No. 19-6138

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

William A White — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eleventh Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William A White #13888-084
(Your Name)

USP-Marion PO Box 1000
(Address)

Marion, IL 62959
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

1) May a District Court, in a 28 USC §2255 proceeding, strike all of the evidence presented in support of the motion from the record, refuse to allow any evidentiary development, and, then, deny multiple grounds for relief for failure to present evidence in support, or, does a 28 USC §2255 movant have a right to present evidence, and, did the United States Court of Appeals for the Eleventh Circuit so far depart from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power when it refused to grant certificate of appealability on this issue?

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:

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Statutes, Rules, Constitutional Amendments

Statutes, Rules, Constitutional Amendments

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

[x] For cases from **federal courts**:

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

[x] reported at White v United States 2019 US App ; LEXIS 16270
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

[x] reported at White v United States 2019 US Dist; LEXIS 24315
[ ] 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[ ] is unpublished.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[ ] is unpublished.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

[x] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 8, 2019, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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

Procedural Background

1) On December 11, 2013, I was indicted in this matter on five counts of violating 18 USC §875(b) by transmitting extortionate threats in interstate commerce, and, one count of aggravated identity theft in violation of 18 USC §1028A. United States v White MD Fl Case No 13-cr-304 ("crim") Doc 1.

2) I was arraigned May 14, 2014. crim Doc 19. Trial was September 8, 2014, to September 12, 2014. crim Doc 61-74. The jury returned a verdict of guilty on all counts on September 12, 2014. crim Doc 69.

3) The conviction for violating 18 USC §1028A was vacated November 21, 2014, and, I was sentenced to 210 months imprisonment on the other counts that same day. crim Doc 87, 92. Restitution was denied April 6, 2015. crim Doc 130.

4) I appealed, and, my direct appeal was denied July 7, 106. crim Doc 142; United States v White 654 Fed Appx 956 (11th Cir 2016). Certiorari was denied October 18, 2016. crim Doc 144; White v United States 137 S Ct 325 (2016).

5) I first attempted to move to vacate, set aside, or, correct, my sentence pursuant to 28 USC §2255 on April 17, 2017. White v United States MD Fl 17-cv-689 ("2255") Doc 1. With this attempt, I also attempted to present approximately 700 pages of documents in support of my claims, and, in support of my request for discovery. 2255 Doc 1. Both the motion and the supporting evidence was struck from the record;

the District Court then entered multiple orders barring me from presenting any documents or evidence in support of my claims, eventually threatening me with contempt if I tried to support my claims in any way. 2255 Doc 6, 20, 31. After the initial filing, the United States lost a FOIA decision to me, and, began to release to me additional evidence supporting my claims. White v Dep't of Justice 2018 US Dist LEXIS 8075 (SD Ill 2018). And, additional evidence came out through a Florida state FOIA. I repeatedly attempted to either amend, or, to supplement the record with this additional evidence, and, was denied leave to do so. 2255 Doc 54, 64, 65, 67, 69, 74.

6) On February 25, 2019, after denying me leave to present evidence on at least ten occassions, the District Court denied multiple claimed grounds for relief on the basis that I did not present evidence to support them. 2255 Doc 73; White v United States 2019 US Dist LEXIS 24315 (MD Fl 2019).

7) I timely appealed the denial of a certificate of appealabilty on the issue, among other, of the refusal to allow me to present evidence on February 26, 2019. White v United States 11th Cir App No 19-10725. I repeatedly moved for an extension of time to file so that I could present the results of a neuro-psychiatric examination that the United States was obstructing, but, the Clerk of the 11th Circuit actually shortened my time to file to April 2, 2019, and, then, retroactively fudged the record to remove the original order. (I've attached the Clerk's Orders at Appendix E; note that the March 11, 2019 order on the record is not the actual order, and, that the March 28, 2019, order shortening time to file has not been entered on the record.)

8) On April 2, 2019, before I even received the Clerk's Order shortening my time to respond, I submitted for mailing my motion for Certificate of Appealability ("CoA mot") with three appendices containing approximately 500 pages of stricken documents ("CoA Mot Appx"). This motion was docketed April 5, 2019, but, was improperly docketed with a motion for extension of time to file as the first few pages.

9) The CoA motion raised as grounds III-VII that the District Court erred by failing to allow me to present or develop evidence to support my claims. CoA Mot p 1-2.

10) Judge Elizabeth Branch of the Eleventh Circuit literally ignored my CoA motion, to the point where the improper docketing of it was not even corrected, ignored the questions that I raised, and, entered order denying me a CoA, and, basically copying the District Court's order, on May 30, 2019. White v United States 2019 US App LEXIS 16270 (11th Cir 2019).

11) Judge Rosenbaum joined Judge Branch in denying my reconsideration on July 8, 2019. Appx A.

12) I now seek certiorari on the question of whether the 28 USC §2255 is just a completely fraudulent and illusionary process, as the lower courts saw it to be, or, whether a 28 USC §2255 movant is entitled to Due Process and an opportunity to present evidence with their filing.

13) I left the United States on May 7, 2012, in the company of Sabrina Gnos (her embellishments to the tale of departure are disputed). Doc 71 p 3. When Gnos returned to Roanoke, Virginia, where she lived and I did not (I resided an hour away in Lexington, Virginia), she mailed packages to US District Judge James Turk, Assistant US Attorney Tom Bondurant, and, US Attorney for the Western District of Virginia Tim Heaphy. Doc 71 p 3. She claims that she did so at my instruction; I deny that. Doc 71 p 3.

14) On May 18, 2012, an email account, nslf helterskelter@hotmail.com, sent a crude death threat mentioning to me to Judge Turk. Doc 71 p 4. This threat was then posted onto a Facebook account, bill.white.-7370, which used my name and picture. Doc 71 p 4. On May 19, 2012, the fake Facebook account requested information on the American Front case, while the nslf helterskelter@hotmail.com account began to send death threats to people involved in the case. Doc 71 p 4. The death that to Lawson Lamar charged in Count One was sent that day. Doc 71 p 4-5.

15) The next day, the same death threat, also addressed to Walter Komanski and Kelly Boaz, and, charged in Count 2, was sent to the mass media, and, to a former email address of mine, dhyphen@yahoo.com, which the United States contested was a current email address of mine. Doc 71 p 6. This email was then posted to the fake "Bill White" Facebook account. Doc 71 p 6.

16) Also on May 20, 2014, the phony Facebook account posted information about Thomas Lamar, Lawson Lamar's adult son. Doc 71 p 6. Soon after, a threatening email was sent to Thomas Lamar. Doc 71 p 6-7. Later that same day, a threatening post was made on the messageboards of

the Southern Poverty Law Center, charged as Count 4, and, the Anti-Defamation League of B'nai B'rith, charged as Count 5. Doc 71 p 7. Activity on the nslf helterskelter@hotmail.com account had stopped by May 26, but, some additional posts were made on the fake Facebook account. Doc 71 p 7.

17) The government claimed that all activity on the Facebook account, and, the dhyphen@yahoo.com email account, stopped with my arrest on June 8, 2012, but, as I contested in the 28 USC §2255, counsel was ineffective for failing to show that that was not true. Doc 71 p 8.

18) From the first day that I learned of the existence of the American Front, and, of this case, after my arrest on June 8, 2012, I have stated that I am actually innocent. In fact, as claimed in my 28 USC §2255 motion, a man named James Porrazzo, who was a federal informant, has told people that he committed these crimes and framed me. Further, as I alleged in the 28 USC §2255 motion, and, has been affirmed in FOIA, I was being targeted at the time by an FBI "major case" called the "National Initiative Targeting Bill White", part of which involved an effort to frame me for these kinds of anonymous, easily faked, crimes. Further, I pled as grounds for relief that I was tortured throughout the course of the trial by being subjected to a painfully bright light and sleep deprivation, and, suffered a brain injury as a result, leaving me incompetent. I also claimed diminished capacity from previous acts of torture at the time that the crimes occurred, all allegations that have since been affirmed by medical examination and records released in FOIA.

19) I am sure that it will shock the Court that my claim that I was framed by a government conspiracy was not met well by either my def-

ense counsel, or, the District Court. But, this is why Due Process and a chance to develop and present evidence was so important, because even since February, evidence supporting the most "outrageous" elements of my claim has continued to be released by the FBI and other agencies.

20) First, I am an FBI major case; this is alluded to in CoA Mot Appx C Exh L(i), where the file mentions that the fingerprints being taken are FBI "major case prints". Since the denial of the 28 USC §2255 motion, additional evidence of the existence of an FBI "major case" file has developed. Further, the name of this major case, the "National Initiative Targeting Bill White" ("NITBW") appears in CoA Mot Appx L(c) p 2. Since the denial of the 28 USC §2255 motion, the FBI has released documents showing that the NITBW, which began September 2007, and, took on its current form in February 2008, is an ongoing joint effort of three national governments -- the US, Canada, and, "Israel", at least seven federal agencies -- the FBI, US Marshals Service, Postal Inspectors, Secret Service, Department of Homeland Security, ATF, and, IRS Criminal Investigative Division, and, involved major efforts by 18 of the FBI's Field Offices before 2008, plus the FBI Legates in Ottawa and Tel Aviv.

21) In addition to the evidence released by the FBI, what is becoming apparent is that the National Initiative Targeting Bill White emerged from my work with Pravda.ru in 2001, and, my subsequent refusal to work with the Central Intelligence Agency, and/or, other elements of the US intelligence community. Though not on the record in this matter, I worked with Pravda.ru, an organ of Vladimir Putin's United Russia Party, from 2001-2002. Though I left Pravda.ru, in March 2003, when the US invaded Iraq, I was contacted online by an anonymous person who directed me to English language summaries of what purported

to be intercepts of US military communications by Russian military intelligence, the GRU. Apparently these intercepts were authentic, as my website received 29 million visitors that month, and, I was soon regularly receiving a variety of information from my anonymous source. Later that year, in maybe August of 2003, I was approached by someone whom I now believe to be affiliated with the Central Intelligence Agency, and, offered employment, which I refused. Soon after, efforts to frame me for online crimes began, including the hacking of my personal email account, and, the hacking of both messageboard accounts and financial information from an auction website I administered. An FBI investigation into threats that were subsequently sent from those accounts cleared me. I soon after moved to Roanoke, Virginia, and, launched a housing business, but, I continued to be subjected to harassment which I later determined to be coming from the FBI. In early 2005, I lost my patience with the harassment, and, decided to return the favor to the FBI. I first joined their "white supremacist extremist" movement, disrupted it, and, then, started my own very "extreme" looking group, which I used to run a disruption operation against the FBI's political control activities. My friend from the CIA warned me against my activities in 2006. In early 2007, notorious Holocaust fan fiction writer Elie Wiesel was the subject of an attempted kidnapping; somehow the government got the false idea that I had been involved (I was never charged). The Mossad apparently got involved at this point, along with the Judaic lobby, and, the CIA sent me another warning to stop. When I disrupted the "Jena 6" movement in September 2007, that was then used as a pretext to begin the NITBW, and, the rest is evident from the FBI's documents. Essentially, the US Intelligence Community ("IC") came to the conclusion that the kind of disruption operation I was using to target the FBI (in re-

sponse to the FBI's harassment of me) could only be being conducted with assistance from a foreign intelligence agency, and, thus, the US government launched a "whole of government" attack on me which they explained to their employees as a targeted attack on my political and religious speech. (I know that's quite a story.)

22) What I was able to plead about the NITBW without seeming too crazy appears in 2255 Doc 31 p 17-30. At this time, the only things that I had admissible documents to prove was that the FBI created the National Socialist Movement, the fake neo-Nazi group that I joined in June 2005, and, that an FBI informant, Michael Burks, had made a number of threatening phone calls that were later used by the FBI to try to frame me for threat crimes. CoA mot Appx B Exh G(e)-(f), (l)-(m). By February 2019, I had received the "D", and, "F" series of exhibits in CoA mot Appx C, which showed that the FBI was conducting investigations into me premised solely upon my political and religious expression, that they laundered documents to obstruct a previous prosecution, United States v White WD Va 08-cr-054, and, that they had conspired to frame me for a noose which two of their own informants, Justin Boyer and Michael Burks, had delivered with death threats to an NAACP leader in Lima, Ohio. These documents also show that the national operation targeting me did exist, and, was not a "palpably incredible", and, "patently false and frivolous", conspiracy theory.

23) While I had limited information about the NITBW, information which I needed some Due Process tools to develop, I had better evidence that the government's evidence that I had been using the dhyphen@yahoo.com, and, bill.white.7370, accounts was fake (there was no direct evidence that I'd ever used the account used to send the threats, nslf helter-

skelter@hotmail.com):

a) first, Gnos' identification of me as the user of bill.white.7370 was impossible and the Court's ruling otherwise is absurd, though, at least, the evidence was before the Court. 2255 Doc 31 p 10; 2255 Doc 71 p 16.

b) FBI SA Majeski's testimony that all activity on the dhyphen@yahoo.com and bill.white.7370 accounts ended at the time of my arrest was false, though evidence presented in previous proceedings needed to be produced to show this, to show counsel's awareness of this evidence, and, counsel's ineffectiveness in failing to produce it. 2255 Doc 31 p 10-11, 16;

c) there was also evidence that Gnos, the government's witness who implicated me in these crimes to avoid implicating herself, had herself been using the dhyphen@yahoo.com account at the time she had accused me of using it, but, I needed to present CoA mot Appx B Exh I(a) to show it, and, to show that counsel knew of this evidence and was ineffective in failing to produce it. Doc 31 p 15;

d) then, there was the evidence that the bill.white.7370 had been the subject of "suspicious logins" flagged by Facebook, evidence which was in the discovery, but, which counsel missed because he never read my discovery. 2255 Doc 31 p 15. I needed to present CoA mot Appx B Exh F(a) to show this;

e) there was also evidence that a mobile device which could not have been my laptop or any device I owned was accessing the account, but, which I needed to present CoA mot Appx B Exh A to prove. Doc 31 p 14-15;

f) there is also the evidence captured by the FBI that IP addresses in Tampa, Florida, and, Roanoke, Virginia, were using the dhyphen@yahoo.com account while I was in Mexico, which I needed to present CoA mot Appx B Exh K(a) to provde. Doc 31 p 14-17.

24) In response to the grounds of relief of para 23, supra, the District struck all of the evidence from the record, barred me from presenting evidence, and, made these rulings:

a) as to the date that activity on the dhyphen@yahoo.com and bill.-white.7370 accounts ended, the Court found only that "Majeski's testimony regarding the dhyphen@yahoo.com and bill.white.7370 accounts was consistent with the evidence presented at trial", disregarding the claim that counsel was ineffective for not presenting at trial the inconsistent evidence. Doc 71 p 17. CoA mot para 49-53;

b) in regards to the IP addresses showing that the account which the government claimed I had used anonymously from Mexico was being used by non-anonymized IP addresses in Roanoke, Virginia, and, Tampa, Florida, the Court found that "apart from speculation, Whites [sic] provides no evidence that any search warrant return would have been beneficial." Doc 71 p 18. CoA mot para 65-67;

c) as to the suspicious logins, the Court found that "the evidence regarding suspicious logins ... could have offered little, if any, probative value," though it did not actually review the evidence. Doc 71 p 21-22. CoA mot para 69-72;

with the other issues being barely if at all addressed. 2255 Doc 71.

25) The third set of grounds on which the District Court refused to allow me to present evidence were those related to mens rea, and, to the fact that I had been repeatedly tortured while in federal custody between 2008 and 2011, and, then, again, during trial between May 20, 2014, and, about November 30, 2014. The Eleventh Circuit has twice reversed efforts by judges of the Middle District of Florida to make my civil claims on these issues go away. White v Berger 709 Fed

Appx 532 (11th Cir 2017); White v Berger 2019 US Dist LEXIS 11417 (11th Cir 2019). But, it would not grant a CoA on this issue.

26) Beginning hours after I refused a plea bargain in this matter on May 20, 2014, and, ending after my sentencing, about November 30, 2014, I was confined in a small bare room without a window, painted glossy white, and, had two painfully bright lights shined into my eyes. 2255 Doc 31 p 6-9. As a result, I suffered severe sleep deprivation 2255 Doc 31 p 6-7. At the time that I brought the Fourth Amended Motion pursuant to 28 USC §2255, I had no way to quantify either how much light I'd been exposed to, or, how much sleep I'd been deprived of. All I had was the expert medical report of Dr Eric Ostrov stating that I'd developed Post-Traumatic Stress Disorder ("PTSD") in late 2010, and, that the conditions I'd bene exposed to during these proceedings had made it much worse, evidence that the District Court struck from the record. CoA mot Appx B Exh E(a).

27) In July 2017, the Seminole County, Florida, Sheriff's Office released to me its sleep deprivation records showing that, for the 105 days prior to trial, I had received an average of 1.2 hours of sleep per day, and, had often been awake for days at a time; I was denied leave to amend to plead these facts. CoA Mot Appx A. Since the denial of the §2255 motion, I have learned that it appears that I was subjected to about 6000 lumens of light, the equivalent of a car's high-beam headlights, being shined into my eyes on a 24-hour basis for the 105 days immediately prior to trial.

28) After Dr Ostrov issued his report, the Bureau of Prisons instituted a ban on any independent medical expert meeting with, or, examining, me; this ban was not overturned by the US District Court for the Southern District of Illinois until April 2019, two months after the

28 USC §2255 proceedings in this matter had concluded. White v United States SD Ill 18-cv-1682 Doc 23-1. As such, without the Court appointing counsel to assist me in obtaining a medical examination focused on the issues in this case, I was unable to obtain the evidence of reduced mental capacity at the time that the crimes were committed, and, of incompetence at trial in this matter, that I now have.

29) Specifically, on June 18, 2019, Dr Richard M Samuels examined me, and, on August 14, 2019, he made the following findings, now on the record in White v United States SD Ill 18-cv-1682 Doc 23-1.

a) in 2008 and 2009, I was not suffering from a major psychiatric illness (also confirmed by the testimony of Dr Conrad Daum in United States v White WD Va 08-cr-054 Doc 47 p 19, 28-29, which states that I was not suffering from pathological narcissism, paranoia, or, delusions, at that time);

b) my first corroborated incidence of stress-induced psychosis occurred February 17, 2011, to March 9, 2011, though I self-report earlier episodes;

c) by February 2016, I was suffering from several major psychiatric problems, including:

i) PTSD;

ii) thought dysfunction, "difficulties in cognitive processing, irrational beliefs, inattention, forgetfulness, misunderstandings, and, misperceptions," symptoms of a physical brain injury;

iii) transient paranoid delusions (though he did not detect any current delusional thinking; these are more of attacks that were occurring in the middle of the night, and, have not occurred for 2-3 years);

d) that these psychiatric conditions were caused solely by the use of torture against me by the United States, and, particularly, by the Seminole County, Florida, Sheriff's Department during the course of this trial;

e) that medical records failing to diagnose these conditions are a product of medical negligence.

(I note that there are some irrelevent biographical errors: I never had any substantial access to the internet before age 18, and, no one has ever suggested that I suffer from an "autism-spectrum disorder", for example).

30) After refusing to allow me to present Dr Ostrov's report, and, refusing to appoint counsel so that I could obtain a report more tailored to the issues in this case, the District Court ruled that:

a) "As to issue 4(c) [incompetence at trial], aside from vague and conclusory allegations, White offers no evidence that a psychological evaluation would have revealed that he was incompetent to stand trial." 2255 Doc 71 p 14;

b) "White has made only vague and conclusory allegations that he was incompetent at the time of trial and sentencing [though the issue raised related to the time that the crime was committed] ... White has not presented any evidence, much less a reasonable probability, that a psychological evaluation would have found him incompetent." 2255 Doc 71 p 28.

31) As barring me from presenting evidence, and, then, dismissing my 28 USC §2255 motion for failing to present evidence is insane (though unfortunately typical of the insanity that infests the federal justice system).

I raised these issues in my request for CoA, had my CoA denied apparently unread, and, now seek certiorrari on the issue of whether or not I merit a CoA.

REASONS FOR GRANTING THE PETITION

32) Justice Sotomayor has recently expressed concern that District Courts are denying habeas petitions in a "conclusory" manner, and, that Circuit Courts are compounding this error by denying Certificate of Appealability in "unreasoned order[s]". McGee v McFadden 139 S Ct 2608 (2019) (Sotomayor, dissent). "Unless judges take care to carry out the CoA review with the requisite open mind, the process breaks down," Justice Sotomayor has concluded. And, the standard for a CoA should not high, for "the CoA procedure should facilitate, not frustrate, fulsome review of potentially meritorious claims." McGee. "At the CoA stage, the only question is whether the applicant has shown that 'jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.'" McGee citing Buck v Davis 137 S Ct 759 (2017) citing Miller-El v Cockrell 537 US 322 (2003). This "threshold inquiry" is more limited and more forgiving than adjudication of the actual merits. McGee citing Buck citing Miller-El.

33) Some Circuits require the presentation of admissible evidence with a 28 USC §2255. see, eg, Underwood v Clark 939 F 2d 473 (7th Cir 1991). Others look at McFarland v Scott 512 US 849 (1994) and Fed. R.2255.P. 2(c), to apply the heightened standard of "fact pleading." As the Eleventh Circuit has remarked:

> "The reason for the heightened pleading requirement -- fact pleading -- is obvious. Unlike plaintiff pleading a case under Rule 8(a), the habeas petitioner ordinarily possesses or has access to the evidence necessary to establish the facts supporting his col-

lateral claim; he necessarily becomes aware of this during the course of the criminal prosecution or sometimes afterwards." Borden v Allen 646 F 3d 785 (11th Cir 2011).

34) Obviously, in this case, I couldn't have accessed all of the facts underlying my claim, as I had been diligently pursuing some of them since before I was even charged in this matter. But, the standard of pleading in the District Court is not terribly relevant here, as the District Court applied a standard of evidence pleading, and, then barred me from fully presenting either the evidence, or, the facts. If I have documents supporting my claim, and, supporting a case to allow discovery, and, they are all stricken from the record before the court denies my petition for failure to present evidence (or, even more farcically, weighed the probative value of the evidence that was not presented), what's the point of having 28 USC §2255? In this matter, I was arrested for crimes that I did not commit, and, as the medical evidence now shows, tortured to the point of incompetence. I was then literally dragged into court incompetent, my brain blown out from an injury inflicted upon it by the United States, and propped up in a chair while the government presented pure perjury -- perjury which my counsel didn't bother to rebut because he never even looked at most of the discovery. I try to obtain evidence to show this, and, the Bureau of Prisons, working with the United States, not to mention the Seminole County Sheriff's Office, does everything it can to obstruct my case. And, then, I cannot avail myself of the tools of Due Process because the Court, like many of the other judges in the Middle District of Florida Orlando Division does not want the issues that I'm raising to be explored. Is this what the federal justice system has come to?

35) In my case, the development of the evidence was particularly

important because the claims that I am making are so disfavored and extraordinary. Many inmates claims that they were framed by a government conspiracy. Most are lying, or, insane. To my knowledge, I am the only one who has evidence in my hands showing that I was the subject of a "National Initiative Targeting Bill White", and, an FBI major case. So, the Court could believe that the FBI sets up a major case operation in conjunction with two foreign governments and at least six other federal agencies to take out one nutball making empty threats and running a prank phone call ring, but, that would be even more irrational than what the District Court did in dismissing my claims out of hand. I couldn't prove the NITBW claims at the time that I filed the 28 USC §2255 motion, but, I had enough that I was entitled to use the tools of discovery to uncover this evidence which multiple federal agencies have been hiding from me for over a decade.

36) I may not have been able to show a conspiracy at the time that the 28 USC §2255 motion was filed, but, I was able to show that there was abundant evidence that someone who was not me was using the email and Facebook accounts used to link me to the crimes, and, that my counsel failed to present it. However, the District Court's order striking my evidence prevented me from making that showing, and, its order denying me relief because it either weighed the evidence that it had stricken, which was not before it, or, because I did not present the evidence that was stricken, was absurd, and, the order denying me a CoA on this issue is unfathomable. This should be reversed.

37) Lastly, there is now the clear evidence of torture that developed during the course of the proceedings, and, shortly afterwards,

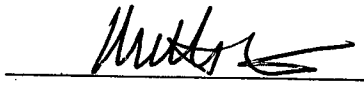
which I was prohibited from adding by amendment, or, by any other means. When I raised this exact same issue in a civil case -- the summary refusal to grant leave to amend -- the Eleventh Circuit remanded for an explanation of why I was not allowed to amend. White v Berger (11th Cir 2019). Why did the Eleventh Circuit then not grant a CoA on the same issue in a habeas proceeding? It is because I was in front of a single judge who knew that there was no reason to believe that her decision would be questioned, no matter how arbitrary or lawless it was.

38) The end effects of this extremely harsh and corrupt habeas practice is not that I am foreclosed of all avenues of relief; the end result instead is to multiply the proceedings. The District Court refused to address my injuries and reduced mental capacity at the time of the crime; these issues are now cognizable, in terms of the sentence, under 18 USC §3582(c)(1) pursuant to the FIRST STEP Act. The other issues of fraud, concealment of evidence, and, the like, are cognizable pursuant to Fed.R.Civ.P. 60(b)(3), or, (d)(3). But, is requiring me to bring multiple lawsuits in other jurisdictions, obtain my evidence through FOIA or discovery, and, then, represent my issues piecemeal to the District Court in the context of fraud the way that post-conviction relief should be conducted in the United States? Or, would it have been better to grant me a CoA, chastise the District Court for its failure to grant me Due Process, and, remand this proceeding for additional proceedings? That's the question before this Court, and, I ask that this matter be taken up to let all District Courts know that 28 USC §2255 litigants are entitled to Due Process.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 9/18/19