

No.
19-7657

IN THE
SUPREME COURT OF THE UNITED STATES

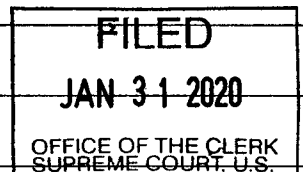
In Re MARION L. SHERROD - Petitioner

v.

ORIGINAL

SID HARKLEROD et al. - Respondents

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT



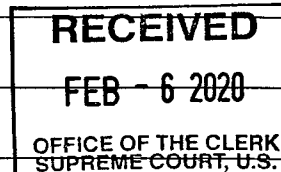
Agent for Petitioner -

Marion Lamont Sherrod Jr.
without Prejudice occ 1-
Power of Attorney IN FACT
Non-Domestic
DOC # 0553222

40
Tabor Correctional Institution

4600 Swamp Fox Road

Tabor City, North Carolina [28463]



QUESTIONS PRESENTED

1. Whether the U.S. Court of Appeals committed a reversible error in failing to re-instate Mr. Sherrod's deliberate indifference claim against Morgan and Bass.
2. Whether the U.S. Court of Appeals application of the 'discretionary waiver doctrine' prejudiced Mr. Sherrod, a pro se petitioner.
3. Whether under Article III of the Constitution of the United States, does Marion Leont Sherrod Jr. Agent for MARION L. SHERROD, have rights under the Common Law Guarantee, and as such, right to a remedy.
4. Whether CORPORATIONS have more rights than 'We The People'.
5. Whether the full reservation of All Common Law Rights, through the UNIFORM COMMERCIAL CODE, is in fact legal.
6. Whether 'deceptively-imposed' Commercial Contracts illegal, and as such, fraudulent in nature.

LIST OF PARTIES

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

The petitioner is Marion Lamont Sherrad Jr., a prisoner at Tabor Correctional Institution in Tabor City, North Carolina.

The respondents are Sid Hackleroad, Superintendant at Marion Correctional Institution (M.C.I.), John Morgan, a medical provider at Marion Correctional Institution; Edwards, Classroom Supervisor at (M.C.I.), Stephen Shook, a Security Threat Group Sergeant at (M.C.I.); Patricia McEntire, E-Unit Manager at (M.C.I.); Margaret Johnson, a nurse at Marion Correctional Institution and Larry Bass, a nurse at (M.C.I.)

TABLE OF CONTENTS

Opinions Below	8
Jurisdiction	8
Constitutional and Statutory Provisions Involved	5
Statement of the Case	7
Reasons for Granting the Writ	8
Conclusion	30

INDEX TO APPENDICES

Appendix A. UNPUBLISHED OPINION of the United STATES

Court of Appeals Fourth Circuit

Appendix B - MANDATE

TRUTH AFFIDAVIT IN THE NATURE OF SUPPLEMENTAL

RULES FOR ADMINISTRATIVE AND MARITIME CLAIMS RULES C(6)

Appendix C - TRADEMARK / COPYRIGHT

Appendix D - POWER OF ATTORNEY IN FACT

Appendix E - SPECIFIC NEGATIVE AVERMENT AND DENIAL

CORPORATIONS EXISTENCE

Appendix F - VERIFICATION UPON OATH OF AFFIRMATION

JURAT DECLARATION

Appendix G - DECLARATION OF INTENT AND CONSTRUCTIVE NOTICE

OF EXPATRIATION FROM THE DE FACTO CORPORATE U.S. GOVERN-

MENT AND REPATRIATION INTO THE DE JURE ORGANIC cont,

INDEX TO APPENDICES cont.

cont. UNITED STATES OF AMERICA REPUBLIC

Appendix H - TRAVEL BRIEF IN SUPPORT OF ACCESS TO INTER-
NATIONAL JURISDICTION AND EXTRATERRITORIALITY

Appendix I - AFFIDAVIT MEMORANDUM OF LAW

Appendix J - TRUTH AFFIDAVIT IN THE NATURE FOR A PEACE
DECLARATION

- end -

TABLE OF AUTHORITIES

CASES:	PAGE NUMBER:
Porsche Cars N. Am., Inc. v. Porsche, net 302 F.3d 248 255 (4th Cir. 2002)	12
See Dartmouth College v. Woodward (4 Wheat) 518, 636, 657 4 LEd. 629	16
U.S. v. Trinidad Coal Co. 137 U.S. 160, 11 S.Ct 57, 34 Led. 640	16
Andrews Bros Co. v. Youngstown Coke Co, 86 F. 585, 30, 79, 41;	16
State v. Thistle Down Jockey Club 114 Ohio St. 582, 151 N.E. 709, 711	16
Cogdon v. Cogdon 160 Minn. 343 200 N.W. 76 87	16
Forest City Mfg. Co. v. International Ladies Garment Workers Union Local No 104 233 Mo. App. 935, 111 S.W. 2d 934	16
In re Crown Heights 183 Misc. 563, 49 N.Y.S. 2d 658, 660	16
Froelich and Kuttner of Manila, P.I. v. Sutherland, 57 App. D.C. 294 22 F.2d 870, 872	16
See Sup. Comm. 168, 169	16
First Parish v. Dunning 7 Mass. 447	16
Reid v. Barry 93 Fla. 849 112 So. 846, 859	16
See (BMF) Business Master File	16
In re Grand Lodge 110 Pa. 613, 14 582	16
Fowler v. Chilingworth 94 Fla. 1, 113 So. 667, 669	17
In re Ewles Estate, 109 Texas 507, 143 P.2d 903, 905	17

See Foster v. Hare 26 Tex. Civ. App. 177, 62 S.W. 541	17
Cedar Rapids Water Co. v. Cedar Rapids 118 Iowa 324, 41 N.W. 1081	17
Tulare Irrig. Dist. v. Shepard 185 U.S. 1, 22 S.Ct. 531; 46 L.Ed. 773	17
Evens v. Anderson, 132 Minn. 54 155 N.W. 1040 1041	17
Brady v. U.S. 379 U.S. 742 at 748 (1970)	23
Manning v. Caldwell for City of Roanoke, 430 F.3d 264, 271 (4th Cir. 2019)	27
Morrison v. Hall, 261 F.3d 846 (4th Cir. 2001)	13

STATUTES & RULES	PAGE NUMBER
28 U.S.C. 1651	8
28 U.S.C. 1251	8
28 U.S.C. § 1333	8
U.S. Const. Amdt. XI	8
28 U.S.C. 3002 Chapter 176	18
534 FEDERAL SUPPLEMENT 724	18

OTHER:

HOUSE JOINT RESOLUTION 192 (HJR-192)	18
UNIFORM COMMERCIAL CODE (UCC 1-207/308, 3-305 and 3-601)...	24

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

The Petitioner respectfully prays that this Honorable Court issue a writ of certiorari to review the judgement below

OPINIONS BELOW

For cases from Federal Courts:

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

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

JURISDICTION

For cases from Federal Courts.

The date on which the United States court of appeals decided my case was November 5, 2019. A copy of that decision appears at Appendix A.

No petition for rehearing was timely filed in my case.

The jurisdiction of this Court is invoked under Article III of the Constitution of the United States, see also 28 U.S.C. 1651, 28 U.S.C. 1251, 28 U.S.C. § 1333 and U.S. Const. Amdt. **XI**

STATEMENT OF THE CASE

This Writ of Certiorari is based on an appeal which involved two straightforward issues of deliberate indifference under the Eighth Amendment. First, Defendant John Morgan knowingly placed Petitioner Marion Lamont Sherrod Jr. at risk of serious injury by placing him in an upstairs prison cell, despite his known chronic seizure disorder, which required him to walk down a metal staircase. Mr. Sherrod then had a seizure while walking down the stairs, causing a severe spinal injury that ultimately required two surgeries. Second, Defendants Margaret Johnson and Larry Bess attempted to cover up the prison's responsibility by deliberately misreporting Mr. Sherrod's medical condition after the fall, causing him to be denied proper medical treatment.

After the district court dismissed Mr. Sherrod's pro se claims, he appealed at his first opportunity. The court of appeals vacated and remanded the district court's final judgment, holding that Mr. Sherrod stated valid deliberate indifference claims against the Defendants and appointed professional counsel. Because of peculiar procedural reasons discussed below, however, Mr. Sherrod was only able to proceed against only a single Defendant, Patricia McEntire. At trial, McEntire prevailed by casting blame on one of the absent Defendants, John Morgan. In his appeal, Mr. Sherrod sought to reinstate claims against three Defendants - Morgan, John, and Bess - all of whom the U.S. court of appeal had already held were wrongly dismissed. Due to a clear legal error concerning 'waiver and forfeiture', as well as pro se ignorance of law, the Court affirmed the lower court's judgment. As such, I, Marion Lamont Sherrod Jr. Agent for MARION L. SHERROD, or any derivative thereof, have DEMANDED COMMON LAW JURISDICTION.

REASONS FOR GRANTING WRIT

TRUTH AFFIDAVIT

IN THE NATURE OF SUPPLEMENTAL

RULES FOR ADMINISTRATIVE AND MARITIME CLAIMS RULES C(6)

I, Marion Lamont Sherrod Jr., sui juris, by special visit and not general appearance, am Agent for MARION L. SHERROD, or any derivative thereof, in all COMMERCIAL AFFAIRS. I am of legal age, am competent for stating the matters set forth herewith, have personal knowledge about the facts stated herein, have full subject matter jurisdiction over the below regarding, everything is TRUTH, the whole TRUTH and nothing but the TRUTH under the pains and penalty of perjury.

A LAWFUL CONTRACT has (1) Offer; (2) Consideration; (3) Acceptance by all parties for the contract and (4) The signatures by all parties involved with the contract can participate in the discussion of the CONTRACT. FULL DISCLOSURE about the CONTRACT is IMPERATIVE.

Regarding: Offer of contract Dated: 3/08/12

UNITED STATES DISTRICT COURT WESTERN DISTRICT
OF NORTH CAROLINA ASHEVILLE DIVISION CASE NO.

1:12-CV-48-RJC

Frank G. Johns d/b/a FRANK G. JOHNS CLERK

Regarding: Offer of Contract Dated: February 15, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 16-7045 (1:12-CV-48-RJC)

Patricia S. Connor d/b/a PATRICIA S CONNOR CLERK

Regarding: Offer of Contract Dated: August 1, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 17-1837 (1:12-CV-00048-RJC)

Patricia S. Connor d/b/a PATRICIA S CONNOR CLERK

Regarding: Offer of Contract Dated: April 5, 2018

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 18-6289 (1:12-CV-00048-RJC)

Patricia S. Connor d/b/a PATRICIA S CONNOR CLERK

FACTS

1. I, Marion Lamont Sherrod Jr. Agent for MARION & SHERROD, or any derivative thereof, acted pro se for nearly half a decade, before I was granted professional counsel for trial. As a pro se plaintiff, I made an error by filing a declaration in the first appeal. Sherrod I, ECF No. 20. In my declaration I stated: (quote)

" I did not appeal Defendant Morgans Motion to Dismiss

for two reasons, the first is, I could not fairly say that Defendant Morgan intentionally violated any of my Constitutional rights...

But I do not wish to attempt to hold Defendant Morgan responsible for correctional staff or making them follow orders. Especially when not under a doctors care. So I ask the Honorable Court of Appeals to remove Defendant Morgan from the claim. (end quote)

2. As a pro se litigant, I acted in honor, but due to a lack of legal acuity, in error, I am not an attorney and simply failed to understand the complexity of litigation.

3. Consider the argument of attorneys at JONES DAY. (CONSOLIDATED REPLY BRIEF OF APPELLANT MARION SHERROD AND OPPOSITION TO DISMISS FOR LACK OF JURISDICTION). Please note the following:

A. This Court Has Jurisdiction Because Mr. Sherrod Timely Appealed the Final Judgements

B. Defendants Confuse The Flexible Doctrines of Waiver and Forfeiture with Jurisdictional Rules

C. This Court Exercised Its Jurisdiction By Vacating The Final Judgement That Dismissed Morgan and Bass

D. This Court Can Review The Claims Against Morgan And Bass On Appeal Of The Second Final Judgment

4. Mr. Sherrod's declaration was thus based on a clear legal error, and the fact that Mr. Sherrod made this error in a brief after the appeal had occurred could not somehow retroactively destroy appellate jurisdiction. Indeed, jurisdiction turns on the objective circumstances of the appeal and thus "cannot be waived."

Porsche Cars N. Am., Inc. v. Porsche.net 302 F.3d 248 255 (4th Cir. 2002). It is entirely clear that this court did have jurisdiction, because Mr. Sherrod did appeal Morgans dismissal even if he did not understand the legal mechanics of the appeal. The clarification Order was clearly erroneous in ruling otherwise.

(CONSOLIDATED REPLY BRIEF, pg. 22)

5. In retrospect, in Conclusion, the United States Courts of Appeals unpublished opinion, stated the following: (Doc. 83 pg. 13)
(quote)

In conclusion while we have jurisdiction over Sherrod's appeal of the district court's order dismissing Morgan. Sherrod waived his rights to appeal that order. Accordingly, we affirm the district court's dismissal of Morgan. (end quote)

6. I, Marion Lamont Sherrod Jr., Agent for MARION L. SHERROD, or any derivative thereof, contends prison walls do not form a barrier separating prison inmates from the protection of the Constitution, thus, when a prison regulation or practice offends a fundamental constitutional guarantee, federal courts will discharge their duty to protect prisoners constitutional rights. Morrison v. Hall 261 F.3d 846 (4th Cir. 2001).

7. As such, I, Marion Lamont Sherrod Jr., Agent for MARION L. SHERROD, or any derivative thereof, disagrees with that unpublished opinion and reiterates arguments made in the 'CONSOLIDATED BRIEF...' as follows: (pg. 22)

2. Adhering to the Order would be manifestly unjust

Defendants do not dispute that allowing a clear legal error to bar Mr. Sherrod's valid constitutional claim would be manifestly unjust to him. Resp. Br. 26. Instead, they insist that reviving the wrongly dismissed claim against Morgan would be a "Manifest injustice to Morgan." Id. at 28 (emphasis added). This argument gets points forchutzpah, but it cannot withstand scrutiny.

To support their argument about manifest injustice, Defendants largely repeat their arguments in defense of the Clarification Order, since Mr. Sherrod supposedly "waived and forfeited" his claim against Morgan. Id. at 27. But Defendants fail to acknowledge that waiver and forfeiture

are discretionary rules that can sometimes be excused in the interests of justice. *Supra* pp. 5-6. Which means that simply allowing a waived and forfeited claim to proceed is not by itself enough to show injustice. Indeed, Defendants fail to note that the supposedly "waived and forfeited" claim against McEntire was allowed to proceed, and that did not work any manifest injustice to her. It would especially be unjust to give unequal treatment to the claim against Morgan and McEntire any differently.

² There is no merit to Defendants' claim that Mr. Sherrod should have somehow "appealed" the Clarification Order, or asked the district court to disregard it. Resp. Br. 28-29. Mr. Sherrod had no avenue for appeal other than filing a petition for certiorari, which would have had no realistic chance of being granted. And even if he could have somehow filed a pro se brief from his prison cell asking the district court to disregard the appellate mandate on remand, the district court did not provide any meaningful opportunity for briefing before dismissing the claim against Morgan. (end quote)

8. Petitioner Marion Leont Sherrod Jr., Agent for MARION L. SHERROD, contends there is no accountability for state employee acts under color of law and pro se litigation for those incarcerated face extraordinary hardships, in my case, two spine surgeries, permanent physical and mental injury, retaliatory acts, including life threatening injuries resulting from denial of Access to Courts. (U.S. District Court Eastern District Civil Docket# 5:19-cv-03224-D)

9. I, Marion L. Sherrod Jr. Agent for MARION L. SHERROD, or any derivative thereof, contends he has chosen to control and own his own FICTITIOUS: MARION L. SHERROD, or any derivative thereof, and prohibit government corporations from making so-called charges against it, this remedy is available to me under the COMMON LAW GUARANTEE.

10. Everyone has the right to an EFFECTIVE REMEDY by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law. Continuous failure to receive EFFECTIVE REMEDY and repeated violations to my inalienable rights has forced me to claim SOVEREIGNTY.

11. MARION L. SHERROD, or any derivative thereof, i.e., the SECURED PARTY / DUMMY CORPORATION / STRAWMAN is an agent and implement utilized for the purpose of conducting COMMERCIAL ACTIVITIES for the Agent. Consider "DUMMY CORPORATION". As follows.

12. "DUMMY CORPORATION" means (MARION L. SHERROD, or any derivative thereof) an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances of a single person (such as the SECURED PARTY) "The corporation is distinct from the (individual) or individuals who comprise it. Such entity subsists as a body politic under a special denomination, which is regarded in law as having a personality distinct from that of its several members.

members. See Dartmouth College v. Woodward (4 Wheat) 518, 656, 657
4 LE d. 629; U.S. v. Trinidad Coal Co. 137 U.S. 160, 11 S. Ct 57, 34 LE d.
640; Andrews Bros. Co. v. Youngstown Coke Co. 86 F. 585, 30, 79, 46;
State v. Thistle Down Jockey Club 114 Ohio St. 582 151 N.F. 709,
711; Congdon v. Congdon 160 Minn. 343, 200 N.W. 76 87; Forest City
Mfg. Co. v. International Ladies Garment Workers Union Local No. 104
233 Mo. App. 835, 111 S.W. 2d 934; In re Crown Heights, 183 Misc. 563, 218
N.Y.S. 2d 658, 660; Froelich and Kottner of Manila, P.I. v. Sutherland,
57 App. Div. 294 22 F.2d 870, 872. And in "rare instances where it lists
a single person (such as the SECURED PARTY) this would be considered
a corporation sole, which consists of only that one person only in some
particular station who is incorporated by law in order to give them some
legal capacity and advantages, particularly that of perpetuity, which in their
natural persons they could not have (or in the present situation to give
them some legal capacity or advantages of dealings in the corporate
COMMERCIAL activities which in their natural persons they could not
have) See Step. Comm. 168, 169; First Parish v. Dunning 7 Mass.
447; Reid v. Barry 93 Fla. 849, 112 So. 846, 854. The Court cases
also state that a corporation may exist as a Domestic and/or Foreign
with reference to the laws of that state; a "foreign" corporation is one
created by or under the laws of another state, Government, or country. (As
in the present situation of a U.S. CORPORATION in Puerto Rico. See (BME)
Business Master File). In re Grand Lodge, 110 Pa 613, 14 582;

Fowler v. Chulingsworth 94 Fla. 1, 113 So. 667, 669; Tare Fyles Estate, 105 Texas 507, 143 P.2d 903, 905. They also state that a corporation de facto is one existing under the color of law and in pursuance of an effort made in 'good faith' to organize a corporation under the statute; an association claiming to be legally incorporated company and exercising the powers and functions of a corporation but without actual lawful authority to do so." See Foster v. Hare 26 Tex. Civ. App. 177, 62 S.W. 541; Cedar Rapids Water Co. v. Cedar Rapids, 118 Iowa 324, 91 N.W. 1081; Tulare Irrig. Dist. v. Shepard 185 U.S. 1, 22 S.Ct. 531; 46 L. Ed. 773; Evans v. Anderson, 132 Minn. 54 155 N.W. 1040, 1041. The fictitious named (MARION L. SHERROD) a strawman, or dummy corporation created by the government corporations without knowledge or intent of the natural person (Marion Lamont Sherrod Jr.) only exists under the color of law and claiming only to be legally incorporated for the purpose of COMMERCE, and exercising the powers and functions of a corporation, without actual lawful authority to do so, but strictly for the benefit of the government corporations and its commerce. The government corporation shows the Capital letter spelling of the SECURED PARTY name when they created the "fictitious" named corporation, due to the need of a specific name required for each separate legal entity's identification. Therefore, when a corporation is constructed a name is always given to it, or supposing to be actually given will attach to it by implication, and by that name alone it must

sue or be sued, and do all legal acts, though a very minute variation therein is not material, and the name is capable of being changed (by competent) authority without effecting the identity or capacity of the corporation
 See Wharton on Corporation, See also Black's Law Dictionary 6th ed.
 Dominy.

13. "CORPORATION" shall be deemed to include ANY Company, Trust, so-called Massachusetts trust, or association, incorporated or unincorporated, which is organized to carry on business for its own profit or that of its members... 15 USCA (United States Code Annotated) Section 44

14. United States - US - U.S. - USA - America
 Means: (A) a federal corporation... Title 28 USC Section 3002(=)
 Chapter 176. It is clear that the United States... is a corporation. 534
 FEDERAL SUPPLEMENT 724

It is well settled that "United States" et al. is a corporation, originally incorporated February 21, 1871 under the name "District of Columbia," 16 Stat. 419 Chapter 62. It was reorganized June 11, 1878; bankrupt organization per HOUSE JOINT RESOLUTION 192 on June 5, 1933, Senate Report 43-544, and EXECUTIVE Orders 6072, 6102 and 6246; a de facto government originally the ten square mile tract ceded by Maryland and Virginia

and comprising Washington, D.C. plus the possessions, territories, ports and arsenals.

15.

NORTH CAROLINA CONSTITUTION

ARTICLE VI

Section 1. Corporate Charters. No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal or reformatory purposes that are to be and remain under the patronage and control of the state ... (partial quote)

16. I, Marion Levent Sherrod Jr. Agent for MARION L. SHERROD, or any derivative thereof, contends that every prisoner in the USA has a MONETARY VALUE to the GOVERNMENT CORPORATION.

17. CORPORATIONS purchase the bonds written on a persons name (DUMMY CORPORATION) and social security number and are sold through brokerage firms. (Appendix C TRUTH AFFIDAVIT (TORT, CRIMINAL COMPLAINT, COMMERCIAL LIEN 4/12/14) (omit))

18. MASS INCARCERATION. The US has more people in prison per capita than any other nation on earth. PRISON FOR PROFIT.

19. The PAYNE WEBBER GROUP is the prime stockholder in the CCA (Correction Corp of America). Twenty of the largest companies such as WAL-MART; EXXON; GENERAL MOTORS; FORD MOTORS; CHEVY; TEXACO; CITY CORP; IBM; EX PHILLIP; HEWLETT PACKARD; VERIZON; UPS and etc. are also involved, with other stockholding corporations. There are numerous CORPORATIONS that hold these stocks amounting to billions of dollars.

20. Money generated is all off budget with NO ACCOUNTING to the people, even though the CORRECTION CORP OF AMERICA through the PAYNE WEBBER GROUP, is acting in the capacity of the UNITED STATES OF AMERICA.

21. I, Marion Lemont Sherrod Jr. Agent for MARION L SHERROD, or any derivative thereof, contends that the United States, STATE OF NORTH CAROLINA and the NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, benefits from ILLEGAL ACTIVITIES through COMMERCIAL SLAVERY, without actual lawful authority to do so, but strictly for the BENEFIT of the GOVERNMENT CORPORATIONS and its COMMERCE.

22. Everyone who comes into the courtroom is a ward in admiralty, a ward of the Court. We're in an "in rem" proceedings in admiralty in a title dispute and we have to come in as the title holder or have interest or

claim in the subject matter of the complaint, or we are the "vessel" and they have arrested the vessel. There is a system of COMMERCIAL AGREEMENTS which has altered our court system from being under the COMMON LAW to being under a LEGISLATIVE ARTICLE I COURT or TRIBUNAL SYSTEM OF COMMERCIAL LAW.

23. This is how the corporate entities of state, county, and municipal governments got entangled with the LEGISLATIVE DEMOCRACY, created by Article I, Section 8, clause 17 of the Constitution, and called here the Federal United States, to distinguish it from the Continental United States, whose origin was in the union of the sovereign states.

24. Relevance to the claim initiating the writ of Certiorari, is that I, Marion Leroy Sherrod Jr., Agent for MARION L. SHERROD, or any derivative thereof, is that ANY person brought before Legislative Article I courts or a Tribunal System of Commercial Law is held to the letter of every statute of government on the federal, state, county or municipal levels unless they have exercised the REMEDY provided them within the system of COMMERCIAL LAW.

25. COMMERCIAL LAW. This phrase designates the whole body of substantive jurisprudence, i.e. the Uniform Commercial Code, the Truth in Lending Act; applicable to the rights, intercourse, of persons engaged in commerce, trade or mercantile pursuits - Black's 6th

26. The REMEDY is as follows:

When a person is forced to use a so-called "benefit" from government, they may RESERVE their FORMER RIGHT (under the COMMON LAW GUARANTEE of said RIGHT), not to be bound by ANY CONTRACT or COMMERCIAL AGREEMENT, that they did not enter into KNOWINGLY, VOLUNTARILY and INTENTIONALLY.

27. I, Marion Lamont Sherrod Jr., Agent for MARION L. SHERROD, or any derivative thereof, hereby reserves my COMMON LAW right not to be compelled to perform under ANY CONTRACT that I did not enter into KNOWINGLY, VOLUNTARILY and INTENTIONALLY. And furthermore, I do NOT ACCEPT the liability associated with the compelled and pretended "benefit" of any hidden or unrevealed contract or commercial agreement.

28. As such, the hidden or unrevealed contracts that supposedly create obligations to perform, for persons of subject status, are inapplicable to me, and are null and void. If I have participated in any of the supposed "benefits" associated with these hidden contracts I have done so under duress, for lack of any other practical alternative. I may have recieved such "benefits", but I have not accepted them in a manner that binds me to anything.

24. Any such participation does not constitute "acceptance" in contract law, because of the absence of full disclosure of any valid "offer"; and voluntary consent without coercion or misrepresentation, under contract law. Without a valid voluntary offer and acceptance, knowingly entered into by both parties, there is no "meeting of the minds" and therefore no valid contract. Any supposed "Contract" is therefore void, ab initio.

30. From My age of consent to the date affixed below, I have never signed a contract knowingly, willingly, intelligently and voluntarily whereby I have waived ANY of MY NATURAL COMMON LAW RIGHTS, and as such TAKE NOTICE that I revoke, cancel and make void ab initio my signature on any and all contracts, agreements, forms, or any instrument which may be construed in any way to give any agency or department of any Federal or State government authority, venue or jurisdiction over me.

31. This position is in accordance with the U.S. Supreme Court decision of Brady v. U.S. 379 U.S. 742 at 748 (1970);

"Waivers of Constitutional Rights not only must be voluntary, they must be knowingly intelligent acts done with sufficient awareness of the relevant circumstances and consequences."

32. This position is in accordance with the Constitution of the United States. As follows:

CONSTITUTION
OF THE
UNITED STATES OF AMERICA
"Bill of Rights"

33. Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

34. Amendment X

The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively or to the people.

35. Amendment XIV

Section 1

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws.

36. Thus, my understanding from these Amendments is that the powers of all U.S. and state government officials are limited to those specifically granted by the U.S. Constitution.

37. I further understand that any laws, statutes, ordinances, regulations, rules, and procedures contrary to the U.S. Constitution, as written by its framers, are null and void, as expressed in the sixteenth American Jurisprudence second Edition, Section 177:

38. "The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the Supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail. This is succinctly stated as follows:

39. The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date

of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed, such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.'

40. 'Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it...'

41. 'A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the Fundamental law of the land, it is superseded thereby.'

42. 'No one is bound to obey an unconstitutional law and no courts are bound to enforce it.' [emphasis added]

43. And is expressed once again in the U.S. Constitution, Article VI:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be

the Supreme law of the land; and the Judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary not withstanding.

44. I, Marion Lamont Sherrod Jr., Agent for MARION L SHERROD, or any derivative thereof, contends there is no plain, adequate or complete remedy at law to redress the wrongs described herein. Especially when Courts ignore the complexity of pro se plaintiffs claims and ignore their power to exercise discretion; when said party is an incarcerated individual, with every disadvantage that position implies. Manning v. Caldwell for City of Roanoke, 930 F.3d 264, 271 (4th Cir. 2019) (Appendix A) (pg. 13) As such, I have DEMANDED COMMON LAW JURISDICTION.

NOTICE

45. I, Marion Lamont Sherrod Jr., Agent for MARION L SHERROD, or any derivative thereof, contends that through the UNIFORM COMMERCIAL CODE I have chosen to personally change and revert back to the NATURAL LAWFUL FLESH and BLOOD SOVEREIGN MAN, with unlimited Creator-Given Birthrights. As such, I no longer remain under the presumption of being an UN-LAWFUL ARTIFICIAL / CORPORATE SUBJECT U.S. SLAVE PROPERTY and ASSETS with absolutely no rights or Constitutional protections. My use of such alleged "benefits", such as "WAEVER", was under duress only, and is with FULL RESERVATION of ALL of My COMMON LAW RIGHTS. I have waived NONE of My

intrinsic rights and freedoms by my use thereof.

46. I, Marion Lamont Sherrod Jr. Agent for MARION L SHERROD, or any derivative thereof, declares that the natural person before you in this case, says and continues to state:

My Christian name is Marion Lamont Sherrod Jr., Capital M, lower case a, r, i, o, n; Capital L; lower case a, m, o, n, t; Capital S, lower case h, e, r, r, o, d; Capital J, lower case: r.

I am a private national citizen, a natural person, a preamble Indigenous Sovereign National of North America, domiciled in the land of the North Carolina Republic, a Union State. I am not a citizen of any conglomerate state government. I am not a citizen, resident, officer, or employee of the federal united states, nor any of its possessions. I am a free sovereign and have not knowingly, willingly, intentionally or voluntarily made myself subject to the colorable law jurisdiction of the united states in the corporate monopoly of the Federal and/or state governments. ANY CONTRACT that may be in place concerning me is under color of law and false presumptions must be under threat of duress and/or coercion, and must be conducted ambiguously. "I DO NOT ACCEPT BENEFITS thereof openly; If I have received a benefit, it was received"

ambiguously because of the FRAUD IN ESSENCE, I would not have accepted a benefit, if I had known the ramifications of the presumed agreement. I DO NOT ACCEPT said 'benefit' openly and voluntarily. I am therefore not subject to or in jurisdiction of the colorable law jurisdiction of the United States in the CORPORATE MONOPOLY of the FEDERAL and/or STATE OF NORTH CAROLINA GOVERNMENTS. If it appears that I have recieved ANY 'benefits' from the government, they were 'recieved' without prejudice under UCC 1-207 UCC 1-308, If I give the appearance of being 'indebted' to the government in anyway, it is because I am left without action or recourse - NO REMEDY AVAILABLE. Therefore: "Liability Discharged without prejudice UCC 1-207 3-305 and 3-601.

47. EXPLICIT RESERVATION and use of 'ALL RIGHTS RESERVED WITHOUT PREJUDICE UCC 1-207/308 (UCC 1-103) is noted to ALL FEDERAL, STATE, CITY and MUNICIPAL PEACE OFFICERS in harmony with state statutes and indicates the RESERVATION of My Rights. Whereby I MAY RESERVE MY SUBSTANTIVE RIGHTS and CONSTITUTIONAL SECURED RIGHTS and IMMUNITIES NOT TO BE COMPELLED TO PERFORM UNDER ANY CONTRACTS UNWILLINGLY or UNINTENTIONALLY. I DO NOT ACCEPT ANY ACTUAL or IMPLIED 'LIABILITIES' ASSOCIATED with ANY COMPELLED BENEFITS of ANY KIND 'UNREVEALED' or 'DECEPTIVELY-IMPOSED COMMERCIAL CONTRACTS'

I Furthermore DO NOT SANCTION ANY CONSTITUTIONAL VIOLATIONS (UNCONSTITUTIONAL) RULES NOR ACTS OF (MISPRISON) COMMITTED BY ANY U.S. GOVERNMENT OFFICIALS AT ANY LEVEL IN THE NAME OF THE UNITED STATES.

48. For the record, all affidavits are TRUTH AFFIDAVITS for they are the manner for the sovereign to address another sovereign or government. Affidavits state only the facts provable by the sovereign.

44. I, Marion Lamont Sherrod Jr. Agent for MARION L. SHERROD, or any derivative thereof, contends the constitutionality of statutes cannot be challenged except in a common law venue by individuals in their sovereign capacity. Having COMMON LAW RECOURSE AND REMEDY in a Common law venue is essential to restoring due process and sovereign rights. There is no sovereignty without it in our system of law. Quiet title actions must be restored.

CONCLUSION

For the reasons above, I, Marion Lamont Sherrod Jr., Agent for MARION L. SHERROD, or any derivative thereof, DEMANDS COMMON LAW JURISDICTION. Specifically, a procedure known as the 'Non-statutory Abatement' is DEMANDED, to quash improper, unlawful, inadequate and defective processes concerning 'waiver and forfeiture' and 'Fake laws' suggesting I have NO COMMON LAW GUARANTEED RIGHTS.

DEMANDS COMMON LAW JURISDICTION. A procedure known as the 'Non-statutory Abatement' is DEMANDED, to quash improper, unlawful, inadequate and defective processes concerning 'WAIVER and FORFEITURE and 'FAKE LAWS' suggesting I have NO COMMON LAW GUARANTEED RIGHTS, and re-instate the deliberate - indifference claims against Defendants Morgan, Bass and Johnson. On this day the 30th day of January 2020.

Executed on: January 30, 2020

Respectfully Submitted,



without prejudice JCC 1-207/308

DOC # 0553222

c/o 4600 Sulaip Fox Road Highway West
Tabor City, North Carolina [28463]

Sui juris