24-6726

UNITED STATES SUPREME COURT

In re: Jason Krumback (prose)

Petitioner, * CIV NO USAP 8-No 24-2254

v. *

EMERGANCY

Kellie Wasko, Sect. of South * **WRIT OF CERTORIARI**

Dakota Dept. Corr; Marty Jackley,

Attorney General of South Dakota

Respondents

ORIGINAL

United States Court of Appeal

8th Circuit court of appeals

316 N. Roberts Street, 500 Fed Bldg.

St Paul MN 55101

United States Court

District of South Dakota

Southern Division

400 S. Phillps Ave rm 228

Sioux Falls, SD. 57104

QUESTIONS

Petitioner, Jason Krumback (prose) submits the following questions of law under **28 U.S.C.A. section 1331.**

1. Can a person be a witness after sentencing?
2. Can testimony be withheld after it has been given?
3. Is a probation condition evidence?
4. Is a "no-contact order" evidence?
5. Must a court screen a petition of habeas corpus under **rule 4 of habeas 2254 cases?**
6. Must a court only consider the court record of that are addressed in the petition of habeas corpus under **rule 5(c)-(d) of habeas 2254 cases?**
7. Must a court rule on the merits?
8. Is a wrongful conviction, also known as innocence?
9. Is exhaustion procedural default?
10. Is procedural default excused under actual innocence?

PARTIES

1) South Dakota Federal District Court.

2) United States 8th Circuit Court of Appeals.

RELATED CASES:

State v. Krumback, Cr22-3305

Krumback v. Reyas, 4:23-cv-04155 (federal Court Case)

Krumback v. Bittinger, 24-2254 (Appeal Case)

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UNITED STATES SUPREME COURT

In re Jason Krumback (ProSe)

Petitioner, *

CIV NO: USAPS NO 24-2254

v. *

EMERGANCY WRIT OF

Kellie Wasko, Sect. of South * CERTIORARI

Dakota Dept. Corr. Marty Jackley,

South Dakota Attorney General.

IT COMES NOW: Petitioner, Jason Krumback (prose) respectfully submits the above captioned action, Emergency Writ of Certiorari pursuant to **Fed. R. Civ. Proc. Rule 87** under the jurisdiction of **28 U.S.C.A.** section **1254(1).**

The matter brings fourth the 8th circuit Court of Appeals in addition to the South Dakota Federal District Court not ruling on the merits of a Writ Of habeas Corpus pursuant to **28 U.S.C.A** section **2254(e) (2) (b).**

Petitioner respectfully prays the Writ of Certiorari issue the review of the judgments below:

DISTRICT COURT JUDGMENT,

The judgment of the South Dakota District Court in fact, never recited or addressed one merit of constitutional claims within the writ of habeas corpus.

JUDGMENT OF COURT OF APPEAL,

The judgment of the 8th circuit court of appeals, failed to rule on the merits of the abuse of discretion of the District court.

The denial of the panel rehearing is not ruled upon the merits of the overlooked claims within the Petition for panel rehearing.

JURISDICTION

Date of the Federal Court Judgment of May 2024, under the jurisdiction of 28 U.S.C. 1391.

Date of Court of Appeal Judgment October 4, 2024, under the jurisdiction of 28 U.S.C 1291

Date of court of the Petition for Panel Rehearing judgment- November 20, 2024.

As this writ of certiorari is filed under rule 11 of this court

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

The constitutional and statutory provisions that establish the frame work with the 8th circuit court of appeals must operate ensuring that the action by the Court's administration entitles the remanding of the action of the court.

The state law in question **SDCL 22-11-19** is an historic restriction that all parties must refrain from tipping the scales in their favor by obstructing the proceeding. However, the case before the court is not the law's purpose at all; in fact the matter of **Cr 21-8125** was never obstructed at any point during the proceedings. By the combination of both parties not reviewing the petition or the sole evidence of court record is of great concern. The "plain error that affects substantial rights may be considered even though it was not brought to the court attention, (see FRCP **rule 52)** "as the legal questions presented under **28 U.S.C. 1331** were not settled as the plain error within the governing **rule 4 of habeas corpus and rule 5(c)-(d)** the government's plain error review as long as the error was plain at the time of the appellant court review" (see **HENDERSON V. UNITED STATES, 568 U.S. 266, 133 S. Ct. 1121, 185 L. Ed. 2d 85 (2013)** as the appellant court had the matter for over five (5) months, and never answered the presented questions that this court can answer in a very short period of time.

The fact the 8th Circuit Court of Appeals failed to rule on the merits of the request for COA, in addition failing to rule on the merits within the writ of habeas corpus which is required under the 14th amendment of the United States Constitution.

The fact the 8th circuit Court of appeals failed to screen the petition and the request for COA under the frame work of **rule 4 of habeas 2254 cases**. This failure is outlined by the fact the challenged mater is found on page two (2) of **Cr22-3305,** and yet the appeal court failed to conduct the defined limits of the statutory of **rule 4 of habeas 2254 cases** provisions.

The fact the 8th Circuit court failed to invoke the statutory provisions of rule 5 (c)-(d) of habeas 2254 cases which prohibits respondents and appellee' from introducing irrelevant files that do not attend to the cognizable claims (**COLMAN V JEFERYS, 8:24-CV-454 8TH CIRC. (2024) (NEB).**

The fact the 8th Circuit Court failed to review the petition, nor the arguments presented in the appeal, nor invoke that the irrelevant matters did not contend to the cognizable claims presented in the petition is the sole reason the court failed to rule on the filed personal recognizes bond brought under **FRAP rule 23(c)** which brought the merits within the appeal that undoubtedly sustains the evidence of the district court's abuse of discretion as well as the merits of the wrongful conviction which suggest the "release of the body" is justified. In addition to failing to rule on

the change of custody where release is sought brought under FRAP 23(b) which as seen in the filed motion, the court should consider the irreparable harms if failing to award.

It's obvious that that the appeal court's plain error by never reviewing the challenged matter within the petition nor reviewing the court record that pertains to the cognizable claims. The judgments clearly indicate that the appeal court never reviewed the merits with in the appeal nor the petition for panel rehearing by intentionally refusing to look at any filed document as if done; the judgments would address the claim which is not apparent with the judgments.

These judgments cannot stand as valid, as they open the door for an innocent person to be held against their will in violation of their constitutional right which would conflict with the ends of justice.

CITATIONS

"plea would be invalid" BOUSELY V. UNITED STATES , 523 U.S. 614, 118(1998)

"In light of the evidence" SCHULP V. DELO, 513 U.S. 29, 102 S. Ct. 2616 (1995)

"factual innocence is actual innocence" BOUSELY V. UNITED STATES , 523 U.S. 614, 118(1998)

"legal innocence" SMITH V MURRARY, 477 U.S. 106 S. Ct. at 2661 (1986),

"not available before the plea" JOHNSON V. NORRIS, 170 F.3d 816, 818 8th circ. (1999)

EXHAUSTION

STICKLAND V. WASHINGTON, 466 U.S. 668, 685 (1984)

WOODFORD V. NGO, 598 U.S. 81, 126 S. Ct 2378(2006).

COA

SLACK V. McDANIEL, 529 U.S. 473, 484-85, 120 S. CT. 1595, 146 L. Ed. 2d 542 (2000)

"constitutional errors that resulted in one who is innocent"

SCHULP V. DELO, 513 U.S. 298, 115 S. Ct 851,165 L. Ed. 2D 808 (1995),

MURRARY V. CARRIER, 477 U.S. 478, 106 S. Ct. 2638 L. Ed. 3d 397 (1986)

CASE STATEMENT

The case before the court is an absolutely outline of a miscarriage of justice. The fact that both the District court having the matter for eight (8) months without ruling on the merits of constitutional violations that undoubtedly resulted in one who is innocence, in addition to not screening the writ of habeas corpus as required by rules of habeas corpus cases, as well as the 8th Circuit Court of Appeals. The fact, the district court, and the court of appeals failed to answer the presented simple questions under **28 U.S.C 1331** that obviously testimony cannot be withheld after it's been given, nor that a "no-contact order" is not evidence that can be withheld from a court proceeding, or a person is not a witness after sentencing, or that a probation condition is not evidence that can be withheld, and yet the district as long with the appeal court never reviewed or answers the obvious questions.

The fact Petitioner presented historic rulings of this court that a court must rule on the merits, and that exhaustion is given the separate name of procedural default as factual innocence is actual innocence which is waives procedural default examination, a the fact the appeal court dismissed the matter without ruling that a COA must be issued when a district court dismisses a petition due to a procedural doctrine without ruling on the merits. The fact the appeal for COA and the Petition for Panel Rehearing both address this court's historic rulings, and yet both courts

intentionally failed to uphold the rulings. The fact when Mr. Krumback asked the appeal court why the matter was dismissed without ruling on the merits the case manager informed him it was the volume of the case files, which is a very alarming concern as he filed a motion to remove the irrelevant cases under **5(c)-(d) rules of habeas 2254 cases**; however, the court dismissed the motion as well. This example the appeal court would rather attend to injustice matters instead of ensuring no person his held in violation of a constitutional violation due to an illegal process.

The case before the court is a simple review, and an easy conclusion that the courts failed to uphold its duty to impair the great writ's purpose as seen in the argument. Obviously to be properly convicted of the underlying offence, Mr. Krumback must have been in an official proceeding; however, the reliable evidence of hearing transcripts reflects Mr. Krumback was not, and his conduct was legal as all he did was contacted his then wife to work together and try to stop the unwanted government invasion into the private realm of their bedroom as is a forbidden realm, all in order to remain married.

Can this court allow a person to be held in violation of expressions of 1st amendment rights? Can this court allow a person to be held in prisoned due to an illegal process? Obviously not, as it would open the door for constitutional violations to result in an illegal conviction a concept that upsets the sole corner stone of the criminal system entirely.

ARGUMENT

South Dakota's codified law (SDCL) of "Witness Tampering" pursuant to **SDCL 22-11-19**'s essential element "proceeding" by definition of "a process of appearing before a court so that decision can be made about an argument of a legal claim" (quoting: Webster's Dictionary) ensures that the proceedings are equally protected.

The hearing transcripts of the plea hearing of the challenged matter in **CR 22 -3305** reflect the testimony of the court officers establish: "Mr. Krumback was **sentenced** (adjudicated) on April 8th 2022, and you (court) ordered (decision made) (state), **(H.T. page 15 line 20-22)**, "Mr. Krumback, do you agree **after** I sentenced you" (court) **(H.T. page 17, line 22),** as "Mr. Krumback left the court room and soon **thereafter**" (state) **(H.T. page 23 line 2015-16)**, "getting to the sentencing" **(H.T. page 28 line 24)** which clearly establishes that "neither defendant, nor his counsel, nor the trail court correctly understood the essential element (proceeding) of the crime charged, defendant's guilty plea would be **invalid**" (quoting: **BOUSELY V. UNITED STATES , 523 U.S. 614, 118(1998)**

"In light of the evidence" (quoting: **SCHULP V. DELO, 513 U.S. 29, 102 S. Ct. 2616 (1995)** of the hearing transcripts "that were not available before the plea" (quoting: **JOHNSON V. NORRIS, 170 F.3d 816, 818 8th circ. (1999)** show "factual

properly is given their separate name of procedural default" (quoting: **WOODFORD V. NGO, 598 U.S. 81, 126 S. Ct 2378(2006).**

By the appeal court not upholding "when a district court denies a habeas corpus petition on a procedural ground without reaching the petitioner claim, a COA should issue when a prisoner shows at least that a jurist of reason would find it debatable whether petition states a claim of denial of a constitutional right" (quoting: **SLACK V. McDANIEL, 529 U.S. 473, 484-85, 120 S.CT.1595, 146 L. Ed. 2d 542 (2000)** which ruling's application is absolutely proper to the matter, as the District court denied the petition on the procedural ground of exhaustion without reaching the merits of the constitutional claims of: Ineffective assistance of counsel under the 6th amendment violation, by failing to object to the factual bases assessment, as said performance completely fell below any reasonable standard of ethical deficiency as a few words into the address the wrongful conviction was established which caused prejudicial injury as without the error the outcome would have been different. Counsel's failure to investigate the communication of the (dismissed) 22 counts of **SDCL 25-10-13** that feel outside the law's purpose (see: **STATE V. HAUGE, 1996 SD 48)** as detailed within the writ of habeas corpus. Counsel's failure to defend his client as counsel in fact knew his client was innocence and being wrongfully convicted by his own testimony "getting to the sentencing" **(H.T. page 28 line 24)** which failures establish the "claim that counsel assistance was

innocence is actual innocence"(quoting: **BOUSELY V. UNITED STATES , 523 U.S. 614, 118(1998)** as Mr. Krumback must in **FACT** be in an official proceeding under the underlying offence to be a valid conviction, and not legally innocence as "legal innocence contends to an alleged error at sentencing as the constitutional error neither the alleged constitutional error neither precluded the duly of true facts nor resulted in the admission of false ones" (quoting: **SMITH V MURRARY, 477 U.S. 106 S. Ct. at 2661 (1986)**, which contends that Mr. Krumback is not legally innocence as the constitutional errors that presented the false facts that Mr. Krumback was not in any official proceeding as the constitutional errors occurred at the time of the plea and not at sentencing. This evidence reflects the presented questions were not answered or reviewed as the parties never recited their facts or conclusions upon the evidence.

This court ruled "factual innocence is actual innocence" (quoting: **BOUSLEY V.UNITED STATES, 523 U.S. 614, 118 (1998)**, which invokes: **STICKLAND V. WASHINGTON, 466 U.S. 668, 685 (1984)** (Failure to exhaust state remedies may not be a absoluter bar to appellant consideration on the merits) **HERRERA V. COLLINS, 506 U.S. 390, 505 (1993)** (Petitioner must pass to have otherwise barred constitutional claim considered on the merits) (quoting: **McQUIGGIN V. PERKINS, 569 U.S. 383, 133 (2013)** (actual innocence should open reach of the procedural barred claims) as "the sanction for failing to exhaust state remedies,

so defective as the require a conviction to be reversed" (quoting: **STRICKLAND V. WASHINGTON, 466 U.S. 668, 684(1884),** The constitutional claim of "prosecutorial misconduct under the 14th amendment violation, by the interference into counsel's ability to defend his client (see: **GEDES V. UNITED STATES, 425 U.S. 580, 96 S. Ct. 1330 (1976)**)in addition to the malicious prosecution under the 4th amendment under the finding in **HECK V. HUMPHREY, 512 U.S. 477,144 S. Ct. 2364 L. Ed. 2d 383 (1984),** as detailed within the petition, in addition to the judicial abuse of discretion under the 6th and 14th amendment violations, by accepting a plea when the factual bases had not established the evidence of the essential element of the underlying offence as detailed within the petition of habeas corpus. There is no possible contradicting argument that without the constitutional errors no fact finder would have been able to find Mr. Krumback guilty of the offence of Witness Tampering pursuant to **SDCL 22-11-19** without question as Mr. Krumback must be "each and every element of the crime charge" (quoting: **BAKER V. UNITED STATES, 397 f.3d 790, 797 8th circ. (2004)** thus, Mr. Krumback is wrongfully convicted due to an illegal process in violation of his constitutional rights. The fact the appellant court intentionally refused to uphold the historic ruling that a COA shall be issued under the instruction, suggest to the court the award as sought is warranted without question.

The fact the Appellant court had the matter for 5 months with an addition 3 weeks for the Petition for Panel rehearing, and yet never screened **(see rule 4 of habeas 2254 cases)** the Petition or habeas corpus as on page 2 of the writ reflect the challenged matter is **Cr22-3305** as it clearly states that Mr. Krumback relied upon the court file. This as the court's de vono review of the hearing transcripts of the matter contends that Mr. Krumback is in fact, wrongfully convicted of the underlying offence without question. To address the appeal court not reviewing the hearing transcripts is seen as on page 16 of the transcripts of the factual bases the court can see the lower court's concern was a modification to a probation condition which invokes "if a court accepts a guilty plea based on a set of facts that plainly and obviously does not constitute a crime, but nonetheless determines that the defendant conduct did violate a crime, then there has been a violation of procedure scheme pleas designed to ensure a knowing and voluntary plea; such a claim may be reviewed for plain error." (Quoting: **UNITED STATES V. CHRISTENSON, 653 F.3d 697 8TH CIRC. 2011)**

The fact the appellant court failed to uphold the rule 5 of habeas 2254 cases as the dismissal of the matter was due to the "volume of the cases" as the District court sent nine irrelevant cases (see: **Cr21- 1113, 5588, 5613, 5730, 5760, 5767, 8125, Cr22-575, 3641, 8407,** and **Cr23-5835**) as these files are not the cognized claims in the petition of habeas corpus, yet the appeal court failed to invoke the

established laws that are put in place to prevent irrelevant matters that were not the claims of the "constitutional errors that resulted in one who is innocent" (quoting: **SCHULP V. DELO, 513 U.S. 298, 115 S. Ct 851,165 L. Ed. 2D 808 (1995), MURRARY V. CARRIER, 477 U.S. 478, 106 S. Ct. 2638 L. Ed. 3d 397 (1986)** which act is alarming as Mr. Krumback in fact filed a motion to remove the files as to rule on the files would be a "significantly important factor" (quoting: **GENERL MOTORS COMP. V. HARRY BROWN'S LLC., 563 f.3D 312 8TH CIRC. (1984)** of abuse of discretion; however, the appeal court in fact ruled without removing the files which is again a "error of law" (quoting: **GREISER V. MISSIOURI ETHIC COMP. 715 f.3D 674 8TH CIRC. (2013)** of **rule 5 (c)-(d) of habeas 2254 cases.**

It is a disgusting display of injustice for an appeal court to dismiss a matter of such extreme importance that a process that "incarcerated under a procedure which creates an impermissibly large risk that the innocent will be convicted", (quoting: **TEAGUE V. LANE, 489 U.S. 288, 109 S. Ct. 1060, 103 L. Ed. 2d 334 quoting: DESIST V. UNITED STATES 394 U.S. 244, 262 ,89 S. Ct. 1030, 1040 22 L. Ed. 2d 248 (1969)** as the sole purpose of the great writ as "there no more higher duty than to maintain it unimpaired" (quoting: **BROWN V. JOHNSON, 306 U.S. 19, 26,59, S. Ct. 442, 446, 83 L. Ed. 455 (1939)** as the "vehicle of injustice" (quoting **MIF REALTY LP V. ROCHESTER, 92 F.3d 752 8th circ. (1996)** of dismissing a

case of innocence that is strong the court cannot have confidence in the outcome" (quoting: **SCHULP V. DELO. 513 U.S.29,102 S. Ct. 2616 (1995)** as the "insufficient evidence" (see **JACKSON V. VIRGINA, 443 U.S. 307, 99 S. Ct.2781, 61 L. Ed 2d 560 (1979)**) sustains that this court can "arrive a t a different result from the lower court" (see: **WILLAMS V. TAYLOR, 529 U.S. 362, 120 S. Ct. 1495 146 L. Ed 2d 389 (2000)** as the court can conclude "the state court lacked even a fair support in the record" (see: **MARSHAL V. LONGERGER, 459 U.S. 422, 103 S. Ct. 843, 74 L. Ed. 2d 646 (1983).** It should be foreseen that the invalid judgment of the appeal court is the result due to a concern in the case management and not due the merits fail to present a constitutional violation is in fact a miscarriage of justice in itself as the administration of the court's business is not to allow such a nightmare of injustice to occur, a corner stone of justice Mr. Krumback prays this honorable court will not disable.

REASON FOR GRANTING WRIT OF CERTIORARI

The court is prayed upon to grant the writ of certiorari in the interest of justice, as the sole purpose of the great writ as "there no more higher duty than to maintain it unimpaired" (see: **BROWN V. JOHNSON, 306 U.S. 19, 26,59, S. Ct. 442, 446, 83 L. Ed. 455(1939).** There is no available alternate view that the hearing transcripts sustain that "miscarriage of justice is a safeguard against compelling an innocent man to suffer unconstitutional loss of liberty" (see: **STONE V. POWELL, 426 U.S. at. 492-83 (1976)** as "a court may not needlessly prolong a habeas corpus case given particular given the essential need to promote the finality of a state case" (see: CALDERON V. THOMPSON, 523 U.S. 5238, 118 (1998). As by the court denying the certiorari it would allow an innocent man to be "incarcerated under a procedure which creates an impermissibly large risk that the innocent will be convicted", which is in conflict with the United States Supreme Court in **TEAGUE V. LANE, 489 U.S. 288, 109 S. Ct. 1060, 103 L. Ed. 2d 334** quoting: **DESIST V. UNITED STATES, 394 U.S. 244, 262, 89 S. Ct. 1030, 1040 22 L. Ed. 2d 248 (1969).** As if the writ of certiorari is denied, it would a be an outline "the court thereby would endure a fundamental miscarriage of justice because it would allow an innocent man to be imprisoned" **MCQUIGGIN V. PERKINS, 569 U.S. 383, 133 S. Ct. 1924 (2013)** as "ordinarily, when a unfair judicial process (not ruling on the

merits and not screening the petition) results in a denial of due process, this court could simply find error, reverse and remand the matter" (see: **REVERSE MINING COMP. V. LORD, 529 f.2d 181,185 8th circ. (1976).**

Mr. Krumback prays this court of such high honor, restore that a miscarriage is not performed any longer, as Mr. Krumback has been diligently seeking justice for over a year with no merit being ruled upon, nor any court to uphold the strict ruling of this court as seen within the action. The fact Mr. Krumback has been suffering from the mental disorder and yet his cries for help and justice has gone upon deaf hears even after his grandmother passing; however, no court has understood the magnitudes of mental anguish he is suffering due to the unlawful incarceration, which should attend to the interest justice is restored and carried out without any future delay.

Mr. Krumback ask the court to ensure that the habeas corpus's dignity is intact as "there no more higher duty than to maintain it unimpaired" (see: **BROWN V. JOHNSON, 306 U.S. 19, 26,59, S. Ct. 442, 446, 83 L. Ed. 455 (1939)** as the "miscarriage of justice is a safeguard against compelling an innocent man to suffer unconstitutional loss of liberty" (see: **STONE V. POWELL, 426 U.S. at. 492-83 (1976)** as it is asked of the court5 to ensure the "ends of justice "(see: **KUHLMAN V. WILSON, 477 U.S. 436, 106 S. Ct 2616(1986)** "will be severed" (see: **McCLESKY V. ZANT, 499 U.S. 467, 111 (1991).**

CONCLUSION

The matter before the court is simple. Did the appeal court rule on the merits? If done, this court would not be asking itself how did they not answer the questions: Can testimony be withheld after it's been given? Is a no-contact order evidence that can be withheld? Nor is probation condition evidence that can be withheld from a court proceeding. Did the appeal court screen the petition? Did the appeal court invoke established rules of habeas corpus cases of **rule 4 and rule 5 (c)-(d)?**

These facts present that the appeal court must rule on the merits of the abuse of discretion of the district court not performing it's obligated duty to rule on the merits, screen the petition, uphold this court's rulings of exhaustion in fact is procedural default and procedural default is not an absolute bar to deny granting the writ.

This court is asked to uphold that no person shall be held in violation of his constitutional rights due to an illegal process. Mr. Krumback prays this honorable court rule in his favor and remands the matter to the appeal court with strict instructions to uphold the administration of the court's business is to ensure the hands of justice or served.

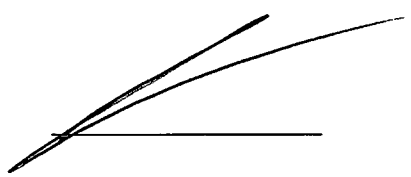
Mr. Krumback, asked this court take into consideration of his mental disorder as found on page 28 of the hearing transcripts that clearly states he suffers from "Major Depression Disorder" which the "American Institute of Mental Health" defines the symptoms of irritability defined as "a quick excitement to annoyance, impatient and anger" in addition to the restlessness defined as "unhappy about a situation" (see Webster's Dictionary) which this court is asked to consider Mr. Krumback lost his grandmother (Mary Ann Olson, Passed January 16, 2024) during this wrongful conviction, and has to suffer the humiliation of having to grieve without any support. Mr. Krumback prays this honorable court makes its order with the swift hand of justice in mind, by order the matter remanded in the speedy fashion of the court, as such harms gives the "special circumstances of particular urgency" (see: **MALLETT V. PURKETT, 63 F.3d 781 8th circ. (1995).**

Mr. Krumback wishes to thank the court's justices, and he believes this court will show the integrity of justice is of the great writ must be restored as no person shall be held in violation of a constitutional right due to an illegal process. He wishes to thank the court for its time and deep considerations toward the preservation of restoring justice of this land.

WHEREFORE: Petitioner, Jason Krumback (prose) respectfully moves the court, to order the sought relief under the following terms:

1. **ORDER**, the judgment vacated and remanded back to the 8th Circuit Court of Appeals.
2. **ORDER**, the 8th Circuit Court of Appeals is to rule on the merits.
3. **ORDER,** the 8th Circuit Court of Appeals is to remove the irrelevant cases in accordance to rule 5 (c)-(d) of habeas 2254 cases.
4. **ORDER,** the 8th Circuit Court of Appeals is to screen the petition under rule 4 of habeas corpus cases.
5. **ORDER,** the 8th Circuit Court of Appeals is to remand the matter to the Nebraska District court under the filed motion of Jurisdictional transfer under 28 U.S.C. 1631.

Respectfully submitted on this11 day of December 2024.



Jason Krumback

1600 N. Drive

Sioux Falls SD. 57117

VERIFICATION

IT COMES NOW: Petitioner Jason Krumback (prose) hereby verifies that the above statements are made truthfully and under the penalty of perjury.

Jason Krumback

1600 N. Drive

Sioux Falls, SD 57117

Subscribed and duly sworn before me

On this 10 day of December 2024.

Notary public/Clerk of courts
If notary, my commission expires
9/27/27

ADAM SIMS
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA