

No.

SUPREME COURT OF THE UNITED STATES

(Your Name)

1. — RESPONDENT(S)

(Phone Number)

# ORIGINAL

**FILED**

AUG 20 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

### QUESTION(S) PRESENTED

- I. DID THE DISTRICT COURT'S NOTICE TO SUMMARILY DENY ANY RULE 60(b) MOTION WITHOUT THE PERMISSION FROM THE COURT OF APPEALS AMOUNT TO NO ADEQUATE MEANS TO ATTAIN RELIEF? IF SO, DID THE COURT OF APPEALS ABUSE ITS DISCRETION BY DENYING WRIT OF MANDAMUS?
- II. DID THE DISTRICT COURT MAKE A MISTAKE OF LAW BY APPLYING IOWA STATE LAW INSTEAD OF FEDERAL LAW TO DETERMINE THE VALIDITY OF AN ARREST? IF SO, DID IT AFFECT THE FAIRNESS AND LEGALITY OF THE 2255 PROCEEDING UNDER RULE 60(b)(1)?
- III. WAS IT A VIOLATION OF DUE PROCESS FOR A NOTARY PUBLIC, RATHER THAN A JUDICIAL OFFICER, TO DETERMINE PROBABLE CAUSE FOR AN ARREST WARRANT, CONTRARY TO FEDERAL REQUIREMENTS? IF SO, DOES IT AMOUNT TO THE REOPENING OF AN HABEAS PROCEEDING?
- IV. DID THE DISTRICT COURT FAIL IN ITS OVERSIGHT DUTY BY NOT REVIEWING THE AFFIDAVIT SUPPORTING THE WARRANT FOR ACCESSING FACEBOOK ACCOUNT, POTENTIALLY LEADING TO AN UNLAWFUL SEARCH AND SEIZURE? IF SO, DID IT AMOUNT TO A DE NOVO REVIEW BY REOPENING THE HABEAS PROCEEDING?
- V. DID THE DISTRICT COURT ERR BY NOT MAKING A DETERMINATION ON THE MERITS OF ONE OF THE CLAIMS PRESENTED IN THE 2255 MOTION, THUS DENYING A FULL AND FAIR REVIEW? IF SO, DOES IT MEET THE RULE 60(b) REQUIREMENTS TO REOPEN HABEAS PROCEEDING?
- VI. DID THE DISTRICT COURT MISINTERPRET JACKSON'S RULE 60(b)(1) MOTION AS A SECOND AND SUCCESSIVE 2255, CONTRADICTING THE PRECEDENT SET IN KEMP V. UNITED STATES, REGARDING JUDICIAL MISTAKES OF LAW? IF SO, DID THE COURT OF APPEALS ABUSE ITS DISCRETION BY DENYING WRIT OF MANDAMUS?

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A	Decision of the District Court in 2255 proceeding
APPENDIX B	Decision of the Court of Appeals Denying Writ of Mandamus
APPENDIX C	Sheriff John A. LeClere Complaint/Affidavit with Arrest Warrant
APPENDIX D	
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Estelle v. McGuire, 596 u.s. 62 (1991).....	5
Gonzalez v. Crosby, 545 u.s. 524 (2005).....	7
Groh v. Rameriz, 540 u.s. 551 (2004).....	5
Illinois v. Gates, 462 u.s. 213 (1983).....	6
Kemp v. United States, 596 u.s. 528 (2022).....	4, 6

## STATUTES AND RULES

28 u.s.c. 455(a).....	7
28 u.s.c. 1651(a).....	4
Fed.R.Civ.P. 60(b).....	4, 6, 7
Fed.R.Civ.P. 60(b)(1).....	4, 5, 6, 7
Fed.R.Civ.P. 60(b)(4).....	4
Fed.R.Civ.P. 60(b)(6).....	4, 7
28 u.s.c. 2255 .....	5, 6, 7
U.S. Const. Art. VI, Cl.2 .....	5

## OTHER

Iowa Code 804.1 .....	4
-----------------------	---

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**

☒ For cases from **federal courts**:

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

☒ reported at 2021 U.S. Dist. LEXIS 152336; 2021 WL 3573041  
☐ 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 August 7, 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

U.S. CONST. ART. IV. CL,2: The Constitution and the Laws of the United States which shall be made in Pursuant thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme law of the Land; and the Judges in every state shall be bound by thereby, any Thing in the Constitution or laws of any State to the contrary notwithstanding.

U.S. CONST. IV. AMEND.: The right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. CONST. VI. AMEND.: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein t the crime shall have been committed, which district shall have been previously ascertain by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for defence.

## STATEMENT OF THE CASE

Jackson filed a writ of mandamus pursuant to 28 u.s.c. 1651(a) on the basis that the district court put Jackson on notice that any further filings would be summarily denied unless Jackson gets permission from the Eighth Circuit Court of Appeals. This notice came about after Jackson filed numerous Rule 60(b) motions in the district court that the court construed as a second and successive 2255 and/or a motion for reconsideration. Therefore, none of Jackson's Rule 60(b) arguments were determined on the merits. Jackson has argued that Judge Strand made a mistake of law pursuant to Rule 60(b)(1) and in light of Kemp v. United States, 596 u.s. 528 (2022), that the district court lacked subject matter jurisdiction pursuant to Rule 60(b)(4) when the courts applied Iowa law, specifically Iowa Code 804.1, to justify that Jackson's arrest was not unlawful under Iowa law instead of the Fourth Amendment, that the judge abandoned his role as a reviewing judicial officer by not reviewing Agent Pearson's affidavit and other extraordinary reasons set out in Rule 60(b)(6).

The Court of Appeals denied Jackson's Writ of Mandamus on August 7, 2025 despite him having no other adequate remedy that he could file to get relief. Jackson now seeks relief from this honorable court to reverse the Eighth Circuit Court of Appeals denial and remand that Jackson's arguments be determined on the merits.



## REASONS FOR GRANTING THE PETITION

### Significant Federal Question

This case raises important questions about the proper application of state versus Federal law in federal court proceedings, which has broader implications for the justice system and federal principles. In Estelle v. McGuire, 502 u.s. 62 (1991), the Supreme Court clarified that a petitioner cannot seek habeas corpus relief by relying on a violation of state law, stating " habeas corpus does not lie for errors of state law. " id. However, the Supreme Court did not clarify whether a federal judge can rely on state law to deny a petitioner's 2255 motion. Without any clarification, could open the door for other federal judges to disregard federal law, which in turn, would make the Supremacy Clause under U.S. Const. art. VI, cl.2 meaningless, as well as the Amendments of the U.S. Constitution.

### Clarification Of Legal Standards

This case provides an opportunity for the Supreme Court to clarify the standards for determining probable cause and the role of judicial review in warrant issuance, ensuring consistent application across jurisdictions. In this case, Jackson's arrest warrant was based on the determination of probable cause by the notary public Judy A. Lee and signed by the magistrate judge Stephanie C. Rattenborg. see Appendix C. This honorable court has stated in Groh v. Rameriz, 540 u.s. 551 (2004) that probable cause must be determined by a neutral and detached magistrate. id. at 575. Without this court clarifying whether a notary public may substitute as a judicial officer to determined if probable cause exist for a warrant, judge's would be able to abandon their judiciary duty to review affidavits to determine probable cause.

### Ensuring Judicial Accountability

This case underscores the importance of judicial responsibility in reviewing motions and evidence, serving as a reminder of the checks and balances necessary to protect individual rights. In this case, the district court and the court of appeals failed to review Agent Pearson's affidavit, in which was the sole reason for the issuance of the ss search of Jackson's entire Facebook account. This court has stated in Illinois v. Gates, 462 u.s. 213 (1983), that the reviewing courts has a duty to review affidavits to ensure that such an abdication on the magistrate's duty does not occur. id. at 238. By the lower courts not reviewing Agent Pearson's affidavit violates Jackson's Due Process right to a full and fair review of his claim and the failure to review disregards judicial duty.

Furthermore, the district court's reliance of the record, that the search of his Facebook was not overly broad because it went as far back as October 1, 2016 conflicts with the factual evidence in Jackson's discovery, that shows the search and seizure went beyond the scope of the warrant. An evidentiary hearing was warranted to present the evidence to the court. Due to the fact that Jackson is not able to have his discovery, as stated by counsel, an evidentiary hearing is the only way evidence could have been presented.

### Uniformity In Legal Interpretation

By addressing the misinterpretation of Rule 60(b)(1) and Rule 60(b) as a whole, the Supreme Court can promote uniformity in the application of this rule across federal courts. In Kemp v. United States, 596 u.s. 528 (2022), this court stated that " judges errors of law are indeed mistakes of law " and that Rule 60(b)(1) " covers all mistakes of law made by a judge. " Jackson clearly argued that Judge Strand made a mistake of law on serveral occasions, but Jackson's arguments were construed as second and successive 2255 arguments

in his initial Rule 60(b)(1) motion. Jackson then filed a second Rule 60(b) motion under subsection (b)(4) and (b)(6), stating that the district court did not have jurisdiction to apply state law to deny his 2255 and that the courts never made a determination on whether counsel was ineffective for failing to argue that the search of Jackson's cell phone was unconstitutionally overbroad. This was argued in his reply, but the courts only answered the Carpenter argument. The courts construed Jackson's motion as another second and successive 2255. This court has stated in Gonzalez v. Crosby, 545 u.s. 524 (2005) that a Rule 60(b) is to be construed as a second and successive 2255 if it "attacks the federal court's previous resolution of a claim on the merits." id. at 532. Jackson's cell phone argument about the search being overbroad was never resolved by the lower courts.

Jackson filed another Rule 60(b) arguing that Judge Strand should have recused himself pursuant to 28 u.s.c. 455(a), but the district court declined that Judge Strand was bias.

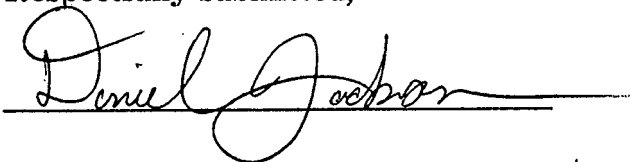
#### Precedential Impact

Granting certiorari could set a precedent that reinforces the integrity of judicial procedures and protects against the potential overreach or oversight errors.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: August 20, 2025