

APP NO. 25A172

Original

***IN THE
SUPREME COURT OF THE UNITED STATES***

JONATHAN A. SEAY,

Applicant,

v.

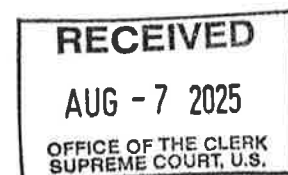
UNITED STATES OF AMERICA

Respondent.

On Application for a Stay File Petition for a Writ of Certiorari
to the United States Court of Appeals for the Eleventh Circuit

Jonathan Seay
Pro Se, Applicate
51 Telfair Ave
McRae Georgia 31055
229-315-9466
Jonseay65@icloud.com

July 30, 2025



Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Applicant Jonathan A. Seay states that he is not a corporation and has no parent corporation and has issued no stocks and if so, no publicly held company owns any of those stocks.

To the Honorable Clarence Thomas, as Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

In accordance with this Court's Rules 22, 33.2, and 29, applicant Jonathan A. Seay respectfully requests that the time to file his petition for a writ of certiorari be stayed, until 90 days after final determination of his 2255 petition filed June 27, 2025 in the Southern District of Georgia case no. 3:22-cr-0001 Doc. No. 80, which could make this petition superfluous and a waste of judicial resource. The Eleventh Circuit summarily denied applicant's request for a COA on May 13, 2025 (Exhibit A) Absent a stay the petition for a writ of certiorari would be due on August 11, 2025. The jurisdiction of this Court is based on 28 USC § 1254. Opposition to this request is unknown.

Background

This applicant asks for clarification in which there is a division in the Circuits as to when a prisoner may file an amended 28 U.S.C. § 2255 petition during the pendency of his original petition. A tension exists between the circuits as to whether or not an amended 2255 petition in the AIDPA's context should be more strictly limited than is generally granted under Rule 15 in other civil cases. With some court favoring the great writ as a defendant's one full final shot at relief, to insure their constitutional rights and other circuits severely limit their ability to the great writ, by denying amendment after "final Judgment in the District Court"

while out Circuits allow an amendment during the entire pendency of the appeal and do not recognize the District Courts denial as “final Judgement” this issue is of great importance it impacts ten of thousands of cases per year and needs resolution one way or another to avoid confusion for the applicants of a 2255 petition, which if filled in error is a waste of judicial resource to say the least and can cause a petitioner the loss of his equitable relief.

Applicant also believes that there needs to be more clarification as to Jurisdiction, in criminal cases. Applicant is not looking for more Jurisdictional definitions but less, Courts cannot simply say we have jurisdiction and since it is a fact that federal court are courts of limited Jurisdiction, it appears that almost any crime can come under the jurisdiction of the United States, which is a waste of Federal resources, and an abuse of power in taking away that power from the States when the State laws are more than sufficient to adjudicate the alleged Crime, especially when the State Statue runs contrary to the Federal State the State Statue should prevail. Additionally in the interest of justice, Factual innocence should never have to rely on a constitutional issue or on prejudice or any other matter, Factual innocence must be able to stand alone and be cognizable in a 2255 petition. A standalone showing of Factual innocence is not cognizable in the Eleventh Circuit this allows Courts to rule against petitioners who present a claim of factual innocence yet fall short of showing a constitutional violation and/or failing to show

prejudice in the AEDPA 2255 habeas petition. Applicant amended his 2255 habeas petition in federal court and it was denied as UNTIMELY. While Seay still had an appeal for an application for a COA with the Eleventh Circuit and the Eleventh Circuit ceded jurisdiction back to the District Court by Staying applicants request for a COA. Additionally, the Court simply concluded without mention that it had jurisdiction. The issue of Jurisdiction has become so convoluted that the Courts can not make heads or tails of it, they simply say we have jurisdiction. Applicant thus, request a stay until final judgment in the district court or final judgement in the Eleventh Circuit Court of Appeal if applicate choose to appeal any such denial in the district court.

Reasons for the Stay and Extension

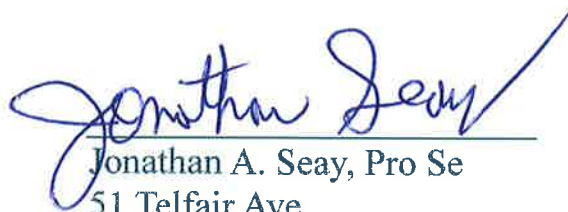
On June 27, 2025 in the Southern District of Georgia applicant filed an additional 2255 petition case no. 3:22-cr-0001 Doc. No. 80 which could make this petition superfluous and a waste of judicial resource, thus applicant request that the Honorable Clarence Thomas order a stay until the reference petition has had a final determination. Applicate shows this court he was sentenced to 3 years' probation for his alleged crime and on the 6th day of July, 2025 that probation was terminated. Thus, applicant does not seek delay, he only seeks his personal vindication as to his more than colorable claim of Factual Innocence, and fairness across the Circuits, in addition to providing finality to case and the saving of

judicial resource for the benefit of those who have a meritorious claim, especially so as to factual innocence and to settle the time for an amended petition.

Conclusion

Applicant requests a stay to file his request for a writ of certiorari in the above-captioned matter until after his 2255 petition filed in District Court has reached its final determination, be that in the District Court or in the Eleventh Circuit Court of Appeals.

Respectfully Submitted, on July 31, 2025

A handwritten signature in blue ink, reading "Jonathan A. Seay", with a long horizontal stroke extending to the right.

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In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11760

JONATHAN SEAY,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia
D.C. Docket No. 3:22-cr-00001-DHB-BKE-1

Before JORDAN and LUCK, Circuit Judges.

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Order of the Court

24-11760

BY THE COURT:

Jonathan Seay has filed a motion for reconsideration of this Court's order dated March 5, 2025, denying his motion for a certificate of appealability. Because Seay has not alleged any points of law or fact that this Court overlooked or misapprehended in denying the motion, this motion for reconsideration is DENIED.

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ORDER

On review Jonathan Seay was denied a COA by the Eleventh Circuit Court on May 13, 2025 in a 28 U.S.C. § 2255 petition to the Court, Eleventh Circuit Case Number 24-11760, Document 18-2. Subsequently Applicant Seay on June 27, 2025 filed an additional 28 U.S.C. § 2255 petition in the Southern District of Georgia.

In order to avoid a Jurisdictional Issue and to prevent the waste of Judicial Resources, Applicant Seay, request a STAY in his CASE until the complete resolution of his additional 28 U.S.C. § 2255 petition in the Southern District of Georgia.

ORDERED, that, Applicant Jonathan Seay's, request for a Stay in filing his *Request for a Petition for a Writ of Certiorari* is GRANTED.

Date:

Purposed Order prepared by:
Jonathan Seay, applicant

Justice, Clarence Thomas

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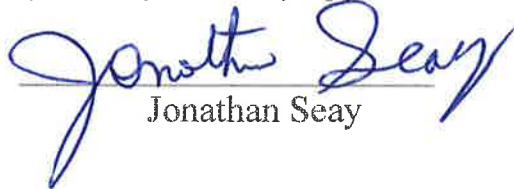
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this the 31th day of July, 2025 I have served the respondent, with the forgoing application, by placing it in the USPS with correct postage to insure delivery to:

Attorney General of the United States
Southern District of Georgia
600 James Brown Blvd., Suite 200
Augusta Georgia 30901

this the 31th day of July, 2025 by applicant Jonathan A. Seay


Jonathan Seay