

No. 19-8811

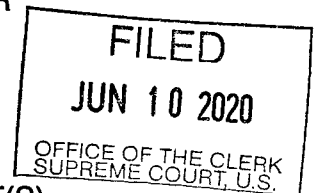
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Lee Crane — PETITIONER
(Your Name)

vs.

CHARLES L. RYAN, ATTORNEY — RESPONDENT(S)
GENERAL FOR THE STATE OF ARIZONA
ON PETITION FOR A WRIT OF CERTIORARI TO



UNITED STATE COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Lee Crane
(Your Name)

Eyman/Browning Prison, cell 1-A-36-B
(Address)

FLORENCE, ARIZONA, 85132
(City, State, Zip Code)

NA.
(Phone Number)

01. Question/s Presented

02. By what authority does the UNITED STATES COURT
03. OF APPEALS have to commit the following:

04. 1.a. - Presume that Mr. Crane is a STATUTORY citizen
05. born in and domiciled in Federal Territory (see 8 U.S.C. § 1401)
06. when he specifically has claimed that he is not?

07. 1.b. - Presume that Mr. Crane is NOT a Constitutional
08. citizen born in and domiciled in the states of the Union (see 14th
09. Amendment) when he has specifically made his "political status"
10. and "civil status" known in advance and has explained this/His
11. position in great and explicit detail?

12. 1.c. Cause, attempt to cause or force Mr. Crane to commit
13. a crime and violate 18 U.S.C. § 911 and/or both 18 U.S.C. § 912 by
14. impersonating a STATUTORY person by complying with, or using, or
15. believing that the following (but not limited to the following) case
16. laws and STATUTES: 28 U.S.C. § 2253(c)(2), Slack v. McDaniel,
17. 529 U.S. 473, 484 (2000) and Gonzalez v. Thaler, 565 U.S. 134, 140-41
18. (2012), A.R.S. 13-101, A.R.S. 13-1105, A.R.S. 13-301, A.R.S. 13-302, A.R.S. 13-303,
19. A.R.S. 13-304, A.R.S. 13-751, A.R.S. 13-752, A.R.S. 13-701, A.R.S. 13-702,
20. A.R.S. 13-801, A.R.S. 13-1901, A.R.S. 13-1902, A.R.S. 13-1904, or Rule 32
21. For Post Conviction Relief --- is law for Mr. Crane, who is a
22. "national", "state national", and Constitutional but not statutory
23. citizen?

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01. ... Continued...

02. I.d.: Act out of its scope of authority by using 28 U.S.C. §
03. 2253(c)(2) and Slack v. McDaniel, 529 U.S. 473, 484 (2000) and,
04. Gonzalez v. Thaler, 565 U.S. 134, 140-41 (2012) as its reason NOT
05. to make a ruling on or accept Mr. Crane's Habeas Corpus Petition -
06. deliberately confusing Mr. Crane's nationality, political status and
07. the 2 classes and 4 distinct types of citizens?

08. I.e. Deliberately confuse POLITICAL JURISDICTION with
09. LEGISLATIVE JURISDICTION with the case laws and statutes
10. used to rule against Mr. Crane's Habeas Corpus Petition?

11. 2. By what authority does U.S. COURT OF APPEALS FOR THE NINTH
12. CIRCUIT have that allows it to "knowingly" and "Intentionally" use
13. Arizona procedures, statutes, codes, case law "Slack v. McDaniel, 529 U.S.
14. 473, 484 (2000) and Gonzalez v. Thaler, 565 U.S. 134, 140-41 (2012) and 28 U.S.C. §
15. 2253(c)(2) to supercede or over rule the Supreme Court's decision;
16. Hale v. Henkle, 201 U.S. 43 (1906), which is the case law that Mr. Crane
17. used in his Habeas Corpus Petition - Ground 2 - as a means to help defend
18. his rights protected by the U.S.C.A - Amendments

19. 2.a. By what authority does the U.S. COURT OF APPEALS FOR THE NINTH
20. CIRCUIT have that allows it to allow the STATE to violate Mr. Crane's
21. rights protected by the U.S.C.A - Amendment 4?

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01. 3. By what authority does the STATE/COURT have that allows it to
02. completely ignore, not acknowledge and over rule the Supreme
03. Court's "Void For Vagueness Doctrine" ?
04. 4. By what authority does the STATE/COURT have that allows the
05. STATE to violate Mr. Crane's due process and rights protected by
06. but not limited to the following U.S.C.A. Amendments: 1, 4, 5, 8
07. and 14 ?
08. 5. By what authority does the Court/STATE/S have to Force and
09. coerce Mr. Crane into signing PLEA AGREEMENT ?
10. 6. By what authority does the STATE/S and the U.S. COURT OF
11. APPEALS have that allows it to completely ignore the UNIFORM
12. COMMERCIAL CODE - U.C.C. 1-308 and U.C.C. 103.6 when it accepted
13. the use of the code in their/its paper work, contracts and plea
14. agreement ?
15. 7. In connection with the Common Law and/or U.S.C.A. Section 9,
16. paragraph 2 and ["U.S. v. Anderson, 60 F. Supp. 649 (D.C. Wash. 1945)"] ;
17. by what authority does the U.S. COURT OF APPEALS (9th Circuit)/STATE
18. have that gives it the power to suspend Mr. Crane's privilege/right
19. to a writ of Habeas Corpus ?
20. 8. By what authority does the U.S. DISTRICT COURT OF APPEALS
21. and/or any of the DISTRICT COURTS have that allows it to supercede,
22. not acknowledge or follow Federal Rules of Civil Procedure Rule 8(b)(6) -
23. in regards to any or all of the points, authorities, constitutional
24. claims, political and civil status claims, facts and arguments raised
25. in Mr. Crane's Habeas Corpus Petition, petitions, appeals and
26. interactions with the U.S. DISTRICT COURTS ?

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01. 9. By what authority does the U.S. DISTRICT COURT/S
02. have that allows it to enforce A.R.S. 13[§] 108 against Mr. Crane
03. (Who is a "state national", "national" and CONSTITUTIONAL
04. but not a STATUTORY "citizen", born in and domiciled in the
05. states of the Union) outside of Federal Territory and/or inside a
06. "foreign" state that is beyond the legislative jurisdiction of
07. Congress?

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LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
Case. 19-16939 -- D.C. No. 2:19-cv-04327-JJT-JFM
Judgment Entered: Filed March, 20, 2020
- UNITED STATE DISTRICT COURT OF ARIZONA FOR THE 3RD CIRCUIT
Case 19-16939 -- D.C. No. 2:19-cv-04327-JJT-JFM
- UNITED STATES DISTRICT COURT OF ARIZONA
Case. DC. No. 2:19-cv-04327-JJT-JFM
Entered: May, 30, 2019. Judgment entered April, 15, 2019
- THE SUPERIOR COURT OF ARIZONA - FOR MARICOPA COUNTY
Case #'s 2012-107176-001
2012-007950-001
2016-00999-001

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- Entered on September 10, 2019 - D.C. No. 2:19-cv-04327-JJT-JFM

APPENDIX B UNITED STATES DISTRICT COURT OF APPEALS (9th Circuit)
- Filed March, 20, 2020 - D.C. No. 2:19-cv-04327-JJT-JFM, No. 19-16939

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 20th 2020.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 20th 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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01. Statement of the Case

02. 1. On May 30, 2019, Petitioner Michael Lee Crane, who is currently
03. confined in the Arizona State Prison complex, filed a pro se Petition
04. For a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254

05. 1.1. Mr. Crane filed said Habeas under "special Visitation"
06. ONLY, both stating and declaring his civil and political status
07. as a "state national", "national" and constitutional citizen
08. but not a STATUTORY "citizen", born in and domiciled in the
09. states of the Union and further reserved his rights protected
10. by the Bill of Rights, U.S.C.A and under the Common Law via U.C.C. 1-308
11. and U.C.C. 1-103.6, and yet the DISTRICT COURT made no attempt to
12. dispute any of the facts presented, also making no attempt to
13. refute or acknowledge the UNIFORM COMMERCIAL CODE.

14. 1.2. Also, Mr. Crane respectfully demanded that if said Court
15. and/or opposing party remain silent on all issues raised in his
16. pleading that are not denied or rebutted by the Court or
17. opposing party with supporting evidence and under the penalty
18. of perjury shall therefore constitute an Admission to the
19. truthfulness of each statement or conclusion as required by:
20. Federal Rule of Civil Procedure Rule 8(b)(6), and yet the Court
21. made no attempt to deny or rebut any of the facts, arguments, issues
22. stated in said Habeas Corpus Petition and made a ruling not to hear
23. his case/petition, a ruling that was enforced by the U.S. COURT OF
24. APPEALS FOR THE NINTH CIRCUIT.

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01. Statement of the Case

02. 1.3. Neither the U.S. DISTRICT COURT OF ARIZONA, or

03. THE U.S. DISTRICT COURT OF APPEALS FOR THE NINTH CIRCUIT

04. objected or

05. opposed any of the issues raised in Mr. Crane's pleadings with any

06. kind of supporting evidence and under the penalty of perjury

07. as required by: Federal Rule of Civil Procedure Rule 8(b)(6)

08. 2. Mr. Crane chose to file a Habeas Corpus Petition in the

09. U.S. DISTRICT because he truly beleived that:

10. 2.1. If he attempt to use Rule 32 - Post Conviction Releif,

11. (which was his only option, see coerced Plea Agreement), that he

12. would be:

13. 2.1.1. Forced to abandon his political and civil position/

14. status as a "state national", "national" and Constitutional

15. citizen by using statute/s that are for Statutory citizens born

16. in and domiciled in Federal Territory/UNITED STATES.

17. 2.1.2. Forced to commit a crime per 18 U.S.C. § 911

18. by Impersonating a STATUTORY citizen. It is a crime for a

19. Constitutional citizen to impersonate a statutory citizen

20. 2.1.3. Forced to commit a crime per 18 U.S.C. § 912

21. by Impersonating a PUBLIC OFFICER. Rule 32 is law/statute for

22. PUBLIC OFFICERS or for some one holding a Public Office. It is a

23. crime to impersonate a public officer.

24. 2.2. Mr. Crane raised these issues in his appeals with the court/s

25. and yet none of the listed/mentioned courts ever took these facts into

26. consideration when they made their rulings against Mr. Crane,

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01. statements of the Case

02. 3. Mr. Crane made his best attempt to explain mentioned
03. circumstances and tried to explain to the court that, even if he
04. did decide to break the laws (18 U.S.C. § 911 and 18 U.S.C. § 912) and
05. abandon his legal, civil and political position by following Rule 32,
06. that because it had taken so much time and research to write
07. his Habeas Corpus Petition, including waiting for the District Courts
08. to come back with their/its decision, that he had already exceeded
09. (or would) exceed the 1 year time limit to file for Post Conviction
10. Relief and that a Habeas Corpus action in the U.S. District Court
11. was now his only remedy and recourse.

12. 4. Mr. Crane argued in his appeal, amongst other previously mentioned
13. issues, that:

14. 4.1. That by following the Arizona District Court's decisions would
15. force him to Impersonate a STATUTORY citizen, which is a crime per
16. 18 U.S.C. § 911.

17. 4.2. Slack v. McDaniel, 529 U.S. 473, 484 (2000) and Gonzalez
18. v. Thaler, 565 U.S. 134, 140-41 (2012) and 28 U.S.C. § 2253 (c)(2)
19. is case law and statutes NOT for Mr. Crane, but rather for a
20. particular STATUTORY person/citizen domiciled on Federal Territory
21. as mention in 8 U.S.C. § 1401

22. 4.3. That by following the above mentioned case law and
23. statutes would also cause Mr. Crane to Impersonate a "public
24. officer" located and domiciled in or on Federal Territory. Impersonating
25. a "public officer" is a crime per 18 U.S.C. § 912

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Statements of the Case

02. 4.4. Mr. Crane claims/believes that when said ARIZONA DISTRICT
03. COURT uses the following case laws and statutory 1989 amendment;
04. O'Sullivan v. Boerckel, 526 U.S. 838, 842 (1999), or, Crowel v. Knowles,
05. 483 F. Supp. 2d 925-30, 933 (D. Ariz. 2007), or, c.f. Swoops v. Sublett, 196
06. F.3d 1008, 1010 (9th Cir. 1999) (citing pre 1989 statute) or, Castillo v.
07. McFadden, 399 F.3d 993, 999 (9th Cir. 2005) or Kelly v. Small, 315 F.3d 1063,
08. 1066 (9th Cir. 2003) or Kelly v. Small, 315 F.3d 1063, 1066 (9th Cir. 2003), or
09. Robbins v. Carey, 481 F.3d 1143 (9th Cir. 1983) -

10. - That the Court is deliberately attempting to confuse Mr. Crane
11. (who is a Constitutional citizen born in and domiciled in the states of the
12. Union) by injuriously and falsely PRESUMING that Mr. Crane is a
13. STATUTORY citizen born in and domiciled in Federal Territory as
14. described in 8 U.S.C. § 1401 and that the court is acting outside
15. of its scope of authority and abusing its Police Power by forcing
16. Mr. Crane to use Arizona Revised Statutes, or Rule 32, or Arizona Rules
17. of Criminal Procedure, which are Federal statutes and/or "acts of
18. congress", which is for the District of Columbia and/or Federal
19. Territory, which is NOT law/statute for Mr. Crane

20. 4.5. Mr. Crane claims that if said mentioned District Court forces
21. Mr. Crane to use Rule 32 (including all of the other statutes and rules
22. connected to Rule 32) that it would be breaking the law and violating
23. Mr. Crane's due process and rights protected by the U.S.C.A and the Bill
24. of Rights - by forcing Mr. Crane to operate and function in a state of
25. DURESS to impersonate both a STATUTORY citizen and PUBLIC
26. OFFICER, violating both 18 U.S.C. § 911 and 18 U.S.C. § 912

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statements of the case

01. 4.6 The Court is violating one of His rights and his Due
02. Process by suspending his right and privilege to a Habeas
03. Corpus Petition via the use of its case law, statutes and
04. procedures and going directly against or contradicting U.S. v.
05. Anderson, 60 F. Supp. 649 (D.C. Wash. 1945) and Section 9, paragraph 2
06. of the U.S.C.A.

07. 4.6.a. The privilege of the Writ of Habeas Corpus shall
08. not be suspended, unless when in cases of Rebellion or Invasion
09. the public safety may require it, [Section 9, paragraph 2 of the
10. U.S.C.A.]

11. 4.6.b. "Jurisdiction of courts may be challenged at any stage
12. of the proceeding, and also may be challenged after conviction and
13. execution of judgement by way of writ of habeas corpus."
14. [U.S. Anderson, 60 F. Supp. 649 (D.C. Wash. 1945)

15. 4.6.c. In said filed Habeas Corpus Petition, subject matter
16. Jurisdiction and Jurisdiction in general is one of the main points, arguments
17. and issues that Mr. Crane is challenging in the first place.

18. 4.7. Mr. argues that he is only subject to Federal statutes
19. in the context of;

20. 4.7.a. Foreign commerce or commerce between states under
21. Article 1, Section 8, clauses 1 and 3 of the Constitution

22. 4.7.b. Slavery under the 13th Amendment

23. 4.7.c. Mail Fraud under Article 1, Section 8, Clause 7 of the
24. Constitution

25. 4.7.d. Counterfeiting under Article 1, Section 8, Clause 5
26. of the Constitution

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Reasons For Granting The Writ.

1. Mr. Crane claims that: the case law and statute/s the U.S. COURT OF APPEALS (4th Cir.) used to rule against him is violating his due process under the Fifth and Sixth and Fourteenth Amendments - U.S.C.A. and should be considered void for vagueness in accordance with the U.S. Supreme Court's "Void for Vagueness Doctrine" based on, but not limited to the following:

1.1. Mr. Crane has to guess what the law really requires of him and has to rely on an expert (which he doesn't have, nor has access to) or computer to understand or interpret

Authorities: "Men of common intelligence cannot be required to guess at the meaning of penal enactment." [Winters v. People of State of New York, 333 U.S. 507; 68 S.Ct. 665 (1948)]

- "Laws fail to meet requirements of due process clause if it so vague and standardless that it leaves public uncertain as to conduct it prohibits or leaves judges and jurors free decide, without any legally fixed standards, what is prohibited and what is not in each particular case." [Giaccio v. State of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966)]

1.2. Mr. Crane is currently in custody in the Eymann Prison and has no access to a computer or to an expert to research: Slack v. McDaniel, 529 U.S. 473, 484 (2000) or Gonzalez v. Thaler, 565 U.S. 134, 140-41 (2012) or U.S.C. § 2253 (c) (2) and how it applies to his very distinct political and civil status and forces him to solely rely on the limited legal materials that he has in his cell

Reasons For Granting The Writ

- 1.3. Where does it claim, declare or identify in *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) or in *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) or in 28 U.S.C. § 2253 (c) (2) (or even in any of the courts decisions) the following:

- 1.3.1. Where the law/s/statute/s in question were enacted into positive law? Answer: They were/are not enacted into positive law.

- 1.3.2. The different classes and 4 distinct types of citizens and how and where said statute/s/law/s apply to Mr. Crane's political and civil status as a "national" "state national" and constitutional citizen born in and domiciled in the several states of the Union?

- The Two Types of Citizens:

- (A.) constitutional citizens born in and domiciled in the states of the Union. See 14th Amendment.
- (B.) Statutory citizens born in and domiciled in the Federal Territory. See 8 U.S.C. § 1401

1.3.3. Constitutional citizens and their property:

- a. - Require birth or naturalization and NOT domicile ANYWHERE
- b. - Are protected ONLY by the Constitution and the COMMON LAW and NOT by statutes/ARIZONA REVISED STATUTES
- c. - Are exclusively private humans and NOT fictions of law. See *Rundle v. Delaware & Raritan Canal Company*, 55 U.S. 80, 99 (1852)
- d. - Are entirely private in relationship to the Government.
- e. - Become PUBLIC ONLY in context as their role as a Voter and Jurist. Voting and Jury services are "political franchises" that carry an office with them. See 18 U.S.C. § 201 (a) (1)

Reason For Granting The Writ

f. May not lawfully be treated as an OFFICER for any context OTHER than voting and jury service. If they are, the crime of impersonating a public officer results. See: 18 USC § 911

g. Persons born in the states of the Union are called: "nationals" under 8 U.S.C. § 1101 (a) (21)

1.3.4. STATUTORY citizens and their property:

a. Require domicile on Federal Territory to have a status,

b. Are FICTIONS OF LAW and not humans. See: Valmonte v. INS, 136 F.3d 914 (CA2, 1998)

c. Are statutory franchises of the national government

d. Are entirely PUBLIC and subject to all whims of Congress

e. Because they are Franchises of the government, can lose their STATUTORY citizenship at any time.

>> A Franchise is Public right owned by the government

>> PUBLIC rights (Franchise privileges) can be revoked at any time. See: Rogers v. Bellei, 401 U.S. 815 (1971)

f. Do NOT include "nationals" born in a constitutional state.

1.3.5. As mentioned, Mr. Crane is a "national", born in the states of the Union.

>> Persons born in the states of the Union are called "nationals" under 8 U.S.C. § 1101 (a) (21)

>> Nationals are protected by the Bill of Rights and the U.S. Constitution

>> Nationals are only subject to Federal jurisdiction in the context of:

- Foreign Commerce or commerce between states under Article 1, section 8, clause 1 and 3 of the Constitution

- Mail fraud under Article 1, section 8, clause 5 of the Constitution

- Slavery under the 13th Amendment

Reason For Granting The Writ

1.4. Deliberately confuses Mr. Crane's citizenship and the two classes and four distinct types of citizens as follows:

1.4.1. The term "citizen of the United States" or "U.S. citizen" are equivalent but together they have two different meanings that depend on the context:

a. In the Constitution they both mean a 14th Amendment citizen who is born in a state of the Union. This is the equivalent to a "national" described in 8 U.S.C. § 1101 (a) (21)

b. In 8 U.S.C. § 1401 and all federal statutes, they mean a person born in the District of Columbia or territory of the United States - which Mr. Crane clearly is NOT.

1.4.2. The above two distinction are a result of the fact that we have two political communities in our country which have their own unique citizens: (A) The states of the Union.

(B.) The federal government and its territories.

1.4.3. Types of Citizenship Jurisdiction:

- POLITICAL JURISDICTION: based upon allegiance, nationality, and being a national under 8 U.S.C. § 1101 (a) (21) and/or 8 U.S.C. § 1101(a)(22).

- LEGISLATIVE JURISDICTION: Based upon domicile and being a statutory "citizen" under civil law

1.4.5. One can be subject to the POLITICAL JURISDICTION without being subject to the the LEGISLATIVE JURISDICTION. An example would be an American National domiciled in a state of the Union or land within exclusive jurisdiction and subject to the POLITICAL JURISDICTION of the United States by virtue of possessing BOTH of the following characteristics:

Reasons For Granting The Writ

a. Being born or naturalized anywhere within the country
"United States*" AND

b. Having an allegiance to the United States ***. THAT "United states ***" implies The People, who are "the state" in our forms of government. It would NOT be to any GOVERNMENT, RULER, CIVIL SERVANT, or GEOGRAPHY.

1.4.6. A state domiciled American National does not have a domicile on Federal territory and therefore:

- would ONLY become a statutory "person" and an "individual" under Federal franchises by being lawfully elected or appointed to public office in the United States government AND serving ONLY in the District of Columbia as required by 4 U.S.C. § 72.

- cannot lawfully ELECT themselves into public office by filling out or submitting any government franchise form. If they do, they are committing the crime of impersonating a public officer under 18 U.S.C. § 912

1.5. The two classes and four distinct types of citizens:

A. State Citizens:

- >> state citizens born in a state of the Union: Not described directly in Federal citizenship statutes

- >> Also identified INDIRECTLY in Perkins v. Elg 307 U.S. 325 (1939)

B. Federal Citizens: CONSTITUTIONAL "citizens of the United States (***)"

- >> Described in the Fourteenth Amendment - section 1

- >> Born anywhere within the Union of states called the "United States of America"

- >> Described in 8 U.S.C. § 1101 (a) (2)

Reasons for Granting The Writ

>> called simply "nationals" or "state nationals" but not

"citizens" under Federal Law

1.5.1. STATUTORY "nationals" and citizens of the United States (xx):

Born in the District of Columbia and territories of the United States and

defined in 8 U.S.C. § 1401. Also described in 8 U.S.C. § 1101 (a) (22) (A)

1.5.2. STATUTORY "nationals" but not citizens of the United States at birth:

a. Born in America Samoa and Swains Island.

b. Defined in 8 U.S.C. § 1402 and described in 8 U.S.C. § 1101 (a) (22) (B)

c. Called U.S. ** "nationals" by Federal courts.

1.5.3. IMPORTANT: STATUTORY "citizens" of the United States (xx)

under 8 U.S.C. § 1401 and CONSTITUTIONAL "citizens" of the United States (xxx)

under the Fourteenth Amendment are mutually exclusive groups of people!

- You can be one or the other, but you cannot be both!

- The name is the same for these, but the meaning of the

"United States" is NOT.

1.5.4. REMEMBER: According to the Supreme Court in Minor v.

Happersett, a "citizen" is simply a member of a political community.

1.5.5. We have TWO, not one political community, in our Country:

a. The Federal Zone, consisting of the District of Columbia, and its territories and possessions of the United States

b. The states of the Union, united under the Constitution

1.5.6. This separation of political communities is a consequence of the Separation of Powers Doctrine.

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- 1.5.6 a. We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, §. As James Madison wrote, "[+] he delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in state governments are numerous and indefinite." The Federal No. 45, pp. 292-293 (C. Rossiter ed, 1961).
2. Both the U.S. District Court for Arizona and the U.S. District Court of Appeals (9th Circuit) have violated Mr. Crane's due process of law by citing Federal case law against a person domiciled in a state of the Union.
 - a. By the court/s citing and using Federal case law and Federal statute 28 U.S.C. 2253 (c)(2) to both rule against him and force him to use statutes like Rule 32 (which would force him to have to use Arizona Revised Statutes and Rules of Criminal Procedures attached to that Rule 32 for post conviction relief) is making a presumption that Mr. Crane is anything but a "national" "state national" and Constitutional citizen born and domiciled in the states of the Union.
 - a. The only way that Federal law can lawfully be cited against a person not domiciled on Federal territory is if they or Mr. Crane was engaged in a federal franchise or is/are abroad (NOT within the states of the Union)
 - b. All "presumption" is a violation of due process
 - c. "presumption" cannot be used as a permanent substitute for evidence in any legal proceeding.
 - e. The reason that "presumption" is a violation of "due process" is that it prejudices one's rights absent supporting evidence.

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f. "Statutory Presumption", which is a statute that creates

- a presumption that could operate to prejudice one's constitutional rights is a violation of due process.

g. The only case where "presumption" can be lawfully

- employed without violating the Constitution is against parties who are not protected by the Constitution. Therefore "presumptions" cannot be used against a person domiciled in a state of the Union and can only be used against:

- g.1. "U.S. persons" domiciled in the Federal zone who are not protected by the Bill of Rights... OR

- "CONSTITUTIONAL RESTRICTIONS AND LIMITATIONS [Bill of Rights] WERE NOT APPLICABLE to the areas of lands, enclaves, territories, and possessions over which Congress had EXCLUSIVE LEGISLATIVE JURISDICTION."

- [Downes v. Bidwell, 182 U.S. 244 (1901)]

h. It's a violation of due process of law to PRESUME that Mr. Crane

- is a public officer WITHOUT EVIDENCE on the record from an unbiased witness who has no financial interest in the outcome.

- "A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence." [Black's Law Dictionary, Sixth Edition, p. 1185]

- "In any question of fact or liability he conclusively be presumed [rather the proves] against him, this is not due process of law. [...] the presumption of innocence under which guilt must be proven by legally obtained evidence, and the verdict must be supported by the evidence supported by the evidence presented; rights at the stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy). [Black's Law Dictionary, Sixth Edition, p. 506]

Reason For Granting The Writ,

- i. statutory presumptions used against a part to the Constitution domiciled within a state of the Union also amount to a violation of due process.

"It is apparent," this court said in Bailey Case (219 U.S. 239, 31 S. Ct. 145, 141) "that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions." [Heller v. Donnan, 285 U.S. 312 (1932)]

- 3. Is forcing and causing Mr. Crane to impersonate a public office/officer and/or STATUTORY citizen by complying with, or using, or believing that 28 U.S.C. § 2253(c) (2) and/or that Federal case law/s Slack v. McDaniel, 529 U.S. 473, 484 (2000) and Gonzales v. Thaler, 565 U.S. 134, 140-41 (2012) is law that is for Mr. Crane and his very unique and distinct civil and political status when it is clearly not, but rather federal law/statute/s for a STATUTORY citizen.

- 3.1. A Constitutional citizen cannot impersonate a public officer or STATUTORY citizen. It's a crime per both 18 U.S.C. § 911 and 18 U.S.C. § 912.

- 3.2. Even if Mr. Crane is wrong in his conclusion and/or the issues mentioned above and the Federal case law and Federal statute/s above do somehow apply to Mr. Crane, said action would force Mr. Crane to have to impersonate a public officer or STATUTORY citizen by forcing him to use Rule 32 - Post Conviction Relief and commit a crime pursuant to 18 U.S.C. § 911 and/or both 18 U.S.C. § 912.

- 3.2.1. Rule 32, including other statutes attached/connected to that Rule 32 like: Rule 17.1, Rule 17.2 Rules of Arizona Criminal Procedures -- is statute for either or both Federal territory or for STATUTORY citizens only.

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- 3.3. The Constitution only grants Congress the authority to establish
- Uniform rules of Naturalization under Article 1, section 8, Clause 4
- The Constitution does NOT grant Congress authority to define the citizenship status of persons born in the states of the Union, which are outside their subject matter jurisdiction
- The states of the Union are "foreign" from the federal government for the purposes of legislative jurisdiction
- The laws of the Federal government therefore do not apply inside states of the Union. "It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas. 1918F 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation."
- [*Carter v. Carter Coal Co.*, 298 U.S. 238 (1936)]

- 4. Because said Court/s refuses on or accept Mr. Crane's Habeas Corpus Petition - violates both his due process and a right protected by the U.S.C.A in Section 9, paragraph 2 "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in case of Rebellion or Invasion the public safety may require it.

- 4.1. "Jurisdiction of the court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgement by way of writ of habeas corpus." [*U.S. v. Anderson*, 60 F. Supp. 649 (D.C. Wash. 1945)]

- 4.2. Mr. Crane argues that: Even though said Court/s have declared they would accept a habeas corpus petition from Mr. Crane in the future so as long as he complied with their/its ruling, no matter how you look at it, the court is still suspending his writ/privilege/right, going directly against the U.S.C.A.

Reason For Granting Writ

4.3. Suspend 1. to exclude as a penalty from an office, school, etc., for a time, 2. To stop temporarily, [Webster's New World Dictionary, 5th Edition.]

4.3.1. In accordance with said court's ruling, the court/s is suspending Mr. Crane privilege/right to a writ of habeas corpus, even if its only temporary, the court/s statutes, Federal case law, rules, procedures, etc., further impairing rights protected by and given under a constitution.

4.3.2. "Under the basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925," [In re Young, 235 B.R. 666 (Banker, N.D. Fla., 1999)]

4.3.3. "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void." [Marbury v. Madison, 5 US 137, (1803)]

5. In every petition that Mr. Crane has filed with said court/s, Mr. Crane has invoked Federal Rule of Civil Procedure Rule 8(b)(6), and both the U.S. DISTRICT COURT FOR ARIZONA and the U.S. DISTRICT COURT OF APPEALS - remained silent on all of the issues Mr. Crane has raised in his pleadings and, what ruling the court/s did make - were not done or made under the penalty of perjury

5.1. It would appear that said court/s believe that:

a. They have the authority to over-ride or dismiss the use and equal protection that said Fed. Rul. Civ. P. 8(b)(6) provides, or that:

b. their/its ruling is sufficient enough to meet the requirements of Fed. Rul. Civ. P. 8(b)(6).

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- 5.2. Mr. Crane believes that: This U.S. Supreme Court should order said court/s to do the following:
 - a. Properly address his civil and political status
 - b. Properly rule on all of the issues raised in writ of habeas corpus petition and address each issue in a way and language that the common man/Mr. Crane can understand and interpret without the need or use of a computer or an expert - in accordance with the U.S. Supreme Courts "Void for Vagueness Doctrine"
 - c. Force/Order all rulings that the court may or may not make in the future on his writ of habeas corpus petition - to be made under the penalty of perjury as required by Fed. Rul. Civ. P. 8(b)(6)
 - d. Or, Order the Court/s to accept or grant the conditions set out in the writ and release Mr. Crane's private property and living body.
- e. Anyone who does or tries to confuse the two types of citizen and Mr. Crane's civil/political status is criminally obstructing justice per 18 U.S.C. §1501 by refusing to allow Mr. Crane to administratively correct or rebut His civil status in their fraudulent Records.
- f. The above mentioned is just one of the dozens of arguments/grounds in Mr. Crane mentioned in Mr. Crane's Writ of Habeas Corpus filed originally in the AZ DISTRICT COURT. Let it be understood that Mr. Crane has made it a point to clarify His citizenship and political status at every level - all the way up to this point. The District Court/s, including the AZ SUPERIOR COURT have consistently obstructed justice (18 U.S.C. §1505) with restoring Mr. Crane's right to be left alone and have a private status.

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- 6.2. By doing the above mentioned, the Court/s are also making their/its records FRAUDULENT per 18 U.S.C. §1030
- 6.3. Its goal is unconstitutional and criminal peonage, by making Mr. Crane a surety for a public debt against His consent, 18 U.S.C. §1581 and the 13th Amendment
 - The main method is to convert PRIVATE to PUBLIC without the consent of the owner - Mr. Crane and, associate a PUBLIC statutory civil status with a Private person against His consent or without ASKING for His consent. This is stealing and identity theft
- 6.4. Is creating and/or both - placing Mr. Crane in and under a state of DURESS. Duress in the context of Identity Theft.
 - >> In effect they commit extortion and organized crime, and the judges with a criminal financial interest (28 U.S.C. 144, 445 and 18 U.S.C. §208) are the "organizers" of their criminal RICO "protection racket".
- 6.5. Is violating Mr. Crane's property and happiness
 - >> In the Declaration of Independence the word "Happiness" in the phrase Life, Liberty, and pursuit of "happiness" has been equated by the U.S. Supreme Court as the RIGHT TO OWN PROPERTY.
 - "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
 - Any government that interferes or intends to interfere with the protection of PRIVATE rights and PRIVATE property therefore has the expressed and/or IMPLIED goal of MALICIOUSLY making Mr. Crane: UN-HAPPY! (P.23)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Lee Crane 
u.c.c.1-308/u.c.c.1-103.6 Without Prejudice

Date: 06-02-2020