No. 19-372

IN THE
SUPREME COURT OF THE UNITED STATES

Tobie as TOBIE JENKINS and
William as WILLIAM JENKINS

Pro Se Petitioners,

vs

LEO COREY CHANCE, et al.,

Respondents.

On Petition For Writ of Certiorari
To The United States Court of Appeals
For The Tenth Circuit Court

PETITION FOR WRIT OF CERTIORARI

Appellate Civil Action No. 18-1216
District Court No. 1:17-CV-02761-STV

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QUESTIONS PRESENTED

Does This Court possess verifiable Constitutional and Congressional power to interpret unwritten Congressional Law and alleged Legislative "voids".

1. Does This Court possess verifiable power to merge past, present and future State Legislation with USCS 42 § 1983 in the absence of explicit Constitutional and Congressional Authority to execute such mergers.

2. Does This Court possess verifiable power to subject USCS 42 § 1983 to State Legislation without explicit Constitutional and Congressional Authority.

PARTIES TO THE PROCEEDINGS

PETITIONERS:
Tobie as TOBIE JENKINS and
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APPELLANTS:
LEO COREY CHANCE,
LEO MICHAEL HEIDINGER,
LEO ATTILA DENES,
LEO NICHOLAS ARNONE
DOUGLAS COUNTY SHERIFF'S OFFICE

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BRIEF

INTRODUCTION

Movants Tobie as TOBIE JENKINS and William as WILLIAM JENKINS whose Son's death was caused by an LEO's improper deployment of a Taser while a rifle was being held by Son Jayson in or very near his mouth, herein bring forth this Writ of Certiorari.

Movants urge this Court to review its unverifiable powers which have thus far allowed it to Legislate alleged Legislative "voids" found in USCS 42 § 1983, unverified powers such as:

1. This Court's self-granted power to interpret Congressional intent from unwritten Congressional Legislation.

2. This Court's self-granted power to merge past, present and future State Legislation with USCS 42 § 1983 in the absence of explicit Constitutional Authority and in the absence of explicit Congressional Legislation authorizing such Legislative mergers.

3. This Court's self-granted power to close The District Court's Door to Movant's Federal Civil Rights violation which ended in death, a closure exercised pursuant to State Legislation.

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JURISDICTION

1. This Court has jurisdiction over The 10TH Circuit's January 29, 2019 Order which denied This Family's Right to prosecute Federal Civil Rights violations.

2. This Court has jurisdiction over Movants questions which involve unverifiable Judicial Power to make USCS 42 § 1983 subordinate to State Legislation.

3. This Court has jurisdiction over its claims that USCS 42 § 1983 is inoperative in Colorado, unless restricted by Colorado's Statute of Limitations.

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STATEMENT OF THE CASE

Movants have been shut out of The Federal Court pursuant to Judiciary made Law, as opposed to Constitutional or Congressional Law, making such shut out unlawful.

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MOVANTS' UNDERSTANDING OF USCS 42 § 1983

1. USCS 42 § 1983 is not within the jurisdiction of any State.

2. USCS 42 § 1983's purpose is to interpose the Federal Courts between the States and The People, as guardians of The People's Federal Rights and protect The People from unconstitutional action under color of state law.

3. USCS 42 § 1983 was not written to be constrained by The States.

4. USCS 42 § 1983 has not been deemed inoperative as written.

5. USCS 42 § 1983 has been rewritten by This Court by making it operative only if subservient to The State's Legislatures' will.

6. USCS 42 § 1983 now contains Legislature from Fifty States and Territories, not because The People willed it through their Representatives, but because This Supreme Court willed it through Judicial Legislation.

7. USCS 42 § 1983 has not been rewritten by Congress, it has been rewritten by This Supreme Court, effectively taking away The People's Right to hold State Actors accountable.

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MOVANTS' CONTENTIONS

- Movants contend The Power to restrict Americans' time for filing a Federal Civil Rights violation rest with Congress, not with The Judicial Branch.
- This Court's conclusion that The States' Statutes of Limitations are binding on USCS 42 § 1983 Actions is an indirect grant of power by This Court to The States, a power not granted to This Federal Judiciary.
- Movants contend it is ludicrous to claim The 42ND Congress and President Ulysses S. Grant, who requested The Enforcement Act of 1871, intended for Ku Klux Klan infested States to restrict Americans' access to The Federal Courts.

ADDITIONALLY:

- Movants further contend This Supreme Court has Power to interpret written Federal Law not what it deems "void", unwritten or what it deems missing in a Federal Act.

- Movants further contend This Supreme Court does not have The Power to legislate as it has done by merging The States' Statutes of Limitations with Federal Statute USCS 42 § 1983.
- Movants further contend per USCS 42 § 1988 there is nothing in USCS 42 § 1983 as written which makes USCS 42 § 1983 *"not adapted to the object"* of Federal Civil Rights Violations, or which makes it as written *"deficient in the provisions necessary to furnish suitable remedies and punish offenses against law"*.
- Movants further contend USCS 42 § 1983, unlike USCS 42 § 1986 which has a one-year Limitation, was written without limitations and must therefore be read and understood as being complete within Congress' original intent.

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MOVANTS' CONCLUSION

It cannot be said The Remedy sought pursuant to The Enforcement Act of 1871 is of or is situated in any State or that such Remedy is part of any State Forum, therefore it cannot be said The States' Statutes can restrict any Action brought to Federal Court under USCS 42 §1983.

Unlike Scott v. Sandford, 60 U.S. 393-1857, in which Justice Taney's majority fueled and/or caused The Civil War, and unlike Plessy v. Ferguson, 163 U.S. 537-1896 in which Justice Brown's majority revived The Ku Klux Klan and The Slave Codes (Black Codes/Jim Crow laws adopted by Nazi Germany to discriminate Jews) and unlike West Coast Hotel Co. v. Parrish, 300 U.S. 379-1937 in which one single

Justice Owen J. Roberts' political vote (a vote which favored Roosevelt's New Deal and which prevented Roosevelt from exercising his threat to increase the number of Justices from 9 to 15, single handedly established The unconstitutional minimum wage law which remains today, there is no one Justice or One Supreme Court Case responsible for the erosion of USCS 42 § 1983 and Americans' power to individually prosecute State Officials for Trespass as intended by The Enforcement Act of 1871, such erosion is the product of an invented Doctrine which says USCS 42 § 1983 is inoperative as written but made operative by Judicial Amendments.

USCS 42 § 1983 appears to have been eroded due to a Judicial belief which dictates that USCS 42 § 1983 requires The States' Statutes of Limitations, however such Judicial belief does not apply to The Criminal Versions of Civil Rights Trespasses which proves the argument that prosecutions stale after a number of years is an invalid proposition.

The following Congressional Statutes of Limitations can be borrowed by The U.S. Supreme Court if it is true USCS 42 §1983 is inoperative without a statute of limitations:

a) USCS 18 § 242. Deprivation of rights under color of law

(deprivation of civil rights under color of law where death results)

The deprivation of Movants' Son's Civil Rights were under color of law and such deprivation resulted in death, however because Movants and Victim are civilians,

USCS 18 § 242's unlimited Statute of Limitations is inapplicable and instead a ridiculous Twenty Four Month window is imposed, then adding insult to injury, the 24 Month restriction is not Federal but is from The Trespasser's Employer State.

b) USCS 18 § 351(e) (assaulting a Member of Congress)

Under this Statute, if a Congressman (a public employee) is assaulted, such assault can be prosecuted within Eight Years and carries a $10,000 Fine and/or a 10 year Prison Time.

In 1977 The 7TH Circuit under United States v. Masel, 563 F.2d 322 in which a man was rightfully convicted for spitting on a Member of Congress concluded:

*"The state definition does not control the meaning of terms used in the [**6] federal statutes."*

Are The Federal Courts exercising a double standard, one for "public employees" and another for The Citizens? The Record says yes.

If The States cannot control the meaning of a word in a Federal Statute, how can The States control the meaning of The Statute of Limitations which does not even exist in The Enforcement Act of 1871?

Many Americans believe The Three Branches of The Federal Government have become The Three Families of The Federal Mafia, ruled by men not by law.

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REMEDY DEMANDED

1. For 42 USC 1983 to be upheld operative as written (no statutes of limitations) or
2. For 42 USC 1983 to be held to the same Statute of limitations as assaults on Members of Congress

   (8 year Statute of Limitations) or

   For 42 USC 1983 to be declared inoperative as written so Congress can rewrite it.

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HISTORY OF THE ALLEGED POWER TO SUBJECT USCS 42 § 1983 TO STATE LEGISLATION

1. 1788 - FEDERAL CONSTITUTION Ratified

   Per This Charter The Power to write Law is vested in Congress alone, not in The Judiciary.

2. 1789 - JUDICIARY ACT OF 1789

   This Judicial Act contains SEC. 34 which reads:

   "*SEC. 34. And be it further enacted, That the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply.*"

   This Section has been alleged by Supreme Court Justices as authorizing The Justices to add Statutes of Limitations from The States to existing Federal

Legislation where ever The Supreme Court deems such Statute of Limitations as missing and required. Such interpretation undoubtedly alleges a partnership in which Congress writes what it can and The Supreme Court completes it with State Legislation, a partnership understood by most Americans to be unconstitutional and ludicrous.

3. 1866

USCS 42 § 1988. Proceedings in vindication of civil rights enacted by The 39TH Congress which reads as relevant to this Writ:

"(a) Applicability of statutory and common law.

The jurisdiction in civil and criminal matters conferred on the district and circuit courts [district courts] by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of

punishment on the party found guilty."

- Nothing in this Section authorizes The Supreme Court to add anything to a Congressional Act.

  This Section, when read as written, allows for State Law to assist Federal Judges in specific Causes which may not have been addressed by Congress; this Section does grant blanket authority to classify all Actions before being heard as falling within The State's Statutes or common law. The "Applicability" of The States' Statutes of Limitations have nothing to do with The District Courts adjudging 42 USC 1983 Causes presented to them, however This Courts adoption of The States Statutes of Limitations effectively deter Prosecution of State Actors.

4. 1871

   42 USC 1983 Civil action for deprivation of rights, a codification of The Enforcement Act of 1871 (17 Stat. 13) also known as the Civil Rights Act of 1871, Force Act of 1871, Ku Klux Klan Act, Third Enforcement Act, and Third Ku Klux Klan Act:

   "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought

against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

- This Act confers no Power to the Judiciary allowing it to add State Legislation to existing Federal Legislation.

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JUDICIAL EVIDENCE:

In attempting to verify This Court's Power to fill legislative alleged "voids" in USCS 42 § 1983, Movants have found no such verification but have instead found a series of questionable Decisions which have gradually erased The Separation of Powers between Congress and The Supreme Court.

As late as 1989, The Federal Courts are operating on a determination that they "*should borrow the state statute of limitations for personal injury actions*", a determination which is misleading because Federally protected "personal injuries" are not State protected "personal injuries" or State Claims.

Owens v. Okure, 488 U.S. 235, 236-1989:

"In Wilson v. Garcia, 471 U.S. 261 (1985), we held that courts entertaining claims brought under 42 U. S. C. § 1983 should borrow the state statute of limitations for

personal injury actions.".

Justice Marshall then claims *"we determined that 42 U. S. C. § 1988 requires courts to borrow and apply to all § 1983 claims the one most analogous state statute of limitations. Ibid. See id., at 275"*, however USCS 42 § 1988 contains no such requirement, but merely authorizes The Courts to consider Local Law in adjudging a Case, § 1988 says nothing about closing The Court's Door on Litigants pursuant to State Law.

1. 1989-Per 1989 US SC-Owens v. Okure, 488 U.S. 235, 236, a case addressing which of The State's Statute of Limitations was applicable to a Plaintiff's USCS 42 1983 Action, These Justices claimed to have allegedly received their power to make USCS 42 § 1983 operable pursuant to State Legislation from The Justices in Wilson v. Garcia, 471 U.S. 261 (1985),

   "In Wilson v. Garcia, 471 U.S. 261 (1985), we held that courts entertaining claims brought under 42 U. S. C. § 1983 should borrow the state statute of limitations for personal injury actions."

- Here Justice Marshall adjudicates Judicial Legislation as The borrowing of State Legislation.

2. 1985-Per 1985-US SC-Wilson v. Garcia, 471 U.S. 261, a case addressing applicability of a State's Statute of Limitations to an Action brought under USCS 42 1983, These Justices claimed to have allegedly received their power to make USCS

42 § 1983 operable pursuant to State Legislation from The Justices in Board of Regents v. Tomanio, 446 U.S. 478, 483 (1980)

"The Reconstruction Civil Rights Acts do not contain a specific statute of limitations governing § 1983 actions -- "a void which is commonplace in federal statutory law." Board of Regents v. Tomanio, 446 U.S. 478, 483 (1980)."

Here Justice Stevens claims The Justices have The Power to declare a "void" in Federal Legislation and then fill their alleged "void" with State Legislation, effectively Legislating from The Bench.

3. 1980-Per 1980-US SC-Bd. of Regents v. Tomanio 446, a case addressing applicability of a State's Statute of Limitations to an Action brought under USCS 42 § 1983, These Justices allegedly received their power to make USCS 42 § 1983 operable pursuant to State Legislation from The Justices in 1914-US SC-O'Sullivan v. Felix, 233 U.S. 318:

*"Congress did not establish a statute of limitations or a body of tolling rules applicable to actions brought in federal court under § 1983 -- a void which is commonplace [**1795] in federal statutory law. When such a void occurs, this Court has repeatedly "borrowed" the [****12] state law of limitations governing an analogous [*484] cause of action. Limitation borrowing was adopted for civil rights actions filed in federal court as early as 1914, in O'Sullivan v. Felix, 233 U.S. 318."*

- Here Justice Rehnquist alleges The Justices have The Power to declare a "void" in Federal Legislation and then fill their alleged "void" with State Legislation.

4. 1914-Per 1914-US SC-O'Sullivan v. Felix, 233 U.S. 318, a case addressing applicability of a State's Statute of Limitations to an Action brought under USCS 42 §1983, These Justices claimed to have allegedly received their power to make USCS 42 § 1983 operable pursuant to State Legislation from The Justices in 1904 US SC-McClaine v. Rankin, 197 U.S. 154:

"That the action depends upon or arises under the laws of the United States does not preclude the application of the statute of limitations of the State is established beyond controversy by cases cited by the Circuit Court and by McLaine v. Rankin, 197 U.S. 154, 158."

- Here Justice Mckenna claims The Justices are not restricted from subjecting Federal Legislation and Americans to State Legislation even though such restriction does not exist either in The Constitution or in The Civil Rights Act.

5. 1904-Per 1904 *US SC-McClaine v. Rankin, 197 U.S. 154*, a case addressing applicability of a State's Statute of Limitations to an Action involving an assessment levied by the Comptroller of the Currency by virtue of the National Bank Act, These Justices claimed to have received their power to make 42 U. S. C. § 1983 operable pursuant to State Legislation from The Justices in 1895-US SC-Campbell v. Haverhill, 155 U.S. 610:

"It is conceded that, in the absence of any provision of the act of Congress creating the liability, fixing a limitation of time for commencing actions to enforce it, the statute of limitations of the particular State is applicable. Rev. Stat. § 721;

*Campbell v. Haverhill [***7] , 155 U.S. 610."*

- Here Justice Fuller claims *"it is conceded"* This Court has The power to declare *"the absence"* of a Statute of Limitations and The power to fill in that absence with The States' Statute of Limitations.
- There is no record of Congress making such concession.

6. 1895-Per 1895-US SC-Campbell v. Haverhill, 155 U.S. 610, a case addressing applicability of a State's Statute of Limitations to an Action involving a Patent Infringement brought under a Federal Law, These Justices allegedly received their power to make Federal Patent Law operable pursuant to State Legislation from The Justices in Bauserman v. Blunt, 147 U.S. 647:

"The case then is reduced to the naked question whether the statutes of limitations of the several States apply to actions at law for the infringement of patents. The question has arisen in a large number of cases, and the Circuit Courts have been nearly equally divided. This is the first time, however, that it has been directly presented to this court."

*"The argument in favor of the applicability of state statutes is based upon Revised Statutes, § 721, providing that "the laws of the several States, except, etc. . . . shall be regarded as rules of decision in trials at common law, in the courts of the United States, in [****8] cases where they apply."*

"That this section embraces the statutes of limitations of the several States has been decided by this court in a large number of cases, which are collated in its

opinion in Bauserman v. Blunt, 147 U.S. 647."

- Here Justice Brown expanded, without verifiable Constitutional or Congressional Authority The Judiciary's power to amend Federal Law and make such law subject to State Law.

7. 1893-Per 1893-US SC-Bauserman v. Blunt, 147 U.S. 647, a case apparently brought to Federal Court under State Law involving a Promissory Note and Property in the State of Kansas, These Justices claimed their power to follow State Law and State Statute of Limitations from The Justices in
   1862 US SC-Leffingwell v. Warren, 67 U.S. 599 who cited as their authority to amend Congressional Acts on The "34th section of the Judiciary Act of 1789."
   *"In Leffingwell v. Warren, 2 Black, 599, 603, Mr. Justice Swayne, speaking for the court, laid down, and supported by references to earlier decisions, the following propositions: [*654] "The courts of the United States, in the absence of legislation [***319] upon the subject by Congress, recognize the statutes of limitations of the several States, and give them the same construction and effect which are given by the local tribunals. They are a rule of decision under the 34th section of the Judicial Act of 1789."*

- Here Justice Gray, due to The Fact The Case before it involved a State issue, The Court correctly asserted its power to adjudge The Cause according to State Case Law and The State's Statute of Limitations.

8. 1862-Per 1862 US SC-Leffingwell v. Warren, 67 U.S. 599, a case brought under

State Law dealing with Land sold for taxes, The Justices claimed to have received their powers to employ The States Statutes of Limitations from the 34th section of the Judiciary Act of 1789:

"The Courts of the United States, in the absence of legislation upon the subject by Congress, recognize the Statutes of Limitations of the several States, and give them the same construction and effect which are given by the local tribunals. They are a rule of decision under the 34th section of the Judicial Act of 1789."

- Such Section referenced reads:

  "SEC. 34. And be it further enacted, That the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply." and instructs The Courts in the same way USCS 42 § 1988 instructs to make its judgments in conformity with the laws of the United States, but when dealing with subjects other than those of Federal Jurisdiction to follow the State Law and common law, however when the remedy is deficient in Federal Law, the Judges can also look to State Law and common Law for remedy.

- Neither SEC. 34 nor § 1988, instruct the Courts to supersede Federal Law with State Law as This Court has done with USCS 42 § 1983.

- Neither the term "statute(s) of limitations" nor anything authorizing The Supreme Court to fill in a "void" in in Congressional Acts with Legislation from other

jurisdictions appears in The Judiciary Act of 1789 or in The Enforcement Act of 1871.

9. 1830-Per 1830- M'Cluny v. Silliman, 28 U.S. 270, a case against a Federal Officer addressing Land in Ohio, These Justices claimed to have received their power to employ The State's Statute of Limitations from the 34TH Section of the Judicial Act of 1789:

*"In the thirty-fourth section of the judiciary act of 1789, it is provided, "that the laws of the several states, except where the [***14] constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply."*

Under this statute, the acts of limitations of the several states, where no special provision has been made by congress, form a rule of decision in the courts of the United States, and the same effect is given to them as is given in the state courts."

- Here The Justices addressed the Case as a State issue operating under State Law with all parties submitting themselves to The Jurisdiction of Ohio, thereby justifying The use of That State's Statute of Limitations pursuant to The 34TH SEC.

*"The decision in this cause depends upon the **construction** of the statute of Ohio, which prescribes the time within which certain actions must be brought.*

*It is a well settled [*277] principle, that a statute of limitations is the law of the forum, and operates upon all who submit themselves to its jurisdiction."*

- Here The Justices make it clear that The State's Statute of Limitations apply when one submits to The Jurisdiction of That State, however USCS 42 § 1983 is a Federal Forum and one cannot be required to submit to The State forum in order to access The Federal Forum.

10. 1825-Per 1825 US SC-Wayman v. Southard, 23 U.S. 1, a case addressing The execution of a Federal Court's Judgment which was challenged by Defendant claiming that Congress had no power over executions on judgments, The Justices of This Court claimed "*the 34th section of the Judicial Act of 1789.*" has "no application to the practice of the Court" a comprehension more in line with The Federal Constitution and a Federal Judge's discretion to adopt Local Law as a guide in aiding The Court in reaching its Judgment:

"The constitution concludes its enumeration of granted powers, with a clause authorizing Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof. The judicial department is invested with jurisdiction in certain specified cases, in all which it has power to render judgment.

*That a power to make laws for carrying into execution all the judgments which the judicial department has power to pronounce, is expressly conferred by this clause, seems to be one of those plain propositions which reasoning [***28] cannot render plainer. The terms of the clause, neither require nor admit of elucidation.*

The Court, therefore, will only say, that no doubt whatever is entertained on the power of Congress over the subject."

"The 34th section, then, has no application to the practice of the Court, or to the conduct of its officer, in the service of an execution."

"The 17th section of the Judiciary Act of 1789, c. 20. enacts, "That all the said Courts shall have power" "to make and establish all necessary rules for the orderly conducting business in the said Courts, provided such rules are not repugnant to the laws of the United States;"

*"It will not be contended that Congress can delegate to the Courts, or to any other tribunals, powers which are strictly and exclusively legislative. [*43] But Congress may certainly delegate to others, powers which the legislature may rightfully exercise itself."*

"The difference between the departments undoubtedly is, that the legislature makes, the executive executes, and the judiciary construes the law; but the maker of the law may commit something to the discretion of the other departments, and the precise boundary of this power is a subject of delicate and difficult inquiry, into which a Court will not enter unnecessarily."

"The State assemblies do not constitute a legislative body for the Union.

They possess no portion of that legislative power which the constitution vests in Congress, and cannot receive it by delegation."

"It seems not much less extravagant, to maintain, that the practice of the Federal

*Courts, and the conduct of their officers, can be indirectly regulated by the State legislatures, by an act professing to regulate [*50] the proceedings of the State Courts, and the conduct of the officers who execute the process of those Courts. It is a general rule, that what cannot be done directly from defect of power, cannot be done indirectly."*

- Here Justice Marshall makes it clear that those matters of Federal Jurisdiction are of no concern to the State, The Court cannot be ruled by State Procedures.
- Here Justice Marshall clarifies *"the 34th section, then, has no application to the practice of the Court"*, therefore it cannot be said the 34TH Section of The 1789 Judiciary Act has any bearing on The Enforcement Act of 1871.

11. 1818-Per 1818 US SC-Robinson v. Campbell, 16 U.S. 212, a case addressing land on the border of Virginia and Tennessee and ejecting Claimant from the same, The Justices of This Court settled The Case according to The 34TH SEC. of The 1789 Judiciary Act and

"The general rule is, that remedies in respect to real estates are to be pursued according to the law of the place where the estate is situated."

- Here Justice Todd correctly employs The State's Statute of Limitations because both The Law and The Remedy are of The State forum.
- It cannot be said The Law or The Remedy sought pursuant to The Enforcement Act of 1871 is of or is situated in any State or is part of any State Forum, therefore it cannot be said The Statutes of Limitations of The States are applicable to actions

under USCS 42 §1983.

12. 1803-Per 1803-US SC Marbury v. Madison, 5 U.S. 137, a case addressing The Executive Power over its Officers being beyond the reach of The Court, but more important a case which set The Supreme Court as The One who Interprets The Law. Although this Case did not deal with USCS 42 §1983, it dealt with foundational issues which Movants believe are still upheld by This Court and by This Country.

a) *"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each."*

- These words from Justice Marshall must be understood as referencing existing Law not Law existing in a "void" as claimed by later Justices.
- Justice Marshall makes the following points which have not changed since 1803:

b) *"The very essence of civil liberty certainly consists in the right of every [***47] individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court."*

- It must therefore be conclusive that remedy sought pursuant to a Federal Law must be found in The Federal Law and only the maker of such Law can expand or

constrict such Law. For The US Supreme Court to take it upon itself to constrict USCS 42 §1983 to the will of The Villain which in a USCS 42 §1983 Action would be The States' Actors is contrary to Justice Marshall.

c) *"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.*

- It is inarguable The Enforcement Act of 1871 is a collection of legal rights, therefore all remedies including access to the Courts must be found within The Enforcement Act of 1871 not within The States.

  The fact Congress did not write a time limit into this Act must be understood in favor of the beneficiary to mean The Act was not time restricted, or controlled by The Defendant State.

d) *"But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy."*

- Per Justice Marshall the remedy lies with The Law maker, therefore USCS 42 §1983's remedy must be within The Realm of Congress, not The States.

e) *"The question whether a right has vested or not, is, in its nature, judicial, and must be tried by the judicial authority."*

- It is undeniable The Enforcement Act of 1871 vested rights to be exercised via

USCS 42 §1983, and such section contains no "judicial authority" allowing The Courts to restrict such law according to The States' whims.

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IF USCS 42 §1983 REQUIRES A STATUTE OF LIMITATIONS, SUCH LIMITATIONS CAN BE BORROWED FROM FEDERAL LAW

USCS 42 §1983 cannot be said to be inoperative without a Statute of Limitations because it has not been rewritten by Congress, however if The Supreme Court has legal authority to adjudge USCS 42 §1983 inoperative with power to make it operative by borrowing a Statute, it must borrow from those Statutes existing in The Federal Forum.

a) The Statute of Limitations for USCS 18 § 351(e) (assaulting a Member of Congress) can be used if the alleged void in USCS 42 §1983 is required and allowed to be filled by The Judiciary instead of Congress.

b) Per USCS 18 § 3286 Extension of statute of limitation for certain terrorism offenses (a):

*"(a) **Eight-year limitation**. Notwithstanding section 3282 [18 USCS § 3282], no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B) [18 USCS § 2332b(g)(5)(B)], or a violation of section 112, 351(e), 1361, or 1751(e) of this title [18 USCS § 112, 352(e), 1361, or 1751(e)], or section 46504, 46505, or 46506 of title 49,*

unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 [18 USCS § 3295] are subject to the statute of limitations set forth in that section."

- The criminal Statute of Limitations for prosecuting an assault on a Member of Congress is Eight years, while an assault on a Citizen by a Colorado State public employee only gives The Citizen a 2 year window within which to prosecute, using The Federal Statutes of Limitations for Assault would create uniformity across the States and would do away with much unnecessary Litigation.

  It cannot be said, using a State's Statute of Limitations is more Constitutional than using The Federal Law's Criminal Statutes of Limitations which mirror Enforcement Act of 1871 Laws.

➢ It is therefore undeniable, references to Statutes of Limitations exist within The Federal system which can be used to provide a uniform time period for all Americans as opposed to the current unjust inequality imposed not by Congress but by Justices who appear to have either purposely or erroneously limited this very powerful USCS 42 § 1983 to the detriment of Americans and in favor of The State Actors, contrary to The 42nd Congress' intent and Contrary to President Grant's needs.

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END OF BRIEF

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