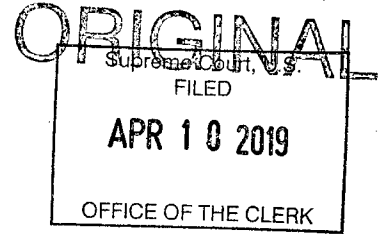


No. 18-9585



IN THE
SUPREME COURT OF THE UNITED STATES

Roy Williams # 828343 PETITIONER
(Your Name)

vs.

Judge Lee H Rosenthal — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roy Williams # 828343
(Your Name)

264 Elm 3478
(Address)

Huntsville, Texas 77320-3320
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Can a United States Court of Appeals enter a order
in conflict with its pronouncement in a prior
written judgment...

Did the Court of Appeals err when it ruled contrary to
a prior written judgment

?

LIST OF PARTIES

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

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

*The First Court of Appeals, Williams v. State, No. 01-98-00155-CR,
Slip Op. (Tex. App. -- Houston [1st Dist.]) 1998). June 10, 1999.*

*Texas Court of Criminal Appeals, ex parte Williams No. WR-41,123-
03. August 16, 2000.*

*United States District Court Southern District of Texas (Houston)
Civil Docket for Case #: 4:00-CV-03131. February 22, 2002.*

*179th District Court of Harris County Texas, No. 741-386
Williams v. State 1998.*

*Joseph P. Corcoran Attorney for Respondents
P.O. Box 12548, Capitol Station
Austin, Texas 78711*

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Schlagenhauf v. Holder, 379 U.S. 104 (1964).
Carter v. Scamans, 411 F.2d 767 (5th Cir. 1969).

STATUTES AND RULES

First, Sixth, and Fourteenth Amendments of the United States Constitution.

OTHER

Article three

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the N/A court appears at Appendix _____ to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 15, 2019.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 19, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment Right to petition the government for redress of grievances.

The Sixth and Fourteenth Right to due process under the United States Constitution.

Article three, the equal protection clause

STATEMENT OF THE CASE

In February 2002, Federal District Judge Lee H. Rosenthal dismissed petitioner's 28:2254 petition for writ of Habeas Corpus In the face of Allegations of presentation of Known False Evidence and Suppression of evidence affecting Credibility...

Since that time the United States Court of Appeals for the 5th Cir. has continuously denied petitioner the right or should I say the privilege to appeal that decision.

The Rule is that presentation of Known False Evidence, and nondisclosure of evidence affecting Credibility, are grounds for Retrial if the deception was Material...

This Court set a Standard that these Allegations must be Measured up against, the Federal District Judge did not Apply the Reasonable probability Standard of Materiality to the evidence in question.

and the Fifth Circuit out of blind loyalty to its Judicial Counterparts Refuses to uphold the Rule of law set out in this Court's precedents... There is a usurpation of Judicial power.

REASONS FOR GRANTING THE PETITION

There is an usurpation of Judicial power. See *Schlagenthauf v. Holder*, 379 U.S. 104 (1964). Judge Lee H. Rosenthal has decided an important Federal question in a way that conflicts with relevant decisions of this Court, and the United States Court of Appeals for the 5th Cir. will not compel the Federal District Judge to enforce established legal rights...

Mandamus is an extraordinary remedy it comes into play when there is no other remedy. See *Carter v. Seawans*, 411 F.2d 767 (5th Cir. 1969). Petitioner has made numerous attempts at appeal and collateral attack to no avail, the district judge or the 5th Circuit will not act... Mandamus is the only remedy.

On January 22, 2019 a three judge panel of the United States Court of Appeals for the Fifth Circuit dismissed *Roy Williams v. Lorie Davis* Case # 18-20573... In the order issued as the mandate the court pronounced that the case was erroneously opened and not intended to be a notice of appeal from any action by the district court.

On February 15, 2019 the same three judge panel of the United States Court of Appeals decided *In re: Roy Williams* Case # 18-20591... In the order issued as the mandate the panel used *Williams v. Davis* as means to justify denying mandamus relief... Citing *Williams v. Davis* as a related case, after pronouncing it to be un-related in a prior written judgment.

The heart of the holding in *Brady* is based on the requirement of due process. Its purpose is not to disrupt the way state courts conduct their proceedings, but to insure that a miscarriage of justice does not occur.

CONCLUSION

The Fifth Circuit has ruled contrary to its pronouncement in a prior written judgment.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Rog Williams

Date: May 21, 2019