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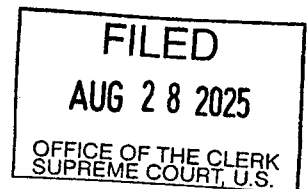
No. 25-5756

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

In Re JODY M. JOHNSON — PETITIONER
(Your Name)



ON PETITION FOR A WRIT OF HABEAS CORPUS

U.S. ELEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF HABEAS CORPUS

JODY M. JOHNSON
(Your Name)

1050 BIG JOE ROAD
(Address)

MONTICELLO, FL 32344-0430
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Should this U.S. Supreme Court grant Writ of Habeas Corpus petition, where the U.S. Eleventh Circuit Court of Appeals erred in denying Petitioner's claim of this Court's "RETROACTIVE" case of "Glossip v. Oklahoma, 145 S.Ct. 612, 221 L.Ed. 2d 90 (2025)" ; Napue violation; the prosecution's failed to correct false testimony, and had a constitutional obligation to correct false testimony under Napue v. Illinois, 360 U.S. 264, 31 L.Ed 2d 1217, 79 S.Ct. 1173 (1959).

Also in accordance with the "Antiterrorism and Effective Death Penalty Act", as codified at 28 U.S.C. §2244(b), **(2) (A) (ii)**.

2.) Should this U.S. Supreme Court grant Writ of Habeas Corpus petition, where the U.S. Eleventh Circuit Court of Appeals erred in denying Petitioner's claim of this court's controlling "ruling" case in "McQuiggin v. Perkins, 569 U.S. 383, 133 S.Ct. 1924, 185 L.Ed. 2d 1019, (2013 U.S. LEXIS 4068), 81 U.S. L.W. 4327, 82 A.L.R. Fed. 2d Fla. L. Weekly Fed. 5213, where "ACTUAL INNOCENCE - MISCARRIAGE OF JUSTICE" - held to be (Schulp) gateway through which state prisoner petitioning for federal habeas corpus relief might pass.

These are conflicts with this Court's rulings, and Petitioner's U.S Const. Amend. 5th, 6th, 14th rights are being violated.

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:

RELATED CASES

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Second Or Successive Habeas Corpus Petition 28 U.S.C § 2244(b),
filed April 16, 2024, case NO: 25-11583

EXHIBIT "C" of "A" - Third Judicial Circuit Court in and
for Suwannee County Fla., Opinion February 14, 2024,
case NO: 2006-416-CF

EXHIBIT "C" of "B" - Petitioner's Habeas Corpus Petition filed
December 22, 2023 - case NO: 2006-416-CF

EXHIBIT "D" - Opinion U.S. Court of Appeals, 11th Circuit case
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EXHIBIT "E" Petition under 28 U.S.C. § 2254 for a Writ of
Habeas Corpus filed October 25, 2025, to the United States District
Court Middle District of Florida, Jacksonville Division, Case NO:
3:24-cv-01116-WNB-MCR.

EXHIBIT "F" Petitioner's Writ of Certiorari; U.S. Supreme
Court, filed February 5, 2025 - decided March 5, 2025 CASE NO:
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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 to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix Exhibit "D" 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 _____ 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 "E" PD to the petition and is

☐ reported at See Florida Supreme Court NO: SC2024-0588; NO: SC2024-0402; 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 November 18, 2024, Case NO: 24-13625; May 20, 2025, Case NO: 25-11583

☐ 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: _____, 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. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was July 9, 2021

A copy of that decision appears at Appendix "E" of "D"

☐ 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 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

U.S. Const. Amend. 5th, 6th, 14th

DUE PROCESS RIGHT

The "RETROACTIVE" case law of "Glossip v. Oklahoma, 145 S.Ct. 612, 221 L. Ed. 2d 90 (2025).

The "Antiterrorism and Effective Death Penalty Act", as codified at 28 U.S.C. § 2244(b), (2)(A)(ii).

An state prisoner being denied due process according to "McQuiggin v. Perkins, 569 U.S. 383, 133 S.Ct. 1924, 185 L. Ed. 2d 1019, (2013 U.S. LEXIS 4068), where "Actual Innocence - Miscarriage of Justice - held to be gateway through which to state prisoner petitioning for federal habeas corpus relief might pass

STATEMENT OF CASE
& RULE 20.4(CA) STATEMENT

COMES NOW, Petitioner, IN COMPLIANCE with this U.S. Supreme Court's Order and Pursuant Rule 20.1, Petitioner avers that he has filed on October 25, 2025, a "Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus", to the United States District Court Middle District Of Florida, Jacksonville Division, Case NO: 3:24-cv-01116-WWB-MCR.

This Middle District Of Florida on December 5, 2025 dismissed without prejudice to Petitioner's right to file a new petition if he obtains the required authorization from the Eleventh Circuit Court of Appeals, See Exhibit/Appendix "E".

Petitioner sought authorization from the Eleventh Circuit Court of Appeals in October 2024. See Exhibit/Appendix "B". Case NO: 24-13625.

The Eleventh Circuit Court Of Appeal's denied; "First as Petitioner did not provide any indication that he intends to rely on any cited legal authority as a new rule of constitutional law, and, in any event, none of the constitutional amendments that he cites is a retroactively applicable decision from the U.S. Supreme Court that was previously unavailable, as required. 28 U.S.C. § 2244(b)(2)(A)." See Exhibit/Appendix "D" Case NO: 24-13625, pg. 7. "Nor does he rely on newly discovered evidence".

Petitioner filed a Writ Of Certiorari to this U.S. Supreme Court postmarked February 5, 2025 and recieved February 19, 2025.

On March 5, 2025 this U.S. Supreme Court stated, "The denial of authorization by a court of appeals to file a second or successive petition for writ of habeas corpus may not be reviewed on certiorari." See

STATEMENT OF CASE
& RULE 20.4(A) STATEMENT

Exhibit/Appendix "F". Case NO: USCA 11; NO: 24-13625

This U.S. Supreme Court on February 25, 2025 ruled Glossip v. Oklahoma, U.S. Supreme Court Case NO: 22-7466-30 FL. Law. Weekly Fed. S711-5729, Argued October 9, 2024 Decided February 25, 2025; Glossip v. Oklahoma, 145 S.Ct. 612, 221 L. Ed. 2d 90 (2025)

Petitioner on April 16, 2025 again filed for an Application For Leave To File A Second Or Successive Habeas Corpus Petition 28 U.S.C. § 2244(b), and relied on this U.S. Supreme Court's "RETROACTIVE" case law of Glossip v. Oklahoma supra, and the AEDPA'S 28 U.S.C. § 2244(b)(1), (2)(A)(ii).

"Where a New Trial is warranted because the state prosecution failed to correct false testimony, and had a constitutional obligation to correct false testimony and Napue v. Illinois, 360 U.S. 264, 31 L. Ed. 2d 1217, 79 S.Ct. 1173 (1959)". Petitioner's petition demonstrated and shown that he has met the criteria of Glossip supra, and 28 U.S.C. § 2244(2)(A)(ii), and that the Eleventh Circuit Court had discretion to grant the habeas corpus petition and order a New Trial according to Glossip supra.

Petitioner further relied upon this U.S. Supreme Court's ruling; McQuiggin v. Perkins, 569 U.S. 383, 185 L. Ed. 2d 1019, 133 S.Ct. 1924, (U.S. LEXIS 4068 2013), that ACTUAL INNOCENCE, MISCARRIAGE OF JUSTICE - held to be gateway (Schulp); through which state prisoner petitioning for federal habeas corpus relief might pass, regardless of whether impeded by procedural bar or expiration of 28 U.S.C. § 2244(d)

STATEMENT OF CASE
& RULE 20.4(A) STATEMENT

(1)'s limitation period. See Exhibit / Appendix "C" of "A", "B"

The Eleventh Circuit Court of Appeals again Dismissed; as Petitioner has raised the same claims, and they lack jurisdiction. See Exhibit / Appendix "D", pg's. 1-5. CASE NO: 25-11583

Petitioner relied on this U.S Supreme Court's "Retroactive" case of Glossip supra and the ruling in McQuiggin supra. And that his Application For Leave To File A Second or Successive Habeas Corpus Petition 28 U.S.C §2244(b)(1) should be granted and according to Glossip supra, a New Trial is warranted.

Petitioner avers pursuant Rule 20.1, that (1) the Eleventh Circuit Court of Appeals is in "CONFLICT" with this U.S. Supreme Court's, retroactive case law of Glossip supra, and this court's ruling in McQuiggin supra. And (2) this writ will be in aid of this court's appellate jurisdiction to resolve this conflict. Petitioner further avers (3), that there is no other court to comply with further proceedings, which exceptional circumstances warrant this Court's exercise of discretionary powers, and adequate relief cannot be obtained in any other form or from any other court.

Petitioner further states pursuant Rule 20.4(a) he has made application to the Middle District Court in which he is held. But was denied without authorization by the Eleventh Circuit Court of Appeals to file Second or Successive Petition. See Exhibit / Appendix "E", Case NO: 3:24-cv-01116-WWB-MCR.

AUG 28 2025

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IN THE
SUPREME COURT OF THE UNITED STATES

In re JODY M JOHNSON - Petitioner

V.S.

SEC'Y DQC, et al - Respondent(s)

NO:

PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW, Jody M. Johnson (Petitioner), in propria persona, and in Good Faith, moves this Court's Original Jurisdiction to consider this petition for an Writ of Habeas Corpus, pursuant to the ALL WRITS ACT (28 U.S.C. 5.1651), and Rule 20.4(a); this Court has jurisdiction

STATEMENT OF CASE

Petitioner states he filed in the Third Judicial Circuit Court in and for Suwannee County Florida, on December 22, 2023, a writ of habeas corpus petition pursuant section 79.01 Florida Statutes (2020) and Fla. R. Civ. P., 1.630; Fla. Const. Art. V, 5(b), and the controlling case law of the Florida Supreme Court's ruling in, State v. Burton, 314 So.2d 136 (Fla. 1975), where Fraud on the Court can be filed at anytime.

(See Exhibit "B" of "C", pg's 1-34 - Exhibits - omitted.)

Petition sought relief in the Florida Supreme Court after the Third Judicial Circuit denied petition as being an untimely rehearing or untimely

as successive postconviction motion. See Exhibit "A" of "C"

RELEVANT to this Court's jurisdiction is Petitioner has filed twice in the United State Court of Appeals Eleventh Circuit; one filed October 25, 2024, case NO: 24-13625, and one filed April 16, 2025, case NO: 25-11583, petitioning for an Application For Leave To File A Second or Successive Habeas Corpus Petition 28 U.S.C. § 2244(b). See the April 16, 2025 petition Exhibit "C" with attachments of exhibits "A" "B"

Which both petitions where denied by interlocutory orders. See Exhibit "D".

REASONS FOR GRANTING THE PETITION

Petitioner relies on this Court's retroactive case law. See Glossip v. Oklahoma, 30 Fla. L. Weekly Fed. S711-730, decided February 25, 2025.

"Where a New Trial is warranted because the state prosecution failed to correct false testimony, and had a constitutional obligation to correct false testimony under Napue v. Illinois, 360 U.S. 264, 31 L. Ed. 2d 1217, 79 S. Ct. 1173 (1959)." See Exhibits "B", "C", "D".

Petitioner further relies on this Court's ruling in, McQuiggin v. Perkins, 569 U.S. 383, 185 L. Ed. 2d 1019, 133 S. Ct. 1924, (U.S. LEXIS 4068 2013); in that, "ACTUAL INNOCENCE - MISCARRIAGE OF JUSTICE - held to be gateway through which state prisoner petitioning for federal habeas corpus relief might pass, regardless of whether

impeded by procedural bar or expiration of 28 U.S.C. § 2244(d)(1)'s limitations period." See Exhibits "C" and attachments, also "B", "D".

In accordance with the "Antiterrorism and Effective Death Penalty Act", as codified at 28 U.S.C. § 2244(b), it is the applicant's burden to make a prima facie showing to be granted to file.

The Eleventh Circuit Court of Appeals is overlooking or ignoring the fact of 28 U.S.C. § 2244(b)(1), **(2)** **(A) (ii)**

(2) a claim presented in a second or successive habeas corpus application under [28 U.S.C.] section 2254 that was not presented in a prior application shall be dismissed unless —

(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

Petitioner has shown and demonstrated with available clear and convincing material evidence that a constitutional violation occurred, in that three state witnesses committed perjury; false testimony was presented to the jury and the prosecution

failed to correct what it should have know was wrong and illicit the truth.

The fact is that a "EXTORTION THREAT" of PAYING \$5.000 and a 4-wheeler was concocted by the three state witnesses the very next day of the alleged incident, but the three state witnesses denied it being the next day and stated that it was within the three's dicussion over a week or more when Petitioner was arrested and bonded out of jail, and said it was said to be a "Joke" and a "Comfort" to the alleged victim because the bond was so high. (This is contrary to the evidence)

Petitioner had four defense witnesses testify in his behalf that the three state witnesses concocted the \$5.000 and 4-wheeler extortion threat the very next day of the alleged incident, (EITHER PAY OR BE PROSECUTED), which corresponds/ corroborates with the available clear and convincing material evidence of investigative reports of the State Officials. See Exhibits "B", "C", "D"

Petitioner states not only a Napue violation occurred but the prosecutor also used this false erroneous testimony in closing argument, crediting the state witnesses and discrediting defense witnesses resulting and committing a Giglio Violation; Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972). See Exhibits "B", "C", "D".

In this Court's ruling of McQuiggin v. Perkins, 569 U.S. 383, 133 S.Ct. 1924, 185 L.Ed. 2d 1019 (2013).

ACTUAL INNOCENCE - MISCARRIAGE OF

JUSTICE - held to be gateway through which state prisoner petitioning for federal habeas corpus relief might pass, regardless of whether impeded by procedural bar or expiration of 28 U.S.C.S. § 2244(d)(1)'s limitation period.

This Court in *McQuiggin*, at 52013 LEXIS 13 Headnote 5: has recognized that a prisoner otherwise subject to defenses of abusive or successive use of the writ of habeas corpus may have his federal constitutional claim considered on the merits if he makes a proper showing of actual innocence. In other words, a credible showing of actual innocence may allow a prisoner to pursue his constitutional claims on the merits notwithstanding the existence of a procedural bar to relief. This rule, or fundamental miscarriage of justice exception, is grounded in the equitable discretion of habeas courts to see that federal constitutional errors do not result in the incarceration of innocent persons.

Headnote 6: The United States Supreme Court has applied the miscarriage of justice exception to overcome various procedural defaults. These include "successive" petitions asserting previously rejected claims, "abusive" petitions asserting in a second petition claim that could have been raised in a first petition, failure to develop facts in state court, and failure to observe state procedural rules, including deadlines. The miscarriage of justice exception, the Court's decisions bear out, survived passage of the [AEDPA] of 1996. (See 2013 LEXIS 17, 18) (19, 20)

Petitioner in his initial state habeas corpus petition, stated that he was actually innocent of the crime charged and stated a "SHOW CAUSE" of the Judge's actions in not allowing Petitioner to present available clear and convincing material evidence at the event~~uary~~ hearing to show ineffective assistance of counsel; prosecutorial misconduct. This "JEOPARDIZED" Petitioner from obtaining relief from his illegal conviction and resulting in a Miscarriage of Justice of one who is actually innocent of the crime charged. See Exhibits "B" & "C", "D"

Petitioner cited in exhibit "B", pg's 32, 33; Petitioner is actually innocent; Schulp v. Delo, 513 U.S. 298, 130 L. Ed. 2d 808, 115 S.Ct. 851 (1995); Murray v. Carrier, 477 U.S. 478, 91 L. Ed. 2d 397, 106 S.Ct. 2639 (1986), Due to Petitioner's Constitutional Violations, that resulted in a conviction of one who is actually innocent. See Napue, supra at 269. See Exhibit "B" of "C"

In, Perkins v. McQuiggin, 670 F.3d 665 (2012 6th Cir.) § 2012 US App. LEXIS 153... ("A petitioner who makes a credible showing of actual innocence may pass through the Schulp gateway and have his otherwise time-barred claims heard on the merits.")

Furthermore in, McQuiggin this Court stated.... Although the Sixth Circuit found that the inmates petition was untimely under 28 U.S.C.S. § 2244(d)(1), it held that his claim of actual-innocence allowed him to pursue his habeas petition as if it had been filed on time.

The United States Court of Appeals Eleventh Circuit has misapplied the ruling in, *In re Hill*, 715 F.3d 284, 2013 U.S. App. LEXIS 8153, to Petitioner's case at hand in denying petition; "We must dismiss a claim presented in an application to file a second or successive §2254 petition that was presented in a prior application 28 U.S.C. § 2244(b)(1). An applicant's first §2254 petition is also a "prior application" for purposes of § 2244(b)(1). *In re Hill*, 715 F.3d 284, 291 (11th Cir. 2013) This Court has clarified that this bar is jurisdictional. *In re Bradford*, 830 F.3d 1273, 1277-78 (11th Cir. 2016). A "claim" remains the same so long as "the basic thrust or gravamen of [the applicant's] legal argument is the same". See Exhibit "D"

In, *In re Hill*, the petitioner's claim was that of a "SENTENCING ISSUE", and not of his actual innocence, he was not challenging his murder conviction. He challenged his prior mental retardation claim of the death penalty sentence. See In re Hill

Even in, *In re Hill* at §LEXIS 13, "...Prior to the Anti-Terrorism and Effective Death Penalty Act of 1996, the United States Supreme Court decisions barred second or successive habeas petitions unless the petitioner could establish cause and prejudice or a miscarriage of justice. To prove a miscarriage of justice, a petitioner had to show actual innocence, factual innocence". And Hill failed to satisfy one of the two narrow statutory exceptions in 28 U.S.C. § 2244(b)(2).

Thus, the Eleventh Circuit's ruling is contrary to Petitioner's case at hand, and this Court's ruling

of Glossip; where the prosecution's constitutional obligation is to correct false testimony under Napue; thus Petitioner has met one of the two statutory requirements of 28 U.S.C. § 2244(2)(A)(ii).

Furthermore the Eleventh Circuit is overlooking Petitioner's "ACTUAL INNOCENCE" claim and this Court's ruling in McQuiggin, where actual innocence is a Schulp gateway through which to pass through the AEDPA's 1996. "As if Petitioner has filed petition on time"

CONCLUSION / RELIEF

As shown above and this Court's Original Jurisdiction of an All Writs Petition; Petitioner's petition of this Court's retroactive case law ruling in Glossip, of the Napue violation, Petitioner's Constitutional Rights have been violated; Amend. 5th 6th 14th. And this Court has jurisdiction and discretion to REMAND FOR A NEW TRIAL, as to what the Napue violation consists of.

Furthermore, pursuant to this Court's ruling in McQuiggin, contrary to the Eleventh Circuit ruling, Petitioner's petition should not be treated as to a claim where no actual innocence claim has been made. Instead as in McQuiggin a claim of actual innocence should be recognized as filed on time and proceed further. Thus this Court has discretion and jurisdiction to find Petitioner's petition as being filed timely and to pass through the AEDPA's 1996, as Petitioner's case falls under the precedent of Glossip and McQuiggin.

Petitioner PRAYS this Court Grant this All Writs Petition and REMAND for a New Trial.

CONCLUSION
SEE ATTACHED
Writ of Habeas Corpus pg's 8

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

Respectfully submitted,

Jody M Johnson

Date: August 28, 2025