No. 25-5782

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

In Re RAMSEY E. CLAYTER,

PETITIONER.

On petition for a writ of habeas corpus under 28 U.S.C § 2241 and Sup. Ct. R. 20 to Gardner District Court First District Court of Northern Worcester.

PETITION FOR A WRIT OF HABEAS CORPUS

Ramsey E. Clayter, pro se
8 Nichols St., Apt. 2F
Gardner, Massachusetts 01440
(978) 894-4598
ramseyclayter10@gmail.com

Andrea J. Campbell, in her official capacity as
Attorney General of Massachusetts
Counsel for respondent
Office of the Attorney General
One Ashburton Place, Floor 20
Boston, MA 02108
(617) 727-2200

QUESTIONS PRESENTED FOR REVIEW

1. Whether court-appointed counsel rendered ineffective assistance under the Sixth Amendment where counsel (a) sought to secure a guilty plea against Petitioner's interests; (b) refused to pursue discovery and to permit Petitioner to review the Commonwealth's evidence; (c) failed to participate in critical pretrial proceedings, including the pretrial conference; (d) impeded Petitioner's attendance and participation at critical stages; (e) failed to seek or obtain a pre-judgment judicial probable-cause determination before Petitioner's incarceration; (f) failed to cross-examine key witnesses; and (g) failed to obtain and provide arrest or search warrants and supporting affidavits.
2. Whether a criminal judgment entered before the trial court acquired subject-matter jurisdiction—because no pre-judgment judicial probable-cause determination was made, is void ab initio and requires vacatur as a matter of law, and If so, does this violate the Fourteenth Amendment to the U.S. Constitution.
3. Whether confining Petitioner for nearly four years and compelling labor without a valid conviction violates the Thirteenth Amendment's prohibition on involuntary servitude, which permits such servitude only as a punishment for crime whereof the party shall have been duly convicted.
4. Whether a person can be guilty of a crime never established.

PARTIES TO THE PROCEEDING

Respondents listed below do not appear in the case captions (Sup. Ct. R. 14.1(b)(i)).

1. Diane Massouh, in her official capacity as
   Chief Probation Officer
   Gardner District Court
   108 Matthews Street
   Gardner, MA 01440
2. Andrea J. Campbell, in her official capacity as
   Attorney General of Massachusetts
   Counsel for respondent
   Office of the Attorney General
   One Ashburton Place, Floor 20
   Boston, MA 02108
   (617) 727-2200

CORPORATE DISCLOSURE STATEMENT

Petitioner is a natural person, no parent corporation, not a publicly held owner of 10% or more, and issues no stock (Sup. Ct. R. 29.6).

RELATED PROCEEDINGS

Proceedings in state and federal trial and appellate courts, including proceedings in this Court:

1. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Judgment of conviction, May 5, 2020.
2. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Order imposing two years' supervised probation, October 19, 2023.
3. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Rule 30 Motion To Vacate Convictions Due To Ineffective Assistance Of Counsel, And No Probable-Cause Hearing. Order denying motion on November 19, 2024. Notice of Appeal filed on November 25, 2024.
4. Massachusetts Supreme Judicial Court, DAR No 30161, Ramsey E. Clayter v. Worcester County District Attorney. Order denying Application for Direct Appellate Review, March 17, 2025.

5. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Rule 30 Motion To Vacate Convictions Due To Structurally Defective Complaint, Not Signed By A Neutral, Detached Magistrate. Order denying motion on March 18, 2025.
6. United States District Court for the District of Massachusetts, 25-cv-40023-MRG, Ramsey E. Clayter v. Diane Massouh Chief Probation Officer. Order dismissing § 2254 petition without prejudice for failure to exhaust, July 2, 2025.
7. Massachusetts Appeals Court, 2024-P-1398, Ramsey E. Clayter v. Gardner District Court. Order denying motion for new trial on July 8, 2025.
8. United States District Court for the District of Massachusetts, 25-cv-40092-DHH, Ramsey E. Clayter v. Diane Massouh, Chief Probation Officer. Order dismissing § petition without prejudice, § 2254 is the appropriate vehicle, July 17, 2025.
9. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Rule 30 Motion To Vacate Convictions Due To Void Judgment. Order dismissing motion on July 22, 2025.
10. United States District Court for the District of Massachusetts, 25-cv-40110-MRG, Ramsey E. Clayter v. Diane Massouh, Chief Probation Officer. Order dismissing § 2254 petition without prejudice, failure to exhaust, state process not shown to be ineffective, August 11, 2025.
11. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Rule 30 Motion for Reconsideration To Vacate Convictions Due To Void Judgment For Lack Of Subject-Matter Jurisdiction. Order denying motion on August 12, 2025.
12. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Motion To Compel Signed Probation Orders Prior To Violation Hearing. Order denying motion on August 12, 2025.
13. Gardner District Court, 2063CR000084, Commonwealth v. Ramsey E. Clayter. Motion To Dismiss Probation-Violation Proceeding For Lack Of Subject-Matter Jurisdiction. Motion ignored, hearing held without lawful jurisdiction.
14. United States District Court for the District of Massachusetts, 4:25-cv-40095-MRG, Ramsey E. Clayter v. City of Garder, et al. Civil rights complaint under 42 U.S.C. § 1983, filed on July 21, 2025. Case captions altered, fraudulent summonses issued. (Pertinent to relief and context).

15. Massachusetts Supreme Judicial Court, Ramsey E. Clayter v. Commonwealth. Petition pursuant to M.G.L. c. 211, § 3. To Exercise The Court's Supervisory Powers and Vacate A Void Criminal Judgment for Lack of Subject-Matter Jurisdiction. Order denying petition without a hearing on September 9, 2025. Court citing "Could have filed an appeal from the order as a matter of right in the Appeals Court."

16. Supreme Court of the United States, Ramsey E. Clayter v. Commonwealth of Massachusetts. Procedural return for writ of certiorari, February 4, 2025.

17. Supreme Court of the United States, In re Ramsey E. Clayter. Procedural return for writ of habeas corpus, February 12, 2025.

TABLE OF CONTENTS

Federal Court Orders and Dismissals

Probation Orders

Dockets and Record Materials

Constitutional and Statutory Materials

Procedural and Supporting Evidence

Supreme Court Filings

TABLE OF CITED AUTHORITIES

Federal Cases

State Cases

Constitutional Provisions

Federal Statutes

State Statutes

Supreme Court Rules

Massachusetts Supreme Judicial Court Rules

OPINIONS BELOW

Includes citations of the official and unofficial reports of the opinions and orders entered in the case by courts or administrative agencies. No reported opinions. The following opinions and orders are unreported. 1. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter*. Judgment of conviction entered on May 5, 2020. "See *App. A*, at A-9" 2. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter*. Order imposing two years' supervised probation on October 19, 2023. "See *App. A*, at A-9" 3. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter*. Order denying Rule 30 Motion To Vacate Convictions Due To Ineffective Assistance Of Counsel, and No Probable-Cause Hearing Held on November 19, 2024. "See *App. A*, at A-10" 4. Massachusetts Supreme Judicial Court, DAR No 30161, *Ramsey E. Clayter v. Worcester County District Attorney*. Order denying application for direct appellate review, March 17, 2025. "See *App. A*, at A-3" 5. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter*. Order denying Rule 30 Motion To Vacate Convictions Due To Structurally Defective Complaint, Not Signed By A Neutral, Detached Magistrate on March 18, 2025. "See *App. A*, at A-60" 6. United States District Court for the District of Massachusetts, 25-cv-40023-MRG, *Ramsey E. Clayter v. Diane Massouh Chief Probation Officer*. Order dismissing § 2254 petition without prejudice for failure to exhaust on July 2, 2025. "*See App.* A, at A-43" 7. Massachusetts Appeals Court, 2024-P-1398, *Ramsey E. Clayter v. Gardner District Court*. Order denying motion for new trial on July 8, 2025. "See *App. A*, at A-3" 8. United States District Court for the District of Massachusetts, 25-

cv-40092-DHH, *Ramsey E. Clayter v. Diane Massouh Chief Probation Officer.* Order dismissing § 2241 petition without prejudice, citing § 2254 is the appropriate vehicle on July 17, 2025. "See *App. A*, at A-45" 9. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter.* Order denying Rule 30 Motion To Vacate Convictions Due To Void Judgment on July 22, 2025. "*See App. A*, at A-49" 10. United States District Court for the District of Massachusetts, 25-cv-40110-MRG, *Ramsey E. Clayter v. Diane Massouh Chief Probation Officer.* Order dismissing § 2254 petition without prejudice on August 11, 2025. Citing failure to exhaust, state process not shown to be ineffective. "*See App.* A, at A-45 – A-46" 11. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter.* Order denying Rule 30 Motion for Reconsideration To Vacate Convictions Due To Void Judgment For Lack Of Subject-Matter Jurisdiction on August 12, 2025. "*See App. A*, at A-14 to A-24" 12. Gardner District Court, 2063CR000084, *Commonwealth v. Ramsey E. Clayter.* Order denying Motion To Compel Signed Probation Orders Prior To Violation Hearing on August 12, 2025. "*App. A*, at A-26" 13. Massachusetts Supreme Judicial Court, *Ramsey E. Clayter v. Commonwealth.* Order denying petition (without hearing) pursuant to M.G.L. C. 211, § 3 To Exercise The Court's Supervisory Powers And Vacate A Void Criminal Judgment For Lack Of Subject-matter Jurisdiction on September 9, 2025. "See *App. A*, at A-43"

JURISDICTION STATEMENT

Although review is discretionary, the Court has jurisdiction under Article III, §2, clause 2 of the U.S. Constitution, 28 U.S.C. §2241(a), and Sup. Ct. R. 20.4(a). It may issue extraordinary writs under 28 U.S.C. §1651(a), and transfer the matter

under 28 U.S.C. §2241(b). Relief is sought from a state court judgment applying the provisions under 28 U.S.C. §2254(a), for exhaustion and merits purposes. See *Jones v. Cunningham*, 371 U.S. 236, 240–43 (1963). Although *ex parte*, respondents have been served in accordance with Sup. Ct. R. 29.4(c).

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

1. Reproduced in the Appendix is the pertinent text of 28 U.S.C. § 2241(a), (c)(3) which states:

> Power to grant writ - (a)Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had. (c)The writ of habeas corpus shall not extend to a prisoner unless—(3)He is in custody in violation of the Constitution or laws or treaties of the United States.

28 U.S.C. § 2241(a)."See *App. A*, at A-32" This statue allows the Court to grant this petition for writ of habeas corpus under its original jurisdiction without the necessity of a prior appeal; upon the finding Petitioner is in custody in violation of the Constitution of the United States. See *Felker v. Turpin*, 518 U.S. 651, 660–61 (1996).

2. Reproduced in the Appendix is the pertinent text of 28 U.S.C. §1651(a) which states "(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. §1651(a). See *App. A*, at A-82"

This statute authorizes the Court to issue the writ of habeas corpus. As Petitioner's request is agreeable to the usages and principles of law.

3. Reproduced in the Appendix is the pertinent text of 28 U.S.C. § 2254(a), (b), (d)(1)–(2) which states:

> State custody; remedies in Federal courts - (a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States. (d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim— (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(a), (1)–(2). See *App. A*, at A-79" This statute authorizes the Court's collateral review of Petitioner's state custody to ensure its constitutionality. It justifies Petitioner's claims be reviewed *de novo*, as no merits adjudication exists despite unprecedented exhaustion. See *Cone v. Bell*, 556 U.S. 449, 472 (2009). The petition presents a rare *one-in-four-hundred-million* exceptional circumstance where aid of the Court's appellate jurisdiction is unneeded. Instead, Petitioner needs the Court to proceed trial-level *ad subjiciendum* as the **first and only** under Article III, §2, clause 2, as no alternative forum exists.

4. Reproduced in the Appendix is the pertinent text of U.S. Const. amend. IV which provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. IV. See *App. A*, at A-70" This provision secures Petitioner's

rights against unreasonable searches and seizures. It bars warrants absent probable-cause under oath, and forbids proceedings without a sworn complaint or prompt judicial probable-cause determination.

5. Reproduced in the Appendix is the pertinent text of U.S. Const. amend.VI which provides:

> 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.

U.S. Const. amend.VI. "See *App. A*, at A-70" This provision guarantees the Petitioner's right to effective counsel represent him in all criminal proceedings.

6. Reproduced in the Appendix is the pertinent text of U.S. Const. amend. XIII, § 1 which provides "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1. "See *App. A,* at A-74"

This provision abolished slavery and involuntary servitude within the U.S., and forbids compelling Petitioner to labor or serve against his will except as a punishment for crime whereof he has been duly convicted. It guarantees his right to be free from slavery and involuntary service absent a valid judgment.

7. Reproduced in the Appendix is the pertinent text of U.S. Const. amend. XIV, § 1 which provides:

> 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 its jurisdiction the equal protection of the laws.

U.S. Const. amend. XIV, § 1. "See *App. A*, at A-76" This provision forbids the State from depriving Petitioner of liberty without the proper constitutionally required due process, and from denying him the equal protection of the laws. It protects his fundamental liberty interest against arbitrary restraint and unequal treatment by state actors. It further forbids the exercise of authority in the absence of jurisdiction, and bars the continued deprivation of liberty pursuant to a judgment that is *void ab initio.*

8. Reproduced in the Appendix is the pertinent text of Mass. Gen. Laws ch. 263, § 4A (2025) which states:

> Waiver of indictment; procedure - Section 4A. A defendant charged in the district court with an offense as to which he has the right to be proceeded against by indictment shall have the right, except when the offense charged is a capital crime, to waive that right, whereupon the court shall have as full jurisdiction of the complaint as if an indictment had been found. If a defendant is so charged and requests a probable-cause hearing in district court, that request shall constitute a waiver of the right to be proceeded against by indictment and the prosecution may proceed upon the complaint. If a defendant waives the right to be proceeded against by indictment, a probable-cause hearing shall be held in the district court unless the defendant waives the probable-cause hearing or unless the prosecutor elects to proceed by indictment pursuant to the Massachusetts Rules of Criminal Procedure.

Mass. Gen. Laws ch. 263, § 4A (2025). "See *App. A*, at A-76" This is the statutory gateway conferring subject-matter jurisdiction on the District Court through a probable-cause hearing or waiver. That jurisdiction exists only where its conditions are satisfied. It reads in harmony with the Fourth and Fourteenth Amendments, § 4A ensures uniformity with federal law by requiring a neutral judicial

determination of probable-cause (or waiver) before courts may lawfully advance on a complaint.

STATEMENT OF THE CASE

A. Initiation of Prosecution

The criminal complaint (No. 2063CR000084), initiated January 22, 2020, under Mass. Gen. Laws ch. 265, § 23A(b), (c), notes under COUNT 1: "NO DISTRICT COURT FINAL JURISDICTION IN 265/23A/B." The complaint bears two signatures: the lead detective under "SIGNATURE OF COMPLAINTANT" and an Operations Supervisor under "SWORN TO BY CLERK MAGISTRATE/ASST. CLERK/DEPT. ASST. CLERK." See *App. A,* at A-76, A-91.

This initiation defect violates the oath-or-affirmation requirement before a neutral, detached magistrate under *Giordenello v. United States*, 357 U.S. 480, 485–86 (1958) ("An arrest warrant must be issued by a magistrate who is 'neutral and detached,' and based on a complaint that shows probable cause supported by oath or affirmation"). See also *Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972).

The complaint's "WARRANT" stamp under NEXT EVENT DATE & TIME confirms the docket issued an arrest warrant January 22, 2020, served January 23, 2020. See *App. A*, at A-76, A-6. No actual arrest warrant was provided. The fatal signature defect by the Operations Supervisor renders the complaint structurally defective and unable to confer criminal jurisdiction. See *Ex parte Bain*, 121 U.S. 1, 13 (1887) (overruled on other grounds) ("A fatally defective indictment 'is no indictment at all, and the court is without jurisdiction.'"). Structural defects are not subject to harmless-error review. See *Arizona v. Fulminante*, 499 U.S. 279, 309–10

(1991) ("structural defects in the constitution of the trial mechanism, which defy analysis by 'harmless-error' standards").

B. Criminal Proceedings & Incarceration

The certified docket reflects probable-cause hearing dates were set on March 13, 2020, and April 17, 2020, and subsequently canceled permanently. "See *App. A*, at A-5 to A-10" Absent from court record is a waiver form bearing Petitioner's wet ink signature, and a judicial probable-cause determination after the conclusion of multiple searches of Petitioner's home, through his iPhone, and a five month multi agency investigation. The certified docket confirms the absence of a prompt judicial probable-cause determination mandated under *Gerstein v. Pugh*, 420 U.S. 103, 114–16 (1975), and its progeny.

The aforementioned defects render the judgment *void ab initio* for lack of jurisdiction, which requires vacatur and Petitioner's release as a matter of law. See *Ex parte Siebold*, 100 U.S. 371, 376–77 (1880). "no jurisdiction → discharge on habeas." See also *Kalb v. Feuerstein*, 308 U.S. 433, 438–44 (1940). "Acts taken by a court divested of jurisdiction are *void ab initio*." See also *In re Bonner*, 151 U.S. 242, 259–60 (1894); *Hensley v. Municipal Court*, 411 U.S. 345, 351–53 (1973).

Displayed on the certified docket, Petitioner waived the right to proceed against indictment on May 5, 2020. Handwritten on the complaint is "Amended to Ind A & B Over 14." See *App. A*, at A-6, A-76. Under Mass. Gen. Laws ch. 263, § 4A, a probable-cause hearing must follow such a waiver. The certified docket confirms no probable-cause hearing occurred. See *App. A*, at A-5 to A-10. As subject-matter jurisdiction is nonwaivable, the court's failure renders the resulting judgment void

and mandates vacatur and Petitioner's release. See *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661 (1st Cir. 1990); *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006); *Commonwealth v. Nassar*, 380 Mass. 908, 913 (1980). Modern doctrine confirms that a judgment is "void" only for jurisdictional defects or due-process violations, not merely because it was wrong. See *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 270–72 (2010).

The record contains two Orders of Probation Conditions. The first, dated May 5, 2020, is unsigned by a judge. The second, issued in lieu of the initial order and absent new charges or evidence, bears a judge's signature imposing an additional two-year probation, dated Oct. 19, 2023. See *App. A*, at A-48, A-50.

The certified docket shows a two-year probation sentence was imposed on May 5, 2020, with Petitioner signing the conditions and the Chief of Probation witnessing. See *App. A*, at A-9. Audio from the deposition hearing confirms the judge identified all parties; the Chief of Probation did not appear. The initial Orders listed a start date of 05/05/2020 and end date of 05/03/2027, totaling seven years. See *App. A*, at A-48.

Docket shows Petitioner filed a motion to clarify probation terms on August 26, 2020, while in segregation, making filing impossible. A hearing was scheduled for September 1, 2020, but "hearing not held." See *App. A*, at A-9, A-47. This unresolved ambiguity persisted through enforcement, creating due-process risk. Probation searches and enforcement presume judicially authorized conditions; the conditions restraining Petitioner's liberty here establish a clear basis for habeas relief. See *Samson v. California*, 547 U.S. 843, 852 (2006).

From January 23, 2020, to September 29, 2023 (45 months), Petitioner was incarcerated pursuant to a void judgment and compelled to perform labor against his will without a valid conviction, effectively making him a slave of the state. His involuntary services included snow removal, landscaping, kitchen duties, and tutoring fellow inmates for the HiSET exam. This violated the Thirteenth Amendment's prohibition on slavery and involuntary servitude. See *United States v. Kozminski*, 487 U.S. 931, 943 (1988) (involuntary servitude includes labor compelled by "the use or threatened use of the legal process"); *Bailey v. Alabama*, 219 U.S. 219, 241–45 (1911); *Pollock v. Williams*, 322 U.S. 4, 18–24 (1944) (anti-peonage forbids leveraging criminal process to coerce labor). Courts recognize forced-work claims where the "duly convicted" exception does not apply. See *McGarry v. Pallito*, 687 F.3d 505, 512–13 (2d Cir. 2012).

C. Post-Conviction Sentencing

Petitioner was released from jail on September 29, 2023. The initiating two-year probation term had ended sixteen months earlier, on May 3, 2022. His liberty should have been restored, but constitutional deprivations continued. Jail staff and the Sex Offender Registry Board coerced him to report to probation within 48 hours under threat of reimprisonment. Upon arrival, Petitioner questioned the seven-year sentence; the probation officer stated he would "fix the seven-year problem."

On October 19, 2023, the probation officer moved to modify conditions, reimposing an additional two years from Petitioner's September 29, 2023 release. The court imposed a second two-year probation term while Petitioner was uncounseled, absent a probable-cause determination or new evidence, under a void

judgment. See *App. A*, at A-9, A-50. This violated his Fourth and Fourteenth Amendment rights. See *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). The post hoc "fix" underscores the absence of a valid judge-imposed order at onset and the current unlawful custody. See *Griffin v. Wisconsin*, 483 U.S. 868 (1987). As of this hearing, Petitioner has been sentenced five times without a PC finding. Probationers' diminished-expectation regime presumes valid judicially authorized conditions. See *United States v. Knights*, 534 U.S. 112, 118–19 (2001).

Habeas relief is proper to challenge unlawful custody and secure discharge from probationary restraints. See *Preiser v. Rodriguez*, 411 U.S. 475, 484–87 (1973). Under 28 U.S.C. § 2243, courts must "hear and determine the matter forthwith." See also *Ex parte Siebold*, 100 U.S. 371, 376–77 (1880). Where custody rests on a void judgment, the writ issues and the petitioner must be released.

Federal and Massachusetts law align on the right to counsel. S.J.C. Rule 3:10, § 1, requires that a defendant be informed that the Committee for Public Counsel Services (CPCS) will provide counsel at no cost if indigent. See *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963); *Baldassari v. Commonwealth*, 352 Mass. 616 (1967). Because the warning must be given by a judge, statements by a probation officer are insufficient. See *Kitchens v. Smith*, 401 U.S. 847, 848 (1971). The right to counsel does not depend on a request.

During the court's post hoc "fix," Petitioner was left defenseless, deprived of counsel, and subjected to a fifth sentencing without evidence of criminality or probable cause. The certified docket shows that immediately after this probation hearing, Petitioner's assigned CPCS public defender withdrew. Petitioner assert

that this attorney was no longer licensed in 2023, having stopped practicing in 2022 and become a clerk in a neighboring court. See *App. A*, at A-9, A-99.

The Court and the S.J.C. have held that if the right to counsel has "attached" and the defendant was actually or constructively denied representation by counsel at a "critical stage" of the proceedings, the conviction must be reversed even without a showing of prejudice. See *United States v. Cronic*, 466 U.S. 648, 659 (1984).

D. Post-Conviction Remedies

Petitioner's federal question, presented in his Rule 30 post-conviction motion, is whether counsel's failure to ensure a probable-cause hearing before Petitioner served 45 months in jail, thereby depriving him of the opportunity to prove actual innocence, constitutes ineffective assistance of counsel under the Sixth Amendment. See *Strickland v. Washington*, 466 U.S. 668 (1984); *Commonwealth v. Saferian*, 366 Mass. 89 (1974). See *App. A*, at A-12. 1. Gardner Dist. Ct. denied the Rule 30 motion on November 19, 2024. 2. Massachusetts Appeals Court affirmed on June 10, 2025, after the brief filed December 10, 2024. See *App. A*, at A-9. 3. Application for Direct Appellate Review (DAR) was denied on March 17, 2025. See *App. A*, at A-9. 4. Federal district court § 2254 petition filed February 10, 2025, dismissed July 2, 2025, for failure to exhaust state remedies. See *App. A*, at A-41.

Petitioner also properly raised his void-judgment claim: whether a district court proceeding before crossing the statutory gateway to confer subject-matter jurisdiction renders the judgment *void ab initio*. 5. July 3, 2025: Motion to Alter or Amend Judgment under Fed. R. Civ. P. 59(e); denied July 9, 2025. Justification filed. See *App. A*, at A-52. 6. July 14, 2025: District Court § 2241 habeas petition;

dismissed July 17, 2025. Justification filed. See *App. A*, at A-43. 7. July 17, 2025: Gardner Dist. Ct. Rule 30 motion to vacate convictions; denied without a hearing July 22, 2025. See *App. A*, at A-59. 8. August 7, 2025: District Court § 2254 habeas petition; dismissed August 11, 2025. Justification filed. See *App. A*, at A-45 to A-46. 9. July 30, 2025: Gardner Dist. Ct. Rule 30 motion for reconsideration to vacate void judgment; denied August 12, 2025, without a hearing. See *App. A*, at A-14. 10. Massachusetts Supreme Judicial Court § 3 petition for supervisory review, asserting the same facts: no probable-cause hearing, lack of subject-matter jurisdiction, structurally defective complaint, fraud on the court, void judgment, and ongoing constitutional violations. Denied September 9, 2025, citing that Petitioner had not shown an "exceptional matter" requiring extraordinary intervention. See *App. A*, at A-30, A-31.

E. Other Remedies

On July 21, 2025, The Petitioner filed a Civil rights complaint under 42 U.S.C. § 1983 in the District Court of Massachusetts, 4:25-cv-*****-***. Petitioner filed his case under Ramsey E. Clayter v. City of Garder, et al. The case information was altered by the clerk's. The case now reads Ramsey E. Clayter v. **** ******** **, et al. Petitioner asserts that he was provided undeliverable summonses, rendering this action futile. "See *App. A*, at A-93 to A-97"

Supreme Court Rule 20.4(a) Requirements

I. Compliance with the requirements of 28 U.S.C. §§ 2241, 2242

As per Supreme Court Rule 20.4(a), A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U. S. C. §§2241 and 2242.

1. 28 U.S.C. § 2241 - Power to grant writ. Listed are circumstances under which this Court may grant writ of habeas corpus. The Petitioner qualifies under 28 U.S.C. § 2241(c)(3). He is in custody in violation of the Constitution or laws or treaties of the United States.

2. 28 U.S.C. § 2242– Application. Petitioner's Statement – I have made three applications to the district court where I am held. After several denied motions and three dismissed habeas petitions, the court has failed to adjudicate my federal question on the merits or address my void-judgment claim. These failures are the reasons for not making application to the district court were I'm held. Verification on final page.

II. Exceptional Circumstances

Petitioner asserts exceptional circumstances warrant the Court's exercise of discretion under Article III, §2, clause 2, 28 U.S.C. § 2241(a), and Sup. Ct. R. 20. Based on available case law, the odds of a case being fully exhausted twice with three habeas petitions dismissed without merits review are approximately *one in 400 million*, establishing exceptional circumstances.

Although Petitioner pled guilty, this does not waive void-judgment claims. See *Menna v. New York,* 423 U.S. 61, 62–63 (1975) (per curiam); *Blackledge v. Perry,* 417 U.S. 21, 30–31 (1974); *Class v. United States,* 583 U.S. 174, 182–83 (2018); *Tollett v. Henderson,* 411 U.S. 258, 267 (1973).

The case proceeded without a sworn complaint before a neutral detached magistrate, without any pre-judgment judicial probable-cause determination. These are defects that go to the court's power to act. See *Shadwick v. City of Tampa,* 407

U.S. 345, 350–51 (1972); *County of Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991)."Proceedings without jurisdiction are *coram non judice* and *void ab initio*." *Figueroa v. Rivera*, 147 F.3d 77, 81 (1st Cir. 1998). Structural and jurisdictional rules apply retroactively on collateral review, requiring vacatur of void judgments. See *Schriro v. Summerlin*, 542 U.S. 348, 351–52 (2004); *Montgomery v. Louisiana*, 577 U.S. 190, 200–01 (2016).

The certified docket confirms three initiating charges were under Mass. Gen. Laws ch. 265, § 23A(b), with final jurisdiction in Superior Court. On May 5, 2020, these charges were amended to Mass. Gen. Laws ch. 265, § 13H, with District Court jurisdiction. Mass. Gen. Laws ch. 263, § 4A requires a probable-cause hearing upon waiver of the right to proceed against indictment. The District Court failed to hold this hearing, depriving itself of subject-matter jurisdiction. The proceedings are *coram non judice*, and the May 5, 2020 judgment is *void ab initio*. See *Ex parte Peru*, 318 U.S. 578, 583 (1943) ("extraordinary writs may issue where necessary to prevent courts from exceeding their jurisdiction"); *Ex parte Bollman*, 8 U.S. (4 Cranch) 75, 95 (1807). Habeas corpus is the proper mechanism to test the legality of detention.

Current probation restraints are enforced without jurisdiction, including compelled psychological/medical treatment, deprivation of bodily autonomy, and reputational harm, which cannot be undone by a later appellate victory absent exceptional circumstances. These restraints implicate fundamental liberty interests protected by the Due Process Clause and violate Petitioner's rights under the Fourteenth Amendment. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Cruzan*

v. Director, Missouri Dep't of Health, 497 U.S. 261 (1990).

Federal and state law are clearly established on right to counsel. S.J.C. Rule 3:10, § 1 required the trial court to notify the Petitioner of his right to have counsel from CPCS present at his probation hearing on October 19, 2023. Instead, the court proceeded under deception, sentencing the Petitioner while uncounseled in violation of the fundamental mandates under *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). Even assuming arguendo all other issues were properly decided, this jurisdictional defect standing alone renders the probation sentence void and compels vacatur of the conviction and the Petitioner's immediate discharge. See *United States v. Cronic*, 466 U.S. 648, 659 (1984). The conduct purported by the state, abandoning basic constitutional safeguards, while acting under deception corroborates exceptional circumstances.

Mirrored in operative record itself, the certified docket, docket reprint, defective charging complaint, and unsigned probation orders, show both the absence of any prejudgment judicial probable-cause determination and the absence of a judge-signed probation order at onset. Extrinsic fraud warrants vacatur. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944); *Throckmorton v. United States*, 98 U.S. 61 (1878); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115 (1st Cir. 1989)

Fugitive disentitlement cannot attach to a void judgment. The equitable doctrine of fugitive disentitlement applies only where a valid judgment exists for the petitioner to evade. See Ortega-Rodriguez v. United States, 507 U.S. 234, 239–40 (1993) (disentitlement is a sanction grounded in the need to enforce existing

judgments). Where the underlying judgment is void, there is nothing for the petitioner to "evade" or "disentitle." Because the Thirteenth and Fourteenth Amendments forbid custody without a valid conviction, the equitable bar of fugitive disentitlement cannot attach.

In totality, the facts and circumstances of this case are so irregular and egregious as to offend due process and undermine confidence in the state judiciary. Coupled with ongoing constitutional deprivations, the lack of fundamental safeguards, and the imminent sixth sentencing pending without a judicial probable-cause determination or evidence of criminality 'shocks the conscience.' The aforementioned corroborate a fundamental miscarriage of justice has taken place. See *Murray v. Carrier*, 477 U.S. 478 (1986). "In an extraordinary case, where a constitutional violation has probably resulted in the conviction of one who is actually innocent, a federal habeas court may grant the writ even in the absence of a showing of cause...." The writ must issue. "The dignity of the United States Government will not permit the conviction of any person on tainted testimony." *Mesarosh v. United States*, 352 U.S. 1, 14 (1956).

III. Unavailability of Relief in Any Other Form

Conventional routes have yielded only threshold dismissals while custody persists and the record remains incomplete. Three habeas petitions in the district court dismissed on threshold grounds, and court declining to conduct *de novo* review of the structural-voidness claims or the federal question, leaving no merits platform for appellate review. Verifying, this petition is not "second or successive": there has been no prior federal merits adjudication. *Slack v. McDaniel*, 529 U.S.

473, 485–86 (2000). In these circumstances, relief from this Court is necessary to preserve meaningful review and to prevent jurisdictional defects from evading scrutiny. See *Ex parte Fahey*, 332 U.S. 258, 259–60 (1947); *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380–81 (2004).

Ordinary appellate channels, state or federal, cannot supply adequate relief because the indispensable jurisdictional record is missing or suspect. Docket irregularities confirm manual alterations undermining confidence in the record. "See *App. A*, A-61 to A-66" Petitioner's initiating charges under Mass. Gen. Laws ch. 265, § 23A(b) do not appear. On January 22, 2020, the case was opened; the next day, January 23, 2020, Petitioner was held on $50,000 cash bail. On February 5, 2020, Superior Court conducted a bail review and reduced cash bail to $25,000, all done absent criminal charges. Charges do not appear on the docket until May 5, 2020. Additionally, Petitioner's identifying information is absent. "See *App. A*, A-68" The docket was produced with his assembly of the record and forwarded to the Appeals Court for use in his appeal. Thies undermine confidence, making appellate review futile. Where indispensable jurisdictional records are absent, appellate courts cannot test jurisdiction or constitutional predicates; post-hoc fabrication would itself constitute fraud on the court. See (*Hazel-Atlas; Throckmorton*; supra). Appellate review confined to an incomplete record risks affirmance of a void judgment. See *Hardy v. United States*, 375 U.S. 277, 279–82 (1964). "Appellate counsel cannot discharge their duty without a transcript of the evidence and charge." That inadequacy confirms appeal is not an adequate remedy. See *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943). "extraordinary writs issue only when

"appeal is not an adequate remedy."

Petitioner has diligently pursued relief at the source. Filing several Rule 30 post-conviction motions. All denied despite ongoing constitutional deprivations, and jurisdictional voidness. "See *App. A*, A-53 to A-60" The S.J.C. mirrored this refusal, refusing Petitioners DAR. See *App. A*, A-3" Practicing diligence, Petitioner then filed a petition under G.L. c. 211, § 3 invoking the court's supervisory powers, again raising lack of probable-cause hearing, subject-matter jurisdiction, structurally defective complaint, fraud on the court, void judgment, and ongoing constitutional violations. On September 9, 2025, the SJC denied relief, stating that Petitioner had "not demonstrated the type of exceptional matter that requires the court's extraordinary intervention." See *App. A*, A-29" This corroborates that adequate relief cannot be obtained in any other form.

IV. Unavailability of Relief in Any Other Court

Determined to exhaust all options, Petitioner filed a Civil rights complaint under 42 U.S.C. § 1983 in the District Court of Massachusetts. The case information was altered, and the Petitioner was provided with undeliverable summonses, rendering this action futile. "See *App. A*, at A-93"

The Petitioner's final option in the federal courts was an emergency motion in the First Circuit. This emergency motion has a $600 filing fee payable to the district clerks. Petitioner asserts he already paid the district clerks a $405 filing fee in good faith, and they returned undeliverable summonses. This caused monetary harm that Petitioner and his family cannot bear again. Practicing diligence, still willing and determined Petitioner inquired about paying the First Circuit clerks directly to

file the motion. Petitioner was informed that this wasn't an available option. At this point, the Petitioner exhausted all options for relief in the federal courts.

The October 19, 2023, probation order, certified and stamped "TRUE COPY" "See *App. A*, at A-49" reflects Petitioner was sentenced to an additional two years of probation in open court. The order bears judicial endorsement, confirming Petitioner cannot obtain instant relief in the trial court by withdrawing his plea as a matter of right. Under Massachusetts law, once sentence has been imposed, the only vehicle to withdraw a plea is a Rule 30(b) motion for new trial, which requires a showing of a miscarriage of justice and rests within the judge's discretion. See Commonwealth v. Furr, 454 Mass. 101, 106 (2009); Commonwealth v. Fanelli, 412 Mass. 497, 504 (1992). Petitioner has filed several Rule 30 motions for a new trail, all denied. "See *App. A,* at A-53 to A-60" Regardless, "Where a lower court has itself been corrupted by fraud, this Court has recognized that confidence in that tribunal is fatally undermined." See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944) (fraud 'corrupts the judicial process'). Accordingly, adequate relief cannot be obtained in any other form or from any other court.

REASONS FOR GRANTING THE PETITION

1. This case illustrates the risk identified in *Murray v. Carrier*, 477 U.S. 478 (1986), where the Court held that "in an extraordinary case, where a constitutional violation has probably resulted in the conviction of one who is actually innocent, a federal habeas court may grant the writ even in the absence of a showing of cause." Id. at 496. If the Court declines to act, a structurally void judgment entered without a sworn complaint, judicial probable-cause determination, or judge-signed probation

order will continue to restrain a petitioner who has consistently asserted actual innocence. Allowing this would perpetuate constitutional violations and undermine both judicial integrity and the safeguards emphasized in *Murray*.

2. Relief lies where the state decision "was based on an unreasonable determination of the facts in light of the evidence presented." 28 U.S.C. § 2254(d)(2). Absent from court record, is a judicial probable cause determination, and evidence of criminality. The State has failed to establish a crime occurred, and rendering their decision unreasonable determination of the facts and evidence presented. See also Wiggins v. Smith, 539 U.S. 510, 528 (2003); Rice v. Collins, 546 U.S. 333, 338 (2006); Wood v. Allen, 558 U.S. 290, 301 (2010).

3. Likewise, relief is warranted where the state court's ruling constitutes an unreasonable application of clearly established federal law. Here, the state court unreasonably applied the clearly established Fourth Amendment requirement of a prompt judicial determination of probable cause. See *Gerstein*, 420 U.S. at 114.; *Miller-El v. Dretke*, 545 U.S. 231, 240 (2005) "Under AEDPA, a federal habeas court may grant relief if the state court's decision was an unreasonable application of clearly established federal law."

4. The complaint was not reviewed by a neutral, detached magistrate at onset. See *App. A*, A-76, A-92; *Giordenello v. United States*, 357 U.S. 480, 485–86 ("An arrest warrant must be issued by a neutral and detached magistrate").

5. The record reveals structural defects: no lawful initiation of proceedings, no judicial probable-cause finding, and no neutral magistrate review. Certified dockets show abandoned probable-cause hearings. See *Gerstein v. Pugh*, 420 U.S.

103, 114. "Fourth Amendment requires a prompt judicial determination of probable cause." See *App. A*, A-76, A-92; *Giordenello v. United States*, 357 U.S. 480, 485–86. "An arrest warrant must be issued by a neutral and detached magistrate." Additionally, probation orders were unsigned by a judge. See *App. A*, A-50; *Commonwealth v. Goodwin*, 458 Mass. 11, 15. "Probation is a criminal sentence; only a judge may impose it." *Gagnon v. Scarpelli*, 411 U.S. 778, 782. "Probation is judicially imposed, not created or extended by officers."

6. Three of Petitioner's charges were originally under Mass. Gen. Laws ch. 265, §23A(b) (Superior Court) but were amended May 5, 2020 to §13H (District Court). Mass. Gen. Laws ch. 263, §4A requires a probable-cause hearing when proceeding without indictment, which the District Court failed to hold. The proceedings were therefore *coram non judice*, and the May 5, 2020 judgment is *void ab initio*. See *Ex parte Peru*, 318 U.S. 578, 583; *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661.

7. Federal and state law establish the right to counsel. S.J.C. Rule 3:10, §1 required notice of CPCS counsel at the second probation hearing, yet the court proceeded without advising Petitioner, violating *Gideon v. Wainwright*, 372 U.S. 335, 344; *Baldassari v. Commonwealth*, 352 Mass. 616. See App. A, A-99.

8. Petitioner's case mirrors In re Davis, 557 U.S. 952 (2009) (mem.). There, the Court granted leave to file an original habeas petition and transferred the case to the district court for evidentiary development stating:

> The application for leave to file an original habeas corpus petition is granted. The petition is transferred to the United States District Court for the Southern District of Georgia, which is to receive testimony and make findings of fact as to whether evidence that could not have been obtained at the time

of trial clearly establishes petitioner's innocence. See 28 U.S.C. § 2241(b). *In re Davis*, 557 U.S. 952 (2009) (mem.). Seen in his initiating Rule 30 post-conviction motion, Petitioner has consistently asserted actual innocence. See *App. A*, at A-12" That claim was squarely presented in every court, state and federal, yet no tribunal has provided a merits forum. Troy Davis was left in the same position, without an adequate merits platform, until this Court intervened. This Court in *Davis* confirmed that when extraordinary circumstances exist, it may exercise its original habeas jurisdiction as the only remaining forum and then refer the case for fact-finding. Petitioner respectfully requests the Court to follow that course here and transfer the matter to the United States District Court for the District of Massachusetts.

That same principle is longstanding, reaching back more than 150 years ago. In Ex parte Yerger, 75 U.S. (8 Wall.) 85, 95–96, 102–03 (1868). The Court declared: habeas corpus is "the great writ of liberty" and must be "jealously guarded by the courts." and "This Court is not deprived of its jurisdiction to issue the writ of habeas corpus ad subjiciendum, and to hear and determine it, by the act of Congress taking away its appellate jurisdiction in certain cases."

ARGUMENT

1. **Ineffective Assistance of Counsel**

i. Federal law. The Sixth Amendment guarantees effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 686–87 (1984). Representation is deficient if counsel performs unreasonably and prejudices the defense. Prejudice exists where there is a reasonable probability that, but for counsel's errors, the outcome would

differ. *Wiggins v. Smith*, 539 U.S. 510, 534 (2003). In the plea context, counsel is ineffective if deficient advice induces a guilty plea that would not otherwise be entered. *Hill v. Lockhart*, 474 U.S. 52, 59. The First Circuit follows this rule: involuntary or uninformed pleas due to counsel's failures must be vacated. *United States v. Butt*, 731 F.2d 75, 80–81 (1st Cir. 1984).

ii. Massachusetts law. *Commonwealth v. Saferian*, 366 Mass. 89, 96 (1974) holds representation falls below constitutional standards when "measurably below that which might be expected from an ordinary fallible lawyer" and likely deprived the defendant of substantial defenses. Here, counsel: (a) steered Petitioner to a guilty plea against his interests; (b) refused discovery or review of evidence; (c) failed to participate in pretrial conferences; (d) impeded Petitioner's attendance/participation; (e) failed to demand judicial probable-cause determination; (f) failed to cross-examine key witnesses; (g) failed to obtain warrants and supporting affidavits. These structural failures "deprived Petitioner of the guiding hand of counsel." *Powell v. Alabama*, 287 U.S. 45, 69 (1932); *United States v. Cronic*, 466 U.S. 648, 659 (1984). "If no actual 'assistance' is provided, the constitutional guarantee is violated." Prejudice is manifest: Petitioner entered a guilty plea under conditions that *Hill* and *Butt* confirm render counsel's performance constitutionally inadequate.

Ground. The writ should issue because counsel's deficient performance and resulting prejudice rendered Petitioner's Sixth Amendment right to effective assistance of counsel meaningless, leaving him in custody deprived of liberty without due process. See *United States v. Cronic*, 466 U.S. 648, 659 (1984); see *App.*

A, A-12, A-73.

2. Judgment Is Void For Want Of Subject-Matter Jurisdiction

i. A court must first have subject-matter jurisdiction before entering judgment. Ex parte *Siebold*, 100 U.S. 371, 377 (1879) ("An unconstitutional law is void"). A judgment without jurisdiction is coram non judice and null. *Ex parte Peru*, 318 U.S. 578, 583; "extraordinary writs may restrain inferior courts to lawful jurisdiction." *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661. Under Massachusetts law, proceeding by complaint requires a judicial probable-cause determination. Mass. Gen. Laws ch. 263, §4A; *Commonwealth v. Clemmey*, 447 Mass. 121, 127–28. The certified docket shows hearings scheduled and abandoned with no finding. See *App. A*, A-4–A-10.

ii. Federal law mirrors this requirement. The Fourth Amendment mandates prompt judicial probable-cause determination before extended restraint. *Gerstein v. Pugh*, 420 U.S. 103, 114. Without it, continued custody rests on a void judgment. *Clemmey*, 447 Mass. at 127; *Boch Oldsmobile*, 909 F.2d at 661.

iii. The Fourteenth Amendment prohibits deprivation of liberty without due process. *Boddie v. Connecticut*, 401 U.S. 371, 377 (1971). Entering judgment without jurisdiction produces unconstitutional custody under 28 U.S.C. §2243; collateral consequences preserve justiciability. *Carafas v. LaVallee*, 391 U.S. 234 (1968).

iv. The Fourteenth Amendment provides: "nor shall any State deprive any person of life, liberty, or property, without due process of law." See *App. A*, A-77–A-78.

Ground. The writ should issue because the judgment entered May 5, 2020, is

void ab initio for lack of subject-matter jurisdiction, as the District Court failed to hold the required probable-cause hearing. The proceedings were therefore *coram non judice*. Accordingly, Petitioner is custody pursuant to a void judgment of a State Court in violation of the Fourteenth Amendment to the U.S. Constitution being deprived of liberty without due process of law. See *Ex parte Peru*, 318 U.S. 578, 583 (1943). "extraordinary relief is warranted to prevent enforcement of a void judgment." See also *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661. See *App. A*, A-50.

3. **Slavery and Involuntary Servitude**

i. The Thirteenth Amendment provides: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." U.S. Const. amend. XIII, §1. The exception applies only to valid convictions; a void judgment cannot authorize compelled labor. Involuntary servitude exists when the State forces labor under threat of legal sanction. *United States v. Kozminski*, 487 U.S. 931, 943 (1988); *Bailey v. Alabama*, 219 U.S. 219, 244 (1911).

ii. Petitioner was confined nearly four years under a void judgment and compelled to perform labor solely by operation of that judgment. Because no valid conviction existed, this forced labor falls squarely within the Thirteenth Amendment's prohibition.

iii. See App. A, A-75 for the text of U.S. Const. amend. XIII, §1.

Ground. The writ should issue because Petitioner's custody violates the Thirteenth Amendment's prohibition on slavery and involuntary servitude and

deprives him of liberty without due process of law. Relief is warranted to vindicate this fundamental structural constitutional guarantee.

4. **Actual Innocents**

i. Reproduced in the Appendix are Search Warrant No. 2063SW15 and its addendum executed March 3, 2020, which authorized seizure of "any and all GPS data stored on the phone from July 1, 2019, to September 1, 2020." See *App. A*, A-36–A-39. The affiant alleged Petitioner sent inappropriate sexual videos and committed assaults at his Gardner, MA residence on July 22, 2019. The search returned no inculpatory evidence. GPS data confirms, on the date and time in question, the Petitioner was in the neighboring Town of Winchendon, MA and not with the complainant at his residence.

The GPS data makes it factually impossible for Petitioner to have been at the alleged scene at the time alleged, satisfying the 'truly extraordinary' standard left open in *Herrera*. This is not a credibility dispute, it is objective evidence that the petitioner could not have committed the crime. "Court was skeptical of a free-standing innocence claim but left open the possibility that in a truly extraordinary case, a petitioner making a "truly persuasive demonstration of actual innocence" would have a constitutional claim." See *Herrera v. Collins*, 506 U.S. 390 (1993); *Schlup v. Delo*, 513 U.S. 298 (1995); *House v. Bell*, 547 U.S. 518 (2006); *McQuiggin v. Perkins*, 569 U.S. 383 (2013).

ii. When cross-referenced with the certified docket, the warrant returned no later than March 10, 2020. 38 days later, the **final** probable cause hearing scheduled on April 17, 2020, and cancelled. "See *App. A*, at A-8" Establishing probable cause

didn't exist at initiation or after months of investigation. The Petitioner has been in custody for 2,070 days and counting. The GPS data confirms law enforcement, the district attorney's office, and judges overseeing the case knew the Petitioner was actually innocent 50 days into his custody. Regardless they proceeded to maliciously prosecute and imprison him.

iii. The Fourteenth Amendment provides: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, §1. See *App. A*, A-77–A-78.

Ground. The writ should issue because Petitioner suffered procedural disparities, discriminatory enforcement, and selective sentencing not applied to similarly situated defendants. This treatment was based on impermissible considerations, rendering the prosecution irrational and wholly arbitrary. The Petitioner's custody violates his rights under the Fourteenth Amendment to the U.S. Constitution to due process and equal protection under the laws. See *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000); *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) ("The discrimination is illegal, and the public administration which enforces it is a denial of equal protection").

CONCLUSION

Petitioner, Ramsey E. Clayter, prays that this Honorable Court Issue an order to show cause and preserve the status quo, require Respondents to produce the jurisdictional record, and upon review grant the writ vacating all restraints predicated on a void judgment.

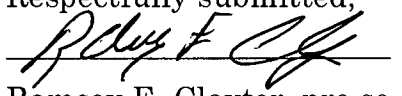
In the alternative, Petitioner respectfully requests the Court to follow the same course it took in *Davis*, and transfer his petition to the United States District Court for the District of Massachusetts under 28 U.S.C. §2241(b), with orders to review the judgment entered May 5, 2020, and his federal question *de novo*.

Or in the alternative to that, grant such other relief as may be appropriate to dispose of the matter as law and justice requires.

A. Verification - As per 28 U.S.C. § 2242 and 28 U.S.C. § 1746, I verify under penalty of perjury that I, Ramsey E. Clayter am the Petitioner in this petition for writ of habeas corpus that I have read the foregoing petition and the Appendix; the facts alleged concerning my commitment and detention are true and correct to the best of my knowledge. Chief Probation Officer Diane Massouh, in her official capacity has custody over me including probation restraints. Jones, 371 U.S. at 240–43. First, by virtue of a criminal complaint and later by virtue of Orders of Probation Conditions. Both instruments are jurisdictionally defective, and is the reason Petitioners seeks relief under 28 U.S.C. § 2241(a). I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2025, at Gardner, Massachusetts 01440.

Respectfully submitted,



Ramsey E. Clayter, pro se September 23, 2025

8 Nichols St., Apt. 2F

Gardner, MA 01440

(978) 894-4598

ramseyclayter10@gmail.com

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

In Re RAMSEY E. CLAYTER,

Petitioner.

CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746 and Sup. Ct. R. 29.4(c), I, Ramsey E. Clayter, pro se, hereby declare that I served on 1. Petition for Writ of Habeas Corpus including Appendix. 2. Motion For Leave To File Original Petition For Writ Of Habeas Corpus. 3. Motion For Stay Of State Proceedings Pending Disposition Of Habeas Petition. 4. Motion For Leave To Proceed In Forma Pauperis. 6. Certificate of Compliance on each party to the above proceeding by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, within 3 calendar days. The names and addresses of those served are as follows:

Diane Massouh
Chief Probation Officer
Gardner District Court
108 Matthews Street
Gardner, MA 01440

Andrea J. Campbell, in her official capacity as
Attorney General of Massachusetts
Counsel for respondent
Office of the Attorney General
One Ashburton Place, Floor 20
Boston, MA 02108
(617) 727-2200

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 23, 2025, at Gardner, Massachusetts.

Respectfully submitted,

Ramsey E. Clayter, pro se

8 Nichols St., Apt. 2F

Gardner, MA 01440

(978) 894-4598

ramseyclayter10@gmail.com

CERTIFICATE OF COMPLIANCE

No. _____

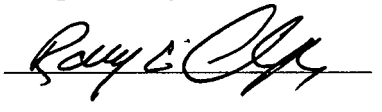
In Re RAMSEY E. CLAYTER,

Petitioner.

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of habeas corpus contains **8,985** words including footnotes, and excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). The word count has been calculated by the word-processing system Microsoft® Word for Microsoft 365 MSO (Version 2508 Build 16.0.19127.20192) 64-bit. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2025, at Gardner, Massachusetts 01440.

Respectfully submitted,



September 23, 2025

Ramsey E. Clayter, pro se
8 Nichols St Apt 2F.
Gardner, MA 01440
(978) 894-4598
ramseyclayter10@gmail.com