

APPENDIX's

Letter"s"

"A" thru "D"

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

STEPHEN HARMON,

Applicant,

v.

EARL HOUSER,

Respondent.

No. 21-71356

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ORDER

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C.

§ 2254 habeas petition in the district court, as supplemented, is denied. The applicant has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

Any pending motions are denied as moot.

No further filings will be entertained in this case.

DENIED.

1 Stephen Harmon
2 22301 West Alsop Road
3 Wasilla, Alaska 99654

1 STEPHEN HARMON
2 Petitioner

3 vs

4 EARL HOUSER
5 Respondant

1 UNITED STATES COURT OF APPEAL
2 FOR THE NINTH CIRCUIT

3 9th Circuit
4 Court of Appeals Case No. 21-71356

5 OCT 29 2021

6 *Molly C. Dwyer, Clerk U.S. Court Of Appeals*

7 "MOTION UNDER RULE 9 Second/or/Seccessive petition to file
8 INTO THE DISTRICT COURT AUTHORIZATION/ORDER"

9 "by either a"

10 #1. MOTION FOR THE COURT OF APPEALS FOR ORDER AUTHORIZING THE
11 DISTRICT COURT TO CONSIDER THE

12 A.) FED. RULE CIV. PROCEDURE 60(b)(4)(5) VOID JUDGEMENT
13 MOTION ALASKA SUPREME COURT LACKED SUBJECT MATTER
14 JURISDICTION OVER PROCEEDINGS/MATTERS AND
15 COURT ACTED IN MANNERINCONSISTENT WITH DUE-PROCESS
16 and or

17 #2.) B.) IF COURT DETERMINES HARMON "MOTION R.60(b)(4)(5)"
18 SHOULD BE TREATED AS A HABEAS CORPUS COURT OF APPEALS
19 WILL GRANT ORDER AUTHORIZING THE DISTRICT COURT TO
20 ACCEPT AND CONSIDER HARMON WRIT OF HABEAS CORPUS FOR
21 THE SHOWING THE SUPREME COURT OF ALASKA LACKED THE
22 SUBJECT MATTER JURISDICTION AND TOOK AWAY THIS SUBJECT
23 MATTER JURISDICTION FROM "ALL" JUDICIAL SYSTEMS/COURTS
24 IN ALASKA THUR SPECIAL ORDER OF #8130 THUS DENYING
25 CONSTITUTIONAL RIGHTSSTO SPEEDY TRIAL (resentencing trial
sentencing trial) and DUE-PROCESS VIOLATIONS.

26 For the Following FACTS and SHOWING in Motion, ask this Court
27 to Grant this ORDER authorizing the District Court to Accept and

APPENDIX --- Letter "B" (pg.1 of 29)

1 Grant the ORDER authorizing the District court to accept and
2 consider and Grant Relief from denial of Constitutional rights
3 and privileges due to Court lack Subject Matter jurisdiction
4 in and on proceeding thru out the entire courts in Alaska by the
5 the abuse of discretion by the Alaska Supreme Court ORDER #8130,
6 NOR would take notice of address foundational ISSUE/claim Before Court,

7 I/Harmon certify the above and attached (Motion R.Civ.P.60(b)
8 (4)(5) Court lacked Subject Matter jurisdiction and or 2254 of
9 the Court lack subject Matter jurisdiction filings) is true and
10 correct under penalty of perjury pursuant to USCS 1746 and same

11
12 dated this date of Oct. 11th 2021 signed Stephen Harmon
13 REFILED 10/21/21 Stephen Harmon Prose

14 I/Harmon certify also on this date also placed in the Prison
15 Mail Box with first class postage applied on each set of filings
16 to the Clerk of 9th Cir.Court of Appeals/ and Respondant Attorney
17 of Nancy Simel at dept of law(1031 w.4th ave. Anchorage Ak.99501)

18 Dated Oct. 11th 2021 signed Stephen Harmon
19 REFILED 10/21/21 Stephen Harmon Prose

20
21 Refiling per instruction of Clerk on Oct 22, 2021

22 ~~FB~~ Court

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In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI

Supreme Court No. S-18130

Order

Motion for Full Court to Take Notice

Date of Order: 9/16/2021

On consideration of the Motion for Full Court to Take Notice filed by Stephen Harmon on 8/30/2021, and no opposition having been filed,

IT IS ORDERED:

The motion is **DENIED**.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

M. Montgomery
Meredith Montgomery

Distribution:

Mail:

Harmon, Stephen

Email:

Simel, Nancy R.

ORDER ATTACHMENT # 1 APPEALING/PETITIONING ON

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI
Court of Appeals Case No. A-13760

Supreme Court No. S-18130

Order

Motion for Reconsideration of 9/16/21
Order

Date of Order: 10/1/2021

Before:

Winfrey, Chief Justice, Maassen, Borghesan, and Henderson,
Justices [Carney, Justice, not participating.]

On consideration of the Motion for Reconsideration of 9/16/21 Order filed
by Stephen Harmon on 9/22/2021,

IT IS ORDERED: The motion is DENIED.

Entered at the direction of the court.

Clerk of the Appellate Courts

M. Montgomery

Meredith Montgomery

Distribution:

Mail:

Harmon, Stephen

Email:

Simel, Nancy R.

ORDER ATTACHMENT #2 APPEALING/PETITIONING ON
APPENDIX --- Letter "B" (pg.4 of 29)

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8130

On March 11, 2020, Governor Dunleavy issued a Public Health Disaster Emergency due to the potential spread of the novel coronavirus disease. On March 13, President Trump declared that the novel coronavirus outbreak constitutes a national emergency. On March 13, Governor Dunleavy issued a mandate closing all public schools statewide until March 30.

These emergency declarations may affect the availability of court staff, attorneys, and jurors to begin new jury trials. The Second and Third Judicial Districts have already cancelled new jury trials for the coming week. On March 19, the Alaska Supreme Court is scheduled to consider an emergency order relaxing court rules in response to this potential outbreak. In the meantime, these circumstances provide good cause under Alaska Criminal Rule 45(d)(7) to postpone impending trials.

IT IS THEREFORE ORDERED that the court system will stop beginning new jury trials statewide for the week of March 16-20 and thereafter pending further order.

DATED: March 15, 2020



Joel H. Bolger
Chief Justice

Distribution:

Presiding Judges
Area Court Administrators
Administrative Director
Clerk of the Appellate Courts

ORDER ATTACHMENT # 3 APPENDIX --- Letter "B" (pg. 5 of 29) APPEALING/PETITIONING ON
"B" (pg. 5 of 29)

1. Stephen Harmon
2. 22301 West Alsop Road
3. Wasilla, Alaska 99654

4. STEPHEN HARMON
5. Petitioner

6. vs
7. EARL HOUSER
8. Respondent

UNITED STATE DISTRICT COURT
DISTRICT OF ALASKA

District Court No. _____

"MOTION FOR FED. RULES OF CIV. PROC. R. 60(b)(4)(5)(6)

ON ORDERS AND PROCEEDINGS THAT THE COURT "LACKED SUBJECT MATTER

JURISDICTION" ON THE PROCEEDINGS AND PERSON RESULTING IN

ORDERS ARE VOID AND FOR DENIAL OF DUE PROCESS AND SPEEDY

TRIAL (resentencing and sentencing)"
Objections

13. Comes now Petitioner Stephen Harmon Prose, and Motions this
14. Court pursuant to FED.Rules of Civ.Proc. Rule 60(4)(5)(6) on the
15. following ORDERS from the Alaska Supreme Court that

17. Issue/Claim(s):

(issued--March 15, 2020)

18. #1.) The Alaska Supreme Court in (Special) Order #8130 (see
19. attached as ORDER #3 Appealing/Petitioning) that issued this
20. ORDER "Suspending/and/postponing "ALL" Jury Trials (including the
21. sentencing and resentencing Trials) in "ALL" Judicial Court system
22. in violation of Alaska Constitution Art.IV§ 15 Rule Makeing Power
23. that "specificaly does not authorize "any" Supreme Court Judge
24. to "Change" any Court Rules. this Constitutional mandate reads

25. ... "the Supreme Court shall make (not change) and promulgate
26. rules governing the Admin. of "ALL" courts. It shall make
rules (not change) and promulgate rules governing practice and
procedure in civil & criminal cases in "ALL" court. These
rules may be changed by the legislature by a two-thirds
vote of the members in each house.."

1 this ORDER #8130 took away "ALL" subject Matter Jurisdiction in
2 "ALL" Courts in Alaska (Trial , Appeal, Supreme) and thus Harmon
3 was denied acces to "any" Court that could and did have any
4 Subject Matter Jurisdiction authority to hear and or determine
5 any proceeding Harmon may and did file into.

6 Harmon had filed a Civ.Rule 60(b)(4)(5) Void Judgement Motion
7 into the Trial Court on Feb.28,2020 (16-days prior to the Supreme
8 Court looseing/takeing away the Trial Court Subject Matter Juris-
9 diction dening Speedy Trial (resentencing) and due process rights
10 Harmon. This filing was asking the Trial Court to have judgement
11 of (35(a)Motion to correct Illegal sentence on Case No. 4FA-13-
12 2849CI be voided and corrected unconstitutional/presumptive
13 sentence.

14 The Trial Court denied this Motion for Rule 60(b)(4)(5) with-
15 out determining the merits of the Claim/issues.

16 Harmon files Appeal into the Court of Appeals on Case No. of
17 A-13760 and the Appeals Court "also" now issues ORDER of Standing
18 ORDER #12 in violation of Alaska Const.Art.IV§15 Rule making
19 power by changeing Court Rules to now allow the State to have
20 not to comply with timelimits and granting very lengthy extension
21 of time inviolation of Court rules on Books reuirement without
22 any justification/authorization lawfully to change court Rules.

23 Harmon ask the Court reverse these unconstitutional ORDERS as
24 Court did not have jrurisdiction on the matter and Court of ~~Appeals~~
25 Appeals denies this Notice that Court lack jurisdiciton and Harmon
26 files an Appeal into the Supreme Court on these Two denied ORDER.

1 the Supreme Court Case No. of S-18130 and Harmon "files" a Motion
2 into the Suprme Court asking the Court to Take Notice it has no
3 Subject Matter Jurisdiction based on the Issueing and promulgating
4 of Special ORDER #8130 (see attachment #3) and the Supreme Court
5 Denies to Take Notice thru a "single "Judge Order (see attachment
6 #1 ORDER appealin/Petitioning herein) and thus Harmon files Motions
7 the Full Court (reconsider) and Take Notice of Loss/Lack of Subject
8 Matter Jurisdiction and the Full Court of Supreme Court ignored
9 and denied to Take Notice or rule why it will not/did not and or
10 why continue on with the considering the Appeal as if it had/has
11 Lawful Subject Matter Jurisdiciton when in fact it does not and
12 is a clear showing the Supreme Court Knowingly and willfully denying
13 Harmon lawful and timely and meaningful proceedings and denial
14 of due process and speedy trial rights (resentencing) and denial
15 of liberty interest by maintaing Harmon held unlawfully/unconsti-
16 tutionaly and without any lawful recourse in the Alaska Court
17 systems or currently can provide in any Court (Trial Court/Appeal
18 Court/Supreme Court) because of take away of Subject Matter Juris-
19 diction thru ORDER #8130 of Supreme Court.

20 Harmon filed this "Notice asaking the Court to Take Notice of
21 Lack of Subject Matter" thru/authorization of (O'link v O'link 632
22 P.2d 225 (Ak.S.Ct.) ..."Subject matter jurisdiction issues may be raised
23 at any time during the litigation and the Court
24 must be raised "by" the court itself if parties
fail to do so..."

25 and citing of Rodriquez v Rodriquez 908 P.2d 1007
26 ... "a court that does not have subject matter jurisdiction is
without power to decide the case. this issue cannot be waived
... 'it is a buse of discretion to deny the parties amendment
(notice)..."

1 And in The Trial Court

2 The Trial Court failed to apply the 4 prong test to determine
3 if or not Harmons Claims/Issues had or had not been ever "deter-
4 mined by any Court litigated by any court in/pursuant to:
5 Strong v Williams 435 P.3d 872 (AK.S.Ct.)

6 Court was required to apply and determine if met of:

7 (2) the issue precluded from litigation is identical to the issue decided
8 in the first action.
9 (3) the issue was resolved in the first action "by" a final judgement "on"
10 the "merits".
11 (4) the determination of the issue "was determined to be essential "in"
12 the final judgement.."

13 This showing was never addressed in the Trial Court and was
14 again shown in the Appeal in the Appeal Court under Point #3
15 currently before the Appeals Court on Case No. A-13760 that the
16 Appeals Court "does Not" either have any Subject Matter Juris-
17 diction to hear or determine this Appeal.

18 RELIEF is Due pursuant to:

19 1.) .."Rule 60(b) was designed to permit desirable legal objective
20 that case might be decided on their merits..."
21 American Trucking Ass'ns v Frisco Transp.co. 358 U.S 133,79 S.Ct.
22 170 3L.Ed.2d 172, 1958 U.S.LEXIS 1778 (1958)

23 2.) ..."Procedural Due-Process, scope of protection
24 United States v MierzaNika (F.Supp.573) (S.C. F.Supp. 573)

25 The constitutional guaranty of due process of law means notice
26 and opportunity to be heard and defend before a competent
tribunal vested with jurisdiction of subject matter of the cause."

3.) ...Habeas Corpus proceeding Note General 126
when a state fails to cure constitutional error, that is when it
fails to comply with orders conditions, and has not demonstrated
that it deserves relief from judgement from judgement under Fed.
R.Civ.P.60 or other mechanisms provided for in Fed.R.Civ.P.
conditional grant of Habeas Corpus under 28 USCS§2254 "requires"
release from custody..." Harvest v Castro 520 F.3d 1055,70 Fed.R.
serv. 3d3 (Callaghan) 242 2008 U.S.A.Pp.
LEXIS 6297 (9th Cir)

1 Respectfully and prayerfully Motions this Court Of Appeals and
2 and District Court to accept and issue ORDER authorizing the
3 District Court to Consider and then Grant Relief to Petitioner
4 Harmon .

5 dated this date of Oct. 11th 2021 signed

Stephen Harmon
Stephen Harmon Prose

S. Harmon

Stephen Harmon

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APPENDIX --- Letter "B" (pg. 10 of 29)

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI

Supreme Court No. S-18130

Order

Motion for Full Court to Take Notice

Date of Order: 9/16/2021

On consideration of the Motion for Full Court to Take Notice filed by Stephen Harmon on 8/30/2021, and no opposition having been filed,

IT IS ORDERED:

The motion is **DENIED**.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

M. Montgomery
Meredith Montgomery

Distribution:

Mail:

Harmon, Stephen

Email:

Simel, Nancy.R. -

ORDER ATTACHMENT # 1 APELAING/PETITIONING ON

APPENDIX --- Letter "B" (pg.11 of 29)

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI
Court of Appeals Case No. A-13760

Supreme Court No. S-18130

Order

Motion for Reconsideration of 9/16/21
Order

Date of Order: 10/1/2021

Before:

Winfrey, Chief Justice, Maassen, Borghesan, and Henderson,
Justices [Carney, Justice, not participating.]

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by Stephen Harmon on 9/22/2021,

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Clerk of the Appellate Courts

M. Montgomery

Meredith Montgomery

Distribution:

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Harmon, Stephen

Email:

Simel, Nancy R.

ORDER ATTACHMENT #2 APPEALING/PETITIONING ON
APPENDIX --- Letter "B" (pg.12 of 29)

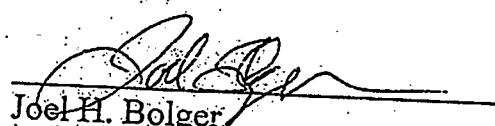
IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8130

On March 11, 2020, Governor Dunleavy issued a Public Health Disaster Emergency due to the potential spread of the novel coronavirus disease. On March 13, President Trump declared that the novel coronavirus outbreak constitutes a national emergency. On March 13, Governor Dunleavy issued a mandate closing all public schools statewide until March 30.

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IT IS THEREFORE ORDERED that the court system will stop beginning new jury trials statewide for the week of March 16-20 and thereafter pending further order.

DATED: March 15, 2020



Joel H. Bolger
Chief Justice

Distribution:

Presiding Judges
Area Court Administrators
Administrative Director
Clerk of the Appellate Courts

ORDER ATTACHMENT # 3 APPEALING/PETITIONING ON
APPENDIX --- Letter "B" (pg.13 of 29)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HARMON, STEPHEN

(b) County of Residence of First Listed Plaintiff **Mat-Su Borough**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
(my self/Prose) Stephen Harmon
My self/Prose
22301 West Alsop Road
Wasilla, Alaska 99654

DEFENDANTS

HOUSER, EARL (Dept. of Cor. GCCC/Sup.

Mat-Su Borough

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Dept. of law-Att. Nancy Simel
1031 West 4th ave. -ste. 200
Anchorage, Alaska 99501

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input checked="" type="checkbox"/> PTF	<input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> PTF	<input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF
Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF	Foreign Nation	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

110 Insurance
 120 Marine
 130 Miller Act
 140 Negotiable Instrument
 150 Recovery of Overpayment & Enforcement of Judgment
 151 Medicare Act
 152 Recovery of Defaulted Student Loans (Excludes Veterans)
 153 Recovery of Overpayment of Veteran's Benefits
 160 Stockholders' Suits
 190 Other Contract
 195 Contract Product Liability
 196 Franchise

CONTRACT

TORTS

310 Airplane
 315 Airplane Product Liability
 320 Assault, Libel & Slander
 330 Federal Employers' Liability
 340 Marine
 345 Marine Product Liability
 350 Motor Vehicle
 355 Motor Vehicle Product Liability
 360 Other Personal Injury
 362 Personal Injury - Medical Malpractice

REAL PROPERTY

210 Land Condemnation
 220 Foreclosure
 230 Rent Lease & Ejectment
 240 Torts to Land
 245 Tort Product Liability
 290 All Other Real Property

440 Other Civil Rights
 441 Voting
 442 Employment
 443 Housing/ Accommodations
 445 Amer. w/ Disabilities - Employment
 446 Amer. w/ Disabilities - Other
 448 Education

CIVIL RIGHTS

440 Other Civil Rights
 441 Voting
 442 Employment
 443 Housing/ Accommodations
 445 Amer. w/ Disabilities - Employment
 446 Amer. w/ Disabilities - Other
 448 Education

PERSONAL INJURY

365 Personal Injury - Product Liability
 367 Health Care/ Pharmaceutical Personal Injury Product Liability

368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

370 Other Fraud

371 Truth in Lending

380 Other Personal Property Damage

385 Property Damage Product Liability

LABOR

710 Fair Labor Standards Act

720 Labor/Management Relations

740 Railway Labor Act

751 Family and Medical Leave Act

SOCIAL SECURITY

790 Other Labor Litigation

791 Employee Retirement Income Security Act

FEDERAL TAX SUITS

870 Taxes (U.S. Plaintiff or Defendant)

871 IRS - Third Party 26 USC 7609

Click here for: Nature of Suit Code Descriptions.

CONTRACT

TORTS

PERSONAL INJURY

PROPERTY RIGHTS

LABOR

SOCIAL SECURITY

OTHER STATE/TERRITORIES

BANKRUPTCY

PROPERTY RIGHTS

LABOR

SOCIAL SECURITY

OTHER STATE/TERRITORIES

BANKRUPTCY

PROPERTY RIGHTS

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BANKRUPTCY

PROPERTY RIGHTS

LABOR

SOCIAL SECURITY

OTHER STATE/TERRITORIES

BANKRUPTCY

PROPERTY RIGHTS

LABOR

SOCIAL SECURITY

OTHER STATE/TERRITORIES

ORIGIN

(Place an "X" in One Box Only)

Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): **Fed.R.Civ.P. 60(b)(4)(5) & 28USCS§2254** motion requesting to file into Court

Brief description of cause: **60(b)(4)-State Ct. lacked Jurisdiction of the Subject matter in the State Proceed**

REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Civ.P. DEMANDS CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

RELATED CASE(S) (AK.S.Ct. #18130 Harmon v State) & (AK.App.Ct. #13760 Harmon v State) DOCKET NUMBER

IF ANY (See instructions): **7 Dec 1/1/2021** JUDGE (full Court [5]) / (full Ct.) DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD: **Stephen Harmon** PRO SE LITIGANT/TIMESTAMPER

APPLYING IFF: **Stephen Harmon** JUDGE APPENDIX ---Letter "B" MAG JUDGE

FFICE USE ONLY AMOUNT (pg. 14 of 29)

reverse (Rev. 06/17)

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

COURT USE ONLY

PETITION FOR
WRIT OF *HABEAS CORPUS*
[28 U.S.C. § 2254]

Name: STEPHEN HARMON

Prisoner No. 265620

Place of Confinement:

Goose Creek Cor. Cnt.
22301 West Alsop Road
Wasilla, Alaska 99654

Name of Petitioner (include name under which convicted)

Respondent (authorized person having custody of petitioner not the
State of Alaska)

STEPHEN HARMON

V.

EARL HOUSER

PETITION

1. Name and location of the court that entered the judgment of conviction under attack:

Fairbanks Superior Court - 101 Lacey St., P.O. Box 4000

101 Lacey Street, Fairbanks, Alaska 99701

2. Date of Judgment of Conviction: Oct. 25, 1993

Case Number 4FA-S-92-2481 CR.

3. What was your Plea? (Check one)

Guilty Not Guilty Nolo Contendere

a. If you entered a guilty plea to one count of the indictment and a not guilty plea to another count give details: _____

b. If you entered a plea of guilty under a plea bargain agreement state the terms and conditions of the agreement: _____

4. Were you sentenced on more than one count of an indictment, in the same court at the same time?
Yes No

5. What was (were) the count(s) of which you were convicted? (All Counts) Count ONE-Murder
First Degree and Count TWO-Sexual Assault First Degree.

6. Type of Trial (Check one only) Jury Judge Only

7. Did you testify at trial? Yes No

8. Length of sentence Count One-99 yrs, Count Two-30 yrs (Count 1 & 2 are consecutive & aggravated Presumptive)

9. Do you have any future state court sentence to serve after you complete the sentence imposed by (term) the judgment under attack? Yes No *Tr.Ct. Judge In Error misled me by order say that the A.T. wants me to say on whether or not I could testify or not*

If "yes," you must add the state's Attorney General as an additional respondent. If you have a sentence to be served now or in the future under a federal judgment that you wish to attack, you should file a motion under 28 U.S.C. § 2255, in the federal court that entered the judgment.

a. If yes, give the name and location of the court that imposed the sentence to be served in the future:

b. Length of sentence _____ Date to begin _____

c. Have you filed, or do you contemplate filing, any petition attacking the judgment that imposed the sentence to be served in the future? Yes No

10. Did you file a petition for certiorari in the United States Supreme Court? Yes No

a. If yes, Docket No. (if you know) _____

b. Result: _____

c. Date of Result: _____

d. Case Citation (if you know) _____

e. Grounds raised: _____

CAUTION: In order to proceed in federal court, you must first exhaust your state court remedies as to each ground on which you request action by the federal court. You are cautioned that there is a one-year limitations period in which to file a habeas petition in federal court, and that a petition brought under § 2254 will be dismissed if not brought within that period, unless there are "extraordinary circumstances" beyond your control that made it impossible to file your petition on time. The one year limitations period is tolled (suspended) during any state court post-conviction proceedings.¹⁴ If you file a petition in federal court before you have fully exhausted your claim(s) in state court, the federal petition will not toll the statute of limitations.

¹⁴ 28 U.S.C. § 2244(d)(1): A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

11. If your judgment of conviction became final over one year ago, explain why the one-year statute of limitations does not bar your petition. 1. The "legality of Detention" "has not ever been" determined by "any" Judge/Court of the U.S. On prior Application for writ Habeas corpus - "Based on FACTS of"/Showing of: (a) "sentence is Unconstitutional/never corrected to date", (b) Ak.Ct.'s Determined Presumptive Sentence "Provisions" of A.S.12.55 155(c) "is still in violation of U.S. Const. art. VI. amend. & legislature Never rewrote to comply with U.S. Const. 6th amend. determined in West v state 233 P.3d 634", 2. claim/ Grounds herin filed "relies upon" "New law of "removal of Retroactive barment & the Removal of Barment of must been on collateral review pursuant to U.S.S.Ct. of: Montgomery v Louisiana 136 S.Ct. 718 and 3. there is no time limit restriction for/ on filing of Rule 60(b)(4)(5) void Judgement. & 4. AK.Courts lack subject matter Jurisdiction pursuant to AK.Special Order of #8130 that took away from "all" Courts of AK.

GROUND FOR RELIEF

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. You may also have grounds that are not listed here. Do not check any of these listed grounds. If you select any of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check specific grounds.

- a. Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with an understanding of the nature of the charge and the consequences of the plea.
- b. Conviction obtained by use of coerced confession.
- c. Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- d. Conviction obtained by use of evidence gained pursuant to an unlawful arrest.
- e. Conviction obtained by a violation of the privilege against self-incrimination.
- f. Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- g. Conviction obtained by a violation of the protection against double jeopardy.
- h. Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- i. Denial of effective assistance of counsel.
- j. Denial of right of appeal

State each ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly and concisely the facts supporting each ground. If you claim more than three grounds, make copies of blank pages 5 - 6, and attach those pages stating additional grounds and facts that support those grounds. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a future action.

k. Court lack subject matter over
all proceedings and "all" courts
lost thru Special Order #8130
Attached. 3

12. Ground 1 (a - j) (just one), or other: AK. Supreme Court thru Special ORDER #8130 took away/lost "all" Subject Matter Jurisdiction /Denied to take Notice of such lack of subject Matter when asked the Court to take notice in Motion to Supreme Court. Supporting FACTS (State briefly, without citing cases or law) → on March 20, 2020 the Alaska single Judge for the AK. Supreme Ct. issued Special ORDER #8130 "changeing" the Court rules for the Suspension of "ALL" jury trials (sentencing Jury trial also) in "ALL" AK.Ct.s in violation of AK. Const. Art. IV § 15 Rule-making power. --- Feb 15, 2020 Harmon filed R.60(b)(4)(5) into the Trial Court (from this time forward Trial Court lacked the Subject Matter jurisdiction ~~nor~~ the Appellate Court & Could not hear "NOR" correct AK. Supreme Court ORDER #8130 thus after in Appeal Court of AK. was notified of this loss/lack of subject matter and filed "NOTICE" into the Supreme Court pursuant to authorization of (O'link v O'link 632 P.2d 225 AK.S.Ct.) rasied at any time during the litigation & this Issue(notice/amendment) cannot be waived or is a use of discretion to deny parties (notice) Amendment Alaska Supreme Court intentional denied to take notice or rule why not take notice of lack of subject matter jurisdiction in/on proced

13. Exhaustion of state court remedies regarding Ground 1:

Direct Appeal:

a. Did you raise this issue on direct appeal from the conviction to the Alaska Court of Appeals?

Yes No Result: _____

Case No. _____

Date of Decision: _____

If no, why not? the issue/claim was not an issue/claim at time but has since became one by Ruleing by U.S.S.Ct. in Blakely & (west v State) & [Montgomery] state AK. [U.S.S.Ct. of

b. Did you raise this issue on direct appeal from the conviction to the Alaska Supreme Court?

Yes No Result: _____

Case No. _____

Date of Decision: _____

If no, why not? the issue/claim was not an issue/claim at time but has since became one by ruleing by U.S.S.Ct. in Blakely & (west v State) & [montgomery] State Ak. [U.S.S.Ct. of

Post-Conviction:

c. Did you raise this issue in a petition for post-conviction relief or state petition for *habeas corpus*?

Yes No Name of Court: _____

Case No. _____

Date Petition Filed _____

Did you receive an evidentiary hearing? Yes No

Result APP. CT Cannot Directly hear or correct Supreme Court ORDERS of #8130 Date of Result:

Notice was given appealing to Supreme Ct./did motion for stay of app. If you did not raise this issue, why not? proceedings but appellate court never issued Notice of lack of determination on stay pending Supreme Court to determine subject Matter

d. Did you appeal *this issue* to the Alaska Court of Appeals? Yes No Jurisdiction as of 9/15/21
(In part) (In part)

Result: Denied Motion to "Take Notice" of lack of subject matter jurisdiction

Case No. A-13760 Date of Result: without any determination why Denied → 9/15/21
If no, Why not? Appeal still pending on Tr.Ct. denial

e. Did you appeal *this issue* to the Alaska Supreme Court? Yes No

Result: Denied to take notice of Subject matter jurisdiction

Case No. S-18130 Date of Result: Individual Judge Order of 9/16/2021
If no, Why not? Full Court ORDER of Oct. 1, 21

Other Proceedings:

f. Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on *this issue* (such as administrative remedies)? Yes No

If yes, explain:

14. Ground 2 (a-j) _____ (just one), or other: _____

Supporting FACTS (State briefly, without citing cases or law)

15. Exhaustion of state court remedies regarding Ground 2:

Direct Appeal:

a. Did you raise *this issue* on direct appeal from the conviction to the Alaska Court of Appeals?

Yes No Result: _____

Case No. _____ Date of Decision: _____

If no, why not? _____

b. Did you raise *this issue* on direct appeal from the conviction to the Alaska Supreme Court?

Yes No Result: _____

Case No. _____ Date of Decision: _____

If no, why not? _____

Post-Conviction:

c. Did you raise *this issue* in a petition for post-conviction relief or state petition for *habeas corpus*?

Yes No Name of Court: _____

Case No. _____

Date Petition Filed _____

Did you receive an evidentiary hearing? Yes No

Result _____

Date of Result: _____

If you did not raise this issue, why not? _____

d. Did you appeal *this issue* to the Alaska Court of Appeals? Yes No

Result: _____

Case No. _____

Date of Result: _____

If no, Why not? _____

e. Did you appeal *this issue* to the Alaska Supreme Court? Yes No

Result: _____

Case No. _____ Date of Result: _____

If no, Why not? _____

~~15~~ Other Proceedings:

f. Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on *this issue* (such as administrative remedies)? Yes No

If yes, explain: _____

16. Ground 3 (a - j) _____ (just one), or other: _____

Supporting FACTS (State *briefly*, without citing cases or law) _____

17. **Exhaustion of state court remedies regarding Ground 3:**

Direct Appeal:

a. Did you raise *this issue* on direct appeal from the conviction to the Alaska Court of Appeals?

Yes No Result: _____

Case No. _____ Date of Decision: _____

If no, why not? _____

b. Did you raise *this issue* on direct appeal from the conviction to the Alaska Supreme Court?

Yes No Result: _____

Case No. _____ Date of Decision: _____

If no, why not? _____

Post-Conviction:

c. Did you raise *this issue* in a petition for post-conviction relief or state petition for *habeas corpus*?

Yes No Name of Court: _____

Case No. _____ Date Petition Filed _____

Did you receive an evidentiary hearing? Yes No

Result: _____ Date of Result: _____

If you did not raise this issue, why not? Filed a Rule 60(b)(4)(5) Void Judgement Motion into the Trial Court.

d. Did you appeal *this issue* to the Alaska Court of Appeals? Yes No

Result: was in process of when notified Supreme Court lack subject matter jurisdiction and took away from "ALL" Alaska Courts thru ORDER
Case No. A-137607 Date of Result: S.Ct.-Special Order #8130
If no, Why not? _____

e. Did you appeal *this issue* to the Alaska Supreme Court? Yes No

Result: Issue of lack of subject matter jurisdiction has never been resolved and or addressed by Supreme Court to date/just Date of Result: denied to take notice.
Case No. S-18130 (SEE PRACTICE ORDER) (1,2,3)

If no, Why not? see explanation IN letter e on page 9

~~18~~ Other Proceedings:

f. Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on *this issue* (such as administrative remedies)? Yes No

If yes, explain: _____

18. Have *all grounds* raised in this petition been presented to the highest state court having jurisdiction?

Yes No

a. If no, which grounds have not been presented? _____

b. Explain reasons for not presenting grounds: _____

Attach a copy the highest state court written decision(s) regarding this conviction.

If you have not attached copies of your state court written decision(s), why not? Attached

as/of: ORDER date of 9/16/21 (attachment #1)

Order date of 10/1/21 (Attachment #2)

Order date of March 15, 2020 (attachment #3-Special order
SUCCESSIVE PETITIONS #8130)

19. Is this the first *federal* petition for writ of *habeas corpus* challenging this conviction? Yes No

a. If no, in what court was the prior action filed? "Never filed one or any one for to
challenging this" conviction Case No. _____

b. Was the prior case: (Check one) Denied on the merits or Dismissed on procedural grounds

c. Date of decision _____

d. Are there any issues raised in this petition that were raised in the prior petition? Yes No

e. If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this successive petition? Yes No

If yes, please attach a copy of the order.

Attached? Yes No

*** YOU MUST OBTAIN PERMISSION BEFORE FILING YOUR SUCCESSIVE PETITION. ***

20. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment being attacked:

a. Preliminary Hearing Fairbanks Public Defenders Office/Attorneys

b. Trial Fairbanks Public Defenders Office/Attorneys

c. Sentencing Farbankc Office of Conflict Counsel Attorneys

d. Appeal Fairbanks Public Defenders Office/Attorneys/Office of Conflict Counsel Attorneys

e. Post-conviction Proceeding Fairbanks Public Defenders Ofcice Attornies/ myself/prose at end

f. Appeal from adverse ruling in Post-Conviction Proceeding Fairbank Public Defenders Attorneys

21. Do you have any petition, application, motion or appeal (or by any other means) now pending in any court regarding the conviction that you are challenging in this action? Yes No

Because I challengeing/the lack of subject matter jurisdiction by/of the Alaska Supreme and the Court(Supreme) takeing away "ALL" subject matter jurisdiction from "ALL" court's thru Special Order #8130 violation of Ak.COnst.art.IV. §15 Rule makeing power forbids Supreme Court to "Change" Court rules apply/promulgate in/on "ALL" Courts and litigants. Denial of Due process and Speedy trial rights.

(including "sentencing/resentencing" trial)

If yes, state the name of the court and the nature of the proceedings:

Date you are mailing (or handing to correctional officer) this petition to the Court: Sept. 10/2017

WHEREFORE, petitioner prays that the Court grant petitioner such relief to which petitioner is entitled in this federal petition for writ of habeas corpus under 28 U.S.C. § 2254 by a person in state custody.

1. Petition for writ of habeas
L. Hamon

Signature of Petitioner

MLA

(Signature of person who prepared this petition, if not Petitioner)

Stephen Harmon

Typewritten/Printed Name of Person who prepared this petition

Address of Person who Prepared Petition:

22301 West Alsop Road
Wasilla, Alaska 99654

DECLARATION UNDER PENALTY OF PERJURY

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. 

Executed at:

Wasilla, Alaska

Location where signed

ited at: Wasilla, Ala
Stephen Dancer Loca
Stephen Dancer

Signature of Petitioner

Date: Oct. 11/2021

265620

Inmate Number

USDC, Alaska
PS03

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI

Supreme Court No. S-18130

Order

Motion for Full Court to Take Notice

Date of Order: 9/16/2021

On consideration of the Motion for Full Court to Take Notice filed by Stephen Harmon on 8/30/2021, and no opposition having been filed,

IT IS ORDERED:

The motion is DENIED.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

M. Montgomery
Meredith Montgomery

Distribution:

Mail:

Harmon, Stephen

Email:

Simel, Nancy R.

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Trial Court Case No. 4FA-13-02849CI
Court of Appeals Case No. A-13760

Supreme Court No. S-18130

Order

Motion for Reconsideration of 9/16/21
Order

Date of Order: 10/1/2021

Before: Winfree, Chief Justice, Maassen, Borghesan, and Henderson,
Justices [Carney, Justice, not participating.]

On consideration of the Motion for Reconsideration of 9/16/21 Order filed
by Stephen Harmon on 9/22/2021,

IT IS ORDERED: The motion is **DENIED**.

Entered at the direction of the court.

Clerk of the Appellate Courts

M. Montgomery

Meredith Montgomery

Distribution:

Mail:

Harmon, Stephen

Email:

Simel, Nancy R.

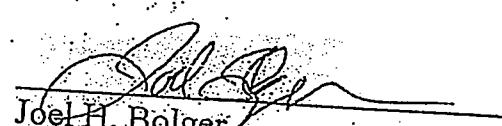
IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8130

On March 11, 2020, Governor Dunleavy issued a Public Health Disaster Emergency due to the potential spread of the novel coronavirus disease. On March 13, President Trump declared that the novel coronavirus outbreak constitutes a national emergency. On March 13, Governor Dunleavy issued a mandate closing all public schools statewide until March 30.

These emergency declarations may affect the availability of court staff, attorneys, and jurors to begin new jury trials. The Second and Third Judicial Districts have already cancelled new jury trials for the coming week. On March 19, the Alaska Supreme Court is scheduled to consider an emergency order relaxing court rules in response to this potential outbreak. In the meantime, these circumstances provide good cause under Alaska Criminal Rule 45(d)(7) to postpone impending trials.

IT IS THEREFORE ORDERED that the court system will stop beginning new jury trials statewide for the week of March 16-20 and thereafter pending further order.

DATED: March 15, 2020



Joel H. Bolger
Chief Justice

Distribution:

Presiding Judges
Area Court Administrators
Administrative Director
Clerk of the Appellate Courts

ORDER ATTACHMENT # 3 APPEALING/PETITIONING ON
APPENDIX Letter "B" (pg. 29 of 29)

10/29/2021	<u>1</u>	Application for leave to file a second or successive petition filed. (Research) [12273925][COURT UPDATE: New Documents Attached, resent NDA,--[Edited 11/01/2021 by BY](Original sent to SMS) (BY) [Entered: 11/01/2021 10:20 AM]
11/05/2021	<u>2</u>	Check number 64129151 in the amount of \$5.00 returned to petitioner as a fee is not applicable for this appeal. [12280008] (JR) [Entered: 11/05/2021 02:41 PM]
11/30/2021	<u>3</u>	Filed Petitioner Stephen Harmon letter dated 11/26/2021 re: Questions concerning case. Paper filing deficiency: None. [12301148] (RL) [Entered: 11/30/2021 11:31 AM]
12/28/2021	<u>4</u>	Filed Petitioner Stephen Harmon letter dated 12/21/2021 re: Questions concerning case. Paper filing deficiency: None. [12326583] (RL) [Entered: 12/28/2021 04:57 PM]
02/14/2022	<u>5</u>	Filed Petitioner Stephen Harmon letter dated 02/09/2022 re: Questions concerning case. Paper filing deficiency: None. (Status request. Sent copy of docket sheet) [12370100] (RL) [Entered: 02/14/2022 05:06 PM]

APPENDIX --- LETTER "C"

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 23, 2022

Stephen Harmon
#265620
22301 West Alsop Road
Wasilla, AK 99654

RE: In Re Stephen Harmon

Dear Mr. Harmon:

Returned are 40 copies of the extraordinary writ of mandamus/prohibition in the above-entitled case postmarked on March 17, 2022 and received on March 22, 2022, which fails to comply with the Rules of this Court.

If you intend to pay the \$300 docket fee, the petition must be in booklet format and on paper that measures 6 1/8 by 9 1/4 inches. Rule 33.1(a).

The appendix to the petition as required by Rule 14 must be in booklet format and on paper that measures 6 1/8 by 9 1/4 inches. Rule 33.1(a).

Rule 33.1(c) prohibits the use of spiral, plastic, metal or string bindings. Staples may be used, at least two, along the left margin covered with tape.

The petition must bear a suitable cover consisting of heavy paper, front and back. Rule 33.1(e).

The caption of the case must appear as appropriate in this Court. Rule 34.1(c).

The cover of the petition must bear the nature of the proceeding and the name of the Court from which the action is brought. Rule 34.1(d).

The cover of the petition must bear the title of the document. Rule 34.1(e).

The text of the petition and appendix must be typeset in a Century family (e.g., Century Expanded, New Century Schoolbook, or Century Schoolbook) 12-point type with 2-point or more leading between lines. The typeface of footnotes must be 10-point or larger with 2-point or more leading between lines. Rule 33.1(b).

The materials contained in the appendix have been photoreduced which is prohibited. The size of the print must comply in all respects with Rule 33.1(b).

All of the pages in the petition and appendix must contain margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4 1/8 by 7 1/8 inches. Rule 33.1(c).

The text of the document must appear on both sides of the pages. Rule 33.1(b).

Question(s) presented must appear on the very first page of the petition. Rule 14.1 (a).

The questions presented for review must be followed by the list of parties (if all do not appear on the cover), corporate disclosure statement (if applicable), table of contents, table of authorities, citations of the official and unofficial reports of opinions and orders entered in the case, statement of the basis for jurisdiction, constitutional provisions, treaties, etc., statement of the case, reasons for granting the writ, and the appendix. Rule 14.1.

The pages containing the questions presented for review through table of authorities should be numbered (i), (ii), (iii), etc. The following pages should be numbered 1, 2, 3, etc.

The word limit of the text of a petition is 9,000 words. Rule 33.1(g)(i).

The lower court caption, showing the name of the issuing court or agency, the title and number of the case, and the date of entry, must be included with the opinion in the appendix to the petition. Rule 14.1(i)(ii).

The proof of service must be separate from the petition, not within it. See Rule 29.5.

Your petitions and check in the amount of \$300.00 are herewith returned.

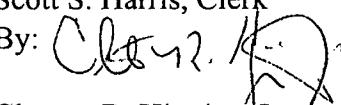
Kindly correct the petition and appendix so that it complies in all respects with the Rules of this Court and return it to this Office promptly so that it may be docketed. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5. ←

Three copies of the corrected petition must be served on opposing counsel. Rule 29.3.

When making the required corrections to a petition, no change to the substance of the petition may be made.

You must submit a certificate stating that the petition complies with the word limitation. The certificate must state the number of words in the document and must be separate from the petition. Rule 33.1(h). If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must contain a notarized affidavit or declaration in compliance with 28 USC 1746.

In addition to the forty copies of the booklet-format petition and appendix, you must also submit one copy of the documents on 8 1/2- by 11-inch paper. Rule 33.1(f).

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

APPENDIX Letter "D", pg. 2 of 2

Enclosures