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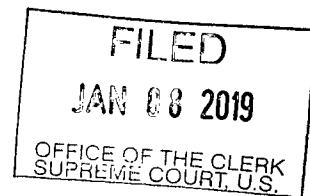
ORIGINAL

Index No:250956/2016

Mo.No.2018-766

In Re Supreme Court of the United States

Oliver-Vaughn:Douce. Al Dey Sui Juris.
In Propria Persona, Consul Ex Rel.



-against-

THE CITY OF NEW YORK.

Appellant,

Defendant

BRIEF FOR APPELLANT ON PETITION FOR WRIT
OF CERTIORARI TO SUPREME COURT OF THE
UNITED STATES FROM NEW STATES COURT OF
APPEALS PETITION FOR WRIT OF CERTIORARI

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I

QUESTION PRESENTED FOR REVIEW

Whether a court of general jurisdiction is authorized to extend its jurisdiction, beyond the boundaries fixed there for by the Constitution, into geographic area fixed by the Constitution exclusively for courts of limited jurisdiction?

Whether a claim filed at Article III District Court for the United States, whether it may be removed by Article IV United States District court, wrongful adjudicated by USD whether the judgment is valid because of a non Article III judge, to deny due process rights protected by law.

II

PARTIES TO THE PROCEEDINGS

Oliver-Vaughn:Douce.Al Dey Sui Juris In Propira
Persona Ex Rel Consul, Appellant
V.
THE CITY OF NEW YORK

III

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INTRODUCTION

Federal district courts are authorized to hear both Civil and criminal matters and enter judgments in civil and criminal proceedings: authority which defines a Court of general jurisdiction.

This poses no particular problem---except that the district court ensconced in every federal judicial district throughout the freely associated compact states of the union. Such as the district court of first instance, is exercising jurisdiction beyond the boundaries, fixed by the Constitution for court of general jurisdiction, in geographic area fixed by the Constitution exclusively for courts of limited Jurisdiction. State Courts are to protect common law rights under the New York State constitution Art 1 sec 14.

Willful disobedience of a Constitution by judge of the inferior court sworn to uphold it according to this Court (*Elkins v. United States*, *infra*), invites anarchy and terrible retribution and imperils the existence of the Government.

The within entreaty is Petitioner's effort to avoid being defrauded of his property under color of law, officers, and authority by a legislative officer of a territorial court of general jurisdiction-----the judge of the district court of first instance-----and say what evidence, no one else is willing to say, in order to help this Honorable Court avert calamity for us all. Collateral attack on fraud. See *Trinsey v. Pagliaro* 229,647 (1964) statement of counsel in brief or in arguments are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment. See 537 U.S 999 (2002) *Nguyen v. United States*, S, Ct decision distinguishes the courts.

OPINON AND VOID ORDER BELOW

From a USDC Judge Preska, over Objection and dismissal by USDC judge, that have no authority or credentials for District Court of the United States of 1789 Art 3 Judge, from which the State Supreme Court order are Null and Void.

JURISDICTION

The Jurisdiction of the Supreme Court of the United States is invoked under Rule 10a Review order 10/16/18, .

CONSTITUTIONAL AN STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are reproduced in the court appendix A Oath already objection in reply court record to this petition.

STATEMENT**A. Facts Giving Rise To this Case,**

This case arises out of challenge Jurisdiction Status Venue Quo Warranto default 556. D. On November 23, 2015, Appellant who is the Owner for, the private automobile that was illegally taken in violation of the 5th Amendment, by City of New York. This claim No. 250956/2016 was for the injured as a result of their action this claim filed for recovery damages at SUPREME COURT OF THE STATE OF NEW YORK Bronx on July 22, 2016, but have no jurisdiction, due to the fact is not constitutional name court nisi prius, jurisdiction can be challenged at any

time. Over New York State Supreme Court Bronx County for common law, after reed the claim was Granted by Judge Kenneth L. Thomson Jr, appellant automobile was taken while park on the road, for no lawful reason no debt or contract just because the private property was under common law Status not required registered or insured or license, plate nor was not in commerce, this filed claim was for damages of \$1,000.000,00 for deprivation of right punitive disbursement. The trust was not properly served against appellant, defendant, was served, then reply answer, then claimant motion the court to schedule CPLR 16 for discovery request for demand, deposition. The city defendant did not file any notice of appearance on record to inform the plaintiff that the defendant will respond to the lawsuit non in the record was filed, but defendant tried to avoid liability because they had no standing and couldn't respond to the claim herein filed. The defendant requested adjourned to the wrong court, Supreme court the City of New York, which means defendant had no standing in the proceeding. This case was still under Supreme Court the State of New York, jurisdiction the motion should be stricken on procedural ground, see also the entry filed 6/19/17 in the wrong City court. Also, See App request on January 3,2017, that court had no jurisdiction, appellant was never served with any order, with court seal or signature of judge, or any order signed by clerk of any court in violation of 28 USC 1691 mandate for process of court, record February 9,2017. **App court record** then defendant made a cross motion to dismiss, to dodge the suit, by claiming rejudicata false misleading to get away with fraud on the court, pursuit of happiness; and to 'secure,' not grant or create, these rights, governments are instituted. That property which a man has honestly acquired he retains full control of, subject to these limitations: first, that he shall not use it to his neighbor's

use it for his neighbor's benefit: second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the "Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the public may take it upon payment of due compensation." *Budd v. People of State of New York*, 143 U.S. 517 (1892). There should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property. (Police power, Due Process) *Barber v. Connolly*, 113 U.S. 27, 31; *Yick Yo v. Hopkins*, 118 U.S. 356. But whenever the operation and effect of any general regulation is to extinguish or destroy that which by law of the land is the property of any person, so far as it has that effect, it is unconstitutional and void. Thus, a law is considered as being a deprivation of property within the meaning of this constitutional guaranty if it deprives an owner of one of its essential attributes, destroys its value, restricts or interrupts its common, necessary, or profitable use, hampers the owner in the application of it to the purposes of trade, or imposes conditions upon the right to hold or use it and thereby seriously impairs its value. (Statute) 167 Am. Jur. 2d, Constitutional Law, Section 369. That Justice Brandeis eloquently affirmed his condemnation of abuses practiced by Government officials, who were defendants, acting as Government officials. In the case of *Olmstead v. U.S.* 277 US 438, 48 S.Ct. 564, 575; 72 L ED 944 (1928) he declared: U.S. Supreme Court *Munn v. Illinois*, 94 U.S. 113 (1876) *Munn v. Illinois* 94 U.S. 113.

3. Down to the time of the adoption of the fourteenth amendment of the Constitution of the United States, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances, they may, but not under all. The amendment does not change the law in this

particular; it simply prevents the States from doing that which will operate as such deprivation.

4. When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use. He may withdraw his grant by discontinuing the use. The 5. Rights of property, and to a reasonable compensation for its use, created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may, unless constitutional limitations forbid, be changed at the will of the legislature. The great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.

Take note, where any state proceeds against a private individual in judicial forum it is well settled that the state county, municipality etc. waive any immunity to counter, cross claims and complaints, by direct or collateral means regarding the matter involved *Luckerback v. The Thekla*, 295 F 1020, 226 Us 328: Appellant prior had made a motion to Amend this claim already granted, appellant, then made a counter claim in Admiralty 46 USC 742, recoupment UCC 3-305, and 6 against the trust to protect Asset property in Question because defendant are operating in bankruptcy, to protect Appellant interest the court denied, access Sec.452 appellant from grievances redress to enforce constitutional rights, deprive protection by granting defendant cross motion, dismiss to, punish appellant and cover up defendant action conspiracy, now on Prior Appellant tired to file claim in Art 3 Constitutional court

District Court of the United States, 4/26/16, 18 USC 3231 but was prevented from doing so because the USDC court tried to take control over the case over Appellant objection, because an Art 4 court lack Subject matter jurisdiction over public and private right in State zone, all proceeding founded on void judgments are themselves regarded as invalid See **30 Am Jur Judgment** 44, 45, which was never herd on the merit in any court DCUS, on May 20,2016 See record caption name, no case file in that USDC court See Claim 1S pge sheet **App, court record opposition respond Exh and reply entirety**, A judgment may not be render in violation of constitutional protection see **Earle v. McVeigh** 91 US 503 23 L Ed 393. **dd**, In 2015 in a special proceedings order to show cause why automobile in that action was for illegal towed, prior was deprive and deny 1/7/16 appellant was deprive of redress access without notice as in **MIHLOVAN V.GROZAVU** 72 NY 2d 506 1988, without prejudice by this same conflict of interest JSC Mitchell J. Danziger, every person, entitle to be herd **Sabariego v. Maverick** 124,US 31 L Ed 430, 8St 461 Appellant had also tired to file in the U.S.Court of Fed Claims but was deny, that court did not have jurisdiction over City officials June 16,2016 No 16-703C **Exh** Opposition in Court record appellant was never herd on merit, De Novo, therefore the instant claim is proper. JSC Michell J. Danziger error because the action Claims was before at DCUS Vacant, 28 USC 143 waiting for the chief judge of Supreme court of united states was to appoint under 28 USC 294 and Art 3 judge to site in that court, defenddt action is an alleged Tax on Private Property on the term household good personal Effects comfort are enjoyment see **Lawwill v. Lawwill** 515 P.2d 900, 903, 21 Ariz. App 75"19A Words and phrases violation as in Fl Stat.196.181, and 31 USC Sec.742 Section 3124,

discrimination in violation lodge against private Property owned by petitioner in respect thereof, Illegal action.

The only material fact in the record of this case relevant to the question presented is that petitioner domicile in New York state Zone freeholder not subject there zone, as reference A household exemption as in Fl.Stat.196.181 The United States District.

A. Court proceedings was wrong, the court. In petitioner's May 20,2016 claims was file at DCUS, not at USDC wrong court error.

The judgment is void from a wrong USDC Judge, to Claimant May 2016 was to enforce liability against defendants at DCUS. State Supreme Court now tacitly use rule to dismiss all facts in the claim via solemn covenant petitioner challenge the court and defendants on there credentials to produce the law they rely on to support there illegal tax scheme on private property that cannot be tax nor in commerce classifies as household goods, By any federal or state municipality, the court violated , Title 31 USC 742, defendants offer no production of evidence that Petitioner is a citizen or citizen or resident of title 26 USC 7701 (a) geographical United States an there fore of the subject, the claimants Private Property to the subject of Title 26 or, offer to Exh evidence or there status credentials settle defendant and court stand mute, rather opting to recuse, dismiss denied claimant due process law access the record of the DCUS. Supreme court reflect multiple proper challenge jurisdiction to USDC or magistrate, and USDC judge Preska see **App court record oppose reply** lack proper credentials venue authority to adjudicate DCUS Article iii matters, which defendants and the court fail to produce evidence at any juncture; relying exclusively on allegation and statutes, which the USDC judge void order

was wrongful uses to deny appellant Claim appellant did challenges an demand, for the DCUS, but not [USDC] The USDC intercept which lack subject matter jurisdiction venue deprive the proper DCUS its vacant for an appointed under 28USC 293 to adjudicate the claim.

The order by USDC are De Novo by both Supreme court judge's the USDC court issue its final judgment authorizing the case dismiss and close in retaliation prejudice, deprive, refuse to allow appellant to redress is grievances in violation of the fifth Amendment to be injured.

The United States District Court proceedings wrong court the United States District court for the USDC district illegally removed the case from the District Court of the United States docket, from state zone, to "federal zone" which had no Authority to adjudicate public an private right reserved for the Article 3 Court constitutional court. appellant is guaranteed the fundamental right to an unbiased judicial See *Evans v. Gore* supra. The existence of a contract between the presiding judge and any other branch of government, or any agencies, assigns or Instrumentalities, is evidence of a conflict of interest an proof of dependent biased judiciary. Take judicial notice. U.S. Supreme Court Marshal an Article iv USDC judge ruling is void and is Null de Novo court says magistrate or judge have no power credentials or oath to sit on Article 3 court once challenge the court con not proceed the claim challenge on special appearance without waiving any right is enough on the record ignored by the territorial court, and Supreme Court Bronx County this objection is timely see also in opposition appendix court record.

The panel infer in its aforesaid opinion failure an ignore the Jurisdiction challenge refuses to produce credentials but had Financial interest in the out come of the case also acting as a Counsel for defendants when the court already know it lack Jurisdiction an can not address the merit of any case when due Process are violated on ownership of private property no Waiver of jurisdiction a false inference in 6/15/17 denial order, Said supreme court judges also mischaracterize claiming same the Substance of Petitioner's filings an impute to Petitioner acts which no evidence exists; e.g., when they allege in there opinion they USDC have jurisdiction i.e petitioner propounds he's(a) not in the United States, petitioner is a State citizen New York Republic (b)4 not a citizen of the United States (c) and is not in commerce subject to Tax Fl. Stat. 196.181 exempt on private man property or federal income Tax 26 USC 7851 not a Subject of the United States; and the Petitioner Only Rather, as the record reflects: Petitioner Only demand provides proof of the meaning of the definition on this STATE term is a fiction.

Term Title 31 USC 742 Sec. 3124 exemption taking away taxing power from all 50 state of the union states Title 26 USC. . Chapter 176, and avers under oath or attorney license to practice law, credentials to sit on bench at District Court of the United States Seal, Presidential commission FS61 Affidavit congressional appointment she has neither seen nor been presented any evidence or material fact that demonstrate the positive of any of the foregoing negatives cited supra in (a) (b) and (c) as to the District of Columbia the court lack requirement pursuant to 4 USC. Sec 101, lack and violates 5 USC 552 a. This action was filed at District Court of the United States Art 3 Judicial constitutional court for state zone The court is vacant meaning the document is to be their awaiting for Art 3 judge from a application of necessity by Chief judge from court of appeals to chief judge of the

Supreme court 28 USC 293 from the court international Trade to sit in to hear this case, No USDC Art 4 judge are not qualified to sit or can appoint themselves to handle this matter which lack authority jurisdiction,. If this appeals court notice the caption does not match the 2 court have different names meaning under foreign sovereignty act jurisdiction must be clarified settle before any action can move once jurisdiction challenge the court must proved none has been therefore if the court never had it at first every order are Null an Void on May 20, 2016 allege order are declared De Novo, no signature Seal by Clerk on the judges order are in violation of Article 3, 18 USC~ 912 for impersonating an office of the Art 3 court when Judge have no badge from this judicial branch this is serious because now petitioner is open to injury See *Stump v. Sparkman* judge liable when due process violated by there action, the very things that Petitioner try to avoid by filing the case at DCUS", you now have here-in this case 2 different name court USDC, under the statute of fraud stole this docket from the DCUS put there name on the Caption with out the consent of Claimant Petitioner, and which refusal of both State Court by using wrong USDC judge, ruling. Appellant filed notice of appeal because appellant is not getting foreword to the district Court of the United States every time is blocked from the Art 3, due to corruption, in the court system. By clerk of the court, Claim", it is intercepted by the USDC fraudulently pretending to be an art 3 court judge with out authority in the state zone for, judicial fraud, rule 60 b Art 3 court, diversity retain rights authority. Appellant does not recognize, USDC or have any business matter before a Martial law court, in violation of the constitutional form of government in Art 4 Section republican form of the government, where appellant demand at all times, diversity the DCUS. But not the USDC court on May 20, 2016 claim jurisdiction but lack jurisdiction from start to

finish so any defendant argument the said court lack, no case was file in the USDC error and clerical error can not be waive appellant object. All act an order by USDC are violation of due of process of Laws protected by, the constitution of the United States of America, Morocco Republic.

Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent, inaction or stipulation, *California v. LaRue* 409 U.S 109, 93 Sct.390 34 L. Ed 2d 342 (1972) *Natta v. Hoga*, 392 F2d 686 (10th Cir, 1968) *Reconstruction Finance Corp v. Riverview State Bank*, 217 F2d 455 (10th 1966) *Basso v. Utah Power and Light Company*, 495 F2d 906 (1974) Said panel also fail to mention in its opinion that the Record before the DCUS, is a different court an USDC is devoid of evidence or proof of jurisdiction and issues When reconciled with the record of this case, the Opinion of the aforesaid USDC judges reveals-----Among other crimes--- culpability for fraud for the Same reason of ignorance/ dereliction of law, Including, but not limited to the jurisdiction provisions Of the Constitution.

REASONS WHY CERTIORARI SHOULD BE GRANTED

There is No evidence that Petitioner Is A Resident of, Domiciled in or a legal resident of any territory over which the U.S. District Court of First Instance has Jurisdiction.

The United States district court of the PROCEEDINGS is attempt to stop jurisdiction challenge for default FOIA for refusing to exhibit law an ----authority over State Zone, allow defendant TO COLLECT Tax an ALLEGED DEBT, Illegal Taking on private property exempt, USDC cover

up and PROTECT FRAUD for the government DEFENDANT who had Defaulted.

ON WRIT OF QUO WARRANTO NO CREDENTIALS

This case should have been constituted at New York State Supreme Court. Deprived the District Court of the United States of first instance. By De Novo` by wrong USDC, for illegal towing claims recoupment, also tried to bring illegal taking US Court of Federal Claim but denied for court lack jurisdiction over city official, as Moot, against defendants violation of due process rights 1th 9th 10th amendments 556, d agencies office, which cannot make laws or rules, regulation, to violate state or federal constitution. Any title created by fraud in use to violate a right to gain benefits cause by that instrument void order See also *Redfield v. Sparks* (1889) tax deed when a tax deed disclose upon its face that it is illegal in violation of law the law will not assist it a tax deed is void on it face if it is not sufficient to set the statue of limitation can be brought to aid is validity 2-201 create deed on private property as included automobile to travel man can not be tax, Florida Stat. 196.181 state law prohibit exempt under household good an personal effects shelter home where you live from all taxation violate private rights. Prohibit by 9th amendment discriminatory tax in violation of Title 31 USC Sec.742, Sec. 3124 which exempt all taxation in every form of tax on obligation of the United States 12 USC 411 the defendant and court authority when challenge to collect income an excise Tax from corporation the individual unlike corporation con not be taxed for the mere privilege of existing the corporation is an artificial entity which owes its existence an charter power to the state, but the individuals right to live and own property are natural rights for the enjoyment of which an excise tax cannot be imposed *Corn v. Fort* 95

SW,2d 620 (1936) an see also *Brookwood v. Depart of Revenue* 184 only property Situs for location for business tax sale certificate Mortgage are brought in to state, Harder and Fire Van Storage Company v. The City of Chicago Unlimited the subject of an Ad valorem tax rights or license privilege is tax for incorporation a excise tax doing business as corporation Appellant not in transportation or in commerce, challenge city action.

**Rule 5.1. Constitutional Challenge to a Statute
Notice, to VTL 401 use against the people**

See annual report of the attorney general of the State of New York issue on July 21, 1909, ALBANY NEW YORK, pages 322-323 which reads: "There is NO requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.

Yours very truly, EDWARD R. O'MALLEY Attorney General.

**CONGRESS EXERCISE TWO SPECIES OF
LEGISLATION POWER**

It is clear that Congress, as a legislative body can, exercise two species of legislative power: the One, limited as to its objects but extending all Over the Union: the other, an absolute, exclusive Legislative power over the District of Columbia.

*** *Cohens v. Virginia*, 19 U.S. 264, 434, 6 Wheat, 265, 5 Led. 257 (1821).

THE TRUE DISTINCTION BETWEEN COURTS IS AS TO JURISDICTION: GENERAL OR LIMITED

General jurisdiction is that which extends to a Great variety of the matters. General jurisdiction in law and equity is jurisdiction of every kind that A court can possess, of the person, subject-matter territorial, and generally the power of the court in the discharge of its judicial duties.***

*** Limited jurisdiction (called, also special an Inferior) is that which extends also only to certain Specified causes, John Bouvier, Bouvier 's Law Dictionary, Third Revision (Being the Eight Edition), Revision by Francis Rawle (West Publication Co: St. St. Paul, Minn: 1914 (Bouvier's Law Dictionary) p. 1761.----Limited Jurisdiction. This term is ambiguous and the books sometimes use it without due precision. It is sometimes carelessly employed instead of " special," The true distinction between courts is between such as possess a general and such as have only a special jurisdiction for a particular purpose, or are clothed with special power for the performance * * * Henry Campbell Black, A Law Dictionary, Second edition (West Publishing Co: St. Paul, MN, 1910) "Black's Law Dictionary") p.673.

THE CONSTITUTION PROVIDES EXPRESSLY FOR FEDERAL TRIAL COURTS OF LIMITED JURISDICTION, BUT IS DEVOID OF EXPRESS PROVISION FOR FEDERAL TRIAL COURTS OF GENERAL JURISDICTION.

The constitution creates the federal judicial power In Article 3 Sec. 1 and defines the maximum extent of that power in Article 3 Sec. 2 (1) there of; to Wit: The judicial Power of the united states shall be vested in one supreme

Court, and in such inferior court as the Congress may from time to time ordain and establish.

The judicial Power shell extend to all Cases, In Law and Equity, arising under the Constitution, the laws of the United States, Treaties made, or which shall be made, under their Authority ---- to all cases affecting Ambassadors, there public Ministers and Consuls,-----to all cases of admiralty and maritime Jurisdiction; ----to Controversies to which the united states shall be a party;---to Controversies between two or more states --- between a state and Citizen of another state---between Citizens of different States,---between citizen of same states claiming Lands under the grants of different States, and between a state, or the citizens there-of, and foreign states, Citizens or subjects. Courts ordained and established by Congress under Authority of the provision of Article III of the Constitution are court of limited jurisdiction; to wit: "The character of the controversies over which federal Judicial authority may extend are delineated in Art. III Sec. 2, cl 1.*** *Insurce Corporation of Ireland, Ltd, v. Compagnie des Bauxites de Guinee*, 456 U.S. 694 01 (1982).

The authority to hear criminal matter and enter judgments in criminal proceedings, however, does not appear among the certain specified causes enumerated in Article 3 Sec.2 (1) of the Constitution, to which the judicial power extends.

Just because a lower federal court, such as the USDC pretend, as district court of first instance, happen to posses authority to hear civil maters and enter judgments in proceedings does not make said court a court of limited jurisdiction ordained and established by the Congress under authority Article 3 Sec. 1 of the Constitution to wit; 18 USC 3231.

The United States District court are trial courts trial Courts as opposed to appellate courts, are court that hear both civil and criminal cases through examination and cross-examination by attorneys ***

The Oxford Companion to American Law, Kermit I Hall
Editor in Chief (Oxford University press: Oxford, 2002)
P 175 (s.v" Court, United States"),

**TODAY, EVERY DISTRICT COURT HAS
JURISDICTION TO HEAR CRIMINAL MATTERS
AND ENTER JUDGMENTS IN CRIMINAL
PROCEEDINGS REGARDING A DEBT.**

The United States district court are the trial courts of the federal court system. with-in limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of Federal cases, including both civil and criminal Matters" USCourts.gov. Title 28 USC Chapter 176 Federal Debt Collection Procedure provides, in pertinent part: Sec. 3002. Definitions As used in this chapter.

*** (2) "Court" means any court created by the Congress of the United States, excluding the United States Tax Court.(3) Debt " " means----

*** (B) an amount that is owing to the United States on account of a fee, duty, lease, rent, service sale of real property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax bail bond forfeiture, reimbursement, recovery of a cost incurred by the United States, or other source of indebtedness to the United States, but that is not owing under the terms of a contract originally entered, into by only persons other than the United States,***

*** (8) " Judgment" means a judgment, order, or Decree entered in favor of the United States in a court arising from a civil or criminal proceedings regarding a debt.

"UsCourts.gov, District Court"
<http://www.uscourts.gov/>
FederalCourtUnderstandingthefederalCourt/DistrictCour
taspxaccessed March 18, 2015)

EVERY FEDERAL DISTRICT COURT IS A COURT OF GENERAL JURISDICTION.

The beast-known courts are court of general JURISDICTION, which have unlimited trial jurisdiction Both civil and criminal, within their jurisdiction area. At the federal level, these are called DISTRICT COURTS (West; s Group: St. Paul Minn. 1998) p.316 (s.v. "Special courts")

" On the federal level, the district courts are courts of general jurisdiction *** Id at Volume 6 ,p. 293 (s.v. "jurisdiction").

COURTS OF GENERAL JURISDICTION ARE NOT CONSTITUTIONAL BUT TERRITORIAL COURTS CREATED BY VIRTURE OF THE SOVEREIGN CONGRESSIONAL FACULTY, GRANTED UNDER ARTICLE 4 Sec. 3(2) OF THE CONSTITUTION.

Counsel magistrate, USDC judges and defendants in error also rely on the organization of the United States District Court in Porto Rico, the allowance of review of the Porto Rican Supreme court in cases when the Constitution of the United States is involved, on the statutory permission That Porto Rican youth can attend West Point an Annapolis Academies, on the authorized

sale of the United States Stamps in the island, on the extension of revenue, navigation, immigration, [258, 312 national banking, bankruptcy federal employers' liability, safety appliance, extradition and census laws in one way or another to Puerto Rico. With the background of the considerations already stated, none of these, nor all of them put together, furnish ground or the conclusion pressed on us. The United States District Court is not a true United States United States court establish under article 3 of the Constitution to administer the judicial power of the United States their-in conveyed. It is created by virtue of the sovereign Congressional faculty granted under article 4. sec 3. Of that instrument of making all need full rules and regulations respecting the territory belonging to the united states the resemblance of its jurisdiction to that of true United States courts *** does not change its character as a mere territorial court. *Balzac v. People of Porto Rico* 258 U.S. 289,312 (1922)"

The United States District Court reference in Balzac is that in The Foraker Act---Ch. 191. 18 Stat 75. April 12, 1900---which establishes that among other things. (a) federal Criminal laws are applicable in Porto Rico, (b) the attorney general of Porto Rico (B) attorney general of Porto Rico is a legislative-branch officer answerable ultimately to congress, and (c) no matter what name it may be given, the court therein established ,like the provisional military court it succeeds , is a territorial court of general jurisdiction; to wit: SEC. 14 That the statutory law of the United States not locally inapplicable, shall have the same fore an effect in Porto Rico as in the United States except the internal revenue laws which in view of the provision of section three, shall not have force an effect in Porto Rico. *** SEC. 21 That the attorney general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of 19

the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribe by law and make such report through the governor, to the Attorney-general of the United States as he may require, shall annually be transmitted to Congress. *** SEC. 34 That Porto Rico shall constitute a judicial district to be " called district of Port Rico" ***

The term District Court of the United States' as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the constitution. Courts of the Territories are legislative courts, properly speaking, not District courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District court of the United States does not make it a District Court of the United States " *Reynolds v. United States* 98 U.S. 145, 154; *The City of Panama*, 101 U.S 453, 460; *In re Mills*, 135 U.S. 263, 268 10 S Ct. 762; *McAllister V. United States*, 141, U.S. 174, 182, 183 S. 1 445, 476, 477 S., 11 S Ct. 949 *Stephens v. Cherokee Nation* 174 U.S. 445, 476, 477, S. Ct 722; *Summers v. United States*, 321 U.S. 92, 101, 102 S. 34 S.Ct. 38; *United States v. Burroughs*, 289 U.S. 159, 163, 53 S. Ct 574. *** *Mookini v. United States*, 303 U.S. 201, 205 (1938).

District court for said district shall be call the district court of the States for Porto Rico *** The United States district court hereby established shall be the successor to the United States provisional court established by General orders. Number Eighty- eight, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending there-in,

and said United States provisional court is hereby discontinued. [Underline added.] see *Dred Scott v. Sandford* 60 U.S 393, (1856), 1, 2, 3, 4, 7, 394,8,9,11.2-3,4 a court can give no judgment to plaintiff nor defendant that the court not had jurisdiction judgment must be reversed the case *Capron v. Noorden*, 2 Cranch 126 reaffirmed. Party injured without remedy this court must reverse the judgment and as any case of reversal, send a mandate to the opinion of this court to state court obey 5.

CONGRESS MANUFACTURE JURISDICTIONAL CONFUSION BY GIVING CONTITUTIONAL AND TERRITORIAL COURTS THE SAME NAME

““Quaelibet jurisdictione cancellos suos habet. Every jurisdiction has its bounds”” Bouvier’s Law Dictionary, p 2156.“Return ordo confunditur, si unicuique jurisdictione non servatur. The order of things is confounded if every one preserves not his jurisdiction.”” Id at 2161. As of June 25, 1948 Congress confound the order of things by further conflating the jurisdictional distinction between Article III an Article IV courts ----first blurred in section 34 of the Foraker Act, 4 supra fn. 3, necessitating clarification in Balzac, supra----by giving them the same name ie. United States District Court,” in Title 28 USC.; to wit: Sec. 132 Creation and composition of district court.

- There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district..*** June 25 1948, ch 646, 62 Stat. 895; Pub. L 88---176., Sec. 2 Nov. 13 1963, 77 Stat. 381.)

- 4. Whereas, as the Foraker Act the name by which the

judicial district of Porto Rico is called is identified with particularity via quotation mark, i.e., " the district of Porto Rico," the name by which the court in said judicial district is called, the district court of the United States for the Porto Rico, is not so distinguished, Congress thereafter in Section 34 refer to the same district court of the United States for Porto Rico as the United States district court,

" The true distinction between courts is between such as possess a general and, such as have only a special jurisdiction for a particular purpose ***" Black's Law Dictionary p. 673 (s.v. Limited jurisdiction ") ---and, as of June 25 1948, the only way to know if a particular United States District Court is a judicial Article III constitutional court or mere legislative Article Iv territorial court or is to identify which species of jurisdiction said court is there is no provision of Article III of the Constitution that authorizes a court of limited jurisdiction to hear criminal matters and enter judgments in criminal proceedings.

THE UNITED STATES DISTRICT COURT OF FIRST INSTANCE IS A MERE TERRITORIAL COURT.

The United States District Court of first instance is a court with jurisdiction to hear criminal matters and enter judgments in criminal proceedings regarding a debt whose subject matter is alleged Internal Revenue Service ., Not from, Ad valorem taxes, liability arising from illegal Taking exempt Fl. Stat 196.181 Private Property, from taxes, penalties, or interest illegally fraudulently assessed by the City of New York Municipality as of (28 USC 3002(2), 3 and (8) (App., infra, 68a)---i.e., which is what appellant subject matter jurisdiction about specified in the Original Claims, counter, opposition for Default under 556 D, which this wrongful USDC dismiss in error, filed at the District

Court of the United States Article III court, Vacant, Await appointment 28 USC 293, specified in the claim against defendant's and therefore a mere territorial court" Balzac *supra*) created by the Congress of the United States (App., *infra* 29a—30a under authority of the territorial clause, Article 4 Sec. 3(2), of the Constitution.

NO COURT OF GENERAL JURIDITION HAS JURISDICTION WITHOUT TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES.

As affirmed in Balzac and Mookini, *supra*, the only federal courts of general jurisdiction are legislative Article IV territorial courts with jurisdiction only in geographic area described in Article 4 Sec. 2(2) of the Constitution, which provides, in pertinent part: "The Congress shall have power to dispose of make all needful Rules and regulations respecting the Territory or other Property belonging to the United States ***" U.S.Art 1 Sec. 8 Cl 17 . Non refert quid notun sit judice si notum non sit informa judici. It matters not what is known to the judge, if it is not known to him judicially" Bouvier's Law Dictionary. P2150."A verbis legis non est recedendum. Form the words of the law there should be no departure" Id. At 2124.

The record of this case is devoid of evidence or proof Appellant is not business or contract, or tax payer and does not reside in domiciled or has legal residence in Territory or other Property belonging to federal zone the United States (U.S.Const., Article 4 Sec. 3(2): but New York Republic only.

Physical fact of USDC judge or magistrate had no jurisdiction and further claims was not file in there court only geographical area in which legislative court of first

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Physical fact of USDC judge or magistrate had no jurisdiction and further claims was not file in there court only geographical area in which legislative court of first instance, have jurisdiction See court record Caption name on original claim was filed II The only Material Fact Relative to The Jurisdiction Of The District Court Of First Instance is That Petitioner Resides In New State

Union. The district court of first instance is authorized to hear both civil and criminal matters and enter judgments in civil criminal proceedings regarding a debt: authority that defines a court of general jurisdiction. The only provision of the Constitution that allows for a federal trial court to exercise general jurisdiction is an implied authority the territory: clause, Article 4 esc. 3(2).

The district court of first instance is a mere territorial court. The geographic area over which the jurisdiction of a territorial court can extend is restricted to territory or other Property belonging to the United States " U.S. Const., 4 Sec.3 (2)). That (a) there is no evidence or proof that New York is part of the "territory or other Property belonging to the United States" (id), (b) there is competent evidence and proof (A) (b) that Petitioner neither reside nor domiciled nor has legal residence in any geographic area over which any territorial court has jurisdiction and (c) the court has fail, at all times to produce evidence of proof of jurisdiction proper credentials an Oath for district court of the united states and commission, also one challenge Melo V. US 505,F2d 1026 Supreme court judge Danziger Oath and defendant attorney who representing this corporation Stacy I. COHEN Exh there License under FOIA 552 record obtain shall be made to inspect, see 28 USC530b required *Rowland v. California Men's Colony-U.S* 113 Ct.716 721,LED 2d 656 1993, 28 USC 1654 see *U.S. v. High Country Broadcasting Co Inc.*, 3 Fd 1244, 26 Fed.R.Serv 3d 835 No.92-15581 as in CCPC 6067,6068 appeared when become See CR 3 fail the court entered default Loeb Rhoades Inc. Quinard, 751 F.2d 1102 9th C 1985) there cross are void to declare as a matter of law that the statute at 28 USC 2072 strictly construed, does not authorize the US Supreme to prescribe rules of practice and procedure, for the Article III District Courts of the United States (DCUS) despite multiple proper challenges, in court opposition reply thereof "constitutes

sufficient ground for reversal and remand to district court of the united states no hearing of this case for clear absence of all jurisdiction. Rule of court cannot change original jurisdiction

SYSTEMIC FRAUD IN THE JUDICIARY OF THE
INFERIOR COURTS INVITES ANARCHY AND
TERRIBLE RETRIBUTION AND IMPERILS THE
EXISTENCE OF THE GOVERNMENT.

Intentio inservire debet legibus, non leges intentioni,
Intention ought to be subservient to the laws, not the
Laws to intentions." Bouvier's Law Dictionary, p 2139
"Lata culpa dolo aequiparatur. Gross negligence is
Equivalent to fraud ' Black 's Law Dictionary p. 698.
Willful disobedience of the constitution by officers in
Position of public Trust charge with interpreting and
declaring the law, as proved herein above an else –
where in the record of this case evinces. Minimally,
systemic actual and constructive fraud , ie., universal

It is hornbook law that the party invoking federal Jurisdiction bears the burden of proving facts to establish that jurisdiction Sec. 13 C Wright , A. Miller & E. Cooper Federal Practice and Procedure sec 3522, at 62-65 (2d ed. 1984); 15 J. Moore, Moore's Federal Practice sec. 102.14 at 102-24 (3d 1998) The burden of proving all jurisdiction facts is on the party and court judges asserting jurisdiction .") see also *Scelsa v. City University of New York*, 76 F. 3d 37, 40 (2d Cir. 1996) that party must allege a proper basis for jurisdiction by exhibit proper credentials with competent proof if a judge opposing jurisdiction properly challenge those allegations see e.g *McNutt v. General Motors Acceptance Corp.* , 298, U.S.

178, 189, 56, S.Ct.780 80 L. ED.1135 (1936). Or if the
court Sua sponte

raises the question, see, eg, Federal Fed.R.Civ.P. 12 hX(3); Louisville & Nasville RR v. Mottley, 211, U.S.149, 152, 29 S.Ct.42 53,L ED 126,(1908). *Linardos v. Fortuna*, 157 F.3d 945 (2d Cir 1998) App., in fra. See it READ it in violation of NYS Bill of Rights Chap1 Sec. 1, 2, 3, No state Government of this State can exercise any authority over the people of the state ever, that no state shall "deprive any person of life, liberty, or property, without due process of law.no state can require its citizen to pay frees require a license permit to exercise a right to Travel freely Thomson V. Smith in Murdock V Penn, and if a State do required you to do it U S. Supreme court say you can ignore says *Shuttleworth v. Birmingham, Alabama* with impunity for you will for ever be protected by the US constitution of America Republic.

Gross negligence among the bench officer of the inferior courts by reason of dereliction of the jurisdictional provisions of the Constitution and other more serious crimes, hidden in plain sight in a culture of silence in there USDC action but can not be concealed indefinitely and according to this Court invites anarchy and terrible retribution and imperils the existence of the government; to wit: But there is another consideration –the imperative of judicial integrity : it was of this that Mr. Justice Holmes and Mr. Justice Brandeis so eloquently spoke in *Olmstead v. United States*, 277 U.S 438, at 469 , 471, more than 30 years ago. For those who [364U.S. 206,223] agree with me " said Mr. Justice Holmes . no distinction can be taken between the government as prosecutor and the government as judge" 277 U.S. at 470. Dissenting opinions) Is a government of laws" said Mr. Justice Brandeis existence of the government will be imperiled if it fail to observe the law scrupulously .our government is the potent the omnipresent teacher, for good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a

lawbreaker, it breeds contempt for law: it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of criminal law the end justifies the means -to declare that the government may commit crimes in order to secured the conviction of private criminal -would bring terrible retribution. Against that pernicio- us doctrine this Court should resolutely set its face " 277 U.S. at 485. Dissenting opinion.)

This basic principle was accepted by the Court in *Mcnabb v. United States* 318 U.S 332. There it was held that "a conviction like and illegal judgment resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded con not be allowed to stand without making the courts themselves accomplices in willful disobedience of the law " 318 U.S. at 345. Even less should the federal courts be accomplices in the willful disobedience of a court constitution they are sworn to uphold. [Mr. {Justice Stewart, delivering the opinion of the court.] Judgment to the Court of Appeals set aside and case remanded to the District Court of the United States] *Elkins v. United States*, 364 U.S. 06(1960)

Whereas Petitioner wants to avoid being defrauded of his property under color of law , office, and authority, he also want to be able to look forward to life in America for himself an his posterity and the other joint tenants in the sovereignty"----as envisioned an ordained by" the good People of these colonies" and We the People of the United States" and implemented by, respectively, the founding Fathers framers and secured by the provisions of the Art of the Confederation Art 4 Sec.1, freeholder

[A]t the revolution, the Sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects *** and have

none to govern but them selves : the citizens of America are equal as Moors, in Treaty of Peace and Friendship 1787, and follow citizens, and as joint tenants in the sovereignty Chrisholm v. Georgia, 2 U.S. Dall. 419, 472 (1793).* The unanimous Declaration of the thirteen united States of America of July 4, 1776 Conclusion.

* Constitution for the United States of America of March 4, 1789, Preamble. Constitution --- without threat of upheaval. The luxury of life under the aegis of that instruction can not be found anywhere else on this orb---can to fail to rein in rogue elements who pervert or disregard the meaning of its provisions and exploit that perversion or dereliction for their own personal and fraternal aggrandizement at the expense of all others, is to risk the fate of the Republic as augured by this Court in Elkins, *supra*.

A SUPPLEMENTAL PETITION

Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence *** *Mapp v. Ohio*, 367, U.S. 643,659 (1961).

"Maxime paci sunt contraria vis et injuria. The greatest enemies to peace are force and wrong"- Bouvier's Law Dictionary, p at 2145." Legibus sumtis desinentibus, lege nature utendum est When laws imposed by the state fail, we must act by the law of nature." D. at 2142.

Wherefore, irrespective of the primary object of this petition, Petitioner also suggests that time is of the essence and hereby respectfully calls upon this Honorable Court to put an annul forth with the herein above identified and below, --- an documented culture of silence populated by the bench officers of the inferior courts so as to prevent any further usurpation of the jurisdiction in

geographic area occupied by the freely associated compact states of the union by territorial courts of general jurisdiction; restore order, sanctify the jurisdictional provision of the Constitution from disobedient bench officers.

In the inferior courts; obviate any need for the American People to act by in State Republican form of Government, Under Article III in the U.S Constitution, this power must be exercise in constitutional court that guarantee cherished fundamental Rights, like the Rights to due process of law as guaranteed by the fifth Amendment. Article III court must be convened to hear Controversies to which the United States is a Party singular).

The law of nature; and hopefully, preclude destruction of the government despite its disregard of the Charter of its own existence.

CONCLUSION

Based on the foregoing, petitioner respectfully submit
That this Petition for writ of Certiorari should be granted.

Auth Rep:By:

Oliver-Vaughn: 1-308
Douce-Al-Dey Sui Juris Consul
3-402b 1-03.6 1-308 3-306 3-415