22-5663

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

IN RE Danny Terron Boney, Sr. — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

~~[illegible]~~

NO COURT HAD JURISDICTION TO ISSUE ANY JUDGMENT HERE, SO THERE IS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
NO MERITORIOUS [JUDGMENT] TO CITE.

~~PETITION FOR WRIT OF CERTIORARI~~

Danny Terron Boney, Sr. 16494-171
(Your Name)

P.O. Box 1600
(Address)

BUTNER, NC 27509
(City, State, Zip Code)

919-575-3900
(Phone Number)

QUESTION(S) PRESENTED

1) Who owns the Dollar General Stores corporation?

2) Did the AUSA investigate who owns that franchise that was claiming to have been robbed?

3) What was the source of the merchandise for sale in that Dollar GEneral store?

4)Do you judges each expect to be particularly described on any warrant or would you accept any name that accuses you that wasnot your proper name?

5)Do you judges really believe that you can deny Roney, Sr. his sovereignty but still claim you are sovereign?

6)Does a man's signature reflect his sovereignty?

7)Did Cogburn, Jr's statement in his opinion that M E Coleman, counsel, was acting as the Att'y for the government as he specifically stated, as 18USC4241(a)only allows the Attorney for the government to move for that evaluation [Civil action suit] psychological exam on 6-1-2016 as per 4241(a) if lawful, only allows that one or the judge in the criminal action to move for such examination but existing law states that Danny T. Roney, Sr. was involved in a criminal proceeding when the [civil action suit] was never filed Against him nor could it be so filed then per Nov. 1, 1909 Kaufman v Garner CCWDKY 173F550; therefore, Roney's counsel was not his counsel but the Attorney for the government?

8)Cogburn, JR. cited the Strickland v Wash, controversy test for the allegation of ineffective assistance of counsel, illegally as the SCOTUS wrote it, citing the conditions of judgment but they cannot do that as the COngress muSt do it as per the ConstituTion's pRovision in Art. 3, sect. 2, Cl. 1 with such exceptions....as Cong ress shall make.; What is the proper citation to refer to as the SCOTUS can only judge an act lawful/unlawful, not set conditions by which they judge such acts?

9) WHy did a BuNCombe COunty Deputy follow a motorist exercising his/her contract rights that the State cannot impair by any law and guarantees that one to enforce in the courts by the federal Constitution'S provision Art. 1, sect. 10, cl, 1, as valid contracts are property in the Fourteenth Amendment nor shall private property be taken for public use without just compensation; June 14, 1934 Lynch v US 290US 571 54Sct840 78Led1434, So, how did that cop justify violating the motorist's contract rights on her own privately contracted property that the State guarantees to her after the cop did trespass on the law and her rights as well as her property?

To cite June 15, 1977 Avery v US D.Conn. 434Fsupp935 from Marbury v Madison 1803 5US137,170,171 2Led60 No government official can have discretion to commit uncon stitutional or illegal acts.

(18) How was D. T. RONEY, Sr To KNOW WHAT THE WITNESSES STATEMENTS WERE OR WHAT K-9 STATEMENT WAS IF ALL THOSE WERE REDACTED AND NO K-9 STATEMENT WAS IN EVIDENCE AT ALL?

(19) IF THE K-9 DOG WAS A POLICE OFFICER, WHERE WAS THE DOG'S WRITTEN STATEMENT OF EVENTS OF JAN 13, 2016?

(20) WHO IS THE FORMAL ACCUSER PER THAT INDICTMENT'S FOREPERSON'S NAME AS PER THE 6th AMENDMENT'S [CONFRONT THE WITNESSES] CLAUSE PER BULL COMING AS TO FACE-TO-FACE CONFRONTATION, NOT SUBSTITUTES FOR THEM?

(21) WHERE DID THE ROBBER WITH NO PANTS GO AFTER HIS ACT OF ROBBERY?

(22) WAS O. P. SAMUELS, Jr WEARING PANTS UPON BEING KIDNAPPED BY DRAPER ON JAN 13, 2016?

(23) WAS D. T. RONEY, Sr WEARING ANY PANTS WHEN SEIZED ON PRIVATE PROPERTY WITHOUT WARRANT ON JAN 13, 2016?

(24) ACCORDING TO THE WITNESSES VISUAL I. D. OF THE ROBBER, WHO DID ANY OF THEM IDENTIFY AS THE ROBBER WITH NO PANTS?

(25) HAD THE COURT APPOINTED COUNSEL NOT ABANDONED D. T. RONEY, Sr, WOULD D. T. RONEY, Sr HAVE ELECTED TO GO TO TRIAL, OR DID THAT COUNSEL SEND D. T. RONEY, Sr TO KENTUCKY WHERE THE COURT LOST ALL FORMS OF JURISDICTION OVER THE CRIMINAL CASE?

(26) IF THE COURT APPOINTED COUNSEL HAD SECURED THE WITNESSES' STATEMENTS FOR RONEY, Sr TO READ, WOULD RONEY, Sr HAVE CHOSEN TO GO TO TRIAL IF HE HAD KNOWN OF THE [NO PANTS ROBBER] WHO WORE BLUE-JEANS OR WAS THAT COUNSEL INEFFECTIVE?

(27) DID THE 18 DELAYS OF A SPEEDY TRIAL CAUSED BY THAT COURT APPOINTED COUNSEL PREJUDICE THE RIGHT TO CONFRONT THE WITNESSES, THEREFORE DID THOSE DELAYS PROVE INEFFECTIVE ASSISTANCE OF COUNSEL?

(28) HOW SAFE ARE YOUR PROPERTY RIGHTS FROM POLICE WHO DO NOT

40) DOES THE SCOTUS HAVE CONSTITUTIONAL AUTHORITY TO MAKE RULES, POLICY, DOCTRINES OR OTHER REGULATIONS OR EXCEPTIONS TO THE LAWS OF THE UNITED STATES?

41) DOES THE SCOTUS HAVE THE CONSTITUTIONAL AUTHORITY TO IGNORE ANY LAW AS WRITTEN BY CONGRESS IN ITS EXACT LANGUAGE AND FORM?

42) DOES THE SCOTUS OR ANY COURT HAVE ANY CONSTITUTIONAL AUTHORITY TO PICK AND CHOOSE WHERE AND WHEN OR TO WHOM A LAW APPLIES OR TO CLAIM A LAW BY CONGRESS DOES NOT APPLY FOR SOME ONLY, AS TO ATTRIBUTE WORDS TO CONGRESS THAT IT HAD NOT WRITTEN AS IN THE SCOTUS' OPINION ATLANTIC SOUNDING Co. V. Townsend, 25 JUNE 2009 557 U.S. 404 129.S Ct 2561 174 Led 383 hn 21.

43) AFTER M.E. Coleman HERSELF PROVED TO BE INEFFECTIVE AS COUNSEL FOR Roney, Sr, DID Cogburn, Jr's REFUSAL/FAILURE TO PROVIDE COMPETENT, EFFECTIVE COUNSEL FOR RONEY, Sr THUS LOSING ALL FORM OF JURISDICTION TO PROCEED TO ANY [JUDGMENT] PER THE SCOTUS' OPINION 23 FEB 1938 JOHNSON v. ZERBST 304 U.S. 458, 466-69 58 S Ct 1019 82 Led 1461?

44) DID THAT ACT DENY Roney, Sr DUE PROCESS OF LAW BY REFUSING TO ACT?

45) WHEN Howell, MAGISTRATE, REFUSED TO REMOVE M.E. Coleman AS AN INEFFECTIVE COUNSEL FOR Roney, Sr, DID HE COMMIT JUDICIAL MISCONDUCT BY REFUSING TO ALLOW RONEY, Sr TO ACT AS HIS OWN COUNSEL PER THE SCOTUS' RULING 8 JAN 1934 SNYDER v. MASSACHUSETTS 291 U.S. 97 54 S Ct 330 78 Led 674, AS REGARDS ONE ACCUSED TAKING OVER HIS CASE? 28 U.S.C. 1654 APPLIES HERE.

46) DID THE PROSECUTOR SHOW THAT PHOTO OF THE MAN WITH NO PANTS TO THE GRAND JURY?

47) DID THE PROSECUTOR CALL THE STORE EMPLOYEE, Amanda Wheeler, TO TESTIFY THAT THE ROBBER WAS 6' TALL?

48) DID THE PROSECUTOR ACTUALLY MISLEAD THE GRAND JURY TO INDICT IMPROPERLY BY NOT PRESENTING THESE FACTS TO THE GRAND JURY?

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:

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

PAGE NUMBER

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 20 DEC 2021.

[ ] 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: 5 APRIL 2022, 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____. ON 12 JUNE 2022 I MAILED TO THE COURT AN APPLICATION FOR AN EXTENTION OF TIME TO FILE THIS BUT NO RESPONSE

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

AMENDMENT 4 WARRANT

AMENDMENT 5 DUE PROCESS

AMENDMENT 6 SPEEDY TRIAL

AMENDMENT 7 CIVIL SUIT

AMENDMENT 14 EQUAL PROTECTION

BILL OF ATTAINDER

25 LEd 2d 1025 Validity of Guilty Pleas
1. Preliminary Matters
§2. Summary and Comment.
[a] In general

Kercheval -v- United States (1927) 274 US 220, 71 LEd 009, 47 S Ct 582; The court pointed out that out of just consideration for persons accused of crime, courts are careful that a plea of guilty shall not be accepted unless made voluntarily after proper advice and with full understanding of the consequences. The Court added that when one so pleas, he may be held bound, but that on timely application, the court will vacate a plea of guilty shown to have been unfairly obtained or given through ignorance, fear, or inadvertence, and that such an application does not involve any question of guilt or innocence.

" " Validity of Guilty Pleas
11. Validity of guilty pleas; determinative factors
§5 - Factors bearing on Character of plea as voluntarily Made
~~[c] - Promises and plea bargaining~~
[d] - Deception or trick

In some cases the Supreme Court has held or recognized that

25 L Ed 2d 1025 Validity of Guilty Pleas

11.

§5

[h] other factors Physically

In the following cases, appeared in the Supreme Court's consideration of the voluntariness of a criminal defendant's guilty plea.

And in Woods-v-Nierstheimer (1946) 328 US 211, 90 L Ed 1177, 66 S Ct 996, the court indicated that, if true, allegations, upon a petition for habeas corpus, by one adjudged guilty of murder in a state court and sentenced to 99 years on a plea of guilty, that despite the petitioner's repeated assertion of innocence, the public defender entered the guilty plea on the petitioner's behalf, and, with the State's attorney, threatened the petitioner by telling him that he would burn in the electric chair if he did not keep his mouth shut, and that despite these threats, petitioner pleaded not guilty and never consented to the guilty plea, would, together with certain other allegations, show that the conviction and sentencing violated the due process clause of the Fourteenth Amendment.

Note: Criminal defendant has ultimate authority to determine whether to plead guilty, waive jury, testify in his or her own behalf, or take appeal. Concerning those decisions, attorney must both (1) consult with defendant, and (2) obtain consent to recommended course of action. While guilty plea may be tactically advantageous for defendant, plea is not simply strategic choice; it is itself conviction, and high stakes for defendant require utmost solicitude. Accordingly, counsel lacks authority to consent to guilty plea on client's behalf; moreover, defendant's tacit acquiescence in decision to plead is insufficient to render plea valid. Florida-v-Nixon (2004) 543 US 175, 125 S Ct 551, 160 L Ed 2d 565.

X

INTRODUCTION

Comes now, Danny Terron Roney, who is proceeding Pro Se due to the fact the district Court refused to remove counsel from case when I request for substitute counsel was made. I'm requesting for a Petition For Rehearing En Banc due to material factual or legal matters was overlooked; the opinion conflicts with decisions of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; and this case involves several questions of exceptional importance.

The United States Supreme Court issued a ruling stating that when a court refuse to provide a defendant with a counsel, court loses jurisdiction to proceed.

When I requested for a new counsel which was a prerogative given to me by the constitution due to the obvious malpractice conduct against me by my court appointed counsel who admitted before the court about an indeed existence of conflicts but the court only disregarded the sixth amendment requirement, but forced me through a very paramount proceedings with a detrimental counsel. Faretta v. California, 422 US 806, 95 SCT 2525, 45 LED 2d 562 (June 30, 1975), reads that the court cannot force an attorney on an unwilling defendant.

In Johnson -v- Zerbst, 304 US 458, 467-68, 58 SCT. 1019, 82 L.Ed 1461 (1938), to the effect that if a person is entitled to the assistance of counsel and none is provided, then the court lacks jurisdiction to proceed. Also when the court did not file and serve me a notice by summons of a

pending civil action suit, the court forfeited it's jurisdiction in the criminal case, Therefore could not proceed to judgment. EX PARTE TERRY, 32 LED 405, 128 US 289 @ 305 (Nov. 12, 1888); A judgment which lies without the jurisdiction of a court, even one of superior jurisdiction and general authority, is, upon reason and authority, a nullity.

Federal Rule of Civil Proceedure (F.R.Civ.P.) Rule 4, I was not notified of the civil complaint 18USC 4241(a), before it was conducted August 08, 2016. Nor was I notified by the clerk of court that the magistrate judge was taking over case, ① the magistrate never had approval from both parties to preside over 18USC §4241(a), nor to rule on my 28 USCS § 2255 Amended Motion to Vacate. The court lack jurisdiction to make any kind of ruling on my habeas corpus petition, because neither party requested that magistrate judge do the civil proceeding, nor did I agree to him doing (ruling on my § 2255) so. There is nothing in the record stating I agreed to the magistrate proceeding over the civil suit filed, § 2255.

I was neither served the summon in the state I reside after all criminal charges and proceedings was completely over. I did not waived my right to be summon at home by appearing in North Carolina for criminal proceedings. The rule has been established by the decisions of the federal tribunals that, in a case where a defendant is served with civil process while being held for criminal proceedings, the summons is not served under such circumstances and in such a way as to bind the defendant. A defendant is usually entitled

(① 28 U.S.C. § 636(c)(2); (1).)

to be sued at his place of residence..., I was not a residence of North Carolina when any summons was served; I reside in Columbia, South Carolina. See: Kaufman -v- Garner, 173 F. 550; 1909 U.S App. LEXIS 5895 (CA6 November 1, 1909 W.D. Kentucky). See also: Robertson -v- Railroad Labor Board, 268 US 619 @ 623, headnote 3 ("no civil suit shall be brought in any district court..., except in the district than that whereof he is an inhabitant). I was not served because I could not be served; I was not home in the state I reside in. The district courts are not following any of the Supreme Court Cases [redacted], nor the United States Codes Sections used above, nor are they adhering to any United States Constitutional provisions.... They know the law very good and were violating alot of laws and my constitutional rights.

I told the court numerous times that I'm an innocent man. I committed no crime. I was the sole owner of the Dollar General that was robbed. I sent numerous attachments ~~with~~ to go with my appeal with this court, to show that I was convicted in violation of several of my constitutional rights. I've shown ~~[redacted]~~ that the district court had a prior procedural default, and shown that my §2255 Motion to Vacate should have been granted. I further want to say to this court on my petition for Rehearing EN BANC that failure of this court to consider [redacted] my claims would result in a fundamental miscarriage of justice [redacted].

Also for the district court to allow my court appointed attorney to request for me to be evaluated under 18 USC §

4241(a), after I told her not to file for an evaluation for me, and I told her not to file for my mental health records from South Carolina, nor my youth record from Pennsylvania, but she went behind my back and did so anyway without my consent, thus violating my right to effective assistance of counsel. Nothing stated in title 18 USC §4241(a) is criminal, nor states anything I did ~~crim~~ in violation of any criminal law(s), so therefor, just as the court said it was a civil proceeding, and this shows that my court appointed criminal defense attorney filed a civil ~~controversy~~ controversy to have me evaluated; All circuits agree, no counsel can be appointed as counsel in a "Civil controversy" for either party in/of a criminal case.

Again, A, person in a criminal proceeding can not be served civil process until end of proceeding. See: Kaufman -v- Garner, 173 F. 550; 1909 U.S. App. LEXIS 5895 November 1, 1909 (CA6 Circuit Court, W.D. Kentucky),

No Marshall can serve a civil process outside of the issuance courts jurisdiction where he/she is authorized to do so. No person can be served civil process except in the district where he/she is in there residance he/she resides.

F.R.Civ.P. Rule 17, says to identify who is suing me. The United States can not be the ~~person~~ one who is suing me, because it's not a name of an person; it's an entity not a person. That goes back to the Supreme Court Case, Cooke -v- United States (April 13, 1925) 267 US 517 @ 538, 69 LED 767, says the United States district attorney can only proceed in criminal proceedings, not civil.

I request that my entire case be [redacted] given

a Rehearing EN BANC. My entire case should be vacated once you see the court had no jurisdiction over the case in the first instance, as well as all other issues raise herein in this petition and in my appellant brief filed with this court.

While a cause and prejudice test generally applies for purposes of excusing a prior state court procedural default, a federal habeas corpus court may grant the writ, even in the absence of a showing of cause for the procedural default, where a constitutional violation has probably resulted in the conviction of one who is actually innocent, the Supreme Court recognized in Smith -v- Murray (1986) 477 US 527, 91 L.Ed 2d 434, 106 S.Ct 2661.

As to other Supreme Court cases to the effect that, with respect to for relief from a criminal conviction or sentence, there is an exception to the general cause and prejudice requirement when a federal habeas corpus petitioner can demonstrate that the failure to consider a claim would result in a fundamental miscarriage of justice, see Harris -v- Reed (1989) 489 US 255, 103 L.Ed. 2d 308, 109 S.Ct. 1038 (recognizing rule as to state court procedural defaults); Coleman -v- Thompson (1991) 501 US 722, 115 L.Ed. 2d 640, 111 S.Ct. 2546, reh den 501 US 1277, 115 L.Ed. 2d 1109, 112 S.Ct. 27, and stay den (US) 119 L.Ed. 2d 1, 112 S.Ct. 1845 (recognizing rule as to state court procedural defaults).

Wherefore, the Appellant respectfully moves this court to immediately Vacate the criminal conviction against him because holding me in custody would be a violation to the U.S. Constitution. See: Herrera -v- Collins, 506 US 390 (1993); Barefoot -v- Estelle, 463 US 880 (1983). 28 USC 636(c)(2); (1)..., EX PARTE TERRY, 32 L. Ed. 405, 128 US 289 @ 304-305 (Nov. 12, 1888) (Writs of habeas corpus may be used to obtain the discharge of one imprisoned under the order of a court of the United States which does not possess jurisdiction of the person of the subject matter. A judgment which lies without the jurisdiction of a court, even one of superior jurisdiction and general authority, is, upon reason and authority, a nullity.

Being, I, was not notified that the magistrate had authority to hear the complaint at all, and the magistrate didn't have jurisdiction to render any judgment of any kind on my civil action suit § 2255, there was no need to file notice of appeal, though I did so anyway, but district court refused to give me an certificate of appealability to appeal to this court, so I wrote this court and complained about district court not giving me right to appeal, and it was this court clerk's who told me to go ahead and file notice of appeal, that this court straighten out issue ~~with~~ with district court now, I could file. You can also see district court order last page where he tried to deny me certificate of appealibility; plus court had no jurisdiction over my

28 USC §2255 Motion To Vacate.

Respectfully Submitted
"Without Prejudice"

Date: 01/03/22 Danny Terron Roney, Sr.
Danny Terron Roney, Sr.
The Appellant, Pro Se

Address: Danny Terron Roney, Sr. #16494171
Federal Medical Center
P.O. Box 1600
Butner, NC 27509

Copy: filed

VERIFICATION

I, Appellant, Danny Terron Roney, Sr., hereby declare under penalty of perjury that the facts stated in the foregoing Petition for Rehearing En Banc are true and correct.

Respectfully Sworn
"Without Recourse"

Date: 01/03/2022 Danny Terron Roney, Sr.
Danny Terron Roney, Sr.
The Appellant, Pro Se

STATEMENT OF THE CASE

JAN 13 2016, A DOLLAR GENERAL STORE CLERK, AMANDA WHEELER, CLAIMED A MAN ROBBED THE STORE WITH A GUN IN HIS HAND, 6' TALL; THE STORE'S SURVEILLANCE CAMERA RECORDED A LIGHT SKINNED MAN OR A WHITE MAN ENTERED THE STORE WITH NO PANTS ON, WHO ROBBED THE STORE.

THE WITNESSES TO THAT ACT STATED HE WAS WEARING BLUE-JEANS AND A TAN CARHART JACKET, BUT, THE PHOTO SHOWS A HOODED-SWEATSHIRT ON THE MAN WITH NO PANTS. THE CLAIM WAS THAT THE ROBBER LEFT THE STORE IN A DARK SEDAN WITH HIM IN IT. SOMEONE CALL THE COPS OF A ROBBERY. A COP, DRAPER, SAW A CAR ON A BUSY HIGHWAY WHERE HE DROVE A CAR WHERE HE HAD PAID NO USER FEE TAX TO BE DRIVING A MOTOR VEHICLE. HE STOPPED D. D. Jones' CAR USING A GUN DRAWN THUS KIDNAPPING THE OCCUPANTS WHERE Jones HAD PAID THE USER FEE TAX, TO BE ON HER PRIVATELY CONTRACTED PROPERTY, DENYING HER HER CONTRACTED PROPERTY WITHOUT JUST COMPENSATION FOR THE TAKING OF IT, IMPAIRING THE OBLIGATION OF CONTRACTS THE STATE OF NC GUARANTEES TO D. D. Jones. Draper CLAIMED A MAN RAN FROM THAT KIDNAPPING LAWFULLY ESCAPING A KIDNAPPING. Draper CALLED FOR MORE TRESPASSERS TO HELP HIM AS HE HAD NOT PAID TAX TO USE THAT HIGHWAY, TO JOIN IN THE HUNT FOR THE KIDNAPPED VICTIM WHO ESCAPED LAWFULLY PROPERLY PER HIS CIVIL RIGHTS TO PERSONAL FREEDOM.

POINT OF LAW; ALL OF THE EVENTS HERE WERE COMMITED ON PRIVATE PROPERTY WHERE NO COP CAN TRESPASS / SEIZE / TAKE WITHOUT JUST COMPENSATION. JUNE 21, 1934 Lynch v. U.S. 292 U.S. 571 54 S Ct 840 78 Led 434.

WHICH MAKES AN ARMED ROBBERY A [CIVIL ACTION SUIT] BY THE STORE OWNER AGAINST THE ROBBER PERSONALLY. THE COPS CANNOT CLAIM A CRIMINAL OFFENSE SUIT AS THE ACT WAS COMMITED ON PRIVATE PROPERTY WHERE THEY CANNOT TRESPASS AS A COP. TO CONTINUE: THE COPS USED A K-9 TO PURSUE A INNOCENT PERSON WHO ESCAPED KIDNAPPING BY Draper ON JAN 13, 2016 WHO CLAIMED THAT DOG TO BE [TRACKING SCENT] MAYBE OR NOT, WHO KNOWS WHAT A DOG DOES OR WHAT IT THINKS. THE FACT THAT THE COPS TRAVELLED FOR OVER 1/2 MILE TO TRESPASS ON PRIVATE PROPERTY TO CLAIM TO [FIND] O. T. Roney, Sr WHERE THEY COULD NOT ARREST HIM ON PRIVATE PROPERTY. THE RESIDENT ORDERED THEM OFF HER PRIVATE PROPERTY BUT THEY REFUSED TO GO THEN. THUS, THE ARRESTING PROCESS IS QUESTIONABLE HERE; SO, ALL OF THE SUBSEQUENT ACTS BY THE COPS ARE THE [FRUITS OF A POISONOUS TREE]. THE QUESTIONABLE JURISDICTION OF THE ORIGINAL COURT IS HEREBY REASONABLY DRAWN INTO QUESTION; SO, WHEN THE DISTRICT COURT SENT Roney, Sr TO KENTUCKY FOR AN EVALUATION PER 18 U.S.C. 4241-(a.) IT WAS DONE BY M. E. Coleman'S ACT OF AUG 1, 2016, AND LOST ALL FORMS OF JURISDICTION IT MAY HAVE HAD OVER THE CRIMINAL CASE. IF Roney, Sr HAD HAD PROPER ADVICE BY A [COUNSEL] HE WOULD NOT HAVE BEEN PUT THROUGH THE NEXT 6 1/2 YEARS OF HELL HE HAS BEEN EXPERIENCING SINCE THEN BY Coleman'S HAND. THE PERSONNEL IN KENTUCKY FORCED, ILLEGALLY, MIND ALTERING DRUGS ON Roney, Sr IN VIOLATION OF 18 U.S.C. 2241 et al. THIS ACT AND OTHERS CITED LATER PROVE RONEY, Sr WAS SUBJECTED TO INEFFECTIVE ASSISTANCE OF COUNSEL WHERE ALL ACTS HERE WERE ATTRIBUTABLE TO M.E. Coleman's Act OF AUG 1, 2016.

The SCOTUS wrote in April 11, 1967 Specht v Patterson 386US605,608 87Sct1209 18Led2d 326; That [commitment] proceedings, whether denominated civil or criminal, are both subject to the Equal Protection clause of the Fourteenth Amendment.. and to the Due Process clause; the SCOTUS has written that those same clauses in the 5th Amendment apply for persons in federal actions against encroachment by the federal government; here in a Colorado controversy the petitioner was convicted under an act for indecent liberties, but not sentenced under it instead the trial judge illegally made-up an unindicted charge under a different law and without any Due Process of law, sentenced the petitioner under that law; The judge was the accuser/ witness to the unindicted charge which violated Due Process of law and the judges Code of Ethics and criminal laws, as false imprisonment, kidnapping, etc; Conspiracy Against Rights, Deprivation of rights under color of law, et al; This was manifest flagrant injustice without jurisdiction, outside the exercise of discretion of the inferior court, and against law; In the Specht habeas Corpus proceeding, the SCOTUS quoted a 1949 controversy Williams v New York 337US249,250 69Sct1079 93Led 1337; where they wrote on sentencing [We must recognize thatmost of the information now relied upon by judges to guide them in their intelligent imposition of sentences would be unavailable if information were restricted to that given in open court by witnesses subject to cross-examination...The type of and extent of this information made totally impractical if not impossible open court testimony with cross-examination; Then there is the SCOTUS' opinion of June 29, 1959 Greene v McElroy 360US474-480,507 79Sct1400 3Led2d1377,1388,1393; [The Board relied on confidential reportswhich were never made available to the petitioner. These reports apparently were compilations of statements from various persons contacted by an investigative agency, Petitioner had no opportunity to confront and question persons whose statements reflected adversely on him or to confront the government investigator who took their statements. Moreover, it seemed evident that the Board itself had never questioned the investigators and had never seen those persons whose statements were the subject of the reports, at 507; Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who , under our system of government, are not authorized to decide them] 386US606 [Probation workers making reports of their investigations have not been trained to prosecute the offenders. Their reports have been given high value by consciencious judges who want to sentence persons on the best available information rather than on guesswork and inadequate information] May 23, 1938 Johnson v Zerbst 304US458,466 58Sct1019 82Led1461; Congress has the authority to liberalize the common law procedure on Habeas Corpus in order to safeguard the liberty of all persons within the jurisdiction of the United States againsy infri

3-18-22

3-24-22

3-28-22

ngment through any violation of the Constitution or a law or treaty established thereunder;; pg.468 [A courts' jurisdiction at the beginning of trial may be lost in the course of the proceeding due to failure to complete the court...by providing counsel for any person whoais unable to obtain counsel...and whose life and liberty are at stake. If this requirement of the 6th Amendment is not complied with, the court no longer has jurisdiction to proceed. The judgment of a court pronounced by it without jurisdiction is void, and one imprisoned thereunder may obtain release by Habeas Corpus] June 15, 1977 Avery v US D.Conn. 434Fsupp937; Ftnt.8; Cf. Marbury v Madison 1803 1Cranch 137,170-171 2Led60; [A government official cannot have discretion to commit unconstitutional or illegal acts] June 3, 1946 US v Lovett 328US303,322 66Sct1073 90Led1252; Hdnt 3; [Legislative acts, no matter their form, that apply either to named individuals or to easily discernable members of a group in such a way as to inflict punishment on them without judicial trial are Bills of Attainder prohibited by the Constitution...Those who wrote our Constitution well knew the dangers inherent in special legislation which takes away life, liberty or property of particularly named persons, because the legislature thinks them guilty of conduct which deserves punishment] They intended to safeguard the people of this country from punishment without trial by duly constituted courts. To apply [Lovett] Congress does inflict punishment on easily ascertainable members of a group of persons whose conduct the legislature thinks guilty which deserves punishment without judicial trial by duly constituted courts as it is the courts itself that institutes an act of attainder without jurisdiction so is not a duly constituted court. [Lovett], because no notice of the true nature of the [charge] against him was ever given, as in the Feb. 17, 1941 Smith v O'Grady 212US329,334 61Sct572, 85Led859; [Notice is the first and most universally recognized requirement of Due Process] This relates to 18USC4241, a criminal statute that does not describe any act deemed a criminal offense, as against law. It does require a criminal prosecution be in progress in that State and District per the 6th Amendment, before 4241 (a) can be cited, which means, as in [Specht] it is used to imprison a person on trial for 1 offense, but never sued civilly while being prosecuted criminally per the prohibition established in NOv. 1, 1909 Kaufman v Garner CCWDKY 173F550; as cannot be notified of a [civil action suit] so cannot be held to a suit. and since the 4241 [statute] is used today to hold that victim of kidnapping in a federal prison where he is considered to be convicted to be punished. it is a Bill of Attainder as defined as legislative punishment without judicial trial by duly constituted courts. Never convicted on the chargebeing prosecuted to beget the implementation of 4241(a), but condemned on the [charge[never presented nor ever filed

3-23-22

3-30-22

6

in a court of law, nor ever indicted to be an accusation that could be tried in a court of law, as [Specht] above, a total miscarriage of justice by and instituted by the very court that is to insure justice for all equally. April 6, 1936 Johnson v Zerbst 304US458,466 58Sct1019 82Led1461; [The fear that some malefactor may go unwhipped of justice weighs as nothing against the just and strong condemnation o of a practice so odious and indeed, the fear itself has little substance upon whi ch to rest] Also, 4241(a) started in May 13, 1930, that an AUSA could accuse a person on trial in the courtroom against the defendant of a civil ... offense, but it was to be a [civil action suit] as in the 7th Amendment but the standing rule of law, then, and now, is that per the April 13, 1925 ruling by the SCOTUS. Cooke v US 267US517 at 538 445Sct 390 69Led767,774; [The presence of the United States District Attorneys also was secured on the ground That it was a criminal case]; And, Nov. 1, 1909 Kaufman v Garner CCWDKY 173F550; ; and Feb. 23, 1966 Baxstrom v Herold 383US107 at 115 86Sct760 15Led2d620; The SCOTUS wrote manypages of their opinions in the Annotations 133Led2d1133 and 126Led2d789; on [Civil actio n suits] to seize property from persons after a conviction for a federal offense as after sentencing of the defendant to prison for a period of time, but they also had one common thread of law as a [civil action suit] must be subsequent to the end of the criminal trial/proceeding, and none of the pages of citations included any of these 3 specofic rulings above, which if they had cited any of them the whole character of what they wrote would be very different than what they did write, which goes to show that the SCOTUS does not read what they write nor apply their rulings. 18USC4241 does NOT First: cite any rational order of procedure as it is contrary to the rule of law and the idea of subsequent filings of [civil action suits] after the completion of the criminal trial, instead 4241 states that a [civil action suit] need not be, that action is to be concurrent while the crimin al proceeding is still in progress contrary to the order of progression to insti tute a [civil action suit] against a person involved in a criminal proceeding. So, [Kaufman] is first to be applied here. 4241 states, after [commencing prosec ution], the government attorney or the judge can institute a [civil action suit] , but that action is prohibited from happening and the [Baxstrom] opinion states the defendant cannot be in prison to be served any binding process/notice of any [civil action suit] [Kaufman], without notice no suit can be filed against a person then to apply [Cooke] to the mix. NO government agent can file any [civil action suit] lest it becomes automatically a criminal prosecution and then there is 18USC3161, the Speedy Trial Act where trial must begin 70 days after that indictment is first made public, or the government loses all right to try to del ay

it as since the AUSA called for the delay, and too the judge also, called for the delay, the government is held to the 70 days to conduct the trial; but 3161 was not law in 1930, but is law now. The delay was against the prosecution as it was he that caused a 4 month delay in the prosecution as beyond the 70 daysallow ance. [Baxstrom] accentuates [Kaufman] in that that upheld the rule of law to or as no person could be served binding notice of process of a [civil action suit] by summons while in a criminal proceeding and then [Cooke] comes into play as the AUSA is barred from instituting any [CiviL action suit] against a person sin ce 1925, by the SCOTUS' ruling which they did not read nor apply here; but, Idid read it and say it must be applied as written here by the SCOTUS. I will cite another opinion by the SCOTUS of Feb. 17, 1941 Smith v O'Grady 312US329,334 61Sct 572 85Led859; that [notice] is the [first and most Universally recognized requir ement of due process]. So no notice means no [civil action suit] can be prosecut ed nor even instituted here at all. 4241(a) and all of the 7 statutes that follow , all depend upon 4241 being constitutional, but, it was not an example of law all along as to be unconstitutional from its inception in May 13, 1930. 18USC4241 (a) is contrary to law. Lest I forget to and include this, upon the proposition of a subsequent [civil action suit] after the criminal trial, the one suing mu st wait until the person convicted is released from prison and the sentence fully served and the charge fully adjudicated and the person must be completely freed from all form of custody or any restraint upon his liberty by a court and be afforded reasonable time to travel to his homeresidence to be served notice by summons of a pending [civil action suit] if he/she resides within the issuing courts' jurisdictional territorial boundaries per [Kaufman] and [Smith]. law sin ce 1909 and 1941; which brings up Double Jeopardy, if the AUSA institutes the proposed [civil action suit], [Cooke] applies as that would be a second criminal prosecution for an offense or Double Jeopardy as automatically as proscribed by the 5th Amendment, also per the SCOTUS' ruling In Re Snow 118US346 6Sct1059 30 Led200; one charge for one offense! Jan. 18, 1949 Bass v Hoagland CA5TX 170F2d205; [The United States is forbidden to take either life, liberty or property without due process of law, and its courts are included in the prohibition] In the CA6 opinion in Aug. 18, 1984 Sevier v Turner 742F2d262,274; It was written that a judge incurred civil liability if and when he/she instituted a criminal prosecut ion against a person by using their position as a judge. Therefore, due to the written terms in 18USC4241(a), if a judge does institute a [civil actionsuit] ag ainst a person in that court currently in a criminal proceeding, that would be a [criminal prosecution] without an indictment by any grand jury as the 5th Amen dment requires, and would be prosecuted as a crime per the April 13, 1925 Cooke

v US 267US517 at 538 45Sct390 69Led767,774; ruling that [the presenceof the United States District Attorneys also was secured on the ground that it was a criminal case] So, all one's where the AUSA's are involved are criminal prosecutions, not any type of [civil action suits] and in conclusion since a judge instituted the criminal prosecution, he/she did incur [civil liability] for his/her indiscriminate, arbitrary and capricious act. May 16, 1955 In Re Murchison 349US133 75Sct623 99Led 942; June 29, 1981 CA7 Lopez v Vanderwater 621F2d1229,1235; also, that judge or AUSA did institute a criminal case [Cooke], the judge was required to provide counsel for the accused, as to not provide effective, competent counsel where that person's life or liberty was at stake, such violation of the 6th Amendment's provision incorporates Johnson v Zerbst 1938,, again forfeiting any claim of legal ability to proceed to trial in a criminal case.

18USC4241(a) is a Bill of Attainder in that it ordains punishment without any type of real trial in a court of law by a duly constituted court by a panel of accusers who will never judge their own acts as unlawful nor ever question their own judgments against a set of standards established by the legislative act that set those standards; then there is the fact that the person is held as a [convicted prisoner] in a federal prison where he is not in a [suitable facility], but in a prison, in reality, as to punish that person without trial for any federal offense nor a criminal act, for the rest of his life over the years as per the annual review by the same judge who always rubber-stamps those reports, as to yearly accuse that same victim of a crime never charged as to never allow that victim he is prosecuting under 4241, which starts out as a Bill of Attainder. As regards that yearly [review] of that act, no person subjected to it can be afforded his rights in a court of law to contest that annual review and as per the constitutional rights of the victim which is then subject to 4241(a), a legislative act that deprives liberty of movement. Again, enactedby the legislature in in 1995 as a Bill of Attainder, that statement only perpetuates the act of 1930, 4241, to falsely imprison in a federal prison, that kidnap victim as the law 4246 punishes by legislative act not by judicial processes as a federal court cannot exercise any other power except where there is a [case] or [controversy] before it, 4241-4248 all are in contravention to the 5th Amendment's due process clause as in [Smith v O'GrAdy] 1941, see May 26, 1884 ICC v Brimson 154US447,474 4Sct1125 38Led1047; Since no criminal case was ever in progress, no [controversy] can be allowed under 4241's terms.

SCOTUS: [No person can be imprisoned without a public trial] THis PErtains to the [civil commitment] claim of that sentence for one year. Thus 4246, there is tobe

an annual review of that sentence or, in reality, the victim must be released from false imprisonment, but he is not released, instead, he is subjected to a new never filed [charge] for which he is not informed, and no trial is held, but he is again sentenced to another year in federal prison as a convicted [prisoner], yet he has never been charged criminally, nor can he be sued civilly [Kaufman], but is still in a prison unlawfully restrained of his liberty by force. One more nail in the coffin as 4246 after 4241, is implemented, is still a Bill of Attainder as no judicial trial by a duly constituted court and all done in a [kangaroo court] not a court of law. All of these events are done in secret, so, the victim is never informed of them taking place nor is he a party to any of them to confront or cross-examine the [evidence] used to [convict] him nor to ever be informed of a year long sentence again and again as to be falsely imprisoned for many years without due process of law and denied equal protection of the laws as per the 5th Amendment. THe [Kangaroo Court] in RaleiGH, NC 27611, is not protecting him in any way as it is not competent to judge him in the first place as none of the men in FMC Butner, NC 27509, were ever afforded nor accorded due process of law to be subjected to any of these criminal acts by the [Kangaroo court] so each person is kidnap victim sent here by the kidnappers from his home state where no criminal charge is still in progress against him there by the SCOTUS' own ruling on that [Johnson v Zerbst] 1938. A federal prison is not a [suitable facility] to house any person not sentenced to the BOP's custody after due conviction for a federal crime.

REASONS FOR GRANTING THE PETITION

1.) ACTUAL INNOCENCE.

2.) IN THE WD OF NC, ASHEVILLE DIVISION, THE COURT LOST ITS JURISDICTION OVER THE PERSON, SUBJECT MATTER AND THE PROCESS THE MOMENT THAT D.T. RONEY, Sr CROSSED THE LINE BOUNDARY OF THE WD OF NC FEDERAL DISTRICT COURT AS DETERMINED BY LAW AS THE STATE LINE WITH TENNESSEE, NEVER TO REGAIN JURISDICTION WHEN RONEY, Sr WAS BROUGHT BACK IN NC's WD. SO, THE COURT DID KIDNAP RONEY, Sr FOR RANSOM, REWARD OR OTHERWISE AND DID EXTORT FROM HIM HIS RIGHT TO BE SECURE IN HIS PERSON FROM UNREASONABLE SEARCH. AMENDMENT 4;

THIS BRINGS ON THE TERM CO'RAM NON JU'DICE TO BE APPLIED HERE FOR RONEY, Sr. SO, WHEN Roney, Sr FILED A 28 U.S.C. 2255 MOTION IN THAT WD OF NC, HIS EFFORT WAS FUTILE AS THE MAGISTRATE, HOWELL, HAD NO JURISDICTION TO ENTERTAIN IT AT ALL, AS IT WAS A [CIVIL ACTION SUIT] BUT IT WAS NOT LEGALLY PROCESSED; BUT, RONEY, Sr DID NOT KNOW THAT THEN, AND THE OPINION BY COGBURN, Jr WAS OUT OF LINE AS HE HAD NO JURISDICTION AFTER THAT ACT OF RONEY, Sr CROSSING THE BOUNDARY OF THE WD OF NC's JURISDICTION. SO, THAT WAS DONE ADVERSE TO LAW TO COVER-UP THE KIDNAPPING OF THE VICTIM, D.T. Roney, Sr. ALL OF THE OTHERS ACTS BY THE COURT'S OPINIONS WERE ALSO WITHOUT JURISDICTION, SO, ~~[redacted]~~ WERE NOT LAWFULLY WRITTEN; AS TO SAY THAT NC COURT HAD NO AUTHORITY TO [ORDER] THE FMC LEXINGTON, KY TO EVALUATE Roney, Sr! SO, ALL OF THOSE REPORTS BY THOSE KENTUCKY FEDERAL AGENTS WERE WORTHLESS WRITINGS.

3.) ON AUG 1, 2016, D.T. Roney, Sr DID NOT ~~KNOW~~ MOVE FOR ANY PSYCHIATRIC EXAMINATION! AUG 8, 2016 Max O. Cogburn, Jr LOST ALL PERSONAL AND SUBJECT MATTER JURISDICTION OVER THE CRIMINAL CASE BY 3 REASONS HERE

DESCRIBED; 1.) HE HAD NO AUTHORITY TO COMMIT Roney, Sr FOR ANY PSYCHIATRIC EXAM PER 18 U.S.C. 4241(a) AS NOT ALLOWED BY THE LAW, AS Roney, Sr WAS INVOLVED IN A CRIMINAL PROCEEDING; NOV1, 1909 KAUFMAN v. GARNER CCWD KY 173F550; NOR COULD HE, Cogburn, Jr, HAVE ISSUED ANY [CIVIL ACTION SUIT] PER RULE 4, F.R. Civ P. 2.) SENT Roney, Sr OUT OF THE COURTS' JURISDICTIONAL BOUNDARIES; 3.) FAILED TO PROVIDE COMPETENT, EFFECTIVE COUNSEL FOR Roney, Sr, WHERE HE, Cogburn, Jr, FORFEITED JURISDICTION OVER THE CASE PER THE SCOTUS OPINION FEB 23, 1938 Johnson v. Zerbst 304 U.S. 458, 466-69 58 S Ct 1019 82 Led 1461. 4.) TO DELAY THAT TRIAL 18 TIMES WAS TO CONTINUE THE FALSE IMPRISONMENT OF RONEY, Sr UNTIL NOW, OVER 6 YEARS. THE ACTS BY THE PROSECUTOR AND JUDGE ARE JUSTIFIABLE GROUND FOR REVERSAL OF THAT [CONVICTION] FOR WHICH THIS PETITIONER FOR CERTIORARI IS GROUNDED AND PROPERLY WRITTEN AS Roney, Sr WAS BROUGHT INTO THE COURTS' PROCESS BY [TRICK OR DEVICE] WHICH NEGATED ANY CLAIMED ASSERTION OF JURISDICTION BY THE COURT. 5.) ON JAN 13, 2016, A K-9 MUTT WAS FOLLOWED BY OFFICER Murphy ONTO PRIVATE PROPERTY AS CLAIMED BY MURPHY TO BE [TRACKING SCENT] AND WHERE THE RESIDENT OF THAT PROPERTY HAD DENIED ENTRY TO HER HOUSE BY SAYING [GET OFF MY PRIVATE PROPERTY]; THE K-9 HANDLER Murphy AND OTHERS THERE REFUSED TO LEAVE, INSTEAD PROCLAIMING TO THE RESIDENT [GO BACK INTO YOUR HOUSE], THEN CLAIMING TO [ACCUSE] Roney, Sr OF BEING THE ONE WHO RAN FROM Draper's ACT OF DETAINING Jones' CAR, CLAIMING HE, Roney, Sr WAS THE ROBBER OF THE DOLLAR GENERAL STORE. HERE Murphy COULD NOT ARTICULATE THE MUTT'S ACTION AS IT PERTAINS TO THE SEIZURE

OF RONEY, Sr.

6.) SINCE THE PROPERTY OWNER THAT RENTED THE PROPERTY ON WHICH THE DOLLAR GENERAL STORE WAS LOCATED PAID PROPERTY TAXES ON THAT REAL PROPERTY, HE/SHE MADE A BINDING CONTRACT WITH THE CITY OF FAIRVIEW, NC TO BE PROPERTY ITSELF WHICH VALID CONTRACTS ARE PROPERTY ARE AS SUCH PROTECTED FROM BEING TAKEN WITHOUT JUST COMPENSATION, WHETHER THE OBLIGOR IS A PRIVATE INDIVIDUAL, MUNICIPALITY, STATE, OR THE UNITED STATES; 4 JUNE 1934 LYNCH v. U.S. 292 U.S. 571 54 S Ct 140 78 Led 1434; SO DID THE COPS SEIZE THE DOLLAR GENERAL STORE PROPERTY CLAIMING IT TO BE A [CRIME SCENE] ON 13 JAN 2016 WITHOUT JUST COMPENSATION AS TO CLAIM THE POWER OF THE STATE TRESPASSING ON THE OBLIGATION OF CONTRACTS THAT THE STATE CANNOT IMPAIR BY ANY LAW?

7.) ARRESTED IN THE YARD OF A PRIVATE CITIZEN, ILLEGALLY, AS WITHOUT WARRANT; TRESPASS COMPOUNDED BY COPS; ANY PERSON CAN GO UPON ANOTHER'S REAL PROPERTY IF THEIR INTENT IS TO SEEK ENTRY INTO THE HOUSE ON THAT PROPERTY, WHERE THE INTRUDER MUST USE A DIRECT ROUTE FROM THE PROPERTY LINE TO THE NEAREST DOOR OF THE HOUSE, HE MAY KNOCK ON IT AND WAIT FOR A RESPONSE, IF THERE IS NO RESPONSE OR IF THERE IS A RESPONSE AND HE IS DENIED ENTRY, HE MUST IMMEDIATELY LEAVE BY THE MOST DIRECT ROUTE OFF OF THE PROPERTY LEST HE BE TRESPASSING; SCOTUS; THAT COURT HAD NO AUTHORITY TO WRITE THE DESCRIPTION OF TRESPASS AS THE CONSTITUTION'S RESTRICTION ON POWER STATES THE SCOTUS HAS ONLY APPELLATE JURISDICTION BOTH TO LAW AND FACT, WITH SUCH EXCEPTIONS,... AS CONGRESS SHALL MAKE. IF CONGRESS HAD DEFINED TRESPASS, THE COURT WOULD BE BOUND TO HONOR THE LAW ON TRESPASS, BUT, SINCE THAT WAS NOT DONE, THE SCOTUS CANNOT LEGISLATE RULES FOR THE GOVERNMENT. ART. 1, SECT. 8, CLAUSE 14.; HERE, THE COPS DID NOT CROSS THE PROPERTY LINE TO SEEK ENTRY INTO THE HOUSE, INSTEAD CROSSED THE LINE BY FORCE IN ORDER TO [ARREST] Roney, Sr.

1) 18 U.S.C. 4241 (a) MUST BE A CRIMINAL PROSECUTION IN PROGRESS IN THIS DISTRICT OF THIS STATE; AMENDMENT 6 TO CITE 4241 (a).
2) A PERSON MUST BE HERE IN THE ED OF NC TO BE ACCUSED OF A FEDERAL CRIME HERE.
3) A JUDGE NOR AUSA CAN INSTITUTE ANY [CIVIL ACTION SUIT] AGAINST A PERSON IN THE COURT PROCEEDING WHILE THERE. Kaufman D. Garner CCWDKY NOV1, 1909 173F 550.
4) ANY [CIVIL ACTION SUIT] MUST BE SUBSEQUENT TO THE END OF THE CRIMINAL PROSECUTION AND THE PERSON IS AFFORDED REASONABLE TIME TO TRAVEL TO HIS HOME RESIDENCE TO BE SERVED BY SUMMONS; RULE 4 F.R.C. & P. IF HE/SHE RESIDES IN THE ISSUING COURTS' JURISDICTIONAL BOUNDARIES TO BE SO SERVED. 1922 CA3 J.E. Petty CO. v. DOCK CONTRACTORS Co.; 1936 JUNK v. R.J. REYNOLDS TOBACCO Co. CA4; 1925 ROBERTSON v. RAILROAD LABOR BOARD; 1874 GALPIN v. PAGE; 1876 WINDSOR v. McVEIGH; MUNTER V. WEIL CORSET Co.; 1859 ABLEMAN v. BOOTH; 1987 OMNI CAPITAL INT'L v. WOLFF; 1887 xEx PARTE JOHNSON; 1984 CA4 ARMCO INC. v. PENROD-STAUFFER BLDG. SYS. INC. 733 F 2 d 1087, 1089.
5) AS PER #3 ABOVE NO AUSA CAN INSTITUTE ANY [CIVIL ACTION SUIT] PER THE SCOTUS RULING APR 13 1925 COOKE v. U.S.; THE VERY PHYSICAL PRESENCE OF THE AUSA IN A COURTROOM MADE ANY [CIVIL ACTION SUIT] A CRIMINAL CASE.
6) HERE ALMOST ~~ALL~~ OF THE COURTS THAT SENT MEN TO AN FMC FOR AN EVALUATION DO SO BY [SENDING] THAT PERSON OUTSIDE OF THAT COURTS' JURISDICTIONAL BOUNDARIES, ACROSS STATE LINES AT WHICH TIME THE COURT LOST ITS JURISDICTION TO PROCEED OVER THE MAN, THE SUBJECT MATTER AND THE PROCESS, SO, ITS JUDGMENT IS WHOLLY VOID; CO'RAM NON JU'DICE [NOT BEFORE THE (PROPER) JUDGE]. 1922 J.E. Petty Co. v. DOCK CONTRACTORS Co.; JUNK v. R.J. REYNOLDS TOBACCO Co.,
7) THERE CAN NEVER BE ANY [CIVIL ACTION SUIT] FILED AGAINST ANY PERSON IN ANY CRIMINAL PROCEEDING PER 4241 (a) HERE.
8) THAT BRINGS UP A [CIVIL COMMITMENT] CLAIM BY THE FEDERAL GOVERNMENT'S.

I M

JUDGES NON OF WHICH EVEN KNOW THAT THAT IS NOT USEABLE AS 4241(a) IS A CRIMINAL STATUTE, THERE IS NO [CIVIL] APPLICATION OF THAT CRIMINAL STATUTE; AND ALL OF THE VICTIMS OF [CIVIL COMMITMENT] ACTS ARE CALLED KIDNAP VICTIMS NOT [PRISONERS] NOR [INMATES] BUT KEPT IN A PRISON SETTING, ILLEGALLY, AS A FEDERAL PRISON IS ONLY FOR MEN AND WOMEN WHO HAVE BEEN DULY CONVICTED OF COMMITING A FEDERAL CRIMINAL ACT, A FELONY, SO AS TO BE ABUSED BY THE MISUSE OF THE TERM [PRISONER].

9) THIS TERM BRINGS UP THE ACTIONS OF PRISON PERSONNEL IN THIS FMC BUTNER, NC 27509, WHERE THEY ALL CLAIM THAT WE ALL, KIDNAP VICTIMS/HOSTAGES, ARE JUST [PRISONERS] AS WE ARE FORCED TO BE HERE THE SAME AS CONVICTED AND SENTENCED PRISONERS/INMATES WITH WHOM WE SHARE COMMON FACILITIES, SO WE ARE CONSIDERED TO BE [PRISONERS/INMATES] HERE WRONGLY AS 2 FEDERAL LAWS, THE PLRA AND THE IN FORMA PAUPERIS STATUTE, 28 U.S.C. 1915 (h) DEFINE [PRISONER] AS ONE WHO IS ACCUSED OF, CONVICTED FOR AND SENTENCED FOR THE COMMISSION OF A FEDERAL CRIME, WHICH HERE PER # 3 AND #4 ABOVE, NO MAN IN THIS FMC BUTNER IS HERE ON ANY CRIMINAL CHARGE [BACK HOME] ON THAT CHARGE AS IT WAS DISMISSED AUTOMATICALLY BY THE SCOTUS RULING AND OTHER COURTS' RULINGS THAT WHEN THAT FEDERAL COURT DID NOT NOTIFY A PERSON OF A [CIVIL ACTION SUIT] BY SUMMONS OF THE SUIT, THE COURT FORFEITED JURISDICTION OVER THE PERSON, THE SUBJECT MATTER AND THE PROCESS, AS NOT BEFORE THE (PROPER) JUDGE, SO ITS [JUDGMENT] IS WHOLLY VOID; SO NO VICTIM HERE IS CONVICTED OF ANY CRIMINAL CHARGE SO 4241(a) CANNOT BE USED TO KEEP HIM HERE AS THERE MUST BE A CRIMINAL PROSECUTION IS PROGRESS TO CITE 4241(a) BUT HERE NO SUCH PROSECUTION IS IN PROGRESS IN THIS DISTRICT NOR [BACK HOME] TO USE 4241(a) AT ALL SO THE PERSON IS STILL A KIDNAPPED VICTIM HERE.

10) THIS BRINGS UP THE COURTS' RULINGS THAT NO COURT CAN OPERATE

OUTSIDE OF ITS JURISDICTIONAL TERRITORIAL BOUNDARY AS IT CANNOT SERVE PROCESS BY A U.S. MARSHAL, SO, IT CANNOT [ORDER] ANY GOVERNMENT ENTITY TO [EVALUATE] ANY PERSON WHO IS NOT A RESIDENT IN THAT COURTS' GEOGRAPHICAL BOUNDARY, SO ALL [ORDERS] TO ASSESS OR EVALUATE A MAN HERE IN THE FMC BUTNER, NC ARE VOID AND SO THIS WARDEN COULD NOT CLAIM TO BE FOLLOWING ANY [COURT] ORDER TO DO THAT ASSESSING BY A PSYCHIATRIST OR PSYCHOLOGIST HERE, AS TO CONSPIRE TO COMMIT A CRIME OR DEFRAUD THE United States BY CERTIFYING THAT HE IS HOUSING FEDERAL [PRISONERS] ALL THE WHILE RESTRAINING THESE MEN OF THEIR LIBERTY, WHICH AMOUNTS TO MILLIONS OF DOLLARS STOLEN.

1. No court can institute any civil or criminal action in another court's juri sdiction, as to order any evaluation for any civil complaint issued by a Louis iana court to be conducted in the E.D. of N.C. W.D. as this is its jurisdiction.

2. The judge in Louisiana's federal District court did not allow reasonable time for you to travel to your home residence before instituting a civil action aga inst you without notice served on you by a process server.

3. The judge in that federal District court in Louisiana KIdnapped and decoyed you to be brought to the E.D. of N.C. W.D. federal didtrict court's jurisdict ion by "trick or device", or involuntarily, as to scheme to have this local court in Raleigh, N.C. file a civil suit against you to imprison you for life all to cover-up that Louisiana court's lack of jurisdiction to order that eval uation in North Carolina's Eastern District. That indicates "trick or device" and conspiracy.

4. That federal District court judge is liable to you personally (individually) for all damages to your civil right to your good name, your reputation, both civilly and criminally, as to kidnap and decoy you and transport you across state lines. 42USC1985(2)(3) enforceable via 28USC1343(a)(1)(2)(3)(4), all inv oluntarily! How much do you want from that judge as all you have to allege is that he directly or conspiratorialy deproved you of a civilright.

5. As regards 1.,2.,3.,4., above, the hacks and quacks herr in the E.D. of N.C. W.D. FMCBUTNER, report to that judge in Louisiana on their "findings" proving my point that a foreign court to the E.D. of N.C. W.D., and a federal court is calling all the shots outside its jurisdiction, proving the illegality by 2 or mor in conspiracy and under color of official right.

CONCLUSION

WHAT EXACTLY DO YOU WANT THE COURT TO DO? PER EXPARTE Terry NOV I, 1888 128 U.S. 289 AT 305 9 S Ct 77 32 Led 405; C A JUDGMENT WHICH LIES WITHOUT JURISDICTION OF A COURT, EVEN A COURT OF SUPERIOR JURISDICTION

The petition for a writ of certiorari ~~should~~ be ~~granted~~.

THIS OPINION WILL AFFECT TENS OF THOUSANDS OF AGGRIEVED PERSONS.

Respectfully submitted,

Danny Berron Toney, Sr.

Date: August 04, 2022

AND GENERAL AUTHORITY, IS, BY REASON AND AUTHORITY, A NULLITY]
THE SCOTUS IS SUCH A SUPERIOR COURT, AND AS SUCH THEY CANNOT
RENDER ANY JUDGMENT, MAYBE, EXCEPT TO WRITE OF THE FACT THAT
THE FEDERAL DISTRICT COURT IN THE WD OF NC HAD NO JURISDICTION
TO CONDUCT ANY PROCEEDING AFTER 2016 WHEN Roney, Jr. WAS SENT
TO KENTUCKY FOR AN ILLEGAL EVALUATION AND THEN RETURNED TO
WD OF NC WHERE THAT COURT COULD NOT, DID NOT REGAIN JURISDICTION.
ALL THE SCOTUS CAN WRITE IS THAT THEY CANNOT JUDGE WHAT WAS
NOT JUSTICIBLE BY THE INFERIOR COURT SO, THE TERM CO'RAM
NON JU'DICE APPLIES HERE.