

No.21-6037

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In The  
Supreme Court Of The United States

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BRIAN DAVID HILL,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent,

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals for  
the Fourth Circuit

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**EMERGENCY MOTION FOR LEAVE OF COURT TO  
REQUEST A RESPONSE FROM RESPONDENT(S)**

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*Friend of justice  
for all*

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Dated: November 6, 2021



JusticeForUSWGO.wordpress.com  
JusticeForUSWGO.NL //  
USWGO.COM

**I. Emergency Motion for Leave of Court to Request a Response from Respondent(s)**

Brian David Hill (“Petitioner”), a criminal defendant and civil case 2255 Petitioner respectfully files this MOTION petitioning and requesting that the Justices of this court request or compel a proper response from Respondent: United States of America, and to its Attorney for Respondent (Counsel of Record), Elizabeth B. Prelogar, Esquire. Elizabeth B. Prelogar, Esquire is the U.S. Solicitor General after succession from Acting Solicitor General Brian H. Fletcher, Esquire. This motion is filed pursuant to Rule 21, Motions to the Court.

There will also be a small Appendix of just one attempted filing of a Rule 15.5 Letter with the Clerk of the U.S. Supreme Court to use as reference. This is an Emergency Motion as the day which the Justices will review over Petitioner’s petition for Certiorari fast approaches on Friday, November 12, 2021.

This motion shall be in compliance with Rule 33.2. The motion is requesting for:

1. For Leave of Court concerning the Petition for Writ of Certiorari;
2. That the decision is not yet ripe for disposition without a response from the Government and a reply from Petitioner;
3. That the Court should delay distribution of the Petition for Writ of Certiorari in the above-captioned case to the Justices;
4. And request or order a response from the Attorney of Respondent for the Party: United States of America.

The request is made in Petitioner's response to the U.S. Solicitor General's office filing a Waiver of right to respond "unless the Court requests a response" as stated in the waiver letter dated October 25, 2021. Petitioner has compelling reasons why the Government should in fact file an opposition brief or response, so that if the Petitioner catches the Government in any falsehoods or wrongful legal arguments, then Petitioner can file a reply asserting why Certiorari should be granted in the above-captioned case. That the ends of justice must be met.

## **II. Facts which warrant Leave of Court**

1. The United States Solicitor General who now is Elizabeth B. Prelogar, Esquire had filed on record that they are the counsel of record, which represents the Respondent: United States of America in the case for the Petition for Writ of Certiorari, the instant case. They were essentially filing the formalized automated yet formal waiver letter (the "standard waiver letter") with many Certiorari petitions and Mandamus petitions to make it appear that Petitioner's petitions are insignificant; which makes it appear that the Petition should be denied as per the usual procedure with a majority of Certiorari petitions due to the scarce judicial resources. This Petition is not something that should be denied without a response or answers, as there is too much is at stake here. No other recourse.
2. The United States of America is attempting to get away with defrauding the U.S. District Court which then the defrauding reaches the U.S. Court of Appeals for the Fourth Circuit. The prejudice is so bad by this fraud that remedy cannot be obtained in the U.S. Court of Appeals anymore. Petitioner did, in fact, raise the

issues of FRAUD on the Court prior to the disposition of the § 2255 Motion and civil case. It was outlined in both the Petition for Writ of Certiorari and in the Appeal Briefings in the appealed case regarding that matter. The fraud was not contested in the U.S. District Court; and the United States of America waived their right to respond to each uncontested motion and did not dispute Petitioner's contentions as a matter of law under Middle District of North Carolina Local Rule 7.3(f) and under Middle District of North Carolina Local Rule 7.3(k).

3. The Petition for Writ of Certiorari is too important for it to simply be denied after the U.S. Solicitor General files their standard waiver response letter like they do in so many other petitions before this Court and then those petitions are usually denied due to the Government's standard waiver letter. They cannot simply waive being held accountable for fraud that they perpetuated upon the Judicial Machinery.
4. See Joint Appendix 1, read the attempted Rule 15.5 Letter mailed to the Office of the Clerk of the U.S. Supreme Court attempting to request response and ask for a delay. That letter had not yet been docketed, so Petitioner assumes that it may not be accepted for filing due to the fact that Petitioner likely has to file a Rule 21 Motion instead of a formal Rule 15.5 letter. Petitioner does not know the status of that letter once it's received, but feels it is more appropriate and in compliance with the Rules of this Court by filing this Motion for Leave of Court. The Justices and the Clerk should review over that JA 1 letter to the Clerk to ascertain how important this Certiorari case is to Petitioner that it should not simply be denied. No pro se motion asking for any applicable relief is being accepted or granted in

the U.S. District Court, even if well-grounded in law, and even if uncontested under Local Rule 7.3. Petitioner is being barred from proving his Actual Innocence. Maybe one motion asking for new legal counsel or another motion for staying at a hotel to self-report to prison was granted, but Petitioner's uncontested pro se motions were not ordinarily granted at all, no matter what was argued and no matter what case laws were used. No matter what evidence was used or offered.

5. This Certiorari petition is all Petitioner has left. If it is denied, Petitioner has no way of any remedy or relief. Respondent defrauded the Court, Respondent should not be allowed by this Supreme Court to simply get away with this fraud by simply filing some standard waiver letter so that Petitioner's petition is just denied like hundreds of other Certiorari petitions. Petitioner's petition has a lot at stake here; Petitioner cannot let this go without at least a proper response from Respondent. Petitioner has no other recourse for Certiorari relief. Petitioner has no other acceptable legal means of relief other than a Presidential Pardon. The fraud is so bad that Petitioner had mailed evidence in 2017 to and had texted messaged evidence to Roger Stone, the former U.S. President Donald Trump's confidant and friend. Roger Stone had reviewed over enough pleadings in the Petitioner's criminal and civil case being appealed to this Supreme Court from the Fourth Circuit. Roger Stone was convinced that Petitioner was being given a repeated pattern of miscarriages of justice and frauds being perpetuated on the Court without right or remedy. Petitioner almost succeeded by use of the uncontested motions argument and Roger Stone was supposed to disseminate that evidence to President Trump in January of 2021 or December of 2020 in order to ask Donald

Trump to grant Brian David Hill a full unconditional pardon. That had failed when Roger Stone was able to get Brian's innocence evidence and fraud information proof to the President or his White House counsel but had condensed the list and Brian David Hill's name was not in the final list of pardoned individuals. Brian may never be able to be this close to getting a full pardon from the President of the United States ever again. The Department of InJustice is corrupt and they (Corrupt Pardon Attorney) will never recommend granting Brian Hill a full unconditional pardon despite the Government defrauding the court repeatedly and getting away with it.

6. The United States of America and its Corrupt U.S. Attorney Office want Petitioner to never be acquitted for the rest of his life even though he never raped anybody, he never molested anybody, and he never murdered anybody. He never victimized anybody. Petitioner is a virgin and yet sits on the Sex Offender Registry meant for rapists and child molesters. Petitioner is a virgin and yet the fraudsters at the U.S. Probation Office of Greensboro and the U.S. Attorney for the Middle District of North Carolina asserts the fraud that Petitioner was a danger to his community which is absolute garbage, absolute hogwash. The Government knows that Petitioner never raped, never molested. Even when he had an Autistic meltdown as caused by his Autism Spectrum Disorder which is a normal behavior in Autistic patients, the Probation Officer was never harmed at all, only her pride was harmed. So she lied about Petitioner on the stand, Kristy L. Burton is a perjurer. That is why Petitioner's requested relief of Hazel Atlas and Chambers v. NASCO, fraud on the Court motions were never contested. Because she did

perjure herself in favor of the U.S. Attorney Office. Even a Federal Bureau of Investigation (“FBI”) Duty Agent Jerry Pickford at the Greensboro, NC FBI Office thought that brief portions of Petitioner’s filed evidence as outlined in his uncontested motions, was credible enough to compel Petitioner to come down to the FBI office in 2018, and make a statement, which would have initiated the perjury investigation and possibly criminal charge against Kristy L. Burton, but a higher up in the FBI office refused to let Agent Jerry Pickford conduct the investigation into the wanton perjury of Kristy L. Burton of the U.S. Probation Office, in Danville, Virginia. The FBI was complicit in the fraud on the Court. So Petitioner is a victim of fraud after fraud. It is obvious that this Motion should be granted and that the Solicitor General respond to all claims made in the Certiorari Petition. There are so many issues in this case, it needs resolution, not denial.

7. The copies of the Petition were scheduled for distribution to the Conference set for the date of Friday, November 12, 2021. Petitioner again requests under Rule 15.5 and Rule 21 for Leave of Court and that the distribution to the Conference be delayed until the United States responds to the Certiorari Petition, since they agreed to do so “if requested” by this Court from their waiver letter. It is clear that the Petition is not yet ripe for consideration by the Justices until the issues of fraud by the United States of America are responded to. The U.S. District Court refuses to compel response and denies the uncontested Motions repeatedly. Only this Court can fix this miserable situation since the U.S. Court of Appeals will not overturn the wrongful decisions in the lower inferior Court in this appealed case.
8. Petitioner wishes the Government to file an opposition brief or proper response instead of the standard waiver letter which is exactly the same as some automated formal letter

mailed by the staffers of the members of the U.S. Congress who do not wish to respond personally to constituents. Yes, The same automated formal letter when they don't actually write a personalized response but simply some template created type formal letter by staffers mailed to many constituents but does not actually have any personalized response. It is exactly that, a standard formal letter by the Government acting as though this case is insignificant to be denied without an opinion as with many Certiorari petitions. Petitioner is NOT stupid. Petitioner is aware that the Government is trying to throw the Petition for this case under the bus like so many others, like nobody matters to the Corrupt U.S. Attorney Offices.

9. The U.S. District Court had inappropriately denied Petitioner's uncontested motions all alleging that the Respondent had defrauded the U.S. District Court and contaminated its Judicial Machinery with lies and falsehoods. With evidence contradictory to the Government's own alleged facts. The U.S. District Court had mislabeled that the uncontested motions were not properly filed as 2255 motions because they were filed in a pending 2255 case before it was dismissed and the Court never acted upon those uncontested motions. The Court should not have mislabeled or misconstrued the Hazel Atlas Motions in the pending 2255 case as inappropriately filed 2255 motions not in the right form. This contradicts its Local Rule 7.3 and contradicts the inherent powers of the Court under this Court's holding under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

10. This Certiorari petition is Petitioner's only remedy left in regard to his Constitutional rights under *Chambers v. Nasco*; *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*; to prove fraud was perpetuated upon the Court by an officer



of the Court which was Respondent: United States of America. No remedy is left if the Petition is not granted. Fraud would be allowed without any means to challenge it.

11. It is fact that Petitioner had filed under Document #169 in the 2255 case, uncontested claims that Respondent had defrauded the entire Court. That the criminal prosecution was entirely fraudulent. It said in page 28 of the Petition for Writ of Certiorari a citation of Document #169 and I quote: "...a false confession caused by my Autism because of the way I was interrogated. 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 criminal Judgment of guilty on November 12, 2014 was a fraudulent Judgment based upon fraud on the Court." That itself was uncontested, undisputed. As Petitioner was incarcerated at the time, that letter was hand written and the case laws were properly cited in that letter. That letter would be considered both a pro se brief and motion with proper citations of the law. Everything claimed in the Petition for Writ of Certiorari is well grounded, prima facie, unless proven otherwise. Uncontested motions are normally honored in Federal Courts, which implement the proper rules before their respectable Courts. Petitioner had proven fraud and the Respondent had not contested the proof, had not contested Petitioner's contentions. Petitioner was allowed to review over the criminal case discovery materials in 2015 after he had falsely plead guilty in 2014. He was allowed to review over this discovery evidence with his family on January

22, 2015. That itself sounds ridiculous when Petitioner was coerced to falsely plead guilty before fully reviewing over the discovery evidence materials. Which was why Petitioner had made such claims in Document #169, again, nevertheless that motion was never contested at all. Never disputed. It is pure and simple; Respondent had defrauded the Court and never even disputed any of it when argued by Petitioner on the record. Petitioner had proven that as outlined in the Petition for Writ of Certiorari. The record on appeal will prove this as outlined in the Petition for Writ of Certiorari.

12. The Government did not contest the fraud allegations that U.S. Probation Officer Kristy L. Burton had lied under oath in a Supervised Release Violation final hearing, which is perjury. The Government did not contest the fraud allegations that they forced Petitioner to falsely plead guilty or face 20 years in prison with ineffective counsel to cover up their fraudulent prosecution. According to the Government's own discovery evidence paperwork, claiming that for 11 months and 8 days supposedly illegal files were downloading to Petitioner's computer when not in Petitioner's custody on the record. The Certiorari petition and the record all support this claim. They had 21-days or 30-days (summary judgment motions) to respond to a motion under Local Rule 7.3 of the Court. They never disputed Petitioner's contentions of fraud. Petitioner is entitled to relief no matter what the Respondent argues in its reasoning, in its arguments, and in its own defense. Even after Petitioner falsely plead guilty due to coercion from the ineffective counsel all documented in the record of the 2255 case and the Hazel Atlas motions which were uncontested, the Pre-Sentence Report acknowledged Petitioner had no victims. The report admitting that the so-called supposed child pornography was of an unknown series, which contradicts the claim of the police detective Robert Bridge of Reidsville, NC of files being

downloaded from eMule, which were known to him. They would not admit any of this until after Petitioner had falsely plead guilty to bolster their successful fraudulent prosecution. So the Government should be compelled or requested to respond to all of the proven uncontested, undisputed contentions of fraud which had been perpetuated upon the U.S. District Court by the party: United States of America, and that fraud carried on to the United States Court of Appeals for the Fourth Circuit. The United States Court of Appeals for the Fourth Circuit was prejudiced by that fraud and allowed this fraud to be kept protected, and to protect the fraud from ever being challenged. This is a terrible form of prejudice and bias caused by the fraud and deceit of the Respondent.

13. Government had defrauded the Court. The Government did not contested the fraud allegations that U.S. Probation Officer Kristy L. Burton had lied under oath in a Supervised Release Violation hearing. The Government did not contest the fraud allegations that they forced Petitioner to falsely plead guilty or face 20 years in prison with ineffective counsel to cover up their fraudulent prosecution. The Document #169 claim in the Certiorari petition citing that: *“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.”* So according to the Government’s own evidence paperwork claiming that for 11 months and 8 days supposed illegal files were downloading to Petitioner’s computer when not in Petitioner’s custody on the record. The Certiorari petition and the record all support this claim. They had 21 days to respond to a motion

under Local Rule 7.3 of the Court. They never disputed Petitioner's contentions of fraud. Petitioner is entitled to relief no matter what the Respondent argues in its reasoning and defense. Even after Petitioner falsely plead guilty due to coercion from the ineffective counsel all documented in the record of the 2255 case, the Pre-Sentence Report acknowledged Petitioner had no victims. The report admitting that the so-called supposed child pornography was of an unknown series, which contradicts the claim of the police detective Robert Bridge of Reidsville, NC of files being downloaded from eMule, which were known to him. So the Government should be compelled or requested to respond to all of the fraud which had been perpetuated upon the U.S. District Court by the party: United States of America, and that fraud carried on to the United States Court of Appeals for the Fourth Circuit. The Supreme Court needs to undo the frauds piling up in the inferior Courts.

14. Respondent defrauded the Court. They know that they did. That is why the Respondent did not contest the Petitioner's motions under "Documents #169, #199, #206, #217, and #222" (page 12 of Certiorari Petition). It is because they had the discovery evidence; it came directly from the Government, and directly from the U.S. Attorney Office aka the Government. The same evidence fully reviewed by Petitioner after he had no choice but to falsely plead guilty, that is the fraud here. Their own evidence said it was downloading for 11 months and 8 days while in Law Enforcement custody. That is admission to evidence planting and tampering. That is obstruction of justice, manufacturing evidence. Then their own discovery evidence having no affidavit and no affidavit of any forensic specialist. Did not even comply with North Carolina forensic standards or rules. All of that was documented in the 2255 case, which was further outlined in the Hazel Atlas motions,

which again were all undisputed, and what was cited from the record of what was argued in the Certiorari petition.

15. Therefore, it is in this Court's best interest as well as in the best interest of justice of the entire country to compel a request to respond from the Counsel of Respondent. The Government should respond to Petitioner's petition for Writ of Certiorari. Innocent criminal defendants who were victims of fraud on the Court should not be sitting on a Sex Offender Registry. That itself makes the entire Sex Offender Registry as fraudulent as the cases contaminated with prosecutorial fraud. Then the entire Registry is unreliable, has no integrity, and cannot protect the public with false registrants. That is logical.

16. The Respondent had defrauded the Court, did not even care so they did not file any 21-day or 30-day responses to Petitioner's contentions. Petitioner's contentions of fraud were undisputed. Petitioner was given a Roseboro letter (as Petitioner is pro se and not a lawyer) stating in English and less legalese that if Petitioner did not respond to the Government's motion in 21 days then the Government's contentions in that motion would be undisputed and the Court may rule against Petitioner. The Roseboro letter to Petitioner had all stated the exact same type of language as in Local Rule 7.3, which would apply to all civil motions in a 2255 case. Therefore, in Petitioner's reasoning and the Roseboro Letter's reasoning, Petitioner's uncontested Hazel Atlas motions should have ordinarily been granted as part of the usual course as a matter of law.

17. Therefore, Petitioner requests that the Clerk or majority of Justices of this Supreme Court or whoever number of total Justices is necessary to request that the Respondent: United States of America to file an opposition brief or response to the Certiorari Petition. Not just some standard waiver letter. The Government cannot get away with its fraud and

depriving a criminal defendant of being permitted to completely prove his Actual Innocence. Petitioner should not be blocked from proving factual innocence while the United States of America maintains and protects its own frauds in the record for life.

18. Therefore, Petitioner requests from the counsel of the Respondent: Elizabeth B. Prelogar, Esquire, who is the Solicitor General that they respond to the uncontested fraud arguments and Actual Innocence claims in the Petition for the Writ of Certiorari. So that the Petitioner can file his reply brief and prove to this Court that the record supports granting the Writ of Certiorari. That the interest of justice supports granting the Writ of Certiorari. That this Court's best interest is preserving their holdings under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). It is best that this Court preserve its original holdings concerning the issues and remedies to deter fraud being perpetuated on the Court by an Officer of the Court.

19. The U.S. District Court and Court of Appeals are ignoring and/or erasing this Court's holdings under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). There are likely other cases ruled as law by this Supreme Court that all Federal Courts must vacate its fraudulent begotten judgments when proof of clear and convincing evidence shows that an officer of the Court had defrauded the Court to obtain favorable judgment(s). That the officer of the Court had deceived the Court, and prejudiced the other party or parties of a case with its fraud. That it contaminates the Court's judicial Machinery, where it threatens the integrity and credibility of a Court when claiming to make any sound judgments. How can a lower Court just decide to overwrite the Supreme Court and make decisions, which are completely contrary to this Court's holdings under the Law?

20. The Government cannot get away with its fraud and depriving a criminal defendant of being permitted to completely prove his Actual Innocence, which would reveal the entire fraudulent prosecution on public record. Petitioner should not be blocked from requesting that the Court rightfully exercises its inherit or implied powers of a Federal Court to deter fraud, and to deter deceit upon its own record as outlined in *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

21. That the interest of justice nationwide supports granting the Writ of Certiorari. That this Court's best interest is preserving their holdings under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). It is best that this Court preserve its original holdings concerning that regardless of whether this is a criminal and civil case, that it is a Court's duty to provide legal safeguards against fraud being perpetuated on the Court by an officer of the Court. A Court cannot just allow fraud on its record and not do anything about it as it will contaminate the Judicial Machinery and destroy its own integrity. For the interest of justice by keeping the District Court's integrity, the Respondent should answer for the claims made in the Petition for Writ of Certiorari. That way Petitioner can file his reply and make a showing to this Court that Certiorari need to be granted as necessary for justice and public safety.

There can be no resolution favorable to justice and law unless this Supreme Court intervenes.

It is clear that this Motion for Leave of Court should be granted to request that this Supreme Court issue a request for opposition brief or response; or compel the Government to respond to Petitioner's petition with an opposition brief or response brief.

### III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the majority of Justices in this Court grant this Motion for Leave of Court and compel or request a response from the U.S. Solicitor General as counsel of record for Respondent. For the foregoing reasons, Petitioner respectfully requests that the majority of Justices in this Court grant this Motion and delay the distribution of the Petition for Writ of Certiorari until the Government aka the United States of America, the Respondent in this case file a proper response or opposition brief.

*II*

DATED this 6th day of November, 2021.

Respectfully submitted,



Brian D. Hill

Brian David Hill

Pro Se Petitioner

Ally of QANON and General Flynn

Former USWGO Alternative News Reporter

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# JOINT APPENDIX

JA = Joint Appendix in Motion

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Ally of QAnon – Justice – God – Jesus – No Corruption

OFFICE OF USWGO,  
Brian D. Hill

November 2, 2021

Hon. Scott S. Harris, Clerk  
Supreme Court of the  
United States  
1 First Street N.E.  
Washington, DC 20543

**Re: *Brian David Hill, Petitioner,  
v. United States, No. 21-6037***

Dear Mr. Harris,

In Response to the U.S. Solicitor General's office filing a Waiver of right to respond unless the Court requests a response as stated in the waiver letter dated October 25, 2021. The Petitioner in the above-captioned case respectfully requests that the Court delay distribution of the Petition for Writ of Certiorari in the above-captioned case to the Justices; and request or order a response from the Attorney for Respondent for the Party: United States of America.

The acting United States Solicitor General Brian H. Fletcher, Esquire had filed on record that they are the counsel of record, which represents the Respondent: United States of America in the case for the Petition for Writ of Certiorari, the instant case. They are essentially filing the formalized automated yet formal waiver letter (the "standard waiver letter") with many Certiorari petitions and Mandamus petitions to make it appear that Petitioner's petitions are insignificant to make it appear that the Petition should be denied as per the usual procedure with a majority of Certiorari petitions.

The copies of the Petition were scheduled for distribution to the Conference set for the date of Friday, November 12, 2021. Petitioner again requests two things from the Clerk's Office of the Court, under

Rule 15.5 and any other applicable rule. First of all: Petitioner would like the distribution to the Conference delayed until the United States responds to the Certiorari Petition, since they agreed to do so if requested by this Court from their waiver letter. If the Petitioner has to file a Motion for Leave of Court to request that this Supreme Court request or compel the Government to respond to Petitioner's petition with an opposition brief; then Petitioner needs an additional 14 or 21 days to file such a motion. That is if required by the Rules of this Court. Second of all: Petitioner wishes the Government to file an opposition brief or proper response instead of the standard waiver letter which is exactly the same as some automated formal letter mailed by the staffers of the members of the U.S. Congress who do not wish to respond personally to constituents. Yes, The same automated formal letter when they don't actually write a personalized response but simply some template created type formal letter by staffers mailed to many constituents but does not actually have any personalized response. It is exactly that, a standard formal letter by the Government acting as though this case is insignificant to be denied without an opinion as with many Certiorari petitions. Petitioner is NOT stupid. Petitioner is aware that the Government is trying to throw the Petition for this case under the bus like so many others, like nobody matters to the Corrupt U.S. Attorney Offices.

Petitioner has compelling reasons why the Government should in fact file an opposition brief or response, so that if the Petitioner catches the Government in any falsehoods or wrongful legal arguments, then Petitioner can file a reply (Petitioner plans on filing a reply to any opposition brief) again asserting why Certiorari should be granted in the above-captioned case.

First reason, the U.S. District Court had inappropriately denied Petitioner's uncontested motions all alleging that the Respondent had defrauded the U.S. District Court and contaminated its Judicial Machinery with lies and falsehoods. With evidence contradictory to the Government's own alleged facts. The U.S. District Court had mislabeled that the uncontested motions were not properly filed as 2255 motions because they were filed in a pending 2255 case before it was dismissed and the Court never acted upon those uncontested motions. The Court should not have mislabeled or misconstrued the Hazel Atlas Motions in the pending 2255 case as inappropriately filed 2255 motions not in the right form. This contradicts it's Local Rule 7.3 and contradicts the inherit powers of the Court under this Court's holding under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

This Certiorari petition is Petitioner's only remedy left in regard to his Constitutional rights under *Chambers v. Nasco*; *Hazel-Atlas*

Glass Co. v. Hartford-Empire Co.; to prove fraud was perpetuated upon the Court by an officer of the Court which was Respondent: United States of America. No remedy is left if the Petition is not granted. Fraud would be allowed without any means to challenge it.

The Respondent had defrauded the Court, did not even care so they did not file any 21-day or 30-day responses to Petitioner's contentions. Petitioner's contentions of fraud were undisputed. Petitioner was given a Roseboro letter (as Petitioner is pro se and not a lawyer) stating in English and less legalese that if Petitioner did not respond to the Government's motion in 21 days then the Government's contentions in that motion would be undisputed and the Court may rule against Petitioner. The Roseboro letter to Petitioner had all stated the exact same type of language as in Local Rule 7.3, which would apply to all civil motions in a 2255 case. Therefore, in Petitioner's reasoning and the Roseboro Letter's reasoning, Petitioner's uncontested Hazel Atlas motions should have been granted as part of the usual course as a matter of law.

Petitioner had proven that as outlined in the Petition for Writ of Certiorari. The record on appeal will prove this as outlined in the Petition for Writ of Certiorari.

It is fact that Petitioner had filed under Document #169 in the 2255 case, uncontested claims that Respondent had defrauded the entire Court. That the criminal prosecution was entirely fraudulent.

It said in page 28 of the Petition for Writ of Certiorari a citation of Document #169 and I quote: *"...a false confession caused by my Autism because of the way I was interrogated. 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 criminal Judgment of guilty on November 12, 2014 was a fraudulent Judgment based upon fraud on the Court."* That itself was uncontested, undisputed. As Petitioner was incarcerated at the time, that letter was hand written and the case laws were properly cited in that letter. That letter would be considered both a pro se brief and motion with proper citations of the law. Everything claimed in the Petition for Writ of Certiorari is well grounded, prima facie, unless proven otherwise. Uncontested motions are normally honored in Federal Courts, which implement the proper rules before their respectable Courts. Petitioner had proven fraud and the Respondent had not contested the proof, had not contested Petitioner's contentions. Petitioner was allowed to review over the criminal case discovery materials after he had

falsely plead guilty. He was allowed to review over this discovery evidence with his family on January 22, 2015. That itself sounds ridiculous when Petitioner was coerced to falsely plead guilty before fully reviewing over the discovery evidence materials. Which was why Petitioner had made such claims in Document #169, again, nevertheless that motion was never contested at all. Never disputed. It is pure and simple; Respondent had defrauded the Court and never even disputed any of it when argued by Petitioner on the record.

Respondent defrauded the Court, Respondent should not be allowed by this Supreme Court to simply get away with this fraud by simply filing some standard waiver letter so that Petitioner's petition is just denied like hundreds of other Certiorari petitions. Petitioner's petition has a lot at stake here; Petitioner cannot let this go without at least a proper response from Respondent.

The fraud is so bad that Petitioner had mailed evidence in 2017 and had texted messaged evidence to Roger Stone, the former U.S. President Donald Trump's confidant and friend. Roger Stone had reviewed over enough pleadings in the Petitioner's criminal and civil case being appealed to this Supreme Court from the Fourth Circuit. Roger Stone was compelled that Petitioner was being given a repeated pattern of miscarriages of justice and frauds being perpetuated on the Court without right or remedy. Petitioner almost succeeded by use of the uncontested motions argument and Roger Stone was supposed to disseminate that evidence to President Trump in January of 2021 or December of 2020 in order to ask Donald Trump to grant Brian David Hill a full unconditional pardon. That had failed when Roger Stone was able to get Brian's innocence evidence and fraud information proof to the President or his White House counsel but had condensed the list and Brian David Hill's name was not in the final list of pardoned individuals. Brian may never be able to be this close to getting a full pardon from the President of the United States ever again. The Department of InJustice is corrupt and they (Corrupt Pardon Attorney) will never recommend granting Brian Hill a full unconditional pardon despite the Government defrauding the court repeatedly and getting away with it.

This Petition for Writ of Certiorari is all Brian has left for remedy other than begging President Joe Biden in the future for years and years for a full unconditional pardon, which Petitioner will likely never get. All because the Corrupt Pardon Attorney will never recommend that Brian Hill be given a reprieve or pardon. Petitioner must insist that this Supreme Court request a response from the Respondent in this case.

The U.S. District Court and Court of Appeals are ignoring and/or

erasing this Court's holdings under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). There are likely other cases ruled as law by this Supreme Court that all Federal Courts must vacate its fraudulent begotten judgments when proof of clear and convincing evidence shows that an officer of the Court had defrauded the Court to obtain favorable judgment(s). That the officer of the Court had deceived the Court, and prejudiced the other party or parties of a case with its fraud. That it contaminates the Court's judicial Machinery, where it threatens the integrity and credibility of a Court when claiming to make any sound judgments. How can a lower Court just decide to overwrite the Supreme Court and make decisions, which are completely contrary to this Court's holdings under the Law?

The Government did not contest the fraud allegations that U.S. Probation Officer Kristy L. Burton had lied under oath in a Supervised Release Violation final hearing, which is perjury. The Government did not contest the fraud allegations that they forced Petitioner to falsely plead guilty or face 20 years in prison with ineffective counsel to cover up their fraudulent prosecution. According to the Government's own discovery evidence paperwork, claiming that for 11 months and 8 days supposedly illegal files were downloading to Petitioner's computer when not in Petitioner's custody on the record. The Certiorari petition and the record all support this claim. They had 21-days or 30-days (summary judgment motions) to respond to a motion under Local Rule 7.3 of the Court. They never disputed Petitioner's contentions of fraud. Petitioner is entitled to relief no matter what the Respondent argues in its reasoning, in its arguments, and in its own defense. Even after Petitioner falsely plead guilty due to coercion from the ineffective counsel all documented in the record of the 2255 case and the Hazel Atlas motions which were uncontested, the Pre-Sentence Report acknowledged Petitioner had no victims. The report admitting that the so-called supposed child pornography was of an unknown series, which contradicts the claim of the police detective Robert Bridge of Reidsville, NC of files being downloaded from eMule, which were known to him. They would not admit any of this until after Petitioner had falsely plead guilty to bolster their successful fraudulent prosecution. So the Government should be compelled or requested to respond to all of the proven uncontested, undisputed contentions of fraud which had been perpetuated upon the U.S. District Court by the party: United States of America, and that fraud carried on to the United States Court of Appeals for the Fourth Circuit. The United States Court of Appeals for the Fourth Circuit was prejudiced by that fraud and allowed this fraud to be kept protected, and to protect the fraud from ever being challenged. This is a terrible form of prejudice and bias caused by the fraud and deceit of the Respondent.

Respondent defrauded the Court. They know that they did. That is why the Respondent did not contest the Petitioner's motions under "Documents #169, #199, #206, #217, and #222" (page 12 of Certiorari Petition). It is because they had the discovery evidence; it came directly from the Government, and directly from the U.S. Attorney Office aka the Government. The same evidence fully reviewed by Petitioner after he had no choice but to falsely plead guilty, that is the fraud here. Their own evidence said it was downloading for 11 months and 8 days while in Law Enforcement custody. That is admission to evidence planting and tampering. That is obstruction of justice, manufacturing evidence. Then their own discovery evidence having no affidavit and no affidavit of any forensic specialist. Did not even comply with North Carolina forensic standards or rules. All of that was documented in the 2255 case, which was further outlined in the Hazel Atlas motions, which again were all undisputed, and what was cited from the record of what was argued in the Certiorari petition.

Therefore, it is in this Court's best interest as well as in the best interest of justice of the entire country to compel a request to respond from the Counsel of Respondent. The Government should respond to Petitioner's petition for Writ of Certiorari. Innocent criminal defendants who were victims of fraud on the Court should not be sitting on a Sex Offender Registry. That itself makes the entire Registry as fraudulent as the cases contaminated with prosecutorial fraud. Then the entire Registry is unreliable, has no integrity, and cannot protect the public with false registrants.

Therefore, Petitioner requests that the Clerk of this Supreme Court request the Respondent: United States of America to file an opposition brief or response to the Certiorari Petition. Not just some standard waiver letter. The Government cannot get away with its fraud and depriving a criminal defendant of being permitted to completely prove his Actual Innocence, which would reveal the entire fraudulent prosecution on public record. Petitioner should not be blocked from requesting that the Court rightfully exercises its inherit or implied powers of a Federal Court to deter fraud, and to deter deceit upon its own record as outlined in *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

Therefore, Petitioner requests from the counsel of the Respondent: Brian H. Fletcher, Esquire, which is the acting Solicitor General that they respond to the uncontested/undisputed fraud arguments and a few mentioning of Actual Innocence claims in the Petition for the Writ of Certiorari. So that the Petitioner can file his reply brief and prove to this Court that the record supports granting the Writ of Certiorari. That the interest of justice nationwide supports granting the Writ of Certiorari. That this Court's best interest is

preserving their holdings under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). It is best that this Court preserve its original holdings concerning that regardless of whether this is a criminal and civil case, that it is a Court's duty to provide legal safeguards against fraud being perpetuated on the Court by an officer of the Court. A Court cannot just allow fraud on its record and not do anything about it as it will contaminate the Judicial Machinery and destroy its own integrity. For the interest in justice by keeping the District Court's integrity, the Respondent should answer for the claims made in the Petition for Writ of Certiorari. That way Petitioner can file his reply and make a showing to this Court that Certiorari need to be granted as necessary for justice and public safety.

Petitioner will direct Roberta Hill ([rbhill67@comcast.net](mailto:rbhill67@comcast.net)) on the same day of this letter to email/contact Brian H. Fletcher, Esquire ([SupremeCtBriefs@USDOJ.gov](mailto:SupremeCtBriefs@USDOJ.gov)), Counsel for Respondent, and Petitioner will also mail a copy (*in a prepaid envelope mailed, though Petitioner has limited resources due to living off of his Supplemental Security Income disability*) of this letter to Brian H. Fletcher, Esquire. Petitioner is not aware of whether counsel for the Respondent opposes, supports, or has any other position as to this letter. Therefore, the Clerk can directly request a response from the Respondent's counsel. Petitioner will direct Roberta Hill to mark the email with read receipt request to confirm instant receipt.

Petitioner does request that this letter be placed on the Supreme Court's public docket in PDF Format for case no. 21-6037 and send a mailing acknowledging receipt of this letter. Thank You for your time and attention to this matter. God bless you.

DATED this 2nd day of November, 2021.

Respectfully submitted,

  

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**Brian D. Hill**

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Pro Se  
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