

FEB 17 2021

OFFICE OF THE CLERK

20-8433

no.

In The
SUPREME COURT OF THE UNITED STATES

SALIMABOU GOULDO, Estate,

versus

Todd E. Ishee; Director

On Petition for Writ of Certiorari
To: United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

~~North Carolina~~ for
SALIMABOU GOULDO, Estate.
Executive Office. Nation North Carolina.
General Post, Scotland Correctional Institution.
McGirts Bridge Road 22385.
Laurinburg Province USA Republic. (28353)
non-Residential. non-Domestic. non-Commercial.

ORIGINAL

Questions Presented

I. Having filed numerous complaints of Denial of Access to Courts, Legal Aid Assistance and Material with the District Court (EDNC) and Circuit Court (4th Cir COA); A Petitioner forced to Proceed in a Habeas Corpus Proceeding under these conditions; Lost Destruction; misdelivery delay of Legal Mail Material Service; unconstitutionally prejudiced; Does such reach the Demands of fundamental Fairness Due Process Equal Protections?

II. There is No Constitutional Guarantee to Counsel in Post-Conviction Proceedings, If Petitioner Asserts Constitutional Violations as standings in the trial Division; Attached Counsel in Post-Conviction; whom "Matters" the Cause will not assert standings; Does Petitioner lose standing and a Ruling on the merits; Asserted; Passed on By By the State Court of Last Resort?

III. Did the Circuit Err; In denial of Relief of Violation Plainly Before the Court; which Ordinarily Procedures do not Rule out the Supervisory Power of the Circuit Court; Does Procedure Prescribe to Overlook Article III-VI fidelity fiduciary Trustee duties? Does the Circuit and District have the Authority to Deny Relief simply Because they have the Power to do so? Can the Court Relieve the State of its Burden?

Authorized Representative: ~~Abel de la Cruz~~ w/o Prejudice
Titled: Secured Party Creditor - Principal Surety

List of Parties

✓ All parties do not appear in the caption of the cover page. A list of the parties to the proceeding in the Court whose judgment is the subject of this petition is as follows:

Todd E. Ishee
Commissioner, Director
NC Dept of Public Safety
Division of Adult Prisons
831 Morgan Street
Raleigh, NC 27699

North Carolina Dept of Justice
Office of the Attorney General
Capital Litigations - Federal Habeas
Corpus Section
P.O. Box 629; Raleigh NC, 27602
AHN: Kimberly Callahan

Related Cases

① US Court of Appeals for the Fourth Circuit no. 20-1872

Writ of Mandamus In Re: SALIMABOU GOULDO, Estate.

② US Dist. Court 'EDNC' no. 5120-HC-2074-D Writ of Habeas Corpus

SALIMABOU GOULDO, Estate v. Todd E. Ishee, Director.

③ US Dist. Court 'EDNC' no. 5120-HC-2176-PL Writ of Habeas Corpus

SALIMABOU GOULDO, Estate v. Todd E. Ishee, Director.

④ US Dist. Court 'EDNC' no. 5120-CT-3257-BD Civil Rights Action 42 USC § 1983

SALIMABOU GOULDO, Estate v. Todd E. Ishee, Director.

Authorized Representative: ~~Murphy~~ Dr. Paulo Prefudice

In Propria Persona Sub Juris

2.15.21

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no. _____

In The
SUPREME COURT OF THE UNITED STATES

Petitioner respectfully Request that a Writ of Certiorari issue to Review the Judgement Below:

Opinions Below

- ① The Opinion of the United States Court of Appeals for the Fourth Circuit appears at Appendix A to the petition and is:
Unpublished
- ② The Opinion of the United States District Court - Eastern District of North Carolina - Western division, is contained in the Record of the US COA - 4th circuit no. 20-1872 - 'Petitioner is a prisoner in NC Dept of Public Safety, Whom Does not provide copies, nor Electronic Access to Courts Available,
A Packet of USDC-EDNC-WD no. 5120-HC-2074-0 is provided appearing at Appendix B for Reference

~~and it is not~~

Jurisdiction

The date on which the United States Court of Appeals decided my case was December 28, 2020

Petitioner Request this Court's discretionary Review and Exercise of Supervisory power; Pursuant to Federal Question Jurisdiction 28USCA1331; 28USCA1251 et. seq.; 18USC§241-242; 42USC§1985(2); 42USC§1986

Federal Conspiracy to obstruct Justice Act; 1st; 5th; 8th; 13th; 14th; 15th Amdt. USC; also 18USC§1203

Provoking the Jurisdiction of this Court under 28USC§1254(1); Art III; sec. 2;

Authorized Representative: Abimael N. Arana w/o Prejudice

In Propria Persona Sui Juris 2.15.21

Constitutional & Statutory Provisions Involved.

- ① Petitioner hereby invokes Art III; sec 1 USC 'Judicial Power' of 'One Supreme Court' 'The Judges' 'shall hold office in Good Behavior'; Art. III, sec. 2 (1); 'The Judicial Powers Extent' 'Original Jurisdiction'; Art. III, sec. 1, 'Full Faith & Credit'; Art. IV; sec 2 (1); 'Privileges & Immunities'; Art. IV; sec. 4 'Domestic Violence'; Art. VI; (1) 'Debts & contracts'; Art VI (2); 'Supreme Law of the Land'; Art. VI; (3) 'No Religious test' 'Required for Qualification to any office or Public Trust'
- ① 5th; 6th; 14th Amdt. USC Legal Concepts of Substantive - Procedural Due process & Law; Equal Protections thereof.
- ① In Re: 6th amdt Right to meaningful - Effective - Adequate Assistance of counsel Guarantee; Equal to Right of Self Representation; as in Judicial Act of 1789; 1 stat; 73; 92; 28 USC § 1654
- ① 1st Amdt; Right of Access to court In Re: Rules Governing 28 USC §§ 2254 (a) - 2241
- ① Petitioner having Maximized the Legal sentence; served under a Vague statute; Request Unconditional Release; under 28 USC §§ 2283-2284
- ① The Precedent of Such matters herein Deeply Grounded in Stare Decisis rulings and holdings of this court Petitioner seeks Certification Ex Mero Motu;

Authorized Representative: Abdul-Razak Dero w/o Prejudice
In Propria Persona Sui Juris 2.15.21

United States Supreme Court
Petition for Writ of Certiorari

Statement of the Cause

Procedural Background & History: In *Cohen v. Beneficial Industrial Loan Corp.*, the Supreme Court articulated an exception to the final Judgment Rule for Judgments that finally determine claims of right separable from, and collateral to, Rights asserted in the action [that are] too important to be denied Review and too independent of the cause itself to require that appellate consideration be deferred until the whole cause is adjudicated, 337 U.S. 541; 546 (1949). 'This exception is known as the collateral Order Doctrine,' *US v. Moussaoui*, 483 F.3d 220; 232 (4th Cir. 2007). Have Being a Victim of A Psychological Ploy to Self-Incriminate; By Bertie, Cnty Sheriff Dept; to Perform a allege Interview (coerced Custodial Interrogation) at the Detectives office at their Discretion; thereafter transported to the Sheriff Dept and Magistrate; to find A warrant had Been Produce Prior to Interview.' No officer through the chain of Events, informed Petitioner to Be under arrest; At Initial Appearance; One optioned to Proceed 'In Propria Persona Sue Juris' (Self-Representation). 'To wit; Petitioner has a History of Mental Illness; Having Been found Incompetent. Incapable to Proceed in Bertie Cnty. Court July 29; 2012; Four Months Prior to Allege incident of cause (Released in court without commitment. Referral. medication) After subsequent arrest (Jan. 2, 2013) Found to be competent March 2013; On September 30, 2013; Petitioner;

(2)

Before Bertie Cnty. Senior Resident Judge Cy A. Grant; where a Discovery Information had been sent to a Attorney Jamal Sumner whom had Attached himself to the cause; when petitioner informed the Court He has signed no waiver of Rights as those of Self-Representation which he elects to Appear; Nor waive the Right to her counsel; Request a speedy trial, and Motions Deadline. The Court; Becoming adverse; Sanctioned Petitioner to 30 days contempt Court for exercising his Rights. (See USDC-EDNC no. 2:14-CV-75-PL) E.G. A 'def' Lack of competence in legal affairs has no Bearings on his ability to knowingly and intelligently waive the Right to counsel' (45th Geo. J. p 586; case note 1610 (2016)) Faretta, 422 US at 835 E.G. US v. Bush; 404 F.3d 263, 271 (4th cir 2005) (Right to counsel may be knowingly and intelligently waived though def' has history of Mental illness and lacks legal Knowledge) On January 28, 2014; Petitioner Entered A Motion for Dismissal of Indictment, et al in Bertie Cnty Superior Court no. 13R04130 - NC Supreme Co. no. 91P14 / 91P14-1 On October 5, 2017 Judge Cy A. Grant for Bertie Cnty Superior Court Entertained said Motion for Dismissal etc. 'In Propria Person Sui Juris' in a Pretrial setting; and Denied Motions for cause Alleged 'Pro Se'; (There is counsel Present in the Court) Trial Commence Between October 9th - 11th, 2017; Where upon convicted and sentenced the Matter of Pretrial Motions and Hearing is omitted from the record on Appeal; as of Right. When making written Notice to NC Court of Appeals October 25, 2017 the Notice of Appeal is Denied stating Rule 4; NCR App. *Not

Satisfied* On November 28, 2017 the office of the Appellate defender; Appointed Private Attorney William D. Spence; Nearly 40 days after trial; where the 'window' on appeal (30 days) has closed. Upon Review of Record on Appeal (April 16, 2018 - NC CoA no. 18-425) Petitioner Assigned Error to the trial Division; Administrative Office of the Courts, and Appeal Court; whom neglect to correct errors; On May 1, 2018 Appellate Counsel Entered Appellee Brief NC-CoA no. 18-425 without correspondance or input from the 'def' or trial Defense Counsel. On May 27, 2018 Petitioner Entered A writ of Immediate Appeal - Motion in Limine (Adventually was Before US Supreme Co. on Certiorari. no. 18-8777; GOULD v. STATE) North Carolina Court of Appeals Denied Petition December 4, 2018; Panel "5" 'Opinion of the Court'; 'We Find No Error.' On January 1, 2019 Petitioner Entered 'A Notice of Appeal of Right' (Substantial Constitutional Question) Pursuant to NC-R App. P. 14 under NC G.S. § 7A-30; And Filed Brief on February 1, 2019 in the Supreme Court of NC; no. 91P14-6 * (This Appeal is a Right Not purpoited a discretionary Review, I.E. 'PDR' or Certiorari) The cause is a Extension of Direct Appeal; On October 30, 2019, the Supreme Co. of NC. in Conference; Dismissed Notice of Appeal of Right; Ex Mero Motu; Petitioner, thus has filed A writ of Habeas Corpus; in the United States District Court; that Due to Bias - Prejudice - an Retaliation has Requested A writ of Mandamus in the United States Court of Appeals; ~~no. 20-1872~~ no. 20-1872 In Re: SALIMABOU GOULD O. Estate. Denied, December 28, 2020.

Corpus Juris

In Paretti v. Cali, the Supreme Court held that an accused has a 6th Amdt Right to conduct his or her own defense in a criminal case; 422 US 806, 821; (1975) US v. Benard; 708 F.3d 583, 588 (4th cir. 2013) 'A court, however, can not deliberately undermine a 'Pro se' 'def' defense. See e.g. Oses v. Mass, 961 F.2d 985, 986-87 (1st cir. 1992) (per curiam) 'Moreover, if the state interferes with a 'def' self-representation, due process may be violated; ' See e.g. Tate v. Wood; 963 F.2d, 20, 26 (2d cir 1992) Petitioner Asserts Having Elected to Appear 'In Propria Persona Sui Juris' and Attached Counsel without a formal Appointment by the court; Pursuant to NCGS § 7A-450 et. seq. Affidavit of Indigency for Court Appointed Counsel and NCGS § 7A-451 et. seq. Reciprocal; Order of Assignment or Denial of Counsel; 'I.E.' To ensure a valid waiver of Counsel, A Judge should make a 'searching or formal' inquiry into Both the 'def' understanding of the 6th Amdt. waiver and the 'def' awareness of the disadvantages of Self-Representation, US v. Long; 597 F.3d 720, 724 (5th cir 2010) ('[T]he trial court must conduct a Paretti hearing...') After constant Boats upon the issue of Counsel; Attorney Jamal Summey was allowed to withdraw due to Petitioner's: Motion to Substitute Counsel * Recusal *; on January 21, 2016 at such time depleted of Funds and Resources Petitioner optioned to Elect to Request Court appointed Counsel; The Court Appoints Attorney Tonza Kuttin Buffalo; 'E.G.' 'A def' may Revoke an effective waiver Before trial has begun', see e.g. US v. Proctor; 166 F.3d 396, 405 (1st cir, 1999)

upon Appeal M.S. Ruffin-Buffaloe Became absent; as with prior to trial, where no presentencing; compulsory process; had called no witness; did not attempt to consult client. To wit: The Indigent Defense Service Act of 2000 - N.C.G.S. § 7A-498; IOS Rule 3.2; sub (a) 3): cases in which the Appellate Defender is contacted by Appointed Counsel concerning the need for Immediate Review of a Pretrial Ruling should be challenged to the appellate courts by means of a petition for a Extraordinary writ. Rule 3.2; sub (g.1). This Provision was added in November 2002 to Authorize the appellate Defender or IOS Director to appoint counsel to litigate a non-capital Motion for Appropriate Relief Pending Direct Appeal, Rule 3.2; sub (g.2). When the direct Appeal is still Pending. When petitioner optioned to Extend to the N.C. Court of Appeals; days after conviction; A written Notice of Appeal; is Denied: Appellate Counsel was unresponsive to Petitioner's Pleadings; In Garza v. Idaho; the Supreme Court held; In Roe v. Flores-Ortega; 528 US 470 (2000); this Court held when an attorney's deficient performance cost a def' an Appeal that the def' would have otherwise pursued, prejudice to the def' should be presumed with no further showing from the def' of the merits of his underlying claim. Id at 484 After Denial of A Writ of Immediate Appeal By N.C. Court of Appeals; Dismissed; until Future Filing by Appointed Counsel; whom Declined to do so; whom also declined to Further pursue Review-Appeal to the state court of last Resort; Supreme Co. N.C. 'E.G.' Where the initial Review collateral proceeding is the first designated proceeding for a prisoner to

Raise a claim of ineffective assistance at trial, the collateral proceeding is in many ways the equivalent of a prisoners direct Appeal as to the 'ineffective assistance of counsel claim'. And 'def' pursuing first-tier Review are generally ill equipped to represent themselves because they do not have a Brief from Counsel to; or an opinion of the Court addressing their claims: Martinez v. Ryan, 566 US 1; *1; 132 S.Ct. 1309; *1309, 882 L.Ed.2d 272; *272, 2012 US Lexis 2317 **1.

The Constitution guarantees prisoners the Right of Meaningful Access to the courts; see Baund v. Smith, 430 US 817, 823 (1977) 'The Right to Access imposes a affirmative duty on Prison officials to help inmates prepare and file legal papers, either by establishing an adequate law library or by providing adequate assistance from persons trained in the law', see also Johnson v. Avery; 393 US 483, 485 (1969) Upon Petitioners arrival at NC Dept of Public Safety Division of Adult Prisons; October 12, 2017 after trial (Oct. 9th-11th, 2017) Petitioner Immediately Experience A Lack of Legal Aid Assistance. Material, unavailable to one at most critical stage in Appeal. Again the written Notice of Appeal to the NC Court of Appeals is Denied stating Rule 4, NC R. App. P. *Not Satisfied* In Re: Martinez v. Ryan; Garza v. Idaho, P.R.A.R. 3-4 The Purported Appellate Counsel Appointed after 30 day window to file appeal (11.28.17) The Alleged Legal Aid, The North Carolina Prison Legal Service, Inc.; Response for Request for Assistance, regarded to a Belated Appeal as it no knowledge of the Direct Appeal Process: 'NCPLS' is a Non-Profit organization with Legal

(6)

ties to NC Dept of Public Safety; The office of the Appellate Defender 'Per' NC Rules of Crim. Law and Proc. - Lexis Nexis is so *REPEALED* and has no statutory Authority to Operate; While at NC Dept of Pub. Saf. Div. of Adult Prisons Facility 3100 Central Prison, Staff incidentally Lost or Destroyed Petitioners Legal Mail (NCIC-TA-27279 / USDC-EDNC no. 5:18-CT-3154-BO) Having Been constantly denied Access to Courts • Legal Mail Service • Legal Aid • Assistance • material; In Retaliation for suit. On June 6, 2019 one is transferred to Scotland Corr. Inst. Facility #4860 *Gungland* When Receiving ORDER by the Supreme Court in Conference; (10.30.19) no. 91PI4-6 et. seq. Dismissed Notice of Appeal of Right (Substantial Constitutional Question) Ex Mero Motu; As with Scotland Corr. Inst. opening Reading Mail from Supreme Court of NC; the previous facility Central Prison had not Mail Appeal Brief; February 2019 Before transfer June 6, 2019. ~~at~~ (NCIC-TA-28239 - GOUNG Estate. v. NC Dept of Pub. Safety - Pending Trial) On November 21, 2019 one Filed a Application for Writ of Habeas Corpus in US Dist. court for the Middle dist. court of NC; duly informed the custodian on November 28, 2019 and Immediately transferred on December 12, 2019; to Later Find this writ also was not Received by the court (NCIC-TA-28448; GOUNG Estate. v. NC, OPS - Pending trial)

When arriving at Martin Corr. Ctr.; OPS Facility #3930, one is stripped of All Legal Mail • Books • Material; Paper • Pen • Envelopes etc. In the name of a Alleg Program; In January 2020 A Writ of Certiorari to the (7)

United States Supreme Court; was lost or Destroyed by staff (NC.ZC -
TA-28829; GARLO, Estate v. ORS; Pending)

On March 11, 2020 one again filed for writ of Habeas Corpus by
Application to USDC Western Dist. of NC Charlotte, - WONC no. 3120-CV-
00168-MR; Filing a Informal Brief in support April 15, 2020

(Filed 4.21.20.) The Cause is transferred to the Eastern Dist of NC
'Territorial Jurisdiction' May 5, 2020; Subsequently the Western
Dist. of NC purports to transfer a second Application for writ of Habeas
Corpus; September 22, 2020; WONC no. 3120-CV-00245-MR

Thus there are now two Different Applications; EDNC no. 5120-HC-
2074-D; and EDNC no. 5120-HC-2176-EL; Have effectively separated
Support Brief from Application for Writ; and am being denied standing
in cause; That Custodian NC Dept of Pub. Saf. 'DOP' Having Lost or Dest-
royed Petitioners Pertinent Records; Documents; Medical Records am now in
a adverse position to assert his claim; one Filed with US Court of Appeals for
the fourth circuit for Writ of Mandamus (Prisoner Release Order) Denied Decem-
ber 28, 2020; Petitioner; seeks Review for this US Supreme Court;

'E.G.' However, Prisoners have a 'constitutional Right of Access to the courts'
that Requires states to assist inmates in preparing and filing a Habeas
Petition by providing some form of legal assistance, such as adequate Law
libraries or the assistance of persons trained in the Law'. If a state has not
made alternative forms of legal assistance available; it must allow inmates
to assist each other in filing Habeas Petitions'. (464 U.S. p. 1062-63 (2017))

Authorized Representative: Arthur L. M. M. M. M. w/o Prejudice.

Reason for Granting Writ

The United States Court of Appeals for the fourth circuit has entered a decision in conflict; has so far departed from the accepted and usual course of Judicial proceedings; or sanctions such as departure by a lower court, as to call for an exercise of this Courts, Supervisory power; where as; However, prisoners have a 'constitutional right of access to the courts' that requires states to assist inmates in preparing and filing a Habeas petition by providing some form of legal assistance, such as adequate law libraries or the assistance of persons trained in the law. If a state has not made alternative forms of legal assistance available; it must allow inmates to assist each other in filing Habeas petitions; Bounds v. Smith, 430 US 817, 821-28 (1977) (plurality opinion) overruled on other grounds by Lewis v. Casey, 518 US 343, 354 (1996); Johnson v. Avery, 393 US 483, 490 n.11 (1969)

Petitioner Currently in a Habeas Corpus Proceeding; that Respondents Custodians NC Dep't of Pub Safety Officials; Have lost. Destroyed Pertinent Documents; thus Preventing Petitioner from making a plausible challenge to conviction and Sentence; Neither Provides Legal Aid Assistance. Material adequate effective meaningful Access to Courts. The Petitioner is forced to Proceed in Habeas Corpus Proceeding under these standards; that in the event would seek Further Review; am Barred due to lack of Resource. These Rulings and Proceedings are Contrary to Precedent state decisions of the Court; Authorized Representative: Allen J. W. Brown

Conclusion

The Petitioner having filed numerous claims of Denial of Access to Courts, Legal Aid • Assistance • Material, in the past three years during direct Appeal Process. The North Carolina Dept of Public Safety; Division of Adult Prisons; has lost or destroyed Petitioners Legal Documents, Books, Medical Records; whereas having pleaded to the District Court and Circuit; Am now forced into a Habeas Corpus Proceeding without pertinent documents to make a plausible showing; Upon Filing for Writ of Habeas Corpus Application in the Western District of NC. and filing A Informal Brief in support of cause; that which is transferred and seperated now filed as two seperate causes where Petitioner strigged a Response to those Allegations and Assertions set forth;

Petitioner urges this US Supreme Court for its Supervisory Power; to enforce the Supreme Law of the Land. That Petitioner shall readily have Access to the courts; Legal Aid • Assistance • material; That the Discovery Process shall Be of access; as to any Member of the Bar. This in effort of fairness of procedure and in the interest of Justice; Agourned

2.15.21

Authorized Representative: Ante H. A. DRESSA w/o Figure
Titled: Secured Party Creditor • Principal Suxty