

21-7558 ORIGINAL

IN THE

FILED
FEB 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VITALY KOLOSHA - PETITIONER
(Your Name)

vs.

U.S. COURT OF APPEAL - RESPONDENT(S)
FOR THE 10TH CIRCUIT

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEAL FOR THE 10TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

VITALY KOLOSHKA
(Your Name).

JOSEPH HARP CORR. CENTER, P.O. BOX 548
(Address)

LEXINGTON, OK 73051
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. WHEN THIS COURT MAKES A NEW RULING UPHOLDING A 100 YEARS OLD TREATY, LAW, PRIOR RULING, OR ACT OF CONGRESS, IS IT AUTOMATICALLY RETROACTIVE, OR DOES IT APPLY TO ALL CASES AS IT RECONFIRMES OLD ONES?
2. WHEN A STATE OFFICER, ACTS UNDER A STATE LAW VIOLATING THE STATES STATEHOOD CHARTER, CONSTITUTION, FEDERAL LAW, AND ACT OF CONGRESS, IS IT AN ACT OF SEDITION, A STATE SECEDEDING FROM THE UNION OF STATE, OR DOES THAT STATE OFFICER, STRIPPED OF HIS REPRESENTATIVE POWERS, "WAR" AGAINST THE CONSTITUTION, COMMIT AN ACT OF TREASON AGAINST THE U.S., OR DOES IT BARS HIM LEGAL STANDING TO CHALLENGE McGIRT / MURPHY?
3. WHEN A PERSON IS DETAINED IN A STATE PRISON WITHOUT A VALID ORDER OF COMMITMENT FROM A LAWFUL COURT HAVING JURISDICTION TO DETAIN HIM, IS IT A 2241 OR 2254 MATTER?
4. WHAT IS PROPER REMEDY WHEN U.S. DISTRICT COURT REFUSES TO HEAR CASE WHERE A GRAND JURY REFUSED TO INDICT PETITIONER AND ONE YEAR LATER THE DISTRICT ATTORNEY PROSECUTED HIM ANYWAY, ON THE SAME EVIDENCE, FOR THE SAME ACT?

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

THIS IS A FIRST IMPRESSION CASE

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
McGIRT/MURPHY REAFFIRMING OLD LAW, SUPRA	
HOWLETT V. ROSE, 496 U.S. 356	
KHAN V. STATE, 93 F. 3d. 1358	
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COHEN V. VIRGINIA, 19 U.S. (6 WHEAT) 264	
COPER V. AARON, 78 S. CT. 1401	
LONGHAR V. THOMAS, 116 S. CT. 1303	
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MURPHY V. ROYAL, 866 F. 3d. 1164	
COTTON, 122 S. CT. 1781	
McGIRT V. OKLAHOMA, 140 S. CT. 2452	

STATUTES AND RULES

- 28 U.S.C. § 2241
- 28 U.S.C. § 16
- 28 U.S.C. § 2243
- 28 U.S.C. § 2244

OTHER

- U.S. CONST., ART (6) CL (2)
WAR OF 1861
- 1897 ACT OF CONGRESS

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 4/A; 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 4/A; 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 *DENIED ACCESS*.

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: *12-29-21*, 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 _____.
2

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

OKLAHOMA STATE CONSTITUTION, ART(1)
SEC.(3) STATEHOOD

28 U.S.C. §2241

28 U.S.C. § 1651

U.S. CONSTITUTION, ART. (6) CL. (2)

THOSE INVOLVING A STATE SECEDED FROM THE UNION OF STATES, BY COMMITTING ACTS OF TREASON.
(SEE: TABLE OF CASES)

28 U.S.C. §2242

28 U.S.C. § 2243

1897 ACT OF CONGRESS

STATEMENT OF THE CASE

NO STATE COURT HAD JURISDICTION. STATE GRAND JURY REFUSED TO INDICT, YEAR LATER STATE COURT ORDERED DETENTION WITHOUT AUTHORITY TO DO SO.

ALL OKLAHOMA STATE COURTS "WAR" AGAINST THE U.S. CONSTITUTION, COMMIT ACTS OF TREASON, ISSUE ORDERS REVERSING U.S. SUPREME COURT DECISIONS, SUSPEND HABEAS CORPUS, ADMIT THERE IS NO VALID COURT ORDER TO DETAIN PETITIONER FROM ANY COURT HAVING JURISDICTION TO ISSUE ONE.

FEDERAL COURTS REFUSE TO HEAR A 28 U.S.C. § 2241 OR 28 U.S.C. § 1651 HABEAS, HAVE SUSPENDED HABEAS CORPUS, AND DUE PROCESS IN OKLAHOMA.

NO ONE KNOWS WHAT TO DO WHEN AS PART OF STATEHOOD OKLA. CONST. ART(1) SEC(3) BARS STATE COURTS JURISDICTION AS DOES THE 1897 ACT OF CONGRESS, McGIRT/MURPHY SURREIN COURT DECISIONS, SO THEY DENY DUE PROCESS.

WHEN STATE OFFICERS "WAR" AGAINST THE U.S. CONST., COMMIT ACTS OF TREASON, REFUSE TO ENFORCE U.S. SUPREME COURT DECISIONS OR ACT OF CONGRESS, HAVE THEY SECEDE FROM THE UNION OF STATES, MANDATING FEDERAL COURTS HEAR HABEAS ON IT'S MERITS IN A HEARING, OR IS THAT STATE'S STATEHOOD CHARTER REVOKED, REVERTED TO A TERRITORY?

REASONS FOR GRANTING THE PETITION

THE FUTURE OF THE POWER OF THE UNITED STATES GOVERNMENT, AND ALL STATEHOOD CHARTERS, WILL BE DESTROYED IF A STATE HAS OFFICERS REFUSING TO OBEY OR ENFORCE U.S. SUPREME COURT RULINGS, FEDERAL LAWS, CONSTITUTION, AND STATEHOOD MANDATES.

SUCH A STATE OFFICER (COURT, POLICE, STATE EMPLOYEE) IS STRIPPED OF HIS REPRESENTATIVE AUTHORITY, HAS SECEDED THE STATE FROM THE UNION OF STATES THAT REQUIRES THIS COURT'S INTERVENTION A SUPERVISION, DUE PROCESS OF A HEARING ON A 28 U.S.C. § 2241.

GRANTING THIS PETITION IS THE ONLY WAY TO STOP "ATTACKS" UPON THE U.S. GOVERNMENT BY STATE EMPLOYEES, TO RESTORE PUBLIC TRUST IN OUR SYSTEM OF LAWS AND COURTS.

GRANTING THIS PETITION IS SUPPORTED BY INTERNATIONAL LAW, U.N. TREATIES, COMMON LAW, AND COMMON SENSE.

THIS CASE IS A FIRST IMPRESSION MATERIAL FACT QUESTION OF FUNDAMENTAL CONSTITUTIONAL LAW, AND STATEHOOD MANDATES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vitaly Kalotkin

Date: 3-25-22