

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

“One supreme Court”

Article 3

Original docket 10- 2830

SECOND PETITION FOR THE GREAT WRIT OF HABEAS CORPUS

The People of Missouri
Ex rel, Melinda-Sue: Harrington, sui juris
 Petitioner, on behalf of
Denny-Ray:Hardin, sui juris
 non commercial entity/ non corporate entity
 c/o 2450 Elmwood Avenue

Applicant ,

Vs

Cause No: _____

SHELTON RICHARDSON, Warden
a corporate entity
(Holder of the Key)
CCA
LEAVENWORTH DETENTION CENTER
100 Highway Terrace
Leavenworth, Kansas
66048

Respondent,

SECOND
PETITION FOR
GREAT WRIT OF
HABEAS CORPUS
IN ACCORDANCE WITH
Article I, Section 9
of the Constitution
for the united States of America
AS PRESENTED BY AFFIDAVIT OF
Melinda-Sue: Harrington, sui juris

I, Melinda-Sue:Harrington,sui juris; Petitioner / Relator, herein, state that I am a flesh and blood sentient being, not a corporation, not a Legal Entity, not a Commercial Entity, association, or any other fictitious entity, competent and being of the age of majority, asseverate that my “yes” be “yes” and “no” be “no” and that the following facts are true, certain, correct, complete, and not misleading, under the penalty of perjury law of bearing false witness so help me God, and, on or about May 10, 2010, Denny-Ray:Hardin, sui juris ;hereinafter “Applicant”, was imprisoned by RESPONDENT (or his predecessor), who, is a “CORPORATION for Profit”, holding a natural man, in the **CCA LEAVENWORTH DETENTION CENTER** in Leavenworth, Kansas at 100 Highway Terrace Leavenworth, Kansas 66048 against his will, over his objection, and without his consent.

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.

[28 USC Sec. 2242]

Article I, Section 9

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

Applicant's liberty is restrained by RESPONDENT. Restraint, and imprisonment is unlawful, and illegal, to wit; no criminal action in the state of Missouri or the united states of America, has been commenced against Applicant, by the filing of an Affidavit / Complaint, by a *competent fact witness*, alleging the necessary and essential facts sufficient to constitute the elements of a crime, that would invoke a Lawful court's jurisdiction in the first instance, to issue mittimus papers. Petitioner and Applicant are unable to attach a copy of any bona fide mittimus, or committal papers as none are known by Petitioner to exist. This Petition is Applicable to any And All Agents, Successors, Deputies, and/or Assigns of Respondent.

1. On June 28, 2010 Denny-Ray:Hardin mailed a habeas corpus to Chief Judge Fernando J. Gaitan of the US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI, and mailed a copy to Melinda-Sue: Harrington ; and when the habeas corpus did not show up as docketed; I , the Relator and Denny-

Ray:Hardin's Attorney-in-fact mailed a copy of the habeas corpus by United States Postal Service certified mail to the following: (see exhibit 1)

Fernando J. Gaitan #7009 0960 0000 9903 1896 delivered 7/19/2010

Office of the Clerk -US District Court for the Western District of Missouri
7009 0960 0000 9901 7937 delivered 7/19/2010

Warden Garcia-FCI Englewood #7009 0960 0000 9903 1889

To date some 385 days after this habeas corpus was delivered to the clerk it has not been put on the docket as evidenced in the court record (4:10-cr-00131-FJG-1). This is clear denial of due process of law in accordance with the 5th amendment and protection of law in accordance with the 4th amendment.

Duncan v. Missouri, 152 U.S. 377, 382 (1894) Due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government."

2. *Rights can be reserved at anytime. See Miranda v. Arizona 384 U.S. 436 (1966)*

Applicant Denny-Ray:Hardin has made public record of his reservation of rights **UCC 1-308** and has done so for the court orally and in writing submitted into the record, Further he is a natural Citizen of the Republic of Missouri where he resides. Denny-Ray:Hardin is not a UNITED STATES citizen or a 14th **amendment** citizen because he has claimed the remedy **15 United States Statute at large, 1868** also known as the expatriation statute. Wherefore he is not subject to US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI.

However the court did not recognize and purposely ignored the remedy UCC 1-308 as well as his Citizenship. In clear violation of the 9th Amendment of the constitution for the united States of America. The court in its actions against Denny-Ray:Hardin, a state Citizen, is in violation of

Foreign Sovereign Immunities Act (FSIA) of 1976. See USC TITLE 28 > PART IV > CHAPTER 97 > § 1604, “Immunity of a foreign state from jurisdiction

Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter.”

Notification of legal responsibility is "the first essential of due process of law". See also: U.S. v. Tweel, 550 F.2d.297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading." We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.

Quod per recordum probatum, non debet esse negatum. What is proved by the record,ought not to be denied.

3. Petitioner challenges the jurisdiction of the US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI. The jurisdiction of a court can be challenged at any time even after conviction. See

"Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus."

[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]

"... [O]nce jurisdiction is challenged, the court CANNOT PROCEED when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." MELO v. US, 505 F2d 1026.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739

Albrecht v. U.S. Balzac v. People of Puerto Rico, 258 U.S. 298 (1922) "The United States District Court is not a true United States Court, established under Article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article 4, 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court."

4. I have attended every hearing of Denny-Ray: Hardin to witness him challenge the jurisdiction of the prosecutor and witness the magistrate deny Denny-Ray: Hardin due process at every hearing in violation of the 5th amendment to the constitution for the united states of America. This denial of Denny-Ray: Hardin's

constitutionally secured rights is clear warring upon the constitution and an act of treason. To proceed without authority of law where NO JURISDICTION has been stated for the record.

“...[H]owever late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, BEFORE any court can move ONE FURTHER STEP IN THE CAUSE; as any movement is necessarily the exercise of jurisdiction.” RHODE ISLAND V. MASSACHUSETTS, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).

COHENS v VIRGINIA 19 U.S. 264, 404, 5 L.Ed. 257, 6 Wheat. 264 (1821), “...
[W]hen a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act of treason”.

Also see...

USC TITLE 18 > PART I > CHAPTER 115 > § 2381 Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

Failure of the court to address these issues of treason is clearly misprison of treason (18 USC 2382).

“As an attorney, it was my mandate to fight against authority when it was overbearing, abusive, or unjust, but also to respect and believe in the system. When I challenged the system it was not from disrespect; rather, it was the ultimate form of respect. I understood then, as I do today, that absent challenge, authority becomes totalitarian. Authority needs to be challenged if we are to ensure the integrity of the process. It is one of the great truths of our system.”

-- Judge Harold J. Rothwax

In this case foul blows have been struck, and absent challenge, authority becomes totalitarian, wherefore I hereby and herein present my GOOD FAITH CHALLENGE via Habeas Corpus.

The Constitution, which limits government, guarantees the right to DUE PROCESS AND A SPEEDY TRIAL as fundamental rights in support of liberty and the pursuit of happiness; the Declaration of Independence declares that governments are instituted among men to secure these rights. Yet 455 days and counting have passed in which Denny-Ray:Hardin has been detained without jurisdiction stated on the record clearly denying him due process of law. Indeed, BAR TERRORISTS and associated quislings* acting to overthrow the Constitution in the nature of SEDITION AND TREASON have no immunity whatsoever for their perfidy**.

*QUISLING, *n.* a traitor who collaborates with the invaders of his country, especially by serving in a puppet government.
Webster's New Collegiate, Seventh Edition (1961)

**PERFIDY, *n.* [L. *perfidia*; *per* and *fides*, faith.]

The act of violating faith, a promise, vow or allegiance; treachery; the violation of a trust reposed. Perfidy is not applied to violations of contracts in ordinary pecuniary transactions, but to violations of faith or trust in friendship, in agency and office, in allegiance, in connubial engagements, and in the transactions of kings.

American Dictionary of the English Language, Noah Webster 1828

It is plain and clear that US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI officials cannot swear an oath on Monday, then torture Denny-Ray: Hardin on Tuesday, claim official immunity on Wednesday, and then show up to collect a paycheck for their egregious conduct because their claim of immunity for perfidious*** conduct is a FRAUD.

The maxim which applies in this sui generis case is "Once a fraud, always a fraud." 13 *Viner's Abridgment* 539

***PERFIDIOUS, *a.* [L. *perfidus*; *per* and *fidus*, faithful. *Per* in this word signifies *through, beyond, or by, aside.*]

1. Violating good faith or vows; false to trust or confidence reposed; treacherous; as a *perfidious* agent; a *perfidious* friend.
2. Proceeding from treachery, or consisting in breach of faith; as a *perfidious* act.
3. Guilty of violated allegiance; as a *perfidious* citizen; a man *perfidious* to his country.

American Dictionary of the English Language, Noah Webster 1828

"If (federal judges) break the law, they can be prosecuted." Justice Black, in his dissenting opinion at page 141) said, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution".

5. Habeas corpus is necessary to address the issues including but not limited to the following: FALSE INCARCERATION BY DENIAL OF DUE PROCESS
6. Denny-Ray: Hardin has been DENIED DUE PROCESS OF LAW AND UNLAWFULLY INCARCERATED in excess of four hundred fifty-five days from his May 10th, 2010 arrest, and this notice is given in order to establish criminal activity executed by specific intent in the event that US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI officials fail or neglect to restore Denny-Ray: Hardin's liberty instantler, considering that US

DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI officers of the court have SWORN to uphold the federal Constitution and have failed and neglected to secure Denny-Ray: Hardin's 6th Amendment rights secured by the constitution for the united states of America.

7. It is plain and clear that US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI officials are incompetent to exercise any so-called "law enforcement authority" as evidenced by the fact they cannot uphold their own law and instead retaliate and discriminate against people to deny them due process of law. The cretins acting as BAR TERRORISTS and associated IMF LACKEYS who have failed and neglected to evidence any proper lawful education and allegedly believe that Denny-Ray: Hardin can be brought to trial at the convenience of BAR TERRORISTS while in fact their very own law; Federal Speedy Trial Act of 1974 makes it clear that they have only seventy days to bring him to trial if he is incarcerated, which he clearly is. Failure to bring him to trial within the time constraints of your own law leaves no discretion; Denny-Ray: Hardin MUST BE RELEASED and all alleged charges waived with prejudice for failure to prosecute. US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI law enforcement officials are actually criminals in criminal enterprise as evidenced by the continual breaking of their own law for which they lack sufficient years in their lives to do the time they so diligently have earned.

Title I of the Speedy Trial Act of 1974, 88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, is set forth in 18 U.S.C. §§ 3161-3174. The Act establishes time limits for completing the various stages of a federal criminal prosecution. The information or indictment must be filed within 30 days from the date of arrest or service of the summons. 18 U.S.C. § 3161(b). Trial must commence within 70 days from the date the information or indictment was filed, or from the date the defendant appears before an officer of the court in which the charge is pending, whichever is later. 18 U.S.C. § 3161(c)(1).

CONCLUSION

8. THIS UNABATED ABUSE GREATLY SHOCKS THE CONSCIENCE, IT IS EXTREMELY UNREASONABLE, AND IT ABSOLUTELY UNDERMINES PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM, with such conduct on the part of officers of the court being outside the technical bounds of the law and the moral bounds of decency!!!
9. Denny-Ray: Hardin is not a danger to himself nor to the society at large and any further restraint of liberty would be a crime against the people of this state and a dire threat to their freedom.
10. This is the second application for a Writ of Habeas Corpus made by me in relation to this case.
11. It is readily apparent that unregistered foreign agents assume they can arbitrarily and capriciously determine the value of another living soul's time, however, when the matter involves Denny-Ray: Hardin, the unregistered foreign agents have no concept of what the actual value is; indeed, all the resources of all the unregistered foreign agents in US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI could not purchase a single nanosecond from Our Heavenly Father, wherefore they need to reconsider their actions and make restitution.
12. US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI employees may have excuses such as, "We have always done it like this" OR "I am only doing what I was told to do", an excuse which failed to work so well at the Nuremberg Trials. The seriousness of the matter is best stated in the Bible. The Bible is the "WORD OF GOD" as per Federal Public Law 97-280, 96 Stat.

1211, so according to the “WORD OF GOD” Denny-Ray: Hardin suffered an Exodus 21:16 MANSTEALING EVENT and the punishment is DEATH!! Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of the Harvard Law School on February 28, 2003 “The first 100 years of American lawyers were trained on Blackstone, who wrote that: ‘The law of nature dictated by God himself is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority from this original.’ The Framers created a government of limited power with this understanding of the rule of law – that it was dependent on transcendent religious obligation.” The Gideon Society assures us of DUE PROCESS, PUBLIC NOTICE and OPPORTUNITY, furthermore those involved in the MANSTEALING are trained, educated, paid and sworn to know the law.

13. Is the “WORD OF GOD” adequate for US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI and its’ employees OR would the employees make a public declaration that they know better than GOD ALMIGHTY!?!?? Forgiveness is available where there is repentance, wherefore I am praying for the employees because God’s Law is just like gravity, it works whether you believe in it or not!!
14. According to the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.”
15. However, the employees of US DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI are incompetent to act as a governmental authority, because they obviously do not understand that the purpose of government is to secure the rights of men rather than to negate them.

RELIEF AND REMEDY DEMANDED

16. Wherefore, your petitioner demands that a Writ of Habeas Corpus be granted instanter and issued to inquire into the restraint upon the liberty of Denny-Ray: Hardin, the Writ being directed to the said SHELTON RICHARDSON, WARDEN, commanding him to bring any and all evidence and documentation before the Court at the time and place therein to be specified, to provide a written answer with return thereof as to why the said Denny-Ray: Hardin is restrained of liberty and should not be released; to the end that upon said execution of said Writ that the complete discharge from custody will be effected and the said Denny-Ray: Hardin may be properly restored to his liberty.
17. Any and all fingerprints and mugshots/photographs, wherever they may be found worldwide, must be returned to Denny-Ray: Hardin and just compensation made as per the Fifth Amendment according to how many parties have had possession of his property and the time period they have maintained such possession.
18. The record of this entire matter is to be expunged so that Denny-Ray: Hardin and his family never have to explain this garbage to anyone under any circumstance.
19. COMPLETE RESTITUTION must be made especially since Denny-Ray: Hardin is clearly the victim of official oppression by the State agents posing as officers of this court.
20. Complete disclosure as to any and all bonds, insurance carrier information and policy numbers associated with this case and any and all officers of the court associated with this case.
21. In the interest of the public safety, the officers of this court must submit themselves for mental evaluation in order to assure the public as to their mental fitness for the responsibilities of high office now that they have created doubt and indeed they may

very well be ordinary criminals in criminal enterprise by specific intent.

22. Pursuant to Federal Public Law 97-280, 96 Stat. 1211 and Deuteronomy 19:15-21, pettifogger shysters groveling for filthy lucre, Brian P. Casey, Chief Judge Fernando J. Gaitan, Jr. and Magistrate Robert E. Larsen must be ORDERED to make compensation for every penalty Denny-Ray: Hardin suffered.
23. I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father (Yahvah), through the power and authority of the blood of his son (Yahshua) be done on Earth as it is in Heaven.
24. Denny-Ray:Hardin has a natural, due process right, granted by his Creator, and as clearly stated in numerous historical documents including but not limited to, the original Constitutions for Missouri and / or the united states of America, Magna Charta, Northwest Ordinance, International Organization Immunities Act dated December 9, 1945, Charter Of The United Nations: June 26, 1945, The Foreign

Sovereign Immunities Act, and numerous international treaties, to Habeas Corpus relief for immediate release from unlawful imprisonment. All the above named Documents are incorporated herein, in their entirety, by reference.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever there is a doubt between liberty and slavery, the decision must be in favor liberty. Dig. 50, 17, 20.

Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever.

28 USC §1746, I declare under penalty of perjury under the laws of the united States of America that the foregoing is true and correct.

Statement of Truth

The foregoing is true and correct to the best of my knowledge and beliefs under the penalty of perjury. The right to amend is reserved for the truth to be clearly stated.



Melinda-Sue: Harrington, Sui Juris
All rights reserved UCC1-308
Formally UCC1-207

SUBMITTED BY AFFIDAVIT

Petitioner, Melinda-Sue:Harrington, Sui Juris, a natural Citizen of the republic, living in the republic, a common woman of the Sovereign People, does swear and affirm that Affiant has scribed and read the foregoing facts, and in accordance with the best of Affiant's firsthand knowledge and conviction, such are true, correct complete and not misleading, the truth, the whole truth and nothing but the truth.

This Affidavit is dated August 8th, 2011

Explicitly All Rights explicitly reserved UCC 1-308/1-207

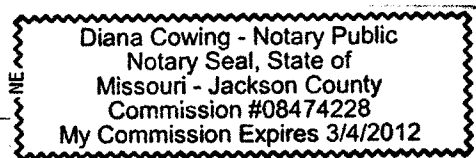


Melinda-Sue:Harrington, Sui Juris

BEFORE ME, Diana Cowing,

a Notary Public in and for STATE OF, MISSOURI, appeared, Melinda-Sue:Harrington known or made known to me and did affirm the truth of the facts herein stated and placed thier signatures on this document on the 8th day of August, Anno Domini Two thousand and eleven(2011).

Diana Cowing
Notary Public STATE OF, MISSOURI



My Commission expires 3/4/2012.

CERTIFICATE OF SERVICE

I, Melinda-Sue: Harrington, Sui Juris hereby state that on 8th day of August,2011 that a true and correct copy of the **SECOND PETITION FOR THE GREAT WRIT OF HABEAS CORPUS** was mailed to the following created persons:

SHELTON RICHARDSON, Warden
a corporate entity
(Holder of the Key)
CCA LEAVENWORTH DETENTION CENTER
100 Highway Terrace
Leavenworth, Kansas
66048

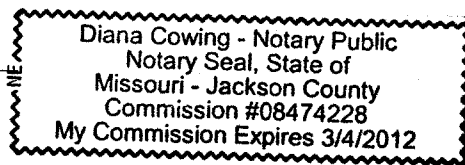


Melinda-Sue:Harrington sui juris
Attorney-in-fact
Without prejudice **UCC 1-308**
I/c postal service address
2450 Elmwood Avenue
Kansas City, Missouri 64127

BEFORE ME, Diana Cowing,

a Notary Public in and for STATE OF, MISSOURI, appeared, Melinda-Sue:Harrington known or made known to me and did affirm the truth of the facts herein stated and placed thier signatures on this document on the 8th day of August, Anno Domini Two thousand and eleven(2011).

Diana Cowing
Notary Public STATE OF, MISSOURI



My Commission expires 3/4/2012

In The United States District Court For The
Western District of Missouri
Western Division

United States of America,
Denny Ray Hardin, Ex Rel
Petitioners,

} "Court of Record"
} Public Declaration
} Public Law 94-550

vs

} Case No. 10-00131-01-CR-W-FJG

KEEPER OF THE KEY
WARDEN Garcia
Federal Correctional Institution
9595 West Quincy Ave
Littleton, Colorado 80123
Respondent

} Chief Judge:
} Fernando J. Gaitan

} By Affidavit

"APPLICATION FOR HABEAS CORPUS"

Comes Now, Denny Ray Hardin, sui juris, as an "American Citizen" (Not "Pro Se", Not "Pro Per" and not as a "UNITED STATES CITIZEN") to exercise his right under Article I, Section 9 of the Constitution for the United States of America to petition for the "Writ of Habeas Corpus". In support of this application, Petitioner states the following facts are true and correct to the best of his knowledge and beliefs without purpose to mislead.

"FACTS IN SUPPORT"

1. Petitioner is currently being held, "Hostage" 18 USC 1203 by WARDEN Garcia at the following location:

Federal Correctional Institution
Englewood, Co.

9595 West Quincy Ave.

Littleton, Colorado 80123

Petitioner is currently in "Administrative Detention" of the "Segregation Housing Unit" where he has been for the past 17 days, based upon "Orders" of Lt. W. Cline of WARDEN Garcia's staff. This is in compliance with the unlawful order of Magistrate Robert Larson issued May 24th.

2. On May 5, 2010, "Foreign Agent (Brian P. Casey) 22 USC 611" acted in "Fraud" 18 USC 1001 to commence a criminal prosecution in the name of a "foreign state" prohibited by the 11th Amendment of the United States Constitution. Petitioner was not allowed to "testify or present evidence" within his rights 42 USC 1981, as required by the 5th Amendment. Therefore, Petitioner was denied "Due Process of law" before the Grand Jury. Brian P. Casey presented "False declarations before the Grand Jury" in violation of 18 USC 1623 and "Perjury" 18 USC 1621. Brian P. Casey succeeded in his scheme to defraud the Grand Jury 18 USC 1346 and obtained an unlawful "Indictment".

3. On May 10, 2010, Petitioner was "Kidnapped" 18 USC 1201, by FBI Agent Nathan VanCycle from the Eastern District of Missouri and transported to the Western District of Missouri. Agent VanCycle impersonated "U.S. Marshalls" to kidnap Petitioner against his will, without consent, without a warrant, by force of arms and threats of deadly force in violation of the 4th Amendment of the Constitution for the United States of America.

4. On May 10, 2010, Petitioner appeared before Magistrate Robert Larsen, there he demanded his "Remedy" under the "15 Statues at Large" and demanded a "true statement of the proper jurisdiction of the Court". Robert Larsen refused to state his jurisdiction. Petitioner informed Robert Larsen of his "Conflict of Interest" in this cause of action, Robert Larsen refused to "recuse" himself from the case. Petitioner believes Robert Larsen has engaged in "Insurrection and Rebellion" 18 USC 2383, "Seditious Conspiracy" 18 USC 2384 and "Treason" 18 USC 2381. These crimes are established by the acts of "Expatriation" of Robert Larsen acting in violation of the "15 Statues at Large".

5. On May 13, 2010, Petitioner was unlawfully appointed the "Foreign agent (Anita Burns) 22 USC 611" over Petitioner's Objections to "Counsel of Choice" under the 6th Amendment. Thus, began the "Conspiracy against rights" 18 USC 241 by the "Foreign Agents" Robert Larsen, Brian P. Casey, Nathan VanCycle and Anita Burns. Burns and Casey acted in clear "Prosecutorial Misconduct" by presenting exact

"Motions for Competency Evaluation". Robert Larsen refused Petitioner his right to terminate Antia Burns and left her on the case in clear bias and prejudicial conduct. The Supreme Court of the United States has repeatedly upheld the 6th Amendment right to "Counsel of Choice". Please see: Johnson v. Zerbest 1938, Argersinger v. Hamlin 1972 and U.S. v. Lopez 2006. Based upon the "Conspiracy" to incarcerate Petitioner for competency evaluation, Bond was denied in violation of the 7th Amendment. Petitioner has now been incarcerated 48 days, without trial, without prosecution, without conviction and without sentence. Petitioner sits in the Federal Correctional Institution in "Solitary Confinement", without phone privileges enjoyed by other inmates. 30 days at this Institution without any competency evaluation.

6. Based upon the Court's Records and the Transcripts of the foregoing proceedings it is clear Magistrate Robert Larsen has exceeded his authority established in 18 USC 3041. Magistrate Larsen has issued "Orders" without Jurisdiction or authority of law to create involuntary servitude of Petitioner in violation of 18 USC 1592. These "Hostile Acts" constitute acts of "Piracy" 18 USC 1651 and clear violations of Magistrate Larsen's "Oath of Office" 28 USC 453.

Through his scheme, Larsen has defrauded the Federal Bureau of Prisons that his conduct is lawful, when in fact it is all criminal. Petitioner has become "Pirate Property" "Receipt of Pirate Property" 18 USC 1660 is a crime.

7. Petitioner is currently in "Solitary Confinement" and suffering mental torture at the hands of Warden Garcia and his staff. Petitioner believes Warden Garcia's goal is to mentally break Petitioner by isolation, loss of contact with loved ones (Phone and Mail), thus causing depression and establishing lack of mental competency. Warden Garcia has inflicted this torture on an "American Citizen" with malice, intent and knowledge to punish Petitioner for his "Power of Attorney" filing documents in the court, and with him, establishing a "Fiduciary relationship". The institution rules and general knowledge says someone sent to the hole will see the "Unit Disciplinary Committee" within 72 hours for punishment. Petitioner has not seen them since June 12th. Therefore, without any infraction of the Rules/Regulations Petitioner is being forced to endure mental anguish, duress, stress, isolation, loss of social activities, loss of interaction with loved ones and persecution by Warden Garcia and his staff. Warden Garcia justifies this torture with his statement he has been threatened by Petitioner, who has sent him nothing, who has the right to every legal process to regain his liberty and Petitioner is clearly being punished/tortured for exercising his rights within the laws of the United States of America. Warden Garcia has become a motivated participant of the "Conspiracy against rights" of Petitioner.

Relief Requested

Petitioner demands that which the law requires under Title 28, Section 91 of the United States Codes. Petitioner is entitled to an "Order to show Cause" why the "Writ of Habeas Corpus" should not issue. If answered, Petitioner is entitled to be present at a "Show Cause Hearing". If not answered, Petitioner is entitled to an "Order of Release". Petitioner asks for nothing more than this matter be handled within the time limits set by the Federal Rules of Civil Procedure and he be granted "Due Process of law" in accordance with the 5th Amendment. For the foregoing reasons Petitioner believes he is entitled to relief in this cause of action.

Denny Ray Hardin

Denny Ray Hardin, Sui Juris

All rights reserved UCC 1-308/1-207

Certificate of Service

I, Denny Ray Hardin, do hereby certify that a copy of the foregoing was placed in an envelope and handed to staff for delivery to Warden Garcia on this 28th day of June 2010

Denny Ray Hardin

Denny Ray Hardin, sui juris

FCI Englewood

9595 West Quincy Ave

Littleton Colorado 80123

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) ROSEBAUST C. Date of Delivery 2/2</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: Clerk of the Court Charles Evans Whitaker Courthouse 400 East 9th St. 1st Floor, Rm 1510 Kansas City, Mo. 64106</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7009 0960 0000 9901 7937</p>	
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<p>1. Article Addressed to: Chief Judge Fernando Garcia 8th US Dist Ct. for West. Dist of Mo. 400 East 9th St. Room 7552 Kansas City, Mo. 64106</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7009 0960 0000 9903 1896</p>	
PS Form 3811, February 2004	102595-02-M-1540

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<p>Article Number (Transfer from service label) 7009 0960 0000 9903 1889</p>
102595-02-M-1540

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<p>1. Article Addressed to: Warden Rene Garcia FJI ENGLEWOOD Federal Correctional Inst. 9595 W. Quinay Ave. Littleton, CO 80123</p>
<p>2. Article Number (Transfer from service label) 7009 0960 0000 9903 1889</p>
PS Form 3811, February 2004