

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543-0001

1 First Street, N.E.
Washington, DC 20543

^ COURT USE ONLY ^

Clerk of the Court

Supreme Court of The United States.

Certiorari to Denver District Court, Denver County,
Case No.: 2023CV247+ County Court, Denver
County, 22C53759 + 24C0804

Supreme Court Case No:
2023SC554

Petitioner:

Shirlean Woods Milton,

v.

Respondent:

PK Management LLC

PETITION FOR WRIT OF CERTIORARI

QUESTION(S) PRESENTED

Did, the State Court of last resorts decide an important question in a way that conflicts with the decision of another court of last resorts?

Or, did a UNITED States Court of appeal enter a decision in conflict with the decision of another United States Court of appeals on the same issue of importance?

Or, did it decide an important federal question in a way that conflicts with the decision by a State Court of last resorts?

Or, has there been a departure that has so departed from the accepted and usual course of judicial proceedings?

Or, has there been a sanctioning of such a departure by a lower court?

Or, did the lower State Court or a United States Court of appeals decide an important question of federal law that has not been, but should be settled by this court?

Or did it, decode an important federal question in such a way that conflicts with relevany decisions of this court?

Or has there been, an established case for Adverse Possession?

Or has, me and my families' identities been stolen?

Or was the eviction, carried out under a vacated F.E.D., order?

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:

Mark Scheller
Tom Gibbs
Jonathan Carlson

RELATED CASES

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Shirlean Woods Milton — PETITIONER
(Your Name)

vs.
P.K. Management LLC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Shirlean Woods Milton
(Your Name)

P.O. Box 7611
(Address)

Denver, Colorado 80207
(City, State, Zip Code)

720-364-3747
(Phone Number)

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Shirlean Woods Milton PETITIONER
(Your Name)

vs.

P.K. Management LLC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court 01-16-2024 2023SC. 554
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Shirlean Woods Milton
(Your Name)

P.O. Box 7611
(Address)

Denver, CO 80207
(City, State, Zip Code)

720-364-3747
(Phone Number)

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Conclusion:

JURISDICTION OF THE SUPREME COURT

This Court has jurisdiction to grant certiorari review under C.A.R. 49. This Court granted the State's motion for an extension of time until April 11, 2022 to file this Petition. Jurisdiction is invoked pursuant to the C.A.R. 49 that the lower court has decided a question of substance in a way that probably is not in accordance with applicable decision of this court and pursuant to C.A.R. 49(a)(3) in that the lower court has rendered a decision in conflict with other decisions of that Court.

Date of Reviewing - none. Date of judgment sought to be reviewed is April 28, 2022, March 7, 2023, April 24, 2023, May 28, 2023, July 18, 2023, January 16, 2024, July 7, 2024 and August 13, 2024.

Any pending cases with Supreme Court have granted consideration on the same issue which review is sought - none.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th and 14th amendments, plus others

CONSTITUTION ANNOTATED

Analysis and Interpretation of the U S. Constitution

Constitution of the United States

Fifth Amendment

Fifth Amendment Explained

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

LII > U.S. Constitution > **14th Amendment**

14th Amendment

The Fourteenth Amendment addresses many aspects of citizenship and the rights of citizens. The most commonly used -- and frequently litigated -- phrase in the amendment is "equal protection of the laws", which figures prominently in a wide variety of landmark cases, including Brown v. Board of Education (racial discrimination), Roe v. Wade (reproductive rights), Bush v. Gore (election recounts), Reed v. Reed (gender discrimination), and University of California v. Bakke (racial quotas in education). See more...

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and

judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

wex resources

Section 1.

Privileges and Immunities Clause

Civil Rights

Slaughterhouse Cases

Due Process

Substantive Due Process

Right of Privacy: Personal Autonomy

Territorial Jurisdiction

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 18, 2023
Denver District Court 2023CV248	
Plaintiff-Appellee: PK MGMT, LLC, v. Defendant-Appellant: Shirlean Wood Milton.	Court of Appeals Case Number: 2023CA1098
ORDER OF Dismissal	

TO: APPELLANT

It appears from the notice of appeal and the attached order that the action in this matter originated in county court. The appeal then proceeded to the district court. Any further review may be made only upon writ of certiorari to the supreme court. See §§13-4-102(1)(f) and 13-6-310(4), C.R.S. 2018; *People v. Meyers*, 43 Colo. App. 63, 598 P.2d 526 (1979).

Therefore, the Court ORDERS that the appeal is DISMISSED.

BY THE COURT
Román, C.J.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 31, 2023
Certiorari to the District Court, Denver County, 2023CV247 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton, v. Respondent: PK Management, LLC.	Supreme Court Case No: 2023SC554
ORDER OF COURT	

Upon consideration of the Motion to Extend the Time for Filing for Writ of Certiorari filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, GRANTED TO AND INCLUDING AUGUST 28, 2023.

BY THE COURT, JULY 31, 2023.

JURISDICTION OF THE SUPREME COURT

This Court has jurisdiction to grant certiorari review under C.A.R. 49. This Court granted the State's motion for an extension of time until April 11, 2022 to file this Petition. Jurisdiction is invoked pursuant to the C.A.R. 49 that the lower court has decided a question of substance in a way that probably is not in accordance with applicable decision of this court and pursuant to C.A.R. 49(a)(3) in that the lower court has rendered a decision in conflict with other decisions of that Court.

Date of Reviewing - none. Date of judgment sought to be reviewed is April 28, 2022, March 7, 2023, April 24, 2023, May 28, 2023, July 18, 2023, January 16, 2024, July 7, 2024 and August 13, 2024.

Any pending cases with Supreme Court have granted consideration on the same issue which review is sought - none.

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court DENVER County, Colorado Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202	DATE FILED: July 13, 2023
Plaintiff(s) PK MGMT LLC v. Defendant(s) SHIRLEAN WOODS MILTON	<div style="text-align: center;">△ COURT USE ONLY △</div> <div style="border: 1px solid black; padding: 2px;"> Case Number: 2023CV247 Division: 203 Courtroom: </div>
FINDING AND ORDER CONCERNING PAYMENT OF FILING FEES	

Name of Party filing Motion: SHIRLEAN WOODS MILTON on 6/28/2023 (date).

Upon review of the attached Motion, the above party is:

☒ Eligible to proceed without payment of the following fee:

☐ complaint ☐ petition ☐ answer

☐ response ☐ motion to modify ☒ other Appeal

☐ Eligible to have the filing fee of \$ paid in ☐ two ☐ three payments, with the first payment due by (date) and the final payment due by (date)

☐ Not Eligible to proceed. Party is responsible for payment of the filing fees.

Date: 7/13/2023



CHRISTOPHER JAY BAUMANN

District Court Judge

Signature of Eligibility Investigator, Clerk of Court, Judge/Magistrate

ORDER

The Court has reviewed the Motion (JDF 205) and so orders:

☒ As indicated above.

☐ The specified party is ordered to pay \$ by (Date) to cover filing fees.

☐ Other

☐ If the Court finds that by allowing a party to proceed with a payment plan, the party has agreed to pay the fee as listed above. Failure to pay will result in collection against the party. Costs associated with collection will be assessed.

A subsequent motion to proceed without payment of filing fees must be filed upon order of the court or anytime the case is re-opened. Pursuant to 13-16-103, C.R.S., in the event the party who receives a waiver of costs prosecutes or defends an action or proceeding successfully, there shall be a judgment entered in his/her favor in the amount of the court costs and the party shall, upon collecting such court costs, remit them to the Court.

☐ The Court orders the appointment of counsel for appeal purposes.

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 18, 2023
Denver District Court 2023CV248	
Plaintiff-Appellee: PK MGMT, LLC, v. Defendant-Appellant: Shirlean Wood Milton	Court of Appeals Case Number, 2023CA1098
ORDER OF Dismissal	

TO: APPELLANT

It appears from the notice of appeal and the attached order that the action in this matter originated in county court. The appeal then proceeded to the district court. Any further review may be made only upon writ of certiorari to the supreme court. See §§13-4-102(1)(f) and 13-6-310(4), C R S 2018; *People v Meyers*, 43 Colo. App. 63, 598 P.2d 526 (1979).

Therefore, the Court ORDERS that the appeal is DISMISSED

BY THE COURT
Román, C J

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 31, 2023
Certiorari to the District Court, Denver County, 2023CV247 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton. v. Respondent: PK Managment, LLC.	Supreme Court Case No: 2023SC554
ORDER OF COURT	

Upon consideration of the Motion to File Without Payment of Filing Fee
filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED the docket fee in the above-captioned matter is waived.

BY THE COURT, JULY 31, 2023.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 31, 2023
Certiorari to the District Court, Denver County, 2023CV247 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton, v. Respondent: PK Management, LLC.	Supreme Court Case No: 2023SC554
ORDER OF COURT	

Upon consideration of the Motion to Extend the Time for Filing for Writ of Certiorari filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, GRANTED TO AND INCLUDING AUGUST 28, 2023.

BY THE COURT, JULY 31, 2023.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: August 1, 2023
Certiorari to the District Court, Denver County, 2023CV248 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton, v. Respondent: PK Management, LLC.	Supreme Court Case No: 2023SC555
ORDER OF COURT	

Upon consideration of the Motion to file without payment of filing fee filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED the docket fee in the above-captioned matter is waived.

BY THE COURT, AUGUST 1, 2023.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: August 29, 2023
Certiorari to the District Court, Denver County, 2023CV247 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton, v. Respondent: PK Management, LLC.	Supreme Court Case No: 2023SC554
ORDER OF COURT	

Upon review of the Petition for Writ of Certiorari submitted on August 28, 2023, the Court notes the petition exceeds the 12-page limit.

Therefore, IT IS ORDERED, petitioner has 21 days from today's date to submit a petition of no more than 12 pages as outlined in C.A.R. 53(f)(2). Failure to do so may result in dismissal of this case without further notice. The petition received on August 28, 2023 is STRICKEN.

BY THE COURT, AUGUST 29, 2023.

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: September 15, 2023
Denver District Court 2023CV247	
Plaintiff-Appellee: PK Managemen, LLC, v. Defendant-Appellant: Shirlean Milton.	Court of Appeals Case Number: 2023CA1097
MANDATE	

This proceeding was presented to this Court on appeal from Denver District Court.

Upon consideration thereof, the Court of Appeals hereby **ORDERS** that the **APPEAL is DISMISSED.**

POLLY BROCK
CLERK OF THE COURT OF APPEALS

DATE: SEPTEMBER 15, 2023

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 16, 2024
Certiorari to the District Court, Denver County, 2023CV247 County Court, Denver County, 22C53759	
Petitioner: Shirlean Woods Milton, v. Respondent: PK Management, LLC.	Supreme Court Case No: 2023SC554
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the District Court of Denver District Court and after review of the record, briefs, and the judgment of said District Court,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, JANUARY 16, 2024.

Case#: 2023SC555
Status: Not at Issue Pending
Type: Cert Petition - To District Court

SC - Register of Action

10/03/23 04:03 PM

Milton, Shirlean v. P.K. Management

ROA Summary

Case File Date:07/26/2023
Last Event:09/20/2023, Trial Court Order
Last Order Issued:08/29/2023, ORD
Last Brief Filed:N/A

Amicus Brief Filed:No
Related Cases:

State Archives#:N/A
Oral Argument Date:N/A
Opinion Date:N/A
Cite:N/A
Referring Court Record Due:N/A
Referring Court Record Filed:N/A
Referring Court Record Returned:N/A

Referring Court Information

Location	Year	Class	Sequence	Name
Denver District Court	2023	CV	248	Judge Sarah Block Wallace

Party Information

Code	Role	Name	Status	Alias	Address	Firm	Registration Number
Attorney		Tschetter, Mark N	Active		3600 S. YOSEMITE STREET, STE. 828, DENVER CO 80237	TSCHETTER SULZER PC	18433
Judge - Referring Court		Wallace, Sarah Block	Active		Denver City and County Building, 1437 Bannock Street, Room 256, Denver CO 80202		31859
Petitioner	Pro Se	Woods Milton, Shirlean	Active		P.O. Box 7611, Denver CO 80207		
Respondent		PK Management, LLC	Active				

Event Information

eFile	Status	Date	Code	Type	Action	Party/Attorney	Due Date
N	Pending	09/20/2023	Certificate of Service		Due	Woods Milton, Shirlean	10/20/2023

Case#: 2023SC555

SC - Register of Action

10/03/23 04:03 PM

Status: Not at Issue Pending

Type: Cert Petition - To District Court

Milton, Shirlean v. P.K. Management

efile	Status	Date	Code	Type	Action	Party/Attorney	Due Date
N	Pending	09/20/2023	Trial Court Order		Filed		
N	Pending	09/19/2023	Petition for Writ of Certiorari		Filed	Woods Milton, Shirlean	
N	Information	07/26/2023	Not At Issue Pending				
N	Satisfied	09/20/2023	Order and Notice	Deficiency	Issued		
N	Satisfied	08/29/2023	Order	Petition/Writ of Certiorari	Stricken		
N	Satisfied	08/29/2023	Petition for Writ of Certiorari		Due	Woods Milton, Shirlean	09/19/2023
N	Satisfied	08/28/2023	Petition for Writ of Certiorari		Stricken	Woods Milton, Shirlean	
N	Satisfied	08/01/2023	Order	Extension of Time-Petition for Writ of Certiorari	Granted		
N	Satisfied	08/01/2023	Order	Fee	Waived		
N	Satisfied	08/01/2023	Petition for Writ of Certiorari		Due	Woods Milton, Shirlean	08/28/2023
N	Satisfied	07/26/2023	Motion or Request	Extension of Time-Petition for Writ of Certiorari	Filed		
N	Satisfied	07/26/2023	Motion or Request	In Forma Pauperis	Filed		

Case#: 2023SC555
Status: Not at Issue Pending
Type: Cert Petition - To District Court

SC - Register of Action

10/03/23 04:03 PM

Milton, Shirlean v. P.K. Management

Judge Recusals

Name

Case#: 2023SC554
Status: Not at Issue Pending
Type: Cert Petition - To District Court

SC - Register of Action

10/03/23 04:04 PM

Milton, Shirlean v. P.K. Management

ROA Summary

Case File Date:07/26/2023
Last Event:09/20/2023, Trial Court Order
Last Order Issued:08/29/2023, ORD
Last Brief Filed:N/A

Amicus Brief Filed:No
Related Cases:

State Archives#:N/A
Oral Argument Date:N/A
Opinion Date:N/A
Cite:N/A
Referring Court Record Due:N/A
Referring Court Record Filed:N/A
Referring Court Record Returned:N/A

Referring Court Information

Location	Year	Class	Sequence	Name
Denver District Court	2023	CV	247	Judge Jill Deborah Dorancy

Party Information

Code	Role	Name	Status	Alias	Address	Firm	Registration Number
Attorney		Tschetter, Mark N	Active		3600 S. YOSEMITE STREET, STE. 828, DENVER CO 80237	TSCHETTER SULZER PC	18433
Judge - Referring Court		Dorancy, Jill Deborah	Active		Denver City and County Building, 1437 Bannock Street, Room 256, Denver CO 80202		32067
Petitioner	Pro Se	Woods Milton, Shirlean	Active		P.O. Box 7611, Denver CO 80207		
Respondent		PK Management, LLC	Active				

Event Information

eFile	Status	Date	Code	Type	Action	Party/Attorney	Due Date
N	Pending	09/20/2023	Certificate of Service		Due	Woods Milton, Shirlean	10/20/2023

Case#: 2023SC554
Status: Not at Issue Pending
Type: Cert Petition - To District Court

SC - Register of Action

10/03/23 04:04 PM

Milton, Shirlean v. P.K. Management

Judge Recusals

Name

JURISDICTION OF THE SUPREME COURT

This Court has jurisdiction to grant certiorari review under C.A.R. 49. This Court granted the State's motion for an extension of time until April 11, 2022 to file this Petition. Jurisdiction is invoked pursuant to the C.A.R. 49 that the lower court has decided a question of substance in a way that probably is not in accordance with applicable decision of this court and pursuant to C.A.R. 49(a)(3) in that the lower court has rendered a decision in conflict with other decisions of that Court.

Date of Reviewing - none. Date of judgment sought to be reviewed is April 28, 2022, March 7, 2023, April 24, 2023, May 28, 2023, July 18, 2023, January 16, 2024, July 7, 2024 and August 13, 2024.

Any pending cases with Supreme Court have granted consideration on the same issue which review is sought - none.

STATEMENT OF CASES 1 AND 11

The instant matter arises out of a dispute between the parties that was initially filed by the Respondent in the County Court. Subsequently, an appeal was filed which led to the case being transferred to the District Court. The Petitioner eventually filed an appeal with the Colorado Court of Appeals which resulted in a decision that stated that the Petitioner incorrectly filed the action in the Court of Appeals and that the only review that could take place of the District Court was by the filing a writ of certiorari with the Supreme Court. However, this is not true or correct because Section 1 of Article VI of the Colorado Constitution and Section 13-4-101, et seq., C.R.S. (Colorado Revised Statutes) states the Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. Therefore, the Court was incorrect in ruling that the Petitioner's case was not properly taken from District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal. Therefore, the Appellant's appeal was wrongfully dismissed thereby giving rise to the instant appeal.

The court of appeals' decision will cause significant disruption. It expands standing doctrine substantially, upends settled expectations and long-standing practices, and creates asymmetric incentives that reduce the likelihood of fair and accurate decisions.

If the appellate decision remains, other citizens will be denied a full and fair opportunity to have their claims reviewed by the Appellate Court for errors in the decision making which would infringe on the constitutional rights of the Petitioner and others.

The Fourteenth Amendment's Due Process clause provides two types of protection: (1) substantive due process (relating to outcomes); and (2) procedural due process (relating to procedure). *McKinney v. Pate*, 20 F.3d 1550, 1555 (11th Cir. 1994) (en banc). The substantive component of the clause protects those rights that are "fundamental," that is, rights that are "implicit in the concept of ordered liberty." *Palko v. Connecticut*, 302 U.S. 319, 325 (1937). Procedural due process is a guarantee of fair procedures whereby the state may not deprive a person of life, liberty or property without providing "appropriate procedural safeguards." *Daniels v. Williams*, 474 U.S. 327 (1986).

The fundamental requirement of [procedural] due process is the opportunity to be heard and provided the proper application of process whereas the substantive requirement of due process refers to the overall substantive outcome of the matter. See: *Parratt v. Taylor*, 451 U.S. 527, 540 (1981). In ruling as it has, the Court infringed on the due process rights of the Appellant both procedurally and substantively.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Shirlean Woods Milton — PETITIONER
(Your Name)

vs.
P.K. Management LLC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Shirlean Woods Milton
(Your Name)

P.O. Box 7611
(Address)

Denver, Colorado 80207
(City, State, Zip Code)

720-364-3747
(Phone Number)

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, 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 July 31, 2023 (date) on August 28, 2023 (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 August 28, 2023 (date) on July 31, 2023 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). The decision of the California Court of Appeal for which petitioner seeks review was issued on 01.16.2024 [opinion date]. The California Supreme Court order [denying/dismissing] petitioner's timely petition for discretionary review was filed on 01.16.2024 [date denying or dismissing review]. This petition is filed within 90 days of the California Supreme Court's 01.16.2024 [denial/dismissal] of discretionary review, under Rules 13.1 and 29.2 of this Court.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

United States Constitution, Amendment 6 provides, in pertinent part:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury

United States Constitution, Amendment 14 provides, in relevant part:

No state . . . shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The California statutory provisions and court rules that are relevant to this petition, [list applicable statutes and rules of court], are reprinted in Appendix D.

Reason for granting the petition of certiorari is the devastation it brings to the families. F.E.D. evictions, Mental health, and homelessness seem to go hand in hand. Homelessness is now one of the foremost problems facing the United States today. People are being removed from their homes without being allotted their due process of law. This usurping of the 5th and the 14th Amendments, through the court system and the law enforcement of that system, is rampant.

It basically pits skilled attorneys against unskilled lay persons, who have no knowledge of the law, like myself. That in itself is wrong. That is why I feel that this issue is of great significance. Not only for me, but others who find themselves in similar situations. The writ should be granted because the lower courts decisions were not just erroneous, but outlandishly so. A blatant disregard of Supreme Court precedence; or fear of retribution, due to the power they hold.

The granting of a writ will have widespread effect, particularly on law enforcement, the conduct of government agencies, and the practice of important industries. This case matters because this practice of using the Sherriff's Department, to carry out orders that are questionable, needs to be investigated. Oops! Whether to an industry, to the criminal or civil justice system, to the environment, to the employee to the employer relations, to the litigants who repeatedly face the issue-of-what ever is essential to life, liberty, and the pursuit of happiness. Like my situations, I have been evicted seven, or right now nine times or more, without ever going through the court system, until now.

Someone else is living as though they are me, and my family members. And, that is what the investigation needs to be about. Why are so many people, being unhoused, before going through the court system? Some people surrender their 5th and 14th Amendments rights,

with the promise of the eviction, not showing up on their record. That is being done, because if you already have issues with your credit, you will be more than likely unable to do anything with an eviction on your record. So, they just surrender their rights, before going through the court system. Rule 10 under 28 U.S. 1257 would shed some light on the situation. Which may even lead to uniformity in the laws for evictions across the judicial system everywhere.

The courts have long recognized that when an F.E.D. defendant raises a arable claim of sale to a property, by claiming that the property was not sold under the power of sale, contained in the deed of trust, because that deed of trust was a fraud 13-104-(1)(F), those colorable title issues, cannot be litigated in summary F.E.D. proceedings. *Hamil v. Bank of Clear Creek City*, 22 Colo. 384, 45P 441 (1896). Also see, *Aasgaard v. Spar Consol Mix and Devel Co.* 185 Colo. 157, 522P 2d 726 (1974).

The lower courts decisions are so far outside the norm of judicial decision making, that it requires review. And, the questions that need to be answered are worthy of national attention to at least some important sector of society, government, or the economy. That is the core of the difficulty, when the rights to possession depends in its entirety on question of title, that have not been settled; in any court.

REASONS for GRANTING the PETITION

Homelessness, Judgements, Evictions, and Mental Health

Homelessness is one of the foremost problems facing the United State's to date. Along with judgements and mental health issues that seem to go hand in hand with homelessness. People are being removed from their homes in record numbers, because they don't want to go through the process for an eviction. So, they except the offer of the eviction not showing up on their record. With that surrender of their 5th and 14th Amendments rights, people are being removed from their homes in record numbers. Through this usurping of the 5th and 14th Amendments rights, through the court system, and then enforced by the law enforcement of that system, that execute these unjust orders from the courts of last resorts is rampant.

The courts have long recognized that when a F. E.D. defendant raises an arable claim of sale to a property, by claiming that the property was not sold under the power of sale, contained in the deed of trust, because that deed of trust was a fraud. *Aasgaard v. Spar Consolidated Mining & Development Co.*, 185 Colo. 157, 159 (Colo. 1974). *Hamill v. Bank of Clear Creek County*, 22 Colo. 384, 45 P. 411. *Gore Trading Co. v. Alice*, 35 Colo. App. 97, 529 P.2d 324 (1974).

REASONS for GRANTING the PETITION

This case matters because this practice of using the court system, mental health services, and the sheriff's department, to carryout orders that are questionable needs to be invalidated. Oops!

The granting of a writ will have widespread effect, particularly on law enforcement, the conduct of governmental agencies, and the practices of important industries such as housing. Furthermore, it raises important questions of jurisdiction and whether the county court has jurisdiction to hear cases involving question of title.

The lower courts decision is so far outside the norm of judicial decision making, that it requires further review.

REASONS FOR GRANTING REVIEW

HOMELESSNESS, JUDGEMENTS, EVICTIONS, AND MENTAL HEALTH.

Homelessness is one of the foremost problems facing the United States to date. People are being removed from their homes in record numbers without being allowed their due process of law. This usurping of the 5th and 14th Amendments through the court system, and then enforce by law enforcement thereof, that execute these unjust orders is rampant.

This case matters because this practice of using the court system and the sheriff department to carry out orders that are questionable needs to be invalidated. Oops! The reviewing of a writ will have widespread effect, particularly on law enforcement, the conduct of government agencies and the practices of important industries such as housing. Furthermore, it raises important questions of jurisdiction and whether the county court has jurisdiction to hear cases involving questions of title.

REASONS for GRANTING the PETITION

Did the state court of last resort decide an important federal question in a way that conflicts with the decision of another state court of last resorts?

Or did, a United States Courts Court of appeal entered a decision in conflict with the decision of another United States court of appeals on the same issue of importance?

Or did, it decided an important federal question in a way that conflicts with the decision by a state court of last resorts?

Or has there has been a departure that has so far departed from the accepted and usual course of judicial proceedings?

Or has, there has been a sanctioning of such a departure by a lower court?

Or did, the lower state court or a United States court of appeals decided an important question of federal law that has not been, but should be settled by this court?

Or did it, decided an important federal question in such a way that conflicts with relevant decisions of this court?

All these questions and situations needs to settled, and therefore calls for an exercise of this court supervisory power. If not, these conflicts will continue to exist, and keep undermining the desired uniformity of federal law.

REASONS for GRANTING the PETITION

Homelessness, Judgements, Evictions, and Mental Health

Homelessness is one of the foremost problems facing the United State's to date.

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The courts have long recognized that when a F. E.D. defendant raises an arable claim of sale to a property, by claiming that the property was not sold under the power of sale, contained in the deed of trust, because that deed of trust was a fraud. *Aasgaard v. Spar Consolidated Mining & Development Co.*, 185 Colo. 157, 159 (Colo. 1974). *Hamill v. Bank of Clear Creek County*, 22 Colo. 384, 45 P. 411. *Gore Trading Co. v. Alice*, 35 Colo. App. 97, 529 P.2d 324 (1974).

REASONS for GRANTING the PETITION

Absent such a review, conflicts will persist, having been decided by courts who's ruling are otherwise definitive within there territorial jurisdiction. There by denying the 5th and 14th Amendments rights of litigants, absent Supreme Court Review.

The questions that need to be answered are worthy of national attention. At least to some important sector of society, government, or the economy. Whether to an industry, to the criminal or civil justice system, to the environment, to the employee to the employer relations, to the litigants who repeatedly face the issue -of -whatever is essential to life, liberty, property, and the pursuit of happiness. The petition should be granted because the decision of the lower court was not just erroneous but outlandishly so. A blatant disregard for Supreme Court precedence. Or, the repercussion of its action. So therefore, calls for this court supervisory power.

Relevant cases that have been decided which apply to this case are *Aasgaard v. Spar Consolidated Mining & Development Co.*, 185 Colo. 157, 159 (Colo. 1974). *Hamill v. Bank of Clear Creek County*, 22 Colo. 384, 45 P. 411. *Gore Trading Co. v. Alice*, 35 Colo. App. 97, 529 P.2d 324 (1974).

In Colorado, a forcible entry and detainer action in a county court is limited to the question of possession, and title to the land involved may not be an issue for resolution there. *Colo. Const. Art. VI, Sec. 17. See also Sloniger v. Raines*, 120 Colo. 339, 208 P.2d 941 (1949); *Beman v. Rocky Ford National Bank*, 100 Colo. 64, 65 P.2d 708 (1937); and *Potts v. Magnes*, 17 Colo. 364, 30 P. 58 (1892).

Aasgaard v. Spar Consolidated Mining & Development Co., 185 Colo. 157, 159 (Colo. 1974)

Hix v. Roy, 139 Colo. 457, 459, 340 P.2d 438, 439 (1959) "[I]t has been the law in this state that in an action for unlawful detainer the plaintiff to recover must aver and prove a demand in writing for possession of the premises as required by the statute, C.R.S. '53, 58-1-1 to 58-1-26.

In this instance the demand was defective in that (a) it did not unequivocally terminate the lease pursuant to the terms thereof; (b) suit was brought prior to January 17, 1959, the announced date of termination; (c) it was conditional, and (d) the co-lessor did not join in the notice.") (Underline added).

The Court of Appeals was incorrect in ruling that the Petitioner's case was not properly taken from the District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal. Section 1 of Article VI of the Colorado Constitution and Section 13-4-101, et seq., C.R.S. (Colorado Revised Statutes) states the Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court.

Therefore, the Court was incorrect in ruling that the Petitioner's case was not properly taken from District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal.

Therefore, the Appellant's appeal was wrongfully dismissed thereby giving rise to the instant appeal. In addition, the court of appeals opinion is not published. See Appendix.

The court of appeals' decision will cause significant disruption. It expands standing doctrine substantially, upends settled expectations and long-standing practices, and creates asymmetric incentives that reduce the likelihood of fair and accurate decisions. If the appellate decision remains, other citizens will be denied a full and fair opportunity to have their claims reviewed by the Appellate Court for errors in the decision making which would infringe on the constitutional rights of the Petitioner and others.

The Fourteenth Amendment's Due Process clause provides two types of protection: (1) substantive due process (relating to outcomes); and (2) procedural due process (relating to procedure). *McKinney v. Pate*, 20 F.3d 1550, 1555 (11th Cir. 1994) (en banc). The substantive component of the clause protects those rights that are "fundamental," that is, rights that are "implicit in the concept of ordered liberty." *Palko v. Connecticut*, 302 U.S. 319, 325 (1937). Procedural due process is a guarantee of fair procedures whereby the state may not deprive a person of life, liberty or property without providing "appropriate procedural safeguards." *Daniels v. Williams*, 474 U.S. 327 (1986). The fundamental requirement of [procedural] due process is the opportunity to be heard and provided the proper application of process whereas the substantive requirement of due process refers to the overall substantive outcome of the matter. See: *Parratt v. Taylor*, 451 U.S. 527, 540 (1981). In ruling as it has, the Court infringed on the due process rights of the Appellant both procedurally and substantively.

REASONS for GRANTING the PETITION

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All these questions and situations needs to settled, and therefore calls for an exercise of this court supervisory power. If not, these conflicts will continue to exist, and keep undermining the desired uniformity of federal law.

PRESERVATION AND STANDARD OF REVIEW

The court of appeals' decision granting Hill standing is reviewed de novo.

Barber v. Ritter, 196 P.3d 238, 245 (Colo. 2008). Additionally, this issue was preserved at both the district court level and the court of appeals.

ISSUES ON APPEAL

A. Did the Court of Appeals err in finding that it lacked jurisdiction to address the Petitioner's appeal from the decision rendered in the District Court without even holding a hearing?

(Suggested Answer: Yes)

Relevant cases that have been decided which apply to this case are *Aasgaard v. Spar Consolidated Mining & Development Co.*, 185 Colo. 157, 159 (Colo. 1974). *Hamill v. Bank of Clear Creek County*, 22 Colo. 384, 45 P. 411. *Gore Trading Co. v. Alice*, 35 Colo. App. 97, 529 P.2d 324 (1974).

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In this instance the demand was defective in that (a) it did not unequivocally terminate the lease pursuant to the terms thereof; (b) suit was brought prior to January 17, 1959, the announced date of termination; (c) it was conditional, and (d) the co-lessor did not join in the notice.” (Underline added).

The Court of Appeals was incorrect in ruling that the Petitioner's case was not properly taken from the District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal. Section 1 of Article VI of the Colorado Constitution and Section 13-4-101, et seq., C.R.S. (Colorado Revised Statutes) states the Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court.

Therefore, the Court was incorrect in ruling that the Petitioner's case was not properly taken from District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal.

Therefore, the Appellant's appeal was wrongfully dismissed thereby giving rise to the instant appeal. In addition, the court of appeals opinion is not published. See Appendix.

The court of appeals' decision will cause significant disruption. It expands standing doctrine substantially, upends settled expectations and long-standing practices, and creates asymmetric incentives that reduce the likelihood of fair and accurate decisions. If the appellate decision remains, other citizens will be denied a full and fair opportunity to have their claims reviewed by the Appellate Court for errors in the decision making which would infringe on the constitutional rights of the Petitioner and others.

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JURISDICTION OF THE SUPREME COURT

This Court has jurisdiction to grant certiorari review under C.A.R. 49. This Court granted the State's motion for an extension of time until April 11, 2022 to file this Petition. Jurisdiction is invoked pursuant to the C.A.R. 49 that the lower court has decided a question of substance in a way that probably is not in accordance with applicable decision of this court and pursuant to C.A.R. 49(a)(3) in that the lower court has rendered a decision in conflict with other decisions of that Court.

Date of Reviewing - none. Date of judgment sought to be reviewed is April 28, 2022, March 7, 2023, April 24, 2023, May 28, 2023, July 18, 2023, January 16, 2024, July 7, 2024 and August 13, 2024.

Any pending cases with Supreme Court have granted consideration on the same issue which review is sought - none.

STATEMENT OF CASES 1 AND 11

The instant matter arises out of a dispute between the parties that was initially filed by the Respondent in the County Court. Subsequently, an appeal was filed which led to the case being transferred to the District Court. The Petitioner eventually filed an appeal with the Colorado Court of Appeals which resulted in a decision that stated that the Petitioner incorrectly filed the action in the Court of Appeals and that the only review that could take place of the District Court was by the filing a writ of certiorari with the Supreme Court.

However, this is not true or correct because Section 1 of Article VI of the Colorado Constitution and Section 13-4-101, et seq., C.R.S. (Colorado Revised Statutes) states the Court of Appeals has initial jurisdiction, with exceptions, over appeals from the Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. Therefore, the Court was incorrect in ruling that the Petitioner's case was not properly taken from District Court and wrongfully denied the Petitioner's petition without hearing in the instant matter thereby giving rise to the instant appeal.

Therefore, the Appellant's appeal was wrongfully dismissed thereby giving rise to the instant appeal.

**Additional material
from this filing is
available in the
Clerk's Office.**