Exhibit 1

Power of Attorney - Specific

I, Larry Mikiel Myers, on this 12th day of March, 2012, do hereby grant Specific Power of Attorney to Gary Hunt to speak on my behalf, and, to act as if he were me, regarding all matters, directly, or indirectly, related to a Demand for Habeas Corpus, with all federal and/or state judiciaries, agencies, personnel, and any other agents or private persons under contract to said state and/or federal entities.

So Help Me God

Larry Mikiel Myers (SEAL) March 12, 2012

Larry Mikiel Myers date

Witnesses:

We hereby acknowledge that we know Larry Mikiel; Myers to be the person he says he is, and that he has affirmed that he has signed this document freely and of his own will.

Chester J Floyd Chester J Floyd 3-12-12

Witness signature printed name date

Gary J Hunt Ronald L. Carrick 3/12/12

Witness signature printed name date

Exhibit 2

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

Exhibit 3

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

Exhibit 4

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.

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

[Note to Exhibit: This letter was returned along with other documents, without cover letter or explanation.]

Exhibit 5

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

March 23, 2013

Justice Antonin Scalia
United States Supreme Court
One First Street, NE
Washington, DC 20543

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Justice Scalia;

This matter should not be reviewed by clerk Redmond K. Barnes, as he is now named as a Co-Respondent in this matter.

This Demand for Writ of Habeas Corpus *ad subjiciendum* is filed under the Common Law. It is being filed with the United States Supreme Court under that "privilege" 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). Therefore, it is being addressed to you as the allotted Justice of the Fifth Circuit.

Both Larry Mikiel Myers and myself are Citizens of Florida. I am currently residing in California and Mr. Myers is currently incarcerated. Larry Mikiel Myers has been continuously incarcerated, without regard to previous demands of Habeas Corpus, and with total disregard to the Constitution. I trust that you, in your capacity as a Justice on the United States Supreme Court, will assure that the sacred writ is no longer denied.

This Demand is not served on the Respondent or any of the Co-Respondents, as such service has proven costly and futile, in previous efforts. As in Ex Parte Merryman, (17 F. Cas. 144) it appears that only this Court can secure adherence to the Constitution.

Therefore, I submit to you, as Marshall declared, "the Guardians of the Constitution", with the anticipation that you will do justice thereto.

Exhibits are enclosed, as a part of this Demand, in support of the Facts given.

Respectfully,

Gary Hunt,
Demandant

Enclosures':
Demand for Writ of Habeas Corpus
Exhibits for Demand

Exhibit 6

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

March 28, 2013

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 March 28, 2013. The papers are returned for the following reason(s):

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 notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

Sincerely,
William K. Suter, Clerk
By:
Jacob C. Travers
(202) 479-3039

Enclosures

Exhibit 7

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

April 4, 2013

United States Supreme Court
Attn: Jacob S. Travers
One First Street, NE
Washington, D.C. 20543

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Mr. Travers,

I have, as per our telephone conversation, completed the forms that you requested. I hereby submit, as you requested, the Demand for Writ of Habeas Corpus to be presented to the entire Court.

I have, however, made a change to the Motion For leave To Proceed *In Forma Pauperis*, in the first paragraph thereof, to wit:

The Petitioner asks leave to file the attached petition for writ of certiorari..."

Wherein I have substituted the proper purpose, "Demand for Writ of Habeas Corpus". This Demand for Writ of Habeas Corpus is not an appeal, as there is no inferior court that has heard, and no record to review, though they have, as explained in the Demand, been served. They have failed to answer and return, therefore this is brought to the United States Supreme Court as original jurisdiction. It is not submitted to an administrative Court, it is submitted to that Court created in Article III of the Constitution.

The "right" of Habeas Corpus, referred to as a "privilege" in the Constitution (Art. I, Sec 9, clause 2), solely because it can be suspended by the Legislative Branch, as an inherent right, unless suspended. There is no record of such suspension by the Legislative Branch, therefore it must be heard, without delay.

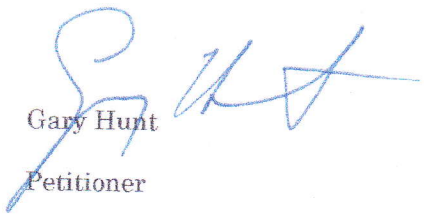
You have suggested that this will be docketed. Historically, there is no delay allowed, and punitive actions held against those who caused delay. This is explained, and supported, in the Demand.

I understand that you have endeavored to apply the rules of the court, as adopted by the Court. I think, however, that it might be worth seeking the opinion of Justice Scalia as to whether this should be docketed, or should move to the forefront and heard by a single justice.

I request that this letter, as well as my previous cover letter to Justice Scalia (enclosed), be retained as a part of the record in this matter. This, to assure that the intent of this Demand is not administrative , nor is it an appeal, rather, that we are seeking protection afforded by the

Constitution, and expect that the Court will uphold their role as "Guardians of the Constitution" (*Justice John Marshall*)

Respectfully,



Gary Hunt

Petitioner

Enclosures:

Demand for Writ of Habeas Corpus
Exhibits for Demand for Writ of Habeas Corpus
Letter to Justice Scalia dated March 23, 2013
Motion for Leave to Proceed *In Forma Pauperis*
Affidavit or Declaration in Support of Motion for Leave to Proceed *In Form Pauperis*

Exhibit 8

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

April 9, 2013

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 April 9, 2013. The papers are returned for the following reason(s):

In order to file documents with this Court in a representative capacity, you must be a member of the Bar of this Court, rule 9.1.

Sincerely,
William K. Suter, Clerk
By:
Jacob C. Travers
(202) 479-3039

Enclosures

Exhibit 9

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

May 6, 2013

William K. Suter, Clerk
United States Supreme Court
WASHINGTON, D. C. 20543–0001

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Clerk Suter;

This matter should not be reviewed by clerk Redmond K. Barnes, as he is now named as a Co-Respondent in this matter, nor by clerk Jacob C. Travers, as he participated in the obstruction of constitutional rights and justice.

The path to receiving protection from a right embodied in the Constitution has been at best, arduous, as detailed in part in the Demand, further, below, and in the cover letter to Justice Scalia.

From the Clerk at the 11th Circuit and the Clerk of the Florida Supreme Court, this Demand for Habeas Corpus has met rejection, without justification. To properly understand this, it has been the clerks of the various courts who have taken upon themselves, presumed authority to discount the "Scared Writ" through artifice, obfuscation, or downright deceit -- all without legal authority to do so.

I am not an attorney, though I bear Power of Attorney from Larry Mikiel Myers to speak on his behalf, with regard to this Demand. As explained in the letter to Justice Scalia, this is within the statutory law of the United States (U. S. Code), and is supported by a relatively recent (1990) decision in **Whitmore v Arkansas, 495 US 149.**

Further, the presumption made by Clerk Travers, of the United States Supreme Court, in suggesting that the matter cannot be directed to a Justice, rather, as he promised, and then reneged, must go to the entire Court, is without merit. This is clearly made in U. S. Code, Title 28, §§2241- 2243.

I have not asked any Clerk to interpret the law, nor to provide legal advice. I have presumed that they knew the law and would abide thereby, in the proper distribution of this Demand. Instead, they have assumed an authority, or power, which is not theirs to assume. The have been remiss in their responsibilities, and, they have, by their actions, proven themselves unworthy of the positions that they hold -- as clerks to the "Guardians of the Constitution".

Therefore, I hereby DEMAND that this entire package, including this letter, and all of the contents herein, to be delivered to Justice Scalia, as the appropriate Justice as per the allocations established by this Court, for the purpose of a proper hearing of the attached "Demand for Writ of Habeas Corpus" -- without delay.

Without equivocation,

Gary Hunt

Enclosure: entire package to be delivered to Justice Scalia, along with this letter.

Exhibit 10

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

May 6, 2013

Justice Antonin Scalia
United States Supreme Court
One First Street, NE
Washington, DC 20543

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Justice Scalia;

You will note in the attached "Demand for Writ of Habeas Corpus" that it claims original jurisdiction with this United States Supreme Court. I believe that, as you read the Demand and attached Exhibits (both to the Demand and to this letter) you will understand that no other court, including the Florida Supreme Court, would assume any responsibility of jurisdiction in this matter. That leaves only this Court able to hear the matter, which, for those refusals, leaves no alternative, if the Constitution is still the "supreme Law of the Land".

The refusal of Clerk Barnes has been incorporated into the Demand, though the subsequent refusal by Clerk Travers is incorporated only in this cover letter -- for you to deal with as appropriate to assure that future efforts of citizens to pursue their rights under the Constitution are not stifled, as they have been in this instance.

The recent events (Travers) began with a submittal of the Demand with cover letter addressed to you (Exhibit A), dated March 23, 2013. Clerk Travers replied with his latter of March 28, 2013 (Exhibit B), wherein he requires that I provide an executed "Motion for leave to Proceed *in Forma Pauperis*".

I contacted Clerk Travers, via telephone, on April 1, 2013. In that discussion, Clerk Travers assured me that if I completed the *in forma pauperis* paperwork, that he would submit the Demand to the entire Court, over my objection that it was to be directed to you. His statement was without equivocation -- that with the Motion executed, that he would submit it to the entire Court.

On April 4. 2013, I sent the completed "Motion for leave to Proceed *in Forma Pauperis*", along with a cover letter (Exhibit C) and the Demand and Exhibits.

Clerk Travers replied, in his letter dated April 9, 2013 (Exhibit D), stating that I must be a "member of the Bar of this Court, rule 9.1". Rule 9.1, as you know, addresses attorneys, not lay people. It does not explain what criteria might exist for lay people, though in a subsequent conversation with Clerk Travers, he said that only attorneys, or the person seeking relief, can submit an Habeas Corpus to the Court.

This ordeal, this effort to Demand a Writ of Habeas Corpus, has bee rather trying, though I trust that, when this arrives in your hands, the final hurdle will have been crossed.

My response, and I trust that I am not in error, to the misrepresentations made by Clerk Travers, and those obstructionists who preceded him are as follows:

The U. S. Code specifically states that "*Writs of habeas corpus may be granted by the Supreme Court, **any justice thereof...***" This, coupled with the Allotment if Circuits to the various Justices, is evidence that Habeas Corpus can be directed to a Justice, if within his respective Circuit. Sections 2241, 2242, and 2243, all indicate that a single Justice can "grant", "address", or, "entertain", leaving consideration by the entire Court, I would suppose. at the discretion of the person filing a Demand for Habeas Corpus, so long as the correct Circuit is addressed.

28 U.S.C. § 2241 : US Code - Section 2241: 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.

(b) 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.

(c) The writ of habeas corpus shall not extend to a prisoner unless -

(1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or

(2) He is in custody for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judge of the United States; or

(3) He is in custody in violation of the Constitution or laws or treaties of the United States; or

(4) He, being a citizen of a foreign state and domiciled therein is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; or

(5) It is necessary to bring him into court to testify or for trial.

(d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

(e) (omitted, as refers to enemies, etc.)

28 U.S.C. § 2242 : US Code - Section 2242: Application

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended **or by someone acting in his behalf.** It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known. It may be amended or supplemented as provided in the rules of procedure applicable to civil actions. If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

28 U.S.C. § 2243 : US Code - Section 2243: Issuance of writ; return; hearing; decision

A court, **justice** or judge **entertaining an application for a writ of habeas corpus shall forthwith award the writ** or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

The return and all suggestions made against it may be amended, by leave of court, before or after being filed.

The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

Whitmore v Arkansas 495 US 149 (1990)

The Court held, at 150:

The scope of any federal "next friend" standing doctrine, assuming that one exists absent congressional authorization, is no broader than the "next friend" standing permitted under the federal habeas corpus statute. Thus, one necessary condition is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.

and, at 162, 163:

Most frequently, "next friends" appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves. e. g., United States ex rel. Toth v. Quarles, 350 U.S. 11, 13 , n. 3 (1955) (prisoner's sister brought habeas corpus proceeding while he was being held in Korea). As early as the 17th century, the

> *English Habeas Corpus Act of 1679 authorized complaints to be filed by "any one on . . . behalf" of detained persons, see 31 Car. II, ch. 2, and in 1704 the House of Lords resolved "[t]hat every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents, or friends, to apply for, and obtain a Writ of Habeas Corpus, in order to procure his liberty by due course of law." See Ashby v. White, 14 How. St. Tr. 695, 814 (Q. B. 1704). Some early decisions in this country interpreted ambiguous provisions of the federal habeas corpus statute to allow "next friend" standing in connection with petitions for writs of habeas corpus, see, e. g., Collins v. Traeger, 27 F.2d 842, 843 (CA9 1928); United States ex rel. Funaro v. Watchorn, 164 F. 152, 153 (SDNY 1908), and Congress eventually codified the doctrine explicitly in 1948. See 28 U.S.C. 2242 (1982 ed.) ("Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf") (emphasis added).*
>
> *... the "next friend" must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, see, e. g., Morris v. United States, 399 F. Supp. 720, 722 (ED Va. 1975), and it has been further suggested that a "next friend" must have some significant relationship with the real party in interest. Davis v. Austin, 492 F. Supp. 273, 275-276 (ND Ga. 1980) (minister and first cousin of prisoner denied "next friend" standing). The burden is on the "next friend" clearly to establish the propriety of his status and thereby justify the jurisdiction of the court. Smith, supra, at 1053; Groseclose ex rel. Harries v. Dutton, 594 F. Supp. 949, 952 (MD Tenn. 1984).*
>
> *These limitations on the "next friend" doctrine are driven by the recognition that "[i]t was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends." United States ex rel. Bryant v. Houston, 273 F. 915, 916 (CA2 1921); see also Rosenberg v. United States, 346 U.S. 273, 291 - 292 (1953) (Jackson, J., concurring with five other Justices) (discountenancing practice of granting "next friend" standing to one who was a stranger to the detained persons and their case and whose intervention was unauthorized by the prisoners' counsel). Indeed, if there were no restriction on "next friend" standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of "next friend."*

and, at 164, 165:

> *Without deciding whether a "next friend" may ever invoke the jurisdiction of a federal court absent congressional authorization, we think the scope of any federal doctrine of "next friend" standing is no broader than what is permitted by the habeas corpus statute, which codified the historical practice. And in keeping with the ancient tradition of the doctrine, we conclude that one necessary condition for "next friend" standing in federal court is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.*

There is no need, or justification, to determine whether mental incapacity or lack of access to the courts is the cause, as the Power of Attorney (Exhibit 14) clearly demonstrates that Larry Mikiel Myers has determined, for whatever reason, to seek the assistance of a "next friend" in submitting this Demand.

I trust that the integrity of the United States Supreme Court will be no further diminished, and that, from this point on, we can proceed to secure those rights (blessings of Liberty) afforded by the Constitution.

For your consideration:

When the first Habeas Corpus, submitted to the Sheriff, prior to trial, was never answered, Myers sought assistance in pursuing this constitutional right. Absent such assistance, whether of "Counsel", or "next friend", this right would have been denied without hearing. He realized that without such assistance, he would be unable to present his cause, based upon the obstructions set before him by the officers and the courts. As laid out in the Demand, the obstructions (of justice and right) have been compounded by clerks of the various courts, in every step of the way, resulting in an effort that has taken over fourteen months to get to this current filing, and, which, by statute (28 U.S.C. § 2243) must be answered within three days, or, for good cause, twenty days -- Justice delayed is Justice denied -- whereby the remedy in the Demand is sought.

I trust, also, that the prayers in the Demand (remedies) will be determined as true justice warrants, both with regard to the injustice imposed upon Mr. Myers by the denial of right, hopefully by dismissal of the unlawful trial and sentence, performed after Habeas Corpus was demanded; and, by this Court taking remedial, even punitive, action against those who have so steadfastly denied Habeas Corpus and the Constitution.

Respectfully,

Gary Hunt,
next friend

Enclosures':

- Demand for Writ of Habeas Corpus
- Exhibits for Demand
- Exhibits relative to this letter (Exhibits A-F)

Exhibit 11

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

May 10, 2013

Gary Hunt
25370 Second Avenue
Los Molinos, CA 96055

RE: In Re Larry Myers

Dear Mr. Hunt:

Your petition for an extraordinary writ of habeas corpus is herewith returned for the reasons set forth in correspondence dated December 3, 2012.

A copy of the letter is enclosed.

Sincerely,
William K. Suter, Clerk
By:

Redmond K. Barnes
(202) 479-3022

Enclosures

Exhibit 12

Gary Hunt

25370 Second Avenue

Los Molinos, California 96055

(530) 384-0375

May 20, 2013

Jeff Atkins, Supervisor of New Cases
United States Supreme Court
Washington, D. C. 20543–0001

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Mr. Atkins;

Let me begin by stating that it has been, at least, an arduous task to secure a right protected by the Constitution. Article I, Section 9, clause 2, provides that "*The Privilege of the Writ of Habeas Corpus shall not be suspended*". Though it is referred to as a "Privilege", it being the only right so addressed, is because it can be suspend, "*in Cases of Rebellion or Invasion the public Safety may require it.*" No rule, or statute, can remove that right, except by the Legislative Branch of government, and only under the conditions prescribed in the Constitution.

Before we proceed with my dealings with the various clerks of the Court, we must understand what the current law is regarding habeas corpus. Following are the applicable provisions from Title 28, though I have omitted the irrelevant portions of the code.

> **28 U.S.C. § 2241: 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.
>
> (b) 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.
>
> (c) The writ of habeas corpus shall not extend to a prisoner unless -
>
> (1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or
>
> [Remainder omitted for irrelevance to current matter]

Here, we have reference to "the Supreme Court, any justice thereof, the district courts and any circuit judge". As explained in the Demand, the District Court, the 11th Circuit Court of Appeals, and the Florida Supreme Court, have all been served. All have refused to respond to the demand.

By the wording in (a), it appears that the discretion, as to where to submit the Demand, rest with the person filing. To assume that the Clerk of the Court has such discretion defies the intention of such

wording. To assume that the entire Court would sit to determine whether they would hear the matter or directed to a single justice, also, defies the intention of such wording.

Larry Mikiel Myers served, through the jailers, and the mail, the District Court, prior to trial, prior to January 27, 2012. He has been in federal custody since August 18, 2011.

28 U.S.C. § 2242: Application

> Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended **or by someone acting in his behalf**. It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known. It may be amended or supplemented as provided in the rules of procedure applicable to civil actions. If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

This section makes clear that the demand can be filed "by someone acting on his behalf", though it does not specify that that person must be an attorney. The final sentence makes clear, as stated above, that the discretion of whom the demand is directed to is at the discretion of the person filing. Within the demand, it clearly states why this is being filed with the United States Supreme Court.

28 U.S.C. § 2243: Issuance of writ; return; hearing; decision

> A court, **justice** or judge **entertaining an application for a writ of habeas corpus shall forthwith award the writ** or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.
>
> The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.
>
> The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

The return and all suggestions made against it may be amended, by leave of court, before or after being filed.

The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

Now we come to the matter of timeliness. It has been 20 months since Mr. Myers was incarcerated; it has been 15 months since the first service of Habeas Corpus: it has been 13 months since the District Court, Appellate Court, and Florida Supreme Court, were served with habeas corpus; and, it has been five months since the first service to the United States Supreme Court. In all of that time, we have been stymied in our efforts to have the habeas corpus presented to a judge or justice. However, as stated in 2243, the "justice or judge... shall forthwith award the writ". Forthwith means "immediately; without delay; directly; within a reasonable time, under the circumstances of the case; promptly and with reasonable dispatch." This, to the Respondent.

The Respondent then has three days in which to return his answer to the writ, "unless for good cause", in which case he has 20 days.

When the statute provides less than a month for hearing on a writ of habeas corpus, then, by various parties assuming that they have the authority to do what the have no authority to do, we have that time extended to 15 months, what are we to think of the concept of "due process of law"?

With that as background, let us move on to what has occurred since habeas corpus was first served to the United States Supreme Court.

On November 26, 2012 (See Exhibit 15, Exhibits for Demand...), petition for writ of Habeas Corpus *ad subjiciendum* was served on the United States Supreme Court, through the Clerk, certified, return receipt. In that service, I requested the clerk to direct it to the appropriate justice.

For Barnes, in a letter dated December 3, 2012 (See Exhibit 16, Exhibits for Demand...), apparently without understanding of the law, or the nature of habeas corpus, provides a list of requirements that are applicable to various forms of appeal to the Supreme Court.

The petition was again served with a cover letter dated December 26, 2012 (See Exhibit 17, Exhibits for Demand...). In that letter response was made to the specifics addressed in clerk Barnes' letter. It was pointed out that this is not an appeal, as there is nothing to appeal when challenging false imprisonment under Habeas Corpus ad subjiciendum. Other misconceptions presented by Mr. Barnes were also addressed.

On or about January 12, 2012 the Petition was returned, without cover or explanation.

On March 23, 2013 (See Exhibit A), the Demand was served, directed to Justice Scalia. Since Mr. Myers is unlawfully detained in Texas, and since Justice Scalia is allotted that Circuit, I applied my discretion in directing it to whom I determined to be the proper Justice.

In a letter dated March 28, 2013 (See Exhibit B), clerk Jacob C. Travers returned the service requiring that I file in forma pauperis, both leave to file and affidavit. I spoke with clerk Travers on the telephone, explaining that it should go to Justice Scalia. He replied that the rules required to go to the entire court, and assured me that if I completed the in forma pauperis paperwork that he would pass the Demand on to the entire court.

On April 4, 2013 (See Exhibit C), and resubmitted the package, explaining why I made a minor change in the "Motion for Leave..."

In a letter dated April 9, 2013 (See Exhibit D), clerk Travers returned the entire package and explained, with reference to rule 9.1, that I needed to be a member of the Bar of this Court. This, in direct contradiction to clerk Travers' promise that with the in forma pauperis paperwork, he would forward the package to the entire Court.

On May 6, 2013 (See Exhibit E), I reserve the entire package with a cover letter with reference to Whitmore v. Arkansas, 495 US 149, and US Code, §§2241 – 2243.

In a letter dated May 10, 2013 (See Exhibit F), the entire package was returned along with a cover letter from clerk Barnes, referring to his letter of December 3, 2012 (See Exhibit 16, Exhibits for Demand...). It appears that we have gone full circle, while the Constitution is set aside and his rights are being lost due to administrative/bureaucratic machinations.

I discussed Title 28, §§2241 – 2243, above. Now, let's look at Whitmore v. Arkansas. I cannot explain why Whitmore filed certiorari, perhaps he ran into the same obstacles I have, and failed to do his homework. However, and the decision in the case, specifically at 150:

> (c) Whitmore's alternative argument that he has standing as Simmons' "next friend" is also rejected. The scope of any federal "next friend" standing doctrine, assuming that one exists absent congressional authorization, is no broader than the "next friend" standing permitted under the federal habeas corpus statute. Thus, one necessary condition is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability...

Understanding that Mr. Myers had attempted to demand habeas corpus, and was ignored, he sought a "next friend" whom he could trust, had respect for, and asked for the assistance thereof. He is, by virtue of his incarceration, unable to research, prepare, or submit, documents on his own behalf. His "incapacity" is a creation of the government. His "lack of access to court", has been demonstrated by his initial effort to demand habeas corpus.

And, at 162 – 165:

> Most frequently, "next friends" appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves. E. g., United States ex rel. Toth v. Quarles, 350 U.S. 11, 13 , n. 3 (1955) (prisoner's sister brought habeas corpus proceeding while he was being held in Korea). As early as the 17th century, the English Habeas Corpus Act of 1679 authorized complaints to be filed by "any one on . . . behalf" of detained persons, see 31 Car. II, ch. 2, and in 1704 the House of Lords resolved "[t]hat every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents, or friends, to apply for, and obtain a Writ of Habeas Corpus, in order to procure his liberty by due course of law." See Ashby v. White, 14 How. St. Tr. 695, 814 (Q. B. 1704). Some early decisions in this country interpreted ambiguous provisions of the federal habeas corpus statute to allow "next friend" standing in connection with petitions for writs of habeas corpus, see, e. g., Collins v. Traeger, 27 F.2d 842, 843 (CA9 1928); United States ex rel. Funaro v. Watchorn, 164 F. 152, 153 (SDNY 1908), 3 and Congress eventually codified the doctrine explicitly in 1948. See 28 U.S.C. 2242 (1982 ed.) ("Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf") (emphasis added).
>
> ***
>
> [T]he "next friend" must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, see, e. g., Morris v. United States, 399 F. Supp. 720, 722 (ED Va. 1975), and it has been further suggested that a "next friend" must have some significant relationship with the real party in interest. Davis v. Austin, 492 F. Supp. 273, 275-276 (ND Ga. 1980) (minister and first cousin of prisoner denied "next friend" standing). The burden is on the "next friend" clearly to establish the propriety of his status and thereby justify the jurisdiction of the court. Smith, supra, at 1053; Groseclose ex rel. Harries v. Dutton, 594 F. Supp. 949, 952 (MD Tenn. 1984).

I have assumed the burden of establishing the propriety of my status. It would appear by this case, that no less than a justice can make such determination of my qualification as next friend. Whitmore was not rejected by a clerk.

> These limitations on the "next friend" doctrine are driven by the recognition that "[i]t was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends." United States ex rel. Bryant v. Houston, 273 F. 915, 916 (CA2 1921); see also Rosenberg v. United States, 346 U.S. 273, 291 -292 (1953) (Jackson, J., concurring with five other Justices) (discountenancing practice of granting "next friend" standing to one who was a stranger to the detained persons and their case and whose intervention was unauthorized by the prisoners' counsel). Indeed, if there were no restriction on "next friend" standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of "next friend."

I am not an intruder or uninvited meddler, since Mr. Myers has executed a Power of Attorney (See Exhibit 14, Exhibits for Demand...) for me to speak on his behalf.

> Without deciding whether a "next friend" may ever invoke the jurisdiction of a federal court absent congressional authorization, we think the scope of any federal doctrine of "next friend" standing is no broader than what is permitted by the habeas corpus statute, which

> codified the historical practice. And in keeping with the ancient tradition of the doctrine, we conclude that one necessary condition for "next friend" standing in federal court is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.

So, there you have it. I am "next friend". I am fully qualified to be next friend. Mr. Myers wants me as next friend. Mr. Myers, and his current situation, is fully unable to deal with demanding his rights under the Constitution.

I trust that this will resolve the matters that have become obstructions to seeking of justice in the matter of In Re Larry Mikiel Myers.

I am requesting that this entire package, including this letter, be provided to Justice Antonin Scalia. If there is a problem with this request, I would ask that you contact me at 530-384-0375.

Awaiting your timely and positive response to this matter,
I remain,
Respectfully,

Gary Hunt,
next friend

Enclosure: entire package to be delivered to Justice Scalia, along with this letter.

Exhibit 13

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

June 7, 2013

Gary Hunt
25370 Second Avenue
Los Molinos, CA 96055

RE: In Re Gary Hunt

Dear Mr. Hunt:

The above-entitled petition for an extraordinary writ of habeas corpus was received on May 29, 2013. The papers are returned for the following reason(s):

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 notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.

A copy of the rules of this Court are enclosed.

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

Sincerely,
William K. Suter, Clerk
By:

Jeffrey Atkins
(202) 479-3263

Enclosures

Exhibit 14

Gary Hunt

25370 Second Avenue

Los Molinos, California 96055

(530) 384-0375

June 19, 2013

Jeff Atkins, Supervisor of New Cases
United States Supreme Court
Washington, D. C. 20543–0001

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Mr. Atkins;

As before, I direct this Demand for Writ of Habeas Corpus to Justice Antonin Scalia, as Larry Mikiel Myers is currently incarcerated in Texas.

Though the Rules tend to support (Rule 22) submittal to an Individual Justice, it has come into question, in the past. Therefore, along with reference to Rule 22, I provide the following:

Though this information was in my previous correspondence with you, I repeat it, now, for the record.

> **28 U.S.C. § 2241: 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.
>
> (b) 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.
>
> (c) The writ of habeas corpus shall not extend to a prisoner unless -
>
> (1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or
>
> [Remainder omitted for irrelevance to current matter]

Here, we have reference to "the Supreme Court, any justice thereof, the district courts and any circuit judge". As explained in the Demand, the District Court, the 11th Circuit Court of Appeals, and the Florida Supreme Court, have all been served. All have refused to respond to the demand.

Regarding my participation (as next friend", though we have also addressed, and apparently overcome this problem, I reiterate:

> **28 U.S.C. § 2242: Application**
>
> Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended **or by someone acting in his behalf**. It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody

over him and by virtue of what claim or authority, if known. It may be amended or supplemented as provided in the rules of procedure applicable to civil actions. If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

This section makes clear that the demand can be filed "by someone acting on his behalf", though it does not specify that that person must be an attorney. The final sentence makes clear, as stated above, that the discretion of whom the demand is directed to is at the discretion of the person filing. Within the demand, it clearly states why this is being filed with the United States Supreme Court.

Regarding timeliness, let me refer to:

28 U.S.C. § 2243: Issuance of writ; return; hearing; decision

A court, **justice** or judge **entertaining an application for a writ of habeas corpus shall forthwith award the writ** or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

It has been 20 months since Mr. Myers was incarcerated; it has been 16 months since the first service of Habeas Corpus: it has been 13 months since the District Court, Appellate Court, and Florida Supreme Court, were served with habeas corpus; and, it has been five months since the first service to the United States Supreme Court. In all of that time, we have been stymied in our efforts to have the habeas corpus presented to a judge or justice. However, as stated in 2243, the "justice or judge... shall forthwith award the writ". Forthwith means "immediately; without delay; directly; within a reasonable time, under the circumstances of the case; promptly and with reasonable dispatch." This, to the Respondent.

The Respondent then has three days in which to return his answer to the writ, "unless for good cause", in which case he has 20 days.

When the statute provides less than a month for hearing on a writ of habeas corpus, then, by various parties assuming that they have the authority to do what the have no authority to do, we have that time extended to 15 months, what are we to think of the concept of "due process of law"?

Returning to whether I can file, as next friend, for Mr. Myers, we can look to Whitmore v. Arkansas. I cannot explain why Whitmore filed certiorari, perhaps he ran into the same obstacles I have, and failed to do his homework. However, and the decision in the case, specifically at 150:

(c) Whitmore's alternative argument that he has standing as Simmons' "next friend" is also rejected. The scope of any federal "next friend" standing doctrine, assuming that one exists absent congressional authorization, is no broader than the "next friend" standing permitted under the federal habeas corpus statute. Thus, one necessary condition is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability...

Understanding that Mr. Myers had attempted to demand habeas corpus, and was ignored, he sought a "next friend" whom he could trust, had respect for, and asked for the assistance thereof. He is, by virtue of his incarceration, unable to research, prepare, or submit, documents on his own behalf. His "incapacity" is a creation of the government. His "lack of access to court", has been demonstrated by his initial effort to demand habeas corpus.

And, at 162 – 165:

> Most frequently, "next friends" appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves... As early as the 17th century, the English Habeas Corpus Act of 1679 authorized complaints to be filed by "any one on . . . behalf" of detained persons, see 31 Car. II, ch. 2, and in 1704 the House of Lords resolved "[t]hat every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents, or friends, to apply for, and obtain a Writ of Habeas Corpus, in order to procure his liberty by due course of law." ... ("Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf")
>
> [T]he "next friend" must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, see, e. g., Morris v. United States, 399 F. Supp. 720, 722 (ED Va. 1975), and it has been further suggested that a "next friend" must have some significant relationship with the real party in interest. Davis v. Austin, 492 F. Supp. 273, 275-276 (ND Ga. 1980) (minister and first cousin of prisoner denied "next friend" standing). The burden is on the "next friend" clearly to establish the propriety of his status and thereby justify the jurisdiction of the court. Smith, supra, at 1053; Groseclose ex rel. Harries v. Dutton, 594 F. Supp. 949, 952 (MD Tenn. 1984).

I have assumed the burden of establishing the propriety of my status. It would appear by this case, that no less than a justice can make such determination of my qualification as next friend. Whitmore was not rejected by a clerk.

> These limitations on the "next friend" doctrine are driven by the recognition that "[i]t was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends."

I am not an intruder or uninvited meddler, since Mr. Myers has executed a Power of Attorney (See Appendix Exhibits 14) for me to speak on his behalf.

> ... And in keeping with the ancient tradition of the doctrine, we conclude that one necessary condition for "next friend" standing in federal court is a showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.

I have provided, to the best of my ability, all that you have requested. I have served all named parties (Certificate of Service enclosed), and have provided the previously provided the Affidavit and Motion for Leave to Proceed *in forma pauperis*, an original and 2 copies, as required by Rule 22.2.

I do wish to thank you fro your assistance in resolving this, and,

I remain,
Respectfully,

Gary Hunt,
next friend

Enclosures: Affidavit and Motion for Leave to Proceed in forma pauperis (original and 2 copies)
Demand for Writ of Habeas Corpus (original and 2 copies)
Certificate of Service (original and 2 copies)

Exhibit 15

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

June 27, 2013

Mr. Gary Hunt
25370 Second Avenue
Los Molinos, CA 96055

Re: In Re Gary Hunt, Petitioner
No. 13-5008

Dear Mr. Hunt:

The petition for a writ of habeas corpus in the above entitled case was filed on June 19, 2013 and placed on the docket June 27, 2013 as No. 13-5008.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

William K. Suter, Clerk

by

Jeffrey Atkins
Supervisor-Case Analyst Division

Enclosures

Exhibit 16

Gary Hunt
25370 Second Avenue
Los Molinos, California 96055
(530) 384-0375
hunt@outpost-of-freedom.com

July 9, 2013

Jeff Atkins, Supervisor - Case Analyst Division
United States Supreme Court
Washington, D. C. 20543–0001

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Clerk Atkins,

When the Demand for Habeas Corpus was filed with the Court, page 1, was repeated and page 2, was omitted. This does not constitute an amendment or addendum to the demand, rather, a correction of an error. I have been unable to find, in the rules, any method for providing for such correction. Therefore, three copies of page 2 are enclosed, to be inserted in the proper location in the demand. If, however, you require three complete, correct, sets, please so advise.

You will also find attached a Certification of Service of the docketing notice.

This raises another question regarding the demand. It was captioned "In Re Larry Mikiel Myers," in that Larry Mikiel Myers is the Petitioner. Gary Hunt is "next friend" acting on behalf of Larry Mikiel Myers. This is clearly stated on the cover sheet of the demand. Why should we suppose that someone speaking on behalf of another, whether an attorney or not, would have the case styled in his name? You will note in the Merryman and Lane cases, cited below, that the Petitioner is the detained party. I humbly request that this correction be made in the records of the court.

In the cover letter submitted with the Demand, it was made clear that this is directed to the justice assigned to the Fifth Circuit, the location where Larry Mikiel Myers is detained.

Rule 22.1 states that "[a]n application addressed to an individual Justice shall be filed with the Clerk, who will transmit it promptly to the Justice concerned, if an individual Justice has authority to grant the sought relief."

In reviewing the rules, I find no explanation as to what circumstance would warrant addressing any matter to an individual Justice. It would seem, then, that we have to search elsewhere to determine what justifies an application to an individual Justice.

Though previously provided, I will re-iterate from US code:

28 U.S.C. § 2241: 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...

28 U.S.C. § 2243: Issuance of writ; return; hearing; decision

A court, **justice** or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ...

Given that there is no direction provided in these statutes, it can only be assumed that the discretion is on the part of the applicant. To docket the case, as has been done in this instance, forecloses any possibility of the matter being dealt with "forthwith". This would preclude docketing, or contradict the intent of the statute.

Further, in reviewing previous Supreme Court decisions, we find the following:

Ableman v. Booth, 62 US 506 (1858) was brought up from the Supreme Court of the state of Wisconsin by a writ of error, and was heard by the entire court.

Ex Parte Merryman, 17 F. Cas. 144 (1861), was heard by Justice Taney for the Maryland Circuit. It was original jurisdiction to a Supreme Court Justice.

In Re Tarble, 80 US 397 (1871) was brought up from the Supreme Court of the state of Wisconsin by a writ of error, and was heard by the entire court.

US v. Reese, 92 US 214 (1875) was brought up on error, and heard by the entire court.

In Re-Lane, 135 US 443 (1890) was brought to the original jurisdiction of the Supreme Court, and was heard by Justice Miller.

Dillon v. Gloss, 256 US 368 (1921) was brought up on appeal from an order denying a petition for writ of habeas corpus, and was heard by the entire court.

Whitmore v. Arkansas, 495 US 149 (1990) was brought on a petition for certiorari, and was heard by the entire court.

Subsequent cases involving foreign parties, notwithstanding.

Only **Merryman** and **Lane** were original jurisdiction to the Supreme Court. The appropriate individual Justice heard each. All the others were brought on error/certiorari, and were heard by the entire court.

Being unable to find any rule or statute to the contrary, it would appear that the precedence of the court dictates the proper disposition of this question. In re Larry Mikiel Myers, being brought under original jurisdiction, is to be heard by the appropriate individual Justice – that Justice being the Justice assigned to the Fifth Circuit. This status of the current matter is made clear in the demand,

and I hereby request that the matter be removed from the docket to the entire court and transmitted to Justice Scalia, in accordance with rule 22.1.

Perhaps some clarification is necessary With regard to what is being sought in the current demand for habeas corpus. Through the history of the United States, Congress has expanded habeas corpus to be more inclusive than the right, the sacred writ that was the object of article 1, section 9, clause 2. Of those additional writs, only one is a writ of right – the remainder are appellate or custodial in nature.

The following definitions are from black's law dictionary, fifth edition:

> Habeas corpus acts. The English statutes of 31 Car. II, c. 2, is the original and prominent habeas corpus act. It was amended and supplemented by St. 56 Geo. III, c. 100. Similar statutes have been enacted in all of the United States. This act is regarded as the great constitutional guarantee of personal liberty. See Art. I, § 9, U.S. Const.; 28 U.S.C.A. §2241 et seq.
>
> **Habeas corpus ad deliberandum et recipiendum**. A writ which is issued to remove, for trial, a person confined in one county to the county or place where the offense of which he is accused was committed. Thus, it has been granted to remove a person in custody for contempt to take his trial for perjury in another county.
>
> **Habeas corpus ad faciendum et recipiendum**. A writ issuing in civil cases to remove the cause, as also the body of the defendant, from an inferior court to a superior court having jurisdiction, there are to be a disposed of. It is also called "habeas corpus cum causa".
>
> **Habeas corpus ad prosequendum**. A writ which is usually employed in civil cases to remove a person out of the custody of one court into that of another, in order that he may be sued and answer the action in the latter.
>
> **Habeas corpus ad satisfaciendum**. An English practice, a writ which issues when a prisoner has had a judgment against them in an action, and the plaintiff is desirous to bring him up to some superior court, to charge him with process of execution.
>
> **Habeas corpus ad subjiciendum**. A writ directed to the person detaining another, and commanding them to produce the body of the prisoner, or person detained. This is the most common form of habeas corpus writ, the purpose of which is to test the legality of the detention or imprisonment; not whether he is guilty or innocent. This writ is guaranteed by U.S. Const. Art I, §9, and by state constitutions. See also 28 U.S.C.A. §2241 et seq.
>
> This is the well known remedy in England and the United States for deliverance from illegal confinement, called by Sir William Blackstone the most celebrated writ and the English law, and the great and efficacious writ, in all manner of illegal confinement. 3 Bl.Comm. 129. The "great writ of liberty", issuing at common law out of the courts of Chancery, King's Bench, Common Pleas, and Exchequer.
>
> **Habeas corpus ad testificandum**. The writ, meaning you have the body to testify, used to bring up a prisoner detained in a jail or prison to give evidence before the court. Hottle v. District Court in and for Clinton County, 233 Iowa 904, 11 N.W.2d 30, 34; 3Bl.Comm. 130.

As pointed out in the definition of habeas corpus ad subjiciendum, as is made clear in the Demand, it is guaranteed by the U.S. Constitution. As such, it is not to be docketed to determine if the court may want to hear the matter. Because it is a guarantee, it must be a writ of right.

To better understand the proper application of habeas corpus ad subjiciendum, let us return to:

> **28 U.S.C. § 2243: Issuance of writ; return; hearing; decision**
>
> A court, **justice** or judge entertaining an application for a writ of habeas corpus shall **forthwith** award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.
>
> The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be **returned within three days** unless for good cause additional time, **not exceeding twenty days**, is allowed.

The impracticality, perhaps unlawfulness, of moving this to the docket, to be heard by the entire court in October, four months hence, defies all reason when the provisions of §2243 provides less than 30 days from application to disposition of the application.

It would appear that the decisions that have violated the intention of the habeas corpus, as laid out in the Demand, are arbitrary and capricious, though it is quite possible, since such an habeas corpus ad subjiciendum case has not been heard in 123 years, that it is more a result of absence of an example to establish the only procedure that assures that the Constitution, Statutes, and Rules can be upheld.

Are you assuming responsibility, if Mr. Myers prevails in the challenge to jurisdiction, for the loss of an additional four months of his liberty?

I remain,

Respectfully,

Gary Hunt,
"next friend" on behalf of Larry Mikiel Myers

enclosures: page 2 of Demand (3 copies)
Certificate of Service - docketing of No. 13-5008

Exhibit 17

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

Jul 29, 2012

Certified 7010 3090 0002 6237 7445

Jeff Atkins, Supervisor - Case Analyst Division
United States Supreme Court
Washington, D. C. 20543–0001

Demand for Writ of Habeas Corpus
In Re Larry Mikiel Myers

Dear Clerk Atkins,

After two weeks of awaiting a response to my letter of July 9, 2013, I am at a loss to understand why I have received none. It would seem that the common courtesy of a reply is warranted, especially by those in government, who serve the people. Especially when you have disregarded my captioning the Demand properly and directing to the appropriate Justice. It is, perhaps, my fault in that I was not clear on what, exactly, I was requesting, so, at the end of this letter, I will bullet the specifics to which I seek an answer to, and/or a correction to, the record.

The Rules are not clear on style, and I have revised the style, over the course of the past 16 months in an effort to have this matter properly presented to the Court. Amid assertion that I had no right to act in the capacity of "Next friend', the joint Demandants of earlier versions succumbed to inclusion of my name on behalf of Larry Mikiel Myers, as a single Demandant. I trust that the enclosed corrected cover page for the Demand for Writ of Habeas Corpus will assist in this matter taking its proper course.

The corrected cover addresses another consideration, which has not been duly noted by the Court. That is of whether the Demand is directed to the entire Court, as has been, for whatever reason, conceived to be the intent, regardless of my assertion, nay, Demand, that it be directed to the Justice of the Fifth Circuit. I refer, again, to Rule 22.1: I have (shall) filed with the Clerk, who "will transmit it promptly to the Justice concerned," Justice Antonin Scalia. Absent a demonstration of the lack of authority of said Justice "to grant the sought relief"; I trust that the corrected Style shall serve to achieve the end sought.

Absent a proper answer in regard to this request, I can do no less than to conclude that:

> Justice is being denied to Larry Mikiel Myers as a consequence of obstruction and obfuscation being exercised, extra judicially, by the Clerk's office, in denying a timely action on the Demand for Writ of Habeas Corpus, which, in accordance with Statutes, Rules, and, precedence., requires timely action -- not to be delayed by divisive means;

Justice is being denied to Larry Mikiel Myers by subverting the intention of the Constitution, specifically Article I, Section 9, clause 2, by endeavoring to subject that right therein expressed to arbitrary, capricious, and, unlawful delay;

and,

Justice is being denied to Larry Mikiel Myers by assuming a legislative authority by virtue of actions that have, in effect, suspend (from Black's Law Dictionary, Fifth Edition: Suspend. To interrupt; to cause to cease for a time; to postpone; to stay, delay, or hinder; to discontinue temporarily...) "The Privilege of the Writ of Habeas Corpus", absent the requisite authority (legislative, see Ex Parte Merryman, 17 F. Cas. 144), and, causes (Rebellion or Invasion).

I trust that we can now proceed in a timely manner to direct this Demand into its proper course, and, to allow Justice to prevail in the determination as to the proper merit of the matter before us, which is, as explained, the role of a single, appropriate, Justice.

With regard to this matter, I would request that your response address the following:

- Correction of the caption, or a justification for retaining Hunt, instead of Myers, as the Demandant, i.e. In Re Larry Mikiel Myers. Absent such justification, I demand that the caption be corrected to that which was submitted to the Court, immediately.
- Replace the existing cover page, or advise if an entire set needs to be resubmitted, as per Rule 22.2.
- Transmit to Justice Scalia, as Justice assigned to the Fifth Circuit, wherein the prisoner is detained, unlawfully, or give cause as to why this is not the proper course. Absent a proper explanation, including cites, to Statutes, Rules, or precedence, establishing the lawfulness of redirecting the Demand to the entire Court, via docketing, I demand that it the Demand be "forwarded" to Justice Scalia, as per Rule 22.1, immediately.
- I had previously provided replacement (correct) page 2 of the Demand, asking whether that was sufficient. I have received no response.

Thanking you in advance for your timely and learned response to this request,

I remain,

Respectfully,

Gary Hunt,
"next friend" on behalf of Larry Mikiel Myers

enclosures: corrected cover page of Demand (3 copies)

No. _____

In the
United States Supreme Court
Fifth Circuit

In Re Larry Mikiel Myers

Larry Mikiel Myers

Demandant,

v.

Scott Young, Warden,
Texarkana Federal Correctional Institute

Respondent

Sheriff Bob Gualtieri, Pinellas County

Judge Steven Merryday,
U. S. District Court for the Middle District of Florida

John Ley, Clerk of Court,
U.S. Court of Appeals for the 11th Circuit

Thomas D. Hall, Clerk of the Court
Supreme Court of Florida

Co-Respondents

Demand for Writ of Habeas Corpus

Gary Hunt
25370 Second Avenue
Los Molinos, California 96055
(530) 384-0375
hunt@outpost-of-fredom.com

Next Friend for Larry Mikiel Myers

June 19, 2013 (corrected July 29, 2013)