26-6217

FILED
MAY 28 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 3:16-CR-307

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

In Re JAMIE BLUNDER — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

JAMIE BLUNDER 33204-058
(Your Name)

FCI Elkton P.O. Box 10
(Address)

Lisbon, OH 44432
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Why did the Court of Appeals fail to authorize my timely 2255 H-1 (Appeal 24-164 Doc 2-2) petition for "Newly Discovered Evidence" of the Charlotte Mecklenburg Police Department(CMPD) K-9 activity report and Charlotte Mecklenburg Police Department (CMPD)-Canine Unit standard operating procedure (SOP) proving misrepresentation, fabrication, and concealment of material facts by the government in violations of Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963) when all Gate-keeping-requirements had been met?

2. Why did the District Court and Appellate Court construe my timely pro'se second-in-time 2255 petition as a second and successive 2255, when the FOIA request/reply dates and time lines clearly demonstrates the claim of the fabricated CMPD positive K-9 Alert, couldn't be raised in the initial 2255 application due to deliberate concealment and impediment by the government?

Petitioner attests to the importance of these questions in regards to how to properly construe newly discovered evidence claims -- as second-in-time or second and successive -- it presents a circuit split on the proper avenue of defendant's claims of flagrant governmental misconduct. (See Scott v. United States, 890 F.3d 1239, 1253-54 {11th Cir. 2018})(Finding it was constrained to its holding, but imploring the Court to revisit precedent because it was wrongly decided). (See also Bernard v. United States, 141 S. Ct. 504 {2020})(Sotomayor, dissenting)(Explaining that a recently found Brady claim raised in a second-in-time 28 U.S.C 2255 petition should not be considered second or successive because ("The Fifth Circuit got it wrong. Its illogical rule conflicts with this Court's precedent, and it rewards prosecutors who successfully conceal their Brady and Napue violations until after an inmate has sought relief from his convictions on other grounds.")

The underlying questions presented are extremely important. In sum, it asks the vital question of what is considered the higher authority, The United States Constitution, binding precedent U.S. Supreme Court case law or procedure. It is especially important to pro'se individuals who are continually thwarted, frustrated, impeded, or barred by procedure to protect governmental misconduct, in contradiction to the accordance of fundamental fairness and the guaranteed protections by the United States Constitution, which is the Supreme Law of the Land, and ensures Due process for all U.S. citizens.

LIST OF PARTIES

JAMIE BLUNDER,
PETITIONER

v.

UNITED STATES OF AMERICA,
RESPONDENT

RELATED CASES

NO OTHER RELATED CASES.

TABLE OF CONTENTS

OPINIONS BELOW 1

JURISDICTION 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3

STATEMENT OF THE CASE ..... 4 & 5

REASONS FOR GRANTING THE WRIT 6

CONCLUSION 7

INDEX TO APPENDICES

Appendix A: Freedom Of Information Act (FOIA) Request and Replies.

Appendix B: Freedom Of Information Act (FOIA) Request and Replies.

Appendix C: Freedom Of Information Act (FOIA) Request and Replies.

Appendix D: Freedom Of Information Act (FOIA) Request and Replies.

Appendix E: Charlotte Mecklenburg Police Department - Standard operating procedure - canine unit standard operating procedure, and K-9 activity report.

Appendix F: State of North Carolina petition and order of expunction.

Appendix G: Plea Agreement (Not accepted).

Appendix H: Declaration for Federal Employment, Transportation Security Administration (TSA) Application.

Appendix I: Fourth Circuit Court of Appeals Order.

Appendix J: Fourth Circuit Court of Appeals Order.

Appendix J2: Fourth Circuit Court of Appeals Order.

Appendix J3: Fourth Circuit Court of Appeals Order.

Appendix K: Fourth Circuit Court of Appeals Order.

Appendix L: Fourth Circuit Court of Appeals Order.

Appendix M: Fourth Circuit Court of Appeals Order.

Appendix N: Document 200 - Affidavit for wiretap (Page 12 of 49).

Appendix O: Document 200 - Affidavit for wiretap (Page 10 of 49).

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Banks v. Dretke 520 U.S. 668, 124 S.Ct 1256 (2004)	5
Brady v. Maryland 373 U.S. 83, 83 S.Ct 1194 (1963)	5
Napue v. Illinois 360 U.S. 264, 79 S.Ct 1173 (1959)	5
Bernard v. United States 141 S.Ct 504 (2020)	5
Panetti v. Quarterman, 551 U.S. 930, 127 S.Ct 2842 168 L.Ed 2d (2007)	5
Crawford v. Washington 541 U.S. 36, 158 L.Ed 2d 177, 124 S.Ct 1354 (2004)	6
Franks v. Delaware 428 U.S. 154 (1978)	6
Wong Sun v. United States 371 U.S. 471 83 S.Ct 4079 L.Ed 2d 441 (1963)	4

STATUTES AND RULES	
28 U.S.C. § 1651(a)	5 & 6
28 U.S.C. § 2241	5 & 6
28 U.S.C. § 2242	5 & 6
S.Ct. Rule 20	5 & 6

OTHER

N/A

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of

HABEAS CORPUS issue.

[X] For cases from **federal courts:** **OPINIONS BELOW**

The opinion of the United States court of appeals appears at Appendix I-M to the petition and is

[X] reported at Index of Appendices; 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 _____ 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:** N/A

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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was May 17, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 1, 2025, and a copy of the order denying rehearing appears at Appendix L.

[ ] 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:** N/A

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

U.S. Const. Amend. IV

U.S. Const. Amend. V

U.S. Const. Amend. VI

STATEMENT OF THE CASE

The FBI fabricated a claim of a positive K-9 alert to obtain probable cause for multiple warrant applications including indictments in this case. The FBI claims this K-9 alert was executed on April 1, 2016, by the Charlotte-Mecklenburg Police Department, (CMPD) at the Charlotte Douglas International airport in the Employee parking lot (Red Lot)(Exhibit-N). CMPD, however, has no record of this event taking place. "Newly Discovered Evidence", of a CMPD K-9 activity report from the Crime Analysis Division (A True and Correct copy of K-9 activity report - Exhibit- E), later obtained through diligent FOIA requests, proves that between March 15, 2016 and April 30, 2016, no such K-9 alert existed at the airport or any where in the city of Charlotte North Carolina.

Further, according to the Canine Unit Standard Operating Procedures(SOP) of the Charlotte-Mecklenburg Police Department; any assistance to another agency "will be" notated within this system [K-9 activity report/internal system] utilizing the (Assist Other Jurisdiction) event (Exhibit - E). When petitioner finally received the information from the internal system, it did not indicate that any K-9 was deployed or used on the (Red lot) at the Charlotte Douglas Airport on April 1, 2016 as indicated in the affidavits in support of all warrants.

This fabrication was concealed by the sealing of all warrant applications, refusing to provide any documents mentioning this fabrication to trial counsel. Strangely the Government never mention the positive K-9 dog alert at trial. This intentional misconduct is the very foundation of the Government's probable cause and its taint extends to the GPS tracker, wiretaps, and arrest warrants; Respectively rendering all the evidence collected as "Fruits-of-the-poisonous tree" (Wong Sun v. United States 371 U.S. 471(1963)).

This incredibly relevant and material exculpatory information regarding the fabricated K-9 alert was withheld from the petitioner at discovery, trial, direct appeal and initial 2255 application. The full weight and impact of this Brady violation is being withheld from judicial review and has already deprived Petitioner years of his freedom. If the Brady violation remains unchecked, it will reward the Government with its outrageous misconduct with additional deprivation of Petitioner's liberty.

This conduct was not accidental, as the initial FBI agent (Who started the investigation in March of 2016), who's identification was and is still concealed and did not testify at trial, had perpetrated other acts of willful misconduct relevant to Petitioner's case. Subsequent to the alleged CMPD K-9 dog alert, the unknown agent alleged multiple hand-to-hand transactions that were used in sworn applications(doc. 200 paragraph 32,71, 89-90) and were signed by Agent Michael D.Mcneely for all search warrants. This, however, was proven to be false by trial testimony of the lead FBI agent, Agent Michael D. McNeely (Who took over the investigation on May 1, 2016 through November 9, 2016 - the date of the arrest), who admitted he never witnessed a hand-to-hand transaction in this case (Trial Tran.R.288 pp. 113-114). The affidavit also mentioned petitioner's prior arrest in 2008, and states after a review of his Transportation Security Administration (TSA) application, petitioner was "required" to list this information but failed to do so(Exhibit-O). This assertion is also false. The Government makes no mention that those charges were expunged and the application gives instructions to "omit" any charges that were expunged (R.200 Paragraph 15 - 18)(A true and correct copy of the expungement is attached hereto was - Exhibit F)(Copy of TSA application declaration for federal employment - Exhibit H). These misrepresentations coupled with the material Brady violation of the fabricated (CMPD K -9 alert) assertion/incident constituted an illegal imposition upon the court and a misuse of official authority as to totally invalidate any interception orders issued on the basis of such patently false averments.

This fabricated K-9 alert, coupled with several other misrepresentations, demonstrate the government's "unclean hands" and amounts not only to a Brady violation, but also would have led to the suppression of the evidence without which no reasonable fact finder would have found petitioner guilty, and had the government's misconduct been known by the jury it would have undermined the entire case and no reasonable fact finder would have found the petitioner guilty.

It should be noted, no fingerprint or DNA evidence linking the petitioner to any alleged paraphernalia, transportation or packaging materials were presented for the defense to challenge. As there was no tangible link between the petitioner and the alleged packaging material. The government failed to provide any photographic or video evidence of petitioner ever having possession of the material or ever having placed the material into the public dumpster. As well, no field or laboratory test result data, was presented by the government within the initial discovery.

Also it should be noted, that in the plea agreement presented to petitioner, the government specifically included a provision that would have prevented petitioner from pursuing any information pertaining to the investigation. (Proposed plea agreement -

Exhibit G) had petitioner accepted this plea agreement, he would have been prohibited from filing requests under the Freedom of Information Act ("FOIA") and uncovering the willful government misconduct, of the fabricated CMPD K-9 alert assertions to obtain all warrants and indictments in petitioner's case.

Petitioner was under constant government impediment in his repeat Freedom of Information Act ("FOIA") requests to obtain evidence of the alleged K-9 alert. Beginning on July 20, 2021 and after approximately 10+ separate FOIA requests and replies that were sometimes unrelated and incomplete to gain relevant information, on August 25, 2023 (Exhibits- A,B,C,D), Petitioner finally received documentation proving this incident or assertion – that was used to obtain probable cause – did not exist. After obtaining the 2016 CMPD Canine Standard Operating Procedures(Exhibit- E), which states all CMPD K-9 activity "will be" documented in the internal system including any assistance to outside agencies, Petitioner could definitely confirm this misconduct and submitted a second and successive 2255 request pertaining to "Newly Discovered Evidence" and Brady violations, Petitioner's attorney stated that the legal standards for submission were met (See Appeal No. 24-164, Doc 2-2, Page ID 18 of 36).

Additionally, Petitioner's attorney stated that conditions under Banks v. Dretke 520 U.S. 668, 124 S.Ct. 1256 (2004), and Brady v. Maryland 373 U.S. 83, 83 S.Ct. 1194 (1963) were met in this case. (See Page ID 25-26 of 36). On April 25, 2024, this was submitted to the Fourth Circuit. On May 17, 2024, this was denied without adequate explanation(Exhibit-I). Petitioner sought a second-in-time 2255 application from the District Court for newly discovered evidence and Brady violations under Supreme Court cases Brady, Napue v. Illinois 360 U.S. 264, 79 S.Ct. 1173 (1959), Panetti v. Quarterman 551 U.S. 930, 127 S.Ct. 2842, 168 L.Ed 2d (2007), and Bernard v. United States 141 S.Ct. 504 (2020). The District Court dismissed as second-successive on August 14, 2024, rather than a second-in-time 2255 as submitted. Petitioner then sought to appeal to the Fourth Circuit on September 11, 2024. The Circuit denied his COA on July 28, 2025, Petitioner's reconsideration was denied succinctly and without adequate explanation-(Exhibit -J,J2,J3)(Exhibit- L). Petitioner now seeks Extraordinary Writ (Habeas Corpus - 28 USC 1651(a) [redacted] 2)[S.Ct.Rule,20] and available relief that may be granted as a last resort from this Honorable Courts discretionary powers via Extraordinary Writs.

REASONS FOR GRANTING THE PETITION

The inclusion of the false Charlotte Mecklenburg Police Department K-9 positive alert, tainted all subsequent proceedings. Independent probable cause does not remain in any affidavit or warrant applications absent this false assertion. The warrant application actually does not include an allegation that the Petitioner did anything illegal when you remove the false K9 alert from the warrant. The Petitioner has demonstrated diligent pursuit in obtaining documented evidence of governmental misconduct and impediment. This deliberate act by the Government obstructed the petitioner from obtaining evidence that is germane to the case. The petitioner is being denied the ability to be heard on the merits. Such action rewards governmental misconduct and degrades guaranteed constitutional protections.

The government's repeated and intentional lies during the investigation and at trial has led to the deprivation of petitioner's Constitutional Rights under the Fourth, Fifth and Sixth, Amendments. Specifically Agent McNeely violated petitioner's Fourth Amendment right to be protected against illegal search and seizure by utilizing information he knew or had reason to believe was false in preparing the warrant applications submitted for GPS tracker utilization, wiretap authorization and subsequent arrest warrants. Agent McNeely along with AUSA Lambert Guinn violated petitioner's Constitutional protections ensuring Due Process by intentionally crafting testimony at trial and grand jury, not to mention false information they were aware was being withheld from petitioner. The government violated petitioner's Sixth Amendment protections afforded via the "Confrontation Clause" (Crawford v. Washington - 541 US 36 158 L.Ed 2d 177, 124 S.Ct. 1354,(2004)) by refusing to identify the initial FBI agent who initiated the investigation into petitioner by lying about how petitioner obtained his Transportation Security Administration (TSA) employment(Exhibit-O) and subsequently sealing all references to this lie as well as lies about the CMPD K-9 alert and the conclusory assertions regarding multiple "hand-to-hand" transactions included in all sworn warrant applications. This willful misconduct by the government kept all relevant information beyond petitioner's reach. The Brady violations that AUSA Lambert F. Guinn created, fostered and manifested are the definition of Outrageous Government Conduct and are in violation of the Fourth, Fifth,and Sixth Amendments. Had petitioner known about misrepresentation in the affidavit, petitioner would have been entitled to a hearing pursuant to (Franks v. Delaware 28 U.S. 154 (1978)) and the evidence collected pursuant to those warrants would have been suppressed based on the material misrepresentations and omissions.

In this instant matter the petitioner has demonstrated the fabrication, concealment, and impediment by the government which prevented petitioner from raising the false CMPD K-9 alert claim earlier, this satisfies the "Cause" prong and the error had a substantial and injurious effect on the outcome which satisfies the "Prejudice" prong. This standard has been met and should overcome any procedural default.

The government's misconduct in presenting a misleading and inaccurate warrant application and then concealing the inaccuracies alone undermines all confidence in the jury verdict, therefore petitioner seeks an Extraordinary Writ of Habeas Corpus. Petitioner's diligence has proven that trial defense was deficient by not asking for "exculpatory evidence" that was intentionally omitted and concealed by the government. Trial defense agreed to being deficient during initial 2255 hearing stating that "in her 'overzealousness', she failed to confirm" [there was an arrest warrant on November 9, 2016](Doc. 13 page 16 of 23). The petitioner has demonstrated due diligence by years of multiple "FOIA" requests to obtain the concealed "exculpatory evidence" germane to this case as well as multiple timely filings to the lower courts that show the multiple Constitutional violations perpetrated by the government, in this case. Petitioner begs for this Extraordinary writ (Habeas Corpus - 28 USC 1651(a)[redacted])[S.Ct.Rule,20] to be granted through this Honorable Court's discretionary powers, because adequate relief cannot be obtained in any other form or from any other court.

Rule 20.1: The writ will be in the aid of the Court's appellate jurisdiction: Because the Petitioner has clearly demonstrated that relief is necessary due to the government's willful and flagrant misconduct. A second reason the Writ may be in the aid of the court's appellate jurisdiction is to protect or effectuate the court's ability to later review the case or to prevent a lower court action from defeating that review. The United States Government has an obligation to follow the United States Constitution which is the "Bedrock" of our Democracy and should always operate with Truth and Justice. This Lawful Guarantee was surely NOT applied in the Petitioner's case. In this certain matter the methods employed by the Federal Bureau of Investigation (FBI) and the local Charlotte-Mecklenburg Police Department (CMPD) appear to have created and fostered an illegal scheme in order to undermine the integrity of the North Carolina Western District Federal Court (NCWD) making the Petitioner's Right to Relief, "Clear and Indisputable".

The errors are "obvious and serious" when examining the "Newly Discovered" exculpatory evidence of the CMPD K-9 activity report, which clearly displays the government's fabrication and concealment of the false assertions/incident of a positive CMPD k-9 Drug Alert on Petitioner's loaner vehicle in the (Red lot) parking lot at the Charlotte Douglas Airport on April 1, 2016, which were then used to obtain all warrants and indictments in Petitioner's case. This illegal procedure and reckless disregard for applying the Truth and Justice has created an "Exceptional Circumstance" that warrants the exercise of The United States Supreme Court's Discretionary Powers. "NO adequate relief can be obtained in any other form or from any other Court," due to the Fourth Circuit's local Rule 22(d), which states, "No motion or request for reconsideration, petition for rehearing, or any other paper seeking review of the granting or denial of Authorization [to file a second or successive 2255] will be allowed" (Exhibit P).

Rule 20.4(a): The reason for not making application to the District Court of the District in which you are held: Being a pro'se applicant coupled with limited legal resources in federal prison, Petitioner was of the understanding that the 2241 application via the "savings clause" was limited and changed after "Jones v. Hendrix". Historically, some federal prisoners used 2241 applications when 2255 applications were "inadequate or ineffective". After Jones v. Hendrix(2023), The Supreme Court significantly narrowed that pathway, especially for claims that could be characterized as a collateral attack on the conviction that Congress channeled through 2255 applications. "Brady type/New evidence claims are generally hard" to fit through a 2241 application, which is the reason Petitioner did not file application in the District in which he is being held.

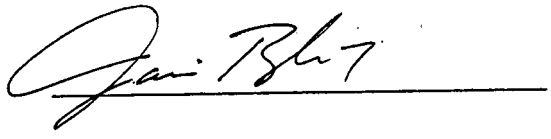
Rule 34.6: Redactions of sensitive information
EXHIBIT A: DOB, SSN
EXHIBIT F: DOB, SSN
EXHIBIT H: DOB, SSN, POB

Continuation of Page 6: Reasons for granting the petition/ Please add Exhibit (P) to file.

CONCLUSION

The petition for a writ of HABEAS CORPUS should be granted.

Respectfully submitted,



Date: MAY, 28, 2026