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No. \_\_\_\_\_

FILED

JUN 13 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

\_\_\_\_\_  
IN THE

SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

In Re a.k.a. Mark Woods — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS  
\_\_\_\_\_

PETITION FOR WRIT OF HABEAS CORPUS

a.k.a. Mark Woods  
(Your Name)

USP Canaan, P.O. Box 300  
(Address)

Waymart, Pa. 184723  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

1. Did the District Court and the Third Circuit Court of Appeals violate the suspension clause of the United States Constitution, Art.I, section 9,cl.2 when it precluded petitioner from pursuing his claim~~s~~ directly under 28 U.S.C. section 2241?
2. Did the Supreme Court of the United States overturn its own precedent in *Griggs v Provident Consumer Discount Co*, 459 US 56 (1988); where it held that "the filing of a notice of appeal is an event of jurisdictional in that it confers jurisdiction on the court of appeals and divest the district court of its control over those aspects of the case involved in the appeal?"

## LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

WARDEN USP CANAAN, ET. AL

## RELATED CASES

1. United States v. Khalil Smith-No. 1833552
2. United States v Robert Hartley-Nos. 18-3733 and 18-3734
3. United States v Terrance Munden No. 1933753
4. United States v. Levern Jackson-No. 18-3735

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix E to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 25, 2025.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 10, 2025, and a copy of the order denying rehearing appears at Appendix F.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### Article I, section 9, cl. 2 of the United States Constitution

" The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion of the Public safety may require it."

### Title 28 U.S.C Section 1254(1)

Cases in the Court of Appeals may be reviewed by the Supreme Court by the following methods.

1). By Writ of Certiorari granted upon the petition of any party of any civil or criminal case, before or after rendition of judgment or decree....

### Title 28 U.S.C. section 1651(a)

The Supreme Court and all courts established by act of Congress may issue all Writs necessary and appropriated in aid of their respective jurisdiction and agreeable to the usage and principle of law.

### Title 28 U.S.C. section 2241(a)(and (c))(1)

Writs of Habeas Corpus may be granted by the Supreme Court, any justice thereof, the district courts, and any circuit judge within their respective jurisdictions....

The Writ of Habeas Corpus shall not extend to a prisoner unless (1) He is in custody under or by color of the authority of the United States.....



**STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT**

See attachment

Rule 20.4(A) is in applicable because a petition for Habeas Corpus was filed initially with the district court.

## JURISDICTIONAL STATEMENT

The United States District Court for the Eastern District of Pennsylvania had jurisdiction pursuant to 28 U.S.C. section 2241. That Court entered its order on May 13th and 16th of 2024. The Court of appeals for the Third Circuit had jurisdiction pursuant to 28 U.S.C. section 1291. That court summarily affirmed the District Court's order on January 28, 2025. It then entered its order denying petition for rehearing on March 10, 2025. This Petition is timely filed within ninety days after the Judgment issued. See Sup. Ct. R. 13.1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. sections 2241 and 28 U.S.C. section 1254(1); 28 U.S.C. section 1651.

## STATEMENT OF THE CASE

On April 28, 2015, petitioner was indicted by a grand jury sitting in the Eastern District of Pennsylvania on a seventeen-count indictment accusing him, among others, with allegedly violating 18 U.S.C. sections 1951, 2119, 924(c) and 2.

On May 26, 2016, the grand jury, subsequently returned a thirty-count superseding indictment, adding additional defendants, allegedly, violating 18 U.S.C. sections 1951, 2119, 1201(a), 924(c) and 2.

On November 1, 2016, petitioner's request to proceed pro se was granted by the district court for the Eastern District of Pennsylvania. On December 29, 2016, a Habeas Corpus hearing was held by the district court, which was summarily denied and an order was entered. See App.x. A

On January 4, 2017, the petitioner filed a notice of appeal to the Third Circuit Court of Appeals. Prior to the filing of the notice of appeal, petitioner filed the same petition in the district court, but on the proper form as directed by the district court. That was denied too for the same reasons. (pertinent documents are filed in No. 15-180-02 at DDE No.s 605,606,618 and 619).

On January 12,2017, the Third Circuit Courts of Appeals docketed the petitioner's appeal. (DKT. No. 2-16-cv-05766, Doc. No.8). On December 19,2018, petitioner filed a "Motion to vacate judgment of conviction as the trial court was automatically divested of jurisdiction over the trial proceedings upon the filing of a notice of appeal. See Appx.B That motion is still pending before the district court. See Sentencing Tr. page 12. L. 1825 and page 13, L. 2-14 (12/19/2018).

On February 1,2018, the Third Circuit Court of Appeals summarily affirmed the District court denial of petitioner's initial Habeas Corpus. See App.x C.

On March 22,2024, petitioner filed another Habeas Corpus petition pursuant to 28 U.S.C. section 2241 challenging the Department of Justice via the Bureau of Prisons claimed right to continue its custody of petitioner pursuant to a judgment of commitment that was entered by a court that was divested of jurisdiction. On May 13,2024, the district court entered an order stating that the type of claim that petitioner brought may be brought under 28 USC section 2255(a). Then on May 16, it entered the same order.Thus, precluding petitioner from pursuing hjs claim directly under 28 USC section 2241. See App.x D

Petitioner appealed that order to the Third Circuit court of Appeals which summarily affirmed the District Courts orders. See Appx. 4. Petitioner then petitioned the Third Circuit Court of Appeals for Rehearing and it entered an order of denial on March 10, 2025.

#### REASONS TO GRANT THE WRIT

This case represents issues of national importance and verily likely a huge step in criminal Justice Reform and the balancing of the scales of genuine fairness. It involves the only Writ of Habeas Corpus that is expressly mentioned in the United States Constitution, Art. I, Section 9, cl. 2 and its statutory equivalent- 28 U.S.C. section 2241. This court should grant this Writ because the decision below is in stark contrast to the constitutional provision above, its statutory equivalent, and this Court's precedent. See Supt. Ct. R. 10(c). In addition, the decision below is in stark contrast to its own precedent.

I. Precluding a petitioner from challenging his unlawful custody pursuant to 28 U.S.C. Section 2241(c)(1) is in violation of congressional intent and is in violation of the United States Constitution.

The United States Constitution Art I, section 9 cl. 2 provides: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion of the public safety may require it." This Court has made it clear that the "traditional use of a writ is securing release from unlawful detention. . .", U.S. Dep't of Homeland Sec. v. Thuraissigiam, 591 US \_\_\_, \_\_\_, 140 S.Ct. 1959 207 L.Ed 2d 427 (2020), and such clause "at a minimum, "protects the writ as it existed in 1789," "when the constitution was adopted..." Id (Citing Ins v St. Cyr, 533 US 289, 301 (2001)). And according to Blackstone Habeas Corpus was a means to "remov[e] the injury of unjust and illegal confinement.

See also Preiser v Rodriguez, 411 US 475, 485 (1973) ( " it is clear...from the common law history of the Writ...that the essence of Habeas Corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the Writ is to secure release from illegal custody"), " Whether the petitioner had been placed in physical confinement by executive direction, or by order of a court alone...habeas corpus was the proper means of challenging that confinement and seeking release..." Id. 411 US at 484. And "a Court or legislature could not narrow the common law right without violating the suspension clause; nor could a court broaden it, because that would invade the powers assigned by the Constitution to the legislature or the executive..." See 675 Volume II The Original Constitution, What it actually said and meant (3ed 2015) by Robert c. Nelson.

This court in Jones v Hendrix, 599 US 465 (2023) confirmed the history of the Habeas Corpus when it said that "the first judiciary act authorized the federal courts to grants Writs of Habeas Corpus for the purpose of an inquiry into the cause of commitment, with a proviso that such Writs could extend to prisoners in gaol only where they [were] in custody, under or by color of the authority of the United States..." Such proviso has survived at 28 USC section 2241 (c)(1). Jones clarified that a federal prisoner may access the doors of an original Habeas Corpus via 28USC section 2255(e) only (1) " Where unusual circumstances makes it impossible or impracticable to seek relief in the sentencing court or; (2) Where the litigant is asserting a 'challenge to the detention other than [a] collateral attack on a sentence..." Id

It also made clear that "the saving clause might also apply when it is not practicable for the prisoner to be present to have his motion determined in the trial court because of his inability to be present at the hearing or for other reasons..." See U.S v Hayman, 342 US 205,215, n.23 (1952).

Here, petitioner was precluded from challenging his illegal custody on pursuant to 28 USC section 2241 (c)(1) which provides in part:

" The Writ of Habeas Corpus shall not extend to a prisoner unless (1) He is in custody under or by color of the authority of the United States..." petitioner is in custody by way of a judgment of commitment by a court that was divested of jurisdiction over the criminal trial proceedings. It reasoned that a federal prisoner may only use section 2241 to challenge "some aspect of the execution of their sentence, such as denial of parole..." Citing Coady v Vaughn, 25 F.3d 480, 485 (3d Cir.2001). The Third Circuit summarily affirmed such orders and cited Jones v Hendrix, supra; Cardona v Bledsoe, 681 F.3d 533,536 (3d Cir. 2012), and Coady v Vaughn, supra. However, neither Jones v Hendrix, supra nor Cardona, nor Coady, supports the preclusion of petitioner from the using the original Habeas Corpus in this context. Such preclusion was in violation of the suspension clause of the United States constitution, the framers original intent, the statutory text and congressional intent and this courts precedent.

II. The District Court and the Third Circuit's decisions failed to follow this Court's precedent involving divestiture of jurisdiction.

The decisions below committed at least two major errors that failed to adhere to this Court's precedent. It erred in failing to follow this Court's decision in Griggs v Provident Consumer Discount Co., 459 US 56, 58 (1988) that " The filing of a notice of an appeal is an event of jurisdictional significance in that it confers jurisdiction on the court of appeals and divest the district court of its control over those aspects of the case involved in the appeal. .." Next, it failed to follow its own precedent in Venen v Sweet, 758 F.2d 117 (3d Cir. 1984) that " as a general rule, the timely filing of a notice of an appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a court of appeals and divesting a district court of its control over those aspects of the case involved in the appeal." And in a Habeas Corpus context, as here, it held in U.S. v Santerelli, 929 F.3d 106 (3d Cir. 2019) that " While an appeal of the district court's denial of the initial habeas corpus is pending, ..that court lacks jurisdiction...because '[t]he filing of a notice of an appeal is an event of jurisdictional significance. It confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal. Griggs v Provident Consumer Disc. Co., 459 U.S. 56 (1988)

As here, the petitioner's appeal of the district court's denial of the initial Habeas Corpus was pending prior to the start of the criminal trial and according to this court's precedent and the Third Circuit's precedent the trial court was immediately divested of jurisdiction upon the filing of a timely notice of an appeal. And such proceedings was a coram non judice and void. It is on such ground that petitioner has challenged his unlawful custody under the authority of the federal government.

Petitioner had filed a motion at sentencing in the district court, as mentioned previously, on December 19, 2018, as a matter of first instance, but that court has refused to enter an order or judgment on said motion so that petitioner could raise such issue on direct appeal and the Third Circuit could properly exercise jurisdiction to 28 U.S.C. section 1291. It is apparent that it is impracticable for petitioner to obtain relief on this vital matter before the lower courts. Petitioner has made his attention very clear that he's only attacking his unlawful detention and is not making a collateral attack on the sentence. This attack is consistent with the traditional use of the Habeas Corpus. See generally Jones v Hendrix, supra.



Petitioner prays that this petition will be granted. Withouttthis  
Court exercising its supervisory powrs, petitioner has notother  
means for possible relief in this vital matter as a pro se litigant.

### CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

Mark Woods

Date: June 5, 2025