

1.8-9417 ORIGINAL

COVER

FILED  
MAY 03 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

*Wade Greely Lay,*

PETITIONER,

vs.

*United States of America,*

RESPONDENT.

*On Petition for a Writ of Certiorari to the  
Supreme Court of the United States*

WADE GREELY LAY # 516263  
pro-se

OKLAHOMA STATE PENITENTIARY  
*[Signature]*

P.O. BOX 97

WICALESTER, OKLAHOMA 74502



*Zakiya Pope 5/2/19*

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Capital Case

QUESTIONS PRESENTED

PETITIONER, WHO REPRESENTED HIMSELF AT TRIAL AND FILED A PRO SE  
 APPEAL TO THE OKLAHOMA COURT OF CRIMINAL APPEALS ON DIRECT APPEAL,  
 SEEKS TO FILE A WRIT OF HABEAS CORPUS CORROBORATIVE WITH THE CLAIMS  
 HE PRESENTED TO THE STATE COURTS, IN ACCORDANCE TO THE CURRENT  
 RULE OF LAW.

GOVERNMENTAL ACTORS IN VIOLATION OF LAW CAUSED AN IMPEDIMENT, IMPUL-  
 SING THE APPLICABILITY OF 28 USC § 2244(d)(1)(B), PETITIONER SEEKS RELIEF  
 FROM THIS COURT, TO REMOVE THE IMPEDIMENT AND RETOLL THE 1-YEAR  
 PERIOD OF LIMITATION, SO THAT WADE LAY MAY FILE A LEGITIMATE *McFarland*  
 MOTION FOR COUNSEL, IN ORDER TO FILE A LAWFUL HABEAS CORPUS PETITION. FOUR  
 QUESTIONS ARISE FROM THESE CIRCUMSTANCES THAT WARRANT THIS COURT'S  
 REVIEW.

RECEIVED  
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 SUPREME COURT, U.S.

QUESTIONS PRESENTEDCAPITAL CASE

1. WHEN GOVERNMENTAL ACTORS FILE A *McFarland* MOTION FOR A PRISONER IN STATE CUSTODY, UNDER THE PRESENT AMBIGUOUS PRECEDENT, THE POSSIBILITY EXIST, THAT A MOTION FOR ASSISTANCE OF COUNSEL MAY BE FILED BY GOVERNMENT ACTORS ABSENT ANY CONSTITUTIONAL DIMENSION; AND THOSE SAME GOVERNMENTAL ACTORS DECEITFULLY ACQUIRING SIGNATORY APPROVAL, ACTING ON BEHALF OF AN OVERREACHING UNITED STATES DISTRICT JUDGE, MAY SUBSEQUENTLY ALTER THE FACTS OF AN ORIGINAL CAUSE, VIOLATING THE ARTICLE III JURISDICTIONAL LIMITATIONS. FOR THAT REASON, SHOULD *McFarland v. Scott*, 512 U.S. 849 (1994), BE RECONSIDERED?
  
2. IN ACCORDANCE WITH 28 USC § 2254(b)(1)(5)(i & ii), CONGRESS HAS PROVIDED FOR A COMMON LAW INQUIRY INTO THE "ABSENCE OF AVAILABLE STATE CORRECTIVE PROCESS;" AND/OR "CIRCUMSTANCES [THAT MAY] EXIST THAT RENDER SUCH PROCESS INEFFECTIVE TO PROTECT THE RIGHTS OF THE APPLICANT." IS IT NOT TRUE, THAT THE PRESUMPTION OF CORRECTNESS OF A STATE COURT DETERMINATION, COMBINED WITH THE LIMITATIONS OF "CERTIFICATE OF APPEALABILITY", UNDER 28 USC § 2253 (c), GIVEN THE ADVERSE PARAMETERS ASSUMED IN QUESTION NO. 1 ABOVE; THOSE FEDERAL JUDICIAL POWERS MAY SERVE AS CIRCUMSTANTIAL CONDITIONS EFFECTING THE RIGHTS OF THE APPLICANT TO "AVAILABLE STATE CORRECTIVE PROCESS", BY A FEDERAL DISTRICT COURT. VIOLATING THE PARAMOUNT AND CONTROLLING DECLARATION FOUND IN 28 USC § 2254(a).<sup>2</sup>

QUESTIONS PRESENTED CONT:

- 3. SHOULD A CITIZEN OF THE UNITED STATES BE DEPRIVED OF THE PRIVILEGE TO FILE AN ARTICLE I, SECTION 9, CLAUSE 2 HABEAS CORPUS APPEAL, BY FEDERAL ACTORS WHO DO NOT FILE A *McFarland* ACTION UNSOLICITED BY THE PERSON IN CUSTODY, VOID OF ANY EXPRESSION THAT SIGNIFIES CONSTITUTIONAL DIMENSION OR ERROR?
  
- 4. SHOULD A UNITED STATES DISTRICT JUDGE, GIVEN THE PARAMETERS OF THE CONDITIONS DESCRIBED IN QUESTION NO. 3, BE ALLOWED TO CENSOR THE SUPPLICATIONS, PLEADINGS, LETTERS, MOTIONS, ETC., OF THE ACTUAL PETITIONER PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE - RULE 11(c), BINDING THE INDIVIDUAL TO THE SIGNATORY APPROVAL OF THE BUREAUCRATIC OFFICER OF THAT SAME COURT, OR U.S. DIST. JUDGE INITIATING THE USURPATION?



## LIST OF PARTIES

1. WADE GREELY LAY - *Petitioner*

OKLAHOMA STATE PENITENTIARY

P.O. BOX 97

MCALISTER, OKLAHOMA 74502

2. SUSAN OTTO - *Respondent*

FEDERAL PUBLIC DEFENDER (O.K.C. - WESTERN DISTRICT)

215 DEAN A. MCGEE (SUITE 100)

O.K.C., OKLAHOMA 73102

3. PHIL LOMBARDI - *Respondent*

CLERK OF COURT (UNITED STATES DIST. COURT N.D. OKLA.)

333 W. 4TH STREET

TULSA, OKLAHOMA 74103

4. ELIZABETH SHUMAKER - *Respondent*

CLERK (10TH CIRCUIT COURT OF APPEALS)

1823 STOUT STREET

DENVER, COLORADO 80257

5. LISA NESBIT - *Respondent*

CLERK (UNITED STATES SUPREME COURT)

ONE 1ST ST, NE

WASHINGTON, D.C. 20543

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UNITED STATES SUPREME COURT:

<i>Barefoot v. Estelle</i> , 463 U.S. 880 (1983)	FC.1
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. (2007)	FC.28
<i>McFarland v. Scott</i> , 512 US 849 (1994)	FC. 2, 10, 34

FEDERAL CASES:

<i>Lay v. G.T.H.</i> , (CIV-18-09-JHP-SPS)	FC.6
<i>McIntosh v. U.S. Pwale Commission</i> , 115 F.3d 809, 811-12 (10th Cir., 1997)	FC.5
<i>Montez v. McKinnac</i> , 208 F.3d 862, 867 (10th Cir., 2000)	FC.4, 5
<i>Lay v. O.D.O.C.</i> , (CIV-15-481-RAW-SPS); (D. 15-1023 (10th Cir., 2015))	FC. 6, 21
<i>Lay v. O.D.O.C.</i> , (CIV-17-1224-D); (D. 18-6024 (10th Cir., 2018)); CERT NO. 18-2404	FC. 8, 23, 24, 26, 27, 28, 29, 30, 32
<i>Lay v. Orman, I</i> , (CIV-15-170-FHS-SPS)	FC.6
<i>Lay v. Orman II</i> , (CIV-15-410-JHP-SPS)	FC.6

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FEDERAL CASES:

*Lay v. Royal*, (CN-08-617-TCK-PJC); NO. 15-511 (10<sup>TH</sup> CIR. 2015); CERT. NO.

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*Lay v. SIMONS*, (CN-08-617-TCK-PJC)

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*Lay v. Trammell*, (CN-15-353-TCK-PJC); NO. 15-5067 (10<sup>TH</sup> CIR. 2015)

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*Lay v. United States*, (CN-18-139-RAW); NO. 18-7035 (10<sup>TH</sup> CIR. 2018); CERT. NO.

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28 USC § 2242 Pg. 3, 10

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BASIS FOR JURISDICTION

PURSUANT TO RULE 14.1 (E) PETITIONER PROVIDES THE FOLLOWING:

1. 14.1(e)(i) - THE DATE THE JUDGMENT OR ORDER SOUGHT TO BE REVIEWED IS IN

FACT A COMPILATION OF TWO OR EVEN THREE JUDGMENT AND ORDERS FROM THE

TENTH CIRCUIT COURT OF APPEALS. FIRST IS THE JULY 24, 2018 ORDER BY THE

TWO JUDGE PANEL (CIR. JUDGES BACHRACH AND PHILLIPS), WHEREIN THE CIRCUIT

COURT STATES: " IT APPEARS THAT SINCE THE PETITIONER IS IN CUSTODY UNDER THE JUDGE-

MENT OF THE STATE OF OKLAHOMA, THAT HE MAY NEED TO OBTAIN R... (COA) IN ORDER

TO PROCEED WITH THIS APPEAL. (SEE 78 USC § 2253(C)(1)(A); *Montez v. McMillan*, 208 F.3d

862, 867 (10th Cir. 2000). "

THIS IS PREDICATED ON THE MISAPPLICATION OF Dkt# 7 (6:18-cv-00139-RAW), ORDER

DATED 07/13/18, IN THE U.S.D.C. E.D. OK. SUBSEQUENT TO THIS, THE E.D. COURT

## BASIS FOR JURISDICTION

1. - DENIES CERTIFICATE OF APPEALABILITY (COA) ON 07/26/2018, UNDER THE PRETEXT "WHETHER THE PETITIONER STATES A VALID CLAIM OF THE DENIAL OF A CONSTITUTIONAL RIGHT", AND "THAT JURIST OF REASON WOULD FIND IT DEBATABLE WHETHER [THIS] COURT WAS CORRECT IN ITS PROCEDURAL RULING." THE COURT CITES *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

PETITIONER CONTINUES ON APPEAL. FILING MULTIPLE SUBMISSIONS TO THIS U.S. SUP. CT. UNDER RULE-11 *Rules of the Supreme Court of the United States*, DUE TO THE SUBTERFUGE OF THE CIRCUIT COURT, BUT NOT ONE OF THE FOUR PETITIONS FILED AT D.S.P. THROUGH OCTOBER AND FEBRUARY WERE ACKNOWLEDGE BY THIS COURT'S OFFICE OF THE CLERK. FOR THAT REASON LAY REFUSES TO COMPLY WITH THE CIRCUIT COURT'S DEMANDS TO CIRCUMVENT THE ROLE OF LAW,

BASIS FOR JURISDICTION

THE CLERK OF THE TENTH CIRCUIT (MR. CHRIS WOLPERT) IGNORES THE DOCU-

MENTARY EVIDENCE SHOWING, THAT O.S.P. WOULD NOT PROVIDE (i.f.p. CERTI-

FICTION, MR. WOLPERT MAKES IT REQUISITE FOR PETITIONER TO RETURN

"PORTIONS OF THE COURT'S FORM A IFP MOTION" OUTSIDE THE STIPULATED

IMPERATIVE ESTABLISHED BY CONGRESS IN 28 USC § 1915. (SEE ORDER DATED

NOVEMBER 16, 2018, DOC. NO. 010110085381 (CASE NO. 18-7035).

PETITIONER AS APPELLANT REMINDS THE COURT OF HIS: RULE-11, *Rules of the*

*Supreme Court* FILIAL, AS RECOGNIZED BY THIS COURT IN RULE-14.1(e)(i).

NONE-THELESS, WITH THE TENTH CIRCUIT CLERK'S ILLICIT DEMANDS, AND THE U.S.

SUPREME COURT CLERK'S MISHANDLING AND NEGLECT OF *hoy V. United States,*

THE CIRCUIT COURT DISMISSES THE APPEAL FOR FAILURE TO PROSECUTE. SEE

BASIS FOR JURISDICTION

xii

THE DECEMBER 04, 2018 ORDER BY THE TENTH CIRCUIT CLERK MR.

WOLPERT, DOC. NO. 010110092834.

THEREFORE, THE JULY 24, 2018 ORDER, DOC. NO. 010110021588, BY THE CIR-

CUIT COURT TWO JUDGE PANEL; AND THE NOVEMBER 16, 2018 ORDER

BY THE TENTH CIRCUIT CLERK, MR WOLPERT, DOC. NO. 010110085381; AND

THE DECEMBER 04, 2018 ORDER BY THE CLERK, DOC. NO. 010110092834 ARE

RELEVANT TO THIS RULE-14.1(B)(1).

2. THIS COURT'S CLERK (REDMOND K. BARNES) INFORMS PETITIONER ON

APRIL 11, 2019 OF AN EXTENSION OF TIME GRANTED BY JUSTICE SOTOMAYOR

ON APRIL 11, 2019, EXTENDED TO MAY 3, 2019. THEREFORE UNDER RULE-14.1

(e)(ii), PETITIONER INFORMS THE COURT OF THIS DATE MAY 03, 2019 AND OF

BASIS FOR JURISDICTION

PETITIONER'S TIMELY RESPONSE, FILED AT O.S.P. ON MAY 03, 2019.

3. PURSUANT TO RULE 14.1(c)(iv), THE STATORY PROVISIONS BELIEVED

TO CONFER JURISDICTION ARE AS FOLLOWS, BUT NOT LIMITED TO:

A) 28 USC § 2254(b)(1)(B)(ii); B) 28 USC § 2244(d)(1)(B); C) 28 USC §

2253(c)(1)(A); D) 28 USC § 2254(e); E) 28 USC § 2254(d); E) AND

FED. R. CIV. P. 81.4. (SEE ALSO JURISDICTION IN PETITIONER'S SECOND

SUBMISSION TO THE U.S.D.C. E.D./OK. FILED APRIL 26<sup>TH</sup> 2018 AT O.S.P., FILED

MAY 07/2018 BY THE E.D. COURT.

4. FOR NOTIFICATION UNDER RULE 29.4(b) OR (c), PURSUANT TO RULE 14.1

(e)(v), SEE CERTIFICATE OF SERVICE. (CERTIFICATE OF SERVICE AT X(v)).

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## CERTIFICATE OF SERVICE

PETITIONER INFORMS THE COURT THAT THE PARTIES NAMED BELOW WERE PROVIDED A COPY OF THIS CERTIFICATE PETITION ON MAY 03, 2019, VIA U.S. MAIL, RT O.S.P., AND AGAIN BY MISS RHONDA KEMP ON OR ABOUT MAY 14, 2019, AS NEXT FRIEND HAVING POWER OF ATTORNEY.

1. MR. MOEL J. FRANCISCO  
SOLICITOR GENERAL  
UNITED STATES DEPT. OF JUSTICE  
950 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20530-0001
2. PHIL LOMBARDI (CLERK U.S.D.C. N.D./OK.)  
PAGE BELCHER FEDERAL BLDG. & U.S. COURTHOUSE  
333 W. 4TH ST. RM 411  
TULSA, OKLAHOMA 74103



CERTIFICATE OF SERVICE

3. ELIZABETH SHUMAKER (CLERK 10TH CRT.)

BYRON WHITE UNITED STATES COURTHOUSE

1823 STOUT STREET

DENVER, COLORADO 80257

4. LISA NESBITT (CLERK U.S. SUP. CT.)

ONE 1<sup>ST</sup> ST. NE

WASHINGTON, DC 20543

5. SUSAN OTTO (F.P.D. IN CHG. (WESTERN DIST.))

215 DEAN A MCGEE SUITE 100

OLD POST OFFICE BLDG.

DIKE, OKLAHOMA 73102

PARTIES OF INTEREST

1. ADMINISTRATIVE OFFICE OF COURTS (DIRECTOR)

THURGOOD MARSHALL FEDERAL JUDICIARY BLDG.

ONE COLUMBUS CIRCLE NE

WASHINGTON, DC 20544

*Zakiya Pope*  
56219



05/02/2019

A handwritten signature in black ink, appearing to be "Blad".

PETITION FOR WRIT OF CERTIORARI

1. PETITIONER, WADE CREELY LAY, RESPECTFULLY PETITIONS THIS COURT FOR A WRIT OF CERTIORARI TO REVIEW THE OPINION RENDERED BY THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT IN *Lay v. United States*, 18-7035 (10<sup>TH</sup> CIR. 2018).

OPINIONS BELOW

2. THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT DENYING RELIEF IS AT *Lay v. United States*, 18-7035, DOC. NO. 10609051, DATE FILED 12/04/2018. See ATTACHMENT A. THE FEDERAL DISTRICT COURT DECISION DENYING RELIEF IS FOUND AT *Lay v. United States*, (CV-18-139-RMN), DOC. NO. 7, DATE FILED 07/13/2018. See ATTACHMENT B. ADDITIONALLY, IT IS IMPORTANT TO NOTE, THAT THE TENTH CIRCUIT DEPRIVES PETITIONER OF HIS RIGHT TO APPROACH THE U.S. SUPREME COURT UNDER RULE 11 - Rules of the Supreme Court, BEFORE JUDGMENT.

F.W.

\* See *Benefield v. Estelle*, 463 U.S. 880 (1983), at 880.

JURISDICTION

3. ULTIMATELY, IN THIS PARTICULAR CASE, THIS COURT'S JURISDICTION IS PROPERLY STATED

IN 28 USC § 2254(a), AS PART OF THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY

ACT (AEDPA). HOWEVER, CERTAIN PORTIONS OF THAT STATUTE DEFINE THE MANDI-

FEST TENOR OF THE CONSTITUTION, AND IN PRACTICE, ENABLES A FEDERAL DISTRICT

JUDGE TO INFLUENCE ITS OFFICERS "TO FILE A MOTION PURSUANT TO McFarland V.

Scott, 512 U.S. 844 (1994), INTENDED TO SUPPLANT THE CLAIMS PRESENTED TO THE

STATE COURT BY PETITIONER ON DIRECT APPEAL.

4. THIS BEING THE PRIMARY COMPLAINT ENCAPSULATED, PETITIONER FILES THE SPECIAL WRIT

UNDER FEDERAL RULES OF CIVIL PROCEDURE 81(4) (DO WARRANT) - BY WHAT AUTHORITY

DID THE ABOVE NAMED PARTIES ACT? FOR THAT REASON, RULE 2 - Rules Governing

§ 2254 (a) "CURRENT CUSTODY; MAINTAINING THE RESPONDENTS AND

1) See *Key v. United States*, 10-139-RMW, Dkt# 1, at 182, ATTACHMENT B. (IN PARTICULAR PETITIONERS

CONSTITUTIONAL CHALLENGE FILED 01/11/2018 AT 0:47, BUT NOT FILED BY THE E.D. COURT

FOR THE SAME REASON THE N.D. COURT INTEGRAL USURPS CONTROL, IT IS AN ACT OF CENSORSHIP.

JUDGMENT CONTINUED:

"SPECIFYING THE JUDGMENT"; WITH THE EXPRESS DECLARATION FOUND IN 28

USC § 2242, STATING:

5. "APPLICATION FOR A WRIT OF HABEAS CORPUS... SHALL ALLEGE THE FACTS CONCERNING THE APPLICANT'S COMMITMENT OR DETENTION, THE NAME OF THE PERSON WHO HAS CUSTODY OVER HIM AND BY VIRTUE OF WHAT CLAIM OR AUTHORITY, IF KNOWN,\* IS CAUSE TO VACATE THE JUDGMENT."

6. THAT THIS DISTINCTION SUPERIMPOSES A PREMEDITATED DISCRETION TO THE SUBSE-

QUENT APPLICATION OF 28 USC § 2241(d); THEREFORE, THE CONCURRENT JURIS-

DICTION AND UTILITY OF TRANSFERENCE BY THE E.D. COURT IN DOCUMENT NO. 7, AT

3 SHOULD BE ABROGATED. SEEING THAT THE PARTIES NAMED AS RESPONDENTS BY

PETITIONER ARE FEDERAL AGENTS, AND NOT A STATE OFFICER HAVING CUSTODY, BOTH

THE DISTRICT COURT AND TENTH CIRCUIT COURT HAVE ABUSED THEIR DISCRETION.

7. THE CERTIFICATE OF APPEALABILITY (COA), DEEMED NECESSARY "IN ORDER TO

EN.

\* RELIEF MUST BE GRANTED BY THIS COURT! (SEE PL. i "QUESTIONS PRESENTED" PAR. 2). TO REMAND THE CASE TO THE LOWER COURTS WOULD RESULT IN FURTHER SUBTERFUGE AND ABUSE.

JURISDICTION COURT:

"PROCEED WITH THIS APPEAL", THE APPEALS COURT CITES "28 USC § 2253(C)(1)

(A); *Montez v. McKinnis*, 208 F.3d 867, 867 (10TH CIR. 2000).<sup>2</sup> THIS VIOLATES THE SAME

PRINCIPLES STATED ABOVE, APPLICABLE TO THE DISTRICT COURT, AND THE CONTINUED

ABUSES IN THESE COURTS SUPPORTS PETITIONER'S MOTION TO STAY THE EXECUTION,

APPOINT NEW COUNSEL, AND RETOLL THE 1-YEAR PERIOD OF LIMITATION, DUE TO

THE NATURE OF THE IMPEDIMENT CAUSED BY GOVERNMENTAL ACTORS.

8. THE TWO JUDGE PANEL (CIRCUIT JUDGES BACHARACH AND PHILLIPS) IGNORE THEIR OWN

PRECEDENT CITED WITHIN THE JULY 24, 2018 ORDER. THE PARAMOUNT DISTINCTION

WHICH NEGATES THE ORDER IS FOUND AT *Montez v. McKinnis*, 208 F.3d AT 866, 867. THE

TENTH CIRCUIT DECLARES:

9. "A COA IS NEEDED TO APPEAL EITHER THE FINAL ORDER IN A HABEAS CORPUS PROCEEDING IN WHICH THE DETENTION COMPLAINED OF ARISES OUT OF PROCESS ISSUED BY A STATE COURT' OR THE FINAL ORDER IN A PROCEEDING UNDER SECTION

F. 24

2) SEE ORDER OF APPEALS COURT DATED JULY 24, 2018, ATTACHMENT A.

JURISDICTION COURT:

" 2255, 28 USC § 2253(c)(1). " IT IS OBVIOUS *Ray v. United States* FALLS UNDER

NEITHER CATEGORY. COA IS NOT REQUISITE FOR APPEAL IN THIS CASE.

10. IN ANOTHER LIGHT, CIRCUIT JUDGE MURPHY ELABORATES IN *Montez* SAYING:

" IF CONSTRUED AS A § 2254 PETITION, THE ACTION SHOULD HAVE BEEN FILED IN THE DISTRICT IN WHICH MONTEZ WAS CONVICTED AND SENTENCED, ... IF CONSTRUED AS A § 2241 PETITION, IT WAS PROPERLY FILED IN ... THE DISTRICT IN WHICH MONTEZ IS CONFINED. " <sup>3</sup> ADDITIONALLY:

" ANALYZING WHETHER A § 2241 PETITION ... WAS A CIVIL ACTION FOR PURPOSES OF THE PRISON LITIGATION REFORM ACT, THIS COURT STATED IN *McIntosh v. United States Parole Comm'n.*, 115 F. 3d 804, 811-12 (10TH CIR. 1997), THAT " A HABEAS CORPUS PROCEEDING " ATTACKS THE FACT OR DURATION OF A PRISONER'S CONFINEMENT. " " " FURTHERMORE THE TENTH CIRCUIT DECLARES IN *McIntosh*:

" WE FURTHER EMPHASIZE THAT WE HOLD ONLY THAT § 2241 PROCEEDINGS, AND APPEALS OF THOSE PROCEEDINGS, ARE NOT ' CIVIL ACTIONS ' FOR PURPOSES OF 28 USC §§ 1415 (c)(2) AND (b). A PRISONER SEEKING TO PROCEED IN FORMA PAUPERIS WITH HIS OR HER § 2241 PETITION REMAINS OBLIGATED TO COMPLY WITH, AND IS SUBJECT TO, ALL OF THE OTHER PROVISIONS OF 28 USC § 1415. "

END

3) THE DISTRICT COURT VIOLATES THIS PRECEDENT, AND THE CIRCUIT COURT IGNORES THIS FACT.

STATEMENT OF THE CASE

11. FIRST: *Lay v. United States* IS NOT "AN APPLICATION FOR A WRIT OF HABEAS CORPUS",

THE USE OF 28 USC § 2241 (d) IS INAPPROPRIATE, BUT MORE IMPORTANTLY, THE STAT-

UTORY PROVISION IS NOT OBEYED. CONGRESS COMMANDS THE DISTRICT COURT TO

EITHER "ENTERTAIN THE APPLICATION", OR TO "TRANSFER THE APPLICATION TO THE

OTHER DISTRICT COURT FOR HEARING AND DETERMINATION." RATHER, UNITED

STATES DISTRICT JUDGE WHITE DISMISSES THE CASE, UNDER PRETENSE, "WITH-

OUT PREJUDICE PURSUANT TO 28 USC § 2241 (d)." THE FACTS REVEAL, THAT THE CASE

IS INITIATED BY THE E.D. COURT IN THE SAME MANNER AS FOUR PRIOR CIVIL ACTIONS,

BEING IMMERSED IN PREJUDICE AND ENMITY.

F.N.#

1) IN *Lay v. O.D.R.C.* (13-481-BRW-SPS), THE SAME U.S. DIST. JUDGE WHITE RENDERS A JUDGMENT AND ORDER  
ON AN INOPERATIVE PLEADING, ODC NO. 12, RATHER THAN NO. 18. (SEE

IN *Lay v. ORMAN I*, 15-410-FAS-SPS), THE E.D. COURT DISMISSES THE CASE FOR NON-PAYMENT OF INITIAL  
FILING FEES, EVEN THOUGH THE FILING FEES ARE PAID AND RECORDED. (SEE

IN *Lay v. ORMAN II*, 15-410-JHP-SPS, THE E.D. COURT REFUSES TO LITIGATE THE CASE, REFUNDING FILING FEES.

IN *Lay v. G.T.H.* THE E.D. COURT LETS THE CASE LIE DORMANT FOR OVER A YEAR, GRANTING C.F.P.  
BUT NOT REMOVING A SINGLE DOLLAR FROM MADE LAY'S FROST FUND ACCOUNT.

STATEMENT OF THE CASE CONTINUED:

12. SECOND: A PATTERN EMERGES IN BOTH THE U.S.D.C. E. D. /OK.; AND THE TENTH CIRCUIT COURT OF APPEALS, IN THE HANDLING OF THE PROCEEDINGS AND APPEAL OF THOSE PROCEEDINGS, WHICH UNVEILS COLLUSION BETWEEN JUDICATURES OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT, AND THE UNITED STATES DISTRICT COURTS IN THE STATE OF OKLAHOMA, WHEN WADE LAY IS AN APPLICANT, PLAINTIFF, OR PETITIONER IN A CIVIL ACTION PERTAINING TO HIS HABEAS CORPUS CASE ILLICITLY IMPULSED BY FEDERAL ACTORS.
- 

13. A PROFOUND EXAMPLE EXISTS IN THE HANDLING OF THE *in-forma-petitionis* APPLICATIONS AND FILING FEES BY THE E.D. COURT. IF THE COURT WILL VIEW EXHIBITS B43-B8B, IT IS CLEAR THE E.D. COURT GRANTS TWO *i.f.p.* APPLICATIONS FOR THE SAME CASE, *ie., Kay v. United States*. THIS IS SIMILAR IN FASHION AS THAT DESCRIBED IN PARA-



GRAPH II, FOOTNOTE NO. 4, (SUPP AT 6). PETITIONER (LAY) FILES THE FIRST SUBMISS-

ION OF *Lay v. United States*, AGAINST (3) THREE PARTIES ON APRIL 04, 2018; HE IS

THEY COMPELLED TO FILE A SECOND SUBMISSION ON APRIL 26, 2018, DUE TO THE

AGAINST (5) PARTIES

FACT THE U.S.D.C. E.D./OK. REFUSES TO FILE THE CASE.

14. IT IS NOT UNTIL MAY 02, 2018, AFTER LAY FILES HIS OPENING BRIEF TO THE TENTH

CIRCUIT IN *Lay v. Oklahoma Dept. of Corrections*, (CIV-17-1224-D); NO. 18-6024 (10TH CIR 2018);

CERTIORARI PETITION 18-4404, (PENDING); THAT THE E.D. COURT THEN FILES BOTH SUB-

MISSIONS OF *Lay v. United States*, (CIV-18-139-RAW); AND (CIV-18-141-RAW), CONT-

RARY TO PETITIONERS MOTION IN THE SECOND SUBMISSION AGAINST (5) PARTIES, APRIL 26,

2018. LAY SPECIFICALLY ASK THE E.D. COURT TO FILE THE SECOND SUBMISSION, NOT AS AN

AMENDED COMPLAINT, BUT THAT THE COMPLAINT AGAINST (5) PARTIES SHOULD SUPER-

F.A.S.

5) 04/04/18 - *Lay v. U.S.*, PARTIES: PHIL LOMBARDI (CLERK - N.D. COURT); SUSAN OTTO (FED. PUBLIC

DEFENDER, OKC, WESTERN DIST); UNITED STATES OF AMERICA. 16) 04/26/18 - *Lay v. U.S.*, PARTIES: PHIL

LOMBARDI; SUSAN OTTO; ELIZABETH STEINAKER (CLERK - 10TH CIR.); LISA WEBBATT (CLERK - U.S. SUP. CT.); U.S. OF AMERICA.

SEDE THE FIRST COMPLAINT AGAINST (3) PARTIES, DUE TO THE FACT THE FIRST SUBMISSION HAD NOT YET BEEN FILED. TO THE CONTRARY, U.S. DIST JUDGE WHITE FILES BOTH SUBMISSIONS, OUT OF SEQUENCE, AS TWO SEPERATE CASES, THE FIRST AS CASE NO. 18-147-RAW; AND THE SECOND AS CASE NO. 18-139-RAW. THE INTENT WAS CLEARLY TO MISLEAD, AS IT IS THE FED. R. CIV. P. 19 (c) REQUIRES THE CLERK TO ENTER ITEMS ON THE "CIVIL DOCKET" - "MARKED WITH THE FILE NUMBER AND ENTERED CHRONOLOGICALLY IN THE DOCKET".

IS AS STATED EARLIER, (SUPRA AT 7) THIS IS A COMMON PRACTICE IN THE U.S. DIST. COURTS IN OKLAHOMA IN THEIR PREJUDICE TOWARDS WADE LAY, WHICH EXTENDS INTO THE TENTH

F.N.

IF THE COURT WILL VIEW THE RELATIVE DOCUMENTS FILED AS EXHIBITS B, C - F, THE JUDGES WILL SEE A DELIBERATE ATTEMPT TO DECEIVE, A PRECONCEIVED EFFORT TO DISMISS THE CASE *Key v. United States* (CIV-18-139-RAW) - (CIV-18-147-RAW), PRESENT EVEN AT THE MOMENT OF FILING THE CASES. THIS SAME TYPE OF PREJUDICE IS PRESENT IN EVERY CIVIL ACTION FILED BY WADE LAY IN THE U.S.D.C. E.D./OK.

CIRCUIT COURT OF APPEALS. THIS DYNAMIC, I.E., THE FORCE OF PERSUASION

THAT HAS PENETRATED THE AUTHENTICITY OF 28 USC § 2242, AND McFarland

V. Scott, AS INTENDED BY CONGRESS AND PARTIALLY ELUCIDATED BY THIS

SUPREME COURT; EVENTUALLY, DURING THE COURSE OF PETITIONERS ILLICIT-

IMATE HABEAS CASE, OUT OF A DISPOSITION OF UNBRIDLED POWER, BOLDLY

INFILTRATES THE STATE CORRECTIONAL INSTITUTION. THE SUBORDINATE COURTS

OF THE UNITED STATES EXERCISING AUTHORITY OVER THIS JURISDICTION IN OUL-

AHOMA HAVE OFFENDED THE PREMIERE AND SUPERIOR PURPOSE OF THE 11TH

AMENDMENT.

16. PETITIONER WILL CALL ON THE WISDOM OF JAMES MADISON TO DIRECT A PROPER

MODERN DAY JUXTAPOSITION. MADISON, IN HIS REPORT ON THE ALIEN AND SEDITION

FILE

0) SEE Wuy V. O.D.C., CERT. NO. 18-8404 FILED 01/28/19 AT O.S.P., BUT NOT FILED BY THE CLERK OF THIS COURT. IN THIS PETITION, AS IN LAY'S MOTION FOR INJUNCTIVE RELIEF FILED 08/23/18 AT O.S.P., LAY DESCRIBES THE ACTIONS AT THE PRISON EFFECTING HIS HABEAS CASE.

ACTS, LATE IN 1798 DECLARES:

17. " THAT IT [(THE SEDITION ACT)] EXERCISES A POWER NOT DELEGATED BY THE CONSTITUTION. HERE, AGAIN, IT WILL BE PROPER TO RECOLLECT THAT, THE FEDERAL GOVERNMENT BEING COMPOSED OF POWERS SPECIFICALLY GRANTED, WITH RESERVATION OF ALL OTHERS TO THE STATES or to the people, THE POSITIVE AUTHORITY UNDER WHICH THE SEDITION ACT COULD BE PASSED MUST BE PRODUCED BY THOSE WHO ASSERT ITS CONSTITUTIONALITY. IN WHAT PART OF THE CONSTITUTION, THEN, IS THE AUTHORITY TO BE FOUND? "

18. THIS SAME QUESTION APPLIES TO THE AEDPA. BECAUSE, IN SO MANY RESPECTS

THE MODERN DAY STATUTE SERVES THE SAME PURPOSE AS THE ALIEN AND SED-

<sup>9</sup>  
TION ACTS OF 1798. WHEN MADISON SAYS:

19. " THE COMMITTEE REFER TO THE DOCTRINE LATELY ADVANCED, AS A SANCTION TO THE SEDITION ACT, ' THAT THE COMMON OR UNWRITTEN LAW ' - A LAW OF VAST EXTENT AND COMPLEXITY, AND EMBRACING ALMOST EVERY POSSIBLE SUBJECT OF LEGISLATION, BOTH CIVIL AND CRIMINAL - MAKES A PART OF THE LAW OF THESE STATES, IN THEIR UNITED AND NATIONAL CAPACITY. " HE CONCLUDES IT TO BE AN EXTRA-

VAUNT PRETENSION THAT THE CONSTITUTION COULD SUPPORT A FEDERAL CRIMINAL

F.N.

9) SEE LAY'S CONSTITUTIONAL CHALLENGE FILED IN THIS CASE 07/13/19, ATTACHMENT-C.

CODE COGNIZABLE IN THE COURTS OF THE UNITED STATES, LET ALONE A COLLAT-  
 TERAL REVIEW UNDER SUCH STIPULATIONS AS THAT PROPOSED BY CONGRESS AND  
 SANCTIONED BY THE UNITED STATES SUPREME COURT IN THE AEDPA.

20. ONE OF THE PRIMARY FACTORS OF *how V. United States*, AS DEFINED BY PETITIONERS

CONSTITUTIONAL CHALLENGE TO THE AEDPA PURSUANT TO FED. R. CIV. P. 5.1(c), THE

U.S.D.C. E.D./OK FAILED TO FILE; IS THAT, THE AEDPA OFFENDS THE AUTONOMOUS

DISPOSITION GIVEN TO STATE JUDGES, AS ESTABLISHED BY ARTICLE III, CLAUSE 2.<sup>10</sup>

MADISON WRITES:

21. <sup>11</sup> THE FUNDAMENTAL PRINCIPLE OF THE REVOLUTION WAS, THAT THE COLONIES WERE CO-  
 ORDINATE MEMBERS WITH EACH OTHER, AND WITH GREAT BRITAIN, OF AN EMPIRE  
 UNITED BY A COMMON EXECUTIVE SOVEREIGN, BUT NOT UNITED BY ANY COM-  
 MON LEGISLATIVE SOVEREIGN. THE LEGISLATIVE POWER WAS MAINTAINED TO BE  
 AS COMPLETE IN EACH AMERICAN PARLIAMENT, AS IN THE BRITISH PARLIAMENT.

F.M.

10) THIS COURT IS OBLIGATED TO THE WHOLE TEXT OF THE CONSTITUTION IN ITS PEREMPTORY WHOLE.  
 IF IT WILL PURSUE LAY'S CONSTITUTIONAL CHALLENGE (ATT.-C), AT 38-43, THE COURT  
 WILL SEE A CRUCIAL PART OF THIS CONCEPT, (2. "POWER BEING ALMOST ALWAYS THE ENEMY OF POWER"

" AND THE ROYAL PREROGATIVE WAS IN FORCE, IN EACH COLONY, BY VIRTUE OF ITS ACKNOWLEDGING THE KING FOR ITS EXECUTIVE MAGISTRATE, AS IT WAS IN GREAT BRITAIN, BY VIRTUE OF A LIKE ACKNOWLEDGMENT THERE. A DENIAL OF THESE PRINCIPLES BY GREAT BRITAIN, AND THE ASSERTION OF THEM BY AMERICA, PRODUCED THE REVOLUTION. "

22. WHEN IT IS RECOGNIZED, THAT IN AMERICA "LAW IS KING", THEN IT IS ACCEPTED

BY JURIST OF REASON, THAT THE ROYAL PREROGATIVE REMAINS IN FORCE, WITHIN

EACH RESPECTIVE JUDICIAL SPHERE THROUGH ARTICLE III, SECTION 2; AND ART-

"  
ICLE VI, CLAUSE 2. MADISON STATES:

23. " THERE ARE TWO PASSAGES IN THE CONSTITUTION, IN WHICH A DESCRIPTION OF THE LAW OF THE UNITED STATES IS FOUND. THE FIRST IS CONTAINED IN ART. 3, SECT. 2, IN THE WORDS FOLLOWING: ' THIS CONSTITUTION, THE LAWS OF THE UNITED STATES, AND TREATIES MADE OR WHICH SHALL BE MADE, UNDER THIS AUTHORITY. ' THE SECOND IS CONTAINED IN THE SECOND PARAGRAPH OF ART. 6, AS FOLLOWS: ' THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF, AND ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUP-

EM.

" THE COERCION OF LAWS DYNAMIC, AT THE TRIAL BY JURY, ORIGINAL CAUSE ACTS AS A SENTINEL WATCHDOG TO EACH REPUBLIC; A MEANS TO DETERMINE AND PROCLAIM, IF THE LAWS OF THE ...

“16  
 REMAIN LAW OF THE LAND.’ THE FIRST OF THESE DESCRIPTIONS WAS MEANT AS A  
 GUIDE TO THE JUDGES OF THE UNITED STATES; THE SECOND, AS A GUIDE TO THE JUD-  
 GES OF THE SEVERAL STATES. BOTH OF THEM CONSIST OF AN ENUMERATION, W-  
 HIGH WAS EVIDENTLY MEANT TO BE PRECISE AND COMPLETE. IF THE COMMON  
 LAW HAD BEEN UNDERSTOOD TO BE A LAW OF THE UNITED STATES, IT IS NOT PO-  
 SSIBLE TO ASSIGN A SATISFACTORY REASON WHY IT WAS NOT EXPRESSED IN THE  
 ENUMERATION.”

24. THIS PROVIDES AN AUTONOMY WITHIN EACH COURT, WHERE “ CLEARLY ESTABLISHED

FEDERAL LAW, AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES” IS

NOT A PART OF THE ENUMERATION. MOREOVER, A CERTIFICATE OF APPEALABILITY

SHOULD NOT SERVE AS A MEANS FOR A FEDERAL DISTRICT JUDGE TO ALTER THE FACTS

OF AN ORIGINAL CAUSE, AND SUBSEQUENTLY LIMIT THE APPEAL WITHIN THE COMPASS

<sup>12</sup>  
 OF THE RESTYLED RECORD. AS IT IS, THE LAW ADVISES UPON THE FACTS AS ASCERTAINED

BY A JURY, THEREFORE, THE “ SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL

E.N.

12) SEE DKT # 7 OF Luy V. Trammell, (15-353-TCR-PJC), AND LAY'S NOTICE OF APPEAL, DKT # 8.

11) - UNITED STATES, ARE IN PURSUANCE TO THE CONSTITUTION (WHICH INCLUDES THE COMMON LAW), OR  
 IF A DESIGN IS BEING ENACTED TO REDUCE THE PEOPLE TO ABSOLUTE DESPOTISM.

"RIGHT", MUST BE PREDICATED ON THE STATE COURT RECORD, AS THIS COURT HAS

ACKNOWLEDGED. NEVERTHELESS, UNDER THE SUPPOSITION OF A COLLATERAL ATTACK

AND REVIEW, BY MEANS OF CONSTRUCTIVE POWERS, THROUGH JUDICIAL DOCTRINES,

SUCH AS: SUBSTANTIVE DUE PROCESS AND INCORPORATION OF THE BILL OF RIGHTS,

THE COURTS OF THE UNITED STATES NOT ONLY CONTRAVENE FUNDAMENTAL PRINCIPLES

OF THE CONSTITUTION, BUT VIOLATE THE PRECEPTS OF THEIR OWN MAKING.

25. THE PROPER FOUNDATION AND CAUSE IS CLEARLY STATED BY THE FORMERS, SETTING

A STRAIGHT COURSE WITHIN THE TEXTUAL COMPOSITION, JUST AS CLEAR AND VISIBLE AS

THE STARS IN THE NIGHT SKY. IN MADISON'S OBSERVATIONS ON THE SECOND OBJECT, IN

HIS REPORT ON THE ALIEN AND SEDITION ACTS, *ET.* THE SEDITION ACT, HE WRITES:

26. "THE EXPRESSION 'CASES IN LAW AND EQUITY' IS MANIFESTLY CONFINED TO CASES OF A CIVIL NATURE, AND WOULD EXCLUDE CASES OF A CRIMINAL JURISDICTION. CRIMINAL



" CASES IN LAW AND EQUITY WOULD BE A LANGUAGE UNKNOWN TO THE LAW.

" THE SUCCEEDING PARAGRAPH IN THE SAME SECTION IS IN HARMONY WITH THIS CONSTRUCTION. IT IS IN THESE WORDS: " IN ALL CASES AFFECTING AMBASSADORS, OR OTHER PUBLIC MINISTERS, AND CONSULS, AND THOSE IN WHICH A STATE SHALL BE A PARTY, THE SUPREME COURT SHALL HAVE ORIGINAL JURISDICTION. In all THE OTHER CASES, [INCLUDING CASES OF LAW AND EQUITY ARISING UNDER THE CONSTITUTION,] THE SUPREME COURT SHALL HAVE *appellate* JURISDICTION, BOTH AS TO LAW AND *fact*, WITH SUCH EXCEPTIONS, AND UNDER SUCH REGULATIONS, AS CONGRESS SHALL MAKE."

" THIS PARAGRAPH, BY EXPRESSLY GIVING AN *appellate* JURISDICTION, IN CASES OF LAW AND EQUITY ARISING UNDER THE CONSTITUTION, TO *fact*, AS WELL AS TO LAW, CLEARLY EXCLUDES CRIMINAL CASES, WHERE THE TRIAL BY JURY IS SECURED—BECAUSE THE FACT, IN SUCH CASES, IS NOT A SUBJECT OF APPEAL; AND, ALTHOUGH THE APPEAL IS LIABLE TO SUCH *exceptions* AND REGULATIONS AS CONGRESS MAY ADOPT, YET IT IS NOT TO BE SUPPOSED THAT AN *exception* OF all CRIMINAL CASES COULD BE CONTEMPLATED, AS WELL BECAUSE A DISCRETION IN CONGRESS TO MAKE OR OMIT THE EXCEPTION WOULD BE IMPROPER, AS BECAUSE IT WOULD HAVE BEEN UNNECESSARY. THE EXCEPTION COULD AS EASILY HAVE BEEN MADE BY THE CONSTITUTION ITSELF, AS REFERRED TO THE CONGRESS."

27. IT IS BEYOND DOUBT THAT THE FRAMERS INTENT AND ACTUAL DESIGN REGARDING CRIMI-

NAL CASES AND JURISDICTION IS ONE MEANT TO GREATLY LIMIT THE CENTRAL AUTHORITY

IN ITS CAPACITY TO ACT UPON INDIVIDUALS. THE CONSTRUCT IS OBVIOUS IN ITS

PURPOSE AND SYSTEMATIC ARRANGEMENT. ARTICLE I, SECTION 3, CLAUSE 1

WORKS IN TANDEM WITH THE LIMITATIONS OF ARTICLE III. MADISON MAKES IT CLEAR,

THE LIMITATIONS OF CONGRESS WITH REGARD TO APPELLATE REVIEW, \* IN CASES OF

LAW AND EQUITY ARISING UNDER THE CONSTITUTION, TO FACTS AS WELL AS TO LAW,

CLEARLY EXCLUDES " THE CONTROLLING DISPOSITION OVER STATE COURT PROCEEDINGS

IN AN ORIGINAL CAUSE OF A CRIMINAL NATURE.<sup>13</sup>

28. THE COLLATERAL ATTACK UNDER THE ANTITERRORISM AND EFFECTIVE-DEATH PENALTY

ACT, IS AN ATTACK ON THE " INDEPENDENT PORTION[ ] OF THE SUPREMACY," GIVEN TO<sup>14</sup>

STATE JUDGES BY THE CONSTITUTION IN ARTICLE VI, CLAUSE 2. THIS THEORY IS EXPL-

AINED IN DETAIL IN WADE LAY'S CONSTITUTIONAL CHALLENGE FILED ON JULY 11, 2012.

FIG. 4

13) THIS CONSTRUCT HAS A PRECISE PURPOSE, AS DESCRIBED IN WADE LAY'S CONSTITUTIONAL CHALLENGE,

STARTING AT PAGE 8, IT IS DISPLAYED THAT THE FOUNDRING GENERATION RATIFIED A JUDICIAL SYSTEM

IN WHICH STATE COURTS ACT AS A CHECK UPON SUCH ABUSES AS SUBSTANTIVE DUE PROCESS. /14 FED. # 39

AT O.S.P., BUT THE U.S.D.C. E.D./OK., U.S. DIST. JUDGE WHITE REFUSES TO FILE THE

PLEADING FILED UNDER FED. R. CIV. P. 5.1(a). THE FACTS OF THIS CASE PLAINLY

DISPLAY A BROAD CONSPIRACY INVOLVING STATE AND FEDERAL ACTORS FULFILLING

THE WILL OF FEDERAL JUDGES WHO ARE EXERCISING POWERS OUTSIDE ANY LAW-

FUL SPHERE, AND SUPPORTING THIS ARBITRARY ROLE WITH AUTHORITARIAN DECL-

ARATIONS COMPLETELY SEPERATED FROM THE FACTS.

29. THIS HAS BEEN A UNIVERSAL ACTION BY THE COURTS OF THE UNITED STATES IN THIS JURIS-

DICTION IN EACH OF THE CIVIL ACTIONS FILED BY WADE LAY, TO "UPHOLD THE INTEGRITY

OF THE PROCESS", TO OVERCOME THE ILLICIT USURPATION OF FEDERAL ACTORS WHOM TIES-

PASS UPON HIS RIGHTS UNDER LAW TO FILE A WRIT OF HABEAS CORPUS CORROBORATIVE

WITH HIS PROSE CLAIMS ADJUDICATED ON THE MERITS IN STATE COURT. MOREOVER,

IT IS THE PETITIONERS POSITION, THAT THE SUBTERFUGE OF THESE FOUR COURTS IN THIS

JURISDICTION, TO INCLUDE THE VIOLATIONS BY THE CLERKS OF THIS SUPREME COURT

(LISA NESSBITT; MARA SILVER; REDAUND BARNES; AND CLAYTON WIGGINS), COMBINED

WITH THE OFFENSES OF THE RESPONDENTS NAMED AS PARTIES IN THIS CASE; THAT

PETITIONER'S CLAIMS MADE AS DEFENDANT AT TRIAL AND <sup>ON</sup> DIRECT APPEAL, IN CON-

SIDERATION OF THESE EFFORTS OF CENSORSHIP AND COLLUSION, THE CIRCUMSTANCES

OF THIS CASE PROVES, THAT THE ORIGINAL DESIGN PRESENTED TO THE PEOPLE OF

THE UNITED STATES, is, "THE PLAN REPORTED BY THE CONVENTION," IS BOTH

SUPERIOR AND REMAINS IN FORCE.

30. IF THE COURT WILL TURN BACK TO PARAGRAPH NO. 10 (SUPPLY AT 5), ALL (3) THREE DECL-

ARATIONS OF THE CIRCUIT COURT'S PRECEDENT HAVE BEEN VIOLATED BY THE TENTH CIRCUIT,

BY THE TWO JUDGE PANEL COURT, AND THE CLERK (CHRIS WOLFERT). THE CIRCUIT

COURT IGNORES THE BASIC FACTS OF THE CASE SO PREVALENT ON ITS FACE.

SUCH AS: *Lay v. Trammell*, (CIV-15-230-RAW), (SEE DKT# 3), FILED IN THE

U.S.D.C. E.D./OK., TRANSFERRED TO THE N.D. COURT PURSUANT TO 28 USC §

2241 (d), SUBSEQUENTLY APPEALED TO THE TENTH CIRCUIT COURT OF APPEALS,

AS *Lay v. Warrior*, NO. 15-5067. (SEE DKT# 16, P.C. NO. 4:15-CV-00363-TCK-PJC).<sup>14</sup>

31. IN *Lay v. United States*, (THE 2<sup>ND</sup> SUBMISSION AGAINST (S) FIVE PARTIES, (CIV-

18-139-RAW)) ON PAGE 2, JURISDICTION WARD LAY WRITES:

32. "A) THE CONDITIONS PRECEDENT HAVE OCCURRED IN THIS CASE SUITABLE TO JUSTIFY A JUDICIAL INQUIRY BY THIS FEDERAL DIST. COURT. SEEING IT IS A PART OF THE RECORD - *Lay v. Trammell*, (CIV-15-353-JHP), THE ONLY LEGITIMATE *McFarland* MOTION IS FILED IN THIS COURT, AND THE U.S.D.C. E.D./OK. PURSUANT TO 28 USC § 2241 (d), 'IN THE EXERCISE OF ITS DISCRETION AND IN FURTHERANCE OF JUSTICE', TRANSFERS THE APPLICATION TO THE 'OTHER DISTRICT COURT', I.E., THE U.S.D.C. N.D./OK.,

E.W.

14) CASE NO. 15-353-JHP IS A TRANSFER TO U.S. DIST. JUDGE PAYNE (SEE DKT# 5, (15-353-JHP-SPS), JUDGE PAYNE BEING A JUDICATURE OF BOTH COURTS. ON 01/01/16 PAYNE TRANSFERS THE CASE TO JUDGE KERIN (SEE DKT# 6, 15-353) THE JUDGE WHO CREATES THE IMPEDIMENT.

" A) WHICH COURT CHANNELS THE APPLICATION TO THE SAME FEDERAL DIST. JUDGE TERRENCE KERN WHOM IMPOSES THE FORCE PRODUCING THE IMPEDIMENT.

B) 28 USC § 2244 (d)(1)(B); AND, 28 USC § 2255 (f)(2), APPLY, WHEN 28 USC § 2254 (b)(1)(B)(iii), THE EXISTING CIRCUMSTANCES CREATED BY BOTH STATE AND FEDERAL ACTORS, COALESCING WITH § 2254 (C), 'WITHIN THE MEANING OF THIS SECTION,' IS CONSIDERED. . . .

C) 1. THIS COURT BEARS A BURDEN OF JURISDICTION, BECAUSE, WADE LAY APPEALED TO THIS COURT, 'SEEKING TO UPHOLD THE INTEGRITY OF THE PROCESS.' AND, <sup>15</sup> MOREOVER, WHILE THAT CASE WAS PENDING, THIS COURT TRANSFERS THE LEGITIMATE *McFarland* MOTION, FILED BY WADE LAY, TO THE U.S.D.C. W.D./OK., UNDER 28 USC § 2241 (d), 'IN FURTHERANCE OF JUSTICE'. *Lay v. United States*, NOW BEING FILED. A SECOND TIME PROVIDES A CONDUIT TO ACHIEVE THAT END. THE FACTS WILL SHOW, WADE LAY HAS YET TO FILE A WRIT OF HABEAS CORPUS. AS OF APRIL 16, 2018, THE U.S. SUPREME COURT HAS DENIED THE CERTIORARI PETITION FILED BY FEDERAL ACTORS, *i.e.*, *Lay v. Royal*, (CN-08-67-105-DJC); NO. 15-5111 (WITH CIR. 2015); CERT. NO. 17-1685. THEREFORE LAY COULD BE EXECUTED ABSENT THE OPPORTUNITY OF COLLATERAL REVIEW HABEAS APPEAL. "

F.H. 8

15) SEE DEPT # 16, *Lay v. O.D.A.C.*, 13-481-TRAN-SPS, "SECOND AMENDED COMPLAINT". . . .

THE *Special Writ* FILED UNDER FED. R. CIV. P. 81(4) "Qua Warranto" - BY WHAT AUTHORITY DID THE ABOVE NAMED PARTIES ACT (SHORT AND PLAIN STATEMENT, UNDER FED. R. CIV. P. 81(1)) ". IS CLEARLY A CASE FILED BY A 1710-52 DEATH ROW PRISONER TO ENFORCE THE ANTICIPATORY CONDITIONS FORESEEN BY CONGRESS, AS CIRCUMSTANCES THAT COULD CAUSE AN IMPEDIMENT TO FILING A WRIT OF HABEAS CORPUS, AS IT HAS OCCURRED IN THIS CASE. IT IS FOOLISH TO PRESUME, THAT SUCH A FORCE IN ITS INERTIA COULD NOT BE SPONSORED BY THE WILL OF A SINGLE FEDERAL JUDGE, OR GROUP OF U.S. DISTRICT JUDGES, ACCUMULATIVELY ACQUIRING THE SUPPORT OF CIRCUIT JUDGES, AND UNQUESTIONABLY, THE LOYALTY OF STATE AND FEDERAL BUREAUCRATIC OFFICERS.

THE U.S.D.C. N.D. OK., JUDGE TERRENCE KEVIN IN *Lay v. Trammell*, CIV-16-353-TCK-

PSC), DKT # 7, 1-3, KERN STATES: "THE COURT FINDS NO FACTUAL OR LEGAL

BASIS FOR PETITIONER'S CLAIM OF FRAUDULENT FILING." ALL THE WHILE KNOWING

IT IS HIS OWN CLERK (PHIL LOMBARDI) WHO HAS FOLLOWED HIS ORDER TO FILE

THE FRAUDULENT DOCUMENTS. THIS SAME TYPE OF FRAUD TAKES PLACE IN OCTOBER

OF 2018, WITH U.S. MAGISTRATE B. JONES, AND U.S. DIST. JUDGE DELGUSTI, CONSPIRING

WITH O.S.P. TRUST FUND, CHANNELING \$400<sup>00</sup> ILLEGALLY FROM WADE LAY'S

TRUST FUND ACCOUNT TO THE FILING FEES OF *Lay v. O.D.C.*, (CV-17-1224-

D); NO. 18-6024 (10TH CIR. 2018); CERTIORARI 18-1344, TO REACQUIRE ACTIONABLE

JURISDICTION, DESTROYING THE CERTIORARI PETITION PENDING UNDER PRETEXT-

PLAINTIFF... HAS NOW PAID THE \$400<sup>00</sup> FILING FEE.

THE U.S.D.C. E.D./OK., HAS EXERCISED THE SAME DELETERIOUS TACTICS IN *Lay v.*

FEDERAL JUDGES IN THE U.S.D.C. W.D./OK. / (17) SEE DKT# 46 THROUGH 51, *Lay v. O.D.C.*, 17-0224-D.

ENCLOSED AS EXHIBITS 8434-K. (18) SEE DKT# 48, *Lay v. O.D.C.*, 17-1224-D.



*United States*, HOLDING THE SUBMISSIONS SENT TO THE COURT ON 6/1/18, AND ON /

26/18, UNTIL AFTER LAY MENTIONS TO THE 10TH CIRCUIT COURT IN HIS OPENING BRIEF

IN *Lay v. O.D.C.*, NO. 18-6024, DOC NO. 01019487734, AT PC. 21-26, THEN ATTRIBUTES <sup>THE E.D. COURT</sup>

THE \$99.01 IN INITIAL FILING FEES SENT BY RHODDA KENIP (WADE LAY'S SISTER) TO

THE CASE FILED AGAINST (3) PARTIES, WHICH PETITIONER INSTRUCTED THE COURT TO

APPLY THE FEE TO THE SECOND SUBMISSION OF *Lay v. United States*, AGAINST (5)

PARTIES. ADDITIONALLY, THE E.D. COURT GRANTS *c.f.p.* TO BOTH CASES, BUT

NOT A SINGLE DOLLAR IS EVER REMOVED FROM WADE LAY'S TRUST FUND

ACCOUNT.

THIS SAME TYPE OF JUSTERFOGE PERMEATES EACH CIVIL ACTION FILED BY PETITIONER.

BEGINNING WITH THE ILLEGAL DOCUMENTS FILED BY FEDERAL ACTORS, DKT\*\* 1 & 2 OF

Lay V. SIMONS, LCW-OB-617-TCK-PJC), AS DESCRIBED IN Lay V. O.D.C., NO. 18-60241,

LAY'S MOTION FOR INJUNCTIVE RELIEF, DOC. NO. 010110093289, FILED 08/22/18, IN THE

TENTH CIRCUIT COURT OF APPEALS.

IN DKT # 7 OF Lay V. Trammell, (18-353-TCK-PJC), (THE ONLY LEGITIMATE McFeetland

MOTION FILED BY WADE LAY. (SEE DKT # 1), JUDGE KERIN ATTEMPTS TO INVERT THE

CLAIMS "ADJUDICATED ON THE MERITS IN STATE COURT PROCEEDINGS", BY WADE LAY,

TO BE "A NEW CLAIM OR... A NEW THEORY" INSERTED INTO THE CASE; WHEN IN

FACT, THE ILLEGITIMATE McFeetland MOTION AND SUBSEQUENT PETITION FILED BY

FEDERAL ACTORS, (SEE DKT # 1 & 6 OF Lay V. SIMONS, LCW-OB-617-TCK-PJC)), IS ENTIRELY

MADE UP OF EXTRA-RECORD CLAIMS. THE W.D. COURT RENDERS LAY'S ORIGINAL

CLAIMS AS BEING A NEW THEORY, EX-POST-FACTO AN INTERDICTION OF PRINCIPLE.

THE TENTH CIRCUIT AFFIRMS THE JUDGMENT OF U.S. DIST. JUDGE KERIN,

STATING:

" IN 2008, MR. LAY INITIATED HABEAS PROCEEDINGS IN THE NORTHERN DISTRICT OF OKLAHOMA FILING A PRO SE MOTION FOR THE APPOINTMENT OF CO-UNSEL TO ASSIST IN FILING A PETITION UNDER 28 USC § 2254. ... THE DISTRICT COURT'S ORDER APPOINTED THE FEDERAL PUBLIC DEFENDER'S OFFICE TO REPRESENT MR. LAY. "

THIS IS A FALSE NARRATIVE, AND WHEN PETITIONER (WYADE LAY) FILES HIS

MOTION FOR INJUNCTIVE RELIEF, DOC. NO. 010110043284, DWS 08/22/16, WITH DOCUMENT-

TARY EVIDENCE THAT THE FILING OF THE ILLEGITIMATE *McCairland* MOTIONS FILED

BY THE CLERK OF THE N.D. COURT, AND PATTI CHEZZI (F.P.D.), THE TENTH

CIRCUIT COURT EXERCISES ITS OWN MEASURE OF SUBTLETY, EQUALLY EGREGIOUS

TO THAT OF THE U.S. DISTRICT COURTS EXEMPLIFIED IN THIS PETITION, AND THE PETITION

FOR WRIT OF CERTIORARI, *Et. Lay V. O.D.C.*, NO. 16-2404, FILED IN A TIMELY

MANNER ON 01/28/2019, BUT NOT FILED BY THE CLERK OF THIS COURT.

IF THIS SUPREME COURT WILL VIEW THE RECORD OF *Lay v. O.R.C.*, (CW-17-024-D);

NO. 18-6024 (10th Cir. 2018); CERT NO. 18-W404, IN PARTICULAR DOC. NOS. 01010583499, 01010585238, &

01010584621, THE APPEAL, FILED 02/12/2018, *i.f.p.* IS PARTIALLY GRANTED, OR

THE 10TH CIRCUIT LETS THE CASE LIE DORMANT, NOT RESPONDING TO MOTIONS, UNTIL

AUGUST 22, 2018, THE SAME DAY LAY GIVES HIS MOTION FOR INJUNCTIVE RELIEF TO

THE O.S.P. LAW CLERK. THE CIRCUIT COURT AFTER SIX MONTHS SUDDENLY DISMISSES

THE APPEAL AS FRIVOLOUS, DENYING *i.f.p.* ON THOSE GROUNDS. HOWEVER,

ON THE 29TH OF AUGUST, 2018, WHEN THE MOTION FOR INJUNCTIVE RELIEF ARRIVES

IN DENVER, COLORADO, BEING FILED AT O.S.P. ON THE 23<sup>RD</sup> OF AUGUST, 2018,

THE TENTH CIRCUIT FILES THE MOTION AS A PETITION FOR REHEARING. THIS OF

COURSE BEING AN IMPOSSIBILITY, AS IT IS PETITIONER HAD NO COGNITIVE AWARE-

NESS OF THE DISMISSAL UNTIL 08/27/2018, WHEN HE RECEIVES THE ORDER

FROM THE CIRCUIT COURT AT D.S.P.

CONTAINED IN THE MOTION FOR INJUNCTIVE RELIEF, (DOC. NO. 01010043289)

IS PROOF THAT THE *McFeil* MOTION FILED BY FEDERAL ACTORS IS FRAUDULENT,

<sup>\*</sup>  
AND PROOF OF COLLUSION BETWEEN O.D.C., O.S.P., AND

FEDERAL ACTORS, ALL COOPERATING TO ACHIEVE THE CENSORSHIP DESIRED

BY THESE SUBORDINATE COURTS. THE PROOF REQUIREMENTS NECESSARY WITHIN

THE STANDARD OF REVIEW ESTABLISHED BY THIS COURT IN SUCH CASES AS *Bell*

*Atlantic Corp. et al. v. Twombly et al.* 550 U.S. (2007), ARE PRESENT IN *My*

*V. O.D.C.*, CERTIORARI NO. 18-2404, THE CERT. PETITION TIMELY FILED ON

E.O.

\* PETITIONER IS UNABLE TO PROVIDE THIS DOCUMENT, *My*, DOC. NO. 01010043289 *My V. O.D.C.*

18-2024, "MOTION FOR INJUNCTIVE RELIEF" TO THE 10TH CIRCUIT COURT.

JANUARY 28, 2018, AT 9:57, BUT NOT FILED BY THE U.S. SUP. CT. CLERK.

PETITIONER WILL USE THIS OPPORTUNITY TO RESTATE THE QUESTIONS PRESENTED

IN *Key v. O.D.C.*, 18-4104 THAT ARE SO APPLICABLE TO THIS PETITION. LAY WRITES:<sup>19</sup>

1. HAS SUBSTANTIVE DUE PROCESS, AS A JUDICIAL DOCTRINE, WITH AMELIORATING STATUTES OVER TIME, SO ALTERED THE VITAL PRINCIPLES OF OUR POLITICAL SYSTEM, FULFILLING THE CAVEAT OF JOHN DICKINSON, JUNE 6, 1787, AT THE FEDERAL CONVENTION, EXCLUDING THE STATE GOVERNMENTS FROM THEIR PROPER AGENCY?
2. DOES THE CONSTITUTION OF THE UNITED STATES, *IC*, THE MANIFEST TENDR OF THE INSTRUMENT, CREATE A SYSTEM AS THAT ARTICULATED BY ALEXANDER HAMILTON IN FEDERALIST # 28, PARAGRAPH 7, SAYING: "POWER BEING ALMOST ALWAYS THE RIVAL OF POWER," THAT THE STATE GOVERNMENTS SHOULD STAND AS SENTINELS, OR AS "OBSTACLES TO USURPATION AND THE FACILITIES OF RESISTANCE", AGAINST THE CENTRAL AUTHORITY?
3. HAS THE DOCTRINES OF SUBSTANTIVE DUE PROCESS AND INCORPORATION OF THE BILL OF RIGHTS, SO DISTORTED THE COMPOSITION AND STRUCTURE OF THE GOVERN-

END

19) SEE CERTIORARI PETITION FILED 01/28/2019, AT PG. 38. THIS CERT. PETITION IS BEING RESUBMITTED ON MAY 10, 2019, BY F.P.D. MISS SARAH JERWIGAN MCGOVERN. ON PG. 38 THIS COURT WILL FIND THE QUOTE BY DICKINSON, AND PETITIONER'S COMMENTARY.

3. AS ORIGINALLY DESIGNED, REMOVING THE ABILITY OF THE STATE GOVERNMENTS TO FULFILL THE OBLIGATIONS OF PROTECTIVE FEDERALISM, VIOLATING THE ARTICLE IV, SECTION 4 GUARANTEE TO A REPUBLICAN FORM OF GOVERNMENT, AS DEFINED BY JAMES MADISON IN FEDERALIST # 39?
4. HAS SUBSTANTIVE DUE PROCESS EMPOWERED FEDERAL JUDGES TO A DEGREE, INFLUENCING BUREAUCRATIC OFFICERS (STATE AND FEDERAL), IN A MANNER SIMILAR TO THE LORDS AND NOBLES OF THE EUROPEAN MONARCHS, DISTORTING THEIR LOYALTY FROM THE RULE OF LAW, TO CARRY OUT THE WILL OF THE JUDICATURE, OR PRINCE?
5. SHOULD THE CERTIORARI POOL, CONTROLLED BY THE CLERKS OF THIS U.S. SUP. CT. BE REORGANIZED, TO PREVENT THE TYPE OF PREJUDICE AND CENSORSHIP EXPERIENCED BY PETITIONER IN THIS CASE AND OTHERS FILED BY WADE LAY?

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THE FACTS EXHIBITED IN THE MULTIPLE CIVIL ACTIONS FILED BY WADE LAY, IN

THE LAST SEVEN YEARS, AS EXHIBITED IN *Lay v. O.D.C.* (CIV-17-1224-D); NO.

18-6024 (10<sup>TH</sup> CIR. 2018); CERT. NO. 18-4404; AND, *Lay v. United States*,

(CIV-18-139-RAW); NO. 18-7035 (10TH CIR. 2018); CERT. NO. 18-11050, JUSTIFIES

THE DEMANDS MADE BY PETITIONER TO THE U.S.D.C. E.D./OK., TO OVERCOME

THE IMPEDIMENT CAUSED BY GOVERNMENTAL ACTS, (STATE AND FEDERAL),

TO FILE A LEGITIMATE AND LAWFUL HABEAS CORPUS PETITION.

THE CRITERION SET BY THIS COURT UNDER RULE 10. "CONSIDERATIONS GOVERN-

ING REVIEW ON CERTIORARI" HAVE BEEN MET. THE TENTH CIRCUIT COURT OF

APPEALS HAS "SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE

OF JUDICIAL PROCEEDINGS, OR SANCTIONED SUCH A DEPARTURE BY A LOWER

COURT, "IF, THE U.S.D.C. E.D./OK., THE DEPARTURE "CALLS FOR AN EXERCISE

OF THIS COURT'S SUPERVISORY POWER". IN FACT, TO NEGLECT SUCH A REVIEW

WOULD BE TO SANCTION THIS TYPE OF SUBTERFUGE AND MALFEASANCE, AND



WOULD PRODUCE A VERY DESTRUCTIVE PRECEDENT FOR SUCH A LARGE JUDICIAL  
ARENA GOVERNING THIS CIRCUIT.

AS STATED IN LAY'S CERTIORARI PETITION FILED AT O.S.P. ON 01/28/19, CERT.

NO. 18-4404, PETITIONER WRITES:

" THESE FEDERAL JUDGES IN THE UNITED STATES DISTRICT COURTS IN THE ST-  
ATE OF OKLAHOMA; AND THE TENTH CIRCUIT COURT OF APPEALS, LIKE THE  
LORDS, PRINCES AND NOBLES OF 18<sup>TH</sup> CENTURY EUROPE, HAVE UTILIZED  
THE STATE AND FEDERAL BUREAUCRACY WITHIN THEIR PRINCIPALITIES,  
TO DEPRIVE WADE LAY OF HIS RIGHTS UNDER THE CONSTITUTION AND LA-  
WS OF THE UNITED STATES, AND THE LAWS AND CONSTITUTION OF THE ST-  
ATE OF OKLAHOMA. " (SEE PG. 39).

WADE LAY SHOULD BE AWARDED EQUITABLE RETOLLING OF THE 1-YEAR LIMI-  
TATION PURSUANT TO 28 USC § 2244 (d)(1)(B), AND APPOINTED NEW COUNSEL  
TO PREPARE A LAWFUL HABEAS PETITION UNDER 18 USC § 3599. SUBSTANT-  
IVE DUE PROCESS SHOULD BE RECONSIDERED BY THIS COURT WITH THE

ABOVE STATED EXILE IN MIND.

CONCLUSION

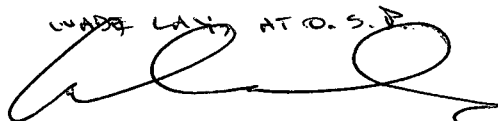
THIS COURT SHOULD GRANT CERTIORARI TO DETERMINE IF THE MERITORIOUS CLAIMS STATED IN THIS PETITION AND THE MULTIPLE CIVIL ACTIONS RELATIVE TO ITS PURPOSE MAY BE ACCURATE AND TO WHAT EFFECT SUCH CONDITIONS HAVE ON THE PEOPLE OF THE UNITED STATES. FURTHER, PETITIONER SHOULD BE GIVEN THE OPPORTUNITY TO EXPRESS HIS CONSTITUTIONAL OPINIONS REGARDING THE DIMENSION OF CONSTITUTIONAL ERROR EXISTING IN THE STATE COURT PROCEEDINGS IN HIS ORIGINAL CRIMINAL CAUSE; AND FOR THE COURTS OF THE UNITED STATES, AND MORE IMPORTANTLY, THIS COURT, TO IGNORE THE DANGEROUS PRECEDENT THAT EXIST, IN ALLOWING THE RECKLESS CLAIM OF MENTAL ILLNESS

TO SUBVERT A CITIZENS RIGHT TO ACCESS COURTS AND ENJOY THE BENEFITS OF *CORPUS JURIS SECUNDUM* AS ESTABLISHED IN ARTICLE IV, SECTION 2. THAT PETITIONER MAY BE GRANTED HIS REQUEST PURSUANT TO 28 USC § 3599, AND *McFarland v. Scott*, AS SUPPLICATED IN HIS JUNE 22, 2015 *McFarland* MOTION TO THE U.S.D.C. E.D. /OK. (SEE *Gray v. Trammell*, (CIV. 15-353-TCK-PJC) DKT# 1). FURTHER, THAT PETITIONER BE GIVEN ASSISTANCE OF COUNSEL TO FILE A 28 USC § 2254 HABEAS CORPUS PETITION, AND THIS COURT GRANT THE REQUEST PURSUANT TO 28 USC § 2244 (d)(1) (B), AND REMOVE THE IMPEDIMENT CAUSED BY GOVERNMENTAL ACTS. (SEE *Gray v. Royal*, CIV-08-CV-TCK-PJC); NO. 15-5111 (10TH CIR. 2015); CERTIORARI NO. 16-7685), RETOLLING THE 1-YEAR LIMITATION.

THIS CERTIORARI PETITION IS SUBMITTED THIS 3RD DAY OF MAY 2019.

RESPECTFULLY SUBMITTED BY

WADE LAY, AT O. S. P.



P.O. BOX 11

MCALISTER, OKLAHOMA 74502

Zakiya Pope  
56219

