

22-6196
No. _____

FILED
NOV 08 2022

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

MORRIS RUCKER - PETITIONER,

VS.

JIM PURVIANCE, ET AL., - RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF THIS CASE)

PETITION FOR WRIT OF CERTIORARI

MORRIS RUCKER, # 104116

NECX
P.O. BOX 5000
MOUNTAIN CITY, TN 37683-5000

(Phone number is not available)

QUESTION(S) PRESENTED

- (1) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM?
- (2) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM?
- (3) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S OTHER CLAIM?
- (4) WHETHER THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE?

LIST OF PARTIES

[v] All parties ARE LISTED AS FOLLOWS:

Plaintiff:

Morris Rucker, # 104116, NECX, P.O. Box 5000, Mountain City, TN 37683-5000.

Defendants #1 - #12:

#1: Jim Purviance, Executive Director of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#2: Richard Montgomery, Chairman of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#3: Zane Duncan, Board Member of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#4: Tim Gobble, Board Member of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#5: Mae Beavers, Board Member of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#6: Roberta Nevil Kustoff, Board Member of the Tennessee Board of Parole: 404 James Robertson Parkway, # 1300, Nashville, TN 37219.

#7: Bill Lee, Governor of the State of Tennessee, State Capitol, 1st Floor, 600 Dr., Martin L. King Jr., Blvd., Nashville, TN 37234.

#8: Tony Parker: Tennessee Department of Correction (TDOC) Commissioner and American Correctional Association (ACA) President, TDOC, 6th Floor Rachel Jackson Bldg, 320 6th Avenue N., Nashville, TN 37243.

#9: State of Tennessee: State Capitol, 1st Floor, 600 Dr., Martin L. King Jr., Blvd., Nashville, TN 37234.

#10: John Does; and Jane Does, et al.

RELATED CASES

Peugh v. U.S., 569 U.S. 530, 133 S.Ct. 2070 (2013).

Calder v. Bull, 3 Dall. 386, 390, 1 L.Ed. 648 (1798).

Swatzell v. TN Bd of Parole, 2019 WL 1533445 (04/09/2019).

Seagroves v. TN Bd of Parole, 86 Fed.App'x.45 (12/08/2003).

Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L.Ed. 542 (2000).

Rucker-1: (Morris Rucker v. Jim Purviance, et al., # 3:21-cv-00555 (M.D. TN., 02/09/2022)

Rucker-2: (Morris Rucker v. Jim Purviance, et al., # 22-5192, (6th Cir. 08/22/2022)

TABLE OF CONTENTS

OPINION BELOW -----	1
JURISDICTION -----	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED -----	1
STATEMENT OF THE CASE -----	2
REASONS FOR GRANTING THE WRIT -----	2-7
CONCLUSION -----	7

INDEX TO APPENDICES

APPENDIX A: UNITED STATES COURT OF APPEALS DECISION.

Rucker-2: (Morris Rucker v. Jim Purviance, et al., # 22-5192, (6th Cir. 08/22/202)

APPENDIX B: UNITED STATES DISTRICT COURT DECISION.

Rucker-1: (Morris Rucker v. Jim Purviance, et al., # 3:21-cv-00555 (M.D. TN., 02/09/2022)

TABLE OF AUTHORITIES CITED

Peugh v. U.S., 569 U.S. 530, 133 S.Ct. 2070 (2013).

Calder v. Bull, 3 Dall. 386, 390, 1 L.Ed. 648 (1798).

Swatzell v. TN Bd of Parole, 2019 WL 1533445 (04/09/2019).

Seagroves v. TN Bd of Parole, 86 Fed.App'x.45 (12/08/2003).

Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L.Ed. 542 (2000).

Rucker-1: (Morris Rucker v. Jim Purviance, et al., # 3:21-cv-00555 (M.D. TN., 02/09/2022)

Rucker-2: (Morris Rucker v. Jim Purviance, et al., # 22-5192, (6th Cir. 08/22/202)

STATUTES AND RULES

U.S. Constitution Article I, Section 9, cl.3.

U.S. Constitution Article I, Section 10, cl. 1.

**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.

OPINION BELOW

For the Federal Courts:

The opinion of the United States Court of Appeals appears at Appendix A to the Petition and is unpublished.

The opinion of the United States District Court appears at Appendix B to the Petition and is unpublished.

For the State Courts: N/A.

JURISDICTION

For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was 08/22/2022.

No petition for rehearing was timely filed in my case.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1254(1)

For cases from State Courts: N/A.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to the United States Constitution.

Fifth Amendment to the United States Constitution.

Sixth Amendment to the United States Constitution.

Eight Amendment to the United States Constitution.

Fourteenth Amendment to the United States Constitution.

Article II Section 1 and 2 of the Tennessee Constitution.

STATEMENT OF CASE

Your Plaintiff/Appellant/Petitioner, Morris Rucker, #104116, ("Plaintiff" and/or "Rucker" hereafter), who has been an indigent pro se Tennessee inmate all the time in this case, filed 1983 Complaint with the United States District Court at Nashville, Tennessee, ("U.S. District Court") by alleging the Tennessee Board of Parole, Tennessee Department of Correction (TDOC), Tennessee Governor, and State of Tennessee's wrongdoings as follows:

RUCKER'S CLAIMS:

- (1) WHETHER THE TN U.S. DISTRICT COURT [AND THE U.S. COURT OF APPEALS] ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM?
- (2) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM?
- (3) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S OTHER CLAIM?
- (4) WHETHER THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE?

The U.S. District Court at Nashville, Tennessee, dismissed the Complaint without serving the Defendants. Rucker-1: (Morris Rucker v. Jim Purviance, et al., # 3:21-cv-00555 (M.D. TN, 02/09/2022)). Appendix B.

Rucker, timely appealed to the United States Court of Appeals, Sixth Circuit, ("U.S. Court of Appeals"), which was denied on 08/22/2022. See Rucker-2: (Morris Rucker v. Jim Purviance, et al., # 22-5192, (6th Cir. 08/22/2022)). Appendix A.

Current Petition for Writ Of Certiorari is timely.

REASONS FOR GRANTING THE PETITION

- (1) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM?
- (2) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM?
- (3) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S OTHER CLAIM?
- (4) WHETHER THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE?

(1) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM?

(1-a) *Ex Post Facto* Claim.

Your Plaintiff/Appellant claimed in his Complaint that the Tennessee Board of Parole ("Board" hereafter) violated his opportunity to parole by applying the new standard of review, (which guideline (policy) came to the law after 35 years from the Plaintiff/ Appellant's underlying offenses), in violation of *Ex Post Facto* prohibition under the Tennessee and United States Constitutions, U.S. Const. Art. I, Section 9, cl. 3; Art. I, Section 10, cl 1, and *Peugh v. U.S.*, 569 U.S. 530, 133 S.Ct. 2072 (2013) and *Calder v. Bull*, 3 Dall. 386, 390, 1 L.Ed. 648 (1798).

(1-b) Criminal History.

Your Plaintiff/Appellant has been serving his 1983-conviction which is two (2) counts of Assault and one (1) count of Robbery under the Tennessee Department of Correction ("TDOC" hereafter) during last four (4) decades. (Your Plaintiff/Appellant had a prior 2nd Degree Murder conviction in 1973 when he was a 16-year-old child. Your Plaintiff/Appellant admits that his 1983-offenses were committed a year after his parole for the 1973-conviction).

(1-c) Parole History.

In his 2016-Parole hearing, by acknowledging Plaintiff/Appellant's well-rehabilitated good behavior, the Board commented that "... if Plaintiff/Appellant kept doing good things, his chance to make parole in 2020 would be better." (page #8, Original Complaint, D.E. #1). According to the Board's comment, Plaintiff/Appellant maintained in "kept doing good things" by abiding the Policy and instruction with good faith.

(1-c) 2018-new parole guideline.

In 2018, the Parole Board set a new rule regarding Parole Guideline by adding, among others, the mandatory consideration of victim statement, which was discretionary prior to 2018.

In his 2020-Parole hearing, however, the Board applied then-new 2018 Parole guideline (policy) to Rucker's Parole review and denied his parole. The main reason for denial was the "victim statement" mandated by the 2018 guideline (policy).

The new guideline (policy) requires the Board to must receive and consider the victim statement, which was the [Board's] discretion prior to 2018.

(1-d) Argument.

First of all; considering that his [current] offenses were in 1983 and herein mentioned new guideline (policy) was from 2018, it triggers the review of the *Ex Post Facto* violation. And because the Board's specific denial reason for Rucker's 2020-Parole was based on the new guideline (policy), it is evident that the Board violated Rucker's opportunity to parole by applying the new standard of review, (which guideline (policy) came to the law after 35 years from the Plaintiff/Appellant's underlying offenses), in violation of *Ex Post Facto* prohibition under the Tennessee and United States Constitutions, U.S. Const. Art. I, Section 9, cl. 3; Art. I, Section 10, cl 1, and *Peugh v. U.S.*, 569 U.S. 530, 133 S.Ct. 2072 (2013) and *Calder v. Bull*, 3 Dall. 386, 390, 1 L.Ed. 648 (1798)..

Secondly; the protestors in Rucker's 2020-Parole hearing (for the new 1983-offenses) were the family members of the victim from the old (1973-) offense which Rucker committed when he was a sixteen (16) year old child.

Therefore, the Board violated Rucker's opportunity to parole for the new 1983-offense by the protestors from the old 1973-offense when the Plaintiff/Appellant was a 16-year-old-child.

As mentioned above, the Board violated Rucker's opportunity to parole in violation of *Ex Post Facto* prohibition under the Tennessee and United States Constitutions and unreasonable introduction of the evidence ("victim statements"). U.S. Const. Art. I, Section 9, cl. 3; Art. I, Section 10, cl 1, and *Peugh v. U.S.*, 569 U.S. 530, 133 S.Ct. 2072 (2013) and *Calder v. Bull*, 3 Dall. 386, 390, 1 L.Ed. 648 (1798).

(1-e) United States District Court Proceeding.

The United States District Court at Nashville, Tennessee ("District Court" hereafter) explained *Swatzell v. TN Bd of Parole*, 2019 WL 1533445 (04/09/2019) and *Seagroves v. TN Bd of Parole*, 86 Fed.App'x.45 (12/08/2003). (pages # 8-11, D.E. # 10, Order (02/09/2022)). Then, the District Court held that;

"... The case before this court is more akin to *Seagroves* than *Swatzell*. (The *Swatzell* case is the one Plaintiff/Appellant relies on). Analogizing to *Swatzell*, the plaintiff complains of the continued opposition to his release by family members of the victim of a crime he committed as a juvenile, arguing the 'juvenile convictions should not result in life-long convictions because of a lack of brain development,' and that his 'chances of release have become remote instead of meaningful and realistic' because of '[a] crime committed over forty-five (45) years ago.' (D.E.#1 at 8-9.) However, the plaintiff/appellant is not serving a sentence based solely on his juvenile crime, as is Mr. *Swatzell*, but one that was imposed following crimes he committed in 1983, when he was twenty-six (26) years old...." (D.E. # 10 at 10).

It is clear that the District Court was fully aware of the fact that the Rucker's protestors at 2020-Parole hearing (for his 1983-crimes) were the 1973-victim's family. Your Plaintiff/Appellant avers that because the protestors were from the 1973-Juvenile crime, the Board and the District Court should have considered *Swatzell* case which is more akin to Rucker's claim due to the Plaintiff/Appellant's child-status at the time of 1973-crime.

In conclusion of the issue at hand, the District Court concluded that;

... the Court cannot reasonably infer from his allegations that the Board would be at all likely to grant parole if it were not bound under current law to consider the statements of his victim's family members, but rather retained the discretion to do so under prior law. Accordingly, the plaintiff/appellant fails to state a colorable *ex post facto* claim." (D.E. # 10 at 11).

However, your Plaintiff/Appellant avers that the District Court erred by disregarding the Board's prior comment at his 2016-Parole hearing - "... if Plaintiff/Appellant kept doing good things, his chance to make parole in 2020 would be better." (page #8, Original Complaint, D.E. #1). At 2016-hearing, the Board already acknowledged herein-mentioned Plaintiff/Appellant's successful rehabilitation during his four (4) decade long incarceration. Therefore, in its face, in light favorable to the Board's own record, the District Court erred in overlooking the existing colorable *ex post facto* claim in Rucker's case. In other words, contrary to the District Court's unreasonable conclusion, it is evident that the Board would be, more likely than not, to grant parole if it were not bound under current law to consider the statements of his victim's family members.

Further, with utmost respect and sincere apology *to* the victims and victims family members, *to* the Society, and *to* God, your Plaintiff/Appellant states that he has served the sentence from the 1973-juvenile crime; that he is now serving the sentence from his 1983-crimes; that he has been repenting every-single-day; and that he is fully rehabilitated under the TDOC programs, (Punishment and Rehabilitation), during last four (4) decades; which fact the Board acknowledged in 2016. Therefore, if the Board was not bound under current law to (mandatory) consider the statements of the victim's family members of the old 1973-crime, it is more than likely that the Board would be at all likely to grant Plaintiff/Appellant's 2020-parole for the new 1983-crimes.

(1-f) Rehabilitated New Person.

On top of that, Plaintiff/Appellant is **not only** fully rehabilitated during last four (4) decade-long incarceration which was supported by the Board's 2016-finding, **but also** your Plaintiff/Appellant is now old (65-years old) and became ill with more than several underlying medical conditions; such as COPD, Asthma, Heart failure, High Blood Pressure, Bronchitis, Backbone-failure and Knee-failure, ... As a result, Plaintiff/Appellant simply cannot walk 10 feet without recomposing his breath (due to his age and underlying medical conditions). Plaintiff/Appellant believes that his illness is the punishment and chastisement by God instead of His abandonment. In short, Plaintiff/Appellant has been repenting from his old-and-dead prior serious criminal act, and has been gladly undergoing the punishment imposed *by* the Society, *by* the People, and *by* God during last four (4) decades under the TDOC.

Which fact shows that Plaintiff/Appellant is not a dangerous person, anymore, and has no desire nor ability to be a dangerous person, anymore, to anyone.

Therefore, given facts and findings, the criminology and the Corrections Mission (Punishment and Rehabilitation) have been fulfilled in Plaintiff/Appellant's case and any further incarceration is rather detrimental than beneficial *to* the Society, *to* People, and even *to* God as follows;

- To the Society:

- (i) Justice was served with the four (4) decade long incarceration (punishment) and repentance;
- (ii) Plaintiff/Appellant was fully rehabilitated under the TDOC programs as the Board acknowledged in his 2016-Parole hearing;
- (iii) Taxpayer's burden for the old-and-ill Plaintiff/Appellant's medical needs as well as his daily living expense;
- (iv) Plaintiff/Appellant's change of heart as New Person who is beneficial to all like Onesimus and his inability to be a dangerous person, anymore, to anyone;

- To People:

- (v) Plaintiff/Appellant can join with his family in this world and become a productive person in an effort to support the victim(s), their family, and his own family;

- To God:

- (vi) God did not design the permanent punishment for the sinner who repented and rehabilitated, during last four (4) decades, because God is the Most Merciful, Forgiving, and Loving.

(1-g) Conclusion of the Issue.

In Conclusion of the issue at hand, by showing foregoing reasons, the Tennessee Board of Parole ("the Board") and United States District Court ("the District Court") violated Plaintiff/Appellant's opportunity to parole by applying the new standard of review, (which guideline (policy) came to the law after 35 years from the Plaintiff/Appellant's underlying offenses), and violated by unreasonably denying Plaintiff/Appellant's Complaint, in violation of *Ex Post Facto* prohibition under the Tennessee and United States Constitutions, U.S. Const. Art. I, Section 9, cl. 3; Art. I, Section 10, cl 1, and *Peugh v. U.S.*, 569 U.S. 530, 133 S.Ct. 2072 (2013) and *Calder v. Bull*, 3 Dall. 386, 390, 1 L.Ed. 648 (1798). THEREFORE, (1) THE TN U.S. DISTRICT COURT [AND THE UNITED STATES COURT OF APPEALS] WAS ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM.

(2) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM?

(2-a) Equal Protection Claim:

As a prisoner and pro se litigant, your Plaintiff/Appellant claimed in his Complaint that his constitutional right to equal protection of law has been violated because he was being denied parole ... while similarly situated inmates "who have not served as much time and who have committed worse crimes" have been paroled. (D.E. # 1 at 9 - 10). Plaintiff/Appellant mentioned four other inmates including two who were granted parole and two who were denied parole. Plaintiff/Appellant identified "George Hardin and Douglas Harville, just two of many inmates, convicted of a serious crime (murder), which were granted parole review, and had multiple disciplinary infractions, including drugs and they were granted parole." (*Id.* at 14). He also cited to "William Ledford [who] has an exceptional institutional and disciplinary record," "had victim support for parole[,] and even had the Board Chairman's vote" for release, "[y]et, the rest of the Board denied parole stating solely 'seriousness of the offense' and scheduled his next hearing four (4) years into the future." (*Id.*) Finally, Plaintiff/Appellant cited the case of "J Y Sepulveda, one of many inmates" who was denied parole despite excellent qualifications because "Board members, who were not present, voted using ... inaccurate information." (*Id.* at 16 -17).

(2-b) United States District Court Proceeding:

The United States District Court at Nashville, Tennessee ("District Court" hereafter) found that;

"... Even under the favorable construction afforded to pro se litigants, this allegation is plainly insufficient to establish a colorable claim that inmates similarly situated 'in all relevant aspects of the parole decision' received more favorable treatment than the Plaintiff/Appellant, whose criminal history includes serious crimes committed while on parole following a prior murder conviction. ..." (D.E. # 10 at 13).

Further, the District Court held that Plaintiff/Appellant's claim is "conclusory" and denied the claim at hand. (*Id.* at 14).

Plaintiff/Appellant avers that, like the most of the prisoner's equal protection violation claims, it is virtually impossible for pro se inmate(s) to obtain the detailed information to satisfy the element of a similarly situated comparator inmates. The claim like at hand should have been given an opportunity to proceed for the discovery phase before the summary dismissal for the fundamental fairness of the case. If not, the equal protection violation claim like at hand would be not practicable to challenge despite the existing constitutional violation. Had Rucker have an opportunity of discovery with appointment of counsel, he, more than likely, would have obtained the element and extended information of a similarly situated comparator inmates to satisfy the element of a similarly situated comparator inmates.

(2-c) Conclusion of the Issue.

Therefore, Plaintiff/Appellant avers that the District Court erred in dismissing the prose inmate's equal protection violation claim with stricter standard of review during the screening phase in violation of his constitutional right under the equal protection clause (14th Amendment to the United States Constitution) and in violation of his right to redress and due process (1st, 5th, and 14th Amendments to the United States Constitution).

In Conclusion of the issue at hand, foregoing reasons, the Tennessee Board of Parole ("the Board") and United States District Court ("the District Court") violated Plaintiff/Appellant's equal protection clause, redress clause, and due process under the 1st, 5th, and 4th Amendments to the United States Constitution. THEREFORE, (2) THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM.

(3) WHETHER THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S OTHER CLAIM?

As to the other claims, Plaintiff/Appellant will follow as the District Court has recommended in its Order by challenging them at the State Court (Id. at 14 - 17).

(4) WHETHER THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE?

The Honorable United States Court of Appeals denied Rucker's Motion To Grant A Certificate Of Appealability, denied Motion To Proceed In Forma Pauperis, and ordered him to pay the \$505.00 filing fee if he wants his appeal be reviewed within 30 days, which money Rucker did not have. Therefore, Rucker's appeal was dismissed for want of prosecution, which means, (in plain language), Rucker's appeal was dismissed for Rucker's indigency in violation of the 1st, 5th, 8th, and 14th Amendments to the U.S. Constitution. (Redress, Due Process, Unusual & Cruel Punishment, and Equal Protection of Law). THEREFORE, (4) THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE.

CONCLUSION

Based/Relying Upon Above-Mentioned Reason, Plaintiff Rucker states that;

- (1) THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EX POST FACTO CLAIM.
- (2) THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S EQUAL PROTECTION CLAIM.
- (3) THE TN U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S OTHER CLAIM.
- (4) THE U.S. COURT OF APPEALS ERRED IN DENYING PETITIONER'S APPEAL DUE TO HIS INABILITY TO PAY THE \$505.00 APPELLATE FILING FEE.

RELIEF SOUGHT

Petitioner/Plaintiff/Appellant Rucker prays for the issuance of writ of certiorari and/or any other relief deemed proper, just, and equitable with an appointment of counsel.

Plaintiff Rucker affirms under the penalty of perjury that foregoing is true and correct according to his knowledge at Mountain City, Tennessee, on this the 4 day of NOVEMBER 2022.

Respectfully submitted,

Morris Rucker

Morris Rucker, # 104116

VERIFICATION

I, Plaintiff/Appellant/Petitioner, Morris Rucker, pro se, do hereby affirm, under penalty of perjury, that I have read the foregoing Motion and know that the same is true and correct to the best of my knowledge, information and belief, and that the writ is not made out of levity or by collusion with any individual, but in truth and sincerity, and for the causes as mentioned therein at Mountain City, Tennessee, on this the 4 day of NOVEMBER 2022.

Morris Rucker

Morris Rucker, # 104116

NECX, P.O. Box 5000

Mountain City, TN 37683-5000