

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DONNELL L. HOWARD,

Petitioner,

v.

WILLIAM J. SMITH, Warden,

Respondent.

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Case: 1:16-cv-00617

Assigned To : Unassigned

Assign. Date : 4/1/2016

Description: Habeas Corpus/2255 (G Deck)

**MEMORANDUM OPINION**

This matter comes before the court on review of petitioner's application to proceed *in forma pauperis* and *pro se* petition for a writ of habeas corpus. The Court will grant the application, and dismiss the petition.

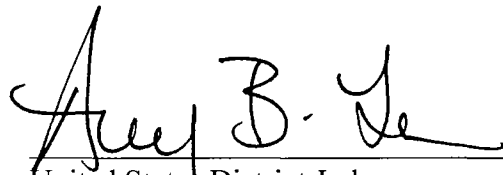
Petitioner is under the impression that his status as a Moorish American National is a valid basis for his immediate release from the District of Columbia's custody. He is mistaken. *See, e.g., Metaphyzic El-Ectromagnetic Supreme-El v. Dir., Dep't of Corr.*, No. 3:14CV52, 2015 WL 1138246, at \*4 (E.D. Va. Mar. 3, 2015), *appeal dismissed sub nom. Supreme-El v. Dir., Dep't of Corr.*, 610 F. App'x 279 (4th Cir. 2015) *cert. denied sub nom. Metaphyzic El-Ectromagnetic Supreme-El v. Clarke*, 136 S. Ct. 878 (2016); *Wright El v. South Carolina*, No. CA 3:11-3100, 2012 WL 1605118, at \*1 (D.S.C. May 8, 2012); *Windom Bey v. Am. Tax Funding*, No. 11-cv-6458, 2012 WL 1495368, at \*6 (W.D.N.Y. Apr. 27, 2012); *Pitt-Bey v. District of Columbia*, 942 A.2d 1132, 1135 (D.C. 2008) (rejecting claims that criminal defendant was "immune from prosecution in the Superior Court of the District of Columbia" and that he

“should be accorded diplomatic immunity pursuant to federal law” based on his status as a member of The Nation of Moorish Americans”).

Because the complaint “lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 213, 325 (1989), it is frivolous and subject to dismissal, *see* 28 U.S.C. §§ 1915(e)(2)(B)(i), 1915A(b)(1); *see also El Bey v. New Jersey*, No. 14–1221, 2014 WL 4197572, at \*1 (D.D.C. Aug. 20, 2014). An Order consistent with this Memorandum Opinion is issued separately.

DATE:

3/30/16

  
United States District Judge