

NO. 26-5574**ORIGINAL**

FILED

AUG 18 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

NO. 26-3509

IN THE SUPREME COURT OF THE UNITED STATES

DELORES L. KNIGHT—PETITIONER

VS.

UNITED STATES OF AMERICA—RESPONDENT(S)

PETITION FOR A WRIT OF CERIORARI JUDGMENT TO THE UNITED STATE COURT OF
APPEALS FOR THE SIXTH CIRCUIT, NOS. 26-3509 AND 26-3326 (CONSOLIDATED),
PURSUANT TO SUPREME COURT RULE 11

DELORES LOUISE KNIGHT, 3891 East 146 St, Cleveland ,OH 44128, 216-230-2997

QUESTIONS PRESENTED

One: Whether the District Court and the Court of Appeals for the Sixth Circuit acted without jurisdiction when the District Court dismissed Petitioner's second 28 U.S.C. § 2255 motion on December 2025 without authorization, and the Sixth Circuit accepted an unauthorized referral and issued a ruling on matters over which it lacked authority, rendering both orders void? **Appendix-A1-A2-B2 & H**

Two: Whether the sentencing court violated Petitioner's due process rights by denying access to the pre-sentence report and attributing the full financial liability of a jointly owned S-Corp, resulting in a loss exceeding \$8,000,000, solely to Petitioner based on her ownership interest, where the pre-sentence report itself states that zero client suffered a loss? **Appendix-C pp.1-2**

Three: Whether newly discovered evidence of prosecutorial misconduct, including the prosecutor's suspension documented in the Inspector General's report *Disciplinary Counsel v Bennett*, 2023-Ohio - 4752, case No. 2023-0471 the Supreme Court publicly disciplined Bennett. Also the conspiracy timeline for Petitioner spanning November 2007 to November 2014 involving three companies, establishes that the prosecution's case was materially false, when one of the companies, Elegance Home Health did not exist until February 2014, thereby denying Petitioner a fair trial? **Appendix-D & P**

Four: Whether Newly discovery email of 2021 from the Medicaid legal department stating that Medicaid possessed no records. That supporting the loss finding ,underlying Petitioner's conviction. Constitutes newly discovered evidence, that could not have been discovered earlier. Through Petitioner's exercise of due diligence, thereby satisfying the gateway requirement under 28 U.S.C. § 2244(b) for authorization to file a second or successive motion? **Appendix M- Q**

Five: Whether Petitioner's due process rights were violated when the official certified trial transcript omits the prosecutor's closing argument statement -in which the prosecutor acknowledged that Petitioner's own counsel declared her guilty," a statement confirmed on court audio recording but absent from the written transcript? **Appendix F**

Six: Whether Petitioner's Fifth and Fourteenth Amendment due process rights were violated ;when the appellate court clerk mailed copy only of the received and stamped copy to Petitioner's, requests for appointment of counsel on February 3, 2025 and April 13, 2026, but failed to docket either request, therefore forcing Petitioner to proceed without representation. Later petitioner's receipt of correspondence on 2/06/2025 referencing case number 23-4010 dated 12/18/2023 a docket number Petitioner had no prior knowledge of until maileing of 02/06/2025- demonstrates that the court assigned and maintained an active docket without providing constitutionally required notice to the Petitioner?' **Appendix O pp.1-3**

Seven: Whether the district court violated Petitioner's Fifth and Sixth Amendment rights by attributing a false statement to Petitioner during co-defndant's sentence modification's proceeding without

notice ,without petitione's presence resulting in the unauthorized combination of Petitioner's appellate record with co-defendant's record? **Appendix T2 pp. 1-6**

Eight: Whether this Court's earlier consideration of Petitioner's constitutional claims in case number 19-7863, combined with the government waived of response , and the Court failure to resolve those claims now obligates this Court to require the government to answer and deliver the constitution relief Petitioner has sought. Given the emergence of new evidence? **Appendix S-1 & S2**

'Nine: Whether the prosecutor and clerks repeated filing of unauthorized Inre proceedings using Petitiner's name across multiple cases, beginning in December 2023,2025 and continuing through 2026, prior to Petitioner's filing of a 288 U.S.C 2244 application received June 1 2026, and a three-judge panel's rulings twice on tose unauthorized proceedings, created procedural confusion, void rulings, and a systematic violation of Petitioner's constutional rights under the 14th Amendment and fraud upon the court? **Appendix A1-A2-G pp.1-3 & H pp.1-2 & J&K&L&N& O pp.1-3 & R**

Ten: Whether a federal appellate court violates the Due Process Clause of the Fifth Amendment when it attributes a material statement to a witness in its written opinion, when the complete trial transcript on record confirms that witness never made such a statement, and where that witness received no notice or opportunity to correct the record before the court used that attribution to reduce a defendant's sentence? **Appendix T -1 & T-2 pp.1-6**

Eleven: Whether a clerk and other and prosecutor's unauthorized submission of In Re filings under petitioner's name caused the court to consolidate motions and deny relief that petitioner never

requested, constituting a violation of petitioner's constitutional rights. Appendix A1 & A@ & G pp. 1-3
& Hpp.1-2 & J & K & L & N & O pp. 3 & R

LIST OF PARTIES

Petitioner: Delores L. Knight

Respondent: United States of America

RELATED CASES

The following cases are related to this petition

United States v. Knight, Case No. 1:15-CR-000222 (Date 5/30/2017)

Knight v. United States, Case No. 17-3604 (Date 6/08/2017)

Knight v. United States, Case No. 17-3612 (Date 6/12/2017)

Knight v. United States, Case No. 19-3532 (Date 6/06/2019)

Knight v. United States, Case No. 26-3441 (Date 5/13/2026)

Knight v. United States, Case No. 26-3326 (Date 4/15/2026)

Knight v. United States, Case No. 25-3995 (Date 12/16/2025)

Knight v. United States, Case No. 26-3509 (Date 06/05/2026)

United States v. **In re: Delores Knight**, Case No. 1:15-CR-000222 (N.D. Ohio) Inre: Delores Knight,
No. 23-4010 (Date 12/18/2023)

United States v. **In re: Delores Knight**, Case No. 1:15-CR-000222 (N.D. Ohio) Inre:Delores Knight,
No.23-4010 (Date 12/18/2023)

Delores Knight v United States, Case No. 19-7863 (Date 3/03/2020)

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Appendix A-1: The three-judge panel's denial in **Case No.26-3112** date June 10, 2026, could not have properly accounted for Petitioner's 2244(b)(3) application, as that application was not submitted until June 1, 2026-after the panel's ruling-demonstrating that the ruling- demonstrating that the denial was based on an incomplete or nonexistent record regarding Petitioner's request for authoriztion.

Appendix A-2: The three-judge panel's denial in Case No.25-3995, date May.12 2026, could not have properly accounted for Petitioner's 2244(b)(3) application, as that application was not submitted until June 1, 2026-after the panel's ruling-demonstrating that the ruling- demonstrating that the denial was based on an incomplete or nonexistent record regarding Petitioner's request for authoriztion.

Appendix B: Handwritten denial date December 12, 2025 of Petitioner's Motion (Case No 2255)

Appendix C: Schedule K-1 Corporation Tax Return, reflecting 50% ownership by Petitioner Delores L Knight and 50% ownership by co-owner Theresa Adams, directly contradicting the court's attribution of total financial liability solely to Petitioner.

Appendix D: Documentation of Prosecutor's Two Decades of Misconduct and Suspended form 2022-2023

Appendix E: Certified Mail Confirmation of Petitioner's Application 28 section 2244 (b) (3) (4) submitted to the Sixth Circuit on June 1,2026.

Appendix F: Official court records of file with the United States District Court for the Northern District of Ohio, Case No.1:15 CR 000222 including closing arguments of Counsel statement of her guilt and Prosecutors said " Her own Lawyer said she guilty" and on January 17,2017 Counsel told the Court he had been dismissed by Petitioner but nothing was done. Also,

Petitioner denial of access to PSI report before sentencing. Which prevented petition for challenging the loss calculation (that had no clients that suffer loss). Petitioner notes that some of this information does not appear in the official written transcripts. Petitioner therefore directs the Court to the official automated court records, where relevant documentation remains accessible within the official court record system.

Appendix G: Notice of Unauthorized Documentation Entered by Prosecutor Combining Unrelated Cases on Behalf of Pro se Petitioner in Violation of Law

Appendix H: Sixth Circuit Clerk' Correspondence Date April 15, 2026, Acknowledging Receipt of Petitioner's section 2255 Motion. Originally Mailed to the District Court on December 8, 2025. Prior to Petitioner's Submission of section 2244 Prior to Petitioner's Application on June 1, 2026.

Appendix I: Certified Mail Confirming Mailing of Petitioner's section 2255 Motion to District Court was on December 8, 2025.

Appendix J: Sixth Circuit Clerk's Correspondence Dated April 30, 2026 Directing Petitioner to Satisfy Prison Mailbox Rule Requirements Depsite Petitioner Not Being incarcerated.

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Appendix M: Correspondence from Ohio Department of Medicaid Acknowledging Receipt of Petitioner's Public Records Request October 20,2021.

Appendix N: Sixth Circuit Correspondence Styled "In re: Delores L Knight" Reflecting Prosecutor's Unauthorized Filing Combining Petitioner's No. 1-115§ 22 Cr-000222 Application now case #26-3509 in Violation of Petitioner Rights,

Appendix O: Two letters from the Sixth Circuit clerk acknowledged Receipt of petitioner's Written Requests for Appointment of Counsel in 2025 and 2026 Without Docketin Either Request. Sharday Swain letter proves the court had an active case number the whole time that petitioner never knew about.

Appendix P: State of Ohio Certificate for Elegance Home Health. Reflecting Effective Date of February 20, 2014 and Establishing the Factual Timeline from November 2007 to November 2014.

Appendix Q: Email from Ohio Medicaid Legal Department Dated October 2021 Redirecting Petitioner's records request to the Ohio Department of Aging. Confirming No. Records Existed Referencing Petitioner. Petitioner Served as One of Many Subcontractors Under the

Ohio Department of Aging had Independent Subcontractors and Conducted Audits of All subcontractors Every Six Months.

Appendix R: Sixth Circuit General Docket for Case No. 23-4010 Styled “In re: Delores Knight”

Reflecting Unauthorized Proceeding Opened December 18,2023 and Terminated February 21,2024

Without Petitioner’s Authorization Including Government Response Filed by Assistant

U.S.Attorney James Anderson Ewing

Appendix S-1: Delores Knight v. United States, case No. 19-7863 Supreme Court denied Petitioner’s

motion that citing wrong party names, an incorrect case number, charges she never faced, and no recorded conviction.

Appendix S-2: Delores Knight v. United States, Case No. 19-7863. The Government waived its right

to file a response. This waiver demonstrates the Government’s awareness of the errors in the order, including the wrong party names, incorrect case number,and charges Petitioner never faced. The Government chose silence rather than defense of the record.

Appendix T 1: Unauthorized In Re Filings, Opposing counsel submitted multiple In re filings in

Petitioner’s name. Petitioner proceeded pro se and neither authorized nor requested these filings.

Appendix T2 pp1-6: The improper consolidation of cases 17-3604 &17-3612=17-3604/3612.

TABLE OF AUTHORITIES CITED

CASES: PAGE NUMBER:

Brady v. Maryland, 373 U.S. 83 (1963) 83

Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368 (1981) 368

Napue v. Illinois, 360 U.S. 264 (1959) 264

Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998) 83

Strickler v. Greene, 527 U.S. 263 (1999) 263

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

STATUTES AND RULES

28 U.S.C. § 1254 (1)

28 U.S.C. § 2244

28 U.S.C. § 2255

Rules:

Federal Rule of Criminal Procedure . 32

Supreme Court Rule 10

Supreme Court Rule 14

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at

Appendix **A through S** to the petition and is

☐ reported at _____

☐ has been designated for publication but is not yet reported; or

☒ is unpublished.

JURISDICTION

The case is currently pending the United State court of Appeals for the Sixth Circuit, Nos. 26-3509 and 26-3326 , which wree consolidated for purposes of submission by order entered June 11, 2026.

Petitioner seeks a writ of certiorani before judgment pursuant to Supreme Court Rule 11, on the ground that the questions presented are of such imperative public importance as to justify devtion from normal appellate practice and to require immediate determination in this court.

The jurisdiction of this Court is invoked under 28 U.S.C section 1254(1) and Supreme court Rule 11

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. V; U.S. Const. Amend. VI; U.S. Const. Amend. XIV; 28 U.S.C. §§ 2244, 2255;
Fed. R. Crim. P. 32

Petitioner asserts that the denial of authorization for a successive petition directly violated her constitutional rights to due process and a fair proceeding. This petition establishes actual innocence, structural sentencing errors, presentence report findings, and prosecutorial misconduct by a prosecutor who was subsequently suspended for two years. The prosecutor presented false conspiracy timelines spanning from November 2007 to November 2014, when the company central to the alleged conspiracy was not formed until 2014, rendering the charged timeline factually impossible and constituting fraud upon the court.

The opening and termination of case number 23-4010 in petitioner's name, without notice, constituted a violation of petitioner's constitutional rights under the Fifth Amendment's Due Process Clause. Petitioner's trial counsel declared petitioner guilty before the jury, compounded by the prosecutor repeatedly declaring the same during proceedings, while the judge took no corrective action, constituting ineffective assistance of counsel, prosecutorial misconduct, and a jurisdictional failure to protect petitioner's Sixth Amendment right to a fair trial.

These violations, taken together, denied petitioner fundamental constitutional protections guaranteed under the Fifth, Sixth, and Fourteenth Amendments. See Appendix A through S. U.S. Const. Amend. V
– No person shall be deprived of life, liberty, or property without due process of law.

28 U.S.C. § 2244 – A determination on a successive application for relief under § 2255 requires authorization from the appropriate court of appeals before filing in the district court. The court of appeals may authorize such filing only upon a showing of newly discovered evidence or a new rule of constitutional law made retroactive by the Supreme Court.

28 U.S.C. § 2255 – A federal prisoner in custody under a sentence imposed by a court of the United States, claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, may move the court which imposed the sentence to vacate, set aside, or correct the sentence.

Fed. R. Crim. P. 32 – Sentencing procedures require that the defendant and defense counsel receive the presentence report and have the opportunity to review it prior to sentencing.

Correspondence from the Sixth Circuit Court of Appeals dated February 6, 2025, confirms that petitioner received no notice that docket number 23-4010 existed, violating her right to due process of law.

“U.S. Const. Amend. V, VI, XIV; 28 U.S.C. § 2255. Petitioner asserts that the denial of authorization for a second or successive petition directly violated his constitutional rights to due process and fair proceedings. The successive petition establishes actual innocence, structural sentencing error, erroneous PSI report findings, and prosecutorial misconduct by a prosecutor subsequently suspended for two years. The prosecutor presented a false conspiracy timeline spanning November 2007 through November 2014, when Elegane company central to the alleged conspiracy

was not formed until 2014, rendering the charged timeline factually impossible and constituting fraud upon the court.

U.S Const. Amend. V-Due process Clause- violated by the opening and termination of Case No. 23-4010 in Petitioner's name ,constituting a violation of Petitioner's constitutional rights.

Petitioner's trial counsel declared Petitioner guilty before the jury, compounded by the prosecutor's repetition of that declaration, while the presiding judge took no corrective action, constituting of counsel, prosecutorial misconduct, and judicial failure to protect Petitioner's Sixth Amendment right to a fair trial. These violations, taken together, denied Petitioner fundamental constitutional protections guaranteed under the Fifth, Sixth, and Fourteenth Amendments. See Appendix, A through T"

STATEMENT OF THE CASE

Background and Conviction

Petitioner Delores L. Knight, pro se, respectfully submits this Petition for Writ of Habeas Corpus to review the judgment of the United States Court of Appeals, for June 1, 2026 in Case Nos. 26-3509.

The Petitioner brings before thi Court newly discovered evidence establishing material constitutional violations that remain wholly unaddress of evidence includes:

Petitioner Delores L. Knight received a convicted in the United States District Court for the Northern District of Ohio in case number 1:15-CR-000222. The conviction arose from Petitioner's role as an officer of an S-corporation. The government failed to establish personal jurisdiction over Petitioner as a natural person, distinct from her corporate role. This failure rendered the original conviction void ab initio and all subsequent proceedings jurisdictionally defective. Appendix- T2 pp.1of6 & Cpp.1-2

Petitioner served seven years in federal prison and currently remains on probation through 2027. At sentencing, the court imposed a loss calculation exceeding \$8,000,000, attributing the full liability of a joint ownership solely to Petitioner. Petitioner was denied access to her Presentencing Report, preventing her from challenging the loss calculation prior to sentencing. The S-corporation at the center of this loss carried two owners, and yet the court attributed the total financial liabliity solely Petitioner -representing a loss amount Petitioner did not solely own . (Appendix C-pp.1-2 &F)

The Indictment and Impossible Conspiracy Timeline

The indictment alleged that the conspiracy ran from November , 2007 to November 2014. The Elegance Home Healthh -S-corporation, however, did not come into existence until 2014. The conspiracy therefore predated the existence of the entity the government alleged as the vehicle of the conspiracy, making the conspiracy timeline factually and legally impossible. **See Appendix-P**

Prosecutorial Misconduct

The prosecutor who handled Petitioner's case was subsequently suspended from the practice of law for a period of two years (2022-2023). That suspension constitutes newly discovered evidence of (two decades) prosecutorial misconduct material to the fairness of Petitioner's trial. The official audio recording of the court proceedings, on file as part of the official court record, reflects statements made during closing arguments by both defense counsel and the prosecutor that are material to Petitioner's conviction. **See Appendix C pp 1-2 & D & F & P**

District Court Proceedings and Jurisdictional Violation

The district court proceeded 28 U.S. C. § 2255 without jurisdiction, having never received authorization from the appropriate court of appeals as required under 28 U. S. C § 2244. Any action taken by the district court in furtherance of those proceedings constituted a jurisdictional violation, jurisdictiona; vilation, rendering all resulting ordersand filings void. **See Appendix B**

The Sixth Circuit's Unauthorized Actions : The Sixth Circuit clerk subsequently notified Petitioner that the District Court had referred the matter to the Sixth Circuit for ruling. The Sixth Circuit had no authority to rule on a second § 2255 motion. That had never received the authorization required by 28

U.S.C. § 2244. The Sixth Circuit then created additional case numbers in connection with these proceedings and issued a ruling in December 2025 on matters it had no authority to adjudicate.

Through Petitioner own research, she found the proper procedure required or needed to filing a § 2244 application with the court of appeals . Requesting permission to file a second § 2255 motion. On June 1, 2026, Petitioner filed that § 2244 application with the Sixth Circuit, grounded in newly discovered evidence, structural error, prosecutorial misconduct, an impossible conspiracy timeline, and statements reflected in the official audio recording on file in the court record. The Sixth Circuit then combined Petitioner's properly filed § 2244 application with all prior void proceedings and issued a collective ruling on all matters as a single proceeding. The Sixth Circuit had no authority to combine a valid § 2244 application with prior void proceedings and rule on them collectively. **See Appendix B & E & H pp.1 of 2**

Government-Initiated Consolidation of § 2244 Application

In or about 2026, the United States, through undersigned counsel, filed a motion requesting that the Sixth Circuit consolidate Petitioner's § 2244 application, Case No. 26-3509, with Case No. 26-3326, then pending before the court. The government's motion acknowledged that Petitioner's § 2244 application raised the same issues as the pending matter, differing only in filing dates. The Sixth Circuit granted the government's consolidation request without to Petitioner without consent. Petitioner, proceeding pro se, assert her right to independent review of her § 2244 application on its own merits. The government's own filing confirms that consolidation occurred at its request, **not** at Petitioner's initiative, thereby denying Petitioner a fair and independent adjudication of her claims

in violation of her due process rights under the Fifth Amendment. See **Appendix-G pp.1-3 & H & J & K & N & O pp.1-2)**

The Sixth Circuit Opened and Terminate Case No.. 23-4010 in Petitioner's Name Without Her

Authorization “On: December 18, 2023, the Sixth Circuit opened a proceeding styled ‘In re: Delores Knight; Case Mo. 23-410, without Petitioner’s authorization or participation. Assistant U. S Attorney James Anderson Ewing filed a government response in that proceeding. The case terminated February 21, 2024 without Petitioner never initiated, authorized, or appeared in this proceeding. This unauthorized proceeding represents a continuation of the pattern of unauthorized filings made in Petitioner’s name throughout these proceedings. See **Appendix R**

” The Sixth Circuit Maintained an Active Docket Without Providing Constitutionally require

Notice to Petitioner: On February 6, 2025, petitioner received correspondence from Sixth Circuit Court Case Manager Sharday Swain referencing case number 23-4010. styled Inre; Delores Knight. Original Case Number 1:15-CR-000222, and related civil case 12-OCV-00264. This correspondence confirmed that on October 3, 2025, the court received petitioner’s motion for appointment of counsel and consideration of newly discovered evidence. The motion was returned unfiled. Petitioner had no official notice of this docket number at any time prior to this correspondence. See **Appendix R & Opp.1-3**

Petitioner’s Prior Petition Before This Court Remains Unresolved:

Petitioner previously sought relief from this Court under case number 19-7863, Knight v. United State.

The government waived its right to respond, filing no opposition to the constitutional violation raised in that petition. This Court issued no ruling resolving petitioner's claims.

The government received a full opportunity to respond to the waiver constitutional violations the case No. 19-7863 and declined to do so. That silence carries legal weight. By failing to respond, the government effectively acknowledge it could not defend against the claims petitioner raised. Those violations remain unaddressed to this day. Appendix S1 & S 2

A Medicaid email from the Ohio Legal Medical Department confirming no records exist; a Pre-Sentence investigation (PSI) report reflecting that no clients suffered financial loss-a document the petitioner never reviewed prior to sentencing, and first saw only after incarceration began, in direct violation of he due process rights. Records confirming prosecuting attorney's two-year suspension for professional misconduct, and documented discrepancies between the audio record and the written trial transcripts and Ohio Legal Medical Department email including errors or description. Appendix M & Q

"This Court now holds before it a recordings and written transcripts, including errors in the timeline and case description. reflecting systemic constitutional concern. This petition respectfully places newly discovered evidence, before the Court and humbly requests the Court's careful review and just relief" **See Appendix A through out T**

REASONS FOR GRANTING THE PETITION

I. The District Court and Sixth Circuit Acted Without Jurisdiction Both the district court and the Sixth Circuit Court of Appeals acted without proper jurisdiction. This Court must correct that constitutional error.

II. Denial of Pre-Sentence Investigation Report Violated Due Process The denial of the Pre-Sentence Investigation Report (PSI) violated Petitioner's due process rights guaranteed under Federal Rule of Criminal Procedure 32. The PSI itself report reflects zero clients, establishes zero loss. Petitioner Deloeres Knight, as an co-owner S Corporation, faced charges that the PSI (losses exceeding \$8,000,000) report inself does not support.

III. Prosecutorial Misconduct Denied Petitioner a Fair Trial The prosecutor received a two-year (2022-2023) suspension. That misconduct, combined with newly discovered evidence, denied Petitioner the right to a fair trial.

IV. The Government's Conspiracy Timeline Was Legally Impossible The conspiracy timeline presented by the government could not have occurred as alleged, rendering the conviction legally unsupportable.

V. The Sixth Circuit Opened Case No. 23-4010 Without Petitioner's Authorization The Sixth Circuit Court of Appeals opened Case No. 23-4010 on its own initiative, filing it internally as "**In Re: Delores Knight.**" Petitioner, proceeding pro se, never authorized, initiated, or consented to the opening of that case. The Sixth Circuit held no authority to open, file, or submit any matter on Petitioner's behalf. As a pro se litigant, Petitioner alone controls what filings and legal positions bear her name before any court.

This unauthorized action usurped Petitioner's right to self-representation and constitutes a due process violation.

VI. The Government Waived Its Response in Case No. 19-7863 The government's waiver of its response in Case No. 19-7863 demonstrates that the constitutional violations in this matter remain unaddressed.

VII. Ohio Medicaid Records Confirm No Transactions Ever Occurred and the Government Used Records. It Had No Authority to Rely Upon Petitioner's company held a registered Medicaid provider status in Ohio. The company opened its registration but never conducted any billing, claims, or transactions of any kind. The Ohio Medicaid program confirmed in writing that no records exist for this company, consistent with the fact that no transactions ever took place. This confirmation destroys the factual foundation of the government's case and establishes that no loss occurred and no fraud was possible. Further, the records the prosecutor relied upon to establish fraud did not belong to Ohio Medicaid. Those records belonged to the Ohio Department of Aging, a separate non-Medicaid entity. The prosecutor had no authority to use Ohio Department of Aging records to prosecute a Medicaid fraud case. The government built its entire case on records from the wrong agency, making the prosecution legally and factually unsupportable from its foundation.

VIII. Unlawful Assessment of Commercial Activity Tax Against co-owner Petitioner. Personally and Illegal Garnishment of Petitioner's retirement Account. Petitioner served as co-owner of an S-Corporation from 2005 to 2014. The Commercial Activity Tax is a tax assessed **against corporations, not** against individual owners. The IRS wrongfully assessed a CAT tax liability exceeding \$6,000,000 directly against Petitioner personally, which constitutes an unlawful and improper assessment on its face. Neither Petitioner nor her co-owner signed any document authorizing or acknowledging that

assessment. They then proceeded to garnish Petitioner's personal account, seizing funds on the basis of a tax that Petitioner never legally owed as an individual. The company ceased operations in 2014. They assessed this liability in 2017 while Petitioner remained imprisoned and received no notice and no opportunity to respond. They treated both co-owners differently, applying the co-owner's amendments and issuing her refunds, including one received in December 2022, while failing to post Petitioner's amendments, transferring funds between account and from a credit balance exceeding \$12,000 in 2012, and withholding Petitioner's refunds. This Court must order them to immediately cease all garnishment activity against Petitioner, return all funds taken through garnishment, remove the unlawful CAT tax assessment from Petitioner's personal record, return all withheld refunds with interest, and correct all discriminatory tax treatment applied to Petitioner as compared to her co-owner.

IX. Social Security Administration Failed to Update Petitioner earned Income for 2011, 2012, and 2013

The Social Security Administration updated Petitioner's earned income record for 2014 but refused to apply the same update for 2011, 2012, and 2013, years during which Petitioner actively worked and contributed. Return, Petitioner Retirement income during 8/2017-8/2020 years Petitioner remains entitled to full Social Security credit and benefits for that earned income. Financial exploitation and discrimination against an elderly person. This treatment resulted in the underpayment of Social Security benefits owed to Petitioner. The Social Security Administration has failed to respond to Petitioner's attempts to resolve these matters. Petitioner seeks full recalculation and repayment of all Social Security benefits withheld for years, with interest.

X. CMS Medicare and Ohio Department of Medicaid Restitution Based on No Actual Loss and Withheld Payments . That owed to Petitioner Medicare and the Ohio Department of Aging accepted Held payments with full knowledge that no actual loss existed. The acceptance of restitution and

payment under those circumstances constitutes unjust enrichment and ill-gotten gain, and all funds collected must be returned to Petitioner. CMS Medicare issued on July 09, 2014 a letter expressly "continue the suspension of CMS Medicare payments" stating that payments to Petitioner would be suspended for additional days. This case has concluded, and Medicare still owes those suspended payments. The Ohio Department of Aging separately withheld Petitioner's final payment check on the basis of the criminal proceeding. Petitioner demands the immediate release and return of all withheld payments from both Medicare and the Ohio Department of Aging, with interest.

XI. Petitioner's Criminal Record and Business Name Require Full Expungement and Restoration The wrongful prosecution and conviction caused irreparable harm to Petitioner's personal and professional reputation. Petitioner respectfully requests that this Court order the full expungement and clearing of all criminal records arising from this matter. Petitioner further requests that this Court direct all relevant agencies, courts, and institutions to issue written correspondence confirming Petitioner's cleared status. Petitioner's business name and standing require full restoration, including Petitioner's ability to conduct business with CMS Medicare, Medicaid, and the Ohio Department of Aging. This Court must direct those agencies to receive and process the records establishing Petitioner's cleared status and to return all unauthorized restitution and payment collected from Petitioner.

XII. Compensation for Business Losses Caused by Wrongful Prosecution The wrongful prosecution and imprisonment forced Petitioner's business to cease operations, resulting in substantial financial losses over multiple years. Petitioner seeks full compensation for all lost business income and revenue for every year the government's actions prevented Petitioner from operating. This compensation includes lost contracts, lost clients, lost earnings, and all other measurable economic damages flowing directly from the wrongful prosecution.

XIII. Petitioner's Application Under 28 U.S.C. § 2244 Must Be Considered on Its Merits Petitioner's application filed pursuant to 28 U.S.C. § 2244 establishes the full structure and factual foundation supporting this petition. This Court must consider that application on its merits. The application documents the constitutional violations, procedural history, and evidentiary record that collectively demonstrate the unlawful nature of Petitioner's conviction and confinement. A dismissal on procedural grounds, without consideration of the merits, would perpetuate the constitutional violations this petition seeks to remedy.

XIV. Return of All Unknown Funds, Forfeitures, and Applicable Hardship Relief The government seized, forfeited, and withheld funds and assets beyond those specifically identified in this petition. Petitioner requests that this Court order the return of all funds, assets, and property taken from Petitioner in connection with this wrongful prosecution, including any additional seizures, forfeitures, or financial penalties not yet fully identified. Petitioner further requests that this Court recognize and apply all applicable hardship relief available under law. Petitioner has suffered extraordinary hardship, serving seven years in federal prison and currently remaining on probation as a direct result of a wrongful conviction built on a factually and legally unsupportable case. Petitioner respectfully requests immediate release from all remaining terms of supervision and full discharge from probation.

XV. Petitioner Has Suffered Discrimination and Financial Elder Abuse Petitioner, an elderly woman, has suffered financial elder abuse as a direct result of this wrongful prosecution. The government's actions stripped Petitioner of her businesses, her property, her income, her savings, her Social Security earnings, and her professional standing during her elder years. The seizure of two houses, the withholding of **amendments (2010,2011,2012 ,2013 and original of 2014)** tax refunds, the collection of unauthorized restitution, the suspension of Medicare payments, the withholding of Social Security

earned income credits, the unlawful garnishment of Petitioner's personal account, and the forfeiture of additional unknown funds and assets all constitute financial elder abuse under federal and state law. Petitioner entered her elder years with her financial security and professional livelihood destroyed by a prosecution the evidence does not support. This Court must recognize the full scope of that harm and award all appropriate relief.

PRAYER FOR RELIEF Petitioner respectfully prays that this Court issue a Writ of Habeas Corpus, or in the alternative a Writ of Certiorari, to review the judgment of the court below. Petitioner further requests the Court's immediate intervention regarding Petitioner's current probation status. Petitioner has served seven years in federal prison and remains on probation well into a two-year supervision term, all arising from a wrongful conviction built on a factually and legally unsupportable case.

Petitioner respectfully requests that this Court immediately intervene to terminate all remaining terms of probation and supervised release pending full review of this petition. This Court further orders the following relief: 1. Immediate Termination of Probation and Supervised Release This Court order immediate termination of all remaining probation and supervised release conditions imposed upon Petitioner. Petitioner has already served seven years of imprisonment on a conviction that the record and evidence do not support. Continued supervision causes ongoing harm and constitutional injury to Petitioner.

2. Expungement and Record Restoration This Court order the full expungement of all criminal records arising from this wrongful prosecution and direct all relevant agencies, courts, and institutions to issue written correspondence confirming Petitioner's cleared status. Petitioner's business name and standing require full restoration so that Petitioner may lawfully resume operations with Medicare, Medicaid, and the Ohio Department of Aging without obstruction.

3. Return of Unauthorized Restitution This Court direct Medicare and the Ohio Department of Aging to return all restitution payments collected during this matter, as both agencies accepted those payments with full knowledge that no actual loss existed. This Court further direct both agencies to release and return all suspended and withheld payments owed to Petitioner, with interest.

4. Immediate Cessation of Garnishment and Return of All CAT Tax Funds This Court order the Internal Revenue Service to immediately cease all garnishment of Petitioner's personal accounts. The Commercial Activity Tax applies to corporations, not to individual owners. The IRS assessed a CAT tax liability exceeding \$6,000,000 against Petitioner personally without legal authority to do so, and neither Petitioner nor her co-owner signed any document authorizing that assessment. This Court further order the IRS to return all funds seized through garnishment, remove the unlawful CAT tax assessment from Petitioner's personal record, correct the discriminatory tax treatment applied to Petitioner as compared to her co-owner, post all unprocessed amendments, return all withheld refunds including the credit balance exceeding \$12,000 for tax year 2012, and return all funds with interest.

5. Social Security Earned Income Correction This Court direct the Social Security Administration to update Petitioner's earned income records for 2011, 2012, and 2013 recalculate all benefits owed based on those corrected earnings, and return all underpaid benefits with interest.

6. Return of Forfeited Property This Court order the return of all property forfeited as a result of this wrongful prosecution, including the two houses seized, and all funds taken in connection with this matter.

7. Compensation for Business Losses This Court award Petitioner full compensation for all business income and revenue lost during the years the wrongful prosecution and imprisonment prevented Petitioner from operating, including lost contracts, lost clients, and all measurable economic damages.

8. Return of All Unknown and Additional Funds and Assets This Court order the return of all funds, assets, forfeitures, and property seized or withheld from Petitioner in connection with this matter, including any amounts not yet fully identified, and award all applicable hardship relief available under law.

9. Review of 28 U.S.C. § 2244 Application on the Merits This Court consider Petitioner's application under 28 U.S.C. § 2244 fully and on its merits.

10. Relief for Financial Elder Abuse This Court recognize that Petitioner has suffered financial elder abuse as a direct result of this wrongful prosecution and award full compensatory relief for all financial losses, seized assets, withheld income, destroyed business opportunities, and unlawful garnishments suffered by Petitioner during her elder years. This Court further direct all relevant federal and state agencies to cooperate fully in restoring Petitioner's financial standing, professional licenses, and business records, and to return all funds and assets taken from Petitioner with interest and applicable penalties.

CONCLUSION

Petitioner Delores Knight appears before this Court pro se. Under the standard established in *Haines v. Kerner*, 404 U.S. 519 (1972), this Court holds pro se filings to a less stringent standard than filings drafted by licensed attorneys. Petitioner made documented efforts to obtain legal counsel and was denied appointed counsel despite multiple motions filed with the court. Petitioner respectfully requests that this Court apply liberal construction throughout its review of this petition and decline to reject this petition on the basis of technical deficiencies that do not affect the merits of petitioner's claims.

For the foregoing reasons, petitioner Delores Knight respectfully requests that this Court grant the petition for writ of certiorari, and upon review, grant the following relief:

Vacate the conviction in its entirety and order petitioner's records cleared immediately.

Terminate petitioner's probation, as petitioner has already served seven years in federal prison under a conviction resting on void proceedings, an impossible conspiracy timeline, and professional misconduct by a prosecutor subsequently suspended from the practice of law for two years.

Direct all parties who received restitution payments collected from petitioner, together with interest accrued from the date of each payment. The Ohio Ledgal Department of Medicaid had no records and no files on petitioner. The government built its fraud case using the wrong company, making every restitution payment collected by Ohio Department of Medicaid improper and without legal foundation.

CMS Medicare issued written correspondence to petitioner confirming that payments for services rendered were being held pending the outcome of the court case. Upon vacatur of this conviction, no

legal basis remains for CMS Medicare to withhold those payments, and full return with interest is required immediately.

Direct the Ohio Department of Aging to return all payments withheld for services petitioner actually rendered, together with interest accrued from the date each payment was withheld.

Direct the State of Ohio to immediately cease garnishment of petitioner's retirement income and return all amounts already garnished, together with interest. The S-Corporation closed in 2014 with a Income of \$52. Ohio's CAT tax records falsely reflect over \$6,000,000 in commercial activity dated 2017, three years after the company closed and during the period petitioner remained incarcerated. These records are impossible on their face. Furthermore, petitioner never signed any personal liability agreement for the S-Corporation's debts, and no legal basis exists to hold petitioner personally liable for any corporate tax obligation. All amounts garnished from petitioner's retirement income in connection with this corporate tax debt require immediate return with interest.

Direct all licensed boarding business entities that excluded petitioner as a result of this conviction to restore petitioner's full right to conduct business.

Compensate petitioner for all income lost, contracts lost, and business relationships severed as a direct result of the conviction.

Reimburse all restitution payments made, the \$1,200 fine, and any other money collected, withheld, seized, forfeited, or offset against petitioner by any federal, state, or local authority in connection with this conviction, including but not limited to amended tax returns withheld, excess forfeiture amounts, and all interest accrued from the date of each payment and seizure.

Direct the IRS to process petitioner's amended tax returns for tax years 2010, 2011, 2012, and 2013 and issue all refunds owed, including petitioner's 2012 credit balance exceeding \$12,000. IRS records on file confirm receipt of petitioner's amended returns, reflect improper transfers in and out of petitioner's accounts, and demonstrate that the co-owner received her amended return refund (got her 2012 amendments in year 12/2022) while petitioner received nothing.

Compensate petitioner for lost income from clients, contracts, and business relationships severed as a direct result of the conviction.

For the foregoing reasons, petitioner Delores Knight respectfully requests that this Court grant the petition for writ of certiorari, review the decision of the United States Court of Appeals for the Sixth Circuit, and grant such further relief as this Court deems just and proper.

Respectfully submitted,

Delores L Knight

8/17/20 Date: