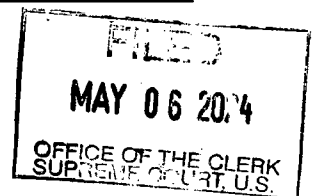


23-7441

No: _____

ORIGINAL

SUPREME COURT OF THE UNITED STATES



William Kaetz, *Petitioner*

vs.

United States of America, *Respondent*

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

Date: 5/3/2024 By: William F. Kaetz

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I. QUESTIONS PRESENTED

1. This court determined many times throughout history, legislative history is not law, and it is wrong to use legislative history as law and as a means to interpret statutes that are ambiguous because it is returning to the political legislative dimension of the statute where federal courts do not have jurisdiction or authority to assume legislative powers, so if a court uses legislative history as law, as a presumption of law, and that presumption of law was debunked, and the court continued to use legislative history as law, would it be a separation of powers offense?
2. For 18 U.S.C. § 119 to apply, it has a requirement, the alleged victim must be engaged in or on account of the performance of official duties. If that alleged victim was a federal judge that used legislative history as law, a potential separation of powers offense, would that federal judge be engaged in or on account of the performance of official duties for 18 U.S.C. § 119 to apply?
3. Whether there are reversible structural errors, the lower courts letting the separation of powers offense slide and keeping an innocent person criminalized, that needs this Court's review.

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Appendix

Exhibit #1 the district court's order, and opinion of 6/29/2023

Exhibit #2 the district court's memorandum order denying certificate of appealability of the habeas corpus motion.

Exhibit #3, Third Circuit Case no. 23-2488, document 10 filed 11/16/2023 denied appealability.

Exhibit #4, Appeals court order denied rehearing.

II. PETITION FOR WRIT OF CERTIORARI

William F. Kaetz, representing himself in these matters, currently on supervised release, respectfully petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit, and the judgements of the Western District Court of Pennsylvania, Pittsburgh vicinage, concerning William Kaetz's 2255 habeas corpus motion case.

III. ACTIONS AND OPINIONS BELOW

1. A criminal complaint against petitioner William Kaetz was filed in the United States District Court of New Jersey, see 2:20-mj-09421-CRE; 2:20-mj-09421-CRE-1; 2:21-cr-00071-JNR; 2:21-cr-00071-JNR-1; 2:20-cr-01090-JNR; 2:20-cr-01090-JNR -1. The case was moved to the Western District Court of Pennsylvania, Pittsburgh vicinage, currently 2:21-cr-00211-MRH-1, because the alleged victim was a federal judge in the New Jersey court.

2. Petitioner William Kaetz, pro se, filed on 8/6/2022 a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 that created case no. 2:22-cv-01148-MRH, see docket no. 1, in the Western District Court of Pennsylvania, Pittsburgh vicinage. William Kaetz filed a

supplement motion for writ of habeas corpus on 2/11/2023. See case 2:22-cv-01148-MRH docket no. 9, and a reply, docket no. 39. He finally appealed on 8/10/2023 creating Appeal Case no. 23-2488.

3. On the 6/29/2023, the Court denied William Kaetz's motion to vacate pursuant to 28 U.S.C. § 2255, see case 2:22-cv-01148-MRH docket 49, and later denied appealability filed in the criminal case 2:21-cr-00211-MRH-1 docket 169 filed 7/13/2023. See Exhibit #1 the district court's order, and opinion of 6/29/2023. See Exhibit #2 the district court's memorandum order denying certificate of appealability of the habeas corpus motion.

4. Before and after appeal, William Kaetz filed motions for discovery, for subpoenas, for assistance of counsel, for recusal, to vacate order, for judicial notices, for clarification, for reconsideration: all denied. See case 2:22-cv-01148-MRH docket nos. 2, 4, 6, 8, 14, 16, 17, 26, 27, 30, 31, 32, 47, 48, 49, 50, 52, 54, 59, 62, 70, 78, 81, 82, 83, 84, 85, 86, 87, 89, 94, 95, 99, 101, 103, 104, 105, and 106.

5. The United States Court of Appeals for the Third Circuit Case no. 23-2488, document 10 filed 11/16/2023 denied appealability. See Exhibit

#3. William Kaetz filed for a rehearing. On 02/08/2024 the appeals court denied rehearing. See Exhibit #4.

6. From new developments from new court cases and newly found evidence from legal research, William Kaetz filed in the district court another rule 60 motion and motions for judicial notices, all were denied and currently on appeal, 3rd circuit appeal case no Appeal No: 24-1646.

IV. JURISDICTION STATEMENT

The judgment of the district court was entered on 6/29/2023. A notice of appeal was filed, the appeals court denied appealability on 11/16/2023. A rehearing was filed, the appeals court denied the rehearing on 2/8/2024. William Kaetz files this Petition for a Writ of Certiorari within 90 days. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1). William Kaetz is filing this Petition for Writ of Certiorari within the 90-day time limit of the appeal rehearing denial order and premature of his second rule 60 motion to vacate the district court's denial order of 6/29/2023 appealed to the 3rd circuit, appeal no. 24-1646.

V. CONSTITUTIONAL PROVISIONS INVOLVED

1st Amendment:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
U.S. Const. amend. I

3rd Amendment:

“No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.” U.S. Const. amend. III

4th Amendment:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV

5th Amendment:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
U.S. Const. amend. V

6th Amendment:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously

ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.” U.S. Const. amend. VI

7th Amendment:

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.” U.S. Const. amend. VII

8th Amendment:

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const. amend. VIII

9th Amendment :

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” U.S. Const. amend. IX

13th Amendment:

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” U.S. Const. amend. XIII

VI. RELATED CASES

- *USA v. William Kaetz*, 2-02-cr-00752-001, United States District Court for the Eastern District of Pennsylvania. Appeal 20-2552 denied, Cert denied 21-7125.

- *William Kaetz v. Educational Credit Management et. al.*, 2:16-cv-09225, United States District Court of New Jersey, Newark Vicinage, Appeal 20-2592 denied, Cert denied 21-8026.
- *William Kaetz v. Educational Credit Management et. al.*, 2:16-cv-09225, (motion to vacate) Appeal 23-2897 pending.
- *William Kaetz v. The United States et. al.*, 2:19-cv-08100, United States District Court of New Jersey, Newark Vicinage, Appeal 21-1018 denied, Cert denied 21-7965.
- *William Kaetz v. USA, et. al.*, 2:21-cv-01614, United States District Court for the Western District of Pennsylvania, Pittsburgh Vicinage, Appeal 22-1286 denied,
- *William Kaetz v. Freda Wolfson et. al.*, 2:21-cv-00289, United States District Court for the Western District of Pennsylvania, Pittsburgh Vicinage, Appeal 22-1286 denied, Cert denied 22-6517.
- *William Kaetz v. Unknown Marshals et. al.*, 2:21-cv-00062, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal 22-1476 denied, Cert denied 22-6517.
- *William Kaetz v. USA, et. al.*, 2:22-cv-03469, United States District Court of New Jersey, Newark Vicinage, Appeal 23-1880 pending.
- *William Kaetz v. USA, et. al.*, 1:23-cv-02741, United States District Court of New Jersey, Newark Vicinage, Appeal 23-2114 pending.
- *William Kaetz v. USA, et. al.*, 1:23-cv-03377, United States District Court of New Jersey, Newark Vicinage, Appeal 23-2322 pending.
- *William Kaetz v. USA*, 2:22-cv-01148, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal 23-2488 denied.

- *USA v. William Kaetz*, 2:21-cr-0021-001, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal 23-2585 denied.
- *William Kaetz v. USA, et. al.*, 1:23-cv-03482, United States District Court of New Jersey, Newark Vicinage, Appeal 23-2802, pending.
- *William Kaetz v. USA, et. al.*, 1:23-cv-03624, United States District Court of New Jersey, Newark Vicinage, Appeal 23-2803, pending.
- *USA v. William Kaetz*, 2:21-cr-0021-001, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal 24-1605 pending.
- *USA v. William Kaetz*, 2:21-cr-0021-001, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal 24-1646 pending.
- *USA v. William Kaetz*, 2:20-mj-09421, United States District Court of New Jersey, Newark Vicinage, Appeal In re: William Kaetz, 21-1006, denied.
- *USA v. William Kaetz*, 2:21-cr-00071-001, United States District Court of New Jersey, Newark Vicinage, Appeal In re: William Kaetz, 21-1914, denied, Cert Denied 21-7635.
- *USA v. William Kaetz*, 2:21-cr-00211-001, United States District Court for the Western District of Pennsylvania Pittsburgh Vicinage, Appeal In re: William Kaetz, 21-3130, denied.
- *USA v. William Kaetz*, 2:20-cr-01090-001, United States District Court of New Jersey, Newark Vicinage, Appeal, 21-1075, denied, Cert Denied 20-7385.

- *Kaetz v. United States of America et. al.*, 2:23-cv-03225-MEF-LDW
United States District Court of New Jersey, Newark Vicinage,
dismissed.
- *Kaetz v. United States of America et. al.*, 2:23-cv-02008-MAS-DEA
United States District Court of New Jersey, Newark Vicinage,
dismissed.
- *Kaetz v. United States of America et. al.*, 2:23-cv-02021-MAS-DEA
United States District Court of New Jersey, Newark Vicinage,
dismissed, Motion for leave to file Notice of Appeal as Within Time
filed and pending.
- *Kaetz v. United States of America et. al.*, 1:23-cv-21386-RMB-MJS,
United States District Court of New Jersey, Newark Vicinage,
open and pending.
- *Kaetz v. Thomas et. al.*, 1:23-cv-21026-RMB-SAK, United States
District Court of New Jersey, Newark Vicinage, open and pending.
- *Kaetz v. United States of America et. al.*, 1:22:22-cv-01003-MEF-
CLW, United States District Court of New Jersey, Newark
Vicinage, open and pending.

VII. ARGUMENT

Background

1. In 2020, William Kaetz was a *pro se* party in civil cases in the U.S. District Court for the District of New Jersey. The cases were assigned to the same district judge, the alleged victim of the crime referred to as “Judge 1”. William Kaetz’s 1st Amendment petition activity of October 18, 2020, was turned into criminal charges by government

manipulation of his speech, a 1st Amendment offense. On 8/2/2021 William Kaetz and the USA made a plea agreement contract and William Kaetz pleaded guilty to 118 U.S.C. § 119(a)(1) 119(a)(2), all other charges were withdrawn.

2. Because of new self-authenticating evidence, on 2/11/2023 William Kaetz filed a supplemental Habeas Corpus 2255 motion to dismiss the charges. The lower courts denied the motion. William Kaetz exhausted all available avenues to resolve the habeas corpus matters. Now respectfully, files this Petition for Writ of Certiorari to the United States Supreme Court.

1st Flaw in the Application of Criminal Statutes 18 U.S.C. § 119

3. Mr. Kaetz had case 2:16-cv-09225 in front of “Judge 1”. The case is about student loan collection after bankruptcy and claims statute 11 U.S.C. 523 (a)(8) is unconstitutional for being void for vagueness.

2. Facts presented by William Kaetz for judicial notice in the lower courts, that are adjudicative facts, and other facts, that are not subject to reasonable dispute, that are self-authenticating evidence, that is of public record, that prove a fraud with particularity under Fed. R. Civ. P. 9 (b), outlines about a hundred years of judicial history saying not to

use legislative history as law, and that legislative history is not law, and it is wrong to use legislative history for interpretation and reconstruction of an ambiguous law. See *Soon Hing v. Crowley*, 113 U.S. 703, 710-711 (1885); *Schwegmann Brothers v. Calvert Distillers Corp.*, 341 U.S. 384, 396, 397, 71 S.Ct. 745, 95 L.Ed. 1035 (1951) (Jackson, J., concurring) (quoting Justice Holmes); *United States v. Taylor*, 487 U.S. 326, 345-46 (1988); *EPIC Sys. Corp. v. Lewis*, 138 S. Ct. 1612, 1631 (2018); *Gundy v. United States*, 139 S. Ct. 2116, 2147 (2019), (quoting *Epic Systems Corp. v. Lewis*, 584 U.S. —, — (2018) (slip op., at 23). See also case 2:22-cv-01148-MRH, docket 106.

3. But in 1978, not too long ago, in student loan bankruptcy matters, legislative history started to be used as law, as a presumption of law. Now all lower district and appellate courts in student loan bankruptcy matters use a presumption of law that originate from the obiter dicta of *Tennessee Student Assistance Corporation v. Hood*, 541 U.S. 440, 450 (2004) (1978), that used a textbook, Norton § 47:52, at 47-137 to 47-138, and a legislative history note of 11 U.S.C. 523 (a)(8), a summary of a Senate. Report no. 95-989, p. 79 (1978) as law:

“Section 523(a)(8) is "self-executing." Norton § 47:52, at 47-137 to 47-138; see also S. Rep. No. 95-989, p. 79 (1978).

Unless the debtor affirmatively secures a hardship determination, the discharge order will not include a student loan debt. Norton § 47:52, at 47-137 to 47-138.”

4. A hundred years of this Court’s judicial history saying not to use legislative history as law, and legislative history is not law, and it is wrong to use legislative history for interpretation and reconstruction of an ambiguous law, outweighs using legislative history as law as a presumption of law in student loan bankruptcy matters. The presumption of law in student loan bankruptcy matters is debunked.
5. The structure of the defect of fraud in William Kaetz’s criminal case starts with the prohibited activity of using legislative history as law, connecting the judicial history recognition that using legislative history as law is going into the political legislative dimension, a place that is outside jurisdiction and authority of federal judges, instinctively, using legislative history as law is not an act while engaged in the performance of official duties, it is a prohibited act of assuming legislative powers.
6. To the point: The alleged victim, Judge Clair C. Cecchi, that is also a victim of the government separation of powers fraud because she just followed what other courts did, used legislative history as law in

William Kaetz's case No. 2-16-cv-09225 and that is not a judicial act, it was a legislative act, an act not in or on account of the performance of her official duties. The facts prove it. Facts don't lie. The relevance of these facts is the fact the criminal statutes cannot apply because they only apply "while engaged in the performance of official duties", 18 U.S.C. § 119; and must be upon "an individual designated in section 1114", 18 U.S.C. § 119; that require "while such officer or employee is engaged in or on account of the performance of official duties," 18 U.S.C. § 1114. "Courts in applying criminal laws generally must follow the plain and unambiguous meaning of the statutory language. *Garcia v. United States*, 469 U.S. 70, 75 (1984); *United States v. Turkette*, 452 U.S. 576, 580 (1981). "[O]nly the most extraordinary showing of contrary intentions" in the legislative history will justify a departure from that language. *Garcia*, supra, at 75. This proposition is not altered simply because application of a statute is challenged on constitutional grounds. Statutes should be construed to avoid constitutional questions, but this interpretative canon is not a license for the judiciary to rewrite language enacted by the legislature. *Heckler v. Mathews*, 465 U.S. 728, 741-742 (1984). Any other conclusion, while

purporting to be an exercise in judicial restraint, would trench upon the legislative powers vested in Congress by Art. I, § 1, of the Constitution.

United States v. Locke, 471 U.S. 84, 95-96 (1985). Proper respect for those powers implies that "[s]tatutory construction must begin with the language employed by Congress and the assumption that the ordinary meaning of that language accurately expresses the legislative purpose."

Park 'N Fly v. Dollar Park and Fly, Inc., 469 U.S. 189, 194 (1985)."

United States v. Albertini, 472 U.S. 675, 680 (1985). The legislative purpose of the application of 18 U.S.C. § 119, and 18 U.S.C. § 1114 is to apply only upon "while such officer or employee is engaged in or on account of the performance of official duties". The legislative purpose is missing in this case, the statute is inapplicable. William Kaetz did not violate the statutes as a matter of law.

7. The main fraud on the court is the separation of powers offense used in student loan bankruptcy matters, the second fraud on the court is the lower courts and the prosecutor pushing the separation of powers fraud as a "performance of official duties" convincing the courts to deny the separation of powers fraud and keeping William Kaetz criminalized and deprived of the due process of law.

2nd Flaw in the Application of Criminal Statutes 18 U.S.C. § 119

Mr. Kaetz had case 2:19-cv-08100 under “Judge 1”. Mr. Kaetz had sued multiple elected officials. Mr. Kaetz’s claim in that case is that having totalitarian-mind-set-people in government is unconstitutional and caused nationality discrimination against him. 4 years later new self-authenticating relevant evidence, the *State v. Biden* case, proves Mr. Kaetz to be correct. The totalitarianism from allowing totalitarian-mind-set-people in government was revealed: the 5th circuit held that government officials that include Joe Biden and his administration, the CDC, the FBI, and many others, had caused the suppression of millions of protected free speech postings by American citizens. *State v. Biden*, No. 23-30445 at*1,*15,*22-23,*42,*52,*54,*57,*60,*61-62 (5th Cir. Sep. 8, 2023).

Suppression of Exculpatory Evidence

8. The suppression of the exculpatory evidence of the separation of power offense of the alleged victim judge 1 that is fundamentally cheating the Constitutional process of making law, and the suppression of the exculpatory evidence of the weaponization of government that censored millions of people that was going on before and during and

after William Kaetz's criminalization that suppressed the exculpatory evidence and provoked William Kaetz's actions, are still going on today, they are structural errors heavy enough to grant habeas corpus relief.

9. Recent events in William Kaetz's criminal case prove it. A

"probation request" was filed to increase restrictions upon William Kaetz to include tracking software be installed into his electronics, like having an officer quartered in his house, and forced mental care; and the cause was that he exercised his 1st Amendment rights:

"Mr. Kaetz has filed several motions against multiple judicial officers, attorneys, and credit bureaus. Specifically, on or about April 18, 2023, he filed a Complaint of Judicial Misconduct or Disability and a Civil Action Constitutional Offense of the Separation of Powers Doctrine."

See criminal case 2:21-cr-00211-MRH-1 dockets 161 and 184.

A forced ineffective assistance of counsel was ordered because of the 1st Amendment retaliation of the probation office without a hearing and without William Kaetz's knowledge or consent, see criminal case 2:21-cr-00211-MRH-1 docket 170, this was used to suppress William Kaetz's 6th amendment right of self-representation and to suppress his 1st amendment right to be heard with hybrid representation claims that ex post facto dismissed all William Kaetz's filings that brought up 1st

Amendment rights arguments, the forced ineffective counsel did nothing, absolutely nothing. This was act of weaponizing the 6th Amendment by the lower court. No statute was used, no summons issued, no due process of law was followed. The lower court claimed the 6th amendment gives power to force and attorney. See case 2:21-cr-00211-MRH-1 docket 190.

Government Provocation, No *Mens Rea*, No Probable Case, No Crime

10. The facts prove government actions against William Kaetz is government nationality discrimination, provocation against William Kaetz's exercise of his unalienable rights that this nation and government was formed and founded to protect¹, this provoked William Kaetz. This government provocation removes entirely *mens rea* and probable cause in William Kaetz's criminal case no crime was committed. Mr. Kaetz did not commit a crime as a matter of law.

11. The district court claimed that the *State v. Biden* case has nothing to do with William Kaetz: but it does, it proves the federal government indirectly censored speech like a communist nation affecting a national presidential election and committed nationality discrimination against

¹ See the Declaration of Independence

other American citizens that are of the oppositional political party in power right now; that affected William Kaetz to take action and file his civil complaint case 2:19-cv-08100 arguing that allowing totalitarian-mind-set-people in government is unconstitutional; that affected the United States Attorney's Office to go to the United States Marshal's Office to place William Kaetz under surveillance; that affected William Kaetz's civil complaints to be delayed 14 months; that affected William Kaetz to petition more to enforce the Constitution; those petitions were twisted by the respondent into a criminal offense. The *State v. Biden* case proves William Kaetz was correct and "Judge 1" went along with the cheating of the legislative process and weaponization of government; went along with totalitarianism. "Judge 1" was not "engaged in or on account of the performance of official duties" as a matter of law.

No Criminal Case

12. The government had no probable cause because no crime was committed; the arrest and search and seizure cannot stand either; fruits of the poisonous tree apply. Mr. Kaetz's detention and imprisonment; the whole criminal case; was based on fraud and 1st Amendment

manipulation and suppression techniques, there was content and viewpoint editing and manipulation of William Kaetz's speech, and exculpatory evidence was not presented that include the "weaponization of government" that was going on at that time; and "Judge 1's" prohibited activity of assuming legislative powers. These are exculpatory facts that prove William Kaetz's innocence and the inapplicability of the criminal statutes that were deliberately not presented by counsel and were deliberately suppressed by the prosecutor and the lower courts that violate the Constitution's due process of law requirement. There seems to be a conspiracy to push socialism-communism and criminalize the Constitutionalism-republic form of government, and criminalize the exercise of one's unalienable rights.

After the Fact

13. New evidence emerged after the plea agreement contract was made. Social media are censoring millions of Americans, that much was known; but finding out the government was behind the censorship was not known until now, the *State v. Biden* case proves this. Newly found information about the prohibited use of legislative history as law was

found after the plea agreement. The lower court's claim William Kaetz had knowledge of this information when the alleged crime was done is frivolous and irrelevant, the man was in in jail, he found the evidence after he was released into home detention and supervised release. The facts prove "Judge 1" made mistakes and was not engaged in or on account of the performance of official duties concerning William Kaetz and was assuming legislative powers in William Kaetz's cases, that is prohibited, structurally, the criminal statutes are inapplicable as a matter of law.

Heed the Constitution

14. William Kaetz asks this Court to heed the Constitution and its own holding and determinations. The actions of the lower court and of "Judge 1" travel an unconstitutional road to totalitarianism, the Constitution was specifically designed to prevent totalitarianism, it requires a republic form of government, hence the Separation of Powers Doctrine and the Bill of Rights. To establish Justice in the public interest, granting William Kaetz's 2255 habeas corpus motion, reversing the lower court's orders, and remanding the case with orders

dismissing the criminal charges will heed the Constitution and this Court's mandate and follow statute requirements.

15. Code of Conduct for United States Judges are rules of reason.

They should be applied consistently with constitutional requirements.²

William Kaetz proves "Judge 1" and the lower court violated the Code of Conduct for United States Judges and Attorneys by offending the Constitution by assuming legislative powers and blatantly covering-up these errors and preventing William Kaetz's attempts to correct the judicial and executive errors and criminalizing his 1st amendment activity.

16. If the Judiciary really had this remarkable authority to do the things complained of herein, it would not have waited 235 years to exercise it. If this power really existed, both our Constitution and our constitutional history would look fundamentally different.

17. July 4, 1776, our nation and government was founded on these truths: "We hold these truths to be self-evident, that all men are created

² Code of Conduct for United States Judges, Cannon 1, commentary paragraph 2: "The Canons are rules of reason. They should be applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances."

equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." Every human right existed before the Constitution. The Bill of Rights is not an exhaustive list of all rights but does list several specific human rights the government may not abuse or abolish.

William Kaetz's Rights

18. William Kaetz has Constitutional rights; he has a right to forge by the hammer and anvil, in scorched-earth litigation, his complaints; he has a right to petition the government for redress of grievances and express himself; he has a right to a jury trial; he has a right to equal due process of law that includes laws from legislation, and a right to an impartial judge, he has a right to self-representation, a right to an effective counsel, a right to present evidence, a right to have exculpatory evidence presented, a right not to be criminalized for exercising his rights, a right not to be subjected to cruel and unusual punishment for exercising his rights, and a right to left alone, he has a right not to be enslaved: the 1st, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 13th

Constitutional Amendments prove this. “Judge 1” and the respondents took these rights away from William Kaetz with “law of the case” and separation of powers offenses and probation requests. Isn’t that the opposite of what the government was created to do? Why would the government work to disavow unalienable rights? That would be misconduct. There is abuse of court inherent powers by overlooking and turning a blind eye to Constitutional separation of power offenses, and in turn abridging William Kaetz’s unalienable rights with the retaliatory criminal case that turned a republic form of government into a totalitarian form of government, a very harmful error that is blatantly unconstitutional. A Court is not at liberty to shut its eyes to an obvious mistake. See *Baker v. Carr*, 369 U.S. 186, 214 (1962).

19. When it comes to our Constitution, we must understand the phenomenon social scientists call “Confirmation Bias.” Under confirmation bias, decision makers seek out and assign more weight to evidence that confirms their hypotheses, and ignore or don’t fully consider evidence negating their hypotheses. In public discussions, confirmation bias plagues us by saddling us with self - fulfilling social, political, and racial prejudices.

20. Judges and attorneys often perpetuate confirmation bias by framing data in ways that confirm their views and personal conclusions, as in this case, the facts prove William Kaetz is correct but the lower court, because of confirmation bias, claimed William Kaetz's facts frivolous without any real facts to rebut them. The lower courts only focused on the seriousness of the charges without looking at the facts.

Other Habeas Corpus Matters

21. The public interest favors heeding the Constitution and this Court's precedence. For years William Kaetz has been petitioning for constitutional equal and fair treatment of student loan bankruptcy debtors by the Federal Courts declaring the student loan bankruptcy court-created policies using legislative history as law unconstitutional for offending the separation of powers doctrine, and by declaring statute 11 U.S.C. §523(a)(8) unconstitutional under the void for vagueness doctrine because these facts are true: they are unconstitutional: Why would a court need to use legislative history if the statute was not void for vagueness? stop discrimination against student loan debtors in bankruptcy. It's a good thing to do. William Kaetz was criminalized for his petitions to fix this wrong.

22. Another habeas corpus matter is that the lower courts judicial policy creating home detention from an “imaginary could have been imprisonment” that was created by the lower courts assuming legislative powers, a prohibited act, William Kaetz’s evidence proving this is in case no. 2:22-cv-01003-KM-ESK³. He was over-imprisoned because of this fraud. Stop this over-imprisonment fraud. It’s a good thing to do.

23. Another habeas corpus matter is that the lower courts are pushing totalitarianism, and criminalizing anyone who calls them out and exercises unalienable rights, and the lower courts are weaponizing constitutional rights to suppress rights. Stop totalitarianism in the lower courts. It’s a good thing to do.

VIII. CONCLUSION

24. The Constitution and this Court’s holdings and precedence commands submission to the separation of powers doctrine. “Judge 1” violated the separation of powers doctrine, was not engaged in or on account of the performance of official duties concerning William Kaetz’s cases that the criminal statutes require, so there was no crime. William

³ See case no. 2:22-cv-01003-KM-ESK docs. 119, 121, and 127.

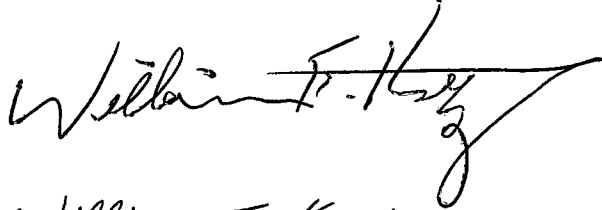
Kaetz's actions were 1st Amendment activity and cannot be criminalized for it. William Kaetz's grievances are of Constitutional dimensions and have merit. William Kaetz asks this Court to seriously consider the misconduct of separation of powers offenses and 1st amendment retaliation presented herein and the lower courts' harmful serious abuse of inherent powers: all offend the Constitution: and correct them.

25. The Constitution and this Court's *Res-Judicata* and *Stare decisis* precedence favors William Kaetz. What William Kaetz is asking for is justifiable and reasonable, grant the habeas corpus 2255 motion, remand the case, and order the lower court to dismiss the criminal case.

IX. CERTIFICATION

I, William F. Kaetz, *petitioner*, swear under penalty of perjury all statements herein are true.

Respectfully submitted.

Date: 5/3/2024 By:  William F. Kaetz

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