

24-6882 **ORIGINAL**
No. _____

Supreme Court, U.S.
FILED

MAR 24 2025

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Michael C. Romig — PETITIONER
(Your Name)

vs.

Commonwealth of Pennsylvania — RESPONDENT(S)
Superintendent Frackville SCI, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
No. 24-1878
(M.D. Pa. No. 4:22-cv-01628)

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

PETITION FOR WRIT OF CERTIORARI

Michael C. Romig QK6374 pro se
(Your Name)

S.C.I. Frackville
1111 Altamont Blvd.

(Address)

Frackville, Pennsylvania 17931
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Was it constitutional violation/error for the U.S. District Court to procedurally default Defendant/Petitioner due to court appointed counsels action/inaction (Trial counsel, Direct Appeal counsel, PCRA counsel), where Defendant/Petitioner raised the issue properly but counsel failed to address, omitted, and or failed to properly argue the issue?

Suggested Answer: YES

2.) Did court appointed counsels systematically violate Defendant/Petitioner's constitutional rights by tactically maintaining State charges by causing denial of the right to a fair trial before an impartial jury, to present evidence and confront the evidence and witnesses against him, to due process of law, and equal protection of law, where Defendant/Petitioner was affected by Americas continuing neglect to provide adequate representation to indigent persons/defendants?

Suggested Answer: YES

3.) Did the Appeals Court error by finding my appeal untimely?

Suggested Answer: YES

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:

Petitioner

Michael C. Romig QK6374
S.C.I. Frackville
1111 Altamont Blvd.
Frackville, Pennsylvania 17931

Respondents

For the Commonwealth of Pennsylvania
Gregory J. Simatic
Office of Attorney General
Western District
1251 Waterfront Place
Mezzanine Level
Pittsburgh, Pennsylvania 15222

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APPENDIX A

United States Court of Appeals for the Third Circuit No. 24-1878
ORDER of which denied petition for rehearing Dated: 2-28-25

APPENDIX B

(Romig's pro se) Petition for Rehearing en banc No. 24-1878
Mailed: 2-5-25

APPENDIX C

United States Court of Appeals for the Third Circuit No. 24-1878
ORDER of which dismissed Romig's appeal for lack of appellate
jurisdiction No. 24-1878 Dated: 1-27-25

APPENDIX D

Romig's Appeal/Application for COA, Notice of Appeal, and IFP
Mailed: 5-7-24

APPENDIX E

United States District Court for the Middle District of Pennsylvania
No. 4:22-cv-01628 December 22, 2023 ORDER denying 59(e).

APPENDIX F

Romig's 12-8-2023 Motion for Reconsideration from judgment or Order,
and 12-18-2023 brief in support of the motion.

APPENDIX G

United States District Court No. 4:22-cv-01628 Memorandum
Opinion dated November 29, 2023.
(Denying 2254)

APPENDIX H

Romig's January 30, 2023 Reply to Respondent's Answer to Petition
for Writ of Habeas Corpus 2254 No. 4:22-cv-01628

APPENDIX I

Romig's December 14, 2022 Memorandum of Law in Support of Writ of Habeas Corpus, and October 11, 2022 Petition for Relief from a Conviction or Sentence by a Person in State Custody.

APPENDIX J

Pennsylvania Supreme Court Middle District August 23, 2022 Order that denied petition for allowance of appeal No. 100 MAL 2022.

APPENDIX K

Romig's July 20, 2021 Petition for Allowance of Appeal No. 276 MT 2021, (filed pro se to preserve timeliness), and Counsel Scott N. Pletcher's Late filed Petition for Allowance of Appeal No 276 MT 2021 & No. 100 MAL 2022.

APPENDIX L

Romig's pro se September 17, 2019 Motion For Post Conviction Collateral Relief. CP-44-CR0000560-2016.

APPENDIX M

Counsel Scott N. Pletcher's December 30, 2019 Amended Petition (For Post Conviction Collateral Relief. CP-44-CR-0000560-2016. (Where Mr. Pletcher then filed a supporting brief omitting issues.)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
- Martinez v. Ryan, 566 U.S. 1, 132 S. Ct. 1309, 182 L.Ed. 2d 272, 2012 U.S. LEXIS 2317.....	5
- Leeds v. Russel, 75, F.4th 1009 (9th Cir. 2023):.....	5
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STATUTES AND RULES

- 28 U.S.C. § 2254.....	1,2,4
- 18 Pa.C.S.A. § 2702 (a)(1).....	4
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OTHER

- Suggested Jury Instruction 9.501B.....	4
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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 C 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 E & G to the petition and is

reported at 2023 U.S. Dist. LEXIS 212576 4:22-cv-01628; 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

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 27, 2025.

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: February 28, 2025, and a copy of the order denying rehearing appears at Appendix A.

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Right to a fair trial before an impartial jury.

- U.S. Constitution, Amendment 6 and 14

- Pennsylvania Constitution, Article 1, Section 9

To Present evidence and confront the evidence and the witnesses
against him.

② U.S. Constitution, Amendment 6 and 14

- Pennsylvania Constitution Article 1, Section 9

To due process of law

- U.S. Constitution, Amendment 5 and 14

- Pennsylvania Constitution, Article 1, Section 9

To equal protection of law

U.S. Constitution, Amendment 14

- Pennsylvania Constitution, Article 1, Section 9

STATEMENT OF THE CASE

Petitioner filed a PCRA with the Trial Court of Mifflin County for ineffectiveness of counsels that resulted in conviction and the affirming of the same on direct appeal for the charges of 18 Pa.C.S.A.

§ 2702(a)(1) Aggravated Assault with serious bodily injury, 18 Pa.C.S.A.

§ 2702(a)(4) Aggravated Assault with a deadly weapon, and 18 Pa.C.S.A.

§ 2701(a)(1) Simple Assault. see Romig v. Com., 2018 Pa. Super.

Unpub.

Unpub. LEXIS 4697 203 A.3d 322. No. 400 MDA 2018 footnote two.

This Defendant continued to the Superior Court after trial court denied PCRA (appendix K) Romig v. Com., 2021 Pa. Super. Unpub. LEXIS 1692; 258 A.3d 522. No. 1168 MDA 2020. Petitioner was then denied allowance of appeal by the Supreme Court of PA (appendix H) Romig V. Com., 284 A.3d 115; 2022 Pa. LEXIS 1230. No.100 MAL 2022.

Where Petitioner dinally filed a pro se 28 U.S.C. § 2254 Writ of Habeas Corpus to the United States District Court. Where that Court opinioned that my Jury Instruction/Deadly Force issue was procedurally Defaulted. This could be by none other than by direct appeal counsel, of who is claimed on PCRA as being ineffective.

This stems from the fact that requested Deadly Force Castle Doctrine was not given (where trial counsel did not more strenuously object) (9.501 A), Where the trial Court incorrectly circumvented non-deadly force jury inst. (9.501 B) in place of requested inst.

This timely writ of certiorari follows.

-Amendment- Court of Appeals for the Third Circuit Middle District imprperly dismissed Petitioner's appeal as untimely on 1-27-25. Then also improperly denied petition for rehearing on 2-28-25. This appeal follows.

REASONS FOR GRANTING THE PETITION

- 1.) Reviewing the procedural posture of the case for numerous errors.
- 2.) Because Petitioner's Constitutional rights were violated by Americas continued neglect to provide meaningful adequate assistance of counsel to a poor person, thus allowing courts to manipulate and maintain convictions that otherwise would not be.
- 3.) Because this Defendant diligently requested an arguable issue properly, IAC (Ineffective assistance of Counsel) cannot and should not cause that issue to be procedurally defaulted, to the obvious benefit of the Commonwealth/Prosecution. See Leeds v. Russel, 75, F.4th 1009 (9th Cir. 2023) citing Martinez V. Ryan, 566 U.S. 1, 132 S. Ct. 1309, 182 L.Ed 2d 272, 2012 U.S. LEXIS 2317 (with regards to procedural default).
- 4.) Court of appeals improperly dismissed appeal as untimely, and further denied rehearing, where when pro se Petitioner who is not held to thesStringent rules as lawyers would be in the interest of fair justice. Where Petitioner inadvertently filed certiorari after the district court denied his 2254, where this office issued a correction letter that was returned to the court by the department of corrections (received by the U.S. Supreme Court April 9th 2024 and mailed to petitioner at a later time) stating that you must first appeal to the court of appeals. Where this Petitioner did so even timely by this office April 9th stamp. For these reasons Petitioner's appeal to the court of appeals (Appendix D) was timely.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael C. Flory". The signature is fluid and cursive, with "Michael" and "C." on the first line and "Flory" on the second line.

Date: March 24th, 2025