

24-6175 (4)

No. 24-6175

U.S. Court of Appeals 6th circuit

IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Washington, D.C.

pro se

ALFREDA. JOHNSON SR. PETITIONER
(Your Name)

FILED

NOV 25 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

WARDEN Doug Lunkel RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

6th Circuit Appeals Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALFRED A. JOHNSON SR.

#798-288

(Your Name)

OSP 878 Coitsville-Hubbard Rd.
(Address)

Youngstown, Ohio 44505
(City, State, Zip Code)

N/A

(Phone Number)

(4)

QUESTION(S) PRESENTED

- ① Does a federal district judge have the right not to grant or deny a CO in his final order in governing rule 11.
- ② Does a federal district judge have the inherited authority to deny the 6th circuit court order of 1/10/24 transcripts needed.
- ③ Does a federal district judge have the inherited authority to file a new pro tem order while a habeas petitioner is under appeal without leave of court civil rule 60(A) violating inmate's 5th + 14th Amendment of substantive due process + 2805.02(B)(1) 12/14/23 - 6/7/24 in error of procedure, impeding on an jurisdictional appeal, leaving unreasonable violation of 2254(D)(1) + (D)(2)
- ④ Does a federal circuit judge sitter have the inherited authority to deny habeas corpus on these clear errors of district court, when Exhibits #2 + 3 is presented for review, And reasonable just can debate case can proceed from order of Dismissed WD prejudice on pg. 2 of order 9-18-24 top paragraph, That Had A Substantial Showing of Constitutional right (7+) of them with merit. *J.T. V. Johnson 2023-Ohio-2024 (FARETTA)*

(4)

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

① ST.V.JOHNSON 2023-Ohio-2424 6th District Appeals (Decided) July 14th, 2023

② ST.V.JOHNSON 2024-Ohio-335 (Decided) feb, 6th 2024

③ ST.V.JOHNSON 2024-Ohio-1511 Decided April 18th 2024

④ JOHNSON V. OHIO 144 S.C.T. 2573 U.S. May 20, 2024

⑤ JOHNSON V. LUNKEKE 2024 6th Cir. Sept 18th 2024

⑥ JOHNSON V. LUNKEKE EN BANC 6th Cir Nov 18th 2024

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APPENDIX B federal District Court 12/14/23 Johnson v. Warden Leneke (Toledo)

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TABLE OF AUTHORITIES CITED

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CASES	PAGE NUMBER
6 th Circuit Appeals (Crangle v. Kelly), 7 th Circuit Appeals (Kisay v. United States) Black v. Hicks 2018-2020 O.S.C.T.	pg. 5 + 7
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OTHER

IN THE

(6)

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 A to the petition and is

reported at Johnson v. Lueke U.S. App. LEXIS 23749; 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 _____ 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.

JURISDICTION (b)

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was SEPT, 18th 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: NOV 18th 2024, and a copy of the order denying rehearing appears at Appendix C.

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).

(6)
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ① The 5th And 14th Amendment of
Bill of Rights + procedural Due process.
- ② governing rule 11 of Habeas corpus
- ③ 2254 D(1) + D(2)
- ④ 2505.02 B(1)
- ⑤ rule 59(E) Civ.R. 60(B)(1) mistake + surprise
Civ.R. 60(A)
- ⑥ E-Rule 403

(b)
STATEMENT OF THE CASE

I filed This Habeas Corpus in The 6th circuit
1-10-24, The District Court Judge Knapp II
Did not grant or Deny A COA when He gave
A final order on 12/14/23 of governing rule 11.
He Had A ministerial duty to do so, this caused
my substantive rights to be violated.
Transcripts were needed from the trial court
of The District Court, The procedure was
not done either. This same judge Knapp
II filed A new pro tem order to the 6th Cir.
to Deny A COA, This I suspected my right to
An Appeal And Delayed it immensely. He
Did not seek leave of court in The 6th Cir
under Cir. R. 60A, my 5th Amendment Substantive
rights were violated, when He Did not grant or
Deny And filed while under appeal. The 14th
Amendment of Due process was violated when
The 6th circuit could not have jurisdiction
until He Did send 6 months later An order
And it is illegal to do this without permission
(RUSAY v. United States 7th Cir) And (craigie v. Kelly
6th Cir.) gave A new order + Enhanced my
sentence to be Delayed And Denied And I →

(6)

Continued... A Statement of Case &

sit in prison without proper Due process of law, There is a manifest injustice. The United States Supreme Court & The Ohio Supreme Court gives all courts the rules. EVERY BODY KNOWS once An Appeal is docketed and perfected. A lower court loses jurisdiction to the Case unless remanded (KUSA). The District Court is in violation of Due process in my Habeas Corpus, The 6th circuit brings conflict with The 7th circuit. The Ohio Supreme Court & The U.S. Supreme Court. This is a "I Should of known or might have order, but never made. This is an "ABUSE OF DISCRETION" And "unreasonable" 225.4 D(1)+(2). My equal liberty to live is in illegal question, 59(E) + CIV.R. 6.0(B) I was filed in The 6th circuit. They never mentioned my pro-Tunc order, Exceeding the scope of the Court & gave no Rationale of The Tunc pro-Tunc. This is mistake & surprise And judge Siler & The rest of The 6th circuit Sidestepped The law and presented conflict of Courts. 2505.02(B)(1) & ask this court to clarify conflict of federal question of The 6th & 7th circuit and S.C.T.

(7)
REASONS FOR GRANTING THE PETITION

① This is a clear error for a new pro time order to be filed in any Appeal court from the lower court loses jurisdiction to proceed (KUSAY v. UNITED STATES 7th cir.) (Crangle v. Kelly 6th cir in conflict.) BLACK v. HICKS 2018-04-05-²²⁸⁹₂₂₈₉ See HN 1. see EXHIBIT'S #2 + #3 Appeal docketed on 1-10-24 ② In order to prove they did not deny this COA on 12/14/24, on 1-10-24 Transcript was requested, it is none or sent. This deprives me of my 5th + 14th Amendment, to an Appeal w/o an order for 6 months. ③ The federal district judge under governing rule 11 must grant or deny COA when giving final order it was 12/14/24 see Docket + order (VERBATIM). ④ A Duty to review their Docket and hear every thing in it before decision Exhibit 7 #3 + #2 was present, They downplayed it and overlooked it. A reasonable Jurist can agree this could of proceeded for my (7+) substantial constitutional error found and not considered on merits

(7)

I even have a Farella violation appealed
Evid. R. 403 appealed, citing: Alongi v. Ricci,
was denied counsel May 23' + 1-11-24. Gideon v.
Weinwright, Johnson v. ZERBST, These are
Federal rights & question's. The District &
Federal circuit court violated 2254(D)(1)-(2)
which is unreasonable to file a new pro
Time order with out first leave of 6th circuit
Court of Civ. R. 60(A.) **CONCLUSION** There is a conflict
of 6th circuit Craig v. Kelley + 7th circuit Kusay v.
United States

The petition for a writ of certiorari should be granted.

AS A MATTER of law of Federal Constitution

Respectfully submitted,

EX PARTE
Alfred A. Johnson

Date: 11-25-24