

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT, DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

AUG 15 2005

Kevin A. Wiederhold, Petitioner

DAVID J. MALAND, CLERK
BY DEPUTY fc

Vrs.

Case No:

1105CV0576

Steve Morris et al, Respondents

Beaumont Federal Correctional Facility

MEMORANDUM OF LAW

1. 28 USC 2241. Innocent petitioner is "In Custody" in violation of The Constitution and laws or Treaties of The United States.

2. 28 USC 2241, Section 6. "The Traditional function of The Writ is To secure The release from illegal custody, its uses has been limited To cases of special urgency, leaving more conventional remedies for cases which restraints on liberty. Writs of Habeas Corpus were designed To protect every person from detained, restrained or confined by any branch or agency of The government. Basic purpose of The Writ of Habeas Corpus is To enable Those unlawfully incarcerated To obtain Their freedom. Johnson v Avery, Tenn 1969, 89 S.Ct 747, 393 U.S. 483 21 L ed 2d 218."

"Primary purpose/Fundamental principle of a petition for Writ of Habeas Corpus is That government must always be accountable

To Judiciary for a man's imprisonment and That The restraint on Liberty be removed if The imprisonment does not conform with The basic requirements of Law. The Traditional function of The Writ is to afford a swift and imperative remedy in all cases of illegal restraint, or confinement. Purpose of The Writ of habeas corpus is To provide a prompt and effective remedy for what ever society deems To be intolerable restraints. Blond v Rogers, D.C. 1971, 332 F. Supp 959. Writ of Habeas Corpus is To inquire into cause of restraint of the person and To provide prompt remedy."

PETITIONER asserts he clearly shows throughout his petition that he is maliciously, illegally and unconstitutionally imprisoned by corrupt "Individuals" (18 USC 1961(4)) in government severely abusing their power including racketeering enterprisic Judges. PETITIONER made this statement to "Judge" Pizzo on Oct 8, 2004 "Society doesn't think what you think of me", and The racketeering lying Judge said "Yes it does." PETITIONER asserts, NO witnesses ever come forward to justify this racketeering statement by this desaming Judge.

3. 28 USC 2241, Section 11, "Habeas Corpus is an extraordinary remedy whose use has been limited to special urgency and whose custody requirement is designed to preserve the Writ as a remedy for severe restraints on individual liberty. Habeas Corpus Relics is a extraordinary remedy where other "reliefs is not practically available." (See: 2241 Petition pages 22-23 and whole petition).

4. 28 USC 2241, Section 14 "Power of Writ, Federal Courts have power to grant Writs of Habeas Corpus for purpose of inquiring

into cause of restraint of liberty of anyone in custody in violation of the Constitution. The Writ is necessarily broad and comprehensive so Writ will always be readily available to serve its historic purpose, and to provide its fundamental protection."

Petitioner does request that this court look into the "cause of restraint." Petitioner requests that this court contact the Attorney General, Head of the BOP, FBI in Washington, Head of the U.S. Marshals, Head of the U.S. Probation Office in D.C., Mr. Souter the Supreme Court Clerk, Mr. Kahn the Appellate Clerk of Court (Atlanta), and even the Presidents Office. Petitioner asserts, he heard the Assistant Warden make this statement on or about July 19, 2005 while seeing my name on a notebook of the SIS here. "He never causes any problems, he is politically imprisoned." Petitioner asserts, if this is true he is maliciously, illegally and unconstitutionally imprisoned in violation of the Constitution.

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

Petitioner will be sending a petition to the Supreme Court shortly after the mailing of this petition to the Beaumont District Court. Petitioner asserts, these two petitions will be his last efforts to obtain justice.

6. 28 USC 2241 Section 35, "Sentence and Punishment, (a) Attack on execution of federal sentence is properly made by petition for habeas corpus. (b) Claim relating to manner in which sentencing is being executed is properly cognizable in a Habeas Corpus Petition. Proper vehicle for attacking execution of sentence including application of guidelines established by parole is by application for Writ of habeas corpus filed in the district court in which prisoner or custodian is located U.S. v Di Russo C.A. 1 (Mass) 1976 535 F.Supp 397. This section is available to federal prisoner to challenge the execution of sentence by either parole board or BOP."

Petitioner asserts, all "convictions, sentences and punishment" are malicious, illegal and unconstitutional. Petitioner asserts, the "execution of all "sentencing" was/is defaming, malicious, illegal and unconstitutional. (See: 2241 Petition pgs 2-4, 10-13 and 20-36 or whole petition). Petitioner asserts, he will be suing for desecration and Civil Rights violations.

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

Petitioner asserts, because he would not hire the corrupt Public "Defenders" Office (Tony Dunbar et al) or call the "U.S. Probation office" and inform them he will now sign their non-statutory, union/corporation to corporation psych/half-way house co-pay (racketeering) documents, he was denied due process to a prompt "VOF" hearing. Petitioner asserts the signing of the Public "defenders" would result in a racketeering unconstitutional situation explained in #21 Section 224 of this Memorandum also, see pages 2(b)(c), 22, 24-26, 29-35 of the 2241 petition or whole petition.

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

Petitioner asserts, he has clearly shown all throughout the 2241 petition that a racketeering enterprise with extremely corrupt government "Individuals" (18 USC 1961(4)) tried to frame innocent petitioner, illegally and unconstitutionally, sued and charged innocent petitioner over and over." Petitioner asserts, he has clearly shown that ^{all} confinements were/are, malicious, illegal and unconstitutional. Furthermore, Petitioner asserts it is severe, degrading and racketeering to be confining him in a "Medium Facility" with "mental problems" as well as any BOP prison and especially any Medium Facility such as Beaumont Medium Facility. As well petitioner's is even further maliciously, illegally and unconstitutionally confined in a lockdown situation because of a "Food Strike". Petitioner respectfully requests This Court grant the Writ up habeas corpus and have him unconditionally released from this unconstitutional imprisonment/kidnapping. (See: 2241 petition pages 2-4, 7-8, 10-12, 17-35, whole 2241 petition).

9. 28 USC 2241 Section 49, "Ripeness and Justiciability, if condition is actually being imposed upon petitioner and either of two conditions are met (1) Petitioner shows that a person or persons responsible for the imposition of challenged condition are aware of condition and have failed or refused to remove or modify it or (2) petitioner shows that petitioner's attempts to make its existence known to person or persons responsible for imposition of conditions has been thwarted."

Petitioner asserts, the "Three Rivers Camp" is just a ploy to attempt

To have a petition under 2241 sent to the severely prejudicial "sentencing" District if petitioner did get around to filing a 2241 petition. Petitioner asserts, he clearly shows all throughout his 2241 petition that the racketeering, prejudicial Judge(s) James O. Whitemore et al are directly involved in the illegal and unconstitutional execution (conditions) of their own illegal, racketeering and unconstitutional "sentences" they imposed. (See: Lappin letter Ex A, 2241 petition page 29-36 or whole 2241 petition). Petitioner will renounce his citizenship and leave America if this petition is denied or forwarded to Tampa Bay FL. Petitioner asserts if a racketeering investigator is not appointed and injunctive relief is not granted, innocent petitioner will be desimated/destroyed by the racketeering enterprise and maliciously arrested before Jan 27, 2006, as this is the deadline for a racketeering enterprise 2255.

10: 28 USC 2241 Section 51. "Habeas Corpus lies To Test proceedings so fundamentally lawless that imprisonment pursuant to them is not merely erroneous but is void and therefore res judicata is inapplicable in a habeas corpus proceeding". Petitioner asserts, he proves all throughout his 2241 petition and exhibits that a racketeering enterprise is lawlessly, maliciously, illegally and unconstitutionally, defaming, arresting, prosecuting and imprisoning the innocent petitioner. (See: All past prose briefs and 2241).

11: 28 USC 2241 Section 60. "When Writ is properly issued, issuance of an injunction in aid of writ and courts jurisdiction is proper. (Moore v. Dexyung C.A. 3(N.J) 1975. 515 F.2d 437)"

Petitioner asserts, he was actually doing the work of the Dept of Justice in Oct 1995, when he filed his excellent Temporary/Preliminary injunction attempting to restrain the pathetic, unconstitutional, racketeering enterprise.

and this request was maliciously, illegally and unconstitutionally denied. Petitioner asserts he again tried to have this pathetic racketeering enterprise activity restrained and prosecuted in all his excellent briefs to the Appellate and Supreme Court while in this compt prison in 2003. Petitioner asserts, he constructed a 46 page handwritten 2241 petition while in lockdown/Restriction at Springfield Medical Center in 2004 but was criminally and unconstitutional threatened never to file it. Now innocent petitioner is again and for the last time requesting the Court and United States Government to finally put to an end this senseless, pathetic, malicious, defaming, illegal, unconstitutional racketeering enterprise activity. Petitioner is requesting a racketeering investigator, prosecutions and injunctions on the perpetrators to keep petitioner from further defamation, Kidnapping, hermene. (See: Appellate Brief 03-11467, SCF 02-10290, 2241 petition pg. 12, 23 and 36).

12. 28 USC 2241 Section 152, "Definition of Custody employed for purposes of determining eligibility for Habeas Corpus relief must be functional one and harmonize with principles of federal autonomy; real question before the court is not merely whether individuals freedom of movement is restrained but degree to which individual falls within sphere of federal authority. Habeas Corpus tests not only the fact but the form of detention and the lawfulness of restrictions on personal freedom"

Petitioner asserts, he has clearly shown all throughout his 2241 petition that it is racketeering government "Individuals" (18 USC 1961(c)) who are violating petitioners constitutional rights and not the government.

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

Petitioner asserts, if this Writ of Habeas Corpus is not granted and injunctive relief given, petitioner will be harassed, defamed, ruined, stalked, and set up by the pathetic racketeering enterprise lunatics in desperate attempts to maliciously and unconstitutionally "Civilly Confine" him. Petitioner asserts, through this malicious, illegal, racketeering activity the perpetrators will again illegally and unconstitutionally try to force a power of attorney on him. Petitioner asserts, this corrupt, racketeering attorney will then desperately, illegally and unconstitutionally attempt to overturn the judgement of conviction in the district court with a despicable 2285 using the racketeering enterprise psych/BOP studies given to the attorney by the BOP Union(s) in Washington D.C. Petitioner asserts, this racketeering enterprise activity is proven by the pathetic, malicious, corrupt, despicable statements by James D. Whittemore et al on Jan 26, 2005 and "Counselor" Daniels, et al on July 20, 2005. Innocent petitioner asserts, he has not had a chance to read much of the case law mentioned in this Memorandum nor Reyes et Reguenaas 243 F 3d 903 because of this lockdown but this is innocent petitioner's "Savings Clause" (See: Appellate Court Brief 03-11467, S.Ct Brief 02-10290, This 2241 Petition, pgs 4, 22-23, 26, 33-34, 36 or whole 2241 petition).

14. 28 USC 2241 Section 157, "where probable ground is shown that if the party is in custody under or by color of the authority of the United States, and imprisoned without just cause and therefore has a right to be delivered. The Writ of habeas Corpus then becomes a writ of right, which may not be denied." Innocent petitioner clearly shows all throughout this petition that "Individuals" (18 USC 1961(4)) employed by the Federal government are directly a part of the racketeering enterprise and abusing their power under color of authority of the United States in violation of the constitution and laws of the United States. (See: 03-11467, 02-10290 etc)

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

Innocent petitioner asserts, The Tampa Bay Federal District Court file,
is full of racketeering enterprise corruption and falsifications. Petitioner
asserts, most all his motions, rebuttals and affidavits have been maliciously,
criminally and unconstitutionally denied or stricken destroying the innocent
petitioner's defense. Petitioner asserts, he was unconstitutionally
denied all Subpoena's for Trial on July 13, 2001. Petitioner asserts, he
went to Trial pro se Aug 13-15, 2001 and was robbed of numerous docu-
ments by "Judge" Whitemore, Don Daly, Porcelli et al and "U.S. Marshals" as
he was placed in a cell for recess. Petitioner asserts, when he attempted
to do his narrative the racketeering enterprise Judge continually and
unconstitutionally interrupted petitioner and told him he could not tell
his story as much of it is explained in this 2241 petition and other
brieffs, Affidavits and rebuttals which were criminally denied or stricken.
Petitioner asserts, he has proven this racketeering "Judge" has a severe pre-j
dicial agenda against innocent petitioner in total disregard for his
constitutional/civil rights (See: Brieffs 03-11467, 02-10290, This 2241 petition).

16. 28 USC 2241 Section 167, "Federal prisoner challenging decision of
U.S. Parole (Probation) or process by which that decision was reached must

show that action of Board was so unlawful as to make his custody in violations of the laws of the United States. There must be sufficient nexus between all-egged illegal action and legality of his own custody for habeas corpus to lie". Petitioner asserts, The Tampa Bay, FL U.S. Probation Office and primarily Chris Castellano et al have been directly involved in the racketeering enterprise activity since at least 1990 when they and the corrupt U.S. Attorney's Office in Tampa Bay tried to frame petitioner for Glacier Water / Roger Gilchrist et al in Feb, 1990. Petitioner asserts, Chris Castellano et al got into petitioner's legal work, documents etc and criminally falsified petitioner's resume in 2003/2004 to say "I STARTED MY BUSINESS WHILE WORKING FOR GLACIER WATER COMPANY." Petitioner asserts, The request to go to "Three Rivers Camp" was made by petitioner on Jan 26, 2005. Petitioner asserts, The racketeering enterprise Judge and Chris Castellano are both hiding behind "Three Rivers Camp" on their racketeering documents to deceive this Beaumont Court / S.C.T to think they know nothing about the petitioner's unconstitutional custody at Beaumont Medium. Furthermore, petitioner asserts because of The amount of fraud and racketeering activity by Greene et al no other BOP institution ^{will} ~~can~~ house innocent petitioner except BEAUMONT MEDIUM. (See: Appellate Court Briefs 03-11467, S.C.T Briefs 02-10290, This 2241 petition pg 4-5, 30-35).

1. 28 USC 2241 Section 168. "IT is only in circumstances impugning fundamental fairness or infringing specific constitutional protections that federal question for habeas corpus is presented. Furthermore, trial errors or irregularities which are so prejudicial to accused's right to fair and impartial trial as to be clearly deprivation of due process constitute justiciable Federal issue which may be adjudicated on habeas corpus proceeding."

Innocent petitioner asserts, he has clearly shown the severe, prejudicial, unconstitutional, racketeering enterprise agenda/activity he is up against in . This 2241 petition, previous briefs/motions to the courts and this Memorandum of Law (pg 42-56) Innocent, competent and sane petitioner asserts, all "counsel" since 1992 were knowingly, willingly and competently involved in the racketeering enterprise activity. Therefore petitioner's "Trials" were more than a farce or sham. They were a pathetic cover up To illegality, and unconstitutional justify probable cause for the racketeering enterprise. Innocent petitioner asserts, it was not meant for him to go to one Trial. Petitioner asserts he forced his way to all illegal, unconstitutional sham Trials since 1993. Petitioner asserts, There is no such thing as "ineffective assistance of counsel" in these "cases" it is defaming, corrupt "counsel" by racketeering lawyers. (See: All past pro se briefs/motions, Judicial complaints, This 2241 petit.)

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

Petitioner asserts, The racketeering enterprise lawyers and judges have always maliciously, criminally and unconstitutional conspired to make innocent petitioner look incompetent, insane, schizo, bizarre or serious mental defect etc at hearings he was not allowed to attend. Proof of this racketeering, unconstitutional, prejudicial behavior are the "status conferences" between Porcelli, Curry and "Judge" Whitemore in Dec/Jan 2000/01 where they were maliciously conspiring to rule innocent petitioner insane, incompetent and serious mental defect. Petitioner never waived his right to be at these corrupt hearings in fact petitioner's defense was/is his competency and sanity. Petitioner asserts, Dr. William E. Bonney Ph.D enclosed.

The racketeering enterprise competency game March 9, 2001 finding petitioner sane and competent (without medication) Therefore all the false, "allegations/charges" should have been dropped. (See: 2241 petition pg 1-36).

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

Petitioner asserts, falsified, dehumanizing discovery Tapes making normal petitioner look incompetent and homosexual etc were unconstitutionally admitted as evidence as well as perjuring, racketeering motions and orders by Porcelli et al, Corry et al and Whitemore et al in violation of petitioner's due process rights. Petitioner asserts, he has always been denied his due process rights for confrontation of the witnesses and "evidence" against him even since 1990. Petitioner asserts the most recent proof of this due process violation is the malicious, unconstitutional denial of Subpoena's by Whitemore et al in July 2001 and Jan 26, 2005. Petitioner asserts, all his unconstitutional denied and criminally stricken briefs and motions are unconstitutional exclusion of evidence for petitioner's defense and evidence against the racketeering enterprise. (See: 2241 petition 1-36, All past prose briefs and motions, Judicial complaints etc)

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

Innocent petitioner asserts, his Appellate Brief 03-11467, S.C.T Brief 02-1080 and Petition For Rehearing were unconstitutionally or fraudulently denied. Therefore The original unconstitutional conviction(s) and original unconstitutional racketeering enterprise "sentencing" material are still under attack (See: 2241 petition pgs 2-5, 20-24). Furthermore, innocent petitioner asserts, he is attacking The original unconstitutional conviction(s) and all unconstitutional, racketeering enterprise "sentencing" material and their unconstitutional executions in this petition. Therefore courts jurisdiction will continue over habeas corpus petition even when petitioner is released from physical custody before application is finally adjudicated. As well, innocent petitioner will be sending this petition to the Supreme Court.

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

Petitioner asserts, The racketeering enterprise continually coerces him, to hire a corrupt lawyer or sign power of attorney documents or other, racketeering/fraudulent documents that would eventually bring about the appointment of another corrupt attorney who would defame/destroy innocent petitioner with a 2255. Petitioner asserts, he would have been released from the malicious, unconstitutional imprisonments (Kidnapping)s, if he signed/agreed to the racketeering, psych/medication/health care "third party co-pay" agenda or the appointment of a compt lawyer. Petitioner asserts, The latest & desperate racketeering activity here at Beaumont Hearin of coercing petitioner to sign fraudulent Social Security info and a defaming,

racketeering "Program Review Report" again proves this pathetic, defaming, racketeering agenda. Petitioner asserts, his petition for Writ of habeas corpus must be accepted immediately by this court resulting in a racketeering investigator appointment and injunctions on the "Individuals/Entities" (18 USC 1961(q)) listed in his petitions To: (a) Keep the fraudulent/racketeering "individuals" here at Beaumont Medium from harassing, defaming and coercing/threatening petitioner To sign Fraudulent/racketeering documentation, (b) allow his unconditional release and keep the racketeering, fraudulent Medical/Psych Dept from conducting any defaming and racketeering "Exams" or "Tests".

CONCLUSION

Constitution, Article III, Section 1.

"The Judicial Power of The United States, shall be vested in one Supreme court, and in such inferior Courts as The Congress may from Time To Time ordain and establish. The Judges, both of The supreme and inferior Courts, shall hold Their Offices during good Behaviour, and shall, at stated Times, receive for Their Services, a Compensation, which shall not be diminished during Their Continuance in Office.

Petitioner asserts, numerous prejudicial, abusive Judges who innocent petitioner had hearings or Trials with in Florida since 1991 and Texas since 2000 have not held Their office in good behavior. Petitioner, asserts, These racketeering enterprise Judges have received racketeering payoffs above Their state or federal government salaries while severely violating innocent petitioner's Civil Rights in violation of The Constitution and state and federal laws. (See; 18 USC 3059 "Spending

Limitations lifted; Appellate Brief 03-11467, S.Ct Brief 02-10290, This petition).

Constitution, Article IV, Section 1.

"Full Faith and Credit shall be given in each STATE To The public Acts, Records, and Judicial Proceedings of every other state. And The Congress may by general Laws prescribe The Manner in which such Acts, Records and Proceedings shall be proved and The Effect Thereof"

PETITIONER asserts, he has lost all faith in various government entities, Court Clerks and Judges etc because of Racketeering acts, falsification of records and prejudicial/abusive judicial proceedings etc. Innocent petitioner has been so badly defamed, ruined and Civil Rights violated That he has lost nearly all faith in state and federal government. PETITIONER will permanently renounce his citizenship in The United STATES if: (a) This petition is denied by The Beaumont District Court or Supreme Court. (b) This petition is transferred To The Tampa Bay, FL Middle District. (c) Any lawyer is appointed ever again. Innocent Petitioner respectfully requests The Beaumont District Court and/or The Supreme Court To save his faith in The United STATES of America by granting This Writ of Habeas Corpus or let him depart from America To live his life in peace.

Constitution Amendment, Article I

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

PETITIONER asserts, his right To "freedom of speech" has been abridged since The year 2000 (See: 2241 petition pg 17). PETITIONER asserts, his right To

peaceably petition the state and federal government for redress of grievances has been abridged since 1992 (See: Illegal entity file 92-4293CITY, Letters to Kennerly at JQC Tallahassee 1993, letters To FL DPR 1993-95, letters To Tampa U.S. Attorney's Office 1993/94, Petitioner's Injunction filed in 1995, letters To F.O.L.E in 1995, letters To Keamey Gov "Legal" office 1995, letter To Ehrlich at Attorney General's Office 1996, letter To Congressman Miller 1996, letters To U.S. Attorneys office Tampa, FL 2000-2003, letters To Attorney General Ashcroft 2001-04, letters To Congressmen/Senators Gramm, Sessions, Delay, Ortiz, Hatch and Hutchison in 2001-2003, letters To U.S. Dept of Professional Responsibility 2002-2003, Lappin letter Ex A, FOIA Referral CTR Ex L, All prose motions, complaints and briefs filed in the courts since 1992). Petitioner asserts, There were several other letters and complaints To various state and federal government agencies through the years To no avail.

Constitutional Amendment Article IV

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

Innocent petitioner asserts, he has been maliciously arrested/Kidnapped (without probable cause) 13 or more times since Nov 28, 1992. Petitioner has been robbed of all his effects, property and papers by The racketeering enterprise perpetrators since Nov 1992. Innocent petitioner asserts, he has been maliciously defamed with perjuring affidavits since 1991/92. Petitioner asserts, he is most certainly not secure living in the United States of America. Innocent petitioner asserts, The racketeering enterprise perpetrators will try to maliciously arrest him again before the deadline of filing a 2255 motion on Jan 26, 2006. Therefore injunctive relief is necessary (See: 2241 petition pg 22, whole petition)

Constitution Amendment Article V

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

Petitioner asserts, all warrants and indictments since 1992 were malicious, without probable cause and unconstitutional. Innocent petitioner asserts he should never have been subjected to this unnecessary, malicious, defaming and cruel racketeering enterprise activity since 1989/90. Petitioner asserts, The double jeopardy law was violated when:

- (1) The racketeering enterprise maliciously arrested innocent petitioner Nov 28, 1992 for "violating the injunction" after he had the illegal entity injunction "Dropped" Oct 28, 1992 (See: pg 8), (2) when Jerry Meisner stated "Your not out of the woods yet, the criminal contempt is still hovering over you" after the Not guilty verdict May 17, 1993 (See: pg 9), (3) when The corrupt Florida Bar conspired with the racketeering enterprise in July of 1993 to have the illegal entity injunction placed back on innocent petitioner (See: pg 9), (4) when racketeering enterprise SPD "Officers conspired to maliciously arrest innocent petitioner on Dec 30, 1994 after petitioner had the illegal entity injunction dismissed" (See: pg 10-11), (5) When The racketeering enterprise grafted 11+ more "VOP harassing phone call" allegations/charges into the SPD 94-6581M allegation/charge in Dec 1995 (See: pg 11-13), (6) when the racketeering enterprise maliciously indicted and arrested innocent petitioner on "Harassing phone calls etc" in Oct 2000 (See: pg 18), (7) When the unconstitutional 18 USC 3059 laws were repealed Nov 2, 2002 (See: pg 21-23), (8) When Judge Kimberly Bonner dismissed the 11+ 94-6581-

Constitution Amendment Article VI

MAVOP's allegations/charges against Al Armidouine DCT 10, 2003 (See: pg 23). Pettit claims he has presented all through this petition and past press motions and briefs that he has been deprived of life, liberty and his property without due process of law. Pettit never has never been compensated for his property that has been stolen and his small business that was destroyed by The racketeering enterprise perpetuates.

Constitution Amendment Article VIII

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

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

Constitution Amendment Article XIV

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

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

Volume 16, American Jurisprudence, 177

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

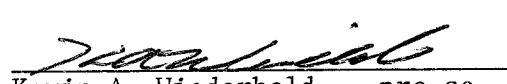
I, HEREBY CERTIFY, That the statements made herein are true and correct under penalty of perjury according to 28 USC 1746, Dated and executed this 11th day of August 2005.

CERTIFICATE OF COMPLIANCE

Petitioner asserts, his original plan was a Petition of 29-30 pages with attached exhibits and Memorandum of Law of approximately 50-55 pages but this was no longer attainable do to the fact that more criminal and unconstitutional activity has been perpetrated on petitioner since June of 2005. Petitioner asserts, it was imperative that he add the latest corrupt activity to the end of the Petition and also the "Food Strike" situation which resulted in 5 more handwritten pages on the Petition and 1 handwritten pages for the Memorandum of Law. Petitioner asserts, he began handwriting while in Lockdown status which the handwriting itself took up considerably more space than typed pages.

Petitioner asserts, he could not send three of the exhibits (Ex O, Ex P, Ex Q) as he is still trying to obtain addresses for these three agencies but will send these exhibits (letters) as soon as possible. Petitioner will be sending a fully typed version of the Petition and Memorandum of Law to the Supreme Court shortly after the mailing of this Petition etc to the Beaumont Court. Petitioner will also send a fully typed Petition and Memorandum of Law to the Beaumont Court shortly after the Supreme Court filing unless petitioner hears it is not necessary. Petitioner asserts, the reason he had to mail this Petition and Memorandum of Law handwritten is there is a possibility petitioner will be (sneak) released on "good time" by approximately August 15, 2005 as this facility knows petitioner is preparing a Petition under 2241. Petitioner realizes he must have the Petition filed while "IN CUSTODY" status under the Habeas Corpus statute (Section 187). Petitioner asserts, he works fulltime here, has only 1-2 hours per day to work on the petition and he is a slow typer therefore he had to get the petition mailed out of this facility.

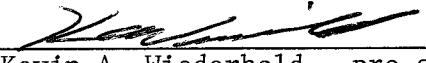
I, HEREBY CERTIFY, that the statements made herein are true under penalty of perjury according to 28 USC 1746, Dated and executed this 11th day of August 2005.


Kevin A. Wiederhold pro se
Beaumont Federal Correctional Complex
P.O. Box 26040 Unit QB
Beaumont, TX. 77720

CERTIFICATE OF SERVICE

I, Kevin A. Wiederhold, do hereby certify that a true and correct copy of the foregoing instrument was duly mailed this 11th day of August, 2005, by placing the same in the institution's legal mailbox, postage prepaid, to the following:

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



Kevin A. Wiederhold pro se