

25-7047

No. _____

FILED
FEB 24 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
FEB 24 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MICHAEL KENNY CARTER PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth Circuit Dismissed as Second or Successive
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Kenny Carter
(Your Name)

F.M.C Butner P.O. Box 1600
(Address)

Butner, N.C 27509
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Lack of Subject Matter Jurisdiction? and whether Jurisdiction is absent from the record?
- 2) whether the facts alleged in this case are in the purview of the Cited statute?
- 3) whether the charging allegations in the instant information accuse Carter specifically of using a facility of Interstate Commerce in violation of 2422B?
- 4) whether the allegations in the charging information, ... Conspiracy to violate 18 usc 2422(B) is found in the United States Code title 18? 18 usc 3231

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:

Allen Lothrop Morris

RELATED CASES

United States of America v. Michael Carter 3:17-351-JFA

United States v. Michael Carter, NO. 25-6730 U.S.
Fourth Circuit Appeals

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
McNutt v. General Motors Acceptance Corp (1936)	5
Mitchell v. Maurer (1934)	5, 6
U.S. v. Peter (2002)	5.

STATUTES AND RULES

18 USC 3231	3
18 USC 2422(b)	3
Rule 60(b)(4) of Fed. R. Civ. P	3

OTHER

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 _____ 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 is unpublished.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 _____ 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 January 14 2026.

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Case involves federal Courts Power to hear only those Cases (1) that are within the Judicial Power of the United States as set forth in the Constitution or (2) that Congress has granted to the Courts. under 18 USC 3231.

The Convicting Court lacked Subject Matter Jurisdiction and Jurisdiction was never properly conferred and do not appear in the records thereby presenting a fundamental Right Violated.

5th Amendment of U.S. Constitutional

6th Amendment of U.S. Constitution

10th Amendment of U.S. Constitution

11th Amendment of U.S. Constitution

STATEMENT OF THE CASE

- 1) On or about May 31 2017 A charging information was filed in the instant case alleging that "on November 12 2016 Michael Carter and others known as Principals and Co-Participants jointly undertaken criminal activity using a cell phone connected to the internet to persuade entice an individual under 18 years of age into sexual activity in violation of 18 USC 2422 (b).
- 2) On or about September 15 2017 Carter viewed his P.S.R with his Attorney Allen Burnside and made objections to the P.S.R as a whole.
- 3) Also on or about May 31 2017 at the change of plea hearing the court conduct a plea colloquy and a factual basis was proffered by the A.U.S.A J.D Rowell which he stated "Carter facilitated the travel of 2 underage girls across statelines for prostitution" UNQUOTE
- 4) On or about March 07 2018 at sentencing another plea colloquy was held and Carter proffered to the sentencing court that he objected to the P.S.R and his attorney did not file the objections. also during the plea colloquy the A.U.S.A made a detailed proffer of the factual basis that "Carter sent his bottom girl across statelines to pick up 2 minors for the purposes of prostitution. UNQUOTE

See Continuation Page

Continuation Page
Statement of Facts

- 5) on or about August of 2025 Carter filed a rule 60(B)(4) void judgment motion alleging the habeas Corpus Court lacked jurisdiction to make any ruling on his initial 2255 because the sentencing court lacked subject matter jurisdiction in his criminal case. the court denied the motion based on the sentencing court mentioning in passing "that Carter used facebook to bring the victims across state lines".
- 6) Carter Appealed to the 4th Circuit and the 4th Circuit denied Carter based on the rule 60 B (4) motion being second or successive.
- 7) Carter now brings this writ of Certiorari.

REASONS FOR GRANTING THE PETITION

First this Honorable Court once stated a federal Court must in every case and at every stage of the proceedings satisfy itself as to its own jurisdiction. *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178 56 S.Ct. 780 80 L.Ed. 1135 (1936).

This obligation and duty to be watchful of the question of jurisdiction extends full measure to the federal appellate court which must satisfy itself of its own jurisdiction and that of the District court. *Mitchell v. Maurer*, 293 U.S. 237 55 S.Ct. 162 79 L.Ed. 338 (1934).

- 8) The charging information in this case never specifically alleged that Carter used any facility of interstate commerce which is a jurisdictional requirement that the plaintiff must allege to confer jurisdiction on the court to hear the case.
- 9) The charging information alleged conspiracy language which did not conform to the cited statute.
- 10) Conspiracy to violate 18 USC 2422(B) cannot be found in title 18 of the United States Code.
- 11) Carter believes that if there's jurisdictional infirmities in the information then the court may go to the record to see if jurisdiction exist and in this case it does not.

See Continuation Page

Continuation Page

Reasons for Granting the writ

- 12) Nowhere on record did the Government ever accused Carter of using any facility of Commerce, any Computer telephone or Facebook, in both of Carter's Plea Colloquy's the Government alleged that he sent his bottom girl across state lines to pick up the victims. Crossing state lines is not the use of any facility of Interstate Commerce of 18 USC 2422 (B).
- 13) Again nowhere on record does the Government accuse Carter of using "any" facility of Interstate Commerce because it would have perjured the A.U.S.A. and there is no evidence on or off record that Carter used any facility of Interstate Commerce and Carter never admitted to the use of any facility of Interstate Commerce.
- 14) A party seeking to invoke jurisdiction must affirmatively allege facts to support it and a showing must be made by a preponderance of the evidence. *McNutt v. General Motors Acceptance Corp. of Indiana* 298 U.S. 178 56 S.Ct. 780 80 L.Ed 1135 (1936).
- 15) During sentencing the Court mentioned in passing that "Carter used Facebook" to bring the victims across state lines which the Government never alleged and never produced any evidence and Carter never admitted to so the only thing Carter can believe, why the Court mentioned that he used Facebook, is the

the Court must have been relying on victim #1 Zybria Dunn's unverified, uncorroborated and unsubstantiated statement where she said she met me on facebook and Carter offered to send her a ride which we all know is false because the A.U.S.A would have specifically alleged it if it was true and the fact that the Government did not rely on it, the Court should not have either. also there would have been a record of communication because facebook keeps records. Everything in this case was a lie.

16) This Court must inquire into the absence of jurisdiction before any ruling can be made in this case but Carter also thinks that this case presents a jurisdictional question that Cotton did not address, "whether the factual allegations of conduct being outside the charging statute" See U.S. v. Peter, 310 F.3d 709 713-14 (11th Cir 2002).

Conclusion

17) As previously stated subject matter jurisdiction is lacking and does not appear in the record. in order to give rise to 2422B "use of any facility of interstate commerce" must exist or at the very least be alleged by the plaintiff which did not happen and there's is no evidence to suggest otherwise. the facts of this case fails to establish the very element that gives power or confer federal subject matter jurisdiction.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Kenny Carter

Date: 02-20-2026