

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Term, 20 _____

IN RE: JARON R. BRICE

-V-

E.D. Wilson, Warden

Petition for a Writ of Habeas Corpus
to the United States Courts of Appeals
for the Fourth Circuit

To the Honorable Circuit Justice for the Fourth Circuit

JARON R. BRICE
Federal No. 64258-004
P.O. Box 1000
Petersburg, VA 23804

Question(s) Presented

- 1) Does this petition for writ of habeas corpus warrant the exercise of this Court discretionary powers, because when this petition was presented to the U.S. District Court and the U.S. Court of Appeals both Courts was in want of jurisdiction and the merits of the petition was never adjudicated?
- 2) Do the U.S. District Court under 18 U.S.C. 3231 lack the statutory authority to render a judgment against the petitioner because he is domiciled with a permanent intent within the several States?
- 3) By rendering a judgment under the authority of 18 U.S.C. 3231 against the petitioner who's domiciled with a permanent intent within the several States, would it be a plain usurpation of power and a violation of the petitioners' due process right under the fifth amendment of the U.S. Constitution?
- 4) Is such a judgment unconstitutional and thus void?

Table of Contents

	Pages
Questions Presented	1
Table of Contents	2, 3
Table of Authorities	3
Prayer	4
Parties to the Proceeding	4
Jurisdiction	4
Reasons for not making application to the District Court	4
Constitutional Provisions Involved	5, 6
Unavailability of any other form of relief	6, 7
Unavailability of relief in other Courts	7
Statement of the Case	8, 9
Reasons for Granting the Writ	9, 10, 11
Affidavit of Jaron Brice	2 Attachment

Appendix A - Opinion of the Fourth Circuit Court of Appeals.
A petition for writ habeas corpus is unpublished.
CASE NO. 17-1708 (August 28, 2017)

Appendix B - Opinion of the Fourth Circuit Court of Appeals.
Appending the district court's order is unpublished.
CASE NO. 15-7931 (April 26, 2016)

Appendix C - Order of the U.S. District Court for the Eastern
District of Virginia is not yet reported
CASE NO. 1:15-cr-01274 (October 30, 2015)

Table of Authorities

	Pages
U.S. Const. Art. I section 8, cl. 9, cl. 18	5, 6, 10
U.S. Const. Art. 3 section 2	5
U.S. Const. Am. V.	1, 5, 8, 11
18 U.S.C. 5	9
18 U.S.C. 3231	1, 9
28 U.S.C. 1291	8
28 U.S.C. 2241	4, 6, 8, 9
28 U.S.C. 2255	6
Federal Rules of Civil Procedure 17(b)(1)	10
Supreme Court Rule 20	4

PRAYER

Petitioner, Jaron R. Brice, respectfully requests 1) that the U.S. District Court judgment in CASE NO. 1:15-CV-1274 be VACATED. 2) the U.S. District Court judgment in CASE NO. 1:05-CR-00367 be VACATED. 3) This petition for writ of habeas corpus should be granted and petitioner released from an unconstitutional confinement.

Parties to the Proceedings

1. E.D. Wilson is the WARDEN of the Federal Correctional Complex Petersburg MED at Petersburg, Virginia 23804

2. Solicitor General of the United States, 950 PENNSYLVANIA Ave., N.W. Washington, DC. 20530 Room # 5614

Jurisdiction

The judgment of the U.S. Court of Appeals for the Fourth Circuit was entered on August 28, 2017. The jurisdiction of this Court is invoked under 28 U.S.C. 2241 and Supreme Court Rule 20.

Reason for not making application to the District Court

Petitioner did not make application to the district court, because the district court lacks the statutory authority to grant or deny this petition for writ of habeas corpus.

Constitutional Provision Involved

1. The Due Process Clause of the Fifth amendment to the U.S. Constitution provides:

nor shall any person... be deprived of life, liberty or property, without due process of law.

U.S. Const. Am. V.

2. The judicial Power Clause of Article 3 section 2 of the U.S. Constitution provides:

The judicial Power shall extend to all Cases, in law and Equity, arising under this Constitution, the laws of the United States, and Treaties made,...

U.S. Const. Art 3 section 2.

3. Constitution Tribunals Clause of Article 1, section 8, clause 9 of the U.S. Constitution provides:

To constitute Tribunals inferior to the supreme Court.

U.S. Const. Art 1. section 8. cl. 9.

4. Necessary and Proper Clause of Article 1 section 8 clause 18 of the U.S. Constitution provides:

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers,...

U.S. Const. Art. 1 section 8. cl. 18

Unsuitability of any other form of Relief

The petitioner only has two ways of challenging the constitutionality of his criminal convictions. One by motion pursuant to 28 U.S.C. 2255 and the other a writ of habeas corpus pursuant to 28 U.S.C. 2241. The U.S. District Court has already decided that the petitioner's petition can not be deemed a 2255 motion, so the writ of habeas corpus pursuant to 28 U.S.C. 2241 is the only other form where adequate relief can be obtained.

28 U.S.C. 2241 "Power to grant writ" is only authorized to the Supreme Court, any Justice thereof, the district court and any circuit judge. Petitioner has filed a petition for writ of habeas corpus in the district court which was dismissed without prejudice and appealed the order which was also dismissed in the U.S. Court of Appeals.

Petitioner has also filed an original writ to the Chief Circuit Judge which was also dismissed.

In both Courts there was a want of jurisdiction and the only court left with the power to grant a writ of habeas corpus is the Supreme Court. The interest of justice can only be served by the aid of the Supreme Court discretionary powers under these exceptional circumstances.

Unavailability of Relief in other Courts

No other court can grant the relief sought by this petition, because no other court has jurisdiction over this petition other than the Supreme Court.

1. On August 28, 2017. the United States Court of Appeals dismissed petitioner's original writ to the Chief Circuit Judge. A copy of the order is attached as appendix - A.
2. On April 26, 2016. the United States Court of Appeals dismissed the appellant appeal of the U.S. District Court order. A copy of this order is attached as appendix - B.
3. On October 30, 2015. the U.S. District Court for the Eastern District of Virginia dismissed without prejudice petitioner's petition for writ of habeas corpus. A copy of this order is attached as appendix - C.

Statement of the Case

Petitioner, Jaron R. Brice, is a national of the United States and a citizen of Maryland, the State of domicile with a permanent intent. Petitioner is currently being held as a Federal prisoner at the Petersburg MED Federal Correctional Complex at Petersburg, Virginia as Federal prisoner number 64258-004. Petersburg MED is a Federal prison operated by the Federal Bureau of Prisons. Petitioner is being held pursuant to nine convictions and a sentence of twenty-five years of confinement entered after a jury trial in the U.S. District Court for the District of Columbia by the Hon. Rosemary M. Collyer on September 15, 2006 Court case no. 1:05-CR-00367.

On September 23, 2015 pursuant to 28 U.S.C. 2241, petitioner filed a 2241 habeas corpus petition in the U.S. District Court for the Eastern District of Virginia, arguing that he was actually innocent due to the fact that the U.S. District Court for the District of Columbia rendered a judgment which transcends the limits of its authority. The lack of statutory authority is a violation of the petitioner's due process right under the fifth amendment of the U.S. Constitution.

U.S. District Court Judge Anthony J. Trenga issued an order on October 30, 2015. The petition was dismissed without prejudice case no. 1:15-CV-01274. A timely notice of appeal was filed, pursuant to 28 U.S.C. 1291, on December 2, 2015.

The case was decided on April 26, 2016. Accordingly, they deny leave to proceed in forma pauperis, deny Brice's motions for summary judgment and his motion for bail and dismissed the appeal for the reasons stated by the district court, appeal case no. 15-7931. Petitioner filed an application for the original writ, pursuant to 28 U.S.C. 2241, to the Chief Circuit Judge of the U.S. Court of Appeals for the Fourth Circuit. The case was decided on August 28, 2017. Forma pauperis was denied and the petition was dismissed, case no. 17-1708.

Reasons For Granting the Writ

Petitioner now challenges the statutory authority of the U.S. District Court for the District of Columbia that rendered the judgment in case no. 1:05-CR-00367. Petitioner is actually innocent due to the fact that the petitioner is a national of the United States and a citizen of Maryland, the State of domicile with a permanent intent. The U.S. District Court rendered a judgment which transcends the limits of its authority. The U.S. District Court was established and given original jurisdiction of all offenses against the laws of the United States by an Act of Congress pursuant to 18 U.S.C. 3231 "District Court". Within that statute, the "United States" is being used in a territorial sense as defined by title 18 U.S.C. 5.

Due to the fact, that the "United States" is being used in a territorial sense. One could have to conclude that the U.S. District Court must all offences against the laws of the United States can only be authorized under Article I, section 8, cl. 9 and cl. 18 of the U.S. Constitution. Making the U.S. District Court an Article I legislative count and all offences against the laws of the United States limited to the territorial jurisdiction thereof.

Is petitioner subject to the territorial jurisdiction of the United States? It is quite clear, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual. The natural person's State citizenship is determined by state of domicile, not by state of residence. A person residing in a given State is not necessarily domiciled there, and thus is not necessarily a citizen of that State. Domicile, in law, is a person's dwelling place as it is defined for purpose of judicial jurisdiction and government burdens and benefit. Person who lack the legal capacity to acquire a domicile of their own possess domicile by operation of law. To possess domicile by operation of law is to be subject to the territorial jurisdiction of the United States. (see Federal Rules of Civil Procedure 17(b)(1))

Established as fact, petitioner is a citizen in the several States domiciled with an indefinite intention within the boundaries of Maryland one of the several States united by and under the U.S. Constitution (see Affidavit of James Brice). The U.S. District Court for the District of Columbia never established on the record that the petitioner was a person residing or subject to this territorial jurisdiction of the United States. The U.S. District Court for the District of Columbia lack of statutory authority amounts to plain usurpation of power constituting a violation of the petitioner's due process right under the fifth amendment of the U.S. Constitution. The petitioner is actually innocent of said convictions and the judgment in this CASE NO. 1:05-CR-00367 is thus void.

For the foregoing reasons, it is respectfully submitted that 1) the U.S. District Court judgment in CASE NO. 1:15-CR-1274 be vacated. 2) That the U.S. District Court judgment in CASE NO. 1:05-CR-00367 be vacated. 3) this petition for writ of habeas corpus be granted and the petitioner released from an unconstitutional confinement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 02/05/18

1st James R. Brice
James R. Brice
P.O. Box 1000
Petersburg, VA 23804