

No. 20-7148

Supreme Court, U.S.
FILED

OCT 15 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Benjamin W. Fawley — PETITIONER
(Your Name)

David Jablonski, Former secretary vs.
R.C. Smith, Former Warden, L.C.C.F./Geo
Howard Clarke, Director, Va. D.O.C. — RESPONDENT(S)
Susanna Martinez, Former Governor, N.M.

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Ct. Appeals, 10th Cir.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

No court ruled on the merits

PETITION FOR WRIT OF CERTIORARI

Benjamin W. Fawley
(Your Name)

Lee County Correctional Facility
6944 West Millen Drive
(Address)

Hobbs, N.M. 88244
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- ① Is it proper for the U.S. District court Judge, William Johnson, To Fail to give notice of his order of Document #2, To Mr. Fawley, then use this, in part, as grounds to dismiss?
- ② Is it proper for the U.S. District court Judge, William Johnson, To also Fail to give notice to those who filed motions for joinder, notice he dismissed their motions for joinder?
- ③ Does the Government, state of New Mexico, have legal Authority to pass and enforce state laws, that obstruct state obligations under Contracts (ABridge U.S. Const., Art. I, §14: Contracts clause & N.M. State Const., Art. II, §19-Contracts clause)?
- ④ Where N.M. state law renders new, additional criminal punishment, to The Final Judgement and sentence, by Alford Plea Contract, From The Commonwealth of Virginia; to add additional criminal responsibility to the exact same Judgement and sentence, ex post facto, that requires different facts not raised at trial, nor were part of the written Contract of the explicit sentence of Plea Agreement, for loss/injury of crime victims, without trial or judicial process; Does The state violate Fed. R. Crim. P., Rule: 11(e)(1)(C) & Fed. R. Crim. P., Rule: 11(e)(1)(C)?
- ⑤ Is it a violation of Double Jeopardy for New Mexico To add an additional 139 single, individual criminal punishments to The Final Judgement and sentence of Virginia, by Plea Contract, each and every month, beginning 10 July 2009 Through Nov 2020 & ongoing & continuing?

- ⑥ Does the N.M.C.O. Hold Judicial authority to assign criminal responsibility for crime victims losses/injuries due criminal activity under color of N.M. State law, without Judicial proceedings, evidence, or providing prisoner's any opportunity to defend, object, or appeal this assignment of criminal responsibility for criminal activity?
- ⑦ Does state of N.M. and N.M.C.O. Have legal authority to change, modify, and add to the Final Judgement and sentence From The Commonwealth of Virginia, without trial, almost 3-years After Fact Judgement and sentence were final?
- ⑧ Does state of N.M., under color of N.M. State law, § 33-8-8, N.M.S.A. (1978) Hold legal authority to impose criminal punishment, by assigning criminal responsibility for crime victims injury/loss, to Garnish prison wages, without due process of law due to garnish wages, of every single N.M.C.O. prisoner, including, but not limited nor isolated to taking of Funds by Garnishment of Mr. Fauley's prison wages?
- ⑩ Can N.M.C.O. legally obstruct the Commonwealth of Virginia, under color of N.M. State law, From obligations under plea Agreement contract, of the explicit sentence imposed under contract of plea Agreement?
- ⑪ Does the Prison Litigation Reform Act limit the number of constitutional rights violated by prison officials by a single act by prison officials, a prisoner is allowed to defend against?

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 2:18-cv-00943-MR-CG - Habeas petition attacking N.M. State's material alteration of Virginia Plea Agreement contract under color of state law that removes Judiciary & Judicial process to add terms of criminal sentence to existing Judgments and sentences of every single N.M. State prisoner, including that of Mr. Fawley, in Breach of contract(s) of Plea Agreement & in Breach of interstate corrections compact contract between N.M. State & Commonwealth of Virginia; under color of N.M. State law.
(also see: 20-2121 & 20-2139)
- ② D-141 cv-2420-02247 - N.M. First Judicial District Court, the re-filing of case N°: D-506-cv-2417-989 / 2:18-cv-01134-WJ-SCY.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	9
CONCLUSION.....	15

INDEX TO APPENDICES

Appendix: A - Decision From U.S. Ct. App., 10th cir _____

Appendix: B - Decision From U.S. Dist. Ct., Dist. of N.M., Las Cruces

Appendix: C - Assertion under 28 U.S.C. § 1746, U.S. Ct. App., 10th cir. never gave notice of decision to dismiss motion for rehearing, until Dec at Appendix:

Appendix: D - Original Filing of this writ - needing correction

Appendix: E - only notice of Dismissal from U.S. Ct. App., 10th cir. of Dismissal of motion for rehearing.

Appendix: F - Letter asking for corrections & re-service of all defendants.

✗ Correction made on: 24 Dec. 2020, as per letter @ appendix: F desktz

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. v. Gibson, 490 F.3d 604, reh. en banc, den. (2007 CA7 III) 2007 U.S. App. Lays 17605, and Cert. den. (2008), 128 S.Ct. 1646, 170 L.Ed.2d 353	5
Dress v. D.O.C., 168 Wn. App. 319, 879 P.3d 875 (2012)	5
Crosby v. City of Gastonia, 635 F.3d 634 (2011, CA4 NC)	5
Blakely v. Washington, 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 443 (2004)	5
E4I Hauling, Inc. v. Forest Preserve Division, 613 F.2d 675 (1980, CA7 III)	5
Adams v. US, 391 F.3d 1212, 14 BNA WJ Cas 28, 527 CCH LC ¶ 34929, cert. den. (2005), 546 U.S. 811, 126 S.Ct. 330	5
Puckett v. U.S., 556 U.S. 129, 137 (2009)	5/6
U.S. v. Under Seal, 902 F.3d 412, 418 (4th Cir. 2018)	6
U.S. v. McQueen, 108 F.3d 64, 66 (4th Cir. 1997)	6
U.S. v. Frommelter, 626 F.3d 549, 554 (10th Cir. 2010)	6
Blackledge v. Allison, 431 US 63, 76 (1977)	6
US v. White, 366 F.3d 291, 297-300 (4th Cir. 2004)	6
Puckett, 566 U.S. @ 133-34	6
U.S. v. Tate, 845 F.3d 571, 575 (4th Cir. 2017)	6
U.S. v. Mendoza, 698 F.3d 1303, 1309 (10th Cir. 2012)	6
Puckett, 556 US @ 129	6
US v. Warner, 820 F.3d 678, 685 (4th Cir. 2016)	6
U.S. v. Rutgard, 116 F.3d 1270, 97 CDOS, 4197, 97 Daily Journal DAR 7048 (1997 CA9 Cal)	6

Statutes and Rules

Fed. R. Crim. P., rule: 11(a)(2)	5
Fed. R. Crim. P., rule: 11(e)(1)(C)	5
Fed. R. Crim. P., rule: 11(e)(1)(C)	5
Fed. R. Crim. P., rule: 52(b)	5
42 U.S.C. § 1981	5
42 U.S.C. § 1985	5
42 U.S.C. § 1986	5
42 U.S.C. § 1988	5
28 U.S.C. § 2241	5

OTHER

U.S. Const., Art. I, § 14 - Bill of Attainder clause	5
U.S. Const., Art. I, § 10 - ex post facto clause	5
U.S. Const., Art. I, § 10 - contracts clause	5
U.S. Const., Amend. 5 - due process clause	5
U.S. Const., Amend. 5 - Double Jeopardy clause	5

U.S. Const., Amend. 8 - cruel and unusual punishment clause	5
U.S. Const., Amend. 8 - excessive Fines clause	5
U.S. Const., Amend. 14 - Takings clause	5
U.S. Const., Amend. 14 - equal protections under laws clause	5
U.S. Const., Amend 14 - prohibition against state's abridgement of rights clause	5

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-13 to the petition and is

~~✓~~ correction: 24 Dec. 2020
by: skulz

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

~~was by US Ct App, 10th Cir Decision provided to~~

The opinion of the United States district court appears at Appendix B to the petition and is

~~✓~~ correction: 24 Dec. 2020
by: skulz

☐ 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 31 Aug. 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 _____.

↳ The court never notified Mr. Fanley of date or grounds for dismissal

☐ 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).

Note: U.S. Ct. App., 10th Cir. never gave notice of dismissal of petition for rehearing in case n^o: 20-2032 - Mr. Fanley was only told it was so dismissed in the court's refusal to file petition for rehearing in case n^o: 20-2139.

☐ 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

- ① U.S. Const. Art. I, § 10 - Bill of Attainder clause.
- ② U.S. Const. Art. I, § 10 - ex post Facto clause.
- ③ U.S. Const. Art. I, § 10 - Contracts clause.
- ④ U.S. Const., Amend. 5 - Due Process of law clause.
- ⑤ U.S. Const., Amend. 5 - Double Jeopardy clause.
- ⑥ U.S. Const., Amend. 8 - Cruel and unusual punishment clause.
- ⑦ U.S. Const., Amend. 8 - Excessive Fines clause.
- ⑧ U.S. Const., Amend. 14 - Takings clause.
- ⑨ U.S. Const., Amend. 14 - equal protections of law clause.
- ⑩ U.S. Const., Amend. 14 - protection from states abridging rights clause
- ⑪ 42 U.S.C. § 1981 - enforcement of contracts & Rights under contracts.
- ⑫ 42 U.S.C. § 1985 - N.M. state actors & Geo Group, Inc., intentionally violating civil rights.
- ⑬ 42 U.S.C. § 1986 - N.M. state, Virginia state, & Geo Group, depriving civil Rights under color of state law.
- ⑭ 42 U.S.C. § 1988 -
- ⑮ 28 U.S.C. § 2241(c)(3) -
- ⑯ 18 U.S.C. § 3742 (a)(1); (b)(1); (c)(3)(B)(iii); & (e)(3)(c)(4)
- ⑰ Fed. R. Crim. P., Rule: 11(e)(1)(c)
- ⑱ Fed. R. Civ. P., Rule: 11(e)(1)(c)
- ⑲ 28 U.S.C.A., Rule 64 - Void Judgment.

STATEMENT OF THE CASE

① Mr. Farley was sentenced under an Alford plea Contract in the Commonwealth of Virginia on 19 Aug. 2006, and moved to withdraw the plea on 29 Aug. 2006 upon discovery court appointed trial counsel lied to him and failed to properly defend him, simply because they didn't want to because they were not paid enough to do so.

② Counsel refused to file motion to withdraw plea under Va. Code 1950, § 14.2-296, Asserting it would be unethical to withdraw a plea so soon after accepting plea; abandoning Mr. Farley.

a) Mr. Farley, without aid of counsel, Filed pro se, having a 3rd party who had power of attorney, type & deliver Document to court seeking to withdraw the plea.

b) The court, Mathews county circuit court, Did not notify Mr. Farley untill 15 Oct. 2008, of the dismissal of his 29 Aug. 2006 motion on 18 Sep. 2006; Removing opportunity to appeal.

c) Mr. Farley filed Action in U.S. Dist. Ct., Western Dist of Va. due loss of Right to appeal & obstruction of Right of court access.

d) Mr. Farley, was transfered to State of N.M., By Virginia Department of Corrections, Sometime prior to May, 2009, or around 05 May 2009 (or there about).

e) Mr. Fawley was transfered to Lea County Correctional Facility, From Las Lunas, sometime prior to: 10 July 2009; as Mr. Fawley was first subjected to N.M.C.O. Policies, N°: CO-1007700; N°: CO-1007702; and also N.M.C.O. Policy N°: CO-024541(0)(2), by Geo Group, inc., on behalf of N.M.C.O., Beginning on: 10 July 2009. See: U.S. Const., Art. I, § 10 - Bill of Attainder clause; U.S. Const., Art. I, § 10 - Ex post Facto clause; U.S. Const., Art. I, § 10 - Contracts clause; also see: U.S. v. Gibson, 490 F.3d 644, reh, en banc, den. (2007, CA7 III) 2007 U.S. App. Lexis 17605 and cert den (2008), 128 S.Ct. 1646, 170 L. Ed. 2d. 353; Fed. R. Crim. P., rule: 11(e)(1)(C); Fed. R. Crim. P., rule: 11(e)(1)(C); Dress v. D.O.C., 168 Wn. App. 319, 279 P.3d 875 (2012); Crosby v. City of Gastonia, 635 F.3d 634 (2011, CA4 NC); Blakely v. Washington, 542 U.S. 296, 124 S.Ct. 2531, 159 L. Ed. 2d. 403 (2004)

i.) on 10 July 2009, Geo Group, inc. imposed new, additional criminal punishment(s) upon Mr. Fawley, as an addition to his Final Judgement & sentence From 19 Aug. 2006, For New Mexico criminal Activity, by assigning criminal responsibility without trial, evidence, or due process of law, to the Final Judgement and sentence From the Commonwealth of Virginia, to Garnish prison wages to pay New Mexico crime victims for their loss/injury due crimes in New Mexico, where no criminal Activity beyond the Jurisdiction of Commonwealth of Virginia was raised at trial in Aug. 2006 plea Agreement acceptance hearing. See: E & I Hauling, inc. v. Forest Preserve Division, 613 F.2d 675 (1980 CA7 III); Adams v. U.S., 391 F.3d 1212, 10 BNA W4 Cas 2d, 527, CCH LC ¶ 34929, Cert. den. (2005) 546 U.S. 811, 126 S.Ct. 330; Fed. R. Crim. P., rule: 11(e)(1)(C); Fed. R. Crim. P., rule: 11(a)(2); Fed. R. Crim. P., rule: 11(e)(1)(C); 42 U.S.C. § 1981; 42 U.S.C. § 1985; 42 U.S.C. § 1986; 42 U.S.C. § 1988; 28 U.S.C. § 2241; U.S. Const., Amend. 5 - due process of law clause; U.S. Const. Amend. 5, Double Jeopardy clause; U.S. Const. amend. 8, cruel & unusual punishments clause & excessive fines clause; U.S. Const. amend. 14 - takings clause; 14th amend. equal protections of laws clause & prohibition against states abridgement of Rights clause; Fed. R. Crim. P., rule: 52(b).

ii.) Geo Group, inc. and N.M.C.O. Assert that their application N.M.C.O. Policy N°: CO-1007700; CO-1007702 and CO-024541(0)(2) to impose § 33-8-8, N.M.S.A. (1978), in conflict with sentence imposed by court in Commonwealth of Virginia, is not Grievable, as it is N.M.C.O. Policy and beyond their control, despite Fact N.M.C.O. Policy is under controle of N.M.C.O. & their agent, Geo Group, inc. And violates Paragraph N°: 17, of the Interstate corrections Compact contract between N.M. & VA, and is their act/action, thus within their control. See: Puckett v. U.S., 556 U.S.

129, 137 (2d Cir. 1977); U.S. v. Under Seal, 942 F.3d 412, 418 (4th Cir. 2018); U.S. v. McQueen, 148 F.3d 64, 66 (4th Cir. 1997); U.S. v. Frownfelter, 626 F.3d 549, 554 (10th Cir. 2014); Blackledge v. Allison, 431 U.S. 63, 76 (1977); U.S. v. White, 366 F.3d 291, 297-300 (4th Cir. 2004); Puckett v. U.S., 566 U.S. at 133-34; U.S. v. Tate, 845 F.3d 571, 575 (4th Cir. 2017); U.S. v. Mendoza, 698 F.3d 1343, 1349 (10th Cir. 2012); Puckett, 556 U.S. at 129; U.S. v. Warner, 824 F.3d 678, 685 (4th Cir. 2016); U.S. v. Rutgard, 116 F.3d 1274, 97 CDOS, 4147, 97 Daily Journal DAR 7448 (1997 CA9 Cal).

f.) Despite the untruthful assertion of U.S. Court of Appeals Judge in case n^o: 24-2139, the issue of the Crime Victims Reparations Act (C.V.R.) was never raised in case n^o: CV-11-4181-LH/KBM, As case n^o: CV-11-4181-LH/KBM Attempted, but has deprived right of court access, to raise objections to right of court access, seizure of legal documents in retaliation for use of institutional grievance procedure, retaliatory acts by Mr. D. Burris, legal decisions by Mr. D. Burris limiting court access under N.H.C.O. Policy to only \$1983 or \$2254 Actions, & other issues hindering legal access. See: Fawley v. Geo Group, Inc., n^o: 2:18-cr-00079 (pending).

i.) The untruthful assertion of Judge in case n^o: 24-2139 is beyond prejudicial, as it removes integrity and Fundamental Fairness from proceedings, especially in light of Fact Judge using untruthful assertion to be intentionally misleading to possibly intending Fraud on the court to dismiss; will be picked up by other judges to prejudice Mr. Fawley to falsely dismiss other actions.

ii.) Judge's use of untruthful and False assertions in their reasoning to dismiss is not allowed redress by exact Judge who's untruthful assertion used to dismiss, may raise to level of Fraud on the court; removing any procedural due process & law to address the unethical Judicial act of A Judge using False, untruthful, and misleading information to dismiss a case, rendering the decision unreliable, and a sham.

g.) Geo Group, Inc. committed actual Fraud, to obstruct this action, in state ct. Case n^o: D-546-CR-2417-989, by removing ability to serve summons & complaint as required, by charging for U.S. Postal service not actually provided

i.) Judge, William Johnson, the judge in case n^o: 2:18-cr-01139 -

US-SCY, Deprived a Fair Judicial Proceeding by Actual Judicial Prejudice where Judge refused to provide Mr. Fawley with copy of Judicial order of Document N^o 2, using this prejudicially unfair judicial Action as grounds, in part, to dismiss, allowing an egregious Miscarriage of Justice.

ii.) The U.S. Ct. App., 14th Cir. Allowed Judge, William Johnson's unfair judicial proceedings, by allowing Judge to deprive Mr. Fawley of notice of his order of Document N^o 2, To deprive Mr. Fawley right of court Access.

iii.) The 14th Cir. Ct. App. Deprived a Fair and Just proceeding, by depriving Mr. Fawley of his writ of Mandamus Demanding Judge William Johnson serve Mr. Fawley with Document N^o 2; and allowed the prejudicially unfair proceedings to deprive judicial review by closing the courtroom doors on Mr. Fawley by Fraud on the court once again.

b.) The Unfair and Prejudicial Action of Judge, William Johnson, was not limited, nor isolated, to depriving Due process of law from Mr. Fawley alone; As Judge, William Johnson's Actions Also so Deprived most of the morants for joinder the due process of law when he also failed to give those morants notice of his Dismissals of their independent motions For joinder.

i.) Judge, William Johnson's Actions of Failure To give any notice of Judicial order to Mr. Fawley & Failure to give notice of his decisions to dismiss motions For joinder, & his prejudice Against Mr. Fawley clearly Asserted ~~due~~ independent motions For joinder the judge Faulted Mr. Fawley For, despite Mr. Fawley did not File them.

ii.) The Proceedings not only Fundamentally unfair, but egregious Showing of lack of integrity of Judiciary where 14th Cir. Ct. App. Allows Dist. Ct. Judge to deprive litigant's notice of Judicial order as Grounds to dismiss.

Therefore, Mr. Fawley Ask this court to return integrity to Federal courts, by requiring Judges to give notice of their decisions and orders to all movants to an Action, Before using such to so Dismiss, as was done in this case.

There is no integrity to decision of case 1st:24-2432, As the 14th Cir. Ct. of Appeals allowed lower court Judge's Failure to give Fair & equal procedural due process to Mr. Fawley & all movants For joinder in his Failure to notify Mr. Fawley of Document 1st 2, As This establishes the Judge was placing Mr. Fawley at an unfair disadvantage by depriving notice of order of Document 1st 2, with intent or without intent, to render proceedings unfair.

REASONS FOR GRANTING THE PETITION

- I) This Court must uphold equal and Fair judicial proceedings of lower courts, or risk allowing judiciary to be nothing but a sham. As Allowing District Court Judge, William Johnson's, pattern in case №: 2:18-cr-01139-WJ-SCJ of not giving notice of his order or decisions to plaintiff & movants for joinder, establishes The Judiciary is by intent, unfair and void of Judicial due Process of law.
- II) When the U.S. Court of Appeals, 14th cir. Allowed the lower court to deprive Mr. Faulley Any notice of Document №: 2 untill notice of their dismissal, rendered it impossible for Mr. Faulley To receive a fair proceeding or to meaningfully address the appellate court.
- III) Such proceedings are the definition of A kangaroo court & render proceedings A miscarriage of Justice. As Fact of Judge's Failure to notify Plaintiff/movants for joinder is not a single isolated thing; but a pattern, This rises to Fraud on the court to claim Mr. Faulley violated an order he never was provided/never received, untill notice of Dismissal of case №: 24-2432.

IV.) The Court's prejudice is clear, As the U.S. District court complained about Mr. Fawley's handwriting that is subpar due learning Disabilities & Bi-Polar issues, So Fact Mr. Fawley had a 3rd party write Appellate Brief in case #^o: 24-2432 Should not have been held against Mr. Fawley.

A.) Mr. Fawley, due conditions of confinement, must write in the dark, as he is now. It is 5:56 pm (mountain time) as Mr. Fawley writes this, in the dark, as officer's have the lights out.

B.) The courts already prejudice Mr. Fawley by placing him in a class that must meet standards that citizens not in prison do not have to meet: Placing additional obstructions & hurdles before Mr. Fawley Most citizens seeking to protect their Rights under 42 U.S.C. § 1981, do not have to meet. only members of a clearly defined class of individuals must meet; depriving judicial review in case #^o: 11-cr-4181-LH/KBM & in case: 2:18-cr-41139.

C.) When Courts use untruthful Assertions as grounds to dismiss, As in case #^o: 24-2139, The integrity of the

Judiciary can be questioned.

i) The court, in related case N° : 24-2139, Falsly and untruthfully Asserts that reason, in part, To dismiss as claim previously raised in case N° : CR-11-0181-LH/KBM.

a.) The Assertion By Judge is untruthful, False, and prejudicial, As case N° : CR-11-0181-LH/KBM Did not address issues raised herein, but rather addressed Fact Mr. D. Burris was, on behalf of Geo Group, inc. was obstructing right of court access.

b.) Actual Harm in case N° : 24-2101, AS Judge claimed Mr. Fanley should file a $\S$ 2241 motion, Not a $\S$ 2254 motion, when Mr. D. Burris's legal decision not addressed due dismissal of case N° : CR-11-0181-LH/KBM, under False Pretense.

i.) The court, in case N° : CR-11-0181 (LH/KBM), without showing of Fact or evidence, Falsly and untruthfully asserted Mr. Fanley failed to exhaust institutional Grievance procedure, As Grievance procedure available was exhausted; as procedural due process of Grievance procedure at LCCF is not available at all times. See litigation N.M. Courts Refuse to file.

I) An Egregious Miscarriage of Justice continues, each month, As the court's closing of courtroom doors by holding Mr. Tawley to standards he can not meet as grounds to dismiss shows the Judiciary is nothing but a sham.

A.) When the court deprived Mr. Tawley notice of the order, then dismisses because Mr. Tawley violated a judicial order the court never gave Mr. Tawley of, the court establishes it is by intent and design, Fundamentally unfair and prejudiced against Mr. Tawley.

1.) If Judicial proceedings deprive a fair process, by placing Mr. Tawley at an extreme disadvantage by issuing orders it won't give Mr. Tawley notice of until after the dismissal in case #1: 20-2030, then the proceedings were nothing but a sham from the moment the court ~~made~~ failed

To give Mr. Tawley of Document #2 in case #1: CV-18-01139-WJ.

5%.

2.) The unfair proceedings not isolated or limited to Mr. Tawley, As the Judge, William Johnson, also failed to give notice to most, if not all, movants for reconsider, that he dismissed their motions.

B.) Mr. Fawley moved the court for removal of Judge William Johnson, prior to his dismissal, on grounds he failed to give Mr. Fawley notice of Document #2, A prejudicial Act that is not isolated to a single act or action.

① Judge, William Johnson's Failure to give notice to Mr. Fawley, of his judicial order of Document #2 is not an isolated or single event of Judicial misconduct that was prejudicial to plaintiff(s), As a pattern of Failure of Judge William Johnson to allow Fair Judicial proceedings is established as Judge Johnson also Failed to give notice of his dismissals of Motions for Joinder to those multiple parties moving the court for joinder.

② In his wording, Judge William Johnson, exhibits prejudice against the plaintiff in his assertion, without Fact, evidence, or merit, that Mr. Fawley "recused" the movants for joinder; Where Movants for Joinder were fully aware of Action due to threats of retaliation and Actual Acts of Retaliation against Mr. Fawley for use of Institutional Grievance Procedure to address issues raised in this claim / action.

a.) The Movants for Joinder are entitled under rules of law to move the court to join action, especially one, who did so File an independent action addressing same/similar issues on his own in state courts, but lacked funds to continue on his own in Federal courts due excessive costs to file.

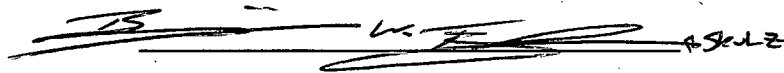
c.) This dismissal, on grounds Mr. Farley is seeking to address every constitutional right violated under color of M.M.C.A. Policy N°: CO-100744; N°: CO-100742; and N°: CO-024541(D)(2), under color of New Mexico state law § 33-8-8, M.S.A. (1978), To impose/assign criminal responsibility for M.M. crime victims injury & loss without due process of law as an addition to a prior conviction, without evidence, not opportunity to defend, to inflict the garnishment of prison wage to take funds from every single M.M.C.A. prisoner, including, but not limited to Mr. Farley and those who moved the court with motions for joining, deprives Mr. Farley right to address his grievance of each individual constitutional right being violated each and every month beginning on 14 July 2009. Through Date court ends this abridgement of multiple constitutional rights, privileges, & protections under law, is an egregious miscarriage of justice as the extreme number of constitutional rights being violated under color of M.M. state law is alone, showing Judicial action is required to defend U.S. Constitution from abridgement by state of New Mexico.

Therefore, under the Fundamental Miscarriage of Justice Exception should allow review in case №: 2:18-cr-01139-WJ-SCJ, and case №: 2:18-cr-00443-MR-LG, As Fact No Fair proceedings have been allowed; For the Assignment of criminal responsibility, to the Attempt(s) To Raise this Grievance Before the Government, as no court has allowed review of any kind to address the extreme number of constitutional rights being violated against every single N.M.C.O. Prisoner, including but not limited to Mr. Farley's constitutional rights.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 Mr. Farley

Date: 21 November 2024