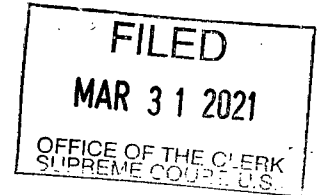


ORIGINAL

20-7753



SUPREME COURT OF THE UNITED STATES

IN RE:

DERRICK JOHNSON

PETITION FOR WRIT OF HABEAS CORPUS

QUESTION(S) PRESENTED

- WHEN THE COURT OF APPEALS DENIES RELIEF ON AN ISSUE BROUGHT FOR BY A PETITIONER WITHIN A WRIT OF HABEAS CORPUS - UNDER THE OBJECTIVE OF HAVING SAID PETITIONER RE-INSTATE THE ISSUE ON DIRECT APPEAL, CAN THE NOW-APPELLANT REQUEST UNDER A WRIT OF HABEAS CORPUS OF THE SUPREME COURT TO ORDER THAT ISSUE OF THE APPELLATE COURT'S DIRECTIVE BE RESOLVED WHERE THE COURT OF APPEALS NOW SEEMS TO IGNORE OR DISREGARD THE NOTED ISSUE WITHIN THE APPELLANT'S DIRECT APPEAL?
- DOES A PANEL OF THE APPELLATE COURT HAVE AN OBLIGATION - LEGALLY, PROCEDURALLY, CONSTITUTIONALLY OR OTHERWISE - TO ADHERE TO THE OBJECTIVES OBTAINED BY ANOTHER PANEL OF THE APPELLATE COURT REGARDING AN APPELLANT'S CRITICAL ISSUE ON APPEAL?
- CAN A COURT OF APPEALS DISREGARD THE ISSUES OF THE APPELLANT BROUGHT FORTH UNDER THE INSTRUCTIONS FROM THAT COURT OF APPEALS WITHIN A PREVIOUSLY DENIED WRIT OF HABEAS CORPUS FILED BY THE APPELLANT? IF SO, WHAT OPTIONS ARE AVAILABLE FOR RELIEF WHEN A CIRCUIT COURT CAN RENEGE UPON ITS OWN RULINGS, OBJECTIVES OR DIRECTIVES?

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

IN RE: DERRICK JOHNSON

18-11111 (5TH CIRCUIT)

UNITED STATES v JOHNSON

18-11602 (5TH CIRCUIT)

JOHNSON v UNITED STATES (ET AL)

19-18290 (5TH CIRCUIT)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
CAMPANUCCI v BARR 962 F.2d 461 (5 th 1992)	1
ANDERS v CALIFORNIA 386 US 738 (1967)	2
AKE v OKLAHOMA 470 US 68 (1985)	2
McWilliams v DUNN 137 S.Ct. 1790 (2017)	2
LLS v THERIAULT 440 F.2d 713 (1971)	3
McGINLEY v HOUSTON 361 F.3d 1328 (11 th 2004)	11
LITREY v LLS 510 US 540 (1994)	11
ROCHE v EVAPORATED MILK 319 US 21 (1943)	12
LINDSEY v NORMET 405 US 56 (1972)	12
IN RE: UNITED STATES 134 S.Ct. 452 (2018)	12
DEGEN v LLS 517 US 820 (1996)	12
CHENEY v LLS Dist. Ct. 542 US 367 (2004)	13
LLS v HASTINGS 461 US 499 (1983)	13

STATUTES AND RULES

18 USC § 2413(a)
 18 USC § 817
 18 USC § 3006A(c)

OTHER

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	UPLINGEMENT - WRIT OF MANDAMUS (18-11111)
APPENDIX B	JUDICIAL PANEL REVIEW - PETITION FOR REHEARING
APPENDIX C	JUDICIAL REVIEW - MOTION FOR EXPERT SERVICES
APPENDIX D	PRO SE RESPONSE TO COUNSEL'S <u>ANDERS</u> NOTICE
APPENDIX E	INITIAL PRO SE BRIEF (DOCKETED ON JANUARY 23, 2019 - PRIOR TO APPOINTMENT OF COUNSEL)
APPENDIX F	

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 B 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 United States district court appears at Appendix C 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 AUGUST 4, 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: OCTOBER 9, 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

AS A CONSTITUTIONAL MATTER, THIS ISSUE INVOLVES THE DEPTH AND MEANING OF BOTH THE FIFTH AND SIXTH AMENDMENTS.

UNDER THE FIFTH AMENDMENT, THE PROVISION PROVIDES THAT NO PERSON "SHALL BE...DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW."

THE APPLICABLE PROVISION OF THE SIXTH AMENDMENT ESTABLISHES THAT, "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT...TO HAVE THE ASSISTANCE (EMPHASIS ADDED) OF COUNSEL FOR HIS DEFENSE."

[SIXTH AMENDMENT PROVIDES THE RIGHT "TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR.."]

SUMMARY OF THE CASE

In August of 2016, DERRICK JOHNSON was indicted within the Northern District of Texas-Dallas with violation 18 USC 82113(a) to which HE INSTITUTED A DEFENSE UNDER 18 USC 817. From this, THE GOVERNMENT MOVED FOR A PRE-TRIAL PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATION AS GRANTED AND PERFORMED BY DOCTOR TERENCE WARREN-PHILLIPS OF THE FEDERAL BUREAU OF PRISONS. AT THE CONCLUSION OF THE EXAMINATION, DR. WARREN-PHILLIPS CONCLUDED THAT MR. JOHNSON DOES "SUFFER FROM A SEVERE MENTAL DISEASE OR DEFECT" (EVALUATION AT 13) IN WHICH DR. WARREN-PHILLIPS "BELIEVES [MR. JOHNSON] EXPERIENCED THE DISORDER AT THE TIME OF THE ALLEGED OFFENSE" (EVALUATION AT 15). Still, DR. WARREN-PHILLIPS CONCLUDED THAT, "MR. JOHNSON WAS CRIMINALLY RESPONSIBLE FOR HIS ALLEGED ACTIONS..." (EVALUATION AT 16) AND SUBMITTED HER FINDINGS IN JUNE OF 2017.

SUBSEQUENT^{7th} THIS REPORT, DERRICK JOHNSON FILED FOR AND WAS GRANTED THE RIGHT TO PROCEED PRO SE, AND SUBMITTED TO THE DISTRICT COURT A REQUEST FOR FUNDING UNDER 18 USC 8306A(c) SO AS TO ENGAGE MENTAL HEALTH COUNSELOR ALEN METZGER AND PSYCHIATRIST TIM BRAMMAN TO AID IN HIS DEFENSE IN THE FALL OF 2017. THE DISTRICT COURT DID NOT ADDRESS THIS ISSUE, HOWEVER, UNTIL AUGUST OF 2018 - SOME ELEVEN DAYS BEFORE TRIAL WAS TO BEGIN - AND SUMMARILY DENIED SAID REQUEST ON AUGUST 2, 2017.

FROM THIS DENIAL, YET BEFORE TRIAL PROCEEDINGS BEGAN, DERRICK JOHNSON SUBMITTED AN EMERGENCY WRIT OF HABEAS TO THE FIFTH CIRCUIT IN A LEGAL PETITION FOR THE ORDER OF SAID FUNDING AS UNDERSTOOD TO BE REQUIRED BY LAW BASED UPON THE CIRCUMSTANCES OF THE DEFENDANT AND THE CASE. THIS WRIT (18-1111) WAS DENIED BY THE FIFTH CIRCUIT IN STATING THAT, "HABEAS IS NOT A SUBSTITUTE FOR APPEAL," (OPINION AT 2) WHILE ALSO CITING THAT, "THERE AN INTEREST CAN BE VINDICATED THROUGH DIRECT APPEAL AFTER A FINAL JUDGMENT, THIS COURT WILL ORDINARILY NOT GRANT A WRIT OF HABEAS." FROM COMPANION "BARR 962 F.2d 461, 464 (5th 1992) (13-00104 AT 2)

DURING THE TRIAL PROCEEDINGS, THE GOVERNMENT DID NOT HAVE DR. WARREN-PHILLIPS TESTIFY, BUT HIS REFERENCE STATED PORTIONS OF HER ASSESSMENT AND REPORT BEFORE THE TRIAL JURY. THE DEFENSE, CONVERSELY, HAD ONLY THE DEFENDANT, DERRICK JOHNSON, TO VALIDATE HIS DEFENSE UNDER 18 USC 817.

THE JURY RETURNED A GUILTY VERDICT ON AUGUST 15, 2017, AND MR. JOHNSON APPEALED.

While still pro se, Derrick Johnson submitted a handwritten appeal brief to the Fifth Circuit Court of Appeals which was docketed on January 23, 2019 where he alleged (in this exact order) his appellate issues as being:

- I. Denial of § 3006A(c) Funds as an Abuse of Discretion,
- II. Denial of a Trial Continuance in Being an Abuse of Discretion,
- III. Prosecutorial Misconduct, and

IV. Whether the § 3011 was in error in its application (Brief)

Subsequent to this filing, Mr. Johnson, also, submitted a Motion for the Appointment of Appellate Counsel where Peter C. Smythe was established as such on January 23, 2019. After initially failing to understand his appointed case load for several months (see: Motion for Leave to Supplement the Record on Appeal at 1-2 Filed 03/18/2019) Counsel Smythe filed a brief with the Fifth Circuit in June of 2019 under Anderson v. California 386 U.S. 738 (1967) stating that Derrick Johnson's appeal contained no 'non-frivolous' issues for the Court to consider. The Fifth Circuit, itself, issued an Anderson notice to Mr. Johnson on June 18, 2019 informing him of Counsel's action and (most importantly) directing Mr. Johnson that he has "the right to respond to... Counsel's motion raising any points still choose showing why your appeal was merit and the Court should consider your case. You should state the facts and legal authorities why you think your conviction should be reversed." (Fifth Circuit Anderson Notice from June 18, 2019)

It must be stated that Derrick Johnson did not receive a copy of Counsel's brief until July 31, 2019; still Mr. Johnson formulated a rudimentary response where he specifically said the District Court's denial of funds under § 3006A(c) "directly contradicts established and recent Supreme Court precedent." (Response at 2-3 Filed on July 2, 2019) Mr. Johnson then cited both Ake v. Oklahoma 490 U.S. 68 (1985) and McWilliams v. Dunn 137 S.Ct. 1790 193 L.Ed. 341 (2017) where it is ordered that, "fair decision in Ake clearly established that, when certain threshold criteria are met, the government must provide an indigent defendant with mental health experts who are sufficiently available to the defense and independent from the court and the

PROSECUTION TO EFFECTUALLY ASSIST IN EVALUATION, PREPARATION AND PRESENTATION OF THE DEFENSE.

Mr. LAMONSON, ^{THEN} IN AUGUST OF 2019, RAISED THIS EXACT SAME ISSUE REGARDING HIS DENIAL OF FUNDS UNDER § 3006(A)(2) WITHIN HIS FILED 'SUPPLEMENTAL' WHERE HE ALSO CITED THE FIFTH CIRCUIT COURT OF APPEALS RULING IN US v. Theriault 440 F.2d 103 (1971) IN STATING THAT, "[THE DISTRICT COURT] COULD NOT PROPERLY DENY APPOINTMENT OF AN EXPERT SOLICIT UNDER § 3006(A)(2) ON THE BASIS THAT AN EARLIER APPOINTMENT HAD BEEN MADE UNDER 18 USC § 4241." AT 115 (SUPPLEMENT AT 3)

THE FIFTH CIRCUIT WENT ON TO ADD THAT, "[THE COURT APPOINTS A PSYCHIATRIST WHO EXAMINES THE ACCUSED AND REPORTS TO THE COURT." BUT, "[THE § 3006(A)(2) EXPERT FILLS AN INDEPENDENT ROLE. HE SUPPLIES EXPERT SERVICES 'NECESSARY TO AN ADEQUATE DEFENSE,' WHICH EMBRACES PRE-TRIAL AND TRIAL ASSISTANCE TO THE DEFENSE AS WELL AS AVAILABILITY TO TESTIFY." (CEN)

SUBSEQUENT TO THESE FILINGS BY MR. LAMONSON, ON OCTOBER 31, 2019 THE FIFTH CIRCUIT ORDERED COUNSEL SMYTHE TO ADDRESS TWO ISSUES CITED WITHIN MR. LAMONSON'S FILINGS AS BEING: (1) WHETHER THE GOVERNMENT COMMITTED MISCONDUCT REGARDING THEIR REFERENCES TOWARD MR. LAMONSON'S DENIAL OF FUNDS UNDER § 3006(A)(2) TO SECURE EXPERT ASSISTANCE, AND (2) WHETHER THE § 3001 ENHANCEMENT WAS WARRANTED AGAINST MR. LAMONSON. IN THAT, THE COURT WITHHELD COUNSEL SMYTHE'S ANSWERS BRIEF - SINCE DATE - WHILE LEAVING COMPLETELY UNADDRESSED DERRICK LAMONSON'S ARGUMENTS RELATED TO:

- I. THE DISTRICT COURT'S DENIAL OF FUNDS UNDER 18 USC § 3006(A)(2), AND
- II. THE DISTRICT COURT'S DENIAL OF A TRIAL CONTINUANCE FROM HIS SUBMITTED AND FILED RESPONSE TO COUNSEL SMYTHE'S ANSWERS BRIEF.

ON NOVEMBER 26, 2019 APPELLATE ATTORNEY SMYTHE COMPLIED WITH THE FIFTH CIRCUIT'S ORDER WHILE REFLECTING EVEN AN ATTEMPT BY MR. LAMONSON TO ADDRESS THE LEAD AND CORE ISSUE OF DERRICK LAMONSON'S APPEAL, IN BEING THE DISTRICT COURT'S DENIAL OF ACCESS TO FUNDS UNDER § 3006(A)(2). (LETTER TO COUNSEL)

WITH BOTH THE FIFTH CIRCUIT COURT OF APPEALS AND APPELLATE COUNSEL SMYTHE DISREGARDING MR. LAMONSON'S CORE ISSUE AND ARGUMENT AS SUPPLIED WITHIN HIS ORIGINAL PRO SE BRIEF, (2019) SUBMITTED AND FILED ANSWERS RESPONSE, AS WELL AS THE (3)

submitted, filed and accepted 'Supplemental', Derrick Johnson sought to address this issue by replacing collapsed Smythe in submitting a motion under the Criminal Justice Act - Fifth Circuit Provisional §5B which states that, "If a party represented by counsel wishes the Court of Appeals to relieve counsel... [appealant] must file with the clerk a... motion asking for that relief."

This, too, proved to be a fruitless measure - despite a written plea to Circuit Judge Leslie Southwick whom ordered counsel to supplement his filed Amicus brief with the main of Johnson's issues of argument - the Fifth Circuit neither replaced counsel, nor allowed Derrick Johnson to, again, highlight that the core issue of his appeal was the District Court's error in denying him funds under §3006A(e). The Court simply did not answer Derrick Johnson's §5B motion, just as it ignored his multiple pleas for a §3006A(e) resolution. And on August 4, 2020 the Fifth Circuit affirmed Derrick Johnson's stated conviction and sentence on the two argued issues, without ever addressing the §3006A(e) denied funds - despite Mr. Johnson's compliance with the Fifth Circuit's order within the Marimolis ruling (18-1111) that he bring up said issue on "Direct Appeal." (Opinion at 2.)

Moreover, when Derrick Johnson sought to have the panel of Stewart, Clement and Costa - who ruled on 18-1111-2 - reassess stated points "overlooked" or "misapprehended" in their decision of the §3006A(e) issue, the petition for panel rehearing was quickly denied on October 9, 2020.

REASONS FOR GRANTING THE PETITION

AT THE CORE OF THIS PETITION, IS THE ISSUE OF THE INTEGRITY OF THE COURTS, THEMSELVES. IT IS UNDERSTOOD WITHIN OUR SYSTEM OF LAWS AND ITS LEGAL STRUCTURE THAT THE COURTS OF APPEALS ARE DESIGNATED TO BE "COURTS OF ERROR". THEY ARE TASKED WITH CORRECTING THE ERRORS OF THE DISTRICT COURTS WITHIN THEIR JURISDICTION, AS WELL AS SETTLING ISSUES OF LAW DEBATED AMONG THE LOWER COURTS.

IN THAT, "[A] CIRCUIT COURT'S DECISION BINDS THE DISTRICT COURTS SITTING WITHIN IT JURISDICTION, WHILE A DECISION BY THE UNITED STATES SUPREME COURT BINDS ALL CIRCUIT AND DISTRICT COURTS." McKinley Houston 3d F.3d 1328, 1331 (11th 2004)

AS SUCH, THIS ESSENTIALLY DICTATES THAT THE RULINGS FROM THE COURTS ARE TO BE RESPECTED. YET, WHEN A COURT DISREGARDS ITS OWN DECISION IN ADVERSELY AFFECTING THE LIFE AND LIBERTY OF A PERSON WITHIN THEIR JURISDICTION [WITH THE CLEAR KNOWLEDGE THAT CERTIORARI IS A EXTREMELY LIMITED MATTER OF "JUDICIAL DISCRETION" OF WHICH THE SUPREME COURT ONLY GRANTS CERTIORARI IN APPROXIMATELY 1% OF THE CASES FILED] SUCH ACTIVITY WOULD SEEM TO REMAIN CONSIDERED AS AN ISSUE OF INTEGRITY.

ADDITIONALLY, THIS STATES, THOUGH "[J]UDICIAL RULINGS ALONE ALMOST NEVER CONSTITUTE A VALID BASIS FOR [CIRCUIT] REAS OR FOR A PARTIALITY MOTION... AND ARE THE PROPER GROUNDS FOR APPEAL." Litely v US 510 US 540, 555 (1994), THE INTENTIONAL HERE, IS THAT THERE IS LITTLE OUTSIDE OF MANDAMUS THAT AN INJURED PARTY CAN DO WHEN THE APPELLATE COURT - BEING THE DESIGNATED "COURT OF ERROR" - REFUSES TO PERFORM THEIR APPELLATE DUTY IN ADDRESSING AN ISSUE BROUGHT TO THEM ON APPEAL.

MORE TROUBLING, IS THAT WHEN THE ISSUE OF CONCRETE - THE DISTRICT COURT'S DENIAL OF FIDELIS UNDER 3006(A) - WAS BROUGHT FIRST TO THE APPELLATE COURT WITHIN AN EMERGENCY WRIT PRIOR TRIAL (18-III), THE APPELLATE COURT DENIED THE MANDAMUS FILING IN STATING, "JANUSON HAS NOT SHOWN THAT HE MAY NOT OBTAIN RELIEF ON DIRECT APPEAL FOLLOWING ENTRY OF FINAL JUDGEMENT." (18-III AT 2) EFFECTIVELY, UNDER THIS RULING, THE APPELLATE COURT IS INSTRUCTING MR. JANUSON THAT THE PROPER VEHICLE FOR HIM TO ADDRESS THE §3006(A) ISSUE, IS ON "DIRECT APPEAL".

YET, WHEN MR. JANUSON DID SO INTRODUCE THE STATED §3006(A) VIOLATION, THE APPELLATE COURT ENTIRELY DISREGARDED THE ISSUE. THUS, TWICE NOW, LEAVING THE ISSUE COMPLETELY UNADDRESSED, AND POTENTIALLY ADDRESSING THE ISSUE **ALTOGETHER**.

THIS IS AN EXTREMELY SERIOUS SITUATION WHERE THE COURT OF APPEALS IS SEEKING TO ESTABLISH A WIND-SUPREME COURT POSTURE WHERE THEY ARE ALLOWED (OR ARE TO) PICK AND CHOOSE THE ARGUMENTS OF

ISSUE AND CONCERN OF WHICH THEY ARE INTERESTED IN ADDRESSING. IT WOULD ALSO GRANT ALLOWANCE TO ANY
BODY TO ESTABLISH A PROCESS WHERE A MOVANT FILES A MOTION IN RELATION TO AN ISSUE; THE ADJESSED
COURT ISSUES A RULING IN CITING OF WHAT THE MOVANT MUST DO REGARDING THAT ISSUE; AND UPON
COMPLETION AND COMPLIANCE OF THAT INSTRUCTIONS BY THE MOVANT - THE COURT SIMPLY REFUSES TO ADDRESS
HAT ISSUE UNDER AN UNRENEWABLE DE FACTO DENIAL OF LEGAL RELIEF.

AS DIRECTED AND OBTAINED BY THE SUPREME COURT IN ROCHE v EVAPORATED MILK 319 US 21 (1943), "IT THE
RATIONAL USE OF THE WRIT OF HABEAS CORPUS IN AID OF APPELLATE JURISDICTION... HAS BEEN TO CONFINE
THE COURT AGAINST WHICH HABEAS IS SOUGHT TO A LIMITED EXERCISE OF ITS PRESCRIBED JURISDICTION." AT 26.

THUS, REGARDING THIS ISSUE, "IT THEM AN APPEAL IS AFFORDED, IT CANNOT BE GRANTED TO SOME... AND
ARBITRARILY OR ARBITRARILY DENIED TO OTHERS WITHOUT VIOLATING THE EQUAL PROTECTION CLAUSE [OF THE FIFTH
AMENDMENT]." LINDSEY v NAROMET 408 US 56 (1972) AT 77

AS SUCH, A WRIT OF HABEAS CORPUS MAY ISSUE WHEN: "(1) NO OTHER ADEQUATE MEANS EXIST TO OBTAIN THE RELIEF
THE PARTY DESIRES, (2) THE RIGHT TO ISSUANCE IS CLEAR AND UNDISPUTABLE, AND (3) THE WRIT IS APPROPRIATE UNDER
THE CIRCUMSTANCES..." THE RE: UNITED STATES 139 S.C.T. 452 (2018) AT 344

IN ADDRESSING EACH QUALIFIER IN CHRONOLOGICAL ORDER,

1) DERRICK JOHNSON'S CRIMINAL APPEAL OUT OF THE NORTHERN DISTRICT OF TEXAS - DALLAS AND DOCKETED BY
THE FIFTH CIRCUIT UNDER 18-11602 IS AN ADVERSE RULING AWAY FROM FINALITY. THE SUPREME COURT DOES
NOT PRIMARILY ACT TO CORRECT ERRORS IN LOWER COURT DECISIONS. THUS, CONCLUDING THE APPELLATE PROCESS.

MOREOVER, THIS INVOLVES THE VIABILITY OF A PERSON'S LIFE FOR THE NEXT FEW YEARS.

AS STATED BY AN UNANIMOUS RULING IN DEGEN v LIS 517 US 820 (1996) OF THE SUPREME COURT, IT WAS
DEFINED THAT, "THE NIGLITY OF A COURT DERIVES FROM THE RESPECT ACCORDED ITS JUDGMENTS. THAT
RESPECT IS ERODED, NOT ENHANCED, BY THE FREE... OF FRESHLY CONSIDERATION OF CLAIMS ON THE MERITS." AT 828.

HERE, THE CORE ISSUE ON APPEAL WAS LITERALLY IGNORED BY THE APPELLATE COURT.

AS SUCH, MR. JOHNSON ARGUES THAT IT IS THE DUTY - STIPULATEDLY AND LEGALLY - TO ADDRESS THE § 3006(A)(2)
ISSUE BRINGING FORTH TO THE FIFTH CIRCUIT AND APPEAL BY DERRICK JOHNSON, AND NOT ONE OF DISCRETION.

2) THE DISTRICT COURT'S DENIAL OF THE § 3006(A)(2) REQUEST FACTUALLY VIOLATES STATUTING LAW SOLIDIFIED
UNDER M^c WILLIAMS v DUNN 137 S.C.T. 1790 (2017). DERRICK JOHNSON HAS ATTEMPTED (1) ^{AN} APPEAL TO THE DISTRICT JUDGE
PRIOR TO TRIAL, (2) HABEAS CORPUS TO THE FIFTH CIRCUIT PRIOR TO TRIAL, (3) ^A PRO SE BRIEF, (4) ^{AN} ANSWERS RESPONSE, (5) GRANTED
^{THE} IMPLEMENT TO CIRCUIT COURT, (6) MOTION UNDER R.I.A 85B, AND (7) PETITION FOR PANEL REHEARING TO HAVE
THE APPELLATE COURT RULE IN VALIDATION OR REPLENISHMENT OF THIS ISSUE... ALL TO NO AVAIL.

ONCE AGAIN, MOST TROUBLING IS THAT THE CIRCUIT COURT INSTRUCTED MR. JOHNSON TO BRING UP SAID
ISSUE ON DIRECT APPEAL, WHICH HE DID... SEVERAL TIMES. IT IS NOT A POINT OF CONTENTION, NOR AN ISSUE FOR
IN DEBATE OF MERIT - UNDER STARE DECISIS - FOR ANY JURIST TO DO A CARSOLY REVIEW OF THE FACTS OF THE

AMPHIBAL DISTRICT OF TEXAS - DALLAS' DENIAL OF § 3016(A)(1) ALLOCATED FUNDS TO MR. JOHNSON AS BEING IN ERROR IS AN ABUSE OF DISCRETION. AS THE ESTABLISHMENT OF THE COURTS OF APPEALS IS TO PROVIDE "STRUCTURAL REVIEW" TO OPINIONS AND OPINIONS OF THE DISTRICT COURTS, DERRICK JOHNSON ARGUES THAT IGNORING A CRUCIAL POINT OF DISCREPANCY OR CONTRADICTION WITHIN AN APPELLANT'S APPEAL LESSENS - UNCONSTITUTIONALLY - THE RESPONSIBILITY OF THE COURTS TO ENSURE THE APPELLANT'S RIGHT TO DUE PROCESS UNDER THE FIFTH AMENDMENT ARE MET.

3) FOR WHATEVER REASON THAT THE CIRCUIT COURT HAS REJECTED ALL CITY ATTEMPTS TO HAVE THE ISSUE OF THE § 3016(A)(1) DENIAL ADDRESSED, IT IS BOTH UNDERSTOOD AND EXPECTED THAT THE JUDGEMENTS OF THE COURTS ARE TO BE ADHERED TO AND RESPECTED; YET, DERRICK JOHNSON STATES THAT SO TOO THE COURTS MUST ADHERE TO THEIR OWN JUDGEMENTS, AS WELL AS TO THEIR EXPECTATIONS OF THE GOVERNING RULES OF LAW.

- AN ISSUANCE OF MANDAMUS ON THIS ISSUE WILL FORESTALL ANY GAINING MOMENTUM AND MATTER HOW SMALL OF THE LOWER COURTS AND/OR JURIST INTENT TO CIRCUMVENT DECISIVE JUDGEMENTS ON PROVIDED ISSUES BY SIMPLY IGNORING THE CLAIMS, COMPLAINTS OR ARGUMENTS OF FILED APPLICANTS.

- AN ISSUANCE OF MANDAMUS WOULD, ALSO, ESTABLISH A TANGIBLE REFERENCE SO AS TO REINFORCE THE OBVIOUS FACT THAT THE COURTS MUST ABIDE BY THEIR OWN JUDGEMENTS IN FOLLOWING THEIR OWN EXPECTATIONS OF THE GOVERNING RULES OF LAW.

- AND, AN ISSUANCE OF MANDAMUS ON THIS ISSUE WOULD - ONCE AGAIN - SOLIDIFY THAT THE PURPOSE OF CRIMINAL RULES AND APPEALS IS "TO DO JUSTICE" UNDER THE LAW. (SEE: CHENEY v US DIST. CT 542 US 367 (2004) AT 384)

ALONG THIS LINE, AS PROVIDED BY THE SUPREME COURT IN RELATION TO THE SUPREME COURT'S SUPERVISORY POWERS TO ADDRESS ISSUES DIRECTLY RELATED TO A MOVANT/APPELLANT "IN THE INTEREST OF JUSTICE", THE COURT SETS "...TO IMPLEMENT A REMEDY FOR VIOLATIONS OF RECOGNIZED RIGHTS (SUCH AS MR. JOHNSON'S RIGHT TO DUE PROCESS OF LAW); TO PRESERVE JUDICIAL INTEGRITY BY ENSURING THAT A CONVICTION REST ON APPROPRIATE CONSIDERATIONS VALIDLY BEFORE THE JURY (SUCH AS MR. JOHNSON'S CONTINUOUS ATTEMPTS TO HAVE HIS DENIAL BY THE DISTRICT COURT OF HIS REQUEST FOR FUNDS UNDER § 3016(A)(1) ADDRESSED); AND... IS A REMEDY DESIGNED TO DETER ILLEGAL CONDUCT." US v HASTINGS 461 US 499, 505 (1983) EMPHASIS ADDED

MR. JOHNSON DOES NOT KNOW HOW OFTEN A COURT HAS BEEN PROVIDED AN ISSUE OF MERIT - PARTICULARLY ON DIRECT APPEAL - AND THE COURT SIMPLY CHOOSES TO DISREGARD SAID ISSUE WITHOUT SO MUCH AS A STATEMENT OF DENIAL. SUCH A SITUATION WOULD SEEM TO BE MADE MORE PROBLEMATIC IF - AS HERE - THE COURT IN QUESTION RESTRICTED THE APPELLANT (OR PARTY) TO SEEK RELIEF ON DIRECT APPEAL; YET WHEN INTRODUCED BY SAID PARTY, THE COURT IGNORED THE ISSUE.

MANDAMUS ON THIS ISSUE CREATES A TANGIBLE PRECEDENT FOR THE PARTIES POSSIBLY AFFECTED BY SUCH ACTIONS TO ATTEMPT TO ENSURE THAT THE LOWER COURTS - BOTH STATE AND FEDERAL - ABIDE BY THE DIRECTIVES OF THE RULES FROM THEIR INDIVIDUAL COURTS, IRRESPECTIVE OF THE PANEL OR JURIST WHOM ISSUED THE ORDER, RULING OR OPINION.

RULE 20.1

AS REQUIRED BY SUPREME COURT RULE 20.1, DERRICK JOHNSON STATES AS FOLLOWS:

APPELLATE JURISDICTION

AS PROVIDED BY THIS SUPREME COURT IN BANKER'S LIFE v HOLLAND 346 US 379 (1953) AT 382. "IT THE TRADITIONAL USE OF THE WRIT OF HABEAS CORPUS IN AID OF APPELLATE JURISDICTION... HAS BEEN TO CONFINE AN INFERIOR COURT TO A LAWFUL EXERCISE OF ITS PRESCRIBED JURISDICTION, OR TO COMPEL IT TO EXERCISE ITS AUTHORITY WHEN IT IS ITS DUTY TO DO SO..." (EMPHASIS ADDED)

FUNDAMENTALLY, THE DUE PROCESS CLAUSE "...RESTRAINS ACTION, WHETHER LEGISLATIVE, EXECUTIVE OR JUDICIAL WITHIN BOUNDS THAT ARE CONSISTENT WITH THE FUNDAMENTALS OF INDIVIDUAL LIBERTY AND PRIVATE PROPERTY, INCLUDING THE RIGHT TO BE HEARD WHERE LIBERTY OR PROPERTY IS AT STAKE IN JUDICIAL PROCEEDINGS." QUINBY v MORGAN 225 US 94 (1921) AT 110-111

YET THERE IS "A BROAD DISTINCTION WHICH EXISTS BETWEEN THE RIGHT TO BE HEARD IN COURTS OF JUSTICE, ON THE ONE HAND, AND THE NECESSITY FOR THE GRANT OF AUTHORITY, ON THE OTHER, TO REVIEW THE RESULTS OF SUCH HEARING BY PROCEEDING IN ERROR OR APPEAL." EX PARTE ARDILL 247 US 27 (1918) AT 30

ESSENTIALLY, THIS SUPREME COURT IS NOT THE COURT OF 'FIRST REVIEW'. AND BECAUSE OF THE EXTREMELY LIMITED NATURE OF ACCEPTED CAUSES ADJUDICATED BY THIS COURT, "DENIAL OF CERTIORARI DOES NOT IMPLY AFFIRMANCE OF THAT DECISION OF A COURT BELOW, BUT IT IS MOST PERSUASIVE" - STANLEY v LIS 37 F.2D 188 (A. WASH (1929))

AS SUCH, SIMPLY AS IT RELATES TO LEGAL PROCEDURE, THE RULINGS OF THE APPELLATE COURTS ARE CORE TO THE EFFECTIVENESS OF THE DUE PROCESS PROVISION OF THE CONSTITUTION, WHERE THE REVIEW OF LOWER COURT DECISIONS ARE FIRST PERFORMED.

IN THAT, "THE ROLE AND DUTY OF THE COURTS OF APPEALS IS CLEAR: IT MUST DETERMINE WHETHER THE TRIAL COURT'S FINDINGS ARE CLEARLY ERRONEOUS, SUSTAIN THEM IF THEY ARE NOT, BUT SET THEM ASIDE IF THEY ARE." - DAUPHIN BOARD OF EDUCATION v BRIANKMAN 443 US 526 (1979) AT FT. 11.8 (EMPHASIS ADDED)

THUS, "OPINIONS ARE REQUIRED IN OUR LEGAL SYSTEM IN ORDER THAT THE REASONING WHICH JUSTIFIES A CONCLUSION MAY BE MADE MANIFEST. THE DISCLOSURE OF THE REASONING BY WHICH A CONCLUSION IS REACHED CANNOT REMOTELY BE DEEMED NICETUM. A DECISION IMPLIES THE PROCESS OF REASONING, WHICH REQUIRES IT." (EMPHASIS ADDED) DARR v BURMAN 339 US 200 (1950) AT 225-226

REGARDING THE PETITIONER, HIS CAUSES OF 18-11602 (A CRIMINAL DIRECT APPEAL) AND 19-10290 (A CIVIL COMPLAINT UNDER 28 USC § 1331) OUT OF THE FIFTH CIRCUIT COURT OF APPEALS ARE CONCLUDED FINAL DECISIONS BY THE APPELLATE COURT WHERE THE DISPOSITION OF SAID CAUSES ARE ENTIRELY CONTRARY TO [?], ESTABLISHED SUPREME COURT PRECEDENT, [?], ESTABLISHED FEDERAL LAW, AND THE [?] INTENT OF THE 28 USC § 1291 STATUTE. ANY POSSIBLE CERTIORARI IS STATE TO BE INJURED - IT NOT DISABLED - BY THE COURT'S ACTIONS.

IN THAT, THE FIFTH CIRCUIT IN 18-11111 (A WRIT OF HABEAS CORPUS RELATED TO 3-16-PR-349 OUT OF THE NORTHERN DISTRICT OF TEXAS-DALLAS) ISSUED A RULING OF DENIAL TO THE PETITIONER REGARDING THE DISTRICT COURT'S DENIAL OF EXPERT ASSISTANCE FUNDING UNDER 18 USC § 3606(A)(2) FOR HIS DEFENSE UNDER 18 USC § 17, WHERE THE CIRCUIT COURT ESSENTIALLY INSTRUCTED THE PETITIONER TO INTRODUCE THE ISSUE ON "DIRECT APPEAL" WITHIN THE TEXT OF SAID DENIAL.

HOWEVER, WHEN THE PETITIONER FOLLOWS THAT INSTRUCTION - IN MULTPLICITY - THE FIFTH CIRCUIT DELIBERATELY IGNORES AND DISREGARDS THE ISSUE, WHICH IS THE CORE ISSUE OF HIS APPEAL TO SAID COURT. (18-11602)

ESSENTIALLY, THE APPELLATE COURT REFUSED TO OFFER AN OPINION ON THE MERITS OF THE CORE ISSUE OF THE PETITIONER'S APPEAL - WHILE AFFIRMING THE CONVICTION ON TWO-LESSER NOTED CONCERNS.

THE CIRCUIT COURT ALSO AFFIRMED "THE DISMISSAL WITH PREJUDICE" (WITHIN AN EIGHT-WORD SENTENCE) OF PETITIONER'S CIVIL COMPLAINT UNDER 28 USC § 1331 WHERE THE GOVERNMENT OF THE NORTHERN DISTRICT OF TEXAS-DALLAS SEIZED-BUT NEVER FORFEITED - OVER \$70,000⁰⁰ WORTH OF LUXURY AND PERSONAL ASSETS BELONGING TO THE PETITIONER THAT SUBSEQUENTLY WENT 'MISSING' OR WAS SIMPLY STOLEN. (OR IS IT POSSIBLE THAT A \$60,000 MATRIMONIAL AND DIAMOND BRIDAL WAS DISCARDED OR THROWN AWAY?)

IT MUST BE NOTED THAT THE DISTRICT COURT'S RULING (AS FRIVOLOUS) ON THIS ISSUE, IS THAT THE PETITIONER WAS SEEKING "MONETARY RELIEF AGAINST DEFENDANTS WHO ARE IMMUNE FROM SUCH RELIEF." AGAIN, 3-18-CV-1329 WAS FILED AGAINST THE UNITED STATES OF AMERICA, AND THE UNITED STATES DEPARTMENT OF JUSTICE, UNDER 28 USC § 1331.

STILL, THE FIFTH CIRCUIT COURT OF APPEALS IN 19-10290 AFFIRMED THAT RULING WITHIN AN EIGHT-WORD DENIAL.

AS SUCH, WITH THIS SUPREME COURT STATING THAT, "[W]E ARE A COURT OF REVIEW, NOT OF FIRST VIEW," FROM ITS LUTYER v WILKINSON 544 US 709, 718 (2005) AT 5 DECISION, THE FIFTH CIRCUIT'S DELIBERATE DISREGARD OF THE CORE ISSUE OUTLINED AND DEFINED WITHIN PETITIONER'S APPEAL, AS WELL AS THE FIFTH CIRCUIT'S REFUSAL TO PROVIDE AN ARGUABLE OPINION FOR ITS REASONING OF CONCLUSIONS IN

CIVIL CAUSE 19-10290, VIOLATED THE FUNDAMENTAL PRINCIPLE OF THE APPELLATE COURTS - WHICH IS THE
"DUTY TO ADJUDICATE [FEDERAL ISSUES] PROPERLY BEFORE THEM..." BRACKETT v SPOKANE ARCADES 472 US 491/198
AT 508

FROM THESE FACTS, THIS "SUPREME COURT HAS A SIGNIFICANT INTEREST IN SUPERVISING THE
ADMINISTRATION OF THE JUDICIAL SYSTEM." HOLLINGSWORTH v PERRY 558 US 183 (2010) AT 196

WITH THE DEPRIVATION OF A PERSON'S LIFE AND LIBERTY BEING DELIBERATELY MANIPULATED BY A
SUPERVISORY COURT OF APPEALS - WHILE SAID PERSON ALSO MUST ENDURE THE THEFT OF HIS PERSONAL ASSETS
AS THE SAME SUPERVISORY COURT RENDERS DECISIONS ENTIRELY DEVIANT OF ESTABLISHED FEDERAL LAW -
THIS SUPREME COURT "HAS A DUTY TO LAY DOWN STANDARDS FOR APPLICATION BY THE LOWER COURTS."
US v TORONTO 338 US 396 (1949) AT 407

THUS, THIS SUPREME COURT - SO AS TO IMMEDIATELY INTERVENE IN STATED ROGUE CONDUCT WHICH
HAS THE POTENTIAL TO BECOME PERVERSIVE - HAS BEEN PROVIDED A 'RARE' BUT SERIOUSLY CONCERNING
EXCEPTIONAL CIRCUMSTANCE AMOUNTING TO A CLEAR ABUSE OF DISCRETION" BY THE FIFTH CIRCUIT COURT
OF APPEALS - WHICH DEMANDS THIS COURT'S APPELLATE JURISDICTION, AS IT INVOLVES A 'MISCARRIAGE OF JUSTICE'.

EXCEPTIONAL CIRCUMSTANCES

"[T]HE CONSTITUTIONAL GUARANTEES OF DUE PROCESS AND EQUAL PROTECTION BOTH CALL FOR PROCEDURES
IN CRIMINAL TRIALS WHICH ALLOW NO INDIVIDUAL DISCRIMINATIONS..., ALL PEOPLE CHARGED WITH A CRIME MUST,
SO FAR AS THE LAW IS CONCERNED, STAND ON AN EQUALITY BEFORE THE BAR OF JUSTICE IN EVERY AMERICAN
COURT." GAFFIN v ILLINOIS 351 US 12 (1956) AT 17

YET, WHEN THESE RIGHTS ARE VIOLATED BY A COURT IN ACTION AND RULING, "[A]PPEAL... IS A MATTER
OF RIGHT." HALL v HALL 138 S. Ct. 1118 (2018) AT 1124

WITH THE RIGHT TO APPEAL, "[T]HE RIGHT TO BE HEARD... EXTENDS TO ALL PROCEEDINGS ESTABLISHED BY THE
COURTS." BODDIE v CANAL 401 US 371 (1970) AT 387

AS SUCH, "[T]HE DENIAL OF THE RIGHT TO BE HEARD MAY AMOUNT TO A DENIAL OF DUE PROCESS." REGIONAL
RAIL REORGANIZATION ACT CASES 419 US 102 (1974) AT 184

THIS IS BECAUSE, "[T]HE RIGHT TO BE HEARD BEFORE BEING CONDEMNED TO SUFFER GRIEVOUS LOSS
OF ANY KIND, EVEN THOUGH IT MAY NOT ALWAYS INVOLVE THE STIGMA AND HARSHIPS OF A CRIMINAL
CONVICTION, IS A PRINCIPLE BASIC TO OUR SOCIETY." JOINT-ANTIFASCIST v MCGRATH 341 US 123. 168 (1951)

IN THIS INSTANCE, THE PETITIONER HAS A "SEVERE MENTAL DISEASE OR DEFECT" AS DIAGNOSED BY BOTH
A COURT-ORDERED PSYCHOLOGIST, AS WELL AS A PREVIOUS PRIVATE PSYCHIATRIST. AS THE SIXTH AMENDMENT

PROVIDES FOR THE "RIGHT TO ... HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR.", AND THIS SUPREME COURT MANDATING IN McWilliams v Dunn 137 S.Ct. 1190 (2017) THAT ONCE A DEFENDANT'S MENTAL STATE BECOMES A FACTOR FOR THE DEFENSE, THAT, "...WHEN ITS THRESHOLD CRITERIA IS MET, [A DEFENDANT] MUST BE PROVIDED A MENTAL HEALTH PROFESSIONAL CAPABLE OF PERFORMING: EXAMINATIONS, AND ASSISTING IN EVALUATIONS, PREPARATIONS AND PRESENTATIONS OF THE DEFENSE..". AT 1792, THE ABSOLUTE REFUSAL OF THE FIFTH CIRCUIT COURT OF APPEALS TO EITHER ACKNOWLEDGE OR ADDRESS THE DEFINED AND OBVIOUS CORE ISSUE OF THE PETITIONER'S STATED VIOLATIONS ON APPEAL, OR TO PROVIDE MORE LEGAL FACTS AS BASIS FOR THE AFFIRMATION OF THE DISTRICT COURT'S RULING REGARDING THE 'LOSS' OR 'THEFT' OF THE PETITIONER'S PERSONAL PROPERTY, STANDS AS A TANGIBLE CONTRAST TO THE SPECIFIED AND OUTLINED PURPOSE OF THE APPELLATE COURT; WHICH IS TO, AGAIN, DETERMINE WHETHER THE TRIAL COURT'S FINDINGS ARE ERRONEOUS.." (DAYTON-SUPRA) PETITIONER HAS NO FACTS FROM THE COURT.

AS SUCH, "[T]HE SUPERVISORY POWER OF [THE SUPREME COURT] SERVES THE TWO-FOLD PURPOSE OF DETERING ILLEGALITY AND PROTECTING JUDICIAL INTEGRITY". LIS v PAYNER 447 US 727 (1980) AT 735

WITH THAT, AS THE FIFTH CIRCUIT REFUSES TO PERFORM ITS STATUTORY DUTY WHILE ACTIVELY VIOLATING ITS CORE PURPOSE-AS WELL AS DISREGARDING AN OBVIOUS LEGAL AND CRIMINAL VIOLATION WITHIN THE DISTRICT COURT, THESE FACTS REPRESENT A 'NEAR AND PRESENT DANGER' TO THE CITIZENS OF THOSE WITHIN THE FIFTH CIRCUIT'S JURISDICTION, AS WELL AS TO THE STANDING OF JUDICIAL INTEGRITY.

THUS, EXCEPTIONAL CIRCUMSTANCES EXIST FOR THE IMMEDIATE INTERVENTION OF THIS SUPREME COURT.

IMMEDIATE RELIEF AND ALTERNATIVE AVEENUES

"[T]HE PROCESS REQUIRES ... EACH DEFENDANT A FAIR OPPORTUNITY TO OBTAIN AN ADJUDICATION ON THE MERITS OF HIS APPEAL." EVITTIS v LUCEY 469 US 389 (1985) AT 405 (EMPHASIS ADDED)

"[A] JUDGEMENT IS NORMALLY SAID TO HAVE BEEN RENDERED 'ON THE MERITS' ONLY IF IT WAS DELIVERED AFTER THE COURT HEARD AND EVALUATED THE EVIDENCE AND THE PARTIES SUBSTANTIVE ARGUMENTS. AND AS USED IN THIS CONTEXT, THE WORD 'MERITS' IS DEFINED AS THE INTRINSIC RIGHTS AND WRONGS OF A CASE AS DETERMINED BY MATTERS OF SUBSTANCE, IN DISTINCTION FROM MATTERS OF FORM." JOHNSON v WILLIAMS 568 US 289 (2013) AT 302

HET HERE, THE FIFTH CIRCUIT COURT OF APPEALS HAS UNILATERALLY DECIDED WHAT ISSUES OF THE PETITIONER'S CRIMINAL DIRECT APPEAL THEY WOULD ADDRESS; WHILE COMPLETELY DISREGARDING THE NOTED DUTY TO PROVIDE AN ACTUAL OPINION ON THE MERITS OF THE PETITIONER'S CIVIL COMPLAINT UNDER 28 USC 81331. (DAAR (SUPRA)); (JOHNSON (SUPRA)) THIS LIMITS THIS COURT'S ABILITY TO REVIEW THE ISSUES OF APPEAL. FURTHERMORE, PETITIONS FOR REHEARING ON BOTH 18-11602 AND 18-10290 WERE FUMBLE AND QUICKLY DENIED.

ALSO IN THESE ACTIONS AND DEVIATIONS, AND FOR WHATEVER UNSUBTLE PURPOSE THEY HAVE OCCURRED, THE PETITIONER BRINGS TO THIS SUPREME COURT'S ATTENTION ITS RULING IN LITEX v US 510 US 540 (1994) AT 551 WHERE IT WAS CONFIRMED THAT, "[A] FAVORABLE OR UNFAVORABLE PREDISPOSITION [TOWARD A PARTY OR A CAUSE] CAN BE CHARACTERIZED AS 'BIAS' OR 'PREJUDICE'... [WHERE] IT IS SO EXTREME AS TO DISPLAY A CLEAR INABILITY TO RENDER A FAIR JUDGEMENT." (EMPHASIS ADDED)

THE PETITIONER STATES THAT THE FIFTH CIRCUIT COURT OF APPEALS HAS CLEARLY DEMONSTRATED THIS POINT. THE APPELLATE COURT'S ABSOLUTE REFUSAL TO EVEN ACKNOWLEDGE (MUCH LESS ADDRESS) AN ISSUE SO OBVIOUS IN ITS VIOLATION (REGARDING THE §3006(AE) ISSUE), WHICH HAS BEEN REPEATEDLY CITED - WHILE CONSTANTLY IGNORED - EVEN OVER ITS OWN RULING FROM A DENIAL OF MANDAMUS BY SAID COURT, ILLUSTRATES A FUTILITY IN ATTEMPTING TO SECURE ANY FORM OF JUDICIAL PROPRIETY ON THE ISSUE, WITHOUT SUPREME COURT INTERVENTION.

MOREOVER, TO REFLECT THE RULE OF LAW IN DISREGARDING THEIR OWN - AS WELL AS SUPREME COURT - PRECEDENT AS ESTABLISHED BY FEDERAL STATUTE IN AFFIRMING A RULING BY THE NORTHERN DISTRICT OF TEXAS - DALLAS, THAT UPON THE 'LOSS' OR THEFT OF THE PETITIONER'S PERSONAL PROPERTY WHILE UNDER THE CONTROL OF THE GOVERNMENT OF THE NORTHERN DISTRICT OF TEXAS - DALLAS, THAT NEITHER THE UNITED STATES OF AMERICA NOR THE UNITED STATES DEPARTMENT OF JUSTICE CAN BE SUED.. VALIDATES THAT NO RECITATION OF FACTS AND LAW WOULD COMPEL THE FIFTH CIRCUIT COURT OF APPEALS TO 'THE LAW AS DEFINED AND PROVIDED BY THE RULE OF LAW - WITHOUT SUPREME COURT INTERVENTION.

THUS, THE PETITIONER HAS 'NO OTHER OPTION FOR RELIEF' AVAILABLE TO ADDRESS THE STATED 'MISARRIAGE OF JUSTICE' UNDER A FEDERAL SUPERVISORY COURT.

AS STATED BY THIS SUPREME COURT IN BANKERS LIFE v HOLLAND 346 US 379 (1953), "[I]N MANDAMUS... AGAINST JUDGES SHOULD BE RESORTED TO ONLY WHERE APPEAL IS A CLEARLY INADEQUATE REMEDY." AT 384

THIS IS THE CASE HERE.

CONCLUSION

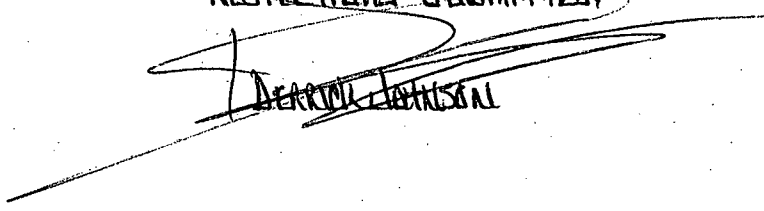
With this said, a Court's refusal to abide by the parameters established within their own ruling is an extremely serious matter. It is even more so when the Court of note is the Appellate Court - whose duty is to set the standards of law and to correct errors of such.

A lack of resolution on this issue paves the way for all Courts to deny an applicant, petitioner or movant relief - without review - by simply ignoring the issue of contention. For an Appellate Court to engage in such activity, seriously impairs the legal system's structure of review of legal issues of merit - as it is almost assuredly known that Certiorari will not be granted on the individual issue, alone. Such activity - as it relates to criminal cases - is a clear and present danger to the rights of those whose judicial options to assess the accuracy of a conviction, has been narrowed through the years.

Therefore, Derrick Johnson request of this Court to order the resolution of the oft disregarded §3006A(c) issue "in the interest of justice."

OCTOBER 18, 2021

Respectfully Submitted,


DERRICK JOHNSON