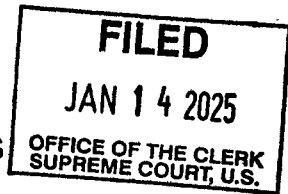


24-6503 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



LARRY BLAKNEY #34750171 — PETITIONER
(Your Name)

vs.
U.S. ATTORNEY GENERAL MERRICK GARLAND
AND WADDEN T. SCARANTINO — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LARRY BLAKNEY #34750171
(Your Name)

1000 OLD HIGHWAY N.C. 75
(Address)

BUTNER N.C. 27509
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

2.) How could the lower court and the 4th circuit court of appeals not know that I'm not a prisoner under the stipulations of the Prison Litigation Reform Act. (PLRA) straight forward definition of Prison or Prisoner only apply to persons incarcerated as punishment for criminal convictions *TROVILLE V. VENZ* 303 F.3d 1256, 1260 (11th Cir. 2002)

2.) How could they ignore the fact that I'm civilly committed to the custody of the Attorney General pursuant 18 U.S.C § 4246 and deny my petition § 2241 for not exhausted a remedy to appeal, when the court clearly states that I'm non-punitive and is not subject to the (PLRA) restrictions including exhaustion of remedies as a civil detainee see 42 U.S.C § 1997(e)(4) *BANKS V. HORNAK*, 698 F. App'x 731, 735 (4th Cir. 2017); *HICKS V. JAMES* 255 F. App'x 744, 747-48 (4th Cir. 2007)

3.) How could the the United State District Court for the Eastern District of North Carolina and the United State Court of Appeals for the Fourth Circuit make a decision to dismiss my petition § 2241 for not exhausting a remedy when those stipulation don't apply to me because I'm civilly committed to the custody of the Attorney General under 18 U.S.C § 4246

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

UNITED STATES OF AMERICA v. FISHER, NO. 5:10-HC-2234-D
2011 U.S. DIST. LEXIS 5837 (E.D.N.C. JAN 31, 2011)

BANKS v. HORWAK 698 F. App'x 731, 735 (4TH Cir. 2017)

HICKS v. JAMES 255 F. App'x 744, 747-48 (4TH Cir. 2007)

PERKINS v. BEELE, 207 F. App'x 262, 263 (4TH Cir. 2006)

TROVILLE v. VENZ 303 F. 3d. 1256, 1260 (11TH Cir. 2002)

PERKINS v. BEELE 207 F. App'x 262, 263 (4TH Cir. 2006)

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STATUTES AND RULES

42 U.S.C. § 1997(e)(4) PRISON LITIGATION REFORM ACT
(PLRA) STRAIGHTFORWARD DEFINITION OF "PRISONER" TO
APPLY ONLY TO PERSONS INCARCERATED AS PUNISHMENT
FOR A CRIMINAL CONVICTION

18 U.S.C. § 4246 THE PETITIONER IS CIVILLY COMMITTED TO
THE CUSTODY OF THE ATTORNEY GENERAL 18 U.S.C. § 4246
HE IS NOT SUBJECT TO THE RESTRICTION OF THE PRISON
LITIGATION REFORM ACT (PLRA) 42 U.S.C. § 1997(e)(4)
INCLUDING EXHAUSTING REMEDIES. HE'S NON PUNITIVE

OTHER

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 5:24-HC-2067-M; 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 DECEMBER 3, 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: NOVEMBER 25, 2024, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

HOWEVER BECAUSE THE PETITIONER IS COMMITTED TO THE CUSTODY OF THE UNITED STATES ATTORNEY GENERAL UNDER 18 U.S.C. § 4246, SEE: UNITED STATES OF AMERICA v. FISHER, NO. 5:10-HC-2234-D 2011 U.S. DIST. LEXIS 5837 (E.D.N.C. JAN. 31, 2011) HE IS NOT SUBJECT TO THE RESTRICTIONS OF THE PRISON LITIGATION REFORM ACT (P.L.R.A.) SEE: 42 U.S.C. § 1997e(h); BANKS v. HOWARD 698 F. App'x 731, 735 (4TH CIR. 2017); HECKS v. JAMES 255 F. App'x 744, 747-48 (4TH CIR. 2007) ALSO SEE: PERKINS v. BEELE 207 F. App'x 262, 263 (4TH CIR. 2006) TROVILLE v. VENZ 303 F. 3d 1256, 1260 (11TH CIR. 2002)

STATEMENT OF THE CASE

THE PRISON LITIGATION REFORM ACT (PLRA) DEFINES A PRISONER AS ANY PERSON INCARCERATED OR DETAINED IN A FACILITY WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR VIOLATION OF CRIMINAL LAW OR TERMS OF CONDITIONS OF PAROLE, PROBATION, PRE-TRIAL RELEASE OR DIVERSIONARY PROGRAM ^{42 U.S.C. § 1915(e)(1)}. PETITIONER IS COMMITTED TO THE CUSTODY OF THE ATTORNEY GENERAL PURSUANT 18 U.S.C. § 4246 SEE, UNITED STATES V. BUSSIE, 637 F. App'x 102, 102-03 (4TH CIR. 2016) THUS PETITIONER IS NO LONGER SUBJECT TO THE RESTRICTIONS OF THE (PLRA) INCLUDING MANDATORY FILING FEE, THE ADMINISTRATION REMEDIES EXHAUSTION REQUIREMENT OR THE THREE STRIKE PROVISION, SEE, HICKS V. JAMES 255 F. App'x 744, 747-48 (4TH CIR. 2007) AND ALSO SEE BANKS V. HORWAK 698 F. App'x 731, 735 (4TH CIR. 2017) THESE ARE LAWS AND AUTHORITIES OF THE FOURTH CIRCUIT THAT CONFLICTS WITH THE WAY THEY RULED ON THE APPEAL IN THE FOURTH CIRCUIT AGAINST THE PETITIONER DECISION MADE BY THE LOWER COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

REASONS FOR GRANTING THE PETITION

THE PRISON LITIGATION REFORM ACT (P.L.R.A.)
STRAIGHTFORWARD DEFINITION OF PRISONER IS TO
APPLY TO PERSONS INCARCERATED AS PUNISHMENT
FOR A CRIMINAL CONVICTION. WHERE THE
LANGUAGE CONGRESS CHOSE TO EXPRESS ITS
INTENT IS CLEAR AND UNAMBIGUOUS, THAT IS AS
FAR AS A COURT GOES TO ASCERTAIN ITS INTENT
BECAUSE IT MUST PRESUME THAT CONGRESS SAID WHAT
IT MEANT AND MEANT WHAT IT SAID. A CIVIL DETAINEE
SIMPLY DOES NOT FALL UNDER 42 U.S.C. § 1997(e)(1)

DEFINITION OF PRISONER BY WHICH THE STATUTE
MEANS PERSONS INCARCERATED FOR VIOLATION OF
CRIMINAL LAW OR THE TERMS AND CONDITIONS OF PAROLE,
PROBATION, PRE-TRIAL RELEASE OR DIVERSIONARY
PROGRAM DOES NOT FIT THE PETITIONER, BECAUSE
HE IS CIVILLY COMMITTED TO THE CUSTODY OF
THE ATTORNEY GENERAL UNDER 18 U.S.C. § 4246
WHICH MAKES HIM NON-PUNITIVE AND NOT
SUBJECT TO THE RESTRICTION OF 42 U.S.C. § 1997(e)
THE LOWER COURT AND 4TH CIRCUIT OF APPEALS
ABUSE THEIR DISCRETION BY DENIAL OF HIS § 2241
PETITION FOR FAILURE TO EXHAUST A APPEAL REMEDY

HOWEVER BECAUSE THE PETITIONER IS COMMITTED TO THE CUSTODY OF THE UNITED STATES ATTORNEY GENERAL UNDER 18 U.S.C §4246. HE IS NOT SUBJECTED TO THE RESTRICTIONS OF THE PRISON LITIGATION REFORM ACT (P.L.R.A) SEE. 42 U.S.C §19976(h) WHICH IS DESIGN TO PUNISH PRISONER FOR CRIMES THEY COMMITTED. CONTRARY TO THE RESTRICTIONS OF THE P.L.R.A THE PETITIONER IS A CIVIL DETAINER AND IS TO REMAIN NON-PUNITIVE 18 U.S.C §4246

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

LARRY BLAKNEY # 34750171

Date: JAN. 2ND, 2025