

21-7696

No. _____

Supreme Court, U.S.
FILED

APR 11 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

"In re STEPHEN HARMON" — PETITIONER (prose)
(Your Name)

vs.

(Sup. Goose Creek
"EARL HOUSER" (Cor. Cnt.) — RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS & PROHIBITION

(have not ruled on "Single")
(claim/cause of Take Notice)

ALASKA SUPREME COURT and the (of Lack of Subject Matter)
NINTH CIRCUIT COURT OF APPEALS (Jurisdiction by the Court's.)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
(none have and both Refused to)

PETITION FOR WRIT OF MANDAMUS & PROHIBITION

Stephen Harmon

(Your Name)
Goose Creek Cor. Cnt.

22301 West Alsop Road

(Address)

Wasilla, Alaska 99654

(City, State, Zip Code)

(907) 861-8000 (prison front Desk)

(Phone Number)

ORIGINAL

QUESTION(s) PRESENTED

- 1.) (?) - The Ninth Circuit Court of Appeals "lost" the Subject Matter Jurisdiction "Authority" and "resulting in" the Court "lacking of Subject Matter Jurisdiction" of the Cause/claim filed, "for" "Failure to COMply with" Federal law "Stautory" "Mandate", in/of 28USC§2244(3)(d)" for "Time Requirement for the Court" requiered to make any "Lawful" &/or "Timely" determination on the filing (Rule 9 Motion) filed by the Petitioner Harmon on the Date of Oct.29,2021 (Appendix Letter "B" with (3)three ORDERS[#1/#2/#3])was appealing in/on Motion and the Ninth Circuit Court issued their Unalwful ORDER denying the Rule 9 Motion on Date of March 22,2022 (Appendix Letter "A"). The Ninth Circuit "continued showing of" the "lost and Lack of Subject Matter Jurisdiction" "by/of" the 9th.cir. by "Not complying with" this Court's(U.S.Supreme) determination that a court..."A court must adhere to statutory TEXT..." (Nasarallah v Barr 140 S.Ct. 1683) & the 9th. Cir.Court had not and has not; and this Court **determination** also "shows" "Lack of Subject Matter Jurisdiction" and "abuse of discretion", by trying to issue an ORDER(APPENDIX Letter "A") this Court determined (U.S.Supreme)..."No U.S. Judge's has the Powee to rewrite Rules by Judicial Interpretation..." (Harris v Nelson 394 U.S.S.Ct. 1082 22 L.ED 2d 281 LEXIS 2161) ???
- 2.) (?) The Ninth Circuit "denied" the Petitioner Harmon's Constitutional right to/of Due-Process (14th.Amend.) and to lawful

QUESTION(s) PRESENTED

(continued)

and timely Proceeding(s). "of" there "is not" "any"
"Statutory" "Authority" for the Court "Appeals" "to go
beyond" the Federal "Statutory Authority Mandated TEXT"
resulting in the Denial of 14th.amend.Constitutional Right
to & of DuePreprocess??(Statutory Mandated TEXT of 28USC§
2244(3)(d) reads:

..."(d) The Court of Appeals SHALL grant or deny the author-
ization to file a second or successive application
not later than 30 days after the filing of the
Motion..."

???

- 3.) (?) The Ninth Circuit Court denial of 14th.Amend. to the Const.
right to Due process is not a.) Harmless Error, and is a
violation of Substantive Rights and b.) is "shown to be"
(Intentional & Knowingly "constitutional Plain Error "by" the
Court/Judges) for the Record shows (Appendix Letter "C") the
Docket page "showing" Harmon for over (5)five Months[once
a month] Wrote to each of the Chief Judges (Thomas &Murguia)
asking them & shareing that the Court "was not" in compliance
with the Federal Mandate Requirements for 30 day time limit
to determine and when the Court was going asked of them "to
comply with" Federal Law (?). The Judges "never" responded
back once nor ^{Meir} 9th, the ORDER March 22, 2022 "cite any" or addr
ess any "Stautory authority" to go beyond the 30 days Mandated
and the Court(9th.cir) was given over (5)five times to cure
their Constitutional Errors and Never did nor "show" where

QUESTION(s) PRESENTED

(continued)

or how the Court(9th.cir) "did not loose" or "lacked(s)
any Subject Matter Jurisdiction on/or/over the Cause/case
and "is" and "Interntional" denial of Harmon's Constituti-
onal 14th.Amend Right to Due-Process and "is" "intentional
abuse of Discretionary Authority and unlawful usurpation of
power by the 9th.Cir. Court and its Judges ???

- 4.) (?) The "Supreme Court of the United States" "is" "obliged" to
Take Notice of "a Notice of" the Lack of Subject Matter
Jurisdiction" "even when a " "State Court or a Federal Circuit
Circuit Court "Fails To" Take Notice"; this Court should ???
"Take Notice" & determine, because State/Federal Courts Won't.
as this Court (U.S.Supreme) determined in
..."we should be obliged to Take Notice even if not
urged by the Appellee..."
(Mattingly v Northwestern Virginia R.R.co. 158 U.S.
53,57)

- 5.) (?) The Ninth Circuit Court of Appeals denied to address nor
determined the "Single" filed Claim Petitioner Harmon
filed with the 9th cir. in Rule 9 Motion (Appendix Letter "B"
pg.19 under Ground #1.)[..."Alaska Supreme Court thru
Special Order #8130 took away/lost
"ALL" Subject Matter Jurisdiction/
and Denied to Take Notice of such
Lack of Subject Matter Jurisdiction
"when" asked the Court to Take Notice
in Motion to Supreme Court..."

also See (Appendix Letter "B"-pg 27 & 28
the ORDERS #1 #2)

"showing" The supreme Court would not Take Notice or address

QUESTION(s) PRESENTED

(continued)

or even Determine whether or not the Court "was vested with or not with Subject Matter Jurisdiction"; also "showing":

a.) denial of the Constitutional Guranty of Due Process of law of the opportunity to be heard and defend before a competent Tribunal "Vested with" jurisdiciton of subject Matter of the cause and

b.) abuse of Discretion and the Court (State Supreme Court) and Ninith Circuit Court "never" determined neither were or are "vested" the Subject Matter Jurisdiciton thus

... "A court that does not have subject Matter Jürisd-
iction is without power to decide a case..."

and

... "It is abuse of discretion to deny the parties
Notice..."

(Rodriquez v Rodridquez 908 P.2d 1007)

c.) The State Court was given(2)two times to cure their Constitutional Errors and did not (Appendix Letter "B" pg.3 & 4)and he Ninith Circuit was given over (5)five times to cure their Constitutional Errors and never did (APPENDIX Letter "C") showing repeated asking the Courts to comply with Federal law of 28USC§2244(3)(d) "lawfully and didnot. Resulting in harmon "shown" that Harmon has Met the "Standard set out in Harvest v Castro 520 F.3d 1055,70 Fed.R.serv.3d3(Callaghan)242 2008 U.S.App. LEXIS 6297(9th cir.) determined that Relief is due of:

---When a State Fails to cure its Constitutional Errors

QUESTION(s) PRESENTED

(continued)

and

---has not demonstrated that it deserves relief from the Judgment

and

---a conditional Granting of Habeas Corpus 28USC§2254, "&"
requires release from custody..."

Harmon "has/does" met(eet) the Standard set out and shown that the 9th.cir. Court "has not" cured their constitutional Errors and requires the Granting of "conditional Grnating of Habeas Corpus 28 USC§2254 and release from Custodey (Sentence completely) as outlined in/of:

(Appendix Letter "B" pg.6 thru 13) and (Appendix Letter "B" pg.18 & 19) ???

6.) (?) The Granting of an Expedited STAYING ALL FURTURE PROCEEDINGS in/and of and or by the Alaska Appeals Court in/on Case No. A-13760 Harmon v State; "Is warranted pending the Determination of/by this Court in/on Discretoionary Review in/on this Mandamus and Prohibition" because:

a.) as the Petitioner"filed and raised" thru a Motion, asking the Alaska Court of Appeals "to Take Notice of Lack of Subject Matter Jurisdiction lost" and the Court "Denied" to Take Notice or give any ground(s)/reason(s) as to Why not or when or how the Court was "vested with" "any" Subject Matter Jurisdiction and Harmon did file asking for a Stay in the State Appeals Court pending this Federal determing of whether or not to Grant discre~~et~~ionary Review or Relief; and the Court of Appeals Denied the Stay and Ruled that."Harmon"however may renew his

QUESTION(s) PRESENTED

(continued)

motion if the Federal Court grants his Petition for discretionary review..."

b.) Harmon also filed Notice into the Alaska Supreme Court (see Appendix Letter "B" pg 3 and 4) AK.Supreme Court Denied also without any reasons or facts to Take Notice and the Appeals Court is still now trying (unlawfully) to proceed forward and have Oarl Arguements on the Appeal on April26,2022 at 9:00am Ak.time and this Unlawful exercise of unlawful Power that is unauthorized by law and this Power will reslt in jury and continued injury and there is no other adequate remedy except thur and by this Court (U.S.Supreme) to lawfully and to protect Harmons Constituional Rights and privalages authorized to have and used and not denied use or application ???

7.) (?) The U.S.Supreme Court in determination and consideration should consider and Granting the Discretionary Review and Relief of this Writ of Mandamus and Prohibition is asked to also reverse Completely the Ninith Circuit Courts ORDER of March 22,2022 completely due in part and based on the finding to include ask of (???) [based inpart or all of followin]

a.) The 9th Cir.Court "did not" consider and or apply the New Law/Rule of Constitutional law by this Court (U.S. Supreme) or applied to and on Harmon's Grounds showing "why" the New Rule/law is applicable and retroapplicable in/on (Appendix Letter "B" pg.18 to include of)

QUESTION(s) PRESENTED

(continued)

--- The legality of Harmon sentence(count One & Count two/composit/combined sentence) "has never" been determined to date in any U.S.Court or by any U.S. Judge/Court, and is still unconstitutional imposed and held under/on, because:

---Alaska Appeals Court Determined the Statue Harmon sentence/maintain under/on was never constitutional rewritten to comply with U.S.Const 6th amend. (west v state 223 P.3d 634) Chief Judge Mannhiemer for the Court wrote/determined.

..."The legislature attempted to but failed to constitutionally rewrite A.S.12.55.155(C) to comply with U.S.Const.6th.amend. and

..."for the purpose of litigating the agravating factors "listed in" A.S.12.55.155(c).."

Harmon "has" an Presumptive sentence imposed under and with/by these unconditional statutes provisions thus Harmon "has and held under and by "currently" unconstitutional law/sentence and the New law/Rule by the U.S.Supreme Court is applicable because this New Lal/Rule "removes Time Barrment and collateral review barments "for" someone held/imposed under/by a current unconstitutional law as Harmon. New Law/Rule Mandates for Relief application and Granting reads:..."It follows as a general principle that a court has no authority to leave in place a conviction orsentence that violates a substantive rule, regardless of whether the conviction or sentence became final before the Rule was announced..."

and

QUESTION(s) PRESENTED

(continued)

..."An unconstitutional law is Void and is no Law. a penalty imposed pursuant to an unconstitutional law is no less void because the prisoners sentence became final before the law was held unconstitutional. Ther is no Grandfather clause that permits States to enforce punishment the constitution forbids. To conclude otherwise would undercut the constitutions substantive gurarantees.
It cannot insist that he remain in prison..."

Montgomery v Lousiana 136 S.Ct. 718 (HN#12)(HN#13)

RELATED CASES

(continued)

"This is a case of First Impresssion"

---The Errors are "clear" and is shown to be irreparable

Harm and

---Is Extraordinary and significant unlawful usurpation of
power by the State Court (Alaska) and Federal Circuit
Court (9th cir.) and its Judges and Staff.

---There is no other adequate remedy except by and thru
this Court (Supreme) of U.S.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	<u>3, 4, 5</u>
STATEMENT OF THE CASE	5 thru <u>10</u>
REASONS FOR GRANTING THE WRIT	12 & <u>13</u>
CONCLUSION.....	<u>13</u>

INDEX TO APPENDICES

APPENDIX A	Decision of the Ninth Circuit Court of Appeals. <u>i</u> (pages 1) Failed to Take Notice or determine lack of Subject Matter Jurisdiction claim.
APPENDIX B	Rule 9 Motion with(3)three ORDERS appealing to show the Court Failed to Take Notice of lack of Subject Matter Jurisdiction(Single claim) filed (pages 29) <u>... i, iii</u> <u>v, vi, 6, 7, 8, 9, 12</u>
APPENDIX C	Dockett log-Lettersto Court(9th.cir) requesting comply with Federal law 28USC§2244(3)(d) mandates and Court refusing to Responde in/by any time. <u>... ii</u>
APPENDIX D	Letter from U.S.Supreme Court Clerk Office.... <u>11, 12</u>

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>American Trucking Ass. v Frisco Trans., 358 U.S. 133, 79 S.Ct. 170 3L.ED.2d 172, 1958 U.S. LEXIS 1778 (1958)</u>	<u>Appendix="B"</u> <u>(pg.9)</u>
<u>Harris v Nelson 394, U.S.Ct. 1082 22 L.Ed 2d 281 LEXIS 2161</u>	<u>i, iv and</u> <u>Appendix-"B"</u> <u>(pg.9)</u>
<u>Mattingly v Northwestern Virginia R.R.Co. 158 U.S.53,57.</u>	<u>iii</u>
<u>Montgomery v Louisiana 136 S.Ct. 718 (HN#12)(HN#13)</u>	<u>vii, viii, 7 &</u> <u>Appendix-"B"</u> <u>(pg.18)</u>
<u>Nasarallah v Barr. 140 S.Ct. 1683</u>	<u>i</u>
<u>O'Link v O'link 632 P.2d 225(AK.S.Ct.)</u>	<u>Appendix-"B"</u> <u>(pg.8,19)</u>
<u>Rodriquez v Rodriquez 908 P.2d 1007</u>	<u>Appendix-"B"</u> <u>(pg.8)</u>
<u>Strong v Williams 435 P.3d 872 (Ak.S.Ct.)</u>	<u>Appendix-"B"</u> <u>(pg.9)</u>
<u>West v State 223 P.3d 634</u>	<u>Appendix-"B"</u> <u>(pg.18)</u>
<u>Harvest v Castro 520 F.3d, 1055, 70 Fed.R.serv.3d3 (Callaghan) 242 2008 U.S.App. LEXIS 6297 (9th.cir)</u>	<u>i, iv, &</u> <u>Appendix-"B"</u> <u>(pg.9)</u>
STATUTES AND RULES	PAGE NUMBER
<u>28 USC§2244(3)(d)</u>	<u>ii, iv</u>
<u>RULE 60(b)(4)(5)Void Judgement Motion</u>	<u>5, 7, 9 &</u> <u>Appendix-"B"</u> <u>(pg.1,2,6,7, 14,19)</u>
<u>A.S.12.55.155(c)</u>	<u>5, & Appendix</u> <u>"B"(pg.18)</u>

TABLE OF AUTHORITIES CITED

(continued)

OTHER	PAGE NUMBER
<u>U.S. Constitutoin 14 th Amendment Due Process.....</u>	<u>i,iii, 12</u>

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS & PROHIBITION

MANDAMUS
Petitioner respectfully prays that a writ of _____ and _____ issue to review the judgment below.
PROHIBITION

OPINIONS BELOW

☒ For cases from **federal courts**:

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

2022 U.S App.
LEXIS 7545

☐ reported at Harmon v Houser; 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 _____ 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 "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 _____ 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 22, 2022.

☒ 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: _____, 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. § 1254(1).

☒ For cases from state courts:

The date on which the highest state court decided my case was 9/16/2021.
A copy of that decision appears at Appendix "B" (pg 3/11 & 27)

☒ A timely petition for rehearing was thereafter denied on the following date: 10/1/2021, and a copy of the order denying rehearing appears at Appendix "B" (pg. 4/12/&28)

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

USCS Constitution Amendment 14, sec.1

Due Process of Law

All persons born or naturalized in the United States, Subject to the Jurisdiction thereof, are citizens of the United States and States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United states; nor shall any state deprive any person of life, liberty, or property, without Due Process of law; nor deny to any person with in its jurisdiction of equal protections of the law.

28USC§2244(3)(d)

Rule 9 Motion Second or Successive Application

- (d) the Court of Appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after filing of the Motion.

Rule 60(b)(4)(5) Void Judgement Motion

- (b) On Motion and upon such terms as are just, the court may relieve a party or a party's legal representation from final judgement, order, or proceeding for following reasons:
- (4) the Judgement is void,
- (5) the judgement has been satisfied, released or discharged, or a prior judgement upon which is based has been reversed or otherwise vacated or it is no longer equitable that the judgmen judgement should have prospectibe application

Alaska Cconstituoin Article IV, sec.15-Rule Make Power of Supreme Court

Art.IV.sec.15

The Supreme Court shall make and promulage rules governing the Admin. of all court's. It shall make and promulgate rules govering practice and procedure in civil and criminal cases in all court's. These Rules may be changed by the legislture by a two-thirds vote of the members in each house

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(continued)

CASES
CASES

American Trucking Assns v Frisco Trans.co. 358 U.S.133,79 S.Ct.
170 3L.ED.2d 172,1958 U.S.LEXIS 1778(1958)

..."Rule 60(b) was designed to permit desorable legal objectives
that a case might be decided on their merits..."

Harris v Nelson 394 U.S.Ct. 1082 22 L.ED 2d 281

..."No U.S. Judge's has the poewer to rewrite Rules by Judicial
interpretations..."

Harvest v Castro 520 F.3d,1055,70 Fed.R.serv. 3d3 (Callaghan)
242 1008 U.S.App. LEXIS 6297 (9th Cir.)

..."When a State fails to cure its constitutional errors..."

and

..."has not demonstrated that it deserves relief from judgement.."

and

..."then a conditional granting of a habeas corpus 28USC§2254 is
to be granted and requires the release from custody..."

Mattingly v Northwestern Virginia R.R.co. 158 U.S. 53,57

..."We should obliged to take notice even if not urged by the
appelee..."

Montgomery v Lousiana 136 S.Ct. 718 (HN#12)(HN#13)

..."(HN12) It follows a gernerall principle that a court has no
authority to leave in place a conviction or sentence that
violates a substantive rule, regardless of whether the
conviction or sentence became final before the Rule was
announced..."

and

..."An unconstitutional law is void and is no law.
a penalty imposed pursuan to an unconstituional law is no less
void because the prisoners sentence became final before the law
was held unconstitutional. There is no Grandfather clause that
permits states to enforce punishment the constitution forbids.
to conlude otherwise would under cut the constitutoinal
substantive guarantees. It cannot insist that he remain in
Prison.."

CONSTITUTIONAL AND STATUTORY PROVISIONS

(continued)

CASES

Nasarallah v Barr 140 S.Ct. 1683

..."a court must adhere to statutory TEXT..."

Rodriquez v Rodriquez 908 P.2d 1007

..."It is abuse of discretionn to deny the parties Notice ..."

West v State 223 P.3d 634

..."The Legislure attempted to but failed to constitutionaly
rewrite A.S.12.55.155(c) to comply with U.S.Constitution
6th Amend..."

and

..."for the purpose of litigating the agravating factors "Listed
in" A.S.12.55.155(c)..."

United states v MierzaNnka (89 F.Sup.573)

..."The constitutoinal guaranty of due-process of law means
notice and opportunity to be heard and defend before a competent
tribunal vested with jurisdiciton of subject matter of the caus.."

STATEMENT OF THE CASE

Feb.28,2020

--- Harmon Filed a Rule 60(b)(4)(5) Void Judgement Motion into the Trial Court, "16 days prior" to the Alaska Supreme Single Judge looseing/took away the Trial Court lawful authority for Subject Matter Jurisdiction on this Court and "all" Alaska Judicial system (courts i.e Trial/Appeals and Supreme Court's and Stop ALL proceedings) thru ORDER #-8130 issued March 15,2020 (Appendix "B" pg.55/13&129).

---Harmon's Rule 60(b)(4)(5) Void Judgement Motion was filed with(4)four Issues/Grounds asking the Court in/on a showin Harmon's has a "presumptive sentence" (aggravated by Provisions listed in A.S.12.55.155(c)) that the Alaska Courts have ruled was and "never" constitutionally rewritten to to comply with U.S.Constitution 6th Amend. thus:

- a.) The Presumptive sentence statute A.S.12.55.155(c) was determined to be unconstitutional and determined to be "still" unconstitutional;(West v State 223 P.3d 634 (Ak.App.2010)(HN#2));
- b.) "no" Court/Judge has ever to date ever "determined" "the Legality of Harmon sentence was or was not legal" (Case No.4FA-13-2849CI) 35 (a)Motion to correct Never did,nor determined the merits of the case/claims when originaly filed and issued ORDER denying 35(a) Motion) Thus Harmon filed the Rule 60(4)(5) based on:
 - (1) Case of First Impression-New law/Rule of U.S.

STATEMENT OF THE CASE

(continued)

Supreme Court of Montgomery v Louisiana 136 S.Ct. 718

(Jan.25,2016)(HN#12)(HN#13) and the Constitutional

Application of it in/on Harmon's and Alaska Cases,

(2) "Removal of Barrments (time and collateral Review

for unconstitutional law) and showing that the

"stare decisis doctrine applied in/on the (Smart

2009 Alaska case-removal of time barrment);

(3) Mandates that a State court cannot leave in place

the sentence that violates the substantive rule,

and Alaska has and have;

(4) the application in/on composit sentences and Void

law.

The Trial Court proceeded and "didnot" address any of
filed issues or determine the merit of any of the filed
claims/issues, nor address any Lack of Subject Matter
jurisdiction calims/issues in the Trial Court.

The Trial Court issued ORDER on Nov.3,2020.

March 10,2021

---Harmon filed an Appeal to this ORDER denying the Rule

60(b)(4)(5) Void Judgement Motion and in the Appeal

along the process, Harmon Raised the issue to the

Appeals Court(Judges/Court) of: a.) Thru Appeal Court

Standing ORDER 12 and Supreme Court Special ORDER 8130

(see Appendix Letter "B", pg.5,13 & 29) the Court's

Lost and Lacked Subject Matter Jurisdiction and "asked"

STATEMENT OF THE CASE

(continued)

"each" court to "Take Notice of Subject Matter Jurisdiction loose/lack" & each Court (Appeals and finally Alaska Supreme Court [Appendix Letter "B", pg.3,4, 11,12 & 27,28] Shows the Supreme Court "Knowingly and Intentionally" Denied to Take Notice as required to determine if or not "is lawfully vested with" any authority/Subject Matter Jurisdiction to hear/determine a case lawfully.

---Harmon Motion the Appeals Court(Case No.A-13760) for a "stay of the Proceedings" (Appeals Court proceeding forward unlawfully) and scheduled Oral arguments on the Appeal for April 26,2022 at 9:00am Ak time. Appeals Court Denied the "Stay" and said..."Harmon may renew his Motion if the Federal Courts grants his for discretionary review...". Harmon presents this is a showing of the Appeals Court/Judges abuse of discretionary authority and unlawful usurpation of power that warrants this Courts Granting Discretionary authority and Granting the Writ of Mandamus and prohibition and and Granting the Federal "Stay" of the Appeals process to limit any future injury in/on Harmon by the State Courts for the U.S.Supreme Court can hear and determine the Writ of Mandamus and its Relief to and for Harmon.

STATEMENT OF THE CASE

(continued)

Oct.29,2021

---Harmon files and Federal Court 9th cir. accepts for filing and assigns a case No. 21-71356, the "single" claim filed "State Court Lost/lack of Subject Matter Jurisdiction" (Appendix "B", pg.1 thru 29) in/on a Motion of: Rule 9 second or successive petition to file into the District Court authorization/Order (Appendix "B", pg,1 thru pg.5) and filed a prepared (Rule 60(b)(4)(5)(6) Motion and prepared habeas corpus 2254 [Appendix "B",pg.6 thru 29]) in the event the 9th Cir.determined the Rule 60 or Habeas was the right procedure to address the "single claim" of Lost/Lack of Subject Matter Jurisdiction by the Alaska Supreme Court(alaska judicial systems).

March 22,2022

--- The 9th Cir. issued an ORDER denying the Rule 9 Motion and did not:

- a.) address or determine any of the Merit of the filed claim (Lost/lack of Subject Matter Jurisdiction) nor
- b.) addressed the Issue of the 9th cir. was ~~and~~ is inviolation of Federal Mandates/law and had/has authority to issue any lawful ORDER 9th Cir.lost/lacks Subject Matter Jurisdiction,

March 17,2022

---Harmon filed a Writ of Mandamus and Prohibition with forty copies of (8½ x 11) filings/with Apopendixs and the the \$300.00 filing (leaving Harmoninmate account with 0.08¢).

STATEMENT OF THE CASE

(continued)

Harmon filed the 40 copies of (8½ x 11) because :

- a.) The Institution here at Goose Creek/Staff told me they(Goose Creek) could not and would not make 6 x 9 booklet copies for me to send into the Supreme Court. Thus the first hinderance/blockage by the Prison to access to lawfully and timely filig and access to the Courts.
- b.) The Supreme Court Rules do not address nor provide any directions for an inmate confined in a prison that has (barely) the \$300.00 filing fee but cannot get the Booklet 6x9 copies made even if the prisoner wanted to to file the filing to the Supreme court.
- c.) The second Blockage now (by the Supreme Court Clerk office) sending the entire filing(40 copis with the 300.00 check back to Harmon) [see Appendix Letter "D" 2 pg.] instructing Harmon must submit "Booklet" filings. Note to the Supreme Court Judges please consider this also of: Fact I/Harmon was able to make a phone call to the U.S.Supreme Court on Date of: March 23,2022 (aprox 9:00am Ak.time) was only able to leavemessage on machine as no clerk was available message stated. ..."Shared I/Harmon was not able to have any Booklet copies made becasue the prison cannot and will not make adn thus why I sent the 40 copies of 8½x11.. ,

STATEMENT OF THE CASE

(continued)

d.) apparently the Clerk who sent me this Letter

(Appendix "D". 2 pg.) either:

- (1) did not get the phone message and problem created by the Prison not being able to have booklets made or
- (2) the Clerk ignored and/or over looked this hindrance and hardship created by the Prison and did not take that into account when sent filing and fee back to me instructing me to correct the filing (list areas needed correcting and to refile with in 60 days).

April , 2022

---Harmon has corrected the filing and remailing this date,

but Harmon is now not able to afford the 300.00 filing fee nor still not able to get any 6x9 booklet copies

made as the prison still does not make or have made, thus Harmon is filing the "single copy" and Motion to proceed in forma pauperis of this filing of Writ of Habeas Mandamus of Prohibition and asking the Court also for Stay of the Appellate Process on going now (Case No.A-13760) for the reasons and Facts set out warrants asking and having the Court Granting Harmon presents.

Harmon had to use almost half of the returned 300.00 for copies and postage to for Mailing to the Court and copy sent to respondent Houser(Attorney of counsel),

REASONS FOR GRANTING THE PETITION

- 1.) Harmon is being held unlawfully and never had the ~~Defendant~~ ^{Defendant} ~~the~~ "legality of the Detention Sentence by any Judge or Court in the U.S. to date. Liberty interest issue and violation (14th amend and 8th amend violation of the U.S. Constitution).
- 2.) This is a case of "First Impression based on:
 - A.) Is a substantial Substantive Rule violation and Rights being Denied and continued denied to this date "knowingly and Intentionally" by the Intentional Failure" by Both State of Alaska Supreme Court (and Appeals Court Judges) (Appendix Letter "B", pg.3 & 4, & 11 & 12, & 27 & 28) denial and Refussing "to Take Notice of Lost/Lack of Subject Matter Jurisdiction".
 - B.) Is an "Extraordinary case/claim" and requires addressing and "will help with" "Appellate Jurisdiction" & "Will" aid in the "Administration of" "Justice" by Granting the herein Writ of Mandamus and Prohibition.
 - C.) The "Errors are Clear" and "is shown to be Irreparable harm" and
 - D.) There "is no other" "adequate remedy except by and thru this Court (United States Supreme Court).

REASONS FOR GRANTING THE PETITION

(continued)

E.) "shown" that the "Exceptional Circumstances "Exsist"
and Warrants the exercise of the Court's Discretion-
ary Powers;

F.) That "adequate Constitutional Relief cannot be obtained
in any other form or from any other Court and the
Petitioner would be without a "constitutional remedy
which would be and is constitutionally adequate to
and for redres and to justify imediate determination

in/by this Court.

CONCLUSION

MANDAMUS

The petition for a writ of and should be granted.

PROHIBITION

Respectfully submitted, and Pryerfully

Stephen Harmon

Stephen Harmon Prose

(Date: April 1st 2022)