

No.

IN THE
SUPREME COURT OF THE UNITED STATES

Billy a Locke — PETITIONER
(Your Name)

vs.

U.S. Government — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For the SIXTH circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Billy Locke
(Your Name)

U.S.P.
Atlanta P.O. Box 150760
(Address)

Atlanta Ga. 30315
(City, State, Zip Code)

(Phone Number)

RECEIVED

JUL 24 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

- 1) What gives the Fed. government the Right to Denie me my ~~Right~~ 5th Amend. Right to Be Just compensated for my personal and private Property that was Removed from my home By D.T.F. and A.T.F. Agents like The constitution says?
- QUESTION(S) PRESENTED
- (2) how can the Fed. gov. Deny that they have possession ~~of~~ ^{search} of my Property when it was an A.T.F. Agent that applied for state ~~search~~ ^{search} warrant and an A.T.F. Agent that Remove the gun from my home? and used it in court to convicte me. DOES this not put the Fed. gov. in possession of my Property at all times? By simply picking up the phone? APPLY
- (3) Dont the Fed. gov. have to obey the Laws to, that TO constructive possession?
- (4) Does a simple Rule of Fed. criminal procedure 41(g) over ride a suprem Law of the Land, The constitutions 5th Amend. That says that I am to be Just compensated for my personal and private Property that was destroyed and NOT Returned to me?
- (5) Did The Appeals court abuse its discretion when they ~~Refused~~ Refused to hear Lockes remaining arguments that challenges the ~~validity~~ validity of his conviction? ex-felon in possession of a Firearm (in home) possession. and have Never committed any kind of a crime with one. and am not a violent Felon. either Just ex-felon
- (6) how can 18 U.S.C.S. 922 g.1. over ride the suprem Law of the Land the constitutions 2nd Amend. when ~~even~~ a man has Never violated in any way (that) constitutional Right. Never threatened any one, Pointed a gun at any one. never ~~robbed~~ Robbed any one. and has only ~~used~~ used one for lawful purposes. would this court please tell me how this Law is just and Does not infringe on my second Amend. Right? when I am sitting in Prison for no other reason than simply ~~using~~ exercising my constitutional Rights by having in my home. my personal Property, ~~Firearm~~ ^{Firearm}. (This ~~should~~ ^{should} be Repealed) and Redone to the way it should have been to start with. 922 g.1. should say if you used a firearm for (any "illegal" purposes) you lose your 2nd Amend. Rights. Not the U.S. That it is now. a little common sense is needed here. please
- (7) is or is not the A.T.F. a Federal Agency? and does this not put the U.S. gov. in possession of my Property at all times?
- (8) where in the constitution does it say, that just because I am a ex-felon that the constitution no longer applies to me? like the 2nd Amend. and any other Amend.
- (9) what gives the gov. the Right to Destroy my Property, insted of returning it TO me? This is a due process violation of the 5th Amend. is it not?

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:

my original case From Chattanooga TN, 2012 U.S. Dist.
of Tenn. Lexis 156221^{For} exercising my Constitutional Rights By having
in my home a Firearm and For no other reason do I sit in Prison.

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APPENDIX B *ON issues that are unreviewable.*

APPENDIX C *Proof That The Fed. gov. was in possession of my property ~~at~~ at all times*

APPENDIX D *DISTRICT COURT ORDERS*

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

The constitution of the united states of america

STATUTES AND RULES

Fed. Rule of crim. Procedure 41(g)

*The constitution
and its*

*2nd
Amend.*

18 U.S.C. 922 (g) (1) Felon in possession of Fire Arm.

*4th
Amend.*

5th Amend.

6th Amend.

14th Amend. equal protection of the Law

OTHER

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 17-6134 to the petition and is

- ☐ reported at U.S.A. v. Billy Locke ^{case 11/01} 1:11-cr-00071; 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 1:11-cr-00071 to the petition and is

- ☐ reported at U.S. v. Billy Locke; 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 Filed: May 22, 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: _____, 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).

☐ 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).

(12)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(all of them)

2nd Amend. Property Rights,

4th Amend. Privacy Rights

5th Amend.

Due Process of law. nor shall private property be taken for public use, without just compensation

14th

Amend. TO equal protection of the laws.

18 U.S.C. § 2291.

1st Amend. Right to express ones self in side his own home.

6th Amend. Right to effective assistance of counsel

STATEMENT OF THE CASE

I Filed a motion For the return of my Property That was not Pre-seized Contraband That was Taken From my home, and has so far Been Denied, Back in 2018 seeking To recover items seized in his case, including "Antique" Paper shotgun shells, shotgun barrel, hearing Protecting, a revolver, a handgun Case \$1400.00, The "Letters" From my Past Family member That cant Be replaced, I ask the courts To award me \$50,000 For my Letter That has sentimental value to me, and I also ask For \$50,000 For my antique Paper shotgun shells That was Destroyed, and another \$50,000 For the rest of my Property, \$150,000 all Tole ~~For my Property That was not Pre-seized~~

REASONS FOR GRANTING THE PETITION

Not granting this Petition, would be a complete ^{grave} miscarriage of Justice and a Disgrace To the constitution, and this country and its People.

I ask this Great and honorable court to do only what is right For

~~The~~ The Great united states of Americas, we The People.

Because 18 U.S.C. ⁹²²⁵⁽¹⁾ ~~is~~ a complete infringement on the intire constitution and this court should not let it stand.

my case is a complete constitutional infringement. and For this reason alone should be enuff for this court to review my (intire) case.

and that I have Been denied ~~it~~ through out my intire case the effective assistance of counsel, By Both counsel and the courts.

I ask this court to Give us felons Back our right to Live and to Protect our self. BY Repealing 18 USC. 922 g.l. (~~§ 922 g.l.~~)

I ask the courts to Rule in my favor, Because ~~my~~ my Property that was taken in that warrant was not contraband, Because it was "all" ~~legally~~ Legally Bought at one point in Time, and can all be legally owned By any other person, including me BY the constitution of The United States of America's 2nd Amend. Property Right, The 4th Amend. Privacy and 5th Amend. Due Process, Right

I ask this court For just compassion For my Property?
and The Reversal of this sentence if due.
and First 1st Amend. Right To express myself in my own home.
Furthermore,
The gov. has failed to prove Jurisdiction.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Billy W. Zicke

Date: 7-16-2018 ~~7-16-2018~~

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-41
v.)	
)	Judge Travis R. McDonough
BILLY WAYNE LOCKE)	
)	
)	

ORDER

Before the Court is Defendant Billy Wayne Locke's motion for return of property. (Doc. 139.) In his motion, Defendant requests that the Government transfer certain property, including a firearm and ammunition, to his brother, Larry Locke. Defendant represents that he is selling all of his property seized by the Bureau of Alcohol, Tobacco and Firearms and the Tenth District Drug Task Force ("DTF") to his brother in exchange for \$50.00. (Doc. 137, at 1.) Defendant's motion also requests that the Government return certain letters and \$400.00 "that was taken from his home and premises." (*Id.*)

In response to Defendant's motion, the Government represents that the DTF has destroyed some of the evidence Defendant now seeks returned after receiving an order permitting destruction from Judge Andrew Frieberg of the Criminal Court for Bradley County, Tennessee.¹ (Doc. 157, at 3.) The DTF, however, transferred a revolver to a local gun store, where it remains. (*Id.* at 4.) Finally, the Government represents that it is not in possession of

¹ Before filing its response, the Government moved for additional time to file its response. (Doc. 155.) Additionally, at the time it filed its response, the Government also filed a motion requesting that the Court accept its late-filed response. (Doc. 158) For good cause shown, the Government's motions (Docs. 155 and 158) are **GRANTED**.

I have no clue as to what the good cause was that was shown

**Additional material
from this filing is
available in the
Clerk's Office.**