No. 20-6897

ORIGINAL

In The

SUPREME COURT OF THE UNITED STATES



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LEE CHARLES BARDFORD # 325479

Petitioner

VS.

KENNETH ROMANOWSKI

Respondent.

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On Petition for Writ of Habeas Corpus

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PETITIONER FOR WRIT OF HABEAS CORPUS 28 U.S.C. 2241(b)

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II. DOES THE REVERBERATING EFFECT OF THE GOVERNMENT'S FRAUD ON THE STATE COURT REGARDING THE LACK OF DNA EVIDENCE CONSTITUTE FRAUD AGAINST THE HABEAS COURT WHERE THE STATE'S LACK OF DNA EVIDENCE CLAIM WAS ADVANCED TO THE DISTRICT COURT AND RELIED ON, IN PART, TO DENY HABEAS RELIEF?

## PARTIES TO THE PROCEEDINGS

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TABLE OF AUTHORITIES



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PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner Lee Charles Bradford, prisoner # 325479 is a white male confined at the Alger Correctional Facility in Munising Michigan. Petitioner is a dual citizen of the United States and State of Michigan. Petitioner respectfully submits that he is being unlawfully detained in violation of Brady v Maryland, 373 US 83 (1963), and the Fourteenth Amendment pursuant to judgments of conviction and sentence entered in the Hillsdale County Circuit Court, Case No 01-259131-FH. The relevant facts are attached hereto in Appendix A - In re Bradford, 2020 US App LEXIS 23764. Appendix A-

Petitioner discovered new evidence confirming the existence of DNA evidence from the ski-mask allegedly worn by the perpetrator in 2016, after years of state agents denying the existence of such DNA evidence. Petitioner unsuccessfully sought relief in the state courts, and then filed an Rule 60(d) motion for relief from judgment based on fraud on the Habeas Court. The district court opined that it lacked jurisdiction and transferred the matter to the Sixth Circuit for authorization to file a successive habeas petition. The Sixth Circuit Ordered Petitioner to file a proper motion seeking authorization to file a successive habeas petition and declined to grant the requested relief.

Petitioner has no other remedy at law and the fraud complained of in the US district court prevented Petitioner from developing a factual basis to support his claim and prevented the Writ of Habeas Corpus from serving its function as a guard against extreme malfunctions in the state court process. Petitioner now seeks habeas corpus relief in this Court pursuant to Felker v Turpin, 518 U.S. 651, 660-62 (1996), 28 U.S.C §2241(b),(c)(3), In re Davis, 557 U.S. 925 (2009).

## OPINIONS BELOW

The final order of the United States Court of Appeal was entered on July 27, 2020, see In re Bradford, 19-2099, 2020 US App LEXIS 23764 (6th Cir.). The final order of the United States District Court transferring Petitioner's Rule 60 (d) motion to the Sixth Circuit for authorization to file a successive habeas corpus petition was entered September 23, 2019, see Bradford v Romanowski, Case No. 2:05-CV-72889;

## STATEMENT OF JURISDICTION

The United States Court of Appeals for the Sixth Circuit issued its final order on July 27, 2020, after changing the original nature of Petitioner's Fed R. Civ P, Rule 60(d) motion alleging fraud on the habeas Court to a motion for authorization to file a successive habeas petition. thus, this Honorable Court has jurisdiction under 28 U.S.C. 1254(1).

## CONSTITUTIONAL AMENDMENT AND COURT RULE INVOLVED

Fed. R. Civ. P 60(d) provides:

> "(d) Other Powers to Grant Relief. This rule does not limit a Court's power to:
>
> (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
>
> (2) grant relief under 28 U.S.C. §1665 to a defendant who was not personally notified of the actions; or

(3) set aside a judgment for fraud on the Court."

US Const Art 1, §9, C12 provides:

> "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public Safety may require it."

US Const Am 14, Sec 1 Provides:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

Cause for Court's Appellate Jurisdiction and use of Discretionary Powers

This case has extraordinary false facts in itself, and cannot be compared to other case law outright. One of the main problems is the lower courts are having a hard time believing the out right lie presented at trial of no DNA, and how it was falsely reported of being destroyed to the appellate and habeas courts in this case by he state attorneys afterwards.

This lie was used and built from the very beginning by the state, to convict the Petitioner and these false facts together have mislead lower courts for years now leading to a miscarriage of justice... Which there is two clearly separate lies presented, one in the state court, and the other to the District Court. As of today the state still maintains there is no DNA in the mask, as Exhibit F Laboratory Report pg 3 clearly states it is stored in the lab and available for use, proving the truth of the Petitioner's claims.

I am asking the aid of this court to use its jurisdiction and Discretionary Power to straighten the record, and Grant Habeas Relief ordering the District Court to rule on the rightfully filed 60-d motion Exhibit F, or grant what ever remedy is appropriate at this time.

What makes this so exceptional is how the prosecution used the lie to his advantage, and built the case around it. First by, presenting it to the jurors in closing arguments,and then getting the motion to have the mask thrown out denied based on false facts of no DNA. Then finally presenting a new lie stating in writing, "all evidence was destroyed in this case!" misleading the whole appeal process ~~coving~~ covering up the first lie, and preventing the truth to come out once again.

Briefly, at trial in closing arguments the prosecutor stated to the jurors the defendant was making up lies about physical evidence referring to the DNA and calling the Petitioner a Hebrew Goat, Exhibit E, pg 10 of 13

(T.T.) transcript quote. Thus, lessening the moral weight of Mr. Bradford's testimony to the jury. Not only was that a lie to them and the court, but by withholding misrepresenting the DNA evidence we could not impeach Sgt Kanouse lead detective or Neal Brady the prosecutor at trial, presenting expert testimony, and the exculpatory DNA evidence itself to all parties.

Then during Petitioner's Direct Habeas Petition, Hon. Judge Battani stayed the process over discrepancies in DNA reporting at trial. She returned the Petitioner to the lower court for DNA testing in 2007. At which time the state responded to this order that all evidence was destroyed Exhibit F last page. Continuing to cover up the lies nad trying to bury the truth to the courts and defense, which they did at the time.

The state's attorneys have suspended the writ of habeas corpus by perpetrating a fraud upon the court. Consequently, the writ of habeas corpus could not serve its intended function.

Statement of Reasons for not filing in the District Court, etc.

The reason for filing in this court is Petitioner has exhausted his lower court remedies and all options. See attached orders denying the 60-d motion and the reluctantly filed Successive Petition which was denied also. Exhibits (A)-(A2).

Difficulty is high trying to present the truth with such lies and misrepresented facts by the state actors. It took sixteen years to get actual proof that the DNA existed, and that was from an outside source other than the state prosecutor. My argument is presented in black and white, as all the false facts come from state actor's own words and documents they themselves have presented. This is no dream or something made up as suggested by the state!

I would ask this court for any help or order that is within the law. A remedy or rightful hearing to present theses facts and hold state actors responsible for their lies, and get a fair trial.

## STATEMENT OF THE CASE

Petitioner comes to this Honorable Court seeking relief from a United States District Court judgment that was begotten by fraud. The fraud being complained of here, (i.e, the government's suppression of favorable evidence), originated in the trial court and was continued in the United States District Court on habeas review.

The government's misrepresentation concerning the absence of DNA evidence to turn over to the defense was relied on by the trial prosecutor during closing arguments and coveyed to the United States District Court on habeas review.

This appeal derives from the United States district court's unjust recharacterization of Petitioners Fed. R Civ P 60(d) motion as a successive habeas petition. Unfortunalety, Petitioner was forced to seek authorization to file a successive habeas petition in the Sixth Circuit.

It is Petitioners position that his fraud on the court claim should not have been transferred. Petitioner pled sufficient facts alleging actual fraud against the district court in his 60(d) motion as required by Fed R. Civ. P8(a). See App F. The district court failed to give appropriate consideration to the fact that the fraud complained of started in the trial court, but ended in the United States district court. The fraud complained of prevented Petitioner from fully developing the facts and thus, his ability to fairly and completely litigate his habeas petition.

## REASON FOR GRANTING THE WRIT

(a) The Sixth Circuit opinion in this case conflicts with an analogous opinion from a different panel of the Sixth Circuit Court of Appeals. See In re Allen Marion, COA No. 18-1673 (Appendix F), and the Tenth Circuit Opinion in In re Pickard, 681 F3d 1201 (10th Cir. 2012). In each case, the petitioner's argued that the government withheld evidence during the habeas proceedings. In Pickard,

the prosecutor withheld evidence at trial and during habeas review, and the Court remanded the matter to the district court for further proceedings. This Honorable Court should grant habeas relief or remand to the district court for further fact finding. Pursuant to In re Davis, supra.

(b) This Honorable Court should grant, vacate and remand to the district court with instruction to investigate Petitioner's claim of fraud on the habeas court. It is clearly established law that district courts retain ancillary jurisdiction to address claims of fraud. See e.g., Pacific v RR of Missouri v Missouri Pacific Ry Co., 111 U.S. 505, 521-522 (1884).

A victory on Petitioner's claim that the government deceived the habeas court about the existence of DNA evidence will not automatically invalidate Petitioner's convictions. This is true because Petitioner has not been excluded as a potential donor to the DNA found on the ski mask believed to have been worn by the robber.

However, reopening the habeas proceedings will allow Petitioner to pursue discovery pursuant to Habeas Rule 6, regarding the DNA evidence, seek DNA testing in state court due to new advances in science and seek other equitable remedies including appointment of an expert under Mich. Comp. Laws 777.15.

The Sixth Circuit previously granted authorization to file a successive habeas petition upon a prima facie showing of Brady violation finding that new discovery of co-defendant's statement could be used to impeach other witnesses. In re Baugh, 2018 US App LEXIS 35384. Likewise, the DNA evidence from this case only indicates that the DNA profile is from an unknown donor. While this evidence does not exonerate the Petitioner, it certainly could not be deemed to incriminate the Petitioner.

A reasonable jury could conclude that the government could not prove beyond a reasonable doubt that Petitioner was the bank robber since the DNA found in

the mask was from an "unknown donor." Where the government's misconduct,as in this case, prevented Petitioner from testing potentially exculpatory evidence which might provide the information required to assert a factual predicate for a second or successive habeas petition, it would be fundamentally unfair and inconsistent with equitable principles of habeas jurisprudence to treat Petitioner's Rule 60(d) motion as the functional equivalent to a successive petition, especially without an evidentiary hearing.

(c) The Great Writ of Habeas Corpus is an equitable remedy, Schlup v Delo, 513 US 298, 319 (1995). The fraud complained of in this case originated in the trial court. It was furthered in the habeas court by the Attorney General's Office and prevented the writ of habeas corpus from serving its purpose as a guard against extreme malfunctions in the state courts. See Harrington v Richter, 562 U.S. 86, 102 (2011). In Pickard, , supra, the Tenth Circuit held:

> "The movant in a true Rule 60(b) motion is simply asserting that he did not get a fair shot in the original §2255 proceeding because its integrity was marred by flaw that must be repaired in further proceedings." Id. 681 F3d at 1207.

Here Petitioner moved to stay the habeas proceedings so that he may pursue DNA testing in the state court system. The respondent's claim that there was no DNA to test prevented Petitioner from developing a factual predicate for his claim and ultimately denied him due process of law, Thus, like Pickard, Petitioner is simply asserting that he did not get a fair shot at habeas relief.

In Marshall v Holmes, 141 U.S. 589, 596 (1891), the court granted relief from a judgment that was obtained by the use of a forged letter. This fact qualified as a grave "miscarriage of justice" sufficient to justify the independent action because the defendant was completely prevented, by fraud, from presenting any defense to the complaint. Likewise, Petitioner was completely prevented from developing a factual basis to support his claims by

the State's claim that there was no DNA evidence to test. Thus, Petitioner has satisfied the grave miscarriage of justice prerequisite to merit departing from the strict doctrine of res judicata. Therefore, the district court abused its discretion in recharacterizing Petitioner's Rule 60(d) motion and declining to exercise jurisdiction over his fraud upon the court claim.

I. DID THE DISTRICT COURT ABDICATE ITS CLEAR LEGAL DUTY TO EXERCISE ANCILLARY JURISDICTION OVER CLAIMS OF FRAUD ON THE COURT, ABUSE ITS DISCRETION BY RECHARACTERIZING PETITIONER'S RULE 60(d) MOTION AS A SUCCESSIVE HABEAS PETITION WITHOUT AN EVIDENTIARY HEARING, AND EFFECTIVELY SUSPENDED THE WRIT OF HABEAS CORPUS CONTRARY TO US CONST AM ART 1, SEC. 9, CL 2.

The Applicable Law

Fed. R. Civ. P. 60(d) provides:

(d) Other Power to Grant Relief. This rule does not limit a court's Power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or

(3) set aside a judgment for fraud on the court.

See Workman v Bell, 227 F3d 331 (6th Cir. 2000), (Remanding fraud claim to district court for evidentiary hearing).

It is well established that "[w]hen an independent action for relief from judgment is brought in the same court that rendered judgment,the rendering court has ancillary jurisdiction to entertain the action." Pacific RR of Missouri v Missouri Pacific Ry Co., 111 US 505, 521-22 (1884).

Modern courts adhere to the precedent of the 1884 US Supreme Court ruling in Pacific RR of Missouri, supra, see e.g., Charter Twp. of Muskegon v City of Muskegon, 303 F3d 755, 762-63 (6th Cir. 2002), (holding that the federal district court that entered judgment had ancillary jurisdiction to adjudicate

independent action seeking to reopen that judgment, accord, Cresswell v Sullivan & Cromwell, 922 F2d 60, 70 (2d Cir. 1990).

Court's of justice retain the inherent power to vacate a judgment upon proof that a fraud has been perpetrated upon the court. Hazel-Atlas Glass Co. v Hartford Empire Co., 322 US 238 (1944). This "historic power of equity to set aside fraudulently begotten judgments," Hazel-Atlas, supra at 245, is necessary to the integrity of the courts, for "tamping with the administration of justice in [this] manner involves far more than an injury to a single litigant." It is a wrong against the institutions set up to protect and safeguard the public." Id. at 246. Moreover, a court is duty bound to conduct an independent investigation in order to determine if a fraud had been committed. See Hazel-Atlas, supra.

Petitioner is required to establish fraud by clear convincing evidence. See Lacks Indus. v McKechnie Vehicle Components USA, Inc, 407 F. Supp 2d 834, 847 (ED Mich 2005), Burton v Zwicker & Assocs., 978 F Supp 2d 759, 778 (ED Ky, 2013), (The Court could not "find that Burton committed fraud on the court by clear and convincing evidence").

## Authority to Exercise Jurisdiction

As a general rule, "federal courts have a strict duty to exercise the jurisdiction that is conferred upon them by Congress." Quackembush v Allstate Ins. Co., 517 US 706, 716 (1996), (citation omitted). This rule, however, is not absolute. A federal court may decline to exercise jurisdiction only under exceptional circumstances, "where denying a federal forum would serve an important countervailing interest. Id. at 716, citing Colorado River, [424 US] at 813.

In Quackenbush, this Court recognized that a federal court may "refrain

from hearing cases that would interfere with a pending state criminal proceeding." Id. 517 US at 716, or "with certain types of state civil proceedings." Id. None of the grounds for refusing to exercise jurisdiction are present here. In fact, Petitioner offered the district court undisputed proof that the Assistant Attorney General deceived both Petitioner and the habeas court by denying the existence of DNA evidence from the mask allegedly worn by the perpetrator. Thus, the district court was duty bound to exercise jurisdiction over this fraud claim to pave the way for further habeas proceedings, discovery and possibly stay of the proceedings. See Hazel-Atlas Glass Co., supra, 322 US at 249-50.

A Claim Asserted Pursuant to Fed. R. Civ. P. 60(d) does not Constitute Successive Petition

Petitioner filed an independent action under Fed. R. Civ. P. 60(d) alleging that counsel for the State deceived the court about the existence of DNA evidence. At no time did the court find that counsel for the Respondent did not make the material misrepresentation. This case is analogous to In re Marion, 2018 US App LEXIS 27570, where petitioner alleged that the Assistant Attorney General deceived the habeas court by withholding an affidavit. The Sixth Circuit ruled that the district court reversibly erred by transferring the Rule (b) motion for authorization to file a successive habeas petition. See also Burke v United States, 2005 US Dist LEXIS 25908, (noting that Petitioner's Rule 60(d) motion under Hazel-Atlas, and as such, is not a second or successive §2255 motion, but denied on the merits).

In denying habeas relief, the district court in this case, relied in part on the Respondent's misrepresentation (lie) and concluded that "[t]here is no indication that the prosecution intentionally or otherwise suppressed the DNA evidence." Bradford v Romanowski, 2012 US Dist LEXIS 16665 at 26. The court also

noted that [t]he detective indicated that he informed the trial court that the ski mask was sent to the trace evidence unit for testing, at which time dog hair was found in the ski-mask. He explained that no human hair was discovered in the ski-mask, and that no DNA testing was requested on the mask because there was nothing found in the ski mask that could be tested." Id. at* 26. The district court concluded, "with that, the Court concluded that petitioner is not entitled to habeas relief with respect to his first habeas claim." Id. at* 26.

Because the district court relied on the fraud perpetrated by the Assistant Attorney General, the Writ of Habeas Corpus was effectively suspended contrary to US Const. Art 1, Sec 9, cl2. Petitioner could not fully and fairly litigate his first claim for habeas relief (Brady violation) because of the reverberating effect of the continued fraud from the State to the federal habeas court. Thus, Petitioner has no other avenue for relief save an original habeas petition in this Court pursuant to 28 U.S.C. 2241 (b).

II. DOES THE REVERBERATING EFFECT OF THE GOVERNMENT'S FRAUD ON THE STATE COURT REGARDING THE LACK OF DNA EVIDENCE CONSTITUTE FRAUD AGAINST THE HABEAS COURT WHERE THE STATE'S LACK OF DNA EVIDENCE CLAIM WAS ADVANCED TO THE DISTRICT COURT AND RELIED ON, IN PART, TO DENY HABEAS RELIEF?

In United States v Throckmorton, 98 US 61, 65-66 (1878), the Court recognized that "[w]here the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception ... a new suit may be sustained to set aside and annul the former judgment or decree, and open the case for a new and fair hearing." In the years following Throckmorton, the Court decided Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 US 238 (1944), which concluded that a judgment could be attacked for intrinsic fraud resulting from corrupt officers of the court. Id. at 244.

In order to establish fraud on the court, the Petitioner must establish conduct: 1) on the part of an officer of the court; 2) that is directed to the judicial machinery itself; 3) that is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth; 4) that is a positive averment or a concealment when one is under a duty to disclose; 5) that deceives the court. See Workman v Bell, 227 F3d 331, 336 (6th Cir. 2003), citation omitted.

A. Independent Action

Petitioner filed an independent action alleging fraud in the United States District Court, Eastern district, pursuant to Fed. R. Civ. P. 60(d). Petitioner had pleaded sufficient facts as required by Fed.R. Civ. P. 8(a), and 9(b). The district court was required to accept all well pleaded facts as true. Ashcrof v Iqbal, 556 US 662, 678 (2009). In the absence of any rebuttal from the Attorney General, Petitioner's allegation of fraud should not have been transferred to the Sixth Circuit without an evidentiary hearing.

The transfer of Petitioner's fraud claims to the Sixth Circuit for authorization to file a successive habeas petition was tantamount to a summary dismissal. A summary dismissal of a fraud upon the court claim is a drastic disposition that should not be used unless the pleading, files and records conclusively show that petitioner would not be entitled to relief. See e.g. Walker v True, 399 F3d 315, 319 (6th Cir. 2005), (Vacating district court's summary denial of §2255 relief because district court failed to "[a]ssume the facts pleaded in Walker's petition to be true.").

Petitioner respectfully submits that the district court committed a clear legal error by transferring his fraud on the court claims to the Sixth Circuit Court of Appeals under 28 U.S.C. §2244(b),without conducting an evidentiary hearing. See Workman v Bell, supra, 227 F3d at 335 ("Case of fraud upon the court are excepted from the requirements of section 2244."). Workman's fraud claim was remanded for an evidentiary hearing.

The Tenth Circuit Court of Appeal remanded an analogous case to the district court after the petitioner's Rule 60(b) motion based on Brady/Giglio violations were treated as a second or successive §2255 claim. See In re Pickard, supra, Pickard argued that the government violated Brady/Giglio, by suppressing the criminal and informant backgrounds of witnesses. Pickard, furthered that the government failed to disclose files from agencies other than the drug Enforcement Agency (DEA), while the prosecution claimed that no other agency was involved.

Pickard argued that new evidence indicated that the prosecutor withheld evidence at trial and committed fraud during the §2255 proceedings because federal agencies other than the DEA were involved in the investigation.

Petitioner in this case presented facts and evidence that the Attorney General either intentionally or was willfully blind to the truth in that

contrary to the trial prosecutor's claim that there was no DNA, there actually is DNA evidence that has not inculpated the Petitioner in his case. (App F).

The Sixth Circuit has previously dealt with an analogous scenario in the matter of In re Marion, supra, which concluded that the district court improperly transferred a motion for relief from judgment to the Sixth Circuit as a successive habeas petition.

Likewise Petitioner also asserts that the district court was defrauded by the government's suppression of DNA evidence from the state to the federal courts.

B. Various federal district and Court of Appeals do not treat Rule 60 fraud claims as successive habeas petitions

In Zakrzewskii v McDonough, 490 F3d 1264, 1266-67 (11th Cir. 2007), the court held in a per curiam opinion that the district court erred in treating petitioner's Rule 60(b) fraud claim as a second or successive habeas. In Pickard supra petitioner's Rule 60(b) motion was remanded for further proceedings by the Tenth Circuit, accord, In re Marion, supra.

In the case of In re Marion, 2018 US App LEXIS 27570, the Sixth Circuit concluded that the district court should not have transferred Marion's Rule 60(b) motion for authorization to filed a second or successive habeas petition. Id. at 3. The Sixth Circuit remanded Marion's fraud claim to the district court for further proceedings.

In denying relief,the Sixth Circuit issued a lengthy opinion which appears to address the merits of Petitioner's claims in the first instance. Such a practice is akin to deciding an appeal without jurisdiction, a practice that has been frowned upon by this Honorable Court. See e.g., Miller-El v Cokrell, 537 US 322, 336-37 (2003).

A prisoner seeking relief from judgment based on allegations of fraud must

make a clear and convincing showing of facts and evidence to avoid summary dismissal, or in this case an unnecessary transfer to the Sixth Circuit for authorization to file a successive habeas petition.

Both the district court and the Sixth Circuit recognized that Petitioner argued that the Assistant Attorney General committed fraud upon the habeas court. See In re Bradford, 2020 US App LEXIS 23764 at*7. Neither court questioned the validity of Petitioner's claims. Thus, a clear and convincing showing of fraud has been made.

For over fifteen years the prosecution and Michigan State Police concealed the existence of DNA evidence that was recovered from a ski-mask allegedly worn by the perpetrator of the crimes for which Petitioner had been convicted. The trial prosecutor argued that Petitioner's testimony is not credible because he lacks physical (DNA) evidence to support his claims. (Trial Trans. Vol. III, pgs. 17-20; closing arguments).

The Assistant Attorney General either intentionally or with a willful blind eye to the truth, misled the district court and Petitioner by arguing during habeas review that ere was no DNA evidence to support Petitioner's Brady, claim. This was a misrepresentation, by an officer of the court, that was intentionally false or in reckless disregard of the truth, that was effectively a concealment of DNA evidence, that the Government was duty bound to disclose, which deceived the district court in its ruling. Petitioner respectfully submits that this is the classic case of "fraud upon the court" for which rule 60(d) relief was appropriate.

It is Petitioner's position that State's attorney's conduct not only deceived the court, but effectively suspended the writ of habeas corpus contrary to US Const Art 1, Sec 9, cl 2. For this reason, Petitioner seeks a writ of habeas corpus from this Court because he is being detained in violation of the

14th amendment and Brady v Maryland, supra.

The inconsistent dispositions reached by the various federal district and appellate courts regarding Rule 60(d) motion or proceedings produce unjust results nationwide. Thus, this Honorable Court should intervene in the interest of justice and grant habeas relief. 28 U.S.C 2241(b). In re Davis, supra, Felker, supra.

## RELIEF REQUESTED

WHEREFORE Petitioner respectfully request that this Honorable Court exercise its Supervisory Power and grant habeas relief, remanded this matter to the district court with instructions to hold an evidentiary hearing in accordance with In re Davis, supra.

## VERIFICATION

I have the above and I solemnly affirm under the penalty of perjury that the same is true to the best of my knowledge, information and belief. 28 USC §1746.

Date: 10/5/20

Lee Bradford