

20-7232
No. 20-7232

IN THE
SUPREME COURT OF THE UNITED STATES

In re

Henry Lee Rudolph — PETITIONER
(Your Name)

vs.

RESPONDENT(S)
Extrordinary writ of prohibition and mandamus
ON PETITION FOR A WRIT

United States Court of Appeals - Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF

FILED

SEP 11 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Henry Lee Rudolph
(Your Name)
4610 Hephzibah, Ga. 30815
3020 Homestead

(Address)

Chouteau, Wyoming 82426
(City, State, Zip Code)

307-222-0078 496-6935
(Phone Number)

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

In re

Henry Lee Rudolph — PETITIONER
(Your Name)

vs.

RESPONDENT(S)

ON PETITION FOR A WRIT

United States Court of Appeals - Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF

RE Habeas Corpus

Henry Lee Rudolph
(Your Name)

3020 - Homestead
(Address)

Cheyenne, Wyoming 82001
(City, State, Zip Code)

307-220-0078
(Phone Number)

QUESTION(S) PRESENTED

Did the Utah Supreme Court commit fraud upon the Court by stating The transcripts were destroyed and Mr. Rudolph requested, counsel and by stating Three trials did not violate Double Jeopardy notwithstanding a jury verdict acquittal of the predicate offense?

QUESTION(S) PRESENTED

I. Did the Utah Supreme Court falsely state Mr. Rudolph requested reappointment of Counsel. Thus violating Towari v. Tovar, in which this Court stated "The Constitution does not impose Counsel on a defendant." See also Fare v. Cal., McKaskle v. Wiggins

II. Did the Utah Supreme Court mislead the 10th Circuit Court of Appeals by falsely stating the transcripts were "destroyed." Thus violating § 8 U.S.C. § 1001 and 60(b)3 FRCF

III. Did the Utah Supreme Court abuse its discretion as per Cooter and Gell v. Hartman, Ashey v. Swenson, N. Car. v Pearce as well as the 5th Amendment's double jeopardy and collateral estoppel by stating that three (3) trials - not with standing acquittals of the predicate offense did not constitute a double jeopardy violation?

IV. Does this pattern of conduct constitute fraud upon the Court as per Abdur Rahman v. Bell, Gonzales v. Crosby, Bullock v. U.S. (10th Cir.)?

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	42 USC §1985- §1988
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	18 USC §4, §1001, §1985 28 U.S.C. § 1331, § 1333
STATEMENT OF THE CASE	18 U.S.C. § false statements.....
REASONS FOR GRANTING THE WRIT. <i>Exposing public corruption, § 1985-§ 1986</i>	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	17-4168, 10th Cir. Dec. 2:14-cv-0883-cw US Dist Ct. (Docket = proof of service.)
APPENDIX B	Utah Sup. Ct dec. Proof of violations of 18 USC §1981, etc.
APPENDIX C	10th Cir. petition for rehearing
APPENDIX D	Utah S. Ct. docket listing. Proofs same violations in Appendix B
APPENDIX E	Decision in 2:14-cv-883; same violations in
APPENDIX F	Copy of transcript falsely said destroyed. 42 USC B, D
APPENDIX H	APPENDIX H = Copy of motion to recall mandate (US Ct 10)
APPENDIX G	Appendix G - Proof of breach of <u>Iowa vs Tovan</u> . Same as A, B, D, E, F

*Note
out
of
order
by
Court
of
Appeals*

Appendix A - H
Search and Confinement
Evidence

TABLE OF AUTHORITIES CITED

CASES

	only 10 pages in	PAGE NUMBER in Mot.
Arizona v. Fulminante, 499 U.S. ___, 1991		
Bullock v. U.S., 760 F.2d 1115, 1121 (9th Cir.) 1985)	3	7
Butz v. Economou, 438 U.S. 478 (1978)	8	
Childs Advocate v. Lindgren, 296 F. Supp. 2d 178 (D.R.I. 2004)	8	
Empire Life Ins. Co. v. Valdak, 468 F.2d 330 (1972) 5th Cir	2	
Ex parte Young, 249 U.S. 123 (1908)	8	
Gamble v. U.S., 587 U.S. ___ (2019)	6	
Gideon v. Wainwright, 372 U.S. 335 (1963)	3, 9	7
Gonzales v. Crosby, 366 F.3d 1253		
Izquierdo, 541 U.S. 72, 124 S.Ct. 1379, 158 L.Ed.2d 209, U.S. Lexis 1837		p.3
Liteky v. U.S., 114 S.Ct. 1147, 1162 (1994)	10	
Mekash v. Wiggins, 465 U.S. 48 (1984)	3	
Medina v. Barnes, Nos. 94-4222, 95-4406, Decided 12/5/1995 (9th Cir.)	4	
* Quarles v. U.S. Case No. 17-778, S.Ct. (2019)	5	
* Rudolph v. Galetka, 439 Utah A.2d. Rep. 8 L2002	4	
Rushen v. Spain, 464 U.S. 114, 104 S.Ct. 433, 78 L.Ed.2d 267 (1984)	3, 4	
Scheuer v. Rhodes, No. 82-914 decided April 17, 1974 U.S. S.Ct.	8	
State v. Dunn, 830 F.2d 1201, 806n (10th Cir. Cert. denied, 516 U.S. 955, 116 S.Ct. 2720)	5	
* State v. Rudolph, 470 P.2d 1221 (Utah, 1998)	5, 6, 8	
STATUTES AND RULES State v. Veni Kodes, 925 P.2d 1255 (1996)	2, 3, 9	
<u>Sullivan v. Lar.</u> , 508 U.S. 275 (1993)	3	
<u>Tumey v. Ohio</u> , 273 U.S. 510 (1927)	3	

Rule 40(b) 3 F.R.C.P.

18 U.S.C. § 4, § 1001 (inter alia)

42 U.S.C. § 1981, § 1983, § 1985, § 1988 (11 b sanctions) Appendix H
28 U.S.C. § 1333, § 1361

OTHER Abdur Rahman v. Bell No. 01-9044 (Dec. 10, 2002) p.7
Gonzales v. Crosby, 366 F.3d 1253

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1st, 5th, 6th, 8th, 13th and 14th Amendments

42 U.S.C. §1981; i.e. intentional discrimination

42 U.S.C. §1983 Civil Rights

42 U.S.C. §1985 Conspiracy. 28 U.S.C. §1343 (same)

42 U.S.C. §1988 (Delay - 11 b sanctions)

28 U.S.C. §1361

18 U.S.C. §4, misprision of felony

" §1001, false statements

" §1501-§1521. Obstruction of Justice

" §1621-§1623. Perjury/Subornation thereof

" §1951-§1962, RICO, et seq.

§1951-§1962, RICO, et seq.

§2071. Mutilation, obfuscation, destruction

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/1 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
☒ is unpublished.

AND A C/3

The opinion of the United States district court appears at Appendix E/5 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 B/2 to the petition and is

[] reported at 439 Utah Adv. Rep. 8; 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 _____.

[] 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 A/1.

[] 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 6/8/2002.
A copy of that decision appears at Appendix B/2.

[] A timely petition for rehearing was thereafter denied on the following date: 9-3-1998, and a copy of the order denying rehearing appears at Appendix D/4. See *Supct docket entry listing 9/10/98 Extension of time granted for rehearing*
[] 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).

STATEMENT OF THE CASE

Public Corruption-Fraud
See Questions presented

REASONS FOR GRANTING THE PETITION

To establish firmly established law as
determined by The United States
Constitution and the Supreme Court
of the United States

This is whistleblower litigation and clear and
convincing evidence thereof.

CONCLUSION

Extraordinary writ should be reviewed because it
will aid this Court in
application of firmly
established precedent a
per the United States
Constitution and the
United States Supreme Co

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Henry L. Randolph

Date: Sept 1, 2019

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re

Henry L. Randolph PETITIONER
(Your Name)

VS.

RESPONDENT(S)

PROOF OF SERVICE *The Orders/decisions*

I, Henry Lee Randolph, and docket are proof,
Sept. 1, 2019, do swear or declare that on this date,
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

*See the Orders, decisions docket and
the clear and convincing evidence
provided especially Appendix H/8*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/1, 2019

Nov. 28, 2019 Henry L. Randolph Henry L. Randolph
(Signature)