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UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JOHN ROBERT DEMOS :  
Petitioner :  
 :  
vs. : C.A. No. 03-489-S  
 :  
DOUG WADDINGTON, :  
PRESIDENT GEORGE BUSH, :  
THE U.S. ATTORNEY GENERAL, :  
THE QUEEN OF ENGLAND :  
Respondents :

**DECISION AND ORDER**

William E. Smith, United States District Judge.

I. INTRODUCTION

Before the Court is a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the "Petition") filed by John Robert Demos ("Petitioner") in the above matter. Petitioner has also filed an application to proceed *in forma pauperis* ("IFP application"). This Court reviewed the Petition, the IFP application and supporting papers, pursuant to 28 U.S.C. § 1915A and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("Rules Governing § 2254 Proceedings"). For the reasons that follow, the Petition is summarily dismissed with prejudice. This Court writes briefly simply to demonstrate the gross frivolity of the Petition and to

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create a record in the event this Petitioner files similar petitions in this or other courts.

II. FACTS AND BACKGROUND

Petitioner was convicted of first-degree burglary in the King County Superior Court of the state of Washington in 1978, for which he was sentenced to imprisonment for a term of 20 years to life. His appeals to the intermediate appellate courts and the Supreme Court of Washington were denied, and his conviction appears to have become final in or about 1980. Petitioner made post-conviction filings with the United States District Court (he does not specify which District), the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court, all of which were denied. The Court's investigation reveals that during the past twenty years Petitioner has filed hundreds of post-conviction actions or proceedings around the country and that he has been prohibited from filing further post-conviction petitions in the U.S. District Court for the Eastern and Western Districts of Washington as well as in the U.S. Court of Appeals for the Ninth Circuit.

According to the Petition, Petitioner is an inmate at the Stafford Creek Corrections Center,<sup>1</sup> a correctional facility of the

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<sup>1</sup> Although the Petition refers to the Stafford Creek Correctional Center, the Court adopts the facility's name as it appears on the facility's website, [www.doc.wa.gov/facilities/facilitydescriptions.html](http://www.doc.wa.gov/facilities/facilitydescriptions.html).

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state of Washington. The Petition names Douglas Waddington,<sup>2</sup> President George Bush, the U.S. Attorney General and the Queen of England as respondents.

As grounds for relief, Petitioner claims: (1) that he was prosecuted by way of an information rather than an indictment; (2) that he was charged with committing a state offense in a "federal" enclave; and (3) that the statute under which he was charged (not specified) is unconstitutional. In addition, Petitioner makes a number of other arguments and assertions which can only be described as frivolous and bizarre. These include claims that because the 50 states are owned and controlled by the British Empire, British law supersedes United States law; that defects in the Declaration of Independence make the governments of the individual states null and void; that England is a creditor of the United States; and that all federal law, as well as British law (including the Magna Carta of England) is contractual in nature. Apart from their inaccuracy, the relevance of these arguments to the Petitioner's habeas claims is entirely unclear.

As a basis for this Court's personal jurisdiction, Petitioner alleges, without any apparent basis, that the Department of Corrections for the state of Washington does business in, has branch offices in, and is an agent of the state of Rhode Island.

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<sup>2</sup> The Court takes judicial notice that Douglas Waddington is the superintendent of Stafford Creek Corrections Center, where Petitioner is in custody.

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III. DISCUSSION

The instant Petition is totally frivolous and can be dismissed for any number of reasons. First, obviously this Court is without jurisdiction to entertain the Petition. Generally, an application for a writ of habeas corpus to review a state court judgment may be filed in the federal district where the petitioner was convicted or the district where he is in custody. See 28 U.S.C. § 2241(a) (“[w]rits of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions”); § 2241(d) (applications for writ of habeas corpus may be filed in the district court for the district where petitioner is in custody or where the state court which convicted and sentenced petitioner is located). The allegations that the state of Washington’s Department of Corrections does business and has branch offices in the state of Rhode Island and is an agent of the corrections department of the state of Rhode Island are unsupported by any facts and therefore do not provide this Court with jurisdiction. See, e.g., Vasquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000) (“the court issuing the writ must have personal jurisdiction over the person who holds the petitioner in custody”) (citing Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 495, 93 S. Ct. 1123, 35 L. Ed. 2d 443 (1973)). Venue is likewise improper, for the same reasons. See 28 U.S.C. § 2241(d).

Secondly, three of the four named respondents are improper. The naming of President George Bush and the Queen of England is

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obviously frivolous, as they are not amenable to habeas suit at all. The U.S. Attorney General is similarly an improperly named respondent for this § 2254 habeas petition. See 28 U.S.C. § 2243; Rule 2 of the Rules Governing § 2254 Proceedings; Hertz and Liebman, Federal Habeas Corpus Practice and Procedure § 10.1 (4<sup>th</sup> ed. 2001).

Finally, even as to Respondent Waddington, the substantive claims set forth in the Petition are devoid of merit and/or frivolous on their face. Those claims which superficially pertain to Petitioner's state court conviction of more than 20 years ago (that he was prosecuted by way of an information and charged with committing a state offense in a "federal" enclave, and that the unspecified statute under which he was charged is unconstitutional) are either vague or subject to state exhaustion requirements. See 28 U.S.C. § 2254(b). The claims purporting to raise the validity of federal law generally and the sovereignty of the United States vis-a-vis England or the British Empire are frivolous on their face.<sup>3</sup> See 28 U.S.C. § 1915(e)(2)(B).

IV. CONCLUSION

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<sup>3</sup> For the record, the Treaty of Paris signed in September of 1783, ending the American Revolution, provides in pertinent part: "His Britannic Majesty acknowledges the said United States . . . to be free, sovereign and independent States." Definitive Treaty of Peace Between the United States of America and his Britannic Majesty, Sept. 3, 1783, U.S.-Gr. Brit., art. I, 8 Stat. 80, 1783 WL 47.

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In view of the foregoing considerations, pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A and Rule 4 of the Rules Governing § 2254 Proceedings, all claims are hereby dismissed with prejudice as frivolous on their face and as failing to state a claim upon which relief may be granted. Furthermore, Petitioner's application to proceed *in forma pauperis* is hereby denied as moot. It is disturbing that an individual such as the Petitioner in this case is able to waste the resources of the Court by filing a Petition such as this. Obviously this Petitioner has made a hobby of filing these bizarre and frivolous petitions all over the country. This Court can only act to prevent further wastefulness within this judicial district, just as the Eastern and Western Districts of Washington have done. Therefore, Petitioner is prohibited from filing any pleadings or paper of kind in the District of Rhode Island without first obtaining permission to do so from the Court.

IT IS SO ORDERED:

William E. Smith  
United States District Judge  
Dated: