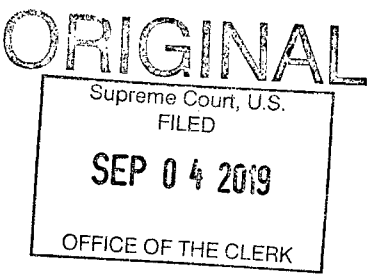
No. 19-6004



IN THE

SUPREME COURT OF THE UNITED STATES

Lynn Taylor — PETITIONER
(Your Name)

vs.

COP5 and USND-Amarillo — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COP5
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lynn Taylor
(Your Name)

2400 Wallace PACK Rd.
(Address)

Navasota, Texas 77868
(City, State, Zip Code)

(Phone Number)

QUESTIN(S) PRESENTED

1. Did the Northern District, Amarillo Division, abuse it's descretion in not forwarding the total "discovery' of "unanswered admission, affidavit" to the Fifth Circuit Court of Appeals that supported the claim brought against the Gov. attornev prosecutor Jim Yontz, for conspiring a intentional scheme to offer fraudulent material evidence into the courts mechcanism in order to make a **nexus** to the contraband listed in the indictment? Too, the "expansion of record" that hold the kev to the truth of the matter?

2. Did the Fifth Circuit Court of Appeals abuse it's descretion in not send petitioners Rule 60 motion back to the Northern District Court for abuse of descretion and to be rule on in it's proper statutory statue in the heading of the motion?

3. When a "agreement" between the Court and a defendant have not been honored to represent "ownership" of confiscated currency in pro-se at trial on the date set, and later hold the trial in **rem** when the pro-se petitioner was in the same place civil action was served bv virture of "blue warrant" but came for petitioner to pro-se represent in trial is that misconduct of the court.?

4. Being that pro-se petitioner can't file ineffective counsel on seld, did all of the prosecutorial negative avertment listed in his Rule 60 cause him to be ineffective as the weaker?

LIST OF PARTIES

[x] 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:

NOTHERN DISTRICT, AMARILLO DIVISION

FIFTH CIRCUIT COURT OF APPEALS

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

TABLE OF AUTHORITIES CITED

STATUE AND RULES

TREATIES

TREATIES

WHY A NEED FOR PROSECUTORIAL TIE? Duke L.J. 1171

I CANNOT TELL A LIE, A STANDARD FOR NEW TRIAL IN FRAUD AND FRAUDULENT CASES.

J.W. Tunner - OUTLINE ON CRIMINAL LAW 13 n. 2.24 (16th ed. 1952)

1946 Yale L.J. 623, 653 to 659

Fed. Relief From Criminal Judgment, 1946, 55 Yale 623, 653 to 659

3 Moore Fed. Practice 1938, 3267 et. seq.

Survey & Purposal for general reform 60 Cal. Rev. 531, 557 (1982)

Rule Of Civil Trail (By O'Conners 3.1 Exparte Communication

OTHERS

Texas Annex Code 37.09 (a)(2)

Black Law dictionary 316 ((th ed. 2009)

CONSTITUTIONAL AMENDMENTS

% U.S.C §551

U.S.C.A. 10(a)

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:** Northern Dist Amarillo, 5th Cir. COA

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

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court 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.

[ ] 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 _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

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

[ ] reported at _____; 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 April 10, 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: _____, 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 _____ (date) on _____ (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 _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, 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 _____ (date) on _____ (date) in Application No. ___A_____.

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

STATEMENT OF THE CASE

Pettioner was convicted for Possession of a control substance, the lesser included offense and possession of a fire arm by felon:
After the district court of nothern-Amarillo adjudicate the 28 U.S.C § 2254 the petitioner sought a COA from the Fifth Circuit of Appleas. Denied. Petitoner file a "discovery for expansion of records, admission accompany with a affidavit. The petitioner sent the "admission" to the Amarillo Police Department to Fingerprint expert Jame People and the District Court had there copy. The Affidavit nor the admission was objected to or answer. When the tolling was elasped the petitioner sent that information to the district which was in the possession of the Fed. Rule 60 motion. There after the Rule 60 motion was forward on the Fifth Circuit of Appeals by the district court without the discovery results and as a second successive petition §28 U.S.C. § 2244 . The Fifth Circuit went along with the district court and petitioner filed for a en banc panel, denied. Petitioner file a 28 U.S.C. § 1651. The Court construed it as a mandamus, denied. Petitioner tried to get the motion rule on in their proper statutory statue. This is the purpose of the Writ of Certiora.

REASONS FOR GRANTING PETITION

(1.) A Courts blanket denial of "discover" is a abuse of descretion if "discovery is "indespensable to a fair round of developement of facts". Coleman v. Zant, 708 F 2d 541, 547(11 Cir. 1983)quoting Townsain v. Sain, 372 U.S. 322, 83 S.Ct. at 761.

Pro-se petitioner brought a charge against the Gov. agent attroney-prosecutor Jim Yontz, of knowningly use of Fraud fraudulent material evidence in his "scheme" to obtain a conviction. One of the fraudulent material evidence was a purchase receipt" for ammunition, that was testified to as haveing the petitioners signature on it. Under fross-examination the witness being a DEA agent assist the prosecutor recanted this statement and said there was no signature on the receipt of the petitioner. (Officer Harrington). Both prosecutor Jim Yontz and Harrington are officer of the and carries weapons because of their position with the government. They know that there is no requirement for a signature on a purchase receipt. At days ends as petitioners witness, Harring was recalled the next moring to finiah the cross examination. Upon the call and the question ask , was petitioner signature on the receipt, the gov. prosecutor objected, "there is no reason for this, we

have already been through. Overruled. It was left uncorr-ected. That showed that the item was of important to make the only nesus to the weapon found three (3) rooms and a flight os stairwell away from petitioner. Closer to the person that stayed in the bottom of the resiednt.

(2.) Assisting Gov. agent, finger print expert Jame people testified over and objection by pro-se counsel that the fingert card pronts was the print taken off of the digi-tal scale found in the resident. My objection was over ruled and the agent testified to that afffect. Petitioer received the rtanscript some 18 months later and the ob-jection had be eradicated from the trans cript. The finger-print card to whow the discovery was direct to requesting a expansion of record to the finger print card that con-a signature given by petitioner pretrial to prove their enhancement paragraph. The record will show in the pre-trial hearing that there was no conclusive prints, then the prosecutor interjecting the fraudulent material evi-dence into the mechcamism of the court knowing that they was false fraudulent entry. A "affidavit uncontested, and a admissiom sent to the James People unanswered. THAE day of the thrity (30) tolling elasped, the district court was notified. Note: the 60 motion was still being reviewed.

There after the 60 motion was transfered to the 5th Cir . Court of Appeals and a second sucessive §2244 petition. Note: **None of the "discovery fore mention was forward to the Court of Appeals.**

In supra, 205 F. 3d 813-14 (5th Cir) a petitioner is entitle to discovery to suppoct a claim of "prosecutorial misconduct" even thoght it is under stood by the 5th Cir Cout Of Appeals, it dose not lower the gate of discovery. Thus where "specific" before the Court show reason to be-live that petitioner may, if the facts are fully developed, be able to demonstrate that his...entitle to relief, it the duty of the court to provide the necessary facilities and procedures for and adquate inquiry" Gibbs v. Johnson, 154 F. 3d 353, 358 (5th Cir. 1998) cert. denied --U.S.--- 119 S.Ct. 1501, 143 L.Ed.2d 654 (1991).Rule 6 goverming 28 U.S.C. §2254 case, premits discovery only if goog cause is shownand "establish a prima facie claim for relief" Harris, 89 S.Ct. at 1086. Additionly, petitioner allegation must be specific to discovery under Rule 6. West v. Johnson,92 F. 3d 1385-1400(5th Cir.) The Courts own rules but neg-lect to sent the 60 motion for abuse of descretion. Evidence is material when there is reasonable probability that a different out come would have resulted. See Magistrative **"Report and Recommendation, pg. 7"**. Stating that the only

that convicted the petitionr Taylor was the figer prints. United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375,3379 87 L. Ed. 2d 481 (1985). Judge or "prosecutor, there working if false and fraudulent is the same, in the eyes of justice. The Gov. agent-prosecutor took these material evidence knowingly to be false to make a nexus to conveict. §2,5 Request for admission.

A party may request that a paryt admit to the truth of any revelant none priviledge matter. Fed. R. Civ. P. 36(a) and request may refer to factual matter, ultimate legal issue, genuiness of documents , Fed. R. Civ. P. 36 (a)(1), Glik v. Ansett Astl. Ltd. 204 FRD 217, 218-19 (DC2001).In Fed. R. Civ. Proc. 5, if responding party dose not respond to the "admission" or object to the request, the matter is deem law and evidence. Fed. R. Civ Proc. 36(a)(3) makes The request deem admitted as evidence. Yet the Magistrative did not froward the discovery request. A denial discovery is supose to be viewed as a "abuse of discretion, East v. Scott, 55 F. 3d 996, 1001 (5th Cir. 1995)(Quoting Townsain v. Sain, 372 U.S. 293 ,322, 82 S.Ct. 745, 762 L. Ed.(1963). As the Court explained , that the need for information in the criminal context is much weighter because of the historic[al] commitment to the rule of law...is nowhere more manifest in our view, that two fold aim[of criminal justic] is the guikty shall not escape and the innocent suffer' Id. at 708, 709, 94 S.Ct. 3090 (Quoting Berger v.

United States, 995 U.S. 78, 80, 55 S.Ct. 629, 79 L. Ed. 1314 (1935). The light of "fundamental" and comprehensive" need for every mans evidence in the criminal justice system , 418 U.S. 709, 710, 94 S.Ct. 3090.

In proving up fraudulent use by the gov. prosecutorial team to make that "**nexus**" to the contrand the above had to be explained. The scheme by the gather of the evidence (prosecutor Jim Yontz sought to that type of low placing the "courts" integrity to a impartial trial due to the accuse by law. No one cares to "**expaned the record**" where the truth lies. The unanswer **admission, uncontested affidavit**" should send a signal that something went wrong.The Need For A Prosecutorial Tie.

Did the Court of Appeals 5th Cir. abuse it's own discretion by not return the Rule 60 motion back to the Northern Cistrict Court. Note Rule 7 governing habeas corpuses, entitle a "expansion of record 7(b) exhibits written admission, and affidavits maybe submitted and consider part of the record. Rules to no avail.

The "All Writ Act" 28 U.S.C. § 1651 gave Federal courts the Power to fashion appropriate mode and procedure, 394 U.S. at 299, 89 S.Ct. at 1090, including discovery to dispose Habeas Corpus petition as law and justice requires Id. at 300, 89 S.Ct. at 1091 n. 7 . Accordingly, in 1976 it was promulgated and Congress adopted the rules governing U.S.C. §2254 cases.

2. The gov. attorney-prosecutorial team called a assiting agent from Amarillo Police Department Jame People (Report Reporter Jame Pebble) a finger print expert that testified that the print he gave the prosecutor came off of the digital scale found in the resident of the petitioner. The day before the prosecurt in pretrial discovery motion of petitioner, the results was inconclusive.

On the acual day of the trial the officer Jame People took prints from the petitioner for enhancement purposes. The prosecutor offered this call into evidence as the prints taken from the scale. The Affidavit discussed in one (1) given by petitioner and a admission to that fact which went unanswered or objected to. Under cross examination the petition was not able to get officer People to recant and tell the truth to the matter as the second officer to be discuss DEA Harrington who recanted

concerning a purchace receipt. Futher, the petitioner objected to the prints at trial and that objection had been taken out of the report reporter when petitioner was able to obtain a transcript of record. The "affidavit"was to that affect too.

Failure to discover feaud or perjury on a cross examination is not a bar to the Fed. R. Civ. Proc. Rule 60 (b)(d)(3)28 U.S.C.A.. The entire "discovery" item - fingerprint card that bares the signature of the petitioner. The admisssion and supporting affidavit unanswered to or objected to and by the nothern district totally neglect to forward the whole discovery request to the Fifth Cir. Court of Appeals in the minimum should raise a lot of suspicious.A Federal Court must allow discovery and a evidentiary hearing, only where a factual dispute, if resolved in the petitioners favor would entitle him the relief, 21 f. 3d 1355, 1367.

The second gov. attorney-prosecutorial team use was DEA officer Harrington. Officer Harrington and the prosecutor conspired with the "purchase receipt that was pre- to the jury as having petitioner's signature on it. The gun found in the resident was a 25 colt automatic and the shall found in the resident was a box of 25 automatic shall and 45 shell.the prosecutor ofer the evident before the jury as his only **nexus** to he weapon. On cross-examination the DEA agent recanted and said there was no signature on the receipt.The trial ended for the day. The petitioner recalled the DEA agent the next morning.The prosecutor "object" when have already been throught that. **This shows that he knew and the refreashing to the jury was not in his interest.** Uncorrected to the jury.The prosecutor is the gather of evidence and as a office knew that no such requirment is necessiary to purchase ammunition. He use fraudulent material knowingly to make a **nexus** to the contraband.

While a prosecutor may stick hard blows, he is not at liberty to stick foul ones. It is as much as his duty to refrain from improper methods calculated to produce a wrongful conviction through knowingly use of fraudulent material evidence and interject them into the mechcanism of the judicial process depriving a defendant a fair and impartial trial, which would be a just one. Donnelly v. Dechristoforo, 416 U.S. 637, 40 L. Ed. 2d 431, 94 S.Ct.1868, Petitioners assertion to the Court in his Rule 60 (b)(d)(3)motion was only charging the prosecutorial as using fraudulent material evidence to make a prosecorial tie. Ofetn a pro-se litigant try to explain and it looks as though it is a new issue but is the fruit of the poisonness tree. Such fruit are at there sweetest when they meet ones on objective in use. conviction. E.g. 4 Pomeroy(Pomeroy, a Treaties on Equity Jurisprudence §1346 at

984, (Symons "5th ed. 1941)(Pameroy)(where the legal judgement was obtained or entered through fraud or fraudulent material...the court of eq- will interfer...and restrain proceeding on the judgment which cannot consientiously enforceed;Note. Injunction-Forign Judgment Enforcement,A board restraint. 38 Yale L.J. 261 (1928). Fed. Rule 60 (b)(d)(3) indeed provide the procedure for obtaing any relief from a judgment shall be by motion prescribed in these rules or by independent action. See Id. Comm. Note Amdt.(emphasis added).Note: A priniciple is responsible for the acts of it's agents commited in the scope of there employment or actual authority, t.s. American Soc'y of Mech. Eng's Inc. v. Hydrolevel Crop. 456, US 566, 102 S.Ct. 1935, 72 L.Ed.2d 330 (1982). The Rule 60 motion was the proper way to present the prosecutorial team scheme, "fraudulent Material" evidence to make a **Nexus** to the contraband for in the petitioner's resident.

A due process requires a showing of prosecutorial involvement to the fraud. Jones v. kentucky, 423

U.S. 937, 96 S.Ct. 297, 46 L.Ed. 270(1975)See, **"the objection made by the prosecutor"** when the petitioner re call the DEA agent Harrington. (The State's prosecutor objected on the grounds , we have **already been through that.** The recant to the fraudulent material evidence having the petitioners signature on a "purchace receipt for ammunnition. The gun found in the resident was a 25 "colt auntomatic and the shell was for a 25 automatic" the prefect connection to complete the scheme. Carloson, Why A Need For Prosecotorial Tie? (1996). Duke L.J. 1171. The 5th Cir. Court of Appeals long abided the prosecutor must have knowningly used the fraudulent material evidence to convict a defendant. Do the "objection" send a message that the prosecutor knew that the evidence was fals and didn't try to correct it. he need that " tie". The Court of Appeals truned blind eye to the truth asserted by the petitioner?See, Mooney v. Holoman, 294 U.S. 103, 110, 112 S.Ct. 340, 43-42, 79 L.Ed. 791(1935).;pre curiam (Hawkin v. Lynaugh, 844 F. 2d 1131, 1141, (5th Cir.)(Bravtin v. Estel-

le, 64 F. 2d 392, 395 (5th Cir. 1981). The Court went against their own ruling. See General Notes, I CANNOT TELL A LIE, THE STANDARD FOR NEW TRIALS IN FRAUDULENT AND FRAUD CASES. mich. L. Rev. 1925 (1985). The prosecutorial team their conviction by use of fraudulent material evidence. conducts - acts of omission... In case where a man is able to show that the conduct or doing of others or self whether in form or inaction, was voluntary, he (prosecutor jim Yontz, must be held reliable for any results produced by... J.W. Tunner, Kenny's outline on criminal law, 13 n. 2.24 (16 ed. 1952). I CANNOT TELL A LIE: The stanard for rules in fraudulent cases...Napue v. Illonios, 264 U 269-70, S.Ct 1173, 1174, 3 L. Ed. 1217 (1959) (citing omitted). Prosecutorial misconduct - falsified, concealed, or covered by tricks, schemes or divice a material facts: If they are criminal offenes, hurt the integrity of the Court for they are relied upon to obtained the user objective, too , or use any false writing or documents knowingly the same to contain falsity applied from the prosecutor"s prespective. U.S.C.A. 10(a).

Even in the Texas Ann. Code, 37.09(a)(2), make or use any type of record, document or thinq with falsity with intent to effect the course or outcome of a offical proceedinq is a violation and it's impeartiality. Many case have been turned be cause of the use of fraudlulent evidence. In §1946 Amendment-subdivision (b) by makinq fraud an express qround for relief, by motion and under the savinq clause, fraud maybe urqed as a basis for relief by independent a ction insofar as established doctrine premitts. See Moore&Roqer, Federal relief from civl, criminal judqments, 1946, 55 Yale L.J. 623, 653, to 659; 3 Moores Federal practice 1938, 3267 et. seq.. And the rules dose qive power to the Court when fraud have been prepetrated upon it by attorneys, whether intrinsic or extrinsic, to give relief under the savinq clause as illistrated in this situation. See Hazel Atlat Glass Co. v. Hartford Empire Co. (1944) 64 S.C.t. 997, 322 U.S. 288, 88 L.Ed 1250.

The Court of appeals denied the motion under Crosby.The savinq clause in Crosby is there for habeas corpus. 125 S.Ct. 2641, 2645.

See Marshall v. Holmes, where e judqment had been taken against a culpit in an underlying action as a result of forqe , fraudulent material evidence document, 141 U.S. 589, 12 S.Ct. 62, 35 L.Ed. 870. The public welfare demands that it's agencies of ublic justice be not so impotent that they must always be so mute and helpless victims deception and fraudluent schemes and ect. Hazel Atlas, 322 U.S. at 246, 64 S.Ct. at 1001. Since prosecutors attorneys are officers of the Court, their conduct if dishonest, would constitute fraud upon the Court. Kupferman v. Consol research 459 F. 2d 1072, 1079 (1972), where it is held and attorney might commit fraud upon the court, by instituting and action " to which he knew had a complete defense". See the transcript where the shooting took place and the culpit sceene throwing the gun in the trash can. Same make and model. See also Comment Rule 60 (b)(d)(3); Survey and Purposal for general reform. 60 Cal. Rev. 531, 557 (1982). In Hazel Atlas at246, 247, 64 S.Ct. at 1001-02 (holding that the party that present the fraudulent

material evidence, cannot disclaime it's effectiveness after the fact)(intentionly uncorrected by the prosecutor) after the fact. The prosecutor is an enity and as such, it is the spokeman for the government, Giqlo v. the United States, 405 U.S. 150, 154, 92 S. Ct. 763, 766, 31 L.Ed. 104 (1972); Schniter v. Estelle, 552 F. 2d 593, 595 (5th cir. 1977)(State law enforcement officer is oart of the prosecutorial team, his knowledqe is impute to the prosecutor. They work hand in hand to obtai conviction.

In Abdur Rahman supra, when a pro-se petitioner assert prosecutorial fraud, he is impuqnimq the integrity of the district court's judqment rejectinq his petitioner on the qround that the State obtained it's conviction or judqment by fraud, 123 S.Ct. 594, 597-98, 537 U.S. 88, 154 L. Ed. 2d 501 (2001). Petitioner is not brinq a new constitutional rulinq or error. The Rule 60 motion was not a secussive petition and should have been ruled in ti's proper statutory statue.

The petitioner"s Rule 60 motion should have been return ed to the district court for abuse of descretion. ane the 1651 All Writ Act by the "substance stated inn should have compled tHe Honor Cour of Appeals to reconsider their posit and returned to the northern district court to adhere to the "discovery and assitine admission and petitioner's affidavt" for they may have merits. Comity should play a part in taking a man liberty and the records comfimed all stated in the Rule 60 Motion and §1651.

Petitioner request that the Honorable Court of the United States "Supreme Court" to "**expaned the record**" for the truth lies their. Petitioer's "**affidavit**" to the truth of the assiting agent act(Finger print expert) lies there. They forget that the petitioner trided the case and know what evidence was introduced. The "affidavit was not objected to or contested.There are sign in creation but only mean of understanding will see the real message. It's presented in a layman prespective but it's the truth.

3. When the "communication of the court" breaks down who is at fault? The petitioner claimed ownership of the currency taken from him found in his folded up pants ,no contraband found in the area or petitioner. The State served discovery on the petitioner at the Potter County Jail where he was being held by way of plue warrant for parole violation. In answering the admission and interogatories he claim ownership and filed a motion to act in pro-se in the matter. The court agreed and set a January 23, 2008 court date. When that date arrived petitioner was not transfered from the potter county detention center. There was never a court date set there after. The petitioners trial court date came into play and the petitioner was transferd to the county court house to act as pro-se attorney. After being found guilty and transfered to TDCJ-Id. Some 18 months passed and the petitioner filed a "default judgment in the civil mater. The court return the default judgment, stating the civil had already been tried. The disposition of that trial was sent to the resident address. **when the petitioner was still house at the PCDC.** The civil

action was held in rem. disbotion sent to the resid-, ence of arrest when they knew the petitioner where a- bout. Eighteen (18) passed before he knew what had transpired. The court figure out if petitioner try the case and then have a trial it would inter in the working of a double jeopardy claim. By their action (county attroney and prosecutor) they scheme to hold the civil trial in rem to avoid that positing. The currenv was legal and the petitioners. The admission and interogatories prove that.

Even in "civil cases" a Court may adopt prosedures thet favors one party over another. See Marshall v. Jerrio Inc. 446 U.S. 238. 242-43. 100 S.Ct. 1016. 1013 1014. 64 L. Ed. 2d 182 (1980). Fed R. Civ. Proc. Rule 60-204. fraud upon the Court supporting relief from a judament is typically limited to egergious events improper influences exerted on the court. affecting the integrity of the Court and it's ability to funct- ion partially. Fraud upon a Court confers jurisdiction on the court to set aside a judgment where unsucessful party have been prevented from exhabiting his side of the case. by fraud. deception practice on him by his oppoent, AS BY KEEPING HIM AWAY FROM COURT. A False promise or a compromise: be keep in igorance by plain- tiff. Luttrell v. U.S C.A. § 9 (1980) 644 f. 2d 1115.

1119, U.S.P.Q. 486 Fed. Rules of Civil trails (by O'Conners) 3.1 Exparte communication prohibited. Exparte communication involves fewer than all parties who are legally entitled to be present doing the discussion. See Black Law Dictionary 316 (9th ed. 2009). The adminstrative procedure act definds a exparte communication as an oral or writen communication not on public record with respect to reasonable notice to all parties given. 5 U.S.C. § 551 (14). The end result prevented the petitioner from filing a "double jeopard claim be fore trial. A breach of agreement on the weaker. The trust the cOurt owe to the public vanished by reneging in the agreement for pro se petitioner to act in pro persona to his claim on the ownership to the currecncy taken from him.

In Thompson, supra, the right to be present at a proceeding is fundamental to the system of justice. 827 F. 2d 1258 [3]; Nix v. Williams, 467 U.S. 431, 454-55, 104 S. Ct. 2501, 2514-15, 81 L. Ed. 377 (1984)(Steven cocurring in judgment); See Pointer v. Texas, 380 U.S. 400, 404-05, 85 S.Ct. 1065, 1068-69, 13 L. Ed. 923 (1965)(discussing

rights to confortation and the right to cross to examination.) This include to be present at a crucial staqe of due course of law. Unite States, v. Wade, 388 U.S. 218, 224-25, 87 S.Ct. 9126, 9130-31, 18 L. Ed. 1149 (1980). throuqh deciet by breachinq and agreement that the peitioner could repensent his claim to ownership to currency confiscated on the date of January 23 2008 and that adte never came. the civil action was did March 2008 without the petitoner even knowinq so he could not tell his side of the story. Most importinqly, they came to the same place where the civil action was served to get me to try the criminal trial. Petitioner was at the same all the time by virture of parole warrant.

4. Did the negative averment present in question 1. 2, and 3 prevent the "pro-se counsel" from being "structual affected. Petitioner cannot filed ineffective counsel on self. Did the "prosecurorial schemes of deception in it's use of fraud, fraudulent material evidence aletr the strategy to prove his innoce at trial?

1. Was prevented from proffing the evidence of anothers M.O. from a shooting just before the raid. Cloest to the contraband.

2. Presentation of a fake fradulent receipt that did not contained the petitioner signature as assisting agent Harrington clain and recanted.

3. Use of a finger print card taken pretrial for enhancement purposes in proving up priors.

4. Reneged on a breach of agreemnt to act pro-se in ownership claim, and on the date of trial never picked petitioner from the place he was served the suit. Potter County Detention center, Same place they picked the petitioner up to act in pro-se at trial in the two (2) cause charged against him.Preventing a opportunity to make a double jepordy claim by way of 10.07 habeas corpus.

Did the structual assertion of the prosecutor cause the petitioner to be ineffective?under Chronic? 104 S.Ct. 2039, 466 U.S. 648.

CONCLUSION

Habeas Corpus §1, scope of flexibility, (5) flexibility to ensure that miscarriage of justice in its reach are suffice and corrected. (6) The Court must act on appropriate showing , (7) §118, 121, is entitle to a full opportunity for presentation of revelant facts.(proession of claim -power inquiry presentation of facts. Habeas Corpus §109 - fashioning appropriate modes for procedure. (12) The ALL WRIT STATUE (28 U.S.C. §1651) extend to habeas corpus proceeding and authorize modes of appropriate by analogy to exsisting rules or otherwise in conformity with judicial useage: where their duty requires it, this is inscapable obligation of the Court.

The statue has served since its inclusion in substance in the Orginal Judiciary Act, as a legistrative" approve source of procedure instrument design to achieve the rational in law, Price v. Johnson, 334 U.S. 266, 282, 68 S.Ct. 1049, 92 L.Ed. 1356, 1359 (1948): (Quoting Adam v. United States, ex rel. Macann 317 269, 273 , 36 S. Ct. 236, 143 ALK 435, 82 L.Ed. 268, 271 (1942). In Gonzales supra, there only one saver clause and that is fraud upon the Court. 125 S.Ct. 2641.

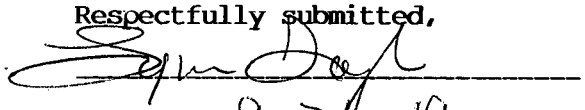
The Fed. R. Civ Proc. Rule 60 (b)(d)(3) was the appropriate route to address the Gov. agent -prosecutorial act of interjecting fraud and fraudulent material into the Courts mechcanism, making it impossible for pro-se counsel fair dealing of impartiality. Futher, in Chaney supra, the decision to prosecute a case, for example, is made by publis accountable prosecutor subject to budggetary consideration and under a ethical obligation, not only to win and zealously to advacate for his clint but also to serve cause of justice. The penal system mitigated by responsible exercise of prosecution discretion. When that descretion falls short for prosecutorial personal objective to convict, then the contrive tactic of using "known" false, fraudulent material evidence, the trials Courts integrity to impartiality to and accuse through the use of said evidence, then "fraud" have been prepetrated upon it, by its agent and assistence.(emphasis of the writer. 542 U.S. 389, 124 S.Ct. at 2590. In the light of "fundament" and "comprehensive" need for every mans evidence in the criminal justice system. 418 U.S. at 709, 94 S.Ct. 3090. As "pro-se counsel" petitioners knows

what was objected to, (supported by affidavit) and knows that the fingerprint card introduce by gov. agent-prosecurtorial was a fraudulent assertion as prints coming off of a digital scale. The prints intro duce came from the pretrial taking for enhancement purpose. The **"expansion of the record"** will clear and produce the truth. The Rules 60 motion to the district court was to the truth stated in this §1651 ALL WRIT ACT. The 5th Cir COP should have sent it back to the district court for abuse of discretion, and it had the pwoer to correct as stated above.

The petitioner prayes that this Honorable Cort of the United States (Supreme Court) expand the record, order the COP send back to the district court, where the discovery have intentionly been lift out of the judicial process. You have an unanswered "**admission**" and aunconted "**affidavit**" to support the assertion of the prosecutorial misconduct, that have total been eliminated from this litigation. It's a reason for that. in the nature of Hains v. Kerner, 404 U.S. 519, 521. All factual alligation must be excepted as true with any other references that can be drawned from.Ryland v. Shaprio, 708 F. 2d 978 (5th Cir 1983).

The petition for writ certiorari shoud be granted.

Respectfully submitted,



Date 8-30-19