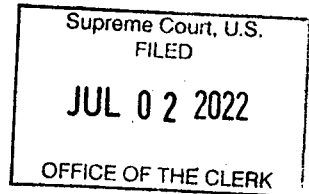


22-5279

ORIGINAL



IN THE SUPREME COURT OF THE UNITED STATES

ABDUL HAKIM MUHAMMAD
Petitioner

AGAINST
Dexter PAYNE et. al
ADC Director

Petition FOR Writ OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE 8TH Circuit

Abdulhakim Muhammad
ADC# 150550
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Grady, AR 71644

QUESTION PRESENTED

Whether the petitioner's Petition is exempted from Time Bar of 28 U.S.C § 2244 (d)(1) one-year statute of limitation even though Petition presented New evidence as exemption from the one-year time limit including New laws that were passed by Congress

Parties

The petitioner is a prisoner at Varner Supermax in Grady, Arkansas

The respondent is The Director of The Arkansas Department of Correction

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TABLE OF AUTHORITIES

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GRIFFIN V STATE 2018 Ark 535 SW 3d 261
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STATE V MACK 23 Nev 359 47 P. 767 (NEV 1897)

STATUTES

18 U.S.C.A 2338
U.S.C Article 1 subsection 8 clause 17
NDAA OF 2015 section 571

Per 18 USCA § 2338 - The District Courts of the United States shall have exclusive jurisdiction over an action brought under this Chapter

- After 2015 The NDAA 2015 section 571 Amendment, classified petitioner as a member of a FTO (Foreign Terrorist Organization) and International Terrorism, thus making this case exclusively under the jurisdiction of a Federal District Court

STATEMENT OF CASE

The Petitioner Filed Petition for Habeas Corpus stating that the State Court of Arkansas did not have jurisdiction over this case stating First, the crime happened on Federal land at a Federal facility and Federal employees on duty were the victims of this crime. The Petitioner was under direct influence/orders of a Foreign Terror Organization (FTO) in the country of Yemen. The District Court denied Petition stating it was time-barred not that it had no merit but only stating the statute of limitation due diligent clause of 28 U.S.C § 2244 (d) (1) (D). To exempt petition for this statute of limitation. The Petitioner submitted two pieces of new evidence that was not available nor did they take affect til after the one year deadline thus making it new evidence. The evidence was

(A) A Congressional letter by Three Arkansas Congressmen to the Secretary of the Army advocating for the rewarding of The Purple Heart to the Servicemembers who were involved in this case, stating the reasons as the petitioner was a member of a FTO, inspired and directed by a FTO and the congressmen cited as a reference the NDAA of 2015 section 571 the amended section that allowed members who were killed or wounded by a FTO. The Petitioner did not receive this letter a copy of which until late 2018 even though it was written in late 2014. Soon after Congress passed the NDAA of 2015 with the Amended section 571

(B) The psychological results of Petitioner by a licensed psychologist stating the petitioner was under mental disease two in fact during and after attack. Therefore petitioner guilty plea was unintelligently and unknowingly signed therefore is invalid.

The District Court denied petition, The Petitioner Appealed to the 8th Circuit and they too Dismiss Petition and denied a petition for re-hearing.

BASIS FOR Federal Jurisdiction

This case happened on Federal land ceded by the State of Arkansas, Federal employees, in this case Servicemembers on duty were killed and/or wounded by a member of a Foreign Terror organization which makes this case under exclusive jurisdiction of The Federal Courts per U.S.C 2338

REASONS FOR GRANTING 192 W/11

A. CONFLICTS WITH DECISIONS OF OTHER COURTS.

IN *LAUGHLIN V BOWERSOX* The Missouri Supreme Court ruled THAT NO STATE CAN GRANT SUBJECT MATTER JURISDICTION TO ITS COURTS TO HEAR MATTERS THAT FEDERAL LAW PLACES UNDER "EXCLUSIVE JURISDICTION" OF THE FEDERAL COURTS. ARKANSAS SUPREME COURT SAID OTHERWISE. IN ARKANSAS THE SUPREME COURT RULED THAT "WHEN THE TRIAL COURT HAS PERSONAL JURISDICTION OVER DEFENDANT AND ALSO HAS JURISDICTION OVER THE SUBJECT MATTER, THE COURT HAS AUTHORITY TO RENDER JUDGEMENT". THE ARKANSAS SUPREME COURT SAID "UNDER THE DOCTRINE OF DUAL SOVEREIGNTY FACT THAT DEFENDANT'S CONDUCT COULD HAVE BEEN CHARGED AS A CRIME UNDER A FEDERAL STATUTE DID NOT DEPRIVE STATE JURISDICTION TO TRY DEFENDANT IN STATE COURT". EVEN THOUGH THE U.S. SUPREME COURT RULED IN 1930

IN *U.S. V. UNZERTA* 281 U.S. 138 143 50 S. CT 284 74 L. ED 761 "WHEN THE UNITED STATES ACQUIRES TITLE TO LANDS, WHICH ARE PURCHASED BY THE CONSENT OF THE LEGISLATURE WITHIN WHICH THEY ARE SITUATED, THE FEDERAL JURISDICTION IS EXCLUSIVE OF ALL STATE AUTHORITY". IN NEVADA THE COURT RULED OFFENSES COMMITTED WITHIN STATE ON LAND OWNED BY FEDERAL GOVERNMENT. THE STATE HAD NO JURISDICTION TO PROSECUTE CRIMES WHERE THE UNITED STATES HAD EXCLUSIVE JURISDICTION. (THE ARMY/NAVY RECRUITMENT CENTER IN LITTLE ROCK, ARKANSAS WAS ON LAND OWNED BY THE GOVERNMENT, THE FEDERAL GOVERNMENT HAS EXCLUSIVE JURISDICTION OVER ANY CRIMES COMMITTED ON THAT LAND) *STATE V MACK* 23 NEV. 359, 47 P. 763 (NEV. 1897)

B. IMPORTANCE OF THE QUESTION PRESENTED

THIS CASE PRESENTS A FUNDAMENTAL QUESTION AS TO WHETHER NEW LAWS PASSED BY THE HOUSE AND SENATE IN 2015 (NDAA 2015 SECTION 571) CONSTITUTE NEW EVIDENCE IN A CASE SUCH AS THIS WHERE THE FEDERAL GOVERNMENT DECIDED NOT TO PROSECUTE A CASE THAT WAS UNDER FEDERAL JURISDICTION EXCLUSIVELY. THE NEW LAWS IN 2015 AFTER THE 1 YEAR DEADLINE TO FILE A FEDERAL HABEAS SHOULD EXEMPT THE PETITIONER FROM SUCH TIME-BAR. AS THE LETTER BY THE THREE (APPENDIX) U.S. CONGRESSMEN TOM COTTON, TIM GRIFFIN AND JOHN BOOZMAN STATES THE PETITIONER WAS DIRECTED BY A FOREIGN TERRORIST ORGANIZATION (FTO) IN YEMEN TO CARRY OUT AN ATTACK ON U.S. SERVICEMEMBERS. THIS ORIGINATED OUTSIDE THE STATE OF ARKANSAS, OUTSIDE THE UNITED STATES EVEN, FOR THE FEDERAL GOVERNMENT TO NOT PROSECUTE THIS AS A CASE OF INTERNATIONAL TERRORISM, IS A MISCARriage OF JUSTICE, EVEN AFTER AWARDED THE SERVICEMEMBER WITH MILITARY MEDALS ONLY GIVEN TO VICTIMS OF ATTACKS OF A HOSTILE ENEMY OR INTERNATIONAL TERROR ATTACKS. NOT MERE STATE CRIMINALS. AND THE PETITION IS NOT

ONLY Party to BLAME. He WAS used AS PAWN (while under mental duress)
IN A INTERNATIONAL Chess game. The Federal government knew of
THIS BEFORE AND AFTER THE defendant's contact AND travels to YEMEN,
BUT refuses to Admit it publicly, therefore the case WAS tried AS A
mere STATE crime. THIS HAS NEVER happened IN THE History OF THE U.S
A person directed by INTERNATIONAL terrorism HAS been tried AS A STATE
criminal. This sets A huge precedent. Will Terror cases NOW be
Forwarded to the STATE For prosecution? EVEN ESTABLISHED FEDERAL
STATUTES 18 USC 2332 STATE Terror-related CASE is exclusive
Jurisdiction OF Federal courts. This case sets A huge precedent IN
AMERICAN History.

Conclusion

For the Foregoing reasons, certiorari should be granted IN this case

MAY 13, 2022

Respectfully submitted

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