

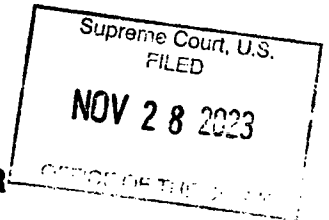
No. 23-6231

IN THE

SUPREME COURT OF THE UNITED STATES

Kyle M. PARKS
(Your Name)

— PETITIONER



vs.

United States of America

— 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

Kyle MAURICE PARKS
(Your Name)

P.O. Box 33 USP

(Address)

TEANE HAVTE IN 47808

(City, State, Zip Code)

N/A

(Phone Number)

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☒ is unpublished.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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 Oct 14, 2023.

[] 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: Oct 20, 2023, 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

SIX AMENDMENT, INEFFECTIVE ASSISTANCE OF
COUNSEL, VIOLATION, ABUSE OF DISCRETION
DUE PROCESS

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STATUTES AND RULES

Fed R. Civ P. § 2264(A)

Timeliness of submission

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QUESTION(S) PRESENTED

CAN A UNITED STATES DISTRICT COURT REFUSE TO REVIEW A DEFENDANT'S MOTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL, WHEN THE DEFENDANT SUBMITTED HIS APPLICATION WITHIN THE ONE YEAR LIMITATION OF THE § 2255 TIME LIMIT?

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:

UNITED STATES District Judge ROSE, John

ATTORNEY Joseph M. HUGAN

A. U. S. A CATHERINE M. HONG

EASTERN DISTRICT OF MISSOURI

ST LOUIS DIVISION

RELATED CASES

4:15-CR-000553 - JAR

4:18-CV-1923 - JAR

22-CV-306 - JAR.

STATEMENT OF THE CASE

The petitioner has attempted to file his motion for review of ineffective assistance of counsel repeatedly. The court in its loga closed the 3225 on the general issues before killing, yet the petitioner still had time within the one year limitation, entered under the Anti-Terrorism and Effective Death Penalty Act. The petition was filed under 4:18-CV-1923. Enclose as "Appendix A" receive docket sheet [REDACTED] many attempts are review request was filed. The court's abuse of discretion state after the petitioner filed a judicial complaint against the court for engaging in a cover-up of fabricated evidence.

REASONS FOR GRANTING THE PETITION

IT IS WELL ESTABLISHED, HABEAS CORPUS IS "A WRIT ANTECEDENT
TO STATUTE, THROWING ITS ROOTS DEEP INTO THE GENIUS OF OUR
COMMON LAW" WILLIAMS V. KAISER 323 U.S. 471, 484. N. 2
(1945); THE WRIT APPEARED IN ENGLISH LAW SEVERAL CENTURIES
AS BECAME AN INTEGRAL PART OF OUR COMMON LAW HERITAGE"
BY THE TIME THE COLONIES ACHIEVED INDEPENDENCE. PREISER
V. RODRIGUEZ, 411 U.S. 475, 485 (1973); AND RECEIVED EXPLICIT
RECOGNITION IN THE [REDACTED]; WHICH FORBIDS SUSPENSION
OF THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS, SWAIN
V. PRESSLEY 430 U.S. 372, 380. N. 13. THE FARMERS CONSIDERED
THE WRIT A VITAL INSTRUMENT FOR THE PROTECTION OF
INDIVIDUAL LIBERTY" THE PRIVILEGE OF THE WRIT SHALL NOT
BE SUSPENDED ART 1, § 9. C1.2. SEE HUMAN OF SOVEREIGNTY AND

Federalism 66 Yale L.J. 1425, 1509, n. 329 (1987); The

writ protects The right of the detained by a means

consistent with the essential design of the constitution

(see Hamdi v. Rumsfeld, 542 U.S. 507, at 534 (2004)).

The writ protects the rights of the detained by

Affirming the duty and authority of the

to call the jailer to account. The constitutionally

if incarceration is constitutionally mandated. See gener-

ally supra § 2.3 see also infra § 7.21. Section 2264(a)'s state

actions language encompasses ineffective assistance of counsel

in violation of the 6th Amendment. See Murray v. Cariera

477 U.S. 478, 488 (1986) infra § 26.36 n.n. 24-37; see also

infra § 26.36 n.n. 30-41. Consequently all such bases might

qualify as violations of the law. U.S. 28 U.S.C. § 2264(a)

Conclusion



EVEN WITH A PETITIONER THAT FAILS TO FILE 1AL
CLAIM IN A TIMELY MANNER (WHICH WAS NOT THE
CASE HERE) WOULD CAUSE DEFAULT, THE PETITIONER'S UNTIMELY-
NESS MUST BE PLED BY THE GOVERNMENT AS A AFFIRMATIVE
DEFENSE. KILGORE V. ATTORNEY GENERAL, 519 F. 3d 1084, 1089
(10TH CIR 2008)

REMANDED BY TO THE COURT OF APPEA-
LS WITH INSTRUCTION TO [REDACTED] ALL CLAIMS TO THE DISTRICT
COURT TO BE REVIEWED BY A DIFFERENT COURT, WHEN PRAY

SUBMITTED PRO SE
KYLE M. PARKS