

CASE No. 19-7782 ORIGINAL

FILED

DEC 16 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

UNITED STATES SUPREME COURT

STEPHEN MAYER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT.

PETITION FOR WRIT OF CERTIORARI
BRIEF FOR PETITIONER

February 15, 2020.

BY: Stephen Mayer.
Pro Se, Incarcerated Petitioner
D. Ray James Correctional Institution
P.O. Box 2000, Folkston, GA 31537.

QUESTIONS PRESENTED

I.

WHETHER THE ELEVENTH CIRCUIT'S OPINION DECLINING JURISDICTION OVER CONTEMPT PROCEEDINGS UNDER 18 U.S.C. §401, VIOLATES FEDERAL RULES OF CRIMINAL PROCEDURE 42(a)(2) AND 28 U.S.C. §1331?

II.

WHETHER UNDER 18 U.S.C. §401 IF THE GOVERNMENT RETAINS SINGULAR AUTHORITY TO INITIATE CRIMINAL CONTEMPT PROCEEDINGS?

III.

WHETHER WHEN GOVERNMENT ATTORNEYS KNOWINGLY PRESENT FALSE EVIDENCE, MANUFACTURE JURISDICTION AND MISREPRESENT THE RECORD IN COURT FILINGS, THEY MUST BE COVERED BY ABSOLUTE IMMUNITY?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Stephen Mayer v. Unites States of America, 8:18-cv-1960-T-24AEP.
11th Circuit District Court, Tampa Division. Proceedings pending
on petitioner's 28 U.S.C. §2255 motion.

TABLE OF CONTENTS

QUESTIONS PRESENTED	I
LIST OF PARTIES	II
TABLE OF CONTENTS	III
TABLE OF AUTHORITIES	IV
INDEX OF APPENDIX	VI
OPINION BELOW	1
GROUND FOR JURISDICTION	2
CONSTITUTIONAL PROVISIONS	3
STATEMENT OF THE CASE / BACKGROUND	4
UNDERLYING BACKGROUND OF THE CASE	10
REASONS FOR GRANTING THE WRIT	13
CONCLUSION	17

TABLE OF AUTHORITIES AND CITATIONS

Anderson v. Dunn, 19 U.S. 204, 227, 5 L. Ed. 242 (1821).....	15
Armstrong, 470 F. 3d. at 105.....	18
Bagwell, 512 U.S. at 828.....	18
Bloom v. State of Illinois, 391 U.S. 194, 201, 88 S. Ct. 1477, 20 L. Ed. 2d 522 (1968)...	15
Chambers v. NASCO Inc., 501 U.S. 32, 46, 111 S. Ct. 2123, 2133, 115 L. Ed. 2d 27 (1991)....	13
Giglio, 405 U.S. at 153.....	6
Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 442, 31 S. Ct. 492, 55 L. Ed. 797 (1911).....	18
Green v. United States, 356, U.S. 165, 179, 78 S. Ct. 632 2L. Ed. 2d 672 (1958).....	15
In Re McDonald, 819 F. 2d 1020 (11th Cir.1987).....	15
Link v. Wabash R. R., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962)..	13
Maggio v. Zeit, 333 U.S. 56, 68, 69, S. Ct. 401, 92 L. Ed. 476 (1948).....	13
McComb v. Jacksonville Paper Co., 336 U.S. 187, 193, 69 S. Ct. 497, 93 L. Ed. 599 (1949).....	14

Schlei,	
122 F. 3d at 991.....	5
Turner,	
474, F. 3d at 1276.....	4
United States v. Carnesoltas,	
715 F. Supp. 1079, 1081, S. D. Fla. (1989).....	15
United States v. Mayer,	
679 F. App'x 895 (11th Cir.).....	4
United States v. Powers,	
629 F. 2d 619, 624 (9th Cir 1980).....	15
Wilder v. G.L. Bus Lanes,	
258, F. 3d 126, 130 (2nd Cir 2001).....	16

INDEX TO APPENDICES

(A1)

Eleventh Circuit Court of Appeals order of denial for reconsideration dated November 22, 2019.

(A2)

Eleventh Circuit Court of Appeals order of denial dated October 1, 2019

(A3)

Eleventh Circuit District Court order of denial dated March 4, 2019. Doc.264*

(A4)

Appellant's motion to the district Court dated December 11, 2018. Doc.260.

(A5)

Appellant's motion to supplement his district Court motion Doc. 262.

(A6)

Appellant's brief on appeal dated August 9, 2019.

(A7)

Appellee's motion to dismiss deal dated August 30, 2019.

(A8)

Appellant's motion in opposition to dismissal dated September 5, 2019.

(A9)

Appellant's motion to reconsider the Eleventh Circuit's order of denial.

(A10)

Motion to recuse Government attorney.

* Doc. denotes district court docket 8:14-cr-0190-SCB-AEP

In the Supreme Court of The United States
Petition for a Writ of Certiorari.

Petitioner respectfully preys that a writ of certiorari issue to review the judgement below.

Opinion Below

The opinion of the United States Court of Appeals appears at Appendix A1 And A2 to the petition and is published in part, see Lexis Nexis , 2019 U.S. App. Lexis 35189.

JURISDICTION

The Eleventh Circuit Court of Appeals declined to hear Mayer's case on October 1st. 2019, and a copy of the order of denial appears at Appendix A2.

Mayer filed a timely petition for a rehearing/reconsideration which was denied on November 22, 2019 and a copy of the order denying a rehearing appears as Appendix A1.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1), because this petition is filed within 90 days of the Eleventh Circuit's final order denying Mayer a rehearing.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Rule 42. Criminal Contempt

(a) Disposition After Notice. Any person who commits criminal contempt may be punished for that contempt after prosecution on notice.

(1) Notice. The court must give the person notice in open court, in an order to show cause, or in an arrest order. The notice must:

(A) state the time and place of the trial;

(B) allow the defendant a reasonable time to prepare a defense; and

(C) state the essential facts constituting the charged criminal contempt and describe it as such.

(2) Appointing a Prosecutor. The court must request that the contempt be prosecuted by an attorney for the government, unless the interest of justice requires the appointment of another attorney. If the government declines the request, the court must appoint another attorney to prosecute the contempt.

(3) Trial and Disposition. A person being prosecuted for criminal contempt is entitled to a jury trial in any case in which federal law so provides and must be released or detained as Rule 46 provides. If the criminal contempt involves disrespect toward or criticism of a judge, that judge is disqualified from presiding at the contempt trial or hearing unless the defendant consents. Upon a finding or verdict of guilty, the court must impose the punishment.

(b) Summary Disposition. Notwithstanding any other provision of these rules, the court (other than a magistrate judge) may summarily punish a person who commits criminal contempt in its presence if the judge saw or heard the contemptuous conduct and so certifies; a magistrate judge may summarily punish a person as provided in 28 U.S.C. § 636(e). The contempt order must recite the facts, be signed by the judge, and be filed with the clerk.

18 U.S.C. §401

§ 401. Power of court

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as--

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

BACKGROUND TO THE ISSUE

On January 28, 2015, a jury in the Middle District of Florida found Mayer guilty of one count of conspiracy to commit wire fraud affecting a financial institution, in violation of 18 U.S.C. § 1349, and eight counts of wire fraud affecting a financial institution, in violation of 18 U.S.C. § 1343. Doc. 91. (Mayer's charges were based on one count of conspiracy and eight counts of wire fraud affecting a financial institution, for a first and second mortgage on four properties).

The district court sentenced Mayer to serve 135 month imprisonment, to be followed by 5 year supervised release, and it ordered Mayer to pay restitution in the amount of \$3,177,705. Doc. 114.

Mayer appealed, (15-12035), and the Eleventh Circuit Court of Appeals affirmed his conviction and some of his sentence, remanding the forfeiture amount for a hearing.

See United States v. Mayer, 679 F. App'x 895 (11th Cir.) cert. denied, 138 S. Ct. 208 (2017).

The Eleventh Circuit found as follows:

"The error also affected Mayer's substantial rights. See Turner, 474 F.3d at 1276.

The total value of the final mortgages taken out on the twelve properties, \$4,404,200, was the figure the Government used to calculate the forfeiture amount. Only \$1,114,200 of these mortgages came from Green Point, an FDIC insured entity. Straw buyers obtained the remaining \$3,290,000 in mortgages from First NLC, Silver State, American Brokers Conduit, Hometown, and Ownit.

The Government did not submit any evidence showing the entities are FDIC insured, and none of the charges stemmed

from these mortgages. Because the inclusion of mortgages from non FDIC insured entities nearly quadrupled the forfeiture amount, the inclusion was prejudicial. Finally, given the fact the error is both plain and prejudicial, the error seriously affects the fairness, integrity, or public reputation of judicial proceedings. See Turner, 474 F.3d at 1276."

At Mayer's hearing on remand, Mayer explained the Government had misrepresented the FDIC insured status of the lender on which all charges rested. Doc. 193 at 9.

The Government insisted the lender was FDIC insured. Doc. 193 at 22.

The district court reduced the amount of forfeiture pursuant to the appellate court findings.

Mayer filed for reconsideration, Doc. 182, which the Court denied. Doc. 183.

Mayer appealed, case No. 17-13270, in response the Government asserted the law of the case doctrine but failed to point out it was in fact achieved through fraud on the court, A.K.A. Giglio and Napue violations, by the United States falsely claiming a mortgage lender was FDIC insured, and further asserting because of that fact it was a financial institution.

At every turn, the district court and appellate Court has willfully ignored fraud and malfeasance, causing the Eleventh Circuit to trip over its own opinions.

Opinion issued January 15, 2019 as follows: (18-11208)

"Mayer cannot show his failure to collect his "new evidence" was not the result of a lack of due diligence, or that the evidence he seeks to introduce would produce a different result. See Schlei, 122 F.3d at 991. Mayer was tried and

sentenced in 2015.

The letter Mayer sought to introduce as new evidence proving that GPM was not FDIC insured reflected information that would have been available in 2015.

Mayer fails to explain how he could not have obtained this publicly available information before his conviction, and that alone is fatal to his motion for a new trial.

Additionally, none of Mayer's evidence regarding GPM's FDIC status would have produced a different result at trial.

The record reflects the Government sought to prove only that GPM had lent the funds of its parent corporations, all of which were established to be FDIC insured financial institutions at all times relevant to Mayer's crimes. Evidence proving that GPM itself was not FDIC insured in no way contradicted the Government's evidence and could not have possibly affected the outcome of the trial.

Moreover, Mayer does not point to anything in the record that suggests the Government attempted to suppress that evidence, whether it was material or not. See Giglio, 405 U.S. at 153. The district court did not err in refusing to grant Mayer's motion for a new trial or his subsequent, related motions."

The opinion misrepresents the actual trial record and the contents of Mayer's appeal brief. The actual trial record was summed up in closing by the Government as follows:

AUSA Amanda Riedel, Doc. 149 at 47-49:

"Green Point Mortgage was an FDIC insured lender as a result, interstate wire were sent to fund mortgages. So that's how we take the facts in this case and marry it with more complicated elements of the law. That's wire fraud affecting a financial institution. Green Point was FDIC insured, they lost money, and they are FDIC insured. He got all the money, and at the end of the day, how does it affect a financial institution? This is why it matters that Green Point was FDIC insured."

On December 11, 2018, Mayer filed a petition with the district court, seeking a hearing to address contempt of court, Doc. 260. and subsequently a supplemental motion, Doc. 262.

Mayer's petition and supplement detailed more than fifty acts of trial fraud and perjury, detailing instances provable from the record. These same acts were committed in the presence of

the Court by Government agents and court officers. Mayer included the Government's solicitation and subordination of perjury in misrepresenting the contents of the indictment to the Court.

Doc. at 47 by AUSA Riedel:

Q. Now, did Mr. Mayer make money every time he flipped one of these 12 charged properties?

Doc. at 18 by AUSA Riedel:

Q. Now, we have a basic understanding for the entities, I would like to start looking at the transactions you identified for us that you focused on, the 12 properties that are referenced in the indictment. Without putting them on the screen, I would like you, Agent Wilcox, to look at Government's exhibits 18A through 18L, what are these?

A. These are um-- they are sort of like summary charts or flow charts that I put together and prepared of the 12 properties.....".

When the Court asked the Government agent directly what properties were addressed in the indictment, the agent correctly detailed the first and second mortgage on four properties.

Doc. 146 at 44-45.

The Court: "Okay. They are -- so they are the counts in the indictment."

The Witness: "Yes. Those relate back to the -- Ms. Fobare's original chart that's 18M."

The Court: "All right. But they are not the only counts in the indictment?"

The Witness: "Those are the, um, counts 2,3,4,5,6,7,8."

Ms. Riedel: "Nine."

The Court: "All right. Thank You."

The Witness: "2,3,4,5,6,7,8,9."

The district court denied Mayer's petition, Doc. 264, acknowledging the Court's authority but claiming Mayer's motion meritless and asserted Mayer's appeal as frivolous. (Appendix A3)

Mayer appealed, paying the required fee, Case No. 19-11031. Mayer initially filed a motion seeking the Government's appellate attorney's recusal. (Appendix A 10)

Mayer cited an instant where she had misrepresented the trial record to the Court in Mayer's direct appeal. A matter Mayer had memorialized at the district court in his motion for contempt hearings, Doc. 260 at paragraph 74 and 63.

In response to Mayer's brief (Appendix A 6), the Government filed a motion (Appendix A 7) objecting to Mayer's appeal asserting the Court had no jurisdiction that the Government retained sole control to file criminal charges.

Mayer was in transit and had limited resources, but filed a motion in response objecting to the Government's motion, (Appendix A 8).

The Eleventh Circuit ruled denying the appeal and confirming a lack of jurisdiction, "As construed from the Government's motion." (Appendix 2)

Mayer sought a rehearing (Appendix A 9), to which the Eleventh Circuit responded with a denial, again asserting a

lack of jurisdiction. (Appendix A1)

Im short Mayer petitioned the district court to hold hearings and vidicate its own process where court officers themselves attorneys had committed, solicited and subordinated perjury and further conspired to introduce false, manufactured and tampered evidence in a criminal case.

UNDERLYING BACKGROUND IN THIS CASE

Pre-trial, Mayer had learned discovery files from banks, attorneys and closing companies had been tampered with and altered.

In some instances, files alledgedly provided by Bank Of America were mixed with old attestations from different files from different cases.

In short, there was no integrity for these files, which were a 'mish mosh' of files mixed and matched with different files, misordered which was plainly evident from the bates stamping.

In another instance, closing statements from different title companies and unrelated property closings were inserted in different files and used to support a false narrative of who attended real estate closings or signed closing documents.

When the Government learned what Mayer had discovered, they moved for an order of protection, Docs 39, 41, 47, preventing Mayer from sharing or even discussing discovery with any one, except his counsel of record.

The Government confirmed that by listening to Mayer's jail house phone calls was how they knew to seek an order of protection, Doc 136 at 44.

The Court obliged and went further by denying Mayer the ability to proceed pro se and threatened him with contempt of Court charges if he violated the Court's order, Doc. 136 at 6, page I.D. 1220.

"The order says you're not to give the discovery to any third persons, not any attorneys that you may be discussing the case with other than your counsel of record, and if you do, it will be a violation of the Court's order and I will hold you in contempt of court."

Doc. 136 at 35:

COURT: "You've got to have an attorney that you have some confidence in, and you've got to have an attorney that can represent you in this case."

Doc. 136 at 14:

MAYER: "Then I'm precluded as it stands from meeting with any lawyer, hiring or otherwise, insofar as a lawyer can't visit me, they've been barred from visiting me?"

COURT: "YES." [emphasis in original]

Doc. 136 at 44:

MAYER: "Insofar as he does advise me about issues, and has for years, am i not entitled that he should visit me in jail?"

COURT: "No, if you wish to discuss something with him that is unrelated to this case, you'll have your attorney file a motion and tell me what that is.."

The Court then held one of Mayer's friends, attorney Akiva Fischman, licensed in Florida and New Jersey in contempt of Court if he didn't return or certify the copy of discovery Mayer had provided him was destroyed, Docs 64, 67 & 69.

Mayer's other attorney friends were also required to certify the distruction of their copies of discovery, Docs 59 & 60.

Mayer proceeded to trial with the Court's hand picked attorney, who made clear to Mayer he would not be able to defend Mayer after the Court explained Mayer's case at the attorneys' first status update hearing.

Doc 139 at 5:

AUSA Riedel: "It's a very simple trial."

COURT: "A very simple trial."

Mayer raised the issue of tampered, altered and forged evidence, as well as blatant provable perjury mid trial.

Mayer penned two hand written letters to the Court, which were discussed on the record, Doc. 147 at 3-8 and Doc. 148 at 3-10, and filled into a 'special docket', Doc. 92, Court's Exhibit 1 & 2.

At every turn, even in the face of blatant fraud and perjury, the issues have been ignored.

Jurisdiction was manufactured by entering false evidence that a mortgage lender was FDIC insured and a financial institution.

Prosecutors themselves misrepresented the contents of the indictment, that non existent quit claim deeds existed, transferring ownership of property to Mayer.

The Government's indictment charged that four properties each with a first and second mortgage represented Count 1, a conspiracy, and Counts 2 through 9, actual wire fraud, because a 'loss' to the lender affected a parent FDIC insured financial institution.

However, not only were two of the four properties (4 counts) still owned by the buyer at the time of trial, the Government acknowledged at sentencing one of the properties (2 counts) was not funded by the lender as claimed and no evidence of loss or affect was provided. Instead, the Government simply falsely claimed the lender was an FDIC insured financial institution.

REASONS FOR GRANTING THE WRIT

Contrary to the Eleventh Circuit's ruling, all federal courts must retain power to police those appearing before them.

Following the Eleventh Circuit's opinion to its logical conclusion would effectively remove any checks or balances designed to maintain the honest and fair administration of justice, and eradicate the need for Federal Rule of Criminal Procedure 42(a)(2).

The Eleventh Circuit accepted the Government's argument that the prosecutor alone can bring charges, including those of contempt.

The fact the contempt of court by officers of the court additionally violated criminal statutes, did not limit the Court's ability to manage its own affairs, as such, the Court retained jurisdiction under 18 U.S.C § 401.

This Court has previously stated in Chambers v. NASCO, Inc. 501 U.S. 32, 46, 111 S. Ct. 2123, 2133, 115 L. Ed. 2d 27 (1991), a Court inherent power is "governed not by rule or statute, but by the control necessarily vested in courts to manage their own affairs, so as to achieve the orderly and expeditious disposition of cases." *Id.* at 43, 111 S. Ct. at 2123 (citing Link v. Wabash R.R., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962)).

"The procedure to enforce a court's order commanding or forbidding an act should not be so inconclusive as to foster experimentation with disobedience." Maggio v. Zeit, 333 U.S. 56, 68, 69 S. Ct. 401, 92 L. Ed. 476 (1948).

Defendants in this case, who have repeatedly thumbed their nose at the district court, "are not unwitting victims of the law... They knew full well the risk of crossing the forbidden line." McComb v. Jacksonville Paper Co., 336 U.S. 187, 193, 69 S. Ct. 497, 93 L. Ed. 599 (1949).

Defendants now hang their hat on a theory to deny jurisdiction to avoid accountability.

Where the Eleventh Circuit claims jurisdiction is a bar to hearing Mayer's appeal, they are reducing their authority.

The court is itself seeding control of its own domain to the Government and ignoring the language of statute passed by Congress to implicitly empower courts with the authority to punish acts of disobedience, obstruction and wilful process etc.

Specifically, the statute reads as follows:

18 U.S.C. § 401 Power of Court:

"A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as--

- 1) Misbehaviour of any person in its presence or so near thereto as to obstruct the administration of justice.
- 2) Misbehaviour of any of its officers in their official transactions.
- 3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command."

This view recognizes the contempt power as an inherent aspect of the federal court's authority over cases.

In establishing the lower federal courts, the Judiciary Act of 1789 confirmed this power and necessarily vested the courts with it. See Green v. United States, 356 U.S. 165, 179, 78 S. Ct. 632, 2 L. Ed. 2d 672 (1958), overruled in part on other grounds by Bloom v. State of Illinois, 391 U.S. 194, 201, 88 S. Ct. 1477, 20 L. Ed. 2d 522 (1968); Anderson v. Dunn, 19 U.S. 204, 227, 5 L. Ed. 242 (1821) ("Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose ... submission to their lawful mandates ..."). "The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of the contempt power." *Ex parte Robinson*, 86 U.S. 505, 510, 22 L. Ed. 205 (1873).

Thus, if the court possesses subject-matter jurisdiction over an action, it would seem that it must possess civil contempt jurisdiction in equal measure to see that action through.

A federal court may impose criminal sanctions pursuant to 18 U.S.C. § 401 in order "to vindicate its authority and safeguard its own processes." See *In Re McDonald*, 819 F.2d 1020 (11th Cir. 1987). See also U.S. v. Carnesoltas, 715 F. Supp. 1079, 1081 S.D. Fla. 1989 (Gonzalez, J.). See also United States v. Powers, 629 F.2d 619, 624 (9th Cir. 1980).

Where attorneys acted in bad faith, were negligent, reckless and failed to perform their responsibilities as officers of the court, sanctions are appropriate under the court's

inherent power. See Wilder v. G.L. Bus Lanes, 258 F.3d 126, 130 (2nd Cir. 2001).

Mayer petitioned the Court to hold a hearing to protect the sanctity of the court.

In addition to violation 18 U.S.C. § 401, the same court officers, witnesses and Government agents committed criminal acts, which was not, however, a barrier to the Court acting under 18 U.S.C. § 401 to vindicate its own process.

The Court could have sought the appointment of a special prosecutor to investigate criminal elements of Mayer's allegations as an aside to and in addition to investigate and address the blatant misbehaviour of court officers in the Court's presence.

Federal Rule of Criminal Procedure 42 empowers a Court to appoint a special prosecutor, vindicate its own process and safeguard its integrity by punishing a person who commits criminal contempt in its presence.

The Eleventh Circuit opinion eviscerates the rules of procedure and dismisses the Rule of Congress, specifically designated to preserve the integrity of the courts.

To ignore this circumstances is a grave endorsement of vigilantly prosecutors.

When prosecutors knowingly commit fraud in presenting false trial evidence, misrepresenting the contents of the indictment, manufacturing jurisdiction and committing

perjury, can they do so with absolute immunity when these acts of malfeasance are premeditated to ensure a criminal conviction. Can the game of ineffective assistance of counsel suffice to cover for a conspiracy to commit fraud?

Further, where appellate prosecutors perpetuate these same frauds, even misrepresenting the record to do so, must the blanket of immunity provide sufficient and effective cover to destroy the sanctity of the courts?

The criminal justice system is a fine balance dependent on the integrity of the judicial process to ensure the fair and honest administration of justice, without accountability the system is a sham.

CONCLUSION

In 1831, Congress first enacted the statute that restricted the circumstances under which contempt sanctions could be employed—restrictions that today are embodied in 18 U.S.C. § 401.

With §401, Congress limited the contempt power to three classes of cases, including disobedience to the court's lawful writ, process, order, rule, decree or command.

Section 401's use of the term "punish" must be viewed in the context of its predecessor statutes, which plainly included within the meaning of "punish" a court's coercive civil contempt power, as well as the power to sanction a contemnor criminally.

Mayer's petition to the district court to hold a hearing for contempt of court was no more or less than the court threatened Mayer with pre-trial.

The fact the officers of the court committed criminal acts in the course of their contemptuous conduct in the presence of the Court is not a jurisdictional bar for the Court to exercise its inherent power.

The district court did not assert a jurisdictional bar to Mayer's petition, instead, claimed it meritless.

The Appellate Court, however, misunderstood Mayer's appeal, or rather elected to side step the issue by incorrectly asserting a jurisdictional bar to avoid addressing the issues Mayer raised.

"[Section] 401's use of the term 'punish' must be viewed in the context of its predecessor statutes, which plainly included within the meaning of 'punish' a court's coercive civil contempt power, as well as the power to sanction a contemnor criminally." Armstrong, 470 F.3d at 105.

In order to remain coercive rather than punitive, the contemnor must retain the ability to purge the violation so that he "carries the keys of his prison in his own pocket." Bagwell, 512 U.S. at 828 (quoting Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 442, 31 S. Ct. 492, 55 L. Ed. 797 (1911)).

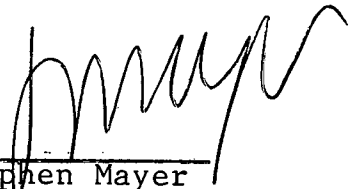
Where Government attorneys conspire to defraud a member of the public of his liberty, manufacturing not only evidence but also jurisdiction, there must be accountability.

Colleagues that 'pile on' to further these frauds are no less culpable and without accountability the system is destroyed.

As such, Mayer prays this Court will grant certiorari for this case.

Respectfully submitted this 15 day of February 2020, under penalty of perjury, in accordance with 28 U.S.C. § 1746, by depositing a copy in the prison mail box system with first class pre-paid postage for onward transmission via the USPS.

By



Stephen Mayer
02303-104
D. Ray James Corr. Facility
P.O. Box 2000
Folkston, GA 31537