

TRULINCS 05711068 - BANKS, FREDERICK H - Unit: OAK-V-B

FROM: 05711068

TO:

SUBJECT: Banks v. Trump Articles of Impeachment

DATE: 01/26/2021 06:25:27 AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA *Virginia*

FREDERICK BANKS, PETITIONER,

v.

CASE NO. *1:21cv158*

TRUMP ARTICLES OF IMPEACHMENT INCITMENT OF
INSURRECTION AT U.S. CAPITOL; U.S. HOUSE
OF REPRESENTATIVES; U.S. SENATE; WARDEN
SEKOU MAAT; CENTRAL INTELLIGENCE AGENCY;
DESIGNATION AND SENTENCE COMPUTATION CENTER,
GRAND PRARIE TEXAS & FEDERAL BUREAU OF PRISONS,
RESPONDENTS.

PETITION FOR A WRIT OF HABEAS CORPUS 28 USC 2241 AND MANDAMUS

Petitioner Frederick Banks, an American Indian ("Banks") files the foregoing Petition for a writ of habeas corpus under 28 USC 2241 and Mandamus and represents as follows;

Banks is a federal inmate illegally detained in violation of the Constitution and Laws of the United States because of an illegal FISA Warrant that emanates out of this district in California and electronic harassment perpetrated via satellite by the CIA. Banks is the person that exposed the FISA Warrant on the 2016 Trump Campaign See USA v. Banks 2:15-CR-168 (WDPa) Docs 259, 352, 593, which resulted in congressional investigations against the FBI and US Department of Justice. The Intelligence Inspector General found 17 separate FISA abuses in applying for the FISA Warrant on the Trump Campaign (Carter Page) it was Bank's 11/7/2016 to Ivanka Trump that exposed this. Banks has standing to bring this action pursuant to the Preamble to the US Constitution under the "Ordain and Establish Clause" because he is a Citizen of the United States. The Articles of Impeachment charging incitement by false statements against former President Donald J. Trump do not name the specific statements that Trump is alleged to have made to incite the Capitol riots from the White House. The US House of Representatives and US Senate lack subject matter jurisdiction to maintain the articles of impeachment on Donald Trump because they did not bring the Articles of Impeachment in the Real Party in Interest because they filed them in the name "United States of America" rather than "United States". The term "United States of America" refers to the 13 now defunct former British colonies under the 1781 Articles of Confederation while the term "United States" refers to the 50 states, territories and Washington, DC under the 1787 US Constitution. See Ballentines Law Dict. at "United States"; Downes v. Bidwell US (). Moreover, the Bill of Rights doesn't apply to a federal official, US President or federal agent. The Bill of Rights applies to US Citizens not the federal government and its agents. However, the President is immune from statements made in his official capacity under the Official Immunity Clause in the US Constitution. As such the Articles of Impeachment may not be maintained against Donald Trump even if it is proven that the statements he made were false. Finally, any federal criminal court is without subject matter jurisdiction to try any proposed case against President Trump. See 18 USC 3231. District courts have jurisdiction over offenses against the "United States" not offenses against the "United States of America" and as stated above since the false statements were not specifically named the Articles of Impeachment failed to state an offense and charge an offense. In other words the Articles of Impeachment failed to charge a Impeachable Offense nor did they allow Trump to plead double jeopardy in any subsequent Impeachment or criminal charges in violation of the 5th Amendment. Also, the Articles of Impeachment Trial violated the doctrine of Separation of Powers because Senator Patrick Leahy presided over the Impeachment Trial rather than Chief US Supreme Court Justice John Roberts. The Senate acted as Jury of the facts and Judge of the procedural and substantive law in violation of the US Constitution. As such this court should issue a writ of mandamus against respondents ordering that the Articles of Impeachment are VOID and order them dismissed and Banks discharged from custody. Banks should be discharged because there was no valid order or authorization of approval for the FISA. Banks a federal prisoner is not and has never been an agent of a foreign power. All in violation of 50 USC 1801 et seq. The court should order that the FISA be disclosed under 50 USC 1806(f). The Central Intelligence Agency using a little known technology called "Microwave Hearing" & "Microwave Auditory Effect" or "Frey Effect" by satellite sent a wireless signal to cause the Capitol Riots. This is the same technology that was used by the CIA to cause the Black Lives Matter protests over police brutality, The Arab Spring Protests and the Southern US Border Caravans. The court should therefore order all FISA disclosed on these events as well. Since President Trump is in custody for purposes of habeas corpus since he is subject to appearing at the Senate Impeachment Trial in Washington, DC the court should order him discharged from unlawful custody as well.



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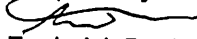
A 2255 Motion is inadequate and ineffective to test the legality of Petitioner's detention based on the above and a 2241 is the proper proceeding to raise these fact based challenges. Moreover, the action is properly brought in this court because in *Braden v. 30th Judicial Circuit of Kentucky* the Supreme Court ruled that a habeas corpus could be filed in the district where the detainee is lodged. The FISA restraint and Warrant is lodged in this district so venue is proper in this district.

Petitioner has exhausted all available remedies before filing this action and notes that exhaustion is an affirmative defense that has to be pleaded by respondents rather than found by the court. Petitioner was denied remedies by the prison so all available remedies are exhausted because the exhaustion process was obstructed. See *Banks v. One or More unknown Named Confidential Informants of FPC Canaan (MDPA)* (finding that Banks met the exhaustion requirement because staff at the prison he was housed in obstructed the administrative remedy process).

Finally, The SIS Department at FCI Oakdale and others conspired with the Mailroom to obstruct Bank's legal mail process. Bank's legal mail was being sent through regular mail and was opened before he received it. Banks attempted to email a complaint to the US Postal Inspectors. Directly after he did this staff held his legal and personal mail and failed to deliver any of it and obstructed the mail in violation of the postal laws in title 18 USC. Banks attempted to send a class action lawsuit to his relative in Atlanta concerning the mis-managing and the failure of Respondent Warden to control the Covid 19 outbreak at Oakdale. Prison staff opened and confiscated the mail and never mailed it out even though Banks placed three stamps on the envelope. The reason it was sent to his relative is for them to place \$5 in the envelope for the filing fee (2241). To date this relative did not receive this mail. SIS staff and the mail room obstructed the receipt of this mail because it exposed the unlawful custody by failing to manage the Covid 19 outbreak at Oakdale. Banks who has underlying conditions of High Blood Pressure, Obesity, and High Cholesterol among others was placed in harm of serious injury and death by Respondents and his staff. The petition Banks sent would have resulted in his immediate release if successful as well as the release of the class of inmates. The court should order respondents to send the held mail and delivery Banks' legal and personal mail because if successful it would lead to a speedier release. Additionally staff blocked Bank's electronic request to staff and placed false information in his central file (an illegal "assignment") to silence his free speech rights and prevent him from contacting staff to make filing fee payments for his habeas actions so that he could be released. Additionally staff failed to deliver and held Bank's legal and personal mail after he complained that a legal letter he sent out never arrived and was held at the prison and that the mailroom was sending Bank's legal mail through regular mail already opened outside of his presence. All in violation of the Due Process Clause and unlawful takings clause. Banks reminds the court that he is an American Indian. Statutes of general application do not apply to Indians in a strict manner. *Elk v. Wilkins* ___US___(). Thus, as to the Venue Question the court must construe the venue statute in title 28 in favor of Banks when applying *Braden, Supra* because the statute is ambiguous as to the question presented which is venue is proper in this court because the FISA Warrant is lodged in this district and not in the district where Banks is confined (or alternatively Banks is confined to this district or could be in the near future as he is designated for a transfer.)

Alternatively the court should order this case transfer the US District Court for the District of Columbia. WHEREFORE, the foregoing Petition should be granted. Frederick Banks and Donald Trump should be discharged from custody and illegal FISA and other restraint. The FISA should be ordered disclosed and the court should issue a mandamus against Congress and respondents ordering them to dismiss the Articles of Impeachment for lack of subject matter jurisdiction and as void along with all other requested and warranted relief. Executed on 1/23/2021 under the penalty for perjury.

Respectfully submitted,


Frederick Banks
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Oakdale, LA 71463

PETITIONER