

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Frederick H. Banks — PETITIONER
(Your Name)

vs.

United States House of Representatives — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

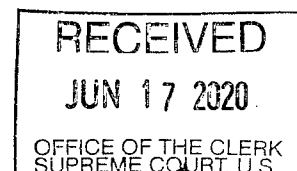
PETITION FOR WRIT OF CERTIORARI

Frederick Banks
(Your Name)

950 2nd Avenue # 120759
(Address)

Pittsburgh, PA 15219
(City, State, Zip Code)

412-475-8384
(Phone Number)



QUESTION(S) PRESENTED

Whether the "do or do not" clause in the Preamble to the U.S. Constitution gave petitioner standing to compel the U.S. House of Representatives to review petitioner's Articles of Impeachment?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

*United States House of Representatives
House Judiciary Committee
Nancy Pelosi, Speaker of the House*

RELATED CASES

*United States v. Banks, 15 cr 168 (WDPA)
United States v. Banks, 03 cr 245 (WDPA)
United States v. Banks, 04 cr 176 (WDPA)*

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STATUTES AND RULES

OTHER

"Ordain and Establish Clause, pre Amble to US constitution	ii, 3, 4, 5
Due process Clause, U.S. Const Amend V	3, 4, 5

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 9, 2020.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"Ordain and Establish" Clause, Preamble to U.S. Constitution.

U.S. Const Amend IV, Due Process Clause.

STATEMENT OF THE CASE

Petitioner Frederick Banks, pro se, filed a petition for a writ of Mandamus in the U.S. Court of Appeals for the Third Circuit which sought the court to compel respondents to present evidence to the U.S. House of Representatives to review Banks' Articles of Impeachment he attached to the petition against certain District Court and Magistrate Judges.

Banks was convicted on November 7, 2019 after a jury trial in the western District of Pennsylvania of Wire Fraud and aggravated Identity Theft. Two counts were dismissed after Banks Motion to sever counts into separate trials was granted and four 18 USC 2 counts were not tried. Banks has served over 58 months yet has not yet been sentenced. Sentencing scheduled for April 17, 2020 was postponed and is scheduled to occur by video on June 9, 2020.

In the attached Articles of Impeachment to the Mandamus petition Banks alleged that the District Judge who presided over his criminal case improperly ordered him to undergo mental health evaluations, committed him to a mental hospital, bribed an attorney, and denied bond. Petitioner stated that the District Judge has held him beyond his maximum possible sentence and in unconstitutional conditions of confinement in violation of Due Process U.S. Const. Amend V. Banks also alleged that a Magistrate Judge conspired with the District Judge to keep him confined beyond his maximum possible sentence and that another Magistrate Judge allowed an FBI Agent to "pull his guns" on a prosecution witness to intimidate her in another criminal case before the witness testified in front of a Federal Grand Jury which returned an indictment against Banks, before she was a Magistrate Judge but was an Attorney representing the witness. Banks asked the Court of Appeals to compel the U.S. House of Representatives, the House Judiciary Committee and the Speaker of the House to Review the Articles of Impeachment.

The Appeals Court without reaching the issue of standing denied the petition. Banks alleged that the "ordain and establish" Clause in the Preamble to the U.S. Constitution gave him a private litigant & intimate standing to bring the action.

REASONS FOR GRANTING THE PETITION

The "ordain and Establish" clause in the Preamble to the U.S. Constitution gave petitioner standing to compel the U.S. House of Representatives, the House Judiciary Committee and the Speaker of the House to review his articles of Impeachment and since Banks due process rights were violated by the District Judges the Court of Appeals should have granted the mandamus petition or presented the articles of Impeachment to Respondents themselves.

Barrow v. Baltimore, 32 US 243 (1835) (Constitution was ordained and established by people of United States for themselves, for their own government and not for governments of individual states)

IN RE ROSS, 140 US 453 (1891) (By Constitution, government is ordained and established for United States of America, and not for countries outside of its limits)

Carter v. Carter Coal Co, 298 US 238 (1936); United States v. Dandridge, 312 US 100 (1941) ("ordain and establish" are definite words of enactment and stamp Constitution with dignity and character of Law)

Because the Constitution emanated from the People petitioner had the power and standing to request that the Court of Appeals compel Congress to Act. Thus, Banks' right to the writ was clear and indisputable. The U.S. Court of Appeals decision was in direct conflict with Carter Coal, Barrow and ROSS and this court should intervene and exercise its authority in this case.

CONCLUSION

The petition for a writ of certiorari should be granted. *Counsel should be appointed.*

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "MSB", is written above a horizontal line.

Date: 6/3/20