

No. 21-7283

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
MAR 04 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Washington, D. C.

Ernest J. Matthews — PETITIONER  
(Your Name)

vs.

Bobby Lumpkin — RESPONDENT(S)

**ON PETITION FOR A WRIT OF CERTIORARI TO**

United States Courts Southern Dist. of Texas  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

**PETITION FOR WRIT OF CERTIORARI**

Earnest J. Matthews  
(Your Name)

"Hightower Unit" 902 FM 686  
(Address)

Dayton, Tx. 77535  
(City, State, Zip Code)

**(Phone Number)**

**QUESTION(S) PRESENTED**

- 1). Is it frivolous to ask a District Attorney to investigate your lawyer because he sexually assaulted you?
- 2). Is the jurisdiction Federal if an attorney pays(s) a 13 yr. old for sex?
- 3). If a minor is exposed to H.I.V./Aids do they have a right to know?
- 4). Can there be limitation(s) on a prisoner's innocence if an investigation can prove them innocent?
- 5). Can a lawyer sexually assault a client, and be protected "color of law?"
- 6). Is it prosecutorial misconduct if a Prosecutor allows(s) a man in jail to have sex with women in jail as a payment?
- 7). Is it prosecutorial misconduct if a Prosecutor speaks to you with out your lawyer present?
- 8). If a lawyer is disbarred for unlawful conduct does his former client(s) have a right to an investigation.

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

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#### STATUTES AND RULES

Mc Quiggan v. Perkins, 569, U.S. 383, 388 (2013).
Schlupe v. Dolo, 513, U.S. 298, 321, 327 (1995).

#### OTHER

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 \_\_\_\_\_; or,

reported at \_\_\_\_\_;  
 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 is unpublished.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 \_\_\_\_\_; or,

reported at \_\_\_\_\_;  
 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 \_\_\_\_\_; or,

reported at \_\_\_\_\_;  
 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 \_\_\_\_\_; or,

reported at \_\_\_\_\_;  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

### For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 02/11/2022.

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

liberally construed, petitioner's allegations raise a claim of actual innocence, which "serves as a gateway through which a petitioner may pass... (to excuse) the expiration of the statute of limitations." *McDowell v. Perkins*, 569 U.S. 383, 386 (2013).

To prevail on the claim, a petitioner must present a credible claim of actual innocence based on "new reliable evidence" . . . that was not presented at the signing of his plea deal, and he must show that it is more likely than not that no reasonable jury would have found him guilty beyond a reasonable doubt in light of that new evidence of his factual innocence.

*Schaff v. Dab*, 513 U.S. 298, 324, 327, (1995).

## STATEMENT OF THE CASE

The United States District Court had subject matter jurisdiction over petitioner's constitutional claim(s) under 28 U.S.C. 2254 by a person in state custody.

On Aug. 20, 2021 the district court dismissed the case as barred by the AEDPA one-year statute of limitations.

Petitioner timely filed a notice of appeal on Aug. 30, 2021. This court has appellate jurisdiction under 28 U.S.C. § 1291.

## REASONS FOR GRANTING THE PETITION

Petitioner has been in prison for 20 yrs. for crime(s) that were committed by his Attorney Gordon White.

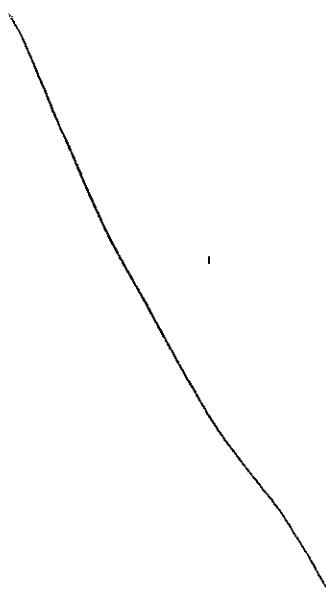
Petitioner is appealing on the basis(s) of his right(s) being violated under the Fourteenth Amendment. Petitioner, and both young girls and boys had been sexually assaulted by At. Gordon White, and all of us (Petitioner included) could have been exposed to H.I.V. / Aids.

This is a case of imperative public importance, because At. Gordon White was having consensual sex with Carl Stevens a gay man who died of aids, and none of At. White's victim(s) has been notified.

Petitioner has shown that not one, but two District Attorney(s) violated his Constitutional Right(s) (i.e., Ft. Bend County Dist. Attorney John Healy, and Waller County Dist. Attorney Ned Butler), and those violations(s) are deprivation(s) constituting Deliberate and/or Reckless Disregard for truth under the Fourteenth Amendment.

District At. Butler broke the law by allowing petitioner to have sex with incarcerated woman as payment.

How well, the number one reason for granting this petition is, because I'm an innocent man in prison.



## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: Feb. 23, 2022