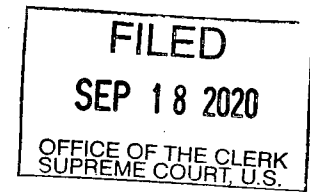


ORIGINAL

20-6344
No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Phyllis Marie Knight, also known as Dr. Phyllis Marie Knight-Bey, D.M.-PETITIONER

vs.

John C. Chatelain; LaChelle A. Phillips; Douglas County Court Clerks Office; Judge Sheryl Lohaus;
City Clerk, City of Omaha - RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATE COURT OF APPEALS for the Eighth Circuit

Dr. Phyllis Marie Knight-Bey D.M.
[PHYLLIS MARIE KNIGHT]
2301 Benson Gardens Blvd #7Q
Omaha, Ne 68134
(402) 714-1192

QUESTION(S) PRESENTED

For The questions is a matter of jurisdiction undisputed mix law and mix fact “state v. federal.” The *legal* right to trial by jury as declared in U.S.C., Title 28, §770 [now 1873] (Trial of issues of fact; by jury.) Establishing the judicial fact of common law original subject-matter jurisdiction for; “*diversity of citizenship*” between citizens of two different states and nationality. Involved in an “*interstate commerce*” conflict over a land dispute in controversy of the real party in interest. In which a county court trustee trespassed upon petitioners rights; while under federal review operating outside ones jurisdiction granting an illegal eviction, levying of petitioners goods, and order of physical arrest. Awarding the disposal of petitioners assets for the benefit of others. While “*knowingly*” aware they were party to this federal civil action that was on appeal in the Court of the Eighth Circuit. The “*Appellees*” retaliatory action was intentional and personal. Their “*cause of action*” is that of an “hate crime.” A cause shown by the lack of fundamental fairness of procedural and substantive due process rights. The American “*Bill of Rights*” Seventh Amendment is an guaranteed historical right to a civil jury trial under Federal Rule 38. A jury trial that suffer an interruption by deficiency. When the U.S District Court judge rested the case on a summary judge rather than honoring petitioners demand for a trial by jury. The judge's “*abuse of discretion*” caused injury as a matter of law, interference of treatise and breach of the U.S. Constitution. The “*Appellees*” interrupted the rule of law when they illegally carried out a federal adjudication in a state tribunal court. Their entry of a second small claims action was entered into the county court while under federal review. Issuing a administrative judgment in retaliation of this present federal civil action. “*Appellees*” breached state and federal constitutional procedures of due process. Ignoring the plain language of law; proper procedure for establishing jurisdiction. For without jurisdiction the court has “*no power to act*”. Therefore causing injury to the U.S. Constitution and Indian Treaties national recognition of Indian Religious Land Use. The (*Appellee*) trustee caused injury of intentional infliction and emotional distress by *trespassing on rights*; a deprivation measure under the ‘*treatise*’ “Clearfield Doctrine” international constitution *commerce clause* burdens of *interstate commerce*. The “*Appellee's*” fail to recognizing that language is the key difference of statute law and common law jurisdiction. The Eighth Circuit Court of Appeals failed to take proper consideration to *all* the facts and laws relating to the federal subject matter jurisdiction surrounding this dispute. (*referencing*) the “*Substantial Right Doctrine*” and “*Administrative Law Treatise*,” substantive and procedural conflict of interest of international, state and federal law. Evidence that bears on factual and legal issues of *federalism* separation of powers between judge and jury, checks and balances, pure questions of law vs. pure questions of fact: “legislative fact” is considered part of law interpretation and not treated as question of fact.

Question(s)

1. Is the “trustee” the real party to the controversy for the purpose of “diversity of citizenship” jurisdiction involving subject-matter under the “*commerce clause*” in a complete diversity between two citizens of different states and different nationalities in dispute of land rights?
2. Is the Seventh Amendment Right guaranteed under the “*Bill of Rights*” or granted only at the personal discretion of a judge?
3. Under the “Fair Debt Collection Practices Act” should a **bar** attorney and **state** judges be held accountable for false prophecy, fraud, perjury, harassment and abuse of substantial *interstate commerce* debt collection practices for filing deceptive forms under 18 U.S.C. § 1521 “*knowingly*” operating outside jurisdiction to carry out a hate crime when issuing a retaliation lien **without** the presences of an *injured party* nor proof of any *equitable contract*?

LIST OF ALL PARTIES

Defendant No. 1

JOHN C. CHATELAIN (Bar Attorney/Foreign Agent)
14707 California Street Ste. #1
Omaha, Nebraska 68154
(402) 333-8488 ext. #1

Defendant No. 2

LACHELLE A. PHILLIPS (Out-of-state citizen/client for Defendant #1)
5460 Rowley Road #1304
San Antonio, Texas 78240
(210) 440-2309

Defendant No. 3

SHERYL L. LOHAUS (Government Official/Presiding Judge of the 4th Judicial District, County Court)
1701 Farnam Street
Omaha, Nebraska 68183
phone:(402) 444-5432
fax: (402) 444-6890

Submit to:

State Administrative Office of the Courts
1445 K. Street # 1220
Lincoln, Nebraska 68508
(402) 471-3730

Defendant No. 4

DANIEL A. ESCH (Government Official/Douglas County Clerk)
1819 Farnam Street HO8
Omaha, Nebraska 68183
(402) 444-6767

Defendant No. 5

ELIZABETH BUTLER (Government Official/City Clerk, City of Omaha)
1819 Farnam Suite LC1
Omaha, Nebraska 68183
(402) 444-5550

RELATED CASES

- *SELDIN COMPANY v. PHYLLIS KNIGHT*, No. CI 93-9149807 DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date August 3, 1994
- *ENTERPRISE BANK v. PHYLLIS KNIGHT*, No. CI 11-7363, DOUGLAS COUNTY, DISTRICT COURT FOR THE STATE OF NEBRASKA. Judgment November 7, 2011
- *CYNTHIA JENKINS v. PHYLLIS KNIGHT*, No. CI 13-12832, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date July 8, 2013
- *PATRICK FRAZIER v. PHYLLIS MARIE KNIGHT*, No. CI 15-13945, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. January 20, 2016
- *CDM PROPERTY v. PHYLLIS MARIE KNIGHT*, No. CI 16-9790, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment on June 8, 2016
- *JACKSON TOWERS v. PHYLLIS MARIE KNIGHT*, No. CI 17-10292, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment on June 26, 2017
- *LACHELLE A. PHILLIPS v. PHYLLIS MARIE KNIGHT*, No. CI 19 8911, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment on May 8, 2019
- *LACHELLE A. PHILLIPS v. DR. PHYLLIS MARIE KNIGHT*, No. CI 19 11289, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment on August 23, 2019.

TABLE OF CONTENTS

| | |
|---|--------|
| OPINIONS BELOW..... | page 1 |
| JURISDICTION..... | page 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... | page 3 |
| STATEMENT OF CASE..... | page 4 |
| REASON FOR GRANTING THE WRIT..... | page 5 |
| CONCLUSION..... | page 6 |

INDEX TO APPENDICES

| | |
|-----------------|--|
| APPENDIX A..... | U.S. Court of Appeals Eighth Circuit judgment entered on March 25, 2020 |
| APPENDIX B..... | U.S. Court of Appeals Eighth Circuit mandate entered on May, 5, 2020 |
| APPENDIX C..... | U.S. Court of Appeals Eighth Circuit rehearing denial entered of April 28, 2020 |
| APPENDIX D..... | U.S. District Court for the District of Nebraska MEMORANDUM AND ORDER leave to proceed in Forma Pauperis entered on June 13, 2019 |
| APPENDIX E..... | U.S. District Court for the District of Nebraska, judgment entered on July 30, 2019 |
| APPENDIX F..... | STATE OF NEBRASKA, ordering case dismissed for lack of jurisdiction entered on May 8, 2019 |
| APPENDIX G..... | Federal Appellee(s) re-filing their second false TENANT LANDLORD claim in the STATE SMALL CLAIMS COUNTY COURT OF DOUGLAS COUNTY, while under federal review in the U.S. District Court and on appeal in the Eighth Circuit Court entered on May 22, 2019 |
| APPENDIX H..... | STATE SMALL CLAIMS COUNTY COURT OF DOUGLAS COUNTY, rescheduled hearings for June 10, 2019, July 18, 2019 and August 15, 2019 |
| APPENDIX I..... | STATE SMALL CLAIMS COUNTY COURT OF DOUGLAS COUNTY, judge recused on August 15, 2019 |
| APPENDIX J..... | STATE SMALL CLAIMS COUNTY COURT OF DOUGLAS COUNTY, Restitution of Premises hearing entered on August 23, 2019 (<i>attachment</i>) of Federal Appeal notice severed by Sheriffs Office |
| APPENDIX K..... | STATE SMALL CLAIMS COUNTY COURT OF DOUGLAS COUNTY, Writ of Error Coram Nobis filed August 30, 2019 – denied on September 12, 2019, “Letter of Retaliation” issued by judges order |
| APPENDIX L..... | False Notice of Abandonment dated September 11, 2019, and ATTEMPTED EXTORTION Text message by Appellee, <i>LACHELLE A. PHILLIPS</i> on October 25, 2019 |

TABLE OF AUTHORITIES CITED

Cases Cited:

UNITED STATES v. THE HEIRS OF HENRY TURNER(TUNICA), 52 U.S. 663 (1850)
Bennett v. Butterworth, 52, U.S. (11 How.) 669, (1850)
Hipp v. Babin, 60 U.S. (19How.), 271, 278 (1857)
Scott v. Neely, 140, U.S. 106, 109, (1891)
Capital Traction v Hof, 174, U.S. 1 (1899)
Solcum v. New York Insurance Co. (1913)
Dice v. Akron, 342 U.S. 359 (1952)
Dairy Queen, Inc. v. Wood, 369 U.S. 469, 82 S. Ct. 894 (1962)
Ross v. Bernhard, 396 U.S. 531 (1970)
Hollywood, Inc. v. City of Hollywood 321 So. 2d 65 (1975)
Lehman v. Nakshian, 453 U.S. 156 (1981)
Pullman-Standard v. Swint, 456 U.S. 273(1982)
Tull v. United States, 481 U.S. 412 (1987)
West v. Atkins, 487 U.S. 42, 48 (1988)
United States v. Village of Airmont 839. F. Supp. 1054 (S.D.NY. 1993)
Gasperini v. Center for Humanities, Inc., 518 U.S. 415 (1996)
Feltner v. Columbia Pictures TV, 523 U.S. 340 (1998)
Baltimore Neighborhoods, Inc. v. Rommel Builders, Inc., 40.F. 700 (D. Md. 1999)
*Guru Nanak Sikh Society of Yuba City v. County of Sutter. Citation*22 III.456 F.3d 978 (9th Cir. 2006)
Alexander v. Riga, 208 F. 3d 419, 430-32 (3rd Cir 2000)
Mathews v. Cherorn Corp., 362 F.3d 1172, 1180 (9th Cir 2004)
Midrash Sephardi v. Town of Surfside, 366 F. 3d (11th Cir 2004)
United States v. City of Hollywood, Florida (2005)
Albanian Associated Fund v. Township of Wayne (2006)
Haile v Holder, 658 F.3d 1122, 1125 (9th Cir. 2011)
Albanian Associated Fund, Inc. v. Township of Wayne (D.N.J. 2017)
Arnal v. Aspen View Condo. Ass'n, et al. (D.Colo.) (2017)
Cunningham, et al. v. Baltimore County, et al., No. 3461 (2018)
Calvillo, et al. v. Baywood Equities, L.P., (2019)
Jimcy McGirt v. Oklahoma, 591 U.S. (2020)

STATUTES AND RULES
NEBRASKA LEGISLATURE

Section I-13, Justice administered without delay; Legislature; authorization to enforce mediation and arbitration.

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

Neb. Const. art. I, sec. 13 (1875);

Amended 1996, Laws 1995, LR 1CA,sec. 1.

The writ of error coram nobis provides a corrective judicial process that the Constitution guarantees shall not be denied. *Carlsen v. State*, 129 Neb. 84, 261 N.W. 339 (1935).

County judge cannot require party to pay fees or costs in advance as condition to "performing those services which would be necessary to enable the defendant to press his defense." *Douglas County v. Vinsonhaler*, 82 Neb. 810, 118 N.W. 1058 (1908).

This section guarantees a remedy only for such as result from an invasion or infringement of a legal right, or the failure to discharge a legal duty or obligation, and is not a guarantee of a remedy for every species of injury in respect of such matters. *Goddard v. City of Lincoln*, 69 Neb. 594, 96 N.W. 273 (1903).

Litigants are entitled to access to the courts when they have probable cause for believing an injury has been done to their lands, goods, person or reputation. *Fender v. Waller*, 139 Neb. 612, 298 N.W. 349 (1941).

25-2802. Jurisdiction.

- (1) The Small Claims Court shall have subject matter jurisdiction in all civil actions of any type when the amount of money or damages or the value of the personal property claimed does not exceed the jurisdictional amount specified in subsection (4) of this section, exclusive of interest and costs.
- (2) The Small Claims Court shall have subject matter jurisdiction in civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a contract or agreement for the purchase of goods or services not in excess of the jurisdictional amount specified in subsection (4) of this section, exclusive of interest and costs.
- (3) The Small Claims Court shall have jurisdiction when the party defendant or his or her agent resides or is doing business within the county or when the cause of action arose within the county.
- (4) The jurisdictional amount is three thousand nine hundred dollars as of July (2020)

1.

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

Petitioner respectfully prays that the writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from the **federal courts**:

The opinion of the United States court of appeals at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished

The opinion of the United States court of appeals at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished

☐ For cases from the **state courts**:

The opinion of the United States court of appeals at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished

The opinion of the United States court of appeals at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished

2.

JURISDICTION

☐ For case from **federal courts**:

The date on which the United States Court of Appeals decide my case was March 25, 2020.

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 28, 2020, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C § 1254(1).

☐ For cases from **state courts**:

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

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

☐ An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

This jurisdiction of this Court is invoked under 28 U.S.C § 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The Bill of Rights
2. Jurisdiction
3. Religious Land Use and Institutionalized Persons Act (RLUIPA)
4. False Prophet
5. Property Rights
6. Fourteenth Amendment
7. Commerce Clause
8. Clean Water Act
9. Abuse of Discretion
10. Trespassing on Rights
11. Separation of Powers
12. Checks and Balances
13. Cross-reference
14. Mixed question of law and fact
15. Interruption of Seventh Amendment Right
16. Interruption of Rule of Law
17. Misrepresentation
18. Freedom of Religion
19. Judiciary Act of 1789
20. The Preservation Clause
21. Examination Clause
22. Breach of Constitution
23. Breach of Oath
24. Deprivation of Rights
25. Supremacy Clause
26. Fair Housing Rights
27. Fair Debt Collection Act
28. Indian Land Rights
29. Possessory Land Claim
30. Nonintercourse Act
31. Retaliation
32. Terrorist Activity
33. Breach of "Friendship Treaty
34. War Crime
35. False Claims Act
36. Human Rights Violation
37. Unclean Hands Doctrine
38. Hate Crime
39. Attempted Extortion
40. Criminal Act
41. Identity Theft
42. Indian Treaties

STATEMENT OF THE CASE

For this case began as a federal civil action complaint filed in the United States District Court by the (Appellant) seeking remedy in controversy of a land dispute between persons of two different states and nationality. A trial by jury was demanded. In effort to fairly decide the facts of the case. This action was filed in the proper court of the U.S. District holding original jurisdiction over the subject matter of “*diversity of citizenship*” and “*commerce clause jurisprudence*.” (Appellees) under minded the rule of law by filing a false claim under the wrong title in the wrong court lacking jurisdiction. (Appellee) *Attorney John C. Chatelain* of Omaha, Nebraska filed a fraudulent TENANT LANDLORD small claim in the amount of \$800.00 in the tribunal administrative court without any proof of contract for his out-of state client “*Phillips*” a resident of San Antonio, Texas. (Appellee) *Attorney John C. Chatelain* “*knowingly*” committed an act of fraud, perjury and breach the STATE Constitution and the U.S. Constitution when he falsely entered into the small claims court requesting restitution under the TENANT LANDLORD ACT knowing he had no such proof of a rental contract. (Appellant) has controversial *standing* on the fact she and her Indigenous Tribe were the financial investors making the monthly mortgage payments in the amount \$1,078.75 at the property in question. Which was in use as a religious study site and private domicile. The (Appellees) case was dismissed in the small claims court on May 8, 2019 for lack of personal, subject-matter and diversity jurisdiction. The (Appellant) entered her case into the U.S. District court on May 8, 2019, to have the facts of the case fairly decided before a trial of her peers. While this case was under federal review the (Appellees) joined together through the “meeting of the minds.” Entering a new TENANT LANDORD case in the small claims court on May 22, 2019. Giving me the (Appellant) a new fictitious name of Dr. Phyllis Marie Knight; attached with a new fictitious monthly rental amount of \$1,080.00 past due in the amount of \$4,360.00. The Nebraska “Small Claims Statute” was *knowingly* violated. The “*Appellee's*” intentional an unlawful actions were carried out by the repeated harassment of multiple court hearings totaling four trials being held in the small claims tribunal court having no jurisdiction over civil claims above the amount of \$3,600.00. Which would fall under the jurisdiction of the Nebraska civil court; *noting equity courts may not enforce civil penalties*. On Friday August 23, 2019, I was summons to trial in the small claims court by (Appellee) *Judge Sheryl Lohaus*. The trial was held before Judge Derek Vaugh ending with the judge quoting to (Appellee) *John C. Chatelain* “That his case is over because this case has been previously dismissed, a judge recused and now on appeal in the Eighth Circuit Court.” On Monday morning August 26, 2019, my resident/religious study site was infiltrated by six or more male officers and a male gang member. The gang member entered the site along with the officers. With officers approval he began ripping down the Moorish American Flag, ripping down all the wall literature, removing pictures off the wall etc. Officers stood blocking off all rooms in the house, two stood around me and other officers stood behind them. One officer stated, “If me and my two tribe members were not off the site in five minutes we were all going to jail.” (Appellee) *LaChelle Phillips* did not appear in court on Friday August 23, 2019, but she made it into town for the premeditated home invasion. Order by (Appellee) *Judge Sherly Lohaus*); who *knowingly* issued an illegal WRIT of RESTITUTION. The home invasion and illegal eviction ended with the (Appellees) and the Omaha Police executing an illegal search and seizure. In which they raided and robbed the entire home/study site stealing everything inside including my vehicle. I lost all my clothing, food, family photo's, historical assets, intellectual property, personal belongings, my tribal members property, all of our studying materials, including \$7,300.00 in cash etc... This was a hate crime initiated by (Appellee) *Judge Sheryl Lohaus*, ignited by recused *Judge Darryl R. Lowe*; being the person who initiated the presence of the gang member and the person; the City Constable admitted sent him out to the home/study site to present the unlawful writ of restitution that instructed him to call the police. *Judge Derek Vaugh* conspired as the administrative trespasser, tribunal trustee an author of the retaliation letter mailed out to both the (Appellant) and her tribal members. When a **judge acts as a trespasser of the law**, when a **judge does not follow the law**, the **judge** loses subject-matter jurisdiction and the **judge's** orders are void, of no legal force or effect. By **law**, a **judge** is a state officer. The **judge** then **acts** not as a **judge**, but as a private individual (in his person). Immunity is lost when he ignores the law and rulings are null and void.

REASON FOR GRANTING THE PETITIONER REHEARING

For reasons granting petition for writ of certiorari upon review is hereby being raise for lack of due process interrupted by "*abuse of discretion*" in determining subject-matter jurisdiction, "interstate commerce" treaty law and land rights; as to whether the lower court applied the law correctly. Examining the public perception of fairness without public interference to fairly uphold the rule of law. The federal question is whether the lower court deviated from fairly defining the law of jurisdiction to be carried out fairly without fear or favor and failure to acknowledge nationality, treaties, and constitutional law of the "Bill of Rights" Seventh Amendment *legal* guarantee of a civil jury trial. A guaranteed right that was interrupt due to constitutional breaching of lower trial court judge depriving (Appellant) to seek fair remedy when he substituted a jury trial with the submitting of his opinion through a summary judgment rather than hosting the demanded trial by jury. Therefore his actions constitutes visiting the "*Alchemy of Fact and Law*," of which the (Appellant) was denied the fundamental fairness of her right to sufficiently prove all the "elements" of her case noting that law does not support judgment on the undisputed facts arising from an incomplete discovery of which the (Appellees) did not replied with an affirmative defense. For the trial court judge made a bias judgment in law when he failed to perform his duties under the constitution and friendship treaty. In addition the court is not suppose to supplant a judges judgment for that of a jury. Therefore depriving (Appellant) of her natural and constitutional right to a trial by jury. In return favoring the unclean hands of the (Appellees). When the judge issued a summary judgment without the entry of a motion to strike proves by law there are undisputed material facts. For without "facts and "evidence" set forth the questions of law to be answered.

CONCLUSION

The petition of writ of certiorari should be granted. For review in resolving the legal question of nationality and "diversity of citizenship" subject-matter jurisdiction under **25 U.S. Code § 194** Trial of right of property; burden of proof from the facts involving parties of two different states in controversy of trespassing upon "*interstate commerce*" regulated under Article 1 of the U.S. Constitution in which the **states** are divested of all powers to regulate a land dispute conflict involving an Indian Tribe. The Petitioner, a natural individual sovereign Nebraskan in these united States of America, holds title by nature. U. S. Constitution "no state shall impair the obligation of contract."

Respectfully submitted,

W. R. DIXON, D.M.

Date: SEPTEMBER 18, 2020