No. _____

25-6197

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

EDMUND LOWELL FIELDS — PETITIONER
(Your Name)

vs.

FREDEANE ARTIS, WARDEN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ULTIMATE MERITS PANEL OF THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

EDMUND LOWELL FIELDS # 487029
(Your Name)
THUMB CORRECTIONAL FACILITY
3225 JOHN CONLEY DR.
(Address)

LAPEER, MICHIGAN 48446
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

I.

PER THE MINISTERIAL DUTIES SET FORTH IN FEDERAL RULE OF APPELLATE PROCEDURE 4(a)(6) DOES "ACTUAL NOTICE" SUPERSEDE "FORMAL NOTICE," AND SHOULD THE RULE'S "PERMISSIBLE LANGUAGE" CONCERNING GRANTING RELIEF SUPERSEDE ITS "EQUITABLE INTENT"? 7

II.

IS IT EQUITABLE TO PERMIT THE SAME PARTY THAT DEPRIVED FIELDS OF DUE PROCESS [BY FAILING TO PROVIDE HIM "FORMAL NOTICE" PER FEDERAL RULE OF CIVIL PROCEDURE 77(d) AS REQUIRED BY FEDERAL RULE OF APPELLATE PROCEDURE 4(a)(6)] TO BE THE ONLY PARTY THAT HAS THE AUTHORITY TO DECIDE WHETHER OR NOT HE SHALL BE GRANTED RELIEF ON THE AFORESAID VIOLATION OF DUE PROCESS. 7

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

Jared D. Schultz, Attorney for Respondent

Fredeane Artis, Warden

Edmund L. Fields, Petitioner

RELATED CASES

Fields v. Bergh, No 2:12-cv-12658, U.S. District Court for the Eastern District of Michigan. Judgment entered July 26, 2023

Fields v. Artis, No. 23-2750, U.S. Court of Appeals for the Sixth Circuit. Judgement entered Aug. 29, 2025.

TABLE OF AUTHORITIES CITED

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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

[X] For cases from **federal courts:**

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

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

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

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] 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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was August 29, 2025.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 15, 2025 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

United States Constitutional Amendment 5

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STATEMENT OF THE CASE

On June 18, 2012 Edmund Fields, filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus. The focal point of his petition was his claim of actual innocence, premised on testimonial affidavit evidence proffered by new res gestae witnesses Dominic Roberts and Travis Verser. However, in denying Fields' claim of actual innocence, the U.S. district court mistakenly failed to [either directly or indirectly] consider the affidavit evidence on its own merits, and in light of the preexisting record; thereby omitting from the appellate record [U.S. Dist. Case No 2:12-cv-12658, R.E. No. 27] its findings concerning new res gestae witnesses Roberts and Verser.

Presuming that the U S district court's findings were complete and accurate, the U.S. Court of Appeals for the Sixth Circuit adopted the district court's opinion and order and dismissed Fields' appeal on February 3, 2016, concluding that he had not provided the district court with new evidence to support his claim of actual innocence.

It was only after the Michigan Attorney Grievance Commission got involved did Special Assistant Attorney General William Worden [who was also Fields' trial prosecutor] come forward with knowledge confirming that Fields had indeed presented Verser and Roberts' affidavit evidence to his office and the courts as early as 2009 On December 28, 2021, within the one year statute of limitations of receiving Worden's admission, Fields filed a motion for relief from judgement per Fed. R. Civ. P. 60(b), and an independent action requesting equitable relief, per Fed. R. Civ. P. 60(d), [U.S. Dist Case No 2:12-cv-12658, R E No 33], which unlike its Rule 60(b) counterpart does not have a one-year statute of limitations filing deadline. Per Fed. R. Civ. P. 60(d) the district court reopened Fields' case on February 3, 2022 and issued a merits

ruling, but as per Fed. R. Civ P 77(d) as required by Fed. R. App. P. 4(a)(6)(B), the district court clerk did not provide Fields notice of entry of the court's February 3. 2022 judgement.

Federal Rule of Civil Procedure 77(d) states:

"(1) Service. Immediately after entry of any order of judgment, the clerk must serve notice of the entry, as provided by Rule 5(b), on each party who is not in default for failing to appear. The clerk must record the service on a docket. A party also may serve notice of entry as provided in Rule 5(b) "

Immediately after learning of the district court's February 3. 2022 judgement, Fields mailed the district court clerk a letter informing the clerk of its failure to provide him notice per Rule 77(d), and thereby requested that the clerk cure the error so that he may file a timely notice of appeal. [U.S. Dist. Case No. 2-12-cv-12658, R.E. No. 53. Page 1, Para 4],

However, failing to hear back from the court in a timely fashion, Fields sought the appropriate chain of command with another letter. [U.S. Dist. Case No. 2:12-cv-12658, R.E. No. 39]; accompanied by two motions [U.S. Dist. Case No. 2:12-cv-12658, R E No 37, Rehearing] and [U.S. Dist. Case No. 2:12-cv-12658, R E. No. 38, Extension of Time] informing the court of the clerk's mistake. He then, on July 8, 2022 [within 180 days of the district court's February 3, 2022 judgement] filed a Fed. R. App. P. 4(a)(6)(B) motion. [U.S. Dist. Case No. 2:12-cv-12658, R.E. No. 47], which established an outer time limit of 180 days for a party who fails to receive timely notice of entry of a judgement to seek additional time to appeal. This demonstrates that at every stage of the proceedings Fields provided the party responsible for the ministerial violation (and those with authority to cure the violation) a meaning opportunity to resolve the matter before seeking appellate relief.

Following a tumultuous course of litigation concerning the district court's failure to provide Fields formal notice of its February 3, 2022 judgement, per Fed. R. Civ. P. 77(d) as required by Fed. R. App. P. 4(a)(6)(B), the U.S.

Court of Appeals issued a briefing schedule on the matter. Both Fields and the Respondent filed their respective briefs by January 2025, which were then designated for submission to the U.S. Court of Appeals' Ultimate Merits Panel who decided the matter on August 29, 2025.

The United States Court of Appeals for the Sixth Circuit's August 29, 2025 panel, Case: 23-1750, Document: 47-1, Filed: 08/29/2025 at page 4 of its order conceded that:

"The Advisory Committee Notes to the 2005 Amendments to Rule 4(a)(6)(B) explains that **only** "formal notice of the entry of that judgement or order under Civil Rule 77(d)" will trigger the time for moving to reopen the time to appeal. And it does not appear that Fields received formal notice."

Despite Fields prevailing on this argument (which prompted the Sixth Circuit to issue a briefing schedule in the first place) the Sixth Circuit's August 29, 2025 panel still denied relief. Although the Congressional intent of Fed. R. App. P. 4(a)(6)(B) is unambiguous, the Sixth Circuit's August 29, 2025 panel consequently got it wrong, finding that "actual notice" supersedes "formal notice," and that the Rule's "permissive language" concerning granting relief supersedes its equitable intent.

/s/ Edmund Fields

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REASONS FOR GRANTING THE PETITION

Petitioner, Edmund Fields, requests certiorari of the United States Court of Appeals for the Sixth Circuit's August 29, 2025 decision. He asserts that the August 29, 2025 panel's decision involves a question of exceptional importance for reasons that it conflicts with the Congressionally enacted Federal Rules of Civil and Appellate Procedure requiring the need for interpretation and clarity for not only Fields and the Sixth Circuit, but all similarly situated individuals.

The Sixth Circuit's August 29, 2025 panel misapplied binding, unambiguous Federal Rules of Civil and Appellate Procedure, more specifically Federal Rule of Civil Procedure 77(d) as required per Fed. R. App. P. 4(a)(6). Federal Rule of Appellate Procedure 4(a)(6) states:

"The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to open is entered, but only if the following conditions are satisfied: (1) the court finds that the moving party did not receive notice under Federal Rules of Civil Procedure 77(d) of the entry of judgement or order sought to be appealed within 21 days after the entry; (2) the motion is filed within 180 days after the judgement is entered or within 14 days after the moving party receive notice under Federal Rules of Civil Procedure 77(d) of the entry, whichever is earlier; and (3) finds no party would be prejudiced."

Federal Rule of Civil Procedure 77(d) states:

"(1) Service. Immediately after entry of any order of judgment, the clerk must serve notice of the entry, as provided by Rule 5(b), on each party who is not in default for failing to appear The clerk must record the service on a docket. A party also may serve notice of entry as provided in Rule 5(b)."

FEDERAL RULES OF EVIDENCE 201(b)(2) JUDICIAL NOTICE

Per Fed. R. of Evid. 201(b)(2) Fields requests that the Court take judicial notice of United States Court of Appeals' August 29, 2025 order, Case: 23-1750, Document: 47-1, Filed 08/29/2025, Page 4, wherein the Sixth Circuit's August 29, 2025 panel found that:

"The Advisory Committee Notes to the 2005 Amendments to Rule 4(a)(6)(B) explain that **only "formal notice"** of the entry of that judgement or order under Civil Rule 77(d)" will trigger the time for moving to reopen the time to

appeal. And it does not appear that Fields received formal notice."

This finding confirms that Fields did not receive the type of notice that Congress, not only intended, but required to trigger the time for filing a notice of appeal [of the U.S. district court's February 3, 2022 judgement], and more importantly, it confirms that the U.S. district court clerk [and district court by proxy] failed to fulfill its ministerial obligation under Congesssionally enacted Fed. R. Civ. P. 77(d)(1) as required by Fed. R. App. P. 4(a)(6)(B) of providing Fields formal notice of the court's February 3, 2022 judgement.

Consequently, in misapplication of the Congressional mandates set forth in Fed. R. Civ. P. 77(d) as required by Fed. R. App. P. 4(a)(6)(B) the August 29, 2025 panel, at page 4, went on to find that:

"But this only means that the district court was not precluded from granting Fields' motion to reopen, not that the district court was required to exercise its discretion to grant the motion."

This unreasonable application of congressional intent is premised on the August 29, 2025 panel's earlier analysis of Fed. R. App. P. 4(a)(6)(B) whereby the panel, at page 3, observed that:

"A district court may reopen the time for filing an appeal by 14 days if (1) the court determines that the movant 'did not receive notice under Federal rule of Civil Procedure 77(d) of the entry of the judgement or order sought to be appealed within 21 days after entry." (2) "the motion is filed within 180 days after the judgement or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier," and (3) the court determines that "no party would be prejudiced." Fed. R. App. P. 4(a)(6). Even if a party meets these conditions, however, the Rules **"permissive language"** means that the district court retains discretion to deny a Rule 4(a)(6) motion.' Kuhn, 498 F.3d at 369."

However, what the August 29, 2025 panel fails to acknowledge is that, as a principle of equity, the **"permissible language"** of Fed. R. App. P. 4(a)(6) is not available to the U.S. district court to administer as an affirmative defense in substantiating the denial of Fields' claim, if the district court

is the party [by proxy] that initially failed to adhere to the "ministerial language" of Fed. R App P 4(a)(6) concerning its clerk's administrative duties of Fed. R. Civ. P. 77(d)(1)

Although the Congressional intent of Fed. R. App. P. 4(a)(6) is unambiguous, the Sixth Circuit's August 29, 2025 panel still got it wrong, finding that "actual notice" supersedes "formal notice," and that the "permissible language" of Fed. R. App. P. 4(a)(6) concerning granting relief supersedes the "equitable intent" of Fed. R. App. P. 4(a)(6). Therefore, Fields requests that this Court provide interpretation and clarity on the Congressional intent set forth in Fed R. App. P. 4(a)(6), for not just himself and the Sixth Circuit, but for all similarly situated individuals nationwide.

The Sixth Circuit's August 29, 2025 panel, unreasonably, chose to base its decision on the permissible of language of Fed. R. App. P. 4(a)(6) when it came to the court's discretion to grant relief, but chose not to apply any deference to the ministerial language of Fed. R App. P. 4(a)(6) when it came to the clerk's administrative duties. Therefore, to deny Fields relief, although he satisfies all three prongs of Fed. R. App. P. 4(a)(6) will not only infringe upon the due process protections guaranteed to him under United States Constitutional Amendment 5, but more importantly, it will render the appellate process meaningless, signalling to the American public that government officials can set in motion rippling effects that deprive citizens of due process, and yet, have no obligation to grant relief when a litigant satisfies all requisites for obtaining relief. To grant the district court unlimited power under the cloak of "discretion," is another example of allowing the fox to guard the hen house, which ultimately erodes public confidence in the concept of a balanced system.

ANALYSIS OF UNDERLYING FED. R. CIV. P. 60(d) MOTION SEEKING EQUITABLE RELIEF PREDICATED ON THE DISTRICT COURT'S FAILURE TO DISCLOSE CRUCIAL TESTIMONIAL AFFIDAVIT EVIDENCE IN THE APPELLATE RECORD

On June 18, 2012 Fields filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus. The focal point of his petition was his claim of actual innocence, premised on testimonial affidavit evidence proffered by new res gestes witnesses Dominic Roberts and Travis Verser. However, in denying his claim, the U.S. district court mistakenly failed to [either directly or indirectly] consider the affidavit evidence on its own merits, and in light of the preexisting record, thereby omitting from the appellate record [U.S. Dist. Case No 2:12-cv-12658, R.E. No. 27] its findings concerning new res gestes witnesses Roberts and Verser.

Presuming that the district court's findings were complete and accurate, the U.S Court of Appeals adopted the district court's opinion and order and dismissed Fields' appeal on February 3, 2016, concluding that he had not provided the district court with new evidence to support his claim of actual innocence.

It was only after the Michigan Attorney Grievance Commission got involved did Special Assistant Attorney General William Worden [who was also Fields' trial prosecutor] come forward with knowledge confirming that Fields had indeed presented Verser and Roberts' affidavit evidence to his office and the courts as early as 2009.

ABSENCE OF ANY PROCEDURAL BARS

With Worden's admission in hand, Fields, on December 28, 2021, [within the one year statute of limitations of receiving Worden's admission], filed a motion for relief from judgement per Fed. R. Civ P. 60(b), and an independent action per Fed R. Civ. P. 60(d) requesting equitable relief

[U.S. Dist. Case No. 2:12-cv-12658, R.E. No. 33], which unlike its Rule 60(b) counterpart does not have a one-year statute of limitations filing deadline. Per Fed. R. Civ. P. 60(d) the district court reopened Fields' case on February 3, 2022 and issued a merits ruling, but as per Fed. R. Civ. P. 77(d) as required by Fed R. App. P. 4(a)(6)(B), the district court clerk did not provide Fields notice of entry of the court's February 3, 2022 judgement.

Getting the attorney general and U.S. district court to disclose their knowledge of Roberts and Verser on record was a seven year long effort led by Fields, which was finally exposed in an order and opinion dated February 3, 2022 that the district clerk failed to provide Fields formal notice of, stripping him of the right to file a notice of appeal within 30-days of the judgements entry. Considering that the prima facie evidence supporting Fields' underlying [Rule 60(d)] claim is the U.S. district court's initial habeas corpus ruling itself [U.S. Dist. Case No. 2:12-cv-12658, R.E. No. 27], confirming that the district court completely omitted from the appellate record its findings concerning the testimonial affidavit evidence of new res gestes witnesses Roberts and Verser, demonstrates that Fields stood a reasonable likelihood of success on appeal.

DEMONSTRATION OF DILIGENCE

Immediately after learning of the district court's February 3, 2022 judgement Fields mailed the district court clerk a letter informing the clerk of its failure to provide him notice pursuant to Rule 77(d), and thereby requested that the clerk cure the error so that he may file a timely notice of appeal. [U.S. Dist. Case No. 2-12-cv-12658, R.E. No. 53, Page 1, Para 4].

However, failing to hear back from the court in a timely fashion, Fields sought the appropriate chain of command with another letter. [U.S. Dist. Case No. 2:12-cv-12658, R.E. No. 39]; accompanied by two motions [U.S. Dist. Case

No. 2:12-cv-12658, R E. No. 37, Rehearing] and [U.S. Dist. Court No. 2:12-cv-12658, R.E. No. 38, Extension of Time] informing the court of the clerk s mistake. This demonstrates that at every stage of the proceedings Fields provided the party responsible for the ministerial violation [and those with authority to correct the violation] a meaningful opportunity to resolve the matter before seeking redress through Fed. R. App. P. 4(a)(6) within the 180-day period afforded to him to do so [U.S. Dist. Case No. 2:12-cv-12658, R E No 47]

CONCLSION

It is unconscionable to imagine that the same party that deprived Fields of due process [by failing to provide him "formal notice" per Fed. R. Civ. P. 77(d) as required by Fed R App P. 4(a)(6)] is the same party that has the sole authority to decide whether or not he shall be granted relief on this established violation of due process brought before the Court via his Fed. R. App P 4(a)(6) pleading. Moreover, the authorities cited by the Sixth Circuits August 29, 2025 panel, in support of denying Fields relief, are distinguishable from Fields' circumstances for reasons that:

1) Fields was properly before the court when the district court reopened his case on February 3, 2022 and issued a merits ruling, because unlike the litigant in Penny v. United States, 870 F. 3d 459, 461 (6th Cir. 2017), whom filed a Fed. R. Civ. P. 60(b) pleading, Fields filed an Independent Action per Fed R. Civ. P. 6(d); which unlike its Rule 60(b) counterpart does not have a one-year statute of limitations filing deadline. Please confer Fed. R. Civ P. 60(d) and 60(c).

2) Fields' Rule 60(d) pleading was predicated on prima facie evidence consisting of the district court's habeas corpus ruling itself [R.E. No. 27, supra] wherein the district court failed to disclose in the appellate record its findings concerning new eyewitnesses Dominic Roberts and Travis Verser [whose affidavit testimony was included with the original State court record] The disclosure of their affidavit evidence in the appellate record was crucial to Fields' appellate relief, because both Roberts and Verser proffered testimonial affidavit evidence that refuted the Government's theory of second-degree murder through, what both Roberts and Verser described as, the lawful act of self-defense.

3) In the case of Kuhn v. Sulzer Orthopedics Inc., 498 F. 3d 365, 368-69 (6th Cir. 2007) the Kuhns' were represented by counsel, but James Harris, the

Kuhns' attorney neglected his affirmative duty to monitor the district court's electronic filing docket, and therefore failed to notify his clients of the district court's judgement in a timely manner so that they could file a timely notice of appeal. However, unlike the Kuhns', per E.D. Mich. LR 83.25(b)(1)(A) and Attorney Grievance Commission investigation confirmation, Fields was not represented by counsel at the time of the entry of the district court's February 3, 2022 judgement;

4) nor was he provided formal notice of the district court's February 3, 2022 judgement.

5) Lastly, unlike the litigant in Liteky v. United States, 510 U S 540, 555 (1994), Fields' motion for judicial recusal was not based on claimed defects in the district court's judicial rulings. It was predicated on actual ministerial violations, for example, the one found by the Sixth Circuit's Ultimate Merits Panel at page 4 of its August 29, 2025 ruling, where the Panel conceded that the U S district court did not provide Fields formal notice of its February 3, 2022 judgement, per Fed. R Civ. P. 77(d) as required by Fed. R. App. P. 4(a)(6).

These facts, are all factors that distinguish Fields' circumstances from the authorities cited in support of denying relief, which at a minimum, constitute an unreasonable application of Congressionally enacted Federal Rules of Court, law, and fact, warranting a writ of certiorari.

/s Edmund Fields

Date: 11-5-25

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