

23-5999

No. _____

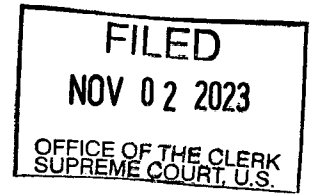
ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

("SCOTUS")

ANSON CHI ("Chi")
— PETITIONER
(Your Name)



vs.

UNITED STATES OF AMERICA
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

~~the~~ THE UNITED STATES ~~COURT OF APPEALS~~ COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(from USCA5 No. 22-40469, USDC No. 4:12CR155)

⇄44588-177⇄

Anson Chi-
PO BOX 8000
Bradford, PA 16701
United States

★ This is a criminal case.

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. In Chi's criminal case/appeal, the United States Court of Appeals for the Fifth Circuit mailed its June 6, 2023, judgment to Chi, but Chi received it on June 20, 2023 — the day of the deadline — so Chi was forced to file a motion for ^{an} extension of time to file a petition for rehearing and petition for rehearing en banc. However, the Fifth Circuit Court actually denied Chi's motion for an extension of time in his pro se criminal appeal and criminal case in pro per! Did the Fifth Circuit Court violate Chi's due-process right under the United States Constitution by not allowing Chi an opportunity to file a petition for rehearing and petition ~~for~~ rehearing en banc?

2. Money may not be withdrawn from a federal prisoner's trust account,

even to satisfy court-ordered restitution, without first determining the source of the funds. The district court never determined the source of the funds and never determined if applying these funds to restitution was proper before seizing these funds from Chi's trust account. Did the district court violate Chi's rights by not fact-finding the source of Chi's funds?

3. Did the government violate 18 U.S.C. § 3664(k) by not notifying the victim of any change in circumstance as required under 18 U.S.C. § 3664(k)?

4. Did the Fifth Circuit Court violate Chi's rights by failing and refusing to address several issues (including the recusal of a judge) and wrongfully ruling on the following issues:

Issue I: The district court judge Richard A. Schell egregiously and wrongfully applied the civil three-strike(s) provision of the PLRA to a criminal restitution order, so district court judge Schell should have been recused for his ignorance of the law.

Issue II: The district court confiscated Chi's \$1,720.02 to intentionally stop Chi from paying for his appeal of the February 8, 2021, new Government's breach of the plea agreement that's never been addressed.

Issue III: The district court also confiscated Chi's COVID-19 IRS stimulus money of \$1,720.02 to deliberately prevent Chi from paying his appeal raising the district court

flagrantly distorting and misstating the titles of five (5) Grounds in Chi's § 2255 Motion to wrongfully bar Chi's Grounds to deceitfully deny him relief.

Issue IV: The district court violated the Fifth Amendment of the U.S. Constitution by confiscating \$1,720.02 without due process of law when Schell signed the turnover order that denied Chi his right to respond to the Government.

Issue V: Chi signed a contract with the Federal Bureau of Prisons to pay monthly restitution before the district court confiscated Chi's \$1,720.02 for restitution unnecessarily.

Issue VI: Chi's \$1,720.02 was to pay restitution and required court filing fees as well as other court fees for other cases, so the district court's confiscation denied

Chi the right to ~~pay~~ his court fees which is a constitutional violation completely denying Chi his right of access to the courts.

Issue VII: The district court wrongfully seized \$1, ~~72~~0.02 of Chi's COVID-19 IRS economic stimulus check when the Government already seized \$1,200 wrongfully from Chi's other COVID-19 IRS stimulus checks.

Issue VIII: The Fifth Circuit Court also egregiously and wrongfully applied the civil PLRA three-strike(s) provision to join the district court in stopping Chi intentionally from appealing Ground Three and Ground Four (of Chi's § 2255 Motion): "U.S. Circuit Judge Prado (5th Cir.) violated Chi's fundamental due process rights" and "Three U.S. Circuit Judges should've been recused."

5. Chi had mailed his Petition for

a Writ of Certiorari attacking his wrongful criminal conviction and the February 8, 2021, government's Breach of the Involuntary plea agreement, but SCOTUS refused to file his Petition for Cert. (See APPENDIX D.) Should SCOTUS have filed Chi's Petition for a Writ of Certiorari attacking his Wrongful Criminal Conviction and the February 8, 2021, government's Breach of the Involuntary plea agreement that was never addressed by the district court?

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

USDC No. 4:19CV793

USCA5 No. 21-40700

USCA5 No. 22-40127

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TABLE OF AUTHORITIES CITED

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There are many other cases, too many to list here.

STATUTES AND RULES

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There are other statutes and rules, too many to list here.

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

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

☒ is unpublished.

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

☐ reported at _____; or,

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

☐ is unpublished.

☒ It doesn't say.

☐ 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 June 6, 2023.

☒ Chi's motion for extension of time to file a petition for rehearing was ~~timely filed in my case.~~ wrongfully denied by the United States Court of Appeals.

☐ 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 November 3, 2023, (date) on August 25, 2023, (date) in Application No. 23A 168.

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

Fifth Amendment of the United States
Constitution

Fourteenth Amendment of the United
States Constitution

18 U.S.C. § 3664(k)

28 U.S.C. § 455

STATEMENT OF THE CASE

The United States Court of Appeals for the Fifth Circuit violated Chi's due-process right by not allowing Chi to file a petition for rehearing and petition for rehearing en banc in his pro se criminal appeal.

The district court violated Chi's rights by not first determining the source of Chi's funds before seizing these funds from his trust account.

The government violated 18 U.S.C. § 3664(k) by not notifying the victim of any change in circumstance as required.

The Fifth Circuit Court never addressed Chi's issue to recuse the judge in his criminal appeal.

On June 27, 2022, the Government filed its "Application for Turnover Order."

The very next day, U.S. district Judge Richard Schell ("Schell") granted the application with his June 28, 2022, order, but Schell never even gave Chi a chance to file a response.

REASONS FOR GRANTING THE PETITION

In USAP5 Appeal No. 22-40469, the United States Fifth Circuit Court mailed Chi the judgment in his criminal case on June 6, 2023, but Chi received it on June 20, 2023, 14 days hence. Ergo, Chi was forced to file a motion for an extension of time to file a petition for rehearing and petition for rehearing en banc, because he received the judgment on the day of the deadline. See Appendix C, annexed hereto, for the proof.

However, the Fifth Circuit Court denied Chi an extension of time in his criminal case! The Fifth Circuit violated Chi's due process right under the United States Constitution by not allowing Chi an opportunity to file petitions for rehearing. This Court should

Because Chi is wrongfully incarcerated in prison, he cannot control when he gets the mail. Also, Chi is pro se in his criminal appeal and criminal case. The Fifth Circuit Court was completely unfair to Chi in this criminal appeal.

In point of fact, since the year 2014, the Fifth Circuit Court has been totally unfair, completely biased, unconstitutionally violating Chi's rights by denying his pro se motion to view sealed documents for his criminal appeal, refusing to allow Chi to file his own first motion for a certificate of appealability, failing to address numerous issues Chi clearly raised in his criminal appeals, and so forth and so on, etc.

The primary reason for the Fifth Circuit Court's tendentious and

illegal treatment of Chi is because Chi filed copious evidence proving he was tortured by 3 Plano police officers, so the Fifth Circuit Court covered up the police torture in order to protect their own. The copious evidence includes medical records of the abuse, a tortured confession replete with details of the abuse, news interviews with ABC, CBS, and FOX (before Disney bought it) about the police torture, etc. All of the torture evidence is filed throughout Chi's criminal case and criminal appeal. Here is a link: https://bio.link/anson_chi_help





"The district court must ~~first~~ first determine the source of the funds. After establishing the source of the funds, it must determine if applying the funds to restitution is proper." United States v. Woodring, 35 F.4th 633 (8th Cir. 2022).

The district court in Chi's criminal case CUSDC No. 4:12 CR 155 to USAP5 No. 22-40469), the Eastern District of Texas, erred by not fact-finding the source of Chi's money before seizing funds from his account. Id.

Money may not be withdrawn from a federal prisoner's trust account, even to satisfy court-ordered restitution, without first determining the source of the funds. Id.

Until the district court determined the source of the funds, the Court said it could not determine whether applying them to restitution is appropriate. Id.

"Here, the district court made no findings as to the source of the funds

seized from Evans's trust account. The government argues that Evans in his response to the turnover motion admitted all of the funds came from stimulus payments. Not so Some of the other funds may have been from excludable sources such as prison wages."

United States v. Evans, 48 F.4th 888, 889 (8th Cir. 2022).

~~This Supreme Court should grant Chi an extension of time in order to raise this meritorious issue in his future petition for a writ of certiorari.~~

~~_____~~ .

In this case, the government did not notify the victim of any change in circumstance as required under 18 U.S.C. § 3664(k), so this case should be reversed and remanded. United States v. Woodring, 35 F.4th 633 (8th Cir. 2022) (Footnote 1).

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"[T]he case must be remanded for fact-finding." Id. at 633.

Ergo, this Supreme Court should remand this case as well. Id.

The government did not sufficiently notify the victim of the purported changes in Chi's circumstances.

The government did not certify to the Court that it notified the victim of the changes in Chi's circumstances prior to filing its motion for restitution order. The Attorney General did not "certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances," 18 U.S.C. § 3664(k).

IV

Issue I:

A. STANDARD OF REVIEW

A party may move for the recusal of a judge under 28 U.S.C. § 455.

B. REASONS FOR RECUSAL

On November 3, 2022, Schell shockingly, egregiously, and wrongfully applied the

civil three-strike(s) provision of the Prison Litigation Reform Act ("PLRA") to a separate and different criminal restitution order in this case/appeal, which evinces Schell's ignorance of the law. (Even a first-year law student knows that the civil PLRA is for prisoner lawsuits, and that the civil PLRA does not apply to criminal restitution.) ROA. 22-40469.1719-20.

This is just one example out of many that proves Schell is inept, incompetent, ignorant, and unfit to be a judge, so Schell should have been recused. Id.

In Chi's § 2255 Motion, Chi raised many claims of judicial bias and misconduct against Schell in Chi's § 2255 Motion pursuant to Ellis v. United States, 313 F.3d 636, 641-42 (1st Cir. 2002),

In Ground 4 of Chi's § 2255 Motion, Chi raised conflicts-of-interest claims against Schell and requested the recusal of Schell. ROA. 22-40127.14.

- Page ~~11~~ of 38 -

In Ground 9 of Chi's § 2255 Motion, Chi raised an abuse-of-discretion claim against Schell for violating Chi's right to present a complete defense pursuant to United States Supreme Court binding precedent Crane v. Kentucky, 476 U.S. 683, 690, 106 S. Ct. 2142, 90 L. Ed. 2d 636 (1986) and raised the allegation of Schell's improper behavior in helping the prosecution deny Chi his right to present police-brutality evidence at trial. ROA. 22-40127.26-27.

In Ground 11 of Chi's § 2255 Motion, Chi raised a misconduct claim against Schell for Schell's prevarication about the missing and unfilled three petitions for writs of mandamus (sent separately by Certified Mail) that he instructed the Clerk to throw away in the trash. ROA. 22-40127.31.

Chi ~~exp~~atiated Schell's judicial bias and acts of judicial misconduct all throughout his "Motion to Recuse United States District Judge Richard A. Schell" to justify Schell's recusal. ROA. 22-40127.183-191.

Chi proved that Schell routinely violates United States Supreme Court binding precedent throughout Chi's § 2255 case, as shown above when Schell violated Chi's right to present a

complete defense by violating Crane v. Kentucky,
476 U.S. 683, 690, 106 S. Ct. 2142, 90 L. Ed.
2d 636 (1986). ROA. 22-40127. 26-27.

Schell also violated recent United States Supreme
Court binding precedent Barister v. Davis, —
U.S. —, 140 S. Ct. 1698, 1708, 207 L. Ed. 2d
58 (2020) by wrongly denying Chi's Rule 59(e)
motion as a second and successive 28 U.S.C. §
2255 motion. ROA. 22-40127. 992-993.

"Rule 59(e) motions are not second
or successive petitions, but instead a part of a
prisoner's first habeas proceeding." Barister v.
Davis, — U.S. —, 140 S. Ct. 1698, 1708, 207
L. Ed. 2d 58 (2020).

Schell egregiously and wrongly construed
Chi's Rule 59(e) motion as a second and successive
§ 2255 motion. ROA. 22-40127. 992-993.

"No surprise then, that habeas courts
historically entertained Rule 59(e) motions, rather than
dismiss them as successive." Barister, 140 S. Ct. at 1708.

Schell's repeated violations of United States
Supreme Court binding precedent are intentional, so Chi's
motion to recuse Judge Richard A. Schell should have
been granted. Besides, Schell's denial came 2 years
execrably late!

Schell had committed so many egregious acts of judicial misconduct that Chi had to list them meticulously in an affidavit in order to recuse him. ROA. 22-40127. 798-807.

II, Issue II: (See page 1, supra.)

A. STANDARD OF REVIEW

Chi had "alleged that the government breached the plea agreement in a new or different way," so "the district court would have had to have addressed that argument." United States v. Lewis, 842 F.3d 467, 478 (7th Cir. 2016).

B. JUDGE SCHELL ILLEGALLY REFUSES TO ADDRESS NEW GOVERNMENT'S BREACH

Schell ordered the confiscation of Chi's \$1,720.02 of his COVID-19 IRS stimulus money to intentionally stop Chi from paying for his appeal of the February 8, 2021, Government's breach of the plea agreement in Case No. 21-40700 and Case No. 22-40127. ROA. 22-40469, 1713.

By stopping Chi from paying for two appeals of the new Government's breach of the plea agreement, Schell violated Chi's due process right, and Schell committed judicial misconduct. ROA. 22-40469, 1708.

The following proves the new Government's postconviction breach of the second plea agreement on February 8, 2021, in its Answer (to Chi's § 2255 Motion):

Chi's § 2255 Motion fully states for "GROUND TWELVE": The Government "illegally used Chi's tortured confession, doctored medical records, etc. to obtain the terrorism enhancement and upward variance to enhance his sentence." ROA. 22-40127.37.

The second plea agreement states, "The defendant, however, reserves the right ~~to~~ to appeal . . . any applications of the guidelines to enhance the defendant's sentence." ROA. 22-40127.4039, Crim. ECF (Dkt. # 163, ¶ 11).

As clear as a resplendent day, Ground Twelve "appeal[s] any application — 'the terrorism enhancement and upward variance' — 'to enhance [his] ~~sent~~ sentence.'" ROA. 22-40127.37, 4039.

Ergo, Ground Twelve challenges with luminous clarity the applications

of the terrorism enhancement and upward variance to enhance the defendant's sentence as allowed per the plea agreement. Even Assistant United States Attorney Jacqueline C. Brown says Chi is right by writing with her correct Ground "(12) the government illegally used Petitioner's tortured confession and doctored medical records to obtain a terrorism enhancement for an upward variance on the sentence." ROA.22-40127. 829.

In point of fact, Ground Twelve (12) was raised originally in Chi's direct criminal appeal as allowed per ¶ 11(b) of the second plea agreement, and the Government allowed Chi to challenge applications of the terrorism enhancement and ^{upward} variance in Chi's direct criminal appeal as part of the plea agreement. But the Government bars Chi from challenging the terrorism enhancement and upward variance as part of the plea agreement. 4:19CV793 Dkt. # 50, page 6, Government's Answer: "This waiver bars all of Chi's claims. . . ." ROA.22-40127. 501.

Therefore, the Government breached the second plea agreement by barring Ground Twelve when it had already agreed to permit Chi to appeal and contest the applications. The Government's barring Ground 12 is a complete violation of ¶ 11(b) of the second plea agreement, because (1) the Government allowed Chi to raise Ground Twelve on direct

(Criminal) appeal, but now (2) the Government refuses to let Chi raise Ground 12 in his § 2255 Motion, ROA. 22-40127. 846-847, 501.

The trial court was required to hold a hearing on whether the government breached the plea agreement. United States v. [REDACTED] Trujillo, 920 F.2d 202 (3d Cir. 1990).

Chi had "alleged that the government breached the plea agreement in a new or different way," so "the district court would have had to have addressed that argument." United States v. Lewis, 842 F.3d 467, 478 (7th Cir. 2016).

Chi had notified and alerted the district court of this new Government's February 8, 2021, postconviction breach of the plea agreement by timely raising and asserting it in at least 6 separate filings, at least 6 separate times. ROA. 22-40127. 914-916. Ergo, Judge Schell intentionally and deceptively never wanted to address this new Government's postconviction breach. Id.

That's the reason Schell intentionally and deceitfully violated Banister v. Davis, — U.S. —, 740 S. Ct. 1698, 1708, 207 L. Ed. 2d 58 (2020): so Schell could cover up this new

Government's February 8, 2021, breach of the plea agreement[†] that still has never been addressed by any federal court to this day.

III. Issue III: (See page 1-2, supra.)

A. STANDARD OF REVIEW

A party may move for the recusal of a judge under 28 U.S.C. § 455.

B. DISTRICT COURT INTENTIONALLY DISTORTING AND MISSTATING FIVE GROUNDS IN CHI'S § 2255 MOTION

The district court also confiscated Chi's COVID-19 IRS economic stimulus money of \$1,720.02 to deliberately prevent Chi from paying his appeal raising the district court ~~fla~~grantly distorting and misstating the titles of five (5) Grounds in Chi's § 2255 Motion to wrongfully bar Chi's Grounds to deceitfully deny him relief. ROA.22-40169.1713.

The district court intentionally distorted and misstated the titles of Ground Three, Ground Four, Ground Five, Ground Eleven, and Ground Twelve (to let the Government breach the plea agreement in 2021) in order to deceptively bar Chi from relief. ROA.22-40127.857-863.

The district court even used fake dates to try to dismiss Chi's § 2255 Motion:

appeal . . . The Supreme Court denied Chi's petition for writ of certiorari on April 6, 2016. . . Chi filed the pending motion on October 28, 2019. . . and the Supreme Court denied the petition for writ of certiorari on April 6, 2016. Therefore, the one-year statute of limitations under Section 2255(f)(1) expired on April 6, 2017. Chi filed his Section 2255 motion on October 28, 2019 (Criminal ECF Doc. 309), which was well after the deadline. 2255 ECF Doc. 1. Consequently, the motion is time-barred . . . **Chi's** motion is time-barred, and the government respectfully urges the Court to dismiss this [S]ection 2255 proceeding. " ROA. 22-40127.633-635.

Chi filed sundry exhibits to prove Stover and Johnson colluded to try to dismiss Chi's § 2255 Motion by using fake dates and fraudulent means. ROA. 22-40127.472-477.

Furthermore, in Chi's § 2255 Motion, Chi stated and listed 13 grounds for relief with titles including: "III. GROUND THREE: U.S. Circuit Judge Prado (5th Cir.) violated Chi's fundamental due process rights to fair criminal proceedings"; "IV. GROUND FOUR: Three U.S. Circuit Judges should've been recused"; "XII. GROUND TWELVE: The Government illegally used Chi's tortured confession, doctored medical records, etc. to obtain the terrorism enhancement and upward variance to enhance his sentence." These titles are very easy to understand. ROA. 22-40127.857-858.

However, Stover, in his Response, deceptively distorted and misstated the titles of Chi's Grounds by falsely writing, "[GROUND] (3) the trial Court violated his right to due process; [GROUND] (4) the trial Court judge should have recused himself" and "[GROUND] (12) the government

illegally used Chi's confession," ROA, 22-40127, 858.

Worst, Johnson colluded with Stover by also deceptively distorting and misstating, "[GROUND] (3) the District Court violated his right to due process; [GROUND] (4) the District Judge should have recused himself" and "[GROUND] (12) the Government illegally used his confession," ROA, 22-40127, 859.

Because Johnson intentionally delayed Chi's § 2255 case, Chi filed a petition for Habeas Corpus under 28 U.S.C. § 2241 in the U.S. District Court for the Western District of Pennsylvania raising the same 13 Grounds.

The Government's Unbiased Assistant United States Attorney Jacqueline C. Brown filed her Response to Chi's § 2241 Petition and correctly wrote for Ground "(4) three U.S. Circuit Judges should have been recused" as well as for Ground "(12) the government illegally used Petitioner's tortured confession and doctored medical records to obtain a terrorism enhancement for an upward variance on the sentence," ROA, 22-40127, 860 - 862, 869.

The foregoing proves that Stover and Johnson flagrantly misstated and distorted the titles of many of Chi's Grounds in his § 2255 Motion to wrongfully bar Chi's Grounds to deceitfully deny him relief, deliberately used fake dates to try to permanently time-bar Chi's § 2255 Motion, so both of them should have been disqualified and Chi's motions to recuse both Stover and Johnson should have been granted.

IV. Issue IV: (See page 2, supra.)

A. STANDARD OF REVIEW

Due process of law endues Chi the right to respond to the Government's application for turnover order, especially since Chi is a pro se defendant in ~~this~~ criminal case, The Fifth Amendment of the United States Constitution.

B. DISTRICT COURT'S VIOLATION OF CHI'S DUE PROCESS RIGHT TO RESPOND

The district court violated the Fifth Amendment of the United States Constitution by depriving Chi of property — \$1,720.02 of Chi's COVID-19 IRS stimulus money — without due process of law when Judge Richard A. Schell signed the turnover order on June 28, 2022, the very next day after the Government first filed the "Application for Turnover Order" on June 27, 2022. ROA. 22-40469.1707.

Schell left no chance whatsoever for Chi to even file a response to the Government's Application, which is the Due Process violation in this criminal case, especially since Chi is a pro se defendant

in a criminal case. ROA. 22-40469.1707.

For example, the Government always has the right to respond to a § 2255 motion. The Government also always has the right to respond to an Appellant's brief on appeal (Fed. R. App. P. 31(a)).

Chi just wanted the chance to respond to the Government's Application since he has numerous meritorious reasons to show the Court that the money should not have been taken (as he'll soon show below). ROA. 22-40469.1710.

But Schell violated Chi's constitutional right to due process by not giving him a chance to respond at all. ROA. 22-40469.1706-1707.

The district court contravened and violated the Fifth Amendment of the United States Constitution by confiscating \$1,720.02 without due process of law when Schell signed the turnover order that denied Chi his right to respond to the Government. ROA. 22-40469.1707.

V. Issue V: (See page 2, supra.)

Before Schell signed the June 28,

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2022, turnover order, Chi had already signed a contract with the Federal Bureau of Prisons to pay monthly restitution as ordered by the district court. ROA. 22-40469.1707-08.

Ergo, the district court's order for turnover was unnecessary. ROA. 22-40469.1707-08.

The district court evinced its cupidity for taking an indigent defendant's money, especially since the money was Chi's COVID-19 IRS economic stimulus checks. ROA. 22-40469.1708-09.

There was no need to purloin Chi's COVID-19 \$1,720.02 when he had already signed a contract to pay monthly restitution. ROA. 22-40469.1707-1708.

VI. Issue VI: (See page 2-3, supra.)

A. STANDARD OF REVIEW

cc[I]n all other types of civil actions, states [including the federal district courts] may not erect barriers that impede the right of access of incarcerated persons." John L. v. Adams, 969 F.2d 228, 235 (6th Cir. 1992).

B. DISTRICT COURT DENIED CHI HIS RIGHT TO PAY COURT FEES

As stated before, Chi would have notified this Court that he signed a contract with the Federal Bureau of Prisons to pay monthly restitution as ordered by this Court before Schell's June 28, 2022, turnover was signed. ROA. 22-40469.1707-08.

The money was to pay restitution and required court filing fees and other court fees for other cases, so this Court denied Chi the right to pay his court fees by taking all the money, which is a constitutional violation specifically denying Chi his right of access to the courts. Chi cannot pay for USCA5 Appeal No. 21-40700, USCA5 Appeal No. 22-40127, USDC E.D. Tex. Case No. 4:22CV345, etc. due to this Court's constitutional violation. ROA. 22-40469.1708.

2. Chi has been mostly indigent for over 10 years of his wrongful incarceration in jails and prisons. ~~Chi's mother has sent~~

Chi just wants to pay his court fees like any good appellant and litigant, but the district court intentionally **stopped** Chi from paying his court fees by confiscating \$1,720.02 of his COVID-19 IRS economic stimulus money in order to prevent Chi from overturning his wrongful conviction. ROA. 22-40469, 1713.

This act of misconduct violates Chi's Due Process right under the Fifth Amendment of the United States Constitution. This act of misconduct also violates Chi's right of access to the courts under the Privileges and Immunities Clause of Article IV of the United States Constitution, the First Amendment Petition Clause, the Fifth Amendment Due Process Clause, and the Fourteenth Amendment Equal Protection and Due Process Clauses. Christopher v. Harbury, 536 U.S. 403, 415 n. 12, 122 S. Ct. 2179 (2002).

"[I]n all other types of civil actions, states [including the courts] may not erect barriers that impede the right of access of incarcerated persons." John L. v. Adams, 969 F.2d 228, 235 (6th Cir. 1992). The courts may not stop Chi from paying his court fees by stealing his COVID-19 IRS \$1,720.02.

"Regulations and practices that unjustifiably obstruct the availability of professional representation, or other aspects of the right of access to the courts [such as stopping Chi from paying his court fees] are invalid." Procunier v. Martinez, 416 U.S. 396, 419, 94 S. Ct. 1800 (1974).

"[T]he Supreme Court also has held that the First Amendment right to petition the government includes the right to file other civil actions in court that includes the right to pay court fees unobstructed." Snyder v. Nolen, 380 F.3d 279, 290 (7th Cir. 2004) (per curiam).

VII. Issue VII: (See page 3, supra.)

The district court wrongfully seized \$1,720.02 of Chi's COVID-19 IRS economic stimulus check. ROA.22-40469.1708-1709.

Back on June 16, 2021, the Government already stole \$1,200 from Chi's other COVID-19 IRS stimulus checks for something Chi never even signed up for.

The district court and the prosecutors — all the same Government — keep filching and confiscating Chi's COVID-19 IRS stimulus checks until Chi has nothing left. ROA.22-40469.1708.

This is the reason Chi is not able to pay his court fees. ROA.22-40469.1708.

This is also the reason Chi always has to file for in forma pauperis indigent status, because the courts keep stealing Chi's money. ROA.22-40469.1713.

Chi has been mostly indigent for over 10 years of his wrongful incarceration in jails and prisons. Chi's mother has sent

him money during this time, but Chi had returned most of her money, because she needed it more to pay her bills. In June 2022, Chi had asked his mother to send him his entire IRS stimulus money from the COVID-19 pandemic — \$2,000 from ~~the~~ the economic stimulus checks — to pay his monthly restitution and required court fees in other cases, but this district court took \$1,720.02 from Chi's prison account, which prevented him from making his required court-fee ~~payments~~ payments. ROA. 22-40469.1708-1709.

Chi avers that he should not be required to pay any restitution while he is incarcerated, because he is still fighting his wrongful and unconstitutional conviction (that's on appeal right now). Besides, Chi should not be obligated to pay restitution until at least his release from custody if he was not fighting his case. ROA. 22-40469.1709.

VIII . Issue VIII: (See page 3, supra.)

The Fifth Circuit Court egregiously and wrongfully applied the civil PLRA three-strike(s) provision to join the district court in deliberately stopping Chi from appealing Ground Three and Ground Four of Chi's 28 U.S.C. § 2255 Motion to Vacate, ROA. 22-40469.1719.

~~On October~~ On October 27, 2022, the Fifth Circuit Court ineptly and wrongfully mailed Chi a notice in this criminal case to pay the \$505 appellate docketing fee due to the civil PLRA three-strike(s) provision on face dismissal for three strikers from civil cases. Id.

On November 8, 2022, Chi mailed his "Motion to Reverse October 27, 2022, Notice" to the Fifth Circuit, citing sundry caselaw citations and statutes that prove restitution is a criminal matter and that the criminal restitution order is not a civil

matter. ROA. 22-40469. —.

Of course, Chi was right in toto, and the Fifth Circuit Court was dead wrong to try to apply the civil PLRA to a criminal restitution order. ROA. 22-40469. 1721.

But the Fifth Circuit is always obstinate and will always refuse to admit Chi is right.

So, on November 21, 2022, the Fifth Circuit Court acted in a puerile manner by taking no action on Chi's "Motion to Reverse" and in order to save face, claimed to do a "further review" on its own to "confirm[] that PLRA guidelines will not apply in this appeal." ROA. 22-40469. —. November 21, 2022, USCA5 Notice.

The Fifth Circuit and the district court were caught being stupid, so ~~the~~ Fifth Circuit had to redo a brand new notice, and the district court had to withdraw its wrong order (docket entry no. 325). ROA. 22-40469. 1721.

It's no surprise that Judge Schell was the one who withdrew his wrong order (docket entry no. 325), as you know Schell should have been recused for his ignorance of the law in Issue I, supra. Id.

The Fifth Circuit and Schell committed all this puerile misconduct in order to stop Chi from appealing Ground 3 of his §

2255 Motion later on appeal: "U.S. Circuit Judge Prado (5th Cir.) violated Chi's fundamental due process rights to fair criminal proceedings." ROA. 22-40127.13-14.

U.S. Circuit Judge Prado granted fired-appellate-attorney Brittany Lacayo's Motion to View and Obtain Sealed Documents, but Prado later denied Chi's Motion to View and Obtain Sealed Documents, because Prado was prejudicial towards Chi for being pro se in his direct criminal appeal.

The contents of the sealed documents would've proved that Chi was entitled to a medical examination of his police-brutality/torture injuries (that are severe and permanent) which would've proved that the Government altered Chi's medical records in order to

cover up the torture.

Ergo, Prado violated Chi's fundamental due process rights to fair criminal proceedings.

This Fifth Circuit knew that Prado violated Chi's fundamental due process rights to fair criminal proceedings.

Because ~~this~~ ^{this} Fifth Circuit Court knew that Prado violated Chi's fundamental due process rights to fair criminal proceedings,

2255 Motion later ~~on~~ appeal: "Three U.S. Circuit Judges should've been recused because" of their conflict of interest in at least two related cases. ROA. 22-40127. 14.

This Fifth Circuit knew that Circuit Judge W. Eugene Davis, Circuit Judge Clement, and Circuit Judge Costa should have been recused since the year 2017: "On April 20, 2015, three U.S. Circuit Judges — Davis, Clement, Costa — ruled on the civil appeal of Chi's police-torture claim for a medical exam, unfairly saying that "Chi's appeal lacks arguable merit and is frivolous • • • the appeal is dismissed as frivolous." See 5th Cir. No. 14-10261. Their bias was set in stone. On December 27, 2017, the exact same three U.S. Circuit Judges — Davis, Clement, Costa — ruled on the criminal appeal of Chi's exact same police-torture claim for a medical exam. Because they were biased and unfair in 2015, they could not have been fair in Chi's 2017 criminal appeal. Unfair = Reverse." ROA. 22-40127. 646.

Because this Fifth Circuit knew that Davis, Clement, and Costa should have been recused for their conflict of ~~interest~~ interest,

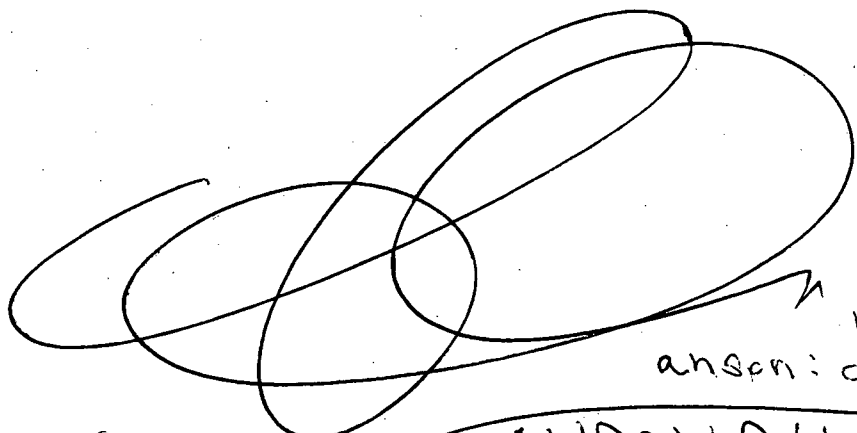
the Fifth Circuit Court deceptively and deceitfully applied the civil PLRA three-strike(s) provision in this appeal to try to make Chi lose by taking away his \$1,720.02 so that Chi would not be able to appeal Ground Four of his § 2255 Motion. Id.

CONCLUSION AND PRAYER

Based on the meritorious issues that Chi had raised above, Chi has provided sufficient evidence and cogent arguments in this brief to warrant relief in this appeal.

SUBMITTED AND SIGNED, this the 7th day of January, 2023. **This** Appellant's Brief is also an official and certified affidavit of the foregoing facts. Pursuant to

28 U.S.C. § 1746, I, ANSON CHI
("Chi"), declare, certify, verify, state,
affirm, swear, depose, and say under the
pains and penalty of perjury that the
foregoing is true and correct. Executed
on this the 7th day of January, 2023,
at FLI McKean in Lewis Run, Pennsylvania.



anson: chi

ANSON CHI

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ARGUMENT CONTINUED

IX. Issue IX: Chi just discovered recent caselaw that's important to this appeal, which is the reason he adds this Issue IX now.

A. STANDARD OF REVIEW

"The district court must first determine the source of the funds. After establishing the source of the funds, it must determine if applying the funds to restitution is proper." United States v. Woodring, 35 F.4th 633 (8th Cir. 2022).

B. DISTRICT COURT ERRED BY NOT FACT-FINDING SOURCE OF CHI'S MONEY BEFORE SEIZING FUNDS IN ACCOUNT

Money may not be withdrawn from a federal prisoner's trust account, even to satisfy court-ordered restitution, without first determining the source of the funds. Id.

Until the district court determined the source of the funds, the Court said it could not determine whether applying them to restitution is appropriate. Id.

"Here, the district court made no findings as to the source of the funds seized from Evans's trust account. The government argues that Evans in his response to the turnover motion admitted all of the funds came from stimulus payments. Not so. . . . Some of the other funds may have been from excludable sources such as prison wages." United States v. Evans, 48 F.4th 888, 889 (8th Cir. 2022).

In this case, the government did not notify the victim of any change in circumstance as required under 18 U.S.C. § 3664(k) so this case should be reversed and remanded. United States v. Woodring, 35 F.4th 633 (8th Cir. 2022) (Footnote 1).

"[T]he case must be remanded for fact-finding." Id. at 633. Ergo, this Fifth Circuit Court should remand this case as well. Id.

★ NEW TOTAL OF NINE (9) ISSUES ★

SAME CONCLUSION AND PRAYER AS ABOVE

SUBMITTED AND SIGNED, this January 27, 2023.

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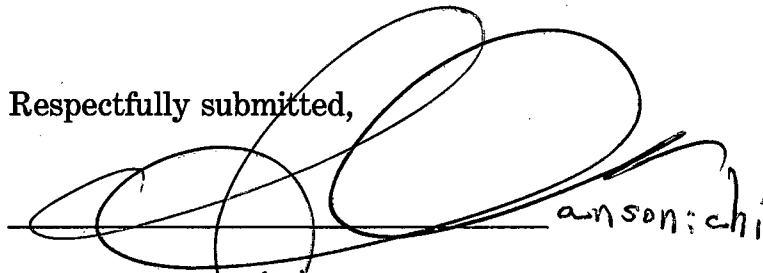
ANTONCHI

antonichi

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



an son:chi

Date: October 12, 2023