

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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PETER OPPENEER
CLERK US DIST COURT
WD OF WI

EDDIE BAKER, Jr.,

Petitioner,

Case No. 16-cv-333-wmc

v.

LOUIS WILLIAMS II, Warden,

JURISDICTIONAL STATEMENT

Respondent.

DOCKETING STATEMENT

The District Court's jurisdiction was established upon 28 U.S.C. §2241(c)(3) based upon the Constitution questions of:

- 1) Whether or not the Federal Government lack territorial criminal jurisdiction of dual sovereignty to enforce a Congressional statutory charge construed by the federal courts outside Congress[es] delegated authority of the Constitution's Article 1, §8, clauses 1-18, and is applied by judicial interpretation of its construction as either an 'Ex post facto Law' or a 'Bill of Attainder' in violation of the Constitution's Article 1, §9, cl. 3?
- 2) Whether or not the Federal Branches of Government can take undelegated Legislative Territorial Criminal Jurisdiction in violation of the 'Bill of Rights' Tenth Amendment Sovereign Territorial Criminal Jurisdiction reserved to the States, or to the People?

3) Whether or not the Constitution delegate the Federal Branches of Government ordinary legislative authority to take the people[s] 'Bill of Rights' Second Amendment Constitutional rights away to keep and bear arms for self-defense?

The Seventh Circuit Court of Appeals jurisdiction to review the district court's final decision upon this appeal, is established by 28 U.S.C. §1291, based on the district court's Order is a plain and clear error in construent of its duty of addressing the Petitioner's issues without recharacterizing their contextual meaning. The district court's 'Order' dismissing the case for appeal jurisdiction availability was given on June 29, 2017, stating:

"his pending petition qualifies as a second or successive application for habeas relief."

However, the district court in dismissing Mr. Baker's original 28 U.S.C. §2241 Writ of Habeas Corpus, made a clear error determination as: the United States Supreme Court since Ex parte Tom Tong, 108 U.S. 556, 559 (1883) through O'Neal v. McAninch, 518 U.S. 432, 440 (1995) has declared ("habeas corpus, technically speaking, is a civil proceeding"), it aligns with the "Great Writ" of habeas corpus now for convenience codified as 28 U.S.C. §2241, must allow a person in federal detention, not just a collateral attack (which is a 28 U.S.C. §2255 function) to the conviction or sentence for a federally convicted person, but a pure Constitution challenge to the application of whether the laws and procedures applied are legal or contrary to that instrument that allows for the federal detention before conviction or sentence of one of the People in the first instance.

First, and foremost, Mr. Baker's §2241 Writ of Habeas Corpus, makes no challenge to the implementation of the conviction or the sentence; yet, second, the dismissal of the petition is stated on that basis, instead of on the "Constitution Questions" and contention of facts within the 'Petition', that only challenges the procedures that took place before trial, where a detention contrary and violative of Constitution procedures, of the 'Bill of Rights' Second and Tenth Amendments took place. Furthermore, upon the original writ's claims that does not challenge a conviction or a sentence, there is no jurisdictional requirement that a petition pursuant to 28 U.S.C. §2255 be pursued first; but, if it did, the district court's enumerations of Mr. Baker's prior filings show these and other issues were pursued and denied without adjudication of the Constitution requirement.

Date: July 7, 2017

Respectfully submitted,

Eddie Baker Jr.

EDDIE BAKER Jr.

#06233-089

Pro se

Signed without prejudice

UCC §1.308

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