ORIGINAL

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Supreme Court, U.S.
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IN THE

UNITED STATES SUPREME COURT

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IN RE:

EX PARTE

EDWARD B. LYON, JR.

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ORIGINAL PETITION FOR A WRIT OF HABEAS CORPUS

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SUPREME COURT, U.S.

Edward B. Lyon, Jr.
Prisoner # 454153
Pro-se Petitioner
Rt. 2, Box 4400: Hughes Unit
Gatesville, Texas 76597-0001

ISSUE PRESENTED

(GROUND FOR RELIEF)

THE STATE COURT JUDGMENT AUTHORIZING PETITIONER'S IMPRISONMENT IS VOID FOR LACK OF JURISDICTION BY THE TRIAL COURT TO IMPOSE IT AS ANNOUNCED IN FRANK V. MANGRUM, 237 U.S. 309, 327 (1915)

STATEMENT OF THE CASE

On 21 May 1987 Petitioner was convicted of murder by a State Judge who is related to the victim by second degree affinity.

On direct appeal it was recognized that the State Judge's daughter is married to the victim's identical twin brother: App. A, p. 3; 764 S.W.2d at 2. The Court then held that relationship was not within the third degree proscribed by law in Article 30.01 of the Texas Code of Criminal Procedure and Article 5, § 11 of the Texas Constitution: App. A, pp. 3-4; 764 S.W.2d at 2.

The Texas Court of Criminal Appeals affirmed BOTH holdings of the Appeal Court: App. B, pp. 5-7; 872 S.W.2d at 736-737.

Petitioner exhausted his Federal habeas corpus and appellate remedies.

Petitioner then became aware of Texas Legislative hearings that proved his earlier arguments correct and the Courts wrong. Because the law library's books were so slowly updated, notice of this to Petitioner was delayed: App. E. Petitioner then obtained tapes of these hearings, made transcripts, obtained expert witness affidavits and exhausted his state habeas corpus remedies as required by law, AFTER obtaining a Judicial ORDER finding that his original Trial Judge WAS disqualified after all: App. H, but was denied relief without an opinion by the Court of Criminal Appeals anyway: App. I.

Petitioner tried to obtain relief in the Federal District Court and Fifth Circuit: App. J and App. K; both attempts denied.

Petitioner turns to This Court as a last resort for relief from a void judgment entered by a Court with no jurisdiction.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
FILED
JUL 09 2002
CHARLES R. FULBRUGE III
CLERK

No. 02-40793

IN RE: EDWARD B. LYON, JR.,

Movant.

Motion for an order authorizing
the United States District Court for the
Eastern District of Texas to consider
a successive 28 U.S.C. § 2254 application

Before JOLLY, JONES, and DeMOSS, Circuit Judges.

BY THE COURT:

Edward B. Lyon, Jr., Texas prisoner #454153, moves for authorization to file a successive 28 U.S.C. § 2254 habeas corpus application in the district court. Lyon seeks to assert that the state trial court lacked jurisdiction because the trial judge was related to the victim. As Lyon himself acknowledges, he raised in his prior 28 U.S.C. § 2254 petition the same claim he seeks to raise in his successive 28 U.S.C. § 2254 application. Accordingly, Lyon is not entitled to authorization to file a successive 28 U.S.C. § 2254 habeas corpus application. See 28 U.S.C. § 2244(b)(1), (b)(3)(C).

MOTION DENIED.