JSN

RECORD NO. 19-2338

In The

United States Court of Appeals

For The Fourth Circuit

IN RE: BRIAN DAVID HILL,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF MANDAMUS AND PROHIBITION

PETITION FOR REHEARING OR REHEARING EN BANC

Brian David Hill – Ally of Qanon
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Pro Se Appellant

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES/CITATIONS

Page(s)

CASES

CONSTITUTIONAL PROVISIONS

RULE

I. INTRODUCTION AND RULE 35(b)(1) STATEMENT

This case involves an inferior Court aka a District Court Judge's failure, refusal, or dereliction of duty to make a ruling on any or all of the motions for sanctions and the purpose of those motions were to vacate fraudulent begotten judgments (See Dkt. #199, Dkt. #206, Dkt. #222) over the issues of fraud upon the court and over the United States of America not filing any responses contesting those motions (Id.) within the three-week response times (See Local Civil Rule of the Middle District of North Carolina, 7.3(k) MOTION PRACTICE). The Court did not make any decisions on those motions and therefore cannot be directly appealable as a matter of right, thus possible direct appeal is not substituted by Petitioner's Writ of Mandamus. Therefore it was necessary for Petitioner to have filed his Writ of Mandamus and Prohibition. No appeals that Petitioner had filed concerning the case in the Middle District of North Carolina (referring to 1:13-cr-435) can bring the very relief to correct inaction that was requested by the foregoing Writ of Mandamus under Appeal Document #2. The panel's decision to deny the Petition are on an erroneous basis and had been an error of law. The Writ of Mandamus can be used as a vehicle when a Judge refuses to make a decision on a motion for months and months without a ruling, especially motions that are uncontested by their respective response deadlines set forth by the Clerk. Especially for a case that Brian doesn't have the right to appointed counsel and appointed counsel in the criminal case was not appointed for the representation in the 2255 case but only for the matter of Supervised

Release Violation.

For decades in various Federal and State Courts and well-established case law, collateral attack or Writ of Mandamus[1] may be used to deter jurisdictional issues that may include fraud upon the court and to deter lack of actions by a District Court Judge when he/she has a responsibility to make a ruling on all valid motions (See Dkt. #199, Dkt. #206, Dkt. #222) under both Criminal and Civil Procedures (*2255 cases are brought forth under Rules of Civil Procedure and Criminal Procedure*) that bring up an important issue(s) and is well-grounded in law including the inherit or implied powers of all Courts. It is unprecedented for a Judge or a Court to be ignoring or refusing or failing to make any decision on a motion or motions to sanction the officer(s) of the court who engaged in fraud upon the court. There has been no evidentiary hearing regarding these frauds brought up in these motions, there has been no decision and those motions were filed last year. They were filed in the 2255 case, therefore no counsel was appointed to that case and Petitioner was unrepresented. When a Judge takes no action for a particular motion, it can never be directly appealed to seek remedy. Thus Mandamus is the only extraordinary remedy.

The Panel's decision deprives Petitioner of due process of law guaranteed by the United States Constitution. The Writ of Mandamus was an attempt to mandate that the District Court enter order(s) on the motion(s) to stop illegal orders/judgments, and to mandate that the Judge needs to make a decision on uncontested motions that

[1] While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W.2d 173, (Tex.App. – Corpus Christi 1995).

were under well-established case law and the deadline caused by the Local Civil Rules of the Middle District of North Carolina would have caused the motion to have been decided upon by not being contested by the other party. Writ of Mandamus is the only vehicle for the issues laid out in the Petition, it is the appropriate vehicle for the issues laid out in the Petition. Any uncontested motion(s) to vacate fraudulent begotten judgements that have never been acted upon by the District Court Judge is a dereliction of duty and doesn't fix the issues of fraud contaminating the judicial machinery. The Judgments are null and void, and the inferior Court has a responsibility to rule that the fraudulent begotten judgments are to be null and void as fraud upon the court when the merit is founded can nullify the jurisdiction of the Court over a case or over a particular judgment as null and void.

In this case, Petition for Writ of Mandamus was appropriately used as a vehicle for action to have been taken on the inaction of a lower court. Under the All Writs Act and this Court's and the lower Court's inherit powers, this court and the U.S. District Court has the authority to vacate fraudulent begotten judgments and to nullify any judgments that don't have valid jurisdiction.

Respectfully, the Hon. Allison Jones Rushing, the Hon. Albert Diaz, and the Hon. Pamela A. Harris have misinterpreted the intent and spirit of the Writ of Mandamus. This Petition shall correct the misinterpretation and explain why the Writ of Mandamus should not be denied, and as to why rehearing is warranted. It was either misinterpreted or overlooked by mistake (Citing one ground for rehearing is: 1. a material factual or legal matter was overlooked in the decision)

Rehearing is warranted because the panel's decision will have far-reaching consequences for the conduct of a Judge not making any decision on uncontested motions (Id. Dkt. #199, Dkt. #206, Dkt. #222) in cases bound by the Rules of Civil Procedure and Rules of Criminal Procedure for 2255 cases, and motions that are well-grounded in law by the Court's inherit powers. The consequences that could come is that District Court Judges can and will be able to ignore motions at their own discretion and ignore evidence, and ignore frauds upon the court, doesn't even matter if those motions were well-grounded in law. For decades and centuries the Supreme Court and lower Courts have made rulings over matters of fraud, jurisdictional challenges, and maintaining their integrity. Chambers v. Nasco, Inc., 501 U.S. 32 (1991). Herring v. U.S., 424 F.3d 384, 387 n. 1 (3d Cir. 2005) ("The United States Court of Appeals for the Sixth Circuit has set forth five elements of fraud upon the court which consist of conduct: "1. On the part of an officer of the court; 2. That is directed to the `judicial machinery' itself; 3. That is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth; 4. That is a positive averment or is concealment when one is under a duty to disclose; 5. That deceives the court." Demjanjuk v. Petrovsky, 10 F.3d 338, 348 (6th Cir. 1993).").

This decision by the panel threatens that integrity because then a lower Court Judge can ignore proof of frauds and deceptions all day long and then no average citizen of the United States or any citizen of the world will ever believe a word in anything presented before a Federal Court. Nobody will ever believe anything a Federal Court has to say anymore because there will be no integrity and then eventually becomes a lack of honor, no justice, just lies and frauds will be filled in

the Courts because nobody will do anything about it. Like the saying goes, "*The world is a dangerous place, not because of evil, but because of those who look on and do nothing*" – Quote from scientific genius Albert Einstein.

Should this very Court be sleeping on the issues of inaction by a Court that may lack proper or valid jurisdiction? Should this Court allow motions to forever be unanswered, and then forever just sit in the records of a Court without ever any action taken on them? When fraud is discovered should a lower Court look on and do nothing about it? Will the District Court ever be respected again in both the criminal and civil contexts by allowing/ignoring fraud(s) upon the court simply because it may be a Government counsel perpetuating these frauds?

Under the panel decision, a lower Court can repeatedly ignore motions and refuse to make a decision on them to vacate any fraudulent begotten judgments while forcing Petitioner to comply with unconstitutional, illegal and void judgments, and then those that perpetuate fraud(s) upon the Court can evade legal accountability for this misconduct. They can commit whatever crimes or misconduct that they want to and never be held accountable for any of it. That is a serious and egregious form of miscarriage of justice and legal abuses that will forever be considered acceptable.

If this Court can reconsider its decision to deny the Petition, then the Judge can be compelled to make a decision on all its undecided motions that were uncontested by the counsel of the United States of America and not yet ruled upon, and then if any are unfavorable then the Petitioner can file an appeal for any of those decisions.

II. BACKGROUND

The Writ of Mandamus originally in this case will be attached to this Petition as attachment, supporting documentation and will explain the background.

III. ARGUMENT

i. Rehearing Is Warranted Because The Panel's Decision Renders A Broad Category Of Judicial Officer Misconduct (fraud(s) upon the Court) Judicially Unreviewable, In violation Of well-established case law and Supreme Court Precedent.

The panel's sweeping refusal to review over the inactions of the lower Court, in the face of two potential vehicles of jurisdictional challenges and fraud upon the court, is contrary to controlling case law.

"*Similarly, a writ of prohibition "is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion." In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). A writ of prohibition also may not be used as a substitute for appeal. Id.*"

There is no substitute for appeal in this Writ of Mandamus when there is inaction to valid motions requesting relief for fraud(s) upon the Court. Until action is taken on a particular motion(s), there is no avenue of direct appeal. Writ of Mandamus is appropriate as a vehicle to review and to direct relief for an inaction by a lower Court.

A judgment is void, and therefore subject to relief under Rule 60(b)(4), only if the court that rendered judgment lacked jurisdiction or in circumstances in which the court's action amounts to a plain usurpation of power constituting a violation of due process. United States v. Boch Oldsmobile, Inc., 909 F.2d 657, 661 (1st Cir. 1990).

Citing (Ms. *6-8) Ex Parte Ford Motor Credit Co., 607 So. 2d 169 (Ala. 1992), the Court examined when a trial judge may be held to have exceeded his or her discretion in failing to rule upon a pending motion, noting "... [W]hile the writ will issue to compel the exercise of discretion by a circuit judge, it will not issue to compel the exercise of discretion in a particular manner. On the other hand, mandamus is an appropriate remedy when there is a clear showing that the trial judge abused his or her discretion by exercising it in an arbitrary and capricious manner." Ms. *7. Concluding (Ms. *14-15), the Court reasoned "the circuit court exceeded its discretion by failing to rule on, and instead 'taking under advisement' the motion to dismiss the third-party complaint based on improper venue while allowing discovery on the merits to proceed and setting deadlines for summary-judgment motions and setting the trial date. Therefore, we issue the writ and direct the circuit court to issue an order addressing the merits of [International Paper's] motion to dismiss based on improper venue."

In re Commonwealth of Virginia, 278 Va. 1, 22 (Va. 2009) ("Specifically with regard to mandamus directed to an inferior court, we have previously explained that", "mandamus may be appropriately used and is often used to compel courts to act where they refuse to act and ought to act")

In re Harrell, No. 01-11-00760-CV (Tex. App. – Houston [1st Dist.] 1/26/2013) (mem. op.)(orig. proc.). The Court of Appeals stated:

> A court of appeals may not prescribe the manner in which a trial court exercises its discretion, but it may, by mandamus, require a trial court to exercise its discretion in some manner. A trial court may not arbitrarily halt proceedings in a pending case, and mandamus will lie to compel a trial court to entertain and rule on motions pending before it. A trial court is required to consider and rule upon a motion within a reasonable time. If a motion is properly filed and pending before a trial court, the act of considering and ruling upon that motion is ministerial, and mandamus may issue to compel the trial court to act. (citations omitted).

ii. The Panel misinterpreted or overlooked the purpose of the Writ of Mandamus and was sidetracked by the Emergency Motion for Stay of Judgment.

Respectfully, the Panel made human errors of judgment by overlooking the intent, spirit, and purpose of the Writ of Mandamus.

USCA Appeal, 19-2338, Doc: 19, pg.2: "Brian David Hill petitions for writs of mandamus and prohibition seeking an order directing the district court to vacate its judgment revoking Hill's supervised release and vacate various postjudgment orders."

Actually that is incorrect and was not the intent, spirit, and purpose of the Writ of Mandamus. It wasn't merely asking the Appeals Court to vacate all fraudulent begotten judgments of the District Court, but was asking to mandate that the lower Court enter its decision on the motions asking to vacate all fraudulent begotten judgments. The Arguments pushed in the Writ of Mandamus are as follows:

Citing "Argument I. THIS COURT SHOULD ISSUE A WRIT OF MANDAMUS DIRECTING THE DISTRICT COURT TO ENTER ITS ORDER VACATING ANY OR ALL FRAUDULENT BEGOTTEN JUDGMENTS" page

21 of Document #2, Writ of Mandamus itself.

Citing "II. THIS COURT SHOULD ISSUE A WRIT OF PROHIBITION DIRECTING THE DISTRICT COURT TO NOT ENFORCE IT'S FRAUDULENT BEGOTTEN JUDGMENTS" page 23 of Document #2, Writ of Mandamus itself.

The decision by the panel was out of misinterpretation and misunderstanding what the purpose of the Writ of Mandamus was for. It wasn't to make decisions of the District Court, but to direct the District Court to take action on the motions to vacate the fraudulent begotten judgments, if that makes sense.

Also citing directly from the Writ of Mandamus, is the relief requested was not to vacate the post-judgment orders, but to order the lower court to enter an order on the motions to vacate the post-judgment orders that such merits by an officer of the Court are believed to be fraudulently based.

Citing: "This Court should issue a writ of mandamus directing the district court to immediately file orders concerning any and all issues involving fraud upon the court and that the issues of fraud should no longer be ignored, and that the Court file the order(s) within a fixed time period concerning the fraudulent begotten judgments entered under Document #54, Document #122, oral Judgment (Doc. #186) on September 12,2019 and written Judgment under Document #200 concerning the wrongful imprisonment of Petitioner and violating Petitioner's constitutional and due process rights including but not limited to impartiality and that frauds affect the integrity throughout the entire criminal case. Additionally, this Court should stay district court proceedings or judgments, pending resolution of this petition." page 24 of Document #2, Writ of Mandamus itself.

Citing: "This Court should issue a writ of prohibition directing the district court to immediately prohibit execution and enforcement of any or all of the oral Judgment (Doc. #186) on September 12, 2019 and written Judgment under Document #200 concerning the wrongful imprisonment of Petitioner. Additionally, this Court should stay district court proceedings or judgments and this Court should stay the imprisonment, pending resolution of this petition." page 25 of Document #2, Writ of Mandamus itself.

The Panel erred and overlooked the case law when they concluded that "*He*

has also filed two motions for a stay of the district court's judgment pending the disposition of the petitions. We conclude that Hill is not entitled to relief." The motions for stay were appropriate in this instance as motions were already filed in the District Court disproving the Government by showing its lies (referring specifically to Anand Prakash Ramaswamy) and cross-referring (or cross-examining) the statements of the Government to being of lies, deception, and misinformation in their attempts to always prevail in the criminal case of United States v. Brian David Hill. Then they are served a copy of those motions by Notice of Electronic Filing along with a docket-note from the Clerk of the Court that a "Response due by" a certain date. Three weeks' time to respond to a motion according to Local Civil Rule M.D.N.C., 7.3(k), and if uncontested then a Court can make a decision on the uncontested motion(s). Usually if the uncontested motion(s) is well-grounded in facts and law, there should be no issue granting the motion(s) by default in favor of the Movant.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court,426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

Again, in this case, an indecision on uncontested motion(s) can be brought in a Writ of Mandamus petition, especially with the proven fraud(s) upon the Court. It

is understandable that judges don't want to look through the hundreds to thousands of pages of case files to find the proof that Petitioner has demonstrated, but this is a serious matter which may allow an officer of the court to get away with permanent irreparable harm and misconduct such as defrauding the judicial machinery and defaming the party and making it a permanent victim that cannot seek any relief.

There cannot be an appeal on an indecision to a motion(s). Writ of Mandamus was the only vehicle challenging an indecision which is a failure or refusal to make any decisions on valid motions that are well-grounded in law.

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W.2d 173, (Tex.App. – Corpus Christi 1995). Arizona courts give great weight to federal courts' interpretations of Federal Rule of Civil Procedure governing motion for relief from judgment in interpreting identical text of Arizona Rule of Civil Procedure, Estate of Page v. Litzenburg, 852 P.2d 128, review denied (Ariz.App. Div. 1, 1998).

When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, *Orner v. Shalala,* 30 F.3d 1307, (Colo. 1994). Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

USCA Appeal, 19-2338, Doc: 19, pg.2: "Hill can seek the requested relief in an appeal of the district court's judgment, and indeed, such an appeal is currently pending before this court. See United States v. Hill, No. 19-4758.."

That is not true, that is not the case. That direct appeal under case No. 19-4758 is ONLY concerning the revocation of Petitioner's supervised release. The Attorney representing Petitioner over that matter cannot represent Petitioner over the separate matters of the motions for sanctions in regards to fraud(s) upon the court. That Attorney cannot argue matters of fraud upon the court because those were not on the record for that appeal. Fraud upon the Court cannot be directly appealed. Appeals can only be reviewed for what was on the record at the time the judgment was entered in a case. Appeals can only be to find errors and abuses of discretion. Fraud(s) upon the court was not known, not discovered and/or not brought to the attention of the Court by the time the order was entered. Appeal under No. 19-4758 cannot deal with the issues of fraud upon the Court because it was not part of the record for that direct appeal. It was brought up after the revocation of Supervised Release which direct appeal was entered under Case No. 19-4758. Therefore this Writ of Mandamus cannot possibly be a substitute for appeal under Case No. 19-4758. Petitioner cannot seek the requested relief under No. 19-4758, because the motions for sanctions and proven evidence of fraud(s) were not entered prior to the judgment and revocation of Supervised Release. It takes time after judgment to research/investigate and expose the fraud(s) upon the Court concerning that very judgment. Direct appeal cannot provide remedy for frauds upon the Court. Appeal under Case No. 19-4758 cannot provide relief for fraud(s) upon the Court because the motions for sanctions that were not ruled upon were filed and entered after the judgment to revoke Petitioner's supervised release.

Also this Court should review over Document #18 in USCA4 Appeal: 19-

2338. Thus that document will be attached as well, after attaching the Petition for Writ of Mandamus and Prohibition. Both are attached as evidence disproving the opinion(s) of the Panel and thus the case needs to be reopened. This Court of Appeals needs to be investigating the misconduct of Anand Prakash Ramaswamy and may need to sanction him and ask him questions as to why he is defrauding the District Court as well as possibly defrauding the U.S. Court of Appeals.

Also it should be noted that the Panel was sidetracked by the "Emergency Motion for stay execution of judgment of the District Court pending Writ of Mandamus Appeal or in the alternative to stay execution of imprisonment pending Writ of Mandamus Appeal" [Dkt. 14]. They assumed that it was another attempt of the motion for stay of imprisonment filed by counsel in Appeal Case No. 19-4758. That is not the case. Frauds cannot be brought up by counsel as that was not part of the record in that direct appeal. With the fraud(s) being discovered after direct appeal and then motion(s) were filed concerning this fraud, it was the Court's duty to vacate those judgments and refuse to enforce those judgments as they may be illegal and void judgment(s). Therefore stay of imprisonment was warranted if the District Court had done their duty but they have shirked their responsibilities by their inactions. Taking no action on any of the frauds is an issue that Mandamus was meant for. Mandamus and Prohibition is an appropriate vehicle for the issue of fraud(s) and challenging jurisdiction when appeal is not available due to a Court's lack of action on valid motions challenging jurisdiction and bringing evidence and arguments of fraud to the Court's attention.

IV. CONCLUSION

For the foregoing reasons, the Petitioner respectfully requests that this Court grant this petition for rehearing or rehearing en banc. Petitioner respectfully requests that the Writ of Mandamus case be re-opened so that the District Court be compelled to take action on the motion(s) that they have yet action upon.

Respectfully Submitted,

BRIAN DAVID HILL
Pro Se

2/11/2020

Brian D. Hill
Signed

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Dated: February 11, 2020

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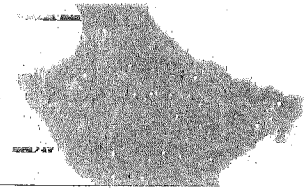

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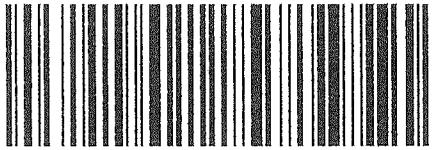

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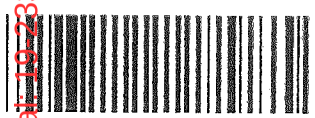

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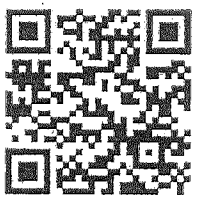

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In the United States Court of Appeals
For the Fourth Circuit

In re BRIAN DAVID HILL, in his individual capacity as former news reporter of USWGO Alternative News
Petitioner

v.

United States of America,
Respondent

No. _____
(Clerk will supply case no.)

[No. 1:13-CR-435-1]

PETITION FOR A WRIT OF MANDAMUS AND PROHIBITION TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT PENDING MANDAMUS

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Attachments to Petition for Rehearing

Table of Contents

INTRODUCTION AND SUMMARY OF ARGUMENT

In this extraordinary case, the U.S. District Court for the Middle District of North Carolina, case no. 1:13-cr-435-1, had repeatedly allowed frauds upon the court against the Petitioner Brian David Hill ("Brian", "Hill", "Petitioner"). The U.S. District Court under the Hon. District Court Judge Thomas D. Schroeder, had ignored different "Fraud Upon the Court" issues and sanctions motions but U.S. Magistrate Judge Joe Webster did deny one motion asking to allow Petitioner to amend his 2255 Motion for an additional ground of "Fraud upon the Court". JA stands for Joint Appendix.

Petitioner Brian is not getting any relief from his direct appeal in his appellate case no. 19-4758 (citing denial of emergency motion for stay of imprisonment) and is forced to be incarcerated inside of a Federal Prison based almost entirely on frauds, lies, due process deprivations, and that the U.S. District Court is doing absolutely nothing to vacate any fraudulent begotten judgments. Petitioner has no avenue for relief at all in the United States District Court for the Middle District of North Carolina.

The Doc. #200 judgment and commitment order (**JA 1**) had caused Petitioner to have to self-report to the Federal Medical Center in Lexington, Kentucky (FMC Lexington), by December 6, 2019.

In October 4, 2019, Petitioner had filed the Document #199 (**JA 2**) MOTION entitled "Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor" "Motion and Brief/Memorandum of Law in Support of Requesting the

Honorable Court in this case Vacate Fraudulent Begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 10/25/2019. (Attachments: # (1) Supplement 1, # (2) Supplement 2, # (3) Exhibit 1, # (4) Exhibit 2, # (5) Envelope - Front and Back) (Civil Case number: 17CV1036) (Garland, Leah)."

The opposing party: United States of America, never filed any opposition or response to that motion. It has been almost an entire month since the date that the opposing counsel can timely respond to that motion which was filed. The facts and elements of the allegations were never contested in Document #199 (JA 2). When the other party is accused of getting an illegal order or judgment by perpetuating a fraud upon the court and that other party never contests such allegations, then those allegations are facts and are true, and warrant vacatur of voidable judgments. When fraud was conducted by the adverse party to get what they want, a ruling in their favor, when such ruling was proven to be a fraudulent begotten ruling and the party victimized by such fraud had properly lay such claims before the Court, then that party has a right to request that the Court vacate such judgment. The offending counsel for the opposing party: United States of America, is none other than Anand Prakash Ramaswamy who was over prosecution of the criminal case ever since it had been opened up for Grand Jury Indictment.

In October 9, 2019, Petitioner had filed the Document #203 NOTICE OF APPEAL without payment of fees filed by BRIAN DAVID HILL re: [198] Order. (Attachments: # (1) Envelope - Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (JA 3). That very same Appeal notice had stated "*Brian David Hill is illegally and unconstitutionally being ordered to turn himself into Federal Prison by December 6, 2019, and was done by the errors and usurpations of power by Judge Schroeder.*" If Brian is being illegally detained by fraudulent begotten

judgment(s) and the U.S. District Court doesn't show any care or mercy to vacate the frauds and correct the void decisions, then Petitioner's only remedy is Writ of Mandamus. Direct Appeal will not remedy Petitioner from being forced to be confined in a Federal Prison on the day of December 6, 2019 based on frauds and lies perpetuated by the adverse party, by one or more officers of the court.

Sanctions is warranted upon proving fraud upon the court, but the U.S. District Court has committed the behavior of dereliction of duty by ignoring the frauds and taking no action. A dereliction of duty in violation of case law and in contradiction of case law and in contradiction of the Constitution.

In October 15, 2019, Petitioner had filed the Document #206 (JA 4) MOTION entitled "MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # (1) Exhibit 1, # (2) Exhibit 2, # (3) Supplement 1, # (4) Supplement 2, # (5) Supplement 3, # (6) Supplement 4, # (7) Envelope - Front and Back) (Garland, Leah)."

The opposing party: United States of America, never filed any opposition or response to that motion either. It has been over a month since that motion was filed. The facts and elements of the allegations were never contested in Document #206 (JA 4). When the other party is accused of getting an illegal order or judgment by perpetuating a fraud upon the court and that other party never contests such allegations, then those allegations are facts and are true, and warrant vacatur of voidable judgments. The offending counsel for the opposing party: United States of America, is none other than Anand Prakash Ramaswamy who was over

prosecution of the criminal case ever since it had been opened up for Grand Jury Indictment.

In November 1, 2019, Petitioner had filed the Document #213 (**may not be listed as part of the Joint Appendix due to the high volume of pages and Petitioner has a fixed income of SSI disability, the Appeals Court may access that particular record electronically from court record**) "Objection by BRIAN DAVID HILL re[210] Recommended Ruling - Magistrate Judge re [168] MOTION filed by BRIAN DAVID HILL, [153] MOTION to Appoint Attorney filed by BRIAN DAVID HILL, [141] MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sen (Attachments: # (1) Envelope - Front and Back)(Butler, Carol)". Filed on November 1st, 2019 but entered on the docket on the date of November 4, 2019.

In October 21, 2019, Document #211 (**JA 5**) "Notice of Mailing Recommendation: Objections to R&R due by 11/4/2019. Objections to R&R for Pro Se due by 11/7/2019. (Garland, Leah)" was filed on the docket and Petitioner had 14 days to file timely objections. Petitioner had filed the objections timely under Document #213.

Here is what a portion of Document #211 had stated on the record:

> "Rule 72(b), Fed. R. Civ. P. provides in pertinent part: (b) Dispositive Motions and Prisoner Petitions."
>
> ***
>
> "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. **A party may respond to another party's objections within 14 days after being served with a copy**. Unless

> the district judge orders otherwise, the objecting party must promptly arrange for transcribing the record, or whatever portion of it the parties agree to or the magistrate judge considered sufficient."

Document #213 had also stated allegations against Anand Prakash Ramaswamy.

Because the objections were entered on November 4, 2019, that meant the U.S. Attorney Office including Anand Prakash Ramaswamy had been served on November 4, 2019, Monday. The two-week deadline would end on November 18, 2019, also a Monday. The opposing counsel for the United States of America did not file a response and neither an opposition to the objections. Even if the U.S. Attorney was given an extra day out of grace, they still did not file a response to the objections. The Document #213 objections also had a lot of allegations of fraud upon the court against the opposing counsel and they still did not respond.

In January 30, 2019, Petitioner had filed the Document #169 (**JA 6**) "MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. **Responses due by 2/20/2019**. (Attachments: # (1) Envelope - Front and Back) (Garland, Leah)". That letter and motion also had stated in hand-writing that the opposing counsel had engaged in fraud upon the court.

Citing from that letter in part: "…crippled my ability to prove factual innocence and prove AUSA Ramaswamy's fraud upon the Court." Another written statement from that letter said "*The "Factual Basis" of my guilt provided by the Government prior to Sentencing was fraudulent. My confession statements were proven to be inaccurate and false, a false confession caused by my Autism because of the way I was interrogated.*" That letter cited the proper case law authority of Chambers v. NASCO, Inc. and properly cited the Court's inherit powers. That very authority came from the United States Supreme Court.

More statements cited from that letter that was a motion said "*The SBI, that is the State Bureau of Investigation and through their Case File (forensic report) reported files/images/videos of interest but there was NO affidavit verifying/confirming whether each such file could have been actual child pornography. In addition to that, the SBI case file said that 454 files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013, while my computer was seized on August 28, 2012.*"

The opposing party: United States of America, never filed any opposition or response to that motion either. It has been almost ten months since that motion was filed. The facts and elements of the allegations were never contested that were contained in Document #169 (**JA 6**). When the other party is accused of getting an illegal order or judgment by perpetuating a fraud upon the court and that other party never contests such allegations, then those allegations are facts and are true, and warrant vacatur of voidable judgments. The offending counsel for the opposing party: United States of America, is none other than Anand Prakash Ramaswamy who was over prosecution of the criminal case ever since it had been opened up for Grand Jury Indictment.

In November 4, 2019, Petitioner had filed the Document #214 (**JA 7**) "MOTION FOR LEAVE TO AMEND OR SUPPLEMENT HIS 2255 MOTION by BRIAN DAVID HILL. (1:17CV1036) (Butler, Carol)" was filed on the docket. That was asking to amend the 2255 Motion to add an additional GROUND FIVE: Fraud Upon the Court, since fraud upon the court is not subject to a statutory time bar as it is a Court's inherit power to deter and vacate frauds that created void or voidable judgments.

In November 20, 2019, Document #219 (**JA 8**) "ORDER signed by MAG/JUDGE JOE L. WEBSTER on 11/20/2019, that Petitioner's motion for leave to amend

(Docket Entry [214]) is DENIED. (Civil Case number: 17CV1036) (Garland, Leah)" was filed on the docket denying Petitioner's motion under Document #214 (JA 7) for leave to amend his 2255 Motion to add a claim in regards to "Fraud Upon the Court" based on the Court's inherit powers.

In November 8, 2019, Petitioner had filed the Document #217 (JA 9) "MOTION entitled "Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill", filed by BRIAN DAVID HILL re: [199] Motion. Response to Motion due by 12/2/2019 (Attachments: # (1) Envelope - Front and Back) (Garland, Leah) Modified on 11/12/2019 to correctly link document. (Garland, Leah)" filed on the docket.

That request was merely just asking the Court to rule on Documents #199 and #206 that were both unopposed already by the opposing counsel, but the Clerk gave them additional time to respond to the very request asking that the Court grant already unopposed motions on the grounds of fraud upon the court and void judgments. They are given until December 2, 2019, then 4 days later Brian will be forced against his will to self-report to the Federal prison FMC Lexington in Kentucky.

The District Court had allowed too many frauds and lies against the party: Brian David Hill, and is offering no remedy, not given any remedy, and is refusing to give any legal remedy for the frauds upon the court by the United States of America.

Petitioner had also mailed out a "Petitioner's Third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff's/Respondent's Favor", "Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case grant request for Default

Judgment and Vacate Fraudulent begotten Judgment or Judgments" (may be Document #222 or 223). It will be filed on November 21, 2019 as the Clerk did acknowledge to receiving that filing on November 21 2019. However it will have a document number by the time that Petitioner mails out his Joint Appendix for his Writ of Mandamus so he is attaching that as Joint Appendix 10 (**JA 10**) as a true and correct copy of what was mailed to the Clerk of the U.S. District Court for the record. That further proves fraud and lies by the opposing counsel and that such lies are damaging/injuring the party: Brian David Hill into a wrongful incarceration on December 6, 2019.

Petitioner had requested a hearing under Document #169 but the Magistrate Judge Joe Webster under Order Document #210 had recommended that the motion be denied. Petitioner was never given a hearing at all when Petitioner started uttering the words "fraud upon the court" against Anand Prakash Ramaswamy and Edward R. Cameron of the U.S. Probation Office who are both officers of the court since last year in his 2255 and criminal case. The U.S. District Court has committed multiple and serious errors of **dereliction of duty** and refusing to address the frauds upon the court, refusing to address such allegations, and refusing to allow Petitioner to be awarded any kind of sanctions in his favor or relief in his favor against the United States of America including but not limited to vacating fraudulent begotten judgments. Instead his words of "fraud upon the court" are consistently ignored or denied.

Even the U.S. Magistrate is stating that none of Petitioner's evidence, claims, or merits even matter in his Document #210 order.

Citing from the order:

> "As explained above, all of Petitioner's grounds are time-barred. However, **if the Court were to reach the merits of Petitioner's grounds for relief, it would deny them**."

So even if this Court considers that Petitioner had proven actual innocence (which shows fraud by the Government) or any of the frauds upon the court and the offending party does not respond to any allegations of fraud when given multiple opportunities for a response, then the U.S. District Court would deny the merits even if the merits could be reached.

If the Honorable Thomas D. Schroeder and the Honorable U.S. Magistrate Judge may be intentionally allowing and advocating the frauds upon the court by the adverse party: the "United States of America", knowing that Petitioner will have to voluntarily surrender to a Federal Prison at a fixed date of December 6, 2019, by high noon, knowing that Petitioner may prevail on Direct Appeal through attorney Kennedy in appeal case no. 19-4758, is obstruction/deprivation of Petitioner's procedural due process rights, cruel and unusual punishment in violation of the Eighth Amendment (U.S. Constitution), and in violation of proper constitutional and judicial procedures. If a Court allows fraud in favor of the adverse party who perpetuated frauds upon the court, then it no longer holds integrity and the judgments by that court are all voidable judgements and should be considered void judgments. Judgments grounded on fraud should not be enforceable as a matter of law. Judgments grounded on due process deprivations/violations should not be enforceable as a matter of law.

Mandamus is a necessary safety valve in the extraordinary situation here, where a district court in the Middle District of North Carolina has insisted on allowing the frauds upon the Court by the Federal Prosecutor aka the counsel of the United States of America, the prosecutor is wrongfully usurping power and authority over

Brian David Hill and can lie and defraud the Court anytime he wants to imprison Brian over and over again without any remedy such as motion for stay of judgment and not be given any remedy no matter what he argues, files, or says. This creates a dangerous precedent of judicial tyranny for a Constitutional republic and gives the United States Attorney Office the power to lie, cheat, and steal. The U.S. District Court has asserted that Petitioner is guilty of indecent exposure and child pornography, ignored Petitioner's actual innocence arguments and claims, ignored case law in Petitioner's favor, and is overpowering the persuasive case law that asserts that due process violations and fraud are grounds for vacatur of any order or decision as void judgments. In a sense, the U.S. District Court is resisting and rebelling against the U.S. Supreme Court and higher court case laws, it is a civil war, yes a CIVIL WAR started by the U.S. District Court to separate themselves from the authority and original jurisdiction of the Supreme Court, a civil war indeed by activist judges. Any reasonable jurists would recognize this usurpation as a cause for concern over usurping power to obstruct or interfere with a criminal Defendant's right to due process in this case, obstruct and interfere with the due process rights and impartiality guarantee of the judiciary. The usurpation of power to resist the Supreme Court and refuse to carry out any case law favorable to a criminal defendant but favorable to the Government. That is non-representative and tyrannical form of governance, to make its citizens afraid of the Government instead of the Government being afraid of its citizens.

In fact this same Court during the hearing on September 30, 2014 (citing Document #115, Transcript) had threatened to charge witness and Attorney Susan Basko for perjury (See Document #46, Declaration) for asserting Brian's innocence and filing a declaration with the Court but yet won't hold Attorney

Anand Prakash Ramaswamy for fraud upon the court, obstruction of justice, subornation of perjury, and violation of N.C. State Bar Rule 3.8.

Petitioner therefore respectfully asks that this Court exercise its supervisory authority to direct the district court to file an order or decision regarding Motion under #199, Motion under #169, and Motion under #206 to conduct an evidentiary hearing on any allegations that the opposing party had timely opposed and to treat any unopposed allegations of fraud against an officer of the court as FACTS and order vacatur of any and all fraudulent begotten judgments.

There are issues involving "fraud upon the court" and it is the Court's duty of authority, integrity, honesty, and obligation to address any frauds upon the court and to exercise discretion in deterring such frauds that was perpetuated by an officer of the court.

Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21, the Petitioner Brian David Hill of USWGO Alternative News respectfully requests that this Court issue a writ of mandamus and prohibition directing the district court to enter an order (1) to vacate any and all frauds upon the court by the party: United States of America and by offending counsel Anand Prakash Ramaswamy; (2) to grant Petitioner's MOTION under Document #169 requesting a hearing to address the fraud allegations if necessary; (3) to grant Petitioner's MOTION under Document #199 to vacate fraudulent begotten judgment or judgments; (4) to grant Petitioner's MOTION under Document #206 to vacate fraudulent begotten judgment or judgments; (5) to PROHIBIT enforcement of the Doc. #200 judgment that Petitioner be committed to the custody of the Federal Bureau of Prisons; (6) to PROHIBIT enforcement of the Doc. #200 judgment that Petitioner be imprisoned for nine (9) months; and (7) to PROHIBIT enforcement of all or any of the Document #200's "Judgment and Commitment" due to it being a fraudulent

begotten judgment. In addition, because the frauds upon the Court has directly caused the judgement of revocation by "Judgment and Commitment Order", Petitioner respectfully requests that this Court promptly stay enforcement of the district court's oral Judgment on September 12, 2019, and the written "Judgment and Commitment Order" entered on Document #200 (**JA 1**) until disposition of this petition or even after the mandate after disposition of Petitioner's timely filed Mandamus and Prohibition appeal.

Pursuant to Federal and Local Rules of Appellate Procedure Rule 8(a)(2)(A)(i), Petitioner requests that the Court of Appeals consider Petitioner's motion for Stay of Judgment Pending Appeal on this Mandamus Writ since the "*moving first in the district court would be impracticable*" because Petitioner is a victim of being repeatedly defrauded in this criminal case and imprisonment only aggravates injury and torment against Petitioner further suffering under the frauds that the U.S. District Court have allowed for so long. The Hon. Judge Thomas D. Schroeder should have acted a long time ago to conduct hearings or making decisions based upon Petitioner's first or even second allegations of fraud upon the court by Anand Prakash Ramaswamy of the United States of America or even of Officer Edward R. Cameron, who are both Officers of the Court but his Judgment of imprisonment wrongfully imprisons Petitioner which further injures and victimizes Petitioner based on the frauds. It is wrong for any fraudulent begotten judgment to order that Brian must surrender to Federal Prison to prevent him from having any access to his evidence and local archive of his pleadings which may be necessary in order for Petitioner to be found actually innocent (legally innocent) of possession of child pornography. Because the Federal Imprisonment order is based on fraud or frauds, this motion needs to be acted upon more quickly to protect Petitioner's right to due process and the right to a fair and impartial proceedings before having

to turn himself into a Federal Prison or be afforded a new Final Revocation hearing upon prevailing on appeal or vacate all judgments including Document #54 conviction.

A party seeking mandamus must demonstrate that it has a "clear and indisputable" right, there are "no other adequate means" of relief, and the writ is otherwise "appropriate under the circumstances." Cheney v. United States Dist. Court for D.C., 542 U.S. 367, 380-81 (2004).

If there is no time limit set for the Hon. Judge Thomas D. Schroeder to file his judgment or order on the frauds by the opposing party concerning the Supervised Release Violation of Petitioner, then Petitioner is blocked and deprived from any kind of justice, impartiality, and is a lack of integrity in the United States District Court for the Middle District of North.

STATEMENT OF FACTS

The Statement of facts were already brought up through "INTRODUCTION AND SUMMARY OF ARGUMENT".

ARGUMENT

An appellate court has the power under 28 U.S.C.§ 1651(a) to issue a writ of mandamus directing the conduct of a district court where (1) the petitioner has a "clear and indisputable" right to relief; (2) there are "no other adequate means to attain the relief"; and (3) mandamus relief is otherwise "appropriate under the circumstances." Cheney v. United States Dist. Court for D.C., 542 U.S. 367, 380-81 (2004). Fraud upon the court being ignored is an appropriate circumstance.

The district court should have quickly dealt with the fraud upon the court allegations with a hearing, filing orders for determining whether the Court and Brian David Hill were victims of fraud or frauds upon the court. Frauds cannot be originally challenged on direct appeal since the frauds have to be discovered and proven prior to seeking relief, so direct appeal may not be a feasible available mechanism to overturn a wrongful judgment when frauds have to be proven and direct appeals can only make determinations based upon what was already on the record and frauds can be discovered after the judgment when direct appeal may not be available. A judgment that was based on any proven facts of fraud is an error of law and is a void judgment or voidable judgment. The longer the district court does not enter a judgement or order vacating any fraudulent begotten judgments, the less of a chance at Petitioner can prevail on direct appeal before being imprisoned wrongfully and serving an invalid/voidable/illegal sentence because the District Court will not address the issues of fraud before ordering Petitioner's forced imprisonment on December 6, 2019 at FMC Lexington, Kentucky.

The District Court cannot validly argue an excuse that it needed more time before relieving Brian David Hill from any or all fraudulent begotten judgments when the Government won't even oppose the allegations of fraud against the Court to obtain any favorable judgments against the Petitioner which include cruel and unusual punishments inflicted. Time is running out for Brian before his imprisonment.

This is constitutional structural defect, a CONSTITUTIONAL CRISIS, and is very dangerous in a democratic republic type of Government. The United States of America is not supposed to be a banana republic. If the District Court already had the time and energy to deny Petitioner's motions, why didn't they enter any judgments vacating any fraudulent begotten judgments to protect Petitioner from wrongful incarceration. If Petitioner is found actually innocent aka legally innocent

of his conviction, then the Federal Court is willing to punish and imprison an innocent man once again while ignoring the frauds upon the court and ignoring any or all evidence of actual innocence inside of Petitioner's 2255 Motion (See Document #125 and #128 in the criminal case) that was filed since November, 2017. Petitioner is repeatedly being punished over and over again in a retaliation campaign against his claims of actual innocence. Petitioner's constitutional rights have been deprived so many times in the district court that it creates a fraud upon fraud upon fraud which contaminates the entire criminal case into being nothing but murky and muddy water based upon the murky and muddy nature of the frauds that make it difficult or maybe even impossible to know what the truth and facts were in different proceedings and judgments in this criminal case. Petitioner does not know what else to do except ask the media for help, ask Donald Trump for a full unconditional pardon, or asking attorneys to help him pro bono but to no avail because of the subject matter of his original criminal charge in Federal Court. People do not want to fight for a supposed "child pornographer" even if that person is actually innocent of that charge, because of the societal ramifications and reputation ramifications of helping somebody accused of such charge, it is unfair. All Petitioner has is his Pro Se filings and his court appointed counsels who also does not seem to care about his constitutional rights being deprived over and over again. Brian had even asked Roger Stone to help him in his pardon-campaign to get a pardon of innocence from the President to undo the corruption of the U.S. Attorney victimizing Brian by weaponizing the law under the U.S. District Court.

See U.S. District Court, District of Columbia, case no. 1:19-cr-00018, Letter(s) in Support of Sentencing — Document #262 (Brian Hill's 2019 declaration), United States v. ROGER JASON STONE.

In short, only "exceptional circumstances amounting to a judicial 'usurpation of power'" or a "clear abuse of discretion" will "justify the invocation of this extraordinary remedy." Id. at 380; accord, e.g., In re Catawba Indian Tribe of S.C., 973 F.2d 1133, 1136 (4th Cir. 1992). Although the standard for mandamus is, and should be, a high one, it is satisfied in the extraordinary circumstances presented here.

While voidable orders are readily appealable and must be attacked directly, **void order may be circumvented by collateral attack or remedied by mandamus**, Sanchez v. Hester, 911 S.W.2d 173, (Tex.App. – Corpus Christi 1995). Arizona courts give great weight to federal courts' interpretations of Federal Rule of Civil Procedure governing motion for relief from judgment in interpreting identical text of Arizona Rule of Civil Procedure, Estate of Page v. Litzenburg, 852 P.2d 128, review denied (Ariz.App. Div. 1, 1998).

In *Stoesel v. American Home,* 362 Sel. 350, and 199 N.E. 798 (1935), the court ruled and determined that, "Under Illinois Law and Federal Law, when any officer of the Court has committed "fraud on the Court", the order and judgment of that court are void and of no legal force and effect." In *Sparks v. Duval County Ranch,* 604 F.2d 976 (1979), the court ruled and determined that, "No immunity exists for co-conspirators of judge. There is no derivative immunity for extra-judicial actions of fraud, deceit and collusion." In E*dwards v. Wiley,* 374 P.2d 284, the court ruled and determined that, "Judicial officers are not liable for erroneous exercise of judicial powers vested in them, but they are not immune from liability when they act wholly in excess of jurisdiction." See also, *Vickery v. Dunnivan,* 279 P.2d 853, (1955). In *Beall v. Reidy,* 457 P.2d 376, the court ruled and determined, "Except by consent of all parties a judge is disqualified to sit in trial of a case if he comes within any of the grounds of disqualification named in

the Constitution. In *Taylor v. O'Grady,* 888 F.2d 1189, 7th Cir. (1989), the circuit ruled, "Further, the judge has a legal duty to disqualify, even if there is no motion asking for his disqualification." Also, when a lower court has no jurisdiction to enter judgment, the question of jurisdiction may be raised for the first time on appeal. See *DeBaca v. Wilcox,* 68 P. 922. The right to a tribunal free from bias and prejudice is based on the Due Process Clause. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his/her property, then the judge has engaged in the crime of interference with interstate commerce; the judge has acted in his/her personal capacity and not in the judge's judicial capacity. See *U.S. v. Scinto,* 521 F.2d 842 at page 845, 7th circuit, 1996. Party can attack subject matter jurisdiction at anytime in the proceeding, even raising jurisdiction for the first time on appeal, *State v. Begay,* 734 P.2d 278. "A prejudiced, biased judge who tries a case deprives a party adversely affected of due process." See *Nelson v. Cox,* 66 N.M. 397.

There is no time limit when a judgment is void:

Precision Eng. V. LPG, C.A. 1st (1992) 953 F.2d 21 at page 22, *Meadows v. Dominican Republic* CA 9th (1987) 817 F.2d at page 521, *In re: Center Wholesale, Inc.* C.A. 10th (1985) 759 F.2d 1440 at page 1448, *Misco Leasing v. Vaughn* CA 10th (1971) 450 F.2d 257, *Taft v. Donellen* C.A. 7th (1969) 407 F.2d 807, and *Bookout v. Beck* CA 9th (1965) 354 F.2d 823. See also, *Hawkeye Security Ins. V. Porter*, D.C. Ind. 1982, 95 F.R.D. 417, at page 419, *Saggers v. Yellow Freight* D.C. Ga. (1975) 68 F.R.D. 686 at page 690, *J.S. v. Melichar* D.C. Wis. (1972) 56 F.R.D. 49, *Ruddies v. Auburn Spark Plug*. 261 F. Supp. 648, *Garcia v. Garcia*, Utah 1986 712 P.2d 288 at page 290, and *Calasa v. Greenwell*, (1981) 633 P.2d 555 at page 585, 2 Hawaii395. "Judgment was vacated as void after 30 years in entry," *Crosby. V. Bradstreet, CA 2nd (1963) 312 F.2d 483 cert. denied 83*

S.Ct. 1300, 373 US 911, 10 L. Ed. 2.d 412. "Delay of 22 years did not bar relief," U.S. v. Williams, D.C. Ark. (1952) 109 F.Supp. 456.

>A motion to set aside a judgment as **void** for lack of jurisdiction is **not subject to the time limitations** of Rule 60(b). See Garcia v. Garcia, 712 P.2d 288 (Utah 1986).

Void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, *People ex rel. Brzica v. Village of Lake Barrington,* 644 N.E.2d 66 (Ill.App. 2 Dist. 1994).

Void judgments generally fall into two classifications, that is, judgments where there is want of jurisdiction of person or subject matter, and judgments procured through fraud, and such judgments may be attacked directly or collaterally, *Irving v. Rodriquez,* 169 N.E.2d 145, (Ill.app. 2 Dist. 1960). Invalidity need to appear on face of judgment alone that judgment or order may be said to be intrinsically void or void on its face, if lack of jurisdiction appears from the record, *Crockett Oil Co. v. Effie,* 374 S.W.2d 154 (Mo.App. 1964).

A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment, or where the order was procured by fraud, *In re Adoption of E.L.,* 733 N.E.2d 846, (Ill.App. 1 Dist. 2000). Void judgments are those rendered by court which lacked jurisdiction, either of subject matter or parties, *Cockerham v. Zikratch,* 619 P.2d 739 (Ariz. 1980).

A **void** judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties." Rook v. Rook, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987).

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked *at any time*, in any court, either directly or collaterally, provided that the party is properly before the court, *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999).

I. THIS COURT SHOULD ISSUE A WRIT OF MANDAMUS DIRECTING THE DISTRICT COURT TO ENTER ITS ORDER VACATING ANY OR ALL FRAUDULENT BEGOTTEN JUDGMENTS

If the Court has an inherit power, an obligation, and a duty to correct any or all "fraud upon the court" and vacate any or all judgments/orders procured by fraud but the Court had failed to do so when the Court had plenty of time to correct the frauds and cure the wrongful orders or judgments as voidable by proven intrinsic or extrinsic frauds, the other two elements for mandamus plainly are satisfied: There is "no other adequate means to attain the relief" of immediate appeal. Appeals are not where to prove fraud upon the court, but when frauds have been proven in the lower Court record but the lower Court refuses or fails to deal with the frauds before itself, then Petitioner's only form of relief is Mandamus and Prohibition. Cheney, 542 U.S. at 380. And this is a manifestly "appropriate" circumstance for mandamus relief because proceeding to stall any or all motions in regards to "fraud" and ignoring the issues of "fraud" indefinitely "would threaten

the integrity" of the Federal Court system and would plunge the United States into anarchy and lawlessness. Nobody will respect the Court or law enforcement anymore, unless they act to vacate the frauds, to punish the frauds.

Accordingly, the sole remaining question is whether the Petitioner has a "clear and indisputable right" to request any relief and sanctions in the district court when the Petitioner has proven the facts and elements of frauds upon the court by the adverse party and/or when the adverse party doesn't oppose Petitioner's facts and elements of the allegations of fraud upon the court.

As demonstrated below, in these "exceptional circumstances," he is entitled to mandamus to obtain that relief from frauds and denial of due process. A district court has the ability under it's inherit powers to vacate any fraudulent judgments and right to protect itself from frauds committed by an officer of the Court. If the court is stalling or ignoring the frauds when the frauds were perpetuated by counsel of the Federal Government then the court may be committing such a "clear abuse of discretion" that is contaminating the entire criminal case with murky waters as lack of integrity and lack of truthfulness. It is necessary that Petitioner is entitled to relief against any constitutional error of law and against any frauds for true justice and integrity in the Middle District of North Carolina, as any ignorance of the frauds indefinitely gives a Federal prosecutor or any United States Attorney the power of committing fraud against their adversaries and to freely lie and perjure which amounts to "a judicial 'usurpation of power'" away from the impartial judicial officer to an attorney who can fabricate evidence or lie about anybody they want to always achieve a favorable verdict.

Because the statutory "preconditions for § 1292(b) review" are indisputably satisfied in this case, which additionally "involves an important constitutional legal

question" and "is of special consequence," the district court "should not [have] hesitate[d] to file a judgment or order vacating any earlier judgments or orders that were grounded in fraud."

The court's refusal to investigate the frauds, refusal to cure the frauds, refusal to reverse any fraudulent begotten judgments as soon as possible after ordering imprisonment over a possibly actually innocent is such a clear abuse of discretion, a deprivation of a party's due process rights under the Constitution, and an error of law and is a usurpation of jurisdiction that it warrants an exercise of this Court's mandamus authority.

See Chambers v. Nasco, Inc., 501 U.S. 32 (1991).

II. THIS COURT SHOULD ISSUE A WRIT OF PROHIBITON DIRECTING THE DISTRICT COURT TO NOT ENFORCE IT'S FRAUDULENT BEGOTTEN JUDGMENTS

This Court should enter a Writ of Prohibition prohibiting the District Court from enforcing any and all judgments including #200 "Judgment and Commitment Order" since that judgment is contaminated by earlier frauds and frauds have been brought up in multiple motions that were unopposed.

Document #206 that was unopposed brought up the frauds of the "Petition for Warrant or Summons for Offender Under Supervision" (Document #157). The very foundation for the "Judgment and Commitment Order" (Document #200) was fraudulent and the Petition should never have been granted and Petitioner's Supervised Release never should have been revoked due to the frauds in the very foundation of the Supervised Release Violation judgment.

The constitutional impartiality of the Judge was contaminated by the frauds. This cannot be constitutional. A judgment that was voided from the very beginning cannot become valid.

>"A court cannot confer jurisdiction where none existed and cannot make a **void** proceeding valid. It is clear and well established law that a **void** order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

>"**Jurisdiction**, once challenged, cannot be assumed and **must be decided**." Maine v Thiboutot 100 S. Ct. 250.

CONCLUSION

This Court should issue a writ of mandamus directing the district court to immediately file orders concerning any and all issues involving fraud upon the court and that the issues of fraud should no longer be ignored, and that the Court file the order(s) within a fixed time period concerning the fraudulent begotten judgments entered under Document #54, Document #122, oral Judgment (Doc. #186) on September 12, 2019 and written Judgment under Document #200 concerning the wrongful imprisonment of Petitioner and violating Petitioner's constitutional and due process rights including but not limited to impartiality and that frauds affect the integrity throughout the entire criminal case. Additionally, this Court should stay district court proceedings or judgments, pending resolution of this petition.

This Court should issue a writ of prohibition directing the district court to immediately prohibit execution and enforcement of any or all of the oral Judgment (Doc. #186) on September 12, 2019 and written Judgment under Document #200

concerning the wrongful imprisonment of Petitioner. Additionally, this Court should stay district court proceedings or judgments and this Court should stay the imprisonment, pending resolution of this petition.

Respectfully filed with the Court, this the 21st day of September, 2019.

Respectfully submitted,

Brian D. Hill
signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
I ask Qanon and Donald John Trump for Help (S.O.S.)
Make America Great Again

Petitioner also requests with the Court that a copy of this pleading 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 preform 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". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

However the Petitioner will asks that the Clerk serve copies of this pleading with the (1) U.S. Attorney Office of Greensboro, NC since the U.S. Probation office was directed that Petitioner not mail things to the U.S. Attorney Office, but Petitioner will still serve a copy with the (2) U.S. District Court in Greensboro, NC to file with the Clerk of the Court to put on the record and then serve the paper copy with the trial judge the Hon. Thomas D. Schroeder. Thjat should satisfy

service. If the Court still orders that a copy be served with the U.S. Attorney Office, please request to the U.S. Probation Officer that I be allowed to serve a copy of this pleading with the U.S. Attorney Office for the Middle District of North Carolina.

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on November 21, 2019, service was made by mailing the original of the foregoing:

"PETITION FOR A WRIT OF MANDAMUS AND PROHIBITION TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT PENDING MANDAMUS"

by deposit in the United States Post Office, in an envelope (priority mail), Postage prepaid, on November 21, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

~~Copy (1) of the original pleading has been served with the party of the United States of America through the United States Attorney office located at 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401. That shall satisfy requirement of service. Proof of service by stamped Certified Mail receipt shall serve as proof to satisfy the rules of the Court. Since Petitioner is indigent and does not have a lot of money to be printing too many copies of costly paper filings, Petitioner is serving a copy of this pleading on a CD-ROM with the entire pleading in PDF format~~. Petitioner requests with the Clerk that pursuant to In Forma Pauperis statute, that the Clerk serve a copy (1) of the original pleading with the party of the United States of America through the United States Attorney office through Notice of Electronic Filing, email, by the U.S. Marshals Service, or by any other authorized means.

Copy (2) of the original pleading has been served with the Clerk of the United States District Court for the Middle District of North Carolina to request filing on the record and then serve the copy of the paper pleading with the trial judge the Honorable Thomas D. Schroeder. The Clerk's office is located at 324 West Market

Street, Greensboro, NC 27401. That shall satisfy requirement of service. Cert. Mail tracking no. 7019-1120-0001-4751-4641. USPS tracking can serve as proof of service.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

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.

Date of signing: November 21, 2019	Respectfully submitted, Brian D. Hill Signed Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O. I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.)

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In the United States Court of Appeals
For the Fourth Circuit

No. 19-2338

In re BRIAN DAVID HILL, in his individual capacity as former news reporter of USWGO Alternative News
Petitioner

v.

United States of America,
Respondent

PETITIONER'S REPLY TO UNITED STATES REPONSE [DKT. #17] TO "EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT PENDING WRIT OF MANDAMUS APPEAL"

PETITIONER'S REPLY TO UNITED STATES REPONSE [DKT. #17] TO "EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT PENDING WRIT OF MANDAMUS APPEAL"

U.S.W.G.O.
Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Cover Page

Brian David Hill ("Appellant"), by and through, Brian D. Hill, proceeding pro se in this action, hereby replies to the response of the United States [DE #17 in Case No. 19-2338] to "Emergency Motion for Stay Execution of Judgment of the District Court Pending Writ of Mandamus Appeal or in Alternative to Stay Execution of Imprisonment Pending Writ of Mandamus Appeal" [DE #14 in Case No. 19-2338]. Appellant replies to the response and opposes it for the reasons as set forth below.

Pg 6: "*Hill makes such pro se motions at a time when he has appointed counsel, as he now does during the pendency of his appeal in case 19-4758. When ordered by this Court or the district court, the Government responds to Hill's pro se motions.*"

The issues of fraud upon the court, is an independent action by party: Brian David Hill. Appellant was not appointed counsel for any reasons, purposes, or any orders involving the issues of "fraud upon the court". Brian's court appointed Counsel Renorda Pryor has no jurisdiction/authorization to represent Appellant in his 2255 case and any or all matters concerning his 2255 case, and has no jurisdiction/authorization to represent Appellant's independent actions of requesting relief for fraud upon the court. Renorda Pryor was only appointed [See Entry entered: Jun 26, 2019, *appointment of counsel entered by clerk O'Doherty, Sinead*] for representation of Appellant for the Supervised Release Violation [Dkt. #157] which ended after the final oral judgment on September 12, 2019. Renorda Pryor couldn't file anything in regards to fraud upon the court and wasn't given authorization to have represented Appellant in that matter. Renorda was removed as appellate counsel and cannot and will not file any motions in the District Court since her ineffective assistance of counsel allegations were brought forth in his appeal in case 19-4758, and thus Attorney Ryan Kennedy was appointed only for purposes of appeal. No attorney is representing Appellant for the matters of independent collateral actions such as 2255 Motion, 2255 case pending, and issues

of fraud upon the court based upon the Court's inherit powers. Criminal Justice Act does not appoint counsel for independent actions such as citing and requesting use of Court's inherit Constitutional powers, writs, 2255 cases unless ordered so by the court, and civil cases.

Some of Brian's fraud upon the court motions or allegations were brought forth when counsel wasn't even appointed. See Dkt. 169, "*MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL.* ***Responses due by 2/20/2019.***" That "responses due" may be considered an order by the Clerk to respond to a motion prior to the Court acting upon it. See Dkt. 211, "*Notice of Mailing Recommendation: Objections to R&R due by 11/4/2019. Objections to R&R for Pro Se due by 11/7/2019. (Garland, Leah) (Entered: 10/21/2019)*"

Pg 6: "*There were no such orders of any court obligating the Government to respond to the motions he cites in his instant motion and petition for mandamus.*"

Does a Court have to manually enter a separate order for response for each motion filed?

The Clerk is an officer of the Court, and when the Clerk gives the Government an opportunity to respond by a certain deadline, that may be considered an order to at least give the other party an opportunity to respond.

Also it is mandated by Local Rule of the Middle District of North Carolina, that a motion that has no response after being served is considered uncontested (aka unopposed).

M.D.N.C. Civil Procedure: L.R. 7.3 MOTION PRACTICE: "...*If a respondent fails to file a response within the time required by this rule, the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice*."

Dkt. #199, Dkt. #169 motions was filed in "Civil Case number: 17CV1036", thus the local rules of civil procedure applied to that motion. No response means that the facts and claims in that motion were uncontested and ordinarily will be granted without further notice. Clerk's office made a clerical error not filing "Document #206" and "#169" under that civil case number as was with #199 and #213. The U.S. Attorney office had two weeks to file a response (by the Clerk's instructions by notice, Dkt. #211) to the obbjections which also includes but not limited to fraud upon the court allegations in Document #213 and did not file any such response, so Appellant's/Petitioner's objections and fraud upon the court allegations in that pleading was also uncontested. The entire case is already grounded on fraud, and uncontested criminal/civil motions. Document #169 was also a civil motion for the 2255 case but the Clerk's clerical mistake of not adding that it was a civil motion under 17CV1036, doesn't change the fact that the motion was unopposed/uncontested and by default shall obtain the relief sought.

Pg 4: "*Hill's claims that his supervised release revocation was initiated and secured by frauds on the court is belied by the district court's findings in its Memorandum Order regarding the accuracy of the transcript, which states in relevant portion: Mr. Hill was caught by law enforcement exposing himself in public throughout his hometown in Martinsville, Virginia, in the early morning hours of September 21, 2018, proof of which was provided by officer testimony as well as photographs Mr. Hill took of himself on his camera. At the time he was apprehended, Mr. Hill was completely naked, except for footwear. The Defendant was convicted of indecent exposure in state court in Virginia in 2018, and his federal revocation proceeding followed.*"

That was a lie at the time the memorandum order was entered. There was no conviction upon appeal from General District Court to Circuit Court, known as

Trial De Novo. There was no conviction in state court in 2018 after the appeal was timely filed for Trial De Novo. The revocation charge under Dkt. 157 was filed in November, 2018, before the General District Court trial on December 21, 2018. So the revocation proceedings already had begun during the trial de novo process.

Also this Court should take judicial notice of state appeal case law under Dkt. 206-3, 206-4, 206-5, 206-6, that Appellant did not violate Virginia law regarding indecent exposure unless there was any evidence of obscenity. There was no evidence that Ramaswamy/Respondent had ever cited showing any proof of obscenity as required by Virginia courts to convict. No mention of any sexual conduct. No mention of nor reference to any evidence of obscenity. Brian's conduct on September 21, 2018 was inappropriate behavior socially, but was not illegal.

Pg 7: "*Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re Murphy-Brown, LLC, 907 F.3d 788, 795 (4th Cir. 2018).*"

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, *Sanchez v. Hester,* 911 S.W.2d 173, (Tex.App. – Corpus Christi 1995).

Appellant had already filed three fraud upon the court motions uncontested (Dkt. #169, #199, #206) and pleadings uncontested regarding any issues of fraud (Dkt. #213) and the U.S. District Court had failed or refused to enter any order for any of those motions asking for relief by vacating void judgments. Thus the Court has failed in their duties to act upon a Motion well-grounded in law, aka the inherit powers of the court to vacate any fraudulent begotten judgments to protect the

judicial machinery from fraud/abuses including the All Writs Act (28 U.S.C §1651).

Petitioner clearly has a right to relief in being relived from any void judgments, and void judgments are created when an order was procured through fraud, then a judgment is no longer valid and can be attacked at any time in any court that has territorial jurisdiction, through mandamus or collateral attack. When a District Court has three uncontested motions and uncontested pleadings (collateral attack) regarding orders procured through fraud by an officer of the court, and does nothing to act on any uncontested motions, it has failed in their duties to administer justice and thus the only form of relief left is for a higher court to order a lower court to take action on the uncontested fraud/sanctions motions. These motions were filed in both the criminal and civil case as part of the 2255 case. Federal Rules of Civil and Criminal procedure also apply to a 2255 case, which include local rules. Uncontested motions are entitled to the Court acting upon them at any time after the response deadline has no response by the party adverse to the Movant of the Motion.

Pg 4-5: "*Docket Entry #223 at 1 in case 1:13CR-435-TDS-1. In Hill's petition for mandamus and in his instant motion for stay, he does not provide proof of his claims of fraud upon the court in terms of relevant portions of the record, contravening evidence, or any other justification for the extraordinary relief he seeks in the form of mandamus; rather, Hill only offers unsupported conclusory statements of fraud.*"

That is psychological gas-lighting by this counsel, and is attempting to negate any chance of review or investigation by a higher court or even the lower court into the proven frauds. How is it unsupported and not part of the relevant portions of the record when actual evidence and citation of different parts of the record or

transcript was cited in each "motion for sanctions". It is gas lighting to consider all claims, evidence, and citations to be "*unsupported conclusory statements*". Supported by evidence, past evidence in other pleadings, case law, and showing cross referencing. All of that does not fit the U.S. Attorney's narrative for the gas-lighting statement noted above. "*Gaslighting is a form of psychological manipulation in which a person seeks to sow seeds of doubt in a targeted individual or in members of a targeted group, making them question their own memory, perception, and sanity.*"

The District Court ignores Brian's, his family's proof of a setup, that Brian is innocent of the initial charge of child porn possession.

To understand the proof documents on Brian's 2255 Motion, you would have to know the dates that the Mayodan police department claims that child porn was downloaded on Brian's laptop computer (July 20, 2012 to July 27, 2012) and the dates that the NC SBI claim (July 20, 2012 until July 28, 2013) as well as the date of the police raid on Brian's house by Mayodan police and when they took this computer (August 28, 2012). These dates are the Government's Discovery Proof from Mayodan police & NC SBI report.

Threat emails Brian received in 2013 & 2015: Brian's 2255 Motion, **Document 71-1; Document #131, Filed 11/14/17,** Page 70-71. Town of Mayodan knew Brian's address before he was set up with child porn. Email Brian sent to town of Mayodan on **3/12/2012. Document #132,** Filed 11/14/17, Page 42.

Brian wrote an article on **July 12, 2012** on the Internet that he was afraid of the Mayodan police chief and was afraid that they were going to try to arrest him or his mom eight days before the alleged child porn was put on Brian's computer. For proof see Page 78-81. Mayodan police report: Discovery used by the

government attorneys: Page 46 proof that in August, 2012 before the police questioned Brian, they knew he was disabled. Page 47 again from the government's attorneys: Page 52 Brian was speaking at Mayodan town hall meetings in March, April, May, July 9, 2012. (Page 95) Proof in court records in 2014, in Brian's 2255 Motion. Connections between Investigators & Politicians Unethical & Conflict of interest. (**Document #132,** Page 57-68). Proof documents that Brian was writing articles on his USWGO website about these people on **July 16, 2012**. (Page 98), Viruses (Document #131, pg 79-89).

Affidavit from Brian's mom that she was called by someone about her being a third party custodian in December, 2013 maybe letting Brian come home under the Adam Walsh sex act before Brian's case even went to trial. Neither he nor his family would be allowed to have a phone, etc. **Document #131,** Filed 11/14/17, Page 1-2. Brian was not given any insulin his first days in jail, and he is a brittle insulin dependent diabetic. Many Medical documents prove cruel & unusual punishment while Brian was in the jail system in NC: **Page 3-18.** On many court days Brian was not given insulin until that evening. Doctor's prescription since February, 1992 is 4 or more insulin shots per day. He was taken to Cone Hospital on 11/7/2014 with hyperglycemia (glucose over 500): Page 19-21.

Brian's family sent emails to his court appointed attorney explaining about Brian's health (autism, etc), witness affidavits, etc. in December, 2013. Found out while sending these to Brian's mom in March, 2017 that Yahoo email had a note that Placke had deleted all attachments. We sent this proof to the court: (Document #131, Page 25-35).

Read **Document #134, Filed 11/14/17, Page 76-87. This is his mom (Roberta Hill)'s eye witness account as she is Brian's main caregiver trained in autism,**

was a nurses aid in NC, was at the Mayodan police station when Brian confessed falsely to downloading it and was at the June & September, 2014 hearings. She also read the discovery (police report & NC SBI report).

This was the reason Brian took the guilty plea as recorded in a supplement in his 2255. See **Document #134, Page 50**. This attorney did use the benefit or a threat of harm the night before on the phone to Brian's family when he told Brian's family to tell Brian to plead guilty: There is a common law rule in the **Fifth Amendment of our Constitution;** the rationale was the **unreliability of the confession's contents when induced by a promise of benefit or a threat of harm. Attorney Placke admitted to the court that he was not prepared for jury trial. Document #18, Filed 06/04/14, Page 1-4.**

These detectives in Mayodan police report claim they are familiar with the child porn that they claimed was in this laptop computer. The US government revealed in the Presentence Investigation Report in paragraph #13, **Document #33**, Filed 09/16/2014, page 6 of 26 that *none of the children have been identified as part of a known series by the National Center for Missing and exploited Children.*

Constitutional laws broken: **Amendment VIII; Fifth Amendment of our Constitution; Fourth Amendment, etc.**

WITNESS accounts ignored by this court: Attorney Susan Basko's Declaration **Document #46, Filed 09/30/14, Page 1-3.** Susan Basko is a lawyer for independent media, Attorney/Counsellor of the Supreme Court of the United States. (Stella Forinash) in **Document #134, Filed 11/14/17, Pages 34-72;** Kenneth R. Forinash,

TSgt, USAF, Ret) **Pages 73-75;** Roberta Hill) **Pages 76-87. Court never got a medical expert: (page 88-99).**

A **false confession** is an admission of guilt for a **crime** for which the confessor is not responsible. **False confessions** can be induced through coercion or by the mental disorder or incompetency of the accused. Proof of Brian's actual innocence, set up threats in 2013/2015, ineffective attorneys, and fraud upon the court are in various documents in Brian's 2255 Motion in November & December 2017. For more information see Stella Forinash's investigation & witness proof, Document #213, Filed 11/01/19, Page 91-137.

Both attorneys admit in court that they had ignored all of Brian's witnesses in September, 2014 (Rule 3.8).

WHEREFORE, the Appellant respectfully requests that the Court grant Appellant's/Hill's "Emergency Motion for Stay" in Docket Entry #14 of the instant case.

Respectfully filed with the Court, this the 29th day of November, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter
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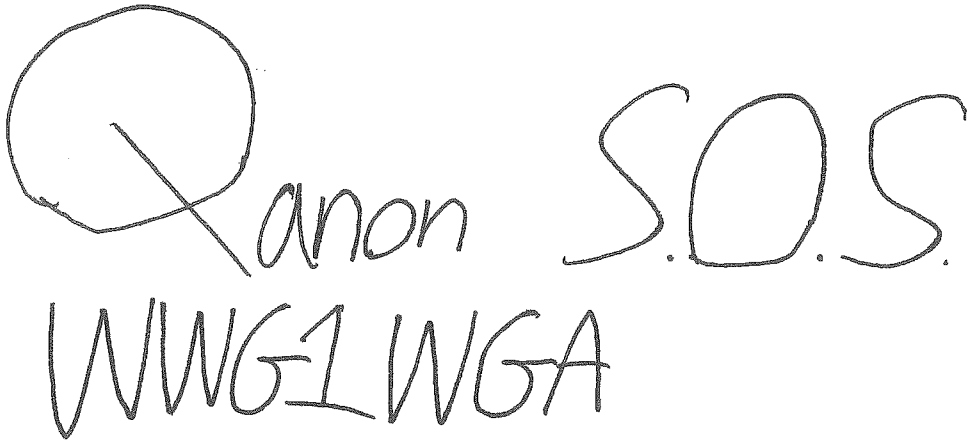

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

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(s) Brian D. Hill
Signed

Party Name Brian David Hill

Dated: November 29, 2019

FOR: "PETITIONER'S REPLY TO UNITED STATES REPONSE [DKT. #17] TO "EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT PENDING WRIT OF MANDAMUS" APPEAL"

CERTIFICATE OF SERVICE

Petitioner/Appellant requests with the Court that a copy of this pleading 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 preform 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". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

Petitioner hereby certifies that on November 29, 2019, service was made by mailing the original of the foregoing:

"PETITIONER'S REPLY TO UNITED STATES REPONSE [DKT. #17] TO "EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT PENDING WRIT OF MANDAMUS APPEAL""

by deposit in the United States Post Office, in an envelope (Express mail), Postage prepaid, on November 29, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401	

john.alsup@usdoj.gov	

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.

Date of signing: November 29, 2019	Respectfully submitted, Brian D. Hill Signed Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O. I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again JusticeForUSWGO.wordpress.com

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