

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

Olin Ray Nowlin — PETITIONER  
(Your Name)

vs.

Joe Shannon Jr. et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Olin Ray Nowlin  
(Your Name)

mark Stiles unit  
(Address)

Beaumont, Texas 77705  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

### QUESTION(S) PRESENTED

does or does it not guarantee In our Constitutional Amendment "6th" To Be Informed of The nature an Cause of The accusation; To Be Confronted with The witnesses against Him: To have Compulsory Process For obtaining witnesses In His Favor?

does or does it not guarantee In our Constitutional Amendment "5th" nor To Be deprived of Life, Liberty without due Process of Law?

does or does it not guarantee In our Constitutional Amendment "14th" nor shall any State deprive-any person of Life or Liberty without Due Process of Law nor deny To any Person within its Jurisdiction of The "Equal protection of The Law?"

## 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:

The United States Court of Appeals of The 5th Circuit  
and other Documents

United States District Court For The Northern District  
and other Document  
Of Texas Fort Worth Division

Tarrant County Courthouse Public Record and Exhibits  
(A)(B)

Rule 60(B) motion

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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**

☐ 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 \_\_\_\_\_; 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☒ is unpublished.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 B 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☒ is unpublished.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 None to the petition and is

☐ reported at None; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the None court appears at Appendix None to the petition and is

☐ reported at None; 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 February 06, 2018.

☐ 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: February 28, 2018, 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 None (date) on None (date) in Application No. A None.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was None.  
A copy of that decision appears at Appendix None.

☐ A timely petition for rehearing was thereafter denied on the following date: None, and a copy of the order denying rehearing appears at Appendix None.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including None (date) on None (date) in Application No. A None.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In all Criminal Prosecution the accused shall enjoy the Right to a Speedy and Public Trial by an Impartial Jury of the State and and District wherein the crime shall have been committed, which district shall have been previously ascertained by Law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory Process for obtaining witnesses in his favor, and to have the assistance of ~~an~~ Counsel for his defense.

No Person shall be held to ~~any~~ answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the Land or Naval Forces, or in the Militia, within actual Service in Time of War or Public danger; nor shall any Person be subject for the same offence to be twice put in jeopardy of life or limb; "nor shall be compelled in any Criminal case to be a witness against himself, nor be deprived of Life Liberty, or Property without due Process of Law nor shall Private Property be Taken for Public Use without Just Compensation.

All Person 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 abridge the Privileges or Immunities of Citizens of the United States; nor shall any State deprive any Person Life Liberty or Property without due Process of Law; nor deny to any Person within its Jurisdiction the Equal Protection of the Law.

## STATEMENT OF THE CASE

ON September 30, 1996, A Tarrant County grand Jury Returned an Indictment ~~against~~ against The Petitioner charging Him with aggravated Sexual Assault of A child (R.I:37). On On March 31, 1998 Petitioner entered a Plead Not Guilty To The Indictment and Proceeded To Trial Before a Jury and The Honorable Wayne Salvant In The Criminal District Court No. 2 Of Tarrant County Texas (R.II:315) On April 1, 1998. The The grand Jury Returned a verdict of guilty (R.IV:42). The Petitioner Proceeded To Trial on Punishment Before. The Jury (R.v.). On April 1, 1998, The Jury Sentenced. The Petitioner To Life In The Institutional Division of The Department Of Criminal Justice (R.v:419).

During The Jury Deliberation The Jury Received A Hand-Written Document From The Court NO. #1 Of an Out-Of-Court-Statement That was made By The State That was Not made By any one as Stated In The State Handwritten Document. The State Stated That The Petitioner Committed another offense of A Sexual assault of A Person named G.D The Petitioner Challenge The State Handwritten Document of The False allegation and Filed a Petition For Newly Discovered Evidence Pursuant To Texas code of Criminal Procedure article 40.001 and Exhibits. The United States District Court ~~At~~ For The Northern District Of Texas. Denied The Petition on March 27, 2014.

~~The Petitioner Filed A Rule 60 (b) motion (2)(3) Pursuant To Federal Rules Civil Procedure Rule 28 USC. On June 6, Petitioner Filed A NO. 1983 ~~Appel~~ 1983 Application~~

The Petitioner Filed A 1983 Application /a memorandum of Law On October 5, 2015 In The United States District Court For The Eastern District Of Texas The Court States That The State of Texas Has The Affidavit Success in This Suit would only give Him access To The Affidavit ~~with~~ which may prove exculpatory or Inculpatory. But In no way will Success in This Suit imply The Un-Lawfulness of The Custody By The State of The Affidavit.

The United States District Court, Denied The Petitioner 'with Prejudice' On October 20, 2015, and a Order RE: INITIAL Partial Fee And Collection and Payment of FULL Filing Fee:

The Petitioner Filed A Notice Of Appeal / a objection To The Ruling Of The Courts, On October 20, 2015, The Court of Appeals Sent The Petitioner a Letter given The Petitioner 45 days To Pay The Filing Fee On November 17, 2015. The Court of Appeals Order Regarding Motion To Proceed In Forma Pauperis on Appeal The Court Denied The Petitioner For Leave To Proceed In Forma Pauperis On December 21, 2015: The Court of Appeals dismissed without further notice under 5th Cir. R. 42.3 on January 05, 2016, and denied: The Petitioner Filed a motion For Reconsideration ~~at~~ because of the "Three Strickers" Of The Court's Letter on January 25, 2016. The Court of Appeals Sent The Petitioner a Letter Issued A mandate ~~dismiss~~ dismissing The Petitioner For want of Prosecution. The Appellant Failed To Timely Pay docketing Fee. On February 19, 2016:

The Petitioner Filed a motion Pursuant To Federal Rules Civil Procedure Rule 60 (B) (2) (2) / Exhibit (A) / (B) On June 6, 2017 Of Newly Discovered Evidence In The United States District Court For The Northern District of Texas and The Court Denied The motion Rule 60 (B) On June 13, 2017. The Petitioner Filed ~~a~~ For Reconsideration On August 8, 2017. The United States District Court For The Northern District of Texas The Court Denied The motion For Reconsideration On August 14, 2017. The Petitioner Filed a motion For Rehearing on September 26, 2017. The United District Court Interpreted The motion as another Reconsideration The Court ~~Filed~~ Denied Motion On November 1, 2017. The Petitioner Filed a motion For Permission To Amend On November 19, 2017. In The United States District Court For The Northern District of Texas The Court Denied The Petitioner motion For Permission To Amend On November 28, 2017. The Petitioner Filed ~~a~~ A Notice Of Appeal / Certificate of Appealability, on December 21, 2017. The United States Court of Appeals Sent ~~Atter~~ Letter On January 12, 2018. En banc On January 31, 2018

The United States Court of Appeals Issued a mandate dismissed ON February 6, 2018. For Want of Prosecution. The Appellant Failed To Timely Pay \$ 505.00 Fee. The United States ~~Hi~~ Court of Appeals Denied His En Banc ON A February 28, 2018, and A Pleading motion For Liberal Construction Pro se-Right.

## REASONS FOR GRANTING THE PETITION

The Petitioner Claims That The Reason The Supreme Court Of The United States Should grant Petitioner a Writ of Certiorari Because The Opinions~~and~~ and Orders Conflict With The decision Of The Supreme Court Of The United States Ruling as in Gonzalez v. Crosby, 125 S. Ct. 2641 (2005). That a 60(B) motion is Inconsistent and not Equivalent as a Second or Successive Petition and Overcame mandate Of The United States District Court And The United States Court of Appeals Of The 5th Circuit Ruling Of The Three Strick Law Of February 19, 2016 The Rule 60(B)(2)(3) motion dictates a difference Result Of That Of The 'LAEDPAT' See Butz v. Landaza-Power, 474 F.3d 1193; Ward v. Norris, 577 F.3d at 932 (CA.8 2009). The United States District Court and The United States Court of Appeals Of The 5th Circuit Claimed That The Petitioner Had NO merits Of The Exhibit (B) That Was adduced From His 2254 Writ of Habeas Corpus Of The Exhibits Pursuant To Case No. 4:14-cv-00212-A Sent To The Courts On March 20, 2014. The 1983 Application and The ~~memorandum~~ memorandum Of Law addressed The Same Issues That are address In The 2254 Writ of Habeas Corpus No 4:14-cv-~~00212~~ 00212-A The United States District Court and The United States Court of Appeals For The 5th Circuit Judgment Was void Pursuant To Federal Rules Civil Procedure Rule 60(B)(4) Because The Courts Could Not Produce any merits On The Courts Behalf Of A Certified Copy Of The Affidavit as Stated In The Criminal District Court No. 2 Handwritten Document Exhibit (B) Of The Handwritten Document That Was ~~Present The~~ Presented To The Jury out-side-of-His 1983 Trial. Violated His 6th/5th/14 Amendments Rights.

The Petitioner Was Shut-Out-Of-Court Of The United States District Court For The Northern District of Texas Fort Worth Division and The United States Court of Appeals of The 5th Circuit. The Petitioner Could Not File Back into The Courts. See Appendix (B). And Other Documents.

The Petitioner Made Newly Discovered Evidence of Courthouse Public Records Of Fort Worth Tarrant County, Texas and Presented Exhibit (A) and Filed A Rule 60(B) Motion ~~Pursuant~~ Pursuant To Federal Rules Civil Procedure Rule 60(B)(2)/(3) See Appendix (A) and other Documents. See Gonzalez, 125 S.Ct. 2641 (2005).

The Petitioner Filed A Notice of Appeal and A Certificate of Appealability. In The United States District Court and ~~The~~ AS In Gonzalez v. Secretary For Dept. Correction, 317 F.3d

1308 (11th Cir. 2003). The United States District Court and The United States Court of Appeals For The 5th Circuit did not Reach The merits of His Notice of Appeal and His Certificate of Appealability. The ~~Ex~~ Petitioner Claims That if The jurists would Had The Exhibit <sup>(A)</sup> it would Have Been Debatable The Exhibit (A) Shows That The Court District No. 2 Committed

Fraud Rule 60 (B) allows A Party or Partys. To Seek Relief From a Final Judgment on Request Reopening of a case Under Limited Set of Circumstance "Including Fraud" Mistake, and Newly Discovered Evidence with By Due Diligence Could Not Been Discovered In Time For a New Trial? See Gonzalez v. Crosby, 125 S.Ct. 2641 (2005).

The Petitioner Has Meet The Requirements Of Rule 60 (B)(2)(3)

The Exhibit (A) Shows The Reason why The Court Could Not Produce A ~~Exhibit~~ Certified Copy Of an Affidavit That Would Be made By Such a Person as Stated In The States Handwritten Document of The Exhibit (A) <sup>B</sup> The Courts Could Not Rebutt Exhibit (A) <sup>A</sup> The Exhibit (A) Overcame The States False Allegation That are Not True. See Appendix <sup>C</sup> Of The Exhibit (A) / (B) attached ~~to~~ TO The Rule 60 (B) motion. The Petitioner Claims That The Courts Barred The Petitioner From Proceeding on an In Forma Pauperis Once again Without Reaching The Merits.

The Petitioner Claims That His Rule 60 (B) motion is Showing <sup>A</sup> A Prima Faci Case and is The Conclusive Presumption and The Courts Has The Presumption of Law. The Petitioner Claims That This writ of certiorari is Based on a Prima Faci Facts Issue and Show That The Courts deprived Him Of ALL His Constitutional Amendment Rights Of The 6th/5th/14th. and The Constitutional Freedom. In Gonzalez V. Crosby, 125 S.Ct., 2641 (2005) Claimed Fraud On The Courts See Exat. S. Life INS. Co. V. Dayley, 136 Tex. 377, 151 S.W. 2d (1941); See Veal V. Maryland, 17 S.W. 3d 750 at Headnote [13, 14] / 15, 107 Tex. (2000); Francis V. Don Chemical, 46 S.W. 3d 264 (Tex. App. Houston 14th. Dist.) Review granted 46 S.W. 3d 237 at [13, 14]. This is a default Judgment Of The Courts To Present False Information To The Jury Out-Side His 1998 Trial which is Not Stamp By Court Clerk as Taken As True Of The Handwritten Document Exhibit (B) The Exhibit (A) is Showing a Colerable Claim of New Reliable Evidence whether it Be exculpatory, Scientific Evidence, Trustworthy, eyewitnesses accounts, or critical. Physical Evidence That was Not Presented at Trial Id at 324, 115 S.Ct. 851.

The Habeas Courts Analysis It Not Limited To Such Evidence  
There is no deprivt In This Case That House Has Presented Some  
New Reliable Evidence House v. Bell, 547 U.S. 518 115 S.Ct.  
2064 165 L.Ed.2d 1); Petitioner Claims That He Has meet The  
Requirements ~~As~~ In Gonzalez v. Crosby / House v. Bell,  
Which The Decision and Order Of The Courts Confects With The  
decisions of The Supreme Court Ruling Of Gonzalez / House,  
The Petitioner Claims That The Exhibits (A) / (B) Was Never Pre-  
sented at His 1998 Trial and Shows That The Petitioner.  
Is actual Innocent Of The State Exhibit (B) allegation. The  
Courts Refuse To alter or Amend its Judgment / To Set aside  
His State Court Conviction On The Evidence Violated His Const-  
itutional Amendments Rights Of The 6th / 5th / 14. See The ADD-  
endix (A) Of The Rule 60cc motion.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alvin Ray Newlin

Date: May 4, 2012