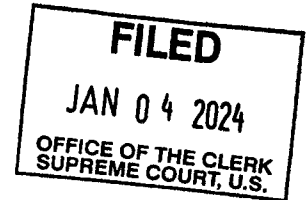


23-6541

ORIGINAL

CASE No. 2:20CR20169-01-SHL



IN THE  
SUPREME COURT OF THE UNITED STATES

In re: RONALD FREEMAN

PETITION FOR EXTRAORDINARY  
WRIT OF HABEAS CORPUS

Ronald Freeman  
BOP # 24817-076  
FCI Hazelton  
P.O. Box 5000  
Bruceton Mills, WV 26525

## I. QUESTIONS PRESENTED

1. Whether being in federal "detention," "custody" is a substantial denial of Ronald Freeman's constitutional right of liberty, without "sufficient cause," without compelling reasons for the United States Congress to proscribe marijuana as a dangerous substance, a drug crime, therefore without due process of law, contravening Amendments IV and V of the Constitution of the United States.

2. Whether a party imprisoned under a sentence of a United States court, upon conviction of a crime created by and indictable under an unconstitutional act of Congress, should be discharged from imprisonment by this court on habeas corpus.

PARTY TO THE PROCEEDING

Ronald Freeman is in the custody of:

Warden Ray  
FCI Hazelton  
P.O. Box 460  
Bruceton Mills, WV 26525

RELEVANT CASES

United States District Court for the Western District of Tennessee

*United States of America v. Ronald Freeman* 2:20-cr-20169-SHL-1  
Judgment entered 7/29/21

*Ronald Freeman v. United States of America* 2:21-cv-02656-SHL-1  
Judgment entered 12/05/2022

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## PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS

Petitioner respectfully requests due process that this Court grant a writ of habeas corpus to inquire by strict scrutiny judicial review into the compelling reasons for the United States Congress to proscribe marijuana as a dangerous substance causing his detention, the seizure of his person and deprivation of his liberty.

### APPELLATE JURISDICTION

Article III Section 2, 2<sup>nd</sup> cl. Appellate Jurisdiction 9a  
Statutory Jurisdiction Title 28 U.S.C. § 2241. 11a

The “supreme Court shall have appellate jurisdiction, both to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.”

Article III section 2. “Detention” presents an Article III case and controversy.

Even in *Ex parte Siebold*, 100 U.S. 371(1880), which held that the constitutionality of a prisoner’s statute of conviction could be reviewed on habeas (as going to jurisdiction) , . . the Court acknowledged *Watkins* and took pains to reconcile its holding with the traditional rule. See 100 U. S., at 375–377 *Jones v. Hendrix*, 599 U.S. 465, 485 (2023) Justice Thomas.

“The appellate jurisdiction of this court, exercisable by the writ of habeas corpus, extends to a case of imprisonment upon conviction and sentence of a party by an inferior court of the United States, under and by virtue of an unconstitutional act of Congress.” *Ex parte Siebold*, 100 U.S. 371, 371 (1879) “That this court is authorized to exercise appellate jurisdiction by habeas corpus directly is a position sustained by abundant authority.” 100 U.S. at 374.

“Such a petition is commonly understood to be "original" in the sense of being filed in the first instance in this Court, but none the less for constitutional purposes

an exercise of this Court's appellate (rather than original) jurisdiction.” *Felker v. Turpin*, 518 U.S. 651, 667 (1996) “It seems to be a necessary consequence that if the appellate jurisdiction of habeas corpus extends to any case, it extends to this.” *Ex Parte Yerger*, 75 U.S. 8 Wall. 85 85, 102 (1868). “[D]eciding upon questions of personal rights which can only be attained through appellate jurisdiction” 75 U.S. at 103. That “in a proper case this Court, under the act of 1789, and under all the subsequent acts, giving jurisdiction in cases of habeas corpus may, in the exercise of its appellate power, revise the decisions of inferior courts of the United States and relieve from unlawful imprisonment authorized by them . . . 75 U.S. at 98

#### AUTHORITIES Appendix E

I. Constitutional Provision: Articles III, Amendments IV and V.

II. SCOTUS Rule 20

III. Statutes: 18 U.S.C. § 924; 21 U.S.C. § 841; 28 U.S.C. §§ 2241-43, 28 U.S.C. § 2255 (a)(e), 28 U.S.C. § 2071

#### CRIMINAL JUDGMENT Appendix A

Petitioner/applicant was convicted on two counts. 21 U.S.C. § 841(a)(1); § 841(b)(1)(D) Distribution of Marijuana. 1a. Title 18 U.S.C. § 924(c); § 924(c)(1)(A)(i) Use and Carry of a Firearm During and in Relation to a Drug Trafficking Crime. 2a The defendant was sentence for a total term of 120 months. 3a (Release Date: 04/29/2029) Supervised release for 5 years. 4a

#### EXCEPTIONAL CIRCUMSTANCES

Rule 20. 4.(a) 9a

“To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court’s discretionary powers, and that adequate relief cannot be

obtained in any other form or from any other court.”

28 U.S.C. § 2241, Power to grant writ. 10a

Exceptional Circumstance warrant the exercise of the Court’s discretionary powers is in § 2241 (c) “The writ of habeas corpus shall not extend to a prisoner unless— (3) He is in custody [detained] in violation of the Constitution . . . of the United States;” [ Amendments IV and V 9a ]

APPLICATION TO DISTRICT COURT  
28 U.S.C. § 2242, by Rule 20. 4(a) 9a, 10a

Application was made to the district court in which the applicant is held 5a and denied Certificate of Appealability. 7a. § 2253 (c) (2) 11a Being in detention is not a substantial denial of any constitutional right of liberty. There was no appeal without a certificate of appealability.

The “remedy by [§2255] motion was inadequate , , , to test the legality of [Petitioner’s] detention.” § 2255 (e). Ground One of the § 2255 motion, is not challenging the constitutionality of the sentence. Ground One is challenging the constitutionality of the marijuana laws that caused petitioner’s incarceration, the detention of the petitioner, the deprivation of his liberty. 6a

The § 2255 motion was inadequate because the only ground for this motion is “the sentence was imposed in violation of the Constitution” and to “move the court which imposed the sentence to vacate, set aside or correct the sentence.” § 2255 (a).11a See instructions for § 2255 Motion to Vacate paragraph 1. 8a

## HABEAS RELIEF

Petitioner seeks a writ of habeas corpus from the Supreme Court of the United States to inquire into the cause of his detention. This Court, any justice thereof, has appellate jurisdiction to review this petition for a writ of habeas corpus if he “is in custody in violation of the Constitution” § 2241(a); (c) (3). 10a

Petitioner’s § 2255 motion to vacate conviction is a collateral attack on the constitutionality of federal (marijuana) criminal laws that created the indictment, the judgment and the sentence causing the petitioners detention. Political prisoner Freeman is incarcerated, in federal custody without compelling reasons for Congress to proscribe marijuana as a dangerous substance, a drug crime, therefore without compelling reasons, without due process of law, contravening Amendments IV and V of the Constitution of the United States. 6a, 9a

“ 5. . . . *Held*, that the question of the constitutionality of said laws is good ground for the issue by this court of a writ of habeas corpus to inquire into the legality of the imprisonment under such conviction, and, if the laws are determined to be unconstitutional, the prisoner should be discharged.” *Ex parte Siebold*, 100 U.S. 371, (1879) “An unconstitutional law is void, and is as no law. An offence created by it is not a crime. A conviction under it is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment.” 100 U.S. at 376. “[T]he fact that the writ has been called an “equitable” remedy . . . does not authorize a court to ignore this

body of statutes, rules, and precedents.” *Lonchar v. Thomas*, 517 U.S. 314, 315 (1996)

“[C]ourts which are created by written law and whose jurisdiction is defined by written law cannot transcend that jurisdiction.” *Ex Parte Bollman and Ex Parte Swartwout*, 8 U.S. 4 Cranch 75 75, 93 (1807); 28 U.S. Code § 2071 10a

This Court has appellate jurisdiction. Adequate “relief [from detention has] not been obtained in any other form or from any other court.” Rule 20.4(a); 9a

The petition for writ of habeas corpus is distributed to all the justices of the Court by Rule 20.4.(b) to order a response. By an Act of Congress § 2243 any Justice of this Court “entertaining [this petition] for a writ of habeas corpus ``shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.” 11a

#### CONCLUSION

The petition for an extraordinary writ of habeas corpus should be granted.

Respectfully submitted,

Ronald Freeman  
BOP # 24817-076  
FCI Hazelton  
P.O. Box 5000  
Bruceton Mills, WV 26525



Dated: 12-20-2023