

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
FILED
2018 JUL 12 A 10:25

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Steven Alan Magritz,

Petitioner

v.

Case No. 18-C-0455

JON E. LITSCHER,

Respondent

**MANDATORY JUDICIAL NOTICE - FRE 201(c)(2)
With Exhibits A through J (22 pages)**

1. Petitioner/Complainant Steven Alan Magritz requests this Court take mandatory judicial notice of adjudicative facts pursuant to Federal Rules of Evidence 201(c)(2). These adjudicative facts are set forth in self-authenticating documents pursuant to FRE 902(1) Domestic public documents under seal, FRE 902(4) certified copies of public records, and/or FRE 902(6) Official publications. ALL exhibits referenced in this Mandatory Judicial Notice are incorporated herein by reference. Take mandatory judicial notice of the following, executed pursuant to Title 28 United States Code § 1746(1):

2. My "name" is Steven Alan Magritz, not STEVEN ALAN MAGRITZ. I do not consent to be cast in a false light. Dkt. 1-3:6. Also see United States District Court, Eastern District of Wisconsin, *Case No. 2:16-cv-01694-LA, Dkt. 9:4-5*.

3. I am a private man invoking the jurisdiction of an Article Three (3) court. Dkt. 1:23 ¶ IV, and, Dkt. 1-4:26. See Ex. A - MJN.

4. The grounds for habeas corpus remedy set forth in my current petition dated and filed March 22, 2018, Case No. 18-C-0455 *are the same grounds* set forth in my *first "State"* habeas petition dated July 12, 2016, filed August 2, 2016, Case No 2016AP1522-W; *are the same grounds* set forth in my first federal habeas petition dated December 19, 2016, Filed December 21, 2016, Case No. 16-C-1694; *are the same grounds* set forth in my *second "State"* habeas petition dated January 24, 2017 filed January 27, 2017, Case. No. 2017AP189-W; *are the same grounds* set forth in my "AMENDED" *second "State"* petition dated July 1, filed August 3, 2017, which was assigned a new case number over my objection, Case No. 2017AP1531-W.

5. On July 12, 2016, while in prison and only five (5) months after the sentencing date of February 11, 2016, and only three (3) months after being transferred from the Dodge County prisoner intake processing facility where I was caged in a two-man cell, generally for 23 hours per day, to the New Lisbon, Wisconsin, prison, I executed *and had notarized* a hand-written petition for habeas corpus ad subjiciendum and mailed it to a "next friend" to be filed with the Supreme Court of Wisconsin. Dkt. 1:4 ¶ III A.3.

6. The July 12, 2016 petition was filed on August 2, 2016, Dkt. 1:4 ¶ III A.3., and assigned *Case No. 2016AP1522-W*. Dkt. 1:4 ¶ III A.2. See exhibits: Ex. A.1-MJN; Ex. A.2-MJN; Ex. A.3-MJN, all previously exhibited in federal *Case. No. 2:16-cv-01694-LA*.

7. The “gatekeepers” at the Supreme Court, presumably attorneys, blocked my access to the Supreme Court, fraudulently converted the character of the action, *changed the names of the parties*, filed my writ in the Court of Appeals as a *supervisory writ / appellate proceeding*, and demanded “extortion” in the amount of \$195.00 for their perfidy, all without any explanation. Dkt. 1:4 ¶ III A.7.

8. I received *no response* to my imprecations to the Supreme Court Justices or the clerk of court regarding the misfiling and mischaracterization of my petition filed in August, thus I refused to pay the *extortion* of \$195.00, resulting in dismissal of 2016AP1522-W on September 16, 2016. See WSCCA case history, and, Ex. A.4-MJN *and exhibits cited therein* from *Case No. 2:16-cv-01694-LA*. Dkt. 1:3 ¶ 8.

9. DOJ Attorneys Brad D. Schimel and Daniel J. O’Brien falsely represented to this Court on May 29, 2018 that: “His [Petitioner’s] first step was instead to file state habeas corpus petition in the Wisconsin Court of Appeals on April 20, 2017.” Dkt. 7:6. However, both state and federal public records evidence the FACTS that my first state habeas petition dated July 12, 2016, was filed on August 2, 2016, *Case No. 2016AP1522-W*, and, my first federal habeas petition dated December 19, 2016, *Case No. 2:16-cv-01694-LA*, was filed on December 21, 2016, and, my second state habeas petition dated January 24, 2017, was filed on January 27, 2017. The DOJ’s *false representations stated herein are not all inclusive. I charge subterfuge.*

10. On December 21, 2016, ten (10) months after the February 11 sentencing date, I filed a hand-written petition for habeas corpus ad subjiciendum in the United States District Court, Eastern District of Wisconsin, which was virtually

identical in substance to the hand-written petition I had filed in 2016AP1522-W, but formatted such that copies of the original topical segments were attached as incorporated “exhibits” to accommodate the *required federal format*. Dkt. 1:25 ¶ V.

11. On January 18, 2017, the Wisconsin Department of Justice (*DOJ*) *accepted service* of my federal habeas corpus petition which had been filed on December 21, 2016. *Case No. 2:16-cv-01694-LA, Dkt. 7. No plausible deniability for attorneys.*

12. On April 11, 2017, DOJ attorneys Brad D. Schimel and Nancy A. Noet filed a motion to dismiss my federal habeas *Case No. 2:16-cv-01694-LA [Dkt.20]* for failure to exhaust state remedies and on April 20, 2017, I voluntarily withdrew my petition *nunc pro tunc* December 21, 2016 [Dkt.23].

13. DOJ Attorneys Brad D. Schimel and Daniel J. O’Brien *falsely represented to this Court* on May 29, 2018 that: “Magritz did *not* file for federal habeas relief until *more than two years after* his (sic) conviction became final.” Dkt. 7:1. The *fact* is, Schimel had not only *accepted service* but had also *filed a motion to dismiss* in my federal habeas corpus petition filed on December 21, 2016, *fifteen (15) months prior* to DOJ attorneys *falsely represented date* of March 22, 2018. Dkt. 7:8.

14. On or about January 23, 2017, *less than 12 months after the date of sentencing*, I mailed a hand-written petition for habeas corpus ad subjiciendum, which was virtually identical to the prior petition filed with the Wisconsin Supreme Court on August 2, 2016, to the clerk of the Wisconsin Court of Appeals. The petition was received January 27, 2017. The \$195 filing fee was received by the clerk February 1, 2017. This petition was *assigned Case No. 2017AP189-W*. Dkt. 1

¶ III.B. See Ex. B-MJN “COURT ORIGINAL” Acknowledgement of Filing of Writ. Also see WSCCA case histories for 2016AP1522-W and 2017AP189-W.

15. On February 15, 2017, having *NOT heard* from the judges of the Court of Appeals, District II, regarding my petition, Case No. 2017AP189-W, I mailed the judges a copy of a writ with a request that the writ be properly executed and returned to me forthwith for service on the Respondent. See Ex. B.1-MJN attached hereto and incorporated herein by reference. I received NO response.

16. On March 6, 2017, having *still NOT heard* from the judges of the Court of Appeals District II regarding my petition, case no. 2017AP189-W, I mailed the clerk of court a “Demand For Hearing, Forthwith”. See Ex. C-MJN and Ex. H-MJN (from WSCCA) attached hereto and incorporated herein by reference.

17. On March 27, 2017, having *still NOT heard* from the judges of the Court of Appeals District II regarding my petition, case no. 2017AP189-W, I mailed the clerk of court a “Motion to Expedite Action on Petition for Habeas Corpus”. See Ex. D-MJN & Ex. H-MJN attached hereto and incorporated herein by reference.

18. On April 12, 2017, having *still NOT heard* from the judges of the Court of Appeals District II regarding my petition, case no. 2017AP189-W, I mailed the clerk of court four (4) typed copies of my hand-written petition for habeas corpus stating: “I hope having typed copies will expedite action on my petition as my irreparable injury increases every additional day that I am restrained if my liberty.” See Ex. E-MJN & Ex. H-MJN attached hereto and incorporated herein by reference.

19. On April 18, 2017, having *still NOT heard* from the judges of the Court of Appeals, District II, regarding my petition, case no. 2017AP189-W, I mailed the clerk of court another set of four (4) typed copies, this time with numbered paragraphs, hoping that having *numbered paragraphs* would *encourage* the judges to act forthwith on my petition. See Ex. F-MJN & Ex. H-MJN attached hereto and incorporated herein by reference.

20. Also on April 18, 2017, *having been stonewalled* by the judges of the Court of Appeals, District II, since the filing of my petition on January 27, 2017, I filed a “Motion To Be Informed By The Court”, to wit: “*I MOVE THE COURT* to inform me, posthaste, of any omission or commission on my part which may be in any way causing the court to delay or not act on my petition, grant me a hearing, and provide me remedy pursuant to my Request For Remedy.” I received *no response*. See Ex. G-MJN & Ex. H-MJN, incorporated herein by reference.

21. DOJ Attorneys Brad D. Schimel and Daniel J. O’Brien *falsely represented to this Court* on May 29, 2018 that: “On April 20, 2017, just short of fourteen months after his (sic) conviction, Magritz filed a petition for a writ of habeas corpus in the Wisconsin Court of Appeals challenging his (sic) conviction.” Dkt. 7:2.

22. The petition which Schimel and O’Brien *falsely represented* as filed on April 20, 2017, Case No. 2017AP189-W, was, and is, *in fact* evidenced on WSCCA as *filed January 27, 2017*. I indicated in this current action that my petition was mailed on or about January 23, 2017, Dkt. 1:5 ¶ III B.3.; the fee was received by the clerk on February 2, 2017, Dkt. 1-1:14 (by example); and, the date of filing was January 27,

2017 as evidenced on numerous pages throughout my petition. See WSCCA, cases 2016AP1522-W and 2017AP189-W. See Ex. H-MJN WSCCA Case History attached hereto and incorporated herein by reference.

23. The docket page which attorneys Schimel and O'Brien refer to, viz. Dkt. 1-2:20, upon which they make their *false representation to this Court* that my petition was filed "On April 20, 2017, just short of fourteen months after his (sic) conviction, ..." , *explicitly reads that* my petition in Case No. 2017AP189-W was "*filed on January 27, 2017*". See Dkt. 1-2:20. Also see Ex. H-MJN attached hereto and incorporated herein by reference. *I charge subterfuge.*

24. By June 1, 2017, *I had been egregiously and unlawfully stonewalled* by the court for *four (4) months* on a petition for habeas corpus which is *supposed to be acted upon forthwith*. I called the clerk and stated I wanted to visit the clerk and obtain copies of what I had filed. I visited the clerk's office on June 6, 2017, made copies, then requested clerk of court Diane M. Fremgen to execute the writ as provided by state statute. Fremgen retreated to her office. When she returned she informed me that the Court had denied my petition *that very day*, June 6.

25. Fremgen printed a copy of *that very day denial* and handed it to me. I read it and asked her who had written that dolus. Fremgen stated it was probably written by one of the staff attorneys.

26. Referring to the typed copy of my petition, the June 6 "opinion and order" stated: "The petition is oversize. WIS. STAT. RULE 809.51(1) (2015-16) limits

petitions to thirty-five pages. The petition is sixty-one pages. *The petition is denied for this reason.*” (emphasis added). Dkt. 1-2:20.

27. DOJ Attorneys Brad D. Schimel and Daniel J. O’Brien *falsely represented to this Court* on May 29, 2018 that the petition was denied “... on *two alternative procedural grounds*: (1) the petition was oversized ...; and (2) habeas corpus relief was not available to Magritz because he *failed to pursue direct postconviction relief*, ...” (emphasis added). Dkt. 7:2.

28. On June 15, 2017, I *Refused For Fraud* the June 6, 2017 “opinion and order” of the stonewalling court, setting forth at length their dolus and their deceptive, incomplete, incorrect, improper, and “erroneous” citing of *State ex rel Haas v. McReynolds*, by *obvious intentional omission* of the operative word “adequate”, which was cited eleven (11) times in the *Haas* case, and which is a *material, relevant and essential term used in the statute*, Wis. Stat. § 974.06(8). The attempt by the judges of the Court of Appeals, who are highly trained in the law, to deceive me into returning to the sentencing court in which the “structural errors” of judicial bias and denial of assistance of counsel by the “judge” who was pursuing a personal vendetta against me, as well as covering-up crimes, was clear, obvious, intentional, and, unquestionable. See Dkt. 1-2:23-29, as well as my “Affidavit Of Bias”, both incorporated herein by reference.

29. On July 6, 2017, the Court of Appeals denied my *hand-written* petition for also being “oversize”, which was the “reason” given for denying on June 6, 2017, my

typed-out petition, Dkt. 1-2:17, which I also refused for fraud and non-acceptance of their offer, Dkt. 1-2:19.

30. On August 1, 2017, I removed most of the background material and mailed via registered United States mail, an “AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D.”, which was received by the clerk of court on August 3, 2017, well before the revised “Remittitur” date of August 10, 2017.

31. The officers of the court *refused to file my timely filed “AMENDED” petition* in Case No. 2017AP189-W. The officers of the court assigned a new case number, *2017AP1531-W*, and subsequently *demanded another filing fee*. After *weeks* of correspondence with the extorting court, I *paid as extortion another \$195.00* which the clerk of court received on October 20, 2017. Dkt. 1:5 ¶ III C.

32. On November 7, 2017, *again in an unsigned “opinion and order”*, the “court” denied my “AMENDED” petition. The “court”, after having been TWICE noticed that they had improperly, deceitfully, falsely and fallaciously cited, *by obvious intentional omission* of that which the Wisconsin Supreme Court had stated in no uncertain terms in the *State ex rel Haas v. McReynolds* case, *AGAIN regurgitated* their false and deceitful verbiage in order to deny me remedy. Dkt. 1-2:5-7. I again properly *refused for fraud* their dolus. Dkt. 1-2:9-16.

33. DOJ Attorneys Brad D. Schimel and Daniel J. O’Brien *falsely represented to this Court* on May 29, 2018 that I filed “another state habeas petition in the Wisconsin Court of Appeals raising the same challenges previously rejected by the

court and rejected by it again, ..." Dkt. 7:7, when in fact on August 1, 2017, I *removed background material* and filed as "AMENDED" a petition which was not "oversized", *supra*, Dkt. 1:5 ¶ III C, and further, my "challenges" were not "rejected" because the court REFUSED to consider them on their merits. Dkt. 1-2:5-8.

34. Continuing in the same paragraph and sentence of Dkt. 7:7 as cited above, attorneys Schimel and O'Brien *falsely represented to this Court* that: "followed by another unsuccessful motion for reconsideration, ...", when *in fact* I did *not* file a motion for reconsideration but rather I filed an 8 page *REFUSED FOR FRAUD*, *supra*, Dkt. 1-2:9-16.

35. Continuing in the same paragraph and sentence of Dkt. 7:7 as cited above, attorney Schimel and O'Brien *falsely represented to this Court* that: "and finally a petition for review that was rejected by the Wisconsin Supreme Court as untimely." The FACT is that I did NOT file a "petition for review". On January 16, 2018, I filed a constitutionally secured Writ of Error pursuant to Article I Section 21 of the constitution of Wisconsin, Dkt. 1:6 ¶ III C.9., as set forth in its entirety at Dkt. 1-1:4-16. The Writ of Error is *not subject to* any statutory "30 day" limitation. Further, it is the Supreme Court's *recommended* method to review a denial of habeas corpus, see page 6 of exhibit EX. J-MJN, incorporated herein by reference.

36. Having been subjected in the past to the contrivances of the attorneys running interference for both the judges and the justices in "this State", I gave the court and the world fair "Notice" in both the Praeipie to the Clerk, Dkt. 1-1:4, and

on the first page of the “Writ of Error, generally, and Order for Remedy”, Dkt. 1-1:5-16, as follows:

“Take Notice: WHOEVER construes, considers, determines, treats, conflates, classifies, categorizes, etc., this constitutionally secured writ of error, at common law, as anything other than that, will be charged with trespass as an intentional tortfeasor acting with malice aforethought. Any statutory designation, etc., including but not limited to a “petition for review”, will be deemed a trespass and an intentional constitutional tort.”

37. In spite of the NOTICE, on January 18, 2018, *the “gatekeeper” attorneys, all highly trained in the law, and all of whom are required by sworn oath to support the state (and federal) constitution(s), denied and defied the same, spat on the rule of law, and, knowingly, purposely, with apparent malice aforethought, fraudulently converted my constitutionally secured Writ of Error to a “petition for review”*, Dkt. 1-2:2, which on January 26, 2018, I properly REFUSED FOR FRAUD, Dkt. 1-1:3.

38. Also on January 26, 2018, I provided every justice on the Wisconsin Supreme Court a “NOTICE OF: UNLAWFUL CONDUCT BY SUBORDINATE ATTORNEYS, AND, DEMAND FOR REMEDY via WRIT OF ERROR”, Dkt. 1-1:2.

39. My copy of the documents filed in this case, 2:18-cv-00455-LA, has both pages of the 2 page NOTICE to the justices, thus the documents in the possession of the Court *should* consist of both pages. However, page 2 of the Notice to the justices is missing from PACER, therefore I am re-filing pages 1 & 2 herewith as Ex. I-MJN.

40. I allowed the justices of the Wisconsin Supreme Court thirty days to act honorably and correct the fraudulent conversion of my Writ of Error, *which the Supreme Court itself had said was the proper way to review the denial of a petition for habeas corpus, supra*, into a petition for review. See Ex. I-MJN incorporated

herein by reference, and page 6 of Ex. J-MJN. During that 30 plus day period I called the Clerk of Court several times to determine if there were any communications from any of the justices, but was told there were NONE, therefore I worked on preparing this present application to this Court, denoted as case number *2:18-cv-00455-LA*.

41. I charge DOJ attorneys Schimel and O'Brien with trespass and an intentional constitutional tort for *falsely representing to this Court* that I had filed a "petition for review", Dkt. 7:7, *after having been given public NOTICE that "WHOEVER" doing so would be so charged*, Dkt. 1-1:4,5. *I charge subterfuge.*

42. FACT: I did NOT file a "direct appeal". Dkt. 1:3 ¶ II.A. DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien *falsely represented to this Court* on May 29, 2018 that: "Magritz's failure to pursue direct review in state court is in and of itself fatal to his federal habeas petition." Dkt. 7:13. The cases cited by DOJ attorneys (*Johnson* and *Sanchez-Llamas*) involved defendants who *had filed direct appeals and failed to raise their claim(s) in their direct appeal* and thus were barred from raising the claim on collateral review. Schimel and O'Brien *falsely represented to this Court the findings and opinions of the Justices of the United States Supreme Court.* *I charge subterfuge.*

43. FACT: *Not only did I NOT have an attorney, I was denied assistance of counsel by the trial court "judge"*, and therefore no attorney could possibly have filed a no-merit report with regard to an appeal in my situation. Yet DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien *falsely represented to this Court* on May 29, 2018 that: "Magritz could not pursue collateral relief under Wis. Stat. § 974.06

unless he provided a 'sufficient reason' to excuse his failure to raise his challenges on direct review", Dkt. 7:13. FACT: DOJ attorneys cited a case (*State v. Allen*) in which *the issue* was the defendant's failure to raise *an objection to an attorney's no-merit report*.

I charge subterfuge.

44. DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien falsely represented to this Court on May 29, 2018 that: "Magritz was using the wrong vehicle in the wrong court, as the Wisconsin Court of Appeals clearly explained to him," Dkt. 7:8. FACT: The Court of Appeals did *NOT* "clearly explain" anything. FACT: DOJ attorneys "conveniently" omit the fact that the Court of Appeals, on three occasions, had flouted the law and improperly, deceitfully, falsely and fallaciously cited, *by obvious intentional omission*, that which the Wisconsin Supreme Court had stated in no uncertain terms in *State ex rel Haas v. McReynolds*. Dkt. 1-2:7-8; Dkt. 1-2:26-27. FACT: The Court of Appeals "conveniently" omitted the relevant, material, essential, operative word "adequate" which was used ELEVEN (11) times by the Wisconsin Supreme Court. Incorporated herein by reference evidencing the egregious deceit and false representations is the entire case of *State ex rel. Haas v. McReynolds*, 643 N.W.2d 771 (2002), Ex. J-MJN, from Westlaw.

45. FACT: I intentionally did NOT file a motion for "relief" with the trial "court" pursuant to Wis. Stat. § 974.06 because the proceedings, which were a malicious prosecution, were presided over by a "judge" with *outcome based bias* who exhibited her *judicial bias* to such an extreme that it shocks the conscience. "Judge" Sandy A. Williams was *executing a personal vendetta* against me, as evidenced in my habeas

petition and as supplemented by my "Affidavit of Bias" which is incorporated herein by reference. FACT: *Williams cannot even claim the appearance of impartiality* based upon the fact that I had exposed her perfidy in 2011, filed criminal complaints against her in 2011 and 2012, sued her in federal court for breach of fiduciary duty in 2012, since 2013 she has been featured as a corrupt attorney and corrupt judge on the OzaukeeMob.org website for misprision of felony, and, she refused my two written demands for an evidentiary hearing by an unbiased judge and ignored my Affidavit of Prejudice, etc.

46. FACT: DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien *falsely represented to this Court* on May 29, 2018 that: "The only "properly filed" pleading would have been a motion under Wis. Stat. § 974.06;" Dkt. 7:8-9. Such a motion to the "judge" who was effectuating a personal vendetta against me would NOT have been "properly filed", but would have been futile, ineffective, absurd, ludicrous, asinine, *and, would have compounded the illegality*. This the DOJ attorneys *knew, or should have known* based upon reading my habeas corpus petition, Dkt. 1-3:1-35, and my June 15, & November 16, 2017 refusals for fraud, Dkt. 1-2:23-29 and Dkt 1-2:9-16, *and, being highly trained in the law, knowing that § 974.06 specifically states its inapplicability* when "it also appears that the remedy by motion is *inadequate or ineffective* to test the illegality of his or her detention." For the DOJ attorneys to assert that a victim must futilely return to his persecutor "judge" for remedy is disingenuous and incredulous, *especially* when the persecuting "judge" had refused to recuse herself. *I charge subterfuge.*

47. FACT: DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien falsely represented to this Court that I was "required by Wisconsin law" [to] "seek collateral review under Wis. Stat. § 974.06." Dkt. 7:5. See immediately preceding paragraph. (emphasis added) *I charge subterfuge.*

48. FACT: I did not request the State Public Defender (SPD) to represent me, Dkt. 1-2:12, thus SPD *could not possibly* have "declined" to represent me as falsely represented to this COURT by DOJ attorneys Schimel and O'Brien. Dkt. 7:5-6.

49. DOJ Attorneys Brad D. Schimel and Daniel J. O'Brien falsely represented to this Court on May 29, 2018, that: "Magritz has not revealed whether he presented the same factual and legal bases for his 20 federal constitutional claims to the Wisconsin appellate courts." Dkt. 7:12. FACT: Regarding Case No. 2016AP001522-W, I listed no less than twenty grounds, "and more - see Amended petition for habeas corpus incorporated herein by reference." Dkt. 1:4 ¶ III A.4. FACT: Regarding Case No. 2017AP189-W I stated: "*These are ALL the same grounds as raised in this petition.*" Dkt. 1:5 ¶ III B.5. FACT: Regarding Case No. 2017AP1531-W I stated: "See grounds set forth in section III. A.5. above, reiterated here. See AMENDED Petition for Common Law Writ of Habeas Corpus [Dkt. 1-3], and, Writ of Error [Dkt. 1-1:5-16], both incorporated herein by reference as if set forth at length herein. *These are ALL the same grounds as raised in this petition.*" Dkt. 1:6 ¶ III C.5. *I charge subterfuge.*

I, Steven Alan Magritz, declare under the pains and penalties of perjury of the laws of the United States of America that the foregoing facts set forth in this "*Mandatory*

Judicial Notice – FRE 201(c)(2) With Exhibits A through J (22 pages)” are true and correct, and as for any statement made upon information, reason, or belief, I believe and so charge them to be true.

Executed on this July 4, 2018.



Steven Alan Magritz

¹e.g., 52 U.S.C. § 20502(4)

DECLARATION OF NATIONALITY IN AN AMERICAN REPUBLIC

To all Sundry by these Presents:

I, Steven-Alan: Magritz, Declarant herein, a sentient American national, who herein will state and render a formal Declaration of "Allegiance" to an American republic. The primary intent and purpose of this Declaration is to cancel the naturalization caused by the 14th amendment to secure Independence held by Nationality de jure status, which is held in conformity with the law of nations, to enjoy Life, Liberty and the pursuit of Happiness; all such natural and unalienable Rights which are vested in and secured by the Constitution for the United States of America; moreover, it is discerned by Declarant that Governments are instituted among a People, deriving their just powers from the consent of the Governed; and with reserving all absolute Rights henceforth—

Declarant so does state and/or affirm the following in enumeration in matter thereof:

- I. I was live-born on March 3, 1945 (see document attached hereto and incorporated herein); and,
- II. I have been bestowed said earthly presence by my heavenly Creator;
- III. I was born in the country of Wisconsin to a father of the same origin; wherefore,
- IV. I am a native of the American republic of Wisconsin; therefore, I am a natural born jus soli/jus sanguinis Wisconsin national (Wisconsinite) under the principles of international and American law;
- V. I am executing this declaration under my own free will, of full knowledge and, as being a neutral, without any injurious intent to the United States or any state of the Union;
- VI. I understand, and do embrace, basic natural Law, including in particular but not limited to, the "Articles in Addition to, and Amendment of, the Constitution of the United States of America . . ." [1791], more commonly known as the "Bill of Rights";
- VII. I believe that the Constitution for the United States of America, with a Republican guarantee, is the organic law of the United States of America and the several States of America and the several States;
- VIII. I do not, can not, and will not, participate in elections, as set forth by the Constitution of the United States, fourteenth amendment, section 2, that mandates federal citizen participation;
- IX. I execute this declaration as a matter of natural right, as sustained by the law of nations, and by ancillary law established by Congress, as vested to Congress by the Constitution of the United States, Article I, Section 8, Paragraph 4, which includes, but is not limited to, Public Law, 15 United States Statutes at Large, Chapter 249, pp 223-224 (1868) and under authority of the Nationality Act of 1940 - Title 8 of the United States Code, sections 1481(a)(2) and 1101(a)(21)&(23); and in regard to all such law,
- X. I hereby assert as a matter of natural right, which is sustained by the law of nations and the aforesaid congressional authority, that from the time of my birth any presumed, implied and/or legally induced 14th amendment naturalization or persona designata is unlawful, thus void ab initio; and hence,
- XI. I hereby assert and enjoin that any private domestic law that relates to and/or is caused by federal citizens that is imposed on me by presumption, or anything that is joined to such law of or in adhesion that is imposed on me and/or expressed by me in error, due to a scheme and/or wanton omissions, which is hereby canceled, is foreign law, hence, in regard to me, all such law is severed ab initio; inasmuch as:
 - ♦ I hereby declare that I am not a citizen or national of the United States; and declare my "allegiance" to the Wisconsin republic/state of America as a Wisconsin national.

ASSEVERATION UNDER PENALTY OF LAW PURSUANT TO PREMISE OF TITLE 28 USC § 1746(1).

I truly believe that all mandates of law in this declaration have been met pursuant to Title 8 USC § 1101 et seq., Accordingly, yielding to the foreign State known as the United States of America in a special limited capacity for the purpose of this document, pursuant to relevant content herein, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

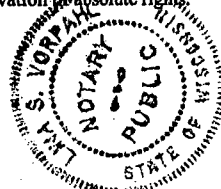
Executed this day of July 12, A.D. 2001,
as nunc pro tunc as of my age of majority
for declared termination of de facto status.

Steven-Alan: Magritz SEAL
Steven-Alan: Magritz: secured party-creditor; original jurisdiction
de jure; without prejudice; with reservation of absolute rights.

State of Wisconsin }
County of Ozaukee } ss

Done this day of July 12, A.D. 2001 in witness hereof:

Lina J. Corbell NOTARY SEAL—
Notary Public of the State of Wisconsin; foreign agent.



ATTESTATION; DE JURE OR FOREIGN JURISDICTION; SUBSCRIBING WITNESSES IN PAIS OR THE REPUBLIC:

Dary Neal Wisconsin republic native; witness
Gal... Wisconsin republic native; witness
... Wisconsin republic native; witness

This document is to serve as an actual notice and constructive contract, state and/or federal; accordingly, originals have been formally served to the following governmental offices for purpose of permanent and evidential record:

- President of the United States of America;
- United States Department of Justice;
- Secretary of State of the United States of America;
- Governor of the State of Wisconsin;
- Attorney General of the State of Wisconsin;
- Secretary of State of the State of Wisconsin.

This Instrument is regulated by intrinsic definitions. See the reverse side of this Document for a Lexicon of words, phrases and styles. Further note that this Declaration supersedes or amends other previously served or dated Declarations.

16 AP 1522 W

Præcipe to the clerk of the supreme court of the
state of Wisconsin:

RECEIVED

AUG 02 2016

CLERK OF SUPREME COURT
OF WISCONSIN

Dear clerk,

By the writ of Præcipe you are commanded to file, and provide file-stamped copies of, my common law writ of habeas corpus ad subjiciendum, to the courier bearing the same, and further cause the execution of the writ ^{commanding} ~~and~~ the restrainer of my liberty to forthwith bring me before the supreme court.

This is a common law habeas corpus ad subjiciendum guaranteed to the people by Article I section 8 of the Constitution of the state of Wisconsin, 1848 A.D., to be filed without any fee pursuant to Article I, Section 9, whereby I am to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

This is NOT a "petition" for the court to grant, deny, transfer, etc. This is my common law lawsuit filed as of Constitutionally Secured Right.

If clerk demands a "fee", clerk is to certify in writing, sworn and subscribed, the substance demanded and the exact weight in accordance with the coinage act of 1792.

My Seal: Steven Alan Magwitz

Exhibit 4

Ex. A.2 - MJN

16 AP 1522 W

Steven Alan Magritz

cl New Lisbon Correctional Institution

2000 Progress Road

New Lisbon, Wisconsin

FILED

AUG 02 2016

CLERK OF SUPREME COURT
OF WISCONSIN

Wisconsin Supreme Court, "The State of Wisconsin"

Steven Alan Magritz, Priscasa, Plaintiff

v.

Timothy Deuma or Timothy Thomas or his successor, "Turnkey",
Restrainer of Liberty, doing business as
Warden at New Lisbon Correctional Institution
or its successor

Common law Habeas Corpus Ad Subjiciendam
brought under the Constitution of the state of Wisconsin,
1848 A.D. Article I Section 8 and Article VII Section 17
wherein the style of all writs shall be, "The State of Wisconsin".

Exhibit 2

Case 2:16-cv-01694-LA Filed 04/11/17 Page 1 of 147 Document 21-2

WAP1522 W

The state of Wisconsin: to Timothy Douma or Timothy Thomas or the successor of either doing business as "warden" of New Lisbon Correctional Institution or any other successor institution:

You are hereby commanded to have Steven Alan Magriza, by you imprisoned and detained, as it is said, together with the time and cause of imprisonment, (by whatever name the said Steven Alan Magriza shall be called or charged), before the Wisconsin supreme court, at the capital building in Madison, Wisconsin, forthwith, to do and receive what shall then and there be considered concerning the said Steven Alan Magriza.

Further, you are commanded to provide a verified response, or return, to the common law writ of habeas corpus ad subjiciendum of Steven Alan Magriza. Failure on your part to provide a verified return to said writ will be considered your acquiescence to the statements therein.

RECEIVED

AUG 02 2016

CLERK OF SUPREME COURT
OF WISCONSIN

Ex. A.4 - MJN

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

of counsel; denial of witnesses for defense; witness tampering and jury tampering; unconstitutionality of underlying statute; sentence violates First and Eighth Amendments; Arrest without warrant, etc. See Table of Contents, Synopsis, Introduction & Exhibit list incorporated herein by reference.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal action for redress:

After the first ^{action} appeal, did you file a second ^{action} appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Individual Supreme Court Justices & Commissioners,

Gov. Scott Walker, A.G. Brad Schimel, etc.

(2) Date of filing: August 4, August 17, & September 7, 2016

(3) Docket number, case number, or opinion number: 2016 AP 1522W

(4) Result: Dismissed for my non-consent to the fraudulent mischaracterization and mistaking my habeas,

(5) Date of result: September 16, 2016

(6) Issues raised: Fraud upon the court; failure/refusal of clerk of court to execute the summons; mischaracterization of common law writ of habeas corpus for enforcement of legal right as some type of "appellate proceedings"; mistaking my writ invoking the original jurisdiction of the Supreme Court in the Court of Appeals, District II; blocking access to the Supreme court; obstruction of justice; writ to Enforce Administration of Justice See accompanying aforesaid documents dated August 4, August 17, & September 7 incorporated herein by reference, marked section 8, pp 1-7.

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal action for redress:

After the second ^{action} appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: All 60 officers & members of the Board of Governors of the State Bar of Wisconsin; and, the Senate and Assembly Judiciary Committees

(2) Date of filing: sworn statements: October 6, 2016, and October 26, 2016

(3) Docket number, case number, or opinion number: N/A

(4) Result: Silence - No response received

(5) Date of result: from date of mailing to present day

(6) Issues raised: See accompanying sworn Complaint dated October 6, 2016, and Petition for Redress of Grievances dated October 26, 2016, incorporated herein by reference marked section 9, pp 1-3.



Diane M. Fremgen
Clerk

WISCONSIN COURT OF APPEALS

OFFICE OF THE CLERK

110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

Ex. B - MJN

COURT ORIGINAL

State of Wisconsin ex rel. Steven Alan Magritz,
Petitioner,
v.
Timothy Douma, Warden,
Respondent.

Date: February 1, 2017

District: 2
Appeal No. 2017AP000189 W
Circuit Court Case No. 2011CF000236

Acknowledgement of Filing of Writ/Petition

A **Petition for Writ of Habeas Corpus** in the above matter has been filed this date.

If a Petition for Leave to Appeal has been filed and the appeal is of the type specified in Wis. Stat. § 752.21(2), the petitioner should designate an appellant court district within eleven days, or the Petition for Leave to Appeal and the appeal, if leave is granted, will remain assigned to the district reflected on this notice.

Please use the above case name (caption) and case number on all briefs and documents filed in this matter; see Rule 809.81(9). **If you do not agree with the caption, please immediately notify this office in writing.** Thank you.

Diane M. Fremgen
Clerk of Court of Appeals

Distribution:	Address	City	State	Zip Code
Court Original				
Charlotte Gibson	Assistant Attorney General	P.O. Box 7857	Madison	WI 53707-7857
Kevin C. Potter	Assistant Attorney General	P.O. Box 7857	Madison	WI 53707-7857
Steven Alan Magritz	Oregon Corr. Inst.	P.O. Box 25	Oregon	WI 53575-0025
Hon. Sandy A. Williams	Circuit Court Judge	1201 S. Spring St.	Port Washington	WI 53074-0994
Marylou Mueller	Clerk of Circuit Court	Ozaukee County Circuit Court 1201 South Spring Street	Port Washington	WI 53074-0994

Ex. B.1 - MJN

17AP189 W

From: Steven Alan Magritz
c/o Oregon Correctional Center
5140 Highway M
P.O. Box 25
Oregon, WI 53575

February 15, 2017

RECEIVED

FEB 23 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

To: Mark D. Gundrum, Brian K. Hagedorn, Paul F. Reddy, and Lisa S. Neubauer,
judges and chief judge, respectively

On or about January 23, 2017 I mailed a "Petition For Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of The Constitution of Wisconsin, 1848 A.D." to Diane M. Frengeles, clerk of court, to be filed with the Court of Appeals, District II. I have this day received information indicating the writ of habeas corpus has NOT been issued.

Therefore I am requesting each of you, in the order addressed above, to properly execute the enclosed writ and return it to me forthwith for service on the respondents. Should the first named judge be unavailable or refuse to immediately, without delay, execute said writ, said responsibility shall devolve upon the next named judge.

Sincerely,

Steven Alan Magritz

Certificate of mailing: I, the undersigned, certify that I placed this communication in the prison mail box, postage prepaid, addressed to the above named judges, on this the _____ day of February, 2017, at Oregon Corr. Center, 5140 Highway M, Oregon, Wisconsin.

State of Wisconsin - Court of Appeals - District II

State of Wisconsin ex rel. Steven Alan Magritz, Petitioner

v

Ex. C - MJN

Quala Champagne, Respondent

Case No. 2017 AP189W

Demand For Hearing, Forthwith

On or about January 26, 2017 my petition for common law writ of habeas corpus ad subjiciendum was filed with the Clerk of the Court of Appeals. The filing fee apparently was received on February 1, 2017.

On February 15, 2017 I presented a writ ~~and writ~~ for signing to judges Mark A. Gundrum, Brian K. Hagedorn, Paul F. Reilly, and Lisa S. Neubaum, in that order, respectively, pursuant to Wis. Stats. § 782.06, commanding the restraint of my liberty to produce this petitioner before the aforesaid court. I received no response from them, or any of them, whatsoever.

I DEMAND an immediate hearing on my common law writ of habeas corpus ad subjiciendum.

I DEMAND the clerk forthwith set a time and date certain, within five (5) days of today's date, March 6, 2017, at which time the restrainer of my liberty shall produce me physically before the judges of the Court of Appeals, District II, and provide return to the writ, and then and there my cause be ruled upon.

The clerk is further requested to properly stamp, sign and date the enclosed copy and return it to me.

Dated March 6, 2017.

Sincerely,

Steven Alan Magritz

FILED

MAR 09 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

State of Wisconsin - Court of Appeals - District II

State of Wisconsin ex rel. Steven Alan Magritz, Petitioner

v.

Ex. D - MJN Case No 2017 AP 0189-W

Irene Fracchini-Symes, Respondent

Motion to Expedite Action on Petition for Habeas Corpus

I, Steven Alan Magritz, Petitioner in Case No. 2017 AP 0189-W, move the Court of Appeals, District II, to expedite action on my petition for common law habeas corpus ad subjiciendum.

I have been unlawfully restrained of my liberty for 18 months, and suffer ongoing injury every additional day that I am so restrained.

In the interest of justice, I move the court for expedited action on my petition.

I further move the court for remedy forthwith as set forth in my Prayer for Remedy.

Dated this March 27, 2017 A.D.

Steven Alan Magritz

do 3794 N. Highland Dr., Port Washington, WI 53074

copy to: Charlotte Gibson, AAG

FILED

MAR 30 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

Ex. E - MJN

April 12, 2017

Steven Alan Magritz
c/o 3794 Highland Dr.
Port Washington, WI 53074

To:

Diane M. Fremgen, Clerk of Court of Appeals
110 E. Main St., Suite 215
P.O. Box 1688
Madison, WI 53701

RECEIVED

APR 14 2017
CLERK OF COURT OF APPEALS
OF WISCONSIN

Dear Clerk Fremgen:

Enclosed please find four typed out copies for the judges of my petition for habeas corpus filed February 1, 2017, case no. 2017AP189-W.

I hope having typed copies will expedite action on my petition as my irreparable injury increases every additional day that I am restrained of my liberty.

Please be advised I found two obvious and inexplicable mistakes on pages 23 and 27 where I wrote the year as "2015" instead of the correct year, "2011". I noted these as "typos" on said pages.

Sincerely,



Steven Alan Magritz

Copy: Charlotte Gibson, AAG

Ex. F - MJN

April 18, 2017

Steven Alan Magritz

To:

Diane M. Fremgen, Clerk of Court of Appeals
110 E. Main St., Suite 215
P.O. Box 1688
Madison, WI 53701

RECEIVED

APR 20 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

12 Apr 18 2017 W

Dear Clerk Fremgen:

The typed copies of my petition for habeas which I had mailed to the court on April 12, 2017 contained a number of typing mistakes, formatting mistakes, and un-numbered paragraphs.

Enclosed please find four replacement copies of those mailed April 12th. As stated in my April 12th letter, these are typed copies for the judges of my petition for habeas corpus filed February 1, 2017, case no. 2017AP189-W.

Change in address:

Please note my new address as set forth above and send future correspondence to same.

Sincerely,



Steven Alan Magritz

Copy: Charlotte Gibson, AAG

Ex. G - MJN

State of Wisconsin

Court of Appeals

District II

State of Wisconsin ex rel. Steven Alan Magritz, Petitioner

V.

Case No. 2017AP189-W

Quala Champagne, or successor Irene Fiacchino-Symes, Respondent

FILED

MOTION TO BE INFORMED BY THE COURT

APR 20 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

Comes now Steven Alan Magritz, Petitioner for habeas corpus ad subjiciendum in the above captioned matter, to Notice and move the court as follows:

I am a layman and unschooled in the law.

On February 1, 2017 I filed a Petition for a common law writ of habeas corpus ad subjiciendum, hand-written over a number of months while imprisoned.

It has been two and ½ months since my petition was filed. I am concerned over what appears to be an unusual delay in the court acting on my petition, as of one of the people, concerning my liberty interests.

It has come to my attention that there were "shortcomings" in the form in my petition which may have resulted in the court not taking prompt action on my petition.

I am now submitting typed copies, with numbered paragraphs, of my hand-written petition. I hope this removes any "omission" or failure on my part which may have caused a delay.

I MOVE THE COURT to inform me, posthaste, of any omission or commission on my part which may be in any way causing the court to delay or not act on my petition, grant me a hearing, and provide me remedy pursuant to my Request For Remedy.


Steven Alan Magritz, Petitioner

Copy, with typed petition, to: Charlotte Gibson, AAG

Ex. H - MJN, 1 of 2

Wisconsin Supreme Court and Court of Appeals Case
Access

Steven Alan Magritz v. Quala Champagne

Appeal Number 2017AP000189 - W

Court of Appeals District 2

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	CA		07-06-2017	Remittitur
RECV	CA	06-21-2017		Sua Sponte Filed By: Unassigned District 2 Submit Date: 6-21-2017 Comment: Magritz 'refused for fraud' mailing
OCCD	CA	06-06-2017		Opinion/Decision Judge Panel: Reilly, Gundrum, Hagedorn Opinion: Memo Opinion Decision: Supervisory Writ Denied Pages: 2 Order Text: ORD that the petition for a writ of habeas corpus is denied ex parte.
OCCD	CA	04-20-2017		Motion for Miscellaneous Relief Filed By: Steven Magritz Submit Date: 4-20-2017 Decision: (N) No Action Decision Date: 6-6-2017 ORD that the petition for a writ of habeas corpus is denied ex parte. Comment: motion to be informed by the court
OCCD	CA	04-20-2017		Other Papers Comment: received 4 replacement copies of the corrected writ petitions received 4/14/17
OCCD	CA	04-14-2017		Other Papers Comment: rec'd 4 typed versions of writ filed 2/1/17 with corrected typos on p. 23 and 27
OCCD	CA	03-30-2017		Motion to Expedite Filed By: Steven Magritz Submit Date: 3-30-2017 Decision: (N) No Action Decision Date: 6-6-2017 ORD that the petition for a writ of habeas corpus is denied ex parte. Comment: action on whc

OCCD CA	03-23-2017	Certificate of Service
Comment: AG received WHC by mail 3/20/17		

OCCD CA	03-22-2017	Sua Sponte
Filed By: Unassigned District 2		
Submit Date: 3-22-2017		
Decision: (N) No Action		
Decision Date: 6-6-2017		
ORD that the petition for a writ of habeas corpus is denied ex parte.		
Comment: change caption to Irene Symes who I think is the officer handling his case since he's now out on adult supervision?		

OCCD CA	03-09-2017	Motion for Miscellaneous Relief
Filed By: Steven Magritz		
Submit Date: 3-9-2017		
Decision: (N) No Action		
Decision Date: 6-6-2017		
ORD that the petition for a writ of habeas corpus is denied ex parte.		
Comment: Demand for hearing		

OCCD CA	02-13-2017	Affidavit of No Service filed
---------	------------	-------------------------------

OCCD CA	02-06-2017	Caption Amended
---------	------------	-----------------

OCCD CA	02-01-2017	Fee Paid
Comment: Receipt No: 17R 000274		

OCCD CA	02-01-2017	Petition for Writ of Habeas Corpus
Filed By: Steven Magritz		
Submit Date: 2-1-2017		
Decision: (D) Deny		
Decision Date: 6-6-2017		
ORD that the petition for a writ of habeas corpus is denied ex parte.		
Motion Response		
Filed By: Steven Magritz		
Submit Date: 2-23-2017		
Comment: writ received 1/27/17, filing fee 2/1/17		

Ex. I - MJN, 1 of 2

Steven Alan Magritz
c/o N53 W34261 Road Q
Okauchee, Wisconsin 53069

January 26, 2018 A.D.
7016 0750 0001 1946 0861

NOTICE OF: UNLAWFUL CONDUCT BY SUBORDINATE ATTORNEYS, AND, DEMAND FOR REMEDY via WRIT OF ERROR

To: Patience D. Roggensack, supreme court chief justice
16 East, State Capitol
Madison, WI 53702

TAKE NOTICE: I, Steven Alan Magritz, charge attorneys Nancy A. Kopp, Julie Anne Rich, David W. Runke, and Mark Anthony Neuser, commissioners/appointees of the state supreme court, with fraudulent conversion, deprivation of rights with malice aforethought, deprivation of rights under color of law, conspiracy against rights, breach of fiduciary duty, misconduct in public office, obstruction of justice, denial of access to the court, denial of substantive due process, perjury of oath by a fiduciary of the public trust, violation of DR's and EC's, unlawful concealment from the justices¹, abuse of power, and, defiance of, and rebellion against, the federal and state constitutions².

STATEMENT OF FACTS: In the late afternoon of January 16, 2018 A.D., I filed a twelve page Writ of Error, signed under penalty of perjury, along with a one hundred and twenty-five page Appendix, with the clerk of the supreme court located at 110 E. Main St., Suite 215, Madison, Wisconsin. I filed seven original signature writs, one for each justice, with an Appendix for each justice, plus 2 sets of Writ and Appendix which the deputy clerk stated she "needed". I filed the Writ of Error following the denial of my "AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D." by the COURT OF APPEALS, DISTRICT II.

The deputy clerk further stated she had never seen a Writ of Error, did not know what the fee might be, and that the clerk would send me a "bill" for any fee. In the afternoon of January 18, 2018 A.D., I called the office of the clerk and talked with Carrie Janto. Janto stated that the *court commissioners* had dismissed my Writ of Error and that a letter to that effect had just been mailed out to me. I asked Janto the names of the commissioners who had dismissed my writ, but she stated she did not know.

On January 22, 2018 A.D., I received an *unsigned* letter on "OFFICE OF THE CLERK" letterhead indicating that the "Commissioners" had fraudulently converted my Writ of Error, a constitutionally secured writ, to a discretionary statutory privilege called a "petition for review", and then dismissed the created by fraud petition.

In the late afternoon of January 22 I called the office of the court commissioners and talked with receptionist Sonja M. Umberger. I introduced myself, and then asked to speak to

¹ See Presidential Order dated December 20, 2017 with regard to corruption.

² See sections three and four of the Fourteenth Amendment for the consequences of rebellion against the Constitution.

Ex. I - MJN, 2 of 2

the commissioners, first Kopp, then Rich, then Runke, then Neuser. I was given three different excuses for not being able to talk to the four commissioners.

In the afternoon of January 24, 2018 A.D., I again called the office of the court commissioners. As I asked to speak to the various commissioners, Umberger's response became abrupt and her tone of voice became ice cold. Umberger hung up on me when I asked if she could try ringing me through to Dave Runke.

TAKE NOTICE: In *State ex rel Haas v. McReynolds*, 252 Wis. 2d 133 (2002), the court say (¶ 15) that a writ of error is the proper way to review the denial of a petition for habeas corpus. Further, the aforesaid attorneys were *twice*³ given notice and warning that tortfeasors would be charged with trespass as an *intentional* tortfeasor acting with *malice aforethought*, but they *chose*⁴ to ignore the notices, act contrary to *Haas*, fraudulently convert my Writ of Error to a petition for review, thus *knowingly* violate my constitutionally secured right to a writ of error under Article I, sec. 21 of the state Constitution.⁵

These attorneys spat on the rule of law, acted dishonestly, without integrity, and in bad faith. Their unlawful acts impugn the reputation, character and integrity of the supreme court itself and destroys the *perception* that people might have that the court will act justly.

TAKE NOTICE: Justices of the supreme court are required to be bound by oath to support the constitution of the United States and the constitution of the state of Wisconsin by Article IV Section 28⁶ of the state constitution. A copy of your oath is attached hereto and incorporated herein by reference. I accept your oath as a binding contract that you will protect my God-given rights, which are secured by both federal and state constitutions.

DEMAND FOR REMEDY

I demand that the justices of the supreme court of Wisconsin *instanter* provide me remedy as set forth on page twelve of my "Writ of Error, generally, and Order for Remedy".

Dated this 26th day of January, 2018 A.D.

By:


Steven Alan Magritz

Cc: file, others

³ See copies of "Praeipce to the clerk" and "Writ of Error, generally, and Order for Remedy", enclosed herewith and incorporated herein by reference as if set forth at length herein. Original signature Writ of Error with 125 page appendix, *withheld* from the justices by the attorneys, awaits each justice in the office of the clerk of court.

⁴ See attached "Order", incorporated herein by reference.

⁵ "Writs of error *shall never* be prohibited ..."

⁶ "Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability."

STATE ex rel. HAAS v. McREYNOLDS, 643 N.W.2d 771, 252 Wis.2d 133 (2002)
Supreme Court of Wisconsin.

† Motion for reconsideration filed May 20, 2002.

STATE of Wisconsin ex rel. Gerard Noel HAAS, Jr., Petitioner-Petitioner,†
v.
William McREYNOLDS, Sheriff of Racine County, Respondent.
No. 00-2636-W.
|
April 30, 2002.

Inmate filed petition for writ of habeas corpus that challenged confinement pursuant to seven commitment orders issued after inmate failed to pay forfeitures to city for various ordinance violations. The Circuit Court, Racine County, Allan B. Torhorst, J., denied relief. Inmate appealed, filed second petition for writ of habeas corpus relief with Supreme Court, and dismissed appeal. The Supreme Court transferred petition. Upon transfer, the Court of Appeals denied relief. Inmate appealed. The Supreme Court, Wilcox, J., held that: (1) appellate court was required to honor request to withdraw appeal, and (2) inmate had otherwise adequate remedy, namely direct appeal from circuit court's denial of petition for habeas relief, and thus inmate was not entitled to habeas corpus writ from appellate courts.

Affirmed.

West Headnotes (15)

[1] **Habeas Corpus** ⇒ Dismissal

Court of appeals was required to honor habeas petitioner's request to withdraw appeal, when it had not yet issued opinion in appeal. W.S.A. 809.18.

[2] **Habeas Corpus** ⇒ Constitutional and Statutory Provisions

Writ of habeas corpus has its origins in the common law, and its availability is guaranteed by the United States Constitution, the Wisconsin Constitution, and by state and federal statutes. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[3] **Habeas Corpus** ⇒ Nature of Remedy in General

"Habeas corpus" is essentially an equitable remedy, which is available to a petitioner when there is a pressing need for relief or where the process or judgment by which a petitioner is held is void. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[4] **Habeas Corpus** ⇒ Civil or Criminal Nature

Writ of habeas corpus has a unique character in that the petition normally arises pursuant to a criminal proceeding, but is litigated as an independent civil proceeding. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

Ex. J - MJN, 2 of 6

State ex rel. Haas v. McReynolds, 252 Wis.2d 133 (2002)

643 N.W.2d 771, 2002 WI 43

[5] **Habeas Corpus** ⇒ Nature of Remedy in General

As an extraordinary writ, habeas corpus is available to a petitioner only under limited circumstances, namely, first, a party who seeks habeas corpus relief must be restrained of his or her liberty, the party seeking the writ must show that the restraint was imposed by a body without jurisdiction or that the restraint was imposed contrary to constitutional protections, and the party seeking the writ must show that there was no other adequate remedy available in the law, and unless these criteria are met, the writ of habeas corpus will not be available to a petitioner. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[6] **Habeas Corpus** ⇒ Nature of Remedy in General

Writ of habeas corpus does not issue as a right. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[7] **Habeas Corpus** ⇒ Existence and Exhaustion of Other Remedies

Extraordinary writ of habeas corpus is not available to a petitioner when the petitioner has other adequate remedies available. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[8] **Habeas Corpus** ⇒ Particular Issues and Problems

Habeas corpus is not available to challenge a bindover decision by a court commissioner because the decision is challengeable on a statutory motion to dismiss. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[9] **Habeas Corpus** ⇒ Particular Issues and Problems

Writ of habeas corpus is not available to challenge the sufficiency of probable cause to issue a criminal complaint, even when the challenge is brought between arrest and the preliminary hearing, because the challenge can be made using other remedies at trial. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[10] **Habeas Corpus** ⇒ Particular Issues and Problems

Habeas corpus proceedings are not available to challenge an administrative order revoking probation, since a writ of certiorari is available, and is the proper remedy under such circumstances. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[11] **Habeas Corpus** ⇒ Existence and Exhaustion of Other Remedies

If a petitioner has an otherwise adequate remedy that he or she may exercise to obtain the same relief, a writ of habeas corpus will not be issued. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[12] **Habeas Corpus** ⇒ Particular Issues and Problems

Inmate had otherwise adequate remedy, namely direct appeal from circuit court's denial of petition for habeas relief, in which inmate challenged jurisdiction of municipal court and validity of underlying commitments, and thus

Ex. J - MJN, 3 of 6

State ex rel. Haas v. McReynolds, 252 Wis.2d 133 (2002)

643 N.W.2d 771, 2002 WI 43

inmate was not entitled to habeas corpus writ from appellate courts, given that circuit court's denial of first petition was final order, court of appeals was within jurisdiction and capacity to review circuit court's decision to deny inmate's first writ, and, if necessary, to consider underlying claim and determine whether or not municipal court had jurisdiction to issue underlying commitments, if inmate had received adverse decision on appeal, he would have then been able to petition Supreme Court for review, and inmate dismissed appeal. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01, 808.03.

[13] **Habeas Corpus** ⇒ Nature and Form of Remedy

Decision in a habeas corpus action stands in no different position than one in any other proceeding, and thus, if it be desired to review it upon the merits a motion should be made in the ordinary way for a review before the circuit court, and if it be desired thereafter to present the question of whether the decision rendered is right, a writ of error may be sued out of the appellate court for that purpose. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[14] **Habeas Corpus** ⇒ Nature and Form of Remedy
Habeas Corpus ⇒ Decisions Reviewable

Order made in a habeas corpus proceeding by the court is in the nature of a final judgment, and the policy of the constitution and laws is to allow a review of such an adjudication, and it is most in accord with the rules of practice and the analogies of the law to allow this to be done on writ of error. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

[15] **Habeas Corpus** ⇒ Exhaustion and Procedural Default, in General

Supreme court would exercise its discretion to grant a writ of habeas corpus after a petitioner had failed to exercise other adequate remedies, only under exceptional circumstances. U.S.C.A. Const. Art. 1, § 9, cl. 2; W.S.A. Const. Art. 1, § 8(4); 28 U.S.C.A. § 2241; W.S.A. 782.01.

Attorneys and Law Firms

**773 *136 For the petitioner-petitioner there were briefs by Robert G. Bernhoft and The Law Office of Robert G. Bernhoft, Milwaukee, and oral argument by Robert J. Bernhoft.

For the respondent there was a brief and oral argument by Matthew W. McVey, assistant corporation counsel.

Opinion

¶ 1 JON P. WILCOX, J.

In this case we review an unpublished order of the court of appeals, which dismissed a petition for a writ of habeas corpus filed by Gerard N. Haas, Jr. The Racine Municipal Court issued seven commitment orders for Haas after he had failed to pay forfeitures to the city for various ordinance violations. Haas was apprehended by the Racine Police Department and transferred to the custody of the Racine County Sheriff's Department for confinement in the Racine County Jail.

¶ 2 Haas challenged his confinement by filing a petition for a writ of habeas corpus with the Racine County Circuit Court, Allan B. Torhorst, Judge. In the petition, Haas challenged the jurisdiction of the municipal court to issue the commitments. The circuit court issued an initial stay of the execution of Haas's jail sentence and ordered him released without bond, pending a hearing. At that hearing, the circuit court denied Haas's request for the writ.

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¶ 3 Haas then filed a notice of his intent to appeal the circuit court's decision. Within a few days, Haas also filed a separate petition for a writ of habeas corpus with this court. Haas then voluntarily withdrew his appeal of the first petition. This court transferred the second habeas corpus petition to the court of appeals for *137 disposition. The court of appeals denied the second petition because (1) Haas was not restrained of his liberty at the time of the request, and (2) Haas was not entitled to habeas corpus relief because he voluntarily dismissed his direct appeal. Haas petitioned this court for review, and we accepted. We now affirm the court of appeals' decision.

I

¶ 4 On February 10, 2000, Haas was arrested by the City of Racine Police Department pursuant to seven commitment orders issued by the Racine Municipal Court and signed by Municipal Judge Robert Michelson. The commitments were issued for failure to pay forfeitures that had been levied as a result of municipal ordinance violations—three for failure to abate lead, two for operating a vehicle after revocation, one for a health code violation, and one for failure to remove snow and ice. Haas was transferred to the custody of the Racine County Sheriff's Department, who, pursuant to the orders, committed Haas to the Racine County Jail.

¶ 5 The next day, Haas filed a petition for a writ of habeas corpus with the Racine County Circuit Court, in which he challenged the municipal court's jurisdiction to issue the commitments. Haas claimed that the municipal court lacked subject matter jurisdiction because it did not have the authority to issue "contempt orders."¹ **774 The circuit court ordered that Haas be temporarily released without bond until a hearing could be held on the merits of the habeas corpus petition.

¹ The commitment orders were titled "Contempt of Court-Commitment Upon Sentence." The county asserts that the titles were merely administrative and that the commitment orders were not truly for "contempt." However, the actual nature of the commitments is irrelevant to our analysis because we do not reach the question of the municipal court's jurisdiction.

*138 ¶ 6 On June 9, 2000, the circuit court conducted a hearing on the petition. In an order dated June 29, 2000, the circuit court held that: (1) there was legal cause for Haas's imprisonment; (2) the Racine Municipal Court acted within its jurisdiction; (3) Haas's due process rights were not violated; (4) there was no reasonable basis for Haas's habeas corpus petition; and (5) the petition was frivolous. The circuit court vacated its temporary order, ordered that Haas be taken into custody pursuant to the municipal commitments, and ordered that Haas reimburse the county for costs.

¶ 7 On September 27, 2000, Haas, proceeding pro se, filed a notice of appeal pursuant to Wis. Stat. § (Rule) 809.10(1) (1999-2000)² to challenge the circuit court's denial of his first petition. On October 3, 2000, Haas filed a separate habeas corpus petition directly with this court, asking us to exercise our original jurisdiction to grant the writ. This petition addressed the same issues that had been raised before the circuit court in the first petition. This court determined that the court of appeals had concurrent jurisdiction to consider Haas's second petition, and we transferred that petition to the court of appeals for disposition.

² All subsequent references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise indicated.

^[1] ¶ 8 On December 6, 2000, Haas filed notice with the court of appeals asking that his appeal of the circuit court's denial of his first petition be voluntarily dismissed, pursuant to Wis. Stat. § (Rule) 809.18. Because the court of appeals had not yet issued an opinion in the appeal, it was required to honor Haas's request to *139 withdraw the appeal. *State v. Lee*, 197 Wis.2d 959, 972, 542 N.W.2d 143 (1996). Haas's direct appeal of the first petition was dismissed in an order dated December 14, 2000.

¶ 9 In an unpublished summary opinion dated February 12, 2001, the court of appeals then ruled on Haas's second habeas corpus petition. Relying primarily on *State ex rel. Fuentes v. Court of Appeals*, 225 Wis.2d 446, 593 N.W.2d 48 (1999), the

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court of appeals held that (1) Haas had been released and was no longer restrained of his liberty; and (2) Haas had an adequate alternative remedy, namely, his appeal of the circuit court's denial of his first habeas corpus petition, which he had voluntarily dismissed. *Id.* at 451, 593 N.W.2d 48. Based on these holdings, the court of appeals concluded that Haas was not entitled to the separate writ of habeas corpus and denied Haas's petition.

¶ 10 Haas petitioned this court for review of the court of appeals decision, and we accepted. On review, we affirm the decision of the court of appeals on the grounds that Haas had an adequate alternative remedy available to him. Because Haas could have sought (and in fact started to seek) a direct appeal of the first habeas corpus petition to address the same issues he now raises, he was not entitled to a separate writ. Because we decide the case on those grounds, we do not address the questions of whether or not Haas was in custody when he petitioned for the writ, or whether the municipal court had jurisdiction to issue the commitments.

II

[2] [3] [4] ¶ 11 The writ of habeas corpus has its origins in the common law, and its availability is guaranteed by the U.S. Constitution, **775 the Wisconsin Constitution, and *140 by state and federal statute. *Fuentes*, 225 Wis.2d at 450, 593 N.W.2d 48 (citing *State ex rel. Korne v. Wolke*, 79 Wis.2d 22, 26, 255 N.W.2d 446 (1977); *State ex rel. Durner v. Huegin*, 110 Wis. 189, 220, 85 N.W. 1046 (1901)); see also U.S. Const. art. I, § 9, cl. 2; Wis. Const. art. I, § 8(4); 28 U.S.C. § 2241; Wis. Stat. § 782.01. Habeas corpus is essentially an equitable remedy, which is available to a petitioner when there is a pressing need for relief or where the process or judgment by which a petitioner is held is void. *State ex rel. Dowe v. Waukesha County Circuit Court*, 184 Wis.2d 724, 729-30, 516 N.W.2d 714 (1994). The writ has a unique character in that the petition normally arises pursuant to a criminal proceeding, but is litigated as an independent civil proceeding. *Fuentes*, 225 Wis.2d at 450-51, 593 N.W.2d 48.

[5] ¶ 12 As an extraordinary writ, habeas corpus is available to a petitioner only under limited circumstances. First, a party who seeks habeas corpus relief must be restrained of his or her liberty. *Id.* at 451, 593 N.W.2d 48 (citing *State ex rel. Hake v. Burke*, 21 Wis.2d 405, 124 N.W.2d 457 (1963); *State ex rel. Wohlfahrt v. Bodette*, 95 Wis.2d 130, 132-33, 289 N.W.2d 366 (Ct.App.1980)). Additionally, a party seeking the writ must show that the restraint was imposed by a body without jurisdiction or that the restraint was imposed contrary to constitutional protections. *Id.* (citing *State ex rel. Warrender v. Kenosha County Court*, 67 Wis.2d 333, 339, 231 N.W.2d 193 (1975); *Wolke v. Fleming*, 24 Wis.2d 606, 613-14, 129 N.W.2d 841 (1964); Edwin E. Bryant, 9 *Wisconsin Pleading and Practice* § 84.03, at 223-24 (3d ed.1998)). Finally, a party seeking the writ must show that there was no other adequate remedy available in the law. *Id.* *141 citing *Dowe*, 184 Wis.2d at 729, 516 N.W.2d 714). Unless these criteria are met, the writ of habeas corpus will not be available to a petitioner.

¶ 13 In this case, William McReynolds, as Racine County Sheriff, challenges Haas's second habeas corpus petition on several grounds. McReynolds puts forward three arguments supporting the denial of the writ: (1) Haas was not in custody at the time of the petition; (2) successive writs are disallowed under Wisconsin law; and (3) Haas had an adequate, alternative remedy. We find it necessary to address only the third argument, as our finding there is dispositive.

[6] [7] [8] [9] [10] [11] ¶ 14 The writ of habeas corpus does not issue as a right. *State ex rel. Doxtater v. Murphy*, 248 Wis. 593, 602, 22 N.W.2d 685 (1946). We have long and consistently held that the extraordinary writ of habeas corpus is not available to a petitioner when the petitioner has other adequate remedies available. *Fuentes*, 225 Wis.2d at 451, 593 N.W.2d 48; *State ex rel. Jacobus v. State*, 208 Wis.2d 39, 46-47, 559 N.W.2d 900 (1997); *Dowe*, 184 Wis.2d at 733-34, 516 N.W.2d 714; *Wolke*, 24 Wis.2d at 614, 129 N.W.2d 841; *Doxtater*, 248 Wis. at 602, 22 N.W.2d 685. For instance, habeas corpus is not available to challenge a bindover decision by a court commissioner because the decision is challengeable on a statutory motion to dismiss. *Dowe*, 184 Wis.2d at 733-34, 516 N.W.2d 714. Similarly, the writ is not available to challenge the sufficiency of probable cause to issue a criminal complaint, even when the challenge is brought between arrest and the preliminary hearing, because the challenge can be made using other remedies at trial. *Wolke*, 24 Wis.2d at 613-14, 129 N.W.2d 841. Habeas corpus proceedings are likewise not available to challenge an administrative order revoking probation, since a writ of certiorari is available, and is *142 the proper remedy under such circumstances. *State ex rel. Reddin v. Galster*, 215 Wis.2d 179, 183, 572 N.W.2d 505 (Ct.App.1997). In short, if the petitioner has an otherwise **776 adequate remedy that he or she may exercise to obtain the same relief, the writ will not be issued.

[12] [13] [14] ¶ 15 In this case, there is no question that Haas had an otherwise adequate remedy: his direct appeal [of the petition for habeas corpus], which he voluntarily dismissed. Rather than seeking a separate habeas corpus writ, the

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appropriate course of action for Haas should have been to challenge the circuit court's denial of his first habeas corpus petition in the court of appeals. As this court has previously stated:

A decision in a habeas corpus action now stands in no different position than one in any other proceeding. If it be desired to review it upon the merits a motion should be made in the ordinary way for a review before the circuit court. If it be desired thereafter to present the question of whether the decision rendered is right, **a writ of error may be sued out of this court** for that purpose.

State ex rel. Gaster v. Witcher, 117 Wis. 668, 673, 94 N.W. 787 (1903) (citation omitted); *see also State ex rel. McCaslin v. Smith*, 65 Wis. 93, 97, 26 N.W. 258 (1886), where we stated:

The order made in [a habeas corpus] proceeding by the court is in the nature of a final judgment, and the policy of our constitution and laws is to allow a review of such an adjudication; **and it is most in accord with our rules of practice and the analogies of the law to allow this to be done on writ of error.**

¶ 16 The circuit court's denial of the first petition was a final order within the definition of *143 Wis. Stat. § 808.03. Therefore, the court of appeals was well within its jurisdiction and its capacity to review the circuit court's decision to deny Haas's first writ, and, if necessary, to consider the underlying claim and determine whether or not the municipal court had jurisdiction to issue the commitments. If Haas had received an adverse decision on appeal, he would have then been able to petition this court for review.

¶ 17 Instead, Haas has attempted to secure the same relief available to him in an ordinary appeal by extraordinary means, after voluntarily forgoing his ordinary remedy. Under such circumstances, the extraordinary writ of habeas corpus is not available. By voluntarily withdrawing his appeal, Haas is estopped from taking this collateral route to secure the same relief.

¶ 18 Haas contends that the alternative remedy restriction should not apply because he is challenging the jurisdiction of the court rather than a judicial error. Haas misconstrues the relationship between the writ and the procedural posture of his case. In his original petition, Haas challenged the jurisdiction of the municipal court, not the jurisdiction of the circuit court. On appeal, Haas would have been able to challenge the circuit court's decision that the municipal court had jurisdiction to issue the commitments. This issue would have been a proper one for appeal, and we will not grant an extraordinary writ when the petitioner voluntarily relinquished what was an otherwise adequate and available remedy.

^[15] ¶ 19 Finally, we note that we occasionally have exercised our discretion to grant a writ after a petitioner had failed to exercise other adequate remedies. *144 However, we have only done so under exceptional circumstances. *See, e.g., Fuentes*, 225 Wis.2d at 453, 593 N.W.2d 48 (granting a writ of habeas corpus when a clerical error by the court deprived the defendant of his ability to petition this court for review). Here, Haas has shown no such exceptional circumstances that would require us to issue the writ. Because Haas voluntarily dismissed his own direct appeal, he may not seek the same remedy he could have sought in that appeal through extraordinary means.

**777 III

¶ 20 Because we find that Haas had an adequate, alternative remedy to challenge the denial of his first writ of habeas corpus, he was not entitled to a separate writ. We are therefore not required to address the issues of custody, successive writs, or the jurisdiction of the municipal court. The court of appeals properly denied Haas's petition, and we affirm the decision of the court of appeals.

The decision of the court of appeals is affirmed.

All Citations

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