

No.

21-7760

SUPREME COURT OF THE UNITED STATES

FILED

APR 22 2022

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SUPREME COURT, U.S.

WILLIAM SISKOS — PETITIONER

ORIGINAL

VS.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

ELEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

William Siskos

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QUESTIONS PRESENTED

Did not Supreme Court clarify that the federal Courts have the right and the duty to protect itself from fraud, misrepresentation and misconduct and to right a wrong, and is not dependent on the actions of the parties to seek redress for fraud. (Like obtaining COA)

Should not the main concern of the Supreme Court be the true administration of Justice and to establish a fair Federal Rule of Civil Procedure, Rule 60(b)(3) Appellate review procedure to protect the adequacy, integrity, fairness of the federal Judicial process against agents of state obtaining favorable Judgements in habeas proceedings by sophisticated mode of discriminatory fraud, misrepresentation and misconduct used to specifically manipulate the federal courts' review process denying U.S. Citizens who are poor, uneducated, or mentally disabled, indigent, pro se, a due process meaningful opportunity to be heard, and ~~and~~ be also denied Appellate Review by discriminatory barrier of requiring COA That is impossible to obtain in light of being blocked by The very Fraud evidenced in motion. Is requiring a petitioner to get a Certificate of Appealability (COA) to Appeal denial of Rule 60(b)(3) not also a constitutionally unfair Appeal double standard because had the state as opposing party filed a Rule 60(b)(3) motion or the district court granted Siskos' Rule 60(b)(3) motion, the state could have appealed the Court's decision without obtaining a COA.

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

Booker v. Singletary, 90 F.3d 440, 442 (11th Cir. 1996)
Gonzalez v. Sec'y Dept of Corr., 366 F.3d 1253, 1291-92
(5th and 11th Cir. 2004) (where a court bases its
decision on incorrect interpretation of law or fact
provided by opposing party, The Appeals court is
to determine if the district court's findings are clearly
erroneous in light of petitioner's clear and convincing
evidence of opposing party's fraud, misrepresentation
and misconduct and if so remand for further proceedings
rather than exercise its discretion by affirming the
court's denial of Certificate of Appealability on
false premises. See Also *Collins v. Seaboard C.R. Co.*,
681 F.2d 1333, 1335 (11th Cir. 1982)

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 1-25-22.

☐ 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: 1-25-22, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Fourteenth Amendment right to due process That includes meaningful opportunity to be heard and right to expose fraud on court and obtain relief from it.

2. § 706. Scope of review (2) hold unlawful and set aside agency action, and conclusions found to be —

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law (As district courts denial of Siskos' Rule 60(b)(3) Motion and Circuit Courts denial of COA)

(B) Contrary to Constitutional right, power, privilege, or immunity (Siskos' due process right to meaningfully be heard.)

(D) Without observance of procedure required by Law. (Remand for further proceedings to settle disputes of material facts and law established by petitioner's clear and convincing evidence.)

(E) Unsupported by substantial evidence in case. (The states claims are unreasonable and not supported by evidence in case.)

(F) Unwarranted by the facts to the extent
That the facts are subject to denovo by
This reviewing Supreme Court.

In making the foregoing determinations, The
Court shall review Those parts of record
cited by Party (See APPENDIX C And D) and
due account shall be taken of rule of
preJudicial error (being the Fraud,
Misrepresentation and misconduct by opposing
Party See, Appendix C of Five issues presented)

STATEMENT OF THE CASE

Does the Circuit Courts decision that COA is required to review the district courts abuse of discretion denial of Federal Rules of Civil Procedures, Rule 60 (b) (3) motions mean that a judge can deny with impunity a rule 60 (b) (3) without any meaningful appellate review to correct Courts erroneous findings that are based on false premises provided by opposing parties' fraud, misrepresentation and misconduct?

See APPENDIX C OVERVIEW OF RULE 60 (b) ISSUES

Can it be that the framers of Rule 60 (b) (3) and the rules governing Habeas 2254 petitions and Congress that enacted them meant to say a Rule 60 (b) (3) motion is unreviewable absent a COA? Surely it cannot be that the preservation of the integrity of the Federal Judicial process rely upon a prose litigants COA when the very fraud, misrepresentation and misconduct at the state level create extraordinary circumstances that effectively blocks any meaningful opportunity to have his COA granted.

See APPENDIX D OVERVIEW OF COA GROUNDS PRESENTED

In light of clear and convincing evidence of fraud, misrepresentation and misconduct doesn't the Federal Courts have a duty to remand for further proceedings to protect itself and correct a clearly erroneous Judgement that is made on false premises and not dependent on the actions of the wronged parties.

REASONS FOR GRANTING THE PETITION

To correct a serious discriminatory breakdown in federal habeas § 2254 Appellate review procedure under Federal Rules of Civil Procedures, Rule 60 (b)(3) Certificate of Appealability requirement that is being utilized by agents of states sophisticated mode of discriminatory fraud, misrepresentation and misconduct as clearly evidenced in Siskos case.

This case exposes discriminatory due process violations by sophisticated mode of discrimination that involves far more injury to the adequacy, integrity and fairness of federal Habeas proceedings and more injury to a great number of U.S. citizens of protected classes than injury to a single litigant.

Federal proceedings to protect Constitutional rights of ALL classes of U.S. citizens in which discriminatory fraud, misrepresentation and misconduct to conceal Constitutional violations by state agents cannot complacently be tolerated consistently with Federal Judges OATH to uphold ALL classes of U.S. citizens rights.

This Federal OATH by Judges means they cannot be in the interest of justice mute and helpless victims of state agents conducting sophisticated modes of discriminatory deception and fraud by state to conceal Constitutional violations.

Siskos Rule 60(b)(3) has fully informed The Federal Courts by clear and convincing evidence and in great detail how The States sophisticated mode of Fraud has effectively denied him a meaningful opportunity to be heard.

It is Not fair to require COA to Appeal abuse of discretion denial of Rule 60(b)(3) Review. It is a discriminatory Barrier that poor, uneducated and mentally disabled indigent Pro-se U.S. Citizen litigants cannot get without a lawyer in light of the Fraud, misrepresentation and Misconduct effectively blocking any meaningful opportunity to have COA Granted as the Sophisticated Fraud, Misrepresentation and Misconduct is given a presumption of correctness and clear and convincing evidence not even reviewed because the Federal Courts first applies the "unreasonable test" of 2254(d)(2) and when Federal Court is deceived to believe the State Courts decision is reasonable by state agents discriminatory Fraud, Misrepresentation and Misconduct The Federal Court does not even consider The higher standard of 2254(e)(1) being clear and convincing evidence to rebut states presumption of correctness required to obtain a Certificate of Appealability.

The poor and uneducated who cannot afford lawyers to properly litigate to effectively to get a COA make up a substantial portion of

WHEREFORE, Siskos' case should be remanded back to District Court for hearing to settle genuine disputes in material facts and laws supported by clear and convincing evidence of fraud, misrepresentation, and misconduct by the state agents and establish Supreme Court precedent to correct discriminatory catch-22 in requiring COA to review an abuse of discretion denial of a Rule 60(b)(3) motion when the very same fraud, misrepresentation, misconduct by state agents prevents petitioners from due process meaningful opportunity to be heard to obtain COA.

The OATH of Supreme Court Judges requires them to establish precedent needed to eliminate discriminatory appellate review procedures necessary to protect the constitutional due process right to be heard that all classes of U.S. citizen are entitled to.

Is requiring a Petitioner to get a Certificate of Appealability (COA) to Appeal denial of Rule 60(b)(3) not also a constitutionally unfair Appeal double standard because had the state as opposing party filed a Rule 60(b)(3) motion or the District Court granted Siskos' Rule 60(b)(3) motion, the state could have appealed the Court's decision without obtaining a COA.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William B. Bickel

Date: 4-18-22