

No. 23-6746
USCA

#22-50904

IN THE
SUPREME COURT OF THE UNITED STATES

Alexander Isaiah Perez — PETITIONER
(Your Name)

vs.

Sandra Hjar — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

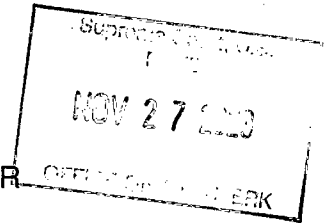
PETITION FOR WRIT OF CERTIORARI

Alexander Isaiah Perez #44217-013
(Your Name)

United States Penitentiary Thomson
Po Box 1002
(Address)

Thomson, Illinois 61285
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

- i) Did the district courts utilization of Rule 4 of §2254 to dismiss with prejudice the Petitioner's §2241 petition, without opportunity to amend, violate clear meaning and scope of the rule?
- ii) Did the court below err as a matter of law by ignoring its own precedence regarding the standard of review in cases of Summary dismissal by a district court?
- iii) Does an agency's (e.g. BOP) expansion of prohibited conduct (e.g. inmate disciplinary code 296) to areas not considered at the time of the regulations enactment (Trulines electronic messaging), that subject violators to harsh sanctions (loss of good time), require the agency to provide fair notice and comment under the Administrative Procedure Act?

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

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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 A to the petition and is

☒ reported at 2023 U.S. App. Lexis 18110 (5th Cir. 2023); 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☐ is unpublished.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 B to the petition and is

☒ reported at 2022 U.S. Dist. Lexis 171737 (5th Cir. 2022); 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☐ is unpublished.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 July 17, 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: September 1, 2023, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

STATEMENT OF THE CASE

See initial briefing

Submitted

to the Supreme Court

dated December 8, 2023

REASONS FOR GRANTING THE PETITION

See initial briefing
submitted to the
Supreme Court
dated December 8, 2023

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: Initial Brief dated 11/22/23