

No. 18-8502

ORIGINAL

Supreme Court, U.S.
FILED

MAR 01 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

John Allen Alexander, Jr. — PETITIONER
(Your Name)

vs.

Randee Reverts — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Allen Alexander, Jr.
(Your Name)

Carson City Corr. Fac. 10274 E. Boyer Rd.
(Address)

Carson City, NV, 89801
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

I. IS IT A VIOLATION OF THE UNITED STATES CONSTITUTIONAL AMENDMENT ARTICLE III, SECTION I AND II; UNITED STATES CONSTITUTIONAL AMENDMENT XIV, SECTION I FOR A CLERK OF A COURT TO ISSUE AN OPINION DENYING PETITIONER HIS RIGHT TO AN ARTICLE III JUDGE OUTLINED IN THE U.S. CONST. IN RELATION TO A CERTIFICATE OF APPEALABILITY?

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:

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OTHER

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☒ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 January 18, 2019.

☒ 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: _____, 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

Hohn v United States, 524 U.S. 236.

In Re Certain Complaints Under Investigation, 783 F.2d 1488.

Hasting v Judicial Conf. of United States, 770 F.2d 1093.

U.S.C.S. Fed. Rules App. Proc. R 22(b)(2).

U.S. Const. Am. XIV, Sec. 1; ~~Am. XIV~~

Hayburns Case, 2 U.S. 409, 2 Dall. 409 1 L. Ed. 436 (1792).

U.S. Const. Am. Art. III, Sec. 1 & 2.

Federal Rule Of Appellate Procedure (27)(c).

STATEMENT OF THE CASE

On September 27, 2018, the U.S. District Court for the Eastern District of Michigan denied petitioner's request a writ of Habeas Corpus, Granted Forma Pauperis to request Certificate of Appealability in good faith, in which the Eastern District of Michigan (Honorable Matthew F. Leitman) had denied.

On ~~September 28~~ October 03, 2018, petitioner filed for Certificate of Appealability in the United States Court of Appeals for the Sixth Circuit.

On January 18, 2019, petitioner received "order", informing him that his Application for Certificate of Appealability has been denied. This order came from the Clerk's Office with no Judge's signature, etc.

REASONS FOR GRANTING THE PETITION

"There is a matter of Judicial Discretion in the Petitioner's question of law to where a state court or a United States Court of Appeals has decided ~~an important~~ an important question of Federal Law that has not been, but should be, settled by this Court, or has decided an important Federal Question in a way that conflicts with relevant decisions of this Court."

On January 18, 2019, petitioner received an Order from the United States Court of Appeals for the Sixth Circuit denying his Application for Certificate of Appealability.

This order has a Filed stamped date of January 18, 2019 from Clerk Deborah S. Hunt, a signature by the same person, Deborah S. Hunt (See Appendix "A").

There is no Judge's signature on the order nor in the opening of the order. Petitioner is being denied his Constitutional Right of an Article III ~~Judge~~ Judge where petitioner was denied the right of the U.S. Court of Appeals to review a Judicial decision that was Judicial in nature. See U.S. Const. Am. Art. III, Sec. 1; *Hohn v United States*, 524 U.S. 236.

Federal Rules of Appellate Procedure R(27)(c) states:
"In addition to the authority expressly conferred by these rules or by law, a single judge of a Court of Appeals may entertain and may grant or deny any request for relief which under these rules may be properly sought by motion, except that a ~~single judge~~ single judge may not dismiss or otherwise determine

an appeal or other proceeding, and except that a court of appeals may provide by order or rule that any motion or class of motions must be acted upon by the court.

The action of a single judge may be reviewed by the court. "Application for certificate of appealability" is a motion. Decisions regarding certificate of appealability, in contrast, are judicial in nature (see Gordon, *supra*) (Hastings, *supra*).

In this case Deborah S. Hunt is not a judge, so a "single judge" term does not apply.

In *Re Certain Complaints Under Investigation*, 783 F.2d 1488, this court completely ~~ab~~ abdicated and delegated his decision-making authority to his law clerk, and like Hohn, was remanded to the lower court. See *Hastings v Judicial Cent. of United States*, 770 F.2d 1093.

Petitioner John Allen Alexander, Jr.'s Constitutional Rights were violated by the actions of the Clerk of the United States Court of Appeals and should be granted a writ of Certiorari.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: February 28, 2019