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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 FREDERICK BANKS,

10 Petitioner,

11 v.

12 CENTRAL INTELLIGENCE AGENCY,
13 U.S. SENATE, and U.S. HOUSE OF
14 REPRESENTATIVES, *et al.*,

15 Respondents.

Case No. 1:18-cv-01655-JDP

ORDER TO ASSIGN CASE TO DISTRICT
JUDGE

FINDINGS AND RECOMMENDATIONS
TO DISMISS FRIVOLOUS HABEAS
PETITION

OBJECTIONS DUE WITHIN 14 DAYS

ECF No. 1

16 Petitioner Frederick Banks, a federal pretrial detainee without counsel, seeks a writ of
17 habeas corpus under 28 U.S.C. § 2241. Petitioner does not challenge his conviction, his
18 sentence, or the execution of his sentence. He alleges instead that: (1) the CIA used satellite
19 signals to cause Ian Long to carry out the recent shooting at a bar; (2) the Ventura County
20 Sheriff failed to investigate the shooting by using discovery under the Foreign Intelligence
21 Surveillance Act of 1978; (3) the FBI and CIA used electronic handcuffs to cause Long to
22 carry out the shooting; (4) the CIA used the “Voice of God Weapon” at and “Synthetic
23 Telepathy” against news sources to cause the recent forest fire in Paradise, California in an
24 attempt to destroy evidence that the CIA is responsible for sonic attacks on U.S. embassies in
25 Cuba and China. *See* ECF No. 1 at 6-7.¹ The petition is “patently frivolous,” so the court
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27 ¹ Petitioner has argued in another case that a prior conviction should be invalidated “because
28 Petitioner only just learned that he has delusional disorder making him incompetent to ever be
tried in Court.” *United States v. Banks*, No. 96-cr-64, 2017 WL 1227305, at *1 (W.D. Pa. Mar.

1 should dismiss it under Rule 4 of the Rules Governing Section 2254 Cases, which the court
2 may apply in any habeas proceeding. *See* Rules Governing Section 2254 Cases, Rule 1(b);
3 *Ross v. Williams*, 896 F.3d 958, 968 (9th Cir. 2018). Because petitioner is in federal custody²
4 and seeks habeas relief under 28 U.S.C. § 2241, the court need not consider whether to issue a
5 certificate of appealability. *See Harrison v. Ollison*, 519 F.3d 952, 958 (9th Cir. 2008).

6 **I. Order**

7 The clerk of court is directed to assign this case to a United States District Judge.

8 **II. Findings and Recommendations**

9 We recommend that the court deny the petition for a writ of habeas corpus. ECF No. 1.

10 These findings and recommendations are submitted to the U.S. District Court Judge
11 presiding over this case under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of
12 Practice for the United States District Court, Eastern District of California. Within 14 days of
13 the service of the findings and recommendations, petitioner may file written objections to the
14 findings and recommendations with the court and serve a copy on all parties. That document
15 must be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The
16 District Judge will then review the findings and recommendations under 28 U.S.C.
17 § 636(b)(1)(C). Petitioner’s failure to file objections within the specified time may result in the
18 waiver of rights on appeal. *See Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).

19
20 IT IS SO ORDERED.

21 Dated: December 5, 2018


22 UNITED STATES MAGISTRATE JUDGE

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25
26 1, 2017).

27 ² Petitioner is currently in custody in connection with a federal criminal proceeding. *See*
28 *generally United States v. Banks*, No. 2:15-cr-00168 (W.D. Pa. filed Aug. 5, 2015).