

No. 23-7170

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

EDWARD REVENOUS BROWN — PETITIONER  
(Your Name)

Supreme Court, U.S.  
FILED  
**MAR 25 2024**  
OFFICE OF THE CLERK

vs.

THE STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

EDWARD REVENOUS BROWN  
(Your Name)

HARDEE-C-I 6901 State Road 62  
(Address)

Bowling Green, FL 33834  
(City, State, Zip Code)

N/A.  
(Phone Number)

### QUESTION(S) PRESENTED

- (1). Did The United States District Court Magistrate for the Southern District in and for Miami-Dade County, Florida Error in denying the Petitioner's 28 U.S.C. 2254 State habeas corpus, without ruling on the merit of the Petitioner's state and federal constitutional violation claim. ?...
- (2). Did The United States Court of Appeals for the Eleventh Circuit of Georgia, Clerk of Court Marshall Error in Dismissing the Petitioner's "Notice of Appeal," when the magistrate of the United States District Court for the Southern District in and for Miami-Dade County, Florida magistrate ordered A Transmittal of the notice to the United States Courts of Appeals for the Eleventh Circuit Court in time for Appellant review. ?...
- (3). Did The United States District Court Magistrate for the Southern District in and for Miami-Dade County, Florida deviated or Errored By not ruling on the merit of A State and federal constitutional violation claim that (1) resulted in A decision that was contrary to, or involved an unreasonable application of clearly established federal law as determined By the Supreme Court of the United States or (2) resulted in A decision that was Based on an unreasonable application or determination of the facts in light of the evidence Presented in the State court Proceedings Pursuant to Florida 28 U.S.C. 2254(d)(1), and (2). ?...

## 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

Wilson v. Sellers, 138 S.Ct. 1188, 1192 (2018)...

Harrington v. Richter, 562 U.S. 86, 101 (2011)...

Williams v. Taylor, 529 U.S. 362, 405-06 (2000)...

Hittson v. GDCP Warden, 759 F.3d 1210, 1270 (11th Cir. 2014)...

United States v. Jordan, 915 F.2d 622, 624-25 (11th Cir. 1990)...

Maldonado v. Perkins, NO. 17-CV-175, 2017 WL 1541314, at \*3 (M.D. Fla. April 28th, 2017)...

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APPENDIX C United States Court of Appeals Eleventh circuit Order dismissing Petitioners Appellant review, with A total of ( 1 ) Pages.
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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 "C" 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 "A" to the petition and is

☒ reported at BROWN V. FLA, NO. 23-cv-22090 (S.D. Fla. 2023); 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 February 1st, 2024.

☒ 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

### Constitution of the United States Amendment (14):

"All Persons Born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the State wherein they reside. no State shall make or enforce any law which will abridge the Privileges or Immunities of citizens of the United States, nor shall any State deprive any Persons of law, nor deny to any Person within its Jurisdiction the equal Protection of the laws."

### United States Code Section 28 U.S.C. Section 2254(d)(1)(a):

"An application for A writ of habeas corpus on Behalf of A Person in custody Pursuant to the Judgment of A State court shall not Be granted with respect to any claim that was adjudicated on the merits in State court Proceedings unless the adjudication of the claim -- (1) resulted in A decision that was contrary to, or involved an unreasonable application of, clearly established federal law, as determined By the Supreme court of the United States; or (2) resulted in A decision that was Based on An unreasonable determination of the facts in light of the evidence Presented in the State court Proceeding."

### United States Code Section 28 U.S.C. Section 2241 etc.:

"Writs of habeas corpus may Be granted By the Supreme court, any Justice thereof, the district courts and any circuit Judge within their respective Jurisdictions. The order of the circuit Judge shall Be entered in the records of the district court of the district wherein the restraint complained of is had."



United States Code Section 28 U.S.C. Section 1291:

"A Party is entitled to A Single appeal to Be deferred until final Judgment has Been entered, in which claims of district court Error at any stage of the limitation may Be ventitated."

FLORIDA Statute chapter 933.04 (2023):

"The right of the people to Be secure in their Persons, houses, Papers and effects against unreasonable searches and seizures shall not Be violated and no search warrant shall Be issued except upon Probable cause, supported By oath or affirmation Particularly describing the Place to Be Searched and thing to Be seized."

FLORIDA Statute chapter 933.05 (2023):

"A search warrant cannot Be issued except upon Probable cause supported By affidavit or affidavits, naming or describing the Person, Place, or thing to Be searched and Particularly describing the Property or thing to Be Seized; no search warrant shall Be issued in Blank, and any such warrant shall Be returned within 10 days after issuance thereof."

FLORIDA Statute chapter 933.06 (2023):

"The Judge must, Before issuing the warrant, have the application of some Person for said warrant duly sworn to and subscribed, and may receive further testimony from witnesses or supporting affidavits, or depositions in writing, to support the application. The affidavit and further proof, if same Be had or required, must set forth the facts tending to establish the grounds of the application or Probable cause for Believing that they exist."

### STATEMENT OF THE CASE

On June 2nd, 2023 the Pro se Petitioner filed A 28 U.S.C.S. 2254 habeas corpus to the United States District Court in and for Miami-Dade County, Florida, contending that "his Judgment, Sentence and conviction is illegal due to the Arrest warrant that was used for his Arrest which constitutes "Fruit of The Poisonous Tree" where the Petitioner's (4th) and (14th) United States Constitutional rights has been violated as well as his Florida constitutional rights. Article (1) section (12) Declaration of rights, on the grounds that the Arrest warrant that was used for his Arrest is invalid and vague." and on October 20th, 2023 the magistrate of the United States District Court responded stating that "the Petitioner's sole ground for relief is meritedless because it is clearly and conclusively refuted by the record, and that it denies the Petitioner's sole ground for relief as being refuted by the record", and denies the Petitioner a right to appealability. In the month of December of 2023, the Petitioner filed A "Petition for Bill of certiorari" to the United States District Court in regards to the decision made in the case at hand, in which the court magistrate granted the Petition and ordered the clerk of court to transmit the case to the Eleventh Circuit Court of Appeals, and on February 1st 2024, the Eleventh Circuit Court of Appeals dismissed the Appeal for failure to prosecute.

### REASONS FOR GRANTING THE PETITION

The reason for granting this Petition is (1), A United States court of Appeals has entered A decision in conflict with the decision of another United States court of Appeals on the same important matter or, has decided an important federal question in A way that conflicts with A decision By the State court of last resort; or has so far departed from the accepted and usual course of Judicial Proceedings, or sanctioned such A departure By A lower court as to call for an exercise of the courts supervisory powers; (2), A State court of last resort has decided an important federal question in A way that conflicts with the decision of another state court of last resort or of A United States court of Appeals; (3), A State court or A United States court of Appeals has decided an important question of federal law that has not been, but should be settled By the court, or has decided an important federal question in A way that conflicts with relevant decisions of the Supreme Court of the United States; see; United States Court Rule 10(a)(b)(c), as further authority, see; Johnson v. Fla.


32 F.4th 1092, 1096 (11th Cir. 2022)...

In this legal matter of Justice, the decision of the Florida courts are in conflict with long standing decisions and precedents of the United States Supreme Court regarding constitutional violation claim. further, this case presents an important question of law that has not yet been decided By the United States Supreme Court. See also; for further authority and reason for granting this Petition; Meders v. Warden, Ga. Diagnostic Prison, 911 F. 3d 1335, 1351 (11th Cir. 2019)...

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
EB.

Date: 3 / 25<sup>th</sup> / 2024.