

No.22-6123

In The
Supreme Court Of The United States

BRIAN DAVID HILL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent,

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

PETITION FOR REHEARING

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Dated: January 31, 2023



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Petition for Rehearing

Pursuant to Supreme Court Rule 44.2, Brian David Hill (“Petitioner”) hereby petitions this Court for rehearing of its January 9, 2023 Order denying the Petition for Writ of Certiorari.¹

Rehearing is needful because of the unique procedural posture here, which the Fourth Circuit neglected to resolve the issues of deciding a valid interlocutory appeal issue with an order of remand — but instead wrongfully dismissed the consolidated appeals of the District Court’s ORDER denying both the Petitioner’s motion for a Special Master and the Petitioner’s uncontested Motion for RECONSIDERATION of the order denying Petitioner’s motion for a Special Master, despite Petitioner proving the credibility of Attorney L. Lin Wood. Petitioner had proven that in the record of the case and in the references to the record made in the Petition for the Writ of Certiorari. Lin Wood is credible. The U.S. Attorney had plenty of opportunity to attempt to impeach or try to discredit the claims made by Attorney Lin Wood, but they did not. Instead, a single U.S.

¹ Petitioner is concurrently filing a motion pursuant to 28 U.S.C. § 455 for review and disqualification of any Justices with actual or perceived conflicts of interest with the alleged blackmail scheme due to new evidence of Evan Neumann and Pete Santilli corroborating the claims made by Attorney L. Lin Wood and the arguments made by Petitioner in EMERGENCY APPLICATION asking for recusal from John Roberts.

Magistrate Judge denied those motions for relief, and this Magistrate Judge is under the authority and guidance of possibly blackmailed or compromised Chief Judge Thomas David Schroeder. Wrongfully denying motions for relief where a Special Master would be warranted to resolve the issues laid by Petitioner in both his 2255 Motion and in his request for a Special Master. The Chief Judge should not be over the very case where Petitioner was alleging his fears that the Chief Judge may or may not be blackmailed until after all alleged blackmail videos of child rape and murder were to be reviewed over by a judicial official not accused of being in possibly one of those alleged videos. So, a Special Master was needed to determine if Chief Judge Thomas David Schroeder was in any of those videos.² (Disclaimer: Link obtained by family)

Rule 44.2 does limit a Petition for Rehearing to grounds limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

John Roberts clearly had a conflict of interest in this case, both inside the record of the U.S. District Court and inside the record of the U.S. Court of

² The motion addressing disqualification was filed by Petitioner after reading Chief Justice Roberts' year-end report addressing federal judges not recusing themselves from cases where they had a financial conflict of interest. See Roberts, J. 2021 Year-End Report on the Federal Judiciary, U.S. Supreme Court (December 31, 2021). <https://www.supremecourt.gov/publicinfo/year-end/2021year-endreport.pdf>.

Appeals for the Fourth Circuit appealed therefrom, and outside of the record concerning John Roberts himself being in non-compliance with 28 U.S. Code § 455. Rehearing is warranted because Chief Justice John Roberts did not recuse himself from the case after multiple pleadings giving him multiple chances in asking him to do such to comply with that federal law.

RELEVANT FACTUAL BACKGROUND

A. Issues of disqualification in Supreme Court

1. Brian David Hill filed an “EMERGENCY APPLICATION TO CHIEF JUSTICE JOHN ROBERTS TO RECUSE HIMSELF FROM ALL PROCEEDINGS INVOLVED IN CERTIORARI PETITION CASE”, and the Clerk labeled this pleading a “Request for recusal received from petitioner” on the public docket. It was filed on November 21, 2022. Chief Justice John Roberts did not recuse himself the first time he was asked to voluntarily do so.

2. Brian David Hill filed an “EMERGENCY MOTION FOR REVIEW AND DISQUALIFICATION OF AFFECTED HONORABLE CHIEF JUSTICE JOHN ROBERTS WITH ACTUAL OR PERCEIVED CONFLICTS OF INTEREST”, and the Clerk labeled this pleading a “Supplement to recusal filed” on the public docket. It was filed on December 06, 2022. Brian Hill called deputy Clerk Clayton Higgins, and Higgins confirmed that this emergency motion and the other emergency motion was distributed to the chambers, and Higgins had confirmed such by leaving a voicemail on

December 7, 2022. That EMERGENCY Motion to all justices was also ignored by Chief Justice John Roberts. So, for the second time Roberts did not recuse himself when an emergency motion was filed with all nine justices to compel recusal as federal law required disqualification but Roberts failed to comply with 28 U.S. Code § 455.

3. Brian David Hill filed an “EMERGENCY MOTION FOR RESPONSE FROM RESPONDENT: UNITED STATES OF AMERICA IN CERTIORARI CASE”, and the Clerk did not upload this to the public docket. It is assumed by Petitioner that this emergency motion was on the shadow docket or case files of case no. 22-6123 by case analyst Clayton Higgins. It was filed on December 06, 2022, Petitioner assumes as it was filed on the same day as the emergency motion for recusal. Brian Hill called deputy Clerk Clayton Higgins, and Higgins confirmed that this emergency motion was distributed to the chambers, and Higgins had confirmed such by leaving a voicemail on December 7, 2022. That EMERGENCY Motion to all justices was also ignored by Chief Justice John Roberts. This one did not request recusal but simply asked the Supreme Court to compel that the U.S. Solicitor General respond to Petitioner’s filed Petition for the Writ of Certiorari, since Petitioner feels that they should not have gotten away with filing its usual procedure of “WAIVER” of responding unless the Court had ordered them to do so. So, Petitioner requested that the Supreme Court order the Respondent to respond to the Petition.

B. District Court.

4. The U.S. District Court had disregarded the claims by Attorney L. Lin Wood and Petitioner's concerns as to why he requested a Special Master as merely "delusional" and "frivolous". See Joint Appendix page 6 (JA 6) of the Petition for the Writ of Certiorari. Petitioner had in one of the grounds in his 2255 Motion that the judge ignored all evidence favorable to him, in deprivation of due process of law, in the U.S. Constitution. See Doc. #291, pages 25-26; Document #292 pages 173-178:

CITATION of Doc. #291, pages 25-26 and Document #292 pages 173: "GROUND X - FILED EVIDENCE NOT TAKEN INTO CONSIDERATION AT TRIAL ON SEPTEMBER 12, 2019; WITNESSES FILED WITH THE COURT DIRECTLY MATERIAL TO THE TRIAL WERE NOT CALLED FOR TO TESTIFY AT TRIAL ON SEPTEMBER 12, 2019; FILED AFFIDAVITS NOT TAKEN INTO CONSIDERATION AT TRIAL; VIOLATION OF DUE PROCESS CLAUSE OF U.S. CONSTITUTION, DEPRIVATION OF CRIMINAL DEFENDANT'S DUE PROCESS RIGHTS UNDER THE CONSTITUTION"

5. The District Court had been ignoring evidence for years, anything favorable to the Petitioner was ignored. The Petitioner's evidence was never legally tried as to its credibility, admissibility, and compliance under the Federal Rules of Evidence before being admitted or denied. Instead, the evidence was ignored and the judge treated any evidence as if it didn't exist except evidence favorable to the United States of America aka the U.S. Government by and through its corrupt lawyers at the U.S. Attorney Office for the Middle District of North Carolina. The indications of a judge violating due

process of law repetitively as if it were commonplace in his courtroom, would bring good indication that the judge is working for the other side, that the judge is not impartial, that the judge is not independent, and that the judge is inherently biased and exacts the prejudice of the U.S. Government. All in sheer non-compliance with 28 U.S. Code § 455. Petitioner has plenty of good reasons to suspect the judge involved in his criminal case may have been blackmailed with child rape and murder or of any crime once an attorney starts speaking up on a public platform and says the following:

CITATION of Page 25 of Petition for Writ of Certiorari:

Citation of Document #301-3, pgs. 3, 5, 6 (JA 11-14):

“Dear L. Lin Wood, This is in reference to YOUR tweets. My family took screenshots and gave them to me to use as reference in this EMERGENCY LETTER. These are YOUR tweets. Here they are:”

“@LLinWood

The blackmail targets are approached with a gun, a child, & a camera. The target is ordered to rape the child on video. The target is then ordered to shoot the child on video. The target is then owned & controlled by the blackmailers until blackmail evidence loses Its value.

2122 AM - Jan 4, 2621 - Twitter for iPhone

34.7K Retweets 4.4K Quote Tweets 75.3K Likes”

(Citation omitted, onto next reference from another page)

“@LLinWood

Many issues in our world may be tied to blackmail scheme I described tonight, including bizarre behavior of officials & judges in recent election.

@realDonaldTrump must appoint special prosecutor to thoroughly investigate. We need answers. We must investigate. For the children.

4:04 AM «Jan 4, 2021 - Twitter for iPhone

31.5K Retweets 1.4K Quote Tweets 95.5K Likes”

6. Usually when you are a high-profile person such as an attorney, then you start making claims of the Chief Justice or of anybody in government positions raping children on videotapes, the police or FBI is usually called to validate your claims before a major criminal investigation, as it sounds so heinous, so horrendous, that it warrants intervention by law enforcement or by a psychiatric ward or mental hospital. This attorney had not been placed in a mental hospital and the record of the District Court had shown Petitioner filing proof that this attorney was an “Active Member in Good Standing” according to the State Bar of Georgia. See Doc. #301-2, page 2-3 in support of the Petitioner’s MOTION FOR RECONSIDERATION of the Order denying Petitioner’s motion for requesting a Special Master to review over the blackmail videos. So, an attorney who made claims of child rape and murder, saying he believes Chief Justice John Roberts was blackmailed, the whole blackmail scheme conspiracy, and yet as of the date of the filing in Document #301-2 in page 3, dated: 03/11/22 which is March 11, 2022, Lin Wood was still an “Active Member in Good Standing”. He is still an Active Member in Good Standing as of last date checked with the State Bar of Georgia on January 19, 2023. Does the District Court really have the right to simply call such a credible witness as delusional or would that be an abuse of discretion and depriving Petitioner of his constitutional right to due process of law???

C. Fourth Circuit.

7. Again, the Fourth Circuit refused to protect the Constitutional rights and legal rights of Petitioner to prevent non-compliance with 28 U.S. Code § 455. They said in their opinion:

Citation of Pages 1-3 of Joint Appendix to Petition for Writ of Certiorari

“Brian David Hill seeks to appeal the district court’s orders denying his motions for appointment of a special master and appointment of counsel, his motion to reconsider, and his motion to extend time for the Government to respond to his 28 U.S.C. § 2255 motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The orders Hill seeks to appeal are neither final orders nor appealable interlocutory or collateral orders.

8. They are appealable interlocutory orders when it concerns possibly an issue of judicial blackmail, blackmail of possibly federal judges. Attorney Lin Wood had already mentioned about Chief Justice John Roberts. Since the target of this alleged blackmail scheme mentions a “Chief Justice” position of a Court than why not a Chief Judge of the Middle District of North Carolina? There clearly should have been an investigation on all of this.

9. This same Fourth Circuit through its corrupt Judicial Council has refused to conduct its own investigation into Chief Judge Thomas David Schroeder and former Chief Judge William Lindsey Osteen Junior.³ That is because they have neglected to do their job. That is why it is important that Certiorari be granted and the decision to deny the Petition for the Writ of Certiorari be vacated. Because the Fourth Circuit had an opportunity to

³ <https://justiceforuswgo.wordpress.com/2022/01/07/u-s-fourth-circuit-judicial-council-okays-child-rape-and-murder-by-judges-in-the-federal-courts-refuses-to-even-investigate-or-subpoena-attorney-l-lin-wood-friends-of-isaac-kappy-re-lizard-squa/>; Judicial Complaints made under 28 U.S.C. Section 351, cases no. 04-21-90152, 04-21-90153; Judicial Council, Fourth Circuit (Disclaimer: Link obtained by family)

conduct its own investigation and subpoena Attorney Lin Wood for the alleged videos, and this attorney would have asked his source or sources for the encrypted blackmail videos, then use the encryption password to decrypt the blackmail videos which are encrypted, and then the judges found in the blackmail videos can be promptly disciplined for committing acts of child rape and murder, captured on videotapes. The Fourth Circuit did not. This same Fourth Circuit who seems to be okay with any judges raping and murdering children on videotapes somewhere, and refused to investigate the videos when an attorney claims such videos exist. He clearly has a source or sources with the actual blackmail videos. The Fourth Circuit doesn't care and/or seems to want to protect the identities of the alleged blackmail videos depicting child rape and murder concerning judges and officials.

D. A Rigged Judicial Process according to Petitioner's filed EMERGENCY MOTION FOR RESPONSE FROM RESPONDENT: UNITED STATES OF AMERICA.

10. There is a reason why Petitioner wanted the U.S. Government to file a response to his Certiorari Petition. Because the blackmail scheme creates the issue where if a judge can be blackmailed but the Fourth Circuit refuses to do anything about it, then it creates the issue of a "rigged judicial process".

See the filed "EMERGENCY MOTION FOR RESPONSE FROM RESPONDENT: UNITED STATES OF AMERICA IN CERTIORARI CASE".

CITATION FROM EMERGENCY MOTION distributed to the chambers of the justices, Page 8:

“When the U.S. Attorney working for the corrupt DOJ claimed they prosecuted Petitioner for being framed with child pornography under a rigged judicial system in the Middle District of North Carolina, they claimed they prosecuted Brian David Hill for child porn to protect the children under the Adam Walsh Act. What a bunch of BS (abbreviated out of respect), what a bunch of baloney when they claimed to have targeted Petitioner for being framed with child pornography under the guise of going after a alleged supposed child pornography file possessor and yet they could care less about rape and murder of children when it involved politicians and federal judges. What a joke this has become. See

”

Page 9 (Emergency Motion for Response) filed on Dec. 6, 2022: <https://archive.org/details/LeakedSbiDocsProveUswgoFramedWithChildPorn/> 10. Reason number 9. The Petitioner is entitled to answers as to why he was framed with child pornography, was given a rigged judicial process from November 25, 2013 and onwards, and still facing a rigged judicial process even today. The judicial process is rigged because the involved judges may or may not be blackmailed with child rape and murder as alleged by Attorney L. Lin Wood. Petitioner had the evidence he was innocent of child pornography. In the first 2255 case, it was brought up as fact in the 2255 filings in 2017-2018 that his PSI report said he had no victims. He has NO VICTIMS, and yet sits on a Sex Offender Registry for a crime he is innocent of because he had faced a rigged judicial process.”

Page 10 (Emergency Motion for Response) filed on Dec. 6, 2022: “...they destroyed the evidence and destroyed the North Carolina (NC) State Bureau of Investigation (SBI) supposed forensic case file report that didn’t even follow the credible strict standards of forensic procedures. The entire child porn case was a fraud and Petitioner was given a rigged judicial process since November 25, 2013.”

Page 11-12 (Emergency Motion for Response) filed on Dec. 6, 2022:

“Petitioner feels that he was being given a rigged jury trial that there were videos uploaded by his friends or family on”

“YouTube of two highly viewed videos stating in one that: “Proof that Brian D. Hill; USWGO Alt. News, is INNOCENT, being HELD HOSTAGE by Corrupt Federal Court - YouTube” and his family gave

the links of this video. <https://www.youtube.com/watch?v=GkvLiooKltY> family recorded statistics that on the date of December 1, 2022, the video had received 30,603 views. Petitioner's family also released a video entitled: "Proof that Brian D. Hill; USWGO Alt. News, was TORTURED into Falsely Pleading Guilty", and gave the link for Petitioner to use in this motion. See https://www.youtube.com/watch?v=yrLahE_2Zm4 and statistics views recorded at 44,652 views. Petitioner feels that he is being held hostage by criminal elements of the United States Government who rigged his criminal case, was going to rig his jury trial, and was rigging the entire case to be only against him and not given him equal application under the law to have equal rights under the adversarial system."

11. Petitioner has told this Court that he felt that he wasn't given due process of law at all throughout his entire criminal case. That is a very serious allegation of misconduct without even needing to bring up blackmail as the reason why. It is clear that something is going wrong at the U.S. District Court and in the Fourth Circuit involving Brian David Hill.

12. Petitioner is more confident in believing that the judicial system is rigged against him since the Petition for the Writ of Certiorari was denied. Prior to this case under 22-6123: Petitioner had filed six different petitions in the Supreme Court along with three petitions for rehearing in three of those cases, all of them were denied. See denied cases no. 19-8684, 20-6864, 20-7763, 21-6038, 21-6037, 21-6036. Petitioner isn't getting anywhere. All he ever has received is denied, denied, denied, affirmed, affirmed, affirmed. No wonder why he

suspects blackmail of judges when all he does is lose all of the time. The judicial system didn't used to be like this. Due process of law is eroding for criminal defendants if it even exists anymore.

E. The General Public's concern as to Chief Justice John Roberts refusing to recuse himself before taking part of the decision to DENY the Petition for the Writ of Certiorari, that John Roberts is not complying with the requirements of disqualification pursuant to 28 U.S. Code § 455

The informed members of the general public are concerned with the fact that Petitioner's filed Petition for the Writ of Certiorari was DENIED on January 9, 2023. That is because of the multiple pleadings filed in this case before this Supreme Court asking for recusal under the requirements of federal law pursuant to 28 U.S. Code § 455. Not complying with this law creates the impression that the law of 28 U.S. Code § 455 is meaningless, that Justices of the Supreme Court do not have to comply with any federal laws at all including 28 U.S. Code § 455. If John Roberts does not have to comply with 28 U.S. Code § 455, then no Justice has to follow any law. This distorts the people's view of the highest court of the United States of America. The Federal Courts have become courts of lawlessness is what Americans may dub it, if federal laws which are constitutional are not being followed. All Justices have sworn to protect and defend the Constitution of the United States.

Chief Justice John Roberts has violated his oath of office. Here is the oath which John Roberts had sworn to.

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

"I, _____, do solemnly swear or affirm that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

He again sworn an oath to: "I will faithfully and impartially discharge and perform all the duties incumbent upon me", and it said the words "impartially". A Justice is not acting impartial when he presides in a case where he was personally named as one of the suspected individuals being blackmailed according to Attorney Lin Wood. Petitioner was trying to be nice about this and gave him the benefit of recusing himself voluntarily, and letting him know of his right to remain silent and the presumption of innocence. He should not preside over a case which appeals a decision which can personally affect himself. John Roberts likely moved and likely influenced to have Certiorari DENIED in this case because it benefited John Roberts. Theoretically if Certiorari was granted and remanded back to the

Fourth Circuit to order and remand granting Motion for a Special Master. Let's say if the appeal were successful and the Special Master started an investigation into the blackmail videos with paralegals and investigators to assist, they may find John Roberts in one of the blackmail videos, that would hurt John Roberts if he allowed the Petition for the Writ of Certiorari to be granted. It would hurt his life to grant Certiorari because of Attorney Lin Wood claiming that he believed Chief Justice John Roberts was in one of those videotapes. See page 8 of "APPENDIX TO EMERGENCY MOTION FOR REVIEW AND DISQUALIFICATION OF AFFECTED HONORABLE CHIEF JUSTICE JOHN ROBERTS WITH ACTUAL OR PERCEIVED CONFLICTS OF INTEREST". It is clear that it benefited Roberts personally for denying Certiorari petition. By law he clearly should have disqualified himself from the proceedings aka recuse himself. He clearly was not in compliance with the law. This will make him appear possibly to look more guilty in the eyes of the American people, where he benefited himself over the eyes of the law. This is clearly unconstitutional.

CONCLUSION

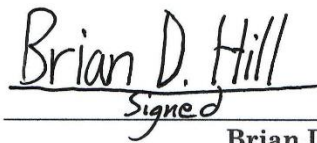
For the foregoing reasons, Petitioner respectfully requests rehearing in order to provide clarity and for the efficient administration of justice, and in respect of the greatest possible rights of the Petitioner including his right to Due Process of Law, his right to both procedural and substantive

due process of law. Petitioner requests vacatur of the previous order denying Petition for the Writ of Certiorari, compel the U.S. Government to respond by granting “EMERGENCY MOTION FOR RESPONSE FROM RESPONDENT: UNITED STATES OF AMERICA IN CERTIORARI CASE”, and grant Certiorari.

II

DATED this 31st day of January, 2023.

Respectfully submitted,



Brian D. Hill
Signed

Brian D. Hill

Brian David Hill

Pro Se Petitioner

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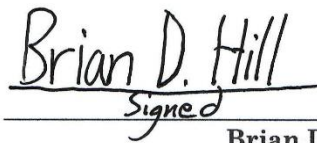
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CERTIFICATE OF COUNSEL/PRO SE FILER

Pursuant to Rule 44.2, Counsel/Petitioner certifies that this Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Counsel certifies that this Petition is presented in good faith and not for delay.

Respectfully submitted,



Brian D. Hill
Signed

Brian D. Hill

Brian David Hill

