



24-6096
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

David C. Laphier — PETITIONER
(Your Name)

vs.

Paul E. Bonanno — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Second circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David C. Laphier
(Your Name)

P.O. Box 879
(Address)

Ayer, MA 01432
(City, State, Zip Code)

(Phone Number)

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

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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 4 to the petition and is

reported at _____; 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 is unpublished.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 5 to the petition and is

reported at _____; 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 is unpublished.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 _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

TABLE OF AUTHORITIES CITED

CASES

Socotek v Daniels, 467 F.Supp. 2d 1007

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appendix C

STATUTES AND RULES

Federal Rule of Evidence 801
Federal Rule of Evidence 802
Federal Rule of Evidence 806
Federal Rule of Evidence 906
Federal Rule of Evidence 401
Title 28 United States Code 1915
Title 28 United States Code 1915A
Federal Rule of Evidence 403
Federal Rule of Evidence 108
Federal Rule of Evidence 103
Title 5 United States Code 701

OTHER

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was June 26, 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: October 18, 2024, and a copy of the order denying rehearing appears at Appendix B.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (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 _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

Questions to 23-cv-1258

1. Can a Judge give legal advise?
2. Can Title 5 United States Code be a form of habeas for Title 28 United States Code 2241?
3. Can appeals claim Neitzke v williams, 490 U.S. 319 for a habeas?
4. How long does a judge have to dispose a filing of a habeas under Title 28 United States Code 2241?
5. Can a habeas be dismissed by a text order?
6. Can a Bivens cause of action attack a validation of a conviction?
7. Is Brady Material violation a Bivens cause of Action?

Constitutional and Statutory provisions Involved
23-cv-1258

1. Due process
2. Federal Rule of Evidence 801
3. Federal Rule of Evidence 802
4. Federal Rule of Evidence 806
5. Federal Rule of Evidence 406
6. Federal Rule of Evidence 401
7. Title 28 United States Code 1915
8. Title 28 United States Code 1915A
9. Federal Rule of Evidence 403
10. Federal Rule of Evidence 103
11. Federal Rule of Evidence 104
12. Title 5 United States Code 701

Statement of Case
23-cv-1258

This is a habeas corpus petition in which was dismissed by a text order after the petitioner had tried to do a writ of mandamus to get the petition of habeas going which had already been a few months.

It turns from the dismissal to legal advise that was given which was to do a bivens cause of action. In which there are two problems to that, one being thebs of "absolute immunity" defense and two this court, the supreme court of america hasn't recognized the matter as a bivens cause of action last the petition had known.

A habeas petition is to attack a criminal conviction or other matters in the criminal proceeding. In united states of america v berger in which explain a little in depth about the petition in the wrong stage of the criminal proceeding.

This is after the jury came back from a fifteen minute deliberation on mostly the federal agent Randall E. Garver testimony in which he had nothing to do with such of the case but filed the criminal complaint.

The petition may need to be amended for a different type of relief since the relief passed off a Title 5 United States Code 702 method that has merit to it.

A good case example about habeas relief is Soroka v Daniels, 467 F. Supp. 2d 1097 in which the court had tested the laws to Title 5 United States Code 706(2)(A) in which is similar to the situation in this case which if the petitioner needs to put the Department of Justice to meet Title 5 requirements the petitioner will do such but since the case doesn't have the bureau of prisons as respondent such seems not needed.

If not mistaken under Title 5 United States Code 706 the Administrative Procedure Act authorizes federal courts to set aside agency actions that are either unconstitutional, or are arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.

Which if not mistaken by the denial of such was unconstitutional and not in accordance with the law.

Reason to grant petition
23-cv-1258

It brings more clarity to what a judge needs to do to determine if there should be a quick "dismissal" to a petition or more of a fact finding matter so it can more reviewable for the higher courts to see if it is a matter of law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John Doe

Date: October 17, 2024