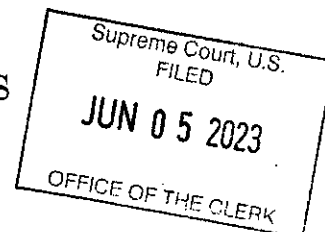


No.

22 7907

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Tennence Moore PETITIONER
(Your Name)

VS.

BRYAN MORRISON RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

UNITED STATES DISTRICT COURT.

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Tennence Moore
(Signature)

STATEMENT OF QUESTIONS Presented

(1)

Should THE SUPREME COURT GRANT CERTIORARI WHERE THE EN BANC COURT OF APPEALS FOR THE SIXTH CIRCUIT FAILED TO REVERSE THE DECISION OF THE FORMER PANEL'S RULING BECAUSE IT RUNS COUNTER TO THIS COURT'S PRECEDENT ON ISSUES INVOLVING SIMILAR FACT PATTERNS AND CONSTITUTIONAL VIOLATIONS AS A MATTER OF JUDICIAL DISCRETION "UNDER SUPREME COURT Rule 10?" "CAPITAL CASE"

(2)

Should THIS COURT GRANT CERTIORARI WHERE THE EN BANC COURT OF APPEALS FOR THE SIXTH CIRCUIT FAILED TO REVERSE THE DECISION OF THE FORMER PANEL'S RULING CONCERNING EXTENT AND DURATION INDICATING THE CHARACTER OF THE REASONS THE COURT CONSIDERS: UNDER SUPREME COURT Rule 10? "CAPITAL CASE"

LIST OF PARTIES

Petitioner Party: THE PETITIONER IN THIS CERTIORARI IS LISTED ON THE COVER PAGE AND HE IS LISTED AS: TERENCE TERNELL MOORE, INMATE NO. 208380 WHO IS CURRENTLY CONFINED IN THE PENAL SYSTEM FOR THE STATE OF MICHIGAN, AT THE SAGINAW CORRECTIONAL FACILITY LOCATED AT 9625 BIERCE ROAD, IN FREELAND MICH - 16AN # 48623

Respondent Party: THE RESPONDENT IN THIS CERTIORARI ARE STATE ACTORS UNDER COLOR OF LAW. WARDEN BRYAN MORRISON, RESPONDENT IS REPRESENTED BY THE OFFICE OF THE MICHIGAN ATTORNEY GENERAL IN LANSING MICHIGAN. THE RESPONDENT IS LISTED ON THE COVER PAGE OF THE WRIT OF CERTIORARI AS BRYAN MORRISON. (Warden).

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1). This court should ~~AS A~~ MATTER of fundamental due process reverse the decision of the lower courts rulings because it runs counter to the courts precedents in issues including similar fact patterns and constitutional violations of the 14th Amendment.

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2). This Court should, as a matter of fundamental due process, reverse the decision of the lower court rulings because it runs counter to this Court's precedent on issues involving similar fact patterns and U.S. constitutional violations of the 8th Amendment.

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This Court should Grant Habeas Corpus Relief. Reverse the lower tribunals decisions because a UNITED STATES COURT OF APPEALS HAS ENTERED A DECISION OF ANOTHER UNITED STATES COURT OF APPEALS IN CONFLICT WITH THE DECISION ON THE SAME IMPORTANT MATTER; OR HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH A DECISION BY A COURT OF LAST RESORT; . . .

... or has so far departed from
the accepted and usual course of
judicial proceedings, or sanctioned
such a departure by a lower court,
as to call for an exercise of this
court's supervisory power.

Reference To Joint Appendix

6TH CIRCUIT ORDER J.A. 1-4
6TH CIRCUIT ENBANC ORDER J.A. 10-3
MICHIGAN COURT OF APPEALS JA 13-6
MICHIGAN SUPREME COURT "ORDER AND OPINION"
15TH JUDICIAL CIRCUIT COURT (BRANCH COUNTY)

TABLE OF AUTHORITIES CITED

Albrocht v. UNITED STATES	273 U.S. 1 (1927)	14.
FARMER v BRENNAN	511 U.S. 825, 834, 837	- PASSIM
* HAINES v KERNER	404 U.S. 519 (1972)	9.
KAMARA v. Warden	2022 U.S. Dist. Lexis 77906	18.
West v ATKINS	478 U.S. 42, 48, 102 S.Ct. 2250	22.
William v TAYLOR	529 U.S. 362, 413 (2000)	2.
Williams v New York	337 U.S. 241	15.
Williams v RENTZ Bank	6 CO. 112 62. App 304,	
* SLACK v McDANIEL	529 U.S. 473, 481	4.
	145 SE2d 256, 258	4.
	CONSTITUTION PROVISIONS	8.

AMEND VIII	13.
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NIGHT CONST. 1963 ART 1, §§ 2, 17,	13.

OTHER AUTHORITIES

A.E.D.P.A. § 2253 (A)	J.A. 5
28 USC § 2241	14.
28 USC § 2254	14.
28 USC § 1746, 18 USC § 1621	5.
28 USC § 1257 (a)	J.A. 14
28 USC § 2254 (d)	14.

42 USC § 1983	JA 12-9
MCL 600.4304	5.
MCL 600.4307	JA 13-3
MCL 600.4316	JA 13-3
MCL 750.316 (1) (a)	14.
MCL 750.224 (f)	14.
MCL 750.227 (b)	14.
Rule 1 (a) Civil Procedures	Passim
MCR 3.303 (7)	8.
S.C.T. Rule 10	iv.
<u>REPORTING CASES:</u>	

142 Or 410, 202d 384, 385.	4.
25 Ill App 3d 495, 323 NE2d 533, 537.	4.
Wilson 1961 F3d AT 838	Passim
237 NW 2d 609, 615	18.
22 Mich App Lexis 3683	6.
22 Mich App Lexis 2937	6.
22 Mich App Lexis 1940	6.
22 Mich App Lexis 2210	6.
979 NW 2d 843	16.
Applicable AUTHORITY AT SUBJECT MATTER	vii.

(EXTENT AND DURATION) (DUE PROCESS) (DEATH
PENALTY) (CONFINEMENT/CONDITIONS).

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 _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. 22-1826 - 2.22.23 Denial

The opinion of the United States district 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. 22-1826 - 4-19-23 Re-hear on bench

☒ 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 979 NW 2d 843 / 972 NW 2d 231; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the MICHIGAN COURT of APPEALS court appears at Appendix _____ to the petition and is

☐ reported at 22 MICH APP Lexis 3683; *,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. 22 MICH APP Lexis 2937 *

* 22 MICH APP Lexis 1940

* 22 MICH APP Lexis 2210

6.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 19, 2023

☐ No petition for rehearing was timely filed in my case.

2-22-2023 ☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 4, 2023 and a copy of the order denying rehearing appears at Appendix 5.A-11-3

☐ 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).

(1) BY WRIT OF CERTIORARI GRANTED UPON THE PETITION OF ANY PARTY TO ANY CIVIL OR CRIMINAL CASE, BEFORE OR AFTER RENDERING OF JUDGMENT OR DECREE.

☒ For cases from state courts:

The date on which the highest state court decided my case was 10-4-22.
A copy of that decision appears at Appendix 5.A-14-16

☐ 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).

Basis for Jurisdiction

Petitioner Moore seeks Review In This Honorable Court From The OPINIONS AND ORDERS entered ON April 19, 2023, BY THIS SIXTH CIRCUIT COURT OF APPEALS, DENYING HIS APPEAL FROM THE DISTRICT COURT'S DENIAL OF HIS HABEAS CORPUS ACTION. STATE Rule MCR 3.303 (7) AND HCR. 4 AND GOVERNING STATUTE 28 USC § 2241 AND SECTION 28 USC § 2254 CASES. THE DISTRICT COURT DENIED ISSUE OF A CERTIFICATE OF APPEALABILITY TO APPEAL CONSTITUTIONAL CLAIMS WHERE THE U.S. MAGISTRATE JUDGE MAATEN VERMAAT, ORDERED:

Judge pointed out, Moore Habeas Petition failed to provide ANY FACTS ABOUT THE PRESENT CONDITIONS OF CONFINEMENT. Petitioner, Need ONLY show SUBSTANTIAL SHOWING of CONSTITUTIONAL Right, 28 USC § 2253 (c)(2). See V. McDaniel 529 U.S. 473, 481. AS differences of providing of Deliberate INTENT IN VIOLATION of 511 U.S. 825, 834, 837.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE ISSUES PRESENTED FOR CERTIORARI TO THIS COURT ARE IN DIRECT VIOLATIONS OF THE CONSTITUTIONAL AMENDMENTS, AND THE STATUTORY PROVISIONS LISTED INFRA:

1). US CONST. AMEND. VIII (1791), WHICH PROVIDES:
EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR
EXCESSIVE FINES IMPOSED, NOR CRUEL AND UN-
USUAL PUNISHMENT INFLICTED. NOW LINGERING
DEATH SENTENCE.

2). US CONST. AMEND XIV (1868), § 1. "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 IMM-
UNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL
ABRIDGE 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."

3). MICHIGAN CONST. 1963 ART I, § 2, 17. (EQUAL
PROTECTION - DUE PROCESS OF LAW).

4) Title 28 USC § 2241 (Habeas Corpus Review) and (28 USC § 2254 Cases).

5) STATE STATUTES: MCL 600.4304., MCL 600.4307., MCL 600.4316., MCL 750.316 (1) (a); MCL 750.224 (f); MCL 750.227 (b).

This Court has ALSO EXPLAINED THAT A CLAIM CAN BE PROPERLY ADDRESSED BEFORE THE COURT ON PROPER CITATIONS TO GOVERNING LAW. Albrecht v UNITED STATES, 273 US 1, 11 (1926).

Reasons for Allowance of Writ

This Court should Grant Certiorari Reverse the Lower Tribunal's decisions because A UNITED STATES COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEALS ON THE SAME IMPORTANT MATTER; HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH A DECISION BY A COURT OF LAST RESORT; OR HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDING, OR SANCTIONED SUCH A DEPARTURE BY A LOWER COURT, AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER.

[A JURY TRIAL IN A NEW YORK STATE COURT FOUND APPELLANT GUILTY OF MURDER IN FIRST DEGREE. [1] THE JURY RECOMMENDED LIFE IMPRISONMENT, BUT THE TRIAL JUDGE IMPOSED SENTENCE OF DEATH.

[Plaintiff, HAVE NO ADDITIONAL INFORMATION ADDED BY A COURT OF LAW NOR OTHER SOURCES] THAT AUTHORIZE HIS DEATH SENTENCE.

History of case

THE COURT OF APPEALS FOR THE SIXTH CIRCUIT, denied the hearing en banc from the results of a Habeas Corpus proceeding in the UNITED STATES DISTRICT COURT from the Western District of Michigan where the US MAGISTRATE Judge, Honorable MAARTEN VERAA, denied the Petition and denied to issue a Certificate of Appealability on limited grounds. THE SIXTH CIRCUIT COURT denied all issues for appeal by U.S. DISTRICT COURT, ON February 22, 2023. (J-A. 1-4)

THE MICHIGAN COURT OF APPEALS, denied Habeas Corpus Petition, ON June 23, 2022 (J-A-13-6) # 356596

THE MICHIGAN SUPREME COURT, denied Habeas Corpus Petition, ON October 4, 2022 (J-A-14-2-3) # 164663 & (83)(90)(91) # 164293 & (53)(66).

All Have Been IN APPEAL since filing of Habeas Corpus Petition exercise of Great Writ.

STATEMENT OF THE CASE

THE FACTS OF THIS CASE, INsofar AS THIS PETITION FOR CERTIORARI IS CONCERNED, CENTERS AROUND A LAWFUL CONVICTION (CONDENSED BY CONFESSIONS) AND THE COURSE OR ROUTE OF A UNLAWFUL DETAINMENT INVOLVING EXTENT AND DURATION AGAINST EXISTING COMPLICATIONS OF PETITIONER'S RESPIRATORY DISEASE THAT CREATES A THREAT OR IMMEDIATE DANGER TO HARM THE PETITIONER'S LIFE AND SENSORIAL IMPAIRED BY A JURY AT HIS REARS WITH NOW IMPROVED SENTENCE GIVEN BY HIS JAILERS RESTRAINT. CONST. VIOLATION OF 8TH, 14TH AMEND.

WRITS ISSUED BY THE COURTS ONLY (UPON A PROPER CAUSE SHOWN, NEVER AS A MATTER OF RIGHT, THE THEORY BEING THAT INVOLVED A DIRECT INTERFERENCE BY THE GOVERNMENT WITH THE LIBERTY AND PROPERTY BEING OF THE SUBJECT, AND THEREFORE WERE JUSTIFIED ONLY AS A EXERCISE OF EXTRAORDINARY POWER TO GRANT THE WRIT ON CAUSE.

A PERSON IN CUSTODY UNDER STATE COURT JUDGMENT WHO SEEKS DETENTION THAT FUTURE CUSTODY UNDER A STATE COURT JUDGMENT WOULD VIOLATE THE CONSTITUTION, LAWS, OR TREATIES EVEN UNDER FEDERAL COURT JUDGMENT. SPECIFICALLY WITH RESPECT TO CUMULATIVE SENTENCE IMPOSED IN A SINGLE TRIAL, THE DOUBLE JEOPARDY CLAUSE DOES NO MORE THAN PREVENT THE SENTENCING COURT FROM IMPOSING GREATER PUNISHMENT THAN LEGISLATIVE INTENT. *KAMANA V WARDEN* 2022 U.S. DIST. LEXIS 77906.

PETITIONER ALLEGES THREE IMPOSITIONS THAT THE DEFENDANT (STOCKHOLDING POSITION) NOW HAVE ILLEGALLY IMPOSED A GREATER PUNISHMENT THAN HIS YEARS OF PEERS AND SENTENCING COURT IMPOSED;

1. (WILFUL) RESTRAINT BY DELIBERATE INDIFFERENCE WHILE REMAINING ARMED AND COMMUNICATED INTENT TO DO OTHER HARM. 237 N.W. 2d 609, 615.

2). Warden (Defendant) And State
Civil Servants Stood Idly By
While CONSTITUTIONAL VIOLATIONS
Went On And Occurring ...

3). ~~That~~ The Long Haul Covid Affects
~~That~~ Now Petitioner Suffer To Await
A Lingering Death. 8th Amend.

Petitioner, New Sentence Imposed is With-
out Due Process BY A COURT of LAW AND
GIVEN TO THE EXTENT AND DURATION of
TORTURE AND FUTURE HARM EXAGGERAT-
ING AFFECTS HIS RIGHT of CONTINUATION
Before His Right to A JUST TRIAL OF
THE MATTER OF CHARGE.

Petitioner, Petitioned for medical examina-
tion to the extent AND DAMAGES of COVID-19
to his LUNGS IN REFUSAL BY M.D.O.C.
(mold) (covid).

SUMMARY of Contentions Arguments

Petitioner Argues In His Court As He did In THE SIXTH CIRCUIT'S ENJOYED PETITION, AND SET FORTH ARGUMENTS WHICH ENTITLES HIM TO RELIEF BECAUSE THESE CLAIMS ARE IN TUNE WITH FORMER DECISIONS OF THE U.S. SUPREME COURT. THAT IS, THE ISSUES OF FRANSIMONIOUS EXERCISE OF THE GREAT WRIT AND THE MATTERS OF BIGALONE BOARD GOVERNMENTAL BODY PROMISES REPRESENTING DED AT A DAY OF APPOINTMENT.

Petitioner Personal Affects FROM THE FAILURE TO PROVIDE A SAFE ENVIRONMENT AGAINST HIS COMMODITIES THAT HARM AND THREAT REMAIN TO DATE. REJECTED - IN SMALL AMOUNT ACTION DECEMBER ARGUMENTS AND HE STATES THAT DOESN'T FIX THE DAMAGES ALREADY OCCURRED AND OCCURRING.

THAT THERE ARE LINGERING PSYCHOLOGICAL
AND PHYSICAL EFFECTS UPON HIS PLAINTIFF
EXISTING COMORBIDITIES AND THE EFFECTS
TO WARD ABUSE WITH HIS APPROPRIATE
IN SEARCH OF SOME RELIEF.

STANDING UP THE PRINCIPLES OF A
DELIBERATE OF INDIFFERENCE ACT. SEE
FARMER V BRENNAN, 511 US 825, 834,
837, 114 S. CT. 1970. 128 L. 2d 611 (1994).

Therefore, under clearly established law
AS DETERMINED BY THIS COURT. SET WITHIN
FARMER; THE OBJECTIVE, PRONG WOULD
BE EASILY SATISFIED. "THE PRESENT
CONTEXT BECAUSE THE COVID-19 VIRUS
CREATES A [*5] SUBSTANTIAL RISK OF SER-
IOUS HARM LEADING TO PNEUMONIA / RES-
PIRATORY FAILURE, OR DEATH." WILSON V
WILLIAMS, 1961 F.3d 829, 840 (6th Cir. 2020).

BECAUSE 1983 IS A METHOD FOR VINDICATION OF
FEDERAL RIGHTS, NOT A SOURCE OF SUBSTANTIVE
RIGHTS ITSELF, RIGHTS AND OBLIGATIONS
ACCRUING BY REASON OF BEING - - -

A CITIZEN OF THE UNITED STATES.
Person which publishes Federal Court
decisions which consist or apply
the Federal Rules of Civil Procedure,
CRIMINAL AND APPELLATE PROCEDURE, AS
WELL AS FEDERAL RULES OF EVIDENCE.

Petitioner, submitted on Alleged THE
VIOLATION OF A RIGHT SECURED BY THE
FEDERAL CONSTITUTION OR LAWS AND PLEADED
IN PRO PER. THAT THE DEPRIVATION WAS
COMMITTED BY A PERSON ACTING UNDER
COLOR OF STATE LAW. WEST V ATKINS
479 U.S. 42, 48, 102 S. CT. 2250.

2254 (d) (1) (2) .,

RESULTED IN A DECISION THAT WAS CONTRARY
TO OR INVOLVED AN UNREASONABLE APPLICATION
OF, CLEARLY ESTABLISHED FEDERAL LAW, AS DET-
ERMINED BY THE SUPREME COURT OF THE UNIT-
ED STATES; OR

RESULTED IN A DECISION THAT WAS BASED ON
AN UNREASONABLE DETERMINATION OF THE FACTS
IN LIGHT OF THE EVIDENCE PRESENTED IN THE STATE
COURT PROCEEDING.

THE PETITIONER'S OBLIGATION IS NOT SIMPLY
TO OFFER A PLAUSIBLE ARGUMENT FOR THE
UNCONSTITUTIONALITY OF HIS (NEW) CONVICTION
OR SENTENCE BUT RATHER TO IDENTIFY HOW
THE STATE COURT'S FEDERAL COURT ANALYTICAL
PATH STRAYED BEYOND PERMISSIBLE BOUNDS
DIRECTING THE HABEAS COURT TO MAKE THE
STATE COURT DECISION THE CYNOSURE OF
FEDERAL REVIEW. . . ONLY IF THAT DECISION DIV-
IATES FROM THE PARADIGM DESCRIBED IN
SEC. 2254 (d).

CONCLUSION

Relief. . . Redress.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: June 2nd 2023