

In the Supreme Court of the United States

Michael-Albert Focia,
Petitioner,

v.

United States District Court for the Middle District of Alabama,
Respondent.

In Original Jurisdiction in Equity

Case No. [To Be Assigned]

Related to District Court Case No. 2:23-cv-00399-RAH-CWB

Original Case File No. 2:15-CR-00017-MHT-WC

**APPLICATION TO THE HONORABLE CLARENCE THOMAS FOR EXPEDITED
PROCESSING**

Filed: June 20, 2025

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Eleventh Circuit:

Petitioner Michael-Albert Focia, one of the posterity of We the Peopleⁱ of the original thirteen Union States of the United States of America, pursuant to Supreme Court Rule 22, respectfully requests expedited processing of his Writ of Mandamus and Petition for Writ of Mandamus (both filed June 20, 2025). These filings seek to compel the United States District Court for the Middle District of Alabama to grant his Petition for Writ of Error Coram Nobis (Doc. 1, filed June 23, 2023), vacate void convictions under 18 U.S.C. §§ 922(a)(1)(A) and 922(a)(5) (United States v. Focia, 869 F.3d 1269 (11th Cir. 2017)), expunge records, return seized property (firearms and 2,874 Bitcoins), award \$25,000,000 in restitution, and issue an injunction, as detailed in the Proposed Order (filed June 20, 2025). Petitioner requests this Court's shadow docket review due to present, ongoing, and continuous irreparable injury and exceptional constitutional urgency.

Jurisdiction

This Court has jurisdiction under its original jurisdiction in all cases in law and equity and/or the All Writs Act. The relief demanded cannot be determined by any other court due to their flagrant violation of the Constitution, law, equity, and Supreme Court precedent. Every court's erroneous and illegal action of usurping jurisdiction has been protected by the Eleventh Circuit Court of Appeals.

Grounds for Expedited Processing

Irreparable Injury

Ongoing Harm: After ten years, Petitioner continues to be subjected to present, continuous, and ongoing irreparable injury (of involuntary servitude amongst others) due to the Middle District Court's inaction following the Magistrate Judge's Recommendation (Doc. 26, Feb. 20, 2025)—over 20 days as of March 12, 2025. Furthermore, as of March 21, 2025, without notification, Judge R. Austin Huffaker, aiding and abetting a felony by protecting his judicial colleagues, has retaliated and acted without jurisdiction, except for their ministerial duty to vacate the conviction and return Petitioner's property. As a result of this misapplication of federal law and illegal action without jurisdiction, Petitioner has been deprived of 2,874 Bitcoins (valued at approximately \$278,000,000 USD at the time of March 12th, 2025), firearms, safe and liberty's stigma since his 2016 void conviction (*Paul v. Davis*, 424 U.S. 693, 701 (1976))ⁱⁱ ("Equity abhors a forfeiture"). Petitioner's dignity and peace of mind have been tortured by the communist/Marxist actions of men masquerading as judges acting in open rebellion, causing Petitioner daily PTSD. Each day's delay risks further dissipation of assets (volatile cryptocurrency markets) and perpetuates constitutional harms, including:

- Slander of title
- Defamation
- Libel
- False imprisonment
- Assault and battery
- Intentional infliction of emotional distress
- Loss of opportunity
- Loss of appreciation
- Loss of consortium
- Alienation of affection
- Infringement of the First Amendment right to liberty of travel
- Infringement of the Fifth Amendment substantive right and due process to liberty of contract
- Infringement of the Second Amendment
- Infringement of the Third Amendment
- Infringement and impairment of contracts under Article I, Section 10, Clause 1

- Infringement of the Fourth Amendment right to be secure in persons, houses, papers, and effects against unreasonable searches and seizures
- Infringement of the Fifth Amendment right to just compensation and eminent domain
- Infringement of the Fifth Amendment procedural due process clause

The Appellate Court judges failed to perform their duty in a de novo review, neglecting to recognize:

- Lack of Jurisdiction: At first instance in the court room and every special visitation thereof, Petitioner challenged jurisdiction, ("The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." *Main v. Thiboutot*, 100S. Ct. 2502 (1980)) ("There is no discretion to ignore lack of jurisdiction." *Joyce v. U.S.* 474 2D 215.) yet the court proceeded over Petitioner's objection and exception forcing him into a trial without lawful authority. There was no subject matter, territorial, or in personam jurisdiction over a Union State Petitioner's private disposal of lawfully owned private property (protected arms), which the Supreme Court in *Abramski* recognized as the secondary market, applicable only to Federal Firearms Licensees (FFLs), not private parties absent a contractⁱⁱⁱ.
- Judicial Overreach: By failing to address the jurisdictional issue, the Eleventh Circuit shielded lower court colleagues by legislating from the bench, creating their own elements of the law by ignoring the "hobby" exemption under § 921(a)(21)(C), which applies only to FFLs. They engaged in burden-shifting and deprived the jury of the right to decide facts based on the actual law, stating "there was no evidence of Focia being a hobbyist," violating the Sixth Amendment right to a trial by jury.
- Violation of Trial by Jury: Due to the Appellate Court's unsound decision, Petitioner was not tried by the law but by an ultra vires Eleventh Circuit panel, effectively nullifying the Sixth Amendment right to a trial by jury, as the jury did not see the full scope and definition of the law.
- Slander and Libel: The incompetent and/or intentional ultra vires acts of judges, presumed to know the law and statutory interpretation, continue to slander and libel Petitioner's family name and affect his title with bad precedent.
- Retaliation: This is clear retaliation for Petitioner's exercise of his unpopular but protected right to dispose of his privately, lawfully owned arms.
- Contract Violations: The actions infringed Petitioner's right to contract, violating Article I, Section 10, Clause 1.

- Third Amendment Violation: By coercing individuals to obtain licenses for disposing of lawfully owned arms, the courts are effectively quartering digital soldiers in homes, regulating private transactions, tantamount to violating terrorism statutes by forcing submission to a licensing scheme under threat, duress, and coercion.
- Treason and Insurrection: The lower and appellate courts' actions, masquerading as judicial authority, attempt to disarm the militia by openly violating the Constitution and Supreme Court precedent, usurping jurisdiction, and misapplying federal law to Petitioner and others (*Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010)). The courts have used the U.S. Marshals Service and local police as a private paramilitary group, violating the Constitution, laws of the United States, Articles of Confederation, Declaration of Independence, and Northwest Ordinance of 1787.(see attached memorandum of law on jurisdiction) These are not officers of government because they are without jurisdiction and acting their personal capacity because they are following no law at all.

Constitutional Erosion

The Gun Control Act's (GCA) indirect embargo (*McCulloch v. Maryland*, 17 U.S. 316, 431 (1819); *Hammer v. Dagenhart*, 247 U.S. 251 (1918)), akin to quartering soldiers (Third Amendment), violates the Second (*District of Columbia v. Heller*, 554 U.S. 570 (2008); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022)), Fourth (*Boyd v. United States*, 116 U.S. 616 (1886)), Fifth (*Mathews v. Eldridge*, 424 U.S. 319 (1976)), and Fourteenth Amendments (*Yick Wo v. Hopkins*, 118 U.S. 356 (1886)), defying "a government of laws, not men" (*Marbury v. Madison*, 5 U.S. 137, 163 (1803)). This ongoing injury compounds daily, necessitating immediate relief (*Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020)).

Exceptional Circumstances

- Jurisdictional Void: The convictions lack jurisdiction (*Abramski v. United States*, 573 U.S. 169, 181 n.7 (2014); *Elliot v. Piersol*, 26 U.S. 328, 340 (1828)), as § 921(a)(2) excludes the Union State of Alabama (*Montello Salt Co. v. Utah*, 221 U.S. 452 (1911)), and Focia's omission of "hobby" (§ 921(a)(21)(C)) defies Bruen's historical test (*United States v. Cotton*, 535 U.S. 625, 630 (2002)).
- The district courts and appellate courts refuse to obey the law, the constitution and knowingly and willfully libeling Petitioner with bad precedent and refuse to correct their error. The district court terminated Petitioner's writ of error coram nobis without cause after two years stating it had not merit and not appealable. If it had no merit, it wouldn't have even made it pass the initial review and take two years for them to make an illegal adjudication and refuse to correct their error, parroting the 11th circuits erroneous opinion and bad precedent.

- Judicial Overreach: Focia's structural error (*Sullivan v. Louisiana*, 508 U.S. 275, 279 (1993)) and the Magistrate's bias (Doc. 26; *Liteky v. United States*, 510 U.S. 540 (1994)) usurp jury power (Federalist No. 51), fulfilling Brutus's fears of "extensive powers" exercised arbitrarily (Anti-Federalist No. 84; *Morrison v. Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting)).
- Constitutional Stakes: The GCA's overreach—warned by Jefferson (Papers, Vol. 26, pp. 40-41)—and inaction risk dismantling the Second Amendment (*United States v. Cruikshank*, 92 U.S. 542 (1875)), exceeding Article III (*Ex Parte McCordle*, 74 U.S. 506 (1869)), and eroding the republic (*United States v. Lee*, 106 U.S. 196 (1882)) (Memorandum, Section VI).
- The failure to grant the petition of the writ of error coram nobis and this courts failure to mandate the lower court is sanctioning tyranny and anarchy and an open rebellion by the lower courts. If this is allowed to stand, we are no longer a government of law, but of men.

No Adequate Alternative Remedy

Four blocked habeas petitions (Doc. 1, p. 7), an unanswered Eleventh Circuit mandamus petition (filed March 11, 2025), and the District Court's delay post-Doc. 26 exhaust alternatives (*United States v. Morgan*, 346 U.S. 502, 512 (1954)). District court illegally terminating petitioners case and illegally giving it a certificate of non-appealability. Only this Court's expedited action can halt the harm (*Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004)).

Request for Relief

Petitioner respectfully requests:

- Expedited Processing: Immediate consideration of his Petition for Writ of Mandamus, Injunction, Prohibition, Replevin, Restitution, and Quo Warranto on the shadow docket, under Rule 22, due to irreparable injury and exceptional circumstances (*Hollingsworth v. Perry*, 558 U.S. 183 (2010)).
- Referral to Full Court: That Justice Thomas refer this application to the full Court for swift resolution, given the constitutional urgency and ongoing harm (*Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020)).
- Interim Relief: If necessary, an interim order directing the District Court to suspend enforcement of § 921(a)(21)(C) against Petitioner pending review, to prevent further injury (*McCulloch v. Maryland*, 17 U.S. 316 (1819)).
- The petitioner respectfully demands the court order the Department of Justice to acknowledge the fact that Petitioner is one of the people of the union states and is entitled

to dispose of, own and bear any and all arms and not subject to the jurisdiction of the BATFE or any other agency and record it in the federal register. Moreover, to any Governments known as "STATE OF ...") As Petitioner being one of the people is self-governing and a creditor to the UNITED STATES/UNITED STATES OF AMERICA. As one of the people he claims his right to a republican form of government is being violated under and under domestic violence by Article IV, section 4 of the Constitution of the United States. As an indispensable party to the Constitution and a whistleblower and witness under the principles of the false claims act, the government is commanded to protect me at all costs to Petitioners wishes in the manner Petitioner desires.

("Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins, 118 U.S. 356 (1886)) ("The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights [right to contract, dispose of arms, right to keep and bear arms] may not be submitted to vote; they depend on the outcome of no elections." West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)).

DATED: June twentieth, two thousand twenty five in the year of our lord and savior.

Signed:



Michael-Albert Focia, Sui Juris

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ⁱ Expressio unius est exclusio alterius, It is impossible for me to claim to be a us citizen and a crime under the united states code of 18 usc 911, therefore the code does not apply to me as one of the posterity of the people and at most a State Citizen of New Jersey. ("Haeres est nomen juris, et non sanguinis; haeres et ancestor sunt quasi eadem persona, quia successor est personae")

ⁱⁱ Use of any statutory or case law is purely for references purpose to point out that the ultra vires actions of the bad actors misapplying federal law as applied to Petitioner and against one of the people are based on maxims of equity and law and have previously been adjudicated on in the UNITED STATES/UNITED STATES OF AMERICA government corporate statutory jurisdiction in which Petitioner has no contracts and no minimum contacts.

ⁱⁱⁱ The court needs to end the vague and ambiguous language of § 921(a)(21)(C) (pre-2022) and the amended version of the rule of the BSCA by the BATFE. It unlawfully transfers the legislative law making power of Congress, to unelected administrators/Judges to subjectively decide adhoc what these terms mean Despite the fact they had no Jurisdiction, and what's worse, it allows any and all law enforcement, especially BATFE, to subjectively decide to charge someone based on their own subjective criteria and subject them to illegal prosecutions and indictments in a grand jury based on their erroneous beliefs. This is buttressed and articulated in the latest court case of Texas v. BATFE, Case No. 2:24-CV-00089Z. 5th circuit (incorporated by reference as though fully restated herein, to the extent of showing the illegal and unconstitutional ultra vires acts of public servants such as Agents, Law enforcement and Adminstrators/Judges) Under a more stringent standard of the BSCA, designed to curtail lawful constitutional acts. The 5th circuit agreed and granted a preliminary injunction.