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No. 23-7129 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
MAR 26 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Cedric Jones — PETITIONER
(Your Name)

vs.

Brian Ellen — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Federal Court of Appeals, Cincinnati.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cedric Jones
(Your Name)

N.E.C.X. P.O. Box 5000
(Address)

Mountain City, TN 37683
(City, State, Zip Code)

I don't have one (In prison)
(Phone Number)

QUESTION(S) PRESENTED

1. Whether A Federal Appellate Court should Rule on the Merits, OF the Denial of A Federal Habeas corpus Petition from a District Court, without First Addressing A Petitioner's First COA (Certificate of Appealability) Claim, that the lower District Court lacked the Authority, under Mandatory Federal law (28 U.S.C. 3144) to proceed Any Further because the Appellant timely Filed A SUFFICIENT Motion to Recuse him under 28 U.S.C. 3144?

2. Whether A Federal Appellate Court has the Authority to Rule on the Merits of the Denial of A Federal Habeas Corpus Petition, at the COA Stage (Certificate of Appealability) if the lower District Court lacked Authority to hear it in the First Place? See Appendix "H" Attached And My Reason (A) Argued herein.

3. whether the 8th Amendment (cruel and unusual punishment) Of the U.S. Constitution is violated, if A prisoner is Forced by prison staFF, to be double-celled with another inmate, in crowded conditions (insufficient space for two people), as determined the American Correctional Association, And or the Center for Disease Control (CDC), during A deadly And contagious disease, such as Covid-19, if that person Meets the High Risk Factors (stasticals) For serious illness OR Death?

4. Whether the 8th Amendment (cruel and unusual punishment) of the U.S. Constitution is violated, iF A prisoner is Forced to be put in General population by prison staFF, or Double-celled in A cell with An incompatible inmate, if past prison Records would suggest that the prisoner would be Facing imminent Danger of serious physical Injury, And or Death?

5. Whether My trial Judge showed the "Appearance of impropriety under Tumey v. Ohio, 273 U.S. 510, 522 (1927)? See Doc. No. 288, Case 3:16-CV-02631, on My page 8-10 And 31-32

6. And whether the Appellant has Made A substantial showing of the Denial of a Constitutional Right, or that A Reasonable Jurist would Find the Sixth Circuit Court's Rulings on My COA Claims debatable or wrong?

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was January 29, 2024

[✓] 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).

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

Miller-El v. Cockrell, 537 U.S. 322, 336 (2003);
Slack v. McDaniel, 529 U.S. 473, 484 (2000);
Tumey v. Ohio, 273 U.S. 510 522 (1927;
Grubbs v. Bradley 552 F. Supp. 1052, (1982);
Jones v. Ellen, No. 22-5143 (6th Cir. May 9, 2023);
Jones v. Grady Perry No. 3:16-CV-02631
State v. Jones M2015-00720-CCA-R3-CD;
No. M2013-[redacted]02831-SC-A10B-CO; Jones
No. M2019-01145-CA-T10B-CO; Jones v. State
No. M2019-00579-CCA-T10B-CO; Jones v. State
No. M2019-00632-CCA-R3-PC; Jones v. State
Jone v. State No. 4780 (In the Criminal Court
For Davidson County, Tennessee Division III)
Jones v. Ellen No. CC-23-CR-122, Filed in
the Criminal Court of Johnson County, Tennessee,
At Mountain City;
State v. Jones # 2010-B-1532 At Nashville
Criminal Court, Division III; And Jones v. State
No. 3:11-CV-00391 (M.D. Federal Court at Nashville)

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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 Cedric
[ ] reported at Jones v. Brian Eller No. 23-5174; 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 Cedric Jones v. Grady Perry No. 3:16-CV-02631; 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2254; And § 2254(b)(1)(B)(ii)
28 U.S.C. § 2254(c)(2);
28 U.S.C. § 2254(d);
28 U.S.C. § 2243;
28 U.S.C. § 144; And 28 U.S.C. § 455(b)(5)(ii)
Tenn. R. Crim. P. 44(b)(2) & (3); The
U.S. Constitution Amendments 5, 6, 8, And 14
Tennessee Constitution Article 1, Section 16;
Tennessee Constitution Article 1, section 32;
Part 1, Article 35, Supreme Ct. Rules, Rule 38,
Code of Judicial Conduct, Canon 3, Subdivision E(1);
Rule 10, Tennessee Code of Judicial Conduct, canon 2, Rule 2.11 Disqualification, at Comment 5
Article VI, § 11 of the Tennessee Constitution
§ 1.1.1. The Constitutional Framework;
Tennessee Constitution Article 1, Section 9
Tennessee Code Annotated § 17-2-120;
28 U.S.C. § 453;
Article 35; Sup. Ct. Rules, Rule 38, Code of Judicial Couduct, Canon 3, Subd. E(1)
[redacted] Article 1 § 16 And § 32 of TN Constitution
U.S.C.A. Const. Amend 14. Const. Pt 1, Art 35
Sup. Ct Rules, Rule 38 Code of Judicial Couduct Canon 3

[redacted]

Pg 15

DESCRIPTION OF PROBLEM: Statement of The Case

A Davidson County 'so-called' Grand Jury Returned A 5-CNT indictment Against Me for four counts of Agg. Rape (Counts 1-4), And one count of Agg. Kidnapping Against My then Daughter case # 2010-B-1532. At the time of my Arrest, I had legal custody of My Daughter KJ, the alleged victim. See Case No. 3:16-CV-02631, Doc. No. 230-2, PageID# 4644

At trial, A partial trial Judge (who influenced the Jurors to "go further and set A Fine (TR. pg. 41, at lines 18-25); Doc. No. 178) with the Appearance that District Attorney Kristen Menke was present during Deliberation See Doc. No. 178-10, PageID 3356 at lines 22-23, Case No. 3:16-CV-02631, Convicted me on All said Charges with count 1, being A lessor included offense As Agg. Sexual Battery. ON April 15, 2013, I Filed A Motion to Remove Trial Counsel For Not Filing A Timely Recusal (Appen "B") Sentencing was done on April 23rd 2013 by my trial Judge Alone (without the Jurors present) where she sentence Me to prison For 37 years @ 100% on a Range I defendant with no prior Felonies And A two-hundred thousand Dollar fine ($200,000.00), even when the State (by Motion) requested to pay all cost See Appendix "C" Attached hereto, verifying these Facts. Then, my trial Judge Marked "Multiple Rapist" on my Judgment Sheets As if I was a Career Offender even when she knew I had No prior Convictions at My sentencing hearing See Doc. No. 178-10, PageID# 3298, at lines 11-15 therein, No 3:16-CV-02631. At My Request, My trial counsel filed A Motion For New trial, And For Judgment of Acquital. (Doc. No. 230-3, PageID# 4696 My Direct Appeal counsel came on Board, Designated the Record, But Forgot to included the March 1, 2013 hearing transcripts when I Asked to Represent Myself pro se At trial. Jones, 2016 WL 3621513, At *9. I timely Filed For Post-Conviction Relief on September 12, 2016, but it was Denied by the SAME trial Judge. After My Post-Conviction Judge, And 1st Fired counsel Kept My legal Files As Hostage that I Need For My post-convict, And Kept those transcripts too, that she ORDER (Doc. 179-1, PageID # 3666, No. 3:16-CV-02631) I Filed My Federal Habeas Corpus After

[redacted] exhausting all efforts See Doc. No. 230 Id.

[redacted]

REASONS FOR GRANTING THE PETITION

(A.) A united states Court of Appeals (the sixth circuit) has entered a decision of Another united States Court of Appeals on the same important Matter, And has decided an important federal question in a way that conflicts with a decision by A state court of last Resort, see Additional pages Attached hereto explaining these issues Conflicting.

(B). A united states court of Appeals (The sixth circuit), has decided an important question of federal law that has not been, but should be settled by this court at this time, because it Not only Affects Me, but those in the General public, in A Negative way, see Additional pages Attached.

(C). I disagree with the Decisions Made by A single sixth circuit Court Judge, not Just because they were erroneous, but because he alone, has decided the Faith For Everyone in the State of Tennessee similarly situated like my circumstances, but Also the General public, And Nationally, which calls for this court's immediate excercise of it's power and Jurisdiction. See additional pages Filed, attached hereto explaining those issues.

(D). And finally, I must say that I am being held illegally in prison, And under a void indictment, unlawful conviction, And the decisions A partial Judge made against me, that Grossly violated my sixth Amendments Rights to the U.S. Constitution, As well as the 5th And 14th Amendments.

[redacted]

DESCRIPTION OF PROBLEM: (Reason (A))

Under Mandatory Federal law (28 U.S.C. §144) A Federal Judge Must "Proceed No Futher" in a petitioner's case, And "shall be disqualified to hear it" if a party files a timely and sufficient Affidavit Showing personal Judicial bias or Prejudice. 28 U.S.C. §144 Id.) And when the Word ("shall" is used Id., it is Mandatory by Law. Here, and in this particular case, My First Issue presented For Review to the sixth circuit Federal Appellate Court was: "First, whether the District Court was Required to recuse himself when the petitioner filed Doc. No. 232 (Motion To Recuse) For (1) Acting as a lawyer for the Respondent; (2) The Appearance of partiality against the Appellant; And (3) Based on Mandatory law under 28 U.S.C. §144 And §455 (a) or (b)? See / Attachment (Appendix F), Page 3

However instead of the sixth circuit Court of Appeals ruling on that First issue, He decided to ignore it, And Rule on the Merits of the Denial of My Federal Habeas Corpus petition (Document No. 332, case No. 3:16-cv-02631) Filed in the Middle District Court At Nashville, Tennessee.

My Argument is that if 'Mandatory Disqualification' is required under 28 U.S.C. §144, then Any Rulings the District Court Made "After" I Filed Doc. No. 232 (Motion To Recuse) Should be Considered Null and Void. As we Know, when the word 'shall' is used in the Statute's language (i.e. 28 U.S.C. §144 Supra), it is Considered Mandatory, which is why I Raised My #1 question presented For Review At bar.

So in addressing Reason "A" (Reasons For Granting the Petition), On the previous page, A §144 Affidavit Must be "accepted by the District Judge" as true even though it may contain averments that are false and may be known to be so to the Judge. See e.g. In re Martinez-Catala, 129 F.3d 213, 218 (1st Cir. 1997)

[redacted]

[redacted]

DESCRIPTION OF PROBLEM: But see DOC. No. 232, No. 3:16-CV-02631 where the District Court Made antagonizing Comments like "Against his own Daughter" see DOC No. 303 And 314, cf 316

In rare circumstances, recusal may be appropriate where No extrajudical source is involved. see Liteky, 510 U.S. at 555. see Also the District court Judge (Mr. Waverly D. Crenshaw) Role as A previous Assistant District Attorney General, who Appears to be connected to my same Criminal trial Judge by AFFinity, who Also use to be An Assistant Attorney General see case No. 1987 Tenn. AG Lexis 159 | 87-39, March 12, 1987, And 1986 Tenn. AG Lexis 146 86-79, April 2, 1986 Waverly D. Crenshaw Jr., Assistant Attorney General) Compared to my same criminal trial Judge (Cheryl A. Blackburn) 938 S.W.2d 1, 1996 Tenn. Crim. App. Lexis 317, No. 01-C-01-9403-CR-00084, Cheryl A. Blackburn, Assistant District Attorney General who Convicted Me, compared to the Respondent's AG

My Arguement is this court's precedents under withrow, 421 U.S. at 57, 95 S.Ct. 1456, 43 L.Ed. 2d 712, holding: "There is, furthermore, a risk that the Judge would be so psychologically wedded to his or her previous position as A prosecutor, that the Judge would consciously or unconsciously {195 L.Ed. 2d 142} Avoid the Appearance of having changed position" withrow at 57 ID.

Further and as asked in my First Question For A COA to the lower Court (whether the District court was Required to Recuse for acting as A lawyer for the Respondent), I would say he was under U.S.C § 455 (b)(5)(ii) having Ruled on 99% of my Motions Filed in his Court, the showing Favortism for the State of Tennessee Against my claims 1, 7, and 11 which were against my trial Judge supra, where she got excited when I wanted the Jury to set the Fine and said: "All right, okay. Then we will add that in because the offenses have fines up to 50,000, I think on A Felonies see DOC No. 178-7, page Id# 2787, case No. 3:16-CV-02631

[redacted] This is definetly the "Appearance of BIAS"

[redacted]

TENNESSEE DEPARTMENT OF CORRECTION

INMATE GRIEVANCE (continuation sheet)

DESCRIPTION OF PROBLEM: See Tumey v. Ohio, 273 U.S. 510, 522 (1927) at *522 (officers acting in judicicial or quasi judicial capacity are disqualified by interest in controversy. See e.g. Ward v. Monroeville, 409 U.S. 57, 93 S. Ct. 80, 34 L. Ed. 2d 267 (1972) (requiring recusal where village Mayor with revenue production role also sat as a judge and imposed revenue-producing (2013 U.S. App. Lexis 33) fines on the Defendant.

For my claim 7 filed in my Federal Habeas Corpus petition under Doc. No. 161, Case# 3:16-CV-02631, the District Court, in his ORDER denying me Habeas Relief (Doc. No. 332, PageID# 3 6381 - 6382) see [redacted] Appendix "B" attached, he completely ignored the statement of facts I alleged for Ground 7 in my Habeas petition (Doc. 161) and also failed to address my argument thereof (the right to an impartial judge at 9, 5 (Federal Habeas Corpus Practice and Procedure), as well as all my other allegations on my page 56 therein.

As to the District Court stating in his ORDER (Doc. No. 332 PageID #'s 6382 and 6383 Id., stating in part: "petitioner cannot not show prejudice, or that a substantial right was adversely affected, by this alleged error, whether characterized as a "structural error or sentencing", I would argue that my right to confront the witness (under the Sixth Amendment of the U.S. Constitution was violated and I need not show prejudice given the fact that it's a basic fundament right, and the fact that a prejudical statement was already made in the Exhibit "W" evidence, whether it was for leniency or not, given the fact that it was sent from my wife's email account, and not the alleged victim, because she did not particapate at trial, nor was she a member of the sentencing jurors, yet she was allowed to say after trial in an email not tide to the alleged victim's account: "I love him very much, but at the same time he does need punishment for what he did to me"? This clearly violates the Confrontation Clause of [redacted] the Sixth Amendment raised on appeal.

[redacted]

[redacted]

DESCRIPTION OF PROBLEM: Accordingly, the decision of the sixth circuit Appellate Federal court, was in conflict of another Appellate court and statute (28 U.S.C. §455 (b)(5)(ii)) for acting as a lawyer in the proceedings, And Agreeing with TCCA's opinion on my direct Appeal, when the Facts And laws presented herein were contrary to Clearly Established Federal law, and the sixth Amendment of the U.S. Constitution. See e.g. Cedric Jones v. Brian Eller No. 3:16-cv-02631 (Recusal of Federal Judge Required under 28 U.S.C. §144, even when it does not originate from extrajudicial sources. See Liteky, 510 U.S. At 555 (favorable or unfavorable opinion resulting from facts adduced or events occuring at trial could constitute impermissible bias if opinion displays deep-seated favoritism or Antagonism that would render fair judgment impossible). (i.e. My Doc. 232 Filed in case # 3:16-cv-02631), And the erroneous Decision Made by the sixth circuit court ignoring my first issue presented for review, then implying that they "do not consider issues for the first time on Appeal, Absent extraordinary circumstances. See Appendix "C" Attached on page 3, (at second paragraph.

(B). Reason For Granting The Petition Continued at (B)

For this question, as shown in the title page Earlier, (A united states court of Appeals (the sixth circuit) has decided an important question of federal law that has not been, but should be settled by this court at this time etc., this question is Relevant to Questions presented For Review at # 3. In this petition, and under Grubbs v. Bradley, 552 F. Supp. 1052, 1982 U.S. Dist. Lexis 16298, August 11, 1982. It was said in part that, Double Celling inmates in crowded conditions (in a cell designed for one person) Amounts to cruel and unusual punishment in violation of the Eight and Fourteenth Amendments to the united states Constitution And Article I, Section 16 And 32 of the Tennessee Constitution, And unfit For Human Habitation. See the ORDER therein in Grubbs Id.

[redacted]

[redacted]

DESCRIPTION OF PROBLEM: I had filed a Motion to be placed in a single-man cell pending Review of my Federal Habeas Corpus petition during the Covid-19 world pandemic, or be Released from prison (Doc. No. 210, case No. 3:16-cv-02631) due to issues I was having Related to A poor ventilation system, and Covid-19, but the District Court at Nashville Denied Me Relief even when My Life was at stake, which would not affect him any kind of way, and benefit of my health outweighed that of the prison. See Document No. 313, PageID # 6207 where he erroneously say that his ORDER denying me Relief is not final when he just Denied My Motion (Doc. No. 210).

I Argue that his decision was Final because he had no plans to Revisit that issue having Dismissed My Federal Habeas Corpus petition (Doc. No. 161) with prejudice. Even when I Filed Doc. No. 298 (Another Motion to be placed in A single-Man cell), the District Court at Nashville Denied Me even when I Alleged in Doc. No. 298 at 3, and 7, that I have contracted Covid-19, was suffering from the affects it has on the human body (Doc. No. 298 at 1), And I'm tired And weak, experience low energy and body Aches, and suffers from chronic coughing and headaches. See His Rulings in Doc. No. 302, case No. 3:16-cv-02631, page ID # 6193.

So basically the District Court Judge at Nashville would Rather have Me put on A ventilator in A Hospital like Many other Covid-19 patients And risk Dying before He would grant Me Any kind of Relief under such strong Allegations, which I find is disturbing And Amount to Cruel And unusual punishment in itself. As we All Know, A Dangerous Man is one that has little Are no Concern For Human life when the risk is High. — (Judge Crenshaw)

This is why this Supreme Court should accept this petition to Determine My Question # 3 presented For Review

[redacted]

[redacted]

[redacted] [redacted]

DESCRIPTION OF PROBLEM: When I was shipped to Another prison, I was attacked by A gang member Affiliation And was stabbed in the leg, but luckily I survived that incident, and was placed on PC (protective custody).

At that time I filed An Emergency Motion To Remain in A single cell (case No. 23-5174 at Docket entry No. 8), followed By A Motion to expedite the decision, due to the fact that this prison will (on occasion) Force one to be put in a cell with your adversary, And in a cell designed For one person, in violation of the American Correctional Association (A.C.A.) and Grubbs v. Bradley 552 F. Supp 1052, 1982 US Dist. Lexis 16298.

In May, the 14th of 1993, Grubbs v. Bradley was Amended (821 F. Supp. 496) And ceased to Monitor the 10 year prison term, but that was in 1993 (over two decades Ago) And Covid-19 wasn't an outbreak of A pandemic then And so this is why this court should decide this important question of federal law because it has not been, but should be settled by this court at this time, for the next pandemic (which will come as History has shown us). please do it.

Further this decision not only Affects me, but the General public, And other people similarly situated. With respect to Conditions of Confinement, the Eight And Fourteenth Amendments prohibits states from imposing cruel and unusual punishment on incarcerated felons. U.S.C.A. Amend. 8, 14. Therefore, when constitutional violations Are found, Federal court intervention into state operation of prison systems allows them to ensure compliance with Federal law.

(C). Reasons For Granting The Petition at "C" Herein.

I disagree with the sixth circuit decision entered on Jan 29th, 2024, And in No. 22-5143 (6th Cir. May 9, 2023) Because it Amounts to cruel and unusual punishment under the 8th Amend, U.S. Const, And gives them permission To [redacted] Commit Genocide in A world pandemic.

[redacted]

[redacted]

[redacted] (D.) Final Reason For Granting The Petition, As Shown At Reason (D) Herein.

I decline to expound on the indictment issue at this time, but I will show this court that I am, infact illegally incarcerated under An unlawful Conviction, And the lower Sixth Circuit Court Judge was wrong when he said in part: that I "failed to establish either element for cause And prejudice" for not Appealing the post-conviction proceedings. But see My pages 18-24 Filed in Doc. 161, # 3:16-CV-02631. The First time I did this was when I filed Doc. No. 207, Case No. 3:16-CV-02631, on My pages 16-23 therein. See that. The second time I showed, or Attempted to show cause And prejudice, was when I Filed Doc. No. 296 (Motion To Consider These exhaustion Defenses) And Doc. No. 290 (Motion To Consider These Procedure Defenses). However The District Court Denied them both. (Doc. No. 324); And The Third time was in Doc. No. 288 See pages 63-64 therein ok? The Fourth time I showed Cause And prejudice for Not exhausting My post-Conviction Appeal was in Doc. No. 300, (Motion To Vacate And Set Aside Petitioner's Conviction) on My page 17 therein, At the Top three paragraphs. Basically, I was trying to explain that Attempting to Appeal something that was not in the state court's Record (My legal Files) would be Futile, As they previously Ruled Against Me when I wanted to Represent Myself pro se the Friday before My Monday trial, And My Counsel failed to designate those transcripts (See Jones, 2016 WL 3621513, at *9

So even though My post-conviction Judge ORDER her clerk to send me A copy of the post-conviction hearing (see Doc. No. 178, case No. 3:16-CV-02631, # 19, on page 47 therein), I Never got those transcripts to this Day. See Britt v. North Carolina, 404 U.S. 226, 227, 92 S.Ct. 431, 30 L.Ed 2d 400 (1971) (stating the state must provide an indigent criminal defendant with a transcript of prior proceedings when that transcript is needed for effective defense on Appeal). See Also Griffin v. Illinois, 351 U.S. 12, 19-20, 76 S.Ct. 585 100 L. Ed. 891 (1956) (SAME)

[redacted]

[redacted]

DESCRIPTION OF PROBLEM: Therefore, it would have been Futile trying to Appeal A Denial of A Post-Conviction when I had no transcripts to perfect An Appeal, much less trying to Appeal A Post-Conviction issue when my First Fired Post-Conviction Attorney kept my Files in her possession until After the trial Judge Denied me Post-Conviction Relief, that I needed to Argue my case in the First Place. See 28 U.S.C. 2254 (b)(1)(B)(ii) See Also Doc. No. 288, on my page 15, at No. 54-55 But this is my trial Judge (Cheryl A. Blackburn) style. Her Court Always withholds pertinent and Relevant transcripts A Defendant might need on Appeal. That WAY, TCCA Can't see what transpired in the lower court, And would have to assume that the trial court's Rulings Are Correct. Cheryl Blackburn knows what she's doing. She is Cheating people out of Fair trials and undermining the Judicial System. Basically she's a criminal Herself And Counsel For the Respondent knows it. See title 18 §241 Although Judge Blackburn might give an ORDER For her Court Clerk to send a Defendant their transcripts, it Appears to be A scheme to ban Review of Any Collateral proceedings like she's Done me in the past.

Now in the Sixth Circuit Court's ORDER Denying me A COA (Appendix "A") on page 4 thereof, third paragraph, he State's Reasonable Jurist would not debate whether I exhausted Claims 2, 3, 5, 6, 8-10, 12, 13, and parts of Claims 1 and 7 on direct Appeal. However, I Just gave this Court A Firm Argument For that. Plus, I Mentioned Earlier, all the times I Filed Motions to Consider these exhaustion And procedural Defenses (Docs No. 296 And 290, Case No. 3:16-CV-02631)

And like the Sixth Circuit Federal Appellate Court Judge said, "the Tennessee Supreme Court would not have considered the four claims I raised for the First time pro se," they would Not have Considered missing Files I Needed For my Post-Conviction pro se And Transcripts. Point Made

[redacted]

[redacted]

[redacted]

DESCRIPTION OF PROBLEM: Thus the issue that I did not Appeal my post-conviction has now been Explained.

As To the claims Denied on the Merits as stated on page 5 of Appendix "A" The Six Circuit Federal Appelate court completely left out All the Motions I filed to Recuse my trial Judge, "After" my trial, And Keep falsely Alleging that I said my "trial Judge" WAS bias because a different Judge At my preliminary hearing called me a "piece of shit"

Look, they Are confused, And got things twisted! I Know who I Filed motions to Recuse on, And For what reason, And they were All based on Actions, or inactions of my trial Judge (Cheryl A. Blackburn), And Not the preliminary Hearing Judge who called me A "piece of shit" in this open-court. Infact, I Raised him as my Ground 11 in my petition (see Doc. No. 161, case# 3:16-CV-02631) And my trial Judge in Grounds I and 7 Id, seperating the two people.

So I am not confused, TCCA is, by keep trying to pin my Motion To Recuse my trial Judge as being bias For A comment Another Judge Made. I'm not that stupid. However, I did File Multiple Motions To Recuse my trial Judge After my trial which the Sixth Circuit Court Failed to Address on page 5, of Appendix "A" Those cases were; M2019-01145-CA-T10B-CD; NO. M2019-00579-CCA-T10B-CD; & M2019-00632-CCA-R3-PC, So take A look at All those case And see if my trial Judge indeed was interested in my case, And showed AN "Appearance Of Impropriety"

In evaluating whether a court erred in refusing to disqualify itself based on its alleged partiality, whether an Appearance of impropriety exist is determined under an objective standard, that is, would A reasonable person, not the Judge himself or herself question the impartiality of the

[redacted] Court U.S.C.A. Const. Amend. 14; Const. At. 1

[redacted]

DESCRIPTION OF PROBLEM: Article 35; Sup. Ct. Rules, Rule 38, Code of Judicial conduct, Canon 3, Subd. E(1).

As to TCCA concluding that: (1) Jones's Filing A lawsuit against the trial Judge did not require re-cusal or establish bias, And that unfavorable rulings did not establish bias, I'd have to disagree with both of those statements as shown on page 5, of Appendix "A" Attached. See DOC. 288, pg 64, #'s 22-25

For one, Another Federal Appellate Court's Decision is in conflict with the Filing of a lawsuit issue. See United States v. Meyer, 149 U.S. App. D.C. 212, 462 F.2d 827, 842 (D.C. Cir. 1972) (Thus, the trial Judge, by virtue of his status as a defendant in a suit brought by the alleged contemnor was in an adversary posture with respect to him, and was presumptively biased. This is true even though the Judge's status as an Adversary party was created by an action of the alleged contemnor filing suit).

"once a Judge has been personally attacked in such a manner that a Judge of ordinary sensibilities might natura-lly be expected to harbor "marked personal feelings" against the attacker, the law must assume that such feelings exist though the Judge, through Admirable forbearance, gives no outward indication that he has been personally affected. This assumption is Necessary, presumably, For two reasons. First, personality Animos-ity may in fact exist in a Judge who is outwardly unperturbed; And second, even if the Judges possesses singularly charitable instincts and in fact entertains no personal feelings, the public might reasonably suspect that such was not the case. In this later situation, disqua-lification would be Necessary in order to protect the integrity of the Judiciary, so that Justice can satisfy the Appearance of Justice." U.S. v. Meyer ID.

[redacted]

[redacted] [redacted]

DESCRIPTION OF PROBLEM: Therefore (And unlike the sixth circuit court said on page 5 of Appendix "A"), "A reasonable Jurist could Argue that the state court unreasonably applied clearly established federal law in rejecting All my [redacted] Motions To Recuse the trial court, as shown on the previous page.

This is true because "In general, Judges should Recuse themselves when they have become enmeshed in personal disputes with parties before them. Clark v. State, 287 Ark. 221 697 S.W.2d 895, 897 (1985).

The Supreme Court has explained that "when the trial Judge is discovered to have had some basis for rendering a biased Judgment, his actual motivations are hidden from view, And we must presume the process was impaired" Vasquez v. Hillery, 474 U.S. 254, 263, 106 S.Ct. 617, 88 L.Ed.2d 598 (citing Tumey v. Ohio, 273 U.S. 510, 535, 47 S.Ct. 437, 71 L.Ed 749 (1927)

Finally, I'd like to Address the last Erroneous Statement made by the sixth circuit court on page 6 of Appendix "A", He said in part: "In sum, Jones provides nothing from the Record that shows why the trial Judge should have Recused or that she was Biased".

Well First of All, that isn't true, and here's why: My trial Judge got excited when she learned that I want the Jury to set the fine instead of her and said: "All right, OKAY. Then we can do that in because the offenses have fines up to 50,000 I think on A Felonies see Doc. 178-7, PageID# 2787, case No. 3:16-cv-02631 In fact, see Doc. No. 288 too, on my pages 8-10; page 20-22; pages 25-30; And 31-32 Just to name A Few. Then see page 42 therein, And Finally page 66, my conclusion page where my trial Judge committed All [redacted] those violations of Law. Point Made.

[redacted]

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cedrun Jones

Date: March 26, 2024