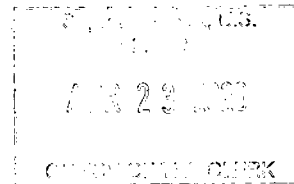


19-8410

No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Pinney, Johnathan
(Your Name)

— PETITIONER

vs.

State of Arkansas et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Dist. Ct. 9:19-cv-679 / U.S. App. Ct. 19-3488

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Pinney, Johnathan

(Your Name)

Pinney #173/4

P.O. Box 1630

(Address)

Malvern, AR. 72104

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- The Constitution's Direct authority that the writ of Habeas Corpus shall not be suspended" supercedes the Statute requirement suspending such right pending the Exhaustion of state process.
- The right to petition the court for remedy of other wrongs associated with a wrongful arrest is not properly subject to Abstention especially seizure of property without process as raised in 4:19-CV-138
- State's refusal to timely remedy wrongs in its own courts or consider citizen's petitions may constitute exhaustion or fully exempt of Exhaustion standard
- Where a citizen can prove by a preponderance of the evidence that constitutional violations exist invalidating his conviction in state court, the state holds no legitimate interests in obstructing remedy and release through any policy, Abstention, Exhaustion, or otherwise.
- A court's Duty to Justice must prevail over any policy, practice, or other procedurally recommended guides
- A court may not dispose of valid claims addressed to it for any reason without passing a ruling on the merits of the claim brought
- A clerk's Duty is to file all petitions submitted, no matter how perceptibly defective they may be.
- A citizen holds a right to directly petition the supreme court under Article 3 section 2 when a state is named party
- The policy of Judicial Immunity exists to ensure the operation of well intentioned and reasonable judicial acts and does not apply to acts to obstruct Justice or upset the constitutional rights

Q.P.2

The second amendment exists to ensure citizens are not oppressed by the government usurping its roles created in this nation's republic as an instrument of the people's will, granting them both the authority to regulate the government actors as much as the physical power through equal armament.

Controlled substance laws have fostered rebellion and other public injuries far worse than the evils asserted to be behind its creation and proven to be contrary to the majority will and must be stricken entirely.

The interference with consensual sexual acts of any nature by any person of any age is an improper role of the government to interfere with, being an act not impacting the lives of anyone beyond the couple or group involved, such inherently private liberties are beyond the proper scope of the government to regulate. Worse, as these laws have inspired a number of new injuries to the public often involving Double Jeopardy and social discriminations absent any process at all clearly these laws must be vacated.

Any statute used or principle attempted to be used to obstruct complete and fair review of any subject brought before the court are contrary to the purpose

of this nation and cannot stand against the right to petition the government, as such the PLRA, various statutes of limitations based on time alone, even filing fees themselves are considerably opposed to the purpose of the judiciary and must be stricken; the filing fees presently having been inflated above the average weekly wages and far exceed the cost on the court to file such, especially with the new E-filing, also violates the excessive fines principle and automatically triggers 7th Amendment (Clearly not envisioned by the founders, but does support the intent the court be inviolable in all disputes [as the king's court would settle any dispute brought]).

Both state and District courts have shown efforts to ignore the wrongdoing involved in efforts to prosecute myself, and an insistence on reducing the scope of review when I attempt to prosecute them, thus it's apparent precedent needs set to clarify that every aspect of an event must be duly subject to review and instruction especially in criminal prosecutions, the court may not reject the filing of counterclaims thereunder, nor may they unreasonably restrict a petitioner's claims for being excessively long while detailing precise wrongs abundantly suffered at hand of a single party (actor or group). The court's duty is provide complete and Just review even if a party lacks the skill to articulate the laws relevant.

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:

- State of Illinois
- State of Arkansas
- ? U.S. Court(s)
- ? Parties as distinguished in cases below

RELATED CASES

13th District Court of Illinois case # 2006-CF-39
2005-CM-1540

Van Buren County Court of Arkansas case # 71CR-19-1
CHSFB-19-6

LITTLE ROCK District Court cases from U.S. Dist. Ct. :

- 4:19-CV-138
- 4:19-CV-509
- 4:19-CV-679 - APP #19-3488
- 5:19-CV-229

CHICAGO, ILL. U.S. Dist. Ct. # 1:19-CV-8338
1:11-CV-4480 1:11-CV-4481 (Believe others existed as well)
WASHINGTON, D.C. U.S. Dist. Ct. # 1:19-CV-3842

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Younger v. Harris 401 U.S. 37

Pottinger v. Miami 810 F.Supp.1551

STATUTES AND RULES

28 U.S.C.A. 2254 unconstitutional

OTHER

See Appendix F

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 B 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 A 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 D 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 Van Buren County court appears at Appendix D 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 2/27/20.

☐ 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: ~~4/7/20~~ 3/17/20, 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 Denied 9/7/20 (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 1/22/20.
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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Fundamental Human right to an unbiased, competent, and complete review by an independent Judiciary (various)
- Fundamental Human rights to security in self and property from unreasonable search and seizure (various)
- Fundamental right to life, liberty, and pursuit of Happiness. (Dec. of Independence, others)
- Fundamental right to defend ones self, family, home, and property from any threat thereto. (various, includes A.C.A. S-2-620)
- Right to privilege of writ of Habeas Corpus (Article 1, sec. 9)
- Supremacy of the constitution (Article 6)
- Duty to the constitution, and removals dutted for rebellion against the same (Article 6, Amendment 14 sec. 3)
- Nelson Mandela Rules
- Right to complete and prompt remedy in the law (Ark. Const. § 13, various)
- Right to protection of Laws (14th Amendment)

STATEMENT OF THE CASE

This action comes into being by nature of a plethora of wrongs most of which I have been denied remedy of for over a year now where the facts demanding I receive remedy have gone uncontested and proven by nature of police reports generated by those actors confessing to the injury grieved.

The state and federal courts have abused laws to unjust ends and denied myself the protections of the laws, often for no other apparent reason than those acting against myself held public offices. Two distinct occasions triggered the particular issues showing both Illinois' and Arkansas' courts to have acted to violate the system of checks and balances, and maliciously aid in prosecuting myself for reacting defensively to illegal acts by police, setting aside legal defenses and refusing to consider the nature of those actors' conduct.

I have done my best to address these issues wherever possible though have been met with several obstacles beyond my own ability to surmount, from limited resources, deprivation of access to laws, to other abuses of the courts, harassment by police as a homeless man, and even unconstitutional laws such as the PLRA have been responsible for injuries I have yet to receive remedy in the law for while I have received only one "strike" under the most recent wave of litigations, that being the result of following this court's Clerk's directions that the only way to receive access to this Supreme Court is through the lower courts. Otherwise payment of Filing fees or submission of ECF forms has delayed the courts from acting on filed cases. Two cases were suspended pending exhaustion of state process (one a Habeas Corpus petition), Two others were dismissed because I identify too many wrongs by the defendant party (state). None have expressed intent to move forward with the cases as I have filed them as of 4/14/20, though any injuries suffered since ~~the~~ the onset (12/ — /18) fall into a lesser element of the greater injury suffered of unconstitutional Imprisonment by Racketeers and Burglars, terrorists and kidnappers that constitute the government.

To articulate the injuries suffered would require more pages than this petition is allowed, so to m/n/m/ze to the most severe relevant issues: I was permanently handicapped in a school P.E. class with a broken knee, denied social security H/I I was apx. 28, Evicted out of Housing on false charges of possessing Marijuana, Beaten by a mob of doctor and police agents for my choice of religion - then charged with Felony battery for a reactive wound inflicted on one of these officers - held 2 1/2 years and denied protections of laws to create a false conviction and 2 entries in NCIC of a statute only properly for hate crimes unprovoked on police, A third entry in NCIC was made with the same caption when the county resentence myself as a violation of conditional discharge for being homeless and in public with no other option/place to go deemed trespassing to public land. This precedent was used to repeatedly harass myself threatening arrest and resulting in seizure/destruction of my property without any process nor compensation; and voluminous people were incited into prejudicial acts against myself through rumors being spread by a Tim Behr, later extended and revised by an Andrea Donahough amongst voluminous abuses of laws to harass myself I was effectively exiled from the state of Illinois if not just La Salle county and surrounding counties. Me and

my girlfriend at the time purchased land online that was in Fairfield Bay, Arkansas, and began relocating there to in efforts to end the harassments. The agents of that community appear to have seen the NCIC reports and deemed myself an undesirable and began making various threats to intimidate myself out of the benefits of such land purchased; ultimately using my resolve to defend my land/property to the fullest extent of the law (with deadly consequence) if it should be invaded (as threatened), they used such statements (posted to my facebook) as grounds to prosecute a violation of "terroristic threatening". Being now a second felony attacking my right to bear arms for less than deadly acts done to defend my rights from police violations hence the purpose and subject of the Second Amendment is fully laid to waste. Again the circuit court denied a fair and impartial trial with proper protections of the laws. Federal district courts refused to interfere, and the ADC have been engaging in injurious acts in violation of international standards, which district court judge/magistrates have shown they are unwilling to allow such state facilities to be sued by presenting voluminous delays and bad faith challenges without so much as serving the defendants nor allowing myself means to argue the decisions before entering the orders. As well as indicating that the present practices have grown hostile to the constitutional purposes

as set out in the constitution's Preamble and the limiting scope of laws set in Article I section 8 to be "Necessary and proper for carrying into execution the foregoing powers" as shown, despite clearly trying to invoke 1st Amendment right to petition the government, the various laws have been exploited only to prevent its execution of duties and even vague claims not based on any cited precedent abused by agents to prevent the remedy sought. It thus becomes apparent serious revisions need made to these policies and a greater emphasis made on function and accountability of such government offices.

Worse the courts' collective decisions effectively have resulted in a collective effect that I have no place public nor private & may expect my constitutional right to be secure in my property under the 4th Amendment much less my person from seizure, with voluminous other rights and laws held invalid strictly because the other government agents were proven hostile thereto, as such 14th Amendment Sections 1 and 3 are both invalidated.

Particularly as to those matters directly appealable at present involves the court refusing to act, not because there is a lack of evidence, and not even because the state has not had a chance to resolve the wrongs itself, but because the case before the state's Appeal court has been subjected to almost a year's delays without considering the issues brought before it.

Sec 5

We now have over a year of abduction and the infliction of other injuries where no injury resulted from my acts, and clearly if not for illegal acts by a local set of officials I would not have engaged in the acts I was subsequently prosecuted for. Furthermore the 9:19-cv-138 case simultaneously rejecting Habeas Corpus as element of the case yet insisting that the process must be stayed pending State process leaves little to no logical viewing of such case. Much as the magistrate attempts to do in 5:19-cv-229 and dismiss multiple issues raised in one petition as being conditions of one single chain of events done by a hostile set of organized criminals sworn to uphold the constitutionally created protections yet proven hostile to such (especially Amendment 17), an issue also present in Illinois court 1:19-cv-8338 which show both court officials hostile to my right to a fair and complete review on all aspects the injury at hand touch on, their deduced motivating factors, aggravating factors, and their impact on constitutional protections or other rights.

Both states show the creation of a "public defenders" office has resulted in degraded or even superficial representation by such agents, often acting contrary to such "client's" interests presently seen in excessive delays of appeal. It seems obvious such practice needs purged and a selection or random assignment needs to be replaced.

In the cases indicated I particularly challenge the controlled substance laws and age based sexual prohibitions as being both contrary to the public opinion and an unconstitutional invasion on the civil liberties; particularly breeding enmity between the general public and a government grown into focusing on targeting these liberties to cause voluminous degrees of injury where none existed otherwise. That such laws have bred new criminal alliances and social policies of witness intimidation under "stop snitching" which indicate the public view of the government to be hostile to their will and/or freedom. Furthermore the fact that certain people have proven in my own case that these laws have contributed to "social Justice" such as "trial by circumstance" and violations of due process and Double Jeopardy as rumors alone result in a stalking and harassing behavior with violence and exile proven. This being the reason I had to seek Asylum in buying the land in question and fleeing to it, as Illinois police refused to properly protect myself from such acts and continued to ban myself from public places, even including the address housing the court and police house of the county (707 Howard, Ottawa, IL 61350).

I tried to invoke federal protection as soon as it was apparent I would not receive fair review in the Van Buren Court in 9:19-cv-138

but the district Judge Marshall elected Abstention under *Younger v. Harris* 91 S.Ct. 746 was the course of the district court to take despite the evidence of Harassment. I further assert this precedent is patently unconstitutional. The existence of a policy or practice that falls in conflict with the Constitution may not withstand the supremacy clause under Article 6 of the Constitution. Nor may such states enforce such statutes under the 14th Amendment. The 5th Amendment elements of being held without indictment pending trial and Double Jeopardy clauses clearly establish the intent of keeping a person from being subject to trial and imprisonment where such would be wrongful or otherwise uncalled for. As such if it is apparent to a sufficient degree by a Federal court that a person is subjected to violations of their constitutional rights no reasonable interests exist to allow a state to persist in such injury. Thus *Younger* must be overturned. Similarly the Article 1 section 9 protection that "the writ of Habeas Corpus shall not be suspended" renders the present "Exhaustion of state remedies" directly unconstitutional. It is clearly intended that a person always hold the right to be brought before the court to receive just remedy. The preamble itself demands "establish justice" as a controlling purpose in establishing the nation.

Furthermore, the Second Amendment has been substantially degraded as a result of the Court's

SOC 8

political abuse of its position. Particularly it has rendered the word "regulated" as superfluous to insist in the exact opposite intent of the constitution to be the result. The Second Amendment is clearly directly seeking to ensure the same evil indicated in the Declaration of Independence "He has affected to render the Military independent of and superior to the Civil power." By creating a direct right to the people to regulate the Militia with equal authoritative and physical powers. In stripping the people of such rights the Supreme court paved the way to the present degraded government often asserting dominance over the public superior to the public will. Other rulings also degrading these roles include but are not limited to the allowance of prosecution of statutory offenses absent any victim and the resurgences of qualified Immunities.

The hostile seed in the present government's actions is evidenced clearly in the nature of this case in chief: Where a community agency deemed itself to hold the right to prevent a new citizen from his land being prepared for habitation by abuse of a littering ordinance to justify seizure and destruction of property relocated to that land. To follow such with arrest for asserting publicly his constitutional right to defend against such abuses is clearly a First and Second Amendment breach which should not exist. Once viewing the

severe situations present in the treatment while in custody of the Department of Corrections and all other facts addressed throughout these multiple cases it is quite evident of an overwhelming sense of hostility by these civil servants. No "good faith" effort to protect anyone reasonably exists and instead the most profitable option elected over any honest review of events disputed, and a unified force of government workers vs. anyone else is evidenced. This violates the 14th Amendment section 3 as well as depriving equal protections as well as other Human rights implicated.

The combined injury between the two states has substantially laid to waste all I've done and earned in my 35 years of life and forced myself to struggle for the most basic form of survival, leaving me presently with nothing but a broken body to perform such with. I thus ask this court to end these wrongs, and to grant myself suitable remedy to ensure that these injuries or others like them may not succeed in causing like injury again. To effectively absorb all these lower court filings as an original jurisdiction issue and to grant the justice long overdue.

REASONS FOR GRANTING THE PETITION

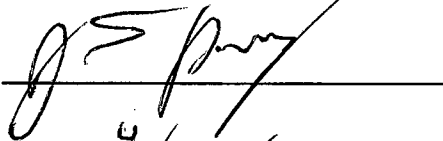
Present police and Judiciary have demonstrated a disregard for the proper role of our nations government and created the very sort of injury such exists to prevent.

- A number of present nation wide laws are indicated to be at the heart of the problem rendering this nation's government out of favor of the majority and crippling the function of our Republic. The chain reaction of government actors assuming their positions to be bureaucratic in nature and hostile to the people's will and justice itself.
- The heart of the entrapment defense is that no person should be held responsible for acts done strictly to government actors' inducement, here I now have over 1 year of lost liberty and property for being on my land and resolved to defend the same if necessary. Further as result of attempts to relieve remedy through petitions to the Federal government I now have several thousand dollars in fees levied against me with no remedy forthcoming, all government created injury.
- This court's clerk has denied repeated attempts to invoke this court's jurisdiction under Article 3 section 2
- The present laws permitting interferences with rights guaranteed by the constitution or otherwise are not justified simply because there is sound rationality behind it. Surely one couldn't ban Christianity because it has documentedly induced murderous acts despite being only a theoretical belief system, yet this nation has restricted gun ownership due to some of the owners' abuses, including felons that did not involve such abuse. worse the lower courts lacking such instruction compelling the rarely reasonable basis for such an interference to stand has taken to exploiting the vague words of such decisions to subvert the ends of justice to the point "legitimate" laws are used to illegitimate ends or otherwise inspire further departure from proper roles and inflicting government powers outside the proper limits to the point people are dumbfounded and left grasping for means to correct the injury that such agents created such as here, where the law is overwhelmingly on my side, but the hostile standards prevent remedy.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. S. P.", is written over a horizontal line.

Date: 4/20/20