

20-6497  
No.

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

ANDREY L. BRIDGES  
Petitioner-Appellant,

Supreme Court, U.S.  
FILED  
NOV - 3 2020  
OFFICE OF THE CLERK

v.  
DAVID GRAY, WARDEN,  
Respondent-Appellee,

ON Petition for Writ of Certiorari  
to the United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

This request to Invoke, is presented in good faith and not for delay.

Respectfully submitted,

*Andrey Bridges*  
Andrey L. Bridges #A650-493  
Belmont Correctional Institution  
P.O. Box 540  
68518 Bannock Road  
St. Clairsville, Ohio 43950

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SUPREME COURT, U.S.

## QUESTIONS PRESENTED

The issue here goes beyond a miscarriage of justice. It's lower court's blatant and outright refusal to administer justice, when law warrants otherwise; it's contrary to what this court in *Mutchum v. Foster*, 407 U.S. 225, 240, (1972) proclaimed, "throws open the doors of the United States Courts to those whose rights under the Constitution are denied or impaired".

I: When the doors of the Court[s] are willfully, maliciously, and improperly closed to non-influential, self-represented persons, like petitioner thereby foreclosing (1) a civil forum of justice, and (2) denies petitioner his day in court", simply because the courts want to protect their own kind via abuse of power, does this court's refusal to intervene and foreclose a civil forum send a disturbing message that the ones in (politics) remains the only avenue for attention/justice?

II: Did the Sixth Circuit Court of appeals deny appellant the right to be heard and have a full appellate review as provided by the United States Constitution of the First Amendment.

III: If the Northern District Court lacks jurisdiction because an appeal was taken in the Sixth Circuit Court of Appeals, does waiting for that appeal to be fully determined, deny appellant the right to appeal in a ("timely") latter proceeding.

## PARTIES TO THE PROCEEDING

1. The parties to the proceeding in which is asked to be reviewed are, Andrey L. Bridges, at Belmont Correctional Institution, P.O. box 540, St. Clairsville, Ohio 43950; **(Petitioner/Appellant)**.
2. The parties to the proceeding in which is asked to be reviewed are, David Gray Warden of Belmont Correctional Institution, P.O. Box 540, St, Clairsville, Ohio 43950; and his respective attorney, at the Attorney General Office, 150 East Gay street, Columbus, Ohio 43215. **(Respondent/Appellee)**.
3. The parties to the proceeding in which is asked to be reviewed are, Sixth Circuit Court of Appeals, 100 east Fifth Street, Potter Stewart Courthouse, Cincinnati, Ohio 4502-3988; **(Judgments and Rulings)**.
4. The parties to the proceeding in which is asked to be reviewed are, Northern District Court of Ohio, of the Eastern Division, Carl B Stokes U.S. Courthouse, 801 Superior Ave. Cleveland, Ohio 44113.; **(Judgments and Rulings)**.
5. The parties to the proceeding in which is asked to be reviewed are, Cuyahoga Common Pleas Court, 1200 Ontario Street, Cleveland, Ohio 44113, case No CR-574201-A, State of Ohio - v. - Andrey L. Bridges; **(Judgments and Rulings)**.
6. And, in the lower courts who administer justice, certain of its personnel and judges as to their Non-judicial actionable acts, Ohio judicial Counsel, et al.

## **TABLE OF CONTENTS**

	<b>Page[s] of Document(s)</b>
QUESTION[S] PRESENTED .....	9
PARTIES TO THE PROCEEDING .....	10
TABLE OF AUTHORITIES .....	13-17
OPENIONS BELOW .....	18-21
JURISDICTION .....	21
STATUES AND CONSTITUTIONAL PROVISIONS INVOLVED .....	1-42
STATEMENT OF THE CASE AND FACTS .....	22-24
REASON FOR GRANTING THE WRIT .....	28-39
Summary of Argument.....	25-28
ARGUMENT .....	28-39
RELIEF SOUGHT .....	22
CONCLUSION .....	39-42
APPENDIX: Submitted in Reported and Unreported form[s] for review: "see' Case[s] In Document and in proper court as stated in brief, via; court dockets online,	
Appendix A: in volumes (if necessary); Cuyahoga Court of Common Pleas	
Appendix B: in volumes (if necessary); Eighth Appellate District Court	
Appendix C: in volumes (if necessary); Ohio Supreme Court	
Appendix D: in volumes (if necessary); Northern District, Eastern Division	
Appendix E: in volumes (if necessary); Sixth circuit Court of Appeals	

---

## TABLE OF AUTHORITIES AND CASE[S] FOR REVIEW

### CASE[S] FOR REVIEW

#### Page[s]

<i>State v. Bridges</i> , Case No. 100805 Lexus 2014-Ohio-4570.....	15,
State v. Bridges, at; Case No. 100805 Lexus 2015-Ohio-1447 .....	15
State v. Bridges, 574201A of Cuyahoga County common pleas court 2014, and 8th Dist. Cuyahoga Nos. 101938 (Oct. 1, 2014), and 101942 (Oct. 31, 2014) .....	15
State v. Bridges, Lexus 2015-Ohio-5428 .....	15
State v. Bridges, Lexus 2016-Ohio-7298 .....	15
State v. Bridges, 2015-Ohio-1447 .....	15
State v. Bridges, Lexus 2018-Ohio-4113 .....	15
Bridges v. Sloan, 2018 U.S. Dist. LEXIS 221744 .....	16, 19
Bridges v. Sloan, 2019 U.S. Dist. LEXIS 29542 .....	16, 19
Bridges v. Sloan, 2019 U.S. Dist. LEXIS 29542 .....	16,19
Bridges v. Gray, 2019 U.S. App. LEXIS 38285 .....	16, 19
Bridges v. Gray, 2020 U.S. App. LEXIS 387 .....	16,17
Bridges v. Gray, 2020 U.S. App. LEXIS 25369 .....	16,17
Bridges v. Gray, 2020 U.S. App. LEXIS 31667 .....	17,
Bridges v. Gray, 1:15-cv-02556.....	15, 17

## **STATUES**

1. Title 28, Section 1291 of the United States Code
2. 28 U.S.C. § 2107(a);
3. Fed. R. App. P. 4(a)(1)(A), 26(a)
4. Federal Rule of Civil Procedure 60(b)

## **CONSTITUTIONAL PROVISIONS**

1. United States Constitution FIRST Amendment violation.....1-38
2. United States Constitution Amendment FITH violation .....1-38
3. United States Constitution Amendment SIXTH violation .....1-38
4. United States Constitution Amendment EIGHTH violation .....1-38
5. United States Constitution Amendment FOURTEENTH violation .....1-38

## **OTHER AUTHORTIES FOR REVIEW**

**Mutchum v. Foster**, 407 U.S. 225, 240, (1972) .....9

**Clark v. Manufacturers Trust Co.**, 337 U.S. 953 .....21

**Goldbaum v. United States**, 347 U.S. 1007; .....21

**Banks v. United States**, 347 U.S. 1007; .....21

**McFee v. United States**, 347 U.S. 1007; .....21

**Remmer v. United States**, 348 U.S. 904; .....21

<u>Florida ex rel. Hawkins v. Board of Control</u> , 350 U.S. 413; .....	21
<u>Boudoin v. Lykes Bros. S. S. Co.</u> , 350 U.S. 811; .....	21
<u>Cahill v. New York</u> , N. H. & H. R. Co., 351 U.S. 183, .....	21
<u>Achilli v. United States</u> , 352 U.S. 1023, .....	21
<u>Bushler v. Marrujo</u> , 86 N.M. 399, 524 P.2d 1015, 1019; .....	21
<u>Dupler v. Seubert</u> , 69 WIS. 2d 626, 230 N.W. 2d 626, 631.....	22
<u>Godbey v. Godbey</u> , 70-Ohio-App. 555, 44 N.E. 2d 810, 813. ....	22
<u>Landry v. Daley</u> , D.C. I11 280 F. Supp, 968, 970. ....	22
<u>People v. Lopez</u> , 251 CAL. App. 2d, 918, 60 Cal. Rptr, 72, 76, .....	22
<u>People v. Bernhardt</u> , 222 CA 2d 567, 35 Cal. Rptr. 401, 409, .....	23
<u>Houston v. Leyden Motor Coach Co</u> , 102 Ill. App. 2d 348, 243 N.E. 2d 293, 296 .....	23
<u>Graf v. Ford Motor Co.</u> , 102 Ill. App. 2d 390, 243 N.E. 2d 337, 341.....	23
<u>State ex rel. Smith v. Smith</u> , 197 OR. 96, 252 P. 2d 550 555.....	23
<u>Roberts v. State IND.</u> , 492 N.E. 2d 310, 313; .....	23
<u>Denial of error of Coram Nobis</u> , .....	23
<u>Moore v. Dempsey</u> , 261 U.S. 86; .....	24
<u>Mooney v. Holohan</u> , 294 U.S. 103;.....	24
<u>Bowen v. Johnston</u> , 306 U.S. 19, 24. ....	24
<u>Actual Innocence</u> , .....	24
<u>U.S. v. Friday, D.C. Mich.</u> , 404 F.supp. 1343, 1346. ....	24
<u>Actual Total Loss of Freedom</u> , .....	24
<u>Burden of Proof</u> , .....	24

<u><i>In re Winship</i></u> , 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed. 2d 368;.....	24
<u><i>Corpus Delicti</i></u> , .....	24
<u><i>State v. Edwards</i></u> , 49-Ohio-St. 2d 31, 358 N.E. 1051, 1055.....	24
<u><i>Mallard v. U.S. Dist. Court for S. Dist. of Iowa</i></u> , .....	25
490 U.S. 296,309, (1989).	
<u><i>Tennessee v. lane</i></u> , (2004) 541 U.S. 509, .....	25
<u><i>Ex parte Republic of Peru</i></u> , 318 U.S. 578, 583, (1943); .....	26
<u><i>Roche v. Evaporated Milk assn.</i></u> , 319 U.S. 21, 26, (1943) .....	26
<u><i>U.S. v. U.S. Dist Court</i></u> , 334 U.S. 258, (1948)".....	27
<u><i>Will v. United States</i></u> , 389 U.S. 90, 95-96, (1967) .....	27
<u><i>Bankers Life Casualty Co. v. Holland</i></u> , 346 U.S. 212, 217, (1953), .....	27
<u><i>De Beers Consolidated mines, Ltd. V. United states</i></u> , 325 U.S. 212, 217, (1945), .....	27
<u><i>Mallard v. U.S. Dist. Court for S. Dist of Iowa</i></u> , 490 U.S. 296, 309, (1989) .....	27
<u><i>La Buy v. Howes Leather Co.</i></u> , 352 U.S. 249, 256-258, (1957) .....	27, 28
<u><i>McClellan v. Carland</i></u> , 217 U.S. 268, 279 (1989),.....	27-28
<u><i>Davis v. United States</i></u> , 417 U.S. 333, 346, (1974).....	28
<u><i>Cheney v. U.S. Dist. Court for D.C.</i></u> , 542 U.S. 367, 371 (2004).....	29
<u><i>Brady v. Maryland</i></u> , 373 U. S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).....	29
<u><i>Kyles</i></u> , 514 U. S., at 434-435, 115 S. Ct. 1555, 131 L. Ed. 2d 490.....	32-33
<u><i>Steel Co. v. Citizens for a Better Env't</i></u> , 523 U.S. 83, 95, 118 S. Ct. 1003, 140 L. Ed. 2d 210 (1998).....	34
<u><i>Warth v. Selden</i></u> , 422 U.S. 490, 498,95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975),.....	34

<u>DaimlerChrysler Corp. v. Cuno</u> , 547 U.S. 332, 126 S. Ct. 1854, 1867, 164 L. Ed. 2d 589 (2006). ....	34
<u>Steel Co.</u> , 523 U.S. at 102-03.....	34
<u>Church of Scientology v. Foley</u> , supra, note 18, 205 U.S.App.D.C. at 370 n.46, 640 F.2d at 1341 n.46. ....	36
<u>United States v. Robinson</u> , 361 U.S. 220,.....	36
<u>Lemke v. United States</u> , 346 U.S. 325. ....	36
<u>Post v. Bradshaw</u> , 422 F.3d 419,421 (6 <sup>th</sup> . Cir.2005), .....	37
<u>First Nat'l Bank of Salem, Ohio v. Hirsch</u> , 535 F.2d 343 (6th Cir. 1976)....	37
<u>Post v. Bradshaw</u> , 422 F.3d 419,.....	37

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ANDREY L. BRIDGES  
Petitioner-Appellant,

v.  
DAVID GRAY, WARDEN,  
Respondent-Appellee,

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ON Petition for Writ of Certiorari  
to the United States Court of Appeals for the Sixth Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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Based on upholding the United States Constitution and on this Honorable court interpretation of upholding the United States Constitution to all citizen needs. This “Respective Court”, and “Honorable Justice[s]; are humbly asked to invoke jurisdiction of such styled case, as it is of Great Importance, for this court to invoke.

**Opinions Below:**

At issue is ongoing violations of a First, Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution; violating a United States Citizen.

1. These violation[s] arise from the unconstitutional conviction set in Cuyahoga County Common Pleas Court, Case No. Cr. 574201-A. Where appellant was convicted for murder, tampering with evidence and gross abuse of corpse.

2. Appellant filed an appeal through court appointed attorney, "See" State v. Bridges, Case No. 100805 Court of Appeals of the Eighth District, the case was Affirmed.

3. Appellant then filed an application to re-open under state 26(B) in which the court held the presentment was outside the record and not appropriate in the style of reconsideration. "See" State v. Bridges, at; Case No. 100805 at, 2015-Ohio-1447.

4. Appellant then filed to the Ohio Supreme court seeking jurisdiction, that court denied to accept jurisdiction.

5. Upon appellant direct appeal while pending, he filed a post -conviction, the appeal court unconstitutionally denied that appeal for not filing the record, **even though the record was requested for preparation to transmit to the appeal court.** "See" State v. Bridges, 574201A of Cuyahoga County common pleas court 2014, and 8th Dist. Cuyahoga Nos. 101938 (Oct. 1, 2014), and 101942 (Oct. 31, 2014). Appellant then filed a successive post-conviction, "See" State v. Bridges, at, Nos. 102930 and 103090, State v. Bridges, Lexus 2015-Ohio-5428.

Since, there were different orders directing appellant he should have raised his claims on appeal, he submitted that is why appellant raised the 26(B), the court

then re-directed the issues in that post-conviction proceeding, and re-placed the claims stating those issues should have been brought on direct appeal, and appellant went back to filing successive(s) petition “See” State v. Bridges, at; Nos. 103634 and 104506, to correct and see why (all courts pinged ponged his claims). Giving petitioner no legal right to address the miscarriages of justice(s). State v. Bridges, 2016-Ohio-7298

6. “As means to get fair reviews he filed a habeas corpus, “See” Bridges v. Sloan, Case No. 1:15-cv-02556 at; 2018 U.S. Dist. LEXIS 221744, and, 2020 U.S. App. LEXIS 25369. The District court did not review or over looked his Traverse and (Exhibits) as the clerk did not file them, as well as not seeing that petitioner did attest to the states finding of fact, as well as other matters alleging both federal and United States Constitution violations, Because of the overlooked review, the Petition was denied,

7. Appellant then filed an appeal to the United States Sixth Circuit Court of Appeals court, “See” (appeal No. 19-3297) for Certificate of appealability, (6<sup>th</sup> Cir. Nov. 21, 2019). While this appeal was pending appellant filed his 60(b) application, on 7-12-2019; “See” Bridges v. Gray, 1:15-cv-02556, The district court denied the motion stating in “Order” he did not have jurisdiction while the appeal was pending in the Sixth Circuit. Ultimately, the Sixth Circuit Court of Appeals denied appellant certificate of appealablity, on 11-22-2019. “See” also for case for failure to adjudicate, Bridges v. Sloan, 2019 U.S. Dist. LEXIS 29542, Bridges v. Sloan, 2019 U.S. Dist. LEXIS 29542, Bridges v. Gray, 2019 U.S. App. LEXIS 38285,

Bridges v. Gray, 2020 U.S. App. LEXIS 387, Bridges v. Gray, 2020 U.S. App.

LEXIS 25369, Bridges v. Gray, 2020 U.S. App. LEXIS 31667

8. Appellant then filed his Timely **60(b)** to the District court because the first 60(b) was without jurisdiction in the district court. Once the appeal was denied-dismissed, Appellant filed the **60(B)** and the district court filed it in March, 2020 which the district court returned the filed motion with a copy of, Bridges v. Sloan, 1:15-cv-02556 Doc# 45. Appellant then filed a timely reconsideration of 60(b) motion, the district again filed it and again sent back the motion with a copy of Bridges v. Sloan, 1:15-cv-02556 Doc# 45. **“See” also Doc#70 and all attachments. Not giving petitioner a right to address, or redress.**

9. In attempt to have his timely 60(b) motion heard fairly, Appellant filed in the Sixth Circuit Court of appeals, **Case No. 20-3493 (6<sup>th</sup> Cir. 4-22-2020)** with aiding exhibits showing he is getting futile responses, and the District Court is not filing any of his legal Constitutional claims, motions or briefs. **Not stating specific reason or cause.**

In this attempt, appellant demonstrated the filings by its date(s) so he could appeal the new timely 60(b) motion in this Circuit Court. The Sixth Circuit Court of appeals on Case No. Bridges v. Gray, 20-3493, 2020 U.S. App. LEXIS 25369; August 10, 2020, may have mistakenly overlooked the filings and went off the docket dates, and dismissed the appeal for lack of jurisdiction. Appellant then filed a timely en banc/ reconsideration in which was denied on October 5, 2020, Case No.20-3493, Bridges v. Gray, 2020 U.S. App. LEXIS 25369

## **JURISDICTION:**

Petitioner/Appellant, now comes timely within the applicable days to request certiorari, under 28 U.S.C. §1254(1), and 28 U.S.C. §1651(a)(b); **Article III of U.S. Constitution.**

## **RELIEF SOUGHT**

For petitioner to have his day in court and allow him his equal Protection of Law, Due process of Law, and his First Amendment; by allowing him to redress the lower court fairly, by allowing the District court to review his 60(b) application or a writ of freedom by the holding of the Fourteenth Amendment to the United States Constitution.

## **FACTS / STATEMENT OF THE CASE**

1. This case arises from the unconstitutional conviction set in Cuyahoga County Common Pleas Court, case No. Cr. 574201-A. Where appellant was convicted for murder, tampering with evidence and gross abuse of corpse.

2. Appellant filed an appeal through court appointed attorney, "See" *State v. Bridges*, Case No. 100805 Court of Appeals of the Eighth District, the case was Affirmed.

3. Appellant then filed an application to re-open under state 26(B) in which the court held the presentment was outside the record and not appropriate in the style of reconsideration. "See" *State v. Bridges*, at; Case No. 100805 at, 2015-Ohio-1447.

4. Appellant then filed to the Ohio Supreme court seeking jurisdiction, that court denied to accept jurisdiction.

5. Upon appellant direct appeal while pending, he filed a post-conviction, the appeal court unconstitutionally denied that appeal for not filing the record, **even though the record was requested for preparation to transmit to the appeal court.** “See” State v. Bridges, 574201A of Cuyahoga County common pleas court 2014, and 8th Dist. Cuyahoga Nos. 101938 (Oct. 1, 2014), and 101942 (Oct. 31, 2014). Appellant then filed a successive post-conviction, “See” State v. Bridges, at, Nos. 102930 and 103090, Since, there were different orders directing appellant he should have raised his claims on appeal, he submitted that is why appellant raised the 26(B), the court then re-directed the issues in that post-conviction proceeding , and re-placed the claims stating those issues should have been brought on direct appeal, and appellant went back to filing successive(s) petition “See” State v. Bridges, at; Nos. 103634 and 104506, to correct and see why **(all courts pinged ponged his claims).** Giving petitioner no legal right to redress the miscarriages of justice(s).

6. “As means to get fair reviews he filed a habeas corpus, “See” Bridges v. Sloan, Case No. 1:15-cv-02556 at; 2018 U.S. Dist. LEXIS 221744, and, 2020 U.S. App. LEXIS 25369. The District court did not review or over looked his Traverse and **(Exhibits)** as the clerk did not file them, as well as not seeing that petitioner did attest to the states finding of fact, as well as other matters alleging both federal and

United States Constitution violations, Because of the overlooked review, the Petition was denied,

7. Appellant then filed an appeal to this court, “See” (appeal No. 19-3297) for Certificate of appealability, (6<sup>th</sup> Cir. Nov. 21, 2019). While this appeal was pending appellant filed his **60(b)** application, on 7-12-2019; “See” *Bridges v. Gray*, 1:15-cv-02556, The district court denied the motion stating in “Order” he did not have jurisdiction while the appeal was pending in the Sixth Circuit. Ultimately, The Sixth Circuit Court of Appeals denied appellant certificate of appealability, on 11-22-2019.

8. Appellant then filed his Timely **60(b)** to the District court because the first 60(b) was without jurisdiction in the district court. Once the appeal was denied dismissed, Appellant filed the **60(B)** and the district court filed it in March, 2020, the district court returned the filed motion with a copy of, *Bridges v. Sloan*, 1:15-cv-02556 Doc# 45. Appellant then filed a timely reconsideration of 60(b) motion, the district again filed it and again sent back the motion with a copy of *Bridges v. Sloan*, 1:15-cv-02556 Doc# 45. “See” also Doc#70 and all attachments. Not giving petitioner a right to redress.

9. In attempt to have his timely 60(b) motion heard fairly, Appellant filed in this court, “See” **Case No. 20-3493 (6<sup>th</sup> Cir. 4-22-2020)** with aiding exhibits showing he is getting futile responses, and the district court is not filing any of his legal Constitutional claims, motions or briefs. **Not stating specific reason or cause.**

In this attempt, appellant demonstrated the filings by its date(s) so he could appeal the new timely 60(b) motion in this Circuit Court. The Sixth Circuit Court of Appeals on August 10, 2020, may have mistakenly overlooked the filings and went off the docket dates, and dismissed the appeal for lack of jurisdiction.

### Summary of Argument

1) The importance of this case is desperately warranting this courts attention in the manner in which the court has exercised its power over the court's own judgments, both in civil and criminal cases. "See" *Clark v. Manufacturers Trust Co.*, 337 U.S. 953, *Goldbaum v. United States*, 347 U.S. 1007; *Banks v. United States*, 347 U.S. 1007; *McFee v. United States*, 347 U.S. 1007; *Remmer v. United States*, 348 U.S. 904; *Florida ex rel. Hawkins v. Board of Control*, 350 U.S. 413; *Boudoin v. Lykes Bros. S. S. Co.*, 350 U.S. 811; *Cahill v. New York*, N. H. & H. R. Co., 351 U.S. 183, *Achilli v. United States*, 352 U.S. 1023.

2) In other words, the avenue petitioner comes now, is of such course that can request this "Honorable" Court and "Respective" Justice's to rule on the merits.

Because there is a good chance this court, while reviewing the case will find his ("conviction and denial of all redress") is:

a) Wrongful, as it so, all rulings of the lower courts have implied infringement of Amendment 5, 6, 8, and 14; of the United States Constitution, and may result from disobedience to unlawful authority, "Quoting"; *Bushler v. Marrujo*, 86 N.M. 399, 524 P.2d 1015, 1019;

b) False Imprisonment, where Bridges is unlawfully under detention, whereby he is denied his personal liberty, "Quoting"; Dupler v. Seubert, 69 WIS. 2d 626, 230 N.W. 2d 626, 631.

c) Impression, Case First, this case is a precedent one, presenting a wholly new state of facts, one involving a question that may have never before determined.

d) Improper to the United States Constitution, Not suitable, unfit, not suited to the character, time, or place. "Quoting"; Godbey v. Godbey, 70 Ohio-App. 555, 44 N.E. 2d 810, 813. And not in accordance with facts, truth, or right procedure and not in accord with propriety, modesty, good taste, or good manners, "Quoting"; Landry v. Daley, D.C. I11 280 F. Supp, 968, 970.

e) Failure of Justice, the defeat of a particular right, or failure of reparation for the wrongs Bridges faced in the lower court[s], from lack and inadequacy of a legal remedy enforcement of Bridges to redress the court of law, also known as miscarriage of justice.

f) Miscarriage of Justice, All the lower court[s] decision and outcome of legal proceeding that is prejudicial, and is inconsistence with substantial rights, used in constitutional standards to deny Bridges, are in reversible error. It makes a reasonable probability of more favorable outcome for Bridges, People v. Lopez, 251 CAL. App. 2d, 918, 60 Cal. Rptr, 72, 76. Warranting reversal should be declared, when this court, after examination of entire

cause, including the evidence, is of opinion that it is reasonably probable that a result more favorable to Bridges appealing would have been reached in absence of error, "Quoting"; *People v. Bernhardt*, 222 CA 2d 567, 35 Cal. Rptr. 401, 409.

- g) *Manifest*, "Quoting"; *Houston v. Leyden Motor Coach Co.*, 102 Ill. App. 2d 348, 243 N.E. 2d 293, 296 "See" also, *Graf v. Ford Motor Co.*, 102 Ill. App. 2d 390, 243 N.E. 2d 337, 341. Where this court will find abusive and prejudicial denials.
- h) *Error*, "Quoting"; *State ex rel. Smith v. Smith*, 197 OR. 96, 252 P. 2d 550 555. Where, all rulings in Bridges case at the lower level are in conflict with each other and when shown still denied.
- i) *Fundamental unfair*, "Quoting"; *Roberts v. State IND.*, 492 N.E. 2d 310, 313; Where this court will see that Bridges COA was denied as not raising a constitutional claim, yet the record and arguments demonstrates otherwise.
- j) *Denial of error of Coram Nobis*, the issue here was appropriately raised by Bridges in his *habeas corpus* petition. The facts relied on are dehors the record and the effect on the judgment was not open to consideration and review on appeal. The lower courts refused to review, "But" In such circumstances the use of the writ in the federal courts to test the constitutional validity of a conviction for crime is not restricted to those cases where the judgment of conviction is void for want of jurisdiction of the trial court to render it.

extends also to those exceptional cases where the conviction has been in disregard of the constitutional rights of the accused, and where the writ is the only effective means of preserving his rights. Quoting"; Moore v. Dempsey, 261 U.S. 86; Mooney v. Holohan, 294 U.S. 103; Bowen v. Johnston, 306 U.S. 19, 24.

- k)* Actual Innocence, real existing presenting in fact; the absence of guilt; free from guilt, Quoting"; U.S. v. Friday, D.C. Mich., 404 F.supp. 1343, 1346.
- l)* Actual Total Loss of Freedom, Constitution, Constitution Law, Constitutional Protections, Constitutional right[s], Constitutional Questions, by not reviewing or fairly De Novo, Bridges claims, or reviewing the record and misapplying denial[s] for COA, in the Lower courts.
- m)* Burden of Proof, quoting"; In re Winship, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed. 2d 368; The lower court[s] failed to fairly apply this standard, and unconstitutionally; opinioned, ruled, and restricted Bridges 14 Amendment to the United States Constitution.
- n)* Corpus Delicti, the body of the crime was unconstitutionally determined to the elements of the crime and facts and evidence was erred when connected to federal standards of law. Quoting"; State v. Edwards, 49-Ohio-St. 2d 31, 358 N.E. 1051, 1055.
- o)* **To Sum, no justice, No “Day in Court” no hearing on merits.**

#### **ARGUMENT FOR REASONS GRANTING THE WRIT**

**Adequate Relief Cannot Be Obtained in Any Other Forum or Form In Any Other Court**

1. Petitioner respectfully prays for a writ of certiorari, because petitioner lack adequate alternatives means to obtain the relief he seeks, "*Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296,309, (1989).

Simply put, since the claim(s) implicate all court(s), which claims this court holds are actionable, for e.g. claim, "See" *Tennessee v. lane*, (2004) 541 U.S. 509, and which claims, the federal district court, and the 6<sup>th</sup> Circuit court personnel are covering up, and where any attempts to obtain relief, on merits have been exhausted and proven to be unobtainable in the lower courts, given the cover up, fraud on the court, corrupting of the judicial process, et al, there is no other form, recourse, other than this court, to seek justice. Petitioner simply wants his day in court.

2. Both the lower courts and Northern District Court. And 6<sup>th</sup> Circuit appellate Court have obstructed justice by shutting petitioner out, despite petitioner, doing everything necessary to obtain justice on the merits. Both courts summarily dismissed the claims, for no good reason, and overlooked what was present on petitioner filings, instead the courts went off the docket. Simply to avoid addressing them on its merits, despite timely filings.

3. Petitioner was denied jurisdiction in the 6<sup>th</sup> Appellate Court of Appeals, despite the showing that he was well within the court's jurisdiction, the Northern District of Ohio Eastern Division will not file any of petitioners filing with no just cause, and

no matter what petitioner files in the District court, that court sends an out dated motion by the magistrate, saying no filings are accepted unless the court allows it. "But that motion was ordered because petitioner was trying to put a stay in that court, and the magistrate was preparing his Report and Recommendation, and that is reason why the no more filings were ordered by the District Court.

4. Now no matter what petitioner files, even timely the court sends back all petitioner filings with the attached outdated motion, leaving petitioner with no right to redress. "See" *Bridges v. Gray*, 2020 U.S. App. LEXIS 25369, "See" also *Bridges v. Gray*, Case No. 1:15-cv-02556.et al.

Petitioner was victimized by the dismissal and re-victimized by the 6<sup>th</sup> appellate court for not reviewing petitioner documents sent in *Bridges v. Gray*, Case No. 20-3493 of the 6<sup>th</sup> Appellate Court of Appeals.

5. When the lower courts refuse to perform its required duty, the only remaining course of action is a writ. In fact, here the assigned individuals of the lower court are the very individuals committing fraud on the court and judicial process.

6. The writs thus afford an expeditious and effective means of confining the inferior court to a lawful exercise of its prescribed jurisdiction, or of compelling it to exercise its authority, when it is its duty to do so, *Ex parte Republic of Peru*, 318 U.S. 578, 583, (1943); same *Roche v. Evaporated Milk assn.*, 319 U.S. 21, 26, (1943) (*Roche*).

7. Writ, “where it is necessary to confine a lower court to the terms of an appellate tribunal’s mandate, *U.S. v. U.S. Dist Court*, 334 U.S. 258, (1948)”, *Will v. United States*, 389 U.S. 90, 95-96, (1967) (“*Will*”).

### *Exceptional Circumstances*

- (1) -Reasons- above, abuse and usurpation of judicial power, constitutes as exceptional circumstance, Roche, *supra* 27. Instances of clear abuse of discretion, “*Bankers Life Casualty Co. v. Holland*, 346 U.S. 212, 217, (1953), or conduct amounting to usurpation of [the judicial] power, “*De Beers Consolidated mines, Ltd. V. United states*, 325 U.S. 212, 217, (1945), to be entitled to issuance of writ”, *Mallard v. U.S. Dist. Court for S. Dist of Iowa*, 490 U.S. 296, 309, (1989) (“*Mallard*”).
- (2) –Lower court’s refusal to perform its true adjudicator role & duty, and instead, corrupt the judicial process, constitutes an exceptional circumstance. Here- the action[s] of lower courts nullified its purpose and reasons for its existence. “see” *La Buy v. Howes Leather Co.*, 352 U.S. 249, 256-258, (1957) (“*La Buy*”) refused to exercise its functions; cases were improperly referred to a master. The use of masters is to aid judges in performance of specific judicial duties... and not displace the court. The exceptional circumstance here warrants the use of the extraordinary remedy of writ... Litigants are entitled to a trial by the court, in every suit, save where exceptional circumstances are shown”, Same *McClellan v. Carland*,

217 U.S. 268, 279 (1989) (“*McClellan*”), where refusal by the district court to adjudicate issues properly presented to it.

- (3) Petitioner has long been sending newly discovered evidence / actual innocence / ineffective assistance of counsel, showing he is held unlawfully, and under the Fourteenth Amendment to the United States Constitution he warrants full protection. But petitioner has been denied the right to redress in the courts by the cover ups, and not filings and filing then taken off the record and put back on the record, and sent in documents where pages are missing. The no testing of evidence that was used to convict petitioner via a Fifth Amendment violation to the United States Constitution.
- (4) –Where circumstance[s] “inherently results in a complete miscarriage of justice’ and present[s] exceptional circumstances”, a writ must issue, “See” *Davis v. United States*, 417 U.S. 333, 346, (1974)
- (5) –Petitioner has exhausted or tried to in appeal remedy, and is “shut out” from that remedy by the Ohio Common Pleas Court, Northern District Court, and sixth Circuit Court of Appeals, leaving petitioner with no other avenue for justice. Exceptional circumstances amounting to a judicial usurpation of power” will justify the invocation of this extraordinary [writ] remedy”, Will 95. “[W]here a [lower court] judge[s] displayed a persistent disregard of the rules of Civil Procedure promulgated by this Court, *La Buy v. Howes Leather Co.*, 352 U.S. 249, 256-258, (1957)

(6) –Writ appropriate where the lower courts actions constituted an unwarranted impairment of judicial branch in performance of its constitutional duty's", *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 371 (2004).

(7) Pro se petitioner Andrey Bridges has a strong argument that his trial and resulting life sentence were fundamentally unfair because the lower court[s] withheld material exculpatory evidence. See *Brady v. Maryland*, 373 U. S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). The lower court[s] offered flawed rationales for rejecting all his claim's. **[Ineffective assistance of counsel's; Actual/Factual Innocence; Due Process violations of Equal Protection of the Law; his conviction is constitutionally prejudicial against the United States Constitution of Amendment 5, 6, 8, and 14; and that he is denied to redress the court of law -fairly].**

(8) Since the lower court's denial held, Bridges does not have a constitutional right, and Bridges did not present a constitutional issue to be heard; and Bridges filed his appeal late leaving the Sixth Circuit without jurisdiction.

“But” it is apparent and can be seen on the face of the record, his issues are of constitutional magnitude of violations.

Bridges is serving a life sentence with possibility of parole with 20 years and 6 months in an Ohio state prison, having been convicted in 2013 of murder, tampering with evidence, and gross abuse of corpse.

The State's case at his trial featured only testimony from the real killers as police reports directly implicated them. The experts did not or could tie the scientific evidence to the murder, without the detectives finding.

(9) However, the detective told the true killers to get an alibi after questioning. In which their alibi in trial was separate and different from police reports, evidence and testimony that was used to convict Bridges. There is also new information that was not investigated, that the date of the murder the state assert, the victim was alive. This could change the outcome of the proceeding, because Bridges were not living at the resident then. "see" 60 (b) application filed in Sixth Circuit court of Appeals Case No. Bridges v. Gray, 1:15-cv-02556, and Bridges v. Gray, 2020 U.S. App. LEXIS 31667, Bridges v. Gray, 2020 U.S. App. LEXIS 25369, and Case No. (19-3297), and (20-3493).

**Also to the fact that the evidence that was shown and used to convict Petitioner, was not tested.** "See" State of Ohio v. Andrey Bridges / Andrey L. Bridges Case No Cr. 574201-A Trial transcript at: (T.1-1514) but can be seen, VIA Bridges v. Sloan Case No. 1:15-cv-02556 Doc# 1- DoC#37, in which the detective requested it to be tested, but never were. However, the only thing the state experts could go off was the detective findings.

**To this date; Bridges continually argue his innocence.**

(10) "[N]ormally, you will not see a guilty person stand and fight for his innocence and freedom as Bridges. **This what's make this case exceptional to hear,** a United States citizen trying to redress the courts in all applicable standing only to

be waived off because he is pro se, and showing manifest miscarriages of justice and manifest injustice of broken Constitutional rights, however denied and overlooked.

Or refused to file.

Upon being convicted, Bridges discovered new evidence that his counsel had and reports that the detectives had, and evidence off of the internet demonstrating his innocence. **That was not fully investigated nor presented to the jury.**

As it turns out, the lower court, upon Bridges fight to prove his innocence places his claims off the record in post-conviction pleadings, then when Bridges file the claims in that proceeding, the lower court then places the claims back on the record, stating the claims should have been raised on appeal.

(11) Shortly after the trial ended, Bridges requested any information on his case from the Ohio state prosecutor, trial attorneys, and arresting officer. All sent some of the record and that is when Bridges reviewed the record and discovered evidence was left out that demonstrated his innocence. "See" in the Northern District of the Eastern Division, Case; Bridges v. Sloan, 1:15-cv-02556; Doc#33 and also Footnote of the Report and Recommendation Doc#47 PageId#5663; Bridges properly filed the record that respondent left out, however, it was not filed for docketing. This shown the lower court the innocence of Bridges, and what makes him innocent of the crime. And wrongfully convicted, and held unconstitutionally.

(12) Because the denial of his filings in the lower courts is not of the standards of Equal Protection under the United States Constitution, and against the rights that are protected by the United States Constitution.

The act of the lower court[s] has so infringed upon the right that damages the integrity of justice and the right to be protected by the Constitution. This is stated because the lower court[s] in Bridges case has denied him:

**Amendment 6 Rights of the accused.** In relevant part; have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

**Amendment 8 against cruel and unusual punishment.** The Supreme Court has held that the Eighth Amendment prohibition against the infliction of cruel and unusual punishments not only is applicable to the Federal Government, but also is applicable to the states on the basis of the due process clause of the Fourteenth Amendment. (§ 3, *infra.*) 33 L. Ed. 2d 932

**Amendment 14 Equal protection of the law. Sec. 1. [Citizens of the United States.]** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Of course, this court will see and finding that Bridges constitutional rights clearly were violated, would also necessarily imply that he is innocent of the serious crimes of which he was convicted; and Bridges could not be reconvicted after a fairer proceeding. See Kyles, 514 U. S., at 434-435, 115 S. Ct. 1555, 131 L. Ed. 2d

490. Also the weighty question; is Bridges "in custody in violation of the Constitution. This could be determined of by allowing appellant to present his case in this "Honorable Court; since:

**(13) THE LOWER COURT[s], PANAL DECISION HAVE MISTANKENLY OR OVER LOOKED THE DATES TO WHAT IS BEING APPEALED, AND DENIED A CONSTITUTIONAL RIGHT TO REDRESS, AS OF RIGHT, AS PROTECTED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION:**

**(14) THE DISTRICT FAILED TO LAWFULLY SUBMITT AND REVIEW HIS TIMELY 60(B), THAT RAISED FEDERAL AND UNITED STATES CONSTITUTION VIOLATIONS OF EQUAL PROTECCTION AND DUE PROCESS OF LAW, HELD UNDER THE FIRST, FIFTH, AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION**

#### **APPLICABLE LAW THAT WAS NOT FAIRLY REVIEWD**

Andrey Bridges-Appellant, hereby petitions for his day in court and for redress of grievances under the First Amendment of the United States Constitution and of the August 10, 2020, panel decision in Bridges V. Gray, to address that portion of the decision which appeal No. 20-3493 is dismissed for lack of jurisdiction. Invoke of this court attention is of importance of consideration where it is appropriate for a number of reasons.

1) First, the panel may have mistakenly held; While appeal No. 19-3297 was pending, Bridges filed a Federal Rule of Civil Procedure 60(b) motion to reopen his habeas case. The district court denied the Rule 60(b) motion on July 12, 2019, for lack of jurisdiction. On April 22, 2020, Bridges filed a notice of appeal

from [\*2] the order denying his Rule 60(b) motion. This is not accurate because petitioner filed an appeal from the March 20, 2020, and also appealed the reconsideration following that filing. "See" time stamped on filing of case No. 1:15-cv-02556 Doc# 70; (Attachments).

2) Second, "Respectfully" directing this panel to the August 10, 2020, Order that held: Every federal appellate court has a special obligation to satisfy itself not only of its own jurisdiction, "But" the holding also held that, of the lower courts in a cause under review, even [if] the parties are prepared to concede it . . . When the lower federal court lacks jurisdiction, The Sixth Circuit Appellant Court have jurisdiction on appeal, not of the merits but merely for the purpose of correcting the error of the lower court in entertaining the suit." Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 95, 118 S. Ct. 1003, 140 L. Ed. 2d 210 (1998) (citations and edits omitted) (stating that there is no "doctrine of hypothetical jurisdiction"). Standing is an aspect of justifiability, Warth v. Selden, 422 U.S. 490, 498,95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975), and "a plaintiff must demonstrate standing for each claim he seeks to press. DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 126 S. Ct. 1854, 1867, 164 L. Ed. 2d 589 (2006). The "irreducible constitutional minimum of standing" comprises three requirements: injury in fact, causation, and redressability. Steel Co., 523 U.S. at 102-03. Yet this is true "However":

The district court did not obtain legal authority of petitioner 60 (b) application, nor did it reserve an option for appellant to appeal, because of no finding of fact of

conclusion of law. And Sixth Circuit Court had taken over jurisdiction by way of pending appeal. And if appellant would have appealed it is a chance that court would have “liberally construed” his motion as a successive habeas corpus at that time.

3. Third, the panel may have mistakenly overlooked the supporting documents that was foretelling the refusal(s) of the District Court, from allowing appellant to file his timely 60(b) application, and denying appellant the chance to file his timely 60(b) application, as well as; the motion demonstrated new evidence, and overlooked or mistakenly unconstitutional tactics in petitioner habeas proceedings;, as well as overlooked filings in the district court; which lead to multiple “**miscarriages of justice**”, and that was believable reason why the habeas Corpus was denied. Still, innocence shows, and Constitutional violations is displayed.

4. Fourth, and Finally, “**Respectfully Stated**” the panel opinion unnecessarily complicates the fundamental right to redress the wrongs of the lower courts. **As held under the First, Amendment of the United States Constitution, and protected by the Fourteenth Amendment of the United States Constitution, and held for review under Due Process and Equal Protection of the Law under the United States Constitution. Since the lower courts failed to adjudicate, and refuse to file petitioner constitutional and give him the right to redress the violations.**

## CONCLUSION

1. This petition is drafted for hearing(s) of importance and ordinarily is respectfully moved for appropriate consideration by the full court, because the petition is necessary to secure or maintain uniformity of its August 10, 2020 decisions, and , the proceeding involves a question of exceptional importance as to redress the courts as protected by the First Amendment of the United States Constitution and under the Fourteenth Amendment to the U.S. Constitution, as protected by Due process and of Equal protection of the law.

2. As it maybe thinkable, it also maybe applicable in the instance, that this request to invoke is appropriate in this extremely unusual case, and it is submitted to cure a gross injustice. "See" Church of Scientology v. Foley, supra, note 18, 205 U.S.App.D.C. at 370 n.46, 640 F.2d at 1341 n.46.

3. Petitioner did timely file the appeal and, although the timely filing of a notice of appeal is a jurisdictional prerequisite for perfecting an appeal" See" United States v. Robinson, 361 U.S. 220, a liberal view of papers filed by indigent and incarcerated defendants, as equivalents of notices of appeal, has been used to preserve the jurisdiction of the Courts of Appeals. See, e.g., Lemke v. United States, 346 U.S. 325.

4. When petitioner filed his 60(b) application while the appeal was pending in the Sixth Circuit Court of Appeals, that court and the district court did not rule on the merits of the case, nor reviewed the filings, the clerk sent all filings back to petitioner; and petitioner could not develop any argument because the lower court determined that it could not entertain Doc#63 motion citing and quoting- Post v.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

**7. This is what petitioner did, he “Waited” until he had a good opportunity to submit the claim to the district court for a fair review, once the appeal was decided, and that the district court would have jurisdiction. “Yet” the district court filed it, refused to review it, and sent an order back dating to Doc#45, as well as petitioner new 60(b) filings and timely reconsiderations back to petitioner. “see” DOC#70 and attachments dates.**

And so petitioner submitted in the Sixth Circuit Court of Appeals (appeal No. 20-3493) Doc #70 with, attachments and filed dates of the new 60(b) that was sent back and never determined or reviewed by the district court. In fact, a demonstration of the filings of the first 60(b) is different from Doc#64 of 7-12-2019 first 60(B) application, to the March 20, 2020 filings; of this appealed filings.

**Therefore, the lower court[s] did overlooked the filings and dates of the filings and dismissed appeal on lack of jurisdiction, mistakenly ordering as the appeal was filed late.**

**(8) Petitioner prays for the above stated and requested**