IN THE UNITED STATES SUPREME COURT OF AMERICA

ORIGINAL

RKB

19-6961

HERNAN NAVARRO
Petitioner
V.
UNITED STATES OF AMERICA
Respondent

NO. 1-99-cr-00016-3

NO. 19-6961

MOTION REQUESTING A REHEARING

CERTIFICATE

I. I Believe that I am entitled to the redress sought

1.) I certify and declare that petitioner grounds are limited to intervening Circumstances of Substantial or Controlling effects or other substantial grounds not previously presented.

2.) I certify that petitioners petition is restricted to the grounds Specified in this paragraph and that is presented in Good Faith and not for delay (s) [signature]

II. GROUNDS FOR RELIEF

1. Actual Innocent exemption
2. Evidentiary Hearing: Pursuant to 28 U.S.C §2255(b)
3. Prosecutorial Misconduct: Due Process, Fair Trial Violations
4. Ineffective Assistance of Counsel: [6th] Amend. Const. Violations
5. Subject Matter Jurisdiction (New-Not previously Presented)

Grounds 1)2)3)4) and part of 5) will be explain together. The other part of 5) will be explain alone.

CONTENTS

III.

With High Respect, The Honorable U.S. Supreme Courts adverse decision to deny my Request for Writ of Cert is wrong based on the following:

1) The District Court failed to adjudicate on three claims that was presented on my initial §2255 motion... My assertions, assert an error of the federal habeas proceedings. The error lies not in the district courts resolution of the merits on the three claims not considered (since it never reached those merits) but in its failure to make any ruling on the three claims that was presented... The first two (Below) is relevant to the issue at hand, and the third one is not and will be addressed later. [See DKt. NO. 254]

A.) Prosecutorial Misconduct: the misconduct deprived Petitioner of his Constitutional right to due process and a fair trial; Petitioners Conviction was obtained as a result of the prosecutors misinformation of facts violates the right to a fair trial.

B.) Ineffective assistance of counsel: Counsel failed to order the prosecutor to produce a witness statement. Counsel failed to investigate the two witnesses who had information concerning the truth regarding if they did or did not have identify me to be one of the three gunmen who robbed them at gun point. Counsel failed to consult expert, conduct research and request copies of studies of prosecutor expert.

The District court willfully misconstrued my actual innocent claim. For a stand alone claim.

The Supreme Court has held that a showing of actual innocence must be accompanied by a federal Constitutional claim and

I did accompanied my actual innocent claim with a [6th] or [14th] Amendment right to fair due process and [6th] Amendment right to a fair trial claim that the prosecutor misconduct deprived petitioner of his Constitutional rights to a fair trial and the conviction was obtain as a result of the prosecutors misinformation of the facts violated the U.S. Constitutional right to a fair trial

The lower courts are dead wrong. My actual innocent claim is not a stand alone claim. The District court wrongly classed, my actual innocent claim, as a stand alone. I am making it very clear ~~was~~ that my Actual Innocent Claim, is not a stand alone. Failure to properly review my habeas Actual Innocent claim will result into a miscarriage of Justice. Because my conviction and custody violates the U.S. Constitution. Their should be some kind of remedial action to right this wrong.

2.)

Pursuant to 28 U.S.C § 2255(b) requires an evidentiary hearing for all motions brought pursuant to the Statute

The District court abused its discretion to deny my § 2255 motion without discovery or a hearing. Lafuente v. U.S. 617 F.3d 944, 946-47 (7th Cir 2010)

A.

At the severance hearing [Dkt. No. 1 and 2] The Government commited misconduct, plus my court appointed counsel errors prevented the factual development of the truth. The merits of the factual dispute were not resolved in my one and only federal hearing, (which is not my fault) The Government was at fault, as to why I did not receive a fair hearing. Because of Two reasons (I should have been entitled to a fair hearing)

1.) under Fed. R. O. Evid, at Fed. R. Evid. 801-07 in title 28 U.S.C

The confrontation clause of the [6th] Amendment, generally prohibits the prosecutor from using hearsay as evidence against you at trial. Hearsay is testimony, or comments, Presented at trial by Someone other than the person who originally spoke.

My assertion is that the prosecutor commited the prohibitive act. When he falsified his assertions that "the victims of #338 Has identified Mr. Navarro as one of the gunmen who robbed them at gun point." The allegations was not based on the truth, but on misinformation of the truth. (Untrue information made up by the prosecutor, is wrong) (see Exhibit #1 at 6 and #2 at 7)

2). Under Fed. R. Crim. P. 26.2 (a)-(d) and (f) applies at a hearing under this rule. If a party does not comply with Rule 26.2 (a) order to produce a witness statement, the court must not consider that witness testimony.

Counsel failed to order the prosecutor to produce a witness statement at the federal hearing. Showing, that the two witnesses really stated, that they have identified me.

The complete Record shows that counsel did not order the prosecutor to 'produce a witness statement'. Counsel had a obligation to investigate all witnesses, who may have information concerning my guilt or innocence. Counsel failed to investigate the two witnesses who had valid and true information, necessary to exclude counts 20 & 21 from the federal indictment.

The facts and record, show that the two witnesses (Mr. Sorhaindo and Mr. Ferroll who are also the two victims of #338 Mt. Pleasant) sworn in their one and only statement ever made. That they could not have identify any one of the three masked men, who robbed them at gunpoint.

At trial, the prosecutor asked Mr. Sorhaindo and Mr. Ferroll, "if they could identify anyone in the Courtroom". Mr. Ferroll said "No he could not." and Mr. Sohaindo said "He think it could be me."

When you look at the two witnesses sworn statement, and what the two testify to at trial. Next to what the prosecutors assertion was. (See exhibit #1 at 6) You could clearly see the prosecutors assertions was hearsay. Jurist of reason, could come to the conclusion that the prosecutors assertions was not accurate and ~~was~~ his assertions corroded the values of due process at the Hearing.

The misconduct commited by the Government added with my court appointed counsels errors prevented the factual development of the truth. The merits of the factual dispute were not resolved at the hearing and I should have been granted or warrented an SECT 2255 hearing over my actual innocent claim.

The District court abused its discreation to deny me a SECT 2255 hearing over my Actual Innocent claim.

The lower courts wrongfy concluded that "the New evidence that I presented did not undermine my conviction which was based on a pinkerton theory" is incorrect. The adverse decision to deny my Habeas motion based on their conclusion without discovery or a habeas hearing cannot be right, and should be fixed by this Supreme Honorable Court.

In my initial 2255 motion I made a substantial claim of actual innocence. The schlup Standard does not require absolute certainty about petitioners guilt or innocence. The schlup Precedent that a stand alone is basically a writ of New Evidence not excupatory, eyewitness, or physical evidence. Just evidence that was not available at trial, But when you look at just new evidence that was not available at trial on a habeas corpus you have to look at all the evidence, old and New.... Just off of the face of my §2255 motion magistrate Judge Cannon could not have conclusively have negate the factual predicates asserted by me, or that I was entitle to no relief.. It is clear and plain that the habeas court must consider 'all of the evidence 'old and new. The schlup v. [Delo infra] inquiry regarding "actual innocence" requires a holistic judgment about 'all the evidence' and its likely effect on reasonable jurors applying the reasonable doubt standard. As a general rule the inquiry does not turn on discrete finding regarding dispute points of facts and it is not the lower courts independent judgment as to whether reasonable doubt exists that the standard address... The lower court made an independent factual determination on how my conviction was based on the pinkerton liability, so there for the new evidence would not have changed the conviction. The lower court should have based the determination on a fully developed record on all of the evidence old and new, it which it did not... Because the relevant information inside of my trial transcripts is the main ingrediants in completing the argument to my (claim or) allegation that constitutional error has cause the conviction of an innocent person. my claim required that I support my allegations with evidence old and new.; Please understand that I COULD not get the information to support my allegations to be true, no where else but from the District Court. I made a proper and ripe request for my trial transcripts which was adversly denied by the district court [DKt. NO. 307, 339] (See exhibit #6). When you look at my motion I specifically stated: that "I made claim(s) of Ineffective assistance of counsel and Prosecutonial misconduct and will need my trial transcripts to show and prove my points. Without my trial transcripts It will be 'impossible' to show the courts how and when the prosecutor did misconduct and how my counsel was ineffective, I can only show and prove the issues at hand by having my trial transcripts"... I also asserted "If my attorney had not done what counsel did. I would have won my case and prove my innocence. I am innocent and will need my transcripts to show the courts how I did not receive a fair trial."

The ineffective assistance of counsel argument that you find on [DKt. No. 317 at 5-10 and DKt. No. 338 at 8-13] was only for the equitable tolling defense and that is it. My actual innocent exemption argument has not yet been argued. I was forced not to, I could not argue the claim because (1) I did not have my trial transcripts in which I needed to support my allegations of constitutional violations with evidence; Also (2) I was super worried that I may mistakingly, make up a lie, and get charged with perjury. I always certify my pro-se legal work under penalty of perjury, and in my mind once your found to have perjured in the lower courts, The Higher court, in my mind, will not believe a word from me again.

So I was forced to use the unwanted alternative and not argue my Actual innocent defense for excusing procedural default... When you look at [Dkt. No. 338 at 8-13] please do not be confused or ~~try~~ try to make sense of it at all. What is very noticeable, is that. I was overwhelmed by the circumstances given.

B. Also Chef Judge Finch was my trial and sentencing Judge and before he could review my §2255 motion or grant a hearing, Judge Finch retired. So my file was handed over to the New Chef Judge Lewis. who handed the file to magistrate Judge Cannon. Just off of the face of my file, or off of the Complete file. Judge Cannon could not have conclusively negate the factual predicate asserted by me, or decide if I was entitle to no relief. when the facts was not fully developed.

One must understand that I made a not palpadly incredible or frivolous or false claim of Actual Innocence and such a claim involves a substantial showing that constitutional error has caused the conviction of an innocent person and to be credible such a claim requires petitioner to support his allegations of constitutional error with evidence old and New [see Schlup v. Delo]

SECT 2255 Rule 7 should have provided a convenient method allowing me to add accurate and credible information to my file (I ordered the District court for my trial transcripts and was denied access)

SECT 2255 Rule 8 states that the District court Judge must review the answer, any transcripts, and records of prior proceedings and any material submitted under Rule 7 to determine whether a hearing is warrented (It is obvious that the District court determined that a hearing was not necessary and such a decision was a discreational error on the courts part)

With all this being said, Jurist could conclude that the requirments to prove an actual innocent claim one must support the allegations of error with evidence. under §2255 rule 7 I should have been provided an avenue that would have allowed me to collect valid and accurate information from my trial transcripts to add to my file that would have supported my allegations that constitutional error has caused the conviction of an innocent person ((That avenue was cut off when I was denied access to (the material facts) my transcripts. which had valid and accurate information on the merits of the factual dispute))... The District court is at fault for not allowing me access to the facts to support my claim of Actual Innocence. I have been asking the courts over and over again for my trial transcripts in-which I needed to prove my assertions that I am actually innocent... Hearings in Habeas corpus cases which has to have something more than summary review and dismissal takes place. It stand for reason, therefore the likelihood of relief in a Habeas corpus case is related to the federal courts decision whether or not to conduct a hearing. In my case claims of Actual innocence needs to develope. without allowing me zero chance to develope my Actual innocent claim. I had zero chance to be successful in proven my innocence.

Honorable Justice Judges of the U.S. Supreme Court. Please do not Zoom Pass my valid points ... Which is, this is all about my actual innocent claim in my §2255 motion to Vacate [Dkt. No. 254] and the actual innocent doctrine requires that the petitioner support its allegations of Constitutional error with new evidence. Under Schlup v. Delo the standard requires the Court to make its determination off of all of the evidence old and New, and their is no way possible that the lower courts made its determination to time barr my 2255 motion off of all of the evidence old and New because my actual innocent claim was not fully developed at the time of the determination (my claim is not still fully developed yet)

I Could not fully develope and argue my actual innocent claim because the District Court has the material facts to prove the merits of my innocent Claim to be true and correct, and will not allow me access to the Valid and Complete accurate facts by dening my motions for discovery and for a hearing over the matter at issue. The District Courts denial closed the avenue to the evidence necessary to prove why the Schlup Gateway should open up to me... For reasons beyond my control I could not get ahold of the facts (See exhibit #5).... With Respect "How else can I prove my claim of actual innocence?" (The only other way is for Jehova to come down and show you that I am telling the truth)

Honorable Justice Judges if you just look, you will see and understand
what I am explaining to you.
my complaint and what I am explaining to you.
the lower courts actions to
Their should be a remedial treatment of the lower courts actions to
not conduct a habeas hearing on discovery. Their should be some kind of
remedial action to right the wrongs. The Petitioner seeks your protection
given by law from the U.S. Supreme Court.
I ask the U.S. Supreme Court to please
do not miss this error. I pray that I am given fair treatment of the
process. Please allow me a fair opportunity to gather all of the evidence
that the District Court, is holding. By remanding for evidentiary hearing
on petitioners 'actual innocent' defense to procedural default.

IV. GROUND (5) Subject Matter Jurisdiction

A. The lower court has failed to reach the prosecutorial misconduct claim. This issue in which I am asking the U.S. Supreme Court to subject to Collateral review is a substantial ground not previously presented and should not get ignored, but I pray is adjudicated on the merits and if ignored will result in a miscarriage of Justice.

Their can be no argument that I did not make a prosecutorial misconduct claim on my initial 2255 motion. This prosecutorial misconduct claim is also a subject matter jurisdiction claim.

I mistakingly thought that if, I had claim just prosecutorial misconduct on my §2255 motion that would have been sufficient enough to establish also a subject matter jurisdiction claim under the prosecutorial misconduct claim. Because I have to argue the both claims simultaneously since the two claim are interrelated with eachother, and since they are so interrelated in my case they can be presented under one claim. I now realize that is not the case. I am sorry for the unorthodox ~~approach~~ approach, I am no lawyer and is overwhelmed by all this complex legal law work.... But please do not ignore the fact that the District court failed to make a ruling on my prosecutorial misconduct claim and I have tried a several times ~~tried~~ to amend my initial 2255 motion explaining that my prosecutorial misconduct claim was also a subject matter jurisdiction claim but my legal mail was not making it from Virginia back to the U.S. Virgin Island, St. Croix. Because around the same time Hurricane Irma and Maria had whip up on the Island causing my mail to not make its destination. [See Dkt. No. 338 at 5] which is not my fault or the courts fault.

Nevertheless, my New claim is that The District court lacked jurisdiction to enter judgment (over counts 20 & 21 on the Federal indictment) that I received on August 5, 1999. Such error violates the U.S. Constitution and laws of the United States.

The District court obtain such jurisdiction through fraudulent acts commited by the prosecutor. The prosecutor was allowed to fallacy information to get counts 20-21 added on to the federal indictment, and then he used the same two counts which was under Pinkerton to find me guilty on all of the other counts (1-17) that was under Pinkerton also.

The prosecutor knew exactly what he was doing before he did it. He knew the relevant facts before he choosed to make up falsity about me to the Grand Jury and the Court. His lie went all the way to the U.S. Supreme Court. The prosecutor knew the facts. He knew that after Sep 28, 1998 and before Sep, 28 1998 that the both victims of #338 Mt. Pleasant Mr. Sorhaindo and Mr. Ferroll had both made sworn statements regarding what they saw and heard the night that they was robbed by three masked men. They both declared that they could not have possibly identify any one of the three masked men who robbed and beat them (It is important to know that the three concern citizens also told the detectives that they saw Delroy Josiah, Juan Crispin, and Luie Lopez dressed in Black and carring guns as they walked in the direction of #338 Mt. Pleasant) (see exhibit #1 at 6 and #2 at 7)

On Sep 28, 1998 outside the courthouse I had threaten the lives of Mr. Sorhaindo and Mr. Ferroll. Then on Oct, 17, 1998 I confessed to threatening the two witnesses.

The prosecutor knew the facts above and came up with a bulb head "Ah-Ha!" moment and choosed to connect my actions on Sep 28, 1998 with his false claim that the victim(s) of #338 Has (keyword Has) identify Mr. Navarro as one of the gunmen who robbed them at gunpoint. (see exhibit #1 at 6). The Grand Jury really did not have a choice then, but to add counts 20 & 21 on to the federal indictment after a beleiveable person like the prosecutor. A federal prosecutor at that, utter in their minds true plays that took place. The prosecutors assertions placed me directly on the crime scene than how could he have the obstinacy to also threaten the two is mindless or so the Grand Jury thought, adding counts 20 & 21 to the federal indictment, without a second thought.

Their was no other way possible to get Counts 20&21 added on to the federal indictment, without falsity. The prosecutor Knew that I had Confessed to threatening the two witnesses and my honesty would shine a negative light on me when he asserts to them that the two witnesses also has identify me to be one of the gunmen also. The improper misstatement Corrupted the minds of the Grand juror and it persuaded to Vote to add on Counts 20& 21 onto the federal indictment.

At trial Mr. Sorhaindo and Mr. Ferroll was asked by the Same prosecutor if they could have or did have identify me as one of the gunmen who robbed them. Mr. Ferroll said "No he could not" and Mr. Sorhaindo said that "He think it could be me". This is not what the prosecutor told the Grand Jury, the District Court, and the Trial Jury. He said something completly different

The District Court did not obtain jurisdiction over the two local counts (20&21) Via Statutory authority but through Fraudulent acts commited by the prosecutor. Acts that violated my due process and the [5th] or [14th] Amendment to the U.S. Constitution.

The error was highly prejudicial as it shifted the burden in violation of due process. The improper joinder effectively uplifted the prosecutor of its [5th] or [14th] amendment burden of proving every element that I aided and abetted to first degree murder beyond a reasonable doubt, had a substantial factor in determing the jurors verdict.

This is Why I ask the U.S. Supreme Court to please recensider and grant me a rehearing. Turning a blind eye to claims that I can prove, will result into a miscarriage of Justice.

B.

The right to a fair trial, is a right that shall not be broken. Because if my conviction is upheld, and I did not receive a fair trial. The upheld conviction, is a slap to the face of the Great forefathers of this American Republic.

See Fiore V. White 531 U.S. 225, 228-29 (2001) (due process violated by conviction of defendant without proving each element of Crime beyond a reasonable doubt) (see exhibit #3) Note: that the two counts 20&21 is attached to the pinkerton liability as of Counts 1-17. (See exhibit #2 at 9) The Prosecutor asserted that the Defendant(s) meaning all four of the accused did Knowingly threatend the two witnesses. When we look at (Exhibit #2 at page 9) we must look and read the pinkerton rules on when and how this Doctrine ~~[illegible]~~ should apply to offenses commited by the accused.... (Forward to).... In order to sustain (44 V.I. 320) its burden of proof for pinkerton liability the Government "MUST" (Mandatory) prove every element (1)(2)(3) beyond a reasonable doubt... The Government had a burden to prove, to prove that the Prosecutors assertion to be true. Which was "The Defendant(s) did Knowingly threaten the two witnesses (see exhibit #3) and the Government did not. They did not sustain its burden of proof for pinkerton to apply to Counts 20&21...

...The trial juror concluded that the Government did not sustain its burden to prove that my Co-defendants and I did not agree to align ourselves to Commit Counts 20&21. So the juror acquited my Co-defendants of Counts 20&21 and only found that I alone was guilty of those two Counts

The Verdict confirms that it was an error to add counts 20&21 to the Federal indictment and that it is an error for the District Court to sustain jurisdiction over the two Counts (20&21). The verdict confirms that it was an error to add the pinkerton liability to those two counts (20&21)

Counts (20&21) was not apart of the pinkerton as of counts (1-17) and was not of the same or similar character, based on the same act or transaction, or based on acts or transactions that are connected or constitute parts of a common scheme (as of Counts (1-17)) which is required by statute in order to give the District court jurisdiction over the two territorial crimes 48 U.S.C§1612... The verdict proves that counts (20&21) was not of the same or similar character, based on the same act or transaction as of counts (1-17)... It is an error to have combine counts 20&21 with the pinkenton liability and to have added it to the Federal indictment which placed the two counts under the District Courts jurisdiction. The court did not have proper jurisdiction over the two counts (20&21)

(One type of claim that has historically been recognize as fundamental and for which collateral relief has accordingly been available is that of jurisdictional error. Since jurisdictional error implicates a courts power to adjudicate the matter before it. Such error can never be waived by parties of litigation)

The improper joinder caused corrosion to the values of fair due process and to a fair trial. Because the error was highly prejudicial as it shifted the burden in violation of the [5th] and [14th] Amendment to the U.S. Constitution

The trial juror was in no doubt inclined after hearing the evidence as to Counts 20&21 to find me guilty on all the other counts (1-17) under the pinkerton liability. In the Jurors eyes and mind if I am involved in criminal activity in one count under pinkerton then I must be found guilty on all counts under pinkerton.

The improper joinder was highly prejudicial as it effectively relieved the Government of its [5th] and [14th] Amendment burden of proving every element that I aided & abetted, at trial, to first degree murder beyond a reasonable doubt had a substantial and injurious effect because of the influence it had in determining the jurors verdict.... The addition of counts 20&21 to the Federal indictment violated due process.

The U.S. Supreme Court has held that a showing of actual innocence must be coupled by a Federal constitutional Claim.

I did accompanied my actual innocent claim with a [5th] and [14th] Amendment right to fair due process and [6th] Amendment right to a fair trial claim that the prosecutor misconduct deprived petitioner of his constitutional rights to a fair trial and the Conviction was obtain as a result of the prosecutors misstatement of facts violated the constitutional right to a fair trial.

What the lower courts got dead wrong, IS my actual innocent claim is not a stand alone claim. The lower courts classed my actual innocent claim as a stand alone. I am making it very clear, that my actual innocent claim is "NOT" a stand alone claim. The Prosecutor and my Court appointed counsel violated my [5th] or [14th] Amendment right to fair due process and the [6th] Amendment right to a fair trial is not a stand alone claim.

If you take away (Counts 20 & 21) the Constitutional error and add the new evidence to my trial. No rational jury, viewing the evidence in the light most favorable to the prosecution Could have found me guilty of aiding and abeting to first degree murder beyond a reasonable doubt.

Failure to properly review my §2255 motion to vacate will result into a miscarriage of Justice. Because my custody violates the U.S. Constitution.

GROUND (5) The other Half of ground (5) is also a Jurisdictional Claim or Issue. Procedural default does not apply.

This is the third claim that the District court failed to adjudicate upon the merits of the claim.

The local offense of unauthorized use of a Vehicle was enhanced to the Federal offense of carjacking without proving all the elements to justify a carjacking.

under 18 U.S.C § 2119 1) the element of a person who takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another. was not meet in order to justify that a carjacking actualy happened.

It has been established that all vehicles that come into the Virgin Island has been shipped to the Island some how.

But the question remains unanswered.. "Was the Van that was allegedly carjacked the same Van that was shipped to the Virgin Island?"

I have concluded that the van was not the same Van that was shipped to the virgin Island.

The van was bought out of a junk yard and a Dodge Ram is a truck and not a van. The reason why the van is notice to be a truck is because the van was bought out of a junk yard and had not its original engine but a different one that belonged to another van, and the van had different parts of another Dodge Van and truck. The van was not the original Van that was shipped. (See Exhibit #4)

A carjacking of a van that was not what its Papers was registered as is not carjacking. How can I carjack a Van that does not exist. According to the idictment and the Van serial number, IS a truck and not a van.

When you punch in the Van code, number code A truck Popps up and not a van. The District court should not have had jurisdiction over count (9) because a carjacking never happened.

Failure to address this issue is wrong, and will lead to a miscarriage of Justice.

CONCLUSION

In most Situations the petitioner only have one Chance to Submit one Habeas Corpus 2255 motion. If you deny me I will not be able to ask for habeas relief again.

The fault is not on me, Why I Could not Support my allegations of Constitutional error with evidence Old and New [Schlup standard]

Their is nothing wrong with some of the District Courts handling of my criminal case, minus the Contrary on the handling of my 2255 Habeas case because everything is wrong.

I Know my Criminal case from start to finish and I Know that it was no way Possible for Judge Cannon or Judge Lewis who Knew nothing about my case, determine off of the file given to them, from my trial Judge, Judge Finch. That I was entitle to no relief, on my Actual innocent claim, without allowing some Kind of fact-developement or resolution, to presenting to the court the truth of the facts, in which the court itself holds. I Could not get to the material facts necessary to prove my innocence, if the District court has not allowed access to those facts.

I Specifically explain to the District court in [DKt. No. 307] [see exhibit #6] "That it will be impossible for me to prove how and when the prosecutor misconducted and how and when my counsel was ineffective without my transcripts.

It is the Governments fault that I Could not Support my allegations to be true. The District Court has not allow access to the material facts, that will prove that I am innocent. The District Court denied and rejected my 2255 motion to Vacate on an undevelope file of the material facts.

It was the Governments fault why I did not receive a fair Severance hearing before trial. The Government Violated my right to due process.

It is One Hundred Percent Unfair, to not allow fair proceedings of the process. To not afford me the one Chance to Support my allegations that Constitutional error has caused the Conviction of an Innocent person with the material facts that can prove my claims to be true, to not right the wrongs. With Respect, American Puerto Ricans deserve relief to.

Their Should be Some Kind of Remedial action in which the U.S. Supreme Court could us to right the wrongs. I am asking for the U.S. Supreme Court to step in and use its powers to protect me from unfair judicial proceedings. To use its powers to make sure that I am given fair and equal treatment of the judicial process, which will allow me access to the material facts (1) Transcripts (2) Bill of particular only for counts 20 & 21 (3) The full motion for Severance [Dkt. No. 1 and 2] that will prove my assertions to be true and correct and expose the wrong and lies. To the material facts that will prove my allegations that constitutional error has caused the conviction of an innocent person, making my custody illegal and a Violation of the U.S. Constitution.

"Enough is Enough" my lifes liberty, my physical freedom is at stake. This is my last chance.

Wherefore the forgoing reasons stated. Petitioner respectfully Praise and pray that this Honorable U.S. Supreme Court will reverse and remand and reopen my § 2255 motion to Vacate, May it Please this Court.