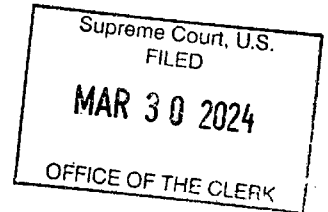


No. 23-7210

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Margese Lynn Payne — PETITIONER  
(Your Name)

vs.

Janet Dowling - Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

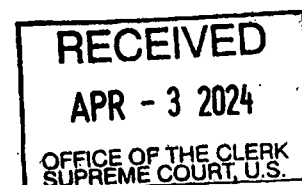
PETITION FOR WRIT OF CERTIORARI

Margese Lynn Payne  
(Your Name)

129 Conners road  
(Address)

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

\_\_\_\_\_  
(Phone Number)



### QUESTION(S) PRESENTED

1. Did Congress pass the Organic act of May 2, 1890, for State laws in Oklahoma, or did Congress pass the Territory Certain general laws of Arkansas - C. 182, § § 30, 31; 26 Stat. 81, 94, 95, on May 2, 1890?
2. Did Congress pass the Indian Civil Rights Act of 1968, for the federally recognized Indian reservations to Self-governing their reservations and boundaries with exclusive criminal and civil Jurisdictions over it's people and property in Oklahoma - Indian Country?

## 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

J. M. Robinson & Co. vs. Belt, 187 U.S. 41 <1902>  
Marlin vs. Lewallen, 276 U.S. 58 <1928>  
Adkins vs. Arnold, 235 U.S. 417 <1914>  
Perryman vs. Woodward, 238 U.S. 148 <1915>  
Ardmore Coal Co. vs. Bevil, 61 F. 757 <8<sup>th</sup> Cir. 1894>  
Grayson vs. Harris, 279 U.S. 300 <1929>  
Shulthis vs. McDougal, 107 F. 529 <8<sup>th</sup> Cir. 1909>

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# TABLE OF AUTHORITIES CITED

## CASES

	PAGE NUMBER
Axhelm vs. United States, 60 P. 98 <1900>	7, 12
Sharp vs. State, 104 P. 717 <1909>	7, 11, 12
Reynold vs. United States, 98 U.S. 145 <1878>	7
Harding vs. State, 22 Ark. 210	7, 11
Carney vs. United States, 104 S.W. 606 <1907>	7
Watkins vs. United States, 41 S.W. 1044 <1897>	11
Bise vs. United States, 82 S.W. 921 <1860>	11
Brady vs. Sizemore, 35 S.Ct. 135 <1914>	12
McDougal vs. McKay, 35 S.Ct. 605 <1915>	12
Stephens vs. Cherokee Nation, 19 S.Ct. 722 <1899>	12
Jackson vs. Harris, 43 F.2d 513 <10 <sup>th</sup> Cir. 1930>	12
Worcester vs. Georgia, 31 U.S. 515 <1832>	13

## STATUTES AND RULES

30 Stat. L. 83	1,
25 U.S.C.A. §§ 1301, 1302, 1303	3, 15,
Mansfield's Digest, § 1963, Ind. Terr. St. § 1306	7
C. 182, §§ 30, 31; 26 Stat. 81, 94, 95	11
25 U.S.C.A. § 5201 - Oklahoma Indian Welfare Act of 1936	6,

## OTHER

Muscogee Creek Nation Treaty of 1866

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 February 1, 2024 N/A; 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 February 1, 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: 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. § 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 persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of 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 its jurisdiction the equal protection of the laws.



### STATEMENT OF THE CASE

On September 27, 2015, Petitioner broke into an apartment adjoining the apartment occupied by the mother of his children. He then gained access to her apartment by breaking through the adjoining wall. At some point, he set fire to a mattress in the adjoining apartment.

### REASONS FOR GRANTING THE PETITION

The United States Court of Appeals made an unreasonable decision in this petition. In *Kontrick vs. Ryan*, 540 U.S. 443 (2004), this Court held that failure to comply with the time requirements in Federal Rule of Bankruptcy Procedure 4004 did not affect a federal court's subject matter jurisdiction to adjudicate the matter, under Article III, § 2, cl. 1, U.S.C.A. Const.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Margese Lynn Payne

Date: March 21, 2024