19-290

№: 19- ___

IN THE

Supreme Court of the United States

JAY NOLAN RENOBATO, Plaintiff- *Appellant*

v.

BUREAU OF THE FISCAL SERVICE ('BFS')
f.k.a. Bureau of the Public Debt ('BPD'),
Defendant- *Appellee*

On Petition for a Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit

PETITION [APPEAL] FOR A WRT OF CERTIORARI

JNR
Arbitrage Firm of Record
RENOBATO & ASSOCIATES
Jay Nolan Renobato, Proprietor *Pro Se*
Arbitrageur, Creditor, Petitioner
Post Office Box 9771
The Woodlands, Texas. 77387
(213)364-8250

2 September 2019

QUESTIONS PRESENTED

1. **Legal Issues.** Whether Acts of Congress and the Constitution require their corrected application to judicial proceedings, property ownership, and interstate commerce and trade? (U.S. CONST. art. III; 28 U.S.C.; 15 U.S.C.; 7 U.S.C.; 31 U.S.C.)

a. Judicial transgressions, conflicts, and miscarriages. Whether Rule 12(b)(1) subject matter jurisdiction exists per §§ 1331, 1332, and was properly administered/adjudged in light of *Home Builders*, *Stockman*, *Wachovia*, *St. Paul*, and *DeAguilar*; and if appeals Court met legal standard of review as required by law under *Becker*, *Barrett*, and *Robicheaux*?

i. Transgressions. Whether lack of authority under § 636 and Rule 72, for a promoted court Clerk neither assigned to, nor presiding over the case, is proper dispositive procedure over objection of party, and without consent or notice?

ii. Conflicts of Interest. Whether Bray's conflict of interest from a close working relationship between FPDO/ USAO, and publicly expressed beliefs on federal budgets clouding Judgment- is truly unbiased or warrants recusal?

iii. Miscarriage of Justice. Whether unsupported and rebutted presumptions in Bray's dispositive Memo merging 13 counts of *Complaint* mixing antitrust, commodity/ security, and Treasury rules into 1 common law breach of contract action for less than $10,000 is reversible as clear errors/plain mistakes of law/fact tainting the Final Judgment Adopted?

b. Bill of Rights. Whether rights in the Constitution protect Plaintiff against excessive government power limiting its authority exercised over Plaintiff's property/***TREASURY DIRECT*** Account and business? (U.S. CONST. amends. V, XIV)

c. U.S.C./C.F.R.. Whether Claimant's monopoly/restraint of trade charges confessed to and admitted by BFS/BPD under Rule 8(d) seals liability for its commissions/omissions in violation of trade laws and obligations under 7 U.S.C. Ch. 1; 15 U.S.C. §§ 1, 2; 31 U.S.C.; 31 C.F.R. §§ 309.3, 306.15?

PARTIES TO THE PROCEEDING

2. Creditor of the U.S. v. Governmental Bureaucracy. The only real 'parties'[sic] (*i.e.* entities) are Renobato and BFS/BPD.

a. Plaintiff/Appellant. Sole proprietor **Renobato** (***JNR***) is an arbitrageur and owns ***TREASURY DIRECT*** Account #R-192 09X-XXX that held several series of 90-day T-bills.

Renobato does not own 10% or more of outstanding U.S. Securities.

i. Privately Held. ***JNR*** private equity formed through SS-4 registration (*circa.* 1996) with IRS Entity Control.[1]

ii. Texas Based. ***JNR*** uses PO Box 9771 in The Woodlands, TX 77387 for operational headquarter mail stop.

b. Defendant/Appellee. Disbursing securities credit intermediary BFS/BPD is represented by USAO lawyers.

i. Publicly Traded Parent. BFS is a subsidiary in the Treasury Department whose parent company is the U.S..

ii. State of Incorporation. Bureau of the Fiscal Service[2] ('BFS/BPD') executive offices are at 401 14th Street SW in Washington D.C. 20227; and has back office operations at 200 Third St. in Parkersburg, WV 26106 (www.treasurydirect.gov)

c. Judicial Neutrals? Whether Judicial employees are truly impartial given the government is involved in the litigation?[3]

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1. Bray's suspect classification of ***JNR*** as a "contractor" is but one error misrepresenting the true relationship between parties and is at odds with S.Ct.#12-564 where district Judge labeled ***JNR*** a "consumer." (*See* #18-20761 *Appellant's Brief* at p. 28; *Neb. Public Power Dist. v. U. S.*, 590 F.3d 1357, (Fed. Cir.2010); *and* BLACK'S Dictionary (6th ed.1990) p. 326)

2. U.S. attorneys falsely state the case is against the U.S.. After 20 years, such misnomer was dropped in the 5th Cir. caption, and government lawyers have abandoned the sovereign immunity theory in S.Ct.#01-830.

3. Court orders refer to "the government" but none clarify if it means the Fed, Treasury, CFTC or other. "The government is a huge body employing millions of people" so this case is not against "the government" ***per se***, and doesn't name the U. S., the Dept., Commissioner of BFS, or Bureau employees who perform keystroke data entry of pecuniary amounts into government computers. (*See Zelman* for definition of "the government")

PETITION FOR A WRIT OF CERTIORARI

TABLE OF CONTENTS

Page

QUESTIONS PRESENTED FOR REVIEW ..... i.
PARTIES TO THE PROCEEDING ..... ii.
TABLE OF CONTENTS ..... iii.
TABLE OF AUTHORITIES ..... vii.
TABLE OF STATUTES ..... xiii.
Multi-State Code ..... xvii.
Secondary Sources ..... xviii.
Declarations ..... xviii.
Legend Key ..... xix.

BASIS OF SUPREME COURT JURISDICTION

1. Compulsory preliminary statements 1
   a. Standing 1
      i. Direct injury 2
      ii. Caused by Defendants violations 2
      iii. Duty arising under federal laws 2
   b. Timeliness 2
   c. Notice 2

JUDICIAL OPINIONS RENDERED BELOW

2. U.S. Court of Appeals [5th Cir.] #18-20761 3
3. U.S. District Court [SDoT] Houston #17-CV-3904 3
4. Vested Jurisdiction 3

STATEMENT OF THE CASE

5. Appeal for relief from gross miscarriages of Justice 3

FACTS AND PROCEDINGS

6. Case 4

REASONS FOR ALLOWANCE OF THE WRIT

7. Compelling reasons 9

THIS COURT MUST REQUIRE UNIFORMITY IN THE LEGAL STADARDS OF REVIEW FOR RESOLVING SUBJECT-MATTER JURISDICTION QUETIONS WHERE EVIDENCE IN SUPPORT WAS NEGLECTED AND TRIAL JUDGE BLINDLY ADOPTED WRONG CONCLUSORY FINDINGS INSUFFICIENT TO PERMIT MEANINGFUL APPELLATE REVIEW LEAVING SPLITS AND CONFLICTS IN THE LAW NEGATING ANY CHANCE OF IMPARTIAL OR UNBIASED PROCEEDINGS

8. Incontrovertible jurisdiction proper on deferential legal standards 10
   a. § 1331 10
   b. § 1332 11

i. Diversity 11
ii. Amount 12
9. *De novo* standard of review was not met 14
10. Judicial transgression incidents 15
a. § 636 Overreach 16
b. F.R.C.P. 72, 73 16
i. Non-dispositive acts 17
ii. Lack of consent 17
c. Judicial conflicts of interest 18
11. Miscarriages of Justice 20
a. Evidentiary negligence 20
i. Out of State parties 21
ii. $1,000,000 90-day T-bill price 21
iii. Legal expert report 21
b. § 1346 Misapplication 22
c. Abandoned inapplicable case law 23
i. *Bickford* 23
ii. *DenNorske* 24
iii. *Contango* 25
iv. *Zelman* 25
THIS CASE IS IMPORTANT TO THE JUDICIAL BRANCH IN ORDER TO DETERMINE IF THE FEDERAL JUDICIARY IS SUFFICIENTLY IMPARTIAL AND UNBIASED TO RENDER JUSTICE BASED ON FACTS, CITED LAW, AND EVIDENCE SUCH THAT DUE PROCESS, RULE OF LAW, AND EQUAL PROTECTION PREVAIL, RATHER THAN ALLOWING ARBITRARINESS IN JUDGMENT, CONFLICTS OF INTEREST, AND RETALIATION AGAINST A PRO SE CREDITOR OF THE UNITED STATES TO CLOUD AND TAINT JUDGMENT
12. Public interest cannons facing the judiciary 26
a. Substantive rights 27
b. Procedural rights 28
i. Reasonable notice requirement failure 29
ii. Opportunity to be heard 29
13. Retaliation against witness 30
THIS CASE IS OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES OF AMERICA BECAUSE IT ADDRESSES THE EXTENT TO WHICH THE DOMESTIC ECONOMIC SYSTEM IS CHARACTERIZED BY FREE TRADE AND OPEN MARKET COMPETITION OR IF GOVERNMENT CONTROLS THE MEANS AND RESOURCES OF PRODUCTION SUCH THAT IT SPILLS OVER INTO FEDERAL COURTS WHERE THERE IS NO CASE PRECEDENT

ON THE SPECIFIC DENOMINATIONAL EXCHANGE REGULATION, AND IS ALSO OF WIDESPREAD INPORTANCE TO EVERY U.S. CITIZEN WHO HOLDS AND/OR USES ANY FORM OF BILL PRODUCT, BY-PRODUCT, OR DERIVATIVE THEREOF MANUFACTURED BY DEPARTMENT OF THE TREASURY

14. Voluntary confessions 31
15. Rule 8(d) Admissions 32
a. Undisputed transactional facts 32
b. Commercial bill offering terms 33
c. Obligation to pay 33

ARGUMENT

16. Aiding and abetting false pretenses 36

CONCLUSION

17. Dissident shareholder 38

PRAYER

18. Breaking-up government monopoly on truth 39

APPENDIX

U.S.C.A. Cover letter MEMORANDUM *of* 4 Jun. 2019 1
U.S.C.A. On Petition for Rehearing En Banc *of* 4 Jun. 2019 2
U.S.C.A. Cover letter MEMORANDUM *of* 29 Mar. 2019 4
U.S.C.A. "Order" *of* 29 Mar. 2019 5
U.S.D.C. Final Judgment *of* 10 Oct. 2018 7
(the "Judgment," or "F J")
U.S.D.C. Order of Adoption *of* 10 Oct. 2018 8
(the "Adoption Order" or "O A")
U.S.D.C. Memorandum and Recommendation *of* 19 Sep. 2018
(the "Memo," "Recommendation," or "M & R") 9
U.S.D.C. Order for Conference and Disclosure of Interested Parties
of 29 Dec. 2017 15
U.S.D.C. Rule 16 Scheduling Order *of* 28 Mar. 2018 17
U.S.D.C. Order *of* 26 Oct. 2018 19
U.S.D.C. Order *of* 19 Dec. 2018 20
U.S.D.C. Order *of* 21 Mar. 2019 21
Affidavit of Plaintiff's Legal Expert *of* 4 Sep. 2018
U.S.D.C. (SDoT) Civ. No. 17-cv-3904 (Dkt.#32) 22

The Constitution of the United States 25
Bill of Rights 27

Title 28 U.S.C.- Judiciary and Judicial Procedure
Sections §§ 1331 – 1337 32
ABA Model Code of Judicial Conduct ('MCJC') 36
Magna Carta Excerpts (*circa.* 1215) 40
Blackstone Commentaries (*circa.* 1765) 40
***Bickford** v. Boerne Ind. School Dist.*, No.15-CV-1146
2016 WL 1430063, (W.D.Tex.2016) 41
***Den Norske** Stats Oljeselskap v. Heeremac Vof*,
241 F.3d 420 (5th Cir.2001) 44
***Zelman** v. Gregg*,
16 F.3d 445 (1st Cir.1994) 68

TABLE OF AUTHORITIES

Case Precedent: Page

Adamson v. California,
332 U.S. 46, 67 S.Ct. 1672, 91 L.Ed. 1903 (1947) 26

Allen v. R & H Oil & Gas Co.,
63 F.3d 1326, (5th Cir.), reh'g denied, 70 F.3d 26 (5thCir.1995) 12

Allen v. Wright, 469 U.S. 737, 104 S.Ct. 3315 2

Allstate Insurance Co. v. Hibun,
692 F.Supp. 698, (S.D.Miss.1988) 14

Angle v. United States,
709 F.2d 570, 573 (9thCir.1983) 22

Armstrong v. Manzo,
85 S.Ct. 1187..... 1

Associates Commercial Corp. v. Rush,
520 U.S. 953, 117 S.Ct. 1879, 138 L.Ed.2d 148 ('97) 37

Association of Data Processing Service Organizations Inc. v. Camp,
397 U.S. 150, 90 S.Ct. 827 2

Atlantic Coast Line R. Co. v. St. Joe Paper Co.,
C.A.Fla., 216 F.2d 832 18

Ayala v. Enerco Group,
No. 13-30532 (5th Cir.2014) 22

Barlow v. Collins,
397 U.S. 159, 90 S.Ct. 832 2

Barrett v. United States,
51 F.3d 475 (5thCir.1995) ..... i., 14

Barton v. State,
227 S.W. 317 (Tex.Crim.App.1921) 36

Becker v. Tidewater Inc.,
586 F.3d 358 (5thCir.2009) ..... i., 14

Bell v. Preferred Life Assurances Society,
320 U.S. 238, 64 S.Ct. 5, 88 L.Ed. 15 (1943) 14

Bickford v. Boerne Independent School District,
No. 5:15-CV-1146-DAE, 2016 WL 1430063, (W.D.Tex.2016) 2

Board of Regents of State College v. Roth,
408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972) 29

Bodek v. Bureau of the Public Debt,
532 F.2d 277 (5th Cir.1976) 34

Bowen v. Massachusetts,
487 U.S. 879, (1988) 23

Boyd v. United States,
482 F.Supp. 1126, 1131 (W.D.Pa. 1980) 35
Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.,
429 U.S. 477, 97 S.Ct. 690, 50 L.Ed.2d 701 (1977) 23
Buras v. Birmingham Fire Insurance Co. of Pennsylvania,
327 F.2d 238 (5thCir.1964) 14
Burden v. General Dynamics Corp.,
60 F.3d 213, (5thCir.1995) 20
Carey Salt Co v. NLRB,
736 F.3d 405 (5thCir.2002) 21
Caribbean Broadcast Sys. Ltd. v. Cable and Wireless PLC,
148 F.3d 1080 (D.C.Cir.1998)..... 24
Carpet Group Int'l v. Oriental Rug Importers Ass'n,
227 F.3d 62 (3rdCir.2000) 24
Cereghino v. State By and Through State Hwy. Commission,
230 Or. 439, 370 P.2d 694) 11
City of Indianapolis v. Chase National Bank,
314 U.S. 63, (1941) 11
Contango Operators v. United States,
9 F.Supp.3d 735 (2014) 23, 25
Corfield v. Dallas Glen Hills LP,
355 F.3d 853, (5thCir.2003) 11
Cushman v. Resolution Trust Co.,
954 F.2d 317 (5thCir. 1992) 25, 37
Dahi v. City of Huntington Beach,
84 F.3d 363 (9thCir.1996) 26
Davidson v. Georgia Pacific,
819 F.3d 758 (5th Cir.2016) 22
De Aguilar v. Boeing Co.,
11 F.3d 55, 58 (5thCir.1995) ..... i., 14
De Aguilar v. Boeing Co.,
47 F.3d 1404, (5thCir.1995), cert. denied, 516 U.S. 865,
116 S.Ct. 180, 133 L.Ed.2d 119 (1995) ..... i., 11
Den Norske Stats Oljeselskap v. Heeremac Vof,
241 F.3d 420 (5th Cir.2001) 23, 24
Estate of Curry v. United States,
409 F.2d 671, 673 (6thCir.1969) 34
Ferguson v. Skrupa,
372 U.S. 726, 83 S.Ct. 1028, 10 L.Ed.2d 93 (1963) 27

First Eng. Evangelical Lutheran Church v. LA County, Cal.,
482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed.2d 250 (1987) 29
First Union Mortgage Corp. v. Smith,
229 F.3d 992, (10thCir.2000) 16
Flam v. Flam,
788 F.3d 1043, (9thCir.2015) 16
Fontenot v. Upjohn Co.,
780 F.2d 1190, (5thCir.1986) 8
Ford Motor v. U.S. Auto Club,
U.S.D.C. No. 07-cv-2182-L (N.D.Tex. 2008) 17
Freeman v. Northwest Acceptance Corp.,
754 F.2d 553 (5thCir.1985) 11
Gaitor v. Peninsular & Occidental Steamship Co.,
287 F.2d 252 (5thCir.1961) 14
Getty Oil Corp. v. Insurance Co. of North America,
841 F.2d 1254, (5thCir. 1988) 12
Glaskin v. Klass,
996 F.Supp. 67 (D.Mass.1998) 37
Goldberg v. Kelly,
397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970) 28
Gray v. First Winthrop Corp.,
133 F.R.D. 39, 40 (N.D.Cal.1990) 17
Gund v. First Florida Bank,
726 F.2d 682 (1984) 39
Hartford Fire Ins. Co. v. California,
509 U.S. 764, 113 S.Ct. 2891, 125 L.Ed.2d 612 24
Heath v. Board of Supervisors,
850 F.3d 731, (5th Cir.2017) 18
Home Builders Ass'n of Miss. Inc. v. City of Madison Miss.,
143 F.3d 1006 (5thCir.1998) ..... i., 10
i2 Technologies Case,
3:07-cv-02182-L -BD (Doc.#26) Filed 04/24/08 17
Illinois Central Gulf R.R. Co. v. Pargas, Inc.,
706 F.2d 633, (5thCir.1983) 12
International Paper Co. v. Denkmann Assocs.,
116 F.3d 134, 136 n. 4 (5thCir.1997) 14
In re Asbestos Litigation,
90 F.3d. 963 (5thCir.1996) 30
In re Mid-S. Towing Co.,
418 F.3d 526 (5th Cir.2005) 14

In re United States Healthcare,
159 F.3d 142, (3rdCir.1998) 16
Johnson v. Dillard Department Stores, Inc.,
836 F. Supp. 390 (N.D. Tex.1993) 14
Lane v. Halliburton,
529 F.3d 548, (5thCir.2008) 15
Leininger v. Leininger,
705 F.2d 727 (5thCir.1983) 14
Lehr v. Robertson,
103 S.Ct. 2985 1
Lewis v. Timco Inc.,
716 F.2d 1425 (5th Cir.1983)..... 2
Marcel v. Pool Co.,
5 F.3d 81, 84 (1993) 14
Matsushita Elec. Indus. Co. v. Zenith Radio Corp.,
475 U.S. 574, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986) 36
Meditrust Fin. Mgmt. Svcs. Corp. v. Sterling Chemicals Inc.,
168 F.3d 211 (5th Cir.1999) 15
Menchaca v. Chrysler Credit Corp.,
613 F.2d 507, (5thCir.1980) 12
Meyer v. Nebraska,
262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042 (1923) 29
Mississippi Band of Choctaw Indians v. Holyfield,
490 U.S. 30, (1989) 12
Mortensen v. First Federal Sav. & Loan Ass'n,
549 F.2d 884, (3rdCir.1977) 36
NASD v. Renobato,
NASD (DBCC #6) Arb.#C06920028 Judgment 33
Nebraska Public Power Dist. v. United States,
590 F.3d 1357, (Fed. Cir.2010) ..... ii.
NL Industries Inc. v. One Beacon Am. Ins. Co.,
435 F.Supp.2d 558 (N.D.Tex.2006) 12
Nobleman v. American Savings Bank,
508 U.S. 324, 113 S.Ct. 2106, 124 L.Ed.2d 228 ('95) 37
Overstreet v. El Paso Disposal LP,
625 F.3d 844 (5thCir.2010) 25
Paterson v. Weinberger,
644 F.2d 521, 523 (5thCir.1981) 23
Pennsylvania Coal Co. v. Mahon,
260 U.S. 393, 43 S.Ct. 158, 67 L.Ed. 322 (1922) 28

Perillo v. Johnson,
205 F.3d 775 (5th Cir.2000) 19
Perry v. Sindermann,
408 U.S. 593, 92 S.Ct. 2694, 33 L.Ed.2d 570 (1972) 28
Preston v. Tenet Healthsystem Memorial Med. Center Inc.,
485 F.3d 793 (5thCir.2007) 12
Rand v. Rowland,
154 F.3d 952 (9thCir. 1998) (en banc) 30
Rappaport v. State Farm Lloyds,
No. CA3: 97-CV-2747-P,
1998 WL 249211, (N.D.Tex.1998) 12
Reddy Ice Corp. v. Travelers Lloyds Insurance Co.,
145 S.W. 3d 337, (Tex. App.- Hou. [14thDist.] 2004) 12
Renobato v. Compass Bank a.k.a. BBVACompass,
S.Ct. #12-564 4
Renobato v Bureau of the Public Debt,
S.Ct. #01-830 4
Renobato v. Commissioner of Internal Revenue,
U.S.T.C. [SDoT] #25483-95S 33
Renobato v. MLPFS Inc. et al.,
NYSE, Arb. #1997-006647 Judgment 33, 35
Robicheaux v. Radcliff Material Inc.,
697 F.2d 662, 666 (5thCir. 1983) ..... i., 14
Salts v. Epps,
676 F.3d 468 (5th Cir.2012) 19
Sharpe v. State,
560 So.2d 1107 (Ala.Crim. App. 1989) 30
Sheppard & Enoch Pratt Hospital Inc. v. Travelers Ins. Co.,
32 F.3d 120 (4thCir.1994) 15
Smallwood v. Illinois Cent. R.R. Co.,
385 F.3d 568, 573 (5th Cir.2004)(en banc) 26
Spencer Trask Softwr. & Info. Svcs. LLC v. R Post Int'l Ltd.,
206 F.R.D. 367, (S.D.N.Y. 2002) 17
Stanley v. Illinois,
92 S.Ct. 1208..... 1
Stanwood Boom Works LLC v. BP Exploration & Prod. Inc.,
No. 11-20511(5thCir.2012) 25
Stockman v. Federal Election Commission,
138 F.3d 144, 151 (5thCir.1998) ..... i., 10

St. Paul Mercury Indem. Co. v. Red Cab Co.,
303 U.S. 283, 58 S.Ct. 586, 82 L.Ed. 845 ('38) ..... i., 11, 13
Swanson v. Bank of America,
563 F.3d 634 (7th Cir.2009) 35
TFWS Inc. v. Franchot,
572 F.3d 186, (4thCir.2009) 8
United States v. Bormes,
133 S.Ct. 12, 18 (2012) 23
United States v. Garcia-Jasso,
472 F.3d 239 (5th Cir.2006) 19
United States v. Gill,
706 F.3d 603 (5th Cir.2013) 15
United States v. Nippon Paper Industrial Co.,
109 F.3d 1 (1stCir.1997) 24
United States v. Yanez Sosa,
513 F.3d 194, (5thCir. 2008) 15
United States ex rel. Willard v. Humana Health Plan of Texas Inc.,
336 F.3d 375 (5thCir.2003) 14
Vari-Build v. City of Reno,
D.C.Nev., 596 F.Supp. 673, 679 27
Veldhoen v. United States Coast Guard,
35 F.3d 222, 225 (5th Cir.1994) 10
Vizcaino v. Microsoft Corp.,
120 F.3d 1006, (9thCir.1997) 15
Vogel v. United States Office Products Co.,
258 F.3d 509, (6thCir.2001) 16
Wachovia Bank v. Schmidt,
546 U.S. 303 (2006) ..... i., 12
White v. St. Luke's Episcopal Health System,
317 Fed.Appx. 390, (5thCir.2009)) 20
Wildbur v. ARCO Chemical Co.,
974 F.2d 631, (5thCir.1992) 16
Williams v. Beemiller Inc.,
527 F.3d 259, (2ndCir.2008) 16
Woodbury v. United States,
313 F.2d 291, 295 (9thCir.1963) 34
Wolak v. United States,
366 F.Supp. 1106, 1114 (D.Conn.1973) 34, 35
Zelman v. Gregg,
16 F.3d 445 (1st Cir.1994) ..... ii., iv., vi., 6, 23, 25, 26, 34, 37

TABLE OF STATUTES

Rule: Page

Constitution of the United States of America

U.S. CONST. 4
art. I § 8 ..... 2, 25
art. III ..... i., 15
art. III, § 2 15
Bill of Rights
amend. IV 27
amend. V ..... i., 27, 28, 29
amend. XIV ..... i., 27, 28

United States Code

Title 5 United States Code- Government Organization and Employees
5 U.S.C.
§ 556 30

Title 7 United States Code- Agriculture
Chapter 1- Commodity Exchanges ..... i., 11, 23
7 U.S.C. ..... i.
§ 2 2
§ 6 ..... 2, 31
§ 23 13
§ 25(c) 11

Title 12 United States Code- Banks and Banking
Chapter 3- Federal Reserve System
Subchapter I- Definitions, Organization, and General Provisions Affecting System
12 U.S.C.
§ 221 ..... 5, 34
Subchapter XII- Federal Reserve Notes
§ 417 2
Title 15 United States Code- Commerce and Trade
Chapter 1- Monopolies and Combinations in Restraint of Trade 9, 11, 23
15 U.S.C. ..... i.
§1 ..... i., 9, 14, 31
§ 2 ..... i., 9, 14, 31
§ 4 ..... 2, 11
§ 15 11

Chapter 41- Consumer Credit Protection
Subchapter I- Consumer Credit Cost Disclosure
Part E- Consumer Leases
Subchapter VI- Electronic Fund Transfers
§ 1693 2

Title 18 United States Code- Crimes and Criminal Procedure
18 U.S.C. 11
Chapter 13 Civil Rights
§ 246 31
Chapter 31 Embezzlement and Theft 32
Chapter 41 Fraud and False Statements
§ 1001 ..... 8, 37
Chapter 73 Obstruction of Justice
§ 1512(b)(1) 31

Title 28 United States Code- Judiciary and Judicial Procedure
Part I- Organization of Courts
Chapter 21- General Provisions Applicable to Courts and Judges
28 U.S.C. ..... i.
§ 455 17
Chapter 43- United States Magistrates
§ 636 ..... i., 15
§ 636(b)(1) 16
§ 636(c) 17
§ 636(c)(4) 18
Part IV- Jurisdiction and Venue
Chapter 81- Supreme Court 10
§ 1253 ..... 1, 3
§ 1254(1) 3
Chapter 83 10
Chapter 85- District Courts; Jurisdiction 10
§ 1331 ..... i., 8, 9, 10
§ 1332 ..... i., 8, 9, 10, 12, 13, 21
§ 1333 25
§ 1346 ..... 13, 22, 23
§ 1346(a)(2) 6
§ 1337 22
§ 1441 6

Chapter 99- General Provisions
§ 1631 6
Chapter 87 10
Part V- Procedure
Chapter 133- Review- Miscellaneous Provisions
§ 2108 13

Title 31 United States Code- Money and Finance
31 U.S.C. ..... i., 11
Subtitle I- General
Chapter 1- Definitions
§ 103 22
Chapter 3- Department of the Treasury
Subchapter I- Organization
§ 301 22
§ 306(c)(1) 20
§ 306(c)(2) 20, 22
Subtitle III- Financial Management
Chapter 31- Public Debt
Subchapter I- Borrowing Authority
§ 3101 34
§ 3104 ..... 4, 34
Subchapter II- Administrative
§ 3123 34
§ 3125 ..... 2, 34

Code of Federal Regulations

Title 12 C.F.R.- Banks and Banking
12 C.F.R.
Section 220- Regulation T
§ 220.1 2
§ 220.1(6)(2) 1

Title 17 C.F.R.- Commodity and Securities Exchanges
17 C.F.R.
Part 240- General Rules and Regulations
§ 240.10-b-1 32
§ 240.15c3-1 33
§ 240.17Ad-12 2

Title 31 C.F.R.- Money and Finance: Treasury
31 C.F.R. ..... i., 23, 27
Subtitle B- Regulations Relating to Money and Finance
Chapter II- Fiscal Service
Subchapter B- Bureau of the Public Debt
Part 306-General Regulations Governing U.S. Securities
§ 306.1(b) 23
§ 306.15 ..... i., 15
Part 306 Subpart N Relief for Lost, Theft, Destruction, Mutilation, or Defacement of Securities 30, 34
§ 306.110 ..... 2, 28
Part 309- Issue and Sale of Treasury Bills 11
§ 309.1 ..... 7, 33
§ 309.2 ..... 4, 34
§ 309.3 ..... i., 1, 4, 10, 26, 28, 36, 37
§ 309.12 1
Part 356- Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds
Part 356
Subpart B 5
§ 356.2 20
Part 357- Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills
Part 357 19
§ 357.2 ..... 19, 22, 27, 28
§ 357.43 1
Part 357 App. B.(*J.*) 33
Part 363- Regulations Governing Securities Held in Treasury Direct
§ 363.29 32
Chapter V Office of Foreign Assets Control
App. A 30
Part 1099- Reserved
§ 1099 11

33 C.F.R. Navigation and Navigable Waters 25
46 C.F.R. Shipping 25

Federal Rules

Title 28 U.S.C.- Appendix:

Federal Rule of Civil Procedure

FED.R.CIV.P
Rule 8(d) 5, 32

Rule 11 25
Rule 12(b) 17, 23
Rule 12(b)(1) ..... i., 1, 7, 10, 14, 15, 23
Rule 12(b)(3) 6
Rule 12(b)(6) 16
Rule 12(b)(7) 6
Rule 12(f) 8
Rule 16 ..... 4, 16
Rule 26 6
Rule 38 5
Rule 56 ..... 5, 8, 16
Rule 60 8
Rule 63 ..... 17, 21
Rule 72 ..... i., 8, 15, 16
Rule 72(b)(3) 17
Rule 73 ..... 8, 15, 16

Federal Rules of Appellate Procedure

FED.R.APP.P.
Rule 10(b)(2) 7
Rule 21(a)(1) 18
Rule 35 18
Rule 41 3

Federal Rules of Evidence

FED.R.EVID. 21, 30

Rule of the Supreme Court of the United States

S.Ct. R
Rule 10 ..... 1, 3
Rule 12 1
Rule 13.3 ..... 2, 3
Rule 16 .....
Rule 29 2

MULTI-STATE CODE

ABA Model Code of Judicial Conduct ('MCJC') 37
Model Penal Code Article 223 ('MPC') 32
Texas Code of Judicial Conduct ('TCJC') 37
Uniform Commercial Code ('UCC')
§ 1-203 13
§ 1-205 13

SECONDARY SOURCES

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Draft 6 (FRB 1996) 19, 35
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Public Securities Association ('PSA')
Master Repurchase Agreement 19
SEC EDGAR Company Search 33
S.Rep. No. 37, 92nd Cong., 1st Sess.,
reprinted in 1971 U.S.C.C.A.N. 1065 35
The Judiciary Act of 1789 13

DECLARATIONS

Affidavit of Plaintiff's Legal Expert
U.S.D.C. (SDoT) Civ. No. 17-cv-3904 ..... 17, 21, 22
Affidavit of Peter D. Sternlight
U.S.D.C. (NJ) Civ. No. 85-1728 Ch. 11 19

Legend Key:
Jay Nolan Renobato (hereafter "Plaintiff, Claimant, Appellant, Petitioner, Creditor, Renobato, or ***JNR***")
Bureau of the Fiscal Service f.k.a. Bureau of the Public Debt (hereafter "Defendant, Respondent, Appellee, or Bureau")
U.S. Court of Appeals Fifth Circuit (hereafter "U.S.C.A., appeals Court, circuit Court, or 5th Circuit")
U.S. District Court SDoT Houston Division (hereafter "U.S.D.C., district Court, trial Court, or SDoT")
The Honorable District Judge David Hittner (hereafter "Judge Hittner, district Judge, trial Judge, or Hittner")
Magistrate Judge Stephen W. Smith (hereafter "Judge Smith, Magistrate Smith, pre-trial Judge, or Smith")
Clerk Peter Bray (hereafter "Clerk Bray, Magistrate Bray, or Bray")
U.S. Attorneys Office SDoT (hereafter "government lawyers, government attorneys, or USAO")
Andrea E. Belgau (hereafter "Belgau")
U.S. Department of the Treasury (hereafter "the Department, Treasury Department, or Treasury")
Internal Revenue Service (hereafter "IRS")
Federal Reserve (hereafter 'the Fed., or Fed. Res.')
U.S. Commodity Futures Trading Commission ("CFTC")
U.S. Securities and Exchange Commission ("SEC")

Translations:
App. *means* Appendix- this volume
Dkt. *means* U.S.D.C. [SDoT] Civil Docket Sheet #17-cv-3904
ROA *means* U.S.C.A. 5th Cir. No. 18-20761 Record on Appeal
Rec.Ex. *means* U.S.C.A. 5th Cir. No. 18-20761 Record Excerpts

Trade Associations:
Chicago Mercantile Exchange Group (hereafter 'CME')
International Swaps and Derivatives Association ('ISDA')
Public Securities Association ('PSA')

Definitions and Terms:

Book-entry Security *means* a Treasury Security maintained in *TRADES*, and a Treasury Security maintained in Treasury Direct.

Electronic Funds Transfer (hereafter 'EFT')

Entitlement Holder *means* a Person whose account an interest in a Book-entry Security is credited on the records of a Securities Intermediary.

Federal Tort Claims Act ('FTCA')

Federal Magistrates Act ('FMA')

Foreign Trade Antitrust Improvement Act ("FTAIA")

U.S. Attorney's Office [Houston] ('USAO')

U.S. Court of Federal Claims ('CFC')

U.S. Court of Appeals for the Federal Circuit ('CAFC')

U.S. Public Defenders Office [Houston] ('USPDO')

ONE SOLE PROPRIETOR J. Nolan Renobato an arbitrageur by trade who proceeds ***pro se***, comes forward to demand a *Writ of Certiorari* issue from the Supreme Court in reviewing Orders in federal court venues within the United States. Compelling reasons for granting the Writ are detailed herein.

BASIS OF SUPREME COURT JURISDICTION

1. Compulsory preliminary statements. A U.S.D.C. [SDoT] Clerk's Memo of 19 September for Rule 12(b)(1) dismissal, blindly adopted by the assigned district Judge on 10 October 2018, that were not reviewed ***de novo*** by the 3-Judge circuit panel Order of 29 March 2019 directly conflicts with prior decisions of the Court and do not conform to evidence in the Record, so; (1) consideration here is necessary to secure and maintain uniformity of federal court decisions, and (2) this case presents substantial legal questions of exceptional and widespread importance. (*See* 28 U.S.C. § 1253; 31 C.F.R. § 309.3; S.Ct. Rule 12; *Armstrong v. Manzo*, 85 S.Ct. 1187; *Lehr v. Robertson*, 103 S.Ct. 2985; *and Stanley v. Illinois*, 92 S.Ct. 1208) Because said opinions were not finally settled when appellate reconsideration ***en banc*** was denied on 4 June 2019, leaves the issues and oversight of wrongful acts described below, in the hands of this 9 Judge Court. This appeal is filed pursuant to Court Rules. (S.Ct. R 10)

a. Standing. U.S. Citizen Plaintiff has legal standing to bring this antitrust case of domestic T-bill arbitrage. (*See* 31 C.F.R. §§ 309.12, 357.43; 12 C.F.R. § 220.1(6)(2);

Assoc. of Data Proc. Svc. Organizations Inc. v. Camp, 397 U.S. 150, 90 S.Ct. 827; *and Barlow v. Collins*, 397 U.S. 159, 90 S.Ct. 832)

i. **Direct injury.** Plaintiff incurred money damages when redeemed T-bills, placed into the stream of commerce by Defendant, weren't delivered in the right form or amount thereby causing Plaintiff to suffer pecuniary injury (*i.e.* lost profits). (*See* James, Product Liability, 34 Tex.L.Rev. 44 (1955); *and Lewis v. Timco Inc.*, 716 F.2d 1425 (5th Cir.1983)) The injury impacts all members of the public who exchange, use, or hold T-bill products or by-products (*i.e.* dollar bills).

ii. **Caused by Defendant's violations.** But for Bureau's failures to enter appropriate physical bill shipments or re-credit electronic amounts in error, Plaintiff wouldn't have damages in his ***TREASURY DIRECT*** Account(s) or need to redress $1,000,000,000 in economic injury (*i.e.* actual damages).

iii. **Duty arising under federal law.** Congress authorized statutory protections under federal laws enabling Petitioner grounds to go forward. (*See* 15 U.S.C. §§ 4, 1693; 7 U.S.C. §§ 2, 6; 31 U.S.C. § 3125; 12 U.S.C. § 417; 12 C.F.R. § 220.1; 17 C.F.R. § 240.17Ad-12; 31 C.F.R. § 306.110; U.S. CONST. art. I, § 8;*and Allen v. Wright*, 469 U.S. 737, 104 S.Ct. 3315)

b. Timeliness. Filing is within 90 days of 4 June 2019 order On Petition for Rehearing En Banc. (S.Ct. R 13.3)

c. Notice. Rule 29 notice isn't required. (S.Ct. R 29)

JUDICIAL OPINIONS DELIVERED BELOW

2. **5th Circuit #18-20761.** On 29 March 2019 the U.S.C.A. proffered a cover letter "Memorandum" and Order representing judicial actions apparently construed to be the Writ. (App. pp.4-6) Court papers denying rehearing and rehearing ***en bank*** were disseminated on 4 June. (App. pp.1-3) Said Court's order was communicated to be the "Judgment Issued as the Mandate" on 12 June 2019. (F.R.A.P. R 41)

3. **SDoT Houston Division #17-cv-3904.** On 10 October 2018, a Clerk's Memorandum and Recommendation dated 19 September was announced Adopted by the Court and Final Judgment issued. (App. pp.7-14) Plaintiff's *Motion for Reconsideration of Order of Adoption* (Dkt. #39.), and *Motion for Stay of Judgment...* (Dkt. #43) were denied on 26 October and 19 December, respectively. (App. pp.19, 20))

4. **Vested jurisdiction.** The 5th Circuit's 29 March Order was denied reconsideration on June 4, triggering jurisdiction of this court. (28 U.S.C. §§ 1253, 1254(1); S.Ct. R 10, 13.3)

STATEMENT OF THE CASE

5. **Appeal for relief from gross miscarriages of Justice.** This appeal is for collective relief from the Order of Adoption (App. p.8) of a vague 13-word Final Judgment (App. p.7) in this antitrust case, upholding a dispositive Memorandum and Recommendation (App. p.9) of a Clerk[4] whose actions (ROA.372) interfered with a

[4]. It is unclear exactly how Bray became familiar with Renobato securities litigation while working in Judge Sim Lake's court, or in the USPDO.

Magistrate's active RULE 16 SCHEDULING ORDER (App. p.17) while discovery was underway nearing completion and overturned a set Mar/Apr 2019 jury trial date. Accordingly, Petitioner invokes express protections under the Constitution to support rectifying the sundry improprieties in this case. (*See* U.S. CONST. *at* App. pp.25, 27: Due process- "No person shall.. be deprived of life, liberty, or property, without due process of law;" and Equal protection- "nor shall any State... deny to any person within its jurisdiction the equal protection of the laws.")[5]

FACTS AND PROCEEDINGS

6. Case. In 1997, after years of lobbying Department of the Treasury, officials of the United States awarded ***JNR*** private equity arbitrage firm the Form 3905 franchise. (Record.) By 1999, Renobato instructed the legal redemption exchange of 90-day T-bills using Form 3905 grossing $5,000,000 and sued BPD for an accounting of $1,337,962,000 in liquidated damages rolled-out over a few years.[6] (*See Renobato v. Bureau of the Public Debt*, S.Ct. #01-830) More recently, Plaintiff filed another *Complaint* against BFS/BPD on 28 December2017 re-seeking a decision that proprietary securities entitlements (31 C.F.R. § 356.2) on due certificates of indebtedness of the government (31 U.S.C. § 3104; 31 C.F.R. §§ 309.2, 309.3;

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[5]. Not once have the courts granted Renobato protection of the laws.

[6]. Subsequent thereto, instead of a warranty type claim versus the manufacturer/wholesaler, a product liability theory was advanced against supply chain link in *Renobato v. Compass Bank a.k.a. BBVACompass*, S.Ct. #12-564. In any case, Renobato has never received any signed dispositive order from this court. (S.Ct. R 16)

12 U.S.C. § 221) held in ***TREASURY DIRECT*** Account #R-192-09X XXX (31 C.F.R. Part 306, Subpart B) are legally binding and enforceable as a matter of law, citing Treasury regulations, the law on competition, and applicable commodity/securities exchange acts, to recover $23,000,000 in capital gains. (ROA.6-84) The *Complaint* demanded a jury trial,[7] and well plead the following jurisdictional facts:

- Plaintiff Renobato is a resident of Texas, (ROA.8)
- Defendant Bureau has its principal place of business in Washington D.C., and maintains its back offices in Parkersburg WV, (ROA.8, 9, 363 *at* PVX-3, 398)
- The civil action is one in which the amount in controversy exceeds the sum of $75,000 exclusive of penalties, interest and costs (ROA.9, 10),

including language that jurisdiction is based on "federal question," "diversity of citizenship," and "amount in controversy" elements. On December 29, 2017 the Court issued a pretrial ORDER appointing Magistrate Steven W. Smith to preside. (App. p.15; ROA.85) Conferences set for 14 February, 21 February, and 21 March, to which Renobato dutifully appeared, were reset without notice or at the last minute on request of USAO. (ROA.119, 136-38, 140, 171) Defendant having been unresponsive, on March 12 Plaintiff filed a Rule 56 *Motion for Summary Judgment* that Respondent's lawyers did not oppose. (ROA.141; FED.R. CIV.P. Rules 8(d), 56) On March 28 the Court conducted the pretrial conference under administration of Magistrate Smith who signed a SCHEDULING ORDER initiating discovery and setting

[7] Dubiously, no court has ever conducted an evidentiary hearing as originally demanded. (Dkt. #1, *at* p. 1; FRCP R 38)

a trial date. (App. pp.17-18) The Smith court concluded by stating: "the case will be set on Judge Hittner's jury docket for March/April 2019. We estimate a day to try the case." (ROA.437, 440:16-19) Compliant with Judge Smith's ORDER[8] discovery provisions, Renobato sought out certain experts and designated accounting, legal, and securities industry professionals by July 2, generating their expert statements by 4 September. (ROA.289, 330) Finally in its responsive pleading of May 29, defense counsel filed a Rule 12(b)(1) *Motion to Dismiss for Lack of Subject Matter Jurisdiction*[9], alleging Renobato is seeking only $10,000 in the aggregate (unknown how computed) from common law breach of contract where the United States did not fulfill a "contractor" employment agreement, arguing the case should be concurrently adjudicated in the CFC, but for whatever reason did not attach any evidence to prove its said reckless and false transfer allegations. (ROA.193; 28 U.S.C. § 1346(a)(2), 1491) Several months after commencement of the lawsuit and six months into discovery (ROA.124-35, 172) while failing to settle the case and having failed to obtain any expert witness from the Treasury Department to testify for defense (ROA.344-54), local attorney Andrea E. Belgau was somehow able to cajole

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[8.] Defendant did not comply with discovery ORDER by filing *Objection to Discovery and Disclosure Requests* seeking more time to cover up its illegal conduct. (Dkt.#25, #29; FRCP R 26)

[9.] Absent from defenses Rule 12(b) pleading, and thus waived, were any *Motions to Dismiss*: for improper venue, for failure to join U.S. as a necessary party, or any *Notice of Removal/Transfer*; much less a denial of material facts. (*See* Dkt.#21; FRCP R 12(b)(3), (b)(7); 28 U.S.C. §§ 1441, 1631) Typically, the USAO will incorrectly argue that those defenses are not yet available (*See Zelman*, infra), when in the past 20 years the government's alibi has changed from sovereign immunity, to arbitration, and now subject matter jurisdiction. (R.)

the clerk's office into referral (ROA.329) of the Rule 12(b)(1) *Motion* to a newly promoted Clerk[10] with whom the USAO SDoT is closely acquainted with because Bray's past includes a 14 year stint of criminal defense work ending in 2018 in the Houston FPDO where he represented indigent suspects accused in criminal Courts where USAO lawyers prosecute cases. (ROA.403, 407-10) Without justification, on September 19, Bray intermeddled in #17-cv-3904 with capricious disregard entering a non-neutral Memorandum advocating dispositive dismissal. (ROA.355-60) Importantly, there was no hearing on the opposed Rule 12(b)(1) *Motion.* (R.) Shortly thereafter, on October 10 Judge Hittner blindly accepted Bray's dispositive Recommendation and wrongly entered an Order of Adoption incorporating Final Judgment purportedly denying jurisdiction. (ROA.413-14) On 2 July, 3 October, and 25 October, Appellant strenuously objected to those "official acts" declaring the statutory terms of the bills don't allow same to be renegotiated by Judges in the Judicial Branch through Memo, Judgment, or otherwise while acting in the capacity of an employee of the originating United States obligor.[11] (ROA.261-88, 372-412, 415-24; 31 C.F.R. §309.1) Nevertheless, in its 13 word rendition of F J, district court

[10] The suspicious circumstances of the 8 Aug. *Notice of Referral of Motion* (Dkt.#31) specifically requesting that Clerk Bray, who received a job promotion exactly 3 days before, take seeming judicial control over #17-cv-3904 and decide the second of two 12(b)(1) *Motions* (Dkt.#32) thereby giving Belgau's client an advocate on the Court bench, are called into question as ominous at best. (ROA.323, 329, 372, 403, 407-10)

[11] The dispositive M&R is problematic for the honorable Court because it obstructs the administration of Justice by adopting presumptive content, and given the shadowy events under which it issued. (FRAP R 10(b)(2))

failed to authenticate: (1) why Plaintiff cannot bring an antitrust lawsuit mixed with exchange act and Treasury regulation counts seeking relief exceeding $75,000 and is between of citizens of different States, (2) how a Magistrate's dispositive action is supported by law, and (3) how the Tucker Act merges all counts of violation of U.S.C. and C.F.R. into a single federal common law count. (App. pp.7, 5) Resultingly, the Recommendation, Adoption Order, and Judgment can not be permitted to stand because the truth is: subject matter jurisdiction exists pursuant to §§ 1331, 1332, and also because newly promoted Clerk Bray has zero authority as a Magistrate, to make official dispositive acts in a situation where Plaintiff is a creditor/shareholder of the United States debtor/issuer organization that employs the Judges. Next, when it became obvious to prosecution that the court was not considering any pleading it submitted by neglecting to take up the unopposed[12] Rule 56 *Motion* (ROA.141-70, 181-91), a Rule 12(f) *Motion to Strike* (ROA.233-60), denying a *Motion for Reconsideration* (ROA.415-29) and a Rule 60 *Motion for Relief from Judgment* (Dkt.#43) the appeal below followed. (ROA.426-30) In circuit court, *Appellant's Brief* was timely filed on 19 January 2019, but the time limit for filing a *Brief of Appellee*

[12] Plaintiff's Rule 56 *Motion* should've been granted because "there is no genuine dispute as to any material fact," not to mention procedural rules don't permit Magistrates to pick and choose which motions they act on. (FRCP R 72-73; *Fontenot v. Upjohn Co.*, 780 F.2d 1190, (5th Cir.1986); ROA.141, 167, 170) This lapse in judgment makes the very first sentence of the M & R- "Pending before the Court is Defendant's Motion to Dismiss.." a false statement proving Bray knowingly, purposely, recklessly, or negligently overlooked Claimant's pending unopposed Rule 56 *Motion* filed while he worked in a different job. (ROA.181; App. p.9; 18 U.S.C. § 1001) The challenged actions of Bray are not "just maybe or probably wrong: it must strike us with the force of a five-week old un-refrigerated dead fish."(*See TFWS Inc. v. Franchot*, 572 F.3d 186 (4th Cir.2009))

expired 22 February without BFS/BPD having answered, pled, or defended itself. (R.) On 28 February, Bureau's lawyers filed a *Motion for Leave to File Appellee's Motion to Dismiss Out of Time* wanting to replead it's Rule 12(b)(1) allegations. (R.) On 29 March, a circuit panel issued an "Order" which did not; (1) restate the facts on federal question, diversity, or amount in controversy issues anew (*i.e.* ***de novo***), or (2) apply the §§ 1331, 1332 laws in rendering a presupposed Judgment that wasn't made on the briefing materials, case facts, applicable laws, or evidence.[13] When the circuit denied rehearing on 4 June, this *Petition* followed, aiming to remove the clouds looming over viability of district Court Judgment adopted, and appeals Court Order because Bureau's un-denied harm to competition and trade are sufficient to condemn its §§ 1, 2 antitrust violations due to its confessed forced exclusion of Plaintiff from dealing in his ***TREASURY DIRECT*** Account in addition to the uncontested T-bill transactional facts. Thus, Petitioner's demand for a Writ here serves the purposes of the antitrust laws to increase consumer choice, lower prices, and assist competition. (ROA.53-73, 74-75; 15 U.S.C. Ch. 1)

REASONS FOR ALLOWANCE OF THE WRIT

7. **Compelling reasons.** Since lower Courts departed from the accepted and usual course of judicial proceedings, sanctioned such departures; and have decided important questions of federal law in a way that conflicts with relevant precedent,

[13]. Since USAO lawyers failed to file a *Brief of Appellee* work product, it's unknown what documentation the appeals panel based their opinion on.

this Court's supervisory power must be exercised as such decisions on important questions of federal law, have not been, but should be decided by this court regarding statutory T-bill trading features, namely 31 C.F.R. § 309.3.

THIS COURT MUST REQUIRE UNIFORMITY IN THE LEGAL STANDARDS OF REVIEW FOR RESOLVING SUBJECT-MATTER JURISDICTION QUESTIONS WHERE EVIDENCE IN SUPPORT WAS NEGLECTED AND TRIAL JUDGE BLINDLY ADOPTED WRONG CONCLUSORY FINDINGS INSUFFICIENT TO PERMIT MEANINGFUL APPELLATE REVIEW LEAVING SPLITS AND CONFLICTS IN THE LAW NEGATING ANY CHANCE OF IMPARTIAL OR UNBIASED PROCEEDINGS

8. Incontrovertible jurisdiction proper on deferential legal standards. Concededly, this case qualifies for subject matter jurisdiction in legal theory of §§ 1331, 1332 or Rule 12(b)(1). (App. pp.32-33) In legal practice, it will take judges with integrity and non-partisanship to be unbiased enough in order to correct the ***non sequiturs*** espoused in the defective Memo. (ROA.372, 397-99; 28 U.S.C. Ch. 81, 83, 85, 87)

a. § 1331. Fifth Circuit case law in *Home Builders Ass'n of Miss. Inc. v. City of Madison Miss.*, 143 F.3d 1006 (5th Cir. 1998); *and Stockman v. Federal Election Comm'n*, 138 F.3d 144, (5th Cir.1998) [citing *Veldhoen*]) tell how to judge if a case is brought pursuant to the Constitution, laws, or treatise of the United States meeting "federal question" standards. (App. pp.32-35; ROA.40-Civil Cover Sheet [Form JS-44], Nature of Suit: 410) The test is if the claims "arise under the Constitution, laws, [or] treaties of the United States," versus State, or common law. (*Id.*) By Bray's own admission, the *Complaint* includes claims for "violations of various provisions of

federal law,"[14] investing the trial court with power to adjudicate. (App. p.10 *at* para. 1; ROA.7-8: 15 U.S.C. §§ 4, 15; 7 U.S.C. § 25(c)) Bray also identifies Constitutional amendments enacting the inalienable right to own, use, and dispose of property but decides entirely without any basis in law to permit trespass, willfully ignoring Plaintiff's property rights, and must be reversed. (*See Cereghino v. State By and Through State Hwy. Comm'n*, 230 Or. 439, 370 P.2d 694)

b. § 1332. Similarly, *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853, (5thCir.2003), *Freeman v. Northwest Acceptance Corp.*, 754 F.2d 553 (5thCir.1985), *Getty Oil Corp. v. Ins. Co. of N.A.*, 841 F.2d 1254 (5thCir.1988), *and City of Indianapolis v. Chase Nat'l Bank*, 314 U.S. 63 (1941) provide blueprints for Justice to use in evaluating diversity standards; whereas *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 58 S.Ct. 586, 82 L.Ed. 845 (1938); *and DeAguilar v. Boeing Co.*, 47 F.3d 1404, (5thCir.1995), cert. denied, 516 U.S. 865, 116 S.Ct. 180, 133 L.Ed.2d 119, do the same for amount standards.

i. Diversity. The "complete diversity" test was validated when Claimant met the burden of proof by a preponderance of evidence locating out of State nexus of operations for BFS/BPD which is an unincorporated bureaucracy consisting of an

[14] Insofar as ***pro se*** Plaintiff is aware, Title 31 C.F.R. ends at § 1099 contrary to the Memo citing to §§ "3104, 3121, 3333, 3572.2" (App. p.10), and although it lists the CEA (7 U.S.C. Ch. 1), Sherman Act/ Clayton Act (15 U.S.C. Ch. 1), Crime Control Act (18 U.S.C.), Second Liberty Bond Act (31 C.F.R. Part 309) and Treasury regulations (31 U.S.C.; 31 C.F.R.) by title and section numbers, Bray nonetheless absurdly concludes said federal laws/acts of congress are not "federal questions." (App. p.10, 14)

association of persons who are government employees working in D.C. and/or WV. (ROA.8-9, 398) Because Renobato resides in Texas, complete diversity exists between the parties as required, as Plaintiff does not share the same State of residence as the artificial person BFS entity.[15] Those facts were affirmatively pled in the *Complaint* (Dkt. #1 *at* p.3) and were not based on "argument or mere inference." (*See Getty*, 841 F.2d at 1259 [citing *Illinois Central*]) Respondent must be estopped from eluding it's a Texas corporation with its principal place of business in Texas and thus a Texas citizen as defense infers defeats diversity because reality is; Bureau is a citizen of Washington and WV, whereas the USAO misrepresents that the dispute should be in a municipal D.C. small claims or bankruptcy court.[16] (*See* ROA.193, 241 fn. 3, 242, 269-70, 398; *Reddy Ice Corp. v. Travelers Lloyds Ins. Co.*, 145 S.W. 3d 337, (Tex. App.- Hou. [14thDist.] 2004); *and Menchaca v. Chrysler Credit Corp.,* 613 F.2d 507, (5thCir.1980))

ii. **Amount.** The accepted test for deciding amount in controversy under *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326 (5thCir.1995), reh'g denied, 70 F.3d 26 (5thCir.1995);

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15. The Memo Judgment Adopted repeals § 1332 case law providing "a *corporation* shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business;" whereas natural persons are considered a citizen of the state where that person resides, with an "intent to remain in the state." (*See Wachovia Bank v. Schmidt*, 546 U.S. 303 (2006); *Rappaport v. State Farm Lloyds*, No. 97-cv-2747, 1998 WL 249211, (N.D.Tex.1998); *NL Inds. Inc. v. One Beacon Am. Ins. Co.*, 435 F.Supp.2d 558 (N.D.Tex. 2006); *Preston v. Tenet Healthsystem Mem'l Med. Ctr. Inc.*, 485 F.3d 793 (5thCir. 2007) at 798 (citing *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30 (1989))

16. Note said M & R did not touch the fact that ***JNR***'s place of domicile and BFS's headquarters are in different States. (ROA.93-96, App. p.9)

and *St. Paul Mercury*, 303 U.S. at 289, is one of "legal certainty" where it must appear "the claim is really for less than the jurisdictional amount" (*i.e.* $75,000) in order to justify dismissal. (28 U.S.C. § 1332; *St. Paul*, 58 S.Ct. at 590) Here, Plaintiff's T-bill valuations; were corroborated by physical evidence showing each 90-day T-bill has a market value (*i.e.* standardized contract size [7 U.S.C. § 23]) of $1,000,000 confirmed by Chicago Mercantile Exchange, were positively made in good faith, and were requested denominationally exchanged at an available price on Form 3905 franchise.[17] (ROA.49, 55, 56, 62, 63; 364-66 *at* PPX 12-103; 28 U.S.C. § 2108; U.C.C. § 1-205(2)) Nonetheless, Bray unjustifiably looked away from CME evidence to untenably opine Claimant is supposedly seeking $10,000 more or less, so that the amount element appears to not meet § 1332, but § 1346 to appease the USAO even after Belgau doublecrossed Bray by stipulating the amount is "well in excess of $75,000."[18] (ROA.49, 194-96, 229) When the burden of proof shifted to Bureau, it did not produce any exculpatory evidence of amount leaving Bray to use wrong calculus.

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[17] Normally, amount in controversy is determined by the amount sought on the face of plaintiff's pleadings so long as the claim is made in good faith, as the 5th Circuit has long recognized: "unless the law gives a different rule, the sum claimed by the plaintiff controls." (*See St. Paul Mercury, DeAguilar*; ROA.36-37; *and* 15 U.S.C. § 15) On paper, Plaintiff's damages accrued at time of filing were $22,977,000, whereas the corresponding opportunity cost for restraint of *TRADES* beyond that raised it to $1,000,000,000. (*See* Harrison, *The Lost Profits Measure of Damages...*; C. Goetz and R. Scott, *Measuring Sellers Damages...*; *and* ROA.67-69, 194, 358) Bureau has asserted neither that Plaintiff is not entitled to seek punitive damages or statutory penalties, nor that he has acted with bad faith or intent. (ROA.193-97; U.C.C. § 1-203)

[18] Satisfying a minimum amount in controversy has been a prerequisite for federal 'subject matter' jurisdiction from the earliest days of the national judiciary, but the $10,000 amount Respondent cites is obsolete law changed in 1958. (*See* The Judiciary Act of 1789; Act of July 25, 1958, 72 Stat. 415; Federal Courts Improvement Act of 1996, Act of Oct. 19, 1996, Pub.L. 104-317, § 205, 110 Stat. 3847, 3850, *and* ROA.194)

(*See* ROA.196 *at* para. 2; *DeAguilar*, 11 F.3d *at* 58 (5thCir.1995); *Marcel v. Pool Co.*, 5 F.3d 81, 84(1993); *and see also Johnson v. Dillard Dept. Stores, Inc.*, 836 F. Supp. 390 (N.D. Tex.1993)) Petitioner insists the honorable Court must include all possible remedies in determining potential total amount in controversy including statutory penalties,[19] treble damages, and equitable relief. (*See* ROA.53-59, 60-66; *and Gaitor v. Peninsular & Occidental Steamship Co.*, 287 F.2d 252 (5thCir.1961))

9. *De novo* standard of review was not met. Virtually every 5th Circuit case law reported on Rule 12(b)(1) Motions, holds district court findings of fact are reviewed for clear error, and legal conclusions based on those facts are reviewed ***de novo***. (*See Becker v. Tidewater Inc.,* 586 F.3d 358 (5thCir. 2009) [quoting *In re Mid-S. Towing Co.*], *Barrett v. U.S.*, 51 F.3d 475 (5thCir.1995) [citing *Robicheaux at* 666]; *Int'l Paper Co. v. Denkmann Assocs.*, 116 F.3d 134, 136 n.4 (5thCir. 1997); *and U.S. ex rel. Willard v. Humana Health Plan of Tex. Inc.*, 336 F.3d 375, (5thCir. 2003)) Said precedent supplies specific instructions for conducting the decision, allowing the court to consider: (1) the complaint alone; (2) the complaint plus undisputed facts in the

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[19] When a businessperson takes action to recover capital gains from commercial "purchases" and "sales" usually the 'object of the litigation' is the 'value of the transactions' that measures Defendant's liability, not purchase price. (*See Leininger v. Leininger*, 705 F.2d 727 (5thCir.1983); *Allstate Ins. Co. v. Hibun*, 692 F.Supp. 698, (S.D.Miss. 1988) [plus applicable penalties, statutory damages and punitive damages]; *and Bell v. Preferred Life Assurances Soc'y*, 320 U.S. 238, 64 S.Ct. 5, 88 L.Ed. 15 (1943)) Statutory penalties enumerated in antitrust codes for a restraint of trade violation under § 1 is $10,000 for a corporation, or $350,000 if any other person, and for monopolizing trade or attempting to monopolize trade under § 2 is $10,000 for a corporation, or $350,000 for any other person, bringing the total to $700,000 in antitrust penalties alone if BFS/BPD is held to be an "agency." (*See Buras v. Birmingham Fire Insurance Co. of Pa.*, 327 F.2d 238 (5thCir.1964); *and* 15 U.S.C. § 15)

record; or (3) the complaint, undisputed facts, and the court's resolution of disputed facts. (*See Lane v. Halliburton*, 529 F.3d 548, (5thCir.2008)) Because the courts did not say what pleadings or evidence was used in forming its decision, and did not perform its reviews of fact or law ***de novo***, the Judgment and/or Order therefrom are defective. (R.)

10. Judicial transgression incidents. Non-Article III Judge Bray severely abused the limited judicial discretion in his new job title by issuing a dispositive M & R without having legal authority, or consent of the parties, breaching the FMA. (U.S. CONST. art. III *at* App. p.26; 28 U.S.C. § 636; FED.R.CIV.P. R 72, 73) Because Bray improperly entered that 'official act' which is "based on an erroneous view of the law or a clearly erroneous assessment of the evidence,"[20] Supreme Court supervision is absolutely necessary to insure the instant types of judicial wrongdoing are not exercised again in Justice and to bring uniformity to circuit precedent. (*See U.S. v. Gill*, 706 F.3d 603 (5thCir.2013); *U.S. v. Yanez Sosa*, 513 F.3d 194, (5thCir.2008); *Meditrust Financial Svcs. Corp. v. Sterling Chem.*, 168 F.3d 211 (5thCir.1999), *Shepparo & Enoch Pratt Hospital Inc. v. Travelers Ins. Co.*, 32 F.3d 120 (4thCir.1994); *and Vizcaino v. Microsoft Corp.*, 120 F.3d 1006 (9thCir.1997))

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[20]. Indeed, in the M & R, Bray admits to guessing about Form 3905 used for the ***arbitrage*** *STRIPS TRADES* which, in his own words: "appears only to be a form permitting the exchange of government securities in different denominations" (ROA.357), and in doing so wrongly reached case merits under §§ 306.15, 309.3 and then attempted to back out of examining the trades by granting Belgau's requested 12(b)(1) action.

a. **§ 636 Overreach.** Constitutional concerns explain the reasons why § 636 limits magistrates authority, placing dispositive rulings beyond their reach, and only allowing authority over pre-trial motions for: injunctive relief, judgment on the pleadings, summary judgment (*i.e.* Rule 56), failure to state a claim (*i.e.* Rule 12(b)(6)), or to certify/decertify a class action. (*See* 28 U.S.C. § 636(b)(1); *Flam v. Flam*, 788 F.3d 1043, (9thCir.2015); *Williams v. Beemiller Inc.*, 527 F.3d 259, (2ndCir.2008); *Vogel v. U.S. Office Prods. Co.*, 258 F.3d 509, (6thCir.2001); *First Union Mortg. Corp. v. Smith*, 229 F.3d 992, (10thCir.2000); *and In re U.S. Healthcare*, 159 F.3d 142, (3rdCir.1998)) Instead, Clerk Bray wrongly made a dispositive Memo on a Rule 12(b)(1) Motion, under guise of Recommendation semantics, attempting to skirt Magistrate power to "Order" dismissal without labeling it as such, that went completely un-reviewed. (App. pp.5-6, 7, 9-14) Bray must face corrections in the interest of Justice for such improper interference with a standing RULE 16 ORDER (in place for 6 mos.) of Magistrate Smith, thereby disrespecting the rule of law, as well as multi-state rules for Judicial Conduct. (*See* ABA MCJC *at* App. pp.36-37, 39; Texas Code of Judicial Conduct, Can. 1-3; *and Wildbur v. ARCO Chemical Co.*, 974 F.2d 631, (5thCir.1992))

b. **FRCP 72, 73.** Federal Rule 72 was cited as authority in the Memo, Rule 73 was not. Peter Bray did not act properly under either rule governing the role of magistrates.

i. Non-dispositive acts. "Court Ordered referral" of "non-dispositive" matters calls for a written "Order" delegating a magistrate to properly proceed. (FED.R.CIV.P. Rule 72(b)(3)) On 29 December 2017 the court granted pretrial authority to Smith, who entered a SCHEDULING ORDER on such basis.[21] (App. pp.15-16, 17-18) In contrast, Bray was not acting under any "Order" of the court, and didn't limit his official actions to taking oaths, affirmations, affidavits, or depositions of experts (ROA.330, 334, 337, 341), for if he had, discovery of *Affidavit of Plaintiff's Legal Expert* favoring subject matter jurisdiction results. (App. pp.22-24) The Court should have adhered to the ORDER of Smith who was not persuaded that either a stay of discovery or dismissal during discovery would do more good than harm. As one court observed, "[h]ad the Federal Rules contemplated that a motion to dismiss under Rule 12(b) would stay discovery the Rules would contain a provision to that effect." [22] (*See Gray v. First Winthrop Corp.* 133 F.R.D. 39 (N.D.Cal. 1990)) The Memo doesn't comply with code and shouldn't have been Adopted.[23] (§ 636(a)(2))

ii. Lack of consent. Plaintiff has never given consent to have this case against a

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[21] Plaintiff was never notified of Magistrate Smith's inability to oversee pre-trial matters. (28 U.S.C. §§ 455, 636(c); FRCP R 63)

[22] *Ford Motor* held that while discovery may be stayed pending the outcome of a motion to dismiss, "the issuance of [a] stay is by no means automatic." (*See Ford Motors*, No. 07-cv-2182 (N.D.Tex. 2008) [quoting *Spencer Trask Software*]) Such a stay is the exception rather than the rule. (*See i2 Technologies Case*, 3:07-cv-02182; Doc.26 Filed 04/24/08)

[23] Once hearings commence, a successor Judge may only proceed with a case upon certifying familiarity with the record and assuring proceedings may be completed without prejudice to the parties, which weren't done and are impossible given the USAO/Bray relationship. (FRCP R 63)

government entity, concerning recovery of full payment on indebtedness of the government, to be decided by government employee Clerk Bray, 1 month after receiving a job promotion from his party bosses. (ROA.131 *at* para.17) By neglecting to obtain consent of the parties first: to conduct any proceedings, to preside over jury trial, or to recommend entry of judgment, Bray started his judgeship with misconduct disobeying procedural rules and violating impartiality cannons of Model Judicial Conduct. (App. p.37 *at* Can. 2) Since Rule 73(b)(3) as well as § 636(c)(4) authorize the court for good cause shown, or under any extraordinary circumstances shown by a party, to vacate a reference of a civil matter to a Magistrate, that action should have been taken here when Appellant filed an *Application for Issuance of Writ Mandating Simultaneous Vacatur and Reversal of Judgment* for lacking the element of consent. (*See* FED.R.APP.P. Rules 21(a)(1), 35; U.S.C.A. (5thCir.) #18-20871, Docket- 3/13/19; *Atlantic Coast Line R Co. v. St. Joe Paper Co.*, C.A.Fla., 216 F.2d 832; *and Heath v. Bd. of Supervisors*, 850 F.3d 731 (5thCir.2017))

c. Judicial conflicts of interest. Judges are legally sworn to be impartial and fair, uphold the law, and protect the Constitution. (App. pp.36-39) However, evidence on Bray's background reveals he is in a position conducive to divided loyalties between the USAO and his past employment by the USPDO which are too closely related to be impartial.(ROA.407-10) Plainly, Bray receives his paycheck from the government, rendering him unable to be detached in the monetary case against government

Bureau- not taking into account definitive U.S. securities entitlements (31 C.F.R. § 357.2) of Renobato, leaving such dismissal Memo benefiting the government as bill obligor and manufacturer suspiciously biased in formation because it pierced the pleadings to belie evident information of: (1) the CME about appropriate valuation of 90-day T-bills (ROA.49, 422); (2) the PSA about proper characterization of repos; (3) the ISDA about true representation of the transactional relationships between the parties; and (4) SEC, CFTC, and Fed officials about the importance of "reverse repurchase agreements" in the American economy.[24] (*See* ROA.10 *at* fn. 3, ROA.363 *at* PVX- 3; *see also* Affidavit of Peter D. Sternlight *in re* U.S.D.C. (NJ), Civ. No. 85-1728 Ch. 11 *incorporated by reference*; *and Perillo v. Johnson*, 205 F.3d 775 (5thCir.2000)) Petitioner's strenuous objections (Dkt.#36) to said problems have fallen on deaf ears, and coupled with Bray's publicly expressed personal feelings on federal spending bills (ROA.407-10) that are at odds with the true "hypothetical" nature of the money supply supply chain defined in 31 C.F.R. Part 357, leaves Bray in no position to judge the terms of settlement on cash forward 90-day T-bill repos, or proclaim authority to

[24] The second sentence of the Memo reads: "This motion was referred to the magistrate judge for findings and recommendation..." but Smith is the presiding Magistrate and had been dutifully acting in that capacity for over 8 months. (ROA.85, 119, 140, 171, 172, 228) Defendant's pleadings confirm Smith is presiding over pre-trial matters. (*See* USAO *Motion to Reset* of 14 Feb. 2018 Dkt.#10-1 [with proposed Order naming Judge Smith on signature line]; ROA.139) Additionally, nowhere in the M & R text does it read ***sua sponte***, so the 8 Aug. *Notice of Referral* was not taken on initiative of the Court. Truth is, Clerk Bray or Clerk E. Alexander likely made it as a favor to, or after further prodding from USAO personnel who attended the swearing in ceremony on Aug. 3 (ROA.323), rendering conflicted any actions favoring the USAO client in respect of paying obligations on redeemed T-bill issues owned by United States creditor Claimant. (*See* ROA.329, 403, *U.S. v. Garcia-Jasso*, 472 F.3d 239 (5thCir.2006), *and Salts v. Epps*, 676 F.3d 468 (5thCir.2012))

fix the form or conditions the bills are issued under, because he is unable to differentiate the Bureau of Government Financial Operations (31 U.S.C. § 306(c)(1)) from Bureau of the Fiscal Service (§ 306(c)(2)) improperly mingling federal budget issues with public debt obligations, much less distinguish accounting practices for returns stemming from T-bill 'PO' ***corpus*** components (ROA.70-71, 356 *at* para. 2) as compared to 'IO' ***tint*** components (ROA.72, 73, 324 *at* fn. 2) in the "Separate Trading of Registered Interest and Principal Securities" program of *TRADES* and must therefore be vacated, forthwith. (ROA.337-41; 31 C.F.R. § 356.2; *Burden v. Gen. Dynamics Corp.*, 60 F.3d 213, (5thCir.1995); *White v. St. Luke's Episcopal Health Sys.*, 317 Fed.Appx. 390, (5thCir. 2009)) Allowing these sorts of political ideology, party affiliation, and/or personal beliefs to infiltrate or control case decision-making subverts judgment based on application of the law in fact specific analysis using submitted evidence, undermines public confidence in the legal system, and must be arrested to preserve public perception of Court fairness.

11. Miscarriages of Justice. Several examples of miscarriages of justice include the following relevant items and these should be considered in accurate findings and legitimate conclusions made by any court of law:

a. Evidentiary negligence. The decision(s) in this case were not made on the evidence in the record, because Defendant has not produced one ***scintilla*** of exculpatory evidence attached to its out of time, defectively served, weak bare bones

pleadings. (FED.R.EVID.; U.S.C.A. (5thCir.) #18-20871, Docket- 2/27/19; ROA.138, 197) In developing evidence for trial, defense did not cooperate with court ordered discovery, and hasn't denied evidenced transactional facts confirming T-bill "purchases" and Form 3905 "sales" embedded in Plaintiff's *Motion for Discovery and Inspection* and *Request for Admissions.* (Dkt.#22, #23) Bray's granting USAO pleas without any proof caused judicial prejudice through willful negligence of evidence to misjudge: (*See Carey Salt Co v. NLRB*, 736 F.3d 405 (5thCir.2002); *and* ROA.361-70)

i. Out of State parties. If Bray, as successor to Smith, had dutifully familiarized himself with case facts as required under Rule 63, BFS's publicly disclosed information online about its office locations would yield a finding of complete diversity. (www.treasurydirect.gov- Contact; ROA.398)

ii. $1,000,000 90-day T-bill price. Industry custom/trade usage information admitted into evidence of the CME Group standardized $1,000,000 contract size/price quote/value of 90-day T-bills (ROA.49) was ignored in § 1332 analysis.[25]

iii. Legal expert report. Inexplicably, Bray breached Court ordered discovery directives, refusing to accept entry of a legal expert report. (App. p.9, 17, 22; ROA.49-50; ROA.364 *at* PDX- 2, 3) It is forseeable that if Bray performs the job of

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[25] The Memo quotes amounts of: "$22,977,000"; "$999,000"; "$23,000"; "one thousand dollars" (*i.e.* $1,000), "one million dollars" (*i.e.* $1,000,000), and "one billion dollars" (*i.e.* $1,000,000,000) but does not clarify or affirmatively say which is the one in controversy, rather it wrongly attempts to frame the antitrust issue and security/commodity exchange issues as one for aggregated purchase price rescission. (App. pp.10-13)

Magistrate properly, taking sworn deposition of Plaintiff's designated legal expert, he would have to accept verification that "Renobato has sufficiently invoked subject matter jurisdiction" from an attorney with 16 more years of private practice than Bray. (App. pp.22-24 *at* para. 6)

b. § 1346 Misapplication. Because Bray also bought USAO misrepresentations that the United States is the party Defendant, the entirety of the Recommendation based on that false presumption is plain reversible error that was illicitly made in order to accommodate defense's misdirected effort to frame the case under purview of the Tucker Act § 1346(a)(2).[26] (*See Ayala v. Enerco Group*, No. 13-30532 (5thCir.2014), *Davidson v. Georgia Pacific*, 819 F.3d 758 (5thCir.2016), *and* Charles A. Wright et al., Federal Practice and Procedure § 364.1 (3rd ed.2009)) Properly, the appeals Court took steps in the caption to rectify that monumental mistake terminating the United States on 12/11/18. (U.S.C.A. (5th Cir.) #18-20761, Docket *at* pp.2-3) As a result, Bray's attempt at merging 13 counts of *Complaint* into a single common law breach of contract action for less than $10,000 misrepresents material facts, and is tortuous conversion of the 13 counts, wasting considerable resources barking up the wrong

[26] This commingling of entity control amongst the Department, the U.S., and the Bureau permeates Memo content disrespecting Money and Finance code. (31 U.S.C. §§ 103, 301, 306(c)(2); 31 C.F.R. § 357.23) It reads: "...complaint includes claims against the United States..." then reverses itself declaring "main complaint is that the Bureau.." (App. p.10) When the Tucker Act applies it operates as both as a grant of jurisdiction and a waiver of sovereign immunity, which the Memo in bad faith, fails to admit. (See *Angle v. U.S.*, 709 F.2d 570 (9thCir.1983)) On balance, if Bray truly felt the CEA counts didn't outweigh the antitrust counts, he should use § 1337 to vest trial court with statutory jurisdiction. (App. p.34)

tree, directing the jurisdictional scheme to a purpose for which it was not designed, trying to leapfrog threshold concerns that § 1346 cannot be superimposed on an existing remedial scheme. (*See* 31 C.F.R. § 306.1(b); 15 U.S.C. Ch. 1; 7 U.S.C. Ch. 1; *Brunswick Corp. v. Pueblo Bowl-O-Mat Inc.*, 429 U.S. 477, 97 S.Ct. 690; *U.S. v. Bormes*, 133 S.Ct. 12, 18 (2012); *and Bowen v. Massachusetts*, 487 U.S. 879, (1988)) Said Little Tucker theory was so unreasonable, its application was not found in SDoT Judgment, or 5th Circuit Order which made no mention of it.

c. Abandoned inapplicable case law. Precedent offered by the government is not on point with *Renobato v. BFS.* (R.) In its 12(b) *Motion* the USAO cited *Bickford* and *DenNorske* in support, but the Memo abandoned both, substituting *Contango* and *Zelman* which aren't on point either. (*See* App. pp.41, 44, 68; *see also* App. p.9, *and compare* App. p.7)

i. ***Bickford*** is a personal injury case with common law negligence claims and one U.S.C. rights count. Plaintiff and Defendant, both reside in same Texas County. (*See Bickford v. Boerne ISD*, 2016 WL 1430063, (2016), App. p.41) Held, "when defense merely files a Rule 12(b)(1) motion, the trial court is required merely to look to the sufficiency of the allegations in the complaint because they are presumed to be true." (*See Id., Menchaca, and Paterson v. Weinberger*, 644 F.2d 521, (5thCir. 1981)) The court's decision was based on the complaint, undisputed facts, and was signed by a senior district Judge. (*See* U.S.D.C. WDoT No. 15-cv-01146, Dkt. #20 Order Granting

Motion to Dismiss) Thus, *Bickford* is not even close to circumstances here as enough facts were supplied in the *Complaint* to establish the parties are domiciled in different States.

ii. ***DenNorske*** is a FTAIA case between Norwegian and Dutch companies operating in the North Sea shipping market regarding non-import foreign commerce and is distinguishable from this case where American companies are doing business in the domestic T-bill market substantially effecting U.S. commerce. (*See DenNorske Stats Oljeselskap v. Heeremac Vof et al.*, 241 F.3d 420 (5thCir. 2001)) The court examined extraterritorial reach of the antitrust laws and assorted tests to determine its scope concluding "the history of this body of case law is confusing and unsettled." (App. pp.44, 47) *DenNorske* can't be bent backwards enough to apply here because the substantial effect on U. S. commerce has also "given rise" to Plaintiff's injury and claims under the antitrust laws. (App. p.51-52; *Carpet Group* (anticompetitive effect on domestic rug market "gives rise" to plaintiff's injury); *Caribbean* (monopolization of U. S. market for advertising in Caribbean "gives rise" to plaintiff's claim of being blocked from market); *Nippon Paper* (collusion amongst fax paper producers resulted in higher prices for fax paper in U. S., which "gives rise" to the claim); *and Hartford Fire* (conspiracy's effect on domestic insurance market "gives rise" to the plaintiffs' injury, the inability to obtain certain types of coverage in that market))

iii. *Contango* is a § 1333 maritime case for negligence and the duty to use reasonable care, expressly naming the United States as Defendant. (*See* App. p.33; *and Contango Operators v. U.S.*, 9 F.Supp.3d 735 (2014)) Case background information was taken from "evidence, stipulation of the parties, undisputed facts, and post-trial submissions." (*See* U.S.D.C. SDoT #H-11-0532; Memo Opinion and Order Dkt.96 *at* p. 2) The identified SDoT work product elaborated at length on application of 33 C.F.R., and 46 C.F.R., covering lost hydrocarbon and production rate interference damages, and was signed by a district Judge. (*See also Cushman v. Resolution Trust Co.*, 954 F.2d 317 (5thCir. 1992); *Stanwood Boom Works LLC v. BP Exploration & Prod. Inc.*, No. 11-20511(5thCir.2012); FED.R.CIV.P. Rule 11; U.S. CONST. art. I, § 8) The very same courts have not followed those procedures here, wrongly deviating from fact specific analysis based on evidentiary hearings, proving Bray's motive is party bias leaving the Court's action to be totally arbitrary and capricious. (*See Overstreet v. El Paso Disposal LP*, 625 F.3d 844 (5thCir.2010) [engaging in fact-specific analysis])

iv. *Zelman* was labeled a breach of contract case in a situation where 10 years passed after redemption of lost or stolen bonds and no police report was filed. (*See Zelman v. Gregg et al.*, 16 F.3d 445 (1stCir.1994)) Those premises could not be further from the instant fact set because this lawsuit commenced a few months after Defendant blocked Plaintiff from ***TREASURY DIRECT*** Account access in August 2017, and the police report

was updated without hesitation after forced "wash sales" were accounted for at the end of fiscal year 2016. (*See* HPD Public Information Offense Report #137843306-X, Notice [update] of March 2017). Ironically, *Zelman* was abandoned probably because it emanated from the 1st Circuit and is not applicable precedent. Simply put, the government must produce case law on 31 C.F.R. § 309.3 proving denominational exchanges are illegal, or proceed to an evidentiary hearing on damages.

THIS CASE IS IMPORTANT TO THE JUDICIAL BRANCH IN ORDER TO DETERMINE IF THE FEDERAL JUDICIARY IS SUFFICIENTLY IMPARTIAL AND UNBIASED TO RENDER JUSTICE BASED ON FACTS, CITED LAW, AND EVIDENCE SUCH THAT DUE PROCESS, RULE OF LAW, AND EQUAL PROTECTION PREVAIL, RATHER THAN ALLOWING ARBITRARINESS IN JUDGMENT, CONFLICTS OF INTEREST, AND RETALIATION AGAINST A PRO SE CREDITOR OF THE UNITED STATES TO CLOUD AND TAINT JUDGMENT

12. Public interest cannons facing the judiciary. The public interest in having a fair and impartial tribunal to turn to in order to resolve disputes is one thing at stake, and is of paramount importance to a civil and ordered society. The independent potency of the due process clause commands Justice not "offend those cannons of decency and fairness which express the notions of Justice of English speaking people."[27] (*See* App. p.36 -37; *and e.g. Adamson v. California*, 332 U.S. 46, 67 S.Ct. 1672, 91 L.Ed. 1903 (1947)) In this case, conduct entered into on part of the federal

[27] Failure to institute corrections on Bray's mis-conduct will only serve to grow "incivility.... which mars our legal justice system in America and harms the clients and the public interest."(*See Dahi v. City of Huntington Beach*, 84 F.3d 363 (9thCir.1996); *and Smallwood v. Illinois Cent. R.R. Co.*, 385 F.3d 568, 573 (5thCir. 2004)(en banc))

judiciary calls into question its integrity, as outlined hereinafter.

a. Substantive rights. At least 2 counts in the *Complaint* stated violations of V and XIV Amendment rights that the flawed Memo cited as "Fourth Amendment..." (*See* Dkt.#1 *at* p.8; App. pp.27, 29; *and compare* App. p.10) Regardless of whether viewed from an originalist, textualist, interpretivist, or modernist approach, respect for rights of private property ownership is one of the most recognized and cherished principles from the earliest days of the law. (App. p.40) The express text of the Constitution has been construed to give businesses interest in protection of liberty of contract, against government economic intervention (*i.e.* "takings"), and outlawing stymieing of competition. (*See Vari-Build v. City of Reno*, D.C.Nev., 596 F.Supp. 673) Nowdays, the trend in Courts require specific "entitlement" legislation to create the "property right" and is found defined in 31 C.F.R. as "the rights and property interest of an Entitlement Holder with respect to a Book-entry Security."[28] (31 C.F.R. § 357.2) Wrongly, the Court's dispositive action abolishes those Constitutional provisions and applicable relief legislation and though F J used the word "take" in its text, it did not explain how this case is not about government's taking of: T-bills 912796LQ0 due 24 Aug., 912796LU1 due 21 Sep., and 912796LY3 due 19 Oct. 2017, and capital gains from the other 20 T-bills held in Plaintiff's Account that have been

[28] This is so "courts do not substitute their social and economic beliefs for the judgment of legislative bodies," where statutory availability of relief lies not with the Courts "but with the body constituted to pass laws." (*See Ferguson v. Skrupa*, 372 U.S. 726, 83 S.Ct. 1028, 10 L.Ed.2d 93 (1963))

positively identified by serial numbers. (ROA.249-57, 70-71) Thus, the substantial $1,023,700,000 economic impact on protesting party, along with Defendant's unlawful interference with distinct investment expectations under § 309.3, and the nature of government action where a court Clerk decides extinguishing beneficial use of Plaintiff's T-bills contradicting governing relief legislation under § 306.110, support instituting Constitutional protections favoring Claimant. (*See e.g. Pennsylvania Coal Co. v. Mahon,* 260 U.S. 393, 43 S.Ct. 158, 67 L.Ed. 322 (1922))

b. Procedural rights. When dealing with "property rights," procedurally, the government must provide notice and a hearing and/or compensation for deprivation of property in order to meet Constitutional norms. (U.S. CONST. amends, V, XIV) That practice was not observed here. (R.) Instead, the Memo jettisoned that approach altogether, intentionally denying legislated property rights (*i.e.* "securities entitlements") without a hearing thereby completely annulling Constitutional safeguards, when Petitioner is legally entitled to present enjoyment of a denominational exchange benefit, and expected that it would not be arbitrarily terminated after Judge Smith set a 2019 trial date, revealing a legally unsound and unreasonable Memo decision making process lacking Justice. (*See* 31 C.F.R. § 357.2; *Perry v. Sindermann*, 408 U.S. 593, 92 S.Ct. 2694, 33 L.Ed.2d 570 (1972) [creating property interest]; *and Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970) [terminated statutorily created welfare benefits]) Thus, the unwarranted

attempts coming from the Judicial Branch of government in un-reviewed F J Memo aimed to stop Renobato's ability to compete in Treasury security markets, run a securities trading business, enjoy property gains, and form liberty of contract, are unconstitutional and must be reversed. (*See Board of Regents of State College v. Roth*, 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972); *and Meyer v. Nebraska*, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042 (1923) [extra-Constitutional rights])

i. Reasonable notice failure. Even though the M & R listed inapplicable "Fourth Amendment" (warrant requirement for property seizure) the government has never given "notice" of its intent to take, seize, embezzle, or purloin T-bills LQ0, LU1, and LY3 due in 2017, or permanently deprive Claimant of the T-bill ***fructus*** (*i.e.* profits) from 23 matching "purchases" and "sales" of 90-day T-bill PO's grossing $23,000,000, minimum Constitutional standards of fairness and decency requiring giving notice have not been satisfied. (U.S. CONST amend. V; *First English Evangelical Lutheran Church v. Los Angeles County, Cal.*, 482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed.2d 250 (1987))

ii. Opportunity to be heard. The process that is due is convening an evidentiary hearing with jury trier of facts, or full Supreme Court hearing because the M & R Adoption unlawfully interfered with the SCHEDULING ORDER trial date. (App. pp.17, 9) Indefensibly, no hearings on the unopposed Rule 56 *Motion,* or the opposed Rule 12(b)(1) *Motion* were had (ROA.233, 344), so the only logical conclusion is Bray

wrongly entertained Belgau's second dismissal request of 2 August ***in camera*** as an ***ex parte*** matter on August 3 at his new job announcement. (ROA.323, 329) Thus, any form of relief or benefit derived therefrom by Belgau's client does not comport with due process hearing requirements, and must be quashed because "findings of fact are made on the basis of evidentiary hearings and usually involve credibility determinations, which explains why they are reviewed deferentially under the clearly erroneous standard." (*See e.g.* 5 U.S.C. § 556; FED.R.EVID.; *Rand v. Rowland*, 154 F.3d 952 (9thCir. 1998), *Sharpe v.* State, 560 So.2d 1107 (Ala.Crim.App. 1989); and *In re Asbestos Litigation*, 90 F.3d 963 (5thCir. 1996))

13. Retaliation against witness. The Memo holds: Bureau "facilitates buying and redeeming Treasury securities," but the record shows otherwise. (R.) Renobato has personally witnessed Defendant dishonor the sanctity of contracts, not fully pay down monetary T-bill obligations, and block T-bill IPO market access. (ROA.48, 74-75; 31 C.F.R. Ch. V, App. A) Respondent chose conduct diametrically opposed to the law in unauthorized redemption of Claimant's T-bills not in accord with terms on Form 3905, and not making authorized disbursement of relief for the lost, theft, destruction, mutilation, or defacement of such registered U.S. securities owned by Renobato in retaliation for making Form 1025 claims leading to civil suit against a dominant government Bureau who went on to seize the last 3 referenced T-bills due 24 Aug., 21 Sep., and 19 Oct. 2017. (ROA.82-84; 31 C.F.R. Part 306 Subpart N; 18

U.S.C. §§ 246, 1512(b)(1)) The evil-minded retaliatory conduct of the government destroying Renobato's T-bill properties, ***TREASURY DIRECT*** Account(s), and registration of beneficial ownership entitlement must be stopped in this Court. (ROA.52)

> THIS CASE IS OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES OF AMERICA BECAUSE IT ADDRESSES THE EXTENT TO WHICH THE DOMESTIC ECONOMIC SYSTEM IS CHARACTERIZED BY FREE TRADE AND OPEN MARKET COMPETITION OR IF GOVERNMENT CONTROLS THE MEANS AND RESOURCES OF PRODUCTION SUCH THAT IT SPILLS OVER INTO FEDERAL COURTS WHERE THERE IS NO CASE PRECEDENT ON THE SPECIFIC DENOMINATIONAL EXCHANGE REGULATION, AND IS ALSO OF WIDESPREAD INPORTANCE TO EVERY U.S. CITIZEN WHO HOLDS AND/OR USES ANY FORM OF BILL PRODUCT, BY-PRODUCT, OR DERIVATIVE THEREOF MANUFACTURED BY DEPARTMENT OF THE TREASURY

14. Voluntary confessions. For the week of Monday July 15, 2019, like every week, BFS conducted a "public offering" selling $100 billion in 90-day, 180-day, and 360-day T-bills, while illegally forcibly excluding Petitioner from market participation therein. (*See* www.treasurydirect.gov Auction Results, *and compare* ROA.74-75) In any event, BFS/BPD expressly confessed to certain violations of the law of competition by voluntarily issuing online ***TREASURY DIRECT*** Account Statement messages reading that further *TRADES* would not be permitted, and Claimant's direct access to the relevant Treasury market is blocked. (15 U.S.C. §§ 1, 2; 7 U.S.C. § 6; ROA.193-97, 364-67 *at* PPX 12-103, 107-128) To illustrate further, what USAO lawyers characterize as Bureau's right to "suspend" Account activity is a cloaked confession that BFS/BPD is restraining and monopolizing *TRADES* in interstate

commerce. (ROA.194 at para. 3) Likewise, the 31 C.F.R. § 363.29 regulation raised by defense as justification for its conduct, does not give Bureau any right whatsoever to embezzle funds (under false pretenses) that were supposed to be transferred in the form of pecuniary credit amounts on bills LQ0, LU1, and LY3 designated for entitlement holder Claimant's bank account. (*See* 18 U.S.C. Ch. 31; M.P.C. Art. 223 *et seq.*; ROA.34-35, 194, 277-78, 279-80, 281-82, *compare* ROA 283, 284, 285; ROA.367 *at* PPX 126-128) Thus, Respondent is liable for confessing to monopolizing bill production markets, rates, facilities, and delivery routes; and to restraint of capital gains from legal T-bill trades, detrimentally impacting American economic growth. (ROA.364 *at* PDX 9 - 10)

15. Rule 8(d) admissions. Securities and Commodity Exchanges and Money and Finance charges have also been admitted by defense for failure to deny under Rule 8(d) because in their principal answer, BFS/BPD did not deny any of the counts against them, hoping they can convince Plaintiff that the courts lack jurisdiction. (ROA.13-35, 193-97, 323-28; FED.R.CIV.P. Rule 8(d); 17 C.F.R. § 240.10b-1)

a. Undisputed transactional facts summary. There are no questions of material fact insofar as the transactional record is concerned. (ROA.141-70, 181-91, 215-27) During 2016 and part of 2017, Plaintiff executed a series of 23 ***bona fide*** arbitrage *STRIPS TRADES* in 90-day T-bills through BFS/BPD registering substantial capital gains on revenue of $23,000,000 in denominational redemption exchange *TRADES*.

(ROA.53-59, 60-66; 215-27) Defense had ample opportunity to deny these particular facts, but never has. (*See* Plaintiff's *Request for Admissions* (Dkt.#23))

b. Commercial bill offering terms. As previously denoted, the Secretary of the Treasury is the only government official with statutory legal authority to promulgate terms for Treasury bill issuance, trading, and redemption, not a federal court Clerk's Recommendation. (31 C.F.R. § 309.1) The USAO defense did not deny that fact. (R.) Plaintiff objected to adoption of the M & R on that ground, and since it bears no resemblance to application of the commercial offering terms for such instruments, and was not put in customary industry jargon of "securities haircuts" (17 C.F.R. § 240.15c3-1), "participant hypotheticals" (31 C.F.R. Part 357 App. B (*J.*)), "reverse repurchase agreements" (ROA.51) or "sales against the warrant box" it's overridingly vague from the perspective of a professional trader with ***JNR***'s 30 years of securities business experience [*e.g.* Series 3, 7, 24]. (*See e.g. Renobato v. Merrill Lynch et al*, NYSE Arb. #1997-006647 J.; SEC EDGAR Company Search; *NASD v. Renobato*, NASD (DBCC #6) Arb.#C06920028 J.; *and Renobato v. Comm'r of Internal Revenue*, U.S.T.C. #25483-95S) Justice must acknowledge Magistrates are not empowered to recommend terms for repayment of government obligations, and must limit courts to only the narrow discretion to determine if there is satisfactory evidence.

c. Obligation to pay. T-bills are definitive obligations of the government promising to pay owners thereof a specified amount of money on a specified day and are backed

only by the full faith and credit of the United States. (ROA.361 *at* PVX-1; 31 U.S.C. §§ 3101, 3104, 3123, 3125; 31 C.F.R. § 309.2; 12 U.S.C. § 221) Renobato as registered individual owner of ***TREASURY DIRECT*** Account #R-192-09X-XXX acquired sole beneficial ownership of all securities entitlements/rights thereto under the Offering Circular terms of T-bill issuance, when purchased by such duly registered owner.[29] (*See* ROA.52, 70-73; 364 *at* PPX- 11; 367-69 *at* PGX 1- 23B;*.and Bodek v. Dept. of Treas., BPD,* 532 F.2d 277 (2ndCir.), *cert. denied,* 429 U.S. 849, 97 S.Ct. 137, 50 L. Ed.2d 122 (1976)) In contrast, the Memo Adoption indirectly pushes the outrageous proposition that the government has zero obligation to replace or make payment upon lost, stolen, destroyed, mutilated, or defaced securities. (31 U.S.C. § 3125; 31 C.F.R. Part 306, Subpart N) This is a startling proposition to anyone knowledgeable of federal savings bonds, whose ubiquitousness has been premised not merely on patriotism but also upon the bonds' safety, which in turn is a function of "the care which the Government takes to prevent their being redeemed by other than their registered owners, and the relief the Government has undertaken to provide should an unauthorized redemption be effected."[30] (See *Wolak v. U.S.,* 366 F.Supp. 1106,

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[29] The Memo stipulates Renobato is a creditor of the U.S., holding: Bureau "borrows the money needed to operate the federal government.." (App. p.9; ROA.48, 51) It's also settled, State law does not govern terms of the contracts by which the government borrows money from citizens in the government bond program "whose terms are fixed by statutes, regulations and offering circulars." (*See Estate of Curry v. U.S.,* 409 F.2d 671, (6thCir.); *Woodbury v. U.S.,* 313 F.2d 291, (9thCir.); *Zelman,* 16 F.3d at 446 (citing *Curry,* 409 F.2d at 675; *Wolak,* 366 F.Supp. at 1111-12))

[30] The *Wolak* court was at pains to point out, legislative history refutes any notion that enactment was intended to have any effect on the government's obligation to replace lost or stolen bonds. (*Wolak,* 366

1114 (D.Conn.1973)) In fact, *Wolak* marked a flat rejection of a very similar government argument because "the government's position is supported by neither precedent nor common sense," and fails to safeguard the Treasury security market and general welfare of the American economy. (*Id.*; *and see* www.debtclock.org [for a hypothetical illustration]) This variety of "strategic omissions do not change the real meaning of clauses or phrases," otherwise the "full faith and credit of the United States" backing the T-bills would be totally worthless. (*See Swanson v. Bank of America*, 563 F.3d 634, (7thCir.2009)) Indeed, the dearth of reporters concerning the extent to which the government is obligated to replace a lost or stolen government security is suggestive of how immutable the replaceability of these instruments has become, in fact if not in law. (*See e.g. Boyd v. U.S.*, 482 F.Supp. 1126, (W.D.Pa. 1980)) Plaintiffs' claim to witnessing that the government failed to honor its full faith and credit obligation states a claim upon which relief can be granted, so any conclusion distorting that fact mischaracterizes the true nature of the legal relationship existing between the parties. (ISDA, Draft 6 (FRB 1996)) Any justifiable decision must conform to these admitted facts overlying Appellee's statements in confession, albeit un-palatable for government arbiters,[31] and hold Bureau to the letter of the law in

F.Supp. at 1113; *see also* S.Rep. No. 37, 92nd Cong., 1st Sess.)

[31] The Memo misstates procedural history of cases on Renobato's arbitrage business by taking USAO hearsay as truth, siding with a convicted BD felon. (*See Renobato v. MLPFS Inc. et al.*, supra.)

carrying out its obligatory functions.

ARGUMENT

16. Aiding and abetting false pretenses. Insofar as prosecution is aware, Courts haven't ruled on a 31 C.F.R. § 309.3 case, just as this case is long overdue to be heard as an actual and ongoing controversy existing between the parties for 2 decades. In that time, no litigant in the federal court system has been more patient than Renobato in seeking redress of grievances, when in the State of Texas held justified as a reasonable amount of force to use in debt collection of $500 is assault with a deadly weapon.[32] (*See Barton v. State*, 227 S.W. 317 (Tex.Crim.App.1921)) Now, if the USAO is right, and Plaintiff's position is truly "frivolous" then the government faces no risk at trial because qualified jurors would not side with Plaintiff.[33] On the other hand, if the Courts were truly drawing all reasonable inferences in favor of Petitioner, any neutral trier of fact would conclude subject matter jurisdiction exists and that Claimant made capital gains on the *STRIPS TRADES* in interstate commerce awarding money damages as remedy. (*See* ROA.215; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348, 1356, 89 L.Ed.2d 538 (1986); *and Mortensen v. First Fed. Sav. & Loan Ass'n*, 549 F.2d 884 (3rdcir.1977)) Further, the

32. Even though only once in 20 years has any Judge appeared to grant Renobato due process or equal protection except when Smith set a 2019
trial date, but that heartbeat of propriety was killed by Bray doing personal favors in a supposedly neutral Court of law. (R.)

33. The government doesn't want trial to happen because the classified document Form 3905 government secret will come out. (ROA.334-36, 337-41; ROA.361 *at* PPX 11-103; Appellant's Brief *at* p. 41)

status quo government propaganda policy of deny, deny, deny, has been wrongly carried over into the Judicial Branch, clouding its Order with anti-capitalistic nonsense, prejudicial government biases toward itself, as well as partisan ideological beliefs that were substituted for facts, law, and evidence. Inasmuch as that practice is unbiased, impartial, and comports with Model Judicial Conduct in any State of the Union, it does not.[34] (ROA.358, 359 citing *Zelman, Glaskin v. Klass*, 996 F.Supp. 67 (D.Mass.1998); ROA.363 *at* PVX-3; MCJC *at* App. p.33; TCJC Can. 1-3) Rather, judicial mis-conduct has created chaos. (*See e.g.* U.S.C.A. #18-20761 Order *of* 29 Mar.; *and compare* U.S.D.C. #17-cv-3904 Order *of* 21 Mar. (App. p.21)) As such, if honorable Courts don't check the above recited improprieties obstructing Justice, allowing the defective Memo to go un-reviewed in Judgment misconstrues the law in its blind Adoption,[35] and will be permitting; (1) felony theft of Renobato's fiscal T-bill properties LQ0, LU1, and LY3, (2) fraud and false statements, and (3) peculation of capital gains. (*See* ROA.249-57; M.P.C. Art. 223, 18 U.S.C. § 1001; *Nobleman v. American Savings Bank*, 508 U.S. 324, 113 S.Ct. 2106, 124 L.Ed.2d 228 (1995) [creditor rights]; *Associates Commercial Corp. v. Rush*, 520 U.S. 953, 117 S.Ct. 1879, 138 L.Ed.2d 148 (1997)) Accordingly, this presents perfect opportunity for the Supreme Court to establish legal precedent on § 309.3, as the possibility of

[34]. The Department didn't create the *STRIPS TRADES* programs to be a detriment to the American economy, although the USAO and federal Judiciary would have the public believe otherwise.

[35]. Entry of these Order(s) doesn't amount to discharge of the indebtedness of the government. (*See e.g. Cushman*, supra.)

conducting a fair trial below has been eradicated. Any other Court action licensing pilfering of Appellants ***TREASURY DIRECT*** Account is totally unacceptable as a gross miscarriage of justice necessitating immediate mandatory corrections.

CONCLUSION

17. Dissident shareholder. Since about 1997, Renobato has been unconstitutionally deprived of his commercial life, liberty of contract, and personal property enjoyment, without the government providing an evidentiary hearing. (R.) This failure of the Judicial Branch has essentially imposed a 22 year sentence on Petitioner's business life, simply for exercising his rights, because those sworn to do Justice are allowing conflicts of interest, partisan politics, and ideological beliefs to interfere with dispensing judgment proper applying antitrust laws, commodity/security exchange acts, and Treasury regulations to the transactional T-bill facts of this case based on evidence embodied in the record. (R.) Thus, it is due time to take steps towards accountability and Justice, because the assault on competition, restraint of free trade, and destruction of open Treasury markets carried out by Respondent denying $1,023,000,000 in redemption exchange gains and lost profits from reaching interstate commerce, must come to an end. Obviously the Supreme Court must be "the Court" to decide the denominational exchange issue and Form 3905 use since all other federal courts have not adequately addressed the specific issues presented by Petitioner's arbitrage dealings in U.S. securities. (*See Renobato v. BPD*, supra.; *and*

e.g. Gund v. First Florida Bank, 726 F.2d 682 (1984)) Otherwise, the government monopoly is so pervasive it extends into the federal court marketplace restraining the presenting of legal arguments to a jury. Consequently, Renobato is unable to stipulate to, or consent to any rendition of Judgment of the courts, and as a dissident shareholder of the United States, will continue to fight said enemies of truth in waging the proxy war for economic liberty and unbridled capitalism in America.

PRAYER

18. **Breaking-up government monopoly on truth.** Wherefore, Petitioner prays; the high Court- in doing fair play and substantial justice: (1) support a grant of certiorari; (2) vacate lower courts clearly erroneous acts that aren't based on evidence, applied irrelevant legal standards and wrong case law; (3) for strict plenary review or hearing in this court; (4) for award of $23,700,000 in damages and penalties, plus $1,000,000,000 in lost profits, and/or (5) for any other relief available in equity or at law.

Respectfully Submitted,

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