

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KH-01404

VS.

KENAN ALLEN

IN RE: Kenan Allen - Applicant Defendant; Applying For Supervisory Writ, Parish of Orleans Criminal, Criminal District Court Number(s) 497-322, Court of Appeal, Fourth Circuit, Number(s) 2022-K-0516;

April 12, 2023

Writ application denied. See per curiam.

PDG

JLW

JDH

SJC

JTG

WJC

JBM

Supreme Court of Louisiana

April 12, 2023

Katie Manahan

Chief Deputy Clerk of Court

For the Court

April 12, 2023

**SUPREME COURT OF LOUISIANA**

**No. 22-KH-1404**

**STATE OF LOUISIANA**

**v.**

**KENAN ALLEN**

**ON SUPERVISORY WRITS TO THE CRIMINAL  
DISTRICT COURT, PARISH OF ORLEANS**



**PER CURIAM:**

Denied. The application was not timely filed in the district court, and applicant fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189.

Applicant has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.

NO. 2022-K-0516

COURT OF APPEAL, FOURTH CIRCUIT

STATE OF LOUISIANA

STATE OF LOUISIANA

VERSUS

KENAN ALLEN

IN RE: KENAN ALLEN

APPLYING FOR: SUPERVISORY WRIT

DIRECTED TO: HONORABLE DARRYL A. DERBIGNY  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
SECTION "J", 497-322

WRIT DENIED; REQUEST FOR STAY DENIED

Relator, Kenan Allen, seeks supervisory review of the district court's June 15, 2022 judgment, which denied his successive application for post-conviction relief. Relator also seeks a stay order.

Relator's writ and request for stay are denied.

New Orleans, Louisiana this 12th day of August, 2022.

PAB

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JUDGE PAULA A. BROWN

TFL

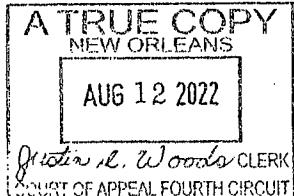
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CHIEF JUDGE TERRI F. LOVE

JCL

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JUDGE JOY COSSICH LOBRANO



STATE OF LOUISIANA  
CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS  
SECTION J

STATE OF LOUISIANA

CASE No. 497-322

v.

KENAN ALLEN

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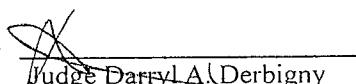
RULING

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On or about March 31, 2022, the Court received Defendant's *pro se* Application for Second and Successive Post Conviction Relief. After careful review of the Petitioner's application, the record in this matter, and the attendant applicable law, this Court finds that Petitioner has failed to allege a claim supported by evidence that would entitle the Petitioner to relief as required by Louisiana Code of Criminal Procedure Article 928.

For the above and foregoing reasons, Petitioner's Uniform Motion to Correct Illegal Sentence is hereby **DENIED**.

NEW ORLEANS, LOUISIANA, this 15<sup>th</sup> day of June, 2022.

  
Judge Darryl A. Derbigny

Please Serve:

Kenan Allen  
Louisiana State Penitentiary  
Main Prison – Spruce-2  
Angola, LA 70712

EXHIBIT 5