

No. \_\_\_\_\_

\_\_\_\_\_

In The

Supreme Court of the united States

\_\_\_\_\_

Denny-Ray:Hardin, sui juris

PETITIONER

VS.

UNITED STATES OF AMERICA

RESPONDENT

**PROOF OF SERVICE**

I, Denny-Ray:Hardin, sui juris, do declare that on this date, January 17, 2012, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States, Room 5614  
Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530-0001

FERNANDO J. GAITAN, JR. Chief District Judge  
United States Federal District Court for the Western District of Missouri  
400 E. 9th St, Room 7552  
Kansas City, Missouri 64106

GARY A. FENNER, District Judge  
United States Federal District Court for the Western District of Missouri  
400 E. 9th Street, Room 8452  
Kansas City, MO 64106

JOHN T. MAUGHMER, Magistrate Judge  
United States Federal District Court for the Western District of Missouri  
400 E. 9th Street, Room 7662  
Kansas City, MO 64106

ROBERT E. LARSEN Chief Magistrate Judge  
United States Federal District Court for the Western District of Missouri  
400 E. 9th Street, Room 6652  
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400 E. 9th Street  
Ste. 5510  
Kansas City, MO 64106

ANITA L. BURNS - Stand-By Counsel Federal Public Defender Office  
818 Grand Ste 300  
Kansas City, MO 64106

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 17, 2012

*Denny-Ray Hardin*

Denny-Ray: Hardin, Sui Juris

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Care of postal service address, **2450 Elmwood Avenue, Kansas City, Missouri**  
republic, Zip exempt, America without the US corp.®, Phone: **816 231 2258**

**NOTARY PUBLIC**

STATE Missouri

COUNTY Jackson

Subscribed and sworn to before Me, a Notary Public, the

above signed Denny-Ray: Hardin

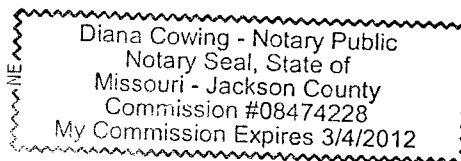
this 17 day of January.2012

*Diana Cowing*

Notary Public

My Commission Expires:

3/4/2012



No. \_\_\_\_\_

IN THE

Supreme Court of the united States

Denny-Ray:Hardin, sui juris

PETITIONER

VS.

UNITED STATES OF AMERICA

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The Eighth Circuit Court of Appeals for the united States of America

PETITION FOR A WRIT OF CERTIORARI

Denny-Ray:Hardin, sui juris

c/o 2450 Elmwood Avenue

Kansas City, Missouri republic, near [64127]

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Phone: 816 231 2258

## QUESTIONS(S) PRESENTED

1. Is a Petition for a writ of prohibition the correct method for appellate courts to enforce (supervise) the judges and parties of the district courts to state (prove) their jurisdiction for the record?
2. By what authority of law does an appellate court allow a district court to deprive an alleged defendant substantive and procedural due process thus violating the rights secured by the IV, V and VI amendments to the constitution for the united States of America?
3. By what authority of law does an appellate court allow a district court to continue to a trial of the merits once jurisdiction has been challenged and not proven for the record?
4. By what authority of law does an appellate court allow a district court to deny right to “remedy and recourse, thus creating courts of impossibility?
5. By what authority of law does an appellate court allow a district court to force a living, flesh and blood man to be an indentured servant in violation of constitutionally secured rights of the 13th amendment?
6. By what authority of law does an appellate court allow a district court to deny constitutionally secured unalienable rights of the 5th and 8th amendments, and inflict cruel and unusual punishment?

## List of Parties

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In The

Supreme Court of the United States

PETITION FOR WRIT OF CERTIORARI

**Petitioner respectfully requests that a writ of certiorari  
issue to review the judgment's below.**

**OPINIONS BELOW**

For Cases from **federal courts:**

**The opinion of the** Eighth Circuit court of appeals in regards to the  
Petition for writ of mandamus docketed July 15, 2011 (11-2537). Judgment and  
mandate dated July 26, 2011 appears at Appendix A

**The opinion of the** Eighth Circuit court of appeals in regards to the  
Second Petition for writ of mandamus docketed August 10, 2011 (11-2710).  
Judgment and mandate dated August 18, 2011 appears at Appendix B

**There is no opinion of the** Eighth Circuit court of appeals in regards to  
the Petition for writ of Prohibition. The petition was delivered on December 20,  
2011 and docketed on December 22, 2011 (11-3821). To date there has been no  
opinion. Docket sheet appears at Appendix C

## JURISDICTION

For cases from **federal courts:**

The 1<sup>st</sup> date on which the Eighth Circuit Court of Appeals decided my case was July 26, 2011. (11-2537)

A timely petition was denied by the Eighth Circuit Court of Appeals on the following date: July 26, 2011, and a copy of the judgment denying habeas corpus appears at Appendix A.

The 2<sup>nd</sup> date on which the Eighth Circuit Court of Appeals decided my case was August 18, 2011.(11-2710)

A timely petition was denied by the Eighth Circuit Court of Appeals on the following date: August 18, 2011, and a copy of the judgment denying habeas corpus appears at Appendix B

There is no date on which the Eighth Circuit Court of Appeals decided my case on the Petition for writ of prohibition to date.(11-3821)

A timely petition was filed on December 22, 2011 in accordance with FRAP 21. To date no decision has been made in violation of Eighth Circuit Court of Appeals local Rule 21A. A copy of the docket appears at Appendix C.

## **RULE 21A: PETITIONS FOR WRITS OF MANDAMUS AND PROHIBITION**

Within 14 days after the filing of the petition, or as the court orders, the court must either dismiss the petition or direct that an answer be filed.

**The jurisdiction of this Court is invoked under 28 U.S.C. 1254 , 28 U.S.C. 1651 , 28 U. S. C. § 2101(e) and Article III Section 2 of the constitution for the united States of America.**

Denny-Ray :Hardin, sui juris is a de jure sovereign state Citizen of one of the several states, wherefore having right to the Supreme court in this matter according to Article 3 section 2 of the constitution for the united States of America. And further, because he is neither a UNITED STATES citizen nor a 14<sup>th</sup> amendment citizen, the 11<sup>th</sup> amendment does not prevent this action

### ***Section 2: Judicial power, jurisdiction, and trial by jury***

“ The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more

States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects....”

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### **Amendment 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.

### **Amendment 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.

### **Amendment 5**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall 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.

### **Amendment 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 to 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.

### **Amendment 8**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **Amendment 9**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment 10**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**Amendment 13****Section 1.**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.**

Congress shall have power to enforce this article by appropriate legislation.

**Amendment 14****Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of 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.

**Articles I, II, III and IV of the constitution for the united States of America****Declaration of Independence****Bill of Rights****Organic Constitution for Missouri****organic constitution for the united states of America****The Foreign Sovereign Immunities Act****STATEMENT OF THE CASE**

On December 20, 2011 a Petition for writ of Prohibition was delivered by FED-EX (see exhibit 1) to the 8<sup>th</sup> circuit court of appeals for the united states. This petition (11-3821) was not docketed until December 22, 2011. The petition was to address the errors of the district court of the united states for the western district of Missouri Kansas City division in regards to case 4:10- cr-00131-GAF-

1 which was previously 4:10-cr-00131-FJG-1. The errors constituted acts surrounding jurisdiction not proven for the record once challenged; denial of procedural and substantive due process; denial of constitutionally secured rights guaranteed by the constitution for Missouri and the constitution for the united States of America; the forceful surrender of state citizenship and sovereignty without consent ;denial of reservation of rights UCC 1-308 and the intentional cruel and unusual punishment inflicted on Denny-Ray:Hardin.

The Petition for writ of prohibition stated specific prohibited acts that were perpetrated in violation of the constitution for the united states of America; the federal rules of civil procedure ; the federal rules of criminal procedure and Supreme Court precedent ; by both the prosecution and judges of the district court. The 8<sup>th</sup> circuit court of appeals had previously denied two petitions for mandamus in which Denny-Ray:Hardin requested that the superior court enforce both procedural and substantive due process that the district court had denied Denny-Ray:Hardin. The prohibited acts have constituted the theft of Denny-Ray:Hardin's Life, Liberty and the pursuit of happiness without due process for 617 days and counting; causing irrefutable harm to both him and his family. Denny-Ray:Hardin has suffered both mental anguish and physical trauma in violation of his unalienable rights granted to him by his creator, and secured by

the constitution for the united States of America and the constitution of Missouri. There was and is no competent fact witness in this cause that has signed a complaint under the penalty of perjury and the prosecution has no standing as an injured party. The appellate court has allowed the district court to proceed forward to a trial of the merits without jurisdiction being proven for the record. The prosecutor in the district court has stated he did not have to prove jurisdiction once challenged and the judges of the district court in this cause have allowed the case to proceed ignoring Supreme Court procedures and denying unalienable rights without due process. The appellate court has aided and abetted this denial of due process, and supreme court rules by not enforcing these fundamental rights and procedural rules be upheld by the judges and prosecutor of the district court. The error of the appellate court to address these issues with the district court have in essence created courts of impossibility where no remedy can be found; where the people no longer are innocent until proven guilty; where JUSTICE is a dirty word, and where the dishonor of the courts to allow the prosecution to use deceitful, fraudulent misrepresentations is total dishonor. The total disrespect of precedence in supreme court rulings as frivolous minor inconveniences and have made the appellate and district courts masters of the law who disregard the authority of the supreme court the highest court in this nation.

1. The Writ of Prohibition is the counterpart to the Law of Mandamus. To put it simply, the writ is an order made by the higher court issued to a lower court of its jurisdiction. The order simply tells the lower court to stop proceedings over a case that the lower court has no jurisdiction over. The writ may also be issued if the court is not undergoing the proper procedures when processing a case.

### Why Issue a Writ of Prohibition?

Establishing ground rules when it comes to jurisdiction is crucial to maintain order within the government, especially with a country as large as the United States.

Should there be issues about jurisdiction and a court passes judgment about a case that it not within its rights, then the validity of the case would be questioned. As a result, the individuals involved in the case would have to transfer to another court to continue the case or the accused could have the whole proceeding stopped altogether. This is one of the top reasons why a Writ of Prohibition should be issued as immediately as possible. Without it, time ; effort and tax dollars spent on a case is wasted if the rules of jurisdiction are not followed. In this instant case the dishonor of the prosecution to obtain a conviction regardless of the cost to the public, the cost to the accused and/or the accused's family; is nothing more than a witch hunt where the accused is

damned to be guilty irregardless of the factual evidence. The harm is irreversible and the pre-sentencing investigation report is nothing more than libelous; done with malice, intent and knowledge to damagely misrepresent the character and intent of the accused. (see exhibit 2). The trustworthiness of the court of appeals for the 8<sup>th</sup> circuit and the district court for the western district of Missouri to uphold constitutionally guaranteed unalienable rights and to conduct honest business is questionable at best.

**“We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.”** –US Supreme Court, *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

2. Because jurisdiction has been repeatedly challenged and not met with an answer, no evidence of jurisdiction is currently on the record. For the appellate court and the district court to proceed without jurisdiction constitutes an act of “Treason” as clearly stated and affirmed by the Supreme Court,

as per your own

“When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.” U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L. Ed. 2nd 392, 406 (1980) Cohen V. Virginia, 19 U.S. (6wheat) 264, 404 5 L. Ed 257 (1821).

Authority for the Supreme Court to promulgate rules of procedure is at 28 U.S.C. 2072 and 2072 (b) preserves rights: “(b) Such rules shall not abridge, enlarge or modify any substantive right.” Federal rules of civil and criminal procedure preserve constitutionally secured rights. The three Amendments that govern Federal criminal prosecution are the Fourth, Fifth and Sixth Amendments .

All Federal courts, including the Supreme Court, are courts of limited jurisdiction. Common law jurisdiction over contracts, historically recognized common crimes, etc., is reserved to courts of the several states within their respective territorial borders. The Tenth Amendment imposes this limitation:

Amendment X: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

If a power is not enumerated in the Constitution, primarily in Article I, section 8 Federal government lacks subject matter jurisdiction within the union. This provides the framework for what is known as the “arising under clause” at Article III section 2 clause 1 of the Constitution:

Each of the powers enumerated, regardless of what branch it is enumerated for, must be set in motion by legislation, the legislation being in the form of statute or law. This is specified at Article I, Section 8, Clause 18:

Coming to grips with Article I, Section 8. Clause 18 in the context of the “arising under clause” at Article III, Section 2, Clause 1 sheds light on United States judicial power and understanding of “due process of law”. Unless the law

vests authority in Federal administrative agencies or the courts themselves, courts of the United States do not have subject matter jurisdiction.

In order to prosecute the Government must (1) identify a statute and (2) prove application of a liability statute, before a penalty statute is applicable. Without the first two elements, a Federal court lacks subject matter jurisdiction to impose a penalty, whether civil or criminal. The principle applies to nearly all Federal penalty statutes, whether relating to tax, commerce, securities or anything else. Without a preexisting liability to perform or refrain from any given activity, a Federal penalty statute doesn't apply. Unless all elements are in place, the Department of Justice, U.S. Attorney or whatever has failed to meet threshold criteria for burden of proof, with the effect being that the Federal Court lacks subject matter jurisdiction.

There is also an additional important element of proof: What is the geographical application of any given law or set of laws? In *Foley Brothers v. Filardo* (1948) 336 U.S. 281, "It is a well established principle of law that all federal legislation applies only within the territorial jurisdiction of the United States unless contrary intent appears." This is the burden of proof of the Department of Justice and U.S. Attorney to prove they have "Territorial Jurisdiction" under 40 U.S.C. 255. Failure to produce documented evidence of "territorial jurisdiction" fails to meet the burden of proof and the Federal court lacks "territorial jurisdiction." The advocate, in this case the Attorney General or U.S. Attorney, must prove venue or geographical application of any given statute. Denny-Ray:Hardin has repeatedly challenged the jurisdiction (district case docket # 97 and 183) which to date has not been answered.

Now consider Rule 6 (f) Federal Rules of Criminal Procedure: “(f) Finding and Return of Indictment. The indictment shall be returned by the grand jury to a concurrence of 12 or more jurors. The indictment shall be returned by the grand jury to a Federal magistrate judge in open court. If a complaint or information is pending against the defendant and 12 or more jurors do not concur in finding an indictment, the foreperson shall so report to a Federal magistrate judge in writing forthwith.” This section of Rule 6 specifies foundation necessities: Federal government may prosecute felony crimes only on a valid affidavit of complaint that has been presented in a Probable cause hearing (Rules 3 and 4). Only corporations can be prosecuted via “information”. Rule 6 (f) preserves the antecedent affidavit of complaint and probable cause hearing in the second sentence: “The grand jury may proceed only on “complaint” or “information” that has previously been formally processed.” Additionally, if the grand jury issues an indictment, the return must be made in open court to a magistrate judge. Denny-Ray:Hardin was not afforded a probable cause hearing or the right to cross examine his accusers.

The United States Magistrate Judge was originally a national park commissioner. The name of the office has changed, but the nature of the office hasn't. This is an administrative, not a judicial office. It's equivalent to what used to be the police court magistrate. Today the only offenses triable by a United States Magistrate Judge are traffic violations and other misdemeanor and petty offenses committed on military reservations, in national parks and forests, etc., under regulations promulgated by the Department of Defense and the Department of the Interior.

United States Magistrate Judges in the several states have “Venue” jurisdiction solely over offenses committed on Federal enclaves where United States Government has exclusive or concurrent jurisdiction ceded by one of the several states. And as Rule 5 ( c ) specifies, they can not even ask for much less make a plea for a defendant charged with a felony crime. This prohibition is effective under Rules 5, 9, 10, and 11. When and if a United States Magistrate Judge asks for or makes a plea for a defendant in a felony case, he has usurped power vested in Article III judges of the United States. After over a year of being transported all over this country Denny-Ray:Hardin was brought in for arraignment where in violation of Rule 5 Magistrate Larsen of the district court asked Denny-Ray;Hardin to plea. When Denny-Ray:Hardin stated he chose not to plea until the jurisdiction was proven for the record; Magistrate Larsen violated Rules 5,9,10 and 11 an usurped power vested in Article III judges and stated let the record reflect the court enters a plea of not guilty for the defendant. Thus violating not only the Supreme Court rules ,but committing clear acts of treason.

Rule 5 (c), second paragraph, also stipulates that, “A defendant is entitled to a preliminary examination, unless waived, when charged with any offense, other than a petty offense, which is to be tried by a judge of the district court”. Essentials of the preliminary hearing or examination are prescribed at Rule 5.1 (a) of the Federal Rules of Criminal Procedure: “(a) Probable cause finding. If from the evidence it appears that there is probable cause to believe that an offense has been committed and that the defendant committed it, the federal magistrate judge shall forthwith hold the defendant to answer in district court. The finding of probable cause may be based upon hearsay evidence in whole or

in part. The defendant may cross-examine adverse witnesses and may introduce evidence.”

To summarize indispensable or “substantive” elements of Federal Criminal Prosecution: The criminal prosecution process may commence if and only if there is an affidavit of criminal complaint submitted under oath in a probable cause hearing. (Rule 3, F.R.Crim.P.) A committing magistrate judge must issue a warrant or summons after finding probable cause (Rule 4, F.R. Crim. P.) The defendant may be arrested and “returned” by the appropriate Federal authority. (Rule 4, F.R.Crim.P.) The defendant then has an initial appearance at which he is asked to enter a plea, and bond if any, is set. If the offense is a felony crime, a United States magistrate judge may not ask for or enter a plea. (Rule 5 (c) F.R.Crim.P.) The defendant, or his counsel, has the right to challenge array of the grand jury pool and voir dire individual grand jury candidates prior to the grand jury being sworn in. (Rule 6 (b) F.R.Crim.P.) Refusal or failure to allow defendant to challenge grand jury is grounds for dismissal. (28 U.S.C. 1867) Denny-Ray:Hardin was not afforded the right to challenge the grand jury array. The first instance Denny-Ray:Hardin was even aware or told about the grand jury hearing was several days after the fact; thus depriving him of substantive due process by not allowing him the opportunity to question the array of the grand jury or cross examine the witnesses that testified before the grand jury.

Because there is no “complaint” by any person with standing to support probable cause no lawful grand jury could have conducted an investigation.

Standing" is legally defined as: "The position of a person in relation to his capacity to act in a particular instance..." 19 Am J2d Corp Section 559, *Ballentine's Law Dictionary*, page 1209.

As per your own,

"In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues". *Warth v. Seldin*, 422 U.S. 490, 498 (1975).

If a plaintiff lacks standing, then the courts, all courts, are legally and constitutionally incapable of proceeding because: "courts only adjudicate justiciable controversies". *United States v. Interstate Commerce Commission*, 337 US 426, 430. (as per your own) "governments" are not "exempt" from "**standing**" requirements.

As per your own "The requirement of standing, however, has a core component derived directly from the constitution. A plaintiff must allege personal injury fairly traceable to the defendant's allegedly wrongful conduct and likely to be redressed by the requested relief." *Allen v. Wright*, 468 U.S. 737, 751 (1984).

This, of course, references Article III Section 2 of the "United States Constitution" which requires a plaintiff to present a case before a court may proceed: "The judicial power shall extend to all cases..."; "The case-or-controversy doctrines state fundamental limits on federal judicial power in our system of government. The Article III doctrine that requires a litigant to have "standing" to invoke the power of a federal court is perhaps the most important of these doctrines." *Allen v. Wright*, page 750.

More explicit, standing requires the violation of a legally recognized right, as proven in the Declaration of Independence: "That to secure these Rights, Governments are instituted among Men..." This means, everything governments do must be to protect and maintain individual rights, as per your own

"the duty of this court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted."

*Tyler v. Judges of the Court of Registration*, 179 US 405.

**Standing consists of two absolutely essential elements: 1) violation of a legal right, and 2) personal injury.** Neither one without the other is sufficient, both are required.

It appears that the Department of Justice and United States Attorneys are convening a grand jury under the auspices of the “Special Grand Jury” provisions of Chapter 216 (3331-3334) of Title 18. However, this is misapplication of law as “Special Grand Juries” investigation authority extends only to criminal activity involving government personnel, and the “Special Grand Juries” are limited to issuing reports. Defendants and prospective defendants are afforded the opportunity to rebut or correct the reports prior to public release. Although evidence unearthed by a “Special Grand Jury” may be used as the basis of criminal prosecution, the “Special Grand Jury” does not have indictment authority. Denny-Ray:Hardin was not afforded a probable cause hearing and addressed this issue in district court docket # 62 in his “Motion to Dismiss” based on these facts

3. Denny-Ray: Hardin, has demanded repeatedly proof of jurisdiction, appearing on the record that allows the prosecution to file charges and prosecute. Both orally and in writing. And further the jurisdiction of the court, appearing on the record, in all actions against the alleged defendant. Denny-Ray:Hardin filed a 41 count jurisdictional challenge by special appearance(De

Bene Esse) by affidavit (district docket # 97) on case 4:10-cr-00131-GAF and a 72 count jurisdictional challenge by special appearance(De Bene Esse) by affidavit (district court docket # 183); both which to date remain unanswered. To date NO JURISDICTION has been proven. The prosecutor has stated that he does not have to state /prove jurisdiction and the district court judges have allowed the prosecutor to continue without jurisdiction being proven on the record.To continue to a trial of the merits without jurisdiction being proven for the record is a clear denial of Denny-Ray:Hardin's constitutionally secured unalienable right of the 5th amendment and due process of law.

If the appellate courts and the district court are to be allowed to persecute Americans without jurisdiction being proven for the record once challenged then the United States have enforced courts of inquisition and not courts of Justice.

As per your own

"...[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).

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533.

“... [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.

“A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question the first instance.” Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8: 331 US 549, 91 K, ed, 1666m 67 S, Ct, 1409

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens V Virginia, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)“When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.”

Also see

“if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed.” Norman v. Zieber, 3 Or at 202-03

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533.

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.”

*The question of jurisdiction in the court either over the person, the subject-matter or the place where the crime was committed can be raised at any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by a defendant.*  
[U.S. v. Rogers, 23 F. 658 (D.C.Ark. 1885)]

To date the appellate court and the district court have allowed prosecution to continue with NO JURISDICTION being stated for the record. It is the

prosecutor and the governments burdon of proof to prove jurisdiction exists to prosecute. (see)

**Title 5 U.S.C. §556(d)**

**"When jurisdiction is challenged the burden of proof is on the government."**

4. Every system of civilized law must have two characteristics: Remedy and Recourse. Remedy is a way to get out from under the law. The Recourse provides that if you have been damaged under the law, you can recover your loss. The Common Law, the Law of Merchants, and even the Uniform Commercial Code all have remedy and recourse. If you go to a law library and ask to see the Uniform Commercial Code they will show you a tremendous shelf completely filled with the Uniform Commercial Code. When you pick up one volume and start to read it, it will seem to have been intentionally written to be confusing. Remedy and Recourse are found in the U.C.C. They are found right in the first volume, at 1-308 formally 1-207 and 1-103.

*The Uniform Commercial code creates a corporate State of the United States,the federal corporation. As opposed to one of the dejure several States of the union. See... UCC 1-201. General Definitions.(38) "State" means a State of the United States,...*

*As opposed to being one of the several states of the union...*

USC TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > § 3002 *Definitions (14) “State” means any of the several States,...*

*Since the Federal Corporation is just that, a corporation. It has no jurisdiction except with those that contract with it. Also see Congressional act of 1871 and USC Title 28, Part VI, chapter 176, sub chapter 176, subsection A, 3002 (15) “United States” means—(A) a Federal corporation;*

Because the states have passed the Uniform Commercial code, it has made its Citizens persons (which are legal entities and articles of commerce) and the State to be vessels of the United States placing the State and its Citizens under maritime law.

USC TITLE 18 > PART I > CHAPTER 1 > § 9. Vessel of the United States defined

The term “vessel of the United States”, as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

Therefore all of the laws (color of law) are contractual commercial laws and the remedy is UCC 1-308. The Uniform Commercial Code makes all crimes commercial only by contract as per 27 CFR 72.11

27 CFR 72.11 PART 72\_DISPOSITION OF SEIZED PERSONAL PROPERTY--  
Table of Contents

Subpart B Definitions Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

The 14<sup>th</sup> amendment actually creates a lower class of "citizen of the United States" rather than the higher Citizenship of one of the several states of the union. The remedy provided to the 14<sup>th</sup> amendment, is an act by congress known as 15 United States Statute at Large, July 27, 1868, one day before the 14th Amendment took effect and also known as the "Expatriation Statute." This is my remedy to claim to be a natural Citizen of my state. This makes me a higher Citizen and no longer subject to the Article 4 loophole that also deprives me of my rights.

Compare that the constitution for the united States of America establishes for the court's jurisdiction at common law, equity and admiralty under article 3. As opposed to UCC 1-103, the Federal corporation establishes a similar jurisdiction except as principles under the Uniform commercial code.

UCC § 1-103. Supplementary General Principles of Law Applicable.

Unless displaced by the particular provisions of this Act, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, Bankruptcy, or other validating or invalidating cause shall supplement its provisions.

Anytime you see law by itself as in the foregoing, it means the common law. Except that they are taking the common law jurisdiction from the contract the UCC. The remedy of course is UCC 1-308. So the UCC is a deceptive criminal contractual constitution of sorts to those who use it against us.

UCC 1-308 is the remedy for any legal process under commercial law in the U.S.

UCC § 1-308. Performance or Acceptance Under Reservation of Rights.(ε) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

Denny-Ray:Hardin has made a 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 sovereign Citizen of the Republic of Missouri where he was domiciled.

Denny-Ray:Hardin is not a UNITED STATES citizen or a 14th amendment citizen; he has claimed the remedy 15 United States Statute at large, 1868 also known as the expatriation statute. Denny-Ray:Hardin, sui juris and the living man has mailed a copy of his reservation of rights to the following court officers and court administrators. All involved in this case have proceeded in this cause with full knowledge that I explicitly Reserved all rights in accordance to UCC 1-308/1-207.

Presiding Judge Scott Hayes	7009 0960 0000 9901 9771
Presiding Judge W. Stephen Nixon	7009 0960 0000 9901 9788
Chief District Judge Fernando J. Gaitan, Jr.	7009 0960 0000 9901 9559
District Judge Ortrie D. Smith	7009 0960 0000 9901 9566
District Judge Gary A. Fenner	7009 0960 0000 9901 9573
District Judge David Gregory Kays	7009 0960 0000 9901 9597
Senior District Judge Scott O. Wright	7009 0960 0000 9901 9603
Senior District Judge Howard F. Sachs	7009 0960 0000 9901 9610
Senior District Judge Dean Whipple	7009 0960 0000 9901 9627
District Judge Nanette Laughrey	7009 0960 0000 9901 9634
District Judge Richard Dorr	7009 0960 0000 9901 9641
Chief Justice William Ray Price, Jr.	7009 0960 0000 9901 9658
Judge Michael A. Wolff	7009 0960 0000 9901 9665
Judge Laura Denvir Stith	7009 0960 0000 9901 9672
Judge Richard B. Teitelman	7009 0960 0000 9901 9689
Judge Mary Rhodes Russell	7009 0960 0000 9901 9696
Judge Patricia Breckenridge	7009 0960 0000 9901 9702
Judge Zel M. Fischer	7009 0960 0000 9901 9719
Chief Judge Thomas H. Newton	7009 0960 0000 9901 9726
Judge Lisa White Hardwick	7009 0960 0000 9901 9733
Chief Justice John G. Roberts, Jr.	7009 0960 0000 9901 9740
Chief Judge Lee F. Satterfield	7009 0960 0000 9901 9757
Special Consular William Fritzlen	7009 0960 0000 9901 9795
Court Administrator US District Court Paige Wymore	RA 071 967 154 US
Administrative Offices US Courts- James C. Duff	RA 071 967 145 US
Chief, Administrative Office District Courts-Robert Lowney	RA 071 967 168 US

The appellate court and the district court have both purposely ignored the remedy UCC 1-308 as well as my sovereign state citizenship. In clear violation of the 9th Amendment of the constitution for the united States of America, the constitution of Missouri and are in violation of the **Foreign Sovereign Immunities Act (FSIA) of 1976.**

**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.”**

5. Amendment 13 - Slavery Abolished.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

With the passing of the 13<sup>th</sup> amendment slavery was supposed to be abolished. But yet today when the appellate and the district courts allow the prosecutors to proceed to trial and sentencing of the living ,flesh and blood man or woman without enforcing the safeguards of our unalienable rights guaranteed by the constitution for the united States

of America and/ or the numerous constitutions for the republic states. Has it really been abolished ; or does it just encompass a whole new system of masters where members of the BAR enslave the people for commercial crimes under the guise of the UCC? Where the prosecutors, and judges can steal a man and or womans' life without due process of law, without a living, flesh and blood injured party and without an actual crime. Where the people are being traded through the use of penal bonds as indentured servants and cheap labor to the highest bidder to fill the private prisons for profit to capacity. The original 13th Amendment to our Constitution has been illegally removed from publication. One intent of the Amendment was to prohibit the attorneys of powerful European bankers from holding office in America. During the confusion of the War of 1812, when our capital records building was burned, and the Civil War, **the bankers and lawyers removed the 13th Amendment, replacing it with the Slave Amendment, which should be the 14th.**

The missing 13th Amendment, called Article XIII, reads:

**"If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."**

In the courts of today the people are mere servants to the masters known as the BAR. With the 13<sup>th</sup> amendment of today; the people cannot be enslaved but that is exactly what is happening. In 1950 the 81st Congress Investigated the Lawyers Guild and determined that the B.A.R. Association is founded and ran by communists under definition. Thus any elected official that is a member of the B.A.R. will only be loyal to the B.A.R. and not to the American people. This has never been more apparent than in the district and appellate courts of today where the prosecutors can go to any lengths to obtain a conviction, enslave the American people and deprive the people of due process of law. Denny-Ray:Hardin has been enslaved since May 10, 2010 with **no** injured party, no competent fact witness, no actual crime, and with no person that has standing to bring charges against Denny-Ray:Hardin

6. The appellate court has allowed the district court to deprive the accused to bail and or bond in violation of constitutionally secured 5<sup>th</sup> and 8<sup>th</sup> amendment rights, and the Bail Reform Act of 1984 as codified in the United States Code, Title 18, Sections 3141-3150.

If the United States Attorney (USA) can show that there is a significant risk of flight, of obstruction of justice or witness tampering, or if there is a **s**ignificant

risk of danger, then the judge may order the detention of the person without bail prior to trial.

18 USC 3142(f) provides that only persons who fit into certain categories are subject to detention without bail: persons charged with a crime of violence, an offense for which the maximum sentence is life imprisonment or death, certain drug offenses for which the maximum offense is greater than 10 years, repeat felony offenders, or if the defendant poses a serious risk of flight, obstruction of justice, or witness tampering. There is a special hearing held to determine whether the defendant fits within these categories; anyone not within them must be admitted to bail.

There is a hearing where the government has the burden of showing such reasons to hold the person without bail. The burden of the government's proof is low. Anyone who is not shown to fit into those categories must have a bail set. At the detention hearing Denny-Ray:Hardin did not fit into any of the categories to deny him bail, and he had several witnesses take the stand to testify as to his character; some in which had known him for over 25 years. The prosecution presented one witness. Based upon the information presented by the one witness whose testimony was hearsay and who was not a competent fact witness;

i.e. an injured party; the Court granted the governments motion to detain and found the following: The Court found reason to believe that no condition or combination of conditions of release would reasonably assure the safety of any other person or persons and the community. Defendant ordered DETAINED without bail. This hearing took place over a year from the original court appearance by the same magistrate that had previously signed a search warrant without a legitimate probable cause affidavit. Congress noted in the passing of the Bill Reform Act that pretrial detention should be reserved for that "small but identifiable group of particularly dangerous defendants as to whom neither the imposition of stringent release conditions nor the prospect of revocation of release can reasonably assure the safety of the community or other persons." 1984 Code Cong. and Ad. News at 3182, 3189.

Where the government requests that an individual is to be held without bail due to that person's dangerousness to the community, the government must prove by clear and convincing evidence that the defendant is one of those rare individuals who pose such a danger to the community that they must be detained. See *United States v. Motamedi*, 767 F.2d 1403 (9th Cir.1985).; *United States v. Walker*, 808 F.2d 1309, 1310 (9th Cir. 1986). In fashioning conditions to assure the safety of the community, the courts are not to attempt to guarantee the safety

of others in the community. *United States v. Orta*, 760 F.2d 887, 891 (8th Cir. 1985). Rather the courts are to consider what will reasonably assure such safety.

The circumstances of the present case did not provide clear and convincing evidence of dangerousness. There was not one witness from the community that testified that I was a threat to the community. Denny-Ray:Hardin had never missed a court date in over 20 years and was not a flight risk. Pretrial detention of suspects directly impacts the presumption of innocence. The cornerstone of the justice system is that no one will be punished without the benefit of due process. Incarceration before trial, when the outcome of the case is yet to be determined, cuts against this principle. The Founders were aware of the dangers inherent in indiscriminate imprisonment, which is one of the main reasons behind the inclusion of the Eighth Amendment in the Bill of Rights, prohibiting excessive bail. The need for bail is to assure that the accused will appear for trial and not corrupt the legal process by absconding. Anything more is excessive and punitive. “This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning.

As per your own

**United States v. Salerno, 481 U.S. 739 (1987)**

*"The Bail Reform Act of 1984 (Act) allows a federal court to detain an arrestee pending trial if the Government demonstrates by clear and convincing evidence after an adversary hearing that no release conditions 'will reasonably assure. . . the safety of any other person and the community.' The United States Court of Appeals for the Second Circuit struck down this provision of the Act as facially unconstitutional, because, in that court's words, this type of pretrial detention violates 'substantive due process.' We granted certiorari because of a conflict among the Courts of Appeals regarding the validity of the Act. 479 U.S. 929 (1986).*

REASONS FOR GRANTING THE PETITION

**The Court Should Grant The Writ Before  
Judgment By The Court Of Appeals Because  
This Case Is Of Such "Imperative Public  
Importance" As To Require Immediate  
Determination In This Court**

This Court may invoke its certiorari jurisdiction either "before or after rendition of judgment" by a court of appeals. 28 U.S.C. § 1254(1). *See also* 28 U.S.C. § 2101(e) ("An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment."). However, the Court's rules counsel that "[a] petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is

entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.”S. Ct. R. 11.

While the Court is “ordinarily reluctant to exercise [its] certiorari jurisdiction” before entry of a final judgment in the lower courts, *Mazurek v. Armstrong*, 520 U.S. 968, 973 (1997), it has not hesitated to grant certiorari in such circumstances when the issues raised are “of great significance and demand prompt resolution.” *Dames & Moore v. Regan*, 453 U.S. 654,668 (1981); *see also Mistretta v. United States*, 488 U.S. 361,371 (1989) (certiorari granted before judgment in case challenging validity of sentencing guidelines adopted under Sentencing Reform Act of 1984 “because of the ‘imperative public importance’ of the issue, as prescribed by the disarray among the Federal District Courts”); *Brown v. Board of Education*, 347 U.S. 497, 498 (1954) (certiorari granted before judgment “because of the importance of the constitutional question presented”); 17 Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure* § 4036, at 21 (2d ed. 1988) (“certiorari before judgment is occasionally granted simply because it is thought important that issues of great contemporary moment be settled quickly and finally”).

Petitioner respectfully submits that this case is of such “imperative public importance” as to warrant deviation from the normal appellate practice and to require determination in this Court at this time. The issue raised by this case – in which

conflict with Supreme Court Precedent , Supreme Court Rules, Federal Rules of Criminal Procedure and Federal Rules of Civil Procedure have enormous implications for literally every single American and family in the United States today. **When we come to a time in history that the people are no longer “presumed innocent until proven guilty”, and the courts and prosecutors are hell bent on getting a conviction at any cost; denying the people of their constitutionally secured god given unalienable rights; then we have come full circle to the same tyranny our founding fathers fought so hard to free us from.** These great words ring as true today as the day they were written:

*When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.*

*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. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light*

*and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.*

The great justices of the Supreme Court at one point in time knew these words to be true, and knew that due process was essential to preserve the life, liberty and the pursuit of happiness of the people.

As per your own

*Olmstead v. United States, (1928) 277 U.S. 438 "Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."*

*Mallowy v. Hogan, 378 U.S. 1 (1964) "All rights and safeguards contained in the first eight amendments to the federal Constitution are equally applicable."*

*"Jurisdiction, once challenged, cannot be assumed and must be decided."  
Maine v. Thiboutot, 100 S. Ct. 250*

*Downs v. Bidwell, 182 U.S. 244 (1901)"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."*

*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."*

*Butz v. Economou, 98 S. Ct. 2894 (1978); United States v. Lee, 106 U.S. at 220, 1 S. Ct. at 261 (1882) "No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."*

Even the judges of the district court once knew that jurisdiction is never presumed but must always be proven when challenged.

*The question of jurisdiction in the court either over the person, the subject-matter or the place where the crime was committed can be raised at any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by a defendant.[U.S. v. Rogers, 23 F. 658 (D.C.Ark. 1885)]*

## CONCLUSION

The First Eight Amendments secure the peoples god given unalienable rights granted to them by their creator .

Petitioning the government for Redress of Grievances is the only non-violent means the People, and the Petitioner possess to hold their government accountable to its primary role of protecting the People and their individual, unalienable Rights.

I, Denny-Ray:Hardin, Petitioner respectfully urge this most Honorable Court to use its discretionary power and grant thisPetition for a Writ of Certiorari to the Court of Appeals of the united States for the Eighth Circuit.

### Statement of Truth

I declare under penalty of perjury under the laws of the united states of America and the de jure soverign republic of Missouri that the foregoing is true and correct, to the best of my ability without purpose to mislead. So help me God! The right to amend is reserved for the truth to be clearly stated. Explicitly reserving all rights UCC 1-308/1-207

A handwritten signature in black ink that reads "Denny-Ray Hardin". The signature is written in a cursive style and is positioned above a circular embossed seal.

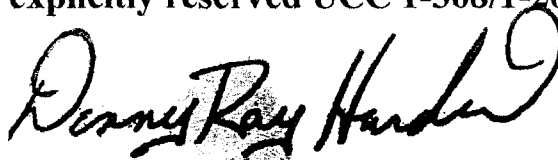
Denny-Ray:Hardin, Sui Juris  
All rights explicitly reserved UCC1-308  
Formally UCC1-207

**SUBMITTED BY AFFIDAVIT**

I, Denny-Ray:Hardin, Sui Juris, a natural de jure sovereign Citizen of the republic, living in the republic of Missouri , a common woman of the Sovereign People, does 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. So Help Me God! God's will be done.

This Affidavit is dated January 17, 2012

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



Denny-Ray: Hardin, Sui Juris

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

Care of postal service address, **2450 Elmwood Avenue, Kansas City, Missouri** republic, Zip exempt, America without the US corp.®, Phone: **816 231 2258**

**NOTARY PUBLIC**

STATE Missouri COUNTY Jackson

Subscribed and sworn to before Me, a Notary Public, the above signed Denny-Ray: Hardin this 17 day of Jan 2012. Denny

Notary Public My Commission Expires: 3/4/2012

Diana Cowing - Notary Public  
Notary Seal, State of  
Missouri - Jackson County  
Commission #08474228  
My Commission Expires 3/4/2012

# APPENDIX

## A

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 11-2710

---

In re: Denny R. Hardin

Petitioner

---

Appeal from U.S. District Court for the Western District of Missouri - Kansas City  
(4:10-cr-00131-FJG-1)

---

**JUDGMENT**

Petition for writ of mandamus has been considered by the court and is denied.

August 18, 2011

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 11-2710

In re: Denny R. Hardin

Petitioner

---

Appeal from U.S. District Court for the Western District of Missouri - Kansas City  
(4:10-cr-00131-FJG-1)

---

**MANDATE**

In accordance with the judgment of 08/18/2011, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

August 18, 2011

Clerk, U.S. Court of Appeals, Eighth Circuit

# APPENDIX

## B

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 11-2537

---

In re: Denny R. Hardin

Petitioner

---

Petition for Writ of Mandamus  
(4:10-cr-00131-FJG-1)

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**JUDGMENT**

The petition for writ of mandamus has been considered by the court and is denied.

Mandate shall issue forthwith.

July 26, 2011

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 11-2537

In re: Denny R. Hardin

Petitioner

---

Petition for Writ of Mandamus  
(4:10-cr-00131-FJG-1)

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**MANDATE**

In accordance with the judgment of 07/26/2011, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

July 26, 2011

Clerk, U.S. Court of Appeals, Eighth Circuit

# APPENDIX

# C

**United States Court of Appeals**

***For The Eighth Circuit***

Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329

**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

**VOICE (314) 244-2400**  
**FAX (314) 244-2780**  
**www.ca8.uscourts.gov**

December 22, 2011

Mr. Denny R. Hardin  
2450 Elmwood  
Kansas City, MO 64127-0000

RE: 11-3821 In re: Denny Hardin

Dear Counsel:

We have assigned your petition for a writ the case number shown above. Your case will be referred to a panel of judges for review. We will promptly advise you of the Court's ruling.

Please note that service by pro se parties is governed by Eighth Circuit Rule 25B. A copy of the rule and additional information is attached to the pro se party's copy of this notice.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site [www.ca8.uscourts.gov](http://www.ca8.uscourts.gov). In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

Michael E. Gans  
Clerk of Court

BNS

Enclosure(s)

cc: Ms. Anita L. Burns (INFORMATION)  
Ms. Ann Thompson

District Court/Agency Case Number(s): 4:10-cr-00131-GAF-1



December 28, 2011

MELINDA HARRINGTON  
HARRINGTON, MELINDA  
2450 ELMWOOD AVE  
KANSAS CITY, MO 64127

Dear MELINDA HARRINGTON:

Our records reflect the following delivery information for the shipment with the tracking number 899370751068.

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Signed For By: J.FOSTER

Delivered to: 111 S 10TH 24329  
Delivery Date: December 20, 2011  
Delivery Time: 10:29 AM

Shipping Information:

Tracking No: 899370751068

Ship Date: December 19, 2011





Shipper: DENNY RAY HARDIN  
C/O 2450 ELMWOOD AVE  
KANSAS CITY, MO 64127  
US

Recipient: U.S COURT OF APPEALS  
8TH CIRCUIT OFFICE OF  
CLERK US  
111 S 10TH ST RM 24 329  
ROOM 24,329  
ST. LOUIS, MO 63102  
US

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12/22/2011		ORIGINAL PROCEEDING case docketed. [3862615] [11-3821] (BNS)
12/22/2011	  31 pg, 576.33 KB	PETITION for Writ of Prohibition filed by Petitioner Mr. Denny R. Hardin w/service 12/22/2011. [3863619] [11-3821] (BNS)
12/30/2011		CLERK LETTER sent TO COURT - Referral letter excluded from referral of 12/22/11. [3864543] [11-3821] (JMH)