

22-6250

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

NOV 28 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

a.k.a. MATTHEW JAMES DURY — PETITIONER
(Your Name)

UNITED STATES vs.

ELIZABETH B. PROLOGER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Fourth Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

a.k.a. Matthew James Dury #18443-058

(Your Name)

P.O. Box 9500

(Address)

Florence, Co. 81226-8500

(City, State, Zip Code)

N/A "Federal Prisoner"

(Phone Number)

QUESTION(S) PRESENTED

NO United States Judge has the Authority to Order a Foreign Born Defendant to Violate United States Laws.

NO Non-US Citizen can serve supervised Release time.

I was never born within the United States and never became a Naturalized U.S. Citizen pursuant to the US Constitution's 14th Amendment.

NO valid United States Birth Certificate, equals NO valid United States Citizenship.

I MUST BE DEPORTED WHEN MY PRISON TERM ENDS, or I can create a new Alias under a new name.

LIST OF PARTIES

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

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(US DISTRICT COURT)

APPENDIX A "MOTION TO STOP THIS COURT FROM ORDERING PETITIONER
TO VIOLATE FEDERAL LAW" Newly Discovered Evidence
Doc 204, 205 September 25, 2021

APPENDIX B US District Court Document 206 Denial 10-26-2021
Ruled "legally Baseless"

APPENDIX C NOTICE OF APPEAL 11-8-2021

APPENDIX D USCA 4 # 21-7616 filed 11-29-2021

APPENDIX E USCA 4 # 21-7616 Denial on Sept. 23, 2022

APPENDIX F ~~Motion for~~ Petition for Rehearing and Rehearing En Banc
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TABLE OF AUTHORITIES CITED

CASES

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AFFIRMATIVE DURESS DEFENCE

U.S. v. Gaviña, 116 F3d 1498 (D.C. Cir. 1997) Defendant asserting affirmative defence of duress, must show that he had, NO reasonable legal alternative to committing crime.

STATUTES AND RULES

Due Process Guarantee in the Constitution of the United States
14th Amendment

OTHER

Anyone on US Soil by illegal means violates U.S. Law and must be deported. I am not a U.S. Citizen, so I must be deported, or the US Government is a party to every crime I am forced to commit as a direct result of the failure to deport me when my prison time ends on 6-25-2023.

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 E 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 September 23, 2022.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix I.

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment: Only persons born on United States Soil or Naturalized are United States Citizens with a legal right to work in the USA.

I am NOT a U.S. Citizen! I must be deported when my prison term ends.

13th Amendment prohibits involuntary servitude violated in the terms of the Supervised Release and the 2018 First Step Act §3632(e)

STATEMENT OF THE CASE

- 1) I was Never Born in any state of the United States and Never became a Naturalized Citizen pursuant to the US Constitution's 14th Amendment.
- 2) No valid United States Birth Certificate, equals NO Valid United States Citizenship.
- 3) I am a foreigner and must be deported by 6-25-2023, or I can create a new alias and become immuned from future indictments as no one can be indicted using false information such as a false name.
- 4) The Courts own PSI paragraph 58 states the Court had Requested, but did NOT receive verification of a U.S. Birth. (Due Process Violation)
- 5) The District Court knowingly indicted me under an alias as I told Donald Gast ~~and the Grand Jury~~ prior to the 2-2-2008 Grand Jury Indictment, that the "DURY" name was an alias, and I'm not a US Citizen.
- 6) Any False Statement to the Grand Jury, such as using an Alias for the accused, voids said statement as Prosecutorial Misconduct! By U.S. Law, the indictment must be vacated as there is no "MATTHEW JAMES DURY", to indict. The name is an Alias, a Fraud. No Fraud can be used before a Grand Jury!

But I am only asking for the supervised Release to be vacated and to be deported on June 25, 2023.

REASONS FOR GRANTING THE PETITION

I must be deported at the end of my prison term to uphold Federal Law as I was Never Born in any State.

I am NOT a United States Citizen!

18 USC §1428(a)(1)(3)(4)(A)(ii) makes it a Federal Offence to possess or use a False Birth Certificate in the United States.

Denial of this petition will bar all future indictments under the 18 USC §1428 as the Offense is under duress, I will have no reasonable legal alternative to committing this offence or any offence if I am forced to remain on US Soil as a Non-Citizen and Doc. 200 the Judge ruled I can not be remanded for Genocide on US Soil making future Genocide lawful on US Soil, upto and including the use of Tactical Nuclear Weapons I built and buried on US Soil as a CIA Agent. Document 200 proves I am a CIA Agent and the "Dury" alias is a CIA creation I can replace in 7 months 4 days.

Deport me before December 25, 2022 or I vow to use my Court Cases against the United States Government, including using the First Step Act §3632(a)(5)(6)(e) to show the FSA legalizes slavery and Donald Trump and the US Congress passed an Ex Post Facto Law legalizing Slavery/Involuntary Servitude as No-one was sentenced to Work or "Program" in prison, only to serve "Time".

Denial of this Writ and the FSA is grounds for War!

CONCLUSION

Deport Me! Do Not force me to Violate United States Laws!
The Federal Law is, 18 United States Code §1428(a)(1)(3)(4)(A)(ii), a law
the Federal Judge Ruled did not exist in Document 206.

The petition for a writ of certiorari should be granted, or a denial can and will
be used against the United States Government, for ordering a Foreign
Agent to engage in Covert Warfare, an act of Treason by US Judges.

Respectfully submitted,

a.k.a Matthew J. Dwyer 18443-058

Date: November 21, 2022