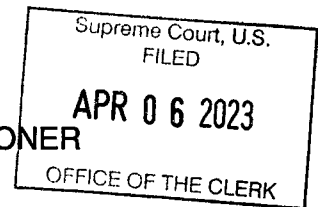


No. 22-7341

IN THE
SUPREME COURT OF THE UNITED STATES

Donnie Earl Phillips Jr. Pro Se — PETITIONER
(Your Name)



vs.
United States Court of Appeals 5th Circuit — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Donnie Earl Phillips Jr.
(Your Name)

100 N. Lamar
(Address)

Ft. Worth, Texas 76196
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Where two or more are seeking to accomplish an object of course of action, they reach meetings of the minds on the object or course of action and one or more unlawful overt acts are taken in pursuance of the objective of action and damages occur as a proximate result, isn't that equal to the 5 elements that constitute a civil conspiracy?
2. Does multiple indictments for the same act or acts using illegal/void fraudulent information fail under malicious prosecution?
3. Does fundamental error, Plain error, clear error, Constitutional error, all coincide when depriving a person of multiple fair trials?
4. What is an illegal sentence, illegal prosecution, and when are the instruments null & void?
5. Does malicious prosecution claims accrue when the underlying action terminates in claimant's favor?
6. What is Actual Malice, Traditional Malice, Intentional wrongdoing, Intent to harm?
7. Does Negligence, misrepresentation take away immunity when it results in multiple illegal sentences and wrongful imprisonments? Or is Negligence an excuse?
8. When is jurisdiction to be decided?
9. Is Abuse of discretion A mistake? What is A Conflict of Interest?
10. What is Malicious Post Conviction Relief Delay?
11. Is it legal to hybrid legal representation without clients consent nor their knowledge?
12. What is Prosecutorial Misconduct? What is Prosecutorial Vindictiveness?
13. What is Proximity Causation Damage?
14. Is a Nunc Pro Tunc valid without compensation to multiple wrongful imprisonments?
15. What is the Fundamental Difference between negligent injury, gross negligent injury, and intent injury?
16. When is a Nunc Pro Tunc Insufficient?
17. What is Double Jeopardy? And does it reflect prejurious methods?
18. What is it, when fraudulent, fabricated, tampered, illegal information are used multiple times on multiple indictments, and it extremely harms in damaging results irreparable?
19. What is the duty of a Judge, Attorney, clerk, prosecutor, District Attorney, and how paramount is it to be upheld, and the reason of it's importance? And Bondsman, etc.?
20. What is a violation of Due Course of law and Due process?
21. Under what Exceptions are Individuals held accountable for their actions, state and/or private?
22. What is Equality Under the law?
23. What is the 5th 6th 8th 13th and 14th Amendment and their structural Reason?
24. What are Future and collateral Damages?
25. Is tampering Fraudulent use, altering, destroying, concealing, Fabricating Government Documents to present as true, grounds to reopen a case if it has harmed the rights of a person?
26. If you paid an attorney and they are ineffective, misrepresent, negligence harms client as a result, you did not go to court once during the period of the misrepresentation, they withhold important information, work with another source out of contract nor consent of client unfavorably, they get off your case improperly announced and notice, they keep your money, and the case was under investigation, then client files his or pro se writ of HABEAS CORPUS that relieved, granted in same exact case, where it's been dismissed and deemed collateral consequence damage, though the attorney attempted to coerce client to take lengthy time out side of statutory range, isn't client entitled to relief of refund due to harm?
27. Under The Tim Rike Act is a person entitled compensation if the person has served in whole or, in part a under the law sentence and Habeas corpus Relief is granted? And should it trigger a magisterial duty?

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:

~~XXXXXXXXXXXX~~
Mollee Westfall - CDC 371 Tarrant County, Ft. Worth, TX
Scott Wisch - CDC 372 Tarrant County, Ft. Worth, TX
Robert Roy Currie, Scotty Jones, Rob Hauden - Dunham + Jones Attorney At Law
Mamie Busch Johnson - Attorney At Law - Ft. Worth, TX
J. Eric Nickols - Court Appointed Ft. Worth, TX
Patrick Curran - Court Appointed Ft. Worth, TX
TOM BENSON/ALEXANDRA ESTRADA - BONDSMAN, Ft. Worth, TX

RELATED CASES

- 6-29-22, Mandated 7-25-22 Ex Parte Donnie Earl Phillips Jr. CCA of Texas C-371-WD12125-1167265-A
- 6-29-22, Mandated 7-25-22 Ex Parte Donnie Earl Phillips Jr. CCA of Texas C-371-WD12124-1168221-A
- Collateral Damage Relief Granted 6-29-22 Mandated 7-25-22 - Indictment 1635835 3-13-20
- Double Jeopardy Indictment (Reindictment 1735446) - same exact transaction of 1635835 - illegal prosecution
- Habeas Relief Granted Indictment/conviction 1168221 9-2-09 - illegal Prosecution
- Habeas Relief Granted Indictment/conviction 1167265 9-2-09 - illegal Prosecution
- Indictment/Wrongful conviction Imprisonment 1524914 - 12-14-17 to 4-8-19 out of jurisdiction in Felony Court
- Cause # 0930525 NOT A DWI but Fabricated Fraudulently and applied as DWI multiple times
- Cause # 0906761 combined with Fabricated Fraudulent charge - in proximity causation damages in multiple indictments as well as current Double Jeopardy indictment

ALL CASES ARE RELATED IN PROXIMITY CAUSATION DAMAGE

- United States District Court Cause NO 4:21-cv-1362 Phillips vs Currie Filed 12-20-21
- United States Court of Appeal Fifth Circuit NO. 22-10767 Phillips vs Currie USCA NO 4:21-cv-1362 August 16, 2022
- United States Supreme Court Donnie Earl Phillips Jr vs Texas NO. 22-5975 Docketed November 4, 2022

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United States District Court decisions, orders, documents, etc.

APPENDIX B Mandated Orders from highest state court, Opinions from lower state court,
Filed 11/07 writ of HABEAS CORPUS post conviction, the lower courts opinions against collateral damage

consequences which were overruled and granted relief involving proximity causation cases and
illegal convictions enhancement wrongful imprisonment, conflict of interest same state Reindictment, Delay of Post Relief

APPENDIX C
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APPENDIX D
Proximity Causation Damage Directly Related Indictments, and Tainted Fraudulent, Fabricated
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APPENDIX E
Personal Petitioner's letters of coercion and personal involvements of malicious prosecution Negligence
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APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 41 Tex Jur. 3d Fraud and Deceit - The petition is generally sufficient if allegation clearly shows misrepresentation to deceit Whitehead v Reiger 282 SW 651 (Tex. Civ. App. Amarillo 1926) writ granted Present Page
- Government Officials 'maybe' shielded from liability for damages in a 1983 action IF at the time they acted statutory or constitutional right which was allegedly violated was not clearly established; right must be sufficiently clear that reasonable officer would understand that he/she action violated that right Brown v City of Fort Lauderdale, C.A. 11 (Fla) 1991, 923 F.2d 1474 Civil Rights Present Page
- Dismissal with Prejudice is improper when plaintiff is capable of remedying the jurisdictional defect Del Los Santos v. Heldenfels Enterprise, Inc August 18, 2020 632 S.W. 3d 584 Robbins vs. Lostracco March 2019 578 S.W. 3d 130 - 1983 Civil Action Present Page
- Deprivation of Rights currentness/ There are in fact Extraordinary and Exceptional cases that hold private and state entities accountable for their actions where immunity is non applicable
- To Rise to the level of constitutional error, trial judge's statements to jury regarding evidence, in criminal prosecution, viewed as a whole, must have amounted to intervention that could have led jury to predisposition of guilt by improperly confusing of judge and prosecutor - U.S. v. Jara-Favela United States Court of Appeals Fifth Circuit June 27, 2012 686 F.3d 289 2012 WL 2430478 / U.S. v. Achobe USCA 5th Circuit Dec 18, 2008 560 F.3d 259 2008 WL 5726397 Present Page
- U.S. Reles United States Court of Appeals 5th Circuit September 11, 2000 227 F.3d 263 2000 WL 1285252
- Where indictment under which accused is held was found by a grand jury whose organization was void habeas corpus will lie Ex Parte Bustamante NO. 20985 Feb. 14, 1940 - therefore his restraint is illegal -

STATUTES AND RULES

- Arrest become so excessive as to constitute violation of Constitutional Rights Imposing liability under Federal Civil Rights Act of 1871 (42 U.S.C.A. § 1983)
 - Immunity is not held applicable when there is failure to investigate state/private
 - Violation of Fundamental Constitutional Rights - Courts of Appeal has original jurisdiction Substantial Violation
 - Bill of Rights of this state - section 19: NO citizen of this state shall be deprived of life, liberty property or privileges, outlawed, exiled or in any manner disfranchised, except by due course of law of the land
 - An Indictment found to be illegal/unauthorized, etc. will be set aside on habeas corpus
 - The Records Must show that it is a legal one and if not the error is a radical one which will be considered on appeal, whether properly availed in the court below or not because due course of law of the land demands a legal conviction by a legal jury (stell v state, 14 Tex App 591); Marks v State 10 Tex. App 334; Allen v. State, 54 Ind. 461
 - A Nunc Pro Tunc is insufficient where compensation has not been given to the harmed
 - Delay in Post Conviction Relief show Prejudice methods
 - Appellate Court must determine whether prosecutor knew or should have known - would Result in mistrial and whether Retrial was barred by Double Jeopardy protections and to make determination, court would look at evidentiary standards that necessitated mistrial Ex Parte Wheeler (App. 2 Dist. 2001)
- ### OTHER
- Relationship Between State and Federal Courts completely separate except for the ultimate review by the U.S. Supreme Court - court decisions involving federal questions and federal habeas corpus review of state criminal convictions
 - U.S. Constitution is the Supreme Law of the land and is always to be followed, Federal Legislation is to be followed unless it conflicts with the constitution in which case it is said to be unconstitutional
 - A Tort is a personal injury caused by wrongful or negligent act of another person, most fall into two broad categories: Intentional torts and Negligence (Malicious Prosecutions) deprivation
 - To constitute Negligence an act must violate "duty of care" owed to the injured person and it must cause harm that within the class of reasonably foreseeable hazards that the duty exists to prevent
 - Irreparable harm winter v Natural Resources Defense Council Inc 129 S.Ct. at 375
 - Malice for purposes of a malicious prosecution - defined as ill will, evil motives or such gross indifference or reckless disregard for the rights of others and may be established by direct or circumstantial evidence as to amount a knowing unreasonable, wanton and willful act

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 Filed March 15, 2023 - Case 22-10767; 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 A to the petition and is

☒ reported at October 6, 2022 - Case NO. 4:21-cv-1362-P; 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 B to the petition and is Fundamental Error - Malice Delay Pending

☒ reported at June 29, 2022, Mandated July 25, 2022; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Tarrant County Criminal District Court 371 court appears at Appendix B to the petition and is

☐ reported at Filed April 26, 2022; 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 MARCH 15, 2023.

☒ 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/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 June 29, 2022
A copy of that decision appears at Appendix B. Mandated July 25, 2022
(Fundamental Error)

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- CONSTITUTIONAL LAW - Right of defendants not to be punished for exercising their Fifth and Fourteenth Amendment, Sixth, and Eighth Amendment, Thirteenth and all other Amendments is a Federal right which in the absence of appropriate Congressional action is the responsibility of Supreme Court to protect by fashioning the necessary rules.
- Federal Courts - Formulation of authoritative laws, rules, and remedies designed to protect people from intrusions by the states of federally guaranteed rights cannot be left to the states themselves
- The traditional term in "Texas" Criminal Law that corresponds to "plain error" is "fundamental error" Vernon's Ann. Tex. C.C. Art. 36.19 establish the standard for fundamental error in the courts charge - it must appear "from the record that the defendant has not had a fair and impartial trial." (Please view All Appendix showing Actual Documents and Tainted Records)
- Plain Error is An Error, clear Error, that affects the defendant's substantial rights, and that seriously affects the fairness, integrity or public reputation of judicial proceedings
- "Facial Attack" Subject Matter Jurisdiction, and courts negligence to look to sufficiency in pro se motions
- Double Jeopardy shows prejudice enough to establish violation of Sixth Amendment Fifth Amendment
- Where an indictment did not properly charge. Previous convictions so as to warrant additional punishment under Penal Code art. 16.18, Vernon's Ann. P.C. art 61 error in admitting records of such prior convictions held prejudicial
- Dismissal is the only remedy of deprivation of Constitutional right to speedy trial reduction of sentence will not suffice Fed. Rules Crim Proc. Rule 20, 18 U.S.C.A.
- Dismissal with Prejudice is improper when plaintiff is capable of remedying the jurisdictional defect Del Los Santos v. Heldenfels Enterprise, Inc. August 18, 2020 632 S.W.3d 584 Robbins vs. Lostracco March, 2019 578 S.W.3d 130 - 1983 Civil Action Deprivation of Rights currentness
- Qualified Immunity is available as a matter of law when undisputed facts establish that it was objectively reasonable for defendants to believe that their actions did not violate clearly established rights DeFre v. Premore, CA 2 (N.Y.) 1996, 86 F.3d 48, Civil Rights
- Under Deprivation of Rights Under Color of Law and Malicious Prosecution Immunity is NON-APPLICABLE, nor supportive under: 67 ALR Federal 640 Article 11 § Failure to Investigate § 8 Arrest charge or indictment § 9 Failure to Prosecute § 12 Plea Bargain § 15 Denial of Speedy Trial § 17 Destruction of Physical Evidence § 18 Use of False or tainted evidence § 19 Prosecutors on false Statements § 20 Coercion or subornation of perjury § 23 Delay or Denial of Post conviction Relief § 28 Participation in Administrative hearings § 29 Other administrative conduct
- According to Am Jur. 2d Malicious Prosecution Constitutes - Civil Rights violation under color of law § 94 Injury to Plaintiff false Arrest in result unlawful imprisonment mental and emotional compensatory and punitive damages § 98 Against Prosecution, Fraudulent investigation, fabrication of evidence and conspiracy to violate defendants constitutional rights § 102 Allegation false Arrest - Procurement of indictment on material false info § 103 False Imprisonment § 105 Malice Prosecution § 106 Gross Negligence § 120 Proof of Fourth and Fourteenth Amendment claims 4 elements: Defendant Acted under color of law, personally participated, actions were intentional, allege false was the approx. proximate cause § 126 Proximity
- Causation of Damages: Proximate cause of damages is that which is in a natural and continuous sequence produces the damages and without the damages would not have occurred • it need not be the only cause, nor the last, nor nearest cause it is sufficient if it occurs with some other cause acting at the same time which in combination with it causes damages.
- 41 Tex Jur. 3d Fraud and Deceit - the petition is generally sufficient if allegations clearly show misrepresentation to deceive Whitehead v. Reiaer 282 SW 651 (Tex. Civ. App. Amarillo 1926 writ granted)
- Malice Delay A person may not wantonly close his/her eyes after discovery of facts sufficient to the person on inquiry Delay Prejudice - and that the evidence of admission is of substantial importance in the case - Entitled to Appeal on the grounds of the sentence illegal Tex. Rule of Appellate Procedures
- Motion For Change of Venue Denial - prosecutorial vindictiveness

STATEMENT OF THE CASE

A traditional Act of Actual Malice that has defamed context, documents, in means of making multiple times that it is knowingly false-reckless disregarding the truth with evil motives ill will, inspite and personal animosity is "currentness". Unfortunately and with more harm to 1 Donnie Earl Phillips Jr. Prose Petitioner the United States Courts of Appeals Fifth Circuit Judges WIENER ELROD and ENGELHART-PERCUMM have prejudiced to the side of the opposite where they too have negligently overlooked the exceptional and extraordinary cases that structures Immunity Non-applicable. This case is related to an erroneous chain of illegal prosecutions that has used fabricated fraudulent charges/convictions in multiple indictments causing proximity causation damages. Case No. 0930525 is a fraudulent conviction that was fabricated as a Driving While Intoxicated. The conviction was said to initially be a Driving while License invalid in 2004 that was altered, tampered and unlawfully illegally used to add at all, even worse as a Driving while Intoxicated (fabricated) in actually misutilized as a duplicity of 0906761 and fraudulently used in combination with fabricated duplicate 0906761. Documents show and drive the error is beyond a clerical error due to the fact it would not have been misused multiple times throughout the years causing proximity causation damages in related causes 1167265, 1168221, 1524914, 1635835, 1735446 (Double Jeopardy Reindictment of 1635835 same exact transaction). When the Purview document was altered in 2004 then and there it was known (2004), an intentional wrong and an Act of Negligence is then accrued. A Prose 11.07 writ of HABEAS CORPUS was filed in April of 2022 under the grounds of 1) Trial Court was in error of jurisdiction 2) Actual innocence of Driving while Intoxicated-felony reiteration 3) conspiracy theory of Judge prosecutor court appointed lawyer and clerks, and 4) Ineligible charges/convictions applied multiple times to enhance illegally. The Habeas Corpus 11.07 writ was in reference to collateral damage consequences to 1635835 which was vindictively Re-indicted and altered using still void instruments 0906761, 1524914 which both are already related to the fabricated 0930525 where it was used as a Driving while Intoxicated in indictments 1167265, 1168221, 1524914. This shows a prejudice far too great, Negligence, Traditional Malice, Prosecution, misrepresentation, prosecutorial misconduct, Abuse of discretion and intentional wrongdoing which also under the exceptional deems immunity Non-Applicable. The United States Courts of Appeals Fifth Circuit have also failed to investigate these exceptions and extraordinary situations stating the claim is frivolous and moot is improper for this Traditional Malicious Prosecution is still 'currentness'. In 2009 Judge Mollie Westfall illegally sentenced and wrongfully imprisoned petitioner in CDC 371. The Petitioner filed Prose 11.07 Postconviction Habeas Corpus for the two wrongful imprisonment charges 1167265, 1168221 and stated current 1635835 was suffering the collateral damage. Habeas Corpus Relief was granted as well as collateral damage relief for the two 2009 charges, where each charge was a 60 yrs sentence, each 1167265, 1168221 both charges where Habeas Corpus Relief was granted June 29, 2022 and Mandated July 25, 2022 as well as currentness 1635835 collateral damage relief in the mandate. After this the courts then again maliciously reindicted 1635835 as 1735446 though it is the exact same, this too is illegal unlawful and shows prejudicial. To add to this the very same court 371 and Judge are involved in this current proximity causation damage Prosecution yet again illegal and outside of statutory range of punishment where exact same judge Mollie Westfall whom illegally sentenced petitioner in 2009 with two 60 yr sentences, is the same judge that approved the reindictment of 1635835 said to be dismissed due to reindictment, though in actuality is illegally in CDC 371 felony jurisdiction again. This is a conflict of interest and the courts are fully aware of it. Negligence is not an excuse and all government state and private have obligations and are required under oath to uphold them, with integrity. Dunham and Jones was hired for this very same case that petitioner got dismissed yet they coerced petitioner into trying take lengthy time outside of statutory range of punishment and were initially hired due to the very same reason of this certiorari through no assistance and misrepresented which is resulting in the currentness hardship and wrongful imprisonment transpiring that the present moment. J. Eric Nickols was working with Dunham and Jones without petitioner's consent nor knowledge I did not advise him to represent nor consent him to do a Nunc Pro Tunc without my knowledge. There is also fabricated fraudulent documents showing that I signed, thumb printed the unknown action of 7-25-19* This is Not True and is fraudulent-See Documents duplicated forms altered font size of signature and thumb print identical from a 2004 signature. That is Tampering and he admitted that he did it and did not need my consent? Again I did not hire him, the same entity whom has violated me did. . . that in itself is a conflict of interest and documents are also exhibited in appendix with other personal letters from both Attorneys J. Eric Nickols-court appointed, and Dunham and Jones. Please note March 13, 2020 is the actual allegation date and petitioner was on bond probation for approx 21 months which was unconstitutional though paid attorney dunham and Jones, conspired with court and bondsman to force me with. The records have been altered to cover up the negligence, malicious prosecution. The matter is not moot nor frivolous and immunity does have an exception through the United States Court of Appeal Fifth Circuit it showed Negligence as well in it's highlighted existence. This is an Exceptional Extra Ordinary Case. See Documents

REASONS FOR GRANTING THE PETITION

Under Rule 11 of the Supreme Court of the United States a Petition for a writ of Certiorari will be granted only upon showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination. In the Appendixes you will see factual hard core evidence of fabrication, fraud, tampering, that has resulted in multiple errors beyond mere clerical, for the lower courts are in currentness attempting to proceed while they are well aware of the irreparable harm done, nor has compensation been given to the petitioner. Therefore a nunc pro tunc order is invalid. If you'll examine the documents a clerical error transpired in 2003-2004. If it were just a clerical error why was 0930525 fabricated as a Driving while Intoxicated and utilized multiple times in different indictments up to the current indictment / and Double Jeopardy indictment with the very same illegal instruments involved in the proximity causation damages and collateral damages that have and are still harming petitioner. 0930525 was altered in 2004 and a fabricated duplicity of 0906761. 0930525 is not a legal charge / conviction but a fabricated instrument fraudulently used multiple times... This is far beyond a clerical error and to allow an order of nunc pro tunc without the petitioner's knowledge consent and have a hired attorney and an appointed attorney that the petitioner knew nothing about is in the dark and secretive conspiracy, illegal, unconstitutional, and is confirmation that they were fully aware of the harm to petitioner and proceeded in malice practice, malicious prosecution where under in The American Law Reports where the database is made weekly - section 67 ALR, Federal 640 - when is Prosecutor Entitled and Not Titled to Absolute Immunity from civil suit damages under 1983 42 U.S.C.A. IMMUNITY IS NON APPLICABLE - Article 11 - A Pretrial Conduct : §5 Failure to Investigate §8 Arrest, charge, or indictment §9 Failure to Prosecute §12 Plea Bargain, B Trial Related Conduct §15 Denial of Speedy Trial 17 Destruction of Physical Evidence §18 Fake or Tainted evidence §19 Prosecutors own false statements 20 Coercion or subornation of perjury 23 Delay or Denial of Post Conviction Relief §28 Participation in Administrative Hearings 29 Other Administrative conduct 26 Failure to return property. This is an Extra Ordinary case with grounds to be classified as Exceptional as well. Habeas Relief was granted June 29 2022 and Mandated July 25, 2022... proximity causation damage related cases (1167265, 1168221, 1635835) see Ex Parte Donnie Earl Phillips Jr. C-371-WD12124-1168221-A CCRA NO. WR-64, 603-03; C-371-WD12125-1167265-A CCRA NO WR-64, 603-04. The indictment 1635835 current was deemed collateral damage in this same mandate of July 25, 2022 in relation of these 1107 Habeas Corpus writs in Post conviction wrongful convictions and illegal instruments that connect in erroneous chain are 0930525 0906761 1524914 - and this Double Jeopardy violation Reindictment 1735446. Let the record show that Mollie Westfall was the judge that illegally sentenced and wrongfully imprisoned petitioner in this Habeas Corpus Relief issue and Mollie Westfall is the same judge that allowed the Double Jeopardy Reindictment of 1635835 which was collateral damaged relieved yet the same court same judge Reindicted the same transaction from March 13, 2020 again fabricating a fraudulent transaction interjurisdictionally filed June 16, 2022, attempting to proceed with an illegal prosecution with all tampered fraudulent instruments out of jurisdiction in a Federal court - the same court that illegally sentenced me. This is a conflict of interest and a prejudice far too great, where Abuse of Discretion, intentional wrongs and Negligence and a plethora of other TDETS are still transpiring, then are aware of the Risk and harm it has caused is causing and it is obvious - under domination of color of law want to keep causing. If the Mandate was ordered July 25, 2022 why is it still showing the Post conviction Relief pending still? The delay is prejurious and the documents show that the entities have and are using their position to harm and violate continuously. This is not a frivolous claim, nor is it moot, it seems that there are individuals who've become complacent, lazy and no integrity nor diligence in upholding the law of the land and are stereo typing individual cases without

thoroughly examining the violations of due process. ~~the~~ course of law. These are torts, not mistakes or clerical error where there is a simple typo. This is an Extra-Ordinary case that calls for via the United Supreme Court to demand the inferior courts that are and have traditionally Abused Discretion, have altered, destroyed, concealed, duplicated fabrication of government documents and have and are present in misusing tainted records with the knowledge of its falsity and with intent to harm the favorable affect of the course or outcome of the investigation or official proceeding. There are personal letters from the Attorney hired and unconsented appointed attorney showing their personal involvements and ethical intentional wrongs with obvious misrepresentation methods negligence methods and dark conspiring administrative methods unknown to petitioner that have harmed and still is irreparably. The petitioner did not know about nor consent to J. Eric Nickols nor the Judge ordering a nunc pro tunc that is insufficient where there has been no compensation. The documents show a duplicate form with a signature and thumb print shown as mine from 2004 documents where they were fabricated and a nunc pro tunc of 7.25.2019 was handwritten by an unknown source and made to portray as true of me signing and thumb printing this on 7-25-19 THIS DID NOT HAPPEN and is fraud, tampering, altering intentionally in aim to cover up malicious prosecution. Please grant this certiorari and order Dunham and Jones Attorney's At Law P.C. to give me a full refund of \$5,675~~xx~~ due to there extortion and involvement in the Malicious Prosecution

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: April 3 2023