

No. \_\_\_\_\_

ORIGINAL

25-5591

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

APR 22 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Bruce Franklin — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\* Eighth Circuit ~~Court~~ U.S. Court of Appeals no. 24-1764  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bruce Franklin  
(Your Name) P.O. Box 1500 Federal Correctional Facility  
Butner, N.C. 27509

(Address)

Butner, N.C. 27509  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- 1.) How could the defendant be stage 4 prostate cancer the entire time he is being held and neither his counsel the Judicious Fact Finder nor the Court address his mental stability? He was under-going treatments the whole time, and still is?
- 2.) How could a persons diminished capacity at his age and general state of health not be devastated by stage 4 prostate cancer and its treatment methods?
- 3.) How and Why would a terminally ill, Mental Patient be denied his mental health prescription medication the entire time he is being held and be expected to make intelligent decisions?
- 4.) How could Mr. Franklins counsel Mr. Ekiss allow his client to subject himself to such a monumental blunder as to plead guilty and put himself in such danger. Violating his due process which Requires that an accused be apprised of the nature of the charges, including the element of intent to which a plea of guilty is entered.  
see *Bigman v. United States*, 906 F. 2d. 392, m along with *Franklin v. INS*, 72 F. 3d 571.

### 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:

Defendants Counsel Mr. E. Kiss

### RELATED CASES

Bigman v. United States, 906 F.2d 392, m  
Franklin v. INS, 72 F.3d 571  
Raif v. United States, 139 S. Ct. 2191  
(ineffective assistance of counsel)  
Kelly v. Boher, 93 F.4th 749

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### STATUTES AND RULES

### OTHER

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 24-1764; 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 January 29, 2025.

☒ 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).

28 U.S.C. 1254(1) gives this Court jurisdiction over an appeal of a final judgment of the Eighth Circuit Court of Appeals in case NO. 24-1764.

[ ] 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



## STATEMENT OF THE CASE

- 1.) The Court has erred in that Mr. Franklin was and remains in such a diminished capacity both physically and mentally/psychologically.
- 2.) He was ~~and is~~ not Mentally competent in such a diminished capacity to fully understand what was happening to him.
- 3.) All things take into consideration Mr. Franklin should have received a large downward variance when sentenced.
- 4.) Mr. Franklin was never made aware of any elements prior to being instructed by his counsel Mr. EKiss that Pleading Guilty would END it all with 84 months to do. Violating Mr. Franklins due process rights, stripping him from Rule 11 plea colloquy proceedings in violation of recent holdings set forth in *Raif v. United States* 139 S. Ct. 2191 (ineffective assistance of counsel.)
- 5.) A charge of this magnitude constitutes a fatally defective indictment which should not have been adopted by the Petit Court see *Kelly v. Boher*, 93 F.4<sup>th</sup> 749.

## REASONS FOR GRANTING THE PETITION

Mr. Franklin was facing psychological hazards he was clearly not prepared for in his already extremely diminished /weakened state both physically and mentally / emotionally-suicidal, death LOOMS over him in every waking moment and ~~it~~ invades even his dreams.

Beaten and broken by chemical addiction, plagued by suicidal thoughts without his prescription (Zanex) mental Health medication. Mr. Ekiss' Relentless coercion (just take the deal, it will all be over).

The District Court erred by not dismissing the 922(g) (1) offense charge in the Grand Jury indictment, by not having an accurate account of information of the psychological peril the defendant was in, provided by Mr. Ekiss or their Judicious Fact Finder. STAGE 4 Cancer!

The circumstances here are unique and horrifying that this can happen to someone so Mentally ill, so broken and suffering Stage 4 prostate cancer - death!

We humbly ask this case be remanded back for more proceedings and more accurate consideration of the Truth of the situation for an adjustment to be made to sentencing and a downward variance.

Mr. Franklin prays with a heavy heart for his actions were not what he is known for. He was and is sorry for his part of these acts. He was not himself. I believe him, and he deserves someone better than me to help him. He does not ask to be set totally free, ankle monitors, strict probation supervision, etc. He is at your mercy...

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bruce Franklin

Date: 5-30-2025