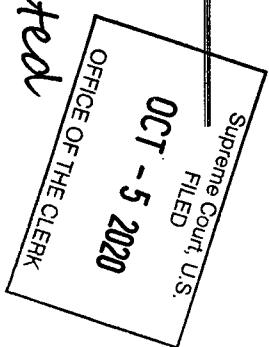


No. 20-1038

In The  
Supreme Court of the United  
States



DARRELL WAYNE BROWN

*Plaintiff*

Vs.

UNITED STATES OF AMERICA ET AL  
D/B/A: Kevin Michael Comstock

*Defendant*

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DIVISION OF VIRGINIA  
UNITED STATES COURT OF APPEAL  
FOR THE EIGHTH CIRCUIT

DARRELL WAYNE BROWN  
4360 Trafton Ave  
Virginia Beach, Virginia 23456

## QUESTION PRESENTED FOR REVIEW

The Court lacks subject matter and personal jurisdiction for the reasons below.

1. This Court, and all public offices, is defined under FRCP Rule (40) as a FOREIGN STATE, and as defined under TITLE 28 JUDICIARY AND JUDICIAL PROCEDURE. The Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at Title 28, 1330, 1332, 13910, 1441(d), and 1602-1611, and is being jurisdictionally challenged, and "full disclosure" of the "true" jurisdiction of this Court has been asked but has stayed silent?

2. Any failure to disclose the true jurisdiction is a violation of 15 statues at Large, for this was passed to remove the people of the United States of America from the federal citizenship under the 14th amendment. Chapter 249 (section 1), enacted July 27, 1868?

3. It is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction. He is violating the defendant's right to due process of the law. It is, in fact, the plaintiff's responsibility to prove, on the record. That jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein.

## QUESTION PRESENTED FOR REVIEW - Continued

It is the Plaintiff's right to challenge jurisdiction, and it is the plaintiff/prosecutor's duty to prove it exist. The Defendant herein was given the opportunity (multiple times) to put the facts of jurisdiction on the administrative record but acquiesced by tacit procuration to the fact that the constitutional and due process violations alleged by the Plaintiff did, if act occur and did, in fact, deprive the court of subject matter jurisdiction, which is now the record before the court?

4. That it is not the prosecutor's duty and obligation to provide ALL the facts that establish the court's jurisdiction, and place them upon the record – even in a collateral attach against jurisdiction?

5. The Prosecutor(s) has failure to comply with any/all request of jurisdictional issues for the record in which violates the "Accardi Doctrine" in which the U.S. Supreme Court has provided. The prosecutors originally asserted that the court had personal and subject-matter jurisdiction and no evidentiary documents were presented. Like any other evidence placed on record, all evidence pertaining to lawful jurisdiction can and be inspected by all parties in the case. Shouldn't they be presented instead of tacit admission?

6. For the claimant, is "transient foreigner without legal domicile as defined in [28 USC 1332 (d), 4 USC 110 (d)]. In the event that the "State" (Legal Fiction) makes a claim against claimant(s) herein declares his "person" to be "stateless person" and outside any/all general jurisdiction of the federal government. [All "stateless persons" fail to be subject to the jurisdiction of any/all courts because domiciled outside of the general jurisdiction of the federal government].

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

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

EXHIBITS

Exhibit "A" UNITED STATES DISTRICT COURT  
EASTERN DIVISION OF VIRGINIA NORFOLK DIVISION  
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TABLE OF CITATIONS

CASES

*Silkwood v. Kerr-McGee Corp.*

[464 U.S. 238, [247 *supral*]] (1984)

*Perry Education Assn. v. Perry Local Educator's Assn.*

460 U.S. 37, 43

*Main v. Thiboutot*

100 S. Ct 2502 (1980)

*Hagans v. Lavine*

415 U.S. 533

*Thompson v. Tolmie*

2 Pet, 157 7.L. ED. 381

*Griffith v. Frazier*

8 Cr. 9, 3 L. ED 471

*Basso v. Utah Power & Light Co.*

495 2nd 906 at 910

*United States v. Lee*

106 U.S. 196, 220, 221, 1.S. CT 240, 261

*McNutt v. GMAC*

298 U.S. 178

*Goudy v. Baltimore and Ohio R.R. Company*

385 III. 86, 92, 52 N.E. 2d 255 (1943)

STATUTES

- 28 U.S.C. § 1251
- 28 U.S.C. § 1254 (2)
- Title 5 U.S.C. 556
- Title 5 558 (b)
- Title 5 556 (d)
- Title 26 CFR § 601, 503
- Article 8, Section 103
- Article 8, Section 105
- Article 2, Section 401
- Article II, 1 c. 1.5.
- Title 15 § 1122
- 20 C.J.S. 1785, Page 11
- 28 U.S.C. § 3002 (15)
- Federal Rule 8 (E)
- Chapter 48; 48 STAT. 112
- U.S. Constitution Amdt. 11
- 18 U.S.C. App., at 912

CITED U.C.C.

U.C.C. § 1-104  
U.C.C. § 1-201 (2)  
U.C.C. § 1-201 (14)  
U.C.C. § 1-201 (27)  
U.C.C. § 3-302 (A) (2)  
U.C.C. § 5-102 (6)  
U.C.C. § 9-105  
U.C.C. § 10-104

## INTRODUCTION

Now Comes Aggrieved parties (U.C.C. § 1-201 (2)) Darrell-Wayne: Brown© TM (hereinafter Aggrieved party), Sui Juris, Secured Party (U.C.C. § 9-105), NON-PERSON (U.C.C. § 1-201 (27)), NON-RESIDENT, NON-DEBTOR (28 U.S.C. § 3002 (4), NON-COPERATED, NON-FIXTION, NON-SUBJECT, NON-PARTICLANT in any government programs, a Living flesh and blood Man standing on the ground, Sovereign, NON-CITIZEN, under Special Appearance (Rule 8 (E)) not generally, NON-DEFENDANT (U.C.C. § 1-201 (14), Holder-In-Due-Course (U.C.C. § 3-302 (A) (2) of all documentation (U.C.C. § 5-102 (6) of the "Entity" Cestui Que Vie trust Darrell-Wayne: Brown © TM, representing the Corporate Fiction: Darrell-Wayne: Brown

## UNANSWERED JURISDICTIONAL ISSUES

It is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the plaintiff's responsibility to prove, on the record.

The jurisdictional issue we must consider is whether this case is properly within our authority, under 28 U.S.C. 1254 (2) to review the decision from a Federal Court [480 U.S. 572, 579] of appeals by appeals if a state Statute "held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States...." Statutes authorizing appeals are to be strictly construed. [*Silkwood v. Kerr-McGee*

*Corp.*, 464 U.S. 238, 247 (1984). *Perry Education Assn. v. Perry Local Educator's Assn.*, [460 U.S. 37, 43 (1983)]. As noted in *Silkwood*, *supra*, at 247, "we have consistently distinguished between those cases in which a state statute is expressly struck down" as repugnant to the Constitution, treaties, or Laws of the United States, and those case(s) in which "an exercise of authority under state law in invalidated without reference to the state statute(s)."

That jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the Plaintiff's right to challenge jurisdiction, and it is the Courts duty to prove it exist.

(a) "The law provides that once the State and Federal jurisdiction has been challenged, it must be proven." *Main v. Thiboutot*, 100 S. Ct. 2502 (1980);

(b) "Once jurisdiction is challenged, it must be proven." *Hagans v. Levine*, 415 U.S. 533;

(c) "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." *Thompson v. Tolmi*, 2 Pet. 157, 7 L. Ed. 381; *Griffith v. Fraizer*, 8 Cr. 9, 3 L. Ed. 471;

(d) "No sanctions can be imposed absent proof of jurisdiction." *Standard v. Olsen*, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b);

(e) "The proponent of the rule has the burden of proof." Title 5 U.S.C., Sec. 556(d);

(f) "Jurisdiction can be challenged at any time, even on final determination." *Basso v. Utah Power & Light Co.*, 495 2nd 906 at 910.

**(g) When jurisdiction challenges the act of a Federal or State official as being illegal, that official cannot simply avoid liability based on the fact that he is a public official. [United States v. Lee, 106 U.S. 196, 220, 221, 1.S. Ct 240, 261].**

Jurisdiction, once challenged, is to be proven, not by the Court, but by the party attempting to assert jurisdiction, the burden of proof of jurisdiction lies with the asserter. The Court is only to rule of the sufficiency of the proof tendered, see *McNutt v. GMAC*, 298 U.S. 178. The origins of this doctrine of law may be found in *Maxfield's Lessee v. Levy* 4, U.S. 308.

The Prosecutor has the duty to place all fact(s) of jurisdiction upon the record as a necessary requirement of due process of law. [A Court "cannot confer jurisdiction where none exists and cannot make a void proceeding valid."] [See *Gowdy v. Baltimore and Ohio R.R. Company*, 385 III. 86, 92, 52 N.E. 2d 255(1943)] without evidence, no such jurisdiction can be presumed to exist.

Defendant, Kevin Michael Comstock, was given three separate notices and opportunities to respond, which is adequate due process. He received the initial Private Administrative Remedy and was subsequently served with a Notice of Fault/Opportunity to Cure, and then further served a Notice of Default and Contractual Notice and Demand for Settlement and Closure of the Escrow, and then finally an Administrative Judgement signed by an impartial third party, witness and notary. Kevin Michael Comstock, Defendant agrees that his default, which was by his choice, would

Republic, held under Article II, 1 c. 1.5. Also, an W8BEN has been filed with the Secretary of State, along with The United States of America Treasury and to Puerto Rico showing/claiming a filed W8BEN; "Certificate of Foreign Status of Beneficial"; has become Holder-In-Due-Course to any/all document(s) of the fraudulent filing(s) of the CORPORATE Fiction of: DARRELL-WAYNE: BROWN

**Aggrieved Party, Darrell-Wayne: Brown, has rescind any/all contracts with any/all Court(s) State and/or Federal; and any/all Government program(s) set forth with any/all Government Agencies; and does not reply on and/or accept anything from the Government.**

**THE UNITED STATES OF AMERICA ET; AL.; D/B/A: KEVIN MICHAEL COMSTOCK; has went silent and has refused to answer any/all request of jurisdiction. As stated above; jurisdiction, once challenged, is to be proven, not by the Court, but by the party attempting to assert jurisdiction, the burden of proof of jurisdiction lies with the asserter.** The Court is only to rule of the sufficiency of the proof tendered, see *McNutt v. GMAC*, 298 U.S. 178. The origins of this doctrine of law may be found in *Maxfield's Lessee v. Levy* 4, U.S. 308. TITLE 15 § 1122. Liability of United States and States, and instrumentalities and officials thereof;

(a) Waiver of sovereign immunity by the United States:

The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this chapter.

comprise her agreement with all the terms of this trust contract and his waiver of all rights or recourse, appeal, objection, protest, claim or controversy having had opportunity and failed let to state jurisdiction on the record. The prosecutor's duty and obligation to provide ALL the facts that establish the court's jurisdiction and place them upon the record – even in a collateral attack against jurisdiction.

## OVERALL FACTS

Aggrieved Party, Darrell-Wayne: Brown, Sui Juris, has duly Accepted For Value, filed and Registered with the Secretary of Treasury, the Department of Licensing, Uniform Commercial Code Division, among others, My Birth Registration Documents in accordance with House Joint Resolution 192 of June 5, 1933 and U.C.C. § 1-104 & U.C.C. § 10-104, as well as Chapter 48 48.STAT 112; thereby, and further herein re-vesting to Grantor Title of all property in accordance with 26 CFR § 1.676A-1, to include any and all Power of Attorney under 26 CFR§ 601.503, which were displaced due to fraudulent inducements to transact business and nondisclosure of material facts and legal ramifications.

It has been further found and determined that the Application for Birth Registration, the live Birth Report, and insurance of a "Certificate of Live Birth" are all one of the same "Security Instruments as articulated in U.C.C. Article 8, Section 103 & 105, and do not have any "Authorized Signatures" thereon, (Article 2, Sec. 401) and are therefore "Counterfeit Securities" further warranting the return thereof. Furthermore, an "Statement of withdrawal, Form SSA-521" was fraudulently included through continuous actions into the jurisdiction of the Federal Government by way of the before mentioned contracts/forms thereby altering my citizenship as a real free-born human being within the

(b) Waiver of sovereign immunity by States:

Any State, instrumentality of a State or any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this chapter.

#### **DUE PROCESS CLAUSE**

Due Process Clause of the Fourteenth Amendment to contest certain issues on Appeal even if the Defendant, entered an unconditional guilty plea. Since a rule of Procedure cannot abrogate a constitutional right, the Advisory Committee's note on Rule II specify that Rule II (a) (2) "has no application" and should not be interpreted as either broadening or narrowing procedures for its application. [18 U.S.C. App., at 912].

#### **REQUEST FROM THE SUPREME COURT**

Aggrieved party requests this Supreme Court to give notice to all government agents, agencies, and lower Courts that he is outside the jurisdiction of the UNITED STATES CORPORATION (28 U.S.C. § 3002 (15)) (20 C.J.S. 1785 P. 11). And enter judgment in his favor against Plaintiff in an amount that will compensate him for his actual damages, statutory damages, punitive damages, court costs, applicable attorney fees and all other appropriate relief. Since jurisdiction has been challenged and THE UNITED STATES OF AMERICA, ET AL has remained silent, D/B/A: Kevin Michael Comstock, that official cannot simply avoid liability

**based on the fact that he is a public official;** the Aggrieved Party is requesting to analyze any/all options of any/all Agent(s), and to reverse said case back to the original court and put said jurisdiction on the record and since the liability is on The United States of America; D/B/A: Kevin Michael Comstock, be subpoenaed to answer any/all jurisdictional issues since the burden of proof of jurisdiction lies with the asserter. "No sanctions can be imposed absent proof of jurisdiction issue(s)."

#### CONCLUSION

For the written reason(s), Darrell-Wayne: Brown, respectfully requests the Supreme Court to force The United States of America et; al, to answer any/all jurisdictional issues; as void order(s) shall be circumvented by collateral attack or remedied where jurisdictional was challenged from the beginning.

Respectfully submitted,



Darrell-Wayne: Brown

DATE: 12/9/20