

FROM: 52221424
TO: Porter, David
SUBJECT: To Washington DC US Supreme Court part 01
DATE: 02/26/2024 08:26:07 AM

23-7429

ORIGINAL

No.

In The Supreme Court of the United States

Todd Giffen, Petitioner.
vs.

Joe Biden US President, US Attorney General Merrick Garland, Federal Medical Center Butner Warden, Respondents.

On Petition for a Writ of Certiorari To

United States Court of Appeals for the Fourth Circuit

Petition for Writ of Certiorari

Todd Giffen 52221424
Federal Medical Center
PMB 4000
Rochester, MN 55903-4000
no phone

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

Question(s) presented:

1. Did the United States Court of Appeals for the Fourth Circuit error by affirming the district court's ruling dismissing Petitioner's habeas corpus for failing to put the habeas corpus on the court's prescribed forms pursuant to a local rule, infringing on petitioner's right to handwrite the petition and have it liberally construed, to have the judge gather other facts not on the record and disperse them to the records of the case, and to have justice dealt under FRCivP 8(e). 2. Shouldn't the district court have at least liberally construed the habeas corpus petition as a conditions of confinement habeas corpus and granted some form of emergency relief as petitioner was placed in unconstitutional solitary confinement which is clearly established law? 3. Don't incompetent FRCivP 17(c) and habeas corpus petitioners have a right to court appointed counsel to amend petitions? 4. Don't judges have a duty to protect? 5. What accommodations must a judge order to permit a person to communicate with the court? 6. Is there a full civil Gideon/right to counsel in civil/habeas corpus cases?

List of parties

[x] All parties appear in the caption of the case on the cover page.

Related cases.

Todd Giffen v Warden, Federal Medical Center Butner, No. 5:23-HC-2132, U.S. District Court for the Eastern District of North Carolina. No judgment yet but judge is handling it the same as 5:23-HC-2013.
United States v Todd Giffen, No. 5:22-HC-2006, U.S. District Court for the Eastern District of North Carolina. Judgment entered: December 28 2022.
Todd Giffen v United States, No. 23-6224, U.S. Court of Appeals for the Fourth Circuit. Appeal dismissed as untimely October 31 2023.

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Updike v Multnomah Cty 870 F.3d 939	
Mallard v U.S. District Court of Iowa 490 U.S. 296	
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Fareta v California 422 U.S. 806	
McCoy v Louisiana 138 S Ct 1500	
Weaver v Massachusetts 582 U.S. 286	
Youngberg v Romeo 457 U.S. 307	
Lewis v Casey 518 U.S. 343	
Henderson v United Student Aid Funds, Inc 918 F.3d 1068	
Bragdon v Abbott 524 U.S. 624	
Braden v Judicial Circuit Court of Kentucky 410 U.S. 484	
Huffman v Pursue, Ltd 420 U.S. 592	
Younger v Harris 401 U.S. 37	
Humphrey v Cady 405 U.S. 504	
Patsy v Florida Board of Regents 457 U.S. 496	

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McCarthy v Madigan 503 U.S. 140
Latson v Clarke 794 Fed. Appx. 266

Statutes and Rules

28 USC 2241

28 USC 2243

28 USC 1651

28 USC 2071

FRCivP 8(a)(2)

FRCivP 8(e)

FRCivP 17(c)

Rules of the United States District Court for the Eastern District of North Carolina Rule 81.2 Habeas corpus actions.

Other

FROM: 52221424
TO: Porter, David
SUBJECT: To Washington DC US Supreme Court part 02
DATE: 02/26/2024 11:38:21 AM

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 B to the petition and is reported at: 2023 U.S. App. LEXIS 23325
...The opinion of the United States district court appears at Appendix A to the petition and is unpublished.

Jurisdiction

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was September 1, 2023.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 30, 2024, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 USC 1254(1).

Constitutional and statutory provisions involved.

The fundamental right to habeas corpus

The fundamental right to liberty

The fundamental right to access the

The fundamental right to be heard

The All Writs Act

28 USC 2241

28 USC 2243

Statement of the case.
I filed a habeas corpus alleging many illegalities including details on how I had been strapped to a chair and beaten bloody, held in isolation, and more. Illegal restraint of liberty by the executive Peyton v Rowe. The district court did not act forthwith 28 USC 2243, nor did they fashion appropriate emergency procedures Harris v Nelson, nor did they hold an evidentiary hearing Humphey v Cady. Holding a person in isolation is clearly against the constitution, see In Re Medley, and Latson v Clarke, violating the 8th amendment's proscription against cruel and unusual punishment and the due process proscription against punishment at a minimum. Other rights involved include the fundamental right to liberty, to be restraint free in a mental hospital and the right to have least restrictive alternatives used such as 1:1 care staffing instead of restraints (a 1:1 staffing to patient ratio is provided so that those who are suicidal or having behavioral problems can be watched more closely without the need for restraints) Youngberg v Romeo. Part of the allegations in the habeas corpus also included statements such as "I've been held incommunicado... for more information Google Padilla v Yoo, DIA Gitmo torture, Ziglar v Abassi, Al-Kidd v Ashcroft, Fazaga, Chicago PD black site, Cointelpro 2016... I cannot contact you... they steal all inbound and outbound mail, deny phone.... I have no money and cannot reply.... I need reasonable accommodations such as; laptop/internet/cellphone/lawyer... they refuse to appeal/certiorari/habeas... cannot appeal/certiorari until unimpaired..." This should have established to the judge that I could not reply to his orders and that I was under many illegal restraints of liberty. The judges job was to protect me and use force if necessary, Logan v United States, Wales v Whitney, In Re Quarles. Instead the judge ordered me to re-file the habeas corpus on a court provided form and left me to be injured and maimed, which I could not do because I had no outgoing mail access or tools to access the courts, and am severely disabled on top of it with TBI/PTSD/CTE/5+ soft tissue injuries/neuromuscular injuries and am under active NSA ESP/extended remote view medical grade directed energy procedures like an active surgery and am being assaulted/denied medical care by the BOP necessary to function. Under Rule 17(c) and Allen v Calderson, and Bounds v Smith/Tennessee v Lane/City & Cnty of San Francisco v Sheehan/Enyart v Nat'l Conf. of Bar Exam'rs, Inc, I should of been given reasonable acommodations/appointment of counsel/laptop/cellphone and other orders. A court has inherent power Chambers v Nasco, Inc to appoint counsel absent a statute Powell v Alabama, and lawyers have a duty to the court to provide representation Powell v Alabama, Mallard v U.S. District Court of Iowa: Court's are best tasked with acting as lawyer registries

and appointing counsel, and it gives lawyers experience working for the poorest and most disabled citizens on issues of public interest. Court's in the rest of the world from India, to Japan, to the entire European Union have counsel rights in civil cases. Google "legal aid Japan," "legal aid India," "legal aid Netherlands," for examples. SCOTUS has already ruled there's a right to counsel in civil rights and habeas corpus, Bounds v Smith, but no court appoints counsel to this day, although a handful of states have counsel to draft initial petitions. Citizens have a right to counsel of choice Faretta v California, Weaver v Massachusetts, McCoy v Louisiana, as citizens cannot be forced into agency relationships and must exercise choice in what agents they take Henderson v United Student Aid Funds, Inc, thus the type of counsel right in civil and habeas cases should include the right of choice of counsel. Counsel is also a right as a disability aid, in Tennessee v Lane, and City & Cnty of San Francisco v Sheehan, the court recognized that the disabled were protected classes and that the constitution now required them to be reasonably accommodated even absent a specific statute requiring the protections (4th amendment seizures requires reasonable accommodations?). Perhaps because Congress enforcement of the 14th amendment with the ADA TITLE II alters due process and equal protection principles even on the federal side under the 5th amendment, or because due process and equal protection now requires them to be protected. Tennessee v Lane stated the due process right to be heard was much like the right to reasonable accommodation, requiring the courts to provide meaningful access in both context. Today, the right to meaningful access encompasses a right to choice of accommodation Updike v Multnomah Cty, a person violates either the ADA or due process by not providing requested accommodations. A court also has power to require jails, mental hospitals, prisons to provide accommodations/provide access to the accommodations to ensure court access. Bounds v Smith should be given the full power of medical care required by Youngberg v Romeo or Estelle v Gamble, thus lawyers and legal accommodations are no different than providing the necessary medical attention for an injury (of course citizens/prisoners will have access to legal assistance full time, that's how other countries do it, and how medical attention is to be provided. there are plenty of legal resources to go around and they are not to be reserved for the wealthy (the only reason THE COURT would limit legal resources, is to reserve them for the rich)). Fundamental rights, are fundamental rights, they are all to be treated in the same, and borrow the soil from each other on how to enforce and what powers they have Bragdon v Abbott. Habeas corpus is a platform to litigate conditions of confinement, which does not require exhaustion of remedies because the doctrine of exhaustion Younger v Harris, Braden v 30th Judicial Circuit Court of Kentucky, Huffman v Pursue, Ltd. because courts don't have exclusive jurisdiction over conditions of confinement, but have concurrent jurisdiction Patsy v Florida Board of Regents, McCarthy v Madigan, and because the writ cannot be impaired or suspended Johnson v Avery by Congress ie PLRA (which does not apply to those civilly committed), the habeas corpus is a creature of the constitution and not statutory law of Congress, ... Even if exhaustion were required, an irreparable harm exception/special circumstances requires the judge to act promptly, see Younger v Harris/Huffman v Pursue, Ltd, Braden v 30th Judicial Circuit Court of Kentucky discussing the exhaustion doctrine exceptions. SCOTUS has confirmed that conditions of confinement may be litigated in habeas, see Wilwording v Swenson, Johnson v Avery, Ziglar v Abbasi, Nance v Ward, Dep't of Homeland Sec. v Thuraissigiam, In Re Medley, Re Bonner, Bell v Wolfish, Cochran v Kansas also many courts have used habeas to install law libraries Mead v Parker, provide healthcare Rouse v Cameron, to challenge forced medication Farabee v Clarke, to challenge location of sentence serving Re Bonner, to challenge prison officials denial of right to access the courts Johnson v Avery, to challenge prison officials refusal to forward notice of appeals to court Cochran v Kansas, and more. Note under Sanders v United States, I believe a judge has a duty to gather facts not on the record, such as by holding a hearing or bringing me into court and doing the disposition, even if I did not raise the claim in the petition itself or the petition was unclear. Habeas corpus may be used to release the prisoner for conditions of confinement In Re Medley, or issue an order to correct the violations Johnson v Avery, Preiser v Rodriguez, Peyton v Rowe.

Reasons for granting the petition

Will solidify the mechanics of protecting a person in the United States by means of habeas corpus, will help those needing their pleadings liberally construed, establish constitutional requirements to provide reasonable accommodations or establish a civil Gideon/right to counsel, will confirm that habeas corpus can be used for conditions of confinement, and more.

Conclusion

The petition for writ of certiorari should be granted.

Respectfully submitted,

Todd Giffen
/s/ Todd Giffen 52221424
Date: Feb 26 2024