

19-8410

In the U.S. Supreme Court

Prime v. Johnathan

vs. Case # 19-8410

Payne, Dexter

Sent to
Attorney General
Center St.
Coffey Lock AC 2201
Via USPS - 9/15/20

Motion for Reconsideration by full parties

First I address that I received the attached clerical correspondence relating filing of previously submitted petition on 8/29/20 at approx. 12:00 AM. Nothing such was apparently opened outside my presence and resealed closed; such interference with my access to mail from this court (or to otherwise be in contact) should not excuse the termination of my case or right to review.

Second, the issues presented include but are not limited to lawlessness by local government agents fundamentally contrary to any just purposes rightly held by such offices.

Third, I present *Powell v. Wyrick*, 657 F.2d 222 (8th Cir. 1980) which states "Exhaustion requirement satisfied because state court refused, under state procedural rule, to entertain petitioner's claims". This case makes

the clear distinction that the notion of comity (wrongfully permitting suspension of the right to writ of Habeas Corpus in direct violation of Article I Section 9 of the Constitution) behind the practice of abstention is satisfied when the State's court refuses to address the issues raised.

Similarly *Sandigathe v. Mass* 553 F.3d 837 (9th Cir 2002) states "Exhaustion" requirement satisfied because petitioner's brief raised claim, despite failure of state appeals court to address claim. I have proven the state's court received document titled "Demand for appeal - Brief in short" which raised voluminous wrongs, especially the denial of the protection of Home Defense justification instructions (specifically A.C.A. 5-2-620). The court has refused to rule on that document, but has directly refused others filed addressing those concerns, as well as others. Over a year has passed since this particular brief was filed.

Third, it has been approx. 4 months since the State's Appeals court received response from the State's Attorney General wherein

the state concedes sufficient error exists that a retrial is at minimum required. The Appeal court chose to deny pro se filed motions submitted after such concession, yet refused to rule on those issues as were stipulated to by the state, nor otherwise to enter final judgement in such appeal itself, which can only be presumed to be done with the intention of abusing this unconstitutional practice to suspend Federal intervention.

Noting too such court in entering its order denying motions filed pro se, ignores the obvious violation of Rules of Professional Conduct, regarding counsel's abandoning the issues. I clearly demand be preserved on my appeal.

Fourth, I address a similar abuse of judicial office is evidenced in the court this action is brought from, especially 5:19-CV-229 wherein the court refused to proceed against state's associate members (especially A.D.C.) and narrowing action to a self designated 3rd party contractor for medical services from a much broader action. The court refused service on parties as described on the pretext that it's magistrate

recommended all other matters be dismissed with the presiding Judge failing to enter any order adopting or refusing such recommendation.

The magistrate particularly indicates the intent to exploit the absence of any statutory time limit for such a judge to rule on such a recommendation, and has exceeded the statutory deadlines for service of parties in reliance of such wrongfully assumed denial of process, (see particularly Doc #63), where this issue is simply a matter of right addressed on record. Deere's recommended denial of such 'reasonably' constitutes an attempt to conspire against that right, which has been used to cause unexcusable delays already. Moreover the adversarial nature of such courts disregard for my rights to timely process is highly indicative of bias in favor of the government associates (such agent has a presumed previous career representing) which too, often consists of a disregard for the proper roles, especially due regard for the rights of the people, in favor of whatever is most beneficial to the collective government body.

And again in 4:19-CV-~~50~~⁵⁰ this court has sought to dismiss with prejudice all

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claims stated without review, ostensibly because such could not be reasonably narrowed to any degree that did not implicate government associates of wrongdoing. As I have maintained, all the actions filed in that court should have been permitted to proceed under the originally filed 4:19-cv-138. Instead the court has insisted on compelling myself to unreasonably narrow scope of filing, ultimately used to wrongfully deprive myself of my right to petition the court pretextually under the PLRA (which the "legitimate" interest served in such policy lies in the prevention of waste of court resources, indicating the court's unreasonable narrowing to be in conflict with such as well as the inherent rights to due process and especially threatening defeating rights to remedy by wrongful Non joinder).

The fact of similar abuses have been shown exist in Illinois District court as well (see cases from N.D. Ill. #1:11-cv-4480, 11-cv-4481, and 1:19-cv-8338) seeking amongst other relief the remedy due to wrongful acts in prosecuting the case of the 13th Cir. Illinois #2006-CF-39.

Similarly D.D.C. 1:19-cv-3842 clearly seeks to exalt court staff above the law and constitution, refusing to compel this court's clerk

to file petition involving original jurisdiction, subject matter in this supreme court over the combined issues from both states. This apparent sanctioning of lawlessness by those entrusted with positions to defend the people's rights is tantamount to treason by such sanction and rendering these protections such government exist for null; and is undoubtedly no the least evil behind riots breaking out across this nation as such government refuses to respond with proper police force outright acts of murder even in many instances. It is apparent and severe and public president needs get that in order will not be tolerated, especially where it involve suppress petitions to the courts which states uncontested facts of wrongful injury. I submit now that now you have at 2 the 17 petition now at this request this court to resolve the issues by declaring such action properly joined and entitled to proceed under this court's original subject jurisdiction and only constitute one reasonable filing fee, which shall be paid by defendant even if severable issues exist. Also indicate in the filings that multiple criminal issues are evidenced by defendants, warrants for arrest should be immediately

reasonable, especially with theft, Home invasion, and personal physical harm, as well as the gross violation of fundamental rights evident, and as indicated treason.

This court should likewise establish that the notions of comity or immunity of officials are foreign to this nation's law under the constitution and specifically sought to be ended thereby (as they are evils specifically identified compelling the nation to cast off the yoke of the crown) and cannot be used to invalidate specific legislative action or interpretive duties, and/or remedies for such acts. Especially that any Judicial actor found to be responsible for injuring a party by wrongfully refusing a sufficiently broad scope of review to address any relevant factors (no matter how remote) shall not be immune to remedy for their deprivation of complete and fair review, indicative of illegal bias. While admittedly no such officer is rightly liable for reasonable orders entered in furtherance of their proper execution of duties, abuse of their positions so as to undermine the integrity of the courts and administration of justice is not so protected. See: *Hayes v. Faulkner County, Arkansas* 388 F.3d 669

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which dispenses with qualified immunity where such official knows or reasonably should know their conduct was unlawful and that includes financial compensation such as for reasonable attorney's fees. In this case it is clear that they have collectively sought to violate Fed. R. Civ. P. 1, 18, and 20, and to generally obstruct any honest review of action. Likewise the judicial duty under Fed. R. Civ. P. 19 to ensure all defendants clearly linked to a claim be joined in such action is clearly at play from the point of 4:19-CV-138 dismissing all elements, but including wrongful arrest as that action clearly embodied the content of these subsequently filed actions, though the list of wrongs has grown as agents have compounded the injuries. I would return the motion for summary judgment and this court further needs to specifically amend Younger v. Harris abstention to clarify that Federal review and/or intervention is not divested simply because a state litigation touching on that subject has been initiated. In this case the right to defend my home being discussed publicly is the clear nature of conduct the state has sought to deem prosecutable. The fact these statements

require a presumption of police officers acting in violation of the 4th Amendment are intent on entering my property to endanger it and thereby myself in order to trigger the force, thereby discussed (similar to *Casselman v. State* 472 N.E.2d 1310 [right to resist]).

Illegally rely on intercepted wire communications in violation of 18 U.S.C. § 2512 (S. only expected to be viewed by my Facebook friends, and was documentedly used to seize my property without process (as such agents clearly threatened to do 4:19-CV-679 Doc#38 p.26.) as a "battering ram" 4:19-CV-679 Doc#38 p.249, despite such items seized not being expressly or impliedly subject of the ordinance such officer's claim to be acting under color of (as described in 4:19-CV-679 Doc#38 p.245 and 246) and entered into evidence as a Defense Exhibit 1, at sat p.250 though not included in received transcripts and was my only copy despite requests made to counsel to replace such). as to restriction on self

Similarly see *U.S. v. Dawson*, 60 F. Supp. 235, and other previously stated statutes concerning what may be legally considered a threat as opposed to protected freedom of expression while the statements in question clearly contemplate the force discussed as being justified, and even if established the communication's

Intercepted were intended to be received by such persons in order to defend such property from a wrongful invasion by a lesser degree of force than the law authorizes to be used (after that threat was relieved with 23 days with a warning). Bordenkircher v. Hayes, 434 U.S. 357 (1978) states "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort." The doctrine predates this mention and is codified in the state's own law. It is not at all surprising that this court must recognize a valid state interest existed in this instance and certainly the delays caused on these matters in denied for illegal seizures, particularly must be remedied towards as the threat there of is crucial to claim defense. Therefore it is constituted a threat against officers the prosecution (and thereby conviction) is impermissible. It is a remedy for the over 1 1/2 years wrongful imprisonment is necessary. Any remaining subjects also being matters of law should similarly be promptly disposed of with favorable verdict or otherwise be held for further proceedings in this court. I have not signed and is wrong. *[Signature]* 8/29/2020
 P.O. Box 1630 Little Rock, AR 72104
 Johnathan T. Pinner
 323 Center St., Little Rock, AR

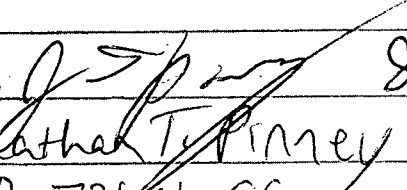
In the Supreme Court
Pinney, Johnathan
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Payne, Dexter

Certificate of Appealability,

I hereby certify my petition is made in good faith, and raises substantial and controlling precedents previously unavailable and other such principles of law not previously so articulated.

I am not seeking any undue delay of proceedings, and in fact ~~am~~ am seeking to end such unreasonable delays, which are behind obstructing remedy over 1 1/2 years since severe injury was suffered.

I note a recent filing with the district court also seeking such to reopen the case and providing the most recent evidence of exhaustion of state court process has been met as herein indicated.

Signed and sworn,  8/29/20
Inmate #173191 Johnathan T. Pinney
P.O. Box 1630, Malvern, AR, 72104 C.C. sent Attny Gen.
323 Center St., Little Rock, AR