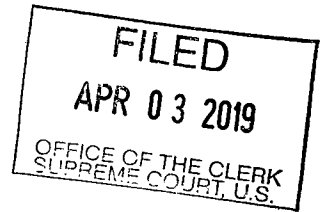


18-9182 ORIGINAL
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



Aziz Mateen-EL — PETITIONER
(Your Name)

vs.

W. Bell "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aziz Mateen-EL
(Your Name)

P.O. Box 34429
(Address)

Charlotte, N.C. 28234
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

- Do defendant's in this case while under suspension, meaning not in a De jure State do this not suspended their Immunity : ?
- And by using plaintiff social security account fraudulently to get paid, would this be a federal crime ?

LIST OF PARTIES

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

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

1. W. Robert Bell, Superior Court judge
2. P. Lytle, Magistrate,
3. R. Andrew Murray, was District Attorney, now federal prosecutor
4. Karen D. McCallum, was assistant District Attorney, now a judge
5. Kevin P. Tully, Public Defender
6. Jessica B. Delucia, assistant Public Defender
7. Peter Nicholson, assistant Public Defender
8. Irwin Carmichael, was Mecklenburg County Sheriff,
9. Morton, Mecklenburg County Sheriff Office
10. Albertson, Charlotte Mecklenburg Police
11. Tashaun S. Lane, Mc Donald's at 3058 Eastway Dr,
Charlotte, NC
12. Solicitor General

Department of Justice Room 5616 950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-0001

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

- APPENDIX B United States District Court Western District of North Carolina
Charlotte Divison, "Order" 4 pages Dated 5-18-18
- APPENDIX D United States Court of Appeals for the Fourth Circuit
"Informal Brief" pages 3 Dated 8-03-18
- APPENDIX E United States District Court Western District of North Carolina
Charlotte Divison, "Order" 2-pages Dated 5-02-18
- A APPENDIX Court of Appeals for the Fourth Circuit, Judgment, and
Unpublished Dated 1-08-19 6 pages
- APPENDIX F Court of Appeals for the Fourth Circuit, Stay of
Mandate Under Fed.R.APP.P.41(d)(1) 1 page Dated 1-23-19
- APPENDIX C Court of Appeals for the Fourth Circuit, Order
1 page Dated 2-19-19
- Appendix G Court of Appeals for the Fourth Circuit, Mandate
1 page Dated 2-27-19
- Appendix, H Mecklenburg County Court Declaration
1 page Dated 4-27-2019

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER 12 of 12

- In *Montgomery v. DeSimone*, 159 F.3d 120, 126 (3d Cir. 1998)
(1998 claim for malicious prosecution, false arrest, and false imprisonment accrued at time of violation)
- In *Parish v. City of Elkhart*, 614 F.3d 677, 684 (7th Cir. 2010) (1983 claim against officers for intentional infliction of emotional distress.)
- In *Park v. Shiflett*, 250 F.3d 843, 853-54 (4th Cir. 2001)

STATUTES AND RULES

- N.C. Gen. Stat. 15A-304(a) (2005).
- State v. Powell*, 10 N.C. App. 443, 179 S.E.2d 153 (1971)
- N.C. Gen. Stat. 15A-642(a) (2005)
- N.C. Gen. Stat. 15A-641(a) (2005)
- 178 N.C. App. 732, 632 S.E.2d 516 (2006)
- Public Law "Statutes at Large" books is identified as:
"Chap. 48, 48 Stat. 112"

OTHER

- In *Davis v. Wessel*, 792 F.3d 793, 804-05 (7th Cir. 2012)
- The United States Constitution

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

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☒ For cases from **state courts**: Mecklenburg County Court

The opinion of the highest state court to review the merits appears at Appendix H to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 1-08-2019.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 2-19-2019, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**: Mecklenburg County Court

The date on which the highest state court decided my case was They never was going
A copy of that decision appears at Appendix H. to take me to court.
And will not

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 4, The right of the people to be secure in their person.

Amendment 5, No person shall be compelled in any criminal case to be a witness against himself.

Amendment 6, In all criminal prosecution the accused shall enjoy the right to a speedy and public trial.

Amendment 14, No state shall deprive any person of life, liberty or property, without due process of law.

Extremely egregious prosecutorial misconduct.

Obstruction of Justice

Perjured testimony

Suppression of exculpatory evidence

Fabrication of inculpatory evidence

- Neil v. Biggers
- Tower v. Glover, 467 U.S. 914, 919-20 (1984)
- Powers v. Hamilton Cnty. Pub. Defender Com'n
501 F.3d 592, 612-13 (6th Cir. 2007)
- United States v. Armstrong

STATEMENT OF THE CASE

I was told by Charlotte police officer Albertson, after, I crossed Eastway Dr. located in Charlotte, on 11-25-17 he told me that I have a warrant for my Arrest and that, I was under arrest I asked if he had the right person and he told me that the warrant was for, I-M- Disorderly Conduct issued on 11-21-17 for, Aziz Mateen-EL file number #17cr244249.

I was taken into custody right then and I went before the magistrate the next day thinking that I was going to get out but, I was held and after about two months passed that when the defendants started putting false information on me into their system, like they are using a false name on me right now, false charges to just hold me in jail and to make money off of me by doing the 1099 OTD process against my social security account, now this is fraud and these defendants are violating my constitutional rights by doing me this way.

The lower courts didn't even consider the relevant facts of my case because of the defendants Immunity.

Please see; Appendix D and see for yourself that the plaintiff has been held in jail now for 18 months on false charges just read the passport denial Brief dated 8-7-17.

And I am also using pages 5 of 12 - 11 of 12 of plaintiff statement that was received in this court on 4-9-19 for Statement of the case Attached

Obligation To Bond

Defendant's placed a \$80,000 bond against me for the false charges which they forced on me, and when I tried to discharge this debt that's when I found out that the defendants had filed 1099 OID's against my social security account fraudulently claiming to be the sovereigns of my account to get this money.

That why I refer to the Federal Governments obligation to me as: "Chap. 48, 48 Stat. 112," NOT House Joint Resolution 192".

The Federal Government took away my ability to pay a bond or any debt with lawful money, but that doesn't make me a subject of Congress or of the Federal Government, and thus, their resolution does not apply to me. However, their obligation to me under their Public Law does apply to me because there is insufficient lawful money in general circulation to meet the needs of the people, which includes me.

Public Law the law in this instance per the actual "Statutes at Large" books, is identified as:
"Chap. 48, 48 Stat. 112".

In 1933 when lawful money was taken out of general circulation i.e., gold coins, thus leaving an insufficient amount of lawful money in general circulation to meet the needs of the people, i.e., only silver coins remaining.

Congress was required to give the people a remedy. Public Law: "Chap. 48, 48 Stat. 112" is that remedy. It states that the Federal Government will pay my debts, dollar for dollar. NOTE: It doesn't say that the government will pay for anything I desire to buy (like a car), only that it will pay my legitimate debts.

Most, if not all, of the State Constitutions require the State to pay its debts in gold and silver coin. By taking away a State Government ability to comply with its Constitutional mandate of paying its debts in gold and silver coins, the Federal Government involuntarily restricted a State Government ability to function in a de jure capacity.

The de jure State went into suspension after the following four acts were committed:

(1) The taking of gold coins out of general circulation in 1933.

(2) In 1964, the U.S. Mint ceased minting any more silver coins.

(3) In 1968, Silver Certificates could no longer be redeemed for silver.

(4) And on August 15, 1971, President Nixon closed the Gold Window, thus stopping the redemption of foreign-held dollars for gold.

At that point in time, the U.S. Dollar was backed solely by the full faith and credit of the American people, and the States could no longer function in a de jure capacity while in a state of suspension.

This forced the State to pay its officers, judges, employees, etc. with something other than gold and silver coin, which was required by the State Constitution.

This "something other than gold and silver coin" was nothing more than "Fiat" money, or script, back by nothing but the labor of the people. Thus, Constitutionally, the States could no longer function in a de jure capacity because it no longer had the ability to pay its debts in the form mandated by its Constitution, i.e., contract with the people.

Which, simply put these defendants do not get to just fraudulently use my social security account to do the 1099-01D process for or against me.

By: Aziz, of the family: Mateen-EL
a sovereign man.

Due Process Questions

- My due process right to exclude identification testimony resulting from unnecessarily suggestive procedures that might lead to an irreparably mistaken identification. In *Stovall v. Denno* "The Supreme Court recognized a defendant's rights."
- In *Neil v. Biggers*, The Court further explained that "it is the likelihood of misidentification which violates a defendant's right to due process."

There was no "Identification procedure" done in this case to even I.D. the defendant.

- In *Tower v. Glover*, 467 U.S. 914, 919-20 (1984) (Appointed counsel may have acted under color of state law when she/he conspired with state officials to deprive client of constitutional rights).

- Powers v. Hamilton Cnty. Pub. Defender Com'n
501 F.3d 592, 612-13 (6th Cir. 2007)

(public defender acted under color of state law when failing to request indigency hearing because such conduct was administrative and systematic, serving interests of state rather than client's interests or societal interest in judicial fairness.)

This is what the defendants in this case have done and when this case is looked into you will see all of this.

- In the United States v. Armstrong, (evidence tending to show the existence of a discriminatory intent and a discriminatory effect;)

So for evidence showing discriminatory intent and a discriminatory effect;

For proof I am enclosing "Mecklenburg County Sheriff's Office"
Mecklenburg County Jail Card
Dated 3/04/2019
Page: 1 of 2

Which shows were the defendants in this case have changed and added false names and false charges even adding these charges when they knew that I was already in jail, right now they are still holding me for these charges without taking me to court. In fact I have not been to court since 11-27-2017.

The defendants are changing things in there system illegally without taking me to court that is the discriminatory Intent, and by me being held in jail now for 17 months is the discriminatory effect.

REASONS FOR GRANTING THE PETITION

I will use "Analysis of the Facts"
that is located on pages 2 of 12 - 3 of 12
for my "Reasons For Granting the petition"
that was received by this court on 4-9-19
Attached

Analysis of The Facts

- Violations of Aziz, United States Constitutional rights such as the 4th 5th 6th and 14th amendments,
- Defendant's in this case all willfully conspired to violate my Constitutional rights because they knew from day one that the charges are false. And knowing nothing would happen to them because of their Absolute and Qualified Immunity from suit.
- I am a person in the Commonwealth of Mecklenburg County in the free exercise and enjoyment of all rights and privileges secured to me by the Constitution and laws of the United States," Fredrick Smith, Register of Deeds Commonwealth of Mecklenburg County," under

Instrument #	Book #	Page #
2001053531	12103	685
2001053532	" "	687
2001053533	" "	689
2001053534	" "	691
2001053535	" "	693
2001053536	" "	695
2014046878	29149	783
2016094299	31010	53
2016094317	" "	129
2016164275	31390	131
2016179010	31469	319
2017024027	31590	177
2017146143	32230	27
2017146144	" "	32
2017149253	32247	331

- Defendant's have stolen my social security number and fraudulently filing 1099 taxes using my account.

- There is extremely egregious prosecutorial misconduct, including "obstruction of justice, perjured testimony, suppression of exculpatory evidence and the fabrication of inculpatory evidence."

- Now in my judgment, a material fact or legal matter was overlooked; Like my actual innocence in this matter.

If the facts underlying my claim, if viewed in light of the evidence as a whole, in which no court have even so much as asked the defendant's if they even have evidence against the Plaintiff in this case that's what makes this case certworthy because there's really no evidence in this case they really made up the charges to hold me in there jail to make money off of me so I ask that you issue the writ and see for yourself.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Aziz Mateen-EL

Date: 4-28-2019