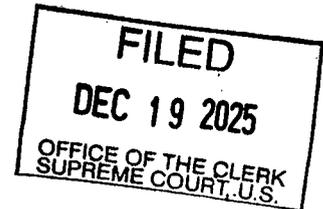


No. 25-7020



\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
ARCHIE WHALEN — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SIXTH CIRCUIT COURT OF APPEAL  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ARCHIE WHALEN 09691-036  
(Your Name)

Housing Unit 5812 Federal Correctional Institution  
(Address)

Fort Dix NJ 08640  
(City, State, Zip Code)

Na  
(Phone Number)

WHALEN, ARCHIE 09691036

QUESTION(S) PRESENTED

- 1) IS prejudiced trial Testimony Used By Government a Constitutional Law Violation? THE Government knew or should have known AS IT HED a Never release still to this day COMMON WEALTH DISCOVERY IT TOOK ITS OWN DISCOVERY FROM.
- 2) Does It Violated Brady Laws to Denied defense Attorney a second ~~to~~ discovery the federal Government took parts of From defense counsel When he Request it release to him Prior to trial? 90 and 30 days before trial Government REFUSED to release the COMMONWEALTH discovery it used to make its own federal Discovery From. See U.S. v - Whalen 24-6146 Document #14 Filed ON 4/29/2025 At Page #15 AT TOP OF PAGE.
- 3) IS Jurisdiction Required to Bring Brady violation that occurred prior to trial in which one Government Attorney denied in over 11 Briefs not to have violated Brady to Supreme court and Sixth circuit as well as District court? Discovery Request prior to trial By defense counsel that's denied, then on Appeals and 28 USC 2255 for first 6 years Government denials it violated ~~Brady~~ Brady which New Government Agent in 24-6146 Brief in facts states they had the requested discovery from 2009 trial was in 2012 and it in fact took parts of to make its full discovery from and still won't release 290 pages never turn over after request prior to trial or ~~the~~ after trial, a Constitutional Law Violation, courts charge to protect in safeguarding liberties. CON. LAWS 525, COURTS 171, EVIDENCE 275.
- 4) When sentence to a outside of the statute of the crime your charge to violated, in which they used fake evidence the Government AMMITS IS fake now 13 years later in which if they fix mistake it required resentencing and the removal of prejudicial charge do to fake evidence IS Jurisdiction required?
- 5) Does criminal ~~defendant~~ <sup>defendant</sup> who sentence if ~~prejudicial~~ <sup>prejudicial</sup> and fake evidence changes in his Presentence Report be fixed ~~to~~ <sup>need</sup> to appeal under 28 USC 2255 or IS 3582 compassionate release rule changes made retroactive the correct route?
- 6) Can District court demand you to choose if your filing civil action or 28 USC 2255 When you file it a Constitutional Law Violation under Moore v - Holohan? I was force to choose one even though I explained I was unsure either was correct!!!

See Additional Page Behind **WHALEN, ARCHIE 09691036**  
this one. See white line page in back of this one

QUESTION(S) PRESENTED

Part 2

#7

Does a defendant in filing a Constitutional Law Violation Claim need to apply 28 USC 2255 [h] Gatekeeping standard to be heard on appeal or in District court.

#8

Does District Court have a right to forward a Constitutional Law Violation claim to Appeals court?

#9

Does a Constitutional Law Violation Required a new Evidence requirement to have a court hear the claims made ~~and~~ <sup>and</sup> ~~proven~~ <sup>proven</sup> to have the court hear it?

Does the Constitution protections required the court to hear claims made and proven on 28 USC 2241 and 2255 Grantee's review. That's the Supreme Court in MOONEY v. Holohan, Napue, Sanders, BIGLO and Hayes JR. ruled it has the duty to protect constitutional rights grantee is in the 5, 6, 8, 14 and other Amendments clause and rights. This claim in MOONEY at #5 Evidence 275 speaks to presumed jurisdiction to protect constitutional rights.

#10

District ~~Disco~~ Court Error when it order it clerk to send me two copies of Forms & Civil Action under Bivens 1983 and 28 USC 2285 Form, when I made a claim of Constitutional Violations?

#11

Government ~~Attorney~~ <sup>Attorney</sup> Knowing I Filing Brief it knows is False in Response is a denial of due process clause of 14th Amendment?

## 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:

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Rule on Dec-9-2025. New ~~sub~~<sup>writ</sup> to this Court.

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## TABLE OF AUTHORITIES CITED

### CASES

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HENRY NAPUE -v- People of the State of Illinois [360 US 264]	All.
JOHN GIGLO -v- United States [405 US 150] 2nd Cir.	All.
RONALD EBESS -v- United States [900 F.2d 1422] 1986 U.S. App. Lexis 30206, 21 Fed. R. Evid. Serv. [CATHAGAN 898]	A21

### STATUTES AND RULES

28 USC 3582 COMPASSIONATE RELEASE  
 CONSTITUTIONAL LAW REQUIREMENTS UNDER 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, AND 14<sup>th</sup> AMENDMENTS  
 REQUIREMENTS, CON. LWS. 525, 840'S, 520, 171, 275, 806, 745 APPEALS AND  
 ERRORS REVIEW AND 708 AT #6 SUPREME COURT - CONSTITUTIONAL QUESTIONS, ~~10-11~~

### OTHER

When you make claim with proof of CONSTITUTIONAL LAW VIOLATION  
 IS THERE A JURISDICTIONAL REQUIREMENT TO BE HEARD? CAN DISTRICT COURT FORCE  
 YOU TO CHOOSE IF ITS A CIVIL ACTION OR 28 USC 2241 [47] WHEN YOU  
 LABEL YOUR BRIEF AS CONSTITUTIONAL VIOLATION UNDER MOONEY?

**WHALEN, ARCHIE 09691036**

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 25-5827; 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 \_\_\_\_\_ 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.

1.

WHALEN, ARCHIE 09691036

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec. 9-2025.

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).

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).

WHALEN, ARCHIE 09691036

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- CONSTITUTIONAL LAW 525 - Segregating liberty of citizen.
- CONSTITUTIONAL LAW 840 - due process - conviction upon perjured evidence.
- CONSTITUTIONAL LAW 520 - due process - conduct of prosecuting officers.
- COURTS 171 - duty of state courts to protect constitutional rights.
- EVIDENCE 275 - presumption - Jurisdiction of state court to protect constitutional rights.
- CONSTITUTIONAL LAW 840 - due process - False evidence
- APPEALS AND ERROR 709 - to Supreme Court - Constitutional questions;  
To Examine the record.
- APPEAL AND ERROR 745 - denial of right under Federal Constitution -  
Scope and extent of review.
- Due Process violation ~~Secured~~<sup>Secured</sup> by the Federal Constitution.

## STATEMENT OF THE CASE

The Government knowingly used evidence it knew was not real, it also failed to correct prejudicial testimony about the fake evidence and it seeks to thwart its question of witness. The government also withheld material it knew was discoverable evidence prior to trial. Even after defense attorney sought it from the government attorneys office prior to trial 3 times, government told Mr. Wilkey he was not entitled to it. Later the government multiple times claims to not have violated Brady at any point repeatedly in its response on direct appeal, on 28 USC 2255, 28 USC 2241, motion in district court and in the Supreme court on writ. But now the government admitted it has in its possession the Jefferson county Commonwealth Full Discovery and it had it over a decade ago see Whalen v. U.S. 24-6146 Government Response Brief it New A.U.S.A. filed on behalf of the government but still refused to release the 290 unteless pages of review. They took their first discovery out of 400 pages. As well the fake evidence in this same discovery it withheld until trial 3 years later. It now uses jurisdiction to avoid a ruling on its prior beliefs in which it knowingly file lies in response brief before the courts.

If attorney requested full discovery of Jefferson county Commonwealth Discovery the government held in its possession prior to trial and he told no does it violate Brady if leted government used fake evidence from that discovery at trial?

Does a District court have a right to force you to choose how to process on claims to the court when you site moouch constitutional law violation as ~~jurisdiction~~ jurisdiction to constitutional violation is in fact to protect and enforce a right secured by the Federal constitution upon a proper showing and an appropriate proceeding for that purpose. If file a constitutional law violation and was told to or order to choose civil or 28 USC 2255 to proceed in the court. This should have not been force to change!!!

WHALEN, ARCHIE 09691036

## REASONS FOR GRANTING THE PETITION

The District Court Error in forcing to pick Civil Law of 28 USC 2255. When I made clear it was a Constitutional Law Violation Under MOONEY-U-Holden Brief in which I Filed.

The District Court then order its Clerk to send me to proceed with a Court Order to complete or it be drop. The Sixth Circuit also fail to deal with this fact, in its ruling.

IS Jurisdiction Not Assumed in a Constitutional Law Violation claim.

Can Government Attorney File Response Brief, COA, and Supreme Court writ in which it lies about its action? The Constitution protect us from this conduct. Is it

Duty to hear these protected Right granted in the Constitution and its the Courts duty to do so. The District Court Error and Sixth Circuit by Applying 28 USC 2255 to a Constitutional Violation. In which the Lower Court Force & Choice in.

I Filed a REMAND on that issue to the Sixth Circuit, so do to these errors this case should return to District Court on new processing of Constitutional Violations Law protections - To Judge on it merits to Fact well proven and claimed! IN the Records.

### CONCLUSION

This Court should return this case back to District Court with an order that Constitutional Law Violation does not need to proceed as either Civil Law suit or 28 USC 2241 or 28 USC 2255 [4] Requirement. AND its duty is to protect the rights secured to the Constitution when a claim brought under constitutional violation.  
The petition for a writ of certiorari should be granted.

Do to Court Failure to hear Constitutional Law claim and protections as it force me the District Court to choose a way forward that did

Respectfully submitted, Not consider the way I filed my claim under  
MOONEY.

Archie Whalen

Date: 12-9-2025