No: 25-6023

ORIGINAL

In the
Supreme Court of the United States

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WORLDLY DIEAGO HOLSTICK,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*



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

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# PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED FOR REVIEW

Whether the lower courts violated this Court's precedent in *Miller-El v. Cockrell,* 537 U.S. 322 (2003), by collapsing the certificate-of-appealability threshold inquiry into a merits determination and denying review of substantial constitutional claims where reasonable jurists could debate (1) whether trial counsel's misrepresentations rendered Petitioner's plea unknowing and involuntary, and (2) whether counsel's failure to explain the Sentencing Guidelines and "relevant-conduct" principles constituted ineffective assistance under *Strickland v. Washington,* 466 U.S. 668 (1984).

## PARTIES TO THE PROCEEDINGS IN THE COURT BELOW

In addition to the parties named in the caption of the case, the following individuals were parties to the case in the United States Court of Appeals for the Eleventh Circuit and the United States District Court for the District of Court for the Middle District of Alabama. None of the parties is a company, corporation, or subsidiary of any company or corporation.

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Worldly Dieago Holstick, ("Holstick") the Petitioner herein, respectfully prays that a writ of certiorari is issued to review the judgment of the United States Court of Appeals for the Eleventh Circuit, entered in the above-entitled cause.

## OPINION BELOW

The opinion of the Court of Appeals for the Eleventh Circuit, whose judgment is herein sought to be reviewed, was entered on July 30, 2025, *Holstick v. United States,* No. 21-13265 (11th Cir. 2025) and is reprinted in the separate Appendix A to this Petition.

The opinion of the District Court for the Middle District of Alabama, whose judgment is herein sought to be reviewed, was entered on August 29, 2024, *Holstick v. United States* 2024 U.S. Dist. LEXIS 155436, No. 3:21-cv-594-ECM, 2024 U.S. Dist. LEXIS 155436 (M.D. Ala. Aug. 29, 2024) and is reprinted in the separate Appendix B to this Petition.

## STATEMENT OF JURISDICTION

The Judgment of the Court of Appeals was entered on July 30, 2025. The Jurisdiction of this Court is invoked under Title 28 U.S.C. § 1654(a) and 28 U.S.C. § 1254(1).

## CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES AND RULES INVOLVED

The Fifth Amendment to the Constitution of the United States provides in relevant parts:

> No person shall be held to answer for a capital, or otherwise, infamous crime, unless on a presentment or indictment of a Grand Jury... nor shall any person be subject for the same offense to be twice put in

jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

*Id.* Fifth Amendment

The Sixth Amendment to the Constitution of the United States provides:

In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and 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 witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

*Id.* Sixth Amendment

Title 28 U.S.C. § 2255 provides in the pertinent part:

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

* * * * *

Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto.

*Id.* Title 28 U.S.C. § 2255.

## STATEMENT OF THE CASE AND FACTS

In September 2016, Auburn police responded to reports of gunfire at a trailer park, where a child had been shot. Officer White, one of the responding officers, arrived to assist and was directed by the victim's family toward the location of the shooting. Upon arriving at the trailer park, White was flagged down by two witnesses who identified the residence where the shots had originated. Observing bullet holes in the home and a nearby car with a shattered window and additional bullet damage, White suspected there might be injured individuals inside the trailer. Acting on this concern, Officer White and two other officers entered the trailer without a warrant, announcing their presence to search for possible victims. During their search, they observed a DVR system recording security footage from inside and outside the home. One officer inadvertently kicked over a closed box, which revealed drug paraphernalia. No victims or other occupants were found, and White secured the home as a crime scene by taping it off. Approximately fifteen minutes later, two other officers conducted a second warrantless search of the trailer, during which additional drug paraphernalia was observed

in the already-open box. At some point during the searches, an officer reported detecting the smell of green marijuana.

Subsequently, Officer Creighton, who had not participated in either search, submitted an affidavit seeking a warrant to conduct a formal search of the home. However, the affidavit did not disclose that the officers had already entered the trailer twice or that the box containing drug paraphernalia had been opened during the first search. Based on observations from the warrantless searches, including the paraphernalia, the odor of marijuana, and the DVR system potentially holding footage relevant to the shooting—the affidavit claimed probable cause. The warrant was granted, allowing the officers to search for drugs, paraphernalia, firearms, ammunition, the DVR system, and related electronic devices. The subsequent search led to the seizure of the DVR equipment, firearms, ammunition, drugs, and drug paraphernalia. Holstick filed a motion to suppress all evidence obtained during the searches, arguing that the initial warrantless entry into the trailer was unlawful, as the shooting incident did not create an exigent circumstance justifying the intrusion. He maintained that because the initial entry violated his constitutional rights, all evidence obtained thereafter was

inadmissible under the exclusionary rule. The magistrate judge held two hearings and issued a report recommending denial of the motion to suppress. Despite Holstick raising new arguments for the first time in his objections, the district court considered them but ultimately adopted the magistrate's recommendation.

In a separate motion filed one week before trial, Holstick requested that an expert review the DVR footage, but the court denied the motion as untimely. Holstick's trial, originally scheduled for August 6, 2018, was postponed to August 8, 2018. Before trial, the government dismissed Counts 19, 27, and 28 of the superseding indictment. On August 9, 2018, Holstick pled guilty under a plea agreement to three counts: conspiracy to distribute and possess with intent to distribute controlled substances (Count 1), conspiracy to commit money laundering (Count 2), and aiding and abetting possession of a firearm in furtherance of a drug trafficking crime (Count 15). In exchange, the government dismissed the remaining charges. Holstick reserved the right to appeal the denial of his motion to suppress evidence.

Before sentencing, the district court granted Holstick's motion to strike the government's notice of prior convictions under 21 U.S.C. § 851,

citing changes from the First Step Act. As a result, the government withdrew its § 851 Notice. Sentencing hearings were conducted on November 30, 2018, and January 29–30, 2019. Witnesses testified to establish drug quantities, and Holstick was sentenced to 420 months (35 years) in prison: 360 months for Count 1 and 240 months for Count 2 (served concurrently), plus 60 months for Count 15 (served consecutively). Holstick appealed the denial of his motion to suppress, but the Eleventh Circuit affirmed his conviction on April 20, 2020. *United States v. Holstick*, 810 F. App'x 732 (11th Cir. 2020). No writ of certiorari was sought.

Holstick filed a Title 28 U.S.C. § 2255 alleging several issues of ineffective assistance of counsel. That request was denied. Holstick proceeded on appeal, however, the Eleventh Circuit denied the request for a certificate of appealability. This request for a writ of certiorari follows.

## REASONS FOR GRANTING THE WRIT

## THIS COURT SHOULD ISSUE A WRIT OF CERTIORARI BECAUSE THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT COURT OF APPEALS HAS DECIDED A FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE APPLICABLE DECISIONS OF THIS COURT

Supreme Court Rule 10 provides relevant parts as follows:

### Rule 10

### CONSIDERATIONS GOVERNING REVIEW ON WRIT OF CERTIORARI

(1) A review of writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only when there are special and important reasons, therefore. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons that will be considered:

> (a) When a United States Court of Appeals has rendered a decision in conflict with the decision of another United States Court of Appeals on the same matter; or has decided a federal question in a way in conflict with a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.
>
> (b) When a ... United States court of appeals has decided an important question of federal law which has not been but should be, settled by this Court, or has decided a federal question in a way that conflicts with applicable decision of this Court.

*Id.* Supreme Court Rule 10.1(a), (c).

## ARGUMENT

### A. THIS COURT SHOULD GRANT CERTIORARI TO CLARIFY THE "SUBSTANTIAL SHOWING" STANDARD FOR CERTIFICATES OF APPEALABILITY UNDER § 2253(c)

This Court has consistently underscored the relatively modest threshold required for granting a Certificate of Appealability (COA) under 28 U.S.C. § 2253(c). As articulated in *Miller-El v. Cockrell*, 537 U.S. 322 (2003), the standard does not demand that a petitioner demonstrate that their claim is likely to prevail on the merits. Rather, it suffices if "jurists of reason could disagree with the district court's resolution of [the] constitutional claims" or "conclude the issues presented are adequate to deserve encouragement to proceed further." *Id.* at 327. This standard reflects Congress's intent to ensure that potentially meritorious claims are not prematurely dismissed without meaningful judicial scrutiny.

This Court has previously admonished lower courts for conflating the COA standard with the merits inquiry. In *Miller-El*, the Court explicitly warned against "deciding the merits of an appeal" at the COA stage, emphasizing that such an approach contravenes § 2253(c)'s purpose of allowing an appellate court to assess claims of constitutional error through full briefing and argument. Id. at 337-38. Similarly, in *Slack v. McDaniel*,

529 U.S. 473, 484 (2000), this Court reinforced that the COA threshold is a "low standard" designed to ensure that reasonable claims are not prematurely extinguished.

**I. The lower courts disregarded this Court's precedents by collapsing the COA threshold into a merits determination.**

This Court has repeatedly warned that courts of appeals may not decide the merits of a habeas claim under the guise of a Certificate of Appealability ("COA") ruling. In *Miller-El v. Cockrell*, 537 U.S. 322 (2003), the Court held that "[a] court of appeals should limit its examination to a threshold inquiry into the underlying merit of the claims," and that when a court "first decides the merits of an appeal, and then justifies its denial of a COA based on its adjudication of the actual merits, it is in essence deciding an appeal without jurisdiction." *Id.* at 336–38. *Slack v. McDaniel*, 529 U.S. 473 (2000), likewise described § 2253(c)'s inquiry as "a low standard" meant to assure that colorable constitutional claims receive full review.

Both the district court and the Eleventh Circuit ignored the threshold nature of the COA inquiry and instead engaged in an impermissible merits adjudication under the guise of jurisdictional screening. The district court issued a single-sentence denial of a COA, declaring only that

"reasonable jurists could not debate" its own order, without identifying the claims presented, without explaining its reasoning, and without referencing the evidentiary disputes that lay at the core of the petition. That cursory statement demonstrates that the court did not perform the analysis contemplated by *Miller-El v. Cockrell*, 537 U.S. 322 (2003), which requires a "threshold inquiry" limited to whether reasonable jurists *could* debate the petitioner's constitutional claims, not whether the district court itself remained persuaded of its own conclusions. The Eleventh Circuit compounded this error by summarily affirming the denial of a COA without opinion, without addressing whether any jurist of reason might view the claims as debatable, and without acknowledging the constitutional issues that had been raised. Such unexplained affirmance nullifies *Miller-El* and *Slack v. McDaniel*, 529 U.S. 473 (2000), by collapsing the distinct gatekeeping function of § 2253(c) into the very merits determination Congress sought to postpone until a COA is granted. *Miller-El* expressly warned that when a court of appeals "sidesteps the COA process by first deciding the merits of an appeal and then justifying its denial of a COA based on its adjudication of the actual merits, it is in

essence deciding an appeal without jurisdiction." *Id.* at 336–37. That is precisely what occurred here.

By equating the COA standard with the ultimate merits determination, the lower courts effectively closed the appellate forum to a petitioner who raised colorable constitutional claims supported by specific, sworn evidence. The district court's one-line denial and the Eleventh Circuit's summary affirmance deprived Petitioner of the limited but vital procedural protection that Congress codified in § 2253(c)—the right to have an appellate panel determine whether reasonable jurists could debate the correctness of the district court's decision. This practice does not merely misapply precedent; it erodes the statutory structure governing federal post-conviction review and insulates potential constitutional violations from any appellate scrutiny. In transforming the COA stage into a silent merits ruling, the courts below have rendered § 2253(c) meaningless and frustrated its central purpose: to preserve a narrow but essential avenue for judicial review of constitutional claims that are neither frivolous nor conclusively foreclosed by the record. Their approach strips the threshold inquiry of substance, converting a statutory safeguard into a perfunctory formality. This Court's review is necessary to

reaffirm that the COA process is jurisdictional, not adjudicatory; preliminary, not dispositive; and that when district courts and courts of appeals treat it otherwise, they act in excess of the authority Congress conferred. This court should grant a writ of certiorari on this claim.

## II. Reasonable jurists could debate whether counsel's misrepresentations rendered Petitioner's plea unknowing and involuntary.

Petitioner alleged, and supported by sworn affidavits from himself, his father, and his uncle, that trial counsel assured him his plea would limit responsibility to marijuana and yield a sentence between 11 and 16 years. Counsel's affidavit later contradicted those representations, creating a direct factual dispute on the core issue of voluntariness. Under *Blackledge v. Allison*, 431 U.S. 63 (1977), such sworn allegations of pre-plea misrepresentation cannot be summarily dismissed; they require a hearing unless the record *conclusively* refutes them. *See also Taylor v. United States*, 287 F.3d 658, 661 (7th Cir. 2002) (conflicting affidavits regarding counsel's advice require an evidentiary hearing); *Gallego v. United States*, 174 F.3d 1196 (11th Cir. 1999) (same). The district court's reliance on the plea colloquy to reject those affidavits disregards *Blackledge v. Allison*, 431 U.S. 63 (1977), which expressly recognizes that a defendant's answers

during a formal plea colloquy may reflect not an independent understanding of the plea, but what counsel has erroneously instructed him to say or believe. *Blackledge* cautioned that "[t]he barrier of the plea or sentencing proceeding record, although imposing, is not insurmountable," and that credible, specific allegations of pre-plea misadvice by counsel cannot be dismissed solely on the strength of colloquy responses. *Id.* at 74–75. By treating the rote recitation of "yes" answers as conclusive, the district court effectively ignored this Court's directive that a plea colloquy, while probative, is not a talisman that immunizes a conviction from constitutional scrutiny where the plea itself was the product of misinformation or coercion.

Here, the affidavits from Petitioner, his father, and his uncle describe in detail the precise misrepresentations that induced the guilty plea—specifically, that counsel assured Petitioner he would be sentenced based only on marijuana conduct and receive an 11- to 16-year sentence. These sworn statements are specific, internally consistent, and corroborated, and they directly challenge the voluntariness of the plea. Nothing in the record conclusively refutes them. The plea colloquy, which merely confirmed Petitioner's assent to the written plea agreement, does not resolve

whether that assent was knowingly and voluntarily given in light of counsel's alleged misadvice.

Under *Strickland v. Washington*, 466 U.S. 668 (1984), a claim of ineffective assistance turns on whether counsel's representation fell below an objective standard of reasonableness and whether there is a reasonable probability that, but for counsel's errors, the result would have been different. The affidavits here satisfy both components. Counsel's alleged assurances—that the plea carried a dramatically lower sentencing exposure than it did—are facially unreasonable and, if credited, plainly prejudicial. Had Petitioner known he faced a 35-year sentence rather than the 11- to 16-year range his attorney promised, he would have insisted on proceeding to trial. Those allegations, supported by corroborating affidavits, more than meet the "debatable among jurists of reason" standard required for a COA.

The lower courts' summary dismissal of these claims without an evidentiary hearing contravenes long-standing habeas procedure and undermines the Sixth Amendment's guarantee of effective assistance of counsel. This Court has repeatedly held that where a petitioner presents detailed factual allegations that, if true, would entitle him to relief, the

district court must hold a hearing unless the record *conclusively* shows otherwise. *Machibroda v. United States*, 368 U.S. 487, 494 (1962); *Townsend v. Sain*, 372 U.S. 293, 312 (1963). By refusing to conduct such a hearing and instead relying solely on the plea colloquy to foreclose further inquiry, the district court collapsed fact-finding into summary judgment and denied Petitioner the process Congress guaranteed under 28 U.S.C. § 2255(b). Reasonable jurists could debate whether this approach comported with *Strickland* and *Blackledge*, or whether it violated the constitutional command that a guilty plea must represent "a voluntary and intelligent choice among the alternative courses of action open to the defendant." *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). The lower courts' refusal to examine the factual basis of counsel's alleged misadvice through an evidentiary hearing not only conflicts with this Court's precedents but also erodes confidence in the integrity of the plea process.

**III. Reasonable jurists could debate whether counsel's failure to explain the Sentencing Guidelines and "relevant-conduct" rules constituted ineffective assistance.**

The record shows that counsel never informed Petitioner that uncharged drug quantities would dramatically increase his sentencing exposure under U.S.S.G. § 1B1.3. Petitioner's affidavits state he was led

to believe the Guidelines would not apply beyond marijuana conduct. This Court has held that guilty pleas must be entered "with sufficient awareness of the relevant circumstances and likely consequences." *Brady v. United States*, 397 U.S. 742, 748 (1970); *Hill v. Lockhart*, 474 U.S. 52 (1985). Misadvice concerning sentencing exposure therefore renders a plea involuntary. The D.C. Circuit's decision in *United States v. McCoy*, 215 F.3d 102 (D.C. Cir. 2000), is directly on point: counsel's failure to advise about guideline enhancements was constitutionally deficient and prejudicial because it produced a plea under false assumptions. The disparity between the 11–16-year sentence promised here and the 35-year sentence imposed exceeds that in *McCoy* and in *Lee v. United States*, 137 S. Ct. 1958 (2017), where this Court held that even unlikely prospects of acquittal do not defeat prejudice when a defendant would have insisted on trial but for counsel's misadvice. Jurists of reason could therefore debate whether counsel's failures meet both *Strickland* prongs.

### IV. The lower courts' repeated misapplication of *Miller-El* warrants this Court's review.

This Court in *Buck v. Davis*, 580 U.S. 100 (2017), again stressed that § 2253(c) "is not coextensive with a merits analysis." Yet the Eleventh Circuit, as other circuits have done, continues to conflate the threshold

inquiry for a certificate of appealability with the full merits review that Congress intentionally reserved for appellate consideration after a COA is granted. The distinction between the two inquiries—well-established in *Slack v. McDaniel*, *Miller-El v. Cockrell*, and *Buck*—is not a matter of semantics but of jurisdictional consequence. When a court denies a COA by engaging in a de facto merits adjudication, it exceeds its statutory authority under § 2253(c) and effectively deprives this Court of meaningful review over claims of constitutional dimension. In this case, both the district court and the Eleventh Circuit did precisely what *Miller-El* forbids. The district court's order denying a COA offered only a conclusory statement that "reasonable jurists could not debate" its own decision, without identifying the constitutional claims at issue or explaining why those claims were not debatable. The Eleventh Circuit then summarily affirmed the denial without discussion, effectively treating the COA as a post-judgment merits determination rather than the preliminary jurisdictional gateway Congress designed. Such cursory treatment is indistinguishable from the approach condemned in *Miller-El*, where this Court held that "a COA ruling is not the occasion for full consideration of

the factual or legal bases adduced in support of the claims." 537 U.S. at 336.

The recurring nature of this error demands this Court's supervisory intervention. In the two decades since *Miller-El*, lower courts have continued to disregard its command by denying COAs through rote citation to *Slack* or *Barefoot v. Estelle*, 463 U.S. 880 (1983), without undertaking the independent threshold assessment Congress required. The persistence of this practice has real constitutional consequences. It forecloses appellate review for prisoners who raise colorable claims of ineffective assistance of counsel, prosecutorial misconduct, or due-process violations—claims that, by design, require factual development through evidentiary hearings that district courts often deny. Here, the affidavits submitted by Petitioner and his witnesses created genuine factual disputes over whether counsel misrepresented the scope and consequences of the guilty plea. Under *Miller-El*, the existence of those disputes alone sufficed to make the claims "debatable among jurists of reason." 537 U.S. at 338. The district court's summary dismissal, and the Eleventh Circuit's perfunctory affirmance, converted the COA stage into an unreviewable merits decision. That error not only contravenes § 2253(c)'s text but also

frustrates the fundamental purpose of habeas corpus as a safeguard against unconstitutional restraint. This Court's intervention is necessary to reaffirm that § 2253(c) establishes a low and independent threshold for appeal; that the "debatable among jurists of reason" standard must be applied faithfully; and that courts of appeals may not insulate constitutional error from review by collapsing the COA standard into the merits. Only by granting certiorari can this Court restore uniform adherence to *Miller-El*, *Slack*, and *Buck*, and ensure that the procedural gateway to appellate review remains open to petitioners who, like Mr. Holstick, have presented serious and fact-specific constitutional claims that deserve encouragement to proceed further.

## CONCLUSION

Based on the foregoing, this Court should grant this request for a Writ of Certiorari and remand to the Court of Appeals for the Eleventh Circuit.

Done this 10, day of October 2025.

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