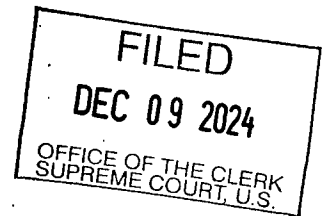


NO. 25-5445



IN THE
SUPREME COURT OF THE UNITED STATES

CARLOS L. WOODSON – Petitioner

vs.

SEC'T. FLA. DEPT. OF CORR. – Respondent

ON PETITION FOR WRIT OF CERTIORARI TO THE
THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

CARLOS L. WOODSON, DC# 411753
Cross City Correctional Inst.
568 N.E. 255th Street
Cross City, Florida 32628

Petitioner, *pro se*

QUESTIONS PRESENTED

1. Whether under Wainwright v. Sykes, 433 U.S. 72 (1977) Id. At 81 states appellant court's direct appeal order can be procedurally defaulted and barred from 2254 Habeas Corpus review for court's failure to comply with an adequate and independent state law?
2. Whether a district court would be precluded by a lack of subject matter jurisdiction or by a violation of due process that deprives a party of notice or the opportunity heard from entering 2254 Habeas Corpus rulings concerning claims barred from federal review by an adequate and independent state law?
3. If a district court has entered judgment on claims barred from federal review by an adequate and independent state law, then can 28 U.S.C. 2244 (b) of the AEDPA bar a party from a Rule 60 (b)(4) void judgment challenge in 2254 Habeas Corpus proceeding and;
4. Would the application of 2244(b) of the AEDPA to bar a Rule 60 (b) (4) void judgment challenge to a district court's judgment entered on claims barred from federal review by an adequate and independent state law and entered in violation of due process, the right to appeal, and was entered without jurisdiction, conflicts with the Supreme Court holdings in Gonzales v. Crosby, 545 US. 524 (2005) Id. At 534 and United Student Aid Funds, Inc v. Espinosa, 599 US. 260 (2010) and thereby nullify the reason and purpose for

rule 60 (b) (4) void judgment motions in 2254 habeas corpus proceeding in similar cases?

5. Whether the district court had subject matter jurisdiction over Woodson's 2254 petition prior to entering judgment?

LIST OF PARTIES

[x] All parties appear in the caption of the case on cover page.

RELATED CASES

The Eleventh Judicial Circuit Court In and For Dade County Florida

Case No.: 96-5158

In The District Court of Appeal of Florida Third District

Case No(s).: 96-02550 and 98-430

Florida Supreme Court

Respondent at: 1999 Fla. LEXIS 2223

The United States District Court Southern District of Florida

Case No.: 02-21921-CV-SEITZ

In The United States Court of Appeals for The Eleventh Circuit

Case No.: 22-12726-A

TABLE OF CONTENT

OPINIONS BELOW.....	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT OF CASE AND FACTS	3
REASONS FOR GRANTING THE PETITION	5
CONCLUSION	15

INDEX TO APPENDICES

APPENDIX A.	The United States Court of Appeals for the Eleventh Circuit July 11th, 2024, Opinion. Affirmed, 1-6
APPENDIX B	The United States District Court Southern District of Florida July 14th, 2022, Order, Dismissed, 1-10
APPENDIX C	The United States Court of Appeals for the Eleventh Circuit September 10th, 2024, Order, Denied, Rehearing En Banc..... 1-2
APPENDIX D	The United States Court of Appeals for the Eleventh Circuit September 18th, 2024, Order Mandate..... 1-2
APPENDIX E	The United States Court of Appeals for the Eleventh Circuit January 4th, 2023 Order, Granted, Leave to Proceed in Forma Pauperis.....1.
APPENDIX F	The District Court of Appeal of Florida Third District May 29th, 1997 Order, Dismissed..... 1.
APPENDIX G	The District Court Of Appeal of Florida Third District August 4th, 1999 Opinion, Affirmed....1-3
APPENDIX H	Florida Statute §924.051. Terms and Condition of Appeals and Collateral Review in Criminal Cases....1
APPENDIX I	Amended Motion for Relief from Judgment or Order, June 14, 2022.....1-10

TABLE OF AUTHORITIES CITED

Cases

<u>Chamblee v. Florida</u> , 905 F.3d 1192, 1196 (11th Cir. 2018);.....	11
<u>Gonzalez v. Crosby</u> , 545 U.S. 524 (2005).....	12, 14, 15
<u>Harrington v. Richter</u> , 562 U.S. 86 (2011)....	8
<u>Jimenez v. Quaterman</u> , 555 U.S. 113 (2009)....	11
<u>Magwood v. Patterson</u> , 561 U.S. 320 (2010).....	8
<u>Montoya v. Chao</u> , 296 F.3d 952 (10th Cir. 2002)..	11
<u>Ortiz v. Fiberboard Corp.</u> , 527 U.S. 815 (1999).....	14
<u>Rose v. Lundy</u> , 455 U.S. 509 (1982)....	8
<u>Shoop v. Twyford</u> , 596 U.S. 811 (2022).....	8
<u>United Student Aid Funds, Inc. v. Espinosa</u> , 599 U.S. 260 (2010)....	12, 15
<u>Wainwright v. Sykes</u> 433 U.S. 73 (1977).....	7
<u>Williams v. Alabama</u> , 791 F. 3d 1267, 1273 (11 th Circuit 2015).....	8
<u>Woodson v. State</u> , 696 So.2d 355 (Fla. 3 DCA 1997)	10
<u>Woodson v. State</u> , 739 So.2d 1210 (Fla. 3rd DCA 1999).....	6, 10

Statutes

Florida Statute 924.05	3, 10
Florida Statute 924.051	6, 9,10, 11,13
Title 28 U.S.C. 1331	2
Title 28 U.S.C. 2244	2, 4, 5, 6, 11, 13, 14
Title 28 U.S.C. 2254	2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14

CONSTITUTIONAL PROVISIONS

Article I § 9 Florida Constitution.....	3, 10
Article III § 2 United States Constitution	2, 14
Fifth Amendement United States Constitution.....	2, 10
Fourteenth Amendement United States Constitution	2, 10

RULES

Federal Rule Civil Procedure; Rule 60 (b).....	2, 3, 5, 6, 7, 8, 11, 12, 13, 14
Supreme Court Rules; Rule 10.....	1, 4

OTHER AUTHORITIES

Federal Habeas Corpus Practice and Procedure 28.3 (b).....	8
--	---

**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

The opinion of the United States Eleventh Circuit Court of Appeals in appears at Appendix-A page 1-6 to the petition and is published at 2024 U.S. App. Lexis 16996. The order denying rehearing en banc appears at Appendix C page 1-2 and is also published at 2022 U.S. App. Lexis 11336.

JURISDICTION

This case was decided on July 11, 2024. See Appendix-A page 1-6 A timely filed motion for rehearing en banc was denied on September 10, 2024. See Appendix-C Page 1-2 On September 18, 2024, the Eleventh Circuit Court of Appeals issued a Mandate order.

This court has jurisdiction under Rules of the Supreme Court of the United States, Rule 10(c) to review the decision of the Eleventh Circuit Court of Appeals which per curiam affirmed with a written opinion the judgment of the United States District Court, Southern District of Florida. The Supreme Court has Judicial discretion under Rule 10(c) to grant a writ of Certiorari where the Eleventh Circuit Court of Appeals has decided an important question of federal law that has not been, but should be settled by this Court, or has decided an important question in a way that conflicts with relevant decisions of this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) Article III § 2 of the United States Constitution, Jurisdiction of district Courts.
- (2) Title 28 u.s.c. § 1331; The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.
- (3) Title 28 u.s.c. 2244 (b) (1: A claim presented in a second or successive habeas corpus application under section 28 u.s.c. 2254 that was presented in a prior application shall be dismissed. (2): A claim presented in a second or successive habeas corpus application under section 28 u.s.c 2254 that was not presented in a prior application shall be dismissed unless....
- (4) Title 28 u.s.c 2244 (d) (1 A One-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a state court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment becomes final by the conclusion of direct review, or the expiration of the time for seeking such review.
- (5) Federal Rules of Civil Procedure Rule 60 (b). Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party, or its legal representative from a final judgment, or order, or proceeding for the following reason: (4) the judgment is Void.
- (6) United States Constitution Amendment Five: No person shall be deprived of life, liberty, or property, without due process of law.
- (7) United States Constitution Amendment Fourteen: 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 to any person within its jurisdiction the equal protection of the laws.

8.) Article 1 § 9 Florida Constitution; Due Process

9.) 924.05 Florida Statutes; Rights to Appeal

10.) ⁹²⁴929.051 Florida Statutes; Terms and Conditions of Appeals and Collateral review in Criminal Cases.

STATEMENT OF CASE AND FACTS

Mr. Carlos L. Woodson is serving a forty-five (45) year sentence in Florida State prisons for one count of burglary of an occupied dwelling while armed and two counts of sexual battery with a weapon or force.

On June 14, 2022 under case number: 02-21921- CV-PAS Woodson filed a fifth rule 60 (b) motion in the United States Southern District Court of Florida. He argued that the district courts statute of limitation and exhaustion rulings was in error where the record of this case establishes that the state appellate court's direct appeal order was procedurally barred from federal 2254 Habeas Corpus review by an adequate substantive state law that prohibits the appellate court's failure to resolve all properly preserved claims of error raised on direct appeal. He argued that because the state appellate court's direct appeal order was a non final order for failing to resolve all properly preserved claims raised on direct appeal, his judgment and sentence was not final and that because of that fact the district court was incorrect in its statute of limitation and exhaustion rulings and was thereby precluded by a lack of subject matter jurisdiction from entering its statute of limitation, exhaustion, and merits rulings.

[Appendix I page1-5]

After considering Woodson's fifth rule 60(b) motion the district court determined that under 28 U.S.C. 2244(b) of the Antiterrorism and Effective Death Penalty Act (The AEDPA) the Court lacked jurisdiction because the 60(b) motion attacks the Court's previous resolution of claims on the merits and Woodson must first obtain authorization from the Eleventh Circuit Court of Appeals for the district to consider it. [Appendix B page 6-7]

Woodson appealed the district court's decision to the Eleventh Circuit where he raised two arguments; 1) the district court failed to grant relief under Rule 60(b)(4) void judgment standards based on the fact that the district court lacked the power to decide Woodson's 2254 petition prior to his judgment and sentence becoming final and; 2) the dismissal of Woodson's Rule 60(b) motion by the district court was contrary to Supreme Court holdings.

On July 11, 2024 under case number 22-12726, the Eleventh Circuit Court of Appeals affirmed the district court's dismissal of Woodson's Rule 60(b) motion. In support of its decision the court held that Woodson's judgment-is-void argument is an attack on the district court's merits determination. The court also held that Woodson misunderstood the district court's order and that the district court did not make a previous ruling which precluded a merits determination...the court instead reached the merits of Woodson's Habeas Corpus, thus Woodson does not attack the integrity of the habeas proceedings, but in effect asks for a second chance to have the merits determined favorably. [Appendix A page 1-6]

Woodson filed a motion for rehearing and rehearing *en banc* in the Eleventh Circuit Court of Appeals. He argued that because federal law prohibits the district court

from deciding procedurally barred and unexhausted issues the district court was precluded from federal habeas review of Woodson's 2254 petition and therefore the district court's judgments are void.

The Eleventh Circuit Court of Appeals on September 10, 2024 entered on order of affirmed to Woodson's motion for rehearing and rehearing *en banc*. [Appendix C page 1-2] The mandate order was issued September 18, 2024. [Appendix D page 1-2]

REASONS FOR GRANTING THE PETITION

The Eleventh Circuit Court of Appeals agreed with the Southern District Court of Florida order that dismissed Woodson's fifth rule 60 (b) motion. Both courts found that under 28 U.S.C. 2244 (b) of the AEDPA the district court lacked jurisdiction to review Woodson's Rule 60 (b) motion because his judgment-is-void argument was an attack on the district court's previous resolution of claims on the merits and that Woodson needed to obtain permission from the Eleventh Circuit prior to filing a second or successive 2254 petition in the district court. The Eleventh Circuit found that Woodson misunderstood the district court's order, and that the district court did not make a previous ruling which precluded a merits determination, but instead, had reached the merits of Woodson's habeas claims and that by alleging in his rule 60 (b) motion that it was an error to reach the merits of his unexhausted claims, Woodson does not attack the integrity of the habeas proceedings, but in effect, asks for a second chance to have a merits determination favorably. In so holding, the Eleventh Circuit Court of Appeals did not comment on the fact that Woodson's judgment-is-void argument was premised on the fact that the district court was without subject matter jurisdiction because the record of state court proceedings established that the state appellate court committed a

procedural error that rests on an adequate and independent state law which consequently rendered the state appellate court's direct appeal order not final and void and subsequently deprived the district court of power, i.e., subject matter jurisdiction, under 28 USC 2244(d)(1)(A) to resolve the merit of Woodson's 2254 petition prior to his judgment and sentence becoming final. [Appendix I page 2-5]

Woodson argued in his rule 60 (b) motion that the uncontroverted evidence of the record of the state court proceedings established that prior to his November 1997 jury trial Woodson filed a pretrial motion to dismiss the charging information. The record also established that in violation of Florida Statute 924.051 (8) the state appellate court in Woodson v. State, 739 So.2d 1210 (Fla. 3rd DCA 1999) failed to resolve Woodson's third claim raised on direct appeal because the court somehow found that the claim was not preserved for appellate review holding that Woodson had failed to raise a pretrial motion to dismiss or an objection. [Appendix G page 3] But contrary to the state appellate court's findings the record demonstrates that Woodson did raise a pretrial motion to dismiss in the trial court [Appendix I page 2-5]

The relevance of the premise of Woodson's judgment-is-void argument was that the procedurally barred and void direct appeal order entered by the state appellate court deprived the district court of jurisdiction to enter any decision on Woodson's 2254 petition prior to his judgment and sentence becoming final. Yet the Eleventh Circuit Court of appeals somehow found that Woodson's judgment-is-void argument was an attack on the district court's previous resolution of claims on the merits and found that by Woodson alleging that it was an error for the district court to reach the merits of his unexhausted claims he does not attack the integrity of the habeas proceedings, but in

effect, asks for a second chance to have a merits determination favorably [Appendix A page 2-6].

Of course and if considered in analogy with the facts and circumstances of this case, Wainwright v. Sykes 433 U.S. 73 (1977) does not so hold. In Wainwright supra, the court cautioned reviewing courts that as to the role of adequate and independent state grounds, it is a well established principle of federalism that a state decision resting on an adequate foundation of substantive law is immune from review in federal courts...and this principle in the context of federal habeas proceedings has therefore excluded from consideration any question of state substantive law, and thus effectively barred federal habeas review where questions of that sort are either the only ones raised by a petitioner or are in themselves dispositive of his case. *Id.* at 81. Woodson argued in the rule 60 (b) motion that the state appellate court's direct appeal order was barred from federal review by an adequate and independent state law where the mandatory language of statute §924. 051 (8) prohibited that court from failing to resolve all claims of errors raised on appeal. [Appendix I page 2-5]. In analogy with Wainwright Supra, Woodson is correct in his rule 60(b) judgment-is-void argument.

The Eleventh Circuit Court's agreement with the district court's application of the AEDPA to dismiss Woodson's rule 60 (b) motion for being an attack on the district court's previous resolution of claims on the merits should not stand because the AEDPA's differential standard of review is limited to claims that were adjudicated on the merits in state court proceedings but under 28 U.S.C. 2254 (d) any decision that is based on state procedural grounds like the procedurally barred direct appeal order entered by the state appellate court is not an adjudication on the merits. See Williams v.

Alabama, 791 F. 3d 1267, 1273 (11th Circuit 2015) citing Harrington v. Richter, 562 U.S. 86 (2011).

Furthermore, under Rose v. Lundy, 455 U.S. 509 (1982) and also under 28 U.S.C. 2254 (b) and (c), the district court was required to dismiss Woodson's 2254 application for unexhausted claims, instead of deciding the merits of the application, and because the State Appellate Court failed to review the complete record of Woodson's third claim raised on direct appeal, the District Court could not have possibly decided the merits of that claim because review of legal claims under 2254(d) (1) is limited to the record that was before the State Court. See Shoop v. Twyford, 596 U.S. 811 (2022).

There are two situations in which a 2254 habeas petition that was numerically "second or successive" could not be subject to restrictive rules governing so-called "successive petitions". In the first situation, the petition is not "second or successive" because it attacks a criminal judgment different from the judgment assailed in the first petition. Second, the second petition, although attacking the same judgment as the first petition, was not properly classifiable a "second or successive" petition, because the first petition did not produce, or for some reason could not possibly have produce a judgment on the merits. See § 28.3 (b) Federal Habeas Corpus Practice and Procedure; see also Magwood v. Patterson, 561 U.S. 320 (2010).

Woodson's Rule 60 (b) motion falls under the second situation in which is not subject to restrictive rules governing "second or successive" petitions because Woodson's judgment-is-void argument cannot be an attack on the district court's previous resolution of claims on the merits because the district court lacked subject matter jurisdiction when it resolved the 2254 petition prior to Woodson's judgment and

sentence becoming final and because those claims raised from the state appellate court's procedurally barred and void direct appeal order is not an adjudication on the merits due to the order being barred based on state procedural grounds and therefore Woodson did not, in effect, ask for a second chance to have a merits determination favorably, but in effect, attacks the integrity of the 2254 habeas proceedings to hear and decide the merits of Woodson's 2254 petition prior to his judgment and sentence becoming final.

Florida statute 924.051 (8) states in pertinent part:

"It is the intent of the Legislature, that all terms and conditions of direct appeal and collateral review be strictly enforced, including the application of procedural bars, to ensure that all claims of error are raised and resolved at the first opportunity".

[Appendix] H page 1]

The expressed intent of the legislature in 924.051 (8) Florida statute is evident. The state appellate court in this case was required by state substantive law in 924.051 (8) to resolve "all claims of error" raised on appeal, but the appellate court somehow failed to resolve the third claim Woodson raised on appeal [Appendix] G page 3]. Under the mandatory language of the statute the state appellate court's failure to resolve one preserved claim of error raised on appeal was a failure to resolve all claims raised on appeal, therefore the entire direct appeal order is procedurally barred by statutory law. [Appendix H page 1].

Woodson complied with the state's substantive law by preserving his third claim raised on direct appeal pursuant to 924.051 (1) (2) and (3) Florida statute [Appendix] H page 1.] Judicial notice should be taken here that the state appellate court either knew

or could have known that Woodson's third claim on direct appeal was preserved for appellate review because prior to his November 1997 jury trial, Woodson appealed the trial court's order of denied concerning his pretrial motion to dismiss the charging information to the state appellate court in Woodson v. State, 696 So.2d 355 (Fla. 3 DCA 1997). On May 29, 1997 that court dismissed the appeal for lack of jurisdiction on the ground that Woodson had not been to trial prior to taking the appeal [Appendix F page 1].

In light of the state appellate court's prior record which contradicts the court's 1999 direct appeal findings in Woodson Supra, 739 So.2d id. At 1211-12, it could be concluded that there was no objective factor that prevented the state appellate court from resolving Woodson's third claim on direct appeal except the appellate court's willful intent not to do so or the court's willful intent to violate Woodson's state and federal constitutional rights to appeal and to procedural due process of notice or to the opportunity to be heard. Therefore it could be concluded that the direct appeal order entered by the state appellate court was not only barred from federal review by an adequate and independent state law, it was also void because it was entered in violation of procedural due process and of due process that deprived of the opportunity to be heard and the right to appeal.¹ See United Student Aid Funds, Inc. v. Espinosa, 599 U.S. 260 (2010).

Generally, claims resting on an adequate and independent state law is not a jurisdictional bar to subsequent 2254 habeas corpus relief, but this is an exceptionally rare case in which the district court's jurisdiction to hear and decide Woodson's 2254

¹ See Article 1 § 9, Fla. Const.; Section 924.05, Fla. Stat.; The Fifth Amendment and The Fourteenth Amendment U.S. Const.

habeas application was not invoked because Woodson's judgment and sentence never became final due to the procedural error under 924.051 (8) Florida Statute committed when the state appellate court failed to resolve all claims of error raised on direct appeal. To determine when a direct review has ended federal habeas courts "must look to the actions taken by the state court and the relevant state law". See Chamblee v. Florida, 905 F.3d 1192, 1196 (11th Cir. 2018); The 11th Circuit and district courts failed to look to the actions taken by the State appellate Court and the relevant law of Fla. Stat. 924.051(8). Woodson argued in his rule 60 (b) motion, Id. at Appendix I page 2-5, that his judgment and sentence in this case is not final because the State appellate Court failed to enter a direct appeal order that was in compliance with the statute 924.054 (8), Florida Statutes. Title 28 U.S.C. 2244 (d) (1) (A) is jurisdictional where it limits the district court's power to hear and decide 2254 petitions to cases that have become final at the conclusion of direct review. See Jimenez v. Quaterman, 555 U.S. 113 (2009) Id. at 121. Federal Courts are courts of limited jurisdiction and may only hear cases where authorized by Constitution and Statute. See Montoya v. Chao, 296 F.3d 952 (10th Cir. 2002). Section. 2244(d)(1)(A) is specific on limiting the Federal Court's jurisdiction to start at the conclusion of direct review of State Court proceedings. Jimenez, supra at 121. *The direct appeal proceedings are not final in this case.*

The Eleventh Circuit Court of Appeal and the district court have erroneously interpreted that under 2244 (b) of the AEDPA, that the district court lacked jurisdiction to review the merits of Woodson's rule 60 (b) motion because his judgment-is-void argument was an attack on the district court's previous resolution of claims on the merits. Woodson argued that the adjudication by the district court on the merits of his

2254 habeas petition which the Court entered without jurisdiction does not bar Woodson's subsequent rule 60 (b) (4) void judgment challenge. In so deciding that the AEDPA bars Woodson's rule 60(b)(4) motion the Eleventh Circuit Court's decision is in conflict with the findings of the Supreme Court which previously established in Gonzalez v. Crosby, 545 U.S. 524 (2005) Id. at. 534 that the purpose of the rule 60 (b) (4) void judgment motion in 2254 habeas corpus proceedings is to relieve a party from a judgment entered by a district court either without jurisdiction or to relieve a party from a judgment that was entered in violation of due process that deprives a party of notice or the opportunity to be heard. See also, United Student Aid Funds, Inc. v. Espinosa, 599 U.S. 260 (2010) What the Supreme Court meant was that a party can obtain vacatur of a prior merits determination entered by the court in 2254 habeas proceedings if the prior merits determination was entered without jurisdiction or in violation of due process that deprives a party of notice or of the opportunity to be heard. Both prongs are met in this case. First, the district court was without subject matter jurisdiction over the 2254 habeas proceeding in this case when the court entered its previous merits determination. The procedural error committed by the state appellate court caused that court's direct appeal order to fail to finalize Woodson's judgment and sentence and thereby the district court under 2244 (d) (1) (A) lacked subject matter jurisdiction to decide the merits of Woodson's 2254 habeas petition prior to his judgment and sentence becoming final. Second, due to the violation of Woodson's state and federal constitutional rights to appeal, to procedural due process and to the opportunity to be heard, which the state appellate court violated when that court failed to resolve all claims of error raised on direct appeal required by 924.051 (8) Fla. Stat. The violation of

Woodson's rights by the state appellate court are inherent and thereby the district court had also entered its 2254 habeas corpus merits determination in violation of those same constitutional rights as the fruit of the poisonous tree.

If allowed to apply 28 U.S.C. 2244 (b) of the AEDPA in the manner in which the Eleventh Circuit Court of Appeals and the district court have applied it in the instant case which dismissed Woodson's void judgment challenge. It would violate procedural due process where it would prevent Woodson from the opportunity to obtain vacatur of the district court's prior judgments entered without jurisdiction or entered in violation of due process and it would cause a continued manifest injustice and would eliminate the purpose and the use of the rule 60 (b) (4) void judgment motions in 2254 habeas corpus proceedings in similar subsequent cases.

Furthermore, the provisions of 28 U.S.C. 2244(b)(1)-(3) of the AEDPA does not provide a 2254 petitioner with a remedy for relief from a district court's previous resolution of claims on the merits entered by the court without jurisdiction or entered in violation of due process. A Rule 60 (b)(4) void judgment motion is the only vehicle available for such relief.

Therefore it is of great public importance for the Supreme Court to decide in this case whether 2244(b)(1)-(3) of the AEDPA bars a rule 60(b)(4) void judgment challenge to a district court's previous resolution of a 2254 habeas petition entered by the court without subject matter jurisdiction or was entered in violation of due process of notice or the opportunity to be heard.

The predominant Supreme Court's decision in Gonzalez supra, 545 U.S. at 534 is only a prime example of the difficulty that a 2254 petitioner faces when

pursuing a Fed. R. Civ. P. Rule. 60 (b) (6) motion premised on a charge in constitutional law. Additionally in Gonzalez the Court only Stated without deciding that the rule 60 (b) (4) void judgment provision would rest in 2254 habeas corpus proceedings to allow a party to obtain vacatur of a judgment that is void for lack of jurisdiction, id at 534. This Case provides the court an opportunity to specifically guide the lower courts and any litigating party as to how the provisions of 28 U.S.C. 2244 (b) of the AEDPA and Fed. R. Civ. P. Rule 60 (b) (4) Should apply to void judgments motions and Court decisions.

Lastly, this Honorable Court should accept Certiorari jurisdiction over the instant case because the Court has a special obligation under Article III of the U.S. Constitution to satisfy itself of the district Court's jurisdiction and additionally to correct any manifest injustice. Ortiz v. Fiberboard Corp., 527 U.S. 815 (1999). (Emphasis Added)

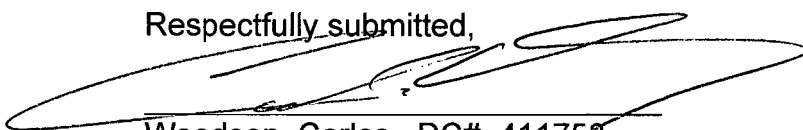
WHEREFORE, the Supreme Court should accept certiorari jurisdiction over this case under Supreme Court Rules, Rule 10 (c) in order to set controlling precedent which determines whether a district court can apply the provisions of 28 U.S.C. 2244(b) of the AEDPA to bar a Fed. R. Civ. P. Rule 60(b) (4) void judgment challenge to the court's previous resolution of 2254 claims on the merits entered by the court without subject matter jurisdiction or entered in violation of due process of notice or in violation of notice or of the right to be heard. The Supreme Court did not decide those particular points in Gonzalez, *supra*, Id. at 534.

CONCLUSION

Petitioner prays this Court grant this petition for writ of certiorari.

Respectfully submitted,

Date: April 25th, 2025.



Woodson, Carlos , DC# 411753
Cross City Correctional Inst.
568 N.E. 255th Street
Cross City, Florida 32628