

No. 24-6675 **ORIGINAL**

Supreme Court, U.S.
FILED

FEB 18 2025

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Pierre Cornelius Stewart — PETITIONER
(Your Name)

VS.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Pierre Cornelius Stewart
(Your Name)

P.O. Box 3000 - McCreary United States Penitentiary
(Address)

Pine Knot, KY. 42635
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Federal Courts must defer to state court factual findings when a ^{determination} ~~determination~~ made after a hearing on has been made after a hearing on the merits of a factual issue. *Miller-El v. Cockrell*, 537 U.S. 322, 340, 123 S.Ct. 1029, 154 L.Ed. 2d 931 (2003) ("Where 28 U.S.C. § 2254 applies, our habeas jurisprudence embodies this deference. Factual determinations by state courts are presumed to be correct absent clear and convincing evidence to the contrary, 2254(e)(1), and a decision adjudicated on the merits in a state court and based on a factual determination will not be overturned on factual grounds unless objectively unreasonable in light of the evidence presented in the state-court proceedings, 2254(d)(2). This is confirmed by the Anti-Terrorism and Effective Death Penalty Act's (AEDPA) substantial limitations on collateral review which reflects Congress's concern for federalism. *Rice v. Collins*, 546 U.S. 333, 344, 126 S.Ct. 969, 163 L.Ed. 2d 824 (2006) (Breyer, J., Concurring) ("Considerations of federalism require federal habeas courts to show yet further deference to state-court judgments."). The Supreme Court reiterated that AEDPA "created an independent, high standard to be met before a federal court may issue a writ of habeas corpus to set aside state-court rulings." *Uttecht v. Brown*, 127 S.Ct. 2218, 2224, 167 L.Ed. 2d 1014 (2007) (reversing Ninth Circuit's grant of habeas corpus relief where the court "failed to respect the limited role... prescribed by Congress" and the Court's precedents). With these restrictions in mind, the questions in this case are:

- 1) Whether the principles of substantial limitation on collateral review in habeas corpus cases pursuant to 28 U.S.C. § 2254 apply to habeas corpus ad prosequendum cases pursuant to 28 U.S.C. § 2241? If so then;
- 2) Whether the lower courts in this case failed to give the required deference to the Minnesota State Prosecutor's office and the Minnesota State Court's dropping and dismissing the State case with prejudice respectively, after an Omnibus Motion was filed, because of the unlawful activities of the Minnesota State Trooper involved, who, among other things fabricated evidence (false) not based on probable cause, withheld exculpatory evidence and was found to be not credible?
- 3) Whether the principles of the Rooker-Feldman Doctrine applies to this case which precludes "a party losing in state court... from seeking what in substance would be appellate review of the state judgment in a United States district court based on the losing party's [quintessential] claim that the state judgment itself violates the loser's federal rights." *Johnson v. De Grandy*, 512 U.S. 997, 1005-06, 114 S.Ct. 2647, 129 L.Ed. 2d 775 (1994).

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:

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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 September 20, 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: November 21, 2024, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4th Amendment "The right of the people to be secure in their persons, houses, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

5th Amendment "... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

6th Amendment "In all criminal prosecutions, the accused shall enjoy the right... to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the [effective] assistance of counsel."

14th Amendment "... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. § 2241 "Habeas Corpus Ad Prosequendum"

28 U.S.C. § 2254 aka AEDPA (Anti-Terrorism and Effective Death Penalty Act)

"A federal court shall not... grant an application for a writ of habeas corpus unless the state court's adjudication of the prisoner's claim:

(1) resulted in a decision that was contrary to, or involved an unreasonable determination application of clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding, 28 U.S.C. § 2254(d). In ruling on an application for a writ of habeas corpus, a determination of a factual issue made by a State court shall be presumed to be correct, unless rebutted by clear and convincing evidence. § 2254(e)(1).

STATEMENT OF THE CASE

State Case.

The Grand Market Store and Parking Lot Video, a part of the State record in this case will reveal that on 9-14-2018, right before 12 p.m., a white GMC Yukon truck driven by Ms. MPrissa Sam, a Native American, drove into the Grand Market Store Parking Lot and parked. Ms. Sam got out and went into the store and cashed her monthly Native Tribe Check. Bank or store records, in addition to the Videos verifies these facts. While in the store, State Trooper Nicolas Otterson's squad car pulled into the parking lot off of Highway 169 and Trooper Otterson began to call in or type in license plate numbers. As the squad car came down the parking aisle, Trooper Otterson did a double-take as he noticed Mr. Stewart in the passenger seat of the white Yukon with his seat-belt on. After the Trooper typed in a few more license plates, the squad car then drove out the parking lot onto Casino Drive after which Ms. Sam came out of the store and got back into the driver's side of the Yukon, but went back into the store because she forgot to purchase two packs of cigarettes. While Ms. Sam was coming out of the store for the second time and reentering the Yukon, Trooper Otterson's squad car is seen coming back into the parking lot and pulling up behind a red SUV that had just parked, being driven by Mr. Marlow Day with his wife and two children inside. Mr. Day is Ms. Sam's cousin.

As Trooper Otterson is getting out of his squad car, the white Yukon is already pulling out of its parking slot. After Trooper Otterson got out of his car and began to engage and verbally abuse Mr. Day for requesting to know why he was being pulled over, the Trooper turned and noticed Ms. Sam driving the Yukon. Trooper Otterson has a contentious history with Ms. Sam having arrested her before on drug possession charges. After the Trooper recognized Ms. Sam he abruptly terminated his encounter with Mr. Day, without writing a ticket nor explaining why he pulled him over, and began to chase the Yukon. After catching up with the Yukon, he pulled it over after it signaled to go left at the dead end stop sign, but then changed signaling to go right which it then completed.

After the Yukon pulled over and stopped, Trooper Otterson got out of his squad car and curiously approached the passenger side of the vehicle instead of the driver's side. He began to question Mr. Stewart instead of Ms. Day. He then went to the driver's side and then ordered Ms. Sam out of the vehicle and placed her in the back of his squad car. He is heard on the squad car video questioning Ms. Sam about whether Mr. Stewart sold drugs. She stated on video that she never seen him with drugs and never seen him sell drugs. Trooper Otterson is also heard on the video admitting that he knew Ms. Sam because he arrested her before. He came back to the passenger side of the Yukon and ordered Mr. Stewart out of the vehicle and after a pat search finding about \$4,000 in cash put Mr. Stewart in hand restraints and placed him also in the back of his squad car. He then began to search the vehicle and then called for a drug sniffing dog who alerted on a user amount of drugs on the driver's side of the vehicle. Ms. Sam and Mr. Stewart was then taken to jail but it was only Mr. Stewart charged with possession with intent to distribute. (See "State Case Continuation on continuation sheet")

Federal Case,

It is unclear whether State officials contacted federal prosecutors first or whether Federal officials contacted State officials first concerning this case but the fact remains that after lengthy discussions between the two jurisdictions, federal prosecutors filed charges against Mr. Stewart with only selected parts of the State record and presented that to a grand jury after presenting it to a magistrate judge to establish probable cause. This partial State evidence was then presented at the Motions Hearing to suppress, the trial and on direct appeal. Among the missing evidence was the Grand Market and Parking Lot Videos, the fabricated Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA) Forensic Science Laboratory documents, the State Evidence Logs, Stewart's FMS steel Corporation work records and

Statement Of The Case Continuation Sheet

work equipment requirement document, the Minnesota State Patrol Field Reports, the full squad car video, Ms. Marissa Sam's arrest history, State prosecutors investigative reports, defense attorney Goetz's historic involvement with the case (having represented Mr. Stewart in the State Omnibus proceeding, the federal trial and federal direct appeal).

The missing evidence that defense attorney Goetz presented in the State Omnibus proceeding which forced the State to drop the case, was not requested nor presented by Mr. Goetz in the federal pre-trial suppression hearing, the federal trial nor the federal direct appeal. Mr. Stewart was consequently convicted and sentenced in federal court to 19 years and 2 months.

State Case Continuation

After State prosecutors carried out an exhaustive investigation, including reviewing the Grand Market Store and Parking lot videos, the full squad car video, all of the written reports and lab analysis reports, background information on Ms. Sam, Mr. Stewart, and even State Trooper Otterson, the State of Minnesota dropped the case against Mr. Stewart and the State court dismissed the case with prejudice for, among other things, fabrication of evidence by Trooper Otterson, the withholding of exculpatory evidence by the Trooper and the Trooper not being credible.

REASONS FOR GRANTING THE PETITION

I. Introduction

Each year thousands of individuals are charged by state prosecutors all across the country with violations of criminal laws. Those same state officials, after defendants requests evidentiary hearings presenting their valid reasons in their requests and after thorough investigations, dismiss those charges for fabrication of evidence, withholding of exculpatory evidence, perjury by law enforcement officers, and other legal and factual reasons, that violate the principles of the Constitution, federal and state laws and fairness. Thousands of those same cases are then picked up by federal prosecutors and prosecuted in disregard of the AEDPA (Anti-Terrorism and Effective Death Penalty Act) and the Rooker-Feldman Doctrine. In this case, the State of Minnesota dropped the case against Mr. Stewart with the State Court agreeing and dismissing the case with prejudice for, among other reasons, fabrication of false evidence and the withholding of exculpatory evidence. The federal prosecutors initiated a federal prosecution in disregard of these and other facts. This Court should grant Certiorari and determine whether such actions violate the AEDPA's substantial limitations on federal review of habeas corpus ad prosequendum cases and whether the grant of habeas corpus ad prosequendum in the above circumstances violate the Rooker-Feldman Doctrine. The grant of Certiorari will affect thousands of cases.

II. Fabrication Of Evidence

A. Probable Cause - State Case

Among the reasons the State of Minnesota dropped the case against Mr. Stewart was for one because it found that State Trooper Otterson fabricated evidence during the preliminary criminal investigation to establish probable cause. It also found that Trooper Otterson made false statements of fact in documents that summarized the evidence supporting an application for an arrest warrant. State authorities further found that Trooper Otterson was not credible because, among other reasons, he related an incident that Ms. Marissa Sam, the driver of the vehicle stopped by Otterson, likely attempted a hand-to-hand drug transaction in the Grand Market store parking lot, but he arrested and charged Mr. Stewart with possession with intent to distribute drugs, in contradiction to his account of what happened. State prosecutors also found that Trooper Otterson fabricated at least three documents purported to be from the Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA) Forensic Science Laboratory - St. Paul. The documents are titled "Laboratory Analysis Request." In addition, Trooper Otterson tampered with material evidence.

The fabricated documents dealt with the submission of Ms. Sam's and Mr. Stewart's phones to the BCA on two separate occasions at two different BCA Laboratories in two separate cities and whether both phones were actually resubmitted the second time or whether only one phone, Ms. Sam's phone was resubmitted the second time in a different city while Mr. Stewart's phone was taken out of evidence by Trooper Otterson at the same time and kept in his possession for over 4 months and being tampered with, in violation of the Fourth, Fifth, and Fourteenth Amendments to the Constitution.

Among the withheld exculpatory evidence was all of the evidence found in the vehicle that showed that Mr. Stewart worked at FMS Steel Corporation such as an N95 Particulate Respirator Mask, special gloves to handle steel and steel particles which required a second pair of latex gloves to be worn inside the

Reasons For Granting The Petition Continued

special gloves and one of Stewart's check-stubs from FMS Steel, etc.

B. Probable Cause - Federal Case

Federal prosecutors allowed false evidence that they knew to be false to go forward uncorrected when it appeared. *Napue v. Illinois*, 360 U.S. 264, 269, 3 L. Ed. 2d 1217, 79 S. Ct. 1173 (1959). Federal prosecutors, after lengthy discussions with State prosecutors filed a writ of habeas corpus ad prosequendum against Mr. Stewart based on the same fabricated evidence that forced State authorities to drop the case against Stewart. Federal prosecutors then purposefully suborned false testimony from Trooper Otterson in the Motions Hearing to suppress (MHT) and then the trial (TT). This is shown by the following:

The first fabricated piece of evidence Trooper Otterson created and testified to as it relates to Ms. Sawls and Mr. Stewart's arrest was presented at the Motions Hearing to suppress the evidence in the federal case. Trooper Otterson stated that while he was engaged with Marlow. Day, that he alleged to be a drug user without any proof whatsoever, he saw a woman approach the red SUV from the passenger side of the squad car. (MHT. p.p. 19, 23). He described the woman "walking" right up to the squad car and then after coming "within" "10 to 15 feet of the Trooper, she appeared to notice him talking to the driver of the red SUV" and abruptly turning around and "walking" back to the white SUV. (MHT pp. 34-35). Trooper Otterson described this alleged behavior

as very suspicious and based on his training and experience thought that a hand-to-hand drug transaction might be going to occur. (MHT pp. 19-20). There are two reasons why this narrative was fabricated. First, the Public Data for Trooper Otterson, which shows all of his training up to September 2018, the time of the stop, indicates that he has no training and experience in hand-to-hand drug transactions. He was not a Drug Enforcement Agent nor was he on a drug task force at that time. That's number one. Second, and the most important, according to the Grand Market Store and Parking Lot Video reviewed by State Prosecutors, his narrative simply did not happen. At the trial, Trooper Otterson's narrative substantially changed. He refabricated his story of the alleged initial encounter with Ms. Samk].

At trial Trooper Otterson stated that as he was talking to Mr. Day, who is Ms. Sam's cousin, he observed a white female get out of a white GMC Yukon in the parking lot and "run" toward the Trooper and Mr. Sam Mr. Day. (T.T. p. 52). He further stated that though at first she was looking at Mr. Day, when the female realized the Trooper was there, Otterson testified that "her eyes got 'big and wide,'" she stopped immediately in her tracks, then "turned and 'ran' back to the vehicle" she had just came from. (T.T. p. 53). He stated that he believed this was likely to be a hand-to-hand drug deal and his focus turned from Mr. Day to the white Yukon. (T.T. p. 54-55). This fabrication was the foundation of this case; the very root of the poisonous tree. Trooper Otterson's false narrative was indeed fabricated to falsely formulate

a pretense of probable cause. *Moran v. Clark*, 296 F.3d 638, 647 (8th Cir. 2001) (en banc). This is further proven by the following inconsistent statements:

At first Trooper Otterson stated at the Motions Hearing that Ms. Sam "walked" right up to the squad car and then abruptly turning around and "walked" back to the white SUV. (MHT. pp. 34-35). At trial he embellished his fabrication with the following fictitious addition: Ms. Sam "ran" toward the Trooper and Mr. Day, (TT. p. 52) and that at first she was looking at Mr. Day but when she realized the Trooper was there, "her eyes got 'big and wide' and she then stopped immediately in her tracks, then turned and "ran" back to the vehicle she had just come from. (T.T. p. 53).

Trooper Otterson could not have seen Ms. Sam's eyes nor to see them get "big and wide" because he testified that she had on sunglasses (TT. 69-70) and that she was 15 feet away (MHT. pp. 19, 23, 34-35) and that it was a cloudy day (Id.) and that she did not remove her sun glasses until he ordered her to "after" the traffic stop (TT. p. 73) where he allegedly observed signs of drug use including "really blood-shot eyes" as opposed to a medical condition in her eyes, etc. (Id.). To detain under a false pretense of probable cause and then to order the removal of her sun glasses was an unlawful search and seizure in violation of the Fourth Amendment. U.S. Const. IV; See also *Manuel v. Joliet*, 137 S. Ct. 911 (2017) (the Court held that a pretrial detainee's claim he was unlawfully detained based on a probable cause finding that relied on fabricated evidence was properly brought under the Fourth A-

ment... and pretrial detention that followed the start of legal process in a criminal case could violate the Fourth Amendment).

In addition, Trooper Ottersen fabricated laboratory documents as

noted above and the federal prosecutors knowingly withheld this information to gain an unlawful conviction, sentence, and false imprisonment.

The questions in this case are whether the government violated the

AEDPA's substantial limitation on seeking collateral review of habeas

corpus ad prosequendum cases in conjunction with Minnesota State Police

represented by Trooper Nicholas Ottersen and if so whether the lower courts

failed to give the proper deference to the State Court's determination of

insufficient evidence because of the unlawful activities of Trooper Ottersen?

And, whether the Roecker-Feldman doctrine applies to this case which precludes

a party losing in state court, which, in this case was the Minnesota State

Police, from seeking what in substance would be appellate review of the

State Judgment in a United States District Court and especially since

the State Judgment was based on the fraudulent activities of a state

law enforcement officer.

III. AEDPA

Under the AEDPA, when a state prisoner's claim has been ad-

judicated on the merits in state court, a federal court "shall not..."

grant "an application for a writ of habeas corpus unless the state courts

adjudication of the prisoner's claim;

(1) resulted in a decision that was contrary to, or involved an unrea-

sonable application of, clearly established Federal law, as determined

by the Supreme Court of the United States; or

- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding. 28 U.S.C. § 2254(d). In ruling on an application for a writ of habeas corpus "a determination of a factual issue made by a State court shall be presumed to be correct," unless rebutted "by clear and convincing evidence." § 2254(e)(1).

The deference owed to the state trial court pursuant to § 2254(e)(1) includes deference to its credibility determinations. This deference should apply to habeas corpus pursuant to 28 U.S.C. § 2241 because it is a habeas corpus writ. The only difference is that one is a request from a state prisoner and the habeas corpus ad prosequendum is a request by federal authorities. This deference especially apply when federal prosecutors use the exact same evidence that the State has conclusively proven to be fabricated. A federal court can only grant habeas corpus relief if the state court's credibility determinations were objectively unreasonable based on the record. See *Rice v. Collins*, 546 U.S. 333, 338-39, 126 S.Ct. 969, 163 L. Ed. 2d 824 (2006) (Breyer, J., Concurring) ("Consider[ing]ations of federalism require federal habeas courts to show yet further deference to state-court judgments").

There has been no evidence presented by the government that the state court's decision was contrary to, or involved an unreasonable application of clearly established Federal law as determined by the Supreme Court, nor has it been shown that the decision by the state

court was based on an unreasonable determination of the facts in light of the evidence, therefore, the fabricated evidence obtained and the exculpatory evidence withheld by federal prosecutors and the subsequent prosecution of Mr. Stewart was in violation of the AEDPA. The fabricated evidence turned over to federal authorities by state officers for use in the federal prosecution of Mr. Stewart is inadmissible in a federal court. Therefore, the Court should grant Certiorari and determine that the AEDPA's substantial limitation on collateral review apply to habeas corpus cases pursuant to 28 U.S.C. § 2241, (ad prosequendum), reverse the Eighth Circuit's affirmance with instructions to remand the case to the district court with instructions to reverse the grant of habeas corpus ad prosequendum and grant immediate release.

IV. Rooker - Feldman Doctrine

The Rooker - Feldman Doctrine invoked by Mr. Stewart precludes "a party losing in state court... from seeking what in substance would be appellate review of the state judgment in a United States district court based on the losing party's claim that the state judgment itself violates the loser's federal rights." *Johnson v. De Grandy*, 512 U.S. 997, 1005-06, 114 S.Ct. 2647, 129 L.Ed.2d 775 (1994). The rule is grounded in the recognition that the subject-matter jurisdiction of the United States ^[District] Courts is original only and does not include the authority to decide appeals from state courts. See 28 U.S.C. § 1257; *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291-92, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005).

The doctrine derives its name from two Supreme Court cases. In *Rooker v. Fidelity Trust Company*, the plaintiff brought suit in federal court seeking to have an adverse state judgment "declared null and void." 263 U.S. 413, 414, 44 S.Ct. 149, 68 L.Ed. 362 (1923). *District of Columbia Court of Appeals v. Feldman* was an action brought against the D.C. Court of Appeals, seeking a declaration that an opinion of that court violated various constitutional and statutory provisions. 460 U.S. 462, 468, 103 S.Ct. 1303, 75 L.Ed. 2d 206 (1983). In both cases, the Supreme Court found that the District Court lacked subject-matter jurisdiction over the actions because the Supreme Court is the only federal court vested with the authority to review state court decisions. *Exxon*, 544 U.S. at 283-84.

In 2005, a unanimous Supreme Court set out to clarify the boundaries of the *Rooker-Feldman* doctrine. See *Exxon*, 544 U.S. 280, 125 S.Ct. 1517, 161 L.Ed. 2d 454. The Supreme Court began by observing that the lower courts had "construed [the doctrine] to extend far beyond the contours of the *Rooker-Feldman* cases, overriding Congress's conferred of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law." *Id.*, at 283. The Court went on to describe the cases to which the doctrine applies:

"The *Rooker-Feldman* doctrine, we hold today, is confined to cases of the kind from which the doctrine acquired its name; cases brought by state court losers complaining of injuries caused by state court judgments rendered before the district court pro-

ceedings commenced and inviting district court review and rejection of those judgments. *Rooker-Feldman* does not otherwise override or supplant preclusion doctrine or argument augment the circumscribed doctrines that allow federal courts to stay or dismiss proceedings in deference to state court action." *Id.* at 284; *Ill. Cent. R. Co. v. Guy*, 682 F.3d 381, 390 (5th Cir. 2012). The holding of *Exxon* can be broken down into four requirements for application of the doctrine:

- (1) the plaintiff lost in state court (in this case the plaintiff would be the Minnesota State Police represented by Trooper Nicholas Otterson);
- (2) the plaintiff complains of injuries caused by state court judgment (in this case, the dismissal of the case with prejudice because of the fabrication of evidence, etc. by Trooper Otterson);
- (3) the state court judgment was entered before suit was brought (in this case, the State dropped the case before the federal indictment came down); and
- (4) the plaintiff invites review and rejection of the state court judgment (this process was started with the federal application for habeas corpus ad prosequendum). See *Great Western Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 166 (3rd Cir. 2010); *Green v. Mattingly*, 585 F.3d 97, 101 (2nd Cir. 2009). Although the doctrine can apply when a plaintiff attacks the validity of a state court's judgment, the doctrine can also apply if the plaintiff's federal claims are so inextricably intertwined with a state judgment that the federal court is in essence being called upon to review the state court decision." *Ill. Cent. R. Co. v. Guy*, 682 F.3d at 391 (5th Cir. 2012) (internal citation omitted). That appears to be the case here. The Minnesota State Police

sought assistance from federal prosecutors with bringing a federal case against Mr. Stewart, after losing in State court, so as not to be outdone, even though the State case was based on fabricated evidence. Federal prosecutors used the exact same evidence knowing it to be false and then excluded exculpatory evidence namely the Grand Market Store and Parking Lot Video and then heavily redacted the squad car video for the pretrial Motions Hearing and refused to show the squad car video at all during trial and then capped this all off by suborned false testimony from Tooper Otterson, therefore the Court should grant Certiorari and determine that the Rooker-Feldman doctrine applies to all habeas corpus or prosequendum cases where state actors such as state police etc. has lost in state courts and where federal prosecutors seeks to use the exact inextricable evidence fabricated in the state.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Pierre Cornelius Stausert

Date: 2-16-2025