

Wolff v. Ngiraklsong, 9 ROP 78 (2002)
MARTIN WOLFF,
Petitioner,

v.

THE HONORABLE ARTHUR NGIRAKLSONG, CHIEF JUSTICE OF THE PALAU
SUPREME COURT,
Respondent.

SPECIAL PROCEEDING NO. 01-04
Criminal Case No. 99-253

Supreme Court, Appellate Division
Republic of Palau

Decided: March 28, 2002

[1] **Courts:** Jurisdiction of Article X Courts; **Habeas Corpus:** Jurisdiction

The Appellate Division does not have original jurisdiction over any matter, including petitions for habeas corpus.

[2] **Habeas Corpus:** Filing of Petition

Pursuant to statute and Rules of Appellate Procedure, a petition for habeas corpus relief should be filed as a civil action in the Trial Division.

[3] **Courts:** Docket Management

It is the Court's, not the litigant's, responsibility to assign and manage docket numbers and litigant's self-assignment of docket number was erroneous because the special proceeding was closed and his filing was not accompanied by a colorable request to reopen the proceeding.

Counsel for Petitioner: Pro Se

BEFORE: LARRY W. MILLER, Associate **179** Justice; R. BARRIE MICHELSEN, Associate Justice; KATHLEEN M. SALII, Associate Justice.

PER CURIAM:

[1, 2] Martin Wolff has filed a petition for a writ of habeas corpus in the Appellate Division. The Appellate Division, however, does not have original jurisdiction over any matter, including petitions for habeas corpus. *See* Palau Const. art. X, § 6 (conferring appellate jurisdiction on the Appellate Division). Furthermore, pursuant to statute and the Rules of Appellate Procedure, a petition for habeas corpus relief is to be filed as a civil action in the Trial Division. *See* 18 PNC

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§§ 1101-1102; ROP R. App. Pro. 22; *In re Gotina*, 9 ROP 1, 1-2 (1999) (rejecting petitioners' contention that a single judge in the Appellate Division may consider petition for writ of habeas corpus). Accordingly, we dismiss Wolff's petition without prejudice to its refiling in the Trial Division and deny as moot any outstanding motions that Wolff has filed relating to his petition.

[3] In addition, we note that it is unclear why Wolff chose to file his petition using the caption and case number of a special proceeding that was disposed of on December 21, 2001. Wolff's self-assignment of this docket number is erroneous. First and foremost, it is the Court's, not the litigant's, responsibility to assign and manage docket numbers. Second, the special proceeding that Wolff filed his appeal under is now closed. Unless accompanied by a colorable request to reopen the proceeding, Wolff should not file, and the Clerk of Courts hereby is instructed not to accept for filing, any further pleadings using this case number.