

ORIGINAL

26-5627

No. _____

FILED

APR 20 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Michele Harris et al. PETITIONER
(Your Name)

vs.

Sandra Durham et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Courts of Appeals for the eighth
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) Circuit

PETITION FOR WRIT OF CERTIORARI

Michele Harris
(Your Name) Edgar Harris

5408 South Hutchinson Ave, Unit B4
(Address)

Battlefield MO 65619
(City, State, Zip Code)

417-403-8018
(Phone Number)

QUESTION(S) PRESENTED

Whether the Transfer of a case from district court to 8th district influenced judicial finding of structural error in the state court, constitutes a "sham prosecution" that violates the due process clause of the Fifth Amendment under 28 U.S.C 1441. Double Jeopardy clause and Malicious Prosecution 42 U.S.C 1983.

Whether the 8th circuit erred in denying the forma pauperis the Judges open hostility toward plaintiffs combined with improper questioning of IFP created a reasonable apprehension of bias that violated the Petitioner's right to due process under Article III of the Constitution

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:

Petitioner, Michele Harris
Edgar HARRIS,

Respondent(s) James Durham, Jerry Durham
Sandra Durham, Larry Durham, Douglas Lee Carter, Judge Margaret Palmiero
Judge Kirsten Poppen, S.J. Holdings,

RELATED CASES

Case # 25-CV-03002-MDH

Edgar Simon Harris et al., v. Sandra Durham et al.,

Sandra Durham v Edgar HARRIS

Case # 2431-AC10191

Michele Harris v. Sandra Durham et al..

Case # 03173

Michele HARRIS v. Gold Rube Reatty et al
Michael Cataldo

Case # 6:2025-LV-03184

TABLE OF CONTENTS

OPINIONS BELOW	1.
JURISDICTION.....	2.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3 rd , p2
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Eighth circuit mandate
APPENDIX B	8 th circuit judgement
APPENDIX C	Referenced Appeal 8 th circuit
APPENDIX D	Removing Myla from case 8 th circuit letter Attached
APPENDIX E	Complaint to 8 th circuit Susan Bindler
APPENDIX F	Notice of appeal submission 8 th circuit

TABLE OF AUTHORITIES CITED

CASES

CASES	PAGE NUMBER
Detling v Edelbrock, 671 S.W.2d 265, 270 (Mo. 1984)	P 5 - P 2
① Thompson v Walmart Stores Inc (2006)	P 10
② Greaser v State Dept. of Corrections	P 5
③ Hale v. Morgan (Sept 28 1978)	P 6
④ Pinkerton v. United States (1946)	P 11
⑤ Cross v. General Motors	P 13
⑥ King v. Moorehead, 495 S.W.2d 65 (1973) →	P. 20 of Argument statement
⑦ Detling v. Edelbrock, 671 S.W.2d 265 (1984) →	P. 20 of Argument statement

STATUTES AND RULES

A. 28 U.S.C. 1920	28 U.S.C. 455(b)(5)(i) (recuse themselves)
② 472, F.3d 515, 517 (8th circuit 2006)	
③ RSMo 82.1025-82.1029	(Argument pg 2 statement)
④ Section 789.3 (1971)	
⑤ 328 U.S. 640 (1946)	
⑥ Rule 54(d)	

OTHER

⑦ Citation
328 U.S. 640, 66 S.Ct. 1180, 90 L Ed. 1489, 1946 U.S. 3154

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-H to the petition and is

☒ reported at Eighth circuit court of appeals; 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 I-P to the petition and is

☒ reported at United States western district southern division; 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 march 25, 2006

☒ 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).
28 US 1357 injuries under federal law, 28 US 1343 Civil Rights and
elective franchise section. 1985 of title 42, 28 U.S. 1361
action to compel an officer of United States to perform
his or her duty added Pub L. 87-160 Oct 5 1962 Stat. 744

☒ 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 EE

☐ 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 PROVISIONS AND STATUTES INVOLVED

The respondent(s) of this case were Petitioner(s) in the lower state court and are at fault by judges' orders. (Judge Poppen.) Under that standard a complaint must contain *Double Jeopardy violation of Due process violation of 5th Amendment* sufficient factual content to allow the court to draw the reasonable inference a (and more than a sheer possibility) that the Respondents is liable for the misconduct alleged.

(Judge Poppen) places guilt upon the Petitioner's, in case (2431-AC10191) who are the ~~Respondent(s)~~ *Petitioners* in this case.

The statute in question, section 789.3, enacted in 1971, provides: "(a) A landlord shall not with intent to terminate the occupancy under any lease or other tenancy or estate at

will, however created, of property used by a tenant as his residence willfully cause, directly or indirectly, the interruption or termination of any utility service furnished the

tenant, including, but not limited to water, heat, light, electricity, gas, telephone, elevator, or refrigeration, whether or not the utility service is under the control of the landlord.

[¶] (b) Any landlord who violates this section shall be liable to the tenant in a civil action for all of the following: [¶] (1) Actual damages of the tenant. [¶] (2) One hundred dollars

(\$100) for each day or part thereof the tenant is deprived of utility service. [¶]

(c) In any action under subdivision (b), the court shall award reasonable attorney fees to the

prevailing party." [22 Cal. 3d 394]

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

1. The Fifth Amendment to the United States

The Constitution provides in relevant part:

No person shall be deprived of life, liberty,
or property, without due process of law; nor
shall private property be taken for public use,
without just compensation.

2. The Fourteenth Amendment to the United States

Constitution, section 1, provides relevant parts:

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.

3. Provisions outlined, judges are to serve as the head of the judicial conference of the United States and appoints federal judges to a specialized court, such as the US Foreign intelligence Surveillance courts. (Title 28 amended by the supreme court pursuant to law) and 2072 Rules of procedure and evidence' power to prescribe

- (a) We believe there is a conflict with the district judges' decision
- (b) Judge M Harpool denies our forma pauperis without properly investigating respondents income(poe,695 F.2d at 1108)
- (c) 1983 Bivens Act
- (d) 42 U.S.C. 1983 entitles you to file civil action and demand compensation under the code of law
- (e) 28 U.S.C. 455 (b)(5)(1) (recuse themselves)

Cont.
Attachment:

Constitutional Promising

Sources

1

Detling v. Edelbrock, 671 S.W.2d 265, 270 (Mo. 1984)

"[A] tenant seeking to state a cause of action for breach of the warranty of habitability must allege facts satisfying the following elements: (1) entry into a lease for residential property; (2) the subsequent development of dangerous or unsanitary conditions on the premises materially affecting the life, health and safety of the tenant; (3) reasonable notice of the defects to the landlord; and (4) subsequent failure to restore the premises to habitability.

Source Link

2

Mo. Rev. Stat. § 441.233(2) (2022)

"Any landlord or its agent who willfully diminishes services to a tenant by interrupting or causing the interruption of essential services, including but not limited to electric, gas, water, or sewer service, to the tenant or to the premises shall be deemed guilty of forcible entry and detainer as described in chapter 534; provided however, this section shall not be applicable if a landlord or its agent takes such action for health or safety reasons."

Source Link

3

Mo. Rev. Stat. § 441.234(2) (2022)

"If there exists a condition on residential premises which detrimentally affects the habitability, sanitation or security of the premises, and the condition constitutes a violation of a local municipal housing or building code, and the reasonable cost to correct the condition is less than three hundred dollars, or one-half of the periodic rent, whichever is greater, provided that the cost may not exceed one month's rent, the tenant may notify the landlord of the tenant's intention to correct the condition at the landlord's expense. If the landlord fails to correct the condition within fourteen days after being notified by the tenant in writing or as promptly as required in case of an emergency, the tenant may cause the work to be done in a workmanlike manner and, after submitting to the landlord an itemized statement, including receipts, deduct from the rent the actual and reasonable cost of the work, as documented by the receipts, not exceeding the amount specified in this subsection."

REASONS FOR GRANTING THE PETITION

its within sound discretion of the trial court (case number 2431-AC10191) Rule 54(d) represents a codification of the presumption that the prevailing party is entitled to cost (Greaser v State, Dept of Corrections 145 F3d 979, 985 (8th Circuit 1998)). Petitioners pray's the court Grants over Certiorari

United States Supreme Court

Edgar Harris et al...

Plaintiff(s)/Petitioner(s)

Vs.

Case Number: 6:25-cv-03173, 6:25-cv-03002,
2531-AC03819-01

Sandra durham et al...

Defendant(s)/Respondant(s)

Statement of facts

The Plaintiffs Forma Pauperis is authorized in federal courts by 28 U.S.C. 1915 which means the federal court of western district southern division in Springfield Missouri has Jurisdiction to hear the case and when a case is transferred to another case with merit and still has a open court date that didn't close out in the lower court causing the Plaintiffs Double Jeopardy (McElrath v. Georgia (2024).

Barvick, 15 Kan. L. Rev., supra at 539 Adkins v. E.I. DuPont De Nemours & Co., 335 U.S. 331, 339, 93 L. Ed. 43, 69 S. Ct. 85 (1948),

The United States Supreme Court said:

We cannot agree with the court below that one must be absolutely destitute to enjoy the benefit of the statute. We think an affidavit is sufficient which states that one cannot because of this poverty "pay or give security for the costs ... and still be able to provide" himself and dependents "with the necessities of life." To say that no persons are entitled to the statute's benefits until they have sworn to contribute to payment of costs, the last dollar they have or can get, and thus make themselves and their dependents wholly destitute, would be to construe the statute in a way that would throw its beneficiaries into the category of public charges.

[3] See Barvick, 15 Kan. L. Rev., supra at 539. He says, speaking of the poor in general: "[A proposed] program should educate the poor regarding existing laws, provide, through lawyers, representation and counseling where needed, and take steps to remedy injustice where the law and its administration have treated the poor unjustly. As one of the causes of poverty may be the social relationship of the poor to the rest of the community, these relationships should be examined and when necessary, steps should be taken to change them.

In Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339, 93 L. Ed. 43, 69 S. Ct. 85 (1948), the United States Supreme Court said:

We cannot agree with the court below that one must be absolutely destitute to enjoy the benefit of the statute. We think an affidavit is sufficient which states that one cannot because of this poverty

"pay or give security for the costs ... and still be able to provide" himself and dependents "with the necessities of life." To say that no persons are entitled to the statute's benefits until they have sworn to contribute to payment of costs, the last dollar they have or can get, and thus make themselves and their dependents wholly destitute, would be to construe the statute in a way that would throw its beneficiaries into the category of public charges.

Judge Harpool has shown and proven that he should have recused himself (Process Clause of the Constitution, making recusal a requirement to ensure fairness.) (Caperton v. Massey (2009) Trump V. Casa Ruling) knowing about a previous case (6:25-cv-03002) and mentioned it in the new case with new evidence showing that the Durhams has breached their Lease contract, had two major violations dealing with a gas leak never fixed and a dangerous building sign put on our house, and tried to evict the Plaintiffs. The Plaintiff Edgar Harris also has injuries sustained on the property as well. (see medical records.) (Landlord negligence is a landlord's failure to fulfill their legal duty to provide a safe, habitable property, leading to tenant harm, such as injuries from unsafe conditions like broken stairs or inadequate security, which the Plaintiffs clearly has proven in the lower courts by Sandra Durham's own Omission on court transcripts on case (2431-AC10191) from December 31, 2024 filing in the 31st judicial Circuit Court .The clerks at the western district court didn't allow the Plaintiffs to turn in the evidence in the western district southern division court when the application for Forma Pauperis was presented to the clerk and the Plaintiffs say they have never had a court not take our evidence when turning in our Forma Pauperis. This case was also transferred to the western district court and printed on the docket and paperwork turned in to the court clerks. (Clerk spoliation" refers to the loss, destruction, or alteration of evidence by a court clerk that could be relevant to a legal case.)

the eighth circuit also acted under the color of law by accepting our papers of Forma Pauperis, stamping all the paperwork on July 25, 2025, including the complaints on the judges, Harpool and Judge Poppen, that is enclosed in this statement for evidence. The paperwork was then put on Susan Bendlers desk according to the other clerk Crystal (last name unknown) Crystal then advised the Plaintiffs to mail back the paperwork and the return receipts so she can see that our applications had been received at an earlier date of July 25th 2025. So the Plaintiffs mailed the forms that Crystal asked to mail back to the eighth circuit, the clerk named and Anthony Wells signed the receipts, Susan Bandler received the paperwork again and then forwarded the application back to the Western District Court for a appeal to be filed even after the plaintiffs explained to the eighth circuit clerk that the Judge is not going to hear this case but the clerk sent the application anyway. to the western district court southern division. The Western Division Denied the forma pauperis once again by Judge Harpool, even tho it was granted on the transfer case to judge harpool's court. Judge Harpool denied due process by not allowing the case to be heard or even let the defendant respond to the forma paupers date that was due on 08/22/2025 but Judge harpool denied the forma pauperis on 08/13/2025 without the defendant answering the court or responding to a lawsuit being filed against them. So the case was suppose to back to the 8th circuit according to the clerk Beth that says she is

the only clerk with that name and refusing to give her last name and refusing to allow the plaintiffs to speak to Susan Bender or Crystal on 08/21/2025, and stated that after the appeal in the Western District Court, the Western District is then supposed to forward it back to the 8th Circuit Appeals Court but had not received the transfer as of 08/21/2025 from the time the appeal was denied on 08/13/2025. Nothing was said in the order about the trial De Novo, or if the case is dismissed or even if the plaintiffs did have the money the judge is still violating due process by not offering the plaintiffs the actual financial burden of how much it would cost in the order judgement. In Judge Harpool's order he didn't even write any case laws as to why the forma pauperis was denied, Judge Harpool said "The Court again finds Plaintiffs' Application to Proceed Without Paying Fees or Costs establishes Plaintiffs are unable to pay filing fees and court costs associated with bringing their appeal. However, the Court also finds Plaintiffs' filing does not set forth a basis for granting leave to appeal IFP. As stated in the Court's previous Order, Plaintiffs fail to state a claim that can proceed in this Court and the Court finds no allegations that

state a claim, nonetheless a claim that would have federal jurisdiction.) if we could pay (which we can't we are disabled but. Susan Bendler had previously written letters to the Plaintiffs that is currently enclosed in this statement as evidence. Susan Bendler has also responded in the letters addressed to the Plaintiffs that she will not be prosecuting any judges for any misconduct in their office of the 8th Circuit Court of Appeals. Susan Bendler has Violating due process means breaking the legal obligation under the Fifth Amendment and the Fourteenth Amendment of the U.S. Constitution, which state that no one can be deprived of life, liberty, or property without due process of law. This violation can involve specific procedural violations, such as a lack of notice or opportunity to be heard, or substantive violations, where a fundamental right is denied. A certified mail with return receipt was received by a clerk of the court by the name of (Anthony Wells) on 07/29/2025, and on 08/08/2025. Susan E. Bindler is the current Clerk of Court for the United States Court of Appeals for the Eighth Circuit. She was appointed to this role, effective March 10, 2025, filling the vacancy left by the retirement of Michael E. Gans.

The Clerk of Court's office for the Eighth Circuit is located in the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri. There is also a satellite office in St. Paul, Minnesota at the Warren E. Burger Federal Building and Courthouse.

As Clerk of Court, Ms. Bindler's duties include a range of responsibilities focused on managing the court's business, such as:

1. Case management and the processing of appeals.
2. Maintaining court records and managing the court calendars.
3. Long-range strategic planning and policy development
4. Budget oversight and human resources management.

A. Role of Court Clerks: Court clerks play a crucial role in managing court documents and exhibits, including ensuring they are properly filed, stored, and accessible. B. Duty to Preserve Evidence: This responsibility includes a duty to preserve evidence that may be

relevant to potential or ongoing litigation.

Spoliation as a Breach of Duty: When a court clerk's actions (intentional or negligent) lead to the loss or destruction of such evidence, it constitutes spoliation.

Once you have different departments like the eighth circuit and the western district and the 31st

Judicial circuit courts acting under the color of law, This concept is crucial in civil rights cases, where government officials (like police officers) or private individuals acting with state authority abuse their power to deprive others of constitutional rights. Violations can lead to criminal penalties under federal statutes like 18 U.S.C. § 242 and civil liability.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. Following up with coercion on how the western district court would put on the top of the paper work In bold letters to the eighth circuit saying "WARNING"

UNITED STATES V. PINKERTON 1946 (SUPREME COURT) act. *Id.*, 328 U.S. at 647, 66 S.Ct. at 1184

The rule of *Pinkerton* does service where the conspiracy is one to commit offenses of the character described in the substantive charges. *Nye & Nissen*, 93 LEd. 2d 919

(The Court's Ruling: The admission of evidence of similar crimes was relevant to show a consistent pattern of conduct.)(United States Supreme Court)

upon all the allegations submitted by the plaintiffs to be true, the plaintiffs also have a USB drive with conversations from Larry Durham stating his son James Durham has stolen money from tenant before and the family covered it up but still evicted the tenants, and that is what the Durhams have tried to do the the Harris family by even losing in court to the Harris family retaliation over and over again because the Durhams didn't want to put the money into the house as promised to the Harris family Sandra Durham made deals with the Harris family and told her other family and workers something different, like when the Harris and James Durham went to court James was under oath when the 2000 dollars of our rent money came up missing for the month of November when the utility company shut off our electric illegally November 25th 2024, and our gas was shut off by city utilities because of a gas leak and red tagged it. When they came to turn our electricity back on and the Durhams all were aware and on December 24th 2024 our utilities with payment was shut off again. The Durhams filed an eviction on December 31 2025, my rent according to the evidence presented in the evidence and Sandra Durham's written word and under oath statement in court, because Sandra Durham didn't prorate the rent on the 15th of the month when the Harris moved in, Sandra Durham agreed for the Harris to pay on the first of the month because of social security pay days,

Conclusion

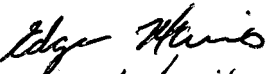
The petition for a Writ of Certiorari should be granted." "For the aforementioned reasons, the Petitioners respectfully ask the Court to overturn the decision of the United States Court of Appeals for the Second Circuit, as well as to overturn the decision of the United States Courts Western District Southern Division and the decisions made in the 31st judicial circuit court. After all the showing up in the courts and being violated to the fullest of there of, with humiliation, mental anguish.

The Plaintiffs with respect are asking the court to grant our damages in the amount of \$750.000,000,000 Billion Dollars and overturn all lower court decisions.

Respectfully,

Edgar Harris

Michele Harris



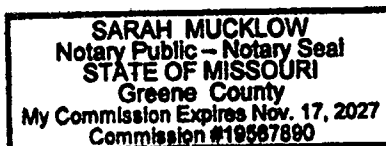
State of Missouri

County of Greene

On this 28th day of August in the year 2025, before me, the undersigned notary public, personally appeared Michele 3 Edgar Harris, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Notary Public

Sarah Mucklow



Petitioners ask the Court to
grant our Certiorari per rule
54(d) the prevailing party (case
2431-10191)
is entitled to cost to this case
Certiorari as well. We ask the
Court to uphold the law we are
United States citizens and are not asking
for your presumption of the law but to
CONCLUSION Uphold the Oath which
you took.

The petition for a writ of certiorari should be granted.

Each Respondent should be ordered to pay
750 Billion Dollars per person, mental anguish, pain & suffering

Respectfully submitted,

Edgy Hines
MATT HINES

Date: August 26, 2025