

22-6263

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

NOV 16 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Terrence Terrell Moore — PETITIONER
(Your Name)

vs.
GRETCHEN WHITMER ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIR.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TERRENCE TERRELL MOORE
(Your Name) LAKELAND CORR. FACILITY
141 FIRST STREET
(Address)

COLDWATER, MICHIGAN # 49036
(City, State, Zip Code)

(Phone Number)

- 1 -

QUESTION(S) PRESENTED

Should THE SUPREME COURT GRANT CERTIORARI WHERE THE ENBANC COURT OF APPEALS FOR THE SIXTH CIRCUIT FAILED TO REVERSE THE DECISION OF THE FORMER PANE'LL RULING BECAUSE IT RUNS COUNTER TO THIS COURT'S PRECEDENT ON ISSUES INVOLVING SIMILAR FACT PATTERNS AND CONSTITUTIONAL VIOLATIONS AS A MATTER OF PROCEDURAL COURSE UNDER SUPREME COURT RULE 10? "CAPITAL CASE"

- 2 -

Should THIS COURT GRANT CERTIORARI WHERE THE ENBANC COURT OF APPEALS FOR THE SIXTH CIRCUIT FAILED TO REVERSE THE DECISION OF THE FORMER PANE'LL'S RULING CONCERNING ISSUES OF COVID-19 VIRUS EXPOSURE TO OUR NATION, NOVELTY, EXCEPTIONAL IMPORTANCE, EXTRAORDINARY CIRCUMSTANCES, EXCEPTIONAL CIRCUMSTANCES, PRIVILEGES, RIGHTS INVOLVING SIMILAR FACT PATTERNS AND CONSTITUTIONAL VIOLATIONS AS A MATTER OF SUBSTANTIAL COURSE (COMPELLING REASONS) UNDER SUPREME COURT RULE 10? "CAPITAL CASE"

- 3 -

Should THIS COURT GRANT CERTIORARI WHERE THE ENBANC COURT OF THE SIXTH CIRCUIT FAILS TO REVERSE THE FORMER PANE'LL'S DECISION WHICH WAS CONTRARY TO, AND RESULTED . . .

Continue

- - . IN AN UNREASONABLE APPLICATION OF,
CLEARLY ESTABLISHED LAW AS DETERMINED BY
THIS COURT ON ISSUES DELIBERATE INDIFF-
ERENCES, EXCESSIVE PUNISHMENT UNDER THE
CUMULATIVE EFFECT OF CONSTITUTIONAL INFRINGEMENT
U.S. CONST. AMEND 8TH, 9TH, 14TH, 1ST 2.
"CAPITAL CASE" 7TH AMEND.

END.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

2mm ☐ 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:

SEE ATTACHMENT of WRITTEN
CERTIORARI

" CAPITAL CASE "

RELATED CASES

Tennence Tennell Moore
Petitioner,

✓
Bryan Morrison (Warden)
Respondent

" HABEAS CORPUS "
" Bond "

6TH Cir. NO. # 22-1826

(U.S. DIST. Ct.) # 22-CV-0135

MICH SUPREME # 164293/164663

MICH. COURT of APPEALS # 356596

15TH Judicial Cir. # 20-12-0616^{AK}

[#22-1826] [#22-CV-0135] [#164293, 164663]

[#356596 COA] [20-12-0616^{AK}]

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

(See ATTACHMENTS (CERTIONANI)
HAND WRITTEN

STATUTES AND RULES

(See ATTACHMENTS (CERTIONANI)
HAND WRITTEN

OTHER

(See ATTACHMENTS (CERTIONANI)
HAND WRITTEN

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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 52-102 to the petition and is

☒ reported at 21-1755; 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 112-202 to the petition and is

☒ reported at 1:21-cv-00117; 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 AUGUST 12, 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: 10-19-2022, and a copy of the order denying rehearing appears at Appendix 3a-42

☐ 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).

(SEE ATTACHMENT (CERTIORARI)
HAND WRITTEN

☐ 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).

HISTORY of CASE

A. Statement of Proceedings

THE COURT OF APPEALS FOR THE SIXTH CIRCUIT, denied, ~~RE~~ HEARING EN BANC FROM THE RESULTS OF A CIVIL VIOLATION 1983 PROCEEDING IN THE UNITED STATES DISTRICT COURT FROM THE WESTERN DISTRICT OF MICHIGAN WHERE THE US DISTRICT COURT JUDGE, HONORABLE JAMES T. NEFF, GRANTED THE PETITION AND GRANTED A CERTIFICATE OF APPEALABILITY (COA) WHERE LIMITED GROUNDS EXIST. THE SIXTH CIRCUIT COURT GRANTED THE SIX ISSUES PRESENTED IN CLASS CLAIMS LOUBINKI COMPLAINT FOR APPEAL BY THE US DISTRICT COURT, ON NOVEMBER 9, 2021. (J.A. 818-202) FOR FAILURE TO STATE A CLAIM.

THE SIXTH CIRCUIT ISSUED ITS FORMER ORDER ON AUGUST 12, 2022. PETITIONER SOUGHT A RE-HEARING EN BANC TO REVIEW THE CLAIMS FROM THE COA IN A DE NOVO REVIEW MANNER, CONSISTENT WITH CLEARLY ESTABLISHED US SUPREME COURT PRECEDENT ON BOTH SUBJECT MATTERS. THE EN BANC COURT GRANTED RELIEF ON OCTOBER 14, 2022, (J.A. 8.32-42).

- PURSUANT TO THE COURT'S DISPOSITION THAT
WAS FILED 08/12/2022 THE MANDATE FOR
THIS CASE HEREBY ISSUED OCTOBER 27, 2022

B. STATEMENT OF CASE

THE FACTS OF THIS CASE, INsofar AS
PETITION FOR CERTIORARI IS CONCERNED CENTERS
AROUND THE (COVID-19) EXPOSURE UPON
THE UNITED STATES OF AMERICA. AND ALL
ITS EFFECTS UPON ESPECIALLY CONGREGATE
AREAS OR ENCLOSURES THAT BECAME IM-
PERMEABLE DUE (STRUCTURE) (DESIGN)
(FORMAT) OF M.D.O.C. MICHIGAN DEPT
OF CONNECTIONS. WHERE IMAGES, PLANNING,
HAVE NO POWER TO REMOVE SET FROM THE
IMMINENT THREAT THAT ITS BADLY AFFECTS
UPON THIS PRISONER EXISTING COMORBIDITIES
THAT OUSK WARRANT EXCEPTIONAL CIRCUM-
STANCES, EXTRAORDINARY CIRCUMSTANCES,
AND OF AN EXCEPTIONAL IMPORTANCE,
IMPOSED BY RESISTANCE AND A STATE OF
DELIBERATE INDIFFERENCE OUT OF JUDICIAL
DISCRETION.

Reasons for Allowance of Writ

Petitioner URGES THIS COURT TO GRANT his PETITION FOR WRIT OF HABEAS CORPUS AND CLARIFY THE EIGHTH AMENDMENT QUESTION AS IT RELATES TO EXCESSIVE PUNISHMENT SCOPE OF EXTENT AND DURATION WITHIN THE MEANING OF THE PROHIBITION IN THE 8TH AMENDMENT, U.S. CONST. ITUTION. ALGEM V. U.S. 217 U.S. 349, 30 S. CT. 544, 154 L. ED. 793 THE TERM WAS AT ONE TIME USED IN THE VARIOUS STATES OF THE UNITED STATES TO DENOTE WRITS WHICH GIVE THE CREDITOR POSSESSION OF THE DEBTOR'S LANDS FOR A LIMITED TIME TILL THE DEBT BE PAID. THE FOCUS OF THE HABEAS CORPUS INQUIRY IS, DOES THE EIGHTH AMENDMENT PROHIBITION OF AN EXCESSIVE PUNISHMENT. WOULD INVOLVE SIMILAR FACT PATTERNS IF THIS PRISONER CONDITIONS POSING A SUBSTANTIAL RISK OF SERIOUS HARM" (THE OBJECTIVE PRONG) AND THE OFFICIALS KNOWS OF AND DISREGARDS AN EXCESSIVE RISK TO INMATE HEALTH OR SAFETY" (THE SUBJECTIVE PRONG) FARMER V. BRENNAN, 511 U.S. 825, 834, 837, 114 S. CT. 1970, 128 L. ED 2d 811 (1994). AS FOCUSING ON THE CLEARLY ESTABLISHED LAW GOVERNING SUCH A CLAIM.

Petitioner ASKS THIS COURT TO GRANT CERTIORARI TO CLARIFY. AS THE COURT HAVE RECOGNIZED, "THE OBJECTIVE GOAL IS EASILY SATISFIED" IN THE PRESENT CONTEXT, BECAUSE "[T]he COVID-19 VIRUS CREATES A [*5] SUBSTANTIAL RISK OF SERIOUS HARM LEADING TO PNEUMONIA, RESPIRATORY FAILURE, OR DEATH. WILSON V WILLIAMS, 961 F.3d 829, 840 (6th Cir. 2020). CONSEQUENTLY, DOES THIS EIGHTH AMENDMENT PROTECTION EXTENDS TO THE STATES BY WAY OF THE FOURTEENTH AMENDMENT, INCLUDING FORMER DECISIONS BY THE COURT. ACCORD TO U.S. CONST. AMENDS V, XIV. IN GENERAL, TERMS REFERRING TO QUESTIONS OF FACT WHICH ARE PECULIARLY WITHIN THE PROVINCE OF THE JURY AS CONTRASTED WITH QUESTIONS OF LAW WHICH MUST BE DECIDED BY THE JUDGE. REGARDING JURY APPRAISAL OF CHANGE IN SENTENCE SUCH RIGHT IS GUARANTEED WITH RESPECT TO CRIMINAL CASES BY ART III, SEC 2, CL 3 OF U.S. CONST., AND WITH RESPECT TO "SUITS" AT COMMON LAW. TRIAL OF MATTER OR CAUSE BEFORE JURY AS OPPOSED TO TRIAL BEFORE JUDGE.

A Fortiori in Granting Certiorari In This Case, is for this Court to Clarify the Age Old Case of Beacon Theatres, Inc v. Westover, 359 U.S. 500, 79 S.Ct 948, 3 LEd. 2d 988 (1959).

Also See Dairy Queen, Inc v Woods, 399 U.S. 469, 82 S.Ct. 894, 8 LEd 2d 44 (1962). Plaintiff's Right Depending on Facts And Policies Favoring Jury Trials < Fed. R. of Civil R. Rule 38 > The Procedural device by which the Parties Arrive At Court is Irrelevant; Legal Issues Are Tried by Jury Even if the Claims are Drought under the Historically equitable Joinder Provisions such as Class Actions, derivative Actions, And Intervention. Ross v Bernhard, 396 U.S. 531, 90 S.Ct 733, 24 LEd 2d 729 (1970). In Boyer, the UNITED STATES SUPREME COURT hold THAT ANY FACT (OTHER THAN A GUILTY CONVICTION) WHICH IS NECESSARY TO SUPPORT A SENTENCE EXCEEDING THE MAXIMUM AUTHORIZED BY THE FACTS ESTABLISHED BY A PLEA OR A JURY VERDICT MUST BE ADMITTED BY THE DEFENDANT OR PROVED BY A JURY BEYOND A REASONABLE DOUBT. Plaintiff New Facts Have Yet Been Admitted To His Jurors of Beers (His Linking Effects of Covid-19

... Intruding UPON THE PLAINTIFF CONSTITUTIONAL PROTECTIONS. UNENUMERATED RIGHTS AMENDMENT IX.

... Intruding UPON THE PLAINTIFF CONSTITUTIONAL PROTECTIONS. Right of Trial by Jury in Civil Cases AMENDMENT VII.

... Intruding UPON THE PLAINTIFF CONSTITUTIONAL PROTECTIONS. RIGHTS TO ASSEMBLE AND TO PETITION. AMENDMENT I.

Governing LAW AS Federal LAW (Generally Governs Whether An Issue is Legal or Equitable, NOT STATE LAW. *Simler v Connor*, 372 U.S. 221, 83 S.Ct. 609, 9 LEd 2d 691 (1963).

THE CONSTITUTION AND U.S. SUPREME COURT PRECEDENT PROVIDES FOR SUCH PROTECTION AND BECAUSE THE COURTS BELOW HAVE, IN THAT AMOUNTS TO, USURPED THIS COURT'S AUTHORITY, AND WILL, PERHAPS, CONTINUE TO DO SO, UNLESS THE COURT MAKE CLEAR THAT "Novelty", IN ORDER THAT THERE MAY BE "Novelty" SO AS TO SUSTAIN A PATENT, THE THING MUST NOT HAVE BEEN KNOWN TO ANY ONE BEFORE, MERELY NOVELTY OF FORM BEING ...

INSUFFICIENT, Seaver v. Wm. Filene
Sons CO., D.C. MASS., 37 F. SUPP. 762, 765.
(SPEAKING OF COVID-19, SARS, RTP STX RNA
MUTATIONS B.1.1.7, OMNICRON, DELTA,
AND ITS NOVELTY AFFECTING LAW AND
FACT TO DECLARE PUBLICLY AND SOLEMNLY
& UNOCCUPIED SOCIETY IN WHOLE (CONTINUED
AND FREE) NEED MERELY DESCRIPTION IN-
HERENT POWER OF COURT TO MAKE ITS
RECORDS SPEAK WITH UNITED STATES
SUPREME COURT PRESIDENT, IN OTHER
WORDS, A THING IS DONE NOW, WHICH
SHALL HAVE SAME LEGAL FORCE AND EFF-
ECT AS IF DONE AT TIME WHEN IT OUGHT
TO HAVE BEEN DONE. SAGE V HATLEY, 72
N.M. 377, 384 P.2d 252, 254.