

21-7210

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

DEC 08 2021

OFFICE OF THE CLERK

JAMES THOMAS WEBB

PETITIONER

-against-

UNITED STATES OF AMERICA

RESPONDENT

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE 11th Circuit

James Thomas Webb
#13206-056

Federal Medical Center
P.O. Box 1600
Butner N.C. 27509

RECEIVED

DEC 14 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Question 1.

Did the relitigation of the CLOSED Florida
Federal District Court case
United States Securities and Exchange Commission

v.

James Thomas Webb

(Case 07-civ-61655-Middlebrooks S.D. Fla. F.D.Ct.)

by

the Eastern District of North Carolina Federal
District Court in 2012, many years after the Settlement
Agreement in the case, signed by both Webb and chief Securities
and Exchange Enforcement Agent and Southern District of Florida

United States Attorney A. David Williams,
violate Webb's constitutional protections against
double jeopardy by the same sovereign; and does [the]
post closure retention of jurisdiction by a

Federal District Court Judge
in Florida, give the Florida Federal Court
jurisdiction to hear Webb's Great Writ in order
to consider correcting a defacto life sentence of

James Thomas Webb
a black American affordable home builder?

Question 2.

Did North Carolina federal court's
exercise of personal jurisdiction over James Webb
meet the requirements of due process
or did it
violate the notions of fair play and substantial justice
in this case where,
the Southern District of Florida federal court
held original federal jurisdiction, included
a settlement agreement between U.S.A. and Webb
in the final judgment, closed the case
and then
"retained" both personal jurisdiction
and subject matter jurisdiction over the matter?

Rule 14 1 (b) (ii)

Corporate Disclosure Statement under Rule 29.6

PREVIOUSLY FILED BELOW AS
[Filed on 4/08/21 by James Thomas Webb]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CASE NO 21-10935

JAMES WEBB,
Petitioner- Appellant,

v.

UNITED STATES OF AMERICA,
Respondent-Appellee

MOTION FOR REHEARING WITH SUGGESTION OF REHEARING EN BANC
CERTIFICATE OF INTERESTED PERSONS

JAMES THOMAS WEBB CERTIFIES THAT THE FOLLOWING
IS A COMPLETE LIST OF THE PERSONS AND ENTITIES
WHO HAVE AN INTEREST IN THE OUTCOME OF THIS CASE

Adkins, Timmy
Agnew, E.J
Alpine Marketing, LLC
Alpine Properties, LLC
Alston, E
Anen, D.

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Certificate of Interested Persons (cont'd)

Anthony, John
Anyne-Noet, Juanita
Askins, J.
Bank of America (BAC)
Battle, Glenn
Batts, James
Bayner, Jackie
BB & T Bank (BBT)
Berkien, Raphael
Bishop, Michael
Bloom Hon. Beth
Boggs, Brandy M.
Bradley, K.
Breedlove, Lonnie
Brown, Russell
Bruce, John Stuart

Bundas, Jason
Casey, Michael
Caps, Scott
Castillon, Luis
Carmon, Jeffrey
CCB Bank aka China Construction Bank (CICHY)
Central Carolina Bank (CCB)
Charet, Pierre
Chase Manhattan Mortgage Corp aka JP Morgan Chase (JPM)
Cheroke, Jim
Citi Financial Mortgage Company (C)
CitiRise REdevelopment LLC FL
Clemson, M.
Cohen, Giles
Coleman, Arnette
Coleman, S.

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Certificate of Interest Persons (cont'd)

Cresent State Bank (CRFN)
Cucurullo, Gerry
Currin, Samuel T.
Caniel, Barron
Daniels, Curtis
Daniels, James Matthew
Daniels, John
Davis, Charles
Dawes, Chris
Davis, Darius
Davis, Marx
Debois, Charles
Deckelbaum, Richard
Depujo, Frederic
Dever, James C. III
Disinger, Norb

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Certificate of Interested Persons (cont'd)

Dixon, Wright
Donaldson, Karen
Dorminey, Melissa T.
Dozier, Rodney
East West Redevelopment, LLC
Eltex
EMC Mortgage Corp acquired by JP Morgan Chase (JPM)
Ennis, Danny
Ernst, Cathie
Evans, Laird B.
Everette Gaskins Hancock & Stevens LLP
Fajardo Orshan, Ariana
Farag, Mike
First National Bank of Arizona subsidiary of Zions Bancorporation, N.A. (ZION)
Gaccione, Craig
Giaconia, Janice

Certificate of Interested Persons (cont'd)

Gilmore, William
Godwin, Debbie
Gonzalez, Juan Antonio
Gootnick, Ken
Gould, Dean
Graham, Lynn Earl
Graham, William K (The Estate of)
Grand Summit LLC
Grant, L.
Gray, B.
Gravely, Kim
Green, Chauncey
Green, Dwayne
Green, Michell
Greenberg Traurig, LLP
Gregory, Denise

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Certificate of Interested Persons (cont'd)

Griffith, Suzanne
Group, Marathon
Gunn, Felicia
Gupton, Ricky
Gut, Janos
Haire, Demitry W.
Hales, Donna
Hall, Samuel Andrew
Hardy, Kelvin
Harriss, Vanessa Stamper
Harriss, Melvin
Hayes, Anne
Hayes, Keith
Henderson, Pamela Dodge
Heritage Revitalization LLC
Hero Redevelopment LLC

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Certificate of Interested Persons (cont'd)

Hirsch, Lisa
Holder J.C.
Holladay, Thresa
Homecomings Financial Networks
Housing and Community Revitalization
Innovator 5 Inc.
International Payment Consultants
Jackson, Anthony
Jacobson, Howard
James, J.
Jaynes, Jeremy
Jones, DeeDee
Johnson, Renny

Jorgensen, James N.
Judy, Chris

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Certificate of Interested Persons (cont'd)

JP Morgan Chase Bank (JPM)
Keiling, T.
Kerley, Tim
King Patricia
King, J
Knight, T.
KHC Redevelopmetn LLC
Lalley, Paul
Lambert, Krystle
Lampert, Stephan
Lawyers Mutual Liability Ins. Co. of N.C.
LeClair, Heather
Levy, Ronald
Liquid Capital LLC
Lindsey, Tex
Lovell, Jeff
Lowe, Sidney

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Certificate of Interested Persons (cont'd)

Lustgaraen, Jeffery
MacDonald, r.
Madson, Chris V.
Malone, Michael
Mathes, Cory
Matthew, F.
Matzkin, Daniel
Maready, Karen D.
Marrow, Anna K.
Marrow, Wilma
Marsh, A.R.
Martin, Heather
McCash, Debbie
McDaniel, Larry
McGuire, Beth
McNeil, Linda
McNeil, Ralph

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Certificate of Interested Persons (cont'd)

Mechanics and Farmers Bank (MFBP)
Melo, Omar
Middlebrooks, Hon. Donald
Mitchell, Minnie Cline
Mohammad, K
Moore, Hon. K. Michael
Moralis, jessica
Morris, Dennis

Morrow, Nelsons
Morrow, Valie C.
Moseley, Bob
Moses, Sarah
Murray, Caniel
M&J Redevelopment L.L.C.
Nelson, Brian
Nelson, Earnest
Niemann, Patrick

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Certificate of Interested Persons (cont'd)

Noggle, Jennifer
Nomura, Leonard
Oakley, Alvin
Odim, Constance
Olson, John K
Oliver, Jimmy
Ong Kuan-Li
Ong Tom
Otazo-Reyes, Hon. Alicia M.
Page, Sean
Park City Properties LLC
Parker, Latrice
Patterson, Coletta
Peaedon, B.
Pender, C.
Pendergrass, Jr., James K.
Pennington, Michael

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Certificate of Interested Persons (cont'd)

Persley, Nicole
Pittman, C.
Pittman, LUther
Powell, Robert
Premier Properties LLC
Progressive Redevelopmetn LLC
Pridgen, CAtherine
Quares, R.
Queen, Wesly
Rabinovich, Andres
Railey, Tracey
Ready, Chelsea
Reid, Hon. Lisette M.
Reikes, Robert
Reikes, Susan
Residential Capital LLC (GMAC)
Rhem, II, Waren Edward

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Certificate of Interested Persons (cont'd)

Rinaldo, Hoily
Rivers, Rufus
Rivers, S.
Robinson, Amy
rock, Raymond H
Ross, Victor
RBC Centura
Safran, Perry
Sampson, Edward Francis
Sampson, Kimberly Ann
Saunders, George
Saunders, Jeffery
Schnell, Debra
Sink Jr., John W.
Silverdere
Sloan, Eliza

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Certificate of Interested Persons (cont'd)

Sloan, John
Smachetti, emily M.
Smith, Eric
Smith, James
Smith, Todd Allen
Sorbi, Jo
Smiyh, M.
Sykess, S.
Specialized Loan Servicing LLC
Speight, N.
Spinelli, L'Tanya
Spitfire LLC
Stallings, Randy
Stevenson, Laura
Stenberg, Al
Strickland, W.

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Certificate of Interested Persons (cont'd)

Sunrise Properties LLC
SunTrust Bank (STI)
SunTrust Bank acquired by Trist Financial Corp (TFC)
Suzawa, Michiko
Sy, Ludivin A.
Thannhauser, Steve
Taylor, E.
Taylor Johnathan
The Fidelity Bank (FNF)
The James T. Webb Family LLC
The Webb Institute of Construction Technology LLC
Todd, Brian
Usary, Selena
Vanpella, Henry
Veasey, S.
Venetian Redevelopment LLC
Vernon, Jeffrey

Bynes, David.

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Wachovia Bank acquired by Wells Fargo (WF)

Wadrick, Veronica

Walker, Thomas

Washington Mutual Bank (AWSHX)

Warren, L.

Weaver, Jack

Webb, Barb

Webb, Bronson M

Webb Builders LLC

Webb, James Thomas

Webb, Phillip-Thomas Christian

Webb, Sharon-Sloan

Wendell, Ann

Williams, Carl C.

Williams, Carmaine

Williams, David

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Certificate of Interested Persons (cont'd)

Williams, Vinnie

williams, Wayne

Woodlief, Brad

Wood, Andre

Woody, Lynne

Young, Cheryl

JAMES THOMAS WEBB

Petitioner-Appellant

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Rule 14. 1 (b) (iii)

LIST OF ALL RELATED PROCEEDINGS
CHALLENGING THE SAME CRIMINAL CONVICTION OR SENTENCE
and appendix

<u>Court</u>	<u>Docket #</u>	<u>Case Caption</u>
		[1]
S.D. Fla Federal District Court	07-cv-61655-..	<u>Securities and Exchange v.</u> Middlebrooks <u>James Thomas Webb et al</u> [DE 1] COMPLAINT
1a [DE 70]		Settlement Agreement
1b [DE 70-1]		Settlement Agreement
1c [DE 75]		Final Judgment AS TO JAMES THOMAS WEBB
1d [DE 77]		CASE CLOSED
1e [DE 83]		Retained Jurisdiction both personal over petitioner and over the Subject Matter in this case ORDERED several months by Florida Federal Judge "after" case CLOSED in Florida Federal Court
		[2]
E.D.N.C.	5:12-cr-301-D1	<u>U.S.A. v. James Thomas Webb</u> [DE 1] INDICTMENT
		[3]
4th Circuit	14-4074	Direct Appeal <u>U.S.A. v Webb</u>
		[4]
U.S. Supreme Ct	15-7171	<u>U.S.A. v. James Webb</u> (cert. denied)
		[5]
S.D. Fla Federal District Court	07-cv-61655-	<u>Securities and Exchange v.</u> Middlebrooks <u>James Thomas Webb et al</u> [DE 129] POST CLOSURE ORDER instructing petitioner to file Habeas/ Great Writ
		[6]
S.D. Fla. Federal District Court	1-20-cv-21522	<u>James Thomas Webb v. U.S.A.</u> (originally filed in 07-cv-61655) GREAT WRIT
		[7]
4th Circuit	21-6216	<u>U.S.A. v. Webb</u> (Appeal PENDING)
		[8]
4th Circuit	21-6540	<u>U.S.A. v. Webb</u> (Appeal PENDING)
		[9]
S.D. Fla F.Dist Ct	1-20-cv-21522	<u>James Thomas Webb v. U.S.A.</u> R&R /Denial
		[10]
11th Circuit	21-10935	Notice of Appeal
		[11]
11th Circuit	21-10935	<u>James Thomas Webb v. U.S.A.</u> Informa Pauperis Status GRANTED
		JURISDICTIONAL QUESTIONS ORDERED
11th Circuit	21-10935	BY 11TH Circuit Clerk to both U.S.A. and James Thomas Webb
		[12]
11th Circuit	21-10935	<u>James Thomas Webb v. U.S.A.</u> Jurisdiction ANSWERS by U.S.A.

U.S.A. (United States Attorney S.D.Fla) states "11th Circuit [has] jurisdiction to hear petitioners habeas"

[13]

11th Circuit 21-10935

James Thomas Webb v. U.S.A.
JURISDICTION ANSWERS BY:
James Thomas Webb

[14]

11th Circuit 21-10935

James Thomas Webb v. U.S.A.
JURISDICTION DETERMINED BY:
CLERK OF COURT "11th Circuit [has] jurisdiction to hear habeas"

[15]

11th Circuit 21-10935

James Thomas Webb v. U.S.A.
ORDER BY PANEL DENYING that 11th Circuit has the jurisdiction to hear petitioners Habeas (Great Writ)

[16]

4th Circuit 21-6216

U.S.A. V. Webb (Appeal by James Thomas Webb PENDING)
APPEARANCE OF COUNSEL by:
United States Attorney Lucy Parker Brown [for] James Thomas Webb

[17]

EDNC Federal District Court 5:12-cr-301-d1
5:17-cv-81-d

U.S.A. v. James Thomas Webb
James Thomas Webb v. U.S.A.
AFFIDAVIT "All Homes in this case RENOVATED/SOLD/RENTED/ MANAGED WITH TENANT NAMES/ RENTS PAID/ MORTGAGE PAYMENTS October 17, 2019
Webb v USA Denial of Rehearing

[18]

11th Circuit 21-10935 (9/24/21)

USA v Webb (US S.Ct. Rule 77)

[19]

EDNC F.Dist. Ct 5:12-cr-301-D1

SEC v Webb (Docket)

[20]

S.D.Fla. F.D.Ct 07-61655-cv-DMM

Webb v. USA (Docket)

[21]

S.D.Fla. F.D.Ct. 20- 21552-cv-Moore

Webb v. USA Enforcement Motion

[22]

11th Circuit 21-10935

Webb v. USA Reconsideration Denied

[23]

11th Circuit 21-10935

Affidavit on completed homes

[24]

11th Circuit 21-10935-C

[25]

EDNC F.Dist. Ct 5:12-cr-301-D1
5:17-cv-81-d

Rule 14. 1(d) Citations of the Official and Unofficial
of the opinions and orders entered in the case

-2021 U.S. App. LEXIS 24109 No. 21-10935-C August 12, 2021 CA11.
-2020 U.S. Dist. LEXIS 99226 Case No. 20-21522-CV-MOORE S.D.Fla
-Case No 21-10935-A CA11
-2021 U.S. Dist. LEXIS 7349 No. 5:12-cr-301-D
-194 LED2D 251, 577 U.S. Webb v. United States No. 15-7171
-577 US ___, 136 S.Ct. 1253, 194 L Ed 2d 251, 2016 US LEXIS 1003
-136 S.Ct. 862, 193 L. Ed 2d 759, 2016 U.S. LEXIS 522
-2021 US Dist LEXIS 46588, 2021 WL 940188
-2021 U.S. Dist. LEXIS 22399 Case no 20-21522-cv-Moore

CONCISE STATEMENT OF THE BASIS FOR JURISDICTION

IN THIS COURT

This court has jurisdiction under Supreme Court Rule 77; Fed. R. App. P. 4(a)(A)(iv); 28 U.S.C. 1921; 29 U.S.C. 1915; 28 U.S.C. 2255; 28 U.S.C. 2241; 28 U.S.C. 1921; 28 U.S.C.1332; 28 U.S.C.2462; 18 U.S. . 3282; Fed. R. Civ. P. 12 (b)(3)(B); Fed. R. Civ. P 60(d)(40); The All Writs Act; Fed. R. Civl P. 13(a) as well as other author-
ities listed in this petition and otherwise on the record below.

Rule 14. 1 (e)(i) (ii)

The date the judgment or order sought to be reviewed was entered
Case No 21-10935-C 11th Circuit on 9/24/2021

James Thomas Webb v. U.S.A.

and on

8/12/2021

This Petition is filed under

This Courts Rule 11 and pursuant to 28 U.S.C. § 2101(e)

This case is of such imperative public importance as to justify de-
viation from normal appellate practice and to require immediate de-
termination by this court. Xii

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Fed. R. Civ. P 201 (c)(2) (For electronic evidence)

Supreme Court Rule 77

5th Amendment of the United States Constitution

6th Amendment of the United States Constitution

JURISDICTION

This court has jurisdiction over (Action 1) Securities and Exchange Commission v. James T. Webb et al case no 07-cv-61655-MIDDLEBROOKS Federal District Court Southern District of Florida, and this court has jurisdiction over (Action 2) United States v. James T. Webb case no 5:12-cr-301 Federal District Court Eastern District of North Carolina Western Division and over "this" Great Writ, James T. Webb v. U.S.A. Federal District Court Southern District of Florida Case no. 1:20-cv-21522-KMM and to issue the dismissal of (Action 2) or to issue an anti-suit injunction against (Action 2). This court also has jurisdiction to GRANT this Great Writ and to order the immediate release of American Builder James T. Webb from Federal Medical Center Butner federal prison, in this matter pursuant to 28 U.S.C. 1921; 28 U.S.C. 1915; 28 U.S.C. 2255; 28 U.S.C. 2241; 28 U.S.C. 1332; 28 U.S.C. 2462; 18 U.S.C. 3282; Fed. R. Civ. P 12 (b)(3)(B); Fed. R. Civ. P. 60(b)(4); The All Writs Act; Fed. R. Civ. P. 13(a) as well as other authorities listed in this petition , and otherwise.

This court has the jurisdiction to render (Action 2) Void for lack of jurisdiction pursuant to Frank v. Mangum, 237 U.S. 309, 335, 35 S.Ct. 582, 59 L.Ed. 969; Moore v. Dempsey, 26 U.S. 86, 43 S.Ct. 265, 67 L.Ed. 543 (1923); Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L. Ed. 791 (1935). Waley v. Johnston, 316 U.S. 101, 62 S. Ct. 964, 86 L.Ed. 1302 (1942); Danforth v. Minnesota 128 S.Ct. 1029, 1036 1036, 522 U.S. 264, 271-272, 169 L. Ed. 2d. 859, 866, 2008 U. S. LEXIS 2012, *13-15, 76 U.S.L.W. 4069, 21 Fla L. Weekly Fed S 66; Kyles v. Withey 514 U.S. 419, 439-38.

Now comes American builder James T. Webb (pro se) asking that this honorable court construe this filing pursuant to Haines v. Kerner, 404 U.S. 519 and requesting that this court grant certiorari, as the lower courts decisions on 8/12/21, 9/5/12 and 9/24/21 conflicts with the following decisions of the United States Supreme Court and of the appeals court , Frank v. Mangum, 237 US 309, 335 35 S.Ct. 582, 59 L. Ed. 969; Moore v. Dempsey, 261 U.S. 86, 43 S.Ct. 265, 67 L. Ed. 543 (1923); Mooney v. Holohan, 294 U.S. 103. 55 S.Ct. 340, 79 Ed. 791 (1935) (per curiam); Walker v. Johnston 312 U.S. 101, 62 S.Ct. 964, 86 L. Ed. 1302 (1942) (per curiam) ; Danforth v. Minnesota, 128 S.Ct. 1029, 1036, 522 U.S. 264. 271-272. 169 Ed. 2d. 859, 866, 2008 U.S. LEXIS 2021, *13-15, 76 U.S.L.W. 4069. 21 Fla. L. Johnson v. Zerbst, Warden 198, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461; Securities Exchange Commission v. W.J. Howey 328 U.S. 293; U.S. v. Schmidgal, 25 F.3d. 1523, 1529-30 (11th Cir. 1994); Blockburger v. United States 284 U.S. 229; Neder v. United States 527 U.S. 1, 144 L. ed. 2d. 35; Santobello v. New York 404 U.S. 257, 262, 30 L. Ed. 427. 92; Blackledge v. Allison 431 U.S. 63, 74 (1977) 63, 74, 72-73 43 U.S. 63, 52 L. Ed. 2d. 136, 97 S.Ct. 1621; Thigpen v. Roberts 468 U.S. 27, 308 21 Led. 2d. 23, 104 S.Ct. 2916; Navarro City of Rivera Beach 192 F. Supp 3d. 1353, 1364 (S.D. Fla. 2016); Kastigar v. U.S. 406 U.S. 441; Beam v. Georgia 501 U.S. at 541, 542; Pickford v. Talbott 225 U.S. 651; Green v. U.S. 355 U.S. 184, 187; Ashe v. Swenson 407 U.S. 436, 450, 25 L. Ed. 469, 90 S.Ct. 1189 (1970); U.S. v. Cotton 535 U.S. 625; Mayle v. Felix 545 U.S. 644; Roviaro v. U.S. 353; Securities Exchange Commission vs. Pension Fund of America L.C., et al 613 F. Supp. 2d 1341 11th Cir; Quaak v. Klynveld Peat Marwick 361 F.3d. 11, 18 (1st Cir 2004) Lakers Ltd.

V. Sabena Belgian World Airlines 731 F.2d. 909, 928, 235 U.S. App. (D.C. Cir. 1984) (affirming Injunction); Quaak, 361 F.3d. at 20; Motorola Credit Corp. v. Uzan, 388 F.3d. 39, 60 (2d. Cir. 2004); Bethell v. Peace 441 F.2d. 495, 496 (5th Cir. 1971); Seattle Totens 652 F. 2d at 855-56; Bremen v. Zapata 407 U.S. 1, 12-13, 92 S.Ct. 1907, 1914 32 L.Ed. 2d. 513 (1972); Federated Department Stores Inc. v. Moitie 425 U.S. 394, 401, 69 L. Ed. 2d. 103, 101 S.Ct. 2424 *1981); Baldwin v. Iowa State 283 U.S. 522, 75 L. Ed. 1244, 51 S.Ct. 517 (1931); Meniez v. Procunier 743 F. 2d. 281; Noerr 365 U.S. at 144; and consideration by the United States Supreme Court is therefore necessary to secure and maintain uniformity of the court's decisions. Also the proceeding involves questions of national interest regarding the availability of affordable rebuilt homes in our poor communities nationally; and trade restrictions on this redevelopment and creation of jobs for America's low income construction craftsmen. Also the decisions below conflict with the authoritative decisions of this court as well as other circuit courts.

STATEMENT OF THE CASE

This petition request the dismissal of or an anti suit injunction against (Action 2) North Carolina [re]litigation of the Southern District of Florida's federal 2009 settlement agreement [DE 70, 70-1] (Action 1) and final judgment [DE 75] of CLOSED CASE [DE 77] Securities and Exchange Commission v. James T. Webb (Action 1), in another federal court under a different federal judge. This petition is governed by Frank v. Mangum 237 U.S. 309, 335, 59 Led. 969, 983 35 Sup. Ct. Rep. 582 where the Supreme Court gives this court jurisdiction over Webb and the subject matter in the (ED-WD) of North Carolina's (Action 2), even as Webb resides in federal custody outside

of Florida. (Action 1) was settled in Florida where Webb remained a resident for 8 years before (Action 2) was filed to relitigate (Action 1), in a different federal court in North Carolina. The U.S.A. waited for over 3 years [after] the case (Action 1) was CLOSED to bring their second case regarding the same subject matter; where the Southern District of Florida had "already" retained jurisdiction in (Action 1) at [DE 83] several months after (Action 1) closed, but still within (Action 1) in [The Federal District Court Southern District of Florida].

Since "the state supplied no corrective process" over the past(nine years) after carrying into execution a judgment in Webb's case, "of imprisonment based upon a verdict thus produced by mob domination, the state has deprived 'Webb' of his liberty without due process of law.'" causing Webb to have no alternative but to appeal his [Great Writ] to the Supreme Court of The United States of America. Both (Action 1) and (Action 2) involve the same case timeframe 2002-2006; the same parties; the same common nucleus of operative facts; the same alleged (latest) 2005 offense; the same statutory elements and the same (Securities). The case was closed in 2009 in Florida and refiled in 2009 in North Carolina. After nine years in federal prison Webb filed his Great Writ in the court of original jurisdiction, - Southern District of Florida Federal District Court in 2020. The Florida court in 2020 regarding Webb's Great Writ, followed the R&R of the magistrate judge and dismissed (Case 1:20-cv-21522) for lack of jurisdiction. However, the Miami United States Attorney in the appeal of that case to the 11th Circuit (Case 21-10935) said in it's answer to the Clerks required JURISDICTIONAL QUESTIONS AS TO U.S.A.

AND JAMES WEBB on 05/04/2021 pg 22 of 24 ¶ 3 Line 3 in this "(unopposed) Great Writ)", see also page 19 of 24 ¶ 1 Line 2-4 "For the reasons that follow, this Court likely has jurisdiction over James Webb's appeal from the district court's orders denying his habeas petition and motion to alter or amend judgment." On 6/23/21 the Eleventh Circuit Appeals court Clerk upon reviewing responses as to JURISDICTIONAL QUESTIONS by the U.S.A. and by Webb, determined and filed "PROBABLE JURISDICTION" [Entered 06/23/21 10:42 AM] in case 21-10935 below.

Webb comes now before this honorable Supreme Court of The United States of America requesting the preservation of his constitutional rights and to receive the constitutional requirement of due process which embodies the fundamental conceptions of justice which lie at the base of civil and political institutions of the United States Sec 525 safeguarding liberty of citizens MOONEY v. HOLOHAN 79 LED 791, 294 U.S. 103.

STATEMENT OF THE FACTS

The statement of the facts are regarding five general areas:

1. Methods, processes and activities supporting mob domination by the "combination" in this case.
2. Deprevalion of Webb's liberty without due process of law.
3. Knowing uses of perjured testimony by the prosecution in (Action 2).
4. Coerced Unknowing plea in (Action 2) and,
5. Request for Anti Suit Injunction against (Action 2).

Respondent is unopposed to this Great Writ
and admits to the accuracy of the facts

The Supreme Court of The United States should know that U.S.A.

Respondent has not only chosen [not] to oppose this Great Writ twice on the record in case 1:20-cv-21522-KMM District & Appeals Ct. but [no] fact in Webb's Affidavit/Declaration at DE 15 below in the district court case is objected to and are deemed true for the purposes of this petition. The facts listed in [DE 15] confirm that the voluminous due process violations in (Action 2) are "so serious [***15] that it effectively renders the conviction void for lack of jurisdiction" See Frank v. Mangum id.

(Action 2) proceedings are dominated by what Washington D.C. Department of Justice Acting Chief of the Civil Rights Unit Criminal Investigative Division of the F.B.I. John E. Shimp referred to in his letter to Webb on July 21, 2016 as a "Civil Rights Banking Conspiracy", -a combination consisting of members of the Sons of Confederate Veterans and others, See [DE 109] (Action 1) who are also members of banking risk management divisions in Raleigh N.C. who combined with the sole intention of "closing Webb down" as a builder, taking Webb's freedom. All parties referenced in this paragraph are referred to in this petition as the "combination".

One day around mid October in 2003 Alpine Properties LLC (a Webb Company) director of financial services Stephanie Duguid went on a field visit with Chris Madson of RBC Centura bank to meet with his senior banking risk management officer in Rocky Mount, - an eastern North Carolina town where Webb Companies had purchased, renovated and sold 180 affordable single family homes by the end of 2005. After visiting some of Webb Company's rebuilt homes, the "combination" member told Stephanie and Chris that the bank was no longer going to be making loans on that street despite the nice

quality of the homes he had just toured. Stephanie objected. The senior banker said "find another street". Stephanie responded "we have school teachers and other good tenants renting homes from us on this street." The banker (combination member) responded "well find another town and we will consider the loans". Stephanie said, "but isn't that [redlining]?" The senior banker (combination member) from RBC Centura Bank said "you can call it blacklining if you want to but you are going to have to find another job." The next week, a meeting was held where the same senior RBC banker and 47 other members of the "combination" met up at a Raleigh N.C. bank where an agreement (which is documented in 1374 page Fidelity Bank Judicially Noticed dossier; see Case 21-10935 docket) was made by the 48 combination members to destroy James Thomas Webb's building career and to close down his companies and to graft a criminal case to take Webb's freedom.

Those weekly target training meetings were held each Friday at a local Raleigh N.C. bank. Webb Company's then current and former employees were recruited to join in on the combinations' efforts, - along with some Webb Company investors. Promises were made to the willing participants and threats were made to non willing participants, by the "combination" Webb company investors who owned rebuilt rental homes, once vexatious litigation by the combination forced Webb Companies to stop managing the homes for free, - Webb company investor landlords felt secure in the "combination's" false promises of short sales credits and the prospect of being released from the mortgage debt. (See (Action 2) [DE 146] pg 23 to 25 of 64 as it describes and documents the [9 step plan] by the "combination" to dump the mortgage debt on what was soon to become 114 vacant homes:

homes where the "situs" is in the Southern District of Florida Federal District Court (See RES in [DE 34] (Action 1)). Some investors worked with the "combination" to graft the illegal filing of (Action 2) where the narrative was changed and Webb was blamed for never renovating homes which happy tenants lived in for years after Webb Companies renovated them. However the "combination" members by 2012 had run all of the tenants from 114 homes, stripped, tore down, vandilized or burned the homes to the ground to perfect what Chief Securities Exchange Commission Enforcement Agent A. David Williams called "Plain Lies" on Webb, in (Action 1). See also Ground [Prosecutorial Misconduct] Ground 91 (GREAT WRIT) in Case 20-cv-21522-KMM and on line at <https://payhip.com/b/940q> (which is a free download of over 300 pages of evidence on what the combination members took a decade to acomplish,-including emails, handwritten documents and other communication by the members who caused the illegal [grafting] of (Action 2). Their boastful admissions are well documented.

All of the false allegations used by the combination members to bring the prosecution in (Action 2), which was filed by a "combination member" F.B.I. Agent Jim Cheroke had already been disproved by Miami United States Attorney and Chief Enforcement Agent for the U.S. Securities and Exchange Commission, A. David Williams. See (Action 1) [DE 70, 70-1] settlement agreement between U.S. A. SEC and Webb. Still the illegally grafted (Action 2) deceived the federal court by presenting testimony known to be false. (Action 2) repeated the same false argument that "homes were never renovated, never sold and never managed" [DE 11-2]. But see (Action 1) [DE 50]

showing approximately 800 aspiring 1st Time Homebuyers (over 200 of whom lived in the rebuilt homes and who were actively trying to purchase the homes they were forced to move out of.) See in (Action 2) defendant sentencing Exhibit #5 (sample of the contracts) between Webb Company investors and tenants who wanted to purchase the homes they were forced to move out of; homes later vandalized and stripped to make them a part of the criminal (Action 2). See also (Action 2) [DE 146] pg 15 of 65 Step 4 pg 39 of 65 refuting the false testimony that over 400 of Webb's rebuilt homes had no zoning or building permits (confirming a list of 18 different cities where Webb Companies had in fact purchased building permits and received [final inspections] by the cities before anyone moved in the homes. See also details where "Tenants were Forced to Abruptly Flee" at DE 146 pg 58 of 65 (Action 2). See [DE 146] pg 14 to 15 of 65 for "Short Sales of Homes in Non Low Income Communities" and how the same steps 1 to 5 were used to create this illegally grafted (Action 2).

(Action 2) was riddled with due process violations. See detailed explanations of the serious due process violations in (Action 2) at Doc 62-2 in 14-4074 page 109 of 112 to 112 of 112 and Shepard v. Florida 341 U.S. 50 where the same media based grand jury influence was applied. See also many violations of the Sherman Act and due process violations pursuant to Noerr 365 U.S. at 144 where a publicity campaign was ostensibly directed toward influencing government action was a [mere sham] to cover what was actually nothing more than an attempt to interfere directly with business relationships between Webb Company investors and Webb. The members of the "combination" were serious about finally closing Webb down

as one of the many articles was used to influence the grand jury in the eastern district of N.C. was posted on Yahoo's homepage and was seen by hundreds of millions of people. See False and Misleading testimony and documents at 4th Cir. case 14-4074 Doc 62-3 page 12 of 109 and the details on the house rental home fires and violations of 18 U.S.C. 884 i where mortgaged homes were burned after the 114 tenant families were forced to move out of the homes. See (Action 2) Government Sentencing Exhibit #43 of 101 "the government will burn three of the condemned homes". These homes are listed on [DE 88-1] (Action 1) ledgers and were [all] occupied during (Action 1) [before] the tenants were forced to flee the homes and before the homes were vandalized and stripped by "combination" members and those they paid to do so, such as William Graham (Mysteriously deceased key witness). The combination members also manipulated the federal court. See (Action 2) [DE 96] "The Blythville Story" about some of the attacks which included using the Police as well as City Inspectors to disrupt Webb Company construction job sites as they interfered with the building inspections process as detailed in Affidavits in (Action 1) [DE 50].

See 148-1 in (Action 2) where combination member intimidated the court transcriber, thereby causing 50 pages of errant transcript entries. See letter (copy in another case dossier entitled "Economic Justice") electronically filed for free access at <https://payhip.com/b/U3d1> on page 207-208 from Ms Donna Tomawski on 9/25/12 admitting to the transcribing errors. One substantial one which prevents adequate appellate review of the transcript "specifically DE 142 pg 148 Line 6 the word inhabitable should appear uninhabitable" she says. This is at sentencing as Webb

speaks to his actual and legal innocence in the case; that "[none] of the rebuilt homes in the relitigated case were [un]inhabitable". That one word is the foundation of the criminal case,- that the homes were never, renovated, never sold and never managed. See Defendant's Sentencing Exhibit #6 (Action 2) for an example of the letter used to force the 114 tenant families living in the subject homes of (Action 2), to flee; even as they were paying rents. The Webb Investors who became "combination" members refused to accept their rents after this letter was sent out at the direction of an Attorney who represented a small group of Webb Company investors who had joined in with the "combination". The "combination" members also pressured Webb Company's banking relations. Johnathan Taylor who was Webb's construction lender was threatened that if Webb deposited Webb's net profits from the sale of 12650 Boyce Mill Rd, in the amount of \$815,000.00 (Eight Hundred and Fifteen Thousand Dollars) in the bank where Taylor worked, Taylor would loos his job. "Combination" members instructed Ray Rock, the City Executive of Fidelity Bank (A N.C. bank) on 9/20/2003 to tell Webb to "close all bank accounts for the company and personally, the day after Webb deposited \$1,150,000.00 (One Million One Hundred and fifty Thousand Dollars) into Webb Companies operating account. Ray Rock told Webb that he was "too big for the bank" and it was because "Webb was black". See COMPLAINT (case #04-15-0308-08) (Eastern District of North Carolina)(U.S.A. v Fidelity Bank. The same bank who spearheaded the combinations efforts against Webb was sued by the Department of Justice for racism in lending to black homebuyers and Fidelity settled for one million dollars and admitted their guilt.

The space available in this petition will not begin to suffice for the telling of the voluminous due process violations in (Action 2) however see below a few defense sentencing exhibits pertaining to the same. Exhibit #2 is an appraisal by a bank in house appraisals on one of the smallest homes (515 E. Holly St.) in Rocky Mt. N.C., confirming that the value was "above" Webb's prior appraisal for \$65,000. In (Action 2) the government told the grand jury and the court that the Holly St. home and others like it were never rebuilt.

Sentencing Exhibit #19 "Alpine Homes Occupied" show that statements in [D.E. 11-2] were knowingly false testimony which is a due process violation as the tenant names and rental amounts in (Action 2) are clear on the record. [The homes [were] renovated, sold and managed]. Sentencing Exhibit #12 is another appraisal by a 3rd party appraiser showing one of the homes had a value of \$65,000. That party was not in the case as a co defendant and confirms that the homes were in fact rebuilt before they were vacated and destroyed by "combination members"

Due Process Violations: Denial of \$100,177,842.50

United States Sentencing Guidelines 2B1.1 Note 3 E i

Credits [Against] Losses

[D.E. 146] page 6 to 8 (Action 2)

While the combination and their efforts caused the losses, years after the SEC case (Action 1) was closed, in order to receive a different result with the government's second attempt at restitution years after (Action 1) closed, "combination" members were successful at encouraging Webb company investor/landlords to help them devalue the securities within Webb Companies and the equities in the rebuilt homes where Webb companies held a 40% equity stake see (SEC v W.J. Howey 328 U.S. 298). The losses in (Action 2) which is an illegal [grafted] case, should have been eliminated for

sentencing purposes, instead of causing the 25 year sentencing error; causing Webb to receive a Defacto Life sentence. At the (Action 2) sentencing Webb produced Exhibits of thousands of pages of receipts showing that he had paid \$47,719,863.00 to and on behalf of the alleged victims in (Action 2), however Webb received -0- Credits Against Losses. This due process error was allowed even after in [DE 141] (Action 2) on August 28 at 3:00 pm page 26 line 7-14 the Assistant United States Attorney Gilmore in EDNC said, "the credits against losses, renovations to properties actual expenses that were incurred--and no one disputes in this case there were expenses that were incurred as a part of this business". "The government will agree that there should be credits there". See [DE 142] (Action 2) at sentencing page 106 Line 14-17 "so you may be aware of the guideline request that, or they "require" the defendant be given credit for any money he gave back" AUSA Gilmore. However [still] to this date (over 8 years later) Webb has "not" received the U.S.S.G. 2B1.1 Note 3 E i Credits Against Losses which would adjust his sentence to a 16 point sentencing range for 20-27 months [not] 39 points and a sentencing range of 262-327. Webb received 327 months and has now been in federal prison for 110 months.

Webb's Choice to Represent "himself" was
[NOT] voluntary and is a due process violation
in (Action 2)

See [DE 141] page 19 Line 8-13 (Action 2) Judge: "You've decided that you think this is the best course? I mean, Mr. Smith (Webb's attorney) used an analogy of your being sort of the captain of the ship, and you want to be the captain of this legal ship?" Webb: "Well, your Honor I'd rather not..." Webb was told by his [con-

flicted] attorney that the only way Webb could get to his discovery and accounting records for Webb's U.S.S.G. 2B1.1 Note 3 E i Credits Against Losses, was to represent himself.

Conflicted Counsel (Todd Allen Smith);

Conflicts were "so serious that it effectively renders the conviction

[Void] for lack of Jurisdiction" for (Action 2)

Webb's due process was violated because of conflicted counsel, See (Action 2) [D.E. 141] page 3 Line 5 SMITH "think will be a conflict for me to move forward" (Smith was still appointed as stand by counsel), page 4 Line 4-6 SMITH "but I just think there's some conflicts we can't get around at this juncture, page 9 Line 9-11 AUSA Gilmore "there's been conflicting statements from Mr. Webb in his letters about issues in this case: verses what Mr Todd (Smith) has sent us", SMITH page 12 Line 23 "I think we're going to be here with an ineffective assistance of counsel hearing later on", SMITH page 13 Line 17 "but it is a complicated case", SMITH "I wonder if I have to get some witnesses here", SMITH page 20 Line 4-5 "but I think it might put me in a conflict situation", Judge Dever page 20 Line 18-19 "so I don't think there's an issue of any conflict of any kind" Judge Dever [D.E.] 142 Page333 "Mr. Webb you can appeal your conviction."

Mob domination in (Action 2) is
undisputed by U.S.A. as clarified in DE 15

Affidavit / Declaration in case 1:20-civ-21522-KMM below

The court in (Action 2) "did" loose jurisdiction due to the influence and activities of the "combination" members in this case as governed by Moore v. Dempsey 261 U.S. 86 43 St. 265, 67 L Ed. 543, 43 S.Ct. 265 (1923). "Public policy dictates that there is

an actual interference with course of justice, there is a departure from corrective process, carries into imprisonment based on a judgment produced by mob domination, then Webb has been deprived of his liberty without due process of law." Additionally Webb has sufficiently raised a cognizable claim of actual innocence; "actual innocence" opens the gateway for the court to consider the merits of constitutional claims, including those claims which were otherwise procedurally barred Schlup 513 U.S. at 316, Brown 229 F. Supp. 2d at 1361; Moore v. Dempsey 261, U.S. 86, 87-88. See [D.E. 75] Action 1 final judgment and settlement agreement. "Public policy dictates that there be an end of litigation; that those matters once tried shall be considered settled as between the parties" Baldwin v. Iowa State traveling Mens's Assn., 283 U.S. 522, 525, 759 Ed., 1244, 51 S.Ct. 517 (1931) "Finally must thus delimit equality in a temporal sense, and we must accept as a fact the argument for uniformity loses force over time" .. James Beam Distilling Co. v. Georgia, 501 U.S. at 541, 542 (opinion of Souter, J.) (citation omitted). To have a Final Judgment in (Action 1) and then a second Final Judgment in (Action 2) "both" as to James Thomas Webb regarding the same matter, the same parties, the same common nucleus of operative facts, the same alleged offence, the same 2002-2006 time, the same contracts (Securities per SEC v W.J. Howey id), appears to be a solecism that must be corrected by this honorable court especially when both cases pertain to the same [res] under the Princess Lida Doctrine, long established by this court. See also (Action 1) [D.E. 70, 70-1] for settlement agreement [incorporated] into [D.E. 75] Final Judgment As to James Thomas Webb. Case closed at [D.E. 77] (Action 1).

No voluntary or Intelligent waiver of Counsel in (Action 2)

(Action 2) is void for want of jurisdiction according to Johnson v. Serbs, Warden 1938, 304 U.S. 458, 58 S.Ct. 1019, 82 L. Ed. 1461 in which it is held that one federal court has power to investigate the manner in which another federal court of equal jurisdiction has conducted the trial of a criminal case, and if there was an abuse of discretion in respect to furnishing counsel for the defendant Webb, or it is believed the right to counsel, the appellant might be discharged upon the theory that the judgment of the court in which the conviction was had is void for want of jurisdiction. The Supreme Court in Johnson v. Zerbst determined that jurisdiction of the federal courts to entertain petitions of habeas corpus has been broadened by statute. Based on the facts and the record it should be clear that Webb did not have the advice of counsel at critical points in the proceedings of (Action 2), as required under Supreme Court case United States v. Cronic 466 U.S. 648, 659 n. 25 (1984).

An Anti Suit Injunction pursuant to SEC v. Pension Fund of America FBI Agent Jim Cheroke, (key government witness at sentencing) in (Action 2) had been a member of the "combination" of at least 48 individuals representing the interest of local and regional banks who set out their intentions to "close Webb down" over 10 years before (Action 2) was filed by FBI agent Jim Cheroke. Mr. Cheroke was not in a position to testify as a member of the "combination" on behalf of the government as he not only withheld Webb's 302 report but withheld volumes of exculpatory evidence in violation of Brady and Giiglio as well as Kyles v. Whitley 514 U.S. 419, 437-38. The perjuries perpetrated on the court became merged into the

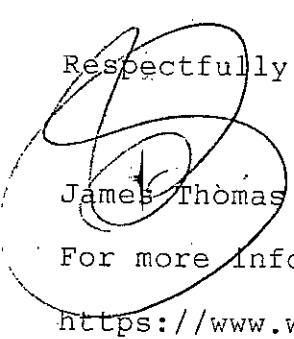
the final judgment in (Action 2). See Pickford v. Talbott 225 U.S. 651. This court has the power to issue the anti suit injunction according to Bethell v. Peace 441 F.2d. 495; Laker Airways Ltd. v. Sabena 731 F. 2d. 909, 928, correcting a blantant attempt to evade the rightful authority of the Southern District of Florida Federal District Court.

Conclusion

For over 25 years I have dedicated my professional career to the purchasing, renovating and sale of affordable single family homes priced as low as \$65,000 across 6 states. In each state I was able to maintain hundreds of jobs and businesses for lower income construction craftsmen as we rebuilt low income communities where many of them grew up. Affordable housing is needed now more than ever. Across America there are millions of vacant and condemned homes waiting to be rebuilt, millions of first tier construction craftsmen waiting to go to work rebuilding those homes and there are millions of tenants now living in poor conditions looking forward to the day they will be able to own their own home. My model, the WAHM (Webb Affordable Housing Model) has been a success and can make substantive impact in adding hundreds of thousands of rebuilt homes to our poor neighborhoods before gentrification considers these communities as off limits to builders who share my dream of rebuilding America from the bottom up. Many anti trust restraints of trade, as in this case, which produced an illegally grafted criminal indictment and imprisonment of the builder himself, go on in secrete. Despite this journey, I am thankful that God has allowed me to shine some light on the injustices that many others not unlike myself have experienced. May justice roll down like living

living waters and righteousness like a mighty stream today on behalf of many others who have passed and will pass this way in pursuit of their dream of rebuilding the communities they grew up in. I ask that this honorable court GRANT this GREAT WRIT, issue an Anti Suit Injunction against (Action 2), dismiss all charges against James Thomas Webb or GRANT whatever relief this honorable court deems appropriate.

Respectfully Submitted,


James Thomas Webb (pro se)

For more information on this case please visit:

<https://www.wv-webb-construct.com/>

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA No _____

Certificate of Service

This is to confirm that on this the 8th day of December 2021 that I James Thomas Webb mailed a true copy of this Petition for a Writ of Certiorari To The United States Court of Appeals for the 11th Circuit by placing it into the FBOP mail system pursuant to the Mail Box Rule and this mailing is timely and within the 90 day's time-frame for such appeal. I also sent this petition to the following addresses:

-United States Supreme Court
1 First Street Northeast
Washington D.C. 20543

and

-Solicitor General of the United States, Room 5616
Department of Justice,
950 Pennsylvania Ave., N.W. Washington, D.C. 20530-0001

Respectfully Submitted,

James Thomas Webb