

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ROBIN M. LEE, #A0135179,	)	CIV. NO. 13-00468 SOM/RLP
	)	
Petitioner,	)	ORDER DISMISSING PETITION AND
	)	DENYING WAIVER OF FEES
vs.	)	
	)	
ANY CITY JAIL OR STATE	)	
(ASYLUM) PRISON, et al.,	)	
	)	
Respondents.	)	
_____	)	

**ORDER DISMISSING PETITION AND DENYING WAIVER OF FEES**

Petitioner Robin M. Lee seeks a petition for writ of habeas corpus and waiver of fees. Lee is presently incarcerated in the Clark County Detention Center, in Las Vegas, Nevada. Although the Petition is largely incomprehensible, Lee apparently seeks assistance in obtaining a presidential pardon. Lee's Petition is DISMISSED for lack of jurisdiction, and his request for waiver of fees, construed as an incomplete *in forma pauperis* application, is DENIED.

The United States Constitution divides the federal government into three co-equal branches of government with separate and unique roles and responsibilities. Article I of the United States Constitution assigns the legislative branch the power "to make all laws which shall be necessary and proper for carrying into execution . . . all powers vested by [the] Constitution." U.S. Const. art. I, § 8, cl. 18. Article II, relating to the executive branch, empowers the President, as

Commander-in-Chief of the armed forces, to grant reprieves and pardons, make treaties, and nominate ambassadors, federal judges, and the heads of federal agencies. U.S. Const. art. II, § 2, cl.1-cl. 2. Article III, pertaining to the judicial branch, defines and limits the jurisdiction of the federal courts, and gives them the power to interpret the Constitution, treaties, and laws of the United States. U.S. Const. art. III; see also *Marbury v. Madison*, 1 Cranch 137, 2 L.Ed. 60 (1803). To function as intended, each branch of government must respect the other branches' separate and independent powers. This court lacks jurisdiction to grant Lee a pardon, and has no basis for intervening with the executive branch on his behalf. Lee's Petition is DISMISSED, and his request for waiver of fees is DENIED. See *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987) (holding a court may deny in forma pauperis at the outset when no cognizable claim for relief is presented).

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 30, 2013.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
Chief United States District Judge