21-7757

No. _____

21-5535

IN THE

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

MARK STINSON, Reg #29908-076 -- PETITIONER

VS.

UNITED STATES OF AMERICA, -- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

MARK STINSON, Reg #29908-076

1629 WINCHESTER ROAD

MEMPHIS, TN 38116

901-395-0947 / 901-542-1943

QUESTION(S) PRESENTED

1. Whether a Judge inquire into the propriety of the issue?

2. Whether the mere possibility of a conflict of interest warrants the conclusion that the defendant was deprived of his right to counsel and a fair trial?

3. Whether there was a violation of the Sixth Amendment Right?

LIST OF PARTIES

[x] 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

MARK STINSON V. DEWAYNE HENDRIX, Warden 19-8493

In re: MARK Stinson 21-5904

Stinson v. Yates, Warden - 21-5383

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TABLE OF AUTHORITIES CITED

CASES

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

[x] 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,
[x] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.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[ ] is unpublished.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[ ] is unpublished.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was ~~March 3, 2022~~ Feb 8, 2022.

[X] 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

Violation of First, Fourth, Fifth, Sixth and Eighth Amendment Rights.
Violation of Fundamental Element of Due Process
Violation of Competency Test
Ineffective Assistance of Counsel
District Court Erred
Violation of Sua Sponte
Witnesses Intimidation
Witnesses Tampering
Fair Trial Violation
Prosecution Misconduct and Miscarriage of Justice
Conflict of Interest

STATEMENT OF THE CASE

COMES NOW, the Petitioner, Mark Stinson, the undersigned in this action, MOVES This HONORABLE Court, to issue an order for Writ of Certiorari, Individual Justice Default Judgment and Bail/ Bond.

BACKGROUND AND PROCEDURAL HISTORY
Criminal Case No.2:16-cr-20247-01

On November 10, 2016, a federal grand jury in the Western District of Tennessee returned a thirteen-count indictment against Mark Stinson and Jayton Stinson, who were, at the time, husband and wife, charged with conspiracy to defraud the United States. (Criminal ("Cr.")ECF No.3 (sealed).). On September 1, 2017, after Jayton Stinson had entered a guilty plea to Count 1, the grand jury returned a superseding indictment against Mark Stinson. (Cr. ECF No.54 (sealed).). The superseding indictment charged Mark Stinson with two types of tax offenses, the first (Counts 1 through 11)arising from his operation of a temporary staffing company an individual income return filed by Mark Stinson's son.

Petitioner's wife an co-conspirator Jayton Stinson pleaded guilty to one count of conspiracy to defraud the U.S. and was sentenced to 12 months in prison. She was made jointly and severally liable for the restitution,(R.107, Judgment, PageID 469-474).

The Petitioner was charged with thirteen counts related to tax fraud: one count of conspiracy to defraud the U.S., five counts of failing to pay over employment taxes, five counts of filing false tax returns, one count of theft of government funds,

and one count of aggravated identity theft, (R.55, Indictment, PageID 115-126). The petitioner was made jointly and severally liable for the restitution with co-conspirator ($2.8 million). The petitioner proceeded to trial and a jury found him guilty on all thirteen counts. After trial the petitioner charges were illegally superseded and sealed and the imprisonment form was not signed. SEE Exhibit marked Government EXHIBIT "1". The trial Attorney Quinn was instructed to file an appeal but he refused.

The petitioner, was not summons to the grand jury hearing and was under an illegal R.I.C.O., The prosecutors made too many picks for jurors and gave two closing remarks and the defense made only one, and the court allowed this. The court violated the 6th. Cir. R. 101(a), an email was given to the court but it was not enter into the trial exhibits, the court misread the jury instruction, the prosecution's witnesses had bogus evidence and presented it to the federal court, under oath, the government witnesses lied under oath, government committed a Brady violation, the indictment was bad, fraud, conspiracy.

The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. The loss of liberty is a severe form of irreparable injury. Ferrara v. United States, 370 F. Supp.2d 351 (D.Mass. 2009); Barone v. United States, 610 F. Supp. 2d 150 (D.Mass. 2009).

The petitioner's, liberty has been loss and continues to be.

REASONS FOR GRANTING THE PETITION

The Petitioner, contends that his attorney during his trial was ineffective and a conflict of interest arose. U.S. v. Del Muro, 87 F.3d 1078(9th Cir. 1996).

Petitioner contends:

> "Petitioner Court Appointed Counsel was inexperienced in The Federal Tax case and didn't understand income Tax Laws. He was unskilled in the trial he was incharged of United States of America v. Stinson, He failed to use the subpoena power to bring witnesses into Court and failed to interview witnesses or investigate the case in general."

Counsel Lack of Experience, in income tax laws and trials. Kemp v. Leggett, 635 F.2d 453(5th Cir. 1981). Right to present a defense. The right to offer testimony of witnesses and to compel their attendance is Fundamental Element of Due Process. Washington v. St. Of Texas, 388 U.S. 14.

Petitioner supplied his trial attorney with the names and address of several witnesses and asked him to issue subpoena for these witnesses but petitioner, court appointed counsel refused to issue subpoena for these witnesses. 1)Mr. Melvin Travis who would have given credible evidence on the case. 2)Mr. Cory Young who would have given credible information that would have resulted in the jury rendering a different verdict. 3)Mrs. Sheila Franks, who would have given testimony that would have been credible and believeable to the court and jury, however Quinn, the trial attorney failed to first interview these witnesses, investigate the case and or to subpoena these witnesses. Quinn refuesed to give

the defendant copies of the indictment nor the conviction, after being asked to. Court appointed Stegall didn't give the defendant copies of the indictment nor the conviction and submitted an brief to the appeal court that wasn't fully devolped (18-5272). Attorney Miller submitted a motion to the trial court without defendant knowledge nor approval (18-2807), and to the appeals court (21-5535) and didn't give defendant a copy of the indictment nor the conviction. Fraud and misrepresentation, as it was outlined in Hazel-Atlas decision, requires deliberately planned and carefully executed scheme and conspiracy participated in by attorneys and judge in federal proceeding to defraud federal court with carefully constructed bogus evidence that not only was presented to that federal court but which also affected federal court's decision. Gonzalez v. Sec'y for the Dep't of Corr., 366 F.3d 1253, 17 Fla. L. Weekly Fed. C 465(11th Cir. 2004); Ferrara v. United, States, 370 F. Supp.2d 351(D.Mass. 2005).

> Due Process Clause forbids a State from convicting a person for a crime beyond a resaonable doubt. Bunkley v. Florida, 538 U.S. 835, 155 L.Ed.2d 1046, 123 S.Ct. 2020(2003).

This was a malicous prosecution. The Government committed a Contitutional Error of admitting evidence that is totally without relevance; Nelson v. Brown, 673 F. Supp.2d 85 (2009). The decisions extablishing The Right to Counsel. Powell v. Alabama, 287 U.S. 45, 77 L.Ed 158, 53 S.Ct. 55(1932). Mr. Justice; Sutherland The Right to be heard would be, in many cases, of little avail if it didn't comprehend the right to be heard by counsel. Even the intelligent and educated laymen has small and sometimes no skill

in the science of law. If charged with a crime, he is incapable, generally, of determining for himself whether the indictment is good or bad (this indictment was bad). He is unfamiliar with the rule of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence; Gonzalez v. Sec'y for the Dep't of Corr., or bogus and irrelevant evidence ot the issue or otherwise inadmissible.

> He lacks boths the skill and the knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceeding against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. Bill Of Rights as source of Right To Counsel. Gideon v. Wainwright, 372 U.S. 339, 9 L.Ed.2d 799 83 S.Ct. 192(1963), Betts v. Brady, [316 U.S. 455, 62 S.Ct. 1252 86 L.Ed 1955].

Petitioner, timely made The Court aware of the conflict of Interest between himself and his Attorney Quinn, and moved to fire the attorney but the Court denied allowing petitioner to fire the attorney and petitioner moved a second time to fire the attorney again the Court refused to allow petitioner to terminate the service of counsel and forced petitioner to continue to trial with the same attorney. Alberni v. McDaniel, 458 F.3d 860(9th Cir. 2006). When counsel objects to potentially conflicted representation, the trial court has an opportunity to eliminate the possibility of an impact on counsel's performance through seeking a waiver from the defendant, appointing separate counsel, or taking adequate "steps to ascertain whether the risk [is]too remote to warrant separate counsel." Holloway, 435 U.S. at 484, 98 S.Ct. 1173, If the trial court fails to make such an inquiry into the potential conflict, REVERSAL IS AUTOMATIC. Atley v. Ault, 21

Supp. 2d 949(S.D.Iowa 1998). When a defendant raises a seemingly substantial complaint before trial regarding the defense attorney's conflict of interest or divided loyalty, the Supreme Court has been absolutely clear that the court must make thorough inquiry; Holloway v. Arkansas, 435 U.S. 475 98 S.Ct. 1173(1978). That inquiry should be on the record and must be of the kind to ease the defendant's dissatisfaction, distraught or concerns. Smith, 923 F.2d at 1320. If the trial court fails to make a sufficient inquiry, prejudice is presumed and "REVERSAL IS AUTOMATIC" Holloway, 435 U.S. at 488.

Petitioner contends that his attorney actively represented conflicting interests, and an actual conflict of interest affected his attorney's performance. Cuyler v. Sullivan, Mannhait, 847 F.2d at 579. and U.S. v. Kliti, 156 F.3d 150(2d Cir. 1998).

> Petitioner, contend that cousel's performance 1)Fell below an objective standard or reasonable competence and 2)That he was prejudiced by his counsel's deficient performance[...] petitioner show prejudice, that it was in fact reasonably probable that but for the misadvice and the incompetence of his trial counsel he wouldn't have been convicted. James v. Cain, 56 F.3d 662(5th Cir. 1995). Petitioner believe he has been denied counsel during a critical stage of his trial. Fusi v. O'Brien, 621 F.3d (1st Cir. 2010).

"Bad lawyering, regardless of how bad" is insufficient. Scarp A, 38 F.3d at 13; Ellis v. U.S., 313 F.3d 636, 643(1st Cir. 2002); Strickland, 466, U.S. at 698, 104 S.Ct. at 2070 citing U.S v. Cronic, 466 U.S. 648, 104 S.Ct. 2039 80 L.Ed.2d 657(1984).

Petitioner, request that this Court take Judicial Notice to his Military Record and his Military Medical Records. Counsel failure to argue the fact that petitioner, served in The United States Army where he suffered [P.T.S.D.] Post-Tramatic Stress Dis

order, and was awarded a Service Ribbon with Three Bronze Stars.

Petitioner's counsel failed to argue and file a Motion to the effect that he suffered P.T.S.D. and that he could not be charged with any form of conspiracy due to the symptons and treatment he have undergone. It was a conflict of interest when counsel failed to argue PTSD defense on the conspiracy. [Comptency Test]. Bouchillon v. Collins, 907 F.2d 589(5th Cir. 1990). It is undisputed that Stinson suffers from PTSD. It is also clear from the Military Records and other reports that petitioner, suffered from this disorder both at the time of his offense and at the time of his trial. The counsel knew and still failed and refused to seek testimony or to argue for an evidentiary hearing, that in all probability, Stinson suffer from PTSD. What is more to the point is whether this disorder rendered Stinson, unable to understand the proceedings against him or to assist in his own defenese.

> In this case counsel's lack of investigation after he had notice of Petitioner's P.T.S.D. he did nothing to protect his mental status. Fell below reasonable professional standards. Thus, Stinson has met both prongs of the Strickland test and it is plain and clear that Stinson was denied effective assistance of conunsel. Dusky v. United States, 362 U.S. 402, 4 L.Ed.2d 824, 80 S.Ct. 788(1960); Becton v. Barnett, 920 F.2d 1190 (4th Cir. 1990).

Counsel should had petitioned the Court for an evidentiary hearing to determine if petitioner, was competent to stand trial. That petitioner was being seen by a psychiatrist who had diagnosed petitioner with PTSD. Few lawyers possess even a rudimentary understanding of Psychiatry. They therefore are wholly, unqualified to judge the competency of their clients, and must seek pro-

fessional medical diagnoses.

A defendant has a right to counsel at every critical stage of a criminal prosecution. Estelle v. Smith, 451 U.S. 454. Barnett v. Hargett, 174 F.3d 1128(10th Cir. 1999); Walker v. Atty General For The State of Okla., 167 F.3d 1339, 1345(10th Cir. 1999), The counsel fail to make an arguement about petitioner competency U.S. v. Arenburg, 605 F.3d 164(2d Cir. 2010).

The District Court erred by misapprehending its statutory obligation under title 18 U.S.C.§424(a). Williams v. Calderon, 48 F. Supp.2d 979(Central District of California 1998).

Petitioner'[Stinson] claims his Constitutional Rights were violated because he was tried while incompetent. [And That] his Due Process Rights were violated when his trial attorney failed to request a competency hearing and the trial court failed to Sua Sponte conduct a competency hearing.

Petitioner is pursuing both a procedural and a substantive incompetency claim. A procedual claim asserts that the trial court failed to conduct a competency hearing on it's own initiative in violation of Pate v. Robinson, 383 U.S. 375, 86 S.Ct. 836 (1966) because, at the time of trial, there was sufficient evidence of petitioner's incompetence to warrant a hearing. A Substantive incompetency claim asserts that petitioner's Due Process Rights were violated because he was tried while incompetent, regardless of whether The Court should have conducted a Pate hearing. Reynolds v. Cochran, 365 U.S. 533, 5 L.Ed.2d 754, 81 S.Ct. 723(1961); In Chandler v. Fretag, [348 U.S. 3] The Court made it emphatically clear that a person proceeded against as a multiple

offender has a Constitutional Right to The Assistance of Counsel. U.S. v. Garrett,149 F.3d 1018(9th Cir. 1998)[A]bused of it's discretion by refusing to allow petitioner to fire his trial attorney who had a conflict of interest.

> When Counsel was advised of the [PTSD] Post-Traumatic Stress Disorder which Stinson suffer from during his tour of duty in the United States Army. Petitioner asserts there was no investigation, no interviewing of witnesses, no preparation of defense, no discovery, no visting of the so call crime scene and no trial preparation. Additionally, petitioner asserts that the attorney made little use, if any of evidence garnered from the Government reports, tended to substantiate his innocence.

The District Court, although recognizing certain deficiencies, found no prejudice. Prejudice is not required where the ineffectiveness of counsel is "so pervasive that a particularized inquiry into prejudice would be "unguided speculation". Washington v. Strickland, 693 F.2d at 1259, n26. House v. Balkcom, 725 F.2d 608 (11th Cir. 1984). The Strickland Court held that the haphazard nature of the [Attorney] Atkinses' defense. The failure to develop strategy of any consequesnce and absenting themselves from crucial portions of the trial Constitutes no representation at all. Given the totality of the circumstances, ineffectiveness of trial counsel has been amply shown.

That co-conspirator/defendant Jayton Stinson entered into a plea agreement with the Government, she did admit to one count of conspiracy. It must be noted that a Military person who suffer with PTSD Post-Traumatic Stress Disorder, are not responsible for any conspiracy after sufferring from the such diease during war time. Petitioner attorney failed to argue for a competency hearing knowing he had PTSD. It also must be noted that husband and

wife can not be charged with conspiracy. Counsel failed to call The Veteran Administration Psychiatrist to testify at trial, where she recently diagnosed Stinson to be incompetent.

> Counsel failed to make a reasonable investigation into petitioner's Mental condition. Wood v. Zahradnick, 578 F.2d at 982. Becton v. Barnett, 920 F.2d 1190(4th Cir. 1990); Hull v. Freeman, 932 F.2d 159(3d Cir. 1991). Counsel failed to call witnesses to testify on petitioner's behalf. Counsel failed to object to the prosecutor's intimidation of witnesses. He failed to properly cross examine an important government witness. The Sixth Amendment to the United States guarantees to a criminally accused the "right to have the assistance of counsel for his defense". Strickland, 466 U.S. at 694. U.S. Const. amend VI; Strickland, 466 U.S. at 685.

("The Constitution guarantees a fair trial through the Due Process Clauses, but it defines the basic elements of a fair trial largely through the several provision of the Sixth Amendment, including the Counsel Clause"). Although Quinn obtained funds to retain an expert, the expect was not paid nor did he rinder and opinion. Defendant stated that the signatures on the 941's forms were not signed by him. Thomas Vastrick, the expect, stated he never rendered an opinion in the case, and he had no other documents but the emails between Quinn and him. SEE Exhibit "A". Quinn told the Court that he lied about the expert's answer. Quinn affidavit is illogical with respect to the expert in that he states he told Stinson, Vastrick did not support their contention, but Stinson wanted to use Vastrick's opinion which is against him is ridicule. By the way an opinion Vastrick states he never made in his email to Counsel Larry Miller. Additionally, Quinn never retained a CPA, an accountant, a tax preparer or a tax attorney, to testify regarding the responsibility of Stinson in the sole proprietorship owned by his wife or the corporations that were later incorporated

In fact, Quinn said the sole proprietorship was a co-ownership. There is no co-ownership in the tax code. The statutory resposibility for 941 tax payments is different for the kind of companies, especially a sole proprietorship. Sec. 6672(a) provices that any person required to collect, truthfully account for, and pay over any tax imposed by the Internal Revenue Code who willfully fails to do so, will "in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax...not collected...and paid over".

> The IRS and the Government broadly define a "responsible person". The Key element in determining responsible person status is whether a "person has the statutorily imposed duty to make the tax payments". (O'Connor v. United States, 956 F.2d 48(4th Cir. 1992)). For the purpose of Sec. 6672 a failure to remit trust taxes is willful if it is voluntary, conscious, and intentional, as opposed to an accidental act. Courts have held that willfulmess is present if a taxpayer knew of the non-payment or recklessly disregarded whether the payments were being made.

This can be established by showing that the person responsible failed to assess and remedy the payroll tax deficiencies immediately upon learning of their existence. He directed the corporation to pay other creditors (thereby preferring other creditors over the IRS) or neglected his duty to use all current and future unencumbered funds available to the corporation to pay those back taxes (Erwin, No.1:06cv59(M.D.N.C. 2/5/2013)). The petitioner made payments for years to the IRS, but they did not give him an offer an comprise SEE generally 26 C.F.R.§301.7122(a) and (g). People v. Treadway, (2010)182 Cal. App. 4th 562 106 Cal. Rptr.3d 99 (conviction reversed because the prosecution interfered with the defendant's ability to call a witness by conditioning his co-defant's pleas on a blanket restriction not to testify, including

for the defense, since this was "governmental interference viotion of a defendant's compulsory-process right".); In re: Martin (1987) 744 P.2d 374, 391, ([a]defendant's right to present a defense, including, most importantly, the right to 'offer the testimony of witnesses and to compel their attendance, if necessary,' is at the very heart of our criminal justice system"). Prosecution misconduct of witnesses tampering. In the United States, the crime of witness tampering in federal cases is defined by statute at 18 U.S.C.§1512, which defines it as "tampering with a witness, victim, or an informant." United States v. Serrano, 406 F.3d 1208, 1216(10th Cir. 2005)(reviewing courts will examine the extent to which "the government actor actively discourage[d] a witness from testifying through threats of prosecution, intimidation, or coercive badgering."); United States v. Smith, 997 F.2 d 674, 680(10th Cir. 1993). (Prosecutors must not intimidate a witness who is willing to testify truthfully for the defense); United States v. Crawford, 707 F.2d 447(10th Cir. 1983).

> When Quinn stated he was calling Young to testify, Brooks, prosecutor, said you need to tell him he needs to be read his miranda rights. Brooks Tran. 898-901 Dec. 7, 2017. In United States v. Straub, 538 F.3d 1147, 1156, 1162(9th Cir. 2008)(finding prosecution's refusal to grant immunity to defense witness who could have contradicted prosecution's immunized witness was grounds for reversal). Prosecutors may also unreasonably deny immunity to defense witness, while granting it to prosecution witness. Williams v. Woodford, 384 F.3d 567, 600(9th Cir. 2004).

("the prosecution's refusal to grant use immunity to a defense witness denies the defendant a fair trial only when (1)the witness's testimony would have been relevant and (2)the prosecution refused to grant the witness use immunity with the deliberate in-

tention of distorting the fact-finding process."); United States v. Straub, 538 F.3d 1147, 1156, 1162(9th Cir. 2008)(finding prosecution's refusal to grant immunity to defense witness who could have contradicted prosecution's immunized witness was grounds for reversal). Scales was granted immunity, but Young was denied immunity which is grounds for reversal and a serious miscarriage of justice in the government's favor.

> Moreover, in the State of Tennessee coercion of a witness is a crime in Tennessee and typically involves the use of threats, intimidation or some other form of force or pressure to compel a witness to testify falsely, withhold testimony or elude judicial process. The offense is classified as a Class D Felony. Cory Young was going to testify that Stinson had nothing to do with the preparation of Scales income tax return. Quinn told Young his testimony was not needed, so Young left the courthouse. SEE Exhibit "B". Quinn did not subpoena Melvin Travis, an accountant who worked directly and exclusively with Stinson and knew Stinson well.

Travis had first hand knowledge of Stinson's comprehension of the 941 tax problem for Stinson's wife sole proprietorship and his understanding of the withholding tax trust fund process. Travis knew Stinson was ignorant about the 941 tax matters at that point when he spoke with him. Quinn should have crossed examined Martin to get a complete understanding that Jayton Stinson processed the payroll exclusively.

APPLCATIONS TO INDIVIDUAL JUSTICES

Pursuant to Rule 22(6), the Clerk will advise all parties concerned, by appropriately speedy means, of the disposition made of an application. Travia v. Lomenzo, 86 S.Ct. 7, 15 L.Ed.2d 46 (1965). The petitioner, is requesting Justice John G. Roberts for this matter of Bail/Bond.

CUSTODY OF PRISONERS IN HABEAS CORPUS PROCEEDINGS

Pursuant to Rule 36.3(a) and (b) and under Fed. R. App. P. 23(c) and Sup. Ct. R 36(3)(b), Circuit Justice Breyer did not find petitioner State's arguments that would be asserted in petition for certiorari showed likelihood of success on merits sufficient to overcome presumption of release pending appeal. O'Brien v. O'Laughlin, 557 U.S. 1301, 130 S.Ct. 5, 174 L.Ed.2d 602(2009); In re: Johnson, 72 S.Ct. 1028 96 L.Ed 1377(1952). The petitioner was on his own recognizance during pre-trial and after trial and request to be release back to that status.

DEFAULT JUDGMENT

The Respondents are hereby notified that a failure to appear and defend this matter "Shall" result in a default judgment against the Defendants for One Hundred Million Dollars($100,000,000.00) immediately, and release from prison immediately.

The petitioner's malicious prosecution violated his First and Fourth Amendments Rights. Pellegrino v. United States, Transp. Sec. Admin., 896 F.3d 207. Officials conduct which causes personal injury due to recklessness or deliberate indifference, does deprive the victim of liberty. Davidson v. Cannon, 474 U.S. 344, 88 L.Ed.2d 677, 106 S.Ct. 668(1985); Bell v. Hood, 327 U.S. 678, 90 L.Ed 939, 66 S.Ct. 773, 13 ALR.2d 338(1946), hold that violation command by federal agents acting under color of his authority give rise to a cause of action for damages consequent upon his unconstitutional conduct. The Western Maid, 257 U.S. 419, 433, 66 L.Ed 299, 303, 42 S.Ct. 159(1922).

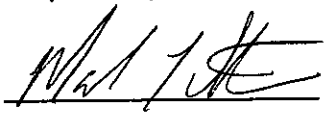
The petitioner, is suffering from malicious aggravated pain, suffering, mental stress on him and his family, malicious loss of liberty, false imprisonment, and malicious defamation of character. The petitioner's First, Fourth, Fifth, Sixth, Seventh and Eighth Amendment Rights has been violated.

The Court notes the well-recognized principle that complaints drawn by pro se litigants are held to a less stringent standard than those drawn by legal counsel. Haines V. Kerner, 404 U.S. 519 92, S.Ct. 594, 30 L.Ed.2d 652 (1972); United States V. Rains, 615 F.3d 589 (5th Cir. 2010).

CONCLUSION

Therefore, for the foregoing reasons, the Court ***"Shall"*** Grant the Petition for A Writ of Certiorari.

Respectfully submitted,



Mark Stinson

Reg #29908-076

April 18, 2022