

20-5384

No. 1:14-cr-134-RJA/1:16-cv-00866-RJA

Supreme Court, U.S.
FILED

JUL 31 2020

OFFICE OF THE CLERK

19-cv-269-v/19-1824

IN THE
SUPREME COURT OF THE UNITED STATES

Petitioner for writ of Certiorari

Jerome Nathan Grant — PETITIONER
(Your Name)

United States of America, ^{VS.} Richard J. Arcara, George C. Burgasser
United States Attorneys Office, John Taberski United States Probation Office,
Barry J. Donohue, Donohue law offices — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Second Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jerome Nathan Grant ¹⁵¹¹⁴⁻⁰⁵⁵
(Your Name)
F.C.C-medium
P.O. Box 1032
(Address)

Coleman, FL 33521
(City, State, Zip Code)

?? (Don't Know)
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- ① Why when I objected to being a career offender with Judge Arcara (Case # 1:14-cr-134-A) Docket # 504 And Asked for a hearing on Issue he Did not Give me a hearing or even give me an Answer?
- ② Why when Attorney Admitted I Asked him repeatedly to object to be me being a career offender but he refused to Do so (Case 1:14-cr-134A Docket # 842) is that Violating my Due Process rights? Denying me Access to the Courts, Equal Protection, Right to Counsel?
- ③ How is it that People on the same case 1:14-cr-134A objected to things in their P.S.I the Judge Granted them a Hearing? see Case 1:14-cr-134A Docket # 624 Spencer Rogers Docket # 626 Spencer Rogers.
- ④ How come a Judge in the same courthouse Judge VILARDO, Case United States of America, Appellee v. TYLER Townsend United States Court of Appeals for the Second Circuit 897 F.3d 66; 2018 U.S. App Lexis 20345 ND.17-757-CR Says calculating a defendant's sentencing range under U.S. Sentencing Guidelines Manual (Guidelines) Includes far more than simply considering the Crime of Conviction. Indeed, for some crimes, the base offense level under Guidelines - i.e., the starting point - increases because of certain convictions the defendant previously sustained. But such enhancements are limited by considerations of fairness and due process, for states the Guidelines language must make clear - to the court, to the defendant and to the government - the basis for a sentencing enhancement. so IF he say it must be clear to all How come it's still not clear to me?
- ⑤ How did the Court and government come up with me being a career offender without a Shepardize document? or Hearing?
- ⑥ How is "Private" Attorney Barry Donohue Granted Immunity From Suit? He is not a Government official.
- ⑦ Is it true that if the Judge, Prosecutor, P.S.I. writer Act out side of the United States Constitution they Do not have Absolute Immunity?
- ⑧ Is refusing to give a person a hearing a violation of their Due Process as well as other Constitutional violations?
- ⑨ Is it safe to say that an enhancement of 10 Plus years is very serious?
- ⑩ If an Enhancement of 10 Plus years is serious isn't it Against the United States Constitution To Do so without any Document Proving a person is for sure lawfully suspect to have that enhancement?
- ⑪ Is it unconstitutional to enhance someone without a hearing to Prove such enhancement is warranted?
- ⑫ Why Do I still have the unconstitutional sentence of 180 months?
- ⑬ Shouldn't my lawful, constitutional sentence be 70-87 months where I lawfully fall in Guide line?
- ⑭ When Suing government officials Don't you sue the United States of America?
- ⑮ So IF all government officials HAVE Immunity Don't the Suit fail on the United States of America And "Private" Attorney Barry J. Donohue?
- ⑯ What is collusion?
- ⑰ IF I Requested a hearing from all parties involved and none of them Filed for a hearing or Judge never Granted one is it safe to say that is collusion?
- ⑱ Case 19-cv-0269V Document 6 Page 4 IF Judge Valido says all defendants other than Grant's Attorney Barry J. Donohue are employees of the Federal government and Donohue is a Private attorney alleged to have colluded. is he Admitting that they Colluded?

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:

RELATED CASES

- ① Grant v. United States of America, et al 1:19-cv-00269-LJV Western District of New York Judgment entered on 6/12/2019
- ② Grant v. United States of America, et al 19-1824 United States Court of Appeals for the Second Circuit Judgment entered on 2/14/20 and 5/11/20
- ③ United States of America v. GRANT^{et al} 1:14-cr-134-A Western District of New York Judgment entered on 3/22/17

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APPENDIX B	Grant v. United States of America Et Al 19-1824 United States Court of Appeals for the Second Circuit Denied on 2/14/20 Appeal Denied on 2/14/20
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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
14-cr-134-a United States v. Worthy, et al.	Docket # 504 where
① United States v. Worthy, et al, NO. 14-CR-0134A	
② Jerome Nathan Grant V. United States, Et, al 1:19-cv-00269-LJV	Page 2, Document 6, Page 2, 3, 57, 4

STATUTES AND RULES

Due Process, Access to Courts, Right to Counsel, Collusion, equal Protection,
malicious Prosecution

OTHER

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 6 to the petition and is

- ☐ reported at ~~I got the order in the mail, Don't know where reflected 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 A to the petition and is

- ☐ reported at ~~I got the order in the mail, Don't know where reflected 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 February 17 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 11 2020, and a copy of the order denying rehearing appears at Appendix B Attached.

☐ 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, Collusion, malicious Prosecution, equal Protection, access to Courts,

① Barry Donohue

STATEMENT OF THE CASE

I've write to Barry Donohue objecting about being a career offender Due to Him being my "Attorney After the Plea, I asked Him to object with the P.S.I Reporter John Taberski A number of times He Refused to Object He even Refused to bring it up at sentencing or in the Sentencing Memorandum Docket # 570 entered 3/01/17 Sentencing No. Docket # Hearing Held 3/22/17 then on 9/28/18 Docket # 842 "Attorney" Donohue Sent Affidavit in of Conflict of interest stating that I insist he file 2255 motion for ineffective assistance of Counsel in that motion He State I objected to being a Career offender And he Also Admits he never objected on my Behalf witch Prooves he violated my Due Process Rights under the 5th Amendment one objection to the U.S.P.O John Taberski/A.U.S.A/Judge Arcara Could have prevented my Due Process Rights from being Violated By "Attorney" Donohue ② John Taberski I sent a motion objecting to being a Career offender to John Taberski and that instead of 188-235 my sentence without the "enhancement under Career offender" should be Category 5 70-87 months As stated in my P.S.I by John Taberski He never responded to me or He never set a Hearing on this very Important matter or bringing it up to the Judge As far as I know If you object to something as important as a 10 plus year enhancement the Proper Due Process would be to Alert the Prosecutor And the Judge and have a hearing on the matter Example Same Case number Docket # 624 Date 5/19/17 First motion for extension of time to file objections to Presentence Investigation Report, to produce by Spencer Rogers (7) the defense filed 624 First motion for extension of time to file objections to Presentence Investigation Report and other relief. A Status Conference on the motion is scheduled for May 31, 2017 at 9:00 am before Hon. Richard J. Arcara. Defendant is to be produced for the Status Conference. So ordered. Issued... Signed by Hon. Richard J. Arcara on May 23, 2017 (DJD) entered 05/23/2017 Spencer Rogers P.S.I Reporter was Lisa Ferraro. So P.S.I Reporter John Taberski Violated my Due Process Rights under the 5th Amendment by not Holding or bringing it to the Judge Attention that I objected to being a Career offender all it took was one Hearing and my Due Process Rights would not have been violated By John Taberski ③ George C. Burgasser/United States Attorney office I also objected to being a Career offender at the same time I sent the motion to Barry J. Donohue, and John Taberski And George Burgasser as well as Barry J. Donohue, and John Taberski Disregarded my Very Important matter George Burgasser violated my Due Process Rights By not Holding a Hearing on this objection to being a Career offender and that violated my Due Process Rights And Show's malicious Prosecution on George C. Burgasser and the United States Attorneys office all it took was one Hearing and my Due Process Acts not have been Violated or their would have been no malicious Prosecution It appears all above defendants but at least 15 times I asked Him to object to the P.S.I Reporter John Taberski when he refused to Do so I followed what I believed to be the chain of Command/Administrative Remedies the lawyer/lawyer, P.S.I Reporter, and the United States Attorney then the Judge, so once the "Attorney" refused.

Continued on next page:

Statement of the case:

to object I put together a motion objecting to being a Career offender and sent a copy to the Attorney, United States Attorney George Burgasser and P.S.I. Reporter John Taberski once they disregarded my objecting violating my Due Process I wrote a letter to Hon. Richard J. Arcara and Attached the motion objecting to being a career offender I let him know I'm writing him asking for a hearing Due to me objecting to being a career offender a very serious Enhancement 10+ years I let him know the reason why I'm writing to him is because I asked my "Attorney" to object and He refused to object to this very serious matter 70-87 months And 188-235 is serious so I asked him (Judge Arcara) to set a hearing on me objecting to being a Career offender See Docket #504 letter from Jerome Grant, dated 10/3/2016, to Hon. Arcara just wanting my Due Process Rights to not be violated But Judge Arcara Disregarded my Due Process Rights just like Barry J. Donohue, George Burgasser/United States Attorney And P.S.I. Reporter John Taberski AS United States officials.

Same case. Case number 1:14-cr-00134-PJA-HBS Defendant Spencer Rogers Docket #624 First motion for extension of time to file objections to Presentence Investigation Report, motion to produce by Spencer Rogers (Hoffman, Alan) (entered 5/19/2017 then on 05/23/2017 Docket #626 text order as to defendant Spencer Rogers (7) the defense filed 624 First motion for extension of time to file objections to Presentence Investigation Report and other relief A Status Conference on the motion is scheduled for May 31, 2017 at 9:00am before Hon. Richard J. Arcara Defendant is to be produced for the Status Conference. So a R.D. e-Relief Issued. Signed by Hon. Richard J. Arcara on May 23, 2017 (DJD) (entered 05/23/2017) A Hearing is held for Spencer Rogers on 05/31/2017 minute entry for proceedings held on 5/31/2017 before Hon. Richard J. Arcara as to Deft. Spencer Rogers. Status Conference is held regarding Deft's 624 motion for Extension of time to file objections to the Presentence Investigation Report. That shows Spencer Rogers was awarded his Due Process and that my Due Process Rights were violated a right according to law in the United States Constitution I be Afforded Afforded But was neglected of even tho In Docket #523 Dated 11/17/2016 text order AS to Jerome Grant (6) Sentencing is

Statement of the Case:

AdJourned to 3/22/2017 at 12:30 pm before Hon. Richard J. Arcara the Submission of Sentencing Papers is amended AS follows: Statement with respect to Sentencing factors, objections, Responses to objections due by 3/2/2017 Final Presentence Investigation Report due by 3/15/2017 So ordered, Issued by Hon. Richard J. Arcara on November 17, 2016 (DJD) (entered 11/17/2016 even tho It APPEARS I had the Right to object When I Did Object It was totally Disregarded see Docket # 504 on 9/28/18 Docket # 842 Attorney Barry J. Donohue admitted under the Penalty of Perjury that I Did object to him about being a Career offender then on Docket # 855 United States Attorney Wei Xiang Admitted under the Penalty of Perjury that in a Pro-se letter dated October 3, 2016, the defendant, objected to His Career offender Status, Claiming that His Range should instead be 70-87 months. DK # 504. Judge Arcara Violated my Due Process Rights by not Holding a Status Conference Based on me objecting to being a Career offender a very serious enhancement of 10 Plus years one hearing that the Judge Said I WAS entitled to by law and the United States Constitution But Some How when I Exercised my Due Process It WAS Violated by the United States of America, Judge Arcara And all the above name Defendant's By Disregarding And Violating my Due Process Rights and is Collusion and malicious Prosecution And equal Protection, Access to the Courts, Failure to Protect. Their For I seek damages of \$ 80,100,000.00

REASONS FOR GRANTING THE PETITION

~~we have a Const.~~

We have a Constitution And we have to follow that Constitution And the Defendants Drifted away from that Constitution, we need order and with out the U.S. Supreme Court the lower Courts will Do what they want to Do with out Any regard For those Reasons my Petition should be GRANTED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James Matheson", is written over a horizontal line.

Date: 8-01-20