

Appendix's

A
B
C
D
E

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHEN HARMON,

Applicant,

v.

EARL HOUSER, Superintendent,

Respondent.

No. 23-14

ORDER

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

FILED

MAY 30 2023

RECEIVED
U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
MAY 30 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

Before: NGUYEN, FRIEDLAND, and SUNG, Circuit Judges.

The motion to file a "Corrected Page #3" (included in Docket Entry No. 1) is granted.

The applicant is informed that the time limit in 28 U.S.C. § 2244(b)(3)(D) is hortatory, not mandatory. *See Ezell v. United States*, 778 F.3d 762, 765 (9th Cir. 2015).

The application to grant the district court authorization to entertain a motion under Federal Rule of Civil Procedure 60(b)(4) is treated as an application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition. So treated and as supplemented by Docket Entry Nos. 4, 5, 6, 7, 8, and 9, the application is denied. The applicant has not made a prima facie showing under § 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

APPENDIX "A" 10Fd

(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.

To the extent that the applicant requests that this court consider, in the first instance, whether he is entitled to relief under Federal Rule of Civil Procedure 60(b), we lack jurisdiction to do so. *See* 28 U.S.C. § 1291 (courts of appeals “have jurisdiction of appeals from all final decisions of the district courts of the United States”); *see also Jones v. Ryan*, 733 F.3d 825, 838-40 (9th Cir. 2013) (addressing merits of Rule 60(b) motion in first instance *on appeal* from dismissal of Rule 60(b) motion as a second or successive habeas petition); *Phelps v. Alameida*, 569 F.3d 1120, 1134-40 (9th Cir. 2009) (addressing merits of Rule 60(b) motion in first instance *on appeal* from denial of motion for reconsideration of dismissal of habeas petition).

All other pending motions and requests are denied.

No further filings will be entertained in this case.

DENIED.

APPENDIX "A" a.F2

In the Supreme Court of the State of Alaska

*NOTICE
NOISE
PRACTICE
ETC*

Stephen Joseph Harmon,
Petitioner,
v.

State of Alaska,
Respondent.

Supreme Court No. S-18529

Order Petition for Hearing

Date of Order: 12/19/2022

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

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

On consideration of the Petitions for Hearing consolidated on 10/12/2022,
and the Response filed on 11/28/2022,

IT IS ORDERED:

The Petitions for Hearing are DENIED.

Entered at the direction of the court.

Clerk of the Appellate Courts

M. Montgomery

Meredith Montgomery

cc: Court of Appeals Judges
Trial Court Clerk

Distribution:

Mail:
Harmon, Stephen Joseph

Email:
Simel, Nancy R.

APPENDIX "B"
~~APPENDIX "B"~~

Stephen Harmon
22301 West Alsop Road
Wasilla , Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

1 STEPHEN HARMON }
2 Plaintiff }
3 vs }
4 EARL HOUSE AS SQC. supp }
5 Goose Creek Cor. Cnt. }
Defendant }
Alaska SUPREME COURT No.18-529

Court Case No. 23-14

6 Appeals Court No. A-13760
7 Trial Court No. 4FA-13-2849CI
7 Superior Court No. 4FA-S-92-2481CR.

8
9 "MOTION FOR AUTHORIZATION FROM NINTH CIRCUIT COURT OF APPEALS
10 TO GRANT THE DISTRICT COURT AUTHORIZATION TO HEAR AND
11 DETERMINE THE FED. RULE CIV. PROC. RULE 60(b)(4) Void Judgement and
12 Rule 60(d) entertain an independant action"
13

14 "LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION BY THE
15 COURTS" (ground/claim/cause)

16 pursuant to Rule 9 Second or Successive Petitions.

17 The Enclosed "MEMORANDUM IN SUPPORT WITH ATTACHED ATTACH-
18 MENTS[#1/#2/#3] with Exhibits attached to] that outlines the
19 Request for this Court from/by Petition Stephen Harmon and outline
20 the Relief requested this Court to authorize the District Court
21 to Hear and Grant based on the "SINGLE" ground/claim of LACK OF
22 PERSONAL AND SUBJECT MATTER JURISDICTION BY THE ALASKA COURTS IN/
23 ON THE JUDGEMENTS THAT ARE PRESENTED AND SHOWS IS VOID AND REQUE-
24 IRES RELIEF IN THE INTEREST OF JUSTICE .

25 SIGNED Stephen Harmon Date Sept. 25, 2022
26 Stephen Harmon Prose
Petitioner

I/Harmon certify the above and below is true and correct with the attachments
and I mailed using the US MAIL with 1st class postage affixed to mailings this
date also to the Court and Attorney Simel also. pursuant to USCS 1746
penalty of perjury.

APPENDIX C

• Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

1 STEPHEN HARMON)
2 Plaintiff)

3 vs.)

Case No. 23-14

4 EARLIEHOUSE, DQC. Supp.)
5 Goose Creek Cor. Cnt.)
Defendant)

Alaska SUPREME COURT-No.S-18529

Appeals Court No. A-13760

Trial Court No. 4FA-13-2849CI.

Superior Court No. 4FA-S-922481CR

8 **"MEMORANDUM IN SUPPORT"**

9 **MOTION FOR RELIEF FROM JUDGEMENT"S" and ORDER"S"**

10 **Pursuant to:**

11 **USCS FED. RULES CIV.PROC.R. 60(b)(4) VOID JUDGEMENT AND**

12 **ORDER; and**

13 **Pursuant to:**

14 **USCS FED.RULES CIV. PROC.R.60(d) "entertain an Independant**

15 **Action to relieve a party from judgement,order or proceeding".**

17 **BASED: on:**

18 **"Single Claim/Ground"**

19 **---"Alaska Court(s)" LACKED PERSONL JURISIDICTION"in/and**

20 **Over Plaintiff Harmon to issue any**

21 **Judgement/Orders(see Attached ATTACH-**

22 **MENTS insupport) and**

23 **"LACKED SUBJECT MATTER JURISDICTION"**

24 **in/and over Plaintiff Harmon to issue**

25 **Judgements/Orders(see attached ATTACH-**

26 **MENTS:) and**

APPENDIX "C"

"PLEASE APPLY STRONGEST EMPHASIS FOLLOWING":

A.) STATE of ALASKA "STATE -"COURT RULES"/"STATUES" ; B.) FEDERAL COURT RULES & FED. STATUTES and CASE LAW(FED) MANDATE the use/application of, SEAL/Process to obtain/maintain Personal/Subject Matter & when dont is defined as crime thus resulting in "ACTED IN A MANNER INCONSISTENT WITH DUE-PROCESS OF LAW" in/and over Plaintiff Harmon to issue Judgements/Orders (see Attached "ATTACHMENTS" in Support) and

"RESULTING IN THE DENIAL OF DUE-PROCESS" "TO"
"or" over Plaintiff Harmon in any Judgements/Orders
(see Attached 'ATTACHMENTS' in support).

EXHAUSTION State of Alaska Highest Court (SUPREME COURT)

(see Attached ORDER "ATTACHMENT NUMBER " 1 "

"Denied and Failed to" address the Ground/Question"

Alaska Court(s) "LACKED PERSONAL AND SUBJECT MATTER JURISDICTION"

MATTER JURISDICTION" (see page 1 thru 15 and

ATTACHMENT NUMBER 2 & 3 (see pg. 1 thru 7) "a

"PRESENTED TO ALASKA SUPREME COURT "AND" "AS" "A"

"CASE OF FIRST IMPRESSION".

STATEMENT OF THE CLAIM SHOWING THAT THE PLAINTIFF IS ENTITLED
TO RELIEF:

- 1.) There has not ever been any "Prior" application filed by the Plaintiff Harmon raiseing this Claim/Ground/Question
- 2.) The legality of Plaintiff Harmon's "detention" "has not" been determined by a judge or a court of the United States on a prior application for writ of Habeas or a or/for Rule 60(b)(4) Motion for Void Judgement that the Court's LACKED Personal and Subject Matter Jurisdiction For non cognitio[n] in case of S[ecular]

NOTE: United States v Mierzanka (89 F.Supp.573)..."The Constitution guaranty of due-process of law MEANS Notice and opportunity to be heard and defend before a COMPETENT tribunal VESTED WITH JURISDICTION OF SUBJECT MATTER OF THE CAUSE.."

1 3.) The ALASKA COURT"s" "were and are" MANDTED BY the Alaska
2 SUPREME COURT (in Fbks.N.Star Borough v Victory Ministries
3 of AK.Inc. 515 P.3d 111 AK.S.Ct. Aug.12.2022)

4 (reads relevant parts)..."..."this issue cannot be waived
5 and can be raised AT ANY POINT DURING THE
LITIGATION...

6 The Alaska Supreme Court Failed to/Waived to take notice or address
7 the LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION claim/ground presented to
8 the Court and "REQUIRES" of the 9th cir and Fairbanks District Court
9 to hear and determine the "single Ground/Question".

10 4.) Harmon "IS NOT" "directly or indirectly" challenging the
11 "constitutionality of the underlying conviction"; instead
12 Harmon has and is Challenging that the COURT"S" LACKED ANY
13 "Personal and Subject Matter Jurisdiction" in/on or over
14 Plaintiff Harmon as presented in ATTACHMENTS NUMBER #2 &
15 NUMBER #3 that shows the STATE AND FEDERAL (court rules)
16 (statutes) and (case law) MANDATEING to obtain Personal
17 and Subject Matter Jurisdiction by the Courts in/over
18 HARMON and have not OBTAINED this Right/Privilage as out-
19 in the Court Rules/Statutes/Case Law MANDATES in the At-
20 achements Numbers #2 & #3 that is required by statutes OR
21 the Court"S" LACK personal and subject matter Jurisdiction
22 and the Judgements and Orders ARE VOID and require being
23 Voided/nulified and Order the Imediate and unconditional
24 Release with Prejudice to the Plaintiff Harmon.

25
26 5.) The Federal Court "determined":

→ Before consideration and then any finding of Guilt or Innocent
MUST determine if Court ^(Conviction) has personal and/or subject matter
jurisdiction in favor Litigant (Harmon) and proceeding (Tarrant
Page 3 Person (Sued)). Does not

... **"RELIEF IS DUE"** (HN#18) ... "De Novo review of a Fed. R.CIV.P.60(4) motion is appropriate because a district court has no discretion with regard to Rule 60(b)(4) motion, as it must grant the motion IF jurisdiction is lacking..."

... (HN#17...) "ANY Judgement entered against the defendant over whom the court does not have personal jurisdiction IS VOID..."

... "EMPHYSIS FOLLOWING"
... "If a judgement is void for lack of personal jurisdiction, the district court MUST GRANT the Fed.R.Civ. P.60(b)(4) motion, "WITHOUT consideration of timeliness, unfair prejudice OR exceptional circumstances" .."

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

and in Canales v Quarterman, 507 F.3d 884

(relevant part reads)

... "Finality of Judgement or Order

any conclusion that a C.O.A. is not required to appeal denial of Fed.Civ.R.Proc.60(b) Motion APPLIES ONLY when purpose of motion IS TO REINSTATE Appellate jurisdiction over ORIGINAL denied Habeas Relief..."

Harmon presents that:

a.) this Motion is not to reinstate any prior Appellate jurisdiction over any ORIGINAL Habeas denied "AS"
this Motion is "BASED ON" "NEW & INDEPENDANT ACTION

b.) this motion shows Case of First Impression raised.

6.) The Records shows:

A.) The STATE had/has a legal obligation to correct any False evidence when present and allowed to remain in the Record (None compliance with SEALS/Process Statute/Court rule mandates to use/apply or Court Lacked Personal/Subject Matter Jurisdiction) and n

1 have corrected nor denied or disputed COURT"S" lacked
2 the PERSONAL OR SUBJECT MATTER JURISDICTION (see Attached
3 ATTACHMENT #2 on pages 14, an Attachment #3 on page 4 & 5)

4 *And* "MANDATED BY THIS COURT "9th cir" of:
5 "Brown v Hayes 399 F.3d 972 (HN#2)"

6 EMPHISIS ADDED this court defined violation
7 of due process for failing to
do so by the state !!!!!!!

8
9 B.) The "RECORDS" show's that I/Harmon have never been
10 issued any either a summons or a warrant issued/or
11 ordered and issued to Harmon as manadted in/by Alaska
12 Criminal Rule ⁹ Warrant or Summons upon indictment or
13 information (a) (relevant part reads)

14 (a) Issuance of Summons or Warrant.

15 Upon the return of the indictment or filing of information
16 the court SHALL issue either a summons or a warrant for
17 each defendant named in the indictment or information..."

18 Harmon Presents:

19 a.) The Indictment attached as "ATTACHMENT #2- exhibit
letter "C" "SHOWS:

20 1.) that the Indictment was never recorded as required
21 by statue/process thus the Court never had obtained
22 or had any lawful Personal or subject Matter ju-
23 risdiction in/over Harmon or the Proceedings

24 2.) The Stamp is legaly defined as a "COUNTERFEIT"
25 STAMP from/by a trial court implies from; (see

26 Attachment #2 page 7 lines 17 thru 26) that defines
as a criminal act AND no jurisdiction either.

*Gettysburg
rule 43*

APPENDIX C

Summation and Relief

1.) The Court of Alaska "have not" address or determined the "Single claim/ground" filed to the Court of LACK OF PERSONAL JURISDICTION and SUBJECT MATTER JURISDICTION by the Court"s" of Alaska in any Judgement or order and thus are VOID ones issued.

2.) The State had an legal obligation based on this Courts 9th cir determination in (Brown v Hayes) to correct the false evidence filed/on record if that the Court did have Jurisdiction and compliance with Statuetary/Court Rule MANDATES for use/application of SEALS/Process to obtain legal Personal/Subject Matter Jurisdiction which resulted in the Denial of Due process by acting in a Manner inconsistent with due process of law.-

14 3.) The District Court does not have discretionary authority
15 in/on a Rule 60(b)(4) Void Judgement Motion^{But}, must determine
16 it lacks or not.

17 4.) This is a case of First impression and the Claim/Ground
18 Question of Lack of Personal and Subject Matter Jurisdiction has
19 not ever been raised or filed or heard by any court in/on nor
20 had any by the Petitioner Harmon.

5.) The Ninth Circuit Court of Appeals here in SHOULD GRANT and ORDER the District Court of Fairbanks to:

a.) Accept this Fed Rule Civ.P.R.60(b)(4) &(D) Motion for
as a VOID JUDGEMENT and Independant action in/on the one
question/ground/claim Lack of Personal and Subject Matter
Jurisdiction "and"

1 b.) Accept and Orders the District Court of Fairbanks to
2 "ACCEPT and Consider" the entire Motion herein with the
3 Attachments Attached (Attachment #1 & #2 & #3 with exhi-
4 bits attached to each) for its consideration and dete-
5 rmination of whether the Courts Lacked Personal and
6 ^{none} Subject Matter Jurisdiction and if ~~not~~ then Grant the
7 Motion Rule 60(b)(4) Void Judgment Motion and void
8 ^{ATT. #2 AS > Line 6-14 (#1/313)} the Judgement(s)/Orders of: (see list below) and Relief
9 of the imediate and unconditional release from with
10 prejudice (as evidence/shows was intentional/knowing &
11 is a criminal act by the Court Officials as listed/ and
12 Mandated by Federal Stautes cited that shows intentional
13 intent to deny due process to Harmon and have held
14 inviolation of the United States Constitution and its
15 right & privilages denied to Harmon in doing so by the
16 Court and its Officials.

17 c.) Any furture this actions and or proceedings this Court
18 deems/concludes or the District Court of Fairbanks for
19 and in the advancement of interest of justice and Truth
20 and assistance in the ORDELY and LAWFULY operation of the
21 Judicial Court/proceedings etc....

22 Petitioner Harmon respectfully and prayerfully submits this
23 Motion and Memeorandum in Support with Attachment's and prays
24 this Court GRANTS Relief to Harmon. Thank you for your

25 signed d Harmon Dated Dec. 26, 2022
26 Stephen Harmon pros Petitioner

I /Harmon certify that the above and attached is true and correct under penalty
of perjury and I mailed out these pleadings to the Court and Attorney Simel
this date also using the US MAil with first class postage affixed pursuant to
USCS 1746 penalty of perjury. Dtae Jan. 15 2023 Signed d Harmon

APPENDIX C

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

1 STEPHEN HARMON
2 Plaintiff

3 vs

4 EARL HOUSER, DOC. Supp)
5 Goose Creek Cor.Cnt.)
6 Defendant

7 Alaska Supreme Court No. S-18529
Appeals Court No. A-13760
Trial Court no. 4FA-13-2849CI
Superior Court No. 4FA-S-92-2481CR

Case NO. 23-14

9 MOTION FOR LEAVE TO FILE A

10 "CORRECTED PAGE #3" TO THE PETITIONERS FILING OF DEC.25,2022
11 of a MOTION ASKING THE 9th Cir. to GRANT AUTHORIZATION TO
12 FILE THE RULE 60(b)(4) & (d) into the District COURT"
13 (mailed using US MAIL Trackin No.9114 9022 0078 9609 2961 43)

14 Comes Now Plaintiff Harmon and presents that I/Harmon inadver-
15 tantly left out the "QUALIFING STATEMENT and CASE LAW IN SUPPORT;
16 "now" (NOW CORRECTED AND INSERTED in/on a CORRECTED PAGE #3)
17 this Error inadvertance left out by Prose litigant is and
18 was an accident please forgive and accept this corrected page for
19 the Court to Correctly determine and consider the Motion.

20 Thank you for your patiance with Prose Litigant/help.

21 signed Stephen Harmon Date Dec.28,2022
22 Stephen Harmon Prose
Petitioner Plaintiff

23 I/Harmon certify the above and attached "Corected Page #3 is true
24 and correct and mailed out using the US MAil with first class
postage affixed to the mail and mailed a copy to Defendant At-
25 orney N.Simel this date also Signed Stephen Harmon

26 Date Dec.28,2022 Persunat to USCS 1746 penalty of perjury.

Stephen Harmon
Petitioner Plaintiff

1 3.) The Alaska Court "s" "were and are" MANDATED BY THE ALASKA
2 SUPREME COURT(in Fbks.N.Star Bourough v Victory Minitries
3 of AK.Inc. 515 P.3d 111 Ak.S.Ct Aug.12,2022)

4 (reads relevant parts)..."..."this issue cannot be waived..."..."and
5 can be raised AT ANY POINT DURING THE
LITIGATION...

6 The Alaska Court Supreme Court FAILED to "TAKE NOTICE OR ADDRESS" but revile
7 waived the "QUESTION" (ground/claim) the LACK OF PERSONAL AND SUBJECT
8 MATTER JURISDICTION presented to the Court "s" and "NOW" "REQUIRES"
9 OF THE 9th.Cir. and Fairbanks District Court to Hear & determine
10 the "SINGLE" Ground/QUESTION".

11 4.) Harmon "is not" directly or indirectly" challenging the
12 the Constitutionality of the underlying conviction "of whether or
13 not"Harmon Is or isnot Guilty of Charges resulting in the issuein
14 of the "Judgement and Committment ORDER"(see attached as ATTACH-
15 MENT #2-EXHIBIT LETTER "B"); "INSTEAD" Harmon "HAS AND IS" Cahallenging
16 the COURT"s" LACKED "ANY" PERSONAL AND OR SUBJECT MATTER JURISDI-
17 TION in or over the Plaintiff Harmon as presented in see Attached as
18 ATTACHMENTS #2 & #3 that "SHOWS" the STATE OF ALASKA and U.S.FEDERAL (Court
19 Rules)(Statutes) and Case law-[Brown v Superior Court of L.A.-Attached as
20 ATTACHMENT #3 on page 4 lines 7 thur 13 also]) "MANDATING" to obtain Personal
21 and Subject Matter Jurisdiction by the Court in and over a "LITIGANT" such as
22 Harmon and Have not OBTAINED this "RIGHT"/"AUTHORITY" MANDATED by COuyrt Rules
23 and STATUES by SATE OF ALASKA AND FEDERAL STATUE/COURT RULES(see Attached ATT-
24 CHEMENTS No.2 & #3 (outlines specificaly) and Resulting in if not Obtained/or
25 followed then Court does not obtain any LAwful Authority(Personal or Subject
26 Matter Jurisdiction in or over the Litigant or the proceedings.

5.) The Federal Court "determined"

In the Supreme Court of the State of Alaska

RECEIVED
THE SECRETARY OF
THE STATE OF
ALASKA
12/19/2022

Stephen Joseph Harmon,
Petitioner,

v.

State of Alaska,
Respondent.

Supreme Court No. S-18529

Order
Petition for Hearing

Date of Order: 12/19/2022

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

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

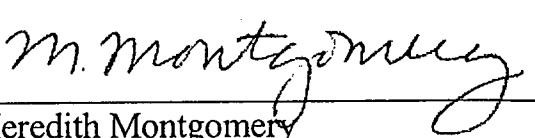
On consideration of the Petitions for Hearing consolidated on 10/12/2022,
and the Response filed on 11/28/2022,

IT IS ORDERED:

The Petitions for Hearing are **DENIED**.

Entered at the direction of the court.

Clerk of the Appellate Courts

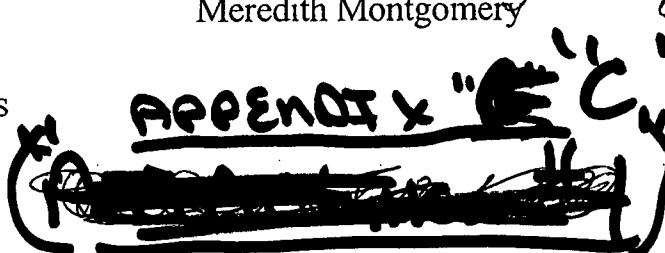

Meredith Montgomery

cc: Court of Appeals Judges
Trial Court Clerk

Distribution:

Mail:
Harmon, Stephen Joseph

Email:
Simel, Nancy R.


REDACTED

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

IN THE SUPREME COURT FOR THE
STATE OF ALASKA

1 STEPHEN HARMON
Petitioner

2 vs

3 STATE OF ALASKA
Respondant

4
5 Trial Court No. 4FA-13-2849CI
6 Court of Appeals NO. A-13760

7
8 SUPREME COURT NO. 3-18529

9
10 PETITION FOR HEARING

11 "Case(cause) of First Impression" ¹

12 → "Appealing" the Appeal Court ORDER DENING- NEW ACTION Rule 60(b)
13 MOTION VOID JUDGEMENT(("S")-Orders/Proceedings/Judgements))
14 ("to correct Clerical Errors Pursuant to App.R.519 also"
15 for "creating and Maintaing non-compliance with "Stautory" and
16 "Court Rules" "MANDATES" ---"SEALS" and "PROCESS" resulting in
17 Denial of "ACCESS TO COURT/THRU/OUT OF COURT LAWFULY and DENIAL
18 OF DUE-PROCESS" Orders Attached Appendix)

19 Dueprocess-Art.7(AK)Const/14th Amend Fed.const. "and"
20 "EQUAL RIGHTS PROJECTIONS"- Art.1sec 11 RIGHTS OF ACCUSED(AK)const./6th ~~14th~~ Amend. U.S.Const.

21 VRA and APP.R.513.3 CERTIFICATION

22 I certify that this document and its attachments do not contain
23 (1)the name of a sexual offense listed in AS.12.61.140 or (2)
24 a residence or business address or telephone number of a victim
25 of a witness to any offense unless it is address used to identify
the place of the crime or its an address or telephone number in
a transcript of a court proceeding and disclosure of the information
was order by the court. I furure certify pursuant to APP.R.513
that the font is a prestige 10 wheel using a Prison Typewriter
Swintec 2410.

26
27
28 SUMMARY OF THE ARGUEMENT AND PRAYER FOR RELIEF

29
30 I/Stephen Harmon Petitioner Prose, on July 18, 2022 "Filed"

31 (1)- "Case(cause) of First Impression",
32 Mead v State Op.No. 731 P.2d ALASKA 1971
33 ...Where a convicted defendant presents important questions of
34 Substantial Criminal Law NEVER BEFORE DECIDED IN THE STATE, the Court
35 will consider the MERITS of the ISSUE even though the Petitioner had not
36 asserted his claim in Prior Motions..."

~~Attachment 4~~

1 a "NEW ACTION" Civ.Rule 60(b)(1)(2)(3)(4)5)(6) VOID JUDGEMENT
2 MOTION and "NOTICE" pursuant to Appellate Rule 519 CLERICAL MIS-
3 TAKES/ERRORS Requesting the COURT/Have COURT CORRECTED BY THE
4 COURT for: a.) "Denial to Access to" Court and Thru and Out of
5 Court LAWFULY; Because the Clerk of Court/Deputy
6 and COURT OFFICERS (i.e JUDGE's) "CREATING and
7 MAINTAINING" this Denial and Violation ~~of~~ ^{Based on}
8 b.) for "NON-Compliance" "with" the Alaska Statutory
9 MANDATES SEALS OF COURTS [AS.22.05.060, AS.22.07.100
10 PROCESS-CT.APP., AS.22.10.080 PROCESS-CT.Superior] and
11 with Alaska Court Rule MANDATES SEALS OF COURTS
12 [Admin.Rule 4(b)SEALS OF COURTS, Admin.Rule 46(b) Special
13 ORDERS of SUPREME COURT... "Rule makeing authority SHALL
14 ^{Be Recognized...}" United State Federal Law MANDATES SEALS OF COURT's
15 (State or Federal mandates); Signatures or COURT
16 OFFICERS. [18 USCS 505 SEALS of COURT'S"/COURT OFFICERS]
17 and [28 USCS 1691 SEAL and Tesste PROCESS]
18 c.) for "any" Court Clerk/Deputy or COURT OFFICERS
19 (i.e Judge- STATE or FEDERAL) Not compliance/
20 complying with "MANDATES" "is" a criminl Act
21 ^{Equal Protection Clause} and violation of denial of Due process/constitu-
22 tional Rights as outlined for "STATE's and Fed-
23 eral Court's" in 18 USCS 505 SEALS of Court/Court
24 OFFICERS. (i.e. Judges or Attorneys included as
25 Court OFFICERS)
26 d.) Resulting in the Complete Denial of Due Process
under Alaska Const.art.7/ & U.S.Const 14th amend.
and 8th Amend -"EQUAL PROTECTION CLAUSE".

~~DEFECTIVE COURT~~ #2

APPENDIX "C"

1 e.) The Result/effect of denial(ed) of "Substantial
2 Rights "which is not" Harmless Error but Knowingly
3 and intentionally Created by the Clerks/Deputies
4 and then maintained by the COURT OFFICERS (i.e
5 Judges) that is shown in the Admission to such
6 (i.e PRIMA FACIA EVIDENCE) in:

7 1.) "phone Call" with Appellate "Clerk/Deputy" on
8 July 18, 2022 (prox.11:00am)[phone calls from
9 prison are recored to verify this admission]

10!(relvant part of call)... "they/Deputy clerk stated
11 "they" "determined" "they" (Court/clerks office)
12 don't have to use/apply "ALL" the time the
13 SEALS/PROCESS or think need to use, on Lyona
Special filing/mailing such as .. "Certified"
mail and such..."

14 2.) "Court of Appeals COURT OFFICERS (Judges)"
15 "continued and maintained" the denial of law-
16 ful Access to Court ^{Entered} thru and out of it and
17 the Denial of Equal Protection Clause, Due process, when and thru of
18 Petitioners Filing of "NEW ACTION Rule 60(b)
19 and NOTICE" in/on their(COURT)[see attached
20 Order of 8/30/22] Ruled in Plain Error of
21 ...Because Harmon has not identified a "clerical
22 error" and because the Relief he requests (the
23 Voiding of the Indictment, Judgement and for his
immediate release fom incarceration) is not limited
to the correction of clerical error...

24 it is ORDERED the "Motion and Notice" is denied.
25 Entered at the direction of the Court
(before Allard Chief Judge, & HArbinson & Terrell
26 Judge) Clerk of Appeals Court-Ryan Montgomery-Sythe
Chief Deputy clerk.

~~Attachment #2~~

APPENDIX "C"

1 NOTE: I/Petitioner Harmon "ASK" this Court with Emphisi please
2 take NOTE of this "ORDER appealing herein to this COURT" ^{RECOG} (neither)
3 was sent out of the Court/issued without the "Stautory and Court"
4 Mandated ^{on order} SEALS and PROCESS to verify and validate that the ORDERS
5 are lawfully determined and issued and enforceable "from/by" the Court.
6 "SHOWING also continued "creation and maintaining" Clerical
7 ^{equal protection clause etc} Errors of Denial of Due process by the Violation of State and
8 Federal Statute and Court Rule Mandates for SEALS and PROCESS and
9 COURT OFFICERS and intentionally plain Error "all" in violation of
10 this Court's "SUPREME COURT OF ALASKA" admin Rule 46.(b) MANDATES
11 ... "rule makeing authority SHALL BE RECOGNIZED..." and is deter-
12 mined under and by Federal Law (18USCS505 SEALS OF COURT) to be ^{non comp}
13 a Crime for "either STATE or FEDERAL COURT OFFICER" S'''"; thus this
14 this is Plain Error and abuse of discretion and the continued in
15 ^(Succes) by Assisting in the Creation of Clerical Errors and Maintaining
16 the non-compliance with MANDATES for lawful validation/verifying
17 access to the Court/to and before it lawfully vzlidated/verified
18 and determined and then issued any Judgement/ORDER Proceeding
19 findings out of the Court/Court OFFICERS lawfully and legaly bind-
20 ing under and by. ^{Court} Court of Appeals Continued with Plain Error in
21 Denying the Reconsideration Motion on 9/19.22,

22 When a Court "Clerk/Deputy" intentionally/knowingly and then ad-
23 mits to the not complying with Manadates (Statutory/Court Rules)
24 Directly mandated to them; They are "Clerical Errors" and when a
25 Court OFFICER(i.e.Judge) manaitains is Plain Error/should GRANT
26 Petition.

FACTS AND PROCEEDINGS

*This petition for
hearing*

Attachment #2

APPENDIX "C"

"FACTS and PROCEEDINGS"

July 18, 2022 approx.

Supreme Ct.

1 time of 11:00am; I/Petitioner Harmon "called" the Alaska Clerk's
2 Office (for the Appeals and Supreme Court's) [(907)264-0612] and
3 spoke with a deputy Clerk [phone call was recorded by the prison
4 so is available for verification] who "shared "specificaly" the
5 following with me [put in as a "Affidavit in filing also in the
6 filing of Rule 60(b) Motion] when I/Harmon called to ask/inquire
7 as to/on A.) "If the Court's/Clerk's Office HAD the Court
8 "SEALS" and B.) "WHY" They the Clerk's/Court's were not and had
9 not been applying/using them on the "incoming""thru" and "out of"
10 the Court "as Mandated to"; to "Verify" and "Validate" that "any"
11 filing/Proceedings/Judgements/Orders "is/or/was" "LAWFULY"
12 ACCEPTED" for filing/Lawfully filed into the Court"; or that the
13 "Filings and or proceedings/Judgements/ORDERS" "WERE" Lawfully
14 before the Court as well as the "Litigant" WAS Lawfully before the
15 Court and Judges and thus "Could and did" "for" "lawful consideration
16 and determination" and "If or not the Court/Judges" "were⁹⁶
17 hearing and determining" lawfully to the Litigant/Issue/Cause
18 "lawfully" and "then" "lawfully issue "any" "Lawful and binding"
19 ORDER/Judgement.

20 The Clerk of the Court's (Suprme /Appellate) Stated and then
21 also Verified on JULY 18, 2022 phone conversation with Harmon (see
22 filed pg.16 of Rule 60(b) filing AFFDAVIDT line 24 thru 26) relevant
23 part ..."They/Clerks for the Court's" Determined they did not
24 think they needed to or had too use/or apply SEALS or use the
25 PROCESS all the time/filings...". This "Determination" violates
26 the "SPECIFIC" Statutes [A.S.22.05.060 SEALS OF COURT(a)(b)(c)]

~~Attachment #2 Appendix "C"~~

1 and [A.S.22.07.100 PROCESS(a)] and [Administrative Rule 4(a)(b)(c)
2 SEALS of the Courts] and [Administrative Rule 46(b) Special ORDERS
3 of the Supreme Court and Court of Appeals and Presiding Judge]

4 ORDERS (b)](...)
5 ~~Emphasis~~ → No ORDER SHALL BE promulgated that is inconsistent with
6 Alaska Statutes or Alaska Rules of Court. The Vesting
of all rulemaking authority in the Alaska Supreme Court
SHALL BE RECOGNIZED...
7 (Emphasis supplied/added) Has not/will not

8 The Petitioner Harmon shared the "Specific" PROCESS Statute
9 (A.S.22.0100) that it "MANDATES" the use/application in/thru and
10 and out of the Court in/on ever filing/Judgement/ORDER and the
Clerk(deputy) ~~Has no~~ ~~actual~~ ~~do not~~ had no remark on that FACT (Phone call ended).

11 The Clerk of Court "do not" have any Rule makeing authority;
12 pursuant to "ANY" Alaska Statute or Court Rule and their "Candided
13 acknowledgement" and admittance "THEY DETERMINED" they did not
14 think they needed to..." shows the "intentional intent and then
15 implementation of Violating Alaska Statutes/Court Rules and this
16 Courts own MANDATE of Rule 46(b) in its entirity ... NOT RECOGNIZED
17 the Supreme Court rule ~~making~~ authority or its: "SHALL BE" "MANDATE".

18 The Petitioner (check/verified "ALL" the filings/proceedings
19 and ANY ORDERS by any Court i.e Trial/Appeal/Supreme); and "NONE"
20 had the Mandated SEAL and PROCESS of the Court in/or on any thus
21 lawfully "Shows(ing) a.) that Petitioner Has ~~never~~ been lawfully
22 brought before any Court to date-Denial of Due process; ~~equal protection clause ever~~
23 b.) had any Court to make any Lawful consideration and then make
24 any lawful determination in/on any Proceeding and then not ever
25 issue any lawful Judgement/ORDER that has any lawful binding effect
26 effect in/on Petitioner. Denied access to/thru and out of any Court

Attachment # **Appendix "C"**

1 proceeding/Judgement/Orders in/of or by any Court in Alaska to
2 Then Date. Thus the Petitioner filed into the Court of Appeals a filing
3 of "NEW ACTION RULE 60(b)(1)(2)(3)(4)(5)(6) VOID JUDGEMNETS MOTION"
4 and pursuant to Appellate rule 519 CLERICAL Mistakes asking the

5 Court of Appeals to correct and filed in support of to SHOW of:
6 Following Exhibits/proofs/memo

7 1.) Court of Appeals ORDER of June 22, 2022 [Attached as Exhibit letter
8 "A"] (SHOWING NO "Seal or Process of Court on the ORDER thus per
mandates of Statutes and Court Rule it is not lawfully issued
determined or has any lawful binding effect on any one)
[Denial Of Due process and abuse of discretionary authority];

9 2.) Judgement and Committment ORDER [Attached as EXHIBIT Letter "B"]
10 (SHOWING NO "Seal or Process of Court on the ORDER thus per
mandates of Statutes and Court Rule it is not lawfully issued
determined on has any lawful binding effect on any one)
[Denial Of Due Process and abuse of discretionary authority];

11 3.) Grand Jury Indictment [Attached as EXHIBIT Letter "C"] (SHOWING NO
12 "Seal or Process of Court on the "Grand" Jury Indictment "Filing"
13 thus per mandates of Statutes and Court Rule it was never
14 lawfully filed or Harmon ever lawfully formally lawfully charged
15 indicted or brought before the Court lawfully to date and has
no lawful binding effect on any one/Harmon)[Denial of Due process and abuse of discretionary authority].

16 that these "ALL" "proceedings and Judgements and ORDERS and the
17 Indictment" are invalid and void lawfully for:

18 (A.) "NON-Compliance with MANDATED "Specificaly too" Clerks/
19 Deputies of Court (i.e Trial/Appeal/Supreme) of the
Statutory and Court Rule MANDATES use/application of
20 SEALS of Court and Process of:

21 ---AS.22.05.060 SEALS OF COURT , AS.22.07.100PROCESS(CT.APP),
22 Admin R. 4(b)SEALS OF COURT , Admin.R.46(b)Special ORDERS of SUPREME Court

23 AND FOR 2
24 T.B.) The "NON-compliance" with MANDATES violates the U.S.Fed

25 eral Law of 18 USCS 505 SEALS of COURT"s"; signatures or
26 COURT OFFICERS."

27 Shows is crime
28 Off By CT or Federal
29 or Court Officer when creates
30 OR
31 SHALL BE FINED under this title or Imprisoned
32 Not more than five years or both..."

1 The Appeals Court/Judges (Chief Judge Allard, Judge Harbison,
2 Judge Terrell) "had" the above/enclosed information and requested
3 the correcting/void of proceedings/Juedgements/ORDERS and the
4 the Relief of imediate and unconditional release from any furture
5 inforcement of the Charges/Indictment and imediate and unconditi-
6 onaly release from imprisonment with Prejudice ; but instead
7 in their ORDERS Dening this Filing and also in the Reconsidseration
8 Motion (i.e. Order enclosed appealing of [8/30/22] and [9/19/22])
9 "SHOWS" the Court/Judges "INTENT and BIAS" to deny Petitioner ^{Harmon}
10 Harmon "Access to" the Court/ "thru the Court" and "be heard"
11 LAWFULLY and TIMELY; resulting in the Total denial of Substantial
12 ~~equal protection clause and~~
13 Due process rights and privilages and not accord the Petitioner
14 the right to be heard according to the Law(s) of State of Alaska
15 or Federal laws of the United States and abused their disrecti-
16 onary authority and committed criminal acts and maintained the
17 Clerical Created and maintained denial of access to/thru/out of
18 the Court"s", and LAWFULLY ^{THREE OF JUDGES/Know OFFICE - OFF - PRESCRIBED} directly shows JEFFERS DECISION ~~MADE~~
19 This "intentional abuse of discriptionary authority" of denial
20 of foundational substantial rights/due process is shown in/of: ^{ALSO}
21 ERRORS PART OF

22 a.) ORDER of 8/30/22... "Because Harmon has not identified
23 a "clerical error..."
24 ... "Motion and Notice is DENIED..."

25 and Thru ~~Violation~~ Violation OF:

26 b.) Non-compliance with "basic CANON MANDATES" of:

27 CANON 3(A)(B)(7)

28 (A) Primacy of Judicial Duties ... "A Judge's Judicial Duties
29 ^{OFFICE} ~~OFFICE~~ includes the duties of the Judge's OFFICE PRESCRIBED
30 ^{BY LAW...}"

31 (B) Adjudicative Responsibilities

32 (7) A Judge SHALL accord to every person the right to be
33 heard according to the law..." (continues)

34 ... "A Judge SHALL MAKE reasonable efforts to see that law
35 clerks and other COURT STAFF carrying out similar functions
36 UNDER Judge's supevision DO NOT VIOLATE THE PROVISIONS OF
37 SECTION..."

1 ARGUEMENT

2 "case of First Impression" 1

3 The Alaska Supreme Court "has" "specificaly" Prescribed and
4 "Manadated in the rule Prescribed" based off Statutes; "Mandates
5 for the Clerk/Deputy Clerk" to use/apply in/on "every" filing into
6 thru and then out of the Courts to "lawfully verify and validate"
7 if the Filing is lawfully filed with the Court to lawfully hear/then
8 determine and issue any Judgement and or ORDER to be lawfully issued
9 and enforceable [Court haveing] "persoanl and Subject Matter Juris-
10 idiction] and whether or not the Litigant is lawfully before the
11 Court and Court has any lawful authority in/on or over the Litigant
12 or poceedings. When these Statutes and Court Rule Mandates are not
13 used or applied then "Access to the Court/thru/out of it", is denied
14 to the Litigant and is not lawfully ^{before the} for the Court to Hear/or dete-
15 rmine the proceeding or case/cause. ^{pursuant to}

16 A.S.22.05.060 SEALS of the Court's (prescribed by the Alaska "supreme Court
17 to "ALL" Clerks/Deputies pursuant to)
18 ~~(X)~~ Adminstration Rule 4 SEAL:S OF COURT (a)(b)(c)

19 ~~(X)~~ (a)SEAL OF HE COURT OF APPEALS
20 The SEAL of the Court of Appeals
21 is a "Vignette of the Official Flag
22 of the State""With" "the words"
23 "SEAL OF THE COURT OF APPEALS OF THE
24 STATE OF ALASKA" surrounding the
25 "Vignette".

19 (b)SEAL OF THE TRIAL COURT
20 The SEAL of the Trial Courts is
21 a "Vignette of the Official Flag
22 of the STate""with" "the words"
23 "SEAL OF THE TRIAL COURT OF THE
24 STATE OF ALASKA" surrounding the
25 "vignette".

22 A.S.22.07.100 PROCESS

23 Process of the Court of Appeals "SHALL BE" in the NAME of the State of
24 Alaska , signed by the Clerk or court or deputy clerk when issued.

25 "SEALED with the SEAL OF THE COURT and returnable ACCORDING TO THE RULE
26 "PRESCRIBED BY THE SUPREME COURT." ^{SEE Admin R 4} "shall" be
27 ^{above} ~~above~~ ^{Manadates}
28 "EACH" Court (i.e District/Trial/Appeal/Supreme) "has" their

(1) -Mead v State Op.No. 731 P.2d ALASKA 1971... "where a convicted defendant
2 presents important questions of substantial criminal law Never Before
2 decided in the state, the Court will consider the merits of the issues
2 even though the Petitioner had not asserted his claim in prior Motions..."

1 "own" "SEAL" that is Mandated to be applied/used in and on "ALL"
2 in/out of the Court and thru the Courts Business or it is not
3 lawful to have/consider/determine or issue any ORDER/JUDGEMENT
4 or it is not
5 nor is the Litigant Lawfully before the Court and the Court "does
6 Not" have any "personal or Subject Matter Jurisdiction".

7 The FACTS Showing the "ERRORS" are by the "Clerks/Deputies"
8 of the Court and are maintained by the Court(Judges) for not
9 compling with "specific" Statutes and Court Rules Directly mandated
10 to the Clerks/Deputies shows when not complied with "are" Clerical
11 Errors. These ERRORS were "created" by the Clerks/deputies of the
12 Court; but "MAINTAINED by" the Court/Judges/Officers. Thus the
13 Rule 60 (b)VOID JUDGEMENT MOTION authorizes such VOID filings,
14 and pleadings/Proceedings/procedures/Judgements and ORDERS; and
15 Appellate Rule 519 supports this Relief as they read/authorize

16 Appellate Rule 519 Clerical Mistakes
17 ... "Clerical" mistake in judgements,
18 orders or OTHER PARTS of the RECORD's"
19 and arising FROM oversight or OMISSION
20 may be corrected BY THE APPELLATE COURT
21 any time or its own initiative and AFTER
22 SUCH NOTICE, if any as the Court Orders
23 OR ON MOTION OF ANY PARTY and after such
24 NOTICE if any as the Court Orders..."

25 NOTE: clerks/deputies = Court Officers
26 (i.e. Judges) "misconduct" for Intentional
not comply w.r.t Statute/Court Rule
monolek is misconduct for purpose
of
fraud

27 Alaska Supreme Court "determined" STATE v MAXWELL 6.P.3d733
28 (HN#10)... " this rule applies without limitations because a VOID Judgement CAN
29 NOT gain Validity simply by the
30 Passage of time..."

~~APPENDIX~~

~~APPENDIX "C"~~

↑
EMPHASIS

1 The "Merits" of this case/cause "have not" been decided to date
2 and the U.S. Supreme Court Determined in this Standard be met in Rule 60(b)

3 American Trucking Assn. V Freisco Trans. 358 U.S.133,79 S.CT. 170 3L.ED.2d 172
4 1958 U.S.LEXIS 1778

5 *Rule 60(b) was designed to permit desirable legal objectives that a
case might be decided on their merits...*

*Am. Assn Rule 60(b)
... "NO ORDER" "Inconsistent Statutes/ct. Rules...*

6 The Rule makeing Power does not authorize (i.e.clerks/deputies

7 or lower Court Judges to "rewrite the Supreme Court Rules nor by
8 Judicial interpretation" "as" the Clerks/deputies and Appellate
9 Court and Trial Court Judges have attempted, *By* this was and is

10 determined in U.S. Supreme Court Haris v nelson 394 U.S.S Ct 1082 22
11 L.ED. 2d 181

12 ... "NO U.S. Judge has the power to rewrite rules by judicial interpretation..."
13 and the U.S. Supreme Court has "Determined" a U.S. Court... "A court must adhere
Nasarallah v Barr 140 S.Ct. 1683.

*must be
compliant*

*with
statute/proc*

14 *Alaska* This Court(Supreme) has "determined" in Rodriguez v Rodriguez 908
15 P.2d 1007
16 ... "It is abuse of discretion to deny the parties NOTICE..."

17 When the Court Officers (i.e clerks/deputies and Judges) "didnot"
18 address and "take NOTICE" of the "specific" Statute and Court Rule
19 violations that were the Foundation and bases to continue to deny
20 Harmon Access to the Court and thru or out of it ever is a intentional
abuse of and denial of Constitutional due process to the

Equal Protection Clause or

21 Petitioner Harmon completely and have shown that "opportunity to
22 Heard before and defend before a competent Tribunal" let-alone
23 in which the Court/Judges "had" the litigant and proceedings/filings
24 *whatever or not* *ALSO* before it lawfully thus shows the Court/Tribunal "not" vested with
25 Jurisdiction of subject Matter or Personal matter of the Cause.

EXPLAINED

26 United States v Mierzanka (89 F.Sup.573)... The Constitution guaranty of due
process of law "MEANS" notice and opportunity to be heard "and" defend
Before a "competent" Tribunal, Vested with Jurisdiction of Subject Matter
of the cause..."

Foundation 5

1 The Petitioner present that the "Appellate Court and Trial Court"
2 ~~considering previous~~
3 warrants the Prior decisions based on the "doctrine of Stare decisis"
4 as in Stefano v State 2012 Alas App.LEXIS 32 (HN#4)

5 Court Determined ..." a litigant who wishes to attack a prior decision
6 of a APPELLATE COURT must demonstrate

(1) that the decision was erroneous from its inception

*
Exhibit
Sheet

7 The Petitioner Harmon presents and believes demonstrated that from
8 the "inception" on the Attachment EXHIBIT Letter "C" the Grand
9 Jury Indictment (see) the "Counterfiet Stamp" that is no where near
10 meeting the minimum requirement for SEAL and Process pursuant to
11 Stautes and Court Rule mandates for filing/acceptance by the Court
12 Thus Petitioner Harmon "was Never" lawfully brought or indicted or
13 charged/tried or convicted and issued a lawful Judgement and com-
14 mittment Ordr (see Attachment EXHIBIT letter "B" with the Count-
15 erfiet stamp) that is no where near meeting the minimum require-
16 ment for SEAL and PROCESS pursuant to Statutes and Court Rules.

17 Mandates for filing/accepting by the Court thus the Petitioner was
18 never lawfully before the Court for the Judgement and Committment
19 Order to ~~considered~~ ^{Determined lawfully now} and then issued and lawfully binding in/on the
20 Petition Statutorily/Court rule and by the Federal law standard
21 set out in 18USCS 505 SEALS and Federal law mandates for STATE's
22 Court of: 28 USCS 1691 SEAL and Teste PROCESS

23 ... "ALL writs and PROCESS issusing FROM A COURT A COURT OF
24 United States SHALL BE UNDER SEAL of the Court and signed by
25 the Clerk thereof..."

the Current Appellate ORDERS attached Appelaing "Shows" there is
not any SEAL or PROCESS on any ORDER of the Appellate Court thus
do not come any where close to meeting the SEAL and PROCESS Rule

~~Attachment #2~~ ^{Exhibit} Appendix "C"



1 Admin 4 mandates the Court's are required to use/apply or filing
2 ~~or is not lawfully before the Court or the Litigant and denied access~~
3 to the Court and due process by the Court Officers (i.e clerks/de-
4 uties, Judges). thus the "Reversable ERROR" for abuse of discreti-
5 onary authority by JUDGE(Trial Court-Appellate Court) by/when

6 ... "depriving(ed) substantial rights and seriously prejudiced by
7 lower court JUDGE for NOT complying with Alaska Constitution, Statutes,
due-process, COURT RULES MANDATES

8 and

9 ~~Emphs~~ → Roland v Monsen Op.No. 11603, P.3d 1036 (ALASKA 2006)

10 → ... "a judgement or Order IS VOID." ... "WHEN there was a FAILURE to comply
11 with such requirements as are NECESSARY FOR THE VALID EXERCISE OF
POWER BY THE COURT ..."

12 There was and is a "Complete" failure to comply with such req-
13 uirements (i.e. this Courts Rule making power Recognized also) as
14 were and "ARE necessary for the Courts/Judges/Clerks-Deputies-
15 COURT OFFICER for the VAILD EXERCISE OF POWER TO DATE BY ANY."

16 The Relief is "VOIDING "ALL" Appellant/Petitioner Harmon filings
17 including the Court of Appeals ORDERS (Attachment EXHIBIT Letter "A")
18 the Commitment Judgement ORDER (attachment Letter "B") and Grand Jury Indit-
19 ment (attachment Letter "C") requiring VOIDING and imediate unconditional
20 relief upon and after Granting the Petition for Hearing and RELIEF. ~~With Prejudice~~ ←
21 This Relief was/needed Granted... "to deter like conduct and preserve the
22 ~~Because~~ → ~~integrity of the FACT-FINDING PROCESS~~ ←
23 as out lined in/determined in Varilek v Bulke 2008 Alas.LEXIS 54 under litigants
24 standards.

CONCLUSION

25 Your Honors of this Supreme Court "there is No ORDER/Judgement
26 or proceeding" that is any where Near consistent with Alaska Statues
or

~~Attachment #2 Appendix "C"~~

(Violates Mandate of Alaska Admin 46 B "NO order")

OFFICERS

1 or Alaska Rules of Court? The Clerks/Deputies and Court Judges
2 are not "recognizing your Rule Makeing authority" by and when
3 they "intentional and knowingly" state "they donthink they need to
4 use/apply SEAL and PROCESS "ALL time when this Court instructed
5 in Adminitrative Rule 4 was Manadted. These are not Harmless Errors
6 but ERRORS that deny substantive rights and privilages and is denied
7 intentional and knowingly thus is very prejudicial against the
8 Petitioner and should be applied in the VOID with "Prejudice" and
9 - The assisting in the denial of due process by the Court OFFICERS
10 Judges with the Clerks/Deputies is also a showing of the "entire"
11 Court system is part to denial of due process to Petitioner and
12 Access to and thru and out of the Court; instead assisting in the
13 illegal holding of Petitioner which not lawfully been brought ^{OR HEARD} "Anchored"
14 before any court to date in/of Alaska Court system, ~~Civil and Criminal~~ Acts.

15 "One final note": The Respondant (state Attorney Simel/Taylor of
16 the Dept. of LAW) a.) have not emphisis have not to date in any
17 filing/proceeding/ORDER/Judgement "denied" or disputed" or b.)
18 Opposed the FACTS or MANDATES/Court Rules Mandates nor that ^{Equal Protection Rights}
19 Harmon/Petitioner was/is denied access to court and due process
20 ^{and lawfully} ^{And} ^{Standected} ^{LAW/State of} ^{Alaska} nor the Releif should not be granted. Pursuant to FEDERAL ^{Standected}
21 the Prosecutors "has/Had" an obligation to correct the record to
22 reflect the truthful facts when were unsolicited False evidence
23 was introduced on its behalf to the Trial Court and "since" been
24 maintained by the Respondant/Attorneys unlawfully in: ^{Alaska} ^{U.S.S.Ct.}
25 Brown v Hayes 399 972(9th cir) → [and Sambrano v STATE LEXIS 228
26 based off U.S.S.Ct. Determination was mandated to correct or party

~~RESTATEMENT~~ #2 APPENDIX '2'

1 to the denial of Constitutional rights to Petitioner and "criminal
2 ^{Dept. of Law Attorneys and} Acts" of/by the Court OFFICERS (i.e. clerks/deputies/judges) for
3 intentional violation of FEDERAL Constitutional law of 18USCS505
4 SEALS OF COURT/OFFICERS, and Alaska State Statues and Court Rules,
5 Mandates

6 For the foregoing reasons, this Court Should accept this Pet.
7 Petition under Alaska Appellate Rule 304(a)(b)(c) and because this
8 case/cause is a case of "First Impression" and these Court OFFICERS
9 are intentionaly not recognizing the Supreme Court Rule makeing
10 authority and the ALaska Supreme Court determined in

11 Mead v State Op.No. 731 P.2d (ALASKA 1971)

12 ... "where a convicted defendant presents important questions of
13 substantial law never before decided in the state, the court
14 will consider the Merits of the Issues even though the Petitioner
15 had not asserted his claim in prior motions..." !!!

16 Respectfully and Prayerfully submitted this date of Oct-5¹³, 2022
17 signed D. Harmon
Stephen Harmon Prose
Petititoner

18 I certify that the above is true and correct and ifuture certify that
19 I/Harmon mailed the pleading to the Attorney for repondant this date also.

20 CERTIFICATE OF SERVICE:

21
22 Mailed to

23 Clerk of Supreme Court
24 303 K street
Anchorage, Alaska 99501

25 Attorney Nancy Simel(respondant Att.)
dept. of law
310 K street- Suite 702
Anchorage, Alaska 99501

26 ~~RECEIPTED~~ APPENDIX "C"

Stephen Harmon
22301 west Alsop Road
Wasilla, Alaska 99654

1 STEPHEN HARMON
2 Petitioner

3 vs

4 STATE OF ALASKA
5 Respondent

IN THE SUPREME COURT FOR THE
STATE OF ALASKA

Supreme Court No. S-18529

Court of Appeals No. A-13760
Trial Court No. 4FA-13-2849CI
Superior Court No. 4FA-S-92-2481 CR.

8 PETITIONER HARMON's "SPECIFIC" REPLY TO Respondent's
9 IN & ON the "SPECIFICALLY FILED" Nov.28,2022 FILING

OF:---("Consolidated Response to Petitions for Hearing")

10 Note: Petitioner Harmon "recieved this Filing from Respon-
11 dent on Nov.30,2022 Pm-evening legal mail @ Prison.

12 "AND"

13 "MOTION FOR LEAVE OF THE COURT of Discretionary Review"
14 "TO ACCEPT FOR:"

15 1.) FOR FILNG to/in and before the Court/Justices
16 and

17 2.) FOR COURT/JUSTICES consideration in/on and of
18 the Petitioner Harmon's "Petitions for Hearings
19 "AS" Herein Reply and as the REPLY/presented
20 to be included in the Complete review of the
Petitions and Hearings and determination of
such relief.

21 Authorization -- Pursuant to App.R. 303(c)RESPONSE relevant part reads:

22 "...the Party filing a petition for hearing may not
23 file a Reply to the Response without leave of the
24 court of discretionary review. Consideration of the
25 petition for hearing will not be delayed on account
of the filing of a motion for leave to file a reply.."

26 Harmon Reply's by showing the "Misrepresentation and Fraud"
upon the Court in the Respondent's Response of ^{Nov} no.28,2022 and the
Court "should not ..."Reject on any bases the Petitioner's filin
Petition for Hearing" as the Respondent has present to the Court
to do as: 1.) The Respondent herein in their Response "have"
presented (2)two position/defense simply to prevail and ask the

~~APPENDIX C~~ #3 APPENDIX "C"

1 here of the Alaska Supreme Court and its Justices to:

2 1.) "on the one hand (see the respondents Response on pg. 11
2nd to
3 last paragraph and cont. on pg. 12 reads in relevant part:
4 ..."..."Harmon also seems to rely on federal statutes and cases[P.1 at11-12]
5 but those statutes and cases do not govern how Alaska 's state courts
OPERATES..."

6 2.) "on the other hand (see the respondents Response on Pg. 1
7 thru pg. 10" "where" the Respondent/State of Alaska "HAVE" "RE-
8 PEADLY" a.) "STATED and SHOWN WHERE" the Alaska Courts "ARE"
9 governed by FEDERAL CASE (and statutes) operate..."BLAKELY..."
10 "Blakely" "IS A U.S.SUPREME COURT CASE- (i.e meaning it is a FED-
11 ERAL CASE that Alaska has determines governs how/what "IS" opera-
12 ing with-in the U.S Constitutional MINIMUM standards for a COURT
13 "ALASKA herein to operate and be governed by !!! thus the Respon-
14 dent is asking the Court to apply a "2" standards to the Petition-
15 ioner but not to the Respondent or Alaska Courts when concerns the
16 Respondent . This is "misrepresentation and Fruad upon the Court
17 by the Respondent to deny substant(al) rights and due-process.

18 3.) The ALASKA APPELLATE COURT "HAS" determined in
19 Burns v STATE 2007, Alas. LEXIS 139(HN#2)(HN#3) relevant parts
20 reads:..."A STATE APPELLATE COURT is obliged to apply FEDERAL
21 CONSTITUTIONAL LAW as it has been Interpreted "BY" the
22 U.S.SUPREME COURT..."
cont.

23 ..."..."until and unless the SUPREME COURT TELLS US TO DO
24 OTHERWISE..."

25 4.) Respondent again "misrepresents and ask this court to
26 "affirm the Appellate ERROERS/DENIAL and abuse of discretionary
authority to continue and deny Harmon his Constitutional "RIGHTS"
which is prejudical and the COURTS (STATE & FEDRAL Specifically-

~~ATTACHMENT #3~~ APPENDIX "C"

STATE DISCRETION
RELY ON
RELY ON
STATE CASES
IN ALASKA
BY STATE

1 Determined this and in STAUTES (STTAE or FEDRAL) also of:

2 Respondent pg.11 last paragraph relevant part of Misrepresentation/
3 error and abuse of discretionary authority of:

4 ..."In any event, as the Court of Appeals recognized, the
5 relief harmon requests is not the correction of clerical
6 errors(such as reissuance of the documents with a seal)
but the voiding of the indictment, judgement, and his
immediate release from prison.see Harmon, No.A-13760,ORDER,
dated aug.30,2022...."

7 (a)-Alaska Court Rule 519 Clerical Mistakes "SPECIFICALLY" authorize
8 such filing and Relief in the APPEALS COURT and not necessarily in
9 the Trial Court relevant part reads:

10 ..."may be corrected BY THE APPELLATE COURT ANY TIME ..."

11 (b)-Alaska Rule 60(b) VOID JUDGEMENT "SPECIFICALLY" authorizes such
12 filng and Relief in the APPEALS COURT and not necessarily in Trial
13 Court relevant part reads:

14 ..."This rule does not limit the POWER of the COURT TO ENTERTAIN
15 AN INDEPENDAT ACTION OR TO RELIEVE A PARTY FROM A JUDGEMENT,
ORDER OR A PROCEEDING

16 (c) The Appellate Court DID NOT determine that Harmon "NEW
17 ACTION FILING" (seals/process) was necessary to be preseverd in
18 the Trial Court and Alaska Supreme Court determined that was not
19 necessary either because:

20 (1) when a litigant shows PLAIN ERROR as Harmon has; &

21 (2) "Mead v STATE Op.No.731 P.2d ALASKA 1971"

22 ..."Where a criminal defendant presentsd important questions of
23 Substantial Criminal law never before decided in the STATE
24 the court WILL CONSIDER the MERITS of the ISSUE even
though the Petitioner HAD NOT Asserted HIS claim in
Prior Motions..."

25 (d) The Alaska COURT OF APPEALS HAS decided significant Constitutional
26 and Legal Questions In error and resolved Harmon's Case incorrectly by:

~~Attel~~ ~~112~~

Appendix 'C'

IF LACK
CON VUL
Vice
Sandra
Ocular

1 (d) (continued)

2 (1) Clerical errors Defined

3 (5)Id. Correction, Clerical Errors

4 a Clerical error is not necessarily one made by a clerk,
5 but such error be that of the Court or Judge, and if
6 carried into the JUDGEMENT the COURT HAS THE AUTHORITY
7 TO CORRECT IT..."

8 Benway v Benway, 11945 Cal.App.LEXIS 695[CA(5)(5)]

9 = (2) DEFINED Functions of Court & Clerk-FINAL JUDGEMENT-ENTRY and

10 Brown v Superior Ct of IA REQUIREMENTS-Evidence of such.

11 70CAL.App.732(CA(3)

12 (3)Id) ... "The Judgement is a Judicial act of the Court, and its
13 entry in the judgement book, which affords the Highest
14 RECORD-EVIDENCE of its existence, is but a ministerial
15 Act of the Clerk, and that which the Court performs
16 judicially, or orders to be performed, IT IS NOT TO BE
17 AVOIDED BY THE ACTION OR WANT OF ACTION OF & BY THE COURT'S
18 ministerial OFFICERS, the Judgement IS THEN AS RENDERED
19 "FINAL"(ly), THIS DETERMINES THE RIGHTS OF THE PARTIES
20 TO THE ACTION OR PROCEEDINGS. "IT" IS "COMPLETE" WHEN
21 IT IS "ENTERED AND RECORDED BY THE CLERK "AS" REQUIRED"
22 "BY" THE "STATUE"..."

23 Alaska Statutes and Court Rules "MANDATES" the use/application &
24 Process of use/applicaiton of a COURT SEAL/PROCESS and never been
25 been complied with by the Clerks of ALL Courts/Judges or STATE
26 STATE OFFICERS and this is a denial of Due process the FEDERAL
Court has/does DEFINE when it:

27 (1) ALLOWS FALSE EVIDENCE and does not correct as in

28 ---Filing in the Appeals Court Rule 60(b) NEW ACTION
29 and did not oppose or correct in any filings to
30 Court of Appeals; nor

31 --- Filing herein the "RESPONSE" filed Nov.28,20222
32 "DOES NOT" correct or explain why does not which

33 is a denial of Due proces and REQUIRES the "RELIEF of REVERSAL
34 CHARGES/SENTENCES fro PROSECUTORIAL MISCONDUCT and VOIDING ALL
35 Judgement and Committment/Indictment and Appeals ORDERS to date.

36 Pursuant to: (HN#2)... "It is the sworn duty of the Prosecutor to assure
37 that a defendant has a fair and impartial trial, &

38 Brown v Hayes 399 F.3d
39 972(9thcir)

DEFENDANTS RIGHTS TO DUE PROCESS
The STATE Violates a criminal defendant's RIGHT TO
DUE-PROCES "WHEN", although not soliciting FALSE

APPENDIX 11
Xtra notes

1 "EVIDENCE", IT ALLOWS FALSE EVIDENCE TO GO UNCORRECTED
2 "WHEN" "IT" "APPEARS" ..."

3 (HN#4)... "Due Process PROTECTS defendants AGAINST the knowing
4 use of ANY FALSE evidence by the STATE,
5 WHETHER IT BE by "document", Testimony OR ANY
6 OTHER FORM OF ADMISSABLE EVIDENCE..."

7 "REVERSAL IS VIRTUALLY AUTOMATIC"

8 The "CORRUPTION OF THE JUDICAL PROCESS BY ALL COURT OFFICERS
9 and STATE" and MEETS THE STANDARD/DEFINITION OF "EGRESIOUS-
10 CONDUCT" and effects the Complete execution of the Judgement"s"
11 ORDERS and is not Harmless error; but effects substantial Rights
12 of Petitioner Harmon. The ALASKA COURTS Lacked Personal and Subject
13 Subject Matter Jurisdiction in/over Harmon in any way. Completely
14 Prejudical!!!

15 Alaska SUPREME COURT CASE 2012 determined:

16 ... "a judgement or order is void "when" the State in which the
17 judgement was rendered had no jurisdiction to subject the
18 parties or the subject matter to its control."
19 or when there was a failure to COMPLY WITH such REQUIREMENTS
20 AS ARE NECESSARY FOR THE VALID EXERCISE OF THE POWER OF COURT"

21 ALdrich V Aldrich OP. NO. 14-238 P.3d AK, 2012.

22 Alaska SUPREME COURT CASE 1969 determined:

23 ... "Clerical Error for the purpose of this Rule (i.e Rule 60(b))
24 may be made other than a clerk..."

25 ALLEN V Bussell OP. NO. 13535 558 P.2d 496 (AK 1976)

26 ALASKA SUPREME COURT CASE 2014 determined:

27 ... "Rule 60(b)(4) VOID JUDGEMENT Motion seeking relief from a VOID
28 Judgement; BECAUSE the VALIDITY OF A JUDGEMENT is STRICTLY A QUESTION OF
29 LAW, and QUESTION OF LAW "REQUIRES" "DE NOVO REVIEW"..."

30 Herber v Herber, 330 P.3d 926 (ALASKA 2014)

31 ALASKA SUPREME COURT CASE determined: State v Maxwell 6.P.3d 733
32 ... "this rule applies without limitations because a Void Judgement CANNOT
33 gain VALIDITY simply by the passage of time.."

34 CONCLUSION: the Court should Grant Petition for Hearing/Or/Oral Arguements or
35 Relief out right for Prima facia showing.

36 Dated Dec. 1st, 2022

37 Page 5

38 By: Stephen Harmon
39 Stephen Harmon Prose Petitioner

40 ATTACHMENT #3

In the Court of Appeals of the State of Alaska

Stephen Joseph Harmon,
Appellant,
v.

State of Alaska,
Appellee.

Court of Appeals No. A-13760

Order

Date of Order: 8/30/2022

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

Before: Allard, Chief Judge, and Harbison and Terrell, Judges.

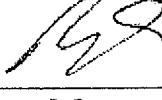
On 7/18/2022, Stephen Harmon filed a Motion and Notice to the Court pursuant to Appellate Rule 519. *and Rule 60(b) new party left out specifically Filed PS Under*

Because Harmon has not identified a "clerical error" and because the relief he requests (the voiding of the indictment, judgment, and for his immediate release from incarceration) is not limited to the correction of a clerical error,

IT IS ORDERED: The Motion and Notice is **DENIED**.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

APPENDIX "C"

cc: Court of Appeals Judges
Distribution:

Mail:
Harmon, Stephen Joseph

Email:
Simel, Nancy R.

~~Attachment 1~~

"Order Appealing"

PAGE 1

(S)

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law, although it may be cited for whatever persuasive value it may have. See McCoy v. State, 80 P.3d 757, 764 (Alaska App. 2002).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

STEPHEN JOSEPH HARMON

Appellant,

v.

STATE OF ALASKA,

Appellee.

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

MEMORANDUM OPINION

No. 7013 — June 22, 2022

Appeal from the Superior Court, Fourth Judicial District,
Fairbanks, Michael A. MacDonald, Judge.

Appearances: Stephen Harmon, *in propria persona*, Wasilla, Appellant. Nancy R. Simel, Assistant Attorney General, Office of Criminal Appeals, Anchorage, and Treg R. Taylor, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, and Harbison and Terrell, Judges.

Judge HARBISON.

Stephen Joseph Harmon appeals the superior court's denial of his motion to vacate his 1993 criminal judgment under Alaska Civil Rule 60(b). For the reasons explained in this opinion, we affirm the ruling of the superior court.

~~Attachment #2~~ Appendix "C"
~~Exhibit 14~~ Letter "A"

NOTE:
"NO SEAL Count"
NO PROCESS

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT FAIRBANKS, ALASKA

STATE OF ALASKA, Plaintiff,
vs.
STEPHEN HARMON, Defendant.

FILED in the Trial Courts
State of Alaska, Fourth District

OCT 26 1993

By _____
Clerk, Trial Courts
Deputy

Case No. 4FAS92-2481CR

ATN:
DOB: 6/13/55 11-11-59
DOV: 5/7/92

RECORDS REVIEWED

NOV 03 1993

JUDGMENT AND COMMITMENT

FAIRBANKS, AK

INITIALS: _____

Pursuant to a verdict of GUILTY, the defendant was convicted of:

<u>Count</u>	<u>Offense</u>	<u>Statute Violated</u>
I	Murder First Degree	AS 11.41.100(a)(1)(A)
II	Sexual Assault First Degree	AS 11.41.410(a)(1)(2)

The defendant came before the Court for sentencing on October 14, 1993, with his counsel, Robert Noreen and Harry Davis, the District Attorney present. The defendant was given his right of allocution.

IT IS ORDERED the defendant is hereby committed to the care and custody of the Commissioner of the Department of Corrections for the following period:

<u>Count</u>	<u>Sentence</u>	<u>Suspended</u>
I	99 years	None
II	30 years	None

IT IS FURTHER ORDERED:

Counts I & II are consecutive. Count II is an aggravated presumptive term.

The defendant shall not be eligible for parole for 99 years.

~~APPENDIX 18~~ APPENDIX '81
1. APPENDIX '81 Note: counter F.1
"NO SEARCH AND
NO PROCESS"
Stamp

State Vs. Stephen Harmon
4FAS92-2481CR

Date Signed
October 14, 1993

Niesje J. Steinkruger
Niesje J. Steinkruger
Superior Court Judge

Effective Date

I certify that on 11-1-93
a copy of this judgment was sent
to:

District Attorney *Green*
 Defense Attorney *Green*
 Exhibit Clerk
 DOC
 FCC
 DPS - Juneau
 'MISC *MJF*

CLERK: *MJF*
kje

APPENDIX "C"

~~RECEIVED~~ *#8*

² ~~EXHIBIT LETTER "B"~~

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT, FAIRBANKS

Filed in the Trial Courts
STATE OF ALASKA, FOURTH DISTRICT

SEP 04 1992

Clerk of the Trial Courts

By _____ Deputy

STATE OF ALASKA,

INDICTMENT FOR:

Plaintiff,

Count I:
Murder in the First Degree
AS 11.41.100(a)(1)(A)

vs.

Count II:
Sexual Assault in the
First Degree
AS 11.41.410(a)(1)(2)

STEPHEN J. HARMON,

Defendant.

Case No. 4FA-S92-2481 Cr.

THE GRAND JURY CHARGES:

CERTIFICATION

This document and its attachments do not contain information that is confidential under AS 12.61.110 or the name of a victim of a crime listed in AS 12.61.140.

This document or an attachment contains confidential information that may be placed in a court file under an exception listed in AS 12.61.130(b). This information appears at page(s) _____. This document and its attachments do not contain the name of a victim of a crime listed in AS 12.61.140.

COUNT I

That on or about May 15 or May 16, 1992, at or near Fairbanks, in the Fourth Judicial District, State of Alaska, STEPHEN J. HARMON did unlawfully and intentionally cause the death of Brenda Keehr, by stabbing her with a knife.

All of which is an unclassified felony offense being contrary to and in violation of AS 11.41.100(a)(1)(A) and against the peace and dignity of the State of Alaska.

~~ATTACHMENT~~

NOTE
Counterfit stamp
No Seal or Court or Process

EX-1000

APPENDIX C

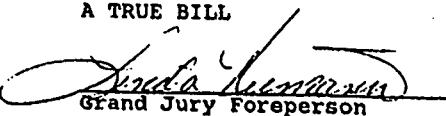
COUNT II

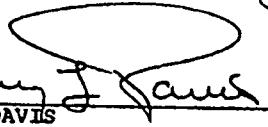
That on or about May 15 or May 16, 1992, at or near Fairbanks, in the Fourth Judicial District, State of Alaska, STEPHEN J. HARMON did unlawfully and knowingly engage in sexual penetration with Brenda Keehr without her consent, and/or did unlawfully and intentionally attempt to engage in sexual penetration with Brenda Keehr without her consent and caused serious physical injury to Brenda Keehr.

All of which is an unclassified felony offense being contrary to and in violation of AS 11.41.410(a)(1)(2) and against the peace and dignity of the State of Alaska.

DATED at Fairbanks, Alaska, this 3RD day of September, 1992.

A TRUE BILL


Grand Jury Foreperson


HARRY L. DAVIS

DISTRICT ATTORNEY

Witnesses examined before the Grand Jury:

Nancy I. Corkutt
Merrick Peirce
Trooper McCann
Leanne Strickland
Dr. Propst
Patricia N. Lee Kebodeaux
Peggy Harmon
Bruce Pardy
Patrick Felcyn
Patricia L. Monaco
Trooper Dahlke

STEPHEN J. HARMON
DOB: 11-11-59
SSN: Unknown
OLN: 6515173
RES: FCC
ATN: 100202805

Constance Makenson
Wanda Ann Thiele

BAIL SET AT \$250,000
DATED 3 Sep 1992
JUDGE NJS
ACCEPTED FOR FILING 16
DEPUTY CLERK

Search warrants issued: SW 92-176, SW 92-177, SW 92-178.

~~SEARCHED~~ #2

SEARCHED INDEXED SERIALIZED FILED
FBI - FAIRBANKS

ATTACHMENTS
APPENDIX B OF

DOCKET LOG - 2pg
" #4 - 4pg front/back
" #6 - 3pg " "
" #7 - 2pg " "
" #8 - 2pg " "
" #10 - 2pg " "

APPENDIX "A"

Party and Attorney Listing

STEPHEN HARMON
265620,
Petitioner,
Stephen Harmon
[Pro Se]
Goose Creek Correctional Center
22301 W Alsop Road
Wasilla, AK 99623

EARL Houser,
SUPERINTENDENT
Respondent,

Docket

LEGEND:
(R) - Restricted Document
(L) - Locked Document

Date Filed	Entry #	Public Docket Text
01/04/2023	1	Application for Leave to File 28 U.S.C. § 2254 Second or Successive Petition. [Entered: 01/04/2023 02:38 PM]
01/04/2023	2	CASE OPENED. Application for Leave to File Second or Successive § 2254 Petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit on <u>1/3/2023</u> . The U.S. Court of Appeals docket number <u>23-14</u> has been assigned to this case. [Entered: 01/04/2023 02:40 PM]
01/04/2023	3	SOS DOCKETING NOTICE. Application for Permission to File a Second or Successive Habeas Corpus Petition has been opened and assigned the Ninth Circuit case number 23-14. All subsequent correspondence regarding this matter will be added to your file to be considered at the same time the cause is brought before the court. The case number and the title of your case should be shown in the upper right corner of any correspondence to the clerk's office, and should be directed to the above address pursuant to Circuit Rule 25-1. [Entered: 01/04/2023 02:48 PM]
02/09/2023	4	<i>Attached</i> → CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 02/13/2023 09:55 AM]
02/21/2023	5	<i>missing from my file</i> → CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 02/23/2023 09:38 AM]
03/06/2023	6	<i>Attached</i> → CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 03/08/2023 12:18 PM]

APPENDIX "P"

04/03/2023 7

~~ATTACHED~~ CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 04/05/2023 11:10 AM]

05/15/2023 8

~~ATTACHED~~ CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 05/17/2023 10:10 AM]

05/15/2023 9

~~Same as Above letter~~ CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 05/17/2023 10:14 AM]

05/30/2023 10

~~ATTACHED~~ ORDER FILED Jacqueline H. NGUYEN, Michelle T. FRIEDLAND, Jennifer SUNG

The motion to file a "Corrected Page #3" (included in Docket Entry No. 1) is granted.

The applicant is informed that the time limit in 28 U.S.C. § 2244(b)(3)(D) is hortatory, not mandatory. See Ezell v. United States, 778 F.3d 762, 765 (9th Cir. 2015).

The application to grant the district court authorization to entertain a motion under Federal Rule of Civil Procedure 60(b)(4) is treated as an application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition. So treated and as supplemented by Docket Entry Nos. 4, 5, 6, 7, 8, and 9, the application is denied....To the extent that the applicant requests that this court consider, in the first instance, whether he is entitled to relief under Federal Rule of Civil Procedure 60(b), we lack jurisdiction to do so. See 28 U.S.C. § 1291 (courts of appeals "have jurisdiction of appeals from all final decisions of the district courts of the United States"); see also Jones v. Ryan, 733 F.3d 825, 838-40 (9th Cir. 2013) (addressing merits of Rule 60(b) motion in first instance on appeal from dismissal of Rule 60(b) motion as a second or successive habeas petition); Phelps v. Alameida, 569 F.3d 1120, 1134-40 (9th Cir. 2009) (addressing merits of Rule 60(b) motion in first instance on appeal from denial of motion for reconsideration of dismissal of habeas petition).

All other pending motions and requests are denied.

No further filings will be entertained in this case.

DENIED. (SEE ORDER FOR FULL TEXT) [Entered: 05/30/2023 04:30 PM]

Docket as of 6/14/2023 2:21 PM

APPENDIX "D"

TO: Clerk of Court (Molly C.Dwyer
Office of the Clerk
United States Court of Appeals
for the Ninth Circuit
P.O.Box 193939
San Francisco, California
94119-3939

From: Stephen Harmon-#265620
Goose Creek Correctional Cnt.
22301 west Alsop Rd.
Wasilla, Alaska 99623

Feb.6,2023

CASE CASE Number 23-14

Case Title: Harmon v Houser

pursuant to Your/Court Docketting Notice of Jan.4,2023 to me
..."ALL subsequent correspondance regarding this matter will added to your file
to be considered at the same time the cause is brought before the Court..."

I here in file/submit "further correspondance on this matter and
ask that it be added to the file for the Court/Justice to consider
and apply in their determination and decision/Judgement please.

CERTIFICATE OF SERVICE

I/Harmon certify under penalty of perjury pursuant to USCS 1746
that the "Furture correspondance requesting the Court to accept
and place in file for the Court/Justice consideration and
application"

is true and correct and I mailed out the filings with first class
postage affixed to each mailing (Court Clerk and Attorney Simel)
this date also signed Stephen Harmon Date Feb.6,2023

Stephen Harmon
Prose

Mailed to 9th cir Court/Clerk
P.O.Box 1193939
San Francisco, CA. 94119-3939

Attorney Simel
Dept. of Law
310 K Street---Ste.702
Anchorage, Alaska 99501

Docket #4 Appendix D

Attn: Clerk of Court "MOLLY C. DWYER"

and

Attn: (3) Three Justices/Judges "ASIGNED" to this Case for Review & Determination.

Office of Clerk

United States Court of Appeals for the Ninth Circuit
POST OFFICE BOX 193939
San Francisco, California 94119-3939

From: Stephen Harmon-#265620
Goose Creek Correctional Center
22301 West Alsop Road
Wasilla, Alaska 99623

Feb. 6th, 2023

RE: Question(s)/Reminder(s)/Request(s) of: [include "specificaly" of:
-once the Court determine this filing & have issued
ORDER- Respectfully REMIND THE COURT OF"
ORDER/REMIND THE CLERK TO "comply with"
The Federal Statute Mandates in Recording
and Serving/Mailing out to litigants the ORDER
on Parties From the Court to Comply with

Federal Statute 28 USCS § 1691

... "ALL" writs and process issuing from a Court "COURT OF United
States "SHALL BE" "Under Seal of the Court "AND" "ASIGNED"
by the CLERK thereof..."

CASE NO.: 23-14

CASE TITLE: HARMON v. HOUSER

Dear Clerk of Court Ms.Dwyer and Justices assigned to this Case;

1.A)- Has the Court Inadvertently over looked the "Time limit"
Mandated (pursuant to 28 USCS § 0044(3)(d)-reads) part
... "(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 the Motion..."

See attached (Dockett Notice Dated "Filed Jan. 4,2023")

the 30-day limit goes up to FEB.3,2023 and any thing after that is
not Statutorily authorized and not in compliance with Federal law
Question is that not Correct/True Your Honors?

APPENDIX "D"

DEFINED and OBTAINED:

... "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, and 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" "STATUE"..."

NOTE: STATUTE MANDATE is 28 USC§ 1691 SEALS AND TESTE "PROCESS" and when it is not complied with the FEDERAL LAW MANDATES and DEFINES following of is a Crime by ALL Parties (i.e. CLERK of Court, Judges, Officers etc...) in

18 USCS 505SEALS OF COURT's, SIGNATURES or COURT OFFICERS

... "WHO EVER forges the signature of any Judge, register OR OTHER OFFICER of an COURT of the United States or any Territory or forges or counterfeits the SEAL of ANY such Court or knowingly concurs in using "SEAL" for the PURPOSE OF AUTHENTICATION ANY PROCEEDING OR TENDERES IN EVIDENCE ANY SUCH PROCEEDING OR DOCUMENT WITH FALSE OR COUNTERFEIT "SIGNATURE" of ANY such Judge, register or other Officer "OR" a False or counterfeit OF THE COURT "SUBSCRIBED OR ATTACHED there to knowing such signature or Seal to be false or counterfeit
" SHALL BE" fined under this Title or IMPRISONED not more than (5)Five year or BOTH..."

CONCLUSION/REQUEST RELIEF

- Request your Honors "Immediate and Lawfully Attention and resolution in/on this Matter and Reolving as soon as possible please.
- "ORDER" the CLERK OF COURT (Molly C.Dwyer) to record and issue the Court's Dtermination Order on this Filing pursuant to minimum Federal law Stautory Requirements of SEAL AND SIGNTURE of COURT (or with phot copy of signature STAMPED). ???

ONE FINAL NOTE:

- I Harmon have a constitutional RIGHT to due proces (Inherent/lawfully BORN raised in the USA);
- I Harmon have a constitutional RIGHT to due process (EARNED as served and Honorably discharged from Service [stood in line of fire when call to, "MOSA"]; I Harmon am being denied ALL these RIGHTS and Privileges and is Prejudical and substantial/Substantive denial respectfully ask you help and



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Signature is next
In compliance with
monetary L/F
38 U.S.C. 1681

FILED

JAN 4 2023

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

DOCKETING NOTICE

Case Number: 23-14
Case Title: Harmon v. Houser

Dear Petitioner(s)/Counsel,

This is to acknowledge receipt of your Application for Permission to File a Second or Successive Habeas Corpus Petition, which has been opened and assigned the above-listed U.S. Court of Appeals case number.

All subsequent correspondence regarding this matter will be added to your file to be considered at the same time the cause is brought before the court.

The Ninth Circuit case number and the title of your case should be clearly visible on the first page of any correspondence to the clerk's office, and should be directed to the above address pursuant to Circuit Rule 25-1 if not electronically filed in ACMS.

APPENDIX "B"

as of
July 2023

NOTE: These complaints still
3 yrs plus not received
Investigated or assigned to
to review received shown

Harmon presents
NOTE: ACS

These Judges: "Have conflict - pending judicial complaints"

Separate (different)
General/Claim was filed: On case no. 21-71356 Harmon v. Houser
L (State et. issue order that denied access to court for Harmon)
Thomas Silverman Miller Murguia Bumatay
22-90046 # 22-90047 # 22-90048

ocket # 1

Thus cannot / should not be assigned to this case
for review decision respect remand. Client

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
P.O.Box 193939
San Francisco, California 94119-3939

"All Subsequent Correspondance regarding this Matter will be added to your file to be considered at the same time the same time the cause is brought before the Court."

→ BASED-on----- Pursuant to CLERKS Docketting Notice of Jan.4, 2023

→ "File Here" of Thus Plaintiff Harmon, request this "Subsequent correspondence be added and considered please to file before the court of enclosed of:

"to assist in CLEARIFYING any Confussion and or misunderstanding "WHY" the Plaintiff filed this "NEW & Independant Action Rule 60(b)(4) and (d) Void Judgement Motion "INTO" the Ninth Circuit instead of the District Court" first".

15

Case Number : 23-14

Case Title: Harmon v Houser

To Justices and Staff reviewing & Considering this Cause/filing before you; Respectfully ask you accept and consider the following please to "clarify any misunderstanding or possible confussion may have on""Why" filed with you/9th Cir. instead of "first" into the District Court

Legend

- 1.) I/harmon am a prose litigant not leanded in the law;
- 2.) I/harmon read/found no rule/statute or case law to help understand on "where" to file a "New-Independant Action" Rule 60(b)(4) &(d) Motion "State Court Lack Personal and Subject Matter Jurisdiction in/over Harmon and/Matters; non-compliance with statutory Mandates Seal/testee evidence" base on use/ application requirements
- 3.) "The QUESTION" "foundational Question of"
... "Whether or not the Court (Alaska(s)) "LACKS PERSONAL" "Jurisdiction" "AND" "SUBJECT MATTER" "Jurisdiction"
"in and over Harmon and cause(s)" "HAS NOT EVER"
"ANSWERED AND OR DETERMINED" "BY" "ANY" State of Alaska
or Federal Court(s)" "BASED ON"
the COURT:
a.) Obatining and providing the "EVIDENCE" to show the COURT has obtained any "PERSONAL AND OR SUBJECT MATTER JURISDICTION" thru "ORIGINALLY" or subsequent proceedings(judgment/Orders/Indictment etc.) by/thru compliance with the "MANDATED"

120-180-1
120-180-1
120-180-1
120-180-1

"SEALS and TESTEE" REQUIREMENTS/MANDATES to use apply "AS"
MANDATED "BY" STATUTES (STATE) and (FEDERAL) or is a crime also; *IF not
done*

4.) "BEFORE (lawfully) a Court can or should "TRY" to lawfully
consider in the use and application of any part of
28 USCS§ 2244 (b)(2)(B)(i) &/or (ii)

Petitioner Harmon presents the Court "should"/"NEEDS TO" consider
...viewed in light of the evidence as a whole... "the above and
below "first also" or the Court would not be addressing and then
determinin the "FOUNDATIONAL" "QUESTION" "FIRST" "OF"

... "The Court(s) LACKED (never obtained nor maintained any)
PERSONAL AND SUBJECT MATTER JURISDICTION in over Harmon
and the Causes (Judgements and ORDERS) STAUTORILY;..."

"ONCE" the "Foundational QUESTION is asked and answered by "A"
COURT and "Finds" there was not and is not any "Personal Jurisdiction
and Subject Matter Jurisdiction as REQUIRED "BY" Statutory use/
application of SEALS and TESTEE (EVIDENCE) on the Documents/filings
orders or judgements for "EVIDENCE of such auhthority(Jurisdiction)"

then the standard set out in 28USCS 2244(b)(2)(i) &(ii) have "SHOWN"
following of: met and or not Applicable Because /

(Reads)

..."(B)(i)..." "A RULE 60(b)(4) Void Judgemnt & (d)NEW & Ind-
ependant Action Motion "shows" that "does not"
apply or needed to be met by the Plaintiff Harmon
of:..." the factual predicate for the claim could not have
been discovered previously through the exercise of
due diligence..."

"WHY"

Harmon "is not" an attorney ignorant of law and
Harmon "filed a Rule 60(b)(4)VOID JUDGEMENT Motion
Emphasis → a.) there is no time limit to file and
Emphasis → b.) a "Void Judement cannot gain validity by the
passage of time;

Emphasis → c.) "see" Vintent v Jenot Marine Alliance, S.A.191

F.Supp. 2d 642 determined

... "if a judgement is void for lack of personal jurisdiction,
the court must grant Federal Civ.R.60(4)MOTION;
"WITHOUT" consideration of timeliness, unfair prejudice or
exceptional circumstances..."

"Summation and Request/Relief "

1.) Court (9th Cir/Justices) here inaccept above and filing of Rule 60(b)(4)Void
Judgement (d)New Independant Action Motion in consideration and apply in its
consideration of filing/cause before it on the "ONE QUESTION" asking the
Court to be allowed to have asked and answered "SPECIFICALLY" of:(by the Court)of:
"DOES THE COURT HAVE (state of Alaska) LACK PERSONAL JURISDICTION for non-compliance
obtaining thru Statutory Mandated "SEALS/Testee"- "EVIDENCE" and LACKS SUBJECT
MATTER JURISDICTION Also in on the Filings/causes for non-compliance with/obtainig
thru Statutory Mandated "SEALS/TESTEE"- "EVIDENCE" . "IF FIND" does ~~not~~ LACKS Personal
and Subject Matter Jurisdiction. Then Grant the Voiding the ORDERS/JUDGEMENTS of: *in m*
S.C. - Attach #1(12/19/22), Attachment #2 Exhibit Letter "B" and Exhibit "C" and with prejudice.

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
P.O.Box 193939
San Francisco, California 94119-3939

"SUBSEQUENT CORRESPONDANCE REQUESTING TO CONSIDER BY THE COURT"

CASE Number: 23-14

CASE Title: Harmon v Houser

Back ground for Request :

#1.)-This filing was DOCKETED on Jan. 4, 2023 by th CLERK OFFICE;

#2.)-The Federal Statue "MANDATES" in/pursuant to :
28 U.S.C. § 2244(3)(d)

... "(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 the Motion..."

#3.)-The United States SUPREME COURT Determined and INSTRUCTS (applies to this Court comply WITH) of:

... ""A" "COURT" "OF" "THE" "U.S."..."A COPURT MUST ADHERE TO
"STATUTORY" "TEXT"..."

(Nasarallah v Barr 140 Supreme Court 1683)

#4.)-The United States SUPREME COURT Determined and INSTRUCTS (applies to this Court comply WITH) of:

... ""NO" "U.S.JUDGE" "HAS" "THE" "POWER" "TO" "REWRITE" "RULES" "BY" """
"JUDICIAL" "INTERPRETATION"..."

(Harris v Nelson 394 U.S.SUPREME COURT 1082 22 L.ED 2d 181)

#5.)-"TODAY's Date IS: March 29, 2023

→ Why The delay Your Honors/Court - (Appeal #2,3,4 - Specifically Shows Delay is not TO, ^{lawfully, Allowable, Delayed} ~~lawfully, Allowable, Delayed~~)

REQUEST #1) I/Harmon ask/request this Court/Justices "immediate attention and resolution determination" in/on this Filing ; Please. (?-the Court is in violation of Federal Law thus is or has brought the Court into "Question" has it not your Honors?)

REQUEST #2.) I/Harmon ask this Court to inforce the Compliance with Federal Statue 28 U.S.S. § 1691 SEALS AND TESTEE Mandated use and application on "ALL" WRITS and PROCEEDINGS ; "when it issues the ORDER/Determination on this filing on Case No. 23-14

reads ... "ALL" Writs and process issuing from a Court, Court of United States "SHALL BE" under SEAL of the Court "AND" SIGND BY THE CLERK THEREOF..."

APPENDIX "D"

This Request is BASED ON Federal Statute that DEFINES it a crime

"BY" the CLERK and Court Officers (i.e Judges includes also) reads:

18 U.S.C. 505 SEALS of Court's; SIGNATURES or 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 "COUNTERFIETS" 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 OR DOCUMENT WITH FALSE OR COUNTERFIET Signature of any such Judge, register, or other officer or a false or counter fiet of the Court, SUBSCRIBED or ATTACHED THERTO 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..."

Based on the Request also: ~~in this court / Justices~~

~~issue decision/order~~

thus

The ORDER/Decision WITHOUT compliance, also is not lawfully filed or recorded as mandated by statute and thus the Court has not issue "either" any Order/Decision than has lawful binding effect pursuant to

Federal Courts Determined that it is required of the Clerk and Court or ORDER by the Court to be done so as to have authority/rights to the Parties in Brown v Superior Court of L.A. Cal.App. 732 (Ca)(3)(3)(Id)

determined/reads:

... "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, and 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 RENDERD FINAL.

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

"IT" "IS" "COMPLETE", "WHEN" "IS" "ENTERED" "AND"
"RECORDED" "BY" "THE" "CLERK" "AS" "REQUIRED"
"BY" "STAUTE" ... (emphasis please add)

I/Stephen Harmon Respectfully Request the Court's Immediate Attention and resolution/decision in on this Filing please and compliance with the SEAL and TESTEE requiriements for proceedings.

signed Stephen Harmon
Stephen Harmon

Docket #7

*18 USC 1691
Is not
compliant with
and the lack*

On 10/10/04 Cal. 144 S. Ct 7/16/04

*that judgments, enforcement and execution
that entry of a judgment or order is a mere ministerial act of the clerk*

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
P.O.Box 193939
San Francisco, California 94119-3939

"SUBSEQUENT CORRESPONDANCE REQUESTING TO CONSIDER BY THE COURT"

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Back ground for Request :

#1.)-This filing was DOCKETED on Jan. 4, 2023 by the CLERK OFFICE;

#2.)-The Federal Statute "MANDATES" in/pursuant to :
28 U.S.C. § 2244(3)(d)

..."(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 the Motion..."

#3.)-The United States SUPREME COURT Determined and INSTRUCTS (applies to this Court comply WITH) of:

...""A" "COURT" "OF" "THE" "U.S."...""A COURT MUST ADHERE TO STATUTORY TEXT"..."

(Nasarallah v Barr 140 Supreme Court 1683)

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...""NO" "U.S.JUDGE" "HAS" "THE" "POWER" "TO" "REWRITE""RULES" ""BY"" "JUDICIAL" "INTERPRETATION"..."

(Harris v Nelson 394 U.S.SUPREME COURT 1082 22 L.ED 2d 181)

#5.)-"TODAY's Date IS: MAY 4th, 2023 Thus (Emphsis)

↳ Why The delay, Your Honors/Court - (Answer #2,3,4 - Specifically Shows Delay is not TO unlawfully, All over/obliged)

REQUEST #1) I/Harmon ask/request this Court/Justices "immediate attention and resolution determination" in/on this Filing ; Please. (?-the Court is in violation of Federal Law thus is or has brought the Court into "Question" has it not your Honors?)

REQUEST #2.) I/Harmon ask this Court to inforce the Compliance with Federal Statute 28 U.S.S. § 1691 SEALS AND TESTEE Mandated use and application on "ALL" WRITS and PROCEEDINGS ; "when it issues the ORDER/Determination on this filing on Case No. 23-14

reads ... "ALL" Writs and process issuing from a Court; Court of United States "SHALL BE" under SEAL of the Court "AND" SIGN'D BY THE CLERK THEREOF..."

Request #2.) ASK THIS Court in its Decision /Order - TO PLEASE PROVIDE 100%
Federal Law that Authorizes TO ALLOWER -ignor Federal Laws or ~~compliance~~ 100%
18 USC 2244(3)(d), IF ANY? 18 USC 1691
This Request is BASED ON Federal Statute that DEFINES it a crime
"BY" the CLERK and Court Officers (i.e. Judges includes also) reads:
18 U.S.C. 505 SEALS of Court's; SIGNATURES or 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 "COUNTERFIETS" 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 OR DOCUMENT WITH FALSE OR COUNTERFEIT Signature of any such Judge, register, or other officer or a false or counter fiet of the Court, SUBSCRIBED or ATTACHED THERTO 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." 18 USC 2244(3)(d)

Based on the Request also: If this Court /Justices

ISSUE Decision/Order

Thus

The ORDER/Decision WITHOUT compliance, also is not lawfully filed or recorded as mandated by statute and thus the Court has not issue "either" any Order/Decision than has "lawful" binding effect pursuant to

Federal Courts Determined that it is required of the Clerk and Court or ORDER by the Court to be done so as to have authority/rights to the Parties in Brown v Superior Court of L.A. Cal.App. 732 (Ca)(3)(3)(Id)

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... "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, and which the "COURT" performs JUDICIALLY OR ORDERS TO BE PERFORMED.

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"IT" "IS" "COMPLETE" "WHEN" "IS" "ENTERED" "AND"
"RECORDED" "BY" "THE" "CLERK" "AS" "REQUIRED"
"BY" "STAUTE" ... (emphasis please add)

I/Stephen Harmon Respectfully Request the Court's Immediate Attention and resolution/decision in on this Filing please and compliance with the SEAL and TESTEE requirements for proceedings, in This Court's Decision/Order in on this Case of 23-14 ALSO.

signed -

Stephen Harmon

D. Davis

Docket #

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 30 2023

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

STEPHEN HARMON,

Applicant,

v.

EARL HOUSER, Superintendent,

Respondent.

No. 23-14

ORDER

Before: NGUYEN, FRIEDLAND, and SUNG, Circuit Judges.

The motion to file a "Corrected Page #3" (included in Docket Entry No. 1) is granted.

The applicant is informed that the time limit in 28 U.S.C. § 2244(b)(3)(D) is hortatory, not mandatory. *See Ezell v. United States*, 778 F.3d 762, 765 (9th Cir. 2015).

The application to grant the district court authorization to entertain a motion under Federal Rule of Civil Procedure 60(b)(4) is treated as an application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition. So treated and as supplemented by Docket Entry Nos. 4, 5, 6, 7, 8, and 9, the application is denied. The applicant has not made a *prima facie* showing under § 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

APPEAL DATA

Docket #10

(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.

To the extent that the applicant requests that this court consider, in the first instance, whether he is entitled to relief under Federal Rule of Civil Procedure 60(b), we lack jurisdiction to do so. *See* 28 U.S.C. § 1291 (courts of appeals “have jurisdiction of appeals from all final decisions of the district courts of the United States”); *see also Jones v. Ryan*, 733 F.3d 825, 838-40 (9th Cir. 2013) (addressing merits of Rule 60(b) motion in first instance *on appeal* from dismissal of Rule 60(b) motion as a second or successive habeas petition); *Phelps v. Alameida*, 569 F.3d 1120, 1134-40 (9th Cir. 2009) (addressing merits of Rule 60(b) motion in first instance *on appeal* from denial of motion for reconsideration of dismissal of habeas petition).

All other pending motions and requests are denied.

No further filings will be entertained in this case.

DENIED.

*K
B
S
D
S
A
B*

Docket # 10

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

June 26, 2023

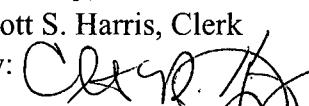
Stephen Harmon
#265620
22301 West Alsop Road
Wasilla, AK 99654

RE: Harmon v. Houser
USAP9 No. 23-14

Dear Mr. Harmon:

The above-entitled petition for a writ of certiorari was postmarked June 8, 2023 and received June 16, 2023. The papers are returned for the following reason(s):

The denial of authorization by a court of appeals to file a second or successive petition for writ of habeas corpus may not be reviewed on certiorari. See 28 USC Section 2244(b)(3)(E).

Sincerely,
Scott S. Harris, Clerk
By: 

Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

APPENDIX X

"E"

NO GEAR OF COURT
TASIA DE
GIDESES 28 USES 5505
OED 18 USES 5505
BY EXCH (E)
Tender in as
False evidence
BY