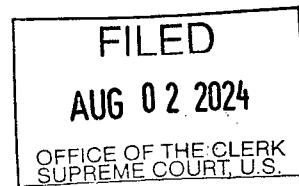


31-5033

No. 19495033



IN THE

ORIGINAL

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?

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

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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?

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

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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.

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 §22SS BASED ON §22SS(f)(2).

24-5635 / 6TH CIR. APPX.

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

23-6051 / 6TH CIR. APPX.

- REQUEST FOR WRIT OF MANDAMUS.

23-6064 / 6TH CIR. APPX.

- REQUEST FOR WRIT OF MANDAMUS

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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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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18 USC § 2422 (b)

18 USC § 3161 (b) AND (d)(1)

18 USC § 3585 (b)

FED. R. CRIM. P. 41(e)(2)(A)(i)

CONSTITUTIONAL AMENDMENTS 4, 5, 6, 8, 10, AND 14

### 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-G.

*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*  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.

*NULIFICATION OF CHARGES* 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 PROSEQUENDUM.*

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 4<sup>TH</sup> AMENDMENT UNLAWFUL SEARCH AND SEIZURE.
- 5<sup>TH</sup> AMENDMENT VIOLATIONS OF DUE PROCESS. NO GRAND JURY PROTECTION.
- 6<sup>TH</sup> AMENDMENT IAC FAILURE TO PETITION 18 USC §3162(a)(1).
- 8<sup>TH</sup> AMENDMENT UNLAWFUL CONFINEMENT DUE TO FRAUD ON COURT.
- 10<sup>TH</sup> AMENDMENT NO REMOVAL ORDER FROM STATE CASE.
- 14<sup>TH</sup> 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 RECORDS 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 BILLLED STATE CHARGES AND FALSIFIED RECORDS 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 KY WAS WITHOUT PROPER JURISDICTION, BUT THE COURT REFUSES TO LET HIM POCKET 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 ~~DISMISS~~ DISMISS AND THEN EXPUNGE UNDERLYING STATE CASE BECAUSE IT WAS NOT 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 AMENDMENT RIGHTS. IT IS A GROSS MISCARRIAGE OF JUSTICE AND THE USDC KY 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, appearing to read "John Doe". It is written in a cursive style with a horizontal line underneath.

Date: SEPT. 18, 2024