

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND THOMAS — PETITIONER
(Your Name)

vs.

WARDEN OF FCI EDGEFIELD — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RAYMOND THOMAS 05447-050
(Your Name)

37910 NORTH 45TH AVE
(Address)

PHOENIX, AZ 85086
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

I wish THE COURT TO REVIEW THOMAS'S WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 IN DISTRICT COURT OF SOUTH CAROLINA C/A NO: 1:14-3014-RMB-SVH. ON THE DATE OF 8/13/2014 IT WAS REPORT AND RECOMMENDATION OF THE COURT THAT THE CASE BE DISMISS WITHOUT PREJUDICE. THE COURT EXPLAINED THE APPROPRIATE REMEDY FOR A DEFAULT BY THE PAROLE COMMISSION IS A WRIT OF MANDAMUS TO COMPEL COMPLIANCE WITH THE STATUTE. AUGUST 13/2014 CASE DISMISSED WITHOUT PREJUDICE. PETITIONER THOMAS NOW FILES WRIT OF MANDAMUS AS INSTRUCTED BY THE COURT ON APRIL 22/2015. IN FILING WRIT OF MANDAMUS PETITIONER RECEIVED ALL THE DOCUMENTS HE NEEDED TO PROCEED WITH HIS WRIT OF HABEAS CORPUS IN SOUTH CAROLINA. PETITIONER FILES BACK TO SOUTH CAROLINA ONLY TO BE TOLD THAT HE HAS FILED SUCCESSIVE AND THE HABEAS PETITION IS DISMISSED WITH PREJUDICE OCTOBER 6/2017 BY JUDGE RICHARD MARK GERGEL UNITED STATES DISTRICT COURT JUDGE. I SEEK REVIEW OF THE CASE BECAUSE IT WAS DISMISS WITHOUT PREJUDICE AND PETITIONER HAD THE RIGHT TO REFILE HIS CASE BACK TO THE DISTRICT COURT.

SECOND QUESTION

IS IT A CONSTITUTIONAL DUTY TO PROVIDE A PAROLEE AN ADVERSARY PAROLE HEARING WHEN WARRANT HAS BEEN SERVED ON HIM BY FEDERAL MARSHAL'S?

THIRD QUESTION FOR REVIEW

THIS CASE WAS DISMISSED ON SUMMARY JUDGMENT BY THE DISTRICT COURT WHEN PETITIONER HAD SUFFICIENT MATERIAL FACTS IN THE MATTER STATED BY THE APPEALS COURT. IS IT BECAUSE PETITIONER IS WITHOUT COUNSEL.

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:

WARDEN BONITA MOSLEY of FCI Edgefield et. al

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(JURISDICTION-FOURTH CIRCUIT JUDGEMENT WAS ENTERED ON THIS DATE OF FEBRUARY 1/2018 FOR PETITION FOR WRIT OF CERTIORARI:

(CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED)-PETITIONER'S rights given him by DUE PROCESS clause OF THE FOURTEENTH AMENDMENT WERE DENIED AS THE FOURTEENTH AMENDMENT REQUIRES THAT A STATE AFFORD AN INDIVIDUAL SOME OPPORTUNITY TO BE HEARD PRIOR TO REVOKING HIS PAROLE. A PAROLEE'S LIBERTY, ALTHOUGH INDETERMINATE, IS WITHIN THE PROTECTION OF THE FOURTEENTH AMENDMENT AND ITS TERMINATION CALLS FOR SOME ORDERLY PROCESS HOWEVER INFORMAL.

(STATEMENT OF THE CASE: FACTUAL AND PROCEDURAL BACKGROUND

PETITIONER PLEAD GUILTY TO ASSAULT WITH A DANGEROUS WEAPON DURING THE COMMISSION OF A BANK ROBBERY IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, AND ON MAY 25, 1983, HE WAS SENTENCED TO 34 YEARS, BUT RECEIVED A 2 YEAR CREDIT FOR EACH SENTENCE WHICH MADE A SENTENCE TOTAL OF 30 YEARS. PETITIONER WAS RELEASED ON PAROLE DECEMBER 9TH 1999 AND HIS PAROLE TERMINATION DATE WAS DECEMBER 9TH 2012. ON OCTOBER 2, 2003 PETITIONER WAS ARRESTED IN THE STATE OF FLORIDA ON STATE CHARGES OF ROBBERY WITH A FIREARM AGGRAVATED BATTERY, ASSAULT AND RESISTING ARREST. ON DECEMBER 1, 2003 VIOLATION WARRANT WAS SERVED ON PETITIONER BY U.S. MARSHAL SERVICE. ON MARCH 3/2004, PETITIONER WAS SENTENCED TO 10 YEARS IN THE FLORIDA DEPARTMENT OF CORRECTIONS. THE U.S. PAROLE COMMISSIONER ANALYST OF THE NORTHERN DISTRICT OF GEORGIA, ANGELA COCHRAN, STATED THAT THE WARRANT WAS EXECUTED AND SHE HAD A COPY OF THE WARRANT. SHE STATED THAT THE PETITIONER SHOULD RECEIVE GUIDELINE CREDIT FOR THE TIME SPENT IN CUSTODY PRIOR TO EXECUTION OF THE WARRANT FROM OCTOBER 2, 2003 TO SEPTEMBER 27, 2013.

(REASONS FOR GRANTING THE PETITION: PETITIONER BELIEVES THAT THE FOURTH CIRCUIT IS IN VIOLATION. PETITIONER FILED A HABEAS PETITION IN 2014 AND IT WAS

dismissed without prejudice. AT THE TIME OF his Filing in 2014 PETITIONER did NOT HAVE ALL THE SUPPORTING FACTS AND THE DOCUMENTATION INCLUDED WITH THIS PETITION. AS SUCH PETITIONER HAS COMPELLING REASONS WHY THIS COURT SHOULD GRANT PETITIONER. *In RE GOSERY*, 116 F.3d 1051 (5th Cir. 1997):

"(S)INCE THE PASSAGE OF THE AEDPA, THE FIRST, SECOND, SEVENTH AND NINTH CIRCUITS HAVE CONCLUDED THAT A HABEAS PETITION REFILED AFTER DISMISSAL WITHOUT PREJUDICE IS NEITHER SECOND NOR SUCCESSIVE. 46-47 (2ND CIR. 1996). COURT AGREE AND CONCLUDE THAT GOSERY'S REFILED PETITION IS MERELY A CONTINUATION OF HIS FIRST COLLATERAL ATTACK, NOT A SECOND OR SUCCESSIVE PETITION WITHIN THE MEANING OF § 2244 (b). FOR THE FOREGOING REASONS WE DENY GOSERY'S MOTION AS UNNECESSARY. GOSERY MAY FILE HIS PETITION DIRECTLY WITH THE COURT.

THIS SHOWS NOT ONLY WHY THE DECISION OF THE LOWER COURT MAY BE ERRONEOUS BUT THE NATIONAL IMPORTANCE OF HAVING THE SUPREME COURT DECIDE THE QUESTION INVOLVED. THIS CASE IS IN CONFLICT WITH THE DECISIONS OF ANOTHER APPELLATE COURT THE IMPORTANCE OF THIS CASE NOT ONLY TO YOU BUT TO OTHERS SIMILARLY SITUATED. THE APPEALS COURT'S RESPONSE TO PETITIONER'S PETITION IS IN QUESTION THEY SAID THOMAS'S OBJECTS ARE SUFFICIENT BUT NONETHELES WE AGREE WITH THE DISTRICT COURT THIS DECISION IS IN CONFLICT AND IT IS IMPORTANT TO SHOW THIS TO THE SUPREME COURT. BOTH COURTS OVERLOOKED MATERIAL FACTUAL LEGAL MATTERS A REVIEW OF THIS CASE IS WANTED BECAUSE OF EXTRAORDINARY CIRCUMSTANCE.

ON A NOTHER MATTER THAT PETITIONER ASKS THIS COURT TO REVIEW PAROLE COMMISSION LOSE JURISDICTION OF PETITIONER ONCE THE TIMES EXPIRED IN DECEMBER OF 012 PETITIONER WHILE IN STATE CUSTODY NEVER HAD A REVOCATION HEARING TILL 014. IN THE OF *MOODY V. DAGGETT*, 429 U.S. 78. 50 L. ED 2D 236 97 S. Ct. 274. THERE IS A CONSTITUTIONAL DUTY TO PROVIDE A PAROLEE AN ADVERSARY PAROLE HEARING WHEN WARRANT HAS BEEN SERVED ON HIM BY FEDERAL MARSHAL'S EXECUTION OF THE WARRANT THE SUPREME COURT ON

CERTIORARI held ONE DUE-PROCESS PROTECTIONS APPLICABLE TO THE PAROLE.
PAROLE REVOCATION PROCESS ATTACHED WHEN A PAROLE REVOCATION WARRANT WAS ISSUED.
PETITIONER SUFFERS A LIBERTY LOSS UPON EXECUTION OF THE WARRANT.
PAROLE COMMISSION FAILED TO GO BY THEIR PROCEDURES OF LAW. THE ADMINISTRATIVE
PROCEDURES ACT (APA) 5 U.S.C 702 STATES (A) PERSON SUFFERING LEGAL WRONG
BECAUSE OF AGENCY ACTION WITHIN THE MEANING OF RELEVANT STATUTE IS ENTITLED
TO JUDICIAL REVIEW THEREOF. APA § 706 STATES THAT COURTS MAY STRIKE
DOWN AGENCY ACTION IF THEY ARE ARBITRARY CAPRICIOUS AN ABUSE OF DISCRETION OR
OTHERWISE NOT IN ACCORDANCE WITH LAW. THIS COURT HAS THE POWER TO
REVIEW THIS CASE AND MAKE THE LAW PLAIN FOR EVERYONE TO UNDERSTAND.

CONCLUSION

RAYMOND THOMAS DATE 4/26/018 I SUBMIT THIS PETITION TO THE
MAIL ROOM IN PHOENIX FCI

RAYMOND THOMAS OS447050

DATE 4/26/018

37910 NORTH 45TH AVE

PHOENIX, AZ 85086

FCI PHOENIX

Raymond Thomas

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CASES

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(FIRST CASE: IN RE GOSERY, 116 F.3d 105 (5th Cir. 1997)

(SINCE THE PASSAGE OF THE AFDPA, THE FIRST SECOND SEVENTH AND NINTH CIRCUITS HAVE CONCLUDED THAT A HABEAS PETITION FILED AFTER DISMISSAL WITHOUT PREJUDICE IS NEITHER SECOND NOR SUCCESSIVE. 46-47 (2ND CIR. 1996).

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(SECOND CASE: Moody V. Daggett, 429 U.S. 78, 50 L. Ed 2d 236 97 S. Ct.

274. THERE IS A CONSTITUTIONAL DUTY TO PROVIDE A PAROLEE AN ADVERSARY PAROLE HEARING WHEN WARRANT HAS BEEN SERVED ON HIM BY FEDERAL MARSHAL'S EXECUTION OF THE WARRANT HAS BEEN SERVED ON HIM. THE SUPREME COURT ON CERTIORARI HELD ONE DUE PROCESS PROTECTIONS APPLICABLE TO THE PAROLEE.

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STATUTES AND RULES

THE SUPREME COURT HELD THAT THE CONDITIONAL FREEDOM OF A PAROLEE GENERATED BY STATUTE IS A LIBERTY INTEREST PROTECTED BY THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT WHICH MAY NOT BE TERMINATED ABSENT APPROPRIATE DUE PROCESS SAFEGUARDS.

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THE ADMINISTRATIVE PROCEDURES ACT (APA) 5 U.S.C. 702 STATES (A) PERSON SUFFERING LEGAL WRONG BECAUSE OF AGENCY ACTION WITHIN THE MEANING OF RELEVANT STATUTE IS ENTITLED TO JUDICIAL REVIEW THERE OF. APA § 706 STATES THAT COURTS MAY STRIKE DOWN AGENCY ACTION IF THEY ARE ARBITRARY CAPRICIOUS AN ABUSE OF DISCRETION OR OTHERWISE NOT IN ACCORDANCE WITH LAW.

OTHER

SEE HABEAS CORPUS PETITION PLEASE SEE EXHIBITS WARRANT APPLICATION AS WELL AS MEMORANDUM, ALL DATED DECEMBER 1/03. PETITIONER RELIES ON: Williams V. Taylor, 163 F.3d 860 4th Cir. 1998) FEDERAL HABEAS COURT MAY EXCUSE PETITIONER'S PROCEDURAL DEFAULT IF HE CAN DEMONSTRATE EITHER CAUSE FOR AND RESULTING PREJUDICE FROM THE DEFAULT, OR THAT HE HAS SUFFERED A FUNDAMENTAL MISCARRIAGE OF JUSTICE.

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 _____ 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 _____ 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 February 2/2018.

☐ 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: February 2/2018, 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 NA (date) on _____ (date) in Application No. A NA.

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 NA.
A copy of that decision appears at Appendix NA.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including NA (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

CONSTITUTIONAL LAW § 746 - DUE PROCESS - PROCEDURE.

WHETHER ANY PROCEDURAL PROTECTIONS ARE DUE DEPENDS ON THE EXTENT TO WHICH AN INDIVIDUAL WILL BE CONDEMNED TO SUFFER GRIEVOUS LOSS.

CONSTITUTIONAL LAW § 513 - DUE PROCESS. UNDER THE DUE-PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT, THE QUESTION IS NOT MERELY THE WEIGHT OF THE INDIVIDUAL'S INTEREST, BUT WHETHER THE NATURE OF THE INTEREST IS ONE WITHIN THE CONTEMPLATION OF THE "LIBERTY OR PROPERTY" LANGUAGE OF THE FOURTEENTH AMENDMENT.

CONSTITUTIONAL LAW § 746 - DUE PROCESS - PROCEDURE IS FLEXIBLE AND CALLS FOR SUCH PROCEDURAL PROTECTIONS AS THE PARTICULAR SITUATION DEMANDS BUT THIS DOES NOT MEAN THAT JUDGES ARE AT LARGE TO APPLY IT TO ANY AND ALL RELATIONSHIPS, ITS FLEXIBILITY IS IN ITS SCOPE ONCE IT HAS BEEN DETERMINED THAT SOME PROCESS IS DUE, AND IT IS A RECOGNITION THAT NOT ALL SITUATIONS CALLING FOR PROCEDURAL SAFEGUARDS CALL FOR THE SAME KIND OF PROCEDURE.

CONSTITUTIONAL LAW § 746 - DUE PROCESS - PROCEDURE.

CONSIDERATION OF WHAT PROCEDURES DUE PROCESS MAY REQUIRE UNDER ANY GIVEN SET OF CIRCUMSTANCES MUST BEGIN WITH A DETERMINATION OF THE PRECISE NATURE OF THE GOVERNMENT FUNCTION INVOLVED AS WELL AS OF THE PRIVATE INTEREST THAT HAS BEEN AFFECTED BY GOVERNMENT ACTION.

CRIMINAL LAW § 110.5 - PAROLE REVOCATION:

A PAROLEE'S LIBERTY, ALTHOUGH INDETERMINATE, IS WITHIN THE PROTECTION OF THE FOURTEENTH AMENDMENT AND ITS TERMINATION CALLS FOR SOME ORDERLY PROCESS HOWEVER INFORMAL.

STATEMENT OF THE CASE

PETITIONER THOMAS FILED A § 2241 MOTION ALLEGING DUE PROCESS, MISCALCULATED TIME CREDITS, AND ILLEGAL CONFINEMENT. UPON PETITIONER'S PREVIOUS FILING IN THE DISTRICT COURT OF SOUTH CAROLINA HE DID NOT HAVE THE SUPPORTING FACTS AND DOCUMENTATION, NOR ADEQUATE LEGAL ASSISTANCE.

ARGUMENT

PAROLE COMMISSION USED AN ERRONEOUS CASE CITATION TO LEGITIMIZE THEIR ERROR. THE CASE THAT THE PAROLE COMMISSION CITED SUPPORTS PETITIONER'S CASE. *Moody V. Daggett*, 429 U.S. 78, 50 L. Ed. 2d 236, 97 S. Ct. 274. ON CERTIORARI, THE UNITED STATES SUPREME COURT AFFIRMED. IN AN OPINION BY BURGER, JOINED BY WHITE, MARSHALL, BLACKMUN, POWELL, AND REHNQUIST, IT WAS HELD THAT (1) A FEDERAL PAROLEE, IMPRISONED FOR A FEDERAL CRIME COMMITTED WHILE ON PAROLE, WAS NOT CONSTITUTIONALLY ENTITLED TO AN IMMEDIATE PAROLE REVOCATION HEARING WHEN A PAROLE VIOLATOR WARRANT WAS ISSUED AS A DETAINER BUT WAS NOT SERVED ON HIM SINCE THE PAROLEE WAS DEPRIVED OF NO CONSTITUTIONALLY PROTECTED RIGHTS SIMPLY BY ISSUANCE OF THE WARRANT, AND (2) THERE WAS NO CONSTITUTIONALLY DUTY TO PROVIDE THE PAROLEE AN ADVERSARY PAROLE HEARING UNTIL HE WAS TAKEN INTO CUSTODY AS A PAROLE VIOLATOR BY EXECUTION OF THE WARRANT. HERE THE PETITIONER'S CASE IS BASED ON WARRANT BEING EXECUTED IN 2003 BY THE U.S. MARSHAL SERVICE. THE EXECUTION OF THE WARRANT TOOK PLACE IN THE ORANGE COUNTY JAIL IN ORLANDO, FL. AS THE WARRANT WAS EXECUTED THE PAROLE COMMISSION HAD DUTY TO PROVIDE PETITIONER A PAROLE REVOCATION HEARING PURSUANT TO § 4213 WHICH STATES THAT A DETAINER SHALL BE REVIEWED BY THE COMMISSION WITHIN 180 DAYS OF NOTIFICATION TO THE PAROLE COMMISSION. AS SUCH, THE

CONTINUED FROM PAGE (1) STATEMENT OF CASE

Parole commission violated Petitioner's constitutional rights to due process. The Supreme Court held that once a warrant is served on you as a Parole violator the commission's duty is to bring the Parole violator back into its custody for a preliminary interview. Petitioner should have had his hearing near where the arrest took place in Florida, not 11 years later in Oklahoma. The U.S. Parole Commissioner Analyst of the Northern District of Georgia, Angela Cochran, stated that the warrant was executed and she had a copy of the warrant. She also stated that the Petitioner should receive guideline credit for the time spent in custody prior to the execution of the warrant, from October 2, 2003 to September 27, 2013. The statement comes from a Commissioner of the U.S. Parole Commission admitting that the warrant was executed in December 1/2003. In the *Moody v. Dagget*, case the Court noted at 386 U.S. 224, 18 L. Ed. 2d 1, 87 S. Ct. 988 41 Ohio Ops Ed. 168: The Magna Carta as interpreted by Sir Edward Coke guaranteed to all speedy justice. In (Coke's) explication of chapter 29 of the Magna Carta, he wrote that: The words we will sell to no man, we will not deny or defer to any man either justice or right had the following effect. And therefore every subject of this realm, for injury done him in bonis terris, vel person by another subject be he ecclesiastical or temporal; free or bond, man or woman, old or young, or be he outlawed, excommunicated or any other without exception may take his remedy by the course of the law and have justice and right for the injury done to him freely without sale fully without and denial and speedily without delay.

Parole commission lost jurisdiction of the Petitioner after December 9/2012 on the date of Parole expiration as the Parole commission's own files illustrate.

REASONS FOR GRANTING THE PETITION

It was this very court that held in Moody v. Daggett 429 U.S. 78, 50 L. Ed 2d 236 91 S. Ct. 274 there is a constitutional duty to provide a parole and Adversary Parole hearing when warrant has been served on him by Federal Marshal's execution of the warrant. The Supreme Court held 1 due Process Protection applicable to the Parole Revocation process attached when a Parole Revocation warrant was issued. Petitioner suffers a Liberty Loss upon execution of warrant. Parole Commissioner Analyst Angela Cochran's statement proves that the warrant was executed by U.S. Marshal's on December 1/2003 she states the release should receive guideline credit for time spent in custody prior to the execution of the warrant 10/2/2002 to 9/27/03. Probation Officer Joy Cobb notified the commission that Petitioner had been arrested on October 2/2003 by the Florida authorities. Warrant and warrant application and Memo attached to warrant application was issued. In bold type face letters the Memo clearly says Please assume custody as soon as possible or when located. Petitioner has no doubt that the Supreme Court will do what is right in this matter. Petitioner has stated in this case all Material Factual Legal Matters for the Court.

A. Review of this case is warranted because of extraordinary circumstance and also Material Facts. A Material Factual Legal Matter was overlooked on Regosery 116 F.3d 1051 (5th Cir. 1997) (Since the passage of the AEDPA, the First, Second, Seventh, and Ninth Circuits have concluded that a habeas Petition refiled after dismissal without prejudice is neither second nor successive. 46-47 (2nd Cir. 1996). Gosery's refiled Petition is merely a continuation of his first collateral attack not a second or successive Petition within the meaning of 2244 (b). The circuit's district Judge's in the Gosery case states he may refile his Petition.

REASONS FOR GRANTING THE PETITION-CONTINUED FROM PAGE (1)
THE ADMINISTRATIVE PROCEDURES ACT WAS VIOLATED BY THE PAROLE COMMISSION (APA) 5 U.S.C. 702 STATES (a) PERSON SUFFERING LEGAL WRONG BECAUSE OF AGENCY ACTION WITHIN THE MEANING OF RELEVANT STATUTE IS ENTITLED TO JUDICIAL REVIEW THEREOF. 'APA' § 706 STATES THAT COURTS MAY STRIKE DOWN AGENCY ACTION IF THEY ARE ARBITRARY, CAPRICIOUS OR ABUSE OF DISCRETION OR OTHERWISE NOT IN ACCORDANCE WITH LAW.

PETITIONER QUESTIONS THE APPEALS COURT'S DECISION TO THE MAGISTRATES REPORT AND DECISION TO GRANT SUMMARY JUDGEMENT. SUMMARY JUDGEMENT IS ONLY TO BE GRANTED IF THE RECORD BEFORE THE COURT SHOWS THAT THERE IS NO GENUINE ISSUE AS TO ANY MATERIAL FACT, BUT IN PETITIONER'S CASE THERE IS MANY MATERIAL FACTS OF LAW. IN THIS CASE IT WAS THE APPEALS COURT WHO SAID PETITIONER THOMAS OBJECTS ARE SUFFICIENT. THAN WHY AGREE WITH THE MAGISTRATES REPORT THIS DECISION IS IN CONFLICT. AND PETITIONER SEEKS THE OPINION AND SUPPORT OF THE UNITED STATES SUPREME COURT.

IN THE OPINION OF KLOPFER, 386 U.S. AT 225-226 N. 21, 18 L. ED 2d 1, 87 S. CT. 988, 41 OHIO OPS 2d 168, ALSO NOTES THAT THE MASSACHUSETTS CONSTITUTION OF 1780, PART 1, ARTICLE XI; PROVIDED EVERY SUBJECT OF THE COMMONWEALTH OUGHT TO FIND A CERTAIN REMEDY BY HAVING RECOURSE TO THE LAW FOR ALL INJURIES OR WRONGS, WHICH HE MAY RECEIVE IN HIS PERSON, PROPERTY OR CHARACTER. HE OUGHT TO OBTAIN RIGHT AND JUSTICE FREELY, AND WITHOUT BEING OBLIGATED TO PURCHASE IT, COMPLETELY, AND WITHOUT ANY DENIAL; PROMPTLY AND WITHOUT DELAY; CONFORMABLY TO THE LAW. TO SUPPORT THAT CONCLUSION I NEED ONLY REFER TO THE TRADITIONAL CONCEPTS OF DUE-PROCESS SET FORTH IN THE OPINION OF THE CHIEF JUSTICE. 386 U.S. AT 227, 18 L. ED. 2, 87 S. CT. 988, 41 OHIO OPS 2d 168. THERE MUST ALSO BE AN OPPORTUNITY FOR A HEARING IF IT IS DESIRED BY THE PAROLEE, PRIOR TO THE FINAL DECISION ON REVOCATION BY THE PAROLE AUTHORITY. "THIS CASE SHOULD BE REVIEW.

SEE EXHIBITS DOCUMENTS OF CASE. **CONCLUSION**

WARRANT DECEMBER 1/2003 WARRANT APPLICATION DECEMBER 1/2003.

MEMORANDUM DECEMBER 1/2003. 109TH CONGRESS 1ST SESSION H.R. 3012 REVIVE THE SYSTEM

The petition for a writ of certiorari should be granted. OF PAID FOR FEDERAL PRISONERS AND
FOR OTHER PURPOSES. IN THE HOUSE OF
REPRESENTATIVES JUNE 27, 2005.

Respectfully submitted,

Raymond Thomas

Date: April 26/ 2018