

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 Beavert — 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, MI, 48811  
(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:

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A	<i>Order From Clerk In Sixth Circuit Court of Appeals</i>
APPENDIX B	<i>Order Granting Forma Pauperis</i>

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

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 is unpublished.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 is unpublished.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.

Hastings 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; ~~§ 1~~

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 ~~December~~ 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 ~~contradicting~~ 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 may not dismiss or otherwise determine

an appeal or other proceeding, and except that a Court of  
class of motions must be acted upon by the Court.  
Appeals may provide by order or rule that any motion or  
Court, "Appeal, in for certification of appealability, this is a motion  
Decisions regarding certification of appealability, in contrast  
are judicial, in nature (see Gordon, Super) (Hastings, Super).  
In this case Deborah S. Hunt is not a judge, so a single  
judge "term does not apply.

In the certain complaints Under Investigation, 783 F.2d 1488, this  
Court "completely abandoned and delegated his decision-making  
authority to his law clerk and like Hunt was mandated to the  
lower courts see Hastings v. Judicial Court of Unified States, 770 F.2d  
by the actions of the Clerk of the Court of Appeals  
and should be granted a Court of Appeals.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Alexander, Jr." The signature is fluid and cursive, with "John A." on top and "Alexander, Jr." on the line below.

Date: February 28, 2019