

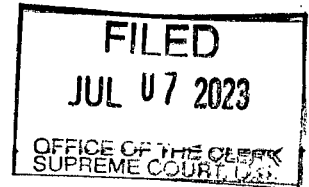
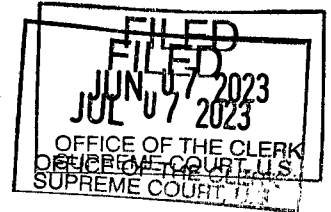
23-5142

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Joseph Counts — PETITIONER
(Your Name)

vs.

State of Maine — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

First Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Counts
(Your Name)

Jefferson County Jail 911 Casey Ave
(Address)

Mt. Vernon, IL 62864
(City, State, Zip Code)

618-705-0585 jail texting device
(Phone Number)

QUESTION(S) PRESENTED

1. Where 28 USC 1455 is ambiguous, what is the proper or best way for the lower courts to handle the penumbra of filings in order to achieve ~~the~~ most justice and greatest efficiency?
2. Does *Johnson v Mississippi*, 421 U.S. 213, 219 (1975) need to be overturned so the removal and civil rights statutes comport with modern caselaw and societal needs?
3. In order to take more weight or load off the Supreme Court in the future, under ~~what~~ circumstances and with what objectives renders stare decisis detrimental, and how should the appeals courts adjudicate those matters?

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

District Court of Maine

First Circuit Court of Appeals

Case No.

22-CR-00108-JAW

Case No.

22-1841

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SUPREME COURT, U.S.

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TABLE OF AUTHORITIES CITED

CASES

Bostock v Clayton Cty GA 2020
BP v Mayor 2021
Buffington v McDonough 2022
Johnson v Mississippi 1975
Utah v Strieff 2016

PAGE NUMBER

P. 4 + A50
P. 4, A43, A34
P. 6
P. 4, 5, A43, A46
P. A39

Arbaugh v Yth Corp 2006
Georgia v Rachel 1966
Hamdi v Rumsfeld 2004
Mathews v Eldridge 1976
Roell v Withrow 2003

STATUTES AND RULES

For Brief

28 USC 1455
~~28~~ USC 1443
ME Rev. Stat. Tit. 29-A Sec 2411

3, A16-18, A26, A33,
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OTHER

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.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☒ reported at Maine v Counts 1:22-CR-00108-SAW (D. ME Oct. 7, 2022); 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 _____.

☐ 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: March 7, 2023, 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 _____.
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. 28 USC § 1443
2. 28 USC § 1455
3. 42 USC § 1981
4. Fifth Amendment
5. Fourteenth Amendment
6. Sixth Amendment
7. Maine Rev. Stat. Title 29-A Sec. 2411

Criminal OUI:

" 1-A. Offense. A person commits OUI if that person:

A. Operates a motor vehicle;

... or (2) While having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; ...

STATEMENT OF THE CASE

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Petitioner (Counts) sought to remedy pending legal matters by filing a Notice of Removal (Appendix A) and in the process discovered removal was for discrimination only. Counts, already planning to appeal state's conviction with discrimination as an issue for appeal, pursued removal pro se to the best of his ability and per statutory instruction. Counts' notice of removal was summary remanded primarily because no facts were provided that supported jurisdiction, and secondly because the notice of removal was untimely (Appendix D), but after reviewing the statutes again finding the statutes on removal were open to interpretation, Counts decided to appeal. Counts addressed both the primary and secondary reasons for the remand in his appeal, but the First Circuit affirmed the remand on separate but related grounds stating according to Johnson v Mississippi 1975 only racism permits removal and Counts' claims of age and sex don't meet the jurisdictional requirement (Appendix I). In Counts' brief (Appendix H) he cited BP v Mayor 2021, and in his Motion to Reconsider (Appendix J) to the First Circuit he cited Bostock v Clayton Cty GA 2020, but those newer cases failed to sway the court, and now comes this petition for Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

It's not hard to tell that one of the effects of Johnson v Mississippi 1975 is we end up discriminating against other forms of discrimination, but if that's not enough to compel the court to grant this petition, the First Circuit, in deciding as it did, looks over the fact that a district court magistrate, and judge, arbitrarily applied procedure and interpretation to a statute. The combination of those orders makes our nation's criminal justice system look incapable of performing the duties which ~~its~~ must. It's not unreasonable to presume if the District Court of Maine is ~~committing~~ these errors, even as oversights or because of redundancy, then other courts are as well. The courts then, would not only be enabling injustice, but also contributing to their own needless congestion. And in deciding whether to grant this petition, the court needs to acknowledge two (2) truths: (1) what's needed or best for the judges isn't going to change, and (2) the diversity of filings is going to continue. Is this court going to continue to pretend that in the face of injustice it's not more prudent to stop bottlenecking a statute focused on resolve or is the court going to do something about it? The people need this, and as
S.

REASONS FOR GRANTING THE PETITION

a victim of childhood ~~sexual abuse~~, I need this. Autonomy, whether individual or governmental, ought to be an example of righteous and humble growth, not the excuse or cloak of tyranny. And so long as the issues presented herein, remain, my light and my growth, along with that of many other Americans, are shaded and cannibalized right at that very bottleneck, poisoning or muting any would be inspiration coming both from the bottom up and the top down. We all deserve better.

I pray this case, along with the underlying charge for which removal was sought, are exactly what Justice Gorsuch was looking for in *Buffington v. McDonough* 2022, because my letter to Justice Gorsuch was dated the same as that decision, and not only do I love seeing positive signs, but I look forward to serving God and my country. (letter @ Appx G)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: 7-5-23