

IN THE
UNITED STATES SUPREME COURT

Kevin A. Wiederhold, Petitioner

Vrs.

Criminal Case No: 8:00-CR-369-T-27TGW

Civil Case No: _____

(to be assigned by the
Clerk of Court)

Steve Morris et al, Respondants
Beaumont Federal Correctional Facility/

MEMORANDUM OF LAW IN SUPPORT
OF PETITION UNDER 2241

1. 28 USC 2241 (c)(3). "He is in custody in violation of the Constitution or laws or treaties of the United States".

Innocent petitioner asserts, he is In Custody in violation of the constitution and laws or treaties of the United States.

2. 28 USC 2241, Section 6, "The traditional function of the Writ is to secure the release from illegal custody, its uses have been limited to cases of special urgency, leaving more conventional remedies for cases which restrain on liberty. Writs of Habeas Corpus were designed to protect every person from being detained, restrained or confined by any branch or agency of the government. Basic purpose of the Writ of Habeas Corpus is to enable those unlawfully incarcerated to obtain their freedom" (Johnson v. Avery. Tenn 1969, 89 S.Ct. 747, 393 U.S. 483, 21 L.Ed. 2d 718)...."Fundamental principle of a petition for writ of habeas corpus is that government must always be held accountable to Judiciary for a man's imprisonment and that the restraints on liberty must be removed if the imprisonment does not conform to the basic requirements of law"...."The traditional function of the great writ has been to afford a swift and imperative remedy in all cases of illegal restraint or confinement"...."Purpose of writ of habeas corpus is to provide a prompt and effective remedy for what ever society deems to be intolerable restraints (Bland v. Rogers, D.C.D.C. 1971, 332 F. Supp. 989)...Writ is to inquire into causes of restraint of the person and to provide prompt remedy".

Petitioner asserts, he clearly shows throughout his petition that he is maliciously, illegally and unconstitutionally imprisoned/civilly confined by corrupt "Individuals" (18 USC 1961(4)) in government severely abusing their power including racketeering enterprise judges. Petitioner made this statement to "Judge"

Pizzo on Oct 8, 2004, "**Society doesn't think what you think of me**", and the **rack-eteering**, lying "Judge" said "Yes it does". Petitioner asserts, **NO** witnesses ever came forward to justify this racketeering statement by this defaming judge (See: pg 25, and whole 2241 petition).

3. 28 USC 2241, Section 11, "Habeas Corpus is an extraordinary remedy whose use has been limited to special urgency and who's custody requirement is designed to preserve the Writ as a remedy for severe restraint on individual liberty"...."Habeas Corpus is an extraordinary remedy and is generally reserved for those situations where other relief is not practically available"

Innocent petitioner asserts, he has been maliciously, unconstitutionally framed, arrested, prosecuted and imprisoned/Civilly confined since 1990/92 (See: pg 22-23, and whole 2241 petition, also briefs 03-11467 and 02-10290).

4. 28 USC 2241, Section 14, "Federal Courts have power to grant writs of habeas corpus for purpose of inquiring into cause of restraint of liberty of anyone in custody in violation of the constitution. The writ is necessarily broad and comprehensive so writ will always be readily available to serve its historic purpose and to provide its fundamental protection"

Petitioner does request that this Court look into the "cause of restraint". Petitioner requests that this Court contact the U.S. Attorney General, Director of the BOP (Mr. Lappin), FBI in Washington D.C., Mr. Sutter the Supreme Court Clerk, Mr. Kahn the Appellate Court Clerk (Atlanta), Head of the U.S. Marshals in Washington D.C., and even the President's Office. Petitioner asserts, he heard the Assistant Warden (Mr. Gravette) make this statement on or about July 19, 2005 in front of the Mainline Building while seeing petitioner's name on the notebook of the SIS here, "He never causes any problems, he is **politically imprisoned**". Petitioner asserts, if this is true, he is **maliciously**, illegally and unconstitutionally imprisoned/Civilly confined.

5. 28 USC 2241, Section 21, "For the purpose of redressing assumed violation of the constitution and laws of the United States by means of habeas corpus the jurisdiction of other competent courts to afford relief may not be passed by and the original jurisdiction of the federal Supreme Court be invoked in the absence of **exceptional** conditions, justifying such course (In re Tracy, Colo. 1919, 39 S.Ct. 374, 249 U.S. 551, 63 L.Ed. 768)"...."Such character to be exception to the rule, (Ex Parte Hudgings, N.Y. 1919, 39 S. Ct. 337, 249 U.S. 378, 63 L.Ed. 656)".

Petitioner will be sending a 2241 petition to the Supreme Court shortly after the mailing of this petition to the United States District Court, Eastern District of Texas, Beaumont, Division. Petitioner asserts, these two petitions **will be his last efforts** to obtain Justice.

6. 28 USC 2241, Section 35, "Attack on execution of federal sentence is properly made by petition for habeas corpus"...."Claim relating to manner in which sentencing is being executed is properly cognizable in a habeas corpus petition"...."Proper vehicle for attacking execution of sentence including application of guidelines established by parole is by application for writ of habeas corpus filed in the district court in which prisoner or custodian is located (U.S. v Di Russo, C.A.1 Mass, 1976, 535 F2d 673)"...."This section is available to federal prisoner to challenge the execution of sentence by either the parole board or Bureau of Prisons".

Petitioner asserts, all allegations, arrests, prosecutions, sentences and Punishment are **malicious**, perjury, non-statutory, racketeering and unconstitutional. Petitioner asserts, the "**execution**" of all "sentencing" was/is malicious, defaming, non-statutory, racketeering and unconstitutional (See: 2241 petition pg 2-4, 10-13 and 20-34, or whole petition). Innocent petitioner asserts, he will be suing for defamation and Civil Rights violations etc.

7. 28 USC 2241, Section 44, "Claim the petitioner had not been afforded a prompt parole revocation hearing and was thus denied due process, was cognizable in habeas corpus".

Petitioner asserts, because he would not hire the **corrupt** Public "Defenders" Office (Tony Dunbar et al) or call the "U.S. Probation Office" and inform them he will now sign **their** non-statutory, union/corporation to corporation psych/half-way house "third party co-pay" (racketeering) documents, **he was denied due process to a prompt "VOP" hearing**. Petitioner asserts, the signing of the Public "Defenders" would result in a racketeering, unconstitutional situation explained on **pgs 44-45**, Section 224 in **this** Memorandum of Law. (Also See: 2241 petition pg 2 (b)(c), 22, 24-26, 28-34, or whole 2241 petition).

8. 28 USC 2241, Section 45, "Habeas corpus relief is available not only to one who claims he should be freed from all restraints but also one who protests his confinement in a **certain place** or who attacks conditions of his confinement".

Petitioner asserts, he has clearly shown all throughout this 2241 petition that a racketeering enterprise with extremely **corrupt** government "Individuals" (18- USC 1961(4)) tried to frame innocent petitioner, illegally and unconstitutionally

sued and charged innocent petitioner over and over. Petitioner asserts, he has clearly shown that all incarcerations/confinements were and are, malicious, illegal and unconstitutional. Furthermore, petitioner asserts, it is **severe defamation** and **racketeering** to be confining him in a "Medical Facility" with "mental problems" as well as any **BOP prison** and especially any **medium** facility such as Beaumont **Medium** facility. As well, petitioner was even further unconstitutionally confined in a lockdown situation because of a "Food Strike". Petitioner respectfully requests this Court grant the writ of habeas corpus and have him unconditionally released from this unconstitutional imprisonment/Civil Confinement(kidnapping). (See: 2241 petition pg 2-4, 7-8, 10-12, 17-34, or whole 2241 petition).

9. 28 USC 2241, Section 49, "A petition for writ of habeas corpus challenging a specific condition of physical imprisonment is ripe and justiciable in a court only if at the time petition is filed specific condition is actually being imposed upon petitioner and either of two conditions are met: (1) Petitioner shows that person or persons responsible for imposition of challenged condition are aware of condition and have failed or refused to remove or modify it or (2) Petition shows that petitioner's attempts to make its existence known to person or persons responsible for imposition of condition have been thwarted"

Petitioner asserts, the "Three Rivers Camp" is just a **ploy** to attempt to have a petition under 2241 sent to the **severely** prejudicial "sentencing" district if petitioner did get around to filing a 2241 petition. Petitioner asserts, he clearly shows all throughout this 2241 petition that the racketeering, prejudicial Judge(s) James D. Whittemore et al **are directly involved** in the illegal and unconstitutional **execution** (conditions) of their own illegal, racketeering and unconstitutional "sentence" they imposed (See Lappin letter Ex A, 2241 petition pg 28-34, or whole 2241 petition). Petitioner **will renounce** his citizenship and **leave America** if this petition is denied or forwarded to Tampa Bay, FL. Petitioner asserts, if a racketeering investigator **is not appointed** and injunctive relief **is not granted**, innocent petitioner will be defamed/destroyed by the racketeering enterprise and **maliciously arrested before January 27, 2006** as this is the **deadline** for a racketeering enterprise 2255 filing.

10. 28 USC 2241, Section 51, "Habeas Corpus lies to test proceedings so **fundamentally lawless** that imprisonment pursuant to them is not merely erroneous but void and therefore **resjudicata is inapplicable** in a habeas corpus proceeding".

Petitioner asserts, he proves all throughout this 2241 petition and exhibits that a **racketeering enterprise** is lawlessly, maliciously, illegally and unconstit-

tionally defaming, arresting, prosecuting and imprisoning the innocent petitioner. (See: whole 2241 petition and all past pro se motions, complaints and briefs).

11. 28 USC 2241, Section 60, "Where a writ of habeas corpus is properly issued, issuance of an injunction in aid of writ and court's jurisdiction is proper (Moore v Deyoung, C.A.3 (N.J.) 1975, 515 F.2d 441)".

Petitioner asserts, he was actually doing the work of the Department of Justice on October 1995 when he filed his excellent Temporary/Preliminary injunction attempting to restrain the **pathetic**, unconstitutional, racketeering enterprise and this request was maliciously, illegally and unconstitutionally denied. Petitioner asserts, **he again** tried to have this pathetic, racketeering enterprise activity restrained and prosecuted **in all his excellent briefs** to the Appellate and Supreme Court while in this **corrupt** prison in 2002/2003. Petitioner asserts, he constructed a **46 page hand-written** 2241 petition while in Lockdown/Restriction at Springfield Federal Medical Center in 2004 but was criminally and unconstitutionally threatened **never** to file it. Now, innocent petitioner **is again**, and for the **last time** requesting the Court and United States Government to **finally** put to an **end** this senseless, pathetic, malicious, defaming, illegal, unconstitutional, racketeering enterprise activity. Petitioner is requesting a racketeering investigator, prosecutions and injunctions on the perpetrators to keep petitioner from further defamation, kidnappings, and harm etc. (See: Appellate Brief 03-11467 and S.Ct Brief 02-10290, 2241 petition pg 12, 23, 33-34).

12. 18 USC 2241, Section 152, "Definitions of custody employed for purposes of determining eligibility for habeas corpus relief must be a functional one and harmonize with principles of federal autonomy; real question before the court is not merely whether individual's freedom of movement is restrained, but degree to which individual falls within sphere of federal authority"...."Habeas corpus tests not only the fact but the form of detention and the lawfulness of restrictions upon personal freedom (Bland v Rogers, D.C.D.C. 1971, 332 F. Supp. 989)".

Petitioner asserts, he has clearly shown all throughout this 2241 petition that it is **racketeering** government "Individuals"(18 USC 1961(4))~~who are violating~~ innocent petitioner's constitutional and Civil Rights and **not** the government.

13. 28 USC 2241, Section 155, "Right of habeas corpus may be employed to contest validity of future as well as present restraints".

Petitioner asserts, if this writ of habeas corpus is not granted and injunctive relief given, petitioner will be harassed, defamed, ruined, stalked, arrested

and robbed etc, by the racketeering enterprise perpetrators in desperate attempts to **Civilly Confine** (kidnap) him. Petitioner asserts, through this malicious, racketeering and unconstitutional activity the perpetrators **will again** try to force a **power of attorney** on him. Petitioner asserts, this racketeering attorney will then maliciously, illegally and unconstitutionally attempt to overturn the judgement of conviction in the district court with a defaming 2255 motion using the racketeering enterprise "BOP psych studies" given to him/her by "**Individuals**" in the BOP, its Union(s), or by "**Individuals**" at the Tampa Bay, FL, U.S. Probation Office (See: BOP Program Statement 1351.05 Part Two 12(1)(b), this 2241 petition pg 32-33). Petitioner asserts, this racketeering enterprise activity is proven by the malicious, corrupt, defaming statements by James D. Whittemore et al on Jan 26, 2005 and "Counselor(s)" Daniels et al on July 20, 2005. Innocent petitioner asserts, this is his "Savings Clause" (See: Appellate Brief 03-11467, S.Ct Brief 02-10290, this petition pg 4, 22-23, 26, 31-32, 34 or whole petition).

14. 28 USC 2241, Section 157, "Where probable ground is shown that the party is in custody under or by color of the authority of the United States, and is imprisoned without just cause, and therefore has a right to be delivered, the writ of habeas corpus then becomes a writ of right, which may not be denied".

Innocent petitioner asserts, he clearly shows all throughout this petition that "**Individuals**" (18 USC 1961(4)) employed by the federal government are directly a part of the racketeering enterprise and abusing their power under color of authority of the United States in violation of the constitution and laws of the United States (See: Appellate Brief 03-11467, S.Ct Brief 02-10290, 2241 Petition).

15. 28 USC 2241, Section 166, "Where facts relied on dehors the record and their effect on conviction is not open to consideration and review on appeal, use of writ of habeas corpus in federal courts to test constitutional validity of conviction extends to cases where conviction has been had in disregard of accused's constitutional rights and where writ is only effective means to preserve such rights".... "One who is in custody in violation of Constitution and laws of the United States is entitled to relief in habeas corpus, and court is required to dispose of the matter as law and justice require"

Innocent petitioner asserts, the Tampa Bay federal district court file and other court files **are full** of racketeering enterprise corruption and falsifications. Petitioner asserts, most all his motions, rebuttals and affidavits have been unconstitutionally denied or **criminally** stricken destroying innocent petitioner's defense. Petitioner asserts, he was unconstitutionally denied all subpoena's for

trial on July 13, 2001. Petitioner asserts, he went to trial **pro se** August 13-15, 2001 and was **robbed** of numerous documents by "Judge" Whittemore, Dan Daly et al, Porcelli et al, Lynn Billings et al and corrupt "U.S. Marshals" as he was placed in a cell for recess. Petitioner asserts, when he attempted to do his narrative the racketeering enterprise judge continually and unconstitutionally interrupted petitioner and told him **he could not tell his story** (the truth) as it is explained well in this 2241 petition and other motions, briefs, affidavits and rebuttals which were unconstitutionally denied or criminally stricken. Petitioner asserts, he has proven this judge has a **severe prejudicial agenda against innocent petitioner in total disregard for his constitutional/civil rights**. (See: DATRA, Rebuttal to PSR, Nov 5 2002 ten page motion, Feb 2003 ten page motion, Appellate Brief 03-11467, S.Ct Brief 02-10290, page 19-20 this petition or whole 2241 petition).

16. 28 USC 2241, Section 167, "Federal prisoner challenging decision of United States Board of Parole or process by which that decision was reached must show that action of Board was **so unlawful** as to make his custody in violation of laws of the United States; there must be **sufficient nexus** between alledged illegal action and legality of his own custody for habeas corpus to lie".

Petitioner asserts, the Tampa Bay, FL, U.S. Probation Office and primarily **Chris Castellano et al** have been **directly involved** in the racketeering enterprise activity since at least 1990 when they and the corrupt U.S. Attorney's Office in Tampa Bay tried to frame petitioner for Glacier Water Company/Roger Gilchrist et al in February 1990. Petitioner asserts, Chris Castellano et al got into petitioners legal work, documents etc and **criminally falsified** petitioner's resume in 2003 to say "I STARTED MY SMALL BUSINESS WHILE WORKING FOR GLACIER WATER COMPANY". Petitioner asserts, the request to go to "Three Rivers Camp" was **by petitioner** on Jan-26, 2005. Petitioner asserts, the racketeering enterprise judge, Mr. Beasley and Chris Castellano are **hiding behind** "Three Rivers Camp" on their racketeering documents to **deceive this Beaumont Court/S.Ct** to think they know nothing about petitioner's unconstitutional custody at **Beaumont Medium**. Furthermore, petitioner asserts, because of the **amount of fraud and racketeering by Greene et al** no other BOP institution will kidnap innocent petitioner except **Beaumont Medium**. (See: Appellate Brief 03-11467, S.Ct Brief 02-10290, this 2241 petition page 4-5, 20-34).

17. 28 USC 2241, Section 168, "It is only in circumstances impugning fundamental fairness or infringing **specific** constitutional protections that federal question for habeas corpus is presented"...."Trial errors or **irregularities** which are **so prejudicial** to accused's right to fair and **impartial** trial as to be clearly

deprivation of due process constitute justiciable federal issue which may be adjudicated on habeas corpus proceeding".

Innocent petitioner asserts, he has clearly shown the severe prejudicial, and unconstitutional racketeering enterprise activity/agenda he is up against in this 2241 petition, previous motions, complaints and briefs to the courts since 2001. Innocent, competent and sane petitioner asserts, all "counsel" since 1992 were knowingly, willingly and competently involved in the racketeering enterprise activity, therefore petitioner's "trials" were more than a farce or sham they were a pathetic cover up to maliciously, illegally and unconstitutionally justify probable cause for the racketeering enterprise. Innocent petitioner asserts, it was not meant for him to go to one trial. Petitioner asserts, he forced his way to all illegal and unconstitutional sham trials since 1993. Petitioner asserts, there is no such thing as "ineffective assistance of counsel" in these "cases" it is defaming, corrupt "counsel" by racketeering lawyers. (See: All past pro se motions, briefs and judicial complaints since 1992, this 2241 petition).

18. 28 USC 2241, Section 179, "Where petitioner was deprived the right to offer a defense and be present in the courtroom through all stages of the criminal proceeding against him and there is no showing that he waived these rights"

Petitioner asserts, the racketeering enterprise lawyers and judges have always maliciously, criminally and unconstitutionally conspired to make innocent petitioner look incompetent, insane, schizo, bizarre, misunderstood and serious mental defect etc, at hearings petitioner was not able to attend. Proof of this defaming, prejudicial, racketeering and unconstitutional behavior are the "Status conferences" between Porcelli, Curry and "Judge" Whittemore in Dec/Jan, 2001/2002 where they were maliciously conspiring to rule innocent petitioner insane, schizo, incompetent and serious mental defect (See: Tampa Bay district court docket). Petitioner never waived his right to be at these corrupt hearings in fact petitioner's defense was/is his competency and sanity. Petitioner asserts, Dr. William E. Bonney Ph.D ended the racketeering enterprise competency game ("case") March 9, 2001 finding petitioner sane and competent (without medication) therefore all false "allegations/charges" should have been dropped (See: Appellate Brief 03-11467, S.Ct Brief 02-10290, this 2241 petition pg 1-34).

19. 28 USC 2241, Section 175, "If the admission of evidence constitutes manifest error, violative of party's due process rights or the exclusion of evidence violates a party's right to confrontation a habeas corpus petition may issue"

Petitioner asserts, **falsified, defaming** discovery tapes making **normal** petitioner look incompetent and homosexual etc, were unconstitutionally admitted as evidence as well as **perjuring**, racketeering motions and orders by Porcelli et al, Curry et al and Whittemore et al in violation of petitioner's due process rights. Petitioner asserts, he has always been denied his due process rights for confrontation of the witnesses and "evidence" against him, even since 1990. Petitioner asserts, the most recent proof of this due process violation is the malicious, unconstitutional denial of subpoena's by Whittemore et al July 13, 2001 and Jan 26, 2005. Petitioner asserts. all his denied and criminally stricken motions and briefs are unconstitutional exclusion of evidence for petitioner's **defense** and **evidence** against the racketeering enterprise. (See: this 2241 petition i-34, All past pro se briefs and motions, Judicial Complaints etc).

20. 28 USC 2241, Section 187, "In custody language of habeas corpus statute requires that habeas petitioner be **In Custody** under conviction or sentence under attack at the time his petition is filed"...."Court's jurisdiction continues over habeas petition filed at the time he is incarcerated pursuant to conviction he attacks, even if petitioner is released from physical custody before application is finally adjudicated".

Innocent petitioner asserts, his Appellate Brief 03-11467, Supreme Court Brief 02-10290 and Petition for Rehearing were unconstitutionally or fraudulently denied, therefore the original unconstitutional conviction(s) and original unconstitutional, racketeering enterprise "sentencing" material are still under attack (See: this petition pg 2-5, 20-24). Furthermore, innocent petitioner asserts, he is attacking the original unconstitutional conviction(s) and **all** unconstitutional, racketeering enterprise "sentencing" material and their unconstitutional executions in this petition. Therefore, the courts jurisdiction will continue over habeas corpus petition even when petitioner is released from physical custody before application is finally adjudicated. As well, innocent petitioner will be sending this petition (fully typed) to the Supreme Court.

21. 28 USC 2241, Section 224, "Prisoner's release from physical confinement into his attorney's custody, although freeing former prisoner from immediate physical imprisonment, imposes conditions which **significantly confine** and restrain his freedom and therefore constitutes "state" custody from which petitioner could seek relief by habeas corpus"

Petitioner asserts, the racketeering enterprise continually coerces him to hire a **corrupt** lawyer or sign power of attorney documents or other racketeering,

fraudulent documents that would eventually bring about the appointment of another **corrupt** attorney who would defame/destroy innocent petitioner with a motion under 28 USC 2255. Petitioner asserts, he would have been released from the malicious, unconstitutional imprisonments/Civil Confinements (kidnappings) if he signed and agreed to the racketeering, psych/medication/halfway-house "**third party co-pay**" agenda and/or the appointment of a **corrupt** lawyer. Petitioner asserts, the latest desperate, racketeering activity here at Beaumont **Medium** of **coercing** petitioner to sign fraudulent Social Security info and a defaming, racketeering "Program Review Report" **again** proves this pathetic, defaming, racketeering agenda. Petitioner asserts, his petition for writ of habeas corpus **must** be accepted immediately by these courts resulting in a racketeering investigator appointment and injunctions on the "Individuals/entities" (18 USC 1961(4) listed in this petition to: (1) Keep the fraudulent, racketeering "Individuals" here at Beaumont Medium from harassing, defaming, and coeicing/threatening petitioner to sign fraudulent, racketeering documentation and conversing with him. (2) Allow his unconditional release **and** keep the fraudulent, racketeering Medical/Psych Departments from conducting **any** defaming, racketeering "Exams" or "Tests". (See: racketeering "BOP Studies").

CONCLUSION

Constitution Article 3, Section 1,

"The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office".

Petitioner asserts, **numerous** prejudicial, abusive Judges who innocent petitioner had hearings and trials with in Florida **since** 1991 and Texas **since** 2000 have not held their office in good behaviour. Petitioner asserts, these racketeering enterprise Judges have received racketeering **pay-offs above** their state or federal government salaries while severely violating innocent petitioner's Civil Rights in violation of state laws, federal laws and the constitution. (See: 18 USC 3059 "Spending Limitations Lifted", Appellate Brief 03-11467, S.Ct Brief 02-10290, and this 2241 petition).

Constitution Article 4, Section 1,

"Full faith and credit shall be given in each State to the public Acts, Rec-

ords, and Judicial Proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such **Acts, Records and Proceedings** shall be proved and the effect thereof".

Petitioner asserts, he has lost all faith in **various** government entities, Court Clerks and Judges etc, because of the **racketeering acts, falsification of records and prejudicial/abusive Judicial proceedings etc.** Innocent petitioner has been so badly defamed, ruined and Civil Rights violated that he has lost **nearly** all faith in State and **federal** government. Petitioner will **permanently renounce** his citizenship in the United States if: **(a)** This petition is **denied** by the Beaumont District Court or Supreme Court. **(b)** This petition is **transferred** over to the Tampa Bay, FL, Middle District. **(c)** **Any** lawyer is appointed **ever** again. Innocent petitioner respectfully requests the Beaumont District Court and/or the Supreme Court to save his faith in the United States of America by granting this writ of habeas corpus or let petitioner depart from America to live his life in peace.

Constitutional Amendment, Article 1,

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances".

Petitioner asserts, his right to "freedom of speech" has been abridged since the year **2000** (See: this 2241 petition pg 17). Petitioner asserts, his right to peaceably petition the state and federal governments for redress of grievances has been abridged since **1992**. (See: Illegal entity file 92-4293CA, Letters to Kennerly at JQC Tallahassee FL since 1993, Letters to DPR Tallahassee FL 1993-1995, Letters to U.S. Attorneys Office Tampa FL 1993-1994, Petitioner's injunction filed-Tampa FL 1995, Letters to F.D.L.E. Tallahassee FL 1995, Letters to Kearney Gov "legal" office 1995, Letter to Eurlach Attorney Generals Office 1996, Letter to Congressman Miller's Office Bradenton FL 1996, Letters to U.S. Attorneys Office Tampa FL-2000-2005, Letters to Attorney General Ashcroft 2001-2004, Letters to Congressmen/Senators Gramm-Sessions-Delay-Ortiz-Hatch and Hutchison 2001-2003, Letters to U.S. Department of Professional Responsibility 2002-2003, Letter to Lappin Ex A 2005, FOIA Mail Referral Center Ex L 2005, All pro se motions, complaints and briefs filed in the courts since 1992). Petitioner asserts, there were several other letters and complaints to various state and federal government agencies through the years to no avail.

Constitutional Amendment, Article 4,

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

Innocent petitioner asserts, he has been maliciously arrested/kidnapped (without probable cause) 13 or more times since Nov 28, 1992. Petitioner has been robbed of all his effects, property and papers by the racketeering enterprise perpetrators since November 1992. Innocent petitioner asserts, he has been maliciously defamed with **perjuring** affidavits since 1991/92. Petitioner asserts, he is most certainly not secure living in the United States of America. Innocent petitioner asserts, the racketeering enterprise perpetrators **will try** to maliciously arrest (kidnap) him **before the deadline** of filing a 2255 motion on Jan 27, 2006, therefore injunctive relief **is** necessary (See: this 2241 petition pg 22, or whole petition, Appellate Brief 03-11467 and S.Ct Brief 02-10290).

Constitutional Amendment, Article 5,

"No person shall be held to answer for a capital or otherwise infamous crime, unless a present indictment of a Grand Jury, except in cases arising in land or naval forces, or in militia when in actual service in time of war or public danger; nor shall any person be subject to the same offence **twice** put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, **without due process of law**; nor shall private property be taken for public use without just compensation".

Petitioner asserts, **all** Warrant and Indictments since 1992 were malicious, **without** probable cause and unconstitutional. Innocent petitioner asserts, he should **never** have been subjected to this **unnecessary**, malicious, defaming and cruel racketeering enterprise activity since 1989/90. Petitioner asserts, the double jeopardy law was violated when: (1) The racketeering enterprise maliciously arrested innocent petitioner **Nov 28, 1992** for "violating the injunction" **after** he had the illegal entity injunction "Dropped" **Oct 28, 1992** (See; page 8). (2) When Jerry Meisner stated "Your not out of the woods yet, the criminal contempt is still hovering over you" **after** the Not Guilty verdict May 17, 1993 (See: page 9). (3) When the **corrupt** Florida Bar conspired with the racketeering enterprise in July of 1993 to have the illegal entity injunction placed back on innocent petitioner

(See page 9). (4) When the racketeering enterprise SPD "Officers" conspired to maliciously arrest innocent petitioner on Dec 30, 1994 **after** petitioner had the illegal entity injunction dismissed (See: page 10-11). (5) When the racketeering enterprise grafted 11+ more "VOP harassing phone call" allegations/charges into the SPD allegation/charge in Dec 1995 (See: page 11-13). (6) When the racketeering enterprise maliciously Indicted and arrested innocent petitioner on "Harassing phone etc" allegations/charges in October 2000 (See: pg 18). (7) When the **un**-constitutional 18 USC 3059 laws were repealed Nov 2, 2002 (See: page 21-23). (8) When Judge Kimberly Bonner **dismissed** the 11+ 94-6581MAVOP allegations/charges at **arraignment** Oct 10, 2003 (See: pg 23). Petitioner asserts, he **has proven** all through this petition and past pro se motions and briefs that he has been deprived of life, liberty and his property **without** due process of law. Petitioner **has never** been compensated for his property that has been stolen and his small business that was destroyed by the racketeering enterprise perpetrators.

Constitutional Amendment, Article 6,

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an **impartial** jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and be informed of the nature and cause of the accusation; to be **confronted** with the witnesses against him; to have **compulsory process** for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence".

Innocent petitioner asserts, he was unconstitutionally denied a **jury** trial on April 4, 1995 (See: pg 11). Innocent petitioner asserts, he was unconstitutionally denied a **impartial** jury trial Aug 13-15, 2001 (See: pg 20). Innocent petitioner has been unconstitutionally denied the nature and cause of the accusations **since 1992**, the latest being the pathetic, racketeering "Program Review Report" with its "Current Violence" (See: Ex N). Innocent petitioner has been unconstitutionally denied confrontation with (**paid off**) witnesses against him since 1992, the latest being the **racketeering** enterprise corporate attorney "John Tickner" in California in Oct/Nov 2003 and the last "violation" on Oct 7, 2004 with "Current Violence" July 20, 2005. Innocent petitioner has been unconstitutionally denied compulsory process for obtaining witnesses in his favor on July 13, 2001 and at both "Supervised Release Revokings" hearings Nov 5, 2003 and Jan 26, 2004. Petitioner asserts, under the Sixth Amendment, he has the right to represent himself pro se and **does not** want the services of **any** lawyer.

Constitutional Amendment, Article 8,

"Excessive bail shall not be required nor excessive fines imposed, nor cruel

and unusual punishments inflicted".

Innocent petitioner asserts, he was illegally and unconstitutionally charged bail and excessive bail in 1992, 93, 94, 95, 96, 2000 and 2001 (See: page 8, 10-13, and 18). Petitioner asserts, he was illegally and unconstitutionally fined in 1995 and 2002 (See: page 11, 21). Petitioner asserts, he is being cruelly and unusually punished because: **(a)** A **phone call** was made to Mr. Pigge, the Dubuque County School Superintendant in Oct/Nov 1989, informing him he was going to be sued (See: page 5). **(b)** Petitioner was able to get the fraudulent, framing document (he ignorantly signed) out of Roger Gilchrist's hand in February 1990 (See: page 5-6). **(c)** Petitioner started his own small business in **October 1990** with **.70 cents** and **credit** (See: Gold Dome Savings, Sarasota, FL page 7). **(d)** Prejudicial, illegal and unconstitutional legislation was **somehow** enacted in **November 1990** and April 1996 to maliciously frame and ruin innocent petitioner with racketeered **"reward"** money (See: page 4-6). **(e)** Petitioner **will not bend** to the will of a pathetic, cowardly, racketeering enterprise for over 15 years (See: **All** past pro se complaints, motions, briefs, petitions, letters and requests to State and federal government and the State, federal and Supreme Court since 1992).

Constitutional Amendment, Article 14, Section 1,

"All persons born and naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall **make** or **enforce any law** which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the **equal protection** of the laws".

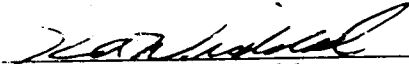
Petitioner was born and naturalized in the United States and is a citizen of the United States. Petitioner asserts, "Individuals" in the States of Florida, Iowa, Missouri and Texas (27th district) helped **enforce** the prejudicial, unreasonable and unconstitutional 18 USC 3059 laws, especially 3059A and 3059B which were enacted for petitioner's "case" in November 1990 and April 1996 (See: page 4, 6-23). Petitioner asserts, these same laws were then **repealed** Nov 2, 2002 because innocent **petitioner solved** the pathetic, unconstitutional, racketeering enterprise "case" Sept/Oct 2002 and sent proof to the Tampa Bay, FL District Court by motion **Nov 5, 2002**. Petitioner asserts, he has been deprived of life, liberty, and property without due process of law which is clearly explained in all pro se complaints, motions, briefs, petitions and letters since 1992. Innocent petitioner **has tried** and **is trying** to get the federal government to **restrain** and **prosecute** the

rackeeteering enterprise perpetrators but has been unconstitutionally **denied equal protection** under the law since 1992.

Volume 16, American Jurisprudence 177,

"The general rule is that an unconstitutional statute though having the form and name of law is in reality no law, but is void, and ineffective for any purposes; since unconstitutionability dates **from the time of its enactment** and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had **never been passed**. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted"...."Since an unconstitutional law is void, the general principles follow that it imposes **no** duties, confers **no** rights, creates **no** office, bestows **no** power or authority on anyone, affords **no** protection, and **justifies no acts performed under it**".

I, **HEREBY CERTIFY**, the statements made in this 28 USC 2241 petition with attached Memorandum of Law and Exhibits are true and correct under penalty of perjury according to 28 USC 1746, Dated and executed this 26th day of August, 2005.



Kevin A. Wiederhold pro se
Beaumont Federal Correctional Complex
P.O. Box 26040 Unit QB
Beaumont, Texas. 77720
#89849-079

CERTIFICATE OF COMPLIANCE


Petitioner asserts, he had to exceed the page limits on this 2241 petition with the attached Memorandum of Law which totals 50 pages. Petitioner respectfully requests of the court to accept the over-sized petition as the Memorandum of Law is needed to support the initial 34 page petition. Petitioner asserts, he could not send two of the exhibits (Ex O. Ex P) as he is still trying to obtain the addresses for these two agencies (Hudson, FL Police Dept and Tampa Bay, FL Dept of Labor) but will send these exhibits (letters) as soon as possible. Petitioner has found the address of the Social Security Commissioner's Office and has attached this letter as Exhibit Q. Petitioner asserts, the petition is according to the Eastern District of Texas format and is close to the same petition sent to the United States District Court in Beaumont, Texas on August 11, 2005 except for it being fully typed and some minor changes that make it a better petition. Petitioner asserts, he had to get the petition out of this facility while still in an "In Custody" status according to 28 USC 2241, Section 187, but will change the petition to Supreme Court Rules format if necessary.


Kevin A. Wiederhold pro se

CERTIFICATE OF SERVICE

I, Kevin A. Wiederhold , do hereby certify that a true and correct copy of the foregoing instrument was duly mailed this 26th day of August, 2005, by placing the same in this institution's legal mailbox, postage prepaid, to the following:

Steve Morris, Warden
FCI Beaumont Medium
P.O. Box 26045
Beaumont, Texas. 77720


Kevin A. Wiederhold pro se