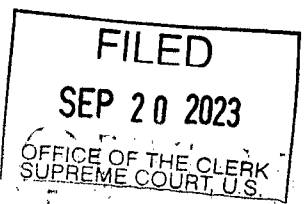


No. 23-5679



IN THE
SUPREME COURT OF THE UNITED STATES

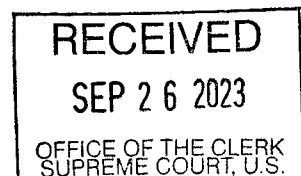
Joshua Stevenson

vs.

Warden James T. Vaughn Correctional Center, Et.al
Delaware Attorney General Kathy Jennings

On petition for a writ of Certiorari to
United States Court of Appeals
For the Third Circuit

Joshua Stevenson
JTVCC
1181 Paddock Rd
Smyrna De 19977



Questions presented

Whether the Third circuit Court of appeals
abused its discretion in denying petitioners
Certificate of appealability

List of parties

All parties appear on the Cover Page

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Hohn v. United States 524 US 236 (1998)
Martinez v. Ryan 566 US 1 (2012)
Buck v. Davis 137 S. Ct. 1761 (2017)

opinions below

The opinion of the 3rd circuit Court of appeals is CA. No. 22-1741

The opinion of the US District Court for the district of Delaware is

Jurisdiction

The Judgement of the 2nd circuit court of appeals was entered on 8/24/23.

The jurisdiction of this court is invoked under 28 USC § 1254(1). This petition is timely filed pursuant to 28 USC § 2101(c).

Constitution and Statutory Provisions involved

In Hohn v. United States 524 U.S. 236 (1998) the Supreme Court determined that denials of certificate of appealability could be brought to the Supreme Court through a writ of Certiorari.

In its decision the Court stated "we hold this court has jurisdiction under §1254(1) to review denials of applications for certificates of appealability by a circuit judge or a panel of a court of appeals

Additionally

Statement

The Court of Appeals for the 2nd circuit in this case held that petitioner certificate of appealability should be denied and that jurist would without debate would agree that the claims are procedurally defaulted and petitioner did not show cause and prejudice or a miscarriage of justice necessary to overcome the default.

Reasons for granting the Writ

The United States Court of Appeals for the third circuit abused discretion by denying relief under Rule 60(b) of Federal Rules of Civil Procedure by disregarding established precedent of this court in *Martinez v Ryan* 566 US 1 (2012) which excuses procedural default when the underlying ineffective assistance of post conviction counsel is a substantial one. Which is to say that the prisoner must demonstrate that the claim has merit

A COA may issue "only if the applicant has made a substantial showing of the denied of a constitutional right"
2253 (c) (2)

In Petitioner's certificate of appealability petitioner demonstrated cause for procedural default by showing that post conviction counsel was ineffective under the Strickland standard and that the underlying claim has some merit.

In the circumstances of this case the 3rd circuit court of appeals abused its discretion in denying Petitioner's COA motion. The 3rd circuit's conclusion that Petitioner

claims are procedurally defaulted and that he did not show cause and prejudice goes against precedential case law i.e. Buck v. Davis 197 Led 2d 1 which struck down the standard of COA as it placed too heavy of a burden on petitioner Buck by deciding his COA on the actual merits ~~and with the merits~~ even though the claims are debatable

Here, petitioner argued Martinez v. Ryan 566 US 1 (2012) which allows for the excusal of bars to relief when petitioner can show the original appellate counsel was ineffective.

The failure of the 3rd circuit to issue a COA on a debatable claim of ineffective assistance is an abuse of discretion per this court's opinion in Buck v. Davis

Conclusion

The petition for a writ of certiorari
should be granted

respectfully submitted

Joshua Stephenson

JTUCC

1401 Paddock Rd

Smarna, De 19977

Dated 09 15 2025

A handwritten signature in cursive script, appearing to read "Joshua Stephenson". The signature is fluid and stylized, with large loops for the first and last names.