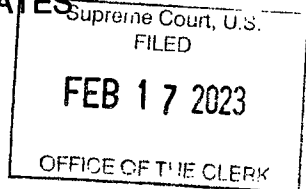


No. 22-6914

IN THE

SUPREME COURT OF THE UNITED STATES



DAVID BRIAN MORGAN — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DAVID BRIAN MORGAN 637623
(Your Name)

16161 MOFFAT ROAD
(Address)

LEXINGTON, OKLAHOMA 73051
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) IF OKLAHOMA HAS CONCURRENT JURISDICTION WHY DID CONGRESS NEED TO PASS PUBLIC LAW 280 IN 1953-1986 FOR JURISDICTION?

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:

RELATED CASES

- 1) FRY V STATE, S. CT. OF INDIANA JUNE 25, 2013
990 N.E. 2d. 429 2013 WL 3193328
- 2- PARISH V STATE, 21 S. CT. CERT DENIED
3. U.S. V PRENTISS, 256 F. 3d. 971, 985 (10th Cir. 2001)
(EN BANC) NO 98-2040 02/24/2000 NEW MEXICO
4. STEWART WAYNE COFFMAN F-2018-1268
- 5- OKLAHOMA V SHAYNNAL SIMS OCT 03, 2022 WRIT OF CERTIORARI
6. PAUL WILLIAMS V HUGH LEE 79 S. CT. 269 358 U.S. 217 3 L. Ed. 251 (1958)
- 7- KENNERLY V D.C. MONTANA NO STATE CONCURRENT JURISDICTION

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CASES

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STATUTES AND RULES

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OTHER	TREATY OF DANCING RABBIT CREEK. SEPT 27, 1830
	100% OKLAHOMA IS "INDIAN COUNTRY".

KERR MCGEE CORP V NAVAJO TRIBE OF INDIANS,	
471 U.S. 195, 198 (1985)	

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 ~~B~~ C to the petition and is

☒ reported at POTENT LINK TO OPEN CASE 22-2756; 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☐ is unpublished.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 C to the petition and is

☒ reported at 0756-4 4:22-cv-00066-JMS-JML; 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 B to the petition and is

☐ reported at COURT OF CRIMINAL APPEALS MA-2022-472 or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the OKLAHOMA County District court appears at Appendix A to the petition and is

☐ reported at D.C. OKLAHOMA County CF-2010-7695; 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 11/09/2022.

☒ 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: _____, 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 08/22/22.
A copy of that decision appears at Appendix B.

☐ 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

FIFTH AMENDMENT VIOLATION - NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY;

(A) ~~THIS~~ DID NOT HAPPEN FOR PETITIONER AT OKLAHOMA COUNTY DISTRICT COURT; NO GRAND JURY HEARING, ^{NO} TRUE BILL, NO LEGITIMATE INDICTMENT, ILLEGAL CASE.

FOURTEENTH AMENDMENT VIOLATION - NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES;

(B) A.E.D.P.A. PREVENTS US PRISONERS FROM HAVING DUE PROCESS EVERY DAY.

SIXTH AMENDMENT VIOLATION - NEITHER COURT GAVE ME COUNSEL EVEN THOUGH I REQUESTED IT ON SEVERAL OCCASIONS UNDER GIDEON V WAINWRIGHT THIS SHOULD HAVE HAPPENED AT U.S. DISTRICT COURT SOUTHERN INDIANA AND AGAIN ON APPEAL AT SEVENTH CIRCUIT COURT OF APPEALS.

STATEMENT OF THE CASE

HISTORY OF THE CASE:

C. WAYNE MORGAN FILED WRIT OF HABEAS 1ST FILING SEE DOCKET ON BEHALF OF SON DAVID BRIAN MORGAN ON MAY 11, 2022. ON MAY 13, 2022 U.S. DISTRICT COURT DISMISSED CASE NEVER NOTIFYING PETITIONER. UNDER RULES OF CIVIL PROCEDURE

AROUND THIRD WEEK OF MAY 2022 C. WAYNE MORGAN CALLED U.S. DISTRICT COURT TO CHECK STATUS OF OUR CASE WITH NO RESPONSE. UNDER FREEDOM OF INFORMATION ACT, WE WOULD REQUEST THIS COURT TO COMPEL D.C. OF SOUTHERN INDIANA TO PRODUCE PHONE LOGS FOR MONTH OF MAY 2022 TO PETITIONERS. AT THIS TIME TO SHOW, HAD PETITIONERS KNOWN CASE WAS DISMISSED WE WOULD HAVE INFORMED D.C. OF OUR INTENTIONS TO: MOTION TO FILE FOR IMMEDIATE APPEAL.

ON OR AROUND JUNE 28, 2022 DAVID MORGAN WROTE THE UNITED STATES DISTRICT COURT NEW ALBANY TO CHECK STATUS OF OUR CASE. SEE DOCKET WHICH WILL REFLECT THIS CORRESPONDENCE BY THIS PETITIONER WITH NO RESPONSE AT ALL.

THE FIRST OF AUGUST DAVID MORGAN FILED A WRIT OF MANDAMUS TO THE SEVENTH CIRCUIT TO COMPEL RESPONSE FROM U.S. DISTRICT COURT. THEY FINALLY ANSWERED WAY AFTER OUR TIME TO FILE AN ON TIME APPEAL HAD PASSED.

PETITIONER DAVID MORGAN FILED FOR APPEAL ANYWAY HOPING SEVENTH CIRCUIT WOULD REMAND BACK TO U.S. DISTRICT COURT; THIS OF COURSE DID NOT HAPPEN.

STATEMENT OF THE CASE CONTINUED

WE STATE THE INDIANA DISTRICT COURT DID NOT RESPOND DUE TO BIAS AGAINST PETITIONER DO TO HIS SEX CHARGES AGAINST CHILDREN, HIS AGE, HIS RACE, HIS SEXUAL ORIENTATION, NOT PART OF LGBTQ COMMUNITY. HAD I BEEN I WOULD HAVE BEEN TREATED TOTALLY DIFFERENT.

U.S. V. PRENTISS, 256 F.3d 971, 985 (10th Cir. 2001). (1) INDIAN STATUS OF THE DEFENDANT AND VICTIM ARE ESSENTIAL ELEMENTS UNDER INDIAN Country CRIMES ACT, WHICH MUST BE ALLEGED IN THE INDICTMENT AND ESTABLISHED BY THE GOVERNMENT AT TRIAL.

(2) INDICTMENT LACKING THESE ALLEGATIONS DEPRIVED DEFENDANT OF HIS FIFTH AMENDMENT RIGHT TO BE TRIED ONLY ON CHARGES PRESENTED IN AN INDICTMENT RETURNED BY A GRAND JURY.

(3) THIS PETITIONER WAS VIOLATED OF HIS FIFTH AMENDMENT RIGHTS AT OKLAHOMA COUNTY DISTRICT COURT ON MARCH 30 2011 CR 2010-7695.

STATEMENT OF THE CASE CONTINUED

(4) U.S. v. Deisch, 20 F. 3d 139, 145, 146 (5th Cir. 1994), 965³ It is not enough that the Grand Jury concludes that the Defendant should be prosecuted for violating a particular statute. Rather, the indictment must allege every element of the offense. Only in this way is any assurance furnished that the Grand Jury found probable cause to believe that the Defendant in fact committed acts constituting the offense in question.

In 1907, Congress amended the Oklahoma Enabling Act to confirm that the transfer to federal court was required for prosecutions for all crimes and offenses pending upon admission "to statehood" which, had they been committed within a state, would have been cognizable in the federal courts. Act of Mar 4, 1907, Ch. 2911, § 3, 34 Stat. 1286, 1287.

(A) Had Oklahoma courts followed the rule of law, my charges would have been handled by the federal government who had complete and total jurisdiction, and not the state of Oklahoma.

Statement of the case continued

(B) LEAVING THIS CASE IN FIGHTING AN ILLEGAL SENTENCE.

(C) WILLIAMS V LEE, 79 S. CT. 269 JAN 12, 1959. 358 U.S. 217 3 L. ED. 251 1958;

WILLIAMS MAKES IT CLEAR OKLAHOMA DOES NOT HAVE CONCURRENT JURISDICTION;

(D) KENNERLY V D.C. MONTANA (1971),

MONTANA AS WELL AS OKLAHOMA FAILED TO EXERCISE ADVANTAGES OF P.L. 280 AND THEREFORE DO NOT HAVE CONCURRENT JURISDICTION.

(E) STEWART MAYNIE COFFMAN P. 2018-1268

V. STATE OF OKLAHOMA OCCA, SEPT 29, 2022 P. 32 2022 OK CR 23 Remanded IN LIGHT OF CASTRO-HUERTA

(F) OKLAHOMA V SHAYNNA L. SIMS, OCT 03, 2022 WRIT OF CERTIORARI IS GRANTED IN LIGHT OF CASTRO-HUERTA Remanded 597 U.S. (2022).

1. UNDER THE FOURTEENTH AMENDMENT THIS PETITIONER ASKS FOR COUNSEL UNDER GIDEON V WAINWRIGHT, 372 U.S. 335 (1963). U.S. STATES PROVIDE COUNSEL

IN LIGHT OF CASTRO-HUERTA GRANT WRIT OF CERTIORARI TO THIS PETITIONER, VACATE HIS SENTENCE

Respectfully Submitted

Daniel Br. Moyn 637673

REASONS FOR GRANTING THE PETITION

1. IN OKLAHOMA SUBJECT-MATTER JURISDICTION CAN NEVER BE WAIVED OR FORFEITED.

STEELCO V CITIZENS FOR BETTER ENVIRONMENT, 523 U.S. (1983).

BECAUSE SUBJECT-MATTER JURISDICTION INVOLVES A COURT'S POWER TO HEAR A CASE, IT CAN NEVER BE FORFEITED OR WAIVED. THUS, DEFECTS REQUIRE CORRECTION REGARDLESS OF WHETHER THE ERROR WAS RAISED IN DISTRICT COURT.

A.) THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED, UNLESS WHEN IN CASES OF REBELLION OR INVASION THE PUBLIC SAFETY MAY REQUIRE IT; CURRENT THROUGH P.L. 117-166.

2. IN PARISH V STATE. S. CT. CERT. DENIED 2501 N. 9 (ROBERTS, C.J., DISSENTING) ("UNDER OKLAHOMA LAW, IT APPEARS THAT THERE MAY BE LITTLE BAR TO STATE HABEAS RELIEF BECAUSE "ISSUES OF SUBJECT-MATTER JURISDICTION ARE NEVER WAIVED AND CAN BE RAISED ON A COLLATERAL APPEAL".

B.) IN MORGAN V ADDISON 337-R-2014 MY ORIGINAL WRIT OF HABEAS SHOULD NOT HAVE BEEN DENIED BECAUSE OF A TIME BAR AS THE CHIEF JUSTICE REFERS TO IN PARISH V STATE 2021. WHICH ALSO MEANS I DID NOT NEED A C.O.A.

C.) ISSUES OF SUBJECT-MATTER JURISDICTION COULD NOT BE WAIVED, THE STATE DISTRICT COURTS OTHERWISE UNLIMITED SUBJECT-MATTER JURISDICTION WAS PRE-EMPTED BY 18 U.S.C. § 1151, 1153 MONTGOMERY V CROW, 28 U.S.C. § 2244(d)(1)(C),

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dan Brown Mayfield 637673
ET-AL

Date: 02/17/23