

No. 24-3310

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**

OCT 10, 2024

KELLY L. STEPHENS, Clerk

In re: SEFE A. ALMEDOM,

Movant.

ORDER

Before: BATCHELDER, THAPAR, and DAVIS, Circuit Judges.

Sefe A. Almedom, a pro se Ohio prisoner, moves this court for an order authorizing the district court to consider a second or successive 28 U.S.C. § 2254 petition for a writ of habeas corpus. *See* 28 U.S.C. § 2244(b)(3)(B). For the following reasons, we deny the motion for authorization.

In 2017, an Ohio jury convicted Almedom of eleven counts of rape and four counts of gross sexual imposition. The trial court sentenced him to life imprisonment without the possibility of parole plus 25 years to life. The Ohio Court of Appeals affirmed. *State v. S.A.A.*, No. 17AP-685, 2020 WL 5798211, at \*23 (Ohio Ct. App. Sept. 29, 2020), *perm. app. denied*, 161 N.E.3d 717 (Ohio 2021).

Almedom then petitioned for federal habeas relief under § 2254, claiming prosecutorial misconduct. The district court denied the habeas petition and declined to issue a certificate of appealability, reasoning that Almedom's claim was procedurally defaulted because he did not fairly present it to the Ohio courts. *Almedom v. Hill*, No. 2:22-cv-2229, 2023 WL 9895059, at \*3 (S.D. Ohio Aug. 7, 2023). We dismissed Almedom's appeal as untimely. *Almedom v. Fredrick*, No. 24-3171, 2024 WL 2750076 (6th Cir. May 15, 2024).

In April 2024, Almedom moved for relief from judgment under Federal Rule of Civil Procedure 60(b), claiming that (1) appellate counsel was ineffective for failing to exhaust his prosecutorial-misconduct claim in the Ohio Supreme Court, and (2) his sentence is contrary to law.

in Order for the Court to Exercise its Reactive Power. This Court is Prohibited from Initiating its own personal Investigation, Research, Facts Finding, then Render a Decision on a Case Before it. Therefore, this alleged Order by the Court's Own Investigation, Research/Judgment is Judicially Prejudice and Partial for sure, for which is ever PRAYED.

Therefore, Petitioner have Filed Mr. Almedom's Motion To Vacate this Judgment Entry. Due to the Clerks not using the Agreed to FEDERAL CONTROL NUMBER! on Petitioner's Incoming Legal Mail as Agreed to under FEDERAL LAW. Therefore, this Court Must RESCUSAL itself, returning this Case back to the Clerks for it to be Assigned before None-Bias, Fair, Neutral and Objective Judges. Because, in Federal Court Proceeding the floor established by the Due Process Clause, Clearly Requires a Fair Hearing in a Fair Tribunal, before a Judge with No Actual Bias against the Petitioner Or Interest in the Outcome of this particular Case. When this Court did not read Mr. Almedom's Habeas Corpus at all. When it went Online and read all of the State Court's proceeding, Citing word for word, this can not be denied, and to add indult Injury. When the Respondent Conceded with No Response. SEE: BRACY VS GRAMELY, 520 U.S. 899, 177 S.Ct. 1793. Also SEE: UNITED STATES VS MALONEY, 71 F.3d 645. When Mr. Almedom's have established and demonstrated, that the STATUTE he was SENTENCED under was "UNCONSTITUTIONAL AND VOID," Quashes the alleged Procedural Default Theory, for which is ever PRAYED

Other solid reasons "to" Vacate this Void Judgment Entry, to wit;

1. A Federal Habeas Corpus is Cognizable before this Court according to §31 "UNCONSTITUTIONAL OR VOID STATUTE OR ORDINANCE." Therefore, this Court may determine in a Habeas Corpus proceeding the Constitu-

No. 24-3310

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and therefore void. The district court determined that the motion was, in substance, a second or successive habeas petition and therefore transferred it to this court for permission to consider it. See 28 U.S.C. § 1631; *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (per curiam). At our direction, Almedom filed a corrected motion for authorization to file a second or successive § 2254 petition, which he later amended, reiterating the claims set forth in his Rule 60(b) motion.

We may authorize the filing of a second or successive habeas petition only if the movant makes a prima facie showing that the proposed petition contains a new claim that relies on either (A) "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable" or (B) new facts that "could not have been discovered previously through the exercise of due diligence" and that, "if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense." 28 U.S.C. §§ 2244(b)(2), (b)(3)(C).

Almedom's motion for authorization does not satisfy these statutory criteria. First, although Almedom indicates that his proposed claims rely on new rules of constitutional law that the United States Supreme Court has made retroactively applicable, he cites only decisions of the lower federal courts, the Ohio Court of Appeals, and the Ohio Supreme Court. And second, Almedom's proposed ineffective-assistance and sentencing claims are not based upon newly discovered facts that establish that no reasonable juror would have convicted him of rape and gross sexual imposition but for constitutional error.

For these reasons, we **DENY** the motion for authorization.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk

tionality of the statute under which Mr. Almedom is being Held and, if it proves to be UNCONSTITUTIONAL, DISCHARGE HIM, irrespective of the stages of the prosecution against him under the statute, irrespective of whether he has been convicted, and irrespective of any other relief that may be available to him. Moreover, Mr. Almedom's have successfully "QUASHED" the Default Procedural when the statute was UNCONSRITUTIONAL AND VOID! According to "EXHIBIT "1"" SEE: BROWN EX PARTE, 1936 Ohio Misc. LEXIS 1087, for which is ever PRAYED.

2. Further, the Ohio General Assembly Abrogated the Death Penalty, Life without Parole and 15 to Life, including All Aggravated Sentences as Unconstitutional and Void. Therefore, there is No Statute Of Limitation, on a statute thats Unconstitutional and Void. Mr. Almedom has successfully "QUASHED" D Statute Of Limitation according to Federal and State Law. SEE: AARON VS STATE, 40 Ala. 307, for which is ever PRAYED

3. Once a statute has been declared as UNCONSTITUTIONAL and VOID! The Ohio General Assembly Can Not Revive, Reenact Or Reinstate such a Law again. SEE: STATE EX REL. OHIO ACADEMY OF TRIAL LAWYERS VS SHEWARD, JUDGE, 86 Ohio St.3d 451. Mr. Almedom again has successfully shown that a Life Sentence Without Parole does not exist after it has been Abrogated, Expunged, Repealed and Rescinded as in this Case, Review "EXHIBIT "3"" SEE: HARTUNG VS THE PEOPLE, 22 N.Y. 95, for which is ever PRAYED.

4. Whereas, under Senate Bill 2 there is no! Life Without Parole. See "FELONIES, GENERALLY EFFECTIVE JULY 01ST, 1996." A First Degree Felony Only carry Ten (10) Years, unless the Offender is a Repeated Violent Or a Major Drug Offender - totaling Twenty (20) Years Flat,

**United States Court of Appeals for the Sixth Circuit**

**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 10/10/2024.

**Case Name:** In re: Sefe Almedom

**Case Number:** 24-3310

**Docket Text:**

ORDER filed : We DENY the motion for authorization. No mandate to issue. Alice M. Batchelder, Circuit Judge; Amul R. Thapar, Circuit Judge and Stephanie Dawkins Davis, Circuit Judge.

**The following documents(s) are associated with this transaction:**

**Document Description:** Order

**Notice will be sent to:**

Mr. Sefe A. Almedom  
Marion Correctional Institution  
P.O. Box 57  
Marion, OH 43302-0057

**A copy of this notice will be issued to:**

Ms. Jerri L. Fosnaught  
Mr. Richard W. Nagel

Speaks Volume! for which is ever PRAYED.

5. Moreover, according to JOHNSON his 25 to life was Void. SEE: STATE VS JOHNSON, 2020-Ohio-2947. Establishing that No Court has the power to sentence an Offender to a sentence that Unconstitutional/Void! As in this Case. Again Mr. Almedom has shown that his alleged sentence is Unconstitutional and Void!. SEE: EX PARTE ROSENBLATT, 19 Nev. 439, for which is ever PRAYED.

6. Further, Review "EXHIBIT "6" "TABLE OF PENALTY" Where the Ohio General Assembly Amended the First Degree Felony from Ten (10) Years to Eleven (11) Years. The Controlling Sentencing Statutes does not Authorize Life Without Parole. When Life Without Parole was Abrogated, Expunged, Repealed and Rescinded July 01st, 1996 by Ohio General Assembly, for which is ever PRAYED. SEE: IN RE MEDLEY, 134 U.S. 160, Accordingly.

7. Review: STATE VS STANSELL, 2021-Ohio-203. Where a life-tail sentence was Unlawful and Res Judicata does not apply. When accused was never Classed as Sexually Violent Predator. Therefore, Mr. Almedom Claims has Merits, when the prior statute was Abrogated as Unconstitutional and Void. SEE: STATE VS HIGGINS, 51 S.C. 51, for which is ever PRAYED.

8. In fact, when a statute has been Abrogated, Expunged, Repealed, and Rescinded. The Judgment Must be ARRESTED. SEE: CALKINS VS STATE, 14 Ohio St. 222 as decided by the State Supreme Court Of Ohio. Of which Mr. Almedom Filed in the State Court, but to no avail. Mr. Almedom best efforts has been on point, but getting Negative Result SEE: EX PARTE HOLLMAN, 79 S.C. 9, for which is ever PRAYED.

9. In sum, An accused was SENTENCED to DEATH. However, after his sentence was Abrogated, Expunged, Repealed And Rescinded. The Supreme

Court Of Alabama DISPOSITION was: Judgment Reversed and the Prisoner be Discharged from Custody. Based on the Repeal of the Statute as in this Case. SEE: AARON VS STATE, 40 Ala. 307, also Review: CALKINS VS STATE 14 Ohio St.3d 222, for which is ever PRAYED.


10. Finally, No Rational Minded Judge would attempt to deny the Accused an Opportunity to Present Physical Evidence to Prove his Claims, to wit; (a) A Motion In Arrest Of Judgment was filed in the State's Courts!! (b) A Request For Leave To File For Video Conference, along with a Motion To Appear By Video Conference to Physically Show this Court Proof By A Preponderance Of The Evidence. (c) Proposed Order with EXHIBITS support Mr. Almedom Release. (d) Motion For Appointment Of Counsel, who have experience and knowledge with Federal Court Room Procedural. (e) A Writ Of Habeas Ad Testificandum to Physically Appear / Show this Court Undeniable Evidence. SEE: BRACY VS GRAMLEY, 520 U.S. 899. Review attached Legal Documentation by State Court(s) concerning these facts No Life Without Parole. SEE: CALKINS VS STATE, 14 Ohio St.3d 222, for which is ever PRAYED.

Respectfully, submitted,

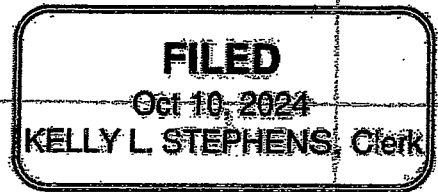
  
Sefe A. Almedom, Pro Se  
Box 57, A705 623, 3/D 31-B  
Marion, Ohio 43301-0057

CERTIFICATE OF SERVICE

I Certify that a copy of the Petitioner's Motion To Vacate A Void Judgment was sent to the following parties by Via Regular U.S. Ordinary Mail, to wit; The U.S. Sixth Circuit Court Of Appeals, Clerk Of Court's Office, 100 East Fifth Street, Rm 540, Cincinnati, Ohio 45202-3988, And to: Ohio Attorney General's Office, Correctional Litigation Section, 30 East Broad Street, 23rd Floor, Columbus, Ohio )AGO-43215. This 18th day of Oct. 20 24.

  
Sefe A. Almedom, Pro Se  
Box 57, A705 623, 3/D 31-B  
Marion, Ohio 43301-0057

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT



No. 24-3310

In re: SEFE A. ALMEDOM,

Movant.

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Before: BATCHELDER, THAPAR, and DAVIS, Circuit Judges.

**JUDGMENT**

THIS MATTER came before the court upon the motion by Sefe A. Almedom to authorize the district court to consider a second or successive 28 U.S.C. § 2254 petition for a writ of habeas corpus.

UPON FULL REVIEW of the record and any submissions by the parties,

IT IS ORDERED that the motion for authorization is DENIED.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk



IN THE UNITED STATES SIXTH CIRCUIT COURT OF APPEALS

SEFE A. ALMEDOM A705 623

PETITIONER PRO SE,

VS

CASE NO. 24-3310

GEORGE FREDERICK, WARDEN

RESPONDENT,

MOTION TO VACATE A  
VOID JUDGMENT ENTRY

MOTION TO VACATE A VOID JUDGMENT ENTRY

Comes now the Petitioner with his "MOTION TO VACATE A VOID JUDGMENT ENTRY." The reason for this cause of action is more fully set forth herein, hereafter, to wit;

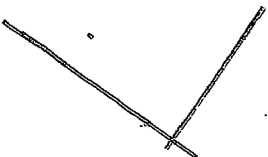
The United States Constitution and an Act of Congress Granted proactive power to the Legislatures and Executives Branches of the government, these Department can and must use their power upon their own Initiatives. The Constitution, however, does not Grant Proactive Power to the Judiciary. The Constitution does not empower the Courts to Initiate their own personal investigation, their own personal research, their own personal facts finding, and then render their own personal decision on a case before it, as this Court has done. After the Court became a part of these proceeding, to do so would have the Judiciary running Helter-Skelter and questioning the laws of Congress and the Actions of the Executive Power for the Judges to do as they see fit. Instead the Constitution Grant Only Reactive Power to the Courts - it can Only React to the Issues brought before it. Thus the Parties (Petitioner Vs Warden) must bring their Issues before the Court,

24-3310

Mr. Sefe A. Almedom  
#705623  
Marion Correctional Institution  
P.O. Box 57  
Marion, OH 43302-0057

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**Additional material  
from this filing is  
available in the  
Clerk's Office.**