No. _____

In the
Supreme Court of the United States

JAMES A. JACKSON,
Petitioner,
v.

THOMAS LAWSON,
in his official and individual capacity,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

No other U.S. Courts of Appeals require protestations of innocence as a precondition to enforcement of one's right against unlawful detention. The Sixth Circuit stands alone and apart from its sister circuits. The mandatory or required or forced waiver of one Constitutional right to remain silent in order to preserve another Constitutional right against unlawful detention is a question of exceptional importance because it violates rights clearly established by *Miranda v. Arizona*, 384 U.S. 436 (1966), *United States v. Hale*, 422 U.S. 171 (1975), and a seminal decision of the Sixth Circuit itself extending *Hale*, *Minor v. Black*, 527 F.2d 1 (6th Cir. 1975).

The question presented is as follows:

Whether the United States Court of Appeals for the Sixth Circuit may condition enforcement of a citizen's right against unlawful detention guaranteed by U.S. Const. amend. IV and U.S. Const. amend. XIV, § 1, upon waiver of the right against self-incrimination guaranteed by U.S. Const. amend. V.

PARTIES TO THE PROCEEDING

Petitioner is James Jackson. Mr. Jackson was plaintiff-appellant below.

Respondent is Office Thomas Lawson of the Louisville Metro Police Department. Lawson was defendant-appellee below.

Louisville Metro Police Department and City of Louisville, KY were defendants - appellees below.

Julie R. Scott Jernigan, James M. Crawford, Jr., and Lescal Joseph Taylor, I were listed as defendants - appellees below but were dismissed.

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PETITION FOR WRIT OF CERTIORARI

Petitioner James Jackson ("Mr. Jackson") respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The decision of the Sixth Circuit (App. 1) is not reported. The district court's summary-judgment decision (App. 10) is not reported. The district court's entry of judgment is found at App. 29.

JURISDICTION

The judgment of the Sixth Circuit was entered on January 14, 2019. App. 1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS AND RULES INVOLVED

U.S. Const. amend. IV, U.S. Const. amend. V and U.S. Const. amend. XIV, § 1, 42 U.S.C. §1983 and Fed. R. Civ. P. 12(b)(6). Reproduced at Appendix F.

STATEMENT OF THE CASE

I. Proceedings in the District Court

Petitioner Jackson initially sought redress for his unlawful, baseless 91-day incarceration for the purportedly felonious non-support of a child he did not beget, in a county two hours from his home, all because a police officer acted upon an arrest warrant without ensuring that Jackson was the person sought. In the evening of December 16, 2015, Defendant-Appellee

Officer Thomas Lawson found Jackson sitting in an alley not far from Churchill Downs in Louisville, Kentucky, near an uncapped needle and a brown substance suspected to be heroin.

Petitioner Jackson was arrested by Lawson and taken "downtown" where Jackson was initially confined by the Louisville Metro Department of Corrections on drug-related criminal charges. Once Lawson had Jackson "downtown" Lawson ran a check in the National Crime Information Center (NCIC) database. It returned a hit for an outstanding warrant for a man named James Jackson on charges of felony non-support in Grant County, Kentucky, which was approximately 100 miles away from Louisville, Jefferson County, Kentucky. Despite glaring deficiencies on its face, Lawson served the warrant on Jackson in his cell.

After a short time Jackson's drug charges were resolved, but instead of being released by the local state court, Jackson was turned over to Grant County, Kentucky, authorities on the warrant in question and he was transported by van to Grant County from Louisville. Seventy-one days of detention ensued after Lawson's initial arrest (mostly in Grant County, Kentucky), until Jackson was released on February 24, 2016. Jackson endured another 20 days under house arrest, through March 15, 2016. In all, he lost 91 days of freedom before a paternity test proved his innocence beyond a doubt: it showed a zero percent chance Jackson was the father of the child in question. Grant County said "Gee whiz! Sorry about the mix up!" and Jackson was released from custody and the charges dropped.

Jackson filed suit in the Western District of Kentucky against multiple defendants, including Lawson. Complaint, RE 1, Page ID # 1-19. On May 11, 2017, the District Court granted motions under Fed. R. Civ. P. 12(b)(6) to dismiss all defendants except Lawson. App. 31. The District Court denied Lawson's Rule 12(b)(6) motion, *id.* at 64, holding that Jackson had adequately alleged a claim under 42 U.S.C. §1983 for deprivation of liberty without due process.[1]

Discovery ensued. In a Memorandum Opinion dated May 30, 2018, Chief Judge McKinley granted summary judgment for Lawson. App. 10. The District Court treated the "inquiry into whether Jackson can prove a constitutional violation" as "the central question" bearing upon Jackson's claims for unlawful detention, *Id.* at 913 n.4 (citing *Flemister v. City of Detroit*, 358 Fed. App'x 616, 619 n.4 (6th Cir. 2009)).

Jackson timely filed a notice of appeal to the United States Court of Appeals for the Sixth Circuit.

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[1] "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State …, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law …." 42 U.S.C. § 1983. A § 1983 claim must show (1) the deprivation of a right secured by the Constitution or the laws of the United States (2) caused by the defendant while acting under color of state law (3) occurring without due process of law. *Neuens v. City of Columbus*, 303 F.3d 667, 670 (6th Cir. 2002).

II. Proceedings in the Sixth Circuit

Jackson's appeal argued that the District Court erred as a matter of law in granting summary judgment against Jackson's § 1983 claim for wrongful detention. The appellate panel specifically cited the three factors of *Gray v. Cuyahoga Cty. Sheriff's Dep't*, 150 F.3d 579 (6th Cir. 1998), *opinion amended on denial of reh'g*, 160 F.3d 276 (6th Cir. 1998) as being controlling, one factor being the extent to which the plaintiff protested his innocence. The appellate panel affirmed because a "…single and generic claim of innocence to Lawson" fell "…well short of 'repeated protests of innocence'" which is the standard of the Sixth Circuit.

Yet, ignored by both the District Court and the appellate panel was evidence in the record that at the time of arrest Jackson protested that he had no relationship with a woman, let alone a child, in Grant County. Motion for Summary Judgment, RE 98, (Attachment #3, Exhibit #2 (Jackson Deposition)), PAGE ID # 724-729, Page ID # 725/31. Jackson said he had never been there. *See id.* at 725/32:22-25. Lawson admitted that Jackson disputed the correctness of the Grant County warrant, saying "he didn't think it was him." Response to Motion, RE 102, (Attachment #2 Exhibit (Lawson Deposition Part II)), PAGE ID # 862-888, Page ID ## 864:19-24; *see also id.* 870:25-871:2 ("he says that he didn't think the Grant County was his—the warrant was his"). Before his hearing in Jefferson County, Ky., on the drug charges from the alley, Jackson again protested the Grant County warrant. Motion for Summary Judgment, RE 98,

(Attachment #3, Exhibit #2 (Jackson Deposition)), PAGE ID # 724-729, Page ID # 729/69:22-/70:7. However, for purposes of his petition for rehearing en banc, Jackson conceded his protest was less than full-throated as apparently required by flawed Sixth Circuit standards.

A focus on the extent, quantity and quality of a wrongful detainee's protestations of innocence by the Sixth Circuit under *Gray* is a red herring. The more important issue is as follows: if James Jackson and every other American have the right to remain silent under U.S. Const. amend. V and *Miranda*, then by what constitutional authority is the Sixth Circuit allowed to consider as a factor the quality and quantity of *any* protestation at all (or lack thereof) by a wrongful detainee seeking enforcement of his or her right against unlawful detention under U.S. Const. amend. IV and U.S. Const. amend. XIV, § 1?

If a wrongful detainee truly has the right to remain silent under this Court's decision in *Miranda*, then the Sixth Circuit has acted improperly by considering the quality and quantity of any protestation of innocence by a wrongful detainee as a precondition to enforcement of the right against unlawful detention because a wrongful detainee does not have to make *any* protestation of innocence *at all* if exercising their right to remain silent. The Sixth Circuit has constructively ruled that if a wrongful detainee does not speak up and repeatedly protest his or her innocence thereby waiving their right to remain silent then they are waiving their right against unlawful detention. No other U.S. Court of Appeals maintains such a requirement. This is a

case of a single circuit splitting away from the other twelve…and splitting from Supreme Court jurisprudence.

REASONS FOR GRANTING THE WRIT

I. Protestations of innocence cannot be required in a case of wrongful detention under the Fifth Amendment

Unlawful detention happens with unfortunate frequency, in the Sixth Circuit as elsewhere. Sixth Circuit law, however, uniquely shifts the burden of defending the right against unlawful detention by requiring an innocent detainee such as James Jackson to protest his innocence not even once but repeatedly and vociferously. The Fifth Amendment right against self-incrimination requires no such thing. Indeed, cases such as *Miranda* and *Hale* hold the exact opposite.

On certain crucial points, Petitioner Jackson agreed with the District Court and the Sixth Circuit panel. A detainee may establish a §1983 claim for deprivation of liberty without due process if he is detained "pursuant to a valid warrant but in the face of repeated protests of innocence." *Baker v. McCollan*, 443 U.S. 137, 145 (1979). Even if "the warrant under which" an individual is "arrested and detained [meets] the standards of the Fourth Amendment," indefinite detention offends the accused's corresponding constitutional "right to a speedy trial." *Id.* at 144.

In the Sixth Circuit, the "principal question" in a wrongful detention case is whether law enforcement officers "acted with something akin to deliberate indifference in failing to ascertain that the [person]

they had in custody was not the person wanted … on the outstanding … warrant." *Gray*, 150 F.3d at 583; *accord Seales v. City of Detroit*, 724 Fed. App'x 356, 362 (6th Cir. 2018); *Thurmond v. County of Wayne*, 447 Fed. App'x 643, 649 (6th Cir. 2011). "T]his Court has considered the following factors: (1) the length of time an individual was detained; (2) whether the individual protested his innocence; and, (3) whether any exculpatory evidence was available to officers at the time of arrest or detention." *Seales*, 724 Fed. App'x at 362; *see Gray*, 150 F.3d at 582-83.

While cited by both the District Court and the Sixth Circuit panel, *Thurmond* and *Flemister* suggest that the complete absence of protest and exculpatory evidence (*Thurmond*) or the failure to be detained for more than seven days (*Flemister*) is fatal to a wrongful detention claim. Those cases confirm that "a complete failure of proof concerning an essential element … necessarily renders all other facts immaterial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

Closer examination distinguishes this case from *Flemister* and *Thurmond*. Unlike *Flemister*, the 79-day period of deprivation in this case amply exceeds the 14-day (*Seales*, 724 Fed. App'x at 364) and 41-day (*Gray*, 150 F.3d at 582) periods of detention that this Court has regarded as sufficient. Unlike *Thurmond*, this case presents palpable evidence that Jackson protested his detention and that exculpatory evidence was available to Lawson. The *absence* of such evidence in *Thurmond* reinforces what the District Court was obliged to do in its *presence*: rather than weigh the sufficiency of such evidence and offer its own opinion on that weight, the

District Court should have recognized a genuine dispute over material facts and denied Lawson's motion for summary judgment. The Sixth Circuit panel failed to see this error, blinded by *Gray* and its progeny, specifically *Seales*.

In *Gant v. County of Los Angeles*, 772 F.3d 608 (9th Cir. 2014), police checking warrants after a traffic violation were informed of a 13-year-old warrant for "Jose Ventura," described as "a Hispanic male who was 6'1" tall [and] weighed 200 pounds." *Id.* at 612-13. Besides the (real) seven-inch height difference and the discredited SSN evidence, *Gant* involved an evidentiary dispute regarding whether the wrongfully detained "Jose Ventura" had ever complained about being misidentified. The Ninth Circuit "reverse[d] the district court's order dismissing Ventura's Fourteenth Amendment claim." *Id.* at 623; *accord Garcia v. County of Riverside*, 817 F.3d 635, 641 (9th Cir. 2016).

Here Jackson was arrested because he was near an uncapped needle and a substance resembling heroin as the Sixth Circuit panel was so quick to note in just the second sentence of its opinion. His inability to remember his entire conversation with Lawson while in custody, *see* App. 10, suggests that Jackson may not have been sober and alert. Though these circumstances may have provided probable cause to suspect that Jackson had violated drug laws, they also beg the question of whether Jackson was even competent to protest his innocence without yet even reaching the issue of the constitutionality of that requirement.

The Sixth Circuit panel affirmed the District Court's identification of a further purported difference between this case and *Gray*. The detainee in *Gray* "continued to protest that he was innocent and that his was a case of mistaken identity." 150 F.3d at 580; *accord* App. 10. By contrast, "Jackson … appears to have only mentioned to Officer Lawson once that he didn't believe the warrant was for him." *Id.* at 917-918. This portion of the opinion, perhaps conveniently, neglected to mention the District Court's earlier admission that Jackson protested the Grant County warrant before his hearing on drug charges in Louisville. *Cf. id.* at 909. The appellate panel also seized upon the perceived insufficiency of the quantity—not quality, mind you—of protestations by Jackson.

Inferences regarding the comparative strength of the protest in *Gray*—or in *Seales*, 724 Fed. App'x at 364, where the detainee "protested his innocence multiple times and claimed that he had been misidentified"—are not germane to summary judgment. It is "never appropriate" for a court to weigh competing evidence at summary judgment. *Doe v. Metropolitan Nashville Pub. Schools*, 133 F.3d 384, 387 (6th Cir.1998).

In *Gant* ("Jose Ventura"), 772 F.3d 608, the Ninth Circuit demonstrated the proper way to handle conflicting evidence. That case, too, considered whether a detainee protested his innocence. Ventura admitted that he had "[n]ever complained to anyone" about being mistakenly identified: "I decided not to say anything because anyway I would be ignored." *Id.* at 622.

Ventura also testified, however, that he told the county jail's fingerprint officer (in Spanish): "I think they're confused about me. I'm not the person you're looking for." *Id.* at 622-23. Rejecting this latter statement as having been contradicted by "Ventura's other sworn and unequivocal statements," the district court found "no evidence from which a reasonable jury could conclude that Ventura complained to any L.A. County official." *Id.*

The Ninth Circuit reversed that decision, calling it "inconsistent with the summary judgment standard." *Id.* at 623. Properly construed, "conflicting evidence about whether Ventura complained … raises a genuine issue of material fact." *Id.* The same conclusion applies to this case. "When the nonmoving party presents direct evidence refuting the party's motion for summary judgment, the court must accept that evidence as true … even when the non-movant's account is contradictory." *Schreiber v. Moe*, 596 F.3d 323, 333 (6th Cir. 2010). Here the Sixth Circuit panel affirmed all of the District Court errors because of constitutionally flawed precedent in *Gray*.

Even if the District Court could properly assign degrees of credibility at summary judgment, it was inappropriate to require some minimum number of protests from plaintiffs alleging wrongful detention. The District Court implied that protests repeated too often to count would suffice as evidence, but a handful of protests might not. Such an approach contradicts even the Sixth Circuit's evaluation of "[p]rotestations of innocence or misidentification *and* the availability and accessibility of exculpatory evidence," together, as

"relevant considerations for deciding whether officers have notice that they need to conduct some sort of inquiry." *Seales*, 724 Fed. App'x at 363 (emphasis added); *cf. OfficeMax Inc. v. United States*, 428 F.3d 583, 588-90 (6th Cir. 2005) (observing that the word "and" has a conjunctive meaning, distinct from the disjunctive "or").

Whatever their frequency, duration, or intensity, voluntary (not mandatory) protests of innocence should be regarded as a *subset* of exculpatory evidence. In fact, all other circuit Courts of Appeal explicitly or implicitly take this approach. Viewed as a whole this body of evidence bears upon the probability that the police have misidentified the detainee. Protests of innocence are simply exculpatory evidence offered by the detainee himself. This is precisely how the Ninth Circuit treats "a detainee's complaints of misidentification." *Garcia*, 817 F.3d at 642. Protestations of innocence corroborate other exculpatory evidence, such as "an obvious physical discrepancy," in "prompting officers to engage in readily available and resource-efficient identity checks, such as fingerprint comparison." *Id.*

Ironically, in other constitutional settings, the United States Supreme Court has advised police to regard claims of mistaken identity with suspicion. "[A]liases and false identifications are not uncommon," *Hill v. California*, 401 U.S. 797, 803 (1971); *accord Seales*, 724 Fed. App'x at 360; *United States v. Patrick*, 776 F.3d 951, 956 (8th Cir. 2015), and "those who are apprehended and are arrested many times attempt to avoid arrest by giving false identification," *Hill*, 401

U.S. at 803 n.7; *see also Criss v. City of Kent*, 867 F.2d 259, 263 (6th Cir. 1988) ("A policeman … is under no obligation to give any credence to a suspect's story"). The Sixth Circuit should not have construed the law of wrongful detention as *requiring* a form of self-exculpation that even this Supreme Court considers dubious. But that's what *Gray* does.

Even more importantly, the Fifth Amendment right against self-incrimination weighs very heavily against any requirement that would condition a constitutional claim for wrongful detention upon affirmative evidence that the detainee waived his constitutional right to remain silent by declaring his innocence. Perhaps no rule of criminal procedure is as familiar as the warnings required by *Miranda v. Arizona*, 384 U.S. 436 (1966). In addition to a "clear and unequivocal" warning that the suspect "has the right to remain silent," *id.* at 467-68, the police must explain "that anything said can and will be used against the individual in court," *id.* at 469.

Silence is not only a constitutional right; it is the conduct expected of someone detained by police. "At the time of arrest and during custodial interrogation, innocent and guilty alike—perhaps particularly the innocent—may find the situation so intimidating that they may choose to stand mute." *United States v. Hale*, 422 U.S. 171, 177 (1975). "In these often emotional and confusing circumstances, a suspect may not have heard or fully understood the question, or may have felt there was no need to reply." *Id.* If appellant Jackson protested his innocence but failed to do so loudly, he may have been "simply react[ing] with silence in

response to the hostile and perhaps unfamiliar atmosphere surrounding his detention." *Id. Miranda* warnings make any detainee "particularly aware of his right to remain silent and the fact that anything he said could be used against him." *Id.*; *see also id.* at 176 ("[A]n arrestee … is under no duty to speak and … has ordinarily been advised by government authorities only moments earlier that he has a right to remain silent, and that anything he does say can and will be used against him"). Any failure to speak, or even a choice to speak guardedly, can be easily but improperly construed as suggesting that the detainee did not protest because he could not do so honestly. *Id.* at 177.

Hale "conclude[d] that the respondent's silence during police interrogation lacked significant probative value and that any reference to his silence under such circumstances carried with it an intolerably prejudicial impact." *Id.* at 180. In *Minor v. Black*, 527 F.2d 1 (6th Cir. 1975), the Sixth Circuit itself extended *Hale* by holding that the admission of evidence on an arrestee's silence during cross-examination and commentary on his silence during closing argument represented "error of constitutional magnitude" in violation of the "petitioner's right to remain silent." *Id.* at 3.

Consistent with this Supreme Court's reasoning in *Miranda* and *Hale* and the Sixth Circuit's own precedent in *Minor*, this Court should not allow the absence nor the purported weakness of Jackson's protests of innocence to undermine an otherwise plausible claim of unlawful detention. Neither this Court nor the Sixth Circuit have *ever* held that the failure to protest one's innocence, standing alone,

would defeat a §1983 claim for wrongful detention, at least where the period of detention and the availability of exculpatory evidence would satisfy the Sixth Circuit's or this Court's definition of the claim. To read *Gray* as holding otherwise (as the District Court and the appellate panel appear to have done) cannot be squared with *Miranda*, *Hale*, and *Minor*.

The Petitioner has found *no* case in any other Circuit that has adopted protests of innocence as an indispensable element of a wrongful detention claim. No other Court of Appeals has granted summary judgment against a detainee who either failed to protest or failed to persist in protesting. *Russo v. City of Bridgeport*, 479 F.3d 196, 208 (2d Cir. 2007) (recognizing the right against "sustained detention stemming from … law enforcement officials' refusal to investigate available exculpatory evidence"); *Lee v. City of Los Angeles*, 250 F.3d 668, 684 (9th Cir. 2001) (holding that law enforcement officers acted "recklessly and with deliberate indifference" toward a detainee's due process rights when they "ignored his 'obvious' mental incapacity and failed to take any steps to identify him before arresting him … pursuant to a fugitive warrant" for another person); *Cannon v. Macon County*, 1 F.3d 1558, 1562-63 & n.3 (11th Cir. 1993) (requiring a "false imprisonment claim [to] meet the elements of common law false imprisonment" and to "work a violation of fourteenth amendment due process"); *Sanders v. English*, 950 F.2d 1152, 1162 (5th Cir. 1992) (finding potential § 1983 liability if an officer "knowingly and willfully ignore[s] substantial exculpatory evidence"); *Gay v. Wall*, 761 F.2d 175, 179 (4th Cir. 1985) (holding that a constitutional claim may

arise from an officer's "failure to take affirmative steps to determine [a detainee's] innocence").

Indeed, these cases affirmatively suggest that protests of innocence, while helpful, are not essential to a claim for wrongful detention. In *Cannon*, the detainee "repeatedly maintained that she was not" the wanted fugitive. 1 F.3d at 1560. The Eleventh Circuit's recitation of *nine* pieces of "substantial evidence" supporting a jury finding of deliberate indifference, however, omitted any mention of the detainee's protests. *Id.* at 1563-64. *Russo* recognized the wrongfully detained prisoner's insistence that he was innocent. 479 F.3d at 201. In reciting evidence that exposed "law enforcement officials' refusal to investigate available exculpatory evidence," however, the Second Circuit credited not only the prisoner's pleas urging officials to inspect tattoos that distinguished him from surveillance images of the suspect), but also the officials' own "failure to perform the simple task of checking the [exculpatory] tape." *Id.* at 208.

Most convincingly, *Lee* upheld a wrongful detention claim, 250 F.3d at 683-85, where the detainee suffered from "obvious" mental incapacity stemming from a "long history" of "hallucinations, learning disabilities, and chronic schizophrenia," for which "he ha[d] been institutionalized," *id.* at 677-78. It is quite evident that the detainee in *Lee* never protested his innocence. A year later, the Ninth Circuit in *Fairley v. Luman*, 281 F.3d 913 (9th Cir. 2002), did confront a wrongfully detained individual who "continuously protested [his] mistaken identity over the course of his twelve-day

detention," only to have "[p]rison officials respond by reducing his privileges," *id.* at 915. The Ninth Circuit's recognition of a constitutional "liberty interest in being free from … incarceration without any procedural safeguard … and in the face of his repeated protests of innocence," *id.* at 918, cannot be construed as a *requirement* that such protests, though relevant, must be present in every instance of wrongful detention. Such a reading is foreclosed by *Fairley*'s reliance upon *Lee*, which reported no protests by the detainee and certainly did not require protests as an indispensable element of a wrongful detention claim. 281 F.3d at 918 (citing *Lee*, 250 F.3d at 683).

Of course, the Petitioner's lower court briefs and this petition have consistently contended that the record *does* contain ample evidence that Jackson protested his innocence even by the flawed Sixth Circuit standard of *Gray* followed by the appellate panel, and to a sufficient degree as to permit a reasonable jury to find that Lawson was deliberately indifferent to Jackson's liberty interests. The constitutional doctrine propounded in *Miranda*, *Hale*, and *Minor*, however, compound the Sixth Circuit panel's error in affirming the District Court. Given the constitutional impropriety of requiring any detainee to affirmatively protest his innocence as *Gray* does, the appellate panel had no lawful basis for denying legal weight to Jackson's protests of innocence and misidentification. Any focus at all on a factor in *Gray* requiring Jackson to protest his innocence is at odds with *Miranda*, *Hale* and *Minor*, as well as sister circuits.

CONCLUSION

The Sixth Circuit panel erred in its interpretation and application of the substantive constitutional doctrine underlying Jackson's § 1983 claim. The Sixth Circuit panel erroneously believed that its precedent in the *Gray* line of cases required an affirmative protest of innocence by Jackson in order to maintain an action for wrongful detention. That requirement is inconsistent with the Fifth Amendment right to remain silent, as recognized in *Miranda*, *Hale*, and *Minor*. Therefore, Petitioner James Jackson respectfully requests that this Court grant this petition and issue a writ of certiorari to 1) bring the Sixth Circuit in line with its sister circuits and 2) clarify the interplay between constitutional claims of wrongful detention under U.S. Const. amend. IV and U.S. Const. amend. XIV, § 1 and the right against self-incrimination under U.S. Const. amend. V and *Miranda*.

Respectfully submitted,

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