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John Demos, Jr. v. Sate of WA

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-4162

JOHN ROBERT DEMOS, JR., Appellant

v.

STATE OF WASHINGTON, AND
THE UNITED STATES OF AMERICA

On Appeal from the District Court
for the District of the Virgin Islands
(D.C. Civ. No. 09-cv-00058)
District Judge: Honorable Raymond L. Finch

Submitted for Possible Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P.
10.6 and Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)

January 14, 2010

Before: BARRY, FISHER and ROTH, Circuit Judges

(Opinion filed: February 17, 2010)

OPINION

PER CURIAM.

On August 27, 2009, John R. Demos, Jr., an inmate in Washington State, filed in the District Court for the District of the Virgin Islands a pleading in which he requested,

among other things, a declaratory ruling that he is being held in violation of Article 36(b)(1) of the Vienna Convention on Consular Relations. According to Demos, his incarceration violates the Vienna Convention because he owes allegiance to “foreign power[s]” – i.e., “the Vatican, and the Rothschild family of France.” Compl. at 2. The District Court dismissed the matter for lack of jurisdiction. Demos appeals.

We have appellate jurisdiction under 28 U.S.C. § 1291. We will summarily affirm the District Court’s judgment because the appeal presents “no substantial question.” 3d Cir. IOP Ch. 10.6. Demos made no showing at all to establish that a Virgin Islands District Court has jurisdiction over his purported request for declaratory relief.¹

¹ To the extent that Demos sought some form of habeas relief, and to the extent that a certificate of appealability (“COA”) is necessary for this appeal, a COA is denied.