

No. 21-1595

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IN THE  
SUPREME COURT OF THE UNITED STATES

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TERRANCE GUINN,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

---

ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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PETITION FOR WRIT OF CERTIORARI

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Terrance C. Guinn  
110 Royal Street  
Port Gibson, MS 39150  
(601) 448-5187  
dlaw2255@yahoo.com

## QUESTIONS PRESENTED

1. Whether the US Appeals Court for the 5<sup>th</sup> Circuit affirm decision has departed so far from the usual and accepted course of judicial proceedings pursuant in denying Mr. Guinn's WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT that call for an exercise of this Honorable Court's supervisory power?
2. Whether the US Appeals Court for the 5<sup>th</sup> Circuit affirmed decision is in conflict with the US Supreme Court pursuant to the US Constitution?

RELATED PROCEEDINGS

*United States v. Terrance Guinn* Case No.  
5:cr8BrN

*Terrance Guinn v. United States* Civil No.  
5:21-cv-38-DCB

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## REPORTS OF OPINIONS

The decision of the Court of Appeals for the Fifth Circuit is reported as United States v. Terrance Guinn, No. 21- 60550 (5th Cir. February 4, 2022). It is attached to this Petition in the Appendix.

The order of the of the United States District Court is reported as Terrance Guinn v. United States No. 5:99-cr-8-1 is retyped as Appendix B. It is attached to this Petition in the Appendix B.

## JURISDICTIONAL STATEMENT

The decision by the United States Court of Appeals for the Fifth Circuit affirmed the District Court's judgment in the Southern District of Mississippi. Consequently, Petitioner files the instant Application for a Writ of Certiorari under the authority of Title 28, U.S.C., § 1254(1).

## RELEVANT CONSTITUTION AND FEDERAL STATUTE

The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2), establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the “Supreme Law of the Land”, and ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 states: The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

## STATEMENT OF THE CASE

On August 16, 1999, defendant pleaded guilty, pursuant to 18 U.S.C. § 922(g)(1), to possession of a Firearm by a Convicted Felon. Guinn was sentenced to thirty (30) months imprisonment, to be followed by two (2) years term of supervised release.

On or about September 2020, Guinn filed a WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT. The district court denied this WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT on March 31, 2021.

Moreover, On or about April 2021, Guinn filed a Motion to Reconsidered and/or Motion to Alter or Amend under Rule 59(e). Furthermore, Guinn filed an AMENDED PETITIONER RESPONSE TO GOVERNMENT RESPONSE TO DEFENDANT'S MOTION TO RECONSIDER AND/OR MOTION TO ALTER OR AMEND UNDER RULE 59. The district court denied this Motion to Reconsidered and/or Motion to Alter or Amend under Rule 59(e) and AMENDED PETITIONER RESPONSE TO GOVERNMENT RESPONSE TO DEFENDANT'S MOTION TO RECONSIDER AND/OR MOTION TO ALTER OR AMEND UNDER RULE 59(e) on August 2021.

Mr. Guinn then timely filed a notice of appeal for his WRIT OF AUDITA QUERELA and/or ALL

WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or  
WRIT OF RELIEF FROM JUDGMENT was  
affirmed by a Panel of the Fifth Circuit on February  
4, 2022.

#### REASONS WHY CERTIORARI SHOULD BE GRANTED

1. The United States Court of Appeals for The Fifth Circuit has affirmed a decision that's in conflict with the decision of The United States District Court for Eastern District of Washington (*United States v. Grajeda-Perez*, 727 F. Supp 1374 (E.D.Wash.1989)).

In *United States v. Grajeda-Perez*, 727 F. Supp 1374 (E.D.Wash.1989), the petitioner also sought relief from a criminal conviction by means of a writ of *audita querela*. Petitioner was adjudged guilty on July 8, 1988, of being an alien in possession of a firearm in violation of 18 U.S.C. § 922(g). He had served the imposed term of imprisonment and sought to have his conviction set aside in order to be eligible for naturalization under IRCA. The court held that a writ of *coram nobis* was inappropriate because petitioner was not contesting the validity of his conviction. A writ of *audita querela* was considered inappropriate since petitioner was seeking relief not from the consequences of the judgment, but vacation of the judgment itself. The court, however, found that the All-Writs Act, 28 U.S.C. § 1651(a), gave the courts "wide latitude to construct any remedy necessary" to do justice. The court then issued a "writ for relief from judgment" vacating petitioner's conviction.

2. The United States Court of Appeals for the Fifth Circuit has affirmed a decision that's in conflict with the decision of The United States District Court for District of Kansas (*U.S. v. Javanmard*, 767 F. Supp. 1109 (D. Kan. 1991)).

Mr. Guinn seeks to have his conviction vacated on equitable and constitutional grounds. In support of his motion, Guinn relies primarily on *United States v. Grajeda-Perez*, 727 F. Supp 1374 (E.D.Wash.1989)

The government's argument in opposition to Guinn's motion can be briefly summarized as follows. The government argues that the writ of *audita querela* is not properly available in cases such as this one, because Guinn is "procedurally barred". Although the court recognizes that courts have granted the relief requested here based upon the writ of *audita querela*, see *United States v. Salgado*, 692 F. Supp. 1265 (E.D. Wash. 1988) and *United States v. Ghebreziabher*, 701 F. Supp. 115 (E.D.La.1988), the court of appeals for the fifth circuit declines to vacate Mr. Guinn's conviction based upon the writ of *audita querela*.

It appears to be generally conceded, and the government also conceded, that the district courts have the power to afford the relief required here on equitable and constitutional grounds under the All-Writs Act, 28 U.S.C 1651(a). The All-Writs Act in relevant part states:

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or

appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. 28 U.S.C 1651(a)

Similarly, to the court in *U.S. v. Javanmard*, 767 F. Supp. 1109 (D. Kan. 1991), this court finds it has wide latitude under the All-Writs Act to construct any remedy necessary to "achieve justice." See *U.S. v. Javanmard*, 767 F. Supp. 1109 (D. Kan. 1991)

3. The US Appeals Court for the 5<sup>th</sup> Circuit affirmed decision has departed so far from the usual and accepted course of judicial proceedings pursuant to the US Constitution.

This is the "crux" of Mr. Guinn's argument. The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2), establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the "supreme Law of the Land" and no Government shall deprive any citizen of Life, liberty and the pursuit of happiness. See 5<sup>th</sup> and 14<sup>th</sup> amendment of the US Constitution.

Guinn is being denied the opportunity to seek employment to obtain his insurance and Securities Licenses under the Security and Exchange Commission (SEC) because the conviction has deprived him the eligibility for employment and "professional and occupational" licenses and that his state Conviction has been expunged and his status has changed.

Where a deprivation of rights has been secured by government officials, agents and employees, who at all times acting under the "color of law", and further deprived the petitioner of rights and privileges, and immunities recognized by the Constitution under 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 14<sup>th</sup>.

4. The US Appeals Court for the 5<sup>th</sup> Circuit neither addresses nor acknowledged Guinn's legal or factual allegations for also filing an ALL-WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT.

The Honorable Supreme Court in the interest of justice should remand the decision of the Honorable Fifth Circuit Court of Appeals for failing to consider the arguments raised in Guinn'sAppealed. In *United States v. Grajeda-Perez*, 727 F. Supp. 1374 (E.D.Wash.1989) and *U.S. v. Javanmard*, 767 F. Supp. 1109 (D. Kan. 1991), found that the All-Writs Act, 28 U.S.C. § 1651(a), gave the courts "wide latitude to construct any remedy necessary" to do justice. The court then issued a "writ for relief from judgment" vacating petitioner's conviction. Under the totality of the circumstances, it would be a "gross injustice" to allow Guinn, who has by all accounts been rehabilitated of unlawful conduct, to effectively serve a life sentence, and for Guinn to be deprived of benefits presented in the US Constitution.

5. The US Appeals Court for the 5<sup>th</sup> Circuit neither addresses nor acknowledged Guinn's legal or factual

allegations for the Courts Lacks subject-matter jurisdiction and breach of contract?

The Government has breached the plea agreement contract with Guinn on the grounds that the court lacks subject-matter jurisdiction. "Plea bargain agreements are contractual in nature, and are to be construed accordingly." *Hentz v. Hargett*, 71 F.3d 1169, 1173 (5th Cir.), cert. denied, 517 U.S. 1225 (1996); *United States v. Ballis*, 28 F.3d 1399 (5th Cir. 1994). We review de novo a breach-of-plea-agreement-claim. See *United States v. Wittie*, 25 F.3d 250 (5th Cir. 1994), aff'd, 515 U.S. 389 (1995).

Though the government protests that Guinn agreed to the waiver of his right to appeal and collateral attack knowingly and voluntarily, This Court nonetheless should hold that it is contractually invalid. See *Johnson v. United States* 992 F. Supp. at 439 (Holding that the inequality of appeal rights between the government and the defendant "strengthens the conclusion that this kind of plea agreement is a contract of adhesion.")

The Federal Register (FR) is a daily publication which contains proposed agency rules and federal agency regulations, as well as Executive Orders and Presidential Proclamations. The FR contains final rules and regulations, organized under the title of the issuing agency (and sub-agency, if applicable), the CFR Title and parts affected, and a brief description of the specific subject of the document. As required by the federal notice-and-

comment process, the FR also houses notices to the public of proposed issuance of rules and regulations. "The purpose of these notices is to give interested parties notice and an opportunity to participate in the rule making process.

Furthermore, if a statute is not published in the *Federal Register*, it indicates that the statute has a limited applicability (e.g., within purely federal areas only). A citizen of the District of Columbia, the Commonwealth of Puerto Rico, a territory or insular possession of the [federal] United States is subject to both positive and non-positive law.

In *Wolfson v. United States*, 492 F.2d 1386, 204 Ct. Cl 83 (1974) "When regulations are published in the Federal Register, they give legal notice of their contents to all who may be affected thereby?" Also, the law provides that when implementing regulations are at variance with the statutory provision of which they are intended to promulgate that they fail to give proper notice under the due process clause of the Constitution or the "Fair Notice Doctrine," set out under *United States v. Nevers*, 7 F.3d 59 (5<sup>th</sup> Cir. 1993).

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. After, further research of the Federal Register and Code of Federal Regulation, the statute Guinn was convicted under is not located. See Appendix E.

Therefore, Guinn's waiver doesn't foreclose raising on appeal or any other collateral process. *US v. Navarro-Bottello*, 912 F.2d 318 (9<sup>th</sup> Cir. 1990), cert. denied \_\_\_ US \_\_\_, 112 S. Ct 1488, 117 L.Ed.2d 629 (1992).

Guinn has brought these undeniable facts to the forefront that at all times Gaines H. Cleveland, Assistant United States Attorney and the Government is holding Mr. Guinn hostage under "color of law" in denying Guinn access to employment.

The Supreme Court held that the government's breach of a plea agreement gives rise to a claim for specific performance of that agreement, or, in the alternative, entitles the criminal defendant to withdraw his guilty plea. *Santobello v. New York*, 404 U.S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971)

In compare and contrast, JUSTICE THOMAS delivered the opinion of the Court, on CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT in BECKLES v. UNITED STATES No. 15-8544. Argued November 28, 2016—Decided March 6, 2017 stated so elegantly, "This Court has held that the Due Process Clause prohibits the Government from "taking away someone's life, liberty, or property under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement. *United States v. Harris*, 347 U.S. 612, 74 S. Ct 808, 811 98 L.Ed.

989 (1954); *see also City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 102 S.Ct. 1070 71 L. Ed.2d 152 (1982).

## ARGUMENT

### I. STANDARD OF REVIEW

A denial of a WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT is subject to de novo review. *United States v. Morgan*, 346 U.S. 502, 74 S. Ct. 247, 98 L. Ed. 248 (1954).

1. Whether the US Appeals Court for the 5<sup>th</sup> Circuit affirm decision has departed so far from the usual and accepted course of judicial proceedings pursuant in denying Mr. Guinn's WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT that call for an exercise of this Honorable Court's supervisory power?

Guinn Petition the district court to entertain his WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT, which was held without oral argument and Despite Guinn's petition being unopposed, the trial judge denied the petition, so Guinn appealed. Guinn sought relief from a judgment of guilt to being a Felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) entered by district court on August 16,

1999. Guinn has/had already served the full term of imprisonment imposed; relief was sought, nonetheless, so that the Guinn may obtain his Insurance and Securities Licenses under the Security and Exchange Commission (SEC) because the conviction has deprived him the eligibility for employment and "professional and occupational" licenses and that his state Conviction has been expunged and his status has changed. *Marbury v. Madison*, 5 U.S. 137 (1803); *Greene v. McElroy*, 360 U.S. 474 (1959); also, US Constitution 2<sup>nd</sup> and 5<sup>th</sup> amendment.

The All-Writs Act, 28 U.S.C.A. § 1651(a) (1966), states:

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. *United States v. Grajeda-Perez*, 727 F. Supp. 1374 (E.D. Wash. 1989)

This language was interpreted by the Supreme Court in *United States v. Morgan*, 346 U.S. 502, 74 S. Ct. 247, 98 L. Ed. 248 (1954), as providing for the availability of a writ of *coram nobis* as a means for a defendant no longer in federal custody to obtain relief from a criminal conviction.

In *Morgan*, the defendant was granted a hearing in which he was given an opportunity to present facts attacking the propriety of his conviction. Mr. Guinn, on the other hand, did not contest any of the facts surrounding his conviction, other than his understanding, that his plea of guilty would in no

way impair his ability to lawfully be able to get his "professional and occupational" licenses under Security Exchange Commission and that his Louisiana State Conviction has been expunged and his status has changed. *Greene v. McElroy*, 360 U.S. 474 (1959); also, US Constitution 2<sup>nd</sup> and 5<sup>th</sup> amendment.

A writ of *coram nobis*, as used by the court in *Morgan*, would thus be clearly inappropriate here. *United States v. Salgado*, 692 F. Supp 1265 (E.D. Wash. 1988)

Recently, some courts, when confronted with this very situation, have relied alternatively on the writ of *audita querela* as the means used to accomplish the same result. *United States v. Ghebreziabher*, 701 F. Supp. 115 (E.D.La.1988). However, this likewise appears to be inappropriate, as *audita querela* traditionally has been used only to obtain relief from the *consequences* of a judgment (see *Salgado*, 692 F. Supp at 1265, citing *Black's Law Dictionary* 120 (5th ed. 1979); *United States v. Kimberlin*, 675 F.2d 866 (7th Cir. 1982)), whereas here the remedy sought is vacation of the judgment itself.

Fortunately, the US Appeals Court for the 5<sup>th</sup> Circuit shouldn't have affirmed the district court decision and shouldn't have consider itself limited to these two alternatives, but rather finds within the language of the All-Writs Act wide latitude to construct any remedy necessary to "achieve justice" *United States v. Grajeda-Perez*, 727 F. Supp. 1374

(E.D. Wash. 1989); *see also United States v. Kimberlin*, 675 F.2d at 866 (7<sup>th</sup> Cir. 1982)

Guinn's legal argument relies primarily on two district court cases which have found *audita querela* as such inappropriate to vacate conviction, but conviction nevertheless vacated on equitable and constitutional basis under All Writs Act, 28 U.S.C. § 1651(a);

Guinn's remedy is warranted here under the "WRIT OF RELIEF FROM JUDGMENT" and "ALL WRIT ACT Pursuant to 28 U.S.C. § 1651" *United States v. Grajeda- Perez*, 727 F. Supp. 1374 (E.D. Wash. 1989)

Furthermore, an even stronger case for relief could be made where a subsequent law or regulation strips an individual of rights to which he would otherwise be entitled, or is otherwise inconsistent with another law or constitutional provision. For instance, where a conviction-based restriction results in a direct loss of employment, that restriction could violate the affected person's due process rights by depriving him of a fundamental property interest. See *Hampton v. Mow Sun Wong*, 426 U.S. 88 (1976) ("[I]neligibility for employment in a major sector of the economy [] is of sufficient significance to be characterized as a deprivation of an interest in liberty."); *Greene v. McElroy*, 360 U.S. 474 (1959) and 5<sup>th</sup> amendment of the constitution (finding property interest in plaintiff's employment and liberty interest in his right to pursue his chosen profession).

With respect, Guinn believe that Court of Appeals of the 5<sup>th</sup> Circuit, nonetheless ignored that part of the definition of Writ of Relief from Judgment which requires the showing of adverse collateral consequences. The Court of Appeals of the 5<sup>th</sup> Circuit also should've added the equitable consideration of whether "a refusal to grant such relief would strip Guinn of access to newly created rights which he would otherwise clearly be entitled to by operation of law. *United States v. Salgado*, 692 F. Supp 1265 (E.D. Wash. 1988); 2<sup>nd</sup> and 5<sup>th</sup> amendment to the U.S. Constitution.

Guinn contends that effective on February 8, 2005, that all his rights of citizenship and franchise were restored in Louisiana. See Appendix C and Article 1, Section 20 and Article 4, Section 5(E)(1) of the Louisiana Constitution; La. R.S. 15:572(D) Guinn also contends he receive his Certificate of Compliance with La C.Cr.P. Art 971, et seq because his case has been expunged of the Louisiana action. See Appendix D and La.C.Cr.P. Art. 971, et seq and 18 U.S.C. 921, et seq.

However, Guinn is a "citizen" of the "Great State of Mississippi" and in Mississippi the narrow question presented is whether the expungement of a conviction in another state by the court that entered the conviction entitles the petitioner to relief from his conviction in Mississippi. Under Mississippi law, an expungement removes "all records relating to an arrest, indictment, trial, and finding of guilt, in order to restore one to the status occupied prior thereto." At the moment Guinn's Louisiana

conviction was expunged, the law provides that he was restored to the status he had occupied before he was convicted, which means that—in the eyes of the law—he had no conviction. So, if we are to follow the law and recognize that Guinn has been returned to that status, then we must find that he has no Conviction. *Stallworth v. Mississippi Department of Public Safety* 2013-CA-01643-SCT.

Furthermore, in the Stallworth Court, Justice Randolph also argues that “[w]e is not bound by the laws of another state when interpreting the laws of Mississippi.” While this very well may be true, our decision today does not rest on the law of another state. Instead, we find that Mississippi law on the effect of an expungement, as skillfully articulated by Justice Pierce in *Polk v. State*, 150 So.3d 967 (Miss.2014).

In compare and contrast, the Government has allowed “immigrants” relief from a conviction to pursue their American dream but on the other hand deny Guinn whom is an American and Mississippi citizen under the same law which rest under title 28 U.S.C. § 1651.

2. Whether the US Appeals Court for the 5<sup>th</sup> Circuit affirmed decision is in conflict with the US Supreme Court pursuant to the US Constitution?

Whereas, the Government fail to uphold and protect the Petitioner under the due process and the equal protection clause of the Constitution of the

United States and laws of the United States. Furthermore, the Government fail to uphold the constitution by depriving Guinn fundamental property interest in liberty and right to bear arms. 2<sup>nd</sup> and 5<sup>th</sup> amendment of the U.S. Constitution.

Equal protection overbreadth challenges to employment and licensing restrictions have frequently been successful even under a deferential standard of rational basis review. See *Furst v. New York City Transit Authority*, 631 F. Supp. 1331 (E.D.N.Y. 1986) ("Before excluding ex-felons as a class from employment, a municipal employer must demonstrate some relationship between the commission of a particular felony and the inability to adequately perform a particular job."); see also *Pordum v. Board of Regents*, 491 F.2d 1281, 1287 (2d Cir. 1974) (exclusion of convicted persons from a profession can be justified "only after a detailed and particularistic consideration of the relationship between the person involved and the purpose of exclusion").

Courts have overturned conviction-based bars to public employment, *Kindem v. City of Alameda*, 502 F. Supp. 1108 (N.D. Cal. 1980) (finding that city ban on hiring persons with felony convictions failed to meet even the "low threshold" of rational basis review); restrictions on public contracting, e.g., *Lewis v. Alabama Dep't of Pub. Safety*, 831 F. Supp. 824 (M.D. Ala. 1993) (finding that a regulation excluding those convicted of crime of force, violence, or moral turpitude from the state's list of towing contractors was "totally irrational"); the revocation

of or the refusal to issue professional licenses, e.g., *Miller v. Carter*, 547 F.2d 1314 (7th Cir. 1977) (invalidating a Chicago ordinance that permanently barred persons convicted of certain offenses from obtaining chauffeur's licenses); and laws barring convicted persons from private employment in particular occupations, e.g., *Smith v. Fussenich*, 440 F. Supp. 1077 (D. Conn. 1977) (striking down Connecticut's record-based bar to private detective and security guard work as "simply not constitutionally tailored to promote the State's interest in eliminating corruption in certain designated occupations"). See Miriam Aukerman, *The Somewhat Suspect Class: Towards a Constitutional Framework for Evaluating Occupational Restrictions Affecting People with Criminal Records*, 7 J.L. & Soc'y 18 (2005) (collecting cases).

In such a case, a person convicted of an applicable crime would have a legal or, technically, constitutional objection to the continued enforcement of the judgment, thereby meeting the requirements for *audita querela* relief. Applicable legal or constitutional objections could also arise apart from the employment context where a collateral consequence is imposed after the fact or otherwise is constitutionally problematic.

Similarly, a collateral consequence could be objectionable where it conflicts with the First or Second Amendment, including issues arising out of developments in constitutional law post-dating the conviction. See also *Love et al.*, *Collateral*

Consequences, at 196-204 (addressing First and Second Amendment challenges to collateral consequences); C. Kevin Marshall, Why Can't Martha Stewart Have a Gun? 32 *Harv. J.L. & Pub. Pol'y* 695 (2009). It's evident that Guinn's Federal conviction also strips him of his basic constitutional rights to bear arms. see 2<sup>nd</sup> amendment of the U.S. Constitution

## CONCLUSION

This Prestige Honorable Court should grant this PETITION FOR WRIT OF CERTIORARI for the Petitioner and reverse and remand the Honorable US Appeals Court's order which affirmed the Honorable District Court denial of Guinn's WRIT OF AUDITA QUERELA and/or ALL WRIT ACT Pursuant to 28 U.S.C. § 1651 and/or WRIT OF RELIEF FROM JUDGMENT; and any other remedy that this Court deems just and proper.

Respectfully submitted,  
Terrance Guinn  
110 Royal Street  
Port Gibson, MS 39150  
(601) 448-5187