TRULINCS 25985018 - CHALIFOUX, SHAWN MICHAEL - Unit: SPG-G-P

ORIGINAL

24-7070

IN THE SUPREME COURT OF THE UNITED STATES

SHAWN MICHAEL CHALIFOUX
Petitioner,

v.

MARK KING
Respondent,

Case No._____

[PETITION FOR WRIT OF HABEAS CORPUS 2241]

SHAWN M. CHALIFOUX #25985-018
Medical Center for Federal Prisoners
P.O. Box 4000
Springfield, MO 65806
Cell: (407) 881-8655

QUESTIONS PRESENTED

1) Does an Assistant U.S. Attorney have the authority to present perjurious testimony and/or false declarations before a grand jury and/or district court to selectively prosecute a defendant for conspiracy to distribute a controlled substance solo and without a co-conspirator?

2) After a defendant clearly and unequivocally waives his right to have counsel for his defense (and asserts his right to self representation), may a district judge simply ignore the defendant and avoid having a Faretta inquiry and then appoint the defendant counsel against his will?

3) While a defendant has a Writ of Habeas Corpus active and pending appellate review, may a custodial jail director transfer custody of that defendant without proper application and/or receiving judicial authorization prior to the transfer?

4) If at a competency hearing held under 18 U.S.C. 4241(c), a defendant wants to testify on his own behalf and make a statement defending his position as to competency and selective prosecution, may a district court deny the defendant his right to testify prior to committing him to the custody of the Attorney General under 18 U.S.C. 4241(d)(1) of the Insanity Defense Reform Act?

5) Does a U.S. Magistrate Judge have the authority to deem a defendant mentally incompetent and commit him to the custody of the Attorney General under 18 U.S.C. 4241(d)(1) without providing the defendant written and/or verbal notice of the incompetence determination and/or commitment order?

6) After a defendant makes and files an affidavit under 28 U.S.C. 2254, Rule 4, Committee Note(a), and under 28 U.S.C. 144 (respectively), alleging judicial bias on a particular judge, does a district court have the authority to allow the same particular judge to review, consider, deny, and dismiss the Writ of Habeas Corpus?

7) Does a district court have the authority to review, consider, deny, and dismiss a Writ of Habeas Corpus without first receiving the $5.00 filing fee and/or an in forma pauperis affidavit?

8) Does a U.S. Magistrate Judge and/or a defense attorney have the authority to force a defendant to waive his right to file written objections within the 14 day time limit under Fed.R.Crim.P. Rule 59(a)?

9) Does a U.S. District Judge have the authority to direct BOP prison officials to obstruct a defendant's legal mail correspondence (and/or a court order) for the purpose of sabotaging the defendant's appeal?

10) After a defendant files a notice of appeal and after a district court is divested of it's jurisdiction to proceed any further in a particular case, may the district court interfere with a defendant's appeal to prevent him from prosecuting the appeal, to essentially sabotage the appeal?

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Related Cases:

Case No. 6:21-CR-00015 (Criminal Case)

Case No. 6:22-CV-01928 (Writ of Habeas Corpus)

Case No. 6:23-CV-03306 (Secondary Writ of Habeas Corpus)

Case No. 3:24-CV-00301 (Civil Rights Action/Bivens)

Related Appeals:

Appeal No. 23-10326 (Writ of Habeas Corpus/Appeal)

Appeal No. 23-12299 (IDRA Commitment Order (Dkt. 158)/Appeal)

Appeal No. 23-13496 (IDRA Extended Commitment Order (Dkt. 186)/Appeal)

Appeal No. 24-13885 (IDRA Forcible Medication Order (Dkt. 268)/Appeal)

Appeal No. 24-11562 (Civil Rights Action/Bivens/Appeal)

Related Complaints:

Florida Bar Complaint RFA No. 23-8276 (Filed: 02/17/2023) (as to Defense Attorney, Blair Jackson)

Florida Bar Complaint RFA No. 25-3399 (Filed: 10/02/2024) (as to Defense Attorney, Blair Jackson)

Florida Bar Complaint RFA No. 24-11709 (Filed: 11/08/2024) (as to Defense Attorney, Michael Nielsen)

Judicial Misconduct Complaint No. 11-23-90036 (Filed: 02/16/2023) (as to U.S. District Judge, Carlos E. Mendoza)

Judicial Misconduct Complaint No. 11-24-90044 (Filed: 05/06/2024) (as to U.S. District Judge, Carlos E. Mendoza)

Judicial Misconduct Complaint No. 11-24-90045 (Filed: 05/06/2024) (as to U.S. Magistrate Judge, Leslie H. Price)

Judicial Misconduct/Bias Affidavit: (Case No. 6:22-CV-01928, Dkt. 2) (as to U.S. District Judge, Carlos E. Mendoza)

Related Sanctions:

Attorney Misconduct Sanction Order: (Filed: 10/04/2023) (Appeal No. 23-12299) (as to Defense Attorney, Blair Jackson)

Attorney Misconduct Sanction Order: (Filed: 11/02/2023) (Case No. 6:21-CR-00015) (as to Defense Attorney, Blair Jackson)

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Index to Appendices:

Appendix A---[Evidence Based Documentation]

Appendix B---[Notice of Complaint E-mail]

Appendix C---[Memorandum of Law]

Note: The petitioner is unable to furnish ALL Appendices, Exhibits, Opinions, Decisions, Docket Sheets, Docket Entries, Transcripts, in support of this petition for the following reasons:

Ineffective Assistance of Counsel

The petitioner's lead counsel of record, Defense Attorney, Blair Jackson, rendered ineffective assistance of counsel and continuously refused to bring him any legal documents and/or legal materials through out the course of this case, for the purposes of protecting, serving, and concealing a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

Improper Transfer of Custody

On April 18, 2023, John E. Polk Facility, Chief Jail Director, Laura Bedard, conducted an improper transfer of custody (of the petitioner) to prevent him from prosecuting an active appeal (efficiently and effectively), and for the purpose of also protecting, serving, and concealing the selective prosecution.

Note: In addition to the improper transfer of custody, prison officials at the John E. Polk Correctional Facility forced the petitioner to send all legal materials home with due disregard for the fact that he was/is still on pretrial.

Scanned Legal Mail

The John E. Polk Correctional Facility scans any/all incoming legal mail to a Smart Communications tablet application which does not allow an inmate to possess and/or mail hard copy legal documents to the U.S. District Court Clerk's Office.

Restricted Access

The John E. Polk Correctional Facility does not provide federal inmates the ability to send funds from their federal inmate trust fund accounts to the U.S. District Court Clerk's Office, for the purpose of purchasing federal case docket sheets, federal case docket entries, and/or federal case transcripts. This factor is prejudicial in it's effect as in forma pauperis status does not entitle an inmate to free copies of docket entries, pleadings, motions, orders or other papers in a case file. The John E. Polk Correctional Facility also does not provide federal inmates the ability to access Pacer.gov for the purpose of selecting, scanning, printing, and/or copying case docket sheets, case docket entries, and/or case transcripts.

On April 19, 2024, The John E. Polk Correctional Facility restricted the petitioner from receiving any/all legal visits from his privately retained investigator, Mr. Fred Harris, of Winchester Investigative Services, (a licensed/certified private investigator with over 30 years field experience...), at the facility to essentially prevent the petitioner from retrieving any/all legal documents in support of his defense, and for the purpose of protecting, serving, and concealing the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. In addition, the facility also restricted Mr. Harris' phone number from the facility's phone system and his email address from the facility's Smart Communications tablet system. See for yourself, contact him at:

Private Investigator, Fred Harris, Winchester Investigative Services, Phone: (407) 739-2800, Email: Winchester@cfl.rr.com

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I. OPINIONS BELOW

Relevant Circuit Court Decisions & Opinions:

On June 7, 2024, the U.S. District Court of Appeals for the Eleventh Circuit, rendered a decision & opinion relevant to the claims set forth in this petition (See Appeal No. 24-11562, Dkt. 2).

On February 21, 2024, the U.S. District Court of Appeals for the Eleventh Circuit, rendered a decision & opinion relevant to the claims set forth in this petition (See Appeal No. 23-13496, Dkt. 20).

On November 29, 2023, the U.S. District Court of Appeals for the Eleventh Circuit, rendered a decision & opinion relevant to the claims set forth in this petition (See Appeal No. 23-12299, Dkt. 23).

On August 25, 2023, the U.S. District Court of Appeals for the Eleventh Circuit, rendered a decision & opinion relevant to the claims set forth in this petition (See Appeal No. 23-10326, Dkt. 18).

Relevant District Court Decisions & Opinions:

On November 15, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:21-CR-00015, Dkt. 268).

On August 27, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:21-CR-00015, Dkt. 251).

On April 10, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 3:24-CV-00301, Dkt. 2).

On September 19, 2023, the U.S. District Court, Western District of Missouri, Springfield Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:23-CV-03306, Dkt. 2).

On September 19, 2023, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:21-CR-00015, Dkt. 186).

On January 19, 2023, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:22-CV-01928, Dkt. 4).

On May 26, 2022, the U.S. District Court, Middle District of Florida, Orlando Division, rendered a decision & opinion relevant to the claims set forth in this petition (See Case No. 6:21-CR-00015, Dkt. 158).

II. JURISDICTIONAL STATEMENT

A. Supreme Court Rule 20

Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. 1651(a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's appellate jurisdiction, 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.

B. Extraordinary Circumstances

28 U.S.C. 2255 (Motion for Postconviction Relief)

A petitioner seeking a Writ of Habeas Corpus under 28 U.S.C. 2241 or 2254 must supply the reasons why the petitioner did not appeal his criminal conviction and/or sentence. In this particular case, the petitioner has been subjected to a period of indefinite commitment under 4241(d)(1) of the Inanity Defense Reform Act. The petitioner did not receive a criminal conviction and/or sentence in this particular case. Therefore, the petitioner cannot appeal such conviction and/or sentence.

A petitioner seeking a Writ of Habeas Corpus under 28 U.S.C. 2241 or 2254 must also supply the reasons why the remedy under 28 U.S.C. 2255 is inadequate and/or ineffective to test the legality of the petitioner's detention. A stated above, the petitioner has been subjected to a period of indefinite commitment under 4241(d)(1) of the Insanity Defense Reform Act. The petitioner did not receive a criminal conviction and/or sentence in this particular case.

A remedy under 28 U.S.C. 2255 is only proper and appropriate to challenge and/or collaterally attack a criminal conviction and/or sentence. The petitioner has not been convicted or a crime and/or sentenced in this particular case. And so, a remedy under 28 U.S.C. 2255 would be both inadequate and ineffective to test the legality of the petitioner's detention in this particular case. Therefore, the petitioner invokes his statutory rights/protections under 18 U.S.C. 4247(g) of the Insanity Defense Reform Act and applies for this extraordinary remedy/relief under 28 U.S.C. 2241.

Selective Prosecution

The petitioner is the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The selective prosecution specifically includes the fact that Assistant U.S. Attorney, Beatriz Gonzalez, knowingly, willfully, and intentionally presented perjurious testimony and/or false declarations before a grand jury and/or district court, for the purpose of selectively prosecuting the petitioner for "Conspiracy" to distribute a controlled substance solo and without a co-conspirator.

The perjurious testimony and false declarations violate clearly established statutory authority under 18 U.S.C. 1621 and under 18 U.S.C. 1623 (respectively). The selective prosecution itself also violates clearly established constitutional authority under the Fifth and Fourteenth Amendments of the United States Constitution (respectively).

Ineffective Assistance

The petitioner's lead counsel of record, Defense Attorney, Blair Jackson, rendered ineffective assistance of counsel and violated the petitioners fundamental rights through out the course of this case. Defense counsel's deficient performance specifically includes the fact that Mr. Jackson, knowingly, willfully, and intentionally violated attorney/client privilege, for the purpose of protecting, serving, and concealing the selective prosecution, at the expense of depriving the petitioner liberty without due process and equal protection of the law.

The petitioner's co-counsel of record, Defense Attorney, Michael Nielsen, also rendered ineffective assistance of counsel and violated the petitioner's fundamental rights through out the course of this case. Defense counsel's deficient performance specifically includes the fact that Mr. Nielsen, knowingly, willfully, and intentionally, deprived the petitioner the ability to effectively challenge and/or effectively object to a report and recommendation for forcible medication (under Sell v. United States) (Dkt. 251), for the purpose of also protecting, serving, and concealing the selective prosecution, with due disregard for the petitioner's statutory and constitutional rights.

The ineffective assistance of counsel violates clearly established constitutional authority under the Fifth, Sixth, and Fourteenth Amendments (respectively).

Mental Incompetence Determination

The U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price), formulated a decision and opinion finding the petitioner to be mentally incompetent to proceed in this case and committed him to the custody of the Attorney General under 18 U.S.C. 4241(d)(1) of the Insanity Defense Reform Act (See Case No. 6:21-CR-00015, Dkt. 158). The district court formulated this decision and opinion (Dkt. 158) in violation of the petitioners statutory rights/protections under 18 U.S.C. 4241(c) and 4247(d) of the Insanity Defense Reform Act. The district court also formulated this decision and opinion for the purpose of protecting, serving, and concealing the selective prosecution, with due disregard for the petitioner's legal, liberty, and medical interests.

Abuse of Judicial Authority/Process

The U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. District Judge, Carlos E. Mendoza), abused his position of judicial authority and the nation's adjudicatory system/process to deliberately violate the petitioner's federally protected statutory and constitutional rights through out the course of this particular case. The abuse of judicial authority specifically includes the fact that Judge Mendoza knowingly, willfully, and intentionally utilized the nation's adjudicatory system/process to obstruct the petitioner's legal mail correspondence and a court order (in bad faith), for the purpose of preventing the petitioner from prosecuting several direct appeals Pro Se (efficiently and effectively), and for the purpose of protecting, serving, and concealing the selective prosecution with due disregard for the petitioner's legal, liberty, and medical interests.

The obstruction of legal mail correspondence and the obstruction of the court order, violates clearly established statutory authority under 18 U.S.C. 1702 and under 18 U.S.C. 1509 (respectively). The abuse of judicial authority/process violates clearly established constitutional authority under both the Fifth and Fourteenth Amendments (respectively).

C. Adequate Relief

Pro Se

On September 28, 2021, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. District Judge, Carlos E. Mendoza), denied and deprived the petitioner of his right to proceed Pro Se in this particular case. Judge Mendoza, instead appointed the petitioner counsel (in bad faith) and only after he clearly and unequivocally waived his right to have counsel for his defense several times on record (See Case No. 6:21-00015, SMC Status Hearing Transcript, Dkt. 133).

Therefore, the petitioner was/is unable to seek adequate relief by proceeding Pro Se.

Assistance of Counsel

Between the dates of October 12, 2021 and February 14, 2022, the Petitioner's lead counsel of record, Defense Attorney, Blair Jackson, violated attorney/client privilege and shared key details of an attorney/client email labeled "Case Related Concerns" with the Assistant U.S. Attorney, Beatriz Gonzalez which prejudiced the petitioner's defense in this particular case.

Therefore, the petitioner was/is unable to seek adequate relief by and through the assistance of counsel.

Fed.R.Crim.P. Rule 59(a) (Written Objection)/(Initial Commitment Order (Dkt. 158))

On May 26, 2022, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price), formulated a decision and opinion finding the petitioner to be mentally incompetent to proceed in this particular case and committed him to the custody of the Attorney General under 18 U.S.C. 4241(d)(1) of the Insanity Defense Reform Act (See Case No. 6:21-CR-00015, Dkt. 158). However...

On or after May 26, 2022, the U.S. District Court, Middle District of Florida, Orlando Division and/or Defense Attorney, Blair Jackson, did not provide the Petitioner with written and/or verbal notice of the incompetence determination and/or Initial Commitment Order (Dkt . 158), as statutorily mandated by Fed.R.Crim.P. Rule 59(a). This prejudicial factor produced an array of prejudicial effects to include but not limited to: 1) depriving the petitioner the ability to challenge and/or object to the Initial Commitment Order (Dkt. 158) within 14 days under Fed.R.Crim.P. Rule 59(a); 2) forcing the petitioner to involuntarily waive his right to file written objections as to the Initial Commitment Order (Dkt. 158) within 14 days under Fed.R.Crim.P. Rule 59(a).

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28 U.S.C. 1291 (Direct Appeal)/(Initial Commitment Order (Dkt. 158))

On or about July 10, 2023, the petitioner did in fact file a notice of appeal as to the Initial Commitment Order (Dkt. 158) (with good cause shown for the delay). However...

On November 29, 2023, the direct appeal was dismissed by the Eleventh Circuit Court of Appeals due to a lack of jurisdiction.

Therefore, the petitioner was unable to seek adequate relief through direct appeal under 28 U.S.C. 1291.

Note: Since the petitioner was forced to waive his statutory right to file written objections as to the Initial Commitment Order (Dkt. 158) he was therefore unable to attain a final decision from the district judge at the district court, which in turn deprived the Eleventh Circuit Court of Appeals jurisdiction to review and consider the appeal. However, the petitioner did in fact attempt to appeal the Initial Commitment Order (Dkt. 158) (See Appeal No. 23-12299, Dkt. 1).

28 U.S.C. 2255 (Motion for Postconviction Relief)

The petitioner has not been convicted of a federal offense in this particular case and therefore is unable to raise claims of ineffective assistance of counsel and/or unable to challenge the legality of his detention in a motion for postconviction relief under 28 U.S.C. 2255.

Therefore, the petitioner is unable to seek adequate relief by motion for postconviction relief under 28 U.S.C. 2255.

28 U.S.C. 2241 (Petition for Writ of Habeas Corpus)

On October 19, 2022, the petitioner did in fact invoke his statutory rights/protections under 18 U.S.C. 4247(g) and filed a Writ of Habeas Corpus under 28 U.S.C. 2241 to challenge the legality of his detention, as he was/is still being unlawfully detained in violation of the Constitution, laws, and treatise of the United States (See Case No. 6:22-CV-01928, Dkt. 1). And then...

On January 17, 2023, the petitioner did in fact invoke his statutory rights/protections under 28 U.S.C. 2254, Rule 4, Committee Note(a), and filed a Judicial Bias Affidavit under 28 U.S.C. 144 (on U.S. District Judge, Carlos E. Mendoza), alleging judicial bias and prejudicial misconduct (See Case 6:22-CV-01928, Dkt. 2). The petitioner filed the Judicial Bias Affidavit (Dkt. 2) for the purpose of seeking fair and impartial review of the Writ of Habeas Corpus by another district judge. All claims giving rise to the Judicial Bias Affidavit (Dkt. 2) were set forth honestly and under penalty of perjury. The Judicial Bias Affidavit (Dkt. 2) itself was in fact filed in good faith and in the interest of justice. However...

On January 19, 2023 (just 2 days later...), the U.S. District Court, Middle District of Florida, Orlando Division, abused it's discretion and erroneously erred by authorizing and permitting U.S. District Judge, Carlos E. Mendoza, himself, to review, consider, deny, and dismiss the Writ of Habeas Corpus (in bad faith), to protect, serve, and conceal a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez (See Case No. 6:22 -CV-01928, Dkt. 4). Judge Mendoza failed to so much as even direct and/or order the respondent to file an answer, motion, or other response within a fixed time, as statutorily mandated by 28 U.S.C. 2254, Rule 4. Instead, Judge Mendoza entered the denial order (Dkt. 4) with due disrespect for the statutory text set forth under 28 U.S.C. 144, and under 2254, Rule 4, Committe Note(a), and with due disregard for the petitioner's legal, liberty, and medical interests.

Therefore, the petitioner was unable to seek adequate relief by Writ of Habeas Corpus under 28 U.S.C. 2241.

28 U.S.C. 1291 (Direct Appeal /(Writ of Habeas Corpus)

On January 25, 2023, the petitioner did in fact file a notice of appeal as to the Writ of Habeas Corpus denial order (Dkt. 4). And on March 7, 2023, the petitioner did in fact pay the $505 filing fee. However...

On April 18, 2023, (while the petitioner's Writ of Habeas Corpus appeal was active and pending appellate review...), John E. Polk Correctional Facility, Chief Jail Director, Laura Bedard, conducted an improper transfer of custody of the petitioner, in violation of clearly established statutory authority under Fed.R.App.P. Rule 23(a). This prejudicial factor produced an array of prejudicial effects to include but not limited to: 1) depriving the petitioner the ability to prosecute the direct appeal efficiently and effectively; 2) causing the direct appeal to get dismissed due to the petitioner's failure to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. Rule 31(a)(1).

In addition to the improper transfer of custody and between the dates of May 5, 2023, and July 20, 2023, U.S. District Judge, Carlos E. Mendoza, knowingly, willfully, and intentionally directed MCFP Springfield prison officials to obstruct the petitioner's legal mail correspondence and a court order addressed to him for the purpose of preventing the petitioner from prosecuting this particular appeal efficiently and effectively. This prejudicial factor produced an array of prejudicial of prejudicial effects to include but not limited to: 1) depriving the petitioner the ability to prosecute the direct appeal efficiently and effectively; 2) causing the direct appeal to get dismissed due to the petitioner's failure to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. Rule 31(a)(1).

Therefore, the petitioner was unable to seek adequate relief through 2241/direct appeal under 28 U.S.C. 1291.

28 C.F.R. 542.10-542.19 (BOP Administrative Remedy Program)

Between the dates of May 5, 2023, and September 5, 2023, the petitioner did in fact invoke his statutory rights/protections under 28 C.F.R. 542.10-542.19, and filed several BOP Administrative Remedy forms to challenge the legality of his detention as he was/is still being unlawfully detained in violation of the Constitution, laws, and treatise of the United States. The BOP Administrative Remedy forms specifically include but are not limited to: a BP-9 to the MCFP Warden, a BP-10 to the Regional Director, and BP-11 to the General Counsel. However...

Also between the dates of May 5, 2023, and September 5, 2023, the BOP prison officials at the MCFP Springfield (under the direction of U.S. District Judge, Carlos E. Mendoza...) knowingly, willfully, and intentionally failed to file and/or mail the BOP Administrative Remedy forms to the appropriate entities (in bad faith) and for the purpose protecting, serving, and concealing the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez, at the expense of depriving the petitioner liberty without due process and equal protection of the law.

Therefore, the petitioner was/is not able to seek adequate relief through the BOP Administrative Remedy Program under 28 C.F.R. 542.10-542.19.

Note: Although MCFP Springfield prison officials did in fact obstruct the petitioner's BOP Administrative Remedy forms from being filed, the petitioner does in fact have a copy of each administrative form that he filed. However, the petitioner was left with no choice but to send the copies of the forms home through another inmate so they would not get detected and obstructed by MCFP Springfield prison officials in the mailroom.

28 U.S.C. 2244 (Secondary Writ of Habeas Corpus)

On September 13, 2023, the petitioner did in fact invoke his statutory rights/protections under 18 U.S.C. 4247(g) (a second time...) and filed a Writ of Habeas Corpus under 28 U.S.C. 2241 (as second time...) to challenge the legality of his detention (a second time...) as he was/is still being unlawfully detained in violation of the Constitution, laws, and treatise of the United States (See Case No. 6:23-CV-03306, Dkt. 1). However...

On September 19, 2023 (6 days later...), the U.S. District Court, Western District of Missouri, Springfield Division abused it's discretion and erroneously erred by authorizing and permitting U.S. District Judge, Roseann A. Ketchmark (under the direction of U.S. District Judge, Carlos E. Mendoza...) to review, consider, deny, and dismiss, the Secondary Writ of Habeas Corpus, (in bad faith), to protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez (See Case No. 6:23-CV-03306, Dkt. 2). Judge Ketchmark failed to so much as even direct and/or order the respondent to file an answer, motion, or other response within a fixed time as statutorily mandated by 28 U.S.C. 2254, Rule 4. Instead, Judge Ketchmark entered the denial order (Dkt. 2) in bad faith and with due disrespect for the statutory text set forth under 2254, Rule 4, and with due disregard for the petitioner's legal, liberty, and medical interests. And, Judge Kethchmark also entered the denial order (Dkt. 2) without even receiving the $5.00 filing fee and/or an in forma pauperis affidavit filed by the petitioner.

Therefore, the petitioner was unable to seek adequate relief by Secondary Writ of Habeas Corpus under 28 U.S.C. 2244.

28 U.S.C. 1291 (Direct Appeal)/(Secondary Writ of Habeas Corpus)

On October 10, 2023 the petitioner did in fact file a notice of appeal as to the Secondary Writ of Habeas Corpus denial order (Dkt. 2) (with good cause shown for the delay...). However...

On or after October 10, 2023, the BOP prison officials at MCFP Springfield (under the direction of U.S. District Judge, Carlos E. Mendoza...) knowingly, willfully, and intentionally failed to mail out the notice of appeal to prevent the petitioner from prosecuting

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a direct appeal as to the Secondary Writ of Habeas Corpus denial order (Dkt. 2), and for the purpose of protecting, serving, and concealing the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. That is precisely why the notice of appeal is not reflected on the face of the docket sheet in this particular case (See Case No. 6:23-CV-03306, Dkt. 1-4).

Therefore, the petitioner was unable to seek adequate relief through 2241/direct appeal under 28 U.S.C. 1291 (a second time...).

Note: Although MCFP Springfield prison officials did in fact obstruct the petitioner's notice of appeal from being filed, the petitioner does in fact have a copy of the notice of appeal that he filed. However, the petitioner was left with no choice but to send the copy of the notice home through another inmate so that it would not get detected and obstructed by MCFP Springfield prison officials in the mailroom.

Fed.R.Crim.P. Rule 59(a) (Written Objection)/(Extended Commitment Order (Dkt. 186))

On September 19, 2023 (6 days AFTER the Secondary Writ of Habeas Corpus was filed...), the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price), did in fact hold an emergency status conference. At the emergency status conference, the petitioner was not allowed to be present but instead represented by Defense Attorney, Blair Jackson without the petitioner's consent (and with due disregard for a clear and actual conflict of interest between the attorney and petitioner...). During the emergency status conference, the district court formulated a decision and opinion extending the petitioner's hospitalization commitment under the custody of the attorney general and under 18 U.S.C. 4241(d)(2) of the Insanity Defense Reform Act, and set a date to hear arguments for a forcible medication order (pursuant to Sell v. United States) (See Case No. 6:21-CR-00015, Dkt. 186). However...

On or after September 19, 2023, the U.S. District Court, Middle District of Florida, Orlando Division and/or Defense Attorney, Blair Jackson, did not provide the petitioner with written and/or verbal notice of the Extended Commitment Order (Dkt. 186), as statutorily mandated by Fed.R.Crim.P. Rule 59(a). This prejudicial factor produced an array of prejudicial effects to include but not limited to: 1) depriving the petitioner the ability to challenge and/or object to the Extended Commitment Order (Dkt. 186) within 14 days under Fed.R.Crim.P. Rule 59(a); 2) forcing the petitioner to involuntarily waive his right to file written objections as to the Extended Commitment Order (Dkt. 186) within 14 days under Fed.R.Crim.P. Rule 59(a).

Therefore, the petitioner was unable to seek adequate relief through written objection under Fed.R.Crim.P. Rule 59(a).

28 U.S.C. 1291 (Direct Appeal)/(Extended Commitment Order (Dkt. 186))

On October 19, 2023, the petitioner did in fact file a notice of appeal as to the Extended Commitment Order (Dkt. 186) (with good cause show for the delay). However...

On February 21, 2024, the direct appeal was dismissed by the Eleventh Circuit Court of Appeals due to a lack of jurisdiction.

Therefore, the petitioner was unable to seek adequate relief through direct appeal under 28 U.S.C. 1291 (a second time...).

Note: Since the petitioner was forced to waive his statutory right to file written objections as to the Extended Commitment Order (Dkt. 186) he was therefore unable to attain a final decision from the district judge at the district court (a second time...), which in turn deprived the Eleventh Circuit Court of Appeals jurisdiction to review and consider an appeal (a second time...). However, the petitioner did in fact attempt to appeal the Extended Commitment Order (Dkt. 186) (See Appeal No. 23-13496, Dkt. 1).

Fed.R.Crim.P. Rule 59(b) (Written Objection)/(Final Order for Forcible Medication (Dkt. 268))

On August 27, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, (at the hands of U.S. Magistrate Judge, Leslie H. Price), did in fact file a 58 page report and recommendation supporting a court order for forcible medication (pursuant to Sell v. United States) (See Case No. 6:21-CR-00015, Dkt. 251). And then...

On September 28, 2024, the petitioner's co-counsel of record, Defense Attorney, Michael Nielsen, did in fact file a set of frivolous written objections as to the report and recommendation for forcible medication (pursuant to Sell v. United States) (Dkt. 251). However, the set of frivolous written objections were submitted in bad faith, without any supporting case law, and without the petitioner's prior consent and/or approval. And then...

On November 15, 2023, the U.S. District Court, Middle District of Florida, Orlando Division, (at the hands of U.S. District Judge, Carlos E. Mendoza) did in fact overrule the set of frivolous written objections, adopted the report and recommendation (Dkt. 251), and entered a final order for forcible medication (pursuant to Sell v. United States) (See Case No. 6:21-CR-00015, Dkt. 268). However, the district court entered the final order (Dkt. 268) in bad faith with due disregard for the petitioner's legal, liberty, and medical interests. The district court also entered the final order (Dkt. 268) to protect, serve, and conceal the selective prosecution from being part of the record in the case.

Therefore, the petitioner was unable to seek adequate relief through written objection under Fed.R.Crim.P. Rule 59(b).

28 U.S.C. 1291 (Direct Appeal)/(Final Order for Forcible Medication (pursuant to Sell v. United States) (Dkt. 268)

On November 25, 2024, the petitioner did in fact file a notice of appeal as to the Final Order for Forcible Medication (pursuant to Sell v. United States) (Dkt. 268). Also on this date, the petitioner did in fact pay the $605 filing fee. However...

Also on this date, (after the U.S. District Court was already divested of it's jurisdiction to proceed any further in the case...), the U.S. District Court, Middle District of Florida, Orlando Division, (at the hands of U.S. District Judge, Carlos E. Mendoza) did in fact file an electronic "Motion to Appoint Counsel" with the Eleventh Circuit Court of Appeals. However, the "Motion to Appoint Counsel" was submitted in bad faith, to prevent the petitioner from prosecuting the direct appeal Pro Se (efficiently and effectively). The "Motion to Appoint Counsel" also specifically asked the Eleventh Circuit Court of Appeals to appoint Defense Attorney, Michael Nielsen, to represent the petitioner in this direct appeal (with due disregard for a clear and actual conflict of interest between the petitioner and defense attorney...), and for the purpose of protecting, serving, and concealing the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. And then...

On November 27, 2024, the petitioner did in fact file an "Emergency Motion to Stay" the Final Order for Forcible Medication (pursuant to Sell v. United States) (Dkt. 268). The "Emergency Motion to Stay" was filed Pro So and sent to the Eleventh Circuit Court of Appeals via U.S. Postal Mail, Return/Receipt. The "Emergency Motion to Stay" was also filed honestly and in good faith to best serve the interests of justice. However...

Also on this date, the Eleventh Circuit Court of Appeals (at the hands of U.S. Deputy Clerk, David J. Smith), did in fact receive the "Emergency Motion to Stay" in hand but decided to perform a prejudicial inaction and willfully failed to docket the "Emergency Motion to Stay". This prejudicial inaction was performed in bad faith to prevent the petitioner's "Emergency Motion to Stay" from being reviewed and considered by a U.S. Circuit Judge. This prejudicial inaction was also performed to

protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez, at the expense of depriving the petitioner due process and equal protection of the law. That is precisely why the "Emergency Motion to Stay" does not reflect on the face of the appeal docket sheet (See Appeal 24-13885). That is also why the petitioner is now currently taking the harmful antipsychotic medication known as "Invega" against his will.

Therefore, the petitioner was unable to seek adequate relief through direct appeal under 28 U.S.C. 1291.

Note: Although U.S. Circuit Deputy Clerk, David J. Smith, did in fact obstruct the petitioner's "Emergency Motion to Stay" from being docketed and recorded in bad faith, the petitioner does in fact have a copy of the "Emergency Motion to Stay" and a copy of the U.S. Postal Mail, Return/Receipt, showing that it was in fact received in hand by the Eleventh Circuit Court of Appeals.

28 U.S.C. 1254 (Writ of Certiorari)

The Petitioner is unable to prosecute an appeal and/or attain a final decision within a U.S. Circuit Court of Appeals.

Therefore, the petitioner is unable to seek adequate relief by Writ of Certiorari under 28 U.S.C. 1254.

Other U.S. District Courts

The Petitioner is unable to seek adequate relief in other U.S. District Courts due to a lack of jurisdiction.

Therefore, the petitioner is unable to seek adequate relief in other U.S. District Courts.

Other U.S. Circuit Courts

The Petitioner is unable to seek adequate relief in other U.S. Circuit Courts due to a lack of jurisdiction.

Therefore, the petitioner is unable to seek adequate relief in other U.S. Circuit Courts.

D. Discretionary Powers

The circumstances surrounding this particular case are extraordinary and they clearly warrant the exercise of this Court's discretionary powers and supervisory authority for the following reasons:

The petitioner is the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed in bad faith and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

The petitioner is also the center subject and victim of an abuse of judicial authority/process performed in bad faith and provided by U.S. District Judge, Carlos E. Mendoza.

The petitioner has been subjected to the Insanity Defense Reform Act under 18 U.S.C. 4241(d)(1) without procedural due process and equal protection of the law (for the purpose of protecting, serving, and concealing the selective prosecution).

The petitioner has also been denied a fair and speedy trial under both 18 U.S.C. 3161 of the Speedy Trial Act and under the Speedy Trial Clause of the Sixth Amendment to the United States Constitution.

The petitioner has been denied the right to challenge the legality of his detention (efficiently, effectively, and in good faith...).

The petitioner has been denied the right to pursue, execute, and prosecute any/all statutory administrative remedies available to all federal prisoners...

The petitioner has been denied the right to prosecute a total of 6 direct appeals related to the legality of his detention (including 2 paid for by money order, 2 under in forma pauperis status, and 2 that was obstructed via legal mail...).

The petitioner has been denied the right to proceed Pro Se in this case (before both the U.S. District Court and the U.S. Circuit Court...).

The petitioner is still currently without the close assistance of adequate and effective counsel for his defense (and his commitment...).

On top of all that, the petitioner is in fact presumptively innocent of all charges until convicted by a trial by jury and should be afforded due process and equal protection of the law (before, during, and after all pretrial proceedings...).

These factors have placed the petitioner into a prejudicial deadlock causing him to become unlawfully detained in violation of the Constitution, laws, and treatise of the United States (with the inability to seek adequate relief in any other form or from any other court...).

The prejudicial misconduct underlying the claims stated in this petition is continuous and has yet again forced the petitioner to invoke his statutory rights/protections under 18 U.S.C. 4247(g) (a third time...), has yet again forced him to file a Writ of Habeas Corpus under 28 U.S.C. 2241 (a third time...), and has yet again forced him to challenge the legality of his detention in good faith (a third time...), but only this time under Rule 20 of the Supreme Court of the United States.

The extraordinary circumstances set forth above clearly warrant the exercise of this Court's discretionary powers and supervisory authority to review and consider this particular petition for Writ of Habeas Corpus. Therefore, the jurisdiction of this Court is invoked under 28 U.S.C. 2241.

Note: In addition to the extraordinary circumstances set forth above, the petitioner has had to violate BOP Policy and JEPCF Policy repeatedly just to send this petition for Writ of Habeas Corpus to the Supreme Court of the United States. The policy violations include but are not limited to: 1) the petitioner performing unauthorized three way telecommunications; 2) the petitioner performing unauthorized three way email communications; 3) the petitioner performing unauthorized three way postal communications; 4) the petitioner possessing unauthorized amounts of postage stamps; 5) the petitioner possessing unauthorized amounts of copy cards; 6) the petitioner paying a corrections officer a Ca$h App to mail out legal documents

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III. TABLE OF AUTHORITIES

Constitutional Provisions Involved:

Statutory Provisions Involved:

Regulations:

Rules:

Other Authorities:

U.S. Supreme Court Precedent Authorities:

Rock v. Arkansas, 483 U.S. 44,49 107 S.Ct. 2704. 97 L. Ed 2d. 37 (1987)

Patchak v. Zinke, 583 U.S. 244, 249-50 138 S.Ct. 897, 200 L. Ed. 2d 92 (2018)

Barett v. Indiana, 229 U.S. 26, 33 S.Ct. 692, 57 L. Ed. 1050 (1913)

U.S. Circuit Court Precedent Authorities:

United States v. Lively, 803 F.2d 1124-1126 (11th Cir. 1986)

Law Dictionaries:

Black's Law Dictionary

Conspiracy- An agreement between two or more persons to commit an unlawful act, coupled with an intent to achieve the agreement's objective, and (in most states) action or conduct that furthers the agreement; a combination for an unlawful purpose. 18 U.S.C.A. 371. Conspiracy is a separate offense from the crime that is the object of the conspiracy. A conspiracy doe not automatically end if the conspiracy's object is defeated. Model Penal Code 5.03(7).

Bouvier Law Dictionary

Conspiracy- Collaborating with another to commit a crime. Conspiracy is a crime committed when two or more people plan or work together to do anything that is itself a crime. It does not matter whether the crime itself is ever performed or attempted. Nor does it matter if one participant has no intention to commit the crime; as long as the participant plans or works with at least one other person in support of the supposed future criminal act, that participant is conspiring to commit the crime.

IV. STATEMENT OF THE CASE

GROUND ONE: Prosecutorial Misconduct (Selective Prosecution)

On February 3, 2021, a grand jury operating within the Middle District of Florida returned an indictment charging the petitioner, Shawn Michael Chalifoux, and his one and only co-defendant, Michael Deshawn Jackson, with Conspiracy to Distribute 50 Grams or More of Methamphetamine.

Between the dates of February 11, 2021 and September 28, 2021, the petitioner discovered evidence confirming the fact that he was/is the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The selective prosecution specifically includes the fact that Assistant U.S. Attorney, Beatriz Gonzalez, knowingly, willfully, and intentionally presented both perjurious testimony before the grand jury and/or false declarations before the district court in this particular case. The perjurious testimony and false declarations include but are not limited to presenting one of the following statements before the grand jury and the district court which includes:

FIRST STATEMENT:

SMC Change of Plea Hearing (06/17/2021)

"And then on November 18th of 2020, again, another controlled purchase from Mr. Chalifoux and the co-defendant where the CS exchanged $3,000 in exchange for 52.25 grams of methamphetamine hydrochloride, 100 percent purity..." (See Appendix A, P. 1)

SECOND STATEMENT:

MDJ Sentencing Hearing (09/28/2021)

"Mr. Jackson really only participated in that one aiding and abetting distribution count that occurred on November 12th, and that would make him responsible for a total of 27.58 grams of methamphetamine, which obviously in comparison to his co-defendant is way less..." (See Appendix A, P. 2)

These two statements not only clearly contradict each other but one of them is obviously false and perjurious. Assistant U.S. Attorney, Beatriz Gonzalez was in her official capacity and under her oath of honor when she presented the statements before the grand jury and the district court which means she presented perjurious testimony and/or false declarations before either the grand jury, the district court, or both. Assistant U.S. Attorney, Beatriz Gonzalez, did this to selectively prosecute the petitioner for Conspiracy to Distribute 50 Grams or More of Methamphetamine solo and without a co-conspirator.

The first statement is consistent with the legal definition of the word "Conspiracy" as it does in fact take TWO OR MORE people to commit a crime of conspiracy. The first statement is also sufficient to potentially help the Government satisfy the three elements necessary to prove a charge for Conspiracy to Distribute 50 Grams or More of Methamphetamine pursuant to 21 U.S.C. 846 and 841 (in a case with just two people and without any other co-defendants and/or co-conspirators...).

See legal definition of Conspiracy below:

Conspiracy- An agreement by TWO OR MORE persons to commit an unlawful act, coupled with an intent to achieve the agreement's objective, and (in most states) action or conduct that furthers the agreement; a combination for an unlawful purpose. 18 U.S.C.A. 371. Conspiracy is a separate offense from the crime that is the object of the conspiracy. A conspiracy does not automatically end if the conspiracy's object is defeated. Model Penal Code 5.03(7) (Black's Law Dictionary).

Conspiracy- Collaborating with another to commit a crime. Conspiracy is a crime committed when TWO OR MORE people plan or work together to do anything that is itself a crime. It does not matter whether the crime itself is ever performed or attempted. Nor does it matter if one participant has no intention to commit the crime; as long as the participant plans or works with at least one other person in support of the supposed future criminal act, that participant is conspiring to commit the crime (Bouvier Law Dictionary).

However, the second statement not only contradicts the first statement but it is inconsistent with the legal definition of the word "Conspiracy" as it does in fact take TWO OR MORE people to plan and/or work together in a conspiracy crime (not just one person...). The second statement is also insufficient to potentially help the Government satisfy the three elements necessary to

prove a charge for Conspiracy to Distribute 50 Grams or More of Methamphetamine pursuant to 21 U.S.C. 846 and 841 (in a case with just two people and without any other co-defendant's and/or co-conspirators...).

See Personalization of Elements below:

Personalization of Elements (Conspiracy)

First: Did TWO OR MORE people in some way agree to try to accomplish a shared and unlawful plan to distribute or possess with intent to distribute a controlled substance?

Second: Did you know the unlawfully plan and willfully join in it?

Third: Was the object of the plan to distribute or possess with the intent to distribute a controlled substance that involved 50 grams or more of methamphetamine?

The perjurious statements and false declarations that Assistant U.S. Attorney, Beatriz Gonzalez, presented to the honorable courts, violate clearly established statutory authority under 18 U.S.C. 1621 and under 18 U.S.C. 1623 (respectively).

18 U.S.C. 1621 Perjury

Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement of subscription is made within or without the United States. (See Appendix C, P. 4)

18 U.S.C. 1623 False Declarations before Grand Jury or Court

Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or, if such proceedings are before or ancillary to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), imprisoned not more then ten years or both. (See Appendix C, P. 5)

In addition, and on September 28, 2021, at Michael Deshawn Jackson's sentencing hearing, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. District Judge, Carlos E. Mendoza...), made a factual finding on record finding the Petitioner's one and only co-defendant, Michael Deshawn Jackson, responsible for a total attributable drug weight of 27.58 grams of methamphetamine.

So then, if Michael Deshawn Jackson "really only participated in that one aiding and abetting distribution count that occurred on November 12th..." (as per Assistant U.S. Attorney, Beatriz Gonzalez...)

And, if Michael Deshawn Jackson "is really only responsible for a total attributable drug weight of 27.58 grams of methamphetamine..." (as per the honorable court...)

Who then is the petitioner's alleged co-conspirator that participated in the conspiracy count one of the indictment????

And who allegedly conspired with the petitioner to distribute 52.25 grams of methamphetamine on November 18, 2020????

It surely cannot be the government's informant as it is improper as a matter of law for a criminal defendant charged with a crime of conspiracy under 21 U.S.C. 846 and 841 to conspire with a government informant. See United States v. Lively 803 F.2d. 1124, 1126 (11th Cir. 1986). ("It is well-settled that a person cannot conspire with a government informer who secretly intends to frustrate the conspiracy.").

Maybe the U.S. Supreme Court Justice assigned to review this petition can figure out who the petitioner's alleged co-conspirator is because it's been four years and the petitioner still hasn't figured it out for himself.

It is unconstitutional to selectively prosecute a federal defendant and to do so violates the Fourteenth Amendment to the United States Constitution. That is exactly what took place in this case. The petitioner is the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The U.S. District Court even played a role in protecting, serving, and concealing the selective prosecution from being brought to light at the expense of depriving the petitioner liberty without due process and equal protection of the law. The selective prosecution has denied the petitioner liberty without due process and equal protection of the law, in violation of clearly established Constitutional authority under the Fourteenth Amendment to the United States Constitution.

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within in its jurisdiction the equal protection of the laws. (See Appendix C, P. 3)

GROUND TWO: Violation of Sixth Amendment (Assistance of Counsel Clause)

Inability to Proceed Pro Se

On September 28, 2021, the petitioner attended a status hearing at the U.S. District Court, Middle District of Florida, Orlando Division (before U.S. District Judge, Carlos E. Mendoza...). At the status hearing, the petitioner was represented by Defense Attorney, Brynn Brito. During the status hearing however, the petitioner moved to terminate Ms. Brito for ineffective assistance of counsel and sought to proceed Pro Se (with the appointment of Investigative Services and assistant/elbow counsel from the CJA panel...). However, the petitioner was denied the right to proceed Pro Se by the honorable court.

Also during the hearing, the petitioner encountered multiple showings of judicial bias performed and provided by U.S. District Judge, Carlos E. Mendoza. The judicial bias includes but is not limited to: 1) knowingly, willfully, and intentionally insulting the petitioner and labeling him "who the problem is..." 2) knowingly, willfully, and intentionally attempting to sentence the petitioner for "conspiracy" solo and without a co-conspirator 3) deliberately misinterpreting the petitioner's request to proceed Pro Se 4) deliberately misinforming the petitioner of not knowing what a private investigator is. The judicial bias was performed for the purpose of protecting, serving and concealing the selective prosecution (See Case No. 6:21-CR-00015, SMC Status Hearing Transcript Dkt. 133)

Also during the hearing, Judge Mendoza deliberately ignored the petitioner's request to proceed Pro Se and instead appointed him an attorney from the CJA Panel to represent him as lead counsel in this case (against his will...). Judge Mendoza did this to prevent the petitioner from being able to defend himself and to prevent him from being able to file anything himself in the case (even after the petitioner clearly and unequivocally waived his right to have counsel several times on record...) (See Case No. 6:21-CR-00015, SMC Status Hearing Transcript, Dkt. 133). Judge Mendoza also did this to protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

The Sixth Amendment guarantees not only that a criminal defendant can receive the aid of counsel but also that he can waive that right and represent himself. Faretta v. California, 422 U.S. 806, 819-20, 95 S.Ct 2525, 45 L. Ed. 2d 562 (1975).

Ineffective Assistance of Counsel

On October 12, 2021, the CJA Panel assigned Defense Attorney, Blair Jackson, with the Law Offices of Cohen & Cohen, to represent the petitioner in this case. And then...

On November 3, 2021, Defense Attorney, Blair Jackson, attended a status conference at the U.S. District Court, Middle District of Florida, Orlando Division (before U.S. District Judge, Carlos E. Mendoza...). At the status conference, Defense Attorney, Blair Jackson, made an appearance on behalf of the petitioner without even introducing himself to the petitioner and without the petitioner's knowledge, consent and/or authorization. And then...

On November 4, 2021, the petitioner contacted the U.S. District Court, Middle District of Florida, Orlando Division, Clerk's Office to see which CJA Attorney was appointed to represent him in the case. The Clerk's Office provided the petitioner with the contact information for Defense Attorney, Blair Jackson. And so...

On November 5, 2021, the petitioner sent an email introducing himself to Defense Attorney, Blair Jackson. However, the petitioner did not receive a response from Defense Attorney, Blair Jackson.

On December 5, 2021, the petitioner sent another email to follow up with Defense Attorney, Blair Jackson. However, the petitioner did not receive a response from Defense Attorney, Blair Jackson.

On January 5, 2022, the petitioner sent another email to follow up with Defense Attorney, Blair Jackson. However, the petitioner did not receive a response from Defense Attorney, Blair Jackson. Also on this date, the petitioner retained the private investigative services of Certified/Licensed Investigator, Fred Harris, of Winchester Investigative Services, for the purpose of investigating the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

On January 14, 2022, Certified/Licensed Investigator, Fred Harris, visited the Law Offices of Cohen & Cohen, to seek aid and assistance from Defense Attorney, Blair Jackson, in his private investigation into the selective prosecution claims provided by the petitioner. However, Defense Attorney, Blair Jackson, refused to aid and/or assist Mr. Harris in his investigation in effort to

protect, serve, and conceal the selective prosecution from being brought to light (See Appendix, A P. 3-5).

On January 18, 2022, the petitioner received his first visit from Defense Attorney, Blair Jackson, at the John E. Polk Correctional Facility. At the visit, Mr. Jackson made it clear that a private investigation was not necessary in this case and he refused to aid and/or assist Mr. Harris in his private investigation. The petitioner again explained to Mr. Jackson that he was the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The petitioner further explained that he would email him the evidence of the selective prosecution after the visit.

On February 1, 2022, the petitioner sent an email labeled "Case Related Concerns" to Defense Attorney, Blair Jackson. The email had several evidence based attachments supporting the petitioner's claims of attorney misconduct and selective prosecution. The evidence based attachments included copies of investigative reports and certified court transcripts.

Between the dates of February 1, 2022, and February 13, 2022, Defense Attorney, Blair Jackson, essentially violated attorney/client privilege and shared key details of the petitioner's email labeled "Case Related Concerns" with Assistant U.S. Beatriz Gonzalez (which in turn prejudiced the petitioner's defense in this case).

On February 13, 2022, the petitioner received his second visit from Defense Attorney, Blair Jackson, at the John E. Polk Correctional Facility. At the visit, Mr. Jackson stated that he filed a "Motion to Withdraw Plea" with the honorable court and also stated that we were set to have a hearing on the motion tomorrow. However, the petitioner stated that he was the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The petitioner further stated that he was not interested in a "Motion to Withdraw Plea" but instead wanted to make sure Ms. Gonzalez was held accountable for her actions (as they include presenting perjurious statements and/or false declarations before a grand jury and/or district court...). The petitioner further stated that all he wanted to do was make a statement on the record and all he wanted was to use the microphone. After hearing these things, Mr. Jackson broke out into a frantic panic and said "Why, what are you going to say?" and then ran out of the attorney/client visitation room.

On February 14, 2022 (less then 24 hours later...), the petitioner attended a "Motion to Withdraw Plea" hearing at the U.S. District Court, Middle District of Florida, Orlando Division (before U.S. District Judge, Carlos E. Mendoza...). At the hearing, the petitioner was represented by Defense Attorney, Blair Jackson. During the hearing, the petitioner was unable to make a statement on record regarding the selective prosecution due to the fact that Defense Attorney, Blair Jackson, deliberately obstructed the petitioner's microphone and turned it off just before the hearing had begun. When the petitioner reached for Mr. Jackson's microphone to make a statement on record he hit the petitioner's hand away from his microphone to prevent the petitioner from making the statement on record.

Also during the hearing, when Judge Mendoza made his appearance in the court room, Mr. Jackson moved to have the petitioner evaluated for competency related concerns. However, although Mr. Jackson does have the authority to motion the court for a competency evaluation when a client displays competency related concerns, that was not the case here. Mr. Jackson moved to have the petitioner evaluated for competency related concerns dishonestly and in bad faith, to essentially gag the petitioner from being able to make a statement on record about the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. And so...

On February 19, 2022, the petitioner sent an email to the chambers of U.S. District Judge, Carlos E. Mendoza, expressing concerns about the attorney misconduct and selective prosecution being performed and provided by both Defense Attorney, Blair Jackson and Assistant U.S. Attorney, Beatriz Gonzalez. However, the petitioner did not receive a response from U.S. District Judge, Carlos E. Mendoza. And so...

On March 21, 2022, the petitioner sent an email labeled "Termination/Notice of Complaint" to Defense Attorney, Blair Jackson, for the purpose of terminating him of his services due to ineffective assistance of counsel and violation of attorney/client privilege. The petitioner also forwarded a copy of this email to the chambers of U.S. District Judge, Carlos E. Mendoza (See Appendix A, P. 6).

Also on March 21, 2022, the petitioner sent an email labeled "Notice of Complaint" to the chambers of U.S. District Judge, Carlos E. Mendoza, again expressing concerns about the attorney misconduct and selective prosecution being performed and provided by both Defense Attorney, Blair Jackson, and Assistant U.S. Attorney, Beatriz Gonzalez. This particular email included a total of 47 evidence based attachments to support the selective prosecution claims stated in the email (See Appendix B, P. 1-11). This particular email was also sent to the following individuals to include:

U.S. District Judge, Carlos E. Mendoza, at: Chambers_Flmd_Mendoza@flmd.uscourts.gov

TRULINCS 25985018 - CHALIFOUX, SHAWN MICHAEL - Unit: SPG-G-P

U.S. Sentencing Specialist, Tania Correa, at: Tania_Correa@FImp.uscourts.gov

U.S. Court Reporter, Suzanne Trimble, at: TrimbleCourtReporter@gmail.com

Assistant U.S. Attorney, Beatriz Gonzalez, at: Beatriz.Gonzalez2@usdoj.gov

Defense Attorney, Blair Jackson, at: Blair@CoreyCohen.com

Certified Private Investigator, Fred Harris, at: Winchester@cfl.rr.com

Note: It should be noted however, that the 47 evidence based attachments are not located at (Appendix B, P. 1-11) due to obstruction of legal mail correspondence performed and provided by the United States government.

The district court abused it's discretion and erroneously erred by failing to conduct a Faretta inquiry after the petitioner clearly and unequivocally waived his right to have the assistance of counsel and after he asserted his right to self representation three times on record. The district court deprived the petitioner of his constitutional right to proceed Pro Se in effort to protect, serve, and conceal the selective prosecution performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

The petitioner's lead counsel of record, Defense Attorney, Blair Jackson, rendered ineffective assistance of counsel by violating attorney/client privilege to also protect, serve, and conceal the selective prosecution performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

Therefore, the petitioner was denied a fair, speedy, and impartial trial from this point on in the case, in violation of clearly established constitutional authority under the Sixth Amendment to the United States Constitution.

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence. (See Appendix C, P. 2)

GROUND THREE: Violation of 18 U.S.C. 4241(c) and 4247(d) (Initial Competency Hearing)

On March 27, 2022, the petitioner received a visit from Dr. Randy K. Otto, at the John E. Polk Correctional Facility. At the visit, Dr. Otto explained that he was there to conduct a competency evaluation as per order of the honorable court. Initially, the petitioner declined to participate in the competency evaluation but then reconsidered because he did not want to disrespect and/or violate a court order.

During the competency evaluation, Dr. Otto, begged and pleaded with the petitioner to "Please, please consider taking another deal with the government..." However, the petitioner repeatedly declined to consider taking another deal with the government. Dr. Otto had a copy of the "Notice of Complaint" email (Appendix B, P. 1-11) with him at the visit. Dr. Otto asked the petitioner if he drafted the email and the petitioner replied "Yes." The Defendant explained to Dr. Otto that he had been the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The petitioner further explained that he was not interested in another deal with the Government but instead wanted Ms. Gonzalez to be held accountable for her actions (as she essentially presented perjurious statements and/or false declarations before both a grand jury and/or the district court to selectively prosecute him for "Conspiracy" solo and without a co-conspirator...). Dr. Otto did not give a response to the petitioner's claims and instead concluded the visit and evaluation.

Note: It should be noted that Dr. Randy K. Otto was court ordered to conduct a competency evaluation on the petitioner and to determine if the petitioner had the mental competency to even entertain taking another deal with the government. He was not court ordered to persuade or sway the petitioner into taking another deal with the government or to cover up a selective prosecution (or maybe he was the petitioner still doesn't know...).

On or about April 10, 2022, Dr. Randy K. Otto, filed a forensic opinion with the honorable court opining the petitioner to be mentally incompetent to proceed in the case. Dr. Otto did not share this opinion with the petitioner prior to filing it with the honorable court.

On April 14, 2022, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price...) entered and order to "Prepare for Competency Hearing", and set a date for the competency hearing to take place on May 25, 2022 (See Case No. 6:21-CR-00015, Dkt. 147). However...

On or after April 14, 2022, the U.S. District Court and/or Defense Attorney, Blair Jackson, did not provide the petitioner with written and/or verbal notice of this order to "Prepare for Competency Hearing" (Dkt. 147). This prejudicial factor produced an array of prejudicial effects to include but are not limited to: 1) Denying the petitioner the ability to have fair and formal notice of the order to "Prepare for Competency Hearing" (Dkt. 147); 2) Denying the petitioner the ability to have fair and formal notice of the competency hearing set for May 25, 2022; 3) Denying the petitioner the ability to adequately prepare for the competency hearing set for May 25, 2022. The U.S. District Court and Defense Attorney, Blair Jackson, did this purposefully to protect, serve, and conceal the selective prosecution.

On May 25, 2022, the petitioner attended a "Competency Hearing" at the U.S. District Court, Middle District of Florida, Orlando Division (before U.S. Magistrate Judge, Leslie H. Price...). The petitioner was caught completely by surprise when he attended this hearing (as he did not receive fair and formal notice of the hearing...). At the hearing, the petitioner was represented by Defense Attorney, Blair Jackson, (against his will) and with due disregard for a clear and actual conflict of interest between the petitioner and the defense attorney (See Appendix A, P. 6). Therefore, the petitioner was not afforded the close assistance of adequate and effective counsel for his defense, as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act. See statutory text below:

18 U.S.C. 4241(c)

Hearing- The hearing SHALL be conducted pursuant to the provisions of section 4247(d). (See Appendix C, P. 6)

18 U.S.C. 4247(d)

At a hearing ordered pursuant to this chapter [18 USCS 4241 et. seq.] the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain ADEQUATE REPRESENTATION, counsel SHALL be appointed for him pursuant to 3006A [18 USCS 3006A]. The person SHALL be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing (See Appendix C, P. 7).

During the competency hearing, the petitioner was also not afforded a fair opportunity to make a statement on record defending his position as to competency and/or his position as to the selective prosecution. Therefore, the petitioner was not afforded a fair opportunity to testify on his own behalf, as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act.

"It cannot be doubted that a defendant in a criminal case has the right to take the witness stand and testify in his or her own defense." Rock v. Arkansas, 483 U.S. 44,49, 107 S.Ct. 2704, 97 L.Ed.2d 37 (1987). "The right to testify on one's behalf at a criminal trial has sources in several provisions of the Constitution. It is one of the rights that 'are essential to due process of law in a fair adversary process.'" Id. at 51, 107 S.Ct. 2704 (quoting Faretta v. California, 422 U.S. 806, 819, n. 15, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975).

On May 26, 2022, the U.S. District Court, Middle District Court, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price), entered an order finding the petitioner mentally incompetent and committed him to the custody of the Attorney General to receive mental health treatment and competency restoration services for a period not to exceed four months (See Case No. 6:21-CR-00015, Dkt. 158). However...

On or after May 26, 2022, the U.S. District Court and/or Defense Attorney, Blair Jackson, did not provide the petitioner with written and/or verbal notice of this initial commitment order (Dkt. 158), as statutorily mandated by Fed.R.Crim.P. Rule 59(a). This prejudicial factor produced an array of prejudicial effects that include but are not limited to: 1) Denying the petitioner the ability to file written objections as to the initial commitment order (Dkt. 158) within the 14 day jurisdictional time limit under Fed.R.Crim.P. Rule 59(a); 2) Denying the petitioner the ability to file a direct appeal as to the initial commitment order (Dkt. 158) under 28 U.S.C. 1291. (See Appendix C, P. 8)

The petitioner was denied the right to testify at this competency hearing. And so, the district court abused it's discretion and erroneously erred by failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's initial commitment order (Dkt. 158). Therefore, the district court's initial commitment order (Dkt. 158) violates due process and is both procedurally deficient and secured without statutory authority.

GROUND FOUR: Violation of 18 U.S.C. 4247(g) (Writ of Habeas Corpus)

On October 19, 2022, the petitioner invoked his statutory rights/protections under 18 U.S.C. 4247(g) and filed a Writ of Habeas Corpus under 28 U.S.C. 2241, to challenge the legality of his detention as he was/is still being unlawfully detained in violation of the Constitution, laws, and treatise of the United States. And then...

On January 17, 2023, the petitioner invoked his statutory rights/protections under 28 U.S.C. 2254, Rule 4, Committee Note (a), and filed a Judicial Bias Affidavit under 28 U.S.C. 144 (on U.S. District Judge, Carlos E. Mendoza), alleging judicial bias and prejudicial misconduct (See Case No. 6:22-CV-01928, Dkt. 2). The petitioner filed the Judicial Bias Affidavit (Dkt. 2) for the purpose of seeking fair and impartial review of the Writ of Habeas Corpus by another district judge. All claims giving rise to the Judicial Bias Affidavit (Dkt. 2) were set forth honestly and under penalty of perjury. The Judicial Bias Affidavit (Dkt. 2) itself was in fact filed in good faith and in the interest of justice. However...

On January 19, 2023 (just 2 days later...), the U.S. District Court, Middle District of Florida, Orlando Division, abused it's discretion and erroneously erred by authorizing and permitting U.S. District Judge, Carlos E. Mendoza, himself, to review, consider, deny, and dismiss the Writ of Habeas Corpus (in bad faith) to protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez (See Case No. 6:22-CV-01928, Dkt. 4). Judge Mendoza failed to so much as even direct and/or order the respondent to file an answer, motion, or other response within a fixed time, as statutorily mandated by 28 U.S.C. 2254, Rule 4. Instead, Judge Mendoza entered the denial order (Dkt. 4) with due disrespect for the statutory text set forth under 28 U.S.C. 144, under 28 U.S.C. 2254, Rule 4, and under 28 U.S.C. 2254, Rule 4, Committee Note(a) (respectively) and with due disregard for the petitioner's legal, liberty, and medical interests. See statutory text below:

28 U.S.C. 2254, Rule 4, Committee Note(a)

There is a procedure by which a movant can have a judge other than the trial judge decide his motion in courts adhering to the majority rule. He can file an affidavit alleging bias in order to disqualify the trial judge. (See Appendix C, P. 9)

28 U.S.C. 144 Bias or Prejudice of a Judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge

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should proceed no further therein, but another judge shall be assigned to hear such proceeding. (See Appendix C, P. 10)

28 U.S.C. 2254 Rule 4

If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time. (See Appendix C, P. 11)

The district court abused it's discretion and erroneously erred by failing to comply with the statutory text under 28 U.S.C. 144, under 28 U.S.C. 2254, Rule 4, and under 28 U.S.C. 2254, Rule 4, Committee Note(a) (respectively), prior to entering it's denial order (Dkt. 4). Therefore, the district court's denial order (Dkt. 4) violates due process and is both procedurally deficient and secured without statutory authority.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. (See Appendix C, P. 1)

GROUND FIVE: Violation of Fed.R.App.P. Rule 23(a) (Improper Transfer of Custody)

In February of 2023, the petitioner filed a notice of appeal as to the Writ of Habeas Corpus denial (Dkt. 4) (See Appeal No. 23-10326, Dkt. 1). However...

On April 18, 2023, (while the petitioner's Writ of Habeas Corpus appeal was active and pending appellate review...), John E. Polk Correctional Facility, Chief Jail Director, Laura Bedard, conducted an improper transfer of custody of the petitioner (without proper application and/or judicial authorization...) prior to the transfer, in violation of clearly established statutory authority under Fed.R.App.P. Rule 23(a) and 11th Cir. Local Rule 23(a) (respectively) (See Appeal No. 23-10326). This prejudicial transfer produced an array of prejudicial effects that include but are not limited to: 1) Depriving the petitioner the ability to prosecute the direct appeal efficiently and effectively; 2) Causing the direct appeal to get dismissed due to the petitioner's failure to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. 31(a)(1).

Fed.R.App.P. Rule 23 (Custody or Release of a Prisoner in a Habeas Corpus Proceeding)

(a) Transfer of Custody Pending Review

Pending review of a decision in a habeas corpus proceeding commenced before a court, justice, or judge of the United States for the release of a prisoner, the person having custody of the prisoner MUST NOT TRANSFER CUSTODY to another unless a transfer is directed in accordance with this rule. When, upon application, a custodian shows the need for a transfer, the court, justice, or judge rendering the decision under review may authorize the transfer and substitute the successor custodian as a party. (See Appendix C, P. 12)

In addition to the improper transfer of custody and between the dates of May 5, 2023, and July 20, 2023, U.S. District Judge, Carlos E. Mendoza, knowingly, willfully, and intentionally directed MCFP Springfield prison officials to obstruct the petitioner's legal mail correspondence and a court order addressed to him to prevent the petitioner from prosecuting this particular appeal efficiently and effectively (See Appeal No. 23-10326, Dkt. 14 and 15). This prejudicial factor also produced an array of prejudicial effects to include but are not limited to: 1) Depriving the petitioner the ability to prosecute the direct appeal efficiently and effectively; 2) Causing the direct appeal to get dismissed due to the petitioner's failure to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. 31(a)(1).

The obstruction of legal mail correspondence and the obstruction of a court order violates clearly established statutory authority under 18 U.S.C. 1702 and 18 U.S.C. 1509 (respectively). See statutory text below:

18 U.S.C. 1702

Whoever takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined under this title or imprisoned not more than five years, or both. (See Appendix C, P. 13)

18 U.S.C. 1509

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgement, or decree of a court of the United States, shall be fined under this title of imprisoned not more than one year, or both. (See Appendix C, P. 14)

On August 25, 2023, the petitioner's Writ of Habeas Corpus appeal was denied and dismissed due to the petitioner's failure to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. Rule 31(a)(1) (See Appeal No. 23-10326, Dkt. 18).

John E. Polk Correctional Facility, Chief Jail Director, Laura Bedard conducted an improper transfer of custody of the petitioner (without proper application and/or judicial authorization...) prior to the transfer, in violation of clearly established statutory authority under Fed.R.App.P. Rule 23(a) and under 11th Cir. Local Rule 23(a) (respectively). Therefore, this transfer violates due process and is both procedurally deficient and secured without statutory authority.

GROUND SIX: Violation of 18 U.S.C. 4247(g) (Secondary Writ of Habeas Corpus)

On September 13, 2023, the petitioner invoked his statutory rights/protections under 18 U.S.C. 4247(g) (a second time...) and filed a Writ of Habeas Corpus under 28 U.S.C. 2241 (a second time...) to challenge the legality of his detention (a second time...) as he was/is still being unlawfully detained in violation of the Constitution, laws, and treatise of the United States (See 6:23-CV-03306, Dkt. 1). However...

On September 19, 2023, the U.S. District Court, Western District of Missouri, Springfield Division abused it's discretion and erroneously erred by authorizing and permitting U.S. District Judge, Roseann A. Ketchmark (under the direction of U.S. District Judge, Carlos E. Mendoza...) to review, consider, deny, and dismiss, the Secondary Writ of Habeas Corpus, (in bad faith), to protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez (See Case 6:23-CV-03306, Dkt. 2). Judge Ketchmark failed to so much as even direct and/or order the respondent to file an answer, motion, or other response within a fixed time as statutorily mandated by 28 U.S.C. 2254, Rule 4. Instead, Judge Ketchmark entered the denial order (Dkt. 2) in bad faith with due disregard for the petitioner's legal, liberty, and medical interests. And, with due disrespect for the statutory text set forth under 28 U.S.C. 2254, Rule 4. Judge Ketchmark also entered the denial order (Dkt. 2) without first receiving the $5.00 filing fee and/or an informa pauperis affidavit filed by the petitioner. See statutory text below:

28 U.S.C. 2254, Rule 4

If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time. (See Appendix C, P. 10)

The district court abused it's discretion and erroneously erred by failing to comply with the statutory text under 28 U.S.C. 2254, Rule 4 and by failing to receive the $5.00 filing fee or an informa pauperis affidavit, prior to entering it's denial order (Dkt. 2). Therefore, the district court's denial order (Dkt. 2) violates due process and is both procedurally deficient and secured without statutory authority.

GROUND SEVEN: Violation of 18 U.S.C. 4241(c) and 4247(d) (Secondary Competency Hearing)

On September 19, 2023, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands of U.S. Magistrate Judge, Leslie H. Price...) held an emergency status conference. At the status conference, the petitioner was not allowed to be present but instead represented by Defense Attorney, Blair Jackson (with due disregard for a clear and actual conflict of interest between the petitioner and defense attorney (See Appendix A, P. 6)). During the status conference, the district court entered an order extending the petitioner's hospitalization commitment under the custody of the attorney general and under 18 U.S.C. 4241 (d)(2) of the Insanity Defense Reform Act, and set a date to hear arguments for a forcible medication order (pursuant to Sell v. United States) (See Case No. 6:21-CR-00015, Dkt. 186). However...

Since the petitioner was not allowed to be present at the status conference he was left without friend and/or advocate in the room and since the petitioner was represented by Defense Attorney, Blair Jackson, he was not afforded the close assistance of adequate and effective counsel for his defense, as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act. See statutory text below:

18 U.S.C. 4241(c)

Hearing- The hearing shall be conducted pursuant to the provisions of section 4247(d) [18 USCS 4247(d)]. (See Appendix C, P. 6)

18 U.S.C. 4247(d)

At a hearing ordered pursuant to this chapter [18 USCS 4241 et. seq.] the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain ADEQUATE REPRESENTATION, counsel shall be appointed for him pursuant to 3006A [18 USCS 3006A]. The person SHALL be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing. (See Appendix C, P. 7)

Also during the status conference, the petitioner was not afforded a fair opportunity to make a statement on record defending his position as to competency and/or extended commitment and/or selective prosecution. Therefore, the petitioner was not

afforded a fair opportunity to testify on his own behalf prior to the district court entering it's order for extended commitment (Dkt. 186), as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act.

"It cannot be doubted that a defendant in a criminal case has the right to take the witness stand and testify in his own defense." Rock v. Arkansas, 483 U.S. 44,49 107 S.Ct. 2704, 97 L.Ed.2d 37 (1987). "The right to testify on one's behalf at a criminal trial has sources in several provisions of the constitution. It is one of those rights that 'are essential to due process of law in a fair adversary process'". Id. at 51, 107 S.Ct. 2704 (quoting Faretta v. California, 422 U.S. 806, 819, n. 15, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975).

On or after September 19, 2023, the U.S. District Court and/or Defense Attorney, Blair Jackson, did not provide the petitioner with written and/or verbal notice of the extended commitment order (Dkt. 186), as statutorily mandated by Fed.R.Crim.P. Rule 59(a). This prejudicial factor produced an array of prejudicial effects to include but are not limited to: 1) Denying the petitioner the ability to file written objections as to the extended commitment order (Dkt. 186) within the 14 day jurisdictional time limit under Fed.R.Crim.P. Rule 59(a); 2) Denying the petitioner the ability to file a direct appeal as to the extended commitment order (Dkt. 186) under 28 U.S.C. 1291. (See Appendix C, P. 8)

The petitioner was denied the right to testify at this competency hearing. And so, the district court abused it's discretion and erroneously erred by failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's extended commitment order (Dkt. 186). Therefore, the district court's extended commitment order (Dkt. 186) violates due process and is both procedurally deficient and secured without statutory authority.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. (See Appendix C, P. 1)

GROUND EIGHT: Violation of 18 U.S.C. 4241(c) and 4247(d) (Sell Hearing)

On March 25, 2024, the petitioner filed a civil rights action (under Bivens) on U.S. District Judge, Carlos E. Mendoza, and U.S. Magistrate Judge, Leslie H. Price (See Case No. 3:24-CV-00301, Dkt. 1). However...

On April 10, 2024, the U.S. District Court, Middle District of Florida, Jacksonville Division, entered an order denying the civil rights action (under Bivens) in bad faith and without receiving the $350 filing fee and/or an in forma pauperis affidavit filed by the petitioner (See Case No. 3:24-CV-00301, Dkt. 2) It is believed by the petitioner that the denial order (Dkt. 2) was entered to also protect, serve, and conceal the selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. And so...

On April 2, 2024, the petitioner attended a hearing for forcible medication (pursuant to Sell v. United States...) at the U.S. District Court, Middle District of Florida, Orlando Division (before none other than U.S. Magistrate Judge, Leslie H. Price...) (with due disregard for a clear and actual conflict of interest between the petitioner and magistrate judge (See Case No. 3:24-CV-00301). At the Sell hearing, the petitioner was again represented by Defense Attorney, Blair Jackson (with due disregard for a clear and actual conflict of interest between the petitioner and defense attorney (See Appendix A, P. 6). Therefore, the petitioner was again left without friend and/or advocate in the room at the hearing and was again not afforded the close assistance of adequate and effective counsel for his defense, as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act. See statutory text below:

18 U.S.C. 4241(c)

Hearing- The hearing SHALL be conducted pursuant to the provisions of section 4247(d) [18 USCS 4247(d)]. (See Appendix C, P. 6)

18 U.S.C. 4247(d)

At a hearing ordered pursuant to this chapter [18 USCS 4241 et. seq.] the person whose mental condition is the subject of the hearing SHALL be represented by counsel and, if he is financially unable to obtain ADEQUATE REPRESENTATION, counsel shall be appointed for him pursuant to 3006A [18 USCS 3006A]. The person SHALL be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing (See Appendix C, P. 7).

During the Sell hearing, the petitioner was not afforded a fair opportunity to make a statement on record defending his position as to competency and/or his position as to forcible medication and/or his position as to selective prosecution. Therefore, the petitioner was not afforded a fair opportunity to testify on his on behalf, as statutorily mandated by 18 U.S.C. 4247(d) of the Insanity Defense Reform Act.

"It cannot be doubted that a defendant in a criminal case has the right to take the witness stand and testify in his or her own defense." Rock v. Arkansas, 483 U.S. 44,49 107 S.Ct 2704, 97 L.Ed.2d 37 (1987). "The right to testify on one's behalf at a criminal trial has sources in several provisions of the Constitution. It is one of the rights that 'are essential to due process of law in a fair adversary process.'" Id. at 51, 107 S.Ct. 2704 (quoting Faretta v. California, 422 U.S. 806, 819, n. 15, 95 S.Ct 2525, 45 L.Ed.2d 562 (1975).

On August 27, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, (at the hands of none other than U.S. Magistrate Judge, Leslie H. Price...), developed a report and recommendation for forcible medication (pursuant to Sell v. United States) (with due disregard for a clear and actual conflict of interest between the petitioner and magistrate judge...) (See Case No. 6:21-CR-00015, Dkt. 251). And then...

On November 15, 2024, the U.S. District Court, Middle District of Florida, Orlando Division, (at the hands of none other than U.S. District Judge, Carlos E. Mendoza...), adopted the report and recommendation for forcible medication (pursuant to Sell v. United States) (with due disregard for a clear and actual conflict of interest between the petitioner and the district judge...) (See Case No. 6:21-CR-00015, Dkt. 268). And so...

On November 25, 2024, the petitioner filed a notice of appeal as to the order for forcible medication (pursuant to Sell v. United States) (Dkt. 268). Also on this date, the petitioner paid the $605 filing fee with the hopes of prosecuting the appeal Pro Se (See Appeal No. 24-13885). Also on this date, the petitioner filed an "Emergency Motion to Stay" the order for forcible medication (pursuant to Sell v. United States) (Dkt. 268) (pending appellate review...). The "Emergency Motion to Stay" was sent to the

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Eleventh Circuit Court of Appeals via U.S. Postal Mail return/receipt. However...

Also on this date, the U.S. District Court, Middle District of Florida, Orlando Division (after it was divested of it's jurisdiction to proceed any further in the case...) interfered with the appeal and directed U.S. Deputy Clerk, David J. Smith to obstruct the petitioner's "Emergency Motion to Stay" from being docketed on the Eleventh Circuit's docket.

Also on this date, the U.S. District Court, Middle District of Florida, Orlando Division (at the hands none other than U.S. District Judge, Carlos E. Mendoza...) filed an electronic "Motion to Appoint Counsel" with the Eleventh Circuit Court of Appeals to strategically stall the appeal in bad faith. U.S. District Judge, Carlos E. Mendoza did this to prevent the petitioner from being able to prosecute the appeal Pro Se and to prevent the petitioner from being able to prosecute the appeal through the assistance of counsel (as Defense Attorney, Michael Nielsen refuses to prosecute the appeal...). The "Motion to Appoint Counsel" was also filed for the purpose of keeping the appeal open, active, and idle to prevent the Supreme Court of the United States from having jurisdiction to review this Writ of Habeas Corpus.

The petitioner has since then been unable to prosecute the appeal efficiently and effectively (by proceeding Pro Se and/or through the assistance of Defense Attorney Michael Nielsen). The petitioner has also been unable to file an opening brief within the 40 day jurisdictional time limit set forth under Fed.R.App.P. Rule 31(a)(1). And so...

On January 3, 2025, the petitioner began taking the powerful antipsychotic medication known as "Invega" (involuntarily and against his will...) and has been taking it ever since...

The petitioner was denied the right to testify at this competency hearing. And so, the district court abused it's discretion and erroneously erred by failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's order for forcible medication (Dkt. 268). Therefore, the district court's order for forcible medication (Dkt. 268) violates due process and is both procedurally deficient and secured without statutory authority.

Note: It should be noted that through out the course of this case, the petitioner has been unable to challenge the legality of his detention several times and he has also been unable to prosecute a total of 6 appeals related to the legality of his detention (including 2 under informa pauperis status, 2 paid for by money order, and 2 that just were not docketed all together...). All of this just to protect, serve, and conceal a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

Note: If the arguments in this Writ of Habeas Corpus appear to be a bit shaky it's only because the petitioner is under the influence of forcible antipsychotic medication and the medication distorts his concentration and slows down his thought process.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. (See Appendix C, P. 1)

V. REASONS FOR GRANTING THE PETITION

The petitioner has been denied and deprived of his right to petition the Government for a redress of grievances, in violation of clearly established constitutional authority under the First Amendment to the United States Constitution.

The petitioner has been denied and deprived liberty without due process of law, in violation of clearly established constitutional authority under the Fifth Amendment to the United States Constitution.

The petitioner has been denied and deprived of his right to attend a fair and speedy trial, in violation of clearly established constitutional authority under the Sixth Amendment to the United States Constitution.

The petitioner has been denied and deprived of his right to have the close assistance of adequate and effective counsel for his defense, in violation of clearly established constitutional authority under the Sixth Amendment to the United States Constitution.

The petitioner has been denied and deprived of his right to waive counsel and proceed Pro Se in his defense, in violation of clearly established constitutional authority under the Sixth Amendment to the United States Constitution.

The petitioner has been denied and deprived liberty without due process and equal protection of the law, in violation of clearly established constitutional authority under the Fourteenth Amendment to the United States Constitution.

The petitioner has been denied and deprived of his statutory rights/protections under 18 U.S.C. 4241(c) and 4247(d) of the Insanity Defense Reform Act.

The petitioner has been denied and deprived of his statutory rights/protections under 18 U.S.C. 3161(h)(1)(F) of the Speedy Trial Act.

The petitioner is the center subject and victim of an abuse of judicial authority performed and provided by U.S. District Judge, Carlos E. Mendoza.

The petitioner is the center subject and victim of a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez.

The petitioner's former lead counsel of record, Defense Attorney, Blair Jackson, violated attorney/client privilege to protect, serve, and conceal the selective prosecution from becoming part of the record in the case (which prejudiced his defense...).

The petitioner's current lead counsel of record, Defense Attorney, Michael Nielsen, also violated the petitioner's fundamental rights through out the course of this case to protect, serve, and conceal the selective prosecution from becoming part of the record in the case (which has also prejudiced his defense...).

The selective prosecution has subjected the petitioner to an unjust period of pretrial detention (exceeding 48 months...) under 18 U.S.C. 3142 of the Bail Reform Act (without procedural due process and equal protection of the law...)

The selective prosecution has also subjected the petitioner to an unjust period of pretrial hospitalization commitment (exceeding 9 months...) under 18 U.S.C. 4241 of the Insanity Defense Reform Act (also without procedural due process and equal protection of the law...).

The abuse of judicial authority, in addition to the selective prosecution, coupled with the unjust period of pretrial detention, coupled with the unjust period of pretrial hospitalization commitment, constitutes several violations of due process and has essentially caused the petitioner to become unlawfully detained in violation of the Constitution, laws, and treatise of the United States (as reflected by the face of the record and hence the reason he's been in pretrial detention for a period exceeding 48 months with 9 related case numbers...).

A petition for Writ of Habeas Corpus under 28 U.S.C. 2241 is the proper and appropriate remedy to challenge the legality of a defendant's detention and obtain adequate relief from Constitutional deprivation and unjust incarceration (but only in the most extraordinary circumstances such as those surrounding this particular case...).

The petitioner has a myriad of material evidence to support all claims and contentions set forth in this petition (including but not limited to: certified court transcripts, court docket entries, sworn affidavits, investigative reports, etc...).

The petitioner also has a number of material witnesses to corroborate all claims and contentions set forth in this petition (including but not limited to: a licensed attorney, a certified paralegal, a certified investigator, a certified court reporter, etc...).

The petitioner is still currently without the close assistance of adequate and effective counsel for his defense (which is essential in defending the government's claims and preparing a proper and sound trial defense strategy...).

The petitioner is still currently unable to proceed Pro Se in his defense (which is also essential in defending the government's claims and preparing a proper and sound trial defense strategy...).

Although the petitioner stands accused of a federal offense, he is presumptively innocent of all charges until convicted by a jury of his peers.

Failing to grant this petition would only result in a complete and total miscarriage of justice.

All claims stated in this petition are set forth honestly and under penalty of perjury.

The petition is in fact being filed in good faith to best serve the interests of fair and impartial justice.

Due to the reasons set forth above this petition should be GRANTED.

VI. RELIEF SOUGHT

A. Primary Relief Sought:

The petitioner is being unlawfully detained in violation of the Constitution, laws, and treatise of the United States, with the inability to seek adequate relief in any other form or from any other court. The petitioner has also been subjected to a term of indefinite hospitalization commitment under 18 U.S.C. 4241(d)(1) of the Insanity Defense Reform Act, without procedural due process and equal protection of the law. Therefore, the petitioner seeks the extraordinary remedy/relief of EMERGENCY/IMMEDIATE RELEASE.

18 U.S.C. 4241(d)(1) (Initial Commitment Order) (Case No. 6:21-CR-00015, Dkt. 158)

The petitioner was denied the right to testify at this competency hearing. And so, the U.S. District Court abused it's discretion and erroneously erred by failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's initial order committing the petitioner to the custody of the Attorney General under 18 U.S.C. 4241(d)(1). This procedural error renders the initial commitment order (Dkt. 158) procedurally deficient and secured without statutory authority. Therefore, the petitioner seeks an EMERGENCY ORDER from this honorable court VACATING the district court's initial commitment order at (Dkt. 158).

18 U.S.C. 4241(d)(2) (Extended Commitment Order) (Case No. 6:21-CR-00015, Dkt. 186)

The petitioner was denied the right to testify at this competency hearing. And so, the U.S. District Court abused it's discretion and erroneously erred by again failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's order extending the petitioner's commitment to the custody of the Attorney General under 18 U.S.C. 4241(d)(2). This procedural error renders the extended commitment order (Dkt. 186) procedurally deficient and secured without statutory authority. Therefore, the petitioner seeks an EMERGENCY ORDER from this honorable court VACATING the district court's extended commitment order at (Dkt. 186).

18 U.S.C. 4241(d)(1) (Extended Commitment/Sell Order) (Case No. 6:21-CR-00015, Dkt. 268)

The petitioner was denied the right to testify at this competency hearing. And so, the U.S. District Court abused it's discretion and erroneously erred by again failing to conduct a proper competency hearing pursuant to 18 U.S.C. 4247(d), as statutorily mandated by 18 U.S.C. 4241(c), prior to entering it's order for forcible medication (pursuant to Sell v. United States) and extending the petitioner's commitment to the custody of the Attorney General under 18 U.S.C. 4241(d)(1). This procedural error renders the extended commitment/forcible medication order (pursuant to Sell v. United States) (Dkt. 268) procedurally deficient and secured without statutory authority. Therefore, the petitioner seeks an EMERGENCY ORDER from this honorable court VACATING the district court's extended commitment/forcible medication order (pursuant to Sell v. United States) at (Dkt. 268).

B. Additional Relief Sought:

Although a petition for Writ of Habeas Corpus under 28 U.S.C. 2241 is only proper and appropriate to challenge the legality of a defendant's detention, the petitioner asks this honorable court to exercise it's discretionary powers and invoke it's supervisory authority to review and consider granting the following additional relief, as it is set forth honestly and in good faith to best serve the interests of national security, judicial integrity, public safety, and the administration of fair and impartial justice for all...

U.S. Circuit Deputy Clerk, David J. Smith

U.S. Circuit Deputy Clerk, David J. Smith, abused his position of authority and violated his oath of honor to protect, serve, and conceal a selective prosecution (instituted upon perjurious testimony) performed and provided by Assistant U.S. Attorney, Beatriz Gonzalez. The prejudicial misconduct performed and provided by Deputy Smith not only tainted the integrity and accuracy of the judicial/administrative filing process (within the Eleventh Circuit Court of Appeals) but it also tainted the honor and integrity of the judiciary itself.

The prejudicial misconduct not only continues to pose a severe and direct threat to the legal, liberty, property, and medical interests of the petitioner but it also poses a severe and direct threat to the legal, liberty, property, and medical interests of all active litigants within the Federal Bureau of Prisons (with pending litigation before the Eleventh Circuit), all active litigants within various state prisons (with pending litigation before the Eleventh Circuit), and all active litigants within the public (with pending litigation before the Eleventh Circuit) including the President of the United States, Mr. Donald J. Trump(Especially considering

the fact that President, Donald J. Trump currently has active litigation pending before the Eleventh Circuit Court of Appeals as of the date this petition is being filed...). Therefore, the prejudicial misconduct regarding this matter poses a severe and direct threat to our national security, judicial integrity, and our public safety.

The matter needs to be addressed immediately and failing to do so would only continue to pose a severe and direct threat to our national security, judicial integrity, public safety, and the administration of fair and impartial justice for all. Failing to address this matter immediately could quite possibly inflict substantive injury upon the President of the United States and upon all active litigants within the Eleventh Circuit Court of Appeals and could also inflict substantive injury upon the public and cause irrepable harm (by allowing the improper and prejudicial administrative actions and inactions (being performed by Deputy Smith) to continue which could negatively impact and prejudicially affect the outcomes of their respective cases (by and through the judicial/administrative filing process within the Eleventh Circuit Court of Appeals...).

Therefore, the petitioner seeks an EMERGENCY ORDER from this honorable court directing the President of the United States, Donald J. Trump, to take notice of this case immediately.

BOP Prison Officials

The petitioner has made multiple good faith attempts to file a prejudicial misconduct complaint regarding the claims stated in this petition, with the U.S. Department of Justice (Internal Investigation Division). However, each attempt was unsuccessful due to the fact that Federal Bureau of Prison officials (under the direction of U.S. District Judge, Carlos E. Mendoza...) have obstructed the prejudicial misconduct complaint from being sent out through the MCFP prison mailbox service.

Therefore, the petitioner seeks an EMERGENCY ORDER from this honorable court directing the U.S. Department of Justice (Internal Investigation Division) to take notice of this case immediately and to conduct and internal investigation into the claims stated in this petition as they are set forth honestly and under penalty of perjury to best serve the interests of justice.

VII. CONCLUSION

In conclusion, and in case the legal professionals assigned to this case forgot...

A judicial officer, an attorney for the government, an attorney for the defendant, and/or the Attorney General, does not have the power or authority to rape and/or violate the historical text enshrined in the United States Constitution and/or any given amendment attached thereto (including the First, Fifth, Sixth, and Fourteenth Amendments...).

A judicial officer, an attorney for the government, attorney for the defendant, and/or the Attorney General does not have the power or authority to circumvent and/or supersede the statutory text displayed under the United States Code Authority (including the text set forth under under 18 U.S.C. 4241 and 18 U.S.C. 3161...).

A judicial officer, an attorney for the government, an attorney for the defendant, and/or the Attorney General does not have the power or authority to manipulate and/or undermine the integrity of an Act of Congress (including the Insanity Defense Reform Act and/or the Speedy Trial Act...).

A judicial officer, an attorney for the government, an attorney for the defendant, and/or the Attorney General does not have the power or authority to override and/or overrule clearly established U.S. Supreme Court precedence (including the precedent holdings under Faretta v. California and/or Rock v. Arkansas...).

And to allow them to do so...

Makes a mockery of the authority vested in the United States Constitution...

Makes a mockery of the authority vested in our Congressional law makers...

And... makes a mockery of the authority vested in our U.S. Supreme Court Justice's...

To bat a blind eye and/or turn the other cheek to this type of prejudicial misconduct is to essentially...

Treat the United States Constitution, the United States Code Authority, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, the Federal Rules of Evidence, and clearly established U.S. Supreme Court precedence as being merely advisory and the authoritative text stated therein as being mere surplusage and/or superfluous...

It may sound basic, but Congress enacts the laws. The Executive carries them out and interprets them consistent with congressional intent as they discern it from the statutory text. That is how the separation of powers works Patchak v. Zinke, 583 U.S. 244, 249-50 138 S.Ct. 897, 200 L. Ed. 2d 92 (2018); Barett v. Indiana, 229 U.S. 26, 33 S.Ct. 692, 57 L. Ed. 1050 (1913) ("It is the province of the legislature to make the laws and of the courts to enforce them."). And it is what has kept our country functioning for more than two-hundred years...

So When Congress is clear in its mandates and those mandates are constitutionally sound, the courts and the Attorney General must follow them, and the courts must hold themselves and the Attorney General accountable to do so. Judges do not have the power or authority to selectively undermine one particular section of statutory law (such as 4241(c) & 4247(d)...) in effort to selectively apply and enforce another particular section of statutory law (such as 4241(d)(1) & 4241(d)(2)...). Judges also do not have the power and authority to relieve others-especially another branch of government-of complying with the constitutional, duly enacted laws of Congress...

The pattern of prejudicial misconduct that took place in this case is not only unethical and deceitful but it is also immoral and illegal. The extensive pretrial delay (exceeding 48 months...) that took place in this case has inflicted substantive injury upon the petitioner and caused him to become unlawfully detained in violation of the Constitution, laws, and treatise of the United States. Any further delay would not only be prejudicial to the legal, liberty, and medical interests of the petitioner, but also waste valuable time, judicial resources, diminish public confidence in the judiciary, undermine the integrity of the honorable court, and also be prejudicial to the administration of fair and impartial justice for all...

Therefore, this petition should be GRANTED, the district court orders should be VACATED, and the petitioner should be RELEASED.

And since a U.S. Supreme Court Justice is obligated to faithfully and impartially perform all the duties incumbent upon them consistent with the Constitution and laws of the United States... The petitioner prays that the U.S. Supreme Court Justice selected to review this Great Writ does so in this case (See Attached Oath of Honor).

VIII. CERTIFICATION

I. Shawn M. Chalifoux, certify this petition to be filed in GOOD FAITH and in the INTEREST OF JUSTICE.

I, Shawn M. Chalifoux, certify the contents of this petition to be true and correct under PENALTY OF PERJURY.

/S/ Shawn M Chalifoux /Date/ 3/31/2025

SHAWN M. CHALIFOUX #25985-018
#TrapShackExtraordinaire
#CaptainOfMyOwnShip
#WhoTheProblemIs
#OneManArmy