

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

James L. Rudzavice — PETITIONER
(Your Name)

vs.

E.M. Mejia — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NONE) Fifth Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James L. Rudzavice
(Your Name)

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(Address)

Ft.Worth Tx 76119
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) How Can a CONSTITUTIONAL challenge be frivolous?
- (2) Did the Appellate Court for the Fifth Circuit Intentionally violate their oath of office to uphold the Constitution, by their verbal threats without hearing the merits of the Constitutional challenges?
- (3) Is their silence on the legalities of the Constitutional challenge equate to fraud, when there is a legal duty to speak, or intentionally mislead from such a Constitutional challenge?
- (4) Is'nt the United States Constitution the SUPREME Law of the Land? if so wouldnt it be binding upon all Courts of the land as stated by this Supreme Court as stated in Valentine v. United states, 299 US 5, 81 L.Ed 5, 5 S.ct 100?
- (5) Can this Supreme Court condone this shocking conduct that not only violates its oath but Article I, §9, cl2 and Article VI, § 2?
- (6) Why did both the District Court and the Appellate Court Unconstitutionally suspend and interfere with this Petitioner's Constitutionally protected rights?
- (7) Did the aforementioned Courts intentionally impede, inhibit or attempt to impede Constitutionally protected Freedom of speech to grievance Petitioner's government?
- (8) Did'nt the Framers of the Constitution take steps to prevent future abuse or practices such as this that hinders the peoples Constitutionally protected right as stated herein?
- (9) Why was neither challenge (1) the Unconstitutionality of a statute (18 USC § 1470); and (2) Unconstitutional interpretation of a statute by a federal judge ever addressed, instead of making excuses of rules?
- (10) Does'nt the First Amendment guarantee the right to be heard?
- (11) Did'nt the Supreme Court clearly state, there is no higher duty to maintain the writ of habeas corpus unimpaired in Fay v. Noia, 372 US 391, 9 L.Ed 2d 837; Johnson v. Avery, 393 US 483, 21 L.ed 2d 718?
- (12) Is'nt the silence of a Constitutional challenge fraud, when there is a legal duty to speak?
- (13) Didnt the Supreme Court state: " The United States Constitution is binding upon all courts state and national, and that ALL Courts must take judicial notice and be governed by?
- (14) How is a challenge on the Constitutionality frivolous is this Supreme Court clerk granted permission to refile?

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

US v. Harriss, 347 US 612 (1954)	2, 19
Wright v. Georgia, 373 US 284 (1963)	2
Bouie v. Columbia, 378 US 374 (1964)	2, 3
Scull v. Virginia, 359 US 344 (1959)	2
Giaccio v. Pennsylvania, 382 US 397 (1965)	3
US v. National Dairy Products Corp., 372 US 29 (1963)	3, 11
ASSN v. South Coast Air..., 541 US 246 (2004)	4
West Virginia Hosp. v. Casey, 499 US 83 (1991)	4
Freighliner Corp v. Myrick, 514 US 280 (1995)	5
Kennedy v. Texas, 179 F.3d 258 (5th cir 1999)	5, 15
Pioneer Inv. Serv. v. Brunswick Assoc., 507 US 380 (1993)	5
Perrin v. US, 444 US 37 (1979)	5, 15
Hughey v. US, 494 US 411 (1990)	5
US v. Martin, 520 F.3d 656 (5th cir 2008)	7
US v. Olano, 507 US 725 (1993)	7, 9
US v. Jerchowe, 631 F.3d 1181 (11th cir 2011)	8
Lianota v. US, 471 US 419 (1983)	9
Continued....	

STATUTES AND RULES

18 USC § 1470	1, 2, 3, 4
28 USC § 2241	5, 6, 7, 8, 9
28 USC § 1651	10, 11, 12-17
Fed. Crim.P. 52(b)	20, 21
Rule 42(a)	15

OTHER

Statute §§ 83, 107 Construction Avoiding Constitutionality	2
Constitutional Law § 513	3
Statute § 17 Vagueness	4
Statute § 19 Criminal Statute vagueness	6
Blacks Law Dict. (2nd ed 2001) Individual	7
Blacks Law Dict. Knowingly	7

TABLE OF AUTHORITIES CITED CONTINUED

CASES	PAGE number
Arizona v. Fulminante, 499 US 277(1991)	9
Murray v. Smith, 122 F.supp 2d 991(5th cir 1991)	9
United States v. O'Keefe, 426 F.3d 274(5th cir 2005)	10
United States v. Mine Workers, 330 US 275(1949)	10
United States v. Fox, 94 US 315(1979)	10
Walker v. Gregg, 467 US 39(1984)	10
Hardt v. Reliance Standard, 560 US 242(2010)	10
Gross v. FBL Finacial, 557 US 167(2009)	10
Marshall v. Jerrico, 446 US 238(1980)	11
Village v. Hoffman, 455 US 487(1982)	11
United States v. Petersen, 294 F.3d 385(5th cir 2001)	12
United States v. Garcia, 762 F.2d 1222(5th cir 1985)	12
United States v. Davis, 132 F.2d 1092(5th cir 1982)	12
United States v. Perrillo, 332 US 1(1947)	12
Roberts v. United States, 468 US 609(1984)	12
US Automobile ASSN v. Perry, 102 F.3d 144(5th cir 1996)	12
Walz v. City of New York, 397 US 664(1970)	13
United States v. Morrisson, 529 US 598(2000)	13
Lanzetta v. New Jersey, 306 US 451	13
Olre v. Fruit Dairy Co., 274 US 445	13
Connally v. General Const., 269 US 385	13, 14
Paverly v. Beth Energy Mines, 501 US 680 (1991)	13
United States v. Evans, 333 US 483(1948)	14
United States v. Wilberger, 5 WHEAT 76 (1790)	14
United States v. Nixion, 418 US 683(1974)	14
Garnica-Vasquez v. Reno, 40 F.2d 398(5th cir 1990)	15
Nalley v. Nalley, 53 F.3d 649(5th cir 1995)	15
American Airlines v. Allied Piolet ASSN, 968 F.2d 573	15
United States v. Burstyn, 878 F.2d 1233(11th cir 1989)	15
Morrisette v. United States, 342 US 246(1952)	16
Gregory v. Ashcroft, 501 US 452(1991)	16
Burrage v. United States, 187 L.Ed 2d 714(2014)	16
Camps Newfund v. Town of Harrisson, 520 US 564(1997)	16
Uniroyal Chem. v. Deltech Corp., 106 F.3d 238(5th 1990)	17
Dowling v. United States, 473 US 207(1985)	17
Crandon v. United States, 494 US 152(1992)	17
National Labor v. Davis, 344 US 375(1953)	18
Parham v. Hughes, 441 US 347(1979)	18
United States v. Villamante-Marquez, 462 US 579	18
Cupit v. Whitley, 28 F.3d 532(5th cir 1994)	20
United States v. McCarthy, 36 F.3d 1347(5th cir)	20

TABLE OF AUTHORITIES CONTINUED

CASES	PAGE NUMBER
United States v. Villasenor, 236 F.2d 1304(5th cir)	20
United States v. Pierre, 958 F.2d 1304(5th cir 1992)	20
United States v. Tapis, 761 F.2d 1488(11th cir 1985)	20
United States v. Landers, 484 F.2d 93(5th cir 1973)	20
Usery v. Turner Elkhorn..., 428 US 1 (1976)	20
Schlup v. Delo, 513 US 298 (1995)	21

OTHER CONTINUED

	PAGE NUMBER
Statute § 157 Limiting Construction to	13
Avoid Constitutional Question	14
Constitutional Law § 832 Due Process	17
Administrative Law § 276 Judicial Review	18
Constitutional Law § 166 Limitations	18
Constitutional Law § 170	19
Courts § 92.5 Tasks	19
Constitutional law § 10 Strict Construction	19
Statutes § 107 Construction duty to avoid	19

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	Fifth Circuit Court of Appeals unpublished opinion
APPENDIX B	Habeas Corpus 2241
APPENDIX C	Habeas Corpus Memorandum of law for 2241
APPENDIX D	Motion for Reconsideration to Supreme Court
APPENDIX E	Letter from Supreme Court
APPENDIX F	N/A

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 _____ 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 _____ 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 August 16, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) 18 USC § 1470 Unconstitutional. See Habeas Corpus Memorandum of law Appendix C pgs 1-5 and 12-17
- (2) 18 USC § 1470 Unconstitutionally applied See Habeas Corpus Memorandum of law Appendix C pgs 6-11
- (3) First Amendment rights violated by both District Court and Fifth Circuit Court of Appeals by their intentional suspension of this Habeas Corpus no matter what number its called conflicts with Article I, §9, cl2 and Article VI, §2 of Constitution
- (4) First and Fifth Amendment violations by proceeding by both the district Court and the Fifth Circuit Court of Appeals have fallen intolerably short of fulfilling their Constitutional duty, improperly cutting corners in Administering Justice of the Great Writ of Habeas Corpus
- (5) Lower Courts have no authority to toss United States Supreme Court cases aside as done in this case.

STATEMENT OF THE CASE

The Constitutional challenges by this Petitioner have never been heard in violation of his First Amendment Rights, violations of Article I, §9, cl12 and Article VI, §2 by the suspension of Habeas Corpus no matter what number is on it, or rules, the Courts have no higher duty than to administer Justice, a Pro Se litigant mistake is supposed to be construed Liberally no factual as in this case.

And since the United States Constitution is the Supreme Law of the land, all judges involved have violated their oath of office to uphold it 28 USC §§ 453-55, this Court clearly stated it is binding upon all courts of the United states and they must take judicial notice and enforce it, but instead for 4 years their denial has been based on fraud, rules and procedures which falls intolerably short of these Constitutional Guarantees and standards, that all levels of the Government remain accountable to the "People."

The denial based on procedures and rules amounts to fraud, willfull abuse of power, corrupt exercise of office and are not! Judicial acts and not within the discretion of any Judge.

The Constitutionality of a statute and Unconstitutionally applied are challenges of merit and deserve to be heard under the Guarantees of the First Amendment and Article I, §9, cl2 and Article VI, § 2.

REASONS FOR GRANTING THE PETITION

- (1) The Constitution is the Supreme Law of the Land, denial abrogates this Supreme Law of the Land
- (2) To convict an American Citizen based on Unconstitutionally applied statutes is fraud upon the Court and violates every Constitutional standard set forth by this Court
- (3) Allowing rules/procedures to overrule and out weight the Federal Constitution makes it and Due Process nothing more than a sham and a hoax
- (4) Adding 10 years to already long sentence(20yrs) based on Unconstitutionality and Unconstitutionally applied violates everything the Framers of the Constitution intended with the Federal Constitution TO PROTECT THE PEOPLE! with Bill of Rights
- (5) I am actually innocent of the indictment 18 USC § 1470 making the exceeding 10 yr sentence Unconstitutional and fraud

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: October 23, 2018

conclusion

As stated throughout the attached Habeas Corpus, a Federal Statutes Unconstitutionality/Unconstitutionally applied increased my term of incarceration by 10 yrs making a 20 yr sentence into 30yrs sentence since they were run consecutively. The Federal Constitution clearly gives me the right to Habeas Corpus, and the WARNING, i.e. threat from the Fifth Circuit Court of Appeals sanctions clearly puts a "Chill," effect not only on my First Amendment Right to grievance my government but violates Article I, § 9, cl 2 and Article VI, § 2. Guarantees this shocking conduct violates their oaths to office pursuant to 28 USC §§ 453-55.

It is contrary to natural justice that a aggrieved party should proceed against and be degraded without actually being heard, since the merits of my original claim have yet to be heard, just ignored based on rules that violate the Federal Constitution, therefore Due Process has been lost and nothing more than a sham or a hoax upon the people.

This Court cannot condone this shocking conduct, and if these procedures are treated as routine, if that is the case the message is clear [Supreme Court opinion] that this sort of deception will not be tolerated and this is "routine," it should be corrected immediately, because there is no higher duty of a court, under the Federal Constitution than the careful processing and adjudication of petitions for a writ of Habeas Corpus, for it is in such proceedings that a person in custody charges that error, neglect and evil purpose that has resulted in his unlawful or Unconstitutional length or incarceration and that he has been deprived Due Process of Law, because the Federal Constitution clearly makes it clear there is no higher duty upon the courts than to maintain the writ of habeas corpus unimpaired. See Fay v. Noia, 372 US 391, 9 L. Ed 2d 837; Johnson v. Avery, 393 US 483, 21 L. Ed 2d 718.