

12-7125

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
FEB 07 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Kenneth Chambers — PETITIONER
(Your Name)

vs.
STATE OF INDIANA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit United States Court Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kenneth Chambers
(Your Name)

11206 Black Gold Drive
(Address)

Noblesville, Indiana 46060
(City, State, Zip Code)

317-995-7284

(Phone Number)

**In The
SUPREME COURT OF THE UNITED STATES**

Kenneth Chambers

Appellant,

vs.

STATE OF INDIANA,

Defendant.

**On Petition for A Writ Certiorari
To the Southern District of Indiana, Indianapolis Division**

PETITION FOR CERTIORARI

**Kenneth Chambers
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Pro Per

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QUESTION PRESENTED

The issue before this Court is whether the Seventh Circuit of the Southern District of Indiana had subject matter jurisdiction over the case. The Plaintiff should be notified that a mandatory *Turner v. Rogers*, 564 U.S. 431 (2011) hearing was never held. Appellate was arrested server times and The "Tight Handcuffs" argument used to dismiss this lawsuit raises the question of whether such handcuffs should have never been placed on the Appellant's wrists in the first place, given the absence of a mandated *Turner* hearing, and whether this would be an infringement of the Appellant's due process rights and a legal reason for the court to take action?

OPINION BELOW

The decision by the Southern Indiana dismissed the Appellate's first complaint against is reported with the index 1:22-cv-0492-TWP-MJD as Appellate and pro per Kenneth Chambers pro per December 6, 2022. In States actors as State of Indiana, Sheriff Dennis Quakenbush , Captain Josh Carey, Judge Michael Casati, Deputy Prosecutor Amy Kreider Attorney, Katherine Varie, Prosecutor Kristy Smith; are severally, jointly and in their individual capacities as Judge\Prosecutors as State Actors Under to Color of State law. As reported on April 2022.

The decision of the Appeal for the Seventh Circuit dismissed the Appellant's is reported as Kenneth Chambers, Appellant vs State of Indiana. Index No. 22-1828. December 6, 2022.

Failure to hold a requisite in *Turner v. Rogers*, and disregard for the requirement of subject matter jurisdiction have violated the Appellant's right to a fair hearing and have resulted in the loss of personal liberty. Accordingly, to the Rooker-Feldman doctrine theory, in the absence of a "final order," review judgments are unsupported by the facts of this case.

JURISDICTION

This writ is brought under 28 U.S.C. §1257(a) which provides the Supreme Court with jurisdiction over final judgments of state courts in cases involving federal law, including subject matter jurisdiction.

The present case involves questions of federal law regarding subject matter jurisdiction, including the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) and the Rooker-Feldman doctrine.

The decision by the Seventh Circuit Court, Southern Indiana dismissing the Appellate s first complaint against is reported1:22-cv-0492-TWP-MJD as Kenneth Chambers State of Indiana, Sheriff Dennis Quakenbush , Captain Josh Carey, Judge Michael Casati, Deputy Prosecutor Amy Kreider Attorney, Katherine Varie, Prosecutor Kristy Smith. In their Severally, jointly and in their individual and personal capacities as Judge\Prosecutors as State Actors Under the Color of State law. As reported on April 2023.

CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS INVOLVED

United States Constitution First Amendment: Congress shall make no law Respecting an establishment of religion, or prohibiting the free exercise thereof; or Abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution Second Amendment: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

United States Constitution Fifth Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public

danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution Sixth amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for, obtaining witnesses in his favor, and to have the assistance of counsel for his defense United States.

Constitution Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Turner v. Rogers, 564 U.S. 431 (2011) was a decision decided by the United States Supreme Court in which the Court ruled that a defendant in a child support contempt action must be given appropriate notice and an opportunity to be heard before being imprisoned. The Court determined that, even if the defendant is represented by counsel, a civil contempt hearing that may result in jail requires that the defendant be given notice of the allegations and an opportunity to be heard.

STATEMENT OF THE FACTS

Section 42 USC 1983 allows a litigant to bring a civil action against an individual who violates his constitutional rights while acting under the color of state law.

Appellant Kenneth Chambers, pro se, challenges the decision of the magistrate, which was based on the District Court lacks subject-matter jurisdiction to hear the case. Appellate argues that the Magistrate was biased in the decision so to cover-up the fraudulent actions of the Appellant's with the Family Court.

Katherine Varie and Kristy Smith, ordered the Hamilton County Sheriffs Deputies to arrest Kenneth Chambers On October 25th, 2017, Katherine Varie, and Amy Kreider, Ordered the Hamilton County Sheriff Deputies to arrest Kenneth Chambers On October 25th, 2020.

On or about February 10th 2021, in In Hamilton County Court Superior Court 1, Michale Casati and Amy Kreider Ordered Officers of the Hamilton County Indiana Sheriff's Department to Imprison the Appellate. Without any warrant probable cause, the Defendant was Mr. Kenneth Chambers.

The Appellate was taken by Sheriff Deputies to the Hamilton County Sheriff's Department for processing. The Appellate was searched, by each processing officer touching Appellant's genitals on each arrest on all three occasions. The Noblesville Sheriff's Department placed the Appellate in a cell pending a bond determination by a bail commissioner. During his time in the cell, The Appellate was made to urinate in front of other prisoners

Appellate's clothes became soiled from sleeping on concrete benches Appellate was made to undress and shower naked in front of deputies. In response to Appellate's behavior, Sheriff Deputies on each occasion places handcuffs on Appellates wrists extremely tightly. Appellate remained docile during the handcuffing , but Sheriff Deputies nonetheless, and contrary to custom and/or policy, never double-locked the handcuffs or checked their tightness Family Court is governed by the policies and procedures of the Uniform Interstate Family Support Act (UIFSA) which is a foreign treaty that was adopted by the United States on or about 1996.

Appellate was not informed that he was under the control of the Hague Convention – Appellate has the right not to enter into any treaty pursuant to the 10th Amendment to the United States Constitution. The functions and job descriptions of the staff of the Family Court are controlled by a federal contract that was approved by the Governor of the State of Indiana. See attachment. Upon information and belief, the Appellate is entitled to relief in the lower court based on the case law wherein as ability to pay is a threshold matter to incarceration. The guidelines must include requirements that the IV-D agency must screen the case for information regarding the noncustodial parent's ability to pay or otherwise comply with the order. See, the final rule, we amended 45 CFR§303.6(c)(4) in re Turner vs. Rogers, 564 U.S. 431 (2011).

Appellant argued in the complaint that the violations of due process and others protected rights that has been inflicted upon him by so-called independent and foreign actors while these said actors convinced the public of a simulated and deceptive judicial process. Appellant's position is that the only appropriate level of strict scrutiny is that of constitutional review within the District Courts. The problem started with the federal contracts and

the harsh and severe punishment that are detailed in the four walls of the contract. Being that the provisional terms of this Title IV-D contract are unconstitutionally vague with respect to due process, then the Appellate seeks compensatory and monetary relief.

APPELLATE RESULT BELOW

Even where the Appellant did not raise any jurisdictional issues, this court is obligated to raise such jurisdictional issues if it perceives ANY. See, White vs. Nix, 43 F.3d 374 (8th Circuit 1994) (quoting Lewis vs. United States Farmers Home Admin., 992 F.2d 767, 771 (8th Circuit 1993)).

On or about April 2022, the District Court denied Appellant's complaint during the service of process to all Defendants.

The District Court concluded that it may screen the complaint prior to service on the defendants and must dismiss the complaint if it fails to state a claim pursuant to 28 U.S.C. 1915e(2)(B) Rowe vs. Shake, 196 F.3d 778, 783 (7th Circuit 1999).

The District Court also concluded that the entire portion of the Appellant's claims does not meet the requirements were constitutionally vague. Notably, the District Court did not acknowledge any references to the inclusion of foreign laws pursuant to the UIFSA and to the Title IV-D contracts that were signed in agreement with state officials as the highest level.

The Eighth Circuit Court of Appeals has very recently cautioned that "subject matter jurisdiction should not be used to dismiss a case containing even a remotely plausible federal claim if the parties and the courts have already made [a] vast expenditure of resources." See, Pioneer Hi-Bred, 35 F.3d at 1242.

REASON FOR GRANTING PETITION

Turner v. Rogers, 564 U.S. 431 (2011) refers to the legal authority for the Supreme Court of the United States to hear a case through a writ of certiorari. In the case of Turner v. Rogers, the subject matter jurisdiction is based on the fact that the Southern District of Indiana, Indianapolis Division, had jurisdiction over the case as a state court of record. The issue before the Supreme Court in this case was whether the Rooker-Feldman doctrine applies in the absence of a “final order” being issued, and whether the light of the fact that a mandatory Turner hearing was never conducted by the lower state court.

As to the “tight handcuffs” argument being used to dispose of this case, should not the question be that those handcuffs should have never been placed on the Appellant’s wrists to begin with in light of the absence of a required Turner hearing being performed by the lower state court.

ARGUMENT

- 1) Does the Rooker-Feldman doctrine apply in the absence of a “final order” being issued from the lower State court?
- 2) As to the “tight handcuffs” argument being used to dispose of this case, should not the question be that those handcuffs should have never been placed on the Appellant’s wrists to begin with in light of the absence of a required Turner hearing being performed by the lower State court?

Appellant, was arrested several times. The decision conflicts with the constitutional, statutory, and other provisions involved the impact of Turner v. Rogers, 564 U.S. 431 (2011) on subject matter jurisdiction is a question of federal

law that requires this Court's review. The present case raises critical questions about the interplay between the Rooker-Feldman doctrine and the requirement of a mandatory Turner hearing in the context of subject matter jurisdiction. The resolution of these questions will have a significant impact on the administration of justice and the practice of law in the federal courts.

Therefore, the undersigned counsel respectfully requests that this Court grant the petition for a writ of certiorari and provide guidance on the important issues presented in this case.

CONCLUSION

Wherefore the Appellate asks that the court grant his writ of certiorari and extraordinary writ of certiorari.

Dated: 2nd day of February, 2023

24th day of March 2023

Respectfully Submitted,



Kenneth Chambers

11206 Balck Gold Drive
Noblesville, Indiana 46060

Pro Per Persona

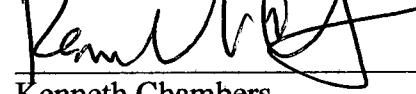
STILL REQUESTING FOR ORAL ARGUMENT

Defendant and pro per, Kenneth Chambers respectfully requests this Court to grant oral argument, in the interest of justice re Appellant's right to be heard.

CK
Dated: 12th day of January, 2023

24th day of March 2023

Respectfully Submitted,


Kenneth Chambers
11206 Black Gold Drive
Noblesville, Indiana 46060
Pro Per Persona

VERIFICATION

(STATE of Indiana)

(COUNTY of Hamilton) ss.

I, Kenneth Chambers (PRINT) being duly sworn, deposed and says that I am named as the ACCUSED in the above-entitled proceeding and that the foregoing information is true to his own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters he believes it to be true.

Kenneth Chambers
(Signature), ACCUSED, In Propria Persona.

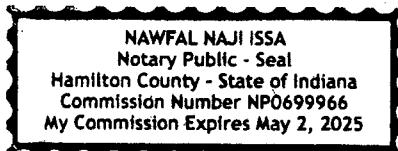
The foregoing instrument was acknowledged before me

This 24th day of March, 2023

By Kenneth Chambers

Sworn to before me this 24th day of March, 2023

NAWFAL NAJI ISSA
Notary Public



CERTIFICATE OF COMPLIANCE

I, Kenneth Chamber, hereby certify pursuant to Fed. R. App. P. 32(a)(7)(C) that this brief is proportionally spaced, has a typeface (New Times Roman) of 14 points and contains 14,000 words or less (excluding, as permitted by Fed. R. App. P. 32(a)(7)(B), the Table of Contents, Table of Authorities, and Certificate of Compliance), as counted by the processing system used to produce this brief.

Dated: 2th day of February, 2023

Respectfully Submitted,



Kenneth Chambers
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