ORIGINAL

03-5743

(Docket Number)

Supreme Court, U.S.
FILED
JUL 18 2003
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE COY PHELPS

Petitioner

PETITION FOR A WRIT OF HABEAS CORPUS

~~SUBMITTED TO INDIVIDUAL JUSTICE SANDRA DAY O'CONNOR~~

Coy Phelps
In Pro Se

COY PHELPS 78872-011
Federal Prison
P. O. Box 1600
Butner, North Carolina
27509

QUESTIONS PRESENTED

Whether a judge, and prosecutor, act in absence of all jurisdiction in causing the arrest, prosecution, and imprisonment of a citizen solely because of the citizens' shared religious beliefs, political views, and philosophical ideologies?

Whether a citizen shared religious beliefs, political views, and philosophical ideologies can be used to classify the citizen mentally ill or dangerous?

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I
OPINIONS BELOW

There are no published opinions in this case on this matter, The detention order is in APPENDIX A at page 12 .

II
JURISDICTION AND AUTHORITY

The U. S. District Court had jurisdiction and authority in the original hearing under 18 USC 4243(f).

This court has jurisdiction and authority to review this Habeas Corpus action and to grant relief and remedy pursuant to U. S. Supreme Court Rule 22, 18 USC 4247(g),[1] 28 USC 2201 and § 2202,[2] 28 USC 2241, and 42 USC 1988,[3] and 42 USC 2000bb-1(c).[4]

III
U. S. SUPREME COURT RULE 20 STATEMENT

The Petitioner (Phelps) alleges that this courts decision in this matter will aid the lower courts in their determination because, currently, the courts have issued diverse decisions. Phelps cannot obtain relief from other courts because only the U.S. Supreme

[1] The statute states that NOTHING shall interfere with a Habeas Corpus petition
[2] Declaratory relief and relief necessary to reach justice
[3] When the court has no statutory authority, the court can use common law to establish authority.
[4] This provision not only surrenders sovereign immunity of the government but it gives the court to have jurisdiction when a claim is made that the government has burdened a persons' religion

Court can resolve the differences of opinions among the circuits; Additionally, it would be a futile gesture to submit a Habeas Corpus action to the court of the district in which Phelps is held because the district court does not have the power to resolve conflicts among the circuits or other courts. Phelps also alleges that he is falsely arrested and falsely imprisoned because of a manifest injustice and a gross miscarriage of justice.

Phelps was arrested pursuant to 18 USC 4243(g). The statute provides that the only reason a person can be arrested is for his failure to comply with post release conditions. However, the 9th Circuit and a District Court in Alabama has said a person can be arrested for any reason or for no reason at all depending upon the mood of the judge.[5] But other circuits have stated that the only reason a person can suffer a revocation is for a failure to comply with release conditions.[6]

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[5] **US v Phelps**, 9C2002, 283 F3d 1176 at 1185 (but [a failure to comply] is not the sole concern that must be addressed in order to ensure the safety of the general public. [T]he district court bears the ultimate responsibility of determining whether the conditions of release adequately provide for the safety of the general public. [T]he statute does not provide that [a failure to comply] is the exclusive basis for terminating the release. **US v Johnson**, MD Ala 1993, 824 F Supp 198 at 200 (release can be revoked for any reason.)

[6] **US v Perkins**, 4C2001, 8 FA 191 at 196; **US v Woods**, 9C1993, 995 F2d 894 at 896; (A district court may revoke a conditional discharge if two conditions are met. First, a person must fail to comply with his prescribed regimen of medical, psychiatric, or psychological treatment. Second, the court must conduct a hearing and determine whether in light of this failure the person's continued release would pose a risk to society; **US v Brown**, 2C1990,899 F2d 189 at'93 (the court must determine first if probationer violated a condition ;**US v Rogers**, 6C2001, 14 FA 303 at 305 (Section 4243(g), in pertinent part, requires that a district court "shall, "determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment); **US v Evans**, EDPa1998, 12 F Supp2d 461 at 463 (First, the defendant must fail to comply with the prescribed regimen of medical psychiatric, and psychological care and treatment. Second, in light of that failure, and due to a present mental disease or defect, the court must determine if the defendant's continued release would create a substantial risk of bodily injury to another person and serious damage to the property of others.)

III
STATEMENT OF ISSUES

The main issues in this case are **False Arrest and False Imprisonment,** and that the **false arrest and false imprisonment** of Phelps caused irreparable physical, mental, emotional, and spiritual loss, harm, injury, anguish, pain, and suffering in violation of the 1st, 4th, 5th, 6th, 8th, and 9th (Common Law) Amendments to the U. S. Constitution and in violation of the Phelps' Statutory, Civil, and Common law guarantees, liberties, rights, privileges, immunities, protections, and safeguards.

The **false arrest and the false imprisonment** was caused by:

a. Malicious Prosecution

b. Vindictive Prosecution

c. Selective prosecution

d. Abuse of Process

e. Perjury

f. Subornating Perjury

g. Making False and misleading Declarations to the Court

h. Fabricating evidence

i. Abuse of power and Abuse of position of Authority

j. Corrupting the fair administration of Justice and the Courts, and

k. Misfeasance, Malfeasance, and Nonfeasance of Office

In particular, there was a:

a. Violation of 18 USC 35 (Imparting and conveying false information

b. Violation of 18 USC 241 (Conspiracy)

c. Violation of 18 USC 242 (Violation of civil rights)

d. Violation of 18 USC 1001 (Making false and misleading statements)

e. Violation of 18 USC 1505 (Obstructing proceedings)

f. Violation of 18 USC 1512 (Submitting false/altered evidence)

g. Violation of18 USC 1515 (Definitions)

h Violation of 18 USC 1621 (Perjury)

i. Violation of 18 USC 1622 (Subornation of Perjury)

J Violation of18 USC 1623 (Making false statements to the courts)

k. Violation of 18 USC 4001(a) (False Imprisonment)

l. Violating of 18 USC 4243(g) (Procedural due process)

m. Violation of 18 USC 4247(i) (Authority of Attorney General)

n. Violation of 42 USC 1985 (Conspiracy)

o. Violation of 42 USC 2000bb-1 (Religious Freedom Restoration Act)

p. Violation of Rule 4, Federal Rules of Criminal Procedure (False Arrest)

IV
BACKGROUND

Petitioner (Phelps) was arrested on March 26, 2001,in the Federal Building at San Francisco California, on the vague single charge of VIOLATION OF PROBATION.[4]

V
STATEMENT OF FACTS

1. Phelps was arrested on March 26, 2001 by two unknown U. S. Marshals at the Federal Building in San Francisco, California.

[4] U.S. Probation Officer Richard Elkins testified that Phelps was not on criminal probation but Phelps was arrested for " violation of probation."