

19-8244

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Frank Morgan — PETITIONER
(Your Name)

vs.

IL. DEPT. OF CORR. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS S.Ct. Dismissed without opinion
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Frank Morgan
(Your Name)

MEDARD CORN. COSTER
(Address) P.O. Box 1000

Medard, IL. 62259
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Whether the Illinois Department of Corrections has authority to change documents promulgated by the Illinois Board of Prisoners' Discipline legislative body? The Director and Governor?

2. Does Chief Administrative Officer's ^{have} Authority to use summary report forms that violate 30 ILCS Administrative Code 504.20(a), 504.70 and 504.80 (m) the Adjustment Committee's Quorum? And the Adjustment Committee's Hearing Procedures?

3. Does these issues violate both the Illinois and United States Due Process Clause?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PETITIONER ALLEGES THAT HIS FOURTEENTH AMENDMENT CONSTITUTIONAL RIGHTS WERE VIOLATED. ALSO THAT HE IS ENTITLED TO DUE PROCESS (OF LAW).

PETITIONER CLAIMS THAT THE FINAL SUMMARY REPLACED (THE ADULT DIVISION) SUMMARY VIOLATED STATUTE 504.20 (a), 504.70 ADJUST COMMITTEE COMPOSITION AND 504.80 (M) ADJUSTMENT COMMITTEE HEARING PROCEDURES, AND THE QUORUM.

THE PRISON POPULATION AND PETITIONER'S RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF ILLINOIS WERE SUBSTANTIALLY VIOLATED BY THE USE OF EXHIBIT (2) THE ADJUSTMENT COM-FINAL SUMMARY REPORT. AND 504.20 (a) MANDATE THAT NO OFFENDER SHALL BE FOUND GUILTY OF ANY VIOLATION WITHOUT A HEARING BEFORE THE ADJUSTMENT COMMITTEE.

STATEMENT OF THE CASE

PETITIONER'S MOTION WAS TIMELY FILED IN THE OFFICE OF THE SUPREME COURT OF ILLINOIS CLERK'S OFFICE

PRO SE MOTION BY PETITIONER FOR LEAVE TO FILE PETITION FOR AN ORIGINAL WRIT OF HABEAS CORPUS WAS PERMITTED ON SEPTEMBER 4TH 2019, IN RE: MORGAN V. ILLINOIS DEPARTMENT OF CORRECTIONS M. D. 014383.

THE COURT ON NOVEMBER 26, 2019 ENTERED AN ORDER DENYING PETITIONER'S MOTION FOR LEAVE TO ^{PROCEED} ~~ON~~ PETITION FOR AN ORIGINAL WRIT OF HABEAS CORPUS WITHOUT AN OPINION.

PETITIONER'S PROCEDURAL DUE PROCESS RIGHTS WERE BREACH BY USE OF SUMMARIES THAT DO NOT COMPORT WITH DUE PROCESS (OF LAW) SEE EXHIBIT(2) OF PETITIONER'S ORIGINAL WRIT OF HABEAS CORPUS ON FILE. THE FINAL SUMMARIES DEPRIVE ALL INDICATES OF PROCEEDURE SAFEGUARDS PROVIDED BY STATUTE 504.70 (2). ETC.

REASONS FOR GRANTING THE PETITION

BOTH THE 9TH CIRCUIT COURT OF APPEALS AND THE SUPREME COURT HAS AGREED THAT ONCE A GOVERNMENT HAS GIVEN A RIGHT OR SOMETHING OF VALUE TO A PERSON THEY CANNOT TAKE IT AWAY OR DILUTE IT ON GROUNDS VIOLATIVE OF THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

- NATIVE VILLAGES OF NADATK U. HOFFMAN, 872 F.2d 1384, 1390 (9TH CIR. 1989) AND
- SAN ANTONIO INDEPENDENT SCHOOL DIST. V. RODRIGUEZ, 431 U.S. 1, 36 L.Ed. 2d 16, 93 S.Ct. 1278 (1973).

THE PETITIONER'S ADULT DIVISION SUMMARY EXHIBIT SHOWS THAT THE FINAL SUMMARY DILUTED PRISONER'S PROCEDURAL SAFEGUARDS OF BOTH THE ILLINOIS AND UNITED STATES CONSTITUTIONS.

- ILL. App. 1 Dist 2010. "MANDAMUS IS AN EXTRAORDINARY REMEDY TRADITIONALLY USED TO COMPEL A PUBLIC OFFICER'S PERFORMANCE OF AN OFFICIAL DUTY THAT DOES NOT INVOLVE AN EXERCISE OF DISCRETION. 1350 LAKE SHORE ASSOCIATES V. RANDALL, 340 ILL. DEC. 462, 428 N.E.2d 181, 401 ILL. App. 3d 96, APPEAL DENIED 346 ILL. DEC. 92, 438 N.E.2d 531, 237 ILL.2d 592.

PETITIONER'S ENTITLEMENT TO MANDAMUS RELIEF IS CLEARLY ESTABLISHED BY S. CT. PRECEDENT AND THE EVIDENCE OF STATUTE VIOLATION OF MINIMUM SUBPOLESS SAFEGUARDS, IS FOUND IN THE FIRST TWO EXHIBITS. SEE BOTH THE ADULT DIVISION SUMMARY AND THE FINAL SUMMARY REPORTS IN PETITIONER'S ORIGINAL WRIT OF MANDAMUS, EXHIBITS. THE ALTERED SUMMARY VIOLATED THE GENERAL ASSEMBLY'S INTENT AS UNIFIED BY THE ADULT DIVISION'S SUMMARY EXHIBIT, & THE DEGRADED FINAL SUMMARY.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Frank Morgan

Date: 2/4/2020