23-6853 ORIGINAL

No. _____

FILED
FEB 07 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

William Marcellus Campbell
_____ — PETITIONER
(Your Name)

vs.

United States of America
_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

William M. Campbell, # 17194-029
(Your Name)

U. S. Penitentiary, P.O. Box 1000
(Address)

Leavenworth, Ks.66048
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Whether, under this Court's holdings, in Miller-El v. Cockrell, 537 U.S. 322 (2008), and Buck v. Davis, 580 U.S. 100 (2017), it is inadequate for a Court of Appeals to merely deny an application for Certificate of Appealability, without stating whether the denial is procedural, or on the merits, thereby preventing meaningful review. Especially when the applicant made a substantial showing of the denial of a Constitutional right, by showing as to each issue that reasonable jurists would find the District Court's ruling debatable or wrong.

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INDEX TO APPENDICES

LIST OF PARTIES

[X] 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

- United States v. Campbell, 6:22-cv-02038-CJW, U.S. District Court for the Northern District of Iowa Judgment entered
- Campbell v. United States, No. 23-2849, U.S. Court of Appeals, for the Eighth Circuit. Judgment entered Nov. 30, 2023

TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

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

[X] 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,
[X] is unpublished.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[ ] is unpublished.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 Nov. 30, 2023.

[X] 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

AMENDMENT 5 CRIMINAL ACTIONS--PROVISIONS CONCERNING--DUE PROCESS OF LAW AND JUST COMPENSATION CLAUSES.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger: nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property. without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6 RIGHTS OF THE ACCUSED

In all criminal prosectuions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him' to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

§ 2253 APPEAL

(a) In a habeas corpus proceeding or a proceeding under section 2255 [28 USCS §2255] before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitement or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from--

(A) the final order in a habeus corpus proceeding in which the detention complained of arises out of process issued by a State court; or

(B) the final order in a proceeding under section 2255 [28USCS § 2255]

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of constitutional right.

(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

STATEMENT OF THE CASE

Petitioner, William Campbell, filed an Application for Certificate of Appealability with the U.S. Court of Appeals for the Eighth Circuit, after the U.S. District Court for the Northern District of Iowa denied his 28 U.S.C. §2255 motion, and denied him a Certificate of Appealability. (See Appendix # B).

Petitioner showed the substantial denial of a constitutional right as to each issue. That is he, pursuant to this Court's holding in Miller-El v. Cockrell, 537 I.S. 322 (2003), and Buck v. Davis, 580 U.S. 100 (2007), showed that jurists of reason could debate whether (or for that matter agree that) the petition should have been resolved in a different manner, or that the issues presented were adequate to deserve encouragement to proceed further, as to each issue presented below. (see Appendix # C).

The Eighth Circuit, in a one sentence simply stated "The court has carefully reviewed the original file of the district court, and the application for certificate of appealability is denied." (see Appendix # A)

REASONS FOR GRANTING THE PETITION

Petitioner posits that this one sentence denial is inadequate to allow for meaningful review. It does not state whether the denial is based on procedural or substantive errors. It does not allow this Court, or the Petitioner, to determine whether they followed the dictates of Miller-El, Buck v. Davis, or Slack v. McDaniel, 529 U.S. 473, 484 (2000), or if they used some other standard for denial. In Rita v. United States, this Court held that a court's duty to provide adequate reason(s) for orders, when not followed, erodes "the public trust in the Judicial institution." Rita, 551 U.S. 338, at 356 (2007).

At the Appellate level, Courts have consistantly held that the record from the district court must be adequate for meaningful appellate review. See,

United States v. Mangarella, 57 F. 4th 197 (4th Cir. 2023)

United States v. Castaneda, 77 F. 4th 611 (7th Cir. 2023)

United States v. Wright, 46 F. 4th 938 (9th Cir. 2022)

United States v. Walker, 74 F. 4th 1163 (10th Cir. 2023)

United States v. Pickett, 916 F. 3d 960 (11th Cir. 2019).

This Court has agreed that district courts must provide adequate ereasons for their decisions. See Gall v. United States, 552 U.S. 38, 50 (2007); Rita v. United States, Supra; Slack v. McDaniel, 529 U.S. 473 (2000).

Therefore, the Appellate Courts should be held to the same standard when denying an application for a certificate of appealability. As one sentence denials are inadequate for meaningful review, and would also "erode the public trust in the judicial institution." Rita, 551 U.S. at 356.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Campbell

Date: 2-7-24