

UNITED STATES DISTRICT COURT
for the
Northern District of Florida

Maurice T. Adkins, Jr.)
Petitioner)

v.)

Case No. 3:12 CV 219 RV/EMT
(Supplied by Clerk of Court)

Secretary, Florida DOC)
Commissioner, MASS DOC)
Respondents)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. s 2241

Personal Information

1. (a) Your full name: Maurice T. Adkins, Jr.

2. Place of confinement

(a) Name of Institution: Walton Work Camp

(b) Address: 301 Institution Road

DeFuniak Springs, FL 32433

(c) Your identification number: 880070

3. Are you currently being held on orders by:

Federal Authorities State authorities Other—explain:

4. Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after
having been convicted of a crime.

Filing fee paid
Receipt # FLN3-6089

Filed 050712 USDC FLN3 PM 0309 ju

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: Superior Court of Hampden County, Springfield, Massachusetts

(b) Docket number of criminal case: 04-1437

(c) Date of sentencing: September 28, 2005

Being held on an immigration charge

Other (explain)

Decision or Action You are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention

Immigration detention

Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): I am being held in Florida DOC under an interstate compact agreement

6. Provide more information about the decision or action you are challenging:

N/A

Your Earlier Challenges of the Decision or Action

7. **First Appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes. I have made numerous written requests to Massachusetts

DOC concerning this (see attached).

No

(a) If "yes," provide

(1) Name of the authority, agency, or court

(2) Date of filing

(3) Docket number, case number, or opinion number

(4) Result

(5) Date of result

(6) Issues raised

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

10. Motion under 28 U.S.C. s2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

(b) Have you ever filed a motion in a United States Court of appeals under 28 U.S.C. s2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

(c) Explain why the remedy under 28 U.S.C. s2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: I am being held illegally in the Florida DOC under an Interstate Compact Agreement with MA DOC

(a) I was moved to the Florida DOC from the Massachusetts DOC in May of 2006 at the request of the U.S. Treasury Department, not my own request and/or initiative. At the time of arrival in Florida, I had an active Florida parole violation sentence which subsequently expired on July 19, 2007 (see attached Exhibit 1). The last legal interaction I had with the Treasury Department was in October, 2006 (see Attached Exhibit 2).

In the ensuing years MA DOC has sent annual gain time reports and answered, within a reasonable time, inquiries about legal issues.

In the last year they have ceased to do so, despite numerous inquiries

from not only myself but also an attorney I retained to inquire (see
attached Exhibit 3). I have requested several times to be returned to
MA DOC to allow me to participate in work-release, etc., thereby
assisting with my return to society. MA DOC has not afforded even the
acknowledgement of such requests much less responded to the
requests in a timely manner. The only response offered is that of "staff
shortages."

FL DOC views my MA sentence as a detainer, thereby precluding
my participation in work-release, etc. This has been explained
numerous times to MA DOC, although they have neither acknowledged
nor responded to the matter. Their continued silence is seemingly
punitive in nature because I possess the hubris to "press the issue."

In addition to the foregoing, there are ongoing medical issues that
are being ignored by the FL DOC and of which MA DOC has been
made aware. They will be addressed in a separate lawsuit but are
mentioned here for informational purposes and to illustrate another
issue MA DOC has failed to sufficiently address. Irrespective of my
present location, I am serving a sentence from Massachusetts and
ONLY a sentence from Massachusetts.

FL DOC is aware of my request to be returned to MA DOC for the
express purpose of eligibility to participate in work-release.

The MA Parole Board scheduled a parole video hearing for April 25, 2012, for which I was transported to Washington CI, only to have the hearing cancelled without my being advised of their reason for doing so or advising me when to expect the hearing to be held (see attached Exhibit 4). I have since been informed a hearing is scheduled for May 24.

The ongoing silence concerning the above issues is cruel and inhumane and violates every standard of common decency, not to mention the Interstate Compact Agreement.

My ability to successfully reintegrate into society is being willfully hindered by the callous indifference and lack of response of the MA DOC.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

In written requests as explained in supporting facts.

GROUND TWO: N/A

GROUND THREE: N/A

GROUND FOUR: N/A

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

Request for Relief

15. State exactly what you want the court to do: I am requesting this Court order the FL DOC to return me to MA DOC and likewise order MA DOC to have me transported back to their custody. Further it is asked that this Court enjoin both Respondents from retaliatory action against Petitioner for bringing this Cause of Action.

Declaration Under Penalty of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

This petition is being mailed from Jacksonville, Florida, on the date of May 3, 2012.

I declare under penalty of perjury that I am the Petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5-3-2012

Maurice Adkins
Signature of Petitioner

#1

INMATE REQUEST

**STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS**

Mail Number: _____
Team Number: _____
Institution: _____

TO: (Check One) Warden ^{Asst. Warden} Classification Medical Dental Asst. Warden Security Mental Health Other

FROM: Inmate Name: Maurice Adkin DC Number: 880070 Quarters: J11305 Job Assignment: Library Date: 10-23-11

REQUEST Check here if this is an informal grievance

The email from Ms. Becker indicates a Florida Parole Commission determine you the FPC revoked a CRD in 12/05. When I was returned to FL in '06 I received 25 days quarantine up until the time my FL sentence (CRD violation) expired. Will you please advise me of the date my Florida sentence expired - and how much ~~time~~ gain time I earned on the sentence after my return to FL? Thank you - :)

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

DO NOT WRITE BELOW THIS LINE

OCT 27 2011

RESPONSE

DATE RECEIVED: _____ CLASSIFICATION DEPARTMENT: _____

enclosed is sentence breakdown of controlling sentence. MA DC TRD: 3-31-2012 Parole eligibility 8-31-2012 Case 96-32 reached TRD 7-19-07 & you had 297 of GT MA has detainee from Commission & information was to FPC for action.

[The following pertains to informal grievances only:

Based on the above information, your grievance is _____. (Returned, Denied, or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Signature): [Signature]

Date: 10-26-11

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA
Plaintiff,

vs.

Case No.: 3:06cr83/MCR

KENT E. HOVIND
and
JO D. HOVIND
Defendants,

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO: ANY UNITED STATES MARSHAL or his AUTHORIZED DEPUTY; and to
Warden, Bay Correctional Facility, OR to any other person or officer having
custody of the Witness.

IT APPEARING from the Petition of the United States of America that MAURICE ADKINS,
inmate number 880070, a material witness for the United States, is confined in the custody of the
Warden, Bay Correctional Facility, Pensacola, Florida, and that this case is set for trial at Pensacola,
Florida, on October 17, 2006, at 09:00 A.M., and that it is necessary for the said witness to be before
the Court for the purpose of giving testimony in said trial.

U.S. MARSHALS RETURN

I have partially/fully executed this Writ by taking
custody of the within named Maurice
Adkins and transporting him/her to
FL DOC Bay CI
on 11/23/2006

Dennis Williamson
United States Marshal
By: [Signature]
Deputy U.S. Marshal

U.S. MARSHALS RETURN

I have partially/fully executed this Writ by taking
custody of the within named Maurice
Adkins and transporting him/her to
USMS N/FL Pensacola
on 10/10/2006

Dennis Williamson
United States Marshal
By: [Signature]
Deputy U.S. Marshal

CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
PENSACOLA, FLA.
07 FEB 13 AM 9:59

FILED

NOW, THEREFORE, this is to command you, any United States Marshal that you have the body of the said witness now detained in custody as aforesaid, under safe and secure conduct before this Court as set forth above for the purpose of testifying in this case and upon completion of the testimony that you return the witness with all convenient speed under safe and secure conduct to the custody of the aforesaid institution.

AND this is to command you, the Official in Charge of said witness to deliver into the custody of any duly authorized person upon production to you of a certified copy of this writ, the body of the said witness for safe and secure conduct to this District for the purpose aforesaid.

DONE and ORDERED this 3rd day of October 2006, in Pensacola, Florida..

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE

cc: U. S. Marshal Service
Pensacola, Florida

Warden,
Bay Correctional Facility
Panama City, Florida

CERTIFIED A TRUE COPY
WILLIAM M. MCCOOL, Clerk

By: *S. Sumner*
Deputy Clerk

#3

**JOHN RULL
&
ASSOCIATES**

April 15, 2012



Thomas N. Neville
Deputy Director of Classification
Correctional Industries
P.O. Box 188
Norfolk, MA 02056

**Re: Maurice Adkins W86295 (Interstate transfer State of Florida)
Status of Release Dates and Return to Massachusetts**

Dear Mr. Neville:

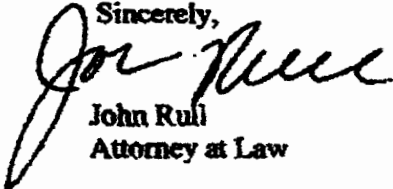
I write on behalf of my client Mr. Maurice Adkins W86295 and enclose an executed CORI Authorization and Release of Information form.

As you know, Mr. Adkins is currently housed in the State of Florida serving a Massachusetts sentence. He has communicated to you directly or indirectly as far back as February, 2012 seeking an update of his release dates as well as his request to be transferred back to the Commonwealth of Massachusetts.

Your replies to him have focused on staff shortages causing a delay in the timely review, processing and issuance of updated dates and an actual return to Massachusetts. Your most recent reply was by email communication on March 20, 2012, in which you reported that his case, among others, was actively being worked on. Nearly a month has passed since that communication without any updating or processing.

While I am sensitive to staff shortages, Mr. Adkins needs to know his release dates to make necessary preparations and other decisions for his reintegration. I am requesting that your office immediately provide me an update as to his current release dates, as well as the status of his return to Massachusetts.

Thanking you for your attention to this matter, I remain,

Sincerely,

John Rull
Attorney at Law

cc Carol Mici, Assistant Deputy Commissioner of Classification

#4



*The Commonwealth of Massachusetts
Executive Office of Public Safety*

Parole Board

MCI Cedar Junction

P.O. Box 100

Walpole, MA 02071

Telephone # (508) 668-4730

Facsimile # (508) 668-4731

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth
Heffernan
Secretary

Josh Wall
Chairman

Executive Director

March 15, 2012

Maurice Adkins
#880070 J11465
Walton Work Camp
301 Institutional Road
Defuniak Springs, FL 32433

Dear Mr. Adkins:

You are scheduled for a Regular Order parole hearing for April 25, 2012 for your Massachusetts sentence. This hearing will be conducted via video-conference.

Since you were recently interviewed and submitted paperwork, I do not plan to re-interview you.

Please feel free to write to me if you have any questions or concerns.

Sincerely,

Marcia Hill
Institutional Parole Office

Cc: file