

NO: \_\_\_\_\_

IN THE SUPREME COURT  
OF THE UNITED STATES

Brian-Arthur:Weese® – PETITIONER

Vs.

STATE OF MARYLAND

D/B/A; JULIE WHITE–RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

Brian-Arthur:Weese®

2491 Hunting Creek Rd.

Huntingtown, MD [20639]



## **QUESTIONS PRESENTED FOR REVIEW**

The Court lacks subject matter and personal jurisdiction for the reasons below.

1. The Complaint presents a detailed recitation of Plaintiffs' assertions that more than satisfies the pleading requirements of a Jurisdictional Challenge of the Trial Court;
2. Consideration of the Complaint as a whole demonstrates that it meets the requirements established under the Federal Rules;
3. In reviewing a facial challenge, which contests the sufficiency of the pleadings, "the court must only consider the allegations of the complaint and documents referenced therein

and attached thereto, in the light most  
favorable to the plaintiff;

4. The Court[s] must accept as true all material  
allegations set forth in the complaint and  
must construe those facts in favor of the  
nonmoving party.

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1). Brian-Arthur:Weese®, Plaintiff and Respondent
- 2). STATE OF TEXAS; et al Defendant
- 3). D/B/A: Julie White  
Office of the State Attorney  
41605 Courthouse Dr.  
Leonardtown, MD 20650

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**IN THE SUPREME COURT OF  
THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI**

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Petitioner respectfully prays that a writ of  
certiorari be issued to review the judgment below.

**OPINIONS**

For the case from **Federal Courts**:

- 1) The opinion of the United States Court of  
Appeals appears at Appendix A p.19 to the  
petition and is  
[ ] reported at \_\_\_\_\_ ; or  
[ ] has been designated for publication but is  
not yet reported; or

☒ is unpublished

- 2) The opinion of the United States Court of Appeals appears at Appendix A p.19 to the petition and is

☐ reported at \_\_\_\_\_ ; or

☐ has been designated for publication but is not yet reported; or

☒ is unpublished

For cases from **Appellate Court**:

- 1) The opinion of the Appellate Court to review the merits appears at Appendix B p.30 to the petition and is

☐ reported at \_\_\_\_\_ ; or

☐ has been designated for publication but is not yet reported; or

☒ is unpublished

2) The opinion of Appellate Court of the Fourth

Circuit Court appears at Appendix B p.30 to

the petition and is

☐ reported at \_\_\_\_\_ ; or

☐ has been designated for publication but is

not yet reported; or

☒ is unpublished

## JURISDICTION OPINION

For cases from **Federal Courts**:

- 1) The date on which the United States Court of Appeals decided my case was June 25, 2018.

☒ No petition for rehearing was timely filed in my case

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_

☐ An extension of time to the petition for the writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in

Application No: N/A

## **PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully petitions for a Writ of Certiorari before judgment to review a decision of a United States District Court for the District of Maryland, Greenbelt Division.

## **OPINIONS BELOW**

The opinion of the United States District Court for the District of Maryland, Greenbelt Division for which this petition is filed is reported of Cause Number 8:17-cv-02584-PWG in which was filed under 28 USC 1331.

[Decision is shown in Exhibit "A"]

## **JURISDICTION**

The case is docketed in the United States for the Court of Appeals for the Fourth Circuit as Cause 17-

2440 and decided on June 25, 2018 before Wilkingson,  
Diaz and Thacker, Circuit Judge(s). [See Exhibit "B"]

## **CONSTITUTIONAL AND STATUTORY**

### **PROVISIONS INVOLVED**

1. The Equal Protection Clause of Section 1 of the  
Fourteenth Amendment provides that no State  
shall "deny to any person within its jurisdiction  
the equal protection of the Laws."
2. Under Federal Criminal Rule F.R.C.P. 12 (e)  
and the Administrative Act, to insure the right  
to disclosure of the Nature and cause of "The  
Respondent's Action(s)" by ordering the  
Respondent to answer the "Petition for  
Redress/Demand for more definite Statement



to determine the nature of Cause of "The Respondent's Action."

3. The United States Court of Appeals for the Fourth Circuit in moving forward, knowing that the Plaintiff had served a Special Visitation, Commercial Affidavit and Petition for Redress upon the Respondent as the Plaintiff's demands have not been answered and avoided by the Respondent, was a clear act of bad faith on the part of both the Court of Appeals and the Respondent.
4. As the Plaintiff, was never a party in interest, a substituted party of record or a proper party to any other pleading regarding "The Respondents Action" Saint Mary's County

Circuit of Maryland did not acquire jurisdiction over the Plaintiff, a violation of F.R.C.P. 12(b) (2) lack of jurisdiction.

### **STATEMENT OF THE CASE**

Petitioners request this Court to exercise its power and discretion under Rule 11 of its rules to grant a Writ of Certiorari after judgment to the United States Court of Appeals for the Fourth Circuit, which has entered judgment on an appeal of this case. The case presents questions about jurisdiction. This Court, and all public offices, is defined under FRCP Rule 4(j) as a FOREIGN STATE, and as defined under TITLE 28- JUDICIARY AND JUDICIAL PROCEDURE the Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at Title 28, §§§§§ 1330, 1332, 1391

(f), 1441 (d), and 1602-1611, and is being jurisdictionally challenged, and “full disclosure” of the “true” jurisdiction of this Court has been challenged.

## **FACTUAL BACKGROUND**

### **A. Plaintiffs**

Plaintiff Brian-Arthur:Weese®, is a Secured Party Creditor with Filings with the Secretary of State, UCC Number 201606060267849. An Affidavit of Notice was sent to the Circuit Court for Saint Mary’s County on 10/21/2016. Rescinding Signature for Non-Full Disclosure of Contract sign, showing that I’m Holder-In-Due Course of all document(s). I do not take any Benefits from the Government as the Birth Certificate and Social Security was discharged to the

U.S. Secretary of State, as well as other Government Agencies.

### **PROCEEDINGS BELOW**

#### **A. The State Court:**

This Action commenced on 9/9/2009, and sentencing was on 2/23/2010, in The Circuit Court for Saint Mary's County by Judge Michael J. Stamm. An Affidavit of Notice was sent on 10/21/2016, to rescind signature on contract signed for Non-Full Disclosure.

#### **B. The District Court**

This action commenced in 09/06/2017. The Complaint alleged that the defendants prove jurisdiction under 28 USC 1331. The request of 28 USC 1331 was changed to the Clerks likings of the change of the 28 USC 1331 and was ruled under other statute(s). The

request of Jurisdiction was ignored in any/all matters.  
[See Exhibit "A" for ruling on United States District  
Court District of Maryland, Greenbelt Division]...

- (a) "The law provides that once the State and  
Federal Jurisdiction has been challenged, it  
must be proven." Main V. Thiboutot, 100 S. Ct.  
2502 (1980);
- (b) "Once jurisdiction is challenged, it must be  
proven." Hagans V. Lavine, 415 U.S. 533;
- (c) "Where there is absence of jurisdiction, all  
administrative and judicial proceedings are a  
nullity and confer no right, offer no protection,  
and afford no justification, and may be rejected  
upon direct attack." Thompson V. Tolmie, 2

Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr.  
9, 3 L.Ed. 471;

(d) "No sanctions can be imposed absent of proof of  
jurisdiction." Standard V. Olsen, 74 S. Ct. 768;  
Title 5 U.S.C., Sec. 556 and 558(b);

(e) "The proponent of the rule has the burden of  
proof." Title 5 U.S.C., Sec. 556(d);

(f) "Jurisdiction can be challenged at any time,  
even on final determination." Basso V. Utah  
Power & Light Co., 495 2<sup>nd</sup> 906 at 910.

(g) When Jurisdiction challenges the act of Federal  
or State official as being illegal, that official  
cannot simply avoid liability based on the fact  
that he is a public official. [United States V. Lee  
106 U.S. 196, 220, 221, 1 S. CT 240, 261].

Let it be known, until such a time as written proof of jurisdiction is demonstrated and filled in the court record of this case, the Accused shall be entitled to the conclusive presumption that lawful jurisdiction is lacking in Personam and In Rem. Let this statement serve as Constructive Notice that this common-law constitutional entity, in the eyes of the Law, intends to prosecute to the fullest extent of the Law anyone who infringes its rights as “officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law, Owens V. City of Independence, 448 U.S. 1, 100 S. Ct. 2502; Hafer V. Melo, 502 U.S. 21.

### **C. The court of Appeals**

The Appeal was submitted on May 31, 2018 and Affirmed on June 25, 2018 and again, jurisdiction issues were disregarding in all matters affirming with the United States District Court for the District of Maryland, Greenbelt Division [See Exhibit "B" for ruling on Appeals Court].

### **REASONS FOR GRANTING THE WRIT**

#### **I. This Court Should Exercise Its Power to Grant Review Before Judgment.**

For several reasons, the circumstances of this case make it appropriate for granting Plaintiffs request for proof of jurisdiction.

First, the case presents issues of fundamental importance. It concerns important constitutional and civil rights, and the resolution of these issues will



almost certainly have effects that extend far beyond the parties to the case.

Second, this Court knows, It is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law.

It is, in fact, the Court responsibility to prove, on the record, that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is the State's/Agent(s) D/B/A: Julie White duty to prove it exists. The respondent herein

was given the opportunity (multiple time) to put the facts of jurisdiction on the record, but acquiesced by tacit procurement to the fact that the constitutional and due process violations alleged by the petitioner did, in fact, occur, and did, in fact, deprive the court of subject matter jurisdiction, which is now the record before the court.

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W. 2d. 173, (Tex. App.-Corpus Christi 1995).

**The law provides that once State and Federal jurisdiction has been challenged,**

it must be proven. *Main v. Thiboutot*, 100

S. Ct. 2502 (1980)

Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties, or acted in manner inconsistent with due process of law or otherwise acted unconstitutional in entering judgment, U.S.C.A. Const. Amend. 5, *Hays v. Louisiana Dock Co.*, 452 N.E. 2d 1383 (III App. 5 Dist. 1983). [Emphasis added].

## CONCLUSION

For the foregoing reasons, Brian-Arthur:Weese®  
respectfully request the Court to grant his petition for  
certiorari before judgment.

The petition for writ of certiorari should be granted.

Respectfully submitted,

Brian Arthur Weese      8-20-18  
Brian-Arthur:Weese®      Date:

EXHIBIT "A"