

MAY 26 2023

OFFICE OF THE CLERK

No.

23-6368

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Damion Hardy aka Tesa Al-Massiyah — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF PROHIBITION

against united nations; united states of america

PETITION FOR WRIT OF PROHIBITION

Damion Hardy #63258-053
(Your Name)

U.S.P. Hazelton P.O. Box 2000
(Address)

Bruceston Mills, WV 26525
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. How can a complaint be written at the time of arrest without the accused being arrested at the scene of the crime?
2. How is it lawful and when has it become lawful to arrest an individual with and according to a charge/statute but not charge that individual with a crime/act/ conspiracy etc.?
3. How is it lawful for the united states of america to take a period of 4 months 14 days short of 11 years to bring an accused/defendant to trial in any of its courts under any circumstance?
4. How could the united nations convene a session and/or court against Me due to another person's lie invented against Me, the uniform commercial code, and the forging of My name and signature on a document with a 18 U.S.C. § 3582 stamp on it, a person completing and submitting a SPF Form to the organization against Me, the organization charging Me and imprisoning Me through the united states courts and its prisons including not notifying Me of the charges or formally charging Me?
5. How could the united states of america be an instrument of what has been posed in question 4 when the united states of america withdrew from being under the jurisdiction of the International Court of Justice which may have been due to the united states of america separation of religion from state?
6. How can it be lawful to prevent the accused/defendant from terminating court appointed attorneys?
7. When is it not an act of war to judge and when one judges with a black evil eye and a evil unequal hand? See The Qur'an Surah 2 Verse 193.

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

04-mj-01/08-VVP United States district court for the eastern district of New York
04-cr-00706-FB-2 United States district court for the eastern district of New York
04-cr-690 United States district court for the Southern district of New York
04-cr-543 United States district court for the Southern district of New York
99-cv-2187 United States district court for the Southern district of New York
15-1645 United States Court of Appeals for the Second Circuit
17-7727 United States Supreme Court
19-cv-03100-FB United States district court for the eastern district of New York
21-2753 United States Court of Appeals for the Second Circuit
22-cv-6001 or 22-cv-6601 U.S. district court for the eastern district of New York
22-6521 United States Court of Appeals for the Second Circuit

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Adams v. United States, 372 F.3d 132, 134-135 (2d Cir. 2004)
Rivas v. Fisher, 687 F.3d 514, 534 (2d Cir. 2012)
United States v. Shabani, 513 U.S. 10, 17 (1994)
United States v. Bermudez, 526 F.2d 89, 94 (2d Cir. 1975)
People v. Damion Hardy, 98K063075 New York Kings county criminal court
People v. Damion Hardy, 7892-98 and 10841-98 New York Kings county Supreme Criminal court

STATUTES AND RULES

21 U.S.C. § 846
21 U.S.C. § 841

OTHER

Constitutional amendments 5, 6, and 14
Substantive Due Process

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF PROHIBITION

Petitioner respectfully *prays* that a writ of prohibition issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; 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 None to the petition and is

☒ reported at 22-cv-6001 or 22-cv-6601; 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 JANUARY 23, 2023.

☒ 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).

☐ 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

Amendments 5, 6, and 14

21 U.S.C. § 846

21 U.S.C. § 841

Substantive Due Process

Poisonous fruit, fruit from the poisonous tree, ill-gotten earnings
judging with a black evil eye and an evil unequal hand

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

I, Damion Hardy also known as 'Iesa Al-Massiyah, affirm under the penalty of perjury that:

1. I, Damion Hardy also known as 'Iesa Al-Massiyah, am the plaintiff in the above entitled action and move this court to obtain jurisdiction and venue and give a decision to the matter as a whole which is currently a matter in the United States Court of Appeals for the Second Circuit.
2. The United States district court for the eastern district of New York sent My Writ of Habeas Corpus 28 U.S.C. §§ 2241 to the United States Court of Appeals for the Second Circuit to be heard as a second or successive 28 U.S.C. § 2255 motion after denying Certificate of Appealability and even as there being a complete separation of Me from the uniform commercial code, Capital 98, the pro tempore procedure, and 18 U.S.C. §§ 3582, and the United Nations. See case 22-cv-6601 or 22-cv-6601 And all its Supplement Filings in the United States district court for the eastern district of New York, and cases 19-cv-03100-FB, 04-mj-01108-VVP, 04-cr-00706-FB-2. Also, cases 22-6521, 21-2753, and 15-1645 in the United States Court of Appeals for the Second Circuit.
3. The United States of America and its courts have gone so deep in the fire, crime, transgression, lusts, and design it to attempt to interpret 21 U.S.C. § 846 to its evil desires and liking even as the statute comes from the fire itself.
4. There is no need for a new rule of constitutional law when the existing and preexisting law is sufficient and consistent with the matter in the court. If the United States of America and its courts cannot present its arguments and decisions according to existing and preexisting law it does not then fall on the plaintiff/defendant/prisoner to do so as a responsibility due to and resulting from the transgression of "illegal unlawful imprisonment, and also being responsible to do so in what is called a "timely manner" even as the injustice was founded on the arrest and complaint which has never been corrected or even addressed in a response or decision to Writs, Motions or pretrial Motions.

REASONS FOR GRANTING THE PETITION

The reason I am entitled to this relief I seek is the following:
I did not receive a copy of the court of appeals decision in the above said matter until 5-3-23, as the mandate was issued 3-20-23, and as the decision was rendered 1-23-23. I have Filed a Writ of Mandamus to the United States Court of appeals for the Second Circuit docket/case number 22-6521. The Arguments and Proofs set forth in the Writ of Habeas Corpus 28 U.S.C. §§ 2241 are factual, never have been addressed, and demand immediate dismissal with prejudice of the entire and whole illegal unlawful criminal matter and procedure brought against Me, the complete expunging and erasing of the illegal unlawful criminal matter from the record, and My immediate release from prison. The United States of America and its courts claim that what is clearly a crime cloaking an act of war against Me, being exposed so such, are conclusions drawn from preexisting facts. The crime/conspiracy itself is not an overt act. United States v. Shabani, 513 U.S. 10, 17 (1994). I am defending Myself against an act of war against Allāh/The God And His Messenger, including an act of inversion. It has been nearly 19 years since My illegal unlawful arrest and imprisonment and the transgression against Me has yet to be corrected or even addressed in a response or decision to My Writs, Motions, and pretrial Motions Filed to the United States courts. I Filed a Writ of Habeas Corpus 28 U.S.C. §§ 2241 to the district court which should have been heard and decided as such to the matter being arrest, complaint and imprisonment, including as a separate matter My Filings during pretrial as to the matter. I move this court to render a decision to the Habeas Corpus 28 U.S.C. §§ 2241 and all its Supplements I Filed to the United States district court for the eastern district of New York, case number 22-cv-6001 or 22-cv-6601, and to the matter as a whole. I do not have in My possession a copy of the Writ of Habeas Corpus 28 U.S.C. §§ 2241 nor any of its Supplements I Filed to the district court, to then File to this court with this Writ, as this court is able and as a matter of law required to obtain from the two lower courts mentioned supra. The two lower courts mentioned supra, are interpreting a law and a statute using case law, this as to a matter of first impression. If this court considers 28 U.S.C. §§ 2241 to be of the uniform commercial code I then move this court to take and render a decision to My Writ as a Writ of Habeas Corpus.
Wherefore, I move this court to obey this Writ, as well as to correct all other transgressions that have occurred. I notify this court I have amended My Writ of Habeas to include a 42 U.S.C. § 1983 Action. Which if this court considers 42 U.S.C. § 1983 to be of the uniform commercial code to then take and render a decision to that part as a lawsuit/civil suit.

I declare (verify, certify, or state), under the penalty of perjury that the foregoing is true and correct.

CONCLUSION

The petition for a writ of prohibition should be granted.

Filed Defending,
~~Respectfully submitted,~~

Samir Hardy _____

Date: *July 9th, 2023* _____