22-7574
No:----------

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

NAWAZ AHMED – PETITIONER

Vs.

TIM SHOOP, WARDEN, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

NAWAZ AHMED,

A404511,

Prisoner, Pro Se, Petitioner,

Chillicothe Correctional Institute,

P.O.Box 5500

Chillicothe, OHIO 45601.

(CAPITAL HABEAS. CASE) QUESTIONS PRESENTED FOR REVIEW

QUESTION(a) The entire erroneous reliance of the court of appeal in Ahmed v. Shoop, 2022 U.S. App. LEXIS 31469(6th Cir., Nov.14,2022). is upon 28 U.S.C. § 2101(c) when the Petitioner-Appellant Ahmed was not required to file the Rule 4(a)(6) Motion for extension of time under 28 U.S.C. § 2101(c) because time to file Notice of appeal had not elapsed,expired due to the Rule 58(a) "judgment was required to be set forth in a 'separate document' but was never so set forth in "separate document". The judgment is deemed entered 150 days after the court's decision, per Rule 58(c)(2)(B). Fed. R. App. P. 4(a)(7)(A)(ii); Mears v. Montgomery, 512 Fed. Appx. 100, 103(2nd Cir. Feb.25,2013)(denial of his motion for an extension of time, as such a **motion was unnecessary**.).Wherefore, Appellant Ahmed had 150 days from the entry of (Ecf.203) on 9/7/21 to file his timely notice of appeal. The timely Notice of Appeal (Ecf.207) was filed on 01/12/2022, on the 27+31+30+31+12= 131 days, thus timely. Rule 58, requires a district court to set forth every judgment "on a separate document" and provides that " Shalala v. Schaefer, 509 U.S. 292,303(1993) [a] judgment is effective only when so set [*303] forth and when entered as provided in Rule 79(a)."; See also Bankers Trust Co. v. Mallis, *Id* at n.4 and 7," separate judgment must be filed or waived in compliance with Rule 58 before a decision is "final" for purposes of § 1291".) Fed. R. App. P. 4(a),(7)A)(ii),(B). See *United States* v. *Indrelunas*, 411 U.S. 216, 220-222, 36 L. Ed. 2d 202, 93 S. Ct. 1562 (1973) (*per curiam*). Bankers Trust Co. v. Mallis, 435 U.S. 381, 384, 386, 98 S. Ct. 1117, 55 L. Ed. 2d 357 (1978)(the separate-document rule must be "mechanically applied" in determining whether an appeal is timely. *Id.*, at 221-222.). Starr v. Crow, 2021 U.S. App. LEXIS 40171(10th Cir.2021(The district court did not enter a separate judgment under Fed. R. Civ. P. 58(a), giving

Mr. Starr the benefit of Rule 58(c)(2)(B), which deems judgment is automatically entered after 150 days and the decision to be final 150 days later). Fed. R. App. P. 4(a)(7)A)(ii),(B).

QUESTION(b) What is the remedy available, as Court of Appeal intentionally repeatedly avoids to Rule upon statutorily authorized pro se Motion to appoint conflict-free appeal Counsels and counsel for filing certiorari for a petitioner-Appellant diagnosed with "serious mental illness", disabled, incompetent appellant per 18 U.S.C. § 3599(a)(2), 18 U.S.C.S. § 3599(e), 18 U. S. C. § 3006A (c); 18 USCS § 3006A(a)(2)(B). 18 USCS §§ 2254(h); 18 U.S.C. § 3006A(g); and 6 Cir. R. 45(a)(5). 6 Cir. I.O.P 12(c)(5). Martel v. Clair, 565 U.S. at 650, 652, 658, 659(2012); and *Christeson v. Roper*, 574 U.S. 373,377 (2015). Wilkins v. United States, 441 U.S. 468,469(1979).and Doherty v. United States, 404 U.S. 28, 92 S. Ct. 175, 30 L. Ed. 2d 149, 1971 U.S. LEXIS 15 (1971) (especially p. 29, et seq., Mr. Justice Douglas concurring).

LIST OF PARTIES

[x] 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:

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TABLE OF AUTHORITIES CITED

CASES: **PAGE NUMBER**

STATUTE AND RULES

OTHERS

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

[x] **For cases from federal courts:**

The published Opinion Orders of the United States court of appeals for the Sixth Circuit appears at Appendix "A", "B" , to the Petition and are

[x] **reported** at

Appendix "A", Nawaz Ahmed v. Shoop, 2023 U.S. App. LEXIS 2816 (6th Cir., Feb.03,2023)

Appendix "B", Ahmed v. Shoop, 2022 U.S. App. LEXIS 31469(6th Cir., Nov.14,2022).

The opinion and Order of the United States District court appears at Appendix "C" to the petition and

[x] unpublished.

JURISDICTION

[x] For cases from federal Courts:

The date on which the United States Court of Appeals decided my case 22-3039 was (Feb.03,2023) as is reported at Nawaz Ahmed v. Shoop, 2023 U.S. App. LEXIS 2816 (6th Cir., Feb.03,2023).

[x] A timely Petition for Rehearing was timely filed in my case 22-3093.

[x] A timely petition for rehearing was denied by the United states Court of Appeals for the Sixth Circuit on the ___Feb.03,2023, and a copy of the order denying rehearing appears at Appendix "A" and is published at Nawaz Ahmed v. Shoop, 2023 U.S. App. LEXIS 2816 (6th Cir., Feb.03,2023).

[x] The jurisdiction of this Court is invoked under 28 USCS 1254(1).

[ ] The jurisdiction of this Court in aid of appeal is also invoked under, 28 U.S.C.S. § 1651(a).

CONSTITUTIONAL AND STATUTORY PRVISIONS INVOLVED

USCS Const. Amend. 14, § 1
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.S. § 3599(e).
(e) Unless replaced by similarly qualified counsel upon the attorney's own motion or upon motion of the defendant, each attorney so appointed **shall represent the defendant throughout every subsequent stage of available judicial proceedings**, including pretrial proceedings, trial, sentencing, motions for new trial, **appeals**, **applications for writ of certiorari to the Supreme Court of the United States**, and **all available post-conviction process**, together with applications for stays of execution and other appropriate motions and procedures, and shall also represent the defendant in such competency proceedings and proceedings for executive or other clemency as may be available to the defendant.

28 USCS § 1291, Final decisions of district courts
The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, ...except where a direct review may be had in the Supreme Court.

28 U.S.C. § **2107** (Act Nov. 29, 2011, P. L. 112-62, § 4, 125 Stat. 757,) now provides at relevant portions:

(a) Except as otherwise provided in this section, no appeal shall bring any judgment, order or decree in an action, suit or proceeding of a civil nature before a court of appeals for review unless notice of appeal is filed, within *thirty days* ***after the entry*** of such judgment, order or decree.

[**note:** Rule 4(a)(7) *Entry Defined. And* Fed. Rule Civ. Proc. 58(a), (c)(2), apply to both Rule 4(a)(1)(A)"*entry*" and 28 U.S.C. § 2107(a),"*entry*" of such judgment, Order; Perry v. Sheet Metal Workers' Local No. 73 Pension Fund, 585 F.3d 358,361—362(7th Cir. 2009)].
]

(c) The district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, extend the time for appeal upon a showing of **excusable neglect or good cause.** In addition, if the district court finds—

(1) that a party entitled to notice of the entry of a judgment or **order did not receive such notice from the clerk or any party within 21 days of its entry**, and

(2) that no party would be prejudiced,

the district court may, upon motion filed within 180 days after entry of the judgment or order or within 14 days after receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal.

STATEMENT OF THE CASE1.

1. Petitioner Appellant Ahmed filed the (Ecf.198) on 6/21/21, his pro se Motion to Strike the *duplicate, unauthorized* by defendant Notice of Appeal. The pro se Motion was denied by district court (Ecf.203,filed 9/7/21 unpublished) without ever entering and serving the required "separate document". The Clerk failed to serve the final Order upon pro se party/Ahmed within 21 days. See entry on case docket made on 9/7/21. Inmates do not get service via the ECF. No other entry of service exists of later service, except the entry of filing on 9/7/21 on case docket. During the same times, Ahmed was admitted in two area hospitals due cardiac emergency and quarantined. Thus had no records. The Notice of appeal (Ecf.207) was filed on 1/12/22, on 127th days of entry of final Order (203), thus was timely for the purposes of Rule 58(a), (c)2)(B). 28 U.S.C. § 2101(a)"entry", Fed. R. App. P. 4(a)(1),"entry" and Fed. R. App. P. 4(a),(7)A)(ii),(B) within 150 days of "deemed entry" when "separate document was never filed. No assignment was ever made.**No order exists assigning this post-judgment Motion(Ecf.198) to magistrate judge**.

The court of appeals erroneously failed to note, the lack of "set forth of separate document", Rule 58(a), despite the two Petitions for en banc. Because no other Rule 58(a) exception applies, a *separate document was required.* Thus, the district court's order

(Ecf.203) was not formally "entered" until **deemed entered**, for purposes of Rule 4(a) and , 28 U.S.C. § 2101(a)"entry",Appeal, 150 days after the date [9/7/21] of entry on the docket. Fed. R. Civ. P. 58(a). Fed. R. Civ. P. 58(c)(2)(B). Fed. R. App. P. 4(a)(7)(A)(ii).

This crucial legal fact is supported by record, as **judgment (Ecf.203) was never set forth in "separate document"**; Court of Appeals failed to apply the Fed. R. App. P. 4(a)(7)(A)(ii).

Senior Judge Boggs always seem to make this same mistake in determining the time to appeal.

See, Searach on these Rules with his name Judge Boggs, returns no case.

Results for: (" Fed. R. Civ. P. 58(c)(2)(B)") or ("R ule 58(c)(2)(B)") or("Rule 58(c)(2)") and ("Boggs")) Cases(0). Shows Senior Judge Boggs in her entire judicial service ha snever applied these rules in any appeal case to determine the "time to appeal".

REASONS FOR GRANTING THE WRIT OF CERTIORARI

1. Mears v. Montgomery, 512 Fed. Appx. 100,102, 103(2d Cir. N.Y., Feb.25, 2013) (Here, the district court did not enter a separate judgment as required, and judgment was therefore ***deemed to have been entered*** on August 15, 2011, **150 days after the entry of** the MJ's March 2011 order. *See* Fed. R. App. P. 4(a)(7)(A)(ii). inasmuch as he filed his initial notice of appeal on June 7, 2011, his initial notice of appeal was timely.
Indeed, we can see no reason why Mears [here Ahmed] would contest the denial of his motion for an extension of time to appeal other [**5] than his desire to proceed to a merits appeal of the September 7/21 order(Ecf.203 filed 9/7/21). we **AFFIRM** the denial of Mears's **motion for an extension of time to file a notice of appeal** on the grounds that the ***motion was unnecessary***. We construe Mears's timely notice of appeal on the motion for an extension of time to encompass an appeal on [**6] the merits, and conclude that he may proceed to appeal the March 2011 order of contempt in the appeal docketed as No. 11-3895.).

2. See also Fed. R. App. P. 4(a),(7)A)(ii),(B). See *United States* v. *Indrelunas*, 411 U.S. 216, 220-222, 36 L. Ed. 2d 202, 93 S. Ct. 1562 (1973) (*per curiam*). Bankers Trust Co. v. Mallis, 435 U.S. 381, 384, 386, 98 S. Ct. 1117, 55 L. Ed. 2d 357 (1978)(the separate-document rule must be "mechanically applied" in determining **whether an appeal is timely**. *Id.*, at 221-

222, United States v. Indrelunas, 411 U.S. 216). Starr v. Crow, 2021 U.S. App. LEXIS 40171(10th Cir.2021(The district court did not enter a separate judgment under Fed. R. Civ. P. 58(a), giving Mr. Starr the benefit of Rule 58(c)(2)(B), which deems judgment is automatically entered after 150 days and the decision to be final 150 days later). Fed. R. App. P. 4(a)(7)A)(ii),(B).

3. The court of appeals doubly erroneously relied on **inapplicable, unnecessary** 28 U.S.C. § 2101(c) and Rule 4(a)(6) motion and **its unnecessary,moot,** denial, when no "separate document" is ever filed. See, Rule 58(a), (c)2)(B; Fed. R. App. P. 4(a),(7)A)(ii),(B).See also Mears v. Montgomery, 512 Fed. Appx. 100, 2013 U.S. App. LEXIS 3833(2d Cir. Feb.25, 2013) id at [*102] (**denial of his motion** for an extension of time, as **such a motion was unnecessary**.). " Fed. R. Civ. P. 58(a) The rules plainly provide that judgment is entered when it is set forth on a separate document *or* when **150 days** have run from entry in the civil docket under Fed. R. Civ. P. 79(a). Fed. R. Civ. P. 58(b)(2). Because Judgment was never set forth in separate document, time to file Notice of appeal was 150 days from entry of the final order (ECF.203, filed 9/7/21) not 30 days for "effective, finality of order" for the purposes of appeal jurisdiction. Court of appeals made the fundamental error. Its judgment must be over turned and writ of Certiorari issue, case remanded to the 6th Cir. Court of Appeals for further proceedings.

4. The petitioner –Appellant had already filed a valid, FIRST Notice of Appeal (Ecf.164 on 10/26/20) resulting in appeal case 20-4153, pending. Thereafter, he timely Amended Notice of Appeal(Ecf.196, signed/filed on 6/3/21 per FRAP 4(a)). See title, " AMENDED NOTICE OF APPEAL and MOTUION>(Seeking Remand of Case due **non-finality**)

Ahmed v. Houk, 2021 U.S. Dist. LEXIS 131669 (S.D. Ohio, July 15,2021)(Magistrate judge stated: Petitioner is free to request the Sixth Circuit to dismiss the appeal and/or to request a **remand for consideration of issues he apparently believes this Court must address before entering final judgment**..."). The ECF(196) "Amended Notice of Appeal" already has joint Motion to remand the case for non-finality";

Ahmed v. Shoop, 2021 U.S. App. LEXIS 7020(6th Cir., March 10,2021)(On October 26, 2020, Ahmed filed an appeal from the September 21 judgment, and that appeal has been docketed as No. 20-4153.);

Ahmed v. Shoop, 2021 U.S. App. LEXIS 22755(6th Cir., July 30,2021) (he appealed the judgment (No. 20-4153, pending),

5. No order exists assigning this post-judgment Motion(198) to the magistrate judge. Who acted on hunches in violation of 28 U.S.C. § 636(b)(3) when "pro se Motion to reopen appeal time is" *moot, unnecessary, unwarranted* because time to file notice of appeal had not expired . Because district court and its Clerk utterly failed to "set forth the final order (Ecf.203) in a "separate document" as required by Rule 58(a).and Fed. R. App. P. 4(a), (7)(A)(ii).The Order(Ecf.203) was not served upon the pro se petitioner who filed the initial motion and *no counsel appeared to represent Petitioner in any filings*. District judge accepted the pro se filing (Ecf.198) and ruled upon them(Ecf.203), including the magistrate judge himself. Because time of appeal was 150 days from the entry of ECF.203 on 9/7/21, because judgment was never set forth in separate judgment. The Magistrate Order below is unnecessary, unwarranted and has no relevancy, thus void abnito.

Ahmed v. Houk, 2021 U.S. Dist. LEXIS 237375 (S.D. Ohio, December 13,2021) (" A motion to reopen the time for appeal is a post-judgment [*2] motion ***deemed referred*** to a Magistrate Judge under 28 U.S.C. § 636(b)(3) and requiring a report and recommended disposition.").

Levy v. W. Coast Life Ins. Co., 44 F.4th 621,625(7th Cir.2022)(
[e]very judgment and amended judgment must be set out in a separate document." Fed. R. Civ. P. 58(a). ... ." (Emphasis added.) The separate-document requirement serves the important

purpose of "**clarifying when the time for appeal ... begins to run,**" " *Bankers Trust Co.*, 435 U.S. at 384, and so it should be heeded.)

6. Because time to appeal within 150+30=180 days or ("Fed. R. App. P. 4(a)(7)(A)(ii)")) had not Expired, or elapsed, the Fed. R. App.P.4(a)(6) Motion was ***premature, 'unnecessary, unwarranted", moot.*** Its denial has no bearing on the time to appeal within 150 days of entry of the order (Ecf.203, filed on 9/7/21). Notice of appeal (Ecf.207) was filed on 01/12/22. Thus 27+31+30+31+12= 131 days, within the 150 days allowed by ("Fed. R. App. P. 4(a)(7)(A)(ii)")). Thus district court lacked "jurisdiction" To deny or rule upon the premature, *unwarranted, unnecessary, erroneous, moot* pro se Fed. R. App. 4(a)(6) Motion, (**hand drafted, while under quarantine without having any factual and legal information**). Wherefore, its denial by district court has of no effect on time to appeal. The panel *misused* its denial without noting that "separate document" was "required" but never been filed, never entered, never served by Clerk or the by district court." See,

Ahmed v. Shoop, 2022 U.S. App. LEXIS 31469(6th Cir., Nov.14,2022) failed to mention "that District court failed to set forth the judgment in separate document as required by Rules..; *see also* Fed. R. App. P. 4(a)(1)(A), (7)(A)(ii) implement 28 U.S.C. § 2107(a)" enter"; Court by erroneous fact determination to decline **28 U.S.C.S. § 129** appeal jurisdiction by erroneous sua sponte order, failing to fully examine the record, that district court never made, filed and served a 'separate document", thus failed to set out the Order as per FRCP 58(a),(c)(2); Fed.R.App. P. 4(a)(1)(A) and **28 U.S.C. § 2107 (a)**, 30 days started 150 days after the "*entry*" on docket, per Fed. R. App. P. 4(a)(7)(A)(ii)150 days from entry on docket due to non-compliance with FRCP 58(a),(c)(2).

Nutrition Distrib. LLC v. IronMag Labs, LLC, 978 F.3d 1068(9th Cir.2022):
"The[28 U.S.C. § 2107 (a)] and Federal Rules of Appellate and Civil Procedure **work in**

combination to set forth the rules governing **when notices of appeal must be filed**. " Fed. R. App. P. 4(a)(1)(A). The time to appeal generally runs from *the entry* of judgment. Fed. R. App. P. 4(a)(7)(A)(ii); *see* Fed. R. Civ. P. 58(a),(c)(2).

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Amoco Oil Co. v. Jim Heilig Oil & Gas, Inc., 479 U.S. 966(1986)
(quoting 9 J. Moore, Federal Practice para. 110.08[2], pp. 119-120 (1970)) (.
Professor Moore: "'It must be remembered that the rule is designed to simplify and make certain the matter of appealability. It is not designed as a trap for the inexperienced. . . . The rule should be interpreted to prevent loss of the right of appeal, not to facilitate loss.'" *Ibid.*).. Bankers Trust Co. v. Mallis, 435 U.S. 381,385,n.7(1978)(... separate judgment must be filed in compliance with Rule 58 before a decision is "final" for purposes of § 1291.)

Mears v. Montgomery, 512 Fed. Appx. 100, 2013 U.S. App. LEXIS 3833(2d Cir. Feb.25, 2013)

id at [*102-103] (denial of his motion for an extension of time, as such a motion was

unnecessary.).

(Where district court did not enter separate judgment as required by Fed. R. Civ. P. 58(a), judgment was deemed to have been entered 150 days after entry of post-judgment civil contempt order pursuant to Fed. R. App. 4(a)(7)(A)(ii) and, as appellant filed his initial notice of appeal within this time period,.. *denial of his motion for an extension of time, **as such a motion was unnecessary*, **because before time to appeal contempt order had expired, appellant filed second notice of app**eal challenging denial of motion for extension, which, in light of court's liberal interpretation of pro se filings, it construed as encompassing appeal on merits from order of contempt.)

Starr v. Crow, 2021 U.S. App. LEXIS 40171(10th Cir.2021(The district court did not enter a separate judgment under Fed. R. Civ. P. 58(a), giving Mr. Starr the benefit of Rule 58(c)(2)(B), which deems judgment is automatically entered after 150 days and the decision to be final 150 days later).

Shalala v. Schaefer, 509 U.S. 292,303(1993)(unanimous court *citing* Fed. Rules App. Proc. 4(a)(1), (7). Rule 58 in turn, requires a district court to set forth every judgment "on a separate document" and provides that "[a] judgment is **effective** only when so et [*303] forth." ;

United States v. *Indrelunas*, 411 U.S. 216, 220-222 (1973)(Syllabus: Fed. Rule Civ. Proc. 58, that "every judgment" of a district court "shall be set forth on a separate document" which, *inter alia*, starts the time limits for appeals and post-trial motions running, is a mechanical provision that must be mechanically applied to render certain the date on which a judgment is entered

----------ARGUMENTS FOR QESTION (B)----------

QUESTION(b) What is the remedy available, as Court of Appeal intentionally repeatedly avoids to Rule upon statutorily authorized pro se Motion to appoint conflict-free appeal Counsels and counsel for filing certiorari for a petitioner-Appellant diagnosed with "serious mental illness", disabled, incompetent appellant per 18 U.S.C. § 3599(a)(2), 18 U.S.C.S. § 3599(e), 18 U. S. C. § 3006A (c); 18 USCS § 3006A(a)(2)(B). 18 USCS §§ 2254(h); 18 U.S.C. § 3006A(g); and 6 Cir. R. 45(a)(5). 6 Cir. I.O.P 12(c)(5). Martel v. Clair, 565 U.S. at 650, 652, 658, 659(2012); and *Christeson v. Roper*, 574 U.S. 373,377 (2015). Wilkins v. United States, 441 U.S. 468,469(1979).and Doherty v. United States, 404 U.S. 28, 92 S. Ct. 175, 30 L. Ed. 2d 149, 1971 U.S. LEXIS 15 (1971) (especially p. 29, et seq., Mr. Justice Douglas concurring).

8. The right to representation on habeas corpus related appeal is a "statutory right", not a discretion or an act of grace by the court of Appeal. Ryan v. Gonzales, 568 U.S. 57,65(2013)(Section 3599(a)(2) guarantees federal habeas petitioners on death row the right to federally funded counsel)..

9. Court of appeals failed to appoint appeal counsel in appeal case 22-3039 despite many pro se motions. It was utterly dishonest for the senior case manager and for the en Banc Coordinator to include Attorney Yeazel in the second published Order when both orders show petitioner Ahmed was denied appeal counsel and forced to proceed pro se. Mrs. Yeazel wa sneithe rinformed nor he filed his appearance.

10. Cf. *Christeson*, 135 S. Ct. at 895 (Clair makes clear that a conflict of this sort is grounds for substitution. Even the narrower standard we rejected in that case would have allowed for substitution where an attorney has a "'disabling conflict of interest.'" 565 U.S., at 658, 132 S. Ct. 1276, 1285, 182 L. Ed. 2d 135, 147. And that standard, we concluded, would "gu[t]" the specific

substitution-of-counsel clause contained in §3599(e), which must contemplate the granting of such motions in circumstances beyond those where a petitioner effectively "has no counsel at all"—as is the case when counsel is conflicted. *Id.*, at 661, 132 S. Ct. 1276, 1286, 182 L. Ed. 2d 135, 147. Indeed, we went so far as to say that given a capital defendant's "statutory right to counsel," even "in the absence" of §3599(e) a district court would be compelled [****10] "to appoint new counsel if the first lawyer developed a conflict." *Ibid.).*

Battaglia v. Stephens, 824 F.3d 470,475(5th Cir.2016)(It is also not "indisputabl[e]" that Battaglia will be unable to make a threshold ***showing of incompetency***. We decline to comment on the merits of his *Ford* claim, but he has presented some ***evidence of mental illness*** and delusions. His newly appointed counsel may locate and produce more. As a result, we conclude that the district court erred in declining to appoint new counsel under § 3599.").

and cf. Panetti v. Quarterman, 551 U.S. 930(2007).cf. Austin v. United States, 513 U.S. 5 (1994). Schmid v. McCauley, 825 F.3d 348, 2016 U.S. App. LEXIS 10357 (7th Cir. 2016)(inmate had some kind of mental problem, first step should have been to appoint counsel for inmate under 18 USCS § 3006A(a)(2)(B) and §3599(e), 18 U.S.C. §3599(a)(2), §2254 (h); 18 U.S.C. §4241.).

11. See 6 Cir. I.O.P 12(c)(5). Martel v. Clair, 565 U.S. at 650, 652, 658, 659(2012); and *Christeson v. Roper*, 574 U.S. 373,377 (2015). Wilkins v. United States, 441 U.S. 468,469(1979).and Doherty v. United States, 404 U.S. 28, 92 S. Ct. 175, 30 L. Ed. 2d 149, 1971 U.S. LEXIS 15 (1971) (especially p. 29, et seq., Mr. Justice Douglas concurring).

CONCLUSION

Writ of Certiorari may be granted and case remanded to 6th Cir. Court of Appeals to appoint conflict-free appeal counsels and to apply the facts in record that the "(Ecf.203) judgment was never set forth in a separate document". So apply the Rule 4(a)"entry" and , 28

U.S.C. § 2101(a)"entry" to time to Appeal, 150 days after the date [9/7/21] of entry on the docket. Fed. R. Civ. P. 58(a). Fed. R. Civ. P. 58(c)(2)(B). Fed. R. App. P. 4(a)(7)(A)(ii).

Respectfully Submitted,

(NAWAZ AHMED),

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Pro se appellant.

Date: May 02,2023