

No: 20-7745

ORIGINAL

IN THE SUPREME COURT
OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 09 2021

OFFICE OF THE CLERK

RONALD R MYLES, JR.
PETITIONER

v

UNITED STATES OF AMERICAS,
RESPONDENT.

ON PETITION FOR A REHEARING PURSUANT
TO RULE 44 ON PETITIONER'S
WRIT OF CERTIORARI DENIED ON *May 17th 2021*

PETITION FOR REHEARING PURSUANT TO RULE 44

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

May 17, 2021

Mr. Ronald R. Myles, Jr.
Prisoner ID #34225-060
PO Box 6000
Glenville, WV 26351

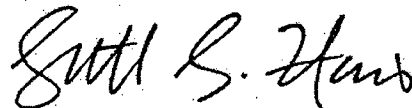
Re: Ronald R. Myles, Jr.
v. United States
No. 20-7745

Dear Mr. Myles:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

Argument

On December 13th 2019 the petitioner Ronald R. Myles Jr. filed a (2255) motion requesting the honorable Federal District Court to vacate his 18 year sentence & grant him a new trial on the basis that his (5th & 14th) Amendment rights of the United States Constitution were violated.

Mr. Myles argued his 5th & 14th Amendment Rights of the U.S. Constitution of (due process) were violated when the honorable Federal District Court permitted The United States of America to use Mr. Myles State Proceedings/Transcripts, as well as State Evidence against him in Federal District Court, of which the federal government is at liberty to do.

However, the honorable federal district court refused to give the prior State Court Rulings embedded in the state transcripts full faith & credit (preclusive effect) in Federal District Court according to USC 1738. On Feb 4th 2020, the honorable federal district court denied Mr. Myles Rule 59(c) motion as well as his 5th & 14th Amendment Rights of The United States Constitution of (Due Process) when The Honorable Federal District Court gave a new ruling in Mr. Myles federal case (16-cr-251) that "There is (no preclusive effect) under (28 USC 1738) or otherwise." (Exhibit E/page 2/paragraph 2)

The United States Supreme Court has (expressly held) that the full faith & credit statute (USC 1738) directs a Federal Court to refer to the (preclusion law) of the state in which judgement was rendered. Marrese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373, 380, 84c. Ed. 2d 274, 105 S. Ct. 1327 (1985)

Mr. Myles also pointed to the order given by the 6th Cir Court of appeals on Feb. 21st 2019 appellate case # 17-3817 USA v. Myles (exhibit, page) that in Ohio, res judicata has 4 elements to their res judicata law of (preclusive effect) & has never repealed it. "Only if some exception to USC 1738 full faith, credit applies can a federal court refuse to give a judgement the preclusive effect to which it is entitled under state law."

"An exception will not be recognized unless a later statute contains an express or implied partial repeal of 28 USC 1738." Kramer, 456 U.S. at 468

Thus, when the honorable federal district court allows the federal government to use Mr. Myles State Proceedings/ transcripts/ state evidence against him in Fed District Court, (of which the federal government is permitted to do), yet refuse to give all prior state court ruling/judgements full faith & credit (preclusive effect) according to 28 USC 1738, is to deny Mr. Myles his 5th & 14th Amendment Rights of the U.S. Constitution by denying Mr. Myles life, liberty, & property without due process of law.

Allow me to quote a major state court of Ohio ruling in Mr. Myles state proceedings (transcripts case #337) on July 21st 2016 (the case used by the USA during federal proceedings), that it not given (preclusive effect) according to USC 1738, had a substantial injurious effect & influence on the jury's verdict that convicted Mr. Myles on Feb. 16th 2017. See the 6th Cir Order Feb 21st 2019 (exhibit 4/page 3).

"Myles relies on the state judge's purported "ruling" on July 21, 2016 that the June 6th warrant was the sole warrant. He ^{4/2/19} further argues that the (state court's ruling) precluded application of the good-faith exception ..."

The United States of America argued in Federal District Court that the State Court of Ohio ruled incorrectly that the June 6th warrant was the sole warrant in Mr. Myles state case # (16-cr-337) & alleged a June 17th state warrant against that state ruling in Federal District Court, through an illegal appellate review of a State Court Ruling in Federal District Court.

The 6th Circuit Court of Appeals also gave an order/mandate on Feb 21st 2019 (exhibit 1/page 3/paragraph 5) case # 17-3817 USA v. Myles

"The Rooper-Feldman doctrine bars attempts by a federal plaintiff to receive appellate review of a state court decision in a federal district court." Howard v. Whitbeck, 382 F. 3d 633, 638 (6th Cir. 2004) (21)

Thus, when the honorable 6th Circuit Court of Appeals confirmed the State Court of Ohio's "ruling" that the June 6th Warrant was the sole warrant in Mr. Myles' State Case (#337) on Feb 21st 2019 and the honorable federal district court on Feb 4th 2020 gave a new ruling (exhibit E/page 2/paragraph 2) refusing to give (preclusive effect) the prior June 6th Warrant Ruling by the State Court of Ohio according to USC 1738, and worse, refuse to apply the Rooker-Feldman doctrine to bar the United States of America from alleging a June 17th State Warrant contrary to the State Court's ruling through an illegal appellate review of that State Ruling in Fed District Court, is to deny Ronald R. Myles Jr. his (6th Amendment) Rights of the U.S. Constitution of the right to a fair trial.

The Honorable United States Supreme Court has already ruled that (U.S. Federal District Courts) have no jurisdiction over State Court decisions/proceedings. Even if the plaintiff (federal) allege the State Court actions were unconstitutional.

As well, when the honorable federal district court and the 6th Cir Court of Appeals affirmed the State Court of Ohio's ruling that the June 6th Warrant was the sole warrant in Mr. Myles' State Case #337 (the case used by the USA in Fed Dist Court proceedings), that final judgement on the merits bars further claims, by parties or their privies, posing as the 1st based on the same cause of actions. Montana v. United States, 440 US 147, 153 (1979).

The United States of America was clearly a party posing as the 1st (The State of Ohio), when they decided to use State of Ohio Court proceedings/transcripts as well as State Evidence in Federal District Court complaining about the June 6th Warrant Ruling handed down by the State Court of Ohio. Thus, the honorable federal district court should have barred any further warrant claims beyond (June 6th 2016) in Mr. Myles' State Case # (16-cr-337) in Federal District Court.

We must be clear in our appeal to this honorable court that Mr. Myles is not engaging a warrant debate of a (June 6th State Warrant vs. a June 17th State Warrant). To prevail on a 2255 motion, a movant "must demonstrate the existence of an error of constitutional magnitude which had a substantial and injurious effect or influence on the jury's verdict."

Humphress v. United States, 398 F. 3d 855, 858 (6th Cir 2005)
(quoting Griffin v. United States, ~~330~~ F. 3d 733, 736 (6th Cir 2003))

In the jury trial that convicted Mr. Myles on Feb 16th 2017 saw 85% of the federal governments alleged evidence admitted in trial for jury inspection through a June 17th alleged state search warrant, contrary to the State Court of Ohio's ruling that no such warrant existed - at the state level & the June 6th arrest warrant is the sole warrant in Mr. Myles state case (#337) (the case used by the USA in Federal District Court).

If the (June 6th State Warrant Ruling) is given full faith credit (preclusive effect) according to (USC 1738) Mr. Myles due process rights (5th and 14th Amendment) of the U.S. Constitution, and the honorable court properly applies the Rooker-Feldman Doctrine that bars the federal government from performing an appellate review of the June 6th Warrant ruling handed down by the State Court of Ohio, rendering a (June 17th state warrant) to "lack subject matter jurisdiction", then by default, 85% of the evidence presented against Mr. Myles in a (Federal Jury Trial) "lacked subject matter jurisdiction", would not have been admitted in Fed District Court, and had a substantial injurious effect and influence on the jury's guilty verdict against Mr. Myles on Feb 16th 2017.
Humphress v. United States, 398 F. 3d 855, 858 (6th Cir 2005)

If 85% of the evidence presented to a federal jury by law "lacked subject matter jurisdiction" that is a clear violation of Mr. Myles (6th Amendment Rights) of the U.S. Constitution of the "right to a fair trial"

As appellate review of a state court decision is reserved exclusively to state appellate courts or the United States Supreme Court 28 U.S.C.S. § 1257 (a) on a writ of certiorari, then for the honorable federal district court to not apply the Rooker-Feldman doctrine to bar the United States of America from performing an appellate review alleging a June 17th State Warrant in Federal District Court is to violate the petitioners (10th Amendment Rights) of the U.S. Constitution, as well as the (8th Amendment) as Mr. Myles has been incarcerated 4 years and counting without his due process rights (5th & 14th Amendment) of giving the June 6th Warrant Ruling by the State Court full faith & credit (preclusive effect) according USC 1738. ①

The state case in which Mr. Myles was charged with agg robbery (16-cr-337), the case that saw The State Court of Ohio give a ruling that the June 6th warrant was the sole warrant in that case (the state case used by the USA in Fed Dist Court) was dismissed by The State Court of Ohio against Mr. Myles on Aug 26th 2016 see exhibit(s)

As Mr. Myles was never convicted in state court on (case #337) when the United States of America decided to (use that state case) against Mr. Myles in Federal District Court, any appellate review was (prohibited) until after conviction and imposition of a sentence.
Midland Asphalt Corp v. United States, 489 US 794, 798 (1989).

① "When determining whether a State Court Judgment has such a preclusive effect, we apply the relevant state law of collateral estoppel." See Duncan v. Duncan (In re Duncan), 448 F. 3d 725, 728 (4th Cir. 2006)

Closing

In closing, by now it is clear that the U.S. District Court allowed the United States of America to use Mr. Myles State Proceedings (Case #337), State Transcripts, as well as State evidence against him in Federal District Court.

It is also clear that in Mr. Myles State Proceedings (Case #337) the honorable Federal District Court & The 6th Circuit Court of Appeals both affirm a ruling by The State Court of Ohio. On Feb 21st 2019 (Exhibit A/page 3/paragraph 4) 6th Circuit Court of Appeals

"Myles relies on the state judges' purported ruling on July 21, 2016 that the June 6th warrant was the sole warrant."

On Feb 4th 2020 (Exhibit ^E/page 2/paragraph 1) U.S. District Court

"Specifically, he pointed to the State-Court judges July 21 2016 'ruling' that the June 6th 2016 warrant was the 'sole' warrant in his case. (Doc. 132 at 3)."

The question for this honorable court is, if The U.S. District Court permits the United States of America to use Mr. Myles State (#337) Proceedings in Federal District Court, does Mr. Myles 5th & 14th Amendment (due process rights) of the U.S. Constitution begin with giving the above ruling & all state judgements for that matter full, fair, & credit (preclusive effect) in Federal District Court according to USC 1738?

According to the 6th Circuit Court of Appeals on Feb 21st 2019 USA v. Myles appellate case #17-3817, saw the honorable appellate court give the order to the U.S. District Court (Exhibit ^A/page 4/paragraph 1) of yes.

"Under the doctrine of res judicata, federal courts must give the same preclusive effect to state court judgements as these judgements would receive in the courts of the rendering state."
See *Migra v. Warren City Sch. Dist. Bd. of Educ.*, 465 U.S. 75, 80-85 (1984).

The honorable United States Supreme Court has already given a disposition on the due process (5th & 14th Amendment) rights in regards to prior state court judgements used in Federal District Court proceedings since (1985) as the honorable court has expressly held:

"That the full, faith, & credit statute (USC 1738) directs a federal court to refer to the (preclusion law) of the state in which judgement was rendered."

Maneese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373, 380, 84 C. Ed. 2d 274, 105 S. Ct. 1327 (1985)

Thus, when the honorable Federal District Court gives the new ruling On Feb. 4th 2020 that (Exhibit E/page 2/paragraph 2)

"There is no preclusive effect -- under 28 U.S.C. § 1738 or otherwise."

That ruling by the federal district court is in conflict with the 6th Circuit Court of Appeals Order on Feb 21st 2019 *USA v. Myles* #17-3817 It is also in conflict with the United States Supreme Court case law rulings and a clear violation of Mr. Myles 5th & 14th Amendment (due process) rights of the U.S. Constitution, his (6th Amendment Rights) of the right to a fair trial as well as 4th, 8th, & 10th Amendment Constitutional violations.

Ronald R. Myles Jr. humbly & respectfully motions this honorable Court to grant his U.S. Supreme Court Rule 44 i, grant his immediate release from prison, & last but not least, grant Mr. Myles a new trial with all prior state proceedings (case #337) used in Federal District Court in Mr. Myles federal case to be given (preclusive effect) full, faith, & credit according to USC 1738. Complimented by the (Rooker/Feldman Doctrine) to bar any appellate reviews of the June 6th Warrant Ruling handed down by The State Court of Ohio, in Federal District Court.