

No. 18-7724

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

ELLOYD JOHNSON — PETITIONER  
(Your Name)

vs.

PAUL BANNER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NO TEXAS STATE COURT OR CIRCUIT COURT HAVE RULED ON MERITS  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELLOYD JOHNSON  
(Your Name)

3872 FM 350 SOUTH  
(Address)

LIVINGSTON, TEXAS 77351  
(City, State, Zip Code)

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

### QUESTION(S) PRESENTED

1. DO THE USCA DENIAL OF REHEARING "en banc" CONSTITUTE A 90 DAY FOR FILING A CERTIORARI IN THIS CASE UNDER S.C. RULE 13.3?
2. DO THE UNTIMELY PAY SANCTION, BY A INDIGENT... PAUPER CONSTITUTE A EXERCISE THIS COURT'S SUPERVISORY POWER... UNDER S.C. RULE 10(a) OR DISCRETIONARY POWER UNDER S.C. RULE 20?
3. NOT PAYING A SANCTION HANDED DOWN PRIOR TO REFILING CURRENT CLAIM VALID FOR 42.3 ON 15 DAY, TO PAY DOCTRINE, WHEN PETITIONER HAS PAUPER STATUS?

## 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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# TABLE OF AUTHORITIES CITED

## CASES

## PAGE NUMBER

## STATUTES AND RULES

28 U.S.C. § 1254 . . . . . 3, 4, 5,

AMENDED JUNE 27, 1988, PUB. L. 100-352, § 2(a) (b), 102 STAT. 662 28 U.S.C. 1940

S.C. RULE 19 . . . . . 5.

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§ 2350 . . . . . 3.

§ 2101 . . . . . 3.

S.C. RULE 20 . . . . . 1.5.

## 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 A to the petition and is *SUBMITTED TO SCOTUS UNDER NO. 18-7724*

☐ 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☒ is unpublished.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 *SUBMITTED TO SCOTUS UNDER NO. 18-7724*

☐ 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☒ is unpublished.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 30TH DAY OF JULY 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: 15TH DAY OF AUGUST 2018, and a copy of the order denying rehearing appears at Appendix 0.

☐ 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 DECISION OF THE ENTIRE MATTER IN CONTROVERSY, MAY GIVE BINDING INSTRUCTIONS OR REQUIRE THE ENTIRE RECORDS TO BE SENT UP FOR DECISION

☐ 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

PENDING CASE AND PRIOR JUDGMENTS. SECTION 7 OF PUB. L. 100-352 PROVIDED THAT: "THE AMENDMENT MADE BY THIS ACT (AMENDING THIS SECTION BY STRIKING OUT "APPEAL" IN HEADING AND BY... STRIKING OUT PAR (2) AND REDESIGNATING FORMER PAR. (3) AS (2) AND AMENDING SECTION 1257 AND 2101, AND 2350 OF THIS TITLE SECTION 437h OF TITLE 2, THE CONGRESS... SECTION 136 W OF TITLE 7, 1631 E OF TITLE 22.

THE EFFECTIVE OF SUBSECTIONS (1) AND (3) OF REVISED SECTION IS TO PRESERVE EXISTING LAW AND RETAIN THE POWER OF UNRESTRICTED REVIEW OF CASES CERTIFIED OR BROUGHT UP ON CERTIORARI.

ONLY IN SUBSECTION (2) IS REVIEW RESTRICTED. CHANGES WERE MADE IN PHRASEOLOGY AND ARRANGEMENT. 28 U.S.C. SECTION 1254 COURT OF APPEALS.

STATE U.S. DISTRICT COURT TRANSFER TO CURE WANT OF JURISDICTION. CONSTITUTE § 1631 WHERE AN APPEAL INCLUDING A PETITION FOR REVIEW OF ADMINISTRATIVE ACTION, THE COURT SHALL: IN THE INTEREST OF JUSTICE, PROCEED AS IF HAD BEEN FILED IN... COURT OF APPEALS, TITLE III § 301(a).

THE NEW SUBSECTION (d) OF SECTION 2101 SUPPLIES AN OMISSION IN REVISED TITLE 28, U.S.C. AND "CONFIRMS THE AUTHORITY OF THE SUPREME COURT TO REGULATE THE TIME FOR SEEKING REVIEW OF STATE CRIMINAL CASES.

APPEAL GOVERNING REVIEW ON CERTIORARI CONSIDERATION... COURT OF APPEALS HAS... ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEALS ON THE SAME IMPORTANT MATTER DECIDED AN IMPORTANT FEDERAL QUESTION.. FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, OR SANCTIONED SUCH A DEPARTURE BY A LOWER COURT AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER AT S.C. RULE 10(3).



## STATEMENT OF THE CASE

PETITIONER REQUESTED AUTHORIZATION FROM THE UNITED STATES COURT OF APPEALS. AFTER THE USDC TRANSFERRED 28 U.S.C. § 2254 APPLICATION CHALLENGING HIS DELIVERY OF COCAINE (ENTRAPMENT) BY A.T.F. PETITIONER FILED UNDER NEWLY DISCOVERED... EVIDENCE... WHERE THE JUDGE WHOM PRESIDED OVER TRIAL DID NOT HAVE VALID OATH AND VALID ASSIGNMENT TO PRESIDE OVER THE CASE.

PETITIONER'S PRESENTED COPIES OF THE NEWLY DISCOVERED... DOCUMENTARY EVIDENCE TO ALL STATE COURTS OF TEXAS AND CIRCUIT COURT OF APPEALS, HOLDING THAT PETITIONER'S CONVICTION AND SENTENCE IS NULL AND VOID... UNDER STATE AND FEDERAL LAW.

THE SAME CIRCUIT COURT OF APPEALS ORDERED PETITIONER TO PAY A \$100 SANCTION TO... CLERK OF THE COURT?

THIS DECISION BY THE U.S.C.A. WAS HANDED DOWN AFTER A "DENIED AS MOOT" DECISION ON JULY 21, 2016 AFTER A TRANSFER BY THE U.S.D.C... WHEN THE SAME STATE U.S.D.C. INSTRUCTED PETITIONER TO APPLY THE THIRD-PARTY-DEFENDANT CLAIM ON § 2254 FORM?

A FINAL JUDGMENT OF THE COURT OF APPEALS IN A PROCEEDING TO REVIEW UNDER CHAPTER, ARE SUBJECT TO REVIEW BY THE SUPREME COURT ON A WRIT OF CERTIORARI AS PROVIDED BY SECTION 1254 (1) OF THIS TITLE.

(b). THE PROVISIONS OF SECTION 1254 (2) OF THIS TITLE, REGARDING SECTION 2101 (F) OF THIS TITLE REGARDING STAYS, ALSO APPLY TO PROCEEDINGS UNDER THIS CHAPTER. AMENDMENT BY § 5(e) OF PUB. L. 100-352 WHICH SUBSTITUTED "1254 (2)" FOR "1254 (3)".

## REASONS FOR GRANTING THE PETITION

WHERE ANY CITIZEN OF THE UNITED STATES OF AMERICA CAN RELY ON THE HIGHEST COURT OF AMERICA WILL ADDRESS SUBVERSIVE ACTS BY JUDICIAL OFFICERS THAT THE PUBLIC VOTE TO UPHOLD THE LAW BY AMERICA GOVERNMENT IN LEGAL FORM.

DECISION OF THE SUPREME COURT SET THE VALIDITY OF WHAT STATE COURTS SOMETIMES WRONGFULLY, OR ERRONEOUSLY COMMIT AS JUDICIAL OFFICERS OF ANY STATE.

THE SUPREME COURT OF THE UNITED STATES JUDICIAL POWERS CAN SET THE FOUNDATION ON . . . EXTRAORDINARY CASES, WHERE A JUDICIAL OFFICER BY VIRTUAL . . . PRESIDE IN ANOTHER COUNTY WITHOUT BEING ASSIGNED BY THE OTHER COUNTRIES, REGION JUDGE WITHOUT HAVING THE VALID OATH THAT WAS PUT INTO LAW BY THE TEX. LEGISLATURE IN 1977 AFTER ABUSE OF AUTHORITY TO PRESIDE BY SOME JUDICIAL OFFICERS, IN TEXAS.

A JUDICIAL OFFICER **NOT** TAKING THE OATH PRESCRIBED BY, THE QUESTION AS TO HIS RIGHT TO ACT AS A DEFACTO JUDGE? WARRANTS THIS COURT'S DISCRETIONARY POWER, S.C.R. 20.

UNDER THE REVIEWED.. TEXAS COURTS, HIGH AND LOW COURTS FAIL TO ADDRESS, . . THE JUDICIAL OFFICER CONDUCT BY TRANSFER. . . THE U.S.C.A. FAIL TO ADDRESS ON STATE PROCDUAL METHOD ALDNE?

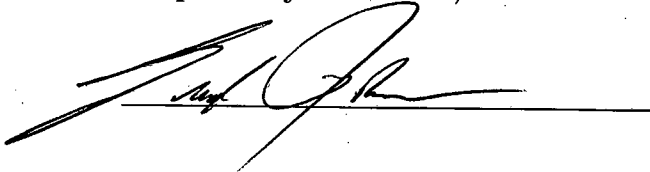
IN IT, BEST INTEREST OF JUST, AND IMPDRTANT INTEREST TO THE PUBLIC WHERE A CITIZEN OF A STATE CAN BE FREE OF DERRIVATION OF LIMITED RIGHTS TO OFFER BY THE OR A PRESIDING JUDGE. . . SUCH AS HAVING A RIGHT TO "NOT HAVE TO ACCEPT A (DISABLED, FUNCTIONAL SPEECH DEFECTIVE) TRIAL COUNSEL IN A JURY TRIAL.. IN THIS CASE.

WHEN A QUESTION IS CERTIFIED BY RULE (SCOTUS), OWN ITS OWN MOTION OR THAT OF A PARTY MAY CONSIDER AND DECIDE THE ENTIRE MATTER IN CONTROVERSY, SEE 28 U.S.C. § 1254 (2), RULE OF SUPREME COURT 19.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. R.", is written over a horizontal line.

Date: APRIL 5. 2019