No. 19-6476

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
OCT 28 2019
OFFICE OF THE CLERK

Charles Blunt — PETITIONER
(Your Name)

vs.

Mary Berghuis — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Charles Blunt
(Your Name)

Chippewa Corr. Fac - 4269 W-M-88
(Address)

Kincheloe, MI 49784
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

1. Did the district court contrary to Castro v. US abused its discretion when it recharacterized the petitioner's pleadings in equiting under 60(b)(6) and 60 (d)(3) claiming fraud as challenging the court's prior habeas judgment on the merits.

2. Did the district court judge abdicate in his duty contrary to Porter v Warner holding Co. to, exercise his inherent equitable to jurisdiction and equitable powers to investigate the allegations of fraud.

3. Did the district court abuse its discretion contrary to Hazel-Atlas v. HartPord-Empire when it failed to apply the law which belong to courts of equity to deny suit brought in equity after discovered fraud.

4. Did the district court judge abdicate in his duty contrary to Hazel-Atlas to investigate proffer of evidence in support of fraud claim

5 Did he district court's denial of suit brought in equity without holding investigative adversary porceedings contrary to Hazel-Atlas deprive the petitioner of due process contrary to Porter securing complete justice.

6 Did the district court's denial of suit brought in equity wihtout holding investigation adversary proceedings contrary to Hazel-Atlas cause the petitioner to suffer a grave miscarriage of justice in violation of the due process clause contrary to Porter securing complete justice

7. Should the petitioner's pro se filings have been held to less stringent standards and been liberally construed as defined by Haines v Kerner

8. Did the district court err as a matter of law contrary to Castro when it failed to inform and warn the petitioner that a certificate of appealability was not required to appeal the court's denial of his suit brought in equity after-discoverered fraud.

9. Did the court of appeals contrary to Gonsalez v Crosby erroneously characterized the petitioner's appeal of the district court's denial of suit in eequity under 60 (d)(3) and 60 (b)(6), as an application for certificate of appealability. Under the antiterrorism effective death penalty act.

10. Did the AEDPA provide the court of appeals with appellate jurisdiction to review an appeal brought in equity pursuant to 60 (d)(3) claiming fruad

11. Because the AEDPA did not provide the court of appeals with appellate jurisdiction to review an appeal brought in equity pursuant to 60 (d)(3), is the court of appeals judgment to be voided for want of jurisdiction in accord to Steel Co. v. Citizens for better environment 523 US 83, 94.

12. Did the court of appeals in contravention of Klapport v. US 335 US 601, 613, erroneously reason that the petitioner's 60 (b)(6) other reasons claim brought in equity was time barred by 60 (b)(3) one year violation.

13. Did the court of appeals contrary to supreme court precedence in equity, erroneously interpret 60 (d) to only be available to prevent a grave miscarrage of justice.

LIST OF PARTIES

[✓] 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:

RELATED CASES

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TABLE OF AUTHORITIES CITED

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 B 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

Fifth Amendment 60(B)(6) 60(D)(3) 28 U.S.C. 1655
Sixth Amendment

STATEMENT OF THE CASE

The petitioner Charles Blunt is a pro se prisoner litigant, who in September 2017 filed in the district court for the Eastern District of Michigan, a motion of relief from judgment pursuant to the Federal Rules of Civil procedure rule 60 (b)(6) and an independent suit in equity under rule 60 (d)(3). See Apendix B. The 60 (b)(6) and 60 (d)(3) are premised on the same facts of fraud, misrepresentation, and concealment having been committed on the federal habeas court by state attorneys.

The petitioner has sought equitable relief in the form of an order to re-open the habeas porceedings and vacate its earlier judgement denying habeas relief on the issue of the petitioner being denied his sixth amendment right to self-representation; due to a fraudulent represetation having been committed on the court by the state relating to the petitioner's ability to self-represent. The petitoner further sought relief in the form of the district court issuing an order to unconditionally grant the writ to release to release the petitoner premised on fraud having been committed, or order the State to condcut a new trail.

The petitioner believes that the issues presented below for review will demonstrate that the district court abused its discretion and abdicated in its duty to adjudicate the claims brought in Equity pursuant to 60 (b)(6) and 60 (d)(3).

The petitoner further believes that the court of appeals erroneously

denied his appeal in contravention of the Supreme Court precedence in Equity Also, the petitioner believes that the court of appeals erroneously denied his appeal as a matter when it erred by applying the Antiterrorism Effective Death Penalty (AEDPA) appeal process to review his appeal brought in equity.

PRIOR HISTORY

The petitioner in 2008 filed a petition for writ of habeas corpus Blunt v. Berghusi, No. 4:08-cv-14808, under 28 USC 2254 claiming the state violated his fifth Amendment right against double jeopardy and sixth amendment right to self-representation. The district court denied the petition for habeas relief on April 5, 2011, the sixth circuit court of appeals affirmed the district court's decision on November 12, 2012.

The petitioner on June 3, 2013 filed a motion for relief from judgement pursuant to rule 60 (b)(6) and an independent suit in equity under 60 (d)(3) claiming that during the habeas proceedings the state committed fraud on the court relating to the sixth amendment right to self-representation, imparticularly by stating: "petitioner's statement to the trial court that he was acquitted when he represented himself previouly 'was false'." See Appx H pg 30 The petitoner has claimed that the state intentionally misrepresented the truth to conceal the fact that in 1994 he had successfully represented himself by winning a jury's verdict of not guilty on September 1994

Equity has always had a jurisdiction of fraud, misrepresentation, and concealment; and it does not depend on discovery See Jones v. Bolles 9 Wall 364, 369. The petitioner presented prima facie evidence in the form of an Oakland County circuit court docket journal demonstrating that appointed counsel was discharged, See Appx. C at pg. 3, and the jury acquitted him not guilty on all counts; Thereby, demonstrating that the state's claim "was false", a fraudulent misrepresentation and concealment of the truth intended to deceive the court. See Marshall v. Holmes 141 US 589; Hazel-Atlas v. Hartford-Empire 322 L 238

The district court abused its discretion as as matter law when it abdicated in its duty to vacate its judgment and investigate whether such fraud occurred to make a merits determination, contrary to the uniform Supreme court precedence in equity. Hazel-Atlas at 9249, 250 n 5.

Subsequently on November 11, 2013 the petitioner filed a motion for reconsideration of the court's October 15, 2013 order at Appx C. The petition submitted a court order from the Oakland county court supporting his claim that the court ordered the appointed counsel discharged and allowed the petitoner to represent himself. See Appx D referencing Mot. Recon. at pg. 2 DKT 30

The district court abused its discretion as a matter of law, Phillipines v Pimental 553 US 851, when it made an error in law to deny the petitioner's motion for reconsideration. And, the court

abdicated in its duty to exercise its equity jurisdiction and authority, Porter v. Warner Holding Co. 328 US 395, 398, to investigate by commencing adversary proceedings in accord to the usual course of the trial of questions of fact with the examination and cross-examination of witnesses, Hazel-Atlas Supra, to determine the merits of the fraud claim.

The petition on June 24, 2014 filed in the district court a notice of appeal and a request for a certificate of appealability for appeallate review of the court's decison denying equitable relief under 60 (b)(6) and 60 (d)(3). The petitioner proceeding pro se, Haines c. Kerner 404 US 519, 590, propery made notice of appeal, but erroneously motioned for a (COA) certificate of appealability. A (COA) is not required, Gonzalez v. Crosby 545 63, 524, to seek appellate review at the district court's order denying 60 (b)(6) and 60 (d)(3) premised on fraud on the court. Hazel-Atlas at 248.

The district court in contravention of Castro v. US 540 us 373m failed to inform the pro se petitioner that a (COA) was not required and provide him with an opportunity to withdraw the (COA) motion, Castro at 383, and inform him that he could proceed on direct appeal. The district court contrary to the commands in Castro, erroneously applied the antiterrorism effective death effecxtive death penalty act (AEDPA) appeal requirements at 28 USC 2253 to deny the (COA), there-by denying the petitoners right to appeal contrary to the due process clause, See Appx. E

The petitioner continued with his notice of appeal and motion for (COA) into the sixth circuit court of appeals. On October 27, 2014 the court of appeals erroneously characterized the petitioner's pleadings under (b)(6) and (d)(3) as seeking relief from the district court's habeas judgment on April 5, 2011. See Appx. F at pg. 1. The court of appeals recongnized that the petitioner had submitted to the district court primia facie evidence in support of his (b)(6) and (d)(3) claims of fraud, Appx. F pg 2, Hazel-Atlas Supra However, the court of appeals erroneously applied the (AEDPA) appeal review standard of 2253 which is only applicable to habeas corpus cases attacking the merits of the district court's decision Gonzalez at 536 The court of appeals failure to apply the unitary abuse of discretion standard, Cooter Gell v. Hartmarx 496 496 us 384, that "includes review to determine that the discretion was not guided by erroneous legal conclusion's", Cooter v. Gell at 403, deprived the petitioner of due process of law, In re Murchian 349 US 133, 136, causing him to suffer a grave miscarriatge of justice contrary to the uniform principles, rules, and decisions in equity, Hazel-Atlas st 244; Marshall v. Holmes at 596, Securing complete justice, Porter at 398

The petitioner on September 28, 2015 submitted to the district court another motion for relief from judgment under 60 (b)(6) and 60 (d)(3), dist Ct. DKT. 39, 40. presenting new evidence in support of his claim of fraud on the federal court. Hazel-Atlas. The petitioner presented to the district court a letter from the attorney Judith S Gracey, See Appx. G, whom the Oakland County

court appointed on May 6, 1994. Ms. Gracey's letter indictates recalling that the petitioner represented himself and that judge Howard appointed her as stand-by counsel to sit with the petitioner during trial. See Appx. G. The petitioner by self-representation did on September 19, 1994 when a jury's verdict of not guilty acquitting him of armed robbery charges. The petitioner presented conclusive evidence of fraud that does not depend on discovery, Jones v. Bolles 9 Wall at 369, to the district court which demonstrated that the State by design, did intentionally and fraudulently misrepresent the truth, Hazel-Atlas at 245, 246, in its habeas response brief Appx. H, claiming that the petitioner's statement of self-representation and not guilty acquittle "was false " Marshall v. Holmes at 596

The district court abdicated in its duty that demanded it exercise it's equitable jurisdiction and equitable powers, Porter at 398, to get aside fraudulently begotten judgments, Hazel-Atlas Supra, and thoroughly investigate and adjudicate the rights of the parties where the usual safeguards adversary proceedings must be observed, universal oil products Co v Roof Refining Co 328 us 575, in accord to the principles, rules, and decisions which belong to courts of equity. Hazel-Atlas 249, 250 n 5. The district court abused it discretion as a matter of law when it erred, Cooter v. Gell at 403, by not exercising its equitable jurisdiction and powers that "is not to be denied or limited," Porter at 398, and failed to conduct adversary proceedings where the usual safeguards must be observed, Universal Oil at 580, to make a merits determination,

Hazel-Atlas Supra. Also, the district court abused its discretion as a matter of law when it denied the respective (b)(6) and (d)(3) pleadings without providing any reasons in lae, Cooter v. Gell Supra. See Appx. 1.

The petitioner on September 12, 2016 submitted to disrict court a notice of appeal, See Dist. Ct. Dkt. 42, and on September 13, 2016 erroneously motioned for a certificate of appealability. See Dist. Ct Dkt. 43 The petitioner's pro se filing "must be held to less strigent standards than formal pleadings drafted by lawyers and should be liberally construed," Haines v. Kerner at 520, 521. The district court, did again, in contravention of Castro, fail to inform the petitioner that a (COA) was not required and provide him with an oppportunity to withdraw the (COA) Castro at 383. The district court again, contrary to Castro, erroneously applied the (AEDPA) to deny (COA), there-by denying the petitioner's due process right to appeal See Appx J

The petitioner continued into the court of appeals with his notice of appeal and motion for (COA). The court of appeals on April 6, 2017 issued its order. The court once again, erroneously construed the petitioner's pleadings under the (b)(6) and (d)(3) claiming fraud, as seeking relief from the district court's habeas judgment. See App X K at pg 2 The court of appeals in its order does acknowledge that the : A petitioner reiterated his self-representation as being true; 2) petitioner's claim of fraud on the court by the state; 3) petitioner's submission of court order and

docket journal demonstrating that appointed counsel was discharged; 4) petitioner submitted that letter from attorney Judith Gracey stating that she was only appointed to sit with the petitioner while he represented himself.

The court of appeals in contravention of Gonzalez at 536, erroneously applied the law of the (AEDPA) appeal review standards to deny the petitioner's appeal review standards to deny the petitioner's appeal of the district court's order denying his suit in equity under 60 (d)(3) and 60 (b)(6) in contravention of Hazel-Atlasa t 245. Appx. K. at pg. 2,3.

PRESENT CASE

The petitioner in September 2017 filed in the district under 60 (b)(6) and 60 (d)(3) an ancillary independent suit in equity premised on the former Blunt v. Berghuis 4:08-cv-14808 habeas jurisdiction, Pacific R. Co. v. Missouri R. Co. 111 US 505, claiming fraud on the court. See Appx. L. The petitioner in the above prior history of his previous filing and as he shall demonstrate below for the present appeal. The petitioner has consistently claimed and presented conclusive evidence in support of fraud having been committed on the federal court. Because the district court is the subject of the fraud it is the appropiate court to remedy the fraud, Hazel-Atlas at 249, 250 n 5, only subsequent to a thorogh and effective investigation where the rights of the parties must be observed, universal Oil at 580, which includes the examination and

cross-examination of withnessess to make a merits determination on the fraud allegation. Hazel-Atlas Supra.

The constitution itself has made it essential that great care should be taken to keep separate and distinct remedies at law and in equity. Fenn v. Holme 21 How 484., However, procedural distinctions between legal and equitable forms of action has been abolished; but equitable doctrines not having been abgorgtated, it subject matter of civil action is such as would have been cognizable in equity under old practice, and therefore governed by equitable priciples, such principles are yet equally applicable.

ISSUE I

The petitioner pled in equity that the state attroney perpetrated a fraud on the habeas court, Hazel-Atlas Supra, by intentionally misrepresenting the facts and concealing the truth, Marshall v. Holmes at 596 relating to the issues of the petitioner being capable of and had he successfully won and acquittle of not guilty by self-representation at trail in the past. The petitioner submitted six (6) exhibits to the district court as prima facie and conclusive evidence in support of his claim of fraud. The petitioner's most relevnt and conclusive evidence submitted to the court is Appx H, that portion of the state attorney's brief presented to the court to misrepresent the facts and conceal the truth on the issaues in question to deceive the court, Hazel-Atlas at 245.

The district court abused its discretion as a matter of law contrary

to Castro v US Supra, when it recharaterized the petitioner's pleadings in equity as challenging the court's prior habeas judgment on he merits See Appx. B. at pg 1

The district court judge abdicated in his duty as defined by the Supreme Court decision in Porter v. Warner Holding Co. Supra, to exercise his inherent equitable jurisdiction and equitable powers that demanded under Settled Uniforn decisions in equity that the judge act his duty to investigate whether such fraud occurred.

ISSUE II

The petitioner pled in equity fraud on the court and proffered prima facie and conclusive evidence in support of his claim to compel the court to commence investigative and adversary proceedings. The court denied the petitioner's suit without providing any reasons in law for not exercising it equitable jurisdiction and powers in accord to the principles, rules, and decisions which belong to courts of equity. See Appx. B.

The district court abused its discretion as a matter of law contrary to Hazel-Atlas Supra, when it failed to apply the law which belong to courts of equity to deny suit brought in equity after discovered fraud.

The district court judge abdicated in his duty contrary to tHazel-Atlas, when he failed to act on his duty that demanded he investigate the petitioner's allegation of fraud through adversary

proceeding's thoroghly and effectively to made a merits determinatin.

ISSUE III

Did the district court's denial of suit brought in equity without conducting mandatory investigative adversary proceedings contrary to Hazel-Atlas, deprive the petitioner of due process of law contrary to the great principle of equity security complete justice, Porter v Warner Hol. ing Co.

ISSUE IV

Did the district court's denial of suit brought in equity without conducting a mandatory investigative adversary proceedings contrary to Hazel-Atlas, caused the petitioner to suffer a grave miscarrigae of justice contrary to the great principle of equity securing complete justice.

ISSUE V

After the district court denied the petitioner's suit brought in equity. The petitioner filed a notice of appeal and erroneously motioned for a certificate of appealability. Did the district court contrary to Castro v. US Fail to warn the petitioner that a (COA) is not requried and give him the opportunity to withdraw the (COA).

ISSUE VI

The petitioner filed his suit in equity claiming fraud on the federal district court before the court which is the subject of the

fraud as defined in Hazel-Atlas at 249, 250 n 5 Did the district court err as a matter of law contrary to Hazel-Atlas, when it reasoned that it could not act under its inherent equitable jurisdiction and equitable powers to investigate and determine whether fraud occurred on the court, because to do so would be reversing the court of appeals. See Appx. B. at pg. 2.

ISSUE VII

The petitioner a pro se perisoner litigant, Haines v. Kerher, served notice of appeal upon the court of appeals. Appx. M. The petitioner on appeal consistently pled and presented evidence demonstrating the origins of the state attorney's fraud on the federal district court, nothing else. "However inartfully pleaded" it "liberally construed", Haines v. Kerner at 520, 521, the petitioner's pleadings clearly demonstrated allegations of fraud that demanded investigative adversary proceedings be held by the district court in accord to Hazel-Atlas to make a merits determination The petitioner erroneously submitted a motion for a certificate of appealabilty believing a (COA) was required in all cases for appeal Appx. N.

The court of appeals in its order of August 8, 2019 makes no reference to the petitioner's appeal, of right pleadings at Appx. M, it only addresses the pleadings as an application for (COA). See Appx. A. The court of of appeals contrary to gonsalez at 532, erroneouly applied the law of the (AEDPA) appellate review standards to the petitioner's appeal of the district courts denial of his 60

(d)(3) quit in equity and 60 (d)(3) and 60 (b)(6) made the claim of fraud on the court invoking the district court's inherent equitable jurisdiction and equitable powers which is not to be denied or limited, Porter at 398, in absence of a clear legislative command. The (AEDPA) provides no legislative command restricting the district courts from exerciding their equitable jursidiction and powers. In fact, the inequitable claims of fraud and misconduct are exceptions from (AEDPA) review See Calderon v. Thompson 118 set. 1489 (referencing Hazel-Atlas v. Hartford-Empire). The (AEDPA) did not provide the court of appeals with appellate jurisdiction to a. judicate the petitioners appeal claims brought under 60 (d)(3) and 60 (b)(6); without jurisdiction a court cannot proceed at all in any case. See Steel Co. v. Citizens for better Envir. 523 US 83, 94. The court of appeals, as defined by the supreme court procedure in equity in re hohorst 150 US 653, should have dismissed the (COA) request for want of jurisdiction, in re Hohorst at 664. The court of appeals has an obligation to satisfy itself not only of its own jurisdiciton, but also that of the lower courts in a cause under review, Steel Co at 95

ISSUE VIII

the petitioner's claims under (b)(6) are predicated in the claims of fraud brought under 60 (d)(3) independent action. The petitioner's claim of fraud sounds in equity. The petitoner has not made any habeas claims attacking the merits of the district court's habeas judgment, Gonzalez Supra, as erroneously characterized by the court of appeals contrary to the Kalpport v. US 335 US 601, 613,

erroneously reasoned that the petitioner's (b)(6) other reasons claim was time barred by the one year limitation of 60 (b)(3). To state it simply as defined by the supreme court "the language of the "other reasons" clause for all reasons except the five particularly specified, vests power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplice justice." Under the "other reasons" clause at (b)(6) the one year limitation of (b)(3) does not apply. Klapport at 614.

Furthermore, the savings clause of 60 (d) provides no time limitation to bring a suit in equity after-discovered fraud. See Marine Ins. Co. v. Hodgson 7 Cranch 332; Marshall v. Holmes at 597; Hazel-Atlas at 2-44. Also, the court of appeals, Contrary to Supreme court precedence in equity, has erroneously interpreted 60 (d) to mean that a suit in equity is only a vailable to prevent a grave miscarriage of justice, Appx. A at pg. 4. (quoting US v. Beggorty 524 US 38). The preliminary consideration to bring a suit in equity is any fact which clearly proves it to be against conscience to execute a judgment, any of which the injured party could not have availed himself in a court of law; or of which he might have availed himself at law, but was prevented by fraud or accident unmixed with any fault or negligence in himself or his agents justifies an application to a court of chancery Marine Ins. Co. v. Hodgson; Marshall v Holmes; Hazel-Atlas v. Hartford-Empire.

REASONS FOR GRANTING THE PETITION

The reasons for granting the petition, In 1 story's equity, 201,

202, it is thus stated: "Where the party intentionally , or by designed, misrepresents a material fact, or preduces a false impression, in order to mislead another, or to entrap or cheat him, or to obtain an undue advantage of him; in every such case there is a positive fraud, in the trust sense of terms; there is an evil act, with an evil intent; dolum malrum ad circumveniendum, and the misrepresentation may be as well by deeds or acts, as by words; by artifices to mislead, as by positive assertions."

The petitioner presented the district court with a bill inequity premised on fraudulent misconduct perpetrated by state actors against the federal judicial system to deceive the court. The district court judge in contravention of the uniform principles, rules, and decisions in equity denied the bill without an investigation to make a merits determination on the fraudulent inequities complained of. The district court judge abdicated in his duty to adjudicate by the established equity principles and rules which are the foundation of this supreme court and governs its decrees and judgments; and that continue to serve as centuries in their administration and application of equity law within the nation.

It is necessary for the supreme court to exercise its supervisory powers to address the district court's abdication of its duty to exercise its equitable jurisdiction and equitable powers in securing complete justice, Porter at 398, when "the court of chancery is always open to hear complaints against fraud whether committed in

pais or by means of judicial proceedings." Johnson v. Waters 111 US 640, 667.

As well, it is necessary for the supreme court to address the court of appeals abdication of its supervisory responsibilty and control over the district court for the proper adminsitration, and functioning of the federal system. La Bay v. Howes Leather Co. 352 US 249, relating to the administration of equity doctrines, rules, and decisions being uniformly maintained, and, address the court of appeals abdication in its responsibility and duties to adhere and conform to the uniform precedence in Equity that continued to emanate from this supreme court.

Most important, it is necessary for the supreme court to address ths appeal because it is of great moment and interest to the national public's security and confidence in the judicial branch's ability to inquire into and correct mistakes, injustice, and wrong in both judicial and executive action when it invades private rights, Johnson v. Towsley 13 wall 72.

1.) Newly presented evidence that with reasonalbe diligence could not hae been discoved in time to move for a new trial under rule 59(b):

2.) Fraud whether previously called-intrinsic or extrinsic misrepresented or misconduct by an opposing party. A proper rule 60 (b) motion attacks, not the substance of the federal courses resolution of a claim on the merits. But some defect in the integrity of the federal habeas proceedings in Gonsalez supra at 2641. The fraud continual from the Mich State proceeding to the Mich appeal to their opinion denieding petitioner appeal committed fraud: Accusing the petitioner of being disingenuous aobut success fully representation of himself in the past, opinion 9-6-07: Appendix O. the sixth circuit tcommitted fraud in their motion for denial of petitioner's habeas motion on 11-24-2012, stated in APPENDIX P BLUNT also disgenuously claimed to have sucessfully represented hisself in another case. The attorney General in his brief dated September 10-2012; APPENDIX H page 30 states, and his statement to the trail court that he was acquitted when he represented himself p;revioulsy was false the petitioner clearly indictes that the trial in which he represented himself and was found not guilty was in 1994; The state attorney general committed fraud on the court by intentionally disregarding the truth by failure to investigate if petitioner Blunt actually successfully represented hisself. Instead submitted and presented erroneous and fraudulent information to the courts. The state attorney had access to the court record but reckslessly chose not to investigate; failure not to investigate before making the statement that when petitioner told the trial court he was acquitted when he represented himself was false! This is an act doen recklessly to disregard the truth and willfully being blined to the truth amounts to conduc, that mainifested an intentinal disregard for the truth! The attorney general the Mich appeal court, Sixth Circuit, altered the judicial machinery due to their fraudulent conduct tainted petitioner entire habeas appeal process! 60 b(6) 60 d(3):

REASONS FOR GRANTING THE PETITION

Petitioner Charles Blunt Appeal Process was tainted by the fraudulent conduct of the Attorney General. The Judicial Machinery cannot perform in the usual manner it's partial task of adjudication the absence of such conduct demands integrity and honest. Petitioner due process was Volated; The Attorney General, Michigan Appeal Court, Sixth Circuit alteral the Judicial Machinery for Petitioner to Receive a Fair Appeal! Petitioner should have never been order to Submit a COA to the Sixth Circuit Court of Appeal!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Blunt

Date: Oct-25-2019