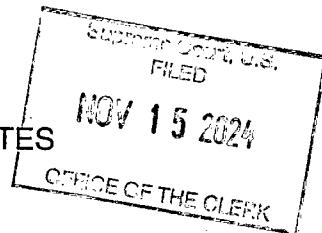


24-6078
No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



MICHAEL ANDREW
PETERSON — PETITIONER
(Your Name)

vs.
CHADWICK DOTSON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT
*24-6179 (2:23-cv-00346)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI
MICHAEL ANDREW PETERSON
DOC#*1828516
(Your Name)
VA DOC LEGAL MAIL
3521 WOODS WAY
(Address)
State Farm, VA 23160

(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED.

Does an unprecedented miscalculation by the state supreme court chief Deputy Clerk of the PETITIONERS statute of limitations,

satisfy the "extraordinary circumstances" prong of the equitable tolling test?

28 USC § 2244(d)

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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:

FEBRUARY 4, 2019 RELATED CASES

1. Fredericksburg, VA. CIRCUIT COURT Conviction*

RAPE, SODOMY, SODOMY, ABDUCTION,

DISTRIBUTION SCH III, MALICIOUS WOUND,

MISD A 3 B.

CR17001406-00, CR17001407-00,

CR18000039-00, CR18000040-00,

CR1800042-00, CR18000043-00,

CR180000537-00.

2. JULY, 2019. Virginia Court of Appeals.
* 0437-19-02.

3. JANUARY, 2020. Supreme Court of VA.
* 200045

RELATED CASES

4. AUGUST 25, 2021. §8.01-654(A)(2)
HABEAS CORPUS,
SUPREME COURT OF VIRGINIA.
#210830

5. SEPTEMBER, 2022.
PETITION FOR REHEARING.
SUPREME COURT OF VIRGINIA.
#210830

6. JULY, 2023. 28 U.S.C. §2254.
U.S. DISTRICT COURT 4TH CIR
E.D. NORFOLK, VIRGINIA.
#2:23-cv-00346.

7. AUGUST, 2024.
UNITED STATES COURT OF
APPEALS FOR THE FOURTH
CIRCUIT
#24-6179.

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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 A 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 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

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____ **AUGUST 26, 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).

SEEKING UNITED STATE SUPREME COURT
REVIEW TO GRANT EQUITABLE TOLLING - § 2244(d)
FROM U.S. CT. APPEALS 4TH CIR OF VIRGINIA.

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

DUE PROCESS 14TH AMENDMENT.

28 USCS § 2244 (d)

VA CODE § 8.01-654 (A)(2)

STATEMENT OF THE CASE

OCTOBER 1ST-4TH 2018.

PETITIONER MAINTAINED his innocence at trial by Jury, with retained counsel.

FEBRUARY 4TH 2019.

FREDERICKSBURG CIRCUIT COURT, VA.

PETITIONER, was convicted of: RAPE, SODOMY, ABDUCTION, DISTRIBUTION SCH 3, MALICIOUS WOUND, MISD A3B.

PETITIONER, was sentenced to 38 years to be served in VA DOC.

July 2019-August 2020

Retained counsel served as appellate counsel, exhausted appeals to the Supreme Court of Virginia.

August 26, 2021

Petitioner timely filed a writ of Habeas Corpus with the Supreme Court of Virginia. § 8.01-654(A)(2) (APPENDIX C)

JULY 07, 2022. (APPENDIX D)

Amended Habeas submitted before July 8TH, 2022 STATUTE LIMITATIONS, 5:5(d), 5:7(e).

STATEMENT OF THE CASE

July 8th, 2022.

PETITIONERS ORIGIONAL habeas of August - 26, 2021, was denied without an evidentiary hearing, with the recognition it was timely filed. § 8.01-654 (A)(2). (APPENDIX C)

Immediately, thereafter, PETITIONER, argued his certified stamped amended Petition of July 7th, 2022, was submitted prior to July 8th, 2022. VA. SUP. CT. R. 5:5(d), 5:7(e). Therefore, another review is due, including an evidentiary hearing. (APPENDIX D)

AUGUST 12, 2022.

Chief Deputy Clerk, MR. William E. Tsimpris wrote the Petitioner, and miscalculated the filing dates, erroneously, telling Petitioner his Origional Petition of August 26, 2021, was UNTIMELY, and submitted passed the statute of limitations. (APPENDIX C) (APPENDIX D)

STATEMENT OF THE CASE.

Chief Deputy Clerk Mr. William C. -
Tsimpris allowed Petitioner to submit
a Petition For Rehearing
VA. SUP. CT. R. 5:20.

Thereafter, Petition For Rehearing
was denied, and no evidentiary
hearing.

This miscalculation confused
the Petitioner into believing his
original Petition of August 26, 2021
was submitted well passed the
statute of limitations when in
fact it was not. (APPENDIX C)
(APPENDIX D)

The supreme court of Virginia made
no attempt to correct this issue.
Leaving Petitioner to diligently
study, and pursue other remedies.
Later discovering Chief Deputy
Clerk Mr. William T. Simpris was wrong,
and miscalculated. His August 12, 2024
letter to the petitioner.

STATEMENT OF THE CASE

Resulting to the PETITIONER filing his
§2254 PETITION with the Eastern
DISTRICT OF Virginia, Nine months
passed the one year statute
28 USC §2244(d)

• JULY, 2023

U.S. DIST. CT. NORFOLK, VA.

*2:23-cv-00346

DENIED: PASSED ONE YEAR STATUTE
§2244 (APPENDIX B)

• January 2024

U.S. CT. OF APPEALS 4TH CIR (VIRGINIA)

*24-6179

DENIED: PASSED ONE YEAR STATUTE,
(APPENDIX A)

REASONS FOR GRANTING THE PETITION

Had the Deputy Chief Clerk not miscalculated Petitioners timely filed Habeas Action of August 26, 2021, or, the states procedural rules. The result of the Petitioners proceeding would have been different.

At worst, Petitioner would at least complied with 28 U.S.C. § 2254, § 2244 and filed his Habeas within the one year statute of limitations in the Eastern District of Virginia.

"The Supreme Court suspected that state courts were manipulating their own state procedural rules to prevent minorities from obtaining federal review."

- *Lee v. Kemna*, 534 U.S. 362, 376, 122 S.Ct. 877, 1512, 8d.2d. 820 (2002);
Smallwood v. Young, 425 F. Supp 2d (E.D. VA 2006)

REASONS FOR GRANTING PETITION

"PETITIONER is entitled to equitable tolling only if he shows that
(1) pursuing his rights diligently, and
(2) that some "extraordinary circumstance" stood in his way."

-Paez v. DiGuglielmo,
544 U.S. 408, 418, 125 S.Ct 1907 161
L.Ed.2d 669 (2005); (APPENDIX e)

"Magistrate Judge miscalculated
one year statute §2244(d)(2)"
- STARNES v. Andrews,
524 F.3d 612, 618 (CA5 2008);
(APPENDIX e)

"ATTORNEY MISCALCULATION BEYOND
diligent PETITIONERS control. §2244"
- HOLLAND v. FLORIDA,
560 U.S. 631 (2010)

"NO allegation the state of Maryland
caused delayed filing §2244(d)"
- HARRIS v. HUTCHINSON,
209 F.3d 325 (CA4 2000)

CONCLUSION

This unprecedented issue of a chief Deputy Clerk from the Supreme Court of Virginia, unduly, miscalculated a timely submitted habeas filing. Tainted the states procedural rules.

Subsequently, causing the petitioner confusion, doubts, and questionable compliance with AEDPA 28 USC § 2244

This case will help PETITIONERS from all over the UNITED STATES, whom, come across clerical erroneous situations that were never corrected.

The petition for writ of certiorari should be granted.

Respectfully Submitted,

Michael Peterson

11/13/2024.