

22-6669
No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JAN 11 2023

OFFICE OF THE CLERK

KENNETH NEWKIRK — PETITIONER
(Your Name)

HAROLD W. CLARKE ^{VS.} DIRECTOR OF THE
DEPT. OF — RESPONDENT(S)
CORRECTIONS

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS OF VA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KENNETH NEWKIRK
(Your Name)

RED ONION STATE PRISON
(Address)

10800 H. JACK ROSE HIGHWAY
(City, State, Zip Code) POUND, VA. 24230

(Phone Number)

5. CERTIFIED MAIL ARTICLE NUMBER ~~#7014 2870 0001~~

#7014 2870 0001 9720 4479 IS THE CERTIFIED MAIL

I SENT TO THE HAMPTON, VA. POLICE DEPT. TO INVESTIGATE THE
MY CRIMINAL ALLEGATIONS AGAINST THE GOVERNMENT OFFICIALS WHOM
UNLAWFULLY ~~CAUGHT~~ ME. NO INVESTIGATION OCCURRED. 6/27/18
CONVICTING

QUESTION(S) PRESENTED

1. ISN'T IT UNCONSTITUTIONAL THAT JUST BECAUSE ^{PRISONERS} ~~THE~~
ARE IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS
THAT ^{WE} ~~WE~~ CANNOT APPEAR BEFORE THE MAGISTRATE TO BE EXAMINED
UNDER OATH AS REQUIRED UNDER VA-CODE 19.2-72?

2. ISN'T IT UNCONSTITUTIONAL TO THE EXTENT THAT ^{WE} ~~WE~~ SEEK
A WARRANT ON A FELONY CHARGE, "NO MAGISTRATE BY A
PERSON OTHER THAN A LAW-ENFORCEMENT OFFICER OR AN ANIMAL
CONTROL OFFICER WITHOUT PRIOR AUTHORIZATION BY THE ATTORNEY
FOR THE COMMONWEALTH OR BY A LAW ENFORCEMENT ~~IN~~ CAN
INITIATE A FELONY CHARGE"? AS PER VA-CODE 19.2-71?

3. WHAT HAPPENS TO ^{OUR} ~~OUR~~ SAFETY ~~WHEN~~ IF A LAW ENFORCEMENT
AGENCY, ANIMAL CONTROL OFFICER, ... ETC DECIDE NOT TO
INVESTIGATE ^{OUR} ~~OUR~~ CRIMINAL ALLEGATIONS AGAINST PRISON PERSONNEL?

4. ISN'T ^{my} ~~my~~ SAFETY IN JEOPARDY ~~WHEN~~ ^{ANY GOVERNMENT PERSONNEL?}

3-27-18 THE WISE, VA. COMMONWEALTH REFUSED TO
INVESTIGATE MY CRIMINAL COMPLAINTS AGAINST THE STAFF
OF RED OAK STATE PRISON AND WALLENS RIDGE STATE PRISON?

LOOK AT ~~ARTICLE~~ CERTIFIED MAIL ARTICLE #7016 0600 0001 0172
~~8939~~ VIOLATION OF THE 8th AMENDMENT. 8739

5. ISN'T MY SAFETY AT RISK WHEN ~~I SENT~~ THE
HAMPTON, VA. POLICE DEPT. REFUSED TO INVESTIGATE MY
CRIMINAL ALLEGATIONS AGAINST THE ATTORNEY OF VA,
JUDGE, ... AND EVERYONE ASSOCIATED WITH MY CRIMINAL
CASE? LOOK AT ~~CERTIFIED MAIL ARTICLE #7016 0600 0001 0172 8939~~

6. ISN'T THE P.L.R.A. UNCONSTITUTIONAL BECAUSE IT DOES NOT COMPLY
WITH THE U.S. CONSTITUTION?

7. ISN'T IT TRUE THE P.L.R.A. WAS DESIGNED TO MAKE IT ALMOST
IMPOSSIBLE FOR BLACK PRISONERS TO SUE GOVERNMENT OFFICIALS?

Urem →

6. ISN'T IT UNCONSTITUTIONAL WHEN

#2

INTERIOR COURTS RULE ON PETITIONS, MOTIONS AND APPEALS BEFORE THE DEFENDANTS AS PER THE P.L.R.A. RESPOND?

7. ISN'T IT ^{THE} A JUDGE JOB TO HEAR BOTH SIDES OF A CASE FROM THE PLAINTIFF AND THE DEFENDANT BEFORE MAKING ~~TO~~ A DECISION?

8. ISN'T THE P.L.R.A. POLICY OF ALLOWING ~~TO~~ A JUDGE TO ~~DIS~~ SCREEN AND DISMISS A PETITION, APPEAL, CLAIM BEFORE THE DEFENDANTS RESPOND IN STATE/FEDERAL COURTS UNCONSTITUTIONAL?

~~9. ISN'T IT~~

9. ISN'T ~~TO~~ THE P.L.R.A. UNCONSTITUTIONAL AND DANGEROUS TO PRISONERS BY MAKING US EXHAUST GRIEVANCES IN THE PRISON SYSTEM BECAUSE FILING COMPLAINTS AND GRIEVANCES AGAINST STAFF PUTS ~~AT~~ US AT RISK OF RETALIATION ^{FROM} ~~OF~~ STAFF WHICH COULD AMOUNT TO DENIAL OF FOOD, SEGREGATION, FALSE INSTITUTIONAL CHARGES, GET BIT BY DOGS, GET BEAT UP ~~AND~~ KILLED AND KILLED BY STAFF?

10. ISN'T IT TRUE THAT THE P.L.R.A. POLICY OF MAKING ~~PRISONERS~~ ^{PRISONERS} ~~FILE~~ ^{FILE} INFORMAL ~~AND~~ COMPLAINTS AND GRIEVANCES AGAINST STAFF DO NOT PROTECT PRISONERS FROM FROM STAFF RETALIATION?

11. ISN'T IT TRUE THERE IS NO BUZZIDE LAW ENFORCEMENT TO PROTECT PRISONERS FROM STAFF IN PRISONS?

12. WOULDN'T IT BE MORE SAFE ~~FOR~~ ~~AND~~ ~~FOR~~ A ~~AND~~ ~~EASIER~~ ~~TO~~ ~~GIVE~~ WOULD GIVE PRISONERS MORE EQUALITY UNDER THE LAW AS PER THE 14TH AMENDMENT AND THE 1ST AMENDMENT IF THE P.L.R.A. WAS ABOLISHED AND PRISONERS WERE ALLOWED TO BRING OUR GRIEVANCES TO COURT LIKE CITIZENS IN FREE SOCIETY WITHOUT HAVING TO EXHAUST REMEDIES IN PRISON FIRST?

QUESTIONS

GRIEVANCE# ROSP-22-INF-03428

3.

SINCE 12/13/22

~~CASE#~~ GRIEVANCE# ROSP-22-INF-03429

13. I'M CURRENTLY IN SEGREGATION UNDER INVESTIGATION FOR A REASON OF WHICH HAVE NOT BEEN TOLD TO ME.

~~ALL~~ ALL I KNOW IS ON 12/13/22 I SUBMITTED A INFORMAL COMPLAINT IN A GRIEVANCE BOX BECAUSE A PRISONER NAMED A. BLUNT TOLD ME MY JAIL# ENDED UP ON HIS EMAIL 10/19/22, ~~THIS~~ THIS IS A SECURITY BREACH. I DID ~~EMAIL~~ NOT EMAIL PRISONER A. BLUNT ON 10/19/22. I DIDN'T EVEN KNOW HIM. AFTER I

SUBMITTED THE INFORMAL COMPLAINT I WAS LATER HANDCUFFED AND ~~SENT~~ SENT TO SEGREGATION UNDER INVESTIGATION. SEGREGATION WAS SUPPOSE TO BE ABOLISHED. I ALSO FEAR FOR MY SAFETY IN SEGREGATION.

IF A STAFF MEMBER DON'T LIKE A PRISONER OR IF WE'RE ALLEGED ~~TO~~ ~~TO~~ HAVE COMMITTED A INFRACTION WE'RE SUBJECTED TO BEING PUT ON STRIP CELL. STRIP CELL IS WHEN A PRISONER ~~IS~~ WHOM IS IN A COLD CELL IS STRIPPED OF ALL OUR CLOTHES EXCEPT OUR BOXERS, ~~AND~~ HANDS SHACKLED FROM THE BACK, ANKLES SHACKLED, LOSS OF LINEN,

MATTRESS, PROPERTY AND FORCED TO STAY ~~IN~~ SHACKLED FROM ANYWHERE FROM 24 HOURS TO WHENEVER THE STAFF FEEL LIKE TAKING OFF THE SHACKLES

AND RETURNING OUR PROPERTY. IS THE EXHAUSTION OF REMEDIES THROUGH THE PRISON SYSTEM AS PER THE P.L.R.A. WORTH ME AND ALL PRISONERS HAVING TO EXPERIENCE RETALIATION LIKE SEGREGATION AND BEING FORCED TO UNDERGO STRIP CELL FOR BEING UNDER INVESTIGATION ~~OR~~ TO ALLEGED HAVE TO COMMITTED A INSTITUTIONAL INFRACTION?

~~SUBMITTER CASE: CITIZENS SCHEDULED FOR CASE~~

~~1248484~~
Kenneth H. Newkirk

#1248484

VADOC CENTRALIZED MAIL DISTRIBUTION CENTER

3521 Woods Way

State Farm, VA 23160

LIST OF PARTIES

~~None~~ All parties appear in the caption of the case on the cover page.

[X] 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:

1. FOURTH CIRCUIT COURT OF APPEALS OF VA
2. WESTERN DISTRICT COURT OF VA 3:18-cv-00585
3. EX-PRESIDENT BILL CLINTON

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THE FOURTH CIRCUIT COURT OF APPEALS DENIED MY PETITION FOR A REHEARING

APPENDIX B Oct 24, 2022 NO. 19-6656 (3:18-CV-00585) THE FOURTH
CIRCUIT COURT DISMISSED THE PROCEEDING FOR FAILURE TO PROSECUTE.

APPENDIX C ~~ON Dec 23, 2019 THE FOURTH CIRCUIT COURT OF
APPEALS GAVE THE APPELLE CORRECTION FOR THE COMMONWEALTH Michelle
S. KATHAN~~

APPENDIX C ON 9/27/22 I FILED A PETITION FOR A REHEARING
BECAUSE JUDGE WYNN, JUDGE DIAZ AND SENIOR JUDGE Shedd BECAUSE THEY USED THE
P.L.R.A TO DENY THE CASE AND BECAUSE THEY DISMISSED THE CASE BEFORE THE APPELLE TOBY
FOURTH CIRCUIT COURT OF APPEALS DENIED MY MOTIONS FOR RELEASE
PENDING APPEAL, RECONSIDERATION OF ORDER DENYING P.L.R.A. MOTIONS FOR RELEASE
J. HEYTENS SOLICITOR GENERAL RESPONDED.

APPENDIX D ~~ON 9/16/22 THE~~
BECAUSE I COULD NOT AFFORD TO PAY THE FILING FEE FOR THE CASE
BECAUSE ACCORDING TO THE JUDGES I DID NOT PROVE I WAS UNDER
IMMINENT DANGER AS PER THE P.L.R.A.,

APPENDIX E ON 4/7/20 THE FOURTH CIRCUIT COURT OF APPEALS DENIED
THE MY MOTION FOR EMERGENCY TRANSFER AND RESTRAINING ORDER BECAUSE
NO JUDGE ACCORDING TO THE JUDGES I DID NOT PROVE I WAS UNDER IMMINENT
DANGER OF SERIOUS PHYSICAL INJURY, I HAD 3-~~STRIKE~~ STRIKES AND COULD NOT
PAY THE FILING FEE AS PER THE P.L.R.A.,

over →

APPENDIX F: ON 11/20/20 ~~WAS~~ I FILED A MOTION TO GRANT EMERGENCY TRANSFER ORDER AND BEST RESTRAINING ORDER. BASED ON THE FACT THE OFFICE OF THE ATTORNEY GENERAL DID NOT RESPOND TO ^{THEIR} 7 DAY EXTENSION ORDER, THE COURT GAVE TO THEM TO RESPOND TO MY ~~EMER~~ MOTION FOR EMERGENCY TRANSFER AND RESTRAINING ORDER.

APPENDIX G: ON 11/2/2020 THE FOURTH CIRCUIT COURT OF APPEALS STATED THEY WOULD GRANT THE OFFICE OF THE ATTORNEY GENERAL UNTIL JAN. 9, 2020 TO RESPOND TO MY MOTION FOR EMERGENCY TRANSFER ORDER AND RESTRAINING ORDER. ^{TI}

APPENDIX H #1 - #4 ^{ON 12/13/19} SOLICITOR GENERAL TOBY J. HEYTENS OF THE OFFICE OF THE ATTORNEY GENERAL OF VA STATED ON ~~12/31/19~~ ^{12/23/19} THE COURT DOCKETED MY MOTION DEC. 9, 2019. ON DEC. 23, 2019 THEY WAS ORDERED TO FILE A RESPONSE ON/OR BEFORE JAN. 2, 2020. BUT BECAUSE THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT DENIED THE ALLEGED LAWSUIT WHICH WAS A CRIMINAL COMPLAINT BEFORE THE APPELLEE WAS SERVED NO ATTORNEY HAD PREVIOUSLY ENTERED AN APPEARANCE FOR APPELLES IN EITHER THE DISTRICT COURT OR ~~THE~~ THIS COURT. THE APPELLER STATED THEY DIDNT LEARN OF THIS CASE UNTIL DECEMBER 31, 2019. SINCE THE VA DEPT. OF CORRECTIONS WAS CLOSED, JULY 2, THEY ~~REQUESTED~~ A REQUESTED A 7-DAY EXTENSION UNTIL JAN. 9, 2020

APPENDIX I: AS PER THE P.L.R.A. THE ~~COURT~~ WESTERN DISTRICT COURT AND THE FOURTH CIRCUIT COURT OF APPEALS CAN DENY A CASE BEFORE THE ATTORNEY FOR HAROLD W. CLARKE, DIRECTOR OF DEPT. OF CORRECTIONS EVALUATE THE CASE.

APPENDIX J: ON DEC. 23, 2018 THE FOURTH CIRCUIT COURT OF APPEALS OF VA DENIED BY MOTION ~~OBJECTING TO THE P.L.R.A~~ ~~FOR~~ FOR RECONSIDERATION DUE TO THE P.L.R.A. BECAUSE ~~THE~~ SINCE I COULD NOT PROVE I WAS ^{UNDER} IMMEDIATE DANGER I HAD TO PAY THE FILING FEE WITHOUT INFERNA PAUPRIS EVEN THOUGH WHAT I FILED WAS NOT A LAWSUIT IT WAS A CRIMINAL COMPLAINT.

APPENDIX K: ON NOV. ~~20~~ 5, 2018 I OBJECTED TO THE P.L.R.A AND TOLD THE COURT I WAS FILING CRIMINAL CHARGES AND NOT A LAWSUIT.

APPENDIX L: ON/AROUND SEPT. OCT. 2018 WESTERN DISTRICT COURT OF VA ^{DENIED MY CASE.}

APPENDIX M: 3/27/18, 6/18/18 HAMPTON, VA POLICE/WISE, VA COMM DID NOT INVESTIGATE MY CRIM. CLAIMS.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

1ST AMENDMENT

8th Amendment

VIOLATION OF THE 14th AMENDMENT: QUESTIONS PRESENTED
CONSTITUTIONAL
AND STATUTORY PROVISIONS INVOLVED

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 Federal Reporter; 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 L to the petition and is

☒ reported at "F" Supp; 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 ~~Oct. 21, 2022~~ Oct. 24, 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: Oct. 24, 2022, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

1. THE P.L.R.A. DENIED my 14th ~~Amendment~~ Amendment RIGHT TO PROCEED WITH MY CASE THUS PUTTING LIFE, SAFETY AT RISK IN THE DEPT. OF CORRECTIONS.
2. THE P.L.R.A. DENIES PRISONERS EQUAL PROTECTION UNDER THE LAW TO PRESENT GRIEVANCES TO THE COURT IF WE ARE ~~INDIA~~ INDIGENT. ~~THE~~ QUESTIONS CONTAIN THESE ~~ITS~~ page: QUESTIONS PRESENTED 14th AMENDMENT VIOLATIONS
3. THE P.L.R.A. DENIES ^{OUR} ~~THEY~~ PROTECTION UNDER THE 8th Amendment IF ^{WE} ~~WE~~ ^{HAVE} ~~HAVE~~ 3 STRIKES. page: QUESTIONS PRESENTED
4. THE P.L.R.A. DO NOT COMPLY WITH THE U.S. CONSTITUTION page: QUESTIONS PRESENTED
5. UNDER NO CIRCUMSTANCES ^{WE} ~~WE~~ SHOULD ~~NOT~~ NOT BE DENIED THE RIGHT TO ~~GRUEVE~~ PETITION THE COURT WITH ^{OUR} ~~MY~~ GRIEVANCES DUE TO ^{OUR} ~~MY~~ ~~AS~~ INABILITY TO PAY THE FILING FEE AND THE POLICIES OF THE P.L.R.A. page: QUESTIONS PRESENTED
6. ~~THE~~ PRISONERS SHOULD NOT BE DENIED THE RIGHT TO BRING CRIMINAL CHARGES AGAINST PRISON OFFICIALS WHETHER MISDEMEANOR/FELONY IF A LAW ENFORCEMENT AGENCY OR ANIMAL CONTROL OFFICER INVESTIGATE OUR CRIMINAL COMPLAINT BEFORE WE APPEAR ~~IN~~ IN FRONT OF A MAGISTRATE.

STATEMENT OF THE CASE

1. THE P.L.R.A. IS UNCONSTITUTIONAL AND PUT TOO MANY HURDLES AND OBSTACLES IN THE WAY OF ~~PROSE~~ PRISONERS (ESPECIALLY BLACK PRISONERS) ~~PRE~~ TO GRIEVE ~~THAT~~ BRING ~~THE~~ OUR GRIEVANCES TO COURT.
2. ~~THE~~ PRISONERS SHOULD HAVE ~~THE~~ ^{THE RIGHT} ~~THE RIGHT~~ TO APPEAR IN FRONT A MAGISTRATE ~~WITHOUT~~ TO BRING CRIMINAL CHARGES AGAINST GOVERNMENT OFFICIALS WHETHER MISDEAMENOR OR FELONY WITHOUT A LAW ENFORCEMENT AGENCY OR AN ANIMAL CONTROL OFFICER INVESTIGATING IT FIRST.
3. ~~WHAT HAPPENS IF~~ A LAW ENFORCEMENT OFFICER OR ANIMAL CONTROL OFFICER DECIDES NOT TO INVESTIGATE OUR CRIMINAL COMPLAINT ALLEGATIONS OUR LIVES, SAFETY AND HEALTH ARE AT RISK OF CONTINUOUS 8TH AMENDMENT VIOLATIONS FROM GOVERNMENT OFFICIALS.

5. ~~HOW~~ THE P.L.R.A. SHOULD NOT BE ABLE TO HAVE 3 STRIKES YOU'RE OUT WHEN IT COMES TO PRISONERS FILING PETITIONS, MOTIONS, APPEALS IN STATE/~~FED~~ FED COURT. THE P.L.R.A. DO NOT TAKE INTO ACCOUNT SOME PRISONERS CAN'T READ, WE HAVE VERY LIMITED ACCESS TO LAW BOOKS, COMPUTERS, CASES, PRISONERS AND UNTRAINED STAFF WORK IN THE LAW LIBRARY, WHEN WE'RE SENT TO OTHER CELLS WE CAN'T PACK OUR OWN PROPERTY SO PAPERWORK GET LOST, WHEN WE'RE ON LOCKDOWN WE CAN'T ACCESS THE LAW LIBRARY.

REASONS FOR GRANTING THE PETITION

1. THE COURT SHOULD REALLY EXPLORE THE ORIGIN OF THE P.L.R.A. ~~WHEN~~ SLAVES WERE GIVEN THE RIGHTS UNDER 42 U.S.C. 1983 TO SUE THEIR MASTERS, PLANTATION OWNERS, STATE/FEDERAL ~~GOVERNMENT~~ GOVERNMENT OFFICIALS, WITHOUT ANY PROOF OF ANY CASES BEING FRIVOLOUS, MALICIOUS AND FAILURE TO STATE A CLAIM SOUTHERN PLANTATION OWNERS, ~~GOVERN~~ RACIST CONGRESSMAN PERSUADED BILL CLINTON TO CREATE THE P.L.R.A. THE P.L.R.A. WAS DESIGNED TO STOP SLAVES, BLACKS ~~FROM~~ THE RIGHT TO SUE RACIST WHITE PLANTATION OWNERS, LOCAL/STATE/FEDERAL RACIST GOVERNMENT OFFICIALS.
2. THE COURT SHOULD ABOLISH THE P.L.R.A. SO THAT ALL PRISONERS CAN HAVE EQUAL RIGHTS UNDER THE LAW AS PER THE BILL OF RIGHTS TO HAVE NO LIMITS ON SUEING GOVERNMENT OFFICIALS.
3. IF THE COURT ABOLISH THE P.L.R.A. ALL PRISONERS SHOULD RETROACTIVELY FROM 1995 TO ~~AND~~ NOW RECEIVE ALL THE BELIEF REQUESTED IN OUR PETITIONS, MOTIONS, APPEALS, WRITS, WRITINGS, ... ETC ~~AND~~ THAT WERE DENIED DUE TO THE P.L.R.A.
4. PRISONERS SHOULD BE ABLE TO APPEAR IN A FRONT OF A MAGISTRATE TO FILE CRIMINAL CHARGES AGAINST GOVERNMENT OFFICIALS ON OUR OWN WITHOUT A LAW ENFORCEMENT AGENCY... ALL INVESTIGATING FIRST

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth Newmark

Date: JANUARY 5, 2023