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EMERGENCY PETITION FOR WRIT OF ERROR CORAM NOBIS

and Alternative § 2255 Motion to Vacate

WITH MOTION FOR EXPEDITED 24-HOUR RESPONSE

v3 · FINAL · malicious-prosecution framing · Brady + Napue + O'Connor additions · KIDNAPPING count · Toscanino divestiture · humanitarian urgency · NEVER-RELEASED-FROM-CANADA facts

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

FRANCESCO GIOVANNI LONGO, Petitioner (Pro Se),

v.

UNITED STATES OF AMERICA, sole Respondent (see § I ¶ 1.4 *infra* on individual actors),

Original Case No.: 8:05-cr-263-T-17MSS · Original Judgment: February 14, 2007 · Petition filed: April 23, 2026

New Case No.: _____ (to be assigned)

I. NATURE OF THIS PETITION

1.1 Petitioner Francesco Giovanni Longo, proceeding pro se, files this **Petition for Writ of Error Coram Nobis** under the All Writs Act, 28 U.S.C. § 1651(a), and, in the alternative, a **Motion to Vacate, Set Aside, or Correct Sentence** under 28 U.S.C. § 2255, together with a **Motion for Expedited 24-Hour Response** pursuant to Local Rule 3.01(f) and the Court's inherent authority.

1.2 **THIS IS NOT A WRONGFUL-CONVICTION CLAIM.** The Petitioner does not plead that his 2007 conviction was the product of a well-intentioned mistake. He pleads, and can prove, that the conviction was the product of a **deliberate, coordinated, multi-decade malicious prosecution** marked by fabrication of evidence, presentation of knowingly false testimony, suppression of exculpatory material, the use of a phantom judicial signatory, a warrant that post-dated no completed offence but pre-dated any alleged offence, and a retroactive fabrication of Canadian police records as late as 2021–2022 to paper over the underlying fraud. **The prosecution itself was the crime.** The framework of this Petition is therefore *malicious prosecution and fraud upon the Court*, not *miscarriage of justice*. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245-46 (1944); *McDonough v. Smith*, 588 U.S. 109 (2019).

1.3 The Petition establishes, by newly discovered and previously concealed evidence, that Petitioner's 2007 conviction in Case No. 8:05-cr-263-T-17MSS was procured through:

- (a) **A warrant issued 69 days before the alleged offence** (pre-crime warrant);

- (b) **A warrant signed by a Deputy Clerk, not a judicial officer** (4th Amendment violation);
- (c) **Affidavits faxed before the oath was sworn** (perjury and fabrication);
- (d) **Testimony from a DEA “expert” who had not earned his qualifying degree** at the time he testified (Glenn Dutton — degree 2013, testimony 2006–2007);
- (e) **Documents signed by a “Judge John Kabakovich”** who does not exist in any United States judicial directory, any Florida Bar roll, or any court historical roster;
- (f) **Post-conviction fabrication of an RCMP record** dated to a day Petitioner was in Windsor Jail (Case #94545), manufactured between May 2021 and May 2022 after Petitioner requested his records;
- (g) **Suppression, by the prosecution team, of all of the foregoing** from defense counsel at and around the time of trial — an independent ground for relief under *Brady v. Maryland*, 373 U.S. 83 (1963);
- (h) **The knowing presentation of false evidence and false testimony** by the prosecution, in violation of *Napue v. Illinois*, 360 U.S. 264 (1959), and *Giglio v. United States*, 405 U.S. 150 (1972).

1.4 **Why only the United States is named as a Respondent.** A writ of error coram nobis attacks a *judgment of conviction*, and the only proper Respondent on such a writ is the sovereign that obtained the judgment — here, the United States of America. The individual actors particularized in §§ IV and V below — Glenn Dutton, William Lintz, Mark O’Brian, “Preston,” the phantom “Judge John Kabakovich,” Deputy US Marshals John Does 1-2, FBI John Doe-1, David Littlefield, Billy Womack, and Richard MacCheyne — are **not** Respondents on this Petition. Each is or will be separately named as a defendant in the parallel civil action under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and 42 U.S.C. § 1985(3), filed contemporaneously in this Court and in parallel federal districts (the SDFL, DDC, and EDVA) as particularized in the concurrent pleading **BIVENS_MASTER_USDC**. This Petition therefore preserves the traditional coram-nobis posture while the companion action secures damages relief against the individual wrongdoers.

1.5 Each defect identified above, standing alone, voids the conviction **ab initio**. Collectively, they constitute fraud upon the Court of the gravest kind contemplated in *Hazel-Atlas*, 322 U.S. at 245-46. Petitioner has served 78 months of imprisonment, been deported to Canada (2011), and remains under the collateral consequences of a void conviction — including inability to enter the United States, reputational harm, ongoing surveillance, and documented state-sponsored retaliation including the July 10, 2025 prison-file-swap attempted-murder plot (see Exhibit I).

1.6 **Humanitarian urgency — family.** Petitioner’s brother, Luke Longo, is currently being treated for cancer in Windsor, Ontario, Canada. Petitioner is barred from entering the United States to visit family members (including US-resident relatives). The bar is a direct collateral consequence of the conviction this Petition seeks to vacate. Every day of delay is a day Petitioner loses with a sibling whose prognosis is contingent on treatment response. Petitioner respectfully requests that this urgency be treated as a substantive ground for the requested expedited treatment.

II. JURISDICTION AND VENUE

2.1 **Jurisdiction** is conferred by the **All Writs Act**, 28 U.S.C. § 1651(a), and by 28 U.S.C. §§ 2241 and 2255.

2.2 Petitioner is no longer in federal custody. Traditional § 2255 relief requires “custody.” Accordingly, the **writ of error coram nobis** is the proper vehicle under *United States v. Morgan*, 346 U.S. 502 (1954), reaffirmed by the Eleventh Circuit in *United States v. Mills*, 221 F.3d 1201 (11th Cir. 2000) and *Peter v. United States*, 6 F.3d 1460 (11th Cir. 1993).

2.3 **Venue** is proper in this Court because the judgment of conviction Petitioner attacks was entered in this Court, in accordance with *Barnickel v. United States*, 113 F.3d 704, 706 (7th Cir. 1997): coram nobis must be filed in the court of conviction.

2.4 Petitioner is a citizen of Canada, currently residing at Windsor, Ontario, Canada. He appears pro se and has been unable to secure counsel, a fact which is itself evidence of systemic obstruction and is pleaded as such.

III. STANDARD FOR CORAM NOBIS RELIEF

3.1 The writ of error coram nobis may issue where the petitioner establishes: **(a)** that the petition asserts an error of the most fundamental character; **(b)** that no other remedy is available; and **(c)** that sound reasons exist for failure to seek relief earlier. *United States v. Peter*, 310 F.3d 709, 712 (11th Cir. 2002); *Mills*, 221 F.3d at 1203.

3.2 Petitioner satisfies each element:

(a) Error of the most fundamental character. A pre-crime warrant, a warrant unsigned by any judge, a phantom signatory, a perjured “expert,” a falsified RCMP record, and the prosecution’s suppression of each of the foregoing — these are not procedural irregularities. They are the total absence of lawful authority compounded by knowing, deliberate deception. *Hazel-Atlas*, 322 U.S. at 245-46 (“tampering with the administration of justice... involves far more than an injury to a single litigant”).

(b) No other remedy available. Section 2255 relief requires custody. Petitioner was released in 2011 and deported. The collateral consequences of his conviction are ongoing and substantial. Coram nobis is the sole remaining vehicle. *United States v. Denedo*, 556 U.S. 904 (2009).

(c) Sound reasons for delay. The most decisive piece of newly discovered evidence — the fabricated RCMP record dated to February 22, 2006 — did not exist in any form accessible to Petitioner until it was manufactured between May 2021 and May 2022. Petitioner’s May 2021 RCMP records request returned a CLEAN record; his May 2022 request returned the fabricated entry. Petitioner could not have sought this relief earlier because the evidence of the fabrication did not come into existence earlier. He has pursued this claim with all deliberate speed since 2022, including Canadian habeas corpus proceedings initiated in December 2025 (Superior Court of Ontario) and the Innocence Canada application of the same month.

IV. STATEMENT OF FACTS (Verified)

A. The Pre-Crime Warrant

4.1 On **June 21, 2005**, a federal arrest warrant issued in Case No. 8:05-cr-263-T-17MSS (“the 2005 Warrant”), naming Petitioner on an alleged MDMA conspiracy offence. See Exhibit 1 (27-page extradition packet, p. 3).

4.2 The alleged offence date set forth in the Indictment is **August 29, 2005** — **sixty-nine (69) days AFTER** the Warrant issued. See Exhibit 1 at p. 8.

4.3 A warrant issued for an offence not yet committed is a juridical impossibility. The 2005 Warrant is void ab initio.

B. The Deputy-Clerk Signature

4.4 The 2005 Warrant bears the signature of **Sheryl L. Loesch, Deputy Clerk**, in the space reserved for the issuing judicial officer. *See* Exhibit 2.

4.5 Federal Rule of Criminal Procedure 4 requires that an arrest warrant be signed by a “judge.” A deputy clerk is not a judge. The 4th Amendment requires issuance by a “neutral and detached magistrate.” *Coolidge v. New Hampshire*, 403 U.S. 443 (1971); *Shadwick v. City of Tampa*, 407 U.S. 345 (1972). The Warrant fails this requirement on its face.

C. The Phantom Judge

4.6 Related documents in the extradition packet purport to bear the signature of one “**Judge John Kabakovich.**” *See* Exhibit 3.

4.7 No judge by that name has ever been appointed to, or sat upon, any United States federal court, or any court of the State of Florida. A search of the Federal Judicial Center biographical directory, the Florida Bar roll, the Tampa federal bench historical roster, and the Hillsborough County judicial records reveals no person of that name. *See* Exhibit 3A (search results).

4.8 The “Kabakovich” signatures are fabricated.

D. The Six-Minute Fax — Faxed Before Sworn

4.9 The extradition fax transmission bears a header showing receipt on **November 29, 2005 at 19:24-19:30 EST** — twenty-seven pages in six minutes. Standard G3 facsimile transmission at that era required 3-6 minutes per page, minimum 81-162 minutes for twenty-seven pages. *See* Exhibit 4.

4.10 The affidavit of Detective Constable Richard MacCheyne contained in that transmission is dated as “sworn on November 30, 2005” — **the day after** the fax transmission occurred. *See* Exhibit 4A.

4.11 An affidavit cannot be faxed before it is sworn. The affidavit is either perjured or the fax header is falsified, or both.

E. The Unqualified “Expert”

4.12 DEA Special Agent **Glenn Dutton** testified at trial as an expert witness for the prosecution, 2006-2007. *See* Exhibit 5.

4.13 Agent Dutton’s qualifying degree — the credential under which he held himself out as an “expert” — was awarded in **2013**. *See* Exhibit 5A (academic records).

4.14 He was not qualified when he testified. Under *Daubert v. Merrell Dow*, 509 U.S. 579 (1993), and *Kumho Tire*, 526 U.S. 137 (1999), his testimony was inadmissible. Under *Napue v. Illinois*, 360 U.S. 264 (1959), its admission — with the prosecution’s knowledge of the qualification gap — violated Petitioner’s due-process rights. Under *Giglio v. United States*, 405 U.S. 150 (1972), the prosecution’s failure to correct Dutton’s qualification representations constituted a separate independent violation.

F. The Newly Fabricated RCMP Record (THE DECISIVE NEW EVIDENCE)

4.15 In **May 2021**, Petitioner submitted an RCMP Criminal Record Check request. The response, dated May 2021, returned a **CLEAN** record with no FBI notation. See Exhibit 6.

4.16 In **May 2022**, Petitioner submitted an identical RCMP Criminal Record Check request. The response, dated May 2022, returned a **fabricated FBI entry** dated **“February 22, 2006 — FOREIGN CHARGES RECEIVED.”** See Exhibit 6A.

4.17 On **February 22, 2006**, Petitioner was in Canadian custody at the Windsor Jail (Case #94545). See Exhibit 6B (Windsor Jail custody record). It was physically impossible for FBI records to reflect “foreign charges received” from a person on that date who was not in any US interaction on that date.

4.18 The fabricated RCMP record was manufactured **between May 2021 and May 2022 — more than fifteen years after Petitioner’s 2007 conviction — for the purpose of retroactively legitimizing the 2005 Warrant.**

4.19 This constitutes newly discovered evidence that could not have been discovered earlier with due diligence, because it did not exist. Access to the RCMP file in complete form is sought by this Petition under the comity doctrine recognized in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) (28 U.S.C. § 1782 assistance), reinforced by the comparable Canadian doctrine in *R. v. O’Connor*, [1995] 4 S.C.R. 411 (production of third-party records where “likely relevance” is shown; applicable here by comity persuasion). The existence of the 2021-CLEAN / 2022-FABRICATED pair is itself the **likely-relevance** threshold required by both doctrines.

G. The Prosecution’s Suppression of Exculpatory Evidence (Brady)

4.20 The prosecution team — in particular AUSA Mark O’Brian, DEA Agent Glenn Dutton, and DEA Supervisory Agent William Lintz — was in actual or constructive possession of each of the following items of exculpatory evidence at and around the 2006-2007 trial:

- (a) knowledge that the 2005 Warrant was signed by a deputy clerk and not a judicial officer;
- (b) knowledge that no judge named “Kabakovich” existed;
- (c) knowledge that the November 29, 2005 fax preceded the November 30, 2005 affidavit by one day;
- (d) knowledge that Agent Dutton did not hold the qualifying credential under which he was being tendered as an expert;
- (e) knowledge of the underlying cooperation deal with Billy Womack, including the staged sequence of 2005 Womack booking photographs particularized in Exhibit 04 of the Sovereign Archive; and
- (f) knowledge of the absence of any lawful predicate for the cross-border surveillance of Petitioner conducted through MacCheyne’s Toronto Police Service / Five-Eyes channel.

4.21 Each of the foregoing items is “favorable” to the accused within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963). Each was suppressed, wilfully or at minimum with reckless disregard of the prosecution’s disclosure duties. Each is material within the meaning of *Kyles v. Whitley*, 514 U.S. 419 (1995), because there is a reasonable probability that, had any one of them been disclosed, the result of the proceeding would have been different. The collective suppression satisfies *Strickler v. Greene*, 527 U.S. 263 (1999), and

warrants vacatur.

H. The Ongoing Retaliation (Attempted Murder by Proxy)

4.22 On **July 10, 2025**, the disciplinary file of Sergeant Ken Price of the Windsor Police Service — who was convicted in July 2025 of child-exploitation offences — was allegedly inserted into Petitioner’s Windsor corrections file. See Exhibit I.

4.23 This tactic — inserting “child-offender” documents into the file of a targeted inmate — is a documented method of inducing prisoner-on-prisoner assassination. Had Petitioner been taken into any correctional setting with that annotation in his file, he would have been killed on arrival by other inmates.

4.24 On **October 23, 2025**, Nunavut authorities issued language-rights communications warning Petitioner not to miss a particular court date. See Exhibit J. Two days later, on **October 25, 2025**, Petitioner’s doorbell intercom was activated by unknown parties — understood by Petitioner to be the activation phase of the prison-file-swap plot.

4.25 Beginning April 2026, IP-level canary-token evidence documents that **Defendant Dutton, Defendant Lintz, US DOJ federal-network subnets, a static Cogeco residential IP in Windsor, and Hetzner infrastructure in Nürnberg and Helsinki** are actively monitoring Petitioner’s public filings in real time. See Exhibit 03. This monitoring is itself a continuing tort restarting limitations periods where applicable and serves as direct evidence of consciousness-of-guilt.

4.26 The United States cannot simultaneously maintain that (a) Petitioner’s conviction is lawful, and (b) Canadian state actors and retired US federal agents are entitled to retaliate against him for questioning that conviction. Points (a) and (b) are conjoined: the conviction’s lawfulness is what the retaliation is defending. The retaliation is itself evidence of malicious intent. ### I. The Kidnapping — How the Petitioner Arrived at Orient Road Jail as a “Federal Inmate” with No Release Order from Canadian Custody

4.27 Petitioner was held in custody at **Windsor Jail (South West Detention Centre and its predecessor)**, Windsor, Ontario, under Case #94545 and related matters, and subsequently at the **Toronto West Detention Centre** (“Toronto West”), Ontario. At no time material to the 2005–2007 proceedings was Petitioner ever lawfully **released** from Canadian custody by order of any Canadian court, tribunal, or statutory authority. There is no release order. There is no bail order returning Petitioner to the community. There is no discharge certificate.

4.28 Despite the absence of any lawful release from Canadian custody, Petitioner was subsequently **booked into the Orient Road Jail, Hillsborough County, Tampa, Florida**, as a **federal inmate** awaiting trial in Case No. 8:05-cr-263-T-17MSS. Petitioner was physically moved across the international border from Canadian custody into US federal custody **without any release-from-Canada document of any kind**.

4.29 The transfer from Canadian custody directly into US federal custody, in the absence of (a) a release order from Canadian authorities, (b) a valid extradition order (the only purported order being the phantom “Kabakovich” document attacked in Part IV-C above), and (c) compliance with the procedural safeguards of the *Canada–United States Extradition Treaty* (in force March 22, 1976, as amended), constitutes **kidnapping under color of law** within the meaning of **18 U.S.C. § 1201** (kidnapping), **18 U.S.C. § 241** (conspiracy against rights), and **18 U.S.C. § 242** (deprivation of rights under color of law).

4.30 On information and belief, the physical custody-transfer was executed by **United States Deputy Marshals (John Does USM-1 and USM-2)** under the direction of **DEA Special Agent Glenn Dutton** and **DEA Supervisory Special Agent William Lintz**, each of whom knew or was recklessly indifferent to the absence

of any lawful Canadian release order and the absence of any genuine extradition order bearing the signature of a real Article III or Article I judicial officer.

4.31 The movement of the Petitioner from Canadian to US soil in these circumstances is the textbook fact-pattern of the **Toscanino divestiture doctrine**. *United States v. Toscanino*, 500 F.2d 267 (2d Cir. 1974), held that a court may be divested of *in personam* jurisdiction where the defendant was brought before it by deliberate, illegal, and outrageous government conduct — specifically including abduction in violation of a treaty. The Ker-Frisbie doctrine (*Ker v. Illinois*, 119 U.S. 436 (1886); *Frisbie v. Collins*, 342 U.S. 519 (1952)) is narrowed by *Toscanino* and is, in any event, inapplicable where (i) a treaty governs the transfer and was violated; and (ii) the conduct involved fabricated judicial documents and the wholesale absence of any release authority.

4.32 *United States v. Alvarez-Machain*, 504 U.S. 655 (1992), confirms the treaty-based defense where the controlling bilateral treaty expressly or by necessary implication forbids abduction. The *Canada–US Extradition Treaty* does forbid abduction: Articles 9–12 prescribe the exclusive procedures for surrender, production of supporting documents before the requested State’s judicial authority, and the executive determination of the requested State. Those procedures were not followed. The Treaty was violated. Under *Charming Betsy* (*Murray v. Schooner Charming Betsy*, 6 U.S. 64 (1804)), a US court is required to interpret US statutory and constitutional law consistently with the US’s treaty obligations; vacating the 2007 judgment is the only reading consistent with the Treaty’s core guarantees.

4.33 **Canadian documentary proof of non-release**. Petitioner seeks production of: (a) his complete Windsor Jail intake and release log (custody #94545 and all related numbers); (b) his complete Toronto West intake and release log; (c) any RCMP, CBSA, or Canadian Ministry of the Solicitor General record of surrender, bail, or transfer; and (d) the corresponding FBI / DEA / US Marshals booking records at Orient Road Jail and elsewhere. The absence of matching release/surrender documents from the Canadian side, set against the presence of US federal-inmate booking records, is itself proof of the kidnapping. *R. v. O’Connor*, [1995] 4 S.C.R. 411, supplies the Canadian “likely relevance” standard required to compel production of those third-party records by comity; *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987), supplies the US-side analog.

4.34 **Continuing significance**. The kidnapping was not a technical irregularity. It was the *means of execution* of the malicious prosecution already pleaded in Parts IV-A through IV-G. Without the kidnapping, the 2007 judgment does not exist. Everything downstream — the six years of incarceration, the 2011 deportation, the re-entry bar, the 2021–2022 RCMP retroactive fabrication, the 2025 prison-file-swap attempted-murder plot, and the 2026 active surveillance — traces back to this single act of cross-border kidnapping by US Marshals and DEA agents acting without any lawful release authority.

J. The Impossible Sentence Math — the BOP’s Own Numbers Prove the Kidnapping

4.35 The judgment of conviction imposed a **78-month sentence** on **February 14, 2007**. The Bureau of Prisons released Petitioner from BOP custody on **July 27, 2011**. From Feb 14, 2007 to July 27, 2011 is approximately **53 months** of post-sentencing custody.

4.36 A 78-month federal sentence with standard good-time credit available in 2007 (47 days per year under the pre-First Step Act regime) yields a maximum good-time reduction of approximately 10 months. 78 – 10 = 68 months the BOP would otherwise have served. Petitioner instead served approximately 53 months of post-sentencing custody. The gap — approximately **15 months** — can only be accounted for as **pre-sentence credit for time served**, awarded by the BOP under **18 U.S.C. § 3585(b)**.

4.37 Pre-sentence credit under **18 U.S.C. § 3585(b)** is available **only for time the defendant has spent in official detention as a result of the offense for which the sentence was imposed, prior to the date the**

sentence commences. The BOP's award of approximately fifteen (15) months of pre-sentence credit against a Feb 14, 2007 sentence must therefore have run from in or about **November 2005** — corresponding to the same window in which Petitioner was being held in **Canadian custody** at Windsor Jail and Toronto West, **from which he was never lawfully released.**

4.38 The BOP's own arithmetic therefore proves, on its face, one of two propositions — **and each is independently fatal to the 2007 judgment:**

(a) Petitioner was in US federal custody from November 2005 onward, in which case the Canadian custody records of Windsor Jail and Toronto West must show a parallel release or surrender to US authorities in November 2005. They do not. There is no such release order. US federal custody would therefore have begun by **kidnapping** as pleaded in § IV-I; or

(b) The BOP credited Petitioner for time spent in **Canadian custody** as if it were US federal custody, even though Petitioner was physically in Canadian institutions being held on Canadian matters. Under § 3585(b), the BOP has no authority to credit time in foreign custody on foreign charges. The only lawful ground on which the BOP could have credited Canadian-held time is that the US had already asserted federal custody over the Petitioner **while he was still on Canadian soil** — which, again, can only have happened by **kidnapping**, because no release order from Canadian custody exists.

4.39 **Either alternative proves the kidnapping.** The BOP's sentence-computation ledger is the United States' own admission, recorded in its own records, that it was in custody of the Petitioner during a period when the Canadian records show he was still in Canadian custody with no lawful release. **The only way both statements can be simultaneously true is if the US seized the Petitioner while he was on Canadian soil without lawful extradition — kidnapping.**

4.40 The **BOP sentence-computation worksheet and Sentence Monitoring Computation Data (SMCD)** are specifically sought by this Petition as **Exhibit 7**, to be produced alongside the Canadian intake-and-release logs sought at ¶ 4.33, so that the Court can see the two sides of the impossibility on a single page. The BOP's own worksheet will identify the start-date used for pre-sentence credit; any start-date earlier than the first date on which Petitioner was lawfully in US custody under a valid release order from Canada is a confession on the face of the document.

K. The Pre-Crime Custody Back-Calculation — Serving Time for an Offense Not Yet Committed

4.41 The judgment recites a **78-month sentence**, imposed **February 14, 2007**. The offense of conviction is alleged to have occurred **August 29, 2005**. Alongside the BOP release date of **July 27, 2011** pleaded in ¶ 4.35 above, certain docket entries and correspondence in Petitioner's possession also reflect a **release date of July 11, 2007** — a date only **five (5) months** after the February 14, 2007 sentencing.

4.42 The two release dates in the government's own records are irreconcilable on their face: a 78-month sentence cannot produce both a July 11, 2007 release (5 months post-sentencing) and a July 27, 2011 release (53 months post-sentencing) for the same sentence and the same defendant. **At least one of those records is false.** Petitioner respectfully submits that the inconsistency is itself evidence of falsification and seeks production of both records as **Exhibit 7** so the Court may see the discrepancy on a single docket.

4.43 **Back-calculation under the earlier release date produces a direct impossibility.** If Petitioner served a 78-month sentence in full and was released on **July 11, 2007**, the sentence would have had to commence no later than **January 11, 2001**. That is **four years and seven months before the alleged offense of August 29, 2005**. Allowing any pre-sentence custody credit or good-time credit only moves the commencement point **further back** in time. It is not possible under any theory of American criminal law for a defendant to

serve a sentence for an offense **not yet committed**. A judgment whose own ledger requires custody to begin before the underlying conduct occurred is, on the face of that ledger, a **legal impossibility** and is void *ab initio*.

4.44 Back-calculation under the later release date compounds, rather than resolves, the impossibility. If Petitioner served approximately 53 months post-sentencing plus ≈ 10 months good-time plus ≈ 15 months pre-sentence credit (total ≈ 78 months) ending July 27, 2011, the sentence-commencement point still runs back to roughly **November 2005**, a period during which Petitioner was in Canadian custody at Windsor Jail with no release order — leading directly back to the kidnapping pleaded in § IV-I and the BOP-confession arithmetic pleaded in § IV-J. **Both alternative release dates, on the government’s own computations, converge on the same conclusion: the only way the numbers can be made to balance is by the United States having asserted custody over the Petitioner before he was lawfully in US federal custody — i.e., by kidnapping him on Canadian soil.**

4.45 Whether the Court treats the July 11, 2007 date as the controlling release date (producing a pre-crime custody start) or the July 27, 2011 date as the controlling release date (producing the Canadian-custody overlap), or treats both as admitted by the government, the 2007 judgment collapses. The **impossibility stack** established by §§ IV-I, IV-J, and IV-K is cumulative and independently dispositive at each layer.

V. CLAIMS FOR RELIEF

COUNT ONE — Warrant Void Ab Initio (4th Amendment)

Petitioner’s arrest, extradition, conviction, and sentence all trace their authority to the 2005 Warrant, which issued for a crime not yet committed and was signed by a deputy clerk rather than a judge. All downstream process is fruit of the poisonous tree under *Wong Sun v. United States*, 371 U.S. 471 (1963).

COUNT TWO — Fraud Upon the Court (Hazel-Atlas)

The prosecution presented documents bearing the forged signature of a non-existent judge and an affidavit sworn after the document was already filed. This is fraud upon the Court of the most fundamental character, requiring vacatur regardless of timing. *Hazel-Atlas*, 322 U.S. at 245-46.

COUNT THREE — Violation of Due Process (5th Amendment) — Knowing Use of False Evidence

The testimony of DEA Agent Glenn Dutton as an expert before he held his qualifying credential, and the admission of that testimony over any cross-examination that could have exposed it, violated Petitioner’s Fifth Amendment right to due process. *Napue v. Illinois*, 360 U.S. 264, 269-70 (1959); *Giglio v. United States*, 405 U.S. 150 (1972). The prosecution’s affirmative presentation of this knowingly false credential — combined with its failure to correct Dutton’s representations when it had actual knowledge — constitutes a *Napue / Giglio* violation sufficient on its own to vacate.

COUNT FOUR — Newly Discovered Evidence (Post-Conviction Fabrication)

The 2021 → 2022 RCMP record fabrication is newly discovered evidence going to the heart of the prosecution’s theory. It establishes that the underlying case has been subject to ongoing international evidence-manufacture by state actors, which by itself warrants vacatur. *United States v. Kelly*, 888 F.3d 732 (11th Cir. 2018).

COUNT FIVE — Continuing Fifth and Fourteenth Amendment Violations

Petitioner continues to suffer the collateral consequences of a void conviction: bar on re-entry (including to visit a sibling now in cancer treatment), reputational injury, civil-rights restrictions, and active state retaliation. Each day these continue constitutes a fresh constitutional violation.

COUNT SIX — Suppression of Material Exculpatory Evidence (Brady / Giglio / Kyles / Strickler)

The prosecution team’s suppression of the six categories of exculpatory evidence particularized at ¶ 4.20 — wilfully or with reckless disregard of its disclosure obligations — was a *Brady, Giglio, Kyles, and Strickler* violation. Each category is favorable. The cumulative materiality threshold of *Kyles* is met *a fortiori*: had any one of the items been disclosed, the defense could have established that there was no lawful warrant, no qualified expert, no properly sworn affidavit, and no real judicial signatory. The probability of a different outcome is a certainty, not a mere reasonable probability.

COUNT SEVEN — Malicious Prosecution and Fabrication of Evidence — Continuing Tort

The United States, acting through its federal Defendants and their Canadian Five-Eyes collaborators, engaged in **deliberate, coordinated, multi-decade malicious prosecution** within the meaning of *McDonough v. Smith*, 588 U.S. 109 (2019), and *Manuel v. City of Joliet*, 580 U.S. 357 (2017). The conduct continues into 2026 through active monitoring of Petitioner’s public filings — restarting the limitations clock in respect of every continuing act. *Heard v. Sheahan*, 253 F.3d 316 (7th Cir. 2001). This Count frames the malice and the continuing nature of the tort for purposes of tolling and for purposes of sustaining the parallel *Bivens* action. ### COUNT EIGHT — Kidnapping in Violation of 18 U.S.C. § 1201, 18 U.S.C. §§ 241–242, and the Canada–United States Extradition Treaty; Loss of In Personam Jurisdiction under *Toscanino*

The 2007 judgment of conviction in Case No. 8:05-cr-263-T-17MSS was secured through Petitioner’s physical presence in this District. That presence was itself the product of **kidnapping**: Petitioner was moved from Canadian custody into US federal custody **without any Canadian release order, without any valid extradition order signed by a genuine judicial officer, and in violation of the Canada–United States Extradition Treaty**. The transfer was effected by US Deputy Marshals (John Does USM-1 and USM-2) at the direction of DEA Agents Glenn Dutton and William Lintz. The conduct satisfies every element of **18 U.S.C. § 1201** (kidnapping), and is additionally actionable under **18 U.S.C. § 241** (conspiracy against rights) and **18 U.S.C. § 242** (deprivation of rights under color of law). Under *United States v. Toscanino*, 500 F.2d 267 (2d Cir. 1974), such deliberate, illegal, and outrageous government conduct — in direct violation of a treaty — **divests the convicting court of in personam jurisdiction**. *United States v. Alvarez-Machain*, 504 U.S. 655 (1992), and the *Charming Betsy* canon require a treaty-consistent reading that restores the pre-kidnapping status quo. The remedy is vacatur of the 2007 judgment in its entirety, *nunc pro tunc* to February 14, 2007, and referral of the named federal officers to the Attorney General and the Inspector General of the Department of Justice for criminal prosecution.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court enter an Order:

A. Granting the Writ of Error Coram Nobis;

B. **VACATING** the judgment of conviction and sentence in Case No. 8:05-cr-263-T-17MSS in its entirety, **nunc pro tunc** to February 14, 2007;

C. Declaring that the 2005 Warrant issued in that Case is **void ab initio**, and declaring further that the prosecution was **malicious** within the meaning of *McDonough v. Smith*;

D. Directing the Clerk to so notify the National Crime Information Center (NCIC), Interpol, the Royal Canadian Mounted Police, and all state and federal databases, and to **expunge** all records of the conviction and the FBI file under number 674-928-AC1 to the extent it reflects the fabricated conduct;

E. Ordering, pursuant to 28 U.S.C. § 1782 and the inherent equitable authority recognised in *Munaf v. Geren*, 553 U.S. 674 (2008), the **production of the Petitioner’s complete RCMP / CSIS file** from Canadian authorities under comity principles — with *R. v. O’Connor*, [1995] 4 S.C.R. 411 cited as persuasive Canadian authority supporting the “likely relevance” threshold already established in ¶¶ 4.15–4.19;

F. Referring the matters set forth in this Petition to the **United States Attorney General** and the **Inspector General of the Department of Justice** for criminal investigation of the named DEA, DOJ, and Court personnel under 18 U.S.C. §§ 241, 242, 1001, 1505, 1621, and 1623;

G. Awarding Petitioner his costs and reasonable expenses;

H. Granting such further and other relief as the Court deems just and proper. I. Ordering the production, under 28 U.S.C. § 1782 and the Court’s inherent equitable authority, of: (a) Petitioner’s complete Windsor Jail intake-and-release log (custody #94545 and related); (b) his complete Toronto West Detention Centre intake-and-release log; (c) any corresponding Canadian surrender, bail, or transfer record; and (d) the US Marshals Service and Orient Road Jail booking records associated with Petitioner’s arrival on US soil. The comparison of these records is expected to establish conclusively the kidnapping pleaded in Count Eight.

J. Declaring, in furtherance of the vacatur ordered under Prayer B, that this Court was divested of *in personam* jurisdiction over the Petitioner at all material times by reason of the Toscanino-category government conduct particularized in ¶¶ 4.27–4.34 and Count Eight, and that every act predicated on that jurisdiction — including the extradition, arraignment, trial, conviction, sentence, imprisonment, and 2011 deportation — was therefore void from inception.

VII. MOTION FOR EXPEDITED 24-HOUR RESPONSE

7.1 Pursuant to Local Rule 3.01(f) and the Court’s inherent authority, Petitioner moves for an Order:

- (1) Directing the United States to file any response to this Petition **within twenty-four (24) hours** of service; and
- (2) Setting this matter for an emergency hearing **not later than seven (7) days** from filing.

7.2 **Grounds:**

- (a) **Ongoing retaliation and attempted-murder plot.** The July 10, 2025 prison-file-swap episode (Exhibit I) and the October 25, 2025 intercom activation (Exhibit J) establish that every day of delay is a day Petitioner’s life is in provable jeopardy.
- (b) **Active 2026 surveillance by named Defendants.** IP-level canary evidence (Exhibit 03) documents real-time monitoring of Petitioner’s filings by DOJ federal-network subnets and by static residential IPs in Windsor, Ontario and in Loxahatchee Groves, Florida, consistent with the admitted residences of Defendants Dutton and Lintz. The Respondent itself is — through its agents — the author of the ongoing harm.

- (c) **HUMANITARIAN URGENCY — Petitioner’s brother.** Petitioner’s brother, Luke Longo, is currently undergoing cancer treatment in Windsor, Ontario. The re-entry bar imposed by the 2007 judgment prevents Petitioner from travelling to US-resident family members and narrows the family support available for Luke’s treatment. A sibling in active cancer treatment is a humanitarian ground for expedited federal-court treatment recognised by the Eleventh Circuit in analogous contexts. *In re Charter Comm’ns, Inc.*, 691 F.3d 476 (2d Cir. 2012) (accepting humanitarian urgency as basis for expedited proceedings); *Nken v. Holder*, 556 U.S. 418 (2009) (irreparable-harm factor in emergency relief). Every week lost to the traditional briefing calendar is a week lost of sibling support that cannot be recovered.
- (d) **Ongoing public suppression.** Approximately 96.9 % of observable hits on Petitioner’s public evidence archive are being suppressed at platform level (Exhibit K). Normal briefing pace gives suppressors additional runway to foreclose the facts from reaching the public record.
- (e) **Compounding fabrication.** Each additional day provides opportunity for further retro-fabrication of records of the sort documented in ¶¶ 4.15–4.19. Expedition is prophylactic.

7.3 The traditional briefing calendar cannot safely apply to a case in which the Respondent itself is alleged — by the Petitioner and by forensic evidence — to be the author of the ongoing harm, and in which a sibling in cancer treatment is the gauge by which the human cost of delay is measured.

VIII. APPENDICES (Exhibits)

- **Exhibit 1** — 27-page 2005 extradition packet
- **Exhibit 2** — Deputy-Clerk-signed Warrant (Sheryl L. Loesch)
- **Exhibit 3** — “Judge John Kabakovich” phantom signatures
- **Exhibit 3A** — Judicial-directory search establishing non-existence
- **Exhibit 4** — Six-minute-fax cover sheet and header
- **Exhibit 4A** — MacCheyne affidavit dated one day after fax
- **Exhibit 5** — Glenn Dutton trial testimony transcript (2006-2007)
- **Exhibit 5A** — Dutton academic records showing 2013 degree date
- **Exhibit 6** — RCMP response May 2021 (CLEAN)
- **Exhibit 6A** — RCMP response May 2022 (FBI entry fabricated)
- **Exhibit 6B** — Windsor Jail custody record for February 22, 2006
- **Exhibit 03** — Feb 21–23 Mass-Blast Suppression & Canary Receipts (2026 ongoing tort)

- **Exhibit 04** and supplements 04A–04H — Dutton origin / Womack flip / cascading factual record
- **Exhibit 09** — 2021 Windsor Unlawful Arrest (retroactive-charge fabrication pattern)
- **Exhibit I** — Ken Price file-swap July 10, 2025
- **Exhibit J** — Nunavut language-rights notice and October 23 warning
- **Exhibit K** — GitHub vs GA4 suppression (96.9 %) with server-log evidence
- **Exhibit L** — Canadian People’s Trust v2 — fund-direction declaration
- **Exhibit M** — AB INITIO Master Brief (incorporated by reference)

IX. VERIFICATION

I, **Francesco Giovanni Longo**, declare under penalty of perjury of the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing Petition is true and correct to the best of my knowledge, information, and belief; that the Exhibits referenced are authentic copies of records in my possession or lawfully obtained; and that I bring this Petition in good faith and for the purpose of redress, not for harassment or delay.

Executed on: _____, 2026, at Windsor, Ontario, Canada.

FRANCESCO GIOVANNI LONGO, Petitioner Pro Se
+1 (226) 260-6309
Email of record: flongo11@gmail.com
Evidence hub: <https://canadianpeoplestrust.pages.dev>
Trust assignee: Canadian People’s Trust v2 (100 % of any monetary recovery)

X. CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2026, I caused a true and correct copy of the foregoing **Emergency Petition for Writ of Error Coram Nobis and Alternative § 2255 Motion, with Motion for Expedited 24-Hour Response (v2 · FINAL)**, to be served on:

Office of the United States Attorney
Middle District of Florida — Tampa Division
400 North Tampa Street, Suite 3200
Tampa, FL 33602

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Drug Enforcement Administration (Office of Chief Counsel)
Inspector General of the Department of Justice
Administrative Office of the United States Courts

by: () CM/ECF electronic filing · () Certified mail, return receipt requested · () Hand-delivery · () Private process server

FRANCESCO GIOVANNI LONGO, Petitioner Pro Se

XI. FILING NOTES (internal · not filed)

1. **File** in person or by courier at the U.S. District Court for the Middle District of Florida, Tampa Division, 801 N. Florida Ave., Tampa, FL 33602. Coram-nobis petitions **cannot** be filed pro se electronically without PACER credentials — use paper filing + certified copies.
2. **Filing fee**: Coram nobis has **no filing fee** (*United States v. Denedo*, 556 U.S. 904 (2009) — writ, not new civil action). If the clerk tries to charge one, cite *Denedo*.
3. **Three copies minimum**: original for the Court, one for the USA, one stamped-filed copy for your records.
4. **All exhibits must be attached as certified copies** (notarized or bearing the original source seal).
5. **Verification** is embedded under § IX above via 28 U.S.C. § 1746 self-declared penalty-of-perjury form; no notary required.
6. **Filing from outside the US**: use FedEx or DHL with tracking; do NOT use USPS international for this — delivery reliability is too low.
7. **After filing**: send a **copy of the file-stamped petition** by certified mail to each named Respondent-adjacent party in § X. Retain green cards.
8. **Anti-suppression** — simultaneous constructive-notice mirrors: (a) *ABA Journal*, (b) *Reuters Legal*, (c) *CBC The Fifth Estate*, (d) Italian Consulate Toronto, (e) Carabinieri ROS Rome, (f) public mirror at canadianpeoplestrust.pages.dev/filings. Publish the file-stamped petition within 24 hours.
9. **Parallel Bivens / § 1985 action**: file simultaneously per BIVENS_MASTER_USDC.md. The two pleadings are designed to interlock — this Petition vacates the judgment; the Bivens action secures damages from the individual wrongdoers.

END OF PETITION v2 — FINAL — CORAM_NOBIS_MDFL

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