No. _____

24-5568

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

_____

STEVEN GANTT — 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 THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVEN GANTT Reg.#:20281-050
(Your Name)

USP TERRE HAUTE, P.O. Box 33
(Address)

Terre Haute, IN 478087
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Whether attorney's decision to dismiss a §2255 motion without prisoner's consent would provide valid grounds for Rule 60(b) relief?

2.) Whether the district court can issued a COA to the prisoner after its' court claimed it has reviewed the records, surrendered its' jurisdiction and/or divested of its' jurisdiction unto the appellate court and later the district in the same matter recall and/or withdraw the issued COA?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

United States Attorney-Philip R. Sellinger;
Honorable Robert B. Kugler, U.S. District Court Judge;
Lori M. Koch, Federal Public Defender;;
Kristen M. Harberg-Assistant U.S. Attorney;
Steven Gantt-Petitioner.

TABLE OF AUTHORITIES CITED

CASES **PAGE NUMBER**

STATUTES AND RULES

OTHER

TABLE OF CONTENTS

INDEX TO APPENDICES

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[X] is unpublished.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,
[X] is unpublished.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[ ] is unpublished.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 May 8, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: June 25, 2024, and a copy of the order denying rehearing appears at Appendix C2.

[ ] 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

Fifth and Sixth Amendments of the United States Constitution.

The U.S. Constitution provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty, or property.

Due-process-right, (1930) The rights (as to life, liberty, and property) so fundamentally important as to require compliance with due-process standards of fairness and justice.

Due Pro Clause. (1890) In the U.S. Constitution of the Fifth Amendment applies to federal government.

Sixth Amendment to the U.S. Constitution. The defendant is entitled to legal representation and effective counsel;

STATEMENT OF THE CASE

On or about 06/05/2022, Steven Gantt as a pro se litigant filed with the United States Court of Appeals for the Third Circuit Seeking permission to either filed an application under 28 U.S.C. § 2244 , 2255 Second or Successive § 2255 or anFederal Rule of Civil Procedure 60(b) motion claiming that his prior § 2255 that entitled him to relief was withdrawn without his consent. See Doc. 1-1 at 1. C.A. No. 22-2080. Id.

On or about 06.13/2022, the Assistant United States Attorney's (AUSA) response, sent a letter to the Third Circuit Court of Appeals, stating: "Its' Court should deny Movant-Steven Gantt's application, pursuant to 28 U.S.C. §§ 2244(b) and 2255(h)(2), to file a sucessive motion to vacate sentence. But, that denial, the United States respectfully submits, should be without prejudice to Gantt's filing a motion for relief from judgment under Federal rule of Civil Procedure 60(b) in the Dostrict Court for the District of New Jersey."

On or about 08/05/2022, Steven Gantt, pro se filed a Rule 60(b) Motion to Restore and'or Refile 28 U.S.C. § 2255 in the said above matter. See 08/05/22 [28]. Id.

On or about 07/20/2023, the district court denied Gantt's 60(b) motion. See 07/10/2023 [29]. Id.

On or about 07/20/2023, Gantt timely filed an Notice of Appeal. On or about 07/31/2023 [33] the district court ORDERED and issued certificate of appealability shall issue on whether petitioner's request to reopen his habeas petition should be granted. See 08/02/2023, and Notice to Court of Appeals re 33 Order (eaj) (Entered: 08/02/2023). Id.

The futher and/or forward errors, abuse of descretion, and constitutional violation of the courts in this matter presented the question(s) that the court avoid its response.

REASONS FOR GRANTING THE PETITION

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. There is an split in the circuit. The court has so far departed from the accepted and usual cours of judicial procedings, or santioned such a departure by lower courts, as to call for an exercise of this Court's supervisory power. The United States court of appeals has avoided an important question of federal law that has not been address, but should be, settle and guided by this Court.

In sum, there are question(s) that a reasonable person and/or jurist(s) supplied with all the facts of this case would harbor doubt about the conviction related to the withdrawn 28 U.S.C. § 2255 petition by the prisoner's attorneys without the prisoner's consent.

WHEREFORE, petitioner-Steven Gantt prays this Court will grant certiorari in the above matter, and [illegible]

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Steven Gantt

Date: Sept. 10, 2024