

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NEW ORLEANS, LA

Kevin A. Wiederhold,
Appellant,

v.

U.S.C.A. Case No:06-415505
U.S.D.C. Case No:1:05cv0576

Steve Morris et al/GHWB et al, Appellees,
Beaumont Federal Correctional Complex
5830 Knauth Road (Medium)
Beaumont, Texas. 77720

MOTION FOR LEAVE OF COURT TO EXCEED PAGE LIMITATIONS

COMES NOW, the appellant Kevin A. Wiederhold, who proceeds herein pro se, and respectfully moves for a order granting him leave to file his Brief exceeding the page limitations on the Brief and Exhibits(Record Excerpts).


Appellant asserts, he initially planned on a Brief under 30 pages but due to the fact appellant discovered more evidence in a letter from the local OSHA office with the terminology "JAG(boj)" on the letter he was not able to adhere to the 30 page limit for this Appellate brief or page limit for the Exhibits (Record Excerpts). Appellant asserts, further study of Public Law 101-647 has shown that the Bureau of Justice is fraudulently and unconstitutionally funding the racketeering enterprise illegal entity "Concrete GP(Group)LLC et al" (See: Exh K). Appellant asserts he was near 30 pages before he found this new unconstitutional, racketeering enterprise information, therefore the Brief is now 38 pages instead of 30 pages plus over size Exhibits.

Appellant received a 14 day verbal extension of time from Chris Duscan which gave appellant until

December 26th, 2006 to file this Brief. Appellant was also informed by Chris Duscan to file a separate motion for an over-sized Brief and Exhibits. Appellant wanted to make sure the Brief itself was mailed out by December 19th, 2006 before a corrupt state hearing on the December 20th, 2006. Appellant is coping and preparing numerous exhibits and will send these to the Court and Steve Morris et al shortly after the mailing of four sets of this Brief to the court and one to Steve Morris et al..


WHEREFORE, the appellant requests of the court to issue an Order allowing Appellant to exceed the page limits and accept the Brief in its present form because of the forementioned reasons.

I, HEREBY CERTIFY, under penalty of perjury the statements made herein are true and correct under penalty of perjury according to 28 U.S.C. § 1746, Dated and executed this 29th day of December, 2006.


Kevin A. Wiederhold, pro se

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, that a true and correct copy of this Motion was sent to Steve Morris et al, by U.S. Postal Service, postage prepaid, this 29th day of December, 2006.


Kevin A. Wiederhold pro se
1318 N. Mesquite #6
Corpus Christi, Texas. 78401

Copy to:
Steve Morris et al
Beaumont Federal Correctional Complex
5830 Knauth Road (Medium)
Beaumont, Texas. 77720

Case No: 06-41505

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Kevin A. Wiederhold, Appellant

v.

Steve Morris et al/GHWB et al, Appellees,
Beaumont Federal Correctional Complex
5830 Knauth Road (Medium)
Beaumont, Texas. 77720

APPELLANT'S BRIEF

Prepared and submitted by:



Kevin A. Wiederhold, pro se
1318 N. Mesquite #6
Corpus Christi, TX. 78401

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

In compliance with Fed. R. App. P. 26.1 and 5th Cir. R. 28.2.1, I hereby certify that the following persons and entities have an interest in the outcome of this case as most are directly a part of the racketeering enterprise, some are protecting it, and a very small amount watching :o).

1. GHWP and all politicians who voted for 18 U.S.C. 3059 and Public Law 101-647 etc.
2. Harley Lampin, U.S. Bureau of Prisons (BOP) and all in concert.
3. Alberto R. Gonzales, United States Attorney General and all United States Attorneys.
4. John Ashcroft et al and all former U.S. Attorneys.
5. James Handley et al and the Federal Bureau of Investigation.
6. U.S. Department of Education/Information Systems Group and all in concert.
7. U.S. Departments of Commerce and all in concert.
8. U.S. Dept of Labor/OSHA/Bureau of Justice (BOJ)/Counsel of State Governments et al.
9. U.S. Social Security Administration and all in concert.
10. U.S. States District, Appellate and Supreme Court Clerks and some Judges.
11. U.S. Federal Public Defenders and all attorneys.
12. U.S. Marshals Service.
13. U.S. Pacer System and all in concert.
14. Dubuque County and Dubuque County Schools or all in concert in Iowa since 1978.
15. Governor Jeb Bush or all Gov, Corporate and Individuals in concert in Florida since 1989.
16. Governor Rick Perry or all Government, Corporate and Individuals in concert in Texas.

17. Dubuque Bank and Trust et al.
18. American Bar Association and all attorneys and paralegals in concert.
19. Texas Bar Association and all attorneys and paralegals in concert.
20. Florida Bar Association and all attorneys and paralegals in concert.
21. Iowa Bar Association and all attorneys and paralegals in concert.
22. California Bar Association and all attorneys and paralegals in concert.
23. A.C.L.U. and all attorneys and paralegals in concert.
24. Loeb Partners Corporation and all in concert.
25. Glacier Water Services Inc, Vista California and all in concert.
26. Stanley R. Zax , Zenith Insurance Company and all in concert.
27. Crum Foster Insurance Company and all employees in concert.
28. Scott Paint Corp and all employees in concert.
29. Sarasota Herald and all employees in concert.
30. Aetna Insurance Company and all employees in concert.
31. Bill Griffith/Riscorp Company and all employees in concert.
32. Travelers Insurance Company and all employees in concert.
33. Allstate Insurance Company et al.
34. Interstate Brands Corporation.
35. Anderson News Corporation et al.
36. Humana Health Care et al.
37. Sprint Corporation.
38. Verizon Corporation.
39. Tom Taylor et al and Lorraine Guzman et al.
40. Sarasota Herald et al.

41. Tampa Tribune et al.
42. St. Petersburg Times et al.
43. YMCA, Tampa Bay, FL and elsewhere.
44. St. Louis Post Dispatch et al.
45. FOX News Corporation and all media.
46. Sunshine Thrift and all in concert.
47. ZABA Corporation/Intellous Services et al.
48. Answers.com and all in concert.
49. Wolfson Furniture and/or all in concert
50. True.com et al
51. Old Concrete Street LTD/Brewster Street Ice House (Durril Properties et al).
52. Direct General Insurance Company.
53. SPFM. LP. et al.
54. Delmar College and/or Its Security Department Gaurdsmark.
55. Illegal entity "Risk_Services/Risk_Corp et al" (1992-2006).
56. Illegal entity "Concrete GP (Group) LLC et al" (2006-?).
57. West Group/West Law.
58. All past employers since 1989 and all future employers until appellant leaves America.
59. Coca Cola Corporation. .
60. All employers listed on Texas Workforce/Source documents or Cinta's et al.
61. All disowned family members.
62. All federal, state, county, city judges since 1991, now known as James D. Whittemore et al.

STATEMENT REGARDING ORAL ARGUMENT

The issues are clear and the law is unambiguous and the appellant does not request oral argument as there is a possibility another racketeering attorney will be appointed to frame, discredit and defame innocent, stable, and normal appellant and ruin his petitions and briefs. Appellant now expects the racketeering enterprise to request oral arguments hoping the court/clerks might appoint a corrupt attorney to ruin appellant. If the Appellees are granted oral argument and their request is granted appellant requests equal time to be at the court personally for the same or he does not want equal time. Appellant does not accept any appointed lawyers oral testimony as truth or beneficial to appellant.



Kevin A. Wiederhold, Appellant

TABLE OF CONTENTS

Cover page.....	i
Certificate of Interested Persons.....	ii iii iv
Statement of Oral Argument.....	v
Table of Contents.....	v
Table of Citations.....	vi vii
Statement of Jurisdiction.....	vii
Statement of the Issues.....	1
Statement of the Case.....	1-5
Statement of the Facts.....	5-12
Argument and Authorities.....	12-30
Conclusion.....	30-38
Certificate of Compliance.....	39
Certificate of Service.....	39

TABLE OF CITATIONS

18 U.S.C. § 3231	vii
18 U.S.C. § 2253(a)(2).....	vii
28 U.S.C. § 2241.....	1,6-9,12-19,27,31,33,34,38
28. U.S.C. § 2255.....	3,4,14,18
18 U.S.C. § 1201.....	2,23
18 U.S.C. § 1959.....	2,17,23
18 U.S.C. § 3059(a), 3059A, 3059B and/or Public Law 101-647.....	5,6,7,12,24,27-30,35,36
18 U.S.C. § 1951-1968 (RICO).....	5,9,12,20,21,23,24,27,29,36
18 U.S.C. 3624(d)(2).....	8,23,24
18 U.S.C. § 4241-4247.....	12,17,24
18 U.S.C. § 216.....	24
42 U.S.C. § 10801.....	12
42 U.S.C. § 1983.....	7
28 U.S.C. § 1746.....	38
1351.05 Part 2, 12 (1)(b) BOP Program Review.....	14
TEX. PEN. CODE § 71.01.....	12,23
TEX. PEN. CODE § 37.03.....	12,23
TEX. PEN. CODE § 37.10.....	12,23
TEX. TRANS. CODE § 501.152.....	24
TEX. TRANS. CODE § 601.338.....	25,26
Texas Constitution Article 1-15(a).....	23

U.S. Constitution Article 3, Section 1.....	30
U.S. Constitution Article 4, Section 1.....	31
U.S. Constitution Amendment, Article 1	31
U.S. Constitution Amendment, Article 5.....	32
U.S. Constitution Amendment, Article 6.....	33
U.S. Constitution Amendment, Article 8.....	34
U.S. Constitution Amendment, Article 14, Section 1.....	35
American Jurisprudence Volume 16, 177.....	36
Record Excerpts now referred to as Exhibit (Exh).	

STATEMENT OF JURISDICTION

The District Court had jurisdiction pursuant to 18 U.S.C. § 3231. The Court of Appeals has jurisdiction under 28 U.S.C. § 2253(a)(2). The judgment appealed from are two Orders: The first, a Magistrate's decision which states "Report and Recommendation of the U.S. Magistrate Judge....This Petition for writ of habeas corpus should be dismissed"(Exh A). The second, a U.S District Court Judge's decision which "adopts" the Magistrates' "Dismissal" with an order that states "Petitioner's objections overruled" and a judgment that states "This petition for writ of habeas corpus should be dismissed"(Exh C).

STATEMENT OF THE ISSUE

1. Whether the District Court Magistrate was justified or prejudicial and racketeering in his/their "Report and recommendation" and his/their "Dismissal" of appellants 28 U.S.C. § 2241 petition.
2. Whether the District Court judge(s) were justified or prejudicial and racketeering in his/their "Order" which states "Petitioner's objections are overruled, the findings of fact and conclusions of law of the magistrate judge are correct" and "The report of the magistrate is adopted" and "Final Judgment" which states "Ordered and adjudged that this petition for writ of Habeas Corpus is dismissed".
3. Whether the District Court is justified or prejudicial and racketeering in the statement "All motions by EITHER PARTY not previously ruled on are hereby denied" which non-statutorily and unconstitutionally attempt to create a delusional schizophrenic out of sane and competent appellant.
4. Whether the District Court was prejudicial and racketeering taking almost a whole year in responding to the petition and only responding to small portions of the petition for writ of habeas corpus under 28 U.S.C. § 2241, or are all matters listed above just a big "error of the law". Appellant asserts, they could have been reading from the latest falsified West Group and West Law corrupted online legal materials concerning 18 U.S.C § 3059 and Public Law 101-647 etc.

STATEMENT OF THE CASE

On July 21, 2006 the Beaumont District Court Magistrate sent a frivolous, ludicrous, scandalous, defaming, and (possibly) racketeering "Report and recommendation". Appellant asserts, the corrupt Magistrate judge made absolutely no effort to read the well done 101 plus page petition or it was read thoroughly and the corrupt court didn't want to make a correct judgment. Appellant asserts, the well done petition sat in the Beaumont District Court for over 11 months without a proper reply

which can hardly amount to any "error of law". The only other conclusion appellant can come to is, some of the 101 plus page 28 U.S.C. § 2241 petition was hidden from the two judges, which is unlikely.

Appellant asserts, the simple "factual finding" of the "Report" is a pathetic, malicious, defaming scapegoat response which only attempts to justify probable cause and it doesn't address any of the the issues and facts raised in appellants well done petition. Appellant asserts, his 2241 petition with the the mention of his previous filings in the courts clearly explain most everything perpetrated upon him since 1999/2000 and the last 17 years. Appellant asserts, he also mentioned in his petition that he was (maliciously and unconstitutionally) convicted, sentenced, imprisoned, placed on supervised release and revoked etc, therefore this judge is being repetitive and harassing appellant when he annoyingly mentions these malicious, false allegations, convictions, sentences and supervised release this way.

Appellant asserts, this judge is also maliciously and falsely creating a mental defect out of appellant by stating the "conviction was Jan 17th, 2002 by a judge" when it occurred Aug 15th, 2001 by a JURY and appellant DID NOT ever put forth a insanity acquittal at anytime. Furthermore, appellant asserts, the main reason that this particular malicious, illegal and unconstitutional conviction is mentioned over and over is to discredit appellants 2241 petition and in other motions, briefs, petitions and complaints filed in the courts since 2000. Appellant asserts, it is a fact, any lawyer representing appellant at the pretrial stage of this pathetic case should have by all means placed a 28 USC §2241 petition for writ of habeas corpus in the District Court and Supreme Court as this was an obvious kidnapping by Frank Wirt's brother (impersonating an agent) from Texas to Florida in violation of 18 U.S.C. § 1201 and 18 U.S.C. § 1959 as well appellant was found sane and competent by Dr. William E. Bonney Ph.D and the "case" was officially OVER (See: 2241 petition pg 18 petition and whole petition).

Appellant asserts, it is sick harassment and racketeering for that court to send such a frivolous,

simple “factual background” reply as it is obvious everyone knows these simple (malicious and unconstitutional) happenings in this pathetic case, furthermore it is a pathetic lie for that court to say it needed to take a WHOLE YEAR to create this little (conspiring) “Factual Background” reply and the little “Report and Recommendation”. Appellant sent a “Written Objection” on Aug 1st, 2006 again, setting the factual background record straight as his 28 U.S.C. § 2241 petition does.

Appellant asserts, the same thing occurs in the “Analysis” section of the “Report” but now the corrupt Magistrate outright lies and states that “Petitioner is not challenging the method in which his sentence is being executed”. Appellant sent a “Written Objections” reply on Aug 1st, 2006 stating just the opposite and lists all the pages numbers where the non-statutory, and unconstitutional execution of the sentence is mentioned in his petition (See: Orders Exh A,C, and Reply Exh B page 5, and 2241 petition pgs 11-13, 22-24, 28-30,40-46, or whole petition)

The District Court Magistrate then correctly states “petitioner is attacking the convictions themselves” and “a petition for writ of habeas corpus filed under 28 U.S.C. § 2241 is the proper method for challenging the manner in which a sentence is being executed”. Appellant alleges and believes the next sentence is the connecting link with the corrupt, defaming Sept 1, 2006 final judgment as it states, “A motion to vacate, set aside or correct sentence filed pursuant to 28 U.S.C. § 2255 is NORMALLY the proper method for challenging a conviction or sentence itself” Appellant alleges this statement is a malicious attempt to defame normal appellant as schizophrenic because appellants views concerning the 28 U.S.C. § 2241 petition being the only route left to properly overturn the malicious and unconstitutional convictions of April 4th, 1995 and Aug 15th, 2001.

Appellant asserts this judge again harasses and lies when he says “May not be used merely as a substitute for a motion to vacate under 2255, the burden is on the petitioner to come forward with

evidence to show the inadequacy or ineffectiveness of a motion filed under section 2255”(ludicrous). Appellant asserts, the whole 101 plus page 28 U.S.C. § 2241 petition he filed in August 15th, 2005 and the Reply brief are full from front to back with factual evidence proving why the filing of a 28 U.S.C. § 2255 is not only inadequate and ineffective the actual filing of a 2255 in Tampa Bay Middle District court would cause further racketeering enterprise activity to be perpetrated on appellant by the corrupt judge(s) Jame D. Whittemore et al and his pathetic racketeering enterprise attorney friends.

Innocent Appellant asserts that the “evidence” in the Tampa Bay District Court files have been shredded that convicted him along with other documents that convict the racketeering enterprise, therefore this answers page 3, para 2(a) in the “Report” about “retroactive/non-existent offense”. Appellant asserts, none of the false malicious charges were ever meant for a trial as this has always been and appears always will be a pathetic, malicious, defaming, unconstitutional, racketeering, psychiatric stunt by certain pathetic corrupt courts, agencies and attorneys of this nation. Appellant asserts, this comes down to a pathetic, lying, illegal, racketeering, and unconstitutional overturning of the judgment of the conviction(s) based on insanity, incompetency and/or serious mental defect.

Appellant asserts, there is a good possibility the corrupt courts of this nation just might make “New Law” and overturn the judgment of conviction with these same illegal, defaming, racketeering and unconstitutional tactics now using appellants 28 U.S.C. § 2241 petition and the appointment of corrupt appellate counsel as this would be the only avenue out for the racketeering enterprise. Appellant wants nothing to do with this pathetic, lying, illegal, unconstitutional , racketeering enterprise activity and he will leave this nation immediately and renounce his citizenship if this occurs.

Appellant asserts, on page 4 of the “Report and Recommendation” it states “His grounds for review are not based on a retroactive applicable Supreme Court decision...” Appellant answered this opinion in

his 28 U.S.C. § 2241 petition, his August 1, 2006 reply motion, and will again respond in this brief as a "case of first impression". Appellant asserts, the last paragraph "Analysis's" also is a pathetic lie as these issues are answered all over appellants 2241 petition especially pg 43-44, (section 155, 187 and whole petition) and will be further explained in this brief. Appellant realizes he may have made a few mistakes in his 2241 petition as he did not have access to the Congressional Reports concerning Public Law 101-647. Appellant no longer holds the view that one of the 18USC § 3059 statutes were created for him in 1990, as well as the NEA will not be mentioned in this Corporate disclosure statement. Appellant asserts, the United States Court of Appeals briefing schedule actually uses the defaming words "pro se parties" again maliciously referring to appellant as multiple people (schizophrenic) therefore a prejudicial racketeering decision/agenda will come from this court through the appointment of a worthless, pathetic, corrupt lawyer. Appellant DOES NOT want the appointment of a lawyer.

STATEMENT OF THE FACTS

Appellant asserts, all corrupt attorneys, judges, and law enforcement, knew it was the racketeering, dirty, lying, FBI agent(s) James Handley et al behind the creation of the evil, illegal, non-statutory and unconstitutional racketeering enterprise illegal entity "Risk_Services/Risk_Corp et al" (18 U.S.C. § 1961(4)) which was allowed to maliciously and unconstitutionally sue innocent petitioner on Aug 12th, 1992 and eventually unconstitutionally arrest (kidnap) and civilly confine innocent appellant SINCE Nov 28th, 1992 through 2005. Appellant asserts, it is a fact the only way the old racketeering enterprise illegal entity "Risk_Services/Risk_Corp et al" could be funded was by severely abusing 18 U.S.C. 3059(a), 3059A and 3059B and Public law 101-647 with Tax payer money.

Appellant asserts, since paragraph one is a fact, a federal injunction should have been filed as early as August 1992 by appellant's paid, retained attorney George McClain Esq, Sarasota, FL. Appellant

asserts, since paragraph one is fact the 28 U.S.C. § 2241 petition should have been filed by (corrupt) Public Defenders Leeann McCurry, Jerome Miesner and Elliot Metcalfe in December 1992 when the racketeering enterprise maliciously and unconstitutionally arrested (kidnapped) and imprisoned/civilly confined innocent petitioner Nov 28th, 1992 with a \$80,000 bond (See: Sarasota Herald Dec 1st, 1992) and again on Dec 16th, 1992 with no bond.

Appellant asserts, since paragraph one is a fact the 28 U.S.C. § 2241 petition should have been filed by John Bolduc Esq, Nov 1995 when the racketeering enterprise again maliciously and unconstitutionally arrested (kidnapped) and imprisoned/civilly confined innocent petitioner without bond. Appellant asserts, since paragraph one is a fact the 28 U.S.C. § 2241 petition should have been filed by Jeff Snelling Esq, in June of 1996 when the racketeering enterprise again maliciously arrested (kidnapped) and imprisoned/civilly confined innocent petitioner without bond.

Appellant asserts, since paragraph one is a fact the 28 U.S.C. § 2241 petition should have been filed by Ellis R. Curry Esq in Dec 2000 when innocent appellant was maliciously and unconstitutionally imprisoned/civilly confined without bond. Appellant asserts, since paragraph one is a fact the 28 U.S.C. § 2241 petition should have been filed or mentioned by Dan Daly Esq in April 2001 when appellant was maliciously and unconstitutionally imprisoned/civilly confined without bond. Appellant asserts, since paragraph one is a fact the 28 U.S.C. § 2241 petition should have been filed by Ryan Truskowski, Esq in March 2001 when appellant was maliciously and unconstitutionally convicted, sentenced and imprisoned/civilly confined at Beaumont Medium Prison.

Appellant asserts, he would have filed a 28 U.S.C. § 2241 petition in 2002/2003 after the repealing of 18usc3059(a), 3059A and 3059B(part of Public Law 101-647 etc) but he did not know these statutes were repealed as the 2003 pocket parts never came for the year 2000 U.S.C.A. versions until after July

2003. Appellant did try to file a 48 page handwritten 28 U.S.C § 2241 petition while being forced in a lockdown cell for 5 months at Springfield Federal "Medical" Ctr in 2004 but he was unconstitutionally never given in forma pauperis status and threatened never to file the petition by the racketeering warden (See: Aug 15th, 2005, 28 U.S.C § 2241 petition). Appellant asserts, corrupt Missouri Federal Public Defender Nancy Price did all she could on behalf of the racketeering enterprise to keep innocent appellant from filing this 48 page handwritten 28 U.S.C. § 2241 petition.

Appellant asserts, all these pathetic corrupt attorneys did not file a 28 U.S.C. § 2241 petition because they took a bribe from the same racketeering FBI agents and racketeering U.S. Attorneys (BOJ) who robbed the United States Treasury severely abusing 18. U.S.C. 3059(a), 3059A and 3059B. Appellant did consider filing a 28 U.S.C. § 2241 petition when he was released from Springfield Federal Medical" Center in August 2004 but never had a chance as the racketeering enterprise quickly kidnapped him again within 2 months (See: Aug 15th, 28 U.S.C. § 2241 petition).

Appellant finally filed a 101 plus page Petition for writ of habeas corpus under 28 U.S.C. § 2241 to the Beaumont District Court on Aug 15th, 2005, which attacked the unconstitutional and non-statutory pretrial detainments, trials, convictions, judgment(s), sentence(s), execution of sentence(s), probations, and prison conditions/prison discipline since 1992. Furthermore, appellant clearly outlined all sorts of scandalous racketeering enterprise activity, constitutional violations, statutory violations and 42 U.S.C. § 1983 civil rights violations (excluding 42 U.S.C. § 10801) and the urgency criminal investigations and injunctions on the parties/entities perpetrating the racketeering enterprise activity, even after release from Prison as appellant knew the racketeering enterprise was not going to quit (See: 2241 petition).

Appellant also filed an "exceptional case"/emergency 28 U.S.C. § 2241 petition in the Supreme Court. Aug 26th, 2006. Appellant asserts, these two petitions infuriated the several , pathetic, cowardly,