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Docket # 19-5140

IN THE SUPREME COURT OF THE
UNITED STATES

VINODH RAGHUBIR V. SECRETARY DEPT. OF CORRECTIONS, U.S. DISTRICT COURT,
PETITIONER / PLAINTIFF U.S. COURT OF APPEALS, RESPONDENTS

ON PETITION FOR WRIT OF PROHIBITION TO
THE UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT CASE # 1813802

ORIGINAL

PETITION FOR WRIT OF HABEAS CORPUS

VINODH RAGHUBIR, Petitioner
X92396

TAYLOR CORRECTIONAL INSTITUTE
8501 HAMPTON SPRINGS ROAD
PERRY, FLORIDA 32348

FILED
MAY 28 2019
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SUPREME COURT U.S.

[Signature]

5.25.19

QUESTIONS PRESENTED FOR REVIEW

① " Did the U.S. Court of Appeals
IMPROPERLY DENY THE RECONSIDERATION
AS TO THE IFP IN RELATION TO THE
PROHIBITION PETITION AND IMPROPERLY "CLAIM" TO
REFUSE TO FILE THE PANEL REHEARING
PETITION WHEN INTENTIONAL MISCONSTRUCTION
& INTENTIONAL MISFILING WERE UTILIZED
CAUSING "FAR DEPARTURE FROM THE ACCEPTED
AND USUAL COURSE OF JUDICIAL PROCEEDINGS"

② " Is INTENTIONAL MISFILING & INTENTIONAL
MISCONSTRUCTION, CONDUCT ACCEPTED AND IN
THE USUAL COURSE OF JUDICIAL PROCEEDINGS
AS CONDUCTED IN THESE PROCEEDINGS
STEMMING FROM 2016 CF 1833 & 2016 CF 5231 "

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FED. R. APP. P. 40

FED. R. APP. P. 41

FED. R. CIV. P. 8

28 USC 351

HAMPTON V. U.S. 425 US 484 48 (1975) 113, 96 S. CT 7646

ROBIN V. CALIFORNIA, 342 US 1659 (1953) 162 70 S. CT. 181 1952

HAY V. SOUTH CAROLINA 409 US 584 35 (1972) 2141 93 S. CT. 846 1973

28 USC 1937

28 USC 471 thru 473

AMENDMENTS V & XIV

"Did THE U.S. COURT OF APPEALS IMPROPERLY DENY THE RECONSIDERATION AS TO THE/KA IN RELATION TO THE PROHIBITION PETITION AND IMPROPERLY PERKUSE TO FILE THE PANEL REHEARING PETITION WHEN INTENTIONAL MISCONSTRUCTION & INTENTIONAL MISFILING WERE UTILIZED CAUSING BAR DEPARTURE FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS OF THE

STATEMENT OF THE CASE AND FACTS AND ARGUMENT & CONCLUSION

JUAN HABERS PETITIONS 6:18-W-1016-ORL-37DEC & 6:18-CV-1017-ORL-18KRS/LRH, WERE FILED IN THE END OF JUNE 2018, AND AFTER FINDING CAUSE THAT THE DISTRICT COURT WOULD ACT INCONSISTENTLY WITH THE PROCESS OF LAW, VIOLATING AMENDMENTS V & XIV, ALTERING, AMENDING, ABRIDGING, MODIFYING, ENLARGING FEDERAL RULES OF PROCEDURE AND SUBSTANTIVE RIGHTS AT THE BEHEST OF THE DEFENDANT STATE, AND ACT AS CLEVER ADVOCATE, A PETITION FOR WRIT OF PROHIBITION IN CASE # 1813822 WAS FILED IN THE 11TH CIRCUIT TO PROHIBIT SAID CONDUCT, ON 9-10-18, SPECIFICALLY "INTENTIONAL MISCONSTRUCTION" & "INTENTIONAL MIXING", THE ONGOING DENIAL OF THE PROCESS.

THE 11TH CIRCUIT INTENTIONALLY MISFILED THE PROHIBITION PETITION, DESPITE BEING DESIGNATED WITH THE JUAL CASE NUMBERS 6:18-CV-1016-ORL-37DEC & 6:18-W-1017-ORL-18KRS/LRH AS SOLELY RELATED TO 6:18-W-1016-ORL-37DEC, WHERE MULTIPLE SUBSEQUENT FINDINGS WERE MADE, NOTIFYING THE COURT OF THE ERROR.

IN THE EARLY HALF OF 2019, THE 11TH CIRCUIT RULED UPON THE ICP IN RELATION TO THE PROHIBITION PETITION, BASED UPON INTENTIONAL MISCONSTRUCTION, THAT THE INTENT WAS "SEEKING REVIEW OF SEVERAL ORDERS", THROUGHOUT THE 2254 PROCEEDINGS IN 6:18-W-1016-ORL-37DEC, AND THAT THE PROHIBITION PETITION "AROSE FROM THE DISMISSAL" OF THE HABERS PETITION. THE PROHIBITION WAS DENIED.

THIS DETERMINATION WAS CLEARLY FALSE AS THE HABERS PETITION WAS DISMISSED WITHOUT PREJUDICE 10-12-18, DUE TO THE ADVOCACY & MISCONDUCT OF THE DISTRICT COURT, AND DEFENDANT STATE THE PROHIBITION WAS FILED 9-10-18. NO REFERENCE TO "REVIEW OF SEVERAL ORDERS" WAS MADE.

A MOTION FOR REHEARING WAS DENIED REMAINING ON THE PRIOR INTENTIONAL MISCONSTRUCTION, CONTRARY TO THE CLARIFICATION OF INTENT IN THE MOTION.

PURSUANT TO FED. R. APP. P. 40, A PETITION FOR PANEL REHEARING WAS TIMELY FILED WITHIN 14 DAYS OF THAT ORDER, HOWEVER, CONTRARY TO RULE, THE COURT TO DATE, REFUSES TO PROPERLY DOCKET THE DOCUMENT, DESPITE MULTIPLE PLEASING CITING RULE 40, INTENTIONALLY MISFILING, AND INTENTIONALLY MISCONSTRUCTING CLEAR LEGISLATION. RULE 41 ALSO DICTATES THE PETITION STAYS THE MANDATE.

THE RECONSIDERATION ORDER WAS ISSUED 3.27.19.

* PURSUANT TO FED. R. CIV. P. 8, THE DEFENDANT STATE HAS ADMITTED TO ALL OF THE ALLEGATIONS, TWICE WITHIN 6:18 CV 1016 ORL 37ME AND 6:18 CV 1017 ORL 18KAS/LRH, FAILING TO ADDRESS THE SUBSTANCE, FAILING TO DENY.

WHERE THERE WAS A PRESUMPTION OF INTEGRITY & IMPARTIALITY, THE COURTS ENGAGED IN CONDUCT PREJUDICIAL TO THE EFFECTIVE AND EXPEDIENTS ADMINISTRATION OF THE BUSINESS OF THE COURTS, VIOLATING 28 USC 351, INTENTIONALLY MISCONSTRUCTING, INTENTIONALLY MISFILING, ALTERING, AMENDING, ABRIDGING, MODIFYING, ENLARGING SUBSTANTIVE RIGHTS & RULES OF PROCEDURE / LEGISLATION, DENYING THE PROCESS OF LAW; EXERCISING ABUSE OF DISCRETION, MISSAPPREHENSION, USURPTION OF POWER, TO THE EXTENT OF ORGANIZED FRAUD & RACKETEERING, WHERE THE CONDUCT FACILITATED UNLAWFUL ATTEMPT & / OR ACTS, OBSTRUCTION, & / OR CORRUPTION OF JUDGES, CLERKS, FINES, CONSPIRACY, UNLAWFUL RESTRAINT. WITHOUT THIS CRIMINAL ENTERPRISE, REVIEW WOULD HAVE LONG BEEN OBLIGED, WITH OR WITHOUT PANEL REHEARING.

"THE PROCESS, IN ESSENCE MEANS FUNDAMENTAL FAIRNESS, AND THE COURT'S CASES ARE REplete WITH EXAMPLES OF JUDGMENTS AS TO WHEN SUCH FAIRNESS HAS BEEN DENIED AN ACCUSED IN LIGHT OF ALL THE CIRCUMSTANCES. ROBIN V. CALIFORNIA, HAM V. SOUTH CAROLINA, THE FACT THAT THERE IS SOMETIMES NO SHARPLY DEFINED STANDARD AGAINST WHICH TO MAKE THESE JUDGMENTS IS NOT ITSELF SUFFICIENT REASON TO JURY THE FEDERAL JUDICIARY'S POWER TO MAKE THEM WARRANTED BY THE CIRCUMSTANCES" HAMPTON V. US. 484 US 1302 23 113,96 S. CT 1646

THE COURTS ARE GIVEN DISCRETION TO DETERMINE WHETHER THE ALLEGED VIOLATION/DEPRIVATION HAS OCCURRED AND IF SO, GRANT REMEDY. NOT TO DECIDE FOR POLITICAL, PERSONAL, MONETARY, OR OTHER REASONS, KNOWING THAT THE ALLEGED VIOLATION/DEPRIVATION HAS OCCURRED, UNWILLING TO GRANT REMEDY, AND FOR THE LATER PURPOSE, INTENTIONALLY MISCONSTRUCTING, INTENTIONALLY MISFILING, CONSTITUTING A DENIAL OF DUE PROCESS AND A DENIAL OF EQUAL PROTECTION OF LAWS. WHERE THE COURTS HAVE ACTED INCONSISTENTLY WITH DUE PROCESS OF LAW, THE JUDGMENTS ARE VOID WHERE AN ORDER, JUDGMENT, OR DECREE ISSUES WITH THE APPEARANCE OF VALIDITY, HOWEVER BASED UPON A PRIOR INTENTIONAL MISCONSTRUCTION, INTENTIONAL MISFILING, THE ORDER, JUDGMENT, DECREE, ARE VOID. WITH THIS NARRATIVE SO LIES THE ARGUMENT WITHIN THE HWR HABEAS PETITIONS (CONSTITUTED), ONE BEING UNLAWFULLY DENIED, THE OTHER PENDING RESULT OF A SERIES OF DISTRICT COURT & STATE MISCONDUCT. * SEE EXHIBITS ① ENTIRE RECORD OF 6:18.W.1016 ORL 33 DEC & ② ENTIRE RECORD OF 6:18.W.1017. ORL 18 MAR 1981, PROVIDED AND PROVIDED BY US DISTRICT COURT CLERK, VERIFIED FOR AUTHENTICITY BY VINODIT RAJAGUR, PETITIONER

That ongoing misconduct, fraud, deceit, collusion, government crime, provoked the intentional misconstruction, intentional misfiling here in this instance. The 11th circuit must properly docket the panel rehearing petition, and grant the prohibition of "intentional misconstruction" & "intentional misfiling", retroactively taking judicial notice that every order, judgment, decree, arising from the arrest warrants are void, in whole.

Further, the petitioner shall sanction pursuant to the misconduct of the 11th circuit, US District Court, & defendant state, commencing with requirement "By the court to satisfy personally the excess "current & future" costs, expenses, and attorneys fees reasonably incurred because of such conduct", pursuant to 28 USC 1927, written confirmation of the courts future commitment to adherence of 28 USC 471 thru 473, "requirement for a district court civil justice expense and delay reduction plan" & its content, upto any other available sanction.

Rehear must be granted with or without panel rehearing, however, there is a requirement that the panel rehearing petition be properly docketed and heard, as it is filed. ~~See Fed. R. App. P. 45(d)~~ & 40(a)1 & 25(a)(4)

* The hindrance of Racket is Bi-product to organized fraud & racketeering, & simultaneously a result of.

* The inhibition of Due Process is facilitated by the "appearance" of Due Process, intentionally misconstructing, intentionally misfiling, &/or basing opinion upon a prior intentional misconstruction, intentional misfiling.

* Stop Fake Due Process & Government Burying.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

April 16, 2019

Vinodh Raghurir
Taylor CI - Inmate Legal Mail
8501 HAMPTON SPRINGS RD
A3104L
PERRY, FL 32348-8747

Appeal Number: 18-13822-D
Case Style: In re: Vinodh Raghurir
District Court Docket No: 6:18-cv-01016-RBD-DCI

Enclosed is the clerk's entry of dismissal of your petition for lack of prosecution pursuant to Eleventh Circuit Rule 42-1(b), which is issued as the mandate of this court. See 11th Cir. R. 41-4.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Scott O'Neal, D
Phone #: (404) 335-6189

Enclosure(s)

PRO-8 Ltr Entry of Dismissal Mandamus

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13822-D

In re: VINODH RAGHUBIR,

Petitioner.

On Petition for Writ of Prohibition to the United States District Court for the
Middle District of Florida

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this petition is hereby
DISMISSED for want of prosecution because the Petitioner Vinodh Raghbir failed to pay the
filing and docketing fees to the clerk of this court within the time fixed by the rules, effective
April 16, 2019.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Scott O'Neal, D, Deputy Clerk

FOR THE COURT - BY DIRECTION

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-13822-D

In re:

VINODH RAGHUBIR,

Petitioner.

On Petitions for Writ of Prohibition from the
United States District Court for the
Middle District of Florida

ORDER:

Vinodh Raghubir, a Florida prisoner proceeding *pro se*, petitions this Court for writ of prohibition arising out of the U.S. District Court for the Middle District of Florida's dismissal of his *pro se* petition for writ of habeas corpus, 28 U.S.C. § 2254, and related motions. Raghubir also moves for leave to proceed *in forma pauperis* ("IFP"). Liberally construing his prohibition petition, Raghubir appears to seek review of several orders that the district court issued throughout his § 2254 proceeding.

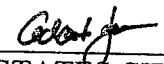
Raghubir seeks to file this prohibition petition IFP pursuant to 28 U.S.C. § 1915(a). Section 1915(a) provides that a United States court may authorize the commencement of any proceeding, without prepayment of fees, by a person who submits an affidavit that includes a statement of assets that he possesses, and indicates that he is unable to pay such fees. This Court, however, may dismiss an action at any time if it determines that the allegation of poverty is untrue or the action or appeal is frivolous. 28 U.S.C. § 1915(e)(2). In this case, Raghubir has submitted an indigency affidavit in which he declares no monthly income or expenses, and no assets.

Raghubir also attaches a prisoner trust fund account statement, which reflects an account balance of \$0.00 as of October 22, 2018. Although this satisfies § 1915(a)'s poverty requirement, Raghubir's IFP motion is nevertheless due to be denied, as his prohibition petition is frivolous.

Writs of prohibition only should issue if the petitioner shows "exceptional circumstances amounting to a judicial usurpation of power," and the right to relief is "clear and undisputable." *In re Wainwright*, 678 F.2d 951, 953 (11th Cir. 1982) (quotations and citations omitted). Writs of prohibition are not to be used as a substitute for an appeal or to control the decision of the trial court in discretionary matters. *Id.*

In a civil case, a plaintiff may appeal a district court's judgment by filing a notice of appeal within 30 days of the judgment's entry. Fed. R. App. P. 4(a)(1)(A). An appeal from a final judgment brings up for review all preceding non-final orders. *Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1370 (11th Cir. 1989).

Here, Raghubir has not shown a clear and indisputable right to prohibition relief, because writs of prohibition are not to be used as a substitute for appeal. *See In re Wainwright*, 678 F.2d at 953. Liberally construing his prohibition petition, Raghubir appears to seek review of several orders that the district court issued throughout his § 2254 proceeding. However, after the district court dismissed his § 2254 petition, he appealed, which brings up all preceding non-final orders. *See Kirkland*, 884 F.2d at 1370. Thus, Raghubir has taken an adequate alternative remedy to the prohibition relief he now seeks. Accordingly, Raghubir's IFP motion is hereby **DENIED**, as his prohibition petition is frivolous.


UNITED STATES CIRCUIT JUDGE