

18-9515 **ORIGINAL**

No. **IN THE**
SUPREME COURT of the UNITED STATES

Supreme Court, U.S.
FILED
APR 25 2019
OFFICE OF THE CLERK

Brandon Christopher Pierre,
Petitioner

v.

United States of America,
Respondent

On Petition For Writ of Certiorari to the Fifth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Brandon Christopher Pierre
1871 Washington Blvd.
Beaumont, Texas 77705
(832) 812-2442 (phone number)

I. Question Presented

Under the "color of law", the United States District Court for the Eastern of Texas (Beaumont Division) falsely and wrongfully indicted, arrested, imprisoned, convicted and sentenced me, Brandon Christopher Pierre, beginning on September 4, 2015. The initial incident stemmed from a class A misdemeanor incident committed in Beaumont, Texas in which the U.S.D.C. for the Eastern District of Texas (Beaumont Division) By law, the incident at bar has no probable cause relation or affect to municipal ordinance MD-5876-13 of Allentown, Pennsylvania, in which to trigger violation of federal statute 18 U.S.C. § 922 (g) (8) at bar.

II. Table of Contents

I.	Question Presented	i
II.	Table of Contents	ii, iii
III.	Table of Authorities	iv,v
IV.	Petition for Writ of Certiorari	1
V.	Opinions Below	2,3
VI.	Jurisdiction	4
VII.	Constitutional Provisions Involved	3,4,5,6,7,8,9,10
VIII.	Statement of the Case	11,12,13,14,15,16,17,18,19
	1. Municipal Ordinance MD-5876-13 of Allentown, Pennsylvania..	12,13,14
	2. Class A Misdemeanor in Beaumont, Texas on July 4, 2015.....	16
	3. "Color of Law" ... 'appearance' of legal power to act committed by the U.S.D.C. for the Eastern District of Texas (Beaumont, Division) that is in violation of the law.	
IX.	REASONS FOR GRANTING THE WRIT	20,21
	A. To avoid erroneous deprivations and infringements of rights under the " <u>color of law</u> " by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the <u>Holy</u> <u>Bible, specifically in the Book of Exodus, Chapter 20 (The Ten</u> <u>Commandments)</u> and Public Law 97-280, 97 th Congress of the U.S. of America.	
	B. To avoid erroneous deprivations and infringements of rights under the " <u>color of law</u> " by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by <u>THE</u> <u>CONSTITUTION OF THE UNITED STATES OF AMERICA</u> .	

C. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the **TEXAS CONSTITUTION ARTICLE 1. BILL OF RIGHTS.**

D. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the **Universal Declaration of Human Rights.**

X.	Conclusion.....	22,23
XI.	Appendix.....	24,25

III. Table of Authorities

Cases

U.S. v. Rolando Roman Sanchez, (639 F.3d 1201 ; 2011 U.S. App. LEXIS 9185 No. 10-10229).....	Appendix
--	----------

Statutes

28 U.S.C. § 1254(1)(2).....	3
-----------------------------	---

Constitutional Provisions

• United States Constitution, Amendment II.....	3
• United States Constitution, Amendment IV.....	3
• United States Constitution, Amendment V.....	4
• United States Constitution, Amendment VI	4
• United States Constitution, Amendment VIII.....	4
• United States Constitution, Amendment IX.....	4
• United States Constitution, Amendment X.....	5
• United States Constitution, Amendment XIII.....	5
• United States Constitution, Amendment XIV.....	5

• <u>THE TEXAS CONSTITUTION ARTICLE 1., BILL OF RIGHTS</u>	
• Sec. 1 - <u>FREEDOM AND SOVEREIGNTY OF STATE</u>	6
• Sec. 3 - <u>EQUAL RIGHTS</u>	6
• Sec. 3a. – <u>EQUALITY UNDER THE LAW</u>	6
• Sec. 9 – <u>SEARCHES AND SEIZURES</u>	6
• Sec. 10 – <u>RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS</u>	7
• Sec. 11 – <u>BAIL</u>	7
• Sec. 11c. – <u>VIOLATION OF AN ORDER FOR EMERGENCY PROTECTION INVOLVING FAMILY VIOLENCE</u>	7
• Sec. 13. – <u>EXCESSIVE BAIL OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW</u>	8
• Sec. 17. – <u>TAKING, DAMAGING, OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES</u>	8
• Sec. 19. – <u>DEPRIVATION OF LIFE, LIBERTY, ETC; DUE COURSE OF LAW</u>	8
• Sec. 20. – <u>OUTLAWRY OR TRANSPORTATION FOR OFFENSE</u>	9
• Sec. 23. – <u>RIGHT TO KEEP AND BEAR ARMS</u>	9
• Sec. 28. – <u>SUSPENSION OF LAWS</u>	9
• Sec. 29. – <u>BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT AND INVOLUTE</u>	9

- Sec. 30. – **RIGHTS OF CRIME VICTIMS**.....10

IV. Writ of Certiorari

Comes now, the petitioner, respectfully communicating this motion for relief, via actionis petition for Writ of Certiorari to The FIFTH CIRCUIT COURT OF APPEALS, BY LAW. This petition for Writ of Certiorari is for the sole purpose to avoid and correct the erroneous deprivation and infringement of rights under the **“color of law”** perpetrated by the U.S.D.C. for the Eastern District of Texas (Beaumont Division). These unlawful intentions were initiated by both district attorney's Leslie A. Woods and Christopher Tony Tortorice and subsequently carried out through the erroneous ineffective counsels and wanton misconduct of both retained attorney's David W. Barlow and Joseph K. Plumbar (**ineffective assistance of counsel- subsequently a violation of the Sixth Amendment**) to maliciously prosecute and wrongfully indict, arrest, imprison, convict and sentence me for felony misconduct of violating **18 U.S.C. § 922 (g)(8)**, stemming from a class-A misdemeanor (**discharge of a firearm in a municipality on July 4, 2015 in Beaumont, Texas**) that I, by law, did not commit. Included in the petition for Writ of Certiorari are all of the prime facie evidence from the court of records /clerk of judicial records of **COURT OF COMMON PLEAS of Lehigh County in Allentown, Pennsylvania** that prove that I was never in violation of **Municipal Ordinance/Protective Order MD-5876-13** as it relates to **18 U.S.C. § 922 (g)(8)** and the frivolous charge of the case at bar.

V. Opinions Below

Brandon Christopher Pierre, former federal prisoner number 23410078, pled guilty to possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(8). Pierre filed a direct appeal, but this court dismissed the appeal for want of prosecution. Pierre filed a motion under direct appeal, but this court dismissed the appeal for want of prosecution. Pierre filed a motion under 28 U.S.C. § 2255, which is still pending before the district court. Subsequently, Pierre filed motions pursuant to Federal Rule of Criminal Procedure 52(b) and Federal Rule of Civil Procedure 60(b) challenging his sentence and guilty plea conviction. The district court denied the motions, and Pierre now appeals. The Government has filed a motion for summary affirmance and summary dismissal or, alternatively, an extension of time to file a brief.

Rule 52(b) does not provide a procedural mechanism for collaterally challenging a prisoner's conviction or sentence; rather, "recourse may be had to [Rule 52(b)] only on appeal." *United States v. Frady*, 456 U.S. 152, 163 (1982). Likewise, Rule 60(b) is not applicable in criminal proceedings. See FED. R. CIV. P. 1. Pierre's motions were unauthorized motions that the district court was without jurisdiction to entertain. See *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994).

We AFFIRM. Pierre's motion to expedite his appeals is DENIED, and the Government's motion for summary affirmance and summary dismissal or, alternatively, an extension of time to file a brief is also DENIED.

VI. Jurisdiction

Brandon C. Pierre's petition for hearing to the FIFTH CIRCUIT COURT OF APPEALS was denied on January 10, 2019. Mr. Pierre invokes this Court's jurisdiction under **28 U.S.C. § 1254(1)(2)**, having timely filed this petition for a writ of certiorari within ninety days of the FIFTH CIRCUIT COURT OF APPEAL'S judgment.

VII. Constitutional Provisions Involved

- **United States Constitution, Amendment II – The Right to Bear Arms**

A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall NOT be infringed.

- **United States Constitution, Amendment IV: - Protection from Unreasonable Searches and Seizures**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- **United States Constitution, Amendment V: - Protection of Rights to Life, Liberty and Property**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

- **United States Constitution, Amendment VI: - Rights of Accused Persons in Criminal Cases**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

- **United States Constitution, Amendment VIII – Excessive Bail, Fines, and Punishments Forbidden**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

- **United States Constitution, Amendment, Amendment IX – Our rights kept by the people**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

- **United States Constitution, Amendment X – Undelegated Powers Kept by the State and by the People**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

- **United States Constitution, Amendment XIII – Slavery Outlawed**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

- **United States Constitution, Amendment XIV (Section1) – Rights of Citizenship**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- **United States Constitution, Amendment XV – VOTING RIGHTS FOR ALL RACES**

Sec. 1. – The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

- **United States Constitution, Amendment XIX – VOTING RIGHTS FOR MEN AND WOMEN**

[1] The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

- **United States Constitution, Amendment XXVI – VOTING RIGHTS FOR ALL CITIZENS EIGHTEEN OR OLDER**

Sec. 1. – The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

- **THE TEXAS CONSTITUTION, ARTICLE 1., BILL OF RIGHTS**
- Sec. 1. – **FREEDOM AND SOVEREIGNTY OF STATE.** - Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.
- Sec. 2. - **INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT.** - All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.
- Sec. 3. – **EQUAL RIGHTS.** - All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.
- Sec. 3a. – **EQUALITY UNDER THE LAW.** – Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.
- Sec. 9. – **SEARCHES AND SEIZURES.** – The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

- Sec. 10. – **RIGHTS OF THE ACCUSED IN CRIMINAL PROSECUTIONS.** – In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.
- Sec. 11. – **BAIL.** - All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.
- Sec. 11c. – **VIOLATION OF AN ORDER FOR EMERGENCY PROTECTION INVOLVING FAMILY VIOLENCE.** - The legislature by general law may provide that any person who violates an order for emergency protection issued by a judge or magistrate after an arrest for an offense involving family violence or who violates an active protective order rendered by a court in a family violence case, including a temporary ex parte order that has been served on the person, or who engages in conduct that constitutes an offense involving the violation of an order described by this section may be taken into custody and, pending trial or other court proceedings, denied release on bail if following a hearing a judge or magistrate in this state determines by a preponderance of the evidence that the person violated the order or engaged in the conduct constituting the offense.

- Sec. 13. - **EXCESSIVE BAIL OR FINES.** - EXCESSIVE BAIL OR FINES; CRUEL OR UNUSUAL PUNISHMENT; OPEN COURTS; REMEDY BY DUE COURSE OF LAW. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.
- Sec. 15. - **RIGHT OF TRIAL BY JURY.** - The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury.
- Sec. 16. - **BILLS OF ATTAINER.** - EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.
- Sec. 17. - **TAKING, DAMAGING, OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES.** -
(a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:
(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:
(A) the State, a political subdivision of the State, or the public at large; or
(B) an entity granted the power of eminent domain under law
- Sec. 19. - **DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY DUE COURSE OF LAW.** No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

- Sec. 20. - **OUTLAWRY OR TRANSPORTATION OUT OF STATE FOR OFFENSE.** - No citizen shall be outlawed. No person shall be transported out of the State for any offense committed within the same. This section does not prohibit an agreement with another state providing for the confinement of inmates of this State in the penal or correctional facilities of that state.
- Sec. 23. – **RIGHT TO KEEP AND BEAR ARMS.** - Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.
- Sec. 28. – **SUSPENSION OF LAWS.** - No power of suspending laws in this State shall be exercised except by the Legislature.
- Sec. 29. - **BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT AND INVOLUTE.** To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

- Sec. 30. **RIGHTS OF CRIME VICTIMS.** (a) A crime victim has the following rights:
 - (1) the right to be treated with fairness and with respect for the victim's dignity and privacy throughout the criminal justice process; and
 - (2) the right to be reasonably protected from the accused throughout the criminal justice process.

(b) On the request of a crime victim, the crime victim has the following rights:

 - (1) the right to notification of court proceedings;
 - (2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;
 - (3) the right to confer with a representative of the prosecutor's office;
 - (4) the right to restitution; and
 - (5) the right to information about the conviction, sentence, imprisonment, and release of the accused.

(c) The legislature may enact laws to define the term "victim" and to enforce these and other rights of crime victims.

(d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.

(e) The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

VIII. STATEMENT OF THE CASE

The petitioner, Brandon Christopher Pierre, pro se, moves the U.S. Supreme Court, pursuant to 28 U.S.C. § 1254(1)(2) and 28 U.S.C. § 2255, via actionis The Holy Bible via Public Law 97-280, 97th Congress of the United States of America. The petitioner moves this Court, pursuant to **The U.S. Constitutional Amendments I, II, IV, V, VI, VIII, IX, X, XIII, XIV, XV, XIX, XXVI.** The petitioner moves this court, pursuant to **The Texas Constitution Article 1. Bill of Rights Section's 1, 3, 3a., 9, 10, 11, 11b, 11c, 13, 15, 16, 17, 19, 20, 23, 28, 29; 30** and the **Universal Declaration of Human Rights** for immediate release from illegal restraint. In support of this motion, the petitioner states:

1. The denial of assistance of counsel (**U.S. Constitution Amendment VI**) took place twice with two different retained attorneys. The first incident occurred on September 10, 2015 when Attorney David W. Barlow was retained as defense attorney but knowingly failed to disclose that he is also a "special prosecutor". The actions of "special prosecutor" Attorney David W. Barlow to deliberately 'act' as defense counsel are evident to the reasons that he never moved for the U.S.D.C. to dismiss all charges against the petitioner due to the fact that the U.S.D.C. for the Eastern District of Texas (Beaumont Division) was never of legal and lawful **competent jurisdiction**.

2. Denial of assistance of counsel (U.S. Constitution Amendment VI) was also committed by Attorney Joseph K. Plumbar in the same action of failure to move the court to dismiss all charges due to lack of competent jurisdiction.
3. The petitioner was illegally and unlawfully arrested by federal agents on September 4, 2015 under “**color of law**” on false accusations that the petitioner violated municipal ordinance/protective order MD-5876-13 of Allentown, Pennsylvania but was never extradited to the 3rd Circuit Eastern District of Pennsylvania courts.
4. The reason the petitioner was never extradited to the 3rd Circuit Eastern District of Pennsylvania courts is and was, because the petitioner was never in violation of the municipal ordinance, per Court of Records of Allentown, Pennsylvania. The U.S.D.C. for the Eastern District of Texas (Beaumont Division) has thoroughly and without doubt violated the petitioner of all U.S. Constitutional Amendment XIV due process rights guaranteed by the U.S. Constitution.

By law, there were never any unlawful violations of Municipal Ordinance/Protective Order MD-5876-13 as confirmed by the Court of Records of Allentown, Pennsylvania. If there were, by law, the petitioner would have had to have been extradited to the 3rd Circuit in Pennsylvania, **by law**, as stated in **Article IV of the U.S. Constitution**.

- **UNITED STATES CONSTITUTION, ARTICLE IV: Section 1** - Full Faith and Credit shall be given in each State to public Acts, Records, and judicial Proceedings of every State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.
- **Article IV: Section 2** - The Citizens of each State shall be entitled to all **Privileges and Immunities** of Citizens in the several States. A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the **State having JURISDICTION** (Allentown, Pennsylvania) of the Crime. No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be done.

"BY LAW" and definition, the meaning of a **MUNICIPAL ORDINANCE** is: "An authoritative law or decree; specif., a **MUNICIPAL regulation**, esp. one that forbids or restricts an activity. * **MUNICIPAL** governments can pass ordinances on matters that the state government allows to be regulated at the **Local Level**. A **Municipal Ordinance** carries the state's authority (**PENNSYLVANIA** not **TEXAS**, regarding the case at bar) and has the same effect within the municipality's limits (**ALLENTOWN, PENNSYLVANIA**) as a state statute. -also termed 'BYLAW'. The reverse would also be true. A municipal ordinance authorized in the city/state of Texas would be well outside the jurisdiction of the state of Pennsylvania, as well as any other state. I, Brandon Christopher Pierre, the petitioner would have had to physically go to Allentown, Pennsylvania and commit the same **class-A misdemeanor** in **Beaumont, Texas** incident, go to jail, post bail, travel back to Beaumont, Texas, then be indicted by the 3rd Circuit Eastern District of Pennsylvania for any such violations to be true and valid **by law** as it relates to **18 U.S.C. § 922 (g)(8)**. All charges on the contrary are an act of **fraud on the court** committed by the U.S.D.C. for the Eastern District of Texas (Beaumont Division) such as the case at bar.

The U.S.D.C. for the Eastern District of Texas (Beaumont Division) never had a **SCINTILLA OF EVIDENCE** to support the case at bar in which I, the petitioner, Brandon Christopher Pierre was **WRONGFULLY INDICTED**, **WRONGFULLY ARRESTED**, **WRONGFULLY IMPRISONED**, and ultimately **WRONGFULLY CONVICTED** and **SENTENCED** to 41 months of federal imprisonment by Judge Marcia A. Crone(knowingly) for felony misconduct that I did NOT commit.

The U.S.D.C. for the Eastern District of Texas (Beaumont Div.) in it's representation of the United States of America has also violated

- **18 U.S.C. § 242 – Deprivation of Rights under Color of Law, 28 U.S.C. 636 (a)(5)** – the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented...thru the act of coerced compliant confession (1995) – a confession by a 'suspect' who knows that he or she is **INNOCENT** but is overcome by fatigue, the questioner's tactics, or a desire for some potential benefit.

While under the erroneously advised counsel of attorney's (1) Marsha Normand (whom was retained after the petitioner committed the Class A misdemeanor discharge of a firearm in a municipality on July 4, 2015 in Beaumont, Texas) who in turn referred me to retain (2) David W. Barlow, whom in particular, failed to disclose to me, the FACT, that he himself, is a 'Special Prosecutor'. This in regards to having had retained Attorney David Barlow as my defense lawyer is a direct 'CONFLICT OF INTEREST'. The same holds true for (3) Attorney Joseph K. "JoJo" Plumbar, whom is also is in direct violation of Amendment VI (1791) as well the U.S.D.C. Eastern District (Beaumont Div.).

- Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, (I was coerced by David Barlow & Joseph Plumbar to take a plea deal for a crime I never committed) by an Impartial jury of the state(Pennsylvania) and district (3rd Circuit, Eastern District) where in the crime shall have been committed, which district shall have been PREVIOUSLY ascertained BY LAW (LEHIGH COUNTY – ALLENTOWN, PENNSYLVANIA) and to be informed of the nature and cause of the accusation; to be confronted with the witness against him (never occurred because the crime was never committed) ; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense(all retained attorney's were purposely putting on a FAÇADE of 'defense counsel' with no true intention to defend my ACTUAL INNOCENCE

- and LEGAL INNOCENCE but with every intent to DEFRAUD, DEPRIVE, and INFRINGE on my rights).
- Actual Innocence (1839) (Black's Law Dictionary, 10th Ed.) Criminal Law: The absence of FACTS that are PREREQUISITES for the sentence given to a defendant.
- Legal Innocence (1813) (Black's Law Dictionary, 10th Ed.) Criminal Law: The absence of one or more procedural or legal bases to support the sentence given to a defendant.
- 28 U.S. Code § 636 – Jurisdiction, Powers, & Temporary Assignment(this is the exact statute that was manipulated upon arraignment via 'coerced compliant confession')

Also enclosed in this Petition For Writ of Certiorari is the FINAL official copy of Municipal Order/Protective Order MD-5876-13 which was ORDERED, ADJUDGED, and DECREED that the COURT OF COMMON PLEAS OF LEHIGH COUNTY- ALLENTOWN, PENNSYLVANIA as PLAINLY STATED on pages ONE & THREE having JURISDICTION OVER THE PARTIES & SUBJECT-MATTER on January 23, 2014. There is NO SUCH THING as a 'nationwide restraining order', nor was I a felon in possession of a firearm.

All throughout Municipal Ordinance/Protective Order MD-5876-13 of Allentown, Pennsylvania, the BY LAW'S, are plainly stated in a very clear and concise manner. The only alternative motivation to WRONGFULLY IMPRISON me is to blatantly bring personal harm to me by use of **SELECTIVE ENFORCEMENT & VINDICTIVE PROSECUTION**.

- **SELECTIVE ENFORCEMENT** (1958) (BLACK'S LAW DICTIONARY, 10TH D.C.): The practice of law- enforcement officers who use wide or even unfettered discretion about when and where to carry out certain laws; esp., the practice of singling a person out for prosecution or punishment under a statute or regulation because the person is a member of a protected group or because the person has exercised or is planning to exercise a **CONSTITUTIONALLY PROTECTED RIGHT**.
- **SELECTIVE ENFORCEMENT** (1967) (BLACK'S LAW DICTIONARY, 10TH Ed.): The practice or instance of a criminal prosecution brought at the discretion of a PROSECUTOR rather than one brought as a matter of course in the NORMAL FUNCTIONING of the prosecuting authority's office. * **SELECTIVE PROSECUTION** violates the EQUAL PROTECTION CLAUSE of the 14th AMENDMENT if a defendant is SINGLED OUT for prosecution when others similarly situated have NOT been prosecuted and **THE PROSECUTOR'S** reasons for doing so are IMPERMISSIBLE.
- **VOID JUDGEMENT** (BLACK'S LAW DICTIONARY, 10TH Ed.): **A judgement that has no legal force or effect, the invalidity of which may be asserted by any party whose RIGHTS ARE AFFECTED AT ANY TIME AND ANY PLACE, WHETHER DIRECTLY OR COLLATERALLY.** * From it's inception, a **VOID JUDGEMENT** continues to be absolutely **NULL**. It is **INCAPABLE** of being confirmed, ratified, OR ENFORCED IN ANY MANNER OR **TO ANY DEGREE**. One source of a **VOID JUDGEMENT** is the **LACK of SUBJECT MATTER JURISDICTION**. (See pages ONE, THREE, and EIGHT of MUNICIPAL ORDINANCE/PROTECTIVE ORDER MD-5876-13, ORDERED ADJUDGED AND DECREED by JUDGE J.B. JOHNSON on January 23, 2014.

2. **Direct appeal**

Brandon Christopher Pierre, former federal prisoner number 23410078, pled guilty to possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g) (8). Pierre filed a direct appeal, but this court dismissed the appeal for want of prosecution.

X. REASONS FOR GRANTING THE WRIT

A. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the Holy Bible, specifically in the Book of Exodus, Chapter 20 (The Ten Commandments) and Public Law 97-280, 97th Congress of the U.S. of America. The U.S.D.C. for the Eastern District of Texas (Beaumont Division) has committed an illegal act of illegal restraint and VOID JUDGEMENT.

- “The rights of man come not from the generosity of the state, but from the hand of GOD.”

John F. Kennedy
Inaugural Address

- “Our government rests upon religion. It is from that source that we derive our reverence for TRUTH and JUSTICE, for equality and liberty, and for the rights of mankind.”

Calvin Coolidge

- “We believe that all men are created equal, because they are created in the image of GOD.”

Harry S. Truman
Inaugural Address

- “We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are Life, Liberty, and the pursuit of Happiness.”

Thomas Jefferson

Declaration of Independence, July 4, 1776

- B. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by **THE CONSTITUTION OF THE UNITED STATES OF AMERICA.**
- C. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the **TEXAS CONSTITUTION ARTICLE 1. BILL OF RIGHTS.**
- D. To avoid erroneous deprivations and infringements of rights under the “color of law” by the U.S.D.C. for the Eastern District of Texas (Beaumont Division), that are specifically guaranteed by the **Universal Declaration of Human Rights.**

IX. CONCLUSION

For the foregoing reasons, the petitioner, Brandon Christopher Pierre, respectfully requests and prays to **THE MOSTHIGH ELOHYM YAHUAH of THE HOLY BIBLE** that the U.S. Supreme Court issue a writ of certiorari to review the judgment of the Fifth Circuit Court of Appeals.

- **ACTS(MA'ASYM) 12: 4-10** (4) And when he had apprehended him, he put him in prison, and delivered him to four squads of soldiers to keep him; intending after Pesach (Passover) to bring him forth to the people.

(5) Kepha therefore was kept in prison: but prayer was made without ceasing of the called out assembly unto YHWH for him. (6) And when Herod would have brought him forth, the same night Kepha was sleeping between two soldiers, bound with two chains: and the keepers before the door guarded the prison. (7) And behold, the angel of YHWH came upon him, and a light shined in the prison: and he smote Kepha on the side, and raised him up, saying, Arise up quickly. And his chains fell off from his hands. (8) And the angel said unto him, Gird yourself, and hind up your sandals. And so he did. And he said unto him, Cast your garment about you and follow me. (9) And he went out, and followed him; and knew not that it was true which was done by the angel; but thought he saw a vision. (10) When they were past the first and the second ward, they came unto the iron gate that leads unto the city; which opened to them of his own accord: and they went out, and passed on through one street; and forthwith the angel departed from him.

- **YIRMEYAHU (Jeremiah) 20:11 – But YAHUAH is with me as a mighty terrible one: therefore my persecutors shall stumble, and they shall not prevail: they shall be greatly ashamed; for they shall not prosper: their everlasting confusion shall never be forgotten.**

I conclude this petition with a prayer for Righteous Judgment to be cast down by the ALMIGHTY MOSTHIGH YHWH, THE CREATOR OF THE HEAVENS AND THE EARTH AND ALL THINGS IN IT. I PRAY THAT THE JUDGES OF U.S. SUPREME COURT CORRECT THIS MATTER AND REMOVE THIS WRONGFUL FELONY CONVICTION AND BEARING OF FALSE WITNESS AGAINST ME, FROM MY NAME AND CHARACTER SO THAT I MAY MOVE ON WITH MY LIFE IN A PEACEFUL AND RIGHTEOUS MANNER. IN THE NAME OF YAHUSHA HA'MASHYACH, THE SON OF THE MOSTHIGH LIVING ELOHYM NAME I PRAY. HALLELUYAH, SELAH.

XI.

APPENDIX

All prima facie evidence is displayed in the appendix listing below:

- By-law: definition
- Municipality: definition
- Color of Law: definition
- Competent Jurisdiction: definition
- Void Jurisdiction: definition
- Abuse of discretion: definition
- Fraud on the court: definition
- The U.S. Constitution
- THE TEXAS CONSTITUTION ARTICLE 1. BILL OF RIGHTS & ALL HIGHLIGHTED VIOLATIONS committed by the U.S.D.C. for the Eastern District of Texas (Beaumont Division)
 - Universal Declaration of Human Rights
 - (Void Judgment/Wrongful Conviction) Case No: 1:15-CR-115-1
Recommendation of the magistrate (5 pages)
 - (Judgment in Criminal Case) No: 1:15-CR-001115-MAC-ZJH(1) (6 pages)
 - (Criminal Docket) for Case No: 1:15-CR-001115-MAC-ZJH-1 (8 pages)
 - (Civil Docket) for Case #: 1:17-cv-00272-MAC-ZJH (2 pages)

- **U.S. Fifth Circuit Court of Appeals** (Opinion and Judgment docket letter/ 18-40020 consolidated w/18-40165)
- Federal Circuits map
- Clerk of Judicial Records: Municipal Ordinance/Protective Order MD-5876-13
- Beaumont, Texas (Jefferson County): Class A misdemeanor incident(discharging a firearm in the air) in city limits on July 4, 2015
- Ground for departure 5H1.11 (Military Service)
- Ground for departure 5H1.2 (Education) Bachelor of Science in Political Science
- Presentence Investigative Report: retained Attorney David W. Barlow
- Presentence Investigative Report: retained Attorney Joseph K. Plumbar
- Ineffectual Counsel letter to Judge Marcia A. Crone (Feb. 9, 2016)
- Ineffectual Counsel letter to Judge Marcia A. Crone (Mar. 9, 2016)
- Court of Record Inquiry to LeHigh County(Allentown, Pennsylvania): NO

VIOLATIONS

- Attorney David W. Barlow (Conflict of Interest) as Special Prosecutor
- Attorney Joseph K. “JoJo” Plumbar’s : admittance of Atty. Barlow, “backing me into ‘that corner’...not him.
- United States v. Rolando Roman Sanchez 639 F.3d 1201; 2011 U.S. App. Lexus 9185; No. 10-10229 (18 U.S.C. § 922 (g)(8)

- **28 U.S. Code § 636 Jurisdiction**, powers, and temporary assignment (manipulated by the Eastern District of Texas/Beaumont Division under the color of law)
- **18 U.S.C. § 242 Deprivation of Rights under the ‘color of law’**
- **PUBLIC LAW 97-280**