19-7233

IN THE

SUPREME COURT OF THE UNITED STATES

JAMEICE NASH, Petitioner	:	C.A. No.: _____
V.	:	
UNITED STATES, ET AL. Respondents	:	

ON PETITION FOR A WRIT OF CERTIORARI TO
THE THIRD CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Jameice Nash
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QUESTIONS PRESENTED FOR REVIEW

i. Procedurally, did the lower courts violate Petitioner's Fifth Amendment Due Process rights and Tenth Amendment rights by adhering to procedures, such as summary dismissal, of the Prison Litigation Reform Act (PLRA) of 1995, as amended in 1996, which operates as a quid pro quo congressional enactment protecting all Respondents who have usurped and abdicated Tenth Amendment sovereign state police powers in the law enforcement/prison jurisdiction contexts, while simultaneously depriving Petitioner of his personal and private Article III right to independent and impartial review by Federal courts without their equitable powers to provide remedy for constitutional violations in the Federally-commandeered and coopted state prison context?

ii. Did the lower courts' statute of limitations-bar determination conflict with well-established "discovery" and "continuing violation" rules, did the courts miscontrue the allegations as challenges to judgment of conviction and sentence, did their Heck "favorable termination" determination conflict with Heck itself, and in light of the underlying claims and allegations asserting racially-tainted, egregious, malicious, wanton and intentional procedural violations of the Tenth Amendment and various other Amendments, federalism, and anticommandeering principles, -- should this Court reconsider and overturn Heck based on the federal political debates, policies, legislation, and admissions of today that the Federal 1994 crime bill was wrong, and Petitioner would add as alleged below, violative of the Tenth Amendment?

iii. Did the lower court depart from accepted and usual judicial proceedings determining that Petitioner's denial of bail claim failed to state a claim, when "assuming" that Respodents argued for denial of bail, and hence, they were protected by prosecutorial immunity, when Petitioner plainly alleged that bail for bailable offenses on a sua sponte basis by a district or magistrate justice under the arbitrary pretense that the City's Department of Human Services wanted to "talk to" Petitioner, but never "talked to" Petitioner, and Petitioner remained detained for over four years under arbitrary pretenses of being in need of mental health treatment?

iv. Did the lower court's holding that lawful, permanent state resident Petitioner did not state a plausible claim when challenging the lodging of an immigration detainer conflict with this Court's settled law, and/or should this Court settle an important federal question of whether or not the Constitution's Tenth Amendment and this Court's Tenth Amendment jurisprudence protect lawful, permanent state residents who have been alleged, charged, and/or convicted of committing purely local intrastate crimes from deportation by Federal Respondent, particularly when such action is premised on quid pro quo financial incentives?

LIST OF PARTIES

PLAINTIFF

JAMEICE NASH

RESPONDENTS

UNITED STATES OF AMERICA,
TOM WOLF, PA GOVERNOR,
JOSH SHAPIRO, PA STATE ATTORNEY GENERAL,
JOHN E. WETZEL, SECRETARY OF PADOC,
ILEANA JUSINO, PADOC RECORDS OFFICE EMPLOYEE,
TARA ANN MUCHMORE, PADOC RECORDS OFFICE EMPLOYEE,
PHILADELPHIA COUNTY, PA,
CITY OF PHILADELPHIA, PA,
JAMES KENNEY, MAYOR CITY OF PHILADELPHIA,
RICHARD ROSS, COMMISS. PHILADELPHIA CITY POLICE DEPARTMENT,
In Their Individual and Official Capacities

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Petitioner :

V. :

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PETITION FOR WRIT OF CERTIORARI

Jameice Nash, Petitioner pro se in the above-captioned case, respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Third Circuit appears at Appendix "A" to the petition and is unpublished. See Jameice Nash v. James Kenney, et al., No. 19-1256 (3d Cir. 8/29/19).

The opinion of the United States District Court for the Eastern District of Pennsylvania appears at Appendix "B" to the petition and is unpublished. See, Jameice Nash v. James Kenney, No. 2-17-cv-02111 (D.C. E.D.Pa. 12/14/18)(D.J. Hon. Paul S. Diamond).

JURISDICTION

The date on which the United States Court of Appeals decided Petitioner's case was August 29, 2019. No petition for rehearing was filed.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTION

AMENDMENT X - "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The Tenth Amendment violation causes violations of Amendents IV, V, VIII, XIII, and XIV.

STATUTORY PROVISIONS

The statutory provisions involved include, but are not limited to, 28 U.S.C. § 1331; Federal Tort Claim Act (FTCA), 28 U.S.C. § 1346(b)(1), 2671-2680; Alien Tort Statute (ATS); 42 U.S.C. §§§ 1983, 1985, 1986, 1988; 28 U.S.C. § 2201-2202, and; the Violent Offender Incarceration and Truth In Sentencing (VOITIS) Incentive Grant Program, 34 U.S.C. § 12101 et seq., and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, 34 U.S.C. § 10151 et seq.

STATEMENT OF THE CASE

Petitioner filed the underlying civil complaint alleging that Federal and State, County, and Municipal Respondents have violated each of the above-stated Federal Constitutional rights based primarily upon plain violations of his Tenth Amendment right, as a lawful

permanent state resident of the Commonwealth of Pennsylvania, to be governed under a fundamental system of dual sovereignty proscribing Federal Respondent from encroaching upon State Respondents' sovereign means and instrumentalities, i.e., the Commonwealth's, County's, and City's sovereign law enforcement/prison jurisdiction based on unconstituional quid pro quo schemes.

The lower courts' erred and abused discretion when they both miscontrued Petitioner's claims as challenges to his conviction and sentence and misapplied the "favorable termination" rule of Heck v. Humphrey, 114 S.Ct. 2364, 512 U.S. 477 (1994), and/or found them to be barred by statute of limitations and/or failed to state a claim (immigration enforcement).

REASONS FOR GRANTING THE PETITION

As incorporated herein by reference to the State of the Case, directly above, Petitioner invokes Supreme Court Rule 10(a), (c), asserting the Court of Appeals' decision conflicts with this Court's decisions, as well as other Circuit Courts' and the Third Circuit's own decisions, and the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power, and the Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court. For the sake of brevity, all of the alleged violations and reasons for granting certiorari include, to wit:

1. As a procedural matter, Petitioner will assert on appeal that by adhering to any provisions of the Prison Litigation Reform Act (PLRA) of 1995, as amended in 1996, the Court of Appeals has so far the usual and accepted course of judicial proceedings such that its summary dismissal under the mandates of PLRA are in conflict with decisions of this Court under New York v. U.S., 505 U.S. 144 (1992) and progeny. Petitioner will assert that PLRA and the unconstitutional practices and procedures it mandates of Article III

federal courts and imposes upon lawful permanent state-resident/prisoner Petitioner is an unconstitutional quid pro quo federal legislation and regulatory program that further dirties the hands of all Respondents whose hands are already dirty concerning myriad unconstitutional quid pro quo federal regulatory programs as incorporated herein by reference to the Constitutional and Statutory Provision section, directly above, -- and which form the basis of Petitioner's claims, see Petitioner's Amended Complaint, ECF No. 19, pg. 2-8, ¶¶¶ 4.-24.; pg. 12-15, ¶¶¶ 59.-69., -- clearly evincing Federal Respondent arbitrarily commandeering and coopting, and State Respondents' willingly and voluntarily abdicating to Federal Respondents an unconstitutional sometimes exclusive and sometimes concurrent jurisdiction over State Respondents' Tenth Amendment sovereign means and instrumentalities of law enforcement/prison jurisdiction.

On certiorari, Petitioner will assert that the lower Court of Appeals' summary dismissal under the procedures of PLRA, in toto, is against the fundamental principle that "the Constitution contemplates that democracy is the appropriate process for change, so long as that process does not abridge fundamental rights." Obergefell v. Hodges, 135 S.Ct. 2584 (2015)(citing Schuette v. BAMN, 134 S.Ct. 1623 (2014)). The lower court's summary dismissal on appeal arguably breaches Petitioner's fundemental Article III, Fifth, and Tenth Amendment rights.

Because Federal Respondent has caused mass incarceration by usurping and "macromanaging" State Respondents' law enforcement/prison jurisdiction, which directly contributed to and caused the "explosion" of "frivolous prisoner lawsuits" PLRA sought to "combat", it is capricious, malicious and arbitrary on its face and/or as-applied. This Court has never found it illegal to file a frivolous lawsuit. Citizens of the general public, including in the Highest Offices of the Land, engage in this conduct daily. Nor has there been a constitutional amendment doing away with prisoner litigants' fundamental rights under the First Amendment to Free Speech, Access of Courts, and Petition of Government Officials for Redress of Grievances. PLRA, being enacted based on the "most frivolous prisoner

lawsuits" cherry-picked and solicited by "government officials" of the National Association of Attorneys Generals, distributed to the media to disperse as "fake news", and to Congress to "parrot" in arbitrary meaningless "debate", without comment from the public, without input or debate or urging by the Rule writers of the U.S. Judicial Conference, 28 U.S.C. § 331, or promulgation through the formal rulemaking process, 28 U.S.C. § 2071 et seq., and being attached as a last-minute rider to an omnibus appropriation bill, -- can in no way be valid at law under the "democratic process". Respondents necessarily enter into this suit with "unclean hands" unworthy of the unconstitutional aegis of the quid pro quo designs of PLRA. See, Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery Co., 324 U.S. 806, 814-815 (1945)("The guiding doctrine in this case is the equitable maxim that 'he who comes into equity must come with clean hands.' ... This maxim necessarily gives wide range the equity court's use of discretion in refusing to aid the unclean litigant.").

It is under this light that Petitioner will assert on certiorari that Rule 10(a)'s "departure from accepted and usual course of judicial proceedings,"-requisite should justify granting of certiorari. Under Article III and separation of powers, "courts have the power under Article III 'to regulate their practice'". Gundy v. U.S., 139 S.Ct. 2116, 2137 (2019)(citing and quoting Wayman v. Southard, 23 U.S. 1, 10 Wheat. 1, 43 (1825)). "Courts often assume that Congress adopts statutes against the backdrop of the common law." Nieves v. Bartlett, 139 S.Ct. 1715 (2019)(Gorsuch, J., concurring in part and dissenting in part). Respondents should be required to defend against Petitioner's assertion that PLRA was not adopted "against the backdrop of the common law," as federal "judges are forced to subordinate their views about what the law means to those of [] political actor[s], [] who may even be [] part[ies] to the litigation before the court." Kisor v. Wilkie, 139 S.Ct. 2400, 2429 (2019)(Gorsuch, J., joined by Thomas, J., and Kavanaugh, J., dissenting opinion).

2. The lower court further departed from the accepted and usual course of judicial proceedings by misconstruing and/or misinterpreting

Petitioner's claims and finding them to be barred by statute of limitations and Heck v. Humphrey, 114 S.Ct. 2364 (1994). The lower court's decision based on Heck's "favorable termination" rule is in conflict with Heck itself because Petitioner does not challenge any aspect of the judgment of conviction or sentence. ECF 19, pg. 14-15, ¶ 69..

On certiorari, Petitioner will assert that Heck allows, even as misconstrued by the lower court, "false arrest or false imprisonment" claims. See Appdx. A, Third Circuit Court of Appeals' 8/29/19 Summary dismissal, at pg. 3. But Petitioner plainly asserted in his amended complaint that his "arbitrary arrest" and the "arbitrary prolonging" of "arbitrary detention" for four years and twenty-four days was based on a procedure of unconstiutional quid pro quo federal regulatory programs in the Tenth Amendment law enforcement/prison contexts to pad State Resondents' public fisc and personal, direct pecuniary interests individually. See, ECF 19, pg. 12-15, ¶¶ 64.-68.. "It is true that favorable termination of prior proceedings is not an element of [] [abuse of process] cause of action--but neither is impugning of those proceedings one of its consequences. The gravamen of that tort is not the wrongfulness of the prosecution, but some extortionate perversion of lawfully initiated process to illegitimate ends. ... Cognizable injury for abuse of process is limited to the harm caused by the misuse of process, and does not include harm (such as conviction and confinement) resulting from that process's being carried through to its lawful conclusion." Heck, 114 S.Ct., at 2372, n. 5..

The lower court equates Petitioner's claims to assertions of "malicious prosecution" and "speedy-trial claims--which challenge his post-arraignment detainment." Id., at pg. 4. The lower court cites this Court's "malicious prosecution" discussion in McDonough v. Smith, 139 S.Ct. 2149, No. 18-485, 2019 WL 2527474, at *4 (U.S. June 20, 2019). Petitioner will assert on certiorari, however, that even if the claim could be construed as one of "malicious prosecution", Heck should be reconsidered where Heck specifically analyzed, at common law, "malicious prosecution 'permits damages for confinement imposed pursuant to legal process.'" McDonough, 139 S.Ct., 2157 (citing and quoting Heck, 512 U.S., at 484. Here, it was "legal process" for State Respondents to impose a judgment of conviction and sentence to

confinement for crimes committed in its sovereign state jurisdiction. But the wrong procedure of the appearance that the judgment was attained to garner federal funds to pad the sovereign public fisc of the Commonwealth and its state's officers in their individual and/or official capacities is what Petitioner will assert constitutes not only a "malicious prosecution", but also a "racially prejudiced prosecution" when the historical racial undertones of five-decades of federal "omnibus" federal crime bills, i.e., commandeering State Respondents' law enforcement/criminal justice/prison means and instrumentalities, are analyzed in the proper context.

On certiorari, such claim will be supported by today's political debates, policies, and federal legislation, such as the First Step Act, and even current presidential candidates who promulgated and enforced VCCLEA, official currently in Highest Offices of the Land who pushed for the execution of the Black and Brown juveniles known as the "Central Park 5", whose wrongful criminal conviction was the catalyst for VCCELA, thereby personally enriching themselves on the backs of Black and Brown urban people confined under quasi-slavery, as Federal Respondent corruptly bribed and extorted State Respondents to be voluntarily pressed into the service of the United States with quid pro quo schemes of the Federal Respondent to "crack"-down on "crack", and "crack" heads for violent crimes committed wholly within intrastate jurisdiction, but, "conditioned" on regulating intrastate crime and punishment under federal regulations to obtain the quo federal funds from myriad direct and indirect federal regulatory programs for prison infrastructure and to provide jobs in White-rural America. Compare to today's "fake news" of a "national" opioid epidemic crisis mirroring that of "crack". Does Federal Respondent or State Respondents called for the mass prosecution, conviction, and incarceration of rural-whites who comprise the majority of opioid abusers and sellers, bringing crime into their own rural communities? No. Under U.S. v. Armstrong, 517 U.S. 456 (1996), today's political debates, policies and legislation are "clear evidence" showing the kind of malicious, racist, or "selective-prosecution" claim that can meet the threshold of showing that government had declined to prosecute others "similarly-situated". Id., at 470.

Under Respondents' dirty-handed quid pro quo usurpation and

abdication of Tenth Amendment sovereign state police power, Heck's concerns for comity and parallel litigation. Nor should "core principles of federalism, comity, consistency, and judicial economy." McDonough, 139 S.Ct., at 2158. Under the specific facts alleged in the underlying complaint, Heck should not provide aegis to Respondents for the continuing violation of Petitioner's personal and private Tenth Amendment rights, federalism and anticommandeering principles that Respondents impose upon Petitioner, renewing today on a daily basis. Under "the type of claim at issue here," McDonough, 139 S.Ct., at 2159, alleging Respondents have no "respect[] [for] the autonomy of state'[s] [means and instumentalities," id., there should not be a "deferring rather invitat[ion of] such suit." Id..

On certiorari, if there is no escaping (there is) the claims being construed as calling into question the validity the conviction and sentence, Petitioner would move the Court to take judicial notice of "newly discovered" evidence that on or about September 23, 2019, the District Attorneys Office of Philadelphia County, Pa., filed in the Pennsylvania State Superior Court (Eastern District) a Brief For The Commonwealth As Appellee conceding that Petitioner's sentence is unconstitutional, unlawful, and/or illegal. As is their usual custom practice, procedure and policy, the state officials justified their concession with state law, and state law, ... only. But pursuant to the Supremacy Clause, Article VI, Clause 2 of the U.S. Constitution, "[a] person cannot be held in custody 'pursuant to' a sentence, but only pursuant to 'the' (e.g., one) judgment, which inccludes both the conviction and sentence." Magwood v. Patterson, 561 U.S. 320, 177 L.Ed.2d 592, 615 (2010)(Kennedy, J., joined by The Chief Justice, Ginsburg, J., and Alito, J., dissenting). See Appx. "C"-"D", Brief For Commonwealth Appellee, Commonwealth v. Nash, No. 716 EDA 2018, pg. 10-12.

Heck should still be reconsidered and overruled because Heck, being decided the same year that VCCLEA was enacted appears to be an act of this Court respecting the policy choices of its coequal political branches of Federal Government, -- at least until an actual case and controversy, such as that presented to the lower courts, challenges those policies as procedurally unconstitutional. Heck

itself noted at page 488, footnote 9., the "federal rule[]" of Heck is "'almost entirely judge-made'", because "in developing [Heck] th[is] [C]ourt [was] guided by the federal [state-commandeering] policies reflected in [the 1994 crime bill]."

As a final alternative, a careful reading of Heck's specific holding states:

> "We hold that, in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determinations, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254. Thus, when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated. But if the district court determines that the plaintiff's action, even if successful, will not demonstrate the invalidity of any outstanding criminal judgment against the plaintiff, the action should be allowed to proceed[.]"
> Heck, 512 U.S., at 486-488 (emphasis added).

On certiorari, Petitioner will urge and assert in the context § 1983 actions, where deprivation of personal and private constitutional rights are at the core of the action, Heck's use of the definite article "the", preceding "conviction", carries a categorical meaning. As such, Petitioner can prove that where structural federalism and anticommandeering principles have allegedly been violated by Respondents' deliberate indifference and malicious action, New York and progeny, including Bond v. U.S., 134 S.Ct. 2077 (2014)(from a converse perspective, invalidating a federal prosecution for a purely local crime that raised serious federalism concerns, by giving narrow construction to federal legislation enacted pursuant to the Treaty and Necessary and Proper Clauses), and the most recent intervening change

in case law of Murphy, infra, (extending New York to deprive Federal Respondent of constitutional authority to regulate State Respondent's state government's regulation of their citizens), -- "prove[s]" and "demonstrate[s] that the conviction has already been invalidated," Heck, 512 U.S., at 487, without "negat[ing] an element of the offense of which he has been convicted." Heck, supra, n. 6.. It is arguable that Petitioner's federalism and anticommandeering claims "fall outside Heck's ambit," McDonough, 139 S.Ct., at 2157, which is why Heck noted at page 487, footnote 8., that "if a criminal defendant brings a federal civil-rights lawsuit during the pendency of his ..., appeal, ..., abstention may be an appropriate response to the parallel state court proceedings." Petitioner is currently on direct appeal asserting Tenth Amendment violations. As footnote 8. of Heck continues, "[m]oreover, we do not decide whether abstention might be appropriate in cases where a state prisoner brings a § 1983 damages suit raising an issue that could also be grounds for relief in a state-court challenge to his conviction or sentence." Here, Petitioner will assert that Respondents egregious misconduct, as a procedural matter violating his structural Tenth Amendment rights, does not warrant abstention. As Heck, itself opined, when citing to a prior holding of Wolff v. McDonell, 418 U.S. 539, 94 S.Ct. 2963 (1974), "that the damages claim was [] 'properly before the District Court and required determination of the validity of the procedures employed for imposing sanctions, including loss of good time[.]'" Heck, 512 U.S., at 482 (quoting Wolff, 418 U.S., at 554. "[W]e think this passage recognized a § 1983 caim for using the wrong procedures, not for reaching the wrong result (i.e., denying good-time credits). Nor is there any indication in the [Wolff] opinion, or any reason to believe, that using the wrong procedures necessarily vitiated the denial of good-time credits." As in Wolff, Petitioner avers his damages claims for "procedural" quid pro quo Tenth Amendment violations, including procedural quid pro quo federal regulation of Petitioner's lawful state confinement.

The lower courts' finding that the statute of limitations bars the claims is in direct conflict with federal, circuit, and this Constitutional Court's own "discovery-rule". Petitioner did not learn about the Tenth Amendment violations until after coming to state

prison following his pseudo-conviction and sentence. "An accrual analysis begins with identify '"the specific constitutional right"' alleged to have been infringed." McDonough, 139 S.Ct., at 2155. "The Court has never suggested that the date on which a constitutional injury first occurs is the only date from which a limitations may run." Id., at 2160.

3. Pursuant to Rule 10(a) and/or (c), the lower courts' ruling that Petitioner "has failed to state a claim with regards to being denied bail[,]" Appx. "A", pg. 4, because "the prosecutors argued that bail was not appropriate in [Petitioner's] case, they are protected by prosecutorial immunity," represents a departure from the accepted and usual course of judicial proceedings. The lower court assumes, without citing to any place in the record, that "prosecutors argued that bail was not appropiate...". Howeverr, bail was denied by a county and/or city magistrate or district judge, under the arbitrary pretense that the City's Department of Human Services "wanted to talk to Plaintiff". See, ECF, pg. 8-9, ¶ 27.. And as further alleged at ¶ 28., "from teh date of Plaintiff's arrest to present-day," City of Philadelphia's DHS "has never 'talked to' Plaintiff."

Contrary to the lower courts' citing of State Respondents' state constitution and/or criminal statutes, no one ever put forth "evident" proof that "no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community." And though not subject to this complaint, it is arguable that 42 Pa.C.S. § 5701's "or presumption great," clause violates every mode of Federal procedural, if not substantive, Due Process under the Eighth and Fourteenth Amendments. Liberty interests, this Court has clearly established, does not hinge on permissible or mandatory "presumptions", no matter how "great" such "presumption" may be. Under the Eighth Amendment, it is arguable that State's "exception"-clause to bail at 42 Pa.C.S. § 5701 is an "excessive" and "cruel and unusual punishment". The state's own constitution mandates that the "right" to bail shall not be denied, ... period. Denial of bail for a bailable offense under state law states a claim for violation of Fourteenth Amendment procedural Due Process, at the least.

4. Pursuant to Rule 10(a) and/or (c), the lower court's

4. Pursuant to Rule 10(a) and (c), the lower court's determination at pg. 5, footnote 4., finding that Petitioner "failed to plead a plausible claim that the detainer somehow violated his rights," is in direct conflict other courts of appeals, the Third Circuit's own holding in the very case it cites as justifying its determination, City of Philadelphia v. Att'y Gen., 916 F.3d 276, 281 (3d Cir. 2019), this Court's immigration holdings at Wong Wing v. U.S., 163 U.S. 228 (1896), Wong Yang Sung v. McGrath, 339 U.S. 33 (1950), and Sessions v. Dimaya, 138 S.Ct. 1204 (2018).

Alternatively, pursuant to Rule 10(c), the lower court's holding that no plausible claim has been pled is an important question of federal law that has not been, but as evinced by arbitrary immigration policies of today, is a matter of public importance that should be settled by this Court.

On certiorari, both of these points will be argued under the Tenth Amendment, and this Court's federalism and anticommandeering jurisprudence ranging from New York to Murphy. The lower court, in citing its own holding in City of Philadelphia, fails to take into account settled law that states' rights and federalism claims are not for states alone, but most vitally, for substantive protection of THE PEOPLE's liberty interests in being procedurally governed under a fundamental system of dual sovereignty. See, Bond, infra, and Printz, infra. If City of Philadelphia held that the withholding of federal grants under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, 34 U.S.C. § 15051 et seq., violated, among other things, "the Tenth Amendment of the Constitution;" id., 916 F.3d, at 282 (citing City of Philadelphia v. Sessions, 280 F.Supp. 3d 579 (E.D. Pa. 2017)(Philadelphia I), and joined all other jurisdictions that have uniformly "ruled [to] enjoin enforcement of the Challenged Conditions," City of Philadelphia, 916 F.3d, at 283, -- then pursuant to New York to Murphy, Petitioner will urge the Court to settle the question, asking, "Are lawful, permanent state-residents protected by the Tenth Amendment's federalism and anti-commandeering jurisprudence?"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jameice Nash
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Dated: November 27th, 2019