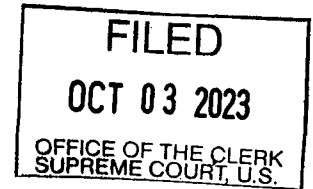


No. 23 - 5737



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

ROGER WILSON - PETITIONER

VS

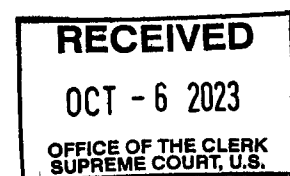
THE UNITED STATES DEPARTMENT OF JUSTICE,
AND MERRICK GARLAND, - RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ROGER WILSON
62634 EAST RD.
CASSOPOLIS, MI 49031
(574) 298-4456



QUESTION

1) Since the United States Supreme Court's ruling on *Dobbs v Jackson Women's Health Organization* that any rights that are not mentioned in the Constitution, and not deeply rooted in the history and traditions of the Nation are unconstitutional. Since same-sex marriage rights meet the exact same criteria established by the Court in *Dobbs v Jackson*, should not the Court's finding in that case also apply to same-sex marriage rights?

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

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INDEX TO APPENDICES

- APPENDIX A JULY 19, 2023, United States Court of Appeals for the Sixth District, Docket No. 23-1239, issued an order dismissing Plaintiff/Appellant's case.
- APPENDIX B APRIL 14, 2023, United States District Court, Western District of Michigan, Southern Division, Docket No. 1:22-cv-1027. Order Denying Motion for Leave to Appeal in Forma Pauperis.
- APPENDIX C FEBRUARY 8, 2023, United States District Court, Western District of Michigan, Southern Division, Docket No. 1:22-cv-1027. Opinion and Order.
- APPENDIX D JANUARY 6, 2023, United States District Court, Western District of Michigan, Southern Division, Docket No. 1:22-cv-1027. Report and Recommendation.

APPENDIX E SEPTEMBER 5, 2023, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, DOCKET NO. 23-1239, ORDER.

TABLE OF AUTHORITIES CITED

CASES: DOBBS V JACKSON WOMEN'S HEALTH ORGANIZATION.

OBERGEFEL V HODGES.

STATUTES AND RULES: ARTICLE 25 OF THE STATE OF MICHIGAN
CONSTITUTION.

H.R. 1308, RELIGIOUS FREEDOM RESTORATION ACT OF 1963.

THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

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

☒ reported at Page 100 of volume 30 of Federal Reporter; 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 Page 100 of volume 30 of Federal Reporter; 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 July 19, 2023.

☒ 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 _____.
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) THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.
- 2) ARTICLE 25 OF THE STATE OF MICHIGAN CONSTITUTION.
- 3) H.R. 1308, RELIGIOUS FREEDOM RESTORATION ACT OF 1993.

STATEMENT OF THE CASE

This case involves the constitutionality of same-sex marriage. The statute born out of Oberafell v Hodges, regarding same-sex marriage is unconstitutional for the following reasons”

I.

1) DOBBS V JACKSON WOMEN’S HEALTH ORGANIZATION,

“The Due Process Clause of the Fourteenth Amendment. That provision has been held to guarantee some rights that are not mentioned in the Constitution, but any such right must be deeply rooted in this Nation’s history and tradition, and implicit in the concept of ordained liberty.”

(Continued)

“The inescapable conclusion is that a right to abortion is not deeply rooted in the history and tradition of the United States.”

Dobbs established a precedent for determining which rights are constitutional, and which rights are not. The legalization of abortion rights were enacted in 1973. The legalization of same-sex marriage rights was enacted in 2015, neither are mentioned in the Constitution, and neither are deeply rooted in the history or tradition of the United States. And according to the United States Supreme Court, any right that is not mentioned in the Constitution, or is not deeply rooted in the history or tradition of the United States, is unconstitutional.

The United States Supreme Court used that precedent in overturning federal abortion rights, and because the federal right of same-sex marriage is an equal violation of this precedent, it must also be overturned and ruled as unconstitutional.

Dobbs specifically indicates that this precedent does not just apply to abortion rights when it states, “any such right that is not mentioned in the Constitution must be deeply rooted in the history and tradition of the Nation,” and same-sex marriage falls under the category of “any such right,” and us therefore unconstitutional.

II.

THE UNION OF ONE MAN AND ONE WOMAN IS A SEPARATE ENTITY FROM TWO MEMBERS OF THE SAME-SEX.

ARTICLE 25 OF THE MICHIGAN CONSTITUTION states:

“To secure and preserve the benefits of marriage for our society, and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as marriage or similar union for any purpose.”

35 states have similar constitutional laws banning what is termed as same-sex marriage, and defining it as a separate entity from marriage, while no states have banned opposite-sex marriage because they are separate entities. They cannot be deemed as equal, the same, or both, when 35 states do not recognize or define same-sex unions as marriage. And because marriage is “deeply rooted in the history and tradition of the United States,” and same-sex marriage is not.

III.

SAME-SEX MARRIAGE VIOLATES THE RELIGIOUS LIBERTIES RESTORATION ACT.

H.R. 1308, RELIGIOUS FREEDOM RESTORATION ACT OF 1993.

“The government may only burden a person’s exercise of religion only if it demonstrates that application of the border to the person (1) furthers a compelling governmental interest; and (2) is the least restrictive means furthering that compelling governmental interests.”

The union of one man and one woman was created, established, and defined by God, prior to the establishment of the United States Government, or its Constitution. A redefining of that institution by any branch of the United States Government, which did not exist when the institution of marriage was created and defined, is an egregious

infringement and violation of the First Amendment's separation of church and state clause, which reads,

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The United States Government has not been granted power, either by God or the Constitution, to either regulate or redefine the institution of marriage. The First Amendment expressly prohibits the United States Government from making or changing laws respecting an establishment of religion. But in the case of same-sex marriage, the government infringed on that right and redefined the institution of marriage.

An institution created and owned by God, is provided with sovereign immunity by the First Amendment. But the government breached that immunity and it is the responsibility of the United States Supreme Court to strike down unconstitutional laws, and abide by its sworn oath to uphold and enforce the doctrines of the United States Constitution. I am therefore requesting that this Court uphold its sworn oath and duty, and declare same-sex marriage unconstitutional.

REASONS FOR GRANTING THE PETITION

The lower courts simply did not consider or address the unchallenged and irrefutable evidence that by the precedent set forth by this Court, finds that same-sex marriage is unconstitutional. For whatever reasons, they did not want to be responsible for issuing a ruling finding same-sex marriage unconstitutional.

It is of vital importance that this Court issue a ruling that is consistent with its ruling in the Dobbs case which found that rights not mentioned in the Constitution must be deeply rooted in the history and tradition of the United States, or they are unconstitutional. Same-sex marriage is not mentioned in the Constitution, and if the 49 year old right to abortion was not mentioned in the Constitution, and this Court ruled that it was not deeply rooted in the history or tradition of the United States, this Court must also rule that the 8 year old right of same-sex marriage is not deeply rooted in the history or tradition of the United States, and must rule in accordance with its ruling on Dobbs.

Roger Wilson
ROGER WILSON

DATE SUBMITTED: October 2, 2023

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roger Wilson

Date: October 2, 2023