

Has Habeas Corpus Been ELIMINATED

Beginning on January 27, 2012, Larry Mikiel Myers attempted to serve a Demand for Habeas Corpus on the jailers, who refused it. He then mailed it to the District Court judge (Merryday), who never responded. Subsequently, I have, on Larry's behalf, served a Petition for Habeas Corpus to the same District Court, the 11th Circuit Court of Appeals, and, the Florida Supreme Court. Only the Florida Supreme Court responded by claiming it was out of their jurisdiction.

I have, twice, served the Supreme Court of the United States, via the Clerk of the Court. The second service was returned without explanation.

Habeas Corpus suspended, in violation of Art. I, §9, clause 2, Constitution, which states:

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

On January 14, 2013, I received a Priority Mail package from the Supreme Court. There was no postmark date (nor stamp), nor cover letter giving any indication of the date sent.

My most recent letter (dated December 26, 2012) was stamped "Received Jan-4, 2013 Office of the Clerk of Supreme Court U.S."

Included within the package were:

- The above letter dated December 26, 2012 (included herein);
- The Court's letter, dated December 3, 2012, of which my letter, above, was in response to (included herein);
- My initial letter of November 26, 2012 (included herein);
- The Petition (30 pages - not included herein);
- Exhibits (not included herein)
Demonstrating the refusal to act (answer and return) Habeas Corpus by Sheriff, Judge (District Court), 11th Circuit Court of Appeals, and lack of Jurisdiction by Florida Supreme Court, as well as two previous Petitions (the initial served on Sheriff and District Court and the subsequent petition served on District, Appellate and Florida Supreme Court)

Though the Privilege of Habeas Corpus is protected by the Constitution (Art. I, §9, cl. 2), it appears that it is protected for the government, not for the People of this country.

- Can the refusal of any Court, from District to Supreme, to answer such Petition be construed as consistent with the Constitution? Or, is that act of refusal tantamount to a suspension of Habeas Corpus?
- If the refusal is based upon Rules of the Court, does that mean that the "Sacred Writ" has been subjected to administrative procedures, which are not specifically authorized by the Constitution though they seem to allow the Judicial Branch of Government the ability to revise the constitutionally protected Habeas Corpus, without amendment to the Constitution?
- If Habeas Corpus were suspend by the Legislative Branch (Article I), would the Court not have to refer to the specific legislation that suspended Habeas Corpus in their rejection of a Petition for the Sacred Writ?
- Are the government and all of its branches, created by the Constitution, obliged to respond to Habeas Corpus, and any correspondence relating thereto?
- Is the Habeas Corpus any less than "a redress of grievances" protected by the First Amendment?

Copies of the Petition and the Exhibits will be provided, via email, on request. Email your request to

[Gary Hunt](#)

Gary Hunt
25370 Second Avenue
Los Molinos, California 96055
(530) 384-0375

November 26, 2012

William K. Sutter, Clerk
United States Supreme Court
WASHINGTON, D. C. 20543-0001

Certified No. 7010 3090 0002 6237 7438

Petition for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Clerk Sutter;

This is Petition for Writ of Habeas Corpus *ad subjiciendum* is filed under the Common Law. In that it can be served solely on the jailer (goaler), and such service was made and refused (see Facts in Petition), it is being filed only with the United States Supreme Court. It is a demand for that privilege, which has not been suspended by any legislative act, provided for in Art. I, Sec 9, clause 2, of the Constitution.

It is understood that the Supreme Court of the United States has allotted Circuits to the various justices. The original and subsequent services were filed within the 11th Circuit, though refused or rejected by those with whom it was filed (see Facts in Petition). Larry Mikiel Myers is currently imprisoned in Texas (see Facts in Petition). Perhaps the proper Circuit is either Federal or District of Columbia. This determination is above my station, being a lay person filing on behalf of myself and Larry Mikiel Myers

I hereby request that this Petition be given to the appropriate Justice, as determined by the Clerk of the United States Supreme Court, and, that though much time has gone by since the initial efforts to file for the Sacred Writ, that it be passed on to the appropriate Justice and that it be responded to in a timely manner.

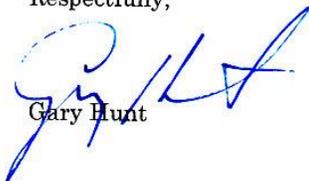
Both Larry Mikiel Myers and myself are *in forma pauperis*.

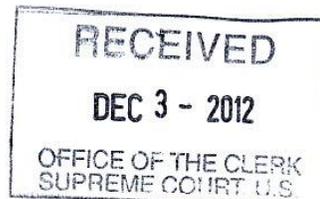
Both Larry Mikiel Myers and myself are Citizens of Florida. I am currently residing in California and Mr. Myers is currently incarcerated, in violation o both the initial Demand (see Facts in Petition) and the Constitution.

Exhibits are enclosed as a part of the Petition in sup[port of the Facts given.

We humbly request that this Petition be forwarded with the urgency that is warranted, as justice has been denied for these many months.

I Remain,
Respectfully,


Gary Hunt



**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 3, 2012

Gary Hunt
25370 Second Avenue
Los Molinos, CA 96055

RE: In Re Larry Myers

Dear Mr. Hunt:

The above-entitled petition for an extraordinary writ of habeas corpus was received on December 3, 2012. The papers are returned for the following reason(s):

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

The petition does not state the reasons for not making application to the district court of the district in which you are held. Rule 20.4(a) pertaining to petitions for writs of habeas corpus.

You have not appended a copy of the judgment or order in respect of which the writ is sought. Rule 20.3 pertaining to petitions for writs of prohibition and mandamus.

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2(a) and 39.

No affidavit or declaration of service, specifying the names and addresses of those served, was received. Rule 29.5

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2, in that it does not contain:

The questions presented for review. Rule 14.1(a).

A reference to the opinions below. Rule 14.1(d).

A concise statement of the grounds on which jurisdiction is invoked. Rule 14.1(e).

A concise statement of the case. Rule 14.1(g).

The reasons relied on for the allowance of the writ. Rules 10 and 14.1(h).

A copy of the rules of this Court are enclosed.

A copy of the corrected petition must be served on opposing counsel.

You must provide an original and 10 copies of your petition and motion for leave to proceed in forma pauperis. Rule 20.2.

Sincerely,
William K. Suter, Clerk

By:



Redmond K. Barnes
(202) 479-3022

Enclosures

Gary Hunt
25370 Second Avenue
Los Molinos, California 96055
(530) 384-0375

December 26, 2012

William K. Suter, Clerk
United States Supreme Court
Washington, D. C. 20543-0001

Petition for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Clerk Suter;

This Petition for Habeas Corpus *ad subjiciendum* was attempted to be filed with the Supreme Court of the United States on November 26, 2012. It was rejected by a clerk at this court (previous correspondence with this Court attached), in violation of the express privilege contained in Article I, Section 9, clause 2, Constitution, which reserves the authority to suspend said privilege to the Legislative Branch of government.

This provision of the Constitution, ratified in 1789, stands as the Sacred Writ, and cannot be relegated to a lesser perfection than existed at that time in our history, absent an amendment to the Constitution. It must stand as intended at that time, and, it must stand before that same Court that Justice Marshall presided over when *judicial review* was firmly established. It is not being submitted with regard to any administrative agency, as explained by Justice Brandeis in *Ashwander v. T.V.A.* (297 US 288) It is only under the authority of the Constitution in which it submitted, and is subject only to review in that light.

The Petition remains unchanged since that previous submission, though a clerk in your office should, rightfully, be included among those whom remedy is sought against for unlawfully suspending, be refusing to act upon and properly direct, this and previous motions/petition/demands for Habeas Corpus.

The previous rejection was based upon erroneous assumptions that, for whatever reason, the "Privilege of the Writ of Habeas Corpus" is an appellate matter rather than that privilege defined by British and American precedence to the contrary. This does not mean to say that such matter cannot be appealed, for as the record shows, it can be appealed, though only to a higher court if one presumes error in the lower court. That is not the intent, here. However, in this instance, the matter has not been heard, rather, rejected out of hand (suspended?) by those in the lower courts (save the Florida Supreme Court, which refused to accept jurisdiction, this, also, contrary to precedence), leaving only this Court to hear and protect this constitutional privilege.

I will address the comments made when your clerk rejected the previous submission of this Petition:

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.



Gary Hunt
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December 26, 2012

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United States Supreme Court
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This Petition for Habeas Corpus *ad subjiciendum* was attempted to be filed with the Supreme Court of the United States on November 26, 2012. It was rejected by a clerk at this court (previous correspondence with this Court attached), in violation of the express privilege contained in Article I, Section 9, clause 2, Constitution, which reserves the authority to suspend said privilege to the Legislative Branch of government.

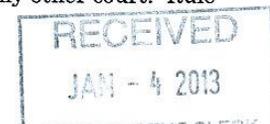
This provision of the Constitution, ratified in 1789, stands as the Sacred Writ, and cannot be relegated to a lesser perfection than existed at that time in our history, absent an amendment to the Constitution. It must stand as intended at that time, and, it must stand before that same Court that Justice Marshall presided over when *judicial review* was firmly established. It is not being submitted with regard to any administrative agency, as explained by Justice Brandeis in *Ashwander v. T.V.A.* (297 US 288) It is only under the authority of the Constitution in which it submitted, and is subject only to review in that light.

The Petition remains unchanged since that previous submission, though a clerk in your office should, rightfully, be included among those whom remedy is sought against for unlawfully suspending, be refusing to act upon and properly direct, this and previous motions/petition/demands for Habeas Corpus.

The previous rejection was based upon erroneous assumptions that, for whatever reason, the "Privilege of the Writ of Habeas Corpus" is an appellate matter rather than that privilege defined by British and American precedence to the contrary. This does not mean to say that such matter cannot be appealed, for as the record shows, it can be appealed, though only to a higher court if one presumes error in the lower court. That is not the intent, here. However, in this instance, the matter has not been heard, rather, rejected out of hand (suspended?) by those in the lower courts (save the Florida Supreme Court, which refused to accept jurisdiction, this, also, contrary to precedence), leaving only this Court to hear and protect this constitutional privilege.

I will address the comments made when your clerk rejected the previous submission of this Petition:

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.



The Petition is not intended to show how the writ will be in aid of the Court's appellate jurisdictions. It is not appellate in nature; it is a challenge to jurisdiction in a matter brought by the federal government against a citizen of Florida, which is clearly explained in the Petition.

The petition does not state the reasons for not making application to the district court of the district in which you are held. Rule 20.4(a) pertaining to petitions for writs of habeas corpus.

The Petition, along with the included Exhibits, makes clear that the District Court refused to acknowledge the Habeas Corpus, on two instances, and, that the Circuit Court failed to follow its own rules with regard to the Habeas Corpus.

You have not appended a copy of the judgment or order in respect of which the writ is sought. Rule 20.3 pertaining to petitions for writs of prohibition and mandamus.

There is no judgment upon which to appeal. This challenge to jurisdiction precedes any judicial proceedings and demands that the subsequent proceeding be set aside. This, too, is clearly explained in the Petition and with the included Exhibits.

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2(a) and 39.

The Facts in the Petition make statements of Fact. Absent a contrary claim, those facts must stand. However, I see not where a Privilege afforded by the Constitution could include any requirement for asking "leave" to proceed. To require such would, after all, make it less than a privilege; more as a grant of privilege.

No affidavit or declaration of service, specifying the names and addresses of those served, was received. Rule 29.5

As explained by the judicial history of Habeas Corpus contained in the Petition, a jailer (goaler) could be served and the Habeas Corpus must be heard. Who, then, is to be served other than this Court?

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2, in that it does not contain:

The questions presented for review. Rule 14.1(a).

There is nothing presented for review, except that challenge to jurisdiction, which, of course, is the role that the Sacred Writ is assigned, by history and precedence.

A reference to the opinions below. Rule 14.1(d)

Adequate citations from previous decisions of this Court, along with historical support, are adequately presented in the Petition.

A concise statement of the grounds on which jurisdiction is invoked. Rule 14.1(e).

The reason for demanding original jurisdiction in this Court is presented in the Petition, itself.

A concise statement of the case. Rule 14.1(g).

These, too, are adequately presented in the Petition.

The reasons relied on for the allowance of the writ. Rules 10 and 14.1(h).

The allowance for the Writ is clearly stated in Article I, Section 9 of the Constitution.

A copy of the corrected petition must be served on opposing counsel.

There is no opposing council, unless this Court's decision is appealed.

You must provide an original and 10 copies of your petition and motion for leave to proceed in forma pauperis. Rule 20.2.

Previously addressed, above.

Let me add that Rule 14 is for "Petition for a Writ of Certiorari", which this Petition is not. In addition, that Rule 20 applies to Extraordinary Writs that are defined in US Code, and "not a matter of right". A "privilege" is a particular right granted by law. The Constitution provides only one means of suspension of that granted (not endowed) right, and that is by legislative action, and only under prescribed conditions.

It is apparent that the clerk who failed to pass this Petition on to the proper Justice has either assumed an authority that he does not possess; or, that he has not read, or does not understand, that which was placed before him. This may be explained with an understanding that the last instance in which an Habeas Corpus *ad subjiciendum* was heard by this Court was, to the best of my knowledge, In Re Lane (135 U.S. 443) in 1890. It would be a stretch of the imagination to think that this Sacred Writ is properly taught when so seldom called for. However, it is not abrogated by the failure to have been utilized in the intervening years.

Understand, also, that every effort has been made to facilitate the review, by this Court, of this matter, by a review of your rules, only for form, not for benefit. There is no submission to administrative agencies, judicial, executive, or legislative, and that this Petition is demanded to be heard solely by virtue of the obligation imposed upon the general government by the Constitution.

I hereby request that this correspondence, Petition and Exhibits, be placed before the appropriate Justice so that this matter may be heard without further delay.

I Remain,
Respectfully,



Gary Hunt

Enclosures

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There was no cover letter in the return of the Petition from the Court
- without comment