

No. _____

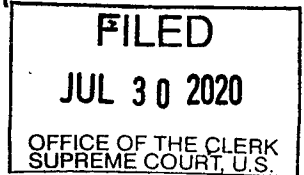
20-5198

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Franklin C. Smith — PETITIONER
(Your Name)

vs.



Nurse; Mayfield, Virginia Beach City Jail, Nurse — RESPONDENT(S)
Mayfield was fired pending this suit for stealing drugs and breaching security.
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals/Fourth Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Franklin C. Smith
(Your Name)

P.O. Box 6098
(Address)

Virginia Beach, VA 23456
(City, State, Zip Code)

(757) 316-1500
(Phone Number)

QUESTION(S) PRESENTED

Rule-60, Relief from Judgment or Order; (b) fraud (whether heretofore demonstrated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party. Such as, Cpl. Fay perjured himself while under oath testify^{ing} at deposition that Petitioner did not file grievances against him. And the next day Cpl. Fay placed Petitioner in Solitary Confinement in reprisal.

However, Petitioner Smith had presented prima facie proof (Documents) that he indeed did submit those grievances with Cpl. Fay's signature and badge number on them. So the lower Court of Appeals had departed from Rule-60(b) without sanctioning the lower District Court, grossly disregarding the destruction of legal documents to prevent a judicial proceeding constituting misrepresentation under Attorney: J. Edgar W. Rosen involving the Court's Supervisory Powers having respective jurisdiction.

(* See Fourth Circuit Appeal Decision in Case No. [18-7252]. The Court said: "Plaintiff stated both a First & Eighth Amendment (claim) of cruel punishment and retaliation." Inter Alia

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:

Cpl. Fay / Cpl. Lexandruski / Deputy: Khens, and Deputy: Smiles,

among others participating in the retaliation to cause both psychological and physical harm. (See Appeal No. [18-5252]).

RELATED CASES

Smith v. Mayfield, No. 2:18-cr-00031-MSP-LR, U.S. District Court for the Eastern District of Virginia. Judgment entered February, 13th 2020.

Smith v. Mayfield No. 19-7626, U.S. Court of Appeals for the Fourth Circuit. Judgment entered on April, 16th 2020.

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TABLE OF AUTHORITIES CITED

CASES Heaslow v. Fitzgerald, 457, U.S. 800, (1982), PAGE NUMBER

Immunity Dissolved & Achexes v. S. H. Kress & Co., 398, U.S. 544, (1970).
And Hampton v. Mansbach, 600 F.2d 600, (1979), Prevailing Cases regarding
Conspiracies To Cause and Retaliation.
(Harm)

STATUTES AND RULES [18 U.S.C. 1512 & 18 U.S.C. 1513] Coress Destruction
of legal documents. And Perjury to prevent a Federal proceeding.

OTHER Involving The [R.I.C.O.] Act of (1970). After Bedroom^(window) was
Shot at during the pendency of this lawsuit and just days after I had
lodged in my response to The addressee parties Summary Judgment.

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 16th 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: May 16th 2020, and a copy of the order denying rehearing appears at Appendix [A].

☐ 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

Due Process Clause was severely impaired, depriving Petitioner of his most essential guaranteed right and equal protection of the law under our Fourteenth Amendment to our United States Constitution. As Endorsed by the Resolution of our United States Congress.

[See Rule-60. Relief from Judgment or Order] Rule-60(3) "fraud upon the Court" (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party involving destruction of legal documents and lying under oath to impair the integrity of the proceeding causing injury to the law.
*
Suit. (See Lewis v. Casey, 518 U.S. 343 (1996).)

[STATEMENT OF THE CASE]

Cpl. Fay (now Sergeant) lied under oath that Petitioner did not file any grievances against him, who retaliated by placing Petitioner in Solitary Confinement the day after grievances were filed. (* See Appeal No. (18-7252), deciding retaliation claims existed).

However, Petitioner lodged in those grievances in the Summary Judgment to support prima facie proof that the grievances were indeed submitted strongly inferring those legal documents were destroyed by Sgt. Fay violating [18 U.S.C. 1513].

Whereas, the lower district court failed to recognize the destruction of those documents and perjury causing injury to Petitioner's case who suffered direct harm due to the result of the perjury and destruction of those grievances that ultimately went unchecked by the lower court while simultaneously being condoned by the Fourth Circuit Court of Appeals.

Shortly thereafter, Petitioner's bedroom window was shot at while in bed constituting "Conscious Parallelism", highly probative, due to the immediate and proximate cause of time and events that a conspiracy was manifested to cause Petitioner serious harm, or perhaps death in reprisal, so the respondents could escape imprisonment while they had dangerously treaded into the [F.I.C.O.] Act.

REASONS FOR GRANTING THE PETITION

It is role of Courts to provide relief to claimants, in individual or any class actions, who have suffered, or will imminently suffer, actual harm; it is not role of Courts, but that of political branches, to shape institutions of government in such fashion as to comply with the laws and our Constitution of The United States. [Levitt v. Casey, 518 U.S. 343, (1996)].

Both, the lower District Court and United States Court of Appeals have abandoned our Constitutional concept, grossly and recklessly departing from the United States Supreme Court Ruling in [Levitt v. Casey, 518 U.S. 343, (1996)] to provide relief to the Petitioner, who is now invoking this Court to exercise its supervisory power to grant relief or otherwise it will encourage more criminal behavior among law enforcement in a time where our great Country of ours is desperately seeking reform in every aspect of law enforcement.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Franklin C. Smith

Date: June 26th 2020

Thank you very much for
your anticipated cooperation and
all your successful efforts.

