Supreme Court, U.S.
FILED
NOV 2 4 2003
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03-7617

No._____

IN THE

SUPREME COURT OF THE UNITED STATES

ELIZABETH MARIE RUSHING FLOYD – PETITIONER

vs.

JOSE VASQUEZ, WARDEN,
FEDERAL CORRECTIONAL INSTITUTE – TALLAHASSEE, FLORIDA, ET AL

ON PETITION FOR WRIT OF HABEAS CORPUS AD SUBJICIENDUM

Ref: Case No. 3:00CR08-7-P

Elizabeth Marie Rushing Floyd

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QUESTION(S) PRESENTED

1. Was Elizabeth Marie Rushing Floyd not found in violation of 18 USCA, Section 1961 precluding the District Court's determination that the judgment was valid under authority of 18 USC 1956 and 1957?

2. Did the United States Supreme Court err in the high and honorable court's ruling in *Scheider et al. vs. National Organization for Women Inc., et al.*, Case No. 01-1118, decided February 28th 2003 warranting the United States Supreme Court's immediate review and reversal of that decision with accompanying apologies to numerous federal prosecutors?

3. Is *Scheidler et al vs. National Organization for Women Inc. et al.,* Case No. 01-1118 reliable for the immediate release of Elizabeth Marie Rushing Floyd who was "convicted" under a federal title which has a condition precedent of proving a predicate act which was never alleged in Elizabeth Marie Rushing Floyd's case?

The Honorable Chief Justice of the Supreme Court of
The United States, William H. Rehnquist

Sup. Ct. Rule 22
Ref: Case No 3:00CR8-7-P

In re Elizabeth Marie Rushing Floyd,
Petitioner,

vs.
Jose Vasquez, Warden
Federal Correctional Institution, Tallahassee, Florida, et al
Respondent(s)

Petition for Writ of Habeas Corpus ad Subjiciendum

Clause 2, Section 9, Article 1, Constitution of the United States
Of America, Title 28 U.S.C.A., Section 2241 (a) (c),
Title 18 U.S.C.S., Section 1956(a) (1) (2),
Title 18 U.S.C.A., Section 1956 (a) (1) (A) (i) (h), and
Title 18 U.S.C.A. 1957 (b) (2) / Judicial Notice
Scheidler et al vs. National Organization for Women Inc. et at, Case No 01-1118

The Honorable William H. Rehnquist:

Elizabeth Marie Rushing Floyd, hereinafter "Beth Floyd" respectfully petitions The Honorable Chief Justice William H. Rehnquist for a Writ of Habeas Corpus ad Subjiciendum, the "Great Writ" authorized under Clause 2, Section 9, Article 1 of the Constitution of the United States of America, and Title 28 U.S.C.A., Section 2241 (a).

Beth Floyd is currently incarcerated and under the custody of the Warden for the Federal Bureau of Prisons in Tallahassee, Florida, under contract with the United States. After sixteen (16) seperate attempts to be heard by the United States District Court for the Western District of North Carolina, Charlotte Division, the United States 4th Circuit Court of Appeals, The Florida Appellate Court, the Superior Court of North Carolina, the Appellate Court of North Carolina, the Florida Supreme Court, the Virginia Supreme Court and the United States Supreme Court, it is obvious that the practice of "pigeonholing" - the evil and deceitful black art of blocking a pro se litigant from going forward on their claim and preventing them from appealing as well - is being used against Beth Floyd. Beth Floyd has been moved around the United States and out of every state court's jurisdiction 5 times in the past 2 years. Beth Floyd has effectively been moved each time a petition to the court which has jurisdiction over this matter has been made eliminating such jurisdiction while the petition is still pending giving the court a viable excuse to dismiss the claim. Beth Floyd has exhausted all remedies by repeatedly subjecting herself to

anger-driven, hate filled abuse where the record verifies Beth Floyd had already been denied her right to access to "any" court of jurisdiction.

Mr. Chief Justice Rehnquist's February 26th 2003 ruling in *Scheidler et al vs. National Organization for Women Inc., et al*, Case No. 01-1118 establishes that Beth Floyd's conviction in the United states District Court for the Western District of North Carolina, Charlotte Division is void on its face.

Parties who enforce a void judgment have committed criminal trespass. A Void judgment is an absolute nullity. It may be ignored, disregarded, vacated on motion, or attacked on habeas corpus. Party cannot acquiesce in void judgment because a void judgment has no legal force or validity. Moore's Federal Practice 60.25. " The theory underlying the concept of a void judgment is that it is legally ineffective - a legal nullity; and may be vacated by the court which tendered it at any time. Laches of a party can not cure a judgment that is so defective as to be void;"

JUDICIAL NOTICE

All officers of the court for the United States Supreme Court are hereby placed on notice under authority of the Supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v. Kerner* 404 U.S 519, *Platsky v. C.I.A.* 953 F.2d 25, and *Anastasoff v. United States,* 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992). In re *Haines:* pro se litigants (Elizabeth Marie Rushing Floyd is a pro se litigant) are held to less stringent pleading standards than bar licensed attorney. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. In re *Platsky:* Court errs if court dismisses the pro se litigant (Elizabeth Marie Rushing Floyd is a pro se litigant) without instruction of how pleadings are deficient and how to repair pleadings. In re *Anastasoff:* litigants' constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a constitutional right to have their claims adjudicated according to the rule of precedent. See *Anastasoff v. United States,* 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs of their arguments are not sufficient for a motion to dismiss.

Beth Floyd (1) "is in custody under or by color of the authority of the United States ..." (2) "is in custody for an act . . . done in pursuance of a . . . judgment or decree of a court of the United States" (3) "is in custody in violation of the Constitution or laws ... of the United States Title 28 U.S.C.A., Section 2241 (c).

STATEMENT OF FACTS

1. On February 26, 2003 the Honorable William H. Rehnquist "delivered the opinion of the court" in the case of *Scheidler et al vs. National Organization for Women Inc. et al*, Case No. 01-1118, and concluded that without being found guilty of a "predicate act", such as those criminal offenses or activity stated in Tile 18 U.S.C.A, Section 1961 (1), as a "specified unlawful activity", the United States cannot support a conviction for "RICO". All court records and trial proceedings clearly show that the District court lacked subject matter jurisdiction to charge and convict Beth Floyd under authority of 18 USC 1956 and 1957 without first laying a foundation that Beth Floyd committed "specified unlawful activity" and/or a criminal offense as stated in Title 18 U.S.C.A., Section 1961 (1). This contravention and usurpation of the United States Supreme Court's authority has the effect of impeaching *Scheidler et al vs. National Organization for Women, Inc. et al.*

2. The appendix to this petition suggests that Beth Floyd has exercised due diligence in exhausting any and all remedies available warranting this Petition to the Honorable Chief Justice William H. Renhquist.

REQUEST FOR RELIEF

Determination by this court, The United States Supreme Court, that the court did not err in *Scheidler et al., vs. National Organization for Women Inc. et al.*, Case No. 01-1118 and determination by this court that the conviction of Elizabeth Marie Rushing Floyd was in derogation of federal law occuring at Title 18 U.S.C.A., Section 1956 (a) (1) (2), 1956 (a) (1) (A) (i) (h), and 1957 (b) (2) and incompatible with this court's ruling in *Scheidler* justly requires vacating the conviction and sentencing of Elizabeth Marie Rushing in federal district court case number 3:00cr08-7-P, for the western district of North Carolina, Charlotte division.

Submitted this 12th day of November, 2003.

Elizabeth Marie Rushing Floyd, Petitioner

Elizabeth Marie Rushing Floyd, Petitioner

APPENDIX A

1. On August 25, 2000, Beth Floyd filed a Writ of Habeas Corpus in the North Carolina Court of Appeals challenging Beth Floyd's unlawful incarceration in North Carolina. The writ was forwarded to the United States Court of Appeals without reaching the merits of Beth Floyd's argument.

2. On August 29, 2000, Beth Floyd's Writ of Habeas Corpus for North Carolina Court of Appeals, was filed in the United States Court of Appeals for the Fourth Circuit, challenging Beth Floyd's unlawful incarceration in North Carolina. The writ was denied without reaching the merits of Beth Floyd's argument.

3. About December 17, 2001, Beth Floyd filed a Writ of Habeas Corpus in the Florida District Court of Appeals challenging Beth Floyd's unlawful incarceration in Florida. The writ was denied without reaching the merits of Beth Floyd's argument.

APPENDIX B

1. About October 25, 2002, Beth Floyd filed a motion to vacate Beth Floyd's sentence, Title 28 U.S.C.A., § 2255, in the District Court of the United States for the Western District of North Carolina, Charlotte Division. The petition was denied without a hearing.

2. On December 10, 2002, District Court judge Richard Voorhees denied and dismissed Beth Floyd's Motion to Vacate under Title 28 U.S.S.C., § 2255.

3. About December 19, 2002, Beth Floyd filed a notice of Federal Rules of Civil Procedure, Rules of Evidence rule 201(d) in the District Court of the United States for the Western District of North Carolina, Charlotte Division. The court disregarded the judicial notice.

APPENDIX C

1. About January 23, 2002, Beth Floyd filed a Writ of Habeas Corpus in the Supreme Court of Florida challenging Beth Floyd's unlawful incarceration. Without reaching the merits of Beth Floyd's argument, the writ was denied.

2. About June 25, 2002, Beth Floyd filed a Writ of Habeas Corpus in the Supreme Court of Virginia challenging Beth Floyd's unlawful incarceration in Virginia. Without reaching the merits of Beth Floyd's argument, the writ was denied.

APPENDIX D

1. About June 28, 2000, Beth Floyd filed a Writ of Habeas Corpus in the United States Court of Appeals for the Fourth Circuit challenging Beth Floyd's unlawful incarceration in North Carolina. The writ was denied without reaching the merits of Beth Floyd's argument.

2. On August 25, 2000, Beth Floyd filed a Writ of Habeas Corpus in the North Carolina Court of Appeals challenging Beth Floyd's unlawful incarceration in North Carolina. The writ was forwarded to the United States Court of Appeals without reaching the merits of Beth Floyd's argument.

3. About January 21, 2003, Beth Floyd filed a Petition for Writ of Mandamus with the United States Court of Appeals for the Fourth Circuit, compelling District Court judge Richard Voorhees to provide Beth Floyd with a findings of facts on which to substantiate said judge's Order dated December 10, 2002. The writ of mandamus before the circuit court was denied without reaching the merits of Beth Floyd's argument.

4. About March 4, 2003, Beth Floyd filed a Petition for Writ of Audita Querela in the United State Court of Appeals for the Fourth Circuit, requesting the court Vacate Beth Floyd's sentence and conviction. As of April 7th 2003, Beth Floyd is not in receipt of a decision from the Court of Appeals.

APPENDIX E

1. About May 1, 2002, Beth Floyd filed a Writ of Habeas Corpus in the Supreme Court of the United States challenging Beth Floyd's unlawful incarceration. About May 22, 2002, The Supreme Court of the United States denied Beth Floyd's Writ of Habeas Corpus and stated that "Beth Floyd has other adequate remedies at law."

2. About March 20, 2003, Beth Floyd filed a Motion for Permission to File a Writ of Habeas Corpus In Forma Pauperis, Sup. Ct. Rule 21 and 39.1 in the Supreme Court of the United States. Beth Floyd is not in receipt of a decision from the Supreme Court.