NO: 18-8910

IN THE SUPREME COURT OF THE UNITED STATES

NORRIS LYNN FISHER,
PETITIONER,

VS.

UNITED STATES OF AMERICA,
RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ORIGINAL

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QUESTION(S) PRESENTED

QUESTION ONE: WHY DO THE FIFTH CIRCUIT COURTS CONTINUE TO IGNORE THE UNITED STATES SUPREME COURT'S AUTHORITATIVE PRECEDENT?

QUESTION TWO: WHY DO THE FIFTH CIRCUIT COURTS CONTINUE TO IGNORE THE "BINDING PRECEDENT" set BY THE UNITED STATES SUPREME COURT?

QUESTION THREE: WHY ARE THE FIFTH CIRCUIT COURTS not HELD ACCOUNTABLE FOR THE FLAGRANT USURPING OF THE SUPREME COURT'S RULING'S & VIOLATING DEFENDANTS RIGHT'S UNDER THE UNITED STATES CONSTITUTION?

QUESTION FOUR: HOW CAN A RULE 60(b)(6) MOTION MYSTERIOUSLY CHANGE INTO A 28 U.S.C.S. § 2255 MOTION WITHOUT [ANY] MODIFICATION [AND/OR] CHANGES MADE TO THE MOTION?

See Appendix 1.) for previous Appeal No. 17-10699 for refernce ONLY.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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 1,2,3 to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix 4,5 to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts**: N/A

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[ ] is unpublished.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[ ] is unpublished.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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 21, 2018 & December 10, 2018.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 11/21/2018 & 12/10/18, and a copy of the order denying rehearing appears at Appendix 1,2,3.

[ ] 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**: N/A

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

United States Constitution - Fifth Amendment - Due Process Clause:

"No person shall [...] be deprived ... of Life, Liberty, or Property without due process of Law."

United States Constitution - Sixth Amendment - Rights of the Accused:

"In all criminal prosecutions [...], and to have Assistance of Counsel for his defense.

United States Constitution - Eight Amendment - Punishment Clause:

"Excessive [...], nor cruel and unusual punishments inflicted."

"Racial-Discrimination" is NOT allowed under the Law of the United States of America.

"Racial-Discrimination" is NOT allowed under "The Color Of Law."

STATEMENT OF THE CASE

The Petitioner, NORRIS LYNN FISHER, (hereinafter referred to as "Petitioner" or "Fisher") was arrested on February 26, 2010 (02/26/2010), by special federal agents with the United States Postal Service and Tarrant County District Attorney's Office.

The Petitioner was CHARGED with Mail Fraud (18 U.S.C.S. § 1341) One (1) count.

The Petitioner was appointed a Federal Public Defender on or about February 26, 2010 (02/26/2010). The Federal Public Defender appointed was **Christopher A. Curtis-FPD.**

Fisher met with Curtis at the Parker County Jail Unit in Weatherford, Parker County, Texas on or about February 28, 2010 (02/28/2010).

Fisher was informed by Curtis that the loss in his(Fisher's) case was less than -one hundred-thousand eighty-five dollars -($185,000.00). The Petitioner informed Curtis that he(Fisher) "was GUILTY" and was ready to plead GUILTY.

Fisher informed Curtis that he(Fisher) had been involved with fifty-four old, abandoned, condemned, and derelict properties-(54). Fisher also informed Curtis that he(Fisher) had Adam Nowlin file Warranty Deeds for two (2) of the properties---that transferred those two (2) back to owners that were NOT deceased.

Fisher informed Curtis that there were ten (10) old, condemned, abandoned, and derelict house's and forty-two (42) old, condemned, and abandoned lot's. Fisher also informed Curtis that all the owner's and/or heir's were either dead or the properties had been abandoned

because of delinquent property taxes, past due fines, weed liens, Judgments, broken chain of title issues, and I.R.S. Liens; and that all the properties had a negative value balance due because of all-of-the-above.

Curtis informed Fisher that the case would be an easy case and that with Fisher ready to plead guilty---the sentence would be between twenty (20) and thirty (30) months.

Fisher informed Curtis that all the MONEY$$ that Fisher had received was thru Bank-Checks and was very easy to verify for the LOSS.

Fisher informed Curtis that he(Fisher) DID NOT HAVE ANYTHING to do with ADAM NOWLIN and Nowlin's stealing and selling the elder Woman's house's located at 9528 Santa Clara Drive & 9532 Santa Clara Drive in Fort Worth, Tarrant County, Texas; and that some TITLE COMPANY in Arlington, Texas was involved with the sales; and that Fisher had NO KNOWLEDGE of what ADAM NOWLIN and other unknown persons had been doing---until BECKY OLIVER from New's Four (4) had come to the office where FISHER and NOWLIN had been working for the past four (4) years.

Fisher also informed Curtis that NOWLIN had brought some Mexican Drug Dealer Named MARTIN FLORES by the office and had asked Fisher to help him(Nowlin) sell a house located at 4909 Lyndon Drive, Fort Worth, Tarrant County, Texas. Fisher informed Curtis that this was very strange---becuase ADAM NOWLIN HAD NEVER brought anyone to the office that Fisher and Nowlin worked out of.

Fisher also informed Curtis that ADAM NOWLIN had called him(Fisher) and told Fisher that his(Nowlin's) young son was sick and Nowlin could not show the house to MARTIN FLORES and that Nowlin

needed desperately for Fisher to show the house and help with the paperwork.

Adam Nowlin told Fisher that his young son had a fever of over a 102° and that Flores was only going to be in Fort Worth, Texas for that one (1) day.

Fisher informed Curtis that this was easy to verify with the deed records in the basement at the Tarrant County Courthouse in downtown Fort Worth, Texas.

Curtis returned to the Parker County Jail Unit in Weatherford, Texas a few days after their(Curtis & Fisher's) first (1st) meeting and Curtis informed Fisher that he(Curtis) was going to have Fisher's case declared [A COMPLEX CASE] and needed Fisher to sign some paperwork. Fisher signed where Curtis instructed him(Fisher) to sign and Curtis took the papework and left.

Curtis DID NOT allow Fisher to read the documents and Curtis DID NOT give Fisher a copy of the documents. So-to-this-day Fisher does NOT have a clue what he(Fisher) signed at the Jail Unit in Parker County, Weatherford, Texas.

Fisher remained at the Jail Unit in Parker County, Weatherford, Texas for almost three (3) weeks and then was transferred to the Federal Jail Unit in Fort Worth, Texas off of I.S. 820 & Wichita Street.

After Fisher arrived at the Fort Worth Federal Jail Unit he did not have any more contact with Curtis. (See **Appendix 6**, SWORN AFFIDAVIT REGARDING/CONCERNING ATTORNEY--MARK R. DANIELSON with all exhibits attached and made a part of this Petition.) (Hereinafter referred to as Apx. 6 ,page 1-33 , No. 1-202) (and Exb. A thru T)

Christopher A. Curtis-FPD resigned from Fisher's case for some unknown(?) reason.

Fisher received a letter in the jail unit that informed him(Fisher) that some attorney LEIGH W. DAVIS would be representing him(Fisher).

The Petitioner then informed Leigh W. Davis of the same facts and information that he(Fisher) had given to Curtis. Fisher also gave Davis information about Michael Reno Adam Nowlin's family member and the names of some of the people that Fisher had found out thru his(Fisher's) own investigation into Nowlin after Becky Oliver from 4-News and Jim Harris 11-news interviewed Fisher at the office were he(Fisher) and Nowlin worked at in Fort Worth, Texas at 2504 Dean Lane.

The Petitioner refused to PLEAD GUILTY and fired the so-called federal public defender Leigh W. Davis. (se

Shortly after August 25, 2010 (08/25/2010) the Petitioner received from a so-called federal public defender by the name of MARK R. DANIELSON. (see Apx 6 ,pg. 1 , No. 7/pg. 2 ,No. 11-19)

Now! The White-Male Petitioner informs Danielson of the very same information that he(Fisher) has told to Curtis and Davis. "That he(Fisher) does NOT know anyone by the names of DAVID MCMILLAN, JOHN SPECIAL, SARA LEANN IVY, OR MARIA FLORES; and that he(Fisher) does NOT know anything about **500 Wall Street, Fort Worth, Tarrant County, Texas, or** someone named MARIA C. FLORES. Fisher also informs Danielson that **Post Office Box 150052, White Settlement, Fort Worth, Texas 76108** is NOT his(Fisher's) POB. Fisher informs

Danielson that he(Fisher) and Adam Nowlin rented POB: 150052 in March of 2007 (03/2007); and that it would be easy to verify because Adam Nowlin was the President of J-Tex Construction Inc. and Fisher was the Secretary/Treasurer; and that the POB application was signed by both of them(Fisher & Nowlin) in March of 2007; and that the POB address would show 3140 Rodeo Drive, Fort Worth, Texas 76119---Where ADAM NOWLIN and MICHAEL RENO lived and that Reno owned the property on Rodeo.

Fisher also informed Danielson that his(Fisher's) POB was **Post Office Box 121485, Fort Worth, Texas 76121-1485**; and that Fisher had used that POB for years. Fisher also informed Danielson that Nowlin received personal mail at the POB 150052 because his(Nowlin's) Mother Deloris Nowlin lived near there in White Settlement, Texas. (See Apx 6 ,pg.2,3,4, No.19-39-40/ Apx 7 , pg.2, No.8 /Pg. 7,No.53,54/Pg. 10 ,No.73)

The Petitioner, NORRIS LYNN FISHER, also **informed Danielson** of his(Fisher's) [Ace-In-The-Hole]. Fisher informed Mark R. Danielson the so-called federal public defender that after the News people left the office(Meaning Becky Oliver) that he(Fisher) went to Raido Shack on Camp Bowie Street in the Westside of Fort Worth, Texas---and Fisher purchased two (2) very small digital voice recorders. And! That in-fact Fisher had been SECRETLY RECORDING his(Fisher's) **conservations's** with ADAM NOWLIN.

Fisher also informed Danielson that he(Fisher) had been doing as the Radio Shack employee that sold Fisher the two (2) very small digital voice recorders had shown Fisher; and that was to record a sound or conservation; then after recording take the first (1st) recorder and hit (RECORD) and take the second (2nd) recorder and

hit (PLAY) and the 1st recorder would record what was playing on the 2nd recorder and that-way Fisher always had a back-up to the conservations with ADAM NOWLIN that Fisher had been secretly recording.

Fisher then dropped the BOMB on Danielson and informed him(Danielson) that Fisher had given one (1) of the recorders with all the conservations that Fisher had recorded between Nowlin and himself(Fisher) to the Tarrant County District Attorney's Office in Fort Worth, Texas.

Fisher informed Danielson that the man that he(Fisher) met with at the Tarrant County District Attorney's office name was PRESLEY DONNELL or PRESLEY DARNELL and that all you have to do is just think***of (Elvis Presley) and thats how Fisher remembered the man's name.

Fisher then informed Danielson that according to Michael Reno Nowlin's family member----Nowlin and some other person was using Fort Worth (LOTS) and (OTHER PROPERTY) to secure very large illegal drug sales from Drug Dealers in Mexico and California.

The Petitioner had NOT informed Curtis or Davis of this very valuable information because he(Fisher) did NOT feel that timing was right. But, Fisher knew that Danielson was Fisher's last hope of getting some-kind-of-non-government attorney representation. Man!!! was Fisher ever wrong....

Fisher was informed by NOT one (1) but two (2) Black-Male Defendants in the Fort Worth Jail Unit that he(Fisher) was in real trouble because he(Fisher) was WHITE and Obama and Holder were NOT doing anything for WHITE DEFENDANTS.

Danielson--NEVER used any of this information to represent Fisher; because Danielson is running a guilty-plea-mill for the Fifth Circuit Courts.

Danielson then informed Fisher that the United States Federal Government was NOT interested in ADAM NOWLIN and that Nowlin had become a Federal Government informant and even though he(Nowlin) was the guilty one in all of this; he(Nowlin) would do NOT one (1) day in jail.

The Petitioner plead guilty UNDER DURESS, and was sentenced in the Fifth Circuit District Court, Northern Distirct of Texas. The sentencing judge was Terry R. Means. The Petitioner received a two-hundred forty (240) month and/or a twenty-year sentence; while Adam Nowlin and others walk the streets free and with NO federal charges. And! The guilty plea mill continues to run and the guilty plea bus run's on-time-all-the-time...

United States v. Bobby J. Anderson, United States District Court for the Northern District of Texas; D.C. Docket Number: 4:92-CR-12-A-1. This case involves between seven million$ ($7,000,000.00) and nine million$ ($9,000,000.00) dollars in 1992 CASH DOLLARS$ and hundreds (100's) and (100's) of pounds of illegal drugs.

(Quoting, United States v. Bobby J. Anderson, U.S. Ct. of Appls. for the 5th Cir. 70 F.Ed 353; 1995 U.S. App. LEXIS 32946 No. 94-10817, November 21, 1995; "The motion stated that Anderson had provided substantial assistance to the government by testifying at the trials of other drug traffickers. Anderson's potential testimony has been "'a crucial factor'" in another trafficker's

decision to plead guilty and cooperate with the government. Anderson had also provided credible information concerning other defendants he was not called to testify at their trials because his testimony would have been cumulative.")

(Quoting, Anderson, "We find no violation of the Sixth Amendment or the Due Process Clause with respect to the delay in Anderson's sentencing [....] SENTENCE VACATED and case REMANDED for the REASSIGNMENT to a different judge for proceedings consistent with this opinion.") [Per: Judges POLITZ, CHIEF JUDGE HILL, and DeMOSS, CJ.])

You see! Anderson was on **home detention for over twenty-four (24) months** before he was sentenced; and this was also credited to his federal sentence basically giving Anderson time-served.

This case-(Anderson) is very important in the fact that it shows this Honorable Supreme Court how a pattern has developed over the last twenty-five (25) years in the Fifth Circuit Northern District of Texas and the Fifth Circuit Court of Appeals that has allowed this behavior and pattern to continue.

This abhorant and repugnant behavior is to allow criminals to walk the streets in the Northern District of Texas so that they(the criminals) can GENERATE more crininal cases for the United States Attorney's Office, Federal Courts, Probation Officers, and so-called Federal Public Defenders. All under the PLOY AND GUISE of Law & Order. This abhorant and repugnant behavior can be easily seen in Karen (Lucchesi) Lewis v. United States, United States v. Norris Lynn Fisher, United States v. John Wiley Price, et al, and Anderson. (See United States v. Kurtis Keith Lowe, U.S. Ct. of Appls. for the 5th Cir. 669 Fed. Appx. 712 2010 U.S. LEXIS 18738)

In Karen (Lucchesi) Lewis's case (See Apx. 6 , pages 29 , 30 , 31 .) In Fisher's case, ADAM NOWLIN NEVER has spent one (1) hour in prison or jail. NONE. In John Wiley Price's case Cambell the number four (4) Co-Defendant PLEAD GUILTY to all the federal charges prior to Price's so-called public trial.

The Petitioner's Direct Appeal was filed by Mark R. Danielson without his knowledge or his(Fisher's) approval. (See Apx. 6 , pgs. 10 , No. 90 thru 95 , & pgs. 11 , No. 96 thru 101 .)

The Petitioner then filed a 2255;

The Petitioner then filed for a (COA);

The Petitioner then filed for a Writ. of Cert;

The Petitioner then filed for a rehearing of the Writ;

The Petitioner then filed for a successive 2255;

The Petitioner then filed a Rule 60(b)(6) Motion in the Criminal case;

The Petitioner then filed for an Appeal;

The Petitioner then filed a RENEWED Rule 60(b)(6) Motion in the old 2255 cause and case;

The Petitioner then filed for an en banc hearing;

The Petitoner has now filed the current filing with this Honorable United States Supreme Court...

(See Apx. 6 , Pages 1 thru 33 , & No. 1 thru 202 , and see attached exhibits A thru T .)

(See Apx 6 , pages 31 thruEx. T , & No. 1 thru 36 for United States v. Kurtis Keith Lowe)

REASONS FOR GRANTING THE PETITION

It is respectfully suggested that the denial of the Petitioner's Rule 60(b)(6) Motion and the denial of the Petitioner's RENEWED Rule 60(b)(6) Motion in this case is a result of the Fifth Circuit District Court and Fifth Circuit Court of Appeals decisions which are in conflict with decisions of other District Courts and other Courts of Appeals.

The Racial Discrimination that was shown in Buck v. Davis, 137 S. CT. 759; 197 L.Ed 2d 1; 2017 U.S. LEXIS 1429; No. 15-8049, February 22, 2017---was a 6 to 2 decision. With Justice Thomas and Justice Alito dissenting [Per: Roberts, CJ, Kennedy, Ginsburg, Breyer, Sotomayor, & Kagan JJ.]

This very same racial discrimination can be seen in the two (2) cases of United States v. Norris Lynn Fisher; and United States v. John Wiley Price, et al,. Both cases [Complex Mail Fraud] cases with one (1) Caucasian White-Male and NO representation (Fisher's) case and one (1) Black-Male with over two-million dollars ($2,000,000.00) of representation.

It is further submitted that the opinion of the District Court to deny relief to the Petitioner Norris Lynn Fisher; which was then affirmed by the Fifth Circuit Court of Appeals was erroneously decided and is in conflict with a majority of other Court decisions on the issues presented in the Rule 60(b)(6) filings.

The issues raised in this case involving racial discrimination, selective prosecution, prosecutorial misconduct, Brady violations, and vindictivness are of great importance,

The issues of use of confidential criminal informants and other criminals statements based on a DIRECT result of false and untrue statements, false testimony, and perjury in order to reduce their criminal sentences is of great importance.

The issue of defendants being sentenced to outrageous sentences when the actual--evidence shows that the LOSS, NUMBER OF VICTIMS, and other--evidence claimed by the government is NOT CORRECT; and/or the statements of unindicted Co-Defendants are false statements, perjury, or lies and the so-called federal public defenders DO NOT address theses issues are very serious issues.

QUESTION ONE: WHY DO THE FIFTH CIRCUIT COURTS CONTINUE TO IGNORE THE UNITED STATES SUPREME COURT'S AUTHORITATIVE PRECEDENT?

A Certificate of Appealabilty (COA) must issue when the Petitioner has made the requitite showing of the denial of a Constitutional right.

Fisher must demonstrate that the issues are (1) debatable among jurists of reason; (2) or that a court could resolve the issues in a different manner; (3) or that the questions are adequate to deserve encouragement to proceed further.

Fed. R. Civ. P. 60(b)(6) provides that a court may lift a judgment for any other reason that justifies relief. Relief is

available under Rule 60(b)(6), however, only in extraordinary circumstances. To obtain a (COA) a petitioner and/or defendant is required to make a substantial showing of the denial of his/her constitutional right. (See 28 U.S.C.S. § 2253(c)(2).

Fisher has met all of these requirements in his(Fisher's) previous filings and in this current filing that was denied by the Fifth Circuit.

(Quoting, Strickland v. Washington, 466 U.S. 668, 80 L Ed 2d 674 104 S. CT. 2052, No. 82-1554, May 14, 1984, "Strickland, 691, "'In other words, counsel must NOT ingnor[e] pertinent avenues for investigation of which he should have been aware.'" ".)

(Quoting, Porter v. McCollum, 130 S. CT. 477,453, (2009), "Because strategic choices made after through investigation of law and fact relevant to plausible options are virtually unchallengeable.")

Strickland, 466 U.S., It is simply implausible to suggest that a choice made due to a complete failure to investigate my be deemed "strategic". (See Apx. 6 , Page 4 , 5 , Nos. 33 thru 47)

Under Strickland, the Defendant proves prejudice by showing that there is "a reasonable probability that, but for the defendant's public defenders unprofessional errors and failure to investigate, "'the result of the proceedings and sentencing would have been different.'" ". (See Apx. 6 , Exhibit B. ,4-pages)

(Quoting, Strickland, "at 683, a reasonable probability "'is a probability sufficient to undermine confidence in the outcome.'" Id")

(Quoting, Buck v. Davis, 137 S. CT. 759; 197 L.Ed. 2d 1: 2017 U.S. LEXIS 1429, No. 15-8049, February 22, 2017; "The

Certificate of Appealability (COA) inquiry is not coextensive with a merits ayalysis. At the (COA) stage, the only question is whether the applicant has shown that **jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.** This threshold question should be decided without full consideration of the factual or legal bases adduced in support of the claims. When a Court of Appeals 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.")

The **FIFTH AMENDMENT** provides in relevant part:

> "In all criminal prosecutions, the accused shall enjoy the right to....have the assistance of counsel for his defense." **Under due process of law.**

The **SIXTH AMENDMENT** provides in relevant part:

> "In all criminal prosecutions, the accused shall enjoy the right.....to have **Effective Assistance of Counsel** for his defense."

At the time of Fisher's indictment and arrest in February 2010 (02/2010) the Prevailing Standard for a COMPLEX MAIL FRAUD, REAL-ESTATE, REAL-PROPERTY criminal case was for the attorney to establish the following:

1) Establish a defense team of a minimun of two (2) defense lawyers;
2) Retain a Private Investigator;
3) Retain a Real-Estate Appraiser;
4) Retain a Forensic Financial Auditor;
5) Retain a local Title Company;
6) Retain a Forensic Hand-Writing Expert.

(1) The two (2) lawyers would do legal research for both Texas and Federal Laws, because in a real-estate, real-property, complex mail-fraud case; the prevailing law is the STATE in which the real-estate, real- property is located.

(2) The private-investigator would research and investigate all the Parties involved in the fraud and find out what part each party played in the total conspiracy; and how much money ($$) each party received or benefited from the said conspiracy.

(3) The Real-Estate Appraiser would establish the FAIR-MARKET VALUE (FMV) of the real-estate, real-property in the case.

(4) The Forensic Financial Auditor would audit all the bank-statements and all the checks received from the fraud in the case and follow the money ($$). This information then would be given to the private-investigator. The Auditor then would establish the **true and real value** of each property as soon as he/she received the Title Report and Tax Certifications from the Title Company; by deducting the **liens, judgments, delinquent property taxes, I.R.S. tax liens, city fines, city weed liens and the actual legal costs** to bring the title chain current from the (FMV).

(5) The Title Company would establish the chain-of-title thru abstract title examinations and then give a full complete break-down of all the liens, judgments, delinquent property taxes, I.R.S. tax liens, city fines, and weed liens that were **DUE AND PAYABLE** in order to transfer the title to a new buyer; plus the attorney fees due to bring the title current;

(6) The Forensic Hand-Writing Expert would establish by taking hand-writing samples from all the defendants and the un-indicted co-conspirators to establish everyone's role in the case. This would establish what person and/or persons forged the said documents in the case.

According to the Federal Public Defender's Office, Curtis, Davis, and Mark R. Danielson, attorney at law, Mansfield, Texas: one (1) thru six (6) **"OH! none of that matters".**

The Petitioner not only received Ineffective Assistance of Counsel (IAC). Fisher received NO representation what-so-ever. (See Apx. 7 , page 1 thru 13 , Nos. 1 thru 94) In the United States Court of Appeals for the Fifth Circuit-Appeal No. 17-10980)

QUESTION TWO: WHY DO THE FIFTH CIRCUIT COURTS CONTINUE TO IGNORE THE "BINDING PRECEDENT" set BY THE UNITED STATES SUPREME COURT?

(Quoting, Strickland, "at 683, A reasonable probability "'is a probability sufficient to undermine confidence in the outcome.'" Id")

The three (3) so-called federal public defenders in Fisher's case DID NOT conduct any type of investigation or seek input from ANY [Experts]. NONE! All three (3) were NOT protector's of Fisher's Constitutional Rights. But, instead all three (3) of them(Curtis; Davis;Danielson) are the POSTER BOYS for constitutionally deficient representation in the complex mail-fraud, real-estate, real-property cause and case.

A violation of the **FIFTH AMENDMENT** Due Process and the SIXTH **AMENDMENT** Assistance of Counsel occurs when counsel's performance falls below an objective standard of reasonably effective assistance and representation in a Defendant's case. (See, Strickland, at 466, U.S.)

(See Buck v. Davis, 136 S. **CT.** 2409; 195 L Ed 2d 779; 2016 **U.S.** LEXIS 3625, No. 15-8049, June 6, 2016) and just as in Buck v. Davis, "See the previous filings of the Defendant-Appellant, NORRIS LYNN FISHER, with stated case law and pre-sentencing motions and post-sentencing motions; evidence that is presented in Fisher's 28 U.S.C.S. § 2255 motion, successive § 2255, and Rule 60(b)(6) that have all been ignored by the Fifth Circuit Courts."

And just like Buck; Fisher has clearly shown that "jurists of reason could disagree with the Fifth Circuit Courts resolution of

his(Fisher's) constitutional claims or that jurists could conclude the issues presented are adequate to deserve encourangement to proceed further."

Prior to Fisher's guilty plea, Fisher met with Mark R. Danielson in the Fort Worth jail unit. At this meeting Danielson informed Fisher that he(Fisher) would receive a sentence of nine (9) years and HAD to plead guilty before more charges could be filed by the U.S. Attorney's Office, Northern District of Texas.

Danielson showed Fisher the Federal Sentencing Table and LOSS Chart; and told Fisher that because he(Fisher) had NO CRIMINAL HISTORY that the district court would sentence Fisher to 108 months and that Fisher would NOT go to a federal prison.

Danielson also informed Fisher that because his(Fisher's) sentence would be under 120 month range; that Fisher would be sent to a Federal Camp. Danielson also told Fisher that becuase of Fisher's age that he(Fisher) could apply for furloughs and be able to spend a few days each year with "Connie" and Fisher's Daughter Tara and the Grand-Children.

Fisher expressed to Danielson that he(Fisher) was NOT going to plead guilty to charges and crimes that he(Fisher) had NOT COMMITTED or been involved with. Fisher also informed Danielson that he(Fisher) was NOT going to plead guilty for crimes and acts that ADAM NOWLIN and others had committed without Fisher's knowledge or consent.

Danielson's reply to Fisher was **"That does not matter to the government, they(government) want a guilty plea."**

This Honorable Court has just recently ruled on this type of guilty plea by a defendant in a federal criminal case.

(Quoting, Lee v. United States, 137 S. CT. 1958; 198 L Ed 2d 476; 2017 U.S. LEXIS 4045; No. 16-327, June 23, 2017, "The Sixth Amendment guarantees a defendant the effective assistance of counsel at "'critical stages of a criminal proceeding.'" including when he enters a guilty plea. Lafler v. Cooper, 566 U.S. 156,165 (2012); Hill, 474 U.S. at 58. To demonstrate that counsel was constitutionally ineffective, a defendant must show that counsel's representation "'fell below an objective standard of reasonableness'" and that he was prejudiced as a result. Strickland, 466 U.S. at 688,692.")

Danielson had NOT done any type of investigation, and he(Danielson) had NOT EVEN taken the time to review the Tarrant County Property Tax records over the Internet® as Fisher had asked him(Danielson) to do.

Danielson had NOT reviewed the **Grantor** & Grantee records over the Internet® as Fisher has asked him(Danielson) to do. Both of these requests would have taken less than one (1) hour each and cost nothing. Yet! Danielson advised Fisher to plead guilty without any type of simple investigation. **Thus,** Fisher was prejudiced as a result of Danielson's actions.

QUESTION THREE: WHY ARE THE FIFTH CIRCUIT COURTS not HELD ACCOUNTABLE FOR THE FLAGRANT USURPING OF THE SUPREME COURT'S RULING'S & VIOLATING DEFENDANTS RIGHT'S UNDER THE UNITED STATES CONSTITUTION?

This Court has HELD in several cases that guilty pleas were NOT truly voluntary. This Court reversed and remanded the cases back to the appeals courts.

(Quoting, McCarthy v. United States, 394 U.S. 459, 22 L Ed 2d 418, 89 S. CT. 1166, [No. 43], April 2, 1969, "Under Rule 11 Plea Colloquy the district judge/magistrate judge must personally inquire whether the defendant understands the nature of the charge and/or charges against him. The rule being designed to assist the district judge in making the constitutionally required determination that the guilty plea **was truly voluntary.**")

During the Rule 11 Colloquy Hearing the magistrate judge erred in failing to adivse the Petitioner, NORRIS LYNN FISHER, that by pleading guilty he(Fisher) was knowingly and voluntarily waiving his(Fisher's) right to challenge "The subject matter jurisdiction element" as required by law for the government to prove beyond a reasonable doubt the **Inter-State Nexus Element** within the meaning of the Mail-Fraud Statute **18 U.S.C.S. § 1341;** as charged in the Bill Of Indictment in Fisher's case. **Thus,** NOT being in compliance with **Rule 11(b)(3).**

Defense - counsel Danielson was ineffective when he(Danielson) DID NOT OBJECT to this error. The district court erred in failing to advise Fisher; and **thus,** the district court's acceptance of Fisher's guilty plea is at odds with **Fed. R. Crim. P. Rule 11(b)(1)(g) and 11(b)(3).**

The Petitioner, NORRIS LYNN FISHER, NEVER mailed anything to another state and the two (2) letters that he(Fisher) was involved with were sent to local addresses. Fisher NEVER filled out any type of - "Change-Of-Address" form and/or forms of any kind. (See Apx 6 pg. 1 thru 33 , No. 1-202 /Exb. A-7)

(Quoting, Fifth Circuit Court of Appeals, "A plea not voluntarily and intelligently made has been obtained in violation of due process and is void." Matthew v. Johnson, 201 F.3d 353,364 (5th Cir. 2000) (citing McCarthy v. United States, 394 U.S. 459, 466, 89 S. CT. 1166, 22 L.Ed 2d 418 (1969). For a plea to be knowing and voluntary, a defendant must know the "'direct consequances of the plea,'" Duke v. Cockrell, 292 F.3d 414,416 (5th Cir. 2002), "'including the nature of the constitutional protection he is waiving,'" Matthew, 201 F.3d at 365. In assessing whether a defendant's plea is valid, we "' look to all of the relevant circumstances <673 Fed. Appx. 412> surrounding it.'" (Quoting, Brandy v. United States, 397 U.S. 742,749, 90 S. CT. 1463, 25 L.Ed 2d 747 (1970)")

> This Court has **HELD:** "a guilty plea is an admission of all the elements of a formal Criminal Charge, it cannot be truly voluntary unless the Defendant prossesses an understanding of law in relation to the facts."

Based upon Fisher's guilty plea it has been held as a matter of law that when Fisher's plea of guilty was pled under DURESS and NOT intelligently or knowingly entered into at the guilty plea hearing. [T]herefore Fisher's guilty plea is [I]nvoluntary.

Accordingly, Fisher's plea of guilty to mail-fraud must be set aside as involuntary and unconstitutional. (See Santobello v. New York, 404 U.S. 257, 30 L.Ed 2d 427, 92 S. CT. 495, [No. 70-68], December 20, 1971)

(Quoting, Henderson v. Morgan, 426 U.S. 637, 49 L.Ed. 2d 108, 96 S. CT. 2253, No. 74-1529, June 17, 1976, "HELD:" "Since the

Respondent did not receive adequate NOTICE of the offense to which he pleaded guilty, his plea was involuntary and the judgment of conviction was entered without due process of law.")

(Quoting, Machibroda v. United States, U.S. 368, 487, 7 L Ed. 2d 473, 87 S. CT. 510 [No. 69], February 19, 1962, "threatening to bring additional prosecutions", Machibroada v. United States, supra voids the guilty plea. Under these circumstances it is clear that a guilty plea must be vacated.)

(See Smith v. O'Grady, 85 LED 859, 312 U.S. 329, [85 LED 859] [312 U.S. 329-334], February 17, 1941)

McCarthy v. United States, extended the definition of voluntariness to include an "Understanding of the essential elements of the criminal charge, including the requirement of specific intent ....," 394 U.S., at 471, 22 L.Ed 2d 418, 89 S. CT. 1166.

(Quoting, Bousley v. United States, 523 U.S. 614, 140 L Ed 2d 828, 118 S. CT. 1604 [No. 96-8516], May 18, 1998, "DECISION:

"'Convicted person HELD entitled to hearing on merits of collateral claim contesting validity of his guilty plea to federal firearms charge, if, on remand, he makes the necessary showing to relieve his prior procedural default in raising claim.'" ")

Under Rule 11 and Rule 52; Fisher has shown that under Rule 52(b) - PLAIN ERROR: A plain error that affects subustantial rights may be considered even though it was not brought to the Court's attention.

That a defendant who fails to object to errors may nonetheless have a conviction reversed, vacated, and remanded by showing that the plain error and/or errors affected his substantial rights. (See United States v. Torres, U.S. Ct. of Appls. for the 5th Cir. 856

F.3d 1095; 2017 U.S. App. LEXIS 8776, No. 16-50320, May 18, 2017); (See United States v. Henderson, U.S. Ct. of Appls. for the 5th Cir. 2017; U.S. App. LEXIS 152, No. 15-14367, January 5, 2017); (See United States v. Doyle, U.S. Ct. of Appls. for the 5th Cir. 2017; U.S. App. LEXIS 9156 No. 14-12181, May 25, 2017); and (See United States v. Kirkland, U.S. Ct. of Appls. for the 5th Cir. 851 F.3d 499; 2017 U.S. App. LEXIS 4837, No. 16-40255, March 17, 2017)

"ALSO"

Had the Petitioner been given the discovery documents, He(Fisher) could have reviewed the documents and showed **the defects in the filings** to the so-called federal public defenders and the Courts. Thus, proving that Fisher was NOT responsible for the filings and taking the properties.

The failure of the Federal District Court, the United States Attorney's Office, and the so-called Federal Public Defender's Office to provide discovery to the Petitioner, NORRIS LYNN FISHER is a very SERIOUS BRADY VIOLATION. (Quoting, United States v. Olsen, U.S. Ct. of Appls. for the 9th Cir. 737 F.3d 625; 2013 U.S. App. LEXIS 24500, No. 10-36063, December 10, 2013, "Chief Judge KOZINSKI, with Judges PREGERSON, REINHARDT, THOMAS, and WATFORD joining:

> "'There is an epidemic of **Brady Violations** abroad in the land. Only judges can put a stop to it!
>
> The fact that a constitutional mandate elicits less diligence from a government lawyer than one's daily errands signifies a systemic problem: Some prosecutors don't care about **Brady** because courts don't make them care.
>
> I wish I could say that the prosecutor's unprofessionalism here is the exception, that his propensity for shortcuts and

indifference to his ethical and legal responsibilities is a rare blemish and source of embarrassment to an otherwise diligent and scrupulous corps of attorneys and staffing prosecutors' offices across the country. But it wouldn't be true. Brady violations have reached epidemic proportions in recent years, and the federal and state reporters bear testament to this unsettling trend.

See, e.g. Smith v. Cain, 132 S. CT. 627, 181 L.Ed.2d 571(2012); United States v. Sedaghaty, 728 F.3d 885(9th Cir. 2013); Aguilar v. Woodford, 725 F.3d 970(9th Cir. 2013); United States v. Kohring, 637 F.3d 895(9th Cir. 2009); Simmons v. Beard, 590 F.3d 223(3rd Cir. 2009); Douglas v. Workman, 560 F.3d 1156(10th Cir. 2009); Harris v. Fafler, 553 F.3d 1028(6th Cir. 2009); United States v. Zomber, 299 F. Appx. 130(3rd Cir. 2008); United States v. Triumph Capital Grp., Inc., 544 F.3d 149(2nd Cir. 2008); United States v. Aviles-Colon, 536 F.3d 1 (1st Cir. 2008); Horton v. Mayle, 408 F.3d 570(9th Cir. 2004); United States v. Sipe, 388 F.3d 471(5th Cir. 2004); Monroe v. Angelone, 323 F.3d 286(4th Cir. 2003); United States v. Lyons, 352 F. Supp. 2d 1231(M.D. Fla. 2004); Watkins v. Miller, 92 F. Supp. 824(S.D. Ind. 2000); United States v. Dollar, 25 F. Supp. 2d 1320(N.D. Ala. 1998); People v. Uribe, 162 Cal. App. 4th 1457, 76 Cal. Rptr. 3rd 829(Cal. Ct. App. 2008); Deren v. State, 15 So 3rd 723(Fla. Dist. Ct. App. 2009); Walker v. Johnson, 282 Ga. 168, 646 S.E. 2d 44(Ga. 2007); Aguilera v. State, 807 N.W. 2d 249 (Iowa 2011); DeSimone v. State, 803 N.W. 2d 97(Iowa 2011);

<737 F. 3d 632>

Commonwealth v. Bussell, 226 S.W. 3d 96(Ky. 2007); State ex Rel. Engel v. Dormire, 304 S.W. 3d 120(Mo. 2010); Duley v. State, 304 S.W. 3d 158(Mo. Ct. App. 2009); People v. Garrett, 106 A.D. 3d 929,964 N.Y.S. 2d 652(N.Y. App. Div. 2013); Pena v. State, 353 S.W. 3d 797 (Tex. Crim. App. 2011); In re, Stenson, 174 Wn. 2d 474,276 P.3d 286(Wash.2012); State v. Youngblood, 221 W. Va. 20 650 S.E. 2d 119(W.Va. 2007).'"

When public officials behave with such casual disregard for their constitutional obligations and the rights of the accused, it

erodes the public's trust in our justice system, and chips away at the foundational premises of the **rule of law.** When such transgressions are acknowledged Yet! forgiven by the courts, we endorse an invite their repetition.")

These are NOT Fisher's words. These are the words of Chief Judge KOZINSKI, Judge PREGERSON, Judge REINHARDT, Judge THOMAS, and Judge WATFORD, Ninth Circuit Court of Appeals.

Without any type of investigation by Mark R. Danielson and the other so-called federal public defenders; the U.S. Attorney's Office, and the Northern District of Texas Courts denying Fisher any type of Discovery during 2010 thru 2019; Fisher has still shown that **Jurists of reason could disagree with the court's resolution of his 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.**)

Fisher is **"actually innocent"** of taking the other properties that are listed in the cause and case [that] were NOT taken from deceased owners [that] had abandoned the property; [and] the property had a (-) Negative value, [except] for the gas lease signing bonus money$; [and] were NOT TRANSFERRED to one of Fisher's Grandmother's Texas Corporations.

Fisher is **"actually innocent"** of taking any type of Commercial property. (See Apx 6 ,Pg. 19 ,No.155 , 160)

Fisher is **"actually innocent"** of using the United States Postal Service for any illegal acts and/or wrong doing's.

Fisher **"is guilty"** of taking fifty-two (52) properties and transferring the properties to one (1) of Fisher's Grandmother's

Texas Corporations and then receiving money$ from sale and/or receiving [short-term] oil and gas lease signing bonus money$ for the said short-term leases.

Fisher **"is guilty"** of violations of the **State of Texas Real Property Laws.**

One (1) of the many (....) reasons that government agents; government officials; the United States Attorney's Office; the so-called federal public defender's office; Curtis/Davis/and Danielson; Northern District Court's; and the Fifth Circuit Court of Appeals have refused [Any Discovery] be given to Fisher is the following:

(Quoting, Chirstiansen v. Christiansen, et al., U.S. Ct. of Appls. for the 5th Cir. 159 F.2d 366; U.S. App. LEXIS 2470, No. 11562, January 22, 1947, **"HELD:** Moreover, the decree of partition, rendered in the light of the **"'presumption of death after seven (7) years' absence,'"** adjudged that Gilbert was dead; Josie and Annie had died without marrying and without issue; and that Carrie Chirstiansen and Alfred Christiansen have absented themselves from their home and residence for a period of over seven years prior to the filing of this suit, and that they have not been heard of or from during that period of time by their family, their relatives or friends, they and their issue are by the Court presumed to be, and are **hereby found to be dead;** and that the Plaintiffs, C. Christiansen and Johanna Carter, are the sole living heirs.")

(UNDER Tex. Rev. Civ. Stat. Ann § 5541)

"When any owner dies and the heirs do not occupy or take possession of the property, they abandon the property and in Seven (7) years they are by Law legally dead and have NO CLAIM to any real-estate in the State of Texas."

(This Law goes back to 1841 in Texas.)

Nor, does their issue (their Heirs) have any claim to any real-estate, real-property in the State of Texas. The so-called victims in Fisher's case **WERE NOT VICTIMS** and the so-called victims **SUFFERED NO LOSSES**. Their heirs **WERE NOT VICTIMS** and their heirs also **SUFFERED NO LOSSES**. There is less than ten -(10)- victims if any in Fisher's case. Fisher has shown that **Jurists of reason could disagree with the court's resolution of his constitutional claims or that jurists.....to proceed further.**

(Quoting, Yarbro v. Commissioner of Int. Rev. Serv., U.S. Ct. of Appls. for the 5th Cir. 737 F.2d 479; U.S. App. LEXIS 20025; No. 83-4070, July 30, 1984, "In the summer of 1976, the City of Fort Worth decided to raise the real estate taxes on the Joint-Venture's property **by 435%** from **$770** per year to approximately $3,350.00 per year. At about the same time, real-estate activity in the area completely dried up. As a consequence **by November** of <737 F.2d 482> 1976, the property's **fair market value** had dropped below the face amount of the non-recourse mortgage to which it was subject. When confronted with these facts, the Joint-Venture participants decided to **abandon the property** and NOT TO PAY THE REAL ESTATE TAXES FOR 1976 or the $22,811.00 annual interest payment for that year. Accordingly on November 15, 1976, Taxpayer, as trustee, notified the Fort Worth National Bank (the trustee of the mortgages) that he was abandoning the property. Although the bank requested Taxpayer to reconvey the property to it, Taxpayer refused to do so, reasoning that he "'**had nothing to convey and would have nothing to do...with the property from that point on.**'" ")

Here again we see more case-law that supports Fisher's claim's and Fisher's issues. Therefore, as the owner the Joint-Venture could NOT be a victim; and could NOT suffer any loss or losses.

The property was abandoned by the owner and/or owners. Here again Fisher has shown that **Jurists of.....further.**

The values set by the Tarrant County Tax Assessor's Office aka (TAD) **DO NOT REPRESENT THE FAIR-MARKET VALUE OF REAL-ESTATE;** and also shows that the property owner and/or owners DO NOT HAVE CONVEY [DEED] title to abandon a real-estate property.

Mark R. Danielson and the other so-called federal public defender's NEVER allowed Fisher any DISCOVERY; nor did they do any investigation; nor did they do any Texas Real Estate Law research.

Anyone! That is reading this petition---Clerk of the Court, Judge, Judges, President Trump, Lay Persons, or lawyers should be asking the question? **(Why did this happen?)** The answer in Fisher's case is very simple..... **GUILTY PLEA MILLS** ..... and..... **RACIAL DISCRIMINATION** .....

A blind person can see the blatant judicial bias and racial discrimination in Fisher's case when the blind person is informed of the following:

(Quoting, LEIGH LYON, Chief Deputy of Operations - Fifth Circuit United States District Court, Northern District of Texas, Dallas Division - REF: United States of America v. John Wiley Price, 3:14-CR-293-M; these are the funds that have been paid-out by the Court: **AS OF JANUARY 16, 2018 (01/16/2018)**

"In reference to Fifth Circuit Case Number: 3:14-CR-293-M

1. JOHN WILEY PRICE - $357,429.65(Attorney); $20,360.00(Fact --Investigator); 36,605.95(Paralegal);
2. Kathy Nealy - $307,622.70(Attorney); $3,734.40(Paralegal); $32,440.68(Forensic Accountant);
3. Dapheny Fain - $162,792.69(Attorney); $4,730.00(Fact --Investigator); $45,575.23(Paralegal); $39,250.00(Forensic Accountant);
4. Chris Campbell - $00.00")

The total amount spent as of January 16, 2018 (01/18/2018 for Defendant John Wiley Price is $414,395.60;
for Defendant Kathy Nealy is $343,797.78;
for Defendant Dapheny Fain is $252,347.92;
for Defendant Chris Campbell is $00.00. The total amount of $414,395.60 + $343,797.78 + $252,347.92 + $00.00 equals = **One Million Ten-Thousand Five-Hundred Forty-One Dollars & thirty cents.** $1,010,541.30 that has been spent on this complex mail-fraud case.

Please NOTE: (This does NOT include the costs of Chris Campbell.)

Please NOTE: (This does NOT include the costs of the Federal Public Defender's Office.)

The total amount spent on the Petitioner, NORRIS LYNN FISHER'S, case is less than **Twenty-Thousand Dollars -($20,000.00)-** and that includes the Direct Appeal that was filed. (Remember Fisher's case is a complex mail fraud case just like the Price case.)

The Petitioner, NORRIS LYNN FISHER, was told NOT once but several times by the so-called federal public defenders that **"THERE WAS NO MONEY$$"** to perform any investigation in his(Fisher's) case.

This Court has just ruled on this type of behavior in the Fifth Circuit Courts. (Quoting, Ayestas v. Davis, 137 S. CT. 1433, 197 L.Ed 2d 647, 2017; U.S. LEXIS 3563; No. 16-6795, March 21, 2018, "Justice Samuel A. Alito, Jr., "'I have been racking my brain trying to think of something that it is 'Reasonably Necessary' for me to obtain but as to which I do not have the 'Substantial Need'.'" ") (Per: Roberts, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan, and Gorsuch..)

Justice Alito wrote that the Fifth Circuit was **Too Restrictive** and was wrong for denying funds$$ for investigations in Criminal Cases.

Judge Terry R. Means denied Fisher's 28 U.S.C.S. § 2255 that clearly showed that NO investigations and NO Fair Market Value Appraisal's had been done. Even though Fisher had requested for them to be done. Fisher went so-far-as to write letters to Means, the United States Attorney's Office, and Davis, and Danieslon the so-called federal public defender's; asking for investigations and for (FMV) appraisal's prior to pleading guilty and prior to Fisher's sentencing. Means also denied the Rule 60(b)(6) motions.

The Fifth Circuit Court of Appeals **denied** Fisher's request for a (COA); the successive § 2255; and the Rule 60(b)(6) motions that showed that NO investigations and NO (FMV) appraisal's had been done. Fisher had told that **"THERE WAS NO MONEY$$"** for Fisher's requests into his(Fisher's) case.

In Ayestas v. Davis, **18 U.S.C.S. § 3599** was the issue and NO funds for the investigation was allowed. Ayestas and Fisher were both denied funds$.

This Court has HELD and made it very clear that **18 U.S.C.S. § 3006A** also applies to defendant's asking for funds$ such as in Fisher's case.

(Quoting, Martel v. Clair, 565 **U.S.** 648, 132 S. **CT.** 1276, 182 L Ed 2d 135, 2012 **U.S.** LEXIS 1997, No. 10-1265, March 5, 2012, **"HELD:** That 18 U.S.C.S. § 3599 Courts should employ the same **"Interest of Justice" standard** that applys in Non-Capital cases under 18 U.S.C.S. § 3006A".)

Under 18 U.S.C.S. § 3006A - ADEQUATE REPRESENTATION OF DEFENDANTS (e) SERVICES OTHER THAN COUNSEL---makes it very clear that Congress passed these laws in ORDER to PROTECT ANY PERSON'S 5th Amendment

Rights and to PROTECT THE DEFENDANT'S rights under the 6th Amendment.

(See United States v. Hardin, Jr., U.S. Ct. of Appls. for the 5th Cir. 437 F.3d 463; 2006 U.S. App. LEXIS 2020, No. 05-50312, January 23, 2006; SENTENCE VACATED AND REMANDED.)

This DID NOT happen in Fisher's case. Fisher was denied his(Fisher's) United States Constitutional Rights. **Thus,** Fisher's Constitutional Rights have been violated. And for anyone that is reading this petition or has read this petition always remember that Fisher was told that----------

"THERE WAS NO MONEY$$!"

A second (2nd) blind person can see the blatant judicial bias and racial discrimination in Fisher's case when they(2nd blind person) are informed of the following: [Less] than four -(4) months after sentencing the Petitioner, NORRIS LYNN FISHER, to a death-in-prison sentence of two-hundred forty (240) months at the age of sixty-two (62) with NO **APPRAISAL'S** to establish the (FMV) of the properties in Fisher's case. We(all of us-anyone that has read and/or is now reading this petition) find the following statement from the federal district judge Terry R. Means that sentenced the Petitioner.

(Quoting, United States v. Hilmes, U.S. Dist. Ct. for the Northern District of Texas; 438 B.R. 897; 2010 U.S. Dist. LEXIS 85510; No. 4:09-CV-732-Y, August 19, 2010;

"JUDGES: Terry R. Means, U.S. District Judge.

OPINION BY: TERRY R. MEANS.....

This Court would note, however, that Hilmes's efforts to sell the house appear somewhat languid. Hilmes listed the house for sale at $524,000 despite listing the property as

being worth $500,000 on her bankruptcy schedules and **despite the historic downturn in the real-estate market** that has taken place since she purchased the home, apparently in an attempt to recoup her full investment and realtor expenses. (Tr. Trans., doc. #36, p. at 13; Doc. #1 Sched. A.) Hilmes **has never had the house appraised, apparently out of fear it will be valued at less than** $500,000. (Id.)")

This very same Judge Terry R. Means denied Fisher having any appraisal's done in Fisher's case. While-all-the-time he(Means) knew the real-estate market was in a shambles. The United States Attorney's Office knew the very same information about the Fort Worth, Tarrant County, Texas real-estate market; so did the so-called Federal Public Defender's Office; the person and/or person's that did the (PSI) or (PSR) report in Fisher's case; the Government Agents in Fisher's case; **and** [last] but-not-least the fake news media knew the real-estate market in Fort Worth was in a SHAMBLES because of all the Foreclosures and Bankruptcies' that been filed in the Federal Courts and the Tarrant County Courthouse.

"Justice bought and paid for by the Federal Government"

Judge Terry R. Means should be removed from Fisher's case under recusal. (See Rippo v. Baker, 137 S. CT. 905; 197 L.Ed 2d 167; 2017 U.S. LEXIS 1571, No. 16-6316, March 6, 2017; and Williams v. Pennsylvania, 136 S. CT. 1899; 195 L.Ed 2d 132; 2016 U.S. LEXIS 3774; No. 15-5040, June 9, 2016; and Atena Life Ins. Co. v. Lanoie, 475 U.S. 813,825 106 S. CT. 1580, 89 L.Ed 2d 823 (1986); and Withrow v. Larkin, 421 U.S. 35,47,95 S. CT. 1456, 43 L.Ed 2d 712 (1975).) Any Judge's **RECUSAL** is required when "objectively speaking "'The probability of actual bias on the part of the judge or the decision-maker is too high to be constitutionally tolerable.'" "

Lets NOT forget that Fisher is a White-Male and for White-Males in the Fifth Circuit Northern District Courts "THERE IS NO MONEY$$!" for Fisher's case.

Yet! for John Wiley Price's case a Black-Male we have millions of dollars ($1,000,000.00's) for Price's case and his(Price's) Co-Defendants. (See Apx 8) **"We're All Paying for John Wiley Price's Defense Lawyer Now"**

Stephen Young/March 6, 2015/3:13pm
Dallas News Reporter

When Mr. Young asked Price why should we foot the bill for you(Price)? Price just said "SO WHAT" and smiled for Alex Scott.

(See Apx 9) Dallas Morning News **Crime March 2015**

"Taxpayers to foot much of bill for John Wiley Price's defense"

Kevin Krause March 6, 2015

Where did the Northern District of Texas Court get the money$$ to pay for Price and all of Price's Co-Defendants? None of Fisher's FOIA requests have been returned or even acted upon. So [How] does the Federal Judge Lynn get of the HOOK for millions of dollars($1,000,000.00's) in legal fees if Price was found GUILTY???

(See Apx 10) **"Even If Jury Finds Price Guilty, Judge Will Likely Dismiss Mail Fraud Charges"** Stephen Young/April 18 2017/4:00am Dallas News Reporter

When Price was confronted by the Dallas Morning News he(Price) had NOTHING TO SAY ABOUT THE CASE. (See Apx 11)

"John Wiley Price on his verdict: 'I'm the luckiest black man in America' " Naomi Martin, Reporter/April 29, 2017

Fisher has alot to say about Price and Price's case; and the NOT GUILTY VERDICT...

The Petitioner has given the Court (Appendix's) that show the $1.13 Billion set aside for representing 201,400 defendants is

five-thousand six-hundred ten dollars ($5,610.00) per Defendant for the 201,400 in 2018 for Federal Public Defender's. Fisher has also shown the Court the legal costs involved in the Price case. And, with that information Fisher would like to do a.....

PERCENTAGE COMPARISION:

John Wiley Price - $414,395.60 (-) $5610 = Five-Thousand Nine-Hundred Twenty-Four Percent (%) exceeded average costs per defendant. 5924%

Kathy Nealy - $343,797.78 (-) $5610 = Six-Thousand One-Hundred Twenty-Eight Percent (%) exceeded average costs per defendant. 6128%

Dapheny Fain - $252,347.92 (-) $5610 = Four-Thousand Four-Hundred Ninety-Eight Percent (%) exceeded average costs per defendant. 4498%

Christopher Campbell - $00.00 Total costs unknown?

The percentage comparision above shows just how **out-of-line** the Northern District of Texas and the Fifth Circuit Court of Appeals are when you compare Fisher's case to Price's case.

Again, Fisher ask's **"Where did the Judge get the money$"** for the Price case? When there was "NO MONEY$$$!!!" for Fisher's case.

When **anyone compares** the Price case with the Fisher case it is apparent and self-evident that Fisher is the **"The Most Unluckiest White-Man in America."**

QUESTION FOUR: HOW CAN A RULE 60(b)(6) MOTION MYSTERIOUSLY CHANGE INTO A 28 U.S.C.S. § 2255 MOTION WITHOUT [ANY] MODIFICATION [AND/OR] CHANGES MADE TO THE MOTION?

The Petitioner respectfully brings to the Court's attention the following issue... Fisher filed the first (1st) Rule 60(b)(6) motion with the district court and he(Fisher) deliberately left off the case number: USDC NO: 4:13-CV-684. When the district court denied relief Fisher appealed the denial to the Fifth Circuit Court of Appeals and was assigned the following Appeal Number: No. 17-10699.

Fisher then filed the very same Rule 60(b)(6) motion and the very same documents with only two (2) changes to the second (2nd) Rule 60(b)(6) filing, and, that is the following changes:

RENEWED Rule 60(b)(6) Motion
and
USDC NO: 4:13-CV-684

Nothing else was changed in the first filing and the second filing except as stated above. On June 13, 2018 (06/13/2018) the Fifth Circuit Court of Appeals gave a **blistering & lambasting** denial and OPINION from SMITH, HAYNES, and WILLETT. (See Apx 1) and stated **"A Rule 60(b) motion may not be used to..." "...to amend his Rule 60(b)(6) motion...".** (See Apx 1)

The second (2nd) filing was denied as a § 2255 filing and NOT a Rule 60(b)(6) motion by the distirct court; and Fisher appealed the denial to the Fifth Circuit Court of Appeals and was assigned the Appeal Number: **17-10980. That Appeal** was denied by SMITH, HIGGINSON, and DUNCAN, as nothing but a § 2255 filing on October 17, 2018 (10/17/2018). (See Apx 2)

The Petitioner respectfully asks all the Honorable Judges on the United States Supreme Court the following question(?) How can a defendant's filing be a Rule 60(b)(6) motion on June 13, 2018

(06/13/2018) and be just another § 2255 on October 17, 2018 (10/17/2018); [When] The filings and memorandum of law and supporting exhibits and additional evidence are **[the very same]**?

The answer is it's [magic] Fifth Circuit Court of Appeals & Northern District of Texas [magic].

C L O S I N G

In closing the Petitioner, NORRIS LYNN FISHER, wants the Court and anyone that is reading and/or has read this Petition to know; **that** he(Fisher) is NOT upset or mad at Means or Lynn. Nor-does he(Fisher) have any AXE TO GRIND with anyone. What Fisher has requested and wanted from the start of Fisher's case is to be treated **"FAIRLY and JUSTLY" and** to be sentenced properly for what he(Fisher) DID DO.

The Fifth Circuit Court's; the United States Attorney's Office; and the so-called Federal Public Defender's Office and Government Agent's have NOT treated him(Fisher) with Justice and Fair Treatment.

This type of behavior and sentencing that was done in Fisher's case; and other's like Buck's case; Price's case; Lowe's case; and Karen (Lucchesi) Lewis's case; and other's has just been addressed again by this Honorable Court in Sessions v. Dimaya.

(Quoting, The New York Wall-Street Journal News Paper, dated April 18, 2018 (04/18/2018) "The big news is **Justice Gorsuch's** elegant concurring opinion that joins the majority result but for different reasons. "'Vague laws invite arbitrary power.'" he writes, "'Leaving the people in the dark about what the law demands and allowing prosecutors and courts to make it up.'" (See Comey, James

nearby). **Justice Gorsuch** adds that vague laws also threaten the Constitution's ordered liberty because they "'**risk allowing judges to assume legislative power.**'") (See Apx 12 ,Apx 13)

It does not get anymore vague than "ESTIMATED FAIR MARKET VALUE" as in Fisher's case.

We also see judges assuming legislative power in Price's case, Fisher's case, Lowe's case, and Karen (Lucchesi) lewis's case.

The Petitioner, NORRIS LYNN FISHER, respectfully asks the United States Supreme Court to VACATE, REVERSE, and REMAND Fisher's case.

Respectfully submitted this 15, day of February, 2019.

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