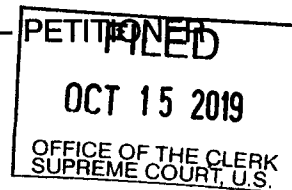


19-7441
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

ANTHONY EARL RIDLEY
(Your Name)



VS.

BOARD OF SEDGWICK COUNTY COMMISSIONERS, et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Earl Ridley
(Your Name)

E.D.C.F. # 0117475 P.O. Box 311
(Address)

El Dorado, Kansas 67042
(City, State, Zip Code)

N/A
(Phone Number)

Pg. # (1)

QUESTION(S) PRESENTED

- (1.) Is Petitioner's request for compensatory damages barred by U.S.C., 1997e(e)?
- (2.) Did Petitioner present no plausible basis for a claim of Punitive damages because He alleges no facts whatsoever establishing that any defendant acted with a sufficiently culpable state of mind?
- (3.) Can Petitioner's allegations regarding violations of the Kansas Constitution or other Kansas law not support a claim under 42 U.S.C., 1983, because "the plaintiff did not allege a deprivation of a federally protected right under color of state law?"
- (4.) Did Petitioner's conspiracy allegations fail to state a claim upon which relief may be granted?
- (5.) Is Plaintiff's/Petitioner's Complaint subject to dismissal based on his failure to exhaust available administrative remedies before filing this action under 42 U.S.C., 1997e(a)?
- (6.) Is this action subject to dismissal as against the Board of Sedgwick County Commissioners, Sedgwick County, Sheriff Jeff Easter and both Chaplains Sandi R. and Kasper?

- (7.) Is Petitioner's Claim against Sam Brownback, the Governor's Constituent Services Office, the State of Kansas, and any other state agency or employee subject to summary dismissal based on Sovereign immunity?
- (8.) Does the Eleventh Amendment constrain the appellate jurisdiction of the Supreme Court over cases arising from the state courts?
- (9.) What is a trial Court's duties under K.S.A. 2016 Supp. 60-252 when rendering a judgment?
- (10.) Did the Circuit Court, abused its discretion by not making a wise order and judgment based on the doctrine of law and the evidence of material fact?
- (11.) At least from the pleadings, regarding the statutory claims, they appear to have substantial merit?

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:

BOARD OF SEDGWICK COUNTY
COMMISSIONERS; JEFF EASTER,
Sheriff, Sedgwick County Sheriff's Office;
COUNTY OF SEDGWICK; SAM
BROWNBACK; GOVERNOR
CONSTITUENT SERVICES OFFICE;
STATE OF KANSAS; SANDI (LNU),
Chaplain; (FNU) KASPER, Chaplain,

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APPENDIX E	Sedgwick County Sheriff's Office Letter
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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 19-03104; 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 5:18-cv-03097-SAC; 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 August 19, 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 January 9, 2020 (date) on November 6, 2019 (date) in Application No. O A O.

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).

TABLE OF AUTHORITIES CITED

CASE

- (1) *Payne v. Tennessee*, 501 U.S. 808, 848, 115 L.Ed. 2d 720, 111 S.Ct. 2597, reh. denied 501 U.S. 1277 (1991) (Page#13)
- (2) *Vasquez v. Hillery*, 474 U.S. 254, 265-66, 88 L.Ed. 2d 598, 106 S.Ct. 617 (1986) (Page#14)
- (3) *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 854, 120 L.Ed. 2d 674, 112 S.Ct. 2791 (1992) (Page#14)
- (4) *Thornburgh v. American Coll. of Obst. & Gyn.*, 476 U.S. 747, 786-87, 90 L.Ed. 2d 779, 106 S.Ct. 2169 (1986) (Page#14)
- (5) *Samsel v. Wheeler Transport Services, Inc.*, 246 Kan. 336, 356, 789 P.2d 541 (1990) (Page#15)
- (6) *Bair v. Peck*, 248 Kan. 824, 844, 811 P.2d 1176 (1991) (Page#15)
- (7) *Hudson*, 114 Kan. at 335 (Page#15)
- (8) *Henry*, 83 Kan. at 108 (Page#15)
- (9) *Merrill*, 65 Kan. at 451 (Page#15)
- (10) *Cf. Elrod v. Burns*, 427 U.S. 347, 374, 96 S.Ct. 2673, 49 L.Ed. 2d 547 & n. 29 (1976) (Page#15)
- (11) *Dover*, 1999 WL 239281 at *2 (Page#16)
- (12) *Heath v. Alabama*, 474 U.S. 82, 93, 106 S.Ct. 433, 88 L.Ed. 2d 387 (1985) (Page#16)
- (13) *United States v. Harris*, 531 F.3d 507, 513 (7th Cir. 2008) (Page#16)
- (14) *Bellamy v. State*, 285 Kan. 346, 354, 172 P.3d 10 (2007) (Page#18)
- (15) *Wayte v. United States*, 470 U.S. 598, 608 (1985) (Page#18)

(16) Neitzke v. Williams, 490 U.S. 319, 326, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989) (Page #18)

(17) Shuford v. Anderson, 352 F.2d 755, Certiorari denied 86 S.Ct. 1065, 383 U.S. 935, 15 L.Ed.2d 852 (1965) (Page #22)

(18) McKesson Corp. v. Division of ABT, U.S. 18, 31 (1990) (Page #22)

(19) NLRB v. Pittsburgh S.S. Co., 340 U.S. 498, 71 S.Ct. 453, 95 L.Ed. 479, 27 L.R.R.M. (BNA) 2382, 19 Lab. Cas. (CCH) P66192 (1951) (Page #19)

(20) English v. Cunningham, 80 S.Ct. 18, 4 L.Ed.2d 42, 44 L.R.R.M. (BNA) 2599 (1959). (Page #20)

(21) Colorado Springs Cablevision, Inc. v. W.A. Lively, 579 F.Supp. 252, 255 (D. Colo. 1984) (Page #17)

(21) Rice v. Sioux City Memorial Park Cemetery, Inc., 349 U.S. 70, 75 S.Ct. 614, 99 L.Ed. 897 (1955) ^(Page #19) (Page #20)

TABLE OF AUTHORITIES CITED

STATUTES AND RULES

- (1) 42 U.S.C. § 1997e (d) (Page # 2)
- (2) 42 U.S.C. § 1997e (e) (Page # 2)
- (3) 42 U.S.C. § 1983 (Page # 2)
- (4) 28 U.S.C. § 1915A (Page # 17)
- (5) 28 U.S.C. § 1915A (b) (1) (Page # 18)
- (6) 28 U.S.C. § 1915 (e) (2) (B) (Page # 18)
- (7) 28 U.S.C. § 2103 (Page # 19)
- (8) 28 U.S.C. § 2111 (Page # 19)
- (9) Kan. Const. B. of R. § 9 (Page # 17)
- (10) K.S.A 2016 Supp. 60-252 (Page # 3)
- (11) Fourteenth Amendment (Page # 17)
- (12) Fed. R. Civ. P. 12 (b) (6) (Page # 17)
- (13) Fed. R. Civ. P. 60 (b) (Page # 15)
- (14) Fed. R. App. P. 32.1 (Page # 19)
- (15) 10th Cir. R. 32.1 (Page # 19)
- (16) 18 U.S.C. § 3231 (Page # 16)
- (17) Super. Ct. Civ. R. 81 (Page # 19)
- (18) U.S. CONST. ART. III § 2 (Page # 17)
- (19) Super. Ct. R. 23-110 (1) (Page # 19)
- (20) Eight Amendment (Page # 17)
- (21) Super. Ct. R. 10 (Page # 19)
- (22) Eleventh Amendment (Page # 3)
- (23) 28 U.S.C. § 1254 (1) (Page # 9)

TABLE OF AUTHORITIES CITED

OTHER

- (1) 18 B Wright, Miller, & Cooper Federal Practice and Procedure: Jurisdiction 2d § 4478, PP. 670-72 (2002) (Page #16)
 - (2) 1988-Pub. L. 100-352 (Page #21)
 - (3) 1970-Pub. L. 91-358 (Page #22)
 - (4) 22 Moore's Federal Practice (Matthew Bender 3d ed.), Ch 403, Supreme Court Appellate Jurisdiction Generally §§ 403.01, 403.03. (Page #22)
- The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) U.S. CONST. ART. III A § 2
- (2) 18 U.S.C. § 3231
- (3) K.S.A. § 2016 Supp. 60-252
- (4) K.S.A. § 60-414 (a)
- (5) Fed. R. Evid. 401
- (6) 28 U.S.C. § 1343 (3)
- (7) 42 U.S.C. § 1988 (b)
- (8) 42 U.S.C. § 1983
- (9) 42 U.S.C. § 1997e (a)
- (10) 28 U.S.C. § 2103
- (11) 28 U.S.C. § 2111
- (12) Super. Ct. Civ. R. 81
- (13) Super. Ct. R. 23-110 (1)
- (14) Fed. R. Civ. P. 13
- (15) K.S.A. § 60-445
- (16) K.S.A. § 60-448
- (17) K.S.A. § 60-455
- (18) Fed. R. Civ. P. 54 (b) (c) 28 U.S.C.A
- (19) Fed. R. Civ. P. 42 (a) (b)
- (20) Fed. R. Civ. P. 56 (c)
- (21) Fed. R. Civ. P. 23 (d) (4)
- (22) Fed. R. Civ. P. 12 (c)
- (23) Fed. R. Civ. P. 12 (b) (6)
- (24) 42 U.S.C. § 1985 (2)
- (25) 42 U.S.C. § 1985 (3)
- (26) 42 U.S.C. § 1997e (e)
- (27) Fed. R. Civ. P. 60 (b)
- (28) 28 U.S.C. § 1915 A
- (29) 28 U.S.C. § 1915A (b) (1)
- (30) 28 U.S.C. § 1915 (e) (2) (B)
- (31) First Amendment
- (32) Fifth Amendment
- (33) Eighth Amendment
- (34) Fourteenth Amendment

- (35.) Kansas Preservation of Religious Freedom Act
- (36.) Kan. CONST. B. OF R. (7)
- (37.) Due Process clause - my right to substantive due process
- (38.) Kan. CONST. B. OF R. (9)
- (39.) Religious Land Use and Institutionalized Persons Act (RLUIPA)
- (40.) Universal Declaration of Human Rights (UDHR)
- (41.) Fed. R. Civ. P. 59 (e)
- (42.) Super. Ct. R. 10

STATEMENT OF THE CASE

Petitioner's Claims alleges that defendants' denial of his First Amendment rights by failing to provide him with a special dietary a certified religious diet, Hindu religious texts, excluding Plaintiff/Petitioner from Communal worship and forcing him to eat things he is not suppose to eat constitutes an invidious discrimination against him and denies him equal protection of the law. Petitioner's suit was dismissed for failure to state a claim which relief may be granted. The conduct complained of was by a person acting under color of state statute or local law, custom and usage; Second, While so acting, deprived another of rights, privileges, or immunities secured by the Constitution and law of the United States. All relief that Ridley requested was denied by the U.S. District Court, even as the evidence indicated that the Sedgwick County Sheriff Office was actually aware of the lethal allergen substance that can cause illness or death to the Plaintiff/Petitioner.

REASON FOR GRANTING THE PETITION

There has been no change in relevant Constitutional law as expressed by the United States Supreme Court. The only change has been the composition of the Kansas Supreme Court occasioned by the retirements of Justices Larson, Six, Lockett and Abbott. While fidelity to the doctrine of stare decisis is not an "inexorable Command," the Supreme Court has stated we should be highly skeptical of reversing an earlier decision where nothing has changed except the composition of the court.

See Payne v. Tennessee, 501 U.S. 808, 848, 115 L.Ed.2d 720, 111 S.Ct. 2597, reh. denied 501 U.S. 1277 (1991) (Marshall J., dissenting)

The importance of the doctrine of stare decisis to our legal system has been often stated. The United States Supreme Court has recognized that, although not an "inexorable Command," "[s]tare decisis is the preferred course because it promotes the evenhanded, predictable and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." Payne v. Tennessee, 501 U.S. At 827. Stare decisis is: "the means by which [the Court] ensures] that the law will not merely change erratically, but will develop in a principled and intelligible fashion."

[Stare decisis] permits society to presume that bedrock principles are founded in the law rather than in the proclivities of individuals, and thereby contributes to the integrity of our constitutional system of government, both in appearance and in fact.

"Vasquez v. Hillery, 474 U.S. 254, 265-66, 88 L.Ed.2d 598, 106 S.Ct. 617 (1986)

See also Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833, 854, 120 L.Ed.2d 674, 112 S.Ct. 2791 (1992) (stating that the "very concept of the rule of law underlying our own Constitution requires such continuity over time that a respect for precedent is, by definition, indispensable");

Thornburgh v. American Coll. of Obst. & Gyn., 476 U.S. 747, 786-87, 90 L.Ed.2d 779, 106 S.Ct. 2169 (1986) (White, J., dissenting) (stating that "[t]he rule of stare decisis is essential if case-by-case judicial decisionmaking is to be reconciled with the principle of the rule of law, for when governing legal standards are open to revision in every case, deciding case becomes a mere exercise of judicial will, with arbitrary and unpredictable results")

The United States Supreme Court has also similarly acknowledged the importance of stare decisis in the Court's decisions, stating.

"Once a point of law has been established by a court, that point of law will generally be followed by the same court and all courts of lower rank in subsequent cases where the same legal issue is raised. Stare decisis operates to promote system-wide stability and continuity by ensuring the survival of

decisions that have been previously approved by this Court.... The application of stare decisis ensures stability and continuity demonstrating a continuing legitimacy of judicial review."

Samsel v. Wheeler Transport Services, Inc., 246 Kan. 336, 356, 789 P.2d 541 (1990), disapproved on other grounds, Bair v. Peck, 248 Kan. 824, 844, 811 P.2d 1176 (1991).

This case relates to collateral attacks after final judgment has been entered, precedent indicates a court should correct errors while the parties are still before it if an exception to the law of the case doctrine applies. see Hudson, 114 Kan. at 335; Henry, 83 Kan. at 108; Merrill, 65 Kan. at 451. This Court has rejected the United States Court of appeals invitation to graft an exceptional circumstances requirement to the law of the 60(b) doctrine. Hence, if Ridley can meet a law of the case exception, He need not also show an exceptional circumstance. 1.2(b). Additionally, Ridley argues that while this Court must nonetheless engage in its traditional equitable inquiry as to the presence of irreparable harm is such a context, it has remain cognizant that the violation of a Constitutional right must weigh heavily in that analysis Cf. Elrod v. Burns, 427 U.S. 347, 374, 96 S.Ct. 2673, 49 L.Ed. 2d 547 & n.29 (1976)

(holding that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury").

Therefore, a clarification of Controlling Authority can also suffice.

"The District Courts of the United States have Original jurisdiction over all violations of federal law."
((Table) Citing 18 U.S.C. § 3231). The Supremacy Clause, the Civil War, the decision of the Supreme Court, and Acts of Congress, "make it clear that so long as there is a Constitutionally authorized federal nexus, the federal government is free to act anywhere within the United States." See Dover, 1999 WL 239281 at *2

("It is well-established that federal Courts have concurrent jurisdiction with state Courts over offense against the lawful authority of the United States.") (Citing Heath v. Alabama, 474 U.S. 82, 93, 106 S.Ct. 433, 88 L.Ed.2d 387 (1985)). See, e.g., United States v. Harris, 531 F.3d 507, 513 (7th Cir. 2008) (doctrine "authorizes such reconsideration [of a previous ruling in the same litigation] if there is a compelling reason, such as a change in, or clarification of, law that makes clear that the earlier ruling was erroneous").

In his brief, Ridley identifies both the, Controlling law exception and the Clearly erroneous exception. These are generally recognized as separate exceptions. See 18 B Wright, Miller, & Cooper, Federal Practice and Procedure: Jurisdiction 2d, § 4478, pp. 670-72 (2002).

A decision may be clearly erroneous even if there has not been a change in the law.

Ridley asks this court to add another consideration to the mix. He maintains that the heightened reliability requirements of the Eight and Fourteenth Amendments apply to the decision whether to grant or deny a motion for "partial Reconsideration" in article III case. Ridley also argues that this court should undertake an independent categorical proportionality review of his claim under § 9 of the Kansas Constitution Bill of Rights, which prohibits the state from inflicting "Cruel or unusual punishment."

In its order, the U.S. District Court analyzed Ridley's claims under the dismissal standards of Federal Rule of Civil Procedure 12(b)(6) dismissal de novo.

In order to resolve this question, this court must evaluate the complaint as a whole

Colorado Springs Cablevision, Inc. v. W.A. Lively, 579 F. Supp. 252, 255 (D. Colo. 1984)

This case was dismissed for failure to state a claim, and defendants were never served because the case did not survive the court's screening under 28 U.S.C. § 1915A.

That ruling by the U.S. District Court presents a legal question, which the U.S. Supreme Court also review de novo. Bellamy v. State, 285 Kan. 346, 354, 172 P.3d 10 (2007) (reviewing de novo the legal conclusion as to whether there has been such as a denial or infringement of the constitutional right as to render a judgment vulnerable to collateral attack).

Where the decision to prosecute is made either in retaliation for the exercise of a constitutional right... or because of membership in a vulnerable group. (Citing Wayte v. United States, 470 U.S. 598, 608 (1985))

The court is obligated by 28 U.S.C. § 1915(e)(2)(B) to dismiss a case filed by a plaintiff proceeding in forma pauperis once it determines that the case is frivolous or malicious. It is further obligated by 28 U.S.C. § 1915A(b)(1) to dismiss a case filed by a Prisoner proceeding in forma pauperis who is seeking damages from a government official or entity as soon as it determines that the case is frivolous.

The Supreme Court has held that a "Complaint.... is frivolous where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 326, 109 S.Ct. 1827, 104 L.Ed. 2d 338 (1989)

The "term 'frivolous', when applied to a complaint embraces... the fanciful factual allegation."

The United States Court of Appeals on August 19, 2019 entered an order and Judgment dismissing Ridley's appeal on the ground it is frivolous and that its order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and Collateral estoppel and that it may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Super. Ct. R. 23-110 (1), 28 U.S.C. § 2103, 28 U.S.C. § 2111, Super. Ct. Civ. R. 81 and Super. Ct. R. 10 will allow this Court to decide an important federal question that should be settled by this Court. It will show that Ridley's Complaints are not frivolous base on the laws and facts and that there is absolutely no grounds for dismissal in this case.

A writ of Certiorari petition "will only be granted for compelling reasons." U.S.C.S Supreme Ct. R. 10(c)
Rice v. Sioux City Memorial Park Cemetery, Inc., 349 U.S. 70, 75 S.Ct. 614, 99 L.Ed. 897 (1955)

(stating a state court or a United States court of appeals has decided 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.)

Certiorari is granted only in cases involving principles the settlement of which is of importance to public as distinguished from parties, and in cases where there is real and embarrassing conflict of opinion and authority between courts of appeals. NLRB v. Pittsburgh S.S. Co., 340 U.S. 498, 71 S.Ct. 453, 95 L.Ed. 479, 27 L.R.R.M. (BNA) 2382, 19 Lab. Cas. (CCH) P66192 (1951) Pg. # (19)

In determining application for stay of decree pending filing and determination of petition for certiorari to United States Supreme Court, threshold question is whether legal nature of issues to be raised by that petition precludes reasonable likelihood of satisfying considerations governing review on certiorari, as guided by predecessor to Rule 10. English v. Cunningham, 80 S.Ct. 18, 4 L.Ed.2d 42, 44 L.R.R.M (BNA) 2599 (1959)

"Special and important reasons" which would justify grant of writ of certiorari by Supreme Court under predecessor to Rule 10 implied a problem beyond academic or episodic; this was especially true where issues involved reached constitutional dimensions, for then there came into play regard for Court's duty to avoid decision of constitutional issues unless avoidance became evasion.

Rice v. Sioux City Memorial Park Cemetery, Inc., 349 U.S. 70, 75 S.Ct. 614, 99 L.Ed. 897 (1955)

1988-Pub. L. 100-352 Struck out "appeal;" before "Certiorari" in section catchline and amended text generally. Prior to amendment, text read as follows: Final judgment or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court as follows:

- (a) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.
- (b) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the constitution, treaties or laws of the United States, and the decision is in favor of its validity.
- (c) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a state statute is drawn in question on the ground of its being repugnant to the constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the constitution, treaties or statutes of, or commission held or authority exercised under, the United States,

"For the purposes of this section, the term 'highest court of a state' includes the District of Columbia Court of Appeals."

1970 - Pub. L. 91-358 provided that for the purposes of this section, the term "highest court of a state" includes the District of Columbia Court of Appeals. Prayers or demands going beyond in rem relief sought did not prevent Court from granting relief to which Plaintiff is actually entitled
Shuford v. Anderson, 352 F.2d 755, certiorari denied 86 S.Ct. 1065, 383 U.S. 935, 15 L.Ed.2d 852 (1965)

Denial of certiorari to review court of appeals decision neither affirms nor denies correctness of appeals decision; Writ of certiorari grant by Supreme Court would not alter decision of court of appeals but would only affirm that federal question must be resolved by Supreme Court.
United States v. Brennan, 134 F. Supp. 42, 36 L.R.R.M. (BNA) 2652, 28 Lab. Cas. (CCH) P69457 (D. Minn. 1955)

Wherefore the Eleventh Amendment does not constrain the appellate jurisdiction of the Supreme Court over cases arising from the state courts,

McKesson Corp. v. Division of ABT, U.S. 18, 31 (1990)

See also 22 Moore's Federal Practice (Matthew Bender 3d ed.), Ch 403, Supreme Court Appellate Jurisdiction

Generally §§ 403.01, 403.03

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Earl Risley

Date: January 06, 2020