

[RF 700588945 US]

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED
CLERK, U.S. DISTRICT COURT
OCT 25 2023
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION BY DEPUTY

UNITED STATES DISTRICT COURT

for the

Eastern District of California

Special Trust Deposit

EX REL TRACIE MARIE EKINS

George E. Brown, Jr. Federal Building and United States Courthouse
c/o 3470 Twelfth Street
Riverside, California [92501-3801]

Fee Paid

Petitioner

ED CV 23 - 02199-VBF(MAA)

v.

Case No.

(Supplied by Clerk of Court)

CHAD BIANCO
(4095 Lemon Street
Riverside, California 92501)

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: dba TRACIE MARIE EKINS
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: Larry D. Smith Correctional Facility
 - (b) Address: 1627 South Hargrave Street
Banning, California 92220
 - (c) Your identification number: Booking Number: 202322288
3. Are you currently being held on orders by:

Federal authorities State authorities Other - explain: _____
4. Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

Being held on an immigration charge

Other (explain): Held under the Color of Law, without due process of law, without verifiable claim upon which relief can be granted nor provided a charging instrument for bankers acceptance for remedy.

Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Superior Court of California, Indio Larson Justice Center
46200 Oasis Street Indio, California 92201

(b) Docket number, case number, or opinion number: JV231540141

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Lack of subject matter jurisdiction, lack of due process of law, cruel and unusual punishment, failure to state a claim upon which relief can be granted, authority upon which Tracee-Marie is held by a private for profit business in involuntary servitude for over two hundred days under a forced warehouse number.

(d) Date of the decision or action: 06/03/2023

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Riverside County Superior Court

(2) Date of filing: 06/20/2003

(3) Docket number, case number, or opinion number: JV231540141

(4) Result: Refuse to Zero out Account

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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[RF 709 588 945VS]

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

- Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

- Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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[RF 709 588 945 US]

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of California Constiution Article I- Declaration of Rights- Section 17 Cruel and Unusual Punishment. Section 1- Right to Life, Liberty and Happiness. Section 1- Power of Government in the People Section 10-Imprisonment for Debt. Section 14- Presentment before magistrate

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is held by Respondents under cruel and unusual punishment. Petitioner is held without bail or bond in mental ward for over two hundred days under false and misleading information by a misrepresentation of facts. Petitioner has the right to life, liberty, the pursuit of happiness, and enjoyment of the gains of his own industry. All inherent power of the government is in the people. Imprisonment for debt is prohibited. Petitioner is held without opportunity to be present before a magistrate.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: (Continued- Ground One) Declaration of Rights Section 7 and 17 Due Process of Law Section 26. Right to Fair and Speedy Trial. Section 4 Liberty of Conscience

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is not provided a fair and speedy trial by a jury of peers (nationals) Respondents are in an improper venue giving fact testimony without first hand knowledge Respondents fail to exhibit the instrument and provide their authority to do so Petitioner has received no verifiable claim upon which relief can be granted and believes none exists. Petitioner has the right to excersise conscience and religion as long as no harm comes to any other man

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Deprivation of Rights under the Color of Law [Title 42 USC 1983]

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner believes that the Respondents are in possession of contraband, Petitioner believes Respondents have stolen identify and use of private numbers to enslave Petitioner without consent of Petitioner. Petitioner denies the authenticity of the signature and believes the signature is forged. Petitioner believes Respondents may be involv in a conspiracy to use their public office of trust for private pecuniary gains in a tax ponzi scheme to defraud the United States Government.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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[RF 709 588 945 US]

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

In honor, good faith, and without the United States [28USC1746]

Date: 08/29/2023

Without Prejudice. Without Recourse.

PENNSLANDING USPS
SEP 2023
of Petitioner

by [Signature]
Rep August 2023

All Rights Reserved.
author person, if any

[UCC1308/3414]

[Faint handwritten text, possibly a date or reference number]



COVERSHEET
Confidential

TO:

cc: Department of Treasury

Acting Sheriff/Coroner
Chad Bianco
c/o 4095 Lemon Street
Riverside, California [92501]

Internal Revenue Services

Acting Clerk of Court
C/O 46200 Oasis Street
Indio, California [92201]

Acting Clerk of Court
George E. Brown, Jr. Federal Building and United States Courthouse
c/o 3470 Twelfth Street
Riverside, California [92501-3801]

From:

Trace Marie: House of Atwood
Dba TRACE MARIE EKINS®™
(forced prisoner of war) at location:
1627 South Hargrave Street
Banning, California [92220]
Office Occupant of the Executor
c/o 5103 South Sheridan Road PMB 396
Tulsa, Oklahoma [74145-7627] non-domestic

Contents:

Notice for Dismissal

Habeas Corpus

In regards to:

[JV231540141]



Tracee Marie: House of Atwood
Dba TRACEE MARIE EKINS®™
(forced prisoner of war) at location:
1627 South Hargrave Street
Banning, California [92220]
Office Occupant of the Executor
c/o 5103 South Sheridan Road PMB 396
Tulsa, Oklahoma [74145-7627] non-domestic

SUPERIOR COURT OF CALIFORNIA

INDIO LARSON JUSTICE CENTER

(C/O 46200 Oasis Street

Indio, California [92201]

In regards to: [JV231540141]

STATE OF CALIFORNIA

Vs.

TRACEE MARIE EKINS

Comes Now, by special restricted appearance, Tracee-Marie: House of Atwood: doing business as TRACEE MARIE EKINS®™ executor for the TRACEE MARIE EKINS ESTATE, as Claimant, *sui juris*, under natural law jurisdiction as a foreign national, held in involuntary servitude at the business location:

1627 South Hargrave Street, Banning, California

To bring forth this Notice of Dismissal and Discharge with Prejudice and to release the Orders of the Court to Claimant without further delay, as justice delayed is justice denied.

NOTICE FOR DISMISSAL WITH PREJUDICE

The Claimant is competent to handle her own affairs but has evidence that the Defendant TRACEE MARIE EKINS is dead and incompetent at the time of trial which supports payment; and

The Claimant denies the authenticity of the signature and believes the signature to be forged; and

If the **SUPERIOR COURT OF RIVERSIDE COUNTY** by and through acting trustee can prove they have a valid claim Claimant has a claim in recoupment in setoff and uses it as defense to the claim. The Claimant exercises rights to defenses and claims, and authorizes the court to do the setoff by and through the acting trustee acting clerk of the court for SUPERIOR COURT OF RIVERSIDE COUNTY; and

The Claimant challenges the courts jurisdiction to make a presentment on behalf of the real parties in interest pursuant to the Statutes of Fraud; and



The Claimant makes a claim to the proceeds and orders the People of the State to pay the capital transfer tax; and

Claimant is the owner of the contract and demands specific performance of the contract that is supposed to be enforced in favor of Claimant; and

The Claimant wishes this honorable court to be discharged with extreme prejudice.

Claimant does not appear to argue but to settle all matters for TRACEE MARIE EKINS Estate and accepts all charges for value to return for value and claims all rights, titles and interests thereto for the settlement and closure of the account.

INTERROGATORIES

Who is funding this transaction?

Who is bringing the claim?

Is there a bond filed with the Secretary of the Treasury for whoever is bringing the claim?

Could you exhibit the charging instruments used to hold Claimant as TRACEE MARIE EKINS for over two hundred days without due process of law and provide your authority to do so?

Could you please produce the contract that you seek enforcement under or security agreement or deposit agreement or escrow agreement to the private for profit business RIVERSIDE COUNTY, SUPERIOR COURT OF CALIFORNIA, LARRY D. SMITH CORRECTIONAL FACILITY that identifies Claimant as an undisclosed third party or a third party contractee?

Is it your intent to deny due process of law to Tracee Marie Ekins Executor for the TRACEE MARIE EKINS ESTATE for cure, settlement and discharge of this account?

Are the People of the State, certified and insured to contract?

Are the People of the State qualified heirs who has received property from a Legal estate in which the taxes have not been paid?

Do the People of the State hold a valid Assumed Name Certificate?

Are the People of the State of California give fact testimony without first hand knowledge to extort extensions of credit for private gain?

PRECEPT FOR RELIEF

Claimant wishes for the People of the State of California to provide their authority to make a presentment on behalf of the real parties of interest pursuant to the statutes of fraud. Claimant commands for proof of a verifiable claim. Claimant enforces specific performance on the contract that is supposed to be enforced in favor of Claimant. Claimant is asserting defenses and claims and has a claim in recoupment and setoff and authorizes the setoff. Claimant wishes the People of the State of California to pay the capital transfer tax. Claimant wants a check for the sell of the security,



CERTIFICATE OF SERVICE

Twenty second month

We, Tracee Marie Ekins, certify on this ~~thirty first~~ *twenty second* day of the ~~eight~~ month to the following documents NOTICE FOR DISMISSAL and WRIT OF HABEUS CORPUS sent to the following locations by way of certified and registered mailings to the following man and woman:

Acting Sheriff/Coroner
Chad Bianco
c/o 4095 Lemon Street
Riverside, California [92501]
Certified Mail Number: 9589071052700440843080
Return Receipt: 9590940281973030114715

Acting Clerk of Court
C/O 46200 Oasis Street
Indio, California [92201]
Certified Mail Number: 70212720000203498423
Return Receipt: 9590940281973030114708

Acting Clerk of Court
George E. Brown, Jr. Federal Building and United States Courthouse
c/o 3470 Twelfth Street
Riverside, California [92501-3801]
Registered Mail Number: RF 709 588 945 US
(Including 5\$ Postal Money Order for Special Deposit Number:)



From:
Tracee Marie: House of Atwood
Dba TRACEE MARIE EKINS®™
(forced prisoner of war) at location:
1627 South Hargrave Street
Banning, California [92220]
Office Occupant of the Executor
c/o 5103 South Sheridan Road PMB 396
Tulsa, Oklahoma [74145-7627] non-domestic





receipt of payment and surrender of the instrument. Claimant wishes, wills and commands to be discharged with extreme prejudice.

This Notice is executed on this thirtieth day of the eighth month in the year of our Creator two thousand twenty-three in good faith , under the pains and penalties of perjury and without the United States [28USC1746].

POA for TRACEE MARIE EKINS™

By: Authorized Representative. All Rights Reserved.

(forced prisoner of war) at location:
1627 South Hargrave Street
Banning, California [92220]
Office Occupant of the Executor
c/o 5103 South Sheridan Road PMB 396
Tulsa, Oklahoma [74145-7627] non-domestic





Clo Tracee Ekins
5103 S. Sheridan
Tulsa, OK 74145

Retail



U.S. POSTAGE PAID
FCM LETTER
GORE, OK 74435
OCT 18, 2023



92501

\$5.49

R2304W121456-02

RDC 99

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7021 2720 0002 7231 2682

Clerk, U.S. District Court
c/o 3470 Twelfth Street
River side, CA 92501-3801



