIONER  
(Your Name)

vs.

SOLICITOR GENERAL — RESPONDENT(S)  
AS PER RULE 29(4)(a)

MANDAMUS  
ON PETITION FOR A WRIT OF ~~CERTIORARI~~ TO 3rd Circuit

No court will adjudicate Merits, They deny Jurisdiction.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

MANDAMUS  
PETITION FOR WRIT OF ~~CERTIORARI~~

DANIEL SHEEHAN  
(Your Name)

LSCI ALLENWOOD - Low - PO Box 1000  
(Address)

WHITE DEER, PA 17887  
(City, State, Zip Code)

INCARCERATED STATUS  
(Phone Number)

## QUESTION(S) PRESENTED

The petitioner respectfully assures the Honorable Supreme Court that this Mandamus issue exemplifies important questions that are in desperate need of guidelines for future resolution of similar cases, which effect the Constitutional Rights of thousands of incarcerated U.S. Citizens. Your intervention is necessary to assist the 3rd Circuit in exercising "Sound Judicial Discretion" in adjudicating 2241's. As to reinforce a cornerstone of the Federal Justice System, that Laws, Written by Congress and defined by the Supreme Court of the United States of America are to be enforced according to the terms of the statute and that alterations to a statute is strictly Legislative, thus, defending integrity.

Q: The Third Circuit has reduced the 2241 Gateway to qualify via 2255(e) to an impassable size through abuses of discretion in the creation of Dicta, that openly conflict with Statute Definitions, Supreme Court Rulings and simple logic.

EXAMPLES: (More details, supporting authority and summation are in the included Brief).

- 1) There are multiple differing 2255(e) criteria that are each stated to be the "Only" (emphasis added) qualifier for 2241 via 2255(e). By sheer definition, there cannot be more than one "Only". In the instant case, when the petitioner satiated Okereke's "Only", they dismissed Sheehan's Writ by quoting Cradle's "only". (Memorandum in brief on page \_\_\_\_).
- 2) Misinterpreting the Supreme Court's ruling in Dorsainvil, at least twice, combined with #1, supra, resulting in the "disposal of submissions" not "Fairly adjudicating constitutional claims in a judicial forum", per due process.

The 3rd Circuit rules via Dorsainvil, Actual Innocence is only a "Change in Law..."

The Supreme Court ruled in Dorsainvil, other wise, infra:

The 3rd Circuit adjudicates "Actual Innocence" as "Only a change in Law due to Newly discovered..."

The Supreme Court ruled Actual Innocence is in light of all the evidence, no juror would convict".

QUESTION: Who is right?

## 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:

Chief Judge Conner, 3rd Circuit Middle District of Pennsylvania, (Custody Court).

Solicitor General of the United States (as per Rule 29(4)(a))

## RELATED CASES

The petitioner could find no other cases with this many abuses of discretion, violations of Constitutional rights and Rulings in direct contradiction to established Federal Law, outside of China, Russia or N. Korea.

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

- APPENDIX A** Page 1) Opening Assertions of Constitutional Violations via Suppression of Writ  
by lower Courts.
- APPENDIX B** Page 2) Established Federal 2241 Statute, Law and supporting Authority, subsequently  
violated.
- APPENDIX C** Page 3) Erroneous transition to an unreasonable application of Established Federal Law,  
became 3rd Circuit Precedent.
- APPENDIX D** Pages 4-5) Examples from the instant case showing the objectively unreasonable lengths  
the 3rd Circuit will go to in order to maintains erroneous Circuit precedent.
- APPENDIX E** Page 6) Summation.
- APPENDIX F** Page 7) Mandamus Criteria met and closing requested relief.

## TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBER</u>
Brokerage Concepts V U.S. Health Care, 140 F.3d 494, 3rd Cir.Ct. of Appeals	6
Bruce V Warden Lewisburg, 868 F.3d at 178 (3d Cir. 2017)	1,3
Cheney V U.S. Dist. Ct. for D.C. 542 U.S. 380-81 (S.Ct. 2004)	2,3,7
Cradle V U.S., Ex rel Miner, 290 F.3d 536, 538, (3d Cir)	4,5
Dorsainvil 119 F.3d 245, 250, (3d Cir. 1997)	1,2,3
Harrison V Nelson, 394 US 286, 291, 221 L Ed 2d , 89 S.Ct. 1082 (1969)	2
Murray V Carrier, 477 U.S. 478, 495, 106 S.Ct. 2639, 91 L.Ed 2d 397 (1986)	6
Nelson V U.S. 394 U.S. at 291	6
Okereke V U.S., 307, F.3d at 120 (3d Cir 2002)	2,3,4,5
Ron Pair Ent V U.S., 489 US 235, 271, 109 S.Ct 1026, 1031,	2
Russel V Warden Allenwood, (reference confirmed)	4
Scheidner V N.O.W. 400, 123 S.Ct. 1057, 154 L Ed 2d 991	6
Viacom V Icahn U.S Ct. of Appeals (2 Cir. 1991) LEd 290 (1989)	6

### STATUTES AND RULES

Bousley Actual Innocence Standard	7
Mandamus Criteria	7
Sawyer V Whitley Standard	1,7
1651(A)	2
1951	6
2255	1,2,3,4,5
2241	1,2,3,4,6

### REFERENCED AUTHORITY:

Honorable Justice Black, Quoted Opinion	2,6,7
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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF *MANDAMUS*

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 *D-#5* 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 *Dpg 4* 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**: *N/A*

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 NOT ONE DECISION, THIS IS AND HAS BEEN OVER THE LAST SEVERAL YEARS.

☐ 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: REOCCURRING, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).  
OVERSEER OF THE CONSTITUTION AND ABUSES OF DISCRETION BY LOWER COURTS IN DIRECT VIOLATION OF LAW.

☐ 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**

2241 Writ of Habeas Corpus

1651(a)

Qualifying Predicate offense, Due Process

Autonomy

Insufficient Evidence to Support Conviction, Due Process

Ineffectual Counsel

Structural Error

1651(b)(2)

924(c)

Violated Right to a Writ of Habeas Corpus, Due Process

Violated Right to have Constitutional claims adjudicated in a judicial forum.



## STATEMENT OF THE CASE

Pro-se incarcerated citizens have limited access to legal assistance, that fact combined with a Custody Court's unwillingness to adjudicate Constitutional Claims fairly in a judicial forum, (as per due process), by defying statutes, their own dictum, abusing their discretion, and openly denying Constitutional rights with impunity, (as in the instant case), and ignoring the the finality of most situations, along with they themselves, violating Equal Protection rights, inter alia, their actions, left unchecked, will result in the erosion of the integrity of the Federal Justice System, thus, without your Honorable intervention, put us on the way to becoming like Russia and China, where Justice is decided and applied unequally by a chosen few.

The Honorable Supreme Court is the defender of the Constitution and the overseeing Body to the lower courts abuses of discretion, misapplication of Constitutional rights or failure to apply them at all. Thus, the Honorable Court's intervention, via this Mandamus submission, is so crucial as to establish guardrails that will aid the 3rd Circuit, and others, in it's lawful exercise of it's prescribed jurisdiction and to compel them to exercise the authority where it has a duty to do so.

The petitioner has spent 10 years and exhausted every available avenue his pro-se status has allowed him to uncover, has no other adequate means to obtain relief desired and due.

## REASONS FOR GRANTING THE PETITION

The instant case has a U.S. Citizen, (Sheehan), convicted and remains incarcerated despite suffering:

- 1) 4th Amendment Violation. Supported by the SCt. in U.S. V Koyomejian.
- 2) Violated Autonomy. Supported by the SCt. in McCoy V Louisiana.
- 3) Structural Error. Supported by the SCt. in McCoy V Louisiana (and) Weaver (Quoting Faretta).
- 4) Actual Innocence and/or Insufficient to Convict. Supported by the SCt. in Schiedler V N.O.W.
- 5) Ineffectual Counsel. Supported By binding Circuit Precedent, Legal Definition, inter alia.

Being incarcerated with all these violations is obviously a miscarriage of justice, but the fact that all this is post 2255, multiple 2241's and 60(b)'s denials, is due to systematic aversion to judicial duty via abuses of discretion, is Conscience Shocking.

Sheehan is a High School Graduate, English is his primary language, a prison job which affords him funding for writs/motions, yet is unable to achieve relief with multiple constitutional violations supported by the Supreme Court, what chance does the average inmate stand?

For the sake of the integrity of the Federal Justice System, the intent of Congress and respect for the letter of law, the petitioner humbly avers that binding, unalterable parameters need to be erected for 2241 submissions and enforced by the Honorable Supreme Court to protect the Right to Habeas review, or the Constitution will be just an old piece of paper.

The petitioner avers that this submission fully qualifies for Mandamus relief as per the criteria set forth in Cheney, 542 U.S. at 380-81, infra.

- 1) No other means to obtain the relief desired.
  - A) Sheehan has exhausted all available known avenues, the District Courts simply refuses to adjudicate his Constitutional claims fairly in a judicial forum, as per due process. Via 2255, Post conviction motion to suppress, Multiple 2241's and Multiple 60(b)'s.
- 2) The Writ is appropriate under the Circumstance.
  - B) The Honorable Supreme Court is the ultimate defender of the Constitution to correct miscarriages of Justice and disparities amongst the Courts in the exercise of their duties.
- 3) The right to issuance is clear and undisputable.
  - C) Sheehan's incarceration offends the integrity of the Federal Justice System, the Constitution and the cherished ideals that separate the United States from the Autocracies.
- 4) The Circumstances are indeed Exceptional and of Constitutional importance.
  - D) Sheehan is incarcerated for a crime he did not commit, via violated autonomy and multiple abuses of discretion. (All supported by the Honorable Supreme Court).
- 5) The Exceptional Circumstances fully justify the relief requested.
  - E) There is really no other rational recourse to this complete miscarriage of justice and guard rails to assure it never occurs again appear logical and necessary.

All fully supported and exemplified in the annexed Brief.

# SUPREME COURT OF THE UNITED STATES

-----X  
United States of America

-against-

Daniel Sheehan  
-----X

Request for Writ of Mandamus  
to compel the 3rd Circuit to  
adhere to 2241 Statute

In re: Daniel Sheehan

COMES NOW THE PETITIONER, Daniel Sheehan, in support of the above captioned, avers under penalties of perjury, that the foregoing is true and accurate to the record.

The petitioner appreciates your time and consideration, and will keep this submission as concise as possible. Exemplifying the instant case for facts and evidence, but I assure the Honorable Court that it exemplifies a systematic abuse of discretion by the 3rd Circuit to "Suppress the Writ" by ignoring their duty and that this effects thousands of U.S. Citizens now and in the future, that have no other avenue to pursue relief. (As per Rule 20.1).

"Privilege of the Writ preserved in the Constitution, cannot be suspended and must provide a meaningful avenue to avoid manifest injustice." (Sawyer V Whitley Standard).

This Suppression of Writ was achieved via a systematic defiance of the 2241 Statute, misinterpreting the Supreme Court ruling in Dorsainvil, creating multiple conflicting dictum as to what qualifies for the 2255(e) exception and ignoring their duty to avoid miscarriages of justice. In their zeal to dispose of 2241 submissions, their actions have resulted in the 3rd Circuit itself, compounding the petitioner's existing Constitutional violations by currently denying his right to Habeas review, the equal protection right and the due process right to have Constitutional Claims fairly adjudicated in a judicial forum. Disparity between Sister Courts.

This bold accusation is evinced by the inability to reconcile the 3rd Circuit's actions to the statute, law or logic. In their own admission, stated with impunity, infra:

"To date, we have only recognized one situation where the [2255(e)] exception applies".  
Bruce V Warden Lewisburg, 868 F.3d at 178 (citing 2255(e) ). 3rd Circuit

Only one (emphasis added) situation where 2255(e) applies, in a circuit with a large number of prisons, with thousands of prisoners, processed through a complex legal system, while following the intent of Congress by the statute verbiage and considering natural human foibles, "only one exception" is incredulous. Statute and Authority states as follows:

SHEEHAN: SCt. Mandamus: BRIEF: PAGE 1 of 7

The 2241 statute, in relevant part, reads as follows:

---

STATUTES GOVERNING PRACTICE IN HABEAS CORPUS CASES:

[B] 28 U.S.C. §2241: Writs of Habeas Corpus may be granted by...[a]ny circuit Judge...[w]here the restraint complained of is had.

(C) The writ of habeas corpus shall not extend to a prisoner unless;

(3) He is in custody in violation of the constitution or laws or treaties of the United States:

"The statute's language is plain, the sole function of the court is to enforce it according to its terms." US V Ron Pair Ent. 489 US 235, 271, 109 S Ct 1026, 1031 103 Led 290 (1989) Quoting Caminetti

"1651 (A) The Supreme Court and all Courts established by acts of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

"The very nature of the writ demands that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected." Harris v Nelson, 394 US 286, 291, 22 L Ed 2d 281, 89 S Ct 1082 (1969).

Mr. Justice *Black* delivered the opinion of the Court.

A United States District Court has jurisdiction under 28 USC § 2241 to grant a writ of habeas corpus "to a prisoner ... in custody in violation of the Constitution ... of the United States."

A "safety valve" provision allows challenges to a conviction or sentence in certain narrow circumstances via the federal courts' § 2241 jurisdiction when a prisoner can show that § 2255 is "inadequate or ineffective to test the legality of his detention." § 2255(e). The safety valve provision was not amended by AEDPA. Section 2241 states that "[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district court and any circuit judge within their respective jurisdictions" to prisoners "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(a),(c)(3).

---

It is conscience shocking that the 3rd Circuit got from Congress creating a "Safety valve" with the noble intent to avoid a miscarriage of justice, fully defined and supported by the Honorable Supreme Court's unambiguous rulings, to the reality of the 3rd Circuit now, *infra*.

"Thus far, we have limited the safety valve to situations where an intervening change in law has decriminalized the actions underlying the conviction." Okereke v. United States, 307 F.3d 117 (3d Cir. 2002).

This rogue behavior towards the 2241 happened via a misinterpretation of the Supreme Court ruling in Dorsainvil, to multiple conflicting dictum that each state to be the "Only" qualifying reason. Examples, *infra*. (Authority printed out to assure accuracy).

*SHREHAN: SCT. MANDAMUS: BRIEF: PAGE 2 of 7*

MISINTERPRETATION OF DORSAINVIL: This erroneous interpretation slowly became accepted Circuit precedent, exemplified case law, *infra*.

Rather, the "safety valve" provided under § 2255 is extremely narrow and has been held to apply in unusual situations, such as those in which a prisoner has had no prior opportunity to challenge his conviction for a crime later deemed to be non-criminal by an intervening change in law. See Okereke, 307 F.3d at 120 (citing In re Dorsainvil, 119 F.3d at 251).

Went from ...such as those...

Thus far, we have limited the safety valve to situations where an intervening change in law has decriminalized the actions underlying the conviction. Okereke v. United States, 307 F.3d 117 (3d Cir. 2002).

Then became...to situations where...

A federal prisoner seeking to attack the validity of his conviction may proceed under section 2241 only if he can satisfy two conditions. See Cordaro v. United States, 933 F.3d 232, 239 (3d Cir. 2019). "First, a prisoner must assert a claim of actual{2020 U.S. Dist. LEXIS 8} innocence on the theory that he is being detained for conduct that has subsequently been rendered non-criminal by an intervening Supreme Court decision ... in other words, when there is a change in statutory caselaw that applies retroactively in cases on collateral review" and "[s]econd, the prisoner must be otherwise barred from challenging the legality of the conviction under § 2255." Bruce, 868 F.3d at 180

Landed on ..."Only"... The reason to deny the instant case, Memorandum quote, *infra*.

Page 6, "4) Sheehan's arguments do not fall within the saving's clause, as he does not allege that his claims are based on newly discovered evidence, has not demonstrated that an intervening change in the law made his conviction noncriminal..."

The 3rd Circuit dicta that ruled "Only reason a 2255 is inadequate or ineffective" is flat out incorrect. Dorsainvil's ruling purposely stated that the Honorable Court did not decide on the "Only" reason, Authority, *infra*.

Dorsainvil does not answer the question of whether this is the only kind of claim of actual innocence that so establishes the inadequacy of Section 2255. Dorsainvil, 119 F.3d at 252 ("Our holding that in this circumstance § 2255 is inadequate or ineffective is therefore a narrow one. In the posture of the case before us, we need go no further to consider the other situations, if any, in which the "inadequate or ineffective" language of § 2255 may be applicable.

The Dorsainvil ruling, as I am sure you remember, this criteria, *supra*, was the criteria set forth as to qualify for a Second successive 2255 and had nothing to do with 2241 or 2255(e).

## B. Analysis

### 1. The § 2255(e) Saving Clause

In 1996,{2020 U.S. Dist. LEXIS 3} Congress added significant gatekeeping provisions to § 2255, restricting second or successive § 2255 motions solely to instances of "newly discovered evidence" or "a new rule of constitutional law made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable." Id. at 179

SHEEHAN: S Ct. MANDAMUS: BRIEF: PAGE 3 of 7

Sheehan's second 2241 was dismissed in an even more egregiously cursory fashion. Sheehan's 2255 included a claim of ineffectual counsel due to the Government saying at trial, on the record, to the Jury that, Sheehan's CJA has "a fundamental misunderstanding of the evidence" (Trial Tr 712) and that "Some irrelevant stuff went on here..." (Trial Tr 708 -09). Sheehan asserted that his CJA being effectual and "not understanding" what he was defending against, by speaking of, and doing "Irrelevant stuff" was impossible based on this government assessment of him at trial.

Both the government and the Judge ignored this valid 2255 claim, and to date, (almost a decade later), this claim has never been "adjudicated fairly in a judicial forum".

The 2241 denial that conflicted with 3rd circuit precedent and the Appellate affirmation of the district Court's erroneous dismissal, that employed differing "only" case laws, *infra*. This is

To show the extremes the 3rd Circuit will go to, to avoid their 2241 duty, when Sheehan Satiated Okereke, they denied him quoting Cradle, when both actually support Sheehan's claim, *infra*. I respectfully do not see a non-nefarious reason behind these actions.

---

**2241 DISMISSAL MEMORANDUM STATES:** From the bottom of page 5 to the top of Page 6:

"In seeking to overcome these 2241 barriers, Sheehan contends that a 2255 motion is inadequate or ineffective to test the legality of his detention based on the sentencing court's failure to follow the law, failure to address all of his claims....", [S]heehan's arguments do not fall within the saving's clause".

This ruling conflicts with Okereke, which states Sheehan's argument is the only (emphasis added) reason a "2255 is inadequate or ineffective". Case law printed out for accuracy, *infra*.

The § 2255 remedy is inadequate or ineffective only when some "limitation of scope or **procedure**" **precludes consideration of a claim**. Okereke, 307 F.3d at 120. (2002)

Reaffirmed by the 3rd Circuit Court of Appeals when quoted in Russel V Warden Allenwood FCI (2016). as per Rule 32.1(a)(i) and 32.1(a)(i)(ii) Citing Judicial Dispositions.

The District Court's ruling conflicting with 3rd Circuit precedent calls into question the integrity of the District Court's entire habeas procedure, especially when the Memorandum alters and restates.

The Third Circuit has multiple differing case laws, each stating to be the "Only" acceptable 2241 criteria.

*SHEEHAN'S 5 CT. MANDAMUS: Brief: Page 4 of 7*

Sheehan does not claim to know the law better than Federal Judges, but is confident in his ability to read.

These dismissals are all in direct conflict with the Statute, the Savings clause verbiage and ambiguous Circuit precedents, which led Sheehan to appeal these apparently erroneous District Court decisions. Like thousands of citizens, the 3rd Circuit is our custody court, without options, thus our only avenue to pursue relief when the 2255 is inadequate.

The Appeals Court stated in their denial memorandum, (Bottom of pg. 4):

"Sheehan, however, has shown no conflict between Okereke and the District Court's ruling that his allegations of sentencing court error do not render his 2255 inadequate or ineffective" Then they quote Cradle.

You read it, to not consider a claim was the "only" reason a 2255 is inadequate. Then they quote Cradle. Cradle agrees with Sheehan and Okereke, not the court's actions, infra:

28 U.S.C. § 2255(e). A § 2255 motion is "inadequate or ineffective," which permits a petitioner to resort to a § 2241 petition, "only where the petitioner demonstrates that some limitation or procedure would prevent a § 2255 proceeding from affording him a full hearing and adjudication of his wrongful detention claim." Cradle v. U.S. ex rel. Miner, 290 F.3d 536, 538 (3d Cir. 2002) (citations omitted).

There cannot be a "full hearing" if a claim was not considered, that's what full means, All, every, complete. Sheehan respectfully avers that it is an abuse of discretion for a Judge to state a claim was not included, when it is clearly there, facts are nondiscretionary. This practice of altering the truth to make the argument appear rational is rampant in all of Sheehan's denials. For the sake of brevity, I will example one of many, infra:

The petitioner stated clearly on the very first page, the contradiction between the ruling and the Okereke case law, along with the alteration and restating of Sheehan's claim, infra:

ACTUAL CLAIM: To deny 2255 relief, Judge Hurley improperly invoked the Mandate rule, (which requires appellate review de novo), then denied the C.O.A. Blocking the required Appellate review.

ALTERATION: "[d]enial of his previous 2255 Motion and denial of his Certificate of Appealability".

The alteration and restating Sheehan's claim, resulted in the negating of support of the 2255 "Inadequacy", thus the claim seems inane, and the dismissal justified.

Sheehan: S Ct. Mandamus Brief: 5 of 7

Due to the submission length restrictions, more details of the above facts from the record are available in the recently denied 2241 filed with the SCt. (case # 22-5256). If it please the Honorable Court.

Obviously the lower Courts give no credence to the concept of "avoiding a miscarriage of justice", that Congress, the Constitution and the Supreme Court value so dearly or the " A) General Principle that comity and finality... must yield to the imperative correcting of a fundamentally unjust incarceration", Murray V Carrier. SCt.

The petitioner, Daniel Sheehan is a U.S. Citizen, incarcerated despite:

Violated Autonomy: CJA pled guilty to predicate offense, without Sheehan's consent.

Insufficient Evidence to support conviction and/or Actual Innocence: CJA Pled guilty to 1951 extortion yet Sheehan never obtained property. (a statute requirement).

Ineffectual Counsel: via multiple 2nd Circuit and SCt. Authority.

Multiple Due process violations via abuses of discretion, inter alia.

And now, the 3rd Circuit added Suppression of Writ, denial of right to Habeas Corpus Review, and failure to adjudicate Constitutional Claims fairly in a judicial forum.

The extreme circumstances of this case, inter alia, infra:

Sheehan is incarcerated for 1951 Extortion, yet "did not obtain property," Statute Requirement.

The Honorable Supreme Court ruled in Scheidler V NOW, "[Petitioner] did not obtain property, thus [Petitioner] did not commit extortion."

This was echoed by the 2nd Cir. Ct. of Appeals in Viacom V Icahn (AND) the 3rd Cir. Ct. of Appeals in Brokerage Concepts V US Health Care. In the instant case: [Sheehan] "did not obtain property"

Sheehan did not commit Extortion, the crime he is incarcerated for. It is inarguable that Sheehan being incarcerated for a crime he did not commit, only found guilty of, via his CJA violating his autonomy, Pleading his guilt for a crime he did not commit, is a complete miscarriage of justice with only one legal recourse, to "surface and correct it," Nelson, SCt.

"Jurisdiction" is not up to the 3rd Circuit's discretion. To continue the Honorable Justice Black's opinion from page 2:

What courts may do is dependent on statutes,<sup>1</sup> save as their jurisdiction is defined by the Constitution. What federal judges may do, however, is a distinct question. Authority to protect constitutional rights of individuals is inherent in the authority of a federal judge, conformably with

*Sheehan: SCt. MANDAMUS: Brief: Page 6 of 7*



Acts of Congress. The mandate in Art I, § 9, that "The Privilege of the Writ ... shall not be suspended" must mean that its issuance, in a proper case or controversy, is an implied power of any federal judge.

-----  
"To establish actual innocence, petitioner must demonstrate that, "'in light of all the evidence," "it is more likely than not that no reasonable juror would have convicted him." Schlup v. Delo, 513 U.S. 298, 327-328, 115 S. Ct. 851, Applying this principle to claims made under Dorsainvil:

This means that Sheehan's 2241 was denied because it did not qualify for a second successive 2255, a clear misapplication of existing Federal Law, and a qualification for granting this Writ of Mandamus, "The right to issuance is clear and indisputable", (Cheney).

This submission fully comports with the Mandamus criteria set forth in Cheney;

- 1) No other adequate means exists to attain relief desired.  
(The only 2 Courts available to Sheehan will not adhere to Law).
- 2) Right to issuance is clear and indisputable.  
(The 3rd Circuit has and will continue to suppress the Writ of thousands by over ruling the Supreme Court in the Sawyer V Whitley standard, the Bousley standard for actual innocence, and the principle imperative to avoid the manifest injustice intent of the Safety Valve.
- 3) The writ is appropriate.  
(The 3rd Circuit's action offends the Constitution, the integrity of the Federal Justice System and the principles of comity, which all insist the habeas procedures must yield to correcting fundamentally unjust incarcerations.
- 4) The exceptional circumstances of being incarcerated for 10 years, for a crime Sheehan did not commit, and has been denied relief repeatedly, more than justifies the relief requested.

The extreme lengths the lower Courts are willing to achieve to avoid their Duty is conscience shocking, and cannot be a "one off", this is a Circuit wide, intentional abuse of discretion, thus: WITH ALL PREMISE CONSIDERED, the petitioner does not believe the lower courts will ever adjudicate his Habeas claims within legal parameters. (Every denial in the past ten years has been impossible to reconcile with the Statute or Law, thus, destroying my faith in the system at their level, as tragic as that sounds, in a first world Democracy), if at all possible, I respectfully request that the Honorable Supreme Court adjudicate this individual case to enforce the General Principle, integrity and the Constitution.

Also, if you agree it necessary, to set up iron clad guardrails to assure this never happens again. Along with any and all relief the Honorable Court deems just and proper.

RESPECTFULLY SUBMITTED

By Daniel Sheehan  
Daniel Sheehan, Pro-se, 81730-053  
LSCI Allenwood -Low-  
PO Box 1000  
White Deer PA 17887

Dated 1-4-2023

SHEEHAN: SCt. MANDAMUS: Brief: 7 of 7

## CONCLUSION

The petitioner respectfully avers that this submission for a Writ of Mandamus exemplifies a novel and important question in need of guidelines for future resolution of similar cases. To aid the 3rd Circuit in the exercise of prescribed jurisdiction, and compel them to exercise authority where it has a duty to do so. (As per Rule 21).

The petitioner humbly assures the Honorable Court that Sheehan is entitled to Mandamus relief because the 3rd Circuit, in it's entirety, repeatedly employed objectively unreasonable applications of clearly established Federal Law that falls below the threshold of rationality, in violation of suspension clause.

The petitioner avers that this submission meets or exceeds the criteria set forth for a Writ of Mandamus, infra.

- 1) No other adequate means to obtain relief exists.
  - A) Every court the petitioner has access to will not adjudicate his constitutional claims "Fairly in a Judicial forum" (as per Due process) or erroneously deny jurisdiction.
- 2) The Writ is appropriate under the Circumstances.
  - B) The 3rd Circuit is in conflict with law and sister circuits, suppressing the Writ to thousands of U.S. Citizens.
- 3) Right to issuance is clear and undisputable.
  - C) Sheehan's incarceration offends the Constitution, rule of law and the General principle of comity and finality.
- 4) The Exceptional Circumstances more than validate the requested relief.
  - D) The fundamental belief of the Constitution that a "Miscarriage of Justice needs to be surfaced and corrected". U.S. V Nelson, SCt.

The petition for a writ of <sup>MANDAMUS</sup>~~certiorari~~ should be granted.

Respectfully submitted,

Daniel Sheehan

Date: 1-4-2023