

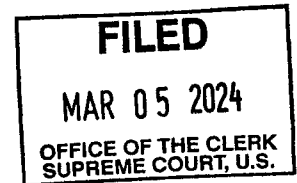
No ~~\_\_\_\_\_~~

ORIGINAL

23-7032

IN THE

SUPREME COURT OF THE UNITED STATES



BRYAN LEE GREGORY — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FROM

EIGHT CIRCUIT APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRYAN LEE GREGORY  
(Your Name) #32331045

F.C.I. MARIANNA

(Address)

MARIANN, FL 332447  
(City, State, Zip Code)

(Phone Number)

**QUESTION(S) PRESENTED**

**1 ST QUESTION**

WAS JUDGE STEVEN BOUGH ALLOW TO RENAME MR.GREGORY'S 28 USCS 144 PETITION AS A 28 USCS 455 PETITION?

**2ND QUESTION**

WAS MR.GREGORY DENIED HIS FUNDIMNETAL DUE PROCESS RIGHT TO A FAIR TRIAL IN HIS RULE 60-B, PURSUANT TO 28 USC 455 (b) (5) (iii) ?

**3RD QUESTION**

DID MR.GREGORY SUFFER BIAS IN HIS APPEAL OF HIS RULE 60-B BY APPEALLANT JUDGE STRUS BEING ON THE JUDGE PANEL OF MR.GREGORYS APPEAL OF HIS RULE 60 (b)?

**4th QUESTION**

WAS JUDGE STEVEN BOUGH REQUIRED TO ACCEPTS THE FACTS AS BEING TRUE IN MR GREGORY's 28 USCS 144 PETITION THAT HE FILED IN HIS RULE 60 (b) PETITION ?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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: Western District of Missouri District Judge

"STEVEN BOUGH"

8TH Circuit Apeallant Judge : Stras

## RELATED CASES

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 No. 23-3116; 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☐ is unpublished.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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

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

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was Oct 12, 2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: Dec 8, 2023, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

### REASONS FOR GRANTING THE PETITION

Mr. Gregory's case is a miscarriage and a complete denial of justice as he has been denied even one fair hearing on anything. The Dist Judge Steven Bough along with the 8th Circuits action not only is it inconsistent with its own prior rulings but inconsistent with the holds by this Honorable Court. It's willfully unlawfull. Their actions isnt just a miscarriage of justice it's unlawfull. This Court held in COPPEDGE VS US, 369 US 438 (1960) It's the duty of the United States Supreme Court to assure to the greatest degree possible within the statutory frame work for appeals created by conccress "equal treament for every litigant before the Bar. Even handed admistration of criminal appeals in forma papureis be given no less consideration than others on the court docket. Thiis Great Honorable Court also has held in TOWNSENDS VS SAIN , 372 US 293 (1963)... A State prisoner is entitle to one fair oppurtunity to seek habeas relief from his conviction, is not Mr. Gregory entitle to this same fair oppurtuity in his federal habeas corpus petition under 28 USCS 2255.

Mr. Gregory prays that the United States Supreme Court grants Mr. Gregory this one fair chance as demanded under his birth born rights as Ameican of the United States of America . God Bless you..

THANK YOU

## STATEMENT OF FACTS

Mr. Gregory filed a 28 USCS 2255 in his criminal case , Case no. 17-030044-010CR-SSRB, Case no. 20-cv-3294-CV-SRB-P in the Southern Division of Western District of Missouri. In Mr. Gregorys 2255 he raised the issue that Judge Steven Bough had exparte communications and meeting concerning his case prior to his sentencing hearing, see- Civ Doc-( 6 ) , Issue - ( 9 ). Mr. Gregory had also filed 2-motions pursuant to 28 USCS 455 requesting that judge Steven Bough recuse himself from the 2255 proceedings , see Civ Doc- ( 14 ) ( 28 ). At the time Mr. Gregory filed these motions he did not even know what this statue number was or the law about bias judges as Mr. Gregory had been inb the Speacil Housing Unit at U.S.P. Marion and was only allow to use the legal computer every 1 1/2 months or longer. When Judge Steven Bough refuse to recuse himself Mr. Gregory filed a writ of Mandamus purusant to 28 USCS 455 petitions he had filed that Judge Bough denied under case # 21-1302, Note that Judge Stras seat on this judge panel ~~judge-panel~~. While this petition was pending Mr. Gregory discovered federal law 28 USCS §144, so Mr. Gregory sent the district court a petition pursuant to 28 USCS 144 with supporting affiadvit stating under faith that Judge Steven Bough had exparte communications and meeting with Prosecutor Casey Clark and discussed and decieded the merits of sentencing hearing before the sentencing hearing without him. The District court acted like the did noit get this petition so Mr. Gregory sent another 144 petition to the \*th Circuit Court Clerk and requested that they transfere it on May 3, 2021, see Civ Doc- 47. It was labeal as filing of papers recieve from the court of Apeeals on 4/12/2021.

Judge Bough refuse to rule or address this petition so Mr. Gregory

attempted to file another writ of mandamus pursuant to 28 USCS §144 , pursuant to BERGER VS. UNITED STATES 255 US 22 (1921). When Micheal Gans Court clerk gets this new petition for Mandamus he filed under appeallant number 21-1302 on 5/03/2021 as "only a letter", when the court clerk refused to file this new writ of mandamus under 144, Mr. Gregory tried to file a writ of mandamus against court clerk to have the court to order him to properly file this new petition. Once again he refuse to properly file this petition but filed under appeallant # 21-1302 and label it as a motion for reconsideration. When the court unlawfully denied Mr. Grgeory access to the courts , the appeallant court had all ready denied the orningal petition and the case was closed to file anymotre petitions as the time frame to file a motion for rehearing or enbance was over and the the court clerk is very strict of this 14-day time frame, see order of Aprial 6, 2021 when the petitioner to to get a continunce as teh court clerk had sent the courts ruling of 21-1302 to USP Marion Prison and Mr. Gregory just had been transfered and USP Marion Prisonm Mail Room enstead of fowarding his legal mail to him foward back to the court by the time the cerk mail it to Mr. Gregory his 14-day time limit was up and even at no fault of Mr. Gregory once again the court clerk denied him access to the courts to petition for rehearing. The court clerk ruled a motion for extension of time was denied as moot. [B]ut when Mr. Gregory pressed on the court to require the clerk file this writ of mandamus agaist Micheal Gans this judge panel heard this socalled motion for reconsider and denied it even though the court did not have jurisdiction to entertain this petition. Mr. Gregory is only pointing out the fact that this judge panel was clearly a part of Judge Bough and Micheal Gans cpnspricy to prevent Mr. Grgeory from removing him off his 2255



proceedings . Mr.Gregory filed a rule 60-b petition , and once again Mr.Grgeory filed a motion pursuant to 144 with support affidavit that Judge Bough had exparte communications and meetting with the prosecutor and discuss rule upon the merits of Mr.Grgeorys sentencing issues prior to his sentencing hearing., Mr.Gregory also stated that Judge Bough had conspired with Micheal Gans Court Clerk and the Judge Panel of Appellant No.21-1302, see civil doc-71, issue -(1). also see CivDoc-68 and 70.

In the judges ruling in Civ Doc-71 he rechange his his petition to a 455 from a 144. When Mr.Gregory filed a notice of appeal he was denied to file a brief of error and it was presented to the courts just on the court record. Note: That Judge Stras seat on this judge panel- along seating on the panel of #21-1302, the judge panel that Mr.Gregory had rasied in rule 60b issue 2, that judge Bough conspire with.

Mr.Grgeory also wants this court aware that in the original petition for writ of mandamus under 21-1302, Judge Bough never served Mr.Gregory a copy of his response as court order, and even though that Mr.Gregory was allow to file a reply brief in 7-days , Micheal Gans denied mr. Gregory this right as , as soon as Judge filed he response brief he submitted to the judge panel for ruleing the very next day.

Mr.Gregory also suffer bias and prejudice by the Chief Judge in the 8th circuit over this , as Mr.Gregory had filed a judicial complaint against Judge Bough claiming that he had exparte communications and meeting prior to his sentencing hearing, under rule-4 and 28 usc 352 2. b states that the chief judge may not undertake findings of fact that is reasonably indispute.

And the bias even gets worst as when Mr.Gregory filed a petition for review by the judicial council of the eight circuit under JPC Nos.

8-23-90024-35, denied it based on the reasons in Judge Lavenski R Smith's ruling on 10/12/2023, and Mr. Gregory had a complaint file against the chief District judge of the Western District of Missouri as she conspired with Judge Steven Bough and turn a blind eye to his unethical and unlawful conduct.

Judge Beth Phillips was label as one of these judges on this judicial Council panel, but stated that she took no part in the consideration or decision of this matter.

It's clear from the record that Mr. Gregory has suffered a bias beyond anything this Honorable Court has ever seen from Judge Bough to the Chief Judge of the 8th circuit of appeals, to even by the Judicial Council of the 8th Circuit Court as based on the US Supreme Court ruling in WILLIAMS VS PENNSYLVANIA, 597 US 1 (2016), Mr. Gregory was denied his right to a fair and unbiased review by the Judicial Council and it's evident based on the face of the record that the Chief Judge of the 8th Circuit clearly violated his duties to treat Mr. Gregory equal under the color of law, and was thus biased against him as this judge knows his duties under law, he failed to uphold the law or protect the Amendments of the US Constitution by violating Mr. Gregory's rights under the 14th Amendment to the Equal Protection Clause enforced by the Due Process Clause.

Everybody from the state of Missouri local and state governments to the federal government, to all federal judges who has reviewed up to this point, to all attorneys who represented him conspired as a well-oiled machine to violate Mr. Gregory's civil rights to denied him equal protection under law, Mr. Gregory has conflict of interests on the with his attorney, no court ever inquired into this conflict even though the attorney informed of this conflict on the record twice.

Mr. Gregory also filed two separate writ of mandamus seeking Judge Steven Bough to recuse himself from the rule 60-b petition under appellant number 23-2980 & 21-3105, and Appellant Judge Grasz also seat on these judges panels, 23-3105 was denied on Sep 25, 2023, and 23-2980 was denied Aug 31, 2023. Judge Stras also seat on the judge panel of the denial of his 2255 under case No. 19-1583, and the in the denial of his petition to file a successful 2255. Mr. Gregory raised the issue of judge Steven Bough biasness as he was not allow to file a writ of error in the denial of his 2255.

#### ARGUMENT AND SUGGESTION IN SUPPORT

This Honorable Court has held it's the duty of the Supreme Court to the assure the greatest degree possible within the statutory frame work for appeals created by Congress "equal treatment" for every litigant before the bar. Even handed administration of criminal law demands that criminal appeals in forma pauperis be given no less consideration than others on the court docket....COPPEDGE VS. UNITED STATES 396 US 438, (1961). State prisoners are intitle to one fair chance opportunity to seek Habeas relief from his conviction, that mandates the opportunity to be heard to argue and present evidence ... TOWNSEND VS. SAIN 372 US 293 (1963)... The equal protection of laws, is a pledge of protection of the laws...MISSOURI EX REL GAINS VS CANADA 305 us 337 (1939)... when a federal court of appeals does not apply the correct standard of review we well vacate and the case well be remanded for further proceedings. Its axiomatic that a fair trial in a fair tribunal is the basic requirement of Due Process...CAPERTON VS. A.T. MASSEY COAL 566 US 560 ( ).

Mr. Gregory has clearly been denied this fundamental Due Process and Mr. Gregoru envolks this Courts compassion and duty as described by,

Id COPPEDEGE to give Mr.Gregory's Due process right to atleast his one fair opportunity as mandated by this court for in TOWNSEND.

1ST QUESTION PRESENTED

WAS JUDGE STEVEN BOUGH ALLOW TO RENNAME MR.GRGEORYS PETITION FOR RECUSAL UNDER RECUSAL FROM A 144 TO A 455 PETITION

In Mr.Gregory's Rule-60 b petition he filed a petition pursuant to 28 USC §144 along with a supporting affidavit stating two separate sets of facts (1). Judge Steven Bough had ex parte communication and meeting with the prosecutor Casey Clark and discuss and decided Mr. Gregory sentencing hearing issues before the sentencing hearing, (2). Mr.Gregory stated that Judge Bough conspired with Micheal Gans Court Clerk and the judge panel of his writ of mandamus to get judge Bough not recusal himself from his rule 60-b petition, Mr.Grgeory also filed a 144 petition in his 2255 proceedings and stated issue in the facts (1). Judge change the reccharacterization of his 144 petition to 455. and placed it a different category, as the requirements are different and under 455 the judge dont have to accept the facts as being true, unlike in a 144 petition with supporting affidavit... see BERGER VS. UNITED STATES 255 US 22 (1921). which this could held that the judge take the allegations in the affidavit as true and not subject to controversy matters in any manner.

Judge relabel the petitioner's petition in his best interest not Mr. Gregory, Even under the holding by this Honorable Court in .... CASTRO VS UNITED STATES 540 US 375 (2005), this court explain that a federal courts sometimes will ignore the legal pro se litigant's label he attaches to his petition and recharacterizes the motion in order to place it within a different legal category. But under Castro the judge must notify a litigant of this AND PROVIDE THEM A CHANCE TO

RELABEL IT OR WITHDRAW IT.

The judge changing the Mr. Gregory by relabeling his petition did not help him or make his argument stronger, but it weakening it to allow the judge to deny it and not accept the affidavit facts as being true.

JUDGE STEVEN BOUGH RELABEL MR. GREGORY'S PETITION BECAUSE HE WAS BIAS AGAINST MR GREGORY AND HE WANTED TO MAKE IT HARDER FOR MR GREGORY TO GET A FAIR TRIAL BY UNBIAS JUDGE.

#### 2ND QUESTION

WAS MR. GREGORY DENIED HIS FUNDIMENTAL DUE PROCESS RIGHT TO FAIR A TRIAL IN HIS RULE 60 (B) PETITION PURSUANT TO 28 USCS 455 (b) (5) (iii).

Mr. Gregory raised the issue in issue one that he he raise in issue-9 in his 2255 that he was sentenced by a bias judge for having ex parte communication and meeting prior his sentencing hearing, and that he was denied a fair trial in his 2255 proceedings as JUDGE STEVEN BOUGH RULED THAT MR. GREGORY HAD WAIVED HIS RIGHTS TO RAISE THIS CLAIM.

Mr. Gregory raised in issue -1 of his rule 60 b petition that he was sentenced by a bias judge as he raised in 2255 issue (9), that prior to his sentencing hearing he had ex parte communications and meeting prior to sentencing hearing and discuss the merits of Mr. Gregory sentencing hearing. In Issue -(2) Mr. Gregory raised the claim that he was denied a fair trial in a fair tribunal and ignored his obligations in his 2255 to withdraw pursuant to 144, and conspired with Micheal Gans Court Clerk and the judge panel in 21-1302 to deny Mr. Gregory access to the court to prevent him from getting Judge Steven Bough removed off his 2255 motion.

Mr. Gregory was clearly denied his rights to a fair rule-60 b petition as Judge Bough had a direct personal pecuniary in reaching a out

conclusion against himself, This court has held in TUMEY VS OHIO 273 US 510, 523 (1927) That it deprives a defendant of due process to be subject to liberty or property to the judgement of the court with a judge which as a direct personal substantial pecuniary interest in reaching a conclusion against himself., also see- BRACY VS. GRAMLEY 250 US 889 904-05 (1987) A trial before a bias judge is a structural error , Id TUMEY, (No matter what the evidence was against the defendant was he had a right to a fair impartial Judge ... NEDER VS. UNITED STATES 527 US 1.8 (1999). Due process clause guarantees litigants an impartial judge , reflecting the principle that "no man is permitted to try cases where he has interest in the outcome " IN RE MURKOWICHSON , 349 U.S.133, 136 (1955)). The Code of Conduct for the United States Judges "Canon 3 (a) (4) (b) "Only allows United States Judges to engage in ex parte communications regarding scheduling "when circumstances require it. So Judge Steven Bough clearly had a interest in the outcome of the rule-60 petition . Even the appearance of bias if the judge is not bias mandates reversal, see... RIPPON VS. BAKER 580 US 285 (2017) This court held that the Due process clause may sometimes demand rescusal even if the judge has no actual bias , ANTINA LIFE INS CO. VS LAVORE , 475 US 813, 825, (1986). Recusal is required when objectively speaking the probability of actual bias on part of the judge or discretion is too high to be constitutionally tolerable , WITHROW VS LARKIN, 421 US 35 ,47 (1975) see WILLIAMS VS PENNSYLVANIA, 579 US 1, 8 (2016) The Court ask not whether a judge harbors any actual subjective bias but instead whether as an objective matter the average judge in his possession is likely to be neutral and whether there is a unconstitutional potential for bias. This court further held that no man is permitted to try a case where

Under Appellant Rule-8 and 28 USCS 352 2.(B) It clearly states that a chief judge "MAY NOT" make findings of fact that is reasonable in dispute, the chief clearly violated Mr. Gregory's rights to a fair and impartial review of Mr. Gregory's complaint against Judge Steven Bough, thus violating the standards as set forth by this court in .... ANDERSON VS LIBERTY LOBBY INC, 447 US 242 (1986). In the chief unlawful action the knowingly violated the law, fail to uphold the law and the constitution to protect Mr. Gregory's constitutional rights to have his complaint heard against another "bias" judge, Judge Smith's actions can not be seen anything but bias as Senior Chief Judge clearly did what he said he could not do. And to make matters even worse, when Mr. Gregory to petition for review by the Judicial Council Mr. Gregory meet the same fate as this Judicial approved his unlawfully review of Mr. Gregory's complaint, (B)ut Mr. Gregory was meet with bias again as prior to the the judicial Councils ruling Mr. Gregory had all ready had file a complaint against Ms. Phillips as she turn a blind eye to Judge Bough's unlawful action and failed to protect Mr. Gregory's constitutional rights the Judicial Responce in its holding that even though that Dist. Judge Beth Phillips was on this judge panel that she took not part in this ruling, (B) Mr. Gregory was denied a fair and unbiased consideration of his petition for review as this Court held in WILLIAMS VS PENN, 579 US 1 (2016), that it does not matter rather or not that Judge Phillips took no part in the deciding vote as has the appearance of bias. This ruling was handed down on 10/12/2013, under JPC Nos. 08-2390025-35, Note that Mr. Gregory had filed his complaint against Judge Phillips on a little later date and was pending by the chief Judge. Mr. Gregory points this out to show the United States that he has been treated with bias all the way to Judicial Council

no man is permitted to try a case when they have a interest in the outcome.

Would any reasonable person think the appearance of Judge Bough to appear bias or that the potential for judge Bough to be bias, and would he have a interest in the outcome of the proceeding is "YES".

### QUESTION 3

DID MR.GREGORY SUFFER BIAS IN HIS APPEAL OF HIS RULE 60 B by Appellant JUDGE STRAS BEING ON THE JUDGE PANEL OF MR.GREGORYS APPEAL OF HIS RULE 60 b.

Mr.Gregory raised in issue 2 of his rule 60 b that he was denied his rights to access to the courts as judge Bough conspire with Micheal Gans Court Clerk and the judge panel of 21-1320 to prevent Mr.Gregory to file his new writ of mandamus against Judge Bough to the withdraw pursuant to his new and separate petition under 28 USC §144, see- Civ Doc 47, note: even though that Mr.Gregory filed this motion Judge Steven Bough refused to rule upon it and ignore it.

Appellant Judge Stras was on the judge panel of 21-1302 and is one of the Judges that Mr.Gregory argued in his rule 60 b that Mr.Gregory raise the issue in (2) that Judge Bough conspire with to deny him access to court to have a bias judge remove off his 2255 proceedings. Judge Stras clearly had a interest in the outcome of Mr.Gregorys appeal of a denial of his rule 60-b petition. Note : That Mr.Gregory raised this very conflict and structural error his motion for Rehearing. So its not like the Court or Mr.Stras was not aware of this conflict and structural error in Mr.Gregorys appellant process. Mr.Gregory even raised the issue of judge Boughs ex parte communication and bias in a JUDICIAL COMPLAINT AND AGAINST THE APPELLANT JUDGES AND Micheal Gans and even against District Chief Judge Beth Phillips that she turn a blind



to greive the biasness of any judge.

Mr.Gregory 's wants to incoperated all legal argument in question (2) into question (3). and add that the Supre Court has held that the interst of justice always requires a new trial when the trial judge was bias, TUMET, 273 U.S.at 535: Neder 527 U.S.at 7, and that standard does not change depending does noty change depending on rather a case is on derect or collateral review. see... BRECHET VS ABRAHAMSON , 507 U.S. 619 629-30 (1993) , (noting structural error requires new trial errors subject to harmless error review have a more stringent standard of review on collateral review.

And it does not matter rather he cast a decieding vote or not as it has the appearnce of bias , Id.Williams 597 US 1 (2016).

#### QUESTION 4

WAS JUDGE STEVEN BOUGH REQUIRED TO ACCEPT THE FACTS AS BEING TRUE IN MR.GREGORY'S 28 USC §144 MOTION THAT HE HAD EXPARTE COMMUCATIONS AND MEETING AND DISCUSSED THE MERITS OF SENTENCING HEARING WITHOUT HIM AND CONSPIRED WITH MICHEAL GANS : COURT CLERK AND THE JUDGE PANEL OF APPEALLANT NO.21-1302 TO PREVENT MR.GREGORY FROM REMOVING JUDGE STEVEN BOUGH OFF HIS 2255 PROCEEDINGS.

This Honorable Court held in BERGER VS. UNITES STATES 255 US 22, 41 (1921) That if the affidavit is sufficient that Judge could pass upon the legal suffincey , "but could not pass upon the truth or falsity of the facts affirm and that he was without lawfull right or authority to try the defendant; He must accept facts as being true.

Even in the 28 USC 2255 Rule (4) (a) Advisory Commity note . In Tripati Vs. Herman 843 F2d 1160 (9th Cir 1987) That ruled that a movant is not without remdy if he feels the judge is unfair to him

as he can file a affidavit of bias and they well a right to appeal -ant review if the judge dont grant the motion.

Mr.Grgeory was not even given the right to appeal as he was not allow by Micheal Gans Court Clerk for the Judge Panel to be allow to to file a brief of error to raise any of judge Bough errors .

Also what even makes it even more bias is that Judge Steven Bough ruled in Mr.Gregory's 2255 petition is that when He raised this claim of bias in his 2255 in issue (9) Judge Steven Bough ruled that Mr. Gregory waived his right to raised this issue of bias, But the 8th Circuit Appeallant Court held in the matter of Re Kansas Pub Examles Retirement Sys , 85 F3d 1353 (1996), held that the interst discribed in 455 (b) (5) (iii) includes nonecomonic as ecomonic intersts , 28 USC (e) provided that a 28 USC §455 conflict can not be waived.

#### CONCLUSSION

Mr.Gregory was clearly denied his right to a fair trial as garanteed by the United States Consttution of the 14th Amendment. The record is factual evidence of this fact. Mr.Gregory clearly suffer bias on being provided a fair appeallant review as Judge Stras had a percuary interst in the outcome in the appeal and should of withdraw, Mr. Gregory raised this issue of bias in his motion for rehearing so its not like Mr.Gregory did not put the appeallant court on this structrual error. Even when Mr.try to file a complaint to the Chief Judge of the 8th Circuit Appeals , Mr.Gregory suffer bias and prejudice in his complait of Judge Steven Bough over the same bais, as Judge Smith violated his duties under law as the law clearly states is can not determin disputed facts. Then When Mr.Grgeory seek review of Judge Smith's order deny ing his complaint against Judge Bough, He suffer the same prejuge and bias by the Judgial Counsel as they

unlawfull and unconstitutional findings , but Mr.Gregory suffer bias as District Court Beth Phillips was part of this judge panel and she had a persónallinterst in the outcome of thataproceeding, even if she did not socalled vote or rule it has a apperance of bias. Mr.Gregory case is a gross miscarriage of justice and he has never givin his constitutional right to a fair hearing on anything as he had a confict of enterst on the record with his attorney , Mr.Gregory had many of confliëtsrof eneterst with his attorney and the dist. court and the appeallant court refuse to inquire into this conflict. His attoreny hide Brady evidence from him , he hide the governmet's and his sentencing memorandums from Mr.Gregory. Mr.Gregory has a clear sentencing error on the record and when Mr.Gregory raised this issue as a court errorand Ineffective Assitance of Counsel claim as Mr.Gregory recieved a history point for a Unconsel DWI conviction that he served time for, that raised his history level from a level 4 to 5, and allow the government to argue for a sentence beyond the plea agreement, and even though Mr.Gregory was allow to challenge plea sentencing errors on ineffective assitence claims : Judeg Steven Bough that Mr.Gregory waived his right to challenge this ineffective assistance claim, even though it allow the government to violate the plea writtén:agreement. JudgeSteven Bough's ruling denying Mr.Gregory a evidenary hearing , requiring to defend and litigate 2255 just off memory alone and would not even allow him toi file a reply even tough 28 USCS 225 permitts Mr.gregory to do so. Judge Bough's rulingalone in the 2255 proceedings was "bias" and Mr.Gregory has been denied any way to grieve this until now.

#### RELIEF SOUGHT

Wherefore reasons stated grant Mr.Gregory a Certiorari and vacate

his sentence with prejudice as it is evident Mr. Gregory can not get  
a fair unbiased hearing or trial in the 8th Circuit Division

RESPECTFULLY SUBMITTED

Bryan Lee Gre

March 5, 2024

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BRYAN LEE GREGORY

I hereby declare under the laws of the United States of PREJURY  
that all facts are true and correct so help me God