46861-8108-73-08

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

John B. Myles — PETITIONER
(Your Name)

vs.

Ron Neal, Warden et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Indiana Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John B. Myles
(Your Name)

One Park Row
(Address)

Michigan City, Indiana 46360
(City, State, Zip Code)

_____
(Phone Number)

Questions Presented

1. Whether The 6th Amendment Compel Attorney Sonya Scott To have Filed A motion To Quash The Arrest And Suppress evidence After She Filed A motion To Compel production of The Arrest Warrant And the prosecutor Failed To produce it.

2. Whether the 14th And 4th Amend Compel the prosecutor To "Voluntarily" disclose "material" And exculpatory evidence - An Arrest Warrant - At The Post Conviction Hearing, And Trial.

3. Whether it was Judicial misconduct And And A Flagrant, Fraudulent suppression of "material evidence" when the post Conviction judge introduced "Spillman System" documents As "Arrest Warrants".

4. Whether the State Court of Appeals erred In deciding that, "Ample Circumstantial evidence" that the Trial Court issued An Arrest Warrant was Sufficient To excuse the State from its obligation To "voluntarily" produce the "home" Arrest Warrant.

5. Whether the Federal District Court abused its discretion when it sanctioned the decision of the State Appeals Court that "Ample Circumstantial evidence in the record ..." is enough To over-Come The "Brady" requirement that "material evidence" must be "physically" produced voluntarily.

6. Whether the ... U.S. Court of Appeals Abused it discretion in sanctioning the district Court's decision that "ample Circumstantial evidence" is enough To show that an arrest warrant was issued; and was this a federal question of substance decided in a way that is NOT in Accord with An Applicable decision of This Court, i.e. Brady.

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:

The Post Conviction Court

The U.S. District Court

The U.S. Court of Appeals

RELATED CASES

John B. Myles v. Ron Neal - 3:19-cv-00458-RLM-MGG U.S. Dist Ct.

John B. Myles v. Ron Neal - 20-3321; 1exis 16450 U.S.C.T App

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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 Myles v. Neal, 2022 U.S. App. LEXIS 16450; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[✓] reported at Myles v. Warden, No. 3:19-CV-459-RLM-MGG; 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 A 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 Lake County Post Conviction Court court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was April 19, 2021.

[ ] 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: June 23, 2021, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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 May 16, 2018. A copy of that decision appears at Appendix A.

[ ] 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

1. The Sixth Amendment, The right To effective Assteince of Counsel
2. The Fourth Amendment, the right To privacy in the home
3. the 14th Amendment, the right To Due process and To equal protection of The laws

Statement of the Case

On October 4, 2006, a Walgreen store was said to have been robbed. On or about November 9, 2006, a suspect name Ronald P. McGee was tentatively identified by a store employee. McGee had been previously identified by patricia Quinones as the person who robbed her C.V.S. store; he was also apparently identified as the robber of the "Schererville" Walgreen store.

On January 12, 2007, three months later, the U.S. Marshalls along with the Hammond police, the Schererville police and the Lake County, Ind. police broke down my apartment door in Gary, Ind. and arrested me. The Hammond Police instructed the U.S. Marshal to transport me to Hammond's police station. There, I was booked, finger printed and photographed after being interrogated. On January 13, 2007 the Hammond police transferred me to the Lake County, Ind, Jail for further processing. There, I learned that the Schererville, Ind. police had charged me with armed robbery, but the Hammond police had file no charges at all. On Jan. 17, 2007, finally, the Hammond police filed its armed robbery charges.

On Jan. 19, 2007, public defender Marc Charles Laterzo was appointed to represent me in cause Nos. 45G01-0701-FB-000007 and in 000008.

Later, in October, 2007, a "Court Officer" confided that there had been

issued No Arrest Warrant "in this case".

Around Oct. 17, 2007, I informed Atty Laterzo that I suspect that the police did a warrant-less Arrest 'inside' my home and requested that he file the motion To Compel disclosure of their Arrest Warrant. Initially, Counsel balked. Then, About January 22, 2008, Atty Laterzo Sent me documents that he claimed were "your Arrest Warrants...". The documents were the "Wanted Person Table" of the Lake County, Ind. Police - Not Arrest Warrants.

Counsel refused my requests that he file the motion To Quash the Arrest, and After more Attempts To Convince him To do A Suppression Motion, I filed A motion To dismiss Laterzo. The judge summarily denied the motion, and forced me To Trial with A deceptive Attorney. I subsequently filed A Complaint with The Ind. Disciplinary Commission. I was Convicted in May, 2008; and After the Conviction, the judged then Accepted my second motion for Counsel's dismissal.

Public defender, SONYA SCOTT, was Appointed To represent me in The second case. I explained that Atty Laterzo had given me A 'fake' Warrant, and that it was obvious that No Warrant had been issued for My Arrest. Then, I requested that Atty Scott move the Court To order The prosecutor To disclose his his Arrest Warrant. She did That.

Statement of The Case

ON June 16, 2008, Counsel filed the "Brady motion", demanding that the State produce its Arrest Warrant. ON July 1, 2008, the State responded To Atty Scott's motion To Compel production of additional discovery - specifically the Arrest Warrant - by sending A slightly different formatted Version of Atty' Interzo - produce Lake County sheriff's "screen paper work". It was captioned, "Warning/Alerts" document. Seeing that the "warnings/alerts" document was A different version of The "Wanted Person Table," I asked that Atty Scott file the motion To Quash The Arrest. She claimed that That had been The responsibility of Atty Interzo - NOT hers; and so, she refused; I also moved To have her dismissed. Again, The judge refused and I filed A complaint with the "Indiana Atty Disciplinary Commission", again. I was Convicted on December 23, 2008, like in the first case, I made A second request for Atty Scott's dismissal; this time, before sentencing, she also was dismissed.

The Appeal was filed and denied perfunctorily on November 29, 2009. After doing A visit in Cook County, Ill., From May, 2009 To June, 2014, I returned To Indiana State prison And resumed My Appeal in The Post Conviction Court. Proceedings in the P.C. Court started on March 30, 2016.

I requested an Attorney and the motion was denied. On March 31, 2016, Judge Sullivan introduced into the the record of proceedings Two "Spillman System" documents that she called Arrest Warrants, but they were NOT. Atty Lateano Testified that Sheriffs County screen" were Arrest Warrants, and that he always thought that they were warrants. And despite the police having told the prosecutor that he had not been issued an Arrest Warrant, he failed to inform the Court of that fact. P.C. relief was denied on July 17, 2016, and on or about Sept, 2016, I appealed to the State Appeals Court. Essentially, the Appeals Court acknowledged that NO Arrest Warrant was ever produced, but there was "Circumstantial evidence in the record" that an Arrest Warrant was issued. Thus, my petition was denied on May 16, 2018. I appealed timely to the Federal district Court. And the petition was denied on October 13, 2020; The Habeas Court, like the State Appeals Court, said that there was "Ample Circumstantial evidence in the record" to conclude that an Arrest Warrant had been issued, and the petition was denied after concluding that, as a result, there had been no ineffective Assistence of Counsel. The U.S. Court of Appeals (Two of the 3 panel) agreed and ruled I had not been deprived of ANY substantial constitutional rights.

Reasons For Granting The Petition

The reasons this Court should grant a writ of certiorari in this case are: (1) The state appeals court decided "a federal question of substance ... in a way ... not in accord with applicable decisions of this Court." (Sup. Ct. Rule 19). (Rice v. Sioux City memorial Cemetery - 349 U.S. 70 (1955). And (2) The State Court decided an important federal question in a way that conflicts with a relevant decision of this Court. (S. Ct. Rule 10(c)

(3) The Habeas Court abused its discretion in that the Court repeatedly and un-reasonably based its decisions for a writ of habeas Corpus on an egregiously un-reasonable determinations of the facts in light of extremely powerful documented evidence presented, to the contrary; and (4) Counsel was very ineffective.

I. The Facts

On January 12, 2007, I was arrested inside my Gary, Ind. Apartment by a U.S. Marshal Task Force which was made up of the Hammond police, the Schererville police, the Lake County, Ind. police and the Gary, Ind police departments. Not one of these police departments had bothered to first obtain an arrest warrant. On that same day of the arrest, 1-12-07, the Schererville police filed armed robbery charges. However, instead of the Lake County

police transporting me to the lake county jail, the Hammond police instructed the U. S. Marshals to take me to the Hammond City, police station. There, I was booked, finger printed, photos were taken, and I was grilled about a robbery that was said to have been committed in their jurisdiction. On Jan. 13, 2007, the following day, the Hammond police transferred me to the Lake County, Ind. jail. The Hammond police had not charged me with any crime until on Jan. 17, 2007. (See Hamm. police booking card, exh. D) but I was arrested on Jan. 12, 2007.

II. Blatant and Flagrant Ineffective Assistence of Counsel and Misconduct.

The original public defender who was appointed to represent me gave me a "fake" arrest warrant and he out-right lied to me. I requested his dismissal afte the conviction, and I was appointed another public defender to represent me. Sonya Scott entered the case in May, 2008. I informed Atty. Scott that my Laterzo had deceived me and had assisted the prosecutor and police in concealing "material" evidence; I asked her to motion the Court to order the prosecutor to disclose his arrest warrant. Counsel did file the Brady motion for the arrest warrant. (See mtn for add. discovery, exh. 2)

Reasons For Granting The Petition

In response to Counsel "Brady motion," on July 4 2008, the prosecutor provided Atty Scott with another version of the Lake County "screen paper work" document, whose appearence cannot be mistaken for a valid arrest warrant. (See, Sheriff's "Warnings/Alerts" doc., exh. 3). Surprisingly, the State's discovery packet also contained a rare "Admission" from the charging officer. He admitted that he had the Lake County "screen" or "Warnings/Alerts" document "for a warrant." So, the police himself admitted to both, the prosecutor and my attorney, that he had not been issued an arrest warrant. Even though it's common knowledge that the remedy for a warrantless arrest is the suppression of evidence, Sonya Scott decided that it was not her responsibility to file such a motion, because, as she put it, it was Atty "Laterzo's duty" to have filed the motion to quash the arrest. Both Attorneys "out-right refused" to file the motion to quash and suppress. When two experienced lawyers simply refuse to file motions to quash under the circumstances of this case, it is not a common case of Negligence, or lack of knowledge; there is something far more going on ... something deeply willful and equally sinister and obviously "deliberate". Atty Laterzo, knowingly misrepresented a material fact; his actions were fraudulent because he was under the

Stickland duty to disclose this material information, as well as a duty of loyalty to me, his client. (See Frazer v. US 18 F. 3d 778 (9th Cir. 1994). Atty. Scott's "deliberate omissions" amounted to misconduct because her acts of omission affected the fairness and out-come of my Trial; thus, they were acts of frauds. (See Intro-hold, Inc. v. Sound merch, Inc. — 538 F. 3d 448.). She willfully omitted filing the motion to Quash Arrest when it was well known — the police himself admitted — that no arrest warrant had been issued. That's way past the intersection of "un-reasonableness and is approaching the stop sign of Treachery. Both Attorneys abandoned me during pre-Trial in an apparent effort to help the State prosecutor obtain a conviction. Evidence — documented evidence in This Court's hands — show the serious conflict of interest, and I was left with no Attorney at all; and still the Courts refused to provide an Attorney for me, (See Frazer v. U.S. — 18 F. 3d 788).

It is for this reason that this Court should grant my request for the writ of certiorari. The reasons lie in the evidentiary documents I am presenting This Court, which show egregious 6th Amendment violations, 4th Amend and 14th Amendments violations, which approaches a mis-carriage of justice.

Reasons for Granting the Petition

II. At the post conviction Hearing, misconduct by Judge and prosecutor Lake County Court officers - First, Atty Laterzo and Scott, prosecutor Mark Watson, and p. c. judge Sullivan - These judicial officers Colluded, accessionally in open court, To suppress exculpatory and Impeaching, material evidence related To the "warrantless" arrest in my home. Atty Laterzo Tried To Conceal the fact that the police had failed To secure an arrest warrant by giving me "fake arrest warrants", (see exh. 4), and lying by Telling me that the document were "... your arrest warrant...". Further, at the p. c. hearing, Laterzo Tried "deliberately" To admit and inform the magistrate that No arrest warrant had been issued. Atty Scott, his Co-worker, was provided Two pieces of critical documented evidence (i.e. The "warnings/alerts" or exh 3 and an "admission" by police, see exh. 5) that revealed that No arrest warrant was issued. Atty Scott Filed No Appropriate suppression motion in response To her information about those facts. In fact, she refused all of my requests that she File The motion To Quash arrest and suppress evidence.

Then, The prosecutor, Watson, submitted a basically false "Findings of fact and Conclusion of law". The most impacting falsehood in the document is on page 6 and point 16 where he simply lied when he said Judge Sullivan had provided "both parties with Copies of the [arrest] warrant." This is a provable lie, and I'll point This Court

To that proof right now. (See judge Sullivan's documents she called arrest warrants below.)

Next, the judge herself joined the circus of cullusion. Magistrate Sullivan, in her effort to conceal or help persuade reviewing Courts that, in fact, the police did have an arrest warrant, introduced the above referenced documents called Spillman "supplemental warrant form." (See exh. 6.)

This was, and it continues to be, a systematic State effort (directed at the appeals Courts - including this Court) to conceal or suppress material and favorable evidence. It was also the State's duty to reveal the lack of an arrest warrant, and none of them did it, including The Indiana Attorney General himself. Instead of revealing it, they concealed and are now lying about it. This is a massive Fraud on this and other federal Courts. (See Banks v. Dretke - 540 U.S. 668, 124 (2004).

Fraud on the Court consists of conduct, 1) on part of Court officers; 2) is directed at the judicial machinery; 3) it is intentionally false or willfully blind to the Truth; 4) conceals evidence when under a duty to disclose it; and 5) deceives the Court. They did all five, which equal Fraud ON the Courts. The discovery documents just presented from these four Court officers themselves show extraordinary, egregious mis-conduct that in fact "corrupted the judicial process", as these Court officers' words, their "credibility"

(and deference to their words and positions of judicial influence) exerts a super-powerful influence on higher, Federal Courts. (See Johnson v. Bell - 605 F. 3d 333 (2010). At the very least, these officials are guilty of intentionally violating the "Brady Rule" of discovery, and the 4th and 14th Amendments. As a consequence of their obvious colluding, I was deprived of not only competent effective representation, but I had little, if any, representation at all. My so-called Attorneys had sided with the State.

For these and other reasons, this Court should grant the Writ of Certiorari.

III. The Indiana State Court of Appeals - "Ample circumstantial evidence..."

One of the main compelling reasons for the Court to exercise its supervisory power in this case is that the State Court of Appeals "... decided a Federal question in a way that conflicts with [a] relevant ... decision of this Court." The Fed. question is whether the State Court of Appeals erred when it decided that, (in response to motion to disclose arrest warrant) "circumstantial evidence in the record..." is enough to show that the arrest warrant was issued; or, does an arrest warrant have to be "physically" produced to show that it was lawfully issued and to make it available for "inspection and copy". Brady v. Maryland (373 U.S. 83, 83)

answers that question for us. This Court decided in Brady that, "The government shall reveal to the defendant and permit inspection and copy ... that which might be favorable on the issue of guilt and punishment." Reveal means that the state must, shall, "physically" produce an arrest warrant for "inspection and copy". The arrest warrant, in this case, was involved in a "home" arrest; for that reason, it implicates the 4th and 14th Amendments. And that fact makes the missing warrant not only "material" evidence, but also exculpatory and favorable evidence. And further, it (evidence) is suppressed under Brady if the prosecutor fails to disclose it. (See U.S. ex rel Barrow v. McAdory - 2003 U.S. Dist. Ct. Lexis 14098).

The Brady discovery Rule(s) were instituted in 1963. The case is still "good law," and it is a precedent case, which all judges know about, even Indiana Appeals Court judges. Therefore, all the "circumstantial evidence" submitted by the state do not substitute for the 'physical' production of the arrest warrant. Without the actual warrant in hand, it cannot be determined that it was not flawed in some way and neither can it be copied or in any way inspected. The state Court of Appeals abused its discretion when it based its ruling on an "erroneous view of the Brady law. (See Willis v. Jones - 329 F. App. x 7) and Koon v. U.S. - 518 U.S. 81, 116 (1996).

This is further reason why this Court should intervene and exercise it discretion

Reasons For Granting The Petition

In this case wherein several substantial constitutional rights have been intentionally denied enforcement. For this reason, this Court should grant the writ of Certiorari.

IV. The Federal Habeas Court and The U.S. Appeals Court, An Abuse of Discretion.

The U.S. District Court and the U.S. Court of Appeals Abused their discretion when they decided, erroneously, that "Ample circumstantial evidence in the record..." was enough to show that an arrest warrant was issued in state cases 45601-0701-7B-000007 and 45601-0701-7B-000008. And also, did the Habeas Court further abuse its discretion by doing a clearly erroneous assessment of "Documented" FACTS that I submitted, and FACTS contained in Court proceedings.

The Habeas Court concluded that "... there is ample circumstantial evidence that he [Myles] was arrested pursuant to a duly issued warrant." (See Court's opinion, p.9; appendix F.). The Habeas Court stated: that "The warrant itself wasn't included in the record." If the arrest warrant was not included in the record, then how is it possible for this judge to state conclusively that, "... he was arrested pursuant to a duly issued warrant," which warrant he never inspected. But, on the other hand, Schertville's arresting Officer, Brian Vandenburg, provided us all with evidence that no arrest warrant was ever issued. Vandenburg stated in his fax to the prosecutor that, "This is all,

I had the County screen for a warrant."! (See Fax, exh. 5 again.)

The evidence is clear; The arrest warrant is in Neither the Lake County clerk/or Court's file NOR any other County file. (See Lake Co. Clerk's letter, exh. 7); and, in addition to that fact, the police himself admits that he had no arrest warrant. This is my "clear and convincing evidence" (as opposed to "circumstantial evidence" of the State App. Ct.) that no warr. had been issued on 1-12-07. Apparently, the State Appeals judge and the Federal Indiana judge were "willfully blind" to my more convincing evidence regarding that an arrest warrant was not issued. The evidence shows that the arrest warrant was requested in both cases, (See exh. 2 and exh. 2), but the State never produced it. The prosecutor, in response to the demands for the warrant, gave Counsels the "County screen." (See "County screens, exhs. 10 and 3). This is further evidence that no arrest warrant was ever issued, dispite the "belated" probable cause document and a mag's "order" to arrest, which never existed until March 31, 2016.

When the facts and/or evidence is not on the side of the State, and the judge still rule in the State's favor, it is an abuse of the Court's discretion to presume automatically that the State's "facts" are accurate. Here, a Federal Court was obviously "willfully blind" to the documental, factual evidence that I presented.

Reasons for Granting The Petition

I. The United States Court of Appeals, an abuse of discretion

The U.S. Court of Appeals, in its Order denying a Certificate of Appealability, stated that, "...We find no substantial showing of the denial of a constitutional right." (Appendix E (Case No 20-3322, U.S. App. Ct). What!?

Either the Two deciding judges did not do a thorough review of either of these consolidated or "companion" cases, or they were "willfully blind" to the documented evidence. As I have shown repeatedly to three courts with supporting concrete, documented evidence, that the police arrested me in my home without an arrest warrant; and my attorneys "refused" to move the Court to quash and suppress; Also, I presented to the U.S. Court of Appeals evidence, showing that the p.c. judge injected into the proceedings "fake" or fraudulent arrest warrants (2); and an attorney who, himself, documented his own deception and treachery. These are 4th 6th and 14th Amendment violations, which are major constitutional rights that were viciously violated by the State of Indiana. The Appeals Court erred in its view of the Brady law and/or the 4th and sixth Amendment and in its assessments of the facts and multiple pieces of evidence.

I now invoke the "Equal protection (of the law) clause of the 14th Amendment

of The United States for the State having deprived me of my 4th Amendment right to privacy in my home.

For All five reasons stated herein, and also, the NINE reasons stated in companion case 20-3321 are enough for (ONE arrest warrant covers both cases) this Court to or it should grant the writ of certiorari. (See Rice v. Sioux City memorial Park, Inc - 349 U.S. (1955-HN-1). (S.Ct. Rule 19.) I Thank you kindly.

Respectfully Submitted,

"I declare under penalty of perjury that the forgoing is correct."

John B. Myles
pro se

Footnote: (New evidence. May 3, 2022)

Re: Additional information requested and received on May 11, 2021. I was convicted in April, 2008 in the Latered case (46G01-0701-FB-007). The atty in the second case was still looking for the arrest warrant in June, 2008. (See Clerk's memo to Scott. page 2 of 2.) It must be emphasized that the two cases are linked by a common arrest warrant, and if there was no arrest warrant for either case. There would be no need to look for any warrant if the First Trial Atty. already had it. (See Exh. 9)

Address
John B Myles 984466
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Michigan City, Indiana 46360

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John B. Myles

Date: June 17 2022

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

June 23, 2021

Before

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 20-3321

JOHN B. MYLES,
Petitioner-Appellant,

v.

RON NEAL,
Respondent-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:19-cv-00458-RLM-MGG

Robert L. Miller, Jr.,
Judge.

ORDER

On consideration of the petition for rehearing filed in the above-entitled cause by *pro se* appellant, John B. Myles, on June 1, 2021, and amended on June 14, 2021, both of the judges on the original panel have voted to deny a rehearing. It is, therefore, ORDERED that the aforesaid petition for rehearing is DENIED.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted April 8, 2021
Decided April 19, 2021

Before

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 20-3321

JOHN B. MYLES,
Petitioner-Appellant,

v.

RON NEAL,
Respondent-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:19-cv-00458-RLM-MGG

Robert L. Miller, Jr.,
Judge.

ORDER

John Myles seeks a certificate of appealability from the denial of his petition under 28 U.S.C. § 2254. After reviewing the final order of the district court and the record on appeal, we find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, the request for a certificate of appealability is **DENIED**. The request to proceed in forma pauperis is also **DENIED**.

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