

No. 25-6590

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

MURON FIELDS - PETITIONER

VS.

UNITED STATES OF AMERICA - RESPONDENT

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR WRIT OF HABEAS CORPUS

MURON FIELDS
P.O. BOX 1000
MARION, IL 62959

QUESTIONS PRESENTED

COULD ROE V. FLORES-ORTEGA, 528 U.S. 470, 120 S.Ct. 1029, 145 L.Ed.2d 785 (2005), APPLY TO PETITIONER THAT WAS CONVICTED PRIOR TO SUPREME COURT'S DECISION THAT WAS DECIDED IN 2005?

UNDER CLIFBY V. JONES, 960 F.2d 925 (11th Cir. 1992), SHOULD PETITIONER BE DENIED A COA IF THE COURT OF APPEALS WAS INFORMED THAT THE LOWER COURT HAD FAILED TO ADDRESS THE MERITS OF PETITIONERS' INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM?

LIST OF PARTIES

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

RELATED CASES

UNITED STATES V. FIELDS, Case No. 98-CV-0071-B, April 12, 1998.

FIELDS V. UNITED STATES, Case No. 98-8033; D.C. No. 98-CV-71-CAB (unpublished).

UNITED STATES V. FIELDS, 162 F.3d 1174; 1998 U.S. App. LEXIS 34703 (10th Cir. 1998).

UNITED STATES V. FIELDS, 1998 U.S. App. LEXIS 24977; 1998 Colo. S. C.A.R. 5303 (10th Cir. 1998).

FIELDS V. UNITED STATES, 2025 U.S. App. LEXIS 26909; No. 25-8029 (10th Cir. 2025).

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2, 3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	7
CONCLUSION	8

INDEX TO APPENDICES

APPENDIX A, ORDER DENYING CERTIFICATE OF APPEALABILITY	10/16/25
APPENDIX B, COURT OF APPEALS ORDER	11/4/25
APPENDIX C, ORDER DISMISSING PETITIONER'S CLAIMS AS UNTIMELY AS AN UNAUTHORIZED SECOND OR SUCCESSIVE MOTION UNDER §2255, AND WITHOUT MERIT	5/14/25
APPENDIX D, ORDER DENYING CERTIFICATE OF APPEALABILITY	6/6/25
APPENDIX E, COURT OF APPEALS CONSTRUCTIVE MOTION UNDER CLISBY, AND TREAT MOTION FOR RECONSIDERATION AS A DENY PANEL REHEARING	11/24/25

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER(S)

Elisby v. Jones, 900 F.2d 925 (11th Cir. 1992) _____ 6, 7

Coppedge v. United States, 369 U.S. 438,
441 (1962) _____ 7

Oart Cherokee Basin Operations Co.
LLC v. URS, 574 U.S. 81, 190 L.Ed.
2d 495, 135 S.Ct. 550 (2014) _____ 7

Douglas v. California, 9 L.Ed.2d 811 (1963) _____ 5

Erickson v. Pardus, 551 U.S. 89, 94 (2007) _____ 7

Haines v. Kerner, 404 U.S. 519 (1972) _____ 4

Hohn v. United States, 524 U.S. 236
141 L.Ed.2d 242, 118 S.Ct. 1969 (1998) _____ 7

McKinney v. United States, 208 F.2d 844
(D.C. 1972) _____ 4

Rodriguez v. United States, 395 U.S. 327
(1969) _____ 7

Roe v. Flores-Ortega, 528 U.S. 470, 120
S.Ct. 1029, 145 L.Ed.2d 985 (2005) _____ 5, 7

United States v. Chavarin, 2023 U.S. App.
LEXIS 7529, 10th Cir. 2023) _____ 7

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER(S)

United States v. Hayman, 342 U.S. 205, 219
(1952) _____ 5

United States v. Lee-Spreight, 529 Fed. Appx.
903, 905 (10th Cir. 2013) _____ 7

United States v. Taylor, 270 Fed. Appx. 363,
365-366, 367 (5th and 11th Cir. 2008) _____ 6, 7

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

The opinion of the United States Court of Appeals appears at APPENDIX A, and is reported at *United States v. Fields*, 2025 U.S. App. LEXIS 246909, No. 25-8029 10/16/2025 (10th Cir. 2025).

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REVISION

The date on which the United States Court of Appeals decided my case was October 16, 2025.

Petition for rehearing denied, a copy of the Order appears at APPENDIX B.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The Fifth Amendment of the United States Constitution provides:

"No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

2. The Fourteenth Amendment of the United States Constitution provides:

"No State shall make or enforce any law...nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny any person within its jurisdiction the equal protection of the laws."

3. The Statute under which Petitioner sought habeas corpus relief was 28 U.S.C. § 2255 which states in pertinent part:

§ 2255 FEDERAL CUSTODY; REMEDIES ON MOTION ATTACKING SENTENCE

(a) 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.

§2253(c)(1)

(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

§254(1) Jurisdiction of the Court

STATEMENT OF THE CASE

Petitioner filed in the United States District Court under 32255(a), Motion To Vacate, Set Aside or Correct Sentence, POST CONVICTION COLLATERAL ATTACK. McKinney v. United States, 208 F.2d 844 (D.C. Cir. 1972), Haines v. Kerner, 404 U.S. 519 (1972), challenging counsel of record had failed to file a requested appeal; and petitioner conviction on a multiplicitous indictment, resulted into a double jeopardy violation of the Fifth Amendment, that is clearly unconstitutional.

Petitioner was indicted by a federal grand jury in December of 1978, on Ten Counts: Counts 1-5 Kidnapping 18 U.S.C. 3201; Counts 6 and 7 Interstate Transportation of Woman for Immoral purposes 18 U.S.C. 3242; Count 8 Interstate Transportation of stolen motor Vehicle 18 U.S.C. 3231; Count 9 Unlawfully carrying a firearm during the commission of a felony 18 U.S.C. 3924(c); and Count 10 Interstate Transportation of a stolen firearm 18 U.S.C. 3922(i) and 3924(a).

On April 16, 1980, Petitioner plead guilty to Counts 1-5 Kidnapping 18 U.S.C. 3201, on May 16, 1980, petitioner was sentenced to the following: Count's 1 and 2 Life, Count's 3, 4, and 5 Fifteen (15) years each, all sentences to run consecutive, petitioner did not appeal his conviction.

On March 23, 1998, petitioner filed his first 32255, on Ineffective Assistance of Counsel, the government filed their traverse, on April 14, 1998. The Court denied, petitioners' 32255- Case No. 98-cr-0071-B.

On December 31, 2001, petitioner filed a 32255 second, or successive with the Court of Appeals, motion denied, Case No. 98-8033.

On May 14, 2005, the District Court, dismissed petitioner's claims as untimely, and labeled petitioner 32255 collateral attack as an unauthorized second or successive without merit. However, the lower court did address the merits of petitioner's double jeopardy claim, acknowledging that petitioner's corrective sentences should stand and there is no double jeopardy violation, or petitioner's ineffective assistance, of course, the district court did not address the merits. See APPENDIX C.

Petitioner submitted an Affidavit, clarifying that he had spoken to his attorney about appealing his case, to no avail it never happened. Under Roe v. Flores-Ortega, supra, petitioner should have had an evidentiary hearing on that matter, despite the fact that Mr. Fields was sentenced in 1980, Flores-Ortega, supra, was not decided back then, but counsel of record knew, precedented case law, were in effect to follow up and file petitioner's appeal. See Douglas v. California, 9 U.S. 281 (1963).

Petitioner, filed a notice of appeal, challenging that he did not file a second or successive, and that his 32255 petition was labeled as post conviction collateral attack 32255, citing United States v. Hayman, 342 U.S. 205, 219 (1952).

On June 5, 2005, the Court of Appeals sent petitioner's appeal, back to the lower court to issue a Certificate of Appealability (COA). On June 6, 2005, the lower court issued its order denying petitioner a COA. Again, the lower court only addressed the double jeopardy issue, but never address the ineffective assistance of counsel claim. See APPENDIX D.

On October 14, 2025, the Court of Appeals denied petitioner a COA, on November 3, 2025, petitioner filed a motion for reconsideration under *Clisby*, supra. Petitioner ineffective assistance of counsel claim should have been addressed under *Clisby*, supra, if the lower court addressed the double jeopardy claim, therefore the Court of Appeals, had the authority to send petitioner Flores-Ortega, supra., *Clisby*, supra claim back to the lower court to be addressed. See APPENDIX E: United States v. Taylor, 270 Fed. Appx. 363, 365-366 (6th and 11th Cir. 2008).

REASON FOR GRANTING THE PETITION

Under the Fifth and Fourteenth amendment of the United States Constitution, this Court held in *Flores-Ortega*, *supra*, that counsel has an obligation to file his client's wishes, and prior case law indicate such that *Rodriguez v. United States*, 395 U.S. 327 (1969), petitioner had move the lower court under two (2) Constitutional issues, and respectfully seeks this Honorable Court review, for this Petition for A Certificate of Appealability, *Hohn v. United States*, 524 U.S. 236, 141 L.Ed.2d 242, 118 S.Ct. 1969 (1998), and the reason for granting the petition to preserve precedent, *Coppedge v. United States*, 369 U.S. 438, 441 (1962).

Petitioner's post conviction collateral attack 32253, was labled as a second or successive 32253, the petition should have been view under the collater attack doctrin. Mr. Fields can not move forward unless the lower court address the *Flores-Ortega*, *supra*, issue. Petitioner followed the rules and filed in the Court of Appeals 32253 (CX1), and (2), the Court of Appeals accepted the lower courts decision and denied petitioner's 32253, petitioner claims that this Court should grant this Petition for A COA, because the Tenth Circuit did not honor *Clisby*, *supra*, and petitioner respectfully files in this Circuit. See also *Dart Cherokee Basin Operation Co., LLC v. Owens*, 574 U.S. 81, 190 L.Ed.2d 495, @ 135 S.Ct. 550 (2014); *United States v. Chavarin*, 2023 U.S. App. LEXIS 7529, @ LEXIS 5 (10th Cir. 2023); and also *United States v. Lea-Spright*, 529 Fed. Appx. 903, 905 (10th Cir. 2013); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *United States v. Taylor*, 270 Fed. Appx. 363, 365-367 (5th and 11th Cir. 2008).

CONCLUSION

Petitioner, has been denied a Constitutional Right under the Fifth Amendment, and moves this Honorable Court to restore those rights, petitioner was denied a right to an appeal and respectfully, ask this Court to issue a COA, and review the record, and issue a Petition For a COA. Respectfully written and submitted.

Huron Fields
HURON FIELDS, PRO-SE
Date: Dec 18 2025