

IN THE SUPREME COURT
OF THE UNITED STATES

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IN RE: ANDRE MONTEEK EDWARDS
No. _____

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SUPREME COURT, U.S.

24-7026

ON EXTRAORDINARY WRIT OF MANDAMUS TO:
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

EXTRAORDINARY WRIT OF MANDAMUS

By: ANDRE EDWARDS #256304
IN PRO PER
G. ROBERT COTTON CORRECTIONAL FACILITY
3500 NORTH ELM ROAD
JACKSON, MICHIGAN 49201

QUESTIONS PRESENTED

WHETHER EDWARDS HAS A CLEAR AND INDISPUTABLE ENTITLEMENT TO THE ISSUANCE OF A WRIT OF MANDAMUS DECLARING THAT SINCE THE DISTRICT COURT FAILED TO ADJUDICATE THE MERITS OF HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM, IN THE INTEREST OF SECURING CONFORMITY WITH THE RULES OF FINALITY, THE SIXTH CIRCUIT'S ORDERS IN EDWARDS V. NAGY AND IN RE EDWARDS ARE BOTH VOIDED FOR LACK OF JURISDICTION?

LIST OF PARTIES

ALL THE 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:

SIXTH CIRCUIT COURT OF APPEALS
100 EAST FIFTH STREET
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

WARDEN MORRISON
G. ROBERT COTTON CORRECTIONAL FACILITY
3500 NORTH ELM ROAD
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RELATED CASES

PEOPLE V. EDWARDS, No. 294826, MICHIGAN COURT OF APPEALS. JUDGMENT ENTERED JUNE 21, 2011.

PEOPLE V. EDWARDS, No. 143502, MICHIGAN SUPREME COURT. JUDGMENT ENTERED NOVEMBER 7, 2012.

PEOPLE V. EDWARDS, No. 08-023861-FC, GENESEE COUNTY (MICHIGAN) CIRCUIT COURT. JUDGMENT ENTERED AUGUST 14, 2017.

PEOPLE V. EDWARDS, No. 341475, MICHIGAN COURT OF APPEALS. JUDGMENT ENTERED MAY 11, 2018.

PEOPLE V. EDWARDS, No. 157818 & (19)(20)(21), MICHIGAN SUPREME COURT. JUDGMENT ENTERED DECEMBER 21, 2018.

PEOPLE V. EDWARDS, No. 08-023861-FC, GENESEE COUNTY (MICHIGAN) CIRCUIT COURT. JUDGMENT ENTERED JULY 27, 2020.

PEOPLE V. EDWARDS, No. 356301, MICHIGAN COURT OF APPEALS. JUDGMENT ENTERED MAY 26, 2021.

PEOPLE V. EDWARDS, No. 163175, MICHIGAN SUPREME COURT. JUDGMENT ENTERED JANUARY 4, 2022.

EDWARDS V. WINN, No. 2:19-cv-10376, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN. JUDGMENT ENTERED MARCH 31, 2022 AND JUNE 24, 2022.

EDWARDS V. NAGY, No. 22-1701, U.S. COURT OF APPEALS. JUDGMENT ENTERED MARCH 15, 2023 AND MAY 31, 2023.

EDWARDS V. CARGOR, No. 23-5423, U.S. SUPREME COURT. JUDGMENT ENTERED OCTOBER 16, 2023.

EDWARDS V. WINN, 2:19-cv-10376, U.S. DIST. COURT FOR THE EASTERN DISTRICT OF MICHIGAN. JUDGMENT ENTERED DECEMBER 6, 2023

IN RE: ANDRE MONTECK EDWARDS, No. 23-2064, U.S. COURT OF APPEALS. JUDGMENT
ENTERED AUGUST 6, 2024, FEBRUARY 21, 2025, AND MARCH 14, 2025

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REFERENCE TO OPINIONS BELOW

THE FEBRUARY 21, 2025 AND MARCH 14, 2025 DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ARE MEMORIALIZED AS COURT OF APPEALS DOCKET #23-2064, ENTRY NO. 21 AND ENTRY NO. 27, IN RE EDWARDS, APPENDIX #42

THE AUGUST 6, 2025 UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ORDER IS UNREPORTED AS IN RE EDWARDS, 2024 U.S. APP. LEXIS 19726.

THE DECEMBER 06, 2023 DECISION OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN IS UNREPORTED AS EDWARDS V. WINN, 2:19-cv-10376

THE OCTOBER 16, 2023 ORDER OF THE UNITED STATES SUPREME COURT IS REPORTED AS EDWARDS V. CARGOR, 2023 U.S. LEXIS 4201.

THE MARCH 15, 2023 AND MAY 31, 2023, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ORDERS ARE UNREPORTED AS EDWARDS V. NAGY, 2023 U.S. APP. LEXIS 6222, AND EDWARDS V. NAGY, 2023 U.S. APP. LEXIS 13433.

THE MARCH 31, 2022 AND JUNE 24, 2022 ORDERS OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ARE UNREPORTED AS EDWARDS V. WINN, 2022 U.S. DIST. LEXIS 61234 AND EDWARDS V. NAGY, 2023 U.S. DIST. LEXIS.

THE JANUARY 4, 2022, MICHIGAN SUPREME COURT ORDER IS UNREPORTED AS PEOPLE V. EDWARDS, 967 N.W.2d 606 (MICH. 2022).

THE MAY 26, 2021 OPINION OF THE MICHIGAN COURT OF APPEALS IS UNREPORTED AS PEOPLE V. EDWARDS, 2021 MICH. APP. LEXIS 3310.

THE JULY 27, 2020 ORDER OF THE GENESEE COUNTY (MICHIGAN) CIRCUIT COURT AND ITS DECEMBER 3, 2020 ORDER DENYING RECONSIDERATION IS UNREPORTED AS PEOPLE V. EDWARDS, CASE NO. 08-023861-FC.

THE DECEMBER 21, 2018 MICHIGAN SUPREME COURT ORDER IS UNREPORTED AS PEOPLE V. EDWARDS, 920 N.W.2d 592 (MICH. 2018).

THE MAY 11, 2018 OPINION OF THE MICHIGAN COURT OF APPEALS IS UNREPORTED AS PEOPLE V. EDWARDS, 2018 MICH. APP. LEXIS 2229.

THE AUGUST 14, 2017 ORDER OF THE GENESEE COUNTY (MICHIGAN) CIRCUIT COURT ORDER AND ITS OCTOBER 3, 2017 ORDER DENYING RECONSIDERATION IS UNREPORTED AS PEOPLE V. EDWARDS, CASE NO. 08-023861-FC.

THE NOVEMBER 7, 2012 ORDER OF THE MICHIGAN SUPREME COURT IS REPORTED AS PEOPLE V. EDWARDS, 821 N.W.2d 885 (MICH. 2012).

THE JUNE 21, 2011 OPINION OF THE MICHIGAN COURT OF APPEALS IS UNREPORTED AS PEOPLE V. EDWARDS, 2011 MICH. APP. LEXIS 1094.

THE MARCH 15, 2023, MARCH 14, 2025, FEBRUARY 21, 2025 AND AUGUST 6, 2024 UNREPORTED DECISIONS OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT; AND THE MARCH 31, 2022 UNREPORTED NON-FINAL ORDER OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ARE ALL REPRODUCED IN THE APPENDIX TO THIS EXTRAORDINARY WRIT OF MANDAMUS.

IN THE
SUPREME COURT OF THE UNITED STATES
EXTRAORDINARY WRIT OF MANDAMUS

PETITIONER RESPECTFULLY PRAYS THAT AN EXTRAORDINARY WRIT OF MANDAMUS ISSUE TO REVIEW THE DECISION BELOW.

OPINION BELOW

THE MARCH 14, 2025 DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT APPEARS AT APPENDIX 42 TO THE WRIT AND IS AN UNPUBLISHED LETTER MEMORIALIZED AS COURT OF APPEALS DOCKET #23-2064, ENTRY NO. 27.

IMPORTANT: THIS PRO SE EMERGENCY WRIT OF MANDAMUS "IS TO BE LIBERALLY CONSTRUED," AND "HOWEVER INARTFULLY PLEADED, MUST BE HELD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY A LAWYER." ERICKSON V. PARDUS, 551 U.S. 89, 04 (2007).

JURISDICTION

ON MARCH 14, 2025, THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CLOSED EDWARDS'S CASE WITHOUT RULING ON HIS MOTION TO VOID THE SIXTH CIRCUIT'S PRIOR JUDGMENTS--WHICH RAISED THE ISSUE OF JURISDICTION. (COURT OF APPEALS DOCKET #23-2064, ENTRY NO. 25). A COPY OF THE LETTER EXPLAINING THE SIXTH CIRCUIT'S DECISION APPEARS AT APPENDIX #42.

THIS COURT CAN VOID A DECISION OF THE COURT OF APPEALS, WHERE (1) THE COURT OF APPEALS DECIDED THE MERITS OF AN IMMEDIATE APPEAL FROM A FEDERAL DISTRICT COURT'S ORDER, BUT (2) THE DISTRICT COURT'S ORDER WAS NOT IMMEDIATELY APPEALABLE. STRINGFELLOW V. CONCERNED NEIGHBORS IN ACTION, 480 U.S. 370 (1987). SEE WISCONSIN DEPT. OF CORRECTIONS V. SCHACHT, 524 U.S. 381, 389 (1998) ("NO PARTY CAN WAIVE [A JURISDICTIONAL] DEFECT OR CONSENT TO JURISDICTION").

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1651(A).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S.C.S. Const. Amend. 6: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the United States and the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U.S.C.S. Const. Amend. 14: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protections of the laws.

FACTS NECESSARY TO UNDERSTAND ISSUE PRESENTED

IN 2009, EDWARDS WAS CONVICTED OF SECOND-DEGREE MURDER, POSSESSION OF A FIREARM AS A FELON, AND FELONY FIREARM. HE WAS SENTENCED AS A FOURTH-HABITUAL OFFENDER TO 50 TO 75 YEARS OF IMPRISONMENT FOR THE MURDER CONVICTION, 5 TO 15 YEARS FOR THE FELON-IN-POSSESSION CONVICTION, AND A CONSECUTIVE TERM OF 2 YEARS FOR THE FELONY-FIREARM CONVICTION. AFTER HIS CONVICTIONS WERE AFFIRMED ON DIRECT APPEAL AND HIS STATE MOTIONS FOR RELIEF FROM JUDGMENT WERE UNSUCCESSFUL, HE MOVED TO VACATE HIS SENTENCE UNDER 28 U.S.C. § 2254, CLAIMING, IN PERTINENT PART, THAT HIS TRIAL COUNSEL VIOLATED HIS SIXTH AMENDMENT RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL. ON MARCH 31, 2022, THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN("DISTRICT COURT") DENIED HIS HABEAS PETITION. THE ISSUES AND PERTINENT FACTS IN THE 2009 MURDER TRIAL ARE COVERED IN THE DISTRICT COURT'S ORDER. EDWARDS V. WINN, CASE NO. 2:19-cv-10376, 2022 U.S. DIST. LEXIS 61234, AT *1-7, (APPENDIX #1-10).

IN APRIL 2022, EDWARDS FIRST ALERTED THE DISTRICT COURT THAT IT OVERLOOKED HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM IN A RECONSIDERATION MOTION, (ECF No. 44, PG. 2); (APPX. #11), WHICH THE DISTRICT COURT CONSTRUED AS A RULE 59(E) MOTION BEFORE FINDING THAT EDWARDS "MERELY RESTATES THE SAME CLAIMS AND ARGUMENTS ALREADY RULED UPON BY THE COURT." (ECF No. 49, PAGEID.3827); (APPX. #12). THEREAFTER, IN AUGUST 2022, IN EDWARDS'S PETITION FOR CERTIFICATE OF APPEALABILITY("COA"), HE INFORMED THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT("SIXTH CIRCUIT") THAT "[T]HE DISTRICT COURT OVERLOOKED [HIS SEVENTH INEFFECTIVE-ASSISTANCE] CLAIM COMPLETELY". SEE (COURT OF APPEALS DOCKET #22-1701, ENTRY NO. 8, PGS. 36-37); (APPX. #13-14). HOWEVER, THE SIXTH CIRCUIT'S EDWARDS V. NAGY PANEL("PRIOR PANEL") FOUND THAT "THE DISTRICT COURT DENIED EACH OF EDWARDS'S CLAIMS ON THE MERITS." EDWARDS V. NAGY, NO. 22-1701, 2023 U.S. APP. LEXIS 6222, AT *2; (APPX. #15-18). EDWARDS WAS SUBSEQUENTLY DENIED REHEARING AND A WRIT OF CERTIORARI.

IN OCTOBER 2023, FOR A SECOND TIME, EDWARDS ALERTED THE DISTRICT COURT THAT IT OVERLOOKED HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM, THIS TIME IN A RULE 60(B) MOTION, WHICH THE DISTRICT COURT SIMPLY TRANSFERRED TO THE SIXTH CIRCUIT. ON AUGUST 06, 2024, THE SIXTH CIRCUIT'S IN RE EDWARDS PANEL("RECENT PANEL") ISSUED AN ORDER NOT ONLY DENYING AUTHORIZATION TO FILE A SECOND OR SUCCESSIVE § 2254 PETITION, BUT ALSO "DECLINE[ED] TO RETURN EDWARDS'S MOTION TO THE DISTRICT COURT FOR A RULING ON THE MERITS," RULING THAT "[A]LTHOUGH THE DISTRICT COURT OVERLOOKED EDWARDS'S SEVENTH INEFFECTIVE-ASSISTANCE CLAIM...THIS COURT HAS ALREADY DETERMINED THAT EDWARDS WAS NOT ENTITLED TO A COA ON THAT CLAIM." IN RE EDWARDS, No. 23-2064, 2024 U.S. App. LEXIS 19726, AT *5-6; (Appx. #19-21).

ON SEPTEMBER 02, 2024, EDWARDS PETITIONED FOR REHEARING. THE CLERK RETURNED HIS REHEARING PETITION TO HIM UNFILED ALONG WITH A LETTER INFORMING HIM THAT HE WAS NOT PERMITTED TO FILE A PETITION FOR REHEARING. SEE (APPX. #22, ENTRY No. 16). UNDETERRED, EDWARDS RESUBMITTED HIS REHEARING PETITION AND SUBMITTED A MOTION FOR RELIEF FROM THE EN BANC COORDINATOR'S REFUSAL TO FILE HIS REHEARING PETITION. (APPX. #22, ENTRY No. 17-18). EDWARDS FIRST RAISED THE ISSUE OF JURISDICTION IN A MOTION TO RECALL MANDATE, THEN IN A MOTION TO VOID THE SIXTH CIRCUIT'S ORDERS, BOTH WERE RETURNED TO HIM UNFILED. (APPX. #22, ENTRY No. 19, 20).

ON FEBRUARY 21, 2025, AFTER FURTHER REVIEW OF EDWARDS'S REHEARING PETITION, THE CLERK WAS ORDERED TO FILE "IT ON THE DOCKET." HOWEVER, THE CLERK WOULD NOT SUBMIT HIS REHEARING PETITION FOR CONSIDERATION UNTIL AFTER HE FILED A MOTION TO EXTEND TIME TO FILE HIS REHEARING PETITION. (APPX. #22, ENTRY No. 21). EDWARDS FILED THE MOTION TO EXTEND TIME TO FILE HIS REHEARING PETITION AND RAISED THE ISSUE OF JURISDICTION A THIRD TIME IN A MOTION TO VOID THE SIXTH CIRCUIT'S JUDGMENTS. (APPX. #23, ENTRY No. 24, 25). ULTIMATELY, HIS MOTION TO EXTEND TIME TO FILE HIS REHEARING PETITION WAS DENIED. (APPX. #23, ENTRY No. 26).

THE DOCKET STATES THAT A LETTER WAS SENT TO EDWARDS, (APPX. #23, ENTRY No.

27)), WHICH WAS NOT RECEIVED BY EDWARDS UNTIL MARCH 31, 2025. THIS LETTER STATES THAT EDWARDS'S EMERGENCY MOTION TO VOID THE SIXTH CIRCUIT'S PRIOR DECISIONS, WHICH RAISED THE ISSUE OF JURISDICTION, WAS TENDERED PENDING REVIEW OF HIS MOTION TO EXTEND TIME TO FILE HIS REHEARING PETITION. (APPX. 42). SINCE HIS MOTION TO EXTEND TIME TO FILE HIS REHEARING PETITION WAS DENIED, HIS CASE WAS CLOSED WITH NO ACTION TAKEN ON HIS MOTION TO VOID THE SIXTH CIRCUIT'S PRIOR DECISIONS; AND HE WAS INFORMED THAT "FURTHER FILINGS WILL NOT BE ACCEPTED." (ID.).

MEANWHILE, EDWARDS FILED A RULE 54(B) RECONSIDERATION MOTION IN THE DISTRICT COURT SEEKING RECONSIDERATION OF THE DISTRICT COURT'S MARCH 31, 2022 NON-FINAL ORDER. AS SUCH, TO ENSURE THAT HE OBTAINS A FULL AND FAIR HEARING IN THE DISTRICT COURT CONFORMING TO THE RULES OF FINALITY, HE SEEKS MANDAMUS RELIEF DECLARING THE SIXTH CIRCUIT'S ORDERS IN EDWARDS V. NAGY, 2023 U.S. APP. LEXIS 6222 AND IN RE EDWARDS, 2024 U.S. APP. LEXIS 19726 VOIDED FOR LACK OF JURISDICTION.

REASONS FOR GRANTING WRIT OF MANDAMUS

1. EDWARDS HAS A CLEAR AND INDISPUTABLE ENTITLEMENT TO THE ISSUANCE OF A WRIT OF MANDAMUS DECLARING THAT SINCE THE DISTRICT COURT FAILED TO ADJUDICATE THE MERITS OF HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM, IN THE INTEREST OF SECURING CONFORMITY WITH THE RULES OF FINALITY, THE SIXTH CIRCUIT'S ORDERS IN EDWARDS V. NAGY AND IN RE EDWARDS ARE BOTH VOIDED FOR LACK OF JURISDICTION.

PRIMARILY, EDWARDS ARGUES THAT "EXCEPTIONAL CIRCUMSTANCES AMOUNTING TO...JUDICIAL 'USURPTION OF POWER'...JUSTIFY THE INVOCATION OF THIS EXTRAORDINARY REMEDY", WILL V. UNITED STATES, 389 U.S. 90, 95 (1967), WHERE, AS SHOWN BELOW, THE SIXTH CIRCUIT WRONGFULLY EXTENDED ITS POWER BY CLOSING HIS CASE WITHOUT RULING ON THE MERITS OF HIS MOTION TO VOID ITS PRIOR DECISIONS FOR LACK OF JURISDICTION. ONCE THE SIXTH CIRCUIT DETERMINED THAT THE DISTRICT COURT'S MARCH 31, 2022 ORDER HAD NOT RULE ON ALL THE CLAIMS PRESENTED, THE SIXTH CIRCUIT WAS OBLIGATED TO SUA SPONTE INVALIDATE EDWARDS V. NAGY FOR LACK OF JURISDICTION. SEE COLLINS V. MILLER, 252 U.S. 364, 365-366 (1920). NEXT, EDWARDS ARGUES THAT, AS SHOWN BELOW, ALLOWING

THESE MANIFESTLY ERRONEOUS AND JURISDICTIONALLY INVALID ORDERS TO STAND WOULD SUBSTANTIALLY INFRINGE THE DISTRICT COURT'S DUTY TO BRING ITS MARCH 31, 2022 NON-FINAL ORDER IN CONFORMANCE WITH THE RULES OF FINALITY. FEDERAL RULES OF APPELLATE PROCEDURE RULE 54(B). OVERALL, EDWARDS ARGUES THAT HE CARRIES HIS BURDEN OF DEMONSTRATING THAT A WRIT OF MANDAMUS SHOULD BE ISSUED BY ESTABLISHING THAT (1) "NO OTHER ADEQUATE MEANS [EXISTS] TO ATTAIN THE RELIEF HE DESIRES," (2) HIS "RIGHTS TO ISSUANCE OF THE WRIT IS CLEAR AND INDISPUTABLE," AND (3) "THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES." EX PARTE UNITED STATES, 287 U.S. 241, 248-249 (1932); SUPREME COURT RULE 20. THIS COURT CLEARLY HAS THE POWER TO GRANT THIS WRIT PURSUANT TO THE ALL WRITS STATUTE. 28 U.S.C. § 1651(A).

1. NO OTHER ADEQUATE MEANS EXISTS TO ATTAIN THE RELIEF EDWARDS DESIRES:

IT WAS NOT UNTIL AUGUST 06, 2024 THAT THE SIXTH CIRCUIT AFFIRMED THAT THE DISTRICT COURT HAD NOT ADJUDICATED THE MERITS OF EDWARDS'S SEVENTH INEFFECTIVE-ASSISTANCE CLAIM--WHICH ASSERTED THAT COUNSEL HAD "MISREPRESENTED FACTS IN EVIDENCE". IN RE EDWARDS, ID. AT *5-6. IN EFFECT, MAKING IT CLEAR AND INDISPUTABLE THAT THE DISTRICT COURT'S MARCH 31, 2022 "ORDER...NOT RULING ON ALL THE CLAIMS, DOES NOT CONSTITUTE A FINAL ORDER FOR PURPOSE OF AN APPEAL," CATLIN V. UNITED STATES, 324 U.S. 229, 233 (1945)(EMPHASIS ADDED), THEREBY FALLING UNDER RULE 54(B) JURISPRUDENCE, FED. R. CIV. PROC. RULE 54(B), THEREBY MEANING THE SIXTH CIRCUIT NEVER HAD JURISDICTION OVER HIS CASE. COLLINS, SUPRA; CATLIN, SUPRA.

PRIOR TO SEEKING MANDAMUS RELIEF IN THIS COURT, EDWARDS RAISED THE ISSUE OF JURISDICTION IN THE SIXTH CIRCUIT ON THREE SEPARATE OCCASIONS. (APPX. #22, ENTRY NO. 19, 20, 25). BUT, HIS CASE WAS CLOSED WITH NO ACTION TAKEN ON HIS MOTION TO VOID THE SIXTH CIRCUIT'S PRIOR DECISIONS AND HE WAS INFORMED THAT "FURTHER FILINGS WILL NOT BE ACCEPTED." (APPX. #23, ENTRY NO. 27). AS SUCH, THE SIXTH CIRCUIT HAS PRECLUDED EDWARDS FROM OBTAINING THE RELIEF DESIRED.

HERE, EDWARDS ARGUES THAT REGARDLESS OF THE FACT THAT HIS MOTION TO EXTEND

TIME TO FILE HIS REHEARING PETITION WAS DENIED, HIS MOTION TO VOID THE SIXTH CIRCUIT'S PRIOR DECISIONS RAISED THE ISSUE OF JURISDICTION AND SHOULD HAVE BEEN ALLOWED TO MOVE FORWARD PURSUANT TO FED. R. APP. PROC. RULE 27. AFTER ALL, THE SIXTH CIRCUIT IS "UNDER AN INDEPENDENT OBLIGATION TO POLICE [THEIR] OWN JURISDICTION." BONNER V. PERRY, 564 F.3d 424, 426 (6TH CIR. 2009). THIS COURT ITSELF HAS DECIDED THAT THE VALUE OF CORRECTNESS IN THE JURISDICTIONAL CONTEXT OVERRIDES AT LEAST SOME OF THE PROCEDURAL BARS IN PLACE TO PROTECT THE VALUES OF FINALITY AND JUDICIAL ECONOMY. SEE, E.G., WISCONSIN DEPT. OF CORRECTIONS V. SCHACHT, 524 U.S. 381, 389 (1998)("NO PARTY CAN WAIVE [A JURISDICTIONAL] DEFECT OR CONSENT TO JURISDICTION"); ALSO SEE FARMER V. McDANIEL, 98 F.3d 1548, 1553 (9TH CIR. 1996)("AN ORDER IS EITHER FINAL OR NOT FINAL, WITHOUT REGARD TO WHICH PARTY ASKS THE COURT OF APPEALS TO REVIEW IT"); SWANSON V. DeSANTIS, 606 F.3d 829, 832 (6TH CIR. 2010)("IT TAKES JUST ONE JURISDICTIONAL DEFECT TO DEPRIVE A COURT OF AUTHORITY TO HEAR A CASE").

ADDITIONALLY, EDWARDS'S RULE 54(B) RECONSIDERATION MOTION SEEKS TO HAVE THE DISTRICT COURT MODIFY ITS MARCH 31, 2022 NON-FINAL ORDER, IN CONFORMANCE WITH THE RULES OF FINALITY, TO FINALLY INCLUDE A TRUE MERITS ANALYSIS OF, (I) HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM; (II) HIS INEFFECTIVE-ASSISTANCE CLAIMS NARROWED SPECIFICALLY TO THE DEFENSE OF ACCIDENT UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS; AND (III) HIS ARGUMENTS CONCERNING THE COMBINED IMPACT THAT HIS ADMISSION OF INTENTIONALLY FIRING THE GUN AND THE "USE OF A DEADLY WEAPON" JURY INSTRUCTIONS HAD ON HIS SECOND-DEGREE MURDER CONVICTION IN CONJUNCTION WITH THE REASONABLE PROBABILITY OF A DIFFERENT OUTCOME HAD HIS JURY BEEN INSTRUCTED UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS. HOWEVER, IF ALLOWED TO STAND, THE SIXTH CIRCUIT'S JURISDICTIONALLY INVALID AND MANIFESTLY ERRONEOUS ORDERS WOULD SUBSTANTIALLY INFRINGE THE DISTRICT COURT'S AUTHORITY TO GRANT RELIEF. SEE IN RE EDWARDS, ID. AT *6. AFTER ALL, IT IS ORDINARILY BEYOND THE SCOPE OF THE REVIEW AFFORDED TO A

DISTRICT COURT TO CORRECT ERRORS OF A COURT OF APPEALS. SEE MOODY V. MICHIGAN GAMING CONTROL Bd., 871 F.3d 420, 425 (6TH CIR. 2017)(HOLDING THAT LAW OF THE CASE DOCTRINE IS PRIMARILY "INTENDED TO ENFORCE A DISTRICT COURT'S ADHERENCE TO AN APPELLATE COURT'S JUDGMENT"). AS SUCH, RULE 54(B) RELATED PROCEEDINGS IN THE DISTRICT COURT DOES NOT OFFER AN ADEQUATE MEAN TO OBTAIN THE RELIEF EDWARDS DESIRES.

TO PUT IT DIFFERENT, ALTHOUGH EDWARDS CAN CHALLENGE THE DISTRICT COURT'S RULING ON HIS RULE 54(B) RECONSIDERATION MOTION IF IT APPLIES THE LAW-OF-THE-CASE DOCTRINE TO THE SIXTH CIRCUIT'S JURISDICTIONALLY INVALID AND MANIFESTLY ERRONEOUS ORDERS, HE "WOULD BE PREJUDICED BY HAVING TO WAIT FOR SUCH AN APPEAL, AND THEREFORE SUCH AN APPEAL IS AN INADEQUATE REMEDY." IN RE BENDECTIN PRODUCTS LIABILITY LITIGATION, 749 F.2d 300, 302 (6TH CIR. 1984). SURELY, STAYING IN PRISON WHEN ONE MIGHT HAVE BEEN RELEASED CONSTITUTES PREJUDICE. HARVEST V. CASTRO, 531 F.3d 737, 747 (9TH CIR. 2008). EDWARDS CLEARLY WOULD BE PREJUDICED BY HAVING TO WAIT FOR SUCH AN APPEAL BY HAVING TO EXPEND TIME AND RESOURCES CONTESTING THE DISTRICT COURT'S APPLICATION OF THE LAW-OF-THE-CASE DOCTRINE TO THE SIXTH CIRCUIT'S MANISFESTLY ERRONEOUS AND JURISDICTIONALLY INVALID ORDERS, WHICH HAS ALREADY DELAYED HIS DAY IN COURT WHERE THE FULL WEIGHT OF CONSIDERATION IS GIVEN TO THE MERITS OF HIS OVERLOOKED CLAIMS AND ARGUMENTS.

HERE, EDWARDS ARGUES THAT THIS COURT HAS THE AUTHORITY TO CORRECT THE SIXTH CIRCUIT'S PRIOR RULINGS BECAUSE THE PRIOR HOLDINGS ARE "CLEARLY ERRONEOUS AND WOULD WORK A MANIFEST INJUSTICE" IF ALLOWED TO STAND. ARIZONA V. CALIFORNIA, 460 U.S. 605, 618 N.8 (1983). THIS COURT MOST CERTAINLY CAN AGREE THAT SINCE THE DISTRICT COURT'S MARCH 31, 2022 ORDER DID NOT AMOUNT TO A FINAL ORDER UNDER § 1291, "NONE OF IT [WAS] RIPE FOR REVIEW." COLLINS, 252 U.S. AT 371. IN FACT, SINCE EDWARDS HAS NO OTHER ADEQUATE LEGAL MEANS TO ATTAIN RELIEF FROM THE SIXTH CIRCUIT'S JURISDICTIONALLY INVALID ORDERS, THIS COURT HAS THE POWER TO ISSUE A

MANDAMUS ORDER DECLARING THAT SINCE THE DISTRICT COURT DID NOT RULE ON ALL EDWARDS'S CLAIMS, THE SIXTH CIRCUIT'S ORDERS IN EDWARDS V. NAGY AND IN RE EDWARDS ARE BOTH VOIDED FOR LACK OF JURISDICTION. SEE BAYARD V. UNITED STATES, 127 U.S. 246 (1888); IN RE MORRISON, 147 U.S. 14 (1892). ALSO SEE LABUY V. HOWES, 352 U.S. 249 (1957)(HOLDING THAT THE COURT OF APPEALS HAD AUTHORITY TO ISSUE A WRIT OF MANDAMUS VACATING PETITIONER JUDGE'S ORDER).

2. EDWARDS ENTITLEMENT TO ISSUANCE OF THE WRIT IS CLEAR AND INDISPUTABLE:

THE SIXTH CIRCUIT MADE IT CLEAR THAT, DURING THE INITIAL HABEAS PROCEEDINGS, THE DISTRICT COURT OVERLOOKED EDWARDS'S SEVENTH INEFFECTIVE-ASSISTANCE CLAIM. (APPX. #20, AT *5-6). AS SUCH, IT IS INDISPUTABLE THAT THE DISTRICT COURT'S NON-FINAL ORDER FALLS UNDER RULE 54(B) JURISPRUDENCE. SEE FED. R. CIV. PROC. RULE 54(B), STATING, IN PERTINENT PART, THAT "ANY ORDER OR DECISION...THAT ADJUDICATES FEWER THAN ALL THE CLAIMS...DOES NOT END THE ACTION AS TO ANY OF THE CLAIMS... RULE 54. (EMPHASIS ADDED). AFTER ALL, IT HAS LONG BEEN ESTABLISHED THAT THE RULE THAT IN GENERAL ONLY FINAL ORDERS ARE REVIEWABLE APPLIES TO HABEAS CORPUS PROCEEDINGS. BERMUDEZ V. SMITH, 797 F.2d 108 (2ND CIR. 1986); 28 U.S.C. § 2253 (1982)("THE FINAL ORDER SHALL BE SUBJECT TO REVIEW").

HERE, EDWARDS ARGUES THAT HIS ENTITLEMENT TO ISSUANCE OF THE WRIT IS CLEAR AND INDISPUTABLE UNDER STRINGFELLOW, WHICH ALLOWS THIS COURT TO VACATE THE PRIOR DECISIONS OF THE SIXTH CIRCUIT, WHERE (1) THE SIXTH CIRCUIT DECIDED THE MERITS OF AN IMMEDIATE APPEAL FROM THE DISTRICT COURT'S ORDER, BUT (2) THE DISTRICT COURT'S ORDER WAS NEVER IMMEDIATELY APPEALABLE. STRINGFELLOW V. CONCERNED NEIGHBOR IN ACTION, 480 U.S. 370 (1987); INSURANCE COMPANY V. COMSTOCK, 83 U.S. 258, 270 (1872)("WHERE A CASE IS WITHIN THE APPELLATE JURISDICTION OF THE HIGHER COURT A WRIT OF MANDAMUS MAY ISSUE IN AID OF THE APPELLATE JURISDICTION WHICH MIGHT OTHERWISE BE DEFEATED BY THE UNAUTHORIZED ACTION OF THE COURT BELOW"). IN SHORT,

IT IS CLEAR AND INDISPUTABLE THAT EDWARDS IS ENTITLED TO ISSUANCE OF THE WRIT.

A. THIS COURT HAS THE AUTHORITY TO VOID EDWARDS V. NAGY:

IN THIS SECTION, EDWARDS ATTACKS THE SIXTH CIRCUIT'S EDWARDS V. NAGY ORDER AS BEING VOID. IN SUPPORT, HE POINTS OUT THAT DESPITE HIS FAILURE TO PREVIOUSLY RAISE THE ISSUE OF FINALITY, HE CLEARLY ALERTED THE DISTRICT COURT OF ITS FAILURE TO RULE ON HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM IN A RECONSIDERATION MOTION, (APPX. #11), AND CLEARLY INFORMED THE SIXTH CIRCUIT THAT "[T]HE DISTRICT COURT OVERLOOKED THIS CLAIM COMPLETELY." SEE (APPX. #13-14).

FIRST: EDWARDS ARGUES THAT THE ORDER OF THE EDWARDS V. NAGY PANEL ("PRIOR PANEL") IS VOID BECAUSE THE ORDER WAS REACHED, IN PART, ON THE MANIFESTLY ERRONEOUS CONCLUSION THAT "THE DISTRICT COURT DENIED EACH OF EDWARDS'S CLAIMS ON THE MERITS." EDWARDS V. NAGY, ID. AT *2. BEING THAT THE DISTRICT COURT CLEARLY "OVERLOOKED EDWARDS'S SEVENTH INEFFECTIVE-ASSISTANCE CLAIM", IN RE EDWARDS, ID. AT *5, IT IS CLEAR AND INDISPUTABLE THAT THE PRIOR PANEL EXCEEDED ITS JURISDICTION WHEN IT REVIEWED EDWARDS'S COA PETITION. SEE COLLINS, 253 U.S. AT 365-366; FARMER, SUPRA; ALSO SEE OAK CONSTR. CO. V. HURON CEMENT CO., 475 F.2D 1220 (6TH CIR. 1973). ACCORDINGLY, EDWARDS POINTS OUT THAT SINCE THE PRIOR PANEL REVIEWED THIS INEFFECTIVE-ASSISTANCE CLAIM DURING A COA INQUIRY, NOT ONLY WAS THIS CLAIM NOT FULLY BRIEFED NOR SQUARELY DECIDED IN AN EARLIER APPEAL, MILLER-EL V. COCKRELL, 537 U.S. 322, 337 (2003), BUT IT IS WELL ESTABLISHED THAT THE PRIOR PANEL'S COA INQUIRY IS "NOT COEXTENSIVE WITH A MERITS ANALYSIS." BUCK V. DAVIS, 580 U.S. 100, 115 (2017). THEREFORE, EDWARDS IS STILL ENTITLED TO A MERIT ANALYSIS ON THIS CLAIM. RULE 54(B).

NOTABLY, WITHOUT THE DISTRICT COURT'S ASSESSMENT OF THIS CLAIM, EDWARDS WAS EFFECTIVELY PRECLUDED FROM SATISFYING THE CONTROLLING STANDARD FOR OBTAINING A COA WHICH REQUIRED HIM TO DEMONSTRATE "THAT REASONABLE JURISTS WOULD FIND THE DISTRICT COURT'S ASSESSMENT OF TH[IS] CONSTITUTIONAL CLAIM[] DEBATABLE OR WRONG." SLACK V.

McDANIEL, 529 U.S. 473, 484 (2000)(EMPHASIS ADDED); MILLER-EL, 537 U.S. AT 327. SIMPLY PUT, THE PRIOR PANEL HAD NO JURISDICTION TO REVIEW EDWARDS'S COA PETITION. SWANSON, SUPRA.

SECOND: EDWARDS ARGUES THAT EDWARDS V. NAGY IS VOID BECAUSE THE PRIOR PANEL ACTED INCONSISTENT WITH DUE PROCESS, WHEN, ALBEIT FORBIDDEN BY STATUTE, THE PRIOR PANEL EXCEEDED ITS AUTHORITY BY GOING BEYOND A COA INQUIRY, WITHOUT JURISDICTION OF AN APPEAL OR A FULLY BRIEFED CLAIM, MILLER-EL, ID. AT 336-337, TO NOT ONLY FIND THAT "EDWARDS FAILED TO SHOW THAT THE OUTCOME OF HIS TRIAL WOULD HAVE BEEN DIFFERENT BUT FOR COUNSEL'S PURPORTED MISREPRESENTATION", BUT ALSO INAPPROPRIATELY TOOK ON THE ROLE OF THE JURY BY CREDITING THE STATE'S VIEW OF THE TRIAL EVIDENCE AS "OTHER EVIDENCE OF HIS GUILT," ID., AT *10, EVEN THOUGH EDWARDS'S TRIAL TURNED ON A CREDIBILITY CONTEST BETWEEN HE AND THE STATE. (ECF No. 14-14, TRIAL Tr., PG. 221); (APPX. #24).

NOTABLY, THE PRIOR PANEL OVERLOOKED THE EVIDENCE THAT EDWARDS PRESENTED AT TRIAL SHOWING THAT EDWARDS VOLUNTARILY GAVE A STATEMENT EXPLAINING WHAT OCCURRED AND COOPERATED WITH THE POLICE BY NOT ONLY TELLING THEM WHERE HE PLACED HIS CLOTHING AND THE GUN, BUT SHOWED THE POLICE EXACTLY WHERE HE LEFT THE GUN, (ECF No. 14-16, TRIAL Tr. PGS. 784, 799); (ECF No. 14-17, PG. 907); (APPX. #25, #28, #31). AND, THE PRIOR PANEL OVERLOOKED EDWARDS'S TESTIMONY SHOWING THAT HE DID NOT KNOW MR. TYRELL LEE WAS SHOT WHEN HE LEFT THE SCENE, (ECF No. 14-16, TRIAL Tr. PG. 784); (APPX. #25), HE THREW LEE'S GUN IN THE FIELD AT THE CORNER OF NORTH AND YORK SO IT COULD BE RETURNED TO LEE, (ID. 802); (APPX. #29), AND THAT HE LEFT HIS CLOTHES BEHIND HIS MOTHER'S COUCH. (ID. 803); (APPX. #30). FURTHERMORE, WHILE IT IS TRUE THAT HE DIDN'T TURN HIMSELF IN AND DIDN'T WANT TO GO TO JAIL, IT IS CLEAR THAT THE PRIOR PANEL OVERLOOKED THE FACT THAT THE JURY WAS INSTRUCTED THAT, "A PERSON MAY RUN AND HIDE FOR INNOCENT REASONS," (ECF No. 14-17, TRIAL Tr. PGS. 932-933); (APPX. #32-33), AND OVERLOOKED THE FACT THAT EDWARDS TESTIFIED THAT HE WAS

NOT RUNNING FROM THE POLICE; HE WAS STAYING AWAY FROM THE AREA WHERE LEE'S BROTHERS AND COUSINS CAN COME SHOOT HIM, (ECF No. 14-16, TRIAL Tr., PGS. 787-788); (Appx. #26-27). AS SUCH, THE PRIOR PANEL CLEARLY OVERLOOKED EVIDENCE SHOWING THAT ABSENT COUNSEL'S MISREPRESENTATIONS, THERE IS A REASONABLE PROBABILITY THAT THE JURY WOULD HAVE DECIDED THAT EDWARDS'S ACTIONS WERE COMMITTED WITH AN INNOCENT STATE OF MIND, NOT A CONSCIOUSNESS OF GUILT, MILLER-EL, Id. AT 336-337; AFTER FINDING THAT [1] HE UNDERSTANDABLY LEFT THE LOCATION TO GET AWAY FROM LEE WHOM HAD JUST ATTACKED HIM AND HE DID NOT KNOW HAD BEEN ACCIDENTALLY SHOT; [2] IT WAS REASONABLE TO LEAVE LEE'S GUN IN THE FIELD INSTEAD OF KEEPING LEE'S GUN; [3] IT WAS LOGICAL FOR EDWARDS TO PLACE HIS CLOTHES BEHIND HIS MOTHER'S COUCH INSTEAD OF ON THE COUCH; AND [4] JUST BECAUSE THE GUN WAS NO LONGER IN THE FIELD AFTER A WEEK AND HIS SWEATSHIRT WAS NO LONGER WITH HIS OTHER CLOTHES, THAT DOES NOT MEAN THAT HE DID NOT LEAVE THOSE ITEMS WHERE HE SAID. ABOVE ALL, THE PRIOR PANEL OBVIOUSLY OVERLOOKED THE FACT THAT HAD COUNSEL APPEALED TO THE JURY'S COMMON SENSE INSTEAD OF MISREPRESENTING TO THE JURY THAT SERGEANT BROWN POINTED TO AN INJURY EDWARDS SUSTAINED FROM THE ATTACK, THE JURY COULD HAVE REASONABLY CONCLUDED THAT THE MINOR INJURIES EDWARDS SUSTAINED OBVIOUSLY HEALED WITHIN A WEEKS TIME.

BEYOND THIS, WITHIN EDWARDS'S ORIGINAL HABEAS FILINGS, HE SUFFICIENTLY SHOWED THAT SINCE THIS CASE WAS A CREDIBILITY CONTEST, "[T]HERE IS A REASONABLE PROBABILITY THAT, ABSENT COUNSEL'S DEFICIENT PERFORMANCE, AT LEAST ONE MEMBER OF THE JURY WOULD HAVE HAD A REASONABLE DOUBT RESPECTING [HIS] GUILT AND HE WOULD NOT HAVE BEEN CONVICTED." SEE (ECF No. 2, PG. 126); (Appx. #34-41).

CONCLUSION: EDWARDS EMPHASIZES THE FACT THAT THE JURISDICTIONAL DEFECT CAUSED BY THE DISTRICT COURT'S FAILURE TO RULE ON HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM RENDERED THE SIXTH CIRCUIT'S JURISDICTION TO REVIEW HIS COA PETITION, NULL AND VOID. COLLINS, 252 U.S. AT 371. AS SUCH, LABUY GIVES THIS COURT AUTHORITY TO VOID EDWARDS V. NAGY.

B. THIS COURT HAS THE AUTHORITY TO VOID IN RE EDWARDS:

IN THIS SECTION, EDWARDS ATTACKS THE SIXTH CIRCUIT'S IN RE EDWARDS ORDER AS BEING VOID BECAUSE, AFTER FINDING THAT ALL THE CLAIMS BEFORE THE DISTRICT COURT WERE NOT RULED ON, THE SIXTH CIRCUIT'S IN RE EDWARDS PANEL("RECENT PANEL") CLEARLY AND INDISPUTABLY VIOLATED ITS DUTY TO "LIBERALLY CONSTRUE" EDWARDS'S PLEADINGS UNDER RULE 54(B) JURISPRUDENCE, BULLWINKEL V. UNITED STATES DOE, 899 F.Supp.2d 712, 732 (6TH CIR. 2013); ERICKSON V. PARDUS, 551 U.S. 89, 94 (2007); VIOLATED ITS DUTY TO CONCLUDE SUA SPONTE THAT IT NEVER HAD JURISDICTION TO HEAR EDWARDS'S CASE, SEE COLLINS, SUPRA; OAK CONSTR. CO., SUPRA; AND VIOLATED ITS DUTY TO REQUIRE THE DISTRICT COURT TO BRING EDWARDS'S CASE IN CONFORMANCE WITH FINALITY IN ORDER THAT THE SIXTH CIRCUIT MAY EXERCISE JURISDICTION OF REVIEW GIVEN BY LAW. 28 U.S.C. § 2253. ACCORDINGLY, EDWARDS ARGUES THAT ALL ASPECTS OF THE SIXTH CIRCUIT'S IN RE EDWARDS ORDER, BEYOND ITS FINDINGS THAT THE DISTRICT COURT OVERLOOKED HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM, IS VOID FOR THE FOLLOWING REASONS:

FIRST: EDWARDS ARGUES THAT THE RECENT PANEL CLEARLY AND INDISPUTABLY VIOLATED ITS DUTY TO "LIBERALLY CONSTRUE" HIS FILINGS AS A RULE 54(B) MOTION, EVEN THOUGH IT IS WELL ESTABLISHED THAT PRO SE FILINGS "IS TO BE LIBERALLY CONSTRUED." ERICKSON, SUPRA. THAT IS "[B]ECAUSE NO FINAL [ORDER] HAS BEEN ENTERED, [EDWARDS'S] MOTION WAS TO BE PROPERLY CONSIDERED UNDER FEDERAL RULE OF CIVIL PROCEDURE 54(B) RATHER THAN UNDER RULE 60(B)." BULLWINKEL, SUPRA.

SECOND: EDWARDS ARGUES THAT THE RECENT PANEL VIOLATED ITS DUTY TO DISMISS HIS CASE FOR LACK OF JURISDICTION. HERE, EDWARDS PUTS IMPORTANT EMPHASIS ON THE FACT THAT, SINCE NOT ALL THE CLAIMS BEFORE THE DISTRICT COURT WERE DECIDED, PER RULE 54(B) AND COLLINS, THE DISTRICT COURT'S MARCH 31, 2022 ORDER IS A NON-FINAL ORDER. THEREFORE, THE SIXTH CIRCUIT NEVER HAD JURISDICTION TO REVIEW HIS CASE. COLLINS, ID. AT 371; RULE 54. AS NOTED, THE SUPREME COURT ITSELF RULED THAT "[N]O PARTY CAN WAIVE [A JURISDICTIONAL] DEFECT OR CONSENT TO JURISDICTION." WISCONSIN DEPT. OF

CORRECTIONS V. SCHACHT, SUPRA. IN SHORT, THE RECENT PANEL HAD A DUTY TO SUA SPONTE DISMISS EDWARDS CASE FOR LACK OF JURISDICTION BASED UPON SUCH A JURISDICTIONAL DEFECT. SEE COLLINS, 253 U.S. AT 365-366; FARMER, SUPRA.

THIRD: EDWARDS ARGUES THAT THE RECENT PANEL EXCEEDED IT JURISDICTION WITH ITS APPLICATION OF THE LAW-OF-THE-CASE DOCTRINE TO THE PRIOR PANEL'S DENIAL OF A COA ON THIS CLAIM WHILE RULING THAT "[G]RANTING RELIEF ON THIS CLAIM WOULD...VIOLATE THE LAW-OF-THE-CASE DOCTRINE," IN RE EDWARDS, ID. AT *6. AFTER ALL, THERE IS NO EXCEPTION TO RULE 54(B) WHERE THE COURT OF APPEAL' DENIAL OF A COA ON A CLAIM THAT THE DISTRICT COURT HAS NEVER RULED ON, HAS BEEN ALLOWED TO END THE LITIGATION ON THE MERITS. IN FACT, THE PRIOR PANEL'S COA INQUIRY IS "NOT COEXTENSIVE WITH A MERITS ANALYSIS," BUCK, SUPRA.

FRANKLY, AFTER FINDING THAT THE DISTRICT COURT OVERLOOKED THIS CLAIM, THE RECENT PANEL SHOULD HAVE BEEN LEFT WITH A DEFINITE AND FIRM CONVICTION THAT THE PRIOR PANEL CLEARLY ERRED IN DECIDING EDWARDS'S COA PETITION WITHOUT JURISDICTION. MOSES V. BUSINESS CARD EXPRESS, INC., 929 F.2D 1131, 1137 (6TH CIR.).

AT THE SAME TIME, APPLICATION OF THE LAW-OF-THE-CASE DOCTRINE IS "LIMITED TO THOSE QUESTIONS NECESSARILY DECIDED IN AN EARLIER APPEAL." HANOVER INS. CO. V. AM. ENG'G CO., 105 F.3D 306, 312 (6TH CIR. 1997). GIVEN THE FACT THAT "THE PHRASE 'NECESSARILY DECIDED'...DESCRIBES ALL ISSUES THAT WERE 'FULLY BRIEFED AND SQUARELY DECIDED' IN AN EARLIER APPEAL," ROEGH V. ENERGYSOLUTIONS, INC., 772 F.3D 1056, 1071 (6TH CIR. 2014), ALONG WITH THE FACT THAT THIS CLAIM WAS NOT PRESENTED FULLY BRIEFED, AND, MOST IMPORTANTLY, THE FACT THAT THE PRIOR PANEL'S COA INQUIRY IS "NOT COEXTENSIVE WITH A MERITS ANALYSIS," BUCK, SUPRA; IT IS OBVIOUS THAT THE LAW-OF-THE-CASE DOCTRINE DOES NOT BAR RELIEF AFTER A TRUE MERITS ANALYSIS OF THIS CLAIM. SEE CNF CONSTRUCTORS, INC. V. DONOHUE CONST. CO., 57 F.3D 395, 397 N.1 (4TH CIR. 1995)(CONCLUDING THAT LAW OF THE CASE DOCTRINE DID NOT PREVENT AN APPELLATE COURT FROM REVISITING A PRIOR RULING OF A MOTIONS PANEL ON THE COURT'S

JURISDICTION BECAUSE (1) LAW OF THE CASE IS DISCRETIONARY, NOT MANDATORY, (2) MOTIONS PANELS ARE OFTEN NOT PRESENTED WITH FULL BRIEFING AND ARGUMENT, AND (3) A COURT MUST DISMISS AN APPEAL WHEN IT LACKS JURISDICTION).

CONCLUSION: EDWARDS EMPHASIZES THE FACT THAT THE DISTRICT COURT'S FAILURE TO RULE ON ALL OF HIS CLAIMS RENDERED THE RECENT PANEL'S JURISDICTION TO REVIEW HIS CASE, NULL AND VOID. COLLINS, 252 U.S. AT 371. HENCE, THE RECENT PANEL WAS MANIFESTLY ERRONEOUS WHEN IT FAILED TO PROTECT THE VALUES OF FINALITY AND JUDICIAL ECONOMY. AS SUCH, LABUY GIVES THIS COURT AUTHORITY TO VOID IN RE EDWARDS.

3. THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCE OF THIS CASE:

IN THIS SECTION, EDWARDS POINTS TO FOUR(4) CIRCUMSTANCES ESTABLISHING THAT THE REFUSAL TO GRANT THIS WRIT WOULD OFFEND JUSTICE, UNDERMINE PUBLIC CONFIDENCE IN THE JUDICIAL PROCESS AND CREATE AN INJUSTICE TO HIM.

FIRST: EDWARDS POINTS OUT THAT HE IS SENTENCED TO SPEND A MINIMUM OF 52 YEARS IN PRISON, BUT HAS BEEN UNCONSTITUTIONALLY DEPRIVED OF A FULL AND FAIR MERITS ANALYSIS ON (I) HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM; (II) HIS INEFFECTIVE-ASSISTANCE CLAIMS NARROWED SPECIFICALLY TO THE DEFENSE OF ACCIDENT UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS; AND (III) HIS ARGUMENTS CONCERNING THE COMBINED IMPACT THAT HIS ADMISSION OF INTENTIONALLY FIRING THE GUN AND THE "USE OF A DEADLY WEAPON" JURY INSTRUCTIONS HAD ON HIS SECOND-DEGREE MURDER CONVICTION IN CONJUNCTION WITH THE REASONABLE PROBABILITY OF A DIFFERENT OUTCOME HAD HIS JURY BEEN INSTRUCTED UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS.

SECOND: EDWARDS POINTS OUT THE FACT THAT THE IN RE EDWARDS PANEL'S RELIANCE ON THE EDWARDS V. NAGY ORDER AS THE LAW-OF-THE-CASE TO PREVENT A TRUE MERITS ANALYSIS FROM EVER HAPPENING HAS DEPRIVED HIM OF HIS LIBERTY INTEREST SECURED BY THE EQUAL PROTECTION CLAUSE AND THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION, THEREBY MAKING ENFORCEMENT OF EITHER OF THESE ORDERS "MANIFESTLY UNCONSCIONABLE", HAZEL-ATLAS GLASS CO. V. HARTFORD-EMPIRE CO.,

322 U.S. 238, 244 (1944), AND AGAINST FUNDAMENTAL FAIRNESS. THOMAS V. ARNS, 474 U.S. 140, 155 (1985). AND YET, "FUNDAMENTAL FAIRNESS IS THE HALLMARK OF THE PROCEDURAL PROTECTIONS AFFORDED BY THE DUE PROCESS CLAUSE." LASSITER V. DEPARTMENT OF SOCIAL SERVICE OF DURHAM COUNTY, 452 U.S. 24, 25 (1981). SURELY, EDWARDS IS ENTITLED TO ONE FAIR OPPORTUNITY TO HAVE THE MERITS OF HIS CLAIMS FULLY CONSIDERED. SANDERS V. UNITED STATES, 373 U.S. 1, 8 (1963). HE HAS NOT HAD THAT.

THIRD: EDWARDS POINTS OUT THE FACT THAT WHILE HIS CASE PRESENTS A VERY SPECIAL SITUATION WHERE EVEN THOUGH THE LAW-OF-THE-CASE DOCTRINE DOES NOT PROHIBIT THE DISTRICT COURT FROM DEPARTING FROM THE MANIFESTLY ERRONEOUS AND JURISDICTIONALLY INVALID ORDERS OF THE SIXTH CIRCUIT, ARIZONA, SUPRA, FROM THE FACT THAT THE DISTRICT COURT HAS TWICE REFUSED TO EXERCISE ITS DUTY TO CORRECT ITS OWN ERRORS, THERE IS A REASONABLE LIKELIHOOD THAT, WITHOUT THIS COURT DECLARING THE SIXTH CIRCUIT'S PRIOR ORDERS VOID FOR LACK OF JURISDICTION, THE DISTRICT COURT WILL VIOLATE ITS DUTY TO ADJUDICATE THE MERITS OF EDWARDS'S OVERLOOKED CLAIMS AND ARGUMENTS AGAIN.

FOURTH: AS PREVIOUSLY POINTED OUT, ALTHOUGH EDWARDS CAN APPEAL THE DISTRICT COURT'S RULING ON HIS RULE 54(B) RECONSIDERATION MOTION IF IT RELIES ON THE SIXTH CIRCUIT'S JURISDICTIONALLY INVALID ORDERS AS THE LAW-OF-THE-CASE, HE "WOULD BE PREJUDICED BY HAVING TO WAIT FOR SUCH AN APPEAL, AND THEREFORE SUCH AN APPEAL IS AN INADEQUATE REMEDY." IN RE BENDECTIN, 749 F.2D AT 303. BEING THAT AN ORDER OF THE DISTRICT COURT WILL BE SUBJECT TO REVIEW BY THE SIXTH CIRCUIT, WITH OPPORTUNITY FOR FURTHER REVIEW IN THIS COURT ON WRIT OF CERTIORARI, FAR EAST CONFERENCE V. UNITED STATES, 342 U.S. 570 (1952), THIS COURT HAS THE POWER TO ISSUE A MANDAMUS, IN THE EXERCISE OF ITS APPELLATE JURISDICTION, AND DIRECT THE DISTRICT COURT TO PROPERLY BRING EDWARDS'S CASE IN CONFORMANCE WITH FINALITY. INSURANCE COMPANY V. COMSTOCK, SUPRA. AFTER ALL, IT IS IN THE INTEREST OF FAIR AND PROMPT ADMINISTRATION OF JUSTICE TO BRING EDWARDS'S CASE IN CONFORMANCE WITH

FINALITY.

CONCLUSION: EDWARDS ARGUES THAT, AS SHOWN ABOVE, THE SIXTH CIRCUIT'S EDWARDS V. NAGY AND IN RE EDWARDS ORDERS ARE NOT ONLY MANIFESTLY ERRONEOUS, BUT ALSO JURISDICTIONALLY INVALID: AND IF ALLOWED TO STAND, WOULD MOST CERTAINLY OFFEND JUSTICE, UNDERMINE PUBLIC CONFIDENCE IN THE JUDICIAL PROCESS AND CREATE AN INJUSTICE TO HIM BY NOT ONLY INFRINGING HIS DUE PROCESS AND EQUAL PROTECTION RIGHTS OF THE FOURTEENTH AMENDMENT BUT ALSO INFRINGE THE DISTRICT COURT'S DUTY TO MODIFY ITS MARCH 31, 2022 NON-FINAL ORDER IN CONFORMANCE WITH THE RULES OF FINALITY, AS REQUIRED BY RULE 54(B); COLLINS, SUPRA; CATLIN, SUPRA AND THE FOURTEENTH AMENDMENT. INDEED, "[T]HE ULTIMATE RESPONSIBILITY OF THE FEDERAL COURT...IS TO REACH THE CORRECT JUDGMENT UNDER THE LAW," AM. CANOE ASS'N V. MURPHY FARMS, INC., 326 F.3d 505, 515 (4TH CIR. 2003), WHICH, IN A CASE SUCH AS THIS, IS TO SIMPLY VOID THE SIXTH CIRCUIT'S JURISDICTIONALLY INVALID AND MANIFESTLY ERRONEOUS ORDERS TO PROTECT EDWARDS FROM ANY FURTHER RELIANCE ON THESE ORDERS IN A PROPER JURISDICTIONAL FORUM WHERE THE DISTRICT COURT CAN FREELY MODIFY ITS MARCH 31, 2022 NON-FINAL ORDER TO FINALLY INCLUDE A MERITS ANALYSIS OF EDWARDS'S OVERLOOKED CLAIMS AND ARGUMENTS.

SIMPLY PUT "THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES." EX PARTE UNITED STATES, SUPRA.

4. CONCLUSION AND RELIEF REQUESTED:

ON THE WHOLE, EDWARDS POINTS OUT THAT THE CASELAW CITED ABOVE, CLEARLY AND INDISPUTABLY, SUPPORTS HIS ABILITY TO HAVE THIS COURT GRANT A WRIT OF MANDAMUS DECLARING THAT SINCE ALL THE CLAIMS BEFORE THE DISTRICT COURT HAS NOT BEEN ADJUDICATED ON THE MERITS, THE SIXTH CIRCUIT'S ORDERS IN EDWARDS V. NAGY AND IN RE EDWARDS ARE VOIDED FOR LACK OF JURISDICTION IN ORDER TO PROTECT THE VALUES OF FINALITY AND JUDICIAL ECONOMY WHILE ENSURING THAT EDWARDS'S RULE 54(B) RECONSIDERATION MOTION IS CONSIDERED IN A FAIR HEARING THAT ADDRESSES THE FULL

MERITS OF (I) HIS SEVENTH INEFFECTIVE-ASSISTANCE CLAIM; (II) HIS INEFFECTIVE-ASSISTANCE CLAIMS NARROWED SPECIFICALLY TO THE DEFENSE OF ACCIDENT UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS; AND (III) HIS ARGUMENTS CONCERNING THE COMBINED IMPACT THAT HIS ADMISSION OF INTENTIONALLY FIRING THE GUN AND THE "USE OF A DEADLY WEAPON" JURY INSTRUCTIONS HAD ON HIS SECOND-DEGREE MURDER CONVICTION IN CONJUNCTION WITH THE REASONABLE PROBABILITY OF A DIFFERENT OUTCOME HAD HIS JURY BEEN INSTRUCTED UNDER M. CRIM. JI 7.2 JURY INSTRUCTIONS.

ACCORDING TO THE TENTH CIRCUIT, THE "LAW OF THE CASE DOCTRINE HAS NO BEARING ON THE REVISITING OF [NON-FINAL] ORDERS." RIMBERT V. ELI LILLY & CO., 647 F.3d 1247, 1252 (10TH CIR. 2011)(CITATION OMITTED). THEREFORE, THE DISTRICT COURT SHOULD BE ALLOWED TO FREELY MODIFY ITS PRIOR DECISION TO ANALYZE THE EXACT POINTS THAT THE MOTION TO RECONSIDER CHALLENGES, UNOBSTRUCTED BY THE SIXTH CIRCUIT'S MANIFESTLY ERRONEOUS AND JURISDICTIONALLY INVALID ORDERS.

"[I]F, AT THE END OF THE DAY AND CASE, A JURISDICTIONAL DEFECT REMAINS UNCURED, THE JUDGMENT MUST BE VACATED." CATERPILLER INC. V. LEWIS, 519 U.S. 61, 77 (1996); STRINGFELLOW, SUPRA. THAT IS, BECAUSE THE SIXTH CIRCUIT NEVER HAD JURISDICTION OVER EDWARDS'S CASE, THE JURISDICTIONALLY INVALID ORDERS OF THE SIXTH CIRCUIT MUST BE VOIDED.

FOR THESE REASONS, EDWARDS HUMBL Y REQUESTS THAT THIS COURT ISSUES A WRIT OF MANDAMUS DECLARING THAT SINCE ALL THE CLAIMS BEFORE THE DISTRICT COURT WERE NOT DECIDED, THE SIXTH CIRCUITS ORDERS IN EDWARDS V. NAGY, 2023 U.S. APP. LEXIS 6222 AND IN RE EDWARDS, 2024 U.S. APP. LEXIS 19726 ARE VOIDED FOR LACK OF JURISDICTION.

RESPECTFULLY SUBMITTED ON THIS 4TH DAY OF APRIL, 2025 BY:

Andre Edwards
ANDRE EDWARDS #256304
IN PRO SE
G. ROBERT COTTON CORRECTIONAL FACILITY
3500 NORTH ELM ROAD
JACKSON, MICHIGAN 49201

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I, ANDRE MONTEEK EDWARDS, DECLARES, UNDER THE PENALTY OF PERJURY, THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

EXECUTED ON THIS 4TH DAY OF APRIL, 2025 BY:

Andre Edwards
ANDRE EDWARDS #256304
IN PRO SE