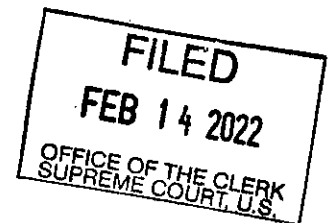


No. 21-7202 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

IN RE Mohammed Kwaning — PETITIONER

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

Mohammed Kwaning — No. 62076037

FEDERAL CORRECTIONAL INSTITUTION — HAZELTON
P. O. BOX 5000

BRUCETON Mills WV 26525.

QUESTIONS PRESENTED

1. IS PETITIONER ENTITLED TO IMMEDIATE DISCHARGE, WHERE THE UNITED STATES DISTRICT COURT TRIED AND IMPRISONED PETITIONER FOR INFAMOUS CRIMES WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY?

2. IS PETITIONER ENTITLED TO IMMEDIATE DISCHARGE, WHERE THE UNITED STATES ATTORNEYS UNILATERALLY MANUFACTURED AND FILED A SPECIOUS SUPERSEDING INDICTMENT TO OBTAIN PETITIONER'S CONVICTION AND IMPRISONMENT WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY?

3. IS PETITIONER ENTITLED TO IMMEDIATE DISCHARGE, WHERE THE UNITED STATES DISTRICT COURT TRIED AND IMPRISONED PETITIONER UNDER COUNTS THAT FAILED TO STATE AN OFFENSE AGAINST THE UNITED STATES?

4. IS THE GOVERNMENT OF UNITED STATES ACTING IN EXCESS OF POWER, IN PROSECUTING PETITIONER FOR INFAMOUS CRIMES IN THE UNITED STATES COURT AND DEPRIVING HIM OF HIS LIBERTY WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY, THE TYPE OF EXTRAORDINARY CIRCUMSTANCE WARRANTING THE REMEDY AFFORDED BY THE WRIT OF HABEAS CORPUS?

LIST OF PARTIES

1. Mohammed Kwaning — PETITIONER;

2. ACTING WARDEN Ryan McCaffrey — RESPONDENT

RELATED CASES

1. CIV. ACT. No. 5:22-CV-10, U.S DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA — JUDGMENT ENTERED JANUARY 19, 2022, Kwaning V. McCaffrey — DECISION ATTACHED AS APPENDIX A.

2. CRIMINAL CASE No. 1:14-CR-600-GLR-2 (D. MD. 2014), U.S DISTRICT COURT FOR THE NORTHERN DISTRICT OF MARYLAND — JUDGMENT ENTERED SEPTEMBER 10, 2018, APPEAR IN THE RECORD AT PAGE 38, ECF No. 421 — USA V. MOHAMMED et al. THE RECORD ATTACHED AS APPENDIX B

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

PETITIONER RESPECTFULLY PRAYS THAT: THIS COURT ISSUE A WRIT OF HABEAS CORPUS COMMANDING ACTING WARDEN RYAN McCAFFREY, RESPONDENT, TO PRODUCE THE BODY OF Mohammed Kwanaing, PETITIONER, BEFORE THIS COURT AT A TIME AND PLACE TO BE SPECIFIED IN THE WRIT; THIS COURT CONDUCT A HEARING AND INQUIRY INTO THE CONSTITUTIONALITY OF THE UNITED STATES DISTRICT COURT'S JURISDICTION TO TRY AND IMPRISON PETITIONER FOR INFAMOUS CRIMES; AND FOLLOWING THE HEARING, PETITIONER BE ORDERED DISCHARGED IMMEDIATELY FROM THE IMPRISONMENT AND RESTRAINT DESCRIBED IN THIS PETITION WITHOUT CONDICTIONS

UNAVAILABILITY OF RELIEF IN THE DISTRICT OF CONFINEMENT

CONTRARY TO THE DISTRICT OF CONFINEMENT RULE, ON NOVEMBER 4, 2021, AND ON JANUARY 18, 2022, PETITIONER MADE THIS APPLICATION TO THE COURT OF CONFINEMENT PURSUANT TO 28 USC § 2241. THE COURT OF CONFINEMENT DISMISSED WITHOUT PREJUDICE FOR LACK OF JURISDICTION DUE TO THE FOURTH CIRCUIT RULE SET FORTH IN IN RE JONES, 226 F.3d 328 (4TH CIR 2000). SEE GENERALLY, CIV. ACT. NO. 5:22-CV-10; AND CIV. ACT NO. 5:19-CV-189 — DECISIONS ATTACHED AS APP.A.

THEREFORE, THE WRIT SOUGHT WILL BE IN AID OF THIS COURT'S APPELLATE JURISDICTION UNDER 28 USC § 1651(g) AND SUPREME COURT RULE 20.1. OTHER THAN THIS COURT NO OTHER COURT CAN GRANT THE RELIEF SOUGHT BY THIS PETITION PURSUANT TO THE DISTRICT OF CONFINEMENT RULE.

ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM
NO OTHER FORM OF RELIEF IS SUFFICIENT TO PROTECT PETITIONER'S RIGHTS
OTHER THAN THE GREAT WRIT OF HABEAS CORPUS.

ON AUGUST 17, 2020, PETITIONER FILED A MOTION TO VACATE UNDER
28 U.S.C § 2255. THE MOTION WAS INADEQUATE TO TEST THE LEGALITY OF
PETITIONER'S PRESENT PHYSICAL CONFINEMENT BECAUSE:

— THE MOTION WAS NOT APPEALABLE AND THUS NOT SUFFICIENT TO PRESERVE THE
JUDGE DECISION TO SEEK REVIEW BY THIS COURT DIRECTLY;
— THE COURT'S PRESCRIBED FORM DID NOT ALLOW FOR THE PROPER RESPONDENT TO BE
NAMED; THE SENTENCING COURT LACKED JURISDICTION OVER PETITIONER'S
IMMEDIATE CUSTODIAN AND DISTRICT OF CONFINEMENT; AND CONTRARY TO TITLE
28 U.S.C § 455(a), § 47, THE COURT WHOSE AUTHORITY WAS CALLED
INTO QUESTION BY THE MOTION WAS THE SAME COURT WHO PRESIDED
OVER THE MOTION.¹¹ THE COURT DID NOT RECUSE HIMSELF, AND DENIED THE MOTION
AND CERTIFICATE OF APPEALABILITY. SEE GENERALLY CIV. ACT NO. GLR-20-CV-2368
(D. MD. AUG 17, 2020), ECF No. 520 OF APP. B.

ON MARCH 18, 2020, PETITIONER REQUESTED THAT THE COURT OF FIRST
INSTANCE ORDER HIS RELEASE FROM IMPRISONMENT ON THE GROUNDS THAT
THE COURT LACKED SUBJECT-MATTER JURISDICTION TO RENDER JUDGMENT
AGAINST HIM. SEE USA V. KWANING, No. 1:14-CR-600 (D. MD. MAR 18, 2020), ECF
No. 501. THE COURT DENIED THE MOTION. Id AT ECF No. 514. PETITIONER
APPEALED AND THE FOURTH CIRCUIT COURT OF APPEALS AFFIRMED THE
DISTRICT COURT, MISAPPLYING

FOOTNOTE

¹¹ EX PARTE YARBROUGH, 110 US 651 (1884)

THIS COURT'S DECISION IN UNITED STATES V. COTTON, 535 U.S. 625 (2002) AND BREESE V. UNITED STATES, 226 U.S. 1 (1912). SEE UNITED STATES V. KWANING, No. 20-7186 (4TH CIR JULY 28, 2021) (PER CURIAM) (UNPUBLISHED).

PETITIONER ALSO PURSUED RELIEF UNDER 28 U.S.C. § 2241 IN THE FOURTH CIRCUIT COURT OF APPEALS WHICH WAS ALSO DISMISSED FOR LACK OF JURISDICTION. SEE IN RE KWANING, No. 21-1619 (4TH CIR AUG 20, 2021) (PER CURIAM) (UNPUBLISHED).

EXCEPTIONAL CIRCUMSTANCE WARRANT EXERCISE OF THIS COURT'S

DISCRETIONARY POWER

FIRST, THE COURT OF CONFINEMENT FAILURE TO COMPLY WITH THE GENERAL JURISDICTIONAL RULE UNDER 28 USC § 2241 (a), AND THIS COURT'S DISTRICT OF CONFINEMENT AND IMMEDIATE CUSTODIAN RULE SET FORTH IN WALES V. WHITNEY, 114 U.S. 564 (1885); CARBO V. UNITED STATES, 364 U.S. 611 (1961); BRADEN V. 30TH JUDICIAL CIRCUIT COURT OF KY, 410 U.S. 484 (1973); AND RUMSFELD V. PADILLA, 542 U.S. 426 (2004), DUE TO A CONTRARY CIRCUIT RULE SET FORTH IN IN RE JONES, 226 F.3d 328 (4TH CIR 2000), WARRANT EXERCISE OF THIS COURT'S DISCRETIONARY POWER; AND

SECOND, CONTRARY TO THE PROVISIONS OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, IN EXCESS OF JURISDICTION, THE UNITED STATES DISTRICT COURT HELD PETITIONER TO ANSWER FOR INFAMOUS CRIMES AND SENTENCED HIM TO IMPRISONMENT WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY.

THIRD, NONE OF THE COUNTS FOR WHICH PETITIONER IS HELD A UNITED STATES PRISONER CHARGE OR ALLEGED AN OFFENSE AGAINST THE UNITED STATES. THE UNITED STATES DISTRICT COURT RENDERED JUDGMENT AGAINST PETITIONER IN EXCESS OF JURISDICTION: A VOID JUDGMENT.

FOURTH, THE UNITED STATES GOVERNMENT IN EXCESS OF ITS POWER PROSECUTED PETITIONER FOR INFAMOUS CRIMES IN THE UNITED STATES COURT, WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY, AND ON COUNTS THAT FAILED STATE AN OFFENSE AGAINST THE UNITED STATES: "LACK OF STANDING"

THE GOVERNMENT AND COURT BELOW ACTING IN EXCESS OF POWER TO DEPRIVE A PERSON OF LIBERTY IS AN EXCEPTIONAL AND EXTRAORDINARY REASON FOR THIS COURT TO INTERVENE, TO PREVENT A MISCARRIAGE OF JUSTICE, TO PROMOTE CONFIDENCE IN THE JUDICIAL PROCESS AND PROTECT PETITIONER'S CIVIL RIGHTS — AND PREVENT A WRONGFUL IMPRISONMENT.

CITATION OF THE UNITED STATES DISTRICT COURT'S JUDGMENT
THE JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MARYLAND APPEAR IN APPENDIX B, ECF No. 421 TO THE PETITION AND IS UNPUBLISHED.

JURISDICTIONAL STATEMENT

THE JURISDICTION OF THIS COURT IS INVOKED UNDER ARTICLE III OF THE UNITED STATES CONSTITUTION, TITLE 28 USC § 1651(a), § 2241(a) AND SUPREME COURT RULE 20.1.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. ARTICLE 1 § 9 cl 2 OF THE UNITED STATES CONSTITUTION PROVIDES:

"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."

2. THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION PROVIDES IN

PERTINENT PARTS THAT: "NO PERSON SHALL BE HELD TO ANSWER FOR CAPITAL, OR OTHERWISE INFAMOUS CRIMES, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON --- BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; ---"

3. SECTION 2241(G) OF TITLE 28 OF THE UNITED STATES CODE PROVIDES:

"THE WRIT OF HABEAS CORPUS SHALL NOT EXTEND TO A PRISONER UNLESS:

(1) HE IS IN CUSTODY UNDER OR BY COLOR OF THE AUTHORITY OF THE UNITED STATES OR IS COMMITTED FOR TRIAL BEFORE SOME COURT THEREOF; OR

(2) HE IS IN CUSTODY FOR AN ACT DONE OR OMITTED IN PURSUANCE OF AN ACT OF CONGRESS, OR AN ORDER, PROCESS, JUDGMENT OR DECREE OF A COURT

OR JUDGE OF THE UNITED STATES; OR (3) HE IS IN CUSTODY IN VIOLATION

OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES; (4) HE

BEING A CITIZEN OF A FOREIGN STATE AND DOMICILED THEREIN IS IN CUSTODY

FOR AN ACT DONE OR OMITTED UNDER ANY ALLEGED RIGHT, TITLE, AUTHORITY, PRIVILEGE,

PROTECTION OR EXEMPTION CLAIMED UNDER THE COMMISSION, ORDER OR SANCTION OF

OF ANY FOREIGN STATE, OR UNDER COLOR THE VALIDITY AND EFFECT OF WHICH DEPEND UPON THE LAW OF NATIONS; OR (5) IT IS NECESSARY TO BRING HIM INTO COURT TO TESTIFY OR FOR TRIAL".

STATEMENT OF THE CASE

PETITIONER IS A CITIZEN OF GHANA AND LAWFUL PERMANENT RESIDENT OF THE UNITED STATES AND ILLEGALLY IMPRISONED AND RESTRAINED OF LIBERTY. CONTRARY TO THE PROVISION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, PETITIONER WAS DEPRIVED OF DUE PROCESS IN HIS PROSECUTION. IN EXCESS OF JURISDICTION, THE UNITED STATES DISTRICT COURT HELD PETITIONER TO ANSWER FOR INFAMOUS CRIMES AND SENTENCED HIM TO IMPRISONMENT, WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY. THE GOVERNMENT LACKED STANDING UNDER THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION TO PROCEED AS PLAINTIFF IN CRIMINAL PROSECUTION FOR INFAMOUS CRIMES.

STATEMENT OF FACTS

1. PETITIONER, Mohammed Kwaning, is a citizen of GHANA BORN OCTOBER 16, 1980.
2. PETITIONER IS A LAWFUL PERMANENT RESIDENT OF THE UNITED STATES, ADMITTED INTO THE UNITED STATES ON JUNE 11, 2006, AT BALTIMORE, MARYLAND.
3. PETITIONER IS ILLEGALLY IMPRISONED AND RESTRAINED OF LIBERTY BY RESPONDENT, ACTING WARDEN RYAN MCCAFFREY.
4. PETITIONER IS NOW IN CUSTODY OF THE RESPONDENT AT THE FEDERAL CORRECTIONAL INSTITUTION - HAZELTON, IN BRUCETON MILLS, WEST VIRGINIA.

5. THE PRETEXT OF PETITIONER'S IMPRISONMENT IS A GRAND JURY SUPERSEDING INDICTMENT ON MAY 19, 2016; CONVICTION FOR OFFENSES AGAINST THE UNITED STATES; AND VALID CRIMINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION.

— THE RECORD (APP. B) SHOWS A GRAND JURY NEVER PRESENTED OR INDICTED PETITIONER

— THE RECORD SHOWS NONE OF THE COUNTS OF CONVICTIONS STATED AN OFFENSE AGAINST THE UNITED STATES. SEE GENERALLY ECF NO. 33 OF APP. B COUNTS 1-9

— THE RECORD (APP. B) SHOWS THE UNITED STATES DISTRICT COURT FAILED TO PROPERLY ACQUIRE JURISDICTION OVER PETITIONER AND THE SUBJECT-MATTER. THUS THE COURT RENDERED JUDGMENT IN EXCESS OF JURISDICTION: A VOID JUDGMENT.

6. THE RECORD (APP. B) SHOWS WITHOUT PRESENTMENT BY A GRAND JURY AND LEAVE OF COURT, ON MAY 19, 2016, THE GOVERNMENT, UNITED STATES ATTORNEYS (USA), IN EXCESS OF ITS POWER UNILATERALLY MANUFACTURED AND FILED A 14 COUNTS DOCUMENT (ECF NO. 33 OF APP. B), PRETENDING TO BE A GRAND JURY SUPERSEDING INDICTMENT, TO UNLAWFULLY INVOKE A JUDICIAL PROCESS — A VOID PROCESS AGAINST PETITIONER, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MARYLAND. AND CONSEQUENTLY, THE DISTRICT COURT FAILED TO SUMMON, SWEAR, AND IMPANEL A GRAND JURY TO PRESENT OR INDICT PETITIONER, AND IN EXCESS OF JURISDICTION RENDERED A VOID JUDGMENT AND UNLAWFULLY COMMITTED PETITIONER TO CUSTODY.¹

FOOTNOTE:

¹ PRIOR TO THE IMPOSITION SENTENCE PETITIONER PRAYED TO THE COURT THAT HIS RIGHTS TO DUE PROCESS AND GRAND JURY WAS VIOLATED. THE COURT IGNORED HIM (APP. C)

7. THIS IMPRISONMENT IS UNLAWFUL BECAUSE:

— FIRST, CONTRARY TO THE PROVISIONS OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, AND THE EQUAL PROTECTION AND LIBERTY INTEREST OF THE SAME CONSTITUTION, PETITIONER WAS NOT PROVIDED DUE PROCESS IN HIS PROSECUTION FOR INFAMOUS CRIMES. THE RECORD (APP B) SHOWS FROM MAY 2016 THROUGH SEPTEMBER 2018, IN EXCESS OF JURISDICTION, THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MARYLAND HELD PETITIONER TO ANSWER FOR INFAMOUS CRIMES I.E., CONSPIRACY TO COMMIT BANK AND WIRE FRAUD 18 USC § 1349, BANK FRAUD 18 USC § 1344, etc, AND SENTENCED HIM TO IMPRISONMENT FOR THE TERM OF TEN YEARS ONE MONTH (121 MONTHS) AND PAY RESTITUTION² OF 229,717.30 DOLLARS WITH 3 YRS SUPERVISED RELEASE, WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY.

— SECOND, IN EXCESS OF JURISDICTION, THE UNITED STATES DISTRICT COURT TRIED AND IMPRISONED PETITIONER UNDER COUNTS THAT FAILED TO STATE AN OFFENSE AGAINST THE UNITED STATES. SEE ECF No. 33 COUNTS 1 THROUGH 9

— THIRD, IN EXCESS OF POWER, THE GOVERNMENT PROSECUTED PETITIONER FOR INFAMOUS CRIME AND DEPRIVED HIM OF HIS LIBERTY, WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY.

— FOURTH, IN EXCESS OF POWER, THE DEPARTMENT OF HOMELAND SECURITY HAS LODGED AN UNLAWFUL DETAINER AGAINST PETITIONER PURSUANT TO AN INVALID CONVICTION IN THE UNITED STATES COURT.

² NONE OF THE STATUTE OF CONVICTION AUTHORIZE RESTITUTION — FINE WAS WAIVED

THE COURT EXCEEDED ITS AUTHORITY IN IMPOSING RESTITUTION.

8. THE JUDGMENT UNDER WHICH PETITIONER IS HELD A PRISONER IS AN ABSOLUTE NULLITY AND GIVES RESPONDENT NO VALID AUTHORITY UNDER THE UNITED STATES CONSTITUTION TO IMPRISON PETITIONER.

9. PETITIONER'S CONTINUOUS IMPRISONMENT IS ILLEGAL AND THUS PRESENTS EXTRAORDINARY AND COMPELLING NEED FOR THIS COURT TO INTERVENE.

ARGUMENT

1. PROSECUTION FOR INFAMOUS CRIMES WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY IS UNCONSTITUTIONAL.

A. THE UNITED STATES DISTRICT COURT ACTED IN EXCESS OF JURISDICTION

THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PARTS THAT "NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIMES UNLESS, ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY³."

HERE, THE RECORD (APP. B) SHOWS IN EXCESS OF JURISDICTION AND IN VIOLATION OF THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION, THE UNITED STATES DISTRICT COURT HELD PETITIONER TO ANSWER FOR INFAMOUS CRIMES AND SENTENCED HIM TO IMPRISONMENT FOR THE TERM OF TEN YEARS ONE MONTH (121 MONTHS), WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY.

THE RECORD (APP. B) SHOWS THERE WAS NEVER A TIME AND PLACE OR TERM OF COURT IN THE DISTRICT OF MARYLAND, WHERE A UNITED STATES DISTRICT

FOOTNOTE: 3

MACKIN V. UNITED STATES, 117 U.S. 348 (1886); EX PARTE WILSON, 114 U.S. 417 (1885); RUSSELL V. UNITED STATES, 369 U.S. 749 (1962); STIRONE V. UNITED STATES, 361 U.S. 212 (1960)

COURT JUDGE SUMMONED, SWORE, AND EMPANELED A GRAND JURY TO PRESENT OR INDICT PETITIONER UPON THEIR OATH. JUST AS A SENTENCE IS A PRONOUNCEMENT UPON AN OATH "PUBLICLY IN OPEN COURT", SO IS A VERDICT AND INDICTMENT OR SUPERSEDING INDICTMENT. SEE GENERALLY, USA V. MOHAMMED et al, 1:14-CR-00600-GLR-2 (D. MD. 2014). THE RECORD (APRB) SHOWS:

- THE GRAND JURY OF THE UNITED STATES — "NECESSARY PARTY WITH STANDING" — NEVER APPEAR BEFORE THE COURT TO PRESENT OR INDICT PETITIONER.
- THERE WAS NEVER ANY COMPLAINTS OR INFORMATION FILED AGAINST PETITIONER IN Id. THUS THE COURT NEVER BOUND ANY CASE CONCERNING PETITIONER TO A GRAND JURY AND A GRAND JURY NEVER RETURNED "IN OPEN COURT" A TRUE BILL OR "NOT A TRUE" IN Id.
- PETITIONER NEVER WAIVED HIS RIGHT TO GRAND JURY INDICTMENT IN Id.
- THE ACCUSATION IN Id. WAS FOUND BY THE UNITED STATES ATTORNEYS (USA).⁴ SEE PLAINTIFF UNITED STATES ATTORNEYS (UNAUTHORIZED PARTY) WITHOUT "STANDING".

THE FIFTH AMENDMENT OF THE U.S CONSTITUTION MADE CLEAR THAT ONLY ON A PRESENTMENT OR INDICTMENT CAN A PERSON BE HELD TO ANSWER FOR INFAMOUS CRIMES IT MADE NO REFERENCE TO THE GOVERNMENT OR UNITED STATES ATTORNEYS.⁴

CLEARLY, THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MARYLAND ACTED IN EXCESS OF JURISDICTION IN TRYING AND IMPRISONING PETITIONER. AND THUS RESULTING IN A WRONGFUL IMPRISONMENT PRESENTING AN EXTRAORDINARY AND COMPELLING NEED FOR THIS COURT TO INTERVENE.

FOOTNOTE ⁴GAITHER V. UNITED STATES, 413 F.2d 1061 (D.C CIR 1969); WOOD V. GEORGIA, 370 U.S 375 (1962); STIRONE V. UNITED STATES, 361 U.S 212 (1960)

THEREFORE, THE GREAT WRIT OF HABEAS CORPUS MUST ISSUE. THIS COURT SAID:

— "A PERSON SENTENCED TO IMPRISONMENT FOR INFAMOUS CRIME, WITHOUT HAVING BEEN PRESENTED OR INDICTED BY A GRAND JURY, AS REQUIRED BY THE FIFTH AMENDMENT OF THE CONSTITUTION, IS ENTITLED TO BE DISCHARGED ON HABEAS CORPUS."⁵

— "THE WRIT OF HABEAS CORPUS WILL LIE ONLY IN CASE(S) THE JUDGMENT UNDER WHICH THE PRISONER IS DETAINED IS SHOWN TO BE ABSOLUTELY VOID FOR WANT OF JURISDICTION IN THE COURT THAT PRONOUNCED IT."⁶

B THE UNITED STATES ATTORNEYS PERPETRATED FRAUD UPON THE COURT

THE FIFTH AMENDMENT OF THE U.S CONSTITUTION PROVIDES IN PERTINENT PART THAT: "NO PERSON SHALL --- BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS ---"

HERE, THE RECORD (APP.B) SHOWS IN EXCESS OF POWER AND IN VIOLATION OF THE FIFTH AMENDMENT OF THE U.S CONSTITUTION, THE UNITED STATES ATTORNEYS FOR THE DISTRICT OF MARYLAND UNILATERALLY MANUFACTURED AND FILED A DOCUMENT (ECF No. 33 OF APP.B), PRETENDING TO BE A GRAND JURY SUPERSEDING⁷

FOOTNOTE:

⁵ EX PARTE WILSON, 114 US 417 (1885).

⁶ MOORE V. DEMPSEY, 261 US 86 (1923); SEE, EG. EX PARTE RANDOLPH, 20 F. CAS 242 (4TH CIR 1883); EX PARTE LANGE, (18 WALL) 168, 21 LED 872; EX PARTE YARBROUG, 110 US 651 (1884); FRANK V. MANGUM, 237 US 309 (1915); KAIZO V. HENRY, 211 US 146 (1908); HOUSER V. UNITED STATES, 508 F. 2d 509 (8TH CIR 1974); EX PARTE SIEBOLD, 100 US 371 (1879); EX PARTE WILSON, 114 US 417 (1885) etc.

TO INDUCE THE UNITED STATES DISTRICT COURT TO TRY AND IMPRISON PETITIONER, WITHOUT PRESENTMENT OR INDICTMENT BY A GRAND JURY, IN EXCESS OF JURISDICTION. AND CONSEQUENTLY, RESULTING IN A WRONGFUL IMPRISONMENT. THIS PRESENTS AN EXTRAORDINARY AND COMPELLING REASON FOR EXERCISE OF THIS COURT'S DISCRETIONARY POWER TO INTERVENE. THEREFORE THE GREAT WRIT OF HABEAS CORPUS MUST ISSUE.

THIS COURT SET ASIDE A FRAUDULENTLY OBTAINED RULING BY FINDING THAT IT WAS THE PRODUCT OF ONE PARTY'S "DELIBERATELY PLANNED AND CAREFULLY EXECUTED SCHEME" THAT SEVERELY UNDERMINED THE "INTEGRITY OF THE JUDICIAL PROCESS".⁷

CONCLUSION

FOR THE REASONS JUST STATED, PETITIONER PRAYS THAT:

- A — THIS COURT ISSUE A WRIT OF HABEAS CORPUS COMMANDING ACTING WARDEN RYAN McCAFFREY, RESPONDENT, TO PRODUCE THE BODY OF PETITIONER, Mohammed Kwaning, BEFORE THIS COURT AT A TIME AND PLACE TO BE SPECIFIED IN THE WRIT;
- B — THIS COURT CONDUCT A HEARING AND INQUIRY INTO THE CONSTITUTIONALITY OF THE UNITED STATES DISTRICT COURT'S JURISDICTION TO TRY AND IMPRISON PETITIONER FOR INFAMOUS CRIMES; AND

FOOT NOTE: ⁷HAZEL-ATLAS GLASS CO V. HARTFORD-EMPIRE CO, 322 U.S 238, 245-46, 64 S. CT. 997, 997, 881. ED 1250 1944 DEC. COMM'R ART 675 (1944); SEE ALSO GAITHER V. UNITED STATES, 413 F.2d 1061 (D.C CIR 1969)

C — FOLLOWING THE HEARING, PETITIONER BE ORDERED DISCHARGED
IMMEDIATELY FROM THE IMPRISONMENT AND RESTRAINTS DESCRIBED IN THIS
PETITION WITHOUT CONDICTIONS.

IT SO BE PRAYED

DATED 02/11/2022

~~Mohammed Kwaning~~
Mohammed Kwaning

I, Mohammed Kwaning, IN ACCORDANCE WITH 28 USC § 1746, DECLARE
UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
WITHIN MY PERSONAL KNOWLEDGE AND BELIEF AND FROM A REVIEW OF THE
TRUE COPY OF THE COMPLETE CRIMINAL DOCKET IN USA V. MOHAMMED
et al, No. 1:14-CR-00600-GLR-2 (D. MD. 2014) RECIEVED FROM THE DISTRICT
COURT'S CLERK.

EXECUTED BY ME ON THIS THE 11TH DAY OF FEBRUARY, 2022, AT
BRUCETON MILLS WEST VIRGINIA.

~~Mohammed Kwaning~~
Mohammed Kwaning

62076037

FEDERAL CORRECTIONAL

INSTITUTION — HAZELTON

P.O. BOX 5000

BRUCETON MILLS, WV 26525.