

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MAUNU RENAH WILLIAMS,)	CIV. NO. 17-00325 LEK-RLP
#A6070389,)	
)	ORDER DENYING PETITION
Petitioner,)	UNDER 28 U.S.C. § 2254
)	AND DENYING CERTIFICATE OF
vs.)	APPEALABILITY
)	
ATTORNEY GENERAL OF STATE)	
OF HAWAII, OREGON,)	
WASHINGTON, CALIFORNIA,)	
TEXAS, NEW YORK,)	
)	
Respondents,)	
_____)	

ORDER DENYING PETITION UNDER 28 U.S.C. § 2254
AND DENYING CERTIFICATE OF APPEALABILITY

Before the court is Petitioner Maunu Renah Williams's Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. § 2254, Application to Proceed In Forma Pauperis By a Prisoner, Motion for Absolute Pardon, Motion for En Banc Hearing, and Motion for Writ of Coram Nobis. ECF Nos. 1, 2, 4-6. Williams names the Attorneys General of the States of Hawaii, Oregon, Washington, California, New York, and Texas as Respondents to the Petition and seeks "commutation, clemency, pardon by [President] Donald Trump [and

Governor] David Y. Ige.”¹ Williams says he “wrote to the Governor and White House, F.B.I., etc.,” but has received no response. He alleges the failure to grant him clemency has or will violate the Eighth and Fourteenth Amendments.

Williams’s Petition is DENIED and his Motions are DISMISSED. Any request for a certificate of appealability is DENIED.

I. DISCUSSION

Rule 4 of the Rules Governing Section 2254 Cases requires the court to summarily dismiss a habeas petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”

A. Procedural Defects in the Petition

First, it appears that Williams seeks relief from the judgments of conviction in more than one state

¹ Williams is incarcerated at the Halawa Correctional Facility (“HCF”) pursuant to a Hawaii state court conviction. See *State v. Williams*, 3PC141000469, available at eCourt Kokua: <https://jimspssl.courts.state.hi.us/JEFS>. (last visit 7/17/2017). He says he is a fugitive of justice from Oregon, Washington, Texas, California, and New York. Pet., ECF 1, PageID #1.

court that were apparently entered in several different states. Williams must file a separate petition for each judgment that he challenges in each respective court. See Rule 2(e).

Second, a federal court may not entertain a habeas petition unless the petitioner has exhausted all available and adequate state court remedies with respect to all claims in the petition. *Rose v. Lundy*, 455 U.S. 509, 510 (1982). A wholly unexhausted petition must be dismissed. *Id.* To the extent that Williams challenges his conviction in *State v. Williams*, 3PC141000469, to which he vaguely refers and for which he is presently incarcerated, he explicitly and repeatedly states that he has not appealed or otherwise challenged that judgment.² See Pet., ECF No. 1, PageID #2-14; see also eCourt Kokua: <https://jimspss1.courts.state.hi.us/JEFS>. (last visited

² Williams refers instead to his federal civil rights action, *Williams v. Ige*, 1:17-cv-00222 SOM (D. Haw.), in the apparently mistaken belief that this action suffices to have exhausted his state conviction in the state court. It does not.

July 18, 2017). Williams's Petition is therefore subject to dismissal as unexhausted.

Third, a petition brought under § 2254 must be filed within the applicable one-year statute of limitation. See 28 U.S.C. § 2244(d). The period of limitation runs from the latest of

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

28 U.S.C. § 2244(d)(1). The statute of limitation is tolled while "a properly filed application for State post-conviction or other collateral review with respect

to the pertinent judgment or claim is pending.” 28 U.S.C. § 2244(d).

Williams pled guilty in 3PC141000469, on December 2, 2014, and he was sentenced on January 27, 2015. *Id.*, <https://jimspssl.courts.state.hi.us/JEFS>. Accepting that he failed to appeal this decision, Williams’s conviction was final thirty days later, on February 26, 2015. See Hawaii Rules of Appellate Procedure, Rule 4(b)(1); 28 U.S.C. § 2244(d)(1)(A); *Bowen v. Roe*, 188 F.3d 1157, 1159 (9th Cir. 1999). The statute of limitation began to run on February 27, 2015, and barring statutory or equitable tolling, expired on February 26, 2016.

Williams alleges no statutory or equitable bases for tolling the statute of limitation. Williams’s Petition therefore appears time-barred.

The Court makes no ruling on these procedural issues because Williams has not had the opportunity to respond to these issues and the full state court record is not before the court. Nonetheless, the Petition is

subject to dismissal because Williams's claim for clemency is without merit.

B. Williams's Petition is Without Merit

Fourth, and most importantly, Williams has no right to the relief he seeks – clemency or a pardon. See *Connecticut Bd. of Pardons v. Dumschat*, 452 U.S. 458, 464, 467 (1981) (holding that the power vested in the Connecticut Board of Pardons to commute sentences conferred no rights beyond the right to seek commutation); *Woratzeck v. Stewart*, 118 F.3d 648, 653 (9th Cir. 1997) (“There is no constitutional right to clemency.”); *Joubert v. Neb. Bd. of Pardons*, 87 F.3d 966, 968 (8th Cir. 1996) (“It is well-established that prisoners have no constitutional or fundamental right to clemency.”).

A “felon’s expectation that a lawfully imposed sentence will be commuted or that he will be pardoned is no more substantial than an inmate’s expectation, for example, that he will not be transferred to another prison; it is simply a unilateral hope.” *Dumschat*, 452 U.S. at 465 (footnote omitted). The “denial of

clemency merely means that the inmate must serve the sentence originally imposed." *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272, 283 (1998) (quoting *Sandin v. Conner*, 515 U.S. 472, 484 (1995)).

"There is no right under the Federal Constitution to be conditionally released before the expiration of a valid sentence, and the States are under no duty to offer parole to their prisoners." *Swarthout v. Cooke*, 562 U.S. 216, 220 (2011) (citing *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 7 (1979)). Hawaii prisoners have no right to release prior to completion of a sentence pursuant to Hawaii's parole statutes. See *Mujahid v. Apao*, 795 F. Supp. 1020, 1024 (D. Haw. 1992) (determining that Hawaii's parole regime creates no liberty interest in parole); *Rideout v. Haw. Paroling Auth.*, 2014 WL 1571286, at *3 (D. Haw. Apr. 17, 2014) (collecting District of Hawaii cases).

Williams's claim for relief is legally frivolous and the Petition is DENIED with prejudice.

II. CONCLUSION

(1) Williams's Petition Under 28 U.S.C. § 2254 For A Writ of Habeas Corpus, ECF No. 1, is DENIED.

(2) Williams's Application to Proceed In Forma Pauperis By a Prisoner, ECF No. 2, is DENIED.

(3) Williams's Motions for Absolute Pardon, En Banc Hearing, and Writ of Coram Nobis, ECF Nos. 4-6, are DISMISSED as moot.

(4) Any request for a certificate of appealability for the denial of this Petition is DENIED.

(5) The Clerk is DIRECTED to enter judgment and close this case.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; July 25, 2017.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

Williams v. Atty. General of Hawaii, 1:17-cv-00325 LEK-RLP; Habeas 2017 Williams 17-325 lek (dsm 2254 no rt clemency, unexh, sol)