

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

JONATHAN E. BRUNSON — PETITIONER  
(Your Name)

vs.

STATE OF NORTH CAROLINA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JONATHAN E. BRUNSON  
(Your Name)

4600 SWAMP FOX HWY WEST  
(Address)

TABOR CITY, NORTH CAROLINA 28463  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## QUESTIONS PRESENTED

I. WHETHER THE HECK V. HUMPHREY, 512 U.S. 477, 486-87 (1994) REQUIREMENT FOR STATE PRISONERS TO EXHAUST THE STATE COURT REMEDY WHEN APPLIED TO A SECTION 1983 PROCEDURAL DUE PROCESS CLAIM FOR IN CAMERA DISCLOSURE OF CONFIDENTIAL FILES IN STATE COURT UNDER THE 14<sup>th</sup> AMENDMENTS DUE PROCESS CLAUSE UNDERLYING PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987) RENDERS HECK, RITCHIE, SECTION 1983, AND THE DUE PROCESS CLAUSE OF THE 14<sup>th</sup> AMENDMENT ALL BOTH UNENFORCEABLE AND UNCONSTITUTIONAL SINCE BOTH HECK AND RITCHIE REQUIRES THE EXHAUSTION OF STATE COURT REMEDY?

II. WHETHER THE HECK V. HUMPHREY, 512 U.S. 477, 486-87 (1994) REQUIREMENT FOR STATE PRISONERS TO EXHAUST THE STATE COURT REMEDY WHEN APPLIED TO A SECTION 1983 PROCEDURAL DUE PROCESS CLAIM FOR IN CAMERA DISCLOSURE OF CONFIDENTIAL FILES IN STATE COURT UNDER THE 14<sup>th</sup> AMENDMENTS DUE PROCESS CLAUSE UNDERLYING PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987) RENDERS MUHAMMAD V. CLOSE, 540 U.S. 749, 754-55 (2004) BOTH UNENFORCEABLE AND UNCONSTITUTIONAL SINCE THE MUHAMMAD COURT HELD THAT HECK DON'T APPLY TO CHALLENGES THAT DON'T HAVE A BEARING ON CONVICTION OR SENTENCE?

III. WHETHER STATE PRISONERS PROCEDURAL DUE PROCESS CLAIM FOR ACCESS TO EVIDENCE VIA STATE COURT REMEDY IS A COGNIZABLE § 1983 CLAIM UNDER THE 14<sup>th</sup> AMENDMENTS DUE PROCESS CLAUSE UNDERLYING PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987) WHEN STATE EMPLOYEES DEPRIVE STATE PRISONERS OF THEIR RIGHT TO PROCEDURAL DUE PROCESS OF AN IN CAMERA DISCLOSURE OF CONFIDENTIAL RITCHIE FILES?

## 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:

1. STATE OF NORTH CAROLINA
2. NORTH CAROLINA DEPARTMENT OF JUSTICE
3. OFFICE OF THE DISTRICT ATTORNEY FOR THE 12th PROSECUTORIAL DISTRICT
4. OFFICE OF THE 12th JUDICIARY
5. JAMES F. AMMONS, JR.
6. JOSH STEIN
7. WILLIAM WEST

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	5
REASONS FOR GRANTING THE WRIT .....	6
CONCLUSION.....	12

## INDEX TO APPENDICES

APPENDIX A - DECISION OF U.S. COURT OF APPEALS AFFIRMING DECISION OF  
U.S. DISTRICT COURT

APPENDIX B - DECISION OF U.S. DISTRICT COURT DISMISSING 1983 COMPLAINT

APPENDIX C - ORDER OF U.S. DISTRICT COURT DENYING MOTION FOR  
RECONSIDERATION

APPENDIX D - ORDER OF U.S. COURT OF APPEALS DENYING REHEARING

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

### CASES

<u>GRIER V. KLEM</u> , 591 F. 3d 672, 677-78 (3d Cir, 2010) . . . . .	10, 11
<u>HECK V. HUMPHREY</u> , 512 U.S. 477, 486-87 (1994) . . . . .	PASSIM
<u>MCKITTRICK V. BROWN</u> , 481 F. 3d 89, 101-03 (2d Cir. 2007) . . . . .	9, 10, 11
<u>MUHAMMAD V. CLOSE</u> , 540 U.S. 749, 754-55 (2004) . . . . .	6, 7
<u>OSBORNE V. DIST. ATTORNEY'S OFFICE FOR THE THIRD JUD. DIST.</u> , 521 F. 3d 1118, 1126-31 (9th Cir, 2008) . . . . .	10, 11
<u>PENNSYLVANIA V. RITCHIE</u> , 480 U.S. 39, 58 (1987) . . . . .	PASSIM

### CONSTITUTION

<u> DUE PROCESS CLAUSE IN THE 14<sup>TH</sup> AMENDMENT TO U.S. CONSTITUTION</u> . . . . .	PASSIM
--	--------

### OTHER

<u> SECTION 1983 OF TITLE 42 OF THE UNITED STATES CODE</u> . . . . .	PASSIM
--	--------

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 A 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 United States district court appears at Appendix B 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 21, 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: JUNE 26, 2018, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

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 \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. DUE PROCESS CLAUSE IN THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION  
STATES THAT "NO STATE SHALL . . . DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR  
PROPERTY, WITHOUT DUE PROCESS OF LAW" NOR DENY TO ANY PERSON WITHIN ITS  
JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

2. HECK V. HUMPHREY, 512 U.S. 477, 486-87 (1994) REQUIRES STATE PRISONERS  
EXHAUST THE STATE COURT REMEDY PRIOR TO FILING A SECTION 1983 COMPLAINT  
IN FEDERAL COURT

3. MUHAMMAD V. CLOSE, 540 U.S. 749, 754-55 (2004) HELD THAT  
HECK DON'T APPLY TO CHALLENGES THAT DON'T HAVE A BEARING ON CONVICTION  
OR SENTENCE.

4. PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987) HELD THAT "RITCHIE'S RIGHT  
TO DISCOVER EXONERATORY EVIDENCE AND THE STATE'S INTEREST IN ENSURING A  
FAIR TRIAL CAN BE PROTECTED FULLY BY TRIAL COURT'S CONDUCTING IN CAMERA  
REVIEW OF CONFIDENTIAL FILES." THIS COURT FURTHER HELD THE DUE PROCESS  
CLAUSE OF THE FOURTEENTH AMENDMENT REQUIRES DISCLOSURE IN CAMERA OF  
RECORDS HELD BY STATE CHILD WELFARE DEPARTMENTS. THIS COURT EXPLAINED  
IT IS "WELL SETTLED THAT THE GOVERNMENT HAS THE OBLIGATION TO TURN OVER  
EVIDENCE IN ITS POSSESSION THAT IS BOTH FAVORABLE TO THE ACCUSED AND  
MATERIAL TO GUILT OR PUNISHMENT . . . RITCHIE IS ENTITLED TO HAVE THE  
CPS FILE REVIEWED BY THE TRIAL COURT TO DETERMINE WHETHER IT CONTAINS  
INFORMATION THAT PROBABLY WOULD HAVE CHANGED THE OUTCOME OF HIS

TRIAL . . ." RITCHIE AT 480 U.S. 39, 58 (1987)

5. SECTION 1983 OF TITLE 42 OF THE UNITED STATES CODE PROVIDES THAT "EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM OR USAGE, OF ANY STATE OR TERRITORY, OR DISTRICT OF COLUMBIA, 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, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS."

### STATEMENT OF THE CASE AND FACTS

ON MARCH 27, 2017, JONATHAN E. BRUNSON ("BRUNSON" OR "PETITIONER"), A STATE INMATE PROCEEDING PRO SE AND IN FORMA PAUPERIS, FILED A 42 U.S.C. SECTION 1983 PROCEDURAL DUE PROCESS CLAIM IN THE U.S. DISTRICT COURT IN CASE NO. 5:17-CT-03093-D SEEKING TO ENFORCE HIS RIGHT GUARANTEED BY THE U.S. CONSTITUTION BY CHALLENGING STATE EMPLOYEES DEPRIVATION OF HIS RIGHT TO STATE COURT CONDUCTING AN IN CAMERA DISCLOSURE OF CONFIDENTIAL FILES UNDER THE 14<sup>TH</sup> AMENDMENTS DUE PROCESS CLAUSE UNDERLYING PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987).

ON OCTOBER 11, 2017, THE U.S. DISTRICT COURT ENTERED AN ORDER DISMISSING THE ACTION UNDER 28 U.S.C. § 1915(e)(2)(B) FOR FAILURE TO STATE A CLAIM. ON OCTOBER 20, 2017, BRUNSON MOVED FOR RECONSIDERATION. ON JANUARY 25, 2018, THE U.S. DISTRICT COURT ENTERED AN ORDER DENYING BRUNSON'S MOTION FOR RECONSIDERATION HOLDING THAT "BRUNSON'S COMPLAINT SOUGHT TO COLLATERALLY ATTACK HIS CRIMINAL CONVICTION IN VIOLATION OF HECK V. HUMPHREY, 512 U.S. 477, 486 -87 (1994), OR WAS OTHERWISE AN ATTACK ON STATE COURT JUDGMENTS OVER WHICH THE COURT LACKS JURISDICTION." BRUNSON APPEALED THE DECISION OF THE U.S. DISTRICT COURT AND ON MAY 21, 2018, THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT AFFIRMED FOR THE REASONS STATED BY THE U.S. DISTRICT COURT. BRUNSON FILED A TIMELY PETITION FOR REHEARING AND REHEARING EN BANC. ON JUNE 26, 2018, THE U.S. COURT OF APPEALS DENIED BRUNSON'S PETITION FOR REHEARING AND REHEARING EN BANC.

## REASONS FOR GRANTING THE PETITION

I. THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS HAS DECIDED A NATIONALLY IMPORTANT QUESTION OF FEDERAL LAW IN SECTION 1983 OF TITLE 42 OF THE U.S. CODE AND THE DUE PROCESS CLAUSE IN THE 14<sup>th</sup> AMENDMENT TO THE U.S. CONSTITUTION THAT HAS NOT BEEN, BUT SHOULD BE, SETTLED BY THIS COURT SINCE THE DECISION DIRECTLY CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT IN PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987), HECK V. HUMPHREY, 512 U.S. 477, 486-87 (1994), AND MUHAMMAD V. CLOSE, 540 U.S. 749, 754-55 (2004).

IN 1987, THE RITCHIE COURT ORDERED A STATE COURT REMEDY UNDER THE DUE PROCESS CLAUSE IN THE 14<sup>th</sup> AMENDMENT TO THE U.S. CONSTITUTION THAT REQUIRES THE STATE COURT TO CONDUCT AN IN CAMERA DISCLOSURE OF CONFIDENTIAL FILES. SEVEN YEARS LATER, HOWEVER, THE HECK COURT ORDERED A REQUIREMENT FOR STATE PRISONERS TO EXHAUST THE STATE COURT REMEDY, WHICH INCLUDES THE EXHAUSTION OF THE STATE COURT REMEDY ORDERED BY THE RITCHIE COURT. CONSEQUENTLY, THE HECK COURT'S EXHAUSTION REQUIREMENT IN STATE COURT IN EFFECT PRECLUDES A PROCEDURAL HECK BAR OF STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS TO ENFORCE THE RITCHIE STATE COURT REMEDY. SIMPLY, THE RITCHIE STATE COURT REMEDY IS A STATE COURT REMEDY AVAILABLE TO STATE PRISONERS THAT, BY DESIGN, IS CONSISTENT WITH THE HECK COURT'S EXHAUSTION REQUIREMENT TO EXHAUST THE STATE COURT REMEDY, BUT STATE PRISONERS FILING SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR

DISCLOSURE OF RITCHIE EVIDENCE IN STATE COURT CANNOT EXHAUST THE RITCHIE STATE COURT REMEDY IF THEY ARE PROCEDURALLY BARRED FROM DOING SO BY THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS IMPROPER APPLICATION OF HECK. FOR THIS REASON, THE RITCHIE COURT WAS INTUITIVELY FORWARD THINKING IN ORDERING THE RITCHIE STATE COURT REMEDY AS A STATE COURT REMEDY, AND NOT A FEDERAL COURT REMEDY, TO INSURE THE FEDERAL COURTS ENFORCEMENT OF RITCHIE IN STATE COURTS, THEREBY ELIMINATING ANY POSSIBILITY OF PROCEDURAL BARS TO STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR ACCESS TO RITCHIE EVIDENCE IN STATE COURT. AS A RESULT, STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR ACCESS TO RITCHIE EVIDENCE COMES WITH A BUILT-IN STATE COURT REMEDY ORDERED BY THE RITCHIE COURT THAT REQUIRES THE FEDERAL COURT TO SIMPLY ENFORCE RITCHIE BY SIMPLY ORDERING NON-COMPLIANT STATE COURTS TO CONDUCT IN CAMERA DISCLOSURES OF CONFIDENTIAL RITCHIE FILES TO IN EFFECT FINISH THEIR OWN BUSINESS THAT THEY NEGLECTED IN THE FIRST PLACE. NOTHING MORE. THUS, STATE PRISONERS PROCEDURAL DUE PROCESS CLAIMS FOR ACCESS TO RITCHIE EVIDENCE IN CAMERA IN STATE COURTS PRESENTS ABSOLUTELY NO CHALLENGE TO OR DECISION ON THE VALIDITY OF THEIR CONVICTIONS OR SENTENCES IN FEDERAL COURT. SEE MUHAMMAD V. CLOSE, 540 U.S. 749, 754-55 (2004) THAT HELD HECK DON'T APPLY TO CHALLENGES THAT DON'T HAVE A BEARING ON CONVICTION AND SENTENCE. NEVERTHELESS, THE OVERALL EFFECTS OF A HECK BAR APPLIED TO STATE PRISONERS PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT IS : (1) HECK NOT ONLY BARS STATE PRISONERS ACCESS TO THE FEDERAL COURT REMEDY, BUT IT ALSO BARS STATE PRISONERS ACCESS TO THE RITCHIE STATE <sup>COURT</sup> REMEDY IN DIRECT CONFLICT WITH THE HECK COURT DECISION REQUIRING STATE PRISONERS TO EXHAUST

THE STATE COURT REMEDY, AND (2) HECK NOT ONLY BARS STATE PRISONERS ACCESS TO THE FEDERAL COURT REMEDY, BUT IT ALSO BARS STATE PRISONERS ACCESS TO THE RITCHIE STATE COURT REMEDY IN DIRECT CONFLICT WITH THE RITCHIE COURT DECISION REQUIRING THE STATE COURT TO CONDUCT AN IN CAMERA DISCLOSURE OF CONFIDENTIAL FILES.

HERE, THE U.S. SUPREME COURT DID NOT INTEND TO IMPOSE A HECK REQUIREMENT TO EXHAUST THE STATE COURT REMEDY AND THEN TURN AROUND AND PERMIT A HECK BAR TO STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS THAT IN EFFECT BARS STATE PRISONERS ACCESS TO THE (RITCHIE) STATE COURT REMEDY. THE U.S. SUPREME COURT DID NOT INTEND TO DOUBLETALK HECK, RITCHIE, SECTION 1983, AND THE 14<sup>TH</sup> AMENDMENT TO THE U.S. CONSTITUTION ALL INTO VAGUENESS AND, THUS, RENDER THEM ALL BOTH UNENFORCEABLE AND UNCONSTITUTIONAL. SIMPLY, STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT ONLY SEEKS TO ENFORCE THE RITCHIE STATE COURT REMEDY GUARANTEED UNDER THE 14<sup>TH</sup> AMENDMENT'S DUE PROCESS CLAUSE, WHICH IS PURELY CONSISTENT WITH THE HECK REQUIREMENT FOR STATE PRISONERS TO EXHAUST THE STATE COURT REMEDY. AND BECAUSE THE HECK COURT REQUIRES STATE PRISONERS TO EXHAUST THE STATE COURT REMEDY, THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS CANNOT LAWFULLY APPLY A HECK BAR TO STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT IF IT HAS AN EFFECT OF BARRING STATE PRISONERS ACCESS TO THE RITCHIE STATE COURT REMEDY THAT HECK DEMANDS BE EXHAUSTED. AND BECAUSE THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS CANNOT LAWFULLY APPLY A

HECK BAR TO STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT IF IT HAS AN EFFECT OF BARRING STATE PRISONERS ACCESS TO THE RITCHIE STATE COURT REMEDY THAT HECK ITSELF DEMANDS BE EXHAUSTED, STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT ARE THEREFORE COGNIZABLE SECTION 1983 CLAIMS FOR STATE PRISONERS TO SIMPLY ENFORCE THEIR U.S. CONSTITUTIONAL RIGHT GUARANTEED UNDER THE FOURTEENTH AMENDMENTS DUE PROCESS CLAUSE UNDERLYING RITCHIE VIA FEDERAL COURT ORDERED INJUNCTIONS AGAINST STATE COURTS NON-COMPLIANCE WITH THE RITCHIE COURT ORDER REQUIRING STATE COURTS TO CONDUCT IN CAMERA DISCLOSURES OF CONFIDENTIAL RITCHIE FILES.

## II. THE DECISIONS OF THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS DIRECTLY CONFLICT WITH THE DECISIONS OF THREE OTHER U.S. COURT OF APPEALS

STATE PRISONERS PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO RITCHIE EVIDENCE IN STATE COURT ARE NEAR IDENTICAL TO THE CLAIMS FOR ACCESS TO EVIDENCE IN FEDERAL COURT IN THE FOLLOWING CASES:

- MCKITHEN V. BROWN, 481 F. 3d 89, 101-03 (2d Cir. 2007) (COGNIZABLE SECTION 1983 CLAIM FOR ACCESS TO DNA EVIDENCE BECAUSE SUCCESS WOULD NOT NECESSARILY IMPLY ANYTHING ABOUT VALIDITY OF CONVICTION);

- GRIER V. KLEM, 591 F. 3d 672, 677-78 (3d Cir. 2010) (COGNIZABLE SECTION 1983 CLAIM FOR ACCESS TO RESULTS OF DNA TESTING BECAUSE PRISONER WOULD MERELY GAIN ACCESS TO EVIDENCE, WHICH WOULD NOT NECESSARILY INVALIDATE CONVICTION); AND
- OSBORNE V. DIST. ATTORNEY'S OFFICE FOR THIRD JUD. DIST., 521 F. 3d 1118, 1126-31 (9th Cir. 2008) (COGNIZABLE SECTION 1983 CLAIM FOR POST-CONVICTION ACCESS TO BIOLOGICAL EVIDENCE FOR THE PURPOSE OF DNA TESTING BECAUSE ACCESS WOULD NOT NECESSARILY INVALIDATE CONVICTION.).

IN THESE THREE PRECEDENTS FROM OTHER JURISDICTIONS, IT WAS DETERMINED THAT THE MERE ACCESS TO EVIDENCE IN FEDERAL COURT (1) "WOULD NOT NECESSARILY IMPLY ANYTHING ABOUT VALIDITY OF CONVICTION," MCKITTEN, SUPRA; (2) "WOULD NOT NECESSARILY INVALIDATE CONVICTION," GRIER, SUPRA; AND (3) "WOULD NOT NECESSARILY INVALIDATE CONVICTION," OSBORNE, SUPRA. THESE THREE COURT OF APPEALS DETERMINED THAT CLAIMS FOR ACCESS TO EVIDENCE IN FEDERAL COURT ARE COGNIZABLE SECTION 1983 CLAIMS. HOWEVER, STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE EVIDENCE IN STATE COURT ARE NEAR IDENTICAL TO THE CLAIMS FOR ACCESS TO EVIDENCE IN FEDERAL COURT IN MCKITTEN, GRIER, AND OSBORNE, WHICH, APPARENTLY, MANIFEST THAT STATE PRISONERS CLAIMS, IF CONSIDERED IN THOSE THREE JURISDICTIONS, WOULD ALSO BE COGNIZABLE SECTION 1983 CLAIMS IN FEDERAL COURT THAT "WOULD NOT NECESSARILY IMPLY ANYTHING ABOUT VALIDITY OF CONVICTION" OR "WOULD

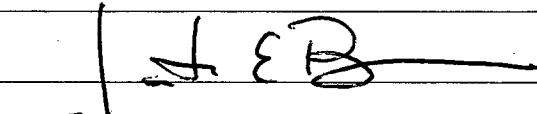
NOT NECESSARILY INVALIDATE CONVICTION." IN FACT, STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE FILES IN STATE COURT ARE NATURALLY MORE COGNIZABLE CLAIMS IN FEDERAL COURT THAN THE CLAIMS IN FEDERAL COURT IN MCKITHEN, GRIER, AND OSBORNE SINCE ACCOMPANIED BY THE RITCHIE STATE COURT REMEDY AS A BUILT-IN STATE COURT REMEDY UNDER THE 14th AMENDMENTS DUE PROCESS CLAUSE THAT REQUIRES THE STATE COURT TO CONDUCT IN CAMERA DISCLOSURES OF CONFIDENTIAL FILES TO PERMIT STATE PRISONERS IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE EVIDENCE IN STATE COURT. AND BECAUSE STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL EVIDENCE IN STATE COURT ARE ACCOMPANIED BY THE RITCHIE STATE COURT REMEDY AS A BUILT-IN STATE COURT REMEDY, STATE PRISONERS SECTION 1983 CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE EVIDENCE IN STATE COURT ARE THEREFORE CONSISTENT WITH THE HECK COURTS REQUIREMENT TO EXHAUST THE STATE COURT REMEDY WAY AHEAD THE CLAIMS IN MCKITHEN, GRIER, AND OSBORNE THAT DO NOT EXHAUST THE STATE COURT REMEDY AND INSTEAD RELY SOLELY ON THE FEDERAL COURT REMEDY. AND BECAUSE STATE PRISONERS SECTION 1983 PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE EVIDENCE IN STATE COURT ARE CONSISTENT WITH THE HECK COURTS REQUIREMENT TO EXHAUST THE STATE COURT REMEDY, STATE PRISONERS PROCEDURAL DUE PROCESS CLAIMS FOR IN CAMERA ACCESS TO CONFIDENTIAL RITCHIE EVIDENCE IN STATE COURT ARE THEREFORE COGNIZABLE SECTION 1983 CLAIMS THAT DO NOT CIRCUMVENT STATE COURT, DO NOT COLLATERAL ATTACK IN FEDERAL COURT, DO NOT INVALIDATE CONFINEMENT, WOULD NOT VACATE CONVICTION, DO NOT CLAIM UNCONSTITUTIONAL CONVICTION

OR IMPRISONMENT, DO NOT CHALLENGE CRIMINAL CONVICTION OR SENTENCE AND  
THEREFORE THE HECK BAR DOES NOT APPLY. SEE MUHAMMAD V. CLOSE, 540  
U.S. 749, 754-55 (2004).

### CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED THIS THE 20<sup>th</sup> DAY OF AUGUST, 2018.

  
JONATHAN E. BRUNSON

4600 SWAMP FOX HWY WEST  
TABOR CITY, NORTH CAROLINA 28463