

24-6925

No.

ORIGINAL

Supreme Court, U.S.
FILED

FEB 03 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ARTHUR J. BURTON — PETITIONER
(Your Name)

vs.

MELODY JOHNSON, et al RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

states
United¹ Court of Appeals For 6th Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ARTHUR J. BURTON #138573
(Your Name)

N/6141 Industrial Park Drive
(Address)

Munising, MI. 49862
(City, State, Zip Code)

(906) 628-7700
(Phone Number)

(1). Did the panel QUESTION(S) PRESENTED of the U.S. Court of Appeals for sixth Circuit violate their own "Rule of Law" in *Intera Corp. v. Henderson*, 428 F.3d 605 (6th Cir. 2005), pages 613-14, fn. 1-3, where such violation affects all inmates within the sixth Circuit as pro-per representation? YES!

(2). Should a District Judge be "required to rule on a pending motion under Rule 59(c) reconsideration" where such motion was filed timely within 10 days of receipt of the judgment ORDER? YES!

(3). see Issues 1-6 on Appeal and Rehearing En Banc of 12-8-24. Also, Motion To Reconsider of 12-23-24?

see 12-23-24 letter from 6th Cir. s
En Banc Coordinator: closed appeal.
sent to USSC's clerk on 2-24-25.

* see exhibits #: 1 and 2 and 3-back page.

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:

Melody Johnson
ADW Walker; and,
Eric Mattson.

RELATED CASES

BE & K Constr. Co. V. NLRB,
536 U.S. 516 (2002)
HNS, 1- 3;

and,

Intera Corp. V. Henderson,
428 F.3d 605
[pgs. 613-14, HN, 1-3]
(6th. Cir. 2005).

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1 & 2

APPENDIX B Judgment of 11-5-24.

APPENDIX C Order of 12-4-24.

APPENDIX D Motion To Reconsideration
of 12-23-24 (never decided)

APPENDIX E Opinion of 7-10-24.

APPENDIX F Judgment of 7-10-24.

Also Exhibits #1 and 2 & 3: back page.

Add:
see
reconsideration
of 3-18-25
case closed.
petition is proper.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
King v. Zamirara, 788 F.3d 207 (6th Cir. '15)	1
MASON v. COLLINS, 2010 U.S. Dist. Lexis 137546	1
BE & K Constr. Co. v. NLRB, 536 U.S. 516 (2002)	3
MASON v. SCHARTRO, 45 F. Supp. 2d 709 (1999)	3
Ziggers v. BARLOW, 433 F. Supp. 2d 812 (2006)	3
Toghill v. Clarke, 827 F.3d 547 (2017)	3
Thomas v. Elby, 481 F.3d 434 (6th Cir. 2007)	2

STATUTES AND RULES

1. 28 USC § 1915 (g)
2. 26 USC § 6428A
3. 42 USC § 1997e (e)
4. 28 USC § 2107 (a) (c)
5. Rule 15(d) and 35
6. F.R.A.P. 4 (a) (1) (A)
7. F.R.A.P. 4 (B) (i)
8. F.R.A.P. 4 (6) (A)
9. F.R.A.P. 77 (d)
10. F.R.A.P. 36 (a) and (b)

OTHER

see, 6 Issues on Appeal as
exhibits # 1 and 2 & 3; back of page 2 ✓

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 A 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 & F to the petition and is

☒ reported at see, Appendix E & F; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

see, exhibits # 1, 2 & 3 back page of 2.

☐ 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 5 November 2024.
Received legal mail around 11-11-24

☐ No petition for rehearing was timely filed in my case.

☒ ~~I~~ believe En Banc A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 4 December 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- * 1. 28 USC § 1915 (g) (3- strike rule)
- 2. 1st Amendment [bridge section]
- 3. 26 USC § 6428A (2020-21 stimulus payments)
- 4. 42 USC § 1997e (e) (mental emotion)
- 5. 28 USC § 2107 (c) (9) (Rule)

* U.S. Attorney General not informed
by Judge Behm by court rule since a
Federal statute is being challenged.

STATEMENT OF THE CASE

The district court dismissed complaint on 7-10-24 but ignored petitioner's motion to reconsideration filed within the required 10 days Rule of Judgment as received by petitioner.

The Court of Appeals refused jurisdiction where the panel ignored the "Rule of Law" under *Intera Corps. v. Henderson*, 428 F.3d 605 [pages 613-14, Hw. 1-3] (6th Cir. 2005).

Petitioners' Rehearing En Banc and Motion to Reconsideration have been denied, ^(ignored) therefore, gives this U.S. Supreme Court ~~has~~ jurisdiction, I believe....

The issues [#]1 and 2, represents important question of law: Did Congress abridge the 1st Amendment with 28 USC § 1915(g)? YES!

Did MDOC illegally take federal funds from 1,000s of "class-action inmates" in Michigan in violation of 26 USC § 6428A. see issue #5; and, if there is a "large scale" conspiracy to COVERUP this violation in 2020-23? YES!

see, 42 USC § 1985(3);
issue raised in 42 USC 1983 complaint

REASONS FOR GRANTING THE PETITION

Did the sixth Circuit Panel erroneously apply the "wrong laws and rules" over jurisdiction" where my Rehearings presented the correct case laws and rules applicable to this appeal where the panel refuses to abide by the correct "Rule of Law" over "toll of the 30 days to file an Appeal" where there is a pending Motion filed (see, Appendix-D) with the district court that has been ignored by U.S. District Judge Behm and U.S. Court of Appeals for sixth Circuit? YES!

Does the sixth Circuit have jurisdiction in light of *Intera Corp. v. Henderson*, 428 F.3d 605 [pages 613-14, H.V. 1] (6th Cir. 2005)? YES!

Dated: 3 February 2025.

Bl Arthur J. Burton
Arthur J. Burton
In pro-PER as
pauper's

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur J. Burton

Date: 3 February 2025