

No. USAP5 No. 23-50085

23-5001

Supreme Court, U.S.
FILED

APR 24 2023

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

EMMANUEL A. Hemphill — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fifth circuit court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

EMMANUEL A. Hemphill
(Your Name)

KARNES COUNTY DETENTION CENTER
810 COMMENCE STREET
(Address)

KARNES CITY, TEXAS 78118
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- 1.) Did the United States Court of Appeals for the Fifth Circuit ever make a decision in conflict with the decision of another United States Court of Appeals on the same important matter?
- 2.) Did the United States Court of Appeals for the Fifth Circuit depart so far from the accepted and usual course of judicial proceedings to the point where it has undermined the integrity of the courts?
- 3.) Will the continuation and failure to address fraud by the Court lead to the corrosion of the judicial branch of government and to allow slavery to be carried out in the form of unlawful convictions?

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:

RELATED CASES

- United States v. Emmanuel Hemphill #12-cr-0354 (F.B.)
District Court For the Western District of Texas.
- United States v. Emmanuel Hemphill No. 13-50267
U.S. Court of Appeals For the Fifth Circuit, 748 F.3d 666
- United States v. Emmanuel Hemphill #12-cr-0354 (OLG)
District Court For the Western District of Texas.
- United States v. Hemphill, 642 Fed. Appx. 448
U.S. Court of Appeals For the Fifth Circuit.
- Hemphill v. United States, 2016 U.S. Lexis 6966
United States Supreme Court
- United States - Western District of Texas
Emmanuel Hemphill v. United States # 5:22-cv-01401
- United States of America v. Emmanuel Annonse Hemphill
No #23-50085
U.S. Court of Appeals For the Fifth Circuit.

Attachment

RELATED CASES

- State of Texas v. Emmanuel Hemphill
San Antonio #227 Judicial District
- State of Texas v. Emmanuel Hemphill
San Antonio #227 Judicial District
- State of Texas v. Emmanuel Hemphill
San Antonio #227 Judicial District
- Emmanuel Hemphill v. United States of America et al
Case No # UNA #2180
United States District Court For The District of Columbia.
- United States of America v. Emmanuel Hemphill
#SA-CR-00306 (OLE). District Court For The Western District of Texas.
- United States of America v. Emmanuel Hemphill
#SA-CR-00306 (X-R). District Court For The Western District of Texas.

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 - Decision of the 5th circuit court of Appeals.

APPENDIX B - Decision of the District court for the Western District of Texas.

APPENDIX C - Notice of Appeal.

APPENDIX D - Letter to Clerk informing 5th circuit that Petitioner was waiting on the Jail Administration to furnish him with the necessary documents to provide to the court.

APPENDIX E - A letter from the 5th Cir. stating the court will take no action on Petitioner's instrument.

APPENDIX F - Emergency motion from Petitioner accompanied with the documents requested by the court.

Appendix G - A letter from the 5th Cir. stating that no action will be taken on Petitioner's complaint/instrument.

Appendix H - Corruption complaint to the office of Inspector General.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
• <u>Haines v. Kerner 404 U.S. 519-520 (1972)</u>	<u>(10)</u>
• <u>198 L.Ed 2d 177, — US — Henson v. Santander Consumer U.S.A. INC. (No. 16-349) June-12-2017</u>	<u>(11)</u>
• <u>United States v. Cleaver, 319 Fed. Appx. 728 (10m cir) 4-6-2009 No. 08-1330</u>	<u>(11)</u>
• <u>United States v. Mc Rae, 793 F.3d 392 Lexis Nexis Headnotes UNS Judgements, Relief from Judgements</u>	<u>(12) (14)</u>
• <u>United States v. Doe, 810 F.3d 132 (United States court of Appeals for the Third circuit, No. 13-4274 Footnotes [11])</u>	<u>(13)</u>
STATUTES AND RULES	
• <u>USCS Fed. Rules Civ. Proc. Rule 60. Relief from a Judgment or Order.</u>	<u>(10)</u>

OTHER

Table of Authorities Cited

Cases	Page Number
• <i>Mercant v. Eddy v. Mitchell</i> , 269 U.S. 514. Lexis Nexis HeadNotes - HN4 - Federal Government, employees and officials	<u>(13)</u>
• <i>United States v. Winkles</i> , 795 F.3d 1134 (9th Cir.) 2015 - Lexis Nexis HeadNotes - HN3 - Judgments, Relief from Judgments	<u>(14)</u>
• 918 F.3d 1262; E.A. Muslim Voter Project v. Kemp; March 21 - 2019. Foot Notes 36	<u>(15)</u>
• <i>Brownell v. Greenwich</i> 114 NY 518 Lexis Nexis HeadNotes HN1 Jurisdiction, Jurisdictional Sources	<u>(16)</u>
• <i>Hazel-Atlas Glass Co. v. Hartford-Empire Co.</i> , 322 U.S. 238	<u>(17)</u>

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 N/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 United States district court appears at Appendix N/A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April-6-2023.

☒ 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: _____, 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. § 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

- U.S.C.S Fed. Rules Civ. Proc. Rule 60B, Relief From A Judgment or Order.
- U.S.C.S CONST. Amend 13 - Amendment 13 - Sec 2. (Slavery Prohibited)
- U.S.C.S CONST. Amend - 5, Part 2 of 13 - Amendment 5 - CRIMINAL ACTIONS - PROVISIONS CONCERNING DUE PROCESS OF LAW AND JUST COMPENSATION CLAUSES.

STATEMENT OF THE CASE

- ON the date of April-19-2012 in the Western District of Texas, San Antonio Division, the Petitioner was charged in a 2nd indictment with conspiracy to possess and distribute cocaine base and possession with intent to distribute cocaine base.
- The Petitioner initially took an involuntary plea agreement. - see United States v. Emmanuel Hemphill #12-cr-0354 (F.B) District Court for the Western District of Texas, San Antonio Division.
- That conviction was eventually vacated and remanded back to the District Court for further proceedings by the U.S. Court of Appeals for the Fifth Circuit. - see United States v. Emmanuel Hemphill No. 13-50267 / 748 F.3d 666.
- The Petitioner was then assigned a different District Court Judge where he exercised his right to have a jury trial which is where a significant amount of fraud by the Court was carried out. - see United States v. Emmanuel Hemphill #12-cr-0354 (OLG), District Court for the Western District of Texas, San Antonio Division.
- The Petitioner timely appealed. That conviction was affirmed by the U.S. Court of Appeals for the Fifth Circuit where an additional amount of fraud by the Appeals Court was carried out in order to conceal the fraud of the District Court. See: United States v. Hemphill, 642 Fed. Appx. 448 U.S. Court of Appeals for the Fifth Circuit.

- The Petitioner Filed a Petition For Rehearing in The Fifth Circuit Court of Appeals which was denied.
- The Petitioner Then went on to File a writ of Certiorari in The United States Supreme Court which was denied Review. See 2016 U.S. Lexis 6966 United States Supreme Court.
- The Petitioner went on to File his 28 U.S.C. 2255 which was also denied By The United States District Court For The Western District of Texas, Orlando Garcia. Doc # 289 SA 12-cr-0354
- The Petitioner Asserts That He was obstructed From seeking Justice in The Courts by suffering From physical Attacks and psychological torture tactics being carried out due to The substance and contents of His Filings on Authority Figures who were still in position of Authority. See - Emmanuel Hemphill v. United States of America et al, case No. # UNA 2180. United States District Court For The District of Columbia.
- The Petitioner completed The majority of his Federal conviction under #12-cr-0354 (OLE) Western District of Texas and was released to a Federal Halfway House where The Authorities plotted to have him assassinated in order to unlawfully seize his intellectual property, which consisted of Legal Documents of overwhelming evidence proving fraud by The Court. See - Emmanuel Hemphill v. United States of America, et al, case No # UNA #2180. United States District court For The District of Columbia.

- The Petitioner was given (2) options while at the halfway house, stay there and be assassinated or leave and receive an escape charge. The Petitioner decided to leave in order to preserve his life. See: United States of America v. Emmanuel Hemphill # SA-CR-00306 (X-R) District Court for the Western District of Texas.
- The Petitioner asserts that he was charged with a violation of 751(a) escape from custody-arrest and Felon in Possession of Firearms - 922(g) in interstate commerce.
- The Petitioner asserts that his initial charges were on the docket of Judge Xavier Rodriguez and eventually transferred back to the court where a significant amount of the fraud by the court initiated at. See: SA-CR-00306(OLG)
- The Petitioner filed an instrument labeled as "Motion for Relief from Final Judgment Under Rule 60 (B)" in which the Petitioner sought to challenge an unlawful conviction from 2014, of which he was in the halfway house for. See - case # 5:12-cr-0354 (OLG) which was documented under case # 5:22-cv-01401 - Emmanuel Hemphill v. United States of America.
- This Motion was mis-constructed by the Court as a Motion to Vacate pursuant to 2255 and dismissed the Motion without prejudice for lack of jurisdiction because it was deemed a successive 2255 motion. See: SA 12-cr-0354 Docket # 294.
- The Petitioner timely filed his Notice of Appeal on Jan-22-2023, in which the United States Fifth Circuit Court of Appeals

Responded with a Letter dated February-9-2023 directing the Petitioner to pay a filing fee or file a motion with the court to proceed in forma pauperis, or else the appeal would be dismissed without further notice.

• The Petitioner then filed an instrument with the Fifth circuit court of Appeals labeled "Notice of Appeal concerning Feb-9-2023 Letter from Clerk of the Court", informing the court that he was waiting on the Jail Administration to provide him with the necessary documents in order to comply with the orders of the court. This instrument was dated 2-23-2023

• The Petitioner asserts that portions of his legal documents and material were in the possession of the Jail Administration which prevented him from complying with the orders of the court.

• The Petitioner asserts that the Jail Administration retained a portion of his documents and he immediately filed an instrument labeled as "Emergency Motion" with the Fifth circuit court of Appeals notifying the court that extreme developments has occurred in the form of obstruction of justice and conspiring fraud upon the court that has aggressively prevented me from complying with the request of the court. That instrument was dated April-6-2023, it was also accompanied by the Petitioner's trust fund account, as the court requested.

• The United States Fifth circuit court of Appeals responded with an order to dismiss Petitioner's appeal as of April-6-2023 for want of prosecution, stating the Appellant failed

To pay the filing fee. That instrument was entered at the direction of the court.

The Petitioner will show that another letter from the 5th Cir. Court of Appeals Dated April-11-2023 stated that the court received my motion to proceed in forma pauperis and complaint but they refused to take any action on it.

The Petitioner will show this court that he has been, and is currently still acting as his own attorney in several matters being litigated; civil and criminal.

The Petitioner will show that in hindsight he was ordered by the court to undergo a psychological evaluation in order to determine his ability to represent himself and to stand trial.

On the date of October-11-2022 the Petitioner arrived at Fort Worth Medical Center, Fort Worth, Texas, where he was evaluated and eventually discharged on December-13-2022 and was deemed competent to stand trial.

The Petitioner asserts that on the date of December-13-2022 while being transferred from Fort Worth Medical Center to Brady County Jail in Oklahoma, accompanied by several boxes of legal material, under the care, custody and control of the United States Attorney General, all of his litigating material was unlawfully seized, which prevented him from complying with the request of the courts and also causing his appeal to be dismissed.

The Petitioner asserts that on January-17-2023 he filed an instrument with the Office of Inspector General labeled "corruption complaint", notifying the (OIG), notifying his Department of the unlawful seizure and corruption being carried out at the hands of government employees, which in turn prevented the Petitioner from complying with the orders of the courts.

The Petitioner also asserts that the unlawful seizure of his legal documents prevented him from preparing a proper defense at trial in case # SA-22-CR-00300-(OLG), which the Petitioner was found guilty based on a combination of fraud from the same

Court, which was being carried out in order to cover up and conceal the initial fraud that the Petitioner is Petitioning this Court to consider on writ of Certiorari.

REASONS FOR GRANTING THE PETITION

Now comes the PETITIONER acting as his own attorney in the above styled writ of certiorari and asks this court to grant his petition for the reasons laid out below.

See: Haines v. Kerner 404 U.S. 519-520 (1972). Where court has duty to hold pro se litigants pleadings to a lesser stringent than those drafted by a licensed attorney.

The PETITIONER will show this court that although the issue brought before this court is intertwined with many different issues connected to the issue at hand, the issue that the PETITIONER has brought before this court for redress is a fairly simple issue.

The PETITIONER will show the court that on August-31-2022 he filed an instrument in the District Court labeled as "Motion for Relief from Final Judgment Under Rule 60(B)(6)".

The PETITIONER will show this court that the District Court Judge, Orlando Garcia unlawfully relabeled the PETITIONER'S Motion based on "Fraud By The Court" to a successive 2255 and dismissed the instrument without prejudice.

See U.S.C.S Fed. Rules Civ. Proc Rule 60. Relief from a Judgment or Order (B) Grounds for relief from a final judgment, order, or proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (b) any other reason that justifies relief. (d) Other Powers to Grant Relief. This rule does not limit

A court's power to: (3) set aside a judgment for fraud on the court.

See: 198 L.Ed 2d 177, - 45 - HENSON V. SANTANDER CONSUMER U.S.A. INC. (No. 16-349) June-12-2017.

Decision
Head Notes

Furthering of objective - Speculation

L. Ed Digest: Statutes 100.5

2. While it is the court's job to apply faithfully the law Congress has written, it is never its job to re-write a constitutionally valid statutory text under the banner of speculation about what Congress might have done had it faced a question that, on everyone's account, it never faced. Indeed, it is quite mistaken to assume that whatever might appear to further the statute's primary objective must be the law. Legislation is, after all, the art of compromise, the limitations expressed in statutory terms often the price of passage, and no statute yet known pursues its stated purpose at all costs.

Plain Meaning:

L. Ed Digest: Statute 83

3. Courts will not presume that any result consistent with an account of a statute's over-arching goal must be the law, but will presume more modestly instead that the legislature says what it means and means what it says.

See: United States v. Cleaver, 319 Fed. Appx. 728 (Tenth Circuit) (4-6-2009) No. 08-1330

II. Analysis HN1 - While a defendant cannot use a rule 60(B) motion to circumvent the restrictions (730) placed on a federal prisoner asserting a second or successive 2255 motion, see 28 U.S.C. 2255(H), Cleaver's rule 60(B) (b) motion here is a "true" rule 60(B) motion, that is, it "attacks... some defect in the integrity of the federal habeas proceeding," rather than asserting claims

Challenging the Defendant's conviction and sentence.

KONZALEZ V. CROSBY, 545 U.S. 524, 530-32, 125 S.Ct. 2641, 162 L.Ed. 2d 480 (2005) (28 U.S.C. 2254 proceeding); See: Spitznas V. Boone, 464 F.3d 1213, 1215-16 (10th Cir. 2006) (28 U.S.C. 2254 proceeding); See: Also United States V. Nelson, 465 F.3d 1145, 1147 (10th Cir 2006) (**3) (Applying KONZALEZ to 2255 proceedings).

THE PETITIONER ASSERTS THAT HIS MOTION FOR RELIEF UNDER RULE 60B WAS DENIED ON ITS FACE WITHOUT CONSIDERING THE CONTENTS OF THE INSTRUMENT. THE DISTRICT COURT'S DISMISSAL ORDER WAS COMPLETELY ERRONEOUS AND CONTRADICTS RULING AUTHORITY. THE PETITIONER TIMELY APPEALED.

SEE: UNITED STATES V. McRAE, 793 F.3d 392

LEXIS Nexis HEADNOTES

HN 5 JUDGMENTS, RELIEF FROM JUDGMENTS

THE CERTIFICATE OF APPEALABILITY (COA) REQUIREMENT IN 28 U.S.C. 2253(c) ALLOWS THE COURT OF APPEALS TO REVIEW, WITHOUT FIRST ISSUING A COA, AN ORDER DISMISSING A FED. R. CIV. P. 60(B) MOTION AS AN IMPROPER SUCCESSIVE HABEAS PETITION.

THE PETITIONER WILL SHOW THIS COURT THAT HE FILED HIS NOTICE OF APPEAL, DATED 1-22-2023.

THE PETITIONER WILL SHOW THIS COURT THAT THE FIFTH CIRCUIT COURT OF APPEALS RESPONDED WITH A LETTER FROM THE CLERK DATED 2-9-2023 DIRECTING THE PETITIONER TO FILE A MOTION TO PROCEED IN FORMA PAUPERIS OR PAY A FILING FEE.

THE PETITIONER THEN RESPONDED TO THE FIFTH CIRCUIT COURT OF APPEALS IN A LETTER DATED 2-23-2023 INFORMING THE COURT THAT HE WAS WAITING ON THE JAIL ADMINISTRATION TO PROVIDE HIM WITH THE NECESSARY DOCUMENTS IN ORDER TO FULFILL THE REQUEST OF THE COURT.

The Petitioner will further show the court that he filed an Emergency Motion with the Fifth Circuit Court of Appeals accompanied with the requested documents required to proceed in forma pauperis.
Dated: 4-6-2023.

The Petitioner will further show the court that he received an instrument from the Fifth Circuit Court of Appeals dismissing his appeal for want of prosecution because the appellant failed to timely pay the fee, and a letter dated 4-11-2023 stating the court will take no action on Petitioner's complaint.

See: United States v. Doe, 810 F.3d 132

United States Court of Appeals for the Third Circuit. No. 13-4274

Foot Notes [II] The Government in its supplemental brief argues that its 2012 Motion is construed as a Rule 60 Motion, it would be "un timely." Gov't Supp. Br. at 4. That contention is clearly wrong. First, Rule 60(b)(6) has no built in time limit.

See: Melcatt and Eddy v. Mitchell, 269 U.S. 514

Lexis Nexis Headnotes

HN 4 Federal Government, Employees and Officials

An office is a public station conferred by the appointment of government. The term embraces the idea of tenure, duration, emolument and duties fixed by law. Where an office is created, the law usually fixes its incidents, including its term, its duties and its compensation.

The Petitioner asserts that his inability to comply with the request of the court was completely beyond his control and documents support that the Petitioner notified the court of his reasons for not doing so.

The Petitioner asserts that Rule 60 B 6 has no built in time limit, and based on the contents of his Rule 60 B Motion

That the court should issue an instruction to proceed with the motions on file instead of the petitioner refile the same exact instrument.

See: United States v. Winkles, 795 F.3d 1134 (9th Cir) 2015
Lexis Nexis Headnotes

HNS Judgments, Relief From Judgments

Fed. R. Civ. P. 60 (B) Allows a party to seek relief from a final judgment, and request reopening of his case, under a limited set of circumstances. An order denying a rule 60 (B) motion is indisputably a final, appealable order. In light of this fact and the policy just described all circuits but the Fifth have concluded that a certificate of appealability is required to appeal an order denying a rule 60 (B) motion in a habeas corpus proceeding. Additionally, the Fifth circuit has sharply limited the circumstances where a certificate of appealability is not required for such an appeal. A certificate of appealability is not required only when the purpose of the rule 60 (B) motion is to reinstate appellate jurisdiction over the original denial of habeas relief.

See: United States v. McRae, 793 F.3d 392
Lexis Nexis Headnotes

HNS Judgments, Relief From Judgments.

The certificate of appealability (COA) requirement in 28 USC 2253 (c) allows the court of appeals to review, without first

ISSUING a COA, an order dismissing a Fed. R. Civ. P. 60 (B) motion
As an improper successive Habeas Petition.

See: 918 F.3d 1262: D.A Muslim Voice Project v. Kemp: March-21-2019

Footnotes 36.

Ironically, the District court could not do to a statute passed by Congress what it does to one passed by Georgia Legislature. See: Harris v. Garner, 216 F.3d 970, 976 (11th Cir. 2000) ("The role of the Judicial Branch is to apply statutory language, not re-write it." (Citing Badaracco v. Comm'r, 464 U.S. 386, 398, 104 S.Ct. 756, 764, 78 L.Ed.2d 549 (1984) ("Courts are not authorized to rewrite a statute. Because they might deem it's effect's susceptible of improvement.")) Then citing Blount v. Rizzi, 400 U.S. 410, 419, 91 S.Ct. 423, 429, 27 L.Ed.2d 498 (1971) ("It is for Congress, not this court, to rewrite the statute."); Then citing Korman v. H.B.C. Florida, Inc, 182 F.3d 1291, 1296 (11th Cir. 1999) ("It is not the business of courts to rewrite statutes"));

The Petitioner asserts that the denial to review the contents and properly investigate the facts surrounding this "Motion for Relief According to Rule 60 B" is to allow a prohibited act of slavery to continue to exist in the jurisdiction of the United States in the form of unlawful convictions that are being concealed and covered up by the judicial machinery.

See: U.S.C.S. CONST. AMEND 13

Amendment 13

Sec. 1. (Slavery Prohibited) Neither slavery nor involuntary servitude,

Except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

See: Brownell v. Greenwich 114 NY 518

Lexis Nexis Headnotes

HN 1 Jurisdiction, Jurisdictional Sources

"Duly", in legal parlance, means according to law. It does not relate to form merely, but includes form and substance both.

The expression "duly adjudged," as used in a statement for the submission of a controversy, therefore, means adjudged according to law, that is, according to the statute governing the subject, and implies the existence of every fact essential to perfect regularity of procedure, and to confer jurisdiction both of the subject matter and of the parties affected by the judgment, including the defendant. A judicial officer has jurisdiction, when he has power to inquire into facts, to apply the law and to pronounce the judgment. Any step in the cause and proceeding before him is necessarily the exercise of jurisdiction and that step cannot be duly taken unless jurisdiction exists. The final step, in particular, the making of the judgment, cannot be "duly" taken unless all of the preliminary steps upon which it is based have likewise been duly taken.

The Petitioner asserts that the law and facts are simple and as clear as can be surrounding the issues at hand.

See: USCS CONST. AMEND. 5, PART 2 OF 13

AMENDMENT 5 - CRIMINAL ACTIONS - PROVISIONS CONCERNING DUE PROCESS OF LAW AND JUST COMPENSATION CLAUSES.

'No person shall be held to answer for a capital or otherwise in-

Famous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the Land or Naval Forces, or in the Militia, when in actual service in time of war or public danger; Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; Nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of Life, Liberty, or property, without due process of Law; Nor shall private property be taken for public use, without just compensation.

The Petitioner asserts that the level of corruption and reckless disregard for the Law from positions of integrity has risen to the point of a National Security issue and should be immediately quelled in order to prevent a cancerous domino effect on the Judicial Branch of Government.

See: Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238

Overview: An Appellate court had the power to set aside the District Court's previous judgment, even though the term during which the previous decision had been rendered had expired, because petitioner discovered that the judgment had been obtained by fraud.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

EMMANUEL A. KEMPILL
Emmanuel A. Kempill

Date: April - 23rd 2023