No.

IN THE

SUPREME COURT OF THE UNITED STATES

IN Re, Stanley E. Kornafel ,

Pro Se Layman

On Petition for

Writ of Habeas Corpus

PETITION FOR

WRIT OF HABEAS CORPUS

Stanley E. Kornafel,
Pro Se, Layman
Petitioner.

1137 Madison Ave.
Prospect Park, Pa.
19076

610 - 534 - 2300

QUESTIONS PRESENTED FOR REVIEW

Is it ethically consistent for respondant to pursue dismissal of a civil action complaint based on right and also property where the Federal District court ordered the complaint to be ANSWERED especially in light of parties having been properly served in the lower state court of which originated in a U.S. Federal Agency?

Furthermore as pro se plaintiff attempted to correct service by mail and properly filed motion for reconsideration to enable service be perfected how is respondant's refusing to allow perfection of service not with cause other than procedure not impairing pro se and not overburdening, not egregious abuse of authority and not an abuse of process soley to injure the plaintiff?

Where the federal judge acting on the complaint removed from state court to the federal district court, service properly made in the state court, issues order and respondant contrary to the order stating ANSWER the complaint, only responds with pursuing dismissal for non service how is judge of court not abusing discretion and not prejudicing the plaintiff unfairly when no cause exists to prevent perfection ; other than procedural defect which could have been corrected? Furthermore where pro se filed properly a motion for reconsideration to enable perfection of service how is judge not showing bias and peejudice denying motiion to perfect service soley upon respondant's refusal and whereas there was no cause other than procedural defect which could have been corrected how is judge not abusing discretion, not showing bias and conspiracy especially in light of there a federal statute authorizing and enabling perfection of service, and especially since the denial to perfect service was soley to aid and satisfy the respondant?

Cont'd

Werefore the same judge of federal district court presider of the case he denied perfection of service presides over the plaintiff's second action and does not recuse himself and second action is start of issues not brought in prior case due to plaintiff's good faith being bashed, but now has secured legal representation how is judicial prejudice and complicity with respondant not existing that enables respondant's use of prior situation be increased or expounded?

How is fairness and equality of Due Process not compromised?

Wherefore the same judge presider of the two previous actions is now presider of the plaintiff's third action and again does not recuse himself and the plaintiff is now pro se, of which this petition is based, and of which was caused by respondant's malicious overbearing means in prior action resulting in unwarranted loss of plaintiff's lawyer and legal representation, and being robbed of his day in court, which caused pro se layman's filing of constitutional violations complaint how is abuse of discretion and bias not prevelant and conspiracy not evident? and,

Whereas the same judge of the same court does not afford pro se layman any diference, denies any trial, prevents any hearing and without any inquiry, and not enabling discussion, depriving of any argument, preventing pro se from fullly staiing his case and presenting all of his issues, the judge issues order repleating the respondant's wording, how is abuse of discretion and abuse of process not evidentially manifested?

How is legal discrimination and egregious use of prejudice not clearly evident? Especially when the U.S.Constitution guarantees at least a hearing, the federal laws and statutes mandate a hearing and this courts historical views require a hearing of some form when constitutional violations are implicated? also since the base of pro se' action comprised of right and property in the prior.

JAN 24 1996 FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STANLEY E. KORNAFEL

Plaintiff,

v.

U.S. GOVERNMENT
U.S. OF AMERICA

Defendant.

(4)

CIVIL ACTION NO. 95-6670

ORDER

AND NOW, this 23 day of Jan, 1995, upon consideration of the Motion to Dismiss Plaintiff's Complaint filed by defendant, the United States, and Plaintiff's response thereto, it is hereby

ORDERED

that defendant's Motion for Dismissal is GRANTED, and plaintiff's complaint is dismissed ~~with prejudice.~~ for the reasons set forth in the government's memorandum upon the representation by the government that it will pay plaintiff the full amount of the property damage claimed by plaintiff on his administrative claim form.

BY THE COURT:

THOMAS N. O'NEILL, JR., J.

ENTERED: JAN 24 1996

CLERK OF COURT

APP. EXHIBIT A

No. 0310929

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAY 10 2004
OFFICE OF THE CLERK

IN RE: PAUL ELWIN ACKLIN — PETITIONER
(Your Name)

vs.

THE STATE OF NEVADA — RESPONDENT(S)

ON PETITION FOR A WRIT OF ~~CERTIORARI~~ HABEAS CORPUS TO

NEVADA SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

~~PETITION FOR WRIT OF CERTIORARI~~
ORIGINAL JURISDICTION FOR WRIT OF HABEAS CORPUS

Paul Elwin Ackl 29915
(Your Name)

P.O. Box 7000
(Address)

CARSON CITY, NEVADA 89702
(City, State, Zip Code)

RECEIVED
JUN 16 2004

(Phone Number)

RECEIVED
MAY 26 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

NEVADA DIRECTOR OF PRISONS CRAWFORD
NEVADA NORTHERN NEVADA CORRECTION CENTER WARDEN HELLING

QUESTION(S) PRESENTED

IS MR. ACKLIN ENTITLED TO THE SOVEREIGN STATE OF NEVADA ELEVENTH AMENDMENT FULL FAITH AND CREDIT PUBLIC ACTS RECORDS IN CASE NO. 39218, DATED AUGUST 19, 2002, CONFESSING THE ERR BY NRS 175.291, ARTICLE 4 SEC. 17-20-32 NEVADA CONSTITUTION RIGHTS RETAINED BY THE PEOPLE OF NEVADA.

IS MR. ACKLIN ENTITLED TO A WRIT OF HABEAS CORPUS ON THE STATES APPEAL ERR DEFENSE, GIDEON V. WAINWRIGHT, 372 U.S. 335 (1963), PROTECTED BY THE FOURTH AMENDMENT IN ALL SUBSEQUENT COURT PROCEEDINGS.

REASONS FOR GRANTING THE PETITION

MR. ACKLIN HAS NO OTHER OR ADEQUATE SPEEDY REMEDY AT LAW TO REDRESS HIS VALID CLAIMS UNDER NRS 175.291 THAT IS SUPPORTED BY THE STATE OF NEVADA FULL FAITH AND CREDIT PUBLIC ACTS RECORDS FILED IN THE ORIGINAL JURISDICTION OF THE NEVADA SUPREME COURT CONFESSING THE ERR THAT BY NRS 175.291 THE CONVICTION IN LAW AND FACT IS UNLAWFULL. SEE: APPENDIX A-B-C-D ATTACHED.

USA STATE LAW NRS 175.291, ARTICLE 3 SEC. 1, ARTICLE 4 SEC. 17-20-32 NEV. CONST. NEVADA LAW PROVIDES THE WASHOE COUNTY, RENO, NEVADA DISTRICT ATTORNEY HAS THE POWER TO HOLD MR. ACKLIN FOR INVESTIGATION OF WITNESSESS STORIES, BUT UPON DISCOVERY OF A FACT THE ARREST VIOLATED NRS 175.291, THE AUTHORITY TO HOLD HIM FOR ANY FURTHER INVESTIGATION SHOULD HAVE TERMINATED.

THAT UPON DISCOVERY ON AUGUST 15, 2002, IN CASE NO. 39118 OF THE DISTRICT ATTORNEY CONFESSED ERR THE CONVICTION VIOLATED NRS 175.291, THE NEVADA SUPREME COURTS SUBJECT MATTER JURISDICTION ON APPEAL TERMINATED ON UNKNOWN FACTS. AND LACKED JURISDICTION TO HOLD MR. ACKLIN TO ANSWER TO NRS 175.291 CHARGES IN THEIR ENTIRETY.

THAT BY NRS 175.291, THE EXECUTIVE BRANCH OF GOVERNMENT HAS NO ENABLING AUTHORITY OF LAW OR FACT, TO HOLD MR. ACKLIN FOR THE DISTRICT ATTORNEY INVESTIGATION OF UNSOLVED CRIMES. THIS IS PROTECTED BY THE FOURTH AMENDMENT IN ALL SUBSEQUENT COURTS PROCEEDINGS. HALE V. HENKEL, 201 U.S. 43 (1906), PAPACHRISTOU V. JACKSONVILL FLORIDA, 405 U.S. 156 (1972.

PETION FOR WRIT OF HABEAS CORPUS IS NOT AVAILABLE BY A SINGLE NEVADA JUSTICES ARTICLE 6 SEC. 4 NEVADA CONSTITUTION SEE APPENDIX "A", THEREFORE THIS HABEAS MATTER IS SQUARELY BEFOR THIS COURT.

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ACKLIN,

Appellant,

v.

THE STATE OF NEVADA,

No. 39218

Respondent.

_____/

RESPONDENT'S ANSWERING BRIEF

I. INTRODUCTION

In the spring of 1995 and the fall of 1996, Acklin commenced his first round of state court habeas corpus litigation following his murder conviction and numerous unsuccessful appeals. The habeas pleadings were reviewed by the District Judge and eighteen of the claims pleaded therein were dismissed; the remainder were the subject of an evidentiary hearing.

At the conclusion of the evidentiary hearing, the habeas court concluded the remaining claims lacked merit or were otherwise not proved, and he denied the relief requested. Acklin appealed from that ruling. Acklin v. State, Case No. 29996.

On appeal from this order denying Acklin's habeas petition, this Court affirmed in all respects except one: namely, with respect to the ruling on his Motion for a New Trial. The Motion, which was denied on the merits by the habeas judge, was

13

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ELWIN ACKLIN,
Petitioner,
vs.
WARDEN, NORTHERN NEVADA CORRECTIONAL CENTER, DON HELLING; DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, JACKIE CRAWFORD; AND NORTHERN NEVADA CORRECTIONAL CENTER,
Respondents.

No. 42898

FILED

MAR 24 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner argues that he has been unlawfully restrained of his liberty. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. A post-conviction petition for a writ of habeas corpus must be filed in the district court in the first instance.[1] Petitioner may then appeal to this court from a final adverse decision.[2] Accordingly, we

ORDER the petition DENIED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

[1]NRS 34.738.

[2]NRS 34.575.

APPENDIX "A" (1)

04-05549