THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

TIMOTHY BEDWELL,

Petitioner,

v.

STATE OF ALASKA, WARDEN OF GOOSE CREEK CORRECTIONAL CENTER, ALASKA ATTORNEY GENERAL,[1]

Respondents.

Case No. 4:25-cv-00043-SLG-MMS

REPORT AND RECOMMENDATION RE § 2254 PETITION [1]

SCREENING REQUIREMENT

A court must "promptly examine" a habeas petition.[2] If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief, the Court must dismiss the petition.[3] Upon screening, it plainly appears that the petitioner is not entitled to relief, and his petition should be dismissed.

On September 19, 2025, Timothy Bedwell ("Petitioner"), a self-represented inmate at Goose Creek Correctional Center ("GCCC") in the custody of the State of Alaska Department of Corrections, filed a petition for Writ of Habeas Corpus and Equitable

[1] The Court notes that these are not proper respondents in this case. *See*, Rule 2(a), Rules Governing Section 2254 and 2255 Cases ("If the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state ***officer*** who has custody.") (emphasis added).
[2] Rule 4(b), Rules Governing Section 2254 Cases for the United States District Courts.
[3] *Id.*

Relief.[4] The Court takes judicial notice[5] of Petitioner's underlying criminal case: *State of Alaska vs. Bedwell,* Case No. 4FA-12-02343CR.[6] This Court also takes judicial notice of Petitioner's appeal to the Alaska Court of Appeals, *Bedwell v. State of Alaska*, Case No. A-11891, and his petition to the Alaska Supreme Court, *Bedwell v. State of Alaska*, Case No. A-11673.

In the Superior Court, Petitioner was arraigned in September of 2012 on dozens of charges, including several counts of sexual abuse of three children. In August of 2013, Petitioner was tried and found guilty of thirty-four counts, and he was acquitted of nine. He appealed to the Alaska Court of Appeals, which substantively considered his appeal. The Court of Appeals found that the omission of a certain jury instruction was in error, but that it was harmless, that the Double Jeopardy Clause did not require the merger of certain counts, that the trial court did not abuse its discretion by denying Petitioner's motion for a mistrial, and that the trial court had not improperly entered a count against him, but it vacated a special condition of probation.[7] Petitioner separately petitioned the Alaska Supreme Court, but this was not a review of the Alaska Court of Appeals decision.

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[4] Dkt. 1.

[5] Judicial notice is the "court's acceptance, for purposes of convenience and without requiring a party's proof, of a well-known and indisputable fact; the court's power to accept such a fact." BLACK'S LAW DICTIONARY (11th ed. 2019); *See also* Fed. R. Evid. 201; *Headwaters Inc. v. U.S. Forest Service*, 399 F.3d 1047, 1051 n.3 (9th Cir. 2005) ("Materials from a proceeding in another tribunal are appropriate for judicial notice.") (internal quotation marks and citation omitted).

[6] Publicly available records of the Alaska Trial Courts may be accessed online at https://courts.alaska.gov/main/search-cases.htm.

[7] *Bedwell v. State of Alaska*, Case No. A-11891 (Alaska Ct. App, May 16, 2018) (memorandum opinion).

Petitioner has not used the form for Section 2254 petitions.[8] Instead, he asserts a claim under Article III's case and controversy language.[9] The Court will construe this motion as one for relief under Section 2254, which provides a procedural avenue for inmates to challenge their state convictions for being in violation of federal law. Petitioner enumerates five grounds for relief: (1) that his arrest was unlawful because it occurred without a judicial warrant for his arrest; (2) that his bail was in violation of the Eighth Amendment for being excessive; (3) that his counsel was ineffective under the Sixth Amendment for abandoning an unspecified defense and for failure to challenge the Superior Court's jurisdiction; (4) that the Superior Court violated his Fifth and Fourteenth Amendment rights to Due Process, arguing that the Superior Court's lacked jurisdiction and the children that he sexually abused were not "true victims"; and (5) that under an "Equity and Public Trust Doctrine", which appears to be a sovereign citizen idea, he is entitled to relief.[10] Petitioner argues that such errors, combined with his treatment at GCCC, amounts to irreparable harm.[11] For relief, he requests a range of equitable remedies, but this Court will construe his requested relief to be releasing him from custody.

Petitioner included various attachments. These documents merit little discussion, as they are compilation of materials reflecting wordplay that is characteristic of a sovereign citizen, and these issues have been extensively litigated and rejected throughout the country

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[8] *See*, Form AO 241(Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254.).
[9] Dkt. 1.
[10] *Id.* at 2–3.
[11] *Id.* at 3.

for decades. Petitioner separately moved for "Emergency Ex Parte Habeas Relief[.]"[12] This appears to simply request expedited review, but in any event, it does not contribute to the merits.

Petitioner did not pay the filing fee. Instead, he argues that Article III precludes the imposition of such a fee.[13] This is without any legal basis, but the Clerk's Office did not send a notice to Petitioner warning him of this deficiency. In the interest of judicial economy and the expeditious administration of justice, this Court will make a recommendation on the merits.

DISCUSSION

A writ of habeas corpus allows an individual to test the legality of being detained or held in custody by the government.[14] The writ is "a vital 'instrument for the protection of individual liberty' against government power."[15] A federal district court may grant a writ of habeas corpus to a prisoner "in custody in violation of the Constitution or laws or treaties of the United States."[16] A petitioner may challenge his state custody under Section 2254.[17]

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[12] Dkt. 4.
[13] Dkt. 3.
[14] *Rasul,* 542 U.S. at 473.
[15] *Gage v. Chappell,* 793 F.3d 1159, 1167 (9th Cir. 2015) (quoting *Boumediene v. Bush,* 553 U.S. 723, 743 (2008)).
[16] 28 U.S.C. § 2241(c)(3).
[17] *See Stow v. Murashige,* 389 F.3d 880, 885–8 (9th Cir. 2004) (citations and quotations omitted).

But a district court must dismiss a habeas petition if it raises claims that are legally "frivolous or malicious" or fail to state a basis on which habeas relief may be granted.[18]

1. Jurisdiction

A federal court lacks jurisdiction over claims of constitutional violations that are not within the "core of habeas corpus."[19] The core of habeas corpus is relief that "terminates custody, accelerates the future date of release from custody, [or] reduces the level of custody."[20] A writ of habeas corpus may only grant relief that if successful would "necessarily lead to his immediate or earlier release from confinement" or a "quantum change in the level of custody."[21]

This Court lacks jurisdiction because Petitioner named the State of Alaska, "Warden, Goose Creek Correctional Center," and "Alaska Attorney General" as Respondents.[22] Should the Court ultimately disagree with the recommendation to dismiss,

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[18] 28 U.S.C. § 1915A(b).
[19] *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016) (en banc).
[20] *Id.* at 929–30 (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 86 (2005) (Scalia, J., concurring)).
[21] *Id.* at 935; *Nettles v. Grounds ("Santos")*, 788 F.3d 992, 1005 (9th Cir. 2015) (holding that a federal district court had habeas jurisdiction over a petitioner's claim asking for a disciplinary record to be expunged, because the expungement would lead to a speedier release from punitive segregation.).
[22] Dkt. 1 at 1.

Petitioner should be directed to refile, naming specific individuals with custodial authority over him.

Assuming correction, the Court would have jurisdiction. This Court construes his requested relief to include release from custody. While some aspects of his requested relief may be outside of the scope of habeas corpus, this Court will not parse these at this time.

2. Exhaustion

Petitioner has not exhausted his state remedies. A petition "shall not be granted unless [. . .] the applicant has exhausted the remedies available in the courts of the State" or that such process is absent or ineffective. 28 U.S.C. § 2254(b). "An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented." 28 U.S.C. § 2254(c). "This rule of comity reduces friction between the state and federal court systems by avoiding the 'unseem[liness]' of a federal district court's overturning a state court conviction without the state courts having had an opportunity to correct the constitutional violation in the first instance."[23] As such, a petition must give the state courts a fair opportunity to address his constitutional claims. *Id.* To meet this burden, "petitioners must plead their claims with considerable specificity before the state courts in order to satisfy the exhaustion requirement."[24] However, while exhaustion is required, it is not necessary for a court to address if denying the petition. 28 U.S.C. § 2254(b)(2).

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[23] *O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999).
[24] *Rose v. Palmateer*, 395 F.3d 1108, 1111 (9th Cir. 2005).

Here, it appears from the record that Petitioner engaged in extensive motions practice before the trial court, and this Court does not readily have access to those materials outside of the captions on the docket. This Court will assume that he raised each of his above arguments to the Superior Court, noting that this is a highly generous assumption. This Court has more access to the appellate materials, and it does not appear from the opinion that Petitioner raised any of the above matters to the Alaska Court of Appeals. Further, Petitioner did not petition the Alaska Supreme Court to appeal the Alaska Court of Appeals decision. Instead, the petition that he filed appears to be wholly unrelated, as it was filed long before the Alaska Court of Appeals published its opinion. Accordingly, this Court is confident that he has not exhausted his remedies.

This Court recommends dismissal without prejudice to allow him to refile should he eventually exhaust his state remedies.

IT IS THEREFORE RECOMMENDED THAT:

1. the Petition at Docket 1 be **DISMISSED without prejudice**;
2. that the Motion for Emergency Ex Parte Habeas Relief at Docket 4 be **DENIED**;
3. the Clerk of Court be directed to enter a final judgment; and
4. a certificate of appealability not issue.[25]

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[25] 28 U.S.C. §2253(c)(1)(A). *See also Wilson v. Belleque,* 554 F.3d 816, 825 (9th Cir. 2009) ("[A] state prisoner who is proceeding under § 2241 must obtain a [Certificate of Appealability] under § 2253(c)(1)(A) in order to challenge process issued by a state court."); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (holding that a certificate of appealability may be granted only if the applicant made "substantial showing of the denial of a constitutional right," *i.e.*, showing that "reasonable jurists could debate whether . . .

DATED this 16th day of October 2025, at Anchorage, Alaska.

MATTHEW M. SCOBLE
U.S. MAGISTRATE JUDGE

Pursuant to D. Alaska Loc. Mag. R. 6(a), a party seeking to object to this proposed finding and recommendation shall file written objections with the Clerk of Court no later than the CLOSE OF BUSINESS on **October 30, 2025**. Failure to object to a magistrate judge's findings of fact may be treated as a procedural default and waiver of the right to contest those findings on appeal. *Miranda v. Anchondo*, et al., 684 F.3d 844 (9th Cir. 2012). The Ninth Circuit concludes that a district court is not required to consider evidence introduced for the first time in a party's objection to a magistrate judge's recommendation. *United States v. Howell*, 231 F.3d 615 (9th Cir. 2000). Objections and responses shall not exceed five (5) pages in length and shall not merely reargue positions presented in motion papers. Rather, objections and responses shall specifically designate the findings or recommendations objected to, the basis of the objection, and the points and authorities in support. Response(s) to the objections shall be filed on or before the CLOSE OF BUSINESS on **November 6, 2025.** The parties shall otherwise comply with provisions of D. Alaska Loc. Mag. R. 6(a). Reports and recommendations are not appealable orders. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment. *See Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).

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the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further") (internal quotations and citations omitted)). Petitioner may request a certificate of appealability from the Ninth Circuit Court of Appeals.