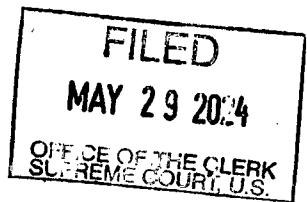


IN THE SUPREME COURT OF THE UNITED STATES

No. 23-7635 ORIGINAL



DOUGLAS JACKSON
PETITIONER,

v.

NATHAN HOFFMAN
RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

BY. DOUGLAS CORNELL JACKSON
IN PRO SE
MDOC # 748757
BARAGA CORRECTIONAL FACILITY
13924 WADAGA ROAD
BARAGA, MI 49908

QUESTIONS PRESENTED

I. WHETHER A DISTRICT COURT'S SUA SPONTE STAY OF
HABEAS CORPUS PETITION PENDING RESOLUTION OF
POSTCONVICTION PROCEEDING IN STATE COURT IS
APPEALABLE AFTER FIVE YEARS.

PETITIONER ANSWERS, "YES."

RESPONDENT HAS NOT ANSWERED.

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION OF THE CASE
ON THE COVER PAGE.

RELATED CASES

DOUGLAS JACKSON v. NATHAN HOFFMAN, U.S. COA No. 23-2065;
DOUGLAS JACKSON v. LES PARISH, No. 2:15-cv-11622 (E.D. MICH.).

STATEMENT OF JURISDICTION

PETITIONER JACKSON SEEKS REVIEW OF THE UNITED STATES COURT OF APPEALS' FOR THE SIXTH CIRCUIT FEBRUARY 1, 2024, AND MARCH 25, 2024, ORDERS AND JUDGMENT. THIS COURT HAS JURISDICTION PURSUANT TO RULE 10, AND UNITED STATES CONSTITUTION.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONGRESS SHALL MAKE NO LAW ... ABRIDGING ... THE RIGHT OF THE PEOPLE ... TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. U.S. CONST. AMEND. I.

NO PERSON SHALL ... BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW ... U.S. CONST. AMEND. V.

NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW. U.S. CONST. AMEND. XIV.

AN APPLICATION FOR A WRIT OF HABEAS CORPUS... SHALL NOT BE
GRANTED UNLESS... THERE IS EITHER AN ABSENCE OF AVAILABLE
STATE CORRECTIVE PROCESS OR THE EXISTENCE OF CIRCUMSTANCES
RENDERING SUCH PROCESS INEFFECTIVE TO PROTECT THE RIGHTS OF
THE PRISONER. 28 USC 2254(b).

STATEMENT OF THE CASE

FOLLOWING A JURY TRIAL PETITIONER DOUGLAS JACKSON, WAS FOUND GUILTY ON OCTOBER 28, 2009, IN WAYNE COUNTY CIRCUIT COURT OF FIVE FELONIES. THE JURY ENTERED ITS VERDICT UNDER 09-003770-01-FC, THE PEOPLE OF THE STATE OF MICHIGAN VERSUS DOUGLAS CORNELL JACKSON.

ON APRIL 21, 2011, FOLLOWING JACKSON'S APPEAL OF RIGHT IN CASE 09-003770-01-FC THE MICHIGAN COURT OF APPEALS ENTERED JUDGMENT AFFIRMING HIS CONVICTION, BUT REMANDED FOR RESENTENCING, AND FOR CORRECTION OF THE JUDGMENT OF SENTENCE AND REGISTER OF ACTIONS IN CASE 09-003770-01-FC. PEOPLE V. JACKSON, No. 2011 MICH. APP. LEXIS 733 (MICH. CT. APP. 2011). FOLLOWING RESENTENCING, JACKSON'S SENTENCE WAS AFFIRMED ON APPEAL. PEOPLE V. JACKSON, No. 2013 WL 4746759 (MICH. CT. APP. SEPT. 3, 2013).

ON MAY 5, 2015, AFTER MULTIPLE JOURNEYS UP, AND DOWN,

THE STATE APPELLATE LADDER, JACKSON FILED A PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 USC § 2254, WHICH WAS HELD IN ABEYANCE TO PERMIT HIM TO RETURN TO THE STATE COURTS TO EXHAUST ADDITIONAL CLAIMS WHICH HAD NOT YET BEEN PRESENTED TO THE STATE COURTS.

PETITIONER JACKSON FILED HIS FIRST MOTION FOR RELIEF FROM JUDGMENT ON JULY 16, 2015. BY ORDER DATED JANUARY 21, 2016, JUDGE VONDA R. EVANS, RETURNED THE MOTION BECAUSE IT EXCEEDED THE PAGE LIMIT. JUDGE EVANS ENCOURAGED JACKSON TO RESUBMIT THE MOTION AFTER REDACTING HIS ISSUES AND ARGUMENTS TO A MORE MANAGEABLE LENGTH. PEOPLE V. JACKSON, No. 09-003770-01 (WAUNE CNTY. CIR. CT. JAN. 21, 2016).

WHEN JACKSON RESUBMITTED THE MOTION FOR RELIEF FROM JUDGMENT ON MAY 24, 2016, JUDGE EVANS DENIED IT ON NOVEMBER 21, 2016, IN AN ORDER THAT CHARACTERIZED THE MOTION AS SUCCESSIVE UNDER MICH. CT. R. 6.502(G). PEOPLE V. JACKSON, SUPRA (WAUNE CNTY. CIR. CT. NOV. 21, 2016).

THEREFORE, ON DECEMBER 9, 2016, JACKSON TIMELY FILED A MOTION FOR RECONSIDERATION. PEOPLE V. JACKSON, SUPRA, (WAYNE CNTY. CIR. CT. DEC. 9, 2016). WHEN JUDGE VONDA EVANS REFUSED TO ADJUDICATE HIS DECEMBER 9, 2016 MOTION FOR RECONSIDERATION JACKSON FILED AN APPLICATION FOR LEAVE TO APPEAL JUDGE EVANS' NOVEMBER 21, 2016 ORDER, WHICH WAS DISMISSED ON MARCH 29, 2018 BECAUSE JACKSON FAILED TO FILE THE APPLICATION WITHIN THE TIME PERIOD REQUIRED BY MICH. CT. R. 7.205(G)(3). PEOPLE V. JACKSON, No. 342075 (MICH. JAN. 24, 2018).

NEXT, JACKSON FILED AN APPLICATION FOR LEAVE TO APPEAL JUDGE EVANS' NOVEMBER 21, 2016 ORDER IN THE MICHIGAN SUPREME COURT. PEOPLE V. JACKSON, No. 157835 (MICH. NOV. 21, 2016). THAT COURT STATED, IN AN ORDER, THAT IT WOULD ONLY ADDRESS AN ISSUE OF WHETHER THE COURT OF APPEALS ERRED IN DISMISSING JACKSON'S APPLICATION FOR LEAVE TO APPEAL ON JURISDICTIONAL GROUNDS. BECAUSE HE FAILED TO FILE IT WITHIN THE TIME PERIOD REQUIRED BY MICH. CT. R. 7.205(G)(3). RECONSIDERATION WAS DENIED ON JUNE 22, 2018. PEOPLE V. JACKSON, No. 157835 (MICH. JUN. 1, AND 22, 2018).

MEANWHILE, ON JUNE 15, 2018, THE UNITED STATES DISTRICT COURT, SUA SPONTE, REOPENED PETITION FOR WRIT OF HABEAS CORPUS, AND SET DEADLINE FOR RESPONDENT TO ANSWER PETITION AND FILE RULE 5 MATERIALS. JACKSON V. PARISH, No. 2:15-cv-11622 (E.D. MICH. JUN. 15, 2018). JACKSON'S AMENDED PETITION WAS FILED ON SEPTEMBER 5, 2018. ECF No. 34.

ON OCTOBER 2, 2018, THE MICHIGAN SUPREME COURT VACATED THE MARCH 29, 2018 ORDER OF THE COURT OF APPEALS AND REMANDED THE CASE TO THE COURT OF APPEALS. PEOPLE V. JACKSON, No. 157835 (MICH. OCT. 2, 2018).

ON MARCH 12, 2019, THE COURT OF APPEALS ENTERED AN ORDER DISMISSING JACKSON'S APPLICATION FOR LEAVE TO APPEAL JUDGE EVANS' NOVEMBER 21, 2016 ORDER ON THE GROUNDS THAT HE HAD FAILED TO DEMONSTRATE THE ENTITLEMENT TO AN APPLICATION OF ANY OF THE EXCEPTIONS TO THE GENERAL RULE THAT A MOVANT MAY NOT APPEAL THE DENIAL OF A SUCCESSIVE MOTION FOR RELIEF FROM JUDGMENT. PEOPLE V. JACKSON, No. 342075 (MICH. CT. APP. MAR. 12, 2019).

ON JUNE 17, 2019, RESPONDENT FILED ITS RULE 5 MATERIALS AND RESPONSE TO JACKSON'S HABEAS PETITION. JACKSON V. PARISH, SUPRA, (ELF NOS. 60,61.). AFTERWARDS, ON SEPTEMBER 10, 2019, THE MICHIGAN SUPREME COURT REMANDED THE CASE OF PEOPLE V. JACKSON, No. 09-003770-01-FC, TO THE WAYNE CIRCUIT COURT FOR RECONSIDERATION OF WHETHER JACKSON'S MAY 24, 2016 MOTION FOR RELIEF FROM JUDGMENT IS A SUCCESSIVE MOTION, AS JUDGE VONDA R. EVANS STATED IN HER NOVEMBER 21, 2016 ORDER DENYING RELIEF FROM JUDGMENT UNDER MICH. CT. R. 6.502(G), PEOPLE V. JACKSON, No. 159436 (MICH. SEPT. 10, 2019).

ON OCTOBER 14, 2020, WAYNE CIRCUIT COURT, DETERMINED THAT JUDGE VONDA R. EVANS' NOVEMBER 21, 2016 ORDER THAT CHARACTERIZED JACKSON'S MAY 24, 2016 MOTION FOR RELIEF FROM JUDGMENT AS SUCCESSIVE WAS ERRONEOUS, AND THAT IT WOULD ADDRESS JACKSON'S DECEMBER 9, 2016 MOTION FOR RECONSIDERATION, APPOINT POSTCONVICTION COUNSEL TO REPRESENT, GIVE HIM AND HIS NEWLY APPOINTED COUNSEL AN OPPORTUNITY TO SUPPLEMENT, CORRECT, OR RESUBMIT JACKSON'S FILINGS. PEOPLE V

JACKSON, No. 09-003770-01 (WAYNE CNTY. CIR. CT. OCT. 14, 2020).

NEVERTHELESS, ON JUNE 2, 2023, WAYNE CIRCUIT COURT ENTERED JUDGMENT DENYING JACKSON'S SUPPLEMENTED MOTION FOR RELIEF FROM JUDGMENT UNDER MICH. CT. R. 6.502(G), AND MICH. CT. R. 6.508(D). PEOPLE V. JACKSON, SUPRA (WAYNE CNTY. CIR. CT. JUN. 6, 2023).

ON AUGUST 22, 2023, WHILE CONFINED IN MARQUETTE BRANCH PRISON JACKSON PROPERLY REQUESTED PRISON OFFICIALS TO PROVIDE HIM WITH A CERTIFIED 12 MONTH INMATE ACCOUNT ACTIVITY STATEMENT, AND WAS DENIED.

ON AUGUST 30, 2023, THE MICHIGAN COURT OF APPEALS FILED JACKSON'S PRO PER APPLICATION FOR LEAVE TO APPEAL WAYNE CIRCUIT COURT'S JUNE 2, 2023 JUDGMENT. PEOPLE V. JACKSON, No. 367562 (MICH. CT. APP. AUG. 30, 2023).

ON OCTOBER 31, 2023, THE COURT OF APPEALS DENIED JACKSON'S MOTION TO WAIVE FEES BECAUSE HE WAS UNABLE TO FORCE PRISON OFFICIALS TO PROVIDE HIM WITH A CERTIFIED 12 MONTH INMATE ACCOUNT ACTIVITY STATEMENT. PEOPLE V. JACKSON, SUPRA (MICH.

CT. APP. OCT. 31, 2023).

ON DECEMBER 12, 2023, JACKSON'S NOTICE OF APPEAL THE UNITED STATES DISTRICT COURT'S NOVEMBER 2, 2023, ORDER DENYING HIS JUNE 22, 2023, MOTION TO LIFT STAY. JACKSON V. HOFFMAN, No. 23-2065 (U.S. CT. APP. 6TH CIR. DEC. 12, 2023).

ON DECEMBER 13, 2023, THE MICHIGAN COURT OF APPEALS THREE JUDGE PANEL GRANTED JACKSON'S MOTION TO WAIVE FEES, VACATED WAYNE CIRCUIT COURT'S JUNE 2, 2023 ORDER IN ITS ENTIRETY, AND REMANDED CASE 09-003770-01-FC BACK TO THE TRIAL COURT. PEOPLE V. JACKSON, No. 367562 (MICH. CT. APP. DEC. 13, 2023).

ON FEBRUARY 1, 2024, THE UNITED STATES COURT OF APPEALS DISMISSED JACKSON'S APPEAL FOR LACK OF JURISDICTION. JACKSON V. HOFFMAN, No. 23-2065 (U.S. CT. APP. 6TH CIR. APR. 1, 2024). REHEARING WAS DENIED ON MARCH 25, 2024.

ON APRIL 5, 2024, THE MICHIGAN SUPREME COURT DENIED JACKSON'S APPLICATION FOR LEAVE TO APPEAL WAYNE CIRCUIT COURT'S

JUNE 2, 2023 ORDER BECAUSE IT WAS NOT PERSUADED THAT THE QUESTIONS THAT JACKSON PRESENTED SHOULD BE REVIEWED BY IT. PEOPLE V. JACKSON, No. 166499 (MICH. APR. 5, 2024). THIS PETITION FOR WRIT OF CERTIORARI FOLLOWS.

ARGUMENT

I. A DISTRICT COURT'S SUA SPONTE STAY OF HABEAS CORRUS PETITION PENDING RESOLUTION OF POSTCONVICTION PROCEEDING IN STATE COURT IS APPEALABLE AFTER FIVE YEARS.

STANDARD OF REVIEW

REVIEW ON A WRIT OF CERTIORARI IS GOVERNED BY RULE 10 OF THE SUPREME COURT OF THE UNITED STATES.

DISCUSSION

A PERSON IN CUSTODY UNDER A STATE-COURT JUDGMENT WHO SEEKS A DETERMINATION THAT THE CUSTODY VIOLATES THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES MAY ATTACK THE LEGALITY OF THAT CUSTODY. PREISER V. RODRIGUEZ, 411 US 475, 484 (1973); 28 USC § 2254. A PRISONER'S PRINCIPAL INTEREST IS IN OBTAINING SPEEDY FEDERAL RELIEF ON HIS OR HER CLAIMS. ROSE V. LUNDY, 455 US 509, 520 (1982).

IN LANDIS V. N. AM. CO., 299 US 248, 256 (1936), THE SUPREME COURT HELD THAT THE TERMS OF A STAY MUST BE MODERATE IN EXTENT AND UNOPPRESSIVE IN EFFECT. ID. A STAY IS IMMODERATE AND HENCE UNLAWFUL UNLESS SO FRAMED IN ITS INCEPTION THAT ITS FORCE WILL BE SPENT WITHIN REASONABLE LIMITS, SO FAR AT LEAST AS THEY ARE SUSCEPTIBLE OF PREVISION AND DESCRIPTION. ID. AT 257.

A DISTRICT COURT MUST ACT REASONABLY WHEN DECIDING WHETHER TO STAY A CASE IN FAVOR OF A PROCEEDING IN ANOTHER JURISDICTION, TAKING INTO ACCOUNT THE PARTIES' COMPETING INTEREST, THE CONSEQUENCES OF A STAY TO THE PARTIES, AND

OTHER RELEVANT CONSIDERATIONS. SEE LANDIS, 299 US AT 254 - 58.

THE OTHER RELEVANT CONSIDERATIONS INCLUDE COMITY. STATE COURTS, LIKE FEDERAL COURTS, ARE OBLIGED TO ENFORCE FEDERAL LAW. COMITY THUS DICTATES THAT WHEN A PRISONER ALLEGES THAT HIS CONTINUED CONFINEMENT FOR A STATE COURT CONVICTION VIOLATES FEDERAL LAW, THE STATE COURTS SHOULD HAVE THE FIRST OPPORTUNITY TO REVIEW THIS CLAIM AND PROVIDE ANY NECESSARY RELIEF. LUNDY, 455 US AT 515-516; DARR V. BURFORD, 339 US 200, 204 (1950).

IN DEED, THE PRINCIPLE THAT FEDERAL COURTS SHOULD DEFER TO STATE COURTS IN THE INTEREST OF COMITY ASSUMES THAT THE STATE COURTS WILL GIVE PROMPT CONSIDERATION TO CLAIMS OF VIOLATION OF CONSTITUTIONAL RIGHTS. WORKMAN V. TATE, 957 F2D 1339, 1344 (6TH CIR. 1992) (CITING WEST V. STATE OF LOUISIANA, 478 F2D 1026, 1034 (5TH CIR. 1973)). THUS, WHEN STATE REMEDIES AVAILABLE TO A STATE PRISONER BECOME INEFFECTIVE OR INADEQUATE, "THE FOUNDATION OF THE EXHAUSTION REQUIREMENT

IS UNDERCUT AND FEDERAL COURTS MAY TAKE ACTION." WORKMAN,
957 F2D AT 1344.

RELYING ON 28 USC § 2254(b)(1)(B), THE WORKMAN COURT RULED THAT INORDINATE DELAY IN ADJUDICATING STATE COURT CLAIMS RAISED BY THE HABEAS PETITIONER CAN SERVE TO EXCUSE A PETITIONER'S FAILURE TO EXHAUST. ID. THE COURT DETERMINED THAT INORDINATE DELAY IN ADJUDICATING STATE COURT CLAIMS, ARE CIRCUMSTANCES RENDERING STATE REMEDIES INEFFECTIVE TO PROTECT THE RIGHTS OF THE PRISONER, ESPECIALLY WHERE THE STATE IS RESPONSIBLE FOR THE DELAY. ID. AS TO WHAT IS AN "INORDINATE DELAY," THE COURT FOUND THAT WORKMAN'S PETITION FOR POST-CONVICTION RELIEF HAD LANGUISHED IN THE STATE COURTS FOR MORE THAN THREE YEARS WITHOUT THE COURT OF COMMON PLEAS MAKING THE REQUIRED FINDINGS OF FACT AND CONCLUSIONS OF LAW. ID.

THEREFORE, IT WOULD SEEM TO BE APPROPRIATE TO JUDGE APPELLATE DELAY BY THE SAME THREE YEAR STANDARD THAT WORKMAN USED TO EXCUSE EXHAUSTION. SEE, E.G., DOGGETT V. UNITED STATES, 505 US 647, 651-652 (1992) (HOLDING THAT "AN ACCUSED MUST ALLEGE

"THAT THE INTERVAL BETWEEN ACCUSATION AND TRIAL HAS CROSSED THE THRESHOLD DIVIDING ORDINARY FROM PRESUMPTIVELY PREJUDICIAL DELAY").

ON NOVEMBER 21, 2016, WAYNE COUNTY THIRD CIRCUIT COURT JUDGE VONDA R. EVANS DENIED PETITIONER JACKSON'S POST-CONVICTION MOTION FOR RELIEF FROM JUDGMENT AS SUCCESSIVE UNDER MICH. CT. R. 6.502(G)(1). PEOPLE V. JACKSON, No. 09-003770-01 (WAYNE CNTY. CIR. CT. NOV. 21, 2016).

PRIOR TO MAY 1, 2021, MICH. CT. R. 6.502(G)(1) PROVIDED, IN RELEVANT PART: "A DEFENDANT MAY NOT APPEAL THE DENIAL OR REJECTION OF A SUCCESSIVE MOTION." PEOPLE V. HALL, 2023 MICH. LEXIS 1443,* 2, N. 1. (2023); HANEY V. JACKSON, 2016 U.S. DIST. LEXIS 7368,* 7, N. 2. (MICH. W.D. JAN. 22, 2016); MICH. CT. R. 6.502(G)(1). ON NOVEMBER 21, 2016 RULE 6.508(G) WAS A FIRMLY ESTABLISHED PROCEDURAL FOR PURPOSES OF JACKSON'S ACTION. SEE, E.G., ROGERS V. HOWES, 144 F3D 990, 994 (6TH. CIR. 1998). THEREFORE, ON NOVEMBER 21, 2016 JACKSON'S CLAIMS WERE EXHAUSTED. SEE, E.G., RUST V. ZENT, 17 F3D 155, 160 (6TH CIR. 1994).

MOREOVER, JACKSON'S ATTEMPTS TO APPEAL JUDGE VONDA EVANS' NOVEMBER 21, 2016 DENIAL OF HIS POSTCONVICTION MOTION FOR RELIEF FROM JUDGMENT WERE THEMSELVES IMPROPERLY FILED AS THE APPELLATE STATE COURTS LACKED JURISDICTION OF SUCH AN APPEAL - ID. SEE ALSO, ARTUZ V. BENNETT, 531 US 4, 8 (2000) ("AN APPLICATION IS "PROPERLY FILED WHEN ITS DELIVERY AND ACCEPTANCE ARE IN COMPLIANCE WITH THE APPLICABLE LAWS AND RULES GOVERNING FILINGS."). ANY APPLICATION FOR POST-CONVICTION RELIEF MUST BE "PROPERLY FILED." 28 USC § 2244(d)(2).

WHEREFORE, JACKSON TIMELY FILED A DECEMBER 9, 2016, MOTION FOR RECONSIDERATION OF JUDGE EVANS' NOVEMBER 21, 2016 ORDER, PEOPLE V. JACKSON, NO 09-003770-01 (WAYNE CNTY. CIR. CT. DEC. 9, 2016). JUDGE VONDA EVANS REFUSED TO ADJUDICATE THE MOTION FOR RECONSIDERATION, THEREFORE JACKSON SOUGHT RELIEF FROM THEN CHIEF JUDGE ROBERT J. COLOMBO, JR., IN WHOM, ON JULY 31, 2018, ADVISED HIM THAT HIS DECEMBER 9, 2016 MOTION FOR RECONSIDERATION IS MOOT AND THAT THERE IS NO NEED TO RULE ON IT. (SEE 7/31/18 COLOMBO LETTER, ATTACHED AS EXHIBIT 1).

BUT THE EXHAUSTION INQUIRY FOCUSES ENTIRELY ON THE AVAILABILITY OF STATE PROCEDURES AT THE TIME WHEN THE FEDERAL COURT IS ASKED TO ENTERTAIN A HABEAS PETITION. SEE MOORE V. DEMPSEY, 261 US 86 (1923). IN HOLDING THAT THE FEDERAL DISTRICT COURT SHOULD HAVE ENTERTAINED THE CLAIM, THAT COURT OBVIOUSLY FOUND THAT THE STATE COURT'S REFUSAL TO HEAR THE CLAIM ON PROCEDURAL GROUNDS DID NOT MEAN THAT THE CLAIM HAD NOT BEEN EXHAUSTED. SEE ALSO COLEMAN V. THOMPSON, 501 US 722, 732 (1991).

THEREFORE, ON SEPTEMBER 5, 2018, WHEN JACKSON'S AMENDED PETITION FOR WRIT OF HABEAS CORPUS WAS FILED IN THE U.S. DISTRICT COURT THE EXHAUSTION DOCTRINE POSED NO BAR TO FEDERAL REVIEW. SEE ENGLE V. ISAAC, 456 US 107, 125, N. 28 (1982). JACKSON'S MOTION FOR RECONSIDERATION LANGUIISHED IN THE WAYNE CIRCUIT COURT FOR MORE THAN THREE YEARS WITHOUT THAT COURT MAKING THE REQUIRED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

MOREOVER, THE STATE HAS FAILED TO ASSERT THE NON-EXHAUSTION DEFENSE WHEN IT INITIALLY ANSWERED THE HABEAS

PETITION, AS REQUIRED BY RULE 5 OF THE RULES GOVERNING § 2254
CASES IN THE UNITED STATES DISTRICT COURTS. GRANBERRY V. GREER,
481 US 129, 134 (1987).

A HABEAS PETITIONER WHO MAKES "FREQUENT BUT UNAVAILING
REQUESTS TO HAVE HIS APPEAL PROCESSED" IN THE STATE COURT IS "NOT
REQUIRED TO TAKE FURTHER FUTILE STEPS IN STATE COURT IN ORDER
TO BE HEARD IN FEDERAL COURT, EVEN IF THE STATE COURT
SUBSEQUENTLY DECIDES HIS OR HER APPEAL." TURNER V. BAGLEY, 401 F3D
718, 726 (6TH CIR. 2005) (QUOTING SIMMONS V. REYNOLDS, 898 F2D 865,
867-68 (2ND CIR. 1990) (CITING LUCAS V. MICHIGAN, 420 F2D 259, 262 (6TH CIR.
1970)).

ON MARCH 18, 2022; SEPTEMBER 22, 2022; AND NOVEMBER 2,
2023, THE U.S. DISTRICT COURT DENIED JACKSON'S MOTION TO LIFT
ITS STAY. JACKSON V. PARISH, No. 2:15-cv-11622 (MICH. E.D. ECF NOS.
122, 131, 155.). ON NOVEMBER 17, 2023, THE STATE APPOINTED
ATTORNEY HARALAMBOS DIMITRIOS MIHAS (P66417), AS JACKSON'S
POST-CONVICTION LAWYER. NEVERTHELESS, MR. MIHAS HAS FAILED

TO CONTACT, MEET, AND FILE ANY PLEADINGS OR MOTIONS ON JACKSON'S BEHALF.

THEREFORE, JACKSON BROUGHT MR. MIHAS' FAILURES TO THE ATTENTION OF MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM (MAACS), WHOM ALERTED ATTORNEY MIHAS TO JACKSON'S CONCERNs, AND ALSO FORWARDED MR. MIHAS A COPY OF ITS DECEMBER 5, 2023, LETTER ADDRESSED TO JACKSON.

WHEN JACKSON DID NOT HEAR FROM MR. MIHAS HE ADVISED WAYNE CIRCUIT JUDGE PATRICIA FRESARD, ON DECEMBER 26, 2023, REGARDING ATTORNEY MIHAS' REFUSAL TO CONTACT AND/OR MEET WITH JACKSON. ON JANUARY 26, 2024, JACKSON INFORMED JUDGE BRADLEY L. COBB, THAT MR. MIHAS HAS NEVER SPOKEN OR CONTACTED JACKSON. (SEE 11/17/23 ORDER REGARDING APPOINTMENT OF APPELLATE COUNSEL AND TRANSCRIPT; 12/05/23 MAACS LETTER; 12/26/23 LETTER ADDRESSED TO JUDGE FRESARD; 1/26/24 LETTER ADDRESSED TO JUDGE COBB, ATTACHED AS EXHIBIT 2).

AFTER APPROXIMATELY NINE YEARS DIST. COURT HAS NOT SEEM FIT TO PLACE ANY LIMITS ON THE STATE COURTS. THUS, THE

DISTRICT COURT'S STAY SERVES TO PROLONG THE DECISION -
MAKING PROCESS FOR 4YEARS WITHOUT ADEQUATELY PROTECTING
OR ADVANCING JACKSON'S INTEREST IN RECEIVING A PROMPT
DECISION. SEE, E.G., MILLER V. MISFUD, 762 F2D 45, 46 (6TH CIR. 1985).

ON THE FACTS OF THIS CASE THE UNITED STATES COURT
OF APPEALS HAS JURISDICTION OVER JACKSON'S DECEMBER 12, 2023
NOTICE OF APPEAL, NOTWITHSTANDING ITS RELIANCE ON SWANSON
V. DESGANTIS, 606 F3D 829, 834 (6TH CIR. 2010).

JOHNSON V. TEXAS, 878 F2D 904, 906 (5TH CIR. 1989); CHRISTY V.
HORN, 115 F3D 201, 206 (3D CIR. 1997); AND CARMICHAEL V. WHITE, 163
F3D 1044, 1045 (8TH CIR. 1998), AGREED TO HEAR APPEALS CHALLENGING
STAYS OF UNEXHAUSTED HABEAS PETITIONS UNDER THE COLLATERAL ORDER
DOCTRINE. THIS COURT HAS REPEATEDLY REFERRED TO THE COLLATERAL
ORDER DOCTRINE AS A NARROW EXCEPTION TO THE FINAL JUDGMENT
RULE. SEE, E.G., RICHARDSON - MERRELL INC. V. KOLLER, 472 US 424,
430 (1985).

TO GUARD AGAINST THE TEMPTATION TO EXPAND THE DOCTRINE'S

REACH, THIS COURT HAS INSTRUCTED THAT THE QUESTION OF WHETHER OR NOT AN ORDER IS IMMEDIATELY APPEALABLE SHOULD BE DECIDED FOR THE ENTIRE CATEGORY TO WHICH THE ORDER IN QUESTION BELONGS. DIGITAL EQUIP. CORP. V. DESKTOP DIRECT INC., 511 US 863, 865 (1994).

IN MOSES H. CONE MEM'L. HOSP. V. MERCURY CONSTRUCTION CORP., 460 US 1, 28 (1983), THIS COURT HELD THAT A DISTRICT COURT ORDER GRANTING A STAY WAS EXPECTED TO BE THE FINAL WORD ON THE SUBJECT AND THUS SATISFIED THE CONCLUSIVENESS PRONG OF COHEN. SEE JOHNSON, 878 F2D, 905; CHRISTY, 115 F3D AT 205; CARMICHAEL, 163 F3D AT 1045.

ON SEPTEMBER 20, 2019, THE DISTRICT COURT STAYED THE HABEAS CORPUS PROCEEDING AND ADMINISTRATIVELY CLOSED THE CASE. JACKSON V. PARISH, No. 2:15-cv-11622 (MICH. E.D. SEPT 20, 2019).

RECONSIDERATION WAS DENIED ON NOVEMBER 5, 2019. ECF No. 88.

ON MARCH 18, 2022, JACKSON'S MOTION TO LIFT STAY WAS DENIED. ECF No. 122. RECONSIDERATION WAS DENIED ON SEPTEMBER 22, 2022, ECF

No. 131, as was Jackson's July 7, 2022, motion to lift stay. His June 22, 2023, motion to lift stay was denied November 2, 2023. ECF Nos. 155, 156. Thus, the district court record reveals that its September 20, 2019 stay was expected to be the final word on the subject.

The importance/distinctness prong of cohen contemplates orders that are important in a jurisprudential sense. See christy, 115 F3d at 205 (citing praxis properties v. colonial san. bank, 947 F2d 49, 56 (3d Cir. 1991)). This instant court has instructed that the "importance of the right asserted has always been a significant part of the collateral order doctrine." lauro lines s.r.l. v. chasser, 490 US 495, 504 (1989).

The question whether a district court may continue to hold an unexhausted habeas petition in abeyance where the stay is immoderate and too indefinite in scope pending resolution in state court of inexcusable inordinate delayed competent adjudication of post-conviction motions, and attorney assistance remains unsettled.

GIVEN THE IMPORTANT NATURE OF HABEAS CASES ("A PROMPT AND EFFICACIOUS REMEDY FOR WHATEVER SOCIETY DEEMS TO BE INTOLERABLE RESTRAINTS.") THIS APPEAL PRESENTS AN ISSUE THAT IS IMPORTANT ENOUGH IN A JURISPRUDENTIAL SENSE TO REQUIRE AN IMMEDIATE INTERLOCUTORY APPEAL.

THE "DISTINCTNESS" REQUIREMENT DERIVES FROM THE POLICY AGAINST PIECemeAL APPEALS. CONE, 460 US AT 12 N. 13. THE NOVEMBER 2, 2023 DISTRICT COURT ORDER APPEALED FROM DO NOT INVOLVES "CONSIDERATIONS THAT ARE ENMESHED IN THE FACTUAL AND LEGAL ISSUES COMPRISING THE PETITIONER'S CAUSE OF ACTION." COOPERS AND LYBRAND V. LIVESAY, 437 US 463, 469 (1978). THE ORDER APPEALED FROM AND THE PRECISE LEGAL ISSUE IT PRESENTS WILL NOT THUST THE UNITED STATES COURT OF APPEALS INTO THE MERITS OF THE UNDERLYING HABEAS PETITION.

THE COURT OF APPEALS WAS ASKED ONLY TO DETERMINE THE PROPRIETY OF A DISTRICT COURT ORDER WHICH KEEPS AN UNEXHAUSTED HABEAS PETITION IN ABEYANCE WHERE THE STATE COURTS ARE RESPONSIBLE FOR AN INORDINATE DELAY. SEE WORKMAN, 957 F2D

AT 1344; SEE ALSO BARKER V. WINGO, 407 US 514, 531 (1972) ("THE ULTIMATE RESPONSIBILITY FOR SUCH CIRCUMSTANCES . . . MUST REST WITH THE GOVERNMENT RATHER THAN WITH THE DEFENDANT.")

SUCH A DETERMINATION IS SUFFICIENTLY ANCILLARY TO THE UNDERLYING ACTION THAT THE COURT OF APPEALS NEED NOT BECOME ENMESHED IN THE MERITS OF THE DISPUTE. HENCE THE ORDER APPEALED FROM SATISFIES THE DISTINCTNESS PRONG OF THE COLLATERAL ORDER DOCTRINE.

FINALLY, TO BE APPEALABLE UNDER THE COLLATERAL ORDER DOCTRINE, AN ORDER MUST BE SUCH THAT REVIEW POSTPONED WILL ULTIMATELY BE REVIEW DENIED. AN ORDER IS EFFECTIVELY UNREVIEWABLE IF THE ORDER INVOLVES "AN ASSERTED RIGHT THE LEGAL AND PRACTICAL VALUE OF WHICH WOULD BE DESTROYED IF IT WERE NOT VINDICATED BEFORE TRIAL." LAURO LINES, 490 US AT 499.

JACKSON ARGUES THAT BY PERMITTING HIM TO RETURN TO STATE COURT AND EXHAUST PARTICULAR ISSUES, THE DISTRICT COURT'S NOVEMBER 2, 2023 ORDER EFFECTIVELY DESTROYS ANY APPELLATE

REVIEW OF ITS APPROPRIATENESS. PETITIONERS WILL RETURN TO STATE COURT AND EXHAUST THEIR CLAIMS, THEREBY PRESENTING THE DISTRICT COURT WITH AN EXHAUSTED HABEAS PETITION AND RENDERING THE APPROPRIATENESS OF THE DISTRICT COURT'S STAY AND ABEYANCE RULING UNREVIEWABLE. CARMICHAEL, 163 F3D AT 1045 (QUOTING CHRISTY, 115 F3D AT 206. THEREFORE, THIS COURT SHOULD GRANT CERTIORARI.

MOREOVER, THE NATURE OF THE DISTRICT COURT'S SEPTEMBER 20, 2019 ORDER, ITS DECEMBER 16, 2019, ORDER ENJOINING JACKSON FROM FILING FURTHER MOTIONS OR PLEADINGS WITHOUT LEAVE FROM THE COURT (ECF NOS. 84, 95), AND ITS NUMEROUS ORDERS DENYING HIS REQUEST FOR THE COURT TO LIFT THE STAY, EFFECTIVELY OPERATES AS AN INJUNCTION, WHICH SIMULTANEOUSLY OPERATES TO STAY JACKSON'S NINE YEAR DELAYED STATE POSTCONVICTION REMEDY.

SEE CARSON V. AIN. BRANDS, INC., 450 US 79, 84 (1981) (HOLDING THAT AN INTERLOCUTORY ORDER IS IMMEDIATELY APPEALABLE WHEN APPELLANT CAN SHOW THAT THE ORDER MIGHT HAVE A "SERIOUS, PERHAPS IRREPARABLE CONSEQUENCE, AND THAT THE ORDER CAN BE EFFECTUALLY CHALLENGED ONLY BY IMMEDIATE APPEAL"); BALTIMORE CONTRACTORS, INC. V. BODINGER, 348 US 176, 181 (1955).

HERE, JACKSON MAY SUFFER IRREPARABLE INJURY BY THE CONTINUED STAY OF AN INDEFINITE PERIOD OF TIME. HE WAS CONVICTED IN 2009, FOR ALLEGED OFFENSES IN 2008. HIS FEDERAL HABEAS CORPUS WAS FILED IN 2015. HIS INITIAL STATE MOTION FOR RELIEF FROM JUDGMENT WAS FILED THAT SAME YEAR. 9 YEARS LATER AND POST-CONVICTION PROCEEDINGS REMAIN IN THE STATE COURT.

PREJUDICE MAY RESULT FROM IMPAIRMENT OF A DEFENDANT'S DEFENSES IN THE EVENT OF A RETRIAL AS A RESULT OF THE INDEFINITE STAY, BECAUSE THE INABILITY OF A DEFENDANT ADEQUATELY TO PREPARE HIS CASE SKews THE FAIRNESS OF THE ENTIRE SYSTEM. IF WITNESSES DIE OR DISAPPEAR DURING A DELAY, THE PREJUDICE IS OBVIOUS. THERE IS ALSO PREJUDICE IF DEFENSE WITNESSES ARE UNABLE TO RECALL ACCURATELY EVENTS OF THE DISTANT PAST. BARKER, 407 US AT 532.

IMPAIRMENT OF ONE'S GROUNDS FOR DEFENSE IN THE EVENT OF A RETRIAL IS THE MOST DIFFICULT FORM OF... PREJUDICE TO PROVE BECAUSE TIME'S EROSION OF EXONERATORY EVIDENCE AND TESTIMONY CAN RARELY BE SHOWN. ID. AN EXCESSIVE STAY PRESUMPTIVELY COMPROMISES THE RELIABILITY OF A TRIAL IN WAYS THAT NEITHER PARTY CAN PREDICT OR,

FOR THAT MATTER, IDENTIFY. DOGGETT v. UNITED STATES, 505 US AT 656, AND THE LIKELIHOOD OF INJURY INCREASES WITH THE LENGTH OF THE STAY. ID. THE MORE PROTRACTED THE STAY, THE MORE PREJUDICE MAY BE PRESUMED FROM THE STAY. SEE, E.G., LANDIS, 299 US AT 256-57.

NOTWITHSTANDING THE U.S. COURT OF APPEALS' FEBRUARY 1, 2024 ORDER THAT IT LACKED JURISDICTION OVER JACKSON'S "NOTICE OF APPEAL." JACKSON SUBMITS THAT FED. R. CIV. P. 4(b) IS NOT JURISDICTIONAL. SEE BOWLES v. RUSSELL, 551 US 205, 212 (2007) (ONLY THOSE RULES GROUNDED IN STATUTES ARE JURISDICTIONAL). COURT OF APPEALS ACQUIRES JURISDICTION OF APPEAL ONLY UPON FILING OF TIMELY NOTICE OF APPEAL, AND THIS REQUIREMENT IS MANDATORY AND JURISDICTIONAL. GOOCH v. SKELLY OIL CO, 493 F2D 366 (10TH CIR. 1974). COMPLIANCE WITH THE STATUTORY DEADLINE IN 28 USC § 2107(a) IS A MANDATORY JURISDICTIONAL PREREQUISITE THAT THIS COURT MAY NOT WAIVE. SHARKEY v. HOLLOWAY, 2024 U.S. APP. LEXIS 11141 (6TH CIR. 2024) (CITING HAMER v. NEIGHBORHOOD HOUS. SERVS. OF CHI., 583 US 17, 19 (2017); BOWLES v. RUSSELL, supra).

28 USC § 1292(a)(1) PROVIDE APPELLATE JURISDICTION OVER ORDERS THAT HAVE THE PRACTICAL EFFECT OF GRANTING INJUNCTIONS AND HAVE SERIOUS PERHAPS IRREPARABLE, CONSEQUENCE. JACKSON V. AMERICAN BRANDS, INC., 450 US AT 84. A STAY, UNLESS APPROPRIATELY CONDITIONED, COULD PERMIT A STATE TO TAKE AN UNDUE AMOUNT OF TIME TO PURSUE STATE COURT POST-CONVICTION PROCEEDING.

THE DISTRICT COURT INITIALLY STAYED HABEAS ON MAY 12, 2015. JACKSON V. PARISH, No. 2:15-cv-11622 (ECF No. 5.). 3 YEARS HAD PASSED WHEN THE DISTRICT COURT DECIDED TO LIFT ITS STAY ON JUNE 15, 2018. ECF NO. 31. ON SEPTEMBER 20, 2019, AFTER THE STATE ANSWERED JACKSON'S HABEAS PETITION THE DISTRICT COURT AGAIN STAYED THE HABEAS PROCEEDING. ECF NO. 84. SINCE THEN THE STAY HAS CONTINUED FOR NEARLY FIVE ADDITIONALLY YEARS.

28 USC § 2254(c) REQUIRES ONLY THAT STATE PRISONERS GIVE STATE COURTS A FAIR OPPORTUNITY TO ACT ON THEIR CLAIMS. SEE CASTILLE V. PEOPLES, 489 US 346, 351 (1989); PICARD V. CONNOR, 404 US 270, 275-276 (1971). THE CLAIMS THAT JACKSON DESIRES TO

TO HAVE REVIEWED BY THE FEDERAL COURTS HAVE BEEN FAIRLY PRESENTED TO MICHIGAN'S TWO-TIERED APPELLATE PROCESS. STATE COURTS, LIKE FEDERAL COURTS, ARE OBLIGED TO ENFORCE FEDERAL LAW. O'SULLIVAN V. BOERCKEL, 526 US 838, 844 (1999). THEREFORE, COMITY IS NOT WARRANTED.

THE WAYNE CIRCUIT COURT'S INTERVENING JUNE 2, 2023 ORDER AND THE MICHIGAN COURT OF APPEALS' DECEMBER 13, 2023 ORDER SHOULD NOT CHANGE THE CIRCUMSTANCES BECAUSE: 1) THE DISTRICT COURT'S STAY WAS BASED ON THE FACT THAT THE MICHIGAN SUPREME COURT REMANDED CASE 09-003770-01 BACK TO WAYNE CIRCUIT COURT ON SEPTEMBER 10, 2019 TO ADDRESS JACKSON'S DECEMBER 9, 2016 MOTION FOR RECONSIDERATION.

THE MICHIGAN SUPREME COURT'S DECISION ORDERED WAYNE CIRCUIT COURT TO DETERMINE WHETHER JACKSON'S AMENDED MOTION FOR RELIEF FROM JUDGMENT RESUBMITTED ON MAY 24, 2016 CONSTITUTED A SUCCESSIVE MOTION FOR RELIEF FROM JUDGMENT UNDER MICH. CT. R. 6.502(G) AS DETERMINED BY JUDGE VONDA R. EVANS' NOVEMBER 21, 2016 JUDGMENT.

IF WAYNE CIRCUIT COURT DETERMINED THAT IT WAS NOT A
SUCCESSIVE MOTION, IT WAS DIRECTED TO DECIDE THE MOTION UNDER
THE STANDARD FOUND IN MICH. CT. R. 6.508. IF THE COURT DETERMINED
THAT THE MOTION IS SUCCESSIVE, IT COULD DENY RELIEF PURSUANT TO
MICH. CT. R. 6.502(G). THE COURT WAS ORDERED TO ISSUE AN OPINION
SETTING FORTH ITS ANALYSIS. PEOPLE v. JACKSON, No. 159436 (MICH. SEPT. 10
2019).

ON OCTOBER 14, 2020 WAYNE CIRCUIT COURT CONCLUDED THAT THE
MAY 24, 2016 MOTION WAS, IN FACT, JACKSON'S FIRST MOTION FOR RELIEF
FROM JUDGMENT. THE COURT THEN APPOINTED COUNSEL, AND ALLOWED
SUPPLEMENTAL BRIEFING. YET IN ITS JUNE 2, 2023 ORDER WAYNE CIRCUIT
COURT DEEMED JACKSON'S SUPPLEMENTAL MOTION AS HIS THIRD MOTION
FOR RELIEF FROM JUDGMENT UNDER MICH. CT. R. 6.502(G) AFTER REFUSING
TO ACKNOWLEDGE THE PROCEDURAL HISTORY OF CASE 09-003770-01,
INCLUDING THE MICHIGAN SUPREME COURT'S SEPTEMBER 10, 2019 ORDER AND
THE WAYNE CIRCUIT COURT'S OWN OCTOBER 14, 2020 ORDER. HENCE THE
RECORD ESTABLISHES THAT WAYNE CIRCUIT COURT INTENTIONALLY REFUSED
TO REVIEW JACKSON'S CLAIMS, NOT THAT HE DID NOT FAIRLY PRESENT HIS
FEDERAL CLAIMS TO THAT COURT.

;2) THE MICHIGAN COURT OF APPEALS WAS ALSO FAIRLY PRESENTED WITH JACKSON'S FEDERAL CLAIMS AFTER WAYNE CIRCUIT COURT DISOBEDIED THE SUPREME COURT'S COMMAND TO DECIDE THE MOTION UNDER THE STANDARD SET FORTH IN MICH. CT. R. 6.508(D). INSTEAD OF RULING ON THOSE MERITORIOUS FEDERAL CLAIMS, IT INTENTIONALLY EXACERBATED THE PREJUDICE STEMMING FROM THE EXCESSIVE AND UNJUSTIFIED DELAY RESULTING FROM JUDGE VONDA EVANS' NOVEMBER 21, 2016 ORDER, AND THE COMBINED EFFECT OF THE DISTRICT COURT'S IMMODERATE INDEFINITE STAY ORDERS.

THE MICHIGAN COURT OF APPEALS INTERVENING DECEMBER 13, 2023 ORDER MERELY "RESTARTS" THE JULY 16, 2015 POST-CONVICTION PROCEEDING. SEE ZARVELA V. ARTUZ, 254 F.3D 374, 382 (2ND CIR. 2001) (A HABEAS PETITIONER... IS ENTITLED TO AMEND HIS PETITION..., AND AN AMENDMENT WILL "RELATE BACK" TO THE DATE OF HIS ORIGINAL PETITION IF THE ADDED CLAIM "AROSE OUT OF THE CONDUCT, TRANSACTION, OR OCCURRENCE SET FORTH" ORIGINALLY.); SEE ALSO MICH. CT. R. 2.118(D).

IN DEED, WHILE PREPAIRING THIS DOCUMENT, JACKSON WAS ADVISED THAT POST- CONVICTION ATTORNEY HARALAMBOS DIMITRIOS MIHAS HAS ONLY JUST RECENTLY, AS OF MAY 11, 2024, FILED HIS APPEARANCE IN THE STATE TRIAL COURT AND CONTACTED JACKSON FOR THE FIRST

ON MAY 13, 2024, ONLY AFTER BEING CONTACTED BY JUDGE FRESARD. (SEE 7/31/23 ORDER GRANTING ATTORNEY ROBERT TOMAK'S MOTION TO WITHDRAW AS JACKSON'S POST-CONVICTION APPELLATE COUNSEL AND APPOINT NEW COUNSEL; 11/17/23 MAACS ORDER No. 21475 ASSIGNMENT CONFIRMATION ADDRESSED TO MR. HARALAMBOS D. MIHAS; 5/10/24 LETTER FROM THE OFFICE OF JUDGE FRESARD; 5/13/24 LETTER FROM MR. MIHAS; AND 5/11/24 NOTICE OF APPEARANCE, ATTACHED AS EXHIBIT 3).

HENCE, THE RECORD SHOWS THAT ATTORNEY MIHAS WAITED A HALF OF A YEAR TO CONTACT JACKSON AND FILE HIS APPEARANCE, YET MIHAS HAS NOT MET OR SPOKEN TO JACKSON NOR PREPARED AND FILED ANY MOTIONS OR PLEADINGS ON JACKSON'S BEHALF. THUS, JACKSON MUST SEEK SUBSTITUTE COUNSEL BECAUSE HE HAS NO CONFIDENCE IN ATTORNEY MIHAS. NEVERTHELESS, THE DELAY IS ATTRIBUTABLE TO THE STATE OF MICHIGAN. COE v. THURMAN, 922 F2D 528, 531 (9TH CIR. 1990). Cf. BARKER, 407 US AT 531.

IMPORTANT HERE IS THE SIXTH CIRCUIT'S CONFLICT WITH JOHNSON V. TEXAS, SUPRA (5TH CIR.); CHRISTY V. HORN, SUPRA (3D. CIR.); AND CARMICHAEL V. WHITE, SUPRA (8TH CIR.). THIS COURT SHOULD RESOLVE

THE SIXTH CIRCUIT'S DISAGREEMENT WITH THOSE COURTS. THE SIXTH CIRCUIT'S DECISION IN JACKSON'S CASE IS ERRONEOUS AND UNREASONABLE AS CLEARLY DEMONSTRATED ABOVE BECAUSE THE REASON FOR THE DISTRICT COURT'S STAY CONFLICTS WITH LANDIS V. N. AM. CO., SUPRA, AND WORKMAN V. TATE, SUPRA. SEE UNITED STATES V. LANIER, 201 F3D 842, 846 (6TH CIR. 2000) ("CANNOT OVERTURN A DECISION OF ANOTHER PANEL.").

CONCLUSION

WHEREFORE, THIS COURT SHOULD GRANT THE PETITION FOR A WRIT OF CERTIORARI, OR ORDER STATE POST-CONVICTION PROCEEDINGS IN THIS MATTER TO BE CONCLUDED WITHIN 90 DAYS OF THIS COURT'S DENIAL OF CERTIORARI.

RESPECTFULLY SUBMITTED,

DATED: MAY / SHEVAT 29, 2024

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