

NO. 23-5029

Supreme Court, U.S.
FILED

JUN 06 2023

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT L. HEDRICK,
APPELLANT,

v.

UNITED STATES OF AMERICA,
APPELLEE.

ON PETITION FOR WRIT OF HABEAS CORPUS TO
THE COURT OF APPEALS FOR THE FIFTH CIRCUIT

ROBERT L. HEDRICK PRO SE
54866-279 UNIT 5B41
FEDERAL BUREAU OF PRISONS
FBI FORT DIR
P.O. BOX 2000
JOINT BASE MDL, W. VA 26640

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT L. HEDRICK,
APPELLANT,

v.

UNITED STATES OF AMERICA
APPELLEE.

ROBERT L. HEDRICK, PRO SE
94886-279 UNIT 5B11
FEDERAL BUREAU OF PRISONS
FCI - FORT DIX
A. O. BOX 2000
JOINT BASE MDL, N.J. 08640

QUESTIONS PRESENTED FOR REVIEW

ON DECEMBER 30, 2020, CASE NO. CAS 19-40531, THE COURT FOR THE FIFTH CIRCUIT VACATED AND REMANDED APPELLANT'S JUDGMENT AND CONVICTION. THE COURT'S MANDATE WAS ISSUED ON FEBRUARY 22, 2021, NO RESPONSE WAS MADE BY THE GOVERNMENT BEFORE THE COURT'S MANDATE WAS ISSUED.

BASED UPON THESE FACTS AND THOSE PRESENTED HEREIN:

(1) DID THE DISTRICT AND APPELLATE COURT VIOLATE AND OR APPELLANT'S 1ST, 5TH, 6TH, 8TH, AND 14TH AMENDMENT RIGHTS?

(2) DID THE DISTRICT AND APPELLATE COURTS "LACK JURISDICTION", AFTER THE "VACATED JUDGMENT" TO RE-VISIT THE ISSUES THAT RESULTED IN THE "VACATED JUDGMENT" ON DECEMBER 30, 2020?

IN SPECIFIC, ALLOWING THE GOVERNMENT (AFTER 14 MONTHS DELAY) TO FILE FOR "SUMMARY JUDGMENT" ON APPELLANT'S 2255 MOTION AFTER APPELLANT'S CASE WAS VACATED?

(3) WERE APPELLANT'S 1ST AMENDMENT RIGHTS TO "ACCESS TO THE COURTS VIOLATED?"

(4) WERE APPELLANT'S 5TH AMENDMENT RIGHTS TO "DUE PROCESS" VIOLATED?

(5) WERE APPELLANT'S 8TH AMENDMENT RIGHTS TO BE PROTECTED FROM "IMMINENT DANGER" OF UNSAFE CONDITIONS, HARASSMENT, THREATS, ASSAULTS, AND ATTEMPTS TO MURDER HIM IN THE FEDERAL BUREAU OF PRISONS VIOLATED?

(6) WERE APPELLANT'S 14TH AMENDMENT RIGHTS TO "EQUUM PROTECTION VIOLATED?"

(7) WERE APPELLANT'S 6TH AMENDMENT RIGHTS UNDER THE "CONFRONTATION CLAUSE" TO CONFRONT WITNESSES AND OBTAIN NEW WITNESSES AND PRESENT "NEW EVIDENCE" VIOLATED?

LIST OF PARTIES

1. PETITIONER, ROBERT L. HEDMICK IS AN INDIVIDUAL AND THE PETITIONER HEREIN. PETITIONER BRINGS FOR REVIEW FROM THE DECISIONS OF THE UNITED STATES COURT OF APPEALS FOR THE 5TH CIRCUIT, IN CASE NUMBERS 19-40531 AND 22-40568.

PETITIONER ALSO BRINGS FOR REVIEW FROM THE UNITED STATES DISTRICT COURT, LAREDO DIVISION, SOUTHERN DISTRICT OF TEXAS; UNITED STATES V. ROBERT L. HEDMICK; CASE NO. 5:17-CV-36; CASE NO. ~~1:11-CR-715-15~~ CASE NO. 1:11-CR-715 FROM WHICH CAS CASE NO. 19-40531 AND CAS CASE NO. 22-40568 ARISE.

2. THE UNITED STATES COURT OF APPEALS FOR THE 5TH CIRCUIT IS SUBJECT TO THE JURISDICTION OF THIS COURT.

3. THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS IS SUBJECT TO THE JURISDICTION OF THIS COURT.

4. THE UNITED STATES ATTORNEY IN HOUSTON, TEXAS IS SUBJECT TO THE JURISDICTION OF THIS COURT.

5. THE UNITED STATES OF AMERICA IS REPRESENTED BY THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA.

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<u>UNITED STATES V. HENDERSON</u> , 354 F.2d 825 (5th/11th Cir. 2009).	23

STATUTES AND RULES

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OTHER - ACTS

PLRA - PRISON LITIGATION REFORM ACT

5

RELIEF SOUGHT

THAT THE COURT ISSUE ITS ORDER AND RULE THAT:

- (1) APPELLANTS 1ST AMENDMENT RIGHTS TO ACCESS TO THE COURTS WAS VIOLATED!
- (2) APPELLANTS 5TH AMENDMENT RIGHTS TO DUE PROCESS WERE VIOLATED!
- (3) APPELLANTS 5TH AMENDMENT RIGHTS TO BE PROTECTED FROM "IMMINENT DANGER" OF UNSAFE CONDITIONS, HARASSMENT, ASSAULTS, AND ATTEMPTS TO MURDER HIM IN THE FEDERAL BUREAU OF PRISONS BOP, SPECIFICALLY FCI FORT DIX!
- (4) APPELLANTS 6TH AMENDMENT RIGHTS UNDER THE "CONFRONTATION CLAUSE", TO CONFRONT WITNESSES AND OBTAIN NEW WITNESSES AND PRESENT "NEW EVIDENCE" - VIOLATED?
- (5) APPELLANTS 8TH AMENDMENT RIGHTS TO BE PROTECTED, WHILE INCARCERATED IN THE BOP, FROM ASSAULTS FROM OTHER PRISONERS WAS VIOLATED!
- (6) THE APPELLANTS 14 AMENDMENT RIGHTS TO EQUAL PROTECTION VIOLATED BY THE DISTRICT COURT AND 5TH CIRCUIT COURT WERE VIOLATED!

ON DECEMBER 30, 2020, THE 5TH CIRCUIT VACATED APPELLANTS JUDGMENT (CONVICTION) IN ITS DECISION ON APPELLANTS § 2255 MOTION.

(7) DID THE DISTRICT COURT AND THE 5TH CIRCUIT "LACK JURISDICTION" AFTER THE VACATED JUDGMENT TO FILE AND ORDER ON THE GOVERNMENT'S MOTION FOR SUMMARY JUDGMENT OR ANY OTHER DOCUMENTS TO THE CONTRARY; WITHOUT CONVENING A "NEW GRAND JURY" TO PRESENT "NEW EVIDENCE" [NOT EVIDENCE USED AT APPELLANTS' TRIAL FOR A "NEW INDICTMENT"] AND ARREST? IF SO, HEDWICK IS ENTITLED TO IMMEDIATE RELEASE.

(8) DISMISS ALL ORDERS ALL ORDERS ISSUED BY THE DISTRICT AND APPELLATE COURTS AFTER DECEMBER 30, 2020 AND ITS MANDATE.

(9) ISSUE AN ORDER DIRECTLY TO THE FEDERAL BUREAU OF PRISONS OR IN THE ALTERNATIVE ISSUE AN ORDER TO THE DISTRICT COURT TO "IMMEDIATELY" ISSUE ITS ORDER TO THE FEDERAL BUREAU OF PRISONS FOR APPELLANTS RELEASE. ~~IF SO~~ HEDWICK IS ENTITLED TO AN IMMEDIATE ISSUE OF THIS ORDER.

(10) ISSUE AN ORDER TO THE DISTRICT COURT TO ISSUE ITS ORDER ~~RE~~ TO HEDWICK'S TRIAL COUNSEL EDWARD STANLEY III AND JUDGE JEAN MARTINEZ TO PROVIDE APPELLANT A SWORN AND NOTORIZED AFFIDAVIT IN REGARDS TO:

(A) THE ATM RECEIPT FROM VAN NUYS HOUSEWARE, VAN NUYS, CA.

(B) THE FALSE AND FABRICATED STATEMENTS BY THE THREE (3) U.S. ATTORNEYS IN HOUSTON TEXAS IN REGARDS TO "HEDWICK'S" ATTORNEY'S PRESENTING TO HEDWICK'S "TRIAL JURY" THE "AVALOS AFFAIR" AND THE "FALSELY ALLEGED" GRANT OF IMMUNITY FROM THE FBI CONCERNING THE "AVALOS AFFAIR" TO HAVE BEEN REJECTED BY THE JURY.

(C) THE FALSE FBI AGENT JACOB BAILLIE.

(D) ALL OTHER "FALSE" AND "FABRICATED" EVIDENCE SUCH AS "LOST DOG ADS", "BURST OF MUSIC IN BACKGROUND OF ALLEGED CONVERSATION" "VIRUS NOTICES ON ~~BE~~" "PROSECUTION'S" EVIDENCE" OVERLAPPING WORDS (PHANTOMS) ON VOICE RECORDINGS." ETC. AT HEDWICK'S TRIAL.

JURISDICTION

(1) THIS COURT HAS JURISDICTION TO ISSUE THE WRIT OF HABEAS CORPUS REQUESTED UNDER 28 U.S.C. § 1651 (2) AND SUPREME COURT RULE 20.

(2) UNDER THE ALL WRITS ACT THE COURT MAY ISSUE "ALL WRITS" NECESSARY AND PROPER IN AID OF THE COURT'S APPELLATE JURISDICTION BY EXERCISING ITS CONTROL OVER THE UNITED STATES COURT OF APPEALS AND THE DISTRICT COURTS TO INSURE THAT DUE PROCESS RIGHTS, EQUAL PROTECTION UNDER THE LAW AND ACCESS-TO-THE-COURTS TO PRESENT EVIDENCE IS PROPERLY AFFORDED TO PETITIONER WITHOUT PREJUDICE OR OUTSIDE OF THE ADMINISTRATION OF JUSTICE.

(3) UNDER IT'S DISCRETIONARY POWERS THE SUPREME COURT HAS THE POWER TO NOT ONLY REVERSE HEDRICK'S CONVICTION TO UPHOLD THE VACATED JUDGMENTS BUT TO COMPEL THE LOWER COURTS TO "EXERCISE IT'S AUTHORITY WHEN IT HAS A DUTY TO DO SO". ANDERSON V. SORRELL, 481 A.2d 766, 771 (D.C. 1984).

(4) THE EXCEPTIONAL CIRCUMSTANCES OF PETITIONER'S CASE ESTABLISHES SERIOUS CAUSE TO ACTIVATE THE SUPREME COURT'S DISCRETIONARY POWERS.

STATEMENT OF THE CASE

1. THIS PETITION FOR WRIT OF HABEAS CORPUS ARISES OUT OF THE FOLLOWING DECISIONS, DOCUMENTS FILED, EXHIBITS FILED AND ARGUMENTS FILED IN HEDRICK'S "TIMELY FILED" TITLE 28 U.S.C. § 2255 MOTION TO VACATE, SET-ASIDE, OR CORRECT ILLEGAL SENTENCE.

2. ON FEBRUARY 28, 2017 HEDRICK "TIMELY FILED" HIS TITLE 28 U.S.C. § 2255 MOTION TO VACATE SET ASIDE OR CORRECT ILLEGAL SENTENCE (DKT 1 / DKT 354).

3. ON APRIL 16, 2019 [TWO YEARS LATER AND 8 DAYS AFTER STUDDY BUSH FILES HIS "4th" "PERMISSIVE JUDICIAL" (DKT 372) TO HEDRICK'S CASE] THE COURT DENIES HEDRICK'S 2255 MOTION. (CASE NO. 5:17-cv-36; CRIM. EXT. NO. 1:11-cv-715). (DKT 375).

4. ON JUNE 1, 2019 THE COURT FILED HEDRICK'S NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT.

5. ON DECEMBER 30, 2020, THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT VACATED HEDRICK'S JUDGMENT (CONVICTION) (SEE APPENDIX A - USA NO. 19-4053) (DKT. 35).

6. ON FEBRUARY 22, 2021, THE COURT OF APPEALS FOR THE 5TH CIRCUIT ISSUED ITS MANDATE (DKT. 36).

BETWEEN DECEMBER 30 2020 AND THE ISSUE OF MANDATE ON FEBRUARY 22, 2021, THE GOVERNMENT FILED NO RESPONSES TO THE VACATED JUDGMENT. NONE. NO OBJECTIONS AND NO REQUEST FOR SUMMARY JUDGMENT.

7. ON MARCH 3, 2022, AFTER 15 MONTHS DELAYS AFTER DELAYS AFTER DELAYS, COUNCILLED BY THE COURT, THE U.S. ATTORNEY FILED THE GOVERNMENT'S "ILLEGAL" MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO HEDRICK'S 28 U.S.C. § 2255 MOTION (DKT. 444).

IN DOING SO, THE GOVERNMENT COMMITTED CRIMINAL FRAUD IN REGARDS TO THE "MUMFOS AFFAIR".

8. ON MARCH 24, 2022, HEDRICK FILED "PETITIONERS REPLY TO TO UNITED STATES MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO HEDRICK'S 28 U.S.C. § 2255 MOTION (DKT. 445).

9. ON JULY 28, 2022, THE COURT GRANTED THE GOVERNMENT'S "ILLEGAL" MOTION FOR SUMMARY JUDGMENT (DKT 444) AND HEDRICK'S § 2255 MOTION (DKT. 354).

10. ON JULY 29, 2022, THE COURT ISSUED AN "AMENDED MEMORANDUM AND ORDER" (DKT. 460) SUPPORTING THE GOVERNMENT'S "CRIMINAL FRAUD" IN REGARDS TO THE "MUMFOS AFFAIR".

11. ON AUGUST 5, 2022 [PRISON MAILBOX RULE] HEDRICK FILED A "NOTICE OF APPEAL" TO THE FIFTH CIRCUIT (DKT. 465).

12. ON AUGUST 5, 2022 JURISDICTION OVER HEDRICK'S CASE TRANSFERRED FROM THE DISTRICT COURT TO THE APPELLATE COURT.

13. ON AUGUST 10, 2022, 5-DAYS AFTER TRANSFER OF JURISDICTION TO THE FIFTH CIRCUIT, THE DISTRICT COURT ISSUES AN "ILLEGAL" "FINAL JUDGMENT" (DKT. 463).

14. ON SEPTEMBER 22, 2022, HEDRICK FILED AN APPLICATION FOR ISSUANCE OF A CERTIFICATE OF APPELLABILITY (COA) UNDER FED. R. APP. P. 32(b)(1) WITH A BRIEF IN SUPPORT OF COA.

15. ON DECEMBER 13, 2022, ~~8~~ USCA NO. 22-40568 (APPENDIX Z) THE COURT DENIED HEDWICK'S MOTION ("ILLEGALLY") AS "FRIVOLOUS."

IT IS FROM THESE FILINGS AND ORDERS FROM WHICH THIS PETITION FOR WRIT OF HABEAS CORPUS ARISES.

AFTER THE VACATION OF HEDWICK'S JUDGMENT OF CONVICTION ON DECEMBER 30 2020 THERE EXISTS NO CASE IN THE DISTRICT COURT FOR THE DIS. ATTORNEYS TO FILE FOR SUMMARY JUDGMENT IN. WITHOUT CONVENING A NEW GRAND JURY: NO JURISDICTION IS INVESTED IN ~~THE~~ THE DISTRICT COURT OR THE APPELLATE COURT WITHOUT A NEW TRIAL BASED ON NEW EVIDENCE.

THESE ACTIONS, INDIVIDUALLY AND JOINTLY, VIOLATE HEDWICK'S 1ST, 5TH, 6TH, 8TH, AND 14TH AMENDMENT RIGHTS.

ARGUMENT

"SECTION 2255... IS RESERVED FOR TRANSGRESSIONS OF CONSTITUTIONAL RIGHTS AND OTHER NARROW INJURIES THAT COULD NOT HAVE BEEN RAISED ON DIRECT APPEAL AND WOULD, IF CONDONED, RESULT IN A COMPLETE MISCARriage OF JUSTICE." UNITED STATES V. COARD 656 F.2d 1033, 1037, 1981 U.S. APP. LEXIS 17547; NO. 79-3948 (SEP. 21 1981); UNITED STATES V. VAUGHN 955 F.2d 367 368 (5th Cir. 1999) [APPENDIX A, PAGEID #3 AT 3-6].

IN RE: UNITED STATES V. JOHNSON 2021 U.S. LEXIS 231385; CRIM. NO. 16-183-D9 (5th Cir. DEC. 2, 2021) (THE COURT RULED THAT JOHNSON'S MOTION WAS FILED WITHIN THE 28 DAY PERIOD FOLLOWING THE COURT'S DENIAL OF HIS 2255 MOTION, SO IT IS PROPERLY FILED AS A FEDERAL RULE OF CIVIL PROCEDURE 59(e) MOTION. RULE 59(e) MOTIONS DO NOT CONSTITUTE SUCCESSIVE § 2255 MOTIONS, SO JOHNSON DOES NOT NEED PERMISSION FROM THE UNITED STATES 5th CIRCUIT BEFORE FILING." SEE BANISTER V. DAVIS, 140 S. Ct. 1698, 1705-11, 207 L. Ed 2d 58, 2020 U.S. LEXIS 3037, 166 F.E.R. SERV. 3d (CALLAGHAN) 1490, 28 FLA. L. WEEKLY FED. S 238, NO. 18-6943 (5th Cir. JUN. 2020); THOMAS V. LUMPKIN, 995 F.3d 432, 440 2021 U.S. APP. LEXIS 12203, NO. 332 440, 2006 U.S. APP. LEXIS 12203, NO. 17-70002 (CA5 APR. 23, 2021). SEE ALSO FOSTER V. QUARTERMAN, 466 F.3d 359, 364, 2006 U.S. APP. LEXIS 25297, NO. 05-70016, (CA5 OCT. 2, 2006) ("THE APPELLANT MAKES A SUBSTANTIAL SHOWING IF HE DEMONSTRATES 'THAT JURISTS OF REASON COULD DEBATE THE PROPERTIES OF THE DISTRICT COURT'S ASSESSMENT OF HIS CONSTITUTIONAL CLAIMS OR CONCLUDE THAT HIS CLAIMS ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER.'" SEE ALSO, WAINWRIGHT, 237 F. APP'X 913, 914 (5th Cir. 2007).

INEFFECTIVE ASSISTANCE OF COUNSEL

"THE PREFERRED MEANS FOR DECIDING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL IS THROUGH 28 U.S.C. § 2255 MOTION, EVEN IF THE RECORD CONTAINS SOME INDICATION OF DEFICIENCIES IN COUNSEL'S PERFORMANCE." UNITED STATES V. VALECIA, 556 Fed. APP'X 916, 914, 2014 U.S. APP. LEXIS 9201, NO. 13-10338 (CA11 MAY 19, 2014)

PRISON LITIGATION REFORM ACT (PLRA)

"MOTION TO VACATE A CRIMINAL SENTENCE UNDER 28 U.S.C. § 2255 ARE GENERALLY NOT CONSIDERED A CIVIL ACTION." KINCADE V. SPARKMAN, 117 F.3d 349, 950, 1997 U.S. APP. LEXIS 15345, 1997 FED. APP. 0152P (CA6 JUN. 26, 1997) (EXAMINING THE HISTORY AND PURPOSE OF THE PRISONER LITIGATION REFORM ACT); UNITED STATES V. EDLE, 101 F.3d 1076, 1077, 1996 U.S. APP. LEXIS 32657 NO. 96-40567 (CA5 DEC. 9, 1996) (DETERMINING THAT THE ABSENCE OF FILING FEES IN THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY ACT SHOWS THAT "PLRA" WAS NOT MEANT TO APPLY TO MOTIONS TO VACATE UNDER § 2255")

IN RE: MADDEN V. MEYER, 102 F.3d 74, 76, 1996 U.S. APP. LEXIS 31231, NO. 96-8046 (CA3 DEC 3 1999) ("THE COURT FOUND THAT A 'WRIT OF MANDAMUS IS BY ITS VERY NATURE OUTSIDE OF THE AMBIT OF PLRA'); MARTIN V. UNITED STATES, 96 F.3d 853-54, NO. 96-211, NO. 96-2267, NO. 96-2541 NO. 96-8627 (CA7 SEP. 4 1996) ("HOLDING 'APRA PETITION' FOR WRIT OF MANDAMUS IN A CRIMINAL PROCEEDING IS NOT A FORM OF PRISONER LITIGATION.")

RULE 60(b)

IN REGARDS TO "ABUSE OF DISCRETION THE COURT RULED;" WE REVIEW A DISTRICT COURT'S DENIAL OF A RULE 60(b) MOTION FOR ABUSE OF DISCRETION" JACKSON V. CROSBY, 437 F.3d 1240, 1295, 2006 U.S. APP. LEXIS 2557, 19 FLA. L. WEEKLY FED. C 251 NO. 04-15992 (CA11 FEB. 2, 2006) ("A RULE 60(b) MOTION MAY BE GRANTED FOR ANY OF THE FOLLOWING REASONS: (1) MISTAKE, INADVERTENT SURPRISE, OR EXCLUSIVE NEGLIGENCE (2) NEWLY

DISCOVERED EVIDENCE THAT COULD NOT HAVE BEEN DISCOVERED WITHIN 28 DAYS OF THE ENTRY OF JUDGMENT; (3) FRAUD OR MISCONDUCT BY AN OPPOSING PARTY; (4) THE JUDGMENT IS VOID; (5) THE JUDGMENT HAS BEEN SATISFIED, IS BASED ON A PREVIOUSLY VACATED JUDGMENT OR IS NO LONGER EQUITABLE OR; (6) ANY OTHER REASON THAT JUSTIFIES RELIEF." FED. R. CIV. A. 60 (5) 1-6.

TAKE JUDICIAL NOTICE - NUMBERS (2), (3), (4), AND (6), APPLS TO HEDRICK'S CASES AND THE ARGUMENTS HEREIN. THIS WRIT OF HABEAS CORPUS ~~COULD~~ COULD BE CONSIDERED AS A MOTION FOR AN "ABUSE OF DISCRETION" BY THE THREE (3) U.S. ATTORNEYS IN HOUSTON, TEXAS AS WELL AS OTHERS.

THREE STRIKES PROVISION

"THE THREE (3) STRIKES PROVISION [EVEN IF APPLICABLE] DOES NOT BAN A PRISONER FROM PROCEEDING IN FORMA PAUPERIS IF HE IS IN "IMMINENT DANGER" OR SERIOUS PHYSICAL INJURY." 28 U.S.C. § 1915 (a) (2000). "A DISMISSAL IN A HABEAS CORPUS ACTION IS NOT A 'STRIKE'". ANDREWS V. KING, 398 F.3d 1113, 1122-23, N. 12, 2005 U.S. APP. LEXIS 2234, NO. 02-17440 (CA5 Feb. 11, 2005).

IMMINANT DANGER

THE DISTRICT, APPELLATE, AND SUPREME COURTS, HAVE "CONTENTIOUSLY" REFUSED TO EXAMINE OR ACCEPT THE FBI, BOP-OIA, USMS, BOP-SIS, BOP-SIA, AND CIA'S INVESTIGATIONS OF THE "CONFIRMED" 49 ATTEMPTS TO HARASS, THREATEN, AND ATTEMPTS TO MURDER HEDRICK WHICH HAVE RESULTED IN THE PHYSICAL INJURIES HE SUFFERS OR TO ALLOW TESTIMONY BY SUBPOENA OR BY WRITTEN QUESTIONS FROM "FIRST HAND WITNESSES". INSTEAD, CALLING HEDRICK'S INJURIES FROM THESE ASSAULTS "FRIVOLOUS." PAIN AND SUFFERING IS NOT "FRIVOLOUS". FOR LIST OF WITNESSES SEE [APPENDIX'S U AND V]

DECEMBER 7, TO FEBRUARY 14, 2023

HEDRICK WAS PLACED IN "PROTECTIVE CUSTODY" IN THE SHU 106 FCI - FORT DIX WARDEN STEVIE M. KNIGHT AND FORT DIX SIS FROM DECEMBER 7, 2022 TO FEBRUARY 14, 2023 [66 DAYS] TO PROTECT HEDRICK FROM THREATS TO HIM [PAID FOR BY RICHARD ALAN 12, IN FRONT OF 18 WITNESSES IN BUILDING 5751 - EMBY-SIDE BY THREE (3) INMATES].

(1) INMATE WILLIE CAMPENTER (ID. NO. 28694-657), BLDG. 5751, 1ST FLOOR; PREVIOUSLY CONVICTED FOR KIDNAPPING A 14 YEAR OLD, RANGLER HEN, AND ATTEMPTING TO MURDER HER BY CUTTING HER THROAT (SENTENCED TO LIFE IN PRISON).

(2) INMATE "BUBBA" JOHNSON BLDG. 5751, 1ST FLOOR, ROOM 109.

(3) INMATE COLEMAN, BLDG. 5751, 2ND FLOOR, ROOM 220.

THESE THREATS WERE MADE IN FRONT OF THE FOLLOWING INMATES AND BOP OFFICERS AND TO FCI - FORT DIX SIS TO WHOM THEY GAVE STATEMENTS:

(1) HARVEY COX (ID. NO. 22623-171),

(2) RIVERIA VILLA JULIAN (ID. NO. 18481-048),

(3) FIDEL AMAYA BENITEZ [SHOT CALLER] (ID. NO. 60687-379),

(4) ANTHONY WAYNE CARTER (ID. NO. 14495-084),

(5) RYAN ULMAN (ID. NO. 55966-033),

(6) ROBERT HAYES (ID. NO. 69048-066),

(7) BOP - UNIT TEAM BLDG. 5751 - OFFICER G. GONZALEZ.

(8) BOP - UNIT 5751/5752 MANAGER ERINGER.

(9) FCI - FORT DIX WARDEN STEVIE M. KNIGHT.

(10) FCI - FORT DIX SIS.

SEE THE FOLLOWING "OFFICIAL" BOP DOCUMENTS:

OR [APPENDIX A AND N] A. INMATE REQUEST TO STAFF RESPONSE DATED DECEMBER 19, 2022.

B. INMATE REQUEST TO STAFF DATED DECEMBER 14, 2022; RESPONSE DATED JANUARY 3, 2023 [APPENDIX O].

C. INMATE REQUEST TO STAFF RESPONSE DATED JANUARY 18, 2023 [APPENDIX P].

ON DECEMBER 15 2022 FCI FORT DIX WARDEN STEVIE M. KNIGHT STATED:

"ON DECEMBER 7, 2022 YOU WERE PLACED IN THE SHU PENDING THE COMPLETION

OF AN INMATE INVESTIGATION REPORT FOR "PROTECTIVE CUSTODY". ALL THE PROPERTY WILL REMAIN IN STORAGE UNTIL BOB RELEAS E FROM THE SHU OR TRANSFER TO ANOTHER INSTITUTION [APPENDIX N]. IN [APPENDIX O] UNIT 5751/5752 MANAGER ERIKSON STATES: "YOU ARE PENDING SIS INVESTIGATION. AT THE CONCLUSION OF THE INVESTIGATION A DETERMINATION WILL BE MADE AS TO WHETHER YOU CAN RETURN TO GENERAL POPULATION." IN [APPENDIX P] FCI-FORT DIX WARDEN STEVE M. KNIGHT STATED: "A REVIEW OF THE MATTER REVEALS YOU ARE CURRENTLY BEING HELD IN THE SPECIAL HOUSING UNIT (SHU) PENDING INVESTIGATION REGARDING CONCERNS FOR YOUR SAFETY. WHEN THE INVESTIGATION IS COMPLETED, IT WILL BE DETERMINED IF IT IS SUITABLE FOR YOU TO RETURN TO GENERAL POPULATION (GP) OR IF YOU REQUIRE A TRANSFER TO AN INSTITUTION COMMENSURATE WITH YOUR SECURITY NEEDS."

HEDRICK WAS TRANSFERRED FROM THE EAST COMPOUND TO THE WEST COMPOUND ON FEBRUARY 14, 2023 TO BUILDING 5B41 - UNICOR BUILDING FOR HIS SECURITY AND PROTECTION.

THE INDIVIDUALS ON THIS "THREE MAN HIT TEAM" WERE PUT IN THE SHU, INDICATED BY SIS AND FBI-LOCAL TASK FORCE AND ARRESTED. THIS WAS THE ATTEMPT, NUMBER 49, OVER A 12 YEAR PERIOD OF TIME FOLLOWING HEDRICK'S ARREST.

SUMMARY OF ATTEMPTS

<u>LOCATION</u>	<u>NUMBER OF ATTEMPTS</u>
BROWNSVILLE, TEXAS (PRIOR TO ARREST)	3
BROWNSVILLE, CAMERON COUNTY (DC-1)	4
FCI - VICTORVILLE	1 - HEDRICK PLACED IN USMS WITNESS PROTECTION (WITSEC) - CIM INMATE
FCI - PETERSBURG	3
FCI - BUTNER II/FMC	15 - THREE (3) TWO-MAN "HIT TEAMS" ARRESTED BY LOCAL LAW ENFORCEMENT AND FBI.
FCI - FORT DIX	23 - INCLUDING FIVE-MAN MS-13 "HIT TEAM" ALSO CAUGHT.
TOTAL "INVESTIGATED AND CONFIRMED" 49	

8TH AMENDMENT

"THE EIGHTH AMENDMENT PROTECTS INMATES FROM ASSAULTS AND CONDEMN'S FAILURE TO PROTECT INDIVIDUALS "AT RISK" BECAUSE PRISONER'S CANNOT PROTECT THEMSELVES. COURTS HAVE DECIDED THAT THE MUST TAKE REASONABLE STEPS TO PROTECT PRISONERS AGAINST VIOLENCE BY OTHER PRISONERS" SEE DACE V. SOLEM, 858 F.2d 385, 388, 1988 U.S. APP, LEXIS 13503, NO. 87-5268 (CA8 JUL. 19 1988). ("THE CONSTITUTION REQUIRES PRISON OFFICIALS TO PROTECT PRISONERS FROM INMATE ATTACKS WHILE IN CUSTODY." SEE ALSO GALLUP V. POCCIA 888 F. SUPP. 1549, 1555, 1995 U.S. LEXIS 80561, NO. 94-279 - CIV. FTM-21 D (M.D. FLA., JUN. 12, 1995) ("FINDING THAT PRISON OFFICIALS HAVE A DUTY TO PROTECT PRISONERS FROM ONE ANOTHER."); FISHER V. KOEHLER 692 F. SUPP. 1519, 1559, 1988 U.S. DIST. LEXIS 7056, NO. 83 CIV. 2128 (MEL) (S.D. N.Y. JUL. 13 1988) ("ALTHOUGH THE STATE IS NOT OBLIGATED TO INSURE AN ASSAULT FREE ENVIRONMENT, A PRISONER HAS A CONSTITUTIONAL RIGHT TO BE PROTECTED FROM THE UNREASONABLE THREAT OF VIOLENCE FROM HIS FELLOW INMATES") SEE ALSO SMITH V. MARCATO NO, 910 F.2d 506, 501, 1990 U.S. APP, LEXIS 13395, NO. 89-2476 WM, (CA8 AUG. 6, 1990).

IT SHOULD BE CRYSTAL CLEAR TO THE COURT THAT AFTER 12 YEARS AND 49 ATTEMPTS ON HEDRICK'S LIFE, THAT THE BOB CANNOT PROTECT HIM AND THAT THE EVIDENCE ESTABLISHES THAT THESE EVENTS ARE NOT "FRIVOLOUS."

HEDRICK HAS A CONSTITUTIONAL RIGHT TO GO TO COURT TO CLAIM PRISON OFFICIALS ARE BEING DELIBERATELY INDIFFERENT TO CONDITIONS OF A THREATENED ASSAULT AGAINST HIM EVEN IF HE HAS NOT YET BEEN ASSAULTED, HELLINE V. MCKINNEY, 509 U.S. 25, 34, 113 S.Ct. 2475, 2481, 125 L. ED. 2d 22,

32) (1993) ("A PRISONER NEED NOT WAIT UNTIL HE IS ACTUALLY ASSAULTED BEFORE OBTAINING RELIEF; THE EIGHTH AMENDMENT PROTECTS AGAINST SUFFICIENT "IMMINENT DANGER" AS WELL AS CURRENT UNNECESSARY AND WANTON INFLECTION OF PAIN AND SUFFERING.") FARMER V. BRENNAN, 511 U.S. 825, 843, 114 S.Ct. 1970, 1982, 128 L. Ed. 2d 811, 820 (1994)

HEDRICK'S PHYSICAL INJURIES

HEDRICK HAS BEEN PHYSICALLY INJURED FOUR (4) OF THE FORTY-NINE (49), BOP-SIS/DIA CONFIRMED AND DOCUMENTED INCIDENTS, INITIATED BY RICHARD ALANIZ:

(1) TWO (2) TIMES AT FCI BUTNER II/FMC.

(2) TWO (2) TIMES AT FCI FORT DIX.

THESE RESULTED IN MEDICAL PRESCRIPTIONS HEDRICK REQUIRES FOR PAIN;

(1) NEED TO USE A TENS UNIT (SHOCK TREATMENT) FOR NERVE AND MUSCLE DAMAGE.

(2) NEED TO USE A WALKER.

(3) NEED TO USE CAPSICAIN EXTERNAL CREAM FOR NERVE AND MUSCLE PAIN AND SPASM RELIEF

(4) NEED TO TAKE 1300 MG ACETAMINOPHEN EVERY EIGHT HOURS.

(5) NEED TO TAKE 566 MG NAPROXEN TWICE DAILY.

(6) NEED TO TAKE 30MG PREGABALIN HCL ONCE PERIODS.

(7) NEED TO TAKE 20 MG DULOXETINE HCL ONCE PER DAY.

SEE [APPENDIX A - BUREAU OF PRISONS HEALTH SERVICES MEDICAL DUTY STATUS.

THE THREATS TO KILL OR INJURE HEDRICK, WITH THE MOST RECENT ON DECEMBER 7, 2022 IS EVIDENCE THAT HEDRICK IS "STILL" IN "IMMINENT DANGER" SEE [APPENDIX'S W.D.P.] HEDRICK HAS NO BEEN PLACED IN THE SHU - IN PROTECTIVE CUSTODY FOR THREE (3) YEARS OF THE TWELVE (12) YEARS OF HIS BOP CUSTODY IN THE BOP. THIS IS NOT "FRIVOLOUS", YET, THE COURT REFUSES TO ACKNOWLEDGE THE "HARD EVIDENCE" OR TO EXAMINE THE BOP-SIS INVESTIGATION RECORDS OR THOSE OF THE FBI.

IN RE: UNITED STATES V. HEDRICK, USDC NO. 5:17-CV-36; USDC NO. 1:11-CV-315-G; NO. 22-40568 [APPENDIX M] "APPLICATION FOR CERTIFICATE OF APPEALABILITY," (S.D. TEX. DEC. 13 2022). THE COURT RULED IN ERROR:

"HEDRICK'S MOTION FOR COA IS DENIED. HIS MOTION TO PLACE HIS COA FILING UNDER SEAL IS ALSO DENIED. FURTHER BECAUSE HEDRICK'S CLAIMS REGARDING A WIDE-SPREAD CONSPIRACY REMAINS PROMINENT IN HIS COA FILINGS, HEDRICK IS AGAIN WARNED THAT ANY FURTHER FRIVOLOUS, REPETITIVE OR OTHERWISE ABUSING FILINGS WILL INVOLVE SANCTIONS, INCLUDING DISMISSAL, MONETARY SANCTIONS, OR HEDRICK'S ABILITY TO FILE PLEADINGS IN THIS COURT AND ANY COURT SUBJECT TO THIS COURT'S JURISDICTION [IBID] [APPENDIX M PAGE 10 #3 AT 14-20]

THE COURT ERRED: IT WAS NOT HEDRICK WHO BROUGHT UP THE ISSUE OF THE "AVAILS AFFAIR". IT WAS THE THREE (3) U.S. ATTORNEYS IN HOUSTON, TEXAS WHO BROUGHT UP THE "AVAILS AFFAIR IN THEIR "FABRICATED" AND FRAUDULANT "GOVERNMENTS" MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO ROBERT L. HEDRICK'S 28 USC § 2255 MOTION." [APPENDIX D]

IT SHOULD BE CRYSTAL CLEAR TO THE COURT THAT AFTER 12 YEARS AND 49 ATTEMPTS ON HEDRICK'S LIFE; THAT THE BOP CANNOT PROTECT HIM AND THE EVIDENCE ESTABLISHES THAT THESE EVENTS ARE NOT "FRIVOLOUS". HEDRICK'S EIGHTH AMENDMENT RIGHTS HAVE BEEN VIOLATED.

FIRST AMENDMENT - ACCESS TO THE COURTS

THE COURT OF APPEALS FOR THE 5TH CIRCUIT HAS VIOLATED HEDRICK'S 1ST AMENDMENT RIGHTS TO ACCESS TO THE COURTS BY THREATENING:

"... HEDRICK IS AGAIN WARNED THAT ANY FUTURE FRIVOLOUS, REPETITIVE, OR OTHERWISE ABUSIVE FILINGS WILL INVOLVE SANCTIONS, INCLUDING DISMISSAL, MONITARY SANCTIONS, ON HEDRICK'S ABILITY TO FILE PLEADINGS IN THE COURT AND ANY COURT SUBJECT TO THIS COURT'S JURISDICTION [EBID] [APPENDIX M AT PAGEID # 3 AT 16-19.]

IN PREVIOUS DECISIONS THE COURTS HAVE MADE IT CRystal CLEAR:

"PRISONERS ARE ENTITLED TO A REASONABLY ADEQUATE OPPORTUNITY TO PRESENT CLAIMED VIOLATIONS OF FUNDAMENTAL RIGHTS TO ACCESS TO THE COURTS." BOUNDS V. SMITH, 430 U.S. 812, 825, 52 L ED 2d 72, 87 S.Ct. 1491.

"THE DISTRICT COURT STATED THAT ACCESS TO THE COURTS IS A RIGHT THAT ENCOMPASSES 'ALL THE MEANS' A DEFENDANT PETITIONER MIGHT REQUIRE TO GET A FAIR HEARING FROM THE JUDICIARY ON ALL CHARGES AGAINST HIM OR GRIEVANCES ALLEGED BY HIM." GILLMORE V. LYNCH, 319 F. SUPP. 326, U.S. DIST. LEXIS 13911, NO. 45878 (N.D. CAL. APR. 1, 1971)

IN RE: UNITED STATES EX REL V. MADDEN V. PRASSIE 1d AT 754

"A DISTRICT COURT FOUND THAT THE RIGHT TO ACCESS TO THE COURT INCLUDES THE RIGHT OF A PRISONER TO PREPARE, SEND AND FILE LEGAL PAPERS AND PROSECUTE LEGAL ACTIONS AFFECTING HIS 'PERSONAL LIBERTY.' WITHOUT RULES OF PROCEDURE ACCESS TO THE COURTS WOULD BE UN-CONSTITUTIONALLY RESTRAINED."

"THE RIGHT TO SUE AND DEFEND IN COURT IS THE ALTERNATIVE FORCE IN AN ORGANIZED SOCIETY. IT IS THE RIGHT CONSERVATIVE OF ALL OTHER RIGHTS AND LIES AT THE FOUNDATION OF ORDERLY GOVERNMENT, IT IS ONE OF THE HIGHEST AND MOST ESSENTIAL PRIVILEGES OF CITIZENSHIP." CHAMBERS V. BALTIMORE AND OHIO R.R., 207 U.S. 142 (1907), SEE ALSO ALSTON V. DEBRUYN, 13 F.3d 1036 (11th CIR. 1994); WILSON V. SAKLICH, 148 F.3d 596 (6th CIR. 1998); MADRID V. GOMEZ 150 F.3d 1030 (9th CIR. 1998); CHRISTOL V. PHILLIPS, 169 F.3d 1279 (11th CIR. 2004) (313 (5th CIR. 1999); CHAPPELL V. RICH, 340 F.3d 1279 (11th CIR. 2004) ("ACCESS TO COURTS IS A CONSTITUTIONAL RIGHT GROUNDED IN THE FIRST AMENDMENT")

IN TARPLEY V. ALLEN COURT IN INDIANA 312 F.3d 895, 2002 U.S. DIST. LEXIS 25232, NO. 01-2982 THE COURT RULED "PRISONERS SEEKING TO VINDICATE THEIR RIGHTS IN COURT ENJOY THE CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS AND STATE ACTIONS MAY NOT IMPED^{ED} THEIR EFFORTS TO PURSUE LEGAL CLAIMS," (CA 7 DEC. 10, 2002).

THE 5TH CIRCUIT COURT OF APPEALS ERRORED AND VIOLATED HEDRICK'S 1ST AMENDMENT RIGHTS BY THREATS,

VACATED JUDGMENT

IN DENYING HEDRICK'S "APPLICATION FOR CERTIFICATE OF APPEALABILITY (FED. R. APP. P. § 22(b)(1)) THE COURT ERRORED:

"IN HIS COA FILINGS HEDRICK RAISES FIVE ISSUES. FIRST HE ARGUES THAT THE DISTRICT COURT LACKED JURISDICTION TO RULE ON HIS § 2255 PETITION [A 2ND TIME] BECAUSE THIS COURT VACATED HIS CONVICTION IN DECEMBER 2020. HE IS MISTAKEN. IN THE OPINION THAT HEDRICK CITES A PANEL OF THIS COURT VACATED THE DISTRICT COURT'S INITIAL DENIAL OF HIS § 2255 PETITION, NOT HIS CONVICTION. HEDRICK 832 F. APP'X AT 349." [APPENDIX ~~3~~ PAGEID # 2 AT 24-29]

ON FEBRUARY 28, 2017 HEDRICK FILED A MOTION UNDER 28 U.S.C. § 2255 TO "VACATE SET ASIDE OR CORRECT SENTENCE" AS TO A CRIMINAL CASE," NO. 5:17-CV-36, NO. 1:11-CN-715-1

ON DECEMBER 30, 2020, THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IN RE: UNITED STATES V. HEDRICK, USDC NO. 5:17-CV-36, USDC NO. 1:11-CV-715-J, 832 F. APP'X 347 (5TH CIR. 2020) APPENDIX A RULED:

"5 HEDRICK ALSO ARGUES HOWEVER THAT THE DISTRICT COURT ERRORED IN DENYING RELIEF WITHOUT CONSIDERING THE CLAIMS THAT HE PRESENTED IN HIS § 2255 MOTION. RELIEF UNDER 11 § 2255 IS RESERVED FOR TRANSGRESSIONS OF CONSTITUTIONAL RIGHTS AND FOR A NARROW RANGE OF INJUSTICE THAT COULD NOT HAVE BEEN RAISED ON DIRECT APPEAL AND WOULD, IF CONDONED, RESULTED IN A COMPLETE MISCARriage OF JUSTICE. UNITED STATES V. VALUGHN, 955 F.2d 367, 368 (5TH CIR. 1999). SEE MASSANO V. UNITED STATES, 588 U.S. 500 503-04 (2003). MOREOVER, SOME OF HEDRICK'S CLAIMS, SUCH AS HIS ALLEGATIONS THAT COUNSEL SHOULD HAVE CHALLENGED THE RESTITUTION ORDER ON VARIOUS GROUNDS DO NOT APPEAR RELATED TO THE CONSPIRACY THEORY."

ACCORDINGLY, REASONABLE JURISTS WOULD DEBATE WHETHER THE DISTRICT COURT ~~ERRORED~~ ERRED IN SUMMARY DENYING RELIEF WITHOUT CONSIDERING HEDRICK'S INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS TO THE EXTENT THAT THEY (a) WERE NOT PREVIOUSLY RAISED AND (b) DO NOT PERTAIN TO CONSPIRACY AND OTHER SUCH CLAIMS PREVIOUSLY REJECTED BY THIS COURT AND THE DISTRICT COURT. SEE SLACK 529 U.S. AT 484.

AS A RESULTS COA IS GRANTED AS TO THIS CLAIM. HIS MOTION TO PROCEED IN FORMA PAUPERIS IS LIKEWISE GRANTED. AS FURTHER BRIEFING IS NOT NECESSARY ON THIS ISSUE THE JUDGMENT IS VACATED AND THE CASE IS REMANDED FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS OPINION. SEE WHITEHEAD V. JOHNSON, 157 F.3d 384, 388 (5TH CIR. 1998) APPENDIX A - PAGEID # 3 AT 1-225

TAKE JUDICIAL NOTICE! THE CLAIMS REFERRED TO IN (a) AND (b) ABOVE ARE:

(1) FBI CONFIRMED "FALSE FBI SPECIAL AGENT JACOB BAILLIE, PUT ON THE WITNESS STAND BY THE U.S. ATTORNEY. IN THE COURTS "AMENDED MEMORANDUM AND ORDER APPENDIX B PAGEID # 9117 AT 21-23; PAGEID # 10117 AT 1-7 THE COURT ATTEMPTS TO "WHITEWASH" THE USE OF A "FRAUDULENT" AND "FALSE" WITNESS BY THE GOVERNMENT TO "ILLEGALLY" INFLUENCE THE JURY. SEE HEDRICK V. FBI, 1:15-CV-00648-KBJ 2015 U.S. APP. LEXIS 22875 NO. 15-5289 (DECIDED DEC. 18, 2015) TO CONVICT HEDRICK. IN ITS MEMORANDUM AND ORDER THE COURT STATES:

"FINALLY THE COURT TURNS TO HEDRICK'S CLAIM (GROUND 1.) THAT HIS COUNSEL WAS INEFFECTIVE BY FAILING TO IMPEACH OR MORE AGGRESSIVELY CROSS-EXAMINE FBI AGENT JACOB BAILLIE AS TO HIS CREDENTIALS AND CREDIBILITY. THIS CLAIM IS WITHOUT MERIT. JACOB BAILLIE'S TESTIMONY AT TRIAL WAS LIMITED TO ESTABLISHING THE AGE OF THE VICTIM IN ONE SET OF PICTURES AND VIDEOS FOUND ON HEDRICK'S HARD DRIVE (CA. DUT. 200 AT 13-14). BAILLIE WAS NOT A CRUCIAL WITNESS TO THE GOVERNMENT'S OVERALL CASE, PLAYED NO PART IN THE INVESTIGATION OF THE CASE..."

THE FBI DISAGREES AS TO HOW MUCH INFLUENCE A "FBI SPECIAL AGENT OR A "FALSE" ONE HAS ON A JURY'S DECISION. (ID.).

FALSE FBI SPECIAL AGENT JACOB BAILLIE
THE FEDERAL BUREAU OF INVESTIGATION ("FBI") CONFIRMED THAT THE GOVERNMENT'S WITNESS WAS NOT AND NEVER WAS A SPECIAL AGENT FOR THE FBI AND DID NOT REPRESENT THE FBI AT HEDRICK'S TRIAL.

HEDRICK'S LEGAL COUNSEL STAPLETON AND MARTINEZ DID NOT CHECK JACOB BAILLIE'S CREDENTIALS AS "REPRESENTING" THE FBI.

IN HIS TESTIMONY ON MAY 17 2012 GOVERNMENT WITNESS JACOB BAILLIE TESTIFIED "UNDER OATH":

QUESTIONS BY WIRSING

- Q. PLEASE STATE YOUR NAME.
A. JACOB BAILLIE.
Q. HOW ARE YOU EMPLOYED?
A. I'M A SPECIAL AGENT WITH THE FEDERAL BUREAU OF INVESTIGATION.
Q. HOW LONG HAVE YOU BEEN WITH THE FBI?
A. SINCE SEPTEMBER 2004.
Q. AND WHAT ARE YOUR DUTIES GENERALLY?

A. I MAINLY INVESTIGATE CRIMES AGAINST CHILDREN, MORE TO THE POINT, PEOPLE INVOLVED IN THE PRODUCTION, DISTRIBUTION, AND POSSESSION OF CHILD PORNOGRAPHY.

EXACTLY TO THE "TEE" AS TO HEDVICK'S "FALSE" CHARGES. THESE STATEMENTS, UNCHALLENGED AS TO CREDIBILITY PRESENTED A "FALSE" AND "PREJUDICIAL" IMPRESSION ON THE JURY THAT THE FBI, AN AGENCY OF THE U.S. GOVERNMENT WAS INVESTIGATING HEDVICK AND THAT BAILLIE WAS A PART OF THAT INVESTIGATION. FURTHER, THAT BAILLIE WAS "PERSONALLY" INVOLVED IN THE AUTHENTICATION OF ALL OF THE ALLEGED "C-BABY" CHILD PORNOGRAPHY PHOTOGRAPHS PRESENTED AS EVIDENCE BY THE GOVERNMENT.

BAILLIE THEN TESTIFIED TO THE "C-BABY" PHOTOGRAPHS. AGAIN, DEFENSE COUNSEL WAS INEFFECTIVE IN CHALLENGING BAILLIE'S CLAIM OF BEING A "FIRST-HAND WITNESS" TO THE "C-BABY" SERIES. EVEN WHEN CROSS-EXAMINATION RAISED A "RED FLAG" AS TO THE DATES OF THE "C-BABY" INVESTIGATIONS AND THE DATE BAILLIE WAS "SUSPECTED" TO HAVE BEEN HIRED BY THE FBI.

QUESTIONS BY STAPLETON

Q. MR. BAILLIE, HOW LONG AGO WERE THOSE "C-BABY" PHOTOGRAPHS MADE?

A. I CAN'T SAY WHEN THOSE PHOTOS WERE MADE. THE VIDEO THAT THOSE PHOTOGRAPHS WERE TAKEN WERE CREATED IN THE REALM OF 1999-2000.

Q. OKAY. 12-13 YEARS AGO?

A. CORRECT.

A REASONABLE JURY (JURY) OF GRAND JURY WHEN CONFRONTED WITH THE FACTS, CONFIRMED BY THE FBI, THAT BAILLIE IS NOT A SPECIAL AGENT FOR THE FBI AND DID NOT REPRESENT THE FBI. HEDVICK WOULD HAVE NOT BEEN INDICTED BY THE GRAND JURY OR CONVICTED AT TRIAL, IF POINTED OUT BY STAPLETON, J. MATTHEW THEY WOULD CONCLUDE: (1) BAILLIE HAD NO FIRST-HAND KNOWLEDGE OF THE "C-BABY" SERIES, WAS NOT AN "EXPERT" FBI SPECIAL AGENT AND WAS NOT A PART OF THE 1999-2000 "C-BABY" INVESTIGATION AND THEREFORE COULD NOT AUTHENTICATE THE PHOTOGRAPHS OR THEIR SOURCE.

SIXTH AMENDMENT - CONFRONTATION CLAUSE

THUS, BAILLIE'S TESTIMONY WAS "THIRD PARTY" HEARSAY. "THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT PROTECTS HEDVICK FROM THIS TYPE OF HEARSAY. THE SIXTH CIRCUIT AGREED. (APPENDIX A).

"THE CONFRONTATION CLAUSE IS VIOLATED BY ADMISSION OF A WITNESS TESTIMONY THAT RELIED ON HEARSAY AS A BASIS OF NON-EXPERT TESTIMONY BECAUSE TESTIMONY OFFERED TO ESTABLISH THE TRUTH OF THE MATTER ASSERTED." UNITED STATES V. DUKAKIS, 326 F.3d 45, 59 (2d Cir. 2002).

IN HEDVICK V. FBI, THE FBI CONFIRMS THAT THE "FBI" HAD "ZERO" INVOLVEMENT IN HEDVICK'S CASE AND JACOB BAILLIE WAS NOT A SPECIAL AGENT FOR THE FBI AND DID NOT REPRESENT THE FBI.

THE COURT RULED IN IT'S MEMORANDUM OPINION:

"IN AUGUST OF 2013, HEDVICK SUBMITTED TWO FOIA REQUESTS TO DEFENDANT FEDERAL BUREAU OF INVESTIGATION ("FBI") SEEKING RECORDS RELATIVE TO ANY INVESTIGATION THAT THE "FBI" HAD CONDUCTED IN CONNECTION WITH HIS PROSECUTION FOR CHILD PORNOGRAPHY OFFENSES, AS WELL AS RECORDS RELATIVE TO HIS CONTACT WITH THE "FBI" REGARDING THE ALLEGED SMUGGLING CONSPIRACY." (SEE COMPL. ECF NO. 1-1 AT 2-6; SEE ALSO FOIA REQUESTS, EXS. A & B TO COMPL. ECF. NO. 1-1 AT 2-6) 2"

"IN RESPONSE TO THESE FOIA REQUESTS, THE FBI RELEASED TO A REDACTED TWO-PAGE SUMMARY OF AN INTERVIEW OF HIM THAT

-9-AM

ATM RECEIPT - VAN NUYS, CALIFORNIA

SEE U.S.A. V. HEDVICK, USDC NO. 5:17-CV-36 & USDC NO. 1:17-CV-715-1
PAGE ID # 24 AT 1-7) NEW EVIDENCE WITH NO CHAIN-OF-CUSTODY.

AN ATM RECEIPT FROM VAN NUYS HOUSEWARE IN VAN NUYS, CALIFORNIA
DATED 10/14/2011 189 DAYS AFTER HEDVICK'S ARREST WAS FOUND BY
HEDVICK'S TRIAL ATTORNEY EDWARD STABLETON III AND HEDVICK'S SISTER
JAMIE MCCLELLAN IN THE ITEMS ALLEGED TO HAVE BEEN SEIZED BY
JOSEPH GUY BAKER - ILL [EVIDENCE BAG 14] AT HEDVICK'S APPARENT MORTGAGE
ON THE DAY OF HEDVICK'S ARREST - IT WAS PLACED IN THE ICE EVIDENCE
THAT WAS CONTROLLED BY BAKER. HEDVICK STABLETON AND HEDVICK'S SISTER
BECAME AWARE OF EVIDENCE BAG #14 AND THE ATM RECEIPT WHEN
HEDVICK, STABLETON AND MANTHAZ REQUESTED A COURT ORDER FOR THE RETURN
OF ALL OF HEDVICK'S PROPERTY NOT USED AS EXHIBITS AT TRIAL.

JUDGE NAWEN ORDERED THAT THE GOVERNMENT MAKE A LIST OF ALL
ITEMS BEING RETURNED TO HEDVICK. EVIDENCE BAG #14 SAID ATM RECEIPT.

THIS ATM RECEIPT IN THE AMOUNT OF \$20.00 PLUS \$2.00 ATM FEE
WAS TAKEN FROM AN ATM MACHINE IN VAN NUYS, CALIFORNIA
89 DAYS AFTER HEDVICK WAS ARRESTED. ON THAT DAY HEDVICK WAS
INCARCERATED IN "MAXIMUM SEC" AT WILLACY COUNTY REGIONAL
FACILITY 60 MILES NORTH OF BROWNSVILLE IN RAYMONDVILLE, TEXAS.

[APPENDIX T - ATM RECEIPT] SEE 2256 MOTION (DRT) ATTACHMENTS

NEW WITNESSES HAVE NOW BEEN IDENTIFIED [APPENDIX V] WHO WILL
TESTIFY AND CONFIRM THAT RICHARD ALANIZ OWNS A HOUSE IN VAN NUYS,
CALIFORNIA WHICH FREDERICO GONZALEZ WAS ACTUALLY A VISITOR TO.

THESE WITNESSES WILL TESTIFY AND CONFIRM THAT THEY HAVE FIRST-
HAND KNOWLEDGE OF THE "ILLEGAL" SMUGGLING OF DRUGS (COCAINE),
MONEY, GUNS [AK-47'S, AR-15'S, M-16'S] INTO MEXICO AND THE UNITED
STATES AND WILL TESTIFY TO THE FOLLOWING UNDISPUTED FACTS:

(1) GONZALEZ CAN IDENTIFY ALANIZ'S CO-CONSPIRATORS: MICHAEL DIAZ,
DAVID NUCKOLS [ALANIZ'S ACCOUNTANT] OSCAR STILES AND CARLOS
QUINTANILLA [FLY FRONTIER AND CONVICTED FELONY UNDER RICO. FROM
A GULF OF MEXICO FISHING TRIP PHOTO.

(2) ALANIZ AND HIS 1/2 BROTHER, LOPEZ [BROTHER OF THE DC-1 LOPEZ]
SOLD GONZALEZ AND HIS CANTEL IN MEXICO 106 [APPENDIX V] COCAINE,
AK-47'S, AR-15'S, AND M-16'S.

(3) ALANIZ "SWITCHED" AT THE DIRECTION OF THE COLOMBIAN DRUG
CANTEL'S AGAINST RIVAL CANTELS.

(4) ALANIZ OWNS A HOUSE AT 1 FRANCIS DRIVE, BROWNSVILLE, TEXAS.

(5) ALANIZ OWNS A HOUSE ON A GRAPEFRUIT FARM NEAR BROWNSVILLE.

(6) ALANIZ OWNS AN PART-UNDERGROUND HOUSE NEAR SAN ANTONIO, TX.

(7) ALANIZ OWNS A HOUSE IN VAN NUYS CALIFORNIA THAT GONZALEZ

"ACTUALLY" VISITED WITH ALANIZ ABOUT COCAINE SMUGGLING.

CONFIRMING THE ONLY ALANIZ COULD HAVE TAKEN \$20.00 FROM
THE ATM MACHINE AND TRAILER FROM THE CARD NUMBER.

THE FOLLOWING INDIVIDUALS SMUGGLED DRUGS, GUNS, MONEY, AND
EXPOSURES FOR ALANIZ AND FACILITATED HIS OPERATIONS:

(1) CRAIG BROOKS - GROVES REALTY TEAM, LLL, LOS EBANOS, TEXAS.

(2) FABIAN CONTRERAS [MS-13] CODY SUR GROUP, SAN BENITO, TEXAS.

(3) PANKER AND COMPANY, BROWNSVILLE TEXAS [STOLE AK-47'S, AR-15'S
AND M-16'S BY THE TRAILER-TRUCK LOAD.

(4) RAY LOOP LOOP FARMS - OPERATES FIVE (5) ILLEGAL BORDER CROSSINGS
FOR ILLEGAL IMMIGRANTS AND DRUGS. ALSO OWNER OF FREEDOM
TRUCKING COMPANY WHO DELIVERED THE "DIRTY BOMB" TO THE
TERRORISTS [FOR ALANIZ] TO BE USED ON ATLANTA; FOUND IN CHANTON.
WITNESS TO CAR TRAILER BY JEFF NICK - CONFIRMED BY FBI/CIA
AT BUTTEN PINE.

(5) GONZALEZ CAN ALSO CONFIRM FROM FIRST-HAND KNOWLEDGE THAT HE
WITNESSED ALANIZ PASSING OUT MONEY FROM A "FILLED" DRUG
CASE, TIPPING PEOPLE, AT A HORSE RACING TRACK.

(6) GONZALEZ CAN IDENTIFY AS CAN HEDVICK A RUINED CATHOLIC CHURCH
[PRIEST WORKING OUT OF MODELAN OFFICES] WHERE ALANIZ PAID TO
STORE DRUGS AND "ILLEGAL" IMMIGRANTS.

(7) GONZALEZ WILL TESTIFY THAT HE MET WITH RICHARD ALANIZ AND CARLOS GUINTAVILLA IN DALLAS, TEXAS WHERE THEY APPROPRIATES IT TO DISTRIBUTE MASSIVE AMOUNTS OF COCAINE THROUGH HIS FIVE (5) USED CARS AND JUNKYARD BUSINESSES.

A SEARCH OF THE CALLS MADE BY RICHARD ALANIZ ON THE BLACKBERRY CELL PHONE NUMBER (956) 455-2277 ISSUED BY HEDNICK TO ALANIZ AT PAN AM SHOWS THAT ALANIZ MADE 5 CALLS TO VAN NUYS, CALIFORNIA ON 06/09/11 AND 06/08/11. NO OTHER PAN AM ISSUED CELL PHONE [10] MADE AND CALLS TO OR RECEIVED FROM VAN NUYS, CALIFORNIA. [SEE APPENDIX'S U AND V] AND PAGES 9-21 OF FBI FILE #1. SEE ALSO APPENDIX H PAGE 2 AT 15-27] FOR THE CALL RECORD AT SPINT. SEE ALSO:

UNITED STATES V. CARLOS GUINTAVILLA, JOSEPH MONREAL, LETICIA GUTIERREZ, 2 F.3d 14695, 1993 U.S. APP. LEXIS 21535, NO'S 91-2223, 19-2224 AUG. 20, 1993 - DECIDED) (CONVICTED UNDER 18 U.S.C. § 1962(C) AND 18 U.S.C. § 2 AND § 2314 UNDER RICO FOR MONEY LAUNDERING UNDER 18 U.S.C. § 1963(C) (1)(A) AND (B)(1), AND CONSPIRACY TO DEFRAUD THE IRS, TITLE 18 U.S.C. § 2 AND 371 AND FAILURE TO FILE TAX RETURN UNDER 26 U.S.C. § 7203, APPENDIX H PAGE ID # 2 AT 43-48]

(8) FREDERICO GONZALEZ ET AL WILL TESTIFY THAT MEMBERS OF HIS CARTEL IN MEXICO PURCHASED 3,600 M-16'S FROM RICHARD ALANIZ AND ALANIZ'S HALF BROTHER LOPEZ AS LATE AS 2021. [APPENDIX H].

" IN HIS LETTER DATED OCTOBER 13 2020 [APPENDIX S PAGE ID 8 AT 9-17] MR. STAPLETON [HEDNICK'S ATTORNEY] STATES:

" DEAR MR. HEDNICK, THANK YOU FOR THE OPPORTUNITY TO DISCUSS YOUR YOUR CASE. I AM UNABLE TO BE A LAWYER IN YOUR CASES. AMONG OTHER REASONS BECAUSE YOU QUOTE ME IN THE PLEADINGS. I AM A MATERIAL WITNESS IN YOUR CASE. I WILL PRESERVE THE MATTERS YOU SENT ME AND FORWARD THEM TO A NEW ATTORNEY IF YOU ARE SUCCESSFUL IN HAVING A LAWYER APPOINTED AND FORWARD THOSE PAPERS TO YOUR NEW LAWYER."

STAPLETON IS A MATERIAL WITNESS TO THE DISCOVERY AND ISSUES SURROUNDING THE ATM RECEIPT FROM VAN NUYS HOUSEWARE AND CAN ELIMINATE ALL OF HIS STAFF FROM EVER BRING IN VAN NUYS, CALIFORNIA MAKING RICHARD ALANIZ AS THE "SOLE SOURCE" OF AN ATM RECEIPT IN EVIDENCE BAG 14 WHEN ALANIZ AND BAKER "PLANTED" THE ~~ALLEGED~~ ALLEGED "CHILD BORN" ON THE GOVERNMENT'S EVIDENCE.

THE "FALSE" FBI SPECIAL AGENT JACOB BAILLIE [WITNESS] AND AN ATM RECEIPT DATED [88 DAYS] AFTER HEDNICK'S ARREST AND FOUND IN EVIDENCE BAG #14 [INDICATING THAT THE GOVERNMENT'S EVIDENCE] WAS BREACHED BY ALANIZ AND FALSE EVIDENCE INSERTED AND TAMPED WITH IS ALL THE JUSTIFICATION TO OVERTURN HEDNICK'S CONVICTION AND TO HAVE RELEASED HIM AFTER THE 5TH CIRCUIT DECISION ON DECEMBER 30, 2020. THEN ADDED TO THAT THE U. S. ATTORNEYS "FRAUD":

VACATED JUDGMENT ARGUMENT - CONTINUED

THE COURTS HAVE CLEARLY DEFINED WHAT VACATING MEANS:

" TO VACATE MEANS TO RENDER AN "ACT VOID" AS TO VACATE AN ENTRY OF RECORD OR A JUDGMENT THAT IS VOID... [QUOTING BLACK'S LAW DICTIONARY 157B-1573 (6TH EDITION 1990) UNITED STATES V. MARTIN, 378 F.3d 353, 358 (4th Cir. 2004), CP PEPPER V. UNITED STATES, 562 U.S. 476, 507 (2011)] EXPLAINING THAT VACATION OF SENTENCE "WIPE THE SLATE CLEAN".

ALSO THAT:

" IF THE REVIEWING COURT [5th Cir] CONCLUDES MORANT'S MOTION [HEDNICK'S ORIGINAL 2255 MOTION] IS MERITORIOUS, IT MUST VACATE AND SET ASIDE THE THE JUDGMENT UNITED STATES V. KASTEN BAUM 613 F.2d 86, 89 (5th Cir 1986) SEE ALSO UNITED STATES V. CHAVIER, 193 F.3d 357, 359 (5th Cir 1999); WRIGHT V. UNITED STATES, 624 F.2d 558 (1980).

THE COURTS IN THE 5TH CIRCUIT HAVE FURTHER RULED THAT:

"VACATUR PLACED THE PARTIES IN THE SAME SITUATION AS IF NO TRIAL HAD EVER TAKEN PLACE." UNITED STATES V. LAWSON 736 F.2d 835, 837 (2d Cir. 1984); SEE ALSO UNITED STATES V. WILLIAMS, 904 F.2d 78 (7th Cir. 1991); RUSTIN MINNICK CO. V. MARTIN 904 F.2d 487, 8 (9th Cir. 1990).

IN ANDREWS V. UNITED STATES 373 U.S. 334 (1963) THE COURT WAS CLEAR: "SECTION 2255 PROVIDES THAT IF THE DISTRICT COURT OR APPELLATE COURT [5TH CIR.] FINDS THAT THE PLAINTIFF [HENDRICK] IS ENTITLED TO RELIEF, THE COURT SHALL VACATE AND SET THE JUDGMENT ASIDE - AND SHALL DISCHARGE HIM."

THE MERIAM WEBSTER COLLEGE DICTIONARY, 11TH EDITION, AN ENCYCLOPEDIA COMPANY (2006), PAGE 356 DEFINES "DISCHARGE" AS: "4. LEGAL RELEASE FROM CONFINEMENT."

HENDRICK "LEGALLY" SHOULD HAVE BEEN RELEASED [DISCHARGED] FROM BOP CONFINEMENT TWO (2) YEARS AGO.

JUDICIAL NOTICE: ACCORDING TO THE ABOVE CASE QUOTATIONS, AFTER DECEMBER 30, 2020 THERE WAS NO "OPEN OR LIVE" CASE FOR THE GOVERNMENT TO FILE A SUMMARY JUDGMENT OR ANY OTHER COURT "FILLING" IN. THEY ARE ALL ILLEGALLY FILED AS WELL AS ANY FURTHER COURT ORDERS.

INSTEAD, THE DISTRICT COURT ALLOWED THE GOVERNMENT TO DELAY ITS RESPONSE TO THE 5TH CIRCUIT'S DECISION ON DECEMBER 30, 2020 (APPENDIX A) FOR OVER 19 MONTHS. AFTER THE VACATED JUDGMENT THE DISTRICT COURT HAD ONLY TWO (2) OPTIONS - BOTH REQUIRING "THE IMMEDIATE RELEASE" OF HENDRICK FROM BOP CUSTODY:

(1) ONCE HENDRICK'S JUDGMENT WAS VACATED HE MUST BE RELEASED FROM BOP CUSTODY AFTER THE 5TH CIR. MANDATE. ON FEBRUARY 27, 2021 CAS DOC. # 36 "JUDGMENT OF USCA: JUDGMENT ISSUED AS MANDATE 2/22/21 RE. 29 NOTICE OF APPEAL USCA NO. 19-840531. IT IS ORDERED AND ADJUDGED THAT THE JUDGMENT OF THE DISTRICT COURT IS VACATED..."

(2) THE GOVERNMENT HAS TWO (2) YEARS [UNEXPIRED], BY STATUTE, TO CONVEY A NEW GRAND JURY, BASED "SOLELY" ON NEW EVIDENCE, AND "CANNOT USE ANY EVIDENCE FROM THE ORIGINAL TRIAL."

"A NEW TRIAL IS REQUIRED IF PERSONAL TESTIMONY [JALBA BAILLIE] COULD IN ANY REASONABLE LIKELIHOOD [CONFIRMED BY FBI] HAVE AFFECTED THE JUDGMENT OF THE JURY." UNITED STATES V. VAZIRI, 164 F.3d 566, (10th Cir. 1999). SEE ALSO UNITED STATES V. GREER, 223 F.3d 41 (2d Cir. 2000); UNITED STATES V. HORNER, 225 F.3d (5th Cir. 2000); UNITED STATES V. GUSTON, 295 F.3d 1136 (9th Cir. 2002); UNITED STATES V. MCCARTHY, 271 F.3d 387 (2d Cir. 2001).

5TH AMENDMENT - DOUBLE JEOPARDY

THE COURTS FURTHER CLARIFIED "VALATOR" IN RELATION TO "DOUBLE JEOPARDY" AND REQUIREMENT FOR "NEW TRIAL":

"THE ORDINARY CONSEQUENCES OF VACATUR, IF THE GOVERNMENT SO ELECTS IS A NEW TRIAL SHOWING OF THE ERROR(S) THAT INFECTED THE FIRST TRIAL. THIS CONTINUING JEOPARDY RULE NEITHER GIVES EFFECT TO THE VACATED JUDGMENT NOR OFFENDS THE DOUBLE JEOPARDY PRINCIPLES. RATHER, IT REFLECTS THAT THE CRIMINAL PROCEEDINGS AGAINST AN ACCUSED HAVE NOT RUN THEIR FULL COURSE. BRAVO-FERNANDEZ V. UNITED STATES, 580 U.S. 5, 137 S.Ct. 352, 363, 196 L.Ed. 2d 242, 2016 U.S. LEXIS 7269, 85 U.S.L.W. 4003, 26 FLA. L. WEEKLY FED S 391, NO. 15-37 (NOV. 29, 2012).

"THE CONSTITUTION STATES THAT NO PERSON SHALL "BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB." JEOPARDY FOR AN OFFENSE AND JEOPARDY TERMINATES [HENDRICK'S VACATED JUDGMENT] WITH RESPECT TO THAT OFFENSE. THE DEFENDANT ~~CAN~~ MAY NOT BE RETRIED NOR PUNISHED A SECOND TIME FOR THE SAME OFFENSE." SATTAZAH V. PENNSYLVANIA 537 U.S. 101, 123 S.Ct. 732,

154 L. Ed 588 (2003). SEE UNITED STATES V. WHITE, 936 F.2d 1326, 1328 (D.C. Cir. 1991).

THE DISTRICT COURT AND THE APPELLATE COURT IN RE: CAS CASE NO. 22-40568 & APPENDIX M3 ARE ATTEMPTING TO "OVERTURN" THE DECISION OF THE 5TH CIRCUIT ON DECEMBER 30, 2020 WITHOUT GOING THROUGH THE RULE PROCESS OF CONVENING A "NEW GRAND JURY" AND A "NEW TRIAL" NOW THE STATUTE OF LIMITATIONS TO DO SO HAS EXPIRED. HEDRICK'S JUDGMENT IS VOID.

"GENERALLY A JUDGMENT IS 'VOID' WHEN A COURT USURPS A POWER WITHOUT JURISDICTION, WHILE A JUDGMENT IS 'VOIDABLE' WHEN A COURT COMMITS ERROR WHILE PROPERLY EXERCISING JURISDICTION." DENNISON V. PARRISH, 293 F. 333 341 (2d Cir. 1923). IN BELL V. UNITED STATES, 163 U.S. 662, 16 S.Ct. 1192, 41 L.Ed. 300 (1896) ("THE SUPREME COURT HELD THAT ONLY IN THE RAREST, NARROWLY CONFINED, CIRCUMSTANCES DOES JEOPARDY FAIL TO TO ATTACH." SEE ID. AT 668-70; THE GOVERNMENT THERE HAD ARGUED THAT DOUBLE JEOPARDY DID NOT BAN (726 F.3d 157) IT FROM RETRYING A DEFENDANT ACQUITTED OF MURDER BECAUSE A DEFECT IN INDICTMENT HAD DEPRIVED THE COURT OF JURISDICTION AS INTRO, THEREBY PRECLUDING JEOPARDY FROM ATTACHING. SEE ID. AT 664-67 (2013 U.S. LEXIS 35) REJECTING THE GOVERNMENT'S BROAD VIEW OF DOUBLE JEOPARDY."

IN SUMMARY, BASED ON THE ARGUMENT HEREIN, SO FAR, ALL OF THE DOCUMENTS FILED IN THE DISTRICT OR APPELLATE COURT AFTER DECEMBER 30, 2020 AND 5TH CIRCUIT MANDATE ARE "ILLEGAL", "VOID", AND "MOOT".

MOOT

"AN ISSUE IS MOOT WHEN IT NO LONGER PRESENTS A LIVE CONTROVERSY WITH RESPECT TO WHICH THE COURT CAN GIVE MEANINGFUL RELIEF. A PARTY TO THE LAWSUIT MUST BE AGGRIEVED BY THE JUDGMENT ORDER TO SUSTAIN AN APPEAL BECAUSE THE VACATED JUDGMENT HAS NO EFFECT AS A PARTY CAN NO LONGER BE AGGRIEVED BY THE JUDGMENT AND AN APPEAL FROM THE VACATED JUDGMENT IS MOOT."

"A CASE IS MOOT IF THE ISSUES PRESENTED ARE NO LONGER LIVE!" NORMAN-BLOODSAW V. LAWRENCE BERKELEY LABORATORY, 135 F.3d 1260 (9th Cir. 1998).

"IN SUM, WE SEE NO PROCEDURAL ERROR IN THE COURT'S VACATUR OF THE ORIGINAL JUDGMENTS AND GIVEN THAT VACATUR, THE ORIGINAL APPEAL AND CROSS-APPEAL CHALLENGING THAT JUDGMENT ARE MOOT. WE HAVE NO JURISDICTION TO HEAR A MOOT APPEAL," SEE GENERALLY ALTMAN V. BEDFORD CENTRAL SCHOOL DISTRICT, 245 F.3d 49, 69 (2d Cir.), CERT DENIED, 151 L.Ed 2d 34, 122 S.Ct. 68, 70, 135 L.W. 3234 (U.S. 2001); FOOT KNOWN MUSIC EXCL. AND TRIO MUSIC COMPANY INC. V. PHILIP BAPTISTE, 259 F.3d 1083, 2001 U.S. DIST. LEXIS 15622, COP. L. REP. (CCH) P 28,307, 59 U.S.P.Q. 2d (BNA) 806, 99-7679 (XAP) (2d Cir. JUL. 12 2001).

ALL THE COURTS RULINGS AFTER DECEMBER 30, 2020 CAS DECISION ARE "MOOT".

TAKE JUDICIAL NOTICE: THE COURT SHOULD TAKE NOTICE THAT HEDRICK SHOULD NOT HAVE HAD TO APPEAL THE DISTRICT COURT'S AND APPELLATE COURTS RULINGS. THE APPELLATE COURTS DECISION ON DECEMBER 30, 2020 VACATED HEDRICK'S JUDGMENT AND AS SHOWN IN THE ARGUMENT ABOVE NO "LIVE" CASE EXISTS FOR THE GOVERNMENT TO FILE ANY ACTIONS; NOR SHOULD HEDRICK HAVE HAD TO RESPOND TO THE SAME; NOR SHOULD HEDRICK HAVE HAD TO FILE THIS APPEAL TO THE SUPREME COURT. THE PREVIOUS COURT'S DECISIONS AFTER DECEMBER 30, 2020 WERE "ILLEGAL" "VOID" AND "MOOT".

SUMMARY JUDGMENT

IN THE DISTRICT COURTS "AMENDED MEMORANDUM AND ORDER" (DKT. 460) [APPENDIX C - FILED JUL. 29 2022] THE COURT STATES:

"HEDRICK'S § 2255 MOTION RAISES INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS AS WELL AS RETRASING CLAIMS OF WIDE-SPREAD CONSPIRACY INVOLVING A DRUG CARTEL, VARIOUS FEDERAL LAW ENFORCEMENT BODIES, FEDERAL COURTS AND JUDGES. THE COURT PREVIOUSLY ORDERED [PRIOR TO THE 5TH CIRCUIT'S DECISION TO VACATE HEDRICK'S JUDGMENT ('CONVICTION')] HIS § 2255 MOTION DENIED AS FRIVOLOUS AND REPETITIVE, (DKT 15) (CF, DKT. 375). I BID PAGE 1117 AT 17-19; PAGE 17-19 DATE 2/17 AT 4.

"ALL THESE CLAIMS FOR RELIEF ARE BASED ON HEDRICK'S THEORY THAT HE WAS CRIMED BY A VAST AND WIDE RANGING CONSPIRACY AND HAVE ALREADY BEEN PROPERLY DENIED BY THIS COURT AND UPHOLD BY THE 5TH CIRCUIT (DKT 35 AT 2-3) IBID 817 AT 2-11." [APPENDIX C]

THE APPEALS COURT AND THE GOVERNMENT ARE ATTEMPTING TO RETRY THE DECISION OF THE 5TH CIRCUIT ON DECEMBER 30, 2020, BY ARGUING THE "CONSPIRACY" ISSUE THAT WAS NOT THE BASIS OF THE VACATED JUDGMENT.

TAKE JUDICIAL NOTICE - HEDRICK DID NOT BRING UP OR ARGUE THE "AVALOS AFFAIR" THE CONSPIRACY THEORIES AND IT PLAY NO PART IN THE DECISION OF THE 5TH CIRCUIT ON DECEMBER 30, 2020. THE GOVERNMENT BORED THE ISSUE BY FRAUD BY ARGUING THAT HEDRICK'S TRIAL JURY WAS PRESENTED THE AVALOS AFFAIR AND HEDRICK'S IMMUNITY FROM PROSECUTION BECAUSE OF AVALOS. AVALOS DID NOT APPEAR ON THE RADAR UNTIL 14 DAYS AFTER THE JURY'S JUDGMENT. FRAUD. PLAIN AND SIMPLE.

CRIMINAL FRAUD BY GOVERNMENT ATTORNEYS

IN VIOLATION OF TITLE 18 - THE UNITED STATES CRIMINAL CODES, THE GOVERNMENT'S THREE (3) PROSECUTING ATTORNEYS, JIM HOUSSER, JESSIE SETIN CHRISTIAN GAGIARDI, JENNIFER B. LOWRY AND CARMEN CASTILLO MITCHELL, COMMITTED "CRIMINAL FRAUD" IN VIOLATION OF TITLE 18 U.S.C. § 371, 1001, 1014, 1031, 1038, 1505, 1509, 1510, 1512, 1513, 1621, 1623, OR PARTS THEREOF.

IN THE GOVERNMENT'S "MOTION FOR SUMMARY JUDGMENT AND RESPONSE" TO HEDRICK'S § 2255 MOTION. [APPENDIX D] THESE THREE (3) ATTORNEYS' ARGUMENT IS BASED ON "CRIMINAL FRAUD" AND "FALSE FACTS" THAT HEDRICK'S TRIAL COUNSEL EDWARD STADLEYON III AND JUAN JOSE MARTINEZ PRESENTED AND ARGUED, AT HEDRICK'S TRIAL, BEFORE THE JURY, THE ATTEMPTS BY RAFAEL ANGEL AVALOS (COLOMBIAN "HIT MAN" AND MADRADO ELOS ZERO) "HIT-MAN" SENT BY RICHARD ALARIZ AND ASSISTED BY ALARIZ'S HALF-BROTHER FRANCISCO (FRANK) LOPEZ, A CAMPAÑA COUNTY SHERIFF'S OFFICE CORRECTIONS OFFICER AT DC-1, TO KILL HEDRICK. THE FIRST TWO MEN "HIT TEAM", AKA "THE AVALOS AFFAIR".

FURTHER, THE USI ATTORNEY STATED THAT HEDRICK'S TRIAL JURY WAS TOLD BY STADLEYON AND MARTINEZ THAT THE FBI HAD GRANTED HEDRICK IMMUNITY BECAUSE OF THE "AVALOS AFFAIR" AND THAT THE TRIAL JURY REJECTED THAT ARGUMENT. AVALOS WAS NOT EVEN "IN PLAY" BEFORE HEDRICK'S JURY VERDICT. FRAUD!

THE FOLLOWING ARE EXCERPTS FROM [APPENDIX D]'

- (1) "C. HEDRICK'S GROUNDS FOR RELIEF SHOULD BE DISMISSED OR, IN THE ALTERNATIVE DENIED. THEY ARE ALL EITHER INADEQUATELY PLED, CONTRARY TO THE RECORD, NOT COGNIZABLE IN A § 2255 MOTION OR INVOLVE THE ALLEGED "AVALOS AFFAIR".
~~"HEDRICK'S ALLEGATIONS THAT TRIAL COUNSEL WAS INEFFECTIVE AS~~
"HEDRICK'S CONCLUSORY ALLEGATIONS OF INEFFECTIVE ASSISTANCE OR COUNSEL, LACK FACTUAL SUPPORT, ARE CONTRADICTORY TO THE RECORD IN THE CASE AND SHOULD BE DISMISSED OR DENIED. THE 5TH CIRCUIT COURT OF APPEALS OR THIS COURT HAVE PREVIOUSLY DISMISSED MANY SAME OR SIMILAR CLAIMS. BECAUSE THEY INVOLVE THE ALLEGED "AVALOS AFFAIR". CONSPIRACY THEORIES (WHICH WAS REJECTED BY THE JURY...) USA V. HEDRICK, CASE NO. 1:11-CR-715 (CR. DKT 444 FILED MAR. 3, 2022) PAGEID # 250638 AT 8-18.
- (2) "3 HEDRICK'S ALLEGATIONS THAT TRIAL COUNSEL WAS INEFFECTIVE BY FAILING TO PRESENT A DEFENSE RELATED TO HIS "AVALOS AFFAIR" DEFENDANT'S CLAIM OF FBI IMMUNITY SHOULD BE DISMISSED (CR. DKT. 444 FILED MAR. 3 2022) PAGEID # 250638 AT 4-7

SEE APPENDIX D

GOVERNMENTS "MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO HEDRICK'S 28 U.S.C. § 2255 MOTION (Dkt 444 FILED MARCH 3, 2022" FOR ADDITIONAL CRIMINALLY FRAUDULENT STATEMENTS IN REGARD TO DANIEL ADAMS ADAMS AND HEDRICK'S TRIAL JURY.

LOSS OF JURISDICTION BY DISTRICT COURT

UPON NOTICE OF APPEAL TO THE 5TH CIRCUIT THE DISTRICT COURT LOSE JURISDICTION. IN UNGAN V. PLC, 402 F.3d 274, 293 (1st Cir. 2005) (NOTING THAT APPEALING A REJECTION OF FOREIGN SOVEREIGN IMMUNITY "ORDINARILY DIVESTS THE DISTRICT COURT OF JURISDICTION TO PROCEED WITH THE LITIGATION (2022 U.S. DIST. LEXIS 3) DENYING THE ADAMS RESOLUTION."

IN RE: TCR, COMPTROLLER OF PUB. ACCTS. V. TEXAS TEXAS GAS CORP., 302 F.3d 571, 578-79 (5th Cir. 2002) (APPLYING RULE TO BANKRUPTCY COURT) "IT DIVESTS A BANKRUPTCY COURT OF JURISDICTION TO ACT WITH RESPECT TO MATTERS INVOLVED IN THE APPEAL."

"THE GENERAL RULE IS THAT A CASE CAN EXIST ONLY IN ONE COURT AT A TIME AND A NOTICE OF APPEAL PERMANENTLY TRANSFERS THE CASE TO US [THE CIRCUIT COURT] UNTIL [THE CIRCUIT COURT] SENDS IT (2021 U.S. DIST. LEXIS 4) BACK. UNITED STATES V. LUCERO 755 F. APP'X 384, 386 (5th Cir. 2018).

"THE FILING OF A NOTICE OF APPEAL IS AN EVENT OF JURISDICTIONAL SIGNIFICANCE - IT CONVEYS JURISDICTION ON THE COURT OF APPEALS AND DIVESTS THE DISTRICT COURT OF ITS CONTROL OVER THOSE ASPECTS OF THE CASE INVOLVED IN THE APPEAL." Id. (QUOTING GRIGGS V. FT PROVIDENT CONSUMERS DISC. CO., 459 U.S. 56, 58, 103 S.Ct 400, 74 L. ED 2d 255 (1982) (PER CURIAM).

"OBJECTIONS TAKEN BY THE DISTRICT COURT IN VIOLATION OF THIS PRINCIPLE ARE "NULL AND VOID" Id. (QUOTING 16A CHARLES ALAN WRIGHT ET AL. FEDERAL PRACTICE AND PROCEDURE § 3949.1 (4th ed 2018).

NOTICE OF APPEAL WAS FILED BY HEDRICK VIA CERTIFIED MAIL NUMBER 7019-1640-0001-6767-0899 (PRISON MAIL BOX RULE) ON AUGUST 5, 2022 CONSISTING OF SEVEN (7) PAGES.

THIS IS CRYSTAL CLEAR EVIDENCE OF "CRIMINAL FRAUD" BY THE U.S. ATTORNEY'S OFFICE IN HOUSTON TEXAS. ADDENDUM III TO HEDWICK ASR IS THE INVESTIGATION BY THE USMS OF RAFAEL ANGEL AVIALOS. THAT REPORT MAKES IT CLEAR THAT HEDWICK'S "FIRST CONTACT" WITH AVIALOS DID NOT OCCUR UNTIL 14 DAYS AFTER HIS JURY TRIAL ENDED.

SECONDLY, THE AFFIDAVIT OF DAVID L. TURNAGE OF THE MEETING IN WHICH HEDWICK WAS GRANTED IMMUNITY BY THE FBI'S SOUTH TEXAS CORRUPTION TASK FORCE TO REPORT TO THE FBI THE SMUGGLING OF DRUGS, GUNS, MONEY, AND EXPLOSIVES AT BROWNSVILLE-SOUTH PADUE ISLAND INTERNATIONAL AIRPORT OCCURRED 121 DAYS PRIOR TO HEDWICK'S ARREST. THERE WAS NO "AVIALOS" BASED IMMUNITY!

THE FACT OF THE MATTER IS THAT, THERE WAS NO JURY IN SESSION IN HEDWICK'S CASE TO HEAR ANY ARGUMENT CONCERNING RAFAEL ANGEL AVIALOS. "AVIALOS" DID NOT EXIST ON THE DAY THE JURY CONVICTED HEDWICK. THIS "CRIMINAL ACT" WAS DELIBERATE, PRE-PLANNED, AND ABUSIVE. YOU CANNOT TURN BACK TIME.

ON FEBRUARY 15, 2021, THE PROSECUTING ATTORNEY'S FILED A "MOTION FOR COPY OF SEALED PRESENTENCE INVESTIGATION REPORT BY USA AS TO ROBERT L. HEDWICK (CR. DKT. 391 FILED 02/15/2021"

ON FEBRUARY 18, 2021, THE COURT ISSUED ITS ORDER GRANTING 391 MOTION FOR COPY OF THE SEALED PRESENTENCE INVESTIGATION REPORT. "CR. DKT 393 FILED 02/18/2021. THE U.S. ATTORNEY HAD THIS INFORMATION 380 DAYS BEFORE FILING THEIR MOTION FOR SUMMARY JUDGMENT ON MARCH 3, 2022. THIS COMMISSION OF FRAUD WAS DELIBERATE.

LOSS OF JURISDICTION BY THE DISTRICT COURT UNDER RULE 60(b)(3)

THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, LARREA DIVISION LOST JURISDICTION TO ISSUE ANY FURTHER ORDERS IN HEDWICK'S CASE ON AUGUST 5, 2022 WHEN HEDWICK FILED [PRISON MAIL BOX RULE] HIS NOTICE OF APPEAL [APPENDIX F]

"IN A RULE 60(b)(3) MOTION THE MOVING PARTY MUST BE CLEAR AND PROVIDE CONVINCING EVIDENCE THAT SHOWS THAT THE JUDGMENT WAS OBTAINED THROUGH FRAUD, MIS REPRESENTATION, OR OTHER MISCONDUCT AND THE CONDUCT COMPLAINED OF PREVENTED THE MOVING PARTY FROM FULLY AND FAIRLY PRESENTING THE DEFENSE." (9TH CIR. 2006) (THE RULE IS AIMED AT "JUDGMENTS THAT WERE UNFAIRLY OBTAINED."

KNAPP V. METROPOLITAN GOV'T OF WASHVILLE AND DAVIDSON CNTY. 2021 U.S. DIST. 55BB4 *2-3, WL879120 AT*1 (M.D. TENN. FEB. 10, 2021) (SIXTH CIRCUIT HELD PLAINTIFF'S APPEAL IN ABSENCE UNTIL AFTER THE DISTRICT COURT RULED ON ANY PENDING MOTIONS IDENTIFIED UNDER FED. R. CIV. P. 4(a)(4). THUS, AFTER RULING ON THE PENDING TOLLING MOTIONS THE NOTICE BECOMES EFFECTIVE AND JURISDICTION TRANSFERS TO THE APPELLATE COURT."

ALL PENDING MOTIONS WERE RULED ON IN HEDWICK'S CASE PRIOR TO HIS FILING OF HIS "NOTICE OF APPEAL"

IN RE KIMBERLY HILL, INC. ET AL DEBTORS, 630 B.R. 294, 2021 BANKR. LEXIS 1567, CASE NO. DBBK16085, CHAPTER 11 (U.S. BANKR. N.D. ILL. JOW. 10, 2021) ("THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT HAS OBSERVED THE ANCIENT STRUTURE THAT, WHEN A CASE IS ON APPEAL, ALL LOWER COURTS LOSE JURISDICTION OVER IT AND RELATED MATTERS."

THE FILING OF A NOTICE OF APPEAL IS AN EVENT OF JURISDICTIONAL SIGNIFICANCE - IT CONFERS JURISDICTION TO THE COURT OF APPEALS AND DIVESTS THE DISTRICT COURT OF ITS CONTROL OVER THOSE ASPECTS OF THE CASE INVOLVED IN THE APPEAL. THE PURPOSE OF THIS RULE IS TO AVOID CONFUSION OF PLACING THE SAME MATTER BEFORE TWO COURTS AT THE SAME TIME AND TO PRESERVE THE INTEGRITY OF THE APPEAL PROCESS." SEE ALSO BLUE CROSS AND BLUE SHIELD V. AMERICAN EXPRESS CO., 467 F.3d 634, 637 (7TH CIR. 2006); KUSEV V. UNITED STATES, 62 F.3d 192, 193 (7TH CIR. 1995).

THE U.S. DISTRICT COURT LOST JURISDICTION OVER HEDWICK'S CASE ON AUGUST 5, 2022. THE FOLLOWING DOCUMENT IS ILLEGALLY FILED

IN ACCORDANCE WITH THE RULINGS QUOTED ABOVE THE FOLLOWING SHOULD BE STRICKEN FROM THE RECORD FOR LACK OF JURISDICTION BY THE DISTRICT COURT TO INCLUDE ALL RULINGS BY THE APPELLATE COURT BASED ON THE INFORMATION INCLUDED IN THIS DOCUMENT. THIS INCLUDES THE DENIAL OF HEDRICK'S COA:

"FINAL JUDGMENT AS TO ROBERT L. HEDRICK DATED AUGUST 10, 2022" (CR. DKT. 463 FILED AUG. 10 2022) AS WELL AS THE APPELLATE DECISIONS BASED UPON THIS "LACK OF JURISDICTION" ORDER WHICH INCLUDES THE 5TH CIRCUIT'S DENIAL OF HEDRICK'S COA. (CR. DKT. 472 FILED DEC. 13, 2022) [APPENDIX Z].

ON JULY 28, 2022, IN THE DISTRICT COURT'S "MEMORANDUM AND ORDER AS TO ROBERT L. HEDRICK (CR. DKT. 459 FILED 07/28/2022) [APPENDIX B] THE GOVERNMENT'S "MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO HEDRICK'S 28 U.S.C. § 2255 MOTION" WAS GRANTED (CR. DKT. 444 FILED 03/03/2022) [APPENDIX D]. THE COURT ORDERED THAT:

"THE CLERK OF THE COURT IS FURTHER DIRECTED TO MAIL TO HEDRICK A COPY OF HIS FINAL PRESENTENCE IN VULNERABILITY REPORT (PSR) AND ADDENDUMS (CR. DKT. 158, 163) AT THE ADDRESSES INDICATED IN HIS MOST RECENT FILING." (CR. DKT. 460 FILED 07/29/2022) [APPENDIX C].

HEDRICK'S TRIAL COUNSEL EDWARD STABLETON III WILL TESTIFY THAT THIS PSR IS FRAUDULENT AND WAS NOT THE PSR THAT WAS PRESENTED TO THE TRIAL COURT ON DECEMBER 3, 2012. THIS FALSE PSR IS DATED DECEMBER 19, 2012. HEDRICK WAS ~~SAFERE~~ TRANSFERRED OUT OF BROWNSVILLE TO A TEXAS STATE COUNTY JAIL ON DECEMBER 14, 2012. [APPENDIX U].

FALSE JUDICIAL NOTICE: THIS FALSE PSR WAS SEALED BY JUDGE HAWEN. THE ERRORS AND CLEARLY FALSE STATEMENTS WHICH DAVID TURNER, DONNA HEDRICK ROBERT HEDRICK DASH LAMERIE HEDRICK SHANNON HEDRICK, SEAN HEDRICK, ALL INDIVIDUALS INVOLVED IN HEDRICK'S DIVORCE IN CALIFORNIA, INCLUDING THE CHIEF OF POLICE FOR SAN DIEGO CALIFORNIA WOULD TESTIFY BEFORE A NEW JURY OR GRAND JURY THAT THESE STATEMENTS WERE SO BLATANTLY THAT THERE IS NO WAY THEY WOULD HAVE SURVIVED A COURT HEARING.

SEE ~~RE~~ PETITIONER'S REPLY TO UNITED STATES MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO ROBERT L. HEDRICK'S 28 U.S.C. § 2255 MOTION" (CR. DKT. 449 FILED 03/24/2022) [APPENDIX E]. SEE ALSO "LETTER MOTION FOR CONTEMPT BY ROBERT L. HEDRICK" (CR. DKT. 453 FILED 04/12/2022) [APPENDIX AA].

THE RELEASE BY THE COURT OF THIS FRAUDULENT PSR, THAT NEITHER HEDRICK, NOR HIS TRIAL COUNSEL HAVE EVER SEEN AND THE "CRIMINAL FRAUD" COMMITTED BY THE U.S. ATTORNEY'S OFFICE IN HOUSTON TEXAS IN REGARDS TO THE "AVALOS AFFAIR" HAS NOW "LEGALLY" RE-OPENED AND ARGUMENT HEDRICK NEEDS TO SUPPORT [INCLUDING INFORMATION FROM FREDERICO GONZALEZ] HIS "TRIAL DEFENSE THEORY" THAT HE WAS "FRAMED" BY RICHARD ALANIZ ET AL.

IN DENYING HEDRICK A CERTIFICATE OF APPEALABILITY (COA) THE 5TH CIRCUIT IS ATTEMPTING TO BLOCK NEW EVIDENCE AND HEDRICK'S "IMMEDIATE RELEASE" FROM THE BOP.

"SECOND, HEDRICK CONTENDS THAT THE INFORMATION IN HIS PRESENTENCE REPORT (PSR) IS "85% FALSE AND FRAUDULENT" BECAUSE THIS ISSUE WAS RAISED IN HIS 2255 MOTION. IT CANNOT BE CONSIDERED " (CR. DKT. 472 PAGE 10 #3 AT 1-3 FILED 12/13/2022) [APPENDIX Z].

THIS IS ERROR.

THE DISTRICT COURT ITSELF OPENED AND CORRECTED THIS "FALSE" AND "FRAUDULENT" [FABRICATED] PSR TO HEDRICK'S § 2255 MOTION BY ORDERING THE CLERK TO PROVIDE HEDRICK A COPY OF THE PSR. THE GOVERNMENT "OPENED A CLOSED DOOR" WHEN THEY ARGUED "FALSELY" THAT HEDRICK'S FINAL JURY HEARD ALL ABOUT "AVALOS".

FURTHERMORE, IT RELATES DIRECTLY TO OTHER FALSE DOCUMENTS AND "FALSE FBI SPECIAL AGENT JACOB BAZILE AND FABRICATED EVIDENCE PRESENTED IN HEDRICK'S "MURKIN" § 2255 MOTION WHICH RESULTED IN A VALENTA JUDGMENT SEE APPENDIX'S A, R, S, T, U, V, W, J

6TH AMENDMENT RIGHT TO CONFRONT / OBTAIN WITNESSES

FOR 12 YEARS AT TRIAL IN DISTRICT COURTS, IN APPELLATE COURTS AND BY SUBPOENA AND/OR BY WRITTEN QUESTIONS HEDRICK HAS BEEN DENIED HIS 6TH AMENDMENT RIGHTS TO CONFRONT AND QUESTION GOVERNMENT WITNESSES, WITNESSES TO THE SMUGGLING DRUGS, GUNS, MONEY, AND WEAPONS - GRADE MURKIN IN TO THE UNITED STATES AND WITNESSES TO THE 49 ATTEMPTS ON HIS LIFE.

HEDRICK HAS BEEN DENIED HIS 6TH AMENDMENT RIGHT TO ISSUE SUBPOENA'S FOR OPPOSING TESTIMONY AND TESTIMONY BY WRITTEN QUESTIONS ALL OF WHICH WERE DISMISSED DENIED OR RULED AS "MUGG". SEE LISTS OF WITNESSES:

(1) WITNESS LIST BY ROBERT L. HEDRICK (CR. DKT NO. 70 FILED 03/27/2012.

(2) WITNESS LIST BY USA (CR. DKT. 73 FILED 03/24/2012)

(3) "CHANGED" WITNESS LIST BY USA FILED 04/24/2012 (CR. DKT 55).

THE CHANGED WITNESS LIST DELETED DOWNA HEDRICK AND THE TELEPHONE CONVERSATIONS [TAPED] BETWEEN ROBERT HEDRICK AND DOWNA HEDRICK WHILE HEDRICK WAS IN MAX-SEC AT WILLACY COUNTY REGIONAL DETENTION CENTER IN RAYMONDVILLE, TEXAS; BECAUSE IN DOWNA'S CONVERSATIONS SHE ACCUSED RICHARD ALANIZ OF HIS "CRIMINAL ACTIVITIES" AND THAT ICE INVESTIGATOR JOSEPH LUIS BAKER AND THE U.S. ATTORNEY'S THREATENED TO HAVE HER ARRESTED.

(4) DEFENDANT'S EXHIBITS AND WITNESS LIST (CR. DKT NO. 110 FILED 05/23/2012.

IN ADDITION, HEDRICK AND HIS LEGAL COUNSEL, STAPLETON AND MARTINEZ, WERE DENIED ACCESS TO RAFAEL ANGEL AVULOS TO ASK HIM QUESTIONS AS TO WHO SENT HIM TO MURDER HEDRICK AT DC-1. [APPENDIX W - ~~ADDITION~~ ADDENDUM III TO HEDRICK'S PSR DKT. 15B - FILED DEC 12, 2012].

PSR ADDENDUM III IS THE INVESTIGATION BY THE USMS - PATRICK OLDRING AND BOBBY LARA OF THE ATTEMPTS BY AVULOS AND MADRANO TO KILL HEDRICK.

HANSEN WANSAN AND WINSING CALL INVOLVED IN HEDRICK'S TRIAL] DEPORTED "AVULOS" BEFORE HE COULD BE QUESTIONED OR ARRESTED BY THE FBI TASK FORCE.

THIS COULD SHOULD ASK: "WHAT WERE THEY TRYING TO HIDE", [SEE APPENDIX A] IN ADDITION, HEDRICK'S FIRM COUNSEL WERE DENIED ACCESS [ON THE RECORD]

TO INMATE CROSS GUERRA, WITNESS TO THE ATTEMPTS BY AVULOS AND MADRANO ASSISTED BY CORRECTIONS DECEIVER LOPEZ TO MURDER HEDRICK, THE 1ST TWO MAN "HIT TEAM". SEE UNITED STATES V. RAFAEL ANGEL AVULOS,

USDC CASE NO. 1:12-CR-00506-~~00001~~ (S.D. TX - BROWNSVILLE DIVISION) (2012) TO VERIFY HANSEN, WANSAN AND WINSING CONSPIRACY. SEE ALSO HANSEN 1 SEALED DOCUMENT IN UNITED STATES V. HEDRICK.

AFFIDAVITS FROM TRIAL COUNSEL

"IT HAS LONG BEEN RULED IN FEDERAL COURTS, THAT WHERE A HABEAS PETITIONER RAISES A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, HE WAIVES THE ATTORNEY-CLIENT PRIVILEGE AS TO ALL COMMUNICATIONS WITH HIS ALLEGEDLY INEFFECTIVE LAWYER." TABBY V. UNITED STATES 504 F.2d 332 336 (8th Cir. 1974) ("SURELY A CLIENT IS NOT FREE TO MAKE VARIOUS ALLEGATIONS OF MISCONDUCT AND INCOMPETENCE WHILE THE ATTORNEY'S LIPS ARE SEALED BY INVOCATION OF THE ATTORNEY-CLIENT PRIVILEGE ... WHEN A CLIENT CALLS INTO PUBLIC QUESTION THE COMPETENCE OF HIS ATTORNEY, THE PRIVILEGE IS WAIVED.")

"DISTRICT COURTS ROUTINELY APPLY THIS RULE WHEN EVALUATING MOTIONS FILED UNDER 28 U.S.C. § 2255 THAT SEEK RELIEF BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL." SEE E.G. UNITED STATES V. HUNTER, NO. 3:06-CR-061, 2013 U.S. DIST. LEXIS 124707, AT *18 (S.D. OHIO AUG. 30 2013) ("A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IMPLICITLY WAIVES THE PRIVILEGE AS TO ANY ATTORNEY-CLIENT COMMUNICATIONS RELEVANT TO ANY SUCH CLAIMS." UNITED STATES V. CHANEY, NO. 1:14-CR-285, 2016 U.S. DIST. LEXIS 57360 AT *1 (W.D. OHIO APR. 29 2016) ("A PETITIONER WAIVES THE ATTORNEY-CLIENT PRIVILEGE WHEN ASSESSING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL.")

"COUNTS HAVE PREVIOUSLY ORDER PETITIONER'S TRIAL COUNSEL TO PROVIDE AN AFFIDAVIT ADDRESSING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL." SEE E.G. SHAFER V. UNITED STATES, CASE NO. 3:15-CR-096, DCL # 81 AT PAGE 10

363, 370-71 (S.D. OHIO 2018) (WATSON, J.); JOSE MANUEL ROMERO-PARADA V. UNITED STATES CASE NO. 2:17-cr-164, DOC. # 1138 AT PAGEID #14650, DOC. #1427 AT PAGEID #7088 (S.D. OHIO 2022) (VASEURA, M.J.).

PETITIONER, HEDRICK IS REQUESTING A SIMILAR ORDER FROM THIS COURT TO ORDER THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, LAREDO DIVISION TO ISSUE ITS ORDER TO HEDRICK'S TRIAL COUNSEL, STAPLETON AND MARTINEZ TO PROVIDE HEDRICK A SWORN AND NOTORIZED AFFIDAVIT IN REGARDS TO:

(1) THE ATM RECEIPT FROM VAN NUYS HOUSEWARE, VAN NUYS, CALIFORNIA.

(2) THE "FALSE" AND "FABRICATED" STATEMENTS BY THE THREE (3) U.S. ATTORNEYS IN HOUSTON, TEXAS IN REGARDS TO HEDRICK'S ATTORNEY'S PRESENTATION TO HEDRICK'S TRIAL JURY THE "AVIALDS AFFAIR" AND THE "FALSE" GRANT OF IMMUNITY FROM THE FBI FOR THE "AVIALDS AFFAIR", WHICH WAS FALSELY ALLEGED TO HAVE BEEN PRESENTED TO THE JURY AND BELIEVED BY THE JURY.

(3) ALL OTHER "FALSE" AND "FABRICATED" EVIDENCE PRESENTED IN THE COURSE OF HEDRICK'S TRIAL SUCH AS: "THE FALSE DOG ADS", "BURST OF MUSIC BALLROOM NOISE", "THE OVERLAPPING WORDS CAN AURAT", "THE LOST CD'S", AND THE "VOICE NOTICE."

CONCLUSIONS

THIS ENTIRE CASE ARGUMENT COULD HAVE BEEN PRESENTED USING FOUR (4) CASES DECIDED IN THE 5TH/11TH CIRCUIT AND ONE (1) IN THE SUPREME COURT OF THE UNITED STATES WITHOUT ALL OF THE MINUTIA.

"A COURT WILL NOT VACATE A JUDGMENT UNLESS THE SUBSTANTIAL RIGHTS OF A PARTY ARE AFFECTED" MAUS V. BROWN, 637 F.2d 1362, 1363-64 (5th Cir. 1988).

IN VALVERT V. DOE, 648 F.2d 925 (THE APPELLATE COURT VACATED THE DISTRICT COURT'S GRANT OF SUMMARY JUDGMENT (5TH/11TH CIR. (APR. 25, 2016).

UNITED STATES V. GUATE, 572 F.3d 875 (5TH/11TH CIR. JUL. 23, 2009) (THE COURT VACATED THE SENTENCE AND REMANDED ... WITH AN INSTRUCTION THAT THE CASE BE REASSIGNED TO A DIFFERENT DISTRICT JUDGE).

THE APPELLATE COURT ERRORS IN NOT ISSUING AN ORDER TO ASSIGN A DIFFERENT DISTRICT COURT JUDGE. JUDGE DIANA SADDANA HAS A "CONFLICT OF INTEREST".

"[E]RRORS ARE CONSIDERED PREJUDICIAL WHEN THEY CAST DOUBT ON THE EXISTENCE OF SUBSTANTIAL [2020 DIS. DIST. LEXIS22] EVIDENCE IN SUPPORT OF A JUDGE'S DECISION". MORRIS V. BROWN, 864 F.2d 333, 335 (5TH CIR. 1988).

IN UNITED STATES V. HENDERSON 354 F.2d 63 (THE COURT VACATED JUDGMENT STATING: "THE SUPREME COURT HAS CALLED IT ESSENTIAL ... TO THE DUE PROCESS GUARANTEED BY THE 14TH AMENDMENT "THAT NO PERSON SHALL BE MADE TO SUFFER THE ONUS OF CRIMINAL CONVICTION EXCEPT UPON SUFFICIENT PROOF - DEFINED AS EVIDENCE TO CONVINCE A TRIER OF FACT BEYOND REASONABLE DOUBT OF THE EXISTENCE OF EVERY ELEMENT OF THE OFFENSE" (5TH/11TH CIR. 2009).

THE TRUE EVIDENCE IS SIMPLE:

(1) JOSEPH GUY BAKER WAS A CONSPIRATOR WITH RICHARD ALANIZ.

(2) JACOB BAILEY WAS A FALSE SPECIAL AGENT FOR THE FBI.

(3) ATM RECEIPT FROM VAN NUYS, CA LINKED DIRECTLY TO RICHARD ALANIZ IN EVIDENCE BAC #14 DATED 89 DAYS AFTER HEDRICK'S ARREST.

(4) OVERLAPPING WORDS AND BURST OF MUSIC AT 1 minute 58 seconds INTO VOICE RECORDING.

(5) VIRUS NOTICE ON GOVERNMENT'S EVIDENCE

(6) LINK BETWEEN RICHARD ALANIZ AND CARLOS GUINTELLA (FIS FRONTIER) TO SMUGGLE AND SELL LARGE QUANTITIES OF COCAINE.

(7) LOST DOC ADS.

(8) FALSE FBI FORM 302,

(9) FALSE STATEMENTS BY GOVERNMENT THAT HEDRICK'S ATTORNEY'S PRESENTED THE "AVALOS AFFAIR" AND FBI "IMMUNITY" FOR THE "AVALOS AFFAIR" TO HEDRICK'S TRIAL JURY, FIRST CONFLICT BETWEEN "AVALOS" AND HEDRICK WAS (14) DAYS AFTER HEDRICK'S TRIAL AND CONVICTION. (ADDENDUM III).

FOR THE REASONS STATED HEREIN, APPELLANT PRAYS THAT THE COURT ~~IF GIVEN~~ GRANT THE REQUESTED "WRIT OF HABEAS CORPUS" TO DIRECT THAT THE DISTRICT COURT ISSUE TO THE FEDERAL BUREAU OF PRISONS TO "IMMEDIATELY" RELEASE HEDRICK FROM FEDERAL CUSTODY AND THAT THE COURT OF APPEALS LACKS JURISDICTION IN RE: CASE NO. 22-40568 TO ISSUE ANY ORDERS OR SUMMONS JUDGMENT. THAT ALL ORDERS FOLLOWING THE VACATED JUDGMENT ON DECEMBER 30, 2020 ARE VOID AND Moot. PLUS WHATEVER OTHER RELIEF THAT THE COURT DEEMS NECESSARY.

RESPECTFULLY SUBMITTED,

DATED & APRIL 17, 2023

Robert L. Hedrick

ROBERT L. HEDRICK Pro Se
§ 4006-279 UNIT 5841
FEDERAL BUREAU OF PRISONS
FCI - FORT DIX
P.O. BOX 2000
JOINT BASE MDL, N.J. 08640

CERTIFICATE OF SERVICE

NOW COMES, ROBERT L. HEDRICK, APPELLANT IN THE ABOVE-STATED CASE TO SWEAR OR AFFIRM THAT ON THIS DATE: APRIL 17, 2023 I PLACED THE ABOVE DOCUMENT IN THE UNITED STATES MAIL [PRISON MAIL BOX RULE] POSTAGE PREPAID AND AFFIXED AND ADDRESSED TO:

SOLICITOR GENERAL OF THE UNITED STATES
DEPARTMENT OF JUSTICE
550 PENNSYLVANIA AVE, RM 5614
WASHINGTON DC 20530-0001

Robert L. Hedrick

ROBERT L. HEDRICK Pro Se

ADDITIONAL CERTIFICATE OF SERVICE

NOW COMES, ROBERT L. HEDRICK APPELLANT IN THE ABOVE-STATED CASE TO SWEAR OR AFFIRM THAT ON THIS DATE: MAY 8, 2023, I PLACED THE ABOVE DOCUMENT INCLUDING:

1. APPELLANT'S "APPLICATION FOR LEAVE TO APPEAL IN FORMA PAUPERIS 128 U.S.C. § 1915(a)" AND
2. APPELLANT'S "AFFIDAVIT OF ROBERT L. HEDRICK" IN THE UNITED STATES MAIL [PRISON MAIL BOX RULE] POSTAGE PREPAID AND AFFIXED AND ADDRESSED TO:
UNITED STATES ATTORNEYS
1666 LOUISIANA STREET, STE. 2300
HOUSTON, TEXAS 77002

AND

SOLICITOR GENERAL OF THE UNITED STATES
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE. RM 5614
WASHINGTON DC 20530-0001

Robert L. Hedrick

ROBERT L. HEDRICK PRO SE

THIRD CERTIFICATE OF SERVICE

NOW COMES, ROBERT L. HEDRICK, APPEARANT IN THE ABOVE-STYLED
CASE TO SWORN OR AFFIRM THAT ON THIS DATE: MAY 26, 2023
I PLACED THE ABOVE DOCUMENT (RECEIVED IN THE UNITED STATES
MAIL [PRISON MAIL BOX RULE] WITH POSTAGE PREPAID AND
AFFRCD AND ADDRESSED TO:

UNITED STATES ATTORNEYS
1000 LOUISIANA STREET, STE 2300
HOUSTON, TX. 77062

SOLICITOR GENERAL OF THE UNITED STATES
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE. RM 5614
WASHINGTON DC 20530-0001

Robert L. Hedrick

ROBERT L. HEDRICK PRO SE