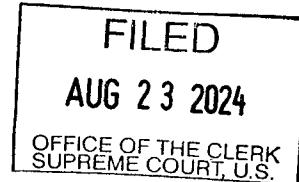


No. 27 - 5826



IN THE  
SUPREME COURT OF THE UNITED STATES

In Re: **DANIEL LAUREL**

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

Daniel Laurel

(Your Name)

P.O. Box 8000

(Address)

Anthony NM 88021

(City, State, Zip Code)

N/A

(Phone Number)

## **QUESTION(S) PRESENTED**

- 1) Can lower courts, delay and deny access to Habeas Corpus, and maintain Constitutional adherence?
- 2) Can a District court proceed with a “case” against a person, without an affidavit supported complaint being filed, one warranting the persons arrest?
- 3) Can a lower court maintain Article III jurisdiction, over money laundry when structuring is found to be not-evidenced and acquittal awarded by the Trial Jury?
- 4) Is a Grand Jury designed, for the purposes of protecting public citizens right under the Constitution, as outlined in Rule 6(a)’s opening line?
- 5) May the search of bank records, be initiated without record evidence of any search warrant, supported by affidavit of criminal conduct?
- 6) If public interests of victims were the concern of the United States, why is there NO restitution in Petitioner’s case? Why no tax evasion charges?

## **LIST OF PARTIES**

- All parties in the caption of the case in 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**

- 1) 5<sup>th</sup> Circuit Court of Appeals 19-40490.
- 2) W.D. of Texas, El Paso Division, EP-cv-24
- 3) S.D. of Texas, 5:16-CR-1263-24

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

Petitioner respectfully prays that a writ of habeas corpus issue.

**REPRESENTATIVE COUNSEL**

Petitioner was afforded the representation of legal counsel during trial and upon appeal. According to the provision of 18 USCS 3006A(c), the right to have counsel appointed is assured even in this "ancillary matter" appropriate to these proceedings.

Accordingly, Petitioner humbly ask this court to have legal counsel appointed to represent him in the arguments presented to this Honorable Court.

*Discard*

## **JURISDICTION**

For cases from **federal courts**:

No petition for rehearing was timely filed in my case.

The jurisdiction of this court is invoked under 28 U.S.C. section 2241, 2242, 2243.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### Constitutional Provisions at Contest:

- 1) Article III Sec. 2, cl. 1.
- 2) Article II
- 3) 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 14<sup>th</sup> Amendments.

### Statutes at Contest:

- 1) 18 USCS 371, 982, 3041,3044, 3046, 3047,1349 and 18 USCS 3231.
- 2) 28 USCS 519, 528, 530(B), 530(C)(b)(4), 533 (1), and 547(1).
- 3) 21 USCS 853

**STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT**

Extensive review has revealed Constitutional, Statutory, and Procedural violations which prove all Investigation and Prosecution efforts pointed to a non-justiciable trial before an illegal Court forum which ultimately produced a legally Void Judgment. Petitioner is being detained and imprisoned in violation of the Constitution and Laws of the United States.

The Government lacked necessary "Standing" to seek a criminal charge over a matter clearly outside of federal jurisdiction. Undeterred, Government Prosecutors proceeded to ignore Constitutional Protections, violate Statutory Laws, evade Federal Rules of Criminal Procedure, and manufacture invalid Theories of Law and criminalize an innocent man, tortiously interfering with his career, reputation and business. All this is proven by the structuring - 31 USSCS 1101. 5324(a)(3) & (d) - acquittal by a Jury at trial testing. See Professional Real Estate Investors, Inc. V. Columbia Pictures Ind. Inc., 508 US 49, 113 S.Ct, 1920 (1993), also termed "Sham Lawsuit" or "Sham Action" (Blacks Law, Page 25, 10<sup>th</sup> Edition).

Lacking – and later divested – in the requisite standing to Sue, The United States Executive Branch Officer(s) dominated and bullied their way past all limiting Legislation, Authorities and Offices – both Executive and Judicial – effectively “collapsing the Separation of Powers”. Malfunctioning under the Color of Article II Authority, Executives thrust the Court to proceed ‘Ultra Vires’, straight in violation of Art. III principles.

28 USC section 2241(c)(1) and (c)(3) speaks straightaway to such circumstance:

**“[Petitioner] is in custody under the color of authority of the United States and in violation of the Constitution and Law of the United States”.**

To this factor, a court of competent Jurisdiction is: “A court that has the Power and Authority to do a particular act” (Blacks Law, 10<sup>th</sup> Edition). Wanting such Constitutional Power, any Court is thus, incompetent.

18 USC Section 3041 permits judicial Power to extend for the purpose of bringing a Defendant before a Court of qualified Jurisdiction only for “An offense against the United States,” and to be required to answer for supposed, criminally knowing, Legal harms against the United States Constitutionally recognizable rights. Right’s protected under federal Law.

Since F.R.Crim.P Rule 3 – ‘The Complaint’ initiates any criminal process when the Plaintiff seeks to arrest the defendant upon “probable Cause” (4<sup>th</sup> Amendment), and then to Trial Test a “Cause” of action and prove the “Probability” of criminal intent. Such rules *shall* be followed. Procedural due process otherwise falls off.

Without properly accessing Article III judicial powers, any Federal Judicial Officer becomes: “A self appointed Tribunal – in which the principles of Law and Justice are disregarded, perverted, or parodied.” (Definition #2)

This Definition above defines a “Kangaroo Court”. {See Blacks Law, Page 314, 10th Edition.}

**Accordingly, Petitioner respectfully requests this Honorable Court grant Petitioner the Writ of Habeas Corpus.**

## RULE 20.4 (a) STATEMENT

Pursuant to Rule 20.4(a):

“A petition seeking a Writ of Habeas Corpus shall comply with the requirements of 28 USC Section 2241 and 2242, and in particular with the provision in the last paragraph of Section 2242, which requires a statement of the “reasons for not making application to the district court of the district in which the applicant is held.” [] To justify the granting of a Writ of Habeas Corpus, the Petitioner must show that exceptional circumstances warrant the exercise of the Court’s discretionary powers, and the adequate relief cannot be obtained in any other form or from any other court.”

**NOTICE:** This rule of law goes against Miranda V. Arizona, 384 US 436 (1966):

**“Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them.”**

Article VI’s Supremacy Clause mandates that ANY Court SHALL issue the Writ of Habeas Corpus granted in Article I, Section IX, Clause II.

Petitioner has in fact, made application for Habeas Corpus relief to the Fifth Circuit where Petitioner is currently being held. (See: EP-24-CV-153-KC ). Judge Cardone utilized the same incorrect standard of law as outlined in the Rule 20.4(a) statements above. The lower Court refused to issue a ‘Show Cause’ order and summarily heads off the application without a Hearing. Instead, the Court erred in the Law by speaking to 28 USC Section 2255 as a prospect of resolving the illegal detention. Accordingly, the 5<sup>th</sup> Cir. has a “NON-FINAL” decision before it, lacking in review jurisdiction. (See Catlin v United States)

In ambivalence with this Constitutional Right was the District Courts abuse of discretion over the non-discretionary Writ of Habeas Corpus. The Court transcended its discretion by connoting that the Constitutional privilege of the Writ of Habeas Corpus is not after all – a prerogative. Efficaciously abolishing access to a Constitutional privilege (i.e. - The Great Writ of Habeas Corpus). As noted, this matter has been appealed to the Fifth Circuit Court of Appeals, wherein Petitioners Right to expedient relief is now further postponed and unlawfully unavailable. This Court must take befitting action, to cure this illegal detention.

**WHY NO 2255?:** A 28 USCS 2255 Motion, is an inadequate and ineffective remedy because it only covers “errors in a Sentence” (“in the nature of the ancient Writ of Error Coram Nobis”. See Advisory Committee Notes to 28 USC Section 2255). This does not claw-back to the Constitutional, Statutory, and Procedural violations which allowed the prohibited investigation and subsequent prosecution. By pushing an Article III Judge – who lacked qualified Jurisdiction – the court became ‘Ultra Vires’ and therefore issued a Void Judgment.

In the end, Section 2255 is a discretionary Motion continuing a Criminal Case. This does not provide directives authorizing the District Court to orbit back, to an invalid conviction. In fact no mention of Conviction invalidness relief is ever spoken of by the Congressional legislation. How does one vacate a VOID judgment? One cannot, for all authority is absent.

In opposition, Section 2241 mandates release of a Prisoner when facts alleged show he is in custody in violation of the Constitution or the Laws of the United States. Accordingly, any 28 USCS 2241 authority is not discretionary, yet history reveals instead, it is mandatory. Habeas also holds no time limitations, constitutionally speaking.

Petitioner has further attempted to gain release under FRAP Rule 9 – thru his Court of Appeals Case, yet this too, sits unresolved by the 5<sup>th</sup> Circuit Court of Appeals.

**NOTICE:** Lower court failed to provide a “Final Decision” in the pending Habeas Case, thus in effect barring access to the Advantage of Habeas Corpus. This has been raised to the 5<sup>th</sup> Circuits attention. Now raised to this court as well.

## GROUNDS FOR GRANTING THE PETITION

**GROUND ONE:** Petitioner is being detained and imprisoned in violation of the 18 USC Section 4001 which states: “(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.” The shadowing Information outlines the ‘Acts of Congress’ (statutes, Procedures, Rules of Criminal Procedure) which were desecrated by the Government to criminally wrong Petitioner’s Constitutional Rights, resulting in the illegitimate imprisonment of this Petitioner.

The U.S. Government Criminal prosecution lacked any recognizable basis (“Standing”) to bring forward a ‘Case’ or to seek out a ‘Controversy’ in the Legal Affairs of a Private Corporation. Pursuant to F.R.Crim.P Rule 6(a)(1) “When the Public interest so requires, the Court must order that one or more Grand Juries be summoned.” Clearly, there was no Public interest in the Legal Affairs of a Private State Licensed Corporation nor its Corporate executive management over it. The Government’s Hypothesis of Prosecution targeted Petitioner’s ‘Right to Control’ his businesses commercialism. The Government lacked Standing because, as the Information reveals, Petitioner committed no “Offense against the United States,” when the structuring charges were acquitted. The threshold the Government must surmount, to acquire statutory authorization, pursuant to an ‘Act of Congress,’(18 USCS 3041/3231) and consistent with Article III, Section II, Cl.1., is a legally recognized injury. In Petitioner’s ‘Case’ the Government lacked in both Congressional and Constitutional authority to either investigate, pursue or Convict the Petitioner. The Government lost that requirements satisfaction, on acquittal of structuring charges.

**GROUND TWO:** Petitioner is detained and imprisoned in violation of the Executive’s failure to yield Statutory Limitations to investigate and prosecute ONLY for “Offenses against the United States.” Accordingly, the Attorney General’s investigatory and prosecutor authorities are identified in 28 USC Sections 519, 528, 530(B), 530(C)(b)(4), 533(1), and 547(1). Tax evasion was never raised, even

though the IRS gave testimony as to money laundry investigations. Tax evasion, is the only federal right which placed Alphonse Capone into federal prison.

The Government's over reach and failures in 'Supervisory Authority,' oversight and management, as Statutorily mandated in accordance with 'Acts of Congress,' permitted unauthorized intrusions into the Private (sans Public) Affairs of private Business. General Police powers do not apply, without charges and evidence of Illegal currency profits. (Ie. Drug Sales) Remember, tax crimes were never found by the IRS agent who testified, even though that is the IRS' sole purposes. Collecting of unpaid tax revenue.

**GROUND THREE:** Petitioner is being delayed and confined for alleged conduct that is not an "Offense against the United States." It's not an offense against anyone, as the reader will see.

Accordingly, the Government possessed ZERO Constitutional or Statutory authority to get rid of the Tenth (10<sup>th</sup>) Amendment and Fourteenth 14<sup>th</sup> Amendment Protected Rights of Petitioner and his Business relationships.

The Government possessed NARY right nor authority to criminalize an innocent man. Instead, the Government is evidenced to have interfered with Interstate and Foreign Commerce Rights belonging to Petitioner and his Businesses, thru effectively shutting down his business, without any evidence of probable cause.

**GROUND FOUR:** Petitioner is being detained and imprisoned in violation of 18 USC Section 3001 – 'Procedure governed by the Rules.' The standard for commencing a Criminal Process begins with F.R.Crim.P Rule 3, which accesses judicial power, thru 18 USC Section 3041 – for an "Offense against the United States." Only for, the Government refusals to apply such Rule of Law, Petitioner was taken through illegal investigations and unconventional Proceedings by a tribunal in violation of 18 USC Section 3044, which governs F.R.Crim.P Rule 3 - 'The Complaint Rule.' The prosecution failed to

File any Affidavit Supported Complaint outlining ‘Probable Cause’ pursuant to, and in accordance with the Fourth Amendment. Records reveal that there is NO Rule 3 Complaint nor Rule 4 Arrest Warrant Issuance or Return.

**GROUND FIVE:** Petitioner is detained and imprisoned in violation of the Fourth (4<sup>th</sup>) Amendment and 18 USC Sections 3046 and 3047, which require a Warrant for Arresting purposes – pursuant to F.R.Crim.P Rules 3, 4, and 9. Applicant has never been lawfully arrested, yet the Prosecution’s abidance with each of these Rules is mandated. Pursuant to Rule 9, a Rule 6 “Indictment” SHALL be supported by a Rule 3 Complaint and Rule 4 Warrant. As stated, no such requirements were quenched.

18 USC Section 3047 expressly instructs the prosecution that “A Warrant SHALL be necessary to commit [Defendant] for Trial.” None of these Rules of Criminal Procedure, which are established by ‘Acts of Congress’ (for the protection of the citizens liberty rights) were ever complied with. Here, the prosecution is shown to have failed to conform with the Federal Rules of Criminal Procedure and the Statutory Law’s which implement those Rules. Worse, the prosecution trespassed upon Petitioner’s Fourth Amendment Rights and Protections that these Statutory Laws and Federal Rules of Criminal Procedure stand upon.

Without adhesion to the Rules of Law and Petitioner’s Constitutional Rights and Protections under the Fourth Amendment, the Prosecution and Article III Court officers desecrated 18 USC Section 3041 and incarcerated Petitioner without Authorization and Dominion to do so. As a result, Petitioner remains incarcerated in violation of the Constitution and Laws of the United States

**GROUND SEVEN:** 18 USC 1957 is not a predicate offense. It fails to provide the elements testing necessary to establish illegally obtained currency. RICO is necessary to invoke 18 USCS 982 criminal

forfeitures. RICO was never charged, while the framework of prosecution was clearly "Organized Crime" based.

Such reliance failed to reach the appropriate subject-matter jurisdiction as required under 18 USCS 3231. The trial court lost subject matter jurisdiction upon jury acquittals of other Tax Evasion charges.

**GROUND EIGHT:** Petitioner is being detained and imprisoned in violation of the Fifth and Sixth Amendment protections of the United States Constitution. All aforementioned Grounds prove that Petitioner is and has been, deprived of his Liberty and property, without Procedural Due Process of Law. Without arrest, indictment, grand jury and proper notice, All process was illegal.

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

Respectfully submitted,



Daniel Laurel

Date: 09.22.24

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