

IN THE UNITED STATES COAST GUARD  
COURT OF CRIMINAL APPEALS

8 January 2002

In re John R. DEMOS,  
Petitioner

PETITION FOR EXTRAORDINARY  
RELIEF IN THE NATURE OF A  
WRIT OF *HABEAS CORPUS*  
FILED *IN FORMA PAUPERIS*  
WITH THIS COURT ON  
31 DECEMBER 2001

MISC. DOCKET No. 002-02

ORDER – Panel Four

Petitioner, a Washington state prison inmate, filed a Petition for a Writ of *Habeas Corpus* with this Court on 31 December 2001 via the U.S. Postal Service, along with an application to proceed *In Forma Pauperis*.

Petitioner states that he has never served in the U.S. military. The conviction and sentence to which his petition relates was in a Washington state court in 1978. Nevertheless, Petitioner asserts our jurisdiction on a claim that he was tried, convicted, and sentenced in a military court because, according to Petitioner, he was told by the trial court that the U.S. Constitution had been suspended pursuant to the Emergency Powers Banking Act of 1933 and that a state of martial law had been declared. He contends that, as a result, all U.S. Courts became military courts with the suspension of the Constitution and declaration of martial law. Furthermore, he submits that Executive Order #12808 effectively suspended the U.S. Constitution for an indefinite period of time. Pursuant to his claim that he was tried under military law rather than civil law, with a resulting loss of due process rights, Petitioner seeks this Court's intervention to prevent a grave and irreparable miscarriage of justice, which he asserts can be corrected by a pardon from the President as Commander in Chief.

Petitioner has not submitted a proper basis for this Court's jurisdiction to entertain his Petition. Accordingly, it is, by the Court, this 8th day of January 2002,

ORDERED:

That the Petition for Extraordinary Relief is hereby dismissed for lack of jurisdiction.

For the Court,

Kevin G. Ansley  
Clerk of the Court

Copy: Petitioner  
Chief Counsel  
Superintendent, Clallam Bay Corrections Center