

22-6322  
No. \_\_\_\_\_

FILED  
DEC 06 2022

OFFICE OF THE CLERK  
SUPREME COURT U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
Jaame Amun Re El — PETITIONER  
(Your Name)

vs.

\_\_\_\_\_  
Robert Hazlewood, FCI Berlin, Et Al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\_\_\_\_\_  
United States Court of Appeals For the First Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
Jaame Amun Re El  
(Your Name)

\_\_\_\_\_  
1131 Tolland TPKE Suite O #106  
(Address)

\_\_\_\_\_  
Manchester, Connecticut near 06042  
(City, State, Zip Code)

\_\_\_\_\_  
706.843.7487  
(Phone Number)

## QUESTION(S) PRESENTED

0. Is the constitution the law of the land?
1. According to the law, does "category distinction", evidence it improper for the Robert Hazlewood, or any assigned personel at FCI Berlin, to inspect Jaame El's "mail", (labeled "Special mail" on its face, from the court's attorney) outside of his presence, when he was an inmate in custody at FCI Berlin?
2. Does a Court have a "timely" obligation to answer a Petitioner's "claim" within a lawsuit, when a "SUMMONS" Respondent fails to answer in a "timely" manner?
3. Is Title 28 CFR 540.18(a) statutory regulation repealed?
4. Is The US Appeals Court For the First Circuit, and or the United States District Court For the District of New Hampshire possess Executive Branch Authority over the United States Post Office, in support of the "mail", under the constitution's First Amendment?
5. Can this Honorable court order the Respondent to bring forth all exhausted administrative mail procedures the Petitioner has completed with the Department of Justice, to show cause for "Settlement And Closure"?
6. Is Title 18 USC 1341 statutory law repealed?
7. According to FRCP Rule 4, can a court enter a "Default" against a respondent, or "dismissal" against a Plaintiff if either is "time barred"?

## LIST OF PARTIES

[x] 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

\* 455 U.S. 445 102 S.Ct. 1162 71 L.Ed.2d 325 Richard H. WHITE, Petitioner v. NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY et al. No. 80-5887. Argued Nov. 30, 1981. Decided March 2, 1982. Syllabus Petitioner filed an action in Federal District Court alleging that respondent New Hampshire Department of Employment Security failed to make timely determinations of certain entitlements to unemployment compensation, thereby violating a provision of the Social Security Act, the Due Process Clause, and 42 U.S.C. § 1983. Ultimately, the District Court approved the parties' consent decree and entered judgment accordingly.

\* The fact that legal mail is widely recognized to be privileged and confidential — even in the context of prisons — suggests that an incarcerated person's expectation of privacy in his legal mail is one "that society is prepared to consider reasonable." See *id.* (internal quotation marks omitted); see also *Davis v. Goord*, 320 F.3d 346, 351 (2d Cir. 2003) ("In balancing the competing interests implicated in restrictions on prison mail, courts have consistently afforded greater protection to legal mail than to non-legal mail ...."). And although the Supreme Court held in *Hudson v. Palmer*, 468 U.S. 517, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984), that "the Fourth Amendment proscription against unreasonable searches does not apply within the confines of the prison cell," *id.* at 526, "nothing in *Hudson* indicates the Supreme Court intended to abrogate a prisoner's expectation of privacy beyond his cell," *King v. Rubenstein*, 825 F.3d 206, 215 (4th Cir. 2016) (emphasis added) (internal quotation marks omitted).

Nevertheless, Defendants are entitled to qualified immunity with respect to Haze's Fourth Amendment claim. Neither we nor the Supreme Court has previously considered the question of whether incarcerated persons have a reasonable expectation of privacy in their legal mail. Nor is there a consensus of persuasive authority on the matter — indeed, neither party identifies a single case, in any Circuit, where interference with an incarcerated person's legal mail was held to be violative of the Fourth Amendment. Consequently, Defendants have met their burden to show that their actions did not violate clearly established law for purposes of Haze's Fourth Amendment claim.

## **TABLE OF CONTENTS**

OPINIONS BELOW .....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## **INDEX TO APPENDICES**

APPENDIX A     October 28th, 2022 JUDGMENT

APPENDIX B     November 22nd, 2022 MANDATE

APPENDIX C     Filed Motion And Notice For Appeal

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

The fact that legal mail is widely recognized to be privileged and confidential — even in the context of prisons — suggests that an incarcerated person's expectation of privacy in his legal mail is one "that society is prepared to consider reasonable." See *id.* (internal quotation marks omitted); see also *Davis v. Goord*, 320 F.3d 346, 351 (2d Cir. 2003) ("In balancing the competing interests implicated in restrictions on prison mail, courts have consistently afforded greater protection to legal mail than to non-legal mail ...."). And although the Supreme Court held in *Hudson v. Palmer*, 468 U.S. 517, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984), that "the Fourth Amendment proscription against unreasonable searches does not apply within the confines of the prison cell," *id.* at 526, "nothing in *Hudson* indicates the Supreme Court intended to abrogate a prisoner's expectation of privacy beyond his cell," *King v. Rubenstein*, 825 F.3d 206, 215 (4th Cir. 2016) (emphasis added) (internal quotation marks omitted).

### STATUTES AND RULES

18 USC §1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever ... shall be fined under this title or imprisoned not more than 20 years, or both... such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 763 ; May 24, 1949, ch. 139, §34, 63 Stat. 94 ; Pub. L. 91-375, §(6)(j)(11), Aug. 12, 1970, 84 Stat. 778 ; Pub. L. 101-73, title IX, §961(i), Aug. 9, 1989, 103 Stat. 500 ; Pub. L. 101-647, title XXV, §2504(h), Nov. 29, 1990, 104 Stat. 4861 ; Pub. L. 103-322, title XXV, §250006, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2087 , 2147; Pub. L. 107-204, title IX, §903(a), July 30, 2002, 116 Stat. 805 ; Pub. L. 110-179, §4, Jan. 7, 2008, 121 Stat. 2557 .)

Rule 4. Summons

(F) give the defendant a reasonable time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside any judicial district of the United States—to return the waiver; and

### OTHER

28 CFR § 540.18 Special mail.

(a) The Warden shall open incoming special mail only in the presence of the inmate for inspection for physical contraband and the qualification of any enclosures as special mail. The correspondence may not be read or copied if the sender is adequately identified on the envelope, and the front of the envelope is marked "Special Mail - Open only in the presence of the inmate".

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 <sup>Case File No.22-1585</sup>~~US Court of Appeal First Circuit~~ 10/28/2022; 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 A to the petition and is

☒ reported at 07/20/2022 "SEE NOTES" at 10/28/2022 JUDGMENT; 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 10/28/2022 & 11/22/2022.

☐ 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: 11/22/2022, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"There are two elements in mail fraud: (1) having devised or intending to devise a scheme to defraud (or to perform specified fraudulent acts), and (2) use of the mail for the purpose of executing, or attempting to execute, the scheme (or specified fraudulent acts)."  
Schmuck v. United States, 489 U.S. 705 (1989)

Ex parte Yarbrough-

"Given the importance of the post to our early Nation, it is not surprising that when the United States Constitution was ratified in 1789, Art. I, § 8, provided Congress the power 'To establish Post Offices and post Roads' and 'To make all Laws which shall be necessary and proper' for executing this task.

The Post Office played a vital yet largely unappreciated role in the development of our new Nation. Stagecoach trails which were improved by the Government to become post roads quickly became arteries of commerce. Mail contracts were of great assistance to the early development of new means of transportation such as canals, railroads, and eventually airlines. During this developing stage, the Post Office was to many citizens situated across the country the most visible symbol of national unity."

the Justices wrote:

"The power vested in Congress 'to establish post-offices and post-roads' has been practically construed, since the foundation of the government, to authorize not merely the designation of the routes over which the mail shall be carried, and the offices where letters and other documents shall be received to be distributed or forwarded, but the carriage of the mail, and all measures necessary to secure its safe and speedy transit, and the prompt delivery of its contents....  
The power possessed by Congress embraces the regulation of the entire Postal System of the country."

Ex parte Jackson, 96 U.S. 727, 732 (1878). See In re Rapier, 143 U.S. 110, 134 (1892)  
( "It is not necessary that congress should have the power to deal with crime or immorality within the states in order to maintain that it possesses the power to forbid the use of the mails in aid of the perpetration of crime or immorality." ); U.S. Postal Serv. v. Council of Greenburgh Civic Assn's, 453 U.S. 114 (1981) (sustaining the constitutionality of a law making it unlawful for persons to use, without payment of a fee (postage), a letterbox which has been designated an "authorized depository" of the mail by the Postal Service). back

2

Searight v. Stokes, 44 U.S. (3 How.) 151, 169 (1845). back

3

In re Debs, 158 U.S. 564, 599 (1895). back

4

Jackson, Andrew, Seventh Annual Message to Congress (Dec. 8, 1835), available at <https://www.presidency.ucsb.edu/documents/seventh-annual-message-2>. back

5

Cong. Globe, 24th Cong., 1st Sess., 3, 10, 298 (1835). back

6

Bowman v. Chicago & Nw. Ry., 125 U.S. 465 (1888); Leisy v. Hardin, 135 U.S. 100 (1890). back



## STATEMENT OF THE CASE

The nature of this action is a question of right versus wrong. The executive branch of government articulates the safety of the mail very clearly. In the month of June 2019, I (Jaame El, a Moor) filed a lawsuit, concerning "mail fraud" (as per 18 USC 1341 and 28 CFR 540.18), which was preceded by several administrative processes before this stage, at the USDC First Circuit, case file 1:19-cv-647 (Exhibit-2). The Defendant Robert Hazlewood was served a "SUMMONS" by me, and Defaulted, at FRCP Rule 4(F). He and others failed to respond, deny, or defend the claims I presented. \*Procedurally, the court held a blind eye to the governing law.

The court allowed the Defense to alter the direction of my initial claim, and also the head caption of my claim, to avoid liability. The appeals court adopted the former Court's opinion, irrespective of a "HARD LOOK".

Refusing to secure the safety of the mail security, is a clear indication, there are no laws protecting the mail.

More speculatively, this honorable court of justices are HEREBY asked to make a determination of the following;

1. Is it a constitutional violation for mail (ie "Special mail") security, as indicated on the face of the mail, issued from a court institution, to be opened by an unauthorized party at any time, pursuant to the "language" of the law?
2. Is it a nullity to break the law, without prosecution?
3. Does more than one completed administrative process outweigh statutory law, or no?

## **REASONS FOR GRANTING THE PETITION**

The reason this petition should be granted, because it will in turn protect the Trusted Constitution and the Peoples rights to uphold the constitution in good faith. One nation, under God (Most High), indivisible, with justice for all.

### CONCLUSION

Finding unencumbered security trust between the government, and the people, the const. being the enabler for my claim raised, I respectfully order the Justices to return me a beneficial settlement, in the light of justice, in good faith.

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
*By: El Jaame Amun Re Ex without recourse.*  
without prejudice  
By: El, Jaame Amun Re Ex without recourse.

Date: 12/06/2022

*[Handwritten mark]*