UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FRANK D. MONSEGUE, Sr.,	)	
	)	
Movant,	)	
	)	
v.	)	CV416-021
	)	CR414-019
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

Movant Frank Monsegue, Sr., is nothing if not committed. He has attacked his federal conviction again and again. *See, e.g.,* doc. 110 (judgment for 87 months' imprisonment), docs. 136 & 142 (denying his motion to vacate under 28 U.S.C. § 2255), docs. 153 & 165 (denying a Certificate of Appeal and leave to proceed *in forma pauperis* on appeal on frivolity grounds), doc. 166 (denying *certiorari*); *see also Monsegue v. United States*, CV216-146 (challenging his sentence under 28 U.S.C. § 2241), doc. 11 (dismissed, Jan. 12, 2017) & docs. 21 & 22 (denying leave to appeal *in forma pauperis* on frivolity grounds and rejecting his arguments that as a veteran, Monsegue is entitled to special treatment);

Monsegue v. Moore et al., CV418-239 (civil rights action naming the judges, government and law enforcement officials, and various prosecutors and defense counsel involved in his criminal case), docs. 10 & 13 (dismissing, among other things, because Monsegue named individuals not subject to 42 U.S.C. § 1983 liability and raised claims that are either time-barred or *Heck*-barred). Those efforts, of course, have failed at every turn.

Despite the breadth and volume of his fight, Monsegue has been continuously and deeply disappointed by the judiciary. He unhappily objects that the courts have blocked his efforts to right the unjustice that has been wrought – his sentence, it must be remembered, for wire-fraud conspiracy, theft of government property, and aggravated identity theft. Indeed, the Supreme Court has rejected his petition for *certiorari*, a disappointment of such magnitude that he seeks the only redress left to him: to "Disband the Supreme Court and the United States Justice System." Doc. 179 (titled, in full, his "motion to disband the Supreme Court and the United States justice system, for lack of transparency and equal justice for all of its people in violation of its own constitution, XIV Amendment").

The Court, it must be admitted, admires the hutzpah and zeal that accompany such a motion.[1] It also has some sympathy for the plight of a *pro se* prisoner who is so certain that some relief may yet be available to him that he asks the President, Donald J. Trump, to intervene on his behalf and unwind the judiciary's decisions denying – repeatedly, resoundingly on the merits – his motion for collateral relief. Doc. 169 at 5. But that does not in any way alter the Court's analysis here. Monsegue has been heard again and again and denied the relief he seeks, because his arguments are meritless. Again, he brings a meritless motion before the Court, without even the barest hint as to what authority it might have to abolish the highest court in the land or an indication about what discrimination, prejudice, or bias (*id.* at 3) might be inferred from the Supreme Court's failure to hear his case.[2]

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[1] The Court assumes that Monsegue desired to gain some sort of extra judicial credibility boost by embedding the seal of the United States Army in his motion. While his scrapbooking skills are clearly impressive, they are not as relevant as he may hope to the Court's consideration of his unique motion.

[2] Monsegue raises an interesting issue, to be sure. Could this low court possibly have the power, even in the hypothetical, to unwind the High Court or the entire justice system? The Supreme Court, after all, is a creature of the founding documents of this nation, founded by the Constitution itself. The Judiciary Act of 1869 only describes the makeup of the court (six justices at minimum) but the Constitution mandates its existence and circumscribes its power. U.S. CONST. Art. III. The "inferior courts" too, exist by virtue of Article III, though their numbers and composition are set forth

In sum, Monsegue's motion to disband the Supreme Court and the United States Justice System (doc. 169) is **DENIED**.

SO ORDERED, this 24th day of July, 2019.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

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in the Judiciary Act.

Movant names the President, but the executive branch has just as little authority to redraft Article III as this Court has. Even were the Court or the President to discover some heretofore unknown power to compel the individual justices to step down, the Supreme Court itself would remain untouched. And unwinding the various lower courts would not destroy the concept of inferior courts. The judiciary, after all, is not its judges, and the Constitution compels that the "judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Monsegue would be better served petitioning his congressional representatives for a constitutional amendment to carve out or reconstitute the Supreme Court than filing yet another appeal to the Court's denial of his Hail Mary motion. But, given his prodigious filing history, the Court anticipates that Monsegue will waste yet more court resources on this rabbit hole. It also, however, anticipates that Monsegue's disappointments will continue.