

18-9172

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

APR 29 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

Wendy Pitts

(Your Name)

— PETITIONER

vs.

United States of America

— 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

Wendy Pitts

(Your Name)

505 Townsend St Apt 504

(Address)

Lansing, Mi, 48933

(City, State, Zip Code)

(248) 835-8443

(Phone Number)

QUESTION(S) PRESENTED

1. Did Fema error in releasing funds without due process of the Privacy Act law on Fema Form 009-0-3 ?
①
2. Did Fema error thinking Defendant's home was damaged by the Disaster?
3. Did Fema error, Application/Registration for Disaster Assistance Fema Form 009-0-1 has error and conflicting information?
4. Did Fema error on Application not answering question 20. Special needs: mental health?
5. Did United States District court error when Defendant was approached with Plea Bargain?

(6) Did United States District Court Western District of Michigan Southern Division err in hearing the case when damages occurred in the city of Detroit Jurisdiction. United States District Court Eastern District of Michigan Eastern Division?

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:

Wendy Pitts

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES 1. Privacy Act Statement

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121-5207 and, Reorganization Plan No. 3, of, 1978; 4 U.S.C. §§ 2904 and 2906, 4 C.F.R. § 208.2 (a)(27); the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) and Executive Order 13411, DHS ask for your SSN pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3325 (d) and § 7701 (c) (1), DHS/FEMA-008
78 Fed. Reg 25.282

OTHER

State of Michigan Drivers License P320870135856
on Oct 15, 2014. Shows date and address.

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 _____ 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 Dec 27, 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 Jan 29, 2019.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: Jan 29, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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. 8th Amendment

Excessive fine imposed nor cruel and unusual punishments inflicted. and cover forest

2. Amendment 13 servitude complete subject to someone more powerful.

3. Article 3 section 2 shall extend to all cases, in law and equity (treatment fair and impartial) under the constitution.

4. Article 4 right of the people to be secure in their persons, papers and effect shall not be violated.

5. Article 5 (15) Respect all legal right that are owed to a person Due process balances the power of Law of the land and protect the individual person fair trial by Jury.

1 STATEMENT OF THE CASE

1. DECLARATION AND RELEASE FEMA FORM 009-0-3

THE FEDERAL EMERGENCY MANAGEMENT AGENT is violation of Wendy Pitts Forth Amendment, Consitution rights, to be ~~secure~~ secure in their persons, papers and effect shall not be violated, to collect information to determine eligibility Principal Purpose of the Privacy Act to share and cross data. ~~APPENDIX D~~ This was not done causing error on FEMA to release funds Defendant would not have been eligible for, but did do at wrong time sharing cross-reference after funds was released and determine error on their behalf Defendant did not meet qualification. The Privacy Act have a social, legal, or moral requirment the compels one to follow or avoid a particular course of action. Exspecially to help with Applicant Wendy Pitts applying for disater assistance. Who has been disable and uneducated which makes her incompetent and slower.

2 STATEMENT OF THE CASE

2. ① Wendy Pitts application for assistance
Fema Department of Homeland Security
Federal EMERGENCY MANAGEMENT AGENCY
Form 009-0-1 question 14A. Was your
home damaged by Disaster? **NO**, and
Question 8. Determined Address of
Damaged Property 10444 Joy Rd, Detroit
Mi 48204-3016, Question 9. Current
Mailing Address 5613 S. MARTIN Luther
King Jr. Blvd, Lansing, Mi 48911, and
② State of Michigan Drivers License
P320 870 135 856 on Oct 15, 2014
Show address, 5613 S. Martin Luther
King Blvd and date change of
Address 09/04/2013. ^{Appendix C} The Fema
is in violation Forth Amendment
to be secure in their persons,
paper and effect shall not be
violated, Privacy Act 42 U.S.C. §
5121-5207 etc... Fema Form 009-0-3
Application clearly states in order
to be eligible to receive FEMA Disaster
Assistance & current form of photo
Identification. Appendix D

3 STATEMENT OF THE CASE

3. Application/Registration for Disaster Assistance Fema Form 009-0-1

Question 21. Names of all persons living in home at the time of Disaster indicates 1 person Wendy Pitts find attached APPENDIX E

APPENDIX F On document NEMIS Human Services

Occupants 3, (A) Pitts Wendy, (B) Pitts

Kenyetta, (C) Westbrooks Kierra T

APPENDIX E

1. Fema Form 009-0-1 Question 9 and 10

current local, mailing address 5613 S. MARTIN LUTHER King Jr Blvd Lansing Michigan 48911 etc...

2. Question 22 primary business indicates business or rental property it can be confuse for both not clear and precise. Appendix E

4 STATEMENT OF THE CASE

~~APPENDIX E~~

4. Application/Registration for Disaster

Assistance FEMA FORM 009-0-1

Question 20. special needs, ~~APPENDIX E~~ was not answered, Should have been answered especially to help with Wendy Pitts applying for disaster assistance. Who has been disable and uneducated which makes her incompetent and slower, which is a violation of the Constitution Forth Amendment to feel secure in your papers.

5 STATEMENT OF CASE

5. United States District Court WESTERN District of Michigan.

Wendy Pitts pled guilty to a written Pled agreement on July 23, 2016. The Judge sentence Pitts to 1 year probation.

Wendy Pitts was faced with the maximum 5 years.

Wendy Pitts told representing Attorney about Fema's errors for dense, but counsel refuse to raises the issue Where the case would have been dismissed.

Due to this family and friends thought it would be in Wendy Pitts best interest to take the Pled. Looking at the comparison of probation to 5 years, because all the inconsistency in the Application not being clear and precise, possible be found guilty

Artice III. Section 2 shall extend to all cases, in law and equity under this constitution.

REASONS FOR GRANTING THE PETITION

1. Why it should grant certiorari?
 - Ⓐ Courts of Appeal wanted substantial showing of the denial of a constitutional right, which has been provide at this time that the Attorney's did not do.
 - Ⓑ in the courts of Appeal Order the judge have conflicts with district court concerning jurisdiction and other procedures.
 - Ⓒ The ratio between 1 year probation and 5 years in prison, with errors in the Application being looked over and Defendant's Attorney was inadequate. The Pled was the best way to go, others in similarly situations offer a lot lower pled bargains against excessive sentence therefore pled guilty, when not guilty.
 - Ⓓ The compelling reasons exit for the exercise of the Court's discretionary jurisdiction,
The Supreme Court has (athority) to balance the law and to protect in all laws and equity under the violation of the constitution. Respecting all legal rights that are owed to a person Due process balances the power of law of

REASONS FOR GRANTING THE PETITION

the land and protect the individual person, and to resolve conflicts. The importance of having the Supreme Court decide the question involved. The Supreme Court has the power to look at all evidence to decide if the case should have been dismissed, because of the conflict information and the violation of Defendant's constitutional rights.

REASONS FOR GRANTING THE PETITION

1. Defendant's attorney filed an appeal with the United States Court of Appeal for the Sixth Circuit.

The order states Pitts falsely claimed in her application that she reside in Detroit while knowing she live in Lansing at the time of Damage. April 2018 Defendant's counsel only helped Wendy Pitts if she pled for felony or misdemeanor. Attorney would not raise Defendant's issues.

Allowing Defendant to pled guilty to a misdemeanor charge a written plea bargain 1 year probation.

However, Defendant's Appeal there was a conflict with the Sixth Circuit (court of Appeal) dismissing for lack of Jurisdiction explaining that jurisdiction over an appeal from the judgment of a magistrate judge lies with the district court judge.

REASONS FOR GRANTING THE PETITION

2. On July 18, 2017.

Defendant appealed to United States District Court Western District of Michigan southern Division. It was dismissed because a lack of Jurisdiction find ~~Appendix H~~ Case No. 1:15-cr-221.

The order indicate pursued her appeal to the district court, arguing the magistrate judge should have ordered a competency evaluation before accepting her guilty plea and that the record was insufficient to show that she made a knowing intelligent, and voluntary plea. The district court affirmed the judgment of the magistrate judge. Defendant Appeal attorney withdrew and found no non frivolous grounds to raise on appeal. The attorney has not spoke to Defendant yet, was not an attorney of choice, but an court appointed attorney, which give the defendant no power over the situation. The court

REASONS FOR GRANTING THE PETITION

granted counsel motion to withdraw,

4. Defendant wanted the Appeal to look at statement of claims and grounds to vacate the sentence, not wanting Sentence set aside, correct Defendant's Sentence, nothing dealing with custody requirements for relief under 2255. The courts of appeal counsel did not raise constitution right.

The court of appeal court may issue a COA "only if the applicant has made a substantial showing of the denial of a constitutional right".

5. Then courts of Appeal is stating the Defendant was not represented properly. The courts of Appeal would find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Appendix B Order Jan 29, 2019

Appendix I Order Aug 28, 2018

REASONS FOR GRANTING THE PETITION

I Pray Defendant sentence be vacated

I Pray ALMIGHTY GOD, all above vacate
this sentence in the name of JESUS
CHRIST.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wendy Litter

Date: 4-28-2019