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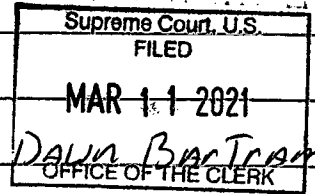
20-7530

IN THE SUPREME COURT OF THE UNITED STATES

MAURICE MOORE

Petitioner

- v -



RICHLAND CORR, INST, Head Mail Room Screener, DAWN BARTRAM,
Mail Room Screener, R, NAVEJA, Mail Room Screener, D. LUKOWSKI,
Mail Room Supervisor RICHARD JUHLKE "Lieutenant", INST Inspector
Kelly Rose, IN their individual and official capacities pursuant to
"1983",

Respondent's

ON PETITION FOR WRIT OF CERTIORARI TO THE SIXTH
CIRCUIT COURT OF APPEALS.

PETITION FOR WRIT OF CERTIORARI

MAURICE MOORE # 671-106

Pro se Counsel of Record

Mansfield, Correctional, INST

1150 NORTH MAIN STREET

Mansfield, OHIO, 44901

Ohio Attorney General

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Columbus, Ohio, 43215

Respondent's Defendant's

Pro se Petitioner Maurice Moore

(H:)

QUESTION'S PRESENTED

THIS COURT HAS previously determined That The right of A prisoner to receive materials of A Legal Nature with out Prison official Interference with inmates Legal ~~and~~ MAIL violate Both Constitutional right to Access to Court and The First Amendment right of Free Speech right to be Free From unjustified governmental interference with Communication, Wolff v McDonnell 418 U.S 539, 94, S.Ct. 2963, 41 L.Ed. 2d 935, citing Lewis v Casey 518, U.S 343, 351, 116 S.Ct. 2174, 2180 135 L.Ed 2d 606 (1996). The sole question's presented in This Petition is which court Has Jurisdiction To Hear This Issues? Because State Court said's it's a Constitutional right to receive outside mail and Legal Mail, United States District Court of Northern District of Ohio Claims That since ~~my~~ Petitioner Moore Legal Mail was An probate matter That my Legal Mail is not protected By the Constitutional Rights, Courts guarantees in "WOLFF" The right to Access to Court, And be Free From unjustified government interference with Communication.

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The Decision of The Sixth Circuit Court of Appeals Finding No Constitutional Right to Investigate Assistance Conflicts with The Court's pursuant to Fed Civ. Rule 60(b)(6) on ~~at~~ The obligation when Court's Has made substantive mistake of LAW or Facts in Final Judgment or order citing Scherer -v- Hill 213 F.R.D 431 (D. KAN 2003)

A. Petitioner are Constitutionally entitled to re-opening pursuant to Federal Rule of Procedure 60(b)(6). When an Court Has made Substantive mistake in LAW or Facts in Final Judgment or order and Certify Conflict in Court's, - - - - - 8

B. Moore demonstrated the need For Fed. R. Civ. 60(b)(6) For re-opening of His Civ 1983. - - - - - 12

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IN THE Supreme Court OF THE United States

Maurice Moore

Petitioner

-v-

Head Mail Room Screener, Dawn Bartram, Mail Room Screener, R. NAVEJA,
Mail Room Screener, D. Lykowski, Mail Room Screener Supervisor Richard
JUHLE "Lieutenant" Kelly ROSE INST Inspector, In Their individual
And Official Capacities, Richland Corr, Inst pursuant to 1993

Respondent's

ON PETITION FOR WRIT OF CERTIORARI TO
THE SIXTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Petitioner Maurice Moore respectfully prays That A Writ OF Certiorari
issue to review The Judgment entry OF The Sixth Circuit Court OF
Appeals entered on DEC. 22, 2020.

OPINIONS BELOW

The opinion OF The Sixth Circuit Court OF Appeals is unpublished,
Moore v Richland Corr, Inst Mail Room Staff, and Inst Inspector
Case NO. 19-4040 (6th Cir 2020), And is Attached to The Petition at
App. A. The order OF The United States District Court is unpublished and
is attach at App. B and C. And D OF state Court 10th District Court OF Appeals
See Facts and Admission OF Exhibit's Attached to E 1-9

JURISDICTIONAL STATEMENT

The decision of The Sixth Circuit Court of Appeals was issued on Dec, 22, 2020, This Court Has Jurisdiction under

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case involves the 1st 5th 6th and 14th Amendments to The United States Constitution, which provide in relevant rights to Access to Court, rights of Free speech, right to be free from unjustified governmental interference with communication ~~with~~ with Legal Correspondence and that no person shall be deprived of Life, Liberty or Property without due process of The Law, See U.S. Const, Amend 1st 5th 6th 14th.

STATEMENT OF THE CASE

A. Procedural History:

Maurice Moore an prisoner at Richland Correctional INST, at 1001 Oliverburg Rd. Mansfield OHIO 44901, Constitutional Rights to receive outside mail from Court's were violated by Richland Correctional INST Mail Room STAFF, After exhausting His remedies by using The INST Grievance Procedures, Moore File's an 42 U.S.C 1983 Civil Complaint in The United States District Court Northern District of OHIO.

In Moore's Civil Complaint 42, U.S.C 1983 Moore Asserted That His Constitutional Rights were violated By "Richland" Mail Room STAFF, His right to receive outside mail, and to receive materials of a Legal Nature.

Moore also asserted His access to court, and Free speech and to be free from interference with communication with His court. ~~and~~ Moore also asserted denied Due Process of the Law by Trial Court when Trial Court refuse to recognize Moore Constitutional Rights were violated when His Legal Mail was open and held causing Him to be Time Barred By 8th Court of Appeals Court,

Is The Petitioner entitled to relief under *Wolff v McDonnell* 418, U.S. 539, 94, S. CT. 2963, 41, 1 Ed. 2d 935? Is The Petitioner also entitled to relief citing *LEWIS v CASEY* 518 U.S. 343, 351, 116 S. CT 2174, 2180 135 L. Ed. 2d 606 (1996). I view of The Trial Court's denied His 60(B) For reopening This matter That The Court Has made substantive mistake of LAW or Facts in Final Judgment or order?

B. SUMMARY OF Relevant Facts.

Maurice Moore received His Legal Mail on March 28, 2016, Through The regular Mail system at Richland Correctional Inst. An Decision From The EIGHTH District Court OF APPEALS on His Dead Line Date in which to Transfer The record. See Exhibit (5)

Petitioner Moore Immediately wrote a motion to corrected Eighth District Court of Appeals, by showing The Court That He Just received His Legal Mail and That He Had already Transmission The record OF His Late Father Estate

ON March 28, 2016, Moore File's an Informal Complaint to Lt. Juhlke Mail Room supervisor OF My Legal Mail Being processed as regular Mail, This way denied Moore access to His court and Cause Him to lose His Appeal.

ON March 30, 2016 The mail room ~~of~~ Supervisor responded To Moore by requesting That Moore provide Him A copy OF His Mail so He could look At it.

ON March 31, 2016 Moore complied with This request and provide Lt. Juhlke by use OF institutional kite A copy OF A 8th District Court OF Appeal decision.

ON April 4, 2016 Moore received A response to His kite He sent To Lt. Juhlke stating That Moore Legal Mail was consider A post-card and Therefore, Not legal Mail under DRC-Policy 75-Mat-01

ON April 7, 2016 Moore received An order From Eighth District Court OF Appeals "sua sponte" dismissing His Appeal as untimely And Time Bar Moore, see Exhibit (6)

ON April 8, 2016 Moore Filed A Notification OF Grievance with The Institutional Inspector Kelly Rose. Moore explained pursuant to DRC-Policy 75-Mat-01 His mail should Have been promptly delivered in accordance with Rule 5120-9-31 and DRC-Policy 75-Mat-01.

ON April 25, 2016, The Chief Inspector OFFice was contacted by Institutional Inspector Kelly Rose and Mail Room Staff, Chief Inspector Riehle clearly Verified That Moore ~~was~~ legal Mail should Have been processed immediately As legal Mail See Exhibit (1).

After Moore gets The First Grievance Granted, Mail Room staff of Richland Corr, Inst continue to open and Hold Moore's Legal Mail causing Him to get A Home Foreclose Civil Action Held up. This Foreclose action was A Foreclosure action For Back Taxes on A property That Moore did not own. This Legal Mail was sent to Richland Corr, Inst By Certify Mail on 9-16-16, see Exhibit (2) The Mail Room staff Held This Legal Mail For 10 days before give it to Moore to address see Legal Mail Log sheet Exhibit (3), Once again Moore File's an In Formal Complaint Then an Grievance on Richland Corr Inst Mail Room staff For open His Legal Mail and Holding it For 10 days This Grievance was Granted also That Mail Room staff violate Administrative Rule's §120-9-31 and State of Ohio Policy 75-MAL-01 That Legal Mail must be deliver with in 48 Hour of receiving it to inmate. Now This continue to Happend Mail Form Attorney That was sent would be open and sent regular mail and come to Moore Bed Area. Moore once again File an In Formal Complaint on Mail Room but This Time Inst. Inspector Kelly Rose call Moore to the office to discuss This Issues, But told me I Had a right to File And He would sent me The Appeals paperwork Because back Then The only way to get the Appeal Form was through The Inst. Inspector. Well Kelly Rose only sent me a How to use the Grievance Procedure pamphlet in An kite. causing Me to ~~lose~~ Lose my Appeal on the Mail room Issues This Time. see Exhibit (4)

ON Aug 8, 2016 Moore File's an civil claim in The Court of Claims of Ohio case no: C2016-00620. Moore Then withdraws His civil Complaint And File it in ~~the~~ United States District Court Northern District of Ohio on June 23, 2017.

ON Nov, 2, 2017 The United States District Court Northern District of Ohio dismissed Moore 1983 stating that the rights does not Apply to probate court matters. And that I felt to stated a claim And dismissed also pursuant to 1915 A. And my right was not protected by The Constitution.

Petitioner Moore reFile's His claim back in The Court of Claims of Ohio, Court of Claims Court Dismiss case For Lack of Jurisdiction Because it A Federal claim concerning Legal Mail, ~~or~~ Mail, pursuant to Civ. R. 12(B)(1).

Petitioner Moore Appeals to The Tenth Appellate District Court on His Issues concern His Legal Mail Court Affirmed Court of Claims decision dismissing Moore claim pursuant to Civ. R. 12(B)(1). Because complaint That was raised was an constitutional claim arising under section 1983. And based on Lack of Subject matter Jurisdiction to Hear claim.

Petitioner Moore once again File's in The Federal Court in The United State District Court For The Northern District of Ohio An 60(b)(6) For reopen His civil Claim. because of the Lower State Court's would not Take Jurisdiction because it was An Constitutional Issues And should be Heard in Federal Court. 60(b)(6) was denied by Court For Lack of Jurisdiction or res-judicata and For want of prosecution.

Petitioner Moore Files an Notice of Appeal to The Sixth Circuit About Motion to reopen civil action pursuant to Federal Rule of Civil procedure 60(b)(6). And The Fact That The State Court would not Take Jurisdiction over the matter because my Issues was all Federal Constitutional one's. because The Issues was about Moore's Legal Mail. Even the state court knew That my claim was about receiving Legal Mail and that I was injured by Mail Room staff Action and Loss ~~on~~ my part of my inherent's. Because of this, The United States Court of Appeals For The Sixth Circuit Affirm The district Court's Judgment. Leaving Petitioner Moore no relief in this matter Even After Defendant admit That my Legal Mail should Have been process as Legal Mail.

Moore erroneous asserted His claim in State and Federal Court's over His Legal Mail. Each Time The Prison official interFeres with Petitioner Moore Legal Mail It was an constitutional violation on The part of The Mail Room staff at Richland Corr, Inst. And The Fact State Court nor Federal Court would Take Jurisdiction cause Moore To lose His part of His ~~inheritance~~ Inheritance. by opening and Holding His mail.

REASONS For GRANTING THE WRIT

THE Decision OF The Sixth Circuit Court OF Appeals Finding NO CONSTITUTIONAL Right To Investigate Assistance Conflicts With The Court's Rule 60(b) On The Obligation When Court's Has made substantive mistake OF LAW OR FACTS In Final Judgment or Order citing Scherer -v- Hill 213 F.R.D. 431 (D. Kan 2003).

A. ~~Petitioner~~ Petitioner are Constitutionally entitled To re-opening pursuant To Federal Rule OF Procedure 60(b)(6), When court Has made substantive mistake in Law OR FACTS In Final Judgment or order. Certify Conflict in Court's,

The inability To get relief From judgment when Court Has made substantive mistake in Law OR FACTS In Final Judgment or order. Petitioner File His Complaint in The District Court To proceed IN FORMA PAUPERIS District Court Granted This motion, Petitioner Moore assert in His Complaint That Richland Corr, Inst Mail Room STAFF opening His legal Mail And then processes His legal Mail ~~from~~ That was From 8th District Court OF Appeal OF OHIO As regular Mail in which took up to 8 to 10 days before Moore received His Mail, This Act cause Moore to lose His Appeal and Be Time barred by 8th District Court OF Appeal See Exhibit (6) Also see Moore legal Mail where His dead line Date. was on March 28, 2016 in which this was the same day Moore received His legal Mail at His Bed Area see Exhibit (5). causing Moore to Miss His Dead Line Date,

Petitioner Moore Then File's an grievance Against Richland Mail Room STAFF OF Mishandling OF His mail, The Grievance was Granted in Moore FAVOR see Exhibit (1) Also see at bottom OF page where Chief Inspector Tell Richland Mail Room STAFF And Inst. Inspector -

Kelly Rose That Petitioner Moore mail should Have been process As Legal Mail immediately and given to Moore See Exhibit (1).

The right of a prisoner to receive materials of a legal nature which have impact upon or importance with respect to that prisoner's legal right ~~and~~ and or matter is a basic right recognized and afforded protection by the Constitution citing Davis v. Goord, 320 F.3d 346, 351 (2d Cir 2003). In balancing the competing interest implicated in restrictions on prison mail courts have consistently afforded greater protection to legal mail than non legal mail.

Even after this act Moore legal mail continue to be open and held pass his dead line date's. See Exhibit (2) where Moore had certified mail come to Richland Corr Inst on 9-16-2016 for a civil Foreclosure Complaint. Petitioner Moore was in SEG Housing at the time and was not allowed to leave. See Exhibit (7) passes that was sent for him to come pick up legal mail. Now see legal mail log sheet where Moore finally sign for his legal mail on 9-26-2016 that was already open when legal mail was drop off. See Exhibit (3).

Petitioner Moore file's yet another Informal Complaint Resolution on 9-23-16 See Exhibit (8). Lt Juhke Mailroom Supervisor answer Informal complaint by stating "Mr. Moore I talked to the Mail Room staff and I told them to make sure restricting housing inmates get there mail I apologize for the delay" See Exhibit (8) at bottom of page. On 10-12-16 Petitioner Moore file's a Notification of Grievance. This grievance was also granted in Moore favor.

Petitioner Moore while awaiting for this grievance to be granted He's receive's yet ~~and~~ again 2 letter's from Attorney Rodier Law Office -

And Attorney ~~AM~~ AMOURGIES That were dated September 8th and 9th, 2016 To Help ~~me~~ Petitioner Moore with His Foreclosure. Because of My 2 Grievance's Granted The Richland Corr, Inst not only Held and Interference with my Mail ~~Interference~~ See Exhibit's (9). also See Wolff v McDonnell 418 U.S 539, 94 S.Ct 2963, 41 L.Ed 2d 935, ~~also~~ This is Retaliation against Petitioner Moore. See Retaliation can Take many Forms. In The past prisoners Have been place in administrative segregation without cause, denied proper Food or Hygiene materials, Transferred to another Prison and Had Their legal paper's intercepted. See Olim v Wiskinekona 460 U.S 238 (1983), also see Thaddeux-X v Blatter, 175 F.3d 378 (6th Cir 1999). Petitioner Moore was Harass and Retalated Against Because He Has both Grievance's Granted and He Had Filed an 1983 About His legal Mail and His Loss of His property and income on the Fact He Lost His Inheritance and Had an Foreclosure Filed Against Him.

However CONTRARY to The Sixth Circuits Assertion, That Scherer v. Hill 213 FRD 431. stands For The proposition Fed. R. Civ P. 60(b)(6) provides For reconsideration of Judgment only where court's Has Made substantive mistake of Law or Facts in Final Judgment or order Scherer decision. And to AFFord partie opportunity To resolve dispute on it Merits. As is a proper Application strike balance between serving ends of Justice and preserving Finality of Judgment See Klein -v- M.D.N.C. 1998.

In Addition to AFFirming an A prisoner's right to receive mail is A constitutional right. ~~the~~ 6th Cir Has AFFirmed This see Ely Sallier -v- Brooks, 343 F.3d 868 873, 6th Cir 2003, Jones -v- Caruso, 569 F.3d 238, 267 6th Cir 2009 The 6th Cir Court Has Held more Than once That A claim Arising From The Miss Handling of prisoner Mail is A Constitutional Claim. Especially since Moore could not get relief in State Court -

Has dismiss Moore Civil Action For Moore being a prisoner An His Mail or Legal Mail is a Constitutional claim outside The Jurisdiction of The Court of Claims And 10th District Court of Appeal Affirmed The decision of The Court of Claim For Dismal of Complaint For Lack of Jurisdiction pursuant to Civ R. 12(B)(1).

Further After State Court Dismal of Claim because of Constitutional Issue, United States District Court Had a duty to Hear Complaint Because Defendant admitted to not processing Moore as Legal Mail in which cause Moore to Lose His property and income that the Homes were being rented For And the rest of His inheritance. This shows that Mail Room Staff at Richland Corr Inst Took responsible For action that was cause and Hindered Moore efforts To pursue A Legal Claim. See *Monsky v. Moraghan* 127 F. 3d 243, 247, (2d Cir 1997) citing *Lewis v. Casey* 518 U.S. 343, 351 116S CT 2174, 2180 135 L. Ed. 2d 606 (1996) Also See *Cancel v. Goard* 2001 U.S. Dist Lexis 3440 NA. 00 civ 2002, 2001 WL 303713 at *4 (S.D.N.Y.) Mar 29, 2001). Defendant in This matter Alleged conduct was deliberate and with malicious and cause an injury. See *Lewis* 518 U.S. at 353, 116 S. CT at 2181. To show This action was done deliberate and with malicious if The Court will view Exhibit (). And see This Legal Mail was From The Court of Appeals in The 8th District Court, Also you can see Moore was given A Dead Line Date of March 29, 2016 If The Mail Room Staff would of process the Mail as Legal Mail Moore would have got Mail in 24 to 48 hour. This Mail was open and read and process as Regular Mail to cause Moore to Lose His property and incomes.

Prisoner Have a First Amendment right to send and receive Mail
see *Witherow - v - PAFF*, 52 F.3d 264, 265 (9th Cir 1995) Prison regulations
relating to the regulation of incoming mail are analyzed under "Turner"
reasonableness standard set forth in *Turner - v - USAF* 482 U.S. 78
89-91, 107 S.Ct. 2254 96 L.Ed. 2d 64, (1987) Also see *Thornburgh*
- v - Abbott 490 U.S. 401, 413-14 109 S. Ct 1874, 104 L. Ed. 2d
459 (1989) See *Sherman - v - MacDougall* 636 F.2d 527, 528,
(9th Cir 1981).

The Court should accordingly issue a writ of Certiorari to
review Moore's Appeal. Lower Courts have departed in strong measure
from the Court's mandate in "Wolff" and "Turner" and "Thornburgh" and
"Lewis" and "Cangel" resulting in haphazard and arbitrary access to
get relief. Pursuant to Fed. R. Civ. P. 60(b)(6), That provides for Judgment
where Court has made substantive mistake of Law or Fact in Final Judgment
or order. It is clear That Moore's Legal Mail should have been ~~process~~
process as Legal Mail by Defendants own admission. The Court should
Therefore reaffirm That a prisoner's right to receive outside mail is
A Constitutional right of Access to Court and a right of Free Speech
and right to be free from unjustified governmental interference with
communication. Clarify the showing That must be made to secure Access
to the Court ~~process~~ pursuant to 1st 5th and 14th Amendment. Due Process

B. Moore demonstrated the need for Fed. R. Civ. 60(b)(6) for
re-opening of His Civ. 1983.

continue

Moore made a motion of Reopening of Civil Action pursuant to Federal Rule of Civil Procedure 60(b)(6) And Motion For Leave to Amend Complaint pursuant to "FRCP" 15(A) And to File New Amended Complaint to cure Any And All Deficiencies also to certified conflict. See Exhibit For Factual Allegations. ~~and~~ See Bell Atlantic Corp. - v Twombly 550 U.S. 344, 554-563, 127 S. Ct 1955, 167 L. Ed 2d 929 (2007), Because The content of The duty of prudence turn on The Circumstances prevailing At The Time The Fiduciary acts. 1104 (A)(1)(B) The appropriate inquiry will necessarily be context specific. Under Fed Rule of Procedure 8(A)(2), A complaint must contain a short and plain statement of the claim showing That the pleader is entitled to relief. Detailed Factual Allegations are not required. See Twombly, 550 U.S. At 553, 127 S. Ct 1955 167 L. Ed 2d 929. But The Rule does call For sufficient Factual matter accepted as True to state a claim to relief That is plausible on its Face. Id At 570, 127 S. Ct 1955, 167 L. Ed 2d 929. Two working principles underlie Twombly First The Tenet That a court must accept a complaint's Allegations as True is inapplicable to Threadbare recitals of a cause of action element supported by mere conclusory statement Id. At 555, 127 S. Ct 1955 167 L. Ed 2d, 929. Second determining whether a complaint states a plausible claim is context specific requiring the reviewing court to draw on its experience and common sense Id. At 556, 127 S. Ct 1955, 167 L. Ed 2d 929. Both court's state and federal refuse to take Jurisdiction. State court said it's a Constitutional Issue, Federal court said my mail is not protected by the Constitution Because it is Probate Matter That came From Courts of Appeals 8th District Court

This certainly meets the standard of Civil Procedure 60(b)(6) and certified conflict. And also holding the standard in "WOLFF" "LEWIS" "Withrow" "Sullivan" and Twombly.

The FACT That Moore claim was not about the Issues of Probate, But The Fact That The Defendant interfered and mishandled His Legal Mail by processing it as Regular Mail and Not Legal Mail Cause Moore to Lose ~~himself~~ ^{All} of inheritance and ~~room~~ income was the claim. And opening His Legal Mail while His not present. And denying access to His court was clearly Moore claim. And on Top of All this Chief Inspector admits That Moore ~~mail~~ mail was Legal Mail and should Have Been process as so.

Fact in The Analysis in The beginning regardless of what The Issues is in side The Legal Mail and labeled. Legal Mail is entitled to a Heightened level of protection to Avoid impinging on a prisoner Legal Right to the Attorney client privilege and the right to access to the Court were violated, Along with 1st 5th 6th 14th Amendment's.

CONCLUSION

For The Foregoing reasons, The Court should grant Moore's petition and Issue a writ of Certiorari to review the Sixth Circuit Court of Appeals decision.

Respectfully Submitted



MAURICE Moore # 671-106

MANCI

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