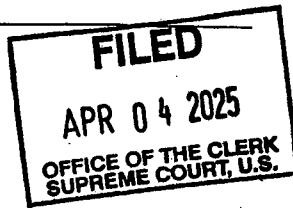


NO. 2436982

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

EX PARTE
IN THE MATTER OF
LAWRENCE J. GERRANS
PETITIONER



ON PETITION FOR A WRIT OF HABEAS CORPUS
UNDER ARTICLE I, SECTION IX, CLAUSE II
OF THE UNITED STATES CONSTITUTION
UNDER 28 USC §2241
UNDER 28 USC §2243

HABEAS CORPUS
PURSUANT TO RULE 20
OF THE
RULES OF THE SUPREME COURT
OF THE
UNITED STATES OF AMERICA

LAWRENCE J. GERRANS
P.O. BOX 24549
TUCSON, AZ. 85734-4549

INFORMA PAUPERIS

QUESTIONS PRESENTED

1. Is Petitioner being detained and imprisoned in violation of the Constitution, Statutory Laws or Federal Rule(s) of Criminal Procedure?
2. Is Petitioner being detained and imprisoned on a Bad Conviction; wherein the Prosecution lacked Standing to seek out a 'Controversy' or to bring a 'Case' trespassing into the Private Affairs of a Private Corporation and into its Founders management of his enterprise in the First Instance; wherein the Trial Court lacked Article III Jurisdiction, functioned 'Ultra Vires', and issued a Void Judgment in the Second Instance; wherein the Ninth Circuit Court of Appeals Affirmed the Void Judgment in error in the Third Instance; and, wherein the Ninth Circuit has violated Petitioner's Constitutional Rights and Protections causing Petitioner to be unlawfully investigated, prosecuted, convicted and incarcerated in the Final Instance?
3. Is Petitioner being detained and imprisoned on a Bad Conviction when recent Supreme Court and Circuit Court Rulings retro-actively applicable to Petitioner's Case establish that petitioner was prosecuted for invalid Theories of Law and convicted of non-existent offenses?
4. Should this Honorable Supreme Court issue the Writ of Habeas Corpus and provide relief to Petitioner?

PARTIES TO THE PROCEEDING

All Parties appear in the caption of the Case on the Cover Page.

Pursuant to Rule 20.4(B), Habeas Corpus Proceedings are Ex Parte.

SUPREME COURT RULES

The Writ of Habeas Corpus is a non-discretionary Supreme Law anchored in Western Civilizations Historic Traditions and Protections of Procedural Due Process and the promise of Freedom, Liberty and Justice for All - especially those assaulted by despotic Leaders and tyrannical Governments. Habeas Corpus protection was adopted by our Framers as a Constitutional Privilege and Supreme Right; and, made Foundation to our Constitution and the Supreme Courts Appellate Jurisdiction in Article I, Section IX, Clause II ("Habeas Corpus") and Article VI, Clause II ("Supremacy").

The Writ of Habeas Corpus was only recently Statutorily codified (pursuant to Revisions to §761 and §461) under 28 USC §2241 and §2243, pursuant to an 'Act of Congress dated June 25, 1948. As such, the Constitutional privilege and supreme right to Habeas Corpus, and its statutorily codified Procedural Due Process protections under 28 USC §2243, is not to be construed as, nor confused with, an "Extraordinary Writ" authorized by 28 USC §1651 which, pursuant to Supreme Court Rule 20.1, "is not a matter of right but of discretion sparingly exercised".

To be clear, Supreme Court Rule 20.1 speaks directly to "an Extraordinary Writ authorized by 28 USC §1651(a)". Habeas Corpus, under 28 USC §2241 and §2243, is by no means an "Extraordinary Writ". It is foundation to the Governance and Protections of Western Civilizations Due Process Rights, Liberties and assurance of Justice for all. This Supreme Court clarified that "only changes in form and not substantive changes in meaning are made by the changes of phraseology made in the former federal habeas corpus statute (Rev Stat §761) by its consolidation into 28 USC §2243" when it ruled in Wingo v. Wedding, 418 US 461, 41 L.Ed.2d 879, 94 S.Ct. 2842, June 26, 1974 that the 'Act of Congress' on June 25, 1948, did not substantively change Habeas Corpus as it had long been understood and applied. What this Supreme Court was

speaking to is that, since §2243's enactment on June 25, 1948, there have been no changes to the application of Habeas Corpus Law. To this day, standing Supreme Court Law in Walker v. Johnson, 312 US 275, 85 L.Ed. 830 (February 10, 1941) remains the guiding practice of Law governing §2243. Walker v. Johnson carries forward the Historical Traditions of practice pertaining to Habeas Corpus Relief; and, addresses conviction validity due to deprivations of Trial Counsel.

In fact, this Supreme Court went on to state that:

"The great constitutional privilege of habeas corpus provides a prompt and efficacious remedy for whatever society deems to be intolerable restraints; its root principle is that in a civilized society government must always be accountable to the judiciary for a man's imprisonment; if the imprisonment cannot be shown to conform with fundamental requirements of Law, the individual is entitled to immediate release." Id. at Wingo, 418 US 461.

Accordingly, 28 USC §2243 makes clear that:

"A Court, Justice or Judge entertaining an application for a Writ of Habeas Corpus SHALL forthwith award the Writ or issue an Order directing Respondent to show cause why the Writ should not be granted." Id. 28 USC §2243.

To be clear:

"The Writ of Habeas Corpus is the remedy which the Law gives for the enforcement of a Civil Right of Personal Liberty" ...

"Proceedings to enforce Civil Rights are Civil Proceedings, and Proceedings for the punishment of Crimes are Criminal Proceedings. [] When there is a criminal prosecution against one, a Writ of Habeas Corpus which he has obtained to inquire into the legality of his detention thereon, is NOT a Proceeding in that prosecution, but is a new suit to enforce a Civil Right. [] Where a Petitioner claims that the Constitution [] gives him the Right to his Liberty, notwithstanding the Charge that has been made against him, and he has obtained Judicial Process to enforce that Right, the Proceeding on his part is a Civil Proceeding, notwithstanding his object is, by means of it, to get released from Custody under a criminal prosecution."

Ex Parte: In the Matter of Tom Tong, 27 L.Ed. 826, 108 US 556, (May 7, 1883)

Accordingly, Habeas Corpus is an expeditious Civil remedy to a claim of "Custody in violation of the Constitution, Laws or Treaties of the United States" Id. at 28 USC §2241(c)(3). Therefore, Habeas Corpus under 28 USC §§2241/2243 is NOT to be confused with a "Motion to Vacate, set aside, or Correct a Sentence" under 28 USC §2255, which is clearly and unequivocally a criminal proceeding. In fact, the "Notes of the Advisory Committee on Rules" for "Rules Governing Section 2255 Proceedings. Rule 1. 'Scope'" explicitly instructs that:

"A Motion under §2255 is a further step in the Movants Criminal Case and not a separate Civil action" and that "§2255 is a continuation of the original of the original criminal action". As such, there is NO correllation between Petitioners Proceedings, via §2241, to enforce his Civil Rights, Liberties and Freedoms in this Civil Proceeding and the "continuation of the original criminal action" in the §2255 Proceeding. Moreover, this Courts ruling in Miranda v. Arizona, 384 US 436, (1966) instructs that:

"Where Rights secured by the Constitution are involved, there can be no Rule making or Legislation which would abrogate them".

These Facts and conclusions of Law invalidate Supreme Court Rule 20.1's application to Habeas Corpus, under Article I, Section IX, Clause II and 28 USC §§2241/2243.

Notwithstanding the foregoing, and in further response to the Clerk of the Supreme Courts request, this Petition for a Writ of Habeas Corpus is "in aid of the Court's Appellate Jurisdiction", pursuant to Rule 20.1, because this Supreme Court's Appellate Jurisdiction was improperly exercised when it denied Petitioners Writ of Certiorari (CA9 20-10378) in October 2022, without assessing its Jurisdiction Sua Sponte as procedurally required. This Supreme Court procedural requirement to answer the 'Jurisdictional Question' is historically evidenced in this Courts ruling in Ex Parte: Tong, on May 27, 1883, wherein this Court instructed that:

"A Question which meets us at the outset is, whether we have Jurisdiction, and that depends on whether the Proceeding is to be treated as Civil or Criminal." Id. at 108 US 560.

The Appellate Record clearly reveals that Petitioners Constitutional Rights were violated and that the Ninth Circuit Court of Appeals divide on the I.A.C. claim violated 28 USC §2111's 'Final Decision' authority by passing "Final Judgment" on a non-final Lower Court Decision still ripe with controversy in violation of Petitioners Constitutional Rights and this Courts standard in "Catlin", Catlin v. United States, 324 US 229, 65 S.Ct. 631, 89 L.Ed 911 (1945), which instructs that:

"A Final Judgment has been defined by the Court as one that "ends the Litigation on the merits and leaves nothing for the Court to do but execute judgment".

The Ninth Circuit Courts Ruling, Records and Admissions proved their Judgment was not "Final" and that the Court lacked Jurisdiction to issue a Final Judgment because the District Court functioned 'Ultra Vires', issued a Void Judgment and convicted Petitioner of a non-existent Offense(s). A collapse in the 'Separation of Powers' was made to occur. Accordingly, it is incumbent upon this Honorable Supreme Court to exercise its Appellate Jurisdiction and Constitutional authority to remedy it.

The "Exceptional circumstances warrant the exercise of the Courts discretionary powers", pursuant to Rule 20.1, because the Supreme Courts failure to exercise its oversight in compliance with its adjudicative responsibilities, the Law and the Constitution has created costly, time-consuming and protracted "Piecemeal Litigation" in multiple Circuits and continued deprivations to Petitioners Liberties and Rights to Justice in deplorable conditions of confinement and through the COVID Pandemic. Thus, this Honorable Court is now required to exercise its Habeas Corpus authority to remedy Petitioners loss of Liberty and unlawful imprisonment.

The only authority this Court possessed "at the outset [was], whether [it] had Jurisdiction" to review Petitioners Writ of Certiorari. This Court was informed of the matters of Law and was to assess the Jurisdictional Question, pursuant to 28 USC §1254 which, records reveal, this Court did not possess Jurisdiction. This Writ of Habeas Corpus aids this Court in the absence of jurisdiction outlined. Why? This Court is authorized to entertain this Habeas Corpus due to the factual Procedural errors noted. This Honorable Court exerts its inherant equitable authority by extending the Writ to release Petitioner from his unconstitutional custody, which was manifested by this Honorable Courts mistaken and abused discretion of its §1254 authority in its denial of the Writ of Certiorari.

"Adequate relief cannot be obtained in any other Form or from any other Court", pursuant to Rule 20.1, because the Ninth Circuit went beyond its 28 USC §2106 authority to ONLY Vacate and Remand with Orders to find Facts and make Decisions and Conslusions of Law pertaining to Petitioners Constitutionally protected Civil Rights. Appellate Judge Hurwitz admissions and instructions to Government Counsel

in Oral Argument and Appellate Judge Baker's Dissent in the Opinion of the Court concurred that there were unresolved Legal Rights belonging to Petitioner that placed Petitioner's Case outside the limited scope of §1291 authority.

The Decision at the Lower Court was in fact a Legal Nullity, lacking competency. As such, Final Judgment under 28 USC §2111 was not allowed. This Court, in error, caught the 'Bad Pass' upwards, and while abusing §1254 Discretion, entered a Denial. As a Reviewing Court, and the Court of Last Resort, manifest injustice was carried on by the abuse of Discretion, when this Honorable Court mistakenly missed these issues. Accordingly, 28 USC §2241 provides remedy to this Court for the manifestation of injustice, unintentionally overlooked, by this Honorable Court.

This, therefore, concludes any concerns this Court has pertaining to Rule 20.1.

RULE 20.4(a) STATEMENT

Pursuant to Rule 20.4(a):

"A Petition seeking a Writ of Habeas Corpus shall comply with the requirements of 28 USC §§2241 and 2242, and in particular with the provision in the last paragraph of §2242, which requires a statement of the "reasons for not making application to the District Court of the District in which the applicant is held."

In response to this concern, the Petitioner has made request for such relief. The District Court, in Case No. EP-cv-451-DCG, entered a Non-Final Decision, which is currently stalled on Appeal, due to such Non-Finality, in Case No. CA5 24-50481. Further, this Court's Rule 20.4(a) also states:

"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."

This final sentence and second concern of Rule 20.4(a) is not applicable to Petitioner nor Federal Habeas Corpus Cases, in general. As they abrogate Petitioners Constitutionally protected Rights and, pursuant to Miranda v. Arizona, cannot hold as lawful. Closer inspection reveals that these provisions in the Rule relate specifically to the adjudication of State Habeas Corpus Petitions under 28 USC §2254(b) legislation and speak to the 10th Amendment protected Rights of States, their Police Powers and Judicial Custody Powers and Protections. For the reasons outlined this Petition for Writ of Habeas Corpus relief belongs to this Honorable Supreme Court.

STATEMENT OF RELATED PROCEEDINGS

SUPREME COURT

Lawrence J. Gerrans v. United States, 214 L.Ed.2d 61, 2022 US LEXIS 3835,
Case No. 21-8138 (October 3, 2022)

* Petition for Writ of Certiorari on Appeal from the Ninth Circuit (Case No. 24-10378)

NINTH CIRCUIT COURT OF APPEALS

Lawrence J. Gerrans v. United States, Case No. CA9 24-1078 (January 7, 2022)

* Direct Appeal of Case No. 3:18-cr-00310EMC

* Motion to Recall the Mandate, Pursuant to F.R.App.P Rule 27 (Filed January 16, 2024)

* Motion to Disbar Assistant United States Attorney Robin Harris, Pursuant to
F.R.App.P Rule 46(b)(1)(B) (Filed January 16, 2024)

* Complaint of Judicial Misconduct Against Judge Edward M. Chen, Pursuant to
28 USC §351 (underlying Motion to Disqualify Judge Edward M. Chen, pursuant to
28 USC §455(a) at the District Court) (Filed January 16, 2024)

NINTH CIRCUIT - NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

United States v. Lawrence J. Gerrans, Case No.: 3:18-cr-00310EMC (January 29, 2020)

* Original Criminal Case

* Motion to Challenge the Grand Jury and to Dismiss the Indictment, Pursuant to
F.R.Crim.P Rule(s) 6(b)(1) and 6(b)(2) (Filed December 20, 2023)

* Motion to Vacate, Set Aside, or Correct a Sentence, Pursuant to 28 USC §2255
(Filed January 29, 2023)

Lawrence J. Gerrans v. Erhan Gunday, et al, Case No. 3:24-cv-02189 (April 1, 2024)

* Original Petition for Civil RICO Relief, Pursuant to 18 USC §1964, et seq.

DISTRICT OF COLUMBIA - WASHINGTON D.C.

Lawrence J. Gerrans ex rel. USA v. Robin Harris, et al., Case No. 1:24-cv-00933

* Original Complaint for Violations of the False Claims Act (Qui Tam), Pursuant
to 31 USC §3729, et seq., (Filed March 29, 2024)

Lawrence J. Gerrans v. Department of Justice, et al., Case No. 1:24-cv-01252

* Petition for relief, Pursuant to 5 USC §§701-706 of the Administrative Procedures
Act. (Filed April 26, 2024)

FIFTH CIRCUIT COURT OF APPEALS

Lawrence J. Gerrans v. S. Hijar, Warden, FBOP, Case No. CA5 24-50481

* Petition for Writ of Habeas Corpus, Pursuant to Article I, Section IX, Clause II
of the United States Constitution and under 28 USC §2241
(Filed December 23, 2023)

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#1 - Original Indictment, dated July 12, 2018

#2 - Dissenting Opinion of Honorable Judge M. Miller Baker

#3 - Docket Entry: 11-9, Page 3

#4 - Judicial Notice relating Fruit of the Poisonous Tree - Violations of the Exclusionary Rule.

#5 - Judicial Notice - Malicious and Criminal Abuses of our Legal System.

TABLE OF AUTHORITIES

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OPINIONS BELOW

The Ninth Circuit's decision can be found at United States v. Gerrans, 2022 U.S. App. LEXIS 504 (9th Cir. 2022). Honorable Judge M. Miller Baker's Dissent is reproduced at App-02. The Court of Appeals filed its Mandate Affirming the conviction on January 7, 2022, and denied the Petition for Panel Rehearing on March 16, 2022. This Supreme Court denied the Petition for Writ of Certiorari on October 26, 2022.

JURISDICTION

This Supreme Court possesses Jurisdiction pursuant to Article I, Section IX, Clause II of the United States Constitution and pursuant to the "Act of Congress" codified in Title 18, United States Code, Section 2241 [18 USC §2241].

CONSTITUTIONAL PROVISIONS

The 1st, 4th, 5th, 6th, 7th, 8th, 10th, and 14th Amendments to the United States Constitution, as well as Article(s) I, II, III, IV, and VI, have been violated in this "Case". These violations and abrogations are reproduced in Exhibits herein and are chronicled in detail in the related proceedings identified at Page vii.

STATUTORY PROVISIONS

05 USC §§701 - 706	28 USC §519
18 USC §1343	28 USC §528
18 USC §3001	28 USC §530(B)
18 USC §3041	28 USC §530(C)(b)(4)
18 USC §3044	28 USC §533(1)
18 USC §3047	28 USC §547(1)
18 USC §3141	28 USC §2241
18 USC §3161	28 USC §2243
18 USC §3231	28 USC §2255
18 USC §4001	28 USC §2106
18 USC §201	28 USC §2111
18 USC §208	

STATEMENT OF THE CASE

Investigation has revealed Constitutional, Statutory, and Procedural Due Process violations - not raised in Trial Review nor on Appellate Review - that prove all Investigation and Prosecution efforts illegally led to a non-justiciable 'Case' (for non-existent Legal harm) within an illegal Court forum that produced a Void Judgment. The Decision at the Lower Court was a Legal nullity without Jurisdiction and Non-Final. Petitioner is being detained and imprisoned in violation of the Constitution and Laws of the United States.

The Government lacked "Standing" to seek a 'Controversy' in the Private Affairs of a Private Corporation and its Founder, Chairman, President and Chief Executive Officers management of his own Private Business. Yet, the Government proceeded to abrogate Constitutional Protections, violated Statutory Laws, evaded Federal Rules of Criminal Procedure, manufactured invalid Theories of Law and criminalized an innocent man to tortiously interfere with his Business and Patents. This is termed a "Sham Lawsuit" or "Sham Action" (Blacks Law, 10th Edition, Page 25). See Professional Real Estate Investors, Inc. v. Columbia Pictures Ind. Inc., 508 US 49, 113 S.Ct. 1920 (1993).

Lacking in Standing to sue, the United States Executive Branch Officer(s) dominated and bullied their way past all Legislations, Authorities and Officers - both Executive and Judicial - collapsing the Separation of Powers.* Functioning under the color of Article III Authority the Judges caused the Court to proceed 'Ultra Vires', entertained an illegal Trial Proceeding and issued Void Judgments. The District Court exacerbated its errors by then sending the Void Judgments to the Ninth Circuit Court of Appeals for "Final Determination" under 28 USC §2111 authority. This caused the Circuit Court to error by failing to assess its want of Jurisdiction, *Suā Spōñte*, as it was required, pursuant to 28 USC §1291.

The Decision at the Lower Court was a Legal Nullity, without Jurisdiction, and Non-Final. With these Facts and Evidence at hand, the Supreme Court then exceeded its jurisdictional authority, under 28 USC §1254, by failing to assess its Jurisdiction and Authority, Sua Sponte, as procedurally required; and, abused its discretion by improperly denying Petitioners Writ of Certiorari - which was clearly and evidently not ripe for review, pursuant to the Supreme Courts 'Catlin Standard' (Catlin v. United States, 324 US 229, 65 S.Ct. 631, 89 L.Ed 911 (1945))

28 USC §2241(c)(1) and (c)(3) speak directly to this circumstance, as follows:

"[Petitioner] is in custody under the color of authority of the United States [and] in violation of the Constitution and Laws of the United States". Id.

However, such errors are not to be placed entirely upon the Judiciary. The United States Executive Branch Officers, as argued in Lower Court Habeas Petitions and 'Piecemeal Litigation' identified in the "Statement of Proceedings" herein on page vii, went far beyond their Statutory Limits and Authorities when they sought out a 'Controversy' and manufactured a 'Case' to prosecute a 'Private Concern' of Petitioners Business Controls. The lack of adherence to, discipline of and respect for the Legislature that limits the Powers and Authorities of Executive Branch Officers created manifest failures in Supervision and Oversight that enabled the Constitutional and Procedural Due Process violations evident in this case. 28 USC §547(1) reveals that the prosecuting Assistant United States Attorney (Robin Harris) engaged in contemptuous, contumacious and even criminal behaviors that purposefully collapsed the Separation of Powers, which proved to be the underlying inimical Roadblock to the proper administration of Justice in this case. Please see Appendix #4 and #5 for details.

While this Court clearly stated, in Seila Law LLC v. Consumer Fin. Prot. Bur., 140 S.Ct. 2183, 2197 (2020), that: "The entire 'Executive Power' belongs to the President alone", those Powers are not absolute. Congress has enacted the Legislature that disciplines the Executive Branch Officers. This Case is ripe for the Judicial Branch to enforce said Legislature and maintain discipline and adherence to the Law and the Constitution by granting the Writ of Habeas Corpus.

For the avoidance of doubt, Petitioner Lawrence J. Gerrans, is and was, at all times, a Private Citizen of the United States, who was the Co-Founder, Chairman, President, and Chief Executive Officer of Sanovas, Inc. ("Sanovas"), a privately held, unregulated Delaware C-Corporation. Mr. Gerrans further created technologies and founded a number of 'Disease-specific' Corporations which he structured as Subsidiary Corporations under the umbrella of his Life Science Company Sanovas, Inc.

Mr. Gerrans conceived, invented, wrote and assigned over 200 multi-national Patents and Trademarks to Sanovas, Inc. and his Subsidiary Corporations for Life Saving and Life Sparing Medical innovations that established the enterprise's core value; and, for which, Mr. Gerrans and his assigns received Management Authorities, Governance Controls, Veto Powers, Board Seats (controlling four (4) out of the Company's five (5) Board Seats), and majority Ownership in the Stock and Assets of Sanovas, Inc. and its Subsidiary Corporations which Mr. Gerrans founded and structured under the umbrella of Sanovas, Inc. Corporate structure.

At all times relevant hereto, Sanovas, Inc. and all of its Subsidiaries and all of Mr. Gerrans assigns and Holding Companies were Private Domestic Corporations domiciled under and governed exclusively by State and Local Laws. The Federal Government possessed NO Legal interest in Mr. Gerrans nor his "Right to Control" his Businesses and Intellectual Properties, whatsoever.

Additionally, the Government possessed no authority to unleash Operatives from the Central Intelligence Agency to investigate and infiltrate Mr. Gerrans Businesses and Properties (while operating on Domestic U.S. soil) as Investors, Contractors, and Distributors (Cellmark International, Inc.) of Mr. Gerrans Products and Technologies. Please see Appendix #4 and #5 for details.

GROUND ONE:

Petitioner is being detained and imprisoned in violation of the Constitution and Laws of the United States because Executive and Judicial Officers failed to "Support this Constitution" in violation of Article VI's 'Supremacy Clause' and 'Oath of Office Clause' when they trespassed upon Petitioners Fourth, Fifth, Sixth, and Fourteenth Amendment Protections, the Statutory Laws that enforce them and the Federal Rules of Criminal Procedure that Police them.

To whit, 18 USC §§3001, 3041, 3044, 3046, 3047 and 3141, among other Laws, enforce 4th Amendment Rights by requiring a Warrant for both Arresting and Trial purposes. F.R.Crim.P Rules 1, 3, 4, and 9 are the Procedural Due Process Rules that Police compliance with this Constitutional and Statutory mandate of Law and Civil Rights. Moreover, pursuant to Rule 9, "A Rule 7 Indictment SHALL be supported by a Rule 3 Complaint and a Rule 4 Warrant".

Rule 3 establishes the basis of Judicial Oversight and Supervisory Authority for Federal Judges, necessary and proper to the correct and lawfully procured reliance that the Executive Branch possesses Justiciability ("Standing") and that the Judicial Branch possesses Jurisdiction in every "Case". Rule #3 makes this clear: "The Complaint is a written Statement of the essential facts constituting the offense charged ... It MUST be made under Oath before a Magistrate Judge". [Id. at F.R.Crim.P Rule #3 - 'The Complaint']

A Rule 7 Indictment, by itself, does not require an Oath or Affirmation. Such reliance is placed within and upon the Rule 3 Complaint. Thus, the mandatory and Legal necessity of a Rule 3 Complaint Sworn "under Oath before a Magistrate Judge". Therefore, without a Sworn Rule 3 Complaint, an Indictment alone cannot be legally relied upon.

Most importantly, 18 USC §3047 expressly instructs the Prosecution and the Judiciary that "A Warrant SHALL be necessary to commit [a Defendant] for Trial".

Incredibly, Records prove that NO Rule 3 Complaint "made under Oath before a Magistrate Judge". NOR a Rule 4 'Arrest Warrant Issuance or Return' ("NO Warrant shall issue but upon Probable Cause supported by Oath or affirmation") exist in Petitioners Case.

Please see the Docket for Case No. 3:18-cr-00310EMC evidenced in the Appeals Case (No. CA9 20-10378) on "2/21/2021, ID: 12002919, DktEntry:11-9, Page 83"; wherein immediately prior to Docket entry #1 the Docket expressly Documents the fact that there is NO Rule 3 Complaint, stating: "COMPLAINT - NONE".

Therefore, in defiance of the Law, the Executive Branch and Judicial Branch Officers blew right past the Federal Rules of Criminal Procedure Rules #1 through #6 - unlawfully usurping Article III Jurisdiction without ever Filing a Rule 3 Complaint, pursuant to 18 USC §3001, §3041, and §3044 Limitations - to issue a Rule 7 Indictment. The Supreme Court ruled on this "errancy in Procedure":

"It MUST be borne in mind that the Indictment (Rule 7) is merely offered as proof of the Charge originally contained in the Complaint (Rule 3). [] Accordingly, any Legal Process is now illegal and the Courts competence is impugned. Any Court moving past such an error violates discretion, due to Lack of Constitutional Authority over the errancy in Procedure."

Benson v. Henkel, 198 US 12, 49 L.Ed 919 (1905)

In United States v. Calandra, the Supreme Court further ruled that:

"A Grand Jury is also without power to invade a legitimate privacy interest protected by the Fourth Amendment. Judicial Supervision is proper in such cases to prevent the wrong before it occurs." [Id. at 414 @ 346]

United States v. Calandra, 414 US 346; 99 S.Ct. 613; 38 L.Ed.2d 561 (1974)

In Petitioners Case, the Executive Branch Agencies and Officers domination of the Judicial Branch and its Officers thwarted the necessary and proper "Judicial Supervision" so necessary and proper to the balance of Powers that regulate the 'Scales of Justice'. Because of the collapse in the 'Separation of Powers' Judicial Supervision was rendered incapable to "prevent the wrong(s) before [they] occurred". This resulted in the arbitrary, capricious and abusive acts, in excess of Statutory Jurisdiction, Authority, and Limitations contrary to Constitutional Rights, Powers, Privileges and Immunities and without observance of Procedure required by Law that resulted in the violation of the Fourth Amendment Rights belonging to Petitioner, his Businesses and Family.

The Department of Justice, its Agencies, Officers and Employees may only access Judicial Power upon the presentation of a Rule 3 Complaint affirming that

an "Offense against the United States" was committed and the Defendant committed it with criminal intent (Mens Rea requirement). The determination to proceed with Criminal Procedure may ONLY be decided by a Magistrate Judge or an Article III District Court Judge. So says the Constitution, Congress and the Supreme Court, when it ruled in Giordenello v. United States, 78 S.Ct. 1245, 2 L.Ed.2d 1503, 357 US 480 (1958) and Aguilar v. Texas, 378 US 108, 12 L.Ed.2d 723, 84 S.Ct. 1509, both Fifth Circuit precedential Cases that remain controlling Law for Rules 1-6, 9, and 18 that:

"Under Rules 3 and 4 of the Federal Rules of Criminal Procedure, the purpose of the Complaint is to enable the appropriate Magistrate to determine whatever probable cause requires to support a Warrant exists, and the Magistrate MUST Judge for himself the persuasiveness of the facts relied upon by a complaining Officer to show probable cause, and should not accept without question the Complainants mere conclusion that the person whose arrest is sought has committed a crime."

"A Magistrate is intended to make a neutral judgment that resort to further Criminal Process is justified. A Complaint MUST provide a foundation for that Judgment. It MUST provide the affiant's answer to the Magistrate's hypothetical question, "What makes you think that the Defendant committed the offense charged?"

[Id at Giordenello]

Congressional construction of the Complaint Rule is built squarely upon Article III's "Case" Doctrine, and Rules #1 and #2 align with Constitutional principles of "Separation of Powers" and "Due Process" of Law protected by the Sixth Amendment. Article III Powers AND Limits over the Federal Rules of Criminal Procedure are clearly established by Congress enactment of 18 USC §3041's 'Powers of Courts and Magistrates'. The Supreme Court said as much:

"The protection afforded by these Rules, when they are viewed against their Constitutional background, is that the facts which lead to the Complaint be drawn by a neutral and detached Magistrate instead of being judged by the Officer engaged in the often competitive enterprise of ferreting out crime."

[Id. at Giordenello]

Thus, Rule #3 clearly establishes the basis of Judicial Oversight and Supervisory Authority of Federal Judges necessary and proper to the correct lawfully procured reliance that the Executive Branch possesses justiciability ('Standing') and that the Judicial Branch possesses Jurisdiction. Accordingly, without a Rule 3 Complaint the Criminal suit NEVER officially commenced and ALL

that followed was without Legal Authority. This is/was a major violation of Procedural Due Process, Petitioners Fourth, Fifth, Sixth and Fourteenth Amendment Rights. The Supreme Courts ruling in Shaughnessy v. United States, 345 US 206, 97 L.Ed 956, 73 S.Ct. 625, on March 16, 1953 instructs that:

"Procedural Fairness, if not all that was meant by Due Process of Law, is at least what it most uncompromisingly requires. Procedural Due Process is more elemental and less flexible than Substantive Due Process. It yields less to the Times, varies less with Conditions, and defers much less to Legislative Judgment. Insofar as it is Technical Law, it must be a specialized responsibility within the competence of the Judiciary on which they do not bend before Political Branches of the Government. [] Only the untaught Layman or the Charlatan Lawyer can answer that Procedures matter not. Procedural Fairness and regularity are of the indispensable essence of Liberty."

The conviction Court was without Jurisdiction, functioned 'Ultra Vires' and issued a Void Judgment. BUT FOR, the Executive and Judicial Branch Officers abandonment of their "Oaths of Office", refusal to obey their Duties to uphold the Supremacy of the Constitution, and desrtion of the Laws limiting Executive Authority and Police Power (see also Grounds II, III and IV herein), they would not have been able to trespass upon and violate Petitioners Constitutional and Civil Rights. As a result, Petitioner is detained and imprisoned in violation of the Constitution and Laws of the United States.

GROUND TWO:

Petitioner is being detained and imprisoned in violation of the Constitution and laws of the United States because Executive and Judicial Branch Officers trespassed upon and exceeded the limitations of Article III Powers. Why?

The Government lacked "Standing" to seek a 'Controversy' in the Private Affairs of a Private corporation nor its Founders management of his own Private Business. Yet, the Government proceeded to abrogate Constitutional Protections, violated Statutory Laws, evaded Federal Rules of Criminal Procedure, manufactured invalid theories of Law and criminalized an innocent man to tortiously and criminally interfere with his Business and Intellectual Property (Patent) Rights (under Article I, Section VIII, Clause VIII). This is termed a "Sham Lawsuit" or "Sham Action" (see Blacks Law, 10th Edition, Page 25). See also Professional Real Estate Investors, Inc. v. Columbia Pictures Ind. Inc., 508 US 49, 113 S.Ct. 1920, (1993).

Investigation has revealed Constitutional, Statutory, and Procedural Due Process violations - not raised in Trial Review nor on Appellate Review - that prove all investigation, prosecution, and conviction efforts illegally led to a Non-Justiciable 'Case' (for Non-Existent Legal Harm) within an illegal Court forum. Lacking in Standing to Sue, Executive Branch Officials willfully avoided these most elementary requirements in Judicial Procedure, dominated and bullied their way past all Legislations, Authorities and Officers - both Executive and Judicial - collapsing the 'Separation of Powers' and issued a bogus Indictment alleging Petitioner embezzled money from his own Company and his own personal interests. The Government NEVER possessed a Legal or Regulatory interest in the affairs of Petitioner's Business nor in Petitioner's Management of it. The Government lacked Standing because, as the Indictment(s) reveal, Petitioner committed NO "Offense against the United States". The Government lacked in Constitutional nor Congressional Authority to investigate nor prosecute Petitioner.

Functioning under the color of Article III authority the Court assumed a Jurisdiction it did not possess, functioned 'Ultra Vires' and rendered a Void

Judgment. The Supreme Court makes clear that:

"Article III vests Federal Courts with the Power to decide 'Cases' or 'Controversies'. Further, 'Standing Doctrine' honors the limitations inherant in this assignment by ensuring Judges attend to Actual Harms rather than Abstract Grievances."

U.S. v. Texas, 599 US 60

Supreme Court rulings verify that the Governments domination of the District Court(s) to reach into Petitioners Private Business and its Affairs was a "vast expansion of Federal Jurisdiction without authorization". Id. at Ciminelli v. United States, 598 US 306, 143 S.Ct. 1121, 215 L.Ed.2d 294 (2023).

In 1919, the Supreme Court ruled:

"The District Courts of the United States are Courts of Limited Jurisdiction, and their policy is not to stretch their powers for the purpose of acquiring Jurisdiction".

Public Utilities Commission v. Landon, 249 US 236, 63 L.Ed 577 (1919)

The gravaman of Wire Fraud (18 USC §1343) is Fraud itself. An allegation of Fraud within a Private Corporation by its Inventor, Founder, Chairman, President, and Chief Executive Officer is, if true, a "Local Offense" governed by the Corporations ByLaws, Charter, Governnace and Agreements under the Laws of the State in which it is incorporated; and, protected by Lawful Corporate Immunities and Tenth (10th) Amendment Protections. Federal Subject Matter Jurisdiction under 18 USC §3231 requires a Defendant commit fraud against another person or company. It is a temporal impossibility for Petitioner to have committed fraud against his own Company which he founded, assigned his own Patents and Trademarks to, owns the majority of Stock and assets and possesses management controls.

The Federal Government possessed NO Constitutional, Statutory or Legal Right to pre-empt or abrogate Tenth (10th) Amendment Protections nor interfere in any way because Petitioners Businesses are Private Corporations exempt from Federal Regulations or Policing Authority. "The Governments Right ... to Regulate Commerce" is within the Constitution, at Article I, Section VIII, Clause II. However, such Right was NEVER trespassed by Petitioner because such Right was NEVER placed upon Petitioner or any of his Businesses.

The Executive and Judicial Branch Officers criminalization of Petitioner

exceeded their Constitutional and Statutory Authorities and weaponized the very limited jurisdiction of the Federal Courts in violation of Tenth (10th) Amendment Protections, its "Pre-Emption Doctrine", and the general lawful corporate immunity it imparts to those who are domiciled under a States Protections. The Supreme Court ruled:

"An act committed within a State, whether for good or bad, or whether with an honest or criminal intent, cannot be made an "Offense Against the United States" unless it have some relation to the execution of a Power of Congress, or to some matter within the Jurisdiction of the United States. An act not having any such relation is one in respect to which the State, alone, can Litigate."

United States v. Fox, 95 US 670 (1898)

The Executive and Judicial Branch Officers trespass upon Petitioners 10th Amendment Protected Rights and those of his Businesses denied Petitioner "Equal Protection of the Laws" and of "Life, Liberty, and Property (Patents), without Due Process of Law" under the 14th Amendment, as reserved to the State of Delaware, which is where Petitioners Businesses were domiciled and who had Personal Jurisdiction over Petitioner. The Federal Government possessed NO Federal Jurisdiction over Petitioner or his Businesses because neither were subject to any Federal Regulatory or Policing Authority. The fact is, the Federal Government possessed NO Justiciable basis to Police the allegation of Fraud underlying the fictitious Wire Fraud allegation. Even if true, the underlying allegation of fraud would have been an 'Embezzlement' Charge - for which, there is NO Statutory Charge in the United States Code (USC) that covers an allegation of Embezzlement, unless the embezzlement was an "Offense against the United States" and its Property Rights. This goes to the Framers construction of Article III and their intent to make the Federal Courts of 'Limited Jurisdiction'. Thus, an Embezzlement charge (Fraud) is a State issue. Even if true.

F.R.Crim.P Rule #1 invokes 18 USC §3001 which declares that "Criminal Procedure is governed by the Rules". Rule #1 "Notes of Advisory Committee" plainly states: "The Rules of Criminal Procedure for the United States District Courts deal with preliminary, supplemental, and special proceedings which will often be conducted before United States Magistrates. This is true, for example, with regard to Rule #3 - The Complaint; Rule #4 - Arrest Warrant or Summons Upon a Complaint"; Rule 5 - Initial Appearance before Magistrates; and, Rule 5.1 - Preliminary Examination."

NO such "Proceedings [] before a Magistrate" are found in the Record(s) with respect to Rule 3 or Rule 4.

The criterion for commencing a criminal procedure begins with F.R.Crim.P Rule 3 - 'The Complaint', which is empowered by 18 USC §3041 and aptly titled "The Powers of the Courts and Magistrates". 18 USC §3041 limits Federal Jurisdiction to "an Offense against the United States". BUT FOR the Executive Branch's refusals to respect such limitations and the Rules of Law and the Judicial Branch's failures to supervise such limitations and the Rules of Law, Petitioner was taken through illegal investigations and unlawful Trial Proceedings in violation of 18 USC §3044, which governs F.R.Crim.P Rule 3 - 'The Complaint Rule'.

Pursuant to F.R.Crim.P Rule 6(a)(1) "When the Public interest so requires, the Court must order that one or more Grand Juries be summoned." Clearly, there is NO Public interest in the Private Affairs of a Private Corporation nor its Founders management of it. Where NO "Offense against the United States" exists and where NO Rule 3 Complaint sworn "by Oath before a Magistrate" nor a Rule 4 Arrest Warrant or Summons upon a Complaint issuance or Return exists in the Record, any Magistrate or Grand Jury Forum is illegally accessed.

The Governments Theory of Prosecution falsely targeted Petitioners 'Right to Control' his Executive Compensation and Reimbursements. Recent Supreme Court and Circuit Court Rulings retroactively applicable to Petitioners Case establish that Petitioner was convicted of non-existent offenses because the "Right to Control" Theory of Wire Fraud, as the Supreme Court has held, is invalid Legal Theory. See Supreme Court Cases 'Percoco', 'Ciminelli', and 'Kelly'. See Circuit Court Cases 'Yates' (9th), 'Bruchhausen' (9th), 'Milheiser' (9th), 'Takhalov' (11th), 'Traxler' (5th), 'Guettin' (D.C.). In these Cases at law, the Government possessed a bonafide Legal or Regulatory interest (Jurisdiction) and was still found not to possess a valid Legal Theory to Prosecute.

In Petitioners Case, the Government possessed NO Legal or Regulatory interest (Jurisdiction) in the affairs of Petitioners Businesses, nor in Petitioners management of them. The Government presented NO Legally justiciable injury-in-fact,

causally connected to a Government Property interest, redressable by a Federal Court.

Intellectually honest and cogent analysis of these Judicial and Executive Branch Officers and Employees misconducts and trespasses upon Petitioners Civil Liberties and tortious interference of his Business and Intellectual Property (Patent) Rights evidence complete and total disobedience to their "Oath of Office" and the "Supremacy" Clauses mandated by Article VI, Clause II and III and failures to "Take Care that the Laws be Faithfully executed" in violation of Article II, Section III of our United States Constitution. Accordingly, it is fair to ask: "Have the Executive and Judicial Branch Officers and Employees in the Ninth Circuit lost their Minds?"

For the avoidance of doubt, the Supreme Courts Ruling in United States v. Lee, 106 US 196, 220; 27 L.Ed 171; 7 S.Ct. 240 (1882), rationalizes the purpose of our Justice System and conduct of our Federal Officers and Employees, and brings to mind the intentions of the 'Better Angels' that gave us our Constitutional Republic: "No Man in this Country is so high that he is above the Law. No Officer of the Law may set that Law at defiance, with impunity. All Officers of the Government, from the Highest to the Lowest, are creatures of the Law, and are bound to obey it. It is the only Supreme Power in our system of Government, and every man who, by accepting office, participates in its functions, is only the more strongly bound to submit to that Supremacy, and to observe the limitations which it imposes upon the exercises of the authority which it gives."

Petitioner submits that he is being detained, imprisoned and deprived of his Life, Liberty, and Property without Due Process of Law. All in violation of Article VI, Article III, Article II and the 4th, 5th, 6th, 8th, 10th and 14th Amendments of the United States Constitution and the Laws of the United States.

GROUND THREE:

Petitioner is being detained and imprisoned in violation of the Constitution and Laws of the United States because the Department of Justice, its Agency's within, its Officer's and its Employee's did knowingly, willingly and intentionally act and/or failed to act, in their Official Capacity and under the color of Law, by refusing to yield to Constitutional and Statutory Limits imposed on them in the investigation, detection, and prosecution of Petitioner, which are strictly limited to "Offenses against the United States". The Executive Branch Officers violated Article II of the United States Constitution by disobeying their covenant that they "Shall Take Care that the Laws be Faithfully executed" pursuant to Article II, Section III, Clause IV's 'Take Care Clause', in violation and deprivation of Petitioners Civil Rights, Liberties and Freedoms.

The Government never alleged that Petitioner committed an "Offense against the United States". Instead, the Original and Superseding Indictments evidence allegations of fraud (embezzlement) solely against Petitioners Private Business(es) and own Personal Interests. Pursuant to the limiting Legislature in these and related Statutes, in addition to the Constitutional Rights and Protections belonging to Petitioner and his Businesses, the Government possessed NO lawful authority or plenary Police Power to selectively investigate, prosecute nor trespass into the Private Affairs of Petitioners Private Businesses nor his Management of them.

The Executive Branch's overreach and failures in "Supervisory Authority", Oversight and Management - as Statutorily mandated to be in compliance with 28 USC §519, et al. - permitted unauthorized intrusions into the Private (Sans Public) Affairs of a Pioneering Inventor, Businessman, Scientist and Private Citizen by an Assistant United States Attorney who possessed Personal, Financial, and Political Conflicts of Interest in violation of 28 USC §528 and §547(1) and in Criminal violation of 18 USC §201 and §208. These interlopers, acting under the color of Law, collapsed the 'Separation of Powers' to violate Petitioners Constitutionally Protected Rights and those of his Business Enterprise.

28 USC §519 - "SUPERVISION OF LITIGATION"

Congress provides Legislation which, when followed, strictly limits Executive Action(s) and Federal Police Powers, in accordance with Constitutional Principles. Review of 28 USC §519 clearly establishes the fact that the Attorney General failed to discharge his Duties in violation of this Statute and in deprivation to Petitioners Civil rights:

"Except as otherwise authorized by Law, the Attorney General SHALL Supervise all Litigation to which the United States, an Agency, or Officer thereof is a Party, and SHALL direct all United States Attorneys, Assistant United States Attorneys and Special Attorneys appointed under Section 543 of this Title [28 USC §543] in the discharge of their respective Duties." [28 USC §519 - Supervision of Litigation].

Records reveal that the Officers and Employees of the Department of Justice evaded the Supervision and supervisory Authorities of the Attorney General, dominated the Magistrate and Grand Jury forums and collapsed the Separation of Powers between the second and third Branches of the Government - trespassing the Limited Jurisdiction of an Article III Court - to present criminal allegations against the Petitioner that lacked in the necessary "Legal Interest" belonging to the United States or one of its Regulatory Agencies to satisfy the Constitutional and Statutory Justiciability ("Standing") lawfully required, pursuant to Article III, Section II, Clause I of the United States Constitution, as mandated by 18 USC §3041 - 'Power of the Courts and Magistrates', and as enforced by Rule 3 of the Federal Rules of Criminal Procedure. All governing Article III's 'Case' or Controversy Doctrine and the lawful Jurisdictional limitations on the Federal Courts and the Executive Branch.

The Executive Branch's failures to self-govern and the Attorney General's knowing and willful refusal to discipline its Supervision over the United States Attorney and his Assistant - who was conflicted - as well as the FBI enabled these Officers to use an Article III Court as a "Super-Legislative Body" that lacked Jurisdiction and rendered a Void Judgment.

The Executive Branch orchestrated a fraud upon Petitioner and the United States Taxpayers by soliciting, using, and receiving Federal Treasury Funds, and

by causing the solicitation and payment of Treasury Monies and Properties for the performance of an unauthorized, un-supervised, and illegal investigation, prosecution and Trial Proceeding and related costs and expenses beyond their limited scope of federally sanctioned conducts, permissions, and authorities - in violation of Federal Laws limiting the access and procurement of Federal Monies to the Department of Justice to ONLY "DETECT, INVESTIGATE AND PROSECUTE OFFENSES AGAINST THE UNITED STATES". (All Statutes repeat this limiting language.)

28 USC §530C(b)(4) - 'AUTHORITY TO USE AVAILABLE FUNDS'

28 USC §530C(b)(4) specifically limits the Attorney General's "Authority to Use Available Funds" for the Federal Bureau of Investigation (FBI), instructing: "Funds available to the Attorney General for the Federal Bureau of Investigation (FBI) for the detection, investigation and prosecution of crimes against the United States may be used for the conduct of all its authorized activities."

The limitations of this Statute to "Crimes against the United States" clearly and unambiguously evidence these Executive Branch Officers and Employees misappropriating Treasury Funds and the U.S. Attorney Generals Budget, without apparent Supervision or Oversight, to detect, investigate and prosecute a "Non-Offense" against the United States via the United States Attorney's Office for the Northern District of California utilization of the FBI to investigate Petitioner's Private Corporation for over four (4) Years and to then Prosecute its Founder in aide to a Racketeering Enterprise and the AUSA's own Personal, Financial, Political and Professional Interests.

28 USC §533(1) - 'Investigative and other Officials'

28 USC §533(1) further confirms Congress intentions to strictly limit the investigative Powers of the Executive Branch. The Statutes meaning is clear and unambiguous:

"The Attorney General may appoint Officials (1) to detect and prosecute crimes against the United States."

28 USC §547(1) - 'Duties of United States Attorneys'

28 USC §547(1) clearly and unambiguously defines the Prosecutorial Limitations of United States Attorneys to "Offenses against the United States".

"Except as otherwise provided by Law, each United States Attorney, within his District, SHALL (1) prosecute for all offenses against the United States."

NO such "Offenses against the United States" were ever alleged against Petitioner. As such, Petitioner was convicted of a non-offense against the United States and is being detained and imprisoned in violation of the Constitution and Laws of the United States. To be clear, the foundational allegation of fraud in the Indictment is alleged against Petitioner's own Corporation and personal interests, which are Private and which are controlled by Petitioner in every respect. All other Charges in the Indictment are dependant upon the foundational allegation of fraud - which is essentially a claim of Embezzlement that the Federal Government has NO Statutory authority or Subject Matter Jurisdiction over. Again, only a State can prosecute an Embezzlement charge, if true.

The lack of Property Interest in or Regulatory Interest in Petitioner's Business negated any justiciable basis for claiming an injury-in-fact against anyone other than Petitioner himself. Consequently, the Executive Branch Officers created a miscarriage of justice and orchestrated a mockery upon an Article III Court in causing redress to be given to a party lacking in the Right to receive redress for non-existent Legal Harm. No "exception as otherwise provided by Law" was ever introduced, overriding these clear and unambiguous investigation and prosecution limitations.

In violating the limitations of their governing Legislations these Executive Branch Officers clearly and unequivocally caused a 'vast expansion of Federal Jurisdiction without Authorization" to "stretch [the powers of an Article III Court] for the purpose of acquiring Jurisdiction". In doing so, these Officers and Employees trespassed upon the Constitutional Rights, Liberties and Freedoms of Petitioner to unlawfully detain and imprison him in violation of the Laws and Constitution of the United States.

GROUND FOUR:

Petitioner is being detained and imprisoned in violation of the Constitution and the Laws of the United States because Executive and Judicial Branch Officers violated Petitioner's Article I Protections and assurances to be free to Contract in Business, and to enforce the Contracting Rights of his Businesses as Constitutionally guaranteed under Article I, Section X, Clause I of the United States Constitution.

In addition, the Executive and Judicial Branch's arbitrary, capricious, and abusive acts in excess of Statutory Jurisdiction, Authority and Limitations contrary to Constitutional Rights, Powers, Privileges, or Immunities and without observance of Procedure required by Law, violated Petitioner's Right to enforce his Intellectual Property Rights for the "Limited Times" he has to commercialize them in Business. These Executive and Judicial Branch Officers are in active violation of Petitioner's Constitutional Rights to commercialize his Patents, Trademarks and Copyrights under Article I, Section VIII, Clause VIII (Intellectual Property Clause).

The unlawful detention and imprisonment of Petitioner was orchestrated to cause suffrage to Petitioner to exhaust his Intellectual Property Rights and to obstruct Petitioner's Freedoms, Liberties and Rights to Contract in Business and to enforce those Contract Rights. The Government possessed NO Legal Right to exercise plenary Police Power over the actions of Petitioner's Private Corporations Accounting to criminalize, detain and imprison Petitioner and to tortiously interfere with Petitioner's "Life's Work". Doing so defrauds Petitioner, it defrauds our Healthcare System, it defrauds the very Patients in need of Petitioner's Medical innovations, and it runs contrary to the Free Market Principals and ideals our Country and Constitution were founded upon. Here, the Government is evidenced to have detained and imprisoned Petitioner to interfere with Interstate and Foreign Commerce and Intellectual Property Rights belonging to Petitioner and his Businesses.

Without adherence to the Rules of Law and Petitioners Constitutional Rights and Protections under the 4th Amendment, the Prosecutor and Article III conviction Court Judge violated 18 USC §4001, which states:

"No Citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress"

Without Jurisdiction or authority the Article III Court violated 18 USC §3141 and incarcerated Petitioner, prior to Trial - thwarting his Defense, and imprisoning Petitioner in violation of the Fourth, Fifth and Sixth Amendments. As related, 18 USC §3047 expressly instructs the Prosecution and Judiciary that:

"A Warrant SHALL be necessary to commit [Defendant] for Trial."

The Records prove that NO Rule 4 - Affidavit Supported Complaint establishing Probable Cause to issue an Arrest Warrant was ever issued nor returned. Moreover, the "Amendments to Rule 4" expressly instruct that:

"To support the issuance of a Warrant the Complaint MUST contain, in addition to a statement "of the essential facts constituting the offense" (Rule 3), "A statement of the facts relied upon by the Complainant to establish Probable Cause" [to a Magistrate Judge to access a Grand Jury]". Id at Rule 4 - Amendment (1967).

Without observance of or obedience to fundamental Procedural Due Process of Law, required by Law, exactly how did the Executive Branch Officers legally obtain authorization(s) to access Petitioners Business and Personal Records at Google, AT&T, Comcast, JP Morgan Chase Bank, Wells Fargo Bank, and to multiple Magistrates and Grand Jury's? By what authority did these Executive Branch Officers and Employees present Probable Cause, pursuant to the mandates of the Fourth Amendment, to search Petitioners Business, Person, Home, Papers, Effects and Records? How did they establish that Petitioner committed an "Offense against the United States" when it is clear and evident that NO such "Offense against the United States" was ever committed by Petitioner nor his Businesses.

It is an axiomatic principle of Law that where Fundamental Procedural Due Process is violated any Magistrate, Grand Jury or Article III Court Forum is illegally accessed and the Defendant is detained and imprisoned unlawfully.

CONCLUSION

As a consequence of the Procedural Due Process violations that were permitted to occur throughout the criminal case, the 'Separation of Powers' were made to collapse and a miscarriage of justice has been exacted upon Petitioner. The lack of adherance to, discipline of, and respect for Procedural Due Process in our Justice System and Judiciary has became a stain upon the credibility and integrity of our Constitutional Republic. This collapse of the 'Separation of Powers' is best evidenced in the criminal case because of the lack of adherance to, discipline of, and respect for Procedural Due Process.

In this Court Ruling in Shaughnessy v. United States, 345 US 206, 97 L.Ed 956, 73 S.Ct. 625, on March 16, 1953, this Supreme Court instructed that:

"Procedural Fairness, if not all that was meant by Due Process of Law, is at least what it most uncompromisingly requires. Procedural Due Process is more elemental and less flexible than Substantive Due Process. It yields less to the Times, varies less with Conditions, and defers much less to Legislative Judgment. Insofar as it is Technical Law, it must be a specialized responsibility within the competence of the Judiciary on which they do not bend before Political Branches of the Government. [] Only the untaught Layman or the Charlatan Lawyer can answer that Procedures matter not. Procedural Fairness and regularity are of the indispensable essence of Liberty."

The Decision at the Lower Court was a Legal Nullity, without Jurisdiction and Non-Final. As the Court of Last Resort, Petitioner humbly prays that this Honorable Supreme Court grant Petitioner relief by granting the Writ of Habeas Corpus on the Grounds that Petitioner is being detained and imprisoned in violation of the Constitution and Laws of the United States and Order Petitioner be released from unlawful Custody.

"It is a settled and invariable Principle, that every Right, when withheld, must have a Remedy, and every Injury, its proper Redress."
Lord Blackstone, 3 Bl. Com. 109