

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

QUESTIONS PRESENTED

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

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

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

The questions presented are:

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

PROCEEDINGS OF FIRST JUDGEMENT

MICHAEL INGRAM EL, *Petitioner*

V.

JOE CRAIL; et al., *Respondents*

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 19-16866

Date of entry of judgement: September 15, 2020

U.S. DISTRICT COURT FOR EASTERN CALIFORNIA, SACRAMENTO

D.C. No. 2:18-cv-01976-MCE-EB

Date of entry of judgement: September 11, 2019

Michael Ingram El

Petitioner

JOE CRAIL.

WESTERN MUTUAL INSURANCE

RÉSIDENCE MUTUAL INSURANCE

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

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

1 District Attorney Marie Schubert

2 Deputy O'Connor. *Plaintiff-Appellee*

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No one shall be arbitrarily deprived of his nationality nor denied the right to
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Washitaw de Dugdah Moundyah New Iyet Oldest Indigenous people on
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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

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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.

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

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

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Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983). A corporation is a citizen of any

Bey v. Municipal Court, Nos. 11- 7343 (RBK), 11-4351 (RBK), 2012 WL 714575 (D.N.J. Mar. 5, 2012)

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)

Khattab El v. U.S. Justice Dep't, No. 86-6863, 1988 WL 5117, at 5 (E.D. Pa. Jan. 22, 1988)

Baker v. Carr, 369 U.S. 186, 198 (1962). The presence or absence of federal

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

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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 Envtl. Remediation, LLC v. Dep’t of Health & Envtl. 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 Martinduque 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 Martinduque*, 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 Petitioner, Michael Ingram El, filed a timely appeal to the 9th. Circuit Court of
4 Appeals, affirmed lower Court dismissal on September 16, 2020. There is no order
5 respecting rehearing. I would like to have this second set of judgements reviewed
6 simultaneously with the first set judgements for these cases involve identical
7 questions?
8

10

11 FIRST JUDGEMENT JURISDICTION

12

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

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

23

24 CONSTITUTIONAL, TREATY AND 25 STATUTORY PROVISIONS AT ISSUE

26

27 The Supremacy Clause of the Constitution for the United States of America
28 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
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,
and until that application shall be rejected, no appeal shall be made to arms.
20 And if a war shall break out between the parties, nine months shall be
21 granted to all the subjects of both parties, to dispose of their effects and retire
22 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
23 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
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

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

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

14th Amendment US Constitution-

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

**FIRST JUDGEMENT INTRODUCTION AND
STATEMENT OF THE CASE**

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

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

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

Although there was no “dispute” to any of the following facts:

- 1 • no dispute that the treaty of peace and friendship between the United States
2 of America, and his imperial Majesty the Emperor of Morocco, Ancient
3 Moroccans is "in force."
- 4
- 5 • no "dispute" that Michael Ingram El is a "Moor American" National, Minister
6 and Consul of the Moroccan Empire,
- 7
- 8 • no "dispute" that the land/soil at North, South, Central America and the
9 adjoining Islands is "Morocco"
- 10
- 11 • no dispute that the "Moors" are the People of the land ("WE THE PEOPLE"
12 of the preamble of the Constitution for the United States of America),
13 "aboriginal, indigenous, Free inhabitants and the rightful title holders of this
14 land"
- 15
- 16 • no dispute that the seed of Abraham Moabites trust' exist, holds an allodial
17 Title to the land in question and said trust was created years prior to filing
18 this action,
- 19
- 20 • no dispute that the seed of Abraham Moabites Trust is a
21 State/Regency/Mission/Bonnaville located at coordinates 38 degrees 30
22 minutes 23.79 seconds North, 121 degrees 25 minutes 55.62 seconds west at
23 Moorish Khalifa territory Northwest Amexem/Northwest Africa/North
24 America within the dominion of the Moroccan Empire, Foreign to the
25 "UNITED STATES" Corporation and Michael Ingram El is "Head of State."
- 26
- 27 • no dispute that the Sovereign Moorish Nation/Moroccan Empire is a
28 Theocratic Republic.

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

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

“Case arising from or growing out of a treaty was one involving rights given or protected by treaty.” *Owings v. Norwood’s Lessee* (1809) 9 US 344, 5 Cranch 344, 3L Ed 120

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

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

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

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

The Treaty of 1787/1836 protects “Rights of extraterritoriality” all of which are without State Courts, District Courts and Appellate Courts Authority and Jurisdiction.

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

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

25 "the third article of the Constitution, enables the judicial department to
26 receive jurisdiction to the full extent of the Constitution, laws and treaties of
27 the United States." Osborn v. Bank, 9 Wheat. 738 (U.S. 1824).
28 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 The subversion of the exclusive afforded Authority granted to Consular
13 Courts must be restored immediately. The information presented in the
14 jurisdictional clause of the treaty clearly describe the right of extraterritoriality
15 between the Moors and the United States of America

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

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

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

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

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

CONTENTIONS IN SUPPORT OF PETITION

**TRESPASS ON THE CASE IN ASSUMPTSIT IS PREDICATED ON
TREATY OF 1787/1836**

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

6
7 “first point raised by the submissions relates to the scope of the
8 “jurisdictional clauses” of the treaty of 1836, which reads as follow:
9 “Article 20 States “If any of the Citizens of the United States, or any Persons
10 under their Protection, shall have any disputes with each other, the Consul
11 shall decide between the Parties, and whenever the Consul shall require any
12 Aid or Assistance from our Government, to enforce his decisions, it shall be
13 immediately granted to him.”

14
15 Article 21 “If any Citizen of the United States should kill or wound a Moor,
16 or, on the contrary, if a Moor shall kill or wound a Citizen of the United
17 States, the Law of the Country shall take place, and equal Justice shall be
18 rendered, the Consul assisting at the Trial; and if any Delinquent shall make
19 his escape, the Consul shall not be answerable for him in any manner
20 whatever.” **France v. United States of America 1952 August 27th general list:**
21 **No. 11 (App E1-16)**

22
23 The ICJ clearly describe Article 20 and 21 as the jurisdiction Clauses
24 that imports a “private right of action” whenever there is a dispute between
25 any of the United States Citizen or Persons (Moors) under their protection.
26 Also, the Clause Explains what law will be used for punishment of crimes
27 between Moors and United States Citizens.

28
29 Article 20 Can only be construed to mean If any of the Citizens of the
30 United States, or any persons under their protection, shall have any of their
31 rights Trespassed on “Shall” have the issue settled in the Consular Court
32 using their nations law a.) This clearly prescribes the rule by which private
33

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
15 execute the contract before it can become a rule for the Court.” Foster & Elam
16 v. Neilson, 27 U.S. 253 (1829).

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

- 23
24
25
26
27
28
- “Accordingly, it is necessary to construe the word dispute as used in article 20, as referring both to civil disputes and to criminal disputes, in so far as they relate to breaches of the criminal law committed by a United 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)

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

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

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 Clauses in the Treaty of 1787/1837, and also how the law shall be applied in
16 civil and criminal disputes. For petitioner to have his action heard in
17 Consular Court is a "Private Right of Action" and a "Right of
18 Extraterritoriality."

- 19
- 20 The word citizen in the phrase
21 "If any of the "citizens" of the United States (United States of America)
22 Of Article 20 must be construed to mean the following:

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

25
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
17 • The phrase “persons under their (United States) protection”
18 In Article 20

19 Shall be construed to include the Free Moors.

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

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

27 “Article 3

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

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
trade and commerce with each other."

5 For example, the Ghent treaty states:
6

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
may have enjoyed or been entitled to"

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

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

21 Observations Concerning the Increase of Mankind
22
23 By Benjamin Franklin (1751)

24. Which leads me to add one Remark: That the Number of purely white
25 People in the World is proportionably very small. All Africa is black or tawny.
26 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
Construction or Operation apply to them, and that persons who were
Subjects of the Emperor of Morocco being Free in this State are not triable by
the Law for the better Ordering and Governing of Negroes and other Slaves.**
11 Resolved That this House do agree with the Report.

12 Ali, El, Bey, Al and Dey are the only Titles of Nobility on this land.
13 These Moorish Titles of Honor and Nobility are the one referred to in the
14 'Original' 13th Amendment of the Constitution for the United States of
15 America Republic. If any of the contracted Citizens (English males) claim any
16 title of Honor or Nobility will be in violation of law and lose their citizenship.
17
18

19
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 The Treaty of 1787/1836 is still in force. All disputes involving
12 Moors and the United States Citizens are decided under Moorish law,
13 Consular Court Jurisdiction.

14
15 • Article 24

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

26 Article 24 must be construed to mean:
27 If a party to the treaty feels that any of their treaty rights are not carried out
28 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
5 vindicate in court” Mellon, 262 U.S. 447, 488 (1923)

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

10 The Jurisdiction conferred upon the Supreme court extends to rights
11 protected by the constitution, treaties or laws of the United States from
12 whatever source derived.” The Mayor v. De Armas, 9 Peters 244, 233 (U.S.
13 1835)

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

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

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

29 In order to invoke Federal question jurisdiction Plaintiffs claims must arise
30 under constitution, laws or treaties of United States; Federal question
31 jurisdiction may be properly invoked only if plaintiff's complaint necessarily
32

1 draws into question interpretation of application of federal law Gray v.
2 Internal affairs Bureau (2003, SDNY) 292 F Supp 2d 475. If complaint raises
3 federal question, fact that such question has no merit does not, even where it
4 is patently frivolous affect federal jurisdiction to so determine. Montana-
5 Dakota Utils. Co v. Northwestern Pub Serv. Co (1951) 341 US 246, 95 L Ed
6 912, 71 s Ct 692.

7 Obligations of treaties should be liberally construed to effect the apparent
8 intention of the parties to secure equality and reciprocity between them.
9 Where a treaty admits of two constructions, one restricting the rights that
10 may be claimed under it and the other enlarging them, the more liberal
11 construction is to be preferred. *Jordan v. Tashiro*, 278 U.S. 123 (1928) U. S.
12 127.

13 A treaty is to be liberally construed; when two constructions are possible, one
14 restrictive of rights that may be claimed under it and the other favorable to
15 them, the latter is to be preferred. *Asakura v. City of Seattle*, 265 U.S. 332
16 (1924) U. S. 342.

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

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

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

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

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

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

30 CONTENTIONS IN SUPPORT OF PETITION

31 MOORS CANNOT BE PRESUMED OR COMPELLED TO BE 14TH

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

1
2 Article 15
3

4 Everyone has the right to a nationality.
5

6 No one shall be arbitrarily deprived of his nationality nor denied the right to
7 change his nationality.
8

9 The Charming Betsy canon
10

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

15 The laws of the United States ought not, if it be avoidable, so to be construed
16 as to infract the common principles and usages of nations, or the general
17 doctrines of national law." Talbot v. Seeman, 5 U.S. (1 Cranch) 1, 43 (1801)
18

19 Third Restatement of foreign relations Law: "Where Fairly possible, a United
20 States Statute is to be construed so as not to conflict with International law
21 or with an international agreement of the United States."
22

23 "there is, first a firm and obviously sound canon of construction against
24 finding implicit repeal of a treaty in ambiguous congressional action." The
25 court concluded that "legislative silence is not sufficient to abrogate a treaty."
26 Transworld airlines, Inc. v. Franklin Mint Corp, 466 U.S. 243 (1984).
27

28 "for us to sanctions the exercise of local sovereignty... in this delicate field of
29 International relations there must be present the affirmative intention of the
30 congress clearly expressed."
31 McCulloch v. Sociedad Nacional de Marineras Honduras 372 U.S. 21-22
32

33 "a treaty will not be deemed to have been abrogated or modified by a later
34 statute unless such purpose on part of congress has been clearly expressed"
35 Cook v. United States, 288 U.S. 102, 120 (1933).
36

37 "Under Charming Betsy, we should interpret the INA in such a way as to
38 avoid any conflict with the protocol, if possible" Khan v. Holder, 584 f. 3d 773
39

40 "Congress has no express power under the Constitution to strip a person of
41 citizenship and no such power can be sustained as an implied attribute of
42 sovereignty as was recognized by congress before the passage of the
43 fourteenth Amendment, and a mature and well considered dictum in Osburn
44 v. Bank if the United States, 9 Wheat. 738, 22 U.S. 827, is to the same effect."
45

1
2 • Congress has no authority to bring Moors under the authority and
3 Jurisdiction of the United States pursuant to the Constitution for the United
4 States of America.

5
6 • There is no Moorish treaty that delegates authority to the United States
7 Congress to write in legislation bringing the Moors into the United States
8 Jurisdiction.

9
10 • There were no Wazirs (officials) of the Moorish nation representing the freed
11 Moors during the drafting of the emancipation proclamation, 13th, 14th, 15th
12 Amendments; therefore, there is no proper, lawful treating of the matter.

13
14 • There is no affirmative intention of the political branches of the United
15 States, clearly expressed to supersede, abrogate, modify or violate The Treaty
16 of 1787/1836,

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

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

23
24 Universal Declaration of Human Rights. December 10, 1948

25
26 Article 20

27 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."
Dred Scott v. Sandford 60 U.S. 393 (1857).

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

10

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 STATE OF CALIFORNIA

23 SUPERIOR COURT OF SACRAMENTO

24 COUNTY OF SACRAMENTO

25 CITY OF SACRAMENTO

26 SACRAMENTO COUNTY SHERIFFS' DEPARTMENT

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

4 COURT

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

10 They have never honored, respected, or enforced the TREATY OF PEACE AND

11 FRIENDSHIP Between the United States of America, and His Imperial Majesty the

12 Emperor of Morocco. They continue to Assume or Exercise Jurisdiction over matters

13 Concerning, Moor American Nationals, and Moorish Subjects, including myself.

14

15 They do not recognize nor enforce the Moorish right of Extraterritoriality, Consular

16 Court jurisdiction or Consular decision.

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

28 to it and it must be performed by them in good faith.

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
be performed by them in good faith

6 Article 27- Internal Law and observance of Treaties
7 A party may not invoke the provisions of its internal
law as justification for its failure to perform a treaty.

8 Declaration of The Rights of The Child –
9 International Law - 1959:
10 Principle 3: “The child shall be entitled from his birth
to a name and a nationality”

12 Universal Declaration of Human Rights Of 1948 –
13 General Assembly: International Law: Article 15:
14 (1) Everyone has the right to a nationality.
15 (2) No one shall be arbitrarily deprived of his nationality
nor denied the right to change his nationality.

16 Un Declaration on The Rights of Indigenous People
17 Article 5,
Every Indigenous Individual Has the Right to A Nationality.

18 CONCLUSION

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

22 December 14, 2020.

24 I Am: Michael Ingram El

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

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