

FILED

OCT - 9 2007

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

District Court of the United States
Eastern District of Oklahoma

By: _____
Deputy Clerk

united States of America]	
Constitutional Republic, plaintiff]	Case No. 05-CR-0043-RAW
]	
v.]	Motion for special order on Travel
]	to and from any needed hearings for
Jimmy Clayton Chisum, en esse, sui juris]	Motions or resentencing
propria persona, defendant]	Bureau Of Prisons Policy no.5280.8
]	
]	

Defendant hereby moves this honorable court for a specific order, request, or recommendation to the Bureau of Prisons for furlough transfer to the court for any and all needed hearings concerning the resentencing.

BOP policy 5280.8 "A federal inmate may travel by unaccompanied furlough (at his own expense) to appear in criminal court when the use of a furlough is requested or recommended by the application court or prosecuting Attorney.(Often ignored by BOP.)

Beaty v. United States, 937 F.2d 288 (1991) "A central tenet of our republic that separates us from totalitarian regimes throughout the world--is that the government and private citizen resolve disputes on an equal playing field in the courts. When citizens face the government in the federal courts, the job of the judge is to apply the law; not bolster the government's case."

Defendant has a proven record of compliance with terms of probation and personal travel to make all appearances; and while the expense of travel may be a hardship on family and friends upon whose charity it will necessarily depend it will be the only possibility of anywhere near an equal playing field.

Inmate Chisum has experienced the gross denial of due process and ability to address any legal issue or court from County jail at Muskogee, and at BOP transfer center in Oklahoma City as a guest of US Marshalls and those conditions at least appear to be specifically designed to deny anything near a level field.

Plaintiff has ready access to electronic law libraries, and internet sources, as well as staff members and additional attorneys available to him at all times.

In Oklahoma Transfer Center inmate has no access to any electronic sources; getting

even a single case citation from the law library takes 5 to 7 days on a copout request, and on two occasions required multiple requests for the same information. Zedner took 12 days on 2 requests during my first visit.

The only paper available to inmates are 5x8 letter writing pads and the only writing instruments are 3 inch long wooden pencils, most of which can not even be sharpened, and even those are rationed by BOP. The possibility of communication with assigned standby or assistance of counsel requires a cop out that they allow themselves 7 days to answer, and then time is again rationed, at their convenience.

Telephone is another issue; during last summer's visit the phones were closely monitored for time use, 2 phones had to provide for 120 inmates, and the cost was \$2.85 for the first minute and .45 for additional minutes, and limited to 15 minutes per call with an hour delay before calling again.

There is no access to go to the library and research a particular point through Shepherds, or internet, as is readily available to the government.

Marshalls attempted to derive inmate of all the legal research and case files, even though informed that time was critical for appeal; their only suggestion was to file for an extension, thus intentionally impairing the judicial process by policy and a bad attitude. Being forced to use pencil and small paper to address the court of Appeals may be part of why inmate was denied the right to procees propria persona (pro se) and resulted in many issue not being addressed, including without limit, the jurisdictional question and rule of law in the inferior court. From Transfer Center to La Tuna took 5 weeks for legal and case file to catch up after Marshalls refuse to allow any files to be carried or transferred at the same time as inmate.

BOP also rations each inmate to 10 photo copies during his entire stay in that facility, mine was 4 weeks. I can not imagine the plaintiff counsel being ratined to 10 photo copies during 4 weeks of preparation of anything.

Defendant's impression is that Marshalls have policies and procedures regularly designed to force inmates to be deprived of anything near a level field, thus depriving inmates of reasonable judicial process.

Muskogee County Jail is even worse than Transfer center for any preparation facility. There are no photo copies available under any circumstance; no access to law library under any circumstance; phone calls are \$4.85 for the first minute and .85 for additional minutes, one phone for 22 men, with tightly controlled hours and noisy background. Even attorney visits are limited by jail and professional schedule so that getting needed material remains unfair and uneven. Inmates do have ball point pens, purchased through the commissary, so that is hard until someone from outside can get money to the account and the once a week shopping schedule comes around. Full size writing tablets were available from other inmates, but the necessity of handwriting all copies of a document for filing is certainly not level with plaintiff counsel fully automated office where they have no concern about the cost of producing document for a case.

Inmate is assigned to a camp facility with out custody, essentially a trustee status, with a work assignment that accesses the majority of the 640 acre facility of La Tuna. At La Tuna conditions are far better than County or Transfer Ctr., 10 telephones for 250 men, 23¢ a minute, some possibility of attorney calls without monitoring, 2 1980s IBM wheelwriter typewriters to provide for 250 men, a meager law library, but added material from FCI next door only takes a day or 2, photo copies are 13¢ each and purchase is limited to 50 per week without special permission, so preparation is far better done here than in Transit or County.

Inmate now stands before this court as on the day the jury reached its verdict, without a sentence, and the appropriate sentence being guidelines based on the jury's verdict alone. Defendant has a proven record of attending Court needs.

Defendant family and friends can and will pay for the travel and any lodging expense whether by bus, plane, or private automobile, and could or would submit to electronic monitoring while in transit or in Oklahoma for procedures.

NOTICE TO COURT

If it is the court's intention to resentence within the guidelines based on the jury verdict alone; defendant will waive that hearing, and proceed to appeal from that final decision. Defendant believes that sentence to be less than the time already

served resulting in an order of immediate release from confinement to my liberty in Arizona with my wife and family.

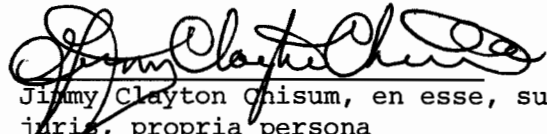
Should the court choose to go through the process for finding a lawful sentence defendant will renew all the original objections and rights to cross examination as well as adding in the most current precedents of the Supreme Court of the Appendi line of decisions to Rita and the rule of law as it applies to any possible sentencing.

Wherefore defendant moves this court for an order of immediate release from prison, or in the alternative a specific court order for furlough transfer, at defendant's expense for any needful hearings; retaining Stephen Knorr as standby and assistance of Counsel, and the best opportunity for a level playing field under rule of law.

THIS IS NOT A REQUEST FOR BOND AND THE COURT IS WELL AWARE THAT ITS ORDERS OF 2005 left defendant indigent, without capacity to bond without borrowing and creating additional undue financial hardship on family and friends.

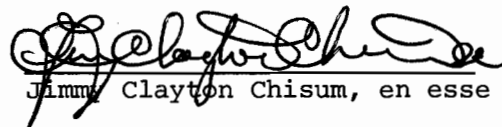
Defendant asks that no bench warrant be issued to US Marshalls for transport until such time as essential to not miss an appearance as months in County is only an unneeded hardship.

Prepared and submitted in the hope of justice, 1 October, AD 2007


Jimmy Clayton Chisum, en esse, sui
juris, propria persona
Inmate No. 84388-008 (political
prisoner without a sentence
Federal prison Camp La Tuna
Po Box 8000
Anthony, Texas, 88021

Certificate of Service:

Defendant hereby certifies that the alleged plaintiff has been served by first class mail addressed to alleged counsel, US Attorney, 1200 W. Okmulgee St, Muskogee, Oklahoma 74401. Also served is Standby Counsel, Stehen Knorr, 4815 S. Harvard, Tulsa, Oklahoma, 74135, this 1st day of October, 2007 AD.


Jimmy Clayton Chisum, en esse