

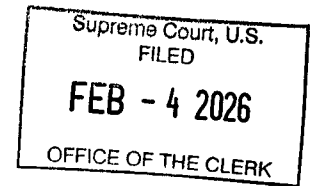
25-7505
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

_____ TERM 2026

No. _____



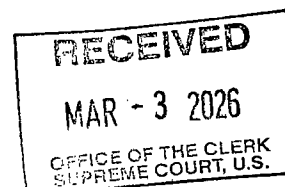
FRANK JOHN RICHARD, #601706,
Petitioner,

-against-

AUDREY KARNES, Accounting Technician,
Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Frank J. Richard, #601706
Petitioner in Pro Per
Saginaw Correctional Facility
9625 Pierce Road
Freeland, Michigan 48623
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QUESTIONS PRESENTED

I. Whether decisions in other United States Circuits are in conflict with the decision made by the Sixth Circuit Court of Appeals, with regard to the exhaustion of all available administrative remedies, prior to filing a lawsuit in a federal district court?

Petitioner answers "YES"

II. Did justice Chad A. Readler of the United States Court of Appeals, for the Sixth Circuit, fail to uphold his own decision in a previous similar ruling?

Petitioner answers "YES"

III. Did the United States District Court judge, Terrence E. Berg of the Eastern District of Michigan, abuse his discretion when he dismissed this civil action sua sponte?

Petitioner answers "YES"

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PARTIES

The petitioner is Frank John Richard, #601706. He is a prisoner who is currently housed at the Saginaw Correctional Facility, located in Freeland, Michigan. The respondent Audrey Karnes is an Accounting Technician, employed by the Michigan Department of Corrections, at this facility.

DECISIONS BELOW

A panel rehearing for the decision of the United States Court of Appeals, dated Oct. 1, 2025, was denied on Dec 18, 2025. Both decisions are unpublished and listed as No. 25-1043 in the Appendix A to this petition (A.1). The ORDER and JUDGMENT of the United States District Court for the Eastern District of Michigan dated Dec. 27, 2024 is not reported. It is listed as 2:24-cv-12046-TGB-PTM and a copy of these are attached in the Appendix A to this petition (A.2).

Jurisdiction is conferred by 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Amendment XIV to the United States Constitution, which provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.

Section 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

The Amendment is enforced by Title 42, Section 1983, United States Code:

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 or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

The petitioner's instant complaint raises issues related to the deprivation of monies from the United States Department of the Treasury. This was in the form of a check from this federal agency. The funds involved were to compensate the petitioner for the Coronavirus Aid, Relief, and Economic Security Act of 2019, (CARES Act) and the Consolidated Appropriation Act of 2020, (CAA). The petitioner alleged that these funds, which are exempt from collection, were used to pay-down his court-ordered charges. This was done without notice or an administrative hearing. The defendant took it upon herself to become the final arbitrator in this matter. She returned subsequent checks from the Treasury Department and included a memorandum indicating her belief that the petitioner was not entitled to the money. She included that the petitioner's records should be checked and if he is so entitled, to send a replacement check. Treasury sent a check, with an additional amount to cover the interest for the delay.

The district court for the Eastern District of Michigan, summarily dismissed the complaint, sua sponte, for lack of subject matter jurisdiction. This was pursuant to 28 U.S.C. § 1915A even though the petitioner pre-paid the filing fee and adminis-

trative costs. The Sixth Circuit Court of Appeals affirmed this decision and upon a Panel Rehearing, found no basis for reversal of it's ruling.

BASIS FOR FEDERAL JURISDICTION

This case raises a question of interpretation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. This petition asks this court to consider the prior decisions of the Sixth Circuit Court of Appeals, as compared with the rulings of other circuits, as well as their own previous ones.

The district court failed to undertake jurisdiction under 28 U.S.C. § 1915A, as it claimed a lack of subject-matter jurisdiction in this case. 42 U.S.C. § 1983 provides the basis for suit against a federal, state, or local government employee. 28 U.S.C. § 1331 confers jurisdiction under the general federal question.

REASONS FOR GRANTING THE WRIT

A.) Conflicts with Decisions of Other Courts

The holdings of courts below that a lack of subject-matter jurisdiction, for failure to exhaust all available administrative remedies that a state holds out, are in direct contravention with previous decisions, ie. the Ninth Circuit Court of Appeals published opinion in the case of Rumbles v. Hill, 182 F.3d 1064 (1999) at HN8;

"State-tort remedies not a bar to 42 U.S.C. § 1983 claims."

Also in the Fifth Circuit Court of Appeals is the published decision of Stem v. Gomez, 813 U.S. 813 F.3d 205, 41 I.E.R. Cas.

(BNA) 103, 2016 U.S. App. LEXIS 2149 (5th Cir. 2016):

"District court erred in dismissing plaintiff's 42 U.S.C.S. 1983 claim for lack of jurisdiction because claim was not frivolous and nonexistence of cause of action was not proper basis for jurisdictional dismissal."

B.) Previous decisions by the Sixth Circuit Court of Appeals not aligned with the ruling(s) in this case

Sixth Circuit Court of Appeals justice Chad A. Readler failed to uphold his own decision in a previous, related case.

In Bey v. Sessler, 2024 U.S. App. LEXIS 4911, *1 2024 WL 2078564 at HN2:

[42 U.S.C.S. 1983]"is the exclusive remedy for a constitutional claim against a state and local officials and local units of government..."

This is an unpublished opinion, and as such, a copy of this citation is included in Appendix A as (A.3).

C.) The United States Supreme Court has yet to rule on a 42 U.S.C. § 1983 case dismissed sua sponte for a lack of subject-matter jurisdiction, that involves a Prison Litigation Reform Act statute under 42 U.S.C. § 1997e

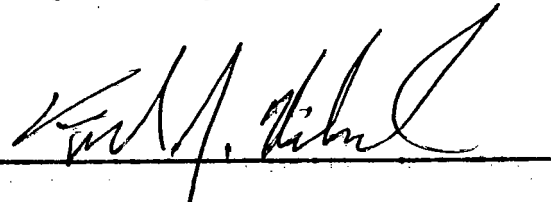
JURISDICTION

The judgment of the United States Court of Appeals for the Sixth Circuit was entered on Oct. 1, 2025. An order denying a petition for a panel rehearing was entered on Dec. 18, 2025, and a copy of these orders are attached as Appendix A to this petition (A.1). Jurisdiction is conferred by 28 U.S.C. § 1254(1).

CONCLUSION

For the foregoing reasons, certiorari should be granted in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank J. Richard', is written over a horizontal line.

Frank J. Richard, #601706
Petitioner /affiant in Pro Se
Saginaw Corr. Facility
9625 Pierce road
Freeland, MI 48623

Dated: 2/4/2026