

No. _____

25-6121

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C.

JONATHAN HARRIS SR., — PETITIONER
(Your Name)

vs.

J. SADLER "et al." — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JONATHAN HARRIS SR.,
(Your Name)

901 Corrections Way
(Address)

Jarratt, VA. 25870-9969
(City, State, Zip Code)

(434) 535-7000
(Phone Number)

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QUESTION(S) PRESENTED

- 1) The Appellant questions that in the context through the implementation of the current legal mail handling and delivery procedures used in the Commonwealth of Virginia Department of Corrections as of July 1, 2022 is it restrictive in its operation? For it was not designed to allow or the timely deliverance of properly identified legal correspondence from the courts?
- 2) Determining if the appeal court may entertain the decision of the judgement the district alleging to be correct, when it came to the delay of the current legal mail handling and delivery procedures in the Commonwealth of Virginia department of corrections. Does the Virginia statutes apply to determining rather the state created impediment responsible for the court order not being delivered to the appellant to have the allotted amount of time as specified by the court?, Would the Virginia statutes apply in distinguishing rather the order may or may not been statutory, discretionary, or jurisdictional in nature?
- 3) The Appellant questions that the appeal court didn't properly consider the best remedy to correct the current legal mailhandling and delivery procedures. why when they had the opportunity to?
- 4) The Appellant questions the nature of the disposition ordered by the district court, because it was unexplained why the appellant complaint was "denied" rather than "dismissed"? How would a pro se litigant determine if his petition was denied on the basis of a procedural default, Or as a denial on the merits?

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:

MICHAEL D. BROOKS, Ordering Physician / Attending Physician

S. HILL, L.P.N.

ARMOR MEDICAL SERVICES

BETH CABELL, Warden of Sussex II State Prison

CHADWICK DOTSON, Director

A. DAVID ROBINSON, Chief of Operations

FREDERICK SCHILLING, Director of Health Services

VINCE DALTON, M.D.

SMITH, Physical Therapist

ANITA CRITTON, Grievance Coordinator

P. LAMPMEYER, H.S.A

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
United States v. Buckles, 647 F. 3d 883	4-5, Appendix E
Holland v. Florida, 130 S.Ct. 2549	
Finn v. United States 219 F.2d at 904	
Townsend v. Knowles, 562 F.3d 1200	
Harris v. Carter, 515 F.3d 1051	
Brambles v. Duncan, 412 F.3d 1066, 1070	
Yist v. Nunnemaker, 501 U.S. 797, 802	
Coleman v. Thompson, 501 U.S. 722, 727	
Harrington v. Richter, 131 S.Ct. 770	
Whalem/Hunt, 233 F.3d at 1148	
Western P.R. Corp. v. Western P.R. Co., 345 U.S. 247	

STATUTES AND RULES

28 U.S.C. § 46; Motion to reinstate the petition for rehearing en banc.

28 U.S.C. § 2255; Movant is entitled to equitable tolling if he shows...

Fed. R. App. P. 42 & Fed. R. Civ. P. 41(a); Don't provide appeals to be dismissed without prejudice. Therefore...

Va. Code Ann. § 8.01-229(E)(3); Tolling provision

OTHER

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 _____ 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 A. 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 state supreme court 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 10/2/23.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: 12/18/23, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

Petition not delivered to appellant to appellant to have the allotted amount of time specified by the court citing 28 U.S.C. 5 § 2255, 4 Va. Code Ann. § 8.01-299(E)(3).

Determining the proper remedy to correct the current legal mail handling and delivery procedures by granted the rehearing, stating the merits of the case, also to determine the nature of the disposition ordered by the district court and court of appeals because of no clarity of the dismissal of the appellant's complaints failed to prosecute and comply with the courts order. Citing 28 U.S.C. 5 § 46.

See 4-5 pg. 3 + Appendix E.

STATEMENT OF THE CASE

The facts and legal Contentions presented by the appellant, JONATHAN A. HAABIS SR., in regards of determining if the Virginia statutes apply when deciding rather the state created impediment is responsible for the court order not being delivered to the appellant to have the allotted amount of time as specified by the court, Also determining the proper remedy to correct the current legal mail handling and delivery procedures by granting the rehearing, stating the merits of the case. Last seeking to determine the nature of the disposition ordered by the district court because it wasn't clear why the dismissal of the appellant's complaint failed to prosecute and comply with the court's order. The appellant was seeking help from the court of appeals because the facts and the questions presented were of exceptional importance not to mention the pro se litigant wanting to determine if his petition was "denied" in the district court and "dismissed" in the court of appeals on the basis of a procedural default, or as a denial on the merits presented. In the district court while filing pro se, because the case complexity of covid, institutional lockdowns, and limited access to the law library the court wouldn't appoint counsel to the appellant even after the motion was filed in the district court in a timely fashion. The Appellant never had his day in court to present his claims. The Appellant filed a motion for extension due to the delay of receiving his legal correspondence from the court and it was excepted so the appellant complaint was timely and had correctly calculated the filing deadline for that particular motion.

REASON FOR GRANTING THE WRIT

This Petition should be granted by this Court based upon the following grounds:

1) Depending the nature of the applications of Virginia rules, the decision rendered by both courts in question could possibly violate constitutional rights or a statute of the state. The Appellant further note the remedy appropriate where the untimeliness of a state petition arises directly from "unique procedural impediments" caused by a state's way of handling pro se prisoner's filings such as court refusal to apply a Mailbox rule for prisoners.

2) It is no proper remedy when prisoner's are faced with an already expired deadline for filing motions. The Appellant stated he made reasonable, diligent efforts to procedural rules which provided no clear guidance for the unusual circumstances in which, through no fault of his own, he was situated and where the district court it self caused the appellant to believe that his efforts had been sufficient to ensure state review of his motion.

3) This would have allowed the court time to determine if the properly filed pleadings contained cognizable claims for relief. This state created impediment is a substantial denial of due process of the appellants right to seek redress with courts, In order to conduct a review of the alleged wrongs of the dependents as outlined in the pleadings.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: 7/0/20/25_____