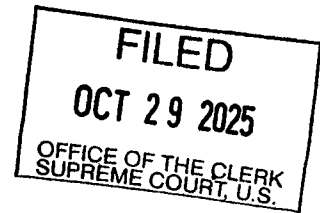


25-7510

In The Supreme Court for the Union of States in America

U.S. Sup. Ct. No. _____
U.S. 8th Cir. Ct. of App.'s No. 25-1087
U.S Dist. Ct. No. 4:23-cv-00406



*In re Chad Michael Vice, Citizen of the Republic of Iowa,
In re CHAD MICHAEL VICE®, Citizen of the U.S.
Petitioner-Appellant*

~vs~

*Corp. STATE of IOWA, and its' subdivision The IOWA DEP'T OF CORR.'S, Dir. Beth
Skinner, FORT DODGE CORRECTIONAL FACILITY, Nicholas Lamb, Dimitrius Bowens,
Todd Carver, Paul Gager, Captain Anderson, Chris Stuhrenberg, Trevor Main, Steve Zdrazil,
and Shawn Young, Et. AL.,
Respondents-Appellees.*

*On PETITION for an EXTRAORDINARY WRIT of MANDAMUS to the
UNITED STATES COURT of APPEALS for the EIGHT CIRCUIT*

*Pursuant to:
28 U.S.C § 1651 & Rule 20.1 of the U.S. Sup. Ct.;
28 U.S.C. § 1361 & Rule 20.3 (a) of the U.S. Sup. Ct.*

*On EXTRAORDINARY WRIT of MANDAMUS to:
the U.S. 8th Cir. Ct. of App.'s to Address Petitioners' 60 (b) Motion in Substantive Spirit of a
Common Law Bill of Review filed on: July 22nd, 2025*

*Pursuant to:
Fed. R. of Civ. Pr. § § 60 (b) (1) & (6)*

Chad Michael Vice
Iowa State Penitentiary
P.O. Box 316
Fort Madison, Iowa 52627
Phone: (319) 372-5432

QUESTION(S) PRESENTED for REVIEW

I. WHETHER VICE is CONSTITUTIONALLY ENTITLED to be SERVED NOTICE of JUDGMENT in DENIAL of CERTIFICATE of APPEALABILITY.

II. WHETHER VICE is CONSTITUTIONALLY ENTITLED to be HEARD on the MERITS of a 60 (b) MOTION in SUBSTANTIVE SPIRIT of a COMMON LAW BILL of REVIEW to the INFERIOR 8th CIRCUIT COURT of APPEALS.

III. WHETHER this UNITED STATES SUPREME COURT has JURISDICTONAL AUTHORITY to REVIEW the 8TH CIRCUIT COURT of APPEALS JUDGMENT of DENIAL of CERTIFICATE of APPEALABILITY, VACATE said JUDGMENT for NON-SERVICE, and to then DIRECT an APPROPRIATE JUDGMENT by GRANTING CERTIFICATE of APPEALABILITY.

IV. WHETHER this UNITED STATES SUPREME COURT has JURISDICTONAL AUTHORITY to DIRECT an APPROPRIATE JUGEMENT in APROPOS VICE'S INFORMAL APPEAL BRIEF [ad rem] RELIEF SOUGHT therein.

/

LIST of PARTIES

All parties appear in the caption of the case on the cover page in the exception of whom this writ of mandamus is to be issued to, listed hereinbelow:

That at all times material hereto, Defendant-Respondent Susan E. Bindler (hereinafter referred to as Ms. Bindler and/or 8th Cir. Clerk of Court and/or Clerk of Court), was and is still believed to be an Officer/Clerk of Court of the United States 8th Circuit Court of Appeals, place of employment residing at United States Courthouse, 111 S. 10th St., Rm. 24.329, St. Louis, Mo. 63102, as her place of employment.

RELATED CASES

On whether Vice is Constitutionally entitled to be served notice of judgment in denial of certificate of appealability, Vice relies upon clearly established federal law in this United States Supreme Courts' precedential authority of *Peralta*, from & by which provides an unambiguous controlling legal standard relative to this instant case, whereby, a "judgment entered without notice or service is constitutionally infirm under due process clause." *Peralta ~vs~ Heights Med. Center, Inc.*, 715 S.W.2d 721 (Tex. App.—Houston [1st Dist.] 1986, writ ref'd n.r.e.), rev'd, 485 U.S. 80, 83-84, 108 S. Ct. 896, 99 L.Ed.2d 75, 1988 U.S. LEXIS 955 (1988). "Only 'wip[ing] the slate clean'" will restore Vice "'to the position he would have occupied had due process of law been accorded to him in the first place.' The Due Process Clause demands no less in this case." *Peralta*, 487 U.S. at 87.

On whether Vice is Constitutionally entitled to be heard on the merits of a 60 (b) Motion in Substantive Spirit of a Common Law Bill of Review to the Inferior 8th Circuit Court of Appeals, Vice relies upon clearly established federal law in this United States Supreme Courts' precedential authorities of: *Holt, Borough of Doryea, California Motor Transport Co.*, and *United Mine Workers* and *Cf. Klapprott*, from & by which these cases provide unambiguous controlling legal standards relative to this instant case, whereby, Vice has been denied his due process "right to be heard" by which "necessarily embodies right to file motions and pleadings essential to present claims and raise relevant issues." *Holt v. Virginia*, 381 U.S. 131 at 136, 85 S. Ct. 1375, 14 L.Ed.2d 290, 1965 U.S. LEXIS 1211 (1965); *Borough of Doryea v. Guarnieri*, 564 U.S. 379, 131 S. Ct. 2488, 180 L.Ed.2d (2011) (This Court's precedents confirm that the Petition Clause protects the right of individuals to appeal to Courts ... "[T]he right of access to courts ... is an aspect of the First Amendment right to petition the government"); *California Motor Transport Co. ~vs~ Trucking Unlimited*, 404 U.S. 508, 510, 92 S. Ct. 609, 30 L.Ed.2d 642 (1972) (Id at 510); *United Mine Workers v. Illinois State Bar Ass'n*, 389 U.S. 217, 222, 88 S. Ct. 353, 19 L.Ed.2d 426 (1967) (right to petition is among the "most precious of liberties safeguarded by the Bill of Rights"); *Cf. Klapprott v. United States*, 335 U.S. 601, 614-15, 93 L.Ed. 266, 69 S. Ct. 384 (1949).

On whether this United States Supreme Court has jurisdictionally authority to review the 8th Cir. Ct. of App.'s judgment of denial of certificate of appealability, vacate said judgment for

non-service, and to then direct an appropriate judgment by granting certificate of appealability, Vice relies upon clearly established federal law in this United States Supreme Courts' precedential authorities of: *Aetna Casualty & Surety Co.*, *Camreta*, *Alvarez*, *Geenlaw* and *Unitherm Food Sys.*, from & by which these cases provide unambiguous controlling legal standards relative to this instant case, whereby, within this case mandate has been issued without judgment being served in regards to denial of certificate of appealability, and necessarily requires the U.S. 8th Cir. Ct. of App.'s judgment in this matter to be "vacated." *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947); 28 U.S.C. § 2106; and furthermore, requires in this extraordinary case, that the United States Supreme Court review by mandamus Vice's application for Certificate of Appealability (COA) in accord with 28 U.S.C. § 2253 (c) (3), whereby, he may be able to have his meritorious issues¹ within his certificate of appealability—of which encompasses his informal proof brief (COA Appendix – U.S. 8th Cir. Ct. of App. No. 25-1087 – Informal Proof Brief and Appendix, App. C.—heard, *Keiser v. Bd. of Pardons & Paroles*; *Buck v. Davis*—as to the "substantial showing of" his "denial of a constitutional right. '28 U.S.C § 2253 (c) (2)'"—2025 U.S. Dist. LEXIS 58807 at *3 (S.D. 2025); 580 U.S. ___, 137 S. Ct. ___, 197 L.Ed.2d 1, 2017 U.S. LEXIS 1429 (2017), in order to satisfy Justice.

On whether this United States Supreme Court has jurisdictional authority to direct an appropriate judgment in apropos Vice's informal appeal brief [ad rem] relief sought therein, Vice relies upon clearly established federal law in this United States Supreme Courts' precedential authority of: *Geenlaw & Unitherm Food Sys.*, from & by which these cases provide unambiguous controlling legal standards relative to this instant case, whereby, Vice may be able to have his meritorious issues within his Informal Proof Brief heard for the first time within his appeal, in order, to prevent manifest injustice.

That the relative cases hereinabove are the authorities upon which Vice's arguments rest, whereupon, Vice prays equity will be injected into this instant case in order to achieve justice.

¹ See Appeal Brief on file under 8th Cir. Ct. of App.'s No. 25-1087, in apropos meritorious issue.

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| Appendix-B | 59 (e) Motion to Vacate, Set-Aside or Amend Judgment and attached
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

That the opinion of the Clerk of Court for the United States 8th Circuit Court of Appeals appears at Appendix C to this petition and is unpublished other than being cited in general as: *Vice v. STATEIOWA®*, *Et Al*, No. 25-1087 (8th Cir. July 25th, 2025) (“This court’s consideration of the matter has concluded. Your case is closed, and no further action will be taken on your documents”¹).

That no proper due process notice or opinion has been issued by the 8th Cir. Ct. of App.’s in regards to certificate of appealability (COA) nor in apposite Vice’s Informal Appeal Brief in apropos *Vice v. STATEIOWA®*, *Et Al*, No. 25-1087 (8th Cir. 2025), whereupon, this court may entertain the arguments held within Vice’s application for COA and within his informal proof brief, [in order], to prevent manifest injustice.

JURISDICTION

That jurisdiction is conferred to the United States Supreme Court via the U.S. Const. Art. III, § 2, Cl. 1. – Equity—pursuant to U.S. Sup. Ct. Rule 20.1 in accordance with 28 U.S.C. § 1651 (a)—Writs; U.S. Sup. Ct. Rule 20.3 (a)—Writ of Mandamus in conjunction with 28 U.S.C. § 1361—Action to Compel; *Kendall v. United States*, 37 U.S. 524, 9 L.Ed. 1181, 1838 U.S. LEXIS 370 (1838); *Limited, Secretary v. McGarrhan*, 76 U.S. 298, 19 L.Ed. 579, 1869 U.S. LEXIS 968 (1869) (Powers of Supreme Court and of Circuit Courts’ of United States to issue writs of mandamus, granted by judiciary Act of 1789 § 14 now 28 U.S.C. § 1651 is only for purpose of bringing case to final judgment or decree, so that it may be reviewed); *Platt v. 3m*, 376 U.S. 240, 84 S. Ct. 769, 11 L.Ed.2d 674, 1964 U.S. LEXIS 1654 (1964) (under Federal practice, extraordinary writs are reserved for really extraordinary causes, and then only to

¹ Documents: 60 (b) – Motion – Bill of Review and accompanying 60 (b) – Motion – Designation of Exhibits.

confine inferior court to lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so, *id* at 245).

That jurisdiction is additionally conferred to the United States Supreme Court via the U.S. Const. Art. III, § 2, Cl. 1. – Equity—pursuant to U.S. Sup. Ct. Rule 20.1 in accordance with 28 U.S.C. § 1651 (a)—Writs; 28 U.S.C. § 2106 – Determination – may vacate or review judgment, remand and direct entry of appropriate judgment, or require further proceedings to be had as may be just under the circumstances. *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947) (... “no limitation affects our authority to review an action of the Cir. Ct. of App.’s ... [nor] does the fact that the mandate of the Cir. Ct. of App.’s has issued defeat this Court’s jurisdiction.” May also “remand the case to the Cir. Ct. of App.’s so it may also consider those questions,” not considered by the Cir. Ct. of App.’s. *Ibid* at 467-468.), or in the alternative of remand; this Superior Court held in *Camreta v. Greene*, 563 U.S. 692, 131 S. Ct. 2020, 179 L.Ed.2d 1118 (2011) (The equitable remedy of vacatur ensures that those who have been prevented from obtaining the review to which they are entitled [are] not ... treated as if there had been a review); *Alvarez v. Smith*, 558 U.S. 87, 130 S. Ct. 576, 175 L.Ed.2d 447 (2009) (we normally do vacate the lower court judgment ... because doing so clears the path for future relitigation ... preserving the rights of all parties while prejudicing none); *Geenlaw v. United States*, 554 U.S. 237, 128 S. Ct. 2559, 171 L.Ed.2d 399 (2008). Wherein, *Geenlaw* holds that section 2106 is not limited to plain errors ... the authority described in § 2106, we have observed, “must be exercised consistent with the requirements of the *Federal Rules of Civil Procedure* as interpreted by this Court.” *Id.* at 249 (citing) *Unitherm Food Sys. v. Swift-Eckrick, Inc.*, 546 U.S. 394, 126 S. Ct. 980, 163 L.Ed.2d 974, 2006 U.S. LEXIS 916 (2006), whereupon, in *Unitherm Food Systems* it holds that in “28 U.S.C. § 2106. It is well settled that ... arguments raised for the first time on appeal may be entertained,” such as this instant case, “if their consideration would prevent manifest injustice.” *Ibid* at 408.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

This case involves a deprivation of rights encompassed within Article VII – Amendments I & V of the *Constitution [for] the united States* guaranteed to the Citizens of the State of Iowa

by-way-of the *Const. [for] the u.S. Art. IV, § 2, Cl. 1*², to the respected *Const. for Iowa Art. I, § 6—Laws Uniform; Art. I, § 9—Due Process of Law; Art. I, § 10—Rights of Persons Accused.*

Art. VII – Amdt. I.; which provides: the right to petition the government for a redress of grievances without abridging the liberty to be heard therein.

Art. VII – Amdt. V.; which provides: the right not to be deprived of life, liberty, or property, without due process of law.

These Amendments and Articles are enforced by the equitable spirit of the common law bill of review within the Federal Rules of Civil Procedure 60 (b) – Motion; and, Title 28 § 2253 (c) (A) – Habeas Corpus Appeal & Federal Rules of Appellate Procedure Rule 5 – Appeal by Permission; as well as, Title 28, § 1651 – Writs – united States Code Service; Title 28 § 1361 – Action to Compel – united States Code Service; Title 28 § 2106 – Determination – united States Code Service, by which allows justice to be acquired by equitable measures for the deprivations of a Citizens rights, privileges or immunities by the respected u.S. & Iowa Constitutions and law held [t]herein.

STATEMENT of the CASE

Nature of the Case

This Common Law Action for Equitable Injunctive Relief comes before the Court by-way-of a Writ of Mandamus after Chad Michael Vice (hereinafter referred to as Vice) was denied a fair opportunity to be heard on his 60 (b) – Motion – Bill of Review – in the United States 8th Circuit Court of Appeal’s No. 25-1087. Whereby, the Clerk—Susan E. Bindler—of the United States 8th Circuit Court of Appeals stated that the “court’s consideration of the matter has concluded. Your case is closed, and no further action will be taken on your documents” (Appendix C, Clerk of Court—Susan E. Bindler—Letter, July 25th, 2025). As herein, so to hereunder:

Proceedings

² *The Slaughter House Cases*, 83 U.S. 36, 16 Wall. 36, 62, 21 L.Ed. 394 (1873) – “u.S. Art. IV, § 2 Privileges & Immunities.” 83 U.S. at 97.

That the 8th Cir. App. No. 25-1087 appellate proceedings in question is derived from the underlying writ of habeas corpus proceeding in the U.S. Dist. Ct. for Iowa No. 4:23-cv-00406, of which federal proceedings stem from the State of Iowa's 6th District Court Post-Conviction (PCR) No. PCCV007156 & 007205 and subsequent Iowa Supreme Court Appeal No. 22-1053. Whereby, Vice was not served notice of judgment of denial of certificate of appealability in App. No. 25-1087, and was further unaware of said judgment of denial of certificate of appealability until he was furnished a letter from the 8th Cir. Ct. of App.'s – Clerk of Court – Susan E. Bindler, dated May 1st, 2025 (**Appendix B, 60 (b) Motion – Designation of Exhibits – Exh. D-1, Clerk of Court—Susan E. Bindler—Letter, May 1st, 2025**), informing Vice that said judgment denying certificate of appealability had been made.

That because Vice was never served Notice of the Judgment in Denial of Certificate of Appealability, Vice forthwith filed a 60 (b) – Motion – Bill of Review – to the U.S. Cir. Ct. of App.'s under docket No. 25-1087 (**Appendix – A, 60 (b) – Motion – Bill of Review, July 22nd, 2025**).

Whereupon, in response to this filing (App. A & B), Vice received a letter from: the Clerk of the 8th Circuit Court of Appeals – Susan E. Bindler – dated, July 25th, 2025 (App. C). This letter was in regards to Vice's 60 (b) – Motion – Bill of Review – of which, "this letter acknowledges receipt of" said motion (App. A & B) "on July 22nd, 2025" and further states: "This court's consideration of the matter has concluded. Your case is closed, and no further action will be taken on your documents" (App. C).

Vice now seeks injunctive relief by-way-of a common law writ of mandamus from this U.S. Supreme Court for the lower-inferior U.S. 8th Cir. Ct. of App.'s refusal to consider and/or take any action in apropos his 60 (b) – motion – bill of review, whereby, the Clerk of Court did not present said motion to the justices of the U.S. 8th Cir. Ct. of App.'s, as declared within his statement(s) hereinabove, so to hereinbelow:

REASONS for GRANTING the PETITION

A. Conflicts with Decisions of Other Courts & Rule 60 (b) – Motion.

That the decision of the lower-courts – clerk of court – not to present Vice's 60 (b) – Motion – Bill of Review – to the lower 8th Cir. Ct. of App.'s is in conflict with the language of

Peralta and Rule 60 (b) – Motion; which provides: post-judgment equitable relief from final judgments or orders for official mistakes, such as this instant case, where Vice was never served notice of judgment of denial of certificate of appealability; by which, non-service necessitated equitable measures be implemented within these proceedings, by which equitable measures are encompassed within these authorities herein & above, so hereto & below:

Additionally, the decision of the lower-courts – clerk of court – not to present Vice’s 60 (b) – Motion – Bill of Review – to the lower 8th Cir. Ct. of App.’s is in conflict with the language of *Holt, Borough of Doryea, California Motor Transport Co.*, and *United Mine Workers*, from & by which provides: right of due process access to the courts to-be-heard-by-petition, that necessarily embodies right to file motions and pleadings essential to present claims and raise relevant issues, of which is among the most precious of liberties safeguarded by the Bill of Rights.

QUESTION I.

I. WHETHER VICE is CONSTITUTIONALLY ENTITLED to be SERVED NOTICE of JUDGMENT in DENIAL of CERTIFICATE of APPEALABILITY.

The Merits

That due to the Clerk—Susan E. Bindler—of the U.S. 8th Cir. Ct. of App.’s action or lack thereof (App. C), Vice was denied access to the lower appellate court, thus contravening his right to be fairly heard—via his 60 (b) – motion – bill of review (App. A & B)—by said Court. Vice’s motion (App. A & B) to the U.S. 8th Cir. Ct. of App.’s rests upon clearly established federal law in the United States Supreme Courts’ precedential authority of *Peralta*, from & by which provides an unambiguous controlling legal standard, whereby, a “judgment entered without notice or service is constitutionally infirm under due process clause.” *Peralta ~vs~ Heights Med. Center, Inc.*, 715 S.W.2d 721 (Tex. App.—Houston [1st Dist.] 1986, *writ ref’d n.r.e.*), *rev’d*, 485 U.S. 80, 83-84, 108 S. Ct. 896, 99 L.Ed.2d 75, 1988 U.S. LEXIS 955 (1988).

It is by this standard hereinabove, that, Vice contests the lower-inferior appellate court initially contravened his fundamental and substantive due process right to access the court when it did not serve notice of judgment of denial of certificate of appealability, whereby, Vice was unable to then exercise due diligence in filing a subsequent petition for panel rehearing by-way-

of *Fed. R. of App. Pr.* § 40. That Rule 40 (a) (1) – provides that: “a petition for panel rehearing may be filed within 14 days after entry judgment.” Thus the Court, by not notifying Vice of said judgment until May 1st, 2025 (App. B, Ltr.– Exh. D-1), placed Vice outside the parameters set-forth by *Fed. R. of App. Pr.* Rule 40 (a) (1), thereby, denying Vice his substantive procedural due process right to access the Court, thus silencing his efforts to be heard by petition, due to the Courts failure to notify Vice by-way-of judgment in denial of certificate of appealability. Whereupon, “only ‘wip[ing] the slate clean’” will restore Vice “to the position he would have occupied had due process of law been accorded to him in the first place.’ The Due Process Clause demands no less in this case.” *Peralta.*, 485 U.S. at 87. As herein, so to hereunder:

QUESTION II.

II. WHETHER VICE is CONSTITUTIONALLY ENTITLED to be HEARD on the MERITS of a 60 (b) MOTION in SUBSTANTIVE SPIRIT of a COMMON LAW BILL of REVIEW to the INFERIOR 8th CIRCUIT COURT of APPEALS.

The Merits

That Vice respectfully asserts the U.S. 8th Cir. Ct. of App.’s has denied his “due process right to be heard” by which “necessarily embodies right to file motions and pleadings essential to present claims and raise relevant issues ...,” *Holt v. Virginia*, 381 U.S. 131, 85 S. Ct. 1375, 14 L.Ed.2d 290, 1965 U.S. LEXIS 1211 (1965); *Borough of Doryea v. Guarnieri*, 564 U.S. 379, 131 S. Ct. 2488, 180 L.Ed.2d (2011) (This Court’s precedents confirm that the Petition Clause protects the right of individuals to appeal to Courts ... “[T]he right of access to courts ... is an aspect of the First Amendment right to petition the government”); *California Motor Transport Co. ~vs~ Trucking Unlimited*, 404 U.S. 508, 510, 92 S. Ct. 609, 30 L.Ed.2d 642 (1972) (“right of access to the Court is ... one aspect of the right of petition.” Id at 510); *United Mine Workers v. Illinois State Bar Ass’n*, 389 U.S. 217, 222, 88 S. Ct. 353, 19 L.Ed.2d 426 (1967) (right to petition is among the “most precious of liberties safeguarded by the Bill of Rights”); Vice was denied his paramount, fundamental and substantive due process right to be heard by petition—a structural error of constitutional dimensions—when the U.S. 8th Cir. Ct. of App.’s refused to consider and/or take action in apropos his 60 (b) – motion – bill of review; of which filing, is in apposite not being served notice of judgment denying certificate of appealability (App. A & B).

This Clerk—Susan E. Bindler—of the 8th Cir. Ct. of App.’s did not consider the purpose of *Federal Rules of Civil Procedure* § 60 (b) (6) Motion. *See: Watkins v. Lundell*, 169 F.2d 540 (8th Cir. 1998), wherein, “a Rule 60 (b) motion, made within a ‘reasonable time,’ can provide relief from judgment ... for ‘any other reason justifying relief from the operation of the judgment,’ *Fed. R. Civ. Pr.* § 60 (b) (6), thus allowing a ... court to inject equity and revive an otherwise lifeless claim. *Cf. Klapprott v. United States*, 335 U.S. 601, 614-15, 93 L.Ed. 266, 69 S. Ct. 384 (1949) (finding that Rule 60 (b) (6) enables a court to “accomplish justice”); *Hoover v. Valley West D.M.*, 823 F.2d 227, 230 (8th Cir. 1987) (weighing the “equities involved” on a Rule 60 (b) motion).” *Watkins*, 169 F.2d at 544. Her gatekeeper role, as the clerk of court, in this matter, does not give her the authority to make a determination not to present to the Court Vice’s post-judgment 60 (b) – motion – bill of review – from which act denied Vice an ability to be fairly heard on the merits of his motion by said Court. In *Borough of Doryea v. Guarnieri*, 564 U.S. 379, 131 S. Ct. 2488, 180 L.Ed.2d ____ (2011) (Justice Kennedys’ Opinion holds: Ibid – (rights of speech and petition are ‘not identical’). Interpretation of the Petition Clause must be guided by the objective and aspirations that underlie the right. A petition conveys the special concerns of its author to the government and, in its form requests action by the government to address those concerns (citations omitted)). In this instant case, Vice’s 60 (b) – motion – bill of review (App. A & B) conveys his special concerns, and in this form he requests specific action by the government to address those concerns, of which is to hear his motion on account of not being served notice of denial of certificate of appealability, thus, violating Vice’s substantive & fundamental constitutional right of due process in conveyance of his specific post-judgment concerns, thereby denying him “his day in Court and having his claim decided on the merits,” on his post-judgment 60 (b) – motion – bill of review, and other post-judgment petitions and notices, *Furnald v. Hughes*, 804 N.W.2d 273, 274, id at 276 and 278 (Iowa 2011), a clear violation of Vice’s apex-paramount-liberty-interest [to be] heard-by-petition. As herein & above, so hereto & below:

REASONS for APPROPRIATING JUDGMENT

B. Decisions of this Court Allocating Authority to Direct Appropriate Judgment

That the authority vested in the United States Supreme Court to review decisions of the inferior court(s) and direct appropriate judgement to the inferior court(s) is in accord with the

language of *Aetna Casualty & Surety Co.* and 28 U.S.C. § 2106; which provides: this Superior Court may review and/or direct entry of appropriate judgment ... as may be just under the circumstances, whereby, no limitation affects this Court's authority to review an action of the 8th Cir. Ct. of App.'s, nor does the fact that mandate has issued here within this instant case no. 25-1087 defeat this Court's jurisdiction. As herein & above, so hereto & below:

Additionally, the authority vested in the United States Supreme Court to vacate lower court judgment and to review the merits of arguments raised on appeal for the first time and direct appropriate judgement to the inferior court(s) is in accord with the language of *Camreta, Alvarez, Greenlaw & Unitherm Food Sys.*, 28 U.S.C. § 2106; from & by which provides: this Superior Court may vacate, review and direct entry of appropriate judgment ... as may be just under the circumstances, whereby, it is well settled that ... arguments raised for the first time on appeal may be entertained, such as this instant case, if their consideration would prevent manifest injustice.

QUESTION III.

III. WHETHER this UNITED STATES SUPREME COURT has JURISDICTIONAL AUTHORITY to REVIEW the 8TH CIRCUIT COURT of APPEALS JUDGMENT of DENIAL of CERTIFICATE of APPEALABILITY, VACATE said JUDGMENT for NON-SERVICE, and to then DIRECT an APPROPRIATE JUDGMENT by GRANTING CERTIFICATE of APPEALABILITY.

The Merits

That Vice respectfully requests of this Court to exercise its statutory authority granted it by Congress pursuant to 28 U.S.C. § 2106. *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947) (Jurisdiction of Supreme Court of United States to review judgment of Court of Appeals is not defeated by fact that mandate of Court of Appeals to District Court has issued). Whereby, within this case mandate has been issued without judgment being served in regards to denial of certificate of appealability, and necessarily requires the U.S. 8th Cir. Ct. of App.'s judgment in this matter to be "vacated." 28 U.S.C. § 2106. "Only 'wip[ing] the slate clean,'" *Peralta*, 485 U.S. at 87, by vacating the U.S. 8th Cir. Ct. of App.'s judgment will place Vice in a position to receive justice—*Clorox Co. v.*

United States Dist. Ct. for N. Dist. of Cal, 779 F.2d 517, 519-520 (9th Cir. 1985) (extraordinary review by mandamus only when some review unobtainable by contemporary ordinary review)—and justice necessarily requires in this extraordinary case, that the United States Supreme Court review by mandamus Vice’s application for Certificate of Appealability (COA) in accord with 28 U.S.C. § § 2106 & 2253 (c) (3), whereby, he may be able to have his meritorious issues³ within his certificate of appealability—of which encompasses his informal proof brief (COA Designation of Appendix – U.S. 8th Cir. Ct. of App. No. 25-1087 – Informal Proof Brief and Appendix, App. C.)—heard, *Keiser v. Bd. of Pardons & Paroles*; *Buck v. Davis*—as to the “substantial showing of” his “denial of a constitutional right. ‘28 U.S.C § 2253 (c) (2)’”—2025 U.S. Dist. LEXIS 58807 at *3 (S.D. 2025); 580 U.S. ___, 137 S. Ct. ___, 197 L.Ed.2d 1, 2017 U.S. LEXIS 1429 (2017), in order to satisfy Justice. As herein, so to hereunder:

QUESTION IV.

IV. WHETHER this UNITED STATES SUPREME COURT has JURISDICTONAL AUTHORITY to DIRECT an APPROPRIATE JUDGMENT in APROPOS VICE’S INFORMAL APPEAL BRIEF [ad rem] RELIEF SOUGHT therein.

The Merits

That Vice respectfully requests of this Superior Court to exercise its statutory authority granted it by Congress pursuant to 28 U.S.C. § 2106. *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947) (“no limitation affects our authority to review an action of the Cir. Ct. of App.’s”). Furthermore, this Superior Court held in *Camreta v. Greene*, 563 U.S. 692, 131 S. Ct. 2020, 179 L.Ed.2d 1118 (2011) (The equitable remedy of vacatur ensures that those who have been prevented from obtaining the review to which they are entitled [are] not ...treated as if there had been a review); *Alvarez v. Smith*, 558 U.S. 87, 130 S. Ct. 576, 175 L.Ed.2d 447 (2009) (we normally do vacate the lower court judgment ... because doing so clears the path for future relitigation ... preserving the rights of all parties while prejudicing none); *Geenlaw v. United States*, 554 U.S. 237, 128 S. Ct. 2559, 171 L.Ed.2d 399 (2008). Thereby, allowing this Superior Court to vacate the U.S. 8th Cir. Ct. of App.’s judgment denying certificate of appealability. Whereas also, *Geenlaw* holds that section

³ See Appeal Brief on file under 8th Cir. Ct. of App.’s No. 25-1087, in apropos meritorious issue.

2106 is not limited to plain errors ... the authority described in § 2106, we have observed, “must be exercised consistent with the requirements of the *Federal Rules of Civil Procedure* as interpreted by this Court.” Id. at 249 (citing) *Unitherm Food Sys. v. Swift-Eckrick, Inc.*, 546 U.S. 394, 126 S. Ct. 980, 163 L.Ed.2d 974, 2006 U.S. LEXIS 916 (2006), whereupon, in *Unitherm Food Systems* it holds that in “28 U.S.C. § 2106. It is well settled that ... arguments raised for the first time on appeal may be entertained,” such as this instant case, “if their consideration would prevent manifest injustice.” Ibid at 408, whereupon & by these authorities, justice necessarily requires in this extraordinary case, that the United States Supreme Court vacate the inferior 8th Cir. Ct’s judgement and further review by mandamus, Vice’s Informal Proof Brief and Appendix (COA Designation of Appendix – U.S. 8th Cir. Ct. of App. No. 25-1087— Informal Proof Brief and Designation of Appendix, App. C.), in order, to prevent the manifest injustice that has so far prevailed within the lower-inferior 8th Cir. Ct. proceedings, here within this instant case, therefore, requiring consideration by this United States Supreme Court, the issues encompassed within Vice’s COA & Informal Proof Brief, thereby, acting as a beneficial aid to the Court’s appellate jurisdiction in the administration of equity & justice.

REASONS for DECIDING the QUESTIONS PRESENTED

C. Importance of Questions Presented.

That this case presents fundamental questions of whether similarly situated class of citizens—residing within the united States 8th Circuit—constitutional rights are being abridged, restrained or otherwise unlawfully violated by obstruction or any varying deprivation therein the right to petition and be heard without restraint or abridged liberty of speech in access to the U.S. 8th Cir. Ct. of App.’s with due process and equal protection of law, by not being served notice of judgment(s), nor afforded an opportunity to rectify—by equitable measures—this structural due process error of not being served notice in apropos thereof. To decide these questions in a manner consistent with the authorities thus cited would be a beneficial aid to the United States Supreme Court’s appellate jurisdiction in administering equity & justice.

CONCLUSION

In light of the foregoing, Vice asserts that the United States Supreme Court should exercise its discretion in granting Vice’s Extraordinary Writ of Mandamus, whereupon, Vice

relies upon clearly established federal law in this United States Supreme Courts' precedential authorities of *Platt & Limited, Secretary*, from & by which provides an unambiguous controlling legal standard relative to this instant case in apposite issuance of an extraordinary writ of mandamus and the relief sought hereinbelow:

RELIEF SOUGHT

That Vice respectfully requests of this Superior Court to exercise its U.S. Constitutional authority via Art. III, § 2, Cl. 1 – in equity – by “confining” the “inferior” 8th Cir. Ct. of App.’s “to lawful exercise of its prescribed jurisdiction when it is its duty to do so.” *Platt*, 376 U.S. at 245. Whereupon, the 8th Cir. Ct. of App.’s Clerk of Court—Susan E. Bindler—necessarily has a prescribed duty to present Vice’s 60 (b) – motion – bill of review (App. A & B) to the 8th Cir. Ct. of App.’s. Whereupon, Vice requests of The Supreme Court of the United States of America to compel Susan E. Bindler – the Clerk of the U.S. 8th Cir. Ct. of App.’s to docket and present Vice’s 60 (b) – motion – bill of review (App. A & B) to the U.S. 8th Cir. Ct. of App.’s in accordance with U.S. Sup. Ct. Rule 20.1 authorized by 28 U.S.C. § § 1651 (a); and, 1361 in tandem with U.S. Sup. Court Rule 20.3 (a), [In Order], to accomplish justice for Vice herein this instant case. Or in lieu:

That Vice respectfully requests of the Superior Court to exercise its discretion in accord with 28 U.S.C. § 2106—Determination – direct appropriate judgment. *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947) (Jurisdiction of Supreme Court of United States to review judgment of Court of Appeals is not defeated by fact that mandate of Court of Appeals to District Court has issued), and direct the appropriate judgment of granting COA. Or in lieu:

That Vice respectfully requests of this Superior Court to exercise its discretion in accord with § 2106—Determination – direct appropriate judgment. *Aetna Casualty & Surety Co. v. Flowers*, 330 U.S. 464, 67 S. Ct. 798, 91 L.Ed. 1024, 1947 U.S. LEXIS 2550 (1947) (“no limitation affects our authority to review an action of the Cir. Ct. of App.’s”), and not only direct the U.S. 8th Cir. Ct. of App.’s to grant COA, but to direct the U.S. 8th Cir. Ct. of App.’s to grant relief encompassed within Issue’s I & II of Vice’s Informal Appellant’s Proof Brief.

Respectfully Submitted,



Chad Michael Vice #1065118

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1-7-2026

Date