

No. 22-7177

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Lee Gordon PETITIONER
(Your Name)

vs.

Chris Tripp, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Lee Gordon
(Your Name) #6789635
Zowa State Penitentiary
PO Box 316
(Address)

Fort Madison, Zowa 52627
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

I.) Whether or not the Eighth Circuit Court of Appeals erred by affirming the lower district court dismissing Petitioners' Appellants' 28 USC 2241 petition challenging conditions of confinement?

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

Spencer v. Hayes, 774 F.3d 467 (8th Cir 2014)
Deroo v. US, 709 F.3d 1242 (8th Cir 2013).

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Spencer v. Hayes, 774 F.3d 467 (8th Cir 2014)	
Deroo v. US, 709 F.3d 1242 (8th Cir 2013)	

STATUTES AND RULES

28 USC 2241

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 _____ to the petition and is

☒ reported at # 22-1684 _____; 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☐ is unpublished.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 _____ to the petition and is

☒ reported at # 4:22-cv-36 _____; 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 July 13, 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

1.) Petitioner has a constitutional right
to file a writ of Habeas Corpus pursuant
to 28 USC 2241?

STATEMENT OF THE CASE

Petitioner is a federal prisoner who was transferred to the Iowa Department of Corrections (IDOC) (ie a state prison system) for the service of his federal prison sentence.

Petitioner, soon thereafter Petitioner the United States District Court for the Southern District of Iowa and did file a writ of Habeas Corpus pursuant to 28 USC 2241 to challenge petitioner's transfer to a state institution for the service of his federal prison sentence.

The United States District Court for the Southern District of Iowa dismissed the petition for lack of jurisdiction.

REASONS FOR GRANTING THE PETITION

There is a split among the Circuits
Whether or not a prisoner can bring
a petition pursuant to 28 USC 2241
to challenge conditions of confinement.
This ruling is in contrast to prior
Eighth Circuit Court of Appeals precedent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,
Michael Lee Gordon #678963 S
IOWA State Penitentiary
PO Box 316
Fort Madison, Iowa 52627
Date: 7-17-2022