

No. 20-6747

12/6/2020

IN THE

SUPREME COURT OF THE UNITED STATES

20-1493 / 3:17 CR-5

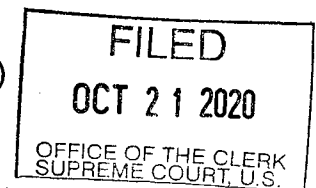
ORIGINAL

Gregory Keith Clinton — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



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

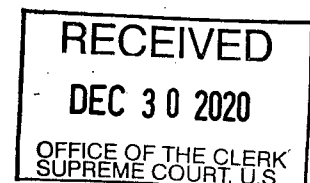
PETITION FOR WRIT OF CERTIORARI

Gregory Keith Clinton
(Your Name)

Po Box 6000
(Address)

GLENNVILLE WV 26351
(City, State, Zip Code)

NONE
(Phone Number)



QUESTION(S) PRESENTED

- 1) Did the Second Amended Petition contain counts 1s, 2s, 3s, 4s and 5s?
- 2) Where counts 1s, 2s, 3s, 4s and 5s Dismissed on 8/27/2018?
- 3) Does the US District Court for the Northern District of West Virginia possess the Constitutional Authority that Gives the Court the Capacity to take Jurisdiction and Enter Judgements, Orders and Decrees in favor of the United States Arising from a civil or Criminal Proceeding Regarding a Debt in Berkeley County West Virginia? Extraordinary?
- 4) Did the District Court for the Northern District of West Virginia Usurp and Extend it's Jurisdiction to a geographical location not Authorized to it by the Constitution?
- 5) How can Petitioner Gregory K. Clinton committ counts 1 or 1s on August 11, 2008 when he was sentenced to 87 months on August 5, 2008 for violations in Case No 3:08-CR-5? (He was already Incarcerated) Is this Extraordinary?

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) *US v. Crow Dog*, 532 F2d 1182 (8TH Cir 1976)
- 2) *US v. Douglas*, 694 F2d Supp 1404 '1988 U.S.
- 3) *United States v. Illinois Central R. Co.* 154 US 225 234-241 (1894) (quoting *New Orleans v. United States* 35 US 662, 10 Pet 662, 736-737, 9 LEd 573 (1836))
- 4) *US v. Sears, Roebuck & Co Inc* 785 F2d 777 (1986)
- 5) *Prince v. Georgia* 398 US 323 (1970)
- 6) *United States v. Vance White* 883 F3d 983 2018 US app.
- 7) *Pavel v. Hollins*, 261 F3d 210 (2001)
- 8) *US v. Kelsor*, 665 F3d 684 (6TH Cir 2011)
- 9) *US v. Navarro*, 608 F3d 529 (9TH Cir 2010)

TABLE OF AUTHORITIES CITED

CASES

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USV Crowdog	4b
US V. Douglas Bal	4b
Finley V US	4b
Clinton Civil Actions 3:20-CV-178, 3:20-CV-151 and 3:20-CV-73	49
App. Judgment Order No 20-1443	7, 13, 14, 15 13, 14, 15
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STATUTES AND RULES

OTHER

Violations SEE Exhibits 1-4 11-15
(Fraud, Treason to the Constitution, Bonds)

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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 1 to the petition and is

☐ reported at Appeal No. 20-1493; 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 9/28/2020.

☒ 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

Supreme Court Jurisdiction comes by:

Article III of the US Constitution and by 28 USC § 1251-1258

PROVISIONS:

Article 4 § (3) 1/2 (Territorial Clause)

Article 1 § 8 C/17

Fifth Amendment (Due Process and Double Jeopardy)

Tenth Amendment (Reserved to the State or the People)

8TH Amendment (Cruel and Unusual Punishment)

inflicted IE (OVER 30 months all counts have

been Dismissed with Prejudice)

STATEMENT OF THE CASE

ON 8/27/2018 THE SECOND AMENDED PETITION WAS IN FACT DISMISSED WITH PREJUDICE BY FEDERAL PROSECUTOR ANNA Z. KRASINSKI BY ORAL MOTION IN OPEN COURT SEE DOCUMENT 256 FILED 11/01/2018 PG 35 OF 44 LINES 21-25 IN CASE 3:17-CR-5, ON THE NEXT PG 36 OF 44 LINES 1 AND 2 JUDGE GINA BROH DISMISSED THE SECOND AMENDED PETITION DOCUMENT 40 FILED 3/21/2017 CASE 3:17 CR-5 "WITH PREJUDICE," BECAUSE OF AN INEFFECTIVE COUNSEL NICKHOLAS COLVIN THE DISTRICT COURT HAS CONTINUED THE "SHAM." IT HAS BEEN NOTIFIED OF IT'S ERROR IN IT'S INDICTMENTS AND IT'S DISMISSALS, THE FOURTH CIRCUIT

STATEMENT OF THE CASE

Court of Appeals is also aware but continues to drag its feet in issuing a ruling in appeal 20-1493, this has been going on for over 3 years, appeal 18-4621, 19-2447 and 20-1493 the court of appeals has

TRANSFERRED Civil Action 3,20-CV-73, 3,20-CV-151 and 3,20-CV-178. Civil Action 3,20-CV-73 is a Hahnas Corpus filing and 3,20-CV-151 and 3,20-CV-178 where Bivens

Actions, with-out a District Court Judgment.

Mrs Kanskiuski's open court oral motion was 4 months after trial, that was planned so the jury would be

unaware of the violations in both indictments

Case Number 3,08-CR-5 and the oral motion violated

Supreme Court Rule 21 (3). No motion may be presented

STATEMENT OF CASE

IN OPEN COURT, Nothing Ms Krasinski did was correct

, SEE EVEN DISMISSED THE CASE AND THAT DID NOT WORK,

Why would you want to keep a 60 year old black man

INCARCERATED, THIS A CASE THAT NEVER WAS. IT'S

BEEN OVER 50 MONTHS OF ILLEGAL INCARCANTION.

Do black lives matter? I did my best with what

I HAVE. WE ARE ON LOCKDOWN

12/6/2020

Respectfully
Gregory K Clinton

CASE LAW

1) U.S. v. Crowdog 532 F.2d 1182 (8TH Cir 1976)

2) U.S. v. Douglas Bal 694 F. Supp 1404 1988 U.S.
UNDER RULE 48 (a) TO COLLECT THE ORIGINAL PLEDING
"8 MOORE'S FEDERAL PRACTICE, RULES OF CRIM. PROC. PARA
7.05 [1] pp 7-51, 7-52

STATEMENT OF CASE

The United States District Court for the Northern District of West Virginia does not possess the Constitutional Authority that gives the court the capacity to take jurisdiction and enter Judgements, Orders and Decrees in favor of the United States arising from a Civil or Criminal Proceeding regarding a Debt in Berkley County West Virginia. Two things are necessary to create jurisdiction wheather Original or Appellate, the Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it, that is rudimentary LAW "[9]s regards all courts of the United States it is concluded, although these suit may sometimes so present questions arising under

STATEMENT OF CASE

the Constitution or laws of the United States that the Federal courts will have jurisdiction, yet the mere fact that a suit is an adverse suit authorized by the statutes of Congress is "Not" and of itself sufficient to vest Jurisdiction in the Federal District Courts. The Constitution creates the Supreme Court and Authorizes Congress to ordain and establish inferior trial court of special (or limited) jurisdiction - with no authority to exercise general jurisdiction (territorial, personal and subject-matter) anywhere in the Union. Courtesy of Congress however (since no later than JUNE 25, 1948) every United States District Court is a court of General Jurisdiction an implied power granted only in the "Territorial Clause" of the Constitution ARTICLE 4 § 3 (2) and only in

STATEMENT OF CASE

Federal Territory such as the District of Columbia to wit:

Not in Berkeley County West Virginia in Case No

3:17 CR-5, (This is Extraordinary!)

CASE LAW

1) Finley v. United States 490 US 545 (1989).

A court of General Jurisdiction cannot extend it's

Jurisdiction beyond the boundaries fixed by the Constitution

for Territorial Courts of general jurisdiction into geographic area

fixed by the Constitution exclusively for constitutional courts

of Special (or limited) jurisdiction would be admitting to

Treason to the Constitution if it did that - a usurpation

of exercise of jurisdiction. (This is Extraordinary!)

STATEMENT OF CASE

All 5 counts were dismissed with prejudice on 8/27/2018

The District Court NEVER had jurisdiction because both indictments were defective and that is proven by the dismissal of Count 1 for violations in case 3:08-CR-5, both 1 and 15 ARE identical charges. SEE 5TH Amendment

And USV. Douglas Bal case, the original indictment was not vacated or dismissed until 8/27/2018, 4 months after trial and Both indictments include case number 3:08 CR-5 AN 8 year drug case in which the petitioner was sentenced to 87 months on 8/5/2008

SEE Exhibit 1. No wonder the prosecutor Anna

Krasinski did not want the jury to be aware of the JURY would, NEVER convict Mr Clinton of Count 1 or 15.

REASONS FOR GRANTING THE PETITION

"Truth"

All counts were in fact Dismissed with Prejudice on 8/27/2018. The District Court for the Northern District of West Virginia. Does not possess the Constitutional Authority to take jurisdiction and enter Judgements, Orders and Decrees in Berkley County West Virginia. Supreme Court Rule 21(3) was violated The original Indictment was never dismissed. Petitioner was already incarcerated on 8/11/2008. It was agreed upon by both Prosecutor and Judge by their dismissal that both count 1 and or 15 contained an 8 year old Drug Case, count 1 was dismissed with Prejudice but count 15 was not but they are the same charge. (Double Jeopardy) - CONTINUED -

REASONS

Epigrams:

- 1) Whatever the human law maybe, neither an individual nor a nation can commit the least act of injustice against the obscurest individual without paying the penalty for it.
- 2) "Crime is contagious. If the government becomes the lawbreaker, it breeds contempt for the Law"
- 3) As scarce as truth is, the supply has always been in excess of the demand.

CONCLUSION

Do the right thing, Void Judgement Order 205
Filed 8/24/2018 Case No 3:17-cr-5. RELEASE ME.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gregory R. Clinton

Date: DECEMBER 6, 2020