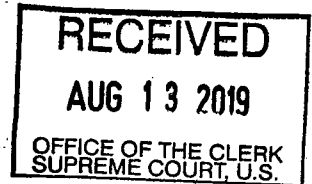


Keith Smeaton,
18 Ravenscourt
Benthall Road
London N16 7SS, UK
Tel: +44 (0)7999558103
E: hello@keithsmeaton.com

~~July 31st, 2019~~

AUGUST 4TH, 2019

Mr M. Duggan
Case Analyst
Supreme Court Of The United States
Office of The Clerk
1 First Street, NE
Washington DC 2054
USA



Dear Mr Duggan

**Re: Case: 18A252 - Keith Smeaton v. USINS Petition For Writ of Certiorari to The Fifth Circuit
Court of Appeal No: 16-30827 and lower District Court matter No. BC-86-3333.**

Further to your letter dated February 19th, 2019 which I received on or about the July 27th, 2019 requiring me clearly to clarify whether I am asking a Petition for Writ of Certiorari or Mandamus and secondly to sign my Motion To Proceed In Forma Pauperis. I am pleased to enclose the corrected documents as requested. In support I confirm I am filing a Petition For Writ of Certiorari.

I also attach my Motion asking permission to file my subject Petition on the grounds of special circumstances, one of which is compassion because of the debilitating effects of Dyslexia disability which has caused a technical delay in filing subject Petition by the due date of January 28th 2019. The court received the said petition on or about January 22nd, 2019.

Included in the said attached motion to this court asking for (1) permission to file subject Petition out of time on special circumstances. I also Motion the court for permission to add the additional evidence listed in Index (2) "additional Evidence" of 69 Pages to be added to the enclosed corrected Petition for Certiorari Appeal because I refer to them in my subject Petition. They were exhibited to my original letter to the Court asking permission to file Certiorari Appeal and in my initial Petition. They will assist the court by providing the background facts leading to this Appeal supporting the evidence currently listed and attached to my Petition.

At Page 67 of Index (2) I attach the letter from Ms Dorota Cronin, Cognitive Analytic Therapist, NHS East London dated December 6th, 2018 confirming that the debilitating effects of dyslexia diagnosed in 1983 by Doctor Beverly Hornsby and Mr Guy Grey, Member of Royal Academy's Working team Educational Assessment on Dyslexia are current. Ref Pages 31 to 43 stating that extreme anxiety causes me to miscommunicate and misunderstand meaning of documents. (see Pages 36 to 37).

In this regard, I have been under therapy for PTSD and Depression since December 2018, during which time I have been attempting to comply with the filing rules for said petition, from which I never recovered. It may be argued that I am not in fit mental state to attempt to file subject Petition without professional assistance which means the Court rules are asking me to do something I cannot do, due to my disability which I know the Court is well aware. Therefore, I ask the court to graciously extend the time again for me to file. I apologize once again for delays. Not having Professional representation during this time, has affected the accuracy of the details of the subject petition which I had believed were correct. One of the problems is finding a UK law firm who is both insured and familiar with U.S Federal Law and Court rules. America lawyers simply refuse to assist.

Once again I thank you for your continued help in this matter; it is really appreciated.

Sincerely



Keith Smeaton,
Petitioner / Appellant / Plaintiff

Attachments:

Motions and Index (2) Additional Evidence 74 Pages *AND PROCEDURAL BACKGROUND*

Please Note: The Personal Support Unit, Royal Courts of Justice, Strand London Volunteers assisted with the typing of the attached Motion and index 2. They are not permitted to give legal advice or interpret any court rules.

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7

8 In The Supreme Court of The United States

9 Between:) Case No. 18A252.

11 Keith Smeaton , Pro Se.

12 Petitioner / Appellant / Plaintiff

17 The Fifth Circuit Court of Appeal

18 And its Judges The Honourable

19 Elrod, King and Higgins

20 United States Circuit Judges

21 Respondent

) *Fifth Circuit 16-30827, Claim: 2:86-cv-3333*

)

) (1) Motion asking permission to extend time to
) file the corrections regarding the timely filed
) Petition for Writ of Certiorari on the
) compassionate grounds of special circumstances
) of dyslexia disability argued below.

) (2) Motion to appoint professional Counsel if
) necessary regarding debilitating effects of
) Dyslexia ensuring documents meet court rules.

) (3) Motion to permit Petitioner to file and
) serve documents by email to avoid both the
) vast cost and time delay of international mail
) which Petitioner cannot afford through being
) a pensioner in forma Pauperise.

) (4) Motion permitting additional supporting
) documentary evidence previously filed but
) returned attached herewith as Index (2)
) which includes the December 18th, 2019
) letter from Ms Cornin, Cognitive Analytic
) Therapist NHS East London, confirming
) the 1983 diagnosis of debilitating effects of
) Dyslexia which are current during the period of
) filing the Petition for Writ of Certiorari Appeal,
) causing confusion with management of
) documents and misunderstanding of court rule sin
) the public interest and the interests of justice.

39 Scott S. Harris, Clerk
40 Michael Duggan, Case Analyst
41

1

I, Keith Smeaton, the undersigned Petitioner of the above address, will state and ask for the Court's indulgence to permit my corrections of mistakes in the attached Petition for Writ of Certiorari caused by the debilitating effects of Dyslexia. The request is to permit the corrections to be filed out of time on compassionate grounds of disability which is caught by the **American Disabilities Act of 1990 and the UK's Equality Act 2010** on the grounds that I have been forced to represent myself without professional assistance which resulted in the errors.

Dyslexia, which the Webster Dictionary defined as "one who can not understand the meaning of that which is written" has made it difficult for me to fully understand and comply with the rules of the court despite my best efforts.

I had lodged the Petition for Writ of Certiorari on the 22nd January 2019, the 28th being the due date but the written mistakes needed to be corrected for said reasons.

Mr Duggan, Case Analyst, in his letter of February 19, 2019 to me (which I received on or about the 26th of July 2019) stated the two mistakes are that I had not clearly stated if I was applying for Certiorari Appeal or Petition for Writ of Mandamus, as I mention at page 3 of the Petition. Said Paragraph is now removed. I have added the words "Petition For Writ of Mandamus" to the face page of the Petition. Secondly, Mr Duggan stated I had not signed the motion to proceed in forma pauperise. It is now signed. I had signed the supporting affidavit, mistakenly thinking it was the only required signature. This was a dyslexic mistake of not fully understanding documents.

This clarifies the fact that this Petition is a Petition for Certiorari Appeal.

Because of the court's understanding my disability issues, it kindly previously extended the filing date by 60 days from the 28th November 2018 allowing me to correct errors. I now return the corrected Petition Certiorari with this Motion for an extension of time to correct it.

I regret repeating details raised in my Petition for Writ of Certiorari regarding debilitating effects of Dyslexia, which is a novel defence issue however I restate them with regard to this Motion.

Mr Duggan, the case analyst of The Supreme Court has recognized the possible injustice that may have occurred when applying strict court rules to said disabled persons like me. Due to a brain defect resulting in the two lobes competing for function, my eyes do not recognise what my they see and I cannot process incoming information properly and it becomes twisted in the process. Therefore, I become confused between left and right. I also suffer short-term memory difficulties. Therefore, composing written documents is very difficult resulting in them being unreadable. Therefore,

regretfully everything I write and read of an official nature has to be supervised to ensure accuracy. As said, all UK solicitors I approached refuse to assist; for example, they do not have insurance covering this issue and private individuals are reticent to assist in my legal issues for fear of being blamed if subsequently criticised. This is like me being stranded in an ocean with no rescue boat. At school I was constantly punished physically for being supposedly lazy and called stupid which resulted in extreme anxiety and fear causing extreme frustration. Experts confirm that this subsequently caused me to suffer an Adjustment Reaction, which is a mental relapse, particularly when in court proceedings which causes miscommunication. In support, the said medical report named below confirms that this Adjustment Reaction results in my saying what I do not mean to say, I agree with the content of written matter when in fact I do not agree, write what I do not mean to write etc. As a result, I was pressurized to plead guilty to the charge of mail fraud.

Ref Index (2) attached Pages 31 to 43 Page (37) supporting Petition of Write of Habeas Corpus (P of HC) No. WWS-85-c-1551 seeking to negate the Mail Fraud Conviction and release from Federal Prison in **Case WWS-83-cr-0213** on grounds Dyslexia negated the element of intend causing a misunderstanding as contrived by US Postal Inspector and US Prosecutor which evidence supports,

Ref: Index(2) Pages P of HC 5 to 30. They not understanding debilitating effects of dyslexia assumed criminal activity which they could not prove so they manufactured and concealed favourable defence evidence to gain grand jury indictment and conviction despite they knew evidence proved the case was / is a civil matter.

Ref: P of HC. The FPD's office was infective when failing to investigate or mount defence in this regard as shown in **P of HC No. 1551** prejudicing and discriminating me in the process.

Justice Kavanaugh, during his US Supreme Court Selection process stated "No Man Is Above The Law" which raises the question: Does this apply to Government Officers of e.g. the Postal Inspector Davis Westburg and Assistant US Prosecutor Eble Luckel, who prosecuted both the Fraud case 0213 and Bail jumping case 0693; and did they pervert the the cause of justice when concealing defence evidence proving innocents and as a result of their preventions did the USINS continue he said perversion of justices argued in Claim No. 3333 which discriminated against me?

FPDs refused to investigate these facts that and pressurised me inducing my guilty plea when they knew I was suffering debilitating effects of dyslexia and under psychotherapy with the Mount Diablo Medical Centre for trauma.

115 The Adjustment Reaction was caused by my Business Partner R L Abbot embezzling significant
116 money from our family business leaving debt in my name and causing my infant family to become
117 homeless. **Ref Judgement against Abbott In the Case of Russell V Smeaton January 1981,**
118 **Walnut Creek County Court.** This, combined with concurrent criminal investigation and hearings
119 resulted in my mental incapacity Adjustment Reaction which Doctor Sykorsaky, expert witness. In
120 the subsequent Bail Jumping Case WWS-83-cr-06933 his testimony was unchallenged and the court
121 accepted the mental condition (that can last from months to 20 years), confirming I was
122 suffering, which resulted in my not being able to do anything simple and me being open to the
123 suggestion to plead guilty when I was not. The transcripts of those proceedings confirm I was
124 confused during Criminal Proceedings **attached to Petition For Writ of Certiorari.** The P of HC
125 argues that because of this mental condition and because of the extreme anxiety I was under at the
126 time, I was pressurized into pleading guilty by the FPD.

127
128 Unlike a physical or obvious disability, mine is hidden and therefore reasonable adjustments are not
129 applied in order to help me, which is prejudicial and discriminatory.

130
131 The Adjustment Reaction lasted 27 years, after which I was able to make the decision to file my
132 motion to amend the 1986/7 judgment by Judge Vernon wrongly dismissing Claim 3333 pursuant to
133 the Fifth Circuit judgement / order No. 87-4401 and 87-0394 attached to the Petition For Writ of
134 Certiorari.

135
136 The District Federal court in 1983 refused to consider the new post-conviction medical evidence or
137 the other due process contraventions raised in P of HC No. 1551 wrongly blocking legal process
138 through the court system by Judge contravened Title 218 USC Sec 2255.

139
140 The detrimental effects of dyslexia disability were not readily known in 1983. It is caught by the US
141 ADA Act 1990 which was not established in 1983 when I was wrongly convicted of Mail Fraud in
142 **Case WWS-83-cr-0213 and Bail Jumping WWS -83-cr-0693.** If it had been, it would have
143 supported the contention that the fraud charge against me was without merit on ground that it was in
144 fact a civil matter based upon the defence of Promissory Estoppel as I argue in my Petition for Writ of
145 Habeas Corpus (P of HC) No. WWS-85-c-1551 **Ref. Index (2) Pages 31 to 43 attached herewith**
146 based upon the favourable opinion of His Honour Justice Black **Ref: Blacks Law Dictionary.**

147
148 **Index (2) Page 67 is the December 6th, 2018 letter from Ms Dorota Cronin, Cognitive Analytic**
149 **Therapist, National Health Service (NHS) East London** confirming the 1983 diagnosis of
150 debilitating effects of dyslexia are current to date causing my written errors with the filed Petition for
151 Writ of Certiorari.

4

Index (2) Page 69 is the the Ninth Circuit Court of Appeals dated September 14, 2017 order reinstating my Petition For Writ of Habeas Corpus N0. 1551 to the US District Court . The US
Prosecutor's office does not oppose the defence issues or its supporting post-conviction evidence regarding dyslexia and due process contraventions raised in the P of HC No,1551, save that the District Court has no jurisdiction to consider it on grounds said P of HC is moot because I was released from prison many years ago. I filed my opposition stating that the District Court does not have jurisdiction onground that I am to date suffering and continue to suffer the effect of unfair Conviction / Imprisonmentbecause they are being used against me in the UK proceedings and in my UK civil legal case. In 2010 the US Immigrationofficial at San Francisco Airport would not let me enter because of said 1983 conviction denying me the opportunity to be with my daughters for Christmas whom I had not seen for 11 years because of said unfair conviction. My opposition to the Prosecutors position of P of HC No. 1551 is supported by case law overcoming their objection. This is currently with the Ninth Circuit and I await their further instructions on this matter.

I obtained the said UK Medical Diagnosis supporting **P of HC said P of HC 1551** while out of bail jurisdiction but voluntarily returned with it to the Federal Court's Jurisdiction to set aside the fraud conviction as argued in **P of HC No. 1551**.

If ~~this court~~ allows the Certiorari and the matter proceeded to a hearing to amend or correct the Vernon J 1986/7 judgment dismissing ~~Claim 3333~~ and I am again forced to represent myself, the fact is that without assistance, I will continue to make written and verbal mistakes in further proceedings which will confuse the court, waste the court's time and public money causing further traumas and stress to all concerned. Therefore, the question arises: should Court rules be strictly applied to a person like me who can not pay for professional help pursuant to the ADA Act 1990 which creates special circumstances. **Will this arguably contradicts the intent protection of 1st, 5th, 6th, 8th, 18th and other Amendments of the US Constitution?**

This suggests that people with hidden mental disability, of which there are a few types, **MUST** be professionally assisted during legal proceedings. If not, then the question arises: Will I be denied access to the court's power of relief?

I might add that there are verifying degrees of dyslexia. Mine is regrettably severe.

This Petition is based upon the fact that the prior that the 1983 Criminal proceedings in the Lower District and Appeal Court for the Ninth Circuit and Fifth Circuit District and Appeal Court failed to consider the Dyslexia issue. Infact the presiding Judge in the 1983 Fraud matter stated he did NOT care about dyslexia. **Ref The Transcripts of Case 0213 currently filed with this court.**

189

190 Page 12 Line 375 of Petition doesand did refer to this as my Certiorari Appeal.

191

192 **Background and reason why I am asking the Court to permit my / Petitioner adding the**
193 **evidence located in Appendix(2):**I defer to the learned Supreme Court justices' judicial knowledge,
194 but to ask them to also be medical experts on said disability is unreasonable. This is why in 1983
195 Federal District Judge WWS Schwarzer,presiding over thefraud case 02134,may have erred
196 whennoting the debilitating effects of the Defendant's dyslexia disability but failed to act of his own
197 volition and did not take professional advice on Dyslexia in a timely manner before proceeding to
198 conviction and sentence.He became aware of it during initial hearings through to sentencing as the
199 transcripts support. In addition, District Judge Schwartzter should have realized that the evidence
200 supports the contention that the Criminal Case 0213 is a civilmater as argued in my **P of HC No.**
201 **1551(Attached) arguesand a criminal judge did not have jurisdiction to impose a sentence.**

202

203 In support, the Judge again erred when failing to stay all proceedings until jurisdiction had been
204 established which is a common-law issue.

205

206 All subsequent court-hearings have failed to address these issues...The said P of HC attached new post-
207 conviction evidence proving innocence e.g. ~~The said~~ 1983 Dyslexia Diagnosis and its supporting...
208 arguments e.g. of ineffective assistance of council and prosecutorial abuse, and Judicial and due
209 process errors**Ref: Index (2) Pages 31 – 43.** All of this**raises the arguable case-which** contradicts
210 the San Francisco Federal District Convictions in both the Fraud and Bail Jumping cases and the
211 Ninth Circuit Court of Appeal's decision to deny my Appeals from P of HC No. 1551 until I was
212 released from Federal prison into civilUSINS civil jurisdiction. This negated Congress's intent and
213 the Internationally accepted intent of HABEAS CORPUS. This also negated the Ninth Circuit denial
214 ofmy appeal from the Bail Jumping conviction **Case 84-1175** from lower Court Judgment in Case
215 No.WWS-83-cr-0693**Ref Index (2) Pages 72 – 74.**

216

217 Because the said P of HC No. 1551 raised novel issues, there is an arguable defence against a
218 Conviction by Guilty Plea and a defence to criminal fraud lies in the civil matter of Promissory
219 Estoppelnegating the element of intent as confirmed by His Honour Judge Black Ref: Blacks Law
220 Dictionary both argued in said P of HC No. supporting innocents. The Federal Court should have
221 granted P of HC negating both conviction for Bail Jumping and Deportation proceedings **No. 26 368**
222 **961 Ref Index (2) Pages 62 – 65 because deportation was** based upon the allegation that I had
223 committed a crime of Moral Turpitude which P of HC evidence and argument supports is untrue**Ref P**
224 **of HC.** The lower Federal Court all refused to consider it and unfairly blocked fromprogressing
225 through the court which results in a contravention of the 1948 Universal Declaration of Human Rights

6

torture through false imprisonment which the subject Claim No. 3333 addresses. This is because the USINS wrongly subjected me to penal servitude without an order from a court of Competent jurisdiction continuing the arguably false imprisonment caused by the Ninth Circuit Federal Judges abuse and contravention of Title 28 USC Sec 2255 and Federal Rules of Criminal Procedures No. 11 as also argued in said P of HC No. 1551.

Therefore, as a direct result, the 1985/6 USINS Administrative Court order Excluding me and the subsequent 1987 Louisiana District Court dismissing Claim 3333 and the subsequent 2015 Louisiana District Court presiding over my / Petitioners Motion to alter and amend the prior 1986/ 7 judgment dismissing claim 3333 and the Fifth Circuit Court of Appeals May 16th, 2016 wrong affirmation of the 2016 lower District Court decision dismissing my motion to amend or correct the 1986/7 Vernon J Judgment are all in error.

The other error of the May 16th 2016 Fifth Circuit Court of Appeal order which is also pivotal in that they failed to consider the 2016 lower Louisiana District Court Judge error of not considering the central ground of my / Petitioner's 2015 motion. This was to specifically correct and/or amend the 1986 the Louisiana District Court Judgment of His Honour Judge Vernon's dismissal of the claim No. 3333 pursuant to the 1986/7 Fifth Circuit Court of Appeal's order No. 87-4401 and 87-0394 permitting me / Petitioner to motion the district court to correct or amend the Vernon J's 1986/7 order dismissing claim N. 3333. It did not do this, prejudicing me and contravening the 5th and 6th Amendment because it denied me access to the court for not considering the said Fifth Circuit's 1987 59(e) judgment which mooted Vernon J's order, facilitating my Motion to The District Court to amend and or correct the Vernon J order. **Ref Apendex (2) the 1986/7 Fifth Circuit Court of Appeal's order No. 87-4401 and 87-039.** The Said orders are filed in the first index attached to my / Petitioner's Petition for Certiorari.

Therefore, for the reasons stated above and on the grounds of special compassionate circumstances through Petitioner's disability of Dyslexia which causes confusion with documentation (also stated above). I respectfully remind the court that I did file the Petition for Writ of Certiorari by the Due date of 28th January, 2019 but it needed correction caused by dyslexia for which I apologise. I ask the court to again grant a short extension and allow my Petition for Writ of Certiorari to be filed and proceed in the interests and cause of natural justice to its just conclusion which, because of the issues in this case, I believe are in the Public Interest internationally.

Respectfully



Keith Smeaton Petitioner / Appellant / Plaintiff Pro-Se. ~~July 31st, 2019~~ *AUGUST 6th 2019.*

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-30827

KEITH SMEATON,

Plaintiff - Appellant

v.

ALAN NELSON; RON SANDERS; WARDEN FEDERAL DETENTION
CENTER OAKDALE; WILLIAM H. FURNIA; DAVID WESTBERG;
EDWARD MOSS; CHARLES A. WIEGAND, III; H. S. OTT; DAVID
JOHNSTON; THOMAS HETRICK; NORMAN CARLSON; FOY; STEVEN
MARTIN; JOSEPH WILLIAMS; UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Louisiana

ON PETITION FOR REHEARING EN BANC

(Opinion 05/16/2018, 5 Cir., _____, _____ F.3d _____)

Before KING, ELROD, and HIGGINSON, Circuit Judges.

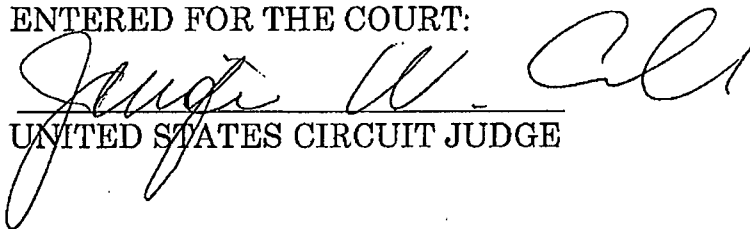
PER CURIAM:

(✓) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having

requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-30827
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 16, 2018

Lyle W. Cayce
Clerk

KEITH SMEATON,

Plaintiff-Appellant

v.

ALAN NELSON; RON SANDERS; WARDEN FEDERAL DETENTION
CENTER OAKDALE; WILLIAM H. FURNIA; DAVID WESTBERG; EDWARD
MOSS; CHARLES A. WIEGAND, III; H.S. OTT; DAVID JOHNSTON;
THOMAS HETRICK; NORMAN CARLSON; FOY; STEVEN MARTIN;
JOSEPH WILLIAMS; UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:86-CV-3333

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Keith Smeaton, former federal prisoner # 75242-011, appeals the district court's denial of his postjudgment motion for relief from the May 14, 1987 dismissal of his civil rights complaint. Smeaton's Federal Rule of Civil

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 16-30827

Procedure 59(e) motion was filed more than 28 years after the entry of the judgment. Consequently, the district court did not abuse its discretion in denying the Rule 59(e) motion as untimely. *See* FED. R. CIV. P. 59(e); *Quinn v. Guerrero*, 863 F.3d 353, 360 (5th Cir. 2017), *cert. denied*, 138 S. Ct. 682 (2018). To the extent the motion should have been treated as a Federal Rule of Civil Procedure 60(b) motion, it was also untimely. *See* FED. R. CIV. P. 60(c)(1); *Quinn*, 863 F.3d at 360 n.1; *Travelers Ins. Co. v. Liljeberg Enterprises, Inc.*, 38 F.3d 1404, 1410 (5th Cir. 1994). Finally, to the extent the motion should have been treated as a motion for a ruling on the Rule 59(e) motion filed on May 15, 1987, Smeaton cannot show that the district court's denial of the motion was an abuse of discretion, *see Quinn*, 863 F.3d at 360, and he has abandoned any challenge to the basis of the district court's dismissal of his complaint, *see Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Accordingly, the district court's judgment is AFFIRMED. Smeaton's motions to supplement the record on appeal and for the appointment of appellate counsel, a waiver of the visa requirement, and financial assistance with travel costs are DENIED.

**Additional material
from this filing is
available in the
Clerk's Office.**