

In re: MARK MARVIN, EX REL.  
Habeas Petitioner, for  
GARRET MILLER, Defendant

Against

THE UNITED STATES OF AMERICA, Respondent

(In Re: MILLER v. UNITED STATES, 23-94)

APPENDIX

- A, ORDER OF COURT OF APPEALS
- B, PETITION FOR A WRIT OF MANDAMUS
- C, LIST OF INDICTMENTS implicating First Amendment protection.
- D, PETITION FOR A WRIT OF HABEAS CORPUS, to U.S.D.C.

*Miller*

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3105

September Term, 2022

1:21-cr-00119-CJN-1

Filed On: July 31, 2023

In re: Mark Marvin,

Petitioner

**BEFORE:** Henderson and Walker, Circuit Judges, and Sentelle, Senior Circuit Judge

**ORDER**

Upon consideration of the petition for writ of mandamus, which includes a petition for writ of habeas corpus, it is

**ORDERED** that the petition for writ of mandamus be dismissed. A pro se litigant may not represent another person in court. See, e.g., Georgiades v. Martin-Trigona, 729 F.2d 831, 834 (D.C. Cir. 1984). In addition, petitioner has not demonstrated that he has standing to seek mandamus relief with respect to a case in which he is not a party. See United States v. Straker, 800 F.3d 570, 586 (D.C. Cir. 2015) (Article III standing required for mandamus action); Clapper v. Amnesty Int'l USA, 568 U.S. 398, 414 (2013) (holding that a "speculative chain of possibilities" is insufficient to establish an injury for standing purposes); Whitmore v. Arkansas, 495 U.S. 149, 163-65 (1990) (to establish "next friend" standing, the proposed "next friend" must show "that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability"); Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) ("[I]n American jurisprudence . . . , a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another."). It is

**FURTHER ORDERED** that the petition for writ of habeas corpus be dismissed. This court lacks jurisdiction to entertain an original petition for a writ of habeas corpus. See Fed. R. App. P. 22(a); Felker v. Turpin, 518 U.S. 651, 660-61 (1996). Transfer of the petition to the appropriate district court is not in the interest of justice because petitioner has not shown that he has standing to pursue habeas relief on behalf of the individual named in the petition. See 28 U.S.C. § 1631.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Selena R. Gancasz  
Deputy Clerk

*A*

UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case: 1:21-cr-00119 CJN

Against

GARRET MILLER, Defendant  
MARK MARVIN, Petitioner

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PETITION FOR A WRIT OF MANDAMUS

MARK MARVIN, (Someone) Petitioner hereby moves this honorable court for a writ of mandamus denying the government's appeal in this matter and remanding this matter to the District Court for further action.

MARK MARVIN, (Someone) Petitioner says:

1, There are substantial errors in the District Court proceedings in that it accepted as guilty pleas, guilt to variations of the First Amendment, matters which this Court of Appeals has previously provided substantial and significant adverse guidance concerning the burden of the government in denying First Amendment protections to defendants.

2, This Court of Appeals should instantly deny the government's appeal on the meaning of the term "otherwise" and remand for further action on whether the government has *carte blanche* authority to suspend the Constitution and prosecute for criminal violation of the First Amendment, as these issues are not ripe for appeal.

Affirmed as true on information and belief.

Mark Marvin,  
135 Mills Road  
Walden, N.Y. 12586  
845-778-4693  
December 12, 2022

To: U.S. Court of Appeals, U.S. Courthouse, 333 Constitution Ave. N.W. Washington, D.C.  
To: U.S. District Court, Courthouse, 333 Constitution Ave. NW, Washington, D.C. 20001  
U.S. Attorney, Superior Court Division, 601 D. Street, NW, Washington, D.C. 20001



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on January 8, 2021

UNITED STATES OF AMERICA : CRIMINAL NO. 21-CR-119 (CJN)

v.

GARRET MILLER,  
Defendant.

: VIOLATIONS:  
: 18 U.S.C. § 231(a)(3)  
: (Civil Disorder)  
: 18 U.S.C. §§ 1512(c)(2), 2  
: (Obstruction of an Official Proceeding and  
: Aiding and Abetting)  
: 18 U.S.C. § 111(a)(1)  
: (Assaulting, Resisting, or Impeding  
: Certain Officers)  
: 18 U.S.C. § 875(c)  
: (Interstate Threats to Injure or Kidnap)  
: 18 U.S.C. § 1752(a)(1)  
: (Entering and Remaining in a Restricted  
: Building or Grounds)  
: 18 U.S.C. § 1752(a)(2)  
: (Disorderly and Disruptive Conduct in a  
: Restricted Building or Grounds)  
: 18 U.S.C. § 1752(a)(3)  
: (Impeding Ingress and Egress in a  
: Restricted Building or Grounds)  
: 40 U.S.C. § 5104(e)(2)(D)  
: (Disorderly Conduct in  
: a Capitol Building)  
: 40 U.S.C. § 5104(e)(2)(E)  
: (Impeding Passage Through the Capitol  
: Grounds or Buildings)  
: 40 U.S.C. § 5104(e)(2)(G)  
: (Parading, Demonstrating, or Picketing in  
: a Capitol Building)

INDICTMENT

The Grand Jury charges that:



UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case: 1:21-cr-00119 CJN

Against

GARRET MILLER, Defendant  
MARK MARVIN, Petitioner

**PETITION FOR A WRIT OF HABEAS CORPUS**

**PETITION TO ARREST JUDGMENT OF CONVICTION**

This is a Someone petition for a Writ of Habeas Corpus to determine the legality of the criminal charges and restraints against , GARRET MILLER Defendant, who was charged with crimes in connection with a mostly peaceful assembly by peaceful persons in Washington D.C. on January 6. 2021 intended “to peacefully assemble, and to petition the Government for redress of grievances.” (U.S. Const. Amend. I) Defendant was essentially charged for criminal violation of the First Amendment.

Petitioner MARK MARVIN, as a matter of law has standing as “someone” (28 U.S.C.A. 2242 . *Darr v. Birford*, 339 U.S. 200. 203, 70 S.Ct. 587, 590) And further, Petitioner has standing in that this prosecution is intended, through “equal protection” to *a priori* deny him access to Washington, D.C. , See: *N.A.A.C.P.*, 357 U.S. 449 (Cornell Law 357/44: II, 19, 20) (See: Geneva Convention, No. 8, 13, 14) and says:

1, GARRET MILLER, Defendant pleaded guilty to some nine variations of criminal violation of the First Amendment before the Honorable Carl J. Nichols. Before this court remains a charge of threat against Congresslady Alexandria Ocassio-Cortez (affectionately known as “AOC” ). (December 2022)

2, The court previously dismissed a charge of felony obstruction (1512 ( c)) which is reportedly before the District of Columbia Court of Appeals, as a frivolous question of the technical meaning of the term “otherwise” , not properly whether the government can outlaw the First Amendment.

3, Given that the United States Capitol is an open public forum for Freedom of Speech, this court should dismiss the prior convictions against this defendant as a

violation of the Constitution's First Amendment, in that the plea was irrational, unintelligent, involuntary, and made as a result of ineffective assistance of counsel which counseled defendant to plead guilty to Freedom of Speech, etc. The government failed to make a showing that Freedom of Speech is illegal. The government was relieved of the burden of proving that it did not, via the Pelosi Grand Entrapment Scheme entrap many Free Speechers. The government was relieved of its burden to prove that the government did not unlawfully arrest, poison by gas, beat, kill, Free Speechers, among those hundreds who were admitted to the public forum Capitol on January 6, 2021.

4, MILLER reportedly directed, "Assassinate [House member]" (Statement of Facts: toward the end, as there are no page nor paragraph numbers) This is represented as the evidence that Miller violated 18 U.S.C. 875(c) to wit: "transmit in interstate commerce any communication containing ... any threat to injure the person of another." (Id. Last unnumbered page)

5, The fake crime alleged in paragraph 4 is actually not illegal, as members of the United States legislature freely attempt to instigate violence against bonafide citizens. Senator Schumer (D. N.Y. ) and Rep. Maxine Waters (D. Ca.) make threats against persons, and Senator Schumer invited the killing of two U.S. Supreme Court Justices. There have been no charges brought against Schumer nor Waters, and one must assume, particularly under common law, that ( 18 U.S.C. 875(c) ) is a fake law, not intended to be charged against anyone. If it were, it would be illegal to apply it to a common everyday First Amendmenter, (MILLER) and not a highly esteemed member of the legislature (such as Schumer or Waters). Since Schumer and/or Waters have not been charged with crimes, it would be a violation of Equal Protection to charge MILLER with a like crime. (See: *U.S. v. Roske*, D.C. MD., 22-cr-00209 (PJM)) There is no cognizable crime.

UNITED STATES JUDGES TAKE AN OATH OF OFFICE TO PERFORM DUTIES  
UNDER THE CONSTITUTION'S FIRST AMENDMENT ...

6, ...to "administer justice without respect to persons, and do equal right to the poor and to the rich, and (I will) faithfully discharge and perform all the duties incumbent upon (me) as \_\_\_\_ under the Constitution and laws of the United States. So help me God"

B-2

(28 U.S.C. 453)

7, "Congress shall make no law ... prohibiting the free exercise ... or abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (U.S. Const. First Amendment)

8, The court has a responsibility to apply U.S. law fairly, to not convict persons for criminal violation of the First Amendment, or for making illegal threats that are legal for government officials to make.

WHEREFORE, this court has impermissibly convicted a person of criminal violation of the First Amendment by irrational plea in the face of ineffective assistance of counsel. These convictions must be arrested.

Affirmed as true on information and belief,

Mark Marvin  
135 Mills Read  
Walden, N.Y. 12586  
845-778-4693  
December 12, 2022

D-3