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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MICHAEL CASEY JACKSON

Petitioner,

Criminal No. 16-cr-20347

Civil No. 18-cv-10136

Judge Thomas L. Ludington

Magistrate Judge Patricia T. Morris

UNITED STATES OF AMERICA

Respondent.

PETITIONER'S REPLY TO PLAINTIFF'S RESPONSE UNDER 28 USC. § 2255

PETITIONER SUBMITS THAT MOTION TO VACATE BE GRANTED FOR REASONS STATED UNDER 28 U.S.C. 2255 AND REPLY.

REPLY

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FEB 23 2018
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DETROIT

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FEB 23 2018
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U.S. DISTRICT COURT

United States District Court Eastern District of Michigan

United States of America

Plaintiff,

v.

Michael Casey Jackson

Defendent (s),

Case No. 1:16-cr-20347-TLL-PTM
Hon. Thomas L. Ludington

First, let me clear up what I am trying to say. This 2255 is about ineffective counsel for failure to challenge jurisdiction based on the discussion my attorney and I had regarding the Personal Protection Order Violation out of the State of Michigan, County of Isabella. The house in question, 1309 West Pickerd, Mt. Pleasant, Michigan, is not tribal owned or individually Indian owned, but is in fact under the jurisdiction of the State of Michigan. Had the attorney checked with the Isabella County Office and with the Bureau of Land Management, he would have found that it was not within the United States jurisdiction to pass judgement. So the case from the Saginaw - Chippewa Indian Tribe should not have gone to the Federal District Court in Bay City. The State of Michigan had jurisdiction over the P.P.O.V. at 1309 West Pickerd. Jurisdiction should still lie with the State of Michigan because it is the same residence. Federal courts are courts with limited jurisdiction. If the State of Michigan had jurisdiction in February of 2016, then the Federal Courts can not have jurisdiction in April 2016. Unless that property was placed in "trust by the United States for the benefit of an Indian tribe or individual Indian or held by any Indian tribe or individual Indian subject to a restriction by the United States against alienation." " From February 2016 to April 2016 the property was never placed in "trust". My attorney did not properly research the laws pertaining to my case. If he had, he would have seen that the property was never placed in "trust" by the United States. Therefore, jurisdiction ultimately lies with the State of Michigan. The reservation consists of all lands within the contiguous comprised by the townships of Wise, Denver, Isabella, Nottawa, Deerfield, and one-half each of Chippewa and Union. The crime of conviction was committed at 1309 West Pickerd, Mt. Pleasant, MI. This location is within Union Township. The United States Attorney clearly states that the incident occurred in Union Township, however, Attachment A shows that the incident in fact occurred in the city of Mt. Pleasant. See U.S.C.S. § 1985. Security Servicing section (e) Real Property Within Indian Reservation; conservation practices; adverse effects prohibition.

The term "Indian Reservation" means all lands located within the limits of any Indian Reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including right-of-way running through the reservation; trust or restricted land located within the boundaries of a former reservation of a federally recognized Indian tribe in the State of Oklahoma; or all Indian allotments the Indian titles to which have not been extinguished is such allotment's are subject to the jurisdiction of a federally recognized Indian tribe. See U.S.C.S. § 1985. Security Servicing section (e) Real Property Within Indian Reservation. Subparagraph (D)(i) if -- (i) The real property described in subparagraph (A)(i) is located within an Indian Reservation; (ii) the borrower-owner is an Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of an Indian tribe; (iii) the borrower-owner has obtained a loan made, insured, or guaranteed under this title; and (iv) the borrower-owner and the secretary have exhausted all of the procedures provided for in this title to permit a borrower-owner to retain title to the real property, such that is necessary for the borrower-owner to relinquish title. The secretary shall dispose of or administer the the property only as provided in subparagraph (A), as modified by this subparagraph. (ii) The secretary shall provide the borrower-owner of the real property that is described in clause (i) with written notice of (i) the right of the borrower-owner to voluntarily convey the real property to the secretary; and (ii) the fact that real property so conveyed will be placed in the inventory of the secretary. (iii) The secretary shall provide the borrower-owner of the real property with written notice of the rights and protections provided under this title to the borrower-owner, and the Indian tribe that has jurisdiction over the reservation in which the real property is located, from foreclosure or liquidation of the real property including written notice of -- (i) the provisions of subparagraph (A), this subparagraph, and subsection (g)(6) (ii) if the borrower-owner does not voluntarily convey the real property to the secretary, that -- (aa) the secretary may foreclose on the property; (bb) in the event of foreclosure, the property will be offered up for sale (cc) the secretary must offer a bid for the property that is equal to the fair market value of the property or the outstanding principal and interest of the loan, whichever is higher. (dd) The property may be purchased by another party and (ee) if the property is purchased by another party the property will not be placed in the inventory of the secretary and the borrower-owner will forfeit the rights and protections provided under this title; and (iii) the opportunity of the borrower-owner to consult with the Indian tribe that has jurisdiction over the reservation in which the real property is located or counsel to determine if the state or tribal law provides rights and protections that are more beneficial than those provided the borrower-owner under this title. -- See exhibit 1; Personal Protection Order Violation proves that the State of Michigan has jurisdiction. Therefore, my attorney was ineffective in proving jurisdiction. Defendant has clearly met the burden of showing that the decision reached would reasonably likely have been different absent of errors.

1:16-cr-00377-TLEA Document 38 Filed 02/20/18 Pg 4 of 5 Pg 12 of 18
Unless the motion and the files and the records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States Attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto 28 U.S.C. § 2255 b. The sixth circuit has observed that a section 2255 petitioner's burden for establishing an entitlement to an evidentiary hearing is light "Smith vs. United States 348 F. 3d 545" in reviewing a § 2255 motion in which a factual dispute arises. The habeas court must hold an evidentiary hearing to determine the truth of the petitioner's claims "Valentine v. United States 488 F. 3d, 325.

CONCLUSION

Petitioner's motion under § 2255 to vacate sentence with immediate release should be granted or at the least petitioner should be granted an evidentiary hearing.

Dated: February 17, 2018

Respectfully submitted,

Michael Casey Jackson



Attachment A Police Report - see the United States Attorney's response case supplemental report Investigator Moe, K.J. (zco)
"officers were summoned to 1309 W. Pickerd Street in the city of Mt. Pleasant"

Exhibit 1. Personal Protection Order Violation see § 2255 motion filed on Jan 12th 2018

Michael Casey Jackson 26116-039
Yazoo City Medium (SHU)
Federal Correctional Complex
P.O. Box 5888
Yazoo City, MS 39194

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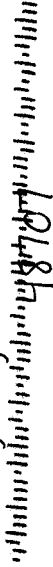
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U. S. DISTRICT COURT
BAY CITY, MICHIGAN

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United States District Court
Eastern District of Michigan
1000 Washington Ave.
P.O. Box 913

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