

No. 17-56170

IN THE
SUPREME COURT OF THE UNITED STATES

BOBBY THOMPSON — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

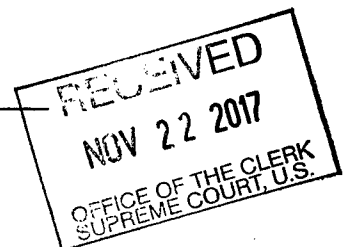
BOBBY THOMPSON,

(Your Name)
Federal Correctional Institution
3600 Guard rd.

(Address)
Lompoc, Ca. 93436-2705

(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

DID THE NINTH CIRCUIT COURT OF APPEALS ERROR WHEN IT IGNORED THE BRADY CLAIMS AND CLAIMS OF FRAUD UPON THE COURT,PRESENTED BY THE PETITIONER?

DID THE NINTH CIRCUIT COURT OF APPEALS ERROR WHEN IT DID NOT ISSUE A COA IN ORDER TO REVIEW THE BRADY CLAIMS PRESENTED BY THE PETITIONER?

DID THE NINTH CIRCUIT COURT OF APPEALS IGNORE ITS OBLIGATION TO CORRECT AN MISCARRIAGE OF JUDGMENT, AFTER THE PETITIONER PRESENTED CLEAR PROOF OF THE "WRONG-DOING" COMMITTED BY THE "PROSECUTION TEAM" ?

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:

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
FRANKS V. DELAWARE, 438 US 154(1978).....	Passim
BRADY V. MARYLAND, 373 US 83(1963).....	4, 5
THOMPSON ; CALDERON, 120 F.3d 1045(9th cir 1997).....	Passim
UNITED STATES V. ZUNO-ARCE 25 F.Supp 2d. 1087 C.D. CA. 1998)(citing NAPUE V. ILLINOIS, 360 US 264, 269(1959).....	Passim
BAREFOOT V. ESTELLE, 463 US 880, 893(1983).....	Passim
SLACK V. MCDANIELS, 529 US 473(2000).....	Passim
MILLER-EL V. COCKRELL, 537 US 323(2003).....	Passim
UNITED STATES V. BLACKMON, 273 F.3d 1204(9th cir. 2001).....	Passim
UNITED STATES V. FISHER, 4th cir. NO.11-6781(4/1/13).....	Passim

STATUTES AND RULES

18 USC§2518(1)(c)
FED.R.CRIM. P. 16
Rule 60(d)(3)
Model Rule 3.8(d)

OTHER

N/A

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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 6, 2017.

☒] 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

MODEL RULE 3.8(d). Provides that a criminal defendant has a due process right to receive favorable information from the prosecution.

THE DUE PROCESS CLAUSE. The constitutional provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty, or property.

RULE 60(d)(3). Explains that this rule does not limit a court's power to set aside a judgment for fraud upon the court. Rule 60 (d)(3), is a codification of the court's inherent power to investigate whether a judgment was obtained by fraud. Also, there is no statute of limitations for fraud upon the court.

4TH AMENDMENT. The constitutional amendment, ratified with bill of rights in 1791, prohibiting unreasonable searches and seizures and the issuance of warrant's without probable cause.

5TH AMENDMENT. The constitutional amendment ratified with the bill of rights in 1791, providing that a person cannot be (1) required to answer for a capital or otherwise infamous offense unless a grand jury issues an indictment or presentment, (2) subjected to double jeopardy, (3) compelled to engage in self-incrimination on a criminal matter, (4) deprived of life, liberty, or property without due process of law, or (5) deprived of private property for public use without just compensation.

6th AMENDMENT. The constitutional amendment, ratified with the bill of rights in 1791, guaranteeing in criminal cases the right to a speedy and public trial jury, the right to be informed of the nature of the accusation, the right to confront witnesses, the right to counsel, and the right to compulsory process for obtaining favorable witnesses.

14TH AMENDMENT. The constitutional amendment, ratified in 1868, whose primary provisions effectively apply the bill of rights to the states by prohibiting states from denying due process and equal protection and from abridging the privileges and immunities of United States citizenship.

STATEMENT OF THE CASE

The Petitioner continues to argue that his constitutional due process rights have been, and continue to be violated by the suppression of material evidence. Evidence that was specifically requested and that could have been used to impeach several government witnesses.

The Petitioner obtained material evidence after his trial, that was intentionally and recklessly withheld from him in violation Brady v. Maryland, 373 US 83(1963). The Petitioner also obtained newly-discovered-evidence that contradicts testimony and the statements of several government witnesses. The newly-discovered-evidence and the other material evidence reveal that the wiretap affidavit for Target Telephone #7(TT#7), contain material misstatements and omissions of facts that misled the issuing judge.

The "prosecution team" has done everything in its power to conceal the truth in this case, actions which ultimately led to fraud upon the court.

The "prosecution team" utilized a wiretap on TT#7 which was obtained by fraud and without necessity. The "prosecution team" also fabricated the probable cause in order to obtain the search warrant for the Petitioner's residence. These actions, when proven, go beyond criminal, and are reckless and outrageous.

REASONS FOR GRANTING THE PETITION

In this case the Petitioner has shown that the "prosecution team" was engaged in misconduct, as proven by the writing of misleading material information in the wiretap affidavit for TT#7. As well as the failure to disclose specifically requested favorable material, and its continued attempts at consealing the truth.

The "prosecution team" has not been given a fair opportunity to dispute the claims of misconduct presented by the Petitioner. But instead relies on the Court's to deny the Petitioner's moving papers due to some type of procedural default.

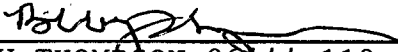
The lower courts did not give full consideration to the Brady, claims presented by the Petitioner, even though the Petitioner presented clear and convincing evidence to support his claims. The lower courts failed to order the "prosecution team" to respond to the claims of misconduct, as it intentionally and recklessly withheld material evidence in violation of Brady v. Maryland, 373 US 83 (1963), which ultimately violated the Petitioner's constitutional rights to due process of law.

Because this case needs to be reviewed in light of all the "newly-discovered-evidence" and the claims developed by the Petitioner. The Petitioner cannot afford counsel and therefore, does not have a voice or the understanding of the procedues of the judicial system. Yet, this Court has a duty to decide whether there was an actual Brady, violation in regards to the withholding of the requested material documents by the "prosecution team", and whether it committed fraud upon the court.

CONCLUSION

Because the Petitioner has satisfied all requirements for issuance of a Certificate of Appealability by making a substantial showing of the denial of a constitutional right and that the claims presented are debatable among jurists of reason. As the truth in this matter continues to be ignored, the Petitioner is the only one who is suffering due to the wrongful actions of a few bad apples. The Petitioner PRAYS that this Honorable Court will order that a Certificate of Appealability be issued in the interests of justice and equality. The petition for a writ of certiorari should be granted.

Respectfully submitted,


BOBBY THOMPSON, 26444-112

Date: 11-15-17