

IN THE
SUPREME COURT OF THE UNITED STATES
No. 26-M-**5408**
IN RE CHARLES GEETER, Petitioner.

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MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

Pursuant to Supreme Court Rule 21, Petitioner Charles Geeter respectfully moves this Court for leave to file the accompanying Supplemental Brief in support of his pending Petition for an Extraordinary Writ. In support of this Motion, Petitioner states as follows:

On August 3, 2026, Petitioner filed an initial Petition for an Extraordinary Writ of Mandamus, which was formally received and is currently pending before this Court under the above-captioned docket number.

On August 21, 2026, while the initial petition was awaiting docketing, the United States Court of Appeals for the Sixth Circuit formally entered an intervening judgment and order denying Petitioner's application under 28 U.S.C. § 2244(b).

This intervening order is highly relevant to the disposition of the pending petition, as it marks the formal exhaustion of lower court remedies and represents a direct failure by the lower court to apply threshold jurisdictional mandates under *Steel Co. v. Citizens for a Better Environment* and *Ex parte McCardle*.

Because this critical procedural event occurred after the submission of the initial petition, it could not have been included in the original filing.

The attached Supplemental Brief directly addresses this new development, ensuring the Court has a complete and accurate record of the lower court proceedings.

WHEREFORE, Petitioner respectfully requests that this Court grant leave to file the accompanying Supplemental Brief.

Dated: September 3, 2026

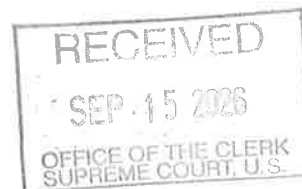
Respectfully submitted,

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15811 Cherrylawn St
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Charles Geeter

SIGNATURE

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SUPPLEMENTAL BRIEF FOR PETITIONER

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I. INTRODUCTION AND INTERVENING DEVELOPMENTS

On August 3, 2026, Petitioner mailed and filed his initial Petition for an Extraordinary Writ of Mandamus, which was formally received by this Court on August 10, 2026. While the petition has been

pending, a critical intervening event has occurred in the lower courts: on August 21, 2026, the United States Court of Appeals for the Sixth Circuit formally entered an intervening judgment and order denying Petitioner's application under 28 U.S.C. § 2244(b).

This August 21, 2026 denial left the threshold jurisdictional issue completely unresolved, and this jurisdictional issue remains unresolved to this day. Under the principle of party presentation articulated in *United States v. Sineneng-Smith*, 140 S. Ct. 1575 (2020), courts are not supposed to conjure up arguments or manufacture threshold jurisdiction for a party when the state itself has failed to submit the mandatory documentation required to establish lawful authority to initiate charges against Petitioner Geeter. This intervening order marks the formal conclusion and exhaustion of lower court proceedings, cementing the procedural posture. Furthermore, as established by foundational Supreme Court jurisprudence including *Steel Co. v. Citizens for a Better Environment*, a court cannot simply assume jurisdiction and proceed to the merits. The more direct Supreme Court authorities establishing that subject-matter jurisdiction cannot be waived and can be addressed at any stage include *Arbaugh v. Y & H Corp.*, 546 U.S. 500 (2006); *United States v. Cotton*, 535 U.S. 625 (2002); *Henderson v. United States*, 575 U.S. 622 (2015); and related cases.

II. RESPONDENT'S CONTINUING FAILURE TO COMPLY WITH MCR 3.303(N)(2) AND JURISDICTIONAL MANDATES

As reflected in the expanded record, Respondent has continuously failed to comply with MCR 3.303(N)(2). On May 5, 2026, the State filed a notice of no response addressing Petitioner's SCAO assignment violation. Subsequent to that, a subsequent Judgment of Sentence (JOS) does not satisfy the legal authorization required for signing an underlying arrest warrant. The only prior attempt by the State to comply occurred on April 3, 2026, when Respondent submitted a defective JOS addendum that failed to identify a judge or a valid bar number, listing only generic placeholder text such as "Judge VIS-MISC" and "P77777".

Because Petitioner's detention rests squarely on the December 9, 2008 bare bones arrest warrant and bare bones sworn complaint, combined with the total absence of a probable cause to arrest hearing transcript and Fourth Amendment hearing, the entire record is left completely devoid of any lawful probable cause to arrest anywhere in the proceedings. Under *Stone v. Powell*, 428 U.S. 465 (1976), federal courts should intervene when the state court system has not allowed the petitioner a full and fair opportunity to litigate the Fourth Amendment probable cause determination; here, the bare-bones arrest warrant and missing probable cause to arrest hearing have completely thwarted Petitioner Geeter's attempts to do so throughout this record.

Specifically:

- * Respondent supplied neither the warrant's underlying authorization nor any Michigan Supreme Court or State Court Administrative Office (SCAO) order establishing that retired Judge Edward Avadenka possessed active judicial authority on the date he signed the warrant.
- * Under *United States v. Leon*, 468 U.S. 897 (1984), the good-faith exception does not apply and cannot save the arrest where the signing magistrate lacked lawful authorization or judicial power to issue the warrant.
- * The complete absence of a probable cause to arrest hearing transcript, along with the bare bones arrest warrant and bare bones sworn complaint, eliminates any de facto officer doctrine or presumption of regularity.
- * Under *Shadwick v. City of Tampa*, 407 U.S. 345 (1972), a neutral and detached magistrate must possess the requisite legal authority and independence to issue an arrest warrant; here, the record fails to establish that retired Judge Edward Avadenka held such authority or status.
- * Under MCR 3.303(N)(1), failure to answer or produce such mandatory authority constitutes contempt.
- * This omission is fundamentally material because the missing authorization, the absence of a probable cause to arrest hearing transcript, and the bare bones filings leave the detention

unsupported by any lawful judicial officer making a proper probable-cause determination. Because these procedural events and rule violations have unfolded throughout the course of these proceedings, this supplemental brief ensures that this Court maintains a complete, accurate, and up-to-date record.

III. CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, as well as those stated in the initial Petition, this Court should entertain the complete record, recognize the exhaustion of lower court remedies, and grant appropriate relief.

Furthermore, Petitioner respectfully requests that this Court require Respondent to identify and produce the SCAO assignment—and, if none exists, state that fact under oath.

Dated: September 3, 2026

Respectfully submitted,

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Detroit, MI 48238

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SIGNATURE