Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

IN RE AUTOMATONS

PETITION FOR HABEAS CORPUS TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 10-39. Argued April 13, 2021—Decided April 19, 2021

Petitioner was convicted in the United States District Court for the District of Columbia of two charges of murder under 18 U. S. C. §1111. His former counsel considered several avenues for relief from the sentence, including appellate review and establishing habeas proceedings. Opting for the latter, petitioner argued that the District Court violated his right to a speedy trial, his right to effective counsel, and, *inter alia,* that the service of process by the District Court was invalid. Petitioner initiated habeas proceedings in the District Court, but the District Court then dismissed the case, notifying petitioner's present attorney to file a petition for a writ of habeas corpus with this Court.

Held: Petitioner is not entitled to a writ of habeas corpus. Pp. 2–4.

(a) The common-law writ of habeas corpus has tradition-ally been utilized as a means of reviewing the legality of Executive detention. The writ of habeas corpus has played a great role in the history of human freedom because it has been the judicial method of lifting undue restraints upon personal liberty. However, the writ of habeas corpus is also an extraordinary writ, and extraordinary writs are drastic and extraordinary remedies to be reserved for really extraordinary causes in which appeal is clearly an inadequate remedy. *In re McDonald,* 489 U. S. 180, 185. And the writ of habeas corpus certainly may not be used as a substitute for appeal, see *Adams* v. *United States ex rel. McCann,* 317 U. S. 269, 274, even if habeas proceedings are more convenient than a traditional appeal. P. 3.

(b) Petitioner's former counsel's decision to initiate habeas proceedings rather than file a petition for a writ of certiorari to this Court must be viewed with a critical eye. Mere convenience has never been able to justify the issuance of a writ of habeas corpus when an appeal has not been taken by the petitioner. Thus, it was the fault of the petitioner for

Syllabus

initiating habeas proceedings before filing a petition for a writ of certiorari to this Court. P. 3-4.

Denied.

POWELL, J., delivered the opinion of the unanimous Court.

SUPREME COURT OF THE UNITED STATES

No. 10-39

IN RE AUTOMATONS, PETITIONER

ON PETITION FOR WRIT OF HABEAS CORPUS TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[April 19, 2021]

JUSTICE POWELL delivered the opinion of the Court.

The great writ of habeas corpus is the pinnacle of guaranteeing liberty in times of unlawful executive action. However, its power is not unfettered, but one in which utmost care must be used in its issuance. See this Court's Rule 20.1 ("Issuance by the Court of an extraordinary writ . . . is not a matter of right, but of discretion sparingly exercised"). In this case, we are asked to determine whether the District Court various procedural errors in convicting petitioner of murder and sentencing him to time in in prison. We are also asked to grant a writ of habeas corpus to petitioner in order to vacate the sentence entered by the District Court. Because petitioner has not demonstrated that he has exhausted other available relief as required, and because a writ of habeas corpus may not be used as a substitute for an appeal, we deny the petition for a writ of habeas corpus.

I

On December 14th, 2020, the United States charged petitioner with two counts of murder under 18 U. S. C. § 1111. According to the information, petitioner and the original complainant, a retired federal judge, were both near the Federal Reserve Bank when petitioner opened fire with a

sniper, killing complainant. The complainant returned to the bank, attempting to tase petitioner when petitioner opened fire again with the same rifle, killing the complainant once more.

Because petitioner could not be reached at any point during the case, the district judge ordered that the case proceed in absentia and requested that a public defender be appointed. The public defender assigned, however, was mostly unresponsive and rarely interacted in the proceedings, save a motion for discovery, before recusing himself. The trial then proceeded without further delay, and a month later, petitioner was convicted of both counts and sentenced to 14 days in federal prison, concurrent with arrest-on-sight status.

After petitioner was convicted, his counsel notified the court that they would consider whether to take an appeal to this Court, before deciding on establishing habeas proceedings in the District Court. After habeas proceedings were established, the District Court issued a stay on the sentence, preventing the United States from enforcing the sentence.

The United States then argued that the District Court did not have jurisdiction over the petition for a writ of habeas corpus. Agreeing with this argument, the District Court dismissed the proceedings below and notified petitioner's counsel to file the petition with us, which he did so. We set the petition for briefing and argument. 11 U. S. ___ (2021).

II

The common-law writ of habeas corpus has traditionally been utilized "as a means of reviewing the legality of Executive detention." *Immigration and Naturalization Service* v. *St. Cyr,* 533 U. S. 289, 301 (2001); *id.,* at 305. "[H]abeas corpus in the federal courts by one convicted of a criminal offense is a proper procedure 'to safeguard the liberty of all persons within the jurisdiction of the United States against

infringement through any violation of the Constitution.'" *Hawk* v. *Olson,* 326 U. S. 271, 274 (1945) (quoting *Frank* v. *Magnum,* 237 U. S. 309, 317 (1915)). Indeed, the writ of habeas corpus "has played a great role in the history of human freedom," *Price* v. *Johnston,* 334 U. S. 266, 269 (1948), because it has been the judicial method of lifting undue restraints upon personal liberty. *Id.*

Nevertheless, the writ of habeas corpus is an extraordinary writ rarely issued. See, *e.g., Lehman* v. *Lycoming County Children's Services Agency*, 458 U. S. 502, 516, n. 19 (1982); *Hensley* v. *Municipal Court,* 411 U. S. 345, 351 (1973). Extraordinary writs like the great writ of habeas corpus, for example, are "drastic and extraordinary remedies," to be "reserved for really extraordinary causes," in which "appeal is clearly an inadequate remedy." *In re McDonald,* 489 U. S. 180, 185 (1989) (*per curiam*); also cf. *Ex parte Fahey*, 332 U. S. 258, 259 (1947); *Ex parte Collett*, 337 U. S. 55, 72 (1949). Thus, we have never held that a writ of habeas corpus could be substituted for an appeal. Quite the opposite. See *Adams* v. *United States ex rel. McCann,* 317 U. S. 269, 274 (1942) ("Of course the writ of habeas corpus should not do service for an appeal . . . [m]ere convenience cannot justify use of the writ as a substitute for an appeal"); see also this Court's Rules 20.4(a) ("To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court").

Here, we do not see any reason to entertain the petition presented by petitioner. His previous counsel's decision to establish habeas proceedings rather than file a petition for a writ of certiorari in this Court merely highlights yet another reason that we should not grant habeas relief – that petitioner is attempting to use the writ as a substitute for appeal. Even worse is the fact that his previous counsel had

considered the possibility of an appeal, but rejected it in favor of habeas proceedings because it was thought to be more convenient. This cannot be accepted in light of our past precedent.

* * *

Petitioner's claims certainly have merit. They could, and should be heard by this Court. Unfortunately, petitioner's former counsel's error of judgment and inability to recognize that habeas relief is extraordinary relief that cannot be utilized as a substitute for appeal is inexcusable. Because petitioner clearly had not demonstrated that other remedies were not available before establishing habeas proceedings, the petition for a writ of habeas corpus is denied.

It is so ordered.