

No. 21-6773

Supreme Court, U.S.

FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT L. HEDRICK - PETITIONER

vs.

UNITED STATES OF AMERICA - RESPONDENTS

DR. PATRICK CRAFT - RESPONDENT

BOP OFFICER CUNNINGHAM - RESPONDENT

BOP OFFICE CAMPBELL - RESPONDENT

BOP OFFICER WILLIAMS - RESPONDENT

BOP OFFICER STANCIL - RESPONDENT

BOP SIS OFFICER CONYER - RESPONDANT

BOP AW RUPSKA - RESPONDENT

ON PETITION FOR WRIT OF MANDAMUS TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF MANDAMUS

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ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT L. HEDRICK
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent;

DR. Patrick Craft
Respondent

BOP Officer Cunningham
Respondent

BOP Officer Campbell
Respondent

BOP Officer Williams
Respondent

BOP Officer Stancil
Respondent

BOP SIS Officer Conver
Respondent

BOP AW Rupska

No. _____

In Re: Hedrick

Court of Appeals Decision on:

August 30, 2021

App. No. 20-7036

USDC No. 5:19-cv-03302-BO

District Court Decision on:

June 26, 2020

PETITION FOR WRIT OF MANDAMUS

Questions Presented for Review

1. Did the Court Error in ruling that "the complaint failed to comply with Federal Rule of Civil Procedure 8(a)?

2. Did the Court Error in ruling that "Plaintiff, instead makes several conclusory, fantastical, and nonsensical allegations, which are insufficient to state a constitution claim, in light of the FACT that on December 30, 2020 (Appendix A) Hedrick's conviction was overturned (VACATED) by the United States Court of Appeals for the Fifth Circuit?

3. Did the Court Error in ruling to dismiss "...plaintiff's claims arising at the Federal Correctional Institution Fort Dix, for improper venue." when in fact the assaults on Hedrick occurred at all facilities that Hedrick has been incarcerated at since FCI Victorville to and including FCI Fort Dix.

4. Was the Bureau of Prisons ("BOP") in DEFAULT of its Administrative Remedies Program (aka 8,9,10,11, tort claim) system by "failing to respond" in accordance with the Programs "TIME LIMITS" to respond to Hedrick's complaints?

5. Did the Court violate Hedrick's Eighth Amendment rights to "access to the courts" and was Hedrick subjected to "cruel and

unusual punishment" with "deliberate indifference" by the BOP officer's who are the subject matter of Hedrick's BP-8, BP-9, BP-10, BP-11 and Tort Claim for Default Judgement?

LIST OF PARTIES

1. Petitioner, Robert L. Hedrick, is an individual; the Petitioner herein;
2. The United States of America is represented by the Attorney General of the United States;
3. Dr. Patrick Craft is a contract MD to the Federal Bureau of Prison;
4. Officer Cunningham is an officer in the Federal Bureau of Prisons;
5. Officer Campbell is an officer in the Federal Bureau of Prisons;
6. Officer Williams is an officer in the Federal Bureau of Prisons;
7. Officer Stancil is an officer in the Federal Bureau of Prisons;
8. Officer Conyer is a BOP SIS officer in the Federal Bureau of Prisons;
9. Associate Warden Rupska is an Associate Warden in the Federal Bureau of Prisons.

RELATED CASES

United States v. Hedrick, 832 Fed. Appx 347; 2020 U.S. Dist. LEXIS 40750; No. 19-40531 (CA5 Dec. 30, 2020) § 2255 Judgment VACATED

Hedrick v. United States, Civ. Case No. 5:17-cv-36; Crim. No. 1:11-cr-715. Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentencing by a Person in Federal Custody filed February 24, 2017. SENTENCE VACATED ON APPEAL.

United States v. Hedrick, No. 1:11-cr-715, Motion for Compassionate Release Based on COVID-19 and Attempts to Murder Hedrick in the BOP Fort Dix and all BOP facilities. Filed January 29, 2021.

Hedrick v. United States, Barr, Caravajal, SIS Atkinson (Joined), App. No. 21-5039; USDC 1:20-cv-3591 Decided July 7, 2021. On Appeal to Supreme Court.

Hedrick v. United States, Barr, Caravajal et al, No. App. No. 21-5039; USDC No. 1:20-cv-3591-RDM.

Hedrick v. FBI, 216 F.Supp. 3d 84; 2016 U.S. Dist. LEXIS 146682, No. 15-cv-8648-KBT (D.D.C. Oct. 24, 2016).

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS
OPINIONS BELOW

Petitioner respectfully prays that a Writ of Mandamus issue to review the judgment below.

The opinion of the United States Court of Appeals appears at Appendix E to the petition and is unpublished.

The opinion of the United States District Court appears at Appendix F to the petition and is unpublished.

JURISDICTION

1. This Court has jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a) to issue "all writs" necessary and proper in aid of the Court's appellate jurisdiction by exercising its control of the United States Court of Appeals and the United States District Courts to insure that "due process" rights, equal protection under the law and access to the courts to present evidence is properly afforded to Hedrick without prejudice or outside of the administration of justice.

2. The case before this Court is of an "extraordinary" nature which challenges the validity of the Federal Bureau of Prisons Administrative Remedies Process as defective and unconstitutional.

3. The case before this Court challenges the right of BOP Officers Cunningham, Campbell, Williams, Stancil, SIS Officer Conyer, AW Rupska and Dr. Patrick Craft to, in their official positions and personally "attack and attempt to kill" Hedrick subjecting Hedrick to cruel and unusual punishment in violation of the 8th Amendment.

4. This is a case in which the BOP is in default of it's Administrative Process; therefore, Hedrick is entitled to an order to order the BOP to pay him the Monetary amounts due.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL	PAGE NUMBER
SIXTH AMENDMENT	7, 16
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STATUTORY PROVISIONS

28 U.S.C. § 1254(1)	i, 1
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42 U.S.C. § 1997e(a)	20

STATEMENT OF THE CASE

The subject matter in this case, in one form or another, has been presented to the courts at all levels over 21 different times over 11 years; yet not one single time was the government ordered to respond. Hedrick's claims have never changed. Only the facts and hard and verified evidence from government agencies investigations have been added.

Now, Hedrick's conviction has been overturned by the Court of Appeals for the Fifth Circuit on December 30, 2020. United States v. Hedrick, Civil Case No. 5:17-cv-36: Criminal Case No. 1:11-cr-715. Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed February 24, 2017. SENTENCE VACATED ON APPEAL (APPENDIX A).

The court ruled in VACATING Hedrick's judgement:

"To obtain a COA, Hedrick must make "substantial showing of the denial of constitutional right." 28 U.S.C. § 2253(c)(2);...He will satisfy this standard "by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurist could conclude the issues presented are adequate to deserve encouragement to proceed further."...To the extent that the district court rejected his claims on their merits, Hedrick "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong."...If, however, the district court's ruling is construed as a dismissal on procedural grounds, Hedrick must show "that jurists of reason would find it debatable whether the [motion] states a valid claim of the denial of constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling."...Hedrick also argues, however, that the district court erred in denying relief without considering the claims that he presented in his § 2255 motion. "Relief under...§ 2255 is reserved for a narrow range of injuries that could not have been raised on direct appeal and would, if condoned, result in a complete miscarriage of justice."...Allegations of the ineffective assistance of counsel, such as those presented by Hedrick, are proper in § 2255 proceedings...Moreover, some of Hedrick's claims, such as his assertion that counsel should have challenged the restitution order on various grounds, do not appear to be related with the conspiracy theory..."

"Accordingly, reasonable jurists would debate whether the district court erred in summarily denying relief without considering Hedrick's ineffective assistance of counsel claims to the extent they (a) were not previously raised and (b) do not pertain to conspiracy and other such claims previously rejected by this court and the district court...As a result, COA IS GRANTED as

to this claim. His motion to proceed in forma pauperis is likewise GRANTED. As further briefing is not necessary on this issue, the judgement is VACATED and the case REMANDED for further proceedings in accordance with this opinion." (citations omitted). Jones, Costa and Wilson, Circuit Judges.

The "ineffective assistance of counsel" claims in Hedrick's § 2255 motion are:

"The defense theory at trial is accurately described in the Opening Statement of Edward Stapleton III (Dkt.182 ¶ 422 at 15-25)(Exhibit A). Trial counsel was ineffective as shown below:

1. Failed to challenge witness's credentials and creditability who claimed to be an FBI Special Agent representing the FBI and giving expert testimony; perceived by the jury as being authorized by the FBI to testify in Hedrick's case.

In his testimony on May 17, 2012 government witness Jacob Baillie testifies (Dkt 182 ¶ 1038 at 14-25):

Questions by Ms Wirsing:

Q. Please state your name:

A. Jacob Baillie.

Q. How are you employed?

A. I'm a Special Agent with the Federal Bureau of Investigation.

Q. How long have you been with the FBI?

A. Since September 2004.

Q. What are your duties generally?

A. I mainly investigate crimes against children. More to the point people involved in the production, distribution and possession of child pornography.

Exactly to the tee as to Hedrick's charges. These statements, unchallenged as to credibility, present a false, but strong, impression to the jury that the FBI was investigating Hedrick and that Baillie was a part of the perceived FBI investigation involved in the authentication of all of the child pornography photographs presented by the government.

Baillie then testifies to authenticate photographs alleged to

be from the cbaby series. Presenting to the jury that he was somehow involved in the cbaby series investigation in 1999-2000.

b) The video was the source of the photographs in 1999-2000 and not the photographs the source of the video. Therefore, if Baillie was involved in the cbaby investigations he would know the "exact" dates.

Again trial counsel was ineffective by not challenging Baillie's testimony as third party hearsay. Baillie testified to an FBI investigation where the government provided no foundation that Baillie was giving first hand testimony. No foundation was created to support Baillie's claims to be a special agent of the FBI.

Thus being third party testimony. The Confrontation Clause of the Sixth Amendment protects Hedrick against this type of hearsay. Hedrick was denied his right to confront the "outside" actual participant's in the cbaby investigation.

[T]he Confrontation Clause is violated by admission of witness testimony that relied on hearsay as a basis of non expert testimony offered to establish the truth of the matter asserted. U.S. v. Dukagjini, 326 F.3d 45, 59 (2d Cir. 2002).

Defense counsel failed to challenge Baillie's credentials even when he was listed on the government, Witness List (Dkt 73)(Exhibit B):

[8.] Jacob Baillie, SA, Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation in re: Robert L. Hedrick v. Federal Bureau of Investigation, Civil Action No. 15-0648(KBJ) (D.C. Cir.) listed in list of cases herein at 15, acknowledges that neither the FBI nor any of it's agents were involved in Hedrick's criminal case and found no records in the FBI's CRS System of Records showing Jacob Baillie as a Special Agent for the FBI or any documents of any kind related to Hedrick's case or any documents that would support the governments claim that Baillie was a SA of the FBI.

In the FBI's Opposition to Plaintiff's Motion for Leave to Take Depositions by Written Questions (Dkt 15)(Exhibit C), the FBI states:

[S]pecifically the FBI found no responsive records concerning

the Plaintiff's own criminal case...Id ¶ 1 at 9-10.

[T]he Plaintiff is currently incarcerated for...convictions related to criminal proceedings in the United States District Court, Southern District of Texas. Case No. 1:11-cr-715-001. No FBI investigative records were compiled in relationship to these criminal investigations. Id ¶ 2-3.

In it's MEMORANDUM OPINION the United States District Court for the District of Colombia reconfirms:

[H]edrick is currently incarcerated...for offenses in the Southern District of Texas in 2013. Id. ¶ at 9-10.

[A]ccording to the FBI's Memorandum of Law in Support of its Motion for Summary Judgment, there is a complete lack of FBI records related to these convictions which in the Agency's view means that "the criminal investigations" of these charges were most likely related to a local, state or Federal Task Force investigation of some type which did not include or involve the FBI. (Def's Mem at 2 n. 1)(Exhibit D).

Jacob Baillie did not represent the FBI and had no permission or approval from the FBI to testify about other FBI investigations (the cbaby investigation) nor to represent himself as being directly involved in that case. This failure of trial counsel to verify the presumption that Baillie represented the FBI and to challenge the perceived impression to the jury that Hedrick was being investigated by the FBI injured Hedrick's perception with the jury. Baillie is not an FBI Special Agent. This impression made on the jury had:

[S]ubstantial and injurious effects or influence in determining the verdict of the jury and warrants habeas relief. Brecht v. Abahamson, 507 U.S. 619, 623, 629-630 (1993). See also Fry v. Plier, 551 U.S. 112, 119-120 (2007).

Even the FBI recognizes that the mere mention of the FBI in relation to third parties is detrimental and damaging. In re: Hedrick v. FBI in the FBI's Statement of Material Facts Not in Dispute the FBI states as fact:

[B]eing connected to an FBI investigation can carry an extremely negative connotation...would subject these individuals to possible harassment or criticism and focus derogatory inferences and suspicion on them.

Hedrick was not under investigation by the FBI; but the jury was deliberately left the impression that he was.

[P]rosecutorial misconduct might so infect the integrity of the proceedings as to warrant the grant of habeas corpus relief even if it did not substantially influence the jury's verdict. Rosecrantz, 560 F.3d at 589 (Quoting Brecht, 507 U.S. at 638 n. 9).

The ineffective assistance of counsel to question the government's and Baillie's claim of being an FBI Special Agent involved in the cbaby investigation and leaving an impression on the jury of some sort of FBI involvement in Hedrick's case was prejudicial against Hedrick. It automatically set in the minds of the juror's that Hedrick was connected in some way to an FBI investigation on him. This created an extreme and negative connotation with the jury. Allowing third party hearsay concerning the cbaby investigations violated Sixth Amendment rights to confrontation of the actual investigators in the cbaby investigation.

Hedrick's conviction should be vacated as Counts number 3 and 4 are invalid and all counts using the cbaby series as evidence are also invalid.

2. Trial counsel was ineffective for failing to summon Patrick Cunningham to testify for the defense and to notify the court that Patrick Cunningham was "intimidated and threatened" by the governments lead investigator Joseph Guy Baker.

Trial counsel arranged with the court to have Patrick Cunningham to examine the Blue Dell Laptop computer. The prosecution was against this and attempted to block the access to stop the examination of it for evidence of remote "hacking".

Mr. Stapleton: With the Court's permission I'd like an IT person with me when...we look at it [sic Blue Dell Laptop] in addition to us. There will be an issue as to whether or not any of the child pornography is actually accessible from that computer. And if it is not I would like somebody besides me or Mr. Martinez, or Mr. Hedrick to be aware of that. (Dkt 181 ¶ 121 at 8-10).

Warsaw objects over many pages of the transcript.

Mr. Stapleton: What I want to do is Mr. Hedrick says...there's no way--maybe they're on there, but there's no way to look at them on the computer and find them because I was looking at it. And I don't want him to carry that whole burden at trial, so I want someone else present...

The Court: I'm going to allow you to use the IT person...as far as I'm concerned any IT person you hire is a part of your

defense team. (Dkt 181 ¶ 123 at 19-25/124 at 1-2)

The Court: Mr. Cunningham has been identified as the IT person for the defense.

Mr. Stapleton: Correct...We met last week with Mr. Cunningham and Mr. Hedrick and there were specific items that Mr. Cunningham identified...What we requested was that he find a couple of things about the hard drive. And he said he would feel more comfortable making his own clone, as the government) had done...any kind of searches that he did of the clone would not disturb the original. (Dkt 181 ¶ 132 at 25/133 at 1-22)

The Court: Is there any objection from the government if they make a clone if the clone stays locked in the courtroom?

Ms Warsaw: Yes your honor, we do have an objection...

The Court: Well, don't ya'll have a mirror image of it?

Ms Warsaw: We have a mirror image that is in law enforcement custody that they have access to...but we do object to them having a mirror image of the hard drive.

The Court: Why?

Ms Warsaw: I would need time to research to be able to give the court specifics.

The Court: ...but why?...practically, why? They've offered to say...we want a clone that we can look at and do whatever we need to do to get ready for trial. So we don't disturb the original and we're willing to leave the clone locked in the courtroom. What's wrong with that? (Dkt 181 ¶ 134 at 12-25/135 at 1-13.

Warsaw runs out of viable arguments.

The Court: I'm going to let them do this. I'm going to order it kept here. I'm going to order Mr. Cunningham to not disturb, not to change,...mess with, delete anything to do with the original. Mr. Cunningham, if you create a clone what do you create it on?

Mr. Cunningham: An external hard drive.

The Court: I understand...Mr. Stapleton...is that you wanted special access to the Blue Dell computer because it contained the business files which is going to support your defense.

Mr. Stapleton: That's correct. Now let me tell you basically there's been an issue that the pornography was not visible to the normal user from the Dell. (Dkt 181 ¶ 135-138).

Warsaw continues to argue with the Judge for seven more pages

of the transcript then when the Judge admonishes her she states:

Ms Warsaw: ...we would therefore request that Mr. Cunningham come to the ICE office [sic 1600 Paredes Line Rd.] their computer analysis room.

Ms Warsaw: Can we have someone present while they're making their clone?

Mr. Stapleton: We don't care your honor!

Shortly thereafter Mr. Martinez and Mr. Cunningham went to the ICE office. Cunningham made an "exact" mirror image [clone] of the hard drive of the Blue Dell Laptop using the same software that the government used to make their original mirror image.

The moment Cunningham completed the mirror image, before getting to examine it, Joseph Guy Baker [lead investigator in my case] threatened Cunningham and said he was going to arrest him for making and being in possession of child pornography. Mr. Martinez interceded and demanded that the clone made by Cunningham be scanned for child pornography. Cunningham was asked by me to verify that there was no child pornography on the Blue Dell since I believed there was not any. ICE [Baker himself] scanned the clone made by Cunningham and there was no pornography (child or Adult) on the hard disk of the Blue Dell Laptop.

This means that there was also no pornography on the governments original mirror image of the Blue Dell Laptop hard-drive in July when I was arrested and indicted using child pornography alleged to have come from the Blue Dell.

Cunningham and Martinez left ICE without the mirror image that Cunningham made. We were never able to examine it before trial as the Court had ordered. Cunningham was so upset, frightened, and scared that he refused to testify at my trial or have anything else to do with my case.

Martinez was ineffective for failing to report these threats by Baker and requesting an investigation of Baker for "threatening and tampering with a witness". Nor was Cunningham summoned as a witness which he should have been. No pornography on the Blue Dell Laptop! No wonder the prosecution refused to give the defense access to it up to and including the day of jury selection

where 100 potential juror's had to be sent home. See also Chain-of-Custody.

c) If called to testify both Voros and Cunningham would have testified that there was no pornography of any kind on the Blue Dell Laptop. That the Blue Dell Laptop had been remotely accessed using a virus or worm like STUXNET or Flame Virus to do the chats. That overlapping words and the sudden burst of music on the telephone recording alleged to have been made by Hedrick and a detective was proof that the telephone conversation was manufactured after acquiring previous recordings of Hedrick with his wife [thus the "burning" of Hedrick's cell phone to erase all evidence of this illegal tap of his cell phone]. The burst of music on the recording indicates that one side of the conversation was a computer and the other side the detective. They would have testified that the virus notice on the governments video evidence indicated that the video as a "capture" from Hedrick and his wifes SKYPE conversations in early 2009 and downloaded to a file for future playback and is the residual of the virus used to make that remote capture of the video. It indicates that the video was not a "live feed". See Voros Affidavit (Exhibit E).

Virus Notice on Governments Video
Gov't Exhibit #7

3. While viewing the Governments evidence (Exhibit 7) aka the masturbation video, a virus notice was displayed on the screen while Hedrick was on the witness stand testifying in front of the jury. The video was being operated and played by Ms. Warsaw from the governments Laptop.

Questions by Stapleton:

Q. Let me refer you next to the September 6th capture and I'll ask you...we've...Did you see what just flashed on the screen there?

A. I didn't catch it quite. Go back.

Q. See if it does it again?

A. Yes.

Q. All right. The question that I have [of] you is well, in the previous demonstration of this did you notice a notification that there were viruses?

A. Yes, I noticed the moment it was played when the file was accessed to the jury. (Dkt 144-21 117 at 4-21)

Judge Hanen immediately called a sidebar to stop the defenses challenges of the governments prime evidence:

The Court: This is as far as the Court is concerned, has been, used as a demonstration. If you want to talk about this file, we're going to admit it into evidence and then we'll talk about whether it has a virus or doesn't have a virus, but it's not right you borrow their exhibit and then criticize it.

It was my belief that that is what the adversarial process is about. The government presents it's evidence and the defense challenges it. Trial counsel was totally ineffective in recognizing the importance of this virus notice as it goes to the roots of my defense that I was "framed" and the pornography, chats and video were manufactured. This video was already in evidence as Gov't Exhibit # 7. It is the same video that the government intended to show the jury as a "live feed". Hedrick testified that it was a video between him and his wife not a "live feed" and replayed to the detective by someone else. Trial counsel failed to have the video entered into Defense evidence for the fact of the matter asserted as it was direct evidence supporting my defense.

If the video had been examined by Voros and Cunningham for the presence of a remote access virus it would have resulted in a different outcome in the jury's verdict if the presence of a virus was detected. (See Voros Affidavit - Exhibit E).

Trial counsel was totally ineffective.

Telephone Conversation (Gov't Exhibit # 21)

Overlapping, Slurred Words & Burst of Music

Trial counsel provided ineffective assistance of counsel in regards to the alleged phone conversation between Hedrick and an undercover detective (Gov't Exhibit # 21). Counsel failed to investigate and examine the recording itself prior to trial or have an expert sound engineer examine it. Counsel allowed the

prosecution to enter it and a transcript without objection as to it's authenticity or chain-of-custody.

"The tapes must be 'audible and comprehensive enough for the jury to consider the contents.'" United States v. Slade, 627 F.2d 293, 301 (D.C. Cir. 1980).

"Tape recordings must be shown to be clear and convincing evidence to be authentic, accurate and trustworthy." Springer v. United States, 388 A.2d 846, 852-53 (D.C. Cir. 1978).

"To establish the proper foundation for admission of the recording the proponent of the recording must show that the conversation on the recording was fairly reproduced." Butler v. United States, 649 F.2d 563, 566-68 (D.C. Cir. 1994). The proponent must also establish a proper chain-of-custody for the recording." Id. at 568.

On May 18, 2012 trial counsel questioned Hedrick about the alleged recording between Hedrick and an undercover detective. Hedrick testified after the government played the recording as follows:

Questions by Stapleton:

Q. Then they played the undercover phone call and you've had a chance to listen to it carefully. Have you not?

A. Yes.

Q. And was there anything about that phone call that led you to believe that it, in fact, was a manufactured call?

A. Yes.

Q. What is that? (Dkt 201-203 P. 1347 at 13-19)

Ms Warsaw objects [Stapleton continues]:

Q. Well. you can recognize your own voice, correct?

A. Yes

Q. And was there anything about that phone call that led you to believe that it, in fact, was a manufactured call?

A. Yes.

Ms Warsaw objects.

Q. Well, You can recognize your own voice, correct?

A. Yes.

Q. And you can tell if you are normally saying words and it's being properly recorded, correct?

A. Yes.

Q. And you can recognize the sounds that would likely be...in your home?

A. Yes.

A. And so were there voice discrepancy and sounds that were not consistent with you having made that were not consistent with your having made that phone call?

A. That is correct. They were only consistent with a machine.

Q. And what were those? (Dkt 201-03 P. 347 at 24-25/p. 348 at 1-10).

Again Ms Warsaw objects and Judge Hanen calls a sidebar in which I was not allowed?

The Court: But he can't tell that's a machine unless you qualify him...I'm going to instruct the jury...to ignore the answer and not consider the answer that stated that there were voice discrepancies and sounds that were consistent with a machine. (Dkt 201-3 p 1349 at 19-23).

Trial counsel was ineffective in that they failed to qualify me as an expert sound engineer which I am. From 1980 to 1984 I owned and operates a sound studio called Studio One in Bryan/College Station, Texas. Studio One was opened on the recommendation of Mickey Gilly in Pasadena, Texas and the owner of the Texas Hall of Fame in Bryan, Texas to handle the "overflow" of country artist's who wanted to book into Gilly's Sound Studio, but could not. The following country artist's recorded in my studio: Waylon Jennings, Willie Nelson, Barbra Mandrell, Eddie Rabbit, Johnny Rodriguez, Jim Stafford and Lynn Anderson, Don Williams and Charlie Rich to name a few.

In addition, I managed, promoted and produced two bands: Ten Minutes Late and Bradford Express. I booked Ten Minutes Late into the Chelsey Street Pub Circuit. Bradford Express, with the assistance of Charlie Rich was booked into the 1982 State Fair Circuit as the opening act for Alabama. As a results of that exposure Bradford Express was hired to be the Opening Act in Las

Vegas for the stage play of "Best Little Whore House in Texas". From that exposure we were offered a record "deal" with Columbia Records. A name change was made to the band and the rest is country history. Members of the band were Brad Bradford, Base Guitar for Freddie Fender; Jesse Capps, Lead Guitar for Johnny Cash in the Nashville on the Road Tour; Chris Barrow, former Organ and Steel Guitar for Oakridge Boys and three other headliners for other groups.

In the studio, a sound engineer from G. Rollie White at Texas A&M University produced and arranged the score for three songs. Two of them were purchased by Jim Stafford. The third, owned solely by me was recorded by Don Williams. FOOLS GOLD went to number 14 on the Country Billbord Charts. When Barbara Mandrell cut it; it went to Number 1 in the US on both rock and roll and country charts.

I also contracted and produced a CD called Shades of Blue and Gray about the Civil War which was sold in National Parks Civil War Battlefield tourist centers. The demand for the CD increased to a volume that I could not keep up with the demand...I believe this qualifies me as a sound expert.

Trial counsel failed to qualify Hedrick and continued the questioning and/or failed to summons an outside sound expert to examine the recording.

The questions by Stapleton continued:

Q. When you were listening to the tape, were some of the words, as you listened to them, inconsistent with the way you talk?

A. Yes.

Q. Describe that.

A. A sudden burst of music at one minute & 58 seconds into the recording. (Dkt. 201-3 P. 1350 at 16-22).

In addition, as Stapleton states in the sidebar the tape recording had overlapping words, chopped and slurred words. All of these are consistent with poor dubbing, splicing and sound on sound overwrite's used in sound studio's.

"Defendant employed expert to examine tape and expert found

breaks and changes in the background noise. The failure to engage an expert, or use one properly, can be a basis for an ineffective assistance of counsel claim, or can otherwise be prejudice to the defendant." Brownlee v. Haley, 306 F.3d 1043 (11th Cir. 2002).

5. Trial counsel was ineffective by failing to call Dell Computer Expert Joseph Sa'ndor Voros to the witness stand to testify for the defense.

In re: Stewart v. Wilfenganger, 468 F.3d 338, 361 (6th Cir. 2006) the court ruled:

"Counsel's failure to investigate favorable witness or to call 2 additional...witnesses was prejudicial because testimony "would have severely undercut prosecutions strongest witness."

The Court of Appeals for the Fifth Circuit ruled the above failures of trial counsel to be ineffective assistance of counsel.

Wrongfully Assessed Restitution

"(4) The prosecution did not present to the jury any photographs that any of the government witnesses identified as being from the "Vicky" series, "Cindy" series, "Misty" series, or the "Jan-Feb" series. There are no references to any of these series that are connected to any individual photographs contained in the trial transcripts. Hedrick was assessed restitution in the amount of \$5,406,463.03 for these series's without them being presented or authenticated to the jury.

No government witness from the National Center for Missing and Exploited Children (MCMEC) testified to authenticate that the alleged photographs were real children or that they were a part of a series and not a computer simulation or recreation or regression.

The "Vicky" Series for which Hedrick was assessed restitution in the amount of 803,924.59 was "**withdrawn**" from evidence by the government on May 14, 2012 (Dkt 197 P 391 at 14-19). See COUNT FOUR AND EXHIBIT 00.

Ms Warsaw: ...there are a couple of them that were admitted on May 2 that the government is no longer going to offer. Those include Exhibit No. 55, a CD-ROM containing the Vicky series of images and a video. And we are also not going to be offering Exhibit 49 or Exhibit 50, neither of which were preadmitted.

Hedrick was wrongfully assessed restitution for the "Vicky"

series which was never introduced into evidence as well as all of the other series.

The failure of the prosecution to present these "series's" to the jury; then, turn around to use them to justify "huge" amounts of restitution violates "Hedrick's" right to confront each photo and series of photos alleged to be a part of that series as being authenticated as a real child and in the series and not a computer simulation etc. as well as the withdrawn video; whatever it was, under the Sixth Amendment to the Constitution of the Untied States. United States v. Davis, 393 F.3d 540, 548-59 (5th Cir. 2006), United States v. Mayer, 556 F.2d 245, 248 (5th Cir. 1977).

Trial counsel was ineffective and appellate counsel ineffective in taking this stronger issue on appeal. Ground Two, P. 57-58.

GROUND FOUR

Trial and appellate counsel were ineffective for not challenging the constitutionality of the \$5,406,465 in restitution that was assessed against Hedrick or the legal and statutory basis of how it was calculated.

(1) As discussed in Ground Two, the "Vicky" series for which Hedrick was assessed \$803,924.59 in restitution was withdrawn as evidence by the government on May 14, 2012 (Exhibit 00).

In addition, the government did not present to the jury any photographs that were to have been a part of the Vickie series, the Misty series, the Cindy series, or Jan-Feb series. No government witness from... (NCMEC) appeared to testify and authenticate that any photographs presented as evidence came from any of these series's. Or that any from these series's were in the possession of Hedrick. Nor did they appear to testify that any of the photos were of real children.

Hedrick's right to confront the authentication of each of these photos being a part of some alleged known series was violated. All restitution should be voided and none assessed.

(2) even if restitution were to be assessed by the court defendant's portioned allotment, was not properly calculated by the court.

(3) The prosecution did not identify nor did the court

consider the total number of individuals who have been ordered to pay restitution for possession of photos from any of these, in Hedrick's case, alleged series's of photos. Instead, the court ordered:

The Court: ...it is ordered that he is jointly and severally liable along with other defendants in unrelated cases for the full amount of restitution totaling \$5,406,463 (Dkt 205-1 P 1672 at 4-7).

Hedrick's case can be characterized by its chaotic events, tampering with evidence, manufacturing evidence, video's, voice fabrication, manufactured conversations, harassment, threats, assaults, attempted murder, serious and untreated medical injuries and a SMOKING GUN.

On December 1, 2014, Hedrick filed a "Motion to Compel the Return of Personal Property of Robert L. Hedrick as Previously Ordered by the Court and Sanctions for Failure to Comply with The Court Order". (Case No. 1:11-cr-715, Dkt 250).

On January 20, 2015 the Court issued it's order which states that:

"The Government responds that the property at issue has either been returned to Defendant or continues to be available for retrieving..." (Case No. 1:11-cr-715, Dkt 258).

The SMOKING GUN:

Included in the returned property (Returned to Hedrick's Attorney Edward Stapleton III) was an ATM Cash Receipt from an ATM machine loated in Van Nuys, California (APPENDIX B) for a withdrawal of \$20.00:

Van Nuys Housware
8533A Van Nuys Blvd.
Van Nuys, CA 91401
818-781-1441

Terminal # DAI05704

Sequence # 0849

Dated: 10/15/2011

Time : 14:28:38

Business date: 10/15/2011 \$22.00 with terminal fee

This receipt is dated 89 DAYS AFTER HEDRICK WAS ARRESTED, his property seized by Joseph Guy Baker, and placed in the ICE secure property room UNDER SEAL.

HOW DID THIS ATM RECEIPT GET INTO HEDRICK'S PROPERTY
SEIZED BY THE GOVERNMENT - 89 DAYS AFTER HIS ARREST?

This was discovered by Hedrick's sister after Stapleton returned the property to her, who noticed the date on the receipt as she took an inventory of the sealed records.

In December 2016, Hedrick requested information concerning the receipt from Stapleton and specifically how it got into the sealed property returned from Baker (the Gov't)? Stapleton replied on December 16, 2016 (Appendix C).

The person who "framed" Hedrick, fabricated evidence, and has been the person behind all of the attempts to murder Hedrick accidentally dropped that receipt, when conspiring with Baker, to "frame" Hedrick. Baker gave Alaniz access to the ICE Sealed Property Room at ICE. This receipt connects Baker and Alaniz to all of the attempts to murder Hedrick in the BOP. And who paid Dr. Patrick Craft et al (investigated by DOJ-OIA & FBI) to murder Hedrick. This is supported by facts, hard evidence, and witnesses who can be issued a subpoena to testify. The facts are clear and indisputable:

- 1) Someone tape recorded Hedrick's conversations to manufacture the detective/Hedrick phone call.
- 2) Someone deleted the "capture" software installed on the Blue Dell that resulted in the "virus" notice.
- 3) Someone dropped the Van Nuys ATM Receipt into Sealed Evidence Bag # 14 in the ICE Seal Property Storage Room.
- 4) Someone gave access to that person to the ICE Sealed Property Room.

That person was Joseph Guy Baker. Richard Alaniz "accidently" dropped the receipt while planting child pornography photos in Hedrick's sealed property.

This is why Warsaw fought to stop access to the Blue Dell Laptop and why Baker threatened Cunningham.

Federico Gonzalez (Inmate # 31225-177) will testify that Richard Alaniz owns a large home in Van Nuys, California. Sprint telephone records release to Hedrick (Appendix D) show that Richard Alaniz placed five (5) telephone calls to Van Nuys between 06/08/2007 and 06/09/2007 using the Blackberry phone assigned to him (656-455-2277).

This Van Nuys ATM Receipt is the SMOKING GUN that proves, without doubt, that Hedrick was "framed" and his case is not frivolous.

REASON FOR GRANTING THE WRIT

On June 8, 2021 the United States Court of Appeals issued its Judgement (**APPENDIX E**). On July 5, 2021, Petitioner filed a Petition for Rehearing. The Court of Appeals DENIED Petitioners Petition for Rehearing (**APPENDIX F**). In August 30, 2021, the Court issued its **MANDATE** on the judgment of the court on June 8, 2021 (**APPENDIX G**).

It is from this **MANDATE** that this Petition for Writ of Mandamus arises. With the filing of this Writ of Mandamus there are **NOW** two (2) Petitions for a Writ of Mandamus, filed by Hedrick before the Supreme Court which are based upon common events and issues:

- 1) Hedrick v. United States, William Barr, Michael Caravajal, No. ; No. 21-5039; USDC No. 1:20-cv-03591-RDM
- 2) Hedrick v. United States, Craft, Cunningham, Campbell, Williams, Stancil, Conyer, Rupska, Case No. ; App. No. 20-7036; USDC No. 5:19-ct-03302-BÖ.

I would request that the Supreme Court combine these two cases for a single decision. It makes both economical and judicial sense that this be done. This is a logical step due to the following:

- 1) The harassment, threats, assaults and attempts to murder Hedrick inside of the Federal Bureau of Prisons happened at every BOP facility he was sent to.
- 2) The failure of the Federal Bureau of Prisons Central Inmate Monitoring (CIM) Program in which Hedrick was placed because "You require separation from another/other individual (s) who may or may not be currently confined in the Bureau of Prisons for the mutual protection of all confined." (**Appendix H**).
These assaults are well documented in Hedrick's BOP Medical Records; in SIS records; in DOJ-Office of Internal Affairs and the FBI. These assaults at Butner II/FMC [Craft et al] resulted in hip, spine, calf, head and liver damage. The assaults at FCI Fort Dix resulted in additional injuries to Hedrick's spine, hip and head.

- 3. When the Court of Appeals for the Fifth Circuit VACATED Hedrick's conviction, Hedrick, in fact, was no longer a convicted felon.

Therefore, he was a private citizen awaiting a court order for the BOP to release him. as such, the harassment, threats, assaults and attempted murder are actionable thru direct complaint to the FBI which Hedrick has done! PLRA no longer applies to Hedrick.

Reason # 1: Did the Court Error in ruling that "the complaint failed to comply with Federal Rule of Civil Procedure 8(a)?

Rule 8. General Rules of Pleading

(a) Claim for relief. A pleading that states a claim of relief must contain:

(1) A short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim need no new jurisdiction support.

(2) A short and plain statement of the claim showing that the pleading is entitled to relief; and

(3) A demand for the relief sought, which may include relief in the alternative or different types of relief.

Court's have ruled on this issue:

"The liberal notice pleading standards under Federal Civil Rule 8(a) 'Do not require that a plaintiff specifically plead every element of a cause of action.'" Roe v. Aware Women Ctr. for Choice, Inc., 253 F.3d 678, 683 (11th Cir. 2001). The complaint must [2016 U.S. LEXIS 9] only "contain either direct or inferential allegations respecting all the material elements necessary to sustain a recovery and some viable legal theory." In re Plywood Antitrust Litigation, 655 F.2d 627, 641 (5th Cir. Unit A 1981). See also Bell Atlantic v. Twombly, 550 U.S. 544, 555-56 (2007).

Here it is sufficient that Hedrick alleged in the complaint that:

1. "The Bureau of Prisons is in DEFAULT under the provisions of 42 U.S.C. § 1997e(a) for failure to respond to the BP-9 (BP-229) or to request a 15 day extension to respond. The BP-9 was filed by Hedrick on November, 2017 [APPENDIX I herein] and received by the Warden. (See Exhibit A) to Original Complaint. The Warden acknowledged that no response was made within the response deadline until 19 days after the required response DEADLINE. Even if a 15 day extension had been granted; the response is still in DEFAULT. (See Exhibit B to Original Complaint. Butner Medium I FCI Acknowledged that no response was made within the response deadline; until 19 days after the response DEADLINE (APPENDIX J) Even if a 15 day extension had

had been; the response would still be in DEFAULT. (See Exhibit to Original Complaint.

Hedrick seeks damages in the following amounts (APPENDIX K):

"no action has been taken to treat the bloody sores on my head or for my 7-8 level back pain I suffer caused by Craft. This exhibits continued insensitivity and lack of medical care. The BOP is the proximate cause of these bloody sores. Craft disregarded the treatment plan of an outside dermatologist to inflict pain. My medical record shows the first sore appeared 01/10/2013 and has not been cured."

"For physical pain and suffering caused by the BOP and Craft I demand compensation of \$100/day from 01/10/2013 to 08/04/[20]17; the day Crafts actions actions for the bloody sores; \$200/day from 08/04/[20]17 to date and continuing at \$400/day.

Totals: 01/10/2013 - 08/04/17 (sores) @ \$100/day = \$166,700
08/04/2017 - current (sores) @ \$200/day = \$ 25,200
08/04/2017 - current (Back) @ \$400/day = \$ 50,400

To 12/08/17 = TOTAL = \$242,300

Continuing at \$700 per day until treated." Amended Complaint Page 8 of 10 VII. @ 9-17.

In VII. Relief Hedrick demands that:

"Due to failure to comply with 42 U.S.C. § 1997e(a) Hedrick seeks lifetime damages in the amount (to age 82 of \$30,684,900 for the injuries cause[d] by the deliberate actions of Dr. Patrick Craft who, in conspiracy with the other Defendants retaliated against Hedrick causing further physical injuries that Hedrick suffers that are described below.

As of the date herein neither the sores or the back injuries have been treated. It is crystal clear the Hedrick did demand BY DEFAULT for failure to respond." Amended Complaint Page 8 of 10 VII @ 29-33.

Reason # 2: Did the Court Error in ruling that "Plaintiff, Instead, makes several conclusory, fantastical, and nonsensical allegations which are insufficient to state a constitutional claim, in light of the FACT that on December 30, 2020 (APPENDIX A) Hedrick's conviction was overturned (VACATED) by the United States Court of Appeals for the Fifth Circuit?

It is a FACT that Hedrick was placed in the Central Inmate Monitoring (CIM) Program at FCI Victorville. (APPENDIX H); That is not a **frivolous** act on the part of the BOP. The threat was and is still real. Hedrick has suffered and been physically and mentally injured. Harassment, threats and serious assaults started 10 days after his trial and have continued for 11 years. These are FACTS that can be substantiated by issuing a subpoena or taking Written

Questions from DOJ-OIA Investigators, FBI Agents, DOJ-Criminal Division, BOP Officers, Staff and Contractors and the following inmates:

FCI Butner II/FMC

John Delco	25064-034	Arthur	14154-082
Myron Peleck	58891-052	Jeff Hicks	94886-279
Steven (Steve) Bush	19970-006	Darrell White	56358-056

FCI Fort Dix

Cassie Dill	27853-055	Michael Austin	76013-066
Rodney Spain	12455-056	Byron	95154-056
Valenta	35910-068	Ferando	65853-051
Charles Anthony Davis	15548-021	Michael Wilkerson	67860-066
Johnny Chaparro	45030-424	Chris Crank	91606-083
Kraeger	69684-067	Wayne Carter	14495-084
Shumaker	59309-019	Doug Crowley	91743-083
Robert Yates	93688-038	Harvey Cox	22623-171
Jenks	17701-035	Ming	44837-054
Paisley	21793-084	Jackie Bagley	63477-037
Rephwan Saleh	85571-054	Scott Sulik	21905-032
Alando Sublet	18301-033	Beamon	47902-066

All of these inmates will provide written affidavit and will also file a Certificate of Interested Persons and Corporate Disclosure Statement followed up by an Amicus Brief on the harassment, threats, assaults and attempts to murder Hedrick that they personally witnessed. This case is not frivolous.

The Court made an Error in ruling that the complaint was "frivolous":

"Plaintiff's filing is fragmented, fantastical and difficult to follow . . ." ("Hedrick has a history of filing pleadings in the district court and this court raising fantastic claims centering on a wide-ranging conspiracy involving a drug cartel, federal prosecutors, law enforcement, and a federal judge arising out of an effort to frame him on child pornography charges and murder him so that the cartel could import contraband into the country using Hedrick's cargo facility.")(quotation omitted). See Note # 1: "The Fifth Circuit, additionally, sanctioned plaintiff due to his history of frivolous, repetitive, and abusive filings. (citation omitted).

As noted in Appendix A the Fifth Circuit no longer considers Hedrick's filings frivolous. His conviction has been overturned and stating:

"To the extent that Hedrick is complaining about his access

to the law library and is alleging that prison officials or others are tampering with his mail, such claims are not cognizable in § 2255 proceedings....To the extent that Hedrick is challenging his conviction based on substantive claims that a conspiracy framed him and is attempting to silence him, we decline to consider such claim." APPENDIX A, P. 2 @ 23-29. (citations omitted).

A petitioners complaint is not frivolous if that complaint presents a substantial question and supports that complaint with legal points arguable on their merits. "...the district court properly dismissed the complaint as frivolous...district court may dismiss as frivolous a complaint whose factual allegations "rise to the level of irrational or wholly incredible." (Citations omitted). Other courts have disagreed. "Pleaded facts which are merely improbable or strange, however, are not frivolous..." Ancar v. Sara Plasma, Inc. et al, 964 F.2d 465; 1992 U.S. App. LEXIS 14856; 1992-Trade (CCH) P69r889; No. 92-2003 (June 30, 1992).

Hedrick has acted and filed his complaint in good faith in expectation of a fair review by the district and appellate courts. In re Howard v. King, 707 2d at 220 (5th Cir. 1983) the court ruled that "a party demonstrates good faith when he seeks appellate review of any non-frivolous issue, but he need not show probable success on the merits. The reviewing court may only examine whether the appeal involves "legal points arguable on their merits." Id. (quoting Anders v. California, 386 U.S. 738, 744 (1967).

The United State District Court for the Southern District of Texas, Brownsville Division, 600 East Harrison Street, # 101, Brownsville, Texas 78520, In re United States v. Hedrick, No. 1:11-cr-715; No. 5:17-cv-36 is currently investigating the "harassment, threats, assaults and attempts to murder Hedrick at all locations within the BOP and in specific FCI Fort Dix. The United States Attorney, 1100 Louisiana, Suite 2300, Houston, Texas 77002 (713-567-9568) has responsibility for this investigation.

On January 29, 2021, Hedrick filed a Motion For Compassionate Release (Dkt. 387) for the purpose of investigating the attempts within the BOP to murder him over the past 11 years and at FCI Fort Dix specifically. On February 1, 2021 the Court ruled

(APPENDIX L) that "The Government is ORDERED to file a response to Defendants' motion (Dkt 387) by February 16, 2021."

On February 15 2021, (Dkt. 391) the Government filed Government's Motion to Obtain Copy of the Sealed Presentence Investigation Report and Accompanying Addenda, (APPENDIX M) requesting that:

"The United States of America...moves this Honorable Court to direct the United States Probation Office to make available and/or provide a copy of the sealed Presentence Investigation Report (PSR) to the government...." Page 3 @ 11-14.

On February 15, 2021, the Government filed Government's Motion for Extension of Time to File Response to Defendants's Motion for Compassionate Release. (APPENDIX N) stating:

"The government is still waiting to receive requested records from the Bureau of Prisons to assist in preparation of its response. The government has also filed a separate motion to obtain a copy of the sealed presentence investigation report in this case (Dkt. 391), which will further assist the government in preparing a comprehensive response. The government has not had the opportunity to consult with Defendant regarding his position on this request for extension of time." Id. Page 1 @ 17-25.

On February 18, 2021, (Dkt. 393) the Court issued its ORDER (APPENDIX O):

"Moreover, the Government explains that an extension of time is required to allow review of the sealed PSR (Dkt. 163) and additional yet-to-be-received records from the Bureau of Prisons. (Dkt. 392 @ 1.) Finding that good cause exists for both requests, the Court concludes that the Government should be permitted both electronic access to Defendant's sealed PSR (Dkt. 165) and an extension of time to file its response." See Fed.R.Crim.P. 45(b) Id. Page 1 @ 16-19; Page 2 @ 1. "It is further ORDERED that the deadline for the Government to file a response to Defendant's Motion for Compassionate Release (Dkt. 387) is EXTENDED to March 19, 2021. Id. Page 2 @ 7-8.

On March 3, 2021, Hedrick filed a motion with the court to prevent the BOP from refusing to provide his records within the BOP and within SIS titled Freedom of Information Act/Privacy Act (FOIA/PA) and Court Order Dated February 18, 2021. In this motion (APPENDIX P) stating:

"I absolutely desire that the United States Attorney's Office have all of my records within the Federal Bureau of Prisons and investigative offices at the Department of Justice and the Federal Bureau of Investigations and in specific in the FBI Richmond, Field Office (See below) and in the possession of the BOP.

On March 5, 2021, Hedrick filed a Request to Grant U.S. Attorney Additional Time to Respond for an additional 14 days (APPENDIX Q) explaining:

"It is important that the U.S. Attorney have ALL documents in the custody of the Federal Bureau of Prisons et al. to make a truthful, adequate and complete response. The attempts to harass, assault and/or murder me continued this week."

On February 12, 2021, The Department of Justice/Office of the Inspector General responded to my complaints concerning the assaults on me at Fort Dix (APPENDIX R) stating:

"Thank you for your correspondence dated 03/09/20. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the matters you raised are more appropriate for review by another office within the DOJ. Therefore, we have forwarded your correspondence to: Federal Bureau of Prisons Office of Internal Affairs."

On March 14, 2021 (APPENDIX S), as the assaults continued. Hedrick filed a Request for a Court Order to the U.S. Attorney, Houston, Texas to contact the Federal Bureau of Investigation (FBI) in Washington DC and the Special Agent-in-Charge, Agent Schoffstall, FBI Field Office, 1970 E. Parham Road, Richmond, VA 23228 Who Has Been Assigned as Hedrick['s] Agent Since 2015 to Bring Criminal Charges Against Fort Dix SIS Officer Atkinson for Violations of Title 18 U.S.C., The United States Criminal Code. Charges as Applicable.

Michael Wilkerson, Dixon and SIS Officer Atkinson are under investigation by the Department of Justice Criminal Division in Criminal Investigation No. 4297960. The following witnesses can be called to testify to these incidents: BOP Officer Cutler, Lt. known as "Ms. G", AW Smith, BOP Officer J. Sanchez and Officer T. Brito.

On March 23, 2021 (APPENDIX T) Acting U.S. Attorney Jennifer B. Lowrey and Carrie Wirsing, Assistant U.S. Attorney, for the Southern District of Texas, filed the Government's Second Motion for Extension of Time to File a Response to Defendant's Compassionate Release Motion (Dkt. 404).

On March 23, 2021 (APPENDIX U) the Court issued its ORDER ruling:

"...the Government requests that the Court extend the deadline to file a response to Defendant's compassionate release motion (Dkt. 387) to at least March 29, 2021. (Id.)

"Having considered the Government's motion (Dkt. 404), the Court concludes that the Government's failure to respond by March 19, 2021 was due to excusable neglect. See Fed.R.Crim.P. 45(b)(1)(A). The Court also concludes that good cause exists to further extend the response deadline. See Fed.R.Crim.P. 45(b)(1)(A).

For the foregoing reasons, the Court hereby EXTENDS the deadline for the Government to respond to Defendant's Motion for Compassionate Release (Dkt. 387) to March 29, 2021. The Court

further DENIES as MOOT Defendant's "Request to Grant U.S. Attorney Additional Time to Respond" (Dkt. 401) because the Court concludes that the additional time to respond granted here appropriately resolves Defendant's request. Page 1 @ 16-23; Page 2 @ 1.

The Court also noted: "Defendant requested a 14-day extension to the Court's original March 19, 2021 deadline (Dkt. 401 at 1.) The Court finds that the extension granted in this Order is sufficient to allow the Government to make a "truthful, adequate and complete response." (See Id.) Note 1, Page 2.

In April 5, 2021, Hedrick requested that the Court GRANT another Extension of Time Until April 30, 2021, (APPENDIX V) due to a potential release of BOP inmates when a decision in United States v. Davis, No. 1:10-cr-00041-JRN-BKE on Appeal No. 10528 (11th Cir. Feb 2, 2021).

The Assaults Continue

On April 29, 2021, Hedrick filed **Evidentiary Declaration # 1 - Identification of Witnesses**, (APPENDIX W) which identifies **Frederico Gonzalez** (31225-171) and 14 members of his Mexico/U.S. Drug & Weapons smuggling operation who **will** testify that **Richard Alaniz** is a **Master Planner** for the Colombian Drug Cartel's who wholesale distributes cocaine and automatic weapons and armaments in both Mexico, Latin America and the United States. Alaniz has an apartment in Bogota, Colombia, a house on the Brownsville Golf Course [verified - Gonzalez], an "under ground house near San Antonio [verified by Gonzalez] and a house in Van Nuys, California [new evidence by Gonzalez]. He has offices in 5 Mexico cities and in Panama City (3 verified by Hedrick/Nuckols/Robertson). Gonzalez's testimony outline (APPENDIX X)

On May 13, 2021 (APPENDIX Y), Hedrick was assaulted [Witnessed by Harvey Cox - 22623-171] and suffered severe injury to his spine, hip and calf's [documented in medical records].

In May, 11, 2021 (APPENDIX Y), I was in the shower on the 1st Floor about 7:00 pm when someone, who I did not know, yelled at me. "Why don't you drown yourself and die!" I looked thru the top 1/4 of the shower curtain which is clear plastic and asked "Who is that?" No answer!"

On May 13, 2021, a follow-up assault occurred.

"At 12:00 when lunch was called for Bldg. 5751, we exited out of the back door. The officers use two (2) rocks to keep the door open. One of the rocks is the size of a softball; it was not under the door, but in front of the door. I was pushed and stepped on it; it rolled and I hit my back and hip on the edge of the step; injuring my back, hip and calf. Page 1.

I reported it to Dr. Patel in medical and the AW of Safety.

At my appointment with Dr. Patel, no x-rays were taken, no MRI or CAT Scan was done. Instead, Patel told me to rub the "Capsaicin Cream 0.025%" that was prescribed by Patel for my back injury FROM Butner: instead of the operation that FMC Butner

instead of the operation that FMC Butner ordered.

An Additional Assault on July 3, 2021 at 1:45 pm occurred. I was assaulted by inmate Ralph Cassius (aka Marine) (APPENDIX Z) who:

"...assaulted me in the room allotted for legal work while I was on this typewriter typing legal work. He ripped the paper out of the typewriter, spilled coffee on me and yanked the typewriter out of my hands on the desk. When I stopped him from smashing the typewriter he verbally assaulted me and threatened physical harm.

There are five (5) witnesses to this assault. "Marine" works directly for Dixon out trash 3 times per day.

When this assault failed a more carefully planned assault was devised (APPENDIX a).

Dixon, Atkinson and the head of Education Brian Womack, with the assistance of Lt. W. Hampton devised a way to have me killed (APPENDIX b).

Womack posted on TRULINKS that I was scheduled to take the Final Exam for a GED Class at Education. This schedule was a fraud because it showed that I had already completed 4 parts of the 250 hour GED class and was Test Ready. I did not spend one single minute in that class.

When I went to Education to challenge this, I was set-up to be put into the SHU for seven (7) days because I refused to take the test. My PSR, a copy of which is in Unit Team and my BOP records clearly show that I graduated from Waxahachie High School in 1969 and Texas A&M University in 1973.

Dixon and Ainsworth attempted to write me a "SHOT" which failed because Waxahachie High School sent a copy of my High School Transcripts and Diploma directly to Ainsworth. See Evidence In Support of Supplement to Complaint of Harassment, Threats, Assaults & Attempted Murder (APPENDIX a).

However, I was put into the SHU for 7 days in a cell with an inmate who was told to kill me. He said that he had killed two inmates with sex offenses at Victorville. He said that he was told by the SHU officer that he was putting me in the cell with him so he could kill me and the officers would let it happen. He refused to do so because for the first time since he was 21 years old (now over 50) he was going home without a jail sentence pending. This was witnessed by Officer Williams, who was assigned to the SHU at the time, and Unit 5752 Manager Ebinger who came to get me out of the SHU.

While at Butner FMC I requested under the Freedom of Information Act all of my records contained in my Unit Team File. Matthew Meliady, Regional Attorney for the BOP released 85 pages of my Unit Team Files. In September 29, 2021, showed Unit Team Counselor Ainsworth a copy of my Inmate Skills Development Plan - Program Review: 05/13/2015 (APPENDIX d) which shows: Facility - PEM; Assignment - GED HAS; Description - COMPLETED GED OR HS. DIPLOMA: Start Date - 04-06-2013; Stop Date - CURRENT.

Ms Ainsworth, then, looked in my Unit Team File and found the BOP-Unit Team Copy of not only this one but those from every Unit Team - Six Month Evaluation I have had. The harassment and illegal confinement in the SHU to murder me is proved by this hard evidence.

On August 2, 2021, Hedrick filed a Supplement to Complaints of Harassment, Threats, Assaults & Attempted Murder (APPENDIX c) in the case. These are assaults that have been investigated and proven by evidence to be true.

Richard Alaniz instigated these attacks. Dr. Patrick Craft and the other defendant's in this case were paid or influenced to harass, threaten, assaults and attempt to murder Hedrick. At Butner II/FMC; the Department of Justice, Office of Internal Affairs investigate Craft finding that he did, in fact, assault Hedrick. As a result, Craft was turned over to the FBI for investigation, arrest, indictment and trial.

3. Did the Court Error in ruling to dismiss "...plaintiff's claims arising at the Federal Correctional Institution Fort Dix, for improper venue" when in fact the assaults on Hedrick occurred at all facilities that Hedrick has been incarcerated at since FCI Victorville to and including FCI Fort Dix?

The Federal Bureau of Prisons is an agency of the United States Government which is located in the District of Columbia. The harassment, threats, assaults and attempts to murder him occurred in Texas, California, Virginia, North Carolina and New Jersey. Although an appellate court "...is required to make independent evaluation of facts to determine whether accused received a fair trial unfettered by outside influences." Tasby v. United States. (1974 CA 8 Ark), 451 F.2d 394 Cert. Den (1972) 406 U.S. 922. All of these BOP facilities have two things in common. At each one Richard Alaniz sent or paid for individual's including BOP Officers, Staff, Contractor's and inmates, to harass, threaten, injure or murder him. These threats originated from outside of the BOP and have followed Hedrick from circuit to circuit. So, where does venue lay? This is a continuous string of threats from Victorville to Fort Dix. Hedrick's two cases now before the Supreme Court should be consolidated into one case. See Page 19 at 16 - 38.

The All Writs Act

"The common-law writ of mandamus against a lower court is codified at 28 U.S.C. § 1651(a): The United States Supreme Court and all courts established by Act of Congress may issue all writs

necessary or appropriate in aid of their jurisdiction and agreeable to the usages and principles of law. This is a "drastic and extraordinary" remedy reserved for really extraordinary causes. The traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal courts has been to confine the court against which mandamus is sought to a lawful exercise of its prescribed jurisdiction. Although courts have not confined themselves to an arbitrary and technical definition of "jurisdiction" only exceptional circumstances amounting to a judicial "usurpation of power", or a "clear abuse of power", or a "clear abuse of discretion" will justify the invocation of this extraordinary relief."

Petitioner believes that the Court has the jurisdiction under the **All Writs Act** to combine the two (2) cases now before the Supreme court to see the "entire" set of facts and evidence.

4. Was the Bureau of Prisons in **DEFAULT** of its **Administrative Remedies Program** (aka 8, 9, 10, 11 **Tort Claim**) system by "failing to respond" in accordance with the programs "TIME LIMITS" to respond to Hedrick's Complaints?

Default Judgement

The district court actually ERRED when it classified the **Nature of Suit: 2555 Prison Conditions action**. It is not and never was!

This case is a request for a **DEFAULT** order to the BOP. The Bureau of Prisons is in **DEFAULT** of the Bureau of Prisons **Administrative Remedy Program** Under Program Statement OPI/CIT Number 1330.13 (January 6, 2-14). The court does not have to speculate. The BOP has already been given the opportunity to respond to Hedrick's BP-8, BP-9(BP-229)(**IN DEFAULT**), BP-10, BP-11, and BOP **Tort Claim**. The large number of exhibits filed with Hedrick's complaint are all a part of the internal BOP **Administrative Remedy Program** which is in **DEFAULT**. The "time limits" in the BOP **Administrative Remedy Program** are:

<u>BOP Form No.</u>	<u>BOP Time Limits</u>	<u>Processed to:</u>
BP-8	10-Days	Unit Team Co-insler
BP-9 (BP-229)	15 + 15 Days	Warden
BP-10 (BP-230)	30 + 30 days	Regional Director
BP-11	30 + 30 Days	Central Office
BOP Tort Claim	Six Months (180 Days)	BOP Legal Counsel

If the BP-9 to BP-11 are DENIED the inmate must file an

"internal" BOP Tort Claim within 6 months of the denial of the BP-11. If dissatisfied with the BOP's decision the inmate will can file a Tort Claim in the district court. This Tort Claim for DEFAULT judgment, under the provisions of 42 U.S.C. § 1997e(a), is that appeal. The BOP is in DEFAULT of its own Administrative Remedy Program in that the Warden at FCI Butner did not respond to; nor request an extension of 15 days to respond to Hedrick's BP-9 (BP-229). See Amended Complaint Page 8 of 10 @ 9-30. See APPENDIX J & APPENDIX K.

Warden Andrews admitted that he did not respond until 19 days after the statutory deadline to respond (15 days) and even if he had requested the extension of 15 days he would still be in DEFAULT. Although Hedrick allowed the BOP to respond by filing BP-10 thru Tort Claim, the BOP did not deal with the issues. This does not change the fact that the BOP was in DEFAULT.

In re: Boyd v. Corr. Corps. of AM, 380 F. 985 996 (6th Cir. 2004)(Holding that Administrative Remedies are exhausted when prison officials fail to timely respond to properly filed grievance; through distinguishing a case where the prisoner could process without a decision.

The courts have further ruled:

"The Administrative Procedures Act (APA) provides generally that [a] Person suffering legal wrong because of agency's action or adversely affected or aggravated by agency action within the meaning of relevant, statutes is entitled to judicial review thereof."

The court further ruled:

Title 5 U.S.C. § 702 - The APA is not a grant of jurisdiction to Federal Courts. They have jurisdiction of APA claims under General Federal Question jurisdiction of 28 U.S.C. § 1331. Kane v. Winn, 319 F. Supp. 2d 162, 210 (D. Mass 2004)(citing Califano v. Sanders, 430 U.S. 99, 105 (1977)).

There are only two issues in this case:

- 1) The BOP is in DEFAULT of the ARP and Hedrick's DEMAND for Compensation is by DEFAULT; and
- 2) Under "Bevins" BOP officers [Craft et al] can be held criminally accountable for Hedrick's physical and mental injuries.

The moment that Hedrick was "attacked" and physically injured and still suffers from those injuries [proven by medical records]

which was set-up by Alaniz/Craft the term "frivolous" lost any legal standing since in each court case Hedrick has argued consistently, that the attacks started 10 days after his trial and continue to the current date! The hard evidence is in the files of FCI Butner SIS Officer Lt. Lloyd! With the arrest of three "two-man" hit teams sent to kill Hedrick and the SMOKING GUN a reasonable man would not call what happened to Hedrick frivolous!

The court makes specific reference to:

"The Fifth Circuit, additionally, has sanctioned plaintiff due to his history of frivolous, repetitive, and abusive filings" See Hedrick, 735 F. App'x at 164. United States v. Hedrick, 433, 434 (5th Cir. 2016), Mandate. (APPENDIX F) Page 2 Note 1

The "truth" is "repetitive" because it can be noting else.

Neither the district court, the appellate court nor the Supreme Court can explain away the existence of an ATM receipt from Van Nuys, California in the "sealed" evidence bag # 14 stored at ICE in Brownsville, Texas that is dated 89 days after Hedrick was arrested. (APPENDIX B)

In re Employee Painters' Trust v. Ethan Enters, 480 F. Supp. 993, 207 U.S. App'x LEXIS 6957 (9th Cir. Mar. 166 2007) the court ruled that "... amended complaint qualified as a pleading subsequent to original complaint!!! it was immaterial whether amended complaint asserted new or additional claims."

The Clerk of the Court failed to enter an order for default pursuant to Fed.R.Civ.P. 55(a). See Enron Oil Company v. Masonori Diakoharia, 10 F.3d 90 95 (2d Cir. 1993).

The court should order the district court to enter an order of DEFAULT judgement!

5. Did the Court violate Hedrick's Eighth Amendment rights to "access to the courts" and was Hedrick subjected to "cruel and unusual punishment" with "deliberate indifference" by the BOP Officer's who are the subject matter of Hedrick's BP-8, BP-9, BP-10, BP-11 and Tort Claim for default judgement!

Access to the Court & Cruel and Unusual Punishment

In attempting to avoid having to make a hard decision in favor of Hedrick, based on DEFAULT by the BOP, the district court used the excuse "frivolous" to DISMISS the case. Now that

Hedrick's conviction has been overturned it proves that Hedrick's arguments were not frivolous.

"The right to access to the courts not only protects the ability to get into court; but to ensure that such access be adequate, effective, and meaningful." Christopher v. Harbury, 536 U.S. 403, 415 n.2 (2006 App. LEXIS 30)(Harbury 111)(citations omitted). See Harbury v. Deutch, 344 U.S. App. D.C. 63)

Hedrick was denied access to the court and to make an argument that was "adequate, effective and meaningful" by the Clerk using Fed.R.Civ.P. 8(a) before the complaint was served by the Court or USMS as requested by Hedrick under PLRA and as "indigent". The Eighth amendment protects an inmates right to medical care. The Supreme Court explained that this is because:

[a]n inmate must rely on prison authorities to treat his medical needs: if the authorities fail to do so, those needs will not be met. Estelle v. Gamble, 429 U.S. 97, 103 (1976).

Medical records clearly show that, not only were plaintiff's medical needs not treated at FCI Butner II/FMC [nerve, spine and back injuries]: but continued **not to be treated** at FCI Fort Dix where assaults resulted in additional untreated injuries.

Dr. Patrick Craft caused [by denying prescribed medications] treatment of Hedrick's serious medical needs that were diagnosed by the Veteran's Administration as a U.S.A.F. active duty combat injury/disability that requires continuing treatment as well as his Type II Diabetes mellitus. USDC Exhibit T. Page 2 @ 35-54; Page 3 @ 1-15. See Hill v. DeKalb Reg'l Youth Det. Ctr., 40 F.3d 1176, 1187 (11th Cir. 1994).

The failure to treat Hedrick's existing medical injuries suffered in the physical assaults at Butner and Fort Dix resulted in further significant injury and the unnecessary and wanton infliction of pain in violation of the Eighth Amendment. Estelle, 429 U.S. at 103; Jett v. Penner, 429 F.3d 1091, 1095 (9th Cir. 2006).

In Hedrick's case the court must look at:

(1) Whether a reasonable doctor or patient would consider the need worthy of comment or treatment;

(2) Whether the conditions significantly affects daily activities; and

(3) Whether Hedrick has Chronic and serious pain."

Hedrick meets all of this criteria which the district court ignored. Dr. Craft's actions and the "assaults" aggravated all of Hedrick's injuries and added more.

Dr. Patrick Craft and AW Rupska were fully aware of Hedrick's medical injuries with full access to his medical records. They knew Hedrick's medical needs and "deliberately" failed to respond to them! In fact, the evidence shows that they were not only "deliberately indifferent"; but, in fact, "engineered" this "pain and suffering" as a part of the attempts to murder Hedrick. See also Scott v. Ambani, 577 F.3d 642 (6th Cir. 2009); Spruill v. Gillis, 372 F.3d 218 (3d Cir. 2004); Meloy v. Bachmeier, 302 F.3d 845, 849 (8th Cir. 2002).

Bureau of Prisons Correction Officers Campbell, Cunningham, Stancil, Williams and others yet to be identified conspired to interfere with Hedrick's treatment causing additional pain and mental stress by assisting other inmates to attempt to murder Hedrick and Steven Bush (19970-006): witness to Hedrick's assault. Hedrick was denied his constitutional right to medical treatment for a VA Disability (Pars Interarticular anterior fracture defect @ L-2) caused by an active duty (U.S.A.F.) injury! Therefore, Section 1983 applies to this action.

Dr. Patrick Craft holds a medical license to practice in the State of North Carolina and uses this license to practice at FCI Butner as a contractor to the BOP! Accordingly, Craft's illegal acts were accomplished "under color of state law". If not for the State of North Carolina license to practice medicine within the State of North Carolina Craft would not have qualified to work for the BOP at Butner II/FMC.

BOP Officer's Campbell, Cunningham, Williams, SIS Officer Conyer and Associate Marden Rupska entered into a "campaign of harassment" to retaliate for Hedrick and Bush's exposure of the involvement of Craft in the attempts to murder Hedrick; resulting in the physical attack by inmates on Steven Bush [See SIS Lt. Lloyd]. Calhoun v. Hargone, 312 F.3d 730 (5th Cir. 2002); Witte v. Wisconsin Dept. of Corrections, 434 F.3d 1031 (7th Cir. 2006).

This case also reaches the threshold under Bevins v. Six Unknown Named Agents of Federal Bureau of Narcotics. 403 U.S. 388 (1971) in which the Supreme Court established the right to bring a lawsuit for money damages against individual law enforcement officials acting under color of federal law, for violations of constitutional rights. Both of the two main elements of a Bevins action are met in Hedrick's case:

- (1) A federal actor [BOP Corrections Officer's and a Contract employee] assaulted Hedrick, and
- (2) these acts were unconstitutional.

Craft was Hedrick's assigned medical care physician and knew all of Hedrick's chronic injuries and chronic pain. "Again, the courts are crystal clear:

"The existence of chronic and substantial pain, itself, demonstrates a "serious medical need". Lavender v. Lambert, 242 F. Supp. 2d 821, 845 (D.C.Or 2020).

"Infliction of physiological pain can violate 8th Amendment prohibition against cruel and unusual punishment." Perkins v. Kansas Dept. of Corrections, 165 F.3d 803 (10 Cir. 1999). See also Newman v. Alabama, 503 F.2d 1320, 1331 (5th Cir. 1990); Tillary v. Owens, 719 F. Supp. 1256, 1265-06 (S.D.Pa 1989); Inmates of Occupan v. Barty, 717 F. Supp. 854, 867 (D.D.C. 1989); Lightfoot v. Walker, 486 F. Supp. 504, 522-24 (S.D.Ill 1989).

Prison officials can be held liable even from the advice of prison medical officers if it is obvious, even to a lay person, that a person is in need of hospitalization or other critical medical care." McRaven v. Sanders, 577 F.3d 974 (8th Cir. 2006).

Bevins also established the right to bring a lawsuit for money damages against individual law enforcement officials acting under color of federal law.

Compensatory damages is the money value of the harm or injury caused by a violation of the Plaintiffs rights. They are not Discretionary if an individual proves that a violation of his rights caused the injury as it is in Hedrick's case. The court has also been crystal clear:

"The violation must have been the 'proximate cause' of the injury which mean that except for the constitutional tort such injuries and damages were the reasonable consequences of the acts or omissions in issue." Jackson v. Sauls, 206 F.3d 1156, 1186

(11th Cir. 2000).

"Champion v. Outlook Nashville, Inc., 380 F.3d 893, 906-07 (6th Cir. 2004)." "Affirming prisoners pain and suffering and awarding \$900,000 in damages."

"Rangolan v. Court of Nassau, 370 F.3d 239, 245-247 (2d Cir. 2004). Awarding \$300,000 for past pain and suffering resulting for prisoners injuries suffered in an assault."

"Consolo v. George 58 F.3d (1st Cir. 1985) "Affirming damages in an unpublished amount for pain and suffering resulting from denial of medical care." See also H.C. by Hewatt v. Jarrod, 786 F.2d 1080, 1083, 1087 (D.Kan 1984). Craft is a contractor or Private Provider:

"Employees of private provider who did not act on diabetics's need for insulin could be found deliberately indifferent" Hicks v. Frey, 922 F.2d 1450, 1456-58 (6th Cir. 1993) "Upholding judgement against employee and dismissal against corporation." Natale v. Camden County Correctional Facility, 318 F.3d 575, 582-83 (3d Cir. 2003).

Negligence

Dr. Patrick Craft and Associate Warden Rupska failed to use reasonable care! They had a duty to do so in their medical positions with the BOP: breached that duty and caused the pain, suffering and injuries to Hedrick's back, spine, head and nerve damage in both legs! In addition, they aided and abetted three (3) two men' hit teams to attempt to murder Hedrick and Bush! One of the members of these "hit teams" was Damian (DOM) Gasdaska witnessed by Steven Bush (19970-006), Castleberry, John Deico (25064-034), Arthur (14154-082), Jeff Hicks (94886-279) and Darrell White (56358-056) and others! Then they attempted to get to Hedrick in the SHU by threatening a BOP Officer and his family! The BOP SIS, the FBI and local law enforcement caught one of the "hit teams" sent by Richard Alaniz, Cameron County, TX Sheriff Omar Lucio and Burg Cartel Capo Pena!

Intentional Inflection of Emotional Distress

As a results of 11 years of harassment threats assaults and attempted murder that increased in frequency at Fort Dix Hedrick has had to seek mental care from FCI Fort Dix Captain D. McCleney, USHS once a month for the past two years! A subpoena can be issued for these records Hedrick suffers from high anxiety, sleeplessness, stress and high blood pressure, In re Thompson v.

Opeiu, 74 F.3d 1492 (6th Cir. 1996) the court ruled that "Damages for emotional distress may be appropriate where plaintiff suffers sleeplessness, anxiety stress" "See also United States v. Figueroa-Ecarnacion, 343 F.3d 23 (1st Cir. 2003).

Default Judgment

Fed.R Civ P. Rule 55. Default: Default Judgment

(a) Entering a Default. When a party whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that further is shown by affidavit or otherwise, the clerk must enter the party's default.

(b) Entering a Default

(2) By the Court. In all other cases, the party must apply to the court for a default judgement.

(d) Judgment against the United States, its officers, or its agencies only if the claimant established a claim or right to relief by evidence that satisfies the court

This case was filed in accordance with Rule 55 (a); (b)(2) and (d) for entry of a default judgment against the United States, the BOP and Officers and contractor to the BOP. Nothing more. The District Court and the Court of Appeals made an ERROR in it being anything more than that.

SUMMARY

Hedrick brings this appeal to the Supreme Court of the United States in good faith. Sometimes the truth is greater than fiction. The courts have ruled that Hedrick's argument's are "repetitive". That is a true fact. They are "repetitive" because TRUTH is the TRUTH. Honorable men and Texas Aggies tell the truth beyond all else. It is our creed

In ruling that Hedrick's argument's are "repetitive" the courts, themselves confirm that Hedrick's arguments are consistent, without deviation except for the new evidence of attempts to murder Hedrick. The courts have failed to question any of the "first hand" witnesses, examine any of the evidence, or even demand that the government reply or defend themselves. Ask yourself why? Hedrick is willing to take a polygraph test on any

aspect of these proceedings. Will the BOP officer's, and in particular Dr. Craft or SIS Officer Conyer.

Even the main witness David Turnage, has not been questioned by any federal intelligence agency. Why not? What is the Government afraid of? The truth?

The investigation reports made by BOP-SIS at Victorville, Petersburg, Butner II/FMC and Fort Dix are available by subpoena. The FBI and The DOJ-BOP-OIA investigation reports are available by subpoena. Again, What is the Court and the Government afraid of? The truth?

The truth is what the justice system is supposed to be about? Isn't it?

If we, as American's, let the truth be denied; then what America stands for is lost. We become an anarchy and will slip into chaos. That is what China, Russia and North Korea are! Is that our fate?

I would pray that the Court overturn the decision of the lower courts and order the district court to issue a DEFAULT Order against the BOP and awarding the damages sought by Hedrick.

all

November 17

DATED: October 27 2021

Respectfully submitted,

RHS & LHD

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PROOF OF SERVICE

November 17, Robert L. Hedrick, do swear or affirm that on this date October 27, 2021, I have served the above document on the Solisitor General of the United States, Department of Justice, 950 Pennsylvania Ave, NW, Room 5614, Washington, DC 20530-0001 by deposition an envelope containing the above document in the United States mail [Prison Mail Box Rule] properly addressed with first-class postage prepaid.

RHS & LHD

Robert L. Hedrick Pro Se