

No. 25-6829

ORIGINAL

FILED

JAN 12 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ALONZO LAMAR JOHNSON — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALONZO LAMAR JOHNSON
(Your Name)

FCI FORT DIX
Federal Correctional Institution
(Address)

P.O. Box 2000
Joint Base MDL, N.J., 08640
(City, State, Zip Code)

(Phone Number)

RECEIVED

JAN 21 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(1) DID THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA ERROR WHEN THE COURT DENIED THE PETITIONERS REQUEST FOR GRAND JURY DOCUMENTS APPOINTMENT OF COUNSEL AND AN INVESTIGATOR? U.S. v. Alonzo Lamar Johnson, Criminal No. 2:08-374 (May 13, 2025), ?

(2) DID THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT ERROR IN ITS AFFIRMANCE IN GRANTING THE GOVERNMENT'S MOTION FOR SUMMARY AFFIRMANCE and AFFIRMING THE DISTRICT COURT'S DENIAL OF THE PETITIONERS REQUEST FOR GRAND JURY DOCUMENTS U.S. v. Alonzo Lamar Johnson, C.A. No. 25-2055 (Aug. 11, 2025) Rehearin En Banc denied (?

(3) DID THE COURTS ABOVE VIOLATE THE PETITIONERS UNITED STATES CONSTITUTIONAL RIGHTS UNDER THE 14TH AMENDMENT TO DUE PROCESS IN THE PETITIONERS ATTEMPT AT SEEKING PERMISSION TO FILE A SECOND/ SUCCESSIVE 28 U.S.C. § 2255 MOTION TO VACATE. ?

WHETHER THE DISTRICT COURT LACKED JURISDICTION TO TRY AND SENTENCE THE PETITIONER WHERE THE RECORD DEMONSTRATES THAT THE SUPERSEDING INDICTMENT IN U.S. v. JOHNSON Crim. No. 08-374, WAS NOT LAWFULLY RETURNED BY A DULY IMPANELED GRAND JURY IN VIOLATION OF PETITIONERS 5th AMENDMENT RIGHTS and F.R.C.P. 6(f). ?

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:

RELATED CASES

U.S. v. Johnson, No. 08-374 U.S. District Court Western District of Pennsylvania Judgment entered (2012)

U.S. v. Johnson, 639 F. App'x 78, Judgment entered (3d cir. 2016)

*U.S. v. Johnson, No. 19-1286, 2019 WL 11725403, at *1 (3d cir. Sept. 12, 2019)*

U.S. v. Johnson, (ECF No. 1435) U.S. District Court Western District of Pennsylvania, Judgment entered (Sept. 8, 2022)

U.S. v. Johnson No. 2:08-cr-00374-013 Western District of Pennsylvania

U.S. v. Johnson, C.A. No. 25-2055 (U.S. Ct. of App. 3rd Cir. Judgment entered (Aug. 11, 2025) Rehearing Rehearing En Banc denied (

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U.S. V. JOHNSON CT. OF. APP. No. 25-2055 (August 11, 2005),*

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Alonzo Johnson v. United States of America Case No. 25-2055*

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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 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 A 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 August 11, 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: December 16, 2025, 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).

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).

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>UNITED STATES V. BENDIT</u> , 2019 U.S. Dist. LEXIS 195653 U.S. Dist. Ct. 3 rd Cir. (Jan. 5, 2018)	6, 6,
<u>In Re SPECIAL GRAND JURY (For Anchorage)</u> , 647 F.2d 778 (9 th Cir. 1982)	
<u>UNITED STATES V. SELLS ENG'G</u> , 463 U.S. 418, 103 S. Ct. 3133, 77 L.Ed 2d 143 (1983)	8,
<u>In re, GRAND JURY INVESTIGATION</u> , 903 F.2d 180 (3 rd Cir. 1990),	7,

STATUTES AND RULES

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Fed. R. Crim. P. Rule 6 (f)	10, 11,
Fed. R. Crim. P. 12 (b)(3)(v)	9,

OTHER

U.S. Constitutional Amendments; 	
14 th	
5 th	11,
6 th	12,

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS:

14th Amendmend U.S. Constitution

5th Amendment U.S. Constitution

6th Amendment U.S. Constitution

STATUTORY PROVISIONS:

18 U.S.C. § 3331

28 U.S.C. § 2255

COURT RULES:

Fed. R. Crim. P. Rule 6 (e).

Fed. R. Civ. P. Rule 60 (b)

Fed. R. Crim. P. Rule 6 (f)

Fed. R. Crim. P. Rule 12 (b) (3) (V)

STATEMENT OF THE CASE

On May 5, 2022 the Petitioner ("Johnson") filed a civil action in the U.S. District Court For the Western District of Pennsylvania entitled "Fraud on the Court," where he asserted that a fraud had been committed where:

- (1) the government "forged" the grand jury's Foreperson's signature on the Superseding indictment
- (2) the grand jury that returned the Superseding indictment had expired

The District Court construed Johnson's pro se Action as an unauthorized second or successive 28 U.S.C. § 2255 motion and denied it. Johnson also ask for the appointment of counsel and an investigaton, due to being incarcerated, indigent and in order to aquire the document related to the grand jury proceedings in his criminal ease. Johnson stated that the documents were necessary in order to seek permission from the 3rd circuit Court of Appeals to file a second successive 28 U.S.C. § 2255 motion to vacate.

Johnson was convicted along with other alleged co-defendants charged in count 1, of a superseding indictment with conspiracy to distribute 5 kilograms or more of cocaine and 50 grams or more of crack cocaine. Johnson was convicted by a jury, and sentenced to a term of 300 months, (1) Note

After the denial of Johnson's Rule 66 "fraud on the court motion September 8, 2022. Johnson file a Request For Documents", which was denied September 28, 2022. [ECF No. 1445].

Johnson appealed the decisions to the 3rd circuit Court of appeals, which affirmed the District courts ruling.

(1) Note

Johnson was not charged in the original indictment and added to the Superseding indictment after the government requested an extension, grant by the court, which went beyond the scope of the police investigation.

The District complained that, "it is difficult for the court to conceive how documents related to the grand jury proceedings would be relevant to any motion over which this court could exercise subject-matter jurisdiction." While referencing to an opinion dated September 8, 2022. (ECF No. 1435).

Johnson's request for document is necessary in order to obtain evidence not known to him prior to his trial, thereby that if obtained, would show that he was provided unconstitutionally ineffective assistance of counsel and that he is actually and factually innocent of conspiring to distribute ~~5~~ kilograms or more of cocaine and 50 grams of crack cocaine.

The District court would have subject-matter jurisdiction over an authorized second-successive 28 U.S.C. § 2255 motion to vacate, given he is provided with the document in order to request authorization from the 3rd circuit court of appeals.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals For The Third Circuit's decision in Petitioner's case, is so out of line with normal judicial standards that the Supreme Court of the United States should exercise its supervisory power to instruct lower courts, a decision by the Supreme Court will provide authoritative clarification for the benefit of the entire federal judiciary.

The United States Court of Appeals For The Third Circuit has clearly erroneously decided that the U.S. District Court "properly" denied the Petitioner's request for documents, because he failed to demonstrate a "particularized need" for the grand jury documents. The decision by the U.S. District Court For The Western District of Pennsylvania, for the Petitioners request for grand jury documents was made after the Petitioner demonstrated his "particularized need" for the grand jury documents in a pro se Fed. R. of Civi. Pro. Rule 60.(b) motion, for Fraud on the court, which was construed as an unauthorized or successive 28 U.S.C. § 2255 motion to vacate, U.S. v. Johnson, [ECF No. 08-374], (denied Sept. 8, 2022).

In spite of the Petitioner specifically "particularizing" his need for the grand jury document, along with authority to support his position, the courts below saw fit to deny him the requested documents, where as explained, the Petitioner wished to secure the documents in order to petition the Court of appeals for the 3rd circuit for authorization to file a second successive 28 U.S.C. § 2255 motion to vacate

ARGUMENT

Question Presented (1)

Whether or not the U.S. District Court for the Western Dist. of Pennsylvania erred in denying the Petitioners request for grand jury documents, appointment of counsel and an investigator?

In the case now before the court, the petitioner requested grand jury document from the district court pursuant to the authority as set forth in United States v. Benoit, 2019 U.S. Dist. LEXIS 195653, U.S. Dist. Ct. 3rd. Cir. (Jan. 5, 2012), (Fed. R. Crim. P. Rule 6(e) provides that 'a matter occurring before the grand jury' shall be disclosed. However, "[t]he court may authorize disclosure of a grand jury matter: (i) preliminary to in or connection with a judicial proceeding...." Fed. R. Civ. P. 6(e).

Courts have permitted the limited disclosure of the so-called "ministerial records" relating to the procedures employed by the grand jury. In re. Special Grand Jury (for Anchorage, Alaska), 674 F.2d. 778 (9th Cir. 1982), the ninth Circuit Court of Appeals addressed a request for certain records of a grand jury. Specifically, the records requested were:

- 1) Any order authorizing summons of a special grand jury in the district of Alaska;
- 2) Any order authorizing extension of the special grand jury;
- 3) Roll sheets reflecting composition of the special grand jury, attendance records of the jurors, and any substitutes;
- 4) Any written authority permitting a special prosecutor to present evidence to a special grand jury;
- 5) Records setting forth the method by which this special grand jury was empaneled;
- 6) Voting record, related to any decision to extend the life of the special grand jury;
- 7) All records of disclosure of names of persons receiving information about matters occurring before the grand jury....

The Ninth Circuit called these records 'ministerial' to reflect the fact that they generally relate to the procedural aspects of empanelling and operation of the Special Grand jury, as opposed to records which relate to the substance of the Special Grand jury's investigation. Id. at 786 n. 1

The Ninth Circuit did not expressly hold that these records should be disclosed, instead remanding the issue to the district court. Id. at 782. n. 4. However, the only request that was directly questioned by the Ninth Circuit was the (roll sheets reflecting the composition of the grand jury), in that it should be protected. Id. at 782. The court reasoned that keeping these records secret was necessary "to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jury, . . ." Id. at 781.

The Third Circuit, as relevant here, in In re Grand Jury Investigation, 903 F.2d 180, (3rd Cir. 1990), held that, Rule 6(e) did not apply to records of the commencement and termination dates of the grand jury, Id. at 182. The court explained that the disclosure of those dates "does not disclose the essence of what took place in the grand jury room." Additionally, disclosure of such information does not violate the freedom and integrity of the deliberative process of the grand jurors." Id.

In this case "Johnson", the Petitioner sought to obtain ("a copy of the government's motion to extend the grand jury that returned a true bill against him"), and ("the grand jury vote sheet") ECF No. 1522 at 1-2. And as expressly shown above neither of the requested documents are forbidden to be provided under Rule 6(e), nor would disclosure of the requested documents violate the freedom and/or integrity of the deliberative process of the grand jurors

Although Rule 6 does not prohibit the disclosure of the requested documents, Rule 6(e) of Fed. R. Civ. P. provides that "a matter occurring before the grand jury" shall not be disclosed. However, "[t]he court may authorize disclosure of a grand jury matter: (i) preliminary to in or connection with a judicial proceeding . . ." Fed. R. Civ. P. 6(e).

The Petitioner explained to the District Court his particularized need for the documents, as well as, a Rule 6(e) "connection with a judicial proceeding" preliminary thereto, which was to preparing to motion the 3rd Circuit Court of Appeals for authorization to file a second successive 52255 motion in the District Court.

Under the circumstances of the petitioner's request, as well as the documents requested, the District Court was in error for denying the petitioner's request, and the Supreme Court should find the same. The District Court did not say that the public's interest in secrecy outweighed the petitioner's particularized need, as his need was clearly stated as repeated/referenced to by the District Court see Attachment/Appendix A

ARGUMENT

Question Presented (2)

The U.S. Court of Appeals for the 3rd Circuit erred in its affirmance in the granting of the Government's motion for summary affirmance and affirming the District Court's denial of the Petitioner's request for grand jury documents.

Not only did the Petitioner state his particularized need for the grand jury documents requested in the District Court in accordance with United States Sells Eng'g, 463 U.S. 418, 103 S.Ct. 3133, 77 L. Ed 2d 743 (1983). The Petitioner also restated his particularized need in the 3rd Circuit Court of Appeals. And again the 3rd Circuit did not reflect whether or not the public's interest in secrecy outweighed the Petitioner's particularized need, which under liberal construction was the 'substantial question before the Court.

This Court should find that the Court of Appeals for the 3rd Circuit's opinion is out of line with normal judicial standards.

ARGUMENT

Question Presented (3)

Whether or not, the District Court and the U.S. Court of Appeals for the 3rd Circuit violated the Petitioners U.S. Const. Right to Due Process under the 14th Amendment, in the Petitioners attempt at Seeking permission to file a Second/Successive 28 U.S.C. §2255 motion to vacate?

As stated and shown, the Petitioner provided both courts with his particularized need for the grand jury documents, which, and one of the needs was to seek post-conviction relief in the form of an authorized second/successive 28 U.S.C. §2255, of which must first be authorized by the U.S. Court of Appeals for the 3rd circuit, "preliminary" to in or connection with a judicial proceeding(s). The Petitioner's request was a preliminary request. Fed. R. Crim P. 6 (e).

The denial and affirmance both effects the Petitioner's ability to seek said authorization, thereby prejudicing his right to seek post-conviction relief, in a claim of a violation of his Sixth amendment right to effective assistance of counsel among other issues that were not made known to the Petitioner, prior to, during, nor after trial by a jury or in time to state a claim in his initial "in time" §2255 motion. The Petitioner's attempt at post-conviction relief is not foreclosed simply because he seeks to challenge an error in the grand jury proceeding, nor his subsequent conviction by the petit jury. The Petitioner's challenge is not guided by the Fed. R. of Criminal Procedure 12 (b)(3)(v), but by his U.S. constitutional right to effective assistance of counsel, as well as a challenge to the jurisdiction of the District court. Challenges that are viable, not conclusory and supported by the fact, of which the Petitioner is attempting to obtain and being denied.

The Petitioner has filed and was denied relief under Rule 60 (b) of the Fed. R. Civ. P., his motion was construed as

unauthorized §2255 motion because it raised challenges to his underlying criminal conviction. The Petitioner should be provided the documents requested as they are not barred and preliminary to a judicial proceeding see Fed. R. Civ. P. 6(e)

ARGUMENT

Question Presented (4)

Whether or not the District Court lacked Jurisdiction to try and Sentence the Petitioner, where the record demonstrates that the superseding indictment in U.S. v. Johnson, crim. No. 08-374, was not lawfully returned by a duly impaneled grand jury in violation of Petitioners 5th amendment Rights and Fed. R. Crim. P. 6(f)

In October 2008 a grand jury sitting in the U.S. Dist. Court for the western District of Pennsylvania indicted named defendants for conspiracy to distribute cocaine and crack cocaine. Thereafter, the office of the United States Attorney (AUSA) moved the District Court for an extension, April 29, 2009, said motion was granted May 8, 2009, The order extended the service of the grand jury panel until January 22, 2010. The Petitioner Alonzo Lamar Johnson ("Johnson"), was not made apart of the October 2008 indictmen.

On August 21, 2009, the Petitioner along with other defendants was indicted in a "superseding" indictment, in count 1; with conspiracy to distribute 5 kilograms or more of cocaine and 50 grams or more of crack cocaine (ECF No. 205), on April 1, 2012, the Petitioner was convicted by a Jury and the Court sentenced him to a term of 300 months imprisonment. All of the Petitioners direct appeals were denied, as well as post-conviction motions.

However during the course of investigating the cause of

the governments case against him, in conjunction with the trial record the Petitioner discovered that the District Court lacked jurisdiction to try and Sentence him. Where the record showed that the "Superseding indictment in U.S. v. Johnson, Crim. No. 08-374 was not returned by a duly impaneled grand jury, in violation of the Petitioner's 5th Amendment rights and Fed. R. Crim. P. (6) (f)

At trial, Special Agent Daniel R. Booker, testified that his investigation was completed in October 2008. Therefore the record shows that the Petitioner was indicted, per extension on August 21, 2009 and a co-defendant "Campbell," September 15 2009. Campbell was indicted by a different grand jury panel. The Petitioner first moved in the District Court under Fed. R. Civ. P. (60) (b), in order to show fraud on the court, relevant to the his alleged indictment and the government proof of his role in a conspiracy to distribute powder cocaine and crack cocaine. The District Court treated the Petitioner's Rule 60(b) motion as an unauthorized §2255 motion and denied it. Thereafter the Petitioner moved in the District Court in a request for documents. (Document [1526] filed 5/13/25), which was denied by the court, as the District Court re-stated:

Johnson states that he needs the grand jury documents to prepare a second or successive §2255 motion based on an alleged fraud upon the court.

The district court, without looking to whether or not the documents request were ministerial, to reflect the facts that they generally relate to the procedural aspects of empanelling and operation of the special grand jury, as opposed to records which relate to the substance of the special grand jury's investigation, denied the Petitioner's request.

The District Court limited its enquiry, to it being:

"difficult for the court to conceive how documents related to the grand jury proceedings would be relevant to any motion over which this court could exercise subject-matter jurisdiction."

The District Court either failed and/or refused to look at the fact that a Jurisdictional claim made by the Petitioner with the requested documents could be the base's for a motion to the 3rd Circuit Court of Appeals for authorization to file a Second or Successive §2255 motion, as well as Fraud on the court, actual/factual innocence, and ineffective assistance of trial counsel under the Sixth Amendment, for failure to investigate.

The Petitioner advances his Jurisdictional claim to the Supreme court of the United States. The Petitioner has presented his need for the requested grand jury documents, as well as his intended use of the materials, both courts below have denied his request and appeals, and based upon what is shown by the record, the error's in an alleged grand jury proceeding connected with a charging decision is not harmless beyond a reasonable doubt, where the district court lacked Jurisdiction because the requested extension, granted by the district court fell outside of the taskforce's investigation of the conspiracy.
See Appendix C.

The record in the Petitioner's case at hand supports the conclusion that the District Court was without subject-matter jurisdiction to prosecute the Petitioner, and the conviction by a jury does not foreclose the Petitioner's ability to have his Jurisdictional claim decided on its merits. The Supreme Court of the United States should address the issue and/or remand for further proceeding, where a conflict exists in providing the Petitioner with the grand jury documents in aid of his claim before this court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alonzo Lamas Johnson

Date: January 12, 2026