

Appendix A

COPY OF 4th CIRCUIT

orders.

Appendix A

FILED: March 24, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2287
(1:19-cv-00300-DAF)

In re: CHARLETTE DUFRA Y JOHNSON

Petitioner

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wilkinson, Judge Keenan, and
Judge Thacker.

For the Court

/s/ Patricia S. Connor, Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501, Richmond, Virginia 23219

November 15, 2019

FEE NOTICE IN AGENCY CASES
AND ORIGINAL PROCEEDINGS

No. 19-2287, In Re: Charlette Johnson
1:19-cv-00300-DAF

**FEE (\$500) OR IFP-APPLICATION TO PROCEED IN FORMA PAUPERIS
DUE TO COURT OF APPEALS: December 2, 2019**

TO: Charlette Dufray Johnson

To pursue this case, petitioner must pay the applicable filing fee to the **Clerk, U.S. Court of Appeals**. The fee may be paid by **credit card through CM/ECF** or by check or money order payable to the Clerk, U.S. Court of Appeals. If petitioner is financially unable to pay the fee, petitioner may file an **IFP-Application to proceed in forma pauperis** with this court. Petitioner must either pay the fee or file an in forma pauperis application with this court within 15 days or the court will initiate the process set forth in Local Rule 45 to dismiss this case for failure to prosecute.

Cathy Tyree Herb, Deputy Clerk
804-916-2724

Appendix B

Petitioner's
Response to Findings
And Recommendations

Appendix B

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OBJECTIONS
TO PROPOSED FINDINGS
AND RECOMMENDATIONS

DATE : DEC 5, 2019

FROM: CHARLETE DUFRAJ JOHNSON#54699056
401 W CABARRUS STREET
RALEIGH, NORTH CAROLINA 27601

CASE: 1:19CV-00300

TO: 4TH CIRCUIT COURT OF APPEALS
1100TH E MAIN STREET
RICHMOND VIRGINIA 23219

CC: DISTRICT COURT

JUDGE FABER

601 FEDERAL STREET

BLUEFEILD WEST VIRGINIA 24701

[Page 2 of 4]

COMES NOW PETITIONER, TO OBJECT TO THE FINDING, AND
RECOMMENDATIONS, BY MAGISTRATE JUDGE EIFERT, OBJECTIONS ARE AS
FOLLOWS:

I OBJECTION ONE:

MAGISTRATE JUDGE EIFERT, DID GREATLY ERR, IN STATING, PETITION SHOULD
HAVE BEEN ADDRESSED, UNDER 2255, AS SECOND SUCCESSIVE 2255.

A) SINCE, ALL LEGAL ISSUES MUST BE ADDRESSED UNDER THE CORRECT
STATUTE, AS JUDGE EIFERT WELL KNOWS, EXAMPLE ALL CLAIMS FOR
INEFFECTIVE ASSISTANCE OF COUNSEL, MUST BE ADDRESSED UNDER
28 USC 2255, CITING STRICKLAND V WASHINGTON(1984).

B) ALSO, ANY NEW RULE OF CONSTITUTIONAL LAW, IF PASSED BY CONGRESS,
AND SIGNED BY PRESIDENT, EXAMPLE BEING 1ST STEP ACT 2018, MUST BE
ADDRESSED, UNDER SECOND SUCCESSIVE 2255, 2244(B)3(A).

SINCE, THIS VOID LAW TITLE 18 USC 3231, IS NOT A NEW RULE OF LAW,
BUT RATHER, ALREADY KNOWN TO BE VOID, BY THE DOJ, SINCE JULY 2009.

THIS VOID LAW, COULD NOT BE ADDRESSED, AS NEW EVIDENCE.

THEREFORE, THIS VOID LAW, IS PROPERLY BEFORE THE COURT, UNDER
28 USC 2241, AS JUDGE EIFERT WELL KNOWS. SINCE THIS MAGISTRATE JUDGE
AS BEEN JUDICALLY TRAINED IN THESE MATTERS.

OBJECTION TWO

II OBJECTION TWO

MAGISTRATE JUDGE EIFERT, DID ERR, BY STATING THIS ISSUES WAS TWICE DENIED BY THE FOURTH CIRCUIT, YES THIS PART IS TRUE, BUT SINCE THE ISSUE WAS ADDRESSED, UNDER RULE 60B, WHICH WAS CONSTRUED TO SECOND 2255.

THEREFORE, YES THIS VOID LAW WAS DENIED, BECAUSE OF THE IMPROPER STATUTE ADDRESSING THIS VOID LAW, NOT THE GROUNDS.

AS THIS COURT WELL KNOWS, ALL JURISDICTION QUESTION, MUST BE ADDRESSED, UNDER 22 USC 2241(SEE ATTACHED DOCUMENT)

OBJECTION THREE

III OBJECTION THREE

MAGISTRATE JUDGE EIFERT DID GREATLY ERR, BY STATING THE MOTION, FOR SUMMARY JUDGEMENT, SHOULD NOT BE GRANTED, BECAUSE AS THE RULE OF LAW STATES UNDER FED RULE 56A, CITING CELOTEX CORP V CATRETT(1986)

STATES, DEFENDANT FAILED TO DEFEND, OR DISPUTE, ANY MATERIAL FACT, PARTY, THEREFORE ENTITLED TO SUMMARY JUDGEMENT, AS MATTER OF LAW.

Objection Four

VI) MAGISTRATE Judge, EIFERT, DID ERR BY STATING motion to not Remove Judge should Be Denied, Since petitioner DID NOT Request Judge to Be Remove Judge HAD NO misconduct Therefore, Appears To Be Some Bias Thereby, motion should Be granted.

[PAGE 40P4]

INCLOSING, COMES NOW PETITIONER, TO OBJECT TO THESE FINDINGS, AND
RECOMMENDATIONS, AND CONFIRM THE FACTS OUTLINED IN CASE TO BE
UNDISPUTED, BY ALL PARTIES, TO INCLUDE THIS MAGISTRATE JUDGE.

THEREFORE, PETITIONER, HEREBY REQUEST THE FOLLOWING:

- 1) REQUEST THIS COURT, ISSUE AND ORDER GRANTING SUMMARY
JUDGEMENT, FED RULE 56A, SINCE NO MATERIAL FACT AS OUTLINED IN
BRIEFING, WITH A PREPONDERANCE OF EVIDENCE, WAS DISPUTED, OR
DENIED, BY THE RESPONDENT, OR JUDGE EIFERT.
- 2) REQUEST THIS COURT, ISSUE AN ORDER TO REVERSE CONVICTION, AND
REVERSE, VOID SENTENCE, UNDER THIS VOID LAW TITLE 18 USC 3231
- 3) REQUEST THIS COURT, ISSUE AN ORDER DECLARING THIS SUMMARY
JUDGEMENT TO BE TRUE AS LAW, AND THEREBY UNDISPUTED, BY ALL
PARTIES.

Dec 5, 2019

Ch Johnson

CERTIFICATE OF SERVICE

I certify on Dec 5, 2019, these
objections were mailed to:

sent 4th Circuit Appeals

1100th East Main St

Richmond, Virginia 23219

cc: DISTRICT COURT

Judge Faber

601 Federal St

Bluefield, WV 26001

#54699656

Ch Johnson
CHARLOTTE JOHN

Appendix C

Petitioner's
Petition For
WRIT OF MANDAMUS
DATED NOV 13, 2019

Appendix C

CASE # 19-CV-00300

[Appeal # 19-2287]

IN THE UNITED STATES
FOR THE 4TH CIRCUIT OF APPEALS
RICHMOND VIRGINIA

DATE: 11-13-2019

FROM: IN RE, CHARLETTE DUFRAJ JOHNSON #54699056

401W CABARRUS STREET
RALEIGH, NORTH CAROLINA 27601

SUBJECT: REQUEST WRIT OF MANDAMUS, TO DIRECT DISTRICT COURT TO ISSUE ORDER,
FOR SUMMARY JUDGEMENT UNDER RULE 56A, SINCE RESPONDENT FAILED TO DEFEND VOID LAW,
TITLE 18 USC 3231, OR DISPUTE ANY MATERIAL FACT, CONSTITUTES SUMMARY JUDGEMENT 56A.

CASE: 1:19-CV-00300(PENDING DISTRICT COURT) Bluefield, West Virginia
601 Federal Street
Bluefield, WV 24701

Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972). The All Writs Act, 28 U.S.C. § 1651(a), confers the power of mandamus on federal appellate courts. *LaBuy v. Howes Leather Co.*, supra. Mandamus may be appropriately issued to confine an inferior court to a lawful exercise of prescribed jurisdiction, or when there is an usurpation of judicial power. See *Schlagenhauf v. Holder*, 379 U.S. 104 (1964). Mandamus may be employed to require a lower court to enforce the judgment of an appellate court, or to keep such a court from interposing unauthorized obstructions to the enforcement of the judgment of a higher court. See *United States v. District Court*, 334 U.S. 258, 263 (1948) (to enforce obedience to court of appeals mandate). Where the right was clear and indisputable, mandamus issued to compel a lower court to release a boat under an assertion of the immunity of a foreign sovereign. *Spacil v. Crowe*, 489 F.2d 614 (5th Cir. 1974). It has been utilized to compel the issuance of a bench warrant. *Ex parte United States*, 287 U.S. 241, 248 (1932).

The district courts have no jurisdiction of a suit seeking mandamus against the United States. *United States v. Jones*, 131 U.S. 1 (1889); *Minnesota v. United States*, 305 U.S. 382 (1939); *McCune v. United*

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States, 374 F. Supp. 946 (S.D.N.Y. 1974). 28 U.S.C. § 1361, giving the United States district court jurisdiction of "an action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff," speaks only of compelling an officer or employee. The committee reports accompanying this enactment make clear that the legislation did not create new liabilities or new causes of action against the United States. See S.Rep. No. 1992, 87th Cong., 2d Sess. 2; H.Rep. No. 536, 87th Cong., 2d Sess. 1.

Courts have no authority to grant relief in the nature of mandamus if the plaintiff has an adequate legal remedy aside from mandamus, such as a suit for monetary judgment or the opportunity to raise the legal issues involved in a suit brought by the government. *United States ex rel. Girard Trust Co. v. Helvering*, 301 U.S. 540, 544 (1937); *Spielman Motor Co. v. Dodge*, 295 U.S. 89 (1935); *Whittier v. Emmet*, 281 F.2d 24, 28-29 (D.C. Cir. 1960); *Nixon v. Sirica*, 487 F.2d 700 (D.C. Cir. 1973); *Lovallo v. Froehlke*, 468 F.2d 340 (2d Cir. 1972), cert. denied, 411 U.S. 918 (1973). Mandamus is not available, if a statutory method of review is authorized. *Wellens v. Dillon*, 302 F.2d 442 (9th Cir.), app. dismissed, 371 U.S. 90 (1962). Mandamus does not supersede other remedies; it only comes into play when there is a want of such remedies. See *Carter v. Seamans*, 411 F.2d 767 (5th Cir. 1969), cert. denied, 397 U.S. 941 (1970).

The power of a district court to compel official action by mandatory order is limited to the enforcement of nondiscretionary, plainly defined, and purely ministerial duties. See *Decatur v. Paulding*, 39 U.S. (1 Pet.) 496, 514-17 (1840); *Work v. Rives*, 267 U.S. 175, 177 (1925); *Wilbur v. United States*, 281 U.S. 206, 218 (1930). An official action is not ministerial unless "the duty in a particular situation is so plainly prescribed as to be free from doubt and equivalent to a positive command." *Wilbur v. United States*, supra; See *United States ex rel. McLennan v. Wilbur*, 283 U.S. 414, 420 (1931); *ICC v. New York, N.H. & H.R. Co.*, 287 U.S. 178, 204 (1932); *United States ex rel. Girard Trust Co. v. Helvering*, supra; *Will v. United States*, 389 U.S. 90 (1967); *Donnelly v. Parker*, 486 F.2d 402 (D.C. Cir. 1973). "But where there is discretion . . . even though its conclusion be disputable, it is impregnable to mandamus." *United States ex rel. Alaska Smokeless Coal Co. v. Lane*, 250 U.S. 549, 555 (1919).

IN CONCLUSION, COMES NOW PETITIONER, PURSUANT WRIT OF MANDAMUS, SINCE RESPONDENT FAILED TO DISPUTE ANY MATERIAL FACT, OR EVEN DEFEND, OR DISPUTE TITLE 18 USC 3231, TO NOT BE VOID, HENCE ALL FACTS SUBMITTED BY PETITIONER ARE DEEMED TRUE, AND CANNOT BE DENIED.

[Page 2 of 4]

THEREFORE PETITIONER REQUEST THIS 4TH CIRCUIT OF APPEALS GRANT THE FOLLOWING,

- 1) REQUEST THIS 4TH CIRCUIT OF APPEALS, ISSUE AN ORDER TO DIRECT THE DISTRICT COURT
LOCATION BLUEFIELD WEST VIRGINIA, ISSUE AN ORDER FOR SUMMARY JUDGEMENT 56A,
- 2) REQUEST THIS FOURTH CIRCUIT DIRECT DISTRICT COURT, ISSUE AN ORDER STATING
SINCE NO DISPUTE OF MATERIAL FACTS, OR EVIDENCE BY RESPONDENT, ALL EVIDENCE
DEEMED TO BE TRUE.

THEREFORE, ORDER STATES TITLE 18 USC 3231 VOID AS LAW IN KEEPING WITH THE DOJ,
OWN INVESTAGATION IN JUNE, JULY 2009.

- 3) ISSUE AN ORDER STATING FEDERAL DISTRICT COURTS HAVE NO JURISDISTION, TO INDICT, OR
CONVICT, AND OR IMPRISON UNDER THIS VOID LAW.
- 4) ISSUE AN ORDER TO REVERSE CONVICTION, AND REVERSE SENTENCE UNDER VOID LAW, AND
THEREBY EXSPUNGMENT OF RECORD, UNDER THIS VOID LAW.

11-13-2019
DATE


CHARLETTE DUFRAY JOHNSON

[PAGE 3074]

CERTIFICATE OF SERVICE

COMES NOW PETITIONER, TO CERTIFY THIS WRIT OF HABEAS CORPUS WAS MAILED, FROM
401 W CABARRUS STREET, RALEIGH NC, ON 11-13-2019, SENT TO:

4TH CIRCUIT OF APPEALS

1100TH EAST MAIN STREET

SUITE 501

RICHMOND, VIRGINIA 23219

CC; COPY TO US ATTORNEY GENERAL WILLIAM BURR

950 PENNSYLVANIA AVE NW

WASHINGTON, DC 20530


US ATTORNEY CHARLESTON WEST VIRGINIA

MICHAEL STUART

PO. BOX 1713

CHARLESTON, WEST VIRGINIA 25326

11-13-2019
DATE


CHARLOTTE DUFRANE JOHNSON

[PAGE 4 OF 4]

Appendix D

petitioner's
Summary Judgment
Rule 56(A)

Dated Aug 22, 2019

Appendix D

DATE: Aug 22, 2019

[CC: COPY]

54699056

FROM: CHARLETTE DUFFRAY JOHNSON

ALDERSON PRISON Camp

P.O. BOX A

ALDERSON, WEST VIRGINIA 24910

SUBJECT: Summary Judgement, pursuant
Rule 56(A) since the Evidence shows
that there is no genuine dispute
also, Respondent failed to defend
or present evidence thereby all
FACTS PRESENTED ARE TRUE.

CASE: 1:19-CV-00300

TO: DISTRICT COURT

601 FEDERAL STREET

Bluefield, West Virginia 24701

CC: COPY U.S. ATTORNEY CHARLESTON, WV

MICHAEL STUART

P.O. BOX 1713

CHARLESTON, WV 25326

CC: COPY

U.S. ATTORNEY GENERAL

William Burr

950 PENNSYLVANIA AVE N.W

WASHINGTON, D.C. 20530

CC: COPY Time Magazine DID NOT RESPOND
Editor

225 LIBERTY STREET

NEW YORK, NEW YORK 10281

[PAGE 1 OF 6]

Comes now petitioner pursuant Rule 56(A) Summary Judgement since Respondent on, or about August 8, 2019 within Briefing submitted failed to defend the validity of Title 18 USC 3231, Part of Public Law 80-772.

Therefore, this Summary Judgement should be granted, for the following:

A) on, or about April 15, 2019 petitioner submitted 2845C2241 with evidence confirming Title 18 USC 3231, HR 3190 Part of Public Law 80-772, to be void as Law.
(See case NO. 1:19-CV-00300)

B) on June 10, 2019, Court ordered Respondent to respond to issues present in 2845C2241, citing False Imprisonment, VOID Law

C) on August 8, 2019 the Respondent failed to defend the validity of Title 18 USC 3231, or prove any facts, or evidence, by petitioner was not true. But, rather addressed petitioner's prior appeals constitutes failure to defend, further proves all facts presented are true.

D) citing NATIONWIDE Insurance company vs. ADRIANA BURGON Lexis 42310 NO. 1:18-CV-136 (January 29, 2019)
(See ATTACHED Case Law)

(F) Citing, CELOTEX CORP VS CARTER 477 US 317, 322, 1065, CT 2548, 916 ED, 2d 265 (1986) Under Federal Rule Civil P 56(a) court should grant summary judgment if the pleadings and evidence show that there is no genuine dispute as to any material fact and that the moving party is entitled to judgment as a matter of law.

(F) In reviewing a motion for summary judgment, the court views the facts in the light most favorable to the non-moving party.

Citing Anderson vs Liberty Lobby Inc 477 US 249, 255, 1065, CT 2505, 916 ED, 2d 262 (1986) once a motion for summary judgment is properly made, the opposing party has the burden to show that a genuine dispute of material facts exists.

(G) Citing, MATSUSHITA Elec Indus VS Zenith Radio Corp 475 US 574, 586-87, 1065 CT 1348, 896 ED 2d 538 (1986) This case is ripe for summary judgment.

(H) Therefore, Respondent's Briefing on August 8th 2019 failed to dispute any material fact or defend the validity of TOL 1845C 323. Citing CELOTEX CORP VS CARTER (1986) moving party entitled to judgment as a matter of law.

In conclusion, comes now petitioner pursuant Fed Rule Civ P 56(A) Summary Judgement.

Because, Respondent Did not Defend, or Dispute any material fact confirming Title 18 USC 323/ VOID AS LAW.

Therefore, petitioner entitled to Summary Judgement, AS A MATTER OF LAW.

Petitioner Request the following

1) Request, This COURT Issue an order granting Summary Judgement pursuant Fed Rule 56(A).

Also,

2) Request, This COURT Issue an order Concluding FACTS OUTLINED, In petitioner's 28 USC 2241 petition, TO BE TRUE, NOT Disputed By Respondent.
TITLE 18 USC 323, HR 3190, PART OF public Law 80-772, VOID AS LAW
In Keeping with DOJ OWN INVESTIGATION In June, July 2009

3) Request COURT Issue an order, TO Reverse convictions, Reverse sentence
Issue an order TO VACATE order OR DISMISS RESTITUTION order, under VOID LAW

— ALSO, Issue an order For petitioner's Immediate Release In a timely manner

Aug 22, 2019
DATE

Charlette D. Johnson
CHARLETTE DUBRAY JOHNSON
PRO SE

[Certificate of Service]

I, Being Petitioner, Heroby

certify, this motion, pursuant

Rule 56(a) Summary Judgment

Because Respondent cannot

dispute material facts confirming
Title 18 USC 3231, I will AS law

This motion was mailed from
Alderson mail room on 8-22-2019
Sent to:

District Court

601 Federal St

Bluefield, W.V. 24701

U.S.

CC: Copy Attorney Charleston W.V.

Michael Stuart

P.O. Box 1713

Charleston, W.V. 25326

CC: Copy U.S. Attorney General

William Burr

950 Pennsylvania Ave

Washington, D.C. 20530

CC: Copy Time Magazine

Editor

225 Liberty St

New York, New York 10281

Aug 22, 2019
DATE

Charley

[List of Exhibits]

Exhibit: 1 Case Law Being
NATIONWIDE Insurance V BURGOA (1986)

Exhibit: 2 please Review

GOVERNMENT / Respondent Response
DATED Aug 8, 2019

Exhibit: 3 please Review petitioners
Response DATED 8-14-2019

* For This Cause, NO MATERIAL
FACT WAS DISPUTED BY
Respondent constitutes By Law
SUMMARY judgement
CITING CELOTEX CORP / CATRETT
(1986)

— END OF EXHIBITS —

[PAGE 6 OF 6]

By Law Petitioner

entitled to
Summary Judgement

made statements in her Automobile Insurance Application for the Nationwide Policy that were untrue when made, and that **(2019 U.S. Dist. LEXIS 6)** those statements reasonably influenced Nationwide's decision to issue the policy. It is hereby,

ORDERED that Plaintiff's Motion for Summary Judgement is GRANTED and Plaintiff is entitled to a declaratory judgment in which 1) the joint stipulation of facts filed by the parties are accepted as true; 2) this Court finds the Nationwide Policy is void ab initio as having been procured by Ms. Burgoa through a material misrepresentation; 3) this Court finds Nationwide does not owe insurance coverage or benefits to or for defendants, or any of them, and that Nationwide does not owe indemnification, a defense or any other insurance coverage or benefits for claims or causes of action arising, either directly or indirectly out of the December 17, 2016 traffic accident; and 4) this Court declares Nationwide has no obligation to provide insurance coverage or benefits to pay any claims, judgments or settlements arising, either directly or indirectly, out of the December 17, 2016 traffic accident. Therefore, this case is DISMISSED.

/s/ Claude M. Hilton

CLAUDE M. HILTON

UNITED STATES DISTRICT JUDGE

Alexandria, Virginia

January 29, 2019

UNITED STATES OF AMERICA, v. HUGO PÉREZ-AUGUSTIN, Defendant.
UNITED STATES

Appendix E

Petitioner's

Response to Governments

Briefing

Dated

Aug 14, 2019

Appendix E

JOHNSON, CHARLETTE DUFRAY - Unit: ALD-B-C

CASE 1:19-CV-00300

DATE: 8-14-2019

FROM: CHARLETTE DUFRAY JOHNSON#5469 056
ALDERSON PRISON CAMP
P.O. BOX A
ALDERSON, WEST VIRGINIA 24910

SUBJECT: RESPONSE TO BRIEFING BY GOVERNMENT (RESPONDENT), DATED AUG 8, 2019
PURSUANT TO 28 USC 2241, IN WHICH RESPONDENT DID FAIL TO DEFEND, THE VALIDITY
OF TITLE 18 USC 3231, AS SO ORDERED ON JUNE 10, 2019.
(SEE ATTACHED ORDER DATED JUNE 10, 2019)

CASE NO: 1:19-CV-00300

TO: DISTRICT COURT
601 FEDERAL STREET
BLUEFIELD, WEST VIRGINIA 24701

C: COPY
US ATTORNEY GENERAL
WILLIAM BURR
950 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20530

C: COPY
US ATTORNEY, CHARLESTON WV
MICHAEL STUART
P.O. BOX 1713
CHARLESTON, WEST VIRGINIA 25326

C: COPY TIME MAGAZINE
EDITOR/ EDWARD FELSETHAL
225 LIBERTY STREET
NEW YORK, NEW YORK 10281

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comes now petitioner, pursuant to
Habeas corpus abuscably to respond to government
(Respondent) Alderson warden with legal counsel
U.S. Attorney Michael Stuard briefing dated
8 Aug 2019.

In which the Respondent did respond but
failed to defend the validity of Title 18 USC 3231
part of public law 80-772, as so ordered on
June 10, 2019.

Since this case involves the national interests
of the United States because for 70 years the
DOJ has used void law to indict convict
imprison U.S. citizens, in federal prisons
therefore, petitioner Respondents also
the issues to considered are as follows:

Issue one

1) The Respondent did respond but failed to
defend, or provide information, or evidence
to prove, the claim false.

Respondent provided no factual evidence
or constitutional laws on the validity of
Title 18, USC 3231, as so ordered on June 10.

(see attached order dated June 10, 2019)

Issue two

2) Respondent only response after 60 days being
petitioner's past appears also DocuSign sheet
which further proves government
cannot defend the validity of Title 18 USC 3231

(see attached, government briefing 8-8-2019)

Issue three

3) Respondent, STATED IN BRIEFING, THIS VOID LAW TITLE 18 USC 3231, SHOULD HAVE BEEN ADDRESSED, UNDER 28 USC 2255.

THIS STATEMENT, NOT TRUE, SINCE THE RULE OF CONSTITUTIONAL LAW, STATES ALL UNCONSTITUTIONAL RESTRAINTS, ADDRESSED UNDER 28 USC 2241, CITING *FAY VS. NOIA* 372, U.S. 391, 426, 430 (1963), *FAY V NOIA* 372 U.S. AT 406, QUOTING *EX PARTE YERGER* 75 US (8 WALL) 85, 98-99 (1868).

WHEN THIS CLAUSE WAS WRITTEN INTO THE FEDERAL CONSTITUTION, IT WAS SETTLED THAT THE WRIT LAY TO TEST ANY RESTRAINT CONTRARY TO FUNDAMENTAL LAW. 372 US AT 405, 426.

AT THE ABSOLUTE MINIMUM THE SUSPENSION CLAUSE PROTECTS THE WRIT AS IT EXISTED IN 1789, CITING *INS VS. SFCYR* 533 US 289, 301 (2001) QUOTING CASE, *FELKNER VS. TURPIN* 518 US 651, 663, 664 (1996) WHICH ENCOMPASSED DETENTIONS BASED ON ERRORS OF LAW.

INCLUDING THE ERRONEOUS APPLICATION, OR THE INTERPRETATION OF STATUTES, AS TO ANSWER PURE QUESTION OF LAW RAISED 533 US AT 303, 305

CITING *EX PARTE YERGER*, 75 US AT 98-99 ALSO *EX PARTE LANGE* 85 US (18 WALL) 163, 166 (1874) *EX PARTE VIRGINIA* 100 US 339, 341-343 (1880)

THUS, THIS PETITION IS PROPERLY BEFORE THE COURT, TO ADDRESS ILLEGAL RESTRAINTS RAISED HEREIN.

Issue Four

- 4) The DOJ, HAS USED TITLE 18 USC 3231, BEING INVALID VOID AS LAW, FOR 70 YEARS, TO INDICT CONVICTS, ALSO, IMPRISON US CITIZENS IN FEDERAL PRISONS. Eventhough, the DOJ conducted it's OWN INVESTIGATION, INTO THE VALIDITY OF PUBLIC LAW 80-772, TITLE 18 USC 3231, OR HR 3190, IN JUNE, JULY 2009.

Concluding unconstitutional, INVALID LAW, NO LEGAL EFFECT, NO LAW.

(SEE ATTACHED EMAIL LAPPIN DATED JULY 27, 2009)

Issue Five

- 5) TITLE 18 USC 3231, PART OF PUBLIC LAW 80-772, HR 3190 IN DIRECT VIOLATION OF U.S CONSTITUTION ARTICLE 1 § 5 CL, 1, QUORUM CLAUSE, COMMANDS IN RELEVANT PART THAT A MAJORITY OF EACH HOUSE OF CONGRESS, SHALL CONSTITUTE A QUORUM TO DO BUSINESS.

SINCE, NO QUORUM ON THE RECORD FOR THIS TITLE 18 USC 3231, HR 3190, OR PUBLIC LAW 80-772 CONSTITUTES VOID LAW. CITING SUPREME COURT CASE, UNITED STATES VS. BALTIMORE JOSEPH & CO, 144 U.S. 1, 3 (1892), STATES IN ORDER FOR ANY BILL, TO BE VALID THE JOURNALS OF BOTH HOUSES, MUST SHOW THAT IT WAS PASSED, IN THE PRESENCE OF A QUORUM.

Issue Six

- 6) This VOID Law TITLE 18 USC 3231, IN DIRECT VIOLATION OF 18 USC 4001(A), STATES NO CITIZEN SHALL BE IMPRISONED, OR OTHERWISE DETAINED BY THE UNITED STATES, EXCEPT PURSUANT TO AN ACT OF CONGRESS.

Issue Seven

- 7) The Respondent DID NOT DEFEND, OR ESTABLISH TITLE 18 USC 3231, TO BE VALID, BUT ADDRESS VOID LAW CITING CAROL BOND VS UNITED STATES (2011). Supreme COURT STATES, Ginsberg, BREYER CONCURRING, BOND LIKE ANY OTHER DEFENDANT HAS A RIGHT NOT TO BE CONVICTED UNDER CONSTITUTIONAL INVALID LAW.

See FALLON, AS APPLIED, AND FACIAL CHALLENGES, AND THIRD PARTY STANDING, 113 HARV. L. REV. 1321, 1331-1333 (2000) MONAGHAN, OVERBREADTH, 1981 SUP CT, REV. 1, 3 SEE ALSO, NORTH CAROLINA VS. PEARCE 395 U.S. 711, 739, 89S. CT 2072, 23L. ED. 2d 656 (1969) BLACK J., CONCURRING IN PART, AND DISSSENTING IN PART, DUE PROCESS, IS A GUARANTEE THAT A MAN SHOULD BE TRIED, AND CONVICTED, ONLY IN ACCORDANCE, WITH VALID LAWS OF THE LAND.

AN OFFENSE CREATED BY AN UNCONSTITUTIONAL LAW, THE COURT HAS HELD, IS NOT A CRIME, CITING EX PARTE SIEBOLD 100 US, 371, 376, 25L ED 717 (1880) A CONVICTION UNDER SUCH A LAW, IS NOT MERELY ERRONEOUS, BUT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT ID AT 376-377, 25L ED, 717. IF A LAW IS INVALID AS APPLIED TO THE CRIMINAL DEFENDANT'S CONDUCT THE DEFENDANT IS ENTITLED TO GO FREE.

Issue Eight

8) Petitioner, pursuant 28 USC 2241, submitted a preponderance of Evidence proving this TITLE 18 USC 3231, part of public Law 80-772 HR3190, TO BE INVALID, VOID AS LAW
Case No: 1:19-CV-00300.

Respondent, FAILED TO DEFEND THE VALIDITY OF 18 USC 3231, OR SUBMITT ANY FACTUAL EVIDENCE, BUT SIDE STEPPED THE ISSUE, BY ONLY ADDRESSING petitioners PAST APPEAL, ALSO ATTACHED DOCKET SHEET, OF PETITIONERS

WHICH FURTHER PROVES THE GOVERNMENT RESPONDENT, CANNOT DEFEND, VOID LAW

CONSTITUTES FAILURE TO DEFEND, AS SO ORDERED, ON JUNE 10, 2019 BY COURT
(SEE ATTACHED DATED JUNE 10, 2019)

Issue Nine

9) FORMER JUDGE WALTER SWETHICK, PROVIDED AFFIDAVIT, DATED JUNE 2, 2017, OF THE VALIDITY OF public Law 80-772, STATING THE USE OF THIS NON-EXISTENT STATUTE IS A GRAVE MISREPRESENTATION OF JUSTICE AND, SHOULD BE RECTIFIED IMMEDIATELY
petitioner's BRIEFING (Case 1:19-CV-00300) INCLUDES THIS AFFIDAVIT.

ISSUE TEN

10) Knowledge of this VOID Law RAPIDLY moving through FEDERAL COURTS since, on MARCH 21 2018, LOCATION GREEN BAY WISCONSIN, Judge Griesbach DISMISSED 26 cases, citing VALIDITY TITLE 18. Petitioner submitted AFFIDAVIT OF Eyewitness ALAN BERNITT Case 1:19-CV-00300

ISSUE ELEVEN

11) LAWFUL Remedies, Press Release TO CONTACT U.S EMBASSIES, OF OTHER COUNTRIES, Evidence COULD IMPACT 8 million people, who HAVE BEEN INCARCERATED, since 1948 IN THE UNITED STATES, 76 years FALSE IMPRISONMENT. Since, TITLE 18 USC 3231 INVALID, VOID AS LAW, DATE OF EMAIL OCTOBER 10, 2018. ADDRESS / EMAIL Lawful Remedies

i) Lawful Remedies
3300 Bee Cave RD
Suite 450

AUSTIN, TX 78746 / EMAIL ADDRESS

LAWFULRemedies 594@
gmail.com

Petitioner, submitted this Email DATED OCTOBER 10, 2018, AS EVIDENCE Case 1:19-CV-00300

[page 7 of 11]

- 12) IN SHORT A LAW BEYOND THE POWER OF CONGRESS, IS NO LAW AT ALL citing NIGRO VS. UNITED STATES 276, US, 332, 341, 48 S, CT, 388, 72 L ED, 600 (1928)

THE RESPONDENT HAS FAILED TO DEFEND THE VALIDITY OF TITLE 18 USC 3231, PART OF PUBLIC LAW 80-772, KNOWINGLY SIDE STEPPING THE ISSUE OF FALSE IMPRISONMENT UNDER VOID LAW, BY ADDRESSING PETITIONERS PAST APPEALS, ALSO PROVIDED NO EVIDENCE ONLY ATTACHED PETITIONERS DOCKET SHEET FURTHER PROVES RESPONDENT CANNOT DEFEND THIS VOID LAW.

IN CONCLUSION, COMES NOW PETITIONER PURSUANT 28 USC 2241, TO RESPOND TO BRIEFING BY RESPONDENT, DATED AUGUST 8, 2019

RESPONDENT FAILED TO DEFEND THE VALIDITY OF TITLE 18 USC 3231, WAS SO ORDERED ON JUNE 10, 2019 SINCE, THIS CASE INVOLVES THE NATIONAL INTEREST OF THE UNITED STATES, BECAUSE FOR 70 YEARS, THE DOJ HAS USED INVALID LAW, VOID LAW, TITLE 18 USC 3231, TO INDICT, CONVICT IMPRISON, U.S. CITIZENS.

THE RESPONDENT AFTER 60 DAYS OF RESEARCH HAS ONLY SIDE STEPPED, THE FALSE IMPRISONMENT OF U.S. CITIZENS, BY ADDRESSING PETITIONERS PAST APPEALS HISTORY (PRO-SE) ALSO PROVIDED, NO EVIDENCE, ONLY ATTACHED PETITIONERS DOCKET SHEET, FURTHER PROVES THE GOVERNMENT CANNOT DEFEND VOID LAW.

Therefore, petitioner HAS ALREADY
SUBMITTED, A PREPONDERANCE OF EVIDENCE
CONFIRMING TITLE 18 USC 3231, INVALID
AS LAW.

PETITIONER HEREBY REQUESTS
THE FOLLOWING:

1) REQUEST, THIS COURT ISSUE AN ORDER
DECLARING PUBLIC LAW 80-772 TITLE 18 USC 3231
HR 3190, VOID AS LAW

IN KEEPING WITH DOJ OWN
INVESTIGATION IN JUNE, JULY 2009.

2) REQUEST, COURT ISSUE AN ORDER
TO REVERSE CONVICTIONS, REVERSE SENTENCE
UNDER THIS VOID LAW.

ALSO REQUEST COURT ISSUE AN
ORDER TO VACATE, OR DISMISS ORDER
OF RESTITUTION, OR ANY FINES, SINCE
TITLE 18 USC 3231 VOID AS LAW.

3) REQUEST COURT ISSUE AN ORDER
FOR PETITIONER'S IMMEDIATE RELEASE
IN TIMELY MANNER.

AUG 14, 2019
DATE

Charlette Dupray Johnson
CHARLETTE DUPRAY JOHNSON
PRO-SE

[PAGE 9 OF 11]

CERTIFICATE OF SERVICE

I being petitioner, Hereby certify
This response pursuant 2845c 2241
was mailed from ALDERSON MAILROOM
on Aug 14, 2019 sent to:


DISTRICT COURT
601 FEDERAL ST
Bluefield, WV 24701

CC: Copy
U.S. ATTORNEY GENERAL
William Burr
950 PENNSYLVANIA AVE N.W.
WASHINGTON, D.C. 20530

CC: Copy
U.S. ATTORNEY CHARLESTON
MICHAEL STUART
P.O. BOX 1713
CHARLESTON, WV 25326

CC: Copy Time Magazine
Editor / EDWARD FELSANTHAL
225 LIBERTY ST
NEW YORK, NEW YORK 10281

Aug 14, 2019
DATE


CHARIETTE DUFAY JOHNSON
PRO-SE

[Page 10 of 11]

LIST of EXHIBITS

Exhibit 1: order dated June 10, 2019
government DID NOT DEFEND
Constitutes SUMMARY
Fed Rule 56 Judgement

Exhibit 2: Email Former FBI Director
Lappin DATED July 27, 2009

— END OF EXHIBITS —

[PAGE 11 OF 11]

Appendix F

COPY OF DISTRICT
COURT ORDERS

Dated June 10, 2019
and

Dated
Aug 9, 2019

Appendix F

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

CHARLETTE DUFRAY JOHNSON,

Petitioner,

v.

Case No. 1:19-cv-00300

WARDEN, Alderson Prison Camp,

Respondent.

ORDER

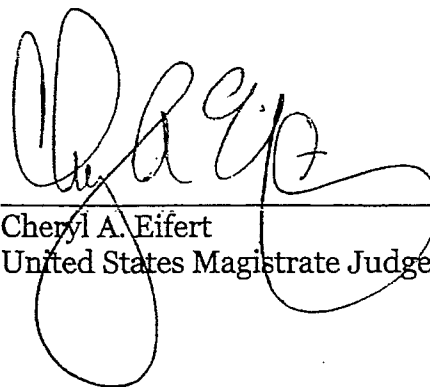
Respondent
FAILED TO DEFEND
VALIDITY 1845C323/

Pending before the Court is a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. (ECF No. 2). The Petitioner has paid the requisite filing fee. (ECF No. 6). Accordingly, Respondent is hereby **ORDERED** to answer or otherwise respond to the Petition within **sixty (60) days** of the entry of this Order showing cause, if he has any, why the relief sought by Petitioner should not be granted. The answer should, insofar as possible, respond to the issues raised and **shall include** any available court or other records that would facilitate determination of the issues.

Petitioner may, if she wishes, file a reply to the answer or response of the Respondent within **sixty (60) days** after service of same by the Respondent. Petitioner shall, if she files any further documents in this case, mail copies of such documents to the United States Attorney for the Southern District of West Virginia, Post Office Box 1713, Charleston, West Virginia 25326, with a certificate of service attached. **Petitioner is also responsible for notifying the Clerk of Court of any change in her address or other contact information.**

The Clerk is instructed to provide a copy of this Order to Petitioner and a copy of the Order and Petition for a Writ of Habeas Corpus to the United States Attorney for the Southern District of West Virginia.

ENTERED: June 10, 2019



Cheryl A. Eifert
United States Magistrate Judge

Respondent After 60 Days
Failed to Defend Validity
Title 18 USC 3231, BUT Side Stepped
Issue

Addressing Past Appeals

Proves Invalid Law

Provided no Evidence
AS SO ORDERED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

CHARLETTE DUFRAY JOHNSON,
Petitioner,

v.

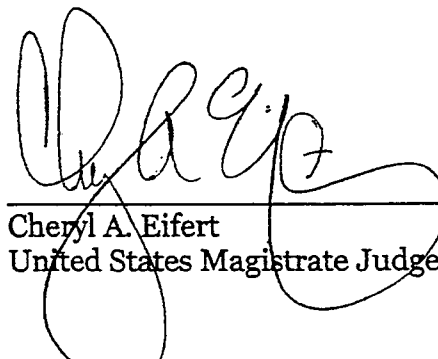
WARDEN, Alderson Prison Camp,
Respondent.

ORDER

Respondent has filed a Response (ECF No. 10), asserting that Petitioner is not entitled to the relief sought and further moving to dismiss the Petition for Writ of Habeas Corpus, or in the alternative, construe the petition as a § 2255 motion and transfer to the Eastern District of North Carolina. As stated in the Court's prior Order, (ECF No. 7), Petitioner is hereby notified that she has a right to reply to the Response. Accordingly, it is hereby **ORDERED** that Petitioner shall have **sixty (60) days** after service of this Order in which to file a reply. The original of the reply shall be filed with the Clerk of the Court and a copy served on counsel representing the Respondent. The reply must be accompanied by a certificate stating that a copy has been sent to counsel for Respondent.

The Clerk is instructed to transmit a copy of this Order to Petitioner and counsel of record.

ENTERED: August 9, 2019


Cheryl A. Eifert
United States Magistrate Judge

Respondent
DID NOT DEFEND
TITLE 18 USC 3231
Case No. 1:19-cv-00300

Constitutes
Summary
Judgment

APPENDIX G

PETITIONERS

HABEAS CORPUS 2241

DATED APRIL 15, 2019

APPENDIX G

UNITED STATES DISTRICT COURT
for the

IN RE CHARLETTE DUFRAJ JOHNSON
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

UNITED STATES
Respondent

(name of warden or authorized person having custody of petitioner)

DOCKET # 7:10-CR00093-BR1

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: CHARLETTE DUFRAJ JOHNSON
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: ALDERSON PRISON CAMP
(b) Address: P.O. BOX A
ALDERSON, WEST VIRGINIA 24910
(c) Your identification number: _____
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: DISTRICT COURT
310 NEW BERN AVE, RALEIGH, N.C. 27601
(b) Docket number of criminal case: 7:10-CR00093-BR1
(c) Date of sentencing: JULY 5, 2011
☐ Being held on an immigration charge
☐ Other (explain): 2/F

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings

☒ Other (explain): TITLE 18, 1845C 3231, PART OF PUBLIC LAW 80-772
VOID AS LAW IN VIOLATION OF QUORUM CLAUSE OF
CONSTITUTION, THEREBY DISTRICT COURT NO JURISDICTION

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: DISTRICT COURT

310 NEW BERN AVE, RALEIGH, N.C. 27601

(b) Docket number, case number, or opinion number: 7:10-CR00093-BR1

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

DISTRICT COURT DENIED, MOTION UNDER 60B
CITING 2ND 2255

(d) Date of the decision or action: AUGUST, 2017

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: 4TH CIRCUIT OF APPEALS

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: 17-7069

(4) Result: AFFIRMED

(5) Date of result: DECEMBER 27, 2017

(6) Issues raised: CHALLENGE THE VALIDITY OF
TITLE 18, 1845C 3231, PART OF PUBLIC LAW
80-772 IN VIOLATION OF QUORUM CLAUSE.
THEREBY, VOID AS LAW, DISTRICT COURT
HAS NO JURISDICTION TO INDICT CONVICT
IMPRISON PERSONS, CONSTITUTES FALSE
IMPRISONMENT.

(b) If you answered "No," explain why you did not appeal:

N/A

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: SUPREME COURT
15TH ONE STREET WASHINGTON, D.C
- (2) Date of filing: MARCH, 2018
- (3) Docket number, case number, or opinion number: 17-9311
- (4) Result: DENIED
- (5) Date of result: 1 OCT 2018
- (6) Issues raised: VALIDITY OF TITLE 18, 1845C 3231
BEING VOID AS LAW, DID NOT PASS
BOTH HOUSE AND SENATE
THEREFORE, THIS TITLE 18 1845C 3231
VOID AS LAW INVALID UNCONSTITUTIONAL
DISTRICT COURTS HAS NO JURISDICTION

(b) If you answered "No," explain why you did not file a second appeal:

NA9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: SUPREME COURT
15TH ONE STREET, WASHINGTON, D.C
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: 17-9311
- (4) Result: DENIED REHEARING 19 NOV 2018
- (5) Date of result: 19 NOV 2018 REHEARING DENIED
- (6) Issues raised: CHALLENGE THE VALIDITY OF TITLE 18,
1845C 3231, PART OF PUBLIC LAW 80-772
BEING INVALID UNCONSTITUTIONAL VOID
THEREBY DISTRICT COURT'S HAS
NO JURISDICTION, CONSTITUTES
FALSE IMPRISONMENT.

(b) If you answered "No," explain why you did not file a third appeal:

NA10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☒ Yes☐ No

FILED MOTION UNDER 60B, BUT COURT
STATED IT WAS SECOND 2255.

If "Yes," provide:

- (1) Name of court: 4th CIRCUIT APPEALS
 (2) Case number: 17-7069
 (3) Date of filing: _____
 (4) Result: AFFIRMED
 (5) Date of result: DEC 27, 2017
 (6) Issues raised: TITLE 18, 1848C323 PART 4
PUBLIC LAW 80-772 VOID AS LAW
DISTRICT COURTS, NO JURISDICTION

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: N/A
 (2) Case number: _____
 (3) Date of filing: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

SINCE, THIS ILLEGAL OR
FALSE IMPRISONMENT CAN ONLY
BE CHALLENGED, UNDER 2241
CANNOT BE CHALLENGED UNDER
2255

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: N/A
 (b) Date of the removal or reinstatement order: _____
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: N/A

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: WRIT OF CERTIORARI

(b) Name of the authority, agency, or court: SUPREME COURT

WASHINGTON, D.C.

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: 17-9311

(e) Result: Denied

(f) Date of result: 19 November 2018

(g) Issues raised: TITLE 18, 18 USC 3231 VOID

AS LAW, THEREBY DISTRICT COURT'S
HAS NO JURISDICTION TO INDICT,
CONVICT, OR IMPRISON.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: THIS WRIT OF HABEAS CORPUS SHOULD
BE GRANTED SINCE FOR 70 YEARS, THE DUF
HAS USED VOID LAW, TITLE 18, 1845C 323/
HR 3150, TO CONVICT, INDICT IMPRISON

(a) Supporting facts (Be brief. Do not cite cases or law.):

U.S. CITIZENS, THEREBY FALSE IMPRISONMENT
CITING CAROL BOND VS UNITED STATES (2011)
WINSBERY, BREYER CONCURRING

(SEE ATTACHED BRIEFING)

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: TITLE 18, 1845C 323/ HR 3150 IN
DIRECT VIOLATION OF THE U.S. CONSTITUTION
ARTICLE 1, 5 C 1, 1 COMMANDS IN RELEVANT
PART THAT A MAJORITY OF EACH HOUSE

(a) Supporting facts (Be brief. Do not cite cases or law.):

SHALL CONSTITUTE QUORUM, SINCE THIS
TITLE DID NOT PASS BOTH HOUSES
IN PRESENCE OF QUORUM, INVALID LAW
CITING UNITED STATES V BALIN JOSEPH, CO
193 U.S. 1, 3 (1892)

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

(SEE ATTACH BRIEFING)

GROUND THREE:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

N/A

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

NA

(a) Supporting facts (Be brief. Do not cite cases or law.):

NA

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

NA

Request for Relief

15. State exactly what you want the court to do:

1) Request Court Issue an order granting writ of Habeas Corpus also issue an order directing Government to respond NO ORAL ARGUMENT, since the evidence is enough

2) Issue an order Declaring Title 18, 1843C323) WID AS LAW, PART OF Public Law 80-772 HR3190, In Keeping with DOJ Investigation In June, July 2009.

3) Request Court Issue an order TO REVERSE CONVICTIONS, And Sentence order Immediate Release of petitioner.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

APRIL 15, 2019

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

APRIL 15 2019

CHARLETTE DIFRAY JOHANSEN

Signature of Petitioner

NA

Signature of Attorney or other authorized person, if any

Appendix H

Supreme Court

Case Copy

BOND VS United States (2011)

Appendix H

180 LED2D 269, 564 U.S. 211 BOND v. UNITED STATES

CAROL ANNE BOND, Petitioner

vs.

UNITED STATES

564 US 211, 131 S Ct 2355, 180 L Ed 2d 269, 2011 US LEXIS 4558

[No. 09-1227]

Argued February 22, 2011.

Decided June 16, 2011.

DECISION

Accused convicted under statute that was part of federal act implementing treaty ratified by United States held to have standing to challenge statute on asserted ground that it interfered with powers reserved to states under Federal Constitution's Tenth Amendment.

Prior history: 581 F.3d 128, 2009 U.S. App. LEXIS 20724

SUMMARY

Procedural posture: Petitioner conditionally pleaded guilty in district court under 18 U.S.C.S. § 229 to unlawful possession or use of a chemical. The United States Court of Appeals for the Third Circuit found that petitioner lacked standing to assert that § 229 was invalid under the Tenth Amendment. The Supreme Court granted certiorari.

Overview: Petitioner challenged § 229 based on the premise that Congress exceeded its powers by enacting the statute in contravention of basic federalism principles. The Third Circuit held that, absent a state's participation in the proceedings, petitioner had no standing to assert a Tenth Amendment challenge. The Supreme Court held that petitioner did have standing to challenge § 229 as an infringement upon the powers reserved to the states. The U.S. Const. art. III standing requirement had no bearing on petitioner's capacity to assert defenses in her criminal

and proper for carrying into Execution" the President's Article II, § 2 Treaty Power, see U. S. Const., Art. I, § 8, cl. 18. This Court expresses no view on the merits of that argument. It can be addressed by the Court of Appeals on remand.

The judgment of the Court of Appeals is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

SEPARATE OPINION

Justice *Ginsburg*, with whom Justice *Breyer* joins, concurring.

I join the Court's opinion and write separately to make the following observation. Bond, like any other defendant, has a personal right not to be convicted under a constitutionally invalid law. See *Fallon, As-Applied and Facial Challenges and Third-Party Standing*, 113 Harv. L. Rev. 1321, 1331-1333 (2000); *Monaghan, Overbreadth*, 1981 Sup. Ct. Rev. 1, 3. See also *North Carolina v. Pearce*, 395 U.S. 711, 739, 89 S. Ct. 2072, 23 L. Ed. 2d 656 (1969) (Black, J., concurring in part and dissenting in part) ("Due process . . . is a guarantee that a man should be tried and convicted only in accordance with valid laws of the land.").

In this case, Bond argues that the statute under which she was charged, 18 U.S.C. § 229, exceeds Congress' enumerated powers and violates the Tenth Amendment. Other defendants might assert that a law exceeds Congress' power because it violates the Ex Post Facto Clause, or the Establishment Clause, or the Due Process Clause. Whatever the claim, success on the merits would require reversal of the conviction. "An offence created by [an unconstitutional law]," the Court has held, "is not a crime." *Ex parte Siebold*, 100 U.S. 371, 376, 25 L. Ed. 717 (1880). "A conviction under [such a law] is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment." *Id.*, at 376-377, 25 L. Ed. 717. If a law is invalid as applied to the criminal defendant's conduct, the defendant is entitled to go free.

For this reason, a court has no "prudential" license to decline

THIS TITLE 18, 18 USC 323/
CONSTITUTES VOID AND
DISTRICT COURT
NO JURISDICTION

2LED2D

Appendix I

Email

former, FBOP Director

Lapping, Dated July 27, 2009

Confirming Title 18 USC 3231

WAS NEVER RATIFIED

IN PRESENCE OF QUORUM

Appendix I

Lappin Memorandum

Harley G. Lappin

From: "Harley G. Lappin" <harley.lappln@usdoj.gov> Sent: Monday, July 27, 2009 3:17 PM

Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau's authority to hold or classify them under 18 U.S.C. §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed In the presence of a Quorum or Majority of both Houses of Congress as required by Article I, § 5, Clause 1 of the Constitution, Although most courts have, thus far, relied on Field v. Clark, 143 U.S. 649(1892) to avoid ruling on the moots of these claims, however, there have been some which have stated that they were not bound by the Field case, but those cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the House of Representatives to learn that there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong. Rec. 5049), and the record is not clear as to whether there was any Senate vote on the H.R. 3190 Bill during any session of the 80th Congress, There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed In the presence of a Quorum. See United States v. Ballin, Joseph & Co., 144 U.S. 1, 3 (1892). The Clerk of the House states that the May 12, 1947 vote was a 'voice vote,' but the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a *presence* of 218 members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772. "Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory," according to the Supreme Court in the case of Thunder Basin Coal Co. v. Reich, 510 U.S. 200,215 (1994), Therefore, the Bureau under the advice of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Requests by stating that only the Congress or courts can repeal or declare a federal statute unconstitutional.

Harley G. Lappin, Director

CONFIRMS
DOJ INVESTIGATION
TITLE 18, 18 USC 3231
VOID AS LAW
IN July 2009

Appendix J

AFFIDAVITS

1) Former Judge Walter
Sweltick

Dated June 2, 2017

2) Eyewitness ALAN BERNITT
CONFIRMING TITLE 1848C323/
PART OF public Law 80 772
VORDAS Law

Appendix J

Affidavit of Judge Walter Swetlick: No Statute Exists

Judge Walter Earl Swetlick, graduated number one in his Harvard Law School class in 1957, worked for the Department of Justice from 1957 until 1980, and was appointed by the governor of Wisconsin as District Court Judge in 1980, then served from 1980 until 2001. Judge Swetlick's analysis determined that no statute ever existed for P.L. 80-772. He also determined that any government official that used this statute was guilty of fraud and obstruction of justice. Judge Swetlick is prepared to testify in an offer of proof hearing. Petitioner can produce the original affidavit and witness in an offer of proof hearing.

AFFIDAVIT OF THE VALIDITY OF PUBLIC LAW 80-772

The information contained in this document [Title 18 brief] has been thoroughly researched and has been completely documented. Verification has been performed through documentation obtained from Clerk of the House of Representatives, the National Archives, and my own personal legal library of Law Books, which is quite extensive.

My research has revealed that Public Law 80-772 and any of its subsections does not exist in any shape or form. In fact that Public law 80-772 was never ratified by Congress and had never been entered as a legal statute. Any reference to this non-existent statute in any legal matter would constitute fraud on the part of the prosecutor. If an individual is retained and prosecuted under this false statute it would constitute a clear case of Obstruction of Justice. The use of this non-existent statute is a grave misrepresentation of justice and should be rectified immediately.

I the undersigned do declare all facts presented here to be accurate and true as documented on this the day June 2, 2017.

Walter E. Swetlick /s/

Walter E. Swetlick

Wisconsin State Judge Ret.

Tracie L. Brede /s/

Tracie L. Brede

Notary Public State of Wisconsin County of Shawano

My commission expires 12/13/19

**AFFIDAVIT OF ALAN BERNITT ON APRIL 13, 2018 ON 5 HOUR HEARING IN
FEDERAL COURT IN GREEN BAY WISCONSIN ON MARCH 21, 2018**

Affidavit as to the actions or procedures that were taken by a Federal Judge of the United States District Court of the Western District of Wisconsin. After the Judge was informed that Public Law 80-772 (Title 18), including 18 USC § 3231 was being contested in Federal court as to the legality and the validity was in question. He brought forth 26 detainees and presented them with the option of pleading no-contest which would result in their release with time served and their cases would be brought under review within 1 year pending the out-come decision by U.S. District Court in Washington D.C. at which time any fines or forfeitures would be determined. These are the proceedings as witnessed by me.

Alan Bernitt

Alan Bernitt

[N5254 State Highway 117, Bonduel, WI 54107-8744]

Mr. Bernitt is available as a witness in an offer of proof hearing.

NOTARY PUBLIC

TAMMIE GRETZINGER

Tammie Gretzinger

First State Bank

Exp 11-3-2020

ORIGINAL AVAILABLE UPON REQUEST

Chief Judge
William Griesbach
Green Bay, Wisconsin
Dismissed 26 cases
on March 21, 2018
citing 18 USC 3231
VOID, VALIDITY IN
question.

Appendix K

Affidavits

1) RONALD TITZBACH CONFIRMING
TITLE 1845C323/ VOID AS LAW
DATED APRIL 14, 2017

2) Former Inmate JESSE BONNETT BLACK
CONFIRMING TITLE 1845C323/
VOID AS LAW
DATED
AUG 11, 2014

Appendix K

**SWORN AFFIDAVIT OF
RONALD TITLBACH**

**STATE OF OKLAHOMA }
COUNTY OF CANADIAN }**

Before the undersigned, an officer duly commissioned by law to administer oaths, on this 14 day of April 2017, personally appeared Ronald Titlbach, who having been first duly sworn does say this:

1. I, Ronald Titlbach during an investigation of the constitutionality of Public Law 80-772, Title 18 and 18 U.S.C § 3231, caused to be obtained records from the National Archives related to the passage of Public Law 80-772 in the 80th Congress of the United States.
2. After a thorough investigation of the records, we determined that Public Law 80-772 was never constitutionally enacted in the 80th Congress and therefore 18 U.S.C § 3231 the statute that authorized a court to issue a judgement in a criminal case void, ab initio.

I, Ronald Titlbach hereby certify the above to be true to the best of my knowledge and so indicate same under penalty of perjury with my signature below.

R.T. initials

Ronald Titlbach
Ronald Titlbach

Sworn and subscribed before me on this the 14 day of April 2017.

David D. Bass cc/c
Notary 04/17/2017

My commission expires 09/05/2020.



JESSE J. BLACK BONNET
ADDRESS: XXXX
XXXX
PHONE: XXXX

VERIFIED AFFIDAVIT OF FACT OF JESSE J. BLACK BONNET

Date: 8/11/14

The Undersigned Affiant, Jesse J. Black Bonnet, a Man, hereinafter "Affiant" does solemnly affirm, declare, verify and state as follows:

1. Affiant is over the age of 21 years.
2. Affiant is competent to state the facts set forth herein and states them under the Penalty of Perjury.
3. Affiant has personal knowledge of the facts stated herein.
4. All the facts stated herein are true, correct, and complete, admissible as evidence, and if called upon as a witness, Affiant will testify to their veracity.

Plain Statement of Facts

4. Affiant is a Native American Indian, a member of the xxxx tribe.
5. Affiant was in the United States Marine Corp from 1977 to 1989.
6. Affiant worked for the Scotts Bluff County Sheriff as a Correctional Officer from on or about xxxx until on or about xxxx.
7. Affiant became a Deputy Sheriff in Scotts Bluff, Nebraska and remained there from xxxx until xxxx.
8. Affiant moved and worked as a City Police Officer in Hemingford Nebraska from on or about xxxx until on or about xxxx.
9. Affiant also worked for U.S. Department of the Interior under the Bureau of Indian Affairs as a Federal Officer from on or about xxxx until on or about xxxx.
10. Affiant also worked as the Chief of Police for the Cheyenne and Sioux Indian tribes in Eagle Butte South Dakota from on or about xxxx until on or about xxxxx.

Former
Jesse Black Bonnet, Inmate Yazoo Prison
I.D.# 12477-073

11. Affiant was Chief Executive Officer for twelve (12) years for the Rosebud Sioux Tribe under William Kindle from on or about xxxx until on or about xxxx.
12. Affiant was indicted on 12/19/02 in the U.S. Court for the District of South Dakota, Central Division.
13. Affiant entered a plea agreement on 2/17/06 for violations of 18 USC sections 1153 and 1112.
14. Judgment was entered against Affiant on 7/3/06 and Affiant was sentenced to 64 months custody, 3 years supervised release, and a \$100.00 special assessment.
15. Affiant was an Inmate at the U.S. Bureau of Prisons whose number was 12477-073.
16. Affiant was at Coleman USP in Florida from on or about xxxx until on or about xxxx.
17. Affiant was transferred to Yazoo City Prison Facility in Yazoo City, Mississippi on or about xxxx until Affiant's release in May of 2010.
18. While at Yazoo City prison, Affiant was housed in the H unit.
19. Affiant, while at Yazoo City prison, took law classes, performed duties as a law clerk, and did legal research in the law library.
20. Affiant did writing for administrative remedies, along with motions for Affiant and other inmates while researching case law on the Lexus-Nexus computer system.
21. Affiant, as part of his general duties would use case law and supporting documents to gain relief for himself and others through the B.O.P. administrative remedy process (BP 8, BP9, and BP10).
22. Affiant would prepare administrative requests for relief to BOP Counselors, Unit Team members, Unit Coordinators, Administration, Information Officers, and Assistant Wardens, depending on which administrative request was submitted.
23. While preparing these requests, Affiant received a copy of an email from BOP staff written from "Harley G. Lappin" <harley.lappin@usdoj.gov>., addressed to BOP staff on or about the spring of 2010 which admitted that Public Law 80-772 (Title 18) was never Constitutionally passed. "See Appendix A", copy of the Lappin Memorandum). This Memorandum was prepared after research by (Office of Legal Counsel of the Department of Justice, the National Archives, and the Clerk of the House of Representatives. "Appendix A".

24. Affiant had the Harley G. Lappin letter/email/ Inmate memo dated July 27, 2009 given to Affiant by Shirley Cox, Unit Manager, at Yazoo City Prison.
25. Unit Team Manager Art Truex also advised that he had knowledge of this letter and the BOP's stance on inmate remedies related this Memorandum.
26. On or about the spring of 2010, Bruce Pearson, Warden of Yazoo City Mississippi along with his executive staff, "i.e. Assistant Warden, Captain and other Administrative Staff" ordered a town hall meeting at each individual unit within the Yazoo Prison to which this inmate memo "the Lappin Letter" was handed out to the inmates individually.
27. Warden Pearson explained how the BOP was going to treat the Lappin letter for inmate remedies who were using the BP Administrative Forms "i.e. BP 8, BP 9, BP 10, etc." as their requests for relief. Warden Pearson also explained that the remedy had to come from the courts or Congress concerning the Lappin letter, not from the BOP.
28. Affiant received this Lappin email from top level staff within Yazoo City Federal prison as an authentic, real, internal document sent from the former acting Director Harley G. Lappin, in present form.
29. The Lappin Memorandum is true, correct and self-authenticating, and has been verified by BOP staff.

Verification

The Undersigned Affiant, Jesse James Blackbonnet, a Man, certifies that Affiant has read this Affidavit and issues the same with intent and understanding of purpose and does solemnly certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct in accordance with 28 USC 1746 (1).

/s/ Jesse J. Blackbonnet
Jesse J. Black Bonnet, Affiant

11 day of August, 2014 AD
Date

State of Arizona
County of Apache

I swear that on this 11th day of August, 2014 AD, the above named Affiant, Jesse J. Black Bonnet, appeared before me, of his own free will, and signed this Verified Affidavit of Fact.

/s/ Gloria Bowman

[SEAL]

Notary Public for the State of Arizona

My Commission Expires:05/28/17

Appendix L

Letter's memos

From Clerk of US Senate

1) MRS ERIKSON DATED
MAR 9, 2009

2) CLERK HOUSE REPRESENTATIVE
KAREN HAAS DATED
SEP 11, 2009

CONFIRMS NO QUORUM
IS ON RECORD
FOR PUBLIC LAW 80772

Appendix L

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

September 11, 2008

Thank you for contacting the Office of the Clerk.

After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill, although pages 343-344 of the Journal of the House of Representatives from the 1st Session of the 80th Congress indicates that the bill was amended, purportedly passed, and transmitted to the Senate for concurrence. The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment.

Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore by counting the total yea and nay vote a quorum was not present.

According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote. I hope this information has answered your questions.

Sincerely Yours,

Karen L. Haas

Karen L. Haas
Clerk, U.S. House of Representatives

*NO QUORUM
ON RECORD*

NANCY ERIKSON
Secretary

CLERK S-312
100 CAPITOL
WASHINGTON, DC 20540-0312
202-224-4222

United States Senate
OFFICE OF THE SECRETARY

March 9, 2009

Mr. Wayne E. Matthews
713 Bonnie Meadow Lane
Ft. Washington, MD 20744

Dear Mr. Matthews:

Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80th Congress.

I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R. 3190 prior to the December 19, 1947 sine die adjournment. I have enclosed relevant pages from the *House Journal* and *Congressional Record* for your reference.

Sincerely,



Nancy Erickson
Secretary of the Senate

NE:wp

Enclosures

NO QUORUM
ON RECORD

Appendix M

Email Lawful
Remedies

PRESS Release TO CONTACT
EMASSIES, OVER 8 million
people FALSELY IMPRISONED
DATED OCT 12, 2018

Appendix M

TRULINCS 54699056 - JOHNSON, CHARLETTE DUFRAY - Unit: ALD-B-C

FROM: Remedies, Lawful

TO: 54699056

SUBJECT: Press Release October 10, 2018LAWFUL REMEDIES 3300 Bee Cave Road Suite 650 AUSTIN TX 78746 (512) 551-3606/(512) 789-6864 (cell)

DATE: 10/12/2018 12:36:01 PM

LAWFUL REMEDIES

3300 Bee Cave Road Suite 650

AUSTIN TX 78746

(512) 551-3606/(512) 789-6864 (cell)

(512) 532-6275 (fax)

Email: lawfulremedies594@gmailcom

WEBSITE: lawfulremedies.com

Investigators/Investigative reporters/mentors

PRESS RELEASE

LAWFUL REMEDIES TO CONTACT EMBASSIES OF OTHER COUNTRIES

In August of 2018 one of the top 10 law schools in the United States endorsed the work of Lawful Remedies for post-conviction relief based on lack of jurisdiction.

The argument and evidence could impact over 8 million people who have been incarcerated in federal prisons since 1948.

The study was conducted by 3 law professors, all acting independently. Then 26 of the top law students were tasked with investigating the arguments and evidence, each working independently. Each of the 26 students came up with similar answers. As part of their task, they contacted the Library of Congress and National Archives to match the records they had obtained.

The results of the study were unanimous. Each student and each Professor independently determined that the statute used to prosecute and imprison citizens of the United States was never Constitutionally enacted into law. Therefore, no law exists and any judge or prosecutor who attempts to use that law to prosecute a citizen or non-citizen is guilty of fraud on the court and obstruction of justice.

If you have a friend from a foreign country, that is imprisoned in a federal prison, please contact us. We will work with his/her embassy to obtain his/her release. Lawful Remedies has been successful in over 250 cases.

To contact Lawful Remedies contact us by email at lawfulremedies594@gmail.com or call 512-551-3606.