No.21-5785

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2021

IN RE: Gregory Darst, *Applicant* and ELEVENTH CIRCUIT CAUSE 21-12485-J
With Declaration & Evidence in Support

RULE 44 PETITION FOR HEARING / REHEARING

FOUR ISSUES Not PREVIOUSLY PRESENTED

Gregory Darst
c/o 11101 Allentown Rd.
Spencerville [45887]
Ohio State
419-277-7670

DEC - 7 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

FOUR "Substantial Grounds Not Previously Presented" JUSTIFY REHEARING

Issue 1.

My Original Petition was denied on November 8, 2021 because judgment had not issued in the Eleventh Circuit.[1] On November 16, 2021 the Circuit denied appellate relief in 21-12485, once again refusing to address EVERY issue presented, thus confirming that pattern and practice of courts of appeal nationwide when denying appeals by the Class of disrespected, unrepresented litigants.

Issue 2.

No Justice of this Court reviewed my Original Petition; Mr. Harris' letter relating the denial of my petition appears to have been issued without judicial participation.

Issue 3.

Just as Justices discovered their "supervisory power" in 1944, they should now discover their mandatory, non-discretionary, equitable, conscience-based moral duty to themselves, to Federal Bar attorneys and to individual unrepresented Americans to entertain petitions relating "deliberately planned, carefully executed schemes to defraud" involving attorneys.[2]

Issue 4.

The supervisory duty Justices have in cases stemming from attorney misconduct gives rise to a corollary, substantive due process RIGHT of victims to have such petitions entertained and adjudicated. That right should also be discovered now.

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[1] See Exh. A. - Clerk's letter dated November 8, 2021, auto-signed in the name of Scott S. Harris.

[2] Per this Court's ruling: *Hazel-Atlas Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944).

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JURISDICTIONAL STATEMENT

By filing this Rule 44 Petition for Rehearing, I seek to assist Justices to

A. Notice the November 16, 2021 order of the 11th Circuit denying appellate relief while adjudicating NO ISSUE raised on appeal, to

B. Recognize the pattern and practice of courts of appeal denying relief without adjudicating ANY issue raised, (a vicious, class-based animus against disrespected, unrepresented litigants since the pattern does not occur when represented litigants seek appellate relief), to

C. Notice that my Original Petition was not reviewed by a Justice.

I also hope to assist the Justices to

D. "Discover" their mandatory, non-discretionary, equity-based, moral duty of conscience to entertain cases arising from "deliberately planned, carefully executed schemes to defraud" involving attorneys,[3] and to

E. "Discover" that victims have a corollary RIGHT to have their petitions heard in this forum if relating explicit, non-conclusory allegations of schemes involving attorneys to defraud.

Ultimately, I seek the assistance of the Court, to A) terminate the pattern and practice of courts of appeal refusing to adjudicate every issue raised by disrespected, unrepresented litigants arising from the underlying IRS record falsification program and from the open support thereof by involved U.S. district judges,[4] to B)

[3] The language of this Court in *Hazel-Atlas Co. v. Hartford-Empire Co.*, 322 U.S. 238,245.

[4] The outrageous pattern and practice of courts of appeal was first noted in an appeal arising in the U.S. Circuit Court of Appeals for the District of Columbia Circuit D.C.

secure the return of my Coram Nobis Motion to the criminal case from which it arose, and to C) recuse Judge Scriven from further participation in my Motion.

Statement of the Case

I presented a detailed synopsis of this case's background in my Original Petition [21-5785, Pg. 6]. But in short sum, IRS falsified its internal digital records concerning me for each year 2006-2009 in order to justify issuing a "notice of levy" against my property, and to initiate a criminal prosecution against me for willful failure to file.[5]

The institutionalized record falsification program has spawned multiple civil cases and the recent filing of my Coram Nobis Motion in the criminal case in which I was convicted. 8:13-cr-181. Shockingly, however, on March 28, 2021, the Hon. Judge Scriven "terminated" my Motion, converted it into a §2255 petition and placed my Motion in a new stand-alone civil case, in violation of every precedent of this Court and the Eleventh Circuit. She denied my motions seeking to return the Coram Nobis to the criminal case to which it belonged, and literally claimed that 'internal administrative procedures" of the Middle District of Florida authorized her to overrule all binding precedent of appellate courts and treat my Motion as a §2255 petition, (which is a form of relief only available to those "in custody" seeking to litigate the terms of their sentence). Since I discovered no such "procedures" exist in

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Circuit: 15-5035 *Ellis v. Comm'r.* Merrick Garland was then Chief Judge of that Circuit, so likely has a personal interest in the outcome of this Petition.

[5] Precise details of the IRS program, as it was applied to me, are presented in the sworn Declaration of Forensic Accountant Robert McNeil in the criminal case in the Middle District of Florida: 13-cr-181, in support of my Coram Nobis Motion, Exh. A, Doc. 119-1.] His Declaration is incorporated fully by reference herein.

the Middle District of Florida authorizing her wholesale violation of 11th Circuit and Supreme Court precedent, I filed an appeal to that Circuit, which was assigned number 21-12485. But becoming aware of the lawless pattern and practice of COAs nationwide to adjudicate NO ISSUE raised on appeals by disrespected, unrepresented litigants I removed the case here via Rule 12.[6]

As a final note, for the information of the Court, on September 22, 2021, in 21-cv-832, The Hon. Kathryn Kimball Mizelle granted my motion to terminate that case and remand the quiet title action back to Florida state courts, from where it had been removed improperly by Department of Justice attorneys.

Argument

Issue 1.

After my Original Petition here was denied on November 8, 2021, (purportedly because judgment had not issued in the Court below),[7] the Eleventh Circuit dismissed my appeal in 21-12485 on November 16, 2021, but refused to address EVERY issue I presented, replicating the pattern and practice of courts of appeal nationwide when denying appeals by the Class of disrespected, unrepresented litigants.

My Original Petition here (in 21-5785) was supposedly denied, as I learned from a letter issued over Mr. Harris' signature dated November 8, 2021. [Exh. A.] The letter stated: "The petition for writ of certiorari before judgment is denied." Thankfully, the Eleventh Circuit almost immediately cured that defect, [See 21-

[6] Again, that pattern and practice was first evidenced in an appeal arising in 2015 during Mr. Merrick Garland's term as Chief Judge of the U.S. Court of Appeals for the D.C. Circuit. Hence, I brought my Eleventh Circuit appeal to this Court, to terminate that pattern and practice begun under Mr. Garland's leadership of the D.C. Circuit Court, and to restore the independence and impartiality of courts of appeal.

[7] See Exh. A, letter in 21-5785 dated November 8, 2021, with an auto-generated signature of Scott S. Harris.

12485 letter attached hereto as Exh. B.], producing on November 16, 2021 an "order" denying appellate relief.

I request that any law clerk of a Justice reviewing this Rule 44 Motion notice that no one can tell from the Circuit "order" what issues I raised in 21-12485. None were mentioned; none were adjudicated. Instead, the "order" merely first states the standard for granting interlocutory appeals, then denies relief without applying the standard to the issues and argument I raised supporting a grant of an interlocutory appeal.

I request the reviewing law clerk also notice that denying relief without addressing any issue raised is a violation of a litigants' protected rights to due process of law, and to adequate, effective meaningful access to courts. Further, I request the reviewing law clerk notice that the issuance by the Eleventh Circuit of the "order" denying relief confirms the illicit pattern and practice of courts of appeal nationwide, denying appellate relief without adjudicating a single issue raised by the Class of disrespected unrepresented litigants seeking to terminate the underlying IRS record falsification program destroying their lives, raping their rights and justifying their incarceration.[8]

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[8] I request that any reviewing clerk (and the Justices) to notice the "orders" denying appellate relief without adjudicating any issue raised in the following FOURTEEN appeals, all of which orders are incorporated fully herein by reference:

- USCA, D.C. Circ. 15-5035 *Ellis v. Comm'r,*
- USCA, D.C. Circ. 16-5233 *McNeil v. Comm'r,*
- USCA, D.C. Circ. 16-5308 *DePolo v. Ciraolo,*
- USCA, D.C. Circ. 17-5054 *Crumpacker v. Ciraolo,*
- USCA, D.C. Circ. 17-5055 *McGarvin v. McMonagle,*
- USCA, D.C. Circ. 17-5056 *Podgorny v. Ciraolo,*
- USCA, D.C. Circ. 17-5057 *DeOrio v. Ciraolo,*

Finally, I request the reviewer notices that the 11th Circuit 'order' is so inartfully drafted, there is no evidence a judicial officer was involved in the appeal, (just as the document denying relief which was supposedly issued by Mr. Harris on November 8, 2021. [Exh. A.].)

Issue 2.

No Justice of this Court reviewed my Petition to date; Mr. Harris' relation of the denial of my petition was issued without judicial participation.

There is no evidence that a Justice reviewed my Original Petition. From sources publicly available, it appears that trusted law clerks of the Justices screen all newly filed petitions, designating only a tiny fraction "cert-worthy". But, as shown in **Issue 3**, I contend that, just as Justices discovered in 1944 their "supervisory power",[9] Justices should discover their mandatory duty to entertain petitions relating explicit allegations government-paid attorneys are involved in "deliberately planned, carefully executed schemes to defraud" courts and litigants.[10] Finally, I contend the practice of allowing judicial clerks, even those greatly trusted, to determine "cert-worthiness" in such cases should be ended. Here is why.

- USCA, D.C. Circ. 17-5058 *Dwaileebe v. Martineau,*
- USCA, 9th Circuit 18-17217 *Ford v. USA,*
- USCA, 8th Circuit 19-2985 *Kurz v. USA,*
- USCA, 9th Circuit 21-35125 *Howe v. US,*
- USCA, 9th Circuit 21-70662 *Howe v. The Hon. Nye,*
- USCA, D.C. Circ. 20-5033 & 5034, *Ellis v. Jackson, et al*
- USCA, 11th Circ. 21-12485 *Darst v. United States.*

[9] See *McNabb v. United States*, 318 U.S. 332 (1943).

[10] Per this Court's holding in *Hazel-Atlas Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245.

Issue 3.

Since Justices discovered their 'supervisory power" in 1944, they should now discover they owe a mandatory, non-discretionary, equitable, conscience-based, moral duty to themselves, to Federal Bar attorneys and to individual unrepresented victims to entertain petitions relating "deliberately planned, carefully executed schemes" by attorneys to defraud.

Duty to Entertain, Generally

In Article III, the Constitution bestows on this Court judicial Power that "shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States," etc. The desired outcome of the exercise of the equitable power has been explained: "[A] court of equity has unquestionable authority to apply its flexible and comprehensive jurisdiction in such manner as might be necessary to the **right administration of justice between the parties.**" *Hecht Co.* v. *Bowles,* 321 U. S. 321, 329 (1944) [Emph. add.]

Further, this Court has taught that exercise of equitable power is justified only

> "when and **as conscience commands**. If the conduct of the plaintiff be offensive to the dictates of natural justice, then, whatever may be the rights he possesses, and whatever use he may make of them in a court of law, he will be held remediless in a court of equity." *Deweese v. Reinhard,* 165 U.S. 386, 390. [Emp. add.]

The governing principle is that

> "whenever a party who, as actor, seeks to set the judicial machinery in motion and obtain some remedy, **has violated conscience, or good faith, or other equitable principle**, in his prior conduct, then the doors of the court will be shut against him *in limine." Keystone Driller Co., v. General Excavator Co.*, 290 U.S. 240, (1933) citing Pomeroy, Equity Jurisprudence (4th Ed.) 397. [Emph. add.]

Further, courts

> "do not close their doors because of plaintiff's misconduct, whatever its character, that has no relation to anything involved in the suit, but only for such violations of conscience as in some measure affect the equitable relations between the parties in respect of something brought before the court for adjudication. They apply the maxim, not by way of punishment for extraneous transgressions, but **upon considerations that make for the advancement of right and justice**. *Keystone*, at 246. [Emp. Add.]

In *Olmstead v. United States*,[11] Justice Brandeis applied the principles of equity to the criminal law, thus developing a doctrine of "judicial integrity":

> "When these unlawful acts were committed they were crimes only of the officers individually. The government was innocent, in legal contemplation; for no federal official is authorized to commit a crime on its behalf. When the government, having full knowledge, sought, through the Department of Justice, to avail itself of the fruits of these acts in order to accomplish its own ends, ***it assumed moral responsibility*** for the officers' crimes...Will this Court by sustaining the judgment below sanction such conduct [by] the Executive?"

In sum, "equitable" power is grounded on conscience. It is to be used to produce the "right administration of justice between parties." And by refusing to exercise the equitable power of this Court when Government agents are falsifying records to enforce the law, Justices assume moral responsibility for such misconduct. Moreover, besides owing themselves and others an absolute moral responsibility grounded on conscience, Justices of this Court, just like any citizen who fails to bring felonious activity to the attention of courts, are also arguably guilty of "misprision of felony."[12] No exception is made for Supreme Court Justices. So, Justice Brandeis' challenging words in his *Olmstead* dissent ring true:

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[11] 277 U.S. 438, (1928), Brandeis, J., dissenting.

[12] "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned..." 18 U.S.C. §4.

> "Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

Applied here, Justices ignoring deliberately planned, carefully executed schemes to defraud involving attorneys, and ignoring their duty of conscience to engage it, are exampling unprincipled lawlessness for Americans. Importantly, and more recently, this Court has found that the "judicial integrity rationale" justifies interposition in some causes.

> "The (exclusionary) rule also serves another vital function: **'the imperative of judicial integrity**.' *Elkins v. United States,* 364 U. S. 206, 364 (1960). Courts which sit under our Constitution cannot and will not be made party to lawless invasions of the constitutional rights of citizens by permitting unhindered governmental use of the fruits of such invasions." [Emph. added.] *United States v. Calandra,* 414 U.S. 338 (1974), Brennan, J., dissent.

As applied here, when Justices learn a government agency is falsifying records to enforce law, but refuse to entertain cases arising from that fraud, they not only violate their consciences and commit misprision, they also violate the "imperative of judicial integrity."

<u>"Supervisory Power" Vindicates Judicial Integrity and the Consciences of Justices</u>

Not long after *Olmstead*, this Court discovered its "supervisory power" over inferior courts, in *McNabb v. United States*, 318 U.S. 332 (1943). That power is a pure creation of the Court.

McNabb involved the conviction of defendants for murder on the basis of statements procured after their arrest, but before they were brought before a magistrate. The

Supreme Court reversed the convictions by invoking supervisory power. Subsequent development of the supervisory power doctrine relating to criminal cases has turned on one paragraph of Justice Frankfurter's opinion:

> "[T]he scope of our reviewing power over convictions brought here from the federal courts is not confined to ascertainment of Constitutional validity. Judicial supervision of the administration of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence. Such standards are not satisfied merely by observance of those minimal historic safeguards for securing trial by reason which are summarized as 'due process of law' and below which we reach what is really trial by force."[13]

Although *McNabb* does not cite *Olmstead*, the spirit of Justice Brandeis' dissent is pervasive. Since the Government has been exposed as secretly falsifying digital and paper records concerning me and thousands of Americans similarly situated, to justify incarcerating them and stealing their property *in plain view of involved judicial officers in the lower courts*, "justice" in income tax litigation involving "non-filers" has devolved into "show trials" by force, not by law.[14]

Duty in THIS case: absolute moral compulsion to exercise supervisory power.

The protection of the integrity of the judicial system has now become the sole rationale for the exercise of the supervisory power expressly mentioned in S.C. Rule 10(a). Although this Court reminds litigants its power to grant certiorari is discretionary,[15] the conduct of judicial officers at the district and intermediate appellate levels, in open support of the underlying, institutionalized IRS record falsification program, is raising a countervailing principle. Justices of *this* Court

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[13] Ibid, 318 U.S. at 340.

[14] See for exasperating example, the currently pending Petition in this Court of Mr. Ebenezer Howe, 21-628, arising from the District of Idaho, through the Ninth Circuit.

[15] See Rule 10(a).

have a mandatory, non-discretionary moral duty, imposed by conscience and empowered by law, to either exercise their supervisory power in cases involving "deliberately planned, carefully executed" attorney schemes to defraud, or take personal moral responsibility for those crimes and for their own violation of 18 U.S.C. §4. To refuse that duty, they would example a lawlessness presaging the Republic's end.

Restated, the supervisory authority Justices acquire upon appointment implicates a *mandatory* exercise of the moral duty of conscience obliterating claimed discretion in cases such as this, requiring them to address and terminate broadly practiced attorney fraud/misconduct violating "the integrity of the judiciary", if only to avoid personal moral responsibility for the misconduct. That mandatory moral duty of conscience should be discovered today, just as "supervisory power" was discovered in 1944.

To whom is the duty owed?

The moral duty of conscience, its exercise made mandatory by equitable principles, is owed by Justices *to themselves*, to members of the Bar and to individual Americans.

First, in the small hours of the night, the conscience of a Justice will excuse or accuse her depending on the fulfillment of the duty justice imposes. Hence, Justices owe the duty to exercise supervisory authority in cases of "deliberately planned, carefully executed schemes to defraud" Americans involving officers of the court,

first, to themselves, *id est*, to rest their own consciences.[16]

Second, Justices owe a moral duty to Bar members, behind the bench and before, to help them apprehend that the Rule of Law restrains ANY conduct subverting justice. Sadly, attorneys behind the bench and before are currently left by this Court "twisting in the wind," in the tacit, misguided belief that discussing the systemic fraud I have presented underpinning enforcement of the income tax on "non-filers", is somehow taboo. After years of litigation, and TWENTY SIX appeals and petitions, no attorney can mention the scheme, let alone controvert evidence of its existence.[17] Thus, Federal Bar attorneys behind the bench and before are literally sacrificing their integrity and searing their consciences on the altar of the income tax, while Justices say nothing.

Setting aside the well-known fact that DoJ attorneys will literally say anything to win cases, lower court judges are fabricating facts, misrepresenting arguments of victims and falsifying the record of litigation to conceal and prolong the program to enforce the income tax on "non-filers" using falsified IRS digital and paper records. [See multiple examples of such bizarre behavior by judges set forth in my Original Petition, Pg. 11, FN 11]. And Circuit judges refuse to address any issue raised on appeal, an equally absurd, unjust response to the executive branch record falsification program.

Finally, I contend the Justices also owe a mandatory duty to invoke the Court's

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[16] "By the open statement of the truth we would commend ourselves to everyone's conscience *in the sight of God*", 2. Cor. 4:2, not in the sight of the Chancellor's proverbial small foot.

[17] For the listing of the TWENY SIX cases and appeals, see Footnote 8 and Pg. 18, infra.

equitable, conscience-based supervisory authority, to *individual unrepresented American victims of the program*, who alone have the courage to raise the issues destroying their lives, unlike every federal bar licensed attorney victims have encountered to date. Petitions or applications similar to this one, relating broad misconduct of licensed lawyers supporting the use of computer and document fraud to circumvent the due process rights of Americans, should no longer be ignored.

In short sum, the unquestioned power bestowed on a of Supreme Court Justice to supervise the righteous exercise of lower court conduct, implicates a moral, imperative duty (based on equitable rules of conscience and personal responsibility) to entertain petitions such as mine. Hence, explicit non-conclusory allegations of "deliberately planned, carefully executed schemes to defraud" involving attorneys, tending to destroy the integrity of the judiciary, MUST be entertained here.

Dereliction of Duty

To condition any longer the consciences of lower court judges to accept the violation of moral principles and their integrity in support of the record falsification program underlying enforcement of the income tax, is to concede the destruction of the Rule of Law and presage the Republic's imminent destruction. Fifteen times disrespected, unrepresented American victims of the executive branch record falsification program and open support thereof by involved judicial officers, have filed applications or petitions here. Fifteen times they have been denied *without comment*. The Court is requested to notice the following filings:

16-1311 *Robert A. McNeil v. C.I.R, et al.*
Unassignd *Michael B. Ellis – Pet. for Writ of Mand.*
17-1561 *In Re Michael B. Ellis, et al.*
17-1562 *In Re Harold R. Stanley*
17-1563 *In Re Melba L. Ford*
17-1715 *In Re Robert A. McNeil and M. B. Ellis*
Unassignd *Robert A. McNeil -Pet. Writ of Mand.*
18A1104 *Melba L. Ford v. United States*
18-1402 *Harold R. Stanley, et al. v. USDC, DC*
Unassignd *Melba L. Ford – Emergency Appl for Stay*
19-206 *In Re Melba L. Ford*
Unassignd *Melba L. Ford – Motion to Auth. or Strike*
19A297 *Robert A. McNeil, et al. v. Harvey, et al.*
Unassignd *Melba L. Ford – Appl for Appoint of Cnsl.*
21-5785 *Gregory Albert Darst v. United States*

The orders denying relief in those Petitions/Applications are incorporated fully herein by reference.

Only Laudable Outcomes Can Result

When their mandatory, moral, conscience-based duty is exercised by Justices,[18] it will simultaneously renew trust in our Government, in the separation of powers, and in our mutual commitment to ensure access by all to forums rendering judgments that make for peace,[19] which is the only alternative Americans have ever had to force.[20]

It is long past time Justices exercise their moral authority and supervisory power to address the misconduct arising from enforcement of the income tax on "non-filers" by IRS' repeated falsification of federal records. No principal, no justification and no

[18] Who at least comment in objection to the majority refusing to hear this case.
[19] Zechariah 8:16: "Render in your gates [courts] judgments that are true and make for peace."
[20] "The right to sue and defend in the courts is the alternative of force. In an organized society, it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest, most essential privileges of citizenship." *Chambers v. Baltimore & Ohio R.R.Co.*, 207 U.S. 142.

power on earth vitiates that mandatory duty owed by Justices to their consciences, to the Bar and to Americans.

SUMMARIZED, the non-discretionary, mandatory exercise of a "moral duty of conscience" owed by justices to entertain petitions containing explicit allegations of "deliberately planned, carefully executed schemes to defraud" involving attorneys, should be "discovered" now, just as "supervisory power" was discovered in 1944.

Issue 4.

Arising from the supervisory duty Justices have to entertain/hear petitions arising from broad attorney misconduct below, I have a corollary RIGHT to have my petition entertained.

As noted, I contend that Justices have a mandatory duty to entertain and rule on well-pled petitions presenting explicit allegations that officers of the court are engaged in deliberately planned, carefully executed plans to defraud. Heretofore, all petitions for writ of certiorari filed here have been held to be "discretionary." A narrow exception should be recognized. I suggest that the Justices also discover that a corollary right arises from their duty to hear the type of petition I have filed. Litigants raising such cases have a substantive due process RIGHT to be heard.

Relief Requested

I request that each Justice of this Court

A. Discovers their mandatory duty to entertain petitions alleging deliberately planned carefully executed schemes to defraud courts and victims, if involving attorneys, which duty is borne of equity with power to terminate;

B. Recognize the due process right of victims to be heard when delivering petitions asserting explicit allegations that officers of the court are involved in deliberately planned, carefully executed plans to defraud;

C. Recognize that my original petition was not reviewed by any Justice, nor will this Rule 44 Petition be heard, unless a law clerk with conscience takes exception to the "normal process";

D. Notice the recent final order of the Eleventh Circuit Court of Appeals denying relief, while once again confirming existence of the pattern and practice of appellate judges refusing to adjudicate any issue raised by the Class of disrespected, unrepresented victims of the underlying IRS record falsification program and the open support thereof by district court judges;

E. Order my Original Complaint be entertained here and oral argument permitted, as necessary.

Ultimately, after full actual consideration by Justices of my Original Petition and this Motion for Rehearing, I seek the Court's assistance to

F. Terminate the pattern and practice of courts of appeal refusing to adjudicate every issue raised on appeal by the Class of unrepresented victims complaining of the IRS record falsification program and of the open support thereof by district judges;

G. Notice that the conversion by the Hon. Judge Mary S. Scriven of my Coram Nobis Motion to a §2255 petition violated every precedent of this Court and the 11th Circuit, and must be reversed;

H. Reinstate my Coram Nobis Motion to the criminal case [13-cr-181] to which it belongs, and

I. Recuse the Hon. Judge Scriven from any further participation in litigation concerning my Coram Nobis Motion.

It is Respectfully presented and so moved.

By:

Gregory Darst

Gregory Darst
c/o 11101 Allentown Rd.
Spencerville [45887]
Ohio State

THE SUPREME COURT OF THE UNITED STATES

Case No. 21-5785

IN RE: Gregory Darst, *Applicant* and
ELEVENTH CIRCUIT CAUSE 21-12485-J

RULE 44 PETITION FOR HEARING / REHEARING

FOUR ISSUES NOT PREVIOUSLY PRESENTED

Exh. A

TO RULE 44 PETITION

SCOTT HARRIS, CLERK

WRIT OF CERTIORARI DENIAL LETTER

DTD: NOVEMBER 8, 2021

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

November 8, 2021

Mr. Gregory Albert Darst
11101 Allentown Road
Spencerville, OH 45887

Re: Gregory Albert Darst
v. United States
No. 21-5785

Dear Mr. Darst:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari before judgment is denied.

Sincerely,

Scott S. Harris

Scott S. Harris, Clerk

THE SUPREME COURT OF THE UNITED STATES

Case No. 21-5785

IN RE: Gregory Darst, *Applicant* and
ELEVENTH CIRCUIT CAUSE 21-12485-J

RULE 44 PETITION FOR HEARING / REHEARING

FOUR ISSUES NOT PREVIOUSLY PRESENTED

Exh. B

TO RULE 44 PETITION

DAVID J. SMITH, CLERK OF COURT

APPEAL DENIAL LETTER

DTD: NOVEMBER 16, 2021

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
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November 16, 2021

Clerk - Middle District of Florida
U.S. District Court
801 N FLORIDA AVE
TAMPA, FL 33602-3849

Appeal Number: 21-12485-JJ
Case Style: USA v. Gregory Darst
District Court Docket No: 8:13-cr-00181-MSS-TBM-1

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tiffany A. Tucker, JJ/lt
Phone #: (404)335-6193

Enclosure(s)

DIS-4 Multi-purpose dismissal letter