

26-5231
No. _____

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ANDRE MONTEEK EDWARDS — PETITIONER
(Your Name)

vs.

WARDEN SHERMAN CAMPBELL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

ANDRE MONTEEK EDWARDS #256304

(Your Name)

2727 EAST BEECHER STREET

(Address)

ADRIAN, MICHIGAN 49221

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Whether a district court's judgment denying a habeas petition constitutes a final appealable judgment under 28 U.S.C. § 1291 when the district court entered judgment dismissing the action but failed to adjudicate one of the constitutional claims presented in the petition.
2. Whether, when a court of appeals exercises jurisdiction over an appeal from a district court's non-final order, the orders that follow must be vacated.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

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RELATED CASES

People v. Edwards, No. 294826, Michigan Court of Appeals. Judgment entered June 21, 2011.

People v. Edwards, No. 143502, Michigan Supreme Court. Held in abeyance, December 28, 2011. Judgment entered November 7, 2012. Reconsideration denied January 25, 2013.

People v. Edwards, No. 08-023861-FC, Genesee County (Michigan) Circuit Court. Judgment entered August 14, 2017. Reconsideration denied October 3, 2017.

People v. Edwards, No. 341475, Michigan Court of Appeals. Judgment entered May 11, 2018.

People v. Edwards, No. 157881, Michigan Supreme Court. Judgment entered December 21, 2018.

Edwards v. Winn, No. 2:19-cv-10376, U.S. District Court for the Eastern District of Michigan. Miscellaneous motions granted, March 6, 2020. Evidentiary hearing denied, March 30, 2021.

People v. Edwards, No. 08-023861-FC, Genesee County (Michigan) Circuit Court. Judgment entered July 27, 2020. Reconsideration denied December 3, 2020.

People v. Edwards, No. 356301, Michigan Court of Appeals. Judgment entered May 26, 2021.

People v. Edwards, No. 163175, Michigan Supreme Court. Judgment entered January 4, 2022.

Edwards v. Winn, No. 2:19-cv-10376, U.S. District Court for the Eastern District of Michigan. Judgment entered March 31, 2022. Reconsideration denied June 24, 2022.

Edwards v. Nagy, No. 22-1701, U.S. Court of Appeals for the Sixth Circuit. Judgment entered March 15, 2023. Rehearing denied May 31, 2023.

Edwards v. Cargor, No. 23-5423, U.S. Supreme Court. Judgment entered October 16, 2023.

Edwards v. Cargor, No. 24-1029, U.S. Court of Appeals for the Sixth Circuit. Judgment entered February 2, 2024.

In re Andre Montee Edwards, No. 23-2064, U.S. Court of Appeals for the Sixth Circuit. Judgment entered August 6, 2024

Edwards v. Winn, No. 2:19-cv-10376, U.S. District Court for the Eastern District of Michigan. Judgment entered March 5, 2025, April 4, 2025 and June 18, 2025.

In re Edwards, No. 24-7026, U.S. Supreme Court. Judgment entered June 23, 2025.

People v. Edwards, No. 08-023861-FC, Genesee County (Michigan) Circuit Court. Judgment entered December 5, 2025.

Edwards v. Cargor, Nos. 25-1402/1621, U.S. Court of Appeals for the Sixth Circuit. Judgment entered March 10, 2026. Rehearing denied May 27, 2026.

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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

☒ 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,
☒ is unpublished.

The opinion of the United States district court appears at Appendix C 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 _____ 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 March 10, 2026.

☐ 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: May 27, 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. § 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

Section 1254(1) of Title 28 of the United States Code provides:

"Cases in the court of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree

Section 1291 of Title 28 provides:

"The court of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal District Court shall be limited to the jurisdiction described in sections 1252(c) and (d) and 1295 of this title."

Section 2253(a) of Title 28 provides:

"In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held."

Rule 54(b) of the Federal Rules of Civil Procedures provides:

"When an action presents more than one claim for relief...or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before entry of a judgment adjudicating all the claims and all the parties' rights and liabilities."

STATEMENT OF THE CASE

A. The Convictions and the Sixteen-Claim Habeas Petition

In 2009, following a jury trial in Flint, Michigan, Edwards was convicted of second-degree murder, possession of a firearm as a felon, and felony firearm. He was sentenced as a fourth-habitual offender to 50 to 75 years imprisonment on the murder count, with lesser concurrent and consecutive terms on the remaining counts. The Michigan Court of Appeals affirmed his convictions on direct appeal. *People v. Edwards*, 2011 Mich. App. LEXIS 1094 (Mich. Ct. App., June 21, 2011); (Appx. E). The Michigan Supreme Court denied him leave to appeal, 493 Mich. 881, 821 N.W.2d 885 (Mich. Nov. 7, 2012), and denied reconsideration. 493 Mich. 931, 825 N.W.2d 86 (Mich. Jan. 25, 2013).

Edwards then filed his first motion for relief from judgment ("6.500 motion") in the trial court, where, amongst other claims, he asserted that his trial counsel was ineffective by [1] misrepresenting facts in evidence; and [2] failing to investigate and present the defense of accident under Michigan Model Criminal Jury Instruction 7.2 (not knowing consequences of act). See *Edwards v. Winn*, 2022 U.S. Dist. LEXIS 61234, *5, *14; (Appx. H). The trial court denied the motion, *People v. Edwards*, No. 08-023861-FC (Genesee County Cir. Ct. August 14, 2017); (Appx. F), and denied reconsideration on October 3, 2017. The Michigan Court of Appeals and Michigan Supreme Court denied leave to appeal. 2018 Mich. App. LEXIS 2229, (Mich. Ct. App., May 11, 2018); 503 Mich. 929, 920 N.W.2d 593 (Mich. Dec. 21, 2018).

Edwards then filed a 28 U.S.C. § 2254 habeas petition in the United States District Court for the Eastern District of Michigan ("District Court"), where, he raised 16 individual claims. **Edwards v. Winn**, 2022 U.S. Dist. LEXIS 61234, at *6-7. The seventh claim alleged that trial counsel was constitutionally ineffective, in violation of the Sixth Amendment, by misrepresenting facts in evidence. See **Strickland v. Washington**, 466 U.S. 668 (1984).

Thereafter, he filed his second 6.500 motion in the trial court. The trial court denied the motion, **People v. Edwards**, No. 08-023861-FC (Genesee County Cir. Ct. July 27, 2020); (Appx. G), and denied reconsideration on December 3, 2020. The Michigan Court of Appeals and Michigan Supreme Court denied leave to appeal. 2021 Mich. App. LEXIS 3310, (Mich. Ct. App., May 26, 2021); 508 Mich. 1016, 967 N.W.2d 606 (Mich., Jan. 4, 2022). Notably, his third 6.500 motion was denied by the trial court on December 5, 2025.

B. The District Court Adjudicated Only Fifteen of the Sixteen Claims

On March 31, 2022, the District Court entered an order denying Edwards's habeas petition, **Edwards v. Winn**, 2022 U.S. Dist. LEXIS 61234, and entered a separate Judgment stating that "[i]t is ordered and adjudged that pursuant to this Court's order dated March 31, 2022 this cause of action is dismissed." (ECF No. 43, PageID.3730); (Appx. I).

Within 14 days after entry of the order, Edwards promptly sought reconsideration under **Eastern District of Michigan, Local Rule 7.1**, expressly alerting the District Court that, amongst other errors,

the court had overlooked his seventh ineffective assistance of counsel claim. (ECF No. 44, pgs. 2, 6-7); (Appx. M). The District Court construed his reconsideration motion as one under **Federal Rule of Civil Procedure 59(e)** and denied relief without addressing the overlooked claim. **Edwards v. Winn**, 2022 U.S. Dist. LEXIS 112406 (E.D. Mich., June 24, 2022); (Appx. J).

C. The Court of Appeals Assumed Jurisdiction and Later Confirmed That the Seventh Claims Had Never Been Decided

In August of 2022, within Edwards's petition for Certificate of Appealability, amongst other issues, he notified the United States Court of Appeals for the Sixth Circuit ("Sixth Circuit") that the District Court had failed to adjudicate his seventh ineffective assistance claim. See (Sixth Circuit Court of Appeals Docket #22-1701, Entry No. 8, pgs. 36-37); (Appx. N).

On March 15, 2023, the Sixth Circuit--proceeding on the premise that "the district court denied each of Edwards's claims on the merits"--exercised jurisdiction and denied a certificate of appealability, including as to the seventh ineffective assistance claim, determining that, even assuming deficient performance, he could not show prejudice given the evidence. **Edwards v. Nagy**, 2023 U.S. App. LEXIS 6222, at *2, 10-11 (6th Cir., March 15, 2023); (Appx. K). Notably, a certificate of appealability analysis is "not coextensive with a merits analysis." **Buck v. Davis**, 580 U.S. 100, 115 (2017). Edwards was subsequently denied a rehearing. **Edwards v. Nagy**, 2023 U.S. App. LEXIS 13443 (6th Cir., May 31, 2023). This Court denied certiorari. **Edwards v. Cargor**, No. 23-5423, 144 S.Ct.

336 (2023).

Edwards pressed the overlooked claim forward by filing a Rule 60(b) motion in the District Court, which was determined to be a successive habeas petition and therefore transferred to the Sixth Circuit. He opposed the transfer and asked the Sixth Circuit to remand to the District Court for a ruling on the merits. In *re Edwards*, 2024 U.S. App. LEXIS 19726, at *2-3; (Appx. L).

On August 6, 2024, the Sixth Circuit issued an order expressly confirming that the District Court's March 31, 2022 decision had in fact "overlooked Edwards's seventh ineffective assistance claim", but the Sixth Circuit deemed a remand "futile" because it had already determined previously that he was not entitled to a certificate of appealability on his seventh claim. In *re Edwards*, 2024 U.S. App. LEXIS 19726 at *6. Edwards then moved the Sixth Circuit to vacate its prior orders due to a jurisdictional defect; but the Sixth Circuit closed his case with no action taken on his motion. (Appx. O).

D. The Rule 54(b) Motion for Reconsideration Proceedings

Edwards again pressed the overlooked claim forward by filing a Rule 54(b) motion in the District Court seeking revision of the court's March 31, 2022 Non-Final Judgment to include a merits review on his seventh claim, and reconsideration of the court's analysis on the portion of his sixth claim--which asserted that counsel failed to investigate and present the defense of accident under M. Crim. JI 7.2. The motion was denied without addressing the

overlooked claims or overlooked arguments. *Edwards v. Winn*, 2025 U.S. Dist. LEXIS 39660 (E.D. Mich., March 5, 2025); (Appx. D).

Thereafter, Edwards pressed these same omissions forward again in the District Court, this time by filing a Rule 54(b) motion for reconsideration of the District Court's March 31, 2022 Non-Final Order. (Appx. P). Again, seeking a merits review on his seventh ineffective assistance claim. Again, contending that, since his case turned on a credibility contest between his and the State's differing version of the same basic facts in evidence, see (ECF No. 14-13, Trial Tr., at 221); (Appx. Q), there is a reasonable probability that, absent counsel's misrepresentations, at least one member of the jury would have determined that reasonable doubt exists regarding his guilt, i.e., a determination that his actions were committed with an innocent state of mind, not a consciousness of guilt. See (Appx. P, at 7-9)(quoting *Wiggins v. Smith*, 539 U.S. 510, 537 (2003)(holding that all that is required to find Strickland prejudice is a reasonable probability that "one juror [would] have struck a different balance"))).

Edwards's Rule 54(b) motion also repeated two additional features of the District Court's March 31, 2022 decision that bears on the relief sought. First, Edwards sought reconsideration of the portion of the District Court's March 31, 2022 order addressing his sixth ineffective assistance claim because his arguments were specifically framed under M. Crim. JI 7.2 jury instructions. (Appx. P, at 9-10). Michigan specifically designed this instruction for use when a defendant acknowledges a voluntary act but maintains

that its fatal consequences were unintended. See (Appx. R). The trial judge observed that Edwards "testified that he understood the victim was accidentally shot." (ECF No. 14-19, Trial Tr., at 18-19); (Appx. S). Likewise, the District Court recognized that Edwards testified that "he did not intend to kill the victim but he did intend to fire the gun," yet rejected the accident-defense arguments on the ground that "satisfying the elements of the crime precludes an accident defense" because "by finding Petitioner guilty of second-degree murder, the jury necessarily found that Petitioner committed an intentional act." 2022 U.S. Dist. LEXIS 61234, at *13-15. Edwards contends that this reasoning addresses the involuntary-act species of M. Crim. JI 7.1, not the instruction he invoked--M. Crim. JI 7.2 presupposes an intentional act with unintended consequences, so an admittedly intentional firing of the gun is consistent with, not preclusive of, that specific defense. See **People v. Johns**, 1997 Mich. App. LEXIS 719, at *3-4; **People v. Childs**, No. 326054, 2016 Mich. App. LEXIS 1306, at *9-10 (unpublished)(M. Crim. JI 7.2 "squarely matche[d]" testimony that the defendant fired without meaning to kill); (Appx. T). The District Court's March 31, 2022 decision is without a reference to M. Crim. JI 7.2. See **Edwards v. Winn**, 2022 U.S. Dist. LEXIS 61234.

Second, Edwards sought adjudication of his overlooked M. Crim. JI 7.2 framed arguments demonstrating a reasonable probability that at least one juror would have followed M. Crim. JI 7.2's guidance to acquit had the jury been instructed under M. Crim. JI 7.2--which would have counterbalanced the prejudicial interplay between his

admission of intentionally firing the gun and the M. Crim. JI 16.21 "use of a deadly weapon" instruction--by instructing the jury that his intentional firing of the gun is not necessarily an act of malice "[i]f he did not mean to kill, or did not realize that [his firing of the gun] would probably cause a death or great bodily harm." M. Crim. JI 7.2. See (Appx. P, at 10-12)(citing *Strickland v. Washington*, 466 U.S. at 694-695.

Meanwhile, on April 7, 2025, Edwards sought a writ of mandamus from this Court. However, he later discovered that the District Court had already issued an order denying his second Rule 54(b) motion. Notably, not because it had already disposed of his seventh ineffective assistance claim, nor because it had already disposed of the overlooked arguments, but because "the Sixth Circuit already addressed his seventh claim." *Edwards v. Winn*, 2025 U.S. Dist. LEXIS 65256, at *2 (April 4, 2025); (Appx. D).

This Court denied his mandamus petition. *In re Edwards*, No. 24-7026, 145 S.Ct. 2830 (2025).

In a consolidated appeal from the District Court's denials of his Rule 54(b) motions, Edwards raised the jurisdictional issue within [1] a motion for the Sixth Circuit to void its prior decisions due to a jurisdictional defect, and [2] a motion for the Sixth Circuit to dismiss his appeal for want of jurisdiction and to remand with instructions for the District Court to issue a final order. See (Sixth Circuit Court of Appeals Docket #25-1402, Entry Nos. 20 & 24); (Appx. U).

E. The Decision Below

On March 10, 2026, the Sixth Circuit denied a certificate of appealability, and rejected Edwards's contention that a jurisdictional defect exists where the District Court's March 31, 2022 decision was not final. Squarely addressing the jurisdictional question for the first time, the court acknowledged that the District Court did not explicitly analyze his seventh claim, but held:

"The district court denied Edwards's § 2254 petition in its entirety and entered a final judgment dismissing the entire 'cause of action'. This was a final, appealable judgment, even if the district court did not explicitly analyze each particular claim....And because the district court's decision was final, there was no jurisdictional defect in the decisions that followed."

Edwards v. Cargor, Case Nos. 25-1402/1621, 2026 U.S. App. LEXIS 7169, at *5-6 (6th Cir. March 10, 2026). For that holding, the court relied on **Tyler v. Anderson**, 749 F.3d 499, 509-510 (6th Cir. 2014), which it read as "holding that the district court's denial of a § 2254 petition 'was a final decision reviewable by this court' even though the district court had overlooked certain claims," and on **Swanson v. DeSantis**, 606 F.3d 829, 832 (6th Cir. 2010); (Appx. A). On May 27, 2026, Edwards was denied a rehearing. 2026 U.S. App. LEXIS 15235; (Appx. B). This petition followed.

REASONS FOR GRANTING THE PETITION

This petition presents a narrow, recurring, and squarely divided question of federal appellate jurisdiction. The March 10, 2026 decision of the Sixth Circuit holds that the denial of a multi-claim habeas petition is a "final, appealable judgment" even when the district court has not adjudicated one of the claims--here, by the court's own admission, the seventh ineffective assistance claim. The Second, Fourth, Eighth, and Ninth Circuits hold the opposite: where a claim is left unresolved, there is no final order, and the court of appeals lacks jurisdiction. The conflict is acknowledged, outcome-determinative, and cleanly presented on undisputed facts. Edwards submits that the Sixth Circuit's holding in this case cannot be reconciled with this Court's holding in *Collins v. Miller*, 252 U.S. 364 (1920), because the Sixth Circuit treated an admittedly unaddressed habeas claim as irrelevant to finality. Certiorari is warranted under Supreme Court Rule 10(a) and Rule 10(c).

I. THE COURT OF APPEALS ARE SQUARELY DIVIDED OVER WHETHER A DISTRICT COURT'S JUDGMENT DENYING HABEAS RELIEF ON LESS THAN ALL THE CLAIMS PRESENTED IS FINAL AND APPEALABLE.

The decision below puts the Sixth Circuit on one side of a clean and mature conflict. The question--whether a district court's judgment denying habeas relief on less than all the claims presented is a "final decision" under §§ 1291 and 2253(a)--arises constantly, and the circuits have given irreconcilable answers.

A. The Sixth Circuit holds that such a judgment is final and appealable.

The decision below is explicit. Conceding that the District Court "did not explicitly analyze" the seventh claim, the Sixth Circuit held that the denial of habeas relief "was a final, appealable judgment" all the same, and that "there was no jurisdictional defect in the decisions that followed." **Edwards v. Cargor**, 2026 U.S. App. LEXIS 7169, at *5-6. The court grounded that rule in **Tyler v. Anderson**, which it read as holding that a district court's denial of a § 2254 petition "was a final decision reviewable by this court" even where "the district court had overlooked certain claims," and in **Swanson v. DeSantis**. Under the Sixth Circuit's rule, the entry of a judgment "dismissing the entire 'cause of action'" establishes finality regardless of whether a claim went unaddressed.

B. The Second, Fourth, Eighth, and Ninth Circuits hold the opposite.

The Second Circuit squarely rejects the Sixth Circuit's rule. In **Bermudez v. Smith**, the court squarely addressed the question regarding the "finality of a judgment that does not dispose of all the claims raised in a habeas petition." 797 F.2d 108, 109 (2nd Cir. 1986). There, the appellee conceded "that the three claims not explicitly discussed remain to be litigated," the court "treat[ed] the order as failing to dispose of those claims" and dismissed the appeal for want of jurisdiction. *Id.* at 109-110.

The Fourth Circuit also squarely rejects the Sixth Circuit's rule. In **Porter v. Zook**, the court explained that "[o]rdinarily, a district court order is not final until it has resolved all claims

as to all parties," and that "[r]egardless of the label given a district court's decision, if it appears from the record that the district court had not adjudicated all of the issues in a case, then there is no final order." 803 F.3d 694, 696 (4th Cir. 2015). Because the district court there had left a habeas claim unresolved, "its decision was not a final order over which we have jurisdiction," and the court dismissed the appeal and remanded. *Id.* at 696-699. The Fourth Circuit has since applied *Porter* to facts materially identical to the situation present here--a district court that ruled on a petitioner's other ineffective assistance claims but "did not discuss or rule on" one of them--holding that the district court "never issued a final decision" and dismissing the appeal for lack of jurisdiction. *United States v. Cox*, No. 17-7519, 718 Fed. Appx. 216 (4th Cir. Mar. 30, 2018)(per curiam).

The Eighth Circuit agrees. In *Stewart v. Bishop*, the court ruled that "the strong policy established...against piecemeal appeal would be violated if orders entered upon some but not all of the claims were considered final." 403 F.2d 674 (8th Cir. 1968). There, the court dismissed the appeal for lack of jurisdiction where the district court only ruled on one of five habeas claims, even though the District Court stated in a letter that the remaining claims were meritless. 403 F.2d 674, 679-680 (8th Cir. 1968).

The Ninth Circuit likewise holds that a habeas disposition is not a final, appealable decision unless it actually resolves the petition, and concluded that "the district court's order was not final because it did not dispose of the action as to all the claims

between the parties". **Prellwitz v. Sisto**, 657 F.3d 1035, 1038 (9th Cir. 2011)

The division is real and outcome-determinative. Had this case arisen in the Second, Fourth, Eighth, or Ninth Circuit, the court of appeals would have determined that the District Court's March 31, 2022 Judgment lacked finality, dismissed the appeal and returned the case for a complete decision on all sixteen claims. Because it arose in the Sixth Circuit, the opposite occurred: the appeal proceeded, a certificate of appealability was denied, and the unadjudicated claim was treated as foreclosed. Same facts, opposite results--turning solely on the circuit. That is precisely the kind of square conflict that warrants this Court's review under Supreme Court Rule 10(a).

C. The Sixth Circuit's "successive-petition" rationale does not dissolve the conflict.

The Sixth Circuit suggested that Edwards's "jurisdiction" contention was an effort to evade the second-or-successive restrictions of 28 U.S.C. § 2244(b)(2). See **Edwards v. Cargor**, 2026 U.S. App. LEXIS 7169, at *5. But a jurisdictional defect based on finality under § 1291 is a structural question that turns on what the district court did--whether it resolved every claim--not on the litigant's motive for raising the question. Recognizing that an order is not final does not let a petitioner bypass § 2244(b); it requires only that the district court finish the first-round adjudication that it began, after which the ordinary rules governing appeal, certificate of appealability, and successive petitions apply in the normal course. The remedy for an incomplete first

adjudication is completion, not a successive habeas petition--and that is all Edwards seeks.

II. THE SIXTH CIRCUIT'S MARCH 10, 2026 DECISION CANNOT BE RECONCILED WITH THIS COURT'S FINALITY PRECEDENTS.

The conflict is worth resolving because the Sixth Circuit's side of it is wrong.

Indeed, for more than a century, this Court has held that an appealable judgment must dispose of the entire case. In **Collins v. Miller**, the Court held that the rules of finality "requires that the judgment to be appealable should be final not only as to all the parties, but as to the whole subject-matter and as to all the causes of actions involved," and that "[t]o be appealable, the judgment must be not only final, but complete." 252 U.S. at 371. A "final decision" under § 1291 "is normally limited to an order that resolves the entire case." **Ritzen Grp., Inc. v. Jackson Masonry, LLC**, 589 U.S. 35, 38 (2020).

The entry of a judgment, such as here, containing the boilerplate recital that "this cause of action is dismissed", (Appx. I), cannot supply the finality that the unadjudicated claim withholds. "[T]he label a district court attaches" to its order does not control finality; this Court has refused to treat as "final" an order that does not in fact dispose of all the claims presented, lest courts "twist[] the fabric of [§ 1291] more than it will bear." **Liberty Mut. Ins. Co. v. Wetzel**, 424 U.S. 737, 745-746 (1976). **Federal Rules of Civil Procedure 54(b)** confirms the point: absent an expressed "no just reason for delay" determination, an order "that adjudicates

fewer than all the claims...does not end the action." In a concurring opinion for **Talamini v. Allstate Ins. Co.**, Justice Stevens affirms that it is indeed a "jurisdictional defect" when the Court of Appeals asserts jurisdiction over "an appeal from a district court order dismissing less than all the claims alleged in a complaint unless the district court has made the express determination that Rule 54(b)...requires". 470 U.S. 1067, 1068 (1985). No such determination was entered in this case.

In **Collins**, the single judgment dealt with the detention on three affidavits. *Id.* 252 U.S. at 371. There, the Court determined that the writ of habeas corpus was not final insofar as the district court disposed of only one of the three affidavits. **Collins**, 252 U.S. at 370.

In this case, as noted above, Edwards's writ of habeas corpus raised 16 individual claims. Here, the Sixth Circuit determined that the District Court entered a "final, appealable judgment" even though the District Court had not disposed of the seventh claim. **Edwards v. Cargor**, 2026 U.S. App. LEXIS 7169, *5.

Tellingly, by the Sixth Circuit's own description of the record, the District Court had not adjudicated all the claims presented--which under **Collins**, means that there was no final decision to appeal. Hence, because the Sixth Circuit asserted jurisdiction over Edwards's appeal on March 15, 2023, even though the District Court's March 31, 2022 Judgment lack completeness, a jurisdictional defect most certainly exists in this case.

The Sixth Circuit's "finality" rule contravenes this Court's

settled finality precedents. This Court's intervention under **Supreme Court Rule 10(c)**, is necessary to clarify whether a federal appellate court may treat a judgment denying habeas relief as final and appealable after acknowledging that a district court failed to adjudicate one of the constitutional claims before it.

III. THE QUESTION IS IMPORTANT AND RECURRING, AND THE UNCURED JURISDICTIONAL DEFECT REQUIRES VACATUR.

The question presented is jurisdictional and recurs whenever a district court, managing a habeas petition with many claims, overlooks one when it denies habeas relief. The Sixth Circuit's rule converts such an omission into a permanent forfeiture of review on the overlooked claim, because the "judgment" is treated as final and the claim as foreclosed; while the contrary rule of the Second, Fourth, Eighth, and Ninth Circuits guarantees the complete adjudication the habeas statute contemplates. The resulting uncertainty affects habeas litigants, district courts, and court of appeals throughout the Nation as to the rules of finality.

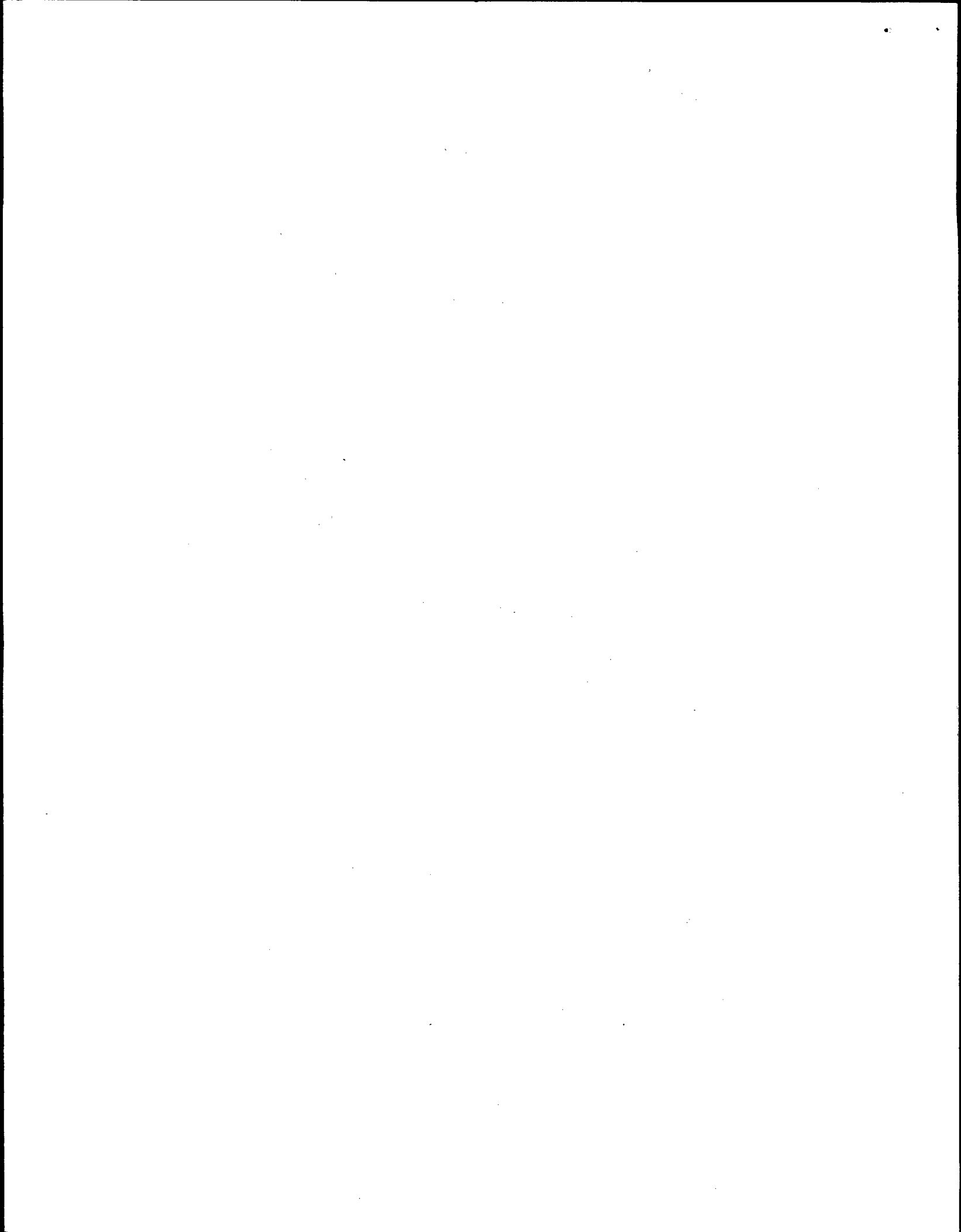
Finality is not an academic label in this case. Under **Rule 54(b)**, an order "that adjudicates fewer than all the claims...does not end the action as to ANY of the claims" and "may be revised at any time before entry of A JUDGMENT ADJUDICATING ALL THE CLAIMS." **Fed. R. Civ. P. 54(b)**(emphasis added). If the District Court's March 31, 2022 order denying habeas relief was not final--as the Second, Fourth, Eighth, and Ninth Circuits would hold--then the District Court retains plenary authority on remand not only to adjudicate the merits of Edwards's seventh ineffective assistance claim in the

first instance, but also to revise its interlocutory rulings, including its analysis of the portion of Edwards's sixth ineffective assistance claim, which Edwards contends was evaluated under the wrong model jury instruction. See *supra* Statement D. The finality question thus determines whether Edwards receives the complete first-round adjudication to which the statute entitles him, or no merits adjudication at all. To be clear, under this Court's holding in *Buck v. Davis*, *supra*, the Sixth Circuit's certificate of appealability analysis is "not coextensive with a merits analysis."

The District Court's omission is undisputed--the Sixth Circuit twice acknowledge it. The finality question was decided squarely. And the issue is jurisdictional: jurisdictional rules are "inflexible and without exception," *Mansfield, C & L.M.R. Co. v. Swan*, 111 U.S. 379, 382 (1884), and the unauthorized "exercise of 'judicial power' by a court that has not been granted it offends fundamental principles of separation of powers," and the defect must be corrected even late in the litigation. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). This Court recently reaffirmed that "an uncured jurisdictional defect means that 'the judgment must be vacated' regardless of how efficient it might be to leave the judgment in place." *Hain Celestial Grp., Inc. v. Palmquist*, 607 U.S. 421, 431 (2026)(quoting *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 76-77 (1996)). "Subject-matter jurisdiction can never be waived or forfeited. The objection may be resurrected at any point in the litigation." *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012).

Of course, if the District Court never entered a final, appealable judgment, the Sixth Circuit lacked jurisdiction at every step that followed--including its March 15, 2023, August 6, 2024, and March 10, 2026 orders. See *Kempe's Lesse v. Kennedy*, 9 U.S. 173, 185 (1809)("The court of appeals of the United States are ALL of limited jurisdiction, and their proceedings are erroneous, if the jurisdiction be not shown upon them"). Those orders should be vacated, and the case remanded with instructions to the District Court to enter a final order resolving Edwards's seventh claim and his overlooked arguments presented in his sixth ineffective assistance claim framed specifically under *Michigan Model Criminal Jury Instruction 7.2*. See *Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 380 (1987).

Simply put, if the Sixth Circuit's March 10, 2026 answer to the jurisdictional defect question is wrong, the orders that followed the District Court's March 31, 2022 Non-Final Judgment cannot stand.



CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, this Court should grant the petition, vacate the orders of the Sixth Circuit, and remand with instructions that the case be returned to the District Court to enter a final order expressly adjudicating Edwards's seventh ineffective assistance claim--which the Sixth Circuit twice acknowledged the District Court did not analyze--whereupon, under Federal Rules of Civil Procedure 54(b), the District Court may revise its interlocutory rulings as appropriate, including its analysis of Edwards's claim that counsel was ineffective for failing to investigate and present the defense of accident under Michigan Model Criminal Jury Instruction 7.2.

Respectfully submitted on this 22nd day of June, 2026, by:

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This Petition was corrected on July 20, 2026, and resubmitted by:

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