

No. 20-7008

IN THE

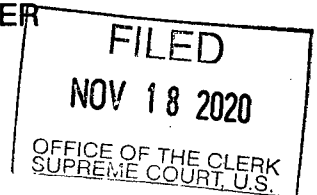
SUPREME COURT OF THE UNITED STATES

OF America

BRADLEY D. DEARBORN — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

BRADLEY D. DEARBORN  
(Your Name)

P.O. Box 1009  
(Address)

Wich W.V. 24901  
(City, State, Zip Code)

N/A  
(Phone Number)

**QUESTION(S) PRESENTED**

Does District Courts has a obligation to follow Fed. R. Civ. P. 52(a) when issuing opinions and orders in a non jury action?

## 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:

## RELATED CASES

N/A

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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☐ is unpublished.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☐ is unpublished.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 \_\_\_\_\_ 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☐ is unpublished.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☐ is unpublished.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 JUNE 23, 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: August 24, 2020, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

20 U.S.C. 2255



## STATEMENT OF THE CASE

The District Court and Court of appeals in rendering its opinion in petitioner case, failed to adhere to Fed. R. Civ. P. 52(a) by not providing a statement of facts and conclusion of law, that could aid petitioner in preparing a proper certiorari, as well as aid this court in determining whether certiorari is warranted from this court

as well as ??

## REASONS FOR GRANTING THE PETITION

The Supreme Court has not clearly resolved the issue of whether Fed. R. Civ. P. 52(a) requires the lower district courts to include a finding of fact and conclusion of law in its opinions. See, *Bose Corp v Consumers Union of United States, Inc.* 104 S.Ct. 1949 (1984).

Purpose of Rule 52(a) is to enable appellate court to determine grounds of trial court decision in a non-jury capacity such as 28 U.S.C. 2255, that will enable a party to determine appealability of case, and to spare appellate court necessity of searching record in order to supply findings of fact. *Michener v United States*, 177 F.2d 422 (8th Cir 1949). The Seventh Circuit has determined that where there is not ample evidence in the record to support the district court finding and judgment, reversal is required in a non-jury capacity, *Wood v Howard* 352 F.2d 804 (7th Cir 1966). also see, *Featherstone v Burash*, 345 F.2d 246 (10th Cir 1965) (same); *Davis v United States*, 422 F.2d 1139 (5th Cir 1970) (same).

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Breckley D Deulborn

Date: 11-17-2020