

24-6129
No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
OCT 22 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re: JASON CLARK – PETITIONER

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Jason Clark

(Your Name)

P.O. # 8000

(Address)

Anthony N.M 88021
(Address)
(City, State, Zip Code)

(City, State, Zip Code)

(Phone Number)

ISSUE(S) PRESENTED

- 1) Can Petitioner be denied Categorical approach relief on his 18 USCS 924, enhanced sentence, under United States v. Taylor?
- 2) Can the US Attorney proceed in prosecution thru an 'assistant', and maintain adherence to Article II, sec. II, cl. II and 28 USC 547(1) requirements?
- 3) Can a State Case, simply "become federally prosecutable", without any evidentiary legal harm committed against the United States?

LIST OF PARTIES

All parties in the caption of the case in the cover page.

RELATED CASES

1) 1:22-CR-00374-KWR

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

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases of **federal courts**:

The opinion of the United States court of appeals appears at Appendix 1 to the petition and is:

NOT APPLICABLE
No completion as yet.

JURISDICTION

- For cases from **federal courts**:
- No petition for rehearing was timely filed in the lower Court case. Accordingly due to the lack of jurisdiction and the ability to enter a final judgment.
- The jurisdiction of this court is invoked under 28 U.S.C. section **28 USCS 1651**

REPRESENTATIVE COUNSEL

Under 18 USCS 3006A(c), Petitioner humbly request this honorable court appoint representative counsel, to argue these matters, as the US Constitution and statute at large, provides for.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Provisions at Contest:

- 1) Article VI supremacy clause
- 2) Article 1 Sec. 9, cl. 2
- 3) Article III Sec. 2, cl. 1.
- 4) Article III Sec 2. cl. 2
- 5) 4th, 5th, 6th, 8th, 10th and 14th Amendments.

Statutes at Contest:

- 1) 18 USCS 3041/3141; 924; 21 USCS 841(a)(1);
- 2) 28 USCS 519/ 547(1);

STATEMENT OF THE CASE

The Government lacked the necessary “Standing” to seek a criminal charge for a non-offense, federally speaking. A Federal criminal offense requires proof of an “evil-meaning mind” as well as “an evil-doing hand”, and that it be targeted towards the United States government itself. (See “Overruled” by Justice Neil Gorsuch and Janie Nietz) Undeterred, Federal Prosecutors proceeded to abrogate Constitutional Protections (denying New Mexico State its plenary police powers), violate Statutory Laws, evade Federal Rules of Criminal Procedure, and manufacture invalid Theories of Law.

Lacking 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 – collapsing the “Separation of Powers”. Functioning under the Color of Article II Authority the Executives pushed the Court to proceed ‘Ultra Vires’, in violation of traditional Art. III “Case” principles.

Invalid theories, which simply allege a State crime, enabled the Prosecution to commit to prison any individual targeted, defying the above mandate.

Petitioners relief is warranted in accordance with the rule of law. This requires an extraordinary remedy, hence the Writ of Mandamus request presented here to this court. “[E]very Federal appellate court has a special obligation to satisfy itself not only of it’s own jurisdiction, but also that of the lower courts in a cause under Review”. Even though the parties are prepared to concede it.” Mitchell v Marr, 293 US 237. Scalia citing in 523 US 95. This court holds jurisdiction under 28 USCS 1651.

For these reasons, Petitioner respectfully requests this Honorable Court grant Petitioner the Writ of Mandamus, ORDERING the District Court to issue a jurisdictional check as required under law. Then Establish the raised Subject Matter facts, as evident and warranting of declaring the lack of 18 USCS 3041/ 3231 jurisdiction, without violating the States 10th Amendment plenary police powers, and Article III "Case" principles.

RULE 20.2 STATEMENT

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda V. Arizona, 384 US 436 (1966):

Pursuant to Rule 20.2 and Rule 29(4)(a) a copy of this has been mailed to the Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave. N.W., Washington, D.C. 20530-0001.

GROUND FOR GRANTING THE PETITION

GROUND ONE: Petitioner is being detained and imprisoned in violation of the 18 USC 4001 which states: "(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." The following Grounds outline the 'Acts of Congress' (statutes, Procedures, Rules of Criminal Procedure) which were violated by the Government to trespass over Petitioner's Constitutional Rights, resulting in a Void Judgment, and the ongoing wrongful imprisonment of

Petitioner. Extraordinary Remedy is warranted. *Among Others, he is being detained in violation of 18 USCS 3041 authority, abrogating liberty Rights without 'offense against the United States.'*

The U.S. Government Prosecution lacked any cognizable basis ("Standing") to bring a 'Case' or to seek out a 'Controversy' in the legal affairs of a Private State citizen. Pursuant to F.R.Crim.P Rule 6(a)(1), ONLY "When the Public interest so requires, the Court must order that one or more Grand Juries be summoned." Clearly, there was no national Public interest in Petitioner's actions. In Petitioner's Case, the Government lacked a Legal, Regulatory interest in the affairs of Petitioner's lawful business activities. The Government lacked Standing as the record reveals, because Petitioner committed no "**Offense against the United States**," which is the event the Government must defeat to obtain legal authorization, pursuant to an 'Act of Congress,' and consistent with Article III, Section II, Cl.1.(see **18 USCS 3041**; Giordenello *supra*) In Petitioner's 'Case' the Government lacked in both Congressional and Constitutional authority to either investigate, prosecute or Convict the Petitioner. These was state matters only.

"Article III of the Constitution assigns to the Federal Judiciary the responsibility and power to adjudicate "Cases" and "Controversies", concrete disputes with consequences for the parties included." 603 U.S. ____ (2023) 7 (Loper opinion, June 2024) The United States never held a Federal public interest in these matters. Generally, "**Public interest** is too vague a standard to be left to **free-wheeling administrations**" like the DOJ. (See "Overruled" pg 77.) So, lacking, a Criminal complaint (Rule 3), No indictment could ever issue, and thus no federal legal arresting grounds ever existed. **18 USC 3001** states: "The Rules of Criminal Procedure Shall govern the Federal Criminal Process." Therefore, the lack of Criminal procedure impacts illegally, substantive liberty (and property) interests.

GROUND TWO: Petitioner is being imprisoned in violation of the Executive's failure to yield to Statutory Limitations to investigate and prosecute ONLY for "Offenses against the United States." The

Attorney General's investigative and prosecutor authorities are identified in 28 USC Sections 519, 528, 530(B), 530(C)(b)(4), 533(1), 543 and 547(1). Article II, sec. II, Cl. II is foundational, that a US Attorney MUST be vetted by the House, and Appointed by the President, in order to meet this requirement.

The Government's failures in Executive and Judicial 'Supervisory Authority,' oversight and management, permitted unauthorized intrusions into State Civil rights. Rights, protected under the 4th, 5th, 10th and 14th amendments. **"To ensure the "steady, upright and impartial administration of the Laws, "the Framers structured the Constitution to allow judges to exercise that judgment independent of influence from the political branches."** The Federalist 78 at 525

The Lower court holds a supervisory authority it is required to maintain; (See US v. McNabb) and an obligatory duty to remedy such violations when noted.

Accordingly, Petitioner could seek the writ of Habeas Corpus, which provides the expedient and Common law right to the Writ of Habeas Corpus. "The Writ of habeas corpus commands general recognition as the essential Remedy to safeguard a citizen against imprisonment by a State or Nation in violation of his constitutional Rights."

Footnote 3, citing Darr v. Burford, in US v Morgan, 346 vs 502.

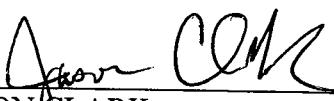
CONCLUSION

All facts reveal that the District Court of New Mexico exceeded its limited authority in only relying on 18 USCS 3231, without invoking 18 USCS 3041 personal jurisdictional authority. This created the manifest error's of law, which hereby continue to exacerbate Petitioner's illegal detainment. The local District Court continues to perpetuate Constitutional abrogations, by avoiding the issuance of the Constitutional Guarantee against such an illegal detention.

Accordingly: Mandamus must issue, Commanding the District Court to Issue a Jurisdictional Check as required.

The petition for a writ of Mandamus should be granted.

Respectfully submitted,



JASON CLARK
FPC La Tuna
PO BOX 8000
Anthony, NM

Date: 12/02/24

“Observance of the rule of law,” as Raz said, **“is necessary if the law is to respect human dignity,”** a respect that **“entails treating humans as persons capable of planning and plotting their future.”** (pg. 28 of Justice Gorsuch book, “Over Ruled”)