

FROM: 15819064

TA:

SUBJECT: cover sheet

DATE: 04/22/2024 10:21:51 AM

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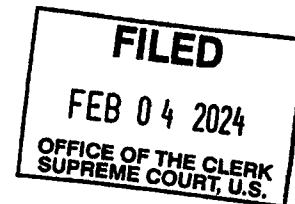
IN THE

SUPREME COURT OF THE UNITED STATES

Britt Jarriel Hammons
PETITIONER

Vs.

The United States Of America
RESPONDENT



United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

"PETITION FOR WRIT OF CERTIORARI"

Britt Jarriel Hammons #15819-064

P.O. Box 2000

Bruceton Mills West Virginia 26525

FROM: 15819064

TO:

SUBJECT: PRESENTED QUESTION(S)

DATE: 04/22/2024 10:21:30 AM

PRESENTED QUESTION 1

.How can the tenth circuit have a ruling on the same subject matter as the Supreme Court & other circuits courts & has a ruling that is in conflict with the Original Constitution of (1791),The Superme Court and others circuits ?

PRESENTED QUESTION 2

.Why is the tenth circuit committing treason against the original constitution by ruling that the federal status 922(g)(1) is constitutional? When most of the circuit has said that the federal status 922(g)(1) is unconstitutional. The very honaorable Judge Reeves (who is also the chair of the sentencing commission) has stated in open court "That the 922 (g)(1) is unconstitutional because it does not pass Bruen . See Bullock v. United States 3:18 c. 165 muster.. The Supreme Ct. has also stated that the second and fourteenth amendments protect an individuals right to keep and or bear arms for self-defense. In so doing we held unconstitutional two laws that prohibited the possession and use of handguns in the home ..see Heller and McDonald. Justice Amy Comey Barret stated this: "History is consistent with common sense; it demonstrates that legislatures have the power to prohibit dangerous people from possessing guns. But that power extends only to people who are dangerous. Founding-era legislatures did not strip felons of the right to bear arms simply because of their status of felons.. See Kanter v. Barr 919f.3d 437 (7 cii 2019)

PRESENTED QUESTION 3

.How can a district judge and/ or circuit judge go against the original constitution of the united states? When its the Supreme Law of the land. When it states clearly in the second amendment a well regualted militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed upon. Furthermore the fourteenth amendment held that no state shall make or enforce any law whcih shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive and person of life liberty and or the pursuit of happiness. The Supreme Ct. decided in 2008 that the individuals right was more faithful to the constitution " There seems to us no doubt, o the basis of both text and history , That the second amendment conferred an individuals right to keep and or bear arms" {See. DC v. Heller,554 U.S.570,595,168 S. Ct 2783 171 L.Ed 2d 637 (2008)}

The 7th Circuit Judge Barret has stated " Nor have the parties introducedand historic evidence that the founding-era legislatures imposed virtue-based restrictions on the right? Such restrictions applied to civic right like vote and jury service, not to individual rights like the right to possess a firearm. (See Kanter v. Barr 919 F3d 437)

FROM: 15819064

TO:

SUBJECT: LIST OF PARTIES,RELATED CASES & TABLE OF CONTENTS

DATE: 04/22/2024 12:29:46 PM

List Of Parties

. All parties in the caption of the case on the cover page .

Related Cases

. Heller .V United States,554. U.S. At 614,128 S.Ct 2783,171 L.Ed 2d 637

.McDonald.V City of Chicago,illnois, 561 U.S.,at 780,130 S.Ct 320,177,L.Ed 2d 894

.Naw York State Rifle & Pistol Association,Et, Al V. Kevin P. Bruen 142 S.Ct .2111,213 L.Ed 2d 387,2022 U.S. Lexis 3055

.Jessie Bullock V. United States,2022 U.S.District Lexis 203513

.Rickey Kanter V.United States Attorney Genertal William Barr,919 F.3d 437,451,{7th Cir 2019}

.Miller v. United States 307U.S.174(1939)

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. 1).Appendix-C.O.A. motion to the Tenth Circuit Court of Appeals & Order

. 2).Appensix 28 U.S.C.2255 to the District Court Of Oklahoma

Table of Authorities Cited

. D.C vs. Heller, 554 , U.S 570, 595 , 128 , s. ct 2783 , 171 I.ED 2nd 637 (2003)

. Mcdonald vs. City of Chicago, Illinois , 561 , U.S. , at 780 , 130 , S.Ct 3020 177 L.Ed 2nd 894

.New York State Rifal & Pistol Association,inc et al Vs. Kevin P Bruen,142,S.Ct.2111;213 LED 2d 387;2022 U.S Lexis 3055

. Jessie Bullock Vs United States , 2022 U.S. District Court Lexis 203513

. Rickey Kanter Vs United STates Attorney General William Barr , 919 F3d 437 , 451 (7th cir. 2019)

. Miller Vs United States , 307 U.S 174 (1939)

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. 28 U.S.C. 922 (g) (1)

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Other Opinions

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IN THE

. SUPERME COURT OF THE UNITED STATES

. PETITION FOR WRIT OF CERTIORARI

. Petitioner respectfully prays that a writ of certiorari issue to review the dicision of the tenth circuit court of appeals.

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Opinions Below

. For cases going to the court of appeals of the United States opinion has not been issue on this subject matter Mr.Hammons is invoking rule 11 of the United States Superme Court..

FROM: 15819064

TO:

SUBJECT: JURISDICTIONAL STATEMENT

DATE: 04/22/2024 12:45:13 PM

JURISDICTIONAL STATEMENT

Mr. Hammons invokes this Honorable court's jurisdiction to grant the petition for a writ of certiorari, to the tenth circuit of the United States Court of Appeals, on the basis of 28 U.S.C. 1254(1)...the court of appeals denied Mr. Hammons motion for the issuance of a certificate of appealability on December 13th, 2023. Mr. Hammons did not file for a rehearing in the court of appeals. This petition is timely filed in accordance with the rules of the Supreme Court rule 13.1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Original Constitution of (1791) amendment 2 holds: well regulated militia, being necessary to the security of a free state, the right of the [people] to keep and bear arms, shall not be infringed.....

The fourteenth amendment of the Original Constitution of (1868) Holds: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.....

The Oklahoma Constitution Article 2-Bill of Rights section 11-26 Holds: The right of a citizen to keep & bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be PROHIBITED; but nothing here contained shall prevent the legislature from regulating the carrying of weapons.....

FROM: 15819064

TO:

SUBJECT: STATEMENT OF THE CASE

DATE: 04/22/2024 10:20:32 AM

STATEMENT OF THE CASE

. Comes now, Britt Jarrel Hammons, pro se, hereinafter referred to in whole or in part as appellant, hereby presents to this honorable Supreme Court. that for good cause exist for a vote to be called and that merits a determination ruling be issued as the Due Process Clause of the United States Constitutions fifth amendment demands, as each and everyone of the Justices' has taken an oath to protect, serve and honor the United States Original Constitution of (1791) and (1868), which is the very document providing the requisite authority i.e jurisdiction for this court to even exist. The Original Constitution of (1791) Article VI holds: This constitution, and the law of the United States which shall be made in pursuance thereof: and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land. " So why is the tenth circuit committing treason by going against the very document that it swore an oath to; by ruling that the federal status 922(g)(1) is constitutionally sound"? The second Amendment of (1791) guarantees that: A well regulated militia, being necessary to the security of a free state, the right people to keep and bear arms shall not be infringed. Amendment 14 (1868) held: No state shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States. Isn't that what the federal status 922 (g)(1) do when it holds: It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.

. The Supreme Court decided in 2008 that the individuals right was more faithful to the Constitution. " There seems to us no doubt, on the basis of both text and history that the second amendment conferred an individuals right to keep & bear arms. (See D.C v. Heller, 554 U.S 570 595, 128 S. Ct 2783, 171 L. Ed 2d 637 (2008)

. The Supreme Court holds in McDonald that the second & fourteenth amendment protects an individual right to keep & bear arms for self defense. (See-McDonald Vs. Chicago,561 U.S.742,130,S.Ct 3020 117L.Ed 2d 894)...

. The broad scope of the federal status 922(g)(1) which permanently disqualifies all felon from possessing firearms would conflict with the very core self-defense right that is embodies in the second amendment.. (see- United States Vs. McCane,573,f 3d 1037,1048,49 {10th cir 2009})

. Why is the Tenth circuit going against all of the other circuit court by saying or stating that the federal status 922(g)(1) is constitutional sound????? The very Honorable judge Reeves (who is also the chair of the sentencing commission)has made this very statement: the federal status 922(g)(1) is Unconstitutional because it does not pass bruen muster.....

.(See-Bullock Vs. United States,3:18 cr-165 ,united states vs. Miller,307 U.S.174(1939) also

(see- Gabriel J.Chin,The J.Chin,The New Civil Death :Rethinking punishment's in the Era of Mass Conviction,160 U.Pa.L.Revi 1789,1791,{2021}).....

FROM: 15819064

TO:

SUBJECT: REASONS TO GRANT THIS WRIT

DATE: 04/22/2024 10:19:22 AM

Mr. Hammons is asking the tenth circuit court of appeals to issue him a certificate of appealability in light of the numerous circuits courts exposing the federal status 922(g)(1) is being unconstitutional

As the Original constitution of the United States of (1791) & (1868) Holds: A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, Shall not be infringed...

Mr. Hammons would like to take this time to point out a key word in this very important amendment of the Original Constitution..

Infringed means: To encroach upon in a way that violates law or the right of another.. (See-Webster dictionary and thesaurus)..

So the second amendment of the Original Constitution of (1791) holds: that the right to bear arms shall not be taken away from anyone.....

To support this statement the Original Constitution of the United States of (1868) holds: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States....

The Original Constitution of the United States is the "SUPREME LAW OF THE LAND"..
(See-Article 5 of the Original Constitution)

This Constitution, and the laws of the United States Which Shall be made in pursuance thereof; and all treaties made, or which shall be made under the AUTHORITY of the United States shall be the SUPREME LAW of the LAND; and the judges in every state shall be bound there by.....

The Supreme Court decided in 2008 that the individual right was more faithful to the constitution.... "There seems to us no doubt, on the basis of both text and history, that the second amendment conferred an individual right to keep and bear arms... (See-D.C. Vs. Heller, 554, U.S. 570, 595, 168, S.Ct. 2783, 171 L.Ed 2d 637 (2008)).

The Supreme Court Holds: in McDonald that the Second & Fourteenth amendment protects an individual rights to keep & bear arms for self-defense.. (See-McDonald Vs. Chicago, 561 U.S. 742, 130, S.Ct. 3020 177 L Ed 2d 894)

Justice Amy Coney Barrett Stated: History is consistent with common sense: It demonstrates that legislatures have the power to prohibit dangerous people from possessing guns... Founding-era legislatures did not strip felons of the right to bear arms simply because of their status as felon.....

As the honorable judge Reeves (who is also chair of the sentence commission) has stated: "That the federal status 922(g)(1) is unconstitutional because it can't pass muster.. (FURTHERMORE) the United States District Attorney can not show that the federal statute 922(g)(1) has been or still is consistent with the nation's historical tradition of firearm regulation; numerous of the circuits courts are stating or held the same thing as the honorable Judge Reeves that the federal status 922(g)(1) is unconstitutional..... With these very important facts that is set forth here in this motion for an Writ of Certiorari is the very reason that Mr. Hammons is seeking a C.O.A. from the tenth circuit court of appeals its simply to see that Mr. Hammons is indeed ACTUALLY INNOCENT of his conviction and sentence...

The Supreme Court has emphasized that the C.O.A. inquiry is not co-extensive with a merit analysis.. At the C.O.A. stage the only question is whether the prisoner has shown that jurists of reason could disagree with the district courts resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further...

(See-Miller-El 537 U.S., at 327, 123 S.Ct. 1029; 154 L Ed 2d 931)

Mr. Hammons is invoking rule 11 of the Supreme Court because with the tenth circuit statement: "We have already rejected the notion that Heller mandate an individualized inquiry concerning felon pursuant to 922(g)(1)"

. How can the tenth circuit dismiss or ignore what the Original Constitution of (1791) & (1868) or what the Supreme Court has already stated?? Is the tenth circuit more higher then the Original Constitution or the Supreme Court ???

. Have any parties introduced any historical evidence that founding-era legislatures imposed virtue-based restriction on the right; such restrictions applied to civic rights like voting and jury service, not to individual rights like the right to possess a gun... (See-Kanter Vs. Barr, 919 f 3d 437 (7th cir2019)..

. The federal status 922(g)(1) predecessor, the federal firearms Act of 1938, did not permanently ban all felon from possessing firearm, BUT rather those convicted of crimes of violence which is define as: murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking and certain forms of aggravated assault.
(See-Marshall, 32 Harv. J.L. & Pub Pol'y at 698-99)

FROM: 15819064

TO:

SUBJECT: CONCLUSION & PROOF OF SERVICE

DATE: 04/22/2024 10:18:12 AM

CONCLUSION

Mr. Hammons respectfully pleads that this court grants his petition for WRIT OF CERTIORARI and permit him to submit his petition to the tenth circuit for an C.O.A. on the very issues contained here in....

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

BRITT JARRIEL HAMMONS

PETITIONER

Vs.

UNITED STATES OF THE AMERICA

RESPONDENT(S)

I, Britt Jarriel Hammons, do swear or declare that on this date, April 23, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar day....

The name and addresses of those served are as follow:

- 1) United States Supreme Court Justice Ms. Barrett, 1 First Street E. Washington D.C. 20543
- 2) United States Court of Appeals for the tenth Circuit, 1823 Stout Street, Denver Co. 80257
- 3) United States District Court, 200 N.W. 4th Street, room 1210, Oklahoma City Okla 73102
- 4) United States Attorney, 215 Dean A. Mc Gee Ave, Suite 109 Oklahoma

I declare under penalty of perjury that the foregoing is true and correct....

Executed on April 23, 2024

Britt Jarriel Hammons