

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

No. 25-3096 \_\_\_\_\_

**IN THE**

**SUPREME COURT OF THE UNITED STATES**

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*In Re: MARK T STINSON,*

PETITIONER,

---

ON PETITION FOR A WRIT OF MANDAMUS  
AND/OR PROHIBITION

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PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

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## **QUESTION PRESENTED**

1. Whether the Eighth Circuit Court of Appeals Circuit Judge's RAYMOND W. GRUENDER, RALPH R. ERICKSON and L. STEVEN GRASZ, have denied Petitioner Stinson his due process rights by not rendering a decision within its jurisdiction on his case that has been unreasonably delayed or improperly withheld?

## **PARTIES TO THE PROCEEDINGS**

Petitioner is Mark T. Stinson and is the petitioner below. A Respondent is the United States of America below. Also, the Respondent is Circuit Judges Raymond W. Gruender, Ralph R. Erickson and L. Steven Grasz, who are delaying the response. And A Respondent is the Solicitor General of the United States.

## **RELATED CASES**

Mark Stinson v. USA, Nos. 19-8493, 21-7757, 21-8013, 22-6213, 22-7591, 23-5105, 24M85,

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 29.6 of the Rules of this Court, the petitioner, Mark T. Stinson, states that he has no parent company, and no public company with any stock.

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**To the Honorable Chief Justice and the Associate Justice of the Supreme Court of the United States:**

Petitioner, Mark T. Stinson, a pro se veteran of the United States Army diagnosed with Post-Traumatic Stress Disorder (“PTSD”), respectfully petitions this Honorable Court for issuance of a Writ of Mandamus under *28 U.S.C. § 1651(a)* and /or a Writ of Habeas Corpus under *28 U.S.C. § 2241*, directing the United States Court of Appeals for the Eighth Circuit to rule upon his pending petition for rehearing en banc, which has remained unaddressed despite substantial constitutional issues presented.

## **I. JURISDICTION**

This Court has jurisdiction under *28 U.S.C. § 1651(a)* (the All Writs Act), which authorizes issuance of writs necessary or appropriate in aid of its jurisdiction, and under *28 U.S.C. § 2241*, empowering the Supreme Court to grant writs of habeas corpus.

The Eighth Circuit’s refusal to rule on Petitioner’s en banc petition effectively denies Petitioner meaningful access to appellate review, violating due process under the Fifth Amendment and the Suspension Clause, *U.S. Const. art. I, § 9, cl. 2*.

## **II. OPINIONS BELOW**

This case is from federal court: The opinion of the United States Court of Appeals for the Eighth Circuit at Appendix B to the petition and is unpublished.

There isn't any opinion of the United States district court.

### **III. STATUTORY PROVISIONS INVOLVED**

Pursuant to 28 U.S.C. § 1651:

- (a) The supreme Court and all courts established by the Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law.

### **IV. STATEMENT OF THE CASE**

1. Petitioner, a veteran, was falsely tried and convicted in the United States District Court for the Western District of Tennessee for defrauding the Government, on 12/04/2017 and a charge was changed after trial.
2. Petitioner court appointed attorney Arthur E. Quinn did not file an appeal after he was instructed to by the Petitioner several times. Quinn instead files a motion to separate the charges or in the alternative have a new trial in the Sixth Circuit No. 18-5272. *See Designation of Relevant District Court Documents Report Exhibit A*
3. The Sixth Circuit has denied all of the Petitioner's habeas corpus relief efforts procedurally, not on the merits of the case, No. 23-5105 on 11/22/2023, this Court rejected the writ of certiorari on 07/03/2025, stating "Due to the petitioner's repeated filings to this Court concerning the same lower court opinion, the Clerk's Office will no longer acknowledge future submissions regarding the same lower court opinion."

4. Petitioner then filed a *28 U.S.C. § 2241* in the Eastern District Court of Arkansas, on 07/31/2025, No. 25-cv-00148-JM, alleging; court appointed attorney refused to issue subpoenas, due process violations, bad indictment, Brady violation, Court refused to allow Petitioner to fire the attorney, twice, counsel failed to argue and file a Motion that Petitioner suffered for PTSD, and that Petitioner could not be charged with any form of conspiracy due to the Symptoms and Treatment he have undergone during the trial, counsel's lack of investigation, ineffective assistance of counsel, conflict of interest, cruel and unusual punishment, trial court failed to *sua sponte* conduct a competency hearing, Court erred by misapprehending it statutory obligations under *18 U.S.C. § 424(a)*, prosecutors intimidation, made threats, coercive badgering of witnesses and wanted to *Miranda* defense witness, fraud, conspiracy, all of which was not ruled on.
5. Petitioner filed a writ of mandamus with the Eighth Circuit Court of Appeals on 10/21/2025, and it was denied on 10/27/2025.
6. On 10/28/2025, petitioner filed for a rehearing *en banc* under *Fed. R. App. P. 35 and 40*, and it has not been ruled on at the time of this petition.
7. Despite the passage of **20 days** the Eighth Circuit has failed to act upon the petition, effectively denying review and access to this Court under *28 U.S.C. § 1254(1)*.

This inaction constitutes a denial of Petitioner's right to due process and access to the courts.

### **Summary of the Argument**

The Defendants are in violation of: **(1)** 42 U.S.C. § 12203 – Prohibition against retaliation and coercion; **(2)** 18 U.S.C. § 241 – Conspiracy against rights; **(3)** 42 U.S.C. 1985 – Conspiracy to interfere with civil rights; **(4)** 18 U.S.C. § 241 – Conspiracy to deprive a person of their civil rights; **(5)** 18 U.S.C. § 1349 – Conspiracy to commit fraud; and **(6)** 42 U.S.C. § 14141 – Its unlawful for any governmental authority to engage in a pattern or practice of conduct that deprives persons of their rights; **(7)** 18 U.S.C. § 1001 – False Statements, Concealment; applies to any individual, including State Department employees, who makes a false statement or commits any of the other prohibited acts in a matter within the jurisdiction of a federal agency; **(8)** 31 U.S.C. § 3729 (False Claims Act): This act covers liability for certain acts, including knowingly presenting or causing to be presented a false or fraudulent claim or making a false record or statement; **(9)** 31 U.S.C. § 3730 (Civil actions for false claims): This section outlines the procedures for civil actions under the False Claims Act; **(10)** 26 U.S.C. § 7206 (Fraud and false statements): This section covers fraud and false statements related to tax returns and other tax-related documents.

The Petitioner never had a chance with the government, public defenders and the Judge that were involved in this matter. The Court must also weigh all factual allegations in favor of the plaintiff unless the facts alleged are clearly baseless. Denton v. Hernandez, 504 U.S. 25, 32 (1992).

See Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976).

The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. The loss of liberty is a severe form of irreparable injury. Ferrara v. United States, 370 F.Supp.2d 351 (D.Mass. 2009); Barone v. United States, 610 F.Supp.2d 150 (D.Mass. 2009).

When fraud and misrepresentation; fraud exception in which petitioner will be permitted to file Fed. R. Civ. P. 60 motion and have it treated by district court as a motion under that rule instead of as non-authorized (by appellate court pursuant to 28 USCS § 2244(b)(3)(A)) application to file second or successive petition, as it was outlined in Hazel-Atlas decision, requires deliberately planned and carefully executed scheme and conspiracy participated in by attorneys and judges in federal proceeding to defraud federal court with carefully constructed bogus evidence that not only was presented to that federal court, but which also affected federal court's decision; (this was the case in my trial); Gonzalez v. Sec'y for the Dep't of Corr., 366 F.3d 1253, 17 Fla. L. Weekly Fed. C 456 (11<sup>th</sup> Cir. 2004), cert. granted, in part, 543 U.S. 1086, 125 S.Ct. 961, 160 L.Ed.2d 896 (2005), cert. denied, 543 U.S. 1091, 125 S.Ct. 965, 160 L.Ed.2d 902 (2005), aff'd 545 U.S. 524, 125 S.Ct. 2641, 162 L.Ed.2d 480, 18 Fla. L. Weekly Fed. S 449 (2005); Ferrara v. U.S., 384 (D.Mass. 2005).

### Argument

The Petitioner's First, Fourth, Fifth, Sixth, Seventh, Eighth and Fourteenth Amendment Rights have been violated. Petitioner charge was illegally

changed after trial, *See EXHIBIT A*; the VERDICT form on page 4 Count 13 was circled, not Guilty by the Presiding Juror, *see Verdict Exhibits*, the Petitioner had been paying IRS for years but wasn't given an offer in compromise, *see IRS Account Transcript*, also see IRS Sec. 6672(a), see generally 26 C.F.R. § 301.7122(a) and (g), People v. Treadway, (2010) 182 Cal. App. 4<sup>th</sup> 562 106 Cal. Rptr.3d 99 (conviction reversed because the prosecution interfered with the defendant's ability to call a witness by conditioning his co-defendant's pleas on a blanket restriction not to testify; *In re: Martin* (1987) 744 F.2d 374, 391, violation of statute at 18 U.S.C. § 1512, which defines it as "tampering with a witness, victim, or an informant." United States v. Serrano, 406 F.3d 1208, 1216 (10<sup>th</sup> Cir. 2005), the court refused to sua sponte a competence hearing, the court refused to allow the petitioner to fire his court appointed trial attorney after two attempts, if the trial court fails to make an inquiry into the potential conflict, reversal is automatic; Atley v. Ault, 21 Supp.2d 949 (S.D. Iowa 1998), this Court has been absolutely clear that the trial court must make a thorough inquiry into the issue; Holloway v. Arkansas, 435 U.S. 475, 98 S. Ct. 1173 (1978), the government coerced the witnesses to lie under oath with bogus evidence, there was a conflict of interest with the trial attorney, the court was given an email but the email was not entered into the trial exhibits.

It was a conflict of interest when the counsel failed to argue PTSD defense on the conspiracy. [Competency Test] See Bouchillon v. Collins, 907 F.2d 589

(5<sup>th</sup> Cir. 1990). Petitioner's earlier motion was not decided on the merits, *See Sanders v. U.S.*, 373 U.S. 1, 19, 10 L.Ed.2d 148, 83 S.Ct. 1068 (1963), the district court IMPROPERLY rejected his petition without an Evidentiary Hearing; *McCleskey v. Zant*, 499 U.S. 467, III S.Ct. 1454, 113 L.Ed.2d 517 (1991), trial Attorney, court appointed attorney and the hired attorney failed to give copy of their filings to Petitioner, filings that they filed in the Sixth Circuit Court of Appeals, breach of fiduciary duty, breach of contract, theft of government funds, "bad lawyering, regardless of how bad" is insufficient. *See Strickland*, 466 U.S. at 698, 104 S. Ct. at 2070 citing *United States v. Cronic*, 466 U.S. 648, 104 S. Ct. 2039, 80 L.Ed.2d 657 (1984),

Pro se pleadings are to be liberally construed. *See Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *Herron v. Harrison*, 203 F.3d 410, 414 (6th Cir. 2000) (pro se pleadings are held to "an especially liberal standard"); Fed.R.Civ.P. 8(f) ("All pleadings shall be so construed as to do substantial justice").

## **V.      LEGAL GROUNDS FOR RELIEF**

### **1. Mandamus Standard.**

Under *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367 (2004), mandamus is appropriate where **(1)** the petitioner has no other adequate means to attain the desired relief; **(2)** the petitioner's right to issuance of the writ is "clear and indisputable", and **(3)** the issuing court, in its discretion, determines the

writ is appropriate under the circumstances.

Petitioner satisfies each element, as the Eighth Circuit's inaction precludes access to higher review and undermines fundamental fairness.

**2. Judicial Duty to Act.**

Court's have a duty to rule on properly filed motions within a reasonable time. Will v. United States, 389 U.S. 90 (1967) (mandamus appropriate where lower court acts beyond or refuses to exercise jurisdiction). *See also Ex parte United States*, 287 U.S. 241 (1932) (mandamus to compel action where court unreasonably delays or declines to exercise authority).

**3. Due Process and Access to Courts.**

The right to petition for redress and to seek judicial review is protected by the First and Fifth Amendments. Bounds v. Smith, 430 U.S. 817 (1977) (access to courts fundamental). Harris v. Champion, 15 F.3d 1538 (10<sup>th</sup> Cir. 1994) (excessive appellate delay violates due process).

**4. Special Consideration for Pro Se and Disable Veterans.**

Federal courts must construe pro se pleadings liberally, Haines v. Kerner, 404 U.S. 519 (1972), and grant equitable consideration to veterans under the principles underlying *38 U.S.C. § 5107(b)* and Henderson v. Shinseki, 562 U.S. 428 (2011) (leniency in procedural requirements for veterans).

Petitioner also requests that the Court consider the need for reasonable procedural accommodation pursuant to the

Americans with Disabilities Act (*42 U.S.C § 12131 et seq.*).

## VI. PRAYER FOR RELIEF

**WHEREFORE**, Mr. Stinson respectfully requests that this Honorable Court:

- 1. Issue** a Writ of Mandamus compelling the United Sates Court of Appeals for the Eighth Circuit to act upon Petitioner's pending petition for rehearing en banc;
- 2. Alternatively**, exercise original jurisdiction under *28 U.S.C. § 2241* to **grant** habeas corpus relief;
- 3. Grant** any other relief the Court deems just and proper, including an evidentiary hearing or remand with instruction for prompt adjudication.

Respectfully submitted,



Mark T. Stinson  
777 NW 155<sup>th</sup> Ln. Apt. 911  
Miami, FL 33169-6180  
Ph: (786) 299-7499  
Email: [mstinson1@bellsouth.net](mailto:mstinson1@bellsouth.net)  
November 12, 2025  
Pro Se

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION,  
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of mandamus and/or prohibition contains 2015 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2025.



Mark T. Stinson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the petition for writ of mandamus and/or prohibition was served upon all interested parties via email on the 12<sup>th</sup> day of November 2025 to:

Solicitor General  
U.S. Department of Justice  
Room 5614  
950 Pennsylvania Ave. NW  
Washington, DC 20530-0001  
Ph: (202) 514-2217  
Email: [supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov)



Mark T. Stinson

**DESIGNATION OF RELEVANT DISTRICT COURT AND SIXTH CIRCUIT  
COURT OF APPEALS DOCUMENTS**

Appellant, pursuant to Eighth Circuit Rules 28(a) & 30(a), hereby designates the following filings in the district courts and appeals court's record as entries that are relevant to this appeal:

<u>DESCRIPTION OF ENTRY</u>	<u>DATE</u>	<u>RECORD ENTRY #</u>	<u>PAGE ID #</u>
<b><u>W.D. Tenn. No. 2:16-cr-20247</u></b>			
Jury Verdict	12/08/2017	85	308-311
Amended Judgment	03/08/2018	114	530-536
Notice of Appeal	03/15/2018	1	1-5
Appellant Brief No. 18-5272	07/23/2018	25	1-19
Gov't Response	09/14/2018	30	1-23
Order of USCA No. 18-5272	01/22/2019	44-1	1-6
<b><u>W.D. Tenn. No. 2:18-cv-02807</u></b>			
Petition § 2241	11/20/2018	1	1-21
Gov't Response to § 2255 Petition	04/04/2019	9	32-52
Pro Se Motion	11/23/2020	19	129-152
Order	05/03/2021	23	165-187

**W.D. Tenn. No. 2:21-cv-02065**

Pro Se Motion	02/01/2021	1	1-22
Gov't Response	03/02/2021	6	37-46
Order	03/03/2021	7	47-48
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Reconsideration Motion & Exhibits	01/26/2023	10	52-65
Denial Order	01/30/2023	11	66
Notice of Appeal	02/06/2023	12	67-68
Motion to Disqualify Judge	02/06/2023	13	69-80
Denial Motion	02/08/2023	15	81-82
Notice of Appeal	02/08/2023	16	83-86
Appellant's Brief with Exhibits	02/13/2023	7	1-34
Order and Judgment USCA No. 23-5105	09/26/2023	24-25	1-5
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**W.D. Tenn. No. 2:21-cv-02526**

Pro Se Motion	08/16/2021	1	1-26
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**W.D. Tenn No. 2:22-cv-02575**

Pro Se Motion & Exhibits	08/30/2022	1	1-54
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**E.D. Ark. No. 19-cv-00016**

Pro Se Motion	02/12/2019	1	1-7
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**E.D. Ark. No. 25-cv-00148**

Petition § 2241	07/31/2025	1	1-14
Motion for Writ Of Mandamus	10/22/2025	5	1-5

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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No: 25-3096

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In re: Mark T. Stinson

Petitioner

---

Appeal from U.S. District Court for the Eastern District of Arkansas - Delta  
(2:25-cv-00148-JM)

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**JUDGMENT**

Before GRUENDER, ERICKSON, and GRASZ, Circuit Judges.

Petition for writ of mandamus has been considered by the court and is denied. The motions to proceed on appeal in forma pauperis filed by Petitioner Mark T. Stinson are denied as moot. Mandate shall issue forthwith.

October 27, 2025

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Susan E. Bindler

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 25-3096

In re: Mark T. Stinson

Petitioner

---

Appeal from U.S. District Court for the Eastern District of Arkansas - Delta  
(2:25-cv-00148-JM)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

November 20, 2025

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Susan E. Bindler

## UNITED STATES DISTRICT COURT

Western District of Tennessee

UNITED STATES OF AMERICA )  
 v. ) AMENDED  
 MARK STINSON ) JUDGMENT IN A CRIMINAL CASE  
 ) Case Number: 2:16-CR-20247-001  
 )  
 ) USM Number: 29908-076  
 )  
 ) Arthur E. Quinn: Appointed - CJA  
 ) Defendant's Attorney

## THE DEFENDANT:

pleaded guilty to count(s) \_\_\_\_\_

pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.

was found guilty on count(s) One thru Thirteen (1,2,3,4,5,6,7,8,9,10,11,12,13) Superseding Indictment December 8, 2017 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 371	Conspiracy to Defraud the United States	1/31/2015	1s
26 U.S.C. § 7202	Failure to Collect, Truthfully Account for, & Pay Payroll Tax	7/31/2011	2s
26 U.S.C. § 7202	Failure to Collect, Truthfully Account for, & Pay Payroll Tax	10/31/2011	3s

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_ is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**Acknowledgment of Conditions**

I have read or had read to me the conditions of supervision set forth in this judgment. I fully understand the conditions and have been provided a copy. I understand if there is a finding of any violation of any of the conditions, the Court may (1) revoke supervision, (2) modify the conditions, or (3) extend the term of supervision.

*John T. Fowlkes, Jr.*  
John T. Fowlkes, Jr.  
Signature of Offender

OFFENDER *John T. Fowlkes, Jr.*  
USPO

DATE 6-16-18

3/1/2018  
Date of Imposition of Judgment

s/John T. Fowlkes, Jr.  
Signature of Judge

John T. Fowlkes, Jr., U.S. District Judge  
Name and Title of Judge

3/6/2018  
Date



This Product Contains Sensitive Taxpayer Data

## Account Transcript

Request Date: 06-17-2013  
 Response Date: 06-17-2013  
 Tracking Number: 100164125461

FORM NUMBER: 941  
 TAX PERIOD: Jun. 30, 2011

TAXPAYER IDENTIFICATION NUMBER: 80-0439874

CONNEXX STAFFING SERVICES LLC  
 MARK & JAYTON STINSON MBRS  
 9127 DALRY CV  
 CORDOVA, TN 38018-2949-277

--- ANY MINUS SIGN SHOWN BELOW SIGNIFIES A CREDIT AMOUNT ---

ACCOUNT BALANCE:	\$51,046.54
ACCrued interest:	\$3,354.54 AS OF: Jul. 01, 2013
ACCrued Penalty:	\$9,473.34 AS OF: Jul. 31, 2011

ACCOUNT BALANCE PLUS ACCRUALS  
 (THIS IS NOT A PAYOFF AMOUNT): \$63,874.42

\*\* INFORMATION FROM THE RETURN OR AS ADJUSTED \*\*  
 TAX PER TAXPAYER: \$84,969.07

RETURN DUE DATE OR RETURN RECEIVED DATE (WHICHEVER IS LATER) Jul. 31, 2011  
 PROCESSED DATE Aug. 22, 2011

## TRANSACTIONS

CODE EXPLANATION OF TRANSACTION	CYCLE DATE	AMOUNT
150 Tax return filed	201132 08-22-2011	\$84,969.07
n/a 35135-182-03350-1		
960 Appointed representative	03-07-2011	\$0.00
960 Appointed representative	05-13-2011	\$0.00
961 Removed appointed representative	05-18-2011	\$0.00
650 Federal tax deposit	05-23-2011	-\$4,132.10
650 Federal tax deposit	06-08-2011	-\$1,452.59
650 Federal tax deposit	06-08-2011	-\$1,000.00

960	Appointed representative	07-01-2011	\$0.00
960	Appointed representative	07-21-2011	\$0.00
186	Federal tax deposit penalty	201132 08-22-2011	\$7,838.43
276	Penalty for late payment of tax	201132 08-22-2011	\$391.92
196	Interest charged for late payment	201132 08-22-2011	\$189.20
186	Federal tax deposit penalty	201137 09-26-2011	\$3,919.22
960	Appointed representative	09-12-2011	\$0.00
971	Issued notice of lien filing and right to Collection Due Process hearing	10-06-2011	\$0.00
971	Collection due process Notice of Intent to Levy -- issued	10-19-2011	\$0.00
670	Payment Levy	10-19-2011	-\$25,553.17
971	Collection due process Notice of Intent to Levy -- return receipt signed	10-26-2011	\$0.00
480	Offer in compromise received	10-27-2011	\$0.00
582	Lien placed on assets due to balance owed	10-26-2011	\$0.00
360	Fees and other expenses for collection	11-21-2011	\$24.00
481	Denied offer in compromise	11-28-2011	\$0.00
960	Appointed representative	01-18-2012	\$0.00
960	Appointed representative	01-23-2012	\$0.00
670	Payment Levy	02-08-2012	-\$8,758.71
960	Appointed representative	02-13-2012	\$0.00
670	Payment Levy	02-23-2012	-\$5,388.73
960	Appointed representative	06-28-2012	\$0.00
960	Appointed representative	08-01-2012	\$0.00

This Product Contains Sensitive Taxpayer Data