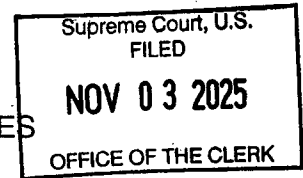


25-6248
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Nathan David Black — PETITIONER
(Your Name)

vs.

Warden of San Carlos, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the 10th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Nathan David Black
(Your Name)

P.O. Box 660
(Address)

Canon City, Colorado
(City, State, Zip Code)

N/A
(Phone Number)

Questions Presented

When a Civil Court issues an order mandating the following:

- 1.) Only the issuing court can change this order.
- 2.) The protected party may initiate contempt proceedings against the restrained party if the order is issued in a civil action.
- 3.) The issuing court has jurisdiction over the parties and the subject matter.
- 4.) The issuing court must inform the restrained person that a violation of the civil P.O. constitutes a criminal offense pursuant to C.R.S. 18-6-803.5 or contempt of court.
- 5.) A violation of a protection order is a misdemeanor and
- 6.) The issuing court retains jurisdiction to enforce, modify or dismiss the civil P.O. .

Is it a fundamental miscarriage of justice to proceed against and convict the defendant with felony charges for violating the order?

List Of Parties

Nathan David Black - Petitioner

Fhure, warden of San Carlos - Defendant

Attorney General of Colorado - Defendant

Related Cases

Reisinger V. Black 21CB30 Civil Court, Jefferson County,
County Court, Colorado, Div: T, CTRM: 100. Judgement entered
June 21, 2021.

People V. Black 21CR2262 Criminal Court, Jefferson County,
District Court, Colorado, Div: 7, CTRM: 430. Judgement
entered May 24, 2022.

Black V. People 22CA1050 Criminal, Colorado Court of
Appeals. Judgement entered October 10, 2022.

Black V. People 22SA179 Criminal, Colorado Supreme Court.
Judgement entered July 26, 2022.

Black V. Fhure et al 1:24-cv-03574-LTB-RTG Civil, United
States District Court For the District of Colorado.
Judgement entered February 21, 2025.

Black V. Fhure et al 25-1126 Civil, United States
Court of Appeals for the 10th Circuit. Judgement
entered October 22, 2025.

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Civil Court, Jefferson County, County Court, Colorado, Div: 7,
CTRM: 100. Case #21C630.

- 1.) Information sheet, Civil P.O. June 07, 2021.
- 2.) Permanent Civil P.O. June 21, 2021.

Appendix B:

Criminal Court, Jefferson County, County Court, Colorado, Div: 7,
CTRM: 430. Case #21CR2262.

- 1.) Affidavit. August 18, 2021.
- 2.) Complaint and information. August 24, 2021.
- 3.) Re-sentencing. March 28, 2023.

Appendix C:

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Case #1:24-cv-03574-LTB-RTG.

- 1.) 28 U.S.C. 2254 application. December 26, 2024.
- 2.) Magistrate's recommendation of dismissal. February 06, 2025.
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Civil Court, United States Court of Appeals for the 10th Circuit.
Case #25-1126.

- 1.) Order denying COA. October 22, 2025.

Appendix E:

Criminal Court, Jefferson County, District Court, Colorado, Div: 7, CTRM: 430.
Case #21CR931

- 1.) Deal. August 03, 2021.

TABLE OF Authorities

Cases:

Hatsenpiller v. Morris, 488 P.3d 219 (2017). Judgement entered

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In Re Shirley, 28 A. 3d 506, 511 (D.C. 2011). Judgement entered

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Moness v. Meyers, 419 U.S. 449, 459, 95 S. Ct. 584, 42 L. Ed. 2d 574

(1975). Judgement entered P. 10

People v. Townsend, 183 Ill. App. 3d 268, 131 Ill. Dec. 741, 538 N.E. 2d

1297, 1299 (1989). Judgement entered P. 8

State v. Kidder, 150 N.H. 600, 843 A. 2d 312 (2004). Judgement
entered P. 8

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Colo. Const. Art. VI § 9, 13 and 17. P. 3, 8, 9

Colo. Const. Art. ~~VI~~ ~~§~~ XII § 8

Rules:

C.R. Civ. P. 36.5 (Colorado Rules of Civil Procedure). P. 3, 9

C.R. Crim. P. 35 (Colorado Rules of Criminal Procedure). P. 3

Statutes:

C.R.S. (Colorado Revised Statutes) 2-4-201 (1)(a), (c) and (e). P. 3, 4, 10

C.R.S. 13-1-114 (1)(c) P. 4, 10

C.R.S. 13-6-104 (5) P. 4, 9

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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 Judgement below

OPINIONS Below

The opinion of the United States Court of Appeals for the 10th
Circuit appears at appendix D. to the Petition and is
unpublished.

The opinion of the United States District Court For the
District of Colorado appears at appendix C. to the
Petition and is unpublished.

Jurisdiction

The date on which the United States Court of Appeals for the 10th Circuit decided my case was October 22, 2025.

No Petition for rehearing was filed.

The jurisdiction of this court is invoked under

28 U.S.C. 1254(1).

Constitution, Rules and Statutory Provisions Involved

Constitution:

U.S. Const. Art. VI §3 "... All executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution."

Colo. Const. Art. VI §9(1) "The District Courts shall be trial Courts of record with General Jurisdiction, and shall have Original Jurisdiction in all Civil, Probate and Criminal Cases, except as otherwise provided herein."

Colo. Const. Art. VI §13 "District Attorneys shall receive such salaries and perform such duties as provided by law."

Colo. Const. Art. VI §17 "County Courts shall have such civil, criminal and appellate Jurisdiction as may be provided by law."

Rules:

C.R. Civ. P. 365 (Colorado Rules of Civil Procedure) "No Civil P.O. ... under title 13, article 14, shall be issued by the court, except as therein provided."

C.R. Crim. P. 35 (Colorado Rules of Criminal Procedure) "Every person convicted of a crime is entitled as a matter of right to make application for postconviction review."

Statutes:

2-4-201(1)(c), C.R.S. (Colorado Revised Statutes) "In enacting a statute, it is presumed that:

(a) Compliance with the constitutions of the state of Colorado

and the United States is intended;

(c) A just and reasonable result is intended; and

(e) Public interest is favored over any private interest.

C.R.S. 13-14-114(1)(c) "Every Court has Power to compel obedience to its orders."

C.R.S. 13-6-104(5) "The County Court shall have concurrent original Jurisdiction with the District Court to issue temporary and Permanent Civil restraining orders as provided in article 14 of this title."

C.R.S. 13-14-100.2(1) "There shall be two Processes for obtaining P.O.s in the State of Colorado, a simplified Civil Process and a mandatory Criminal Process."

C.R.S. 13-14-106(1)(a) "The Judge or magistrate shall inform the respondent that a violation of the Civil P.O. constitutes a criminal offense pursuant to Section 18-6-803.5 or constitutes Contempt of Court."

C.R.S. 13-14-107(1) and (2) "A Person failing to comply with any order of the Court issued pursuant to this article is in Contempt of Court or may be prosecuted for violation of a Civil P.O. pursuant to Section 18-6-803.5."

(2) "The duties of Peace officers enforcing a Civil P.O. shall be in accordance with Section 18-6-803.5."

C.R.S. 13-14-108(4) "Except as otherwise provided in this article, the issuing Court retains Jurisdiction to enforce a Civil P.O."

C.R.S. 16-5-101(1) "Unless otherwise provided by law, a criminal action for violation of any statute may be commenced."

C.R. 5. 16-5-202(1)(a) "The information is sufficient if it can be understood therefrom:

(a) That it is presented by the Person authorized by law to Prosecute the offense."

C.R. 5. 16-5-205(1) "The Prosecuting Attorney may file an information in the Court having Jurisdiction over the offense charged."

C.R. 5. 18-6-803.5 (7), (8)(b) and (9) "The Protection order shall contain in capital letters and bold print a notice informing the Protected Person that such Protected Person may initiate Contempt Proceedings against the restrained Person if the order is issued in a civil action."

(8)(b) "A Protection order issued in the state of Colorado shall contain a statement that:
the issuing Court has Jurisdiction over the Parties and the Subject matter."

(9) "A criminal action... may be tried."

C.R. 5. 24-12-101(1) "When a Person is required to take an oath, the oath is as follows: I [name] do swear that I will support the Constitution of the United States, the Constitution of the state of Colorado, and the laws of the state of Colorado, and will faithfully perform the duties of the office [name of office] upon which I am about to enter to the best of my ability."

Statement Of The Case

On June 07, 2021, Nicole Reising sought a civil P.O. against Nathan David Black for conduct from January 01, 2021-June 07, 2021.

APP'X A1. On June 21, 2021, a Permanent civil P.O. issued.

APP'X A2. On August 18, 2021, Mr. Black ~~filed~~ violated the

order. APP'X B1. On August 24, 2021, Mr. Black was charged.

APP'X B2. On March 28, 2023, Mr. Black was resented.

APP'X B3. On December 26, 2024 Mr. Black filed a 28 U.S.C.

2254. APP'X C1. On February ~~20~~ 06, 2025, magistrate RTB

entered a recommendation of dismissal. APP'X C2. On

February 26, 2025, Mr. Black filed objections to the

recommendations. APP'X C3. On March 19, 2025, LTB

entered an order: Dismissal with Prejudice. APP'X C4.

On October 22, 2025, the 10th Circuit issued an order

denying Mr. Black a Certificate of Appealability. Mr. Black

is now appealing to the United States Supreme Court.

Reasons For Granting The Petition

Mr. Black has actual innocence of the crime for which he is imprisoned. As Mr. Black did not attack being procedurally defaulted on appeal, he includes only the information required "to establish a fundamental miscarriage of justice to excuse the procedural default of his

Claim. "Coleman v. Thompson, 501 U.S. 722, 731 (1991) (501 U.S. at 750).

"The harm or evil sought to be prevented by the violation of a protection order statute is broader than simply contact between the protected and restrained persons and includes preserving the integrity of a court order." Holston v. Morris, 488 P.3d 219 (2017) 230. "The objectives of a civil P.O. go far beyond the interests of protecting the named protected person." Id. 230. There are provisions which act to protect the restrained person. ("only this is issued court can change this order" Id. 238, 239) "The protected party may initiate contempt proceedings against the restrained party if the order is issued in a civil action." APPX A2, C.R. 5.18-10-803.5(7), 3. "The issued court must inform the restrained person that a violation of the civil constitutes a criminal offense pursuant to C.R. 5.18-10-803.5 or contempt of court." Id. 237, C.R. 5.13-14-106(1)(a), 4) "The issuing court has jurisdiction over the parties and the subject matter. Id.

"Violation of 938, 432, C.R. 5.13-14-106(4), C.R. 5.18-10-803.5 (8)(b), 5.) "A violation of a protection order is a misdemeanor." Id. 238, 239 and 37, C.R. 5.13-14-107(1), C.R. 5.18-10-803.5 (2)(a) and 6.) "The issued court retains jurisdiction to enforce, modify and issue the civil P.O." Id. 244.

"C.R. 5.13-14-106(4). "The only difference between a protection order issued in a criminal proceeding and a civil P.O. is that violation

of a criminal P.O. is a class 1 misdemeanor as opposed to a class 2 misdemeanor. C.R.S. 18-6-203.5(2001)(2)(a). "Id. 930-61. "The civil P.O. statutes, particularly the provisions regarding modification or dismissal, preclude modifying or dismissing the civil P.O. without court involvement." Id. 948. "Section C.R.S. 13-14-108 lays out the only procedures for modifying or dismissing a civil P.O. Importantly, no statutory mechanisms exist for the Protected Person or the restrained person to modify or dismiss the order without the court's approval or consideration. Indeed, the issuing court retains jurisdiction to enforce, modify or dismiss the civil P.O." Id. 944. "If the protected party wants to modify the order so she can charge the restrained party with felonies because he violated the civil P.O., she is not without remedy, she can motion the court for an exception to or modification of the order." State v. Kidder, 150 N.H. 600, 843 A.2d 312 (2004). For example, "the new Hampshire Supreme Court stated: "we emphasize that protective orders are orders of the court, not orders of the victim, and neither the defendant, the victim, nor a representative of either party has the authority to prove exceptions to the order. Id. at 317, see also In re Shirley, 28 A.3d 506, 511 (D.C. 2011) (Protective order is an order of the court, not the victim); People v. Townsend, 183 Ill. App. 3d 268, 131 Ill. Dec. 741, 538 N.E.2d 1297, 1299 (1989), (same). Hotsenpiller 947. "District Attorneys shall... perform such duties as provided by law." Colo. Const. Art. VI § 13. This directly incorporates, "unless otherwise provided by law, a criminal action

for violation of any statute may be commenced," C.R.S. 16-5-101(1) and "the information is sufficient if it can be understood therefore that it is presented by the person authorized by law to prosecute the offense." C.R.S. 16-5-202(1). "other law" does provide that a criminal action may not be commenced against Mr. Black for his conduct from January 01, 2021 - August 18, 2021. C.R.S. 13-14-100.2(1), C.R.S. 13-14-106(1)(a), C.R.S. 13-14-107(1) and (2), C.R.S. 13-14-108(4), C.R.S. 18-6-803.5. No representative of the protected party is allowed to modify the order, only the court can. Further, "The prosecuting attorney may file an information in the court having jurisdiction over the offense charged." C.R.S. 16-5-205(1). The court where the information was filed is not the court which had jurisdiction over the offense charged. The District Attorney is bound by oath. U.S. Const. Art. VI § 3 and C.R.S. 24-12-101(1). "The district courts shall have original jurisdiction in all civil, probate and criminal cases, except as otherwise provided herein." Colo. Const. Art. VI § 9. ~~for~~ Colo. Const. Art. VI § 17 "County courts shall have such civil, criminal and appellate jurisdiction, as may be provided by law." "The county court shall have concurrent jurisdiction with the district courts to issue temporary and permanent civil P.O.s as provided in article 14 of this title." C.R.S. 13-6-104(5), C.R. Crv. P. 365. "No civil P.O. ... Under title 13, article 14, shall be issued by the court except as provided therein." "In enacting a statute, it is presumed that compliance with the constitution of the state of Colorado and

and the United States is intended; also that a just and reasonable result is intended and Public interest is favored over Private." C.R.S. 2-4-201(1)(a), (c) and (e). Civil P.O.'s do not have a criminal basis, which is a sign the Protected Party did not experience "serious emotional distress" and did not feel criminal charges were warranted. If Prosecutors are allowed to use the conduct which caused the Civil P.O. to issue to satisfy elements of crime, restrained Parties are subject to a wide range of felonies and misdemeanors without a violation of that order; in every instance F4 serious emotional distress stalking. That would be unconstitutional, unreasonable and not in the interest of the Public. Judges and People seeking Civil P.O.'s would be significantly more hesitant to issue and apply for them. "Every Court has Power to Compel obedience to its lawful Judgements, orders and Process and to the lawful orders of its Judge out of Court in an action or proceeding therein." C.R.S. 13-1-114(1)(c). "The orderly and expeditious administration of Justice by the courts requires that an order issued by a Court with Jurisdiction over the subject matter and Person must be obeyed by the Parties." Maness v. Meyers, 419 U.S. 449, 459, 95 S. Ct. 584, 42 L.Ed. 2d 574 (1975).

Additionally, in an unrelated case #21CR931, Mr. Black broke about 40 Church windows, received an F4, then took a deal for an M1. He agreed to give up his appeal rights in the matter of 21CR2262, the subject before us. Prosecution refused to offer anything other than an F5, which Mr. Black

P. 101

Flat refused, Plainly stating "I am innocent of Stalking." Nicole Reising, the woman who Mr. Black had ~~once~~ asked for date, also worked at the Church Mr. Black damaged and did ~~not~~ seek the CIVIL P.O. until 2 1/2 months afterwards. She also worked out of the local Police department doing City work not as an officer. This might be relevant because officers filed an ~~affidavit~~ affidavit for F4 Stalking because I violated a CIVIL P.O., Nicole worked out of the Church, the Prosecutor refused a deal in the stalking matter for better than an F5 and requested I Give up my appeal rights to take a deal in 21CR931, which Mr. Black did, and the Judge presiding has flat refused to consider meritorious Post-Conviction motions repeatedly. Also, the assigned Public defender was fired by me because she outright made me to be a perfect description of a stalker in court, so I took the case myself, and this is the second time this has happened. So, Mr. Black damaged a church and they set him up with more felonies because they wanted me in Jail and I had been bonded out, so Yes, Mr. Black is actually innocent of Stalking.

Conclusion

The Criminal State-District Court was without Grounds to charge Mr. Black. The Protected Party obtained a CIVIL P.O. because she did not feel Criminal Charges were warranted. Mr. Black does have actual innocence of the conviction he is imprisoned for, the conduct from January 01, 2021 - ~~Jan~~ June 21, 2021 was resolved into a CIVIL P.O. and he is Guilty only of a single violation of the order.