

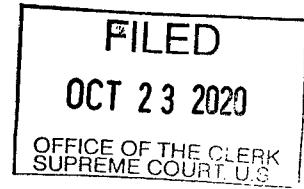
20-6616
NO.

IN THE SUPREME COURT OF THE UNITED STATES

"IN RE [THERESA S. ROMAIN]" PETITIONER
dba Alternative Homecare Co.

ORIGINAL

ON PETITION FOR WRIT OF HABEAS CORPUS TO
THE APPEALS COURT FOR THE STATE OF NEW YORK



ON PETITION FOR A WRIT OF HABEAS CORPUS

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QUESTION PRESENTED:

1. Whether a void order within the meaning of the Constitution can automatically restrain a petition to Certiorari ?
2. Whether a mob trial process causing serious delay, expenses, complexity can interfere with a States interest in the finality of its legal process?.
3. Whether Constitutional doctrine of fairness can detain an individual outside of the Court absent the 6th Amendment?

PARIES TO THE PROCEEDING:

All Parties do not appear in the caption of the case on the cover page. A list of parties to the proceeding in the court whose judgment is the subject of this petition are as follows:

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Andrew M. Cuomo (Governor State of New York)

Letitia James (Attorney General New York)

Hon. Thomas A. Breslin,(Chief Administrative Judge NY State)

Hon. Michael V. Coccama(Former Deputy Chief Admin. Judge NY)

Hon. Karen K. Peters, (Former Justice Appellate 3rd Dept. NY)

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· **Hon. Lisa M. Fisher Ulster County Supreme Court NY)**

· **Hon. Henry F. Zwack (Former Supreme Court Justice NY)**

· **Hon. Christopher E. Cahill (Ulster County Supreme Court)**

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John Doe and Jane Doe et al

COURT JUDGMENT TO BE REVIEWED DEEMED PARTY:

- Hon. Henry F. Zwack (Supreme Court)
- Hon. Christopher E. Cahill (Supreme Court)
- Hon. Lisa M. Fisher (Ulster County Court Foeclosure)
- Hon. Michael Gaser (Justice Court Marlboro NY)

CASES IN OTHER COURTS THAT ARE RELATED:

- Romain v. Department Social Service(Article 78)(1997)
- Romain v. Charuk Esq. (2006) Index No. 05-944
- Romain v. Charuk Esq.(2007)
- Department of Social Service v. Romain (2008 & 2009) 08-5612 &8-6430
- Romain v. Department of Social Service(by Michael Iapocee
/Commissioner)(2008 & 2009) **RJI** 55-08-02160 & 55-08-02486
- Federal Bankruptcy Court(Poughkeepsie NY) Romain (2013) Case No.13-36786
- Wells fargo v. Romain (2009, 2010 & 2015) Index No. 09-1675
- Wilmington Saving Fund Society v.Romain (2015 & 2017)
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- Key Bank v. Romain (2009 & 2017) Index No. 09-1979 (4/2/2009)

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Pierce Klapprott v. United States 335 U.S. 601(1949).....	6
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IN THE SUPREME COURT OF THE UNITED STATES

“ IN RE [THERESA S. ROMAIN] “ PETITIONER
dba Alternative Home care Co.

**ON PETITION FOR WRIT OF HABEAS CORPUS
 COURT OF APPEALS FOR THE STATE OF NEW YORK**

Theresa Romain on behalf of her self respectfully petitions for Writ of Habeas Corpus to the Court of the United States to review the decision made by the highest court of New York the Court of Appeals. In Application made to review the conditional restraint that the State of New York has applied to Petitioner after placing Petitioner in danger with the application of fraudulent documentation causing a miscarriage of justice. inhibiting the liberty to live a free and prosperous life.

- The application of a Void Order to chill the 1st Amendment under the redress of

grievances absent an "Open Court"

OPINION BELOW:

The opinion rest on the orders finally appealed from did not finally determines the action within the meaning of the Constitution. It is proper that the Supreme Court of the United States clarifies the order in the meaning of the Constitution and grant this Petitioner judgment.

Petitioner has relied upon:

- (1) Hon. Kimberly A. O'Connor's Decision and Order dated March 13, 2009 indicating that "according to the Department the State of New York is in the process of revoking her license based upon issues, other than those relating to care, > inhibiting liberty

Theresa has come to believe that Discrimination can be a factor (Mob Domination hindering the finality of a legal process)

- (2) And the reason for the cessation of Ms Romain's care of patients in her home is irrelevant to the motion before the Court.(Mob Domination)

ANALYSIS OF OPINION BELOW:

Appendix A Hon. O'Connor Decision and Order

The opinion from the highest Court of the State located on

Appendix B

Reported at New York State Law Reporting Bureau

The opinion of the Appellate Division 3rd Department Court

Appears at Appendix C

Reported the New York State Law Reporting Bureau.

Another opinion of Appellate Division on D

The opinion of the State Supreme Court appears at Appendix E

The date in which the highest Court decided the case is

November 16, 2017. The ruling was based on their rules “no petition for hearing is allowed on absent of finality.

A timely filed petition for stay and judgment was denied by the Appellate Division 3rd Department on January 18, 2018.

Motion to reconsideration C

A Copy of that another decision appears on Appendix D

A timely Writ of Certiorari filed within 90 days after the denial of the Court of Appeals denial and it was seized by United Parcel Services (UPS) et al. Enroute to U. S. Supreme Court. Copy of the on Appendix I

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JURISDICTIONAL STATEMENT:

- An Issuance of the Courts criteria, an Extraordinary Writ authorized by 28 U.S. C. 2241,
- The Supreme Court of the United States Shall have Appellate Jurisdiction reviewing State Court decision, judgments or orders in which the Constitutionality of the United States Constitution is in issue.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

1st, 4th 5th, 6th, 7th 8th and 14th Amendment of the U.S. Constitution

Habeas Corpus is another extraordinary remedy which is applied to all confinement, a restraint in liberty and the disqualification of owning a business. State Court must have mistakenly applied the law incorrectly. This restraint interferes with this petitioner Constitutional rights where an order of **Congress Pub law 112-63 Dec. 7, 2011** placed petitioner as pertaining to Black law 6th edition page 868 into a "Kangaroo Court" where legal representation from qualified Attorney meant nothing. There was no probable cause on the part of Theresa now, a pro se litigant to have been denied a meaningful relationship in court. No reasonable fact finder would have found Theresa guilty of seeking redress in State Supreme Court.. There was no offense committed. The confirmation out side of the court house was against the liberty discussed in the 5th, 6th, 8th and 14th Amendment in the United States Constitution. It would be disasterous to think that the Congress intent under **Pub law 112-63 Dec. 7, 2011** to punish persons like Theresa, to sentence persons like Theresa without a court of law. Sentence which is in violation of the Constitution and laws of the United States. State Court was without jurisdiction to impose the confirmation. The hiring of "big tech" to monitor every aspect of Theresa's daily life to cause destruction and to make sure that those shackles stayed in place. A "colorable" crime by State and its actors to have Theresa chain "hitching post" style not been able to fend and defend herself and most of all to rise above it. Self Deprivation, the shutting out of a business without just cause, the taunting of Theresa's professional license, the eviction of Theresa from her own home and the forever hunting for Theresa. In **Hope v. Pelzer** the use of hitching post as punishment violated the 8th Amendment. Exhibit J

2006 and 2007 Theresa started her process navigating the State legal system to obtain monies for care she provided to a patient by the name of M. Hart, under the Alternative Homecare Company. Exhibit K Theresa and her paid Attorney was never given a day in court, they were under the mercy of the State court Judges while Department of Social Services supervised the court.

Collateral Attack On A Void Order:

Habeas Corpus meant a lot more to Theresa it is a direct attack on a **void order**. An order in which the U.S. Supreme Court up held and the tortfeasors who created that order remained silence. A promise of silence in Contract law and freedom of speech defines various action that amount to obstruction of justice. See 83 CORNELL L. REV, 261, 307 n. 238 (1998). In United States v. Wood 6 F 3d 692 695 (10 cir. 1993) whosoever impedes the due process of administration of justice shall be punish.

An order which was void fom it conception and every court within its juisdiction shall give that order the same effect as the original court. Exhibit L.

- "**Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such Acts, Records and Proceedings shall be proved and the Effect thereof.**" (Art. 4, Sec. 1, of the Federal Constitution.)
- On appeal to the United State Supreme Court it was held that "records and judicial proceedings shall have such faith and credit given to them as they have by law or usage in the courts of the State whence the said records are or shall be taken, and the validity of the action having been determined in Missouri that decision was conclusive on that question."

- The duty to give full force and effect to the Constitution of a State is as obligatory as the similar duty in respect to judicial proceedings of that State. The Court must inquire into the findings of the omission and promptly correct after been called to the attention of the judge, attorney or party's attention. If by any inuiry that the court determine that the rule has been violated the court may impose sanction on the party that violated the rule of law. The party who violated the rule of law must be held jointly responsible for the harm.
- An order that made Theresa a target to the Government entity, and forever impeedes her liberty. The fear and publicity of the fraud to the other side created monsterous demonic behavior. A colorable crime of stalking.

In 2009 Theresa via a group of experience and expensive Attorney returned to State Court on a different matter. Department of Social Services (DSS) had ocustrated a fraud upon Theresa in which they revoked a patient by the name of S. Forde documents and placed those fraudulent documents on Theresa's name in an attempt to control that patient finances. DSS gave warning that they were about to shut Theresa's to shut Theresa's place of business down for a fraud that Theresa never committed.Exhibit M.

Theresa's lawyers having a preponderance of evidence indicating that the fraud was done by DSS and not by Theresa. Exhibit N.

Unfortunately the lawyers was not given a platform in open court to clear their client Theresa. Judge Kimberley O'Connor ordered the removal of clients from Theresa's place of business and by giving DSS that opportunity to close Theresa down. Theresa cared for S. Forde for 6 years and was told by DSS

that Ms Forde no longer has money to pay for her care. Theresa accepted Ms. Forde Social Security of **\$900.00** per month for care, all her personal needs and paid the deductible for Ms Forde medication. Exhibit O That still was not enough for DSS, they removed Ms Forde from Alternative Family Type Home Care CO, and placed her into the home of Blue Haven Family Tye Home, owned by a caucasian Travis Davis RN and gave Mr Davis **\$5000.00** to care for Ms Forde per month, while Mr Davis worked outside of the home full time but Ms Romain did not. Mr Davis and Ms Romain owned the same Type of Family Type Home, licensed by the same department, the most troubling of all they both held Registered Nurse and License Pratical Nursing Licenses from the education Department of New York. The two professionals were differenciated apart by the color of their skin. (Equal work for equal pay) Ms Forde health detoriorately quickly under the care of Mr Davis mother (a home maker) and she died suspiciously in 3 months in which Hon. Kimberly O'Connor, Michael Iappoce (DSS Commissioner), Carol Pressman Esq (Mental Health Court Evaluator) and others hid the information for about 6 months post burial from official Medical Examiner. The trio played an intricate part in the dissolution of Theressa's business.

In 2009 Theresa's attorneys at Tarshis, Catania, Liberth, Mahon & Milligram PLLC tried to prevent the harm that would befall their client Theresa. The law firm informed Andrew M. Cuomo (Attorney General) now (Governor) who reported that his office took no position, "No State interest". At what point in time the Governor realized that this was a case of interest to the State.

Exhibit P. This was a "Pun" (a play on words) Governor Cuomo allowed Theresa to

suffer such grave injury. In 2007 Theresa informed the same Governor of fraud to the elderly patient in her care and he wrote back instructed. Exhibit Q.

Theresa to write to the Appellate Department 3rd Division and report Exhibit R. where did Theresa went wrong ending up at the door steps at the Supreme Court of the United State seeking redress of grivenence. The instruction to the Appellate Court exposed Theresa in more dangers, unfriendly term, several of the defendants work or had worked in the past with the department. It was the Attorney General to handle the situation. Imposition of Theesa's liberty and for ever obtaining a fair trial.

2015 when Theresa returned to State Supreme Court with a magitude of injury the Governor with Erick Schneiderman (Former Attorney General) put a plan in motion to defeat the due process of law. Exhibit S. Every possible scheme in motion to defeat the meaningful relationship with the court, that inflammatory response has caused an injustice to your petitioner a person of innocent and organic title, never had Theresa encounter such hostility on d detection on such enormous level. The ferociousness to hire other to fight Theresa and to report back to them every aspect of Theresa's daily life, who she speak with, where she went, where she resides etc, etc. Theresa's business was her pride and joy, revocation without a hearing is wrong. Due process required an opportunity to be heard and an assessment of how government action or inaction would deprive an individual rights. See section 2000 e 17 (section 718) No Government contract, or portion thereof with any employer shall be denied, terminated or suspended of any agency officer of the United States under any equal employment opportunity law or order. See 2000 e -3 (section 704) (a) discrimination for making charges,

testifying assisting or participating in enforcement proceeding forbidden. See *Kwong Hai Chew v. Colding* 344 U.S. 590 (1953) notice and a hearing is paramount. Tortious interference with a business contract, breaches of implied covenant and fair dealing causing injury to professional character and person resulting in monetary deprivation, liberty and homelessness. (Failure to protect). On 1/7/15 Theresa returned to State Supreme court as a pro se petitioner, egregious conduct of State Court and its offers had a profound effect on petitioner career, the ability to gainful employment. Documentation about fraud about Ms S. Forde will, power of Attorney documents, Theresa the one to inherit Ms Forde possession after her demise and an order of Judge Cahill requesting law enforcement to assist DSS against Theresa was the straw that broke the “camel’s back”. Theresa was met with more forces of brutality, denial of a day in court to vindicate those claims. This is when the “big wigs” have been called in, as illustrated below:

“Andrew Cuomo (Governor), Eric Scheneiderman (Former Attorney General), Thomas Breslin (Chief Adminstrative judge NY State), Hon. Michael Coccama (Deputy Administrative Judge), Hon. Justice Randall T. Eng(Justice of the 2nd Department), Karen Peters(Presiding justice 3rd Appellate Department), Hon. Maria G. Rosa (Supreme Court Justice ninth Jdicial District of Dutchess County), Clinton G. Johnson Esq (Ulster County Attorney) United Parcel Services (UPS), Google LLC, Microsoft Corporation, Wells Fargo Bank, Wilmington Savings Fund Society, Straight Talk , John Doe and Jane Doe et al.”

Theresa A Person In State Custody:

The statutory basis is **28 U.S.C. 2241 (1958)**. The federal statute habeas corpus which extends beyond litigation involving State Prisoners., various forms of detention. In *Argersinger v. Hamlin* 407 U.S. 25 requires State provision of

counsel whenever imprisonment is an authorized penalty. It is held the 6th and 14th Amendments that no indigent criminal defendant be sentenced to a term of imprisonment unless the state has afforded him the right to assistance of appointed counsel in his defense. Theresa went into State court as a plaintiff and end up been a defendant in custody under confirmation in the community.

In Argersinger even “when the matter res nova the central premise that actual imprisonment is a penalty different in kind from fines or the mere threat of imprisonment – is eminently sound and warrants adoption of actual imprisonment as the line defining the Constitution right to appointment of counsel” See **P. 440 U.S. 373.**

The Power of The Supreme Court to Grant The Writ:

A civil case started in State Supreme Court, went to State Appellate Court and then to Court of Appeals (highest court) in which it was dismissed on conflict of law . See Exhibits. On 2/2017 a timely writ of Certiorari on its way to the Supreme Court of the United States via United Parcel Service was hijacked in a conspiracy by the defendants, now becomes jurisdictionally out of statute/time and not deserving for Certiorari review and judgment. A civil action, an order otherwise appealable involving a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation has been prolonged causing substantial financial, emotional distress and harm. State courts are bound under the Constitution to follow “the Supreme law of the land.” “And where such Federal Question arises in a State proceeding the opportunity is

presented to Theresa the petitioner to seek review of the State judgment in the Supreme Court of the United States for the vindication of the 14th Amendment. rights gives the impression of been complete and satisfactory.”

A collateral attack on a prior conviction which is unConstitutional in State Court.

Theresa is under statute of the **Venue Clarification Act H.R. Rep. No. 112-10 at 7(2011)** to seek redresss in State Court. Certiorari in Supreme Court of the United States and as a state Prisioner to seek redress of state judgement in the Supreme Court. (A final judgment of a State highest court be subject to review or reversal only by the Supreme Court of the United States. “Neither the denial of the petition without more, nor an order of transfer to a district Court under the authority of 28 U.S.C. 2241 (b), is an adjudication on the merits and therefore does not preclude further application to another Court for the relief sought.”

Extraordinary circumstances requires extraordinary reinforcement. Fraud upon the Court must be by clear and convincing evidence Id citing Weese v. Schukman, 98 F. 3D 542, 552 (10 cir. 1996). Habeas Corpus may be granted only when the petition shows substantiated clear and convincing evidence that the defendants acted with an intent to deceive or defraud the court by means of a deliberately planned and carefully executed scheme. See Lynn v. Robert case no. 03-3464 (D. Kan, Nov 1, 2005) aff'd case no 05-3470(10th Cir. Dec 28, 2006) or the dismissal of this civil right action Lynn v. Anderson-varella case 46 06-3172 (D. Kan, Jan 26, 2007) aff'd case no 07-3046 (10 Cir. Dec 26, 2007). On 6/15/20 Hon. Maria G. Rosa refused to relieve petitioner from the void judgment upon a showing of fraud upon the court and absent the due process of law. (5th,

6th and 14th Amendment of the United States Constitution). Judge Rosa indicate that the time has passed. In Marquette Corp v. Priester 234 F. 799 (E.D.S.C. 1964) order voided after 30 years after entry where the court expressly held that clause Rule 60 (b) (4) carries no real time limit. Fundamental defect in proceedings will make the whole proceedings a nullity. Fraud upon the court carries no expiration date. Ultra vires conduct is conduct which have the “tendency” to prevent and obstruct the discharge of judicial duty Id at 247 U.S. 419 U.S. 277 (1923), which has interrupted the court in the conduct of its business. Id at 313 U.S. 52 Cf. See Toledo News Paper Co. v. United States Supra at 247 U.S. 422 Holmes J. Dissenting. The defendants conduct was unauthorized by statute. In Ex parte Grossman 267 U.S. 87 (1925) and Pendergast v. United States 317 U.S. 412 (1943), the Supreme court talks about the entitlement to the protection of statute and procedural fairness. Claims of exceptional circumstances Rule 60 (b), (6). See Houston v. Lack 487 U.S. 266,271-276 (1988). Rule 60 (b) (6) provides that a court may relieve a party from a final judgement for “any other reason justifying relief from the operation of the judgement. F.R.C.P Rule 60 (b) (6) gives the court a grand reservoir of equitable power to do justice in a particular case. See Pierce v. Cook & Co. Inc 518 F. 2D 720, 722 (10th Cir. 1975) cert denied 423 U.S. 1079 (1976) quoting Radack v. Norwegian American line Agency Inc. 318 F. 2D 538, 542 (2nd Cir. 1963). Theresa demonstrates (1) extraordinary circumstances exist; (2) justice demands it; and (3) the movant has a meritorious defense to the underlying claims. See Oxford Plastics v. Goodson, 74 N.C. App. 256, 259– 60 (1985). The district Court may grant a motion there under only “Extraordinary Circumstances” and only when such action is necessary to accomplish

justice. Theresa has been placed into extraordinary circumstances requiring judgment to accomplish justice. See *Pierce Klapprott v. United States* 335 U.S. 601(1949), *Ackerman v. United States* 340 U.S. 193 (1950), *Gonzalez v. Crosby* 545 U.S. 524, 535 (2005), *Liljeberg* 486 U.S. At 863 only applied in extraordinary circumstances.

State Exposes Theresa to Danger;

To demonstrate standing a plaintiff must show that (1) she suffered an injury in fact that concrete, particularized and actual and imminent. (2) the injury is fairly traceable to the defendant challenged conduct and (3) the injury is likely to be redressed by a favorable court decision. See *Lujan v. Wild Life* 504 U.S. 555, 560 (1992) must support each element of the standing test with manner and degree of evidence in which Theresa has done in her request of an extraordinary writ with a magnitude of evidence. The evidence put forth requires the court to balance the interest in finality of judgment which “should not lightly be disturbed and the desire to achieve justice”. Exhibit must be based on the notion to question the verdict. Claims that states that a court misunderstood a party’s position should be raised on appeals. Petitioner raised the issue on appeals through the contumum of all state court and its procedure. The defendants refused to take notice, they exercised an illegal interception, a conspiracy and stold the petition on it way to the final abeter the Supreme Court of the United States. In retaliation to the 4th and 8th Amendment of the Constitution. Search, seize and destroy an attribute to cruel and inhumane treatment to a person belonging to a specific class. Deliberate indifference to have treated Theresa that way. The appeals which was filed

on time to be delivered on time now become judicially out of time, unqualifying for justice. Defendants have a history of egregious behaviors extended to as recently as a week ago when Microsoft crashed Theresa's computers, blocking and destroying documents which were prepared for the United States Supreme Court in securing Mandamus. Third party hired by state is state actors. There is a genuine question of material fact as to the standing elements. See Delta Water agency v. United States 306 F. 3D 938, 947 (9th Cir. 2002). Court may compell only ministerial action 542 U.S. 55, 57 -58 (2004). A substantive due process claim when Government conduct "places a person in peril, deliberate indifference to their safety. See Penilla v. City of Huntington Park 115 F 3d 707, 709 (9th Cir. 1997). State actors create [d] and expose[d] Theresa to a danger in which Theresa would not have otherwise faced. See Kennedy v. City of Ridgefield 439, F 3d 1055, 106 (9th Cir 2006). Before Theresa's demise under state law, Theresa had a business, a home, a career and was in excellent ratings with creditors. A person looked up too in the community. See Pauluk v. Savage 836 F. 3D 1117, 1125 (9th Cir 2016) "**in a worst position**".

Theresa states actors recognize[d] the unreasonable risks to Theresa and actually intende[d] to expose Theresa to such risk without regards to the consequences. See Campbell v. Wash Dept of Soc. & Health Servs. 671 F. 3D 837, 846 (9th Cir. 2011). Defendants acted deliberately, with [d]eliberate indifference, a culpable mental state. See Pauluk 836 F. 3D at 1125. (quotation marks omitted).

Theresa has identify a final agency action subject to judicial review and judgment. Lujan v. Na'l Wildlife Fed 497 U.S. 871, 882 (1990). Artl. S9. C2.1 Writ of Habeas Corpus and

the Suspension clause. Article 1, Section 9, Clause 2. The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public safety may require it. Liberty is in the contract the writ of habeas corpus. Theresa is a person in custody under a state judgment who seek a determination that post and continuing custody violates the Constitution, laws, treaties of the United States. And continued custody would result in irreparable harm. The defendants have sent death wish on Theresa's 914 number, Theresa has moved six times since the eviction due to the interference of the defendants. Theresa does not have a drivers license, neither a car, no internet services and cable. The defendants circle is too wide spread each circle has touched Theresa's life. Theresa is a person under duress.

Respondents who have Petitioner under custody are as follows:

Andrew M. Cuomo (Governor N.Y. State), Letitia James (Attorney General N. Y.) (Individual and incapacity all et al), Eric Schneiderman, Hon. Thomas A. Breslin, Hon. Michael V. Coccama, Hon. Karen K. Peters, Justice Randall T. Eng, Hon. Maria G. Rosa, Clinton G. Johnson Esq. Hon. Kimberly O' Connor et al, Wells Fargo et al, Wilmington Saving Fund Society et al, Rusk Walden & Martuscello et al, United Parcel Services (UPS) et al, Microsoft Corporation et al, Google LLC et al, Straight Talk et al.

Exhaustion of all Remedies:

The State required that petitioner exhaust all state available remedies in which petitioner has done. The fact finding procedure employed by state court was not adequate to afford a full and fair hearing prejudicial to petitioner, state is resistive to Federal claim. A full and fair fact hearing was unavailable in which State consented to Federal Court system. It waived the requirement expressly through counsel. In *United States v. Smith* 331, U.S. 469, 475 (1947) "habeas corpus provides a remedywithout limit of time. In *Felker v. Turpin* 518 U.S. 651 (1996) the Supreme Court held that

officer would have known under the circumstances that the conduct was illegal.

See *Hope v Pelzer* 536, U.S. 730, 741 (2002).

Seeking Relief and Application in the United State Supreme Court:

Petitioner affirms that Congress has “ordain and establish” under Article 111 and Public Law 112-63 Dec 7, 2011 the type of Court available to hear petitioner’s cases. The Original Writ under the Constitution vested the jurisdictional power of the United States Supreme Court in its appellate jurisdiction to hear petitioner’s case involving a lower Court’s exercise of authority to the Supreme Court.

Petitioner has exhaust all State available remedies. State has consented to appellate review and judgment in Supreme Court by authorizing to the petition clause documented by the Court of Appeals Decision and Order dated November sixteen 2017.

In Conclusion:

Petitioner Justification For Granting The writ of Habeas Corpus:

Exceptional Circumstances warranting the exercise of the Court’s discretionary powers. Adequate relief cannot be obtained in any other form or from any other court. Petitioner has climbed the ladder throughout State Court system, all Courts think and acted alike, a public display of discontent to the Constitution and Federal laws. A petitioner must have a recourse to vindicate those wrongs. Reckless indifference to the Federally protected rights of an aggrieved individual as defined by 42 U.S.C. § 1981 A (b) (1). The United States Supreme Court is the only available aide and comfort.

Causes of Action:

- Discrimination

- Tortious Interference with a Business Operation
- Conspiracy to do harm
- Failure to Protect
- Wrongful Confirmation

Wherefore petitioner prays that the Supreme Court grant relief in treble damages for pain and suffering, mental anguish, discriminatory practices, Tortious interference with an established business, emotional distress, rehabilitation from genuine injury, loss of enjoyment of liberty, punitive damages, duress, harassment and confirmation. The acceptance of the writ and to award petitioner five billion dollars for every relief above prayed for coupled with treble formula. Relief in the amount of One Hundred and and Fifty billion Dollars.

Theresa Romain hereby declares and affirm under penalties of perjury that the information provided is true and it formulate the basis for review and judgment.

Respectfully Submitted,



Theresa S. Romain
Theresa S. Romain (Petitioner)

Date: 11/24/20