No. _____

19-7536

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

James Henry Simpson — PETITIONER
(Your Name)

FILED
JAN 13 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

Martesha Bishop et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The U.S. Court of Appeals For The Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Henry Simpson
(Your Name)

A.C.C 1821 Eastaline Vally Road
(Address)

Craigsville,Va 24430
(City, State, Zip Code)

None
(Phone Number)

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[✓] is unpublished.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 U.S. District Court (Richmond, VA Division) 3:18-CV-796; 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[ ] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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 10-22-19.

[ ] 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: 11-26-19, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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).

QUESTION(S) PRESENTED

1. Should a U.S. District Court docket a Criminal Complaint filed pursuant to Federal Rules of Criminal Procedure as a civil action and subjected to the conditions of 28 U.S.C. 1915?

2. Does Federal Rules of Criminal Procedure permit a prisoner to file the complaint described in Rule 3 and 4?

3. Can judges and attorneys be held criminally liable,pursuant to 18 U.S.C.S. 241,for using their courtrooms as weapons to have American citizens wrongfully convicted and unlawfully imprisoned?

4. If a state prisoner is the victim of the most egregious federal crimes,do the perpetrators of those federal crimes have immunity from criminal prosecution unless the Criminal Complaint is filed by a federal prosecutor?

5. Is it practical for a state prisoner to contact a federal prosecutor and spur that federal prosecutor into filing a Criminal Complaint?

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:

Richmond,Va Police Officers Michael Poerstel and Benjamin Niefield, Richmond,Va Magistrate Mart e sha Bishop, Richmond,Va Prosecutors Brook Petit and Joshua Boyles, Richmond,Va Public Defender Abigail Paules, Richmond,Va Court Appointed Attorney Melvin Todd Jr., Circuit Court of the City of Richmond Judges Beverly Snukals,Clarence N. Jenkins,and Walter Stout, Chesterfield County Circuit Court Judge Herbert Gill, Retired New Kent County Circuit Court Judge Thomas B. Hoover and Chief Justice of the Virginia Supreme Court Donald W. Lemons.

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TABLE OF AUTHORITIES CITED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1.14th Amendment Constitutional right to due process of law.

2.5th Amendment Constitutional right to not be deprived of liberty without due process of law.

3.8th Amendment Constitutional right to be protected against cruel and unusual punishment.

4.Federal Rules of Criminal Procedure 3 and 4.

5.Moore's Federal Criminal Practice 603.02(a)(b)(d).

6.18 U.S.C.S. 241.

7.United States v.Cross,128 f.3d 145(1997)

STATEMENT OF THE CASE

I was arrested on the day of 11-29-16 in Richmond,Va and charged with possession of Heroin with the Intent to Distribute and Possession of a Firearm while in Possession of Herion.

My Preliminary Hearing took place on day of 12-8-16 in Richmond,Va's General District Court.My Grand Jury Hearing took place on the day of 2-6-17 in the Circuit Court of the City of Richmond.

The Defendants of this case,who comprise of every state judge,attorney and police officer involved in my criminal prosecution,committed a plethora of crimes and malicous constitutional rights violations against me at virtually every juncture of my criminal case,as apart of a calculated conspiracy to have me wrongfully convicted and unlawfully imprisoned .

These crimes and malicous constitutional right violations ranges from:

1. The unlawful entry inside a private residence.
2. The illegal search and seizure.
3. The knowing use of false evidence.
4. The knowing use of perjured testimony.
5. The suppression of exculpatory evidence.
6. Rigging Juries.
7. Forging transcripts.
8. Grand Larceny.
9. Mail tampering and obstruction.
10. Bribery.
11. Convicting me of Possession of Heroin with the Intent to Distribute without a certificate of analysis for the "suspected heroin".

12. Forging court orders to appoint from a different judicial circuit to preside over my case who never had subject matter or territorial jurisdiction over my case.

13. And a calculated conspiracy to deprive me of federally established constitutional rights in flagrant violation of 18 U.S.C.S 241.

All of these crimes and malicous constitutional rights violations was founded by the Virginia Court of Appeals and the Virginia Supreme Court when I filed my Petition for Appeal in the Virginia Court of Appeals(case no.0353-18-2)and my Habeas Corpus in the Virginia Supreme Court(case no.190590)and opposing counsel did not deny or dispute any of these claims.

And as a result,pursuant to Cash v. Culver,358,U.S. 633,3 L.Ed 2d 557,79 S.CT 432 and Morris v. Smyth,120 S.E. 2d 465 at 466,the Virginia Court of Appeals and the Virginia Supreme Court was mandated by law to accept these allegations as true.

Also,prison officials have founded that I was the victim of Grand Larceny (the theft of my forged transcripts)as well as mail tampering and obstruction.

And as a result and in an effort to obtain justice for having been the victim of these federal crimes,I filed a"Criminal Complaint"several times with the F.B.I's field unit,located at 1970 east Parham Street,Richmond,Va 23228 and the U.S. Attorneys Office for the city of Richmond,Va located at 1900 Main Street Centre,919 East Main Street,Richmond,Va 23219-2447.

The F.B.I.'s field unit and the U.S. Attorneys Office for the City of Richmond never even responded to these Criminal Complaints.

In November of 2018,I then filed a Criminal Complaint in the U.S. District Court for the Eastern District of Virginia(Richmond Division)pursuant to Moore's Federal Criminal Practice 603.02(a)(b)(d)18 U.S.C.S 241 and United States v. Cross,128 F.3d 145.

I did not apply to proceed informa pauperis when I filed this Criminal Complaint.

On the day of 11-21-18, the District Court responded to this Criminal Complaint by docketing this Criminal Complaint as a Civil action and ordering me to apply to proceed informa pauperis or my Criminal Complaint will be dismissed.

I complied with the District Courts orders and applied to proceed informa pauperis.

In January of 2019, I filed a Motion to Amend my Criminal Complaint. The basis of this motion was for me to re-file this Criminal Complaint pursuant to Federal Rules of Criminal Procedure 3 and 4.

On the day of 5-9-19, the District Court entered an order describing this Criminal Complaint as a 42. U.S.C. 1983 Civil Rights Complaint and directed me to Particularize this Criminal Complaint pursuant to 42. U.S.C. 1983 within 14 days or the court will dismiss my Criminal Complaint.

I responded to the 5-9-19 order from the District Court by filing a "Notice" where I reminded the District Court that this action the District Court described as a 42. U.S.C 1983 Civil Rights Complaint in the 5-9-19 order is not a 42. U.S.C 1983 Civil Rights Complaint; instead, this action is a Criminal Complaint filed pursuant to Federal Rules of Criminal Procedure 3 and 4; Moore's Federal Criminal Practice 603.02(a)(b)(d)18 U.S.C.S. 241, and United States v. Cross, 128, F.3d 145, and I respectfully requested that the District Court process and ajudicate this Criminal Complaint pursuant to these statutes.

On the day of 5-31-19, the District Court entered an order; and again, described this Criminal Complaint as 42. U.S.C. 1983 Civil Rights Complaint and dismissed this Criminal Complaint as frivolous and malicous and subjected me to 28 U.S.C. 1915(g) punishment.

I appealed the District Court decision to dismiss my Criminal Complaint to the U.S. Court of Appeals for the Fourth Circuit.

On the day of 10-22-19,the U.S. Court of Appeals for the Fourth Circuit dismissed this Criminal Complaint for the same reasons the District Court.

I then filed a timely Petition for Re-Hearing Enbanc in the U.S. Court of Appeals fpr the Fourth Circuit.

On the day of 11-26-19,the U.S. Court of Appeals for the Fourth Circuit denied my Petition for Re-Hearing Enbanc.

REASONS FOR GRANTING THE PETITION

Pursuant to Rule 10(a) of the Supreme Court of The United States,this is a case that contains a conflict between the 3rd and 4th Circuits.

It is indisputed that the Defendants of this Criminal Complaint used their Courtrooms as a weapon to have me wrongfully convicted and unlawfully imprisoned for crimes police and prosecutors never had probable cause to charge me with in flagrant violation of 18 U.US.C.S. 241.

The U.S Court of Appeals for the Third Circuit ruled in the case of United States v. Cross,128 F.3d 145.that"we define the basic elements of Due Process not simply as notice and the opportunity to be heard,but to be heard by a fair and impartial tribunal.Moreover,we announce unambiguosly that if someone is deprived of their right to an impartial tribunal,then he is denied his consttutional right to Due Process,regardless of the magnitude of the individual and state interest at stake,the risk of error and likely value of additional safeguards."

"Indeed,we emphasized that unfairness that results from biased decision makers strikes so deep at our sense of justice that it differs qualitively from the injury that results from insufficient procedures."

"Due Process cannot be satisfied when the provides a "hearing" at which the judge is not really listening or before which the decision has already been made." "Notice and a hearing are not enough if the state has contrived a conviction through the pretence of a trial."

So it is well established within the Third Circuit that rogue state judges and attorneys can be held criminally liable,pursuant to 18 U.S.C.S 241,for using their courtrooms as weapons to have American citizens wrongfully convicted and unlawfully imprisoned for crimes police and prosecutors never had probable

cause to charge us with.

However,according to the 5-31-19 order from the District Court for this case,the District Court ruled that "where the tone of prisoner plaintiff's allegations indicate that he is bringing his suite merely to satisfy his desire for vengeance against those involed in securing his incarceration and rectify any "wrong" done to him,then his suite is a malicous one."

Now giving the fact that the Defendants of this Criminal Complaint guilt is indisputed,and I filed this Criminal Complaint in the pursuit of justice for having been the victim of these Federal Crimes;the District Court's ruling in this regard is the functional equivalent of the District Court ruling that theres nothing wrong with rogue state judges and attorneys using their courtrooms as weapons to have American citizens wrongfully convicted and unlawfully imprisoned for crimes police and prosecutors never had probable cause to charge us with.

This ruling by the District Court was upheld by the U.S. Court of Appeals for the Fourth Circuit in the 10-22-19 order dismissing this complaint and the 11-26-19 order denying my Petition for Re-Hearing Enbanc.

Here enlies the conflict between the 3rd and 4th Circuits.

While the U.S. Court of Appeals for the Third Circuit ruled that rogue state judges and attorneys can be held criminally liable in the case of United States v. Cross,128, F.3d 145,pursuant to 18 U.S.C.S. 241,for using their courtrooms as weapons,as apart of a caculated conspiracy,to have American citizens wrongfully convicted and unlawfully imprisoned;the U.S. Court of Appeals for the Fourth Circuit ruled in this case that there absolutely nothing wrong with this behaivor.

Furthermore,this ruling from the lower courts within the 4th Circuit essentially gives rogue state judges and attorneys within the 4th Circuit a greenlight to continue to use their courtrooms as weapons to have American citizens

wrongfully convicted and unlawfully imprisoned for crimes police and prosecutors never had probable cause to charge us with.

This clearly endangers the public safety in all Fourth Circuit states and threatens the liberty of all American citizens living within the jurisdiction of the Fourth Circuit.

And as a result,it is in the national interest of America for the U.S. Supreme Court to intervene and settle this dispute between the 3rd and 4th Circuits on this issue.

2. Pursuant to Rule 10(a) of the Supreme Court of the United States,this is a case that contains another conflict between the 3rd and 4th Circuits.

According to Alfred v. New Jersey,Case No.13-0332(RBK) and many other cases within the 3rd Circuit,the District Courts ruled that "if a purported Criminal Complaint warrants action,a court may refer it to the U.S. Attorney for action." So it is well settled within the 3rd Circuit that Federal Rules of Criminal Procedure 3 and 4 does permit a prisoner to file the complaint described in Rule 3 and 4.

However,according to the 5-31-19 order from the District Court in this case,the District Court ruled that "Simpson as a private citizen lacks a judicial cognizable interest in the Criminal prosecution or non-prosecution of another."

This ruling was upheld in the U.S. Court of Appeals for the Fourth Circuit in the 10-22-19 order dismissing this case as frivolous.

The lower courts within the Fourth Circuit gave this ruling without citing any authority pursuant to or relevant to Federal Rules of Criminal Procedure 3 and 4 or Moore's Federal Criminal Practice 603.02(a)(b)(d).

Here's enlies the conflict between the 3rd and 4th Circuits.
While the 3rd Circuit does recognize that Federal Rules of Criminal Procedure do in fact permit a prisoner to file the Complaint described in Rule 3 and 4;

the Fourth Circuit does not.

This ruling from the lower courts within the Fourth Circuit creates an environment where an American citizen who's currently incarcerated can be the victim of the most egregious federal crimes and have absolutely no recourse to ensure that the perpetrators of those federal crimes are held accountable for their actions.

This clearly endangers the liberty and safety of all American citizens living within the jurisdiction of the 4th Circuit may find themselves being lawfully or unlawfully imprisoned.

And as a result, it is in the national interest of America for the U.S. Supreme Court to intervene and settle this dispute between the 3rd and 4th Circuits.

3. Pursuant to Rule 10(c) of the United Supreme Court;this is a case that cotains some fundamental questions of exceptional importance that the Supreme Court of the United States has never addressed before in the history of America.

1. Should a U.S. District Court docket a Criminal Complaint filed pursuant to Federal Rules of Criminal Procedure as a civil action and subjected to the conditions of 28 U.S.C. 1915?

2. Does Federal Rules of Criminal Procedure permit a prisoner to file the complaint described in Rule 3 and 4?

3. Can judges and attorneys be held criminally liable,pursuant to 18 U.S.C.S. 241, for using their courtrooms as weapons to American citizens wrongfully convicted and unlawfully imprisoned?

4. Is it practical for a state prisoner to contact a federal prosecutor and spur that federal prosecutor into filing a Criminal Complaint?

5. If a state prisoner is the victim of the most egregious federal crimes,do the perpetrators of those federal crimes have immunity from criminal prosecut-

ion unless the Criminal Complaint is filed by a federal prosecutor?

ERRORS MADE IN THE LOWER COURTS

1. **The lower courts erred by docketing this Criminal Complaint as a civil action and subjected to the condition of 28 U.S.C. 1915.**

This action is a Criminal Complaint filed pursuant to Federal Rules of Criminal Procedure 3 and 4, Moore's Federal Criminal Practice 603.02(a)(b)(d) 18 U.S.C.S. 241, and United States v. Cross,128 F.3d 145,and by all intent and purposes ,are processed and ajudicated pursuant to Criminal Procedure.

So the District Court's decision to docket this Criminal Complaint as a civil action and subjected this Criminal Complaint to the conditions of 28 U.S.C. 1915 fundamentally conflicts with Criminal Procedure.

For an example: If a Federal Prosecutor files a Criminal Complaint pursuant to Federal Rules of Criminal Procedure 3 and 4 against a Criminal Defendant should the District Court docket this Criminal Complaint as a civil action and charge the Federal Prosecutor $350.00 to file the Criminal Complaint?

2. **The lower courts erred by describing this Criminal Complaint as a 42. U.S.C. 1983 Civil Rights Complaint and dismissing this Criminal Complaint because I didn't Particulrize this Criminal Complaint pursuant 42. U.S.C. 1983.**

This action I filed in the District Court is clearly a Criminal Complaint filed pursuant to Federal Rules of Criminal Procedure 3 and 4, Moore's Federal Criminal Practice 603.02(a)(b)(d),18 U.S.C.S. 241, and United States v. Cross 128 F.3d 145.

So the lower courts erred by describing this Criminal Complaint as a 42. U.S.C. 1983 Civil Rights Complaint in the 5-9-19 and the 5-31-19 orders from the District Court and the 10-22-19 order from the U.S. Court of Appeals for the Fourth Circuit and dismissing this Criminal Complaint because I didn't Particularize this Criminal Complaint pursuit to 42. U.S.C. 1983.

3. **The lower courts erred by dismissing this Criminal Complaint as legally**

frivolous.

The lower courts relied on the two standards in the Prison Litigation Reform Act to justify its ruling to dismiss this Criminal Complaint as legally frivolous.

These two standards entail claims based upon an indisputably meritless legal theory and claims where the factual contentions are clearly baseless.

The legal theories this Criminal Complaint is based on are clearly established Federal statutes founded in Federal Rules of Criminal Procedure 3 and 4, Moore's Federal Criminal Practice 603.02(a)(b)(d),18 U.S.C.S. 241, and United States v. Cross,128 F.3d 145.

And the factual contentious of this Criminal Complaint are indisputable. For an example: I informed the District Court(via this Criminal Complaint)that the constitutional rights violations found in this Criminal Complaint reflect the constitutional rights violations that are the basis of my appeal,in the Virginia Court of Appeals.And that opposing counsel,in his Brief In Opposition tp my Petition for Appeal,did not deny or dispute that himself and the rest of the Defendants of this Criminal Complaint committed these malicous constitutional rights violations.

And as a result,this is the functional equivalent of this prosecutors confession if himself and the rest of the Defendants of this Criminal Complaint's guilt of the Federal Crimes I'm accusing them of.

In addition, the lower courts gave no explanation relative to the factual or legal theories this Criminal Complaint is based upon to justify its decision to dismiss this Criminal Complaint as legally frivolous.

Also,the lower courts did not cite no authority that involved a prisoner filing a Criminal Complaint pursuant to Federal Rules of Criminal Procedure 3 and 4 to justify its ruling.Nor did the lower courts cite any authority pursuant to or relevant to the statutes I based this Criminal Complaint on

which are, Federal Rules of Criminal Procedure 3 and 4, Moore's Federal Criminal Practice 603.02(a)(b)(d), 18 U.S.C.S. 241, and United States v. Cross,128 F.3d 145.

And as a result, the lower courts erred by dismissing this Criminal Complaint as legally frivolous.

4. **The lower courts erred by dismissing this Criminal Complaint as malicous.**

The District Court ruled that "The court also finds that Plaintiff fails to bring this action in good faith to vindicate his legal rights,but instead brings it malicously to harass those individuals involved in his state Criminal Proceedins."

This ruling was upheld by the U.S. Court of Appeals for the Fourth Circuit in the 10-22-19 and the 11-26-19 orders for this case.

These rulings are the functional equivalent of these lower courts ruling that I do not have a legal right to be protected against federal crimes and seek justice against the perpetrators of those federal crimes by filing a Criminal Complaint pursuant to Federal Rules of Criminal Procedure 3 and 4.

The District Court also ruled that "observing that where the prisoner Plaintiff's allegations indicate that he is bring his suite merely to satisfy his desire for vengeance against those involved in securing his incarceration and not rectify any wrong done to him,then the suite is a malicous one."

This ruling was upheld in the U.S. Court of Appeals for the Fourth Circuit in the 10-22-19 and the 11-26-19 orders for this case.

These rulings are the functional equivalent of these lower courts ruling that rogue judges and attorneys using their courtrooms as a weapon to have me wrongfully convicted and unlawfully imprisoned for crimes police and prosecutors never had probable cause to charge me with does not constitute a wrong done to me.

And giving the fact that the Defendants of this Criminal Complaint's guilt

of these federal crimes I'm accusing them of is indisputable, these rulings by the lower courts are the functional equivalent of these lower courts ruling that judges and attorneys are immune from Criminal Prosecution,pursuant to 18 U.S.C.S. 241 for using their courtrooms as weapons,as apart of a conspiracy,to have American citizens wrongfully convicted and unlawfully imprisoned,which conflicts with the language found in 18 U.S.C.S. 241 and United States v. Cross, 128 F.3d 145.

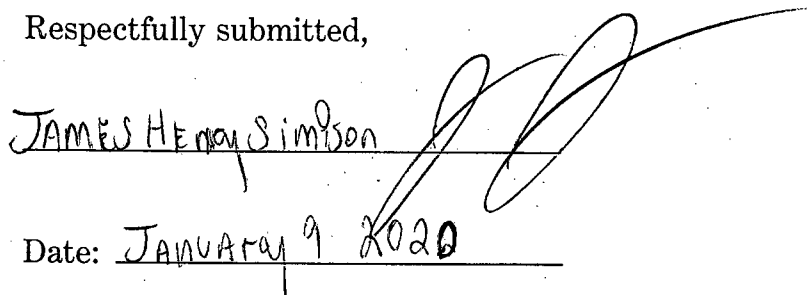
Again, the lower courts did not cite any authority where a prisoner filed a Criminal Complaint pursuant to Federal Rules of Criminal Procedure 3 and 4 to justify its ruling.Nor did the lower courts cite any authority pursuant to or relevant to the statutes I based this Criminal Complaint on;which are, Federal of Criminal Procedure 3 and 4, Moore's Federal Criminal Practice 603.02 (a)(b)(d), 18 U.S.C.S 241, and United States v. Cross,128 F.3d 145.

And as a result,the lower courts erred by dismissing this case as malicous.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



JAMES HENRY SIMPSON

Date: JANUARY 9 2020