

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re Luis Fernando Isaza Arango PETITIONER
(Your Name)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of habeas corpus without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court, E.D. of Texas 4:18-CR-00098-ALM-CA

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.


(Signature)

RECEIVED

JUL - 5 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Luis Isaza, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____

4. How much cash do you and your spouse have? \$_____
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
_____	\$_____	\$_____
_____	\$_____	\$_____
_____	\$_____	\$_____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
 Value _____

Other real estate
 Value _____

Motor Vehicle #1
 Year, make & model _____
 Value _____

Motor Vehicle #2
 Year, make & model _____
 Value _____

Other assets
 Description _____
 Value _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u> </u>	\$ <u> </u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u> </u>	\$ <u> </u>
Life	\$ <u> </u>	\$ <u> </u>
Health	\$ <u> </u>	\$ <u> </u>
Motor Vehicle	\$ <u> </u>	\$ <u> </u>
Other: _____	\$ <u> </u>	\$ <u> </u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u> </u>	\$ <u> </u>
Installment payments		
Motor Vehicle	\$ <u> </u>	\$ <u> </u>
Credit card(s)	\$ <u> </u>	\$ <u> </u>
Department store(s)	\$ <u> </u>	\$ <u> </u>
Other: _____	\$ <u> </u>	\$ <u> </u>
Alimony, maintenance, and support paid to others	\$ <u> </u>	\$ <u> </u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u> </u>	\$ <u> </u>
Other (specify): _____	\$ <u> </u>	\$ <u> </u>
Total monthly expenses:	\$ <u> </u>	\$ <u> </u>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
_____	\$ <u>NA</u>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10 / 05, 2023


(Signature)

Inmate Reg #: 29170078 Current Institution: Coleman FCC
 Inmate Name: ISAZA ARANGO, LUIS Housing Unit: COL-A-D
 Report Date: 09/27/2023 Living Quarters: A16-11SU
 Report Time: 3:39:01 PM

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 9507

PAC #: 256387910

Revalidation Date: 1st

FRP Participation Status: Completed

Arrived From:

Transferred To:

Account Creation Date: 2/2/2021

Local Account Activation Date: 2/3/2021 3:13:09 AM



Sort Codes:

Last Account Update: 9/26/2023 6:13:55 AM

Account Status: Active

Phone Balance: \$0.00

Pre-Release Plan Information

Target Pre-Release Account Balance: \$0.00

Pre-Release Deduction %: 0%

Income Categories to Deduct From: Payroll Outside Source Funds

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

Account Balance:	\$54.97
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$0.00
Other Encumbrances:	\$0.00
Outstanding Negotiable Instruments:	\$0.00
Administrative Hold Balance:	\$0.00
Available Balance:	\$54.97
National 6 Months Deposits:	\$703.49

National 6 Months Withdrawals: \$664.45
Available Funds to be considered for IFRP Payments: \$253.49
National 6 Months Avg Daily Balance: \$14.20
Local Max. Balance - Prev. 30 Days: \$100.22
Average Balance - Prev. 30 Days: \$16.53

Commissary History

Purchases

Validation Period Purchases: \$91.95
YTD Purchases: \$1,204.30
Last Sales Date: 9/12/2023 3:03:10 PM

SPO Information

SPO's this Month: 0
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: Yes
Bi-Weekly Revalidation: No
Spending Limit: \$90.00
Expended Spending Limit: \$0.00
Remaining Spending Limit: \$90.00

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Active
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Comments

Comments:

All Transactions



Inmate Reg #: 29170078
 Inmate Name: ISAZA ARANGO, LUIS
 Report Date: 09/27/2023
 Report Time: 3:38:40 PM

Current Institution: Coleman FCC
 Housing Unit: COL-A-D
 Living Quarters: A16-115U

<u>Date/Time</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
9/26/2023 6:13:55 AM	TRUL Withdrawal	(\$5.00)	TL0926		\$54.97
9/25/2023 6:07:34 PM	Western Union	\$58.70	33323268		\$59.97
9/12/2023 5:16:24 PM	TRUL Withdrawal	(\$2.00)	TL0912		\$1.27
9/12/2023 3:03:10 PM	<u>Sales - Fingerprint</u>	(\$16.90)	21		\$3.27
9/6/2023 5:27:25 PM	TRUL Withdrawal	(\$5.00)	TL0906		\$20.17
9/6/2023 2:57:19 PM	<u>Sales - Fingerprint</u>	(\$75.05)	42		\$25.17
9/4/2023 11:07:42 AM	Western Union	\$100.00	33323247		\$100.22
9/3/2023 4:40:57 PM	TRUL Withdrawal	(\$5.00)	TL0903		\$0.22
8/26/2023 5:58:48 PM	TRUL Withdrawal	(\$5.00)	TL0826		\$5.22
8/22/2023 5:33:58 PM	TRUL Withdrawal	(\$10.00)	TL0822		\$10.22
8/22/2023 1:20:23 PM	<u>Sales - Fingerprint</u>	(\$79.85)	38		\$20.22
8/20/2023 9:15:44 PM	TRUL Withdrawal	(\$2.00)	TL0820		\$100.07
8/19/2023 5:08:34 AM	Lockbox - CD	\$100.00	70190401		\$102.07
8/14/2023 7:59:12 AM	TRUL Withdrawal	(\$2.00)	TL0814		\$2.07
8/8/2023 11:20:37 AM	TRUL Withdrawal	(\$2.00)	TL0808		\$4.07
8/2/2023 4:26:01 PM	TRUL Withdrawal	(\$2.00)	TL0802		\$6.07
8/1/2023 1:36:33 PM	TRUL Withdrawal	(\$5.00)	TL0801		\$8.07
7/25/2023 2:12:04 PM	TRUL Withdrawal	(\$5.00)	TL0725		\$13.07
7/25/2023 1:57:26 PM	<u>Sales - Fingerprint</u>	(\$34.90)	35		\$18.07
7/25/2023 11:30:36 AM	TRUL Withdrawal	(\$2.00)	TL0725		\$52.97
7/24/2023 3:16:51 PM	TRUL Withdrawal	(\$5.00)	TL0724		\$54.97
7/24/2023 2:08:43 PM	Western Union	\$59.87	33323205		\$59.97
7/11/2023 2:05:46 PM	<u>Sales - Fingerprint</u>	(\$52.10)	41		\$0.10
7/8/2023 4:40:39 PM	TRUL Withdrawal	(\$2.00)	TL0708		\$52.20
7/3/2023 6:56:19 PM	<u>Sales - Fingerprint</u>	(\$87.90)	168		\$54.20
7/2/2023 10:24:37 AM	TRUL Withdrawal	(\$10.00)	TL0702		\$142.10
7/1/2023 4:07:22 PM	Western Union	\$136.00	33323182		\$152.10
6/27/2023 2:56:28 PM	TRUL Withdrawal	(\$2.00)	TL0627		\$16.10
6/22/2023 3:11:05 PM	TRUL Withdrawal	(\$2.00)	TL0622		\$18.10
6/21/2023 2:29:24 PM	<u>Sales - Fingerprint</u>	(\$78.60)	33		\$20.10
6/20/2023 10:57:57 AM	TRUL Withdrawal	(\$2.00)	TL0620		\$98.70
6/20/2023 7:12:35 AM	Western Union	\$100.00	33323171		\$100.70
6/8/2023 6:48:01 AM	TRUL Withdrawal	(\$5.00)	TL0608		\$0.70
6/1/2023 7:42:50 PM	TRUL Withdrawal	(\$5.00)	TL0601		\$5.70
5/26/2023 2:33:18 PM	TRUL Withdrawal	(\$5.00)	TL0526		\$10.70
5/19/2023 8:25:31 PM	TRUL Withdrawal	(\$2.00)	TL0519		\$15.70
5/18/2023 11:05:25 AM	TRUL Withdrawal	(\$2.00)	TL0518		\$17.70
5/17/2023 9:24:08 PM	TRUL Withdrawal	(\$2.00)	TL0517		\$19.70
5/17/2023 7:37:58 PM	<u>Sales - Fingerprint</u>	(\$29.00)	91		\$21.70
5/17/2023 12:04:01 PM	TRUL Withdrawal	(\$2.00)	TL0517		\$50.70
5/17/2023 11:07:41 AM	Western Union	\$52.24	33323137		\$52.70
5/7/2023 4:24:06 PM	TRUL Withdrawal	(\$2.00)	TL0507		\$0.46
4/19/2023 8:52:04 AM	TRUL Withdrawal	(\$5.00)	TL0419		\$2.46
4/18/2023 5:55:10 PM	<u>Sales - Fingerprint</u>	(\$89.00)	24		\$7.46
4/17/2023 10:36:14 AM	TRUL Withdrawal	(\$2.00)	TL0417		\$96.46
4/17/2023 10:08:08 AM	Western Union	\$96.68	33323107		\$98.46
4/5/2023 11:08:05 AM	TRUL Withdrawal	(\$2.00)	TL0405		\$1.78
4/3/2023 2:18:21 PM	<u>Sales - Fingerprint</u>	(\$12.15)	16		\$3.78
3/25/2023 3:20:09 PM	TRUL Withdrawal	(\$5.00)	TL0325		\$15.93
3/20/2023 2:23:13 PM	TRUL Withdrawal	(\$2.00)	TL0320		\$20.93

All Transactions

 **PRINT**

Inmate Reg #: 29170078

Inmate Name: TSAZA ARANGO, LUIS

Report Date: 09/27/2023

Report Time: 3:38:46 PM

Current Institution: Coleman FCC

Housing Unit: COL-A-D

Living Quarters: A16-115U

<u>Date/Time</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
3/20/2023 1:04:51 PM	<u>Sales - Fingerprint</u>	(\$34.20)	24		\$22.93
3/18/2023 2:07:13 PM	Western Union	\$49.20	33323077		\$57.13
3/15/2023 11:44:33 AM	TRUL Withdrawal	(\$5.00)	TL0315		\$7.93
3/13/2023 12:48:25 PM	<u>Sales - Fingerprint</u>	(\$94.50)	25		\$12.93
3/6/2023 5:46:04 PM	TRUL Withdrawal	(\$5.00)	TL0306		\$107.43
3/6/2023 1:08:33 PM	Western Union	\$100.00	33323065		\$112.43
3/1/2023 3:03:07 PM	TRUL Withdrawal	(\$5.00)	TL0301		\$12.43
2/27/2023 1:45:59 PM	<u>Sales - Fingerprint</u>	(\$29.10)	36		\$17.43
2/23/2023 6:23:21 PM	TRUL Withdrawal	(\$5.00)	TL0223		\$46.53
2/21/2023 8:01:34 PM	TRUL Withdrawal	(\$2.00)	TL0221		\$51.53
2/21/2023 2:18:00 PM	<u>Sales - Fingerprint</u>	(\$87.95)	25		\$53.53
2/15/2023 4:47:34 PM	TRUL Withdrawal	(\$5.00)	TL0215		\$141.48
2/14/2023 1:07:38 PM	Western Union	\$100.00	33323045		\$146.48
2/6/2023 8:10:38 PM	TRUL Withdrawal	(\$10.00)	TL0206		\$46.48
2/6/2023 1:33:02 PM	<u>Sales - Fingerprint</u>	(\$95.35)	40		\$56.48
2/6/2023 10:51:55 AM	TRUL Withdrawal	(\$5.00)	TL0206		\$151.83
2/6/2023 10:08:17 AM	Western Union	\$153.90	33323037		\$156.83
2/2/2023 11:09:42 AM	TRUL Withdrawal	(\$2.00)	TL0202		\$2.93
2/1/2023 4:46:49 PM	TRUL Withdrawal	(\$2.00)	TL0201		\$4.93
1/24/2023 7:34:49 PM	TRUL Withdrawal	(\$5.00)	TL0124		\$6.93
1/23/2023 1:01:50 PM	<u>Sales - Fingerprint</u>	(\$5.75)	32		\$11.93
1/20/2023 9:46:11 AM	<u>Sales - Fingerprint</u>	(\$68.45)	23		\$17.68
1/18/2023 11:23:52 AM	TRUL Withdrawal	(\$5.00)	TL0118		\$86.13
1/17/2023 11:49:11 AM	TRUL Withdrawal	(\$2.00)	TL0117		\$91.13
1/17/2023 11:07:41 AM	Western Union	\$92.00	33323017		\$93.13
1/1/2023 9:59:41 AM	TRUL Withdrawal	(\$2.00)	TL0101		\$1.13
12/30/2022 2:48:14 PM	Inmate Co-pay	(\$2.00)	YICP1222		\$3.13
12/29/2022 11:52:56 AM	TRUL Withdrawal	(\$5.00)	TL1229		\$5.13
12/22/2022 8:21:46 PM	TRUL Withdrawal	(\$10.00)	TL1222		\$10.13
12/22/2022 1:10:14 PM	<u>Sales - Fingerprint</u>	(\$20.10)	40		\$20.13
12/21/2022 5:27:08 PM	TRUL Withdrawal	(\$10.00)	TL1221		\$40.23
12/21/2022 3:07:38 PM	Western Union	\$50.00	33322355		\$50.23
12/14/2022 2:14:44 PM	TRUL Withdrawal	(\$5.00)	TL1214		\$0.23
12/12/2022 7:37:28 PM	TRUL Withdrawal	(\$2.00)	TL1212		\$5.23
12/9/2022 2:53:25 PM	TRUL Withdrawal	(\$5.00)	TL1209		\$7.23
12/7/2022 8:11:16 AM	TRUL Withdrawal	(\$5.00)	TL1207		\$12.23
12/1/2022 3:02:48 PM	TRUL Withdrawal	(\$10.00)	TL1201		\$17.23
12/1/2022 2:25:41 PM	<u>Sales - Fingerprint</u>	(\$76.95)	48		\$27.23
11/24/2022 1:27:22 PM	TRUL Withdrawal	(\$5.00)	TL1124		\$104.18
11/23/2022 6:09:35 PM	<u>Sales - Fingerprint</u>	(\$71.10)	130		\$109.18
11/21/2022 1:32:07 PM	TRUL Withdrawal	(\$5.00)	TL1121		\$180.28
11/19/2022 11:15:05 AM	TRUL Withdrawal	(\$15.00)	TL1119		\$185.28
11/19/2022 5:07:52 AM	Lockbox - CD	\$200.00	70171601		\$200.28
11/17/2022 1:21:26 PM	<u>Sales - Fingerprint</u>	(\$16.20)	86		\$0.28
11/17/2022 11:11:06 AM	TRUL Withdrawal	(\$2.00)	TL1117		\$16.48
11/16/2022 2:09:20 PM	TRUL Withdrawal	(\$2.00)	TL1116		\$18.48
11/14/2022 9:48:57 AM	TRUL Withdrawal	(\$10.00)	TL1114		\$20.48
11/14/2022 7:07:45 AM	Money Gram	\$30.00	33422318		\$30.48
11/3/2022 10:38:50 PM	TRUL Withdrawal	(\$5.00)	TL1103		\$0.48
11/2/2022 8:32:16 PM	TRUL Withdrawal	(\$2.00)	TL1102		\$5.48

All Transactions



Inmate Reg #: 29170078

Current Institution: Coleman FCC

Inmate Name: ISAZA ARANGO, LUIS

Housing Unit: COL-A-D

Report Date: 09/27/2023

Living Quarters: AJ6-115U

Report Time: 3:38:51 PM

<u>Date/Time</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
11/1/2022 1:07:54 PM	TRUL Withdrawal	(\$2.00)	TL1101		\$7.48
11/1/2022 6:55:52 AM	TRUL Withdrawal	(\$2.00)	TL1101		\$9.48
10/27/2022 6:24:05 PM	<u>Sales - Fingerprint</u>	(\$49.20)	226		\$11.48
10/27/2022 2:21:20 PM	TRUL Withdrawal	(\$2.00)	TL1027		\$60.68
10/25/2022 7:07:52 AM	Money Gram	\$60.00	33422298		\$62.68

1 2 3

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re Luis Fernand Isaza Arango — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

Luis Fernando Isaza Arango

(Your Name)

P.O. Box 1031 (FCC Coleman LOW)

(Address)

Coleman, FL 33521

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) Does the United States have standing to bring a 21 U.S.C. § 963 claim, without the condition precedent 21 U.S.C. § 960 predicate offense?
- 2) Does the United States require the reliance on 18 U.S.C. § 3041, in order to issue an arrest warrant outside of the United States of America?
- 3) Does the United States have standing to bring a 21 U.S.C. § 960 violation, without invocation of § 959(d), when the allegation is solely outside of the United States, and the controlled substance is neither evident, nor proven to have been in transit to the district of prosecution?
- 4) Does the United States have authority to ~~exercise~~ 21 U.S.C. § 955 ~~legislation~~ outside of the territorial United States?
- 5) Does the United States Executive, have the obligation to prove that charged crime(s) actually occurred in the district of prosecution?
- 6) Can a Grand Jury be lawfully drawn without any evidences of crime(s) within the District of the Grand Jury, and present a lawful Bill accordingly?
- 7) Is separation of powers doctrine upheld, when prosecutions are partaken in conflict with Constitutional and statutory limitations?
- 8) Does the United States Executive, hold discretionary authority to ignore the clear definitive instructions of 28 U.S.C. § 547(1) and "prosecute for[NON]offenses against the United States"?

LIST OF PARTIES

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

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

RELATED CASES

United States v. Luis Fernando Isaza Arango, 4:18-CR-00098-ALM-CAN, E.D. of TX

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Axon Enter. v. FTC, 143 S.Ct at 913	
Rosencrans v. United States , 165 U.S. 257 (1897)	
Wilkins v. United States, 598 U.S. _____, 143 S. Ct. 870, 215, L. ED 116(2023)	
Corney v. Adams, 592, 141 S.Ct. 463 (2020)	
Cohens v. Virginia 19 U.S. 254 , 6 Wheat. 264 (1821)	

STATUTES AND RULES

18 U.S.C. § 3001.
18 U.S.C. § 3041,
18 U.S.C. § 3231,
18 U.S.C. § 3044,
18 U.S.C. § 3046
18 U.S.C. § 371
Rule's 1-3 of Criminal Procedures
Rule 12(b)(2) of Crminal Procedures
Rule 52(b) of Criminal Procedures
21 U.S.C. §§ 955, 959, 960, 963
21 U.S.C. § 801
50 U.S.C. § 841
28 U.S.C. § 547(1)
28 U.S.C. § 2241 et. seq.

OTHER

Article II Executive Order: "Assure that the laws of the United States are faithfully executed..."

Article III's "Case" of "Controversy" doctrine, requiring 'injury in fact'

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

~~The jurisdiction of this Court is invoked under 28 U. S. C. §1254(1).~~

The Jurisdiction for this court is invoked under 28 U.S.C. § 2241

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) Article II requires the Executive shall "assure that the laws of the United States are faithfully executed to the best of my (Presidential) ability.."(in part)
28 U.S.C. § 547(1) assures the A/USA shall only prosecute for "...offenses against the United States..." which occur within "the district".[of A/USA residency]
- 2) Article II also provides for Pardons or Clemency for "...all offenses against the United States..."(in part)
- 3) Article III, sec. 2, cl. 1 's "Case" of "Controversy" doctrine violations.
18 U.S.C. § 3041's limitations of access to Article III, Congressionally enumerated allowing the arresting and detaining of "Any offense against the United States..."
- 4) 18 U.S.C. § 3231's limitations to only covering "Offenses against laws of the United States...."(in part)
- 5) 18 U.S.C. § 3041 allowing only for arrest/detention pending trial for "Offenses against the United States..."
- 6) 18 U.S.C. § 3001 driving reliance on Rules of Criminal Procedure
- 7) 18 U.S.C. § 3044 driving reliance on Rule 3 of Federal Criminal Rules
- 8) 18 U.S.C. § 3046 driving reliances on Rule 4 and 9, for arresting.
- 9) 21 U.S.C. § 801; giving congressional intentions for CSA;
- 10) 21 U.S.C. § 960, providing prohibited acts affecting importation of drugs;
- 11) 21 U.S.C. § 963, providing punishment directives for 960 violations by conspirator(s);
- 12) 21 U.S.C. § 959, providing prohibited conducts subject to U.S. Federal laws;
- 13) 50 U.S.C. § 841, Providing Congressional Declaration of Communistic behaviors, as "clear present and ongoing danger to constitutional government"

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

Jurisdictional Grounds

1. Petitioner cannot seek writ of Habeas Corpus in detainment district, due to the en banc reliances on *McCarthy v. Goodwill Industries, Inc.* (11th Cir. 2017) Accordingly, local District will interpret 28 U.S.C. § 2241 as a § 2255 and then rely on 28 U.S.C. § 1651 to transfer to E.D. of Texas, the court of Conflicting Interest.
** District Court was not court of competent jurisdiction **(3041)
2. As conviction/sentence district is offending of laws and such court will be adversarial due to such errency in statutory limitations; Petitioner seeks this court's direct right to issue Habeas Corpus under the Constitution and Laws governing.
** District Court lacked Article III "competency" due to failure to claim "injury in fact" to federally cognizable right(s)**

STATEMENT OF THE CASE:

- 1) The United States Executive, exceeded both its Constitutional limitations, and its legislative limitations. Lacking in a cognizable legal injury to 'importation law violations'; or actual "controlled substance" violations (within the E.D. Of Texas), then as records reveal, the United States lacked a "Case" in the Constitutional sense. No judgment can stand as valid, accordingly. (lacking competency, judgment is VOID)
- 2) The United States prosecution further 'made a federal case' out of wholecloth. Arresting Petitioner thru INTERPOL "red notices", and kidnapping him, taking him into the United States Eastern District of Texas, Sherman Division for charges which were not only impossible(logistically) but were never proven to have been evident, in any way(s) within the District of prosecution.(nor territorial jurisdictions of U.S.A.)
- 3) The United States arrested Petitioner in direct violation of 18 U.S.C. § 3041's (Article III powers) jurisdictional limitations. There was never any: "..offense against the United States...." as required to "arrest and detain pending trial". Further the Executive failed to yield to 18 U.S.C. § 3001 directives and Rule's 1+2 of federal criminal rules of procedure(which requires the rules shall govern the process). Had the Executive proceeded in accordance with the Rule 3 requirements, Article III authority would never have been usurped, as it was. For there was never any "..offense against the United States..." warranting of an arrest and detainment pending trial.
- 4) The United States charged the Petitioner with a 'conspiracy' claim, in reliance upon 21 U.S.C. § 963. However such charge is inchoate, and does not involve actually the necessary "controlled substances" (i.e., cocaine) of §960. In fact, the 963 provides judicial direction, for the punishment of a conspirator, to meet the same as the predicate (960) offender(s). Of legal notice: There are neither mens rea or actus reus elements in the 963 provision. (this reveals it is NOT criminally prohibited conduct(s))
- 5) The United States failed to invoke 18 U.S.C. § 371 "Conspiratorial" frameworks and prohibited action(s) elements, necessary to fair notice and due process. Without this legislative framework, a 'conspiracy' could be anyway the Government wanted to construct it to be. This allows for sophistry in law, and is neither fair, nor legal.

REASONS FOR GRANTING THE PETITION

- 1) The United States prosecution, failed to properly follow the rules of law, as regards to Article III judicial powers access; Article II prosecutorial access; U.S. Constitutional rights to Due Process. Without any evidences of "offense(s) against the United States..." the United States has no Constitutional basis for the arrest/kidnapping and detaining Petitioner, away from his Colombian anchored life and business. Accordingly, Petitioner is seeking the extrication from this web of legal nullifications, that he may be returned to his home country, cleared of any wrong-doings.
- 2) The United States prosecution, due to its exceeded authorities as outlined, has in fact become an enemy combatant, to the Petitioner; but also the United States itself. Accordingly, Article III along with 50 U.S.C. § 841, reveals that such un-Constitutional actions, taken by anyone, is aiding and abetting enemies of the United States. Accordingly, this court is duty bound to assure the safe and immediate return to the nation of Colombia, for the Petitioner.
- 3) The 11th Circuit Court system, will not adhere to the correct rule of law as it pertains to 2241, et.seq. Instead it will attempt to subvert the process back to the originating district. Petitioner is concerned over his safety should that occur; This fear for life and safety is further grounds supporting this court hear this issue.
- 4) Petitioner has a medical history, which is being ignored by the BOP. It is reason to believe that the BOP is attempting to allow the Petitioner to falter in his health, and ultimately reach his mortal demise sooner then later.(See attached recent emails to Medical department)
- 5) Without some cognizable injury, to a legal right belonging to the United States, then the Executive has simply acted with war-time powers, in opposition to the Geneva Conventions compact. This has International ramifications which shall be addressed.
- 6) Petitioner in summary, is being detained(imprisoned) in direct violations of the United States Constitution, and Laws made in pursuance thereof. Accordingly, the remedy sought, is the immediate release and return to Colombia of the Petitioner, with no hearing of this by the Prosecution of the United States.(see Rule 20(4)(b) of Supreme Court rules providing Habeas corpus being "ex parte") (this also confirms that the notice to Solicitor General is inappropriate and has not been made in accordance with "ex parte" rule as above)
- 7) Petitioner was kidnapped from his home in Colombia. No evidence was proven to support he was involved with any 'conspiracy' to import cocaine into Texas; Eastern District of otherwise. "It is fundamental that a court upon which is conferred jurisdiction [18 U.S.C. § 3041] to try an offense has jurisdiction(§ 3231) to determine whether or not that offense is charged or proved." *Knewel v. Egan*, 268 U.S. 442, 446(1925) as cited in Jones v Hendrix No. 21-857(June 22, 2023); accordingly, the District court always lacked in the necessary authority to detain pending trial (18 U.S.C. § 3041 jurisdiction) the Petitioner; such judgment is VOID ab initio, and detainments in conflict of law governing are Illegal in every sense of the word.

WHY ADEQUATE RELIEF CANNOT BE OBTAINED
IN A DIFFERENT FORUM

- 1) United States International Treaties over criminal police works, are authorized by the Presidential powers, and the office of the Pres..

Any line attorney working for the AUSA offices, will know this to be a problem of International magnitude, and accordingly, Habeas Corpus Ex Parte nullifications (as provided under Supreme Court Rule 20.4(b)) must not be enforced by this court. Why? For such International pressures, would be manifested upon the Executive offices, and those very same offices have in fact - and law - manifested purposefully these legal violations brought before this court.

As such, service upon the Solicitor General cannot be made, and only this court is able to resolve this very critical International Law and U.S. Law violation. Discretion is most needed to assure the maintenance of our nations International Community standing..

WHY THIS COURT MUST EXERCISE EXTRAORDINARY
JURISDICTIONAL ATTACHMENT

- 2) See Above. Further: Habeas Corpus, is the only relief mechanism to be used in situations involving International treaties. See Ex Parte CRAIG Circuit Court of Appeals, 2nd Cir. 282 F. 138; May 22, 1922. No. 308.
- 3) A judicial misconduct complaint has also been filed against Judge Amos L. Mazzant with the 5th Circuit Court of Appeals.
(Ex. A Attached Judicial Misconduct Complaint)

The Court has made it very clear that Article III limitations are to always be checked: "That is why we have called it the "true rule" that "statutes clearly defining the jurisdiction of the courts...must control...in the absence of subsequent legislation equally express." *Rosencrans v. United States*, 165 U.S. 257, 262, 17 S.Ct. 302, 41 L.ED. 708(1897) see: Axon Enter. v. FTC, 143 S.Ct at 913.

See *Wilkins v. United States*, 598 U.S. ___, ___, 143 S.Ct. 870, 215, L.Ed 116 (2023) (slip op, at 4) ("Courts have a duty to consider [jurisdictional bars] *sua sponte*"). (*id.*)

See *Corney v. adams*, 592 U.S. ___, ___, 141 S.Ct. 463, 208 L.Ed. 2d 305, 11(2020) (Article III prevents "the federal courts from issuing advisory opinions." *United States v. Arthex, Inc.* 210 L.Ed 308; 141 S.Ct at 2006

In the instant petition, the records associated show that 18 U.S.C. § 3041 controlled the arrest and detention of petitioner for "...offense against the United States...". But, there is no evidence of any such allegation(s). Simply put, the United States Executive claimed "statutory violation", your under arrest. But as the records reveal, no such Article III "offense" ever existed. Not in the factual world, anyways.

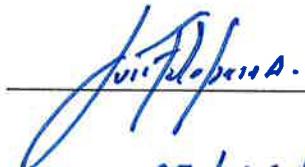
As Chief Justice Marshall claimed: Courts "have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens v. Virginia* 19 U.S. 254, 6 Wheat. 264 (1821)

CONCLUSION

Petitioner respectfully request this court exercise is Article III jurisdictional powers, and order that Petitioner be immediately released and returned to his home country of Colombia. For based upon the facts as alleged, :

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,



Date: 27/06/2023

EXHIBIT A

Judicial Council of the Fifth Judicial Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. Requests for copies of the rules should be directed to: Clerk, United States Court of Appeals for the Fifth Circuit, 600 S. Maestri Place, New Orleans, LA 70130. The rules are also available at www.ca5.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. Only an original of the complaint must be filed. Enclose the copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to: Clerk, United States Court of Appeals for the Fifth Circuit, 600 S. Maestri Place, New Orleans, LA 70130. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Luis Fernando Isaza Arango
Contact Address: P.O.BOX 1031, FCC Coleman LOW, Coleman, FL 33521

Daytime telephone: () Not Applicable

2. Name(s) of Judge(s): Judge Amos L. Mazzant, III
Court: Eastern District of Texas, Sherman Division

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

[xx] Yes [] No

If "yes," give the following information about each lawsuit:

Court: Eastern District of Texas Sherman Division

Case Number: 4:18-CR-00098-ALM-CA

Docket number of any appeal to the 5th Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

[xx] Party [] Lawyer [] Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number: CJA Appointed Lawyer

4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. **Declaration and signature:**
I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature)

(Date)

09/27/2023

MISCONDUCT IDENTIFIED

- 1) Judge Mazzant took an Oath to "Support this Constitution.." under Article VI, Clause 3. The assurance of the Supremacy of this protection, is couched within clause 2, of the same Article. Judge Mazzant ignored these facts and his promise as follows:
- 2) Article III, sec.2, cl. 1 (also supreme law over federal judicial powers) governs the exercise of judiciary power; 18 U.S.C. § 3041 further limits that to ONLY "Any offense against the United States...." No such offense ever occurred, in this case. Further, arresting based on a rule 3 warrant lacking such probable cause, violates the due process and probable cause protections of the 4th and 5th amendments.
- 3) Complainant was arrested and kidnapped, due to illegally issued warrant. Held in a county jail, under contract with the federal government. Many others were also in the same exact situation. No evidence of drug trafficking was proven; none was proven to have occurred or would have occurred within or into the Eastern District of Texas. But judge Mazzant failed to yield to these pertinent facts.
- 4) 18 U.S.C. § 3231 further limited Judge Mazzant in his exercise of federal judicial powers. As there was no evidence of any "...offense against a law of the United States." (save for a coerced plea deal), his court also lacked competency over the subject matter.
- 5) Judge Mazzant violated Miranda holdings, which address the exact situation in my case. He accepted a change of plea after months of detention. No evidence, proves the arrest never should have been enacted. 11(b)(3) factual basis determination, also is a protection for defendant, in which he ignored.

Records of review, show that Judge Mazzant is not isolated in his conduct(s) against me. In fact he appears to be a reasonable minded, to be a career offender of the U.S. Const. Accordingly, Complainant request this Court instigate an investigation into Judge Mazzant and his conduct(s) as outlined.

All facts are true and submitted under the penalty of perjury this 26th of September 2023.



Luis Fernando Isaza Arango
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Inmate Legal Mail