No. 23-5652

In the Supreme Court of the United States

Brian Dorsey,

Petitioner,

v.

David Vandergriff, Warden,

Respondent.

Brief in Opposition to Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

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Capital Case

Questions Presented

I. After denying relief under 28 U.S.C. § 2254, does a federal district court retain jurisdiction under 18 U.S.C. § 3599 to compel the warden of a state prison to admit people into the prison or to transport state prisoners out of the prison?

II. Do federal courts have jurisdiction to impose a prisoner's mistaken reading of state law upon state government actors during a state's clemency process?

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The opinion of the court of appeals is unpublished but is available on Westlaw as *Dorsey v. Vandergriff*, 2023 WL 4363640, 23-1078 (8th Cir. July 6, 2023), and is contained in Petitioner's appendix D. Pet. App. D.[1] The district court's decision is not published in the Federal Supplement but is available on Westlaw at *Dorsey v. Steele*, 2023 WL 159781, 4:15-CV-8000-RK (W.D. Mo. Jan. 11, 2023), and is included as Petitioner's Appendix C. Pet. App. C.

Jurisdiction

The Eighth Circuit issued its judgment denying Dorsey's appeal on July 6, 2023. Pet. App. D. Dorsey did not seek rehearing en banc, and the Eighth Circuit issued its mandate on July 27, 2023. *Dorsey v. Vandergriff*, 23-1078 (8th Cir. 2023). The petition for writ of certiorari was filed on September 19, 2022. Dorsey invokes the Court's jurisdiction under 28 U.S.C. § 1254(1).

Statement

1. In 2006, just two days before Christmas, Sarah Bonnie (Dorsey's cousin) started the day by baking cookies and making a gingerbread house with

[1] Petitioner has filed one electronic document as his appendix, but has labeled the documents as Appendix A, Appendix B, Appendix C, and Appendix D. Respondent refers to Petitioner's appendix documents as Pet. App. followed by Petitioner's lettering.

her four-year old daughter, Jade, and Sarah's mother.[2] Dist. Dkt. 29-2 at 23. Jade was to spend the night with her grandparents. *Id*. After they finished baking cookies and making the gingerbread house, Jade left with Sarah's mother. *Id*. Between 3:00 p.m. and 6:30 p.m., Dorsey asked Sarah, his cousin, for money and help because Dorsey owed money to drug dealers. *Id*. at 33, 37. Ben, Sarah's husband, agreed to help Dorsey confront some drug dealers who were at Dorsey's apartment without permission. *Id*. at 37. Sarah, Ben, and their friend went to Dorsey's apartment to help Dorsey. *Id*. Sarah and Ben stayed until the drug dealers left and then took Dorsey into their home to protect him. *Id*. at 33. Before leaving the apartment, Sarah told Dorsey to gather Dorsey's dirty clothes and that Sarah would wash them for him. *Id*. at 33–34. When Jade learned that Dorsey intended to spend the night at the Bonnies' home, Jade wanted to come home so she could see Dorsey. Dist. Dkt. 29-2, at 23. Sarah's mother brought Jade back home and then stayed for a while to visit. Dist. Dkt. 29-2, at 24. Other friends and family members joined in. Dist. Dkt. 29-2, at 23.

The women visited inside the house while the men, including Dorsey, went to the "shop" to drink beer and shoot pool. Dist. Dkt. 29-2, at 24, 29–30,

[2] The Warden refers to Sarah Bonnie and Ben Bonnie by their first names only for the sake of clarity. The Warden refers to Jade by her first name in order to help protect her identity.

38. Before the men could shoot pool, they had to clean off the pool table. Dist. Dkt. 29-2, at 30, 38. Ben removed a single-shot 20-gauge shotgun from the pool table. Dist. Dkt. 29-2, at 38. The shotgun was Ben's first gun, a gift from his father. Dist. Dkt. 29-2, at 88. The shotgun was unloaded. Dist. Dkt. 29-2, at 38. Eventually, all the houseguests left, leaving Sarah, Ben, Jade, and Dorsey in the house.

After everyone went to bed, Dorsey retrieved the shotgun and shot Sarah in the lower right jaw. Dist. Dkt. 29-2, at 67, 128. The force of the shotgun blast was so powerful that it separated Sarah's brain from her spinal cord, doing "massive damage to [her] brain." Dist. Dkt. 29-2, at 67. It was a "devastating injury." Dist. Dkt. 29-2, at 68. Dorsey shot Ben in the head with the shotgun as well. Dist. Dkt. 29-2, at 68, 128. Ben's gunshot wound had gunpowder in it, proving that the wound was a "close-contact wound" where the gun was "pressed very close" to Ben's body. Dist. Dkt. 29-2, at 68. Dorsey then raped Sarah. Dist. Dkt. 29-2, at 100.

After murdering Sarah and Ben and then raping Sarah, Dorsey stole personal property, such as Sarah's old cell phone, Sarah and Ben's jewelry, two firearms, and Jade's copy of Bambi II. Dist. Dkt. 29-2, at 28, 32, 74, 76, 87. Dorsey used these items to try to repay his drug debt. Dist. Dkt. 29-2, at 39–41. Dorsey also stole Sarah's car. Dist. Dkt. 29-2, at 22–23, 90. Dorsey could not take his own car because Ben, a mechanic, had been repairing Dorsey's car

at Ben's expense, but the repairs were not finished. Dist. Dkt. 29-2, at 22–23, 90.

On Christmas Eve, Sarah's mother received a phone call because Sarah, Ben, and Jade had not yet arrived for the Bonnie family gathering. Dist. Dkt. 29-2, at 24. Sarah's mother and father went to the Bonnies' home to check on them. Dist. Dkt. 29-2, at 24. When they entered the house, they found Jade sitting on the couch drinking chocolate milk and eating chips. Dist. Dkt. 29-2, at 24. Jade, who jumped up and was glad to see her grandparents, said that she could not wake up Sarah. Dist. Dkt. 29-2, at 22, 24. After knocking and calling for Sarah and Ben, Sarah's father forced the bedroom door open and they discovered the bodies. Dist. Dkt. 29-2, at 24–25.

When law enforcement entered the bedroom, they noticed the smell of bleach coming from Sarah's body. Dist. Dkt. 29-2, at 56. Sarah's mid-section and groin had a "pour pattern," which was revealed under an alternative light source. Dist. Dkt. 29-2, at 57, 60. Sarah's body was examined and a rape kit was performed. Dist. Dkt. 29-2, at 69. Swabs were collected for DNA testing. Dist. Dkt. 29-2, at 97. Upon examination, those vaginal swabs screened positive for the presence of semen. Dist. Dkt. 29-2, at 98. The crime lab could not confirm that semen was present because of "chemical insults," which included "soap, detergent, cleansers and so forth." Dist. Dkt. 29-2, at 98. Sperm

cells were detected. Dist. Dkt. 29-2, at 98. Dorsey could not be eliminated as the contributor of the DNA found on the vaginal swabs. Dist. Dkt. 29-2, at 100.

When Dorsey was interviewed by police officers, he confessed to the murders, telling officers they had the "right guy concerning the death of the Bonnies." Dist. Dkt. 29-2, at 79. Dorsey also had Sarah's social security card in his back pocket. Dist. Dkt. 29-2, at 78.

After the murder, Sarah's parents began raising Jade. Dist. Dkt. 29-2, at 26. Sarah's mother had to retire from working. Dist. Dkt. 29-2, at 26. Jade began attending counseling. Dist. Dkt. 29-2, at 26. Sarah's mother described Jade's "nightmares and crying" as "just horrible." Dist. Dkt. 29-2, at 26.

2. Dorsey's experienced trial counsels advised him to plead guilty because, in one counsel's view, "the evidence of [Dorsey's] guilt was overwhelming" and that there was "a substantial chance of losing on murder first degree" and "a very substantial chance that [Dorsey] would receive the death penalty." Dist. Dkt. 29-11 at 588. Dorsey agreed with counsels' advice and pleaded guilty.

Dorsey then received jury sentencing, where his counsels determined the best strategy was for Dorsey to accept responsibility, for Dorsey to try to get credit for that acceptance from the jury, and for Dorsey to show to the jury that he "had some humanity in him." Dist. Dkt. 29-11, at 589. One trial counsel hoped to show to the jury that this murder was "an aberration for [Dorsey];

that [Dorsey] had a history of being a good person, that [Dorsey] had some things in him that a jury could connect to." Dist. Dkt. 29-11, at 595. In that trial counsel's experience, juries that returned life verdicts did so because of that kind of evidence. *Id*. Dorsey's other trial counsel explained that the trial strategy was "to present [Dorsey] as best we could, as sorry, remorseful, deeply upset." Dist. Dkt. 29-11, at 731. At the sentencing, the prosecutor described trial counsel's closing argument as "a very eloquent plea for mercy." Dist. Dkt. 29-2, at 145.

Despite trial counsels' best efforts, the jury returned verdicts of death. Dist. Dkt. 29-2, at 149. The jury found seven aggravating circumstances, including that the murders were outrageously and wantonly vile, horrible, and inhuman, the murders were committed so Dorsey could steal, and that Dorsey raped Sarah. Dist. Dkt. 29-2, at 149.

3. After his conviction and sentences of death, Dorsey appealed, and the Missouri Supreme Court affirmed Dorsey's convictions and sentences. *State v. Dorsey*, 318 S.W.3d 648 (Mo. 2010). This Court denied certiorari review. *Dorsey v. Missouri*, 562 U.S. 1067 (2010). Dorsey then sought collateral post-conviction relief, which the post-conviction court denied. The Missouri Supreme Court affirmed the denial of post-conviction relief. *Dorsey v. State*, 448 S.W.3d 276 (Mo. 2014). Then Dorsey petitioned for federal habeas review, and the district court denied Dorsey's claims without granting a certificate of appealability.

Pet. App. C. An administrative panel of the Eighth Circuit granted a certificate of appealability, but after briefing and argument, the merits panel determined that Dorsey was not entitled to habeas relief. Pet. App. A.

4. Thereafter, Dorsey filed an *ex parte*, sealed motion in the district court requesting the court issue an order directing the Warden to transport Dorsey for testing. Pet. App. C. The district court denied Dorsey's request under Eighth Circuit Precedent and under the plain text of 18 U.S.C. § 3599. *Id*. The district court also denied Dorsey's request for an order under the All Writs Act. *Id*.

Dorsey then appealed to the Eighth Circuit. After briefing, the Eighth Circuit denied Dorsey's appeal in a *per curiam,* unpublished order, finding that Dorsey's statutory argument was squarely foreclosed by circuit precedent, and finding the text of the All Writs Act did not support his argument. Pet. App. D.

Reasons for Denying the Petition

I. This case is a poor vehicle for considering the questions presented.

Three procedural infirmities render this case a very poor vehicle for the Court's consideration of Dorsey's questions presented. *First*, Dorsey filed his request in a closed habeas case where the district court had exhausted its jurisdiction. Procedural considerations weigh heavily against Dorsey's attempt to confer federal courts with jurisdiction by filing a motion in a case where jurisdiction has been exhausted. *Second*, Dorsey filed his motion *ex parte* and under seal. As a result, he deprived the Warden of any opportunity to brief or respond to the issues in the district court. As a result, the Warden has not had a full opportunity to develop the factual record. And *third*, Dorsey's *ex parte* and under seal filing likely does not comply with the statute's requirements for such a filing.

A. The district court lacked jurisdiction to grant Dorsey's motion.

"Federal courts are courts of limited jurisdiction." *Home Depot U.S.A., Inc. v. Jackson,* 139 S. Ct. 1743, 1746 (2019) (citations and alterations omitted). The United States Constitution limits "the character of the controversies over which federal judicial authority may extend," and lower federal courts are further constrained by statutory limits. *Id.* (citations and alterations omitted). Put simply, "the district courts may not exercise jurisdiction absent a statutory

basis." *Id.* (citing *Exxon Mobil Corp. v. Allapattah Services, Inc.* 545 U.S. 546, 552 (2005)). Appellate courts review the existence of subject-matter jurisdiction de novo. *Barse v. United States,* 957 F.3d 883, 885 (8th Cir. 2020).

The district court had jurisdiction to hear Dorsey's original habeas petition under § 2254, but even that review was "narrowly circumscribed." *Shinn v. Ramirez,* 596 U.S. 366, 375 (2022) (citations omitted). States possess the primary authority for defining and enforcing the criminal law and the primary responsibility for punishing and incapacitating dangerous criminals like Dorsey. *Id.* at 375–77 (citations omitted). Federal intervention imposes "significant costs on state criminal justice systems," so, to "respect our system of dual sovereignty," federal law imposes a number of statutory and equitable limits on habeas review. *Id.* (citations omitted).

But the district court's "limited jurisdiction" ended when it denied Dorsey's habeas petition. *Jenkins v. Kan. City Mo. Sch. Dist.,* 516 F.3d 1074, 1081 (8th Cir. 2008) (citing *Kokkonen v. Guardian Life Ins. Co. of Am.,* 511 U.S. 375, 378–79 (1994)). This is because Dorsey's sealed, ex parte motions were "more than just a continuation or renewal of the dismissed [habeas] suit." *Kokkonen,* 511 U.S. at 378. That, in turn, means that if the district court were to grant Dorsey's request, then the district court's orders would have "require[d] [their] own basis for jurisdiction." *Id.* There is none.

Moreover, the district court would not have possessed jurisdiction to grant Dorsey's motion, even if the motion had been filed before Dorsey's habeas petition was denied. AEDPA prohibited the district court from entering orders to assist Dorsey in investigating his federal habeas claims except in extraordinary circumstances that meet the "stringent requirements" of § 2254(e)(2). *Id.* at 1735; *Shoop v. Twyford,* 142 S. Ct. 2037, 2044–45 (2022). The statutory prohibitions of § 2254(e)(2) would have prevented the district court from entering the type of orders at issue here. *Shoop,* 142 S. Ct. at 2044–45. Dorsey could not, and cannot, satisfy any of the requirements of Section 2254(e), especially because Dorsey's guilty plea forecloses any claim that Dorsey is actually innocent. § 2254(e)(2)(B).

B. Dorsey's decision to file his motion *ex parte* and under seal deprived the Warden of an opportunity to respond in district court.

Because Dorsey filed his motion *ex parte* and under seal in the district court, the Warden never had an opportunity to respond to Dorsey's request, to alert the district court to its lack of jurisdiction, or to ensure the record contained sufficient information. As a result, this case is a poor vehicle. As the Court has explained, it prefers to resolve cases that present a case and controversy with a complete factual record. *See, e.g., In re Grand Jury*, 143 S. Ct. 543 (Mem) (2023); *see also June Medical Services v. Russo*, 140 S. Ct. 2103, 2182 (2020) (Kavanaugh, J., dissenting). Here, Dorsey's decision to proceed *ex*

parte in the district court has deprived this Court of the benefit of a fully briefed case with a complete record.

C. Dorsey's *ex parte* and under seal motion likely does not comply with the Criminal Justice Act's requirements.

Below, the district court correctly pointed out that it is very likely that Dorsey's use of an *ex parte* and under seal motion was improper. Pet. App. C. The Criminal Justice Act provides specific guidelines for when a motion may be filed *ex parte* and under seal. 18 U.S.C. § 3599(f). According to the district court, Dorsey's only "good cause" for proceeding *ex parte* and under seal was a generalized desire to "preserve the defense strategy" and an argument that the State "has no interest in the 'investigation or exploration of evidence to support the defense. . . .'" Pet. App. C. Neither of these general statements rise to the level of "good cause" under the statue. § 3599(f). That is especially true because Missouri's clemency process is not adversarial. When inmates submit clemency applications to the Governor, the Attorney General is not normally involved. If the Governor or Parole Board requests information about prior litigation, the Attorney General fulfills those requests, but otherwise has no role in the process. So there is no risk that Dorsey's clemency "defense strategy" would be harmed if his transportation requests were publically filed.

The Attorney General's Office is the counsel of record for the Warden, and Dorsey's motions asked the district court to order the Warden to transport

a prisoner outside the prison. It should go without saying that the Attorney General's Office has a strong interest in providing representation to its clients in cases where a litigant seeks to use federal courts to compel state actors to take specific actions.

Even setting that aside, the procedural history makes this a poor case for the Court's consideration. To date, the Warden and his counsel have never received a copy of the *ex parte*, sealed motion. If the Court were to grant the petition, then the Court would need to order Dorsey to produce the motion to the Warden so that the Warden could fully brief these issues for the Court. Even if the issues presented merited further consideration, these procedural issues would frustrate the Court's review.

II. The plain text of § 3599(f) does not permit district courts to compel state prison wardens to transport state prisoners for testing.

This Court should deny certiorari on Dorsey's first question presented because federal courts have unanimously held that 18 U.S.C. § 3599 does not provide district courts with authority to order the transportation of state prisoners.

There is no legal authority for a district court to order the transportation of a prisoner under § 3599. At the time of Dorsey's motion, the district court had exhausted its authority under § 2254, and neither § 3599 nor any other federal statute allows the court to manage Missouri's prisons at Dorsey's

request. *Beatty v. Lumpkin,* 52 F.4th 632, 634–35 (5th Cir. 2022), *cert denied* 142 S. Ct. 415 (2022); *Bowles v. Desantis*, 934 F.3d 1230, 1243–44 (11th Cir. 2019); *Leavitt v. Arave*, 682 F.3d 1138, 1141 (9th Cir. 2012); *Baze v. Parker*, 632 F.3d 338, 342–43 (6th Cir. 2011).

Dorsey's reading of § 3599 is "belied by the plain meaning of the statute" and unanimous federal appellate precedent. *Baze,* 632 F.3d at 343; *accord Bowles,* 934 F.3d at 1243; *Leavitt*, 682 F.3d at 1141; *Tisius v. Vandergriff*, 55 F.4th 1153, 1155 (8th Cir. 2022).

Section § 3599 allows federal courts to appoint counsel for actions under § 2254 and to authorize appointed counsel to hire "investigative, expert, or other services [that] are reasonably necessary for the representation of the defendant." § 3599(a)(2), (f). But as with any litigant represented by counsel, the permission to investigate and hire experts is "not the same as establishing a substantive right for that person to acquire that information over all possible obstacles." *Baze,* 632 F.3d at 343. Both the text and context of § 3599 show that its provisions are about funding and not judicial orders requiring party or third-party compliance. *Id.* at 342.

A "natural reading of § 3599 is that all it does is what it says it does." *Bowles,* 934 F.3d 1243. Subsection (a)(2) entitles Dorsey to counsel in federal proceedings. *See id.* "The other subsections explain just what that appointment and the furnishing of those services entails, including funding." *Id.* But there

is "nothing in § 3599 to indicate that Congress meant to empower [Dorsey's] federally appointed and funded counsel to force themselves into state clemency proceedings." *Id.* While the district court may authorize Dorsey's counsel to aid him in preparing for clemency proceedings "as may be available to [him]," § 3599(e), the court has no ability "to order third-party compliance with the attorneys' investigations." *Baze,* 632 F.3d at 342.

That plain-text interpretation is confirmed by viewing the section "in connection with the whole statute" and in the greater context of federal law and its relationship with State governments. *See id.* at 343 (citing *Brown v. Duchesne,* 60 U.S. 183, 194 (1856)). "After all, '[i]t is beyond dispute that [federal courts] do not hold a supervisory power over the courts of the several States.'" *Bowles,* 934 F.3d at 1242 (quoting *Dickerson v. United States,* 530 U.S. 428, 438 (2000)). Federal courts may not supervise state judicial and administrative bodies and they may not "require the observance of special procedures" except as a remedy for a proven constitutional violation. *Id.* (citing *Smith v. Phillips,* 455 U.S. 209, 221 (1982)).

That is especially true of state clemency proceedings, which provide "the historic remedy for preventing miscarriages of justice where the judicial process has been exhausted." *Herrera v. Collins*, 506 U.S. 390, 412 (1993). Clemency is traditionally a discretionary remedy that is "granted as a matter of grace," *Bowles*, 934 F.3d at 1230 (citations omitted), and the Missouri

Governor's clemency power follows that tradition. The power to grant pardon or commutation is "a mere matter of grace that the governor can exercise upon such conditions with such restrictions and limitations as he may think proper." *State ex rel. Lute v. Missouri Bd. of Prob. & Parole*, 218 S.W.3d 431, 435 (Mo. 2007). Federal courts have very little, if any, oversight of that executive discretion. *Bowles,* 934 F.3d at 1242; *see Ohio Adult Parole Authority v. Woodard,* 523 U.S. 272, 289 (1998) (O'Connor, J. concurring) ("[J]udicial intervention might, for example, be warranted in the face of a scheme whereby a state official flipped a coin to determine whether to grant clemency, or in a case where the State arbitrarily denied a prisoner any access to its clemency process.")

Given the limited role of federal courts in discretionary state clemency, "it is questionable whether the kind of interference in the state clemency process that [Dorsey] says § 3599 provides would even be constitutionally permissible." *Bowles,* 934 F.3d at 1243. This Court should reject Dorsey's strained, constitutionally problematic reading of the district court's authority under § 3599. If Congress had authorized such an "expansive" and "drastic" federal intrusion into "areas traditionally reserved to the States," it would have done so "clearly and unequivocally." *Id.* at 1242, 1243. But there is "nothing in § 3599 to indicate" that Congress has given the district court jurisdiction to

enter the intrusive relief sought in the sealed, ex parte motion below. *Id.* at 1243.

Dorsey attempts to avoid this conclusion by asking this Court to read "authorize" in § 3599 to mean that the district court can order *anyone*, *anywhere*, to do *whatever* Dorsey's counsel believes is reasonably necessary for his expert to conduct a clemency investigation. Dorsey's argument is neatly answered by the Sixth Circuit's observation that the permission to investigate and hire experts is "not the same as establishing a substantive right for that person to acquire that information over all possible obstacles." *Baze,* 632 F.3d at 343.

This Court declined to hear the same argument two terms ago in *Beatty*, and last term in *Tisius v. Vandergriff*, 22-7398 (2022). In *Beatty*, the Fifth Circuit found that the normal meaning of the phrases "'obtain counsel' or 'obtain expert assistance' is to *hire* the relevant kind of professional." *Beatty,* 52 F.4th at 636. While § 3599 allows the district court to authorize Dorsey's counsel to hire an expert, it does not grant the district court fiat to direct third parties to assist Dorsey's expert in gathering information. *Id.* Instead, "the provision empowers the district court to guard the federal purse by authorizing—for purposes of federal reimbursement—an attorney to obtain

only those investigative services that the court approves." *Baze,* 632 F.3d at 343.

If this Court were to accept Dorsey's reading of § 3599, the Court would reach an absurd result where indigent death row inmates have "enforceable rights not available to other death row inmates." *Baze,* 632 F.3d at 344. Presumably, under Dorsey's reading of § 3599, the district court could order any expert that Dorsey requested to assist him and order them to travel anywhere or devote any amount of time to the case as long as the court believed it was "reasonably necessary." After all, Dorsey would say that he cannot "obtain expert assistance" if the expert declines to help him or devote sufficient time to the case. And, following Dorsey's argument, the district court could enter these orders without allowing the expert notice of the proceedings or an opportunity to be heard.

Dorsey's contorted reading cannot be squared with the text of § 3599. Congress enacted § 3599 to "level the playing field by providing indigent death row inmates with the same access to clemency attorneys available to paying inmates," but there is no evidence that Congress intended, as Dorsey does, "to tip the balance in the other direction by providing indigent death row inmates" with special access to federal judicial power. *Baze,* 632 F.3d at 344.

III. Dorsey's absurd invocation of federalism is no reason to grant the petition.

In a final effort to obtain this Court's review, Dorsey argues that state law will not be properly respected if federal courts will not order state officials to transport Dorsey. This argument is "pure applesauce," *King v. Burwell,* 567 U.S. 473, 507 (2015) (Scalia, J., dissenting), and does not counsel in favor of this Court's extraordinary intervention.

As a threshold matter, the Missouri Attorney General is Missouri's "chief legal officer." *State v. Todd*, 433 S.W.2d 550, 554 (Mo. 1968). It is, accordingly, the Attorney General's prerogative to protect and defend Missouri law, not Dorsey's. *See, e.g., Berger v. North Carolina State Conference of the NAACP*, 142 S. Ct. 2191, 2197–98 (2022).

Beyond that, Dorsey contends that the lower federal courts failed to consider Missouri's clemency system and that has, in turn, interfered with *Missouri*'s ability to implement its state laws. Pet. at 18–22. But Dorsey ignores that Missouri law gives Missouri's Governor the authority to request additional information—such as Dorsey's desired testing—and, as the State's chief executive, the power to order the Department of Corrections to transport Dorsey if necessary. Dorsey's citations to Missouri's board of inquiry process further reveal the absurdity of his argument: no case has ever invoked federal intervention for the commencement of a board of inquiry.

And finally, Dorsey never addresses the most obvious flaw in his argument: Missouri state courts are the proper venue to address his state law claims. Even if Dorsey were correct about his state law claims, state courts should interpret state law and resolve those claims. This Court defers to state courts on questions of state law, *Meredith v. City of Winter Haven*, 320 U.S. 228, 234 (1943), so state law claims do not give rise to federal-court jurisdiction. *See, e.g., Gunn v. Minton*, 568 U.S. 251, 258 (2013) (finding federal jurisdiction over state-law claims when the claim raises a real, disputed federal issue, and where federal resolution will not disturb "any congressionally approved balance of federal and state judicial responsibilities.").

Dorsey's true objective is to use this Court's extraordinary review to delay the timely imposition of conviction under Missouri's criminal law. But Missouri, and crime victims, deserve better. *Bucklew v. Precythe*, 139 S. Ct. 1112, 1134 (2019).

Conclusion

This Court should deny the petition for writ of certiorari.

Respectfully submitted,

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