

20-6908

Supreme Court, U.S.
FILED

DEC 15 2020

OFFICE OF THE CLERK

In the
Supreme Court of the United States

Michael Ingram El,
Petitioner,

vs.

JOE CRAIL, et. al.,
Respondents

On Petition for Writ of Mandamus and Writ of Prohibition

to the United States

Court of Appeals for the Ninth District and

The United States District Court for The Eastern District of California

**PETITION FOR WRIT OF MANDAMUS AND
WRIT OF PROHIBITION**

Michael Ingram El,
Consul for the Moorish Nation/Moroccan Empire
Natural Person, In Propria Persona:
All Rights Reserved:
U.C.C. 1-207/ 1-308; U.C.C. 1-103
Moorish Khalifa Territory
[c/o P.O. Box 162367 near Sacramento,
California Republic Zip Exempt [95816]]
Northwest Amexem
(916) 598-1901

ORIGINAL

1 QUESTIONS PRESENTED

2 This Treaty of Peace and Friendship between the United States of
3 America and his Imperial Majesty the Emperor of Morocco (Treaty of 1787/1836)
4 was originally written in the Arabic language and sealed with His Majesties' Royal
5 Seal. It was later translated into the language of the said United States of America
6 with the Original denotative meanings of the times in which it was written. The
7 District Courts contention is that the Treaty of 1787/1836 is not self-executing, does
8 not grant Rights of Extraterritoriality and Consular Court jurisdiction. I do not
9 possess a copy of the Treaty of 1787/1836 to provide the Court to interpret.

12 The Lower Courts contends that because Petitioner is allegedly a
13 citizen of the STATE OF CALIFORNIA, there is no diversity of citizenship.
14 According to established law a citizen of the STATE OF CALIFORNIA, is also a
15 citizen of the "UNITED STATES" Corporation.

17 Although a formal declaration of Moor American Nationality was
18 placed in the record this contention and presumption persists.

20 The questions presented are:

- 21
- 22 1. Will the International Court of Justices Translation and Interpretation be
23 enough to Construe that the Treaty of 1787/1836 is "Self- Executing,"
24 granting "Rights of Extraterritoriality" to citizens of the United States and
25 Moors, and provide for "Consular Court Jurisdiction"?
 - 26 2. Can the 14th Amendment be Construed as so to Violate the UNITED STATES
27 International Agreement, the Treaty of 1787/1836, by Presuming or
28 Compelling Moors to be 14th Amendment Citizens?

1 PROCEEDINGS OF FIRST JUDGEMENT

2 MICHAEL INGRAM EL, *Petitioner*

3
4 v.

5 JOE CRAIL; et al., *Respondents*

6
7 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

8 No. 19-16866

9
10 Date of entry of judgement: September 15, 2020

11 U.S. DISTRICT COURT FOR EASTERN CALIFORNIA, SACRAMENTO

12 D.C. No. 2:18-cv-01976-MCE-EFB

13
14 Date of entry of judgement: September 11, 2019

15 Michael Ingram El

16 Petitioner

17
18 JOE CRAIL,

19
20 WESTERN MUTUAL INSURANCE,

21 RESIDENCE MUTUAL INSURANCE

22 Respondents

PROCEEDINGS OF SECOND JUDGEMENT

STATE OF CALIFORNIA et. al, *Plaintiff-Appellee*

v.

MICHAEL INGRAM EL, *Defendant-Appellant*

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 20-15345

Date of entry of judgement: September 16, 2020

U.S. DISTRICT COURT FOR EASTERN CALIFORNIA, SACRAMENTO

D.C. No. 2:19-cv-00560-KJM-DB

Date of entry of judgement: January 24, 2020

Michael Ingram El. *Defendant-Appellant*

STATE OF CALIFORNIA

SUPERIOR COURT OF SACRAMENTO

COUNTY OF SACRAMENTO

CITY OF SACRAMENTO

SACRAMENTO COUNTY SHERIFFS' DEPARTMENT

SACRAMENTO COUNTY DISTRICT ATTORNEYS' OFFICE

Sheriff Scott Jones

Presiding Judge David De Alba

Magistrate Jennifer Rockwell

District Attorney Marie Schubert
Deputy O'Connor. *Plaintiff-Appellee*

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Article 15
Everyone has the right to a nationality.
No one shall be arbitrarily deprived of his nationality nor denied the right to
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Article 26 – Pacta Sunt Servanda Every Treaty in
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(1) Everyone has the right to a nationality.
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session Geneva, 29 July- August 1996 Chairperson - Rapporteur: Ms. Erica
Irene A. Daes

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earth. [Http://www.cwis.org/fwdp/international/report14.text](http://www.cwis.org/fwdp/international/report14.text). P. 20

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DISTRICT COURT NINTH CIRCUIT

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No. 19-16866

Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)

Kanter v. Warner- Lambert Co., 265 F.3d 853, 857-58 (9th Cir. 2001)

See Padgett v. Wright, 587 F.3d 983, 985 n.2 (9th Cir. 2009)

CITATIONS FROM FIRST JUDGE MENT JOE CRAIL

No. 2:18-cv-1976-MCE-EFB PS

Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994).

Baker v. Carr, 369 U.S. 186, 198 (1962).

Bautista v. Pan American World Airlines, Inc., 828 F.2d 546, 552 (9th Cir. 1987).

O *Kokkonen*, 511 U.S. at 376-78.

Attorneys Trust v. Videotape Computer Products, Inc., 93 F.3d 593, 594-95 (9th Cir. 1996).

Sopcak v. Northern Mountain Helicopter Serv., 52 F.3d 817, 818 (9th Cir. 1995);

Thornhill Pub. Co. v. General Tel. & Electronics Corp., 594 F.2d 730, 733 (9th Cir. 1979).
Different standards

United States, 966 F. Supp. 970, 971-72 (E.D. Cal. 1997). “A Rule 12(b)(1)

Safe Air For Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004).

Doe v. Schachter, 804 F. Supp. 53, 56 (N.D. Cal. 1992). 3

Thornhill, 594 F.2d at 733. Although the court may

McCarthy v. United States, 850 F.2d 558, 560 (9th Cir. 1988),

Trentacosta v. Frontier Pacific Aircraft Industries, Inc.,

813 F.2d 1553, 1558 (9th Cir. 1987)

Bautista v. Pan American World Airlines, Inc., 828 F.2d 546, 552 (9th Cir. 1987).

Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983). A corporation is a
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Bey v. Municipal Court, Nos. 11- 7343 (RBK), 11-4351 (RBK), 2012 WL 714575 (D.N.J. Mar.
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Bey v. White, No. 2:17-cv-76-RMG-MGB, 2017 WL 934728, at *3 (D.S.C. Feb. 14, 2017)

Jones v. Tozzi, 1:05CV01480WW DLB, 2005 WL 1490292, at *6 n.5 (E.D. Cal. June 21, 2005)

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e Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)

CITATIONS FROM SECOND JUDGEMENT

CASE # No. 2:19-cv-0560 KJM DB PS

Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988).

Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994); Willy v. Coastal Corp., 503

U.S. 131, 136-37 (1992). “Federal courts are presumed to lack jurisdiction, ‘unless the contrary

Casey v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993) (quoting Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 546 (1986)).

Attorneys Trust v. Videotape Computer Prods., Inc., 93 F.3d 593, 594-95 (9th Cir.

1996).

Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999). It is the

Grupo Dataflux v. Atlas Global Group, L.P., 541 U.S. 567, 593 (2004). Without jurisdiction, the district court

Morongo, 858 F.2d at 1380.

ARCO Env'tl. Remediation, LLC v. Dep't of Health & Env'tl. Quality, 213 F.3d 1108, 1113 (9th Cir. 2000).

Lew v. Moss, 797 F.2d 747, 749 (9th Cir. 1986). “

In re Digimarc Corp. Derivative Litigation, 549 F.3d 1223, 1234 (9th Cir. 2008).

Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979) (citing Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108 (1941)); see also Syngenta

Crop Prot., Inc. v. Henson, 537 U.S. 28, 32 (2002); Provincial Gov't of Martinique v. Placer

Dome, Inc., 582 F.3d 1083, 1087 (9th Cir. 2009). “Federal jurisdiction must be rejected if there

Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992).

Harris v. Provident Life & Accident Ins. Co., 26 F.3d 930, 932 (9th Cir. 1994)

(quoting *Gould v. Mut. Life Ins. Co.*, 790 F.2d 769, 771 (9th Cir.1986)); see also *Provincial Gov't of Martinduke*, 582 F.3d at 1087.

ReadyLink Healthcare, Inc. v. State Compensation Ins. Fund, 754 F.3d 754, 759 (9th Cir. 2014)

Rynearson v. Ferguson, 903 F.3d 920, 924-25 (9th Cir. 2018) (quoting *ReadyLink*, 754 F.3d at 759)).

CITATIONS US DISTRICT COURT OF APPEALS NOTICE OF REMOVAL

No. 20-15345

Padgett v. Wright, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

PETITION FOR
WRIT OF MANDAMUS

PETITION FOR WRIT OF PROHIBITION

Michael Ingram, El Consul for The Moorish Nation/Moroccan Empire, respectfully petitions for a writ of Mandamus and writ of Prohibition to review the judgments of the United States Court of Appeals for the Ninth Circuit and the United States District Court for the Eastern District of California and enjoin them to enforce Substantive law, Substantive Rights, The Supremacy clause and Treaty of 1787/1836. And enjoin the Lower Courts and State Court, et alia, from Exceeding their Jurisdictions in matters concerning Moors.

FIRST JUDGMENT OPINIONS BELOW

The panel opinion of the Court of Appeals is unpublished, and included in Petitioner's Appendix Pet. App. at A1. The order of the district court granting the motion to dismiss is published, and is included in Pet. App. at B1.

SECOND JUDGEMENT OPINIONS BELOW

The panel opinion of the Court of Appeals is unpublished, and included in Petitioner's Appendix Pet. App. at A2. The order of the district court granting the motion to dismiss is published, and is included in Pet. App. at B2.

SECOND JUDGEMENT JURISDICTION

1 On January 24, 2020 the district court dismissed case without
2 providing a summons nor affording any due process law what so ever (ECF).
3
4 Petitioner, Michael Ingram El, filed a timely appeal to the 9th. Circuit Court of
5 Appeals, affirmed lower Court dismissal on September 16, 2020. There is no order
6 respecting rehearing. I would like to have this second set of judgements reviewed
7 simultaneously with the first set judgements for these cases involve identical
8 questions?
9

10
11 FIRST JUDGEMENT JURISDICTION

12 On September 11, 2019 the district court granted the Defendants'
13 motion to dismiss. Plaintiff, Michael Ingram El, filed a timely appeal to the 9th.
14 Circuit Court of Appeals, which affirmed dismissal on September 15, 2020.
15

16 This Court has jurisdiction under Constitution for the United State of
17 America Art. III Section 2 cl 1&2, and 28 U.S.C. § 1651(a) and 28 U.S.C. §1251.
18

19 28 U.S.C. § 2403(a) may apply and shall be served on the Solicitor
20 General of the United States, Room 5616, Department of Justice, 950 Pennsylvania
21 Ave., N.W., Washington, DC 20530-0001. No court to my knowledge has, pursuant
22 to 28U.S.C. § 2403(a), certified to the Attorney General the fact that the
23 constitutionality of an act of congress was drawn into question.
24

25
26 CONSTITUTIONAL, TREATY AND
27 STATUTORY PROVISIONS AT ISSUE

28 The Supremacy Clause of the Constitution for the United States of America
Art. VI, cl. 2, provides:

1 This Constitution and the Laws of the United States which shall be made in
2 pursuance thereof; and all treaties made, of which shall be made, under the
3 Authority of the United States, shall be the supreme Law of the land; and the
4 judges in every State shall be bound thereby, anything in the Constitution or
Laws of any State to the contrary notwithstanding.

5 The Treaty of Peace and Friendship between the United States of America,
6 and His Imperial Majesty the Emperor of Morocco 1786/1787.

7 Article 20 provides:

8 "If any of the Citizens of the United States, or any Persons under their
9 Protection, shall have any disputes with each other, the Consul shall decide
10 between the Parties, and whenever the Consul shall require any Aid or
Assistance from our Government, to enforce his decisions, it shall be
immediately granted to him."

11 Article 21 provides:

12 "If any Citizen of the United States should kill or wound a Moor, or, on the
13 contrary, if a Moor shall kill or wound a Citizen of the United States, the Law
14 of the Country shall take place, and equal Justice shall be rendered, the
15 Consul assisting at the Trial; and if any Delinquent shall make his escape,
the Consul shall not be answerable for him in any manner whatever."

16 Article 24 provides:

17 If any differences shall arise by either party infringing on any of the articles
18 of this treaty, peace and harmony shall remain notwithstanding, in the
19 fullest force, until a friendly application shall be made for an arrangement,
20 and until that application shall be rejected, no appeal shall be made to arms.
21 And if a war shall break out between the parties, nine months shall be
22 granted to all the subjects of both parties, to dispose of their effects and retire
23 with their property. And it is further declared, that whatever indulgences, in
trade or otherwise, shall be granted to any of the Christian Powers, the
citizen of the United States shall be equally entitled to them

24 Constitution for the United State of America Art. III Section 2 cl 1&2
25 provides:

26 The judicial Power shall extend to all Cases, in Law and Equity, arising
27 under this Constitution, the Laws of the United States, and Treaties made, or
28 which shall be made, under their Authority;--to all Cases affecting
Ambassadors, other public ministers and Consuls;--to all Cases of admiralty
and maritime Jurisdiction;--to Controversies to which the United States shall

1 be a Party;--to Controversies between two or more States;--between a State
2 and Citizens of another State;--between Citizens of different States;--between
3 Citizens of the same State claiming Lands under Grants of different States,
4 and between a State, or the Citizens thereof, and foreign States, Citizens or
Subjects.

5 In all Cases affecting Ambassadors, other public Ministers and Consuls, and
6 those in which a State shall be Party, the supreme Court shall have original
7 Jurisdiction. In all the other Cases before mentioned, the supreme Court
8 shall have appellate Jurisdiction, both as to Law and Fact, with such
Exceptions, and under such Regulations as the Congress shall make.

9 14th Amendment US Constitution

10 All persons born or naturalized in the United States and subject to the
11 jurisdiction thereof, are citizens of the United States and of the state wherein
12 they reside. No State shall make or enforce any law which shall abridge the
13 privilege or immunities of citizens of the United States; nor shall any state
deny to any person within its jurisdiction the equal protection of the laws.

14
15 FIRST JUDGEMENT INTRODUCTION AND
16
17 STATEMENT OF THE CASE

18 I Michael Ingram El Filed an Amended Action for Trespass on the
19 Case in Assumpsit on November 19, 2018 seeking remedy for the trespass of my
20 rights under an insurance contract. I filed the action in district court invoking my
21 Treaty Right to have the action heard in Consular Court. Defense filed a motion to
22 dismiss on the grounds of lack of subject matter jurisdiction.
23
24

25 The District Court dismissed the Amended Complaint on September 10, 2019.

26 The District Court dismissed the Notice of Removal on January 24, 2020.

27 Although there was no "dispute" to any of the following facts:
28

- no dispute that the treaty of peace and friendship between the United States of America, and his imperial Majesty the Emperor of Morocco, Ancient Moroccans is "in force."
- no "dispute" that Michael Ingram El is a "Moor American" National, Minister and Consul of the Moroccan Empire,
- no "dispute" that the land/soil at North, South, Central America and the adjoining Islands is "Morocco"
- no dispute that the "Moors" are the People of the land ("WE THE PEOPLE" of the preamble of the Constitution for the United States of America), "aboriginal, indigenous, Free inhabitants and the rightful title holders of this land"
- no dispute that the seed of Abraham Moabites trust' exist, holds an allodial Title to the land in question and said trust was created years prior to filing this action,
- no dispute that the seed of Abraham Moabites Trust is a State/Regency/Mission/Bonnaville located at coordinates 38 degrees 30 minutes 23.79 seconds North, 121 degrees 25 minutes 55.62 seconds west at Moorish Khalifa territory Northwest Amexem/Northwest Africa/North America within the dominion of the Moroccan Empire, Foreign to the "UNITED STATES" Corporation and Michael Ingram El is "Head of State."
- no dispute that the Sovereign Moorish Nation/Moroccan Empire is a Theocratic Republic.

The District court found that Petitioners claim is not predicated on any treaty and there is no Diversity of Citizenship because of the court contention that Petitioner is a citizen of the State of California.

1
2 The Court of Appeals affirmed. It ruled that plaintiff failed to allege
3 plausibly that his action arose under a treaty of the United States or Diversity of
4 citizenship.
5

6 "Case arising from or growing out of a treaty was one involving rights given
7 or protected by treaty." Owings v. Norwood's Lessee (1809) 9 US 344, 5
8 Cranch 344, 3L Ed 120

9 A private right of action allows a private party to seek remedy from a
10 court for the violation of a private right provided by a treaty.
11

12 "An Act of Congress ought never be construed to violate the law of Nations if
13 any other possible construction remains..." Murray v. Schooner Charming
14 Betsy 6 U.S. (2 Cranch) 64, 118 (1804).

15 HOW WILL THE WRITS AID
16 IN THE COURT'S APPELLATE JURISDICTION

17 The Writs will aid in the Courts appellate Jurisdiction because in this
18 case the Writ involves the Treaty of 1787/1836. This treaty has a Jurisdiction
19 Clause establishing Consular Courts between United States Citizens and Moors.
20 The Supreme Court have Original Jurisdiction is cases affecting Consular Courts.
21

22 The Treaty of 1787/1836 protects "Rights of extraterritoriality" all of
23 which are without State Courts, District Courts and Appellate Courts Authority
24 and Jurisdiction.
25

26 In addition to the fact that the Lower Courts have interpreted
27 important questions concerning the Treaty of 1787/1836 using modern English
28

1 connotative meanings of today, the lower courts have Interpreted important
2 questions concerning Moors and the 14th Amendment that have not been, but
3 should be Interpreted by this court.
4

5 This is an exceptional circumstance that require this courts'
6 interpretation of the Treaty of 1787/1836. Also, to answer very serious questions
7 that, for the first time, have been brought here for decision before this court. The
8 lower courts are in need of this courts discretionary power and guidance on these
9 matters of great concern. The lower courts do not have the Authority and
10 jurisdiction to hear cases affecting Consuls as that jurisdiction is conferred only to
11 the Supreme court under Article III Section 2 clause 2. Consular Court jurisdiction
12 grants the rights of extraterritoriality in the proper forum for my Action. Relief in
13 any other form or by any other court is a violation of International Law and Human
14 rights. This petition is brought here by a Moor American National and Consul of the
15 perpetual Moroccan Empire, who in both capacities have a right to bring it, and it is
16 the Supreme Courts duty to meet it, decide it and enforce it.
17
18
19

20 "Where a court has jurisdiction, it has a right to decide every question which
21 occurs
22 in the cause; and whether its decision be correct or otherwise, its judgement,
23 until reversed is regarded as binding in every other court but if it act without
24 authority,
25 its judgements and orders are regarded as nullities. They are not voidable,
26 but simply void".Wilcox v. Jackson 38 U.S. 498, 510, 10 L.Ed.264, 270, 1839
27 U.S.
28

26 "the third article of the Constitution, enables the judicial department to
27 receive jurisdiction to the full extent of the Constitution, laws and treaties of
28 the United States." Osborn v. Bank, 9 Wheat. 738 (U.S. 1824).
The jurisdiction conferred upon the supreme Court extends to rights

1 protected by the Constitution, treaties or laws of the United States from
2 whatever source derived. The Mayor v. De Armas, 9 Peters 224, 233 (U.S.
3 1835)

4
5 REASONS FOR GRANTING THE PETITION
6

7 The petition needs to be granted to restore substantial Rights that
8 were removed. The exercise of rights afforded by the treaty of 1787/1836 were
9 turned into a crime. Moors have become victims of the Magna Charta customs, that
10 which is termed Christian law, rules of action recorded on paper and supported by
11 authority.
12

13 The subversion of the exclusive afforded Authority granted to Consular
14 Courts must be restored immediately. The information presented in the
15 jurisdictional clause of the treaty clearly describe the right of extraterritoriality
16 between the Moors and the United States of America
17

18 This Treaty of Peace and Friendship between the United States of
19 America and his Imperial Majesty the Emperor of Morocco, was originally written
20 in the Arabic language and sealed with His Majesties' Royal Seal. It was later
21 translated into the language of the said United States of America with the Original
22 denotative meanings of the times in which it was written. According to customary
23 International law and general canons of treaty interpretation, the treaty must be
24 interpreted in the Original language it was written in. The District Courts
25 contention is that Petitioners action is not predicated on any treaty. Meaning, the
26
27
28

1 Treaty of 1787/1836 is not self-executing, that it does not grant Rights of
2 Extraterritoriality nor Consular Court jurisdiction. I do not possess a copy of the
3 Treaty of 1787/1836 in Arabic to provide the Court to interpret.
4

5 The International Court of Justices translation and interpretation
6 should be enough to prove that the Treaty of 1787/1836 is "Self- Executing," grants
7 "Rights of Extraterritoriality" and Consular Court Jurisdiction even when the
8 United States has agreed with the said Courts Translation and Interpretation?
9
10

11 The lower Courts are in need of your Interpretation, Guidance and
12 judgement under these exceptional circumstances.
13

14 "In the case of Foster v. Neilson, 2 Pet. 253, this Court considered
15 these words as importing contract. The Spanish part of the treaty was not then
16 brought to our view, and we then supposed that there was no variance between
17 them. We did not suppose that there was even a formal difference of expression in
18 the same instrument drawn up in the language of each party. Had this
19 circumstance been known, we believe it would have produced the construction
20 which we now give to the article." United States v. Percheman, 32 U.S. 89 (1832)
21
22

23
24 CONTENTIONS IN SUPPORT OF PETITION

25
26 TRESPASS ON THE CASE IN ASSUMPTSIT IS PREDICATED ON
27 TREATY OF 1787/1836
28

- Will the International Court of Justices Translation and Interpretation be enough to Interpret that the Treaty of 1787/1836 is "Self- Executing," granting "Rights of Extraterritoriality" and "Consular Court Jurisdiction" even when the United States has agreed with the said Courts Translation and Interpretation?

"first point raised by the submissions relates to the scope of the "jurisdictional clauses" of the treaty of 1836, which reads as follow: "Article 20 States "If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties, and whenever the Consul shall require any Aid or Assistance from our Government, to enforce his decisions, it shall be immediately granted to him."

Article 21 "If any Citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal Justice shall be rendered, the Consul assisting at the Trial; and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.'" **France v. United States of America 1952 August 27th general list: No. 11 (App E1-16)**

The ICJ clearly describe Article 20 and 21 as the jurisdiction Clauses that imports a "private right of action" whenever there is a dispute between any of the United States Citizen or Persons (Moors) under their protection. Also, the Clause Explains what law will be used for punishment of crimes between Moors and United States Citizens.

Article 20 Can only be construed to mean If any of the Citizens of the United States, or any persons under their protection, shall have any of their rights Trespassed on "Shall" have the issue settled in the Consular Court using their nations law a.) This clearly prescribes the rule by which private

1 rights may be determined. b.) Cases affecting Consular Court enforcement
2 are federal jurisdiction per Article III section 2 of the Constitution for the
3 United States of America Republic. c.) and it only addresses itself to the
4 judiciary. A self – executing Treaty is a treaty that creates a domestic legal
5 obligation in the absence of implementing legislation, has automatic domestic
6 effect, a federal law upon Ratification.
7

8
9 “In the United States, a different principle is established. Our Constitution
10 declares a treaty to be the law of the land. It is consequently to be regarded in
11 courts of justice an equivalent to an act of the legislature whenever it
12 operates of itself, without the aid of any legislative provision. But when
13 either of the parties engage to perform a particular act the treaty addresses
14 itself to the political, not the judicial, department, and the legislative must
execute the contract before it can become a rule for the Court.” Foster & Elam
v. Neilson, 27 U.S. 253 (1829).

15 “Federal Jurisdiction under 28 USCS§1331 over private claim based on
16 general treaty exist only when treaty is self-executing, when it prescribes
17 rules by which private rights may be determined, and when treaty provides
18 for federal Jurisdiction” Dreyfus v. Von fink (1978, CA 2 NY) 534 F2d 24, 34
ALR Fed 377, Cert (1976) 429 US 835, 50 Led 2d 101, 975 Ct 102.

- 19 • “Accordingly, it is necessary to construe the word dispute as used in
20 article 20, as referring both to civil disputes and to criminal disputes, in so
21 far as they relate to breaches of the criminal law committed by a United
22 States citizen or protégé upon another United States citizen or protégé.”
France v. United States of America 1952 August 27th general list: No.
11(App E1-17)

23 Petitioner, acting in his official capacity, brought this common law
24 action in the court of record because of breach on the terms of a contract. as
25 result of this breach of rights under contract, petitioner was injured.
26

27 Petitioner filed this "Action of Trespass on the Case" for remedy in Consular
28 Venue. According to afore mentioned definitions, an "Action of Trespass on

1 the Case" is a form of action which lies to recover damages for the injuries
2 and clearly falls within the definition of "Dispute."

- 3
- 4 • Extraterritoriality - The term is used to indicate jurisdiction exercised by
5 a nation in other countries, by treaty, as, by the United States in China or
6 Egypt; or by its own ministers or consuls in foreign lands. Crime is said to
7 be Extraterritorial when committed in a country other than that of the
8 forum in which the party is tried. See 2 Moore, Int.L.Dig.; U.S. v. Lucas,
9 D.C.Wash., 6 F.2d 327, 328,

10

11 Treaties made under the authority of the United States bind the nation and
12 bind the individual citizen Kennett v. Chambers, 14 How. 38. 45, 50 (U.S.
13 1852)

14 The international court of justice has clearly defined the jurisdictional
15
16 Clauses in the Treaty of 1787/1837, and also how the law shall be applied in
17 civil and criminal disputes. For petitioner to have his action heard in
18 Consular Court is a "Private Right of Action" and a "Right of
19 Extraterritoriality."

- 20
- 21 • The word citizen in the phrase
22 "If any of the "citizens" of the United States (United States of America)

23 Of Article 20 must be construed to mean the following:

24 By 1868 there were at least three types of citizens, US Citizen "United States
25 Citizens" and the 14th Amendment "UNITED STATES CITIZEN."

26 The third kind of corporate citizenship came into play with the
27 publication of the new corporate Constitution of the United State of America
28

1 incorporated. Congress then began wearing two hats, one as The United
2 States of America Republic and the other as the United States Corporation.
3 Regardless, of which capacity they act, United States and its citizens are still
4 bound by the Constitution for the United States of America Republic and the
5 Treaties.
6

7 “It was insisted that Congress could act in a double capacity; in one as
8 legislating for states; in the other as a local legislature for the District of
9 Columbia...The mere cession of the District of Columbia to the federal
10 government relinquished the authority of the states, but it did not take it out
11 of the “United States” or from under the aegis of the Constitution.” Downes v.
12 Bidwell, 182 U.S. 244 (1901).

13 Treaties made under the authority of the United States bind the nation and
14 bind the individual citizen Kennett v. Chambers, 14 How. 38. 45, 50 (U.S.
15 1852)

16 • The phrase “persons under their (United States) protection”
17 In Article 20

18 Shall be construed to include the Free Moors.

19 To define who the party spoken of as Protégé inside the United States
20 Political Zones at Morocco, we must consider the fact that Moors have lasting
21 treaties of trade and navigation with Great Briton.

22 Moors acquire protection inside the Occupying United States Political
23 Zones at Morocco by way of the various treaties the Moors have with Great
24 Briton. The United States, being a subsidiary of Great Briton, are obligated.
25 For example, the Jay Treaty of 1795 states:

26 “Article 3

27 “also to the Indians (Moors) dwelling on either side of the said boundary line
28

1 freely to pass and repass by land, or inland navigation, into the respective
2 territories and countries of the two parties on the continent of America." (the
3 Country within the Limits of the Hudson's Bay Company only excepted) and
4 to navigate all the Lakes, Rivers, and waters thereof, and freely to carry on
5 trade and commerce with each other."

6 For example, the Ghent treaty states:

7 Article 9

8 "at the time of such Ratification, and forthwith to restore to such Tribes or
9 Nations respectively all the possessions, rights, and privileges, which they
10 may have enjoyed or been entitled to"

11 The Moors may invoke these Treaties at any time for the protection of
12 their preexisting Rights. Consular Court is the proper venue. The Protégé
13 spoken of in article 20 must be construed to include "Free Moors," the people
14 of the land since time immemorial the Indigenous Sovereign people of the Al
15 Morocs (Americas), who inhabited the Northwestern and Southwestern
16 shores of Africa (Al Morocs). These are the descendants of the Ancient
17 Moabites, the possessors of the Noble Titles of Ali, El, Bey, Al and Dey, The
18 Moors.
19

20 United States Founding father Benjamin Franklin wrote an essay as to
21 how these Al Moroccans (Americans) looked. This is listed on United States
22 Government page.

23 Observations Concerning the Increase of Mankind

24 By Benjamin Franklin (1751)

25
26
27 24. Which leads me to add one Remark: That the Number of purely white
28 People in the World is proportionably very small. All Africa is black or tawny.
Asia chiefly tawny. America (exclusive of the new Comers) wholly so. And in

1 Europe, the Spaniards, Italians, French, Russians and Swedes, are generally
2 of what we call a swarthy Complexion; as are the Germans also, the Saxons
3 only excepted, who with the English, make the principal Body of White
4 People on the Face of the Earth. I could wish their Numbers were increased.
5 And while we are, as I may call it, Scouring our Planet, by clearing America
6 of Woods, and so making this Side of our Globe reflect a brighter Light to the
7 Eyes of Inhabitants in Mars or Venus, why should we in the Sight of Superior
8 Beings, darken its People? why increase the Sons of Africa, by Planting them
9 in America, where we have so fair an Opportunity, by excluding all Blacks
10 and Tawneys, of increasing the lovely White and Red? But perhaps I am
11 partial to the Complexion of my Country, for such Kind of Partiality is
12 natural to Mankind.

13 <https://founders.archives.gov/documents/Franklin/01-04-02-0080#BNFN-01-04-02-0080-fn-0001-ptr>

14 United Nations listed the "Washitaw Moors" as the oldest Indigenous
15 people on earth.

16 United Nations Economic Council GE. 96-13447 (E)

17 Report of the working group on Indigenous population on its Fourteenth
18 session Geneva, 29 July- August 1996 Chairperson · Rapporteur: Ms. Erica
19 Irene A. Daes

20 Washitaw de Dugdah Moundyah New Iyet Oldest Indigenous people on
21 earth. [Http://www.cwis.org/fwdp/international/report14.text](http://www.cwis.org/fwdp/international/report14.text)

22 Moors are, the people of the land, on the land, from the land, not under
23 the Jurisdiction United States. Moors are not citizens of the United States,
24 yet protected by treaties the United States are bound by.

25 This is reaffirmed by the

1 "Sundry Free Moors Act"

2 State Records of South Carolina. Journals of the House of Representatives, 1
3 789-90.
4

5 Mr. Edwd". Rutledge reported from the Committee to whom was referred the
6 petition of the Free Moors, which he read in his place and afterwards
7 delivered it in at the Clerks Table where it was again read for information.
8 Ordered That it be taken into immediate Consideration which being read
9 through was agreed to and is as follows Viz. Report That they have
10 Considered the same and are of opinion that no Law of this State can in its
11 Construction or Operation apply to them, and that persons who were
12 Subjects of the Emperor of Morocco being Free in this State are not triable by
13 the Law for the better Ordering and Governing of Negroes and other Slaves.
14 Resolved That this House do agree with the Report.

15 Ali, El, Bey, Al and Dey are the only Titles of Nobility on this land.

16 These Moorish Titles of Honor and Nobility are the one referred to in the
17 'Original' 13th Amendment of the Constitution for the United States of
18 America Republic. If any of the contracted Citizens (English males) claim any
19 title of Honor or Nobility will be in violation of law and lose their citizenship.

20 The honorable Charles Mosley Bey Registered the Moorish Credentials
21 which reveal at law, the conditions of Intercourse between the Indigenous
22 Moors and the Occupational European Nations, with whom the Moors have
23 Treaties and Illustrates Moorish Americans inherited birth rights as the
24 Nobles of the land. AA222141/Library of Congress, Washington, DC (ECF 24
25 p.4).
26
27
28

1 Whenever Moors interact with the United States, or its Citizens it is
2 supposed to be a negotiation, transaction, or superintendence of the
3 diplomatic business of one nation at the court of another. If there is ever a
4 dispute civil or criminal, Moorish law for Moorish defendants and United
5 States Law for United States defendants.
6

7
8 1956 President Eisenhower signed a Memorandum
9 relinquishing Jurisdiction of the United States in Morocco. §§ 141 to 143
10 Repealed. Aug. 1, 1956, Ch 807, 70 Stat.774
11

12 The Treaty of 1787/1836 is still in force. All disputes involving
13 Moors and the United States Citizens are decided under Moorish law,
14 Consular Court Jurisdiction.
15

16 • Article 24

17 "If any differences shall arise by either party infringing on any of the articles
18 of this treaty, peace and harmony shall remain notwithstanding, in the
19 fullest force, until a friendly application shall be made for an arrangement,
20 and until that application shall be rejected, no appeal shall be made to arms.
21 And if a war shall break out between the parties, nine months shall be
22 granted to all the subjects of both parties, to dispose of their effects and retire
23 with their property. And it is further declared, that whatever indulgences, in
24 trade or otherwise, shall be granted to any of the Christian Powers, the
25 citizen of the United States shall be equally entitled to them"
26 Treaty of 1787/1836
27

28 Article 24 must be construed to mean:

If a party to the treaty feels that any of their treaty rights are not carried out
or carried out in good faith, there is a State or Nations right of action in

1 domestic courts. If said right of action is rejected or agreement is not made,
2 war is the most likely result.
3

4
5 The Jurisdictional clause of the Treaty of 1787/1836 clearly mentions
6 the Moors yet the lower Courts have Interpreted that the Petitioners "Action
7 is not predicated on any treaty" when it is. half of the jurisdictional clause
8 describe how disputes will be handled and half describes how specific crimes
9 will be punished. The fact that half of the jurisdictional clause specifically
10 mention Moors, can only be construed to mean that the entire Treaty of
11 1787/1836 pertains to Moors.
12

13
14 The International Court of Justices Translation and Interpretation is
15 enough to Interpret that the Treaty of 1787/1836 is "Self- Executing,"
16 granting "Rights of Extraterritoriality" and "Consular Court Jurisdiction."
17 The United States has agreed with the Courts Translation and
18 Interpretation?
19

20
21 The Treaty of 1787/1836 must be construed as being a self-executing
22 treaty, providing Consular Court Jurisdiction for all disputes between
23 Citizens of the United States and Moors. There are no terms in the treaty
24 stipulations that import a contract, when either of the parties engage to
25 perform a particular act. Also, the ICJ has defined the jurisdictional clause.
26 Michael Ingram Els' action is predicated on the Treaty of 1787/1836, and
27
28

1 must be Interpreted as such. For the reasons described, the Writ of
2 Mandamus and Writ of Prohibition must be granted.

3
4 "In the United States a private right is one that a private citizen can
vindicate in court" Mellon, 262 U.S. 447, 488 (1923)

5 The third article of the Constitution" as Marshall declared, "enables the
6 judicial department to receive jurisdiction to the full extent of the
7 Constitution, laws and treaties of the United States Osborn v. Bank, 9
Wheat. 738 (U.S. 1824)

8
9 The Jurisdiction conferred upon the Supreme court extends to rights
10 protected by the constitution, treaties or laws of the United States from
whatever source derived." The Mayor v. De Armas, 9 Peters 244, 233 (U.S.
11 1835)

12 "When the terms of the [treaty] stipulation import a contract, when either of
the parties engage to perform a particular act, the treaty addresses itself to
13 the political, not the judicial department; and the legislature must execute
the contract before it can become a rule for the court." Foster v. Neilson, 27
14 U.S. 253, 314 (1829).

15 if construction or interpretation of treaty will determine plaintiff's success,
16 federal question jurisdiction under 28 USCS 1331 exist, but if treaty concerns
collateral or secondary issues rather than essential allegation of complaint or
17 existence of right of action, federal question does not exist." Chapalain
Compagnie v. Standard Oil Co. (1978)

18
19 Federal Courts' power and sphere of action in federal-question cases is to say
20 what law is and in applying it to a particular situation, necessarily expound
and interpret that law; Constitution provides this power, (U.S. const. Art.
21 III§2), /Congress has vested this power through original jurisdiction in
District Court and Appellate Jurisdiction in Circuit Courts (28 USCS §1331
22 and USCS § 1291), and constitution further requires that U.S. supreme /court
have this power as appellate Court U.S. Const. Art. III § 2; in this regard,
23 federal decisional – or Common- law along with Constitution laws and
treaties of U.S. provide supreme rules of decision in federal question cases,
24 Keesee v. Bank of Am., NA (2005, Md Fla) 371 F Supp 2d 1370, 18 Flw Fed D
25 586)

26
27 In order to invoke Federal question jurisdiction Plaintiffs claims must arise
under constitution, laws or treaties of United States; Federal question
28 jurisdiction may be properly invoked only if plaintiff's complaint necessarily

draws into question interpretation of application of federal law *Gray v. Internal affairs Bureau* (2003, SDNY) 292 F Supp 2d 475. If complaint raises federal question, fact that such question has no merit does not, even where it is patently frivolous affect federal jurisdiction to so determine. *Montana-Dakota Utils. Co v. Northwestern Pub Serv. Co* (1951) 341 US 246, 95 L Ed 912, 71 s Ct 692.

Obligations of treaties should be liberally construed to effect the apparent intention of the parties to secure equality and reciprocity between them. Where a treaty admits of two constructions, one restricting the rights that may be claimed under it and the other enlarging them, the more liberal construction is to be preferred. *Jordan v. Tashiro*, 278 U.S. 123 (1928) U. S. 127.

A treaty is to be liberally construed; when two constructions are possible, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred. *Asakura v. City of Seattle*, 265 U.S. 332 (1924) U. S. 342.

The treaty should be construed liberally to give effect to its purpose. Where a provision fairly admits of two constructions, one restricting, the other enlarging, rights claimed under it, the more liberal construction is to be preferred. P. 311 U. S. 163.

Bacardi Corp. v. Domenech, 311 U.S. 150 (1940)

When a treaty provision fairly admits of two constructions, one restricting, the other enlarging, the rights which may be claimed under it, the more liberal interpretation is to be preferred. P. 279 U.S. 52.

Nielsen v. Johnson, 279 U.S. 47 (1929)

That a treaty to which the United States is a party is a law of the land, of which all courts, state and national, are to take judicial notice and by the provisions of which they are to be governed, so far as they are capable of judicial enforcement.

United States v. Rauscher, 119 U.S. 407 (1886)

CONTENTIONS IN SUPPORT OF PETITION

MOORS CANNOT BE PRESUMED OR COMPELLED TO BE 14TH

AMENDMENT CITIZENS

1
2 The Lower Courts contends that Petitioner is a citizen of the STATE
3 OF CALIFORNIA, and there is no diversity of citizenship. According to established
4 law a citizen of the STATE OF CALIFORNIA, is also a citizen of the "UNITED
5 STATES" Corporation.
6

7 Although a formal declaration of Moor American Nationality was
8 placed in the record this contention and presumption persists.
9
10

11 The question is:

12 Can the 14th Amendment be Construed as so to Violate the United
13 States International Agreement, the Treaty of 1787/1836, by Presuming or
14 Compelling Moors to be 14th Amendment Citizens?
15
16

17 Interpretive enforcement- which can only occur where there is a U.S.
18 treaty commitment to enforce. This requires a directly relevant treaty duty
19 approved by the political branches it further requires no contrary constitutional text
20 or other clear evidence that the relevant constitutional provisions are best read to
21 permit or require a violation of the United States International legal obligations
22 under the relevant ratified treaty.
23
24

- 25
- 26 • The only way a Moor can be a Citizen of the United States is through
27 naturalization
 - 28 • There is no historical documented Evidence that Moors were ever naturalized

1
2 Article 15

3 Everyone has the right to a nationality.

4 No one shall be arbitrarily deprived of his nationality nor denied the right to
5 change his nationality.

6 The Charming Betsy canon

7 An Act of Congress ought never to be construed to violate the law of nations if
8 any other possible construction remains..." Murray v. Schooner Charming
9 Betsy 6 U.S. (2 Cranch) 64, 118 (1804).

10 The laws of the United States ought not, if it be avoidable, so to be construed
11 as to infract the common principles and usages of nations, or the general
12 doctrines of national law." Talbot v. Seeman, 5 U.S. (1Cranch) 1, 43 (1801)

13 Third Restatement of foreign relations Law: "Where Fairly possible, a United
14 States Statute is to be construed so as not to conflict with International law
15 or with an international agreement of the United States."

16 "there is, first a firm and obviously sound canon of construction against
17 finding implicit repeal of a treaty in ambiguous congressional action." The
18 court concluded that "legislative silence is not sufficient to abrogate a treaty."
19 Transworld airlines, Inc. v. Franklin Mint Corp, 466 U.S. 243 (1984).

20 "for us to sanctions the exercise of local sovereignty... in this delicate field of
21 International relations there must be present the affirmative intention of the
22 congress clearly expressed."

23 McCulloch v. Sociedad Nacional de Marineras Honduras 372 U.S. 21-22

24 "a treaty will not be deemed to have been abrogated or modified by a later
25 statute unless such purpose on part of congress has been clearly expressed"
26 Cook v. United States, 288 U.S. 102, 120 (1933).

27 "Under Charming Betsy, we should interpret the INA in such a way as to
28 avoid any conflict with the protocol, if possible" Khan v. Holder, 584 f. 3d 773

"Congress has no express power under the Constitution to strip a person of
citizenship and no such power can be sustained as an implied attribute of
sovereignty as was recognized by congress before the passage of the
fourteenth Amendment, and a mature and well considered dictum in Osburn
v. Bank of the United States, 9 Wheat. 738, 22 U.S. 827, is to the same effect."

- Congress has no authority to bring Moors under the authority and Jurisdiction of the United States pursuant to the Constitution for the United States of America.
- There is no Moorish treaty that delegates authority to the United States Congress to write in legislation bringing the Moors into the United States Jurisdiction.
- There were no Wazirs (officials) of the Moorish nation representing the freed Moors during the drafting of the emancipation proclamation, 13th, 14th, 15th Amendments; therefore, there is no proper, lawful treating of the matter.
- There is no affirmative intention of the political branches of the United States, clearly expressed to supersede, abrogate, modify or violate The Treaty of 1787/1836,

The 14th amendment is being construed so as to conflict with United States International Agreements, The Treaty of 1787/1836, and Human Rights treaties.

Because of the afore mentioned facts petitioner is not and cannot be a citizen of STATE OF CALIFORNIA, UNITED STATES. There is Diversity of Citizenship and Consular Court Jurisdiction must be enforced!

Universal Declaration of Human Rights. December 10, 1948

Article 20

2. No one may be compelled to belong to an association

1 Afroyim v. Rusk, 387 U.S. 253 (1967)

2 "...and the difficulty which meets us at the threshold of this part of the
3 inquiry is, whether congress was authorized to pass this law under any
4 powers granted to it by the constitution; for if the authority is not given by
5 that instrument, it is the duty of this court to declare it void and inoperative."
6 Dred Scott v. Sandford 60 U.S. 393 (1857).

7 "It is, Therefore, on account of its origin, called the Natural and, by reason of
8 its obligatory force, the Necessary law of Nations. That law is common to all
9 nations; and if anyone of them does not respect it in her actions, she violates
10 the common Rights of all the others" *Law of Nations*

11 RELIEF SOUGHT

12
13
14 Michael Ingram El a Moorish American National and Consul of the Living and
15 perpetual Moorish Nation/ Moroccan Empire, moves this honorable court to: By
16 Court ORDER, to Enjoin the following persons or parties:

17
18 United States of America Republic all its agents, agencies,
19 departments and instrumentalities

20 UNITED STATES FEDERAL CORPORATION, its agents, agencies,
21 departments and instrumentalities

22
23 STATE OF CALIFORNIA

24 SUPERIOR COURT OF SACRAMENTO

25 COUNTY OF SACRAMENTO

26 CITY OF SACRAMENTO

27 SACRAMENTO COUNTY SHERIFFS' DEPARTMENT
28

SACRAMENTO COUNTY DISTRICT ATTORNEYS' OFFICE
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF
CALIFORNIA

Sheriff Scott Jones

Presiding Judge David De Alba

Magistrate Jennifer Rockwell

District Attorney Marie Schubert

Deputy O'Connor

TO

- Honor, Respect and Enforce the Constitution for the United States of America Republic and the Supremacy Clause.
- Honor, Respect, and Enforce the TREATY OF PEACE AND FRIENDSHIP Between the United States of America, and His Imperial Majesty the Emperor of Morocco
- Prohibit it, and them from Assuming or Exercising Jurisdiction over matters Concerning Michael Ingram El, Moor American Nationals, and Moorish Subjects.
- Recognize and enforce the Moorish Right of Extraterritoriality
- Enforce Consular Court Jurisdiction and Consular decision

1
2 WHY RELIEF SOUGHT IS NOT AVAILABLE FROM ANY OTHER
3 COURT
4

5
6 Petitioner, Michael Ingram has attempted maybe a dozen times to find
7 remedy in all the lower courts but have failed. They have never honored the
8 Constitution for the United States of America Republic or the Supremacy Clause.
9 They have never honored, respected, or enforced the TREATY OF PEACE AND
10 FRIENDSHIP Between the United States of America, and His Imperial Majesty the
11 Emperor of Morocco. They continue to Assume or Exercise Jurisdiction over matters
12 Concerning, Moor American Nationals, and Moorish Subjects, including myself.
13 They do not recognize nor enforce the Moorish right of Extraterritoriality, Consular
14 Court jurisdiction or Consular decision.
15

16
17 Therefor I am Appealing to the highest court in the land for the
18 Restoration of Substantive Rights, Substantive Law, enforcement of the United
19 States International agreements, enforcement of Customary International law and
20 Human rights!
21

22
23 Vienna Convention
24

25 Part III

26 Article 26- Pacta Sunt Servanda Every
27 Treaty in force is binding upon the parties
to it and it must be performed by them in good faith.

28 Article 27- Internal Law and observance of Treaties

1 A party may not invoke the provisions of its internal
2 law as justification for its failure to perform a treaty.

3 Vienna Convention Part III

4 Article 26 – Pacta Sunt Servanda Every Treaty in
5 force is binding upon the parties to it and must
6 be performed by them in good faith

7 Article 27- Internal Law and observance of Treaties

8 A party may not invoke the provisions of its internal
9 law as justification for its failure to perform a treaty.

10 Declaration of The Rights of The Child –
11 International Law - 1959:

12 Principle 3: "The child shall be entitled from his birth
13 to a name and a nationality"

14 Universal Declaration of Human Rights Of 1948 –
15 General Assembly: International Law: Article 15:

- 16 (1) Everyone has the right to a nationality.
17 (2) No one shall be arbitrarily deprived of his nationality
18 nor denied the right to change his nationality.

19 Un Declaration on The Rights of Indigenous People

20 Article 5,
21 Every Indigenous Individual Has the Right to A Nationality.

22 CONCLUSION

23 Say a prayer for the Moors, and let my people Go!

24 December 14, 2020.

25 I Am: 

26 Michael Ingram El, Consul for the Moroccan Empire All rights reserved – U.C.C. 1-308,

27 A free Moorish America, In Full Life, In Solo Proprio, In Propria Persona Sui Juris.