

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL KENNEDY PETITIONER
(Your Name)

vs.

DIRECTOR, TDCJ-ID — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fifth Circuit Court of the United States Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL KENNEDY
(Your Name)

#1516203 3872 FM 350 South

(Address)

Livingston, Texas 77351

(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

DUE PROCESS Requires that the petitioner be provided notice where sanctioned entered and a right to be heard and when the sanctioned was entered the court improperly failed to provide the petitioner a opportunity to respond.

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

MICHAEL KENNEDY - PETITIONER
#1516203 POLUNSKY UNIT
3872 FM 350 South
Livingston, Texas 77351

United States District Court
FOR the EASTERN DISTRICT OF Texas
211 W. Ferguson St. Room 211
TYLER, Texas 75702

United States Court of Appeals
Fifth Circuit Court
600 MAESTRI Place
NEW ORLEANS, LA 70130

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A	Fifth Circuit Court of Appeals Order
APPENDIX B	United States District Court Order of Dismissal
APPENDIX C	United States District Magistrate Judge Report
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

28 U.S.C. § 1254 (1), 2

OTHER

United States Constitution Amendment 14th . . . 356

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix 1 to the petition and is

☐ reported at None; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix 2 to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 16, 2018.

[☒] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: none, and a copy of the order denying rehearing appears at Appendix none.

[] An extension of time to file the petition for a writ of certiorari was granted to and including none (date) on none (date) in Application No. none A none.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was none.
A copy of that decision appears at Appendix none.

[] A timely petition for rehearing was thereafter denied on the following date: none, and a copy of the order denying rehearing appears at Appendix none.

[] An extension of time to file the petition for a writ of certiorari was granted to and including none (date) on none (date) in Application No. none A none.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution Amendments Requires the Rights to notice when sanctioned imposed and a Rights to be heard and a Rights and Opportunities to Respond,

STATEMENT OF THE CASE

The United States District Court or the Fifth Circuit Court of Appeals never allowed the petitioner a opportunity to be heard or a rights to file a respond to the sanctioned imposed against the petitioner. The petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 in forma pauperis. However, the case was refer to the United States Magistrate Judge John D. Love, on month of February 15, 2018 entered a recommendation to dismiss petition for sanctioned imposed, petitioner filed objections to the report but the objections was never addressed. The Judge Thad Hartfield adopted the Magistrate Judge Report and entered final judgment of dismissal. The 8th Circuit Court accepted the notice of appeal but dismissed the appeals for not timely comply with court sanctioned. entered on mar 16, 2018.

REASONS FOR GRANTING THE PETITION

DUE PROCESS Requires that the petitioner be provided notice where sanctioned entered and a rights to be heard and when the sanctioned was entered the court improperly failed to provide the petitioner a opportunity to respond.

petitioner contends that all courts violated the petitioner rights without due process of law and without a hearing, notice and a rights to be heard when the court entered sanctions against the petitioner, First, The United States Court of Appeals or the other United States District Court never had any hearing when sanctioned imposed and never conducted any hearing to the time the sanctioned entered against the petitioner. The Rights to notice and a rights to be heard Required by due process of law

Under the First and Fourteenth Amendment
to the United States Constitution, here,
there is no opportunities and there was
no rights to be heard and a rights to
respond. Finally, petitioner contends
that there was no hearing and nothing
in front of the courts that was
certified and that a document was
sworn that supports any wrong doing
of the petitioner. The 5th Circuit Court of
Appeals should not impose sanctions
without first conducting a hearing, or
allow the petitioner a opportunity
to respond to the court sanctions. However,
petitioner ~~allow~~ ~~not~~ rights to respond and
notice to when sanctions imposed, petitioner
not respond and defend the court
sanctions imposed against the
without due process of law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Kennedy

Date: June 4, 2018