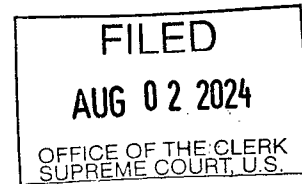


21-5688
No. _____



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

In Re ERIC SUTHERLAND — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

ERIC SUTHERLAND #19495033
(Your Name)

P.O. Box 14500
(Address)

LEXINGTON, KY 40512
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

WHY WILL THE USDC WDKY NOT ALLOW ME TO DOCKET
CERTIFICATES OF FULL FAITH AND CREDIT 28 USC §1738
TO PROVE ACTUAL INNOCENCE OF UNDERLYING CASE?

WHY DOES ORDER (DN 168) FRAUDULENTLY CLAIM THAT
UNDERLYING STATE CASE DISMISSED ON SEPT. 27, 2018 BUT
STATE COURT RECORD SHOWS IT NEVER DISMISSED?

WHY DOES ORDER (DN 168) FRAUDULENTLY CLAIM THAT
FEDERAL CUSTODY STARTS OCT 1, 2018 BUT THE BOP/DOJ
RECORD SHOWS CUSTODY STARTS JULY 27, 2018?

WHY IS THE USDC WDKY COVERING UP SPEEDY TRIAL
ACT VIOLATIONS OF THE 30-DAY ARREST-TO-INDICT CLOCK?

WHY WON'T THE 6TH CIR. MOVE IN CASE NO.'S ²³⁻6051
OR 23-6064? TO ISSUE MANDAMUS OR PROHIBITION?

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:

UNITED STATES

RELATED CASES

3:18-CR-136-DJH / USDC WDKY

- ORDER DN 168 FRAUD UPON THE COURT.

3:24-CV-307-DJH / USDC WDKY

- SECOND-IN-TIME §2255 BASED ON §2255(f)(2).

24-5635 / 6TH CIR. APPX.

- TRANSFERRED 22SS, REQUEST FOR REMAND TO USDC WDKY.

23-6051 / 6TH CIR. APPX.

- REQUEST FOR WRIT OF HABEAS CORPUS.

23-6064 / 6TH CIR. APPX.

- REQUEST FOR WRIT OF HABEAS CORPUS

22-6086, 22-6016

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APPENDIX B	ORDER (DN 168) OF CASE NO. 3:18-CR-136-DJH.
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APPENDIX D	BOP/DOJ JAIL CREDIT, START OF CUSTODY 18:3585(b) AND JAIL RECORD OF CUSTODY.
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TABLE OF AUTHORITIES CITED

CASES

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U.S. V. KIMBERLY, 2005 U.S. DIST. LEXIS 9913

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U.S. V. KRYNICKI, 689 F.2d 289 (1ST CIR. 1982)

STATUTES AND RULES

18 USC § 2422 (b)

18 USC § 3161 (b) AND (d)(1)

18 USC § 3585 (b)

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FRAUD UPON COURT

18 USC § 3162 (a)(1)

OTHER

ABSTENTIONS, DOUBLE JEOPARDY, ENUMERATED POWERS,

DUAL-SOVEREIGNTY DOCTRINE

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

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 FAILURE TO ISSUE MANDAMUS; 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. FRAUD UPON THE COURT

☐ For cases from **state courts**:

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. NO TRUE BILL, BUT NEVER DISMISSED, NEVER FINALIZED

The opinion of the _____ court appears at Appendix N/A 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 STILL PENDING OVER TEN MONTHS

N/A No petition for rehearing was timely filed in my case.

N/A 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 _____.

N/A 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 STILL PENDING 6 YRS
A copy of that decision appears at Appendix F-6.

NEVER FINAL ORDER ☐ A timely petition for rehearing was thereafter denied on the following date: N/A and a copy of the order denying rehearing appears at Appendix N/A.

STATE CASE WAS NEVER CLOSED OUT AFTER JURY NULLIFICATION OF CHARGES. ☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on _____ (date) in Application No. A _____.

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

FEDERAL COURTS WERE WITHOUT PROPER JURISDICTION. NO REMOVAL ORDER OR WRIT OF AD PROSEQUENDUM.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 4TH AMENDMENT UNLAWFUL SEARCH AND SEIZURE.
- 5TH AMENDMENT VIOLATIONS OF DUE PROCESS. NO GRAND JURY PROTECTION.
- 6TH AMENDMENT 1 AC FAILURE TO PETITION 18 USC § 2162(a)(1).
- 8TH AMENDMENT UNLAWFUL CONFINEMENT DUE TO FRAUD ON COURT.
- 10TH AMENDMENT NO REMOVAL ORDER FROM STATE CASE.
- 14TH AMENDMENT COVER-UP OF UNDERLYING "NO TRUE BILL", STATE NEVER AUTHORIZED CONVICTION.
- RULE 60(d)(3) FRAUD UPON THE COURT, ORDER (DN 168).
- JUDICIAL MISCONDUCT. 455 VIOLATION OF 454.
- LOUISVILLE, KY JURY DID NOT AUTHORIZE CONVICTION, THE CHARGES WERE NOT BILLED, AND THE RECORD FALSIFIED IN A SHAM, RUSE, TO CIRCUMVENT DUE PROCESS PROTECTIONS.

STATEMENT OF THE CASE

I WAS ARRESTED ON JULY 27, 2018. NO CRIMINAL HISTORY WHAT-SO-EVER. ON SEPT. 6, 2018 FEDS FILED INDICTMENT BASED ON COMPLAINT FILED IN THE STATE CASE 18 FO14230. ON SEPT. 27, 2018 THE JEFFERSON COUNTY GRAND JURY NULLIFIED THE CHARGES, HOWEVER, THE FEDS HID THE NO TRUE BILLED STATE CHARGES AND FALSIFIED RECORD TO CIRCUMVENT DUE PROCESS RIGHTS TO ACHIEVE CONVICTION WITH NO UNDERLYING OFFENSE. 18 USC § 2422(b) REQUIRES UNDERLYING OFFENSE. SEE U.S. V. STONE, 2023 U.S. APP. LEXIS 5608; SEE U.S. V. KIMBERLY, 2005 U.S. DIST. LEXIS 9913; SEE U.S. V. PEEL, 2014 U.S. DIST. LEXIS 91992.

THE STATE CHARGES STILL PENDING VIOLATES ABSTENTIONS, ENUMERATED POWERS, DUAL-SOVEREIGNTY DOCTRINE. SEE U.S. V. KRYNICKI, 689 F.2d 289 (1ST CR. 1982) 18 USC § 3161(b) APPLIES WHEN UNDERLYING CHARGES STILL PENDING.

FROM START OF CUSTODY (JULY 27, 2018) TO INDICTMENT (SEPT. 6, 2018) IS 42 DAYS, A CLEAR VIOLATION OF THE 30-DAY CLOCK WHICH WAS COVERED UP BY U.S. WHEN PSR WAS FALSIFIED, NEWLY REVEALED MAY 19, 2023 WHEN BOP CORRECTED START OF CUSTODY PER 18 USC § 3585(b).

SUTHERLAND WAS PREVENTED DUE PROCESS AND VIOLATIONS OF A CONSTITUTIONAL MAGNITUDE WAS COVERED-UP BY FRAUD UPON COURTS. USDC AND APPX. REFUSE TO CORRECT MY FALSIFIED PSR RECORD.

REASONS FOR GRANTING THE PETITION

SUTHERLAND HAS TRIED TO SUBMIT HIS PROOF THAT THE USDC WDKY WAS WITHOUT PROPER JURISDICTION, BUT THE COURT REFUSES TO LET HIM DOCKET HIS PROOF OF ACTUAL INNOCENCE TO HIS CASE. HE HAS TRIED THE 6TH CIR APPX. COURT BUT THEY CLAIM THE STATE CASE IS SEPERATE THAN FED CASE. SEE CASE 22-6086.

HOWEVER, SUTHERLAND FILED PETITION TO ~~EXP~~ DISMISS AND THEN EXPUNGE UNDERLYING STATE CASE BECAUSE IT WAS NB BILLED OVER SIX YEARS AGO. THE KY COMMONWEALTH CLAIMS IN "NOT OFFICIAL RECORD" THAT STATE CASE SHOULD NOT BE DISMISSED OR EXPUNGE BECAUSE IT IS BASIS OF 3:18-CR-136-DJH. FURTHER, ORDER (DN 168) FURTHER FALSIFIES THE RECORD TO COVER-UP CORRUPTION AND CREATES A VIOLATION OF FED. R. 41 SEARCH AND SEIZURE 41(e)(2)(A)(i) BECAUSE I WAS IN CUSTODY ON A FEDERAL DETAINER AT LOUISVILLE JAIL AND OVER 14 DAYS, 25 DAYS, WARRANT WAS NOT EXECUTED. SEPT. 6, 2018 TO OCT. 1, 2018.

SUTHERLAND'S INDICTMENT IS WITHOUT PROPER JURISDICTION IN VIOLATION OF 4TH, 5TH, 6TH, 8TH, 10TH, AND 14TH AMENOMENT RIGHTS. IT IS A GROSS MISCARRIAGE OF JUSTICE AND THE USDC WDKY IS IGNORING ACTUAL INNOCENCE AND SO IS THE 6TH CIR APPX. COURT.

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,


A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a horizontal stroke, positioned above a solid horizontal line.

Date: SEPT. 18, 2024