

No. 22-5617

Supreme Court, U.S.
FILED

MAY 02 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Farrow — PETITIONER
(Your Name)

vs.

Talupia, Officer et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Farrow Doc #178394
(Your Name)

Sterling Correctional Facility, P.O. Box 6000
(Address)

Sterling, Colorado, 80751
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Where the Tenth Circuit Court sanctioned the District Courts (D.C.) failure to address the Plaintiffs rebuttal of the presumption of Receipt (of Courts orders), causing the dismissal of the Case. The Plaintiff relied upon the Tenth Cir. Courts Standard of Law established in "Witt V. Roadway Express, 136 F.3d 1424" where the Tenth Cir. specifically ruled, when Mr. "Witt" filed an Affidavit disputing receipt of documents, the Affidavit was enough to create a rebuttal of presumption of receipt and that the District Court erred in ignoring Mr. "Witt" Affidavit. Did the Tenth Cir. Court enter a Decision in Conflict with the Standard they established in "Witt", after the Pl. filed a Affidavit (creating a rebuttal to the presumption of receipt of Court orders, which the District Court ignored)?

Whether the Tenth Cir. Court properly determined the Issue(s) Plaintiff raised in the D.C. motion to Alter Judgement were not extraordinary Issues warranting relief and If the Tenth Cir. Court properly determined they lacked Jurisdiction to opinion on the Issue(s) Plaintiff raised Concerning Appointment of Counsel and Stay of Court proceeding?

- See Attached Appendix (A) and (B) and (C) and (D) and (E) and (F)

(A)

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: Tulupia, officer; Ramirez, officer; Edlin Barraza, officer;

De angelis, officer; Snelling, officer; Behringer, officer; Rivas, officer; Hulen, officer; Martinez, officer; OTT, officer; Welt, officer; Polamirez, officer; Gomez, officer; Houston, officer; Costa, officer; Kim Hurt, Nurse; Lopez, Nurse; Durmola, Nurse; George Brauchler, Fields, Arapahoe County District Attorney

RELATED CASES

United States Court of Appeals for the Tenth Cir. Case # 21-1027

United States District Court for the District of Colorado Case # 1:19-cv-02533-LTB-GPG

Arapahoe County District Court, State of Colorado Case # (S) 2015M004293, 2015, M3122,
2015 CR 2605

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Exhibit (A): Response from United States Court of Appeals for the Tenth Circuit
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Appendix (D): Order of United States District Court, District of Colorado
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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.

(B)

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January, 31st 2022.

☒ 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: _____, 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. § 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).

(C)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

and Jurisdiction

Petition is filed pursuant to Supreme Court of U.S. Rule (10).

The Plaintiff has been Granted In forma Pauperis in both the District Court and the Tenth Cir. Court, pursuant to Federal Rule of Appellate Procedure (24), (3) the Plaintiff has prior authorization and no further Authorization should be needed.

The Plaintiff deposited this petition timely by using the Prisoner Legal mailbox originally filed on May 1st 2022; pursuant to Supreme Court of U.S. Rule (29) by utilizing the Prisoner Legal mailbox the petition is filed on the date the petition is deposited, Not the date the Court receives service or the date posted by the Postal service - "Dory V. Ryan, 999 F.2d 679".

The Merits of this petition lies under the Plaintiffs 1st Amendment of U.S. Constitution (right to petition Government for redress) and the Plaintiffs 14th Amendment of U.S. Constitution (right to Due Process "procedural" and Equal protection of Law).

~~(A)~~ (D)

STATEMENT OF THE CASE

The Plaintiff (Pl.) sued the Aurora Police officers, Nurses and District Attorneys after he was sexually Assaulted on Video Camera while at the Detention Center (by Officer Tulupia), the night he was arrested. (Pl. was initially arrested & charged with wreckless driving and wreckless endangerment) After

the Pl. filed a Police report against his abusers (who not only Assaulted him Sexually but beat him and left him naked in a cell after stripping him of his clothes, then turned on the Air Conditioning leaving the Plaintiff to freeze in a cold cell around 50° for nearly 12 Hours, then the officers tried to cover it up. The Nursing staff refused medical Assistance when they were told the Pl. had been Assaulted both Sexually & physically) the District Attorney's (D.A.) dismissed the charges and only after the Pl. filed more complaints and started seeking Legal Action against his Abusers, the D.A. then refiled charges but charged the Pl. with Felony charges of Attempted 1st Degree Murder & Attempted 2nd Degree Assault with a Deadly Weapon and Felony menacing. The District Attorney also filed a separate charge of False reporting a Crime (Sexual Assault by officer). While the Pl. was in custody the D.A. tried to coerce, bully, extort and manipulate the Plaintiff to accept a plea Bargain and plead Guilty to two counts of Attempted murder in exchange for dismissal of other charges and All other cases pending in Arapahoe County, the D.A. told the Pl. he was facing 96 years in prison due to the Crime Enhancer and if he agreed to plead Guilty the D.A. would only ask for Ten years in prison. (The Pl. was found Not Guilty of Attempted murder at Trial, and not Guilty of False reporting the Sexual Assault at separate trials) However the D.A. was able to manipulate a Jury to convict the Pl. of Attempted Assault and Felony menacing sentencing him to 12 years in prison. Additionally the D.A. tried to cover up the Sexual Assault by the officer and conspired to retaliate against the Pl.


After the Pl. filed his claims in the D.C. the Pl. noticed he was not receiving responses from the District Court (D.C.) the Pl. repeatedly notified the D.C. of some issue with the mail and sent multiple sworn Affidavits he was not receiving Courts orders. Only after he had his family contact the D.C. to inquire why he was not receiving responses, the Pl. was told his case was dismissed by phone; However prior to dismissal the Pl. requested ProBono Counsel due to his mental Health disabilities and the sensitive, & traumatic nature of the case affecting his mental Health and triggering his P.T.S.D.; while the Pl. attempted to litigate case alone and during the peak of Covid-19 pandemic the Pl. was Hospitalized twice at the COOC mental Health Facility and during the Covid-19 peak the COOC Law Library was

Closure of Law Library, Facility transfers and mental Health Hospitalization/medications which obstructed him from completing Legal tasks. This Court has not set a standard (that the Pl. is aware of) which establishes procedural Due process Rights to ProSe Prisoners (Time constraints, extensions or stays) during "Modern" Pandemic "Covid-19" when the state of Colorado was literally shut down; this Extraordinary Circumstance does warrant this Honorable Courts Attention and the Grant of this Petition. Because the Pl. is ProSe the Petition and Arguments are construed Liberally "Haines V. Kerner, 404 U.S. 519" "It is error to dismiss complaint if Plaintiff can be granted relief under any state of Facts which may be proven" - see "Fort V. Holt, 508 P.2d 792"

Conclusion

Under the District Courts and the Tenth Cir. Courts opinions (application of Laws), ProSe Prisoners do NOT have a right to have Service completed upon them, so they may effectively prosecute the Civil action initiated by the Prisoner. Thus a Prisoner will never be able to execute his right to Sue anyone while he is a "ProSe" Prisoner and experiencing malicious and nefarious obstructions with receiving Service of mail (Court orders) necessary to prosecute his case. The Lower Court must have this Honorable Courts Guidance to resolve this error. For the reasons argued in this Petition the Plaintiff respectfully request this Honorable Court to Grant this Petition for writ of Certiorari.

Respectfully Submitted this 9th day of ~~July~~ August, 2022



S/michael Farrow