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STAFF INITIALS

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21-5862

IN THE

SUPREME COURT OF THE UNITED STATES

MICAH LAMB - PETITIONER

ORIGINAL

vs.

MARK S. INCH, SECRETARY, FLORIDA

DEPARTMENT OF CORRECTIONS AND - RESPONDENTS

FILED

FEB 24 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

4TH AMENDMENT

ON PETITION FOR WRIT OF CERTIORARI DIRECTED TO

JUSTICE CLARENCE THOMAS

PURSUANT TO UNITED STATES SUPREME COURT RULE 22.

ON APPEAL FROM THE

(11TH) ELEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

MICAH LAMB
D/C #J23663
CALHOUN CORRECTIONAL INSTITUTION
19562 SE INSTITUTION DRIVE
BLOUNTSTOWN, FL 32424-5156

QUESTIONS'

(1). WHETHER U.S. DISTRICT JUDGE TIMOTHY J. CORRINGAN AND THE 11TH CIRCUIT COURT OF APPEALS, HEREIN RIDDLED FALSEHOODS', AND "FRAUD ON THE COURT," APENDIX "E" LINES' 12-14, CREATE A MAJOR LEGAL CONFLICT, WITH U.S.V.RYAN, 711 F.3d 998, 1006, 1011 (9 CIR. 2013) PROVIDES' RELIEF FOR PETITIONER UNDER F.R.C.P. 60(b)(6)?

(2). WHETHER PETITIONER IS ACTUALLY INNOCENT OF ALL CHARGES' WHICH VIOLATE PETITIONERS 4TH AND 14TH AMENDMENTS' RIGHTS' TO BE FREE OF "POLICE CORRUPTION" APPENDIX 200A?

(3). WHETHER "NEWLY DISCOVERED EVIDENCE" FOR $53.05 RECEIVED ON FEBRUARY 5TH, 2019 OF CORRUPT DETECTIVE KOIVISTO(6396) AND STATE ATTORNEY SHORTSTEIN'S ILLEGALITY OF (1996) STRECHES' TOO (2012) OF KOIVISTO WANTING TO KILL U.S. PRESIDENT OBAMA?

(FN1) "PETITIONER RELIES ON THE APENDIX INITIALLY FILED WITH THIS COURT").

(4). WHETHER THE PATTERNS' AND PRACTICE, FROM (1996) ILLEGALITY, EFFECTED PETITIONERS (2001) SEIZURE OF THE CHEVY LUMINA WITHOUT SEARCH WARRANT AND AFFIDAVIT THRU CORRUPT DETECTIVE KOIVISTO (6396) AND HEAD STATE ATTORNEY HARRY SHORTSTEIN?

(5). WHETHER PETITIONERS' CRIMINAL CASE EXPOSED ALL PARTIES' CITED, ARE GUILTY OF INEQUITABLE CONDUCT?

(6). WHETHER TRIAL COUNSEL DAVID MAKOFKA ESQ. WAS INEFFECTIVE FOR HIS FAILURE TO UTILIZE "NEWLY DISCOVERED EVIDENCE", APPENDIX 135A, WAS CAUSED BY HIS "CONFLICT-OF-INTEREST" APPENDIX 165A OF PETITIONER WRITING THE "FLORIDA BAR" ON him?

(7). WHETHER GOVERNMENT DEPRIVE PETITIONER OF FEDERAL LAW BOOKS' IN (2003 - 2016) LULLED - PETITIONER-INTO-INACTION SEE, APPENDIX 129A - 130A AND PRISON OFFICIALS' GOT LEXIS NEXUS LAW LIBRARY SEARCH ENGINES' (MARCH 2016)?

(8). WHETHER FEDERAL JUDGES', HEREIN CITED, OR IN COLLABORATION, WITH DETECTIVE KOIVISTO (6396) AND ATTORNEY SHORTSTEIN AS A COVER-UP, OF THE OFFICERS' PUBLIC CORRUPTION PRACTICES' AND PATTERNS', CALLS FOR A REVAMP OF THE OLD RULES' §2254, §2244, AND F.R.C.P. 60 (b)(6)?

III.

(9). WHETHER PETITIONER MET THE "MISCARRIAGE OF JUSTICE; MANIFEST OF INJUSTICE; AND INTEREST OF JUSTICE EXCEPTIONS' TO HAVE THIS COURT REVIEW THE MERITS'?

(10). WHETHER EXTRAORDINARY REASONS' AND CIRCUMSTANCES' EXIST FOR THIS COURT TO INVOKE ITS SUPERVISORY POWER, AND GRANT PETITIONER'S "WRIT OF CERTIORARI (COA)" FOR DISCHARGE OF PETITIONER?

(11). WHETHER THE INSTANT PUBLIC OFFICIALS' CORRUPTION EXHIBITED, AND DISCOVERED, ALLOWS THIS COURT TO PUT A END TO THE UNFAIRNESS, AND LAWLESSNESS, AND DISCRIMATORY PATTERNS' AND PRACTICES' THAT S.Ct. RULE 22, ALLOWS S.Ct. JUSTICES CLARENCE THOMAS, AND OTHER JUSTICES' TO CORRECT THE WRONG DONE?

IV.

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:

Magistrate Judge Patrick Barksdale

Federal Judge Timothy J. Corrigan

State Trial Judge Lance Day

Trial Judge Peter Dearing

Kate Holmes (Florida Department of Law Enforcement)

Detective Samuel D. Koivisto (6396)

Trial Counsel David Makokfa Esq.

Assistant Attorney General Charles McCoy

Attorney General Ashley Moody

Jamie Robinson (Florida Department of Law Enforcement)

11th Circuit Court of Appeals, Justice Wilson

11th Circuit Court of Appeals, Justice Rosenbaum

11th Circuit Court of Appeals, Justice Charles R. Wilson

11th Circuit Court of Appeals, Justice Kevin C. Newsome

U.S. Congress and Senate, in Washington D.C.

U.S. Inspector General, Michael Bolton

V.

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("Betty McDuffy Sworn Deposition where she says the Detective threatened her and said if she didn't cooperate [they] would make the check charges stick");	**69A- 73A**
Affiant R.P. Crews' Sworn Deposition of him saying on page 20, 25 that [they] said they would [make] the check charges stick and [make] her a principle	**75A – 80A**
Sgt. Rutherford's[1] Sworn Deposition of him saying in the Police Interrogation Room before alleged Co-defendant Aaron Lamb and Betty McDuffy: ("**Calling them lying motherfucking bitches**") was said to make them talk to get probable cause to go into Petitioner's house to get all firearms and U.S. Currency of $24,000.00	**81 – B – 81F**
(11th) Eleventh Circuit Court of Appeals Denial Order of this Ground 4/17	**121A**
Florida Department Of Law Enforcement received February 5th, 2019 Judicial Opinion by **State Trial Judge Bill Parsons'**	**135A**
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State Trial Court Judge Peter Dearing Granting Petitioner's Pre-Trial Motions To Sever Jury Trials, Sever Defendants; Sever Charges' Of Alleged Codendant Aaron Lamb, And Petitioner Micah Lamb And Granted Petitioner's Motion To Preserve All Physical Evidence;	**137A – 153A**
("Educational Community Credit Union Armed Robbery Eyewitness Police Report of Mr. Lewis Earl Williams who witnessed seeing the driver of Chevy Lumina with hair braids/plaints appeared to be in his early thirties on December 07, 2001, and on September 17th, 2001, Eyewitness Miss Latisha Roshell Campbell, followed suspects, front seat passenger had braids/plaits and was 20-21 years old during the Bank of America	**159A, 159B**

[1] ("Who now is in the U.S. States Congress, who could be one of the co-conspirators to the "Oath Keepers" and "3% Percenters"; and other White Supremacy Groups; who gave them directions to how to move about the U.S. Congress and Senate on January 6th, 2021 riot").

TABLE OF AUTHORITIES

FLORIDA SUPREME COURT

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FLORIDA RULES

UNITED STATES SUPREME COURT

FEDERAL DISTRICT COURTS

UNITED STATES CIRCUIT COURTS

~~XV~~ .

UNITED STATES CODE

U.S. CONSTITUTION

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:

OPINION S BELOW

[✓] For cases from federal courts:

The opinion of the United States Court of Appeals appears at **APPENDIX "A, B,C"** 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 "D"** 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 United States Court of Appeals appears at **APPENDIX "A, B,C"** 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 **November 24, 2020.**

[ ] No petition for rehearing was timely filed in my case.

[✓] A timely petition for "en banc" rehearing was denied by the United States Court of Appeals on the following date: **December 28, 2020, "A"** and a copy of the order denying the rehearing appears at **APPENDIX "A, B,C, D"** .

[ ] An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

[ ] For cases from state courts:

The date on which the United States Court of Appeals decided my case was _____ A copy of that decision appears at APPENDIX _____.

[ ] A timely petition for rehearing was 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 writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____ .

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

"CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED"

(1)(A). Pursuant to Buck v. Davis, 137 S. Ct. 759, N. [1-17] (2017); Hall v. Haws, 861 F. 3d 977, 987-990 (9th Cir. 2017) a sordid picture of shocking misconduct by government officers' of the court, and police, would support the assertions of the Jurists' or all the U.S. Supreme Court Justices (directed to especially Justice Clarence Thomas) who would say that Petitioner's pro se status allows this court to liberally construe this complaint in Petitioner's favor, of the governments' ill gotten conviction, sentences' and judgment in reliance that benefits' the standard of great public importance, see, U.S. v. Garth, 188 F.3d 99, 108 (3d Cir. 2004) ("**Providing that we use a more forgiving lens...to construe pro se habeas petitions**"); and say Petitioner thru-out the whole entire federal proceedings' Lamb v. Crews, 133 S. Ct. 1318 (2013) up-to-these proceedings, see, Fed. R. 60(b)(6), § 2253(c)(2); F.R. App. P. 22(b); § 2254; F.R. 35; 15(A)(c); en banc determination; 11th Cir. R. P. 27 – 1(g); Fed. R. App. 24(A); 6(A); demonstrated that an unreasonable default mechanism used by all the reviewing federal courts wrongly placed a heavy burden on Petitioner in violation of Petitioner's guaranteed rights 4th, 5th, 6th, 7th, 8th and 14th U.S. Constitutional Amendment and of established federal laws controlled by fraudulent concealment established law cases' on "**Brady**" violations of: evidence favorable to Petitioner, of court judicial opinion/court order by State Trial Judge Bill Parsons' in the (4th) Fourth Judicial Circuit Court in Duval, Clay, Nassau, Counties, case number: **1996 – 178CF, Allison Brauda v. State of Florida,** due to renegade **Head State Attorney Harry Shortstein and his Jacksonville, Florida hitman Detective Samuel D. Koivisto (6396) who gave crack cocaine, lighter, and crack pipe to victim Brauda while in the back seat of Jacksonville Florida police car on audio/video told her to smoke the drugs' contrary to Florida Statue 893 (1996) was obtained by Petitioner thru Florida Statue 119, § 552, "Freedom of Information Act," from**

"Florida Department of Law Enforcement" was received on February 5th , 2019, and from FBI on January 3d, 2019, see, APPENDIX 135A, 177A thru Tampa Newspaper article dated November 27th, 2012, which Petitioner paid FDLE $53.05 for the "Newly Discovered Evidence," see, APPENDIX 135A, 200A, disclosed by State Trial Judge Parsons' that Shortstein and Koivisto's misconduct was unlawful, outrageous, and (corrupt), places Petitioner as being **(similarly situated)** runs contrary to established federal laws, see, 3M Co. v. Brower, 17 F.3d 1453, 1460, N. [3] (D.C. Cir. 1993); Glus v. Brooklyn Eastern District Terminal, 359 U.S. 231, 79 S. Ct. 760 (1959); shows Petitioner has Article III standing to have all grounds' herein heard on their merits that will result in a favorable decision likely from their success to be redressed by all Justices; that are fit for judicial review of a acute **"barrier"** created unlawfully to deny Petitioner his rights as **"similarly situated persons"** has caused Petitioner to suffer substantial prejudice from the government attorneys' "procedural injury" that prevented Petitioner from timely, within (AEDPA), to utilize the exculpatory and exonerating evidence that was willfully/deliberately suppressed by fraudulent concealment, proves Petitioner is part of a group of (defendants'/Petitioner) being denied equal protection of law; due process on all issues showing government has (underwhelming evidence of Petitioner's guilt, weighed-in-balance, of "Newly Discovered Evidence" shows government knowingly used false evidence and testimony, see, ABF Freight v. N.L.R.B., 114 S. Ct. 835, N. [4] (1993); N.E. Fla. Charter of Associated Gen. Contractors of A.M. v. City of Jacksonville, Fla., 508 U.S. 656, 666, 113. S. Ct. 2297, N. [5] (1993) (**"The injury in fact in an [equal protection case of this variety .... is the denial of equal treatment resulting from the disposition of the (barrier) not the ultimate inability to obtain the benefit]");** Heckler v. Matthew, 465 U.S. 728, 738, 104 S. Ct. 1387, N. [4] (1984) (**"Unequal treatment under Social Security benefit scheme based on gender constitutes a**

judicially cognizable injury"); Federal Election Comm'n v. Akins, 118 S. Ct. 1777, N. [6] (1998) (**"Holding that plaintiffs are injured where information they sought [would help them and others] to whom they would communicate it to evaluate candidates for public office"**); Buck v. Davis, 137 S. Ct. 759, 771-772, N. [2] (2017) (**"Rule 60(b) enumerates specific circumstances in which a party may be relieved of the effect of a judgment, such as mistake, [newly discovered evidence] Id 772 fraud, [and the like] the rule concludes with a catch-all category subdivision (b)(6) – providing that a court may lift a judgment for "any other reason that justifies relief. Relief is available under subdivision (b)(6), however, only in "extraordinary circumstances," and the court has explained that such circumstances will rarely occur in habeas context. N. [15] the Attorney General's public statement issued shortly after we vacated the judgment in Saldano's case, reflected this sentiment. It explained that the state had responded to Saldano's, troubling petition by conducting a [thorough audit"] of criminal cases, finding six (6) (similar) to Saldano's "in which testimony was offered by Dr. Quijano that race should be a factor for the jury to consider"**) whereas as here within the claims' rest (procedural injury), the causation and redressability requirements should be relaxed, see, Massachusetts v. E.P.A., 549 U.S. 497, 517, 518, 127 S. Ct. 1438 (2007); such circumstances' are present that produces a perfect storm that justifies all factors that have a risk of undermining the public's confidence in the judicial process that unduly restrict this pathway to appellate review that the undisclosed evidence see, APPENDIX 135A, 177A would help the defense, and put the (whole) case in a different light – thus undermining the confidence in the verdict see, Brady v. Maryland, 83 S. Ct. 1194, N. [3] (1963); (**"Suppression by prosecution of evidence favorable to an accused upon request violates due process where evidence is material either to guilt to punishment, irrespective of good faith or bad faith of**

prosecution"); Ruiz-Cortez v. City of Chicago, 931 F.3d 592, 601 (7th Cir. 2019) ("**Ruiz-Cortez's claim at trial was that Lewellen violated Brady, by falling to disclose his [corruption and criminal conduct]**"); are the workings' of a, "abuse of discretion, manifest injustice" requiring the "interest of justice' exception to be invoked, "to correct and review the plain errors', where all reviewing federal "en banc court," created a "**barrier**" and never adjudicated properly the "**Brady,**" violations see, APPENDIX "E", case number: 19-10697 EOF, dated March 26th, 2019, page 5, line 12-14: **Accordingly both events[2] took place before Lamb, filed the first of his five successive applications moreover [these were matters of public record, as evidenced by newspaper clippings Lamb attached to his application]**"); U.S. v. Ryan, 711 F.3d 998, 1006 (9th Cir. 2013) ("**...What happened here is more Akin to active concealment, Id. 1017 that the court documents showing Saldates misconduct were available [in the public records doesn't diminish the state's obligation to produce them under "Brady"]**"); Roberts v. City of Shreveport, 397 F.3d 287, 295 (5th Cir. 2005); ("**The plaintiff provided [only newspaper articles --- classic inadmissable hearsay**"); Commercial Drapery Contractor Inc. v. U.S., 133 F.3d 1, 7 (D.C. Cir. 1998); when U.S. District Judge Timothy J. Corrigan adopted the 11th Circuit Courts unreasonable and erroneous application of the laws; see; APPENDIX"D" dated May 26th, 2020: ("**It leaves absent/open the exceptional and extraordinary circumstances**"); Ex parte Century Indem. Co., 59 S. Ct. 239 (1938) ("**Finding no error that lower court found another ground for its action --- a ground not dealt with in**

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[2] ("The crimes in Petitioners' case occurred in **(2001)**. The "Newly Discovered Evidence," of the court orders' by State Trial Judge Bill Parsons' was created in **(1996)** shows the (11th) Circuit Court, willfull misrepresentation and fraud on the court on the face of the record" when FDLE sent Petitioner the evidence, see, Appendix 135A, on February 5th, 2019, contrary to see, Pearson v. First N.H. Mortg. Corp., 200 F.3d 30, N. [3,4,7,8] (1st Cir. 1999)"); Hazel - Atlas Co. v. Hartford, 64 S. Ct. 997 (1944); Root Refining Co. v. Universal Oil Prod., 169 F.2d 514, 525 - 535 (3d Cir. 1948) cert. denied 69 S. Ct. 481 (1949).

its former ruling and not presented by its first appeal"); Banco Nacional de Cuba v. Farr, 383 F.2d 166, 177 (2d Cir. 1966); ("**Of course, it does not apply to matters left open by mandate e.g. Sprague v. Ticonic Nat'l Bank, 59 S. Ct. 777 (1939)**"); Ochoa v. U.S., 569 Fed. App. 843, 845 (11th Cir. 2014) cert. denied 135 S. Ct. 463 (2014) ("citing Luckey v. Miller, 929 F.2d 618, 621, N. [1,3] (11th Cir. 1991); are the government attorneys' and Jacksonville, Fla. Police fruits of **Shortstein** directing Koivisto (6396) to illegally trespass onto Petitioner's aunt Mrs. Wyomia Hollis commercial/residential curtilage where she parks her school buses, (handicap students in wheel chairs ride these buses) for Duval County School Board contract for over 50 plus years gave Petitioner permission to park his (1995) Freight-Liner semi-condo sleeper, and Chevy Lumina, was illegally seized without probable cause, without search warrant/affidavit, assisted government attorneys' in obtaining Petitioner's unjust conviction, sentences, and judgments' of natural life sentences without possibility of parole, created, in defiance of established federal laws, see, U.S. v. Micheal, 541 F. Supp. 956, 960 (4th Cir. 1982); Collins v. Virginia, 138 S. Ct. 1663 (2018) caused also Petitioner's (**illegal arrest**); Beck v. Ohio, 85 S. Ct. 223 (1964); **has been (exhausted) and (preserved) for this court to invoke judicial intervention to prevent a judicial travesty compare,** Lamb v. Crews, 133 S. Ct. 1318 (2013) see, also, Briggs v. Goodwin, 569 F.2d 10 (D.C. Cir. 1976) cert denied 98 S. Ct. 3089 (1978) ("**Cover up by prosecutor acting at investigating stage as investigate officer guilty of misconduct**"); Ames v. Vanreck, 356 F. Supp. 931, 937 (Minn. 1973) Limone vs. Condon , 372 F.3d 39, N. [6] (1st Cir. 2004) is magnified in both Allison Brauda, supra **VS.** Micah Lamb, supra, of the **historical patterns** that are prevasive, repetitious, flagrant, outrageous, and longstanding of Head State Attorney Harry Shortstein) guilty of (performing police activity) as opposed to (judical activity) at the [investigative stage] see, Bank of Nova Scotia v. U.S., 487 U.S. at 250, 257, 108 S. Ct. 2369

(1988); U.S. v. Cuervelo, 949 F.2d 559, N. [2] (2d Cir. 1991); U.S. v. Nembhard, 512 F.Supp. 19, 23 (6th Cir. 1980) ("**Goverments' course of action made a mockery of the judicial process**"); Starns v. Andrews, 524 F.3d 612, 620-621 (5th Cir. 2008) ("**Remanded when *Starns* or his lawyer learned of desposition in civil case that revealed factual predicate for Brady v. Maryland, 83 S. Ct. 1194 (1963) claim"); applies to all other "grounds/claims" which everything followed behind the illegal seizure of Petitioner's Chevy Lumina is = Fruit of the Poisonous Tree Doctrine.**

(1)(B). The legal arguments' and evidence demonstrated that Trial Counsel David Makokfa's Esq. was ineffective assistance of counsel ground for his failure to file a "Motion to Dismiss" on failure of police to have a search warrant/affidavit caused a illegal search and seizure of Petitioner's Chevy (4) four door Lumina, was caused by Petitioner filing a Florida Bar Complaint in pretrial detention center before jury trial, se, APPENDIX 165A caused a "**conflict of interest,**" see, Christen v. Roper, 135 S. Ct. 891 (2015); Smith v. Lockhart, 923 F.2d 1314, N. [8] (8th Cir. 1991) (citing Douglas v. U.S., 488 A.2d 121, 136 (D.C. App. 1985) ("**Finding a conflict-of-interest when defendant filed a complaint against retained counsel with the office of the Bar counsel**"); Benjamin - Arnold, Lexis 192 (8th Cir. 1997) ("**F.R.C.P. 60(b)(6) relief granted, holding that failure of attorney employed by the estate to disclose a disqualifying [conflict -of-interest] whether intentional or not, constituted [sufficient extraordinary circumstances] to justify relief** "); when prison officials from the time of Petitioner's incarceration of (2003-2016), see, APPENDIX 129A - 130 A, was when prison officials got Lexis Nexus **(with search engine)** now allowed Petitioner to litigate and find reversible federal legal authorities, is **not Petitioner's fault,** lulled Petitioner into – inaction, see, Martinez v. Orr, 738 F.2d 1107, 1110 (10th Cir. 1984) for not being able to cite federal legal

authorities', requires' this court to liberally construe all arguments' in Petitioner's favor, see, Rosado v. Doe, Lexis 29573 at 3, (3d Cir. 2018) ("**If the court can reasonably read pleadings to state a valid claim on which the litigant could prevail, it should do so despite [failure to cite proper legal authority, confusion of legal theories, poor syntax, and sentence construction, or litigants unfamiliarity with pleading requirements);** and/or requires this court to rule on all Petitioner's merits and grounds'/claims' as **(preserved / exhausted)** see, Bradshaw v. Reliance Std. Life Ins. Co., 707 Fed. Appx. 599, 605 (FN7) (11th Cir. 2017) ("Id. 604 Before turning to the merits of the appeal, we first address *Reliance*'s contention that *Bradshaw*, waived the arguments' raised on appeal because she failed to present them to the district court. In particular, *Reliance* complains that *Bradshaw*, cites to cases in her initial brief that she did not cite in responding to the motion for summary judgment .

Id. 605 ("**While the manner in which *Bradshaw* presents her arguments on appeal is not precisely the same as it was at the district court level, it need not be. A party may take a "new approach" to an issue preserved for appeal; she may improve how she articulated the same arguments when she was before the district court, and a good attorney often does. Once a federal claim is properly presented, a party can make any argument in support of that claim; parties are not limited to the precise arguments they made below Yee v. City of Escondido, Cal., 503 U.S. 519, 534, 112 S. Ct. 1522 (1992) while new claims or issues may not be raised for the first time on appeal, new arguments relating to preserved claims may");** and/or requires this court to equitable toll Petitioner's time due to government's "unclean hands," Johnson v. Wells, 152 Fed. Appx. 403 (5th Cir. 2005); Bounds v. Smith, 97 S. Ct. 1491 n. [1] (1977); Hooks v. Wainwright, 352 F.Supp. 163, N. [1, 10] (Jax. Fla. 1972); proves Counsel David Makokfa Esq. was ineffective, see, Elmore v. Ozmint, 661 F.3d 783 (FN40) (FN42) (4th

Cir. 2011) ("**ABA standards: The duty to investigate exists' regardless of accussed's admissions and statements to the lawyer of facts constituting guilt or accussed stated desire to pled guilty**"); Strickland v. Washington, 104 S.Ct. 2052 (1984); U.S. v. Streater, 70 F.3d 1314, 1320, N. [7] (D.C. Cir. 1995) ("**...Give *Streater* legally correct advice is [contradicted] by the record and in any event cannot rehabilitate the erroneous advice when [documents' or objective evidence...contradicts the witness story]**"); Richman v. Goldman Sach's Group Inc., 868 F. Supp. 2d 261, 279-280 (2d Cir. 2012) ("Goldman must not be allowed to pass off its repeated assertions that it complies with the letter and spirit of the law, values its reputation and is able to address potential conflicts of interests as mere puffery or statements of opinion. Assuming the truth of plaintiff's allegations they involve misrepresentations of existing facts Freudenberg v. E-Trade Financial Corp., 712 F. Supp. 2d 171, 190 (N.Y. 2010); requires this court to apply the controlling legal authorities of F.R.C.P. 60 (b)(6), see, Milke v. Ryan, 711 F.3d 998, 1017 -1018 (9th Cir. 2013); U.S. v. McCellon, 260 F. Supp.3d 880 (6th Cir. 2017); Bacigalupo v. Santoro, Lexis 164694 (9th Cir. 2018); refutes the presumption of correctness of: U.S. District Judge Timothy J. Corrigan and (11th) Eleventh Circuit Court of Appeals denial orders as puffery, insubstantial, and abuse of discretion for not granting Petitioner a COA, when no records', files', motions', or pleading are attached to conclusively refute that Petitioner did not demonstrate, [**extraordinary circumstances**], for relief of discharge of Petitioner, see, Norton v. Spencer, 351 F.3d 1, 7 (1st Cir. 2003) cert. denied 124 S. Ct. 2876 (2004); Sanchez v. Roden, 753 F.3d 279, 299 (1st Cir. 2014); Walker vs. Lockhart, 763 F.2d 942 (FN26) (8th Cir. 1985) cert. denied 106 S. Ct. 3332 (1986); Dupart v. U.S., 541 F.2d 1148, N [1, 3] (6th Cir. 1973); Raymond v. U.S., 933 F.3d 988, 991 (8th Cir. 2019); Cooter and Gel v. Hartmax, 110 S. Ct. 2447 (1990) compare, APPENDIX "A, B, C, D, E", justifies this Court in invoking its'

jurisdiction in the "interest of justice," and "ends of justice," would be served by this court redetermination of the merits' with expansion of Petitioner's instant renewed "Certificate of Appealabilty," see, Christianson v. Colt Indust. Operating Corp., 108 S. Ct. 2166 (1998); Jones v. U.S., 224 F.3d 1251, 1256 (11th Cir. 2000); Ragland v. U.S., 756 F.3d 597 (8th Cir. 2014); Valerio v. Crawford, 306 F.3d 742, 763-764 (9th Cir. 2001) cert. denied 123 S. Ct. 1788 (2003); Hagans v. Lavine, 94 S. Ct. 1372, N. [7] (1974); U.S. v. Pasha, 797 F.3d 1122, 1141 (D.C. Cir. 2015) (**"By now the government prosecutor's should know: betray *Brady*, give short shrift to *Giglio*, and you will lose your-ill gotten conviction"**); U.S. v. Jiminez-Garcia, 951 F.3d 704 (5th Cir. 2020); **demonstrates that jurists' or all U.S. Supreme Court justices' would agree that Petitioner has litigated good grounds/claims of U.S. Constitutional magnitude that competent courts' would resolve, the procedural handling, procedural bars' and merits' differently in favor of Petitioner by equitable tolling all grounds' to relate back to Petitioner's timely filed § 2254, in (2009) because the federal questions' presented are debatable and this court can not be confident that these clear and plain U.S. Constitutional violations are foreclosed by statue, rule or authoritative court decisions which is void of any factual basis in the record of any federal court making legal and factual findings of whether ["extraordinary circumstances analysis"] or actual innocence to by-pass any and all procedural bars' exist to have reviewing court reach the merits' of the Fruit of the Poisonous Tree Doctrine for discharge of Petitioner are adequate to deserve encouragement to proceed further on all grounds, § 2253, when Petitioner would suffer irreparable harm and undue hardship if this court withheld review of Respondents' egregious decisions' and violations' decisions' and violations' of the 1st, 2d, 4th, 5th, 6th, 7th, 8th and 14th U.S. Constitutional Amendments' that are arbitrary and capricious, see,**

Abbot Laboratories v. Gardner, 387 U.S. 136, 148, 87 S. Ct. 1507, N. [5-9] (1967); see, F.R.C.P. 56(c) summary judgment falls' in favor of Petitioner Micah Lamb, see, Quinn v. Syracuse Model Neighborhood, 613 F.2d 438, 445 (2d Cir. 1980); **would prevent a ("manifest injustice") to a ("miscarriage of justice"),** Davis v. U.S., 94 S.Ct. 2298, N. [4] (1974); Finley v. Johnson, 243 F.3d 215, 221 (5th Cir. 2001); proves the federal reviewing court's denial, see, APPENDIX A – E are void of explanations that does not satisfy the relevant level of scrutiny of whether all Petitioner's pleadings' make-out the exceptional and **[extraordinary circumstances' analysis]** under F.R.C.P. 60(b)(6) see, U.S. v. Jiminez-Garcia, 951 F.3d 704 (5th Cir. 2020); which the government attorneys' cannot refute not giving Petitioner relief when the federal and state **record is devoid of any legal authority**, directing this Court to act contrary, see, In Re Hendrix, 986 F.2d 195, 200, N. [10] (7th Cir. 1992) ("We recur in closing to the parties failure to cite Shondel. Although the cases are not identical this appeal could not succeed unless we overruled Shondel. Nevertheless to say, the Appellant failed to make any argument for overruling Shondel, for it failed even to cite the case. The omission by the Atlanta Casualty Company (the real appellant) disturbs us because insurance company's' **[Florida Attorney General Ashley Moody]** are sophisticated enterprises in legal matters, Shondel, was an insurance case, and the law firm that handles this appeal for Atlanta is located in this circuit. The Pages Lawyer, a solo practitioner **[Petitioner Micah Lamb]** in a non-metropolitan area is less seriously at fault for having been a case of concealing adverse authority, because Shondel, supported his position. At all events by appealing in the face of dispositive contrary authority without making arguments for overruling it, Atlanta Casualty filed a **frivolous appeal**"); Boca Burger Inc. v. Forum, 912 So. 2d 561, 571 (FN5, 6) (Fla. 2005) ("**Warns that zealous advocacy does not justify unprofessional conduct and that appellees should [concede error when there is no basis in**

law or fact to sustain a lower court's ruling"); Berger v. U.S., 55 S. Ct. 629 (1935); Scheiffer v. Financial Ins. Co. of Tenn., 39 F.3d 181, 186 (8th Cir. 1994) pursuant to U.S. Supreme Court Rule 22, Petitioner directs' this writ of certiorari to Justice Clarence Thomas?

"STATEMENT OF THE CASE"

(A). The instant 'facts' are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence. The law in all vicissitudes of government, fluctuations of the passions or flights of enthusiasm, will preserve a steady undeviating course; it will not bend to the uncertain wishes, imaginations, and wanton tempers of men." Petitioner without access to Federal Law books too timely cite applicable federal cases, in post-conviction 3.850 in(2004 – 2016), which was denied by State Trial Judge Lance Day (who also signed the over-broad search warrant and affidavit, for Petitioner's 6,000 square foot house) see, APPENDIX 37A-54A which a timely appeal was filed see, Lamb v. State, 992 So. 2d 256 (Fla. 1st DCA 2008) ("Post-conviction 3.850) and then Petitioner in (2009) filed his timely § 2254 which was denied on the (2d) amended § 2254, see, APPENDIX 121A or AAA.

(B). Petitioner filed a writ of certiorari in the United States Supreme Court, see, Lamb v. Jones, 133 S. Ct. 1318 (2013)

(C). Petitioner filed numerous § 2244 Federal Habeas Corpus petitions in the (11th) Eleventh Circuit see, Case Number :16-16413, 17-11098, 17-15432, 19-10697, 16-16413, 17-11098, 17-15432, 19-10697, that were denied.

(D). Petitioner filed (2) timely F.R.C.P. 60(b)(6) motions' within the one year discovery of "newly discovered evidence" compare, APPENDIX 135A, 177A, 200A, of February 5th, 2019, which was denied by U.S. District Judge Timothy J. Corrigan on May 26th , 2019 which Petitioner filed a timely "Notice of Appeal," and "Extension of Time," June 11th, 2020 to all parties. Petitioner in 11/25/19 filed his F.R.C.P. 60(b)(6) and Federal Judge Timothy J. Corrigan

denied it on May 26th, 2020, then the 11th Circuit Court of Appeals November 24th, 2020, "B" and then "A", December 28, 2020.

II. Material Facts

On December 07, 2001, (2) two unidentified black male suspects entered Educational Community Credit Union and committed a armed robbery, fleeing and eluding in a (4) four door white Chevy Lumina, which the suspects stopped at Gainesville Road and Rowe Street and the passenger suspect jumped out, and shot (18) eighteen AK-47, 7.62 X 39 bullets , and (4) four 9mm bullets , leaving the shell casings on the crime scene, which forced Officer Simmons to cancel the chase of the suspects' because as he was pulling his service weapon out, he accidently shot himself in the right leg.

The suspects turned down a dead-end road on Rowe and Gainesville Road and left tire prints which Jacksonville, Florida Sheriff's Dept. made [**tire casts molds**], see, APPENDIX 28A, 29A, 30A, the Petitioner's Chevy Lumina did not match the getaway vehicle of December 07, 2001.

Two (2) weeks later on a alleged BOLO hit, Detective Samuel D. Koivisto (6396) on December 21, 2001, at 1400 hours located Petitioner's Chevy Lumina at 120 Cahoon Road, but in his police report he made a statement he located Petitioner's Chevy Lumina in a [**open field**], see, APPENDIX 135A, 136A, Petitioner's Aunt Mrs. Wyomia Hollis has a Duval County Public School Bus **commercial contract** for over 50 years has handicap school buses, she gave Petitioner permission to park my (1995) Freight-Liner semi-condo sleeper, and Chevy Lumina on her curtilage, see, APPENDIX 174A, 176A, Jacksonville, Florida Police trespassed and came unto Petitioner's Aunt curtilage without search warrant, affidavit, and probable cause, which Detective Koivisto (6396) [**called Head State Attorney Harry Shortstein who is guilty of**

performing police activity as opposed to judicial activity at the [investigative stage] directed Detective Koivisto (6396) as his "hitman" in charge (as in previous criminal cases) to seize Petitioner's Chevy Lumina in violation of the 4th and 14th Amendment of the U.S. Constitution see, search warrant dated December 27th, 2001 **[was looking to match tire patterns off Petitioner's Chevy Lumina to FDLE's tire-casts molds' of the suspects' vehicle, FDLE said Petitioner's Lumina was not at crime scene]** see, APPENDIX 28A,. 29A, 30A.

Then Detective Koivisto (6396) radioed on December 21st, 2001 at 4:45 p.m. to Detective (7115) Carney, and Officer Collier (6064); to make a pretextual arrest of Petitioner for carrying a concealed firearm, while being a suspect in a bank robbery who stopped and forced Petitioner out of his (1995) Grand Jeep Cherokee Laredo then (5) plain clothes detectives' surrounded Petitioner and coerced Petitioner to sign a consent form to search; see, APPENDIX 61A, 62A, then Petitioner sits in the robbery interrogation room from 5:00 p.m. to 11:00 p.m. while Detective Koivisto (6396) is in the next room coercing and threatening alleged eyewitness Betty McDuffy to manufacture knowingly false testimony and evidence of probable cause and identification to allege that she committed (2) armed robberies with Petitioner, and allege codefendant Aaron Lamb; which she conducted a sworn deposition see, APPENDIX 70A, 77A, 79A, 80A, 81D-81E, she states the [**detectives**] threatened her, told her if she did not cooperate they would make check charges stick, and [make] her a principal to Petitioner charged crimes. After the detectives got her written statement on December 21st, 2001 at 8:30 p.m. and 10:45 p.m. see, APPENDIX 64A - 67A, then Sgt. Rutherford of Robbery conducted his sworn deposition and knew Betty McDuffy was lying, and he called her a: lying mother fucking bitch, because [police] knew the suspect driver was in his early 20's with hair braids, which the description did not match Petitioner nor alleged co-defendant Aaron Lamb, during or lifetime

see, APPENDIX 159A, 159B, which is supported by (5) audio video tapes of police coercing both Betty McDuffy and alleged codefendant Aaron Lamb, see, APPENDIX 79C, page 58; 27A.

Then Koivisto (6396) directs R.P. Crews to omit material key facts out the search warrant and affidavit of: (18) eighteen bullet shell casings and (4) four 9mm shell casings that was left at crime scene that was discharged by the suspect's firearms that created their evasion from capture see, APPENDIX 37A - 58A, made the search warrant and affidavit be overbroad in violation of the 4th and 14th U.S. Constitution Amendments, see, Santos v. Thomas, 830 F.3d 987 N. [1, 10] (9th Cir. 2016); U.S. v. Gardner, 537 F.2d 861 (6th Cir. 1974); U.S. v. One Parcel of Property, 774 F. Supp. 699, N. [1-6] (Conn. 1991) **[for firearms and U.S. Currency made all testimony and evidence be tainted and fruits of the poisonous tree]**.

Secondly, "unclean hands" of Florida Department of Corrections officials breach of fiduciary duties of not having federal laws books or law computers (**with search engine**) in (2003-2016) while Petitioner was at Calhoun C.I and Marion C. I. law library, which was the size of (2), jail cells at 8x10; prisoners didn't have access to older applicable federal until (March 2016), see, APPENDIX 129A-130A, are historical patterns of misconduct is what caused Petitioner to procedural default citing the federal cases and evidence cited herein, which justify the U.S. Supreme Court Justices' in equitable tolling this motion so that it can relate back to Petitioner's timely filed claims/grounds that are (**ripe**) now, but pursued with due diligence, which Petitioner can't be faulted for this "extraordinary circumstance," has caused the reviewing courts to erroneously rely on Respondents' legal conclusions' that denies Petitioner the benefit to be fully and fairly heard on the 4th, 5th, 6th, 7th, 8th, and 14th U.S. Constitutional Amendments, when Petitioner is actually and factually innocent, and the record is devoid of evidence pointing to Petitioner's guilt?

Petitioner relies on submitted exhibits filed to this court and federal courts, which this court should "take judicial notice thereof", see, Cortez v. Sun Holding, 949 F.2d 42, 47 (2d Cir. 1991) cert. denied 112 S. Ct. 1561 (1992), or F.R.C.P. 201.

REASONS FOR GRANTING THE WRIT

"Whether Head State Attorney Harry Shortstein and his hitman Detective Samuel D. Koivisto's (6396) historical patterns' that are (pervasive, repetitious, flagrant, persistent, outrageous, reckless and longstanding), dating back to (1996) when they gave victim crack cocaine, lighter and crack-pipe for her to smoke drugs in police car was exposed in State Trial Judge Bill Parsons court opinion adjudicating their unconstitutional conduct as such; received from "Florida Department of Law Enforcement", for $53.05, see, February 5th, 2019 APPENDIX 135A, 200A, thru newspaper clipping of Koivisto wanting to kill black President Barack Obama in (2012) effected also this criminal case, as [and the like] pursuant to F.R.C.P. 60 (b)(6) which federal courts' abused their discretion in not granting Petitioner's COA, when Trial Counsel David Makokfa's Esq. ineffective for failing to utilize the above evidence in his pretrial Motion To Dismiss, when again in (2001) Shortstein directed Koivisto to trespass onto Petitioner's aunt curtilage and illegally seize Lumina on a two (2) week old BOLO, without search warrant/ affidavit, thru overzealousness and political pressure, caused a conflict-of-interest also, by "Florida Bar Complaint," filed by Petitioner, violates the "extraordinary circumstances" analysis and the spirit of the laws requires this court to expand and grant Petitioner's COA?

(2)(A). This sordid picture demonstrates' relief only thru F.R.C.P. 60(b)(6) see, pursuant to Buck v. Davis, 137 S. Ct. 759, N. [1-17] (2017); Hall v. Haws, 861 F. 3d 977, 987-990 (9th Cir. 2017) of shocking misconduct by government officers' of the court, and police, which jurists' or all the U.S. Supreme Court Justices (directed to especially Justice Clarence Thomas) would say: ("A abuse of discretion has occurred and jurists' of reason could disagree with the district courts resolution of Petitioner's constitutional claims or...could conclude the

issues/grounds, presented are adequate to deserve encouragement to proceed further Buck v. Davis, supra, when record evidence demonstrates' that Florida citizens' (and Petitioner) have been overly prejudiced by being framed and setup, by corrupt Head State Attorney Harry Shortstein, and his hitman for Jacksonville, Florida Sheriff's Department, Detective Samuel D. Koivisto (6396) was knowingly using false evidence and testimony to illegally procure Petitioner's conviction and sentences' of natural life, see, APPENDIX 135A, 177A, 200A, received as "Newly Discovered Evidence" from FDLE on February 5th, 2019 is of **(great public importance) when "fraudulent concealment" of (similar situated) evidence effects' a population of over 3 million people iN Jacksonville, Florida, runs contrary to the fundamental modern tenets of established laws, see, 3M Co. v . Brower, 17 F.3d 1453, 1460, N. [3] (D.C. Cir. 1993); ("Court granted equitable tolling relief and said: claim normally accrues when factual and legal (prerequisities) for filing suit are in place"); Glus v. Brooklyn Eastern District Terminal, 359 U.S. 231, 79 S. Ct. 760 (1959); Amades v. Zant, 108 S. Ct. 771 (1980) ("Fraudulently concealment justifies cause of delay");** F.R.C.P. 60(b)(6), 15(A)(c); 6(A); § 2254, § 2253(c)(2), Fed. Rule 35 en banc determination, Fed. Rule P. 22(b)(1)(2), 201;11 Cir. R. 27 P.27-(1)(g), Fed. R. App. 24(9); F.R.C.P. 201 was utilized by all reviewing federal courts' in not reaching the merits and ok'd the government attorneys' and police **(overreaching, overzealous and political pressure) to pick any person and then blame Petitioner, caused them to suppress and withhold exonerating and exculpatory evidence of their: (practices' of historical, clear and evident patterns' of pervasive, repetitious, flagrant, persistent, outrageous, reckless and longstanding acts of misconduct dating back too (1996) of Shortstein and Koivisto (6396) gave victim Allison Brauda v. State of Florida, case number 1996-178CF, (4th) Fourth Judicial Circuit Court Duval, Clay and Nassau**

Counties, gave her crack cocaine, lighter and crack pipe and told her to smoke the drugs in the back of the Jacksonville, Florida Police car: contrary to Florida Statue 893 (1996) made State Trial Judge Bill Parsons' endorse his ruling ("saying that their conduct was outrageous and unlawful) and (corrupt), State Attorney of Jacksonville Harry Shortstein (performing police activity) as opposed to (judicial activity) at the (investigative state) see, Briggs v. Goodwin, 569 F.2d 10 (D.C. Cir. 1976) cert denied 98 S. Ct. 3089 (1978) ("**Cover up by prosecutor acting at investigative stage as investigate officer guilty of misconduct**") then Detective Koivisto[3] in (2012) made threats to kill black President Obama and his entire family and blow-up the entire East Coast and is awaiting orders; is evidence that came to light in Tampa Sentinel Newspaper dated November 27th, 2012, but obtained thru Petitioner's Florida Statute § 119, or § 552 Freedom of Information Act Request, whereas "FDLE" made Petitioner pay $53.05 for the State Trial Judge Bill Parsons' Judicial Court ruling, received February 5th, 2019, was not brought too the 9 (nine) Supreme Court Justices or Petitioner's attention are the workings of a "abuse of discretion, manifest injustice" requiring the "interest of justice exception to be invoked," to correct and review the plain errors', where all reviewing federal courts, "en banc denial order" is a form of [**misrepresentation/fraud on the court**], created a "**barrier,**" and never adjudicated properly the "**Brady,**" violations see, APPENDIX "E", case number: 19-10697 EOF, dated

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[3] ("Detective Koivisto (6396) (**insurrection**) misconduct is un-American, and that Sgt. Rutherford who see, Appendix 81D-81E who called witnesses' alleged codefendant Aaron lamb and Betty McDuffy (**"Lying motherfucking bitches"**) has a "new position," in Congress or Senate in the Washington D.C.; shows the disguises and (**covert operations**) such as the riot on the United States Capitol on January 6th, 2021, coincidentally has a equation; of strong inferences that the police officers cited herein are beyond being corrupt, when the federal law is well established that their preparation, and associations with the unlawful conduct and bad faith is troublesome when the hatred they have for the Black race, plus Petitioner (Micah Lamb, who is a Hebrew by Birth, is difficult to understand the overzealousness").

March 26th, 2019, page 5, line 12-14: **Accordingly both events[4] took place before Lamb, filed the first of his five successive applications moreover [these were matters of public record, as evidenced by newspaper clippings Lamb attached to his application]**"); U.S. v. Ryan, 711 F.3d 998, 1006 (9th Cir. 2013) ("**...What happened here is more Akin to active concealment, Id. 1017 that the court documents showing Saldates misconduct were available [in the public records doesn't diminish the state's obligation to produce them under "Brady"]**") Roberts v. City of Shreveport, 397 F.3d 287, 295 (5th Cir. 2005); ("**The plaintiff provided [only newspaper articles --- classic inadmissable hearsay**"); Hazel - Atlas Co. v. Hartford, 64 S. Ct. 997 (1944) (**"The court extended the concept to a situation where a bogus scientific article was published to affect the outcome of patent litigation that fabricated the article was relied on at least in part [by the Court of Appeals in its decision]; Hazel-Atlas, is an example of which so defiles the court that the judicial machinery can not [sic] perform in the usual manner its impartial task of adjudging cases that are present for adjudication**"); McKinney v. Boyle, 404 F.2d 623 (9th Cir. 1968) cert denied 89. S. Ct. 1481 (1969); Root Refining Co. v. Universal Oil Prod., 169 F.2d 514, 525-535 (3d Cir. 1948) cert. denied 69 S. Ct. 481 (1949) ("**...Our conclusions from these findings as to the issues formulated in these proceeding are that [Judge Davis action in the Root appeals was influenced improperly by Morgan S. Kaufman; that Kaufman was employed by Universal for the improper purpose; and that the Stokey transactions were means by which Judge Davis was compensated at least in part for his decision. We conclude also that the Fox transactions were undertaken as part of the illicit combination between Davis and Kaufman to obstruct justice]**"); Virgin

[4] ("The crimes in Petitioner case occurred in **(2001)**. The "Newly Discovered Evidence," of the court orders' by State Trial Judge Bill Parsons' was created in **(1996)** shows the (11th) Circuit Court, is willfully misrepresentation and fraud on the court on the face of the record," see, Pearson v. First N.H. Mortg. Corp., 200 F.3d 30, N. [3,4,7,8] (1st Cir. 1999) when FDLE sent Petitioner the evidence February 5th, 2019, see, Appendix 135A").

Islands Housing Authority v. David, 823 F.2d 764, 767 (FN7) (3d Cir. 1987) ("**Oral misrepresentations**") when U.S. District Judge Timothy J. Corrigan adopted the 11th Circuit Courts unreasonable and erroneous application of the laws; see; APPENDIX"D" dated May 26th, 2020: ("**It leaves absent/open the exceptional and extraordinary circumstances analysis**"); Ex parte Century Indem. Co., 59 S. Ct. 239 (1938) ("**Finding no error that lower court found another ground for its action --- a ground not dealt with in its former ruling and not presented by its first appeal**"); Banco Nacional de Cuba v. Farr, 383 F.2d 166, 177 (2d Cir. 1966); ("**Of course, it does not apply to matters left open by mandate e.g. Sprague v. Ticonic Nat'l Bank, 59 S. Ct. 777 (1939)**"); Ochoa v. U.S., 569 Fed. App. 843, 845 (11th Cir. 2014) cert. denied 135 S. Ct. 463 (2014) ("citing Luckey v. Miller, 929 F.2d 618, 621, N. [1,3] (11th Cir. 1991); when all Petitioner's original § 2254 identical grounds/claims' were pending before this court, see, Lamb v. Jones, 133 S. Ct. 1318 (2013) made the initial proceedings' be a "mockery of justice," made David Makokfa Esq. ineffective assistance of counsel for his failure to include the above evidence in a pretrial: "Motion to Dismiss," when Head State Attorney Harry Shortstein and his hitman Detective Koivisto who illegally seized Petitioner's four (4) door Chevy Lumina on a two (2) week old BOLO, without probable cause, without a search warrant caused a 4th, and 14th U.S. constitutional violations **[are pure legal questions']** see, U.S. v. Micheal, 541 F. Supp. 956, 960 (4th Cir. 1982) ("**Warrantless seizure and search of the motor vehicle violated the warrant requirement set-forth in the 4th Amendment, because there was no good reason for the government failure to obtain a warrant from a judicial officer to seize and search the motor vehicle**"):

Part I. verses

Detective Koivisto 6396 Police Report Route to Robbery Det. Crews

See Appendix 135A: Post Conviction 3.850 Record Number: 0334

On Friday 12 - 21- 01 Detective S.D. Koivisto (6396) and A.A. Leavens (5364) were riding in Detective Koivisto's assigned vehicle near the intersection of Driggers Street and Cahoon Road: the area has been reputed to be used as a drop - off point for stolen vehicles. While in the area, the Detectives observed a white Chevrolet Lumina which resembled the appearance of a vehicle used in a bank robbery. The **[vehicle was unoccupied and parked in a open field on the Northwest corner of the intersection of Driggers and Cahoon Road. The vehicle license plate was run to obtain registration information and status. The vehicle wasn't reported stolen and was registered to Micah Lamb. B/M 10-04-71. Detective Koivisto recognized Lamb's name as a possible robbery suspect. The Detectives contacted Sergeant J Rutherford (Robbery). Sergeant Rutherford responded to the Detective's location. Following a series of conversations between Sergeant Rutherford and [representatives from the State Attorney's Office] it was determined the vehicle would be towed. An Evidence Technician (D.G. Chase 5576) was summonsed to photograph the vehicle in place. Personnel from the city warehouse responded and towed the vehicle to the city storage facility. The vehicle was towed without an inventory being conducted the vehicle left secured.**

Part II. verses

Appendix 176A, police created on December 27th, 2001:

S.A. No. 2001- 51788 Search Warrant

[THE VEHICLE WAS LOCATED AT 8100 NEVADA STREET, JACKSONVILLE, FLORIDA AND IS CURRENTLY IN THE CUSTODY OF THE JACKSONVILLE SHERIFF'S OFFICE]. NO OTHER VEHICLES IN THE AREA MATCH THE DESCRIPTION OF THE PARTICULAR VEHICLE IN QUESTION.

IS BEING USED BY MICAH LAMB FOR THE PURPOSE OF CONCEALING FIREARMS USED IN ONE OR MORE BANK ROBBERIES; LIVE AMMUNITION TO FIT SAID FIREARMS AND SPENT CARTRIDGES FROM SAID FIREARMS, UNITED STATES CURRENCY OBTAINED FROM THOSE ROBBERIES; STRAPS FOR BUNDLING CURRENCY INTO SPECIFIC AMOUNTS; [**TIRE TREAD PATTERNS**]; AND LIGHT COLORED SHORTS, IN VIOLATION OF 812.13(2)(C) FLORIDA STATUES; AND WHEREAS THE FACTS ESTABLISHING THE GROUNDS FOR THIS APPLICATION ARE SET FORTH IN THE AFFIDAVIT OF R.P. CREWS, A DEPUTY SHERIFF OF THE JACKSONVILLE SHERIFF'S OFFICE, A COPY OF WHICH IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF;

NOW THEREFORE, YOU OR EITHER OF YOU, WITH SUCH LAWFUL ASSISTANCE AS MAY BE NECESSARY, ARE HERE COMMANDED, IN THE DAYTIME OR IN THE NIGHTTIME, OR ON SUNDAY, AS THE EXIGENCIES' OF THE OCCASION MAY REQUIRE, TO ENTER AND SEARCH THE AFORESAID VEHICLE TOGETHER WITH ANY CONTAINERS OR AREAS THEREIN REASONABLY BELIEVED TO BE CONNECTED WITH SAID ILLEGAL ACTIVITY FOR THE PROPERTY DESCRIBED IN THIS WARRANT, TO WIT: FIREARMS USED IN ONE OR MORE BANK ROBBERIES, AMMUNITION TO FIT SAID FIREARMS AND SPENT CARTRIDGES FROM SAID FIREARMS, UNITED STATES CURRENCY OBTAINED FROM SAID THOSE ROBBERIES, STRAPS FOR BUNDLING CURRENCY INTO SPECIFIC AMOUNTS [TIRE TREAD PATTERNS] AND LIGHT COLORED SHORTS, AND IF THE SAME OR ANY PART THEREOF BE FOUND, [YOU ARE HEREBY COMMANDED TO SEIZE AND SECURE SAME, GIVING PROPER RECEIPT THEREOF AND DELIVERING A COMPLETED COPY OF THIS WARRANT TO THE PERSON IN CHARGE OF THE VEHICLE, OR THE ABSENCE OF ANY SUCH PERSON, LEAVING A COMPLETE COPY WHERE THE PROPERTY IS FOUND, AND MAKING (A RETURN) OF YOUR DOINGS UNDER THIS WARRANT WITHIN TEN (10) DAYS OF THE DATE HEREOF]; AND YOU ARE FURTHER COMMANDED TO BRING SAID PROPERTY SO FOUND AND ALSO ANY PERSON ARRESTED IN CONNECTION THEREWITH BEFORE THE COURT HAVING JURISDICTION OF THIS OFFENSE TO BE DISPOSED OF ACCORDING TO LAW.
WITNESSED MY HAND AND SEAL THIS **27TH** DAY OF **DECEMBER 2001**.

Part III. verses

Detective R.P. Crews, supplemental police report #2001-1038675, see, Appendix 136A, Post Conviction 3.850 Record 0196, 0197:

("12-21-2001 at 1400 hours Detective Koivisto ID# 6396 and Detective A. A. Leavens ID# 5364, found the white Chevrolet Lumina that belongs to Micah Lamb parked in a [vacant lot] of the intersection of Driggers Street and Calhoun Road. The car was photographed by ET D.G Chase ID# 5526 then towed to the JSO Impound lot")

Part IV. verses

FDLE JACKSONVILLE REGIONAL OPERATION CENTER 921 N. DAVIS ST.

FLORIDA DEPARTMENT OF
LAW ENFORCEMENT

JAMES T. "TIM" MOORE
COMMISSIONER

BUILDING E
JACKSONVILLE, FLORIDA
32209-6804
WWW.FDLE.STATE
FL. US

SUBMISSION: 003

TTC1 CAST OF TIRE TRACK

TTC2 CAST OF TIRE TRACK

TT-TT4 FOUR GENERAL AMERI G4S, P205/70R1493S TIRES, MOUNTED ON A CHEVROLET LUMINA, VIN#2G1WL54T8P9232115

4 (1 - 24) PHOTOGRAPHS OF TIRE TRACKS

EXAMINATION:

THERE WERE NO LATENT PRINTS OF VALUE FOR IDENTIFICATION NOTED OR DEVELOPED ON THE ABOVE LISTED EXHIBITS.

THERE WERE TIRE TRACKS OF LIMITED VALUE FOR THE COMPARATIVE EXAMINATION ON EXHIBITS TTC1, TTC2, AND 4 (1-24). THE TIRE TRACKS OF TTC1, TTC2, AND 4 (1-24) **WERE NOT MADE BY THE TIRES, T1 THROUGH T4.** THE TIRE TRACKS OF EXHIBITS TTC1, TTC2, AND 4 (1-24) ARE CONSISTENT WITH TIRES LOCATED IN THE TIRE DESIGN GUIDE, MARKED DOUGLAS PERFORMANCE GT-H, LEETURBO ACTION RADIALS G/T AND STAR SUPER STAR RADIALS G/T, ALL MADE BY KELLY SPRINGFIELD.

REMARKS:

EXHIBITS TTC1, TTC2, AND 4 (1-24) [SHOULD BE RETURNED WITH ADDITIONAL SUBJECTS TIRES"] JCW/JCW

Part V. verses

Detective Raymond Crews Supplemental Report, see, Appendix 136A, shows Petitioner never purchased any tires on illegally seized Chevy Lumina pages 7 of 8:

12/31/2001 920 Hours

[ONE VEHICLE BILL OF SALE FOR THE CHEVY LUMINA, AND ALL (4) FOUR (GENERAL AMERI GYS) TIRES OFF THE LUMINA]. THE TIRES WERE KEPT BY FDLE ALONG WITH THE CAR FOR PROCESSING. ALL OTHER ITEMS WERE PLACED INTO THE JSO PROPERTY ROOM").

Part VI. verses

"Newly Discovered Evidence" received from Florida Department of Law Enforcement on February 5, 2019 at legal mail, for $53.05 see, Appendix 135A:

In The Circuit Court of the Fourth Judicial Circuit, In and For Nassau County, Florida

STATE OF FLORIDA **Case No: 96:178 -CF**

V.

ALLISON BRAUDA

MOTION TO DISMISS BASED ON UNLAWFUL AND OUTRAGEOUS LAW ENFORCEMENT CONDUCT IN VIOLATION OF THE UNITED STATES AND FLORIDA CONSTITUTION

Defendant Allison Brauda, by and through the undersigned attorney, the Public Defender for the Fourth Judicial Circuit of Florida, pursuant to Rule 3.190(b) Florida Rule of Criminal Procedure respectfully moves this Honorable Court to dismiss the Information filed in this cause because the conduct of the law enforcement officers involved was unlawful, outrageous, and in violation of the United States Constitution and Florida Constitution. The defendant states the following in support of this motion:

1. Defendant is an eighteen year old and has a long history of psychiatric problems, including diagnosis at age fifteen of bio polar disorder and learning disability.

2. On February 9, 1996, two undercover officers were driving around Fernandina Beach buying drugs.

3. On the same date, the defendant was walking down the street when the undercover officers approached her and asked her help in finding somebody that would sell then crack cocaine.

4. Defendant was induced to help the undercover officers find drugs sellers by express and implied promises that they would give her money and/or drugs for her help.

5. The defendant got in the undercover officers vehicle and directed the undercovers to areas where they might find people selling crack.

6. One undercover officer remarked how young the defendant looked and questioned whether she was working.

7. The undercover officers asked defendant whether she had tattoos on her breasts and whether she "dated" meaning whether she would perform sexual acts for money. Defendant in her youthful naïveté, did not understand their meaning.

8. Defendant eventually helped the undercover officers located a person who sold them rock cocaine.

9. After the purchase of the rock cocaine, one of the undercover officers asked defendant, "Do you want a piece or do you want money for hooking us up"? Defendant responded," I prefer a piece" and asked "Do ya'll have a stem?"

The undercover officer instructed his partner, give her a bump man, she did us right!

10. The undercover officer broke off a piece of the rock cocaine they had purchased and gave it to defendant. The undercover officer provided the defendant with a stem (pipe) for smoking the rock. The undercover officer instructed defendant to smoke the rock and he lit the pipe for her.

11. Defendant is charged by information, with sale or delivery of cocaine, for her participation in helping the undercover officers find somebody to sell them drugs.

12. All of the above activities are on video tape and available for this court's review.

13. The conduct of the law enforcement officers in this case, by inducing a teenager whom they believed was "of age," to help them find a drug dealer win the express or implied promise to provide her drugs, is so outrageous that it violates defendant's right to due process under Amendment 5 of the United States Constitution and Article I, section 9 of the Florida Constitution.

14. The conduct of law enforcement officers is so outrageous that due process principles absolutely bars the state from invoking the judicial process to obtain a conviction. United States v. Russell, 411 U.S. 423, 93 S. Ct. 1637 (1973); State v. Glossen, 462 So. 2d 1082 (Fla. 1985).

WHEREFORE, based on the following grounds, defendant moves this Honorable Court to dismiss the Information filed in this cause.

I HEREBY CERTIFY that a true copy of hereof has been furnished to the Office of the State Attorney, by hand, this 12th, day of June 1996.

Part VII. verses

Page 35

Allison Brauda v. State of Florida, Case #96-178-Cf Pretrial motion to dismiss transcript:

7. Officer Koivisto, Have you ever given anybody
8. Any drugs?
9. A. Yes. We used to give drugs as part of the
10. Sale when someone would ask for a bump. And we run
11. Through that procedure and gotten permission to do
12. So, then it became unpopular, so we ceased.
13. Q. You got permission from who to do so?
14. A. We had permission from the State Attorney's
15. Office. It had also been placed in the warrants, when we
16. Got warrants, that ---
17. Q. You had permission from the State ---

Cindy Jennings and Associates
(904) 359 - 0257

Part VIII.

verses

In The Circuit Court of the Fourth Judicial Circuit, In and For Nassau County, Florida

STATE OF FLORIDA **Case No: 96-178-CF**

V.

ALLISON BRAUDA

ORDER ON MOTION TO DISMISS BASED ON UNLAWFUL AND OUTRAGEOUS LAW ENFORCEMENT CONDUCT IN VIOLATION OF THE UNITED STATES AND FLORIDA CONSTITUTION

This cause came before the court on **June 27, 1996**, and the court heard the testimony of the defendant's mother, Sue Brauda. The Defendant also testified. The State presented no witnesses.

The Court has viewed the video and listened to the audio tract taken with a camera in the officers' automobile. This film recorded the underlying events upon which the information filed in this case is based.

FACTS

The defendant Allison Brauda is eighteen years old - born on September 10, 1977.

The testimony presented indicates that the defendant has been mentally impaired since infact including the loss of ability to speak clearly.

Defendant failed the second grade; also failed the seventh, eighth and ninth grade and did not continue in school beyond the ninth grade.

Defendant was admitted to a psychiatric facility at twelve years of age with five or six subsequent admissions to the St. John's River Hospital for Mental Problems.

On the date of the allege offence the defendant was taking prescribed Lithium, Ridlin, and Paxodil.

The defendant has attempted suicide on numerous occasions during her young life.

This court has had numerous encounters with the defendant prior to the pending case.

The court finds further that on February 8th, 1996, two Jacksonville Sheriff's Office undercover officers working on loan to the city of Fernandina Beach Police Department approached the defendant as she walked down the street in Fernandina Beach, Florida. The police officers initiated the contact with the defendant, invited defendant into their vehicle and asked her assistance in purchasing crack - cocaine.

One of the officers observed she looked young and asked her age. The defendant responded by saying nineteen years old.

The officer then replied. You ain't no nineteen. What is your date of birth? To which she responded September 1976.

The officer then inquired whether the defendant had any tattoos on her titties. To which defendant replied, "No".

The officer asked what defendant would charge for a "date" a street term for paid sex. The defendant didn't appear to understand the officers request.

Subsequently the defendant and the two police officers drove about the City of Fernandina Beach searching for people selling crack cocaine.

The defendant did not illicit money, crack cocaine or any reward for riding with or assisting the officers.

Near the end of the encounter with defendant, one officer offered the defendant money or crack cocaine for defendant's past assistance in locating crack cocaine dealers.

The defendant indicated she would prefer the crack cocaine, at which time the officers furnished crack cocaine to the defendant. The officer then provided a pipe -- referred to as a stem in the street jargon -- to the defendant specifically designed for smoking crack.

One officer then gave the defendant a lighter to light the crack in the stem and encouraged her to smoke it in the officer's presence.

The officers advised the defendant how to use the lighter, and provided her directions to assist defendant in smoking crack.

As they were departing, the officers had the following discussion in front of the defendant.

"I can't believe she ain't got no tattoos. You ought to have a little rose tattoo, right there between two titties."

The other officer said, "No, right on the left one."

The first officer said, "No man, right between the two titties."

Ruling On Motion

The concept of justice in our society presupposes that law enforcement officers will conduct themselves in a manner designed to bring credit to the professionals that represent the decent, honorable men and women in the state and nation in law enforcement.

Due process of law impose on this court the responsibility to conduct and exercise judgment upon the proceedings in the manner to determine whether they offend those standards of decency and fairness when express the notions of justice in our society.

Having considered all the evidence presented -- this court finds under the special facts of this case, that the methods used by law enforcement offends our collective sense of justice and further the law enforcement actions were both unlawful and totally outrageous.

In consideration thereof, it is **ordered and adjudged** that the Information in this action is hereby dismissed.

Done and ordered in chambers at Fernandina Beach, Nassau County, Florida, this 16th, day of July 1996.

Bill Parsons, Circuit Judge

The [**outcome**] of the proceedings would be different, but for, see, U.S. v. Seidel, 794 F. Supp. 1098, 1104- 1105 (11th Cir. 1992) ("**Sub. D. Commercial curtilage...The Dunn factors' discussed above are also applicable in cases of commercial curtilage. The court need not rehash the analysis, other than to say that defendant had a reasonable expectation of privacy in the commercial curtilage of his small wholesale nursery business, Id. 1106, Furthermore, because the search warrant affidavit contained much information gathered pursuant to the unlawful entry, any items seized there-under must likewise be suppressed as (Fruits of the Poisonous Tree Doctrine) Wong Sun v. U.S., 83 S. Ct. 407, 415 (1963); Murray v. U.S., 108 S. Ct. 2529, 2535 (1988)**; also see, Collins v. Virginia, 138 S. Ct. 1663 (2018) ("**Illegal trespassed onto curtilage and seized motorcycle without warrant"),** which the police illegality occurred on December 21st, 200, at 1:30 p.m., **but obtained the search warrant on Petitioner's Chevy Lumina on December 27th, 2001**; see, APPENDIX 136A, ("Police report shows previous owner had bill of sale for four (4) General Ameri tires mount on Chevy Lumina") shows Petitioner never changed the tires, see, Terranova v. State, 764 So. 2d 612 (FN3) (Fla. 2d DCA 1999) ("....**None of the fingerprints recovered matched Terranova, [nor did the tire**

tracks] matched Terranova's rental car"); see, U.S. v. Maddox, 614 F.3d 1046, 1050 (9th Cir. 2010); U.S. v. Davis, 923 F.2d 752, 757 (9th Cir. 1991); U.S. v. Robertson, 606 F.2d 853, 858 (FN2) (9th Cir. 1979) ("Overnight guest had standing to assert 4th Amendment violation in search of his possession and remanded case of armed robbery judgment"); see, APPENDIX 174A, (Mrs. Wyomia Hollis giving Petitioner permission to park his Chevy Lumina and Freightliner semi-condo, see, pictures of her (2) two lots where she parks her school buses for Duval County School Board, APPENDIX 176A even see, APPENDIX 136A (Trial page 426: Detective R.P. Crews testifies he found Chevy Lumina at: 120 Cahoon Road (Petitioner's Aunt Wyomia Hollis curtilage) see, U.S. v. Molt, 589 F.2d 1247 (3d Cir. 1978) (**"Without a search warrant all evidence stemming from the tainted inspection had to be suppressed"**) at 4:45 p.m. another claim, also violated Petitioner's 4th Amendment rights when police had no arrest warrant or probable cause **had five (5) plain clothes detectives' [surround Petitioner and coerced consent to search]**; when firearm discovered in two (2) Winn Dixie Grocery store plastic bags, see, APPENDIX 61A-62A made Petitioner's arrest be illegal, U.S. v. Washington, 387 F.3d 1060, 1070 (9th Cir. 2004) ("**[Stop invalid because used as means to circumvent warrant requirement to search suspect residence]**"); U.S. v. Meyers, 308 F.3d 251, 267 (10th Cir. 2003) ("**Search bag not valid search incident to arrest where bag was inaccessible to defendant at time of arrest because he was handcuffed lying face down and [covered by (2) two officers]**"); see, Beck v. Ohio, 85 S. Ct. 223 (1964); U.S. v. Ricardo, 912 F.2d 337 (9th Cir. 1990); U.S. v. Rose, 526 F.2d 745 (8th Cir. 1975) ("Robbery, court reversed conviction"); Jaroslawicz v. Seedman, 528 F.2d 727, N. [3] (2d Cir. 1975) ("False arrest precludes summary judgment); Gee v. State, 41 So.3d 1035, N. [1] (Fla. 2d DCA 2010) ("Failing to file a motion to dismiss"); U.S. v. Ingra, 897 F.2d 860 (7th Cir. 1990) ("Warrantless arrest");Booker v. State, 301

So. 3d 432 (Fla. 2d DCA 2020); Chalk v. Beto, 429 F.2d 225 (5th Cir. 1970) ("Attorney made no objection to petitioner's arrest though it was apparently made without a warrant and without probable cause"); Christen v. Roper, 135 S. Ct. 891 (2015); U.S. v. Martin, 408 F.3d 1089, 1096 (8th Cir. 2005); Tejeda v. Dubois, 143 F.3d 18 (1st Cir. 1998) ("**Police fabricated arrest**"); Gersten v. Senkowski, 426 F.3d 588 (2d Cir. 2005) cert. denied 126 S. Ct. 2882 (2006); U.S. v. Montgomery, 676 F.Supp. 2d 1218, N. [10] (Kan. 2009); Elmore v. Ozmint, 661 F.3d 783 (FN40) (FN42) (4th Cir. 2011); U.S. v. Matos, 905 F.2d 30 (2d Cir. 1990) made all claims/grounds' be preserved for review by this court, by pro se Petitioner, see, Bradshaw v. Reliance Std. Life Ins. Co., 707 Fed. Appx. 599, 605 (FN7) (11th Cir. 2017) was **[fraudulently concealed from this court and Petitioner]** by government attorneys' and police; caused, Petitioner to be framed and set-up by this corrupt Detective Koivisto and Shortstein which this court was supposed to be alerted to: see, U.S. v. Rosner, 516 F.2d 269, N. [9] (2d Cir. 1975); ("**Prosecution erred when it failed to notify Defendant after trail about evidence relating to credibility[5] of government witness, N.[10] Failure of government to specifically tell U.S. Supreme Court hearing case on Certiorari**"); Lebrere v. Abbott, 732 F.3d 1224, 1231 (10th Cir. 2013) ("**Brady," evidence and successive bar rule did not preclude federal habeas review**"); U. S. v. Boyd, 833 Fed. Supp. 1277, 1280, 1339-1366 (7th Cir. 1993) Aff'd 55 F.3d 239 (7th Cir. 1995) ("**Violation of Brady, and [suborned perjured testimony regarding such undisclosed evidence], N. [3] Id 1339, allegations that William R. Hogan, Jr. coached Henry Harris and other witnesses to [lie] about their opportunity to [collude] with each other, (FN60) in Strickland v. Washington, 104 S.Ct. 2052 (1984), the court held a new trial must be granted when**

[5] ("Was on State's witness list in record of appeal as a Class A witness but not called?")

evidence is not introduced because of the incompetence of counsels unprofessional errors (Trial Counsel David Makokfa Esq.), the result of the proceeding would have been different"); Stano v. Dugger, 901 F.2d 898, 899 (11th Cir. 1990); Brady v. Maryland, 83 S. Ct. 1194 (1963); U.S. v. Freeman, 650 F.3d 673 (7th Cir. 2011) ("**Half-truths**"); Trial Counsel David Makokfa's ineffectiveness and egregious misconduct of his [**conflict-of-interest**] is on the face on the record, of the "**Florida Bar Compliant** "see, Appendix 165A, see, Smith v. Lockhart, 923 F.2d 1314 N. [8] (8th Cir. 1991) ("Citing (citing Douglas v. U.S., 488 A.2d 121, 136 (D.C. App. 1985) ("**Finding a conflict-of-interest when defendant filed a complaint against retained counsel with the office of the Bar counsel**"); Benjamin - Arnold, Lexis 192 (8th Cir. 1997) ("**F.R.C.P. 60(b)(6) relief granted, holding that failure of attorney employed by the estate to disclose a disqualifying [conflict -of-interest] whether intentional or not, constituted [sufficient extraordinary circumstances] to justify relief** "); and another U.S. constitutional violation occurred when record evidence proves Petitioner did not have access to federal books' or computer/search engine to obtain and cite reversible law cases is not Petitioner's fault and should be equitable tolled to relate back to Petitioner's timely filed § 2254 filed in (2009) see, Appendix 129A-130A, computers in law library with Lexus Nexus search engine came in prison (March 2016) see, Tanner v. Yukin, 776 F.3d 434 N. [1] (6th Cir. 2015); Easterwood v. Champion, 213 F.3d 1321 (10th Cir. 2000); Stephen v. U.S., 519 Fed. App. 682, 683 (11th Cir. 2013); Valverde v. Stinson, 224 F.3d 129, 135 (2d Cir. 2000) lulled Petitioner into inaction involuntary see, Martinez v. Orr , 738 F.2d 1107, 1110 (10th Cir. 1984); Streu v. Dormire, 557 F.3d 960, 967-968 (8th Cir. 2009); Blankenship v. Blackwell, 341 F. Supp.2d 911, 924, N. [11] (6th Cir. 2004) when the instant face of the record substantiates government attorneys' are guilty of **"Brady"** violations', see, APPENDIX 135A, 177A; 200A, and the **"extraordinary**

circumstances analysis" must override the **"finality"** of all the federal and state proceedings' of Petitioner's post-conviction 3.850 and § 2254 grounds'/claims' that are and were preserved/exhausted for this instant F.R.C.P. 60(b)(6) proceeding to overcome the instant **"manifest injustice,"** failure of this court to review Petitioner's claims/grounds will result in a **[miscarriage of justice]** that would cause a **"judicial travesty,"** see, Williams v. Lane, 645 F.Supp. 740, 748 (7th Cir. 1986); Hollman v. Duckworth, 155 F.3d 906, 911 (7th Cir. 1998); Kirkpatrick v. Whitely, 992 F.2d 491, 494 N. [3] (5th Cir. 1993); Smith v. Baldwin, 466 F.3d 805 (FN13) (9th Cir. 2005) (Dissent); Evans v. Triple R. Welding and Field Maintenance, 472 F.2d 713, 716 (5th Cir. 1973); Bliss v. Lockhart, 891 F.2d 1335, 1339 (8th Cir. 1989); Henderson v. Sargent, 926 F.2d 706, 710 – 714 (8th Cir. 1991) cert. denied 112 S. Ct. 915 (1992) in the apparent above and below litigation, that provides a proper avenue for all nine (9) Supreme Court Justices' to provide Petitioner the relief of discharge see, Buck v. Davis, 137 S. Ct. 759, N. [2-17] (2017) **(".Id 771-772 Rule 60(b) enumerates specific circumstances in which a party may be relieved of the effect of a judgment such as mistake, newly discovered evidence, fraud, [and the like]")**; Milke v. Ryan, 711 F.3d 998, 1018 (9th Cir. 2013) ("**Milke was able to discover the [court documents] detailing [Detective Koivisto (6396)] Saldate's misconduct only after a team of approximately ten (10) researchers in post-conviction proceedings spent nearly 7000 hours sifting through court records. Milke Post-conviction Attorney sent his team to the Clerk of Court's office to search for Saldate's name in every criminal case file from 1982 to 1990. The team worked eight (8) hours a day for three (3) and half months, turning up 100 cases involving Saldate's**. Another researcher then spent a month reading motions and transcripts from those cases to **[find examples of Saldate's misconduct]**. A reasonable lawyer couldn't have possibly have found these records in time to use them at Milke's trial. Thus, the documents

describing Saldate's lies and his Miranda **[and other constitutional violations during the course of interrogations were suppressed.]**

Indeed, suppression of the personnel file and the suppression of the court documents run together. Had Milke been given the full run of evaluations in Saldate's personnel file, she would have found cases, Saldate worked on. For example, the 1989 evaluation -- one of just two evaluations turned over -- lists (6) six high-profile cases **(Petitioner's Micah Lamb's criminal case deals with attempted murder of Officer Simmons where two (2) suspects escaped capture for two (2) weeks)** Saldate handled in addition, the personnel file could have disclosed cases so **[corrupted by Saldate's misconduct]** that they were unfit for court. As Milke alleged the court records she found in post-conviction proceedings were the tip of the iceberg of Detective Saldate's interrogation/interview practices, but without the full personnel file, we can't know, even now, the full extent of the misconduct that could have been used to impeach Saldate.

3. **Prejudice**, to find prejudice under Brady,_ and Giglio, it isn't necessary to find that the jury would have come out differently. Kyles, 514 U.S. at 434. It suffices that there be a reasonable probability of a different result as to either guilt or penalty. Prejudice exits when the government's evidentiary suppression undermines confidence in the outcome of the trial"); Bank of Nova Scotia v. U.S., 487 U.S. at 256, 108 S. Ct. 2369 (1988) (**"Structural protections were comprised as to render the proceeding fundamentally unfair allowing the presumption (of prejudice) Rose v. Clark, 478 U.S. 570, 577-578, 106 S. Ct. 3101 (1986), N. [8]... a history of prosecutorial misconduct spanning several cases that is so systematic and pervasive as to raise a substantial and serious question about the fundamental fairness of the process at 259**"); Walker v. Lockhart, 763 F.2d 942, 957 (FN26) (en banc) (8th Cir. 1985) cert. denied 106 S. Ct. 3332 (1986) ("**Citing Brady v. Maryland, 83 S. Ct. 1194 (1963), (FN26): ("Although**

Walker **made a suppression argument in his (1st) first habeas petition, this particular claim has not previously been raised or considered, therefore, under Sanders v. U.S., full consideration of the merits of the claim can be avoided only if there has been an abuse of the writ. 373 U.S. at 17. [In the present case, *Walker*, has not deliberately withheld this ground for relief, nor was his failure to raise it sooner due to lack of diligence on his part. Rather, the cause for *Walker*, delay in presenting this claim rested on the [state's failure to disclose]. In the circumstances, *Walker*, has not waived his right to a federal hearing on the claim. The district court has, in fact already received and considered evidence on this issue, and the memorandum opinion discusses the merits of this suppression claim at some length 598 F. Supp. at 1430-33.**

Although, we review this as essentially a new claim by a state prisoner, no exhaustion problem exists. While exhaustion rule generally is to be strictly enforced, it is not jurisdictional see, Strickland v. Washington, 104 S. Ct. 2052, 2063 (1984). The state has not argued that failure to exhaust is a problem, so that point may be deemed waived. See, Pickens v. Lockhart, 714 F.2d 1455, 1464 (FN9) (8th Cir. 1983). In any event, even if an exhaustion problem existed, the Kumpe – Eisner transcript could still be considered as weighing into the balance under the ends of justice standard"); requires this court to appoint a federal attorney see, Panetti v. Davis, 863 F.3d 366 (5th Cir. 2017); Ware v. State, 111 So. 3d 257 (Fla. 1st DCA 2013); when the State of Florida intentionally knowingly and willfully thru bad faith, used false evidence and testimony contrary to the rudimentary demands of fair justice requiring this court to dismiss Petitioner's conviction, sentences, and judgment, see, ABF Freight v. N.L.R.B., 114 S. Ct. 835, N. [4] (1993); Guyman v. Sec'y Dept of Corr., 663 F.3d 1336, 1347-1356 (11th Cir. 2011) ("**Prosecutor's reliance on knowing presentation of false testimony cast grave doubt on**

reliability of verdict"); Schneider v. Estelle, 552 F.2d 593, 595 (5th Cir. 1977) (**"Intentional falsehoods by a state agent"**); shows that continued enforcement of the denial of the instant (2) two grounds' ran together by the 11th Circuit Court of Appeals, see, Appendix 121A, Grounds 4/17 would be iniquitous, see, U.S. v. Cuervelo, 949 F.2d 559, N. [2] (2d Cir. 1991); U.S. v. Chapman, 524 F.3d 1073, 1087 (9th Cir. 2007); **when it is more likley than not, that no reasonable minded jurists' or jurror hearing [all] the evidence, would have acquitted Petitioner on the pretrial motoin to dismiss, jury trial and retrial on all charges' when police and Government Attorneys' violated the 4th Amendment caused the "Fruit of the Poisonous Tree Doctrine," to taint all evidence of armed robbery of Educational Community Credit Union on December 7, 2001; Attempted First-Degree of Officer Simmons being shot in the leg; Shooting and Throwing Deadly Missiles using a AK-47Assualt Rifle; Fleeing and Eluding in a (4) four door Chevy Lumina, and Carrying a Concealed Firearm on December 21, 2001**; U.S. v. Pasha, 797 F.3d 1122, 1141 (D.C. Cir. 2015) (**"By now the government prosecutors should know: betray *Brady*, give short shrift to *Giglio*, and you will lose your-ill gotten conviction"**); U.S. v. Kojayanc, 8 F.3d 1315, 1323 (9th Cir. 1993); U.S. v. Jiminez-Garcia, 951 F.3d 704 (5th Cir. 2020); **demonstrates that jurists' or all U.S. Supreme Court justices' would agree that Petitioner has litigated good grounds/claims of U.S. Constitutional magnitude that competent courts' would resolve, the procedural handling, procedural bars' and merits' differently in favor of Petitioner by equitable tolling all grounds' to relate back to Petitioner's timely filed § 2254, because the federal questions' presented are debatable and this court can not be confident that these clear and plain U.S. Constitutional violations are foreclosed by statue, rule or authoritative court decisions which is lacking in any factual basis in the record of any federal court**

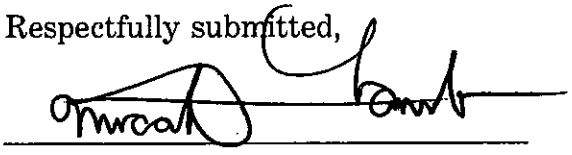
MAKING LEGAL AND FACTUAL FINDINGS OF WHETHER [EXTRAORDINARY CIRCUMSTANCES ANALYSIS] OR ACTUAL INNOCENCE TO BY-PASS ANY AND ALL PROCEDURAL BARS TO HAVE REVIEWING COURTS REACH THE MERITS OF THE FRUIT OF THE POISONOUS TREE DOCTRINE FOR DISCHARGE OF PETITIONER ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER ON ALL GROUNDS, AND DEEM TRIAL COUNSEL DAVID MAKOFKA ESQ. INEFFECTIVE ASSISTANCE OF COUNSEL FOR HIS FAILURE IN NOT UTILIZING THE EXONERATING AND EXCULPATORY EVIDENCE SEE, APPENDIX 135A, 177A, SHOWING POLICE [KOWISKO] AND PROSECUTOR [SHORTSTEIN] ILLEGALLY SEIZED PETITIONER'S PETITIONER'S CHEVY LUMINA OFF PETITIONER'S AUNT'S CURTILAGE AT 120 CAHOON ROAD, AND THEN MADE A PRETEXTUAL ARREST OF PETITIONER FOR "CARRYING A CONCEALED FIREARM" FOUND UNDER THE PASSENGER SEAT THAT WAS INACCESSIBLE TO PETITIONER, MADE EVERYTHING THAT FOLLOWED, FRUIT OF THE POISONOUS TREE DOCTRINE, SEE, U.S. V. JOHNSON, 256 F.3d 895, 898 (9 CIR. 2000), ALLOWS THIS COURT TO GRANT THIS INSTANT COA AND TO EXPAND IT TO ISSUES AND SENTENCES AND ETC., THE COURT FEEL THAT WASN'T RAISED BELOW, SEE, RESENDEZ V. KNIGHT, 653 F.3d 445, 446-447 (7 CIR. 2011); ENTZMINGER V. DOOLEY, 823 F. SUPP. 2d 910, 924 (8TH CIR. 2011); COOPER V. WOODFORD, 358 F.3d 1117, 1118 N.[1] (9 CIR. 2004) CERT. DENIED 124 S. CT. 2126 (2004) (EN BANC); U.S. V. STEVENS, LEXIS 39046 (D.C. CIR. 2009) ("PROSECUTORS' FILED MOTION TO TO DISMISS WHICH COURT [GRANTED] FOR FAILURE TO PRODUCE NOTES TAKEN BY PROSECUTORS IN AN APRIL 15TH, 2008 INTERVIEW OF BILL ALLEN"); SEE, BLYSTONE V. HORN, 664 F.3d 397 N.[14,15] (3d CIR. 2011) F.R.C.P. 56(e) SUMMARY JUDGMENT FALLS IN FAVOR OF PETITIONER MICAH LAMB, SEE, QUINN V. SYRACUSE MODEL NEIGHBORHOOD, 613 F.2d 438, 445 (2d CIR. 1980) WOULD PREVENT A ("MANIFEST INJUSTICE") TO A ("MISCARRIAGE OF JUSTICE"), SEE, CHRISTIANSON V. COLT INDUSTRIES OPERATING CORP., 486 U.S. 800-815, 108 S.Ct. 2166 (1998); U.S. V. ALPINE LAND AND RESERVE CO. 984 F.2d 1047, 1049 (9 CIR. 1992) CERT. DENIED 114 S.Ct. 60 (1993); DAVIS V. U.S., 94 S.Ct. 2298, N.[4] (1974); FINLEY V. JOHNSON 243 F.3d 215, 221 (5 CIR. 2001); PURSUANT TO U.S. SUPREME COURT RULE 22, PETITIONER DIRECTS THIS WRIT OF CERTIORARI TO JUSTICE CLARENCE THOMAS, AND ALL THE OTHER SUPREME COURT JUSTICES, SEE, MCQUIGGEN V. PERKINS, 133 S.Ct. 1924, N.[3] (2013); SCHAFFER V. FINANCIAL INS. OF TENN. 39 F.3d 181, 186 N.[3] (8 CIR. FED)?

([FN6] ("LAW LIBRARIAN MR. MICHAEL SANGL, AT THIS PRISON, CALHOUN CORRECTIONAL INSTITUTION, SAID THIS IS A DISCIPLINARY AND GANG CAMP, WE DO NOT OFFER TYPING SERVICES, AND IS NOT OBLIGATED TO HONOR ANY COURT ORDER. PETITIONER IS NOT A GANG MEMBER, AND HAS A GOOD ADJUSTMENT TRANSFER PENDING FOR MIAMI, FLORIDA, AND DON'T WANNA BE HERE").

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: September 21st, 2021