

IN THE

Supreme Court of the
United States

Re: In Re Roy Williams

No. 17-7606

v.

U.S. Court of Appeals
Fifth Circuit

Petition for Rehearing and Reconsideration

To THE HONORABLE JUDGE OF SAID COURT:

Lomes Now, Roy Williams, and files this petition

for Rehearing and/or Reconsideration Under Rule 44.

On April 2, 2018 this Court entered the order

denying the motion of petitioner for leave to proceed

in forma pauperis, and dismissing the petition for

a writ of mandamus Under Rule 39.8.

Under Rule 39.8. If satisfied that a petition

for an extraordinary writ is frivolous or malicious,

the Court may deny leave to proceed in forma

pauperis.

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Summary of Facts

Williams incorporates herein by reference the Courts Order to dismiss under Rule 39.8. The petitioner is incarcerated for life under the pretense of capital murder, a crime he swears to this day he had no involvement in whatsoever.

Mr. Williams' conviction and detention are illegal they were obtained in violation of the laws and treaties of the United States Constitution. However, he is being disenfranchised, because no federal judge will address the merits of his constitutional complaints.

Therefore the petition is not frivolous or malicious. Williams has meritorious constitutional complaints that if ruled on under this Courts dictates, would entitle him to release from custody, yet the system is playing games with this mans life.

The purpose of a writ of mandamus is to enforce an established right or to enforce the performance of a duty. Williams has clear legal right to the relief sought, Respondent has ministerial duty to perform requested act without discretion to refuse and the petitioner has no adequate remedy at law.

Under Rule 39.8.

A court may dismiss a claim... if the court finds that the claim is frivolous or malicious under Rule 39.8. The court may consider whether (1) the claim's realistic chance of ultimate success is slight; (2) the claim has no arguable basis in law or in fact; or (3) it is clear that the party can not prove facts in support of the claim.

In this case the petitioner can prove that he is entitled to the relief sought, and that the respondent has a ministerial duty to perform the requested act.

The Constitution states only one command twice the fifth amendment says to the federal government that no one shall be deprived of life, liberty or property without due process of law.

Williams is not asking for anything other than the opportunity to be heard at a meaningful time and in a meaningful manner. 22 years have elapsed without process that was due. When rights are involved process is due.

In this case the State Court violated Federal laws in order to obtain one conviction. The United States district Court for the Southern district of Texas ruled in direct conflict of US Supreme Court law, and the Fifth Circuit up-held that decision by denying Williams a "COM" when he is in fact entitled to one.

Williams has made numerous attempts to appeal his void conviction and detention to no avail, the 5th Cir. simply will not apply this Court's dictates to the facts of his case.

Mandamus is the only remedy at law, the plight is not frivolous or malicious therefore, the petitioner's motion for leave to proceed in forma pauperis should be granted, and the petition for a writ of Mandamus should issue.

There is not a Federal Judge in the United States, that can rule on the merits and rule against petitioner.

April 10, 2018

Respectfully Submitted
Roy Williams