

195140 #/OR
DOCKET # 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 # _____

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V. Rn

10.16.19

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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 ASHMAN V. POPE}, WITHIN UPON THE MORE CONSIDERATION OF IMPROPRIETY, A JUDGE MUST RESIGN/DISQUALIFY THEMSELVES, "TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY," WITHIN THE CONSPIRATORS INCLUDE ALL STATE, US DISTRICT, & US COURT OF APPEALS, CIRCUIT & JUDICIARY, 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 & MULTIPICIOUSLY, PURSUANT TO THE "CONSPIRACY TO PREDETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS", DENYING MEANINGFUL ACCESS TO THE COURTS, INTENTIONALLY MISCONSTRUCTIVE, INTENTIONALLY MISFEINING, ABOULATING, ABRIDGING, ALTERING, IMPEACHING, 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"
REQUIRING 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 HEARING, FILED IN EVERY CASE,
THE COURT SEEMS PRE-DISPOSED TO DENY RELIEF
RATHER THAN APPLY THE USUAL RULES IN A
FORWARD MANNER TO THE UNCONTESTED FACTS."

< 2017 vs DIST LEXIS 61811 V. U.S. SUP. 2012 US 111 >
THUS THE RECORDS & ADMISSIONS DEMONSTRATE AN
"EXTRAORDINARY CIRCUMSTANCE",

< THE SUPREME COURT RULE 44(3) > ,

PROWIDE PRE-POSITIONING OF DENIALS OF THE
CASES IN AND OR ARISING FROM THE DOUBLE JEOPARDY
VIOLATING CASES 2016 CF 1833 / 6:18-W-1016-ORC-37208 &
2016 CF 5831 / 6:18-W-1017-ORC-18085 / UH.

"WHAT CONSTITUTES AN EXTRAORDINARY CIRCUMSTANCE IS
A FACT SENSITIVE ANALYSIS; IN SHORT THE CIRCUMSTANCES
MUST BE EXCEPTIONAL AND COMPELLING" < SEEDON V.
RABENHEIM ARGAND & MASLOV LIP 5412 APPX 213, 215
3 D LR 2013 >.

"AN EXTRAORDINARY CIRCUMSTANCE IS ONE THAT IS BOTH
BEYOND THE MOVANT'S CONTROL AND UNAVOIDABLE EVEN
WITH DILIGENCE" < 512 F3D APPX 1009 LORRE 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 BLATANT MAY CONSTITUTE AN EXTRAORDINARY
CIRCUMSTANCE", AND HAVE 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." < 322 F.2d 816 Robinson v. U.S., October 15 2007 541 U.S. 11 > < State Bar of Wisconsin County Welcome Ctr. 466 U.S. at 157, 604 S.Ct. at 1726 > < Permissible to waive if affirmative misconduct on the part of a defendant induced the plaintiff into action >. < State Irwin v. Dept. of Veterans Affairs 498 U.S. 89, 96, 111 S.Ct. 453, 458 112 L.Ed. 2d 435 1990 > "Statute of limitations applies where 'the claimant has actively pursued his judicial remedies by filing a defective pleading, during the statutory period, or where the complainant has been induced or tricked by his adversary's misconduct into allowing the filing deadline to pass.' < Ott v. Johnson 192 F.3d 50 1513 5th Cir 1999 > 'We recently explained that statute of limitations applies principally 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'. Indeed, without defendant misconduct, courts have usually been much less forgiving in relieving late filing when the claimant failed to exercise due diligence in preserving his legal rights." < Irwin 198 U.S. at 96 111 S.Ct. at 458 Walker v. R.R. Ret. Bd 131 F.3d 962, 969 11th Cir 1997.

Although in this instance, it is not

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

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

— THE COURT 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 COURT INTENTIONALLY MISCONSTRUED
THE ALLEGATIONS, PURSUANT TO THE CONSPIRACY, IN ORDER TO
DEFEAT THE CLAIMS, THE COURT'S FINDINGS WERE
ENTERED IN COMPLETE ABSOLUTE OR DERIVATION AS
PREREQUISITE TO EVEN CONSIDER THE IMPROPERITY
THE JUDGE SHOULD HAVE RECUSED THEMSELVES TO
'AVOID EVEN THE APPEARANCE OF IMPROPERITY.'

(C) "A DISMISSAL OF AN INFORMA PAPERIS 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 COURT, 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 FRIVOLOUS UNDER 1915 (d) WHEN THE COMPLAINT LACKS AN ARGUABLE BASIS IN EITHER LAW OR FACT " < NITZKE V. WILLIAMS 1989 490 US 319 104 LEd 2d 338 109 S.Ct 1877 >.

THE TRUE NATURE AND SUBSTANCE OF THE PLAINTABLE 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.Ct. 1495 1146 LEd 2d 389 2000 >.

FAILURE 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, PURSUANT TO UNLIMITED RESOURCES, AND PUBLICATION OF THE TRUTH, < SEE "PREFACE TO" FILED IN ALL CASES >, WHERE "THE GOVERNMENT MAY PROVE A CONSPIRACY WITH CIRCUMSTANTIAL EVIDENCE ALONE, BECAUSE THE ESSENTIAL NATURE OF CONSPIRACY IS SECRECY" < U.S. V. BURK 732 F.2d 963 11th Cir. 1984 > JUNE 14 2018 >.

I Vinodit Raghavir, swear under penalties of perjury
that the foregoing is true, correct and not meant
to mislead. I also certify that a true, correct
copy has been forwarded 10.16.19

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