

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Garrett L. Miller — PETITIONER
(Your Name)

vs.

State of Mississippi RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Mississippi Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Garrett L. Miller
(Your Name)

10641 Hwy 80 west
(Address)

Meridian MS 39307
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

question NO (1)

Whether the fourteenth Amendment permits a state to continue imprisoning a citizen pursuant to a probation revocation where the Petitioner has consistently maintained that the state lacks lawful authority for the revocation, and where the official court records, MDOC records, and judicial findings contain material inconsistencies regarding the basis for confinement, yet the state courts failed to resolve those constitutional questions.

question NO#2

Whether the Due process clause of the Fourteenth Amendment is violated when a State Court refuses to address certified documentary evidence demonstrating that the official record does not consistently establish imprisonment, while simultaneously affirming the revocation on grounds that materially differ from the record presented by the state.

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.

Garnett L. Miller #13607
Petitioner:

Respondent:

State of MISSISSIPPI
Mike Dixon
Burl Cain (MOBE)
Commissioner

RELATED CASES

- * MISSISSIPPI court of Appeals case
- * MISSISSIPPI supreme court case
- * Northern District 82254
- * Northern District 42 USC 1983
- * FIFTH Circuit Appeal

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- * Heck v. Humphrey
- * Prieser v. Rodriguez
- * Jackson v. Virginia
- * Hains v. Kerner
- * Townsend v. Sain

STATUTES AND RULES

- 28 U.S.C. § 1257
- 28 U.S.C. § 2254
- 28 U.S.C. § 2243
- 42 U.S.C. § 1983

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 _____ 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 Mississippi court of Appeals 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 July 23, 2025
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 A.

☐ 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

United States constitution Article VI
United States constitution fourteenth
Amendment

STATEMENT OF THE CASE

Petitioner seeks review of the Judgment of the Supreme Court of Mississippi affirming the the denial of Post-conviction relief and denying discretionary review.

This case presents substantial federal constitutional questions concerning the due process clause of the Fourteenth Amendment and the legality of petitioner's confinement.

Petitioner contends that ~~his~~ his custody is unconstitutional because the state courts declined to address claims that the revocation proceedings and resulting imprisonment were entered without lawful authority.

Throughout the state proceeding, petitioner asserted that the record contains significant irregularities concerning the revocation, sentencing and commitment documents, and that these defects deprived the court of jurisdiction and violated his rights under the United States Constitution.

The Mississippi court of Appeals Affirmed the denial of relief, and the Mississippi supreme court denied petitioner's petition for writ of Certiorari on July 23, 2025.

This petition follows within the time prescribed by law.

REASONS FOR GRANTING THE PETITION

This petition present important federal

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Garrett Miller

Date: 7/8/26

6. List the persons who are dependent upon you for support; state your relationship to those persons; and indicate how much you contribute toward their support. _____

I understand that a false statement or answer to any question in this declaration will subject me to the penalties for perjury and I declare that this information is true and correct.

Signed this the 31 day of May, 2026

Garnick Miller
Signature of Applicant

----- TO BE COMPLETED BY APPLICANT -----

AUTHORIZATION FOR RELEASE INSTITUTIONAL ACCOUNT INFORMATION
AND PAYMENT OF THE FILING FEE

I, Garnick Miller
(Name of Applicant)

13607 hereby direct and
(Register Number)

authorize the custodian of my inmate account to provide the Clerk of the United States District Court for the Northern District of Mississippi information from my prison inmate institutional account, including all balances, deposits and withdrawals. The custodian of my inmate account may also provide the Clerk of Court information from the past six months and in the future, until the full filing fee is paid. I also authorize custodian of my inmate account to withdraw funds from my account and forward payments to the Clerk of Court, in accordance with 28 U.S.C. §1915 (as amended).

5/31/26
(Date)

Garnick Miller
(Signature of Applicant)

CERTIFICATE

(Prisoner Accounts Only)

TO COMPLETED BY AUTHORIZED OFFICER

I certify that the applicant named herein has the sum of \$ 0 on account to his credit at the EMCF institution where he is confined. I further certify that the applicant has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months applicant's average monthly balance was \$ 0

I further certify that during the last six months applicant's average monthly deposit was \$ 8.33

Rania Denmark
Signature of Authorized Officer of Institution

RECEIVED

MAY 29 2026

INMATE LEGAL
ASSISTANCE PROGRAM

EX A

EX-90
FILED

JUL 23 2025

Serial: 258481

IN THE SUPREME COURT OF MISSISSIPPI

OFFICE OF THE CLERK—
SUPREME COURT
COURT OF APPEALS

No. 2023-CT-00322-SCT

GARRICK MILLER A/K/A GARRICK L.
MILLER

Appellant/Petitioner

v.

STATE OF MISSISSIPPI

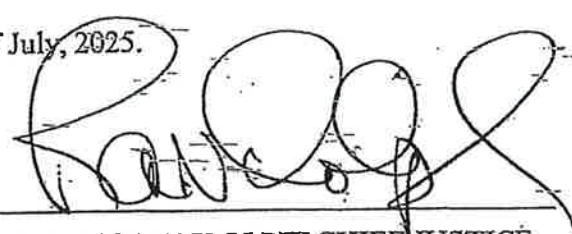
Appellee/Respondent

ORDER

This matter is before the Court on the Petition for Writ of Certiorari filed by Garrick Miller. After due consideration, the Court finds that the petition should be denied.

IT IS THEREFORE ORDERED that the Petition for Writ of Certiorari filed by Garrick Miller is denied.

SO ORDERED, this the 22 day of July, 2025.


MICHAEL K. RANDOLPH, CHIEF JUSTICE

TO DENY: RANDOLPH, C.J., COLEMAN, P.J., MAXWELL, CHAMBERLIN, GRIFFIS,
AND BRANNING, JJ.

TO GRANT: KING, P.J., ISHEE AND SULLIVAN, JJ.

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2023-CP-00322-COA

EXHIBIT @ 22
B 1

GARRICK MILLER A/K/A GARRICK L.
~~MILLER~~

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT:	02/22/2023
TRIAL JUDGE:	HON. GRADY FRANKLIN TOLLISON III
COURT FROM WHICH APPEALED:	CHICKASAW COUNTY CIRCUIT COURT, SECOND JUDICIAL DISTRICT
ATTORNEY FOR APPELLANT:	GARRICK MILLER (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: SCOTT STUART
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED - 11/26/2024
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., WESTBROOKS AND LAWRENCE, JJ.

~~CARLTON, P.J., FOR THE COURT:~~

¶1. Garrick Miller, appearing pro se, appeals the Chickasaw County Circuit Court's denial of his motion for post-conviction relief (PCR). On appeal, Miller argues that (1) the trial court failed to explicitly state the terms and conditions of his probation at the time the court suspended his sentence and placed him on probation, and (2) the trial court lacked jurisdiction to revoke his suspended sentence.

¶2. Finding no error, we affirm the trial court's order denying Miller's PCR motion.

FACTS

¶3. A Chickasaw County grand jury indicted Miller for possession of a controlled

EXHIBIT 1
①-11
B

substance (cocaine). In October 2021, Miller entered an *Alford*¹ plea to possession of a controlled substance (cocaine). The trial court sentenced Miller as a habitual offender pursuant to Mississippi Code Annotated section 99-19-81 (Rev. 2020) to serve eight years in the custody of the Mississippi Department of Corrections (MDOC), with all eight years suspended. The trial court conditioned Miller's suspended sentence upon Miller's "good behavior and [his] strict compliance with all of the conditions given by the [c]ourt and/or set forth below under [Mississippi Code Annotated] section 47-7-35[.]" The trial court also placed Miller on five years of supervised probation subject to the conditions of probation set forth in section 47-7-35 (Rev. 2015), including the condition that Miller "[c]ommit no offense against the laws of this state or any other state of the United States"

¶4. While on supervised probation, Miller sold methamphetamine to undercover officers with the ~~North~~ Mississippi Narcotics Task Force. He was also arrested for possessing and selling cocaine. In January 2022, MDOC field officer Sherlaine Mims filed an affidavit in the trial court alleging that Miller violated the conditions of his supervised probation by committing three new felonies. The State then filed a petition to revoke Miller's supervised probation based on these violations and impose his suspended sentence.

¶5. The trial court held a revocation hearing where the State presented testimony that Miller committed three new crimes (all felonies) while on probation. The trial court ultimately found that Miller more likely than not violated the terms of his suspended sentence by "[f]ailing to live at liberty without violating any laws." On January 26, 2022, the trial

¹ *North Carolina v. Alford*, 400 U.S. 25 (1970).

IN THE CIRCUIT COURT OF CHICKASAW COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

GARRICK MILLER

PETITIONER

VS.

CAUSE NO. 02023-006TPCR

STATE OF MISSISSIPPI

RESPONDENT

ORDER DENYING RELIEF REQUESTED

This cause is before the Court on Petitioner's Motion for Post-Conviction Collateral Relief. The Court considered the relief requested in the motion pursuant to the Mississippi Uniform Post-Conviction Collateral Relief Act, Mississippi Code Annotated Sec. 99-39-1, et seq.

The Petitioner claims his suspended sentence was unlawfully revoked. After reviewing the documents filed by the Petitioner, as well as the transcripts of the plea colloquy and the revocation hearing in the underlying criminal cause of OK2016-028, the Court finds it plainly appears from the face of the motion and prior proceedings that the Petitioner is not entitled to any relief. Therefore, the Petitioner's Motion for Post-Conviction Collateral Relief is hereby DENIED.

The Circuit Clerk is directed to provide a copy of this Order to the Petitioner.

SG ORDERED and ADJUDGED, this the 16th day of February, 2023.

FILED

FEB 22 2023

40
Vandace Seals, DC



GRADY F. TOLLISON, II
CIRCUIT COURT JUDGE

CERTIFIED A TRUE COPY
16th day of March 2023
CASSANDRA L. PULLIAM, Circuit Clerk
Chickasaw County, Mississippi
Candace Seals, r.c.



CERTIFIED A TRUE COPY
This 16th day of February 2023
CASSANDRA L. PULLIAM, Circuit Clerk
Chickasaw County, Mississippi
By: [Signature]

IN THE CIRCUIT COURT OF CHICKASAW COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. OK2016-028

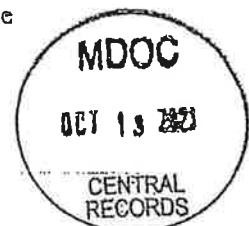
GARRICK MILLER, DEFENDANT

SENTENCING ORDER
(Post-Released Supervision)

This day, October 5, 2021, into open court came the District Attorney and the defendant, who was represented by counsel, Hon. William C. Stennett. The defendant was lawfully indicted and arraigned on the charge(s) of Possession of a Controlled Substance-Cocaine-Enhanced Habitual Offender.

The Court hereby finds: (1) that the defendant's petition to plead guilty was entered by the defendant; (2) that (s)he was duly advised of his/her rights by the Court of Counsel; (3) that the defendant has been advised of the minimum and maximum sentence; (4) that the defendant does not have a prior felony conviction; (5) that the defendant is competent to offer said plea of guilty; and (6) that said plea is offered voluntarily, knowingly, deliberately, and intelligently by said defendant. The Court hereby accepts the defendant's petition to plead guilty under North Carolina vs. Alford.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant is hereby sentenced to serve a term of eight (8) years in an institution to be designated by the Mississippi Department of Corrections under 99-19-81 with eight (8) years suspended. The eight (8) year suspended sentence is conditional upon the defendant's good behavior and strict compliance with all of the conditions given by the Court and/or set forth below under section 47-7-35 of the Mississippi Code Annotated of 1972, as amended. The defendant is placed on five (5) years of Post-Released supervised probation, pursuant to section 47-7-33 and 37 of the Mississippi Code Annotated of 1972, as amended, and subject to the following rules of probation:



- a) Commit no offense against the laws of this state or any other state of the United States, or of the United States;
- b) Avoid injurious or vicious habits;
- c) Avoid persons or places of disreputable or harmful character;
- d) Report to the Department of Corrections, as directed by it;
- e) Permit the probation and parole officer to visit him at home or elsewhere;
- f) Work faithfully at suitable employment so far as possible;
- g) Remain within a specified area and/or within the State of Mississippi, unless authorized to leave on proper application therefore;
- h) Waive extradition to the State of Mississippi from any jurisdiction where he may be found and agree that he will not contest any effort by any jurisdiction to return him to the State of Mississippi;
- i) Pay his fine, restitution, court costs and all other costs in one (1) or several sums as required by the Court or Probation Officer;
- j) Pay a monthly supervision fee, pursuant to Miss. Code Ann. § 47-7-49, by certified check or money order until discharged from the supervised probation;
- k) Submit, as provided in Section 47-5-601, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States;
- l) Attend and complete any special programs or counseling as directed by the Court or your Probation Officer and pay any fees required for services;
- m) Not own or carry with him/her any weapons;
- n) Support his dependents; and
- o) And further _____

Miss. Code Ann. § 47-7-35 (Supp. 1995). The defendant is ordered to pay the following: (1) a fine in the amount of \$2,000.00 to the Chickasaw County Sheriff's Special Drug Fund; (2) \$-0- full restitution to the victims; (3) \$520.50 in court costs; (4) \$-0- for court appointed council fee; (5) \$100.00 two percent (2%) bond fee; (6) \$100.00 to the Victim's Compensation Fund; (7) \$ _____ lab fees, if any; and (8) \$100.00 investigative expenses to the District Attorney's Office. The defendant is further ordered to _____

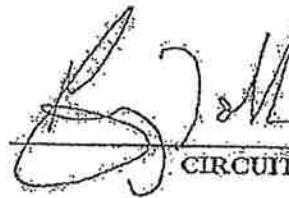
IT IS FURTHER ORDERED AND ADJUDGED that a judgment shall be entered upon the judgment rolls against the defendant in the amount of \$2,820.⁰⁰ in favor of the aforesaid County. Said amount of judgment must be paid at \$100.⁰⁰ Monthly from the date of this order. If delinquent more than thirty (30) days, the clerk may, with the assistance of the County or District Attorney, institute garnishment proceedings against said defendant in the cause and or move to hold the defendant in contempt or in violation of probation or post-release probation conditions. The judgment shall be satisfied by the clerk when payment in-full has been made into the court. The Circuit

EXHIBIT-~~AD~~D

3/3

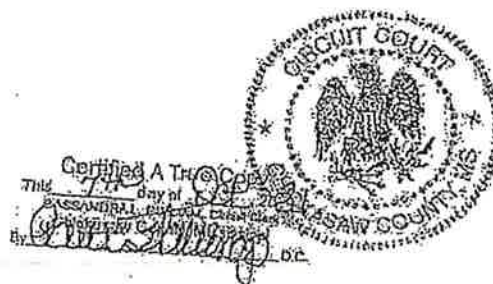
Clerk shall pay the aforesaid fees in the following order: (1) restitution; (2) court costs; (3) investigative and lab fees; (4) fines; (5) Victims Compensation Fund; (6) court appointed council fees; and (7) two percent (2%) bond fee. The defendant is given credit for 911 days served awaiting disposition of charge.

SO ORDERED AND ADJUDGED, this the 5th day of October, 2021.


CIRCUIT JUDGE

Harick mill

10-12-21



FILED

OCT 05 2021

810

John Shumpe

EXHIBIT-~~P~~
E

IN THE CIRCUIT COURT OF CHICKASAW COUNTY, MISSISSIPPI
VACATION TERM, 2022

(14)

STATE OF MISSISSIPPI

VERSUS
Garrick Miller

CAUSE NO. OK2016-028

ORDER REVOKING POST RELEASE SUPERVISION
Enhanced Habitual Offender

This cause came on for hearing this day on Petition to revoke post Release Supervision and Impose Suspended Sentence on Defendant and the Court having heard the Petition, finds as follows:

That by Order dated 5th Day of October, 2021, said Defendant was sentenced to serve a term of Eight (8) year(s) in custody of the State Department of Corrections, suspended the imposition of Eight (8) year(s) of said sentence pending the Defendant's good behavior and the Defendant was placed on Five (5) years Post Release Supervision. The Defendant Garrick Miller has violated the terms of his suspended sentence by:

1. Failing to live at liberty without violating any laws.

IT IS THEREFORE ORDERED Eight (8) year(s) of the Eight (8) year(s) suspension of sentence be and the same are hereby revoked and the Defendant is required to serve Eight (8) year(s) of her/her sentence in the custody of the State Department of Corrections at a facility to be designated by that Department. The Court retains the right of judicial review for a period of One (1) year. The remaining Zero (0) year(s) shall remain suspended.

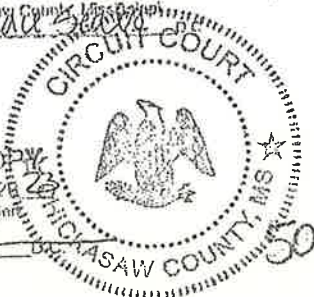
All monies owed shall be carried forward.

ORDERED AND ADJUDGED this the 21st day of January, 2022


CIRCUIT COURT JUDGE



Certified A True Copy
This 15th day of March, 2023
CASSANDRA L. PULLIAM, Circuit Clerk
Chickasaw County, Mississippi
By Cassandra Pulliam



CERTIFIED A TRUE COPY
This 5th day of May, 2023
CASSANDRA L. PULLIAM, Circuit Clerk
Chickasaw County, Mississippi
By Cassandra Pulliam

FILED

JAN 26 2022

CASSANDRA L. PULLIAM, 110
CIRCUIT CLERK - CHICKASAW COUNTY
BOOK 15 PAGE 110


EXHIBIT (8) 1/3 F

United States Court of Appeals
for the Fifth Circuit

No. 26-60045

United States Court of Appeals
Fifth Circuit

FILED

May 7, 2026

Lyle W. Cayce
Clerk

IN RE GARRICK MILLER,

Petitioner.

Petition for Writ of Mandamus to the
United States District Court
for the Northern District of Mississippi
USDC No. 1:25-CV-142

UNPUBLISHED ORDER

Before STEWART, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:

Garrick Miller, Mississippi prisoner # 13607, has filed in this court a pro se petition for a writ of mandamus and a motion requesting leave to file his petition in forma pauperis (IFP). The motion for leave to proceed IFP is GRANTED.

Miller's mandamus petition, received on January 26, 2025, pertains to his postconviction proceedings in Mississippi state court and his pending 28 U.S.C. § 2254 proceedings challenging his conviction and sentence. He contends that, in his state postconviction proceedings, he raised a claim that the trial court that revoked his probation and imposed his previously suspended eight-year sentence lacked subject matter jurisdiction. Yet, he argues, the Mississippi Court of Appeals acknowledged but never addressed

EXHIBIT-02/3
(8) F

No. 26-60045

his jurisdictional challenge. He requests that we issue an order (i) "directing the appropriate court to adjudicate the preserved subject-matter jurisdiction challenge"; (ii) compelling the "production of lawful authority to detain" or "authorizing custody," including any commitment order; and (iii) compelling his "release pending adjudication of jurisdiction."

"Mandamus is an extraordinary remedy that should be granted only in the clearest and most compelling cases." *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). A party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a "clear and indisputable" right to the writ. *Id.* (internal quotation marks and citation omitted). Mandamus is not a substitute for appeal. *Id.* "Where an interest can be vindicated through direct appeal after a final judgment, this court will ordinarily not grant a writ of mandamus." *Campanioni v. Barr*, 962 F.2d 461, 464 (5th Cir. 1992).

To the extent Garrick requests that we compel actions by a state court, or the clerk thereof, our mandamus authority does not extend to directing state officials in the performance of their duties and functions. *Cf. Moye v. Clerk, DeKalb Cnty. Super. Ct.*, 474 F.2d 1275, 1276 (5th Cir. 1973) (holding that federal courts lack "the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought"). To the extent he seeks mandamus relief regarding his pending § 2254 proceedings, such relief is not warranted because any challenges to those proceedings may be raised on appeal, if any. *See Campanioni*, 962 F.2d at 464.

Finally, to the extent that Garrick seeks habeas relief from this court in the first instance, we will not grant it. Although 28 U.S.C. § 2241(a) provides that "[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within

No. 26-60045

their respective jurisdictions,” other changes to the habeas corpus laws wrought by the Antiterrorism and Effective Death Penalty Act of 1996 cast doubt on whether circuit judges still possess the authority to entertain an original habeas corpus petition under § 2241. *See Felker v. Turpin*, 518 U.S. 651, 660–61 & n.3 (1996). Under our precedent, any such authority rests in the hands of individual circuit judges, not the court of appeals itself. *See Zimmerman v. Spears*, 565 F.2d 310, 316 (5th Cir. 1977). Each member of this panel declines to exercise original jurisdiction remaining in individual circuit judges. *See id.*

The petition for a writ of mandamus is DENIED. Miller’s “motion for jurisdictional determination” and motion to expedite consideration of the petition are likewise DENIED.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

GARRICK LASHUN MILLER

PLAINTIFF

v.

No. 1:25CV86-SA-DAS

BRAD TAYLOR, ET AL.

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner plaintiff's complaint filed under 42 U.S.C. § 1983. On December 5, 2025, the court issued an order [17] for the plaintiff to show cause why the instant case should not be dismissed with prejudice for failure to state a claim upon which relief could be granted. The plaintiff responded [20] to the order, and the matter is ripe for resolution. For the reasons set forth below, the court finds that the plaintiff has not shown cause, and the instant case will be dismissed with prejudice. In addition, the plaintiff's motion [19] for immediate release will be dismissed with prejudice.

Discussion

Many of the plaintiff's allegations are contradicted by the documents he has supplied with his various filings.¹ He was convicted on October 5, 2021, in the Chickasaw County Circuit Court for possession of a controlled substance (cocaine). Doc. 20-8. He was sentenced to eight years' incarceration, with eight years suspended, and he was placed on five years of supervised probation. *Id.*

The plaintiff alleges that on January 4, 2022, law enforcement officers conducted a warrantless

¹ As the plaintiff has supplied the documents to support his complaint, for the purposes of this memorandum opinion, the court will assume they are authentic and accurate.

Admission in PG 3
AND PG 9

no-knock raid and search of his home.^{2,3} Doc. 13-1, p. 2-3. The plaintiff further alleges that he was not on probation or supervised release at the time.⁴ As a result of the search, law enforcement arrested Miller and confiscated 0.6 grams of alleged powder cocaine, two sets of digital scales, multiple clear baggies, a misdemeanor amount of marijuana (approximately 5 grams), two packs of syringes, and \$2,130.76 in U.S. currency (\$80.00 of which belonged to the Mississippi Bureau of Narcotics and had been used in a controlled purchase of narcotics earlier that day). Doc. 1-7. The funds were forfeited and seized and have not been returned to the plaintiff.⁵ Doc. 13-1, p. 2. The plaintiff alleges that he filed a motion for return of property (the seized funds) with the trial court – but has not recovered the property. *Id.*

Miller alleges that the Mississippi Department of Corrections (MDOC) has maintained a “fraudulent pen pack” that does not accurately reflect his prior convictions and the time he has served on each.⁶ *Id.* at p. 2-3. He notes that the entry from January 21, 2022 (regarding his January 4, 2022, charge for possession of cocaine (Booking Number E)) shows no time to serve, no time suspended, and no time on probation.⁷ Doc. 13-5, p. 2. He also notes that the pen pack reflects a parole setoff date of

² Contrary to this assertion, documents provided by the plaintiff show that the January 4, 2022, search was conducted pursuant to a warrant. Doc. 1-7 (final page of affidavit stating that the search of the plaintiff’s residence was conducted pursuant to a warrant).

³ As the plaintiff has presented an amended complaint [13], the court notes that it supersedes the claims in any previous complaints and supplements. The court has considered *allegations* only from the amended complaint; however, the court has considered various *exhibits* from the plaintiff’s other submissions.

⁴ As discussed in detail below, documents provided by the plaintiff show that he was, indeed, on post-release supervision (pursuant to his October 5, 2021, conviction for possession of a controlled substance) when the warrant was executed on January 4, 2022.

⁵ The seizure was conducted pursuant to Miss. Code Ann. §§ 41-29-177, 41-29-107.1, and 41-29-179, and the plaintiff was served with process as to the forfeiture under Rule 4, Miss. R. Civ. P. Doc. 20-10.

⁶ A “pen pack” is a document summarizing a convict’s prior convictions, the time served for each, and the time spent on probation or supervised release. A pen pack can be introduced as evidence based upon the testimony of an official with knowledge of pen pack format and the type of information contained within it.

⁷ This appears to be the result of the State’s decision to seek revocation of Miller’s PRS (arising out of his October 5, 2021 conviction for possession of cocaine), rather than prosecute him for the new January 2022 charge of possession of cocaine. A revocation does not change the overall sentence, and his status as incarcerated means that the length of his incarceration changes each day. As such, it appears that MDOC

April 11, 2010, though his current incarceration arises out of a 2022 violation of the terms of his post-release supervision (PRS).⁸ Doc. 13-5, p. 1. He relies upon these seeming anomalies to support his claim that he has been (and is being) unlawfully imprisoned. Doc. 13-1. Ultimately, all of Miller's claims (except the claim regarding the taking of his property) rest on his allegedly unlawful imprisonment, which seems to rely wholly upon entries in his pen pack, including those in Booking Number E. As discussed below, however, the pen pack is merely a summary of the plaintiff's convictions – and of his terms of incarceration and periods of release on either probation or PRS. His criminal judgments and revocation orders are the documents actually governing whether, at any given time, he was incarcerated or released on some form of probation or post-release supervision.

The Plaintiff's Claims

Based upon these allegations, the plaintiff explicitly sets forth four claims for relief – and describes a fifth claim in his complaint:

- (1) False imprisonment for 27 days – from his arrest on January 4, 2022, until his placement in MDOC custody on January 31, 2022.⁹
- (2) Cruel and unusual punishment – from being imprisoned “unlawfully.”
- (3) Conspiracy to interfere with civil rights (equal protection of the laws and enjoying privileges and immunities) – arising out of “unlawful” imprisonment.
- (4) Failure to prevent conspiracy to “unlawfully” imprison him.
- (5) Taking of property without due process of law as a result of his January 4, 2022, arrest for

will not complete such an entry in a pen pack until he is released again on PRS or completes his entire sentence. At that point, his term of incarceration for that period will be a fixed value.

⁸ The 2010 parole setoff appears to be an entry from one of Miller's earlier convictions and sentences (which he has completed) – and thus has no effect on his current sentence. Doc. 13-5, p. 1.

⁹ According to the Criminal Docket, Miller's hearing to revoke PRS took place on January 21, 2022; his pen pack indicates that he entered MDOC custody ten days later on January 31, 2022. Doc. 1-4, p. 4 (Criminal Docket); Doc. 1-5, p. 4 (pen pack).

possession of cocaine.

The plaintiff's first four claims rest solely on his contention that his arrest on January 4, 2022, and the 27 days of detention arising out of that arrest were unlawful.

Taking of Property Without Due Process of Law

The plaintiff alleges that the defendants took his funds without due process of law after his January 4, 2022, arrest. The random and unauthorized deprivation of a prisoner's property by a state actor does not violate the prisoner's due process rights if the state provides an adequate post-deprivation remedy. *See Hudson v. Palmer*, 468 U.S. 517, 533 (1984); *Parratt v. Taylor*, 451 U.S. 527, 541-44 (1981), *overruled in part by Daniels v. Williams*, 474 U.S. 327, 330-31 (1986). This rule, the Parratt/Hudson doctrine, provides "that no constitutional claim may be asserted by a plaintiff who was deprived of his liberty or property by negligent or intentional conduct of public officials, unless the state procedures under which those officials acted are unconstitutional or state law fails to afford an adequate post-deprivation remedy for their conduct." *Martin v. Dallas County, Tex.*, 822 F.2d 553, 555 (5th Cir. 1987); *see also Hudson*, 468 U.S. at 533, *Daniels*, 474 U.S. at 330-31; *White v. Epps*, 411 Fed. Appx. 731 (5th Cir. 2011). Thus, the court must determine whether Mississippi law affords him an adequate post-deprivation remedy for his loss.

In most circumstances, suits against the Mississippi government would be controlled by the Mississippi Tort Claims Act, Miss. Code Ann. § 11-46-9 ("MTCA"), which became effective on April 1, 1993. As to suits filed by prisoners, the MTCA states:

(1) A governmental entity and its employees acting and within the course scope of their employment or duties shall not be liable for any claim:

...

(m) Of any claimant who at the time the claim arises is an inmate of any detention center, jail, workhouse, penal farm, penitentiary or other such institution, regardless of whether such claimant is or is not an inmate of any detention center, jail, workhouse, penal farm, penitentiary or other such institution when the claim is filed.

process.¹⁰ As such, the plaintiff in this case has an adequate remedy under state law, and it appears that his claims in this Court for the taking of his property without due process of law must be dismissed *without prejudice* pursuant to the Parratt/Hudson doctrine.

Miller's Arrest and Incarceration Were Lawful

The plaintiff alleges that the search of his home on January 4, 2022, was unlawful because it was conducted without a warrant and without probable cause. Doc. 13-1. He also alleges that he was held “without charges.” *Id.* He further alleges that he was not “on any probation supervision.” Doc. 13-1, p. 2. These allegations are at odds with the documents the plaintiff has presented in support of his complaint.

First, the January 4, 2022, search of the plaintiff's home was conducted pursuant to a warrant. Doc. 1-7 (final page of January 5, 2022, affidavit in support of seizing funds, stating that the search of the plaintiff's residence was conducted pursuant to a warrant). According to the affidavit (which was signed by the affiant and a state court judge), the warrant was supported by probable cause. *Id.* The Mississippi Bureau of Narcotics had conducted a controlled purchase of narcotics earlier that day using \$80.00 identifiable cash – which was recovered during the search, along with 0.6 grams of cocaine. *Id.*

Further, as discussed above, Miller was clearly out of MDOC custody and was released on PRS at the time of his arrest and the search of his property. Doc. 13-2 (arrest warrant for revocation of post-release supervision). The arrest warrant notes that the plaintiff was convicted on October 5, 2021, for possession of cocaine and sentenced to 8 years' incarceration, with 8 years suspended, and 5 years of supervised release. *Id.* In addition, the MDOC “pen pack” notes the same sentence:

¹⁰ It appears that the defendants followed the forfeiture process set forth in Miss. Code Ann. §§ 41-29-177, 41-29-107.1, and 41-29-179. Hence, Miller likely enjoyed due process as to the seizure and forfeiture of the funds. However, for the purposes of this memorandum opinion and final judgment, the court will assume that the funds were seized and forfeited without due process.

MISS. CODE ANN. § 11-46-9(1)(m).

At first blush, this statute would seem to foreclose any remedies the plaintiff may have under state law. However, the plaintiff's remedy for the taking of property arises directly from the Constitution of the State of Mississippi, which cannot be circumvented through a state statute. *Pickering v. Langston Law Firm, P.A.*, 88 So.3d 1269 (Miss. 2012).

The unlawful taking of an inmate's property may violate Article 3, Section 17 of the Constitution of the State of Mississippi. *Bishop v. Reagans*, 2012 WL 1804623 (S.D. Miss. May 17, 2022) (citing *Johnson v. King*, 85 So. 3d 307 (Miss. App. 2012)). Article 3, Section 17 provides:

Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use by the public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.

Miss. Const., Article 3, Section 17.

The circumstances in *Johnson* are legally indistinguishable from those in the instant case. The prison officials in that case confiscated Johnson's drinking mug and disposed of it. *Johnson*, 85 So. 3d at 311-312 (Miss. Ct. App. 2012). Johnson had purchased the mug from the canteen with his own money. *Id.* The mug as purchased was not considered contraband, and Johnson had not modified the mug in such a way to turn it into contraband. *Id.* As such, the mug belonged to him, and he could lawfully possess it.

The Mississippi Court of Appeals held that, under these circumstances, the taking of Johnson's mug violated the Mississippi Constitution and that prison officials had to either replace the mug or compensate Johnson for its fair value. *Id.* Those facts mirror the facts in the present case, as, according to the plaintiff, he lawfully possessed the cash, and the defendants confiscated it from him without due

8 years' incarceration, 8 years suspended, and 5 years "*probation.*" Doc. 13-5 (pen pack). Under his 2021 sentence, if he did not violate the terms of his PRS, it would expire on October 5, 2026. Clearly, he was on supervised release during the "raid" of January 4, 2022 (less than a year into his 5-year term of PRS).

In addition, Miller signed several documents acknowledging that he had been on PRS at the time of his arrest. On January 6, 2022, he signed a Waiver of Right to Preliminary Post Release Revocation Hearing (a clear acknowledgment that he was on PRS at the time of his arrest). Doc. 1-3, p. 1. That same day, he also signed two different documents entitled "Waiver of Rights to Notice and/or Waiting Period Prior To Preliminary Post Release Revocation Hearing" (again, twice more acknowledging that he was on PRS at the time). *Id.* at p. 2. Similarly, the Chickasaw County Circuit Court issued a warrant for Miller's arrest stating that "on the fifth day of October, A.D. 2021" the court had "placed [Miller] on supervised post release supervision for a term of Five (5) years." Doc. 13-2. The court then stated that it appeared that Miller "has not properly conducted himself, but has violated the conditions of his supervised probation in a material respect by ... New Felony Crime x3." *Id.*

The criminal docket reflects two other documents clearly establishing that Miller was on PRS at the relevant time: (1) a January 7, 2022, Petition to Revoke PRS and Impose Suspended Sentence; and (2) a January 26, 2022, Order Revoking PRS Enhanced Habitual Offender. Doc. 1-4, p. 3-4. The plaintiff's documents show that, despite his bald assertion to the contrary, he was out of MDOC's physical custody and had been released on PRS at the time of his arrest and detention.

Finally, Miller was not held "without charges;" as stated on the Arrest Warrant, the "charge" was violation of the terms of his release on PRS (rather than a separate criminal charge).

Doc. 13-2. This claim is also meritless.

**Miller's Claims Regarding Revocation of PRS Are Barred Under
the Supreme Court's Holding in *Heck v. Humphrey*, as Is His Request [19]
for a Temporary Restraining Order Seeking Immediate Release**

In this case, the plaintiff claims that the defendants improperly revoked his post-release supervision. Doc. 13. In *Heck v. Humphrey*, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994), the Supreme Court clarified the relationship between actions under 42 U.S.C. § 1983 and *habeas corpus* proceedings. There is no requirement of “exhaustion” of *habeas corpus* remedies in order to proceed on a claim under § 1983. *Id.* Instead, a § 1983 claim for damages that calls into question the lawfulness of conviction or confinement – or otherwise demonstrates the invalidity of the conviction or confinement – is not cognizable under § 1983 until such time as the plaintiff is able to:

prove that the conviction or sentence has been *reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus*, 28 U.S.C. § 2254. A claim for damages bearing that relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.

Heck v. Humphrey, 114 S. Ct. at 2372 (emphasis added); *see also Boyd v. Biggers*, 31 F.3d 279, 283 (5th Cir. 1994).¹¹

¹¹ Courts, including the Fifth Circuit, have extended the scope of *Heck* to include requests for declaratory and injunctive relief:

While *Heck* dealt with a § 1983 claim for damages, the Court did not limit its holding to such claims. And we see no reason why its rationale would not apply in a situation where a criminal defendant seeks injunctive relief that necessarily implies the invalidity of his conviction. *See Edwards v. Balisok*, 520 U.S. 641, 648–49, 117 S.Ct. 1584, 137 L.Ed.2d 906 (1997) (leaving issue open).

Harvey v. Horan, 278 F.3d 370, 375 (4th Cir. 2002), *abrogated on other grounds by Skinner v. Switzer*, 562 U.S. 521, 131 S. Ct. 1289, 179 L. Ed. 2d 233 (2011); *see also Edwards v. Balisok*, 520 U.S. 641, 648, 117 S. Ct. 1584, 1589, 137 L. Ed. 2d 906 (1997) (finding that *Heck* applies to requests for declaratory relief); *Clarke v. Stadler*, 154 F.3d 186, 189 (5th Cir. 1998) (citing *Edwards*, 520 U.S. at 648) (applying *Heck* to request for injunctive relief which would, by its nature, all into question the length of a prisoner's sentence).

Only if the court finds that the plaintiff's § 1983 suit, even if successful, "will not demonstrate the invalidity of any outstanding criminal judgment against the plaintiff," should the § 1983 action be allowed to proceed. *See Mackey v. Dickson*, 47 F.3d 744, 746 (5th Cir. 1995). The rule in *Heck* also applies to a challenge to parole revocation because such a challenge calls into question the fact and duration of the plaintiff's confinement. *See Waller v. Collier*, 297 F. App'x 326, 327 (5th Cir. 2008) (not reported) (citing *McGrew v. Texas Bd. of Pardons & Paroles*, 47 F.3d 158, 161 (5th Cir. 1995)).

The plaintiff has attempted to skirt the holding in *Heck* by arguing:

This action is not barred by *Heck v. Humphrey* because plaintiff does not challenge the validity of an existing conviction or sentence. Instead, he alleges there was never a valid sentence or conviction at all, as proven by the MDOC's own records showing a '00' year term. His claims, if successful, will not necessarily imply the invalidity of a conviction; they will demonstrate its total absence.

Doc. 13-1, p. 1-2.

Though the plaintiff is correct in stating that there was no additional "conviction or sentence" arising out of his January 4, 2022, arrest in this case, he has ignored the fact that there was, instead, a revocation of his PRS, which *is* subject to the rule in *Heck*. *See Waller, supra*.

In the present case, the plaintiff's success in his challenge to revocation of PRS (and his resulting incarceration) would necessarily draw into question the validity of the fact and duration of his confinement under the revocation order. His request [19] for an injunction requiring his immediate release would likewise call into question the duration of his confinement. Therefore, in order for the § 1983 cause of action to accrue, the plaintiff must "demonstrate that the [revocation] has already been invalidated," *Heck*, 114 S. Ct. at 2372. Miller has made no such showing; therefore, it appears that this allegation, as well as his motion [19] for immediate release, must be dismissed for failure to state a claim upon which relief could be granted under 28 U.S.C. § 1915(d). *See Neitzke v. Williams*, 490 U.S. 319, 326 (1989).

No Supervisor Liability

Miller claims that the “supervisory defendants,” whom he does not specifically identify, failed to prevent their subordinates from allegedly unlawfully imprisoning him. Doc. 13-1, p. 4-5. A plaintiff proceeding under 42 U.S.C. § 1983 cannot establish that a government official violated the plaintiff’s constitutional rights simply by virtue of the official’s role as a supervisor. *Monell v. Department of Social Services*, 436 U.S. 658, 691 (1978). For a plaintiff to state a valid claim under § 1983, he must “identify defendants who are either personally involved in the constitutional violation or whose acts are causally connected to the constitutional violation alleged.” *Woods v. Edwards*, 51 F.3d 577, 583 (5th Cir. 1995) (citing *Lozano v. Smith*, 718 F.2d 756, 768 (5th Cir. 1983)). A § 1983 plaintiff cannot proceed against a prison official based solely on the official’s participation in the prison grievance process. *Dehghani v. Vogelgesang*, 226 Fed. Appx. 404, 406 (5th Cir. 2007).

There are only two scenarios in which a supervisor may be held liable under § 1983: (1) when he affirmatively participates in the incident, and (2) when he implements an unconstitutional policy that results in constitutional injury. *Wernecke v. Garcia*, 591 F.3d 386, 401 (5th Cir. 2009). Indeed, a federal court cannot hold a supervisor liable for failure to supervise his subordinates – even when he is present on the scene – because, after *Ashcroft v. Iqbal*, 556 U.S. 662, 662, 129 S. Ct. 1937, 1939, 173 L. Ed. 2d 868 (2009), “a government official can be held liable only for his own misconduct.” *Carnaby v. City of Houston*, 636 F.3d 183, 189 (5th Cir. 2011).

In this case, the plaintiff has not alleged that any of the unidentified supervisors affirmatively participated in the incident; nor has he described the facts of the incident, itself (the acts or omissions by each defendant leading to the plaintiff’s alleged injury). In addition, he has not identified an unconstitutional policy that caused his alleged injuries. As such, it appears that the plaintiff’s claims regarding the acts or omissions of the “supervisory defendants” should be dismissed with prejudice for

failure to state a claim upon which relief could be granted.

The Plaintiff's Response [20] to the Court's Show Cause Order

In his response [20] to the court's show cause order, the plaintiff offers ten arguments to support his complaint:

- (1) The plaintiff does not seek review of state court judgments;
- (2) The record does not specify an adjudicated offense to support his incarceration;
- (3) The recusals of four state court judges in the circuit show that his challenges were rejected due to a "structural defect," rather than want of merit;
- (4) *Heck v. Humphrey* does not apply, because there is no valid conviction to support his incarceration;
- (5) The plaintiff's claim of unlawful seizure and detention is valid because there is no "governing court order" to support them;
- (6) The unspecified supervisor are liable, despite the *Parratt-Hudson* doctrine, because they adopted a custom of relying on "pen packs," rather than judicial rulings, to decide whether to arrest and detain him;
- (7) The transfer of venue in this case from the Southern District of Mississippi to this court caused "venue instability;"
- (8) The defendants are not entitled to qualified immunity;
- (9) The plaintiff seeks prospective and declaratory relief, which is permissible under *Heck*; and
- (10) The state court lacked jurisdiction to decide the plaintiff's revocation (in Chickasaw County) or the forfeiture of his money (in Monroe County) because the proceedings took place in different courts.

As discussed below, none of the plaintiff's issues and arguments in this response has merit.

The plaintiff first argues that he does not seek review of state court judgments. However, he, indeed, seeks review of his judgment of conviction in Chickasaw County for possession of a controlled substance – and the revocation of probation arising out of that judgment. Doc. 20-8.

He next argues that the record does not contain a “adjudicated offense” to support his incarceration; however, as discussed above, the record reveals the plaintiff’s conviction for possession of a controlled substance and the parole revocation arising out of that conviction. Doc. 20-8.

Third, the plaintiff argues that the recusal of all state court judges in the circuit of conviction show that a “structural defect” led to the rejection of his challenges. This assertion is incorrect, as the circuit judges recused themselves because the plaintiff sued his attorney, who routinely practiced before the circuit judges. Doc. 20-7 (Order of Recusal of “all Judges of the First Circuit Court District.”) Those judges recused themselves because of their familiarity with that attorney. *Id.*

Fourth, the plaintiff argues that *Heck v. Humphrey* does not apply to this case because there is no valid conviction to support his incarceration. As explained above, however, the record reveals a valid conviction for possession of a controlled substance and revocation of parole as to that offense. Doc. 20-8.

Fifth, the plaintiff argues that his claim of unlawful seizure of his person and subsequent detention is valid because “no governing court order” exists to support them. Again, his detention arises out of a valid conviction and parole revocation. Doc. 13-2 (arrest warrant for revocation of post-release supervision pursuant to conviction of possession of a controlled substance).

The plaintiff’s sixth claim in his response to the show cause order is that the unspecified supervisors are liable, despite the *Parratt-Hudson* doctrine because they erroneously adopted a custom of relying on “pen packs,” rather than judicial decisions, to decide whether to arrest and detain him. This claim is without merit, as Mississippi courts routinely rely on properly authenticated “pen packs”

to show a litigant's prior conviction and sentences:

The preparation and management of pen packs are administrative in nature, and they only need to be certified by the custodian who maintains the records in the ordinary course of business. Accordingly, we find that testimonial evidence need not be proffered to authenticate pen packs. Finding no error, we affirm the circuit court's dismissal of Conwill's PCR petition.

Conwill v. State, 229 So. 3d 208, 210 (Miss. Ct. App. 2017).

Seventh, the plaintiff argues that the transfer of this case from the Southern District of Mississippi to this court led to a confusing "venue instability." However, as the Southern District discussed in its transfer order, either district may exercise jurisdiction over this case, and the Northern District of Mississippi is a proper forum for this case. Doc. 20-9.

In his eighth claim, the plaintiff argues that the defendants are not entitled to qualified immunity. However, the court did not discuss the issue of qualified immunity in its show cause order [17]; as such, it is not a proper issue to raise in response to that order.

Ninth, the plaintiff argues that the Supreme Court's ruling in *Heck* does not apply to this case, as he seeks prospective and declaratory relief, neither of which are prohibited by *Heck*. However, the "prospective" and "declaratory" relief the plaintiff seeks is release from incarceration, which is barred by the Court's ruling in *Heck*.

Finally, the plaintiff argues that the state court lacked jurisdiction to decide his revocation (in Chickasaw County) or the forfeiture of his money (in Monroe County) because the proceedings took place in different courts. Regardless of the venue of these claims, the dispositive issue is that there is a legal remedy under state law for the taking of his property; as such, this federal court may not decide the issue. *See Martin v. Dallas County, Tex.*, 822 F.2d 553, 555 (5th Cir. 1987).

In sum, none of the issues raised in the plaintiff's response to the court's show cause order has merit, and they will be dismissed with prejudice for that reason.

Conclusion

The plaintiff's allegations, including those presented in his response to the court's show cause order, do not state a valid claim under 42 U.S.C. § 1983. As such, the instant case will be dismissed with prejudice for that reason. In addition, the plaintiff's motion [19] for a temporary restraining order seeking immediate release will be dismissed with prejudice.

SO ORDERED, this, the 13th day of April, 2026.

/s/ Sharion Aycock

SENIOR UNITED STATES DISTRICT JUDGE

Affidavit of witness
Regarding out going Legal-Mail

State of Mississippi
County of Lauderdale

Before Me, the undersigned authority, personally appeared
Steven Pierce who, after being duly sworn states:

1. My name is Steven Pierce, I am over the age of eighteen (18) years and competent to make this affidavit.
2. On the 7th day of July, 2026, I presently observed Garrick L. Miller (M.D.C. #13607) prepare and seal four separate legal-mail envelopes,
3. I personally observed Mr. Miller place his petition for Writ of Certiorari, motion to correct earlier filing, motion for leave to Proceed in forma Pauperis, and supporting documents into an envelope addressed to the clerk of the Supreme Court of the United States.
4. I also personally observed Mr. Miller place his motion for ruling and motion for Default into a separate envelope addressed to the Monroe County Court,
5. I further personally observed Mr. Miller place his filing for the United States District Court for the Northern District of Mississippi into a third and separate envelope.



6. I personally observed Mr. Miller seal each envelope after the documents were placed inside and submit each envelope through the institutional legal-mail process.
7. I make this affidavit solely upon my personal observation; I have no personal knowledge of what occurred after the envelopes left institutional custody

Executed this 7th day of July 2026

Affiant

Print Name Steven Pierce

MDOC# 50601

Subscribed this sworn to before me in my presence this 7 day of July, 2026,
a notary public in and for the County of

Lauderdale State of MS

Casey Newell
(Signature) of Notary Public

My Commission Expires Jan 18, 2029



AFFIDAVIT OF WITNESS
REGARDING OUT GOING
LEGAL MAIL

State of MISSISSIPPI
COUNTY OF LAUDERDALE

Before me, the undersigned authority, personally
appeared
Marcus D. Quince who, after being duly sworn
states:

1. My name is Marcus D. Quince I am over the age of
eighteen (18) years and competent to make this
Affidavit.
2. On the 7 day of July 2020, I presently
observed Garnick L. Miller (MDOC # 13607) prepare and
seal four separate legal-mail envelopes.
3. I personally observed Mr. Miller place his petition
for writ of certiorari, motion to correct earlier
filing, motion for leave to proceed in forma
pauperis, and supporting documents into an
envelope addressed to the clerk of the supreme
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6. I personally observed Mr. Miller seal each envelope after the documents were placed inside and submit each envelope through the institutional legal-mail process.

7. I make this Affidavit solely upon my personal observation. I have no personal knowledge of what occurred after the envelopes left institutional custody.

Executed this 7 day of July 2026

AFFIANT

Print: NAME Marcus D. Quince
MDOC# 152644

Subscribed and sworn to before me in my
Presence this 7 day of July 2026
a Notary Public in and for the County of

Lauderdale state of MS
Casey Newell

(Signature) of Notary Public

My Commission Expires Jan 18 2029

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