

19-8701

IN THE United States Supreme Court

Roger Allen Raymond plaintiff (petitioner),

vs

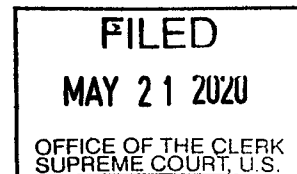
Attorney General for the State of South Dakota
Jason R. Ravensborg;
Warden SDSP, Darin Young, (Respondents).

ORIGINAL

Appeal FROM THE Eighth Circuit Court of Appeals.

20-1283

Sherrie Wald, Assistant Attorney Gen OFFICE.
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MR. Matthew W. Thelen
U.S. District Court
District of South Dakota
Room 405
Post Office 5 U.S. Courthouse
Pierre, SD 57501-0000

Question: Whether The State of South Dakota committed a Fraudulent concealment to defraud the petitioners by FRAUD on Court? And whether The Eighth Cir, Ct of Appeals abused its discretion For Failure to make any decision whether petitioners claim is a second or successive Habeas petition under the provision of FROU P 60(b), holding *Gonzalez v Crosby* 545 US 524? cited, *Gillispie v Stenger*, 2020 US Dist Lexis 31318

In re: Appeal from The District Ct for The District of South DAK - Absedeen (1:99-cv-0141-CBK). (see now 20-1283 as presently

Petitioner comes now and appeals The order May 12, 2020, 20-1283 In re Raymond, 2020 US App. Lexis 15289 The petition for rehearing en banc is denied, The petition for rehearing by The panel is also denied.

When petitioner shows writ of Mandamus, touchstone as usurpation of power clear abuse of discretion and presence of an issue of First impression

As moving party Ray must show clear and indisputable right to writ. cite, In re Atty, Gen. of U.S, 546 F.2d 58, 63 when a discovery question is of extraordinary significance or as here extreme need for reversal of 8th Cir, mandate (touchstone is supervisory control, see *Allen v Perini* 424 F.2d 134, 138 (6th Cir 1970).

Petitioner raised *Gonzalez v Crosby* before The district Ct and Eighth Cir per *Ward v Hinsley*, 377 F.3d 719, 725-26 (7th Cir 2004).

Petitioner demonstrated cause for failure to raise in 99-1041, and prejudice resulting. Its by Fraud on The Federal Court Habeas proceedings to That case 99-1041. precluded merits determination was in error.

Here its not only how, its why petitioner was not permitted to raise 9d5 on his direct appeal 1996-1997. Here The Eighth Cir and state responses show devoid Rosjudicate, during gatekeeping, see *US v Miller*, 197 F.3d 644 (3rd Cir 1999) at 652. *Morales v US*, 304 F.3d 764 (8th Cir 2002) and *US v Lemon*, 2001 US Dist Lexis 24267.

As adopting the holdings of the 6th in *Adams and Miller*, phrase "second or successive petition" term not designed to avoid abuse of the motion.
States failure to file an answer FR Civ P 55, *Narrow v Grandliehard* allows District Judge before the Federal at may review the 8th Circuit Court of Appeals must grant The FR App P 41(d) motion, which is subject matter, *Riley v Young*, 2016 SD 38, 879 NW 2d 108, *Gonzalez v Crosby*, 545 US 534, duty to do so, is here.

See *Wright v Curtis*, 2010 US Dist LEXIS 88787 [13], *Swadlow* 292 Fed Appx 63, P 55-60

In *accusing State* its resolution for reasonableness of an issue please find, *South Dakota Supreme Court* direct appeal decision may 1997, where in, they write, "Raymonds reasons for wishing to proceed pro se were legitimate even if his trial strategy may not or been the wisest course of action."

Also, its meaning to the case at bar, to its reasons they do say it between them, timing events. Noteworthy is there is no denial of self-representation, (so the right to self rep. is only granted to hide their fraud concealed.

New evidence unable to be discovered shown in that is timing Ray received record to time Sherie would fraud on Fed Ct process.

Flaming v Evans, 525 Fed Appx 650. 38 uses 55 3346, is here, Justice will find. When the chain of command is broken, casual connected fraud subsequent participant (Brad Borpe) seen in Exhibits A-J, 1998-2000 in 99-1541

Cite, Noel v Norris, 194 F. Supp 2d 893, 904-05 (8th Cir 2003). Cause for procedural default and prg, as a result of violation of Fed law.

Thus, supportive to evidentiary hearing, FR Civ P 8(b)(6). Response required. As not true, that errors at trial created a possible prg, as showing how worked to Ray actual and substantial disadvantage, inflicting entire trial with error of

Usurpation of power. Do to clear duty on part of dist, of whom no alternative means for review of the dispute complained of petitioner showed by clear and convincing individual right to issuance of the writ.

The requirement that there be no adequate means of review may be waived by the petitioner would suffer irreparable harm, be advised, displaying deep-seated favoritism, is shown. *cfid, Martin v Fayman*, 849 F3d 691 696, 8th Cir 2017, P 59. *ok, US v Fay*, 2014 US Dist LEXIS 3951 [91 Fed Appx 31, *Russell* cases are extremely fact driven. See, *Sindi v Raine*, 805 F 3d 337, 338, *See US v Gordon*, 354 F Supp 2d 547 557 (3rd Cir 2005). States inexcusable Conduct. Failure to pursue "cause" shows will) is good cause while relief in default judgment requires setting aside final judicial action, as is specified in local motion.

The default remedy conflicting with public right to protection, remedy in this case preserved for sanction against respondents' unwarranted delay.

id 138, cited, *Barton v Scarr*, 649 F.2d 569 (8th Cir. 1981).

Exhaustion is a rule of comity, not a rule of federalism. It is raised to the State's Dakota Supreme Court direct appeal, petitioners had not been apprised of record. As how Judge Charles B. Kornmann ordered upon State's failure to pay to exhaust State remedies where counsel is not appointed to sit on side lines.

cited, *Swann v Smith*, 2005 US Dist LEXIS 5502 [47, 28 USC 2254(e)(2)(ii)] (actual predicate could not have been discovered previously under circumstances of due diligence).

Harris v US, 367 F.3d 74, 79 n.3 (9th Cir. 2006), 60 (b)(6).

Boyd v US, 304 F.3d 813, 814 (8th Cir. 2002), 671.03 [201] NO SCREENING.

employed, even pleadings specified "exceptions to default."

Question and Answer 60.85

Whether Raymond Ray P. (b) motion is a true (a)(b) or is it a second or successive habeas petition?

Gonzalez v Cross by 545 US 524, is the holding, where Fraud on the Court claim cannot be second or successive petition.

cited, *Dunlap v Litscher*, 301 F.3d 873, 874 (7th Cir. 2002), *Rodriguez v Whitehall* 352 F.3d 191, 198-200 (2nd Cir. 2001). Under the standard on clearly erroneous view of the law, as and clearly erroneous assessment of the evidence.

(c)(3) independent as presented, *Harris v US* 367 F.3d 74, 81-82, cited *Towery v Ryan*, 673 F.3d 933 (9th Cir. 2012). Cases are in opposite to USCA.

cited, *US v Lee*, 792 F.3d 1021, 1022-23 (8th Cir. 2015). As have its why no screening.

Here the district court included its a second or successive 11b, on conviction and sentence, and accorded its reason on 8th Cir. Appellate.

Neither offered explanation. As is and was required yet gives to clear indisputable.

See also, cited, *US v Winstock*, 340 F.3d 200 (4th Cir. 2003), 11 206-07.

Compare *Boyd v US*, 304 F.3d 813, 814 (8th Cir. 2002) (per curiam) abandoned it, when in view that agent agreed to prosecute *Habeas* petitioners case, abandoned it, Deposed Ray's effort to be heard take *Towery v Ryan*, 673 F.3d 933, 940 (9th Cir. 2012).

When Fraud on The Court alleged, and allegations that officers of Court perpetrated The Fraud on The Ct during collateral review proceeding Court must examine and determine and should afford The applicant an opport. to elect between deleting any improper claims or having The entire motion treated as a successive petition.

Hence its policy must be moving force maples v Thomas.

Duro extraordinary cir; / us v Lee, 811 F3d 272 (8th 2015). id.
Mobley v Head, 306 F3d 1096 (1st Cir 2002) id. cited, Fierro v Johnson, 197 F3d 147
5th Cir 1999 id 15201, Browning v Navarro, 826 F2d 335 (1st Cir 1987)
Henderson v Lampert, 396 F3d 1049, 1053 (9th 2005). Wherefore Fraud on Ct is by material subversion

US v Smiley, 553 F3d 1137, 1144 (8th 2009), see US v Buck, 281 F3d 1336, 1342 (10th 2002).
Accord, Jackson v Thaler, 348 Fed App 29 (5th Cir 2009) Preyer v Davis, 204 Fed Appx 331 (5th 2017) id.
340-46, Chambers v NASCO, Inc., 501 US 32, 47 establishes Fraud on Fed itab proceedings.
cited, US v Throckmorton, 98 US 61, 25 LEd 93 (1878).

The facts obviously, we could not have separated ourselves. And records would not show as do. One's know, know all interactions to be same. Then discovery should be top priority for Judge Kornmann. And the Court of public opinion. When taken together common law writ.

cite, Graves v Cassady, 2015 US Dist Lexis 125426 [8], cite, Foster v Cassady, 2018 US Dist Lexis 38150 [14], shows we are asked if it take the stand until I had taken the case may 29, 1996 pgs 160-166 seen in exhibits.

(pretty obvious Justice knew see News Clipping
now see may 1997 direct appeal decision, which said between them, "Ray must
reasons for wishing to proceed pro se were legitimate even if his trial strategy may
not of been wise or course of action."

cite, Williams v Wallace, 2017 US Dist Lexis 25823 [12], Bracy v Gramley, 520 US 899, 904
New reliable evid that could not have been discovered at trial, as unavoidable in part
do to fraud concealed on Fed Ct-Hab. process. (time interactions pleaded showed).

That news Clipping shows SDSC ruled Ray attorney would not make his prior report
or his defense, obvious they knew why no notice during separating us.
Records show we could not have separated ourselves, means they're
Statenfudge Jack R von Wald and States attorney Harvey Oliver not expecting
to be are just caught.

So its what's happening during why separated us no notice who knew and why none made. Now shows up only once Ray had case 1996 April 24 after Pira Russman. When had attorneys same motions 1996, why no notice perpetrators changed case 1996 May 29 per 160-ble it will go, now no attorney, is ruled.

Thurs. eliminate Rob. (Keep in mind time rejecting 9d5 99-1041 brief. pgs 147-48, 257-58, to 501, 553-55, by 533-35, 526, 417, 419, shows why separated us.

Be advised, here deliberately abandoning Ray by The order May 20. 1994. and direct appeal. Injected himself in The proceeding. Ray had no transcript

No one could know what happened except ones concealing fraud, Kornmann. By The timing separated us all State officials knew Ray had no way to know what happened or no one else would be able to know that. As only ones know [knew], who didn't. No one would be able to know except ones committing fraud.

That disadvantage was intended. Petitioner should have evidentiary hearing to expose The extrinsic fraud, etc. Burton v Dormire, 295 F 3d 839 (E.D. 2002). to acquire evidentiary hearing. Records would not show as do.

This evidence could not have been discovered at trial or in trial. Its deliberate calculated to deceive and to not be caught, they're stealing kids. As Ray was not apprized of The record obviously by justices would not written Ray reasons were legit. Please adhere to quote, when and why what they know when taken together with chronic issue independent Constitution violation unprotected in underlying proceeding shows Tony Pertra had no more knowledge than Ray. As are to prepare for proceeding. He's appointed Smith's before April 24 1996 hearing. He don't know Ray had no notice or any motions orders. Its who knew Judge Von would know exactly what he was doing and why as all as a whole. When why Ray had no notice no one else knows. The records prove it all.

moreover, Judge Von would is one appoints James E. Fox direct appeal Judge Dobber puhh in Exhibits A-J in 99-1041 appoints Brad Borgo understand its The State that said, "could procedural bar", in 99-1041 2004. in its dismissal motion Judge Kornmann grants OOA.

{ see, Jan 29, 2020 affidavit writ of mandamus, Person v Ohio 488 US 75, address 18309.

Anders brief serves The valuable purpose of assisting The Court in determining both that counsel in fact conducted The required detailed review of The case and that The appeal is indeed so frivolous that it may be decided without an adversary presentation. - see us v Norwood, 854 F3d 469 (E.D. 2017) while Brad Borgo knew of 9d's rejection by justices. Kornmann knows he knew as all Persons is one raises it. Discriminated against Fed right DEC 21-27-4

Here its why no Anders brief is ordered Federal Court had ^{Yes/Choice} no choice
The importance of this twin function of the Anders brief was noted in Anders
itself, 386 US at 745 and was again emphasized.

"conscientious examine": Its when why none is enforced. Please be advised.

* Realization is who knew we were separated (when) and (why) knew who did it knew.
(when) and (why). Knew steady children unexpected to be caught

Also account for Sept 1997 shutting down Low library. Not consequential to them then.
Yet coincidental to problem they faced knew state kids, knowingly Ray had no notice

Cause for failure to raise previously as shows during the rejecting of qds brief

* Realization is time it who Ray is referred by Sherrie used 2011, 2013. Its why not present
when Ray had record pgs 147-48, to 282-58, denied of June 4 1986 p194 continuance is qds.

Questions after effects of qds 99-1041 sustainable to fraud on Ct. (see direct appeal)

Who knew we were separated made it happen qds had not ripened yet. May 1997

Timing Justice wrote, Raymonds reasons for wishing to proceed pro se were legitimate
for each if trial strategy may not of been the wisest course of action. (Knew Ray had no transcript

Kornmann knew as also when agreed dec 22 in 99-1041. Brad didn't) for that qds brief.

To Timu, you open a file and we will. (why no screening
you instructed them not to. while waiting for Ray to tell (Brad says) what to do.

Its Ronald Parsons TR raises Sept 2003 in 99-1041 appl "Ray partially
raised qds in his direct appeal body," not Brad who knows it. As proven its
Kornmann knew Sherrie would know as all factual allegations

Now 2004, in 99-1041 Sherrie would know it all when written

"Raymond expands for his continuance to include the ISS worker; Its Kornmann
knew it all. Its fraud on Ct directive at judicial machinery itself.

Who's concealing a shielded hidden fraudulent concealment. Its state.

We didn't separate ourselves. The species of fraud which shows did subvert the
integrity of the Ct itself. Fraud upon the Ct material subversion of the legal process
as such that could not have been exposed in one yr window.

Apotex Corp, v. Merck Co. 507 F3d 1357 2007 US App Lexis 26562

The Fraud that shows by clear and convincing evidence

See also, Burton v Horn, 2018 US Dist Lexis 181143 [19]

Ray raised burden demonstrative by Ray. Williams v Beard (237 F3d 195)

209 raised 2754 Rule 6(a). governs judge may when good cause authorize

discovery, Having shown as fully developed records "specified allegations"

for 26 yrs. specifics' Factual supporting allegations

see, Rutlin v Griffith, 2017 US Dist Lexis 177556, differentiate.

The state Sherrie would was able to shield the states Fraud hidden in
the order may 20 1994 by Sct. denied state. Shows qds rejected brief.

cited. *Jones v. Leebbers* 359 F.3d 1005 (8th Cir. 2004), id. 1013.
Judge Von would know Tony Portre had no more knowledge than Ray, This is about
stealing children. "State action". And policy and custom to make it happen.
It's the timing and events happening that show fraud connected. We had no
way to know what happened were separated by State government
during their fraud how connected. Causal connected to Sherry Walds fraud.

Do to independent action pleaded June 2018, (see August Oct).
Hyles v. US, 2014 US Dist Lexis 14554 [9], *Blackwell v. US*, 2014
US Dist Lexis 11398 [31], *Ward v. Norris*, 577 F.3d 925 (8th Cir. 2009),
16,933 (938). (Difference is fraud on Ct is separate).

As to Denial of motion to recuse for abuse of discretion August Oct. 2018

ating, *Sandoval v. Cain*, 2009 US Dist Lexis 112793, at [3], cite, *Bigby v.*
Dreitzer, 402 F.3d 551, 559 (5th Cir. 2005) (citing, *Likely v. US*, 510 U.S. 540, 552,

presumptive bias, *Moran v. Clarke*, 296 F.3d 638 (8th Cir. 2002).

cited *US v. Robinson*, 809 F.3d 991 (8th Cir. 2016) id. 999. *US v. Melton* 738 F.3d 903
(8th Cir. 2013), prohibits (state) from knowingly and willingly making any materially false, fictitious,
or fraudulent statement or representation.

The purpose behind NO ruling on qd 5 brief (who knows it agrees).
is extensive to fraud on Ct, *US v. Gonzalez*, 540 F.3d 967 540 Fed Appx 967
11th Cir. 2014, see *Kierro v. Johnson / In re Black* 881 F.3d 430, 431-32

cite, *Wersal v. Sexton*, 624 F.3d 1010, 1021 (8th Cir. 2012), *Compelling State Interest*.
Recusal serves as an after the fact remedy that is insufficient to cure the damage
by the appearance of impartiality has already been impaired, when state fails to assert
an interest in compliance with the procedural rules in the petitioners federal habeas
proceedings. *Eastern v. Endell*, 37 F.3d 1343, 1342 (8th Cir. 1994)

when the Fed Ct determines that a procedural default either is not ind. ex. of Fed law
or is inadequate to warrant denial of Fed. relief, the petitioner's failure to comply
with state procedural will be excused, not withstanding his failure to demonstrate
cause and prejudice, in such case the Ct may entertain the habeas petition, bars rests
in Fed qd's *Harmon v. Ryan*, 959 F.2d 1457 (9th Cir. 1992), id. 1462. is NO bar,

Wherefore, only if provided fair opport. to seek relief, showing not
ind. ex. of Fed. law. As state Ct had fair opport. to rule on qd 5 brief.

As here its timing who knew justices had not ruled on qd 5 brief.
As are someones knew (knew) that all alleged.
where fraud showing egregious misconduct 60(d)(3)'s savings clause

Harris v US, 367 F3d 74 (2nd Cir 2004), id 81-82.
Coto, Tower v Ryan, 673 F3d 933 (9th Cir 2012).
cited, Gonzalez v Crosby, 545 US 524, 532-34. id 533 cited, Calderon
v Thompson 523 US 538, 550.

Holding (6016):

In Thompson case, AEDPA successive petition provision was not at issue in Calderon because Ct of Appeals considered only claims and evidence presented in Thompson First Fed Habeas petition 523 US at 554.

(Here the 8th Cir Ct of Appeals does not even make a decision to rehear period).
The problem is the claim Ray sought does not seek revocation of merits of previous 99-1041, Federal Habeas. [must reverse and remand].

Wherefore, the writ of Mandamus must issue when its issuance makes the district Ct Judge a litigant and it indisputably contributes to piecemeal.
When as here the office of special counsel violated a non-discretionary duty to investigate Ray allegations. Here its by usurpation of power

When reviewed Calderon 523 US at 553, cited, US v Winestock, 340 F3d 200, (4th Cir 2003), 206-07, compare Boyd v US, 304 F3d 813, 814 (8th Cir 2002) (per curiam)

Dunlap v Litscher, 301 F3d 873, 876 (7th Cir 2002) (same). Depended upon the nature of the claim presented

As here when Fraud on Ct is alleged, and alleging that officers of Ct perpetrated the Fraud on the Court during collateral review proceeding. Court must examine and determine and should afford the applicant opportunity to elect between detecting any improper claim or having the entire motion treated as a successive petition.

HN 12 Subhead in Winestock says HN 12 comes up Harris v US, 367 F3d 74
So its Fact its Harris v US 367 F3d 74 is in Tower v Ryan 673 F3d 933 (9th Cir 2012).
id 939-43, maples 132 S.Ct. at 924 (As its policy must be moving force

The writ of Mandamus must issue extraordinary Cir: considerations governing review acknowledgement no notice when none who made it happen.
why none made, who knew all transactions why Ray did not.
Cause exists when the external impediment Fraud on Fed Ct Habeas
99-1041.

When its showing circumstances beyond (Raymond) control.

Parsons JR was subjected to Judge Kornmann see Jan 31st 2003 letter

Do to there is no ruling on the order that it is a second or successive

Atkins. It is obvious duty to do so. Boyd v US, 304 F3d 813, 819 (8th 2003)

671.03 is sentencing, its abuse or power why none is done.

getting. Contradiction - Crash 545 as say, 53A, holding by 8th Cir & appeals, or dist of the other with no Anders v Cal brief, showing cause or action, through course of official Brad Borgio selected by Judge O'Leary.

Turning 1997-1998 From State to Federal 99-1041, Fraud cancelled.

Whether State (respondent) meet its burden of demonstrating complicity state interest?

Its Judge Kornmann that after wrote, "you open a file and we will" 1999

lapses with justice, Oct 22 99-1041 in 2000, Keep in mind pervasive bias, one side favored knows the justices had not ruled on qd 5 brief. Its Parsons are raised it Sept 2003 in application.

Thus, Brad agreed to prosecute Hawkins, when ones knew its not ruled on, knew why (Brad not raised it, its Parsons are that is appointed by Kornmann.

Fact intensive, why raised it Sept 2003 applied 99-1041,

As showing in Box v Petsock, 2014 US Dist Lexis 115363 [7] similarly as here, Raymond made June 2018 motion under FRCP 60(d)(3).

There is Judge Charles B. Kornmann Aug and Oct 2018 responses.

Martinez v Ryan 132 S.Ct. 1309, is applicable to claim.

Seen discussed in Box 606(X) standard applies extreme and unexpected hardship would result absent such relief.

5 seen pages, But the ones separating us (why deny so, when doing it, they're terminating legal process rights to Dorian children knowing by Path's behavior didn't know no notice to Ray or no one knew. As or Dorian didn't know what he 2.

saying or doing to Path. Thus not that Path answers 9/1/93 were "no" had not been questioned. Its who knew is Judge and State shows ordered a 2, your going to court, changed to it will go only once Ray has record. Now shows hidden secret

is in order may be 1994, and rejected qd 5 brief. Judge Kornmann knew Justice 10/29/94 that changed course now Ray had record blocked trail it out, pgs 501, 533-35, by 417-419, 533-55, Be advised, 417, 419 not telling man must say to Path, seen enclosed q Path: not knowing or anyone state, what question and them on being questioned herself, when Ray had attorney and no notice

Question: Whether The district Court abused its discretion by failing to grant The writ of mandamus?

In re Lombardi 741 F3d 888 (8th Cir 2014), id 895, who knew last page (bottom) rejected qd 5 brief, its justices wrote Ray reasons were legitimate for proceeding pro-se when in Ray trial strategy was not wisest course of action

As here must be held clear and indisputable that discovery would survive where the record showing Ray has no other adequate means to attain the relief desires.

State claimed "could procedural bar" in 99-1041 qd 5, 2004. Justices not knowing Kernmann's acts (agreed) prevented Ray filing (Sherrie would know) knows.

A determination of an unexcused procedural bar is a final determination on the merits of the proper successive claim. [HERE its not ordered procedural barred]. A failure to develop material fact in State it will be excused on showing cause and prejudice. As and denial of evidentiary hearing would result in a complete miscarriage of justice. Be advised, how eliminated Rebecca FRAUD crime.

Because Ray shows he will prevail on the merits, it is likely to suffer irreparable harm in absence of a stay, or the balance of equities, including the public interest. Warrant's imposition of a stay.

procedural default in State proceedings do not prevent vindication of Fed rights unless State insistence on compliance with procedural rule serves a legitimate State interest. Ray shows how, when, where, by who as why take it with why no notice. (please see its why none made when why separate us

Ray showing being prevented direct appeal brief qd 5 in 99-1041. Do to usurpation of power. what makes fair judgement impossible clearly established Fed Law. Judge Kernmann knew Theres NO ruling on qd 5 brief by justices. They're eliminating Rob from conversation do to how they used her to steal kids. while why no notice to Raymond both 1994-1996. Then no attorney rules it will go.

Judges knew no way to Tony Portra had any more knowledge than Ray. Sherrie would's fraud on dist, ct. is shown. Ray had no record (period).

explicit abandonment is showing time the acts Distinguishable clear and indisputable. Ybarra v Filson, 869 F 2d 1016, (9th Cir 2017). cetera, Towery v Ryan, 673 F3d 933, 940 (9th Cir 2012).

60(b), is attacking the defect in the integrity of Fed Hrb proceedings.

cite, Motley v Rapelje, 2012 US Dist Lexis 59944 claim is based on FRAUD crime, they're stealing family, by shielding its criminal acts. Maples v Thomas, 565 US 266, 132 S. Ct 912, 924, 181 LEd 2d 807 (2012) to avoid prohibition against second or successive petition

Respondent have not defended procedural default they claim.
So Judge Kornmann knew Sherrie Wald, in that Brad did not raise qd 5 brief
By that Sherrie Wald knew Kornmann did know.

As Brad's acts are being permitted by Kornmann acts knows Dobberpubls.
in that Brad did not. But Sherrie Wald did end Kornmann's.

Alienated Fraud being done. The interaction shows permitted by Kornmann acts
and Dobberpubls equitable tolls of Woodford v Maynard, 857 F.2d 531 (4th Cir 2017)
id 545. Mandamus maezko v Joyce, 814 F.2d 308 (6th Cir 1987).

cite, Thomas v Hafferman 473 F.2d 478, 484 (2nd Cir 1973) Ripe for decision.
Actual Controversy, see, Daye v Attorney Gen of New York, 696 F.2d 186, 197 (1982) id, 191-92.
Spurgeon v Lee, 2011 US Dist Lexis 35252

Raymond set forth factual allegations Kornmann reiterates them in Doc #22
Hock claim - 99-1041

Do to States Fraud on Fed Ct Ray shows (by Kornmann Doc #22 agreed with justices),
preventing Ray beyond Raymonds control. Fairly raising qd 5.

Judge Kornmann taken jurisdiction 28 USC 1404(a) in 2241 in 1999 28 USC 2241,
in 99-1041. Shows Oct Rules applied FRCP 81 (b)(2), when decided no deliberate by-pass.
and its futile for Ray to exhaust State remedies. So Kornmann known
Sherrie Wald knew (Klaus) he ordered.

In that Brad agreed to prosecute and abandons Ray. "good cause"
as required invest, qd 5 failure to raise previously,

Its how who prevented and why know no notice to Ray was when why
had attorney unexpected to be caught is State judge with State.

Why no notice made to Ray as rejecting qd 5 brief why not ruled on it,

Harris v US;

A Habeas petition must show that his lawyer abandoned the case and prevented
Ray from being heard

Brad Bourke conspired to prosecute the Fob Harkers 99-1041

People on the inside that knew the content of the evidence that Ray is showing
Kornmann knows Justice acts they didn't know his. Sherrie Wald did
as all their showing a complete miscarriage of justice
Realization is who knew who were separated when denced May 20 1994 order is justices
same ones reject qd 5 brief
Knew after effects qd 5 is not ripened yet. p6 shows enclosed.

After effects showing from position rather while why, when separated us, when Ray had attorneys no notice. So no one would know something fraud. Then when no attorney rules it will go may 1996. Justices in May 1997 direct appeal response showing wrote. Timeliness why written...

"Requests reasons for wishing to proceed gave us were legitimate even if his trial strategy may not be best, the worst case of action"

Will v US 389 US 895, Cherry at 381, Time stated between them shows they known denied state when state knew no notice, intentional denial.

Yet state claimed in 2004 in 99-1041 "could procedural bar".

is 99-1041 to qd 5 is 2004. Showing knows Kornmann actions agreed with Justices Doc 22 (prevented). Not Justices don't know Kornmanns actions. no know theirs. So Shorne would know all that is separated us to control.

Evidence of Fraud on Fed of habeas proceedings. Factual support recorded records show Shorne knew Kornmann knew. As shows this is Not a revisionism on merits. Bailey v Glover, 88 US 347, 350, Morgan id 997. News said when factual predicted to factor against the defense. It cannot be fairly attributable to Ray. (As has been shown for 20 years. Still there v Hurt, 2019 US Districts 181991, Murray v Carrier, 477 US 478, 488, Coleman at 753, will justify the invocation of extra remedy with it 95.

When Ray was party injured (is) by Fraud remained in ignorance of it without any fault or want of diligence or care on his part. The bar of the statute does not begin to run until the Fraud is discovered. (Fraud on Fed Ct).

Timing The judge Kornmann knew (knew) there no ruling on qd 5 direct appeal by Justices 1997 may shows rejected Ray brief. Shorne would know (asked) Kornmann knew as all his acts prove she know them listed Ray into inaction.

2003 Sept referenced in 99-1041 application by Ronald Parsons to that case. (Shorne would know all the shown and Kornmann usurped power.

Judge Kornmann knew their not ruling on qd 5 time Judge Kornmann knew agrees with Justices (prevents) Ray as Shorne knew Kornmann knew they'd just written Ray reasons were dealt as rejecting qd 5.

Kornmanns actions shows clear and indisputable they're abandoning Ray. Broad agreed to prosecute 1992 Exhibit A-5 in 99-1041 shows Attorneys raised it in Sept 2003 application 99-1041 NONE knew that except Kornmann and Shorne would and they knew it's not ruled on.

It's why not when had attorney no notice (who know that), as all.

polity and custom, concealed Fraud. and Habeas is denied 99-1041 by Fraud.

2004 in 99-1041 Sherris Wald wrote "Ray expands for his continuance to include DSS worker." knew all actions Fraud, procedural defect Showing clear and convincing evidence, calls into question the integrity of Fed Habeas proceeds

See, Alidawi v Dooley 385 F3d 635, 640-41 (8th Cir. 2004).
Smith v MacEachern 2019 US Dist Lexis 103431 Judge Von Wald injected himself into the proceeds. The Fourteenth Amendment guarantees that no man shall be deprived of his life or liberty without due process of law.

(Ray proves had never been apprized of records, orders, motions, transcripts Corruption. Knight v Ahlin, 2013 US App Lexis 4987.
Vasquez - Mendoza v Ryan 2013 US Dist Lexis 142163 at [15], is not on There be any abstention. These actions were done, its recorded.
cited, Graves v US 2005 OCA Lexis 269 US v Di Stefano, 464 F.2d 845, 850 (2nd Cir. 1972). Judge Von Wald, denied continuance June 1996 p194-95

Decision of Judge Kornmann amounts to more than "gross error" its amounting to usurpation of power. As is not a second or successive Habeas petition. Here its unexpected for Ray to motion hearings telephonic shows up April 26, 29 and May 2 1994 to some motions 1996 while Ray had attorneys who all knew no notice. Unexpected to be caught is Judge Von Wald, Stanley Oliver, why none made. The ones knowingly no notice, knew why none made is same ones know rejected Ray brief 9d 5 direct appeal, is Kornmann and Sherris Wald.

In re Oliver 333 US 257, 273, 68 S.Ct. 499, 507 Ray was not part of G.I. Due process required notice and right to be heard, Ray had no records period. Under the standard Rodriguez id 252 F3d at 200 n3, This is not a second or successive claim.

Under the standard on erroneous view of law or as also shows Judge Kornmann clearly erred by not assessing evidence signified sustainable Fraud on his Ct. Non-discretionary duty. Maczko v Joyce, 814 F.2d 308, 310 (6th Cir. 1987).

cited, Doyle v Roberts, 463 Fed Appx 50 (2nd Cir. 2012) id 52,
cite, Hockler v Ringer, 466 US 602, 616, 104 S.Ct. 2013, 80 LEd2d 622 (1984) id 617.

28 USC 1451 is intended to provide remedy when as shown exhausted all avenues. (As shows in 20-1283). 28 USC gives no disposition, nor denies

But the decision to grant or deny Certiorari is left to discretion of United States Supreme Court.

Sanctions must issue, as well, hold that the petitioner's petition was as repaired, until after that conclusion as that previous petition 99-1041 is shown not successive, do to purported defect did not arise, and could not have these conditions for writ of mandamus have equally been met.

Reasons for Granting

Ripeness is demonstrated live controversy exists (exists), plaintiff sustains immediate injury from the challenged action, extrajudicial source. The Korman agreed with justice during fraud on the 99-1041 proceedings. Persecution is side/covered what's showing up once separate us. When knows Brad agreed to prosecute (one) knows its not ruled on, knows why Brad's not raised if its Parsons Jr. that once appointed by Korman was subjected to Korman's order. Its Parsons duty to protect. Shows frauds concealed by Sherman world. Its judge Korman knew that after he wrote [agreeing with justice] Dec 23 2000 proceeding Ray filing, intrinsic fraud, one side/covered. By time Brad agrees to prosecute. Abandoning is with Korman acts, Brad didn't know. Sherman would did, when wrote, "Ray depends for his continuance to include OSS worker."

Oct, Hecker v Edwards, 465 US 870, 67-77
 In which abuse (as 11). As here its jurisdiction is mandatory and ministerial duty. Ray's screening is a substantial right.
 The AEDTA is designed in part to prevent Ray who previously filed a Federal Habeas, 99-1041 petition (construed in underlying proceeding is alleged), denied which was obtained by fraud unless the qds for fraud, thus rules should have been used in that proceeding. (The fraud concealed is being performed by Sherman world.
 1/29/2020 Affidavit pgs 4-5 In re Black 881 F3d 430 (6th 2018) 1d/31-32
 points and authorities, Richard v Jelic 2011 US Dist Lexis 115046
 Fierro v Johnson 197 F3d 147, 153-54 (5th 1999)

REASONS FOR GRANTING THE PETITION

Average man on streets when given all facts not just talked about in motion would find Judge Kornmann harbored impartially
 Atkins v. Egypt, 595 F.3d 1178, 1184 (9th Cir. 2020) Full circumstances indicate reckless or can condone intentional failure to invest, that shocks the conscience

Atkins (1) Evid that State actor Brad Borg attempted to coerce or threatened Ray, "waiting for Ray to tell him what to do"

or threatened Ray, "waiting for Ray to tell him what to do" you open a file and you will know Kornmann interacting.
 (2) Evid that investigator Brad ignored evidence suggesting (Ray) innocence when it factored into pgs 38-39, 31/6/20... Not investigate

who knew Stacey Nelson not only didn't question respondents

are A.2's questions. Its who didn't question Stacey Nelson is attorneys (all)

period. Ray expands for his confinement to include 1035 weeks (know). A.2. don't know, those

Yah, one telling A.2. what to say. Controlled the rulings. A.2. don't know, those

things, a ~~extrajudicial~~ bias, one sided favoritism, Kornmann knew

as known ~~extrajudicial~~ actors in opposition, by unwarranted delay, qds bias?

B - the ones separating us by knowingly no notice to Ray know no one

would know that. There's no way for Ray didn't know what

happened. (Who did know A.2. questions were not questioned are that

No one knew Ray didn't know A.2. questions were not questioned. taken to denied continuance

Pat's answer being "No" 9/17/93 were not questioned. taken to denied continuance

Its showing in all that time "you open a file and we will"

Here shows why separated us so no one knew its not questioned

1) Its A.2. not knowing Pat's answers being "No" were not questioned

As all Pat's not knowing that, shows how no one also would know

Its when Ray didn't admit. As all A.2. questions she knew not questioned

2) Rob appearance was made to disappear, once rule it will go.

new Ray has record, no attorney. Its what transpired when had attorney.

Judge Nelson would inject himself into the proceedings.

while knows Ray had no way to defend or know anything.

Corrupt Judge and State attorney, knew Rob actions 4/28/94 in trial

After 6/20/94. After effects people involved, why denied continuance showing actors

194-95 June 11 1996, run from truth p197-98, 257-58, knew Ray needed Rob.

Here shows who knew (knowingly) no notice why never had transcript for that direct appeal brief who knew, know why didn't react to it. Kornmann had as has a duty to assess the entire record. Failed Ray. (agreed Doc #22 changed course

Sometime reject qd 5 is Justice knew that brief. That is Sherrie Walsh is decision transition from State to Federal 89-1041 Exhibits proven.

Is here Ray expands for his continuance to include Asswoker (State kids now running hiding shielded Fraud crime. Extrinsic Fraud proven.

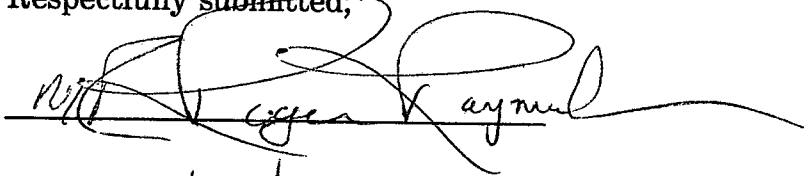
The Ct of Appeals must seen in 20-1283 exhibits USSC held that an advocate appointed counsel must advocate his clients cause vigorously and may not withdraw from a non-frivolous appeal id 750 in Jones v Barnes, 463 US 745, 755-58 "It is the client," not the professed advocate must be allowed what issues are to be present James E. (selected by Venkat), had qd 5 brief direct appeal, id, 752. The Ct of Appeals must seen since Anders bars counsel from abandoning a non-frivolous appeal, it also bars counsel from abandoning a non-frivolous issue on Appeal. Wherefore Brad had decision choice "with the Ray to tell him what to do."

Thus the concealment of Fraud is on Ct (Kornmann) knew it. Its separating us why no notice was made and who knew it, writes in direct appeal Ray reasons for proceeding pro-se were kept even to trial **CONCLUSION** Trial strategy was not wisest course of action (course of action). Its when no notice and why none.

Made period. Cts all know

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Roger Raymond

Date: 5/19/2020