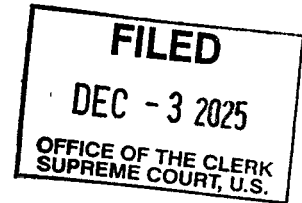


No. _____

25-7133 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



JOHN LOUIS ATKINS — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John L. Atkins, TDCJ-CID #: 2184778
(Your Name)

Coffield Unit, 2661 FM 2054
(Address)

Tennessee Colony, TX. 75884
(City, State, Zip Code)

N/A
(Phone Number)

i.

QUESTION(S) PRESENTED

Does a United States District Court retain criminal jurisdiction (under 18 U.S.C. § 3231) over a defendant after a jury's finding of not guilty to persist in the prosecution of a supervised release revocation/violation, when the plain language of § 3231 requires "... an offense against the laws of the United States," where the alleged violation is premised upon the jury trials acquitted conduct that arose from the very same event. ? And;

As a result of the U.S. Sentencing Commission's recent amendment to the Sentencing Guidelines, Section **1B1.3** (Relevant Conduct) adding Subsection (c) (Acquitted Conduct) does not begin to remedy the bedrock Constitutional issues under the Fifth and Sixth Amendments and 18 U.S.C. § 3583(e)(3)'s Due Process Clause violation regarding the preponderance of evidence on a felony or "infamous" sentence.

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

1. UNITED STATES v. JOHN LOUIS ATKINS, Case No. 1:15-CR-00055-(0); In the U.S. District Court, Northern District of Texas, Abilene Division. Judgment of not guilty (by jury) entered on May 31, 2016.
2. UNITED STATES v. JOHN LOUIS ATKINS, Case No. 1:15-CR-00052-(0); In the U.S. District Court, Northern District of Texas, Abilene Division. Judgment of guilty rendered by Judge taking judicial notice of the "055 trial" (above).
3. UNITED STATES v. JOHN LOUIS ATKINS, Case No. 1:15-CR-00053-(0); In the U.S. District Court, Northern District of Texas, Abilene Division. Judgment of guilty entered by Judge taking judicial notice of the "055 trial" (above), this case was consolidated with ¶ 2 (above). Both "052 and 053" are supervised release revocation cases premised on (acquitted conduct) of "055."
4. JOHN LOUIS ATKINS v. UNITED STATES, App. Case No. 16-10876 consolidated with Case No. 16-10877; United States Court of Appeals, Fifth Circuit. Judgment on 08/21/2017; Affirmed,
5. IN RE JOHN LOUIS ATKINS, No. 25-10667; United States Court of Appeals for

RELATED CASES

the Fifth Circuit. Unpublished Order, I.F.P. Granted. The petition for a writ of mandamus DENIED. Filed; September 22, 2025. (See attached ORDER.)

RELATED STATE OF TEXAS CASES

State of Texas v. John Louis Atkins; 104th District Court of Taylor County, TX. Cause No. 20,106-B. Jury trial. (*Texas Penal Code § 19.02(c); (Murder)*).

John Louis Atkins v. State of Texas; (2020 Tex. App. LEXIS 2313) Direct Appeal in the Eleventh District Court of Appeals, Eastland, TX. App. No. 11-18-00056-CR. (Affirmed)

Ex parte John Louis Atkins; (2020 Tex. Crim. App. Unpub. LEXIS 385, 2020 WL 5540672 (Tex. Crim. App., Sept. 16, 2020)). C.C.A. No. WR-91,551-01. (*Granted*)

In re John Louis Atkins, (2021 Tex. Crim. App. LEXIS 258 (Tex. Crim. App., March 17, 2021) PD-1077-20 Refused (Petition for Discretionary Review)).

Ex parte John Louis Atkins; Article 11.07 writ of habeas corpus. Court of Criminal Appeals (C.C.A.) No. WR-91, 551-02. (Dismissed). (*In error as argued*).

John Louis Atkins v. Director. TDCJ-CID; Case No. 1:23-cv-00192-H; Writ of habeas corpus under 28 U.S.C. § 2254 (13 Grounds)(Filed Sept. 20, 2023 and is currently pending the U.S. District Judge James Wesley Hendrix's decision).

NOTE: The "Related State of Texas Cases" arose from the same arrest event.

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APPENDIX C Decision of the Fifth Circuit on Application for Certificate of Appealability; App. No. 24-10925 c/w No. 24-10927; U.S.A. v. J.L.A.

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APPENDIX E Decision of the Fifth Circuit; Appeal from U.S.D.C. E.D. TX., on dismissal of 28 U.S.C. § 2241 petition. J.L.A. v. U.S.D.O.J.-F.B.O.P.

APPENDIX F Final Judgment of Jury "NOT GUILTY," U.S.D.C. No. 1:15-CR-55-(O) United States District Court, Northern District of Texas, Abilene Division.

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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 "A" 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 "F" 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 September 22nd, 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).

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

1. United States Constitution, Article III, Section 1.
2. United States Constitution, Amendment Five; i.e., "infamous crime ... without presentment of indictment Clause;" "Double Jeopardy Clause" violated due to punishment imposed after acquittal; and; "Due Process Clause violated, because District Court effectively nullified Jury's verdict of not guilty.
3. United States Constitution, Amendment Six; Government's "nullification of the Jury trial Clause;" in a Court without jurisdiction "ascertained by law" Clause.
4. 28 U.S.C. § 453.
5. 18 U.S.C. § 922(g)(1).
6. 18 U.S.C. § 924(a)(2).
7. 18 U.S.C. § 3231.
8. 18 U.S.C. § 3583(e)(3).
9. U.S. Sentencing Guidelines § 1B1.3(c).

STATEMENT OF THE CASE

This matter arose from two separate criminal convictions in the State and federal judicial District of Wyoming, then subsequently supervised release was transferred to the State of Texas upon release from F.C.I. Three-Rivers on or about October 14, 2014. The transfer from the District of Wyoming to the Northern District of Texas occurred because Petitioner "Atkins" was offered employment in his trade as pipe-welder/pipe-fitter at the Hess Refinery in Seminole, Texas where his two eldest Sons were employed on an expansion project at that refinery. However, because the transfer process took several months for approvals of all factors of supervised release transfers, that job no longer was available.

Finally after several months seeking employment in my trade, I gained employment in Abilene, Texas at Lauren Engineering and Fabrication, where I was allowed to transfer parole offices and officers, in early January 2015. On the evening of July 28th, 2015, while at work on the night-shift's first break time at approximately 7:40 pm I was approached by Abilene Police Detectives that were investigating the death of Ms. Latisha Hilley. I became a "suspect" in their investigation due to the fact I let Ms. Hilley use my cell phone to make a very brief call to her friend, which took place in the am hours of July 26th, 2015. I was the last person (known) to be with her prior to death, presumably happening soon thereafter.

According to State of Texas authorities, I was only "detained" briefly for an alleged "investigative detention," where I was in fact placed in hand-cuffs, then transported across town to my room at the Country Hearth Inn, in a caged rear-seat of a police cruiser, still in restraints for (4) four hours ± waiting on the issuance of warrants for search and seizure. Four hours is NOT a brief

(Continued)

"investigative detention," by fact or this Court's precedent case law. It is a de facto warrantless arrest without probable cause.

Atkins was charged criminally under 18 U.S.C. §§ 922(g)(1) and 924(a)(2) in Case No. 1:15-CR-00055-(0), a (felon in possession of a firearm), took it to jury trial twice. The First trial took a week, ending as a mistrial on or about March 24th, 2016. The second trial was on May 31st, 2016 ending with the Jury finding of NOT GUILTY, as a [final] judgment. However;

The Government did not see it that way, and commenced a prosecution for (2) two consolidated supervised release violations in Cases No. 1:15-CR-00052-(0) and c/w No. 1:15-CR-00053-(0) with a hearing on the matter on June 10th, 2016 where U.S. District Judge Reed C. O'Connor took judicial notice of the prior Jury trial he presided over, and in effect took the burden of proof from the government's attorney, and stated; "..., I think the Government presented overwhelming evidence of Mr. Atkins's guilt. The jury, obviously, did not see it that way. But in my role in this case, that overwhelming evidence rises to the level, in my view, of beyond a reasonable doubt, but even if I'm wrong [5|6] as to that, it clearly surpasses the standard that the Government is required to prove in this case and so I will find that it is true that the defendant violated both the conditions that I have outlined in that he committed the offense of 922(g) as alleged in the Government's motion." (Id., Doc. # 30 in Case No. 1:15-CR-00053-(0)). *Noting; there was NO OFFENSE of 922(g) [a]fter the Jury finding of NOT GUILTY, thus, reasonably concluding that the District Court ended its "criminal" jurisdiction (under 18 U.S.C. § 3231) on May 31st 2016 final judgment of not guilty. (Fact being, a .38 calibre pistol was located in the open bed of my Ford F-350 truck. When forensically tested, there was none of Atkins DNA or finger prints on that pistol, however, there was

(Continued)

other DNA of an "unknown" person located on the pistol, alleged to have been used in the death of Ms. Hilley. (First deemed a suicide via autopsy, then the manner of death was changed to homicide after the Medical Examiner learned that no weapon was found near Ms. Hilley. (Anyone could have picked the pistol up and placed it in the back of that truck))).

Nevertheless, Atkins timely appealed to the Fifth Circuit with appointed counsel in consolidated cases; 16-10876 c/w 16-10877, of which was affirmed.

Atkins then unsuccessfully submitted motions under 28 U.S.C. § 2255, cases in the U.S. District Court, Northern District of Texas, right back before Judge Reed C. O'Connor. Consolidated cases; 1:17-CV-00135-(O) c/w 1:17-CV-00136-(O), then a "Rule 60(b) motion." Everything Atkins submitted thereafter was "construed" to be "second or successive" § 2255 motions, no matter what-the-label or facts within the grounds/claims therein. In any case presented, the Court(s) refused to address the issue of "criminal jurisdiction" under 18 U.S.C. § 3231 after the May 31st, 2016 final judgment of the Jury.

Atkins had no other effective remedy at law, so he submitted a petition for the issuance of a writ of mandamus, (twice, as the record in the Appendices show), thus, this Honorable Court should see good reason to grant Certiorari to settle this unresolved issue(s) of constitutional deprivation(s).

Please see; Unpublished Opinion of the Fifth Circuit, No. 25-10667; In re John Louis Atkins, at Appendix "A" of Appendices.

REASONS FOR GRANTING THE PETITION

1. Because as in Petitioner "Atkins" instant case, several Clauses of the U.S. Constitutions Fifth and Sixth Amendments are violated by the Government when imposing a prison sentence after a Jury finding of NOT GUILTY for an underlying offense of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Then that "acquitted conduct" is used to violate supervised release under 18 U.S.C. § 3583(e)(3) of the Sentencing Reform Act of 1984. *Please see NOTE # 1; (bottom of next page).*

2. Taken in conjunction with a Jury's NOT GUILTY finding at a criminal trial, where the District Court obtains it's criminal jurisdiction under 18 U.S.C. § 3231, and reasonably concluding from the plain English language of § 3231, that the District Court no longer has criminal jurisdiction over Petitioner Atkins, because there is no longer "an offense against the laws of the United States."

Here, the Jury made this factual finding, then, as in this case, 10 days later, the Government persisted in prosecuting a supervised release violation based on the very same underlying event and conduct that the Jury finding of not guilty was based on. In effect, this practice of "jury nullification" by our government undermines the bedrock-foundational concepts of the Constitution that "We the People" enacted for the very purpose of such government tyranny under the reign of England's King George. And;

3. This very Court failed to squarely address this issue in McClinton v. United States, 143 S.Ct. 2400 (2023); where the Court placed this burden on the U.S. Sentencing Commission. The result being subsection (c) [acquitted conduct] as amendment to the Guidelines § 1B1.3 (of which failed to remedy the constitutional violations or affect anyone retroactively). Of no-use to individuals "caught-up" in this - unsound doctrine and legal quagmire of injustice.

4. Last, this issue creates a legal conundrum under 28 U.S.C. § 453, and those actually acquitted of "an offense."

(Continued)

5. In further support of the District Court's lack of subject-matter jurisdiction, and/or criminal jurisdiction under 18 U.S.C. § 3231, see; Stringer v. United States, 2012 U.S. Dist. LEXIS 160964, at [*2] through [*5]; "... the Sixth Circuit gave an additional voice to the meaning of § 3231 by stating that '[a]s [*3] courts of limited jurisdiction, federal courts possess only that power authorized by Constitution and statute, and may not expand that power by juridical decree.'" ... (citing U.S. v. Minisee, 2010 U.S. Dist. LEXIS 86302) ... "First, the original basis for jurisdiction over the case ended when the criminal charges were dismissed [.]" (Dismissal vs. acquittal)

CONCLUSION

Whether "dismissal" or "acquittal" it effectively ends criminal jurisdiction under 18 U.S.C. § 3231, as both are "final" judgments.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John I. Atkins

Date: December 3, 2025 Resubmitted: February 23, 2026

NOTE # 1: A "label-of-convenience" has effectively been placed on these so-called "supervised release revocations" when it is actually a successive criminal punishment under a lesser burden of proof [required] for a criminal prosecution. It is of little difference than the issues presented in In re Winship, 397 U.S. 358, (LEdHN[4] through LEdHN[10])(1970). Petitioner Atkins believes 18 U.S.C. § 3583(e)(3) is unconstitutional, as asserted herein, in this case. See also; United States v. Haymond, 588 U.S. 634, 671-672 (2019)(Section "B").