

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CHARLEY JAMES HUGHES, JR.,

Petitioner,

v.

CASE NO. 20-3300-SAC

**DAN SCHNURR, Warden,
Hutchinson Correctional Facility,**

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The Court conducted an initial review of the Petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and entered an Order to Show Cause (Doc. 3) granting Petitioner until January 7, 2021, in which to show good cause why this matter should not be dismissed for failure to commence this action within the one-year limitation period. Petitioner has filed a response, titled a “Motion to Show Cause” (Doc. 5).¹ Petitioner also filed a supplemental response titled “Arguments & Authorities” (Doc. 6) after the deadline for responding to the Order to Show Cause.

The Order to Show Cause sets forth in detail why the Petition is not timely and is subject to dismissal unless Petitioner can demonstrate grounds for equitable or statutory tolling. The Court also found that Petitioner’s claim that the state court lacked jurisdiction in his criminal case because he recently became aware that he is a public minister for the “Emperial Washitaw De Dugdahmoundyah Nation of Muurs,” is legally frivolous. *See U.S. v. Gunwall*, 156 F.3d 1245 (Table), 1998 WL 482787, at *3 (10th Cir. 1998) (unpublished).

¹ Petitioner’s motion contains the caption for this habeas action. However, he inadvertently listed the case number as 20-3301, which is the case number for another case he has pending before the Court.

Petitioner's Motion to Show Cause fails to address the deficiencies set forth in the Order to Show Cause. Petitioner states that he has exhausted his administrative remedies prior to filing this action, but fails to set forth grounds for equitable or statutory tolling of the limitations period. Petitioner's supplement at Doc. 6 reargues his frivolous claim that he is not subject to the court's jurisdiction because he is a Moorish-American. (Doc. 6, at 1.) Therefore, for the reasons set forth in the Order to Show Cause, the Court dismisses this matter as barred by the statute of limitations.

IT IS THEREFORE ORDERED THAT the Petition is **dismissed** for failure to commence this action within the one-year limitation period.

IT IS FURTHER ORDERED THAT Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 4) is **denied as moot**.

IT IS FURTHER ORDERED THAT Petitioner's Motion to Show Cause (Doc. 5) is **denied**.

IT IS SO ORDERED.

Dated January 12, 2021, in Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow
U.S. Senior District Judge