

18-9621

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUN 03 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

David Abiodun K.G.B. Onafeko — PETITIONER
(Your Name)

vs.

Government of United Kingdom et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The District of Columbia Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Abiodun K.G.B. Onafeko

(Your Name)

P.O. Box 33937

(Address)

Washington DC, 20033

(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

1. Does The United States still accept United Nations as an International Body.
2. Does The United States still wish to comply with the Treaty or treaties it subscribed to and signed with the United Nations, such as United Nations Declaration of Human Rights.
3. Does the United States consider the following Articles of the said Human Rights Declaration :
 - a) Article 2 which prohibits distinctions in terms of race, colour, sex, language, religion, political or other opinion, national or social origin etc. when enjoying rights and freedoms set forth in the Declaration
 - b) Article 5 which prohibits torture
 - c) Article 7 which prohibits discrimination
 - d) Article 8 which provides that everyone has a right to an effective remedy for acts violating the fundamental rights granted him
 - e) Article 17 which prohibit depriving anyone of his property arbitrarily
 - f) Article 30 which prohibits destruction of evidence by a stateas International Treaty to which the United States is bound.
4. Does the United States remember that there are people residing within United States that do not necessary hold United states passport but expect to be entitled to same protection and enjoy same benefits that laws and international treaties give them, without distinction or discrimination.

LIST OF PARTIES

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

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

Government of The United Kingdom of Great Britain and Northern Ireland (1)
Ministry of Justice, united Kingdom (2)
Crown Prosecution Service, United Kingdom (3)
Department of Works and Pensions, United Kingdom (4)
Ministry of Health, United Kingdom (5)
National Health service, United Kingdom (6)
Government of the Republic of Ireland (7)
Ministry of Justice, Equality & Law Reform, Ireland (8)
Director of Public Prosecutions, Ireland (9)
Bank of Scotland T/As Halifax Plc (10)
Halifax Insurance Ireland Limited (11)
Lloyds Banking Group (12)
Swift Advances Plc (13)
Government of Scotland (14)

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APPENDIX B - United States District Court For The District of Columbia Order(s)

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Appellant's address for all correspondence in this matter.

APPENDIX D - Appellant's Legal or Skeleton Argument for Certioari

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. Argentina Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 434 (1989)
2. Roeder v. Islamic republic of Iran 648 F. 3d 56 58 (D.C. Cir. 2011)
3. Peterson v. Royal kingdom of Saudi Arabia, 416 F. 3d 83 (D.C. Cir. 2005)
4. Republic of Austria v. Attmann 541 U.S. 677 (2004)
5. Smith v. United States 568 US 106 2013
6. U.S.C. 241 and 242

STATUTES AND RULES

1. FSIA
2. United Nations Declaration of Human Rights
- 3.

OTHER

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 A1 to ^{A5} 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 B1 to B5 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**:

The opinion of the highest state court to review the merits appears at Appendix _____ 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 April 29, 2019 (filed).

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

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

☐ An extension of time to 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). The Appellant only received the decision on or around May 13th, 2019 and accordingly seeks any necessary application for time extension as may be required.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ 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

1. Argentina Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 434 (1989)
2. Roeder v. Islamic republic of Iran 648 F. 3d 56 58 (D.C. Cir. 2011)
3. Peterson v. Royal kingdom of Saudi Arabia, 416 F. 3d 83 (D.C. Cir. 2005)
4. Republic of Austria v. Attmann 541 U.S. 677 (2004)
5. Smith v. United States 568 US 106 2013
6. U.S.C. 241 and 242
7. FSIA
8. International Treaties such as United Nations Declaration of Human Rights.
9. The United States' Constitution clearly establishes the Supreme Court of United States and the inferior courts as source of obtaining redress, especially in cases like this where there appear to be no precedence

STATEMENT OF THE CASE

1. This is a case involving Appellant's claim for damages, compensation etc., against Defendants thereof, in matters relating to:

- a) breach of mortgage insurance contract
- b) conspiracy to defraud, fraud and undersold amount of Appellant's house
- c) general conspiracy to defraud and actual fraud
- d) torts
- e) medical malpractice, medical negligence, professional misconduct, production of fraudulent medical reports and conspiracy thereof, to cover-up and make gain for itself
- f) harassment, manipulation, torture, conspiracy to destroy evidence
- g) banking and general insurance fraud, bribery, corruption, excessive manipulation, intimidation of witnesses and conspiracy thereof, to cover-up
- h) illegal use of state apparatus to oppress, torment, harass, intimidate the Appellant, together with conspiracy thereof, to cover-up, destroy evidence, embezzlement of insurance, charity and government funds calculated at prejudice the Appellant
- i) defamation, slander, misrepresentation, manipulation and conspiracy thereof to intimidate, destroy evidence, aggravated wrong towards the Appellant

2. The Plaintiff or Appellant is a British European citizen, residing in United States of America. A divorced single father of three children (boys), all children residing in the United Kingdom.

3. The Defendants are mainly government bodies, government agencies, government controlled banks, government controlled insurance companies etc.

4. The appellant contends that the lower Courts are wrong to say they do not have jurisdiction on the matter, because :

a) By virtue of FSIA, It is settled that FSIA is the sole basis for obtaining jurisdiction over a foreign state in the U.S. Courts.

"Argentina Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 434 (1989).

FSIA provides generally that a foreign state is immune from the jurisdiction of the United States Courts unless one of the exceptions listed in 28 U.S.C. § 1605(a) applies,

Roeder v. Islamic Republic of Iran, 646 F. 3d 56, 58 (D.C. Cir. 2011) (citation and international quotation marks omitted), or an existing international agreement provides otherwise,

Peterson v. Royal Kingdom of Saudi Arabia, 416 F.3d 83 (D.C. Cir.2005).

See 28 U.S.C. § 1604 (conferring foreign state immunity "Subject to existing international agreements to which the United States is a party at the time of enactment of this Act").

b) The United Nations Universal Declaration of Human Rights is an existing international agreement which the United States is a party to,

i) Article 1 provides that all human beings are born free and equal in dignity and rights.

ii) Article 2 provides that everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

STATEMENT OF CASE (continued)

- iii) Article 3 provides that everyone has the right to life, liberty and security of person.
- iv) Article 5 provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment
- v) Article 7 provides that all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- vi) Article 8 provides that everyone has a right to an effective remedy for acts violating the fundamental rights granted him.
- vii) Article 17 provides that everyone has the right to own property alone as well as in association with others
- viii) no one shall be arbitrarily deprived of his property
- ix) Article 30 provides that Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

§. A United States District Court has original jurisdiction or is the starting point for any case arising under:

- A) federal statutes such as
 - i) US Statute on Fraud
 - ii) US Statutes on Conspiracy Against Rights
- B) the United States Constitution
- C) treaties which the United States is a party or signatory to, such as United Nations Convention Against Torture, International Covenant on Civil and Political Rights, United Nations Universal Declaration of Human Rights, Hague Conventions etc.

STATEMENT OF CASE (CONTINUED)

- D) By virtue of Diversity Jurisdiction, United States District Court in Federal Judiciary has the power to hear a civil case when the amount in controversy exceeds \$75,000 and where the persons that are parties are "diverse" in citizenship, which generally indicates that they are citizens of different states or non-US citizens.
- E) The United States District Court, For The District of Columbia is a Federal District Court in Appellant's physical address jurisdiction. Appellant belief that the lower court has jurisdiction. As stated hereinbefore, the United States is a signatory to the United Nations Declaration of Human Rights, which provides that the appellant amongst others, is entitled to "effective remedy". As appellant do not have effective remedy to date with respect to issues herein or his complaint against the defendants, it fair to say, wipes off the immunity question, allowing FSIA to take control.

6. From the above, clearly a United States District Court has jurisdiction on the matter and the Appellant respectfully ask that the lower courts' decisions should be revised. Furthermore, the Appellant makes a Certiorari Petition in the Supreme Court of United States on the basis that:

a) the foreign state has waived its immunity explicitly and/or by implication, hence Appellant/Plaintiff is entitled to proceed under **28 U.S. Code § 1605(a)(1)**, which provides that a foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case-

(1) in which the foreign states has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect, except in accordance with the terms of the waiver.

In fact none of the Defendant(s) has filed and document, defence or notice to defend this matter whatsoever, as far as Appellant is aware.

b) The subject of this claim includes the issue of property taken in violation of international law (i.e. United Nations Declaration of Human Rights), hence Appellant/Plaintiff is entitled to proceed under **28 U.S. Code § 1605(a)(3)**, which denies immunity of a foreign state where rights in property taken in violation of international law are in issue in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity.

AC

REASONS FOR GRANTING THE PETITION

1. Foreign state has waived its immunity explicitly and/or by implication, hence Appellant entitled to proceed under 28 U.S. code § 1605(a)(1).
2. The subject of this claim include property taken in violation of international law, that is Article 17 of the United Nations declaration of Human Rights with manipulations, hence Appellant is entitled to proceed under 28 U.S. Code § 1605(a)(3).
3. The State or its employees' and/or its agencies' business of fraud, corruption, conspiracy etc., that has gone beyond borders require an independent court to fully examine and adjudicate upon, not just mere issues of jurisdiction, but full and complete examination of facts, disputes, liabilities etc., which may well involve the use of the Court's special powers.
4. The United States District Court for the District of Columbia's use of an Order it made in a case without fully pleaded particulars, in another matter (this one) which has a fully pleaded particulars of claim is completely inappropriate and wrong.
The failure of the United States Court of Appeals for the District of Columbia to recognise this error of judgement is wrong and prejudices the Appellant.
5. In the interest of Justice. The decisions in
 - a) Argentina v. Amerada Hess Shipping Corp, 488 (1989)
 - b) Smith v. United States, 568 US 106 (2103)

together the with application of International treaties such as United Nations Declaration of Human Rights clearly establish jurisdiction.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David Abiodun K.G.B. Onafeko

Date: June 3rd, 2019