

No. 19-6041

ORIGINAL

Supreme Court, U.S.
FILED
SEP 12 2019
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

RONALD THOMPSON, JR. — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE 5TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MR. RONALD THOMPSON, JR.
(Your Name)

NELSON COLEMAN CORRECTIONAL CENTER
5061 LA. HWY. 3127
(Address)

KILLONA, LA. 70057
(City, State, Zip Code)

N/A - INCARCERATED
(Phone Number)

QUESTION(S) PRESENTED

- (A.). THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH THIS COURTS PREVIOUS RULINGS, AND RELEVANT DECISIONS.
- (B.). THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW AND PRECEDENT (1) OF THIS COURT, AS TO CALL FOR AN EXERCISE OF THIS COURTS SUPERVISORY POWERS.

LIST OF PARTIES

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

[X] 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:

KEVIN G. BOITMANN, A.U.S.A. CHIEF OF APPEALS

JEFFERY RYAN MELAREN, A.U.S.A.

JEFFERY KEIM SANDMAN, A.U.S.A.

DIANE HOLLENSHEAD COPEL, A.U.S.A.

650 Poydras St., Suite 1600

NEW ORLEANS, LA. 70130

RELATED CASES

(1). UNITED STATES OF AMERICA V. RONALD THOMPSON
U.S. DISTRICT COURT, E.D. OF LA., CASE NO. 17-285, SER. "E" (2)

(2). UNITED STATES OF AMERICA V. RONALD THOMPSON, JR.
U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
CASE NO. 18-30861

TABLE OF CONTENTS

OPINIONS BELOW 1

JURISDICTION.....

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

REASONS FOR GRANTING THE WRIT

CONCLUSION.....

INDEX TO APPENDICES

- APPENDIX A - DECISION OF THE U.S. FIFTH CIRCUIT COURT OF APPEALS, CASE NO. 18-30861, (8-8-2019)
- APPENDIX B - APPELLANTS REPLY BRIEF, (DEPENDANT)
- APPENDIX C - BRIEF OF APPELEE, (U.S. OF AMERICA)
- APPENDIX D - APPELLANTS INITIAL BRIEF, (DEPENDANT)
- APPENDIX E - RECORD EXCERPTS, (PRE-TRIAL / TRIAL)
- APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. V. ANDRES, 703 F.3d 828 (5 th Cir. 2013)	12
U.S. V. BRIGHAM, 392 F.3d 520 (5 th Cir. 2004)	10
U.S. V. LOPEZ-MORENO, 420 F.3d 420 (5 th Cir. 2005)	9, 10, 12
U.S. V. PENNA-GONZALEZ, 618 F. App'x 195 (5 th Cir. 2015)	5
U.S. V. ORTIZ-, 781 F.3d 221 (5 th Cir. 2015)	P-9
U.S. V. WALLSTROM, 515 F. App'x 343 (5 th Cir. 2013)	10
U.S. V. SPREWS, 636 F. App'x. 893 (5 th Cir. 2016)	P

STATUTES AND RULES

18 U.S.C. § 3231

28 U.S.C. § 1291

FED. R. App. P. 34

OTHER

U.S. CONSTITUTION, 4 AMENDMENT

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 E 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 AUGUST 8, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FLORIDA V. J.L., 529 U.S. 266 (2000).

ILLINOIS V. WARDLOW, 520 U.S. 119 (2000).

RODRIGUEZ V. UNITED STATES, 135 S. CT. 1609 (2015).

TERRY V. OHIO, 392 U.S. 1, 89 S. CT. 1868 (1968).

WONG SUN V. UNITED STATES, 371 U.S. 471 (1963).

UNITED STATES V. BOCHE-PERRIER, 755 F.3d 327 (5th Cir. 2014).

UNITED STATES V. BRIGHAM, 382 F.3d 570 (5th Cir. 2004).

UNITED STATES V. CRAIG, 261 F.2d 818 (5th Cir. 1958).

UNITED STATES V. IBARRA-SANCHEZ, 1999 F.3d 753 (5th Cir. 1999).

UNITED STATES V. JONES, 234 F.3d 234 (5th Cir. 2000).

UNITED STATES V. WALLSTRUM, 515 F.R.D. App'x 343 (5th Cir. 2013).

UNITED STATES V. SANTIAGO, 310 F.3d 336 (5th Cir. 2002)

12 U.S.C. § 853

a) U.S.C. § 841 (a)(1)

a) U.S.C. § 841 (b)(1)(c)

28 U.S.C. § 1291

U.S.S.G. § 201.1 (c)(12)

U.S.S.G. § 4B1.1 (a)

U.S.S.G. § 4B1.1 (b)

U.S.S.G. § 4B1.1 (b)(2)

STATEMENT OF THE CASE

ON JULY 27, 2017 MR. THOMPSON STOPPED AT A CONVENIENCE STORE AFTER SEEING HIS COUSIN. AFTER SPEAKING BRIEFLY TO HIM, MR. THOMPSON LEFT THE AREA. IT WAS A HOT JULY AFTERNOON, AND THE CAR WINDOWS WERE DOWN TO COOL THE VEHICLE.

AT 5:00 P.M. A POLICE VEHICLE ACTIVATED ITS LIGHTS. DEFENDANT IMMEDIATELY PULLED OVER, AND PRODUCED A VALID LICENSE, REGISTRATION, AND INSURANCE. AFTER RUNNING A COMPUTER CHECK THAT CAME BACK IN GOOD STANDING, OFFICERS THEN GAVE DEFENDANT A TRAFFIC CITATION, AND STARTED TO DEMAND TO SEARCH MR. THOMPSON'S VEHICLE, TO WHICH HE REFUSED.

MR. THOMPSON AND HIS PASSENGER WAS REMOVED FROM THE VEHICLE, HANDCUFFED BEHIND HIS BACK, AND PLACED IN THE POLICE CRUISER'S BACK SEAT. HE WAS TOLD A DRUG DOG WAS ON ITS WAY, AND THIS GREATLY EXTENDED THE STOP.

POLICE FALSELY TRIED TO CLAIM IT HAD AN "ANONYMOUS TIP" ABOUT A BLACK CAR APPROX. 6 MONTHS EARLIER, AND TRIED TO ACCUSE DEFENDANT OF DRUG DEALING.

A POLICE DOG FINALLY ARRIVED. IT FOUND NO DRUGS IN THE VEHICLE, OR UPON DEFENDANT. AFTER DEFENDANT WAS REMOVED FROM THE POLICE CAR, POLICE CLAIM TO HAVE FOUND DRUGS BEHIND THE BACK SEAT OF THE POLICE CRUISER.

DEFENDANT MAINTAINS THAT THE DRUGS WERE NOT HIS, NOR DID HE PLACE THEM THERE. FURTHERMORE, HE COMMITTED NO TRAFFIC OFFENSE, THE "TICKET" HAS BEEN "DISMISSED", HE NEVER SOLD DRUGS, AND HE NEVER GAVE HIS CONSENT TO SEARCH; NOR DO GROUNDS EXIST TO STOP HIM LONGER THAN THE WRITING OF THE TRAFFIC CITATION AFTER HIS DOCUMENTATION CAME BACK CLEAR.

THIS COURT HAS REPEATEDLY ISSUED NIGHT-AND-DAY RULINGS THAT PROHIBIT THIS TYPE OF POLICE INTRUSION (C) AND VIOLATIONS OF THE 4TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

REASONS FOR GRANTING THE PETITION

THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF LA. AND THE U.S.^{5TH} CIRCUIT COURT OF APPEALS FAILED TO UPHOLD THE DEFENDANTS 4TH AMENDMENT RIGHT TO UNREASONABLE DEPRIVATION, AND SEARCH AND SEIZURE BY LAW-ENFORCEMENT OFFICIALS.

BOTH COURTS HAVE POINTEDLY FAILED TO UPHOLD THE VIOLATIONS OF DEFENDANTS RIGHTS, AS SET FORTH IN THE UNITED STATES CONSTITUTION, U.S. SUPREME COURT PRECEDENT CASES, AND PREVIOUS RULINGS ON THE SAME ISSUES BY THE 5TH CIRCUIT COURT OF APPEALS.

THIS COURTS POWERS ARE DISCRETIONARY, BUT SHOULD BE EXERCISED FOR ALL VIOLATIONS (S) OF ITS BRIGHT-LINE RULINGS AND PRECEDENTS, OR ITS LOWER COURTS WILL CRAFT THEIR OWN VERSIONS OF RULINGS KNOWING ONLY 1% OF ALL CASES ARE ACCEPTED FOR REVIEW!

THE DEFENDANT WAS PULLED OVER FOR AN "ALLEGED TRAFFIC VIOLATION," THAT WAS CLEARLY SUBTERFUGE FOR THEM TRYING TO CONDUCT A FISHING EXPEDITION BASED UPON A TOTALLY UNSUBSTANTIATED ANONYMOUS TIP. THIS COURT HAS PROHIBITED THIS FORM OF LAW-ENFORCEMENT INTRUSION IN CASE AFTER CASE, ONLY TO COME FACE TO FACE WITH THIS SAME ISSUE AGAIN IN THIS MATTER.

THE DEFENDANT PRAYS THAT THIS COURT WILL GRANT CERTIORARI IN THIS MATTER, APPOINT THE DEFENDANT COUNSEL, AND RIGHT THIS VIOLATION OF DEFENDANTS U.S. CONSTITUTIONAL FOURTH AMENDMENT RIGHTS IN THIS MATTER.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

X Ronald Thompson Jr.

Date: SEPT. 12, 2019