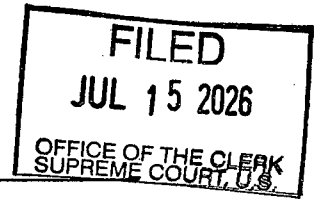


ORIGINAL

26-5136

No. _____



IN THE
Supreme Court of the United States

In Re Carla Davis and Jalen Davis

Petitioners,

On Petition for an Original Writ of Habeas Corpus

CARLA DAVIS and JALEN DAVIS (Pro Se Individuals)
901 N. Belmont
Wichita, Kansas 67208
Telephone: 316-691-8804
jddavis021@gmail.com

QUESTIONS PRESENTED

U.S. Supreme Court Original Jurisdiction and Habeas Corpus Jurisdiction

1. Will the United States Supreme Court and its individual justices use it's rare and discretionary *ex parte* original jurisdiction, under section 14 of the Judiciary Act of 1789, *Ex parte Yerger*, 75 U.S. 85 (1868), and 28 U.S.C. 2441 (c) (2), to review and directly hear in the first instance Carla and Jalen's original writ of habeas corpus petition and attached evidence documents under the following exceptional circumstances:

- a. When President George W. Bush, his Executive Branch, in business contract with the State of Kansas and United States corporations, put the *personal liberty and life of Carla and Jalen under restraint* using the U.S.A. Patriot Act of 2001 Section 215 to seize their medical records, acting as Original Classification Authority to classify Carla and Jalen's personal health information (PHI) at a "**Confidential**" level, and *indefinitely denying* Carla and Jalen *access and use* of their PHI in medical records for any fundamental purpose as a human being since January 23, 2003, at present, and into the future;
- b. When Carla and Jalen have physical document threshold evidence of executive restraint on their personal liberty and life in the form of exhibit medical documents attached to this petition with "**Confidential Not For Re-Release**" and "**Denied Disclosure**" classified markings;
- c. When Carla and Jalen are indefinitely denied access and use of their PHI while having *private pay health insurance benefits* on January 23, 2003,
- d. When the United States District Court for the District of Kansas is *not a neutral tribunal* due to its: contractual, business, and financial, involvement in the matter, fiduciary loyalties, false allegations of Carla, and attempted abduction of Jalen?

2. Will the U.S. Supreme Court use assistance of its trusted friend the American Medical Association (AMA), and AMA Code of Ethics 3.3.1-Management of Medical Records as a tool to assess the “in custody” or “liberty restraint” requirement to determine the seriousness of limiting important freedoms such as: present and future health care needs, insurance, employment, and other purposes, lost by Carla and Jalen due to their inability to access and use their PHI in medical records, and to determine the seriousness of classifying and indefinitely denying Carla and Jalen access and use of their personal health information?

3. Can Carla and Jalen experience physical sufferings, emotional suffering, and even death due to a lack of knowledge of their diagnostic PHI to seek timely medical treatment?

4. Do Carla and Jalen’s loss of control over their personal liberty and life violate the Thirteenth Amendment prohibiting ownership of human beings as property?

5. Did President George W. Bush and his executive branch violate Carla and Jalen’s privacy linked to their inability to control, access, and use their PHI when their PHI was seized, indefinitely classified on a “Confidential” level as owned and under the control of the United States government, and Carla and Jalen indefinitely denied access and use without judicial review, when under the Fourth Amendment Carla and Jalen have a penumbral right to privacy linked to having control over their persons, houses, papers, and effects against unreasonable searches and seizures?

Privilege to the Writ

Under legislative powers of Article 1, Section 9, Clause 2 of the United States Constitution the privilege of the writ of habeas corpus cannot be suspended except during times of rebellion or invasion when public safety requires it; putting a limit on congress authority to restrain liberty.

Under *Boumediene v. Bush*, 553 U.S. 723 (2008), the petitioner was designated as an enemy combatant. The U. S. Supreme Court reaffirmed that the Suspension Clause applies to all individuals, regardless of citizenship or location;

Under *Ex parte Milligan*, 71 U.S. 4 (1866) the U.S. Supreme Court stated: "Neither the President nor Congress nor the Judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution except so far as the right is given to suspend in certain cases the privilege of the writ of habeas corpus."

1. Do Carla and Jalen as *natural born civilian united states citizens living on U.S. territory in the state of Kansas*, have a constitutional privilege to the writ of habeas corpus?

2. Did congress suspend habeas corpus or give President George W. Bush authority under statutory law to restrain the personal liberty of Carla and Jalen?

3. Does it amount to suspension of the privilege of the writ for Carla and Jalen when "Confidential Not For Re-Release" and "Denial of Disclosure" classified markings were placed on their PHI, indicating government ownership and control over the personal information and life of Carla and Jalen?

4. Will it be a suspension of the writ of habeas corpus for Carla and Jalen; a violation of Article 1, Section 9, Clause 2; a violation of the Sarbanes-Oxley Act (SOX) (specifically 18 U.S.C. 1519); and a violation of Federal Rules of Evidence 803 (4) and (6), for the United States Supreme Court to show great difference to presidential immunity, executive branch immunity, and the state secrets privilege defenses, resulting in removal of Carla's and Jalen's habeas corpus evidence to prove their personal liberty is under restraint, taking away subject matter jurisdiction, and dismissal of their habeas corpus petition?

PARTIES

Carla Davis Petitioner-A natural born United States citizen living in Sovereign United States territory of Wichita, Kansas. The biological mother of petitioner Jalen Davis. Former Registered Nurse # 86744 licensed in the State of Kansas and former employee of HCA's Wesley Medical Center and Via Christi Regional Medical Center in Wichita, Kansas.

Jalen Davis Petitioner- A natural born United States citizen living in Sovereign United States territory of Wichita, Kansas. The biological son of petitioner Carla Davis.

RESPONDENTS CAUSING RESTRAINT ON LIBERTY

1. On Federal and State Government side:

United States of America

George W, Bush-Former United States President-Had the ultimate authority to classify the medical information of Carla Davis and Jalen Davis on January 23, 2003.

Delegated by the President to act as Original Classification Authorities:

United States Department of Justice

Eric Melgren- Former U.S. Attorney for the District of Kansas 2003-2008

Robert S. Mueller- Former FBI Director

John Ascroft, Alberto Gonzales, Michael Mukasey- Former U.S. Attorney Generals

United States Department of Health and Human Services (HHS)

Tommy G. Thompson- Former HHS Secretary

National Institute of Health (NIH)- Government agency that is part of HHS that has a primary responsibility to conduct and support medical and behavioral research.

Elias Zerhouni- Former Director of NIH

Central Intelligence Agency (CIA)

George J. Tenet-Former Director of CIA

John Negroponte, Mike McConnell-Former Directors of National Intelligence

Former State of Kansas Governor Kathleen Sebelius (Former Kansas Insurance Commissioner and Former HHS Secretary)

Kansas Department of Health and Environment (KDHE)

Former KDHE Secretary-Roderick Bremby

State of Kansas Insurance Department

Kansas Insurance Commissioners-(Former): Kathleen Sebelius, Sandy Praeger;

(Current): Vicki Schmidt

2. On Corporate Business side:

Foulston Siefkin Law Firm-Eric Melgren the Chief United States

District Judge of the United States District Court for the District of Kansas and

Former U.S. Attorney for the District of Kansas 2003-2008 is a former partner of this firm. This law firm's clients in this petition are HCA's Wesley Medical Center, Wichita Clinic, P.A Foulston Siefkin is oldest and largest law firm in the state of Kansas with offices in Kansas City, Topeka, and Wichita with multiple corporate

clients having an interest in this petition. This firm makes financial and educational contributions to Kansas University School of Law and Washburn Law's Juris Doctor Program. The firm's practice areas include government investigations, employment law, business contract law, intellectual property law, and trade secret litigation qualified to draft non-disclosure agreements for business corporations.

This firm makes financial and educational contributions to Kansas University School of Law and Washburn Law's Juris Doctor Program. The corporate office is located at: 1551 N. Waterfront Parkway, Suite 100 Wichita, Kansas 67206-4466

Klenda Austerman Law Firm-This law firm represents corporations and state instrumentalities operating inside of HCA Wesley Medical Center, and the Kansas Insurance Department. The firm's practice areas include employment law and corporate law qualified to draft non-disclosure agreements. The corporate office is located at: 1600 Epic Center, 301 N. Main, Wichita, Kansas 67202

Hospital Corporation of America (HCA)-A Delaware Corporation that is one of the largest healthcare systems in the United States, and owner of Wesley Medical Center in Wichita, Kansas with its company's corporate office located at: 1 Park Plaza, Nashville, TN. 37203.

Ascension Via Christi- Formerly named Wichita Clinic P.A.- A state of Kansas Corporation. Wichita Clinic has been integrated or merged into the larger Ascension Via Christi healthcare no longer exists as a standalone entity.

The Parent Company Ascension is headquartered at: 4600 Edmunson Road; St.

Louis, Missouri 63134.

Pfizer Pharmaceutical Industry Company-A pharmaceutical and biotechnology corporation licensed to conduct business in the State of Kansas. The Kansas location is: 1776 Centennial Dr. McPherson, Kansas 67460. Pfizer Headquarters is located at: 66 Hudson Blvd, E, Suite 20; New York, N.Y. 10001.

Children's Mercy Hospital-Kansas City, Missouri- A corporation licensed to conduct business in both the State of Kansas and the State of Missouri. Main office is located at: 2401 Gillham Road, Kansas City, Mo. 64108.

Medical Society of Sedgwick County- A physician corporation licensed to conduct business in the State of Kansas. The company's corporate office is located at: 1102 S. Hillside; Wichita, Kansas 67211

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED.....	i, ii, iii
PARTIES.....	iv
RESPONDANTS CAUSING RESTRAINT ON LIBERTY.....	iv,v,vi,vii
INTRODUCTION.....	1,2,3
JURISDICTION	3,4
FACTS CONCERNING THE RESTRAINT.....	4,5
REASONS THIS WRIT SHOULD BE GRANTED.....	5,6,7,8,9
CORPORATIONS DO NOT HAVE A RIGHT TO PRIVACY....	9
REASONS FOR NOT MAKING APPLICATION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS (28 U.S.C. 2242)	9,10,11,12,13
RELIEF REQUESTED.....	13,14
CONCLUSION.....	14
VERIFICATION.....	14
CERTIFICATE OF PAGE LIMITATION COMPLIANCE.....	15
CERIFICATE OF SERVICE.....	16
APPENDIX TO HABEAS CORPUS EVIDENCE.....	17,18

TABLE OF AUTHORITIES

	Page
<i>Barrett v. United States</i> , 689 F. 2d 324 (2d Cir. 1982)	5, 6
<i>Boumediene v. Bush</i> , 553 U.S.723, 743 (2008)	iii, 1,8
<i>Brown v. Entertainment Merchants Association</i> 564 U.S. 786 (2011)	6
<i>Ex parte Lang</i> , (18 Wallace, 163,)	3
<i>Ex parte Milligan</i> , 4 Wall. 2 ; <i>Ex parte Milligan</i> , 71 U.S. 4 (1866)	iii, 1
<i>Ex parte Yerger</i> , 75 U.S. 85 (1868)	i,3
<i>FCC v, AT&T Inc.</i> 562 U.S. 397 (2011).	9
<i>Felker v. Turpin</i> , 518 U.S. 651, 664 (1996).	8
<i>Goldburg v. Kelly</i> 397 U.S. 271 (1970)	11, 12
<i>In re Murchison</i> , 349 U.S. 133 (1955)	12, 13
<i>INS v. St. Cyr</i> , 533 U.S. 289, 301 (2001)	8
<i>National Federation of Independent Businesses v, Sebelius</i> 567 U.S.519 (2012)	6
<i>Offutt v. United States</i> , 348 U, S. 11, 14, 75 S. Ct.11,13 (1954)	12
<i>Traynor v. Turnage</i> 485 U.S, 535 (1988)	6
<i>Tumey v. State of Ohio</i> 237 U.S. 510, 64(1927).)	12
<i>U.S. v. Westinghouse Electric Corp.</i> , 638 F2d 570, 577 (IV) (3d Cir. 1980)	9

28 U.S.C. 2241 (b).....	10, 11, 12
28 U.S.C. 2441 (c) (2)	i, 3
(FRE) Federal Rules of Evidence 803 (4) and 803 (6)	iii, 7
Department of Justice's policies and procedures.....	7, 8
United States Constitution Article 1, Section 9, Clause 2	ii, iii, 4, 8
United States Constitution. Article III Section 2, Clause 1 and 2.....	3, 4
Fifth Amendment.....	11
Fourth Amendment.....	ii, 1, 9, 11, 13
Fourteenth Amendment.....	11
Thirteenth Amendment.....	ii, 9
Habeas Corpus Act of 1867.....	3
Judiciary Act of 1789 Section 14.....	i, 3, 4, 8
Sarbanes-Oxley Act (SOX) (specifically 18 U.S.C. 1519)	iii, 1, 7, 13
U.S.A. Patriot Act of 2001 Section 215.....	i, 2.
AMA Code of Medical Ethics 3.3.1	ii, 2, 6
The AMA Article- Patient Access To Health Information.....	6

INTRODUCTION

Petitioners Carla Davis and Jalen Davis make this application for an original writ of habeas corpus to respectfully ask this One Supreme Court for its original jurisdiction to order a writ of habeas corpus directed to all federal, state, and corporation respondents named in this petition, **commanding them to produce the body of petitioners Carla and Jalen before this One Supreme Court, together with the legal inquiry into the cause of the restraint placed on petitioners' personal health information** when they:

1. Seized, classified, and indefinitely denied petitioners access and use of information pertaining to their bodies,
2. Interfered with the patient/ physician fiduciary relationship to communicate diagnostic medical test results and medical treatment,

and that respondents have judgement to remove this unlawful restraint because it violates the Fourth Amendment, and the Sarbanes-Oxley Act (SOX) (specifically 18 U.S.C. 1519).

The writ of habeas corpus has been often used to defend the liberty of the citizen, and even his or her life against the assertion of unlawful authority on the part of the executive and legislative branches of government. See *Ex parte Milligan*, 4 Wall. 2. The Founders of the Constitution viewed the writ as a "vital instrument for the protection of individual liberty." *Boumediene v. Bush*, 553 U.S.723, 743 (2008).

The fundamental freedom of Carla Davis and Jalen Davis has been interfered with and under restraint for over 22 years by the United States government, George W. Bush, his administration, the State of Kansas, and their state and federal contracting corporations. The restraint is as follows: The respondents named in this petition seized the medical records of Carla and Jalen

2.

without their knowledge in pursuance of their tool section 215 of the U.S.A. Patriot Act of 2001; originally classified the personal health information (PHI) in their medical records at a "CONFIDENTIAL" classification level starting January 23, 2003, and forward, current and future dates, and denied Carla and Jalen indefinite access and use of their PHI and fiduciary patient/physician communications and medical treatment. It is for this reason that Carla and Jalen make application to this One Supreme Court for a writ of habeas corpus, which is the only remedy for arbitrary and lawless government action. The American medical Association (AMA) Code of Medical Ethics 3.3.1 states,

"Medical records serve important patient interest for present health care and future needs, as well as insurance, employment, and other purposes." (Attached Exhibit A)

Without cause or review, petitioners Carla Davis and Jalen Davis are denied indefinite access and use of their diagnostic personal health information about their bodies and fiduciary patient/physician communications and medical treatment for all fundamental purposes as human beings. The personal health information in the medical records of Carla and Jalen were seized, classified, and access denied to Carla and Jalen after the pregnant Carla was forced to go to HCA Wesley Medical Center in Wichita, Kansas scheduled for January 23, 2003, when Carla clearly stated that she "wants to deliver at St. Joe." (Attached Exhibit B). This was the beginning of taking away Carla's freedom. The life and liberty of Carla and Jalen is under restraint, and they are in custody, making this application for a writ of habeas corpus for the purpose of an inquiry into the cause of the restraint; because this is the only legal remedy for this control and intrusion on the life and liberty of Carla and Jalen and check on executive authority.

Carla and Jalen have attached to this petition, cover page documents that are part of their medical records at a Hospital Corporations of America (HCA) facility-

3.

Wesley Medical Center, labeled as classified confidential sensitive information stamped with the words- "Confidential not for re-release" , and a Children's Mercy Hospital request for medical records document stamped with the words "Denied Disclosure". (Attached Exhibit C pages 1-5)

JURISDICTION AND VENUE

1. 28 U.S.C. 2441 (c) (2)- The writ shall not extend...unless He is in custody for an act done or omitted in pursuance of an Act of Congress.

2. Section 14 of the Judiciary Act of 1789 gives this one Supreme Court power to issue writs of habeas corpus, and the justices of the supreme court **the power to grant writs of habeas corpus for the purpose of an inquiry into the cause of the commitment** (custody) as permitted by Article III section 2, clause 1 and 2 of the United States Constitution. Supreme Court habeas corpus cases to which this rule was applied:

Ex parte Lang, (18 Wallace, 163,) at the October Term, 1873- In this case the petitioner was restrained of his liberty, and the Court issued a writ of habeas corpus to a federal official to produce the body of the petitioner. In the opinion of the Supreme Court, care is taken to say that the Supreme Court has authority to issue the writ..., as may be necessary to ascertain whether the latter court has exceeded its authority. The authority of a habeas corpus proceeding is to *inquire into the cause of the restraint of liberty*, and to ascertain the material facts, and to determine the facts by hearing the testimony and arguments, and there upon dispose of the party as law and justice require. **The Judiciary Act of 1789 was not repealed by the Habeas Corpus Act of 1867.** *Ex parte Yerger, 75 U.S. 85 (1868).*

3. Article III Section 2, Clause 1 of the United States Constitution vest judicial review power in one Supreme Court. The judicial power shall extend to all

4.

Cases in Law and Equity, arising under this Constitution, the Laws of the United States; to Controversies to which the United States shall be a Party, and all Cases in which a State Shall be Party. This Court has original jurisdiction.

4. **Article 1, Section 9, Clause 2 of the United States Constitution** (The Habeas Corpus Suspension Clause of the United States Constitution) The Privilege of the Writ of habeas Corpas shall not be suspended, unless when in cases of Rebellion or invasion the public Safety may require it. The Suspension Clause protects the writ as it existed in the year 1789 as a means of reviewing the legality of Executive actions.

5. This Court can provide service to all respondents by postal mail.

6. Venue properly lies with this One Supreme Court because the U.S. District of Kansas is not a neutral decision maker for the petitioners. This One Supreme Court should not transfer Carla and Jalen's habeas corpus application for hearing and determination to the U.S. District Court of Kansas.

FACTS CONCERNING THE RESTRAINT

This is an extraordinary case because Carla and Jalen have authenticated copies of cover page documents of their medical file with serious procedures and serious medical symptoms that are labeled with a classification level of "CONFIDENTIAL" and a "Denied Disclosure" stamped document when requested medical records of the child Jalen Davis at the Children's Mercy Hospital, qualifying this petition for an inquiry into the cause of the restraint on the access and use of Carla and Jalen's personal health information to them.

Carla and Jalen have attached to this petition, cover page documents that are part of their medical records at a Hospital Corporations of America (HCA) facility-

5.

Wesley Medical Center, labeled as classified confidential sensitive information stamped with the words- "Confidential not for re-release", and a Children's Mercy Hospital request for medical records document stamped with the words "Denied Disclosure". *Evidence of the restraint is as follows:*

Exhibit C Page 1 is the AFFIDAVIT OF CUSTODIAN OF BUSINESS RECORDS for the medical records.

Exhibit C Page 2 is the newborn medical cover sheet for Jalen Davis dated January 23, 2003, and red stamped with the words "CONFIDENTIAL NOT FOR RE-RELEASE"

Exhibit C Page 3 is the medical cover sheet for Carla Davis dated February 4, 2005, and red stamped with the Words CONFIDENTIAL NOT FOR RE-RELEASE"

Exhibit C Page 4 is the medical cover sheet for Carla Davis dated December 10, 2005, listing serious health symptoms of coughing up blood/chest pain/ dizzy and red stamped with the Words CONFIDENTIAL NOT FOR RE-RELEASE"

Exhibit C Page 5 is the "DENIED DISCLOSURE "of "medical records pertaining to the child Jalen Davis at the Children's Mercy Hospital giving a reason that "ACCESS TO THE INFORMATION IS LIKELY TO CAUSE SUBSTANTIAL HARM TO ANOTHER PERSON"

REASONS THIS WRIT SHOULD BE GRANTED

If this One Supreme Court does not grant this writ, Carla and Jalen will be indefinitely injured and harmed. When the respondents classified the personal health information, and denied them access and use, this action put medical records and the life of Carla and Jalen in a position medical records and human life should never be in due to the personal information contained in the documents that is necessary for human life, In *Barrett v. United States* the Court stress the following

factors as proof of concealment: "the Army's use of classification of materials to keep the testing program secret...." *Barrett v. United States*, 689 F. 2d 324 (2d Cir. 1982).

This case shows that classification can be used as a tool to keep information secret from certain individuals.

Classifying information in medical records is a big healthcare matter that concern all humans. This Court has always looked to the American Medical Association (AMA) for guidance in big healthcare matters since 1926 and continuing today to help guide this Court in shaping case law governing the most important and pressing health matters facing the nation. (Attached Exhibit D) (Examples of Cases the U.S. Supreme Court cited AMA briefs: *National Federation of Independent Businesses v, Sebelius* 567 U.S. 519 (2012)-Justice Ruth Bager Ginsburg referred to the AMA Code of Medical Ethics' opinion.; *Traynor v. Turnage* 485 U.S. 535 (1988); *Brown v. Entertainment Merchants Association* 564 U.S. 786 (2011))

This subject matter of personal health information in medical records discussed in this petition faces everyone in America. The American Medical Association (AMA) states,

"Patients having access to their complete medical record is a fundamental right and can improve the overall effectiveness of care." (Attached Exhibit E). The AMA Code of Medical Ethics 3.3.1 states,

"Medical records serve important patient interest for present health care and future needs, as well as insurance, employment, and other purposes." (Attached Exhibit A)

Carla and Jalen are denied all these freedoms (health care and future needs, as well as insurance, employment, and other purposes) to which medical records serve, due to their medical records being classified denying them indefinite access. Information about the bodies of Carla and Jalen should not be kept from Carla and

Jalen whether by means of fiduciary patient/physician communications or physical diagnostic medical documents. The seriousness and dignity of this writ is an appropriate case warranting this Court's exercise of its original jurisdiction to grant this writ because the law and justice demand it.

(FRE) Federal Rules of Evidence 803 (4) and 803 (6) permits medical records to be admitted as evidence and statements to be made for medical diagnosis under the business records and statement exceptions. When Carla and Jalen's personal health information in their medical records were classified initially by the respondents, it allowed the respondents to use their tool of the state secrets privilege. The government's ability to assert the state secrets privilege to dismiss Carla and Jalen's petition for habeas corpus and remove the medical records as evidence due to classification, is a deprivation of liberty by infringing on Carla and Jalen's freedom and ability to resolve a legal matter through the legal system.

This is a serious matter because it brings into this matter of the **Sarbanes-Oxley Act (SOX) of 2002 (specifically 18 U.S.C. 1519)** which states:

"Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies or makes a false entry in any record, or document, or tangible object with the intent to impede, obstruct, influence the investigation or proper administration of any matter within the jurisdiction of any agency, agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter, shall be fined under this title, imprisoned not more than 20 years, or both."

18 U.S.C. 1519 enacted as part of the SOX of 2002 makes it a federal crime to knowingly conceal any document with the intent to impede, obstruct, or influence a federal investigation.

The Department of Justice's policies and procedures ensure greater accountability in the government's assertion of the state secrets privilege in litigation stating:

"The department will not defend an invocation of the privileged in order to (i) *conceal* violations of the law, inefficiency, or administrative error; (ii) prevent embarrassment to a person, organization, or agency of the United States government...or (iv) prevent or delay the release of information the release of which would not reasonably be expected to cause significant harm to national security. "The Department will not defend an assertion of the privilege **without the personal approval of the Attorney General or Acting Attorney General** " (Attached Exhibit F)

Article 1, Section 9, Clause 2 of the United States Constitution (The Habeas Corpus Suspension Clause of the United States Constitution) says:

"The Privilege of the Writ of habeas Corpas shall not be suspended, unless when in cases of Rebellion or invasion the public Safety may require it."

To apply the clause, the Court typically draws on Founding-era history stating that at the absolute minimum, *the Suspension Clause protects the writ as it existed in the year 1789 as a means of reviewing the legality of Executive actions.* *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (quoting *Felker v. Turpin*, 518 U.S. 651, 664 (1996). In *Boumediene v. Bush* the petitioner was designated as enemy combatants. The U. S. Supreme Court reaffirmed that the Suspension Clause applies to all individuals, regardless of citizenship or location, and that the right to habeas corpus is not limited to citizens or those detained within the United States, ensuring that the executive branch cannot restrain anyone without providing them with a meaningful opportunity to challenge the lawfulness of the restraint. The Supreme Court ruled, "We hold these petitioners do have the habeas corpus privilege." *Boumediene v. Bush*, 553 U.S. 723 (2008).

Carla and Jalen are natural born United States citizens who are supposed to have liberty and constitutional rights under the law. To their knowledge Carla and Jalen's citizen status has not changed to be considered as not having rights under the law. Carla and Jalen have not committed a crime to be punished as a slave as

stated in the Thirteenth Amendment which states: "Neither slavery...except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States...."

CORPORATIONS DO NOT HAVE A RIGHT TO PRIVACY

Federal and state regulations provide avenues for corporations to classify and protect their sensitive business information, but corporations do not have a right to privacy. The U. S. Supreme Court checks corporate power in *FCC v, AT&T* states:

"A corporation, partnership or incorporated association has no personal right of privacy...It seems to be generally agreed that the privacy is one pertaining *only to individuals*, and that a corporation or partnership cannot claim it as such. The majority opinion agrees." *FCC v, AT&T Inc.* 562 U.S. 397 (2011).

Carla and Jalen have a right to privacy secured under the **Fourth Amendment** which states,

" 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.

Medical records are within the right of privacy afforded by the Federal Constitution.

United States v. Westinghouse Electric Corp., 638 F2d 570, 577 (IV) (3d Cir. 1980)

REASONS FOR NOT MAKING APPLICATION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS (28 U.S.C. 2242)

1. The United States District Court for the District of Kansas is not a neutral tribunal decision maker for the hearing and determination of this writ application.

The respondent Eric Melgren is the Chief Judge for the Kansas federal Courts. Eric

Melgren is also a former partner in the Foulston Siefkin Law Firm who is also a

respondent in this petition, having fiduciary responsibilities to other corporate respondents in this petition- HCA, Ascension, and others in the state of Kansas who have an interest in this petition. (Attached Exhibit G pages 1,2). The respondents also falsely accused Carla Davis of physical neglect of Jalen Davis when she sought medical treatment for him at the Children's Mercy Hospital, and attempted to abduct the child Jalen Davis. A letter dropped by deceased social worker Micheal Dustin states "If you keep kid for night we can petition" (Attached Exhibit G pages 3,4) The Federal District of Kansas United States Courts is not a neutral decision maker of the application for a writ of habeas corpus in this matter. Carla Davis petitioner also filed a complaint against the federal judges of the district of Kansas with this Court in a letter to the Honorable John Roberts on March 1, 2016 (Attached Exhibit G pages 5-8).

This one Supreme Court has the power to be the decision maker to grant this writ to Carla and Jalen because it is a neutral decision maker for the legal subject matters in this petition that is of first impression needing national binding precedent. This Court should not apply 28 U.S.C. 2241 (b) which states:

"The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

This federal statute states the words "may" and *not* the word "*shall*". Petitioners respectfully ask this one Supreme Court not to apply 28 U.S.C. 2241 (b) "*transfer the application for hearing and determination to the district court having*

jurisdiction to entertain it" because the United States District Court for the District of Kansas is not a neutral tribunal decision maker for the hearing and determination of this writ application. The Fifth Amendment applying to the federal government states: "No person... shall be deprived of life, liberty, or property, without *due process of law*..." The Fourteenth Amendment applying to states "... nor shall any state deprive any person of life, liberty, or property, without due process of law..." The Fourteenth Amendment's due process clause extended the protections already established for the federal government in the Fifth Amendment ensuring baseline fairness across all levels of government. Due process requires fair procedures that involve having a neutral decision maker. This Court's official position is that a neutral decision-maker is a fundamental component of due process, upholding both the reality and appearance of fairness in the judicial system. The Due Process Clauses of the Fifth and Fourteenth Amendments guarantees every U.S. citizen the right to a neutral tribunal, ensuring fairness in legal proceedings. This one Supreme Court has consistently affirmed this right, establishing that impartial decision makers are a core component of both the Fifth Amendment and the Fourteenth Amendment due process. In *Goldburg v. Kelly* the officials who initially decided to terminate benefits were directly involved in the case. The Court found that entrusting the decision to an official who already participated in the determination created a significant risk of bias. The Court ruled that the official "...should not, however, have participated in making the

determination under review.” *Goldburg v. Kelly* 397 U.S. 271 (1970). In *Goldburg v. Kelly* the Court established a landmark precedent by linking the impartiality of the decision maker to the constitutional requirement of due process and that impartiality ensures decisions are based on evidence and law. In *Tumey v. State of Ohio* the Court ruled “No matter what the evidence was against him (Tumey); he had a right to have an impartial judge. He seasonably raised the objection, and was entitled to halt the trial because of the disqualification of the judge, which existed because of his direct pecuniary interest in the outcome...” *Tumey v. State of Ohio* 237 U.S. 510, 64 (1927).). “But to perform its high function in the best way ‘justice must satisfy the appearance of justice.’ *In re Murchison*, 349 U.S. 133 (1955) citing *Offutt v. United States*, 348 U. S. 11, 14, 75 S. Ct. 11,13 (1954) The Court in *In re Murchison* stated “A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course, requires an absence of actual bias in the trial of case. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. Circumstances and relationships must be considered.” *In re Murchison*, 349 U.S. 133 (1955)

Before this Court apply 28 U.S.C. 2241 (b), petitioners of this writ Carla and Jalen respectfully ask this One Supreme Court to consider the following circumstances and relationships in the attached exhibits. (Exhibit G pages 1-15) *In re Murchison*, 349 U.S. 133 (1955), occurring in the district of Kansas that will

prevent the United States District Court for the District of Kansas from being a neutral decision maker for this writ of habeas corpus petition. *In re Murchison*, 349 U.S. 133 (1955).

RELIEF REQUESTED

Exceptional circumstances warrant the exercise of this One Supreme Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other Court. The petitioners request the following relief:

1. Issue the writ and order the respondents to appear in court and present a legal justification for seizing, classifying, denying Carla and Jalen indefinite access and use of their personal health information and interfering in their fiduciary patient/ physician relationship.
2. Allow the petitioners to have their day in court before a neutral decision maker and hear the arguments and review evidence to determine if the restraint is lawful.
3. Grant the Writ of Habeas Corpus and order the respondents to release Carla and Jalen if the Court determines the restraint is unlawful.
4. Order respondents to cease all acts of torture and cruel, inhumane and degrading treatment of petitioners.
5. Order and declare that the prolonged, indefinite, and restrictive restraint of petitioners without due process is arbitrary without due process of law.
6. Please certify a federal question regarding the constitutionality of : Whether classifying personal health information in medical records is a violation of the Fourth Amendment and Sarbanes-Oxley Act (SOX) (specifically 18 U.S.C. 1519).
7. Grant such other and further relief as the Court may deem necessary and appropriate to protect Petitioners' rights under common law, the constitution of the

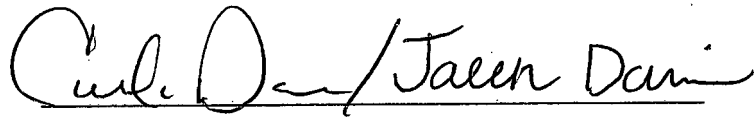
14.

United States, federal statutory law, international law, the treaties to which the United States is a party, and military law.

CONCLUSION

Petitioners pray they are granted the relief request in this original writ of habeas corpus.

Respectfully Submitted,

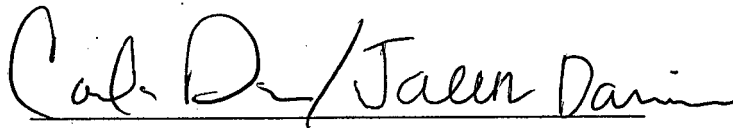
A handwritten signature in cursive script, reading "Carla Davis / Jalen Davis", written over a horizontal line.

CARLA DAVIS and JALEN DAVIS (Pro Se)
901 N. Belmont
Wichita, Kansas 67208
Telephone: 316-691-8804
jddavis021@gmail.com

VERIFICATION

We declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/15 2026.

A handwritten signature in cursive script, reading "Carla Davis / Jalen Davis", written over a horizontal line.

Carla Davis and Jalen Davis