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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 AARON D. HUNTER, aka SHEIK
12 AARON HUNTER-EL,)

13 Petitioner,)

14 v.)

15 CAPTAIN ZODWIN,)

16 Respondent.)
17

NO. CV 13-6012-ODW (AGR)

OPINION AND ORDER ON
PETITION FOR WRIT OF
HABEAS CORPUS

18 On August 15, 2013, Petitioner, who is incarcerated at Victorville-FCI, filed
19 a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner
20 was convicted in the Western District of Wisconsin in 2004 and 2006. (Petition at
21 2.) The petition form asks what the “petition concerns.” Petitioner checked the
22 “Other” box and wrote “Holy Writ.” *Id.*

23 Petitioner lists two grounds. The first is “Holy Innocent (He who has no sin
24 shall cast the first stone).” Under supporting facts, Petitioner states, “I Bear
25 Witness there is no god but Allah, and Noble Drew Ali is his Holy Prophet! (See
26 attached ‘Compurgation’ marked OUR AUTHORITY on the back cover;¹ at the
27 mouth of two or three witnesses a matter is established) All controversey [sic] is
28 terminated (Hebrews 6:16).” (*Id.* at 3.)

¹ There is no attachment called “Compurgation.”

1 The second ground is “Absolute Pardon- Absolution by Holy Writ
2 (Congress shall make no law prohibiting the free exercise of religion).” In
3 supporting facts, Petitioner states “‘Acquittance’ marked OUR AUTHORITY,² an
4 absolute pardon and receipt from the Constitutionally-recognized executive body
5 and Supreme pardoning authority of the Moorish Science Temple of America.”
6 (*Id.*)

7 The attachments to the petition relate to the Moorish Science Temple of
8 America.

9 A prisoner in the custody of the United States is entitled to a writ of habeas
10 corpus if “[h]e is in custody in violation of the Constitution or laws or treaties of the
11 United States.” 28 U.S.C. § 2241(c)(3).

12 Rule 4 of the Rules Governing Section 2254 Cases in the United States
13 District Courts provides that “[i]f it plainly appears from the face of the petition and
14 any attached exhibits that the petitioner is not entitled to relief in the district court,
15 the judge must dismiss the petition and direct the clerk to notify the petitioner.”
16 These rules also apply to habeas corpus petitions brought pursuant to § 2241.
17 See Rule 1(b).

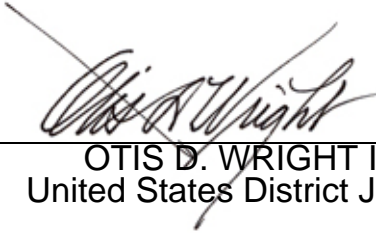
18 Summary dismissal is appropriate here because the petition is not
19 cognizable under habeas and is frivolous. See *Mayle v. Felix*, 545 U.S. 644, 669-
20 70, 125 S. Ct. 2562, 162 L. Ed. 2d 582 (2005) (“the purpose of the heightened
21 pleading standard in habeas cases is to help a district court weed out frivolous
22 petitions before calling upon the State to answer”); *Blackledge v. Allison*, 431
23 U.S. 63, 76, 97 S. Ct. 1621, 52 L. Ed. 2d 136 (1977) (summary dismissal is
24 appropriate when the allegations are ‘patently frivolous or false’) (citation
25 omitted); see also *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990)

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28 ² There is no attachment called “Acquittance.”

1 (“Summary dismissal is appropriate . . . where the allegations in the petition are
2 ‘palpably incredible’”) (citation omitted).

3 IT IS HEREBY ORDERED that Judgment be entered summarily dismissing
4 the petition and action.

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7 DATED: August 22, 2013


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9 OTIS D. WRIGHT II
10 United States District Judge
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