

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, ] Chief Judge Fernando J. Gaitan  
] Plaintiff, ]  
] v. ] Case No 10-00131-01-CR-W-FJG  
] DENNY RAY HARDIN, ]  
] Defendant. ]

"DEMAND TO OPEN COURT"

Comes Now, Denny-Ray: Hardin, sui juris to demand his rights to "Due Process of Law" required by the 5<sup>th</sup> Amendment of the "Constitution for the United States of America". Magistrate Larsen has unlawfully seized the liberty and person of Denny-Ray; Hardin without a lawful warrant in violation of the 4<sup>th</sup> Amendment for 120 days now. According to Magistrate Larsen's orders, Defendant could not be restrained past the 23<sup>rd</sup> of July, yet as of September 6<sup>th</sup> Defendant is incarcerated at the "Leavenworth Detention Center" awaiting a "Mental Evaluation Hearing" within 18 USC 4247(d) that should have been conducted within 45 days, within 18 USC 4243. Defendant is not allowed to file pro se motions to Magistrate Larsen who ordered no pro se motions can be filed in this cause on May 13<sup>th</sup> 2010.

This was done in clear violation of 28 USC 452 that clearly

states "Court is always open". The Court's record clearly shows Magistrate Larsen's bias and prejudicial conduct in violation of 28 USC 455 (b)(1) by his refusal ~~to~~ in open court on May 10<sup>th</sup> to disqualify himself for signing a search warrant without a signed statement of probable cause in violation of the 4<sup>th</sup> Amendment.

Magistrate Larsen was made a fiduciary, of this case, on May 24<sup>th</sup> and rather than disqualify himself as required by 28 USC 455 (b)(4) Magistrate Larsen, has by his order, inflicted "Cruel and unusual Punishment in violation of the 8<sup>th</sup> Amendment. On May 24<sup>th</sup> Magistrate Larsen ordered Defendant not be permitted use of phone and not allowed physical contact with visitors. This order has been utilized by CCA and the Federal Bureau of Prisons to put Defendant in "Solitary Confinement," with no phone, no visitation and most recently no mail for 105 days, without any violation of a rule or regulation. Magistrate Larsen's duty in this case was to establish "Bail" within 18 USC 3041 and the 8<sup>th</sup> Amendment, but instead he has exceeded his authority to inflict torture 28 USC 1350, upon the Defendant with malice, intent and knowledge. A 28 USC 357(a) Complaint has been obstructed by CCA and not mailed to date, to Defendant's knowledge. A grievance has been filed for "Obstruction of Correspondence" 18 USC 1702 a "Felony Crime".

## Relief Requested

- A. Defendant is entitled to a "Mental Competency Hearing" within 18 USC 4247(d). Defendant demands this hearing.
- B. Defendant is entitled to a "Release Pending Trial", with or without surety, within 18 USC 3142. Defendant demands a "Bond Hearing" within his 8<sup>th</sup> Amendment right.
- C. Defendant is being held as a prisoner and should be allowed all rights of a "Detained Person". Therefore, Defendant requests and order to restore phone privileges, visitation and mail, be issued to the "Leavenworth Detention Center" where he is being housed.

WHEREFORE, I ask for nothing more than a fair and impartial trial, assured by the Constitution for the United States of America to every "American Citizen".

Respectfully Submitted  
Denny-Ray Hardin Juris  
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Formally UCC1-207

### Mailing Address

DENNY HARDIN 2119  
22264045  
Leavenworth Detention Center  
106 Highway Terrace  
Leavenworth Kansas 66048

"CERTIFICATE OF SERVICE"

I, Denny-Ray Hardin do hereby certify that a duplicate copy of the foregoing was ~~not~~ mailed postage pre paid to the Clerk of the Court for delivery to Brian Casey U.S. Attorney assigned on this 7th day of September 2010.

Denny-Ray Hardin  
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