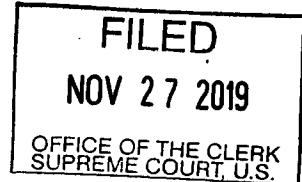


No. 19-6889

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

In re JOEL LAW
Petitioner



EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUS

Joel Law

Federal Correctional Complex Low
P.O. Box 1031
Coleman, Florida 33521

IN THE SUPREME COURT OF THE UNITED STATES

EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUS

I. QUESTIONS PRESENTED

- 1) Am I entitled to immediate relief from this Court, to protect myself and others similarly situated, from being falsely imprisoned pursuant to 18 U.S.C. §2422(B) being in violation of the Sixth Amendment to the Constitution of the United States's Confrontation Clause?
- 2) Is the Failure of the District Court to review and rule on my §2255, on its merits, excusable neglect?

IN THE SUPREME COURT OF THE UNITED STATES

EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUS

II. RELIEF SOUGHT

1) I request for an extraordinary writ of Habeas Corpus directed to the District Court, Middle District of Florida, Orlando Division, and to District Judge Roy B. Dalton Jr. directing and commanding these respondents to immediately vacate and set aside the judgment against me for lack of the right to Confront in violation of the Sixth Amendment to the United States Constitution, and to issue an order immediately discharging me from custody, without condition.

IN THE SUPREME COURT OF THE UNITED STATES

**EX PARTE EMERGENCY PETITION
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III. UNAVAILABILITY OF RELIEF IN OTHER COURTS

- 1) No other court can grant the relief sought because pursuant to §2255 Rule 3(b), "The clerk must file the motion and enter it on the criminal docket of the case in which the challenged judgment was entered."
- 2) On October 29th, 2019 the District Court in which the judgment was entered, denied me a certificate of appealability, therefore relief can not be sought in the United States Court of Appeals, leaving me with no other court but this Supreme Court as means of seeking adequate relief.

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IV. UNSUITABILITY OF ANY OTHER FORM OF RELIEF

1) No other form of relief will be sufficient to protect my rights and preserve the ability to seek review of the lower courts decision in this Court, because the lower court has failed to rule on the motion, on its merits, leaving me with no other adequate forms of relief.

IN THE SUPREME COURT OF THE UNITED STATES

EX PARTE EMERGENCY PETITIONS
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V. LIST OF PARTIES

- 1) Joel Law - Petitioner
- 2) United States District Judge
For the Middle District of Florida, Orlando Division
Roy B. Dalton Jr.

CORPORATE DISCLOSURE STATEMENT

- 1) There are no corporations as parties to this case.

IN THE SUPREME COURT OF THE UNITED STATES

EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUSVI. TABLE OF CONTENTS

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IN THE SUPREME COURT OF THE UNITED STATES

**EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUS**

VII. TABLE OF AUTHORITIES

- 1) Statutory definition of 18 U.S.C. §2422(B), see Exhibit B of Appendix D.
- 2) The Constitution of the United States of America.

IN THE SUPREME COURT OF THE UNITED STATES

**EX PARTE EMERGENCY PETITION
FOR WRIT OF HABEAS CORPUS**

CITATION OF LOWER COURT DECISIONS

1) The decisions of the United States District Court for the Middle District of Florida, Orlando Division are set out in the written orders attached to this petition as Appendix A, Appendix B, and Appendix C.

JURISDICTIONAL STATEMENT

- 1) The order of the District Court to be reviewed was entered on October 29th, 2019.
- 2) The statutory provision believed to confer on this court's jurisdiction is 28 U.S.C.S. §1651(a) and Supreme Court Rule 20.
- 3) The notifications required by Rule 29.4(b) or (c) have not been made due to this petition being filed on an ex parte basis.

CONSTITUTIONAL PROVISIONS

- 1) Article 1, Section 9, Clause 2, provides:

The Privilege of Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion, the public safety may require it.

- 2) Article 6, Clause 2, provides:

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 supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

- 3) Amendment 1 provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

4) Amendment 6 provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF CASE AND GOVERNING FACTS

Legal Innocence

1) 18 U.S.C. §2422(B); Attempted enticement of a minor to engage in sexual activity, is in violation of the Confrontation Clause of the Sixth Amendment to the Constitution of the United States, in that, in part, the word "minor" means, (B)" a individual, wheather fictitious or not." See exhibit B of Appendix D. The Confrontation Clause provides that, " in all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him." In the instant case, prosecution presented a fictitious minor, taking away my constitutional protection of the Sixth Amendment.

Governing Facts

1) On September 16th, 2019, I filed an Emergency §2255 Motion to Vacate and Set Aside Judgment with the District Court for the Middle District of Florida, Orlando Division, where the Judgment was entered, claiming that 18 U.S.C. §2422(B), the statute in

which I am charged, is in violation of the Sixth Amendment's Confrontation Clause.(Appendix D)

2) On September 20th, 2019 Magistrate Judge, Gregory J. Kelly denied the motion as "Moot" and without prejudice, ordering fourteen(14) days to amend the motion on the appropriate form pursuant to Rule 2(c), and advising me to only use the term "emergency" in an "extraordinary circumstance" where there is a true and legitimate emergency. The Order also stated that the clerk shall provide me with the appropriate form.(Appendix A)

3) On September 27,th 2019, I filed an Ex Parte Amended Emergency §2255(1)(a)(1),2(b) Motion to Vacate and Set Aside Judgment, defining the term "Moot" as "a subject for arguement unsettled, undecided, a point not settled by judicial decisions." I emphasized the "extraordinary circumstance" and stated that the clerk in fact did not provide me with said appropriate form and that the motion was filed pursuant to Rule 2(b). The motion also stated that any and all specified and unspecified reasons to not forthwith review and rule on the motion, on its merits, amounts to suspension in violation of Article 1, Section 9, Clause 2, of the United States Constitution.(Appendix E)

4) After overcomming the Magistrate Judges Order, on October 7th, 2019, District Judge Roy B. Dalton Jr. denied the motion without prejudice again ordering fourteen(14) days to amend the motion on the appropriate form pursuant to Rule 2(c), directing the clerk of the court to mail me the standard form. The Order also stated again that the term "emergency" be used only in a true and legitimate emergency, and further stated that "Ex parte communictation generally are disfavored because they conflict with a fundamental precept of our system of justice: a fair

hearing requires a reasonable opportunity to know the claims of the opposing party and to meet them." Inasmuch validating that my claim of the statutes violation of the Sixth Amendment's Confontation Clause has merit. Furthermore the Judge directed the clerk to remove the ex parte restriction from the motion.(Appendix B)

5) On October 16th, 2019, I filed an Emergency Second Amended §2255(1)(a)(1) Motion to Vacate and Set Aside Judgment including my objections to the Court's Order, stating that the Court is using dilitory tactics to suspend my writ of Habeas Corpus and that willful disregard for the court's process is not an excusable neglect. Also that the court is acting in bad faith, causing prejudice and abridging my right to petition for redress of grievence all in violation of the various constitutional provisions stated. The motion also defined the term "emergency" as "a pressing necessity" which has no law and shall be a good excuse in our law and every other law.(Appendix F)

6) On October 29, 2019, District Judge Roy B. Dalton Jr. denied and dismissed without prejudice and closed the case on the grounds that the term 'emergency' was improperly invoked and the motion was not on the proper form or in substantially the form described by Rule 2(c). The Order also denied a certificate of appealablity. (Appendix C)

Summary

1) The Distict Court has, three times, failed to rule on my §2255 motion, on its merits, neglecting its duty to uphold the Constitution, leaving me with no adequate means to attain relief.

ALLOWANCE OF WRIT

The reasons for granting this writ are as follows:

- 1) It is clear and indisputable that 18 U.S.C. §2422(B) is in violation of the Sixth Amendment by allowing for a fictitious person, taking away my right to confront.
- 2) The "ends of justice" mandate that the writ be reviewed and ruled on, based on its merits.
- 3) The Constitution is the supreme Law of the Land and all the Judges in every State shall be bound thereby.
- 4) The District Court has failed, mulitiple times, to review and rule on the merits of my motion and continue to suspend my Writ of Habeas Corpus as a dilitory tactic, in bad faith, prejudicing me and leaving me with no other adequate means to attain relief.
- 5) Motions for relief based on voidness; vacating and setting aside, of a judgment, are not really subject to Court's discretion. However, if a judgment is void, the only way the court may excersise its discretion is by granting relief.

CONCLUSION

- 1) For the reasons stated, I request that this Court forthwith grant this ex parte emergency writ of habeas corpus and direct the United States District Court, for the Middle District of Florida, Orlando Division, to forthwith vacate and set aside the judgment against me and issue an order immediately discharging me from custody without condition.

I state under the penalty of perjury that the foregoing is true, correct, and complete. Dated this 24th day of November, 2019.

/s/ 