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Supreme Court, U.S.  
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P. 1

Cary Lee Peterson  
PFN#WLZ301; USM#23401111  
Santa Rita Jail  
5325 Broder Blvd.  
Dublin, CA 94568

In the U.S. Supreme Court

Case No. \_\_\_\_\_

Cary Lee Peterson, Petitioner/Appellant

vs.

United States, Respondent/Appellee

(re: USA v. Peterson, No. 22-10317  
(9th Cir. 2022), ECF Docs. 20, 21;  
orders issued Jan. 25, 2023)

Petitioner's (Pro Se) Emergency  
Application for Stay of Order Pur-  
suant to 28 U.S.C. 2101(a), (f);  
and 28 U.S.C. 1657.

<End of Coversheet>

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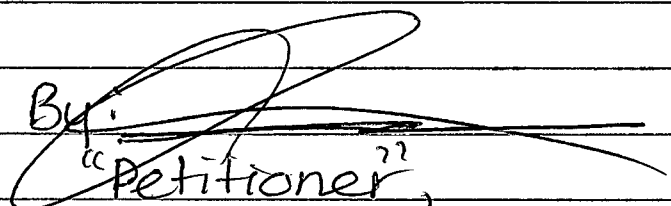
Certificate.

On this 30th day of January, 2023, I, the "Petitioner," Cary Peterson (Pro Se), hereby declare and submit this 'Emergency Application for Stay of Order(s)' Pursuant to 28 U.S.C. 2101(a, f), and 1657.

Thereby, Petitioner Peterson declares that the statements hereunto are factual and true, under the penalty of perjury pursuant to 28 U.S.C. 1746.

Shall this court filing (20 pages in total) be filed with the Clerk of Court at the United States Supreme Court, and served to the U.S. Solicitor General, as well as the respective lower courts.

Date: 1/30/2023

By:   
"Petitioner",  
Cary Peterson

## IFP Application

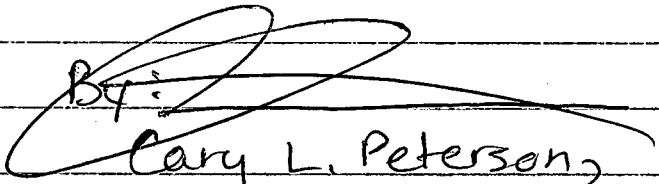
Dear Court Clerk:

On this 30th day of January, 2023, I, Cary Peterson, the "Petitioner" (Pro Se) submit this Application to Proceed In Forma Pauperis, as a federal detainee who was previously approved to proceed as such in the lower courts particular to the instant case matter.

See U.S. v. Peterson, No. 22-cr-00338-BLF (N.D. Cal. 2022), ECF Docs. 59, 66, 70, 71 (district court granted CJA Form 23 Application for Standby Counsel).

Thereby, Petitioner Peterson declare and submit the foregoing as true and correct under 28 U.S.C. 1746.

Date: 1/30/2023

By: 

Cary L. Peterson,  
"Petitioner"

A. Parties.

1. Petitioner - Cary Lee Peterson,  
Pro Se
2. Respondent - United States

B. Related Cases.

1. USA v. Peterson, No. 22-10317  
(9th Cir. 2022), Int. Appeal
2. USA v. Peterson, No. 22-cr-338  
(N.D. Cal. 2022)
3. USA v. Peterson, No. 16-cr-230  
(D.N.J. 2016); 'original conviction'
4. Peterson v. USDC-CASJ, No. 22-  
op-70250 (9th Cir. 2022);  
mandamus suit; Stay Motion  
filed in S.Ct. Jan. 2023 under  
28 U.S.C. 2101 (USCA prohibited  
rehearing application under  
Fed. R. App. P. 40; see also  
news link: <https://tinyurl.com/Fox59CLP>)

## C. Questions Presented.

### Question 1:

Does the Ninth Circuit have jurisdiction to adjudicate a case matter, hear a motion, or appoint appellant counsel 'sua sponte' for an appellant (Pro Se) who the case record in the U.S. District Court [U.S. v. Peterson, N.D. Cal. D.C. No. 22-cr-00338-BLF] shows being "terminated as a party on 9/8/2022 (this defendant, Cary Peterson was at no time re-added as a party per joinder motion, or order after this date)?"

### Supporting Case Law:

See Steel Co. v. Citizens, 523 U.S. 83, 103 (1998) ("Without jurisdiction the court cannot proceed. Jurisdiction is power to declare the law, and when it ceases to exist, the court is that of announcing the fact and dismissing the cause.").

< C. Questions Presented continued >

Question 2:

Does the Ninth Circuit have authority to repeal or trump Petitioner's constitutional right under U.S. Const., amend. 6, to deny detained appellant the right to self-representation, especially after the district court had grant such in prior proceedings

[U.S. v. Peterson, N.D. Cal. D.C. No. 22-cr-00338-BLF, ECF Docs. 58, 59 re 46; see also ECF Docs. 61, 63, 64, 66 re Doc. 46 (Pretrial Petition for Habeas Corpus Relief, and Faretta Hearing under 28 U.S.C. 1651)]

Moreover, does the Ninth Circuit have authority to repeal or trump such constitutional rights set forth above, wherewith proceeding with legal counsel of the party's choice is denied, yet a public defender is appointed by the Court without the request or consent of the appellant? [Id. U.S. v. Peterson, App. No. 22-10317 (9th Cir. 2022), ECF Doc. 20-27]

< C. Questions Presented continued >

### Question 3:

Does the Ninth Circuit (or the lower court) have authority to docket and acknowledge Petitioner's original pleading, and appellate challenge (as to an out-of-context hearing and ruling in the lower court), of which are docketed under 28 U.S.C. 753(b) as 'Habeas Corpus Petition,' as is the court orders concerning this Petitioner for such relief on non-statutory detention for "abuse of [judicial] power" as a tribal court official of an Indian tribal community under 25 U.S.C. ~~1301~~ 1301, 18 U.S.C. 1151? [re: U.S. v. Peterson, N.D. Cal. D.C. No. 22-cr-338-BLF, ECF Docs. 7, 44 (detention orders for "abuse of power"); ECF Docs. 1, 3 (detainer order; transfer of jurisdiction, 9/7/2022); ECF Docs. 46, 51, 62, 64, 66, 69, 58, 59 (motions and orders as to Petitioner's Doc. 46 Habeas Corpus Petition; see also USCA9-22-10317, D.I. 17)]

< C. Question Presented continued >

Question 4:

[cf. supra 'Question 2' above] Does the Ninth Circuit have authority to add a private (paid) attorney to an appellate case, who previously represented Petitioner in the district court, but at no time entered appearance or participated in such an appellate action, per certification and declaration by the (Pro se) appellant throughout the entire case. [USA v. Petersen, USCA9 App. No. 22-10317, ECF Docs. 4, 2, 5, 6, 10, 13, 15, 16 at 2-13, 17 (second int. appeal under 9th Cir. R. 27-3, 27-4, erroneously docketed on 22-10317 despite observers and appellant contacting USCA Clerk about clerical error via phone and email)?

(Additionally, ECF Doc. 14 in this appellate case is a courtesy copy of a district court withdrawal motion [Id. U.S. v. Petersen, CAND-22-Cr-338, ECF Doc. 63, withdrawal motion, 1/3/2023, granted, 1/4/2023 (withdrew as lead counsel, 12/13/22)].)



D. Show of Cause.

L. Per Philip Morris v. Scott [561 U.S. 1301, 177 L. Ed. 2d 1040]:

(a) The 'questions presented' here-  
to this Emergency Application under  
28 U.S.C. 2101(a), and (f) raise fed-  
eral questions of law or fact on  
fatal defects or errors found in  
the case record that demonstrate  
an irrefutable showing of good  
cause for such relief sought under  
2101(f) [re: USA v. Petersen, USCA9  
No. 22-10317, ECF Docs. 20, 21, et seq.;  
see also USA v. Petersen, N.D. Cal.  
D.C. No. 22-cr-00338-BLF, "Cary Peter-  
sen" "terminated" as a party, 9/8/2022].

Thereby, there's 'reasonable  
probability' that certiorari will be grant-  
ed; and likewise, a 'significant possi-  
bility' that the respective order(s)  
(and respective orders from the  
district court that it affects) will  
be reversed or set aside due  
to the cumulative effect of two  
or more obvious or constitutional  
errors.

<D. Show of Cause continued >

(b) Per Scott, 561 U.S. 1301, Petitioner has the substantial likelihood to suffer from "irreparable harm" [quoting Barnes, 501 U.S. 1301, 1302; see also Barnes cited in Scott] if this order [i.e., USCA9, Doc. 20 et seq.] is not stayed.

Hence, subsequent to the Ninth Circuit's [Doc. 20] order (1/24/2023), Petitioner (Pro Se) was appointed two public defenders (FPD Fuller; FPD Goldman) without his request or consent [see ECF Docs. 21, 23, 26, 27; USCA terminates counsel never added or approved or consented or retained per attorney's Doc. 14 disclosure; FPDs added without appellant's request or consent upon denial to proceed 'pro se' due to appellant being [totidem verbis] non compos mentis, or legally incompetent (in general).]

2. The constitutional errors challenged hereto this Application,

< D. Show of Cause continued >

that cause Petitioner Peterson's Third Circuit appeal to be denied.

(a) The case docket of USCA9 22-10317 shows "Jesse Ortiz" as the appellant (Peterson's) appellate attorney on record, despite Peterson's Docs 10, 13, 14, 15, 16, 17, and 19 filings clearly declaring that he was representing himself (thus Attorney Ortiz's Doc 14 filing, 1/4/2023, declares likewise).

Doc 14 demonstrates fact that the Attorney-Client relationship was not viable. This is why Peterson fired him back in December, 2022 [re: USA v. Peterson, CAND-22-cr-338, ECF Docs. 46, 58, 59; Doc 46 filed Nov. 2022; hearings 12/12-13/2022].

Attorney Ortiz is "terminated" as Peterson's attorney on or about 1/24/2023 [ECF Doc. ~~21~~ 21], despite ECF Doc. 14 being docketed weeks earlier. This same thing occurs

< D. Show of Cause continued >

If this Court does not stay the judicial order, inter alia that may void jurisdiction altogether, the public, and judicial interest will continue to be disserved, while an African-American Muslim man, who's been jailed for doing what he was hired and legally allowed to do to the best of his knowledge (as court record demonstrated before the instant, emergency filing as a last resort for impartial justice).

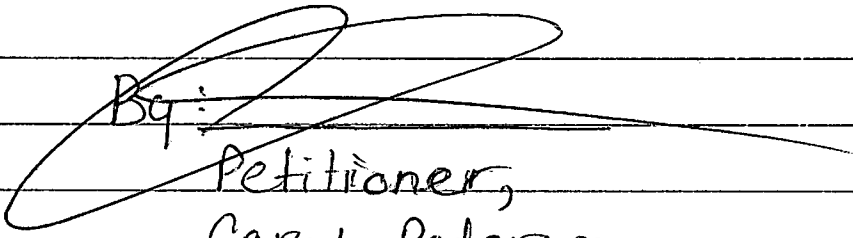
### E. Relief Sought.

Petitioner Petersen seeks 'Emergency Stay on Order 20 (et seq), whereby stays any lower court order challenged hereto this case matter (e.g., USA v. Peterson, N.D. Cal. D.C. No. 22-cr-338, ECF Doc. 44 (re D.I. 7)); or in alternative, any suitable relief (sua sponte) per single justice ruling, under 28 U.S.C. 2101(f).

F. Conclusion.

For the reasons set forth above should this Court grant Petitioners Emergency Application for Relief under 28 U.S.C. 2101(a), or (f). Thereby, Petitioner Petersen submits and declares the foregoing as true and correct.

Date: 1/30/2023

By: 

Petitioner,  
Cary L. Peterson