

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

22-5483

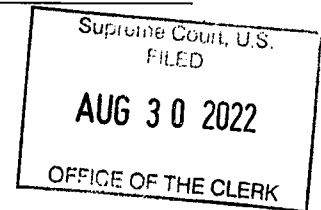
ORIGINAL

FRANK MICHAEL MONTE,
Petitioner,

Case No. _____

vs.

UNITED STATES OF AMERICA,
Respondent.



**ON PETITION
FOR A WRIT OF HABEAS CORPUS TO:**

UNITED STATES DISTRICT COURT – DISTRICT OF NEW JERSEY


Frank Michael Monte, *pro se*

No. 227001870

Essex County Correctional Facility

354 Doremus Avenue

Newark, N.J. 07105

QUESTION(S) PRESENTED

1. Constitutionality of Petitioner's incarceration.

LIST OF PARTIES

1. All parties appear in the caption of the case on the cover page.

RELATED CASES

2. Case Number: 19-cr-821-JMV / Trial Court,
United States District Court – District of New Jersey.
3. Case Number: Civ-21-89-R / Writ of Habeas Corpus,
United States District Court – Western District of Oklahoma.

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IN THE SUPREME COURT
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ON PETITION
FOR A WRIT OF HABEAS CORPUS

The Petitioner moves the Honorable Court to grant its original jurisdiction for a **Writ of Habeas Corpus** to review the status of petitioner's confinement.

OPINIONS / STATUS BELOW

1. The conviction of petitioner (unduly) of the trial court - District Court District of New Jersey: Case Number 19-cr-821-JMV.
2. The opinions / Orders of the interlocutory appeals taken (4) from orders of the trial court to the Third (3rd) Circuit court of Appeals: Case Number 21-2508.

JURISDICTION

1. The jurisdiction of this court is invoked pursuant to U.S.C. § 2241 and Rule 20 of the United states Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Application made by the petitioner, Frank Michael Monte, *pro se*, for a “*Writ of Habeas Corpus*” where its efficacy shall be more discernable *juxtaposed* together with the 5th, 6th, 8th, and 14th, amendments to the *United States Constitution*.

STATEMENT OF THE CASE

This statement of material fact(s) is to further corroborate the petitioner's *jurisdictional statement*, as set forth, upon application to grant the Supreme Court's original jurisdiction for a *Writ of Habeas Corpus*.

1. The four (4) interlocutory appeals taken by the petitioner, Frank Michael Monte, *pro se*, to the third (3rd) Circuit Court of Appeals where consolidated and designated as case number: 21-2508.
2. Said appeals, *still pending at trials start*, clearly showcase's the departure of accepted *due process of law* (stare decicis) of the trial court. i.e., Judge Vazquez.
3. Moreover, the petitioner, timely, brought to the court's attention then subsequently requested the (unduly) conviction be reversed, and if necessary remanded for trial de novo, "*due to the fact that not a single witness was sworn in before giving their testimony.*"
4. In a status hearing requested by the petitioner, circa. 5-7 days after the *so-called* trials end, the petitioner further pressed the trial court, more specifically, Judge Vazquez, regarding said witness testimony, *supra*. Six (6) witness in total.

5. After several exchanges back and forth regarding failure of the trial court to *formally* swear in a single witness... I then reminded Judge Vazquez that I was furnished original copies of the daily trial transcripts; in which shall clearly discern “not a single witness was ever *formally* sworn in before giving their testimony.”
6. Judge Vazquez, then finally retorts: “**I made them say their names [sic].**”
7. Furthermore, upon transport to the Essex County Correctional Facility, after being remanded to custody by Judge Vazquez... the petitioner was advised by a U.S. Marshal regarding the so-called trial: **it was nothing personal Frankie... strictly business [sic].**

REASONS FOR GRANTING THE PETITION

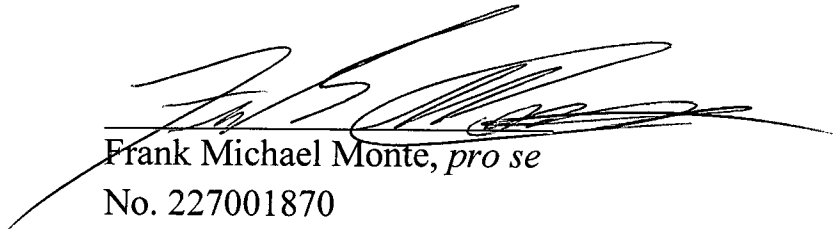
1. The great *Writ of Habeas Corpus* is the proper remedy to ascertain whether an individual is “lawfully deprived of their liberty.” See, *BAKER vs. TURNBO*, 553 F. Supp. 53.
2. Furthermore, it has long been held that *Habeas Corpus* is to be administered with flexibility and initiative... unencumbered, by any technical considerations... with a liberal judicial attitude. See, *HAMILTON vs. CRAVEN*, 350 F. Supp.1251.
3. Wherefore, with respect given to the aggregate of the aforementioned facts of this matter and of law, the petitioner’s history of His civil rights, right to due process, and quite frankly... human rights being unconscionably eviscerated...

“All past attempts by the petitioner seeking redress have proven futile... absent the Supreme Court granting its original jurisdiction and *Habeas Corpus* review of the trial court’s “*Star Chamber policy*” when engaging the petitioner... the miscarriage of justice of petitioner, inter alia, shall remain.”

CONCLUSION

The petitioner's application for a *Writ of Habeas Corpus* together with the United States Supreme Court's original jurisdiction should be granted; where no other adequate means of redress shall be viable.

Respectfully Submitted,



Frank Michael Monte, *pro se*
No. 227001870
Essex County Correctional Facility
354 Doremus Avenue
Newark, N.J. 07105

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FRANK MICHAEL MONTE,
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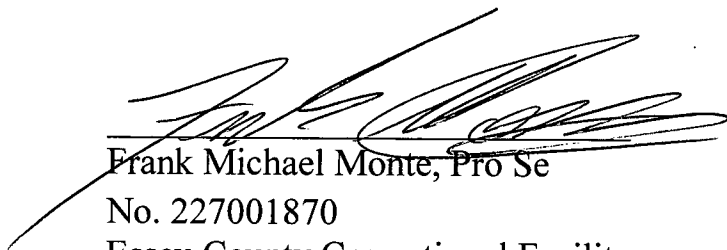
PROOF OF SERVICE

I, Frank Michael Monte, *pro se*, do affirm that on the 22nd day of August, 2022, as required by Supreme Court Rule 29, I have served the enclosed *MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS* and *WRIT OF HABEAS CORPUS* on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing the aforementioned papers in the prison/jail mail box, to be mailed by first-class mail with postage prepaid to the following:

1. Department of Justice – Solicitor General of the United States – Room 5616, 950 Pennsylvania Ave., D.C. 20530-0001.

I affirm under penalty of perjury that the foregoing was *composed* by the petitioner, *Frank Michael, Monte*, on the 22nd day of August, 2022, and is true and correct.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Frank Michael Monte', is written over a horizontal line.

Frank Michael Monte, Pro Se

No. 227001870

Essex County Correctional Facility

354 Doremus Ave.

Newark, N.J. 07105

JURISDICTIONAL STATEMENT

This statement in support of jurisdiction concerning application for a “*Writ of Habeas Corpus*” is in accordance with Rule 20 of the United States Supreme Court. The *original jurisdiction* of this court is warranted due to the exceptional circumstances that *incessantly* beset this matter; of the District Court District of New Jersey. Case Number: 19-cr-821-JMV.

1. First and foremost, four (4) interlocutory appeals were taken by the petitioner, *Frank Michael Monte*, pro se, from order(s) of the trial court, supra. Said appeals were still “*pending*” before the *Third Circuit Court of Appeals*; at the commencement of the jury trial. Case number: 21-2508. “This fact was brought to the trial court’s attention before jury selection, but to no avail.”
2. The petitioner, *Frank Michael Monte*, was found guilty subject to trial. *Where not a witness was ever sworn in before giving their testimony*; hitherto the sitting judge, Vazquez, refuses to reverse and remand the conviction.¹
3. Moreover, the petitioner, *Frank Michael Monte*, was scheduled for sentencing on July 12, 2022, but said date was pushed back (continued) unbeknownst; without notice and absent any correspondence citing a new sentencing date.

¹ It is worth noting that the petitioner, *Frank Michael Monte*, is (unduly) convicted *solely* on said witnesses testimony.

4. Furthermore, a Writ of Habeas Corpus was previously filed by the petitioner, *Frank Michael Monte*, due to the misfeasance and overreach of the trial court. In the District Court - Western District of Oklahoma. Case Number: Civ-21-89-R. When the petitioner was in transit to the state of California by order of the trial court. i.e., Judge Vazquez.
5. In light of these facts, the petitioner, had taken four (4) previous cases before this court... the United States Supreme Court. Although not directly related shall be instructive and discern the necessity of this court, the Supreme Court's, *Original Jurisdiction*:

- a. Writ of Certiorari – Case Number: 18-7211.

It is worth noting that this matter commenced in the district court of New Jersey, before Judge Vazquez. Judge Vazquez, the sitting judge of the trial court in this pending (subject) matter, *supra*.

- b. Writ of Certiorari – Case Number: 18-7486.
- c. Writ of Certiorari – Case Number: 16-8110.
- d. Writ of Habeas Corpus – Case Number: 16-8663.

Wherefore, in light of the above stated facts the petitioner, *Frank Michael Monte*, makes application to the United States Supreme Court for a Writ of Habeas Corpus.

I affirm under penalty of perjury that the foregoing was *composed* by the petitioner, *Frank Michael, Monte*, on the 22nd day of August, 2022, and is true and correct.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Frank Monte', is written over a horizontal line.

Frank Michael Monte, Pro Se

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