UNITED STATES SUPREME COURT

Case No.: 25-6211

IN RE:

JORDAN MONROE
FCI OTISVILLE

ON PETITION FOR WRIT OF MANDAMUS TO THE
UNITED STATES COURT OF APPEALS FOR THE
FIRST CIRCUIT
Case No.: 23-1493

PETITION FOR WRIT OF MANDAMUS

Jordan Monroe
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In pro se, in necessity

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QUESTIONS PRESENTED

QUESTION (1)

Where a Court Of Appeals fails or refuses to comply with BLACK LETTER LAW--28 U.S.C. §2253--which is a statute that was duly enacted by Congres, and Stare Decisis of the United States Supreme Court's holding--"Until a C.O.A. has been issued federal courts of appeals LACK jurisdiction to rule on the merits of appeals from habeas Petitioner's."--Does that Court of Appeals abuse its discretion in issuing a decision based on the merits of a C.O.A. Application and can the Petitioner seek the protection of this Supreme Court in its supervisory capacity from arbitrary, capricious and unlawful actions of the Appeals Court where the Petitioner has NO other remedy of law, and no other means of protection or redress in any other Court, where the Petitioner can show the deprivation of a Constitutional Right by and/or in the lower Court(s)?

QUESTION (2)

When a federal Magistrate Judge has failed to or opted not to, comply with BLACK LETTER LAW, that was duly enacted by Congress, the Fourth Amendment of the United States Constitution's, Particularity Clause, as well as Stare Decisis of the United States Supreme Court, and Law Of The Circuit doctrine, does that userpation of positive law's control on the authority and subject-matter jurisdiction:

a) Render the Federal Magistrate Judge's actions ultra vires?

b) Rise to the level of abuse of discretion by the Federal Magistrate Judge?

c) Render the Court in which the Federal Magistrate Judge engaged in the unlawful actions, coram non judice?

Further, when the Court is rendered coram non judice, can a Federal Magistrate judge authorize subsequent actions in furtherance of a Defendant's criminal proceedings in an attempt to cure the District Court's/Magistrate Judge's unlawful and unconstitutional actions, and can the District Judge assume Subject-Matter jurisdiction where the Federal Magistrate Judge in the same Court has rendered the Court coram non judice, and can the Petitioner seek the protection of this United States Supreme Court in it's supervisory capcity from the arbitrary, capricious and unlawful decisions of the lower Courts where the Petitioner has no other remedies of law and no other means of protection or redress in any other court?

LIST OF PARTIES

All parties DO NOT appear in the caption of the case on the cover page. A list of all parties to the proceedings in the Court whose judgement is the subject of this petition is as follows:

Aframe, Judge First Circuit Court Of Appeals

Barron, Chief Judge First Circuit Court Of Appeals

Gelpi, Judge First Circuit Court Of Appeals

John P. McAdams,Asst. U.S. Attorney Dist. of Rhode Island

Jordan Monroe, Petitioner

Montecalvo, Judge First Circuit Court Of Appeals

Rikelman, Judge First Circuit Court Of Appeals

William E. Smith, U.S. District Judge Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge Rhode Island

Lauren S. Zurier, Asst. U.S. Attorney Dist. of Rhode Island

RELATED CASES

Buck v. Davis, 580 U.S. 100, 115 (2017)

Miller-El v. Cockrell, 537 U.S. 322 (2003)

Steel Co. v. Citizens For Better Environment, 523 U.S. 83,101(1998)

United States v. Cotton, 535 U.S. 625 (2002)

Roman Cath. Diocese of San Juan v. Feliciano, 206 L.Ed.2d 1 (2020)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

The denial of the Petitioner's Motion for Rehearing/En Banc from the United States Court of Appeals appears at Appendix A to this petitione, and is at this point in time unpublished.

The opinion of the United States Court of Appeals appears at Appendix B, and is at this point in time unpublished.

The opinion of the United States District Court appears at Appendix C, and is reported at 2023 U.S. Dist. Lexis 87165 (D.RI), 18 May 2023, CR. No.: 16-55 WES

UNITED STATES SUPREME COURT

IN RE:
JORDAN MONROE
PETITIONER

PETITION FOR WRIT OF MANDAMUS

COMES NOW, the Petitioner, Jordan Monroe in pro se, in necessity, and hereby MOVES this Court to issue a Writ Of Mandamus, ordering the United States Court Of Appeals for the First Circuit, to issue a Certificate of Appealability (C.O.A.) in case No.: 23-1493, and to actually review the Petitioner's claims, and to GRANT him his 28 U.S.C. §2255 Motion, and to remand the case back to the District Court for further proceedings NOT inconsistent with the Constitution and the laws of the United States, as well as Stare Decisis of the United States Supreme Court. The Petitioner hereby avers that the judgement is due pursuant to the law and rule provided herein.

In support, the Petitioner shows the Court the following:

1) The United States Court Of Appeals for the First Circuit stands in violation of BLACK LETTER LAW and was without jurisdiction to rule on the merits of an appeal of a habeas petitioner.

2) The District Court's Magistrate Judge, Patricia A. Sullivan, acted ultra vires, and rendered the District Court's proceedings coram non judice, where she violated BLACK LETTER LAW, stare decisis of the United States Supreme Court, Law Of The Circuit doctrine, as well as the Federal Rules Of Criminal Procedure, Rule 41(e)(2)(A).

3) That the rhode Island District Court was without subject-matter jurisdiction, and that District Court judge, William E. Smith abused his discretion and/or committed plain error where he failed to ensure sua sponte that the District Court actually had subject-matter jurisdiction. That he allowed unconstitutionally obtained evidence to be admitted during Petitioner's trial proceedings, and that he made material mistatements of fact and law in his decision denying the Petitioner's §2255 Motion, and that those mistatements caused a subsequent reviewing panel to issue an erroneous decision.

I

JURISDICTIONAL STATEMENT

The petitioner's Court Of Appeals Case, No.: 23-1493 was decided on 12 August 2024. Mr. Monroe filed a timely Motion for Rehearing/ En Banc on 24 November 2024. On 11 August 2025, the First Circuit Panel who decided the case, denied a rehearing, and that a majority of the Circuit Judges had not voted for an En Banc Hearing.

The timely petition for rehearing was denied by the United States Court Of Appeals on 11 August 2025, and a copy of the order denying rehearing appears at Appendix 1.

The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1254(1); The Rules Of The Supreme Court of The United States, Rule 20; Rules Governing §2255 Proceedings, Rule 8(c); The All Writs Acts, 28 U.S.C. §1651; and the Constitution of the United States' Guarantee of a speedy trial. The Petitioner avers that he is a Federal Prisoner and is filing in pro se due to financial disability, who therefore requests that this Court liberally construe his pleadings in light of Haines v. Kerner, 404 U.S. 519,521 (1972).

II

STATEMENT OF THE CASE

1) On or about 4 January 2023, the Petitioner filed a meritorious 28 U.S.C. §2255 Motion in the United States District Court for the District of Rhode Island.

2) On or about 24 April 2023, the Petitioner filed a Motion for Summary Judgement under Fed. R. Civ. proc., Rule 12(c), as the claims presented by Mr. Monroe in his §2255 Motion went essentially undisputed by the Government, and the Government failed to present any arguements or evidence that Mr. Monroe's claims were false or erroneous.

3) On or about 18 May 2023, The District Court denied Mr. Monroe's §2255 Motion in it's entirety, and it declined to issue a C.O.A.

4) On or about 12 June 2023, Mr. Monroe filed his timely notice of appeal in the United States Court Of Appeals for the First Circuit.

5) On or about 1 September 2023, Mr. Monroe filed his motion for Application For C.O.A., with the First Circuit Court Of Appeals.

6) On or about 12 August 2024, The Court of Appeals for the First Circuit issued it's decision with regards to Mr. Monroe's Application for a C.O.A.

7) On or about 26 October 2024, Mr. Monroe filed a Motion for Rehearing/En Banc with the First Circuit Court Of Appeals.

8) On or about 24 November 2024, Mr. Monroe filed a Motion for an Expedited Hearing on his Motion for Rehearing/En Banc.

9) On or about 11 August 2025, the first Circuit Court Of Appeals denied Mr. Monroe's Motion for Rehearing/En Banc.

III

STATEMENT OF THE FACTS

ISSUE 1)

On or about 12 August 2024, the first Circuit Court Of Appeals issued it's decision denying mr. Monroe's Application for a C.O.A. The Appellate Court based it's denial of the C.O.A. on it's merits determination of Mr. Monroe's §2255 claims, and "Rubber Stamped" the District Court's mischarecterization of Mr. Monroe's claims, the District Court's material mistatements of fact and law, and the District Court's false entries into the Court's record.

On or about 26 October 2024, Mr. Monroe filed a Motion for Rehearing/En Banc, as the decision made by the Appelate Panel is in violation of BLACK LETTER LAW, namely 28 U.S.C. §2253(c)(1), and stare decisis of this United States Supreme Court.

The legal standard that controls the issuance of a Certificate Of Appealability is this Court's decision in Buck v. Davis, 580 U.S. 100, 115 (2007), not the 2003 First Circuit case that the panel cited and relied on to make a determination on the merits. See (Exhibit 2, Appellate Decision, 12 August 2024).

In Buck, this Court held that the Fifth Circuit exceeded the limited scope of the C.O.A. analysis. The C.O.A. statute sets forth a two-step process: an initial determination whether a claim is reasonably debatable, and then if it is, an appeal in the normal course.

Chief Justice Roberts, writing for the Court held that a Certificate Of Appealability "inquiry" we have emphasized, is not

coextensive with a merits analysis. According to the Chief Justice, "the Question for the Fifth Circuit was not whether buck had shown extraordinary circumstances. Those are ultimate merits determinations the panel should have not reached. We reiterate what we have said before: A Court Of Appeals should limit it's examination at the C.O.A. stage to a threshold inquiry into the underlying merit of the claims, and ask only if the District Court's decision is debatable.

In Henry v. Cockrell, 327 F.3d 429,431 (CA5 2003), the Court explained that under the Antiterrorism and Effective Death Penalty Act(AEDPA), a petitioner must obtain a C.O.A. before he can appeal the District Court's decision. See 28 U.S.C. §2253(c)(1). A C.O.A. will be granted only if the Petitioner makes "A substantial showing of the denial of a Constitutional Right." See 28 U.S.C. §2253(c)(2).

In order to make a substantial showing, a Petitioner must demonstrate that a "reasonable jurist would find the District Court's assessment of the Constitutional claim debatable or wrong." See Slack v. McDaniel, 529 U.S. 473,484 (2000). When the District Court has denied the claim on procedural grounds, the Petitioner must demonstrate that a "jurist of reason would find it debatable whether the District Court was correct in it's procedural ruling." id.

As this Court indicated in it's decision in Miller-El v. Cockrell, 537 U.S. 322 (2003), "a C.O.A. is a jurisdictional prerequisit," and "until a C.O.A. has been issued, the Federal Court of Appeals lack jurisdiction to rule on the merits of appeals from habeas petitioners." When considering a request for a C.O.A., "the question is the debatability of the underlying Constitutional claims, NOT the resolution of that debate." Id at 1042.

In his petition for a C.O.A., Mr. Monroe supported his claims that the District Court's denial of his claims was debatable, and that reasonable jurists had already debated on those claims, and that the decisions and rulings of those jurists favored Mr. Monroe's position.

"Courts ahve No Constitutional authority to pass on the merits of a case beyond their jurisdiction...to do so is by very defenition, for a Court to act ultra vires." Steel Co. v. Citizens For Better Env't, 523 U.S. 83, 102 (1998). Further, "A 'Court fails to exercise its discretion soundly when it 'bases its ruling on an erroneous view of the law.'" Cooter & Gell v. Hartmax Corp., 496 U.S. 384,405 (1990). The First Circuit Panel has abused it's discretion and/or committed plain error where it based it's decision on an erroneous view of the facts and the evidence, as well as BLACK LETTER LAW, Stare Decisis of the United States Supreme Court, and First Circuit Law Of The Circuit doctrine. This action by the Appellate Panel also "involved an unreasonable application of clearly established Federal Law as determined by the Supreme Court of the United States." Lafler v. Cooper, 566 U.S. 156 (2012) [12](Citing Williams v. Taylor, 529 U.S. 362,405 (2000)). "A misunderstanding of applicable law generally constitutes reversible error." Berger v. N. Carolina NAACP, 213 L.Ed.2d 517 (2022)(Citing Cooter & Gell, supra at 405.)

ISSUE 2)

Mr. Monroe claimed in his §2255 Motion, that the District Court for the District of Rhode Island lacked subject-matter jurisdiction over his criminal case, because the actions of the Magistrate Judge rendered the Court coram non judice. The district Court Judge, William E. Smith denied this claim without making a proper merits determination regarding the District court's subject-matter jurisdiction and simply applied 18 U.S.C. §3231, and claimed that the statute

gave the Court jurisdiction regardless of all else, and failed to address the issue of Magistrate Judge, Patricia A. Sullivan issuing a facially deficient warrant that is forbidden by the United States Constituion's fourth Amendment's Particularity Clause. See (Exhibit 1, 10 May 2016, warrant). This warrant was issued for a search and seizure inside of the Petitioner's home. This violated not only the Fourth Amendment, but also the Federal rules of Criminal Procedure, Rule 41(e)(2)(A), 28 U.S.C. §636(a) of the federal Magistrate's Act, 28 U.S.C. §2072 The Rules Enabling Act, Stare Decisis of the United States Supreme Court, and Binding First Circuit Precedent.

On 10 May 2016, Magistrate Judge Patricia A. Sullivan issued a search and seizure warrant for the Petitioner's home,-See (Exhibit 1, 10 May 2016, Warrant)-where he had resided with his common law wife/ significant other for nearly 20 years.

The warrant in question (Exhibit 1, 10 May 2016, warrant) is facially deficient, violating the Fourth Amendment's unambiguous "command" that "NO WARRANT SHALL ISSUE...and particularly describing the place to be searched and the persons or things to be seized." This facially deficient warrant that the Government and the District Court relied on, violated the unambiuous "command" that "this SHALL NOT be violated."

It is well settled law, that a "valid" warrant MUST particularly describe the things to be seized. See Horton v. California, 496 U.S. 128 (1990) Held b); Coolidge v. New Hampshire, 404 U.S. 443 (1971) Held a); United States v. Kuc, 737 F.3d 129,133 (CA1 2013); and this Supreme Court has further indicated that for warrants to be valid, they MUST eminate from "Magistrates empowered to issue them." United States v. Lefkowitz,

285 U.S. 452,464 (1932).

It is well settled law that Federal Courts are courts of limited jurisdiction, and that they posses only the power authorized to them by the Constitution and by statute. See Hokkonen v. Guardian Life Ins. Co., 511 U.S. 375,377 (1994)[2]; Willey v. Coastal Corp., 503 U.S. 131, 136-37 (1992); American Fire & Casualty Co. v. Finn, 341 U.S. 6 (1961) Held ("a Federal District Court possesses only that power authorized by Constitution and statute...").

Further, it is also well settled law that "Federal Magistrate Judges are creature of statute, and so is their jurisdiction." See NLRB v. A-Plus Roofing Inc., 39 F.3d 1410,1415 (CA9 1994); and "Magistrate Judges draw their authority entirely from an exercise of Congressional Power, under Art. I,...and the jurisdiction and duties of Federal Magistrate Judges are outlined principally in 28 U.S.C. §636." See also United States v. Edwards, 602 F.2d 458,467 (CA1 1979); In United States v. Taylor, 935 F.3d 1279,1287 (CA5 2019)("In the FMA, 28 U.S.C. §636, Congress confered jurisdiction to Federal Magistrate Judges, Thus §636(a) is the sole source of a Magistrate Judge's warrant authority...")

The plain text of the statute, 28 U.S.C.§636, indicates that Congress delineated what powers a Magistrate Judge will have, and §636(a)(1), expressly and independantly limits powers and duties to those... found in the Fed. R. Crim. Proc.

In the instant case, Magistrate Judge, Patricia A. Sullivan's issuance of the warrant-(Exhibit 1, 10 May 2016, warrant)-met none of the statutory mandates outlined in 28 U.S.C. §636(a)(1) nor (b)(3), and the facially deficient warrant, issued by her, clearly violated the Fed. R. of Crim. Proc., Rule 41(e)(2)(A). Rule 41 (e)(2)(A): Warrant to Search For And Seize A Person Or Property: "Except for a

tracking device, the warrant MUST identify the person or property to be seized..." See Groh v. Ramirez, 540 U.S. 551,558 (2004); Zurcher v. Stanford Daily, 436 U.S. 547, 558 (1978)("Rule 41 of the Fed. Rules of Crim. Proc., reflects the Fourth Amendment Policy against unreasonable searches and seizures."); United States v. Ventresca, 380 U.S. 102,105 (1965)[1] Fn.1 ("The Fourth Amendment policy against unreasonable searches and seizures finds expression in Rule 41[(e)(2)(A)] of the Fed. R. Crim. Proc..")

Magistrate Judge, Patricia A. Sullivan's issuance of the warrant (Exhibit 1, 10 May 2016,warrant), was done ultra vires, in violation of the United States Constitution's Fourth Amendment Particularity Clause, 28 U.S.C. §636, stare decisis of the United States Supreme Court and Law Of The Circuit doctrine. See United States v. Glover, 736 F.3d 509, 514-515 (CA DC. 2013)(explaining that a warrant issued in "blatent disregard" of a judge's...jurisdiction [28 U.S.C. §636(a)] and Rule 41 cannot be excused as a mere technical defect.) Nor do we think that a jurisdictional flaw in the warrant can be excused as a technical defect.

Subject-matter jurisdiction is defined as a judge's statutory or Constitutional authority to adjudicate a case or controversy. See Steel Co. v. Citizens For Better Env't., 523 U.S. 83,89 (1998); United States v. Cotton, 535 U.S. 625 (2002) Held 1). "Courts have no constitutional authority to pass on the merits of a case beyond their jurisdiction ...to do so is by very defenition, for a Court to act ultra vires." Steel Co., supra at 102.

It is a well settled canon of statutory interpretation that specific provisions prevail over general provisions. See NLRB v. A-Plus Roofing Inc., 39 F.3d 1410,1415 (CA 9 1994): United States v. Sadlier,

649 F. Supp. 1560,1564 (D.MA. 1986); As "Article III expressly refers to Federal Statutes as one basis for conferring subject-matter jurisdiction upon Federal Courts." Seale v. INS., 323 F.3d 150,156 Fn.5 (CA1 2005), at 156, "The Statutory and (especially) Constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, restraining courts from acting at certain times..., The jurisdiction of the Federal Courts cannot be expanded by judicial interpretation or by prior action or consent of the parties."; Bender v. Williamsport Area School District, 475 U.S. 534,541 (1986), "The act of 1875, in placing upon the trial courts the duty of enforcing the statutory limitations as to jurisdiction...applies to both actions at law, and suits in equity." "Whether a district court had subject-matter jurisdiction is a purely legal issue. Thus our review of the jurisdictional question...is de novo." Felliciano v. Rullan, 378 F.3d 42, 49 (CA1 2004).

"When Congress enacts a 'jurisdictional' requirement, it 'marks the bounds' of a court's power, and a litigants failure to follow the rule 'deprives the court of all authority to hear the case, with NO exceptions." Harrow v. D.O.D., 218 L.Ed.2d 502 (2024) Held) (Quoting Boechler v. Commissioner, 596 U.S. 199,203 (2022)).

In United States v. Krueger, 809 F.3d 1109,1118-1126 (CA 10 2015), In a concurance by Gorsuch, Circuit Judge. Justice Gorsuch authored a detailed synopsis of the Fed. Magistartes Act. At 1119, As a matter of plain language, the statute, the statute [28 U.S.C. §636] indicates that rulemakers may provide what powers a Magistrate Judge will have. Section 636(a) says that a Magistrate Judge "shall have""what powers and duties" the Rules or other laws may afford..., Magistrate Judges shall have these powers specified by rule or other law (e.g. Rule 41).

At 1122, The problem isn't one of rule, it is one of statutory dimension. Section 636(a)'s ...Restrictions are jurisdictional limitations on the power of a Magistrate Judge and the Supreme Court has long taught that the violation of a statutory jurisdictional limitation-quite unlike the violation of a more prosaic rule or statute is per se harmful. See e.g. Torres v. Oakland Scavenger co., 487 U.S. 312,317 N.3 (1998) ("[A] litigants failure to clear a jurisdictional hurdle can never be 'harmless'...")

Statutes that speak to "statutory or Constitutional power to adjudicate' rather than the rights and claims of the parties is treated as jurisdictional. Steel Co., supra at 89. And §636(a) does just that. It makes no mention of the rights of parties or rules for processing their claims. Instead, it expressly-and exclusively-refers to the... scope of a Magistrate Judges power to adjudicate. Section 636(a) is found in Title 28 of the United States Code-the same title that defines a District Court's jurisdiction. at 1123, The title of §636 reads: Jurisdiction, Powers and Temporary Assignment. In light of all the evidence it is no surprise that other circuits have also concluded that §636(a)'s restraints are indeed jurisdictional. See e.g. NLRB v. A-Plus Roofing Inc., 39 F.3d 1410,1415 (CA9 1994). A warrant issued for a search or seizure beyond the jurisdiction of a Magistrate Judge's power under positive law was treated as NO warrant at all-as ultra vires...-as null and void without regard to potential questions of "harmlessness." at 1126, Whether a warrant issued in defiance of positive law's jurisdictional limitations on a Magistrate Judge's powers remains a warrant for Fourth Amendment purposes. I would not hesitate to answer that question put to us and reply tha a warrant like that is no warrant at all. If §636(a)'s restraints aren't

jurisdictional, I struggle to imagine statutory restraints that would be.

Moreover, "harmless error analysis does not apply in a felony case in which despite the Defendant's objections and without any meaningful review by a [District] Court Judge, an Officer exceeds his jurisdiction." Gomez v. United States, 490 U.S. 858, 876 (1989) Held 2), at 876 "Among the basic fair trial rights 'that can never be treated as harmless' is a Defendant's right to have all critical stages of a criminal trial conducted by a person with jurisdiction to preside."

("The Officer is not doing business which the sovreign has empowered him to do or he is doing it in a way which the sovreign has forbidden. His actions are ultra vires his authority and therefore may be made the object of specific relief.") Larson v. Domestic & Foreign Commerce Corp., 337 U.S. 682,689 (1949); also Steel Co.,supra at 101.

"A Court's failure to exercise its discretion soundly when it 'bases its ruling on an erroneous view of the law.'" Cooter & Gell v. Hartmax Corp., 496 U.S. 384,405 (1990); Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81 (2014) Held 2)b).

Congress has not granted any known documentable statutory authority to Federal Magistrate Judges to overrule or userp the Fed. Rules of Crim. Proc., and in fact has enacted 28 U.S.C. §2072-The Rules Enabling Act-which provides the Supreme Court authority to promulgate rules of procedure for the lower Federal Courts, and Congress expressly provided that any laws inconsistent with the procedural rules promulgated by the Court would automaticaly be repealed upon enactement of the new rules in order to create a uniform system of rules for Article III Courts.

In Bank of Nova Scotia v. United States, 487 U.S. 250,255 (1998) ("A Federal Rule is in every pertinent respect, as binding as any statute duly enacted by Congress, and Federal Courts have NO MORE discretion to disregard the Rules Mandate than they do to disregard Constitutional or statutory provisions.")

Law of the Circuit doctrine, "Requires that this Court-and by extension all lower Courts in this Circuit-to respect, in the absence of supervening authority, the decisions of prior panels on the same issues." Nevos v. Moneypenny Holdings, 842 F.3d 113,125 (CA1 2016)("Once we have decided a legal question and articulated our reasoning, there is usually no need to repastinate the same soil when another case presents essentially the same question.")

Here is the instant case, the district Court's failure to follow the rule set forth in Massachusetts v. Sheppard, 468 U.S. 981, 988 Fn.5 (1984) and Groh v. Ramirez, 540 U.S. 551 (2004), "The uniformly applied rule is that a search conducted pursuant to a warrant that fails to conform to the Particularity requirement of the Fourth Amendment is unconstitutional," are well established law, and so an abuse of discretion.

This error on the part of the Magistrate judge, Patricia A. Sullivan is not only one of statutory implication, but also of Constitutional magnitude, because the Magistrate Judge's abuse of discretion violates 3 key ares of the United States Constitution, as well as Mr. Monroe's Constitutional Rights. First, by it's own terms, the U.S. Constitution is the Supreme Law of the Land. See Art. VI, §2, "This Constitution SHALL be the Supreme Law Of The Land..."; Art. VI, §2, "...and the judges in every state SHALL be bound thereby..." Conspicuously though,"the grant of judicial power contains NO SUCH qualifications" for judges.

And Amendment Four, "...unreasonable searches and seizures, SHALL NOT be violated and NO warrant shall issue but upon Particularly describing the places to be searched, and the persons or things to be seized." Another Constitutional "command" that elúdes the Rhode Island District Court.

In Art. III,§2: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States,...; Here, the Judges of the District of Rhode Island make decisions and rulings as though the United States Constitution was a recomendation rather than the Supreme Law of the Land.

As a matter of law, both the District Court and the Appellate Panel have abused their discretion and/or committed plain error of a Constitutional magnitude in ignoring/condoning the Magistrate Judge's unlawful/unconstitutional actions, and the Appellate Court has abused it's discretion in failing to exercise it's supervisory power to correct a lower Court within the First Circuit.

Here, the Magistrate Judge, Patricia A. Sullivan has rendered the Court coram non judice, because of her actions in issuing a facially deficient warrant-(Exhibit 1, 10 May 2016, warrant)-in violation of the United States Constitution's Fourth Amendment Particularity Clause, In violation of BLACK LETTER LAW duly enacted by Congress, namely 28 U.S.C. §636(a)(1) and (b)(3), the Federal Magistrates Act, Federal Rules of Criminal Procedure, Rule 41(e)(2)(A), Stare Decisis of the United States Supreme Court and the clearly established law as set forth by its caselaw holdings, and Law Of The Circuit doctrine for the First Circuit.

"The phrase 'coram non judice', before a person not a judge-

meaning, in effect, that the proceedings in question was not a judicial proceeding because lawful judicial authority was not present, and could not therefore yield a judgement." Burnham v. Superior Court of California, County of Marin, 495 U.S. 604,608-609 (1990). See also, Roman Catholic Archdioces of San Juan v. Feliciano, 206 L.Ed.2d 1 (2020)[1]"and being without jurisdiction, it's subsequent proceedings and judgement are not simply erroneous, but absolutely VOID. Every order thereafter made in that Court is coram non judice, meaning not before a judge." In Kern v. Huidekopen, 103 U.S. 485,493 (1881) "It's subsequent proceedings and judgement [are] not...simply erroneous, but absolutely VOID."; and in Steamship Co. v. Tugman, 106 U.S. 118,122 (1882)"Every order thereafter made in that court [is] coram non judice," meaning "not before a judge."

Having esablished that the Rhode Island District Court was coram non jucice, Mr. Monroe can further establish subsequent actions by the Court can be hald to be an unreasonable application of clearly established law as set forth by the United States Supreme Court, namely:

1) The 10 May 2016 warrant (Exhibit 1, 10 May 2016, warrant) issued in violation of positive laws control on the content of a search and seizure warrant was an unreasonable action by the Rhode Island District Court.

2) The failure to adhere to stare decisis and Circuit precedent in failing to incorporate the affidavit into the 10 May 2016 is an unreasonable application of this Court's holding in in Groh, supra, and by the terms of the Court's decsion the affidavit presented to the District Court to establish probable cause was filed under seal, and thus unavailable to cure the facially deficient warrant. See (Exhibit 3, 10 May 2016,Motion

to seal)

3) District Judge William E. Smith can be shown to be well aware of the Supreme Court's holding in Massachusetts v. Sheppard, supra, and the "Uniformly applied rule is that a search conducted pursuant to a warrant that fails to conform to the particularity requirement of the Fourth Amendment is unconstitutional. See (Exhibit 4, United States v. Jackson, 642 F. Supp. 235 (D. RI. 2022)).

4) Mr. Monroe has shown the Courts that his attorney, Olin W. Thompson, knew or should have known that the warrant (Exhibit 1, 10 May 2016, warrant) was facially deficient, and that a motion to suppress would more likely than not been successful. See (Exhibit 5, United States v. Jeremiah, 2013 U.S. Dist. Lexis 165222(D.RI.).

5) Mr. Monroe has shown the Courts that the warrant issued by Magistrate Judge, Patricia A. Sullivan to cure the facially deficient warrant (Exhibit 1, 10 May 2016, warrant) was unconstitutional. See (Exhibit 6, 30 June 2016, warrant). This nunc pro tunc warrant could not under the current circumstances have been cured.

6) Mr. Monroe has shown that the Court was aware that prior to the issuance of the 30 June 2016 warrant (Exhibit 6) that both the case agent and the Court were fully aware that the Government conducted an unreasonable/unconstitutional search and seizure inside of Mr. Monroe's home, and that the case agent made material mistatements of fact in his affidavit to induce the Court to issue the 30 June 2016 warrant (Exhibit 6). In the 30 June affidavit (Exhibit 7, 30 June 2016, affidavit) on pg.3, ¶ 5, line 1, On 12 May 2016 , the search warrant was executed by myself...; compared to pg.4, 68,line 7-8, affidavit and

attachment b of the search warrant package [(exhibit 1, 10 May 2016, warrant)] contained a description of the items to be seized, the face sheet of the warrant did not. The unambiguous "COMMAND" of the Fourth Amendment, along with Supreme Court caselaw and binding First Circuit Precedent dictate that the warrant (Exhibit 1, 10 May 2016, warrant) was unconstitutional and that the resulting search was unreasonable. it also shows that the Rhode Island District Court eschewed it's constitutional and statutory obligations.

7) Mr. Monroe has shown the Courts that he was arrested inside his home without a warrant of any sort nor any probable cause on 12 May 2016, and that an arrest warrant did not issue from Rhode Island district Court until 13 May 2016 (Exhibit 8, 13 May 2016, arrest warrant).

8) Mr. Monroe has shown the Courts that the affidavit used to establish probable cause for his arrest was based on unconstitutionaly obtained evidence, statements obtained while the agents were not lawfully in a place to be able to elicit them, and that the agent relied on observations and information gained as a result of the unreasonable, unconstitutional entry into Mr. Monroe's home on 12 May 2016. Theuse of this information is in violation of the Supreme Court's clearly established law, and First Circuit caselaw which clearly prohibits the use of such illegally obtained information to establish probable cause. See, (Exhibit 9, 13 May 2016, Arrest affidavit).

9) Mr. Monroe has shown the Courts that His attorney, Olin W. Thomson was ineffective as counsel at a suppression hearing on

1 June 2017. See (Exhibit 10, 1 June 2017 Transcript). On pg.3, lines 18-20, Mr. Thompson allowed the Government to enter into evidence, the fruits of the 12 May 2016 warrantless search of Mr. Monroe's home, and made no effort to object to this introduction of this illegally obtained evidence. The Court itself, abused it's dicretion in allowing the evidence to be entered without establishing the source and legality of the evidence. On pg. 7, lines 16-19, the case agent commits perjury before the Court, and the Court and the government allow this testimony to go uncorrected.

Q. Turning your attention to May 12, 2016, were you assigned a federal search warrant to search the premises of 65 Jambray Avenue in Warwick, Rhode Island?

A. Yes.

This is a material mistatement of fact on the part of the Government witness, as one need only look at (Exhibit 1, 10 May 2016, warrant) to see that it was an unconstitutional, unreasonable, and illegal search and seizure inside of Mr. Monroe's home. Further, the AUSA, John P. McAdams has committed Brady/Bagley/Giglio violations for failing to correct testimony he knew was wrong, and for concealing from the Defense and the Court, the fact that an illegal search had been conducted inside Mr. Monroe's home.

IV

REASONS WHY THE WRIT SHOULD BE ISSUED

The Petitioner, Mr. Monroe has no other remedy of law in which to compel the Appellate Panel to make a proper ruling on the issuance of a C.O.A. or to GRANT Mr. Monroe any relief. The Appellate Court

itself has shown that it is indifferent to the rule of law as set forth by the United States Supreme Court, and to the laws duly enacted by Congress. Mr. Monroe has shown that the District Court convicted him without subject-matter jurisdiction, and that the Court was coram non judice, where a Magistrate Judge acted ultra vires her ststutory and Constitutional authority in issuing a facially deficient warrant for the search and seizure inside Mr. Monroe's home on 12 May 2016.

This Court in it's supervisory capacity, should at all times strive for excellence, and at the same time demand nothing less from the lower Courts--to uphold and promote the clearly established law as set forth by the United States Constitution, this Court and the United States Congress, and to promaote the integrity and fairness of the Courts. When the Courts are perceived as being biased, prejudiced, unfair and unjust, society as a whole becomes the loser and the system et.al. becomes disfavored, mistrusted and eventually ignored and replaced.

In this case, the Government argues, with information gathered during and after the illegal search in question, what a bad person Mr. Monroe is. Be that as it may, even unsavory persons have Constitutional Rights.

The Appellate Court issued an order denying Mr. Monroe a C.O.A., where it based it's decision on the merits of the issue, in violation of the governing rule of law as set forth in Miller-El v. Cockrell, 537 U.S. 322 (2003) Where it held that a C.O.A. is a "jurisdictional pre-requisit," and "Until a C.O.A. has issued, the Federal Courts of Appeals LACK jurisdiction to rule on the merits of appeals from habeas Petitioner's." This, the Appellate Panel has violated.

Also, the District Court acted ultra vires and rendered the Court

coram non judice. It did this in violation of clearly established law, the United States Constitution, and it flouted it's authority at the system.

V

CONCLUSION

"A Writ of Mandamus is an order directing a public official or public body to perform a duty exacted by law." United States v. Dinson, 603 F.2d 1143,1146 (CA 5 1979). It is "an extraordinary remedy for extra-ordinary causes." In Re: Corrugated Container Antitrust Litigation, 614 F.2d 958,961-62 (CA 5 1980). To obtain the Writ, the Petitioner MUST show "that no other adequate means exists to attain the requested relief." and that his right to issuance of the Writ is "CLEAR and INDISPUTABLE." Mr. Monroe believes that he has met this burden, and should be GRANTED this Writ for relief for the unconstitutional, unreasonable and unlawful actions of the lower Courts.

WHEREFORE NOW, above premesis considered, Mr Monroe MOVES this Honorable Court to ISSUE a Writ Of Mandamus, directing the Court of Appeals for the First Circuit to ISSUE it's ruling, either GRANTING or denying the Petitioner's Motion for Relief under 28 U.S.C. §2255. In the alternative, Mr. Monroe request that this Honorable Court GRANT him any other relief that this Court sees fit to authorise. The Petitioner, Mr. Monroe, seeks this action in the interest of justice, fair play and Liberty which is Guaranteed to all Citizens of this United States.

Done this 18th day of September, 2025.

Respectfully Submitted,

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in pro se, in necessity

VERIFICATION

I declare under penalty of perjury as authorized by 28 U.S.C. §1746, that the factual allegations and factual ststements contained in this document are true and correct to the best of my knowledge.

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