

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A United States v Ringland 8:17 cr 289

23-1029 Appeals, and En Banc rehearing, sua sponte rehearing

APPENDIX B United States v Ringland
Suprem Court writ of certiorari Denied (6-21-21) 20-1204

APPENDIX C United States v Ringland
Order Deny Panel and En Banc Rehearing
966 F.3d 731 (8th Cir. 2020)

APPENDIX D United States v Ringland
966 F.3d 731 (8th Cir. 2020)

APPENDIX E United States v. Ringland 8:17 cr 289
2019 WL 77276 (D.Neb. JAN. 2, 2019)

APPENDIX F United States v Ringland
Report and Recommendation, No 8:17 cr 289
2018 WL 7246971 (D.Neb. Oct. 19, 2018)

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 Unknown at this time.; 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 is unpublished.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 Unknown at this time.; 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 is unpublished.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 is unpublished.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 is unpublished.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 3-29-2023.

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: MARCH 15, 2023, and a copy of the order denying rehearing appears at Appendix A.

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

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

For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment provides under due process and equal protection clauses of the 14th Amendment accused shall have the right of equal due process protection to a safe and secure passage and under the clause of the 14th Amendment to a fair trial under governed rights that protect Due process of the accused.

- Rule 1) A right to be assisted by Counsel every stage of a case.
- Rule 2) A right to a fair and speedy trial.
- Rule 3) A right to be tried by a selected jury.
- Rule 4) Presumed innocent unless the government can prove all the elements of a case.
- Rule 5) A right to hear and see all the government witnesses and a right to cross-examine each and everyone of them.
- Rule 6) A right to subpoena any government witnesses.
- Rule 7) A privilege to self-incriminate
- Rule 8) No verdict can be unanimous if a jury has not heard and seen all the elements.
- Basis rule) Experts are needed to testify on a specific issue Dealing with a specific question.
- These rights are governed by civil rights of the 14th Amendment and the equal protection clause of Due Process.

United States Constitutional Amendment Fourteenth

STATEMENT OF THE CASE

Investigation where done by Congress Woman Ms Nancy Pelosi who sent the F.C.C. into inspect Google platform. Child pornography, FAKE websites, you name it, it was on Google's platform. Google was involved in criminal activities and fined 457 million for privacy violations.

Google was intruding citizens for the Federal government which violates the 4th Amendment. Google is not a government agent to patrol the internet without a license or permit. Google testified they are a corporate citizen and that alone makes Google marketing, distribution, and file sharing illegal products. Google was marketing this product on a nude models platform I have been streaming 6 years. Google violated title 18 CFR 2251 to 2260. I file criminal complaints with Ms Nancy Pelosi on Google pushing child pornography to this nude models platform. Google claims Hashing. Google testified that it programmed it's computer to detect Hashing once it's uploaded online where it starts first. How then a computer you programmed to detect child pornography went undetected when this illegal product was uploaded to the nude models platform? This statement is fraud.

A computer that is programmed to detect it's Hashing would not go undetected once illegal product was uploaded to any platform or Email. Online the computer detects child pornography first.

I wanted to know who was sending illegal content to the nude models platform. So I filed criminal complaint to Ms Nancy Pelosi and investigation and discoveries where done. Cathy A. McGoff a Google employee of the records testified to We are Free of illegal products. A Bill was past 16414, 116.37, Adopted 376, ch 27 date 5.1, votes 294, on April 10, 2019 House report.

Google was found guilty by Congress. Without a license or permit Google violated the Constitution, treaties, laws, and statutes of the United States and now needs to be in a courtroom. Google is a government witness. (Rule 5 and 6) cross-examination and subpoena employee's like Cathy A. McGoff who committed fraud and false declaration to the Courts. The Courts are preventing me to exercise my civil rights. A Expert needs to testify on Hashing to confirm Hashing is FRAUD. A NEW TRIAL is needed to testify on the above question. Bias and prejudice acts on me for turning Google in to Ms Nancy Pelosi. Reckless and disregarding the truth by the Courts. Grant new trial.

REASONS FOR GRANTING THE PETITION

Google broke the (RULE OF LAW) AND needs to be in a courtroom to answer to fraud in criminal courts. I have for 5 years have repeatedly have testified to the Courts on Google and me testifying on Google misusing and abusing it's internet power by Exploitation of children being exposed on the Nonude models platform being raped, sexually assaulted and molesting. I have witnessed a crime against children of child pornography on the Nonude models platform I have been streaming for six years. It's not what I was doing, but what Google starting sending to this platform. A open online platform of legal models. Out of nowhere illegal content was being pushed to this platform by Google who Ms Nancy Pelosi and the House investigated.

The more the courts deny my civil rights, the more the Courts are protecting a criminal. I have told the courts for 5 years Google broke the (RULE OF LAW). If you knowingly and with knowledge that Google (broke the law) you are in conspiracy with the criminal. The Courts know this. The department of Justice knows, Kevin McCarthy had received a burden of proof.

I CAN NOT EXPLAIN ANYMORE THAN THIS. IT'S ALL IN A NUT SHELL. Google's fate was meet with congress. This company needs to be in court to get this bill past, and have a court order to (Block Child Pornography) Google needs to be regulated by the Court to enforce a blocking court order. Congress did their job. Now it's time to put Google in the courtroom to answer for their crimes they committed by sending illegal content to a citizen and living to NICMEC and state police. Everyone is subject to the Constitution, treaties, laws, statutes. Google and it's employee's are no different. You broke the (RULE OF LAW).

This is no other reason, but Google violated our laws - Exploitation of children and it's users has been proven by Congress. And the F.C.C. The owner, CEO's and Cathy A. McGoff and 4 other Attorney's in Brief 19-2331 CAN BE SUBPOENA'D to be cross-examined for FRAUD.

"Extraordinary circumstances does exist"

For a "NEW TRIAL" let this court grant this petition for a new trial

To grant Ringland a New trial for all fairness of A citizens civil rights and be allowed to have witnesses AND experts with cross-examine, with a Expert testify on Hashing. - To prove my innocent with A SEA) AND get child pornography BLOCK AND 16414 BILL pass.

This is the conclusion of the Whole matter.
I AM A whistleblower AND A confirm witness for Congress-
woman Ms Nancy Pelosi.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mark Diller

Date: April 28, 2023

**United States Court of Appeals
For The Eighth Circuit**
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

**VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov**

February 01, 2023

Mr. Mark Ringland
U.S. PENITENTIARY
30229-047
P.O. Box 019001
Atwater, CA 95301-0000

RE: 23-1029 United States v. Mark Ringland

Dear Mr. Ringland:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. **No grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Michael E. Gans
Clerk of Court

AMT

Enclosure(s)

cc: Ms. Kelli L. Ceraolo
Ms. Susan T. Lehr
Ms. Denise M. Lucks
Mr. Michael P. Norris

District Court/Agency Case Number(s): 8:17-cr-00289-RFR-1

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-1029

United States of America

Plaintiff - Appellee

v.

Mark Ringland

Defendant - Appellant

Appeal from U.S. District Court for the District of Nebraska - Omaha
(8:17-cr-00289-RFR-1)

JUDGMENT

Before BENTON, MELLOY and GRASZ, Circuit Judges.

To the extent Mr. Ringland seeks to appeal the District Court's orders dated April 28, 2022 and August 2, 2022, the appeal is dismissed as untimely.

To the extent Mr. Ringland seeks to appeal the District Court's order dated November 1, 2022, the appeal is summarily affirmed.

The motions in this court for appeal on Brady violation and for application for the original writ are denied.

February 01, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK RINGLAND,

Defendant.

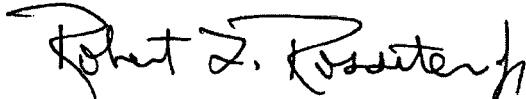
8:17CR289

ORDER

This matter is before the Court on defendant Mark Ringland's ("Ringland") Motion Petitioner for a Petition (Filing No. 187). In his motion, Ringland repeats the same—often nonsensical—allegations made in previous filings. For the reasons stated in the Court's Memorandum and Order (Filing No. 181) and the multitude of other post-trial orders entered in this matter, Ringland's motion (Filing No. 187) is denied.

Dated this 2nd day of August 2022.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK RINGLAND,

Defendant.

8:17CR289

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant Mark Ringland's ("Ringland") Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (§ 2255 Motion), (Filing No. 159) and Motion to Appoint Counsel (Filing No. 160). For the reasons stated below, the motions are denied, and no certificate of appealability will issue.

I. BACKGROUND

On August 19, 2017, a federal grand jury indicted Ringland with one count of receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2) and one count of possession of child pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). (Filing No. 20). Before trial, Ringland moved to suppress evidence of child pornography found on his electronic devices, arguing that law enforcement officers seized and searched Ringland's devices under authorized warrants based on information furnished by Google, Inc. ("Google") and the National Center for Missing and Exploited Children ("NCMEC"). (*See* Filing Nos. 47 and 48). The Court denied the Motion to Suppress. (Filing No. 76.)

After trial, a jury found Ringland guilty of receipt of child pornography. (Filing No. 105). On June 11, 2019, the Court sentenced Ringland to a term of imprisonment of 168 months, with a term of 10 years of supervised release to follow (Filing No. 132).

On appeal, Ringland argued that the Court erred in denying his Motion to Suppress. Specifically, Ringland argued that Google acted as a government agent and conducted unlawful warrantless searches of his email accounts; the NCMEC acted as a government agent and conducted unlawful warrantless searches of his email; and the good faith exception to the exclusionary rule did not apply (*See* Filing No. 153). The Eighth Circuit Court of Appeals affirmed the denial of the Motion to Suppress. (*Id.*)

Ringland's timely pro se § 2255 Motion alleges four grounds for relief, though the nature of the grounds is difficult to decipher. Each of Ringland's grounds for relief center on the allegation that he was not permitted to provide sworn testimony to Congress as a whistleblower against Google and was thereby deprived of his rights under the Fifth Amendment. Ringland alleges that Google is acting as an agent of the Federal Government and is exploiting its users and children. As best the Court can discern from Ringland's § 2255 Motion, his brief, and his supplemental materials (Filing Nos. 164-167), Ringland argues his sentence should be vacated so that he can testify against Google before Congress.

II. DISCUSSION

A. Standard of Review

Section 2255(a) allows a prisoner in custody pursuant to a sentence imposed by a federal judge to move to vacate, set aside, or correct his sentence if the sentence was imposed “in violation of the Constitution or the laws of the United States.” Under § 2255(b), the Court should conduct a hearing on Ringland’s motion “[u]nless the motion and the files and records of the case conclusively show that [he] is entitled to no relief.” “No hearing is required where the claim ‘is inadequate on its face or if the record affirmatively refutes the factual assertions upon which it is based.’” *Watson v. United States*, 493 F.3d 960, 963 (8th Cir. 2007) (quoting *Shaw v. United States*, 24 F.3d 1040, 1043 (8th Cir. 1994)); *see also Anjulo-Lopez v. United States*, 541 F.3d 814, 817 (8th Cir. 2008) (explaining a hearing is unnecessary “[i]f it is apparent from the face of the motion and supporting record that” the motion is untimely).

B. Discussion

“While a pro se § 2255 petition might require the more liberal construction that a court would give pro se pleadings in any other civil case,” the petition will be dismissed where it “lack[s] sufficient specificity under even the most liberal pleading requirements.” *Cooper v. Schriro*, 189 F.3d 781, 785 (8th Cir.1999). Additionally, a petition that consists only of “conclusory allegations unsupported by specifics [or] contentions that, in the face of the record, are wholly incredible,” is insufficient to merit an evidentiary hearing on a § 2255 motion. *Blackledge v. Allison*, 431 U.S. 63, 74 (1977).

Ringland’s grounds for relief under § 2255 are vague and wholly incredible. Each of Ringland’s grounds for relief under § 2255 revolve around an allegation that he was denied his Fifth Amendment right to testify. The Fifth Amendment protects a criminal defendant’s right to remain silent. *See U.S. Const. amend. V* (“No person shall be . . . compelled in any criminal case to be a witness against himself . . .”). This protection includes the implied right to choose whether to testify in the defendant’s own criminal trial. *See United States v. Dunnigan*, 507 U.S. 87, 96 (1993) (stating that the right to testify is “made explicit by federal statute” and is “implicit in the Constitution”); *see also Riggins v. Nevada*, 504 U.S. 127, 144 (1992) (Kennedy, J., concurring) (“It is well established that the defendant has the right to testify on his own behalf, a right we have found essential to our adversary system.”).

Ringland does not argue that he was deprived of his choice to testify at his own trial. Instead, as best the Court can discern, he argues that he was denied his Fifth Amendment rights because he has not been permitted to testify as a whistleblower before Congress. However, there is no provision under the Fifth Amendment, or any other amendment, that gives Ringland the right to testify before Congress about Google. Each of Ringland’s Grounds revolve around this claim.¹ Having reviewed his voluminous filings even under

¹Under Ground One, Ringland alleges “newly discovered evidence” related to the denial of his right to testify before Congress. Filing No. 159 at 4. However, nowhere in his Motion or accompanying materials does Ringland identify the evidence. Under Ground Two, Ringland alleges “racial discrimination” related to the denial of his right to testify

a liberal pleading standard, Ringland has asserted no discernible legal ground for relief under § 2255.

The Court notes that under Ground Two, in addition to his conclusory allegations of racial discrimination, Ringland alleged ineffective assistance of counsel. Ringland alleges his attorney was ineffective because he recommended that Ringland not “take witness stand to testify for Congress at this time of self incrimination. Before and at trial and after. [sic]” (Filing No. 159 at 5). An attorney has the discretion to advise a client whether he should testify, and an attorney’s advice not to testify is not constitutionally deficient legal performance. *See Jackson v. United States*, 956 F.3d 1001, 1008 (8th Cir. 2020). Ringland does not dispute that he was aware of his right to testify at trial. Moreover, the record shows that the parties and the Court discussed Ringland’s right to testify during the trial (Filing No. 143 at 64).

The record establishes that, to the extent discernible, none of Ringland’s asserted grounds are legally cognizable, nor has he asserted any other grounds that would have changed Ringland’s conviction or sentence. Therefore, Ringland is not entitled to an evidentiary hearing, and his § 2255 motion is denied in its entirety.

C. Certificate of Appealability

Before he can appeal the denial of his motion, Ringland must obtain a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). To do that, he must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Because Ringland has not shown that the outcome of his § 2255 Motion is reasonably debatable, is susceptible to

before Congress. Though neither the Form AO 243 nor Ringland’s briefing identify the basis for any claim of racial discrimination. Under Grounds Three and Four, Ringland alleges cruel and unusual punishment and “fraud/false statements,” all related to the alleged denial of his right to testify before Congress.

a different conclusion, or deserves further review, the Court will not issue a certificate of appealability.

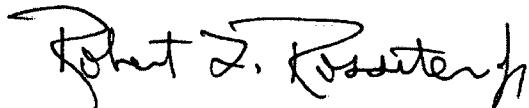
Based on the foregoing,

IT IS ORDERED:

1. Defendant Mark Ringland's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 (Filing No. 159) is denied.
2. Ringland's Motion to Appoint Counsel (Filing No. 160) is denied.
3. No certificate of appealability will issue.
4. A separate judgment will be entered.
5. The Clerk of Court is directed to mail a copy of this Memorandum and Order to the defendant at his last known address.

Dated this 15th day of November 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-1029

United States of America

Appellee

v.

Mark Ringland

Appellant

Appeal from U.S. District Court for the District of Nebraska - Omaha
(8:17-cr-00289-RFR-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

March 15, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans