

In the United States District Court
For the Middle District of North Carolina



Brian David Hill
Petitioner,

v.

United States of America
Respondent.

Civil Action No. 1:17-CV-1036
Criminal Case No. 1:13-cr-435-1

**PETITIONER’S MOTION AND BRIEF FOR LEAVE TO FILE
ADDITIONAL EVIDENCE**

NOW COMES the Petitioner, through Brian David Hill (“Brian D. Hill”, “Plaintiff”, or “Hill”), that is acting pro se and is proceeding pro se before this Honorable Court, is filing this Motion and Brief for leave of court to file Additional Evidence Brief in opposition to the Respondent’s “MOTION TO DISMISS MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE,” (See Document #141) and in support to the Petitioner’s “MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL” (See Document #125) (also known as “2255 Motion”). The Additional Evidence Brief is accompanied separately with this motion and brief to ask the Court to admit further evidence and give the Government fourteen days to respond to the claims and evidence in the accompanying Additional Evidence Brief.

The Petitioner apologizes to this court for filing the Additional Evidence while the Magistrate Judge is reviewing over all filings in regards to the “MOTION to Vacate, Set

Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL” (See Document #125) (also known as “2255 Motion”) and the Respondent’s “MOTION TO DISMISS MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE,” (See Document #141).

However the three witnesses has created a 72-page Declaration (Affidavit) that is notarized and will further support reasons why the Petitioner’s 2255 Motion should not be denied and should support the need for an evidentiary hearing to determine all of the facts of Petitioner’s actual innocence and that his 2255 Motion does meet the case law standards and legal statutory standards of equitable tolling.

A motion for leave of court shows good cause when there is additional evidence that has not been filed with the Habeas Court and is necessary for the District Court to make a decision on both motions.

Petitioner is seeking leave to admit additional evidence that the district court needs to also review and give the Government a chance to respond, to make their review and arguments (in a timely fashion) before the Habeas Court makes a decision on Petitioner’s 2255 Motion and the Government’s Motion to Dismiss Petitioner’s Motion to vacate, set aside, or correct a sentence. The purpose of the additional evidence is so that the Court can review over the newly submitted additional evidence in its proper context, and so that it can be on equal footing with the Habeas Court to determine whether an evidentiary hearing is warranted to permit the further proceedings giving the Petitioner an opportunity to prove actual innocence and that filing his 2255 Motion is legally

permissible under equitable tolling standard under the Fourth Circuit for the asserted claim of factual innocence.

ADDITIONAL EVIDENCE TO BE SUBMITTED

The evidence Petitioner seeks leave to admit is further evidence which proves that

- 1. USPO Kristy L. Burton committed multiple lies on the stand in Federal Court at the Supervised release Revocation (“SRV”) hearing which proves beyond a reasonable doubt and is probable cause that USPO Burton had committed perjury before the Court on June 30, 2014, and that such perjury and the Government’s subornation of perjury through AUSA Anand Prakash Ramaswamy was to impede and impede the Petitioner’s ability to file a timely and effectively 2255 Motion.**

- 2. Witness Roberta Hill received a forwarded copy of a threatening email message that an anonymous assailant directed at Free Talk Live host Ian Freeman and a few others demanding shut down of their radio show and proclaimed responsibility for framing them with child pornography materials after they were raided by the U.S. FBI, same tactic as Brian getting two threatening messages from tormail.org after being raided by Mayodan Police. The similar typing styles, the similar method of operation (MO), the intent of such threatening messages, and the fact that they all come from tormail.org**

or any similar style anonymous email provider that can be accessed through the TOR network.

3. That Brian's FOIA lawsuit and his FOIA lawsuit Appeal in the Fourth Circuit, United States Court of Appeals, also revealed that the hacker group collectively known as Anonymous released some images in 2016 that further warrants a need for the Court to investigate the forensic report from the N.C. State Bureau of Investigation due the bazaar claims made in that forensic report.

CONCLUSION

WHEREFORE, the Petitioner respectfully request that this Court grant his Motion and admit such additional evidence into account before making a decision and permit a response time for the Government to respond to the Petitioner's Additional Evidence Brief.

Petitioner respectfully files this PETITIONER'S MOTION AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE with the Court.

Petitioner requests with the Court that a copy of this PETITIONER'S MOTION AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the Respondent which is the U.S. Attorney office of Greensboro, NC and AUSA Anand Prakash Ramaswamy via CM/ECF Notice of Electronic Filing ("NEF") email.
Thank You!

This PETITIONER'S MOTION AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE is respectfully filed with the Court, this the 5th day of March, 2018

Date of signing: <u>March 5, 2018</u>	Respectfully submitted, <u>Brian D. Hill</u> <i>Signed</i> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, VA 24112 Phone #: (276) 790-3505 U.S.W.G.O.
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CERTIFICATE OF SERVICE

Petitioner hereby certifies that on March 5, 2018, service was made by mailing the original of the foregoing

PETITIONER'S MOTION AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE

by deposit in the United States Post Office, Postage prepaid under certified mail tracking no. 7017-1450-0000-9411-2907, on March 5, 2018 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, Greensboro division. Then Petitioner requests that the Clerk of the Court electronically files the foregoing PETITIONER'S MOTION AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE using the CM/ECF system which will send (serve) notification of such filing to the following parties:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17-cv-1036 101 South Edgeworth Street, 4th Floor Greensboro, NC 27401	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1:17-cv-1036 101 South Edgeworth Street, 4th Floor Greensboro, NC 27401
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<u>anand.ramaswamy@usdoj.gov</u>	<u>angela.miller@usdoj.gov</u>
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases..."the Clerk shall serve process via CM/ECF to serve process with all parties.

<p style="text-align: center;">Date of signing:</p> <p>_____</p>	<p style="text-align: right;">Respectfully submitted,</p> <p>_____</p> <p style="text-align: right;">Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, VA 24112 Phone #: (276) 790-3505</p> <p style="text-align: right;">U.S.W.G.O.</p>
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