IN THE UNITED STATES SUPREME COURT

MICHAEL CURTIS REYNOLDS,
PETITIONER,

vs.

UNITED STATES OF AMERICA,
RESPONDENTS.

CASE # 21-5132
DIST # 05-cr-0493

PETITION FOR REHEARING

INTHAT, Court has required the 'distinct statement of its grounds and that those grounds are limited to intervening circumstances of a substantial or controlling effect, or other substantial grounds not previously presented,' the Petitioner replies with the enclosed EXHIBIT of a book, written in 2013 about this case, only discovered by an internet search by the daughter of Petitioner, whom , being indigent and under an illegal 100% encumberance absent Judicial Order to collect by the FBOP, cannot earn funds, thus was unable to speak by phone to his daughter until 2020, [COVID lockdown caused FBOP to issue free phone calls due to cancellation of visits], and Emily Reynolds did discover on the internet this book by Trevor Arronson about Case #05-cr-0493, wherein it was found in an interview of FBI Informant Kevin Reardon, in less than ten minutes, that Kevin had lied to the Court at Trial, had worked for the FBI and had fabricated and planted as evidence the Count 5 and 6 handgrenades, that he had altered to "LIVE." Kevin had also sent/received the emails used as evidence in that case from 346 Scott Street, in a fraud matter to obtain the 'terrorist' paycheck offered by the FBI for a conviction.

Fursther investigation revealed papers wherein it was verified that Kevin Reardon had in fact, on April 23rd, 2005, after the initial 'discovery' of the Count 5 handgrenade, informed Officer Kupetz in a 302 FBI statement, also enclosed, that he had found on a prior occassion, [Kevin tainted the crime scene, being in both locations for eight days prior to search, moving, subtracting and shifting the peroperty therein, [which explains the State of Pennsylvania's lack of charging the Petitioner for the April 23rd, 2005 incident, as the searches would be invalid], that Kevin had found the Count 6 handgrenade. That handgrenade was inert on April 23rd, 2005, and Kevin took it and the contents of the 'duffle bag' questioned at Trial, home to his Binghamton, New York address. That Count 6 handgrenade later was 'discovered' on December 5th, 2005, in Petitioner's Storage Unit, where Kevin planted it, altered, as Kevin had been in that Storage Unit for over eight months prior to the December 5th, 2005 search, tainting that evidence as well. No juror has

heard this evidence, and district and appeals courts refuse to enforce the Brady withheld material exculpatory evidence by the US Attorney's Office, 228 Walnut Street, Harrisburg, PA 17108, wherein these facts were known since 2010, that this Petitioner was Actually Innocent the entire time. The facts of the planted and the fabricated evidence by Kevin Reardon is within this FILE #10-cv-3813. No juror ever saw the contents of this File. No juror ever saw the enclosed EXHIBITS which showed that the FBI TRACED electronically and verified separately by the Internet Provider as to the times and dates, coming and going to 346 Scott Street, Kevin Reardon's location, NOT THIS PETITIONER'S. No juror ever heard that Petitioner's computer was PHYSICALLY IMPOSSIBLE to have sent/received any emails Nov. 10-24th, 2005, the time of this alleged 'email crime' as it had no monitor with which to see and no email evidence was ever found on that computer, the Petitioner's DESKTOP COMPUTER which Prosecution alleged as the grounds for VENUE in Pennsylvania. No juror ever heard that Petitioner was not, as the Appeals Court alleged with no evidence at Trial to support it, found going to any alternate locations to send/receive these alleged emails from any other location.

THE FACT OF THE FBI ELECTRONIC TRACED EVIDENCE NEGATED SUCH ALTERNATE COMPUTER AS ALLEGED BY THE THIRD CIRCUIT APPEALS COURT CLAIMED.

So, the Brady claim that is within this Brief, coupled with the Book stating some of the facts in that Brady FILE #10-cv-3813 have never been heard, and no juror ever heard this evidence, which would render a reasonable juror to question the integrity of the verdict. Schlup, 513 US 298 (1995); "...more likely than not that no reasonable juror would have convicted the Petitioner." No juror would have convicted this Petitioner had they been informed of the contents of the still - withheld Brady exculpatory material evidence within FILE #10-cv-3813. No juror would have convicted this Petitioner had they been informed the emails traced and were verified separately as to time and date to Kevin Reardon, not this Petitioner. No juror would have convicted this Petitioner had they been informed of the non - functional status of Petitioner's desktop computer and his non-access to the Internet. No reasonable juror would have convicted this Petitioner had they been informed that Kevin Reardon had tainted the search sites up to eight months prior to the searches. No reasonable juror would ahve ever convicted this Petitioner had they been told that Kevin Reardon held actual possession of the Count 6 handgrenade from April 23rd, through December 5th, 2005 while Petitioner was not even in the United States. No juror would have convicted this Petitioner had they been informed that both Count 5 and the Count 6 handgrenades were altered identically, the Count 6 handgrenade inert on April 23rd, 2005. The facts within this Brady FILE #10-cv-3813 the Government still withholds would have altered the conviction to Kevin Reardon, not Petitioner.

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EVEN IGNORING BRADY, WHICH THIS COURT SWORE TO ENFORCE, AND THE LOWER COURTS COURTS ARE REFUSING, THUS IT IS THE DUTY OF THIS COURT TO UPHOLD THEIR OWN LAWS, THERE STILL EXISTS CONSTITUTIONAL VIOLATIONS UNDER 18 U.S.C. §2332b(a)(1)(B), A DEFECTIVE INDICTMENT, AND THE IMPOSSIBILITY TO CHARGE CONSPIRACY IN THIS CASE, NONE OF WHICH IS BEING ADDRESSED.

1) The 18 U.S.C. §2332b(a)(1)(B) Problem -

The 18 U.S.C. §2339A and B charges were stacked using the penalty section of 18 U.S.C. §2332b(c)(1)(F) and (2), but the court is claiming that to get those charges, listed later in §2332b(g)(5), that it is not required that they pass the legality of §2332b(a)(1)(B), which both James and Davis have equated to §924(c)(3)(B) and (e). However, as will be seen the entire paragraph of §2332b is required to have formed the sentence of this Petitioner, thus there is the requirement of assessing the impact of Davis upon §2332b(a)(1)(B).

The Petitioner's offenses of 18 U.S.C. §23329A and B are stacked consecutively, yet in no portion of either 18 U.S.C. §23329A nor B is there any such penalty given. 18 U.S.C. §2332b(c)(1)(F) states, and is enclosed hereafter;

(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed.

Petitioner received the maximum of the 15 years each for the 18 U.S.C. §23329A and B offenses. 18 U.S.C. §2332b(c)(2) states;

(2) Consecutive sentence. Notwithstanding any other provision of law, the court shall place on probation any person convicted of a violation of this section; nor shall the term of imprisonment under this section run concurrently with any other term of imprisonment.

Petitioner's 18 U.S.C. §2339A and B sentences of 15 years each were thus made into a consecutive term of 30 years, which permitted the enhancement under §3A1.4 to be then applied, for otherwise it would have exceeded the maximum term of imprisonment and violated Apprendi, which it did not.

Therefore, the 18 U.S.C. §2332b(c)(F) and (2) paragraphs were used in the making of the 30 years term of imprisonment, then the Court cannot ignore that to read those sections, it required the WHOLE ACT application of section §2332b, and that includes §2332b(a)(1)(B), which must be given equal treatment under Davis to that already given both 18 U.S.C. §924(c)(3)(B) and (e)(2)(b)(ii); that neither one permits their listed offenses to be used in enhancements. Neither then can offenses falling under this 'residual clause' of §2332b(a)(1)(B) be used from the list found at §2332b(g)(5) for enhancement. It is either complete equality across the board, or not. Davis has altered the applications in §2332b to not apply §2332b(a)(1)(B) offenses to the §2332b(g)(5) list and thus any enhancements thereof, including §3A1.4.

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CASE #21-5132

Chief Judge Only

MOTION FOR RECONSIDERATION

INTHAT this Court, by not reviewing issues attempted to be presented to it by the Clerk, Scott Harris, whom refused any and all civil Motions to this Court. That refusal by your Clerk was due to the filing of Mandamus Motions to this Court in an attempt to obtain compliance with Davis and Brady by Appeal Courts that failed to obey and enforce those holdings. Beginning for the reason for a need for the Brady argument, this is the basis for the detention of this Petitioner:

> The alleged commission of a 'federal crime of terrorism,' by the threat of a claim of Attempted Arson, towit: a threat was supposedly emailed to obtain assistance in the burning of the Standard Oil Company facility in Perth Amboy, New Jersey, sworn to by FBI Agent Joseph Noone the last minute of trial, thus there was no opportunity, since he did it in 'rebuttal testimony' on the close of the Government's case. Joseph Noone swore before that Jury that, although Petitioner did not say so; "You can see the facility from the New Jersey Turnpike."

This alleged threat was made, according to the Prosecution, from Petitioner's DESKTOP COMPUTER WHILE IN THE MIDDLE DISTRICT OF PENNSYLVANIA FROM NOVEMBER 10th-16th, 2005.

Now for the problem with that: the desktop computer, while it was in fact picked up from Petitioner's Storage Unit on November 11th, 2005, had no monitor with which to see with to send/receive any emails from it. The emails, from an FBI 302 statement obtained after the close of the §2255 Motion, which was denied, states that those emails were TRACED electronically to/from 346 Scott Street, and verified as to times/dates separately by the Internet Provider. However, Petitioner was followed to his location at 400 Kidder Street during those dates, which had no Internet Access, and the Motel, Red Roof Inn, where he stayed had computerized phone logging and proved that no Internet Access phone numbers were ever used by Petitioner November 10-16th, 2005. The forensics by the FBI later confirmed that no emails were located on the DESKTOP COMPUTER of the Petitioner. No emails had been sent nor received by the Petitioner November 10-16th, 2005. NONE. The Jury never heard these facts, and they convicted on Joseph Noone's word of the email threat. There is no physical evidence in this case.

There is, also witheld until after the §2255 was denied, an FBI statement from Officer Kupetz, the first officer on scene during the April 23rd, 2005 incident used for the arrest and all subsequent search warrants, a sole arrest based on a Count One, later changed to Count Five handgrenade that was not "LIVE" but inert, and disposed of on April 23rd, 2005 by US Army Sgt. Cody Bergen. On that date, Officer Kupetz was told by Kevin Reardon, FBI Informant who had been in both search sites, [346 Scott Street and the Storage Unit], for eight days prior to any searches, thus tainting those searches. On that date, Kevin informed Officer Kupetz that he had previously found and removed another handgrenade from 346 Scott Street. This handgrenade was not surrendered to Sgt. Bergen for disposal, thus was inert. Kevin Reardon took this Count Six handgrenade home with him and retained ACTUAL POSSESSION of it until found eight months later in Petitioner's Storage Unit, where records showed Kevin had been in that Unit the entire EIGHT MONTHS PRIOR TO SEARCH ON DECEMBER 5th, 2005, tainting that crime scene. Meaning that Kevin Reardon, not this Petitioner, held ACTUAL POSSESSION of the Count Six handgrenade from April 23rd-December 5th, 2005. NOT THIS PETITIONER. No Jury was ever told this, either.

So, the facts witheld the Jury were that it was PHYSICALLY IMPOSSIBLE for this Petitioner to have sent/received any emails at all Nov. 10-16th, 2005, that the Computer in question did not have email evidence on it, that the emails were traced and proven coming from a location the FBI Informant held the keys too, 346 Scott Street, and that the FBI knew these facts....but there is more --

FILE #10-cv-3813, a file comprised when the Petitioner, Acquitted at trial of the sole arrest Count One charge, [later changed to Count Five], and Petitioner then sued, under §1983, for illegal search and arrest for that Count. The Court, in an attempt to appear fair, determined that the Scranton U S Attorney's Office, where the FBI Agents Joseph Noone and Larry Whitehead worked almost daily with them, would not be represnting the FBI Agents in that case. Instead, the US Attorney's Office, 228 Walnut Street, Harrisburg, PA 17108 was to supply the attorney to defend them. The Harrisburg Office then requested and obtained the casefile, MD PA #05-cr-0493, and went through the files. They were informed by the US Attorney General's Office that they were not permitted to defend the FBI, that their acts were 'not in the interests of the United States to represent them.' The FBI were found to be dirty in this case.

The US Attorney's Office refuses to Obey FOIA or FOIA mediation. They have directly stated they will never surrender that file and its contents absent a direct Court Order to do so. Your Clerk, Scott Harris forbade Petitioner, and eventually had this Petitioner banned from any and all civil filings, unless and until he paid for them.

Petitioner has been indigent since 2005. The FBOP, without a Judicial Court Order to do so, has Petitioner under a 100% encumberance, thus Petitioner cannot earn any funds with which to pay a Court, ever. This was told to the Clerk, whom refused and blocked all mails to the Court anyhow. Petitioner could not even file his Davis claim until he had a case filed under his criminal case number for COVID release, [this Petitioner has a family heart issue of Sudden Cardiac Death; is an American Indian, thus more susceptable to COVID than caucasians are; has asthma from lung scarring due to COVID already caught once, (due to ineptitude of an unlicensed "Doctor" in the FBOP, SD Ill. Case #21-cv-00345; is obese and has sleep apnea]; and now is being refused again for Davis relief and Brady violation the lower Courts will not hear.

You Honor, the FILE #10-cv-3813 not only states that Kevin Reardon did alter and plant as evidence the handgrenades herein, but will confirm that he sent/received the emails in Nov. 10-16th, 2005, in simpler terms, that there is no factual terrorist case here. That Kevin created it, and the FBI Agents knew about the fake case. Absent this Court ordering that FILE #10-cv-3813 to be Produced and Heard, this Petitioner, age 63, [in a family where no living males are over age 65], will die in prison for a crime he could not possibly commit, fabricated and created by the FBI and Kevin Reardon. But, the facts exist, and Pennsylvania Court has done everything it could to prevent any hearings on anything that would expose this farce. It requires the Supreme Court to remand and Order Production of FILE #10-cv-3813 or this innocent man will die in jail soon. Of that there is no question.

CONCLUSIONS :

What is the point in the Brady and Davis cases if the lower Court s are free to ignore them, and this Court will not correct that Constitutional error? Where does true justice lie if not within the Supreme Court? Would it hurt this Court to Order the Production of the FILE #10-cv-3813 contents, unredacted, with a full hearing to be held, with witnesses, in the District Court? Is that too much justice for a former veteran to request of his Country? Order the FILE #10-cv-3813, remand this for a full hearing with witnesses...our laws state this was a due process violation, so repair it then. Isn't that the job of this Court, to enforce Constitutional issues ??? So do it. I enclose proof of the claims.

I, Michael Curtis Reynolds hereby certify under penalty of perjury pursuant to Title 28 U.S.C.§1746 the aforesaid true and correct.

October 12, 2021
Dated :

Signature

CONCLUSION:

Petitioner has shown that the new evidence contained within the book, supportive of the Motion to Compel the Brady material exculpatory evidence both Lower Courts failed to enforce, a Supreme Court ruling which falls under Schlup inthat with this Book, the Terror Factory, by Trevor Arronson, for which Judicial Notice under F.R.Evid. §201 for public knowledge may be imposed, would lead a reasonable juror to alter the conviction of Petitioner, had a jury been properly informed of the truth. No juror under the conditions specified within this Motion, would have convicted this Petitioner. The obvious fact on the enclosed EXHIBIT 3 stating that Kevin did hold Actual Possession of the Count 6 handgrenade, and all searches based upon the Count 5 handgrenade not only were tainted by this admission, but due to the Book, also fall under suspicion with the Count 5 handgrenade, altered after April 23rd, 2005, but before December 5th, 2005, was altered identically to the questionable Count 5 handgrenade, which was acquitted at trial. The Count 5 handgrenade 'evidence' created the basis for all searches, which the Magistrate was never informed were tainted the entire time by Kevin Reardon, and thus all evidence was and remains illegal.

This Court passed the Brady law, and if the Court refuses to enforce that law, when clearly with a decade old refusal to obey it by both district and appeal courts is in this record, then it negates its own authority to render any laws, since that would mean that lower courts could pick and choose which Supreme Court laws they like and do not like, and disregard those they choose to, with no form of relief available from the very Court that made the laws. As for Davis, and the elements added by Congress to §3A1.4 enhancements, this is not being reconsidered, even though the similar language issues reside within 18 U.S.C. §2332b(a)(1)(B) and this Court did state that twice in James and Davis now, to 18 U.S.C. §924(c)(3)(B), and only this Court can repair that Constitutional error.

Refusal by this Court to consider any portion of this matter, with so blatant an issue under Brady that a book was published to make that fraud public, renders no relief for an actually innocent man and makes; Furman v. Georgia, 408 US 238 (1972);

> **"...we believe that it is better for ten guilty people to be set free than for one innocent man to be unjustly imprisoned.: [Justice Douglas], note 158."**

Now, either this Court stands behind its laws and this statement, or there is no point in having a Supreme Court that lower Courts do not obey with impunity. Either Brady is equally enforced for all people, or it should not even exist.

REMEDY SOUGHT

Even should this Court choose not to review Davis and the changes that makes to both 18 U.S.C. §2332b(a)(1)(B) and possibly §2K1.4 for similar language issues, the Brady refusal by the Lower Court should automatically be Remanded with Instruction to Produce from the US Attorney's Office, 228 Walnut Street, Harrisburg, PA 17108, the full and unredacted contents of FILE #10-cv-3813, with a Full Hearing at the earliest oppurtunity, as both the Judicially Noticeable Terror Factory book contents by Trevor Arronson and the contents herein, prove reasonable doubt in the Case #05-cr-0493 conviction that must be addressed, as it implies, and the enclosed Rule §36 Admissions declared this Petitioner known ACTUALLY INNOCENT, but condemned to more than likely die, thus to be treated as a death sentence, for a crime he physically could never have committed, and FILE #10-3813 states this. How is a file that the US Attorney holds for over a decade that states a man to be totally innocent not a matter for discussion before the highest court in the land, considering this man is a Veteran of the US Armed Forces ? Is that what this Court now stands for ? Illegal convictions cannot be challenged and relieved ? Where is this Petitioner's Judge protection against Government abuse in that case ? Either laws apply equally to all, or there is no purpose in making laws. Brady either must be upheld, or vacated, but either way, a Constitutional issue is before this Court, and a declaration of Actual Innocence presented, with Public proof in that Judicially-Noticeable Terror Factory book.

Someone should really read that book before passing Judgment. Someone should obtain FILE #10-cv-3813 and read it, then decide. To decide without full evidence is what the Jury did in 2007....is this Court not better than that ?

If Justice Douglas spoke the truth, then this Court must remand with Instructions, at the very least, for Brady to be sure that is true. If not, then we have no justice system worth speaking of.

This Motion is clearly made in good faith, but the question of faith in justice is up to this Court.

I, Michael Curtis Reynolds hereby certify under penalty of perjury pursuant to Title 28 U.S.C. §1746 the aforesaid as well as the enclosed [EXHIBITS] true and correct.

_____ _____

Dated : Signature

IN THE UNITED STATES SUPREME COURT

Michael Curtis Reynolds,
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V.

United States of America,
RESPONDENT(S).

CASE # 21-5132

MOTION TO COMPEL PRODUCTION OF DOCUMENTS
28 U.S.C. §1361

INTHAT, a Court may order the Production of documents under 28 U.S.C. §1361, which holds that the Court may compel a party to complete a duty owed to an individual if that duty is a matter of law, clear and the duty can be demonstrated as due the individual so named. That duty owed is:

File #10-CV-3813, per Brady containing material exculpatory evidence withheld since 2010, Known Actual Innocence of Petitioner since 2005

The party owed this duty is: Michael Curtis Reynolds
And this Court, using this Order herein and sealing same below, does Compel the named party(s) of : US Attorney Offices at 228 Walnut Street Harrisburg Pa 17108/ Scranton 235 No Washington Ave 18503 to produce stated document(s) herein not later than 10 business days from the date so signed below, or be held in Contempt of Court.

COURT SEAL APPLIED HERE

It is hereby Ordered that the above-named party(s) having or knowing the whereabouts of the listed document(s) in question, will locate, if not directly possessed, any and all document(s) related to this Motion to Compel and deliver same within 10 business days of the date affixed.

/S/_____

PRINTED NAME OF JUDICIAL ENTITY

Dated: _____