

Appendix's

A
B
C
D
E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 30 2023

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

FILED
MAY 30 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS
NOTE: SEE 10F2

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

APPENDIX "A" 10F2

(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" 20F2

In the Supreme Court of the State of Alaska

NOTE
NO SEAL OF
APPEALS COURT
EIGHT
←

Stephen Joseph Harmon,
Petitioner,

Supreme Court No. S-18529

v.

Order

Petition for Hearing

State of Alaska,
Respondent.

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"
~~RECEIVED~~

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

STEPHEN HARMON
Plaintiff

vs

Court Case No. 23-14

EARLE HOUSE, SDQC. supp
Goose Creek Cor. Cnt.)
Defendant

Alaska SUPREME COURT No. 18-529

Appeals Court No. A-13760

Trial Court No. 4FA-13-2849CI

Superior Court No. 4FA-S-92-2481CR.

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

"LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION BY THE
COURTS" (ground/claim/cause)
pursuant to Rule 9 Second or Successive Petitions.

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

SIGNED Stephen Harmon
Stephen Harmon Prose
Petitioner

Date Dec 25, 2021

I/Harmon certify the above and below is true and correct witht 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.

Front Page

Appendix C

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

STEPHEN HARMON
Plaintiff

vs.

Case No.

23-14

EARLE HOUSER, DDC. Supp.
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

"MEMORANDUM IN SUPPORT"

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

Pursuant to:

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

ORDER; and

Pursuant to:

USCS FED. RULES CIV. PROC. R. 60(d) "entertain an Independent
Action to relieve a party from judgement, order or proceeding".

BASED on:

"Single Claim/Ground"

---"Alaska Court(s)" LACKED PERSONAL JURISDICTION "in/and

Over Plaintiff Harmon to issue any

Judgement/Orders (see Attached ATTACHMENTS

in support) and

"LACKED SUBJECT MATTER JURISDICTION"

in/and over Plaintiff Harmon to issue

Judgements/Orders (see attached ATTACHMENTS

in support) and

"2, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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

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

"CASE OF FIRST IMPRESSION" .

LACKED Personal and Subject Matter Jurisdiction ^{for next confession} _{monday of Sept 1968}

Page 2

Appendix C

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

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

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

4.) Harmon "IS NOT" "directly or indirectly" challenging the
"constitutionality of the underlying conviction" ^①; instead
Harmon has and is Challenging that the COURT"S" LACKED ANY
"Personal and Subject Matter Jurisdiction" in/on or over
Plaintiff Harmon as presented in ATTACHMENTS NUMBER #2 &
NUMBER #3 that shows the STATE AND FEDERAL (court rules)
(statutes) and (case law) MANDATEING to obtain Personal
and Subject Matter Jurisdiction by the Courts in/over
HARMON and have not OBTAINED this Right/Privilage as out-
in the Court Rules/Statutes/Case Law MANDATES in the Att-
achements Numbers #2 & #3 that is required by statutes OR
the Court"S" LACK personal and subject matter Jurisdiction
and the Judgements and Orders ARE VOID and require being
Voided/nulified and Order the Imediate and unconditional
Release with Prejudice to the Plaintiff Harmon.

5.) The Federal Court "determined":

BEFORE consideration and then any finding of Guilt or Innocent
MUST Determine if Court Lacks Personal and/or Subject Matter
Jurisdiction in Law Litigation (Personal and Processual) (Subject)
Page 3

Metin For Letter To Amend
as following Clarification

APPENDIX C

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

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

8 ... "EMPHISIS FOLLOWING"

9 ... "If a judgement is void for lack of personal jurisdiction, the
10 district court MUST GRANT the Fed.R.Civ. P.60(b)(4) motion,

11 "WITHOUT consideration of timeliness, unfair prejudice OR
12 exceptioinal circumstances"..."

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

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

15 (relevant part reads)

16 ... "Finality of Judgement or Order

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

21 Harmon presents that:

22 a.) this Motion is not to reinstate any prior Appellate
23 jurisidiction over any ORIGINAL Habeas denied "AS"

24 this Motion is "BASED ON" "NEW & INDEPENDANT ACTION"

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

26 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 never

Appendix C

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
8 do so by the state !!!!!!!!!!!!!!!

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 Rule⁹ 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..."

17 Harmon Presents:

18 a.) The Indictment attached as "ATTACHMENT #2- exhibit
19 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 risdictio in/over Harmon or the Proceedings

24 2.) The Stamp is legaly defined as a "COUNTORFEIT"

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.

*Cotisha
2/15/14*

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 Statuetory/Court Rule MANDATES for use/app-lication of SEALS/Process to obtain legal Personal/Subject Matter Jurisdiction which resulted in the Denial of Due process ^{me}by acting in a Manner inconsitent with due process of law.-

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

4.) This is a case of First impression and the Claim/Ground Question of Lack of Personal and Subject Matter Jurisdiciton has not ever been raised or filed or heard by any court in/on nor 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"

Appendix 12

b.) Accept and Orders the District Court of Fairbanks to
"ACCEPT and Consider" the entire Motion herein with the
Attachments Attached (Attachment #1 & #2 & #3 with exhibit
bits attached to each) for its consideration and deter-
mination of whether the Courts Lacked Personal and
Subject Matter Jurisdiction and if ~~not~~ ^{none} then Grant the
Motion Rule 60(b)(4) Void Judgment Motion and void
the Judgment(s)/Orders of: (see list below) ^{ATT. #3 PSY Line 6-14 (#1/2/3)} and Relief
of the immediate and unconditional release from with
prejudice (as evidence/shows was intentional/knowing &
is a criminal act by the Court Officials as listed/ and
Mandated by Federal Statutes cited that shows intentional
intent to deny due process to Harmon and have held
inviolation of the United States Constitution and its
right & privileges denied to Harmon in doing so by the
Court and its Officials.

c.) Any future this actions and or proceedings this Court
deems/concludes or the District Court of Fairbanks for
and in the advancement of interest of justice and Truth
and assistance in the ORDERLY and LAWFULY operation of the
Judicial Court/proceedings etc....

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

signed Stephen Harmon Dated ^{Dec} Jan. 25, 2022
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. Dated ^{Dec} Jan. 25 2022 Signed Stephen Harmon
Stephen Harmon prose
Petitioner

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

STEPHEN HARMON
Plaintiff

vs

Case NO.

23-14

EARL HOUSER, DOC. Supp
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-92-2481CR

MOTION FOR LEAVE TO FILE A

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

Comes Now Plaintiff Harmon and presents that I/Harmon inadvertently left out the "QUALIFYING STATEMENT and CASE LAW IN SUPPORT;
'now' (NOW: CORRECTED AND INSERTED in/on a CORRECTED PAGE #3)

this Error inadvertance left out by Prose litigant is and was an accident please forgive and accept this corrected page for the Court to Correctly determine and consider the Motion.

Thank you for your patience with Prose Litigant/help.

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

I/Harmon certify the above and attached "Corrected Page #3 is true and correct and mailed out using the US Mail with first class postage affixed to the mail and mailed a copy to Defendant Attorney N. Simel this date also Signed Stephen Harmon

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

Appendix C

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

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

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

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

5.) The Federal Court "determined"

Appendix C

NOTE
MUSEUM OF
PROCESSES
EIGHTH OF
TESTE

Supreme Court No. S-18529

V.

Order

Petition for Hearing

State of Alaska,

Respondent.

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
Jeredith Montgomery

Meredith Montgomery

cc: Court of Appeals Judges
Trial Court Clerk

Distribution:

Mail:
Harmon, Stephen Joseph

Email:
Simel, Nancy R.

APPENDIX X "E" C

all.
armon, Stephen Joseph

Stephen Harmon
22301 West Alsop Road
Wasilla, Alaska 99654

IN THE SUPREME COURT FOR THE
STATE OF ALASKA

STEPHEN HARMON
Petitioner

vs

STATE OF ALASKA
Respondant

SUPREME COURT NO. S-18529

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

PETITION FOR HEARING

"Case(cause) of First Impression" ¹

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

Dueprocess-Art.7(AK)Const/14th Amend Fed.const. "and"
"EQUAL RIGHTS PROTECTIONS"- Art.1sec 11 RIGHTS OF ACCUSED(AK)const./6th ~~1980~~ Amend. U.S.Const.

VRA and APP.R.513.3 CERTIFICATION

I certify that this document and its attachments do not contain
(1)the name of a sexual offense listed in AS.12.61.140 or (2)
a residence or business address or telephone number of a victim
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.

SUMMARY OF THE ARGUEMENT AND PRAYER FOR RELIEF

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

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

APPENDIX 'C'

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 LAWFULLY; Because the Clerk of Court/Deputy
6 and COURT OFFICERS (i.e JUDGE's) "CREATING and

7 MAINTAINING" this Denial and Violation ^{Based on} ~~of and~~

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..."]

14 "And" United State Federal Law MANDATES SEALS OF COURT's

15 (State or Federal mandates);Signatues 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 crimianl Act

21 and violation of denial of ^{Equal Protection Clause} 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 Attornies Included as
Court offier(s))

25 d.) Resulting in the Complete Denial of Due Process

26 under Alaska Const.art.7/& U.S.Const 14th amend.

and 8th Amend -"EQUAL PROTECTION CLAUSE".

~~ATTACHMENT #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 of think need to use, on ^{Long} Long
14 Special filing/mailling such as .. "Certified"
15 mail and such..."

16 2.) "Court of Appeals COURT OFFICERS (Judges)"
17 "continued and maintained" the denial of law-
18 ful Access to Court ^{Hear} thru and out of it and
19 the Denial of ^{Equal Protection Clause, Due} Due process, when and thru of
20 Petitioners Filing of "NEW ACTION Rule 60(b)
21 and NOTICE" in/on their(COURT)[see attached
22 Order of 8/30/22] Ruled in Plain Error of

23 ...Because Harmon has not identified a "clerical
24 error" and because the Relief he requests (the
25 Voiding of the Indictment, Judgement and for his
26 immediate release fom incarceration) is not limited
27 to the correction of clerical error..."

28 it is ORDERED the "Motion and Notice" is denied.
29 Entered at the direction of the Court
30 (before Allard Chief Judge, & Harbinson & Terrell
31 Judge) clerk of Appeals Court-Ryan Montgomery-Sythe
32 Chief Deputy clerk.

33 ~~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" ^{also} (neither)
3 was sent out of the Court/issued without the "Stautory and Court"
4 Mandated SEALS and PROCESS ^{order} to verify and validate that the ORDERS
5 are lawfully determined and issued and enforcable "from/by" the Court.

6 "SHOWING also continued "creation and maintaining" Clerical
7 Errors of ^{Equal Protection clause} 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) ^{is not comp} to be ^{with, the}
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 by Assisting ^(Judges) 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/knowngly and then ad-
23 mits to the no/complying with Manadates (Statutory/Court Rules)
24 Directly mandated to them; They are "Clerical Errors" and when a
25 Court OFFICER (i.e. Judge) manitains is Plain Error/should GRANT

26 Petitioner.

FACTS AND PROCEEDINGS

(This Petition for
hearing)

~~Attachment #2~~

APPENDIX "C"

FACTS and PROCEEDINGS

July 18, 2022 aprox.

Supreme Ct.

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

The Clerk of the Court's" (Suprme /Appellate) Stated and then also Verified on July 18, 2022 phone conversation with Harmon (see pg.16 of Rule 60(b) filing AFFDAVIDT line 24 thru 26) relevant part ... "They/Clerks for the Court's" Determined they did not think they needed to or had too use/or apply SEALS or use the PROCESS all the time/filings..." . This "Determination" violates 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 Judges
4 ORDERS (b)] (... "No ORDER SHALL BE" promulgated that is inconsistent with
5 Emphasis → Alaska Statutes or Alaska Rules of Court . The Vesting
6 of all rulemaking authority in the Alaska Supreme Court
7 SHALL BE RECOGNIZED..." 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 Clerk(deputy)/Has not had no remark on that FACT (Phone call ended).

11 The Clerk of Court do not have any Rule making authority;
12 pursuant to "ANY" Alaska Statute or Court Rule and their "Candid
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 entirety 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 over
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 #2~~

Appendix "C"

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

5 Court of Appeals to correct and filed in support of to SHOW of:

Following Exhibits / attachments

- 6 1.) Court of Appeals ORDER of June 22, 2022 [Attached as Exhibit letter
7 "A"] (SHOWING NO "Seal or Process of Court on the ORDER thus per
8 mandates of Statutes and Court Rule it is not lawfully issued
9 determined or has any lawful binding effect on any one)
10 [Denial Of Due process and abuse of discretionary authority];
- 11 2.) Judgement and Commitment ORDER [Attached as EXHIBIT Letter "B"]
12 (SHOWING NO "Seal or Process of Court on the ORDER thus per
13 mandates of Statutes and Court Rule it is not lawful issued
14 determined on has any lawful binding effect on any one)
15 [Denial Of Due Process and abuse of discretionary authority];
- 16 3.) Grand Jury Indictment [Attached as EXHIBIT Letter "C"] (SHOWING NO
17 "Seal or Process of Court on the "Grand Jury Indictment "Filing"
18 thus per mandates of Statutes and Court Rule it was never
19 lawfully filed or Harmon ever lawfully formally lawfully charged
20 indicted or brought before the Court lawfully to date and has
21 no lawful binding effect on any one/Harmon)[Denial of Due
22 process and abuse of discretionary authority].

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

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

---AS.22.05.060 SEALS OF COURT , AS.22.07.100PROCESS(CT.APP),

AS.22.10.080PROCESS(CT.Superior)

Admin R. 4(b)SEALS OF COURT ; Admin.R.46(b)Special ORDERS of SUPREME Court

Shows is a crime
of By a STATE or Federal
Court Officer when orders.

(B.) The "NON-compliance" with MANDATES, violates the U.S. Fed-
eral Law of 18 USCS 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 counterfeits the SEAL of ANY SUCH COURT, or knowingly
concurs in using any such forged or counterfeit signature or
SEAL, for the purpose of authenticating ANY proceeding or
TENDERS 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 thereto KNOWING SUCH signature OR SEAL TO BE FALSE
OR COUNTERFEIT SHALL BE FINED under this title or Imprisoned
Not more than five years or both..."

Appellate #2

1 The Appeals Court/Judges (Chief Judge Allard, Judge Harbinson,
2 Judge Terrell) "had" ^{"Alaska" Statutes Court Rules} the above/enclosed information and requested ^{"Notice"}
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 Denying this Filing and also in the Reconsideration
8 Motion (i.e. Order enclosed appealing of [8/30/22] and [9/19/22]
9 "SHOWS" the Court/Judges "INTENT and BIAS" ^(Prejudice) to deny Petitioner Harmon
10 Harmon "Access to" the Court/ "thru the Court" and "be heard" ^{of determining}
11 LAWFULLY and TIMELY; resulting in the Total denial of Substantial
12 Due process rights and privilages and not accord the Petitioner
13 the right to be heard according to the Law(s) of State of Alaska
14 or Federal laws of the United States and abused their disrecti-
15 onary authority and committed criminal acts and maintained the
16 Clerical Created and maintained denial of access to/thru/out of
17 the Court"s", and LAWFULLY; Directly shows JEFFERS Decision making process
18 Thru of Judges/Clerical officers - PRE-DETERMINED

19 This "intentional abuse of discrictionary authority" of denial
20 of foundational substantial rights/due process is shown in/of: ^{EQUAL PROTECTION and}

21 a.) ORDER of 8/30/22... "Because Harmon has not identified
22 a "clerical error..."

23 "...Motion and Notice is DENIED..."

24 and Thru violation Violation of:

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

26 CANON 3(A)(B)(7)

(A) Primacy of Judicial Duties ... "A Judge's Judicial Duties
includes the duties of the Judge's OFFICE PRESCRIBED
BY LAW..."

(B) Adjudicative Responsibilities

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

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

Handwritten notes on the left margin:
- "Alaska" Statutes Court Rules
- "Notice"
- "Directly shows JEFFERS Decision making process"
- "Thru of Judges/Clerical officers - PRE-DETERMINED"
- "EQUAL PROTECTION and"
- "shown in/of:"
- "a.) ORDER of 8/30/22..."
- "Because Harmon has not identified a 'clerical error...'"
- "...Motion and Notice is DENIED..."
- "and Thru violation Violation of:"
- "b.) Non-compliance with 'basic CANON MANDATES' of:"
- "CANON 3(A)(B)(7)"
- "(A) Primacy of Judicial Duties ... 'A Judge's Judicial Duties includes the duties of the Judge's OFFICE PRESCRIBED BY LAW...'"
- "(B) Adjudicative Responsibilities"
- "(7) A Judge SHALL accord to every person the right to be heard according to the law..." (continues)
- "... 'A Judge SHALL MAKE reseanable efforts to see that law clerks and other COURT STAFF carrying out similar functions UNDER Judge's supevision DO NOT VIOLATE THE PROVISIONS OF SECTION...'"

Handwritten notes on the right margin:
- "Alaska" Statutes Court Rules
- "Notice"
- "Directly shows JEFFERS Decision making process"
- "Thru of Judges/Clerical officers - PRE-DETERMINED"
- "EQUAL PROTECTION and"
- "shown in/of:"
- "a.) ORDER of 8/30/22..."
- "Because Harmon has not identified a 'clerical error...'"
- "...Motion and Notice is DENIED..."
- "and Thru violation Violation of:"
- "b.) Non-compliance with 'basic CANON MANDATES' of:"
- "CANON 3(A)(B)(7)"
- "(A) Primacy of Judicial Duties ... 'A Judge's Judicial Duties includes the duties of the Judge's OFFICE PRESCRIBED BY LAW...'"
- "(B) Adjudicative Responsibilities"
- "(7) A Judge SHALL accord to every person the right to be heard according to the law..." (continues)
- "... 'A Judge SHALL MAKE reseanable efforts to see that law clerks and other COURT STAFF carrying out similar functions UNDER Judge's supevision DO NOT VIOLATE THE PROVISIONS OF SECTION...'"

Handwritten notes on the right margin:
- "Alaska" Statutes Court Rules
- "Notice"
- "Directly shows JEFFERS Decision making process"
- "Thru of Judges/Clerical officers - PRE-DETERMINED"
- "EQUAL PROTECTION and"
- "shown in/of:"
- "a.) ORDER of 8/30/22..."
- "Because Harmon has not identified a 'clerical error...'"
- "...Motion and Notice is DENIED..."
- "and Thru violation Violation of:"
- "b.) Non-compliance with 'basic CANON MANDATES' of:"
- "CANON 3(A)(B)(7)"
- "(A) Primacy of Judicial Duties ... 'A Judge's Judicial Duties includes the duties of the Judge's OFFICE PRESCRIBED BY LAW...'"
- "(B) Adjudicative Responsibilities"
- "(7) A Judge SHALL accord to every person the right to be heard according to the law..." (continues)
- "... 'A Judge SHALL MAKE reseanable efforts to see that law clerks and other COURT STAFF carrying out similar functions UNDER Judge's supevision DO NOT VIOLATE THE PROVISIONS OF SECTION...'"

ARGUMENT

"case of First Impression" 1

The Alaska Supreme Court "has" "specifically" Prescribed and
"Manadated in the rule Prescribed" based off Statutes; "Mandates
for the Clerk/Deputy Clerk" to use/apply in/on "every" filing into
thru and then out of the Courts to "lawfully verify and validate"
if the Filing is lawfully filed with the Court to lawfully hear/then
determine and issue any Judgement and or ORDER to be lawfully issued
and enforcable [(Court haveing) "persoanl and Subject Matter Juris-
idiction)] and whether or not the Litigant is Lawfully before the
Court and Court has any lawful authority in/on or over the Litigant
or pceedings. When these Statutes and Court Rule Mandates are not
used or applied then "Access to the Court/thru/out of it", is denied
to the Litigant and is not lawfully for the Court to Hear/or deter-
mine the proceeding or case/cause.

A.S.22.05.060 SEALS of the Court's (prescribed by the Alaska "supreme Court" to "ALL" Clerks/Deputies pursuant to)

Adminstration Rule 4 SEAL:S OF COURT (a)(b)(c)

(a) SEAL OF HE COURT OF APPEALS

The SEAL of the Court of Appeals is a "Vignette of the Offical Flag of the State" "With" "the words" "SEAL OF THE COURT OF APPEALS OF THE STATE OF ALASKA" surrounding the "Vignette".

(b) SEAL OF THE TRIAL COURT

The SEAL of the Trial Courts is a "Vignette of the Offical Flag of the State" "with" "the words" "SEAL OF THE TRIAL COURT OF THE STATE OF ALASKA" surrounding the "vignette".

A.S.22.07.100 PROCESS

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

"SEALED with the SEAL OF THE COURT and returnable "ACCORDING TO THE RULE "PRESCRIBED BY THE SUPREME COURT."

"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
→ presents important questions of substantial criminal law Never Before
decided in the state, the Court will consider the merits of the issues
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 nor is the Litigant Lawfully ^{or brought before or} before the Court and the Court "does
5 Not" have any "personal or Subject Matter Jurisdiction".

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

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

24 CIV. Rule 60(b) Void Judgement ^{Emphasis}
25 ..."(3) Fraud (whether hereinto
26 denominated intrinsic or
extrinsic) misrepresentation
or other misconduct of an
adverse party;
(4) the Judgement is VOID
(5) .. "or is no longer equitable
that the Judgement should
have proseptive application
(6) "any other reason" JUSTIFYING
RELIEF from the OPERATION
OF THE JUDGEMENT...
..."This Rule does not "limit" the
Power of the Court to enter-
tain an "Independent action"
or to RELIEVE A PARTY FROM
A JUDGEMENT, ORDER OR A PRO-
CEEDING..."

21 NOTE: clerks/deputies : Court officers
22 (i.e. Judges) "misconduct" for intentional
23 not comply with statute/court rules
24 monarch is misconduct for purpose
25 FRAUD OF

25 Alaska Supreme Court "determined" STATE v MAXWELL 6.P.3d733
26 (HN#10)... "this rule applies (without) limita-
tions because a VOID Judgement CAN-
NOT gain Validity simply by the
Passage of time..."

~~ATTACHMENT~~

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 ^{Applied and} 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
6 case might be decided on their merits..."

ALL ALASKA Rule 46(b)
... "NO ORDER" ...
... ~~new stat~~ Statute/Ct. Rules ...

7 The Rule making Power does not authorize (i.e. clerks/deputies
8 or lower Court Judges to "rewrite the Supreme Court Rules nor by
9 Judicial interpretation" "as" the Clerks/deputies and Appellate
10 Court and Trial Court Judges have attempted, this was and is
11 determined in ^{By} U.S. Supreme Court Haris v Nelson 394 U.S. S.Ct. 1082 22
12 L.ED. 2d 181

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

must be
compared
with
Stat/pers

17 This Court ^{Alaska} (Supreme) has "determined" in Rodriguez v Rodriguez 908
18 P.2d 1007
19 "...It is abuse of discretion to deny the parties NOTICE..."

20 When the Court Officers (i.e. clerks/deputies and Judges) "did not"
21 address and "take NOTICE" of the "specific" Statute and Court Rule
22 violations that were the Foundation and bases to continue to deny
23 Harmon Access to the Court and thru or out of it ever is a inten-
24 tional abuse of and denial of Constitutional due process to the
25 Petitioner Harmon completely and have shown that "opportunity to
26 Heard before and defend before a competent Tribunal" let-alone
27 in which the Court/Judges "had" the litigant and proceedings/filings
28 before it lawfully thus shows the Court/Tribunal "not" vested with
29 Jurisdiction of subject Matter or Personal matter of the Cause.

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

ENPL 58

~~ATTORNEY GENERAL~~

Foundation
Page 11 of 15

APPENDIX 'C'

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

4 Court Determined ..." a litigant who wishes to attack a prior decision
5 of a APPELLATE COURT must demonstrate
(1) that the decision was erroneous from its inception

6 The Petitioner Harmon presents and believes demonstrated that from
7 the "inception" on the Attachment EXHIBIT Letter "C" the Grand
8 Jury Indictment (see) the "Counterfiet Stamp" that is no where near
9 meeting the minimum requirement for SEAL and Process pursuant to
10 Statutes and Court Rule mandates for filing/acceptance by the Court
11 Thus Petitioner Harmon "was Never" lawfully brought or indicted or
12 charged/tried or convicted and issued a lawful Judgement and com-
13 mittment Ordr (see Attachement EXHIBIT letter "B" with the Count-
14 erfiet stamp) that is no where near meeting the minnimum requir-
15 ement for SEAL and PROCESS pursuant to Statutes and Court Rules.
16 Mandates for filing/accepting by the Court thus the Petitioner was
17 never lawfully before the Court for the Judgement and Committment
18 Order to considered and ^{determined lawfully not} then issued and lawfully binding in/on the
19 Petition ^{State of Alaska} Statutorly/Court rule and by the Federal law standard
20 set out in 18USCS 505 SEALS and Federal law mandates for STATE's
21 Court of: 28 USCS 1691 SEAL and Teste PROCESS

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

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

~~Attachment #1~~ #2 Appenoz "C"

Admin 4 mandates the Court's are required to use/apply or filing
is not lawfully before the Court or the Litigant and denied access
to the Court and due process by the Court Officers (i.e clerks/deputi-
es, Judges). thus the "Reversalble ERROR" for abuse of discreti-
onary authority by JUDGE(Trial Court-Appellate Court) by/when
..."depriving(ed) substantial rights and seriously prejudiced by
lower court JUDGE for NOT complying with (Alaska Constitution, Statutes,
due-process, COURT RULES MANDATES)

and

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

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

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

The Relief is "VOIDING "ALL" Appellant/Petitioner Harmon filings
including the Court of Appeals ORDERS (Attachement EXHIBIT Letter "A")
the Committment Judgement ORDER (attachment Letter "B") and Grnad Jury Indit-
ment (attachment Letter "C") requireing VOIDING and imediate unconditional
relief upon and after Granting the Petition for Hearing and RELIEF.

^{Shown} This Relief was/needed Granted..."to deter like conduct and preserve the
integrity of the FACT-FINDING PROCESS
and Protect the diginity of the Court..."

as out lined in/determined in Varilek v Bulke 2008 Alas.LEXIS 54 under litigants
standards.

CONCLUSION

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

~~ATTACHMENT #2~~ APPENDIX "C"

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

OFFICERS

or Alaska Rules of Court The Clerks/Deputies and Court Judges are not "recognizing your Rule Making authority" by and when they "intentional and knowingly" state "they don't think they need to use/apply SEAL and PROCESS 'ALL time when this Court instructed in Administrative Rule 4 was Mandated. These are not Harmless Errors but ERRORS that deny substantive rights and privileges and is denied intentional and knowingly thus is very prejudicial against the Petitioner and should be applied in the VOID with 'Prejudice'."

Emphasis

The assisting in the denial of ^{cause protection clause} due process by the Court OFFICERS Judges with the Clerks/Deputies is also a showing of the "entire" Court system is part to denial of ^{and EQUAL PROTECTION and} due process to Petitioner and Access to and thru and out of the Court; instead assisting in the illegal holding of Petitioner which not lawfully been brought before any court to date in/of Alaska Court system, ^{one are criminal Acts.}

Or heard "Lawful"

"One final note": The Respondant (state Attorney Simel/Taylor of the Dept. of LAW) a.) have not emphisis have not to date in any filing/proceeding/ORDER/Judgement "denied" or disputed" or b.)

Opposed the FACTS or MANDATES/Court Rules Mandates nor that Harmon/Petitioner was/is denied access to court and due process nor the Relief should not be granted. Pursuant to FEDERAL LAW/State of AK-LAW

cause protection Rights

the Prosecutor(s) "has/Had" an obligation to correct the record to reflect the truthful facts when were unsolicited False evidence was introduced on its behalf to the Trial Court and "since been maintained by the Respondant/Attornies" unlawfully in:

Brown v Hayes 399 972 (9th cir) → and Sambrano v STATE LEXIS 228 based off U.S.Sct. Determination was mandated to correct or party

AK (State of Alaska)

~~Attachment #2~~ Appendix '2'

Martin v Allison 2014 U.S. Dist. LEXIS 91157 (HWP 3, 4, 5)
Denial Status v Governor 2011 U.S. Dist. LEXIS 113796 (HWP 4)

Equal protection Rights
to the denial of Constitutional rights to Petitioner and "criminal
Acts" of/by the Dept. of Law Attorney and Court OFFICERS (i.e. clerks/deputies/judges) for
intentional violation of FEDERAL Constitutional law of 18USCS505
SEALS OF COURT/OFFICERS, and Alaska State Statutes and Court Rules,

For the foregoing reasons, this Court Should accept this Petition under Alaska Appellate Rule 304(a)(b)(c) and because this case/cause is a case of "First Impression" and these Court OFFICERS are intentionally not recognizing the Supreme Court Rule making authority and the ALaska Supreme Court determined in

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

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

Respectfully and Prayerfully submitted this date of Oct-5th 2022

signed

S. Harmon
Stephen Harmon Prose
Petitioner

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

CERTIFICATE OF SERVICE:

Mailed to

Clerk of Supreme Court
303 K street
Anchorage, Alaska 99501

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

~~Attachment #3~~ Appendix "C"

Stephen Harmon
22301 west Alsop Road
Wasilla, Alaska 99654

IN THE SUPREME COURT FOR THE
STATE OF ALASKA

STEPHEN HARMON
Petitioner

vs

STATE OF ALASKA
Respondent

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.

PETITIONER HARMON's "SPECIFIC" REPLY TO Respondent's
IN & ON the "SPECIFICALLY FILED" Nov.28,2022 FILING
OF:---("Consolidated Response to Petitions for Hearing")
Note: Petitioner Harmon "recieved this Filng from Respon-
dent on Nov.30,2022 Pm-evening legal mail @ Prison.

"AND"

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

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

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

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

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

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
Pettione 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

~~ATTACHMENT~~ #3 Appendix "c"

State Disput
AD mention
Relief on
State Cases
Mandates
By State

here of the Alaska Supreme Court and its Justices to:

1.) "on the one hand (see the respondents Response on pg.11 2nd to last paragraph and cont. on pg.12 reads in relevant part:"

..."Harmon also seems to rely on federal statutes and cases[P.1 at11-12] but those statutes and cases do not govern how Alaska's state courts OPERATES..."

2.) "on the other hand (see the respondents Response on Pg.1

thru pg.10" "where" the Respondent/State of Alaska "HAVE" "RE-

PEADLY" a.) "STATED and SHOWN WHERE" the Alaska Courts "ARE"

governed by FEDERAL CASE (and statutes) operate..."BLAKELY..."

"Blakely" "IS A U.S.SUPREME COURT CASE- (i.e meaning it is a FED-

ERAL CASE that Alaska has determines governs how/what "IS" opera-

ing with-in the U.S Constitutional MINIMUM standards for a COURT

"ALASKA herein to operate and be governed by !!! thus the Respon-

dent is asking the Court to apply a "2" standards to the Petiti-

oner but not to the Respondent or Alaska Courts when concerns the

Respondent . This is "misrepresentation and Fruad upon the Court

by the Respondent to deny substant(al) rights and due-process.

3.) The ALASKA APPELLATE COURT "HAS" determined in:

Burns v STATE 2007,Alas. LEXIS 139(HN#2)(HN#3) relevant parts reads:

..."A STATE APPELLATE COURT is obliged to apply FEDERAL CONSTITUTIONAL LAW as it has been Interpreted "BY" the U.S.SUPREME COURT..."

cont.

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

4.) Respondent again "misrepresents and ask this court to

"affirm the Appellate ERROERS/DENIAL and abuse of discretionary

authority to continue and deny Harmon his Constitutional "RIGHTS"

which is prejudicial and the COURTS (STATE & FEDERAL Specifically-

~~ATTACHED~~ 3 APPENDIX "C"

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

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

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

FILED
Cen. only
V. 1000
J. 1000
C. 1000

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 filing 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 defendnat 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:

~~ATTACHED TO #3~~ APPENDIX 'C'

(d) (continued)

(1) Clerical errors Defined

(5) Id. Correction, Clerical Errors

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

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

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

Brown v Superior Ct of LA

REQUIREMENTS-Evience of such.

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

(3) Id

..."The Judgement is a Judicial act of the Court, and its
entry in the judgement book, which affords the Highest
RECORD-EVIDENCE of its existence, is but a ministerial
Act of the Clerk, and that which the Court permforms
Judicially, or orders to be performed, IT IS NOT TO BE
AVOIDED BY THE ACTION OR WANT OF ACTION OF & BY THE COURT'S
ministerial OFFICERS, the Judgement IS THEN AS RENDERED
"FINIAL"(ly)), THGIS DETERMINES THE RIGHTS OF THE PARTIES
TO THE ACTION OR PROCEEDINGS. "IT" IS "COMPLETE" WHEN
IT IS "ENTERED AND RECORDED BY THE CLERK "AS" REQUIRED"
"BY" THE "STATUE"..."

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

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

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

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

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

Pursuant to: (HN#2)..."It is the sworn duty of the Prosecutor to assure
that a defendant has a fair and impartial trial, &
DEFENDANTS RIGHTS TO DUE PROCESS
The STATE Violates a criminal defendant's RIGHT TO
DUE-PROCES "WHEN", although not solicting FALSE

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

11211 X 150112004

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

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

"REVERSAL IS VIRTUALLY AUTOMATIC"

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

Alaska SUPREME COURT CASE 2012 determined:

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

ALdrich V Aldrich OP NO 14238 P.3d AK. 2012.

Alaska SUPREME COURT CASE 1969 determined:

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

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

ALASKA SUPREME COURT CASE 2014 determined:

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

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

ALASKA SUPREME COURT CASE determined: State v Maxwell 6.P.3d 733

.. "this rule applies without limitations because a Void Judgement CANNOT
gain VALIDITY simply by the passage of time.."

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

Dated Dec. 1st, 2022

Page 5

By: Stephen Harmon
Stephen Harmon Prose Petitioner

ATTACHMENT #3

APPENDIX 11

In the Court of Appeals of the State of Alaska

NOTE
no serial
process
either

Stephen Joseph Harmon,
Appellant,

Court of Appeals No. A-13760

v.

Order

State of Alaska,
Appellee.

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 action ← LEFT OUT specific Filed AS 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 #~~

"ORDER Appealing"

PAGE 10

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.

~~ATTACHED AS~~ #2 Appendix "C"
~~Exhibit letter "A"~~

NOTE:
"NO SEAL Court"
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.

~~ATTACHED TO 11-11-59~~ 1 APPENDIX 'E' 11
~~EXHIBIT 11-11-59~~ 11
NOTE: Counter File
STAMP
"NO SPARK CAMP"
NO PROCESS

State Vs. Stephen Harmon
4FAS92-2481CR

10/25/93
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
☒ Defense Attorney Green
☒ Exhibit Clerk
☒ DOC
☒ FCC
☒ DPS - Juneau
☒ MISC mlf
CLERK: kje

APPENDIX "C"

~~ATTACHMENT #2~~

2 ~~EXHIBIT LETTER "B"~~

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

Filed in the Trial Courts
STATE OF ALASKA, FOURTH DISTRICT

FOURTH JUDICIAL DISTRICT, FAIRBANKS

SEP 04 1992

By _____
Clerk of the Trial Courts Deputy

STATE OF ALASKA,

Plaintiff,

vs.

STEPHEN J. HARMON,

Defendant.

INDICTMENT FOR:

Count I:
Murder in the First Degree
AS 11.41.100(a)(1)(A)
Count II:
Sexual Assault in the
First Degree
AS 11.41.410(a)(1)(2)

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 Keahr, 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 #2~~

NOTE
Contr/Fit Stamp
NO SEAL OF COURT OR PROCESS

~~EXHIBIT #1~~

APPENDIX "C"

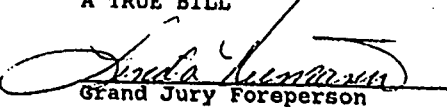
COUNT II

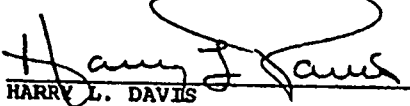
That on or about May 15 or May 16, 1992, at or near Fairbanks, in the Fourth Judicial District, State of Alaska, STEPHEN J. HARMON did unlawfully and knowingly engage in sexual penetration with Brenda Keehr without her consent, and/or did unlawfully and intentionally attempt to engage in sexual penetration 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
Herrick Peirce
Trooper McCann
Leanne Strickland
Dr. Propst
Patricia N. Lee Kebodeaux
Peggy Harmon
Bruce Pardy
Patrick Felcyn
Patricial L. Monaco
Trooper Dahlke

Constance Makenson
Wanda Ann Thiele

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

BAIL SET AT

\$250,000

DATED

3 Sep 1992


JUDGE

ACCEPTED FOR FILING


DEPUTY CLERK

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

~~EXHIBIT 1~~ #2

~~EXHIBIT 1~~
APPENDIX 1

ATTACHMENTS APPENDIX D OF

DOCKET LOG - 2pg				
"	# 4 -	4pg	Front/Back	
"	# 6 -	3pg	"	"
"	# 7 -	2pg	"	"
# 11	# 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 **1/3/2023**. The U.S. Court of Appeals docket number 23-14 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]

 Attached →
02/09/2023 4 **CORRESPONDENCE** filed by Petitioner Stephen Harmon. [Entered: 02/13/2023 09:55 AM]

MISSING FROM MY FILE →
02/21/2023 5 **CORRESPONDENCE** filed by Petitioner Stephen Harmon. [Entered: 02/23/2023 09:38 AM]

 Attached →
03/06/2023 6 **CORRESPONDENCE** filed by Petitioner Stephen Harmon. [Entered: 03/08/2023 12:18 PM]

APPENDIX "A"

ⓧ Attache →
04/03/2023 7

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

ⓧ Attache →
05/15/2023 8

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

Same as Above letter →
05/15/2023 9

CORRESPONDENCE filed by Petitioner Stephen Harmon. [Entered: 05/17/2023 10:14 AM]

ⓧ Attache →
05/30/2023 10

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 Docketing Notice of Jan. 4, 2023 to me
..."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..."

I hereby file/submit "future correspondence 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/Judgment please.

CERTIFICATE OF SERVICE

I/Stephen Harmon certify under penalty of perjury pursuant to USCS 1746
that the "Future correspondence 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 "specifically" 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 § 2044(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 "p"

DEFINED and OBTAINED:

..."Functions of Court and Clerk, and its entry in the Judgement BOOK, wich 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 USCS§ 1691 SEALS AND TESTE "PROCESS" and when it is not complied with the FEDERAL LAW MANDTES and DEFINES following of is a Crime by ALL Parties (i.e. CLERK of Court, Judges, Officers etc...) in

18 USCS 505 SEALS 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 countorfiet 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 COUNTERFIET "SIGNATURE" of ANY such Judge, register or other Officer "OR" a False or counterfiet OF THE COURT "SUBSCRIBED OR ATTACHED there to knowing such signture or Seal to be false or counterfiet "SHALL BE" fined under this Title or IMPRISONED not more than (5)Five year or BOTH..."

"id" x 1412106

CONCLUSSION/REQUST RELIEF

- a.) Request your Honors "Imediate and Lawfully Attention and reslution in/on this Matter and Reolving as soon as possible please.
- b. "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). ???

Nocket #4

ONE FINAL NOTE:

- a.) I Harmon have a constituional RIGHT to due proces (Inherent/lawfully BORN raised in the USA);
- b.) 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 Privilages and is Prejudical and substantial/Substantive denial respectfully ask you help and T...

Signed & shown

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



Molly C. Dwyer
Clerk of Court

Signature is next
In compliance with
Mandates of
38 USC 1691

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 "A"

Harmon presents
NOTE: ALSO

NOTE: These complaints still
2 yrs plus not resolved
Investigated or Assigned Judge
to review report shown

These Judges: "Have conflict - Pending Judicial Complaints"

Separate / Different
Ground / Claim was filed On case NO. 21-71356 Harmon v Houser
L (STATE OF) ISSUE earlier That Denial access to Court For Harmon
Thomas SILVERMAN MILLER MURQUIN BURNATAY
#22-90007 #22-90045 #22-90046 #22-90047 #22-90048

Thus Court / should NOT BE ASSIGNED TO THIS CASE
FOR REVIEW DECISION Respect Pending Court

Thus this Docketing notice
Shows on Harmon File not changed File / By Panel
23-14 this Document is not Watch File / Review

Added 4/4

2

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 correspondance 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 & Independent Action Rule 60(b)(4) and (d) Void Judgement Motion "INTO" the Ninth Circuit instead of the District Court"first". *5/5/21*

*** Case Number : 23-14

*** Case Title: Harmon v Houser

To Justices and Staff previewing & 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

- Learned*
- 1.) I/harmon am a prose litigant not ~~learned~~ in the law;
 - 2.) I/harmon read/found no rule/statute or case law to help understand on "where" to file a "New-Independent Action" Rule 60(b)(4) &(d) Motion "State Court Lack Personal and Subject Matter Jurisdiction in/over Harmon/and/Matters; *Based on*
 - 3.) "The QUESTION" "foundational Question of" *non-compliance with statutory Mandates Seal/lessee evidence use Application Requirements*

... '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 Federalk Court(s)" "BASED ON" the COURT:

- a.) Obatining and providing the "EVIDENCE" to show the COURT has obtained any "PERSONAL AND OR SUBJUECT MATTER JURISDICTION" thru "ORIGINALLY" or subsequent proceedings(judgment/Orders/Indictment etc.) by/thru compliance with the "MANDATED"

"SEALS and TESTEE" REQUIREMENTS/MANDATES to use apply "AS"
MANDATED "BY" STATUTES (STATE^{es}) and (FEDERALY), 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) STAUTORYLY;..."

"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 / FOR

(Reads)
..."(B)(i)..." "A RULE 60(b)(4) Void Judgement & (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 offlaw 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/obtaining
thru Statutory Mandated "SEALS/TESTEE"- "EVIDENCE" . "IF FIND" does LACKS Personal
and Subject Matter Jurisdiction. Then Grant the Voiding the ORDERS/JUDGEMENTS of: In min
[S.G. -Attch-#1(12/19/22), Attachment #2 Exhibit Letter "B" and Exhibit "C" and with prejudice.

Respectfully file date Feb 28th 2023

signed

L. Harmon

Exhibit 46

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 - (Amice #2,3,4 - specifically shows delay is not lawfully allowed/delay)

REQUEST #1) I/Harmon ask/request this Court/Justices "immediate attention and resolution determination" in/on this Filing ; Please. (?-the Court is inviolation offederal 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..."

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

If 28 USC 1691
IS NOT
complied with

"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 DOCUMNET 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.."

see the back

the clerk

the clerk

the clerk

the clerk

the clerk

Based on the Request also: If this Court / Justices

Issue Decision/Order

The ORDER/Decision WITHOUT compliance, ^{Thus} also is not lawfully filed or recorded as mandatd 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 RENDERED 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/Harmon Respectfully Request the Court's Imediate Attention and resolution/decision in on this Filing please and compliance with the SEAL and TESTEE requiriements for proceedings.

signed

Stephen Harmon

Docket #7

Blind S. Ct. of L.A. County 70 Cal App 732
AC 131-132
Final Judgment Entry

Otto Vlong, 144 Cal. 144 S.Ct 7/16/04
Hurt Judges, Enforcement over Execution
The 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"

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: MAY 4th 2023 Thus (Emphasis)

- Why The delay Your Honors/Court - (Appe #2,3,4 - specifically shows delay is not lawfully allowed/delay)
- REQUEST #1) I/Harmon ask/request this Court/Justices "immediate attention and resolution determination" in/on this Filing ; Please.(?-the Court is inviolation 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" SIGN'D BY THE CLERK THEREOF..."

Request #3.) Ask this Court in its Decision/Order - To please provide 100%
Federal Law that authorizes to allow issue Federal Laws of 28 USC 2244(3)(d), IF ANY?
This Request is BASED ON Federal Statute that DEFINES it a crime
28 USC 1691
IS not comply with

"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: If this Court / Justices
The ORDER/Decision WITHOUT compliance, also is not lawfully filed or recorded as mandatd 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 RENDERED 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/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 in this Court

signed Stephen Harmon
D. Davis

Decision/Order in on this Case of 23-14 ALSO!
Docket # 8

Pursuant to
Revised 2.11.11
Record every person

1651594

28 USC 2244(3)(d)
28 USC 1691
28 USC 1691
28 USC 1691

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,

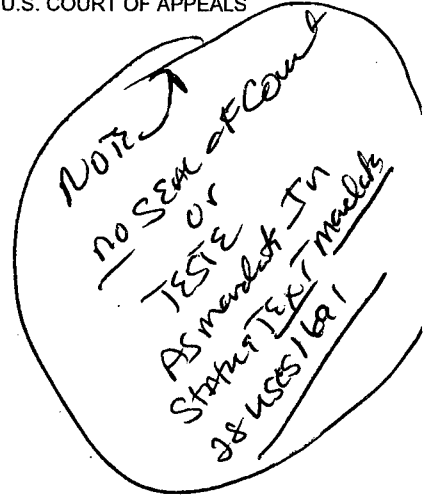
v.

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

Appendix "D"

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.

Docket # 10

23-14-10-1-2

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

June 26, 2023

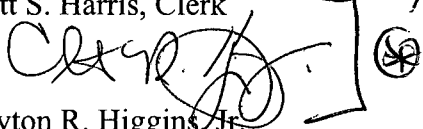
Stephen Harmon
#265620
22301 West Alsop Road
Wasilla, AK 99654

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 SEAL OF COURT
OR
TESTE.
Violates 28 USC 1691
OR 18 USC 505
BY EPH (X)
"Tender in as"
False Evidence
BY J (X)