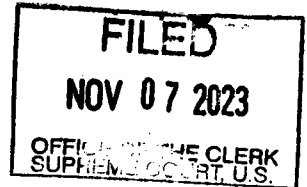


No. 23-5981

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

NESTOR LEON — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

MIDDLE DISTRICT OF FLORIDA (ORLANDO)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

NESTOR LEON
(Your Name)

U.S.P. HAZELTON, P.O. BOX 2000
(Address)

BRUCEYON MILLS WV 26525
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

- DID THE DISTRICT COURT ERR IN NOT GRANTING THE PETITIONER AN EVIDENTIARY HEARING WHERE THE RECORD DID NOT CONCLUSIVELY DETERMINE THAT THE PETITIONER WAS NOT ENTITLED TO RELIEF?
- DID THE CLERK OF COURT FOR THE ELEVENTH CIRCUIT VIOLATE THE DEFENDANTS 1ST AMENDMENT RIGHT TO ACCESS OF THE COURT WHEN IT REPEATEDLY DISMISSED DEFENDANTS COA ON MERITLESS BASIS?

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

MIDDLE DISTRICT OF FLORIDA CASE NO.: 6:19-CV-1882-JA-DCI
6:19-CR-238-JA-DCI

Eleventh Circuit NO.: 23-11724
NO.: 23-12328-H
NO.: 22-13986-J

Supreme Court -

23-5586

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CASES

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NONE

STATUTES AND RULES

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 _____; 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☐ is unpublished.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 _____; 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☐ is unpublished.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 8-29-23.

☒ 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

- VIOLATION OF 1ST AMENDMENT RIGHT TO ACCESS OF THE COURTS, AND,
- VIOLATION OF 5TH AMENDMENT RIGHT TO DUE PROCESS

STATEMENT OF THE CASE


THE DISTRICT COURT ERRED WHEN IT FAILED TO GRANT AN EVIDENTIARY HEARING ON THE PETITIONERS SIX grounds BECAUSE THE FACTS RELEVANT WERE NOT ADEQUATELY DEVELOPED IN THE RECORD TO CONCLUSIVELY DETERMINE THAT PETITIONER WAS NOT ENTITLED TO RELIEF, SPECIFICALLY, THE ALLEGATIONS THAT PETITIONERS TRIAL COUNSEL DESTROYED DOCUMENTATION OF VIDEO EVIDENCE OF THERE BEING (4) VIDEOS THAT DISPLAYED THE CRIME SCENE

THE CLERK OF COURT HAS CONTINUASLY DISMISSED MY (COA) PETITION WITHOUT DUE PROCESS AND RESTRICTING MY ACCESS TO THE COURTS, SPECIFICALLY, IN THIS INSTANCE I WAS ADVISED ON 8-24-2023 THAT I HAD (14) DAYS TO PROVIDE A CERTIFIED FINANCIAL STATEMENT HOWEVER, (5) DAYS LATTER ON 8-29-2023 THE CLERK DISMISSED MY (COA) FOR THAT EXACT REASON, NOT GIVING ME THE (14) DAYS TO MAKE THE AFOREMENTIONED CORRECTION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 9-20-23