

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANDRE D. WHITEFIELD — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA
~~ANDRE D. WHITEFIELD~~ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT FOR THE FOURTH CIRCUIT ATTILLATE
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) 17-7364

PETITION FOR WRIT OF CERTIORARI

ANDRE D. WHITEFIELD
(Your Name)

P.O. BOX 1000
(Address)

PETERSBURG VA 23804
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED FOR REVIEW

In my Professional knowledge, and expeiences it is my belief and opinions, that both the United States Court of Appeals for the Fourth Circuit's order of denial in/of Appellate No. 17-7364, and the United States District Court for the Eastern District of Virginia's orders are in conflict with Petitioner's constitutional rights, and this Honorable Supreme Court's settled laws, and precedent in these civil liberty rights proceedings in U.S.D.C. Case No.07-CR-300, that are serves as the cause of civil No. 17-cv-00665 :

1). Where a Defendent files a 52(b), of the Federal Rules Civil of Procedure, after the Appellate Court had order a denial of defendant's Motion pursuant to §§ 2244, and 2255(h). Can the district court then recharacterizes the defendant's motion pursuant Rule 52(b), as a second or successive for the reasons of an order of denial of the fundamental questions, by time barring defendant's equal protection of the laws, and fundamental fairness challenges ? Castro, 540 U.S. 375,377, 157 L .Ed 2d 778(2003).

2). When a district court on record twice make construction of amendments to a grand jury's indictment counts, and allows the government to presented its presentation of argument as evidence under the two construction amendments on open records, to a jury at trial. Does the defendant's substantial rights to indictment by a grand jury, in accordance to the Fifth Amendment's Grand Jury clause, survives the invasion by the constructive amendment ? and does the guarant-ees of the Sixth Amendment's fair notice clause survived the infringed of the government's prejudicial presentation of evidential claims ? Graham v. Conner.490 U.S. 386,395, 104 L .Ed 2d 443,(1989).

3). When an Appellate Court, fails to address the fundamental questions, presented before it, and affirms the district court's recharacherization in the contrary of its own's binding precedents of " United States v Hailey, 705 Fed. Appx. 197(4th Cir. 2017); United States v. Emmanuel, 288 F.3d 644, 649 (4th Cir. 2002); as to the recharacterization claims, and constructive amendment claims; United States v, Floresca, 38 F.3d 706,712(4th Cir. 1994); Strone v. United States.

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:

PARTIES INVOLVED BELOW

- 1). Orginial Complainant : United States of America;
- 2). Defendant : Andre D. Whitfield .
- 3). United States District Court for the Eastern Division of Virginia
- 4). United States Court of Appeals for the Fourth Circuit

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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 ~~B~~ C to the petition and is

☒ reported at A 17-326 C 17-7364; 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 2:17-cv-00665-MEH/3:07-cr-00300-MEH; 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 August 3, 2017 / DEC 28, 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: Feb 27, 2018, and a copy of the order denying rehearing appears at Appendix B, D.

☐ 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).

STATUTORY AND CONSTITUTIONAL PROVISIONS

Statutory Provisions :

28 U.S.C. § 1254

Constitutional Provisions :

First Amendment : Petition clause;
Fourteenth Amendment : Equal Protection clause;
Fifth Amendment : Due Process clause ;
Sixth Amendment : Fair notice principles, counsel clause;
Ninth Amendment : Enumerate Rights'

Rules Involved :

Sup. Ct. Rule 12
Local Rule 4, of United States Court of Appeals for Fourth Circuit
Rule 4, of the Federal Rules of Appellate Procedure

STATEMENT OF FACTS

I.

1). On August 31, 2007, Andre D. Whitfield, the defendant in the United States District Court, herein, error and in the proceedings of criminal case docket No. 07 -cr- 00300-HEH-1; was deprived of his fundamental rights as secured in the constitutional safeguards of the guarantees of the Fourteenth Amendment's Equal Protection clause, Fifth Amendment's Grand Jury clause (Right to Indictment), Due Process clause, and the Sixth Amendment's Right to effective assistance of an competent counsel, fair notice, and an impartial factfinder.

2). On November 20, 2007, Andre D. Whitfield, the defendant in the United States District Court, herein, error and in the above mentioned criminal proceedings of the case docket No. 07-cr-00300-HEH-1, was deprived of his fundamental rights as secured in the constitutional safeguards of the guarantees of the Fourteenth Amendment's Equal Protection clause, Fifth Amendment's Grand Jury's clause (Right to Indictment), Due Process, and the Sixth Amendment's (Right to effective assistance of an competent counsel, fair notice, and an impartial factfinder.

3). On September 29, 2017, Andre D. Whitfield, the defendant in the above mentioned district court, and case docket No. 17-00665-HEH, in related to Case No. 07-00300-HEH-1, was deprived of his fundamental rights, by reasons of the recharacterization of his pro'se litigant pleading, in contrary to the constitutional safeguards of the Fourteenth Amendment's Equal Protection clause, and the Fifth and Sixth Amendments' guarantees in the conjunctional essential of the Due Process fundamental fairness principles, (fair Notice).

II.

STATEMENT OF CASE

Procedural Background :

4). On November 20, 2007 Andre D. Whitfield, was convicted by a jury, that found him guilty as to all counts of the indictment, as were presented to the jury after there had been several constructive amendments. The constructive amendment to the counts (6 on August 31,2007); and to (5 on November 20,2007), Whitfield was, then sentenced to a term of 192 months, imprisonment, and 5 years of supervised release.

5). In 2017, Whitfield, filed in the United States Court of Appeals for the Fourth Circuit, a pro'se motion in pursuant § 2255(h), in the request for the authorization of an § 2244, that Appellate Court, denied his motion for second or successive.

6). Andre D. Whitfield, than filed his pleading of "Plain Error," on or about August 21,2017, in the trial and sentencing court, in the pursuant of the Rule 52(b), of the Federal Rules of Criminal Procedure, said court than recharacterized Whitfield's pro'se litigant pleading from a Rule 52(b), to be an § 2255, but failed to provide notice to Whitfield prior to recharacterization.

7). Andre D. Whitfield, appealed " (see Appellate No. 17-7364)," in the ~~informal brief, he raised the issues of the trial court's failing to give him fair~~ notice, prior to its recharacterizing his pleading, and that the constructive amendments to counts 5, and 6 of the indictment raised to structural defect, the Appellate court, affirmed the trial court's recharacterization misconduct, and dismissal on December 28,2017, however, Whitfield than filed a motion for recall of mandate, a stay was put in place, pending the out come of en banc panel decision. On February 27,2018, the en banc panel denied Whitfield's the right to be heard on the said

petition for recall of the mandate, as if it was filed as an en banc petition for a rehearing.

8). Petitioner Andre D. Whitfield, has been incarcerated in a federal prisons system for more then 11 years of the 192 months sentence term, he has sought and exhausted the federal administration laws remedies made available to federal prisoners, however, each and every vehicles provided to him, to have his liberty and fundamental injures, or grievances redress, and protected under the Administration laws grievances remedies, has been denied, within, the minds state of " Arbitrary " to enforce in essence discrimination of the Equal "Protections" of his guarantee rights in the lower federal courts... the very "Principal substance," that the federalism principles rest upon is completely ignored in the lower federal courts.

" In Marbury v. Madison, (1803), arguably the most significant case in American constitutional law, the Supreme Court of the United States' held in this opinioned:

It is emphatically the province and duty of the [courts] to say what the law is... So if the law be in opposition to the Constitution... [t]he Court must determine which of these conflicting rules governs the case. This is the very essence of judicial duty.

9). On August 31, 2007, and November 20, 2007, the United States District Court herein, erred cause by its own discretion to deprive Whitfield's substantial rights, by its constructive amendments to an Grand Jury's surrendered indictment counts 5, and 6, contrary to this Supreme Court's settled precedent of that law, In Stirone v. United States, the Fourth Circuit an Appellate Court for the United States, in its interest of comity to its fellow judicial officer, erred and has no regard for its own binding precedent in "Floresca v. United States, supra." show to cause of discrimination -to said citizen Andre D. Whitfield's fundamental guarantees.

III. (A)

ARGUMENT

10). Law set forth in clear errors; the prejudice an accused person's rights is found to cause an liberty injury, in contrary of the laws, or constitutional provision and result in a person wrongfully conviction(s), and sentencing is an unlawful cause in violation of the Constitution, or Laws, or Treaties of the United States. This Supreme Court of the United States is a creature of the Constitution for the United States, " Article 111 " no other court derived out of the original construction of the Constitution, all other courts institutions of congressional that are ordinance to possess an member of Article 111, substances. This Supreme Court's delegated Powers are separated and cognizance in the Doctrine of Separation Powers, and the Regulations of the Judiciary Acts of 1789.

11). One of the most significant instrument of balancing the law, and there definitions, is the doctrine of stare decisis, and On December 15, 2003, this Supreme Court set forth in its decision of " Castro, supra. the precedental demands and warning in the lower courts recharacterization(s), of pro'se litigant pleadings, the Court set forth that following must occur before the lower courts recharacterized a pro se litigant's pleading (1) notify the litigant that the

court intended to recharacterize the pleading, (2) warn the litigant that this recharacterization meant that any subsequent § 2255 motion would be subject to §2255's restrictions on " second or successive " motions, and (3) provide the litigant an opportunity to withdraw the motion or to amend it so that it contained all the § 2255 claims that the litigant believed the he or she has. If the District Court failed to do these things, then the motion could not be considered to have become a § 2255, motion for purposes of applying to later motions the " second or succes-

sive" restrictions as herein, present case of Whitfield.

12). Whitfield asserts that he believe, that because this Court limited language inscribed in that decision the lower courts in erred, has misconstrued the decision to only reach initial § 2255, that may effect a future filing of the administration remedy, and the ambiguous leaves to may be allow a lower court to avoid the substantial rights that is infringed upon, and the fundamental and even the liberty private interests is disregarded by the proceeding recharacterization conduct.

13). Although some circuit courts has found under the mind set provision in " United States v. Palmer, 296 F.3d 1135,1145-1147 (CA DC 2002)" it is frightening herein, present of Whitfield's case, whereas, the Fourth Circuit Court, has uphold the U.S. District Court's deliberate refusal to provide Whitfield notice or opportunity. See Palmer, supra. at 1147; see also Henderson, 264 F.3d at 711-712; Raineri, 233 F.3d at 100; In re Shelton, 295 F.3d at 622. " the very point of warning" a pro'se litigant is to help or provide understanding not only (1) whether he should withdraw or amend his motion, but also (2) whether he should contest the recharacterization, say on appeal. see also Hailey 705 Fed. Appx. at 198(4th Cir. 2017).

14). The "lack of warning " prevents the lower court from making an informed judgment in respect to the latter just as it does in respect to the former. Whereas, in the present of Whitfield's case, the lower court failed to follow in the law, and the Appellate Court, failed to correct the clear error made by the district

court, in its failing to say what the law is, the Appellate Court's dismissal of Whitfield's appeal is in opposition to the Constitution, in according to this Supreme Court's settled precedent of the law, in both Marbury, supra. and Castro, supra.

15). Indeed, an unwarned pro'se litigant's failure to appeal a recharacterization, simply underscores the practical importance of providing the warning. However, thats not the case herein, present of Whitfield's case before this Court, neverthe-

less, hence, an unwarned recharacterization cannot count as a § 2255 motion for purposes of the " second or successive " provision, whether the unwarned pro'se litigant does, or does not, take an appeal.

III. (B)

GROUND FOR THE GRANTING OF PETITION

16). "Messenger v. Anderson, 225 U.S. 436,444, 56 L .Ed 1154, 32 S .Ct 739(1912) (Holmes, J.). It cannot prohibit a court from disregarding an earlier holding in an appropriate case which, for the reasons set forth; United States v. Olano, 507 U.S. 725,734, 113 S .Ct 1770, 123 L .Ed 2d 508(1993). This Supreme Court is the highest " Appellate Court" in the United States, and therefore, it appellate judicial reviewing "' Powers,'" are cognizable herein, as it has sufficient sustain in both Messenger, and Olano.

17). In Messenger, it was held : A prior decision of a federal circuit court of appeals is not the law of the case for the Supreme Court, when reviewing a later decision of the former court's in the same case. In Olano, held as defined " Plain Error"as, (1) error(2) that is plain and (3) affects substantial rights, Id. at 1776-78; " A reviewing court should exercise its discretion to correct plain error if a fourth condition is met-- when the error " seriously affects the fairness, integrity, or public reputation of judicial proceedings." Id. at 1779.

18). Because constructive amendments are not subject to review for harmlessness, this Supreme Court, has consider them to be " structural defects" in the trial mechanism. See, Sullivan v. Louisiana, 124 L Ed 2d 182, 113 S. Ct 2078 (1993)(holding that the deprivation of a defendant's Sixth Amendment right to trial by jury is a structural defect, not amenable to harmless error analysis).

19). Even though herein, present of Whitfield, he had a trial by jury and that jury held him as guilty to the indictment under the constructive amendments,

Whitfield's substantial rights to grand jury indictment-- after all, this Supreme Court, has already said that it does: a constructive amendment " destroys the defendant's substantial rights to be tried only on charges presented in an indictment returned by a grand jury. " Stirone, 361 U.S. at 217. " The right to have the grand jury make the charge on its own judgment is a substantial right which cannot be taken away with, or without court amendment. Id. at 218-19 (emphases supplied).

20). That a constructive amendment always " affects substantial rights, is also clear by reading the plain language of Rule 52 in light of Stirone. Rule 52 (a) squarely defines harmless error as error that does not affect substantial rights. Because this Court in Stirone held, that the error occurred by the constructive amendments can never be harmless, see note 13, supra. it follows that such errors must affect substantial rights. There is nothing in " Olano" to the contrary. Though Olano obviously stands for the rule that a defendant must ordinarily demonstrate that he has been prejudiced by the error in order to prevail, it is equally evident that the Olano Court contemplated that there would be exception to that rule.

21). Whitfield, however, has repeatedly proclaimed his substantial injury under the prejudice extending from the constructive amendments of August 31, 2007 (Dkt. 16-17), the second constructive amendment of November 20, 2007, of the day of his trial by jury, in clarity his rights guaranteed by the Sixth Amendment secured him the right to defend himself with effective assistance of competent counsel, this right was not afforded Whitfield neither on August 31, 2007, nor November 20, 2007.

22). In Olano, it was held : " There may be a special category of forfeited errors that can be corrected regardless of there effect on the outcome... Olano , 113 S.Ct at 1778 (emphasis supplied) 16 Thus, while interpreting Stirone, to

that factfinder could not sustain upon an lawful manner. As to all facts deriving out of conflict of Whitfield's fundamental rights as guaranteed by the Fifth and Sixth Amendments in conjunction by way of essential principal of the Due Process Clause. Because in Whitfield's case, it is "utterly meaningless" to posit that any rational grand jury could or would have indicted Whitfield under paragraphs 5 and 6, because it is plain that this grand jury did not, and absent waiver, a constitutional verdict cannot be had on an unindicted offense.

23). It is entirely conceivable that the above analysis ends this case. It is an open question as to whether the absence of an objection requires further analysis when the alleged error goes to the heart of the entire judicial process. However, it is arguable that the "Olano Court" had exactly those kinds of structural defects in mind when it mentioned the potential existence of a "special category" of errors not requiring a specific showing of prejudice. see note 16, *infra*, and accompanying text.

24). If that is true, however, the Court also contemplated, in announcing the fourth Olano factor, that a reviewing court would have the discretion to deny relief in such a case-- though it would difficulty to imagining a structural defect that does not "seriously affect the fairness, integrity, or public reputation of judicial proceedings." Indeed, it is precisely because to reach the same result in Whitfield's case under either approach that is need not resolve this question presented to this Supreme Court, would serve a fundamental miscarriage of Justice.

25). It is indisputable that the constructive amendments of Whitfield's indictment was error. Likewise, there can be no question of law, but that the errors was plain-- obvious enough to require the district court to correct it. (Dkt. 16-17), and (Dkt. 28). There should be no question of law, that the error affected

Whitfield's substantial right to grand jury indictment- after all, this Supreme Court has already said that it does: a constructive amendment "destroys the defendant's substantial right to be tried only on charges presented in an indictment returned by a grand jury." Stirone, 361 U.S. at 217." The right to have the grand jury make the charge(s) on its own judgment is a substantial right which cannot be taken away with or without court amendment. Id. 218-19(emphases supplied).

26). The Fourth Circuit, herein, Whitfield erred, when it discriminated as to the Equal Protection of law, by its discretion employed as to the similar circumstances that derived in United States v. Floresca, supra., and said Petitioner here Andre D. Whitfield, wherein, Floresca's binding precedent of that circuit held that the constructive amendment occurred when the court allowed the provisions of the statute to be amendment...however, as herein Whitfield, on August 31, 2007, the trial court constructive amendment occurred in the indictment's count 6, where the Grand Jury asserted charge offense as to § 922(g)(3), the element herein, this provision, are different then the usage of the grand jury's reasons, that the trial court, and government reason set forth to constructive amending the statutory provision best set forth in § 922(g)(9)'s crime element. The trial court's record shows that as early as August 16, 2007, the government and the trial court, either knew or should had known of the facts, yet and still the government's attorney signed the charging instrument in it surrendered state, and did not required the same Grand Jury's panel that surrendered the indictment to correct or clarify the fact assumed as an error, instead the government's counsel sought an arrest under oath based on the grand jury's indictment, and in Floresca, the Fourth Circuit set its binding precedent because of the statutory provision constructive amendment of the statutory provisions in the title 18 U.S.C. §§ 1512(b)(1), was constructive amended to 1512(b)(3), for the

same purposes of the substantial right being prejudiced. And for such substantial principal must be held equally of the law herein, Whitfield, and even should this asserted material fact by Whitfield, be misplace, the substantial material fact of the second constructive amendment that occurred the day of his trial is sufficient in amount to an structural defect, whereas, "on November 20, 2007, the statute itself was changed wherein, the grand jury's surrendered indictment set forth that title 21 U.S.C. § 924(c), was the offense charged and Whitfield, was to defend against those accusation, the prejudice here are so serious in the deprivation of the fundamental fairness principles and their element of essential that the facts of the outcome of a conviction for an uncharged offense was broadened in such an manner that the scale of justice stood prejudicial unbalance against Whitfield. " Berger v. United States, 295 U.S. 78, 79 U .ed 1314, 55 S .Ct 629."

This error of the lower courts, must be seeing in light of Ex parte Bain, 121 U.S. 1, 30 U .ed 849, 7 S .Ct 781, it has been the rule that after an indictment has been returned its charges may not be broadened through amendment except by the grand jury itself. As herein, present of Whitfield's case the amendment of title 21, to title 18, changed the offense charged by the grand jury in its returned indictment in August 2007.

In Berger v United States,supra. The very purpose of the requirement that a man be indicted by grand jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acting independently of either prosecuting attorney or judge. Thus, the basic protection the grand jury was designed to afford is defeated by a device or method which subjects the defendant to prosecution for interference with interstate commerce which the grand jury did not charged.

27). Whitfield should be resentence without the two counts of the indictment that was constructively amended and those counts 5, and 6, convictions should be vacated immediately, because they are in violation of the Constitution, or laws, or Treaties of the United States. Whitfield stand innocent of the counts 5 and 6, crimes. He was convicted on charges the grand jury never made against him. This was held as fatal error. cf. Cole v. Arkansas, 333 U.S. 196, 92 L.ed 644, 68 S.Ct 514; DeJonge v. Oregon, 299 U.S. 353, 81 L.ed 278, 57 S.Ct 255.

IV.

CONCLUSION

THEREFORE, for the above reasons, and in closing of this conclusion, Andre D. Whitfield, stand wrongfully convicted, and innocent of the constructive amended indictment counts 5, and 6, the grave fundamental miscarriage of justice, derives where all " Administration law remedies are blocked in violation of Andre D. Whitfield's substantial rights by congressional statutory that stands in clear conflict of the constitutional safeguards, and the fundamental guarantees enjoy by all other citizens of the union states," secured in the Amendments of the Bill of Rights to the Constitution of the United States, and elsewhere of the said Constitution, as such the Ninth and Fourteenth Amendments.

~~This Supreme Court's settled precedent in "~~ Castro, *supra.*, ~~set forth,~~
in upholding that : [" If these warnings are not given, the motion cannot be
considered to have become a § 2255 motion for purposes of applying to later motions,
the law's " second or successive " restrictions,"]."

In " Whitfield's" circumstances he had filed and application for an
" second or successive," but was denied has " First and Fifth Amendments rights
in the " Petition clause." Logan v. Zimmerman Brush Co, 455 U.S. 422, 71 L.Ed 2d
265; Sullivan v. Little Hunting Park, 396 U.S. 229, 24 L.Ed 2d 386; (quoting Baker

v. Carr, 369 U.S. 186, 7 L .Ed 2d 663, at n. 4 (It would not necessary to decide whether appellants' allegations of impearment of their votes by the 1901 appointment will, ultimately entitle them to any relief, in order to hold that they have standing to seek it).

In Castro, It was held : that a limitation was not implemented, but that when recharacterization may occur, but to the contrary treats it as a routine practice which may be employed " to avoid an unnecessary dismissal," [and in light herein, present of Whitfield's case such would stand that the trial court error for the above purposes]., however, in furthance of Castro, that Court held " to avoid inappropriately stringent application of formal labeling requirements," [and again in present of Whitfield's case, the trial court erred for this above purposes, nothing in the record would sustain that the trial court acted with such purposes of its recharacterization of Whitfield's pro'se litigant pleading pursuit of Rule 52(b)]., Also in Castro, that Court held : or " to create a better correspondence between the substance of a pro'se motion's claim and its underlying legal basis." [the trial court established clarifily its interpretation of Whitfield's claims, and because it deliberately refused to provide him notice its recharacterization of his pro'se litigant pleading with for this above purposes]. Ante, at 381-382, 157 L .Ed 2d, at 786-787.

" That is particularly regrettable since the court's new recharacterization procedure does not include an option for the pro'se litigant to insist that the trial court rule on his motion as filed; and gives scant indication of what might be a meritorious ground for contesting the recharacterization on appeal.

Whitfield, has set forth substantial material facts set forth to establish a bright light of the errors in the lower courts, whether the sincere of prejudices that derived out of arbitrary discretionary discrimination, or judicial

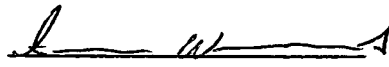
comity errors, the fundamental guarantees of the right to Petition the government, and the right to be heard upon the grievance(s) of the endured injury, isn't subject to act of congressional statutory, or judicial recharacterization, that stands in conflict with constitutional rights.

" The very essece of liberty, certainly consists in the right of every individual to claim the protection of the laws, whenever, he receives an injury." " Marbury v. Madison, supra."

WHEREFORE, Andre D. Whitfield's should be " Granted " leave to proceed in his application for " writ of certiorari " and that this Honorable Supreme Court of the United States' afford him appropriate, and appreciated representation by an effective assistance of competent counsel in this matter.

Date : 3/16/18 ,2018:

Respectfully Submitted.


Andre D. Whitfield

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16 day, of the month of MARCH 2018, a copy of the foregoing Andre D. Whitfield's Application for leave to proceed forma pauperis, and writ of certiorari, was mailed prepaid to the following :

Supreme Court's Clerk Office

Respectfully Submitted .


Andre D. Whitfield
Reg. No. 33834-183
FCC Petersburg, Low
P.O. Box 1000
Petersburg, VA 23804

cc: file

⇔33834-183⇔

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