

18-8711

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAR 18 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Bjorn Christian Luster — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, 8th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bjorn Luster
(Your Name)

P.O. BOX 1000
(Address)

Oxford, Wisconsin 53952
(City, State, Zip Code)

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(Phone Number)

After April 3rd 2019

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QUESTION(S) PRESENTED

Can a Court deny a Defendant permission to cohabit with his or her child and the child's other parent while on probation or parole simply because the other parent has a prior felony conviction which is unrelated to the Defendant's case?

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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TABLE OF AUTHORITIES CITED

CASES

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None

STATUTES AND RULES

None

OTHER

None

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 is unpublished.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 is unpublished.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 is unpublished.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 is unpublished.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 March 7th 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

Fourteenth Amendment

"Liberty" encompasses and protects Personal intimacies of home, family, marriage, motherhood, fatherhood, procreation, and child rearing.

"The pursuit of happiness" would also obviously protect a person's choice of who they live with, especially when involving one's own children.

STATEMENT OF THE CASE

Bjorn Luster and Melissa Luettenmacher began dating in early 2013. Melissa had a prior felony conviction for delivery of marijuana stemming from an arrest which occurred before the couple met. Melissa became pregnant with Bjorn Luster's child in February 2013. On August 21st, 2013, Bjorn Luster was indicted on one count of possessing an unregistered firearm and was placed in federal detention. The couple had planned to marry before their son was born in November. In October 2013, Bjorn Luster sought permission from the U.S. District court, Northern District of Iowa, to marry Melissa Luettenmacher while in federal detention. Hon. Judge Linda Reade Granted permission and the couple were married November 6th 2013. Their son was born November 18, 2013. The couple divorced in 2016 while Bjorn Luster was still in prison but the couple remained in contact. In 2018 the couple agreed there was a desire to reunite as a couple and family upon Bjorn Luster's release in 2019. In late 2018 Bjorn Luster motioned the same court and Judge who granted the couple permission to marry for permission to cohabitate while Luster was on supervised release in light of Melissa's previous felony; (which she already had when permission to marry was granted) Judge Reade denied the motion without citing a reason for doing so. Judge Reade has no legitimate reason to deny the couple and their child to live together.

REASONS FOR GRANTING THE PETITION

Believe it or not, there are certain Judges who enjoy sending fellow human beings to prison, and look for any excuse to do so. With all the challenges a person on correctional supervision faces, such as maintaining sobriety, maintaining steady employment, housing, raising children, and of course staying out of trouble and not committing crimes. The last thing that person needs is the possibility of being put in prison for simply living with or interacting with their child's other parent, who happens to have a prior felony conviction. Parents of children should feel a duty to coparent with the other parent and that duty should not be infringed upon. If both parents of a child love each other and wish to raise that child together in the same home, they should be encouraged to do so and a prior felony conviction of either parent should have nothing to do with it so long as it is unrelated to the living situation. Statistically, the government and or court system should not be actively trying to create single parent homes, due to the documented effects on the children.

No Judge or probation-parole officer should be given unchallenged power to deny the parents of a child to live with or have contact with each other without having to give a legitimate reason as to why. This reason should be rational, based on facts, and only be used when there is a genuine concern of a serious negative outcome.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bjorn Luster

Date: March 17th 2019