

23-7813

No. _____

FILED

MAY 23 2024

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

John Ragin
(Your Name)

— PETITIONER

vs.

Judge Wilkinson, Wynn and
Harris (Circuit Judges)
— RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Ragin
(Your Name)

P.O. 860
(Address)

GA Woodville 29631
(City, State, Zip Code)

(Phone Number)

(17th)

(A)

(Questions)

(1) Does Congress have the authority under the First (1st) Amendment and Article One (1), Section Nine (9) of The Constitution to make a statute that actually constitutes (immunity) to state officials who knowingly act (unlawfully) under preexisting laws (contrary to the decision in United States vs. Morrison 529 U.S. 598 (2000))

(2) Does the abridgement of the right to petition the court for grievances (by Habeas Corpus) to (1) year after state court proceedings, violate the Constitutional, Human and Civil Right to a remedy or release from (unlawful detention) secured by a treaty made under the authority of The United States?

(3) Did the District court's decision to refuse to comply to The United States Constitution's Fifth (5th) Amendment right to a full or fair hearing, the statutory provision 28 U.S.C. 2243, The Universal Declaration of Human Rights Article Ten (10) and The

(9th)

(c)

(6) Does the evidence (wrongly excluded) or suppressed from the jury that demonstrates there was intentions to misrepresent evidence to the jury constitute a constitutional error that resulted in the conviction of a person who's Innocent to meet the exception of (Actual Innocence) to a procedural bar?

(7) Does counsel overruling the right to testify and proclaim the facts of Innocence, constitute a constitutional error that resulted in the conviction of a person who's actually (Innocent) to meet the exception of (Actual Innocence) to a procedural bar?

(8) Did the District Court apply the wrong standard of proof, instead of a preponderance of the evidence, when deciding the petitioner's Innocence was Insufficient because a neighbor testified there was nothing unusual in the neighborhood at 4:00 a.m., testimony from petitioner would have proven he departed from Virginia prior to 4:00 A.M. and an (eye-witness)

(10th)

(D)

(not in the record), seen him on the interstate around 6:00-6:15 A.M. two states away from Virginia?

(9) Did the District Court violate the Constitutional, Statutory, Human and Civil Rights to a Full and Fair hearing mandated by 28 U.S.C. 2243 by denying the motion for a hearing and demand for jury trial, to prove all the (factual basis) (to show Actual Innocence) and ineffective assistance of counsel as cause and prejudice to meet the exceptions to a procedural bar?

(10) Did the rules of law established by Miller vs. Pate 386 U.S. 1 (1967) and Colleges vs. United States 174 F.3d 1196 (1999), demonstrate the public officers were aware they acted (unlawfully) during trial and should not be given immunity by statute to avoid the duty of providing a Human and Civil Right to a remedy, for deprivations of constitutional Rights or violations of Fundamental International laws?

(11th)

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:

(12th)

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(13th)

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(29th)

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- (1) Universal Declaration of Human Rights
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(5) U.S.C.S Article One (1) Section Nine (9) (Q1)

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.

☐ 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 MARCH 1, 2024.

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

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

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

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

☐ For cases from **state courts**:

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

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

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

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

(2)

(32nd)

(3)

Constitutional and Statutory Provisions

- 1) The United States Constitution (5th)
Amendment: Petition the court for grievances
- 2) The United States Constitution (5th)
Amendment: Full AND Fair Hearing
- 3) The United States Constitution (6th)
Amendment: Right to impartial trial
- 4) The United States Constitution (14th)
Amendment: Right not to be deprived
liberty, without due process, Right to
Equal protection of laws.

(Statutes:) 28 U.S.C. 2254, 28 U.S.C. 1651
28 U.S.C. 1652, 28 U.S.C. 2241,
28 U.S.C. 2243, 18 U.S.C. 4

(3382)

(4)

1)

(Statement of The Case)

The petitioner was arrested August 18th, 2011 for a crime he did not commit based on an affidavit that contained false evidence in violation of The Fourteenth (14th) Amendment. There was a preliminary hearing in May of 2012 and the witnesses deliberately misrepresented facts under oath a second time. The petitioner went to trial and the facts were misrepresented under oath a third time that impacted the verdict. The petitioner was also denied the right to testify and proclaim the facts that demonstrated his Innocence. The trial court proceeding in the unconstitutional manner substantiates errors that probably resulted in the conviction of a person who is actually Innocent. It meets the requirement of Schlup v. Delo 513 U.S. 298 (1995) citing Murray v. Carrier 471 U.S. 478 (1986); under the Carrier standard to meet the exception to the state's request to enforce a procedural bar. 134th

Counsel was assigned for appeal and he

Statutes and International laws of Human

(10)

(1)

Reasons For Granting The Petition

The compelling reasons that exists For the court to exercise its jurisdiction is there are public officers who subvert constitutional, statutory and international laws. They knowingly deprive equal protection of laws with the intentions to use procedural bars as (immunity) for their deliberate (unlawful acts). Public officers are (obligated) to conform to constitutional (rules of laws) while proceeding against individuals to deprive liberty based on The United States Constitution's Fourteenth (14th) Amendment as decided with United States vs. Lee 106 U.S. 196 (1882). Depriving the right to review for the petitioner to demonstrate entitlements to relief for clear constitutional violations substantiates a denial of human and Civil Rights to equal protection of laws.

A public hearing by an independent tribunal in the determination of rights are guaranteed by The Universal Declaration of Human Rights Article Ten (10) and The International Covenant on Civil and Political

(10th)

(1)

(2)

Rights Article Nine (9), to include Article Fourteen (14) Statutes and judicial decisions that remove these rights violate 18 U.S.C.S 1652 and constitutes an intentional act to violate international laws designed to protect Human Rights of every individual.

Congress has (no authority) based on United States vs. Morrison 529 U.S. 598 (2000) to provide (immunity) by procedural default to government officials for clear violations of preexisting laws. When The First (1st) Amendment right to petition the court for grievances is abridged, it allows public officers to violate their constitutional duties without any accountability.

Sustaining these decisions that violate clearly established rights by procedural defaults are vehicles to justify public officers to act (unlawfully) and places them above the law.

Our system is designed to prevent criminality and unconstitutional decisions are criminal acts under (18 U.S.C.S 4.)
Public officers are colluding not to bring malfeasances to the court's attention until

(19/1/14)

(12)

(3)

the procedural bars prevents proper review and relief that are secured by our constitutional, human and civil rights.

Breaches of Public Trust, Breaches of duty and obstruction of justice are taking place by (unconstitutional orders.)

Officers of the state courts are refusing to call attention to deliberate (unlawful acts) contrary to decisions of The Supreme Court of The United States. When they refuse to immediately call attention to (unlawful acts) the procedural bars enter the equation and becomes (immunity). For deliberate criminality.

The public is denied equal protection of the laws nationally. It is of national importance to prevent public officers from acting (unlawfully.) They find ways to manipulate the system and justify their (unlawful acts) by procedural bars most common men can't comprehend.

Procedural bars they are educated enough to know will prevent them from being held accountable for constitutional violations that places innocent people in illegal custody.

(4/2/02)

(13)

(4)

A clear subversion of a system designed to protect the public and all established rights under the constitution (28 U.S.C. 1651) United States Constitution's First Amendment

The lower court's decision is erroneous because (Actual Innocence) is an exception to a procedural bar and the petitioner raised the issue. The petitioner demonstrated how the (wrongly excluded) evidence of the officer's truthfulness and veracity was a constitutional error that resulted in the conviction of one who is actually Innocent parallel to the (rule of law) in Schlup vs. Delo 513 U.S. 298 (1995)

The decision of the lower court was also erroneous because the petitioner raised how counsel overruled his right to testify to proclaim the facts that substantiated his (Innocence) and it was a constitutional error that resulted in the conviction of one who is actually Innocent. It was ruled by The

Supreme Court of The United States to be ineffective assistance of counsel in Gallegos vs. United States 174 F.3d 1196 (1999). (28 U.S.C. 2241)

1437d

(14)

(5)

The Supreme Court of The United States decided in Martinez v. Ryan 566 US 1 (2012) that ineffective assistance of counsel on appeal is cause and prejudice, also no counsel in initial collateral review is cause and prejudice for procedural bars when the claim for ineffective assistance of counsel is substantial. The decisions of The Supreme Court of United States makes the ineffective assistance of counsel claims substantial and appeal counsel didn't raise it on appeal, nor did the petitioner have counsel in his initial collateral review for his claims of ineffective assistance of counsel. Both exceptions to the procedural bars were proven by a preponderance of the evidence as required by civil laws.

The court had authority to reach the merits of the claims under those standards for cause, prejudice and (Actual Innocence.) (U.S.C.A 6th)

False evidence constitutes an invalid conviction by Miller v. Pate 386 US 1 (1967) Denying the right to testify constitutes ineffective assistance of counsel by

(14th)

(18)

(6)

Callegos vs United States 114 F3d 1196
(1999) Those constitutional errors

corrected would have strengthened and
altered the jurors condition of mind
because they create reasonable doubt
as required by The Fourteenth (14th)

Amendment explained in Adams vs. Aiken
41 F.3d 115 (1994) (U.S.C.A. 6th)

An Abuse of Discretion standard of
review explains abuse of discretion is a
decision based on an erroneous view of
the facts or erroneous application of the
laws to the facts. Nationally, a lot of
individuals have been deprived liberty, without
the due process right to an impartial
judge that fairly considers the facts
and conscientiously applies the laws to
the facts. An impartial judge is a
Human and Civil Right Secured to
protect individual liberties from tyranny
or officers who (unlawfully) believe their
decisions are above the law, contrary
to Marbury vs. Madison 5 US 137 (1803)

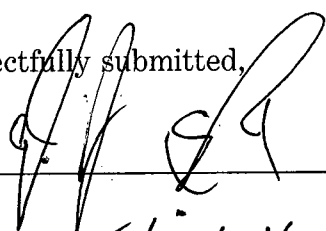
A neutral and detached judge is required
in the first instance. Ward vs. Monroeville
409 US 57 (1972) Turney vs. Ohio 213 US 510 (1921)

(15th)

CONCLUSION

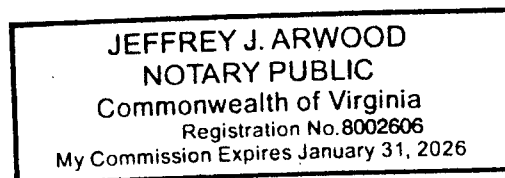
The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

5/21/24

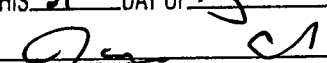


COUNTY OF Duchess

STATE OF VIRGINIA

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 21 DAY OF May, 2024


NOTARY PUBLIC

MY COMMISSION EXPIRES 1/31/2026

The above notary public is not party to this action. ☒

(y/b ths)