

18-9017  
No: \_\_\_\_\_ ORIGINAL

IN THE SUPREME COURT  
OF THE UNITED STATES

Supreme Court, U.S.  
FILED

APR 16 2019

OFFICE OF THE CLERK

RONALD R MYLES, JR.

PETITIONER

v

UNITED STATES OF AMERICA,

RESPONDENT.

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

PETITION FOR WRIT OF CERTIORARI

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## STATEMENT OF ISSUES

WHETHER THE DISTRICT COURT VIOLATED THE ROOKER-FELDMAN DOCTRINE/  
RES JUDICATA DOCTRINE, BY FUNCTIONING AS [A]N "APPELLATE COURT"  
AND APPLYING [A]N APPELLATE REVIEW OF A STATE COURT JUDGMENT  
RULING IN FEDERAL DISTRICT COURT, THEREBY SETTING A NEW APPELLATE  
PRECEDENT THAT CIRCUMVENTS EACH STATES INDIVIDUAL PAREN PATRIAЕ  
POWERS EMBEDDED IN 28 USC § 1738, FULL FAITH CREDIT ACT? DID THE  
DISTRICT COURT VIOLATE THE APPELLATE POWER VESTED IN OUR HONORABLE  
UNITED STATES SUPREME COURT AND THE UNION AGREEMENT OF THE UNITED  
STATES OF AMERICA? AND IF SO, DOES A JUNE 17, 2016 (STATE SEARCH  
WARRANT) "LACK SUBJECT MATTER JURISDICTION?" IN FEDERAL DISTRICT  
COURT WHEN THE STATE COURT OF OHIO GAVE A RULING THAT NO SUCH ...  
WARRANT EXISTED?

## QUESTIONS PRESENTED

¶1) IF EDVIDENCE IS INHERITED BY THE GOVERNMENT FROM THE PETITIONER, RONALD R MYLES, JR'S STATE OF OHIO, AGGRAVATED.¶¶ ROBBERY CASE, 16-CR-0337, TO BE USED AGAINST HIM IN FEDERAL DISTRICT COURT, DOES PRIOR STATE "RULINGS" IN CASE NUMBER 337, RECEIVE RES JUDICATAS PRECLUSIVE EFFECT IN FEDERAL DISTRICT COURT?

¶2) THE SIXTH CIRCUIT COURT OF APPEALS, HAS AFFIRMED IN THEIR FINAL JUDGMENT ENTRY, ON FEBRUARY 21, 2019, THAT THE STATE COURT OF OHIO GAVE A FINAL JUDGMENT RULING IN RELATION TO THE SEIZING OF MR MYLES PRIVATE PROPERTY, ON JUNE 17, 2016 AT HIS DAYS INN HOTEL ROOM, THAT THE JUNE 6, 2016, STATE WARRANT, WAS THE SOLE WARRANT IN MR MYLES STATE OF OHIO ... AGGRAVATED ROBBERY CASE, NUMBER 337, AT THE JULY 21, 2016 STATE PRE-TRIAL. SHOULD THAT JUNE 6TH WARRANT RULING ... HANDED DOWN BY THE STATE COURT, RECEIVE RES JUDICATAS "PRE-CLUSIVE EFFECT" IN A FEDERAL DISTRICT COURT?

¶3) IF THE JUNE 6TH WARRANT "RULING" IS GIVEN RES JUDICATAS "PRECLUSIVE EFFECT," BASE ON U.S.C. § 1738, FULL "FAITH AND CREDIT ACT," DOES A JUNE 17TH, 2016 STATE WARRANT, "LACKS SUBJECT MATTER JURISDICTION," IN A FEDERAL DISTRICT COURT?

¶4) ONCE THE GOVERNMENT INHERITED EVIDENCE FROM MR MYLES STATE AGGRAVATED ROBBERY CASE, #337, AS WELL AS ANY PRIOR RULINGS IN THAT CASE, TO BE USED AGAINST HIM IN A FEDERAL INDICTMENT, DOES **THE ROOKER FELDMAN DOCTRINE** BAR THE GOVERNMENT, FROM RECEIVING A[N] APPELLATE REVIEW OF THE JUNE 6TH WARRANT RULING BEING THE SOLE WARRANT IN THAT CASE?

¶5) DID THE FEDERAL GOVERNMENT BECOME A PARTY OR PRIVY POSING AS THE FIRST TO MR MYLES STATE OF OHIO AGGRAVATED ROBBERY CASE #337, ONCE THEY TRIED TO APPEAL THE JUNE 6TH WARRANT RULING, BY ASKING THE DISTRICT COURT TO APPLY A "GOOD FAITH" EXCEPTION, TO A[N] ALLEGED JUNE 17TH STATE WARRANT. THAT DOES NOT MATCH THE STATE OF OHIO'S RULING, AT THE JULY 21, 2016 STATE PRE-TRIAL? MONTANA V UNITED STATES, (1979)<sup>2</sup>

¶6) THE STATE OF OHIO HAS ADMITTED THROUGH WRITTEN MOTION, ON NOVEMBER 6, 2018, (21 MONTHS AFTER FEDERAL CONVICTION AND INCARCERATION), THAT THE STATE COURT OF OHIO, HAS NEVER ORDERED MR MYLES PRIVATE PROPERTY FROM CASE #337, TO BE GIVEN TO ANY PERSON OR ENTITY, AS SHOWN BY THE DOCKET SHEET AS WELL, FOR CASE #337. HOW DID THE GOVERNMENT, LAWFULLY OBTAIN MR MYLES PRIVATE PROPERTY FROM CASE #337, TO BE USED AGAINST MR MYLES 21 MONTHS AGO, TO SECURE A FEDERAL CONVICTION, WHEN THERE STILL HASN'T BEEN A FINAL DISPOSITION OR ORDER OF TRANSFER OF THIS PROPERTY, FROM THE STATE COURT?

¶7) IF THE GOVERNMENT USES EVIDENCE FROM STATE CASE, #337 . . ., DOES A JUNE 17TH STATE WARRANT, PASS CONSTITUTIONAL MUSTER IN FEDERAL DISTRICT COURT, IF THE STATE COURT HAS ALREADY GIVEN A "RULING," THAT IT DOESN'T EXIST, IN CASE #337?

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<sup>2</sup> "A Final Judgment on the mertis (bars further claims) by parties or privy based on the same cause of actions."

**A LIST OF ALL PARTIES**

UNITED STATES GOVERNMENT

CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS  
OF THE OPINIONS AND ORDERS

GOVERNMENT'S MEMORANDUM CONTRA DEFENDANTS PRO SE MOTION FOR A  
JUDGMENT OF ACQUITTAL, DOC #63, PG 14 UNPUBLISHED

"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 had been filed at that point. Because the June 17th arrest was a state, rather than a federal arrest."

STATE COURT OF OHIO, JULY 21, 2016 ... PRE-TRIAL UNPUBLISHED

The Def: (Line 18) So the only warrant, the latest warrant, is June 6th, 2016?

The Court: That was the latest one that was filed.

Excerpt from the January 31st, 2017 Federal Pre-Trial, Doc #126,  
Page ID #1910 (Line 21)

The Court: So what I hear the Government saying is if its a matter that we've already discussed and I've already ruled on, their position is you don't get another bite of the apple. I'll go a little bit in a different direction. Any rulings made, if they're wrong, I've been wrong before, the Court of Appeals can decide that issue.

JUDGMENT ENTRY FOR THE SIXTH CIRCUIT COURT OF APPEALS, FEBRUARY 1, 2019, 4TH PARAGRAPH, PAGE 4 UNPUBLISHED

JUDGMENT ENTRY FOR THE SIXTH CIRCUIT COURT OF APPEALS, FEBRUARY 1, 2019, PAGE 4, 4TH PARAGRAPH UNPUBLISHED

"Evidence seized by state officers pursuant to a state search warrant generally may be used in a federal prosecution, provided that the warrant passes constitutional muster." See United States v Bennett, 170 F3d 632, 636 n.1 (6th Cir 1999)

THE HONORABLE JUDGE JACK ZOUHARYS, DISTRICT COURT DOCKET ENTRY ON FEBRUARY 13, 2017, IN PART; UNPUBLISHED

"Voir Dire held on 2/13/2017, as to Ronald R Myles (i). Defendant made an oral request to include this Court's ruling on his jurisdictional motion to Dismiss on the Docket. This Court ... will [n]ot re-visit that issue. It's ruling is reflected on the (transcript) and is part of the record in this case."

JANUARY 31, 2017, FEDERAL PRE-TRIAL, DOC #126, PAGE ID #1887, LINE 18, IN PART; GOVERNMENT RESPONSE/REMARKS. UNPUBLISHED

:Montgomery County search warrant, including the Defendant's hotel room and car was obtained in the jurisdiction where the search occurred, which was Montgomery County Ohio. Marian Count would have no access to these records.

THE GOVERNMENT'S APPELLEE BRIEF, CASE NO 17-3817, DOC #38, PAGE 21, 1ST PARAGRAPH: UNPUBLISHED

"... the record reflects that both the state prosecutor and court either misunderstood Myles's question or simply mis-spoke when the state court judge subsequently stated, in passing, that it was unaware of any warrant other than the June 6th arrest warrant.

GOVERNMENT'S MOTION IN LIMINE, FILED ON 2/1/2017, DOC #43, PAGE ID #370, 3RD PARAGRAPH: UNPUBLISHED

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

GOVERNMENT'S APPELLEE BRIEF, CASE NO 17-3817, DOC # 38, PAGE 11, LAST PARAGRAPH: UNPUBLISHED

"July 22, 2016, Myles filed a suppression motion in his state aggravated robbery case. The state court judge did not rule on the motion, however, because it was dismissed, the case without prejudice, at the state prosecutor's request..."

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT FINAL JUDGMENT ENTRY, ON FEBRUARY 21, 2019, PAGE 2, LAST PARAGRAPH: UNPUBLISHED

"The District Court next rejected Myles's motion to suppress the evidence seized, noting that the June 6th and June 17th warrants were not invalid for the aforementioned reasons. Alternatively, the court concluded that even if a deficiency existed in either warrant 'Good Faith,' applied because law enforcement had not act unreasonably or in bad faith. See Her  
ing v United States, 555 U.S. 135, 142, 144-45 (2009).

STATE OF OHIO MEMORANDUM CONTRA DEFENDANT'S MOTION TO SUPPRESS  
EVIDENCE: November 6, 2018 12:11 PM UNPUBLISHED

"Defendant alleges that the State is illegally holding \$150,000 in cash and 2004 Mercedes Benz C Class vehicle which belonged to Defendant.'

SIXTH CIRCUIT COURT OF APPEALS, FINAL JUDGMENT ENTRY ON FEBRUARY 21, 2019, PAGE 4, 3RD PARAGRAPH: UNPUBLISHED

"...the Government was not a party to the state action. See Kettering Health Network, 816 F3d at 415."

SIXTH CIRCUIT COURT OF APPEALS, FINAL JUDGMENT ENTRY ON FEBRUARY 21, 2019, PAGE 4, 3RD PARAGRAPH: UNPUBLISHED

"The Rooker-Feldman and res judicata doctrines do not apply because the state court did not address Myles's argument on the merits and issue a decision. See Kettering Health Network, 816 F3d at 415, Berry, 688 F3d at 299.

SIXTH CIRCUIT COURT OF APPEALS, FINAL JUDGMENT ENTRY ON FEBRUARY 21, 2019, PAGE 3, 4TH PARAGRAPH: UNPUBLISHED

"In support of his argument that the Rooker-Feldman and Res Judicata Doctrines required the District Court to grant his motion to suppress and return his property, 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 court's "ruling" precluded application of the good-faith exception [June 17th state search 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."

SIXTH CIRCUIT COURT OF APPEALS, FINAL JUDGMENT ENTRY ON FEBRUARY 21, 2019, PAGE 2, 2ND PARAGRAPH: UNPUBLISHED

"He challenged the the validity of both warrants and asserted, among other things, that the June 17th warrant, had not yet ... been issued at the time of the search, as purportedly shown by a date stamp of June 24, 2016, and by a state judge's comment at a pre-trial hearing on July 21st, 2016."

SIXTH CIRCUIT COURT OF APPEALS, FINAL JUDGMENT ENTRY ON FEBRUARY 21, 2019, PAGE 2, 3RD PARAGRAPH: UNPUBLISHED

"As to the June 17th search warrant, the district court concluded that law enforcement did obtain it on that date, shortly after Myles arrest, but simply had not filed it in court until June 24."<sup>2</sup>

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<sup>2</sup>See both Docket State Docket Sheets, Appendix F and Appendix I, no June 17th state search warrant appears on June 24th

**REVIEW OF COURT OF APPEALS JUDGMENT  
SIXTH CIRCUIT**

The Federal District Court had jurisdiction under 18 USC § 3231 (R 39 Superseding Indictment, Page ID # 346).

On July 27, 2017, The Federal District Court entered FINAL JUDGMENT against Defendant-Appellant, Ronald R Myles, Jr., (R 104, Judgment, Page ID #1693;(R 105 Amended Judgment, Page ID # 1701).

**JURISDICTION**

The Sixth Circuit entered a FINAL JUDGMENT against Appellant, RONALD R MYLES, JR., on February 21, 2019. This Court has jurisdiction, pursuant to 28 U.S.C § 1291.

**TABLE OF AUTHORITIES**

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## CONSTITUTIONAL AND STATUTORY PROVISIONS

Res Judicata Doctrine: Under the Doctrine of Res Judicata, federal courts must give the same preclusive effect to state court judgments as those judgments would receive in the courts of the rendering state. *S. Migra v Warren City Sch Dist Bd of Educ.*, 465 US 75, 80-85 (1984).

Ohio Res Judicata Law: In Ohio, Res Judicata has four elements; (1) a prior final, valid decision on the merits by a court of competent jurisdiction; (2) a second action involving the same parties, or the privies, as the first; (3) a second action raising claims that were or could have been litigated in the first action; and (4) a second action arising out of the transaction or occurrence that was the subject matter of the previous action. *United States ex rel. Sheldon v Kettering Health Network*, 816 F3d 399, 415 (6th Cir 2016)(quoting *Hapwood v City of Warren*, 127 F3d 490, 493 (6th Cir 1997)).

### § 1738. State and Territorial statutes and judicial proceedings; full faith and credit

The Acts of legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession ... hereto. The records and judicial proceedings of any court of and such State, Territory or Possession, of copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form. Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States

and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

**A FINAL JUDGMENT:** On the merits bars further claims, by parties or their privies, posing as the 1st based on the same cause of actions. *Montana v United States*, 440 US 147, 153 (1979).

**Midland Asphalt Corp:** In criminal cases this prohibits Appellate Review, until (after) conviction and imposition of a sentence. *Midland Asphalt Corp v United States*, 489 US 794, 798 (1989).

**Caitlin v United States:** A decision is FINAL if it ends the argument on the merits, and leaves nothing for the Court to do but execute the judgment. *Caitlin v United States*, 324 US 229 233 (1945).

**United States v Bennett:**

Evidence seized by state officers pursuant to a state search warrant generally may be used in a federal prosecution, provided that the warrant passes constitutional muster. See *United States v Bennett*, 170 F3d 632, 636 n.1 (6th Cir 1999).

**28 U.S.C.S. § 1257(a):** 'states a final judgment from the highest court of a state, may be reviewed by the United States Supreme Court by Writ of Certiorari.

**Kettering Network:** the Government was not a party to the state court action. See *Kettering Health Network*, 816 F3d at 415.

**Berry:** See Kettering Health Network, 816 F3d at 415. The Rooker Feldman and Res Judicata do not apply because the state court did not address the argument on the merits and issue a decision. See Berry, 688 F3d at 299.

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APPENDIX A: United States Court of Appeals Decision; 2/21/2019

APPENDIX B: State of Ohio, Aggravated Robbery Case, Case No: 16-cr-0337, Dismissed without Prejudice

APPENDIX C: State of Ohio Indictment, Case No: 16-cr-0337, June 30, 2016, Indictment of Ronald R Myles, Jr

APPENDIX D: June 6, 2016, Arrest Warrant and Complaint, on Ronald R Myles, Jr; CRA 1601375; Marion Municipal Court

APPENDIX E: Federal Superseding Indictment, January 30, 2017; Case No: 3:16-cr-251

APPENDIX F: Marion Municipal Court, Docket Sheet, Case No: CRA 1601375; June 6th warrant filed, no evidence of a June 17th state search warrant, alleged by the Gov't

APPENDIX G: Federal Complaint, filed by FBI Agent, Matthew F Komer, on July 25th, 2016, attempting to appeal the June 6th warrant ruling, handed down in state court

APPENDIX H: States Memorandum Contra Defendant's Motion to Suppress Evidence, filed on November 6, 2018, in Case No: #337

APPENDIX I: Docket Sheet, for Aggravated Robbery Case, 2016-cr-0337, State of Ohio v Ronald R Myles, once again, no evidence of a June 17th state search warrant, alleged by the Gov't

APPENDIX J: The July 21st, 2016, State Pre-Trial Transcripts pertaining to the Aggravated Robbery Case, #0337 confirming the June 6th warrant ruling handed down in state court

APPENDIX K: Ruling on Suppression Motion and Return of Private Property in Case No: #0337, filed on Dec 31, 2018

## STATEMENT OF THE CASE

On June 17th, 2016, Ronald R Myles Jr., was arrested in Dayton, Ohio, at a Days Inn, Hotel Room, #133, on what was at the time, solely a state complaint, for [a]n alleged Bank Robbery by [a]n unidentified black male; on June 4th, 2016.

The basis of Mr. Myles arrest, on June 17th, stems from a June 6th, 2016, state arrest warrant/complaint.<sup>2</sup> Mr. Myles was not arrested on June 17th, on ANY federal warrant, or ANY federal complaint, NOR ANY federal charges, including indictment had been filed,...against Mr. Myles by the federal Government. This was admitted by the Government through written motion, (See Goverment's Memorandum Contra, on Page 1 - Citations of the Official and Unofficial Reports).

Mr. Myles was indicted by the State of Ohio Grand Jury, on June 30th, 2016,<sup>3</sup> concerning the Bank Robberies of June 4th and June 17th, 2016.

On July 21st, 2016 after multiple arraingment hearings, the State of Ohio held a pre-trial, concerning Mr. Myles Aggravated Robbery Case, #337, concerning the alleged Bank Robberies on June 4th and June 17th, 2016. Mr. Myles presented questions to the State Court of Ohio, in regards to his private property and what state warrants authorized the taking of his private property, out of his Days Inn Hotel Room, #133 on June 17th, 2016.

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<sup>2</sup>See Marion Municipal Docket Sheet, State Court arrest and complaint on June 6, 2016 APPENDIX D & F

<sup>3</sup>See State Indictment, #337; June 30, 2016 APPENDIX C

The State Court (Ohio) gave a Final Ruling on the merits at the July 21st, 2016 State of Ohio Pre-trial, that the June 6th, 2016 State arrest warrant was the sole warrant in the case. That ruling on the merits, (June 6th sole warrant) was confirmed by the Sixth Circuit Court of Appeals, in their Final Judgment Entry on February 21st, 2019.

Mr. Myles claimed a Fourth Amendment violation, based on the State Court's ruling, that the June 6th arrest warrant, was the sole warrent in the case, as that warrant did NOT authorize the seizing of Mr. Myles private property.<sup>2</sup>

Four [4] days later,<sup>3</sup> on July 25th, 2016, the federal government filed a complaint (see Complaint, with the federal District Court.) The Government illegally obtained, Mr. Myles private property, from the Marion Sheriff's Department, without a federal search warrant, or a State Court's Final Property Disposition or Order of Transfer, to the Federal Government, from the State Court of Ohio. On August 3, 2016, the Federal Government illegally presented Mr. Myles private property of which was governed by the State of Ohio Constitution, to secure a Federal Indictment on Mr. Myles.\*

On January 19, 2017, at a Federal Pre-trial Hearing ... the Government commissioned the Federal District Court against Ohio's Res Judicata Doctrine, while violating the Rooker-Feldman Doctrine, to funtion as [a]n Appellate Court circumventing the State of Ohio's State Parens Patriae Powers

<sup>2</sup>The State Case was subsequently dismissed on August 26, 2016, see State Case dismissal on Case #337 APPENDIX B

<sup>3</sup>Following the July 21st, 2016 State Pre-Trial, on Case #337

\*This Indictment was later superseded on January 30, 2017 by Gov't. See superseding Indictment APPENDIX E -2-

imbedded in 28 USC § 1738 'Full Faith and Credit Act.' To apply [a]n Appellate Review of the June 6th warrant ruling ... handed down by the State Court of Ohio, at the State Pre-Trial on July 21st, 2016.

The District Court erroneously gave [a]n Appellate Ruling, and applied "Good Faith Exception," to [a]n alleged **June 17th, 2016** state search warrant, against the State Courts ruling. Mr. Myles is/was asking the Federal District Court and the Sixth Circuit Court of Appeals, to apply the Res Judicata and Rooker-Feldman Doctrines, to give Preclusive Effect to the State Court's ruling, that the June 6th, 2016 was the sole warrant, in Mr. Myles state case, #337.

Mr. Myles was asking the Courts to apply the Rooker-Feldman Doctrine to 'bar' the Government from seeking [a]n Appellate Review, of the June 6th, being the sole warrant in Mr. Myles state case.

Mr. Myles is arguing that because of the state court's ruling, that the **June 6th** warrant is the sole warrant in Mr. Myles state case, #337. That Final Judgment on the merits, would render a June 17th state search warrant, ("**lacks subject matter jurisdiction**"), in Federal District Court.

Mr. Myles is arguing that too allow the Government to receive [a]n Appellate Review, of the state court's ruling in a Federal District Court..... violates 28 U.S.C. § 1257(a), final judgments of the state may be reviewd by the

Supreme Court and sets a new Appellate Precedent that violates the Union Agreement of the United States of America, established by Abraham Lincoln, by violating the State of Ohio Parens Patriae policy embedded in state court rulings.

The Parens Patriae policy of each state, is the core ... value, of what's Res Judicata Doctrine, Preclusive Effect is designed to protect. The June 6th warrant ruling being the sole warrant in Mr. Myles state case, #337, was confirmed by the Sixth Circuit Court of Appeals. In their Final Judgment Entry, February 21st, 2019.

The Federal Government inherited all of their alleged evidence, from the State of Ohio's case against Mr. Myles, Case #337 and as well, by law and statute, they also inherited state court ruling Judgments, according to § 1738 'Full Faith and Credit Act.' The violation of the Union Agreement, of the Federal Government, seeking [a]n Appellate Review of prior state court judgment rulings handed down in Mr. Myles state case, #337, violating the Union Agreement, embedded in the United States Constitution is the basis of Mr. Myles appeal to the Supreme Court on the Certiorari.

The Federal Government ultimately utilized [a]n illegal state search warrant "June 17th" to admit illegal evidence in Federal District Court, to secure a federal conviction by Jury, on Mr. Myles, on February 16th, 2017.

## ARGUMENT

At the July 21st, 2016 State pre-trial in regards to Mr. Myles State of Ohio, Aggravated Robbery Case, #337, Mr. Myles questioned the Court about the seizing of his private property and questions were there any other warrants, after the June 6, 2016, state warrant that permitted the seizing of his property. The state court gave a final judgment on the merits and subsequently stated "the June 6th 2016 arrest warrant," was the sole warrant in the case.<sup>2</sup> (This ruling by the state of Ohio, was confirmed by the Sixth Circuit Court of Appeals in their final judgment entry, on February 21st, 2019).<sup>3</sup>

While the Goverment may be at liberty to use evidence and rulings, in Mr. Myles State of Ohio, Aggravated Robbery Case, #337 to be used against him in their federal complaint, the Rooker-Feldman Doctrine bars attempts by federal plaintiff's to receive Appellate Reviews of State Court judgments in .... Federal District Court.

The Government commissioned The Federal District Court on January 19th, 2017 Mr. Myles federal suppression hearing, to function as an "Appellate Court" and apply a "Good Faith Exception, to an alleged June 17th, 2016 State search warrant that the State Court of Ohio, has already given a Final Judgment on the merits that it doesn't exist in Case #337. A Final

<sup>2</sup>See July 21, 2016 State Pre-trial, Case No: #337, pg 6, line 18, 19 APPENDIX J

<sup>3</sup>See APPENDIX A, PG 3, ¶3

Judgment on the merits bars further claims, by parties or their privies, posing as the 1st based on the same cause of actions. Montana v United States, 440 US 147, 153 (1979).

The Sixth Circuit erred in their judgment entry, on Page 4, ¶ 3, by stating the federal Government was not a party to the State Court action, concerning Mr. Myles State Aggravated Robbery Case, #337. However, the Federal Government became a privy posing as the first, the moment the Government inherited alleged evidence from State Case #337 and appealed the June 6th warrant ruling, handed down by state court, with an alleged June 17th State search warrant in Federal District Court.

This is one of the four elements of (Ohio's Res Judicata Law). (2) A second action involving the same parties or their privies as the first.

(The National Importance) surrounding the errors in the District Court applying an Appellate Review, of the June 6th warrant ruling handed down by the State Court of Ohio, sets an ugly precedent and could be catastrophic for the United States as a nation.

The power to appeal State Judgment rulings outside of ... state jurisdiction, is vested in our Honorable United States Supreme Court for a reason. Quoting 28 U.S.C.S. § 1257(a): "states a final judgment from the highest court of a state may be reviewed by the United States Supreme Court by Writ of Certiorari. The Rooker-Feldman Doctrine is based on the nega-

tive inference, that, if Appellate Court Review of such state judgments is vested in the Supreme Court, then it follows that such review may not be had in the lower federal courts.

For if each individual state, within the United States discovered that they were having their State judgment rulings and state Parers Patriae powers illegally appealed and overturned in Federal District Cort, circumventing the independant powers of each state, could cause a legal civil war, across the nation and a national desire for some states to want to pull out of (the Union) that unites the 50 states across America, through our Honorable United State Constitution, with the Honorable United States Supreme Court at the helm,

In fact, the Parer Patriae Powers of each individual state within the United States, is the basis of Res Judicata's "Preclusive Effect," principle embedded in 28 U.S.C. 1738 "Full Faith and Credit Act." The records and Judicial Proceedings of any such state, shall be proved or admitted in other courts within the United States, as they have by law or usage in the courts of such states, from which they are taken.

Under Res Judicata's Doctrine, Federal Courts must give the same "Preclusive Effect," to State Court Judgments as ... those judgments would receive in the Courts of the rendering State (Ohio in this case).

Thus, at the July 21st, 2016 State pre-trial concerning Mr. Myles State of Ohio Aggravated Robbery Case #337, if the

Government wanted to inherit evidence from the State of Ohio, to be used against Mr. Myles in their Federal Complaint/Charge the rulings at the July 21, 2016, State of Ohio pre-trial ... transcripts from Case #337, was supposed to receive 28 U.S.C. § 1738 "Full Faith Credit."

When the State Court of Ohio gave a Final Judgment ruling on the merits that the June 6th, 2016 arrest warrant was the sole warrant, in the State case #337, that Final Judgment on the merits was supposed to receive Res Judicata's "**Preclusive Effect**," in Federal District Court.

The Rooker-Feldman Doctrine was suppose to bar attempts by the Federal Government to receive an Appellate "Good Faith Exception" Review, alleging a June 17th, State Search warrant in Federal District Court.

(The National Importance) of causing a possible legal civil war, and national desires of some states to want to pull out of the Union, by settin a New Appellate Precedent in Federal District COurt, circumventing each states individual Paren's Patriae Powers, is why a June 17, 2016 State Search warrant alleged by the Government against the state courts ruling, "lacks subject matter jurisdiction," in Federal District Court.

The Appellate Court also erred in their Judgment Entry, Page 4, Paragraph 3, when they stated The Rooker-Feldman Doctrine and Res Judicata Doctrine, do NOT apply because the State

Court did NOT address Mr. Myles argument (his Suppression / Dismiss Motion) on the merits and issue a decision. See Kettering Network , 816 F3d at 415; Berry 688 F3d at 299.

Mr. Myles was NOT asking for Rooker-Feldman or Res Judicata Doctrines, to be applied to any motion, he filed with the State of Ohio, because there was never a FINAL JUDGMENT/RULING on any motion he filed with the State of Ohio, pertaining to his Case #337.

This further lends the question, if the State Court NEVER gave a ruling on Mr. Myles Suppression Motion, on Case #337, ... how did the Government, legally inherit any evidence from Mr. Myles State Case, #337, if the Judge have NEVER given a ruling on his Suppression Motion, NEVER gave an ORDER of Property Transfer to the Government, nor a final disposition of the property transfer, to the federal Government?<sup>2</sup>

In fact, the Government has admitted during federal sentencing, to have no involvement in any forfeitures concerning Mr. Myles Aggravated Robbery Case, #337.<sup>3</sup> So how did the Government legally use evidence, from State Case #337, in Federal District Court, to secure a federal conviction on Mr. Myles?

Mr. Myles asked the State Court about the 'seizing' of his private property and the State Court of Ohio gave a FINAL JUDGMENT on the merits that the June 6th 2016, arrest warrant was the sole warrant in the case. This State Court ruling was confirmed by the Sixth Circuit Court of Appeals FINAL JUDGMENT

<sup>2</sup>See States Court ruling on Suppression, Dec 31, 2018, Appendix K

<sup>3</sup>See State Docket Sheet, #337, no government forfeiture or property request pertaining to #337 APPENDIX I

Entry on February 21, 2019, Page 3, Paragraph 4.

That was the sole ruling handed down by the State Court in Case #337, and the only ruling Mr. Myles is asking that the ... Rooker-Feldman and Res Judicata Doctrine be applied to, if the Government is going to inherit evidence from the (The State of Ohio) to be used in their Federal Complaint, against Mr. Myles.

The June 6th warrant ruling could not only render a[n] alleged (June 17th State Search Warrant) to "lack subject matter jurisdiction" in Federal District Court, but a June 17th State search warrant would NOT pass constitutional muster, in relation to 28 USC § 1738 "Full Faith and Credit Act," of State Court rulings, once the State Court gave a ruling "**that no such warrant exist!!**" See Sixth Circuit Court of Appeals, FINAL JUDGMENT ENTRY, Page 4, Paragraph 4 (State Warrants must pass constitutional muster) United States v Bennett, 170 F3d 632, 636 n. 1 (6th Cir 1999).

When the State Court handed down the June 6th warrant, being the sole warrant in Mr. Myles Aggravated Robbery, Case # 337, State Case, the record reflects that the State of Ohio, Mr. Myles and the State Court were all in [a]greement with this "ruling" in relation to the seizing of Mr. Myles private property. "A decision is FINAL if it ends the argument on the merits, and leaves nothing for the Court to do but execute the judgment." Catlin v United States, 324 US 229, 233 (1945).

"In criminal cases this prohibits Appellate Review, until

(after) conviction and imposition of a sentence." Midland Asphalt Corp v United States, 489 US 794, 798 (1989).

Thus, NOT only was a "Good Faith Exception" Appellate Review, of the June 6th warrant, being the sole warrant in Mr. Myles State Case, #337, a violation of the Rooker-Feldman, Res Judicata Doctrines, in Federal District Court, rendering a[n] alleged June 17th, State search warrant to "**lack subject matter jurisdiction**," but Mr. Myles was also never convicted in State Court on the charges of Case #337, which further bars a[n] Appellate Review.<sup>2</sup> Midland Asphalt Corp v United States (1989).

## CONCLUSION

The District Court applying a "Good Faith Exception" Appellate Review, with a[n] alleged June 17th (State Search warrant) against the State Court's ruling,<sup>3</sup> that the June 6th, 2016 arrest warrant, was the sole warrant in the case violating the 28 U.S.C.S. § 1257(a) Supreme Court review of State Court Judgments, The Rooker-Feldman Doctrine and Res Judicata Preclusive Effect, imbedded in 28 USC § 1738 "Full Faith and Credit Act." Is why the Petition for a Writ of Certiarori should be granted.

Respectfully submitted, on this 15<sup>th</sup> day of April 2019.

<sup>2</sup> See State Case Dismissal, Myles v State of Ohio, Agg Robb Case #337 APPENDIX B

<sup>3</sup> Violating the State of Ohio's *Parents Patriae* Powers and the Union Agreement of the United States of America, which was established by The Honorable Abraham Lincoln, Pres of the United States.