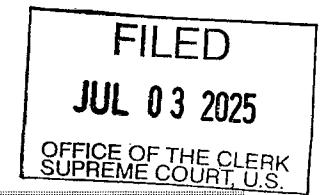


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IN THE SUPREME COURT OF THE UNITED STATES



JOHN TODD WILLIAMS

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

John Todd Williams

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Dated: August 11, 2025

QUESTIONS PRESENTED

1. Whether a federal appellate judge who was never properly designated under 28 U.S.C. § 294 may lawfully adjudicate a post-conviction 28 U.S.C. § 2255 motion, where the absence of such designation is confirmed by official federal court records, and whether any judgment rendered in such a proceeding is void for lack of jurisdiction under Article III of the Constitution.
2. Whether Judge Richard J. Sullivan, having presided over Petitioner’s underlying criminal trial, violated 28 U.S.C. § 455(b)(1) and due process by adjudicating the petitioner’s subsequent 28 U.S.C. § 2255 motion, despite having personal knowledge of disputed facts and an apparent interest in defending his own prior rulings.
3. Whether the failure of the government to ever obtain or present a valid forfeiture order in connection with the seizure and sale of Petitioner’s real properties—despite multiple searches and seizures—violates the Fifth Amendment’s due process protections and requires vacatur of the associated criminal and civil penalties.

REFERENCE TO OPINIONS BELOW

The United States Court of Appeals for the Second Circuit entered a final order denying Petitioner’s mandamus petition on May 1, 2025. The order of the Court of Appeals is reported at, and is attached to this Petition as Appendix A.

JURISDICTION

The United States Court of Appeals for the Second Circuit entered a final order denying Petitioner's mandamus petition on May 1, 2025. Petitioner files this corrected petition within the 60-day period permitted by the Clerk under Supreme Court Rule 14.5 following the return of the original petition for formal correction. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

Petitioner John Todd Williams was convicted in the Southern District of New York in a criminal matter previously overseen by Judge Richard J. Sullivan. In 2018, Judge Sullivan was elevated to the United States Court of Appeals for the Second Circuit. Despite his elevation, he continued to preside over Petitioner's 28 U.S.C. § 2255 motion, issuing rulings without receiving a lawful designation under 28 U.S.C. § 294.

In the criminal case, Petitioner was convicted of conspiracy to commit wire fraud in violation of 18 U.S.C. §§ 1343, 1349, and was sentenced in 2016. However, it is critical to note that Petitioner was never charged with the substantive offense of wire fraud, rendering the entire case void ab initio. The indictment, in fact, failed to charge the essential element of the substantive offense, instead only charging conspiracy under 18 U.S.C. § 1349, a provision that lacks a penalty provision.

This significant flaw in the indictment undermines the entire case and jurisdiction over the alleged offense, resulting in a complete lack of authority to convict and sentence Petitioner. The conviction was affirmed on appeal, and subsequent post-conviction relief was denied. Petitioner then filed a § 2255

motion seeking to vacate his conviction, which was adjudicated by Judge Sullivan despite his lack of lawful designation under the applicable statutes.

Petitioner conducted his own investigation and obtained official documentation from the United States Court of Appeals for the Federal Circuit, which publishes all judicial designation records. These records confirmed that Judge Sullivan's name did not appear on any official designation lists from 2006 to 2020. Moreover, Mr. Chestnut, an officer of the U.S. Court of Appeals for the Federal Circuit, confirmed via email that Judge Sullivan was not listed on the judicial designation registry covering the years 2006 through 2020. Petitioner possesses a copy of both the email and the official designation list, which will be included in the Appendix.

Despite the absence of lawful designation, Judge Sullivan denied Petitioner's § 2255 motion. His refusal to recuse himself, even after being presented with this evidence, resulted in decisions made by a judge without jurisdiction, violating Petitioner's due process rights and rendering all orders void ab initio.

Separately, the government seized and sold Petitioner's properties located at 3275 Wyntree Dr. in Gwinnett County, Georgia, and 1210 Milton Terrace in Fulton County, Georgia. PACER records confirm that no forfeiture hearing, no order of forfeiture, and no judgment was ever entered in the criminal docket or any civil proceeding authorizing the sale of these properties. Petitioner was never afforded notice or a hearing, and no statutory procedures under Rule 32.2 or any other forfeiture statute were followed. Despite this, while Petitioner was incarcerated, his homes were foreclosed upon and sold by government agents.

Petitioner appealed to the United States Court of Appeals for the Second Circuit. However, his appeal was dismissed solely on procedural grounds after denial of his motion to proceed in forma pauperis. The Second Circuit never addressed the grave jurisdictional and constitutional violations present in the record. Petitioner's request for rehearing and rehearing en banc was denied.

REASONS FOR GRANTING THE WRIT

This Court should grant the Petition for a Writ of Certiorari because the case presents significant constitutional and jurisdictional questions of national importance that warrant the Supreme Court's review. Specifically, this case raises fundamental issues regarding the proper authority of federal judges, the due process rights of defendants, and the consequences of procedural and jurisdictional violations within the criminal justice system.

1. Unauthorized Judicial Participation Violates Due Process and Article III

The primary issue in this case is whether a federal appellate judge who was never properly designated under 28 U.S.C. § 294 to sit on a district court may lawfully adjudicate a post-conviction § 2255 motion, where the absence of such designation is confirmed by official federal court records. Petitioner was subjected to rulings from Judge Richard J. Sullivan, who continued to preside over his case even after being elevated to the Second Circuit, without receiving the lawful designation required by federal law.

This raises a critical question about the authority of a judge to act in the absence of the requisite statutory designation, and whether such actions are void for lack of jurisdiction under Article III of the Constitution. To this day, Judge Sullivan continues to sit by designation, a rare and unprecedented

situation in the judicial history of the United States. No judge in history has sat by designation for seven years. The only reasonable inference in this unprecedented situation is that Judge Sullivan continues to sit by designation because Petitioner's case remains ongoing. Judge Sullivan's actions, therefore, violate the constitutional guarantee of due process by depriving Petitioner of a fair and impartial tribunal.

2. Judicial Bias and Lack of Impartiality Under 28 U.S.C. § 455(b)(1)

Judge Sullivan's continued involvement in Petitioner's § 2255 motion despite his personal knowledge of disputed facts, his prior rulings in the case, and his refusal to recuse himself raises critical questions about judicial impartiality under 28 U.S.C. § 455(b)(1). As the judge who presided over the underlying criminal trial, Judge Sullivan had a direct interest in defending his previous rulings. By adjudicating Petitioner's post-conviction motion, Judge Sullivan created an inherent conflict of interest and violated Petitioner's right to an impartial tribunal, further exacerbating the violation of due process.

3. The Government's Failure to Follow Forfeiture Procedures Violates the Fifth Amendment's Due Process Protections

The government's seizure and sale of Petitioner's properties without following the proper forfeiture procedures represent a significant violation of Petitioner's Fifth Amendment rights. PACER records confirm that no forfeiture hearing, no order of forfeiture, and no judgment was ever entered in connection with the government's actions. The failure to follow proper legal procedures, including those outlined under Rule 32.2 and other forfeiture statutes, violated Petitioner's Fifth Amendment rights, including the right to due process.

4. The Second Circuit's Dismissal of Petitioner's Appeal on Procedural Grounds Further Deprived Him of Access to Justice

Petitioner's appeal to the United States Court of Appeals for the Second Circuit was dismissed solely on procedural grounds, after his motion to proceed in forma pauperis was denied. Despite Petitioner's detailed arguments highlighting serious jurisdictional and constitutional violations, the Second Circuit refused to consider these issues, effectively denying Petitioner the opportunity to have his case heard on the merits.

5. The Need for Clarification on Judicial Designation and Forfeiture Procedures

The Court's review is warranted to clarify the standards regarding the designation of judges under 28 U.S.C. § 294 and the constitutional implications of judicial participation without proper designation. Additionally, the case presents an opportunity for the Court to clarify the procedural safeguards required for government seizure and forfeiture of property, particularly when the government fails to follow statutory procedures.

ARGUMENT

I. Judge Sullivan's Continued Involvement in Petitioner's Case Without Proper Designation Violates Article III of the Constitution

Article III of the U.S. Constitution vests the judicial power of the United States in judges who have been duly appointed and designated under the appropriate statutory framework. In this case, Judge Richard J. Sullivan, after being elevated to the Second Circuit in 2018, continued to preside over Petitioner's § 2255 motion despite failing to receive the requisite judicial designation under 28 U.S.C. § 294. The absence of such a designation is confirmed by official federal court records, as evidenced by

Petitioner's independent investigation and supporting documentation from the U.S. Court of Appeals for the Federal Circuit.

This Court has long held that judicial authority is constitutionally limited to those who are properly appointed and designated to sit in specific courts. 28 U.S.C. § 294 mandates that circuit judges must receive a lawful designation in order to sit on district court matters. In this instance, Judge Sullivan's actions, made without the proper designation, raise critical questions about the validity of his rulings. No judge in the history of the federal judiciary has sat by designation for seven years. The only reasonable inference in this unprecedented situation is that Judge Sullivan continues to sit by designation because Petitioner's case remains ongoing. Judge Sullivan's actions, therefore, violate the constitutional guarantee of due process by depriving Petitioner of a fair and impartial tribunal.

Furthermore, this Court should grant review to clarify whether the absence of such a designation renders all decisions issued by a judge without jurisdiction void ab initio. As demonstrated in this case, the failure to ensure the proper designation of judges undermines the legitimacy of judicial rulings and the fundamental right of a defendant to have their case heard by a judge with proper authority.

II. Judge Sullivan's Refusal to Recuse Himself Violated 28 U.S.C. § 455(b)(1) and Due Process

Judge Sullivan's continued involvement in Petitioner's post-conviction proceedings not only lacks statutory authority but also violates the fundamental principles of judicial impartiality. Under 28 U.S.C. § 455(b)(1), a judge must recuse themselves if they have personal knowledge of disputed facts concerning the proceeding. In this case, Judge Sullivan's prior rulings in Petitioner's criminal trial, including his involvement in the underlying charges, create a clear conflict of interest.

Petitioner's request for recusal, backed by evidence of Judge Sullivan's personal interest in defending his prior rulings, was denied without sufficient consideration. A judge who has already made decisions in a case cannot impartially adjudicate post-conviction motions, as their decisions inherently defend the correctness of their prior actions. Judge Sullivan's refusal to recuse himself undermines the impartiality of the judicial system and deprives Petitioner of a fair hearing, a core principle of due process under the Constitution.

This Court has repeatedly emphasized the importance of impartiality in judicial proceedings, and the failure to recuse a judge under circumstances where their impartiality might reasonably be questioned violates the integrity of the judicial process. Petitioner respectfully requests this Court's intervention to establish clearer standards for recusal and ensure that litigants are not subjected to judicial bias in post-conviction proceedings.

III. The Government's Failure to Follow Forfeiture Procedures Violates the Fifth Amendment's Due Process Protections

The government's seizure and sale of Petitioner's properties without following the proper forfeiture procedures represent a significant violation of Petitioner's Fifth Amendment rights. PACER records confirm that no forfeiture hearing, no order of forfeiture, and no judgment was ever entered in connection with the government's actions. The failure to follow proper legal procedures, including those outlined under Rule 32.2 and other forfeiture statutes, violated Petitioner's Fifth Amendment rights, including the right to due process. As a result, the government's actions should be deemed unconstitutional, and all civil and criminal penalties associated with the seizure and sale of Petitioner's

properties should be vacated.

The Court should grant certiorari to clarify the due process requirements for the government's seizure and forfeiture of property, especially when the government fails to follow the statutory procedures designed to protect property rights.

IV. The Second Circuit's Dismissal of Petitioner's Appeal on Procedural Grounds Further Deprived Him of Access to Justice

Petitioner's appeal to the United States Court of Appeals for the Second Circuit was dismissed solely on procedural grounds, after his motion to proceed in forma pauperis was denied. Despite Petitioner's detailed arguments highlighting serious jurisdictional and constitutional violations, the Second Circuit refused to consider these issues, effectively denying Petitioner the opportunity to have his case heard on the merits. This Court has consistently held that procedural barriers should not be used to prevent litigants from raising serious constitutional and jurisdictional claims.

By dismissing Petitioner's appeal without addressing the underlying issues of judicial misconduct, due process violations, and the invalidity of the forfeiture order, the Second Circuit's actions perpetuated the constitutional violations in this case. This Court should grant certiorari to ensure that vital constitutional questions are properly addressed, and that procedural obstacles do not prevent a party from obtaining meaningful appellate review.

V. The Need for Clarification on Judicial Designation and Forfeiture Procedures

The questions presented in this case raise important issues regarding the proper designation of judges and the procedural safeguards required for government seizure and forfeiture of property. This Court's review is necessary to clarify the standards for judicial designation under 28 U.S.C. § 294 and to

provide guidance on the constitutional requirements for forfeiture proceedings. These issues impact the fairness and integrity of the judicial system and the protection of fundamental rights, making this case an important vehicle for clarifying the law.

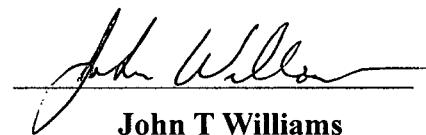
CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Second Circuit. This case presents significant constitutional and jurisdictional issues that require this Court's intervention to safeguard due process, clarify the standards for judicial designation, and address the government's failure to follow proper forfeiture procedures. The continued participation of a judge without lawful designation, the refusal to recuse in the face of clear conflicts of interest, and the unconstitutional seizure of property demand the Court's review to ensure fairness and justice in the judicial system.

Respectfully submitted,

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Dated: August 11, 2025



John T. Williams