

No. 8:26-CV-3353

**21-7175**

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SUPREME COURT U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

Keith Smardon Pro-SE - PETITIONER  
(Your Name)

vs.

Fifth Circuit Court of Appeals - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fifth Circuit Court of Appeals, Attn: Nelson et al.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Keith Smardon  
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(1)

## QUESTION(s) PRESENTED

Was the lower Court correct to deny my Petition For Writ of Mandamus seeking 5<sup>th</sup> Circuit be ordered to order Lower HHDJ Cain, Lake Charles County Court to do his duty and consider the totality of Plaintiff's / Petitioner's / Appellant's evidence and argument supporting his timely filed motion to amained and or correct the 1986/7 order of HHDJ Vernon dismissing Plaintiff's subject Civil Rights Money Claim pursuant to the prior 1986 5<sup>th</sup> Cir't order's Nos **87-4401 & 87-0394** permitting Plaintiff's said motion which HHDJ Cain refused to do in contravention of Due Process, U.S Constructional Law abusing his judicial discretion and the court process which arguably is arguably obstruction of justice causing injustice and denial of Plaintiff's access to the court to Plaintiff's prejudice, discrimination and detriment which abused the "inalienable-rights" stated in Declaration of Independents contravening the 5<sup>th</sup> and 6ths Amendments ion the cause and interests of justice on grounds Cain DJ refused to do his duty in this regard and the 5<sup>th</sup> Circuit wrongly ignored he law requiring HHDJ Cain to do his duty. In so doing both DDJ Cain and the 5<sup>th</sup> Circuit wrongly overruled Congress's said Statutes for which they had no jurisdiction particularly when the 5<sup>th</sup> Circuit knew the underlying criminal conviction in Case WWS-83-CR-0213 -Fraud Conviction and & 83-CR-0932 – bail jumping convictions, upon which the subject 3333 case, arose from the prosecutorial wilful obstruction of justice – a judicial crime resulting from said Prosecutor's and Postal Inspector's fruit of the poison tree the rout of which lays in their concealing defence evidence form the Grand jury and the Federal Court which FPD's Office refused to investigate or present to the Presiding Federal Judge proving indictment false and contrived as argued in Plaintiff's Sec 2255 Habeas Corpus which this court well knows all lower courts in this case, save one, have wilfully and illegally supressed and

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concealed which a reasonable jurist would find abused not only U.S Constitutional Law but also International Human Rights Law when all lower court's refuse to consider the Defendant's illegal action contravened the 1948 Universal Declaration of Human Rights adopted by the U.S Government when this and lower Court knew defendant's subjected Plaintiff to torture of false imprisonment when wilfully subjecting Plaintiff the Federal Policies of Penal Servitude and punishment in a federal prison when in the Civil Immigration detention which they did without an order from a court of Competent jurisdiction. If the FPD's office had done their proper duty Plaintiff would not have suffered as he and his family internationally have. In support HHDJ Cain and the 5<sup>th</sup> Circuit by denying all lower appeal to date have condoned and conspired in the said Prosecutor's and Postal Inspectors obstruction of justice. Therefore, this court in law must set-side all lower court orders and reinstate Plaintiff's Civil Rights Money claim as a mater of law and fact and order an assessment of damages hearing for with via ZOOM conference. To und0 the lower judge's insult to the U.S Constitution and U.S Treaties.

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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.

**OPINIONS BELOW**

**[ ] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix A 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 \_\_\_\_\_ 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 highest state court to review the merits appears at Appendix \_\_\_\_\_ 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.

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## JURISDICTION

### [ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 12-07-2021. PETITION RECEIVED ON 13-12-2021

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.  
 An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_A\_\_\_\_\_.  
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

### [ ] For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.  
 A timely petition for rehearing was thereafter 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 a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_A\_\_\_\_\_.  
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1 – AS STATED IN QUESTIONS PRESENTED. AND STATEMENT OF THE CASE
- 2 – ABUSE OF THE 1<sup>ST</sup>, 5<sup>TH</sup> AND 6<sup>TH</sup>S AMENDMENTS,
- 3 – THE WRONGFULL DENAL OF PEITIONER'S COMON LAW RIGHTS.
- 4 – ABUSE OF DUE PORCESS,
- 5 – THE ABUSE OF THE ADA ACT 1990 JUDICSL DISCRIMINATION AGAINSG HIDDEN LEARNING DYSABILITY.
- 6 – JUDICAL ABUSE
- 7 – INSULTING THE U.S CONSTITUTION.
- 8 – ABUSE OF CANNONS OF LAW THROUGH JUDICAL ADOBTION OF FACIST PRINCIBLE E.G. GOVERNMENT FOR THE GOVERNMENT USSING THE PEOPLE AS OPOSED TO GOVERNMENT FOR THE PEOPLE BY THE PEOPLE WHEN JUDICARY PROECT GOVERNMENT'D JUDICCAL EMPLOYEES FROM THE PEOPLE'S COMPLAINTES WHO SHOULD BE IN PRISON FOR THEIR CRIMES.
- 9 - ABUSE OF INTERNATIONAL TREATIES ADOPTED BY THE U.S GOVERNMENT E.G. THE 1948 UNIVERSAL DECLARARTION OF HUMAN RIGHTS BARING TORTURE THROUFG FALSE IMPRISONMENT.
- 10 - JUDICAL IMORALITY.
- 11 – JUDICAL PARTCIAPATION IN OBSTRUCTION OF JUSTICE.
- 12 – JUDICAL BIASE AGAINST PETITIONER,
- 13 – PROSICUTORIAL FRAUD UPN THE COURT – FRUIT OF THE POISON TREE.
- 14 – JUDICARY WRONGLY CONSIDERING THEMSELVES ABOVE THE LAW.
- 15 - JUDICAL REFUSAL TO CORRECT INJUSTICE OR CONSIDER ITS SUPPORTING EVIDENCE.
- 16 - JUDICAL ABUSE WHEN DENYING ASSISTANCE OF COUNCIL WHEN INDIGENT PETITIONER IS INDIGENT AND A LAYMAN AT LAW,
- 17 ABUSE OF THE DECLARARTION OF INDPENDNACE AND MAGNA CARTER'S ARTICLE NO.S 39 & 40.

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## **Statement of the Case**

**The current Fifth Circuit t order dismissing my Mandamus requiring lower DJ consider the issues of my motion to alter and amend the 1986/7 Vernon J order is judicial abuse, an abuse of due process, a violation of common law and U.S Constitutional law particularly the 5<sup>th</sup> and 6ths Amend and arguably a judicial obstruction of justice and an abuse of Judge's discretion based upon their arguable protecting judicial employees' culpability and obstruction of justice and said judges have arguably contravened their oath's of office and Cannons of Law mis-leading not only the American people but the peoples of the entire Western Hemisphere possibly obstructing justice for there is no justified valid legal argument supporting denial decision and they fail to provide one to boot condoning and arguably participating in the original prosecutor's fraud in case WWS-83-CR-0213 and upon the Grand Jury and the Federal Court which this higher court is duty bound to correct the injustice that has occurred because the 5<sup>th</sup> Circuit has insulted the U.S Constitution and international law / treaties the U.S Government has adopted e.g. The Universal Declaration of Human Rights baring torture through false imprisonment.**

### **Back ground:**

IN 1983 The Petitioner was victim of the Assistant U.S prosecutor's and Postal Inspector's obstruction of justice when they concealed defence evidence form the first Grand Jury proving:

1 - That I and my clients also relied upon the B of A Banks and Lloyds Bank representation that a trust account existed at said banks for client's purchase money negating my supposed fraud indictment.

And concealing form the 2<sup>nd</sup> Grand Jury:

2 - My hand writing samples proving I did not make false statement to mortgage banks.

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Both the Assistant U.S prosecutor continued their said fraud upon the Federal Court and to date have never denied it.

The FPD's office ineffective when:

3 – Refusing to investigate Prosecutorial Misconduct or said Defence evidence and that the reasons the Postal inspector and said Prosecutor was and is to protect said banks by selectively and maliciously prosecuting manufacturing prosecutorial evidence which they knew was perjured at the time..

4 – Failing to mount a defence based upon my learning difficulty Dyslexia undiagnosed at the time eliminating element of intent.

5 – FOPPD intimidated me into believing I was technically guilty and would be imprisoned for many years. (Post conviction medical evidence proved I was not technically guilty which all courts to date refuse to consider), FPD instructed me to plead guilty and I would be sentenced to probation. Judge erred allowing the Prosecutor and Postal Inspector to obstruct justice and pernitrinate their fraudulent indictment and contrived evidence upon the Federal Court with impunity.

I was convicted and maliciously sentenced to two years because Postal Inspector and Probation office again lied in the PSI their third fraud upon the court which FPD failed to object to.

6 – The presiding federal judge was judicially incompetent failing to comply with Rule 11 F.R.C.P when allowing Prosecutor to voice his fraud upon the court which is illegal and failing to require only me describe the crime. IF he had complied with the law he would have realised the prosecutor's fraud.

7 – Knowing my innocents, I jumped bail to UK and obtained official diagnosis of debilitating effects of dyslexia – I subconsciously avoid written matter an rely upon verbal representations confirming I relied upon said banks representations that said trust account existed.

8 - I jumped bail to UK obtained official medical diagnosis of the debilitating effects of dyslexia eliminating element of intent causing misunderstanding.

9 – I charged with Bail jumping. FPD's office's negligent when not applying to set-aside prior conviction with new post-conviction medical evidence.

10 - I was convicted. Same judge maliciously sentenced me to another two years consecutive

11- I needed to file Sec 2255 exhibiting intent of new evidence. Because of dyslexia I could not read prison law books. After dyslexia therapist with prison speech therapist I, with other inmate help composed Sec 225 exhibiting new medical evidence arguing prosecutorial misconduct, ineffective assistance of council judicial abuses perjured PSI etc.

12 - The Said Judge illegally overruled my prose Sec 2255 supressing it not acting upon it within 28 days contravening Title USC Sec 2255 rules illegally overruling Congress's statute Title 28 USC Sec 2255 rules governing Sec 2255 for which he had no jurisdiction to do; third judicial abuse.

13 - Three months later said Judges again attempted to abuse due process by sending me his personal letter denying Sec 2255 by his personal letter as meritless. I could nt appeal because said leter is not a court order. IT was the Judges scheme to block Sec 2255 with the intent of subjecting me to false imprisonment.

14 - I filed a mandamus in the higher 9<sup>th</sup> Circuit Appeals Seeking an officially filed order I could appeal. It later arrived. The 9<sup>th</sup> Circuit refused to act upon it for many months until I was released form prison into U.S Immigration deportation proceedings.

15 - They charged me with committing a crime of morel turpitude. They knew I was innocent of said charge because I filed my Sec 2255 and that the prosecutor and postal inspector had committed crimes and I was innocent and prior criminal court judge was incompetent and abused rules.

16 - Defendants the denied me access to my USINS file. I could not defend said charges.

17 - The Defendants then subjected me to polocies of federal penal servitude / punishment for about 15 months in a federal prison without an order form a court of competent jurisdiction.

18 - I filed subject Rights claim.

19 - It was denied on the papers without oral argument by HHDJ Vernon, I filed motion 59e. The 1987 5<sup>th</sup> Circuit rued it negated the Vernon DJ order and I can apply to correct or amend it. Order Nos. 87-4401 & 87-0394.

20 - because of my sever mental state and poor physical state I had to get out of prision. I, under duress I took deportation. I was dumped on London streets with no money, only the cloths on my back in a state of server depression, PTSD and Adjustment reaction.

21 - In 2015 I stared to recover and realised I could currently file said motion to alter and amend the 1987 Vernon DJ order. The District judges to date have refused to consider the evidence and valid argument of prior orders 97-4401 & 87-0394 which have never been appealed. This includes the current 5<sup>th</sup> Circuit orders.

22 - The current Fifth Circuit t order dismissing my Mandamus requiring lower DJ consider the issues of my motion to alter and amend the 1986/7 Vernon J order is judicial abuse, an abuse of due process, a violation of common law and U.S Constitutional law particularly the 5<sup>th</sup> and 6ths Amend and arguably a judicial obstruction of justice.

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**REASONS FOR GRANTING THE PETITION**

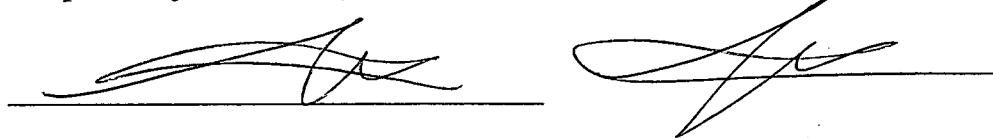
IN THE INTEREST AND CAUSE OF NATURAL  
JUSTICE AND U.S. CONSTITUTIONAL LAW.

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## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 25-01-2022

