

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARCUS LELAND FREEMAN — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marcus Leland Freeman #29129-077
(Your Name)

USP Victorville, P.O. Box 3900
(Address)

Adelanto, CA. 92301-0000
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE COURT BELOW ERRED BY MISCONSTRUING
THE PETITIONER'S MOTION BASED ON BUCK vs. DAVIS
BY FAILING TO APPLY THE CORRECT LEGAL ANALYSIS
STANDARD UNDER GONZALEZ vs CROSBY.

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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:

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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 2016 U.S. App. LEXIS 14051; 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☒ is unpublished.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☒ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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 May 29, 2016.

☐ 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: June 26, 2016, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

Federal Rules of Appellate Procedure, Rule 28(a)
Appellant's Brief. The Appellant's brief must contain under appropriate headings and in the order indicated:

- (1)
- (2)
- (3)
- (4) a jurisdictional statement, including
 - (A)
 - (B) the basis for the court of appeals jurisdiction with citations to applicable statutory provision and stating relevant facts establishing jurisdiction;
 - (C)
 - (D)
- (5) a statement of the issues presented for review;
- (6) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review. . .
- (7) a summary of the argument accurate statement in the body and which must not merely repeat the argument
- (8)

4.

Federal Rules of Civil Procedure, Rule 8(e) Construing Pleading. Pleading must be construed so as to do justice.

Federal Rules of Civil Procedure, Rule 60(b) Grounds for Relief from a Final Judgment, Order or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment order, or proceeding for the following reasons:

- (1)
- (2)
- (3)
- (4) the judgment is void;
- (5)
- (6) any other reason that justifies relief.

28 USC § 2253. Appeal.

(a) In a habeas corpus proceeding or a proceeding under section 2255 [28 USC § 2255] before a district

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judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

(b).

(C)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from --

(A)

(B) the final order in a proceeding under section 2255 [28 USC § 2255].

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 USC § 2244 Finality of determination

(Lengthy) § 2244(b)

STATEMENT OF THE CASE

Placed before this court, are the relevant facts of the petitioner's case, pursuant to Federal Rules of Civil Procedure, Rule 8(e), dealing with the Fifth Circuit's Judgment order entered on the record as a mandate, December 10, 2002¹; Appeal No. 01-10906 (Civil Action No. 4:99-cv-0574), denying the petitioner's request for a certificate of appealability (COA), pursuant to 28 USC § 2253(c)(2), whereby the petitioner sought relief in the district court below, pursuant to Federal Rules of Civil Procedure, Rule 60(b), based on Buck v Davis, 137 S.Ct. 759, 773-74 (2017), challenging the defaulted judgment of the Fifth Circuit, as void under the precedent of Gonzalez v Crosby, 545 U.S. 524, 528-34 (2005), as an attack, based on a defect in the integrity of the habeas proceeding. See Appendix F.

1. The petitioner is requesting the court to review the document in question, because the lower courts review in both the district court and appeals court, orders entered on the record, is in direct conflict with prior decision of this court and other appeals courts on the same important matters, cited herein, and consistent with the rules of law governing the proceeding.

7.

It is the contentions of the petitioner, that the judgment entered is void under the precedent of Buck, 137 S. Ct. at 773 (2017), were this court held:

The COA inquiry . . . "is not coextensive with a merit analysis. Id (emphasis added)

In the judgment of the court, as pointed out above, the Fifth Circuit, inverted the statutory order of operations, by first deciding the merits of the petitioner's claims, citing United States v Brown, 305 F.3d 304, 305 (5th Cir 2002) to justify the denial of the certificate of appealability (COA), a process that is not permitted by the statute pursuant to 28 USC § 2253(c)(1). See Miller El v Cockrell, 537 U.S. 322, 342 (2002) (Before the issuance of a COA, the Court of Appeals has no jurisdiction to resolve the merits of the petitioner's constitutional claims.)

In the district court below and before the court of appeals, the petitioner pointed out that he did not make a broad request for relief, consistent with the laws and rules of the court, by requesting relief only to reopen the case at the COA stage of the proceeding as pointed out below. Both courts erred by misconstruing

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the pleading as a second or successive habeas petition, ignoring the laws, facts and intent of the petitioner, pursuant to Fed. R. Civ. P., Rule 8(e) (Pleading must be construed so as to do justice.) See also Abdur'rahman v Bell, 537 U.S. 88, 94-96 (2002)

The petitioner will contend before this court, that he never requested relief to set aside the conviction or sentence, never made a challenge to the courts previous rulings on the merits, and did not try to submit a new claim for relief. The petition was not mixed, containing preauthorization claims pursuant to 28 USC § 2244(b) and non preauthorization claims. Nor did the petition filed fall within the scope of the sanctions order of the court of appeals. See In re Marcus Leland Freeman, Appeal No. 13-10848 (5th Cir 2013) (#200 sanction order), relied on by the district court, to deny relief. See Appendix B and E

The appeal (17-10903) was filed timely, with the court, because the petitioner, disagreed with the court's mischaracterization of the pleading, to request the court of appeal to review the facts, the intended purpose of the petitioner consistent with the laws, governing the proceeding, Abdur'rahman, 537 U.S. at 96 (2002). The petitioner never waived any threshold

merits questions to the appeal, because the petitioner's brief, submitted was in compliance with the Federal Rules of Appellate Procedure, Rule 28(a), stating the reasons for the appeal (the appellant's disagreement with the mischaracterization), the facts to support his claim by references of the records relied upon and the relief sought pursuant to the Federal Rules of Civil Procedure, Rule 60(b), to reopen his case at the COA stage. See Records of the pleading, Letters filed under Federal Rules of Appellate Procedure, 28(i), Motion/Brief filed for Panel Rehearing. See also Buck, 137 S.Ct. at 780 (2017) (citing Schiro v Farley 510 U.S. 222, 229 (1994) (When "a legal issue appears to warrant review we grant certiorari in the expectation of being able to decide that issue.)); Ramirez v United States, 799 F.3d 845, 851 (7th Cir 2015) (whether the underlying claim is one on which relief could be granted.)

It is the contentions of the petitioner, that the Judgment order entered December 10, 2002, denying the petitioner's request for a COA is void under the laws of this court as pointed out below, pursuant to Fed. R. Civ. P., Rule 60(b)(4) and (b), and he is entitled to relief before this court.

REASONS FOR GRANTING THE PETITION

The petitioner is requesting this court to grant the petition for writ of certiorari, because both the appeals court's and district court's orders presented are direct conflicts with the decisions of this court, and decisions of other United States Court of Appeals on the same important matters, were both courts below have ignored the laws governing the proceeding, the facts, and the intended purpose of the petitioner's case under the precedent as pointed out below, and the rights to the relief requested, to reopen the proceeding pursuant to the Federal Rules of Civil Procedure, Rule 60(b)(4) and (6).

As pointed out above, the Fifth Circuit's Judgment order entered December 10, 2002, is void based on Buck v Davis, 137 S.Ct. 759, 773-34 (2017), and the precedent of this court. See United Student Aid Funds Inc., v Espinoza, 559 U.S. 260, (2009) (A void judgment is a legal nullity)

In Buck v Davis, the Supreme Court held:

The COA inquiry, we have emphasized, "is not coextensive with a merits analysis. *Id.* at 773

The court under the jurisprudence history of this court further emphasized, "When a court of appeal sidesteps [the COA] process by first deciding the merits of an appeal, and then justifying its denial of a COA based on its adjudication of the actual merits, it is in essence deciding an appeal without jurisdiction. *Id.* at 773

In the petitioner's case, the court of appeal for the Fifth Circuit (Docket No. 1476 entered by the district court as a mandate December 13, 2002), emphasized my appeal (COA) relied on the Apprendi rule being retroactive on cases pending collateral review, then cited the recent opinion of the court, United States v Brown, 305 F.3d 304, 305 (5th Cir 2002), to state the Apprendi rule was not retroactive, to support its denial of the Certificate of Appealability pursuant to 28 USC § 2253(c)(2), making a merits determination it had no jurisdiction to decide. See

Miller El v Cockrell, 537 U.S. 322, 342 (2002).

It was under these principles, set by this court, after reviewing the appeals court order entered December 10, 2002, (Doc. 1476) that the petitioner sought relief in the United States District Court for the Northern District of Texas, pursuant to Fed. R. Civ. P., Rule 60(b)(4) and (6), to request the court to reopen the case at the COA stage of the proceeding, Harris v United States, 367 F.3d 74, 80 (2nd Cir 2004) (We recognized that a Rule 60(b) motion to set aside a habeas denial is "undoubtedly a step on the road to the ultimate objective of invalidating the judgment of conviction") (citing Rodriguez v Mitchell, 255 F.2d 191, 198 (2nd Cir 2001) See Records of the District Court, Docket No. 1933

As stated by the petitioner above, he sought only to reopen the proceeding of 28 USC § 2253(c)(2) (Doc. No. 1937) consistent with both Harris, and Rodriguez, precedent of the Second Circuit and in compliance with, Gonzalez v Crosby 545 U.S. 524, 528-29 (2005) (available option). See also Batentine v Thaler, 626 F.3d 842, 846 (5th Cir 2010)

In Rodriguez v Mitchell, 255 F.2d 191

(2nd Cir 2001), the court held;

A motion under Rule 60(b) and a petition for habeas have different objective. *Id* at 198

As the court identified, . . . The habeas motion . . . seek to invalidate the . . . court's judgment of conviction.

As to the motion under Rule 60(b), while it is undoubtedly a step on the road to the ultimate objective of invalidating the judgment of conviction, it does not seek that relief.

See Abdur'rahman v Bell, 573 U.S. 88, 94 (2002) (the difference is defined by the relief that the applicant seek).

As stated before this court, the petitioner never sought relief to set aside his conviction or sentence, never sought to challenge any decision of the court based on a prior merits determination and this was emphasized by the petitioner in his motion for reconsideration, filed with the court July, 10, 2017 (Doc. No 1937) to address the court's denial of relief entered June 30, 2017 (Doc. No 1936). See Appendix B.

It is under these objectives, that both the district court and the Fifth Circuit, misconstrued the petitioner's pleadings as a pro se litigant, and mischaracterized the facts and

intent of the petitioner's case, to focus not on the immediate relief, but the ultimate objective of invalidating the conviction, when the petitioner did not seek that relief, Rodriguez, 252 F.3d at 198 (2nd Cir 2001) See also Balentine v Thaler, 626 F.3d 842, 847 (5th Cir 2010) "to open the Rule 60(b) door... there must be a showing of a non-merits-based defect in the district court's earlier decision on the federal habeas petition.)

In Gonzalez v Crosby, 545 U.S. 524 (2005) the Supreme Court held:

"if the Rule 60(b) motion 'attacks, not the substance of the federal court's resolution of a claim on the merits, but some defect in the integrity of the federal habeas proceedings' then the motion does not need to be treated as a second- or successive petition." Id at 532 (emphasis added)

The Supreme Court, in Gonzalez, further clarified that an "on the merits resolution" is where a federal court makes "a determination that there exist" or "do not exist" grounds entitling a petitioner to habeas corpus relief." Id at 532 See United States v Hernandez, 706 F.3d

680, 681 (5th Cir 2013) (applying Gonzalez to a § 2255 motion.)

The district court, June 30, 2017, Order (Appendix B), the court mischaracterize the pleading in violation of Federal Rules of Civil Procedure, Rule 8(e), and the precedent of the Tenth Circuit, when confronted with a Rule 60(b) motion. See Spitznag v Bane, 464 F.3d 1213, 1216-17 (10th Cir 2006)

In Spitznag, the court held: "The district court should first determine, using the criteria we have outlined above, whether the motion is a true Rule 60(b)

. . . Id at 1216 Under the criteria, the court citing Gonzalez v Crosby 545 U.S. 524, 532-34 (2005), stated;

. . . a 60(b) motion is a second or successive petition if it in substance or effect asserts or reasserts a federal basis for relief from the petitioner's underlying conviction. . . Id at 1215-1216.

A review of the pleading below (Docket No. 1933) never asserted relief from the conviction or sentence. See Doc. No 1933 page — "Conclusion". See also Doc. No 1937, which clarified the intent of the petitioner.

As stated above, the petitioner's request for relief was not broad, so that the court could rely on the Fifth Circuit sanction order in In re Marcus Leland Freeman, No. 13-10848 (5th Cir December 20, 2013), consistent with the precedent of this court. See Steel Co. v Citizens for Better Environment, 523 U.S. 83, 94 (1998) (The rule also preserves parties opportunity to obtain vacatur of a judgment that is void for lack of subject matter jurisdiction altogether deprives a federal court of the power to adjudicate the rights of the parties.)

In Buck, 137 S.Ct. 759 (2017), the Supreme Court held;

When a reviewing court (like the Fifth Circuit here) inverts the statutory order of operations and "first decides the merits of an appeal, ... then justifies its denial of a COA based on its adjudication of the actual merits," it has placed too heavy a burden on the petitioner at the COA stage. Id. at 774

At issue here is how the court of appeals in the petitioner's case inverted the statutory order of operations, and violated

the petitioner's fundamental due process rights pursuant to 28 USC § 2253(c)(2), when under the statute, the only question, is whether the applicant has shown that jurists of reason could disagree with the district constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further. See Buck v Davis, 137 S.Ct. at 773 (2017). The court emphasized further, "this threshold question should be decided without 'full consideration of the factual or legal bases adduced in support of the claim.'" *Id.*

As this court has agreed, a claim can be datable. To meet these requirements, the petitioner requested consistent with § 2253(c)(2), and Boyd v Butala, 905 F.2d 764, 769 (4th Cir 1990) (a threshold condition for granting the relief, is that the movant demonstrate that granting the relief will not in the end have been a futile gesture, by showing a meritorious defense.), the petitioner provide the court with a preliminary showing of the COA requirement, based on all the evidence that was withheld by the United States Attorney's Office "AUSA" and counsel of record, pursuant to Rule 60(b)(6), to further

support his request for relief "to open the habeas proceeding § 2253(c)(2) based on extraordinary circumstances. See Buck v Davis, 137 S.Ct. 759, 777-78 (2017) (citing Gonzalez v Crosby, 545 U.S. at 535) (We have held that relief under Rule 60(b)(6) is available only in extraordinary circumstances.") The petitioner's request is to accomplish justice, were he was deprived of having any reasonable opportunity to use these document in his defense pursuant to 28 USC § 2253(c)(2) and his fundamental rights under the statute. See Mullane v Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950) ("The fundamental requisite of due process of law is the opportunity to be heard.")

Under the precedent and jurisprudence history of this court, in United Student Aid Funds Inc. v Espinoza, 559 U.S. 260, — (2009), the Supreme Court held;

Although the term "void" describes a result, rather than the conditions that render a judgment unenforceable, it suffices to say that a void judgment is one so affected by

a fundamental infirmity that the infirmity may be raised even after the judgment becomes final. *Id.* at —

It is only when the court has jurisdiction over subject matter that the judgment is valid. See Ludden v. Selective Service System Local Board, 453 F.2d 645, 649 (1st Cir. 1971) (only in the rare instance of a clear usurpation of power will a judgment be rendered void.) As pointed out through factual evidence and precedent of this court, the judgment is void because the statute, 26 USC § 2253(c)(2) prohibited the Fifth Circuit from ruling on the merits of his constitutional claims, before a COA is issued, showing the court acted in a manner inconsistent with due process of law. See Callon Petroleum Co. v. Frontier Inc. Co., 351 F.3d 204, 208 (5th Cir. 2003) (We have recognized two circumstances in which a judgment may be set aside under Rule 60(b)(4): (1) if the initial court lacked subject matter or personal jurisdiction; and (2) if the district court acted in a manner inconsistent with due process of law.

The petitioner will ask the court, to make a determination in accordance with the law by reviewing the document in question (Doc. No. 1476) whether

the judgment is void. See Carter v Fenner, 136 F.3d 1000, 1005 (5th Cir 1998) (the judgment is either void or it is not) (citing Recreational Properties Inc., v Southwest Mortgage Service Corp., 804 F.2d 311, 313-14 (5th Cir 1986))

A judgment is void for purposes of Rule 60(b)(4) if the court that rendered it entered an order outside its legal powers. See United States v Indoor Cultivation Equipment From High Tech Indoor Garden Supply, 55 F.3d 1311, 1316 (7th Cir 1995)

As contended by the petitioner, he timely filed his motion with the court under the precedent of United States v Bach Oldsmobile Inc., 909 F.2d 657, 661 (1st Cir 1990); Callon Petroleum v Frontier Inc. Co., 351 F.3d 204, 208 n.3 (5th Cir 2003) ("In this circuit, [Rule 60(b)(4) motions] need not even be made within a reasonable time"); Jackson v FIE Corp., 302 F.3d 515, 524 (5th Cir 2002) ("the fact that a [60(b)(4) motion] is made long after the entry of a default judgment should not be an obstacle to the jurisdictional inquiry" and "the mere passage of time cannot convert an absolutely void judgment into a valid one."); Carter v Fenner, 136 F.3d 1000, 1006 (5th Cir 1998) ("Rule 60(b)(4) motion" constitute such exceptional circumstances as to

relieve litigants from the normal standards of timeliness associated with the rule.") In the petitioner's case the district court and the appeals court ignored these facts and laws and intent of the petitioner, by mischaracterizing the pleading when the petitioner filed motion/brief, stated all the facts for setting aside the December 10, 2002 Judgment order pursuant to Fed. R. Civ. P. Rule 60(b).

The petitioner's brief filed with the court of appeals was filed in accordance with Federal Rules of Appellate Procedure, Rule 28 and Fed. R. Civ. P., Rule 8(e). No COA was denied or granted in the petitioner case, based on the district court's failure to apply the correct legal analysis under Gonzalez v Crosby, 545 U.S. 524, 532-34 (2005) and Spitznagel v Boone, 464 F.3d 1213, 1216-17 (10th Cir. 2006) (proper procedural disposition of Rule 60(b) motion in habeas cases.)

It is the appeals court's contention, I abandoned the threshold issue for appeal, when the petitioner's petition/brief, stated several times that the district court judgment order was based on error of the law, facts, and intent of the petitioner. See Records of the Appeal Courts for the Fifth Circuit, No. 17-10903

filed September 2017. See also Letters filed under Federal Rules of Appellate Procedure, Rule 28(j) and Brief filed for Panel Rehearing filed June 2018.

As stated above the courts order's (Appendix A and B) are in direct conflict of the precedent of this court involving, Gonzalez v Crosby 545 U.S. 524 (2005) and Tenth Circuit precedent, Spitznagel v Boone, 464 F.3d 1213 (10th Cir 2006), when a petition pursuant to Fed. R. Civ. P., Rule 60(b) is filed in the district court, and the initial steps that courts are to take when analyzing and making the correct determination pursuant to 28 USC § 2244(b) "whether the pleading is in fact second or successive or a true 60(b) motion."

As pointed out, the petitioner request for relief was not broad, consistent with Second Circuit precedent, Harris v United States, 367 F.3d 74 (2nd Cir. 2004) and Rodriguez v Mitchell, 255 F.2d 191 (2nd Cir. 2001) which identified the nature between a habeas petition and Rule 60(b) motions, emphasizing that a Rule 60(b) motion [does not] itself seek habeas relief, consistent with Abdur Rahman v Bell, 537 U.S. 88 (2002).

These matters being presented before this court are based on a very important issue, the defaulted

judgment of the Fifth Circuit's "judgment order" entered December 10, 2002, Appeal No. 01-10906, Civil Action No. 4:99-cv-0574, void judgment which is consistent with this court's precedent United Student Aid Funds Inc. v. Espinosa, 559 U.S. 260 (2001), which addresses the petitioner's rights to relief. The district court's Order entered June 30, 2017 (Appendix B) is a mischaracterization of the pleading and a direct error of the laws governing the proceeding and procedure, Fed. R. Civ. P., Rule 8(e), direct conflict of the void nature of the pleading consistent with Fifth Circuit precedent, Carter v. Fenner, 804 F.2d 311 (5th Cir. 1998); Collon Petroleum Co. v. Frontier Inc. Co., 351 F.3d 204 (5th Cir. 2003), First Circuit precedent, Ludden v. Selective Service System Local Board, 453 F.2d 645 (1st Cir. 1971); United States v. Bach Oldsmobile Inc., 909 F.2d 651 (1st Cir. 1990) and Seventh Circuit precedent, United States v. Indoor Cultivation Equipment From High Tech Indoor Garden Supply, 55 F.3d 1311 (7th Cir. 1995).

These cases cited support the petitioner's contention before this court, that the Fifth Circuit and district court ignored the facts, to grant relief,

to reopen the case at the Certificate of Appealability stage from the denial of the petitioner's fundamental rights pursuant to 28 USC § 2253(c)(2) to which the petitioner is requesting this court to exercise its discretionary jurisdiction to decide the question involved.

This court's decision in Miller El v Cockrell, 537 U.S. 322 (2002) is the law, in which all district court and appeals courts must follow, and clarified in Buck v Davis, 137 S.Ct. 759, 773-74 (2017), that a court of appeal [must not] invert the statutory order of operations pursuant to § 2253(c)(1).

The timeliness of the petition is not going to make the judgment valid, consistent with Fifth Circuit precedent, Jackson v FIE Corp, 302 F.2d 515, 524 (5th Cir 2003); Carter v Fenner, 136 F.3d 1000, 1005 (5th Cir 1998). See also Gonzalez v Crosby, 545 U.S. at 528-29 (2005) (available option)

For this court to deny the petitioner's request for a writ of certiorari, when the judgment is void consistent with this court precedent, and those of other court of appeals, is to deny relief to others in similar situation when the integrity of

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of the federal habeas proceeding is called into question.
I ask that the court grant the writ of certiorari,
reverse the Orders of both courts and remand the
petitioner's case back before the court in the interest
of justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Marcel Dneema

Date: August 6th, 2016

CERTIFICATE OF COMPLIANCE

No. _____

MARCUS LELAND FREEMAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent,

As required by Supreme Court Rule 33.1(h), I certify that the petition for Writ of Certiorari (handwritten) contains less than 9000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 6, 2018

Marcus Freeman

Marcus L. Freeman pro se
#29129-077