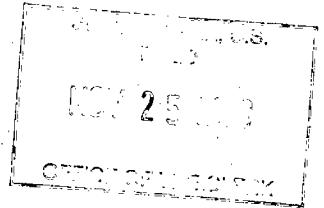


20-6550

IN THE
SUPREME COURT OF THE UNITED STATES



KENNETH NEWKIRK — PETITIONER
(Your Name)

vs.

WARDEN KISER, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

KENNETH NEWKIRK
(Your Name)

P.O. BOX 759

WALLENS RIDGE STATE PRISON
(Address)

BIG STONE GAP, VA 24219
(City, State, Zip Code)

NA
(Phone Number)

* ABUSE OF DISCRETION ?

QUESTION(S) PRESENTED

1. DIDN'T U.S. MAGISTRATE JUDGE VIOLATE THE REVISED 28 U.S.C. 455(A)(B) BY ACTING ~~THE~~ LIKE THE LAWYER FOR WARDEN KISER, et al BY RESPONDING TO MY REQUEST FOR NOTICE OF APPEAL/BOND ON 10/24/19 WITHOUT ALLOWING THE ~~THE~~ ATTORNEY FOR WARDEN KISER, et al TO RESPOND FIRST?
2. ISN'T A JUDGE RESPONSIBILITY ~~IS~~ TO HEAR ARGUMENTS FROM THE PLAINTIFF AND THE DEFENDANT BEFORE MAKING A RULING ~~ON~~ ON A CASE ? 1. VIOLATION OF THE 1ST AMENDMENT?
3. WASN'T IT A VIOLATION OF 28 U.S.C. 455(A), (B) FOR U.S. MAGISTRATE JUDGE RODERICK C. YOUNG OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VA TO SEND A ~~REQUEST~~ TO RESPONSE REQUEST TO WARDEN KISER, et al ON APRIL 22, 2020 WHICH IN FACT WAS AFTER U.S. MAGISTRATE JUDGE RODERICK C. YOUNG ALREADY MADE A RULING ON 10/24/19?
4. WASN'T IT ALSO A VIOLATION OF PROSECUTORIAL MISCONDUCT FOR THE ATTORNEY FOR WARDEN KISER, et al TO NOT RESPOND TO THE RESPONSE REQUESTED BY THE DUE DATE OF 4/22/20?
5. DIDN'T THE U.S. MAGISTRATE JUDGE RODERICK C. YOUNG OF THE U.S. EASTERN DISTRICT OF VA AND THE FOURTH CIRCUIT COURT OF APPEALS JUDGES WYNN, DIAZ AND FLUDD VIOLATE THE EQUAL PROTECTION CLAUSE AND DUE PROCESS CLAUSE OF THE 14TH AMENDMENT BY ~~THE~~ RULING ON THIS CASE BEFORE THE ATTORNEY FOR WARDEN KISER, et al PRESENTED THEIR ARGUMENT/RESPONSE? 6. VIOLATION OF 1ST AMENDMENT?

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:

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~~ON~~ THE FOURTH CIRCUIT COURT

APPENDIX A ON JULY 13, 2020 JUDGES WYNN, DIAZ AND FLOYD DENIED MY PETITION FOR A REHEARING.

APPENDIX B ~~ON APRIL 22, 2020 THE FOURTH CIRCUIT COURT OF APPEALS SENT A RESPONSE REQUEST TO ATTORNEY FOR WARDEN KISER, ET AL TO RESPOND BY 4/27/20. THE ATTORNEY DID NOT RESPOND.~~

APPENDIX C ~~ON 10/24/19 THE U.S. MAGISTRATE JUDGE RODERICK YOUNG OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VA ADMITTED TO DENYING MY NOTICE OF APPEAL REQUEST FOR BOND WITHOUT ALLOWING THE ATTORNEY~~ I.C.N.

APPENDIX D ~~FOR WARDEN KISER, ET AL TO RESPOND.~~

APPENDIX E

APPENDIX F

APPENDIX B ON JUNE 9, 2020 JUDGE DIAZ, WYNN AND FLOYD DENIED MY MOTIONS FOR BAIL OR RELEASE PENDING APPEAL WITHOUT ~~THE~~ THE ATTORNEY FOR WARDEN KISER, ET AL RESPONDING.

APPENDIX C: ~~ON APRIL 20 4/22/20 THE FOURTH CIRCUIT COURT OF APPEALS~~ ON THE ATTORNEY FOR WARDEN KISER, ET AL DID NOT RESPOND TO THE NOTICE OF APPEAL/BOND BY 4/27/20

APPENDIX D: 10/24/19 U.S. MAGISTRATE JUDGE RODERICK C YOUNG AND JUDGES WYNN, DIAZ AND FLOYD DENIED MY NOTICE OF APPEAL/BOND BEFORE THE ATTORNEY FOR WARDEN KISER, ET AL RESPONDED

TABLE OF AUTHORITIES CITED

CASES

~~28 U.S.C. 455(a)(b)~~

VIOLATION OF THE EQUAL PROTECTION
CLAUSE DUE PROCESS CLAUSE OF THE
14TH AMENDMENT AND 1ST AMENDMENT
ABUSE OF DISCRETION

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VIOLATION OF 28 U.S.C. 455(a)(b)

QUESTIONS PRESENTED

OTHER

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+B 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 C 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 _____ 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 ~~July 13, 2020~~ JUNE 9, 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: July 13, 2020, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 _____.
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

~~U.S. DISTRICT 6~~ ~~U.S. 800~~

1. U.S. MAGISTRATE JUDGE RODERICK C. YOUNG VIOLATED THE AND JUDGES WYNN, DIAZ AND FLOYD VIOLATED THE 1ST AMENDMENT, 28 U.S.C. 455(a), (b), EQUAL PROTECTION CLAUSE AND THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT BY ~~NOT~~ ACTING LIKE THE LAWYER FOR WARREN KISER, ET AL.
2. THE ATTORNEY FOR WARREN KISER, ET AL NEVER RESPONDED TO ~~WARREN KISER~~ THE NOTICE OF APPEAL/BOND. A JUDGE IS ONLY SUPPOSE TO RULE ~~ON~~ AFTER HEARING A CASE FROM THE PLAINTIFF AND THE DEFENDANT. THE JUDGES IN BOTH COURTS VIOLATED THE 1ST AMENDMENT, 28 U.S.C. 455 (A), (b), ~~BOTH~~ EQUAL PROTECTION CLAUSE AND DUE PROCESS CLAUSE OF THE 14TH AMENDMENT AND ABUSE OF DISCRETION

THESE CONSTITUTIONAL VIOLATIONS APPEAR IN APPENDIX A, B, C, D AND IN THE QUESTIONS REPRESENTED

STATEMENT OF THE CASE

THE JUDGES EXERCISED ABUSE OF DISCRETION BY
~~NOT FIRST ALLOWING THE ~~ATT~~ ACTING LIKE~~
THE LAWYER FOR WARREN KISER, ET AL

A JUDGE IS SUPPOSED TO HEAR BOTH SIDES
OF A CASE FROM THE PLAINTIFF AND THE
DEFENDANT BEFORE RULING ON A CASE.

IF ~~A~~ THE ATTORNEY FOR THE DEFENDANT
DON'T RESPOND TO THE CASE BY THE
REQUESTED RESPONSE THE ACCUSED SHOULD
BE GRANTED THE CASE.

REASONS FOR GRANTING THE PETITION

FOR TOO LONG JUDGES IN COURTS ARE ACTING LIKE THE LAWYERS FOR THE DEFENDANTS THIS IS ABUSE OF DISCRETION, VIOLATION OF THE 1ST AMENDMENT, EQUAL PROTECTION CLAUSE AND THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT

THE SUPREME COURT NEED TO DECIDE ON THE QUESTIONS IN THIS CASE.

THIS ERRONEOUS ACT BY THE JUDGES OF THE LOWER COURTS DEPRIVE THE PLAINTIFF ~~EQUAL~~ EQUALITY AND PROTECTION BY THE U.S. CONSTITUTION BECAUSE THERE ARE NOW 2 LAWYERS RULING AGAINST A PLAINTIFF IN A CASE.

THE ATTORNEY FOR THE DEFENDANT AND THE JUDGE ACTING LIKE THE ATTORNEY FOR THE DEFENDANT.

~~THE JUDGES~~

THERE IS NO NEED ~~FOR~~ FOR THE DEFENDANTS TO HAVE A LAWYER IF THE JUDGE WILL RESPOND TO A CASE BEFORE THE ATTORNEY FOR THE DEFENDANTS PRESENT AN ARGUMENT. 5,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth Newsham

Date: ~~4/16/20~~ 11/15/20

K.N.