

ORIGINAL

25-7077

No. _____

Supreme Court, U.S.
FILED
FEB 27 2026
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

RICHARD T. RINGOLD — PETITIONER
(Your Name)

vs.

ROY ODUM, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of Georgia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Richard T. Ringold, GDC #7000954200
(Your Name)

Macon State Prison, P.O. Box 426
(Address)

Oglethorpe, GA 31068
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Chief Justice and Associate Justices of the United States Supreme Court:

1. How can the Supreme Court of Georgia issue a ruling that conflicts with the Federal Prisoner Mailbox Rule codified in *Federal Rules of Appellate Procedure 4(c)* and articulated in *Houston v. Lack*?
2. Does such a state court decision violate the Supremacy Clause of the United States Constitution?
3. What remedy, if any, is available to enforce Federal uniformity in the application of the Prisoner Mailbox Rule?

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

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- APPENDIX E May 7, 2025 Application For a CPC
- APPENDIX F December 14, 2025 Motion For Reconsideration

TABLE OF AUTHORITIES CITED

CASES

Houston v. Lack,
Massaline v. Williams,
Holland v. Florida,
Ford v. Georgia,

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487 U.S. at 276
274 Ga. at 552
560 U.S. 631, 654
498 U.S. 411, 423-24

STATUTES AND RULES

O.C.G.A. § 9-14-52(a); (b)
O.C.G.A. § 5-6-34(a)
Rule 27(2)

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 is unpublished.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 is unpublished.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 _____ 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 _____

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 Dec. 9, 2025.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: Jan. 2, 2026, and a copy of the order denying rehearing appears at Appendix B.

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

- *Amendment XIV – Section 1.* – 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.
- *O.C.G.A. § 5-6-34(a)* – Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the Superior Courts, State-wide Business Court, the Constitutional City Courts, and such other courts or tribunals from which appeals are authorized by the constitution and laws of this state.
- *O.C.G.A. § 9-14-52(a)* – Appeals in Habeas Corpus cases brought under this article shall be governed by *Chapter 6* of this *Title 5* except that as to final orders of the court which are adverse to the petitioner, no appeal shall be allowed unless the Supreme Court of this state issues a Certificate of Probable Cause for the appeal; (b) If an unsuccessful petitioner desires to appeal, he must file a written application for a Certificate of Probable Cause to appeal with the clerk of the Supreme Court within 30 days from the entry of the order denying him relief. The petitioner shall also file within the same period a Notice of Appeal with the clerk of the concerned Superior Court. The Supreme Court shall either grant or deny the application within a reasonable time after filing. In order for the Supreme Court to consider fully the request for a certificate, the clerk of the concerned Superior Court shall forward, as in any other case, the record and transcript, if designated, to the clerk of the Supreme Court when Notice of Appeal is filed. The clerk of the concerned Superior Court need not prepare and retain and the court reporter need not file a copy of the original record and a copy of the original transcript of proceedings. The clerk of the Supreme Court shall return the original record and transcript to the clerk of the concerned Superior Court upon completion of the appeal if the certificate is granted. If the Supreme Court denies the application for a Certificate of Probable Cause, the clerk of the Supreme Court shall return the original record and transcript and shall notify the clerk of the concerned Superior Court and the parties to the proceedings below to the determination that probable cause does not exist for appeal.
- *Rules Supreme Court of Georgia; Rule 27(2)* – Motions for Reconsideration
(2) Time for Filing – A Motion for Reconsideration may be filed regarding any matter in which the Court has ruled, and must be received by the Court via the Clerk's Office or electronically filed within ten days from the date of ruling. A copy of the ruling to be reconsidered shall be attached. No second or subsequent Motion for Reconsideration by the same party after a first motion has been denied shall be filed except by permission of the Court. No response to a Motion for Reconsideration is required, but any party wishing to respond must do so expeditiously. See also *Rule 61* regarding motions to stay the remittitur and *Rule 13*, regarding filing deadline.

STATEMENT OF THE CASE

The timeline of this case demonstrates a series of procedural anomalies and delays – attributable to the state – that rendered Petitioner’s compliance with the court’s deadline a practical impossibility.

- February 24, 2024: Petitioner filed a state Habeas Corpus petition.
- December 16, 2024: The Habeas Court dismissed the petition as successive.
- January 20, 2025: Petitioner timely filed a Notice of Appeal and a Motion for Extension of Time for filing the CPC, requesting the extension to obtain necessary transcripts. See Appendix C.
- January 27, 2025: Petitioner was transferred from his current prison to another prison facility, disrupting his access to legal materials and the regular flow of mail.
- Post-Transfer: Petitioner diligently notified both the Habeas Court and the Supreme Court of Georgia of his transfer and new address.
- February 24, 2025: The Supreme Court of Georgia sent a response acknowledging petitioner’s notice of transfer and updated its records accordingly.
- April 8, 2025: Petitioner finally received the order from the Supreme Court of Georgia granting his Motion for Extension of Time. See Appendix D. Critically, this order dated weeks earlier, extended the deadline for filing the CPC to February 28, 2025 – a date that had already passed 39 days prior to the Petitioner’s receipt of the order. On the same day, Petitioner received the habeas hearing transcripts he needed to prepare his CPC.
- May 7, 2025: Having finally received the necessary documents and the court’s order, Petitioner filed his CPC. He attached a detailed affidavit of the timeliness with supporting exhibits, explaining the timeline and invoking the Prisoner Mailbox Rule as established in *Massaline v. Williams*. See Appendix E.
- December 9, 2025: The Supreme Court of Georgia, without explanation or any apparent consideration of petitioner’s affidavit, issued an order summarily dismissing the CPC as untimely. See Appendix A.
- December 14, 2025: Petitioner, having received the dismissal order on December 12, 2025, timely filed a Motion for Reconsideration pursuant to *Georgia Supreme Court Rules 13(3)* and 27. See Appendix F.
- January 2, 2026: The Supreme Court of Georgia issued an order stating that the remittitur has been issued on December 24, 2025, returning jurisdiction to the lower court. This action was taken despite the pending, timely-filed Motion for Reconsideration, effectively ignoring the motion and finalizing a constitutionally infirm judgment. See Appendix B.

REASONS FOR GRANTING THE PETITION

I. The Georgia Supreme Court's decision conflicts with this court's precedent in *Houston v. Lack*.

This court has long recognized that pro se prisoners operate under unique disadvantages that justify a departure from the strict filing rules applicable to other litigants. The Prisoner Mailbox Rule, established in *Houston v. Lack*, is a cornerstone of this understanding. It provides that a pro se prisoner's Notice of Appeal is "filed at the time petitioner delivered it to the prison authorities for forwarding to the court clerk." 487 U.S. 276. The rationale is clear: once the prisoner relinquishes control of the document to the prison system, he has done all he can do. The State of Georgia explicitly adopted this Federal rule for state habeas appeals in *Massaline v. Williams*, holding that a pro se prisoner's CPC "will be deemed filed on the date he delivers [it] to the prison authorities for forwarding." 274 Ga. 552.

The Georgia Supreme Court's decision is in direct conflict with this binding precedent. Petitioner did exactly what *Houston* and *Massaline* required: he submitted his CPC with a sworn affidavit and exhibits documenting the timeline of its submission to prison authorities. The court's summary dismissal, without any engagement with this evidence, constitutes an unreasonable application of clearly established Federal law. State courts are not free to ignore constitutional procedural rules that this court has deemed essential for ensuring access to justice, especially when those rules govern the gateway to Federal habeas review. By refusing to apply the mailbox rule, the Georgia Supreme Court erected an arbitrary procedural bar that this Court's jurisprudence expressly forbids.

II. The State Court's actions created an unjust obstacle to appellate review in violation of due process.

The Due Process Clause of the *Fourteenth Amendment* guarantees a meaningful opportunity to be heard. The circumstances of this case reveal a sequence of state actions that rendered Petitioner's opportunity for appeal illusory. The Georgia Supreme Court granted Petitioner an extension of time to file his CPC, but he was not notified of the new deadline – February 28, 2025 – until he received the order on April 8, 2025. It is a logical and constitutional impossibility to require a litigant to meet a deadline he could not have known about until 39 days after it had passed. This failure of notice was compounded by Petitioner's prison transfer on January 27, 2025, an event entirely outside his control. Petitioner acted with diligence by promptly notifying the court of his new location. The court acknowledged this transfer on February 24, 2025, yet still failed to ensure its order would reach him in a timely manner. The combination of the prison transfer and the court's inexplicable delay in transmitting its order created an insurmountable procedural hurdle. To punish Petitioner for this series of state-created impediments is fundamentally unfair and violates the core tenets of due process.

III. This case presents an important Federal question regarding access to Federal Habeas review.

This case is not merely about a procedural misstep in a state court; it implicates the integrity and availability of Federal Habeas Corpus review for state prisoners. A state CPC is a jurisdictional prerequisite for a petitioner to exhaust state remedies before seeking relief under 28 U.S.C. § 2254. When a state court applies its procedural rules in a manner so arbitrary and unreasonable that it effectively closes the courthouse doors, it erects an "unreasonable impediment to the diligent pursuit of constitutional claims." *Holland v Florida*, 560 U.S. 631, 654 (2010). This court should grant certiorari to

clarify that state appellate courts cannot enforce filing deadlines in a way that is constitutionally unsupportable, particularly when their decisions have the direct effect of precluding Federal review. The question of whether the circumstances here – a prison transfer coupled with a court’s failure to provide notice of a deadline until after its expiration – constitute an adequate and independent state ground for procedural default is a Federal question of significant importance. Allowing the Georgia Supreme Court’s decision to stand would invite other states to apply procedural rules in a way that undermines the Great Writ.

IV. The state court compounded its error by issuing the remittitur while a timely Motion for Reconsideration was pending.

Finally, the Georgia Supreme Court’s handling of the post-judgment motions highlights its disrespect for its own procedural rules. Petitioner timely filed a Motion for Reconsideration on December 14, 2025, within the 10-day period prescribed by Georgia Supreme Court *Rule 27*. Such a motion is intended to allow the court to correct manifest errors of law or fact. Instead of considering the motion, the court allowed the remittitur to issue on December 24, 2025, prematurely finalizing an erroneous judgment and divesting itself of jurisdiction. This procedural irregularity denied petitioner a final opportunity for the state court to correct its clear error and further demonstrates that the dismissal of his appeal was not the result of a “firmly established and regularly followed state practice.” *Ford v. Georgia*, 498 U.S. 411, 423-24 (1991).

CONCLUSION

This decision of the Supreme Court of Georgia represents a manifest error that is contrary to this court’s precedent, fundamental due process, and the principles of equity that undergird the prisoner mailbox rule. The court created an impossible situation for petitioner and then punished him for failing to overcome it. For the foregoing reasons.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: February 18, 2026