

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

APPLICATION FOR RELEASE OF
PRIVATE PROPERTY ADMIRALTY
VESSEL "AARON D. HUNTER,"

ORDER

04-CR-0079-C-01

A. Hunter-El has responded to this court's order of August 24, 2007, inviting him to advise the court whether he wished to pursue a motion for postconviction relief and if so, how he wishes to proceed. His response indicates that he wishes to pursue only this "Application for Release of Private Property" in admiralty law. He maintains that he has "an absolute right to exercise American Jurisprudence in Suitor's home forum, which is an American Admiralty court." Notice by Affid. of Objs. to Order, dkt. #64, at 2-3.

As I advised Mr. Hunter-El in the August 24 order, I will dismiss his "Application for Release" now that he has made it explicit that he does not wish to have his application construed as a motion brought pursuant to 28 U.S.C. § 2255. I am aware of no procedure in admiralty under which a person in federal custody can challenge his custody. Calling oneself "property" does not make one "property" under admiralty law. If Mr. Hunter-El is

seeking return of some other property, he has not explained what that property might be.

Before dismissing this application, I note that Mr. Hunter-El says in his "Notice" that he has sought my recusal from his case because of conflict of interest, bias and fraud, that the court has accepted a special bond he submitted and that the court must now honor that special bond. Although Mr. Hunter-El says he is seeking my recusal, he has cited no reason why I should do so. Instead, he makes unsupported claims of conflict of interest, bias and fraud, which seem to be based exclusively on my failure to respond to an Administrative Notice and Certificate of Dishonor and Default, that he mailed to the court on March 30, 2007, together with a letter rogatory and special bond. (He refers to a mailing sent in January 2007 as well but no such mailing is contained in the court's file.) I know of no legal obligation requiring me (or any of the other persons to whom the Administrative Notice was sent, such as Mr. Hunter-El's trial and appellate counsel, the United States Attorney or the assistant United States Attorney who prosecuted him) to respond to the notice or the letter rogatory. I am equally unaware of any law that makes the failure to respond to such documents evidence of a conflict of interest, bias or fraud.

ORDER

IT IS ORDERED that A. Hunter-El's Application for Release of Private Property Admiralty Vessel "Aaron D. Hunter" is DENIED on the ground that Mr. Hunter-El has

advised the court that he did not intend the application to be a motion attacking his sentence. Shorn of that possible purpose, the application states no claim cognizable in this court. FURTHER, IT IS ORDERED that Mr. Hunter-El's motion for my recusal in this and all future proceedings is DENIED.

Entered this 14th day of September, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge