

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

__ Filed __	Received	Entered	Served On
Counsel/Parties of Record			
AUG 31 2023			
Clerk US District Court District of Nevada			
By:			Deputy

UNITED STATES DISTRICT COURT
for the

Joseph Cantrell
Petitioner

v.

Washoe County Sheriff Detention Facility
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 3:23-cv-00174-MMD-CLB
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Joseph Cantrell
(b) Other names you have used: _____

2. Place of confinement:
(a) Name of institution: Parr Blvd.
(b) Address: 911 Parr Blvd. Reno NV. 89512

(c) Your identification number: 2300242

3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
Pyramid Lake Tribal Court

4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Pyramid Lake Tribal Court
P.O. Box 257, Nixon, NV, 89424
(b) Docket number of criminal case: PL CR-MD-2020-0611
(c) Date of sentencing: December 22, 2022
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Pyramid Lake Tribal Court
Nixon, NV, 89424
- (b) Docket number, case number, or opinion number: PL CR-MO-2020-0611
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: December 22, 2022

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: Asked lawyer to Appeal, she never did.
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No *lf No*

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: United States District Court of Nevada
- (2) Case number: 3:23-cv-00174-MMD-CLB
- (3) Date of filing: 04/26/2023
- (4) Result: Close then re opened
- (5) Date of result: 08/08/2023 (Being Amended - 2241)
- (6) Issues raised: Right to Speedy trial, effective assistance,
Please excuse ↑ it was 2254 not 2255

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes

No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes

No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes

No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: a motion of sanctions

(b) Name of the authority, agency, or court: Pyramid Lake Tribal Court

(c) Date of filing: 05/2023 08/2023

(d) Docket number, case number, or opinion number: PLCR-MD-2020-0611

(e) Result: (none; both) got sentence added too, and refer to

(f) Date of result: page one of notes added

(g) Issues raised: The first motion of sanctions - told in April, that I was going to be transported to Salvation Army every week for six weeks. Then told "they changed their minds, you have to do a year then you can get six months there. Thus, extended my sentence, then hung up on, motion never addressed. The second motion of sanctions (continued in notes)

Notes

12 continued.

Second Motion of Sanctions,

was sent
 Result: because, the Judge ordered me sent to Salvation Army in July, that also was ignored. Just like the order before that when he ordered me to, Salvation Army in, April, of 2023.

The sanctions I asked for were from our own "By-laws", contempt of court, and cruel and unusual punishment, because they as in both my attorney and prosecutor, promised on a weekly basis I was going to be transported to the Salvation Army, instead I feel like they using retaliating like tactics for my filing of this Habeas Corpus, and my other motions.

By adding six months of Homelessness to my sentence at the end, and now it appears I'm being "recommended" to ~~be~~ be, "Kicked of the reservation" right after the second motion of sanctions was sent. I'm merely trying to stand up for my civil rights.

Maybe with proper training and more honesty, rather than pretending its non exislant, together we could save a life or two.

Calling for a facility lockdown/ emergency, and a hour later, lifting that restriction even though it was actually a pandemic is reckless.

After reading "Know Your Rights" I could assume that it violated a couple things such as unsafe prison conditions, inadequate medical care, due to improper testing, and placement in isolation without a hearing, they call the "hole" or "shoe" for people being inoperative also "the medical ward". Yes you actually get punished for being too sick.

Again, I'm just making this known, thank you.

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Ineffective counsel, she never brought up right to speedy trial being violated. She didn't call my witnesses, nor prepared any defense, also had me sign a paper the prosecutor would normally sign. (Proceed). She didn't appeal as asked too.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Anyone with common sense could watch the trial, and know it was rehearsed, even a objection made by Mr. Dressler was timed, I could see her following notes on a notepad in front of me, they refuse to send me minutes, of both audio and video, of any of the proceedings.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO: Right to speedy trial Sentencing Prior time, no good time, they sent my sentencing date to the wrong address, was arrested on failure to appear given one year no good time or prior.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Arrested on 03/21/2020 and convicted on 12/08/23. I had shown up to every court date for nearly 3 years never missed, and suddenly the last date sent to another address. Prior time was given by judge later on but never adjusted. Nor was given halfway house time ordered on two occasions.

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE: Prosecutorial Misconduct, admitting edited or false evidence, Conflict of interest, and police brutality.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The edited footage introduced in trial, My lawyer saying in the beginning "she cannot represent me, she is representing the tribe pending a civil suit by me", but nearly 3 years later and 2 lawyer later I was given her again, and feel coerced into last trial.

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

Selective prosecution, officer Smith used excessive force during arrest, causing multiple injuries. Boyd Jackson committed a hate crime while pinning me on the ground and saying "I'll kill you white boy!"

(a) Supporting facts (Be brief. Do not cite cases or law.):

No objection when police officer lied twice on stand despite the video just watched showing a different interest. No objection by anyone when "Boyd Jackson" continuously referred to me as "fool" and "white boy", saying he could just "strangle me sometimes"

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I was not given the opportunity to appeal, nor did my public defender bother to, even though she was asked.

Request for Relief

15. State exactly what you want the court to do:

I would like my priortime adjusted 16 Days, credit. Also goodtime credit added, making my release date 08/26/2023 with 10 Days goodtime per month. From original date 01/08/2024, and the case overturned, due to so many civil right violations. If possible.

16. Ground Five: Eighth Amendment rights violated, unsafe cell conditions, inadequate medical care, inadequate food, placement in isolation without a hearing.

(a) Supporting facts:

Caught Covid 19 twice in one month, caused pancreatitis to swell, and blood sugars to elevate to 400+ range.

Sent to emergency room, not even tested for pancreatitis, which is why I was sent to hospital.

Have chronic pancreatitis, hep C, and Diabetes, these underlying conditions, with Covid 19, twice in a month, caused me to feel like I had near death symptoms.

I was sent to the "hole," for getting sick.

I reached out to my lawyer and was ignored, along with staff here.

Trying to explain how serious my conditions were. Watching them improperly test for Covid, only testing the front of the nostrils, not the back where the mucus is. They declared a facility lock down

and a hour later undeclared it, thus began improperly testing for Covid 19.

After the first round of Covid 19 and three weeks of agony, I noticed a second round going around.

The 80 man dorm room once again was filled with Covid 19, after asking the guard on duty what if any plan to contain it was, he replied,

"It has to run its course, there is nothing they can do." I then said so "I have to get it again? I have underlying conditions". He repeated "It has to run its course."

So I once again reached out to my lawyer with no luck, asked the nursing staff if there was anything that could be done, and basically told theres nothing that could be done, and so I caught Covid 19 again.

I'm okay now, but the feeling of "am I going to die in here," for a month."

I'm not asking for anything I just want to inform this court and people that this is what is happening behind closed doors.

17. Ground Six: Deprived of due process / Please see pages

(a) Supporting facts: I never got effective counsel, that is assured to me by the 6th Amendment, my witnesses that would have overturned my case were never called, while I felt coerced by my lawyer to "just go ahead with it, it's going to be okay, we have had this case on the docket too long, lets just get it over with" after also telling ~~me~~^{me} I wanted to speak on my behalf more than twice, again she insisted "its, not ~~me~~) In my best interest to do so, I would mess everything up, come on lets get this over with." She never even asked, nor told me what my defense was, there was absolutely no steps taken to prepare for trial.

After watching a obviously rehearsed trial, with a well timed one time

objection, I was devastated to watch my "public defender", "Prosecutor" and "Judge" watch as this man said "I wish this white boy would just die" while motioning his hands in a strangulation type pose. Referring to me while on the stand as "Fool", and "white boy", with not even a single objection.

Then a both police officers, mainly "Mr. Smith, lie on the stand twice and say, "I had these wounds on my face before he arrived at the scene." Despite all of us just watching a video with me going to the ground ~~and~~ peacefully surrendering, and coming back up at the ground with blood all over my face. Then states he merely used two fingers to put my head down to the ground in a very pixelated part of a obviously edited video.

Which means the prosecutor Ann Laughlin, let into evidence something that had been tampered with. Telling the judge Mr. Moutson "we watched the video together

remember?"

After all this I've come to find out that the judge, prosecutor, and my public defender all have, and sometimes still play prosecutors in this very court room, like musical chairs. Also at times if the judge makes a ~~decision~~ decision that either Ms Dressler or Ann Laughlin, don't agree with the ask our tribal council to "talk to the ~~judge~~ judge", and suddenly the judge's decision is changed, like when he denied a motion to get me kicked off the reservation, but later got told he had to do this, and after my second motion of sanctions got retaliated against with not only the prosecutor recommending it, but my own public defender as well. Our own "by laws" say that this is called "special influence," and illegal.

The Pyramid Lake Tribal Court have ignored my motions, phone calls, text messages, and all attempts to get evidence, like minutes of the

Court; after a judge ordered me to go to Salvation Army twice, also my prior time added. It seems as though everytime we go to court my sentence gets worse, ~~and~~ and now apparently I'm kicked off the reservation, evicted from my house, and still no ~~going~~ goodtime as well.

I'm just curious why they seem to have closed all these doors to me, is it because of a excessive ~~(force) officer~~ tried to force a officer

hide, there was a second time the officers arrested me and said "he resisted arrest", but clearly you can see on that body cam as well that I didnt, you can also hear the officer tell another officer to turn off his body cam, while they were cuffing me.

Please allow me to show you how unfair I was treated. Its on body cams and I have witnesses if you can help me get them.

I've also included a appeal I had with 'Inter-Tribal Court of Appeals of Nevada'

Taken out of my house illegally, put on the streets homeless, living in a car, mentally broken, then illegally convicted after a police officer committed excessive force, all to cover up a civil tort,

The docket number for the illegal housing eviction is ITCAN/AC-CV-22-0017, Dated August 24th 2023, second page underlined in red, "Summary of Decision" reads, "the judgement of December 8th, 2022, was entered in violation of Cantrell's right to due process." "The judgement is reversed!"

This is the same court room with the same people involved. Please help. I've been in here for over 214 Days now.

Joseph Cantrell
08/28/2023
#2300242

P.S.

Sorry my writing is horrible, and spelling as well. The nuns at my catholic school would laugh at my bad handwriting lol.

Please see page #2
"Summary of decision"

INTER-TRIBAL COUNCIL OF NEVADA
COURT OF APPEALS
AUG 24 2023
FILED ON ABOVE DATE
APPELLATE COURT COORDINATOR

INTER-TRIBAL COURT OF APPEALS OF NEVADA

Joseph Cantrell,)

Appellant,

v.)

ITCAN/AC-CV-22-0017

Pyramid Lake Housing

Memorandum Decision and Order

Authority,)

Respondent.

Appeal from the Pyramid Lake Tribal Court, Case No. PL.CV-CM-2022-0104, Honorable Aaron Mouritsen, Presiding.

This matter is before the Court, Associate Justices Cheryl D. Fairbanks, Lisa L. Atkinson, and Eric P. Swenson, presiding. Oral argument was heard on August 23, 2023. Appearing on behalf of Pyramid Lake Housing Authority was Executive Director Kathleen Frazier, represented by attorney, Wes Williams, Jr. Appellant did not appear. The Court enters a Memorandum Decision and Order:

Statement of The Case

In 2010, Appellant James Cantrell (hereinafter referred to as "Cantrell") entered into a Homebuyer Agreement with the Pyramid Lake Housing Authority (hereinafter referred to as "PLHA") for the purchase of a residence in Wadsworth, Nevada. In 2022, PLHA conducted drug tests of the premises during its annual inspection. Two tests found drug levels in the home that exceeded PLHA housing standards. PLHA alleged that these findings constituted violations of Cantrell's agreement and PLHA's policies.

Cantrell is in custody regarding unrelated criminal offenses. He submitted a written brief. Cantrell's defense is that a former girlfriend may be responsible for the alleged violations and damage to the premises. He questions the validity of the drug tests. And he alleges his treatment by the PLHA amounts to a violation of due process. Cantrell also requests additional time to defend himself in this appeal after his release.

PLHA filed a complaint on October 14, 2022, requesting Cantrell's eviction and an order from the trial court terminating the Homebuyer Agreement. In support of this relief, PLHA alleges that valid tests substantiate that drugs were used on the premises, that pursuant to the Homebuyer Agreement Cantrell is responsible for the acts of all residents and visitors. PLHA also alleges that discovery regarding the drug tests was not undertaken before trial and cannot be complained of on appeal; and that Cantrell's son has no interest in the premises because he is not a party to the Homebuyer Agreement.

In the lower court trial was held on November 17, 2022. Cantrell was present, as was the PLHA by and through an agent and employee, Kathleen Frazier. The trial court entered an order of eviction on December 8, 2022. The order awarded PLHA back rent, costs of suit and reimbursement for damages to the premises as may be ascertained once Cantrell vacates the premises. Cantrell was ordered to leave the residence no later than January 1, 2023. On December 29, 2022, Cantrell moved the trial court for a stay of the judgment and to be allowed to remain on the premises pending this appeal. No hearing was held on the motion. The trial court peremptorily denied the motion on the same day it was filed. Appellant submitted a Notice of Appeal on December 9, 2022.

Summary of Decision

The record on appeal indicates that the trial court's judgment of December 8, 2022, was entered in violation of Cantrell's right to due process. The judgment is reversed. This matter is accordingly remanded to the trial court for further proceedings. This includes a new trial on the merits. Following trial, the Court must issue proper findings of fact, conclusions of law and a judgment.

Select Issues on Appeal¹

The trial transcript shows that the hearing involved a colloquy between the court, Cantrell, and a housing employee without the formalities required for a proper trial. As a result of this hearing, the lower court entered an order on December 8, 2022, which concluded that Cantrell violated the PLHA drug policy. Cantrell disputed the allegation and the drug tests. The court's order provided no findings of fact about the drug violation nor was a foundation laid for the admissibility of the drug tests. Cantrell objected to the drug tests and their authenticity. A PLHA employee was allowed to make statements about the drug tests. Witnesses were not sworn. There were informal conversations. None of the individuals involved in these conversations formally testified or were cross examined. Evidence was not properly admitted. The transcript reveals that the housing employee gave the court a document purporting to be the results of drug tests. The court examined the document but did not put it into evidence. Nor was Cantrell provided with a copy.

Cantrell appeared alone and without counsel. The trial court gave Cantrell's alleged defenses short shrift. His requests for time in which to find and present evidence or seek assistance were turned aside. The court addressed the Homebuyer Agreement whose terms were eventually incorporated into the court's judgment. However, the document referenced by the trial court at the hearing was not provided to Cantrell. The Agreement itself was not admitted into evidence. Nor was there a finding and ruling regarding the specifics of any alleged violation of the Agreement. No evidence was offered and admitted about the alleged damage to the premises. Nor did the trial proceeding identify persons who may have been responsible for the damage or specify the acts that they were alleged to have committed. In response to Cantrell's statement about taking an appeal, the court mistakenly stated that appeals are taken to an appellate court of the Bureau of Indian Affairs. Cantrell was ordered to leave the premises no later than January 1, 2023.

¹We decline to address in writing every issue or claim or defense raised. Certain matters are moot considering our decision. Other allegations or arguments were examined and found to be without merit. *Frank v. Washoe Tribe*, ITCAN/AC-CR-22-008, 5, n. 5 (ITCAN, 2023).

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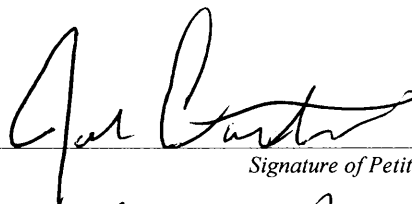
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

08/28/2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/28/2023



Signature of Petitioner

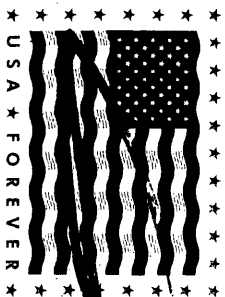


Signature of Attorney or other authorized person, if any

Joseph Cartrell
08002472
civ, Par, Blvd
Reno, NV 89512-1000

2092

U.S. Dist. Court
Attn: Court Clerk
400 S. Virginia St. #301
Reno, NV 89501



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AUG 30 2023			
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