

No. 23-6873

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

FEB 23 2024

OFFICE OF THE CLERK

Darrin Lynn Pickens — PETITIONER
(Your Name)

vs.

David Buss - Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States of Court of Appeals - 10th circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Darrin Lynn Pickens
(Your Name)

129 Conners road
(Address)

Hominy, OK 74035
(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Did Congress pass the Organic act for Oklahoma on May 2, 1890, to establish State laws, or did Congress pass certain general laws of Arkansas on May 2, 1890, c. 182, §§ 30, 31; 26 Stat. 81, 94, 95, providing the provisions of Mansfield's Digest in chapters entitled "Criminal laws and Criminal Procedural" shall govern prosecutions for crimes in Indian Territory - Oklahoma?
2. Did Congress pass the Indian Civil Rights Act of 1968 for the federally recognized Indian Tribes reservations that has exclusive Criminal and Civil Jurisdiction on their respected federal lands to self-government-governing their own lands, like all of the 39 federally recognized Indian tribes in Oklahoma?

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

HooPer vs. City of Tulsa, 71 F. 4th 1270<10th Cir. 2023>
Joines vs. Patterson, 274 U.S. 544<1927>
Washington vs. Miller, 235 U.S. 422<1914>
BlaYlocK vs. Incorporated Town of musKogee, 117 F. 125<8th Cir. 1895>
Leak Glove manuf'g Co. vs. Needles, 69 F. 68, 16 C.C.A. 132<8th Cir. 1895>
AlbertY vs. United States, 162 U.S. 499<1896>
Robinson vs. Long Gas Co., 221 F. 398, 136 S.Ct. 642<8th Cir. 1915>

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CASES	PAGE NUMBER
Axhelm vs. United States, 60 P.98 <1900> S.Ct. of Okla.	7
Reynolds vs. United States, 98 U.S. 145 <1878>	7
Taylor vs. Parker, 35 S.Ct. 22 <1914>	7
Williams vs. United States, 69 S.W. 849 <1902> Court of Appeals Interv.	7
Watkins vs. United States, 41 S.W. 1044 <1897>	11
Bise vs. United States, 82 S.W. 921	11
Robertson vs. Crow, 53 S.W. 534 <1899>	11
Jackson vs. Harris, 43 F.2d 513 <10 th Cir. 1930>	11
Harding vs. State, 22 Ark. 210 <1860> S.Ct. of Ark.	11
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STATUTES AND RULES	
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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 _____; 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 N/A to the petition and is

[] reported at N/A; 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 N/A to the petition and is

[] reported at N/A; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the N/A court appears at Appendix N/A to the petition and is

[] reported at N/A; 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 December 11, 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: N/A, 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 N/A (date) on N/A (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 N/A. A copy of that decision appears at Appendix N/A.

A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

All person 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 it's Jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

During the early morning hours of February 4, 1990, was robbed the Mr. Quick 21 Convenience Store in Sapulpa Oklahoma on highway 97 in Creek County. After the robbery the store clerk, Tommy Lee Hayes, was shot four times. A customer found Hayes body between 2:00 and 3:00 am. on February 4. Three .38 caliber unjacketed lead bullets were found at the scene, and two more were recovered from the body. The Tulsa police arrested petitioner on other unrelated charges on February 9, 1990. They found a Snubnose .38 caliber revolver in petitioner's car. Ballistics test could not confirm it as the weapon in the Sapulpa crime. Petitioner, was charged, tried, convicted and sentenced by jury trial in 1990 of November.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals made an unreasonable decision in this matter, due to the fact of Subject matter Jurisdiction. Within the Constitutional bounds, Congress decides what cases the federal Courts have Jurisdiction to consider. Because Congress decides whether federal Courts can hear cases at all, it can also determine when, and under what conditions, federal Courts can hear them. See *Curry*, 6 How., at 113, 12 L.Ed. 363. The notion of "Subject-matter" Jurisdiction obviously extends to "classes of cases ... falling within a court's adjudicatory authority", *Eberhart*, *supra*, at 16, 126 S.Ct. 1403. In *Kontrick vs. Ryan*, 540 U.S. 443, 124 S.Ct. 906, 157 L.Ed. 2d 867 <2004>, held that failure to comply with the time limitation is ~~set~~ requirement in Federal Rule of Bankruptcy Procedure 4004 did not affect a federal Court's Subject matter Jurisdiction.

Petitioner, has proven with clear and convincing evidence that he is being denied his Constitutional rights to due process of federal law, and Subject matter Jurisdiction under U.S. Constitution Article III <3>, § 1.

Petitioner, request this honorable Court will reverse and remand this matter-action to the United States Court of Appeals with instructions.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Darwin L. Pickens

Date: February 21, 2024