

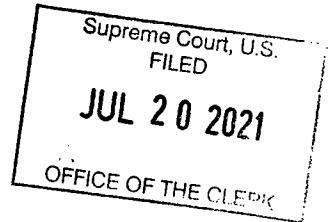
21 No. 5948

ORIGINAL

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**In the Supreme Court of the United States**

*Ex parte* Henryk S. Borecki, Petitioner

v.



United States Department of Homeland Security  
&  
Arizona Department of Transportation

*On Petition for a Writ of Habeas Corpus  
to the Secretary of Homeland Security and the Governor of Arizona*

\_\_\_\_\_

**Petition for Writ of Habeas Corpus**

Henryk S. Borecki  
*Pro Se*

Susan DiFrancesco  
*Wife, Representative & Witness*

16220 N. 7th St., #1374  
Phoenix, Arizona 85022  
602-942-2965

=====

## **QUESTION PRESENTED**

In addition to the questions presented in the companion petitions for a writ of certiorari and a writ of mandamus, this petition for a writ of habeas corpus sets forth as follows:

**N**otwithstanding any other provision of law, whether the final and the conclusive determination of the right of a United States citizen to his unfettered privilege of domestic travel shall be determined by a comprehensive trial by a jury of his peers, tested with the rules of evidence before an impartial judge, and subject to a review for accuracy by the Supreme Court of the United States?

## TABLE OF AUTHORITIES

The same authorities, statutes and regulations set forth in the companion petition for a writ of certiorari are incorporated herein, with the following additions:

### Cases

*Collet v. Collet*, 2 U.S. (Alexander Dallas) 294 (C.C.P.D. 1792)

*Ex parte Bollman & Swartwout*, 8 U.S. (4 William Cranch) 75 (1807)

*Fong Yue Ting v. United States*, 149 U.S. 698 (1893)

*Gonzales v. Williams*, 192 U.S. 1 (1904)

*Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)

*Boumediene v. Bush*, 553 U.S. 723 (2008)

### Legal Periodicals

*Was the First Justice Harlan Anti-Chinese?*, 36 W. New Eng. L. Rev. 287, James W. Gordon (2014)

<https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1290&context=facschol>

## Petition for Writ of Habeas Corpus

The petitioner, Henryk S. Borecki, respectfully presents a supplemental petition for a writ of habeas corpus, directed to the United States Secretary of Homeland Security, currently Alejandro Mayorkas, and the Governor of Arizona, currently Doug Ducey, to be evaluated and reviewed concurrently with the underlying judgments of the United States Court of Appeals for the Ninth Circuit and the District Court of Arizona, numbered and dated respectively as Appeal No. 21-15572, March 29, 2021, and Civil action No. CV21-00415-PHX-MTL, March 10, 2021, inasmuch as this petition shares *a common nucleus of operative facts* with the companion petition for a writ of certiorari, for a review of those proceedings, and is such as would be expected to be reviewed during the *same deliberative process*.

### Opinions Below

The orders of the court of appeals for the Ninth Circuit and the district court of Arizona are not published, but are set forth in the appendix to the companion petition for the writ of certiorari. There are no written or published decisions by the underlying administrative federal and state agencies.

### Jurisdiction

The plaintiff's complaint was dismissed by the District Court on March 22, 2021. The appellant's appeal was

dismissed by the Ninth Circuit on April 14, 2021. The petitioner's request for a review of these decisions was promptly filed within the time for relief and within the jurisdiction provided by 28 U.S.C. 1254(1). Supplemental jurisdiction of this petition for habeas corpus is provided by 28 U.S.C. 1651(a).

### Statutory Provisions Involved

Reprints of the Real ID Act of 2005 and the original False Claims Act are included in the appendix to the companion petition for a writ of certiorari.

### STATEMENT

In conformity with Rule 20.1, and in further amplification of the reasons why supplemental relief is appropriate, the petitioner would state as follows:

1. In aid of the Court's appellate jurisdiction, the supplemental writs, if prudentially warranted on the merits, would immediately provide the relief prior to the upcoming deadline, inasmuch as the deliberative processes of the federal administrative agencies in charge — in the years 1955, 1962, and 2020 — are final and conclusive on the petitioner's identity and citizenship.

2. In addition to the circumstances specified in the statement to the petition for mandamus in paragraph 2, the present executive and administrative authorities are bound by the maxim, *Allegans Contraria Non Est Audiendus*.

3. Within the ambit of the Clerk's guidance, and pursuant to Rules 10 and 14.1(h), for further edification of the reader, the petitioner states the supporting argument as follows:

The decisions of the court of appeals and the district court, and the actions and non-actions of the Department of the Homeland Security and the Arizona Department of Transportation — in defiance and derogation of the principles of Rule 10(c) — have ignored all the relevant decisions of this Court on the most important purpose and consideration of the Great Writ of Habeas Corpus, to wit, *the liberty of the individual citizen*:

The historical record thus demonstrates that the touchstone for access to the writ of habeas corpus has not been U.S. citizenship or ties to the country, but rather whether the petitioner challenges control of his person, including detention for the purposes of transporting one out of the jurisdiction. That teaching endures: “[A]bsent suspension, the writ . . . remains available to *every individual detained within the United States*.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)(plurality opinion)(emphasis added).

Noah A. Levine, Counsel of Record, Brief For Scholars of the Law of Habeas Corpus as Amici Curiae, p. 11, *DHS v. Thuraissigiam*, 591 U.S. \_\_\_\_ (No. 19-161)(2020).

## **Petitioner's Answers under Declaration to the Factual Questions on Form AO 242 (Rev. 09/17)**

These are the petitioner's answers, under declaration, to the factual questions on Form AO 242:

1. Henryk S. Borecki.  
No other names have been used.
2. United States of America and its States and Territories  
16220 N. 7th St., #1374, Phoenix, Arizona

My identification numbers are:

04-14-53	SSN ████-███-8360
YC 763040	SSN ████-███-6740
CE 347897	IL B620-3375-3107
A g gg4 934	TX 05028048
8460198	AZ D01249522
8463026	TX 02657500
A 3561818	IL 3123794

3.  Federal authorities  State authorities  Other  
Will not give REAL Travel ID to petitioner.
4.  Other (*explain*): [Apr 27, 2021. DHS]  
“The deadline is now postponed until May 3, 2023.”
5. Decision or Action You are Challenging:  
 The lack of REAL Travel ID — without a hearing -- after presenting all of the aforementioned identification numbers to federal and state authorities.
6. More information and detail:  
January 16, 2020: Interview at ADOT  
January 24, 2020: Request for ADOT hearing  
December 14, 2020: Request to DHS General Counsel  
March 10, 2021: Civil action No. CV21-00415-PHX-MTL  
March 22, 2021: “failure to state a claim for relief”  
March 29, 2021: Appeal No. 21-15572  
April 14, 2021: “dismissed for lack of jurisdiction”

6(d): Still no REAL Travel ID.

7. Your Earlier Challenges of the Decision or Action:

Yes  Appeal Yes  Grievance Yes  Administrative

8. Did you file a second appeal to a higher authority, agency or court?

Yes

9. Did you file a third appeal?

A fourth appeal: to this Court.

10.  No 28 U.S.C. 2255 motion

11.  No Immigration Proceedings

12.  No other appeals

13. Grounds for Your Challenge in This Petition:

As a citizen of the United States of America, petitioner is entitled to interstate domestic travel within the jurisdiction of this nation, *just like everyone else* who has already obtained a REAL Travel ID.

14. Any other grounds?

No

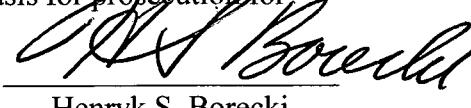
15. State exactly what you want the court to do:

The same thing that petitioner requested in the first place on January 16, 2020, from the administrative agency, to wit: issue Travel ID. In addition, the petitioner requests the special damages delineated in the complaint, and a published opinion by this Court, if warranted.

Declaration Under Penalty of Perjury

I, Henryk S. Borecki, declare under penalty of perjury, that I have read this petition, 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.

Dated: September 17, 2021

  
Henryk S. Borecki  
Petitioner