

Doc # 195148

IN THE SUPREME COURT OF THE
UNITED STATES

VINODH RAGHUBIR
PETITIONER / PLAINTIFF

V.

SECRETARY, DEPARTMENT OF CORRECTIONS
U.S. COURT OF APPEALS 11TH CIRCUIT
U.S. DISTRICT COURT

RESPONDENTS / DEFENDANTS

ON PETITION FOR REHEARING
"EN BANC" WITH DEMAND FOR
JURY TRIAL & ADMISSIONS

ARISING FROM USCA11 CASE # _____

VINODH RAGHUBIR, Pro. Se
X92396

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V. R.

10.16.19

OUTGOING LEGAL MAIL
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12. ASHBAUM V. POPE
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The PETITION FOR WRIT OF HABEAS CORPUS, PRESENTED IN THIS CASE WAS FORWARDED ON THE PREMISE, THAT RELIEF IS UNAVAILABLE FROM ANY OF THE LOWER TRIBUNALS PURSUANT TO "THE CONSPIRACY TO PREDETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS" (SEE ASHUMAN V. POPE), WITHIN UPON THE MERIT CONSIDERATION OF IMPROPERITY, A JUDGE MUST RESIGN/DISAVOW THEMSELVES, "TO AVOID EVEN THE APPEARANCE OF IMPROPERITY," WITHIN THE CONSPIRATORS INCLUDE ALL STATE, US DISTRICT, & US COURT OF APPEALS, CIRCUIT & JUDICIAL, AND IN THIS CASE COMMENCED "AB INITIO", PRIOR TO ISSUANCE OF ARREST WARRANTS UPON FRAUDULENT EVIDENCE & AFFIDAVITS. EVERY "ORDER" DEMONSTRATES FRAUD, DECEIT, COLLUSION

AS PRESENTED TO THE COURTS, DILIGENTLY & MULTIPHOUSLY, PURSUANT TO THE "CONSPIRACY TO PREDETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS", DENYING MEANINGFUL ACCESS TO THE COURTS, INTENTIONALLY MISCONSTRUCTING, INTENTIONALLY MISFEINING, ABOLEATING, ABRIDGING, ALTERING, IMPAIRING, MODIFYING, ENLARGING, RULES OF PROCEDURE, & SUBSTANTIVE RIGHTS, THE COURTS EXERCISED ABUSE OF DISCRETION, OVERSIGHT, MISAPPREHENSION, & USURPATION OF POWER, DEMONSTRATING BY THE RECORDS AS PRIMA FACIE EVIDENCE, AN "EXTRAORDINARY CIRCUMSTANCE"

REQUIRE THE OPINION OF THE US. SUPREME COURT, AS NO STANDING PRECEDENT EXISTS.

< SEE RECORDS ATTACHED TO PETITION FOR WRIT OF HABEAS CORPUS >

* PURSUANT TO THE CONSPIRACY, IT HAS BEEN PREDETERMINED BY THE COURTS THAT NO RELIEF WILL BE GRANTED.

AS TO EVERY PLEADING, FILED IN EVERY CASE,
THE COURT SEEMS PREDISPOSED TO DENY RELIEF
RATHER THAN APPLY THE USUAL RULES IN A
FORWARD MANNER TO THE UNCONTESTED FACTS."

< 2017 US DIST LEXIS 61414 V. U.S. SALT. 29 2012 USDC 11 >
THUS THE RECORDS & ADMISSIONS DEMONSTRATE AN
"EXTRAORDINARY CIRCUMSTANCE",

< THE SUPREME COURT RULE 44(3) > ,

PROWIPKE PREDISPOSITIONING OF DENIALS OF THE
CASES IN AND OR ARISING FROM THE DOUBLE JEOPARDY
VIOLATING CASES 2016 CF 1833 / 6:14-W-1016-ORL-374 &
2016 CF 5231 / 6:18-W-1012-ORL-RICHS/LEH.

"WHAT CONSTITUTES AN EXTRAORDINARY CIRCUMSTANCE IS
A FACT SENSITIVE ANALYSIS; IN SHORT THE CIRCUMSTANCES
MUST BE EXCEPTIONAL AND COMPELLING" < SEEDON V.
RABENOLD BRAND & MASLOV LLP 541 F.3D 213, 215
3D LR 2013 >.

"AN EXTRAORDINARY CIRCUMSTANCE IS ONE THAT IS BOTH
BEYOND THE MOVANT'S CONTROL AND UNAVOIDABLE EVEN
WITH DILIGENCE" < 512 F.3D APPX 1001 LOPPE V. U.S.
MAR 18 2013 USCA 5+11 > "THE U.S. SUPREME
COURT HELD THAT ATTORNEY MISCONDUCT THAT GOES
BEYOND "GARDEN VARIETY" NEGLIGENCE AND IS
SUFFICIENTLY FLAGRANT MAY CONSTITUTE AN EXTRAORDINARY
CIRCUMSTANCE", AND HERE THE DESIRED RESULT
OF THE CONSPIRACY IS FIRST "DELAY", SECOND
TO "WEAR DOWN" THE PETITIONER, IN VIOLATION OF
PROTECTION AFFORDED BY THE DOUBLE JEOPARDY
CLAUSE.

"THE MOST COMMON EXAMPLE OF AN EXTRAORDINARY CIRCUMSTANCE IS WHEN THE DEFENDANT'S MISCONDUCT INDUCED THE PLAINTIFF INTO ALLOWING THE FILING DEADLINE TO PASS" < 327 F.2D 816 ROBINSON V. U.S. OCTOBER 15 2007 131 F.3D 962, 969 11th CIR 1997 > < STATE BARBOWIN COUNTY WELCOME CTR. 466 US AT 157, 104 S. CT. AT 1726 < PERMISSIBLE TO HOLD IF AFFIRMATIVE MISCONDUCT ON THE PART OF A DEFENDANT LED THE PLAINTIFF INTO ACTION >. < STATE IRWIN V. DEPT. OF VETERAN AFFAIRS 498 US 89, 96, 111 S. CT 453, 458 112 LHD 2D 435 1990 > "STANDARD FOR FORGIVING LATE FILING APPLIES WHERE THE PLAINTIFF IS ACTIVELY MISLED BY THE DEFENDANT ABOUT THE CAUSE OF ACTION OR IS 'PREVENTED IN SOME EXTRAORDINARY WAY FROM ASSERTING HIS RIGHTS'. IN THAT WITHOUT DEFENDANT MISCONDUCT, COURTS HAVE USUALLY BEEN MUCH LESS FORGIVING IN GRANTING LATE FILING WHEN THE PLAINTIFF FAILED TO EXERCISE DUE DILIGENCE IN PRESERVING HIS LEGAL RIGHTS." < IRWIN 198 US AT 96 111 S. CT AT 458 WAILE FIED V. RR. RET. Bd 131 F.3D 962, 969 11th CIR 1997 >.

ANALOGOUS IN THIS INSTANCE, IT IS NOT

EQUITABLE TO UNLAWFUL, RATHER IF IN
RELATION TO A FINE, THE LOGIC STILL APPLIES.
< See DUTTON V. HERNANDEZ 504 US 25 118 LEd 2d
340 112 S. Ct 1215 1992 > HOLDING ...

(A) "THE INITIAL ASSESSMENT OF AN INFORMA PRAERIS
PLAINTIFFS FACTUAL ALLEGATIONS MUST BE WEIGHTED
IN FAVOR OF THE PLAINTIFF"

— THE COURTS INTENTIONALLY MISCONSTRUED THE FACTUAL
ALLEGATIONS.

(B) "A COMPLAINT MAY NOT BE DISMISSED UNDER 1915(d)
SIMPLY BECAUSE A COURT FINDS THE PLAINTIFFS
ALLEGATIONS UNLIKELY."

— BECAUSE THE COURTS INTENTIONALLY MISCONSTRUED
THE ALLEGATIONS, PURSUANT TO THE CONSPIRACY, IN ORDER TO
DEFEAT THE CLAIMS, THE COURTS FINDINGS WERE
ENTERED IN COMPLETE ABERCORN OF JURISDICTION AS
PREREQUISITE TO EVEN CONSIDER THE IMPROPERITY
THE JUDGES SHOULD HAVE REFUSED THEMSELVES TO
"ABOID EVEN THE APPEARANCE OF IMPROPERITY."

(C) "A DISMISSAL OF AN INFORMA PRAERIS ACTION AS ...
FRIVOLOUS UNDER 1915(d) IS PROPERLY REVIEWABLE ON
ON APPEAL FOR ABUSE OF DISCRETION BECAUSE A
FRIVOLOUSNESS DETERMINATION UNDER 1915 IS DISCRETIONARY"

— BECAUSE THE COURTS PURSUANT TO THE CONSPIRACY,
ARE PREDISPOSED TO DENY RELIEF AT ALL COSTS,
APPEALATE REVIEW, AT LEAST "MEANINGFUL APPEALATE
REVIEW" IS UNAVAILABLE IN THE LOWER COURTS.

" A COMPLAINT IS FAVORABLE UNDER 1915 (d) WHEN THE COMPLAINT LACKS AN ARGUABLE BASIS IN EITHER LAW OR FACT " NETTLE V. WILLIAMS 1989 490 US 319 104 L2D 20338 109 S.4 1877.

THE TRUE NATURE AND SUBSTANCE OF THE PROBABLE FACT MATTER, HOWEVER THE INTENTIONALLY MISCONSTRUCTED VERSION, THE VERSION DRAFTED BY THE COURTS, OR INTENTIONALLY MISFILED BY THE COURTS, IS, THUS THE PETITIONER AB INITIO, PRIOR TO ARREST WARRANT WAS 'PREVENTED' IN SOME EXTRAORDINARY MANNER FROM ASSERTING HIS RIGHTS " IRWIN.

THE COURTS FINDINGS WERE "BASED ON OBJECTIVELY UNREASONABLE, AND IN SOME INSTANCES SIMPLY FALSE Factual FINDINGS ... AND THEREFORE ITS APPLICATION ... RESTS ON A FAULTY Factual PREMISE AND MERITS NO DEFERENCE!"

WILLIAMS V. TAYLOR 509 US 363, 398. 99, 120 S.4. 1495 1146 L2D 20389 2000.

TO GRANT RELIEF WILL DESTROY PUBLIC CONFIDENCE IN THIS COURTS JUDICIARY, AS RESTRICTION OF PUBLIC CONFIDENCE IN THE JUDICIARY OF THE LOWER COURTS IS INEVITABLE, PRESENT TO UNLIMITED RESOURCES, AND PUBLICATION OF THE TRUTH, SEE "PREFACE TO" FIND IN ALL CASES, WHERE "THE GOVERNMENT MAY PROVE A CONSPIRACY WITH CIRCUMSTANTIAL EVIDENCE ALONE, BECAUSE THE ESSENTIAL NATURE OF CONSPIRACY IS SECRECY" US. V. BURK 732 F2D 963 USCA11 + 5 JUNE 14 2018.

I VINODIT RAICHUR, SWEAR UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE, CORRECT AND NOT MISTAKEN
TO MISTRUST. I ALSO CERTIFY THAT A TRUE, CORRECT
COPY HAS BEEN FORWARDED 10.16.19

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