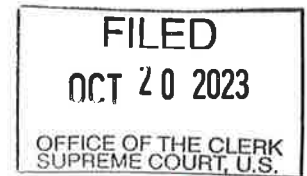


ORIGINAL

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES



OCTOBER TERM, 2022-2023

In re: LIONEL SCOTT ELLSON

ON PETITION TO REHEARING
BEFORE THE FULL COURT

PER THE SUPREME COURT RULE 44.

PETITION FOR REHEARING

OF

PETITION FOR WRIT OF HABEAS CORPUS

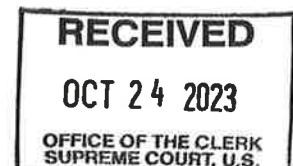
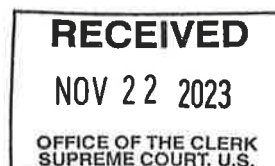
CAUSE No: 22-7762

WITH JUST CAUSE BASED UPON THE MERITS,

AND

CONSTITUTIONAL RIGHTS.

Lionel Scott Ellison,
#3003002
% Crossroads Correctional
50 Crossroads Dr.
Shelby, Montana 59474



CERTIFICATE OF INTERVENING CIRCUMSTANCES AND CONTROLLING EFFECT.

The Petitioner hereby certifies that the contents of this Petition to re-hear are based on circumstances that intervened with this documents original filing, and beyond the Petitioner's control.

The grounds herein are of great importance to all American business men, as the Petitioner was, before these criminal acts that interfered with the fair and free practice of business and interstate commerce between companies in different states.

The criminal acts by officials in the Montana Government are documented in the prior filing and herein.

The Petitioner received the notice from the Court 2 days ago to refile with this certificate, and it is being presented to the internal prison mail service, on this date.

NOTE: THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH, AND IS NOT MEANT FOR DELAY, AS HEREBY CERTIFIED BY THE PETITIONER.

Dated this 5th Day of November, 2023.



Lionel Scott Ellison.

Pursuant to 28 USC §1746.

I. INTERVENING CIRCUMSTANCES OF SUBSTANTIAL IMPORTANCE

The Petitioner, Lionel Scott Ellison, hereby requests a rehearing of this matter due to the constitutionality of the issues of intervening substantial grounds for rehearing, which would set precedence for corporations to violate Congressional Law.

The issues are as follows as proper under Rule 44, of the Court Rules:

1) That the State of Montana's Attorney Generals Office did knowingly commit and order criminal acts by others to impede this documentation from being filed as a Petition for Writ of Certiorari, for the benefit of a out of state corporation, as 'Fraud upon the Court' with the United States Supreme Court being a victim also of this 'Fraud'.

2) The Rules of the United States Supreme Court, Rule 29.2 states that:

"If submitted by an inmate confined in an institution, a document is timely filed if it is deposited in the institution's internal mail system on or before the last day of filing and is accompanied by a notarized statement or declaration in compliance with 28 USC §1746, setting the date of deposit and stating the first-class postage has been pre-paid...the Clerk will require the person who sent the document to submit a notarized statement of declaration in compliance with USC §1746 setting the details of the filing and stating that the filing took place on a particular date within the permitted time."

The Petitioner filed this document into the internal mail system at the Montana State Prison, as a Petition for Writ of Certiorari, on March 25, 2023, where the Petition was timely filed into that internal system. The Petitioner asks that based on the above rule that the resultant later Petition for Writ of Habeas Corpus, be converted to a Petition for Writ of Certiorari, as originally filed, in order for the full court to review this case, and the documented corruption and damage to the integrity of the Court by Montana judicial officials, and the First Amendment rights of this Court also.

3) That the above misconduct by the (R) Montana Attorney General's failure to Abide by the laws of Montana, without review by this court will circumvent the ratified Congressional Acts of:

The Sherman Anti-Trust Act, 15 USC §1.

The Federal Trade Commission Act, 15 USC §45(a)-- Unfair Trade/ Commerce

The Hobbs Act, 18 USC §1958-- Murder-for-Hire.

The R.I.C.O. Acts, 18 USC §§ 1961-1969, et seq., based on the documented collusion between an Oregon Company hiring criminal Cartel members through government officials, to impede the fair trade and commerce between State Companies, for unfair advantage, and bypass the Judicial System. With the now documented support of the now (R) Montana Attorney General, over the waiver of the former (D) Montana Attorney General, making the Petitioner, an actual 'Political Prisoner', in Montana due to Political Ideology.

FEDERAL COMMERCE ACTS VIOLATED:

With the 'Fraud' and 'Fraud on the Court' established, as beginning with the 'Bond Fraud' committed by the Oregon Company, LCG Pence, and that company's project manager, Lonnie Higgins; and the following criminal acts committed and paid for to halt "Interstate Commerce", as a contract between that company, and the Montana Company, WallPro, Inc., owned jointly by Claude Ellison, Marlene Ellison and the Petitioner, Lionel "Scott" Ellison; then multiple Federal Commerce Acts have been violated.

With the only explanation for the resulting criminal acts by the Yellowstone County detective, Ellison's ex-wife, the 2 Cartel men, and the subsequent illegal acts by many Yellowstone County officers of the court being continued 'Fraud on the Court' and Conspiracy to commit additional Federal offenses. See the following Statutes, with a portion of the Federal Crimes Committed under USC Title 18.

The Supreme Court holds in *Husky Int'l. Elec., Inc. v Ritz*, 578 US 355,360, 136 S.Ct. 1581(2016), that:

"Thus, anything that counts as "fraud" and done with wrongful intent is "actual fraud".

See 1 J. Story, *Commentaries on Equity Jurisprudence* §189, p.221 (6th ed. 1853) (Story)("Fraud...being so various in its nature, and so extensive in it's application to human concerns, it would be difficult to enumerate all instances in which Courts of Equity will grant relief under this head".).

The United States Congress had ratified multiple acts that govern the actions of Interstate Commerce, and what is proper and what is illegal.

The actions by the Oregon Company, and that company's agent to hire known criminal 'gang' members, and solicit others to intimidate and halt adjudication of that company's 'Bad Faith' Fraudulent acts, falls exactly under the Hobbs Act, and R.I.C.O. Act, based upon the conspiracy to commit various criminal acts against the Ellison family, to 'Terrorize' them into dropping that civil suit. A suit in which the Ellison families Bond was for \$1,786,000.00, and the suit was for \$30,000,000.00, and would have bankrupt that company, and completely halted all contracts or bonding by that company, due to that 'Bond Fraud'.

Thus, these criminal and 'Racketeering Influenced Corrupt Organization' deeds, activates both the Sherman Anti-Trust Act [15 USC §1], and the Federal Trade Commission Act [15 USC §45, at (a)(1)].

The Sherman Anti-Trust Act, as codified under Title 15, states at §1:

"Every Contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states...is hereby declared to be illegal."

WallPro, Inc., whose factory and business was located in Lockwood, Montana; Contracted with the Oregon Company, LCG Pence, was located in Portland, Oregon.

The acts from the time that the Ellison family and their business, WallPro, Inc. caught the Oregon Company in 'Bond Fraud' as shown in the civil suit attached herein does then demonstrate the illegal acts requirement in the Sherman Act, with the continued participation by Yellowstone County officials paying the large, 'Bounty' monies to the Cartel men, in the amount of \$50,000.00; as was admitted by Carlos Molina, who confessed to his involvement in the Abduction, Torture, and Rape of Ellison, and being hired through the Yellowstone County Detective, Frank Fritz, who was having an extra-marital affair with Petitioner Ellison's wife, Rhonda. The State of Montana, has reported this as true through an investigation and Report by Dr. Virginia Hill, MT.Pub.Heal.Hum.Services; who was aided by an attorney and a former USDOJ agent. Attorney Patrick Sweeney, a former US JAG attorney, submitted the investigators evidence of the communications and "Collusion" with Petitioner Ellison's wife Rhonda, and Detective Fritz, through multiple Texts, and emails that the agent found. See page 6 of Dr. Hills report, stating:

"We found that the collateral information actually tends to support Mr. Ellison's beliefs. The video (above) is a sworn statement from an individual saying he was approached about assisting in a plan to "terrorize" the owner of Wall Pro, Inc. (Mr. Ellison), allegedly at the bequest of a company Mr. Ellison was suing after a business deal gone bad. While in jail at one point Mr. Ellison believes another inmate had been asked/ ordered to murder him, and there is a written note in existence that could be construed as such. With regard to the idea that his wife had conspired against him, Mr. Ellison has produced evidence of this in the form of text messages from her, described in the Supreme Court decision (above) as, "arguably favorable in his case"(¶ 17). Finally, at the risk of stating the obvious, Mr. Ellison was in fact discovered bound and gagged in a field in Park County, and has offered evidence to support his version of events."

This document was sealed from the public view, by the then Park County Attorney, Brent Linneweber, and released only after the Park County Judge Brenda Gilbert learned that Linneweber, had knowingly suppressed the dashcam video from the Park County Deputy's sheriff car; after he and others rescued Ellison from the bottom of a cliff on Federal Property, Interstate I-90, and means of transporting interstate commerce. Thus a violation of 18 USC §1958. Use of Interstate commerce facilities in the commission of murder-for-hire. A subsection of the Hobbs's Act, 18 USC §1951-1959, et seq.[Judge Gilbert dismissed that fraudulent charge, See Link to dashcam video].

The Ninth Circuit holds in United States v Linehan 56 F.4th 693,707(9th Cir 2022),

"To be convicted of violating §1958(a) an offender must (1) have traveled or caused another to travel in interstate commerce, or used or caused another to use an instrumentality of interstate or foreign commerce, or conspired to do all the same: (2) have done so with the intent that a murder be committed; and (3) have intended that the murder be committed in exchange for something of pecuniary value." See United States v Phillips, 929 F.3d 1120,1123, (9th Cir 2019)."

At this point the inclusion and violations to the R.I.C.O. Act are self evident as defined by Law, and attached to this Petition's Addendum of Statutes, codified as 18 USC §§ 1961-68, et seq.

"the Solicitor General's same concession several months ago in *Grzegorezyk v United States*, 142 S.Ct 2580, 213 L.Ed.2d 1128(2022), "As the Solicitor General explained in that case, §1958(a), require[s] only that a defendant travel in, or use a facility of interstate commerce with the requisite criminal intent, it does not require that a defendant actually enter into a murder-for-hire intent, or that the contemplated murder be attempted or accomplished by another person." Linehan, *Ibid*.

The Linehan Court at 698 also held, concerning Soliciting a violation of §1958:

"Under the federal solicitation provisions, which is entitled "Solicitation to Commit a crime of violence",

Whoever, with the intent that another person engages in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of the intent, solicits, commands, induces or otherwise endeavors to persuade such other persons to engage in such conduct, shall be imprisoned... 18 USC §373(a)."

The Ninth Circuit is clear, as is §1958 of the Hobbs Act, and the entire R.I.C.O. Act; that the Oregon Company, Yellowstone County Detective Fritz, Rhonda Mae Quarters, the Cartel men [Molina and Jacobsen], Park County Attorney Brent Linneweber, and Brent Linneweber as the Asst. Yellowstone County Attorney later, are all guilty of the Conspiracy shown, and in violation of the Sherman Anti-Trust Act.

The Ninth Circuit expanded this in *Dorsey v United States*, 76 F.4th 1277, (9th Cir 2023):

(by attempting to kill a witness in violation of 18 USC §1512(a)(1), qualified as a predicate offense for his conviction... Attempted killing under §1512(a)(1) was a crime of violence as defined by §924(c)(3)(A) because it required proving defendant intentionally used or attempted to use physical force against another... in the context of the definition of "physical force" under 18 USC §1515(a)(2), a crime of violence is defined as a felony offense that has an element the use, attempted use, or threatened use of physical force against the person... substantial risk of physical force against the person... may be in the course of committing the offense."

The continued conspiracy, and 'Fraud on the Court', with the Court also as the victims, then places the Respondents herein as culpable to the crime under §1512(a), where "Section 1512(a)(2) criminalizes Witness tampering by "whoever uses physical force... the threat of physical force against any person, or attempts to do so, with intent to "influence, delay, or prevent testimony of any person in an official proceeding."

Because the Montana Attorney General's Office ordered the destruction of a legally filed Petition for Writ of Certiorari, and the evidence holding State and County officials accountable, the present (R) Austin Knudsen, and his "Elective Franchise" staff member, Patrick J. Moody, are criminally liable under the Hobbs Act, through the Sherman Anti-Trust Act, and subsequently under the Federal Trade Commission Act, as codified under 15 USC §45(a)(1).

"Congress intended by anti-trust acts to prevent all combinations and conspiracies, whether composed of employee, employers,...from unreasonably restraining the free flow of interstate commerce."
Paramount Pictures Inc. v United Motion Picture Owners, Inc, 93 F.2d 714, (3rd Cir 1937).

Through the Sherman Anti-Trust Act, as related to the Hobbs Act, and the R.I.C.O. Act, the obstruction of free interstate commerce was denied the Ellison Family, through their company WallPro, Inc., by the Oregon based company LCG Pence.

This is with the continued corrupt 'Racketeer' Organization in Yellowstone County, and the 'Fraud on the Court' perpetrated by former Park County Attorney, Brent Linneweber, before he was dismissed, and also after he was hired by the Yellowstone County Attorneys Office and filed criminal charges against the Petitioner, without probable cause, and presented ~~KNOWN~~ fraudulent statements to the court in the Thirteenth Judicial District Court, acting as a "witness" rather than a prosecutor, with his prejudicial account of what he told the Court in DC-14-0614, on August 10, 2015. Claiming that there was no evidence that the Petitioner Ellison had been Abducted, Tortured, Raped and dumped by the Cartel hired by Detective Fritz. This was knowing that he had hidden Dr. Hills report and investigation, which completely contradicted his claims, as does the Rape Report and the Photos that document that both Linneweber and Detective Fritz committed Perjury. And with that evidence of record, 'Fraud on the Court' is undeniable.

All facts and Claims, waived by the (D) Montana Attorney Generals Office, under his former administration in that office, through C. Mark Fowler, his Senior Deputy.

But at the points that Ellison contacted the present (R) Attorney General Austin Knudsen, months after he took office, and the Petitioner asking that his office abide by the Professional rules of Conduct, 3.4 and 3.8; without response. Culminating with the Petitioner's Power of Attorney actually driving to the capital, and hand-delivering the evidence, request and filings which document the States waiver that the State was satisfied with Ellison's claims...again ignored...until that office ordered MSP officials to destroy Ellison's evidence; and censor and destroy the Petition for Writ of Certiorari, legally mailed...and the Petitioner's complete case file in the §1983 case, protected by Habeas Corpus ad Testificandum.

There is NO legal entity in Montana, powerful enough to hold Mr. Knudsen and his 'Elective Franchise' accountable, except the Governor, [who has also turned a 'Blind Eye' to this matter], and the Chief Justice of the Montana Supreme Court, whose Court and other Justices, were also victims of the 'Fraud on the Court'. Nor, knowledgeable enough to comprehend 'Commerce Law', and violations of those laws, where "a claim requires a complaint with enough factual matter (taken as true) to suggest an agreement was made." See Bell Atl. Corp v Twombly, 550 US 544, 556, 127 S.Ct 1955(2007).

Congress passed 15 USC §45, which properly encompasses the Sherman, Hobbs, and R.I.C.O. Act's known as the Federal Trade Commission Act. With the ratification that 'Unfair methods of Competition unlawful; prevention by Commission', with §(a) Declaration of unlawfulness; power to prohibit unfair practices;

- (1) Unfair methods of competition in or affecting commerce, and unfair or deceptive practices in or affecting commerce, are hereby declared unlawful.

The method the Oregon Company chose over legal proceeding, was to hire 'gang' members, from the Cartel in Texas and Arizona, where Carlos Molina originated from.

The civil complaint that is attached, documents how the Oregon Company, LCG Pence, had planned all along to obtain the Ellison family Construction Bond, and then NOT pay the family and claim the 'Bond'. And then bring a company in that was much cheaper, and used illegal mexican labor. Many who threatened Ellison and his workers, at the Bozeman jobsite. Criminal grounds for the FTC investigation herein.

This illegal company, it was later found, and admitted to by Marco Guzman, at the Montana State Prison, that these illegal workers are known as 'MS 13', and work directly for his uncle, the extremely notorious Cartel gang leader 'El Chapo' Guzman.

The connection between the Cartel men,[Molina and Jacobsen], and the Oregon Company, has been the relationship between Detective Fank Fritz, and Petitioner Ellison's wife, who conspired with Oregon Company to intimidate Ellison and his parents links the Montana Attorney General with Fritz[the Arson], to destroy evidence.

Claude Ellison and Marlene Ellison filed suit against Fritz and the Yellowstone County Sheriff's Office for this harrassment, through the family attorney Elizabeth Honaker. Only to have Yellowstone County attorney, Jeff Michael threaten her at the clerk of Courts office, and by voicemail, stating he was going to "WIPE YOU OUT" to Ms. Honaker, for representing the Petitioner. A fact that the Commission on Practice for Montana found him guilty of, as was presided by a Justice from the Montana Supreme Court. This was after the car exploded when Ellison was driving it. See, DC-07-0907, in the 13th Judicial District Court, where Michael threatened Ellison's Mother with jail unless, Ellison changed his plea...See attached confirmation from the States Video expert, stating the video used for probable cause did NOT show Arson, as was claimed. Additional further evidence confirming the 'Fraud on the Court', by multiple Yellowstone County officials. With all of the above supporting R.I.C.O. charges.

These 'Corrupt' Racketeering methods by Yellowstone County, constitutes a known and established 'Criminal enterprise', which the facts and evidence show rivals the Mafia of the 1930's to the 1970's, when the R.I.C.O. Act was ratified, to stop just this sort of organized criminal activity, where substantial amounts of money are involved, and money changing hands for criminal acts, as waived by Mr. Fowler, and admitted to by Carlos Molina, of the Sininola Cartel, under the direct order of the leader of that Cartel, Guzman. The linking nexus of criminality is self evident, to Mr. Knudsen's Office and administration, and the bombing of our home by Fritz, was done to destroy evidence, and witnesses.

The has previously presented proof positive that he mailed his Petition for Writ of Certiorai to the Court, on March 25, 2023, into the internal mail system at the Montana State Prison, only to have that filing taken and destroyed at the direct order of the present Republican Attorney General, Austin Knudsen, who had previously been given a full copy of the original 40 pages of the Certiorai.

The directive was given on official Montana Attorney General letterhead, with the State of Montana, and the Montana Department of Justice, designated thereon.

Per Rule 44.1, of the Supreme Court Rules, the Petitioner asks that the "Justice who concurred in Judgement", who is unknown to the Petitioner, present this "petition for rehearing" to the Full Court, to be reviewed and "granted my a majority of the Court", based upon the severity of the situation, and the denial of rights.

Rights denied to the Petitioner and the United States Supreme Court jointly under the First Amendment, where in actuality the Court is equally a victim of the 'Fraud on the Court', as is the Petitioner. The Petitioner was denied full access to all of the United States Supreme Court, which violates the Petitioner's Constitutional right to Due Process, under the Fifth and Fourteenth Amendments.

Here where the Republican Attorney General refuses to abide by the waived issues by the former Democrat Attorney General.

Where the present Republican "Elective Franchise" has directly ordered the destruction of the documentation that the prior Democrat's "Elective Franchise" waived Five (5) seperate Constitutional issues.

With the issues being the Petitioner's Actual Innocence; Double Jeopardy violation after acquittal at trial; and three (3) seperate Malicious Prosecutorial Misconduct issues by Republican Yellowstone County Attorney's as shown.

This correlating with the 'Bounty' monies accepted by a Yellowstone County Sheriff's Detective, and who in collusion with the Petitioner's estranged wife, hired two Cartel men for \$50,000.00 to try and extort a signature from the Petitioner through Torture [See photos in Exhibits of Habeas filing], using a Police Tazer, and Rape...with more Torture using a car cigarette lighter...all facts documented and conceded to by the Democrat "Elective Franchise" previously befor the Montana Supreme Court.

The Petitioner and many other citizens of Montana have file Official Misconduct grievances with the Montana Office of Disiplinary Counsel, for presentation to the Montana Commission on Practice, see copies attached with a copy of the News Paper front page, documenting the number of claims, with the Petitioners being after the 41 there.

It is conclusive that these new and substanial issues should be of great and un-precidented issues, of extra-ordinary circumstances requiring review.

The attached September 7, 2023 issue of the Great Falls Tribune's front page, is a attached, documenting the Public Out-cry of both criminal and Judicial Misconduct by the negligent acts by the Republican, "Elective Franchise" under the present Montana Attorney General, the Respondent, Austin Knudsen.

The Petitioner has cited the Congressional Codes governing the right to free and fair commerce between States, in violation of the Sherman Anti-Trust Act, and the Federal Trade Commission Act 15 USCS §45(a), due to the unfair and criminal business practices by the Oregon Company, LCG Pence, who knowingly used members of the criminal enterprise know as the Cartel/ MS 13/ Nortanio Mexican Illegal immigrants coming to America.

Now based on Rule 29.2 of this Court, and the Courts holding in *Houston v Lack*, 487 US 266, 108 S.Ct 2379(1988); and *Johnson v United States*, 544 US 295, n.2, 125 S.Ct 1571(2005), once the staff at Montana State Prison to custody of the Petition for Certiorari into the prisons internal mail system, it was legally filed with the Court at that time, per the "Mailbox Rule[s]", above.

The Petitioner submits this Petition to request that this filing be rightfully accepted as a Petition for Writ of Certiorari, and reheard as such before the full court for review, based on the Equal Protection Clause of the Fourteenth Amendment rights of the Petitioner, and also his First, Fourth, Fifth, Sixth, ~~Seventh~~ and Eighth Amendment Rights as have been violated, in which the former Democrat Ayyorney General has waived, under the Montana Rules of Civil Procedure, 12(b), and the Montana Rules of Appellate Procedure, Rule 12(2).

In addition to the violations to the commerce laws violated as documented, the wrongful acts of "Outrageous Government Conduct", the following criminal statutes have been committed through the direct guidance and order of the (R) Montana Attorney General, with the dates each Act, or Law was ratified.

- 18 USC §241, Conspiracy against Rights, Chapter 13, ratified June 25, 1948.
- 18 USC §242, Deprivation of Rights under the color of law, Ratified June 25, 1948.
- 18 USC §371 Conspiracy to Commit offense or Defraud the United States, October 12, 1984.
- 18 USC §373, Solicitation to Commit a crime of violence, October 12, 1984.
- 18 USC §1001, Fraud and Fraudulent statements, October 25, 1948.
- 18 USC §1113, Attempt to commit murder, June 25, 1948.
- 18 USC §1201, Kidnapping, June 25, 1948.
- 18 USC §1512, Tampering with witness, victim or informant, October 12, 1982.
- 18 USC §1703, Delay or Destruction of Mail, June 25, 1948.
- 18 USC §1958, Use of Interstate commerce facilities in the commission of murder-for-hire, October 12, 1984, RACKETEERING.
- 18 USC §1961-§1968, Racketeering influenced and corrupt organization [RICO Act], October 15, 1970 [84 Stat.922], "An Act. Relating to the Control of Organized Crime."

The Acts of both the Oregon Company, and the Montana Government Officials violate the above, are conclusive and admitted. Not to grant relief would ratify the nullification of the Commerce and criminal acts above, with government involvement.

Many officials and the public have found the negligence by the Montana Attorney General and his political based misconduct to warrant grievances, much like the Petitioner. The Petitioner, is presenting this matter to the Solicitor General of the United States, to be presented to the U.S. Attorney General, where the Petitioner is asking that criminal charges be levied against the Republican Montana Attorney General.

Knudsen's failure to honor the former Democrat Attorney General's waiver, is unambiguously based on politics, and as such the Petitioner is literally a political prisoner. Imprisoned not for crimes the Petitioner committed, but to protect the Treasury of the State, from having to pay for a wrongful conviction, as stated by the Governor of Montana's office, upon hand-delivery of the evidence to his office at the Capital. This is documented by the attached receipt herein, signed by the Office of the Montana State Governor, Greg Gianforte; and also presented directly to the Montana Attorney General's office on the same day, September 1, 2022, by John A. Ruff, the Petitioner's Power of Attorney. See signed Receipt in Appendix.

This documents that the Petitioner is incarcerated as a "POLITICAL PRISONER" for the sake of money, rather than justice.

The Petitioner is also presenting this Petition for Rehearing directly to the Office of the President of the United States, Joe Biden, through a request for Presidential Pardon, due to the Courts refusal to obey the Constitution, and protect the rights of many as well as the Petitioner. The Rules of this Court state at Rule 45.1, that "All Process of this Court issues in the name of the President of the United States." The Petitioner will present this documentation and the previous "Rule of Law" to the President, and ask if he agrees that the Court issued this injustice and criminal acts by a Republican Public Official. The Petitioner prays that such exposure would prevent the Court from continuing to turn a blind eye to the rights of an individual, and the exercise of Constitutional Right. To expose the criminal misconduct of Law Enforcement officials committing crimes that rivals the very type R.I.C.O. Organizations that 18 USC §§1960-1968 was meant to prosecute.

Politics is NOT supposed to take place in the Judicial branch of our government, as it does in the Legislative and Executive branch's of government, created by the U.S. Constitution. Yet, here it is undeniably apparent, that a bias is present by the Republican Montana Attorney General, and the Courts of Montana.

These are issues that will be presented to President Biden, as shown in the attached copy of Ellison's request for Presidential Pardon, due to the failure of the Judicial system herein, which the previous Montana (D) Attorney General was satisfied was present in his waiver per Montana Rules of Appellate Procedure 12(2).

The Court has previously disagreed with the present denial of Habeas Corpus, and allowing government to become the criminal faction, as demonstrated in the following U.S. Supreme Court, stare decisis 'Clearly Established' Law. Law in which the Supreme Court seems to be in dispute with here when the government is the actual and admitted lawbreaker.

"In our system of government, the Court has often stated, no one is above the law." See *Trump v Vance*, 140 S.Ct. 2412,2432, 207 L.Ed.2d 907(2020).

"In addition, the constitution guarantees "the entire independence of the General Government from any control by the respective State...States have no power... to retard, impede, burden or in any manner control the operations of the Constitutional laws enacted by Congress." *Id* at 2425; See *McCullach v Maryland*, 17 US 316, § Wheat. 316,436,4.L.Ed 579(1819).

Safeguards against bias or criminal activity by government officials, is futile, if the courts do not even consider claims that litigants bring forward. The task of reviewing the record to determine whether a trial was "fair and impartial is challenging, but must be undertaken, especially when a person's life is on the line." *Love v Texas*, 142 S.Ct 1406,1409. 212 L.Ed.2d 596(2022).

Ellison has shown undisputed evidence that the Court's of Montana have no regard for the Petitioner's life, and have tried to end it to cover-up for the crimes of Montana officials. In the present instance, placing Ellison into a private prison, used to house the states gang population, with the knowledge that these gang 'Cartel' have a 'Bounty'/ 'Contract' on Ellison. With the Guzman Cartel at the heart of the gang's and the money transfered from the Oregon Company to them. Is that not cause for the Courts concern, and warrants relief of these 'Extraordinary Circumstances'.

The Supreme court has held that "a court may not turn a blind eye to claims of bias entirely..." Manuel v Joliet, 588 US ___, ___, ___, 137 S.Ct 911, 197 L.Ed.2d 312,325(2017).

Ellison asks the court not to turn a blind eye to injustice and the laws of procedure...or the criminal statutes cited here. That Montana be held accountable for being the lawbreaker.

"If this court should permit the Government, by means of it's officers crimes effect its purpose of punishing the defendents, there would seem to be present all the elements of a ratification. If so, the Government itself would become the lawbreaker." Olmstead v United states, 277 US 438, 483,485, 48 S.Ct 564 (1928); United States v Vendugo-Urquidez, 494 US 259,285, 110 S.Ct 1056(1990).

"Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously...Crime is contagious. If the Government becomes the lawbreaker, it breeds contempt for law, it invites every man to become a law unto himself, it invites anarchy...To declare that the Government may commit crimes in order to secure the [wrongful, herein] conviction of a private [alleged] criminal---would bring terrible retribution...", Olmstead at 485.

The Court itself, then stands in the way of holding a State and State actors accountable for criminal deeds, defines by the Court as "Outrageous Government Conduct", which is one of the claims that the Court here has disregarded without review or response, with the courts "opinion" to rule in this manner, it has "by turning a blind-eye to these truths and over ruling decades of precedent"... "content to now disguise it's ruling as an application of "established law and move on", see Kennedy v Bremerton School Dist. 597 US ___, 142 S.Ct 2407(2022); Students for Fair Admissions, Inc. v President & Fellows of Harvard College, 143 S.Ct 2141,2239().

"The Courts must obey the Constitution..." Mugler v Kansas, 123 US 623,661, 8 S.Ct. 273(1887).

Ellison, the Petitioner, has proven he is unlawfully convicted of crimes after being ACQUITTED at trial, and in violation of his Fifth Amendment rights. The State has agreed by waiver, of this violation, by failure to dispute of brief that claim, and the new DNA Finding Studies that demonstrate Ellison's Actual Innocence, as well as (3) Seperate Malicious Prosecutorial Misconduct claims. The lower courts in Montana refuse to apply the waiver or follow the Rules of Procedure.

II. THE RELATED 42 USC §1983 CIVIL SUIT

In the original filing to the Supreme Court, the Petitioner referenced the 42 USC §1983 Civil suit, Ellison v Yellowstone County, et al., in the United States District Court of Montana; in which Ellison had cited 18 USC §1964, as a jurisdictional cause for suit. §1964 refers to the proper R.I.C.O. statute to hold the defendants accountable for Racketeering as an organization.

Yellowstone County, refused to dispute the fact that the Petitioner was knowingly deprived of food for the last 2 days of a 3 day trial, knowing that the Petitioner is a severe Hypoglycemic [Low Blood Sugar]; and also conceded that the County guards then retaliated for that grievance, by placing a known enemy into Ellison's segregated cell, and the enemy stabbed/ cut Ellison three times, as confirmed by Medical records.

The Petitioner filed a legal 'Third Party Complaint' to the §1983 suit, as is allowed by the Federal Rules of Civil Procedure, Rules 7, 9, 14 and 19. The Petitioner recaptioned the suit as: LIONEL SCOTT ELLISON,
Plaintiff,

-vs-

YELLOWSTONE COUNTY, et al.,
Defendants,

-vs-

AUSTIN KNUDSEN, [MT.ATTY.GEN.],
PATRICK J. MOODY, [MT.ASST.A.G.],
JAMES SALMONSEN, [Warden, MSP],
Third Party Defendants.

The Montana Attorney General, Austin Knudsen was legally served with the Complaint, at the P.O. Box for his Office by certified mail from the Petitioner.

The Attorney General refused to respond to the complaint as demanded by the Federal Rules of Civil Procedure, Rule 12, requiring an answer within 21 days.

The Petitioner filed a Notice to the Clerk of Court for Default after 50± days, and meeting with the defendants counsel, Melissa Williams who did not object. Due to the Petitioner's hearing loss, this meeting was recorded by writings between Ellison, and Ms. Williams.

The Petitioner filed the Notice for default on August 15th, 2023.

The District Court Judge dismissed the Petitioner's Third Party Complaint 2 days later, on August 17, 2023.

The district Court claimed that Ellison's Third Party Complaint was an 'Amendment', and he could dismiss the complaint under rule 15(a)(2), that as an "Other Amendment", the Court needs "The other party's consent or court's leave. The court should freely give leave when justice so requires."

The Petitioner filed an Interlocutory Appeal to the Ninth Circuit, under the proper jurisdiction of 28 USC §1292(b), to decide this issue of whether the Petitioners 'Third Party Complaint' was an Amendment, and that the district court erred in Dismissing the Complaint, because "the court should freely give leave when justice so requires."

The Ninth Circuit Court dismissed the Petitioners' Appeal claiming that the Ninth Circuit, lacked jurisdiction to rule on a 'Final' judgement under 28 USC §1291.

The Petitioner correctly filed the Interlocutory Appeal under §1292(b) properly, and filed a Rule 35, En Banc decision due to the Ninth Circuits incorrect citing of jurisdiction.

All of the above filings are attached to this Petition in a the attached Appendix B.

The ruling by the Supreme Court, which the Petitioner is asking for Rehearing hearin, has had unconstitutional repercussions to the Petitioner criminally, and now in a civil §1983 suit.

The ruling seems to have given the U.S. District Court, and the Ninth Circuit Court of Appeals the "GREEN LIGHT" to dismiss legal redress against government officials. Not just in Montana, but nationwide.

The seriousness of this situation and the repercussions in the future, will place a great burden on the court, from other citizens who have suffered this injustice and disregard for the law, where the government is the lawbreaker. This is by definition, the same tyranny, that the founding fathers hoped to escape, in writting the U.S. Constitution.

III. CONCLUSION

The Petitioner believes he has demonstrated just cause for the court to present this matter to be reheard by the Full Court of the Supreme Court, based upon the 'extraordinary circumstances' involved here and would have devastating future and expanded filings to the Supreme Court, the Circuit Courts, and the District Courts, and overload the docket load upon the clerks and assistants for the courts.

The injustice to allow the continued 'unwritten policy' to allow government officials to commit crimes for personal gain, or career advancement should be egregious to both conservative and liberal minded justices alike.

The seriousness if this issue is before the public in Montana and Nationwide, were government officials commit criminal acts without being held accountable. Which is the crux of this matter, that some political divisions can place a citizen into custody and incarcerate that person for crimes that the opposing party has waived the person is Actually Innocent of, and imprisoned by 'Wrongful Conviction' in violation of the Constitution.

The reputation of the Court at every level is now at bar before the most powerful court in America, the court of public opinion concerning the reputation and integrity of the jurists and law enforcement officials, that the public pays for. This matter is being presented to the other branches of the government in Montana and Washington, as well as the to the local and national media as is now show.

The Petitioner asks for the Courts to obey the laws of is nation and give the Petitioner the rights guaranteed to him, by a fair and just 'Tribunal' before the Full Court, and asks that the Court rectify this injustice, both at the civil and criminal charges levels. Thank You.

Dated this 5th day of November, 2023. Respectfully,


Lionel Scott Ellison, Pro Se.

CERTIFICATE OF COUNSEL

The Petitioner, Lionel Scott Ellison, hereby declares and certifies that he willingly comes before the Supreme Court of the United States, as a Pro se Petitioner, and at this time is not represented by counsel, and has asked to proceed In Forma Pauperis.

This Petition is presented in Good Faith, in that the Petitioner comes before the Court, for relief from the 'EXTRA-ORDINARY' grounds, that the prior deniable of Habeas relief.

The Petitioner presents Congressional Criminal statutes as being controlling authority, concerning the actions by the Montana State Attorney General's Office, ordering the destruction of the Petitioner's legally mailed Petition for Writ of Certiorari, and other federally protected documentation under a standing Writ of Habeas Corpus ad Testificandum, issued by the U.S. District Court, for the District of Montana. The actions constitute criminal actions and Contempt of Court Order, as being Congressional binding Law.

The Petitioner submits this Petition solely to exercise his Constitutional Rights as guaranteed by the U.S. Constitution's First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment Rights, which the Petitioner hereby claims are violated, and the 'Good Faith' cause for the Full Court to review this matter which demonstrates the 'Outrageous Government Conduct', which the Constitution forbids. And in which by denial of this Petition would give all State's Attorney General's precedent to violate Supreme Court and Congressional Statutes from this point forward.

This would completely invalidate the Supremacy Clause, within Article VI, of the Constitution.

Thus, subsequently invalidate the 'Rule of Law'/stare decisis decisions which all states are bound to uphold, to maintain the States standing within the union and protection of the United States government, and it's monetary benefits.

For the Court to set this precedent would invalidate the Constitution of the United States, the U.S. Congress's authority over states.

With Montana then becoming a sovereign independent state.

Dated this 18th day of October, 2023.


Lionel Scott Ellison, Pro Se.

CERTIFICATE OF
AND PROOF OF SERVICE

I, Lionel Scott Ellison, certify that I mailed this Petition for Rehearing, into the custody and deposited into the mailroom of the Crossroads Correctional Center's internal mail system on this date, as prepaid certified mail.

In Good Faith, I am filing this Petition for Rehearing, before the 25 days allotted for a Rehearings deadline for filing, from the Clerk of Courts denial of Habeas Corpus Relief, dated October 2, 2023.

Per Rule 29.3 the Petitioner asks that the Court serve a copy to the Montana Attorney General, Austin Knudsen, as legal counsel for the respondents, at the following:

Austin Knudsen, Montana Attorney General

P.O. Box 201401

Helena, Montana 59620-1201

E-Mail: Austin.Knudsen@mt.gov

Based upon the Constitutionality of the Acts of Congress being "drawn into question", 28 USC §2403(a) applies and will be legally served upon the Solicitor General of the United States as follows:

Solicitor General of the United States, Room 5616,

% Department of Justice

950 Pennsylvania Ave., N.W.,

Washington, D.C. 20530-0001

Served upon the above, due to the involvement of Jurists for the U.S. District Courts liability of Criminality, pursuant to 28 USC §451, 28 USC §144, and 28 USC §455; as applicable under Rule 14.1(e)(v); with the request that the U.S. Attorney General be presented this matter in whole.

The Petitioner has also notified the President of the United States, via a request for Presidential Pardon, of the documented Fraud by the State of Montana's Highest Law Enforcement official, Knudsen; which will contain all of the relevant information involving the corrupt and 'Outrageous Government Conduct' herein, as served upon Montana State Governor Gianforte, and MT Supreme Court Chief Justice Mike McGrath.

Dated this 18th day of October, 2023.

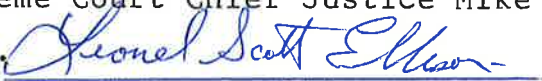

Lionel Scott Ellison
pursuant to 28 USC §1746.

Exhibit #2

10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

LIONEL SCOTT ELLISON,

Plaintiff,

vs.

OFFICER WASHINGTON, OFFICER
GROSLOCK, OFFICER JOHNSON,
and SGT. PETERS,

Defendants.

CV-18-00056-BLG-BMM-JTJ

ORDER FOR WRIT OF HABEAS CORPUS
AD TESTIFICANDUM

IT IS ORDERED that the Clerk of this Court shall issue a Writ of Habeas Corpus as Testificandum directing the Warden of Montana State Prison to produce Lionel Scott Ellison before the United States District Court for the District of Montana, at the Missouri River Federal Courthouse in Great Falls, Montana, at 9:00 a.m., on June 22, 2020, for such purposes as the Court may determine, and upon conclusion of the proceedings, Lionel Scott Ellison shall be returned to the custody of the Montana Department of Corrections, Montana State Prison, Deer Lodge, Montana. Mr. Ellison shall be allowed to bring his legal materials to trial and he should be provided non-prison attire for trial.

DATED this 27th day of January, 2020.

/s/ Brian Morris
Brian Morris
United States District Court Judge

**Additional material
from this filing is
available in the
Clerk's Office.**