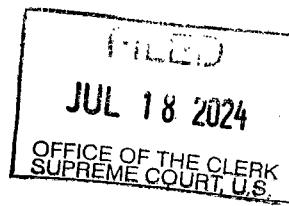


No. 24-24-6069



In The Supreme Court of The United States

In re: Christian Dior Womack,
Petitioner

On A Petition For A Writ of Habeas Corpus
Pursuant To 28 U.S.C. §2241

Christian Dior Womack,
Pro Se Representation
Post Office Box 300
Waymart, Pennsylvania 18472

QUESTION PRESENTED

This Court has held that commitment for any purpose constitutes a significant deprivation of liberty that requires protection under the federal Constitution. Here, after Christian Womack was sentenced to natural-life imprisonment, on offenses that he was neither charged with by way of indictment, nor found guilty of, he was committed to the custody of the Federal Bureau of Prisons (FBOP) on those offenses. Does the FBOP's authority to restrain the body of Christian Womack under the District Court's judgement of commitment order, thereby violate his right of personal liberty?

List of Parties

Petitioner is Christian Dior Womack, natural person,

Respondent(s) is Warden, Fernando Garza, government official, representative of the Federal Bureau of Prisons, federal agency.

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Compliance With The Requirements of 28 U.S.C. §2242
As Required By Rule 20.4

Recently, prisoner-Christian Womack filed a 28 U.S.C. §2241 application with the district court ("custodial court") of the district in which he is being held; on the grounds that, he is being illegally detained by the Federal Bureau of Prisons, in violation of his Thirteenth Amendment right—to be free from forced confinement. In his memorandum of support, he explained to the custodial court that the sentencing court attempted to validate his commitment order by recently amending it under Fed. R. Crim. P. 36, adding to Counts 2 and 3 "18 U.S.C. §1594(a)," (Appendix G), after the Third Circuit Court of Appeals affirmed its judgment and commitment on all counts under only "18 U.S.C. §1591." (Appendix C). And, with that information and knowledge, the custodial court still construed the claim as a challenge to the conviction and sentence. Disregarding Christian Womack's factual allegations that his civil rights are being violated. Following that, the custodial court decided to dismiss the application without prejudice to prisoner-Christian Womack's right to pursue appropriate relief with the sentencing court. (Appendix F).

As it appears, the Third Circuit affirmed the sentencing court's judgment and commitment order, (Appendix A), mandating Christian Womack to the custody of the FBOP for his natural-life, on uncharged offenses that he was not found guilty of. (Appendix D). And, with that, the district courts continue to overlook prisoner-Christian Womack's civil rights and civil liberties claims either by misconstruing them, or by attempting to correct the error improperly. These proceedings apparently undermines the public's confidence in the integrity of the judicial process, engendering exceptional circumstances for this Court to hear and decide the question presented.

Orders And Opinion Below

December 18, 2014 Commitment Order executed by the Federal Bureau of Prisons under review, is attached as Appendix A.

Jurisdiction

"Writs of habeas corpus may be granted by the Supreme Court, any justice thereof...." 28 U.S.C. §2241(a). This Court therefore has jurisdiction over this petition.

Constitutional And Statutory Provisions Involved

The Fifth Amendment to the U.S. Constitution:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...." U.S. Const. Amend. V.;

"Nor be deprived of life, liberty, or property, without due process of law...." U.S. Const. Amend. V.

The Thirteenth Amendment to the U.S. Constitution:

"Neither slavery, nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted...." U.S. Const. Amend. XIII.

The Fourteenth Amendment to the U.S. Constitution;

"Nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. Amend. XIV.

I. Statement of the Case

A. Christian Womack's body is being detained in the custody of the FBOP under a District Court's judgment and commitment order on offenses that he was neither charged with by way of indictment, nor found guilty of.

This is a habeas corpus action by a U.S. citizen, prisoner-Christian Dior Womack, who's body is being physically detained in the custody of the FBOP at United States Penitentiary - Canaan under a District Court's judgment and commitment order on the following offenses: sex trafficking of a minor or by force, 18 U.S.C. §1591 (Count 1) and, sex trafficking by force, 18 U.S.C. §1591 (Counts 2 and 3).¹ In July 2023, the issuing District Court held in an opinion that, "with respect to Counts 2 and 3, [they] charged attempt, both by name and by citation to [Section] 1594(a)."² Then, the Court went on to state, that, "attempted sex trafficking by force in Counts 2 and 3...is the crime he was charged with, and pled guilty to."³ Yet, the government ignores these findings of fact⁴, allowing the body of Christian Womack to remain in the custody of the FBOP on offenses that he was not charged with by way of indictment.

B. Following a grand jury proceeding, Bill of Indictment number: 13-206-1 is returned by a Federal grand jury.

On April 25, 2013, a federal grand jury empaneled in the Eastern District of Pennsylvania, returned a true bill of indictment - number: 13-206-1 against Christian Dior Womack for violations of: sex trafficking of a minor or by force, in violation of 18 U.S.C. §1591 (Count 1); sex trafficking by force, in violation of 18 U.S.C. §1591 (elements omitted)(2 Counts); attempted sex trafficking by force, in violation of 18 U.S.C. §1594(a)(Counts Omitted); and, aiding and abetting, in violation of 18 U.S.C. §2 (Counts Omitted).⁵ And, even though the government omitted the elements of sex trafficking by

¹ 3/4/24 FBOP Remedy No. 1191879-F1 (citing) 12/18/14 Original Judgment & Commitment Order

² 7/12/23 Dist. Ct. Op. at 8, para. 23

³ Id. at 11, para. 32

⁴ (Appendix D)

⁵ April 25, 2013 Indictment

force from the indictment, it still presented the statutory offense citation to the grand jury.

C. Christian Womack is subsequently arrested, arraigned, and detained pending trial, after being read the charges of the indictment.

The next day, the Federal Bureau of Investigation ("FBI") agents arrested Christian Womack at his place of employment, Sunoco Oil Refinery, in Marcus Hook, Pennsylvania. Following his arrest, Christian Womack was transported by FBI agents to the Philadelphia FBI Office for processing. And, after being interviewed by pre-trial services, Christian Womack was brought before a Magistrate Judge to be arraigned on indictment number: 13-206-1, the relevant portion of the colloquy is as follows:

"The Court: You are charged with a violation of 18 U.S.C. §1591, that's sex trafficking of a minor by force as well as an attempt of that offense under 18 U.S.C. §1594. You are also charged with a violation of 18 U.S.C. §1591, that's sex trafficking by force as well as an attempt as well. That is the charge in the indictment."⁶

But, before Christian Womack could enter a plea of guilty or not guilty, the Magistrate Judge postponed the hearing following the government's request to file a motion for a detention hearing. Three days later, Christian Womack was arraigned, where he entered a plea of not guilty to indictment number: 13-206-1. Following that, he was remanded to the custody of the U.S. Marshals pending trial, after the government's motion was granted.

D. During a status conference hearing, the district court advises Christian Womack of the charges that he was charged with by way of indictment, following his request to proceed pro se.

After expressing his dissatisfactions with counsel's performance,

Christian Womack requested to proceed pro se. But, before he was permitted to proceed pro se, the District Court advised him of the nature of the charged offenses, the statutory maximums, and the mandatory minimums, along with the disadvantages that he may encounter as a pro se litigant. As relevant here, the District Court began the pro se colloquy by advising Christian Womack that he was charged with "one count of sex trafficking of a minor by force and two counts of sex trafficking by force."⁷ And, after the colloquy, the Court stated for the record, that, Christian Womack knowingly, intelligently, and voluntarily waived his right to counsel.

E. The District Court commences the voir dire proceeding with a reading of the indictment's charges—affirming the actual offenses charged after a discussion with the government.

At the outset of the voir dire proceeding, during the reading of the indictment's offenses, the District Court engaged in a conversation with the government pertaining to the charges in Counts 2 and 3, the relevant portion of the record is as follows:

"The Court: The charges that have been brought by way of indictment against Mr. Womack are as follows: Count 1 charges him with sex trafficking by force or of a minor. Count 2 charges sex trafficking by force as does Count 3. And I believe in Count 2 and 3, it's charged that there was also an attempt. Or, is that all three counts, Ms. Morgan, the attempt?"

"[AUSA, Michelle Morgan]: Counts 2 and 3 are charged as attempt, Your Honor."

"The Court: Okay. Two and Three are attempted sex trafficking and Count 1 is actual sex trafficking of a minor or by force. Again, these are just changes."⁸

⁶ 4/26/13 Tr. at 5

⁷ 5/29/14 Tr. at 30-31

⁸ 7/22/14 Voir Dire Tr. at 1

F. In the midst of jury selection, Christian Womack elects to plead guilty "openly" to the indictment's charges.

During the striking of the jurors, Christian Womack opted to plead guilty "openly" to the indictment's charges. And, after a brief recess, the Court went on the record, and began to proceed with the change of plea hearing. At the beginning of the plea colloquy, the District Court directed the government to state for the record the offenses that Christian Womack was charged with, and was pleading guilty to, the relevant portion of the colloquy is as follows:

"[AUSA Michelle Morgan]: Your Honor, on Count 1, the Defendant is pleading guilty and is charged with both sex trafficking of a minor 'and' sex trafficking by force and,...Count 2 and Count 3 charge attempted sex trafficking by force."

"The Court: Do you understand all of that, Sir?"

"[Christian Womack]: Yes."⁹

The Court then requested the government to summarize the evidence that it would have presented at trial to meet the elements necessary for it to accept the plea. In compliance with the District Court's request, the government presented evidence to satisfy the elements of sex trafficking of a minor by force and attempted sex trafficking by force.¹⁰ Following the government's recitation of evidence, the District Court's Deputy Clerk, at the direction of the Court, asked Christian Womack to enter his plea, the relevant portion of the record is as follows:

"The Deputy Clerk: Mr. Womack, you have heretofore plead not guilty to Bill of Indictment Number: 13-206-1 charging you with, Count 1, sex trafficking of a minor or by force and attempt, in violation of Title 18, Section 1591 and Title 18, Section 1594. Counts 2 and 3, sex trafficking by force and attempt, in violation of Title 18, Section 1591 and Title 18, Section 1594(a). As to Counts 1, 2, and

⁹ 7/23/14 Plea Colloquy at 19:21 - 20:16

¹⁰ Id. at 27:6-10

3 of the indictment, how do you plead now, guilty or not guilty?"

"[Christian Womack]: Guilty."¹¹

Shortly thereafter, the District Court placed its factual findings on the record, the relevant portion of the record is as follows:

"The Court: All right. I make the following findings: I find that there is factual basis to make out the elements of Counts 1 through 3. I find that the Defendant's plea is knowing, voluntary, and intelligent.... He understands the nature of the charges [and].... He understands all the rights he is giving up. The Defendant is found guilty of Counts 1 through 3."¹²

And, with that, Christian Womack was remanded to the custody of the U.S. Marshals pending sentencing.

G. The offenses that are embodied in the judgment and commitment order, are the exact same offenses that the District Court relied on during the sentencing hearing to deny Christian Womack's motion to withdraw his plea of guilty.

On December 18, 2014, during the commencement of the sentencing hearing, Christian Womack moved to withdraw his plea of guilty after learning from counsel that he was going to be sentenced to three counts of sex trafficking by force; Christian Womack argued his position to the Court that he did not plead guilty to sex trafficking by force, the relevant portion of that record is as follows:

"The Court: I'm pretty sure that this transcript is going to not support that, but let me just check."

The Court went on to state that,

"The Court: The transcript reflects, and I'm reading verbatim, this is me speaking to you. We've been

¹¹ Id. at 33:3 - 37:5

¹² Id. at 32:22 - 33:2

through the indictment numerous times, the indictment charges you with sex trafficking of a minor or by force and two counts of sex trafficking by force."¹³

Briefly after that, the Court denied Christian Womack's motion to withdraw his plea of guilty, and proceed with the sentencing hearing. But, during sentencing, the Court neither stated the nature of the offenses, nor the statutory offense citations that it was sentencing Christian Womack for. Instead, it just imposed a sentence of life imprisonment on Counts 1, 2, and 3, respectively.¹⁴

Even though the Court did not state for the record the nature of the offenses and the statutory offense citations, it memorialized the offenses that it sentenced Christian Womack for—in its formal written judgment and commitment order otherwise judgment, (on the same day) following the oral pronouncement of sentence. The relevant portion of the written judgment in a criminal case reads as follows:

"The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count</u>
18:1591	Sex trafficking of a minor or by force	1
18:1591	Sex trafficking by force	2, 3"

And, on the following page, it reads as follows:

"The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Life imprisonment on Counts 1, 2, and 3, all such to run concurrently."¹⁵

Christian Womack immediately filed a notice of appeal.

H. On direct review, the District Court's judgment sentence is affirmed.

¹³ 12/18/14 Sent. Tr. at 3

¹⁴ Id.

¹⁵ 12/18/14 Written Judgment and Commitment Order at 1 -22

On appeal, a panel of the Third Circuit¹⁶ (per Hardiman, J.), issued an opinion, the relevant portion is as follows:

"The Court: In April 2013, a grand jury indicted both Womack and Brice with one count of sex trafficking of a minor by force and two counts of sex trafficking of an adult by force. 18 U.S.C. §1591...Womack pleaded guilty to all counts."

"The Court: Christian Womack appeals the District Court's judgment of sentence following his pleas of guilty to three counts of sex trafficking by force in violation of 18 U.S.C. §1591. We affirm."¹⁷

A petition for a writ of certiorari followed.

I. Christian Womack files a timely petition for a writ of certiorari, which is ultimately denied.

On November 28, 2016, the Supreme Court of the United States denied Christian Womack's petition for a writ of certiorari.¹⁸ Subsequently, The Third Circuit issued a mandate, and the judgment of the sentence became final.

J. Christian Womack files a motion to vacate, set aside, or correct sentence under 28 U.S.C. §2255 within the statutory time frame.

Almost a year after the Supreme Court's denial, Christian Womack filed a motion to vacate, set aside, or correct sentence under §2255. As relevant here, he claimed in his application that, counsel was ineffective for failing to object to the Court's failure to delineate the offense (sex trafficking of a minor or sex trafficking by force) it was finding him guilty of, and that, counsel was ineffective for failing to file a motion to dismiss the two counts of sex trafficking by force—for failing to charge an offense.¹⁹

¹⁶ Honorable Judges Before: McKee, Chief Judge, Smith, and Hardiman, Circuit Judges
¹⁷ United States v. Womack, 646 F.App'x 258 (3d Cir. 2016)
¹⁸ Womack v. United States, 580 U.S. 1013 (2016)
¹⁹ Pet'r's §2255 Mot. at 1 and 2.

K. After the government's response in opposition to the §2255 Motion, the district court issued an Order denying the relevant claims, but granted an evidentiary hearing on unrelated claims.

In the government's response in opposition to Christian Womack's §2255 Motion, the government represented that, counsel was not ineffective for failing to object, because, "during the plea colloquy, the government stated that the petitioner was pleading guilty on Count 1 to both sex trafficking of a minor and by force" ...([citing] Tr. 20 July 23, 2014)...[and][that]"the government also stated that Counts 2 and 3 charged sex trafficking by force...."²⁰

Subsequent to that, the district court denied the relevant claims, but granted an evidentiary hearing on other grounds.²¹

L. Following the evidentiary hearing, Christian Womack files a Rule 11 Motion asking the Court to sanction the government's attorneys for misrepresenting the evidence record in their response in opposition to the §2255 Motion.

During the evidentiary hearing, the government's attorney testified under oath that, Christian Womack was "charged with sex trafficking of a minor by force and two counts of attempted sex trafficking by force." And, Christian Womack's former attorney testified under oath to the same. Following that hearing, Christian Womack filed a Rule 11 Motion asking the district court to apply sanctions on the government's attorneys for misrepresenting the evidence record's offenses that Christian Womack agreed to plead guilty to. Specifically, the government represented in its motion in opposition to the §2255 Motion that, it stated that Christian Womack was pleading guilty to sex trafficking by force (Counts 2 and 3), but as the evidence record reflects, the government represented to the Court for the record that he was pleading guilty to attempted sex trafficking by force (Counts 2 and 3).²²

²⁰ Gov't's Resp. In Opp'n To Def't's §2255 Mot. at 131 - 4

²¹ 11/30/20 Dist. Ct. Order

²² Def't's Rule 11 Mot. at 2 - 3

M. The Government denies the accusations in the motion for sanctions.

At the outset of the government's response in opposition to the Rule 11 Motion, it argued that, the government never misrepresented to the Court that "Counts Two and Three charged sex trafficking." Then, the government further argued that, "the defendant concedes that during his plea colloquy, he pled guilty to sex trafficking as to Count One and attempted sex trafficking as to Counts Two and Three." As relevant here, the government concluded with, it "could have charged the defendant with the completed offense of sex trafficking in both Counts Two and Three, it was not required to charge attempt."²³

N. The district court in its July 12, 2023 Order addresses the habeas claims pertaining the charged offenses, the offenses that were pled to, the offenses that the sentence was for, and, the Rule 11 sanction pleadings.

According to the district court, [it] "sentenced Christian Womack to life imprisonment for sex trafficking by force of a minor and attempted sex trafficking by force of two adults, which was affirmed on direct appeal. United States v. Womack, 646 F.App'x, 258, 261 (3d Cir. 2016)." ²⁴ And yet, the district court defended the government's statement in its response in opposition to the §2255 Motion. The district court concluded that, the Government's brief contained no false statements, because "the quoted portion²⁵ discusses whether Womack was aware that he was pleading guilty to sex trafficking by force (as opposed to "of a minor or by force")...the charges were therefore accurate and had no risk of misleading the Court."²⁶ But, prior to that, the district court held that, "the factual basis for the plea was sufficient to make out attempted sex trafficking by force in Counts 2 and 3, which is the crime he was charged with, pled guilty.

²³ Gov't's Resp. In opp'n To Def't's Rule 11 Mot. at 1 -4

²⁴ 7/12/23 Dist. Ct. Order at 1

²⁵ "The government also stated that Counts 2 and 3 charged sex trafficking by force and similarly each carried a mandatory minimum of 15 years."

²⁶ Id. at 13

lty to, and was sentenced for."²⁷

O. Christian Womack files a motion to correct a clerical error under Fed. R. Crim. P. 36, and the district court granted the motion, adding statutory offense citations from the indictment.

In the motion to correct a clerical error, Christian Womack argued that, the judgment and commitment order did not contain any of the offenses from the indictment that he pled guilty to. And, because of that, the judgment and commitment order is virtually invalid. With that, Christian Womack asked the district court to correct the judgment and commitment order to read the offenses that he pled guilty to.²⁸

On April 17, 2024, the district court amended the December 18, 2014 judgment and commitment order to read as follows: "Title & Section" for Counts 2 and 3 is amended to read "18:1591 and 1594(a)."²⁹ Following that, Christian Womack filed a notice of appeal.²⁹

P. The Third Circuit Court of Appeals initiates summary action proceedings following the notice of appeal.

In the motion in opposition to the summary action, Christian Womack argued that, the district court impermissably added statutory offense citations to the judgment and commitment order; because the Court of Appeals affirmed his life sentence under only 18 U.S.C. §1591.³⁰ The summary action proceedings remain ongoing.³¹

Q. Christian Womack files a 28 U.S.C. §2241 Motion with the court of jurisdiction where he is being held, which was ultimately dismissed without prejudice.

²⁷ Id. at 11

²⁸ Def't's Mot. To Correct a Clerical Error

²⁹ 4/17/24 Dist. Ct. Order at 1

³⁰ Pet'r's Mot. In Opp'n To Summary Action

³¹ United States v. Womack, 24-1816 (3d Cir. 2024)

A month after the district court amended its judgment and commitment order, Christian Womack filed a 28 U.S.C. §2241 application, arguing that, according to the district court, he was adjudicated guilty of sex trafficking by force of a minor and attempted sex trafficking by force of two adults, and sentenced to the same. And, because the commitment order does not reflect those offenses, he is being illegally detained by the Federal Bureau of Prisons, in violation of his Thirteenth Amendment right—to be free from forced confinement. Because he has been imprisoned on the following offenses: sex trafficking of a minor 'or' by force and two counts of sex trafficking by force, none of which he was charged for.³²

And, on June 4, 2024, the custodial court states, in its background section that, "petitioner is currently serving a term of life imprisonment after pleading guilty to one count sex trafficking of a minor by force and two counts of sex trafficking by force. United States v. Womack, No. 2:13-cr-00206-1 MSG, Doc. 171 (E.D. PA. Dec. 18, 2014)." Without any review of the record, other than the written judgment and commitment order, the custodial court dismissed the petition without prejudice to Christian Womack's right to pursue appropriate relief in the sentencing court, after concluding that, the claim was a challenge to the conviction and sentence.³³

R. Prisoner-Christian Womack is disciplined for refusing to work.

On two separate occasions, prisoner-Christian Womack received incident reports for refusing to work. As a result of him refusing to work, the FBOP punished him through its system of rules governing inmates' misconduct.³⁴

S. Prisoner-Christian Womack seeks redress from the custodian—Warden, Fernando Garza, for the violations of his civil rights and civil liberties—resulting from

³² Pet'r's §2241 Application

³³ 6/4/24 Custodial Ct. Order at 1 - 6

³⁴ Prisoner-Christian Womack's FBOP incident history report

his unconstitutional confinement.

In a request to staff email to Warden Garza, prisoner-Christian Womack informed him that the commitment order that he is holding him under is in violation of his Fifth and Thirteenth Amendment rights. And because of that, he asked Warden Garza to file, on his behalf, a 28 U.S.C. §2241 application, being that, he is the custodian over his body. Subsequent to that, Warden Garza denied prisoner-Christian Womack's request. (Appendix H). This petition followed.

II. Reasons For Granting The Writ

Introduction: Christian Womack asks this Court to apply over 100 years of precedent and to rule that the U.S. Constitution protects U.S. citizens right of personal liberty from unconstitutional imprisonment by the U.S. Government.

This is a habeas corpus action in which a U.S. citizen, prisoner-Christian Womack, speaks to this Court through the lens of civil rights and civil liberties. He seeks immediate release from the custody of the custodian-Warden, Fernando Garza, an employee of the Federal Bureau of Prisons ("FBOP"), who is depriving him of his civil right of personal liberty under a District Court's commitment order for crimes that he was not indicted for, in violation of the U.S. Constitution's Fifth Amendment prohibition that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...." U.S. Const. Amend. V.

Under a count-specific reading of the April 25, 2013 Indictment, the nature of the offenses are characterized as follows: "sex trafficking of a minor and by force and attempted sex trafficking" (Count-1); "attempted sex trafficking by force" (Count-2); and, "attempted sex trafficking by force" (Count-3).³⁵ During sentencing, the dis-

³⁵ April 25, 2013 Indictment

trict court did not state for the record neither the nature of the offenses, nor the statutory offense citations that it was sentencing Christian Womack for. But, in its written judgment and commitment order, it memorialized them as follows: "18:1591, sex trafficking of a minor; 'or' by force" (Count-1), and, "18:1591, sex trafficking by force" (Counts 2 and 3).³⁶ Following sentencing, Christian Womack was remanded to the custody of the FBOP to serve a term of natural-life of imprisonment on the offenses embodied in the commitment order, that the FBOP executed pursuant to 18 U.S.C. §3621(c). On appeal, the United States Court of Appeals for the Third Circuit, affirmed the district court's judgment of sentence on three counts of only sex trafficking by force, 18 U.S.C. §1591.³⁷ And, six years after that, the government acknowledged in a brief that both the district court and it "is aware that, [Christian Womack] was charged with sex trafficking of Minor 1 (Count One), and attempted sex trafficking of Person 2 and Person 3 (Counts Two and Three)." And that, "the government 'could have' charged the defendant with completed offenses of sex trafficking in both Counts Two and Three."³⁸ And yet, still; the district court (120 months later) amended its judgment and commitment order, under Fed. R. Crim. P. 36, for Counts 2 and 3 to read as: "18:1591 and 1594(a)." (April 17, 2024 Order). A notice of appeal followed and, the Third Circuit initiated summary action proceedings. Even though it affirmed the judgment of sentence on all counts under only 18 U.S.C. §1591.

More than 100 years ago, this Court ruled that when a prisoner shows that he is held under a Federal Court, given without authority of law, this Court, by writ of habeas corpus and certiorari, will look into the record, so far as to ascertain whether that is the fact, and, if it is found to be so, we will discharged him.³⁹ In that decision and ever since, this Court has held that if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to immediate release.⁴⁰

On July 12, 2023, the district court issued an opinion, in re-

³⁶ December 18, 2014 Judgment and Commitment Order at 1.

³⁷ United States v. Womack, 646 Fed. App'x 258 (3d Cir. 2016)

³⁸ 4/19/22 Gov't's Resp. In Opp'n To Def't's Rule 11 Sanction Mot. at 3 - 4.

³⁹ Ex parte, 18 Wall, 163 L.Ed. 872 (1874); McNally v. Hill, 293 U.S. 131 (1934)

⁴⁰ Fay v. NOIA, 372 U.S. 391 (1963)

gards to Christian Womack's habeas claim under §2255. In that opinion, the district court expressed that, "the indictment informed Womack that force ([absent age status]) was charged in Count 1 and that attempt was charged in Counts 2 and 3...attempted sex trafficking by force in Counts 2 and 3...is the crime he was charged with. ..." (July 12, 2023 Order at 11). But, as indicated earlier, the body of Christian Womack was committed to the custody of the FBOP under the following offenses: "sex trafficking of a minor 'or' by force (Count 1) and sex trafficking by force (Counts 2 and 3). And, even though the Assistant United States Attorneys, prosecuting the case, received a copy of the July 12, 2023 Order, they have, by the lack of corrective measures, ignored the unconstitutional restraints on the body of Christian Womack, again. And, following the issuance of the July 12, 2023 Order, prisoner-Christian Womack notified the custodian—Warden, Fernando Garza—of the new developments, which, at the time, he rejected Christian Womack's proposal for him to procure his freedom from the unconstitutional restraints on his body. In sum, as the evidence shows, the U.S. Department of Justice, Executive Branch of the U.S. Government, prefers to keep the body of U.S. citizen, Christian Womack, unconstitutionally restrained, even though it is violating his civil rights and civil liberties.

Indeed, this Court has held that the freedom from bodily restraints has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.⁴¹ In *Foucha v. Louisiana*, this Court expalined unequivocally that "private interest...affected by the official action," is the most elemental of liberty interest in being free from physical detention by one's own government.⁴²

Similarly, this Court in *DeShaney v. Winnebago County Dept. of Social Service*,⁴³ acknowledged that "in the substantive due process analysis, it is the State's affirmative act of restraining the individual's freedom to act on his own behalf—through incarceration... or other similar restraint of personal liberty—which is the 'depriva-

⁴¹ *Youngberg v. Romeo*, 457 U.S. 307 (1982)

⁴² *Foucha v. Louisiana*, 504 U.S. 71 (1992)

⁴³ 489 U.S. 189 (1989)

vation of liberty' triggering the protections of the Due Process Clause...."

Because it is undisputed that Christian Womack has been committed to the custody of the FBOP on offenses other than the ones returned in Bill of Indictment Number: 13-206-1, this case turns on the restraints on his body that is depriving him of his personal liberty. Because Christian Womack is imprisoned for offenses that do not comport with the U.S. Constitution's Fifth Amendment prohibition that "no person shall be held...for a...infamous crime, unless on a presentment or indictment of a Grand Jury....", U.S. Const. Amend. V, and because he is imprisoned at United States Penitentiary-Canaan, under armed U.S. Government officials, he is entitled to the protections of the Fifth, Thirteenth, and Fourteenth Amendments to the U.S. Constitution.

A. Christian Womack's Fifth, Thirteenth, and Fourteenth Amendment rights were violated when he was committed to the custody of the FBOP for crimes that he was not indicted for by a Grand Jury.

To prove a violation of personal liberty, a prisoner must show that he is being detained without authority of law. *Harlan v. McGourn*, 218 U.S. 442 (1918).

The Fifth Amendment provides in relevant part:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...." U.S. Const. Amend. V.

As it appears, the Fifth Amendment to the U.S. Constitution constrains the power of the Federal Government to accuse a citizen of an infamous crime. Under that Amendment's provision, no accusation may issue except on a grand jury determination that there is probable cause to support the accusation. *United States v. Calandra*, 44 U.S. 338 (1974). Thus, the Fifth Amendment categorically forbids the Federal Government from initiating a felony prosecution without present-

ment to a grand jury. *Albright v. Oliver*, 510 U.S. 266 (1994). Here, the government initiated a felony prosecution against Christian Womack on the offenses sex trafficking of a minor 'or' by force and sex trafficking by force. However, those offenses were not presented to a grand jury. Following the forbidden prosecution on those offenses, U.S. citizen-Christian Womack was committed to the custody of the FBOP under the district court's commitment order—stripping his body of its liberties.

- (1) The Fifth Amendment's protection of personal liberty applies to prisoners committed to prison under a court's commitment order.

In *Foucha v. Louisiana*, this Court held that commitment for any purpose constitutes a significant deprivation of liberty that requires protection under the Federal Constitution. 504 U.S. 71 (1991). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Id.* at 504 U.S. 79. In this case, the government arbitrarily prosecuted Christian Womack for offenses that the grand jury did not charge by way of a true bill. Put differently, because the indictment did not charge Christian Womack with those crimes against the United States, the government's actions to prosecute and confine him were not in the interest of the public. Therefore, the government cannot justify detaining Christian Womack under its unconstitutional actions—that have deprived him of his personal liberty.

- (2) The Thirteenth Amendment's protection from forced confinement applies to prisoners committed to prison unconstitutionally.

The Thirteenth Amendment provides in relevant part:

"Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted...." U.S. Const. Amend. XIII.

The Third Circuit has interpreted this provision as a right of

personal liberty, a constitutional right. *United States v. Given*, 25 F.Cas. 1324 (3d Cir. 1993). With that, the Third Circuit interpreted modern day "involuntary servitude" as: "labor camps, isolated religious sects, and forced confinement." *Burrell v. Staff*, 60 F.4th 25 (3d Cir. 2022). Here, Christian Womack was forced into confinement without being "duly" convicted. The word "duly" according to the Black's Law Dictionary means: in a proper manner; in accordance with legal requirements. (Black's Law Dictionary 10th Ed.). Because Christian Womack was prosecuted for crimes contrary to the proper procedures outlined in the Supreme Law—U.S. Constitution's Fifth Amendment's Grand Jury Clause, he was 'not' "duly convicted" for the crimes that he is committed to the custody of the FBOP for—constituting his imprisonment as forced confinement, in violation of his Fifth, Thirteenth, and Fourteenth Amendment rights.

B. The Government concedes to the crimes that were actually charged by the grand jury, which are not the crimes that are being utilized to restrain Christian Womack's body liberties.

Here, the government expressly stated in its recent pleadings that, the district court "is aware, the defendant was charged with sex trafficking of Minor 1 (Count One), and attempted sex trafficking of Person 2 and Person 3 (Counts Two and Three)." ⁴⁴

(1) Count 1 of the commitment order was not charged by way of indictment by the grand jury.

The commitment order's offenses that prisoner-Christian Womack is being confined under serving natural-life is as follows: "sex trafficking of a minor 'or' by force, 18 U.S.C. §1591 (Count 1)." In *Schad v. Arizona*, this Court expressed unequivocally that "we would not permit, for example, an indictment charging that the defendant assaulted either X on Tuesday, or Y on Wednesday."⁴⁵ Because the grand jury cannot indict a U.S. citizen in such a manner, and because

⁴⁴ Gov't's Resp. In Opp'n To Rule 11 Sanction Mot. at 2 (Appendix I)

⁴⁵ 501 U.S. 624 (1991)

C. On the facts of this case, the government cannot justify its restraints on the body of prisoner-Christian Womack, without a constitutional basis. None exists.

Commitment must be justified on the basis of a legitimate [Government] interest, and the reasons for committing a particular individual must be established in an appropriate proceeding. O'Conner v. Donaldson, 422 U.S. 563 (1975). Here, prisoner-Christian Womack was not afforded equal protection of the Grand Jury Clause, because he was committed to the custody of the FBOP for crimes that the grand jury did not indict him for; but all others so committed to the custody of the FBOP under a U.S. District Court commitment order were indicted on the crimes that they are being held for. Thus, prisoner-Christian Womack was denied equal protection of the law—Grand Jury Clause. And therefore, he has been deprived of his right of personal liberty without due process of the law. And because of that, the government cannot justify from a constitutional stand-point, its restraints on Christian Womack's body liberties. None exists.

III. Conclusion

More than a century after this Court's pronouncements that when a prisoner shows that he is held under a Federal Court, given without authority of law, he is entitled to immediate release. The government's inactions suggest that prisoner-Christian Womack is not one of "the people" that that principle applies to, which further suggests that he is not protected by the U.S. Constitution's Fifth, Thirteenth, and Fourteenth Amendments. For U.S. citizens, this case has a tremendous impact on their civil rights and civil liberties. Because, the government has conceded to the fact that prisoner-Christian Womack was not charged for the crimes that he is imprisoned for—clearly shows the government's disregard for the Supreme Law of our Country—the U.S. Constitution. And, for all of those reasons, Christian Womack asks this Court to grant a writ of habeas corpus, otherwise a writ of right, so that it can further set boundaries on the

rights of personal liberty—in the interest of both the public and justice.

Respectfully Submitted,

Dated: July 18, 2024

/s/ C. W-
Christian Dior Womack

Relief Requested

Based on the set of facts in this case, Christian Womack respectfully urges this Court to discharge him from the custody of the FBOP in the interest of justice.

Respectfully Submitted,

/s/ C. W.
Christian Dior Womack

Dated: July 18, 2024