

24-6175 (4)

No. ~~24-6175~~

U.S. Court of Appeals 6th circuit

IN THE

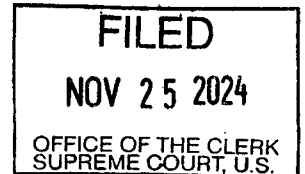
ORIGINAL

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C.

*pro se*

ALFRED A. JOHNSON SR. PETITIONER  
(Your Name)



VS.

WARDENDoug LUNKE RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

6th ~~U.S. Court of Appeals~~ 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 COA 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 non pro tunc 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 + 2505.02(B)(1) 12/14/23 - 6/7/24 in error of procedure, impeding on A N jurisdictional Appeal, leaving unreasonable violation of 2254(b)(1) + (D)(2)
- ④ Does A federal circuit Judge Siler 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 jurist can debate case can proceed from order of Dismissed W/O prejudice on pg. 2 of order 9-18-24 Top Paragraph, 7th + 8th Had A substantial Showing of Constitutional rights (7+) of them with ment. ST. V. Johnson 2023-Ohio-2424 (FARETTA)

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## 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 6<sup>th</sup> District Appeals (Decided) July 14<sup>th</sup> 2023
- ② ST. V. JOHNSON 2024-Ohio-335 (Decided) Feb, 6<sup>th</sup> 2024
- ③ ST. V. JOHNSON 2024-Ohio-1511 Decided April 19<sup>th</sup> 2024
- ④ JOHNSON V. OHIO 144 S.Ct. 2573 U.S. May 20, 2024
- ⑤ JOHNSON V. LUNKE 2024 6<sup>th</sup> Cir. Sept 18<sup>th</sup> 2024
- ⑥ JOHNSON V. LUNKE EN BANC 6<sup>th</sup> Cir Nov 18<sup>th</sup> 2024

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OTHER

IN THE

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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. LUNKEKE U.S. APPEXIS 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

(6)

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was SEPT, 18<sup>th</sup> 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 18<sup>th</sup> 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 5<sup>th</sup> And 14<sup>th</sup> Amendment of Substantive + 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



(6)  
STATEMENT OF THE CASE

I filed This Habeas Corpus in The 6<sup>th</sup> circuit  
1-10-24, The District Court Judge Knepp 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 Knepp  
II filed A unus pro tunc order to the 6<sup>th</sup> Cir.  
to Deny A COA, This I impeded my right to  
An Appeal And Delayed it immensely. He  
Did not seek leave of court in The 6<sup>th</sup> Cir  
under Cir. R. 60A, my 5<sup>th</sup> Amendment Substantive  
rights were violated, when He Did not grant or  
Deny And filed while under Appeal. The 14<sup>th</sup>  
Amendment of Due process was violated when  
The 6<sup>th</sup> circuit Could not Have jurisdiction  
until He did send 6 months later An order  
And it is illegal to do this without permission  
(KUSAY V. United States 7<sup>th</sup> Cir) And (Crangle V. Kelly  
6<sup>th</sup> Cir.) gave A New order + Enhanced my  
Sentence to be Delayed And Denied And I →

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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 (KUSAY). The District Court is in violation of Due process in my Habeas Corpus, The 6th circuit brings conflict with The 7th Cir. The Ohio Supreme Court + The U.S. Supreme Court. This is a "I should of have 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 an illegal question, 59(G) + CIV. R. 60(B) I was filed in The 6th Cir. They never mentioned nunc. pro tunc order, Exceeding the scope of the Court + gave no Rationale of The nunc. 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) I ask this Court to clarify conflict of federal question of The 6th + 7th circuit And S. CT.

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REASONS FOR GRANTING THE PETITION

① This is A clear error for A nunc pro tunc order to be filed in Any Appeal court from the lower court loses jurisdiction to proceed (KUSAY V. UNITED STATES 7<sup>th</sup> cir.) (Crangle v. Kelly 6<sup>th</sup> cir in conflict.) BLACK V. HICKS 2018-Ohio-2289-2290 see HN 1. see EXHIBITS #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 5<sup>th</sup> + 14<sup>th</sup> Amendment, to An Appeal w/o An order for 6 months. (ST. V = WASHINGTON) 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 Circuit court judge And panel on rehearing Has A duty to review their Docket And hear every-thing in it before decision Exhibit #3 + #2 was present, They downplayed it And overlooked it. Reasonable jurist Can Agree this could of proceeded for my (7+) substantial Constitution error found And not considered on merits

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I even HAVE A Faetta Violation Appealed  
EVID. R. 403 Appealed, citing: Alongi v. Ricci,  
was Denied counsel MAY 23' + 1-11-24. Gideon v.  
Wainwright, 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 munipro  
Time order with out first leave of 6<sup>th</sup> circuit  
Court of Civ. R. 60(A.) CONCLUSION There is A Conflict  
of 6<sup>th</sup> circuit Crongle v. Kelley + 7<sup>th</sup> in 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