

No \_\_\_\_\_

19-8310

Supreme Court, U.S.  
FILED

DEC 12 2019

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

MICHAEL ROBERT HAYNES

Petitioner

VS.

COLLETE PETERS

JERRI TAYLOR

Respondents

On petition for Writ Of Certiorari

To the NINTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

MICHAEL ROBERT HAYNES , Pro Se PETITIONER

State identification number # 6825517

Eastern Oregon Correctional Institution

2500 West gate, Pendleton Oregon, 97801

ORIGINAL

U.S Supreme Court No.

M 6825517

Original to the clerk

## QUESTIONS PRESENTED

1. Petitioner's question on U.S. Courts refusal to provide him due process review of his 2016 rights and liberty interests under well established federal laws via this courts holdings and other federal court holding(s), his 5<sup>th</sup> and 14<sup>th</sup> amendment rights under the U.S. Constitution, presents important issues that extends far beyond U.S. constitutional liberty interests and rights of parties in this very unique and interesting case when the Petitioner is further incarcerated via application of invalid law to his criminal conduct, fraud contributes to denial of said due process review to be free of imprisonment after 3/12/2016 via lesser ODOC custody of leave and to petition in two year intervals for a change in his confinement via mandatory language in state statute, specific language in administrative rule. Can a U.S. Citizens, Petitioner, be denied U.S. Constitutional rights by way of fraud and or by an the unlawful extension of authority via legal fiction?

2. Do jurists of reason in this court hold lawful authority to review this unique and interesting question on U.S. Courts refusal to provide Petitioner due process review of his 2016 rights and liberty interests via this courts holdings, well established federal laws, Petitioner's 5<sup>th</sup> and 14<sup>th</sup> amendment rights under U.S. Constitution. When important issues extend beyond parties U.S. constitutional rights can this court issue a corrective and lawful order that honors all U.S. Citizens, Petitioner's, Constitutional rights and or explore reasons it may disagree with U.S. court resolution pertaining to the above?

## LISTED PARTIES

All parties in this unique and interesting case appear in caption of the cover page.

## RELATED CASES

The only related cases are Michael Robert Haynes v. Director of Department of Corrections Colette Peters Board member of Oregon Board of Parole Post-Supervision, Jerri Taylor, Superintendent, Eastern Oregon Correctional Institution No # CV 160577 Circuit court of Oregon for county of Umatilla[ER 6 APPENDIX E] pertaining the 2016 U.S. Constitutional rights and liberty interests of Petitioner, his appeal review denied by Oregon Supreme court on 11/9/2017-case # So 652553[ER 5 APPENDIX F], 2/15/2018 federal habeas case # 2:18-cv-00331-Mo he filed in U.S. District court, and his federal appeal case #1935314. However, Respondent's introduction of non party evidence and a dead case #So 64442, fraud, coupled with U.S. courts denying Petitioner his due process review of his 2016 rights and liberty interests to lesser custody of leave and to petition for a change in his confinement via 2 year intervals based on court's legal fictions a dead case #So 64442 time bars his due process review by U.S. Court and invalid law applied to his criminal conduct can further incarcerate him thus expand Respondent's statutory limitations beyond the act of only denying relief requested in 2015 petition when he fails to exercise his 2016 rights prior to 3/12/2016, day they are ripe, and FRE 403 request to remove non party evidence confusing his U.S. Constitutional rights ignored. Dead case #So 64442, its void 2015 order, is not related to this case- it shouldn't confuse this court.

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APPENDIX B U.S. District Court 3/15/2019 Opinions, order, and judgment.

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APPENDIX D Attachment #1(Judge Mosman's FRAP 22-1(d) jurisdictional violation ).

APPENDIX E : ER 1-2, ER 6 lines 17 and 25-26, ER 7 p.1 line 11, ER 7 p. 3 lines 3-4, Attachment # 2 p.1-3, ER 10 Oregon Revise Statute 163.105(1985), ER 12 p.4, ER 14 at ORS 165.105, ER 17, ER 19 p.1-2 at I.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner prays this court issue writ of certiorari to review judgment of U.S. Court of appeals below as fraud on court, invalid law application, non-party evidence, presents important issues on federal courts ability to provide Petitioners due process reviews thus extends far beyond U.S. constitutional liberty interests and rights of parties in this case.

OPINIONS BELOW

1. Opinions of the United States Court of Appeals appears at Appendix: A
2. Opinions, order, and judgment of the U.S. District Court at Appendix: B
3. Opinions of Oregon Supreme Court 11/09/2017 order appears at Appendix: F

JURISDICTION

The United States Court of Appeals decided this case 7/19/2019; my timely petition for rehearing was denied 9/16/2016 by court as shown by copy of orders in appendix A.

Jurisdiction of this court is invoked 28 U.S.C. § 1254(1). 28 U.S.C. §1257(a).

RELEVANT US CONSTITUTIONAL AND STATUTORY PROVISIONS

Fifth and Fourteenth amendments under the United States Constitution and mandatory language in Oregon Revise Statute 163.105(1985)[ER 10 APPENDIX E] that provides Petitioner's due process and equal rights there under via well established federal law(s).

## STATEMENT OF THE CASE

This case presents important questions of law about Petitioner's April 2016 rights and liberty interests to: immediate lesser custody of ODOC leave, 2 year petitions for a change in his confinement, hearing thus due process, parties agree he has in ground 2, plea agreement, mandatory language in state statute, specific language in administrative rule, well established federal law, his due process and equal rights under the 5<sup>th</sup> and 14<sup>th</sup> amendments under the U.S. Constitution, but disagree 7/19/2019 and 9/16/2019 orders issued by Ninth circuit conflict with relevant decisions of this court when invalid law is applied to his criminal conduct to further incarcerate him, legal fiction supports invalid law, void 2015 Board order,to expand Respondent's authority beyond statutory limitation [ER 1 lines 7-10, ER 10 at (2),(4), ER 12 at p.4, ER 19 p.1-2 at I APPENDIX E] to bar U.S. courts due process review of Petitioner Michael Robert Haynes' rights thus support denial of his FRE 403 request[p. 3 Petitioner's Amend COA APPENDIX C] to remove non party evidence confusing his above rights timely in U.S. Court[ER 5 APPENDIX F] 2/15/2018 is the usual and accepted judicial course in deciding important question on federal law. Record reveals Petitioner's name is pasted over Michael W. Haynes' money award leaving TRCI address of non parties Myrick and other Haynes(fraud on the court) [ER 6 at lines 25-26, ER 7 p.1 line 11 and p. 3 lines 3-4, Attachment #2 APPENDIX E] and not Petitioner's EOCL address[ER 8 & 9 APPENDIX C]. Petitioner requests jurist of reason in this court grant him relief for the violations on his U.S. Constitutional rights.

## REASONS FOR GRANTING WRIT # 1

Petitioner's case presents important questions beyond his liberty interests and rights to lesser custody of ODOC leave on, 3/12/2016, completion of 30 year confinement via mandatory language in statute, specific language in administrative rule, plea agreement, and well established federal laws: *Davis v. Oregon Board of Parole No 02-1399-MO*, U.S. v. Anglin 215 F. 3d 1064, 1066 (9<sup>th</sup> cir 2000), *U.S. v. Lowe* 136 F. 3d 1231,1232 (9<sup>th</sup> cir 1998), *Speelman* 431 F.3d at 1229-31, *Swarthout v. Cooke*,131 S. Ct.859,862,178 L. Ed. 2D 732(2011) thus his 5<sup>th</sup> and 14<sup>th</sup> amendment rights under U.S. Constitution all parties agree[ER 1 lines 7-10, ER 10 at (2), ER 12 at 2, ER 19 p.1-2 at I APPENDIX E] he holds in ground 2 when invalid law[ER 14 at ORS 165.105 APPENDIX E] is applied to Petitioner's criminal conduct to further incarcerate him and U.S. Ninth circuit departs from accepted and usual course of judicial proceeding by deciding important question on federal law that conflicts with relevant decision of this court-*Carol Anne Bond v. United States* 564 U.S. 211;131 S. Ct. 2355; 180 L. Ed. 2D 269 June 16, 2011. Record reveals [ER 8,ER 9, p.3 Petitioner's Amend COA APPENDIX C] Respondent defied court order and Petitioner FRE 403 request unable to remove non party evidence confusing his U.S. Constitutional rights[ER 3,ER 6 lines 25-26, ER 7 APPENDIX E]timely filed 2/15/2018 in federal court from Oregon Supreme court 11/9/2017 denial of review case# So652553 [ER 5 APPENDIX F]. *Mill-EL v. Cockrell* 537 U.S. 322(2003) does not bar a jurist of reason in this court from disagreeing with U.S. court resolution based on a legal fiction

invalid law can expand Respondent's authority beyond due process of law limitations of denying Petitioner's 2015 parole and work release relief[ER 17 at 5(1)(3) APPENDIX E] in a separate case (# So64442) to nullify Petitioner's 2016 liberty interests and rights to leave in a following case# So 652553[ER 5 APPENDIX F][APPENDIX A and B] thus bar U.S. Court's due process review of the Petitioner's 2016 rights and liberty interests; Simply put invalid law void on issuance. Petitioner request this court grant him relief it deems fair and just for violations of his U.S. Constitutional rights and further honor via stare decisis above cases respecting this court's holdings and the Petitioner's rights.

#### REASONS FOR GRANTING WRIT # 2

All parties agree Petitioner holds liberty interest and rights to petition every 2 years [ER1 lines 7-10,ER 10 (2)(4), ER12, ER 14 ORS 144.280,ER 19 p.1-2 I APPENDIX E] via mandatory language in statute, specific language in administrative rule, agreement, and well established federal laws: *Davis v. Oregon Board of Parole No 02-1399-MO*, U.S. v. Anglin 215 F. 3d 1064, 1066 (9<sup>th</sup> cir 2000), *U.S. v. Lowe* 136 F. 3d 1231,1232 (9<sup>th</sup> cir 1998), *Speelman* 431 F.3d at 1229-31, *Swarthout v. Cooke*,131 S. Ct.859,862,178 L. Ed. 2D 732(2011) thus his 5<sup>th</sup> and 14<sup>th</sup> amendment rights under U.S. Constitution to a hearing. Record reveals[ER 15 &16 APPENDIX G] Petitioner's 2017-18 petitions barred by 2015 order applying invalid law[ER 14 ORS 165.105 APPENDIX E] to his criminal conduct and that U.S. Court's did not provide Petitioner due process review on his 2016 rights and liberty interests based on a legal fiction invalid law can expand Respondent's

authority beyond due process of law limitations of denying Petitioner's 2015 parole and work release relief[ER 17 at 5(1)(3) APPENDIX E] in a separate case (# So64442) to nullify Petitioner's 2016 liberty interests and rights to petition in 2 year intervals in the following case# So 652553[ER 5 APPENDIX F][APPENDIX A and B]. Invalid law and order based on such law is void on issuance. Petitioner request this court grant him relief it deems fair and just for violations of his U.S. Constitutional rights and further honor via stare decisis above cases respecting this court's holdings and the Petitioner's rights.

### REASONS FOR GRANTING WRIT # 3

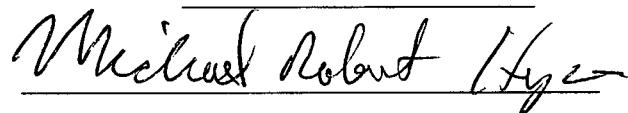
Petitioner Michael Robert Haynes' 5<sup>th</sup> and 14<sup>th</sup> amendment rights under the U.S. Constitution, and operative function of 28 U.S.C. § 2254, is not time barred when record reveals fraud e. g. Petitioner's name is pasted over non-party Michael W. Haynes' name in court records leaving non-party TRCI address thus judgment for non-party Myrick [ER 6 at lines 25-26, ER 7 p.1 line 11 and p. 3 lines 3-4, Attachment #2 APPENDIX E] and U.S. Court ignores FRE 403 request non-party evidence confusing Petitioner's U.S. Constitutional rights[p.3 Petitioner's Amend COA APPENDIX C] be removed. Court's legal fiction[APPENDIX A and B] Petitioner received due process is not supported by the record and law- *Swarthout v. Cooke*, 131 S. Ct. 859, 862, 178 L. Ed. 2D 732(2011) nor does *Mill-EL v. Cockrell* 537 U.S. 322(2003) bar jurist of reason in this court disagreeing with U.S. court resolution based on said legal fiction. Petitioner request this court grant him relief it deems fair and just for violations of his U.S. Constitutional rights.

## CONCLUSION

For above reasons the petition for a writ of certiorari should be granted.

I Pro Se Michael Robert Haynes state above is true under penalty of perjury.

Respectfully submitted this day January 28, 2020

A handwritten signature in black ink, appearing to read "Michael Robert Haynes", is written over a horizontal line.

PRO SE PETITIONER MICHAEL ROBERT HAYNES

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