Supreme Court, U.S.
FILED
NOV 14 2003
OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Extraordinary Writ
28 USC 1651 (a)

In re Daniel Felix — PETITIONER
(Your Name)

vs.

Ronald Angelone — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth Circuit US Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daniel Felix No. 213077
(Your Name)
Dillwyn Correctional Center
P.O Box 670
(Address)
Dillwyn, VA 23936-0670
(City, State, Zip Code)
(Phone Number)

RECEIVED
JUL 01 2003
OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED
SEP 9 2003
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether the one-year time limitation for filing a Federal Writ of Habeas Corpus under 28 USC 2244 AEDPA applies to the correctial of State Goodtime errors where the inmate is still under the influence of the goodtime error and is being held past his mandatary release date.

2. Does an inmate held in a City Jail by Court Order ~~for post-convictions motions after sentencing~~ have a right under the Equal Protection of Law clause of the 14th Amendment to earn the maximum rate of State Goodtime.

3. Can the Department of Corrections practice an unwritten policy/practice of giving the maximum rate of goodtime to already sentenced State Inmates held in City Jails without giving that rate of goodtime to others which they apply the written policy to.

4. ~~The Department of Corrections promise to give~~ the maximum rate of goodtime in exchange for tutoring services to illiterate inmates, so those inmates could achieve their maximum rate, binding after completion of the tutoring services when the D.O.C. changed back to a written policy without any notification.

5. What defines "exhausting all State remedies" for the purpose of Goodtime error claims.

STATEMENT OF THE CASE

1. The US District Court in Felix V. Angelone, Civil No. 02-0046-AM, is applying a one-year time for filing bar against petitioner without that defense being raised by the respondents on a goodtime error claim that was not resolved in the State Courts. The errors occured in 1993 and 1994 and after Felix obtained proof as he was instructed to do by respondents he submitted it to them and they did not correct the error. At that time Felix timely filed a State Writ of Habeas Corpus Felix V. Angelone Record No. 011300 which was dismissed without addressing Felix's specific merits on 9/25/2001. Felix then filed the above Federal Writ which the one year filing deadline of the AEDPA was applied. Felix Appealed to the Fourth Circuit, Felix V. Angelone No. 02-6270 and it was remanded back to the District Court. The issue of timely filing is still unresolved, the respondents have not yet been served or ordered to respond, and Felix is 4 months past his correct release date of Jan. 22, 2003. The US Supreme Court taking jurisdiction to prevent a further unlawful deprivation of liberty is appropriate. It will facilitate a correct resolution of these questions of law for the Fourth Circuit who ~~was~~ were asked to take Emergency Jurisdiction when the issue was an appeal but declined. It is evident that this issue alone will be back before the Fourth Circuit during these proceedings as well as the other issues on the merits which will cost Felix his rightful liberty while proceedings lag on. It is appropriate for these issues to be resolved now so Felix will have the benefit of the protection of law he is entitled to. The Court will need to have the records of these filings sent over from the US District Court For the Eastern District of Virginia. Copies of all proceeding are not available because Felix could not retain copies. There Felix has made a full argument of a timely filing despite application of the AEDPA.

Reasons For Granting The Petition

The purpose of petitioner filing this Writ of Habeas Corpus in the District Court was to obtain release and to prevent a stay in prison that is not owed due to a goodtime error. The District Court, without any precedent by the US Supreme Court or 4th Circuit, denied the filing of the Writ as barred by the AEDPA, which the Fourth Circuit reversed and remanded, [redacted] his true release date. The lengthy proceedings will cause petitioner to forfit the liberty interest he seeks to protect by the filing of the Writ. This Court will have the ultimate decision as to the merits of the claims. Without the ultimate guidance of this Court before petitioner has served the whole of what he claims he is owed there will be no reason to have filed for relief. A situation where the lengthy delays will have subverted the purpose of even having the systems in place. This in itself would be a Constitutional Rights deprivation.

An exceptional circumstance exists where this Court has granted Virginia [redacted] on violation and make them serve goodtime that they earned before mandatary release in Warren V. Baskerville. But the District Court and Fourth Circuit, without a ruling by this Court, has made it impossible to correct any errors in a goodtime computation subjecting it to the 1year filing limitation of the AEDPA. They can give it all back to you but you can never go back and correct any mistakes. And the District Courts opinion is

Appendix A

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DANIEL E. FELIX,
Petitioner-Appellant,

v.

RONALD ANGELONE, Director,
Virginia Department of Corrections,
Respondent-Appellee.

No. 02-6270

Appeal from the [illegible]
for the Eastern [illegible]
T. S. Ellis, III, [illegible]
(CA-02-46-AM)

Submitted: February 13, 2003

Decided: March 6, 2003

Before WILKINS, Chief Judge, and MOTZ and GREGORY, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Daniel E. Felix, Appellant Pro Se.

Unpublished opinions are not binding prece
Local Rule 36(c).

OPINION

PER CURIAM:

Daniel E. Felix seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). For the reasons set forth below, we vacate and remand for further proceedings.

The district court, acting sua sponte, determined from the face of Felix's petition that his claims were barred by the one-year limitations period set forth in 28 U.S.C. § 2244(d) (2000), and dismissed the action without giving Felix notice or an opportunity to respond. The district court did not have the benefit of our recent decision in *Hill v. Braxton*, 277 F.3d 701 (4th Cir. 2002). After *Hill*, the district court is required to provide such notice and opportunity to respond "unless it is indisputably clear from the materials presented to the district court that the petition is untimely and cannot be salvaged by equitable tolling principles or any of the circumstances enumerated in § 2244(d)(1)." *Id.* at 707.

Because it is not "indisputably clear" that Felix cannot salvage his petition, we grant his motion for a certificate of appealability, vacate the district court's order, and remand to the district court to provide Felix with the notice and opportunity to respond to which he is now entitled pursuant to *Hill*. We deny Felix's motion for appointment of counsel and motion to amend petition and for emergency relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED

Chief Justice 7/28/03
Supreme Court of The United States
Washington, D.C 20543-0001

RECEIVED
AUG 5 2003
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Re: In re Daniel Felix

Dear Chief Justice,

It is driving me crazy that your clerk keeps sending back my petition asking for thing that are already there.

I've remaked the pages your clerk claims are not there and stapled them to this letter in hopes that the idiot clerk will see that they have been there all along.

I am six months past my mandatory release date and do not need your stupid clerk destroying any justice I hope to receive by such needless delays or frustrating me with their stupidity and games.

If for any reason what I've put is not enough then appoint me an attorney rather than continue to delay this process.

Without your Court ruling on these issues the US District Court and Fourth Circuit will have no precedent to apply to my case and ultimately you'll have to rule anyway.

Please file and convene this petition for a hearing!

Sincerely,

Daniel Felix No. 213077
DWCC- PO Box 670
Dillwyn, VA 23936-0670

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

July 7, 2003

WILLIAM K. SUTER
CLERK OF THE COURT

AREA CODE 202
479-3011

Daniel Felix
#213077
Dillwyn Correctional Center
P.O. Box 670
Dillwyn, VA 23936-0670

RE: In Re Daniel Felix

Dear Mr. Felix:

The above-entitled petition for an extraordinary writ seeking unspecified relief was received on July 1, 2003. The papers are returned for the following reason(s):

Failure to reflect the changes requested in prior correspondence.

done p. 9 You must specify the type of relief being sought. Rule 20.

A copy of the Rules of this Court is enclosed.

done p. 10 June 24, 2003 A copy of the corrected petition must be served on opposing counsel.

Sincerely,
William K. Suter, Clerk
By:

Jennifer Sutton
(202) 479-3039

Sent Again
7/14/03

7/28/03 ↑
All that shit is there why do you keep sending this back?
LOOK!

Enclosures

F:12

03-7902

12/12/03

Clerk
Supreme Court of The United States
1 First Street, N.E.
Washington, D.C. 20543

Change of Address

In the ~~matter~~ of: In Re ~~Felix~~

still pending, my new address is:

Daniel Felix
1316 Bells Road
Va. Beach, VA
23454
phone (757) 491-1811

Daniel Felix
12/12/03