

No. ____-____

In the
Supreme Court of the United States

ALAN HEADMAN,

Petitioner,

v.

FEDERAL BUREAU OF INVESTIGATION ET AL.,

Respondents.

Petition for Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

I. CONSTITUTIONAL RIPENESS

Whether the Supreme Court, in this age of equality, should consider gender-based servitude ripe for correction.

II. UNCONSTITUTIONAL AVOIDANCE

Whether a court of first instance's failure to assemble a jury for **Thirteenth Amendment** and 18 U.S.C. §1584 Sale into involuntary servitude protection, once a demand for trial by jury is made, establishes **Unconstitutional Avoidance**.

III. ADOPTING A JUDICIAL TEST

Whether the Supreme Court should require the application of a judicial test for determining when color-of-law actors have used **Unconstitutional Avoidance** to violate a citizen's constitutional rights.

IV. THE RIGHT TO A GRAND JURY

Whether victims have the right to demand a grand jury when color-of-law actors are found to have used **Unconstitutional Avoidance** to violate the protection of 18 U.S.C. §1584 Sale into involuntary servitude "in any way".

LIST OF ALL PARTIES TO PROCEEDING

ALAN HEADMAN
PLAINTIFF-APPELLANT

FEDERAL BUREAU OF INVESTIGATIONS ("FBI"),
UNITED STATES,
JUDGE JERALD DEAN FOWLER II,
JUDGE TERESA WELCH
DEFENDANTS-APPELLEES

RELATED FEDERAL DISTRICT AND APPEAL
COURT PROCEEDINGS

Headman v Federal Bureau of Investigations, et al.
United States District Court for the Eastern District of
Texas Case 6:24-cv-33

These proceedings concerned:

- (1) The resolution of a *5 U.S.C. Section 706 Scope of review* dispute between the FBI and the Petitioner over whether the petitioner was entitled to a “hard look” and/or “deep dive” review of the related agency decision rather than an arbitrary and capricious dismissal of his claim of entitlement for protection of his right to trial by jury and the violation of *18 U.S.C. §1584 Sale into involuntary servitude* that resulted from the deprivation of this right; *and*
- (2) The resolution of the underlying dispute between the respondents Welch and Fowler regarding the denial of his *Seventh Amendment* constitutional right to trial by jury and the violation of *18 U.S.C. §1584 Sale into involuntary servitude* that resulted from the deprivation of this right.

The District Court dismissed the case using **Unconstitutional Avoidance** in denying a “hard look” and the presentation of all facts to the demanded jury - - violating super-precedent *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971). The dismissal also formalized the use of **Unconstitutional Avoidance** tactics favoring the judicial defendants.

Headman v Federal Bureau of Investigations, et al.
United States Court of Appeals for the Fifth Circuit
Case 25-40151

This appeal sought:

- (1) Correction of the district court's denial of due process for the completion of discovery; and
- (2) Correction of the district court's failure to uphold the Petitioner's right to trial by jury; and
- (3) Correction of the district court's failure to respect supreme court precedent requiring a "hard look" examination of facts; and
- (4) The Appeal Court to take or require to be taken through remand the *Overton Park* "hard look" examination the District Court failed to conduct.

The Appeal Court further failed to correct the *Overton Park* precedent errors but instead engaged in further **Unconstitutional Avoidance** tactics by claiming the Petitioner's seeking of his constitutional right to trial by jury and/or right to be free from involuntary servitude was frivolous. The use of these tactics and further failure to preserve the right to trial by jury was in direct disregard of the rulings set forth in 2024 in *SEC v Jarkesy* - - the protection of such *Jarkesy* precedent having been specifically requested. In addition to assigning the "frivolous" label, the Appeal Court further chose to hide their denial of constitutional rights by issuing unpublished orders.

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CITATIONS OF OPINIONS AND ORDERS

The questions presented for review in this case surround the perpetuation of Unconstitutional Avoidance by the Respondents, District Courts and the Appeal Court preventing the Petitioner (and potentially millions of other citizens) from receiving their constitutional right to due process and trial by jury.

APPENDIX D

The Magistrate Judge despite having knowledge that a jury had been demanded for this case, and having been presented with a list of affirmations for the jury,

(1) Exercised the vague constitutional avoidance tactic of stating the Petitioner “did not allege facts sufficient to state a claim”. (App. 9, 15, 16, 17). (2) Further, the Magistrate Judge acknowledged, yet ignored, the precedent required to correct the denial of a federal agency’s obligation to perform the “hard look” required by 5 U.S.C. Section 706 Scope of review and the *Overton Park* super-precedent case (App. 9, 10). (3) In addition, the Magistrate Judge acknowledged the claim for protection of, but then blatantly ignored, the 2024 Supreme Court *Jarkesy* precedent setting forth the right for a citizen to exercise, the right to trial by jury in disputes with a federal agencies (App. 9, 10, 11, 12, 14). (4) Still Continuing, the Magistrate Judge failed to find all facts, including the identity of agents assigned to the case, by preventing discovery over the deliberate concealment by the FBI, preventing the identification of the FBI agents who made the decisions to obstruct the “hard look” and arbitrarily and capriciously denial of agency action in violation of *Overton Park* precedent

(App. 9). (5) Finally, the Magistrate Judge falsely proclaimed the Petitioner, “is not entitled to declaratory relief concerning his right to trial by jury” (App. 11).

APPENDIX C

In the Order Issued by United States District judge J. Campbell Barker, the practice of using Unconstitutional Avoidance is evident through Campbell’s evasion of addressing the orders violating Supreme Court Precedent as set forth above.

Rather than furthering avoidance, Barker should have, at a minimum, restored due process of discovery, restored/secured the preservation of the right to trial by jury, exercised de novo corrective oversight, not rubber stamped the Magistrate Judges Report and Recommendations in an arbitrary and capricious manner, and ensured the facilitation of a “strong look” and/or “deep dive” agency review rather than: (1) Inferring that his role as Judge was only to address new factual objections “in the report” rather than correct the Petitioner’s right to due process, trial by jury, and right to be free from involuntary servitude, all of which were ignored through **Unconstitutional Avoidance** by the Magistrate Judge (App. 6). Further, Campbell was himself, exercising avoidance as he (2) Turning a blind eye to long-standing Supreme Court super-precedent and recently-established Supreme Court precedent such as that established *Overton Park* and *Jarkesy*. (3) Exercising bias in evaluating the case law that suggests the case can be dismissed but failed to conduct a *de novo review* by addressing the facts fitting case law that supports the Petitioner’s right to trial by jury, “hard look”, freedom from involuntary servitude, etc. (App. 6)

APPENDIX B

Judge Campbell magnified his failure to protect citizen rights as he doubled down on **Unconstitutional Avoidance** by constructively declaring the Petitioner was not entitled to the “preserve” feature of the right to trial by jury by declaring the matter was dismissed “with prejudice” (App. 4) This was done after possessing clear knowledge that the right had been constitutionally demanded.

APPENDIX A

The Order (and related Mandate) of the Appeal Court demonstrates the great depth at which the Judicial Branch uses **Unconstitutional Avoidance** to violate the right of due process of law and access to constitutional protection. The Order signed by Circuit Court Judges Smith, Graves and Engelhardt were even more arbitrary and capricious than those issued by the District Court.

The **Unconstitutional Avoidance** was clearly evident as (1) No effort was made to justify the order through providing findings of fact and conclusions of law for specific statutes of which protection was sought (App. 3), (2) Hiding the fact that the Order was arbitrary, capricious and intentionally avoided upholding constitutional rights by issuing the order as an “UNPUBLISHED ORDER” (App. 2), and (3) After having full knowledge that the right to trial by jury had been denied, the Appeal Court classified the seeking of constitutional right protection as “frivolous” (App. 3).

SUPREME COURT JURISDICTION

Subject Matter

This Court has subject-matter jurisdiction within provisions of Supreme Court Rule 10 (a) and (c) as the United States Court of Appeals has decided an important question of federal law, regarding **Unconstitutional Avoidance** *that has not been, but should be, settled by this Court*, and has also decided important federal questions, and failed to correct lower court decisions, in a way that conflicts with relevant decisions of this Court.

Statute

The Jurisdiction for review of this Court is invoked under 28 U.S.C. § 1254 Court of appeals; certiorari; certified questions which states “Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods”, and item (1) which declares it may be “by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree”.

Date of Judgement or Order

On June 16, 2025 the United States Court of Appeals for the Fifth Circuit issued the order which this petition seeks review. On July 14, 2025 the Appeal Court refused to stay the issuance of a mandate and on July 16, 2025 the Appeal court issued the final mandate for this case. The final order for purposes of determining the timing of this petition is June 16, 2025.

CONSTITUTIONAL PROVISIONS STATUTES AND REGULATIONS

Article Six of the United States Constitution

The Constitution:

shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding and 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; ...

The Seventh Amendment to the United States Constitution

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

The Thirteenth Amendment to the United States Constitution

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The Fourteenth Amendment to the United States Constitution

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.

5 U.S.C. Section 706 Scope of review

*To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall (1) compel agency action unlawfully withheld or unreasonably delayed; and (2) hold unlawful and set aside agency action, findings, and conclusions found to be (A) **arbitrary, capricious**, an abuse of discretion, or otherwise not in accordance with law; (B) **contrary to constitutional right, power, privilege, or immunity**; (C) **in excess of statutory jurisdiction, authority, or limitations, or short of statutory right**; (D) **without observance of procedure required by law**; (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.*

18 U.S. C. § 242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. §1584 Sale into involuntary servitude

(a) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any

person so held, shall be fined under this title or imprisoned not more than 20 years, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a)

42 U.S.C. §1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated.

CONCISE STATEMENT OF THE CASE

The decision by a color-of-law actor to exercise avoidance is proper when the facts of a case do not directly call for statutory or constitutional protection. However, when the protection of a specific statute such as *18 U.S.C. §1584 Sale into involuntary servitude*; Constitutional provisions such as the *Thirteenth Amendment*; or specific Supreme Court declarations such as *SEC v. Jarkesy*, 603 U.S. ____ (2024) or *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971); is sought, Constitutional Avoidance becomes **Unconstitutional Avoidance**.

Constitutional Avoidance is not challenging a statute when a case can be fully resolved through the finding of facts without unnecessarily forcing the constitution question. **Unconstitutional Avoidance** is the act of depriving a citizen of constitutional rights when a *prima facie* claim to specific constitutional or statutory protection is being sought.

Unconstitutional Avoidance tactics include, ignoring a demand for the right to trial by jury, failing to apply (or have a jury affirm the meaning of) the definition of a term, such as “involuntary servitude”, to determine if protection of a specific law or constitutional provision is merited, or ignoring the measurement of specifically requested law or Supreme Court declaration that, on its face, promises constitutional protection. The Petitioner seeks this Supreme Court to end decades of **Unconstitutional avoidance** by declaring real consequences for the intentional avoidance of constitutional protection.

AMPLIFYING ARGUMENT

Quoting *Jarkesy*, "The right to trial by jury is "of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right" has always been and "should be scrutinized with the utmost care." *Dimick v. Schiedt*, 293 U.S. 474 (1935). *Further quoting*,

When the British attempted to evade American juries by siphoning adjudications to juryless admiralty, vice admiralty, and chancery courts, the Americans protested and eventually cited the British practice as a justification for declaring Independence. In the Revolution's aftermath, concerns that the proposed Constitution lacked a provision guaranteeing a jury trial right in civil cases was perhaps the "most success[ful]" critique leveled against the document during the ratification debates. The Federalist No. 83, p. 495. To fix that flaw, the Framers promptly adopted the Seventh Amendment. Ever since, "every encroachment upon [the jury trial right] has been watched with great jealousy. Parsons v. Bedford, 3 Pet. 433 (1830)

The Adoption of a New Term of Art

The Constitutional avoidance doctrine is freely taught by law professors as a justified rationale to dismiss claims seeking constitutional protection through the settling of a case using any other basis other than a direct examination of the sought after constitutional nature of the protection. The methods used to avoid

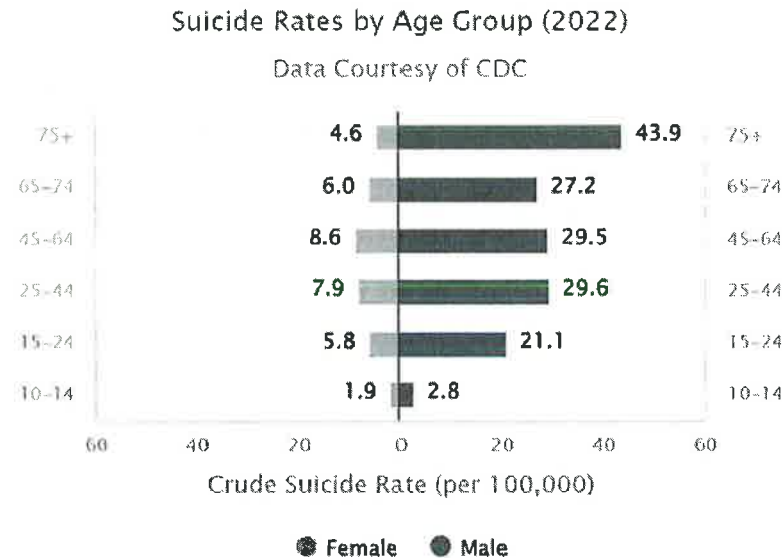
addressing the constitutional protection include exploiting a vague term, statute, or jurisdictional provision as well as a slew of other “red tape”, delay or coercive tactics. The resulting dismissal typically uses the vague conclusion of law stating that a party “failed to state a claim upon which relief can be granted” without measuring or documenting how the facts measured up against the protective statute.

Although Constitutional avoidance can be a valid principle when a clear path to the protection of a statute is not presented, this court should adopt a new term of art **Unconstitutional Avoidance** to be used to describe scenarios where color of law actors blatantly ignore the measurement of the protection of a clearly sought after statute, such as *Section 1584* seeking protection from involuntary servitude, or the administration of due process over a constitutionally protected right, such as **trial by jury**. As shall be presented, the time for holding color-of-law actors accountable for denying due process and sought after protection of a specific law is now.

Suicide Rates - Ripeness to Fix a Crisis

The gender-based institution of alimony was administered in a time when work place inequality was leaving women in poverty and without an avenue for work in instances of divorce. The issue of inequality in the workplace has been resolved through discrimination laws that prevent employers from not hiring women on account of their gender. Unfortunately, the oppression that alimony servitude was intended to correct is now oppressing men in the United States. The Supreme Court ended affirmative action in June 29, 2023, in

Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll., 600 U.S. 181 (2023). The Supreme Court struck down the continuation of affirmative action because the practice was unconstitutionally detrimental to the rights of one group for the benefit of another. Using the same logic as was used in ending affirmative action, this court should consider the damage that gender-based laws are causing now gender based discrimination is no longer lawful. Specifically, the Supreme Court should take into account the detriment that involuntary servitude is having on the male population. According to the National Institute of Health the following Suicide Rates were reported by age and gender:



This table from the National Institute of Health's website, paints a grim picture of the crisis that Unconsti-

tutional Avoidance is likely promoting. The responsibility to closely monitor when the rights of one class of citizens is being taken to benefit another cannot be overstated. Granting certiorari for this case, at a minimum, should be done as a measure to assess whether previously justified gender-based servitude is now unconstitutionally denying equal protection of law in violation of the Thirteenth Amendment and related criminal statutes.

This Case Captures the Cause of the Crisis

By granting certiorari for this case, this Supreme Court will have a compelling back drop for understanding how **Unconstitutional Avoidance** is being used by color-of-law actors to deny rights and collectively contribute to the death of tens of thousands of American men. Just as affirmative action required correction once it evolved to become the very discrimination it was adopted to protect, the involuntary servitude used to protect the discriminated women from harm, poverty and high suicide rates is now causing men harm, poverty and high suicide rates - - *3 to 9 times higher*. The price of not addressing this long overdue disparaging phenomenon could be the lives of tens of thousands of American men each year. Granting certiorari for this specific case will both cast a light on the gender-based discrimination that is being exploited but also the tool that has been preventing it from coming before this court for decades.

Three Issues Ripe for Correction

Granting certiorari will potentially provide an opportunity for this court to address three issues that are

ripe for correction. (1) the overdue look at the gender-based discrimination against men, (2) setting a necessary precedent imposing consequences for engaging in **Unconstitutional Avoidance**, and (3) establishing the Supreme Court's teeth for correcting the avoidance of Supreme Court precedent by rogue judges who use **Unconstitutional Avoidance** as a license to do so.

Supreme Law Requires Supreme Teeth

When the Supreme Court issued the precedent ruling in *Marbury v. Madison*, 5 U.S. 137 (1803), it established its "teeth" in declaring when laws passed by Congress or administered by the executive branch, were unconstitutional. In this day, it has become commonplace for rogue judges to assert authority they do not possess in defiance of the constitutional power invested in the Supreme Court and its declarations.

The beauty of the constitution is that it was established with the capacity to evolve to correct the overstepping of powers when necessary. Just as a specific time was proper to establish the power of the Supreme Court in the *Marbury v. Madison* case, the time is ripe for this Supreme Court to formalize its "teeth" within its own branch of Government. The issuance of Supreme Court precedence in the form of declarations does not seem to have sharp enough "teeth" to preserve Supreme Court interpretations as "Supreme" when avoidance prevents due process.

Establishing consequences for avoiding Supreme Court precedent, may feel painful but it is desperately required. It is understandable that Judges want to pro-

tect the integrity of the bench and protect their fellow judicial officers from facing consequences when simply performing their judicial duties. Nevertheless, there comes a time when accountability must be the approach. The implementation of an **Unconstitutional Avoidance** precedent will establish proper accountability to be exercised upon color-of-law actors who are denying the rights of citizens while preserving a degree of immunity for those who should rightfully be entitled to it when they honor their constitutional oath.

By establishing a test and consequences for those engaging in **Unconstitutional Avoidance** this court will make a significant change that will be equal in importance as the *Marbury v. Madison* decision was in 1903. The practice of allowing color-of-law actors to obstruct access to the power instilled in a citizen's right to trial by jury can only be remedied through the removal of immunity for those who engage in it. It is absurd to conceive that the founding fathers, or Congress in ratifying the *United States Congress Bill of Rights 1789*, while operating under the premise that any power which goes unchecked will be abused, intended that the right to trial by jury would be denied through judicial avoidance.

The Right to Trial by Jury Must be Preserved

Trial by jury will not be considered "preserved" when **Unconstitutional Avoidance** is being allowed to exist as an unchecked way to allow color-of-law actors to sweep protection of law under the Constitution Avoidance umbrella. *Constitutional Avoidance and Unconstitutional Avoidance are terms of art that are not com-*

patible and should not be treated the same. Trial by jury is currently not being “preserved” as it was intended due to **Unconstitutional Avoidance**. Addressing the preservation of trial by jury for agency disputes in *Jarkesy* clearly did not go far enough; neither did addressing the “hard look” precedent in *Overton Park* when either of the rulings of these cases can be set aside through **Unconstitutional Avoidance**.

GOVERNING REVIEW CONSIDERATIONS

Fed. Rule Civ. Proc. 10(c) requires actions by this court when “a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court.

The Petitioner is seeking certiorari in the hope that this Court will adopt a concrete method that will be used to prevent **Unconstitutional Avoidance** which has been infringing on fundamental rights.

Granting certiorari, will serve to both identify the acts of infringement that have been occurring while also seeking the adoption of steps lower courts must apply to prevent them.

The test steps which lower courts would be required to apply, when invoked, are as follows:

Step #1 - Was protection of a specific law or statute sought by reference in a petition or complaint? If yes, go to Step #2.

Step #2 - Was a jury demanded for the potential measurement of the facts against the related protective law or statute that was identified in Step #1? If yes, go to Step #3. If no, go to Step #5.

Step #3 - Was the demanded jury assembled in a timely manner? If yes, go to Step #4.

Step #4 - Did the demanded jury measure the facts against the law or statute identified in Step#1 and determine if protection was merited? If no, go to Step#6.

Step #5 - Did the Court of first instance specifically weigh the facts of the case against the provisions of the law or statute, identified in Step #1, in their Findings of Fact and Conclusions of Law?

Step #6 - If the answers from either Step #3, Step #4 or Step #5 is no, all participating color-of-law actors who caused, or did not prevent, the "no" response have utilized **Unconstitutional Avoidance**.

If a Judicial color-of-law actor is found to have used of **Unconstitutional Avoidance** in Step #6, the denial of rights should be considered "res judicata" entitling the victim to immediate remedies. If the right to trial by jury was demanded, accountability requires that additional remedies should be available for each day the demanded jury is not assembled in remand.

If an appeal court fails to immediately send the case back to a jury in remand, the same test shall be applied

to any participating color-of-law actor. In addition, a determination that color-of-law actors have committed **Unconstitutional Avoidance**, through Step #6 will also qualify the deprived citizen the right to demand a grand jury for criminal accountability, where applicable.

In applying this standard to this case, in addition to damages and other remedies, the Petitioner should also have the right to have a grand jury assembled to determine if the Respondents participated "in any way" in a criminal violation of *18 U.S.C. §1584 Sale into involuntary servitude*.

REASONS FOR GRANTING

The following quote claimed in the Respondent Welch's findings captures the error that would be manifested in refusing to grant this case certiorari:

"Judges are absolutely immune from liability for judicial acts, however erroneous the act and however evil the motive". (App. 13)

Logistically, this Court should grant certiorari under Rule 10(a) as the appeal court has "so far" sanctioned a lower courts departure from the "accepted and usual course of judicial proceedings calling for an exercise of this Court's supervisory power. And by doing so, the appeal Court has also "decided an important federal question in a way that conflicts with the relevant decisions of this court" invoking Rule 10(c). In fact, it has disregarded multiple decisions of this court each of which are not vague in their precedential nature.

Granting certiorari for this case will give this Court the opportunity to correct a fundamental *Fourteenth Amendment* problem which has been unchecked in denying citizens access to equal protection of law for decades. The importance of closing the **Unconstitutional Avoidance** loophole cannot be overstated.

The case *Massachusetts v. EPA*, 549 U.S. 497 (2007) set the standard requiring the EPA to place environmental protection above policy avoidance. This case seeks to restore Thirteenth Amendment Protection above arbitrary and capricious and unconstitutional judicial avoidance which has a higher precedent direct human cost.

The Article Six power to preserve protection of law for the people, which the Supreme Court is intended to wield, should not be easily set aside by avoidance tactics preventing from being measured against the protection a specific law was established to provide.

It is time for these important avoidance questions to be resolved by this Court. (1) *When protection of a specific law is sought, should any court be allowed to use tactics to avoid measuring the facts submitted against the provisions of the protective law?* ; and (2) *When a jury has been demanded, should any court be allowed to use avoidance tactics to prevent the protection intended by the Seventh Amendment?* It is absurd to think that the founding fathers would have deemed "yes" an acceptable answer to either of these questions.

CONCLUSION

Based upon the above, the Petitioner respectfully requests this Court, the Supreme Court of this land, to grant certiorari so that this Court does not overlook the opportunity to correct the damages which are being inflicted through **Unconstitutional-Avoidance** and to take a fresh look at the gender-based discrimination which may be resulting in the undue loss of the lives of men in the United States.

Further based upon the above, the Petitioner requests this Supreme Court to grant certiorari to determine if the time is ripe to sharpen the Supreme Court's teeth through the adoption of an **Unconstitutional-Avoidance** test and the implementation of consequences for color-of-law actors who fail to preserve constitutional rights and respect the supreme nature of Supreme Court precedent.

Respectfully submitted,

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