

Docket No. 19-7727

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IN THE SUPREME COURT OF THE UNITED STATES

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IN RE CHAKAKHAN R. DAVIS,  
*Plaintiff-Petitioner,*

*vs.*

HINDS COUNTY, MISSISSIPPI, Et Al.,  
*Defendants-Respondents.*

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On a Petition for a Writ of Mandamus to the  
United States Court of Appeals for the Fifth Circuit,  
Cause No. 19-60132, Chief Judge Owen, Willett and Oldham  
Circuit Judges, Presiding.

**PETITION FOR REHEARING**

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May 2020

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## TABLE OF CONTENTS

	Page
CERTIFICATION OF COUNSEL .....	i
TABLE OF CONTENTS .....	ii
TABLE OF AUTHORITIES .....	iv
REASON(S) FOR GRANTING THIS PETITION .....	1
I.    THIS COURT SHOULD GRANT REHEARING SINCE THE FACTS OR CIRCUMSTANCES OF THIS CASE PRESENTS AN APPROPRIATE TIME TO DOUBT THE CORRECTNESS OF ITS DECISION ENTERED ON APRIL 27 <sup>TH</sup> 2020 .....	4
A.    The Case Of <i>Hazel-Atlas</i> Have A Controlling Effect On The Mandamus Proceeding And Would Have Lead To A Different Result If It Were Followed By The Justices Of This Court To Maintain Uniformity Of The Fraud Upon The Court Doctrine Of Law Founded By It Under <i>Hazel-Atlas</i> In 1944. .....	6
B.    The Evidence Of Fraud (s) Committed Upon The Fifth Circuit Court Of Appeals By The Subject Judges And Deputy Clerks Of The Writ Of Mandamus Petition Are Material To The Outcome Of The Proceeding And Would Have Produced A Different Result If Not Overlooked By This Court While Considering The Request. ....	9
II.   THIS COURT SHOULD GRANT REHEARING SINCE THE DECISION OF IT TREATS THE WRIT OF MANDAMUS PETITION IN A DEMONSTRABLY WRONG, UNJUST AND UNFAIR MANNER THAT DOES NOT IMPLICATE POLICING FRAUDS COMMITTED UPON THE COURT. ....	10
III.  THIS COURT SHOULD GRANT REHEARING UNDER ITS SUA SPONTE DUTY (IES) TO REHEAR AND/OR DECIDE AN CASE FOR ANY OTHER REASON (S) NOT MENTIONED IN THIS REQUEST. ....	13
CONCLUSION .....	15
PROOF OF SERVICE .....	16
CERTIFICATE OF COMPLIANCE .....	17

<i>Table of Contents--Continued:</i>	<i>Page</i>
APPENDIX .....	18
<b>EXHIBIT "A"</b>	
April 27 <sup>th</sup> 2020 Order of the U.S. Supreme Court denying Extraordinary Writ of Mandamus Petition .....	1(a)

## TABLE OF AUTHORITIES

<b>CASES:</b>	<b>Page</b>
Alleyne v. United States, 570 U.S. 99, 118 (2013) .....	6
Ambler v. Whipple, 90 U.S. (23 Wall.) 278, 282 (1874) .....	9, 10
American Iron & Steel Institute v. EPA, 560 F.2d 589, 593 (3 <sup>rd</sup> Cir. 1977) .....	13
Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1 <sup>st</sup> Cir. 1989) .....	7
Ballew v. Cont'l Airlines, 668 F.3d 777, 782 (5 <sup>th</sup> Cir. 2012) .....	6
Bankers Life and Casualty Co. v. Holland, 346 U.S. 379 (1953) .....	9
Brown v. Board of Education of Topeka, 347 U.S. 483 (1954) .....	13
Bruce's Juices, 327 U.S. 812 (1946) .....	14
Bullock v. United States, 721 F.2d 713, 718 (10 <sup>th</sup> Cir. 1983) .....	5, 8
Cheney v. U.S. Dist. Ct., 542 U.S. 367, 380-81 (2004) .....	8
Chicago and Northwestern Railway Co. v. Osborne, 146 U. S. 354 .....	9
Chicago Title & Trust Co. v. Fox Theatres Corp., D.C.N.Y.1960, 182 F. Supp. 18, 38 .....	2
City of Omaha v. The Omaha Water Co., 207 U. S. 584 .....	9
De Beers Consolidated Mines v. United States, 325 U.S. 212 (1945) .....	9, 14
Deerfield Med. Ctr. v. City of Deerfield Beach, 661 F.2d 328, 338 (5th Cir. Unit B. 1981) .....	5
Dixon v. Commissioner, No. 00-70858, 2003 U.S. App. LEXIS 4831, at *11-12 .....	7
Eash v. Riggins Trucking Inc., 757 F. 2d 557, 561 (3d Cir. 1985) .....	12
Eichelberger v. Eichelberger, 582 S.W. 2d 395, 398 (Tex. 1979) .....	2
Elrod v. Burns, 427 U.S. 347, 373 (1976) .....	5
Ex Parte Fahey, 332 U.S. 258, 259-60 (1947) .....	9, 14
Ex Parte Peru, 51 Coumx. L. R-v. 977 (1951) .....	2

Cases---Continued:	Page
Ex parte Republic of Peru,	
318 U.S. 578, 583 (1943) .....	13, 14
Ex Parte United States,	
242 U.S. 27 (1916) .....	<i>passim</i>
Garcetti v. Ceballos,	
546 U.S. 1162 (2006) .....	14
Gleason v. Jandrucko,	
860 F.2d 556, 559 (2 <sup>nd</sup> Cir. 1989) .....	7
Greater Boston Television Corp. V. FCC,	
463 F. 2d 268, 278-79 (D.C. Cir. 1971) .....	2, 13
Greiner v. City of Champlin,	
152 F.3d 787, 789 (8 <sup>th</sup> Cir. 1998) .....	7
Hazel-Atlas Glass Co. v. Hartford Empire Co.,	
322 U.S. 238, 244 (1944) .....	<i>passim</i>
Hilton v. S.C. Pub. Rys. Comm'n,	
502 U.S. 197, 202 (199) .....	6
Hollingsworth v. Perry,	
558 U.S. 183 (2010) .....	11
Hubbard v. United States,	
514 U.S. 695, 716 (1995) .....	6
In re Murchison,	
349 U.S. at 136 .....	5
Kansas v. Marsh,	
548 U.S. 163 (2006) .....	14
Kenner v. Comm'r of Internal Revenue,	
387 F.2d 689, 691 (7 <sup>th</sup> Cir.1968) .....	9
Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc.,	
616 F.2d 833, 837 (11 <sup>th</sup> Cir. 1980) .....	1
La Buy v. Howes Leather Co.,	
352 U.S. 249, 256-258, (1957) .....	4, 8
Liljeberg v. Health Servs. Acquisition Corp.,	
486 U.S. 847, 859-60 (1988) .....	1
MacGregor,	
327 U.S. 812 (1946) .....	14
Marbury v. Madison,	
5 U.S. (1 Cranch) 137 (1803) .....	8
Martina Theatre Corp. v. Schine Chain Theatres, Inc.,	
278 F.2d 798, 801 (2d Cir. 1960) .....	5
New York v. Belton, Gant,	
556 U.S. at 358-60 .....	7
Olmstead v. United States,	
277 U.S. 438, 483-85 (1928) .....	12
Oxford Clothes XX, Inc. v. Expeditors Int'l, Inc.,	
127 F.3d 574, 578 (7 <sup>th</sup> Cir. 1997) .....	7
Payne v. Tennessee,	
501 U.S. 808, 852-53 (1991) .....	7

<i>Table of Authorities---Continued:</i>	<i>Page</i>
Planned Parenthood of Se. Pa. v. Casey, 505 U.S. 833, 855 (1992) .....	6
Pulliam v. Allen, 466 U.S. 522, 532-33 (1984) .....	13
Pumphrey v. Thompson Tool Co., 62 F.3d 1128, 1130 (9 <sup>th</sup> Cir. 1995) .....	1
Rochin v. California, 342 U.S. 165 (1952) .....	11
Rozier v. Ford Motor Co., 573 F.2d 1332, 1338 (5 <sup>th</sup> Cir. 1978) .....	7
Sherman v. United States, 356 U.S. 369, 380 (1957) .....	13
United States v. Calandra, 414 U.S. 338, 357-60 (1973) .....	13
United States v. Marcus, 560 U.S. 258, 262 (2010) .....	10
United States v. Olano, 507 U.S. 725, 732-735 (1993) .....	12
United States v. Payner, 447 U.S. 727, 744 (1980) .....	13
United States v. Throckmorton, 98 U.S. at 68 .....	8, 11
Universal Oil Products Co. v. Root Refining Co., 328 U.S. 575, 580 (1946) .....	3
Vasquez v. Hillery, 474 U.S. 254, 265-66 (1986) .....	7
Weese v. Schukman, 98 F.3d 542, 553 (10 <sup>th</sup> Cir. 1996) .....	1
Will v. United States, 389 U.S. 90, 95 (1967) .....	8
Wishkah Boom Co. v. U.S., 202 U. S. 613 .....	9

#### **RULES:**

Rule 20.2 of U.S. Sup. Ct. R's. ....	17
Rule 29.5 of U.S. Sup. Ct. R's. ....	16
Rule 33.1 (d) of U.S. Sup. Ct. R's. ....	17
Rule 33.1 (g) of U.S. Sup. Ct. R's. ....	17
Rule 44 of U.S. Sup. Ct. R's. ....	1, 9
Rule 44.1 of U.S. Sup. Ct. R's. ....	i
Rule 44.2 of U.S. Sup. Ct. R's. ....	9

#### **U.S. STATUE (S) & OTHER CONSTITUTIONAL LAW (S):**

Fourteenth Amendment (Due Process) .... <i>passim</i>
---

*Table of Authorities--Continued:*

	Page
U.S. Const. Art. III .....	6
U.S. Const. Art. III, § 2 .....	15
28 U.S.C. § 1651 .....	<i>passim</i>
28 U.S.C. § 1654 .....	8, 12
28 U.S.C. § 1746 .....	17
28 U.S.C. § 2072 .....	6

**MISCELLANEOUS AUTHORITIES:**

Degnan & Louisell, Rehearing in American Appellate Courts, 34 CAN. B. REV. 898, 901-02 (1956) .....	11
High, Extraordinary Legal Remedies (3d. ed. 1896) § 31, 276 .....	11
Madea's "Witness Protection" starring Tyler Perry at <a href="https://m.youtube.com/watch?v=-wirufMxx-s">https://m.youtube.com/watch?v=-wirufMxx-s</a> .....	13
Ronald Dworkin, Law's Empire 397-98 (1986) .....	8
Rules Enabling Act of 1934, As Amended .....	6
Supreme Court Practice 829 (10 <sup>th</sup> ed. 2013) .....	14
USDOJ report dated May 21 <sup>st</sup> 2015 on the Hinds County Sheriff's Department at <a href="https://www.justice.gov/crt/file/874841/download">https://www.justice.gov/crt/file/874841/download</a> .....	4
16 Wright & Miller § 3932 .....	10

## PETITION FOR REHEARING

{T}he Petitioner, Ms. Chakakhan R. Davis respectfully Petition this Court for Rehearing within (25) twenty five days of its Order entered on April 27<sup>th</sup> 2020. *Rule 44 of the U.S. Supreme Court.* {A}n copy of this Courts Order denying the Extraordinary Writ of Mandamus Petition filed by Ms. Davis before it on January 28<sup>th</sup> 2020 is set forth in *Appendix Exhibit A at Page 1(a)* attached hereto.

## REASONS FOR GRANTING THIS PETITION

{T}he Circuit Court of Appeals has noted that “one species of fraud upon the Court occurs when an ‘Officer of the Court’ perpetrates fraud affecting the ability of the Court or Jury to Impartially Judge a case.” *Pumphrey v. Thompson Tool Co.*, 62 F.3d 1128, 1130 (9<sup>th</sup> Cir. 1995); see also *Weese v. Schukman*, 98 F.3d 542, 553 (10<sup>th</sup> Cir. 1996) (*holding that “fraud on the Court should embrace only that species of fraud which does or attempts to subvert the Integrity of the Court itself, or is a fraud perpetrated by Officers of the Court”*); *Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc.*, 616 F.2d 833, 837 (11<sup>th</sup> Cir. 1980) (*same*). {T}his Court has admonished that the “integrity of the Judicial Process” hinges on vigilantly policing fraud on the Court and eliminating the appearance of Judicial Partiality. See, e.g., *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944); *Kerwit Med. Prods., Inc. v. N. & H. Instruments, Inc.*, 616 F.2d 833, 837 (11<sup>th</sup> Cir. 1980) and *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 859-60 (1988). {A}ccordingly, every element of the Frauds that was committed in this case all the way up to the Fifth Circuit Court of Appeals by the Subject Judges and Deputy Clerks of the Writ of Mandamus Petition on the dates in question, demands the exercise of this Courts Historic Equity Power to set aside the fraudulently begotten judgments. *Id.* {T}his is not simply a case of an valid judgment being entered. {E}vidence were not only fabricated in the United States District Court, but key facts were distorted by the Chiefs U.S. District Courts Judge of the Court at the Summary of Judgment stage that makes any enforcement of the fraudulently begotten judgments all the way up to the Fifth Circuit manifestly unconscionable. *Ex Parte United States*, 242 U.S. 27 (1916). {J}udge Daniel P. Jordan and F. Keith Ball of the United States District Court along with Opposing Counsel engaged in egregious forms of frauds upon the Court of which the Petitioner had no opportunity to avail herself of before the Fifth Circuit Court of Appeals due to the subsequent frauds that were perpetuated upon the Court by the Subject Judges and Deputy Clerks of the Writ of Mandamus Petition. {T}herefore, there is a compelling reason to Petition this Court for Redress since the Fifth Circuit Court of Appeals having Supervisory Mandamus Jurisdiction over the U.S. District Court had also engaged in egregious forms of frauds upon the Court. 28 U.S.C. § 1651. {W}hile, before the United States District Court the Defendants Counsel provided intentional false discovery responses stating that no video footage of this false arrest / excessive force incident existed because none of the Hinds County Deputy Sheriff's were wearing BWC' Units on May 26<sup>th</sup> 2015. {R}ecollectively, on this date, the Defendants Sergeant had informed Ms.

Davis that there was no need for her to personally record the incident because his Body Wearing Camera were conducting the same. Consequently, the Plaintiff filed a Motion for Spoliation Sanctions in the U.S. District Court and offered as proof that the video footage existed through the personal audio recording taken by her of this incidents occurrence on May 26<sup>th</sup> 2015.<sup>1</sup>

{T}his Courts issuance of a Writ Of Mandamus to Equitable intervene in the Lower Court actions would not only correct the Writ of Mandamus / Appeal Proceedings that the Petitioner were willfully cheated out of before the Fifth Circuit, but the frauds committed in this case while before the U.S. District Court as well. *Id.* See also, *Ex Parte Peru*, 51 *Coumx. L. R-v.* 977 (1951). {B}oth Lower Courts refused to grant Reliefs from the fraudulent begotten judgements by Counsel for the Defense upon a timely filed *Hazel-Atlas* Motion by the Petitioner that makes the Writ of Mandamus appropriate before this Court. {I}n *Ex Parte United States*, 242 U.S. 27 (1916), this Court explained that its *Justices* could issue Writs directly to the District Court's in cases in which an Appeal must first go before a Court of Appeals. {I}n substance, this substantive grounds for this Courts issuance of the Writ of Mandamus to Remedy the frauds committed in the Lower Court actions as to maintain the *Hazel-Atlas* Fraud upon the Court Principle of Law has not been previously raised and are now properly raised since the fraudulent misconducts of the Subject Judges and other Officials of the Courts has wholly vitiated the integrity of this proceeding and thus the Petitioners ability to fairly present this case. {T}he Circuit Court of Appeals have consistently held that the Spirit of the 'fraud on the Court' Rule is applicable whenever the integrity of the Judicial Process or functioning has been undercut—certainly in any instance, of misconduct by a Party." *Greater Boston Television Corp. v. FCC*, C.A.1971, 463 F.2d 268, 278, 149 U.S.App.D.C. 322. {F}urther, that a Court has the Inherent Power to inquire into the integrity of its own Judgments and to set them aside when fraud or corruption of its Officers has been shown. *Chicago Title & Trust Co. v. Fox Theatres Corp.*, D.C.N.Y.1960, 182 F. Supp. 18, 38. {T}he Fifth Circuit Court of Appeals and the United States District Court were in the best position to vacate it's own Judgments procured by fraud upon the Court's but simply refused to do so when evidence of the same were clear and convincing. *Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238, 244 (1944). {H}azel-Atlas recognized a Courts Inherent Duty to vacate a Judgement obtained by fraud. {U}nder this age-old well established Principle, every Court have an Inherent Duty to act *Ex Debito Justitiae* (i.e., to do that Real and Substantial Justice for which alone the Court exist) to ensure that the Administration of Justice are regulated in a just or fair manner when any of it's Processes has been compromised. *Eichelberger v. Eichelberger*, 582 S.W. 2d 395, 398 (Tex. 1979). {T}he Writ of Mandamus Requested here is warranted by these Principles and Usages of Law that has been laid out by

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1 {T}his Court should note, that this personal video recording were solely an audio recording of the this false arrest and excessive force incidents occurrence since Ms. Davis mobile phone were located inside of her car at all times relevant to this cause of action on May 26<sup>th</sup> 2015.

this Court requiring Federal Courts to comply with an Inherent Duty to preserve the integrity of the proceedings before its respective Court. {N}otably, this case contains all of the characteristics that would tend to support this Courts proper issuance of the Writ of Mandamus directed to the Fifth Circuit Court of Appeals and United States District Court. *Ex Parte United States*, 242 U.S. 27 (1916). {A}nd, since both Lower Courts went to rigorous heights to result this case in a miscarriage of Justice, this Court would properly restore the Petitioner to the position she would have otherwise enjoyed in the absence of the fraud (s) committed in the Lower Court actions by requiring the Courts to default this claim and/or to set aside the fraudulently begotten judgments. See, e.g., *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245, 250 (1944) and *Universal Oil Products Co. v. Root Refining Co.*, 328 U.S. 575, 580 (1946).

{T}he immoral stature of the fraudulent witnesses testimony acquired and fabricated during a hearing on July 17<sup>th</sup> 2018 on both of the Discovery Sanctions Requests before the United States District Court Magistrate Judge and intentional fraudulent misrepresentations of the facts of this case from the false arrest / excessive force video footage by the United States District Courts Judge to grant the Defendants Summary of Judgment Motion is also relevant in this case. {J}udge F. Keith Ball also participated in the conscious concealment of this incidents false arrest and excessive force video footage (s) taken by the Defendants Deputy Sherriff's on May 26<sup>th</sup> 2015 along with the Defendants Counsel. {T}his Undersigned falsely claimed that a hearing would be necessary on the Motion for Spoliation Sanctions after Ms. Davis emailed the Court and informed that no Ruling had been entered on the Request after the several expedited Ruling Requests she made unto the Court on the Motions months earlier. {T}he Undersigned held the fraudulent hearing to allow the Defendants and its Counsel to produce the video and to acquire false witnesses testimony of why it wasn't produced earlier to defeat that Motions Requests and the subsequent filed Motion for Fraud Finding Sanctions.<sup>2</sup> {A}ll this tend to

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2 {F}or example, on June 28<sup>th</sup> 2018, Judge F. Keith Ball of the U.S. District Court allowed Counsel for the Defense to falsely claim that Ms. Davis physically assaulted her Mother during Depositions at the Law Office of Allen, Allen and Breeland in Brookhaven, MS to justify the Officers dispatch out to the residence on May 26<sup>th</sup> 2015. Counsel for the Defense were allowed to do this to corroborate the false arrest / incident report prepared by the Defendants Officers on the date in question to justify their false arrest and excessive force misconducts. This report falsely claimed that Ms. Davis had jerked her arm away from Deputy Chris Maddox after he told her she was under arrest and then ran into the yard causing the injuries in this action to herself that's not true. This Deputy of the Hinds County Sheriffs Department told Ms. Davis to go get her shoes from inside the house before leaving the residence, and was one of the several Deputies who attacked her to the ground for making statements of the Publics Concern regarding the Hinds County Sheriff's Dept / Raymond Detention Center. This false report also claimed that the Petitioner cursed the ambulance persons when they arrived to the residence on May 26<sup>th</sup> 2015 that are also not true.

{T}his Court should also note that both false misdemeanor charges of resisting arrest and disturbing the peace in this case were dismissed by an Judge of the Hinds County

suggest that Counsel for the Defense and the Defendants concealment of this incidents video footage were intentional and produced as an unconscionable plan, plot or scheme to defeat the Motion for Spoliation / Fraud Finding Sanctions and to improperly influence the decision of the Court. {P}articularly, Counsel for the Defense through the aid of the U.S. District Courts Judge, Daniel P. Jordan falsified the facts of this case from the belated video footage produced in this case to make it out of one suitable for Summary of Judgment unto the Defendants. {F}actually, the Defendants and its Counsel deliberately concealed this incidents false arrest and excessive force video footage not only because it were adverse to them, but contradicted the false arrest report prepared by the Hinds County Deputy Sheriffs on May 26<sup>th</sup> 2015. {F}or example:

[D]uring the Hearing on July 17<sup>th</sup> 2018, the Defendants Sergeant who stated that there was no need for Ms. Davis to personally record the incident, were allowed by the Magistrates Judge to be dishonest under oath. Seargent Bobby Melson / Nichols falsely stated that he just told Ms. Davis that he was recording the incident because he felt that she would be less likely to do some wrong if she felt he was recording everything. Further, that he was unfamiliar on how to operate his Body Wearing Camera and had asked Deputy Corey Carr was his BWC unit hot that were actively dishonest. The video footage produced in this case was from Deputy Corey Carr's BWC who arrived to the scene of this incident subsequent to Sergeant Bobby Melson / Nichols on May 26<sup>th</sup> 2015. The Defendants and its Counsel had used the Defendants Seargent and several other Staff Persons of the HCSD false Witness (es) Hearing Transcripts acquired during this Proceeding before Judge F. Keith Ball on it's frivolous Motion for Summary of Judgment.

**I. THIS COURT SHOULD GRANT REHEARING SINCE THE FACTS OR CIRCUMSTANCES OF THIS CASE PRESENTS AN APPROPRIATE TIME TO DOUBT THE CORRECTNESS OF ITS DECISION ENTERED ON APRIL 27<sup>TH</sup> 2020.**

{A}lthough, the primary function of a Writ of Mandamus in this Court is the regulation of Judicial Activity., it serves as one of the devices by which the United States Supreme Court exercises its Supervisory Oversight and/or Authority over the General Operations of the Federal Judiciary as a whole. *La Buy v. Howes Leather Co.*, 352 U.S. 249, 259-60. {H}ere the "Supervisory Control of the [Lower] Court by [this Court] is necessary to the proper Judicial Administration of the Federal Judicial System. {T}he All Writs Act confers upon this Court the Discretionary Power to issue a Writ of Mandamus in the

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Justice Court, who stated that Ms. Davis had undergone some extreme and true abuse at the hands of the Defendants Officers on the date in question. See, USDOJ report dated May 21<sup>st</sup> 2015 on both Jail facilities in Hinds County, MS at <https://www.justice.gov/crt/file/874841/download>.

Extraordinary and/or Exceptional Circumstances that exists here." *Id.* {A}bsent this Court issuance of Writ Of Mandamus directing the Fifth Circuit Court of Appeals / United States District Court to rescind the fraudulent begotten Judgements in the proceedings below, this Court would not only tolerate fraud upon the Court's, but condone a malfeasance so great that Due Process concerns would arise in nearly every Civil Proceeding brought before the Federal Judiciary (ies). *In re Murchison*, 349 U.S. at 136, (holding that a Fair Trial in a Fair Tribunal is a basis requirement of Due Process); *Deerfield Med. Ctr. v. City of Deerfield Beach*, 661 F.2d 328, 338 (5<sup>th</sup> Cir. Unit B. 1981) (*holding that the violation of Constitutional Rights imposes irreparable harm*) (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976). {T}his is most likely to occur where fabricated evidence is allowed to be used before the Courts and Officials of the same engage in a well developed and executed fraudulent plan, plot or scheme to subvert the integrity of the Court to advantage the Defendants and its Counsel as in this case. {T}he Parties and their Legal Counsel would hasten to fabricating evidence and other forged documents to illegally obtain favorable judgements against the other Party (ies) to the suit numerous of times by compromising the integrity of the Court. {S}uch frauds have been held out by the Courts to have an detrimental effect on the Administration of Justice and other Business of the Court. {W}hile, the term Judicial Administration" has been used interchangeably in the Literature of the Judicial System, it has not been defined or given a precise meaning.' The following assumptions has somewhat been developed by the Courts:

[J]udicial Administration consists of a general overview of the Judicial System in Civil Cases, and includes the underlying assumptions and objectives of the System; the methods and techniques employed; the organizational structure; the Personnel involved; the results achieved and the improvements that could be made.

{A}ccording, to *Hazel-Atlas* in order to adequately plead a fraud on the Court Claim, a Plaintiff must allege "a scheme by which the integrity of the Judicial Process had been fraudulently subverted" and must involve far more than an injury to a single litigant. Fraud upon the Court will, most often, be found where the fraudulent scheme defrauds the Judicial Machinery" or is perpetrated by an Officer of the Court such that the Court cannot perform its function as a Neutral Arbiter of Justice. *Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960). {F}raud directed at the "Judicial Machinery" can mean conduct that fraudulently coerces or influences the Court itself or a Member of the Court, such that the impartial nature of the Court has been compromised. *Bullock v. United States*, 721 F.2d 713, 718 (10<sup>th</sup> Cir.1983). {H}owever, where a litigant can prove that an Officer of the court fraudulently coerced or improperly influenced the impartial nature of the Court, fraud on the Court can be established. *Bullock*, 721 F.2d at 718. {T}his is precisely, what Ms. Davis did by supporting the Motions for Vacatur in the Lower Court actions with evidence of the frauds committed and the subsequent Writ of Mandamus Petition before this Court with the same. {T}he Subject Judges and Deputy Clerks of the Fifth Circuit

are all considered Officers of the Court and the evidence of the frauds used in support of the Writ of Mandamus Petition are clear and convincing as to establish fraud. *Id.* Every element of the Frauds committed in this case all the way up to the Circuit Court of Appeals, warrants this Court to correct its earlier decision denying the Writ of Mandamus Petition. The Interest of Justice, Fairness and Equity so requires such as to adhere to the proper functioning of this Court. If the decision entered by this Court on April 27<sup>th</sup> 2020 are not reversed, then it would tend to produce "either a Majority Opinion that's creates a forged consensus within this Court under *Hazel-Atlas*, or a litany of diverging Opinions that injects a high degree of uncertainty into the Doctrine of Law that's currently practiced to vigilantly police frauds perpetuated upon the Court under *Hazel-Atlas* and its progeny (ies)."

**A. The Case Of *Hazel-Atlas* Have A Controlling Effect On The Mandamus Proceeding And Would Have Lead To A Different Result If It Were Followed By The Justices Of This Court To Maintain Uniformity Of The Fraud Upon The Court Doctrine Of Law Founded By It Under *Hazel-Atlas* In 1944.**

Under the regimes of the *Rules Enabling Act of 1934*, as amended, to date, none of the *Justices* of this Court has overruled it's Precedent in *Hazel-Atlas*. In fact, it has been continued every since the fraud upon the Court Doctrine originated before this Court in 1944 and is yet binding upon the Lower Courts as this Courts Decisional Law to maintain a categorical balancing. See, e.g., Section 28 U.S.C. 2072 of the *United States Constitution*. See also, *Ballew v. Cont'l Airlines*, 668 F.3d 777, 782 (5<sup>th</sup> Cir. 2012). This Courts lack of Respect and Precedential Integrity of its *Hazel-Atlas* Principle of Law, are of such an incidental nature or intervening circumstance as to abridge, enlarge and/or modify the Substantive Rights of the Party (ies) to this suit, and thus falls exclusively within the limitations imposed upon the Courts Rule-Making Power under the Doctrine of Separation of Powers. *U.S. Const. Art III.* While this Court is obligated to do those things it is Lawfully created and properly situated to do, it should also grant this Petition to maintain uniformity with its Decisional Law under *Hazel-Atlas*. An all of sudden change in a Public Policy on a matter that was so deeply entrusted in our Society and in effect at the time of filing the Writ of Mandamus Petition, should not be the Law that governs this case or any other to the prejudice of Party (ies) who at the same time Petitioned this Court for Redress out of her and/or his reliance on *Hazel-Atlas*. See, e.g., *Alleyne v. United States*, 570 U.S. 99, 118 (2013) (Sotomayor, J., concurring) ("We generally adhere to our prior Decisions, even if we question their soundness, because doing so 'promotes the evenhanded, predictable, and consistent development of Legal Principles, fosters reliance on Judicial Decisions, and contributes to the actual and perceived integrity of the Judicial Process.'"); *Hubbard v. United States*, 514 U.S. 695, 716 (1995) (Scalia, J., concurring in part) (stating that *Stare Decisis* "protects the legitimate expectations of those who live under the Law"); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 855 (1992) (considering whether *Roe* could be overruled "without serious inequity to those who have relied upon it"); *Hilton v. S.C. Pub. Rys. Comm'n*, 502 U.S.

197, 202 (1999) (holding that "adherence to Precedent promotes stability, predictability, and respect for Judicial Authority.") *Vasquez v. Hillery*, 474 U.S. 254, 265-66 (1986) ("[T]he important Doctrine of *Stare Decisis* [is] the means by which we ensure that the Law will not merely change erratically, but will develop in a Principled and intelligible fashion. That Doctrine permits Society to presume that Bedrock Principles are founded in the Law, rather than in the proclivities of individuals, and thereby contributes to the integrity of our Constitutional System of Government, both in appearance and in fact.") and *New York v. Belton, Gant*, 556 U.S. at 358-60 (Alito, J., dissenting) (holding same).

{T}hroughout, *Hazel-Atlas* development and Jurisprudential impact upon the Federal Judiciary since 1944, Attorneys and Law School Students have become accustomed to the fraud upon the Court Doctrine originating from it as to afford an aggrieved Party an Equitable Remedy at any time against an fraudulently begotten judgement. *Payne v. Tennessee*, 501 U.S. 808, 852-53 (1991), (Marshall, J., dissenting) (stating that the *Stare Decisis*' role in preserving Judicial Integrity is critical). {A}ssuredly this Court is not one of hypocrisy, just like it held in *Hazel-Atlas* that any enforcement of the fraudulently begotten judgement were manifestly unconscionable and wielded the Power to direct the Circuit Court of Appeals to set aside the two Decrees of the Court without hesitation after Hazel supported its claim of fraud upon the Court through Affidavits and Exhibits, the same should occur in this case. {T}his would not only maintain uniformity of the Precedential Integrity of this Court under *Hazel-Atlas*, but the Publics Confidence in the Federal Judiciary (ies) appliance of this Rule of Law to Litigants similarly situated as to implicate fairness and equality. *Id.* {T}he Circuit Court of Appeals every since the fraud upon the Court Doctrine was founded under *Hazel-Atlas* in 1944, has followed its Longstanding Principles and original meaning to maintain its stability within the Law. See, e.g., *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1<sup>st</sup> Cir. 1989) (fraud upon the Court is an "unconscionable scheme calculated to interfere with the Judicial System's ability impartially to Adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing Party's Claim or Defense"); *Gleason v. Jandrucko*, 860 F.2d 556, 559 (2<sup>nd</sup> Cir. 1989) ("fraud which seriously affects the integrity of the normal process of Adjudication"); "*Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5<sup>th</sup> Cir. 1978) (holding same); *Oxford Clothes XX, Inc. v. Expeditors Int'l, Inc.*, 127 F.3d 574, 578 (7<sup>th</sup> Cir. 1997) (holding same); *Greiner v. City of Champlin*, 152 F.3d 787, 789 (8<sup>th</sup> Cir. 1998) (holding same) and *Dixon v. Commissioner*, No. 00-70858, 2003 U.S. App. LEXIS 4831, at \*11-12 (9<sup>th</sup> Cir. Mar. 18, 2003), amending 316 F.3d 1041 (9<sup>th</sup> Cir. 2003) (holding same). {W}hile, Hartford's sin in *Hazel-Atlas* was not under oath when he misrepresented the authorship of the article in its Patent Office filings and Appeal Brief., it was appropriately considered an deception and fraud – "a deliberately planned and carefully executed scheme to defraud ... the Circuit Court of Appeals" – that was enough to support an Independent Equity Action against the fraudulently begotten Judgments.

{I}t has been generally recognized that the decisions of the Supreme Court clarifies and resolves issues of Public Importance in addition to settling the dispute among the parties involved. *Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238, 244 (1944). {E}quivocally, such is present here since this case involves the Publics Confidence in the fairness and integrity of the proceedings below. *Id.* {I}n other words, this case are of Exceptional Public importance since it involves the Courts protection of inalienable and/or fundamental Due Process Rights belonging to the Petitioner that were violated in the Lower Court actions and the Publics Trust in the decision reached by the Federal Judiciary (ies). See, e.g., *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) and *Ex parte United States*, 287 U. S. 241. Pp. 318 U. S. 582, 318 U. S. 586. {T}his, is in part contingent upon the Public's Confidence in the Court's credibility as an institution. *Id.* {T}his Courts, Supervisory Authority to issue Writs of Mandamus directed to the Lower Courts is also in a force that's substantially unaltered to this present day. See, e.g., *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380-81 (2004); *Cheney*, 542 US at 390, quoting *Will v. United States*, 389 US 90, 95 (1967) and *La Buy v. Howes Leather Co.*, 352 U.S. 249, (1957). {C}onsidering, the significance of the issues presented and the Publics Interest that's involved over this dispute, this Court would have properly gave reason for its decision entered on April 27<sup>th</sup> 2020. See, e.g. *Ronald Dworkin*, *Law's Empire* 397-98 (1986) (characterizing an Super - Judge Hercules as being "guided by a sense of Constitutional Integrity,"). {T}he Pro se Petitioner in this action is entitled to Due Process of Law, the same way as any Party Represented by Counsel before the Federal Judiciary (ies). 28 U.S.C. 1654. {T}he most prevalent inquiry here, is whether the decision entered by this Court on April 27<sup>th</sup> 2020 truly regulates its Procedure,- the Judicial Process for enforcing Rights and those Duties recognized by Substantive Law and for justly Administering an Equitable Remedy to Redress an willful disregard and/or infraction upon the fairness and integrity of the proceedings in the Lower Federal Courts. *Bulloch v. United States*, 721 F.2d 713, 718 (10<sup>th</sup> Cir.1983). *Justice Miller*, writing for the Court in the case of *United States v. Throckmorton*, 98 U.S. at 68., observed that fraud could undermine a Judgment. Furthermore, this Court stated:

"[W]here the unsuccessful Party had been prevented from exhibiting full his case, by fraud or deception practiced on him by his opponent, as by keeping him away from Court, a false promise of compromise; or where the Defendant never had knowledge of the Suit, being kept in ignorance by acts of the Plaintiff, or where an Attorney fraudulently or without Authority assumes to represent a Party and connives at his defeat; or where the Attorney regularly employed corruptly sells out his Client's Interest to the other side-these, and similar Cases which show that there has never been a real contest in the Trial or Hearing of the case, are reasons for which a New Suit may be sustained to set aside and annul the Former Judgment or decree, and open the Case for a New and Fair Hearing."

{S}ensibly, this is identical to what the Judges and Counsel for the Defendants did while this case were before the United States District Court.

{S}pecifically, by using the Processes, Resources and Premises of the Court in an unconstitutional manner and as an Extrajudicial Activity toward Ms. Davis personal audio recording of this false arrest / excessive force incidents occurrence involving the Defendants Sheriff Deputies on the date in question. {T}hese biased and prejudicial misconducts of the U.S. District Court Judges and other Officers of the Court could in no way benefit the Law nor the Administration of Justice. {N}otably, the Petitioner in this action sought Mandamus Reliefs from this Court after seeking Relief of the fraudulent Judgements of the Fifth Circuit and thus before the Court of Appeals dismissed the Appeal of this action for want of prosecution. {T}he Circuit Court of Appeals has explained, "that a decision produced by fraud on the Court is not in essence a decision at all and never becomes final." *Kenner v. Comm'r of Internal Revenue*, 387 F.2d 689, 691 (7<sup>th</sup> Cir.1968).'{T}his Court addressed timeliness in the instances of fraud, in *Hazel-Atlas*, and stated that it does not condone fraud, no matter when it is raised. *Id.* {T}herefore, it is undisputed that an Writ of Cerertorio unto this Court would have been the improper vehicle to challenge the fraudulent begotten Judgements of the Fifth Circuit Court of Appeals by Counsel for the Defense. See, e.g., *Chicago and Northwestern Railway Co. v. Osborne*, 146 U. S. 354, *Wishkah Boom Co. v. U. S.*, 202 U. S. 613 and *City of Omaha v. The Omaha Water Co.*, 207 U. S. 584. {T}his Courts Precedent in *Hazel-Atlas*, stands out most and is so elaborated until it should be clear to all appearing before the Federal Judiciary (ies), that frauds will not be tolerated upon the respective Court. {N}ormally, an Court would refuse to provide a remedy when the wrong, if indeed there was a wrong or fraud committed upon or against the institutions set up to protect and safeguard the Public, was only between the Parties in the case and involved no direct assault on the integrity of the Judicial Process. *Kenner v. Commissioner of Internal Revenue*, C.A.7<sup>th</sup>, 1968, 387 F.2d 689, certiorari denied 89 S. Ct, 121, 393 U.S. 841, 21 L.Ed.2d 112. {H}owever, Rule 44.2 of the U.S. Sup Ct., allows Petitioners to file Petitions for Rehearing of the denial of a Petition for Writ of Certiorari or Writ of Mandamus when s/he can demonstrate "Intervening Circumstances of a Substantial or Controlling Effect"; or raise "other Substantial Grounds not previously presented." *Ambler v. Whipple*, 90 U.S. (23 Wall.) 278, 282 (1874). {T}hus, this Petition are presented in Good Faith and not for the purpose of delay under Rule 44 of the U.S. Sup. Ct.

**B. The Evidence Of Fraud (s) Committed Upon The Fifth Circuit Court Of Appeals By The Subject Judges And Deputy Clerks Of The Writ Of Mandamus Petition Are Material To The Outcome Of The Proceeding And Would Have Produced A Different Result If Not Overlooked By This Court While Considering The Request.**

{T}he argument against the issuance of a Writ was strengthened by the Majority Opinion in the case of *Bankers Life and Casualty Co. v. Holland*, 346 U.S. 379 (1953), where Justice Clark, speaking for this Court, reaffirmed the case of *Ex Parte Fahey*, 332 U.S. 258 (1947), and stated that a Writ of Mandamus should issue only under drastic and Extraordinary circumstances. The Court also referred to the case of *De Beers Consolidated Mines v. United States*, 325 U.S. 212 (1945), where the issuance of the Writ was proper, but

distinguished this from their instant case on the basis that there was no evidence of a clear abuse of discretion or usurpation of Judicial Power, either of which must be present before the Writ will lie. {A}s set forth in Appendix No. Exhibits A-C attached to the Extraordinary Writ of Mandamus Petition, this case is not absent of evidence tending to prove the frauds committed upon the Fifth Circuit Court of Appeals by Judge Owen, Willet, Oldham, Ms. Mary Stewart, Connie Brown and the (unknown) female help desk representative of the Fifth Circuit on the dates in question. {T}hus, in the case of *Hazel-Atlas*, this Court stated that it had the Authority to set aside the two decrees in question because the evidence adduced warranted Equitable Reliefs. *16 Wright & Miller § 3932 (the most common traditional statement is that the Extraordinary Writs are available to a Court of Appeals to prevent a District court from acting beyond its Jurisdiction, or to compel it to take action that it lacks Power to withhold.)*. {H}ere, if this Court had not overlooked the proofs of the frauds committed upon the Fifth Circuit Court of Appeals in this action by the Subject Judges and Deputy Clerks of the Writ of Mandamus Petition., then it would have found an deliberately planned and carefully executed scheme to defraud or compromise the integrity of the proceedings before the Circuit Court of Appeals on the date (s) in question. {A}s such, this Court has not given the Petitioner an full and fair opportunity to prove the severity of the frauds which were also practiced in this action all the way up to the Fifth Circuit Court of Appeals. {T}his Court in *Ambler* found that if such omissions such as the case here are material to an case and would have assisted the Court in its disposition of the case, Rehearing may be warranted:

[I]f this statement be correct, and if the omissions in the Transcript on which the Case was heard are Material to the decision of the case, it presents a strong Appeal for Reargument; and we have, therefore, given a careful consideration to the very full Petition for Rehearing, and availed ourselves of its copious references to the Original and Supplemental Transcripts.

**II. THIS COURT SHOULD GRANT REHEARING SINCE THE DECISION OF IT TREATS THE WRIT OF MANDAMUS PETITION IN A DEMONSTRABLY WRONG, UNJUST AND UNFAIR MANNER THAT DOES NOT IMPLICATE POLICING FRAUDS COMIITTED UPON THE COURT.**

{A}ccordingly, this Court clearly erred by not considering all of the evidence attached in support of the Writ of Mandamus Petition on April 27<sup>th</sup> 2020 that has affected the Substantial Rights of the Petitioner and thus the outcome of this case. *United States v. Marcus*, 560 U.S. 258, 262 (2010). {W}ithout waiving any Rights, it appears that the decision of this Court were entered by a Minority of this Court (i.e., caused by a vacancy or vacancies on the Court or by its Justice's excusing her and/or himself from participation in the Mandamus Proceeding). *Appendix Exhibit A at Page 1(a)*. {I}n particular, it does not represent an view or Opinion expressed by the Majority of this Courts *Justices*, but of an smaller number legally required to adequately

conduct the Business of the Court. [W]here an Court of last resort has failed to afford a full and fair adjudication of the contentions raised, either because it affords no Remedy . . . or because in a particular case the Remedy afforded in practice is inadequate . . . a Petition for Rehearing would be appropriately granted, else the aggrieved Party would be remediless. *Degnan & Louisell, Rehearing in American Appellate Courts*, 34 CAN. B. REV. 898, 901-02 (1956). See also, *High, Extraordinary Legal Remedies* (3d. ed. 1896) § 31, 276. {C}ontrawise, this Petition for Rehearing would be properly granted to dispose of this case in a manner that does not erode the Publics Confidence in this Courts ability to regulate the Administration of Justice. {I}n *Hazel-Atlas*, this Court were unanimous in condemning the fraudulent transactions disclosed by the evidence of record in the case. *Appendix Exhibit A at Page 1(a)*. {W}hile, the issues presented by the Writ of Mandamus Petition are critically important, the Publics not only have an Interest involved over this suit just like this Court held in *Hazel-Atlas*. “{T}his Court, also have an significant Interest in Supervising the Administration of the Judicial System,” and that is its “Interest in ensuring compliance with proper Judicial Administration since the Mandamus Petition relates to the integrity of Judicial Process.” {T}he frauds perpetrated in this case all the way up to the Fifth Circuit Court of Appeals to result this case in a miscarriage of Justice wholly impairs or threatens the fairness and integrity of the Judicial Process. *Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238, 244 (1944). See also, *Hollingsworth v. Perry*, 558 U.S. 183 (2010). {E}specially, since it has invoked this Courts Supervisory Authority to police fraudulent misconducts committed in the Lower Court actions that undermined the integrity of the proceedings before the Federal Judiciary (i.e., prevented Ms. Davis from fairly presenting this case). *United States v. Throckmorton*, 98 U.S. at 68. {W}hile there are many, some extreme examples of conduct that has been classified as conduct prejudicial to the effective and expeditious Administration of Justice and the other Business of the Courts are:

- (1) "falsification of facts" at the Summary Judgment stage and (2) treating Litigants or Attorneys in a demonstrably egregious and hostile manner.

{N}otably, Judicial Integrity as a Due Process concept was developed in *Rochin v. California*, 342 U.S. 165 (1952). " *Id. at 172*. {I}n this action, if an Direct Appeal unto the Fifth Circuit could have been the appropriate remedy to challenge the fraudulent order of the U.S. District Court granting SOJ unto the Defendants on January 2<sup>nd</sup> 2019, then the unfair procedures, dishonest and fraudulent misconducts of its Court Officials while Ms. Davis attempted to Order all of the Court Reporter Hearing Transcripts at every step prevented her from fairly presenting this case. {T}he bottom line, is that the Fifth Circuits granting Ms. Davis several Extension of Time Request to file an Opening Brief until the Motion to Order the Court Reporter Hearing Transcripts at the Government (s) Expense been Ruled on as to enable her to adequately Brief Legal Argument, contradicts its earlier decision refusing to suspend its Briefing Notice dated October 22<sup>nd</sup> 2019 until that Motions Request and the Motion to Covert the Appeal of this action into a Supervisory Writ been Ruled on. {I}n *Rochin* a Majority of this Court held that

the Due Process Clause empowers it with the Authority to nullify any State Law if its application "shocks the conscience," offends "a sense of Justice" or runs counter to the "decency of Civilized Conduct." {T}his is exactly what the Order from Ms. Mary Stewart of the Fifth Court did on June 28<sup>th</sup> 2020 requiring Ms. Davis to prepare an Appellants Opening Brief demonstrating a particular need for the Court Reporter Hearing Transcripts in this case. See, e.g., *Davis v. Walmart Stores East, LP.*, U.S. Supreme Court Petition for Writ of Certiorari No. 16-7731., where the Fifth Circuit Court dismissed the Plaintiffs Appeal for an inadvertent failure to Order the Court Reporter Hearing Transcripts of the District Court Proceedings upon a Motion to Dismiss premised by Counsel for the Defense. {T}his Court in *Hazel-Atlas* clearly recognized the Inherent Authority and obligation of the Courts to protect Litigants, and the Judicial System itself, from dishonesty as follows:

[T]ampering with the Administration of Justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the Public, institutions in which fraud cannot complacently be tolerated consistently with the good order of Society. *Eash v. Riggins Trucking Inc.*, 757 F. 2d 557, 561 (3d Cir. 1985).

{T}he fundamental virtue of Judicial Integrity is somewhat held out to be a Public Policy grounds "where the evidence shows that it would also be unfair to an Party to affront or offend the integrity of an proceeding by permitting unconstitutional or fraudulent actions upon the Courts to procure an Judgment." {T}his Court like any other Court acts for Society as a symbol of Lawfulness and Justice, not as a institution set up against the Traditional Notions of Substantial Right and Justice. According to, *United States v. Olano*, 507 U.S. 725, 732-735 (1993), an Appellate Court has the discretion to correct the error only if it "seriously affect[s] the fairness, integrity or Public Reputation of Judicial Proceedings.' *Id.* at 736. {C}onsequently, the decision of this Court entered on April 27<sup>th</sup> 2020 would be appropriately reheard since it blotsches the trail of fraud in this case in a way that violates the basic Principles of Due Process which entails the fair treatment of individuals before the Federal Courts. 28 U.S.C. 1654. {T}his Court, would respectfully, focus on the Publics perception of the Court as a symbol of Lawful and Just procedure as opposed to an institution designed or set up to let fraudsters benefit from the fruition of their dishonesty and deceits that subvert the integrity of the Federal Judiciary. {T}here are at least two independent related aspects of the Publics Interest which bear upon the Writ of Mandamus Petition before this Court. {T}he first is the Publics Interest in the due Administration of Justice which necessarily extends to ensuring that the Court's processes are used fairly. {O}n the other hand, this leads to an second aspect of the Public Interest in the Courts maintenance of its Confidence in the Administering of Justice. {E}xactly, there at least two underlying goals of Judicial Integrity. {F}irst, on a Public relations level, the Court wishes to be regarded as a symbol of Lawfulness and Justice. Second, the Court has the closely related concern of not appearing to be allied with bad acts. See, e.g., *Olmstead v. United States*, 277 U.S. 438, 483-

85 (1928) (*Brandeis, J., dissenting*) and *United States v. Calandra*, 414 U.S. 338, 357-60 (1973) (*Brennan, J., dissenting*). {M}ajestically, it is contrary to the Public Interest to allow its confidence to be eroded by an demonstrably wrong, unjust and unfair decision that presents this Court and its Processes as lending itself to oppression that clearly supports the miscarriages of Justice committed by the Lower Courts in this action. *Id.* {A}nd since this case involves a manifest injustice committed by the Lower Courts, Extraordinary Circumstance exists for this Court to grant Mandamus Relief as to prevent these types of gross injustices from recurring in future cases brought before the Federal Courts. See, e.g., *American Iron & Steel Institute v. EPA*, 560 F.2d 589, 593 (3<sup>rd</sup> Cir. 1977) and *Id* at 594 (citing *Greater Boston Television Corp. v. FCC*, 463 F.2d 268, 278-79 (D.C. Cir. 1971). {S}tated differently, this case presents instances where this Courts "Supervisory Authority" has been invoked not only to Supervise, but to require the Lower Courts to vacate the fraudulent Judgments obtained by Counsel for the Defense.

{H}azel-Atlas, enabled the Federal Courts to meet New Situations which demand Equitable Intervention, and to accord all of the necessary Reliefs to correct the particular injustices involved in Cases of fraud. {T}he Supervisory Powers of this Court allows it to implement some sort of Remedy for activity that it finds illegal or offensive. *United States v. Payner*, 447 U.S. 727, 744 (1980) (*Marshall, J., dissenting*). {U}nder the All Writs Act, Section 28 U.S.C. § 1651, which gives this Court Supervisory Authority over the Lower Courts, this Court could also properly announce its own standard forbidding such fraudulent and discriminatory actions of the Lower Courts in the proceedings below. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). {B}y virtue of its Supremacy, this Court has been given the Authority to oversee the proper Administration of Justice and other impartial functions of the Federal Judiciary. {B}esides, this Court has stated that although a Petition for a Writ of Mandamus is issued in theory to prevent [a Judge] from exceeding her and/or his Jurisdiction or to require her or him to exercise it, that it issued [i]n practice for all manner of errors. *Pulliam v. Allen*, 466 U.S. 522, 532-33 (1984). {I}n other words, that Mandamus is described as an expeditious and effective means of confining the Inferior Court to a Lawful exercise of its prescribed Jurisdiction, or of compelling it to exercise its Authority when it is its Duty to do so. *Ex parte Republic of Peru*, 318 U.S. 578,583 (1943). {T}he [P]ublic's Confidence in the Fair and Honorable Administration of Justice before this Court should not become a transcending value at stake. {T}he evidence of the illegal misconducts perpetrated upon the Fifth Circuit Court of Appeals by some of its Members is clear and convincing evidence of fraud as to warrants Independent Equitable Actions by this Court. See, e.g., *Sherman v. United States*, 356 U.S. 369, 380 (1957) and the DVD called "Madea's Witness Protection" starring Tyler Perry at <https://m.youtube.com/watch?v=wirufMxx-s>.

### III. THIS COURT SHOULD GRANT REHEARING UNDER ITS SUA SPONTE DUTY (IES) TO REHEAR AND/OR

**DECIDE AN CASE FOR ANY OTHER REASON (S) NOT  
MENTIONED IN THIS REQUEST.**

{D}ue to the importance of issues presented in this case and the egregiousness of the frauds committed in the Lower Federal Courts, this Courts Supervisory Authority is not restricted to affording sufficient Equitable Remedies under the All Writs to preserve the integrity of the Lower Courts actions and ensure that Justice is done. 28 U.S.C. § 1651. {T}his case not only have a Precedential value as to lay down a foundation by which the *Justices* of this Court could take advantage of in the future, but the Federal Judiciary as a whole. {W}hile, it appears that the *Justices* of this Court had an biased predisposition toward the Mandamus Petition due to the audio recording taken by the Petitioner of the fraudulent misconducts of the Fifth Circuit Court of Appeals Court Personnel, without causing any inequality, the instance would be properly treated as a means to depart from the usual Rule in this matter or the Legal Argument (s) made out by the Petitioner to police and correct the frauds committed upon the Federal Judiciary. {T}his would not only prevent another manifest injustice from occurring in this case, but this Court from lending itself and Historic Equity Power to prestige or the accomplishment of fraudulently begotten Judgments in the Lower Federal Court Actions. See, e.g., *MacGregor*, 327 U.S. 812 (1946); *Garcetti v. Ceballos*, 546 U.S. 1162 (2006); *Bruce's Juices*, 327 U.S. 812 (1946); *Hudson v. Michigan*, 547 U.S. 586 (2006) and *Kansas v. Marsh*, 548 U.S. 163 (2006), where this Court granted Rehearing to resolve deadlocks caused by vacancies within it. *Supreme Court Practice* 829 (10<sup>th</sup> ed. 2013). {H}istorically, this Courts Power to Administer Justice is not simply the Authority to apply the Law to the facts of an case, but also the Power to achieve Equitable Results under the Law due to the Constitution's merge of Law and Equity in the Federal Judiciary. {W}hile, *Hazel-Atlas* has been binding upon the Federal Judiciary every since its origin in 1944, this Courts *Sua Sponte* Duty are also invoked to ensure that this case are disposed of in a manner that's consistent with the *Hazel-Atlas*'s Fraud upon the Court Doctrine to further its objective. {L}ikewise at least three other U.S. Supreme Court cases in which this Court has not hesitated to issue Writs of Mandamus when evidence of a clear abuse of discretion or usurpation of Judicial Power were present. {T}hose cases are: *De Beers Consolidated Mines v. United States*, 325 U.S. 212 (1945); *Ex Parte Fahey*, 332 U.S. 258 (1947) ( holding as Extraordinary Remedies, Writs are reserved for really Extraordinary Causes) and *Ex parte Republic of Peru*, 318 U.S. 578,583 (1943). {A}s aforementioned, the Petitioner has met all of the rigorous standards imposed under *Hazel-Atlas* to support this Courts proper issuance of the Writ of Mandamus Petition directed to the Fifth Circuit Court of Appeals and United States District Court to Remedy the fraud's committed. See, e.g., 28 U.S.C. § 1651 and *Ex Parte United States*, 242 U.S. 27 (1916). As *Justice Roberts*, writing for a Majority of this Court, once so eloquently stated:

{T}here should be no misunderstanding as to the function of this Court .... It is sometimes said that the Court assumes a Power to overrule or control the action of the People's Representatives. This

is a misconception. The Constitution is the Supreme Law of the Land ordained and established by the People. All Legislation must conform to the Principles it lays down. When an act of Congress is appropriately challenged in the Courts as not conforming to the Constitutional Mandate the Judicial Branch of the Government has only one Duty, - to lay the Article of the Constitution which is invoked beside the Statute which is challenged and to decide whether the latter squares with the former. All the Court does, or can do, is to announce its considered Judgment upon the question. The only Power it has, if such it may be called, is the Power of judgment. This Court neither approves nor condemns any Legislative Policy. Its delicate and difficult Office is to ascertain and declare whether the Legislation is in accordance with, and/or in contravention of, the provisions of the Constitution; and, having done that, its Duty ends. *U.S. Const. Art. III, § 2.*

## CONCLUSION

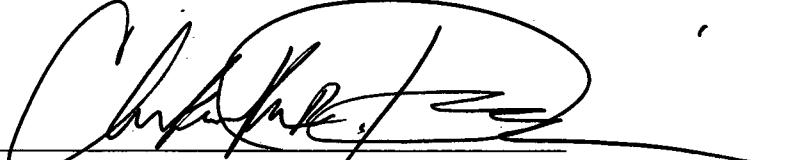
For the foregoing reasons, the Petitioner in this action respectfully request this Court to reverse its earlier decision denying the Writ of Mandamus Petition and to issue all other Relief (s) that it may deem just or necessary according to the facts of this case.

This the 10<sup>th</sup> day of May 2020.

Respectfully Submitted,

MS. CHAKAKHAN R. DAVIS, PETITIONER

By: \_\_\_\_\_



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# APPENDIX

## Table of contents

	Page
<b>EXHIBIT "A"</b>	
April 27 <sup>th</sup> 2020 Order of the U.S. Supreme Court denying Extraordinary Writ of Mandamus Petition .....	1(a)

**EXHIBIT "A"**  
Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

April 27, 2020

Mr. Chakakhan R. Davis  
32942 / 50 Highway 18  
Utica, MS 39175

Re: In Re Chakakhan R. Davis  
No. 19-7727

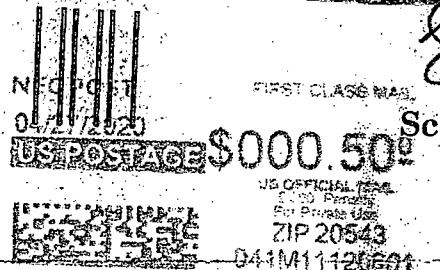
Dear Mr. Davis:

The Court today entered the following order in the above-entitled case.

The petition for a writ of mandamus is denied.

Sincerely,

*Scott S. Harris*  
Scott S. Harris, Clerk



1(a)