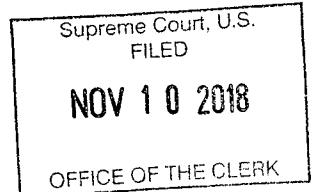


No. 18-6736

ORIGINAL



Before The Supreme Court of The United States

James E. Whitney

Petitioner

v.

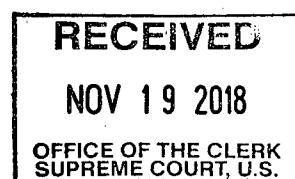
Cindy Glover, et al.

Respondent

On a petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit
Case no.18-1227

Petition for Writ of Certiorari

James E. Whitney, Pro Se
Sui Juris In Propria Persona
163817
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71644-0600



Preface

Pay heed and hear me, be still and I will speak; If you have what to say, answer me; But if not, listen to me; Be still and I will teach you wisdom. But where does wisdom come? Where is the source of understanding? See! Fear of the Lord is wisdom; to shun Evil is understanding; no man can set a value on the for it is the breath of El Shaddai from which they come. It is not the aged who are wise, nor the elders who understand how to judge. As long as there is life in me, and God's breath is in my nostrils, my lips will speak no wrong, nor my tongue utter deceit. Until I die I will maintain my integrity, I persist in my righteousness and I will not yield; I shall be free of reproach as long as I live. I would not temper my speech for anyone's sake nor show regards for any man, for I do not know how to temper my speech- my maker would soon carry me off. My words bespeak the uprightness of my heart, my lips utter insight honestly, the spirit of God formed me; The Breath of El Shaddai sustains me. You and I are the same before God. I too was nipped from clay. Listen, o wise ones, to my words you who have knowledge, give ear to me; Do you know the Laws Of Heaven or impose its Authority on Earth? For the ear test arguments, as the palate taste food. If God but intends it. He can call back his spirit and breath; all flesh would at once expire, and all mankind return to oust. See God is greater than we can know; The number of his years cannot be counted. He keeps turning events by his stratagems, that they might accomplish all that he commands them throughout the inhabited earth. Whoever confronts me I will requite, for everything under the Heavens is mine - Declares the Lord. Remember, then, to magnify his works, of which men have have sung.

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Unsettled Issues Presented for Consideration and Review

- 1) Should and Individuals secured and protected Constitutional Right under the First Amendment to redress the Government for wrongs perpetuated against them be dependent upon ones ability to pay cost and fees to the Court?
- 2) Does the Eleventh Amendment to the U.S. Constitution transfer sovereignty from the living breathing sentient natural mortal to the World-of-Man Government Constructs; Thereby providing those who serve or are employed in Constitutional or Legislative created positions or contract therewith, Immunity Protection from being held accountable for their conduct and/or decisions made in the performance of their Public Duties and responsibilities?
- 3) Should the Courts below be allowed to deny my secured and protected Constitutional Right to Due Process based upon my status of a Prisoner, held captive illegally without my consent and against my will, an "Enemy of the State" and Threat to National Security for my position on Sovereignty?
- 4) Should the form, formulation, or Construction of pleadings and motions by a Pro Se litigant, no matter how poorly articulated and inartfully styled, providing that they are technically sufficient and contain all the information required for a Tribunal or proper fact finder to be able to reasonably come to a proper rendering, prevent a Pro Se litigant from exercising their most fundamental right to address and seek redress for wrongs committed against them by any other individual, entity, or World-of-Man Government construct?
- 5) Are not all individuals employed and serving in a Supervisory roles of the World-of-Man Government constructs, as with any person serving in supervisory roles, be they Public or Private, to be held accountable, and if thereby becoming actionable upon them, for the conduct of those under their supervisory sphere?
- 6) Is it not the mission and function of the Courts of this Republic to hold those individuals in position of power and authority in the World-of-Man Governments constructs accountable for their actions, omissions, conduct, and decisions made, protecting the sovereign people from which they derive their commission; upholding and executing the restraints found expressed in the Constitution?
- 7) By what means and for what purpose does the World-of-Man Government construct of the American Republic exist?

- 8) From where can the claim of Immunity, in any form or fashion, be found for individuals serving or employed in Constitutional and/or Legislative created positions with in the founding documents of the American Republic?
- 9) Is the living breathing sentient natural mortal not the sovereign over and above the World-of-Man Governments Constructs known as the United States, any of the States of the Union, their agencies, departments, and subdivisions or are they to be sub-servant and subjugated to these institutions among men?
- 10) Should the personal and individual political, ethical, and professional views, or moral positions of a public servant have any bearing or influence on their actions, conduct, orders, judgments, or opinions during the execution of their duties?
- 11) Did the United States District Court of the Eastern District of Arkansas, Pine Bluff Division abuse their discretion, acting outside their proper range of choices?

List of Parties

All the Parties do not appear in the Caption of this case on the cover page. A list of all Parties to the Proceedings in the Courts whose judgments is the subject of, or have an interest in, this petition is as follows:

Cindy Glover, Clerk
Circuit Court for Lincoln County, Arkansas
300 S. Drew Street
Room 103
Star City, Arkansas 71611-8705

Hon. Jodi Raines Dennis, Judge
Circuit Court for Lincoln County, Arkansas
P.O. Box 8705
Pine Bluff, Arkansas 71611-8705

Hon. John Doe, Chief Justice
Circuit Court for Lincoln County, Arkansas
300 S. Drew Street
Star City, Arkansas 71667-5141

Hon. John D. Kemp, Chief Justice
Arkansas Supreme Court
625 Marshall Street
Little Rock, Arkansas 72201-1080

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F.B.I. Law Enforcement Bulletin, September 2011 4, 34

Petition for Writ of Certiorari

I, James E. Whitney, a Living Breathing, Sentient Natural Sovereign Mortal, proceeding Pro Se, do hereby respectfully request that this High Court issue a Writ of Certiorari to review the judgments below.

Opinions Below

The opinion of the United States Court of Appeals for the Eighth Circuit appears at the appendix a, page 3 and is unpublished.

The opinion of the United States District Court for the Eastern District of Arkansas, Pine Bluff Division appears at appendix A, page 4

Jurisdictional Statement

The date on which the United States Court of Appeals for the Eighth Circuit decided my case was in 05 July 2018. A timely petition for rehearing was denied by the United States Court of Appeals for the Eighth Circuit on 16 August 2018, a copy of the order denying rehearing appears at Appendix A, page 2.

Therefor, knowing that I have 90 days from the date denying my petition for rehearing in which to file my petition for Writ of Certiorari, I pray this court will issue a Writ of Certiorari reviewing the opinion on the Square and the Compass on the Constitutional issues and questions of Law which I have raised and brought before this High Court.

Further, I invoke the Jurisdiction of this Court pursuant to 28 U.S.C.A. § 1257(a).

Introduction

1) I, James E. Whitney, am a Living Breathing Sentient Natural Sovereign Mortal, not simply because I say I am, but by the fact that I was born a Sovereign as bestowed upon me by my Creator Lord, and King, YHWH, in the beginning and the source of Breath of All Flesh, Numbers 27:16 and not by way of any World-of-Man Government constructs, be they allegedly a State, Nation, or the like and such Sovereignty may not be modified altered, restricted, or diminished but by consent, And I have given no such consent, nor have I knowingly entered into any contract or agreement with any World-of-Man Government. See *Afroyim v. Rusk*, 87 S.Ct.1660,(1967)

2) That I am being held captive illegally by the State of Arkansas, as a prisoner in their Department Of Correction, at the Varner / Supermax unit in Grady, Arkansas, being confined and sequestered to a cell 24/7 approximately 8'x12' in size since 14 Nov. 2016 under extended Protective Restrictive Housing Pursuant to threats of Great Physical Harm from both Staff and Inmates alike.

3) That the sentence of 540 years confinement, under which I am currently being held captive as a Defacto sentence of Life Without Parole, The Indictment being duplicitous in nature. The sentence Imposed is contrary to and in violation of the United States and the State of Arkansas. See Arkansas code annotated, (A.C.A.) § 5-1-109; § 5-1-110; § 5-1-112; § 5-4-501; § 16-19-107; § 16-91-113; 1993 Arkansas Laws Act 550; Arkansas Sentencing Standards Grid; United States Constitutional Amendments I, IV, V, VIII, IX, XIV; Constitution of the State of Arkansas, Article 2, §§ 1,2,6,8,15, and 29; Article 5 § 20.

4) That the Trial Court lacked Rem Jurisdiction, Personam Jurisdiction, and subject matter jurisdiction. The Trial Court further lacked subject matter jurisdiction in that any Statute of limitations had elapsed prior to the commencement of Proceeding.

5) Per Rule 4-3(i), Rules of the Arkansas Supreme Court, when the sentence is death of Life imprisonment, the Court Must Review All Errors Prejudicial to the Appellant in accordance with A.C.A. § 16-91-113, a sentence of 540 years is clearly a Defacto sentence of Life imprisonment

without parole. However, The Supreme Court of Arkansas Has continually Refused, Avoided, and Resisted their Duty and Responsibility to comply with it's own Rules and Conduct the required Review by obstructing in an ever increasing number of Instances to accept and hear my Pro Se Pleadings and Motions, to wit: Court order entered 01 Mar 2017, CR-16-964, Denying my motion to file a Pro Se Supplemental Appellant Brief; Court order entered, 05 Apr 2017, Denying motion for Reconsideration of Denial to allow filing of Pro Se Supplemental Appellant Brief; Court order entered, 19 July 2017, CR-16-964 Denying my Pro Se Motion for copy of the record; Court order entered, 09 Nov 2017, Cr-16-964 Denying of Pro Se Motion for copy of the Record on Appeal and Related Documents, Additionally, there are a number of other Actions Pending before the Court that are being Denied without being heard.

6) That whenever any Court of Record, Justice of the Supreme Court, or any other Judicial officer receives information of gains knowledge form any Judicial proceedings before them that suggest the possibility that an individual is being held captive illegally against the Constitutions, Statutes, Laws, or Treaties of the United States, the States of the Union, or any of Their Political subdivisions. it is required by statute and the duty of the Courts to issue a writ of Habeas Corpus, even though no application or petition has been presented for the writ. See A.C.A. § 16-112-122; A.C.A. § 16-112-123.

7) That I am considered and viewed as an "Enemy of the State" and a threat to Law Enforcement and National Security, see "Sovereign Citizens, a Growing Domestic threat to Law Enforcement", F.B.I., Law Enforcement Bulletin, September 2011. And as such that the secured and Guaranteed Constitutional Protections, Rights, Freedoms, and Liberties Do Not apply to me under the Laws of war philosophy/ policy being that I am seen as a direct threat to their continued existence. And Positions of Power over the Living Breathing Sentient Natural Sovereign Mortal.

Constitutional and Statutory Provisions Involved

- 1) My Guaranteed Constitutional and Statutory Right to Due Process, that being the opportunity to speak and be heard, and it is an opportunity which must be granted and a meaningful time and a meaningful manner, has been violated by the State of Arkansas and the Courts below.
- 2) My Rights as Expressed and secured by clause two of section one of the Fourteenth Amendment to the United States Constitution; "No State shall make or enforce any Law which shall abridge the Privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of Law; nor Deny to any person within it's Jurisdiction the Equal protections of the Law" has been extensively violated by the Courts below.
- 3) The Courts below have departed far from Federal and State Constitutional and Statutory Laws as to have erroneously Invalidated and violated my Secured and Guaranteed Protection, as found Expressed in the Constitution
- 4) The Courts below has acted with Legislative intent to usurp Protected and secured Rights of the Sovereign, The Living Breathing, Sentient Natural Mortal, not serving in any World-of-Man Government Positions, and as expressed in the Common Law, Bunch v. State, 370 Ark. 3, (2007). This is not to be allowed.
- 5) The Language, Spirit, and Intent of the Declaration of Independence and the Constitution of the United States is to limit, contain, and reign in those who chose to serve in Public Offices. These founding Documents of the Republic were designed and Penned to subject and hold those individuals accountable for their conduct in the Performance of their Public duties and to hold them Responsible for the actions of their subordinates, not only within their branch, but also by the other branches of the government by way of checks and balances, moreover, to the True Sovereigns of the Republic. And as all statutes enacted by the legislations are to be only for

execution of the powers vested by the Constitution in the World-of-Man Governments, and all others that have been Penned and created by the Legislation are plain and clearly unconstitutional in their very nature and Fact of Law. See Article one section eight, paragraph eighteen of the U.S. Constitution.

6) These Limitations imposed therein, textualized and Penned by the founders of the American Republic, guided by our Creator, are to distinctly and decisively imposed such restrictions to prevent a recurrence of the tyranny experienced first hand by such as those who thirst after and lust for Power and control over others.

7) The Constitution of the United States (17 Sept. 1787) consist of 7 articles which express the duties, limits, and responsibilities of the three branches, executive, legislative and Judiciary of the World-of-Man "Government". Defining the limits of each of them to impose their will and view of morality upon the rights, liberties, privileges, protections, or any other such power as reserved to the Living Breathing Sentient Natural Sovereign Mortal. These articles, along with the "Bill of Rights", articles of Amendment I through X, act as points of contract which operates only upon those employed or as serving in Constitutional and Legislative created Positions, and those who contract with the "Government" units; allegiance and loyalty in the united States is not due to and of the three branches, but from the Executive, Legislative and Judiciary to the Natural People, with whom the Sovereign Power is found and this relationship cannot be severed but by consent of the natural person. *Afroyim v. Rusk*, 87S.Ct. 1660(1967); Founding Documents.

8) The language, spirit, and intent of the Constitutions of the United States and the State of Arkansas is to limit and reign in those who choose to serve in Public Offices. This founding Document of the Republic is to subject and hold those individuals accountable for their conduct in the performance of their Public duties and to hold them responsible for the actions of their subordinates, not only within their own Division of Government; but also by the other Divisions of the Government, Moreover, to the true Sovereign of the Republic. However, if there is no civil remedy available to the people by which they can hold their Public servants accountable, then the lives lost to establish and maintain this Republic have been for naught.

9) The Eleventh Amendment has been twisted and misconstrued to provide improper protection for those serving in Constitutional or Legislative created positions, by means of Sovereign Immunity, Qualified Immunity, Quasi- Judicial, and Judicial Immunity. However, neither the Eleventh Amendment nor any other provision in the Constitution affords any Public Servant any such protection in any form or fashion; Quite the opposite is found expressed in the founding documents of the Republic. The Eleventh Amendment simply modifies article Three, Section Two, of the U.S. Constitution, nothing more can be implied from it than that which is expressed therein.

10) The Courts below using Procedural Rules to usurp the Guaranteed right of Due Process, The fundamental Requirement of Due Process being the opportunity to speak and be heard, and it is an opportunity which must be granted at a meaningful time and in a meaningful manner, *Parratt v. Taylor*, 101 S.Ct. 1908,(1981). The court has become Highly Technical on Procedural issues for the simple means of clearing the docket; and the results is that a Petitioner's appeal is not considered on the merits, which has the potential of increases the possibility of exposing the errors, misconduct, deceptions, abuses of power, and tyranny of the Courts. This is ever more prevalent when the Petitioner elects not to use a member of the Bar and proceeds Pro Se.

11) Jurisdiction is the Power of the Court to hear and determine the matter in controversy between the Parties. A Court lacks Jurisdiction. " If it cannot hear a matter 'under any circumstance' and is 'wholly incompetent to grant the relief sought'. See *Nance v. State*, 2014 Ark. 201.

Statement of the Case

1) During the Period of March 2017 through October 2017, I submitted for filing with the Circuit Court of Lincoln County, Arkansas, a number of Tort Information and Complaint with demand actions against Individuals Residing and /or working within Lincoln County, Arkansas, for violations of my Constitutional and Statutory Guaranteed Protections, Rights, Liberties, and Freedoms with Petitions to Proceed In Forma Paupris, Declarations in support of In Forma Paupris Petition, and calculation of Initial Partial filing fee, all being Technically sufficient and containing the necessary and relevant information as required be A.C.A § 16-68-604.

2) Ms. Cindy Glover, Clerk for the Circuit Court of Lincoln County, Arkansas, as is her custom and practice with Prisoner Petitioner's , refused to accept my pleadings under guise the specific forms be strictly utilized; although there is statute or Court Rule that requires a certain or specific form be used, only what must be contained within certain documents. There exist a wide range of Preprinted forms available for use before the many Circuit Courts of Arkansas. However, Ms. Glover's true intent is to harass create needless delays and unnecessarily increase the cost for actions brought by Prisoners against Individuals Employed at Prison facilities within Lincoln County, Arkansas, to provide favorable treatment and advance knowledge to family, friends and associates to give them an unfair advantage. And on the face she has a number of Inextricable intertwined relationships within these units see appendix G pages 5-6.

3) Ms.Cindy Glover, additionally, refuses to provide file marked copies of filings to Pro Se Prisoner litigants; refuses to provide file marked copies of the record below upon notice of appeal and Designation of the Record, making it impossible for a Pro Se Prisoner Litigant to comply with Arkansas Rules of Appellant Procedures. Rule 4-7,(c)(1)(B). This is a breach of duty and responsibilities, as these ask are required by statute and Court Rules and are therefore ministerial in nature nature and Not Discretionary or optional. See appendix B page 36.

4) In actions that did not Involve Persons residing or working within Lincoln County, Arkansas, such delays and hinderancies were not experienced. However, an initial partial filing fee was still demanded before I could proceed with my actions for redress under the First Amendment to the U.S. Constitution, this demand being contrary to A.C.A §16-68-604 in light of my financial situation.

5) Moreover, in my Petition for name change for Religious Purposes, my previous financial situation being unchanged, I was permitted to proceed without payment of fees and cost as there were no persons residing or employed within Lincoln County that potentially could incur a negative result due to this filing. With this in mind how can the previous rulings requiring payment be rendered proper and just? See Appendix C, page 1

6) The American Republic is full of Leaders and Officials who are rogues and cronies of thieves avid for presents and greedy for gifts; They do not judge the case of the oppressed and the downtrodden's cause never reaches them. Their partially in Judgment accuses them! This is why Redress is far from the populace and vindication does not reach us; Because Honesty stumbles in the Public squares and uprightness cannot enter.

7) That I believe I am entitled to a review and reconsideration of the ruling of the Court below and that such is meritorious and is not brought for frivolous or malicious purposes. That unless this Court grants my request for the review, reconsideration, and relief requested herein, I will be denied my Protected right to redress as secured by the First Amendment of the Constitution of the United States and article 2§§4 and 13 of the Constitution of the State of Arkansas, through no fault of my own.

8) The use of Ashcroft v. Iqbal, 556 U.S. 662,678,(2009) Is an inappropriate standard to apply especially in a Pro Se case, which the Courts have generally held to a less stringent standard than formal Pleadings Drafted by formally educated and professionally trained Lawyers, as was the case in Iqbal. Further the Iqbal case involved a natural and Internationally Security Emergency unprecedented in the history of the American Republic and so sought damages against an extremely High Level Government Officials. This case, although Personally Important and

crucial to my future events, certainly does not rise to meet the same circumstances as that of the Iqbal case. Bell Atlantic v. Twombly, 550 U.S.544, 570,(2007) is more to the standard the Courts have Generally Held Pro Se Litigants to as a level of Detail and Plausetality to survive dismissal.

Phillips v. County of Allegheny, 515 F.3d 224, (3rd cir.2008), goes on to say stating a claim requires a complaint with enough factual matters, taken as true, to impose a probability requirement at the pleading stage, but instead simply calls for enough facts to raise a Reasonable Expectation that Discovery will Reveal evidence of the necessary elements. Such a statement must simply give the Defendant fair notice of what the Plaintiffs claim is and the grounds upon which it rest. Swierkiewicz v. Soreman, 122 S.Ct. 992,(2002). Further, where a Party is relegated to having to prove his claim by documents, paper, and letters kept by opposing Party, the scope of Discovery shall be broader. Parker v. Southern Farm Bureau Ins.Co., 326 Ark. 1073, (1996). The originating Pleading, Petition, of Complaint is not the place to cite case law or argue legal theory as the Hon. Judge Holmes suggest.

9) Hon. Judge Holmes' rendering of the Eleventh Amendment to the Constitution of The United States is incorrect, The Amendment ratified 07 February 1795, Reads: " The Judicial Power of the United States shall not be construed to extend to any suit in Law or Equity, commenced or Prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state. "If one were to hold the Hon Judge Holmes interpretation of this amendment, adding with it Article IV § 20 of the Constitution of The State of Arkansas, which reads: "The state of Arkansas shall never be made Defendant in any of her Courts". Then this would mean that there is no civil remedy available for wrongs by the state of Arkansas or any of it's agents

10) Hon. Judge Holmes is incorrect in applying or utilizing the title Sovereign to refer any World-of-Man Government Constructs, such as the United States or the State of Arkansas, or those who serve in any capacity thereof. The second Paragraph of the Declaration of independence of 1776 states " That all men are created equal, that they are endowed by their Creator with certain unalienable Rights. That among these are life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their Just Powers from the consent of the Governed, that whenever any form of Government becomes

destructive of these Ends, it is the Right of the People to alter or abolish it". "This founding document of the American Republic goes on further to state: "But when a long train of abuses and usurpation, pursuing invariably the object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such Government". This is a Plain and clear demonstration that those who penned this document decisively acknowledged that the individual Living Breathing Sentient Mortal is by and far the Natural Sovereign Superior, This having been established by my creator, Lord, and King, YHWH, In the beginning, to any World-of-Man Governments be they known as the United State, The State of Arkansas, or any others. This was found to be so sacred and compelling by the founders, to find it also expressed in the preambles of The Constitution of the United States, 17 September 1887, and the Constitution of the State of Arkansas, 1874, as well as in the Tenth Amendment to the U.s. Constitution and Article 2 §§1 and 29 of the Constitution of the State of Arkansas. To that end the Constitutions, statutes, rules, and regulations were/are created and textulized to protect, not subjugate or rule over the living breathing sentient natural sovereign mortal. More over, they are to be controlling and limiting over those individuals employed or serving in Constitutional or legislative created offices and positions, as well as those who contract with these World - of - Man Governments, in the attempt, in what has been called the great experiment, to put an end to such corruption and abuses of power that had been previously experienced, so that it should ever be extirpated. Allowing the rulings below to stand would be kin to placing a failing grade on the founding documents of the American Republic and the great experiment itself.

11) For the explanation as provided above judicial and quasi -judicial immunity for any official is unconstitutional and should not be applied in this instant case or any other case. I will, however, address the issues raised by Hon. Judge Holmes, Lincoln County Circuit Court Clerk, Ms. Cindy Glover, clearly abused her discretion, this standard being that the court has a range of choices and that such decisions will not be disturbed as long as it stays within that range and is not influenced by any mistake of law , Novus Franchising, Inc. v. Dawson, 725 F. 3d 885 (8th Cir. 2013), not within this range of choices available to Ms. Glover was to refuse my technically sufficient initial court filings to the benefit of and/or to provide special treatment for friends and relatives, such as maybe employed at the Varner/Varner Supermax Unit, by harassment, hindering, interfering with causing unnecessary delay, or needlessly increasing he cost of

litigation. This is further supported by the ever increasing obstruction and resistance through changes in customs and practices of the prison facility in reaction to my continued attempts to prosecute the cases in the Lincoln County Circuit Court.

12) All of my court filings with the Lincoln county Circuit Court have been in compliance with and meet the state standards for court filings. The only notable exception to this is in the first documents sent, which were not intended for the court clerk, but for the County Clerk for filing in the vital records of my affidavit of sovereignty and notice of default and demand, the cover letter clear and plain stating such. However, as is Ms. Glover's practice and custom she interjects herself into any and all affairs that originate from the Varner/Varner Supermax facility to be able to provide favorable treatment to the facility staff. This is demonstrated, first in that the same forms and scripts that were utilized to petition for In forma Pauperis in the case below, and are the same I utilize for all my court filings. Which are in full compliance with the standards as set forth in A.C.A. § 16-68-604, and the District Court found no fault in them and accepted them on initial filing. Second, Ms. Glover, demanded my pleadings and forms be notarized before she would accept them even though they were accompanied with a declaration in accordance with 28 U.S.C.A. § 1746 and 18 U.S.C.A. § 1621. Third, Ms. Glover, required the use of her specific calculation of initial partial filing fee form, which at the time along with the Civil Cover sheet were only available from the office of the Lincoln County Circuit Court Clerk.

13) Ms. Glover's refusal to accept my technically sufficient initial filings, which included a petition to proceed In Forma Pauperis, declaration in support of and calculation of initial partial filing fee, placing additional burdens and altering previous requirements was not discretionary in nature and is a breach of duty to perform a ministerial act and bars her further to any entitlement of Quasi - judicial immunity. *Snyder v. Nolen*, 380 f. 3d 279 (7th Cir. 2004).

14) Ms. Glover is not entitled to qualified immunity either, not only for the reasons put forth above but also on the grounds that the living breathing sentient natural sovereign mortal's constitutional and statutory protected right to access the courts for civil relief of the deprivation of any rights, protections, privileges, or immunities in an action at law, suit in equity or other

proper proceedings for redress, freely and without purchase, completely without denial , and promptly without delay, is clearly established and of such importance to civilized society that any reasonable person knows or should know as they are plainly expressed in the first amendment to the United States Constitution as well as in Article 2 §§ 4 and 13 of the Constitution of the State of Arkansas. As to actual injury or prejudice as a result of the denial and delay of access to the courts, even though the courts have held in Parrish v. Johnson, 800 F. 2d 600 (6th Cir. 1986), that a prisoner is not required to establish "lasting or severe injury" to recover damages, a plaintiff injured by a series of constitutional torts, like any other tort, should be able to recover for all harm past, present, and prospective. Damages are not to be presumed from a constitutional violation, but neither must "actual injury" always be shown. The cases stalled before the Lincoln County Circuit Court, due to Ms. Grovers hindrance and abuse of discretion, awaiting forward movement include: 40cv - 17 - 60, 29 Jun 17, Petition for Writ of Habeas Corpus, which may very well obtain my release from this illegal captivity; 40cv - 17 - 80 12 Sep 17, Petition for Writ of Mandamus, which may also be an avenue for release from this illegal captivity; 40cv - 17 - 81, False imprisonment and Intentional infliction of emotional distress torts. 40cv - 17 - 112 -- 117, 24 Oct. 17, include Theft of Property torts, mail fraud torts, medical malpractice torts and intentional infliction of emotional distress torts all involving Varner/Varner Supermax facility staff. 40cv - 17 - 118 and 119, 24 Oct. 17, are attorney malpractice torts, which may also lead to my release from illegal captivity for ineffective assistance of counsel. The above is in addition to any possible monetary or any other relief and expiration that maybe available, just, and proper. This meeting the criteria for and establishing actual injury and prejudice, and therefore, Ms. Glover is not entitled to qualified immunity either as my original pleading meet all the technical requirements and I should have been allowed to prosecute my claims as allowed by A.C.A. § 16-68-604, the cases being stalled as they are through no fault of my own.

15) Further, the claim of a state employee, to have immunity from suit is defense to be adjudicated as part of The lawsuit, rather than a basis for a claim that the courts lacks jurisdiction. West Memphis School Dis. No 4 of Crittenton County v. Circuit Court of Crittenton County, 316 Ark. 290 (1994).

16) As to the claims against Chief Justice Kemp of the Arkansas Supreme Court; The Chief Judge of the Lincoln County Circuit Court; and Judge Dennis, they were all made ware on a number of occasions of the issues with Ms. Glover, by being sent copies of the letters to her and actual formal complaint, The only response being received was from the Criminal Justice Coordinator of the Supreme Court of the Supreme Court of the State of Arkansas. So it cannot be said that any of them were unaware of the pattern of violations of constitutional and statutory protected rights by Ms. Glover. Instead they chose to let the issues go unacknowledged, their failure to take any action or corrective measures plain and clear shows deliberate indifference to the issues, and officials may not employ their own mistakes to shield themselves from possible liability or litigation, relying on the likelihood that a prisoner will not know what to do when faced with such a situation. *Seel Dole v. Chandler*, 438 F. 3d 804 (7th Cir. 2006).

17) Being that a violation of a constitutional or statutory protected right is never *De minimis*, a phrase meaning so small or trifling that the law takes no account of it, the Supreme Court explained the reason for this rule, “by making the deprivation of such constitutional and statutory rights actionable for nominal damages without proof of ‘actual injury’, the law recognizes the importance to organized society that those rights be scrupulously observed. *Wilson v. Seiter*, 111 S.Ct. 2321, (1991).

18) If the courts and legislators did not find it of such importance for supervisory judges to be held accountable for those below them, be they court staff, court officers, justices, or others subjected to the supervisory judges direction, to uphold the conduct and standards expected and demanded of the judiciary. It would not be found expressed in Rules 1.2 and 2.12, of the Arkansas Code of Judicial Conduct, that they have a duty and responsibility to investigate any such possible violations and correct such deficiency as are found. However, in this instant matter the judges took the course of “ignore it and hope it goes away” as their actions of choice. For these reasons as well as those stated above, the Judges are not entitled to either Judicial or Qualified Immunity.

19) The court may dismiss a compliant *sua sponte* only if it is clear that no relief could be granted under any set of facts that could be proven consistent with the allegations. *Swierkiewicz*

v. Soereman, 122 S.Ct. 992 (2002). The issue is not whether a plaintiff will prevail, but whether the claimant is entitled to offer evidence to support the claims. Indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely, but that is not the test. Jackson v. Carey, 353 F.3d 750, (9th Cir. 2003).

20) Being as there was an open unresolved judicial complain, JCP No. 08 - 17 - 90084, involving Hon. J. Leon Holmes, as of the date he was assigned this case, he should have recuse himself from this action to avoid impropriety or the appearance of impropriety and to promote the public's confidence in the independence, integrity, and impartiality of the judiciary. Moreso, as the complaint was still pending on 05 Jan. 2018 when he handed down his decision to dismiss my complaint. The final ruling on my complaint concerning Hon. Judge Holmes not being issued until 18 Jan. 2018, See Appendix H.

21) That on several occasions Ms. Cindy Glover, Lincoln County Clerk, has with intent and malice, obstructed and violated my rights and privileges as secured by the redress clause of the first amendment of the U.S. Constitution and Article 2 §§ 4 and 13 of the Constitution of the State of Arkansas by:

A) Violating Rule 5(C)(1), Ark. R. Civ. P., on at least the following four occasions, 03 Apr 2017, 30 May 2017, 24 July 2017, and 05 Sept 2017, in that she refused to accept my submissions to the court simply because it was not in the form she preferred to use even though all the information necessary was contained within my submissions. She used this practice as a method to attempt to hinder and inter-fear with actions primarily involving ADC staff employed at the Varner/Varner Supermax Unit. See letter dated 07 October 2017.

B) Requiring and demanding that a fee be paid to the clerk's office in order for me to utilize rights and privileges found expressed in the first amendment of the U.S. Constitution and Article 2 §§ 4 and 13 of the Constitution of the State of Arkansas in that Cindy Glover has demanded a fee be paid in all of my 11 cases, 8 of which involve Varner/Varner Supermax Unit Staff, and submitted to the Clerk's office before she will allow my actions to proceed to the court.

22) That I have diligently searched through both the U.S. Constitution, it's amendments, the Constitution of the State of Arkansas. and it's amendments and have been unable to find any clause or provision that makes the payment of a fee necessary or required in order to access the rights and privileges afforded therein.

23) That I am indigent and without funds or a means by which to obtain funds for such fees as are being demanded by Cindy Glover before she will present my actions to the court for proceedings.

24) That I have made an Honest and sincere attempt to resolve this issue administratively before involving the courts in the matter. However, the supervisory justices have failed to take any action or corrective measures, therefore creating the necessity to involve the court to seek redress so that I may seek redress.

25) That the three (3) supervisory justices; Hon. Jodi Raines Dennis; The Chief Justice of the Lincoln County Circuit Court; and Hon. John D. Kemp, Chief Justice of the Arkansas Supreme Court have a duty and responsibility as defined under Rules 1.2 and 2.12, of the Arkansas Code of Judicial Conduct, to see that those below be they court staff, court officers, justices or others subjected to the supervisory judges direction to see that all duties are preformed in accordance with the constitutions and statutes of the jurisdiction thereof.

26) A prisoner's access to the courts is most fundamental of rights and a prisoner's claim that his access to the courts has been impaired need not demonstrate complete detriment, where prisoner alleges direct, substantial and continuous conduct of a state official. But only some quantum of detriment resulting in interruption and /or delay of pending or contemplated litigation. Jenkins v. Lane, 977 F. 2d 266 (7th Cir. 1992).

27) Every person who, under color of any statute ordinance regulation, custom, or usage of any state or territory, subjects or causes to be subjected, any other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the

constitution and law, shall be liable to the party injured in action at law, suit in equity or other proper proceeding for redress. *Parratt v. Taylor*, 101 S.Ct. 1908 (1981).

28) The objective standard, as held in *Richardson v. State*, 314 Ark. 512 (1993), being only the requirement of the government representative in question to have the expectation to have a reasonable knowledge of what the rule require. Certainly as a circuit court clerk. Cindy Glover should reasonably be expected to know the court rules and constitutions.

Reasons For Granting My Petition
This Honorable High Court Should Grant My
Petition Based Upon:

- 1) This is a case involving issues of first impressions, issues of significant public interest, and of substantial questions of law concerning the interpretation of the Constitution, Statutes, and Acts of the Legislature. A review of this instant case would help to illuminate unconstitutional actions and omissions by public servants; establishing proper constitutional strict precedents.
- 2) That the decisions of the courts below are erroneous and conflicting with opinions previously held by other appellant courts and this High Court, to the extent that the opinion of this Court in *Afroyim v. Rusk*, 87 S. Ct. 1660 (1967) that the people are the sovereign in the American Republic and not the World - of - Man Government construct or any individual serving in any position or capacity thereof; and is squarely in conflict with the decisions rendered by the courts below in this instant action.
- 3) That the opinions of the courts below, if allowed to stand, may have a severely adverse effect on the perception of the courts ability for independence, integrity, and impartiality, its function in the checks and balances of power structure that is one of the foundational stones of the republic, and will negatively effect the public's confidence in the judiciary, as it is the courts duty and responsibility to hold accountable , not protect, all those who serve in any capacity or position within the governments of the United States, the states of the union, Their agencies, departments and subdivisions; To The Sovereign, that being the living breathing sentient natural mortal, the people. In the American Republic, as in much of the world today, perception is by and far reality for the many.
- 4) That the conduct of the courts below are prejudicial to the effective and expeditious administration to the business of the court, harassing, causing unnecessary delays, and needlessly, increasing the cost of litigation to pro-se prisoner litigants is improper and an affront to the efficiency of the judiciary.

5) No individual serving or employed in any World - of - Man Government construct constitutional or legislative created position or capacity is entitled to immunity in any form or fashion for their conduct or decision made in the course of their public duties and responsibilities.

6) The courts below have violated and disregarded their duties and responsibilities as expressed in the founding documents and of the spirit of their pledge, mission, and function of being the “watch dog” for the people against tyrannical power seekers. As intended by the founding members of the republic.

7) The rulings by the courts below sanctioning the State of Arkansas’s Department of Correction dissolution of secured and protected constitutional rights retained by prisoners, those being: presumed innocence in all matters, the ability to submit evidence in support of innocence; to examine witnesses for the purpose of clarification and/or impeachment of the statements and testimony; the so called “disciplinary court review” is already a “Kangaroo Court”.

8) The courts below has departed so far from the customary and common place practices of the judiciary as expressed and defined by The Constitution of the United States and Federal Statutes and sanctioned such departures within the states lower courts as to present the belief that as a whole the State of Arkansas is above and beyond adherence to Federal Statutes and Constitutional Law, and issue thought long to have been resolved with the conclusion of the U.S. Civil War, as to call for the exercise of the United States Supreme Courts supervisory power as found expressed in Articles Three and Six of the United States Constitution.

9) The courts below have issued rulings and opinions in direct conflict with Federal Statutes, Constitutional Law, and accepted and usual practices of the judiciary as to be on the face at least the appearance of impropriety in the Independence, Integrity, and Impartiality of all the judiciary, and as such compels this court to take up the matter, rendering a ruling on the square and by the compass. See rules 1.2, 2.2, 2.3, and 2.6, Ark. Code Judicial Conduct.

10) The courts below have not only violated my personal guaranteed and secured Constitutional and Statutory Rights, but have set upon a dangerous path for creating a precedent to allow the ignoring, invalidating, and dismissing the protected and expressed constitutional and statutory rights of the public at large. There by creating a necessity for this court to resolve itself for the benefit and defense of all menu peoples.

11) If there no civil remedies readily available to the people, who are the true Sovereign, as found expressed in the founding documents, by which they can hold their public servants accountable, then the innumerable live sacrifice to establish and maintain this Republic were all for naught.

12) This court, as with courts have a divine and constitutional obligation not to protect, but to hold accountable those individuals serving or employed in public duties as it is defined and expressed in the founding documents of the Republic.

13) That all courts have an ethical and moral duty to act in accordance with biblical principles upon which the institution finds it's foundation. See Exodus 18:15-23. And we must look to the scriptures for how to apply the justice of Elohim. That includes the magistrates being of a righteous and upright nature, trust worthy, spurn ill-gotten gain, and keep their hands from holding bribes.

14) All courts have a responsibility to hold the highest standards as required of them by the Biblically Based founding documents of the Republic; and to affirm the lower courts decision in this instant case is an out right declaration that these Republic creating documents. Upon which all courts receive their authority are no linger valid and therefor dissolve this Republic and all of it's institutions in De facto.

15) Does a Judge/ Justice in their supervisory role over those within their sphere of influence, have a duty and responsibility to take action and/ or corrective measures when so informed of a subordinates inappropriate actions?

16) I am being held to a higher standard of pleading than conclusions of common law calls Pro Se litigants to be subjected to.

It is for these reasons herein that I respectfully request and believe that this Honorable High Court will find it reasonable to review the renderings of the court below for abuses against the Constitution of the United States. The Natural importance for the Supreme Court to weigh and issue an opinion on the square and by the compass on the issues presented, as well as the individual importance to myself and all others currently within this Republic s to just who is accountable to whom and how on is to go about securing this accountability.

Conclusion

1) As I am a pro-se litigant, without a formal legal education or professional legal training, the court before granting any motions of opposing party or the entry of any order or judgment, is to review and consider as evidence all of the pro-se litigants contentions offered in pleadings and motions, where such contentions are based on personal knowledge set forth in facts that would be admissible as evidence, and where the pro-se litigant attested under penalty of perjury to the truth of the contents. Jones v. Blanas, 393 F. 3d 918 (9th Cir. 2004).

The natural people, sovereigns, are the creators of the “Government,” my rights, liberties and protections are long antecedent to the creation of the “state,” those rights, liberties and protections are inherent and non - negotiable. The “Government” can list them, and protect them, that is their duty and responsibility, but they are not theirs to give away, alter, restrict, or diminish in any way.

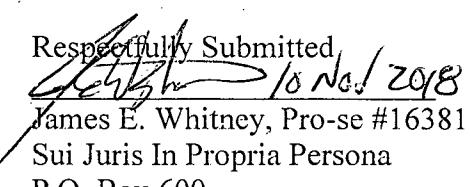
2) Many in todays society would say that I should humble my words and pay regard to the public servants of the republic. Howbeit, YHWH Elohe Yisrael charges and commands his people to call out injustice and wickedness when it is observed, where it occurs; we must give warning that unless they repent, change their ways and turn back, they are about to be destroyed - to be as if they had never been born! Therefore, I will not temper my speech for anyone’s sake, nor show regard for any man; for no sooner would I do so then El Shaddai would call back His

spirit and breath of life, I would at once expire and descend down to sheol, going the way of all the earth.

3) Considering that there are many sides to sagacity; That to answer a man before hearing him out is foolish and disgraceful, for to deny a man his rights in the presence of the most high is to wrong a man in his cause; for all shall be held accountable for partiality in their judgments, and shall fare ill; for as their hands have dealt, so shall it be done to them; El Shaddai shall deal with each according to their ways as held their hearts and acccording to their conduct and deeds. he will requite each one!

Wherefore premises considered and as it is always in the best public interest for all those employed or serving in constitutional and legislative created offices to obey the constitutions and statutes in their entirety, as court proceedings are not events, that reset without lasting effect, where the participants are expected to enter the arena with near matched skills, but neither are they to be a sacrifice of the unarmed prisoner to the gladiator. I therefore respectfully request that this court overturn the ruling of the court below and grant me the relief sought if the court so deems appropriate or in place of this reverse and remand this action for proceedings not inconsistent with the opinions of the court, plus any and all other relief and expiation that maybe available just and proper.

Respectfully Submitted


James E. Whitney, Pro-se #163817

Sui Juris In Propria Persona

P.O. Box 600

Grady, Arkansas

71644-0600

Statement Of Incontrovertible Essential Eternal Truths And Material Facts

- 1) I, James E. Whitney, am a living breathing sentient natural sovereign mortal, not simply because I say I am, but by the fact that I was born a sovereign as bestowed upon me by my creator, Lord and King, YHWH, he source of breath of all flesh, Numbers 27:16 and not by way of any World - of Man Government constructs, be they allegedly a state, nation or the like and such sovereign may not be modified, altered, restricted or diminish but by consent and I have given no such consent nor have I knowingly entered into any contract or agreement with any World - of - Man Government.
- 2) I reserve all of my freedoms, liberties, rights and protections at all times and I waive none of them at any time nor will I sign anything that relieves me of my security interest as beneficiary.
- 3) I do not recognize any pledges, nor any loyalties or allegiances to any such World - of - Man Government constructs. My loyalty and allegiances is pledged, in Toto, without reservation, only to the Supreme Sovereign Ruler, YHWH, Leviticus 18:4-5; Deuteronomy 13:5.
- 4) I was made in the image of my creator, Lord and King, Ehyeh -Asher - Ehyeh, (YHWH) Genesis 1:26 - 27.
- 5) I was given dominion over and tasked as a steward and caretaker over all that is above, below, and on the earth by the Supreme Sovereign ruler, YHWH. Genesis 1:28 -30.
- 6) I am only subject onto the Kingdom of YHWH. Exodus 19:5-6; Exodus 34:10.
- 7) As a ~~new~~ born son of a descendant of Israel,
I am further consecrated as an Ambassador of the Kingdom of YHWH. Exodus 13: 1-2.
- 8) There is no other authority, instruction, law or rules, but as those provided by YHWH and recorded in Torah, Leviticus 18:4-5; Leviticus 26:46; Deuteronomy 4:2.

9) Although I may reside within or be confined in the lands or territories of any World - of - Man Government constructs. I am neither to bend the knee or confirm with their ways or practices. I operate and function as a Vassal and Ambassador for the expression of the Kingdom of YHWH, Exodus 23:24; Deuteronomy 13:1; Judges 2:2.

10) There has been no evidence or documentation provided of my liability to any World - of - Man Government constructs or that any World - of - Man constitutions operate upon me and therefore subject me to any of their regulations or statutes or that I am under contract to or have entered into an agreement with any World - of - Man Government of any of their agencies or subdivisions.

11) The World - of - Man constructs constitutions, rules, regulations, and statutes only apply to those employed or serving in constitutional or legislatively created position or offices and those who contract with the "state". The purpose of the constitutions, agreements, contracts, covenants, social compacts and statutes are to limit those in constitutional and legislative created positions or offices and those who contract with government units, to the end of protecting the living breathing sentient natural sovereign mortals whom may reside within their sphere of influence from corruption and abuses of power that have previously been experienced.

12) I am not a person regulated by the "state", I do not hold any position or office where I am subject to the constitutions or legislators. The World - of - Man constitutions and legislators do not dictate what I do or do not do, nor am I currently under oath of office, and rescind any and all prior endorsements, of such, I further decline any and all offers to contract and reserve the right to reject any and all, I do not concede to any presumptions to the contrary, whether known or unknown to me, with or without my consent.

13) The World - of - Man Government construct, nor any of its agencies or subdivisions, may not lawfully move against me, as they did not create the office or position of the Sovereign. Therefore they do not regulate or control those in the position of being the Sovereign, and I as a Sovereign, have not delegated to them any such power. No World - of - Man Government

construct, nor any of its agencies or subdivisions may ascribe penalties for the breach of the office of the Sovereign.

14) I am not a party or signatory nor knowingly a descendant of any party or signatory of any of the contracts, covenants, or social compacts that establish or make up the World - of - Man Government of the United States or any of its subdivisions.

15) The living breathing sentient natural sovereign mortals, are the creators of the "*state*". My freedoms, liberties, rights, and protection are long antecedent to the creations of the "*state*" and are inherent, they are not dependant on any World - of - Man Government construct, benefit, constitutions or piece of legislation, they are non - negotiable, the "*state*" can list them and protect them that is their duty, but they are not their's to give away, alter, restrict or diminish in any way and they can not be waived under any circumstances or act. Nor do I agree or consent to any World - of - Man "*Government*" to subjugate me, my freedoms, liberties, rights, or protections.

16) I am not named in any World - of - Man constructs, constitutions, covenants, social compacts or statutes of the United States or The State of Arkansas. If otherwise, produce the evidence and documentation where I am.

17) The Supreme Court held in Hale v. Hinkley, 201 U.S. 43 (1905) that since the private man [*the living breathing sentient natural sovereign mortal*] is not named in the statutes and all statutes are for the regulation of businesses due to the fact that the natural persons rights existed long antecedent to the organization of the "*state*" he owes no such duty or loyalty to such, since he receives nothing therefrom.

18) That I am being held captive and illegally by the State of Arkansas. As a prisoner in their Department of Correction, at Varner/Varner Supermax Unit in Grady, Arkansas, being confined and sequestered in a cell 24/7 approximately 8' x 12' in size under Extended Protective Restrictive Housing pursuant to threats of great harm from both staff and prisoners alike since 14 Nov. 2016.

19) The sentence of 540 years, which I am currently being held captive under, is a de
facto sentence of life without parole, the indictment being duplicitous in nature. The sentence
imposed in contrary to and in violation of the Constitutions, Laws, Statues, and Treaties of the
United States and the State of Arkansas. *See Arkansas Code Annotated (A.C.A.) § 5-1-109; § 5-
1-110; § 5-1-112; § 5-4-501; § 5-27-602; § 16-90-107; § 16-91-113; 1993 Arkansas Law Act 550;*
Arkansas Sentencing Standards Grid; U.S. Constitution Amendments 1, 4, 5, 8, 9, and 14;
Constitution for the State of Arkansas Article 2§1, §2, §6, §8, §9, §15 and §29.

20) No individual serving or employed in any World - of - Man construct constitutional
or legislative created position or capacity is entitled to immunity in any form or fashion for their
conduct or decisions made in the course of their duties. The founders of the American Republic
found it so sacred, compelling and important that the living breathing sentient natural mortal be
recognized as by and for the sovereign superior to any World - of - Man Government Constructs
that they decisively acknowledged this in the creation and textualization of the founding
documents. *See the declaration of Independence, 04 July 1776; The preamble and Tenth*
Amendment to The Constitution of the United States, 17 September 1787; The Preamble to
Article 2§§ 1 and 29 of The Constitution of The State of Arkansas, to protect the living breathing
*sentient natural sovereign mortal, not to subjugate or rule over them, *To Put An End* to such*
corruption and abuse of power as had been previously experienced, so that they should ever be
extirpated. Moreover, these founding documents as well as any legislature or statutes to be
created were/are to be controlling and limiting only over those individuals employed or serving
in Constitutional or Legislative created positions as well as those who contract with such World -
of - Man Government construct and I am neither one who holds any such position nor am I under
*any contract or entered into any agreement with any of these constructs. See *Afroyim v. Rusk*,*
*87 S.Ct. 1600 (1967); *Padleford, Fay & Co. v. The Mayor and Alderman of The City of**
Savannah, (Ga. S.Ct. 1854).

21) Allegiance and loyalty in the United States is not due any of the three branches, but
from the Executive, Legislative and Judiciary to the natural people, with whom the Sovereign

power is found and this relationship cannot be severed but by consent of the natural person, See Afroyim v. Rusk, 87 S.Ct. 1600 (1967); Founding Documents.

22) Any statute, which in general terms divest any pre-existing rights, freedoms, liberties, privileges or protections will not be applied to the Sovereign without express words to that effect. See U.S. v. United Mine Workers, 67 S.Ct. 677 (1947).

23) It is incorrect to apply or utilize the title of Sovereign to refer to any World-of-Man Government constructs, such as The United States, The State of Arkansas, their agencies, department, subdivisions or those who serve in any capacity thereof. The second paragraph of the Declaration of Independence of 1776 states: "That all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just power from the consent of the governed that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it. "The founding document of the American Republic goes on further to state: "But when a long train of abuses and usurpation, pursuing in variably the object evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such Government." This is a plain and clear demonstration that those who penned this document decisively acknowledged that the individual living breathing sentient mortal is by and far the Natural Sovereign Superior, this having been established by my Creator, Lord and King, YHWH, in beginning, and it is therefore improper and unconstitutional to refer to any World-of-Man Government constructs by the title of Sovereign or to infer the powers of Sovereign upon them, be they allegedly a state, nation or the like.

24) My religious beliefs, political views, and position that the Living Breathing Sentient Mortal is by and far the Sovereign, being superior to all World-Of-Man Government, That no World-of-Man Government nor any of those serving or employed therein, are to be considered a Sovereign Entity in any form or fashion. With my convictions to see to the spread of this information to the populace, and that position of Sovereign belongs securely and solely to the Living Breathing Sentient Natural Mortal, this status existing long antecedent to the creation of

the "State". That the World-of-Man Government Constructs and those serving or employed in any and all Constitutional, legislative, or executive created positions or offices hold no immunity, in any form or fashion, from accountability for their conduct while performing their duties and responsibilities of Public office.

These resolutions of mine has caused me to become labeled and classified as an "Enemy of the State", a threat to Law Enforcement and National Security, see "Sovereign Citizens, a growing domestic threat to Law Enforcement", F.B.I. Law Enforcement bulletin, September 2011.

Because I will not compromise my resolve, submit, bend knee and yield to the World-of-Man Governments Constructs demand that I recognize them as the absolute authority being infallible and beyond reproach. However, the "State" needs to be continually reminded that it exist to serve, that is to say they are to maintain an attitude of selflessness and sacrifice to the populace; as is found expressed in the founding documents of the American Union. These facts and history the politicians and power brokers wish to remain repressed and hidden from the populace, that is the Living Breathing Sentient Natural Sovereign Mortal.

25) The Constitution of the United States (17 Sept. 1787) consist of 7 articles which express the duties, limits, and responsibilities of the three branches, executive, legislative and judiciary of the World-of-Government". Defining the limits of each of them to impose their will and view of morality upon the rights, liberties, privileges, protections, or any other such power as reserved to the living breathing sentient natural sovereign mortal. These Articles, along with the "Bill of Rights", Articles of Amendment I thru X, act as points of contract which operates only upon those employed or serving in constitutional and legislative created positions, and those who contract with the "Government" units; allegiance and loyalty in the United States is not due to any of the three branches, but from the executive, legislative and judiciary to the natural people, with whom the sovereign power is found and this relationship cannot be severed but but by consent of the natural person. *Afroyim v. Rusk*, 87 S.Ct. 1660 (1967); founding documents.

26) The original intent, design and purpose of the courts in the American Republic was patterned after the common pleas venue of the English Common Wealth, where one individual took action against another in business matters or a individual sought redress against another person or the "Government" for a violation of some secured and protected right, freedom, liberty

or privilege. Where the court was an impartial, un-bias, non-interested third party to assure Court Rules and Proceeding were adhered to and render a judgment based solely on the evidence adjudicated before a jury. That is to have been and shall be the sole purpose for the court in the American Republic. There is no provision or article to be found in any of the originating documents which permits the World-of-Man government to independently pursue, persecute or prosecute any natural person from which they derive their just powers or to divest the living breathing sentient natural sovereign mortal of any of their powers of earth, laws of nature or unalienable rights as endowed by our Creator, YHWH. Exodus 18:15-23. In fact quite the opposite is found to be expressed in the founding documents. See Hale v. Hinkle, 291 U.S. 43 (1905); U.S. v. United Mine Workers, 330 U.S. 258 (1947). To say otherwise is to say that the great experiment has failed, thus applying a failing grade to and rendering null and void the documents upon which this Republic was formed and declaring that the United States of America no longer exist as founded.

27) The Criminal Courts are not constitutional courts, See Fehl v. Jackson County, Oregon, Oregon Supreme Court, citing In Re: will of Pittock, 199 P. 635, 202 P. 216, 17 A.L.R. 218, (1968). If the Criminal Courts are not constitutional courts; Then by what authority do they operate their "Administrative Units/Courts" against the living breathing sentient natural sovereign mortal via their fines and punishments? Where there is no nexus other than by adhesion of undisclosed fraud to their statutes for any liability to attach any style of jurisdiction to the living breathing sentient natural sovereign mortals in their non constitutional courts.

28) However, with the creation of a criminal division venue and the advent of a state prosecutor, usurping the role of the sovereign or victim proper to make the decision to pursue an action or more so improper when the World-of-Man Government construct presumes to become a victim when no such victim exist, one ends up with the recreation of the King's Bench venue that the founders of the Republic found so abhorrent and abominable as to have expressed that the abuses of the King's Bench as a number of the issues for which they found the need to separate and Declare Independence from the English Monarchy and penned them decisively in paragraphs 11, 12, 16, 18, 21, and 23 of the Declaration of Independence of 1776. In the criminal division venue as with the King's Bench the state court's no longer a impartial, unbiased,

uninterested third party but being inextricably intertwined with the state prosecutor and through the simple logic that a house divided against itself cannot prosper by necessity the state court must side with the state prosecutor, with rare exception, who as an interloper has illegally and improperly taken on the role of victim with indifference and insolent as to whether or not there is an actual victim proper and disregarding the choice and option of any victim proper as to proceed or not with an action. This impropriety is demonstrated by Article 5 § 20 of the Constitution of the State of Arkansas which state: "The State of Arkansas shall never be made defendant in any of her courts," and Arkansas Code Annotated § 16-58-101 which states: "No action shall be entered upon the docket of any court nor any original mesne or final process issued in the action, except in criminal cases and cases where the state is Plaintiff, until the fees for entering the case upon the docket and for issuing the writ and the taxes thereon, if any, are paid, bond and security to the approval of the clerk given therefore." In other words the sovereign must pay a fee to access the state court, but the state prosecutor need not pay any fee to access their court, thereby rendering the criminal court venue contrary to the originating documents of the American Republics and unconstitutional in nature, to publish an opinion otherwise is to rule that the documents upon which the United States of America was founded are null and void and the Republic which they formed no longer exist as it was intended and designed.

29) The Unconstitutional Criminal Court Venue is used primarily to harass, coerce, threaten, silence, demonize, dehumanize, or otherwise suppress those who voice an opinion or hold a view in opposition to those of the World-Of-Man Government construct power holders. To justify its illegal existence, it is also utilized on rare occasions as a venue for rendering sanctions and punishments for violations of the Laws of YHWH Elohe Yisrael, for all except those under the protection umbrella of the World-Of-Man Government power brokers.

30) The courts are nothing more than a revenue generating source for the world-of-man Government construct leaders, who already have this nation in trillions of dollars of debt; That can never possibly be repaid or called in as it would be the fiduciary destruction of the Republic; and these leaders and officials continue to spend money that does not nor will ever exist; counting on securing bonds from private and foreign entities using the potential earnings and

lives of the living breathing sentient natural sovereign mortal as collateral for these obligations of record.

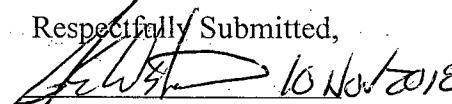
Epilogue

As a pro-se litigant, without formal education or professional legal training, the Court before granting any motions of opposing party or entry of any order or judgment, is to review and consider as evidence all of a pro-se litigants contentions offered in pleadings and motions, where such contentions are based on personal knowledge, set forth as facts that would be admissible as evidence, and where the pro-se litigants attested under penalty of perjury to the truth of the contents, National Hockey League v. Metropolitan Hocke Club, Inc 96 S.Ct. 2778 (1976), some would argue that in one breath I invoke the protections secured by the World-of-Man "Government" documents. Then in the next cry that they do not apply to me. However, it is they who are attempting to muddy the otherwise clear water, what I am plainly and stating and as is found expressed in the charter, contract, covenant and social compact and what I claim is true and accurate. The founding documents and their subsequent follow-ons are not controlling or limiting over me. They do not define what I can and cannot do. If you find yourself disagreeing, I challenge you to go back and again read these documents. I as a living breathing natural sovereign mortal am not subjugated to them. They were penned with the intent, purpose and design to secure protections for the natural person from the abuses and corruption of powers previously experienced throughout world history so the such should every be rendered unexperienced by current or future generations.

Expressio unius est exclusio alterius

Falsus in uno, Falsus in omnibus

Respectfully Submitted,

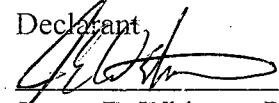

10 Nov 2018
James E. Whitney, Pro Se
Sui Juris In Propria Personsa
#163817

P.O. Box 600
Grady, Arkansas
71644-0600

DECLARATION

I, James E. Whitney a living breathing sentient natural sovereign mortal, do hereby declare and verify, under penalty of perjury in accordance with 28 U.S.C.A. §1746 and 18 U.S.C. A. §1621 that the above statements contained herein are true and correct to the best of my knowledge and belief as executed by my hand this 10th day of Nov 2018 C.E.

Declarant


James E. Whitney, Pro se
Sui Juris In Propria Persona