

SUPREME COURT OF THE
UNITED STATES

ORIGINAL

JASON I. BAXTER

22-6178

PETITIONER

-v-

Supreme Court, U.S.
FILED

JUL 17 2022

OFFICE OF THE CLERK

JOSEPH E. BRADLEY

RESPONDENT

PETITION FOR WRIT OF HABEAS CORPUS

JASON BAXTER

PRO-SE PETITIONER

FIVE-POINTS CORR. FAC.

STATE ROUTE 96, P.O. BOX

119

ROMULUS NY 14541

QUESTIONS PRESENTED

- (1) WHY WAS BAXTER DENIED DUE PROCESS OF LAW OF THE FOURTEENTH AMENDMENT?
- (2) WHY WAS RESPONDENT(S) ALLOWED TO PRESENT FRAUDULENT DOCUMENTS WITH PERJURIOUS STATEMENTS IN THOSE DOCUMENTS?
- (3) WHY WAS THE RESPONDENT(S) ALLOWED TO IGNORE CLEARLY ESTABLISH LAWS?
- (4) WHY WAS RESPONDENT(S) ALLOWED TO PROCEED IN A FEDERAL COURT LIKE CRIMINALS WITH DIRTY HANDS FULL OF FRUITS FROM A POISON TREE?
- (5) WHY DIDN'T THE COURTS BELOW CONVERG BAXTER MOTION AND GIVE IT THE LIBERAL REVIEW AWARDED PRO-SE LITIGANT(S)?

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✓ (3)

JURISDICTION

THE SECOND CIRCUIT APPEALS COURT ENTERED JUDGMENT ON
MAY-3-2022; JURISDICTION IS PROPER UNDER 28 U.S.C. § 1254(1)

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. 1254(1)

STATEMENT OF RELATED CASES

PRO-SE PETITIONER BAXTER IS AWARE OF NO DIRECTLY RELATED PROCEEDINGS
ARISING FROM THE SAME COURT CASE AS THIS CASE OTHER THAN THE
PROCEEDING APPEAL TO THE U.S. SUPREME COURT.

CONSTITUTIONAL PROVISIONS + REGULATIONS

UNITED STATES CONST. AMEND. XIV

PROVIDES: NO STATE "SHALL" MAKE ENFORCE ANY LAW WHICH SHALL
ABRIDE THE PRIVILEGE - IMMUNITY OF CITIZENS OF THE UNITED STATES
NOR "SHALL" ANY STATE DEPRIVE ANY PERSON OF LIFE - LIBERTY - PROPERTY
WITHOUT DUE PROCESS OF LAWS

D.O.C.C.S REGULATION: TITLE 7 NYCRR § 254.6 § 254.7(3) § 253.7(3)
254.5

STATEMENT OF THE CASE

MR. BAXTER WAS ACCUSED OF VIOLATING PRISON DISCIPLINARY RULES; BAXTER RETAIN'S HIS INNOCENCE AND SOUGHT TO PROVE HIS INNOCENCE AT THE HEARING.

HOWEVER RESPONDENT NEVER ALLOWED BAXTER TO DO THAT INSTEAD RESPONDENT NEVER ALLOWED BAXTER ANY DUE PROCESS AND KNOWINGLY - ANIMUSLY - MALICIOUS - CAPRICIOUSLY VIOLATED CLEARLY ESTABLISH LAW'S AND HELD A HEARING IN ABSENTIA.

THEN RESPONDENT DUCK THE LAW FOR (2) TWO YEAR'S; WASTED MONEY, THEN SUBMITTED FALSE DOCUMENTATION TO THE COURTS BELOW; WENT INTO DEFAULT AND SUBMITTED MORE FALSE DOCUMENTS TO THE COURT BELOW, TO GET OUT OF DEFAULT

REASONS FOR GRANTING THE WRIT

- (1) THE CONSTITUTIONAL VIOLATIONS IN THIS CASE "SHOULD NOT" HAVE ACCURED; "ITS BEEN LONG AGO SETTLED AND CLEARLY ESTABLISH" UNDER SUPREME COURT PRECEDENT; AND NEVER IS THERE A JUSTIFICATION FOR INTENTIONAL VIOLATIONS OF THE U.S. CONSTITUTION OR THE DOCTRINE OF STARE DECISIS
- (2) THIS IS A CASE THAT THE VERY SAFEGUARDS AND PROTECTIONS OF THE U.S. CONSTITUTION WAS CREATED TO STOP AND PREVENT FROM TAKING PLACE IN ANY COURT(S) OF LAWS; A CONTRARY CONCLUSION WOULD REQUIRE HOLDING THAT WHEN THE U.S. AMENDMENTS WAS RATIFIED IT INVALIDATED IMPORTANT STATUTES IN NEW YORK STATE JUDICIARY OFFICES.
- (3) "THIS UNLAWFUL CONDUCT IS ON-GOING"; IT DID NOT START WITH BAXTER CASE; NOR DOES IT SEEM TO END WITH BAXTER CASE; THIS IS WHY THIS UNLAWFUL "COURT CONDUCT" & "CONDUCT" SHOULD NOT - MUST NOT ESCAPE REVIEW; MR. BAXTER HAD ALL OF HIS RIGHTS INTENTIONALLY VIOLATED; ANY SENSIBLE APPLICATION OF "FAIR PLAY" OR "SUBSTANTIAL JUSTICE" MUST HOLD COURT(S) BELOW TO THE U.S. SUPREME COURT CONSTITUTIONAL STANDARDS"

(4) THE ATTORNEY GENERAL AND U.S. DISTRICT COURT WAS THE LEADING VIOLATOR OF THE U.S. CONSTITUTION SAFEGUARDS - PROTECTIONS - CLAUSES ETC...

(5) BAXTER NEVER HAD HIS DAY IN COURT; RENDERING JUDGMENT OVER SUCH A DEFENDANT WOULD BE / IS AN "ILLEGITIMATE ASSUMPTION OF POWER"

(6) THE DECISION BELOW CANNOT BE RECONCILED WITH THE ORIGINAL PUBLIC MEANING OF THE U.S. CONSTITUTION OR CONTROLLING PRECEDENTS; A MOUNTAIN OF HISTORICAL EVIDENCE DEMONSTRATES THAT; THAT'S WHY THE COURTS BELOW DECISION'S CONFLICTS WITH CONTROLLING PRECEDENTS FROM THIS COURT; AND THERE'S "NO" GOOD OR LAWFUL REASONS OR ARGUMENTS FOR DISREGARDING THE DOCTRINE OF STARE DECISIS; A CONTRARY CONCLUSION WOULD RENDER THE AMERICAN JUSTICE SYSTEM FRAUDULENT

(1) ITS BEEN WELL SETTLED THAT THE DUE PROCESS LAWS OF THE UNITED STATES CONSTITUTION AWARDS INCARCERATED INDIVIDUALS (I/I) CERTAIN PROCEDURAL SAFEGUARDS; BEFORE THEY CAN BE DEPRIVE OF LIFE-LIBERTY-PROPERTY; A CONTRARY CONCLUSION WOULD REQUIRE HOLDING THAT WHEN THE FOURTEENTH AMENDMENT WAS RATIFIED; IT INVALIDATED IMPORTANT STATUTES IN EVERY STATE; AND IT WOULD FURTHER REQUIRE CONCLUDING THAT THE VERY CONGRESS THAT PASSED THE FOURTEENTH AMENDMENT SOMEHOW THOUGHT THAT THE PROVISIONS PRINCIPLES MIRRORRED BY THE FIFTH AMENDMENT DUE PROCESS CLAUSE; SHOULD NOT APPLY TO STATE AGENCY(S); SUCH POSITION WOULD SHOCK THE AMERICAN LEGAL SCHEME; THIS IS WHY THE COURTS BELOW DECISIONS CONFLICTS WITH CONTROLLING PRECEDENT FROM THIS COURT AND THERE WAS "NO GOOD" OR "LEGAL ARGUMENT" BY DEFENDANT FOR DISREGARDING THE DOCTRINE OF STARE DECISIS.

(2) WOLFF V. McDONNELL 418 U.S. 539; BEFORE AN INCARCERATED INDIVIDUAL CAN BE DEPRIVE OF LIBERTY HE "MUST BE" GIVEN NOTICE OF CHARGES AND ALLOWED TO PRESENT A DEFENCE TO THE ALLEGE CHARGES AND TO BE HEARD AT A MEANINGFUL TIME IN A MEANINGFUL WAY.

(PHILLIPS V. COMM. OF INTERNAL REVENUE 283 U.S. 589, 596-597)

(3) THAT TIME IS AT THE AGENCY DISCIPLINARY HEARING PROCEEDING OF WHICH BAXTER WAS NOT ALLOWED TO BE PERSONALLY PRESENT FOR OR ANY OTHER DUE PROCESS PROTECTION-SAFEGUARDS WHICH PROTECT A DISCIPLINARY DEFENDANT IN N.Y.S. D.D.C.C.S.

DISCIPLINARY PROCEEDINGS. (VITEK V. JONES, 445 U.S. 480, 493-494)
(DENT V. WEST VIRGINIA, 129 U.S. 114, 124-125)

(4) AS A RESULT THE HEARING WAS HELD IN ABSENTEA AND BAXTER WAS FOUND GUILTY AND SENTENCE TO AN "UNLAWFUL" 120 DAYS S.H.U. WITH OTHER DISCIPLINARY HARMS (SANDIN V. CONNER, 515 U.S. 472) "DOES NOT APPLY"; IN THAT CASE MR. SANDIN WAS GIVING HIS DUE PROCESS; IN BAXTER CASE HE WAS NOT GIVEN "ANY" DUE PROCESS AND WAS GIVEN A UNLAWFUL + EXCESSIVE SENTENCE OF 120 DAYS S.H.U. IN THE SEGREGATION UNIT AND (30) THIRTY DAY'S WAS SPENT UNLAWFULLY CONFINED AWAITING A RE-HEARING.

(5) DEFENDANT + ATTORNEY GENERAL'S CONTINUOUSLY REHASH THE BOILER PLATE ARGUMENT; THAT BAXTER NEVER SERVED ANY S.H.U. TIME FROM THIS UNLAWFUL DISCIPLINARY HEARING SANCTION; "WHICH IS A FALSE PERJURIOUS STATEMENT"; DEFENDANT IS A "CAPTAIN" OF N.Y.S. D.D.CCS AND HIS ATTORNEY IS A "GENERAL" AND BOTH ARE WELL VERSED IN THE LAWS OF THE ADMINISTRATIVE AGENCIES THAT THEY WORK FOR OR REPRESENT AND "SHOULD HAVE KNOWN - COULD HAVE KNOWN" BAXTER WAS SERVING S.H.U. TIME FROM THIS UNLAWFUL DISCIPLINARY PROCEEDING AND SANCTION IN THE SEGREGATION UNIT

ITS BEEN WELL SETTLED 7 NYCRRS 254.7(3): [WHENEVER A CONFINEMENT PENALTY IS BEING SERVED AND A "MORE RESTRICTIVE" CONFINEMENT PENALTY IS IMPOSED AS A RESULT OF "ANOTHER HEARING" THE MORE RESTRICTIVE PENALTY "SHALL" BEGIN TO BE SERVED "IMMEDIATELY" AND ANY TIME OWED ON THE LESS RESTRICTIVE PENALTY SHALL BE SERVED "AFTER COMPLETION" OF THE MORE RESTRICTIVE PENALTY PERIOD]

(6) THE SECOND CIRCUIT HAS HELD REVERSAL ON ADMINISTRATIVE APPEAL "WILL NOT CURE DUE PROCESS VIOLATION" IF THE PRISONER HAS ALREADY BEGUN SERVING HIS SENTENCE (BARNES V. HENDERSON 628 F.SUPP.2D 407) AND "REFUSED TO APPLY THERE OWN PRECEDENT TOWARD BAXTER APPEAL"

(7) THEN DEFENDANT DUCK THE U.S. MARSHAL LIKE A "COMMON CRIMINAL"

FOR (2) TWO YEAR'S; IGNORED THE PROCESS OF SERVICE BY MAIL,

"UNTIL FINALLY FEB-2021 THE DEFENDANT STOP AVADING THE LAW"

ACCEPTED PROCESS OF SERVICE BY MAIL; THEN DEFENDANT "WILLFULLY"

WENT INTO DEFAULT; THIS IS WHERE THE ATTORNEY GENERAL + DEFENDANT

STARTS TO "CONSPIRER" TO COMMIT UNLAWFUL ACTS INSIDE A FEDERAL

COURT AND WAS ALLOWED TO DO SO BY THE FEDERAL COURTS BELOW

"ALLOWING DEFENDANT + ATTORNEY GENERAL TO ENTER INTO THE FEDERAL

COURTS) WITH DIRTY HANDS FULL OF FRUITS FROM A POISONOUS TREE"

(1) SUBMITTING PERJURIOUS DECLARATION/AFFIDAVITS OF OFFICE FAILURE

(2) STATING IN THOSE DECLARATION/AFFIDAVIT THAT DEFENDANT WILL SUBMIT

"HIS OWN AFFIRMATION" WHICH DEFENDANT "NEVER DID"; THEN THE DISTRICT

COURT GAVE AN ADVERSE "OPINION" OF WHY DEFENDANT DID NOT SUBMIT HIS

AFFIRMATION AND GAVE THE "OPINION" LEGAL MERIT ABOUT THE

PERJURIOUS STATEMENT MADE BY THE ATTORNEY GENERAL AND "NO SUBMITTED

AFFIRMATION BY DEFENDANT HIMSELF"

(3) ALLOWING DEFENDANT TO SUBMIT FALSE OUT-DATED REQUEST FOR THE

ATTORNEY GENERAL TO REPRESENT HIM IN THIS CASE; PLEASE TAKE NOTICE

"THE PROCESS OF SERVICE WAS NOT COMPLETED; SO HOW? WHY? IS DEFENDANT

REQUESTING LEGAL REPRESENTATION AT THAT TIME?"

(4) DEFENDANT IMPOSED A UNLAWFUL 120 DAYS S.H.U.; WHEN HE KNEW NO SUCH PENALTY / SENTENCE CAN BE IMPOSED.

(5) SUBMITTING FALSE / PERJURIOUS CLAIMS OF BAXTER NOT DOING S.H.U. TIME FROM THIS UNLAWFUL PROCEEDING; "WHEN DEFENDANT + ATTORNEY KNEW IN LAW + FACT THAT WAS A LIE" FROM THERE VERY OWN LAWS + REGULATIONS

(6) BAXTER HAD 57 DAYS LEFT; AND ON FEB-2018 DEFENDANT IMPOSED THREW UNLAWFUL PROCEEDINGS + PROCEDURE'S A EXCESSIVE - UNLAWFUL "MORE RESTRICTIVE" SENTENCE OF 120 DAYS S.H.U.; "TWICE" THE PENALTY BAXTER WAS SERVING AND DEFENDANT MEN'S REA IS VERY CLEAR.

(7) TITLE 7 N.Y.C.R.R. IS A PROCESS OF LAWS) WHICH IS NOT OTHERWISE UNLAWFUL; AND "MUST BE" TAKEN TO BE DUE PROCESS OF LAW; TITLE 7 IS SANCTION OF SETTLED USAGE.

(SKINNER V. SWITZER 562 U.S. 521)

(JOINT ANTI-FASCIST COMM. V. McGEATH 341 U.S. 123, 168)

(ARMSTRONG V. MANZD, 380 U.S. 545, 552)

CONCLUSION

FOR THE REASONS STATED IN THIS PETITION
AND FOR JUSTICE TO PROTECT AND PREVAIL
THE WRIT OF CERTIORARI SHOULD BE
GRANTED.

Jason Bayler
PRO-SE PETITIONER

SEPTEMBER-20-2022