SUPREME COURT OF THE UNITED STATES

PROCEED101 *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES GOVERNMENT

No. 05–44. Decided May 30, 2018

The petition for a writ of certiorari is denied.

Statement of JUSTICE GORSUCH respecting the denial of certiorari.

Petitioner asks us to consider whether an in-game arrest is synonymous with a legal conviction. Never before has one attempted to ask us this, as it has generally been understood that an arrest, as opposed to a conviction, represents a temporary detention under the law.

Thus, an arrest is not a conviction, and a conviction is not an arrest; they are, necessarily, separate from each other. But petitioner claims that the records of his arrest, compiled and accessible on a Trello-based online board, represent convictions. Under this reasoning, he charges that he has been unconstitutionally convicted in violation of due process. Unfortunately for him, that is simply wrong. The petitioner has yet to be convicted by a jury of his peers in a court of law, and his lawful arrest and recorded detention do not a conviction make.

While I understand that individuals in the general public come to us with questions of all nature, it is not our place to entertain notions of outlandish fantasy regarding the criminal justice system. Nor would hearing this case, even if there were a meritorious claim before us, be appropriate, as an avenue for proper legal dispute begins in the district courts, not our Court of Nine.

I therefore concur with the denial of certiorari.

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JUSTICE BORK, concurring in the denial of certiorari.

This case is a petition for Anytime Review. I have already made clear where I stand on the threshold inquiry due those petitions. See, *e.g.*, *Heave* v. *United States*, 5 U. S. ___, ___ (2018) (Bork, J., concurring in judgment) (slip op., at 1); *George* v. *United States*, 5 U. S. ___, ___–___ (2018) (statement of BORK, J.) (slip op., at 1–2). My reply to JUSTICE GORSUCH's statement will thus be short.

In *Heave*, I observed that our threshold inquiry should only consist of an analysis of the "constitutional merits of [an] argument" presented; if it is debatable and important, we should hear it. *Heave*, *supra*, at ___ (slip op., at 3); see *Jacob* v. *Nevada Highway Patrol*, 5 U. S. ___, ___ (2018) (opinion of BORK, J.) (slip op., at 1). In his statement above, JUSTICE GORSUCH appears to navigate along this line, but it is at the end where his opinion veers off course. He argues that "even if there were a meritorious claim before us," the case should "begi[n] in the district court." *Ante*, at 1. Respectfully, I disagree. I see no point in repeating my analysis from *Heave* and *George* but suffice it to say, "[w]e cannot shrink from [the Anytime Review] duty based on our own unsubstantiated perceptions of what society would want." *Ibid*.

If the claim is meritorious, debatable, and important; falls within the scope of Anytime Review; and was brought to us properly, we should take it up. As that is not the case here, I concur in the denial of certiorari.