

No. 22-6532 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
DEC 31 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Ex parte:
Alfred Erik Caraffa — PETITIONER
AOC#350727 (Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

No court has heard the case on the
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

Merits

PETITION FOR WRIT OF CERTIORARI

Alfred Erik Caraffa
AOC#350727

(Your Name)

P.O. Box 24403

(Address)

Tucson Arizona 85734

(City, State, Zip Code)

In custody unlawfully

(Phone Number)

QUESTION(S) PRESENTED

1) Are Federal District Court Judges Immune from Section 1983 and Bivens Suits for Unconstitutional Act(s) done in the Jurisdiction of their courtroom?

2) Are Federal Judges "absolute Immunity," attached even if the Judge is accused of Acting "maliciously and Corruptly"?

3) Are Federal Judges "Absolute Immunity," attached even if the Judge "makes grave errors of Law or procedure"? quoted in Caraffa v. U.S.A. slip copy 2020 WL 4260507

4) Is 28 U.S.C. 8455 A valid and Constitutional Law? as quoted in 2020 WL 4260507 Caraffa v. U.S.A.

5) What makes A civil action for Conditions of Confinement during An Unconstitutional and unlawful custody By the State of Arizona "NOT Ordinary" (as quoted in slip copy 2020 WL 4260507)

8 of 4 of 27 total / plus 2

Questions Presented

6) What Are the correct Act(s) that Define An Actions as "intemperate" and "scandalous"? (As quoted in 2020 WL 4260507)

7) What is the "Jurisdiction" of A civil action in the State of Arizona?

8) IF the is "NO Jurisdiction" in A claim in a civil action can the assigned Judge decline to recess himself/herself and proceed to dismissing that civil action?

9) Can A Federal Judge give himself/herself Absolute Immunity to 1983 and Bivens suits then dismiss the civil action(s)?

10) Are unconstitutionally held in "Custody person(s)" "Prisoners" or "Capetives" when it comes to 28 U.S.C. § 1915 (g)

11) Can An Unconstitutionally held "Captive" be denied constitutional Rights and Privileges given to other "Non-Captive" constitutionally in custody/person(s)?

12) A Claim for An Unconstitutional Arrest is An frivolous, malicious or fails to state a claim"?

13) Once A writ of habeas corpus is filed and NOT heard by the court on its Merits, Are the other civil action(s) during the same unconstitutional time in state custody habeas case(s) Also?

14) Can section 1915(g) of 28 U.S.C. Be used to Band a person with An unlawful conviction from seek his/her First Amendment Rights to the Petition clause?

8(5) of 4 of 27 total #2

Questions Presented

(15) Does "Imminent danger" under 28 U.S.C. section 1915(g) Apply to writs of habeas Corpus and Civil action(s) in that Unconstitutional custody by the State or Federal government?

(16) Do unconstitutional convictions have a time-limitation to be a Constitutional Action?

(17) Do Constitutional Rights, Privileges and Immunities Expire?

(18) Can Correctional officers in official capacity Refuse to sign grievance's under the Petition clause Because the grievance is against the Action(s) of fellow Correctional officers?

(19) How many times Does An habeas Petitioner have to Run the Gauntlet?

8(c) of 4 of 27 total + 2

LIST OF PARTIES

[] 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:

- 2) the State of Arizona
- 3) the County of Maricopa
- 4) Maricopa County Sheriff's office
- 5) Honorable Judge Frank Moskowitz
- 6) Honorable Judge Michael T. Libardi
- 7) Arizona Dept. of Corrections

RELATED CASES

- 1) Alfred Erik Caraffa AOC# 350727 V. Arizona State of (2:20-cv-00598 - PHX-MTL (ESW) (2020)
- 2) Alfred Erik Caraffa AOC# 350727 V. Arizona, State of (20-16246) (9th Cir-) 2020
- 3) Alfred Erik Caraffa AOC# 350727 V. Arizona Dept. of Corrections et. al., (2:22-cv-00813- PHX- MTL (ESW) (Active AS of (9/13/2022)
- (3A) Kemp V. United States (cited no. unknown)

Related Cases

- (4) State of Arizona v. Alfred Erik Caraffa Case No. CR 2019-255722-001 (~~Oct~~ Sept 25th 2021)
- (5) Browder v. Director 434 U.S. 257 271 (1978)
- (6) Walker v. Johnson (1941) 312 U.S. 275, 85 L. Ed 830, 61 S. Ct 574.
- (7) Johnson v. Wilson 131, F2d 1, 1942 US App. Lexis 2692 (5th Cir. 1942)
- (8) Harris v. Nelson 394 U.S. 286, 89 S. Ct. 1082, 22 L. Ed. 2d 287 (1969) US Lexis 2261
- (9) Jeter v. Keohane 789 F2d 257, 1984 US App Lexis 2026 (7th Cir. 1984)
- (10) McCrea v. Jackson 148 F2d 193, 1945 US App Lexis 2423 (6th Cir. 1945)

List of Parties

- 8) Ex-Attorney General of the State of Arizona Mark Bonivich
 - 9) President Joe Biden in official capacity only.
 - 10) Honorable Judge Ron ee Korbin-Skiener
 - 11) Attorney (Public Defender) Jon M. Martinez of the Legal Law Group In Phoenix Arizona
 - 12) County Deputy Prosecutor Elizabeth M. Calce
 - 13) Warden of Arizona State Prison Complex - TUCSON
 - 14) David Shinn Director of Arizona State Prisons
 - 15) Jon M. Martinez Legal Law Group Phoenix Arizona
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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- A) Caraffa V. United States
No. 2:20-cv-01435-PHX-MTL (ESW)
2020 slipcopy 2020 WL 4260507
- B) Ronwin V. State Bar of Arizona,
686 F.2d 692, 701 (9th cir.) 1983
- C) Hoover V. Ronwin 466 U.S. 558 (1984)
- D) Steel Co. V. Citizens for a Better Env't,
523 U.S. 83, 89 (1998)

STATUTES AND RULES

- A) 28 USC section 455 (a) and (b)(5)(i)
- B) 28 USC section 1915 (g)
- C) Rules governing section 2254
cases. Rule 4, Rule 5, Rule 8,
Rule 11, ~~Rule 22~~,
Federal Rules of Appellant Procedure
Rule 22, 23, 24

OTHER

28 USCS section 1691-
Seal and Teste of process

Table of Authorities Cited

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Cases continued;

(E) Bradley v. Fisher 80 U.S.
335, 351 (1871)

(F) Pierson v. Ray 386 U.S.
547, 554 (1967)

(G) Schucker v. Rockwood
846 F.2d 1202, 1204 (9th Cir.)
(1988)

(H) Ex parte Aryers (1887)

(I) Ex parte Young (1909)

(J) McFarland v. Scott 512 U.S.
849, 859 (1994)

(K) Collins v. Byrd 510 U.S. 1185,
1195 (1994)

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 22-16409

☒ reported at 2:20-cv-01435-PHX-MTL; 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 ~~B~~ to the petition and is

☒ reported at 2020 WL 4260507 ^{slip copy not filed}; 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 N/A to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

Jurisdiction

IXI for case(s) From the Federal Court(s)

The date on which the United States Court of APPEALS decided my case was Dec. 9th 2022.

No petition For A rehearing was Filed in my case.

The Jurisdiction of this Court is Involved under 28 USCS section 1254(I) and Article III - "original Jurisdiction" of the U.S. Supreme Court "IF A State shall be Party"

The State of Arizona lacks Jurisdiction of this case under U.S. Supreme Court Rule 20(4)(b) habeas corpus Action 2:20-cv-00598-PIX-MTL-ESW

Jurisdiction

was First Filed in the US District Court in Phoenix Arizona

Became 20-16295 and then 20-8007.

Criminal case CR2019-155732-001.

The second Running of the GauNlet is this civil habeas corpus case.

And the third running of the GauNlet is 2:22-CV-01823-PTX-MTL-ESW).

See exhibit of Evidence 20F35Plus62 for case 20-8007.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- A) Fourth Amendment of the United States Constitution - ~~Due process~~
- B) First Amendment of the United States Constitution - Petition clause
- C) 28 USC section 455
- D) 28 USC section 1915(g)
- E) A.R.S. Const. Art. 22 section 10 of the Arizona Constitution - Seal of the Superior Court
- F) A.R.S.A. Title 12 section 126 - Seal of the Superior Court
- G) Arizona Rules of Criminal procedure Rule 1.7 Filing of Court Documents
- H) Sixth Amendment of the U.S. Constitution.
- I) Fifth Amendment United States Constitution. Due process of Law

~~(25)~~

Constitutional Provisions Involved

(J) Seventh Amendment U.S. Constitution

(K) Rules Governing section 2254 cases (Proceedings)

Rule 3 - Filing the Motion in state filing

Rule 4 - Preliminary Review

Rule 5 - The Answer and Reply

Rule 8 - Evidentiary hearing

(L) USCS Fed Rules App. Proc. R 22

USCS Fed Rules App. Proc. R 23

USCS Fed Rules App. Proc. R 24

USCS Fed Rules App. Proc. R 25

USCS Fed Rules App. Proc. R 37 -

Interest on Judgment

USCS Fed Rules App. Proc. R 44

(M) FRAP 22 Habeas Corpus Proceedings in Forma Pauperis (1) (2) (3)

FRAP 23 - Habeas Corpus (circuit Rule)

FRAP 24 - In Forma Pauperis (circuit Rule)

STATEMENT OF THE CASE

On July 26th 2020, This Petitioner Alfred Erik Caraffa (then T602433) (now ADC #350727) who was confined at Maricopa County Jail In Phoenix Arizona Filed An section 1983 civil action to challenge the Constitutionally Confinement at that County Jail.

In criminal action CR2019-155732001, this Petitioner was unlawfully Arraigned when the Indictment transcript was not "A True and Correct" court document per the court Reporter Michelle Hayes until Dec. 27th 2019. (During the Christmas Break vacation period)

This Petitioner was summoned to Answer the Indictment in criminal Charge State of Arizona v. Alfred Erik CARAFFA CR2019-155732-001 To Appear at Arraignment on December 24th 2019 at 8:30 AM (Christmas Eve)

(~~2~~) of 1 of (5) of 27 total

The Indictment transcript was not filed with the Superior Court of Maricopa County, IN Phoenix AZ until Jan. 3rd 2020

per Arizona Rules to criminal procedure Rule 1.7 Filing of Court document(s)

A court document is Not considered Received by the court until it is Stamped "Received" by the clerk of the Court.

Since E. Cruz Stamped my Indictment transcript document on ~~1~~ Jan 3rd 2020 and the Arraignment was on Dec. 24th 2019. NO Indictment was filed when this Petitioner Attended Arraignment

On July 26th 2020, This Issue was Brought Before the United States District Court in and For the District of Arizona

An order was signed three days later by Honorable Judge Michael T. Libardi to Dismissal without prejudice and In forma Pauperis was denied by the Federal District Court of

the District of Arizona.

This Petitioner was given "Three Strikes" under 28 U.S.C. § 1915(g) and Barred from the federal court(s)

The Constitutional Issue of Arraignment was Brought to the federal court at 187 days of AN unlawful Arraignment which has NOT BEEN heard on the Merits and is now at 1,002 days with NO Constitutional Arraignment.

During habeas case 2:22-CV-00873-PHX-MTL-(ESW) which notice of Assignment was May 12th 2022.

The failure to hear this civil action is causing undue cost to the State of Arizona and undue punishment to this Petitioner.

The Superior Court of Maricopa County has Refused to supply A Copy of the criminal case file. A violation of the Sixth Amendment of the U.S. Constitution.

23 of 3 of 5 of 27 total

The District Court of Arizona in Phoenix has Denied Indigent copies of Court orders and Docket sheets in this civil action.

Also the Arizona Court of Appeals lacks Jurisdiction in my case

Due to the violations of Constitutional Law in A habeas case in the Superior Court of Maricopa County.

This action was Appealed to the ninth Circuit court of Appeals under conditions of Confinement in the unheard writ of habeas corpus case.

This Petitioner has "Run the Gauntlet" twice in this civil action. Three times if Included with civil habeas case 2:22-cv-00813-PHX-MTL-
(ESW)

As to Relief I seek by Error of the federal courts 200⁰⁰ Dollars per day for the Unconstitutional time spent in custody with NO Lawful Arraignment Punitive Damages of 10,000 to 1 Ratio, and Interest on this Judgment Against The County of Maricopa and the Arizona

~~2~~ of 4 of 5 of 27 total

Department of Corrections - County of
Maricopa for 665 days with NO
Lawful Arraignment and the Arizona
Dept. of Corrections for the Rest.
Release from Custody of the State
of Arizona, fees and costs

September 13th 2022
Alfred Erik Carella
ADC # 350727

County of Maricopa for 665 days
and the Arizona Department of
Corrections from that day on until
I am released from Custody of the
State of Arizona.

Because of Constitutional ERROR of
the federal and state of Arizona Courts
this PETITIONER has spent more time in
Custody then should have been Allowed
by "clear and Convincing" Arizona
Constitutional Laws. ~

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REASONS FOR GRANTING THE PETITION

A) By error of the District Court of Arizona A miscarriage of the Administration of Justice Is causing the denial of U.S. Constitutional Rights to A citizen of this United States

B) the issue was raised over (2) two years ago and still not heard on the Merits in this civil action.

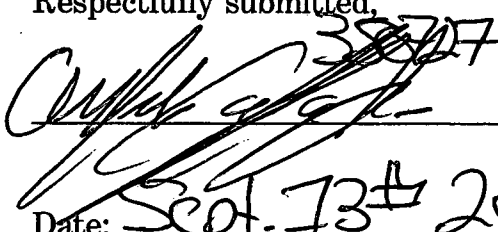
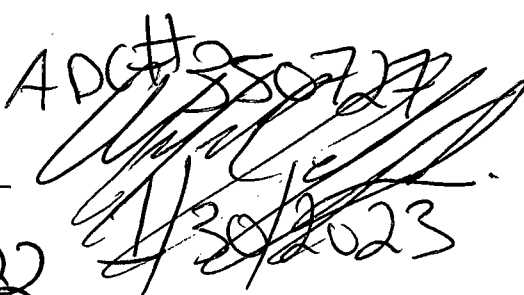
C) causing "Irreparable harm" to the Budget of the Arizona Dept. of Corrections

D) Because Constitutional Rights Are "True and Correct" And An American way that divides us from the Countries who deny their citizens freedom(s) (Like China and Russia)
~~3~~ of 27 Plus 2 pages

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 
ADG# 350727
Date: Sept. 13th 2022 1/30/2023

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Certificate of Compliance

Case No. 22-6532

Ex parte Alfred Eril
Caraffa AOC #350723

Petitioner

V.

United States of
America Et.al.,

Respondant(s)

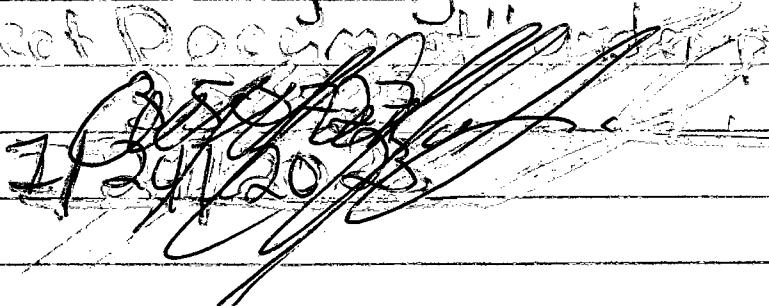
As Required by Supreme Court Rule 33(1)

(b) I certify that this Petition has less than 9000 words excluding parts of the petition that are exempted by the US Supreme Court.

I declare the foregoing to be a TRUE AND CORRECT DOCUMENT.

PREJURY

Date 1/24/2023

A large, stylized handwritten signature in black ink, written over the date and extending upwards into the text area.