

No.

23 - 5937

In the Supreme Court of the United States

FILED

JUL 12 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re John Lenard Taylor, Petitioner

ON PETITION FOR WRIT OF HABEAS CORPUS

John Lenard Taylor
846 N.W. 54th Terrace
Coleman, FL 33509
FCC Coleman LOW

RECEIVED

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

- 1) Does Article VI's Supremacy Clause assure the 'privilege of habeas corpus shall not be suspended" or abrogated by any judicial machination?
- 2) Does Article VI's "Oath of Office" clause provide assurance that Judges will only support (uphold/follow) the U.S. Constitution as supreme guiding law?
- 3) Does abstention and preemption assure supremacy of 10th Amendment protections against entrapment?
- 4) Does Article III's "Case" doctrine assure that injury to cognizable legal right(s) shall be the threshold question, even in criminal 'cases'?
- 5) Do State Police powers yield to federal police powers, without just cause?
- 6) Is 'standing' in the Constitutional sense require the necessity of an actual, concrete injury? Will hypothetical, conjectural, futuristic, projected societal harm, provide for Article III access instead?
- 7) Do plenary Police powers belong to the State itself?

LIST OF PARTIES

I attest all parties in the caption of the Case on the cover page appear.

RELATED CASES

Habeas Civil Case 5:23-cv-00005-TPS-PRL
Middle District of Florida
United States District Court
Ocala Division

Criminal Case 1:17-CR-20218-UNGARO

Southern District of Florida
United States District Court
Miami Division

Civil Case 1:18-cv-20822

Southern District of Florida
United States District Court
Miami Division

JUDGMENT IN CONTEST

Judgment of detention was entered in Criminal Case 1:17-CR-20218-UNGARO the 24th of October 2017; Sentencing date was 13th October 2017.

Docket Entry # 63 of Criminal Case above.

JURISDICTIONAL STATEMENT

This Court has Constitutional Jurisdiction per:
Article III, sec. 2, clause 1

This Court has Jurisdiction over Habeas Corpus per:
28 U.S.C. § 2241, et. seq.

The Judgment to be reviewed is from 10/13/2017 as
as entered on 10/24/2017 DE 63.

CONSTITUTIONAL AND STATUTORY PROVISIONS

CONSTITUTIONAL PROVISIONS:

- 1) Article II; (failure to assure laws were faithfully followed)
- 2) Article III; (failure to assure law of Standing is required of United States)
- 3) Article IV; (failure to assure that State laws prohibiting entrapment were honored)
- 4) Article VI; (Failure to maintain the Supremacy of U.S. Constitutional law(s))
- 5) 4th Amendment protections against unlawful arrest and detention denying liberty
- 6) 5th Amendment protections to assure Due Process of ALL laws be upheld
- 7) 6th Amendment protections to assure "nature and cause" of full essential element be stated in indictment;
- 8) 8th Amendment protections to assure no cruel and unusual detention (in violation of the above noted rights violations) be enforced upon a citizen.
- 9) 10th Amendment "State and Individual" rights, protected under law(s) [i.e. entrapment be upheld.

STATUTORY PROVISIONS:

- 1) 18 U.S.C. § 3001; (Congress clear intent to follow the Rules of procedure)
- 2) " " § 3041; (Congressional extention of Article III judicial powers)
- 3) " " § 3231; ("Offenses against laws of the United States" limitations)
- 4) " " § 3161; (Limiting Grand Jury access to ONLY 3041 and 3231 "offenses")
- 5) " " § 1951; (Hobbs Act cannot be applied in violation of Constitutional rights)
- 6) 21 U.S.C. § 841(a)(Controlled Substance Violations, must involve Controlled Substance)
- 7) 28 U.S.C. § 1651; (All Writs Act, provides jurisdictional assistance when needed)
- 8) 28 U.S.C. § 2241; (Habeas Corpus, Supreme Privilege Attack on illegal detainments)
- 9) 28 U.S.C. § 2255; (Congressional Intent to mitigate sentencing error's or changes in facts/law affecting the sentence, providing a VENUE piece of works. (I.e., detention court is NOT court liable for sentence error's. Sentencing Court is purpose of 2255 remedy)

** Sentence Court and Venue jurisdictional concerns, are the Congressional intention behind design of § 2255 as a remedial tool. In contrast: 2241 is direct attack on the validity of the arrest/pretrial/trial process and its Constitutionality. Such an attack cannot be handled by the same judge who is the source of the error's in question, and the fair and non-biased determination one is promised also be upheld. Judge at trial court once challenged? Now has become Petitioners Adversary. [conflict out applies] **

Rule 20.4(A) Statement

- 1) Petitioner was allowed to plead guilty to a Hobbs Act Robbery/Drug Distribution Conspiracy which never occurred. Accordingly the lower court's usurped Article III judicial powers in the process.
- 2) Current 2255 and 2241 protocols are preventing an unlawfully detained inmate from actually petitioning for a constitutionally lawful right to relief: Habeas Corpus. (See Exhibit A attached)
- 3) McCarthan v Goodwill Industries, Inc (as noted by Solicitor General in Jones vs. Hendrix, 22 June 2023) functions as a stumbling block, barricading access to Habeas Relief, on attacks to Conviction authority. (18 USC 3041);
- 4) Further, and since the lower courts are liable for testing the validity of the Petitioner's conviction(which is VOID ab initio), the adversarial conflict exceeds the likelihood of fair judicial determination. Accordingly, this court must extend its top down oversight, by way of ruling inlaw on the Issues of illegal detention, to so assure maintenance of constitutional Habeas Supremacy.

STATEMENT OF THE CASE

- 5) As the original district, local district, and 11th circuit court's have all failed to sua sponte denounce the governemnts 'standing' as lacking, then the Petitioner has continually been thwarted of his protected rights, as grounded in constitutional supremacy of law(s). In simple speak: the United States never held a "case" in the most necessary Constitutional sense of the word. Further, the statutory limitations over the Hobbs Act subject matter, were also never met. No interstate commerce ever occurred; further, no robbery ever took place. National government cannot police non-extant robbery within the Miami-Dade jurisdiction.
- 6) Under Article IV and 10th Amendment protections, plenary police rights lawfully rest with the Miami Dade Police. Had Miami Dade, been the sole police agency involved with the solicited efforts of Petitioner, entrapment would have been illegal at the State level. Accordingly, 10th Amendment protections were nullified by involving the ATF. However, as noted above, 'interstate commerce' never occurred. Federal standing was never evident. Good faith and credit clause failed to recognize State entrapment and prohibitions to such; 10th Amendment protections of Plenary Police powers belonging to the State of Florida, were in fact abrogated.
- 7) As Article III has been long held to require a "concreteness" of injury; an actual realized(or imminently to be realzied) injury in fact, in order to access 18 USC 3041, arresting and detention powers for "any offense against the United States.."; then the United States of America, national government powers, were not available either under Article III, or Article II authority. There was neither "offense" against the United States, as Article III requires; and the Executive failed to "assure the laws of the United States were faithfully executed to the best of [] ability..."(in part)(cleaned up)
- 8) Accordingly, Due Process rights were ignored: Petitioner was arrested and denied his freedom and rights to be policed by Miami-Dade, and Florida governing laws under the Florida legislative works around entrapment by local Police. No harm was done to anyone, except the Petitioner and his family, due to his removal from the community. Accordingly, Habeas Corpus must issue.

REASON FOR GRANTING THE PETITION

- 1) As an initial matter, Florida State legislation governing the reliance on the machinations known legally as entrapment, were never given the appropriate deference. The right of a Florida State resident to NOT be exposed to an entrapment 'case' by the State itself, throws this detention into illegality. The fact that the Federal agency involved, participated with Miami Dade in the entrapment of Petitioner, borders on the brink of Wild Wild West tactics. Lawlessness at the lower and higher levels. (See: United States v. Bond 2013)
- 2) Due to the above, the Executive pressed legal claims, of which in no way, were the causation(s) of any 'injurious' (18 USC 3041) offense(s) against the United States or one of its agencies. In other words, the United States appeared before a court of first instance, without any legal basis to request relief and detention of Petitioner. However, in complete disregard to the fundamentals of law(i.e., jurisdictional authority over the parties) the Southern District of Florida, District Court of the United States, issued an illegal detention order.
- 3) Accordingly, since the United States never held Article III "standing" necessary to the access of federal judicial powers, Petitioner is detained in violation of the laws of the United States of America. In violation of the Supreme Laws, of the United States of America.
- 4) Due to the equipoise of the lower and circuit courts positions as the records will reveal to this court, the Petitioner is without remedy unless this court maintains the Constitutional Supremacy of Habeas Corpus, and all other outlined constitutional rights.
- 5) Further, Petitioner relies on this courts Rule of law which provides that habeas corpus is to proceed 'ex parte'. (Rule 20(4)(b), Supreme Court Rules)
- 6) Article VI's Supremacy and Oath of Offices clauses, protect the Petitioner from the unlawful and illegal actions, leading to his current imprisonment; however such U.S. Constitutional protections and assurances must be acknowledged in order for them to be recognized.

CONCLUSION

While the right to an appeal, is not constitutionally guaranteed, the privilege of habeas corpus is. The lower court's failed the petitioner, for each one acted without the requisite authority; they each acted in opposite to the correct rulings of law, and furthered this miscarriage of justice.

Where a man can be detained [without rigid adherences to law(s) which govern to the contrary], is in a word, manifestation of plain error. Where the continued detention may be allowed, is the manifestation of anarchy, where every man becomes a law unto himself. Justice Brandeis warned of this exact moment in time, in many years past. (Olmstead v. United States, 1928) Clearly, such moment of warning has arrived upon this once great Constitutional Republic.

While the legislative enumerations bode for the relief requested (Ex. A) below, the opinions of the 11th Circuit judges brushes aside the will of the peoples intention. Supremacy of the U.S. Constitution must break apart this aberration. Rudiments are the core of every one subject or profession. Authority to rule within a Constitutional Republic must not be at the whim of the man(or woman)wearing the black robe. Such judge must remember that judicial authority to wear that black robe comes from the same U.S. Constitution which assures this Petitioner, his rights to be freed from his wrongful detainment, in violation of the rights protected under said Constitution.

Accordingly, the United States Executive branch received a detention order, in which was never to be lawfully issued. This Petitioner is being denied his Constitutional liberty and freedoms because lower court's will not admit their clear error's, and yielded to the U.S. Constitution, which provides for their very jobs. This court must be the one which stops the injustice from continuing. The original district court, was not a federal court of "Competent jurisdiction".

The petition for a writ of habeas corpus should be granted.

Respectfully Submitted,



John Lenard Taylor

10/1/23
Date