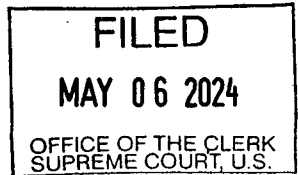


No. 24 - 5039



IN THE
SUPREME COURT OF THE UNITED STATES

In Re James Wolfe — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

James Wolfe
(Your Name)

EP 9297 SCI Huntington
(Address)

1100 Pike Street Huntington PA 16654
(City, State, Zip Code)

N / N
(Phone Number)

QUESTION(S) PRESENTED

1. Did the court error in not granting default judgment in Civil action Number 3:24-cv-00021 U.S.D.C. M.D. Pa 2024 Filed at Doc 1 and Doc 42
2. Did the court error denying writ of Habeas Corpus prematurely at civil action Number 3:24-cv-00210 U.S.D.C. W.D. Pa
3. Are Petitioners Constitution rights of Due process Double Jeopardy and cruel and unusual punishment being violated.
4. Is Petitioner being prejudiced by delay in courts decision making process due to his imprisonment as petitioner suggests a plain error issues exist at all levels of courts thus far in the courts rulings and/or report and recommendations / orders
5. Does the U.S. Supreme Court Federal Jurisdiction attach under 28 U.S.C. section 1331
6. Should a writ of Habeas corpus be granted at 3:24-cv-0814 as a miscarriage of Justice has occurred at all courts for Petitioner

LIST OF PARTIES

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

[X] 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:

Pennsylvania ~~USA~~

Respondent

State of Pennsylvania Attorney General

Solicitor General of the ^{Respondent} United States

Respondent

195 M.D. ²⁰²³ RELATED CASES

~~2023~~ Pennsylvania Commonwealth Court
3:24-CV-00021 U.S.D.C. M.D. Pa

3:24-CV-00210 U.S.D.C. W.D. Pa

3:24-CV-00040 U.S.D.C. W.D. Pa

24-1462 U.S.C.A 3 Cir

257 M.D. 2024 Pennsylvania Commonwealth Court
3:20-CV-1153 U.S.D.C. M.D. Pa

3:20-CV-211 U.S.D.C. W.D. Pa

624 M.D. ²⁰¹⁹ Pennsylvania Commonwealth Court
~~Pennsylvania Commonwealth Court~~

1328 C.D. 2019 Pennsylvania Commonwealth Court
E.P.-07-135-2000 Common Pleas Blair County
Pennsylvania

C.P.-07-1569-1999 Common Pleas Blair County
Pennsylvania

3:24-CV-0814 U.S.D.C. M.D. Pa 2024

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Cannon v California 2023 U.S. Dist LEXIS 231298	100
EEOC v. City of Longbranc	866 F.3d 93 (3d cir 2017)
Anthony Calabro v. United States Parole Board et al	525 F.2d 660 1975 U.S. App LEXIS 71210
NO 75 - 3035 Summary Calendar	
Childs v. United States Parole Board	511 F.2d 1270 167 U.S. App D.C. 268.
1974 U.S. LEXIS 5583	
Divers v six unknown Narcotics Agents	403 U.S. 388 29 LER 2d 619
STATUTES AND RULES	91 SCT 1999
Rule 47 Reference to State Court and State law	
Rule 4 Fed R Civ P	
Rule 12 Fed R Civ P	
Act 47 Pennsylvania State Police Criminal Record Check (Rap Sheet)	
Title 47 Civil Rights Act	
OTHER	
28 U.S.C. Section 1291 Final Decisions of District Courts	

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APPENDIX B	DOC 42 Order Denying Default Judgment Summary Judgment at 3:24-CV-21 U.S.D.C. M.D. Pa 2024
APPENDIX C	Summary Calendar for Jurisdiction Anthony Celabro v. United States Parole Board et al 1975 U.S. App LEXIS 11210
APPENDIX D	Department of Veterans Affairs Series E Warbonds Constitution of Commonwealth of Pennsylvania Civil Rights Civil Service Commission
APPENDIX E	Document by Tailor without Name Unlawful search and seizure and detainment Jurisdiction expired 4/25/2012 Bivens violation Form DC-8A
APPENDIX F	IRS Form DC-135A C.P. 07- CR-135-2000 Blair County Pennsylvania C.P. 07- CR 1569-1999 Blair County Pennsylvania Docket no number for James Wolfe Cited by US magistrate Judge at 3:24-CV-40 U.S.D.C W.D. Pa 2024
Appendix G	Form DC-198 Form DC-198 Post Conviction Collateral Appeal filed open with no response from Blair County Court of Common Pleas Pennsylvania on sentencing issues offense tracking numbers that are inaccurate Federal truth in Sentencing violations Adam Walsh act

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

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 24-1462; 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 3:24-cv-40 3:24-cv-0210; 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 Commonwealth Court of Pennsylvania court appears at Appendix C 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 pending.

☐ 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. N/A A N/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. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution of the Commonwealth of Pennsylvania

Rule 47 Final Decisions of District Courts

Title 47 of Civil Rights Act

Article I Commonwealth of Pennsylvania Constitution

Section 1 - 29

Use of Criminal Record history Regulated by
Act 47 as amended SP4-137B Pennsylvania State
Police Rap Sheet

Rule 4 Federal Rules of Civil Procedure

Rule 12 Federal Rules of Civil Procedure

Fourth Amendment United States Constitution

Eighth Amendment United States Constitution

Civil Rights Act 42 U.S.C. Section 1983

Informer Pauper's Statute 28 U.S.C. Section 1915

Habeas Corpus Article I Section 14 of the
Commonwealth of Pennsylvania Constitution and the
United States Constitution and Pennsylvania
Constitution.

STATEMENT OF THE CASE

Petitioner has been subject to cruel and unusual Punishment in violation of the Declaration of Rights Under Article I of the Commonwealth of Pennsylvania Constitution. Petitioner has been subject to untimely filings by all courts listed in related Court of petitioner Equitable Tooling attaches to petitioner. Default judgment and Habeas Relief should attach and issue as the Court at 3:24-CU-00021 U.S.D.C. M.D. Pa 2024 3:24-CU-00210 U.S.D.C. M.D. Pa ~~2024~~ ²⁰²⁴ Transferred to 3:24-CU-00040 U.S.D.C. W.D. Pa 2024. Petitioner suffers from Claims provided in 1983 Civil Rights action against defendants John Rivello et al in case No 3:24-CU-00021 U.S.D.C. M.D. Pa 2024 a Motion/Answer by defendants was not filed timely i.e. January 23, 2024 to ~~Pa~~ March 22, 2024 instead Defendants filed on March 25, 2024 caused delay and prejudice to ~~defendant~~ Petitioner including discovery proceedings a Catch 22 is occurring by the delay from Defendants and Staff to Petitioner. Petitioner's sentence has went without hearing or course on Form DC-16 E sentence status summary and with wrong offense tracking number

REASONS FOR GRANTING THE PETITION

The Courts calendar is off at all Courts in the U.S. Making jurisdiction not with the U.S. Supreme Court.

Petitioner's sentence and offense tracking numbering are in violation of Federal Truth of Sentencing and prejudice petitioner by an increase in his maximum term of a maximum date of April 03, 2046 ~~also~~ ^{not} with any hearing held September 30, 2046 being relied on by Pa Dept of correction officials and Pa board of Parole prejudicing petitioner in due process of law jeopardy and excessive punishment. Petitioner suffers from a cut at tooth and gum on Pa Dept of Correction Retina Scanner by Defendants subjecting him to cruel and unusual punishment. All of my court proceedings since 2019 at 624 M.D. 2019 1328 CD 2019 Pa cmwlth ct have been untimely submitted by the party I am aggrieved by. On January 23, 2024 I filed a complaint 1983 ~~trial~~ civil rights action in the U.S.D.C. M.D. Pa

a waiver of service and although defendants signed and were aware of the strict filing deadline 60 days the defendants answer or a motion under Rule 12 was not filed until March 25, 2024. It was due by on March 22, 2024. I am prejudiced by discouraging filing and a catch 22 by my being detained against the parties I am proceeding against AT 3:20-CU-211 U.S.D.C. W D Pa 2020 No answer was ever filed by Superintendent / warden case was closed in Habeas corpus proceeding Same at 3:24-CU-00040 U.S.D.C. W D Pa 2024

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

James Wolf

Date: May 25, 2024