

20-6204

No. USCA7 NO. 19-3288

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

KENNETH CURRY — PETITIONER  
(Your Name)

VS.

FILED  
SEP 02 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

KESS ROBESON, ET. AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KENNETH CURRY  
(Your Name)

P.O. BOX 549  
(Address)

LINCOLN, ILLINOIS (62656)  
(City, State, Zip Code)

NIA  
(Phone Number)

## 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:

1. KESS ROBERSON - FORMER HEAD WARDEN, LINCOLN CORRECTIONAL CENTER
2. EMILY RUSKIN - CURRENT HEAD WARDEN, LINCOLN CORRECTIONAL CENTER

QUESTION(S) PRESENTED

1. WHETHER THE PETITIONING PRISONER HAS SUFFICIENTLY PLEADED A SUBSTANTIAL SHOWING OF THE DENIAL OF A SECURED RIGHT PURSUANT TO 28 U.S.C. SECTION 2253 (c)(2); AND,
2. WHETHER THE <sup>PETITIONING</sup> PETITIONING PRISONER IS ENTITLED TO FREE ACCESS TO COURTS PURSUANT TO "THE PASSENGER CASES".

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	8

## INDEX TO APPENDICES

APPENDIX A DECISION of STATE COURT of APPEALS (7TH)

APPENDIX B DECISION of U.S. DISTRICT COURT (CENTRAL DIST.  
of ILLINOIS)

APPENDIX C DECISION of STATE SUPREME COURT DENYING REVIEW

APPENDIX D N/A

APPENDIX E N/A

APPENDIX F N/A

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
OLD WAYNE MUT. L. ASSOC. V. McDONOUGH 204 U.S. 8, 27 S. CT. 236 (1907)	6
WILLIAMSON V. BERRY, 8 HOW. 945, 540, 12 L. ED. 1170, 1189 (1850)	6
100 SUP. CT. 2502 (1980)	7
JOYCE V. U.S., 474 F. 2D 215	7
CRANDALL V. NEVADA, 6 WALL 35	7
THE PASSENGER CASES	7
STATUTES AND RULES	
28 U.S.C. SECTION 2253 (c)(2)	4,5
OTHER	
2 BLACK'S 620	7

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 \_\_\_\_\_; 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 \_\_\_\_\_; 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 C 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 6, 2020.

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 \_\_\_\_\_ (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 SEPTEMBER 24, 2019. A copy of that decision appears at Appendix C.

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

1. THE FOURTEENTH AMENDMENT (U.S. CONST.) - "DUE PROCESS"
2. THE FIRST AMENDMENT (U.S. CONST.) - "COURT ACCESS"
3. ARTICLE 2 SECTION 1 (ILLINOIS CONST.) - "SEPARATION OF POWERS"
4. ARTICLE 6 SECTION 9 (ILLINOIS CONST.) - "JURISDICTION OF CIRCUIT COURTS"

## STATEMENT OF THE CASE

PETITIONER SUBMITTED A HABEAS CORPUS IN THE U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS TO ATTACK A VOID JUDGEMENT RENDERED BY AN ILLINOIS STATE CIRCUIT COURT THAT LACKED JURISDICTION TO DO SO WHICH, IN TURN, IMPAIRED PETITIONER'S LIBERTY AND VIOLATED HIS SECURED RIGHT TO DUE PROCESS PRIOR TO CONVICTION, WHEREUPON, ANY REASONABLE JURIST WOULD CERTAINLY BE ABLE TO CONCLUDE THAT A COURT LACKING JURISDICTION HAS NO POWER TO ADJUDICATE THUS ANY JUDGEMENT RENDERED IS VOID, IMPAIRS LIBERTY, AND VIOLATES DUE PROCESS. WITHOUT REACHING THIS PRISONER'S UNDERLYING CONSTITUTIONAL CLAIM(S), THE DISTRICT COURT RENDERED AN UNFAVORABLE PROCEDURAL RULING DEEMING THE HABEAS PETITION UNDER REVIEW UNTIMELY AND COMPOUNDED SAID JUDICIAL DETERMINATION WITH DISMISSAL. THIS PRISONER APPEALED SAID DISMISSAL TO THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT NOVEMBER 18, 2019 INCLUSIVE OF AN APPLICATION FOR CERTIFICATE OF APPEALABILITY WITH A SUPPLEMENTAL AFFIDAVIT IN THE NATURE OF INSOLVENCY. THE SEVENTH CIRCUIT DENIED THIS PRISONER COMPLETELY STATING THAT THEY COULD FIND NO SHOWING OF A SUBSTANTIAL NATURE OF THE DENIAL OF A SECURED RIGHT PURSUANT TO 28 U.S.C. SEC. 2253 (c)(2). WHEREFORE, THIS PRISONER INVOKES HIS ENTITLEMENT TO APPEAL TO THIS COURT FOR A WIT OF CERTIORARI TO DETERMINE WHETHER I HAVE SUFFICIENTLY ARTICULATED A SUBSTANTIAL SHOWING OF THE DENIAL OF A SECURED RIGHT AND WHETHER <sup>I AM</sup> ~~HE IS~~ ENTITLED TO FREE ACCESS TO COURTS.

## REASONS FOR GRANTING THE PETITION

AN ACCURATE INTERPRETATION OF THE FOLLOWING QUESTIONS OF LAW WILL ENTITLE THIS PETITIONER TO A REVERSAL OF THE LOWER COURT'S ORDER UNDER REVIEW. IT SHALL BE FURTHER NOTED FOR JUDICIAL REVIEW THAT AN ULTIMATE FAVORABLE RESULT FOR THIS PETITIONER IS SIMULTANEOUSLY IN FAVOR OF THE PUBLIC'S INTEREST IN THE STATE OF ILLINOIS WHERE, IF IT IS FOUND THAT THE GOVERNOR IS THE ONLY PUBLIC SERVANT VESTED WITH THE POWER TO APPOINT A PUBLIC PROSECUTOR, THEN THE UPSTANDING TAX PAYING CITIZENS WILL HAVE BEEN SUBJECTED TO FRAUD IN ILLINOIS SINCE THE INCEPTION THE ITS CONSTITUTION OF 1971 VIA THE MISAPPROPRIATION OF FUNDS PROCURRED BY TAX DOLLARS THAT INVESTS THE GOVERNOR WITH ENOUGH FUNDS TO FAITHFULLY EXECUTE HIS DUTIES INCLUSIVE OF APPOINTING PUBLIC PROSECUTORS AND FUNDING THEIR NECESS CONDUCIVE TO EXECUTING THEIR DUTIES FAITHFULLY. THE FRAUD EXISTS WHERE THE SELF SAME FUNDS INVEST THE USURPING STATE'S ATTORNEYS OF THE JUDICIAL BRANCH IN ILLINOIS AT ARTICLE 6 SECTION 19 (ILLINOIS CONST.) WHICH IS AN OFFICE MANIFESTED BY THE LEGISLATURE IN VIOLATION OF THE ILLINOIS CONST. AT ARTICLE 2 SECTION 1. TO WIT:

1. WHETHER THE PETITIONING PRISONER HAS SUFFICIENTLY PLEADED A SUBSTANTIAL SHOWING OF THE DENIAL OF A SECURED RIGHT PURSUANT TO 28 U.S.C. 2253 (c)(2)?

IN THE ORIGINAL HABEAS PETITION AND APPLICATION FOR CERTIFICATE OF APPEALABILITY, THIS PRISONER RAISED THE FOLLOWING GROUND:

- A. THAT THE PRESUMED COOK COUNTY ILLINOIS STATE'S ATTORNEY WHOM PROSECUTED THE PETITIONER IN THE UNDERLYING STATE COURT CRIMINAL CASE

WAS NOT AUTHORIZED THROUGH VALID DECLARATION OF AUTHORITY TO ACT AS A PUBLIC PROSECUTOR, AND, AS SUCH, NO JUSTICEABLE MATTER EVER EXISTED CONCERNING SAID UNDERLYING CASE TO ACTIVATE THE JURISDICTION OF THE COOK COUNTY CIRCUIT COURT AS IS MANDATED BY ARTICLE 6 SECTION 9 (ILLINOIS CONST.). THEREFORE, THE COOK COUNTY CIRCUIT COURT DID NOT HAVE JURISDICTION, BEING WITHOUT A JUSTICEABLE MATTER UPON WHICH IT COULD ADJUDICATE, TO ENTER A JUDGEMENT OF CONVICTION AGAINST THE PETITIONER WHICH HAS IMPAIRED PETITIONER'S LIBERTY AND VIOLATED HIS SECURED RIGHT TO DUE PROCESS PRIOR TO CONVICTION, WHEREUPON, ANY REASONABLE JURIST WOULD CERTAINLY ~~BE~~ <sup>BE</sup> ABLE TO CONCLUDE THAT A COURT LACKING JURISDICTION HAS NO POWER TO ADJUDICATE, THUS, ANY JUDGEMENT IS VOID, IMPAIRES LIBERTY, AND VIOLATES DUE PROCESS ESPECIALLY IN LIGHT OF WELL ESTABLISHED LAW SUCH AS:

1. "A COURT CANNOT CONFER JURISDICTION WHERE NONE EXISTED AND CANNOT MAKE A VOID PROCEEDING VALID. IT IS CLEAR AND WELL ESTABLISHED LAW THAT A VOID ORDER CAN BE CHALLENGED IN ANY COURT", OLD WAYNE MUT. L. ASSOC. V. McDONOUGH, 204 U.S. 8, 21 S. CT. 236 (1901); AND,
2. "COURTS ARE CONSTITUTED BY AUTHORITY AND THEY CANNOT GO BEYOND THAT POWER DELEGATED TO THEM. IF THEY ACT BEYOND THAT AUTHORITY, AND CERTAINLY IN CONTRVENTION OF IT, THEIR JUDGEMENTS AND ORDERS ARE REGARDED AS NULLITIES; THEY ARE NOT VOIDABLE, BUT SIMPLY VOID, AND THIS EVEN PRIOR TO REVERSAL", WILLIAMSON V. BARRY, 8 HOW. 945, 540, 12 L. ED. 1170, 1189 (1850); AND,

3. "THE LAW PROVIDES THAT ONCE STATE AND FEDERAL JURISDICTION HAS BEEN CHALLENGED IT MUST BE PROVEN.", 100 SUP. CT. 2502 (1980); AND,

4. "THERE IS NO DISCRETION ~~TO IGNORE LACK OF~~ <sup>TO IGNORE LACK OF</sup> JURISDICTION.", JOYCE V. U.S., 474 F. 2D 215.

2. WHETHER THIS PETITIONING PRISONER IS ENTITLED TO FREE ACCESS TO COURTS PURSUANT TO "THE PASSENGER CASES"?

THE PRINCIPLE BEHIND THIS ISSUE WAS CLEARLY RESOLVED BY THIS COURT IN THE PASSENGER CASES WHERE YOU STATED, "...EVERY CITIZEN OF THE UNITED STATES FROM THE MOST REMOTE STATES OR TERRITORIES, IS ENTITLED TO FREE ACCESS, NOT ONLY TO THE PRINCIPAL DEPARTMENTS ESTABLISHED AT WASHINGTON, BUT ALSO TO ITS JUDICIAL TRIBUNALS AND PUBLIC OFFICES IN EVERY STATE IN THE UNION...", 2 BLACK'S 620; CRANDALL V. NEVADA, 6 WALL. 35. THEREFORE, ANY COSTS DEMANDED OF FROM A CITIZEN IS A LIMITATION AND RESTRICTION UPON THE USE OF THE COURTS WHICH AMOUNTS TO NOTHING MORE THAN A BLATANT ABRIGATION OF SECURED RIGHTS. AS SUCH THE SEVENTH CIRCUIT HAS NO JUSTIFIABLE EXCUSE FOR DENYING YOUR PETITIONER FREE ACCESS.

## CONCLUSION

PETITIONER AFFIRMS THAT FOR THE FOREGOING REASONS, HIS PETITION  
FOR A WRIT OF CERTIORARI SHOULD BE GRANTED AS SUCH A  
FAVORABLE GRANT SERVES THE PUBLIC INTEREST(S) AND AN UNFAVORABLE  
~~GRANT~~ WILL REFLECT AS A MISCARIADE OF JUSTICE.

## DECLARATION

PETITIONER AFFIRMS THAT THE FOREGOING PETITION FOR WRIT OF  
CERTIORARI IS SUBMITTED WITH CLEAN HANDS AND IN GOOD FAITH  
WITHOUT PREJUDICE, VEXATION NOR FRIVOLITY, AND THAT ALL STATEMENT  
IS TRUE, CORRECT, COMPLETE, AND NOT MISLEADING TO THE BEST  
OF MY INFORMED KNOWLEDGE, BELIEF, AND HONORABLE INTENT.

DATE: 10-13-2020

KHCF

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U.C.C. 1308; 1-103.