

23-5262

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

Supreme Court, U.S.  
FILED

JUL 25 2023

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

"In re STEPHEN HARMON-As a Prose- PETITIONER"  
(Your Name)

vs.

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

ON PETITION FOR A WRIT OF MANDAMUS & PROHIBITION

"Rule 17(1)& RULE 20(1)

"28 USCS§1651(a)"

United States Court of Appeals for the Ninth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

("Did not rule on Single Filed Claim/Cause with/by "NEW INDEPENDANT ACTION  
by Rule 60(b)(d)&(4) Motion Filing [Cause/Claim-Court's "Lacked Personal and  
Subject Matter Jurisdiction"]

ON PETITION FOR WRIT OF MANDAMUS & PROHIBITION

"Rule 17(1) & Rule 20(1)" & "28USCS§1651(a)"

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/message)

(Phone Number)

ORIGINAL

## QUESTION(S) PRESENTED

#1:

The United States Court of Appeals for the Ninth Circuit has entered a decision [Harmon v Houser-Case No.23-14-May 30,2023] that did not address or resolve the "Foundational Question" Presented to the Court in/thru an ORIGINAL and NEW INDEPENDANT ACTION pursuant to Civ.Rule 60(b)(d) [see Appendix B] that a ask whether or not a as-Prose Petitioner "NEEDED" permission file into the District Court to address the CLAIM/Ground-Cause the Court's' have never addressed Question that Courts Lacked Personal and Subject Matter Jurisdiction for "NEVER" Determinin This Foundational QUESTION BASED IN PART ON THE COURT'S" never Complied with Statutory MANDATES use/application Seal and Teste to obtain and Maintain Personal and Subject Matter Jurisdiction "BEFORE" addressing any other issues/claims/cause in and or on a Filing before a Court and to resolve the confusion of whether or not needed Appeals Court authorization for New Independant Action or is to file Directly into District Court." NOT A 2254 filing But Rule 60!

This Court has the Stautory authority to Grant this Writ and this Petition "SHOWS" that the Writ (questions 1,2,3,) will be aid in and of the Court's Appellate Jurisdiction and that the exceptional circumstances warrants the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. Due inpart to Criminal Acts. (see Question #2/#3)

#2:

The United States Court of Appeals for the Ninth Circuit has entered a decision [Harmon v Houser No.23-14-May 30,2023 issued based off the conflict decision with this Court of [Ezell v U.S. 778 F.3d 762,765-9th cir.2015]] IN CONFLICT WITH the Decision of this Court of United States Supreme Court [Nasarallah v Barr, 140 S.Ct.1683]; and so far departed from lawful accepted "Statutory Mandated "TEXT" of [28USCS§1691] and [28USCS§2244(b)(3)(d) and the "SPECIFIC" "LEGISLATIVE" "INTENT" (outlined in this Court's Decision of (Nasarallah v Barr) and Violation of "CONSTITUTIONAL 14th Amend.Due-Process as to call for the Exercise of this Courts Supervisory Powerr(?).

#3:

The United States Court of Appeals for the Ninth Circuit has entered a decision (Harmon v Houser, May 30,2023-Case No.23-14) that is in inviolation of FEDERAL STATUTE MANADATED "TEXT" of: (28USCS§1691) for a Court Officer(s) of the Court that includes Clerk of Court "to comply with" and "have not" "and" "is" "DEFINED" STATUTORLY in (18USCS§505) the Statutory Mandated "TEXT" is a crime when a Court "OFFICER" "does not" "comply with" and "SAME" Statutory Manadated "TEXT" continues and "DEFINES" and "OUTLINES SPECIFICALLY" the "SPECIFIC" "PUNISHMENT" for such violation by [18USCS§505] by a court officer for non-compliance with; and is Structual Error effecting Constitutional Rights of Due-process 14th amend. as to call for the Exercise of this Courts Supervisory Power(?).

\* → pursuant to 28USCS1651 Writs(a) authorizes this Court to exercise its Supervisory Power to Grant Writ and Address the Criminal Acts/ Conduct by Court OFFICERS as outlined herein.

## LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### RELATED CASES

APPENDIX "E" Letter from Court Clerk(Dated 7/12/2023)  
"SHOWING" the EXAMPLE of and why

APPENDIX "E"

of "THIS" Court/Officers are not complying with  
Statutory Mandated TEXT of 28USCS§1691 "by ALL"  
COURTS (STATE AND FEDERAL) in/on the "Process"  
"ALL" PROCESS ISSUED(ing) from a Court as Manadated  
to comply with and "SHOWING" this Violation "EACH"  
time is a Crime under 18USCS§505-Showing the Appellate Aid  
is necessary and how and will aid in Appellate  
Jurisdiction.

#### \*\*\*\* APPENDIX "E"

Harmon V Houser Case No. 23-14 (United States Court of  
Appeals for the Ninth Circuit)

"FILING" BY PETITIONER "AS" "A": Filing of "

ⓧ Civ.Rule 60(b)(d) NEW INDEPENDANT(Original)ACTION & Rule 60(b)(4)  
Void Judgement Motion

"REQUESTING authorization and or Clarification whether or not  
required to obtain authorization for this Filing or directly  
filed into District Court" (NOT ASKING FOR authorization for  
to file a 2254 second/successive  
"APPLICATION")

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#### APPENDIX "B"

Stephen Harmon v State of Alaska, Case No. S-18529  
Alaska Supreme Court. Judgement entered 12/19/2022.

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#### APPENDIX "A"

Stephen Harmon v Earl Houser (sup.Goose Creek Cor.Cnt.)Alaska.  
Case No. 23-14, United States Court of Appeals for the Ninth  
Circuit, Judgement entered May 30, 2023.

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APPENDIX C	ORIGINAL & NEW INDEPENDANT FILING WITH ATTACHMENTS Civ.Rule 60(b)(d) and Rule 60(b)(4)Motion "SPECIFICALLY" requesting determination whetehr or Not NEEDED to file into District court Directly or indirectly;NOT A 2254 <u>Request to"file(ing)application.</u>	<u>i,ii,iv,2,3,5,</u> <u>6,7,8</u>
APPEDIX D	ATTCHMENTS in Support to show the in/on the "CONFLICTS #1 & #2 with this Courts Decision and Statutory Mandated "TEXT" and the Intentional INTENT by the Court to Deny Due process and commit criminal acts outlined in <u>18USCS505.</u>	<u>i,ii,3,4,5,6,7</u> <u>8,</u>
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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS & PROHIBITION

"Rule 17(1) & Rule 20(1)" & "28USCS§1651(a)"

Petitioner respectfully prays that a writ of 

MANDAMUS and PROHIBITION is issued to	to review the judgment below.
	(judgement "s")

**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

☒ reported at Harmon v Houser, Case No. 23-14; 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

Case No.

☒ reported at Harmon v State of Alaska, S-18529; 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 May 30, 2023.

☒ No petition for rehearing was timely filed in my case. (Note: COURT DID NOT ALLOW; violation of Court Rules authorizing)

☐ 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 USCS § 1651 Writs(a)  
(Rule 17(1) & Rule 20(1) Supreme Court Rules)

☒ For cases from state courts:

The date on which the highest state court decided my case was 12/19/2022.  
A copy of that decision appears at Appendix "B".

☐ A timely petition for rehearing was thereafter denied 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 USCS § 1651 Writs(a)  
(Rule 17(1) & Rule 20(1) Supreme Court Rules)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

USCS Constitution 14 Amend. § 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 within its Jurisdiction of equal protections of law.

28 USCS § 2244(b)(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 motion.

28 USCS § 1691

Seal and Teste

"ALL writs and process issuing from a court of U.S. SHALL BE under seal of the Court and signed by the Clerk.

18 USCS § 505 Seal of Court, Signature of Court Officers

Who ever forges the signature of any judge, register or other officer of "any court" of "the United States or any Territory or forges or counterfeits the seal of "any such court," or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of "authenticating" ANY "PROCEEDING and ATTACHED THERETO knowing such signature or SEAL to be false or counterfeit, SHALL BE Fined under this title or IMPRISONED not more than five years or both.

Federal Civ. Rule 60(b)(4) Void Judgement, & (d) NEW INDEPENDANT ACTION

(b) On Motion and upon such terms as are just, the court may relieve a party or party's legal representative from final judgement, order or proceeding for following reasons:

(4) the judgement is void;

(d) this rule does not limit the power of the court to entertain an Independent Action or to relieve a party from a judgement or proceeding.

Nasarallah v Barr, 140 S.Ct. 1683

HN#18 It is not proper role of the Courts to rewrite the laws passed by congress and signed by the President: COURTS MUST ADHERE TO STATUTORY TEXT:

HN#23 to begin with we must adhere to STATUTORY TEXT..."and a point that senator Abraham, key proponent of the STATUTORY BARR to [\*\*\*19] Judicial Review "STRESSED" BACK in 1996, see 142 Cong.Rec. 7348-7350(1996)

(Kavanaugh, J-joined by Roberts, Ch.J. and Ginsburg, Bryer, Sotomayor, Kagan and Gorsuch, JJ.)

Browne v superior Court of L.A., 70 Cal||App. 732 CA(3)(3)

Functions of Court and Clerk-Final Judgement

Functions of Court and Clerk and its entry in the judgement book, which affords the highest record of evidence of its existence, is but a ministerial act of the Clerk, which the Court Performs judicially or ORDERS to Be performed.

It is not to be avoided by action or want of action of and by the Courts ministerial officers. The Judgement IS THEN rendered final.

"THIS" "DETERMINES" THE RIGHTS OF THE PARTIES TO THE ACTION OR PROCEEDING.

It is complete "WHEN" it is "ENTERED AND RECORDED by the Clerk as REQUIRED BY STATUTE.



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States v Mierzank (89 F.Supp||573)

The Constitutional Guarantee of Due-Process of law MEANS Notice and opportunity to heard and defend before a competent Tribunal with Jurisdiction of Subject Matter of the Cause.

Ezell v Uited States, 778 F.3d 762,765 (9th Cir. 2015)

the time limit in 28 USCS § 2244(b)(3)(d) is hortatory, not mandatory.

Fairbanks N.Start Borough v Victory Ministries of AK.Inc. 515 P.3d 111 Ak.Supreme Court Aug.12,2022

the issue cannot be waived and can be raised at <sup>any</sup> time during litigation.

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. has not demonstrated that it does not deserves relief from judgement then conditional Granting of a Habeas Corpus 28USCS§2254 is to be Granted and requires release from custody.

28 USCS § 1651 Writs (a)

The Supreme Court and ALL Courts established by ACT of Congress may issue ALL writs necessary or appropriate in aide of their respective jurisdiction and agreeable to the usage of Principle law.

Supreme Court Rule 17(1) Procedure in an ORIGINAL APPLICATION ACTION

1. This rule applies only to an action invoking the Courts ORIGINAL Jurisdiction under Article III of the Constitution of the United States. see also 28USCS§1251 and U.S.Constitution, Amdt.11. A petition for an extraordinary writ in aid of the Courts appellate jurisdiction SHALL be filed as provided in Rule 20.

Supreme Court Rule 20(1) Procedure on a Petition for an EXTRAORDINARY WRIT

- 1.) Issuance by the Court of an Extraordinary writ authorized by 28USCS1651(a) is not a matter of right, but of discretion sparingly exercised. To Justify the granting of any such writ, the petition must show that the writ will be in aid of the Courts appellate jurisdiction, that execptional circumstances warrants the exercise of the Court's discreetionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

Vinten v Jeantot Marine Alliances 191 F.Supp. 2d 642

"ANY" Judgement/Order entered against the defendant over whom the Court does not have Personal/Subject Matter Jurisdicion is void..."

If a Judge,ment/order is void of LACK of Personal/Subject Matter Jurisdiction the Court must GRANT the Federal Rule Civ.Procedure 60(b)(4)MOTION without consideration of Timleness, unfair prejudice or exceptional circumstances.

## STATEMENT OF THE CASE

#1.) The United States Court of Appeals Decision of May 30, 2023, is in conflict with this Court (United States Supreme Court) Decision of (Nasarallah v Barr 140 S.Ct. 1683):

"Conflict begins when"

a.) The Clerk of Court issues a "Dockett Notice" (<sup>"a"</sup>process)[Jan 4, 2023] WITH the Seal of Court of Appeals for the Ninth Circuit but does not put a Teste on the Document(signature) on the "issued Process" that would comply with 28 USCS§1691 Seal and Teste MANDATES (TEXT)

reads: ..."ALL" writs and "process" "issueing from" "a" "court of the " United States "SHALL BE: "under" "SEAL "of" "Court" and "Signed By" the Clerk thereof..."

Thus the "process issued" (Docket Notice) "only had the Seal of Court and No signature"; thus the Court "never" was/had "obtained/coveyed or maintained" "ANY" Personal or Subject Matter Jurisdiction to "ANY" party or Court pursuant to 28USCS§1691 Mandatd TEXT and Federal Governing Law set out in:

..."ALL" writs and "PROCESS" "ISSUEING FROM" "a" "COURT OF" "the United States", "SHALL BE" "UNDER" "SEAL OF COURT" "AND" signed by the Clerk of Court thereof"..."

The "Personal and Subject Matter Jurisidiction and Rights to the Parties" "were" only <sup>(PWR)</sup>paritally conveyed if any (Seal of Court affixed/but/ No signature by the Clerk) as the Federal "GOVERNING LAW/Standard sets out in:

Brown v Superior Court of L.A., 70 Cal. App. CA(3)(3) reads/Mandates of:

..."Functions of" Court and Clerk-Final Judgement"

Functions of Court and Clerk and its entry in the judgement book, which affords the highest record of evidence of its existence, is but a ministerial act of the clerk, which the Court performs judicially or Orders to Be Perrformed...

It is not to be avoided by action or want of action of and by the Courts ministerial officers. The Judgement IS THEN RENDERED FINAL. "THIS" "DETERMINES" "THE RIGHTS" "OF THE PARTIES TO THE ACTION" "OR" "PROCEEDING". "It is COMPLETE "WHEN" it is "ENTERED AND "RECORDED" by the Clerk "AS" "REQUIRED" "BY" "STATUE"..."

"CONFLICT #1:" b.) The Court(justices)& Chief Judge Murguia; were "repeadly in writing" <sup>(\*)</sup>asked to comply with Application/affixing the Court Seal and Teste on the Order/decision when issued to obtain and maintain Lawful Personal & Subject Matter Jurisdiction but did not when issued May 30, 2023 Decision <sup>(\*)</sup>must be on "every-"ALL" process" or Process" the Court has no Lawful Personal and or Subject Matter Jurisdiction/Binding effect or Parties are/were denied RIGHTS." (requires"voiding ALL judgements/Orders-w/o Jurisdiction persoanl or subject Matter).

"CONFLICT #2:" c.) The U.S. Court of Appeals for 9th Cir./Justices in this Decision of May 30, 2023 "have rewritten" by Judicial Interpretation "from" the bench and Legislation from the Bench of 28 USCS§2244(b)(3)(d) Time Limits MANDATES and TEXT(cited this fact in their decision of [Ezell v U.S.778 F.3d 762,765(9th cir.ct.2015]& and agin herein Order of May 30, 2023 of (Harmon v Houser case No.23-14) that is in direct conflict with this Courts "SPECIFIC" Determination/Decision of MANDATED STATUTORY TEXT's" of:

Nasarallah v Barr, 140 S.Ct. 1683 ( with the Legislative INIENT stressed back in 1996)

..."Court must adhere to STITUTORY TEXT..."

and

18USCS§505 Seal of Court, Signature of Court Offcies That "DEFINES" as a crime "WHEN" the Court/Jrees/Clerks/Officers do not comply and Then TENDER INTO EVIDENCE Falsely/Evidence in/on or without.

STATEMENT OF THE CASE  
(continued)

and  
Conflict with, this Court Decision of (Nasarallah v Barr) by the 9th Cir. Decision of May 30, 2023 : when in the Decision "SHOWS" conflict and "rewriting of" Statute Mandated TEXT of: 28USCS§2244(b)(3)(d) reads: Decision

..."the applicant is informed that the Time limit in 28USCS§2244(b)(3)(d) is hortatory, NOT MANDATORY..."

The "Plain Language/WORDING-TEXT" of 28USCS§2244(b)(3)(d) reads "IS" MANDATORY TEXT

..."(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 MOTION..."

This Is "Structural Error and Plain Error and effects Substantial Rights that are prejudicial and violates the Constitutional Rights Of Harmon/Or any litigant and violates Due-Process and is Defined as a Crime in 18 USCS§505 (by Court Officers/Judges/Clerks) "TENDERS IN FALSE EVIDENCE, by and thru the Decision by the Justices/Clerk" decision of May 30, 2023.

#2.) The United States Court of Appeals Decision of May 30, 2023 is in "CONFLICT WITH" the FEDERAL GOVERNING LAW-DEFINITION OF/MEANS of "DUE-PROCESS OF LAW defines as :

U.S. v Mierzank (89 F.Supp.573) reads: "DEFINES AS"

..."The Constitutional GUARANTEE of Due-Process of law MEANS, Notice and opportunity to be heard and defend BEFORE a competent Tribunal with Jurisdiction of Subject Matter of the Case..."

A.) NO where did any court, (ALASKA or 9th Cir.) ever comply with 28USCS§ 1691 Seals and Teste Mandate TEXT to "obtain and maintain any Personal or Subject Matter Jurisdiction thru ANY Process; Appendix (A and B shows) this FACT OF EVIDENCE;

B.) No State of Alaska or Federal 9th Cir. addressed or determined the FOUNDATIONAL "FILED" question that the Court's "lacked Personal and Subject matter Jurisdiction (Appendix A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z)"

Though "REPEADLY SHOWN" IN THE RECORDS Petitioner Harmon Repeatedly ask the Court to comply and Stated in writing to the Court would be a Violation of Federal Law/crime if not; "SHOWING" any of the Decision (APPENDIX A OR B and decision based on) have any lawful binding effect either and requires VOID and with prejudice for not having any Personal and or Subject Matter Jurisdiction and NOT curing their (COURTS-State and FEDERAL) Constitutional Errors and the 9th Cir. Determined when this is done in:

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. Has Not demonstrated it deserves relief from judgement then conditional Granting of a Habeas Corpus 28 USCS§2254 is to be Granted and requires the release from custody..."

Harmon Present because 9th Cir. did not cure their constitutional errors either would and should be inserted as/with the STATE language to determine relief also herein.

C.) When the 9th cir. determined they/court were not required to comply with a statutory MANDATE TEXT (28USCS§2244(b)(3)(d) Time limits); but I/Harmon was required to comply with and be held to the Strict Standards of TEXT MANDATES resulting in Harmon being DENIED RELIEF/FILINGS; this is a Double standard and brings the Court's into question and disrepute and Denies Harmon or any Litigant due-process to be heard by the law and with the equal protections of the law & by an un-bias-prejudicial justices or court by a double standard as done.

D.) When 9th Cir. denied Harmon in Order Reads (2ndpg. last sentence)

..."No Future filings will be entertained in this case..."

Court denied Harmon 1.) to Petition for Rehearing,  
2.) Opportunity to Notify Clerk of Clerical Errors (Seal/Teste)  
3.) Access to Rule 60(b)(d) New Independent action  
4.) denied access to Court lawful available/completely

These actions/decision abuse of Discretion authority/structural Errors/Violates Due-process, Defined as a crime, Criminal Act. -- 6 --

## REASONS FOR GRANTING THE PETITION

- 1.) The United States Court of Appeals for Ninth Circuit, has so far departed from the lawful Statutory Mandated and usual course of judicial proceedings and assisted in denial of Application herein Appendix "A" and sanctioned such a (Doc. # B, C) continued departure by the lower court (Fairbanks N. Star Borough v. Victory Ministries of Ak. Inc., 515 P.3d 111 AK. SUPREME COURT AUG. 12, 2022")
- ... "the issue of Lack of Subject matter jurisdiction determined..."

... "THIS Issue CANNOT be waived" and "CAN BE RAISED at any time during litigation..."

### NOTE:

this decision by the ALASKA SUPREME COURT was 4-months Prior to the decision issued on Harmon (180-degrees no explanation) on Appendix "B".

NEITHER Courts (ALASKA SUPREME COURT) nor (United States Court of Appeals for 9th Cir.) have addressed or determined the "foundational" claim/question of "LACK OF" Personal and Subject Matter Jurisdiction for not complying with Statutory MANDATED TEXT of a STATUTE to be complied with.

Warrants this Court to exercise its Supervisory Authority as the 9th Cir. is rewriting "STATUTES" as they feel, going unchecked and denying Litigant's their constitutional rights and privileges and use their Positions as Court officers to commit criminal acts for not complying with statutes.

- 2.) The United States Court of Appeals for Ninth Circuit and Alaska Supreme Court "decisions HAVE NOT" decided the Important QUESTION of FEDERAL LAW that has not but should be settled by this Court of:

→ a.) does the Courts allowed to continue and rewrite Statutes by Judicial interpretation or required to comply literally with the Statute TEXT?

(1)- of: 28 USC§ 1691 SEAL and TESTE (to obtain and maintain Personal & subject Matter jurisdiction or not) ... "ALL" writs and "Process" issuing from a court of U.S. SHALL BE under SEAL OF THE COURT AND SIGNED BY THE CLERK THEREOF... By one man All please? or none?

(2)- of: 28 USC§ 2244(b)(3)(d) Time limit 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 the filing of Motion.

(3)- of: The United States Supreme Court continue and not in/on "ALL" process issuing from the Court NOT comply with the STATUTORY TEXT of 28 USC§1691. which is in violation of 28 USC§505 "each" process issued from the Court. CRIME Each Time / violation

→ b.)- of: does the Supreme Court continue and allow Court's to continue and NOT ADDRESS "FILED"-Foundational Claim/Cause "QUESTION OF": "Court's" Lacked Personal and Subject Matter Jurisdiction "and" allow Court's to continue and "CREAT" "issue/claim/cause NOT FILED BEFORE" the Court's (Jurisprudence violation) "OR" this Court "DETERMINE the MERITS OF "FILED" claim/cause be determined "prior to" determining any other claim/cause to afford Due-process of law 14th amend. Lawfully be heard according to law.

## REASONS FOR GRANTING THE PETITION

(Continued)

### 3.) "BECAUSE":

"NO Court of the United States to date" "has" addressed and then determined the "FILED" claim/Cause "Presented-of" "QUESTION" to the Court's" (of... "Lack of Personal and Subject Matter Jurisdiction...") that is required to be addressed and determined "BEFORE/PRIOR TO" any other Determination of Any Claim/Before or Cause Before it on this Question ; AND the "RECORD"S" are clear and shows that "NO" Court (State of Alaska or Federal/9th Cir.) when presented in/on Appendix's "A", "B", "C" and "D" that a Court of the United States is Mandated by STATE/TEXT to use and apply "Seals of Court and have "Clerk" assign each process/TESTE" to obtain and maintain Personal and Subject Matter jurisdiction thru "each" process "issued" from the Court as outlined in (Brown v Superior Court of L.A. 70.Cal.App. 732 CA(3)(3)); HAS NOT obtained or maintained "any" Personal or Subject Matter Jurisdiction in/on or over the Cause filed by the Petitioner/or Filing's" thus resulting in the Denial of Due process and denial to and thru and out "any" court "Lawfully" to date with which is also substantial and structural errors effecting Substantial Constitutional rights and privileges which is Prejudicial to and against the Petitioner Harmon.

Once this Court addresses the Foundational and filed Claim/Cause & Determines that "NO" Court or Process in thru or out of State of Alaska and or Federal/9th Cir. obtained or maintained "ANY" subject and or personal jurisdiction as mandated to thru "each Process"; thus the Relief is due of the Court should "ALSO" Grant of; herein of: pursuant to:

Vincent v Jéahot Marine Alliances S.A. 191 F.Supp.2d 642

(HN#17)..."ANY" Judgement/Order entered against the defendant over whom the Court does not have Personal/Subject Matter Jurisdiction, The Court Must Grant The Federal Rule of Civil Procedure 60(b)(4) Motion without consideration of timeliness; unfair prejudice or exceptional circumstances..."

and/or

The "RECORDS" "SHOWS" "ALL" Courts "were Asked and then deined to address the Question of the Court Lacked Personal & Subject Matter and the "RECORDS" "SHOWS" "ALL" Courts were and have "intentionally" Not Complied with the "SEAL and TESTE" Mandated TEXT to obtain and Maintain ANY Jurisdiction in or over the Petitioner and could also consider "since" "NO" Court (State of Federal" has cured their Constitutional Errors, relief could be GRANTED of Conditionally Granting 2254 Habeas Corpus and Release from from Custodey pursuant to Harvest v Castro U.S.App. LEXIS 6297 "9th-Cir."

...."WHEN" a State "fails to Cure" its constitutional errors. Has NOT demonstrated that it does not deserve relief from judgement; then conditional Granting of a Habeas Corpus 28USCS§2254 "IS TO BE GRANTED" and "REQUIRES" "Release from Custodey"...."

The "ORIGINAL FILED(ings) in every Court (State & Federal 9th Cir.) in/on the Civ.R.60(d) NEW INDEPENDANT ACTION (Case/cause of First Impression filed/presented as) and Rule 60(b)(4) Void Judgement MOTION "SHOULD be with Prejudice be GRANTED and voided of (9thcir.May30,2023-/Alaska Supreme Court 12/19/2022-/AK.Court of Appeals 8/30/2022-/AK.Trial Court's 6/22.2022 and 10/26,1993 and 9/4/1992).

"CORRECTED /"ADDED"

REASONS FOR GRANTING THE PETITION

In  
FOLLOWING ~~THE~~ THE CORRECTED PARTS: to correct/add in/ as Instructed by  
the Clerk/Court of Letetr 7/12/2023: (attached as APPENDIX "E")

Under c- (under Motion for Leave)

---"EACH" Court was given the opportunity to address and then determine  
The Merits of the "Filed" claim/Cause (Court lack of Personal and Subject  
Subject Matter Jurisdiction) under and by an "Independent Original  
Action Rule 60(b)(d) and Rule 60(b)(4) Void Judgement Motion and EACH  
failed to and gave no reason why or for not. Thus the "Opportunity"  
was presented and given to "EACH" Court and thus was Exhausted in  
EACH Court and there is not any other Court available except this  
Court (see Attached Appendix "A" ORDER/Appendix "B" ORDER/Appendix"s"  
"C"s ORDERS/Judgements (appeal and Trial) Exhaustion.

REASONS FOR GRANTING THE PETITION

1 ---The remaining Court left in the United States is this Court of  
2 U.S Supreme Court that the Petitioner has not brought and ask the  
3 Court herein and given a chance to hear and determine the "SINGLE"  
4 Filed Claim/Cause-QUESTION of ... "Lack of Personal and Subject  
5 Matter Jurisdiction..."

6 Emphasis --- This Court of the U.S. Supreme Court is the only Court that can  
7 ORDER the enforcement of "its" Decision that was set out and ignored  
8 by ALL Other courts of "Nasarallah v Barr. 140 S.C.T. 1683"  
9 that have tried to re write Statutory Laws that "this" Court in  
10 (Nasarallah v Barr) determined this "was not" lawful and "a" Court  
11 "was not to do."

12 SEE Also the Petition on page -i- under the (3) three Questions and  
13 on page 5 and 6 Statement of Case that outlines "specifically"  
14 in support and showing and on page of the Petition of 7 and 8  
15 also shows this in support- "OUTLINES", SHOWS and why this is

16 Only Court → United States Supreme Court to obtain lawful adequate relief here!

17 --- This Writ of Mandamus is the ONLY remaining "form" left in the  
18 United States for and to the Petitioner to seek and obtain relief  
19 of any kind. (see pages -i- and pages 3,4,5,6,7,8 in support to  
20 this only remaining "form" and "Court" left to the Petitioner  
21 in the United States.

22 under b-above

23 1.) "how will aid in/ of the Court's Appellate Jurisdiction and the  
24 exception/ circumstances warrants this Courts to exercise its  
25 discretionary authority".

26 ---This Court (U.S. Supreme Court of the United States) "HAS NOT"  
ever heard or resolved "FEDERAL" QUESTION OF LAW and should and  
to settle(d) by this Court that of:

(1) The Statutory TEXT of 28USCS§1691 Seal and Teste

is to be complied by "ALL" Courts of the U.S. and is to be  
complied by "ALL" court to obtain and maintain the Personal,  
and Subject Matter Jurisdiction by and thru "EACH" process  
(see #2. on Petition, letetr a (1)a-thru (3) and Letter b) on page 2

27 "EMPHISIS" (2) This Court of the United States Supreme Court DOES NOT comply  
28 with nor requires the Clerk/Staff-any COURT OFFICERS to comply

29 Each process with the "STATUTORY MANDATED TEXT" in or on each Process as  
30 "required" by Fedral Law and thus the Court and Court OFFICERS  
31 are in Violation of FEDERAL LAW and is defined as a CRIME by  
32 ANY COURT OFFICER (i.e Clerk-staff/Judges etc.) and Requires  
33 fine and or imprisonment for each time violated by ANY COURT  
34 Officer and this violation of FEDERAL LAW BY the U.S. SUPREME  
35 COURT OFFICERS (I.e Clerk-staff/Judges etc.) is "in DIRECT"  
36 "CONFLICT WITH SPECIFIC DETREMINATION" to ALL COURTS

37 (Nasarallah) → ... "COURTS MUST ADHERE TO STATUTORY TEXT..."  
38 (BARR) (see Petition on pages -i-, 5,6,7,8 in support and SHOWS this)

Corrected/"added"  
REASONS FOR GRANTING THE PETITION

Emphasis →

(3) The attached Letter "shows" the Prime example why this Court's Should Grant and the Exceptional Circumstances warrants the exercise of this Court Discretionary Authority to resolve and the FEDERAL QUESTIONS outlined on the Petition page "-i-" (3) Questions and on page 7 under #2 Letetrs a and b.

The Attached Letter from the Clerk (Scott S.Harris and Clayton R.Higgins Jr.) "issued" a Process from the Court "WITH OUT" the Statutory Mandated SEAL OF COURT thus there was and is

"single count"of Violation of Federal law 28USCS1691 that is Defined as a Crime in 18USCS505" and Example where the Court Officers issued an process that "Lawfully has no binding effect and the Court lacks personal and Subject Matter Jurisidcition"

And

"This is the SHOWING of exceptional circumstances" that this Court "NEEDS" and warrants this Court granting the Discretionary power and authority and ORDERING this Clerk and Staff/Court Offcieres to comply with the Statutory Mandated TEXT of 28USCS§1691 Seal and Teste

Emphasis →

..." "ALL" writs and process issuing from a court of the U.S. "SHALL BE" UNDER THE SEAL OF THE COURT and SIGNED BY THE CLERK..." from herein out, as this VIOLATION OF THIS

STATUTORY MANDATED TEXT does and will effect EVERY case/process before this Court and ALL herein after, as the CLERK does not have rule making power to NOT comply and VIOLATE FEDERAL LAW and denies the Litigant deu-process of law and the Court never obtains or maintains ANY personal or subject Matter jurisdiction in on or over any process or litigant ever.

Emphasis →

this is a watershed/Case of First Impression for the Court.

Thus would does effect ALL not only Aice Appellate Jurisdiction But will ASSURE the Court Lawfully Issue Process To obtain / maintain Lawful Appellate Jurisdiction in/on ALL.

Respectfully submit these corrections to the Court and ask to accept and

determine and Grant the Relief.

Dated July 19<sup>th</sup> 2023

signed Stephen Harmon  
Stephen Harmon



"Corrected"

### CONCLUSION

The petition for a writ of MANDAMUS should be granted.  
Prohibition

PRAYERFULLY and Respectfully submitted,

Stephen Harmon  
"In re-Stephen Harmon-AS a Prose Petitioner"

Date: July 5<sup>th</sup>, 2023

Corrected and

Refiled on July

Per Instruction of Clerk

Letter 7/10/23

19<sup>th</sup> 2023

SRW

Stephen Harmon