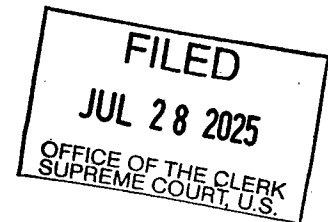


No. 26-5044



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

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ARCHIE WHALEN
(Your Name)

Housing Unit 5B12 Federal Correctional Institution
(Address)

FORT DIX, NJ 08640
(City, State, Zip Code)

N/A
(Phone Number)

WHALEN, ARCHIE 09691036

QUESTION(S) PRESENTED

- 1) WHEN THEIR CLEAR EVIDENCE OF CONSTITUTION LAW VIOLATIONS DOES A LOW COURT HAVE JURISDICTION TO HEAR THOSE LAW VIOLATION THATS BEEN ADMITTED TO IN SOME FORM BYE GOVERNMENT?
- 1a) AS MOONEY, Napue, Giglio, Sanders, Brady, ~~Ebels~~ ^{Ebels} and Agurs Says is the dutie of the Courts to hear these type case's by Review of the Records, As in Briefs Filed, Response Briefs and most importantly trial transcripts that prove Reason to support the claims.
- 2) Does Government pre Trial Refusal to release its Full Discovery to Defendant at his Attorney's Request, it used to make its Discovery From Violate Brady Laws, I.E. Government took its Discovery From one provided to it by the State Prosecutors Office in Kentucky in 2009 used only 65 original pages out of 400 pages and withheld the rest but used another 71 pages at trial? Which under Brady it should have turn over upon Attorney's Request of the Full Commonwealth of Kentucky's Discovery. See 24-6146 which Government admitted it had the Discovery! Since it used those 71 other pages. Why never have the Full Discovery.
- 3) When GOVERNMENT Filed Response Brief in which it knowingly ^{and} intentionally knew it was misleading it fact as I proven in Trial Transcript to their Brief Does this Violate the Fair Due Process Rules to a Speedy Fair Trial. Granted under many parts of the constitution of this nation.
- 4) When Prosecutor/Government LIES to Court to tape interview being heard in Trial when infact it star witness & social worker Mueller and Office weekly sworn was given under penalty of punishment denial & Jury right to hear tape testimony to weigh against new trial testimony also given under oath to decide which is in fact most likely true?
- 5) Does a Judge not ruling on a ^{Government} state's election to playing of the tape interview and seeking Alternative Method of not using tape to evidence & issued it New Writ & split decision with the circuits & 6th & 7th and Circuit not ruling to break tie which Government lied to it being heard violates due process clause? see Ebels Rule.
- 6) Government claims Mooney is a state Supreme ruling do to lack of Jurisdiction to be heard and it was a state case does not make for Government's Jurisdiction to hear these kind of cases like state does? In fact mooney was a state case but the Supreme Court found state held duty to first hear it. But Supreme Court had the Jurisdiction is not heard in state court. Infact it stated the constitutional law required it to hear these type cases like constitutional law violation **WHALEN, ARCHIE 09691036** take place. I've been repeatedly denied a ruling on Jurisdictional grounds. See. 23-6123, 25-6146, 24-6146 and 25-5164 and many others prior to this.

QUESTION(S) PRESENTED CONT.

- (7) Government knowingly or should have known as it had Commonwealth Pull discovery that Prove its Exhibit 7a, 7b, 7c and 7d Evidence was Fake Made By Gail Ward As its Allow to go UNcorrected Trial testimony it knew was in fact Prejudiced Testimony to the Evidence. See Civil Action No. 4:15-CV-00158-JHM Supplemental Response Brief, Page #4 second and third Paragraphs.
8. IS GOVERNMENT Right When it Claims under Constitutional Law Violations their no Jurisdiction to be heard in those type cases, Once case is closed? Government say Jurisdiction end when case is final on Review. Mooney, Asputz, Hs Yes Jr and others says the court has Juris to hear case Most are State case?
- 9) IF ATTORNEY ON Direct Appeal Make ARGUMENTS ON Appeal to ISSUE that trial transcript state other wise and its a NOW ISSUE do to his Error is he ineffective? Attorney Rebut Inconsistent Statement unsworn can be used to impeach witness. Trial transcript says its a Tape interview given under penalty of perjury, Thus its not hear say as Government claim to judge as its own witness a Social Worker and office weekly stated it was punishable to not to your interview in the state of Wisconsin and had HARRY Willett Repeat it Back.
- 10) Does the Fourteenth Amendment protection of ^{Constitutional} ~~Constitution~~ Law Violation grant the lower court Jurisdiction of the records Shows Proof of these Clear Violation? Government claim NO!!!

QUESTION(S) PRESENTED CONT.

- 11) Does Trial Council Fail to correct THE Government hearsay claim to use of tape after he heard on Direct Examination By the Government of their star witness Secret Worker ^{Moeller} ~~Moeller~~ That Tape Interview was given under penalty of punishment to Government objection to his stated way he wish to cross examine Haley Willett At trial, should he was instructed assistance of council at trial.
- 12) Judge Error At trial When he Fail to issue a ruling to a issue he knew the Circuits was split on and Judge Then seek Alternative method the use of trial transcripts Violated the Fair trial Due process? see Exos.
- 13) At Trial Judge Asked Government if it would stipulated to Haley ^{Willett} ~~Willett~~ testimony she never claim all the things she now claims she did on Tape and The Government claims it did not know if she did or did not, Shows Government failed to informed the Jury to pre-judge testimony to the Jury & Abuses Requirement. The Government now claim is Bar By Jurisdiction being closed.
- 14) When Attorneys fails to raise These Facts For Trial transcripts on Appeal That's I know in Resting transcripts does this cause him to fail to provide a Fair due process of Facts that's clear w recorded?

QUESTIONS PRESENTED CONT.

15. USING UNCHARGED OR UNMADE CLAIMS TO ENHANCE A SENTENCE OUTSIDE THE STATUTE FOR WITH CRIME YOUR CONVICTED OF AS A PATTERN OF ACTIVITY UNCHARGED AND UNPROVEN NEVER REUSED TO RISE YOUR SENTENCE 20 YEARS BEYOND THE STATUTE IN WHICH YOUR CHARGED VIOLATES ON RIGHT TO LIBERTY. PERSON TESTIFIED HE WAS NEVER CHARGED AND I ONLY HEARD THRU 3 PERSONS HE DONE THIS.

16. CONSTITUTIONAL LAW SEGREGATING THE LIBERTY OF ITS CITIZEN IS A REQUIREMENT OF DUE PROCESS IN SEGREGATING LIBERTIES OF ITS CITIZEN AGAIN DEPRIVATION THOUGH THE ACTION OF GOVERNMENT DEPRIVATED IT. CITIZENS OF THESE PROTECTION THE CONSTITUTION CLAIMS TO PROTECT, IT THEN BECOMES THE DUTY OF THE COURT TO TAKE UP THOSE CLAIMS TO ENSURE IF CITIZENS ARE NOT BEING DENIED A CONSTITUTIONAL PROTECTION GRANTED IN THE CONSTITUTION. THUS THE RECORDS AND BRIEF FILED, THIS JURISDICTION IS NOT AT ISSUE OR CONSIDERATION IF THE RECORD HOLDS FACTS CLAIMED?

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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APPENDIX A UNITED STATES OF AMERICA - ARCHIE M. WHALEN - STATE CIRCUIT,
24-6446/25-5164

APPENDIX B 4:09-cr-00619-JHM Document 124 - Filed 7-22-12 Two pages
Released on 7-22-12 Sunday night prior to trial.

APPENDIX C

APPENDIX D

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

THOMAS J. MOONEY VS. JAMES B. HOLEMAN [79 L Ed 791] [294 US 103-115]
 Supreme court decided.

BLUFFORD HAYES JR. VS. JILL BROWN [399 F. 3d 977] March 7, 2008
 NINTH CIRCUIT

JOHN GIGLIO VS. UNITED STATES [405 US 150] [37 Ed 104] 92 S Ct 763
 Decided February 24 1972

HENRY NEPUE VS. PEOPLE OF THE STATE OF ILLINOIS [360 US 264] [36 L Ed 2d 1217]
 [79 S Ct 1173]

STATUTES AND RULES

~~3553~~ 3553 [1] [1] Purpose of imposing a Sentence, 1 thru 4 of
 this statute.

18 USC 3582 [C] [1] [A] COMPASSIONATE Release Allowed the
 Courts to correct a Sentence.

OTHER

Constitutional Laws Allowes a Court to hear a Constitutional
 Violation to the Constitution. IN this case the 5, 6, 8, 14 Amendments
 Violations. The court has the right to protect a citizen constitutional
 Rights. See MOONEY At # 5.

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 24-6146 and 25-5164; 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.

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 15 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).

This court in MOONEY, NAGUE, HAYES SR, SANDERS and GIBBS has said its the Duty of the court to hear and review any claims of CONSTITUTIONAL LAW Violation, that it can not be found how a conviction base on CONSTITUTIONAL LAW Violation that a court is bar to hear them where case is close or not Jurisdiction is essential. The 5th circuit jurisdictional ruling are wrong as it claim no Jurisdiction in any of 12 CONSTITUTIONAL LAW Violations Filing.

☐ 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 - Safeguarding liberty of citizen

CONSTITUTIONAL LAW - ~~570~~ - due process - conduct of prosecuting officers.

CONSTITUTIONAL LAW - 840 - due process - conviction upon perjured evidence.

CONSTITUTIONAL LAW / CRIMINAL LAW & PROCEDURE > Trial & Defendant's Right > Right to due process, when it allows false evidence to go uncorrected when it appears.

CONSTITUTIONAL LAW 840 due process - false evidence in Hevener
N 9puc ONE thru FOUR AS LISTED THERE.

Appeal and Error 708 - to Supreme Court - Constitutional questions.

6. It is the duty of the United States Supreme Court to make its own independent examination of the record when federal constitutional deprivations are alleged, the duty resting on the Court's responsibility for maintaining the Constitution unviolated. See *Nepue* case law.

UNFOUNDED claims to a pattern of activity to enhance scores
base on 3 party statements.

STATEMENT OF THE CASE

The Government finally Ammitted in Request of the Court order to have released to me All discovery the government had in its Progression prior to trial we seek in 2012. It Priorly denied it had and it gave Full discovery on July 22-2012 in fact it did not. See 24-6146 we seek All of Commonwealth discovery we know Government had as the Commonwealth Prosecutor Refused to release to us in Federal trial but it turn over to Government in 2009 October 400 Pages of Discovery the Government then used to make it discovery From. It only took 65 Pages and release to us on Jan-10-2010 Leted on release do to Medical PSSuse with AUSA, Mom being in hospital. Later it would release in 2011 all of whatever 2666 E-mails At Number #1. It Never Release All 400 Pages it took and reviewed. I with all many Police Incident Reports in Two States Maine and Wisconsin that show inconsistent Statement made to Haley trial testimony. On Page #15 in case #24-6146 the government Final Ammitted it had the discovery my Attorney sought prior to trial. It took its discovery From Pages of it. In 25-5164 case was heard at this same time by 2nd Seattle circuit to correct my P.S.I. on Both the Fake Evidence and procedure ^{Evidence} ~~For~~ went ~~not~~ given to me for the Fake Evidence it claimed court had no Jurisdiction to hear this Claim. See 25-5164 Document #9 Filed 5/6/2025 Page 15, Government Stated use of Computer Enhancement do to burner phone. Then it misleads the court on not claiming it said I used my burner phone when it only said I sent it not how. Trial transcripts of Haley Willett, Gail Wenz, Ubben, Devine and others claimed in their Expert opinion it was done From burner phone which has been proven impossible see ~~AT&T~~ ^{AT&T} Billing Records. For years the government Filed Response Briefs claiming a did it From burner phone. Every single Brief, AT trial it Question me about how I purchase the phone to sent the message over Yahoo Instant Chat. In Oct 27 2017 Final AUSA, Ms. Ford Finally Ammitted it was not done by me or the computer or burner phone. But Government prior to trial knew this fact it had the Exhibit listed on its Exhibit listed. See 4/5, 6, 7, 8 and collectively known as Seven A#7 the listing of items not release prior to trial but morning of trial a Evidence book handed over with the Fake Account in my Name and photo of answer seen message 7.

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STATEMENT OF CASE CONT.

IS a clear Brady violation. The Government For Years Also
Knowingly Lied about its involvement in a Yahoo Telephonic
CONFERENCE call between the Judge, ^{AUSA,} ~~ATTS~~ MS. Ford,
Clay Wilkey and Yahoo Attorney's. It took the Judge
ONLY 17 Years to Finally release the courtroom
notes of his U.S. Marshall he order to be made of
that Telephonic CONFERENCE call hearing as its
Prove the government Lied in its 2014, 2015, 2016,
2017 and 2021 Response briefs to never knowingly
what we seek from Yahoo. But believe it was For Fake
Message & Single account on Yahoo.

But on March-5-2017 it took part and was ask to seek
Two E-Mail accounts one of John Mitchell and one
of Gail Ward not the Fake account made by Gail Ward
we knew nothing of. As we seeked Evidence of E-mails
~~But~~ I saw where John and Gail sent each other the
Wendel's Medications and he could have sex with
holly. But government claims it never took any
part in any hearing with Yahoo, we had those
all exported without government but believe we seek
Fake account and its why they could not have violated
Brady rule we seek the Evidence of Fake Message and
also own it was was a lie. Its clearly why it only
release ^{the} Evidence at trial and clearly violated
Brady.

REASONS FOR GRANTING THE PETITION

Both the District Court and Appeal Court statement it can't hear a constitutional law violation claims make on 28 USC 2255 incorrect CONFESSIVITY IS WRONG. As a pro se defendant I'm to be given some latitude in my filings the court is to grant me some latitude if it clear what I'm seeking.

To Fail to correct the P.S. and Resentence me under Rules of Compassionate release is a constitutional violation. To file Brief it knows what its claims is not true is a violation of Fair due process.

To Allow government to use Jurisdictional claims to avoid clear constitutional violations to take away my liberty rights wrongly taken is outside its responsibility entrusted to its powers.

This court as to state claim said law a court Federal or state can not avoid a claim brought under constitutional law violation if in the record its proof they existed. But the government claims MOONEY is not heard in Supreme court and Jurisdiction ends with final Appeal.

The government does not state the fact Jurisdiction is not of Federal or constitutional law violation claims. I state Supreme court never ruled on Federal level see MOONEY at 113 it says. Its state case certiorari denied MOONEY. The government fails to see that the Supreme court found MOONEY exhausted all state claims first it would have the duty under the 14th Amendment to hear these type cases. For 11 years I try to raise all the facts as government repeatedly filed false response in it Brief it knew was false and had Appeal counsel who was filing Brief on hear say claims to be **WHALEN, ARCHIE 09691036** used when in the trial transcript of MS. MOORE she tells how its given under penalty of punishment will not hear repeat it Back.

This Court should Allowed a Full Brief be filed and Aid me with a Attorney to do so. No Law violation to the Constitution should ever be allowed. When if you review All prior filing From 2014 to 2026 You will see a pattern of filing every charging to deprive me of my Constitutional right to liberty and the use of Jurisdiction in a clear case as mine to keep a wrongful conviction in a trial with Gross violation and Aggrav. Judge Felter to rule on objection and sought out Alternative method is Gross violation clear as Day. The Government not correcting Perjury testimony and Fake Evidence used before Jury if had proof was False in Commonwealth Discover it without Proves the Aggrav Perjury testimony to Fake Evidence claim.

CONCLUSION

This Court has a duty it once said to hear these types cases. It should Order Full Briefing and Oral Arguments in this case. As Monroe, Naper, Felter, Hayes, Javal, others. You claim was the Court duty. The petition for a writ of certiorari should be granted.

This petition for a writ of certiorari is the Court way to fix the lower Courts Errors and Understanding of it duties.

Respectfully submitted,

Archie Whalen

Date: 3-5-26