No: 18-9017

IN THE SUPREME COURT

OF THE UNITED STATES

RONALD R MYLES, JR.

PETITIONER

v

UNITED STATES OF AMERICAS,

RESPONDENT.

ON PETITION FOR A REHEARING PURSUANT

TO RULE 44 ON PETITIONER'S

WRIT OF CERTIORARI DENIED ON JUNE 3, 2019

PETITION FOR REHEARING PURSUANT TO RULE 44

RULE 44 (RE-HEARING)

NOW COMES the Petitioner, RONALD R MYLES, JR, humbly and respectfully, petitions this Honorable United States Supreme Court, to 're-hear' the Judgment Entry/Order denying the Petitioner's Writ of Certiorari, Case No: **18-9017**, entered on June 3rd, 2019.

ARGUMENT

As the ground for 're-hearing,' the Petitioner in this cause of action, RONALD R MYLES, is relying on the Sixth Circuit Court of Appeals, Judgment Entry, on Case **#17-3817**, entered on February 21st, 2019, Page #3, ¶4, by the Honorable Appellate Judges Keith, Kethledge and Thapar and this is what they state in their disposition:

> "Myles relies on the State Judge's purported 'ruling' on July 21, 2016, that the June 6th warrant was the sole warrant. He further argues that the State's Court's 'ruling' precluded application of the good faith exception[2] and that there should have been a federal warrant."

> "The **Rooker-Feldman doctrine** "bars attempts by a federal plaintiff to receive appellate review of a state court decision in a federal district court.' Howard v Whitbeck, 382 F3d 633, 638 (6th Cir 2004)."

The Sixth Circuit further states, on Page 4, ¶ 1, that:

2 To a June 17th, 2016 (State) Search Warrant alledged by the Government

Under the **doctrine of res judicata,** federal courts must give the same preclusive effect to state court judgments[2] as those judgments would receive in the courts of the rendering state. See Migra v Warren City Sch Dist Bd of Educ, 465 US 75, 80-85 (1984).

In Ohio, **res judicata** has [4] four elements.

From the above disposition of the Honorable Appellate Court of the Sixth Circuit, they have confirmed and upheld The State Court of Ohio's "ruling," at the July 21st, 2016 pretrial that the June 6th, 2016 warrant was the sole warrant in ... MR MYLES State Case (16-cr-337).

The alleged evidence and transcripts to accompany State Case #337, was inherited by the Federal Government in their Federal Bank Robbery Charges to MR MYLES, Case #16-cr-251, and attached on January 31st, 2017, MR MYLES Federal Hearing.

MR MYLES is arguing that the 'ruling' by the State Court of Ohio, that the June 6th warrant is the sole warrant in MR MYLES State Case, #337, be given 'full faith and credit' according to 28 USC ß 1738, which honors each states Paren Patrie embedded in state court rulings.

MR MYLES is further arguing that 28 USC ß 1257(a) makes the United States Supreme Court the King of the Land, by leaving final State Court Judgment, to be appealled outside of

state jurisdiction, in the hands of the United States Supreme Court alone.

Thus MR MYLES is arguing that the **Rooker-Feldman Doctrine** would bar attempts by a Federal Plaintiff (The Government) in this case, to receive (a)n Appellate "good faith exception review," alleging a (June 17th State Warrant) against State Court's ruling, that the June 6th warrant, is the sole warrant in MR MYLES State Case, #337.

MR MYLES is further arguing that the Federal Government became a privy posing as the 1st (Ohio in this case) when they inherited the State of Ohio's entire case to be used in their federal charges against MR MYLES. Thus, when the Government inherited the evidence and state transcripts (of the July 21, 2016 state pre-trial) of proceedings in the State Court Case #337, Montana v United States[2] would bar any further claims by parties or privies posing as the 1st. This is also element (#2) of Ohio's res judicata law.

The moment the Federal Government inherited evidence from the State of Ohio, in Case #337, and started speaking from the transcripts of the July 21, 2016 State Pre-trial, of the ruling handed down by the State Court. The Federal Government became a privy, posing as Ohio.

However, according to Murphy v National City, 560 F3d 530, 535 (6th Cir 2009), "The court's may affirm on any grounds

[2] Montana v United States, 440 US 147, 153 (1979)

supported by the record." When the Federal Government presented it's case in Federal District Court, using state court proceedings, the District Court had a duty to affirm (the June 6th warrant) being the sole warrant, in MR MYLES State Case #3337, and render a June 17th state warrant against the State Courts ruling to "lack subject matter jurisdiction." The June 17th state warrant alleged by the Government, would not pass constitutional muster[3], against the state court ruling. See United States v Bennett, 170 F3d 632, 636 n1 (6th Cir 1999).

Instead, the Federal District Court performed (a)n "Appellant good faith exception review," to a June 17th State Warrant, against the State Court's ruling thereby setting a New Appellate Precedent in Federal District Court violating the Union Agreement/Paren Patrie Powers, of each state, of the United States of America embedded in 28 USC ß 1738, Full Faith and Credit Act, to state court rulings and 28 USC ß 1257(a). The statute that makes the Supreme Court (US) the King of the land to perform Appellate of State Court Judgment's outside of State's jurisdiction.

If this new appellate precedent is allowed to stand, the Government alleging the June 17th state warrant aginst the state court's ruling, violating Ohio's res judicate law, element (#2),[2] sets (a)n ugly precedent to allow state court judgment's (civil and criminal,) to be illegally appealed in Federal District Court, all over the United States.

[2] by parties or privies by posing as the first
3 Fourth Amendment

The **Rooker-Feldman Doctrine, is**[2] ... "case brought by State Cout losers (complaining of injuries) caused by State Court Judgments, (the June 6th Warrant Ruling) rendered before the District Court proceedings commenced,"[3] and inviting District Court review and rejection of those judgments. Exxon Mobil Corp v Saudi Basic Indus Corp, 544 US 280, 284 (2005).

Allow us to now take a look at the Government's Motion in Limine, filed on 2/1/2017, Doc #43, Page ID #370, 3rd paragraph "the Defendant invites conspiracy theories about a search warrant being backdated; because a judge in Marian County said on the record weeks later, following State (not yet Federal) indictment that there were no other 'warrants' after June 6, 2016."

In fact, a judge in Marian County would have no idea what search warrants were obtained and executed in Montgomery County, or any other county for that matter. Like-wise , he would not have readily available even search warrants filed in his own presiding county.

MR MYLES is arguing that his case clearly fits within the **Rooker-Feldman Doctrine** , as the Government is clearly complaining of the June 6th warrant, handed down by State Court and invited District Appellate Review and rejection of that judgment.

Clearly the Government knew the Ohio's res judicata law, and USC ß 1738, preclusive effect statute, was in play, regar-

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[2] limited to

3 At the July 21st, 2016 (State Judicial Proceeding) on Case #337, prior to Federal Complaint and Indictment

ding the evidence that was inherited from MR MYLES State Case #337, and the June 6th ruling handed down by State Court, at the July 21st, 2016 State Pre-trial, the transcripts were attached to the Federal Docket Sheet; on January 31, 2017, MR MYLES extended Suppression Hearing. Allow us to Quote the Government's Memorandum Contra Defendants Pro Se Motion for a Judgment of Accquital, Doc #63, Page 14, where the Federal Government establishes Ohio's res judicata law,[2] as the governing factor of the evidence they inherited, from MR MYLES State Case #337, complimtented by the June 6th ruling being the sole warrant in that case.

> "The Defendant here was arrested June 17th, 2016 on what was at that time strictly a state warrant, based on a state complaint for violations of solely state law. He was not arrested that day, on any federal warrant or violation of federal law; in fact no federal complaint has been filed at that point. Because the June 17th arrest was a state, rather than a federal arrest."[3]

In fact, the Government upheld the State Court's ruling that the June 6th warrant was the sole warrant in MR MYLES State Case, #337 at the January 19th, 2017 Federal Motion Hearing, Doc #97, page ID #1597 (line 5):

Fed DA Tangeman: "In terms of what the Marian Court said in State Court on July 21st. Again, the judge was noting that there was no other warrant, after June 6th. That's correct."

This is further proof, of the Government being a privy posing as the first (Ohio in this case). This being one of

2 USC 1738 preclusive effect statute (look to the law of the rendering state)

3 Arrested for violations of soley state law. Thus any state rulings surrounding state case surrounding #337 automatically gets (USC 1738 preclusive effect in federal district court

the four elements of Ohio's res judicata law, element 2, a second action, involving the same parties, or ther their privies, as the first. See Migra v Warren City Sch Dist Bd of Educ., 465 US 75, 80-85 (1984).

Thus, from the Government's own words above, they are admitting, and confirming that they are clearly aware of the State Court's ruling, that the June 6th warrant is the sole warrant, in MR MYLES State Case, #337. They are also confirming, there awareness that a June 17th State Search warrant against the State Court's ruling, lacks subject matter jurisdiction in Federal District Court. Since MR MYLES was never convicted in State Court, Midland Asphalt Corp v United States, 489 US 794, 798 (1989). States in criminal cases, prohibits Apellate Review (of the June 6th warrant handed down by state court), ... until (after) conviction and imposition of a sentence.

Ultimately, MR MYLES is asking the Honorable United States Supreme Court to affirm the record of the state judicial proceding on July 21, 2016 and apply 28 USC 1738 preclusive effect statute to the state courts ruling that the June 6th 2016 state warrant is/was the sole warrant in MR MYLES state case #337.

The June 6th warrant ruling by the state court, at the July 21, 2016 state judicial proceeding, that was affirmed by the 6th Circuit Court of Appeals and the federal government, MR MYLES is asking that US Supreme Court apply the Rooker - Feldman Doctrine to bar the federal government from receiving an appellate review in federal district court alleging a June

17th, state search warrant against the state courts ruling. [2]

As Appellate Review of State Court rulings, outside of state jurisction is be preformed by the United States Supreme Court alone - 28 USC 1257(a).

2 as a June 17th state search warrant lack subject matter jurisdiction in federal district court. While also preventing the federal district court setting a new appellate precedent as they are not premitted to function as appellate courts to prior state f ulings.

CERTIFICATE OF UNREPRESENTED COUNSEL

Petitioner, RONALD R MYLES, JR, states under oath, it is presented in good faith and not for unneccessary delay.

Respectfully and humbly submitted, on this 21st day of June 2019.

/s/ Ronald R. Myles Jr
RONALD R. MYLES, JR PRO SE

CERTIFICATION OF NOTARY

Subscribed to and Sworn to, before me, Kirissa Siler Taylor a NOTARY PUBLIC, for the County of Gilmer, State of W Virginia, on this 21 day of June 2019.

/s/ Kirissa Siler Taylor
NOTARY SIGNATURE

My Commission Exp: 2/18/2020

County of: Gilmer

NOTARY PUBLIC OFFICIAL SEAL
Kirissa Siler Taylor
FCI-Gilmer
State of West Virginia
My Commission Expires
February 18, 2020
PO Box 5000
Glenville, WV 26351

STATE OF WEST VIRGINIA)
) ss: RONALD R MYLES
COUNTY OF GILMER)

SWORN DECLARATION

I, RONALD R MYLES, hereby certify, that the below statement, is true, correct and accurate and to the best of my ... knowledge and belief, pursuant to 28 USC 1746, under the penalty of perjury.

/s/ Ronald R Myles Jr
RONALD R MYLES

STATEMENT

(1) I, RONALD A MYLES, declare that I mailed to the Clerk of the Supreme Court of the United States, Petition for Writ of Certiorari on this 21st day of June, 2019.

(2) That I, RONALD A MYLES, hand delivered this instrument to the Mailroom Staff at FCI Gilmer, 201 FCI Lane, Glenville, West Virginia, per the mailboxxrule, pursuant to Houston v Lack, 487 US 266 (1988) on June 21, 2019.

(3) That, this instrument was returned to me in July of 2019, as not properly postmarked, and the AFFIANT, RONALD A MYLES, re-mailed this instrument, by giving to mailroom staff on July, 7th, 2019.

(4) That, pursuant to the mailbox rule, this instrument was mailed in a timely and orderly fashion.

I, R0NALD R MYLES, declare under the penalty of perjury, that the information contained within, is accurate, true and to correct to the best of my knowledge and belief. 28 USC 1746.

/s/ Ronald R Myles Jr

RONALD R MYLES

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

July 2, 2019

Ronald R. Myles
#64225-060
PO Box 6000
Glenville, WV 26351

RE: Myles, Jr. v. United States
No: 18-9017

Dear Mr. Myles:

The petition for rehearing in the above-entitled case was not postmarked and received July 2, 2019 and is herewith returned as out-of-time

Pursuant to Rule 44 of the Rules of this Court, a petition for rehearing must be submitted within 25 days after the decision of the Court. As the petition for writ of certiorari was denied on June 3, 2019, the petition for rehearing was due on or before June 28, 2019.

You must provide an affidavit of mailing pursuant to Rule 29.2 because of the missing or illegible postmark.

Sincerely,
Scott S. Harris, Clerk
By:
Redmond K. Barnes
(202) 479-3022

Enclosures