

No. _____

In The
SUPREME COURT OF THE UNITED STATES

MAURICE B. MOORE, PETITIONER

vs.

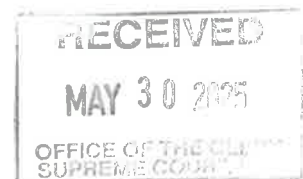
DANIEL L. HEBERT, et al., RESPONDENTS

RE: No. 24-3092; (D.C. No. 2:23-CV-02385-JAR-TJJ) (D. Kan.)

**On Application for an Extension of Time to File Petition for Writ of
Certiorari to the United States Court of Appeals for the Tenth Circuit**

MAURICE B. MOORE
4938 HAMPDEN LANE, UNIT 576
BETHESDA, MD. 20814
(301) 523-6586

May 28, 2025



To the **Honorable Ketnji Brown Jackson**, Circuit Judge for the U.S. Supreme Court, Petitioner submits this request for a 30-day extension of time in which to file a Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit, pursuant to Rule 30. Jurisdiction of this Court is based on 28 U.S.C. 1254(1). This request is unopposed.

BRIEF LEGAL BACKGROUND

The U.S. Court of Appeals for the Tenth Circuit issued ORDER AND JUDGMENT on February 5, 2025. Both of Petitioner's motions: PETITION FOR REHEARING, and PETITIONER'S REQUEST RELIEF FROM JUDGMENT OR ORDER were denied on March 7, 2025. Petitioner's Petition for Writ of Certiorari to the U.S. Supreme Court is due on or about June 7, 2025.

REASONS FOR GRANTING AN EXTENSION OF TIME

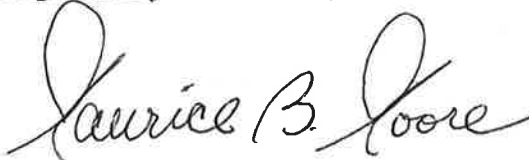
1. Petitioner is a Pro se litigant with absolutely no formal training in law.
2. Filing a brief in the United States Supreme Court is no easy matter even for an experienced attorney, much less for one with no legal training or assistance.
3. Many of the legal terms used in the legal books and briefs are completely "foreign" to me and require additional research and time to uncover and understand.

4. After I complete my brief I would like to have time to contact either a Pro Bono, or any lawyer who might be willing to take the case on a contingency basis.
5. I'm having serious difficulty in addressing the "Rooker-Feldman Provision."

CONCLUSION

I very much appreciate your time and attention to this matter, and can only hope that my 30-day extension request will be granted, thus giving me every opportunity to salvage this 21 month old federal civil case.

Respectfully submitted,

A handwritten signature in black ink, reading "Maurice B. Moore". The signature is written in a cursive, flowing style with a large initial 'M' and 'B'.

Maurice B. Moore

4938 Hampden Lane, Unit 576

Bethesda, Maryland 20814

(301) 523-6586

CERTIFICATE OF SERVICE

I, Maurice Moore, do swear and affirm that a copy of the attached document was sent to the below named individuals on May 28, 2025 via 1st Class, U.S. Postage to the addresses listed below:

A handwritten signature in black ink, appearing to read "M. B. Moore". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

M. B. Moore

1. Atty. Stanley R. Parker, 120 SW 10th Ave., 2nd Fl., Topeka, Kansas 66612
2. Atty. Andrew D. Holder, 9393 110th St., Suite 300, Corporate Woods, Bldg. 51,
Overland Park, Kansas 66210
3. Atty. Connor M. Russo, 9393 110th St., Suite 300, Corporate Woods, Bldg. 51,
Overland Park, Kansas 66210
4. Kansas Attorney General, Kris Kobach, 120 SW 10th Ave., 2nd Fl., Topeka,
Kansas 66612

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 5, 2025

Christopher M. Wolpert
Clerk of Court

MAURICE BERNARD MOORE,

Plaintiff - Appellant,

v.

**DANIEL L. HEBERT, former Saline
County District Judge, in his official
capacity; JULIE MCKENNA, former
Saline County District Attorney, in her
official capacity; RALPH J. DEZAGO,
former Kansas Public Defender, in his
official capacity; SALINE COUNTY,
KANSAS,**

Defendants - Appellees.

No. 24-3092
(D.C. No. 2:23-CV-02385-JAR-TJJ)
(D. Kan.)

ORDER AND JUDGMENT*

Before **MATHESON**, Circuit Judge, **LUCERO**, Senior Circuit Judge, and **PHILLIPS**,
Circuit Judge.

Proceeding pro se and in forma pauperis, Maurice Bernard Moore appeals
from the district court's order dismissing his complaint against the Honorable Daniel

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

L. Hebert, Julie McKenna, Ralph Z. DeZago, and Saline County, Kansas. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

I. Background

In 1986, Mr. Moore pled guilty in Kansas state court to aggravated battery against a law enforcement officer and unlawful possession of a firearm. Ten years later the state court granted his application for post-conviction relief and vacated his convictions on the grounds that his guilty plea had been improperly accepted. Specifically, the court held that Mr. Moore's trial judge had failed to ascertain whether his plea was knowing and voluntary and had improperly relied on Mr. Moore's signature instead of requiring him to enter his plea in open court. Shortly thereafter, the State filed an amended information against Mr. Moore, and in 1997, he again pled guilty to charges of aggravated battery and unlawful possession of a firearm, in addition to a concealed weapons charge. He received an indeterminate sentence of thirty years to life imprisonment. The 1997 criminal proceeding was presided over by defendant Hebert and prosecuted by defendant McKenna. Defendant DeZago acted as Mr. Moore's public defender.

Ever since his 1997 conviction, Mr. Moore has been arguing that the second prosecution violated his rights under the Double Jeopardy Clause of the Fifth Amendment. The state court rejected this argument on direct appeal. Mr. Moore then filed a petition for a writ of habeas corpus in federal court, which also rejected his double-jeopardy argument. This court denied a certificate of appealability in that

case, specifically holding the double-jeopardy argument lacked merit. *See Moore v. Nelson*, 49 Fed. App'x 250, 252 (10th Cir. 2002).

Undeterred, Mr. Moore then filed this case, alleging the defendants knew that the 1997 prosecution was barred by double jeopardy but proceeded anyway in a conspiratorial effort to deprive him of his constitutional rights. His complaint asserted claims against the individual defendants under 42 U.S.C. §§ 1983 and 1985; 18 U.S.C. §§ 241 and 4 (criminal conspiracy and misprision of a felony); and 18 U.S.C. § 1589 (the criminal forced labor statute). Mr. Moore also sued Saline County, bringing what the district court construed as a failure-to-supervise claim under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

On the defendants' motions, and pursuant to its own obligations under 28 U.S.C. § 1915(e)(2), the court dismissed Mr. Moore's claims for lack of subject matter jurisdiction and failure to state a claim. First, the court held Mr. Moore's complaint was barred by both the *Rooker-Feldman* doctrine¹ and *Heck v. Humphrey*, 512 U.S. 477 (1994), because at bottom, all his claims were premised on a double jeopardy argument that had been uniformly rejected by every court that had examined the issue. The court went on to explain that even if it had jurisdiction, Judge Hebert and McKenna were immune from suit, and DeZago was not a state actor for purposes of § 1983. The court also noted that there is no private right of action for criminal conspiracy and misprision of a felony. And although the forced labor statute does

¹ *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

provide a civil remedy, it observed that the statute of limitations had long since run on any such claims. Finally, the court concluded Mr. Moore had failed to properly plead a *Monell* claim against the county.

This timely appeal followed.

II. Discussion

a. Standard of Review

We review dismissals for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) de novo. *Mann v. Boatright*, 477 F.3d 1140, 1145 (10th Cir. 2007) (lack of jurisdiction). Because Mr. Moore proceeds pro se, we have accorded his briefs a liberal construction and made allowances for his failure to cite proper legal authority and his confusion of certain legal principles. *See Garrett v. Selby Connor Maddux & Janner*, 425 F.3d 836, 840 (10th Cir. 2005). But the court does not assume the responsibility of acting as advocate for the pro se litigant in constructing arguments and searching the record. *Id.*

b. Subject Matter Jurisdiction

The *Rooker-Feldman* doctrine says that a party who loses in state court “is barred from seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party’s claim that the state judgment itself violates the loser’s federal rights.” *Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994). The doctrine is jurisdictional in nature. *Campbell v. City of Spencer*, 682 F.3d 1278, 1281 (10th Cir. 2012). For Mr. Moore this means that having lost in state court, he “cannot file a federal complaint seeking review and

reversal of the unfavorable judgment.” *Mann*, 477 F.3d at 1146. That is precisely what he is attempting to do in this case. Mr. Moore’s Second Amended Complaint specifically requests injunctive relief by way of an order directing Saline County to correct the records in his criminal case. The district court plainly lacked jurisdiction to issue such an order. Nor can this court consider Mr. Moore’s various arguments attacking the validity of his 1997 conviction. As we explained in *Campbell*, the *Rooker-Feldman* doctrine precludes review of a claim, an element of which is “that the state court wrongfully entered its judgment.” *Id.* at 1283. Here, all Mr. Moore’s claims are premised on that very assertion. Accordingly, the district court correctly concluded it lacked subject matter jurisdiction and properly dismissed his complaint.²

The judgement of the district court is affirmed.

Entered for the Court

Gregory A. Phillips
Circuit Judge

² Because the district court lacked subject matter jurisdiction over Mr. Moore’s claims, we do not address its alternative bases for dismissing his complaint. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (“Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.”).

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse

1823 Stout Street

Denver, Colorado 80257

(303) 844-3157

Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

February 5, 2025

Maurice Bernard Moore
4938 Hampden Lane, Unit 579
Bethesda, MD 20814

RE: 24-3092, Moore v. Hebert, et al
Dist/Ag docket: 2:23-CV-02385-JAR-TJJ

Dear Appellant:

Enclosed is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

cc: Andrew D. Holder
Stanley R. Parker
Connor Michael Russo

CMW/sls

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

March 7, 2025

Christopher M. Wolpert
Clerk of Court

MAURICE BERNARD MOORE,

Plaintiff - Appellant,

v.

DANIEL L. HEBERT, former Saline
County District Judge, in his official
capacity, et al.,

Defendants - Appellees.

No. 24-3092
(D.C. No. 2:23-CV-02385-JAR-TJJ)
(D. Kan.)

ORDER

Before **MATHESON, LUCERO, and PHILLIPS**, Circuit Judges.

Appellant's petition for rehearing is denied.

The petition for rehearing en banc was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, that petition is also denied.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
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Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

March 07, 2025

Maurice Bernard Moore
4938 Hampden Lane, Unit 579
Bethesda, MD 20814

RE: 24-3092, Moore v. Hebert, et al
Dist/Ag docket: 2:23-CV-02385-JAR-TJJ

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

cc: Andrew D. Holder
Stanley R. Parker
Connor Michael Russo

CMW/art