

No. 21-5132

IN THE  
SUPREME COURT OF THE UNITED STATES

MICHAEL CURTIS REYNOLDS — PETITIONER  
(Your Name)

vs.  
UNITED STATES OF AMERICA

ORIGINAL

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

JUL 12 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

THIRD CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL CURTIS REYNOLDS REG. #10671-023

(Your Name)

FCI Greenville, PO Box 5000

(Address)

Greenville, Illinois 62246

(City, State, Zip Code)

N/A

(Phone Number)

## QUESTION(S) PRESENTED

- (1) Did Davis render 18 U.S.C. §2332b(a)(1)(B) equal to 18 U.S.C. §924(c)(3)(B); and thus equally make void and Unconstitutional both statute subsections (B), which affects predicate usage of the offenses listed under 18 U.S.C. §2332b(g)(5), an indivisible part of the 18 U.S.C. §2332b statute ?

THIS PETITIONER AVERS THAT THE ANSWER IS YES.

- (2) Is the Federal Arson statute, §2K1.4 also void and Unconstitutional in light of the holding within 18 U.S.C. §924(e), [Johnson], §924(c)(3)(B), [Davis], and §16(b), [Dimaya] ? Or at a minimum, the enhancement section of that Statute to Level 24 ?

THIS PETITIONER AVERS THAT THE ANSWER IS YES.

- (3) Should expedition be, as is the health and safety risk of this Petitioner under our ongoing COVID-19 Pandemic, [Petitioner is allergic to many vaccinations, thus cannot take the COVID-19 vaccine without medical information, and FCI Greenville's "Doctor" Faisal Vakil Ahmed, [soon to be Injoined from practicing medicine without a medical license or even a permit, his permit in 1994, expiring in 1997, Faisal Vakil Ahmed practicing medicine in Illinois for over twenty years now, illegally]], thus no legal professional medical opinion of the issues of my allergies to several vaccines is a problem with the COVID-19 vaccine; should this then cause the Court to expedite relief due this Petitioner ?

THIS PETITIONER AVERS THAT THE ANSWER IS YES.

## 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:

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

### STATUTES AND RULES

18 U.S.C. §16(b)	18 U.S.C. §924(e)	18 U.S.C. §924(c)(3)(B)
18 U.S.C. §373(a)	26 U.S.C. §5845	26 U.S.C. §5861
26 U.S.C. §5871	18 U.S.C. §2332b(a)(1)(B)	18 U.S.C. §2332b(g)(5)
18 U.S.C. §2339A	18 U.S.C. §2339B	18 U.S.C. §844(i)
18 U.S.C. §842(p)(2)	49 U.S.C. §60123	§2K1.4
F.R.Civ.P. §36	§3A1.4	
F.R.Crim.P. §26		

### OTHER

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4-5
REASONS FOR GRANTING THE WRIT .....	6
CONCLUSION.....	7

## INDEX TO APPENDICES

APPENDIX A	<u>KIKUMURA</u> , 706 F.Supp. 331 (3rd Dist. 1989)
APPENDIX B	<u>KIKUMURA</u> , 918 F.2d 1084 (3rd Cir. 1990)
APPENDIX C	District Opinion, <u>Reynolds</u> , 3:05-cr-0493 (3rd Dist. 2021)
APPENDIX D	Appeal <u>Reynolds</u> , 21-cv-1438 (3rd Cir. 2021)
APPENDIX E	Rule 36 Admissions of Facts, 3:05-cr-0493, proof of the Actual Innocence and Fraud Upon the Court.
APPENDIX F	Proof of Fraud Upon the Court in 3:05-cr-0493
APPENDIX G	Actual Innocence

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 D 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 8/30/2021.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

18 U.S.C. §842(p)(2)  
18 U.S.C. §2332b(a)(1)(B)  
18 U.S.C. §373(a)  
49 U.S.C. §60123

§3A1.4  
§924(c)(3)(B)  
§16(b)

"Residual Clause"

18 U.S.C. §844(i)  
18 U.S.C. §2339A and B  
26 U.S.C. §5845, 5861, 5871

§2K1.4  
§924(e)  
§2332b(a)(5)  
~~§2332b(a)(1)(B)~~



## STATEMENT OF THE CASE

This matter, first raised in a Second or Successive §2255 Motion, was a two-part issue in which the Appeals Court determined, incorrectly, "Since this Petitioner has no charge under 18 U.S.C. §924(c), and Davis is clearly a matter for a Hobbs Act Robbery under §924(c), it is therefore inapplicable to Petitioner's case."

Petitioner had been arguing, in the District Level and Appeal, that Davis, in holding that, like its predecessors, 18 U.S.C. §924(e) and §16(b), and now §924(c), the residual clause, and like the direction the Supreme Court gave in Johnson, when determining the §924(e) voiding and rendering as Unconstitutional, "The courts shall void statutes where there is an ambiguity, where a determination that, 'under the normal case' and any other guess must be made, that the statute does not meet the Due Process requirements', and is void and Unconstitutional for use as predicate crimes. Every section, §924(e), §16(b), and the latest, §924(c) has now voided their following 'residual clause' offenses listed therein, from use for enhancements. The argument that the District passed, in the last 18 U.S.C. §3582 COVID-19 Release Motion -

(which being a Motion for Reduction of Sentence was applicable to the challenge made, that being - since in Davis, in the Disenting Opinion, as a comparison for the reasons NOT to pass the majority vote that §924(c) was void as the others were held, 18 U.S.C. §2332b(a)(1)(B) and a list of almost every state similar "substantial risk", "Bodily harm", or other ambiguous statute had been applied for convictions -

THEN §2332b(a)(1)(B) MUST ALSO BE GIVEN EQUAL TREATMENT AS §924(c)).

District Court then passed it off to the Appeal Court, whom, at the initial 3-judge panel, claimed "no substantive law was presented for an argument," evn when ruling that Davis was indeed substantive law, thus they gave it retroactivity. Davis cannot be substantive law when they gave it hearing to Petitioner on Direct Appeal when it was ruled, (which, by law means it is automatically retroactive to Petitioner), and then turn a 180 when it goes against them in this judgment. Davis clearly has declared 18 U.S.C. §2332b(a)(1)(B) as equal to 18 U.S.C. §924(c)(3)(B).

## STATEMENT OF THE CASE

The second argument is that the statute for Federal Arson, §2K1.4, also suffers from the same defects that caused the voiding and rendering as Unconstitutional of 18 U.S.C. §924(e), §924(c)(3)(B) and §16(b) statutes, and now include our argument on 18 U.S.C. §2332b(a)(1)(B), which includes all predicate crimes listed within §2332b(g)(5). §2K1.4 contains the very same language as all the other statutes that have been found as void and Unconstitutional, thus must be stricken from use for predicate crimes. In the case of §2K1.4, that language raises the questions of:

- (1) Can the statute use the enhancement to Level 24, that paragraph held as void?
- (2) Can the statute use the Base Level offense of 20, when that paragraph uses the very same void, Unconstitutional language to define its elements?

The final issue before us is that due to the failure to remove an unlicensed "Doctor" Faisal Vakil Ahmed from employment at FCI Greenville, and his refusal to obey CDC Rules, this Petitioner was exposed to COVID-19, with everyone's knowledge that his family medical history of "Sudden Heart Failure", where no living males exist in his family past the age of 65, the Petitioner the same age of 63 as when he observed his father die in 1990. Now, due to COVID-19 exposure, Petitioner has an asthma condition to complicate the issue of potential reinfection, as he cannot take the vaccine, being allergic to several other types of vaccines. "Doctor" Ahmed, working on leased property, holds no active medical license nor permit since his 1994 permit expired in 1997. His incompetence led to the infection of over 780 inmates and staff at FCI Greenville, and lawsuit #21-cv-00345 is proof of that claim, due Summary Judgment, the parties having admitted the points, by the time this reaches review in the Supreme Court.

This Court should, in light of this potential serious health or death issue to the Petitioner, stuck in violation of 18 U.S.C. §3621(b), [being from Connecticut, mandated to be placed within 500 driving miles of Bristol, Ct, but being kept in Illinois], with "Doctor" Faisal Vakil Ahmed, thus exposed to this high-risk daily.

Obviously this ignores the facts held illegally by the US Attorney's Office in a violation under Brady, exculpatory material evidence confirming that Petitioner is Actually Innocent, which the courts ignore in defiance of F.R.Civ.P. §36, having already admitted, repeatedly the contents of File #10-cv-3813, our Brady information.

## REASONS FOR GRANTING THE PETITION

First there is the issue of equity, in that the same treatment must be given for the same language, as has already been done in Johnson, Dimaya, and Davis, in 18 U.S.C. §924(e), §16(b) and §924(c)(3)(B) respectively. This should have included, since the James ruling many years prior to Johnson, 18 U.S.C. §2332b(a)(1)(B), which impacts §2332b(g)(5) predicate crimes, thus §3A1.4. This Court should also have reviewed the Federal Arson statute, §2K1.4, as it suffers from the same ambiguous language as all the other statutes have, making it equally void and Unconstitutional.

Then there remains the decade-old refusal to obey Brady, by the withholding of the contents of exculpatory material evidence of Actual Innocence in File #10-cv-3813, US Attorney's Office, 228 Walnut Street, Harrisburg, PA 17108. This should also be addressed, through a direct order to produce that File's contents, with a full hearing with witnesses.

To hold that under Davis, that 18 U.S.C. §924(c)(3)(B) is equal in its language to that used in Johnson, under §924(e), Dimaya under §16(b), and also within the 18 U.S.C. §2332b(a)(1)(B), then not to grant the similar relief to the one section, §2332b(a)(1)(B), which directly impacts the list within that same statute, §2332b(g)(5), that list, no different legally than the enumerated clause listing in the previous sections of §924(e) and the corrected §4B1.2 as well, that the (b) clause in each case, the so-called 'residual clauses' are unconstitutional and void, and that any crimes listed within those statutes are void for use as predicate crimes for the enhancement they relate to, must also apply to the list in respects of the removal of §2332b(a)(1)(B) for those same reasons...if the offense does not pass either the (a) paragraph...and attempted arson does not, then it falls under the (b) section, which now is void and as unconstitutional as the rest of the 'residual clause' crimes.

It is not a complex argument....if the offense falls under §2332b(a)(1)(B), it no longer qualifies to be even considered under the latter subsection of §2332b(g)(5), and cannot then be applied to support §3A1.4 enhancement. How can a crime, which every statute now agrees cannot be a 'crime of violence' allow a seven-fold enhancement ?

IT IS SIMPLE....IT CANNOT SUPPORT  
§3A1.4 ENHANCEMENT PREDICATE USE.