

21-7211

No. 3:21-CV-65-C-BN

ORIGINAL

Supreme Court, U.S.  
FILED

JAN 11 2022

OFFICE OF THE CLERK

THE SUPREME COURT OF THE UNITED STATES OF AMERICA

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THEODORE (TAD) WILLIAM TAYLOR,  
PLAINTIFF

.v.

THE KENDALL LAW GROUP, PLLC; and  
JOSEPH KENDALL, Esq, in his individual  
and his professional capacity,  
DEFENDANT(s)

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ON PETITION FOR WRIT OF CERTIORARI INCUMBENT UPON  
THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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PETITION FOR WRIT OF CERTIORARI

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RESPECTFULLY SUBMITTED BY:  
THEODORE (TAD) WILLIAM TAYLOR  
REG: 26966-078  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 9000  
SEAGOVILLE, TEXAS 75159

PRO-SE

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## QUESTIONS PRESENTED FOR REVIEW

QUESTION: Whether the Fifth Circuit violated the Petitioner's (Plaintiff's) Fifth and Sixth Amendment rights to Due Process of the Law by permitting such egregious falsehoods, lies, misrepresentations, and deceptions to enter into a Criminal Hearing, therefore justifying grounds for this Plaintiff to proceed under a CIVIL COMPLAINT against his defense counsel for actions wholly supported by evidence that counsel, in his representation or lack thereof, acted with malfeasance, misfeasance, negligence, and committed malpractice, and thus, established reasonable grounds for the Fifth Circuit to vacate the ruling of the District Court and move the proceeding to JURY TRIAL all as Constitutional.

## LIST OF INTERESTED PARTIES

All parties to this proceeding name a Plaintiff and subsequent Defendant(s):

**PLAINTIFF:**

Theodore (Tad) William Taylor  
Federal Identification: 26966-078  
Federal Correctional Institution  
P.O. Box 9000  
Seagoville, Texas 75159

DEFENDANT

**DEFENDANT(s):**

The Kendall Law Group, PLLC; and  
Joseph Kendall, Esq., Attorney at Law,  
each in their individual and professional  
capacity.

3811 Turtle Creek Boulevard  
Suite 1450  
Dallas, Texas 75219

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## APPENDIX

Original Civil Complaint filed against Defendant(s) within the United States District Court in seeking Damages for failed and unethical legal representation of this Petitioner's original criminal proceeding.....A-1

Decision of the United States Court of Appeals for the Fifth Circuit upon its ruling to Affirm the lower Court's Order to DISMISS the filed Civil Complaint, all without consideration for an Evidentiary Hearing.....A-2

Summary of the facts and circumstances encompassing the defense counsel's malfeasance, misfeasance, misrepresentations, unethical behavior, deceptive trade practices, and conflict of interest therein.....A-3

Comprehensive list of various lies, falsehoods, misrepresentations, and distortions presented throughout the criminal proceeding which the named Defendant to this civil complaint perpetrated or failed to challenge when perpetrated by the Government or officers of the Court, therefore establishing proof of an "ole boy's club" of corruption and cover-up to protect each other (Civil Defendant was formerly a Judge).....A-4

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## STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under Title 28 U.S.C. §1254(0) and PART III of the RULES OF THE SUPREME COURT OF THE UNITED STATES. The decision of the Court of Appeals was entered in December, 2021. This Petition is timely filed pursuant to SUP. CT. R. 13.1. The District Court had jurisdiction because Petitioner was charged with violating Federal Criminal Law. The court of Appeals had jurisdiction pursuant to Title 28 U.S.C. §1291 and Title 18 U.S.C. §3742, which provide that Courts of Appeals shall have jurisdiction for all final decisions of the United States District Courts.



### **OPINION BELOW**

A true and complete copy of the filed Appeal, as well as the Decision and Order of the United States Court of Appeals for the Fifth Circuit, which shall affirm the Judgement and Commitment of the United States District Court for the Northern District of Texas, and all as contained herein under Appendix (A-1).

Petitioner also provides for this Honorable Court's review, an unabridged summary of the 151 felony perjury lies and misrepresentations which were permitted to transpire throughout the hearing and sentencing, all as a Constitutional violation of this Plaintiff's rights, including a violation of his Fifth and Sixth Amendment rights to Due Process of the Law. See Appendix (A-2).

## STATEMENT OF THE CASE

It is incumbent upon this Honorable Supreme Court of the United States that a formal Writ of Certiorari be extended to this Petitioner (Plaintiff in case) upon the merits of the Petitioner's original filing under Civil Complaint within the United States District Court where it was summarily denied (dismissed), and upon the misplaced and unsupported Ruling of the United States Court of Appeals for the Fifth Circuit AFFIRMING the lower court's Order, all in violation of this Petitioner's Constitutional rights, including violations of his Fifth and Sixth Amendment rights to Due Process of the Law, specifically where there shall exist a "good ole boy's club" of prosecutors (Government), Judges (District Court), and the Defense Counsel (former Judge), each protecting the other through deceit.

As summarized, this Petitioner as (Defendant in the original criminal case) (No. 4:17-CR-9) witnessed and provided for this Honorable Court's review, 151 felony perjury lies, misrepresentations, falsehoods, and deceptive practices which clearly depict a pattern of Fifth and Sixth Amendment violations providing reasonable and substantial grounds to proceed under Civil Complaint against Counsel for the Defense, who participated in, promoted, and exacerbated such Constitutional violations, and who contributed significantly to prescribed Damages. That, such evidence exists to prove the 151 felony perjury lies, to prove the defense counsel's Deceptive Trade Practices, and to show collusion between defense counsel, prosecutor (Government), and Judge, all as foundational in support of an Evidentiary Hearing which was also summarily denied throughout the criminal appeal process.

Therefore, it is upon such misrepresentation that the Circuit Court of Appeals had an obligation and duty to allow this civil lawsuit to proceed to jury trial, to which it resisted and ruled for DISMISSAL as further cover-up to such corruption.

Nowthen, may this Court assign Writ of Certiorari to reverse such Finding.

## REASONS FOR GRANTING CERTIORARI

This Petitioner approaches the Honorable Supreme Court of the United States upon seeking Writ of Certiorari to return to the United States Court of Appeals for the Fifth Circuit, and to reverse the Findings of the United States District Court for the Northern District of Texas, all upon the merits of the argument that;

1) Petitioner, as criminal defendant in original criminal proceeding was violated his Constitutional rights, including his Fifth and Sixth Amendment rights following the egregious conspiratory and collusive activities between the Office of the Prosecution (United States Attorney), the Defense Counsel (Joseph Kendall and The Kendall Group, PLLC), and the District Judge (Marcia Crone, United States District Judge), all as summarized within the documented 151 felony perjury lies.

2) Petitioner, upon filing of a formidable Civil Complaint against his defense counsel naming malfeasance, misfeasance, misrepresentation, negligence, collusive activity, deceptive trade practices, and fraud, such complaint was summarily Dismissed by the District Court for Lack of Stating a Claim despite the fact that a detailed and comprehensive Claim was presented to include such corruption.

3) Petitioner, upon summarily appealing his Dismissal to the Court of Appeals, received a similar Dismissal upon the Court's Affirmation of the lower Court decision despite the fact that clear and present evidence exists to prove collusion between the entities of Prosecuting Attorney, Defense Attorney, and Judge, all collaborated to cover-up the corruption, to protect each other's reputation, and to purposely rule that such filing NOT be published on the public docket so to keep such lies and deception from others to witness and review.

**NOW THEN,**

CONSTITUTIONAL VIOLATIONS JUSTIFYING WRIT OF CERTIORARI:

Grounds for Civil Complaint to proceed to Jury Trial include;

A multitude of false or misleading statements were presented by and through the United States Attorney's Office (prosecution) which Defense Counsel for the criminal defendant (Petitioner in this instant request for Writ) suffered extensive Damages, all of which were preventable had defense counsel properly represented such defense and brought forward viable witnesses to support criminal innocence.

Misrepresentations which the Defendant(s) failed to address, and which shall qualify as grounds to Proceed To Jury Trial, therefore, providing reasonable evidence to both the District Court and the Appeals Court of Constitutional violations, subsequent Damages, and reasonable grounds to support a lawsuit, shall be presented herein, and in support of a Writ of Certiorari to reverse the Circuit Court's Affirmation and the District Court's Dismissal, and to permit this Civil Case to proceed to Jury Trial following obvious Fifth and Sixth Amendment violations.

Violations of this Petitioner's Constitutional rights include the fact that the prosecution originally "cherry picked" only Seven (7) of 1,150 patient charts in order to mislead the lower court into believing that the "majority" of patient files fell outside of proper medical compliance protocols, when, in fact, 99% of all such files fell well within medical compliance.

Another misrepresentation included the Government attempting to discredit the criminal defendant (Petitioner) by suggesting (falsely) that he and his wife were destitute and without financial security, and utilized criminal means through "pill-mill activity" to enrich themselves, when in fact, the couple each possessed a significant inheritance of \$500,000.00 and \$300,000.00 respectively, and purchased their own homes and cars through personal and family funds, and from other employment income, therefore dispelling such lies, all neglected by defense counsel.

Defense Counsel also neglected or intentionally ignored a false and misleading claim by the prosecution which attempted to suggest that this medical clinic was administering prescriptions for upwards of 90 or more patients per day, an impossible figure based upon the number of hours available, the number of prescriptions filled, and the available records. The actual number of pain management patients may have only been 6-9 per day, and only on one occasion, just a day before the physician and his wife were to depart for an overseas trip, did the clinic see 90+ patients utilizing the assistance of other physicians. Such fabrication and deception was permitted to be propagated by the prosecution while defense counsel neglected any formidable objections or challenges.

Defense Counsel was instructed by the client (Petitioner) to bring forward a list of viable defense witnesses which would have likely vindicated him from any criminal proceedings, yet counsel for the defense refused to present such witnesses. The witnesses available included law enforcement officers, judges, and attorneys all familiar with the inner workings of the medical practice, and each was prepared to testify that the practice remained, at all times, compliant. Another witness was the nation's most revered and renowned Pain Management Expert, Scott Fishman, yet counsel for defense refused to present such witness, a blatant Sixth Amendment violation. This is reasonable grounds for Civil Complaint and Damages.

Counsel for the defense also received notification that the client refused to permit a Magistrate Judge Recommendation, yet such Findings, Conclusion, and Recommendation transpired despite such desire to refuse, and despite the fact that the defendant signed such refusal before the Magistrate's Findings, yet the Magistrate moved to produce his Findings against the will of the Defendant. This shall qualify as an immediate Fifth Amendment violation yet defense counsel failed to act or address such injustice. This is grounds for Civil Complaint and Damages

Counsel for the Defense (as named Defendant to this civil complaint) acted through Deceptive Trade Practices and Conflict of Interest when he simultaneously represented the interests of the Defendant in the criminal proceeding, and if such criminal proceeding resulted in the Defendant's prosecution and subsequent imprisonment, that the defense counsel would adopt the role of real estate property agent, representative, and closing officer should the Defendant's personal assets and home be subject to forced distress sale by the Government as a condition of the defendant's criminal sentence. Such willingness on behalf of the counsel for defense to enrich himself upon the misfortune or prosecution and imprisonment of the very Defendant this defense attorney is representing, shall meet and exceed the definition of Deceptive Trade Practices and breach of fiduciary duty, all as prescribed upon; Campbell v. City of San Antonio, 43 F.3d 973, 975 (5th Cir. 1995) Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498 (5th Cir. 2000).

Counsel for the defense also neglected to object to the excessive multiplication factor which the Government (prosecution) utilized to inflate the actual value or quantity of opioid narcotics prescribed, and by a factor of 7000x the true value. Such neglect to challenge and move these findings to an evidentiary hearing shall qualify as breach of the Defendant's equal protection clause, and also as a dereliction of duty on behalf of the defense counsel, all as grounds for Damages. See; Haines v. Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed. 2d 652 (1972), and Wong v. Stripling, 881 F2nd, 200, 202, 203 (5th Cir 1989).

Finally, it is clear from the Sentencing Transripts and from the list of 151 felony perjury lies that collusion existed between the prosecution, defense counsel, and the judge to attempt to cover-up a series of Constitutional violations permitted. The fact that Counsel for the Defense, Joseph Kendall (Defendant) was formerly a Judge, qualifies him as part and parcel to this "good 'ole boy's club". Further, such club now extends to the Circuit Court when it moved to Dismiss and refuse publication of this case.

## JOSEPH KENDALL'S INADEQUATE, INEFFECTIVE ASSISTANCE:

Attorney Joseph Kendall did a sub-standard trial defense of Dr. Taylor. If Taylor had another defense attorney who worked harder, he may have won his case.

The basic conspiracy charge was bogus. Dr. Taylor did not need money, and he could have retired in 2010. His wife, Chia-Jean Lee, was in Taiwan helping her ill parents. Dr. Taylor never ever discussed or considered "selling drugs" and he did not; he helped many people.

Dr. Taylor documented and recorded 151 felony perjury lies orchestrated by the prosecutor, Buys. Dr. Taylor told attorney Kendall on several occasions that DEA witnesses were lying, and Kendall just sat there. Dr. Taylor sent emails to Kendall during the trial, and he told Dr. Taylor, "you have A.D.D.," and made fun of him. Dr. Taylor showed Kendall receipts and bank account slips of a Corvette (2008 purchase) and 2010 bank accounts proving the DEA was lying. Kendall said nothing.

Almost all of the DEA's witnesses lied. For example, witness Alison Bjorkman lied and said Dr. Taylor continued to give her husband pain medicine. This was a lie. Dr. Taylor gave Rick Bjorkman Seroquel, non-narcotic for sleep. It should also be stated that Alison Bjorkman was a drug addict, was fired from a teaching position, and none of this discrediting information was mentioned by Kendall.

The DEA undercover agent, Nick Draper, lied on two intakes while in Taylor's clinic, and Dr. Taylor treated all his conditions (like dangerously high blood pressure) and told him to get free labs. Dr. Taylor told Kendall the DEA only showed one third of the second visit. Kendall said nothing, then finally asked, "Why didn't you arrest Dr. Taylor" implying Dr. Taylor was guilty. Draper's testimony should have been purged from the record since he only showed one third of the second visit, and because Draper was caught telling several lies while under oath.

Attorney Kendall told Dr. Taylor, "You don't need witnesses, you are the only witness." Dr. Taylor had six law enforcement pain patients, three of whom were on the witness list. They gave Dr. Taylor advice, and they told him his clinic was fine. Also, there were three attorneys as patients, one clinic and two Board attorneys, each telling Dr. Taylor his clinic was fine in 2011. Also, there were two Texas Medical Board Judges stating that they did not think Dr. Taylor was doing anything criminal.

Dr. Taylor wanted at least two or three law enforcement witnesses and two attorneys to testify, and Kendall told Dr. Taylor it was not necessary. Dr. Taylor knew the top pain management physician in the world, Professor, Scott Fishman, and Kendall told Dr. Taylor, "You don't need him, you are the expert."

Dr. Taylor presented a PowerPoint video in Kendall's office in 2018 stating how the DEA did a "money shakedown" and put Lee through torture on February 2, 2012. Attorney, Mark Kennedy called Dr. Taylor that day and said, "The DEA is only after money." Chia-Jean Lee was terrified at the machine guns in her face. The next day, the DEA went to Lee's safety deposit box without a Warrant on February 3, 2012, and they lied in court and said it was on February 9, 2012. This was a serious felony perjury, and it was never mentioned by Kendall.

The DEA then came to Dr. Taylor's home over five years later and almost shot him. Dr. Taylor's ankles were excoriated by the leg shackles, of which, Dr. Taylor showed Kendall a photograph. Dr. Taylor and his wife were forced to walk home five miles from the Plano Court House in winter with no keys, no phone, no money, few clothes and slippers. Kendall knew all of this but said nothing.

After the trial with 151 felony perjury lies by Prosecutor Buys and his law enforcement witnesses, Dr. Taylor was given basic life in prison (20 years at age 64) and without parole. The drug amounts were too high (5kg.) and then multiplied by 7,000 to get 38,400kg. Kendall had told Dr. Taylor this was 1,000 times too high, but did not mention any of this in court. Kendall did not mention Dr. Taylor had discharged over 200 pain patients, provided free labs, and treated all conditions.

Attorney Kendall did NOT mention Dr. Taylor was offered "One Year" in 2012, and seven years later, got basic life in prison from the Judge who was Judge-shopped, Judge Crone. Kendall told Dr. Taylor that Judge Crone was Judge-shopped by Prosecutor Buys, but he did not mention this until the sentencing hearing where Judge Crone did not even come to the court house.

Attorney Kendall said he was mad that Judge Crone did not allow Dr. Taylor to self-surrender, but he said nothing to Judge Crone on Zoom. So, Dr. Taylor got twenty years in 2019 instead of one year in 2012. Because of Attorney Kendall's lazy ineffective assistance, Dr. Taylor will possibly die in prison and never get to spend another Christmas with his family.



## CONCLUSION

Petitioner provides viable and reasonable grounds for issuance of the Supreme Court of the United States to proceed with a Writ of Certiorari upon the merits presented within this summary showing all such Constitutional violations leading up to proposed Damages, as well as Judicial violations of the United States District Court and the Court of Appeals for the Fifth Circuit upon Dismissal of a Civil Complaint brought against the named Defendant(s) for their role in such Constitutional violations including Fifth and Sixth Amendment violations, and finally, the injustice of the Court of Appeal's Dismissal upon its cite of the case Heck v. Humphrey which shall no longer hold precedence as having been superceded by and through Santos v. White, 20-30048, all as unconstitutional.

Finally, that such reversal and Writ of Certiorari shall qualify as reasonable upon recent precedence in which opioid abuse responsibility has been established by the Court throughout the country to now pass through the physician practice and directly into the hands of the manufacturer (See Purdue, See Sackler Family), and where there now exists a multitude of precedence clearing physicians of such responsibility, and simultaneously identifying injustices and Constitutional violations now being reversed by Circuit courts, including upon the following cases which shall provide this Supreme Court additional grounds for Writ of Certiorari. See; Raun v. United States, 20-1410, also see; Kahn v. United States, 20-5261, and finally, see; Egbert v. Boule, 21-147, all as reasonable precedence to further support an immediate assignment of Writ of Certiorari upon this Petitioner's formal placement before the Supreme Court of the United States.....

.....SO SHALL IT BE PRAYED.

**CERTIFICATE OF COMPLIANCE**

I hereby CERTIFY that this brief complies with the type-volume limitation and typeface requirements of Fed.R.App.P. §32(a)(7)(B), and contains UNDER the prescribed maximum word threshold as prescribed, including those sections which qualify as exempted upon Fed.R.App.P. §32(a)(7)(B)(iii).

Further, this brief shall comply with the requirements of Fed.R.App.P. §32(a)(5) and (a)(6) , and has been prepared in a proportionally spaced (double space) format using a Sentec 7000 electric typewriter as provided by the through the Federal Bureau of Prisons consistent with the Stone Ages.

Respectfully Submitted By:

x. Tad W. Taylor  
Theodore (Tad) Taylor

**VERIFICATION AND JURAT**

**WITH MY HAND AND SEAL,**

I, Theodore (Tad) William Taylor, Plaintiff, hereby declare and decree that the facts presented herein shall qualify as true and correct, and in knowing the penalty of perjury before my creator and fellow-man, I present this document with umbrimma fidae, in good faith and with proper and appropriate intention to convey an injustice to this impartial Court, and to seek justice through such ruling upon seeking Writ of Certiorari, and all upon unsworn declaration in accordance with §1746 thereof.

RESPECTFULLY SUBMITTED ON THIS DATE: 1-10, 2022 anno domini

RESPECTFULLY SUBMITTED BY: x

*Ted W. Taylor*  
**THEODORE (TAD) WILLIAM TAYLOR, PLAINTIFF**  
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