

No. _____

23-7772

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

TERM

Supreme Court, U.S.
FILED

MAY 01 2024

OFFICE OF THE CLERK

CHRISTOPHER L. PARKER - PETITIONER - PRO-SE

- VS -

DARREN GALLOWAY - RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO THE

7th CIRCUIT UNITED STATES APPELLATE COURT

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER L. PARKER

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QUESTIONS PRESENTED FOR REVIEW

QUESTION ONE

I was denied Due Process by not being allowed to submit supplemental exhaustion arguments or be allowed to submit an Amended memorandum of law?

QUESTION TWO

Circumstances exist that render state Court Remedies ineffective to protect my USCA Rights Pursuant to 28 USC 2254 (b) (1) (B) (i) ?

QUESTION THREE

730 ILCS 5/3-6-3 (a) (2), (2.3), (2.4), (2.5), (2.6) & (4.2) when applied together under the in Pari materia doctrine facially deny Equal Protection of the Law in violation of the 14th USCA ?

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

*Parker V Galloway NO. 23-CV-3617 US District Court
for the Southern District of Illinois Judgment 11/29/23*

*Parker V Galloway NO. 23-3383 US Court of Appeals for the
7th Circuit Judgment March 6, 2024.*

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Appendix B	southern District of Illinois Judgment
Appendix C	730 ILCS 5/3-6-3
Appendix D	2023 IL HB 5219

TABLE OF AUTHORITIES CITED

Cases

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Eichwedel v Chandler 696 F3d 660 (7th Cir 2012) ————— 3

Parker v Truitt 2022-————— 3,5

Preiser v Rodriguez 411 US 475 (1973) ————— 5,6

Statutes and Rules

28 USC 1254 ————— 1

28 USC 2254 ————— 2,3,5

14th USCA ————— 2,5,7

8th USCA ————— 4

730 ILCS 5/3-6-3 ————— 2,3,4,5,7

730 ILCS 5/3-3-9 ————— 2,2

730 ILCS 5/5-8-1 ————— 2

Other

2023 IL HB 5219 ————— 4,7

IN THE
SUPREME COURT OF THE UNITED STATES
TERM

PETITION FOR WRIT OF CERTIORARI

Petitioner, Christopher L. Parker, Pro-se, respectfully Prays
that a writ of CERTIORARI issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at
Appendix A to this Petition and is unpublished.

The opinion of the United States District Court appears at
Appendix B to this Petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals
decided my case was March 6, 2024.

NO Petition for rehearing was filed in my case.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th USCA Due Process Clause

14th USCA Equal Protection of the Law Clause.

8th USCA Cruel and unusual Punishment Clause

28 USC 2254

730 ILCS 5/3-6-3

730 ILCS 5/5-8-1

730 ILCS 5/3-3-7

730 ILCS 5/3-3-9

STATEMENT OF CASE

Petitioner Christopher L. Porter, was convicted of one count of Criminal sexual assault in Jersey County Illinois case no 07-CF-176 and sentenced to 5 years 3 months with 3 years to natural life on MSR on June 24, 2009.

Illinois by law creates the expectation of a liberty interest:

"The state of Illinois has created a statutory right to good-conduct credit for the inmates in its prisons. Illinois inmates, therefore, have a liberty interest in their good-conduct credits. E.g." Eichwedel v Chandler 696 F3d 660, 675 (7th Cir 2012)

I was released onto MSR July 3, 2012.

I am serving a 2 year MSR violation and I get out July 26, 2024.

The 7th Circuit in Parker v Truitt 2022-_____ held that I did not need their permission to file a Habeas Challenge on this MSR violation.

730 ILCS 5/3-6-3 (a)(4), (4.1) + (4.2) allow us to earn additional good-time for schooling, programs and work assignments. (Doc 1 Page _____ shows I have earned 12 days IDOC refuses to reduce my time by.)

Criminal sexual assault is an 85% crime (730 ILCS 5/3-6-3 (a)(2)).

730 ILCS 5/3-6-3 (a)(4.2) prohibits 85% + 100% inmates from reducing their sentences by the time we earn by law but allows 50% inmates unlimited reduction.

REASONS FOR GRANTING THE PETITION

Denying review in Federal Court will guarantee that my USCA Rights are violated before my JULY 26, 2024 outdate.

2023 IL HB 5219 Proves the Illinois Legislatures' acknowledgment that 730 ILCS 513-6-3 (2)(2.3)(2.4)(2.5)(2.6) + (4.7) facially deny Equal Protection of the Law in violation of the 14th USCA. (Attached at APPENDIX D)

Delaying the implementation of removing these Paragraphs from application will continue to deny Equal Protection of the law and inflict the cruel and unusual punishment of prolonged incarceration.

this Bill will release thousands into homelessness.

2023 IL HB 5219 would go into effect January 1, 2025.

Releasing thousands into homelessness in the middle of winter would be cruel and unusual punishment in violation of the 8th USCA.

ISSUING a preliminary injunction prohibiting the application of 730 ILCS 513-6-3 (2)(2.3)(2.4)(2.5)(2.6) + (4.7) and giving IDOC until July 1, 2024 to recalculate all sentences and release all affected is the only way to ^{stop} ~~prevent~~ this denial of Equal Protection of the law and prevent any further infliction of cruel and unusual punishment by the application of this facially unconstitutional statutory scheme.

QUESTION ONE

I was denied Due Process by not being allowed to submit supplemental exhaustion arguments or being allowed to submit an Amended Memorandum of Law

The 7th Circuit in *Parker v Truitt* 2022-_____ held that I did not need their permission to file a *Habeas* Challenge on this MSR violation.

On November 8, 2023 the District Court filed my Pro-Se Petition facially challenging the constitutionality of 730 ILCS 5/3-6-3 and my Memorandum of Law.

Doc 10 attempted to supplement my ~~exhaustion~~^{exhaustion} of remedies argument.

On 11-20-2023 the Court Ordered this stricken from the Record.

On 11-29-2023 the Court DENIED my Petition with prejudice and denied ~~certificate~~^{certificate} of appealability.

My Amended Memorandum of Laws including the Supplemental ~~exhaustion~~^{exhaustion} of remedies argument was not filed by the clerk until 11-30-2023.(Doc 24)

Not being ~~allowed~~^{allowed} to submit and argue *Preiser v Rodriguez* 411 US 475 (1973) time factor as "Existence of circumstances rendering such [State] process ineffective to protect my Rights" denied due process of law.

QUESTION TWO

• Circumstances exist that render state court remedies ineffective to protect my USCA Rights Pursuant to 28 USC 2254(b)(1) & (2)?

At the time I received the IDOC memorandum denying idoxs I had earned by law (DOC 1 Pass), I only had about 9 months left to serve on the 2 year violation of MSR I am in prison for.

US Supreme Court Precedent holds:

"[E] Arguably, in either case, if the prisoner could make a showing that because of the time factor, his otherwise adequate state remedy would be inadequate, a federal court might entertain his habeas application immediately under 2254(b)'s language relating to "existence of circumstances rendering such [state] process ineffective to protect the rights of the prisoner."
Preiser v Rodriguez, 411 US 475, 496-497 (1973)

state court remedies would take a year or more to exhaust as even if the state trial court declared these statutes facially unconstitutional the state Attorney would appeal to the Illinois Supreme Court as a matter of Right.

Therefore Pursuant to 28 USC 2254(b)(1) & (2) Circumstances exist that render my state remedies ineffective to protect my constitutional rights because I do not have enough time left on my sentence to exhaust state court remedies.

QUESTION THREE

730 ILCS 513-6-3 (2), (2.3), (2.4), (2.5), (2.6) & (4.7) when applied together under the in Pari materia doctrine facially deny Equal Protection of the law in violation of the 14th USCA

730 ILCS 513-6-3 (1)(4), (4.1) & (4.2) awards every Prisoner who Participates in schooling, programming or work assignments the same amount of good-conduct credit.

730 ILCS 513-6-3 (1)(4.7) denies or limits the amount 75%, 85% & 100% Prisoners may receive but allows 50% Prisoners unlimited reduction for the same schooling, programming or work assignments facially denying Equal Protection of the law in violation of the 14th USCA.

2023 ILHB 5219 Proves the Illinois Legislatures acknowledgment that this denies Equal Protection of the Law in violation of the 14th USCA.

Therefore, 730 ILCS 513-6-3 (2), (2.3), (2.4), (2.5), (2.6) & (4.7) facially deny Equal Protection of the law in violation of the 14th USCA.

CONCLUSION

The Petition for writ of Certiorari should be granted.

Respectfully submitted

6-3-24
Dated 6-3-24



Christopher L. Parker