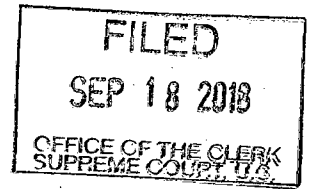


No. 18-7724 ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

ELLOYD JOHNSON — PETITIONER
(Your Name)

vs.

PAUL BANNER / LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NOT ANY TEXAS 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 OF THIS COURT'S SUPERVISORY POWER.. UNDER S.C. RULE 10.(2)?
3. NOT PAYING A SANCTION HANDED DOWN PRIOR TO REFILING CURRENT CLAIM VALID FOR 42.3 OR 15 DAY TO PAY 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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CASES

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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☒ is unpublished.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☒ is unpublished.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 _____ 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☐ is unpublished.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 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 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 CASES 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 SECTIONS 1257, AND, 2101, AND 2350 OF THIS TITLE SECTION 437H OF TITLE 2, THE CONGRESS, SECTION 136W OF TITLE 7, SECTION 1631c 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 IT 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(a)

STATEMENT OF THE CASE

PETITIONER REQUESTED AUTHORIZATION FROM THE USCA. AFTER THE USDC TRANSFERRED 28 § USC, 2254 APPLICATION CHALLENGING HIS CONVICTION, DELIVERY OF COCAINE (ENTRANCE) BY ATF. PETITIONER FILED UNDER NEWLY DISCOVERED EVIDENCE. WHERE THE JUDGE WHOM PRESIDED AT TRIAL DID NOT HAVE VALID OATH AND VALID ASSIGNMENT TO PRESID OVER CASE. PETITIONER PRESENTED COPIES OF THE NEWLY DISCOVERED, DOCUMENTARY EVIDENCE TO ALL STATE COURTS OF TEXAS AND CIRCUIT COURT OF APPEALS, HOLDING THAT PETITIONERS' CONVICTION AND SENTENCE IS VOID, UNDER STATE AND FEDERAL LAWS.

THE CIRCUIT COURT OF APPEALS DECISION TO DENY AS "MOT.", PETITIONERS' "MOTION TO BRING IN A THIRD-PARTY-DEFENDANT" IS QUESTIONABLE BY ANY JURIST OF REASON.

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

THIS DECISION BY THE USCA IS QUESTIONABLE AT THE "NEWLY DISCOVERED EVIDENCE DOCTRINE." THE SANCTION BY THE USCA WAS HANDED DOWN AFTER A "DENIED AS MOT" DECISION. IN JULY 21 2016 AFTER A TRANSFER BY THE USDC. WHEN THE SAME USDC 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 ERRONOUSLY COMMIT AS JUDICIAL OFFICERS OF ANY UNITED STATE.

THIS SUPREME COURT OF THE UNITED STATES JUDICIAL POWERS CAN SET THE FOUNDATION ON PETITIONER'S EXTRAORDINARY CASE WHERE A JUDICIAL OFFICER BY VIRTUAL ... PRESIDED IN ANOTHER COUNTY WITHOUT BEING ASSIGNED BY THE OTHER COUNTY REGION JUDGE WITHOUT HAVING THE OATH THAT WAS PUT IN TO 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 CONSTITUTION RAISES THE QUESTION AS TO HIS RIGHT TO ACT AS A DEFACTO JUDGE?

UNDER THE REVIEW STANDARD... TEXAS COURTS HIGH AND LOW COURTS FAIL TO ADDRESS... THE JUDICIAL OFFICER CONDUCT BY TRANSFER... THE USCA FAIL TO ADDRESS ON STATE PROCEDURAL, METHOD ALONE?

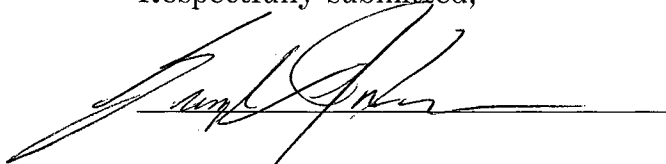
IT IS, THE BEST INTEREST OF JUSTICE AND IMPORTANT INTEREST TO THE PUBLIC WHERE A CITIZEN OF A STATE CAN BE FREE OF DEPRIVATION OF LIMITED RIGHTS TO OFFER BY THE PRESIDING JUDGE... SUCH AS HAVING A RIGHT TO (NON-DISABILITY SPEECH IMPAIRED) TRIAL COUNSEL IN A JURY TRIAL.

WHEN A QUESTION IS CERTIFIED BY RULE, THE S.C. 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 S.C. 19

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "James P. ...", written over a horizontal line.

Date: JAN. 2, 2019

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

_____ — PETITIONER
(Your Name)

VS.

_____ — RESPONDENT(S)

PROOF OF SERVICE

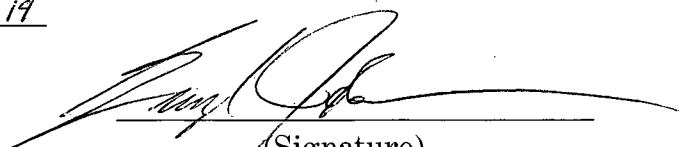
I, _____, do swear or declare that on this date, _____, 20 __, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

THE RESPONDENT(S) HAVE NEVER BEEN ORDERED TO RESPOND BY STATE OR FEDERAL HIGH AND
LOWER COURTS OF THE STATE OF TEXAS ARE THE CIRCUIT COURT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2019


(Signature)