

No. 23-1968

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Feb 22, 2024

KELLY L. STEPHENS, Clerk

In re: RAYNADA JONES,

Movant.

ORDER

Before: SUTTON, Chief Judge; NORRIS and SILER, Circuit Judges.

Raynada Jones, a pro se Michigan prisoner, moves for authorization to file a second or successive 28 U.S.C. § 2254 petition for a writ of habeas corpus. *See* 28 U.S.C. § 2244(b)(3)(B).

In 2011, a jury found Jones guilty of first-degree felony murder, first-degree home invasion, and carrying a concealed weapon after he stabbed his ex-girlfriend to death. The trial court sentenced him to life imprisonment without parole. His direct appeal and efforts to win state post-conviction relief did not succeed. *See People v. Jones*, 953 N.W.2d 404 (Mich. 2021) (mem.); *People v. Jones*, No. 307000, 2012 WL 6913823 (Mich. Ct. App. Nov. 20, 2012) (per curiam), *perm. app. denied*, 828 N.W.2d 373 (Mich. 2013). Neither did his first § 2254 petition. *Jones v. Burton*, No. 1:14-CV-673, 2016 WL 7034236 (W.D. Mich. Dec. 2, 2016). In 2021, Jones filed his first motion for authorization to file a second or successive § 2254 petition, which we denied. *In re Jones*, No. 21-1295 (6th Cir. Sept. 24, 2021).

Now Jones moves again for authorization, asserting that the state trial court lacked jurisdiction because (1) “the felony charging sheet alleged a nonexistent[,] unconstitutional open murder” and (2) the state magistrate failed to hold a proper probable-cause hearing or “file a proper, true, legal magistrate’s return after the bind-over.”

Before a prisoner may file a second or successive § 2254 petition raising new claims in the district court, he must make a “prima facie showing,” 28 U.S.C. § 2244(b)(3)(C), that the proposed petition relies on either (1) “a new rule of constitutional law, made retroactive to cases on collateral

review by the Supreme Court, that was previously unavailable” or (2) new facts that “could not have been discovered previously through the exercise of due diligence” and that, “if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense,” 28 U.S.C. § 2244(b)(2).

Jones asserts that his claims rely on new facts that the State had illegally “suppressed” until November 2017. But that was six years before Jones filed this motion, and he filed his first motion for authorization more than three years after allegedly learning of these facts, so they are not new. Plus, his claims fail to establish that he would not have been convicted. Jones is mistaken that his open-murder charge was either nonexistent or unconstitutional. *See Tackett v. Trierweiler*, 956 F.3d 358, 365 (6th Cir. 2020) (“Michigan’s ‘open murder’ statute, Mich. Comp. Laws § 750.318, ‘establishes a procedure for determining the degree of murder when the information does not charge the defendant with a specific degree of murder.’” (quoting *People v. Watkins*, 634 N.W.2d 370, 376 (Mich. Ct. App. 2001))). He also does not show that any alleged defect in the bindover process deprived the court of jurisdiction or otherwise violated his constitutional rights. *See Mich. Ct. R. 6.008(B)* (“The failure of the court to properly document the bindover decision shall not deprive the circuit court of jurisdiction.”). And because he does not rely on a new rule of constitutional law, Jones has not made the required prima facie showing under § 2244(b).

Therefore, we **DENY** Jones’s motion for authorization to file a second or successive § 2254 petition.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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No. 23-1968

In re: RAYNADA JONES,

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Before: SUTTON, Chief Judge; NORRIS and SILER, Circuit Judges:

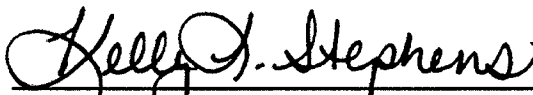
**JUDGMENT**

THIS MATTER came before the court upon the motion by Raynada Jones to authorize the district court to consider a second or successive 28 U.S.C. § 2254 petition for a writ of habeas corpus.

UPON FULL REVIEW of the record and any submissions by the parties,

IT IS ORDERED that the motion for authorization is DENIED.

**ENTERED BY ORDER OF THE COURT**

  
\_\_\_\_\_  
Kelly L. Stephens, Clerk

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Kelly L. Stephens  
Clerk

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CINCINNATI, OHIO 45202-3988

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[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: March 01, 2024

Mr. Raynada Jones  
Muskegon Correctional Facility  
2400 S. Sheridan Drive  
Muskegon, MI 49442

Re: Case No. 23-1968, *In re: Raynada Jones*  
Originating Case No.: 1:14-cv-00673

Dear Mr. Jones,

The enclosed petition for rehearing en banc is being returned to you unfiled. The court denied your 28 U.S.C. § 2244 application by order filed February 22, 2024. The order was self-executing the day it was filed and a mandate does not issue.

The court's decision in In re King, 190 F.3d 479 (6th Cir. 1999), cert denied, 2000 WL 305924 (U.S. Mar 27, 2000)(No. 99-7952) prohibits the court from revisiting its decision no matter how such a request is styled. King held that under § 2244(b)(3) the grant or denial of an authorization to file a second or successive habeas corpus petition "shall not be appealable" nor "subject to a petition for rehearing or for a writ of certiorari."

In re King further instructed the clerk's office to return any party petitions seeking rehearing or rehearing en banc of the panel decision to grant or deny a request to file a second or successive writ of habeas corpus in the district court. Such petitions have been returned to the sender without the court taking any action.

Sincerely yours,

s/Beverly L. Harris  
En Banc Coordinator  
Direct Dial No. 513-564-7077

cc: Ms. Andrea M. Christensen-Brown

Enclosure

# Order

Michigan Supreme Court  
Lansing, Michigan

August 22, 2023

Elizabeth T. Clement,  
Chief Justice

165528

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

RAYNADA JONES,  
Plaintiff-Appellant,

v

SC: 165528  
COA: 364179  
Muskegon CC: 2022-004302-AH

MUSKEGON CORRECTIONAL FACILITY  
WARDEN,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the February 24, 2023 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



a0724

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 22, 2023

Clerk

**Court of Appeals, State of Michigan**

**ORDER**

Raynada Jones v Muskegon Correctional Facility Warden

Docket No. 364179

LC No. 2022-004302-AH

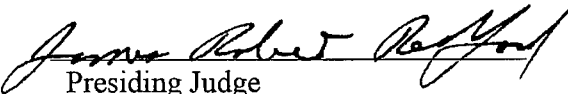
James Robert Redford  
Presiding Judge

Christopher P. Yates

Kathleen A. Feeney  
Judges

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The complaint for habeas corpus is DENIED.

  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

February 24, 2023

Date

  
Chief Clerk



2022-004302-AH  
CCR-ORD  
NOT PROPOSED

STATE OF MICHIGAN  
IN THE 14<sup>th</sup> CIRCUIT COURT

\*\*\*\*\*

RAYNADA JONES,  
Plaintiff,

No. 22-4302-AH

v

HON. ANNETTE R. SMEDLEY

JAMES SCHIEBNER, Warden, and  
HIEDI WASHINGTON, MDOC Director,  
Defendants.

Raynada Jones #321198  
*In pro persona*  
Muskegon Correctional Facility  
2400 South Sheridan Drive  
Muskegon, Michigan 49442

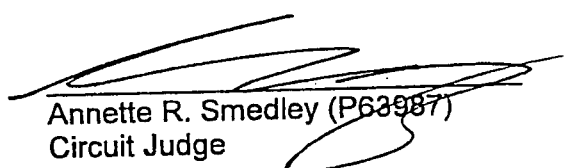
H. Steven Langschwager (P52380)  
Attorney for Defendant  
Assistant Attorney General  
MDOC Division  
Post Office Box 30217  
Lansing, Michigan 48909  
(517) 335-3055

ORDER DENYING THE PETITION

The court has examined the petition for a writ of habeas corpus of Plaintiff, Raynada Jones, which he has styled a "Complaint," and finds that it is without merit. The petition is therefore denied and this action is dismissed.

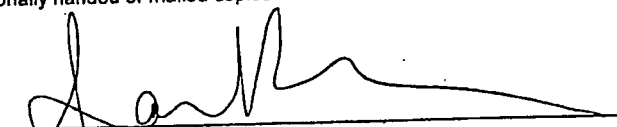
IT IS SO ORDERED. This order resolves all pending claims and closes this case.

October 6, 2022

  
Annette R. Smedley (P63987)  
Circuit Judge

CERTIFICATE OF MAILING

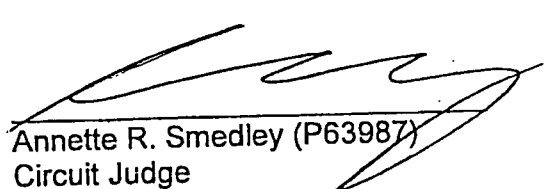
I hereby certify that on the 10 day of October 2022 I personally handed or mailed copies of this order to the parties above named at their respective addresses by ordinary mail.

  
Elleen Deems, 14th Circuit Court  
Assistant to the Hon. Annette R. Smedley

It is hereby ORDERED that Jones may not commence a new civil action or civil appeal until the filing fee in this action is paid in full. See MCL 600.2963(8).

**IT IS SO ORDERED.** This order does not resolve the last pending claim and does not close this case.

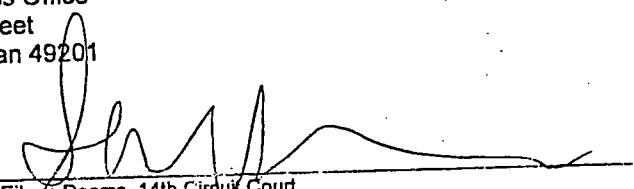
October 6, 2022

  
Annette R. Smedley (P63987)  
Circuit Judge

**CERTIFICATE OF MAILING**

I hereby certify that on the 10 day of October 2022 I personally handed or mailed copies of this order to the parties above named at their respective addresses by ordinary mail, and that I emailed a copy to the Michigan Department of Corrections to: MDOC-CourtOrders@michigan.gov, and sent a copy by first-class mail to:

Attn: Court Order Department  
Michigan Department of Corrections  
Jackson Business Office  
4000 Cooper Street  
Jackson, Michigan 49201

  
Eileen Deems, 14th Circuit Court  
Assistant to the Hon. Annette R. Smedley



**Additional material  
from this filing is  
available in the  
Clerk's Office.**