22-5756

CASE NO._____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

ADELBERT H. WARNER, II,

PETITIONER,

vs.

C. RIVERS, WARDEN,
FCI SEAGOVILLE,

RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

PETITIONER:

ADELBERT H. WARNER, II, pro se

REGISTER NO. 13604-040

FCI SEAGOVILLE

PO BOX 9000

SEAGOVILLE, TEXAS 75159-9000

QUESTION PRESENTED

Does the Schlup v Delo, 513 US 298 (1995), actual innocence exception to procedural bars to habeas corpus relief serve as a gateway through the procedural bars created by the Antiterrorism and Effective Death Penalty Act's limiting successive applications for habeas relief under 28 USC §2255?

LIST OF PARTIES

Since the commencemnt of this case in the U.S. District Court for the Northern District of Texas, case no. 3:21-cv-1473-M-BN, K. Zook, the FCI Seagoville, Texas warden named in that case has been replaced with C. Rivers as the warden of FCI Seagoville, so he is the respondent I name in this case. The case caption in the district court and court of appeals was Adelbert H. Warner, II vs. K. Zook, Warden, FCI Seagoville.

TABLE OF CONTENTS

TABLE OF CITED AUTHORITIES

Cited Cases

TABLE OF CITED AUTHORITIES (cont.)

In The
Supreme Court of the United States
Petition for a Writ of Certiorari

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

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix B to this petition, and is currently unpublished.

The opinion, order, and judgment of the United States district court appears at Appendices C and D to this petition, and are reported at 2021 U.S. Dist. Lexis 173156, and 2021 U.S. Dist. Lexis 171633.

JURISDICTION

The date on which the United States Court of Appeals for the Fifth Circuit dismissed my appeal was August 25, 2022. No petition for rehearing was filed in my case.

The jurisdiction of this Court is invoked under 28 USC §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In accordance with Supreme Court Rule 14(1)(f), the pertinent text of the constitutional and statutory provisions involved, cited below, are set out in Appendix A because the provisions involved are numerous and lenghty.

The Constitutional and statutory provisions involved are from:

The Fifth Amendment to the United States Constitution

The Sixth Amendment to the United States Constitution

The Fourteenth Amendment to the United States Constitution

18 USC §2510(4)

18 USC §2510(12)

18 USC §2511(2)(c)

18 USC §2518(8)(a)

28 USC §2241(a)

28 USC §2244(a)

28 USC §2244(b)(1)

28 USC §2244(b)(2)

28 USC §2244(b)(3)(A)

28 USC §2255(a)

28 USC §2255(e)

28 USC §2255(h)

Statutory provisions cited, but not involved in the Reasons For Granting This Petition are:

18 USC §2518(10)

18 USC §2520

18 USC §2520(b)(1)

18 USC §2520(e)

28 USC §1915A

STATEMENT OF THE CASE

I, Adelbert H. Warner, II, an innocent man fighting to regain his freedom, present a case involving a situation just like the one in In re Davis, 557 US 952 (2009), in which this Court granted a petition filed under 28 USC §2241 because, among other things, "'no court,' state or federal, 'ha[d] ever conducted a hearing to assess the reliability of the score of [postconviction evidence] that, if reliable, would satisfy the threshold showing for a truly persuasive demonstration of actual innocence.'" Davis, id., at 952 (Justice Stevens, concurring, quoting In re Davis, 565 F3d 810, 827 (11th Cir 2009) (Barkett, J., dissenting)). In fact, the record of the various courts' hand-

lings of my preceeding applications for habeas relief in my diligent pursuit to obtain the relief I am entitled to (detailed below) clearly shows no court, state or federal, has ever reviewed my conviction in the light of the post-conviction evidence that clearly reveals that the constitutional violation of evidence fabrication, followed by a string of other constitutional violations, resulted in convicting an innocent man.

The instant case concerns the denial of an appeal regarding the dismissal of an application for a writ of habeas corpus which clearly invoked the Schlup v Delo, 513 US 298 (1995), actual innocence exception to serve as a gateway through the procedural bars on successive habeas corpus applications.

The application for habeas corpus was dismissed by the district court **(1)** without addressing, in any way, the actual innocence or constitutional claims presented for the showing of actual innocence; and **(2)** by invoking the bars to successive habeas corpus applications that come from the restrictions on successive 28 USC §2255 motions created by the Antiterrorism and Effective Death Penalty Act (AEDPA), viz., amendments to 28 USC §2244(a), and additions of 28 USC §2244(b) and 28 USC §2255(h), in conjunction with the lower courts application of 28 USC §2255(e), the "savings clause," to the AEDPA's restrictions on successive §2255 motions.

In the face of my providing in my Appellant's Brief (Appendix E herewith)

(1) that this Court said in McQuiggin v Perkins, 569 US 383, 386 (2013), regarding the Schlup actual innocence exception, "that actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in Schlup and House [v Bell, 547 US 518 (2006)]...";

(2) that the procedural bar which actual innocence served as a gateway through in Schlup was, like in my case, the bar(s) on successive habeas

corpus application/petitions;

(3) Fifth Circuit Judge Dennis's dissent in In re Warren, 537 Fed. Appx. 457, 458 - 460 (5th Cir 2013), saying that actual innocence serves as a gateway through the bars on successive habeas applications; and

(4) the decision in Triestman v United States, 124 F.3d 361 (2nd Cir 1997), effectively held that actual innocence permitted my situation: filing an application for habeas corpus under 28 USC §2241 since actual innocence serves as a gateway through the bars on successive 28 USC §2255 motions created by the AEDPA,

the 3 judge panel that dismissed my appeal claimed, as is shown on Appendix B page 2, that the cases I cited "do not establish... that [actual] innocence provides an independent gateway for review of claims presented in a §2241 petition." (The panel also admitted that the Fifth Circuit Court "has not held" that actual innocence provides a gateway for review of claims presented in a §2241 petition — my case presented an opportunity for them to do such, instead the panel opted to opine that I failed to demonstrate that my "appeal involves legal points of arguable merit; that my appeal was "frivolous.").

Accordingly, this case calls for an exercise of this Court's supervisory power, as was done in In re Davis, 557 US 952, to **(1)** teach the Fifth Circuit Court that actual innocence does serve as a gateway through the restrictions on successive §2255 motions, and serves as an avenue to habeas relief under 28 USC §2241; and **(2)** help me get the relief from my conviction that I am entitled to and deserve; relief that the next section shows I have been denied time and time again by other courts that seem to be completely unwilling to review my conviction in the light of the new evidence I presented.

MY DILIGENT PURSUIT TO OBTAIN THE RELIEF I AM ENTITLED TO

I have, for over 13 years, been diligently fighting to obtain the relief

from my conviction I know I am entitled to, and like Justice Sotomayor noted was the case for Rodney Reed in Reed v Texas, 206 LEd2d 236 (2020), I have, through that pursuit, obtained credible evidence that serves to meet the requirements for use of the actual innocence gateway through procedural bars to successive habeas corpus applications. (Reed, 206 LEd2d, at 239, Justice Sotomayor noting "In the pending tenth state habeas proceeding,... Reed has identified still more evidence that he says further demonstrates his innocence.").

I was convicted pursuant to a false, coerced guilty plea in United States v Warner, Case No. 1:08-cr-63-PLM (W.D. MI 2008).

Since the filing of my first 28 USC §2255 motion in August of 2010, I have diligently pursued relief from a false guilty plea conviction which is based on fabricated evidence. Throughout my pursuit, I have done the best that I, a person with average intelligence who was severely mentally disordered for the first 6 years of my imprisonment, could do. I had no help while in prison, until 2014, to get additional evidence to prove that the evidence that is the foundation for my conviction is fabricated. In 2014 doors to additional evidence opened when I met 2 other men who were convicted by fabricated evidence produced by the same Keene, New Hampshire Police detective who produced the fabricated evidence to frame me for crimes I did not commit.

I knew that the evidence against me, a collection of alleged electronic mails (e-mails) and electronic instant messenger conversations (chats), was inauthentic, unreliable, and fabricated when I pled guilty, but I was convinced by my court appointed trial counselor that there was no way to challenge the fabricated evidence, or my false confession to that evidence, that is until I discovered post conviction that he was very wrong.

I first alleged that the Keene, NH detective's evidence was fabricated and unreliable in my first 28 USC §2255 motion (Doc #s 44 - 46). The allegation was

never addressed by the district court when it denied my §2255 motion on February 8, 2013 (Doc #80), after I asked to supplement the §2255 motion (Doc #77 August 23, 2012), a request that was denied (Doc #78, Feb. 8, 2013).

I asked for reconsideration of the denial, bringing up the fact that the court did not address the fabrication claims, as well as a couple of others (Doc # 81, Mar. 11, 2013). The motion was denied on March 14, 2013. I sought a certificate of appealability from the Sixth Circuit Court of Appeals, which was denied on Oct. 7, 2013 in Case No. 13-1439. I also sought a writ of cert. from the U.S. Supreme Court, which was denied (Case No. 13-10132, June 16, 2014).

After obtaining from the defendant in United States v Ismay, Case No. 08-cr-39-AG (C.D. Cali 2008), evidence and testimony provided by the same Keene, NH detective who produced the fabricated evidence against me, a Det. James McLaughlin ("McLaughlin" hereinafter), I tried another avenue to relief thinking I could file under 18 USC §2518(10) in the district court to re-raise the evidence fabrication claim using the evidence and testimony from Ismay which **(1)** established that McLaughlin records his alleged e-mails and chats as "text files" (editable, alterable computer word processing documents), which violates 18 USC §2518(8)(a)'s protective recording requirements; and **(2)** revealed McLaughlin altered and edited his e-mail and chat evidence before sending it to California law enforcement to use against Ismay.

That attempt for relief was denied without addressing the claims and evidence (Doc #86, Nov. 8, 2013). I submitted a motion under Fed. R. Civ. P. 60 (b)(6) (Doc #87, Dec. 12, 2013), which was denied on Dec. 16, 2013 (Doc #88). I sought appeal to no avail (6th Cir Case No. 14-1001), and also a writ of certiorari from the Supreme Court that was denied (Case No. 14-10048, Oct. 6, 2015).

On February 1, 2016, I filed a complaint under 18 USC §2520 against McLaughlin (Warner v McLaughlin, Case No. 1:16-cv-34-JD (Dist NH 2016) to try to obtain equitable (habeas type) relief under 18 USC §2520(b)(1) for McLaughlin violating 18 USC §2518(8)(a)'s protective intercepted-communication recording requirements, and fabricating the evidence against me. The complaint included evidence to prove the fabrication which came from the defendant in United States v Olsen, Case No. 10-cr-374 (ND Ill 2010), after Olsen got it from McLaughlin's employer, the City of Keene, New Hampshire after Sept. 2, 2014; and from the defendant in United States v Rowe, Case No. 10-cr-19-KKC-REW (E.D. KY 2010), months after August 21, 2014, due to Rowe having to fight to get it from his trial counselor after discovering that McLaughlins' employer had no record of the evidence McLaughlin produced against Rowe (proof of the foregoing facts is provided in and with Appendix H pages 7 - 11).

On August 30, 2016, with Doc #51, the court adopted a magistrate's report and recommendation to dismiss the complaint under 28 USC §1915A (Doc #37) despite the objections filed by myself and Olsen and Rowe (who chose to join my suit), explaining that the reasons asserted for dismissal were provably untrue and wrong.

Because the court's order (Doc #51), which expanded on the magistrate's report and recommendations, was also loaded with provably untrue statements as the basis for the dismissal, reconsideration was requested on Sept. 29, 2016 (Doc #55, which included 55 unsworn declarations from people who could clearly see that the dismissal was based on provably untrue statements). The request for reconsideration was denied Oct. 20, 2016 (Doc #57).

We appealed to no avail to the First Circuit Court of Appeals in Case Nos. 16-2324, 16-2325, and 16-2355, with the court of appeals refusing to address the provably untrue reasons for dismissal, stating, basically, that since the

18 USC §2520(e) period of limitation expired for my suit under §2520, and we had identified no authority legitimately suggesting that anything in Holland v Florida, 560 US 631 (2010), a case built on regular civil action equitable tolling law, had any application to the §2520(e) statute of limitation, the court need not address the provably untrue statements made by the district court to dismiss our complaint. We also invoked, in the complaint, the actual innocence exception as described in McQuiggin v Perkins, 569 US 383, 386 to serve as a gateway through the statute of limitation and any other procedural bars since we were seeking relief from our convictions under §2520(b)(1)'s allowance for appropriate "equitable relief" for McLaughlin's §2518(8)(a) violations and fabricating evidence that framed us for crimes we did not commit.

Following the denial of the appeal, I and my co-plaintiffs obtained a forensic expert's analysis of McLaughlin's evidence against us. That analysis was sought to respond to the NH judge's saying that he would not accept our non-expert analysis and comparisons, which were, incidentally, verified by the forensic expert. The forensic expert's report was included with a Fed. R. Civ. P. 60(b)(1) and (2) motion (Doc #85 of the district court case), which was denied without addressing the complaints in it as the court denied it by strictly, rather than liberally, construing it to deny it for not meeting the First Circuit's standards for such motions (Doc #97). I appealed, and was denied in First Circuit Case No. 17-1791, and by the U.S. Supreme Court denying me a writ of certiorari in Case No. 17-8894.

On May 28, 2019, after obtaining new copies of McLaughlin's evidence from the City of Keene, NH (I had to obtain new copies because the copies I had were confiscated and destroyed by an FCI Elkton, Ohio staff member), I filed a motion under Fed. R. Civ. P. 60(b)(6) for relief from judgment (asking that the provably untrue reasons for dismissing my complaint be overturned (Doc

#112) along with a request for a different judge under 28 USC §144 proving that the reasons for dismissing the complaint were provably untrue, and alleging that the reasons were intentionally false. The request for a different judge was ignored by the original judge, Joseph DiClerico, Jr., and the motion was denied by him on June 7, 2019 on the grounds that, according to DiClerico, the motion against him was untimely, and failed to provide any extraordinary circumstances for relief (Doc #113).

I appealed, again, to the First Circuit Court of Appeals, and in case No. 19-1710, was denied on March 24, 2020.

Having attained the copies of McLaughlin's evidence against me from the City of Keene, which provided me with other facts I had been trying to acquire for years to prove the evidence is unauthentic, unreliable, and fabricated, I submitted in June of 2020 a request to the Sixth Circuit Court of Appeals for authorization to file a copy of a proposed second §2255 motion I included with the request to show the courts that evidence, and the evidence I got from Ismay, Olsen, and Rowe. The request was deemed correctly filed on Sept. 11, 2020 in case no. 20-1663, and denied on Feb. 2, 2021 with the court claiming, in short, that none of the evidence I presented met the standards for "newly discovered evidence" under 28 USC §2255(h)(1); not even the evidence from Olsen's and Rowe's cases, which was produced by McLaughlin in 2010, and not discoverable by me until I met them and learned in 2014 that we had McLaughlin and his evidence fabrication in common.

After receiving some evidence in January 2021 that a friend of mine found about McLaughlin on the Internet revealing McLaughlin engaged in dishonest practices in two other case, I decided to file an application under 28 USC §2241 in the U.S. District Court for the Northern District of Texas, where I am incarcerated, invoking the Schlup v Delo, 513 USC 298, actual innocence

exception because I was sure that my providing **(1)** proof that McLaughlin intentionally recorded his alleged e-mails and chats which serve as the foundation for my conviction in a way that makes them editable, alterable, and easy to fabricate, violating 18 USC §2518(8)(a)'s protective recording requirement; **(2)** proof that McLaughlin's e-mail and chat evidence that is the foundation for my conviction is inauthentic, unreliable, and fabricated; **(3)** proof that McLaughlin had produced fabricated, inauthentic, and unreliable e-mail and chat evidence in three other cases; and **(4)** evidence which reveals that McLaughlin engaged in dishonest practices in other cases, would be enough, when considered with the string of constitutional violations that followed McLaughlin's evidence fabrication, to meet the Schlup threshold for a credible showing that the string of constitutional violations that began with McLaughlin's fabricating evidence to frame me for crimes I did not commit did result in the conviction of an innocent man.

That §2241 application was, as I discussed in my Statement of the Case, ante, p. 3, dismissed by the district court as procedurally barred, and my appeal to the Fifth Circuit Court of Appeals was dismissed as frivolous, without either court addressing my actual innocence or constitutional claims clearly presented in my application, Appendix H, a modified copy of the Application for a Writ of Habeas Corpus I filed in the district court for relief. (Appendix H contains minor modifications, and, in Section III(F), incorporation of a motion to supplement the application to further prove that I was denied effective assistance of competent counsel, and the fairness that is a part of due process of law.) My case has been a complete miscarriage of justice. (Note: When I said that "no court, state or federal, has ever reviewed my conviction in light of the new evidence I present, I was also including that pursuant to McLaughlin's fabricated evidence, I have a State of Michigan

conviction which I am fighting using the same facts and evidence provided in and with Appendix H, and none of the State courts I have presented it to has ever reviewed my conviction in the light of the new evidence.)

REASONS FOR GRANTING THIS PETITION

I. THIS CASE'S QUESTION CALLS FOR AN ANSWER FROM THIS COURT.

This case's question calls for an answer from this Court because it is a question "whose resolution will have immediate importance far beyond the particular facts and parties involved," Board of Ed. of Rogers v McCluskey, 458 US 966, 971 (1982)(Stevens, J., dissenting (quoting address of Chief Justice Vinson before the American Bar Association (Sept. 7, 1949))), as the situation in this case reveals that until the Fifth Circuit Court of Appeals is told to do so, it will not permit the Schlup actual innocence exception to serve as a gateway through the AEDPA's restrictions on successive 28 USC §2255 motions or other successive applications for habeas corpus relief.

II. THE ANSWER TO THE QUESTION IN THIS CASE IS "YES."

The answer to the question in this case,

> Does the Schlup v Delo, 513 US 298 (1995), actual innocence exception to procedural bars to habeas corpus relief serve as a gateway through the procedural bars created by the Antiterrorism and Effective Death Penalty Act's limiting successive applications for habeas corpus relief under 28 USC §2255?

is "YES."

The question arises because, as the denial of my appeal shows (Appendix B, p. 2), the Fifth Circuit Court of Appeals has not held, and, it seems, will not hold that the Schlup actual innocence exception serves as a gateway

through the restrictions on successive habeas corpus applications created by the AEDPA for successive 28 USC §2255 motions. It appears that the Fifth Circuit Court of Appeals may believe that those restrictions bar use of the Schlup actual innocence exception as a gateway through the restrictions.

The answer to the question raised is "YES" because:

A. THIS COURT MADE IT CLEAR IN MCQUIGGIN V PERKINS, 569 US 383, at 386, that "actual innocence, if proved, serves as a gateway through which a [habeas corpus] petitioner may pass whether the impediment is a procedural bar, as it was in Schlup and House [v Bell, 547 US 618 (2006)], or... expiration of the statute of limitations."

And nothing in this Court's decisions in Schlup, House, or McQuiggin says, or even suggests that there are exceptions to the application of the Schlup actual innocence exception to procedural bars, or that the lower courts can create exceptions for application of the Schlup actual innocence exception.

B. THIS COURT'S APPLYING THE SCHLUP INNOCENCE EXCEPTION to the situations in House v Bell, 547 US 518 (2006), and McQuiggin v Perkins, 569 US 383 (2013), shows that this Court has held that the Schlup actual innocence exception survived passage of the AEDPA. Such is also reflected in this Court's granting a writ of habeas corpus under 28 USC §2241 in In re Davis, 557 US 952, as it appears that this Court permitted Davis's showing of actual innocence in accordance with Schlup to serve as a gateway through the restrictions the AEDPA created for successive 28 USC §2254 habeas applications, which are very similar to those the AEDPA created for successive §2255 motions.

Incidentally, while the Fifth Circuit judges who decided my appeal say that my claim that the Schlup actual innocence exception serves as a gateway

through the restrictions on successive habeas applications is frivolous, Judge Dennis of the Fifth Circuit provided a dissenting opinion in In re Warren, 537 Fed. Appx. 457 (5th Cir 2013), which I quoted in my Appellant's Brief (Appendix E, pp. 6 - 8), that supports my claim:

> "I respectfully dissent from the [majority's] judgment denying Warren authorization to pursue his actual innocence claim in the district court. The Supreme Court's recent decision in McQuiggin v Perkins, 185 LEd2d 1019 (2013), makes clear that the Schlup actual innocence exception has survived passage of Antiterrorism and Effective Death Penalty Act (AEDPA), holding that "actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in Schlup [v Delo, 513 US 298 (1995] and House [v Bell, 547 US 518 (2006)], or [an] expiration of the AEDPA statute of limitations." Id. at [1027].
>
> In Schlup, the Supreme Court held that a prisoner otherwise subject to procedural bars on the filing of abusive or successive writs of habeas corpus may have his federal constitutional claim considered on the merits if he makes a proper showing of actual innocence. 513 US at 326 - 327. (Footnote 1: Schlup provides that the actual innocence exception applies to the situation at issue in the present case: where a petitioner, barred from filing his second or successive federal writ of habeas corpus, may have his constitutional claim considered on the merits by first making a credible showing of actual innocence. 513 US at 326 - 327. Contrary to the majority opinion, therefore, the Schlup actual innocence exception has always been available to petitioners seeking to have a second or successive petition considered on the merits. McQuiggin extends Schlup to apply to a type of procedural bar not at issue in Schlup — namely, where a petitioner seeks to bring an out-of-time petition. [185 LEd2d at 1027]. Nothing in McQuiggin suggests that Schlup is no longer good law; indeed, the Supreme Court relied upon Schlup in both McQuiggin and House to apply the actual innocence exception to new procedurally barred claims. See

id.; House, 547 US at 536 - 37.)

Further, in Bousley v United States, 523 US 614, 623 (1998), the Supreme Court held that the defaulted claim of a petitioner who pleaded guilty may still be reviewed in a collateral proceeding if he can establish that the constitutional error in his plea colloquy has probably resulted in the conviction of one who is actually innocent in accord with Schlup, 513 US at 327 - 328, and Murray v Carrier, 477 US 478, 496 (1986).

Applying the principles and standards of Schlup and Bousley to the present case, I conclude that Warren has made a prima facie showing that he is actually innocent of the charge to which he pleaded nolo contendre, such that we should authorize the district court to consider his application by first assessing whether Warren has in fact satisfied the Schlup requirements and, if he has to consider Warren's application for habeas relief on its merits."

It appears from the Fifth Circuit Panel's dismissal of my appeal, and the district court's dismissal of my application for a writ of habea corpus (Appendices B and C), that those judges may believe that the Schlup actual innocence exception is not good law.

C. THERE IS NO LEGITIMATE REASON FOR THE FIFTH CIRCUIT TO NOT permit the Schlup actual innocence exception to serve as a gateway through the bars on successive habeas corpus applications.

However, the Fifth Circuit Panel's and the district court's pointing out that I failed to meet the Fifth Circuit's particular 28 USC §2255(e) "savings clause" exception to the bars on successive habeas applications (see Appendix B, p. 2, and Appendix C, pp. 2 - 3) indicate that those judges believe that the Fifth Circuit's "savings clause" exception is the ONLY gateway through the AEDPA's bars on successive §2255 motions that is available in the Fifth Circuit, after all, the Panel's decision (Appendix B) admits the Fifth Circuit

has never held that the Schlup innocence exception can serve as a gateway for review of claims presented in a 28 USC §2241 petition like it appears it did serve as a gateway to review of claims presented in a §2241 petition in In re Davis, 557 US 952 (2009).

The Fifth Circuit's "savings clause" exception is an "innocence" exception in which the petitioner has become innocent through a "retroactively applicable Supreme Court decision which establishes that the petitioner may have been convicted of a nonexistent offense," and the claim thereof "was foreclosed by circuit law at the time when the claim should have been raised in the petitioner's trial, appeal, or first §2255 motion." Reyes-Requena v United States, 243 F3d 893, 904 (5th Cir 2001).

Many of the U.S. courts of appeals have created similar "savings clause" exceptions, each doing so to set a narrow balance between §2255(e)'s "inadequate or ineffective" exception for successive §2255 habeas motions, and the AEDPA's restricting successive §2255 motions to the circumstances set out in §2255(h) so that §2255(e)'s "inadequate or ineffective" exception does not function to "drop the §2255(h) bar on second and successive motions, defeat its purpose, and render it pointless." Gilbert v United States, 640 F3d 1293, 1308 (11th Cir 2011)(citing such cases before saying that).

However, nothing in §2255(e), §2255(h), or 28 USC §§2244(a), 2244(b)(1) or (2) or (3)(A) gives a clear command that the Schlup actual innocence exception cannot serve as a gateway through the bars on succesive habeas petitions, and this Court did say in McQuiggin v Perkins, 569 US 383, at 397, that since "equitable principles have traditionally governed the substantive law of habeas corpus... we will not construe a statute to displace courts' traditional equitable authority absent the clearest command," noting thereafter that the text of 28 USC §2244(d)(1), the statute of limitation at issue in that case,

"contains no clear command countering the courts' equitable authority to invoke the miscarriage of justice [or actual innocence] exception to overcome expiration of the statute of limitations governing a first federal habeas petition."

The Schlup innocence exception would not defeat §2255(h)'s bars on successive, non-actual innocence habeas corpus petitions, so there is no legitimate reason for the Fifth Circuit to not permit the Schlup innocence exception to serve as a gateway through the bars on successive habeas petitions. It seems that the Fifth Circuit, except Judge Dennis, simply do not want to let that happen.

D. THE DECISION IN TRIESTMAN V UNITED STATES, 124 F3d 361, 378-380 (2nd Cir 1997), provides a sound basis for the Schlup actual innocence exception to serve as a gateway through the bars on successive habeas applications, a basis the court used when it created its particular "savings clause" exception for the filing of 28 USC §2241 habeas corpus applications:

> "It remains to be determined whether the failure to allow for collateral review in Triestman's case would raise sufficiently serious constitutional questions such that §2241 should be deemed available to him. ...
>
> We... find an open and significant due process question. The Supreme Court has stated that a procedural limitation 'is not subject to proscription under the Due Process Clause unless it offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.' Medina v California, 505 US 437, 445 (1992)(citations and internal quotation marks omitted). 'Concerns about the injustice that results from the conviction of an innocent person has long been at the core of our criminal justice system.' Schlup , 513 US at 325. It is certainly arguable, therefore, that the continued imprisonment

> of an actually innocent person would violate just such a fundamental principle. Indeed, in Herrera [v Collins, 506 US 390 (1993)], the Supreme Court assumed, without deciding, that 'in a capital case a truly persuasive demonstration of "actual innocence" made after trial would render the execution of a defendant unconstitutional, and warrant federal habeas relief if there were no... avenue open to process such a claim' Herrera, 506 US at 417. And in its pre-AEDPA 'abuse of the writ' cases, the Court repeatedly held that habeas and §2255 would remain available to all prisoners — not just those facing execution — even absent a showing of cause for failure to raise the issue at an earlier time, where the alleged error 'has probably resulted in the conviction of one who is actually innocent.' Murray v Carrier, 477 US 478, 496 (1986). . . These cases provided prisoners with a 'meaningful avenue by which to avoid a manifest injustice.' Schlup 513 US at 327. It follows that serious due process questions would arise if Congress [or the courts] were to close off all avenues of redress in such cases....
>
> Since Triestman cannot bring his claim under the newly-amended §2255, and since any attempt by Congress to preclude all collateral review in a situation like this would raise serious questions as to the constitutional validity of the AEDPA's amendments to §2255, we find that §2255 is inadequate and ineffective to test the legality of Triestman's detention. We therefore hold that Triestman is entitled to bring a petition for a writ of habeas corpus in the district court pursuant to §2241(c)(3)."

The Fifth Circuit's refusing to let the Schlup actual innocence exception serve as a gateway through the bars on successive habeas petitions, as was done in Schlup, closes off that avenue to redress in the Fifth Circuit in such cases. And if, as was said in Triestman, id., "serious due process questions would arise if Congress were to close off all avenues to redress" in cases in which a petitioner can establish his innocence, then serious due process questions arise with the Fifth Circuit Court's doing so through refusing to permit this Court's Schlup actual innocence exception to serve as a gateway

through the bars on successive habeas petitions.

E. THE FIFTH CIRCUIT IS VIOLATING THE EIGHTH AMENDMENT by refusing to permit the Schlup innocence exception to serve as a gateway through the bars on successive habeas corpus petitions, as its refusal works to keep innocent people in prison.

In Triestman, id., the Second Circuit noted that "Justice Blackmun, writing for himself, Justice Stevens, and Justice Souter, has noted the distinct possibility that the continued incarceration of an innocent person violates the Eighth Amendment, and has suggested that, for that reason, such a person must have recourse to the judicial system. See Herrera v Collins, 506 US 390, 432 n2 (1993)(Justice Blackmun, dissenting)(explaining that it may violate the Eighth Amendment to imprison someone who is actually innocent,' but declining to decide in this case whether petitioner's continued imprisonment would violate the Constitution if he is actually innocent'); id., at 432-33."

Justice Blackmun also said in his dissent in Herrera, 506 US at 431, "that punishment is excessive and unconstitutional if it is 'nothing more than the purposeless and needless imposition of pain and suffering.'" Without a doubt, punishing an innocent man for things he did not do is the imposition of purposeless and needless pain and suffering. To me, being imprisoned for offenses I did not commit, and being denied relief from that by judges who could, but will not grant me relief, is torturous because, among other things, it keeps me away from my family who need and want me home (see their letters in Appendix G), and who I need to be with; and it keeps me in a perpetually dangerous situation of having to live with several inmates who are loud, among other bad things, bullies, and believe that violence is the appropriate and mandatory response to every disagreement, being "disrespected," or to get what they

want — that keeps me, a person with borderline personality disorder and general anxiety disorder (two conditions I have learned techniques to manage, but have difficulty doing so in the prison environment, which aggravates my two mental disorders, and works to create post-traumatic stress disorder), in a constant state of anxiety and terror.

III. THE FIFTH CIRCUIT IS DENYING ME EQUAL PROTECTION.

The Fifth Circuit's denying me doing what this Court said in Schlup was permissible, using my being able to establish my actual innocence in accordance with Schlup as a gateway through the existing bars on successive habeas corpus petitions, denies me equal protection of the Schlup actual innocence exception.

It has been held that the Dur Process Clause of the Fifth Amendement to the U.S. Constitution includes "equal protection of the laws." See, e.g., Weinberger v Weisenfeld, 420 US 636, 638 n2 (1975); and Buckley v Valeo, 424 US 1, 93 (1976), both noting that the approach to Fifth Amendment equal protection of the laws is the same as for equal protection of the laws under the Fourteenth Amendment, which states that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

Yet, despite that prohibition, the Fifth Circuit refuses to honor my use of the Schlup actual innocence exception which this Court has permitted to serve, in multiple cases, as a gateway through the bars on successive habeas petitions. See Schlup v Delo, 513 US 298; In re Davis, 557 US 952; and Justice Sotomayor's noting in Reed v Texas, 206 LEd2d 236, 239, that while the Court declined review in that instance, the Court's decision "does not... close the door to future review," implying that the actual innocence exception will remain available to Reed for submitting successive habeas petitions.

Realistically, the Fifth Circuit Panel's admitting that the Fifth Circuit has never held that actual innocence can serve as a gateway to relief in successive habeas petitions is an admission that the Fifth Circuit has chosen to not honor this Court's Schlup actual innocence exception, as if the circuit courts have the discretion to pick and chose which of this Court's decisions it will follow, and which it will not follow.

It appears from that that the Fifth Circuit judges, except Judge Dennis, simply do not want to let the Schlup actual innocence exception serve as a gateway through the bars on successive habeas petitions. That suggests that those judges are choosing to be deliberately indifferent, rather than sensitive "to the injustice of incarcerating an innocent individual." McQuiggin v Perkins, 569 US at 393.

Moreover, the Fifth Circuit's refusal to honor the Schlup actual innocence exception, when compared to its own 28 USC §2255(e) "savings clause" innocence exception, reveals that while the Fifth Circuit Court is willing to permit actual innocence established in one context (having been convicted of conduct that has not actually been made criminal) to serve as a gateway through the bars on successive habeas petitions, the Fifth Circuit is not willing to let actual innocence established in accordance with the requirements in Schlup serve as a gateway to relief. To put it more simply, the Fifth Circuit is willing to grant relief to some innocent people, while denying it to other innocent people based soley on how the petitioner's innocence is established.

That calls for an exercise of this Court's suprevisory authority, ordering, through issuing me a writ of certiorari, the Fifth Circuit Court to honor this Court's Schlup actual innocence exception holdings, and recognize that because "federal habeas corpus relief" from a conviction and/or punishment is

such relief granted by the Judiciary of the United States through a court of the United States whether it is granted under 28 USC §2241 or 2255, habeas relief under §2241 is permitted under the Schlup actual innocence exception.

It appears to me that this Court's actual innocence exception principles and holdings not only permit, but encourage the lower courts to grant people relief from imprisonment when they establish that they are innocent; to essentially ignore impediments to relief whenever petitioners meet the Schlup actual innocence threshold; and to grant relief that the petitioner would be entitled to if a particular restriction barred relief otherwise.

IV. SUPPORT FOR MY USE OF THE SCHLUP ACTUAL INNOCENCE EXCEPTION.

Because the Schlup actual innocence exception requires me to "show that it is more likely than not that no reasonable juror would have convicted [me] in the light of the new evidence," Schlup, 513 US at 327, I present in Apppendix G, for support that I meet that requirement, 55 unsworn declarations provided by 55 people who **[1]** were willing to review Section 3 in the complaint in Warner v McLaughlin, case no. 1:16-cv-34-JD (D. NH 2016), what is presented better in Sections III(A) through (E) of my Application for a Writ of Habeas Corpus which is the subject of this case (modified copy provided at Appendix H); and **[2]** declare that in the light of the proof of evidence fabrication provided in §3 of the complaint, and in §III(A)-(E) of Appendix H, each would "have voted 'not guilty'" if they had been a juror at my trial, if I had one.

Those 55 unsworn declarations were originally presented with the first motion for reconsideration in Warner v McLaughlin to support my contesting the provably false reasons for dismissing the complaint in that case. The motion was Docket Entry #55, which I dicussed herein, ante, p. 7.

And it is logical to presume that if those 55 possible, reasonable jurors

would have voted "not guilty" if they had been shown at my trial the proof that McLaughlin fabricated the evidence against me and 3 other men, which I provided in §III of my application for habeas corpus (Appendix H), they would most certainly have voted "not guilty" if they had also been shown the additional facts and evidence that I presented in and with §V of my application that prove McLaughlin's dishonesty in other cases, and establish that he has a very definite pattern of being dishonest and fabriacting evidence to frame people for crimes they did not commit.

V. A SUMMARY OF MY APPLICATION FOR A WRIT OF HABEAS CORPUS.

The conviction in this case is based on provably fabricated evidence produced by Keene, New Hampshire Police detective James F. McLaughlin who claimed the evidence was e-mails and chats between himself, posing as a 14-year-old boy on the Internet named Colin Dean, and me, which he recorded into an editable, alterable computer word processing document, and sent to the Michigan State Police (MSP) for further investigation.

A MSP detective used McLaughlin's fabricated evidence to obtain a search warrant, and along with the assistance of another MSP detective, and an FBI agent, detained me on February 12, 2008 to interrogate me while several other MSP detectives conducted a search of the house I was staying in, seizing, among other things, my computers, which they claimed they found child pornography on. The interrogation, which lasted about 6 hours, resulted in a false written confession given by me to the interrogators about 4 hours after they coerced me into waiving the right to counsel I invoked about 2 hours into the interrogation (that coercion is actually revealed in entries in the MSP's report against me).

I was appointed counsel by the U.S. district court. That attorney refused

to challenge any of the evidence against me, despite how much I told him I was innocent; that I did not participate in many of the e-mails and chats, and others were inauthentic and fabricated; and that I provided a false confession to get the interrogators to end the interrogation and leave me, as they promised several times to do if I gave them a written confession, so that I could end my life to prevent being prosecuted and convicted for offenses the fabricated evidence falsely framed me for committing.

Over an almost two-month period of time, the court appointed attorney, named Michael Bartish, repeatedly told me that there was no way to challenge McLaughlin's fabricated e-mail and chat evidence, or my false confession (something the challeges thereto in my application (Appendix H) prove was wrong), and used that evidence, along with the false statements against me provided by one of the alleged victims (a person who was a 12-year-old boy at the time, and whose parents owed me $6,000 and were, prior to the accusations made by the fabricated evidence, trying to find a way to get out of paying me that money), to coerce me into falsely pleading guilty. The record of my guilty plea hearing contains an entry showing the magistrate judge who heard my plea recognized that Bartish had to coach me to tell a proper story of guilt, which was necessary because I was too distraught, and mentally and psychologically impaired to remember the story Bartish rehearsed with me the day before I pled guilty on April 24, 2008.

On August 11, 2008, I was sentenced to 30 years of imprisonment, lifetime supervised release, an $11,580 fine, and special assessment fees of $200.00.

In my latest petition (Appendix H) to obtain relief from my imprisonment by showing that the constitutional violation of evidence fabrication resulted in convicting an innocent man, I presented:

1.) In §I, pp. 2-5, I clearly invoked the Schlup actual innocence excep-

tion to serve as a gateway through any procedural bars that would otherwise impede review of my application for a writ of habeas corpus, and the relief I seek, which is the release from the conviction and my imprisonment.

2.) In §III(A), to set the stage, I explained the nature of the evidence produced by Keene, NH Police detective James McLaughlin which serves as the foundation for my conviction: that they are claimed to be e-mails and chats (text based "electronic communications" meeting the definition for such in 18 USC §2510(12)) between McLaughlin and me which McLaughlin claimed he saved, recorded (see also definition for "intercept" in 18 USC §2510(4)), as is permitted by 18 USC §2511(2)(c) which allows a party to any wire, oral, or electronic-communication to intercept such communications he is a party to without prior court approval.

I also proved, using McLaughlin's own admission, that he choses to record his e-mails and chats between himself and his suspects in a way that converts them into a format that permits editing, alteration, and easy fabrication, violating the protective interception recording requirements set in 18 USC §2518(8)(a). In addition, I provide a forensic expert's explanation that McLaughlin's recording method makes the reliability of his recordings very questionable. The §2518(8)(a) violation is proven by testimony provided by McLaughlin, and facts provided by the evidence from his case files preserved by, and obtained from the City of Keene, NH.

3.) In §III(B) I provide proof, backed by a forensic expert, and using what was obtained from McLaughlin's case files for mine and 3 other cases, that the alleged e-mails McLaughlin produced for his case against me were fabricated. I also use actual Yahoo! e-mails to prove such by pointing out several of the errors in McLaughlin's alleged e-mails which prove that they

were, as the forensic expert said citing proof, things McLaughlin manually entered into his computer word processing document police reports for my and three other cases.

4.) In §III(C), I prove McLaughlin added useless Internet Protocol (IP) address data to some of his alleged e-mails, and other useless data to other alleged e-mails, and use that proof to establish that other data McLaughlin added is not reliable, such as "notes" claiming child pornography was sent through e-mails and chats, and his accusing me of making child porn "available" on three different occasions, but not describing how it was made available, or proving I was who made it available.

5.) In §III(D), I provide proof, backed by the forensic expert, that several of the alleged chats McLaughlin put in his computer word processing document police report against me are inauthentic; that they are, at the very least, altered versions of possibly legitimate chats conversations. I also provide two examples of alleged communications McLaughlin did alter/edit. I used all of that to establish that NONE of McLaughlin's e-mail and chat evidence can be trusted, and that McLaughlin has a pattern of producing inauthentic, unreliable, fabricated e-mails and chat evidence to make his cases against his suspects (tagets; victims of evidence fabrications).

6.) In §III(E), I point out that McLaughlin's collection of alleged e-mails and chats produced for my case contain entries which show that he failed to provide "screen captures" and "photos" he apparently intended to obtain and provide, just as he provided such in the 3 other cases I acquired the evidence from.

7.) In §III(F), I explain that NO proof was ever provided by McLaughlin, or obtained by anyone else, which established that I participated in any of

McLauhlin's alleged e-mails and chats, or that any of those communications was authentic. In that section, I provided a federal court case in which the court held that it was improper for the investigating FBI agent to testify, without actual proof, that the defendant in that casse was the person who she had been communicating with in chats in which federal crimes were committed. The court held that "proof beyond a reasonable doubt" was required in such a case.

8.) In §IV, I proved that McLaughlin's evidence actually shows that he had asked two minor boys for photos of themselves nude, one of those boys being the boy who is the victim of the child pornography offense I am being punished for — the truth is that McLaughlin enticed that boy into producing and sending to McLaughlin, while he posed as a 14-year-old gay boy on the Internet, the images that I was coerced into falsely confessing to producing, and falsely pleading guilty to producing and distributing.

9.) In §V, I provided proof that McLaughlin was provably dishonest in two other cases, one being a scheme against a priest in New Hampshire in which he attempted to entice false testimony from men using promises of money, and the other being a case in which he sent child pornography to a suspect to bait him into criminal activity. As well I discuss an allegation against me which is very questionable, and I reveal McLaughlin's evidence proves false an accusation made against me by the Michigan State Police; an accusation that resulted in a sentencing enhancement to help justify the 30-year prison sentence imposed on me.

With what I presented in §III through §V of Appendix H to prove that the constitutional violation of evidence fabrication by a corrupt police officer resulted in convicting an innocent man, I presented the following to show that

a string of other constitutional violations contributed to convicting me, an innocent man, rather than the guaranteed rights which were violated preventing it.

In §VI of Appendix H, I presented facts which prove that my court appointed trial counselor, a Michael Bartish, denied me my Sixth Amendment right to the effective assistance of counsel, and was not competent enough, or simply not willing to, assist me with any defenses, and instead, worked to coerce me into falsely pleading guilty, thereby assisting the prosecutor get the conviction. In §VI I also presented the constitutional violations committed by the law enforcement officers who handled my case; constitutional violations that Bartish allowed to go unchallenged.

Proof of that is presented in Appendix H, the copy of my application for a writ of habes corpus that I provided for this Court's review, as I summarize in the following:

1.) In §VI(A), I prove, referencing the record of the trial level proceedings, that Bartish did NOT present any challenges to any of the evidence against me. I also show that Bartish's failure to assit me may have been because he lacked the competence necessary to assist me with any defenses, as is reflected by his averments in an affidavit he supplied to the prosecutor to support the prosecutor's objections to my first §2255 motion. In that affidavit, Bartish avers, in multiple paragraphs, that he was unable to come up with any challenges to any of the evidence against me, and, therefore, he "advised" (actually coerced) me to plead guilty because he felt that that was my best option under the circumstances, which included his not being able to come up with challenges to any of the evidence, and a possible life prison sentence if I were to go through an unwinable trial.

2.) In §VI(A)(1), to help prove Bartish's lack of competence, or being unwilling to defend me against evidence I told, and showed him was inauthentic and fabricated, and a confession I told him repeatedly was false, I provided two possible challenges that could have been made to McLaughlin's fabricated evidence, in addition to the challenges I presented in §III through §V of my application (Appendix H).

3.) In §VI(A)(2), I presented an obvious challenge revealed in entries in the Michigan State Police report which could have been raised under Edwards v Arizona, 451 US 477 (1981); and Michigan v Jackson, 475 US 625 (1986), as those entries show that I had invoked my right to counsel during my interrogation; the police interaction was not ended when I invoked my right to counsel; in the continued police interaction, the police elicited responses from me concerning McLaughlins' fabricated evidence, revealing that they were discussing that evidence during the continued police interaction; and thereafter I waived my invoked right to counsel, which, as was said in Michigan v Harvey, 494 US 344, 349 - 350 (1990), is to be presumed invalid or involuntary "based on the supposition that suspects who assert their right to counsel are unlikely to waive that right voluntarily in subsequent interrogations," and renders, as held in Michigan v Jackson, 475 US at 636, any following statements "inadmissible in the prosecution's case in chief."

Incidentally, I did present that claim in my first §2255 motion, but the district court judge never addressed it when he denied that motion.

4.) In §§IV(A)(3)(a) and (b) I presented facts which establish that at the time I was coerced into providing a false, written confession, which I detailed in §VI(A)(3)(c), and went through the trial level proceedings (the prosecution), I had two conditions which caused me to be psychologically,

mentally, and intellectually impaired: Borderline Personality Disorder, and an overactive thyroid gland causing a severe chemical overload that had significant effects on my mind and ability to think rationally.

5.) On pages 49 - 51 of Appendix H I provided a clear reference to the "totality of the circumstances" analysis for coerced confession claims, then in §VI(A)(3)(c) I detail how I was coerced, in violation of the Fifth Amendment's Self-Incrimination protection, into providing a false, written confession to McLaughlin's fabricated, unreliable, inauthentic, unproven e-mail and chat eveidence. I also include, referencing the denial of my first §2255 motion, and excepts from my first §2255 motion and my response to the prosecutor's objections to that motion, proof that I was denied a fair, honest, accurate review of and ruling on my coerced confession claim.

I also provided, near the end of §VI(A)(3)(c), an entry in the Presentence Investigation Report that reveals that I am innocent of offensive conduct I confessed to in my false, written confession, proving that that confession is not reliable.

6.) In §VI(A)(3)(d) I provide proof that Bartish, my court appointed counselor, did coerce me into falsely pleading guilty. That proof comes from the entries in the transcript of my change of plea hearing which show that Bartish had to coach me in open court to tell a proper story of guilt. That was necessary because since I was not guilty of the offenses; I was very mentally, psychologically, and intellectually impaired; and I was very distraught by the fact that I could not get any defense help, and knew that I was falsely pleading guilty to offenses framed by fabricated evidence, I was not able to remember the story of guilt that Bartish taught to me, and rehearsed with me the day before I pled guilty.

In that section, referring to the denial of my first §2255 motion, I also prove that the district court (1) did NOT conduct any actual voluntariness review for my claim that Bartish coerced me into falsely pleading guilty; and (2) wrongfully denied the claim.

It is clear the facts and evidence provided in my application for a writ of habeas corpus, summarized above, reveal that I, an innocent man, was convicted through a string of constitutional violations which would result in convicting an innocent man who was very mentally, pschologically, and intellectually impaired at the time: The constitutional violation of evidence fabrication by a corrupt police officer led to **(1)** zealous law enforcement officers **(a)** acting without any verification the evidence was legitimate, or that they had the correct suspect, and **(b)** coerceing the suspect into providing a false confession to the fabricated evidence while he was mentally and psychologically impaired; and **(2)** a court appointed attorney **(a)** denying his client any and all assistance of counsel, and **(b)** coercing his client into falsely pleading guilty to offenses framed by the fabricated evidence.

Compare what happened to me to what was provided in Friedman v Rehal, 618 F.3d 142, 157 - 158 (2nd Cir 2009):

> "When viewed in its proper historical context, petitioner's case appears as merely one example of what was then a significant national trend. This was a 'heater case' — the type of 'high profile case' in which 'tremendous emotion is generated by the public.' [Susan Bandes, The Lessons of Capturing the Friedmans: Moral Panic, Institutional Denial and Due Process, 3 Law Culture & Human (2007)], at 310. In heater cases, the criminal process often fails:
>
> > "Emotions like fear, outrage, anger and disgust, in situations like these, are entirely human. The question is what the legal system can do to correct for the excesses to which they

> lead. The crux of the moral panic dynamic is that the legal system, in such cases, does not correct for them. It gets swept up in them instead. Id. at 312
>
> The record in this case suggests this is precisely the moral panic that swept up Nassau County law enforcement officers. Perhaps because they were certain of Arnold Friedman and petitioner's guilt, they were unfazed by the lack of physical evidence, and they may have felt comfortable cutting corners in their investigation. After all, '[t]horoughness is a frequent casualty of such cases.' Id. at 309."

CONCLUSION

For the foregoing reasons I ask — indeed, beg — this Court to actually review my case, and grant me the writ I seek, or, in the alternative, to grant me a writ of habeas corpus however it can. I am so tired of being in prison for things I did not do; and I am tired of being repeatedly denied relief by lower court judges who, it seems to me, just simply do not want to grant me the relief which I am entitled to, and do deserve, and, therefore, use procedural bars as their excuse to not do so. I am almost 52 years old. I was a productive member of society. I have been imprisoned for over 14 years for things I did not do, based on fabricated evidence, and if I cannot get any relief, I am scheduled to serve about 11 more years before I am released from prison, and have to begin lifetime supervised release, and lifetime sex-offender registration and living restrictions that I should not be subjected to for things I did not do.

Signed and submitted on September 28, 2022 by,

Adelbert H. Warner, II, pro se
Register No. 13604-040
FCI Seagoville
PO BOX 9000
Seagoville, Texas 75159-9000