

EXHIBIT C

IN THE ALABAMA SUPREME COURT

CAPITAL CASE

IN RE EGGERS,

CASE #: 1040344

(IN RE: EGGERS V STATE, 914 So. 2d
883, AL. CT. CR. APPS 2005)

STATUS REPORT

TO THE HONORABLE CLERK OF THE COURT:

NOW COMES EGGERS, IN A PRO SE
CAPACITY, PROVIDING THE HIGH COURT WITH A
STATUS REPORT OF RECENT ACTION TAKEN BY
FORMER FEDERALLY FUNDED APPOINTED COUNSEL,
'FEDERAL DEFENDERS' (DISCHARGED ON 09-21-2016
BY THE U.S.D.C.T., SEE DIT 173, EGGERS V AL.
2:13-CV-01460-LSC), IN THE DISTRICT COURT OF
THE U.S.A., N.D. AL., SO. DIV.

EGGERS PROVIDES THIS REPORT IN AN
EFFORT TO KEEP THE AL.S.C.T. ACCURATELY
INFORMED AND TO EXPEDITE EGGERS EXECUTION
AND THE INTERESTS OF THE PROPER ADMINISTRATION
OF CRIMINAL JUSTICE, ASENT ANY ACTION
OR RESPONSE BY THE ALABAMA ATTORNEY GENERAL.
EGGERS MOVES THE AL.S.C.T. TO SET AN
EXECUTION DATE WITHOUT ANY FURTHER DELAY, WHICH
WILL FURTHER ENCOURAGE FEDERAL COURT PROMPT
RESOLUTION.

IN SUPPORT EGGERS ASSERTS THE FOLLOWING:

1. ON 09-21-16, THE U.S.D.C.T. FOUND EGGERS
INCOMPETENT, DISCHARGED HIM, GRANTING EGGERS MOTION
TO WAIVE APPEALS AND PROCEED TO EXECUTION,
EGGERS V AL., 2:13-CV-01460-LSC

2. EGGERS THEN WAIVED THE TIME IN WHICH
TO FILE A MOTION FOR A CERTIFICATE OF APPEAL-
ABILITY ON 10-03-2016, (DIT 174), WHICH WAS
DENIED ON 10-06-2016, (DIT 175)

3. EGGERS FILED A SIMILAR WAIVER OF TIME
IN WHICH TO FILE A MOTION FOR A C.O.A. IN
THE 11TH CIRCUIT COURT OF APPEALS FOR THE U.S.A.,
EGGERS V AL., #16-10785-P, ON 10-10-2016.

4. EGGERS FILED A REVIEWED MOTION TO EXPEDITE HIS EXECUTION IN THIS COURT ON 10-10-2016.

5. ON 10-21-2016, FORMER A/C, FILED AN UNAUTHORIZED NOTICE OF APPEAL AND MOTION FOR A CERTIFICATE OF APPEALABILITY, (CIT 176 AND 177), CHALLENGING THE U.S.D.C.T. ORDER FINDING EGGERS COMPETENT.

6. ON 10-25-2016, THE U.S.D.C.T. DENIED FORMER A/C MOTION AND NOTICE OF APPEAL, (CIT 180, A COPY OF WHICH IS ATTACHED, EX. A).

7. CURRENTLY, FORMER A/C, IS SEEKING A CERTIFICATE OF APPEALABILITY FROM THE U.S. C.O.A. FOR THE 11TH CIRCUIT, CAPTIONED, EGGERS V AL, #16-16805-P.

8. ON 11-01-2016, EGGERS FILED A MOTION TO DISMISS FORMER A/C NOTICE OF APPEAL AND MOTION FOR A CERTIFICATE OF APPEALABILITY UNDER EGGERS V AL, #16-16805-P, ASSERTING VARIOUS GROUNDS IN SUPPORT OF DISMISSAL:

A) FORMER A/C INTERESTS ARE WHOLLY DIVERGENT FROM EGGERS.

B) FORMER A/C MADE NO SHOWING OF U.S. CONSTITUTIONAL VIOLATIONS.

C) FORMER A/C MADE NO SUBSTANTIAL SHOWING THAT EGGERS WAS MENTALLY INCOMPETENT.

D) FORMER A/C FAILED TO DEMONSTRATE THAT THEY HAVE STANDING TO LITIGATE ON EGGERS BEHALF.

E) FORMER A/C FAILED TO SHOW THAT REASONABLE JURISTS COULD DEBATE THE U.S.D.C.T. ORDER FINDING EGGERS COMPETENT.

F) FORMER A/C FAILED TO DEMONSTRATE THAT THE U.S.D.C.T. ORDER WAS CLEARLY ERRONEOUS.

9. "NEXT FRIEND STANDING IS BY NO MEANS GRANTED AUTOMATICALLY" WHITMORE V MCKAY, 495 U.S. 149; HAUSER V MOORE, 223 F.3d 1316, (11TH CIR. 2000).

10. "A/C MUST SHOW REASONABLE JURISTS COULD DEBATE D.C.T. RESOLUTION", SLACK V MCDRAUGH, 529 U.S. 473.

11. IN FORD V HANEY, 179 F.3d 1342, (11th Cir. 1999), THE U.S.D.C.T. DENIED HIS MOTION FOR A CERTIFICATE OF APPEALABILITY, EVEN THOUGH THE D.C.T. FOUND FORD COMPETENT.
12. IN EGGERS V AL., 2:13-CV-0440-LSC, JUDGE COOKER FOUND EGGERS COMPETENT, PROVIDING A 41 PAGE MEMORANDUM, STATING, "THE MOST PERSUASIVE EVIDENCE THAT EGGERS UNDERSTANDS HIS LEGAL POSITION, WAS EGGERS' OWN TESTIMONY", OBSERVED BY THE D.C.T. AT THE COMPETENCY HEARING CONDUCTED ON 04-08-2016, (SEE D/T 173 @ 38-40, ATTACHED IN PART AS EXHIBIT "B"), DENYING HIS MOTION FOR A CERTIFICATE OF APPEALABILITY, (D/T 180, EX. A).

"CERTIFICATE OF APPEALABILITY IS NEEDED IN ORDER TO APPEAL D.C.T. ORDER" SANCHEZ-VEJASO V SECRETARY OF D.O.C., 287 F.3d 1015, (11th Cir. 2002)

13. "THE D.C.T. FINDINGS ARE FACTUAL IN NATURE AND ARE ENTITLED TO THE PRESUMPTION OF CORRECTNESS" DENOSTHENES V BAIL, 495 U.S. 731 (1990).

14. IN THE MATTER OF CENTOBBE V STATE, 30.2d THE ALABAMA SUPREME COURT SET AN EXECUTION DATE FOR MARIO CENTOBBE, (WHO WAIVED ALL FUTURE APPEALS), MOVING FORWARD WITH HIS STATE SANCTIONED EXECUTION WHILE FEDERAL DEFENDERS PRESENTED A NEXT FRIEND PETITION TO THE U.S.C.O.A., CENTOBBE V CAMPBELL 407 F.3d 1149 (11th Cir. 2005, WHICH WAS DENIED ONE DAY BEFORE HIS SCHEDULED EXECUTION IN APRIL 2005.

15. THE U.S.C.O.A. FOR THE 11TH CIRCUIT SHALL CONDUCT A DE NOVO REVIEW OF THE D.C.T. ORDER, IN EGGERS CASE, WHICH SHALL MOST LIKELY BE AFFIRMED, DISMISSING FURTHER HIS MOTION AND NOTICE.

16. THE PEOPLE OF THE STATE OF ALABAMA AND THE VICTIM'S FAMILY, SHOULD NOT BE DENIED JUSTICE AND ANY FURTHER DELAYS.

17. NOR SHOULD EGGERS BE COMPELLED TO ENDURE ANY FURTHER UNIQUE DELAYS, ANXIETY

AND CRUEL AND UNUSUAL PUNISHMENTS IN AN
OPPRESSIVE PRISON ENVIRONMENT VIOLATING EGGERS
DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER
THE 8TH AND 14TH AMENDMENTS TO THE U.S.
CONSTITUTION.

18. EGGERS HAS BEEN CONFINED FOR APPROXIMATELY
16 YEARS, HAVING SOUGHT TO WAIVE ALL APPEALS
IN 2003, 2006, 2010, 2011, 2012, 2013, 2014,
2015 AND 2016.

19. THE COURTS HAVE COMPELLED EGGERS TO
SEEK FOR AN EXECUTION DATE, NEVER ACKNOWLEDG-
ING EGGERS UNEDUCATIONAL ABILITIES.

20. EGGERS SHOULD NOT BE EXPOSED TO
DOUBLE PUNISHMENT TIME PLUS EXECUTION.

21. EGGERS FAMILY, NOR THE VICTIM'S FAMILY
SHOULD BE COMPELLED TO ENDURE FURTHER ANXIETY
AS THE ADMINISTRATION OF JUSTICE IS DELAYED
IN THE FACE OF AN INDISPUTABLE WAIVER
FROM A COMPETENT MAN INVOKING HIS RIGHTS.

PRAYER FOR RELIEF

EGGERS PRAYS THAT THE COURT SHALL EXAMINE
AND VERIFY THE FACTS AND EVIDENCE PRESENTED
HERE-IN, MOVING FURTHER TO GRANT EGGERS
RENEWED MOTION FOR AN EXECUTION DATE, EXPEDIT-
ING EGGERS EXECUTION AS AUTHORIZED BY
THE U.S.D.C.T. ORDER ENTERED ON 09-21-2016.

RESPECTFULLY,

~~_____
NUE~~
MICHAEL N. EGGERS 2-689
D.C.T. #1
100 WARRIOR ROAD
BESS., AL. 35023

PRO SE

IN THE ALABAMA SUPREME COURT

IN RE EGGERS,
(EGGERS V STATE, 914 So.2d 883, ALCA
(2005))
CASE # 1040344

CERTIFICATE OF SERVICE

I, MICHAEL EGGERS, DO HEREBY CERTIFY
UNDER PENALTY OF PERJURY THAT A COPY OF
THE FOREMENTIONED STATUS REPORT HAS BEEN
SERVED UPON THE ALABAMA ATTORNEY GENERAL'S
OFFICE, 501 WASHINGTON AVENUE, P.O. BOX 30052
MONT., AL. 36130-0152, BY WAY OF U.S. FIRST
CLASS MAIL POSTAGE PRE-PAID ON THIS AND
DAY OF NOVEMBER, 2016.

~~WUE~~
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