

No. 21-5262

IN THE  
SUPREME COURT OF THE UNITED STATES

In Re: Adib Eddie Ramez Makdessi, Pro se - PETITIONER

PETITION FOR REHEARING EN BANC

COME NOW Pro se petitioner and submit this Petition For rehearing En Banc, because this Supreme Court made a serious Error by dismissing this Petition as Frivolous or Malicious Rule 39.8 when evidence proves it is not, and held this Dyslexic petitioner to a high standard, and in Violation of SIX JUSTICES rulings in BUCK v. DAVIS, 137 S.Ct. 759 (2017) HOLDINGS :

- 1- "It was inappropriate to consider RACE '[no matter how it was INJECTED into the proceeding]"
- 2- "A conviction obtained by Racial Factor is inFact an EXTRAORDINARY 60 (b)(6) motion (or writ of Habeas) that must be granted"
- 3- "Relying on Race to impose a criminal sanction 'Poisons Public confidence' in the Judicial process, it thus [injures not just the defendant], but 'the Law as an institution', ... the community at Large, and democratic ideal reflected in the process of our Courts" BUCK at 778
- 4- "It was an Error to deny a prisoner his sixth Amendment Claims where he demonstrated ineffective assistance when his attorney refused to object to the 'INJECTION OF RACE' into the trial"

petitioner will rely on the above Four grounds held by SIX JUSTICES of the Supreme Court as his new grounds not previously presented, Rule 44.

1- The respondent did not file a brief in opposition in this Court because they cannot deny that they intentionally "INJECTED RACE" in a "Fraudulent" and extremely prejudicial e-mail at trial as (Com.Ex.61), and because Respondent "CONFESSED" on March 21, 2012 in their motion to dismiss Petitioner's Claim of Extrinsic Fraud by stating that: "this e-mail (Pet.Ex.6, Com.Ex.61) is only 'Intrinsic Fraud' from which he cannot obtain relief", see CONFESSION as (Pet.Ex.100) attached. Therefore, Respondent Knew the e-mail is "Intrinsic Fraud" and their SCHEME is to intentionally "INJECT RACE" <sup>①</sup> into the trial that says:

- (a) "Defendant born in LEBANON Bayrut," see (Pet.6, Com.Ex.61 at 1)
- (b) "Defendant takes Lebanes army Hesballah to dinner", see (Com.Ex.61 at 5)
- (c) The Commonwealth Fraudulent closing argument & extremely prejudiced the Jury and "INJECTED RACE":

"He said in here that he has to take [Lebanese terrorists] to dinner and spend \$300.00 on them" (Tr. 1662)

The above proves that:

- (1) Respondent Knew the e-mail is Intrinsic Fraud;
- (2) Respondent Knew Petitioner never wrote this e-mail;
- (3) Respondent Committed Fraud in a SCHEME and "INJECTED RACE" <sup>①</sup> into the trial & Fraudulently made a messianic Jewish Petitioner a terrorist by extremely prejudiced the Jury against him.

BUCK V. DAVIS, 137 S.Ct. 759 (2017)

① "It was inappropriate to consider RACE [no matter how it was 'INJECTED' into the proceeding]"

2- Trial attorney Reed Refused to object to the "INJECTION OF RACE" into the trial even when Petitioner Kept telling trial attorney that this e-mail (com. EX. 61) is "Fraud" because Petitioner never wrote this e-mail, and Petitioner Kept demanding trial attorney object to FRAUD and to the "INJECTION OF MY RACE" into the trial and prejudiced the Jury, and claim 1 (B)(ix) in initial Federal habeas was [dismissed without conducting any merit determination into com. EX. 61 also Known as Pet. EX. 6] even when Respondent CONFESSED to this e-mail (com. EX. 61) being Intrinsic Fraud, see CONFESSION (Pet. EX. 100) attached

According to SIX JUSTICES in this Supreme Court Holding in BUCK v. DAVIS, 137 S.Ct. 759 (2017) :

- (a) "It was inappropriate to consider 'RACE' [no matter how it was INJECTED into the proceeding]"
- (b) "It was an Error to deny a prisoner his sixth Amendment claims where he demonstrated ineffective assistance when his attorney refused to object to the 'INJECTION OF RACE' into the trial"
- (c) "A conviction obtained by 'INJECTION OF RACE' is in fact an Extraordinary 60 (b)(6) motion (or writ of habeas) that must be granted"
- (d) "Relying on Race to impose a criminal sanction 'Poisons Public Confidence in the Judicial Process, it thus [injures not just the defendant], but 'the Law as an institution', ... the community at large, and democratic ideals reflected in the process of our Courts'" BUCK at 778

Petitioner will rely on the above Four substantial grounds (a,b,c & d) not Previously presented. Rule 44 .

## CONCLUSION

According to SIX JUSTICES in BUCK v. DAVIS, 137 S.Ct. 759 (2017)  
This Extraordinary writ of Habeas should be granted.

Respectfully submitted

Mark Kuhn

Date October 8, 2021

On March 21, 2012 The attorney general's assistant CONFERRED that this (Pet.Ex.6, Com.Ex.61) is in fact Intrinsic Fraudulent e-mail "INJECTING RACE" adversary, from having a trial . . ." Id. "A collateral challenge to a judgment obtained by extrinsic fraud is allowed because such fraud perverts the judicial processes and prevents the court or non-defrauding party from discovering the fraud through the regular adversarial process." *Peet v. Peet*, 16 Va. App. 323, 326-27, 429 S.E.2d 487, 490 (1993). In contrast, "[t]he judgment of a court, procured by *intrinsic fraud*, i.e., by perjury, forged documents, or other incidents of trial related to issues material to the judgment, is voidable by direct attack [only] before the judgment becomes final." Id.



At best, petitioner's claims raise allegations of intrinsic fraud for which he cannot obtain relief pursuant to Code § 8.01-428. Fundamentally, petitioner's current allegations are the types of contentions routinely addressed on direct appeal or in habeas corpus. Any claims for relief made pursuant to Code § 8.01-428 and in particular § 8.01-428(D) therefore should be rejected.

Every allegation not expressly admitted should be taken as denied.

WHEREFORE, the respondent prays that the petitioner's motion be denied and dismissed. Given that petitioner's allegations fails to establish extrinsic fraud his motion is untimely and should be dismissed pursuant to Rule 1:1.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA  
Respondent herein



March 21, 2012

By: Kathleen Martin, VSB 23555,  
for Leah Garrison

F.2d 378, 381 (4th Cir. 1990); *United States v. Roane*, 378 F.3d 382, 402 (4th Cir. 2004); *Moore v. Quarterman*, 534 F.3d 454, 462 (5th Cir. 2008).

No. 21-5262

IN THE  
SUPREME COURT OF THE UNITED STATES

In Re: Adib Eddie Ramez Makdassi, Pro se - PETITIONER

RULE 44 CERTIFICATE IN GOOD FAITH

COME NOW Petitioner, Pro se, and certify that the grounds are limited to intervening circumstances of substantial or controlling effect and to other substantial grounds not previously presented, and presented in good faith and not for delay.

Respectfully submitted

Adib Eddie Ramez Makdassi

Date October 8, 2021