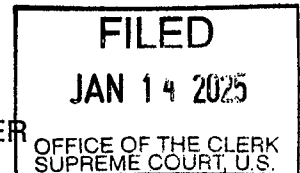


No. 24-6473

IN THE
SUPREME COURT OF THE UNITED STATES

Josnua Gunnar Olson — PETITIONER
(Your Name)



vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The EIGHTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Josnua Gunnar Olson
(Your Name)

13880 BUSINESS Center Drive North West
(Address)

Elk River, MN 55330
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. DID Congress Intend in creation of The Federal Magistrates Act of 1976 TO ALLOW Magistrates TO issue Final orders on competency?
2. For The purposes of Appointment, what Article OF The constitution provides Authority for The Senate to delegate A Federal magistrate to A Term in office 28 U.S.C 631?
3. For The purposes of The Federal Magistrate act, what category is competency precisely defined - Dispositive or non-dispositive?
4. What standard of review applies pre-Trial to government misconduct, of Evidence Intentionally Suppressed, to mislead and cover up material facts into A Federal Proceeding, the results of which conspires to unlawfully confine in violation of Laws of The constitution, and at what point does prejudice attach?

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Chronological order.

APPENDIX A - UNITED STATES COURT OF APPEALS OF THE EIGHTH CIRCUIT and all included and associated documents. U.S.A v. OLSON - 23-2500

APPENDIX B - UNITED STATES DISTRICT COURT OF MINNESOTA and all included and associated documents, U.S.A. v. OLSON 22-cr-00162-DSD-TNL

APPENDIX C State v. OLSON, Minnesota Supreme Court

A23-1864 - NO DOCUMENT AVAILABLE, discretionary review denied.

APPENDIX D State v. OLSON, Minnesota Court of Appeals

A24-0684 all documents included, chronologically.

APPENDIX E State v. OLSON, Tenth Judicial District Court of Anoka County

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APPENDIX F United States District Court of Minnesota - 22-cr-00162-DSD-1
Suppressed Evidence from A.V.S.A. - polachek 11-2022 / 01-2025

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 6th, 2024.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 04.17, 2024, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on 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. UNITED STATES COURT OF APPEALS for the Eighth Circuit - DOCKET # 23-2500
U.S.A. v. OLSON
2. UNITED STATES DISTRICT COURT OF MINNESOTA in the Eighth Circuit - DOCKET # 22-CR-00162-
DSD-1 U.S.A v. OLSON
3. Minnesota State Supreme Court, DOCKET # A23-1869 STATE v. OLSON
No documents -
4. Minnesota Court of Appeals, DOCKET # A24-0689 - STATE v. OLSON
5. STATE OF MINNESOTA v. Joshua Gunnar OLSON, DOCKET # 02-CR-22-3293,
02-CR-22-3294, 02-CR-22-3254

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Nguyen v. United States	539 U.S. 69, 186 L. Ed 2d 64, 123 S. Ct 2130
Gomez v. United States	490 U.S. 858, 104 L. Ed 2d 923 109 S. Ct 2237
United States v. Millard-Grasshorn	603 F.3d 492

STATUTES AND RULES

1. 28 U.S.C. 631-639 - FEDERAL MAGISTRATES ACT
2. 28 U.S.C. 1291
3. 18 U.S.C. 4241-4247 - Insanity, DEFENSE REFORM, ACT.
4. 18 U.S.C. 3161-3174 Speedy Trial Act
5. FED. R. Crim. P. 59

OTHER

It should be made known that Assistant United States Attorney Emily Anne Polachek has resigned and is no longer employed as an attorney in the United States Attorney Office, in the Federal District of Minnesota, and has transferred to another component of the Department of Justice as of Jan. 13, 2025.

STATEMENT OF THE CASE

1. On or about June 9th 2022, This petitioner was charged in The State of Minnesota for Robbery in the 1st degree, assault in the 2nd degree and Fleeing in a motor vehicle. The Petitioner demanded Speedy Trial, Trial was set for September 12th 2022. On the day of Trial, This petitioners appointed counsel conceded to The Trial court, That He believed This petitioner to be incompetent, Subverting This petitioners DEFENSE objectives of Speedy Trial. See Appendix G-1
2. On August 1st 2022, This petitioner was Arrested by The A.T.F, Special Agent Caleb Hoisington, and A.T.F Special Agent Kristofer Johnson. It now should be made known before this court and on the record, That This Special Agent Caleb Hoisington of The St. Paul A.T.F. Field Office, was in fact a previous co-worker employed with The same Local 10 Sheetmetal union out of Maplewood, Minnesota, and was in fact assigned and enrolled in The same Trade School in The same Homeroom and class instructor for approximately 2-3 years as This petitioner. See Appendix B.
3. Both cases proceeded Simultaneously and is Successive prosecution of The other involving The same common issues of fact in both Jurisdictions at The same time, in October of 2022 This petitioner was evaluated in The State of Minnesota case and an opinion issued Finding This petitioner competent and recommending The Trial proceed. See Appendix C-E.
4. In November of 2022, During consultations with counsel Glenn P. Bruder, This petitioner informed counsel, That This A.T.F Special Agent Caleb Hoisington was a Former co-worker and sought to remove his Agent from The case for Fear of government misconduct and Fabrication of evidence, and a actual conflict of interest, Counsel Formed The opinion That This petitioner was delusional, and The lost in capitulated client he has Represented in more than 35 years of practicing Law. Counsel then in November 14th 2022 Filed Motion requesting a competency evaluation under The provisions of 18 U.S.C 4241(a) of The Insanity defense Reform Act. See Appendix A. Magistrate Tony N. Leung granting order on competency.
5. In January of 2023, This petitioner was transferred to a Bureau of prisons facility of Sea-TAC in Seattle, Washington, to conduct a court ordered evaluation with a Dr. Ryan Nybo. WA License PY3700, Psy.D. During This evaluation, This petitioner informed This evaluator That Special agent Caleb Hoisington of The A.T.F. Field Office in St. Paul, Minnesota was in fact a Former co-worker and class mate, who This petitioner had a Personal Relationship with for approximately 2-3 years and Expressed to This evaluator, This petitioner Has grave concerns of government misconduct and evidence being Fabricated against This petitioner.

4. On March 24th 2023 This petitioner arrived BACK in Sherburne County located in Elk River, Minnesota.
- In April of 2023 This petitioner received a mental health report submitted on the record by the Department of Justice Forensic evaluator Dr. Ryan Nybo. Finding This petitioner incompetent, diagnosing a "delusion persecutory type disorder, due active delusions that this petitioner believed the government and Sherburne County Jail were in the furtherance of a predicate act and pattern to conspire to ensure a conviction against this petitioner, and that this petitioner believed the lead investigative agent on the case was a former co-worker, in verbatim of Dr. Ryan Nybo "that was not based in reality" and the Department of Justice claiming to have tangible evidence "too the contrary" corroborating in fact to support this diagnosis. This mental health evaluator further, recommending that with the right dose of psychotropic medication he could restore me too capacity. See appendix A & B.
5. On May 15, 2023 United States magistrate Tony N. Leung held a disposition hearing on competency, pursuant to 18 U.S.C. 4241(d). At this hearing this defendant counsel stated on the record that due to this petitioner accusing counsel of numerous ethical violations, involving unlawful dissemination of medical records unlawfully obtained used in furtherance of conspiring to influence this evaluator opinion on competency and breaching the ethical bounds of attorney client privilege, proffering information obtained in rendering official legal services, and in collusion with the United States attorney's office to stall the proceedings to further the interest of the government's case unlawfully confining this petitioner as a means to deviate from the application of speedy trial, defense counsel remaining silent forcing this defendant to represent himself.
6. During this hearing, this defendant was informed pursuant to 18 U.S.C. 4247(d) of his rights to present a defense, this defendant testified to the veracity of this special agent Caleb Haisington and his personal history and requested that court to issue subpoena under 18 U.S.C. 4247(d) to Dr. Ryan Nybo and for him to be required to produce evidence, the Department of Justice claims to be in possession of corroborating that this petitioner's statements were not based in reality, and for this special agent to appear and be required to testify under oath. This United States magistrate at the conclusion of this hearing finding me incompetent, ignoring my statutory right to present defense 18 U.S.C. 4247(d) and ordering a commitment for a period not to exceed 4 months under the Insanity Defense Reform Act 18 U.S.C. 4241(d) preponderance of the evidence. - See transcripts, and conclusions of Law Appendix A.
7. Objections followed and this petitioner filed timely notice of appeal, under collateral order exception to United States' court of appeals, See Appendix A.
10. This petitioner was appointed the same attorney on appeal, Glenn P. Bruder, this attorney withdrew and this petitioner was appointed substitute counsel

- This petitioner filed several motions in the district court and the appellate court seeking a stay pending appeal, all motions were denied in order. This petitioner was appointed substitute counsel Steven R. Morrison who immediately moved to withdraw, stating claim was meritless, and was posing in appointment and filed Anders brief, Anders was denied and counsel directed to file brief on the merits. This petitioner filed a pro-se supplemental brief, raising the issues regarding errors in the trial court, the appellate court responded in a merits question posing two auxiliary questions directing briefs from both parties, 1. Do magistrates have the authority to issue final orders on competency, and if so, what is the proper standard of review. - see Appendix A.
- Counsel briefed the issue, on whether competency is dispositive or non-dispositive and whether the Eighth Circuit or the Supreme Court has ever addressed such question, stating that competency ought to be dispositive and relief afforded. See United States Court of Appeals Docket 23-2500
3. On May 6th 2024 the appellate court issuing a per curiam order denying review of this jurisdictional issue, stating such error was forfeited, stating that plain error does not apply as this petitioner and counsel had forfeited such error of whether the United States magistrate judge had jurisdiction and lawful authority to decide the issue presented, even though subject matter jurisdiction can never be waived. See Appendix A.
1. This petitioner filed timely pro-se petition for rehearing and rehearing en banc after counsel of record was allowed to withdraw, requesting full court review due to the national importance of that court addressing such question being as all 13 circuits are undecided on this question addressed and the United States Supreme Court has never answered such issue. See Appendix A.
- On October 17th 2024 the appellate court denying this petitioner's petition for rehearing and request for en banc review, on October 24th 2024 the mandate issued. See Appendix A.
- After the May 15, 2023 disposition on competency, the United States magistrate ordered this petitioner committed for a period not to exceed 4 months, this petitioner appealed to the United States Court of Appeals 23-2500. This petitioner filed several motions in the district court and the United States Court of Appeals seeking a stay, all motions were denied. This petitioner sat 7 months in pre-hospitalization confinement awaiting transportation to competency restoration 18 U.S.C. 4241(a) violating this petitioner's due process and rights under Speedy Trial 18 U.S.C. 3161(c)(1) and (H)(F).

1.) This Petitioner was transferred TO DEVEN, MASSACHUSETTS bureau OF PRISONS facility to complete competency restoration with [a] Dr. Miriam Kissin. During this evaluation this petitioner was guarded in testimony and was posed with the question regarding the A.T.F. Special Agent Caleb Hoisington. This petitioner in grave concern did not provide any additional information about this Special Agent, in fear the Department of Justice would render fabricated evidence in this evaluation intentionally misdiagnosing this petitioner incompetent and unrestorable to cover up Dr. Ryan Nybo Fictitious report's, authoring an intentional omission of fabricated evidence with the intent to mislead and cover up material facts of government misconduct, claiming to have tangible evidence "to the contrary" that proves Special Agent Caleb Hoisington is not who this petitioner has identified him to be, and that this petitioner's identifications and statements are delusional. See Appendix B.

While at competency restoration, this petitioner had ongoing successive litigation in the State of Minnesota where in October of 2022 this petitioner was found competent, and did not reach a actual hearing on competency until November of 2023. This petitioner state counsel during consultations in May of 2023 discussed aspects of this petitioner's Federal proceedings and provided information on the May 15 2023 disposition on competency, to which the State counsel was unaware, this petitioner again informing counsel of his objectives on Speedy Trial. Counsel then the next day proffered this information in a unethical Ex-parte Socializing communication with the country Attorney, in the furtherance to fabricate evidence that this petitioner is incompetent again, in a email exchange where there existed no genuine reason in reality after a finding of competence to re doubt this petitioner's actual competence. And counsel did so in collusion of a unprofessional Ex-parte communication with the State of Minnesota to prevent my right to Speedy Trial, See Appendix E.

4. In November of 2023, this petitioner had a status hearing on competency review in State v. Olson 62-Cr-22-3259 in the Tenth Judicial District for the County of Anoka. At this hearing, this petitioner was to address the report finding him competent in October of 2022 and proceed to trial. During this hearing in front of District Court Judge Melissa Saterbak, this petitioner attorney proffered evidence of the Federal order on competency and requested to adopt its May 15 2023 order on competency as evidence, that this petitioner in November of 2023 was now still incompetent, requesting the court order a updated evaluation. This petitioner vehemently objection and demanded that court proceed to finality on the first competency report and opinion finding me competent. This court ordered a evaluation be updated and stated a judicial conclusion of Law and Order would be submitted.

in fact District court Judge Melissa Saterbak, drafted and enlisted the assistance of drafting such judicial opinion on the merits, and requested this petitioner's counsel write up the order finding reasonable cause existed that this petitioner's competency is in doubt, and would directly inhibit or prevent this petitioner from understanding these proceedings and assisting counsel. Counsel of record, Carol Comp of the 10th Judicial District Board of Public Defense, created the actual conclusion of law as if the District court Judge wrote it, then forwarded it to the District court Judge to obtain a signature validating such document, see emails in appendix E from Carol Comp.

20. This petitioner filed a writ of prohibition to prevent this unlawful exercise of jurisdiction. See *State v. Olson*, in the Minnesota court of Appeals, Docket A23-1869, no order included. Further Minnesota state Supreme court in A23-1869 denying discretionary review.

21. In April of 2024, competency restoration this petitioner filed a writ of mandamus to the Appellate court, seeking premonitory to command a judicial act to proceed with the lawful discharge of District court Judge Melissa Saterbak duties and seek review of this interlocutory order. In July of 2024 a Special Term opinion issued, denying review, because this petitioner did not properly forward the record on appeal, and because this petitioner did not file any motion on competency to justify an order as required by Rule. This petitioner filed request for transcripts 7 times on the record as recorded in the registrar of action, to forward the record on appeal, the District court extrinsically denying all request intentionally preventing the record be forwarded on review. See Appendix D.

22. On August 1st 2024, this petitioner was found competent in the State of Minnesota, case - *State v. Olson* in the Tenth Judicial District court, in the county of Anoka, 02-cr-22-3259, 02-cr-22-2849, 02-cr-22-3293, 02-cr-22-3294, by District court Judge Cunningham JR. The trial was set to proceed. This case was delayed for over 27 months in violation of the Federal constitution's vi amendment. That court on September of 2024, filed a memorandum of law, interposing the State's sovereignty, ruling that Federal court rulings on the constitutional issues of speedy trial are persuasive authority and not binding on that court. Denying this petitioner relief, and continuing in malicious prosecution to unlawfully confine this petitioner in violation against the Supremacy of the Constitution. See Appendix E.

3. On April 20th, 2024, this petitioner completed competency restoration and was transferred back to the Sherburne county Jail. On May 31 2024 this petitioner received a forensic report and certificate of competency, certifying that this petitioner was found competent.

Pursuant to 18 U.S.C. 4241(e), pursuant to the provisions of the Insanity Defense Reform Act of Section 4241(e), this court was to immediately hold a hearing on competency after the clerk of court received such certificate of competency restoration. It has been 8 months this petitioner is still under the Insanity Defense Reform Act's 4 month statutory limitation on commitment 18 U.S.C. 4241(d) now surpassing 21 months held in confinement under commitment in which this petitioner has been certified restored under temporary jurisdiction of the Attorney General for a period not to exceed 4 months 18 U.S.C. 4241(d). This petitioner has recently appealed such unlawful confinement, see United States Court of Appeals 8th Circuit Docket # 14-3624. See Appendix B.

In forensic health report authored by the Department of Justice's forensic evaluator, Dr. Miriam Kissin, authors a opinion finding this petitioner competent, because this petitioner did not include his misperception regarding the Special Agent Caleb Hoisington and that this petitioner was incorrectly stating this Special Agent was a former co-worker and classmate as this petitioner employed through local 10 Sheetmetal union in Maplewood, Minnesota, which resulted in a intentional misdiagnosis of incompetency in furtherance to unlawfully confine this petitioner. See Appendix B.

6. In November of 2025, this petitioners appointed counsel in United States District Court case 22-cr-00162 engaged in discovery obligations regarding forensic health reports authored and submitted by

1. Dr. Ryan Nybo and Dr. Miriam Kissin. This appointed counsel engaged in discovery negotiations with Assistant United States Attorney Emily Anne Polachek, pursuant to the governments obligation in Federal Rules of Criminal Procedure Rule 16 (F) and (G). The United States Attorney's Office responded, attempting to threaten and intimidate this petitioner with civil commitment proceedings if counsel continued to seek discovery and call the forensic evaluators as witness at any hearing on competency.

7. Counsel sought any and all information from the Assistant United States Attorney regarding evidence the Department of Justice claimed to be in possession of to support the findings, that this petitioners is delusional and that Special Agent Caleb Hoisington was not a former co-worker. The A.U.S.A. - Polachek, stating in emails, now acknowledging counsel requests, stated such evidence or information was not in her possession and such situation was no longer in her control. See Appendix B. Disclosure emails. 9-2025/present.

18. Counsel then obtained a round of disclosures, included was a Special Report and Declaration of Truth from Alcohol, Tobacco and Firearms, Department of Justice Special Agent - Caleb Hoisington submitted as incorrect and correct type on BATES Discovery - Dated December 5th 2024, this report was authored and adopted on December 5th 2022. This report is a Declaration of Truth authored by Special Agent Caleb Hoisington in admission corroborating this petitioners assertions identifying Special Agent Caleb Hoisington as a former co-worker and classmate in the same local union for approximately 2-3 years.

29. Assistant United States Attorney - Emily Anne Polachek admitted in her emails and disclosures to OF obtaining such reports on December 5th 2022, but admits that she didn't include such report in the Bates Discovery portal, because Special Agent Caleb H. Basington did not commission a signature. This attorney for the government did not disclose this exculpatory evidence until threatened with legal action in and on December 5th 2024. This Assistant United States Attorney in the furtherance to unlawfully confine this petitioner by intentionally suppressing such exonerating evidence with the intent to cover up and introduce false information in the United States District Court case to further the administration of government misconduct with the predicate act in mind to aide in obtaining such fabricated forensic mental health diagnosis, to intentionally seek an unlawful commitment to confine and deprive this petitioner of due process of law and the right to speedy trial prejudicing this petitioner where in fact no lawful cause of action existed establishing such prima facie evidence, that the underlying action was without foundation entitling this petitioner to relief. See Appendix B.

30. This Assistant United States Attorney having in her possession exculpatory evidence favorable to the defense which if disclosed would of had a different result at the hearing on competency. This Assistant United States Attorney having had this material evidence in her actual possession since December of 2022, but failed to include this information in her January 2023 discovery to Dr. Ryan Nybo, which resulted in a incompetence diagnosis not supported by any evidence. See Appendix B.

31. This petitioner presented testimony during the hearing on competency regarding forensic psychologist Dr. Ryan Nybo's unfounded opinion, and requesting the court to allow this petitioner to subpoena witness in his defense pursuant to 18 U.S.C. 4247(d), this petitioner contested such finding providing truthful information that factually disproves such finding on incompetence while the Assistant United States Attorney had in fact in her possession evidence the entire time such evidence that proves this petitioner was competent, but did not inform that court during this hearing and suppressed the evidence with the intent to mislead this court.

32. This Assistant United States Attorney having such actual evidence in her possession, continued to misrepresent the law and fact intentionally in her pleadings to the United States Court of Appeals for the 8th circuit in a merits, supporting the Department of Justice's forensic mental health reports, while knowing such information to be false.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- . Insanity Defense reform Act of 1984 in Title 18 U.S.C 4241-4247
- . United States Constitution V amendment due process clause
- . United States Constitution VI amendment, right to compulsory process, effective assistance of counsel, Right to a Speedy Trial.
- . The Federal Magistrates Act of 1976 titled 28 United States Code, Section 631-639
- . United States Constitution XIV amendment Sec. 1, Sec. 5.

REASONS FOR GRANTING THE PETITION

Reasons for granting this petition exist, as to this novel question of constitution and national concern. This court and every circuit in the United States is undecided in conformity on the subject of whether competency is a categorical claim of finality in that it would have a definition in rule of law to define its claim either dispositive or non-dispositive, and if so whether United States magistrate judge have jurisdiction competent to rule in finality. The United States court of Appeals for the Eighth circuit has never decided this issue, and is split in context, see *United States v. Millard-Grasshorn* 609 F.3d 492, Id at 496* and in fact the appellate court of the eighth circuit raised that very question of jurisdiction, see appendix A, at order dated Jan, 25, 2024 directing brief on these question at *Millard-Grasshorn* supra.

2. The Supreme court rule 10, reads verbatim (c) a state court or a United States court of Appeals has decided an important question of Federal Law that has not been, but should be, settled by this court, or has decided an important Federal question in a way that conflicts with relevant decisions of this court. The United States court of Appeals erred as a matter of law to statutory standing, in per curiam opinion of this court authoritating a preclusion of relief to this petitioner's presentment, improperly deciding a question of Federal Law inconsistent with several decisions of this court, applying a standard of review on error not objected to in the first instance. whereas a statutory violation of jurisdiction to resolve a claim on the merits, could be remedied as plain error, and subject matter categorized as a deviation from a legal rule review, stating this petitioner forfeits the right of that court's authority to act in the first place. This court has clarified its administration in quorum of jurisdiction first. This court has said in *Nguyen v. United States*, 539 U.S. 69, 156 L. Ed 2d 64, 123 S. Ct 2130, that a judge improperly designated is without lawful authority, and plain error does not apply, for to ignore a violation would incorrectly suggest that some action (or inaction) on the defendants part could have, created authority which Congress had quite carefully withheld in legislation, in violation of a statutory provision that embodies a strong policy concerning the proper administration of judicial business, even though the defect was not timely raised.

Reasons for granting the petition

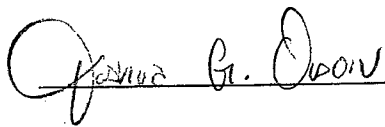
This court should grant this petitioner review as it was done so in previous holdings, where it used it term of review to decide questions of jurisdiction concerning proper administration of the courts adjudicatory power in the office of the federal magistrate, and used such review to decide an open important question of law, and whether the claim pending before the court is dispositive or non-dispositive for purpose of the federal magistrate Act of 1976. See this court in *Gomez v. United States* 490 U.S. 858 104 L. Ed. 2d 923, 109 S. Ct 2237. Id at *490 U.S. 873-874. The decision of the court of Appeals conflicts extrinsically on this federal question already deciding questions of jurisdiction, even when accused presents an objection in a *Hayes* case, but without meaningful review by a federal district court judge, even for the purposes of this undecided question when a magistrate exceeds his jurisdiction such an error can never be harmless, even where the accused assigns no specific prejudice, *Nguyen supra*, has holding even where no objection is present, that the absence of objection in the lower court, the defendants failure to raise the issue, cannot give content where congress has not legislated. *Nguyen* speaks broadly where federal courts cannot subvert their obligation to assess trial courts obligations for prejudice *supra*. In *Gomez* Id at 876, this court, thought clear "equally basic is a defendants right to have all critical stages of a criminal trial conducted by a person with jurisdiction to preside. Such questionable undecisiveness has left this petitioner in a environment with no definable end date in sight and a constant forced relationship with appointed counsel who don't want to be present, and using a position of representation to brotize the sensitive nature of this petitioner potential freedom by subverting their assistance in opposing ways.

This petitioner is perplexed in legal contemplation of security on the future of this Judicature, as to allow this prejudice to continue is a unjust penalty in violation unlawfully confining this defendant without actual foundation and a intentional fabrication of misconduct resulting in a failure to assess this error. This petitioner ask that these questions be contemplated and provides upon the record facts made known before those courts, that review be had and that if the writ be granted, such error with prejudice be discharged. It is explicit, if the magistrate judge is designated to hear and determine claims pursuant to a provision of law, the statutory implication are present, whether judicial discretion is actionable where no statutory standing relies pursuant to a commission of office in which the authority originates, the magistrate judge lacks the ability to conclude a ruling on the issue, this petitioners consent cannot be said, that it would grant denominational proposition to decide and adjudicate the merits of a substantive claim on competency, in the limitations of authority that would otherwise be without lawful jurisdiction while recognizing the right to speedy disposition as the VI amendments proscribes.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 _____

Date: 1-14-2025