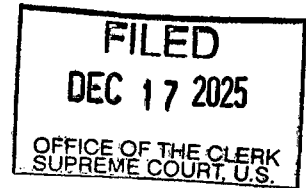


26-5021

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Larry Roosevelt Carter, in pro per
Petitioner,

vs.

Heidi E. Washington
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

Larry Roosevelt Carter, 258499
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, Michigan 48846

QUESTIONS PRESENTED

- I. DOES THE GRANTING OF BROAD DISCRETIONARY POWERS TO THE MICHIGAN PAROLE BOARD ENCOURAGE THE STATE OF MICHIGAN TO INFRINGE UPON THE DUE PROCESS RIGHTS OF STATE PRISONERS? p. 3
- II. DOES MICHIGAN VIOLATE 14TH AMENDMENT DUE PROCESS PROTECTIONS WHEN IT USES THE PHRASE "NO LIBERTY INTEREST" AGAINST STATE PRISONERS WHO HAVE SERVED THEIR MINIMUM SENTENCES, AND BY VIRTUE OF "GOOD BEHAVIOR" AND A "PAROLABLE" SENTENCE HAVE EARNED A CHANCE AT LIBERTY? p. 4
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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 judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals is attached at Appendix C to the petition.

The opinion of the United States district court is attached at Appendix D to the petition.

JURISDICTION

Mr. Carter's petition for hearing to the United States Court of Appeals was denied on October 7, 2025. Mr. Carter invokes this Court's jurisdiction under 28 USC § 1257 having timely filed this petition for a writ of certiorari within ninety days of the U.S. Court of Appeals' judgment.

CONSTITUTIONAL PROVISION INVOLVED

United States Constitution, Amendment XIV:

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.

STATEMENT OF THE CASE

Petitioner was convicted of Homicide-Murder, Second-Degree, in violation of MCL 750.317, and Weapons-Felony Firearm in violation of MCL 750.227b following a jury trial conducted in Kalamazoo County Circuit Court. The trial judge sentenced petitioner to a two-year term of imprisonment on the Felony-Firearm count, and to a consecutive prison term of life on the count of Second-Degree Murder in 1997.

Petitioner filed a 1983 Civil Complaint, in pro se, on January 8, 2025, in the U.S. District Court Western District of Michigan, stating his due process rights were violated when he was denied fair access to the parole process. The Honorable District Court Magistrate Judge Ray Kent denied petitioner's claim on February 10, 2025, stating: "Plaintiff has no reasonable expectation of liberty until he has served his maximum sentence...life," inferring that petitioner should not expect to be free until he is dead.

Petitioner appealed the district court's decision to the U.S. Court of Appeals for the Sixth Circuit on May 9, 2025. That appeal was denied on October 7, 2025 by circuit judges--Boggs, Norris, and Murphy--while quoting "Michigan's discretionary parole process..." and petitioner's lack of "a liberty interest."

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, and whether that clause becomes moot when State authorities invoke "no liberty interest" in defense of its broad discretionary powers over prisoners of the State.

REASONS FOR GRANTING THE WRIT

The granting of broad discretionary powers always ends badly in the United States of America. The Founding Fathers could see that coming. Hence, they created "Checks & Balances" for our fledgling democracy to stave off the inevitable abuses inherent in "broad discretionary powers." They created the United States Supreme Court to be the final arbiter.

I. DOES THE GRANTING OF BROAD DISCRETIONARY POWERS TO THE MICHIGAN PAROLE BOARD ENCOURAGE THE STATE OF MICHIGAN TO INFRINGE UPON THE DUE PROCESS RIGHTS OF STATE PRISONERS?

In 1978, federal law "imposed a requirement on state parole authorities to follow the federal courts' interpretation of state procedural regulations." Franklin v. Shields, 569 F.2d 784, 800-801 (4th Cir. 1977).

Then, in 1983, the U.S. Supreme Court held in Olim v. Wakinekona, 461 U.S. 238, 75 L. Ed. 2d 813, 103 S. Ct. 1741 (1983) that:

"Statutes and regulations governing prison hearings do not create an independent federal due process liberty interest or right in the prisoner...because of broad discretionary powers of Michigan authorities to deny parole." Mich. Comp. Laws Ann. §791.235

Now, Michigan is wielding these broad discretionary powers (BDPs) like a cudgel.

The granting of broad discretionary powers to the State especially ends badly for the poor and the powerless. A prime example is slavery. Slaveowners were given BDPs over their slaves. Followed 250 years of unspeakable rape, torture, and abuse. No matter the damage wreaked, no one truly challenged those BDPs. In Dred Scott v. Sandford, 1857, Chief Justice of the U.S. Supreme Court, Roger B. Taney, further affirmed the BDPs of white slaveowners by declaring: "No black man had rights a white man was bound to respect."

Fortunately, Abe Lincoln came along about that time, followed closely behind by America's Civil War which closed the book on

those BDPs in 1865. But, there were others, including the BDPs parents held over their children, wherefrom ensued centuries of depravity and abuse until, even those powers had to be reined in.

Abigail Adams, during the American Revolution in 1776, declared: "All men would be tyrants if they could." Michigan was not listening; neither was the U.S. Supreme Court. See Olim, 1983. In both instances, it took centuries to save poor and powerless Americans from the BDPs of their masters, and from the inertia of the Courts.

II. DOES MICHIGAN VIOLATE 14TH AMENDMENT DUE PROCESS PROTECTIONS WHEN IT USES "NO LIBERTY INTEREST" AGAINST STATE PRISONERS WHO HAVE SERVED THEIR MINIMUM SENTENCES, AND BY VIRTUE OF "GOOD BEHAVIOR" AND A "PAROLABLE" SENTENCE HAVE EARNED A CHANCE AT LIBERTY?

In September, 1997, Ninth Circuit Court trial judge, William G. Schma, told Petitioner-Carter at sentencing that he would be eligible for release from prison in 2013. A reasonable trier of fact would agree that Judge Schma was granting petitioner a "reasonable expectation of liberty" once he had served his mandatory 17 years. Petitioner completed his 17th year in prison in 2013, having done, in the words of Parole Board member, Jayne Price, "...a great job." Then, she added: "But, we like to see you do more time." At that point, the Michigan Department of Corrections levied back-to-back-to-back five-year continuances--in 2013, 2018, and 2023.

Interestingly, Judge Schma never mentioned "liberty interest" during his sentencing of Petitioner-Carter. Rather, he spoke of "parole eligibility" which is synonymous with "hope of liberty."

Magistrate Judge Kent, in his "Opinion", relies heavily upon a 1999 case, Glover v. Parole Board, 460 Mich. 511, decided in the Michigan Supreme Court July 13, 1999, without giving consideration to ex post facto, which prohibits retroactive punishment of a defendant. To apply Glover is in contradiction of ex post facto.

Fourteenth Amendment due process rights are inalienable. A prisoner cannot be sentenced in 1997 by a trial judge who

recognizes the inalienability of due process rights only to have those same rights summarily dismissed because a 1999 case, Glover, suddenly renders that citizen "absent a liberty interest", and thus absent the voice to claim the due process protections he once had.

Judge Kent counters Judge Schma's real-time intent with citings from Sweeton v. Brown, 27 F.3d 1162, 1164-65 (6th Cir. 1994), and Crump v. Lafler, 657 F.3d 393, 404 (6th Cir. 2011). What he derides as the "subjective expectations of sentencing judges", while quoting Foster v. Brooks, 595 F.3d 353, 369 (6th Cir. 2010), is just another way of casting about for ways to undermine citizens' due process rights, and judicial intent.

III. IS THE USE OF INACCURATE DATA TO DENY A PRISONER HIS LIBERTY TANTAMOUNT TO FALSE IMPRISONMENT?

The Michigan Department of Corrections levied the severe punishment of a third 5-year continuance upon petitioner in 2023, despite him having incurred only one (1) institutional misconduct ticket from 2016 to 2023. Lacking a valid reason to keep petitioner imprisoned, Director Washington's MDOC resorted to unsupported evidence. (See Appendix A, Parole Board Notice of Decision). Respondent accuses petitioner of a "criminal history (that) includes drug/alcohol-related crimes" as though he was a career criminal. Petitioner's actual criminal history prior to his terrible crime in 1996, is comprised solely of two misdemeanor DUI's--one in Newaygo county in 1983; the other in Kalamazoo county in 1987. Respondent purposefully pursued a false narrative that ignored personal and professional contributions petitioner made in his community that would have been difficult, if not impossible, for him to achieve within the hell-scape this government agency had constructed, and to which it had sought to banish this petitioner. See Appendix B--List of Contributions).

Respondent further states in her "Decision" that petitioner "Has history of substance abuse which is of long-standing duration." (Even if that was true, what American citizen is kept imprisoned because of past addictions?) Yet, it is not true. And there

are no police records or court documents anywhere that would support such claims. Is it hearsay? Who would spout such hearsay? What government agency would deny an American citizen his Sixth Amendment due process rights to confront his accuser, and by that course, deny him fair access to the process of liberty?

Magistrate Judge Kent has his own take on the Michigan Parole Board's Notice of Decision, stating:

"Plaintiff admits that he has two prior DUI convictions. (Compl., ECF No. 1, Page ID.3.) Therefore, despite Plaintiff's claim that the MDQC has 'purposefully pursued a false narrative' regarding his criminal history by saying that he has past 'alcohol-related crimes', the facts in the complaint show that Plaintiff does in fact have prior 'alcohol-related crimes.'"

The magistrate's argument, and that of the Respondent, is specious. When normal people hear "history of drug and alcohol-related crimes", they hear "thefts, robberies, assaults, etc", not "two DUI's". Yet, that is all the district court needed to affirm the Michigan Parole Board's abuse of its broad discretionary powers; and plenty enough for the U.S. Court of Appeals for the Sixth Circuit to agree in its October 7, 2025 affirmation of Magistrate Judge Kent's decision. This petitioner simply asks, "What is false evidence based upon except a broad discretionary power to fabricate?"

The Court in Cf. Cale v. Johnson, 861 F.2d 943, 950 (6th Cir. 1988) accepts that the framing of an inmate by planting evidence is ample to support a violation of Substantive Due Process. This petitioner offers that a lie told by state authorities suffices to support such a claim when that lie is designed to deny liberty. In America, such lies should be as egregious as any physical act.

IV. IS THE MOST EFFICIENT WAY TO WAREHOUSE STATE PRISONERS FIRST TO DEPRIVE THEM OF THEIR DUE PROCESS RIGHTS (WHICH IS THE NECESSARY INGREDIENT FOR BROAD DISCRETIONARY POWERS TO FLOURISH)?

The vacuous nature of "no liberty interest" lends itself to wonder: Sounds like something a despot would use to conceal his

nefarious intent. What is Michigan's intent--to stack men and women like cans on the stores' shelves to serve as fodder for political, or economic gain?

The U.S. Court of Appeals in Range v. Douglas, 763 F.3d 573, 589, (6th Cir. 2014), considers the role substantive due process has in reining in aberrant state procedures that try common folks' understanding, and use the confusion to tread upon societal norms, stating:

"Substantive due process...serves the goal of preventing governmental power from being used for purposes of oppression, regardless of fairness of the procedures used."

Adding:

"Substantive due process prevents the governments from engaging in conduct that shocks the conscience, or interferes with rights implicit in the concept of ordered liberty."

"No liberty interest", on its face, would appear to be a cynical attempt by legal and political apparatchiks to sweep a large group of prisoners under a rug--to silence a despised lot of Americans in order to clear such clutter from their desks to make their own lives easier, (if not richer). Such conduct, in itself, is a violation of the Substantive Due Process clause.

If the "Wizard of Oz" was here, he would proclaim that "Every pusillanimous creature has a liberty interest." And he would be right if "liberty interest" meant what most human beings would imagine it means; but it does not. To the State of Michigan, it means, "Your interest in liberty matters to us only when the Michigan Department of Corrections has no choice but to let you go."

This petitioner invokes "Oz" because "Oz" is an adventure into the absurd. As a Hollywood production, it is meant to be absurd; that is its charm. What is Michigan's excuse for its absurd notion of "no liberty interest"? What is the Court's interest in rubber-stamping Michigan's absurdity?

Telling poor Americans, like this petitioner, that he has "no liberty interest" is like white settlers telling Native Americans

in the 1800's: "It is our manifest destiny to claim all lands from the Atlantic to the Pacific." Such language is designed to overwhelm state prisoners, and leave them in the condition Native Americans were left--stripped naked, and muttering, "Manifest...what?"

"No liberty interest" is purposed to de-humanize--to widen the gap between the State, and those the State deem powerless to stop it.

This American nation, with less than 5% of the world's population, has 24% of the world's imprisoned people. Such mass incarceration--over two million men and women--is an obscene representation of feudal Europe, or America's own plantation system in the antebellum South. There, slaves had no liberty interest, either. Did not mean they had no interest in liberty. It simply mean their interest did not matter.

Abe Lincoln brought down the gavel upon States Rights in 1863 with his Emancipation Proclamation, and then sealed the deal two years later with the 13th Amendment, abolishing slavery. The Supreme Court under Roger B. Taney certainly had no interest in challenging the oligarchical rule of the plantation owners. Neither do Chief Justice John G. Roberts, Jr. seem interested in standing up to the broad discretionary powers of the states to suppress state prisoners' due process rights. (Perhaps, another century must pass.)

V. ARE THE COURTS MORE CONCERNED ABOUT PROTECTING THE RIGHTS OF STATE AUTHORITIES THAN IT IS ABOUT PROTECTING THE RIGHTS OF STATE CITIZENS?

Granting a despot more power will not make him more just. It will make him more despotic. Michigan, by granting its parole board broad discretionary powers has created a hostile environment for prisoners already confined for their crimes, and soon punished over and over for their lack of due process protections.

The U.S. Court of Appeals in Sweeton asserts that Michigan is free to conduct itself so as a matter of state law, noting that constitutionalizing state procedures would otherwise discourage:

"...states from laying down reasonable and useful rules to govern the conduct of their own affairs for fear that those rules would subject them to jurisdiction and penalties in federal court."

Who would fear oversight except someone who is not doing his job correctly? And, "reasonable and useful"? This petitioner offers that "no liberty interest" is unreasonable everywhere, except in authoritarian regimes where tyranny is very useful.

The Court further adds in Sweeton that while the parole authorities may have been required to follow their own statutes as a matter of state law:

"...there is not now any viable legal theory by which Michigan state authorities are required to follow such procedural rules as a matter of federal due process."

In other words, the states can make and break the rules governing state prisoners' liberty, and it will be of no concern to the federal court system, (which must be a dereliction of duty.)

Today, the U.S. Supreme Court in Olim speaks of "due process liberty interest or right in the prisoner..." as though they were synonymous, and thereby interchangeable. They are not. Out of an abundance of caution to avoid stepping on States' toes, our federal system of justice has left state prisoners and their families to the mercy of callous state institutions who fashion rules that neither they, nor the states they represent, are bound to respect.

The U.S. Court of Appeals ruled in Swihart v. Wilkinson, 209 F. App'x 456, 458 (6th Cir. 2006):

"No state is required to provide a parole system. If a state does provide a parole system, it is not required to create a liberty interest in parole eligibility, as it has a completely discretionary parole system."

But, neither Michigan, nor any state, can be allowed to create a parole system only to use that system to shield itself from oversight by the federal courts. Once shield from oversight, the broad discretion Michigan enjoys inevitably creates a broad

avenue for abuse.

The high court's show of deference to the State of Michigan, and Michigan's show of deference to its parole board, creates an unholy alliance. To keep the peace, the higher courts succumb to the premise that if a state agency, like the Michigan Parole Board writes the rule, then that rule must be sacrosanct, and unimpeachable.

The purpose of our system of checks and balances is to thwart tyranny for the sake of order. The Founding Fathers foresaw the prospect that all peoples and agencies are susceptible to vanity, and therefore must be made susceptible to being checked, and balanced. Here in America, those courts have often, and for interminable periods, foundered in their neglect to uphold their ends of this sacred bargain.

The U.S. Court of Appeals declared in Caldwell v. McNutt, 158 F. App'x 739, 741 (6th Cir. 2006), that:

"Even if the parole board relied upon inaccurate information to deny parole, it did not violate any liberty interest protected by the United States Constitution."

That statement should have sent chills up the backs of all Americans, and made them wonder: "How substantial could 'liberty interest' possibly be when it is not rendered inviolate by falsity?"

American justice fast sinks to a critical low. Abraham Lincoln once said:

"Slavery forced the American people into an open war with the Declaration of Independence, depriving our Republican example of its just influence in the world."

- Team of Rivals
by Doris Kearns Goodwin

Likewise, "no liberty interest", "broad discretionary powers", and "mass incarceration" in today's America, and the states and courts that facilitate their presence, deprive America of its just influence on this world stage by rendering our slogan, "Land of the Free", absurd.

CONCLUSION

Today, the federal courts seem to choose to tread lightly, so as not to step on the toes of states' rights. By that formula, they leave the poor and the powerless out in the cold--fodder for the wolves.

When the Wicked Witch of the West sent her boys to beat the stuffing out of the Scarecrow in the "Wizard of Oz", he took his whipping, then got up, salvaged what stuffing he could, and stuffed it back in his pants. Then, he continued on with his mission. With all of that desire and hope, he still needed help.

Why should this writ be granted? Because we are Scarecrows and Dred Scotts. We need help.

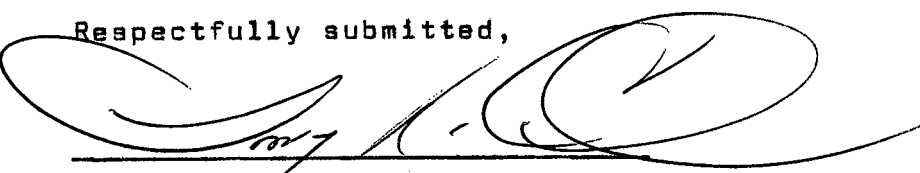
We state prisoners have neither lawyers, nor money, nor property. All we have is what the good Lord stuffed inside of us. We have had the stuffing kicked out of us. What we have left is God stuffing. We still need help.

State prisoners need to know that a representative of the Founding Fathers still exists, and is looking out for them and their families. They need to know that they can affect their hopes of liberty--through good behavior, good contrition, good works. Liberty cannot belong to the caprice of the powerful. That would be pure tyranny.

Liberty belongs within the reach of the prisoner, along with real assurances that that liberty can be had if it is earned.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 
JUNE 12, 2006

CERTIFICATE OF COMPLIANCE

Larry R. Carter, Petitioner

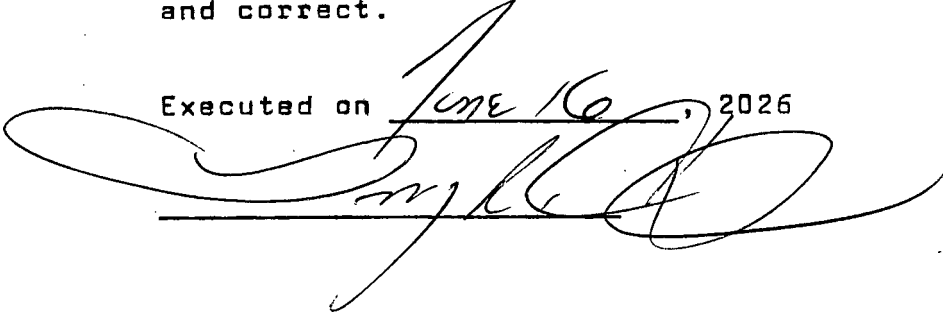
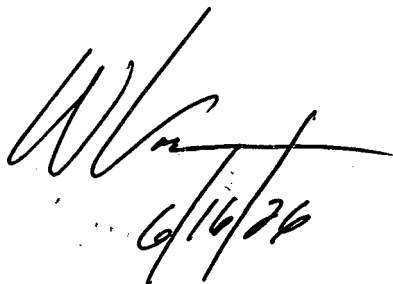
v.

Heidi E. Washington, Respondent.

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 3,464 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 2026



6/16/26

IN THE
SUPREME COURT OF THE UNITED STATES

LARRY ROOSEVELT CARTER, in pro se --- PETITIONER

VS.

HEIDI E. WASHINGTON --- RESPONDENT

PROOF OF SERVICE

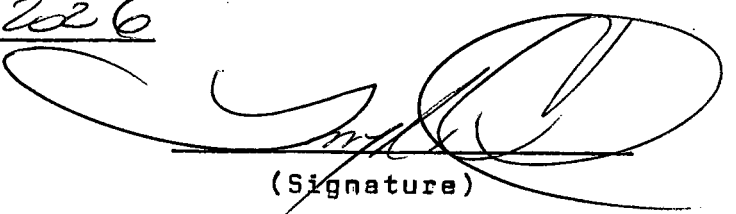
I, Larry Roosevelt Carter, do declare that on this date, JUNE 16, 2026, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding, and of every person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Heidi E. Washington, Director
Michigan Department of Corrections
Grandview Plaza Bldg.
P.O. Box 30003
Lansing, MI 48909

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JUNE 16, 2026


(Signature)


6/16/26