

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

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KENNETH NEWKIRK — PETITIONER
(Your Name)

vs.

DIRECTOR, DEPT. OF CORRECTIONS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kenneth Newkirk
(Your Name)

RED OXION STATE PRISON
(Address)

P.O. BOX 1900, POUND, V.A. 24274
(City, State, Zip Code)

N/A
(Phone Number)

~~2. I AM ALSO BEING~~ ~~2. I AM ALSO BEING~~

DO I HAVE A RIGHT TO SEE THE INSTITUTIONAL
LAWYER IN LESS THAN QUESTION(S) PRESENTED
6 MONTHS?

1. DIDN'T THE U.S. DISTRICT COURT FOR
THE EASTERN DISTRICT OF VA EXERCISE ABUSE
OF DISCRETION AND VIOLATE MY 14TH AMENDMENT
RIGHT TO EQUAL PROTECTION BY ALLOWING
U.S. DISTRICT COURT JUDGE HENRY HUDSON TO
DECIDE ON THIS CASE WHILE THERE WAS
FEDERAL CIVIL SUIT 3:16cv66 FILED AGAINST
HIM?

2. SHOULDNT ANY DECISION BY U.S. DISTRICT JUDGE
HENRY HUDSON BE DEEMED NULL AND VOID DUE
TO THE FEDERAL CIVIL SUIT THAT I FILED
AGAINST HIM? 3:16cv66 FILED 5/13/16
3. DIDN'T THE 4TH CIRCUIT COURT OF APPEALS
COMMIT ABUSE OF DISCRETION AND VIOLATION
OF THE 14TH AMENDMENT BY NOT MAKING A
RULING ON THIS CASE WHEN THEY FILLED
IT ON JULY 5, 2017? VIOLATION OF 1ST + 6TH AMENDMENT

4. I FILED FOR A REHEARING EN BANC ON
9/24/17 IN THE 4TH CIRCUIT COURT OF
APPEALS. I STILL HAVE NOT ~~BE~~ RECEIVED A
RESPONSE. ISN'T THIS ABANDONMENT OF THE
CASE A VIOLATION OF THE 1ST ~~AMENDMENT~~ 6TH + 14TH
AMENDMENT?

5. ~~THE DISTRICT~~ DOES THE WRIT OF HABEAS
CORPUS 28 U.S.C. 2254 STATE THAT I

MUST ~~OUTLINE~~ ~~THE~~ ~~ON A SEPARATE SHEET~~ WRITE OUT
ON A SEPARATE SHEET PAPER AND ATTACH TO THE
FRONT OF MY EXHAUSTED MY STATE COURT
REMEDIES? IF SO, WHAT PAGE DOES IT STATE THIS?

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:

TABLE OF AUTHORITIES CITED

CASES

1st, 6th + 14th AMENDMENT

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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 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 B 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

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was N/A - They FILED IT ON JULY 5, 2017 BUT REFUSED TO MAKE A RULING NO. 17-6779

☐ 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 _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

LOOK AT APPENDIX D

☐ 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

APPENDIX 1. THE U.S. DISTRICT COURT FOR EASTERN DISTRICT
B OF VA COMMITTED VIOLATION OF B THE 14TH
AMENDMENT BY APPOINTING U.S. DISTRICT HUDSON
TO my ~~case~~ THIS CASE ^{AGAINST} WHILE A FEDERAL
CIVIL SUIT WAS FILED IN U.S. DISTRICT JUDGE
HENRY HUDSON. 28 U.S.C. 455(a)(b)

APPENDIX 2. ~~AND~~ ~~DETERMINED~~ AS PER 28 U.S.C. 455(a)(b)
U.S. DISTRICT JUDGE HENRY HUDSON SHOULD BE
BEEN REMOVED FROM HEARING THE CASE.

3. AS PER THE 14TH AMENDMENT ANY
DECISION BY HENRY HUDSON SHOULD BE DEEMED
NULL AND VOID. APPENDIX L, APPENDIX A

4. HENRY HUDSON ALSO COMMITTED JUDICIAL
MISCONDUCT BY ALLEGING THAT I DID NOT EXPLAIN
HOW I EXHAUSTED MY STATE REMEDIES. I WROTE

IT ON THE PETITION ON PAGE 12. I
EXHAUSTED MY REMEDIES BY FILING A
PETITION FOR REHEARING TO THE SUPREME
COURT OF VA. - APPENDIX F

S, I'VE SEEN NO WHERE TO THE COURT OF
28 U.S.C. 2254 THAT I MUST WRITE OUT AND
ATTACH TO THE FRONT OF THE PETITION OF
HOW I EXHAUSTED MY REMEDIES. VIOLATION OF
1st, 6th + 14th AMENDMENT, PROSECUTORIAL
MISCONDUCT AND ABUSE OF DISCRETION.

APPENDIX F

6. ~~THE~~ ON 4/10/17 I'VE BEEN ON WAITING LIST TO
SEE THE INSTITUTIONAL LAWYER. 6 MONTHS
OR LONGER IS VIOLATION OF 6th AMENDMENT

STATEMENT OF THE CASE

1. DUE TO THE FEDERAL CIVIL SUIT 28 U.S.C. 455 (A), (B) CASE # 3:16-cv-0066 HENRY HUDSON SHOULD NOT HAVE BEEN APPOINTED TO THE CASE.
2. ANY DECISION BY HENRY HUDSON SHOULD BE DEEMED NULL AND VOID.
3. THERE IS NOWHERE ON PAGE 12 ~~OR~~ ~~THE 28 U.S.C. 455~~ ANYWHERE ON THE PETITION THAT STATE THAT I MUST WRITE OUT ON A SEPERATE SHEET ~~AND~~ OF APPEAR AND WRITE OUT ON THE FRONT OF THE PETITION OF HOW I EXHAUSTED THE STATE COURT REMEDIES. I ALREADY WROTE IT IN THE PETITION ON PAGE 12
4. THE 4TH CIRCUIT COURT COMMITTED ABUSE OF DISCRETION AND PROSECUTORIAL MISCONDUCT BY NOT RULING ON THESE 1ST, 6TH & 14TH AMENDMENT VIOLATIONS
5. THIS PRISON ALSO HAS PURPOSELY DENIED MY RIGHT TO ACCESS ~~TO~~ CASE LAW. ~~6~~ 6 MONTHS OR LONGER TO SEE THE INSTITUTIONAL LAWYER IS A PURPOSEFUL DENIAL OF THE 6th Amendment.

REASONS FOR GRANTING THE PETITION

1. THIS IS A CLEAR CUT CASE OF ABUSE OF DISCRETION AND JUDICIAL MISCONDUCT ON THE PART OF THE U.S. DISTRICT COURT OF EASTERN DISTRICT ~~JUDGE~~ FOR APPOINTING A JUDGE TO A CASE OF WHOM I JUST ~~PREVIOUS~~ FILED A FEDERAL CIVIL SUIT. 28 U.S.C. 455(A), (b)
2. U.S. DISTRICT JUDGE HENRY HUDSON SHOULD'VE BEEN RECUSED FROM HEARING THE CASE OF 3:17CV229
3. THERE IS NOWHERE IN THE 28 U.S.C. 2254 THAT STATE ~~HOW~~ THAT ~~THE~~ A PETITIONER MUST PUT ON FRONT OF THE PETITION OF HOW ~~THE~~ REMEDIES ARE EXHAUSTED. THE QUESTION IS ALREADY ASKED ON PAGE 12 OF THE PETITION 7. I HAVE NOT SEEN THE INSTITUTIONAL LAWYER WITHIN 6 MONTHS.
4. THE 4TH CIRCUIT ~~CIR~~ COURT HAS COMMITTED JUDICIAL MISCONDUCT BY NOT RULING ON THESE SERIOUS 15TH & 14TH AMENDMENT VIOLATIONS
5. THIS ARBITRARY ACTION BY THE U.S. DISTRICT COURT ~~CIR~~ FOR THE EASTERN DISTRICT OF VA AND THE 4TH CIRCUIT IS A ~~THE~~ VIOLATION OF SERIOUS DUE PROCESS.
6. U.S. DISTRICT JUDGE HENRY HUDSON SHOULD'VE BEEN RECUSED FROM HEARING THIS CASE. 28 U.S.C. 455(A), (b)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bennett Newkirk

Date: 11/9/17