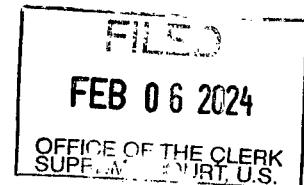


No. 23-6826

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Clifford Dion Jackson — PETITIONER
(Your Name)

vs.

Neil McDowell — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Clifford Dion Jackson

(Your Name)

P.O. BOX 950

(Address)

REPRESA, CA 95671

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) WAS THE LOWER COURTS WRONG FOR NOT EXCEPTING THE ATTACHMENTS THAT WAS ATTACHED TO THE ORIGINAL HABEAS CORPUS PETITION TO STATE CLAIMS IN MORE DETAIL?
- 2) DID THE DISTRICT COURT ABUSE ITS DISCRESSION WHEN THEY DENIED PETITIONER'S REQUEST FOR A RHINE V. WEBER STAY WHEN DIXON V. BAKER CHANGE THE LAW WHEN POST CONVICTED WITH OUT COINSELOR?
- 3) WAS THE DISTRICT COURT WRONG FOR RECHARACTERIZING PETITIONER'S 60(b)(6) MOTION TO BE A 60(b)(1) MOTION TO FIT THE CRITERIA FOR 1yr. TIME RESTRICTIONS FOR DENIAL?
- 4) DID THE DISTRICT COURT ABUSE ITS DISCRESSION BY IGNORING THE PRESENTS SET BY DIXON V. BAKER (9th CIR. 2017.) WHEN LAWS CHANGE TO OBTAIN A RHINES STAY?
- 5) DID THE DISTRICT COURT IGNORE PRESENTS WHEN SET IN THE U.S. SUPREME COURT, IN SLACK V. McDANIELS RULING ON SECOND OR SUCESSIVE PETITIONS WHEN THE PETITION WAS DISMISSED WITHOUT PREJUDICE?

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

Bynoc v. Baca, 966 F. 3d 972 (9th Cir. 2020); Cage v. Montgomery (C.D Cal. 21, 2017) 223499 Ross v. Williams, 896 F. 3d 958 969-970.13 (9th Cir. 2017); Mena v. Long, 813 F. 3d 907 (9th Cir. 2016); Dixon v. Baker, 847 f. 3d 714, 719-721 (9th Cir. 2017); Castro v. United states, 540 U.S. 375, 377 (2003).

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Dixon v. Baker, 847 F. 3d 714, 719 (9th Cir 2017) Appendix E pg. 1 at line 17-19.
Castro v. United States, 540 U.S. 375, 377 (2003) Appendix D pg. 4 at line 6-8.
Klaprott v. United States, 335, U.S. 601 (1949) Appendix D pg. 6 at line 5-13.
Ross v. Williams, 896 F. 958-969-970 Fn. 13 (9th Cir 2017) Appendix E pg. 3 at
line 6-15.
Bynoe v. Baca 966 F. 3d 972 (9th cir. 2020) Appendix D to pg. 2 at line 1-9.
Cage v. Montgomery, 2020 U.S. App. Lexis 22698 (9th Cir. 2020) Appendix D pg.
6 at line 19-25

STATUTES AND RULES

Rule 60(b)(6)
Rule 60(b)(1)
Recharacterize Rule Extraordinary Circumstances

OTHER

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APPENDIX F

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 _____; 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 _____; 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

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was September 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: _____, 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 February 11, 2023 (date) on January 3, 2024 (date) in Application No. 23 A 595.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from state courts:

The date on which the highest state court decided my case was Never.
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

14th and 8th Amendment to the U.S. Constitution: Violation of the 8th Amendment
Due Process Violation

Petitioner's Constitutional Right to Appeal

STATEMENT OF THE CASE

In this case, like in Bynoe v. Baca, Reopening the decision does not risk disturbing a courts reasoned, merit-based conclusion, because there never was one.

REASONS FOR GRANTING THE PETITION

The merits of petitioners habeas corpus petition has never been Adjudicated on, just dismissed without prejudice. Petitioner, in his Pro se Status, unlearned in the law, Has been Attemping to get the judgment open again, because as a Pro Per during state habeas corpus proceeding, is "good cause" for a stay under Rhines v. Weber, as recently Interpreted by the Ninth Circuit in Dixon v. Baker, Supra and, the District Courts Judge told petitioner to ask for a stay under Rhines v. Weber, and then dismissed it for not having good cause.

The Ninth circuit Court of Appeals in Bynoe v. Baca, 966 F. 3d 972 (9th Cir. 2020) ("Bynoe") Has recently showed that changes in law which to Stay and Abeyance Federal Habeas Corpus petition, warranted the grant of Bynoe's Rule 60(b)(6) Motion for relief judgment, that had originally dismissed his petition for having all unexhausted claims. Based on the change of law established by Dixon v. Baker, Supra. The District Court should have granted petitioner's Motion for relief from Judgment, and issued an order to reopen the Federal Habeas Case. Petitioner was without Counsel through out his postconviction, and meets the first prong of Bynoe.

CONCLUSION

Based on the foregoing resons and law, Petitioner Jackson request that this Court grant this petition, and reopen habeas proceeding, so that his claims may be adjudicited on their merits.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 2-6-2024