

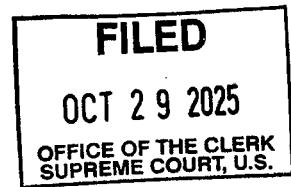
ORIGINAL

No. _____

25-6103

IN THE

SUPREME COURT OF THE UNITED STATES



In Re SANTOS HERNANDEZ JR. — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

SANTOS HERNANDEZ JR.,
(Your Name)
Wakulla Correctional Institution Annex
110 Melaleuca Dr.
(Address)

Crawfordville, FL 32327
(City, State, Zip Code)

Not Applicable (pro se)
(Phone Number)

QUESTION(S) PRESENTED

1. Do the United States Court of Appeals for the Eleventh Circuit have to follow its own rules?

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

Federal

1. United States Court of Appeals — Eleventh Circuit, Case Numbers:

a) 25-11461 ; b) 25-10443

2. District Court Docket (Middle District of Florida, Tampa Division), Case Number: 8:22-cv-00532-SDM-MM

State

1. Supreme Court of Florida, Case Number: SC2024-1366

2. Sixth District Court of Appeal, Case Number: 6D2023-3688

3. Tenth Judicial Circuit Court, Case Number: 2010-CF-00743-A000-XX

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A Application Dismissed (USCA11 Case:25-11461)

APPENDIX B Application Denied (USCA11 Case:25-10443)

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Not Applicable	

STATUTES AND RULES

United States Court of Appeals for the Eleventh Circuit
Circuit Rule 22-3(a): 4

OTHER

Not Applicable

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals 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 is unpublished.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 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 _____ 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 May 20, 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: _____, 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 _____. 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

The constitutional provisions involved are:

1. the Fourteenth Amendment, Section 1 states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws", (The United States Constitution)

2. the First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances". (The United States Constitution)

3. United States Court of Appeals for the Eleventh Circuit
Circuit Rule 22-3(a):

"Form. An applicant seeking leave to file a second or successive habeas corpus petition or motion to vacate, set aside or correct sentence should use the appropriate form provided by the clerk of this court. In a death sentence case, the use of the form is optional".

STATEMENT OF THE CASE

In accordance with Supreme Court Rules, Rule 20, the petitioner will state the following:

1. the writ of mandamus will be in aid of the Court's appellate jurisdiction, because the writ will compel the United States Court of Appeals for the Eleventh Circuit to comply with its own rules. [Cir. R. 22-3(a)]
2. the exceptional circumstances that warrant the exercise of the Court's discretionary powers is that the petition seeks a writ of mandamus against the United States Appeals Court for the Eleventh Circuit, to compel the said appeals court to comply with its own rules. [Cir. R. 22-3(a)]
3. that adequate relief can not be obtained in any other form or from any other court, because this petition for writ of mandamus is sought against the United States Appeals Court for the Eleventh Circuit from the only court that is superior to it.
4. The U.S. Appeals Court for the Eleventh Circuit denied the petitioner's application for leave to file a second petition, that was not even in compliance with local rules [Cir. R. 22-3(a)], because the application did not make a "prima facie" showing that the said application satisfies the requirements of 28 U.S.C. § 2244(b)(2).
5. The U.S. Appeals Court for the Eleventh Circuit denied the petitioner's application for leave to file a second petition [28 U.S.C. § 2244(b)(3)(A)] that was completed using the appropriate forms that were in compliance with local rules [Cir. R. 22-3(a)], stating that the petitioner's claim was presented in a prior application [the application that were not in compliance with local rules].
6. The petitioner's first application should have been rejected because his application was not in compliance with local rules [Cir. R. 22-3(a)], and the petitioner should had been ordered to submit the application using the appropriate forms.

REASONS FOR GRANTING THE PETITION

The Petitioner hereby state the following as reasons for granting the petition:

1. The petitioner has the constitutional right to redress the government of any grievances via appeal procedures (First Amendment, U.S. Const.).
2. Allowing the U.S. Court of Appeals for the Eleventh Circuit to disregard their own rules will result in violating the petitioner's constitutional rights. (Fourteenth Amendment, U.S. Const.; and First Amendment, U.S. Const.).

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Sun Hui Jin

Date: October 28, 2025