

CO
2018

CIRCUIT COURT OF PULASKI COUNTY,
LITTLE ROCK, ARKANSAS
401 W Markham St #100, Little Rock, AR 72201
Case: [West Memphis Arkansas] WMC-18-4045

PETITION
REQUEST FOR JUDICIAL REVIEW
AR 25-15-212

OFFICER Johnson West Memphis Police Department West Memphis, AR 72301
OFFICER McElroy West Memphis Police Department West Memphis, AR 72301
CITY OF WEST MEMPHIS POLICE DEPARTMENT Broadway West Memphis, AR 72301
STATE OF ARKANSAS Asa Hutchinson State Capital Room 250 500 Woodlane Ave. Little Rock, AR 72201

VS.

sakima iban salih el bey
Preamble Citizen of the United States

HEREIN Petitioner, Citizen of the United States not United States of America; Preamble Citizen of the United States not United States of America requests to obtain a judicial review for the infringement of OFFICER'S, Johnson, McElroy of the West Memphis, AR police department, who overstepped their jurisdiction to arrest and cite a Preamble Citizen of the United States government, in violation of law. Where, to date the alleged charges on paper have not been given to petitioner where he can prepare a Constitutional rebuttal which appears to be collusion, and conspiracy to defraud.

STATEMENT

I have the "public record" that the organization has been "organized", that in the Office of the Governor of Arkansas that makes accused a "STATE AGENCY" and subject's accused to the jurisdiction of the "Office of the Governor" "enterprise" - trust. There is no "registered agent" associated with or to accused which puts accused "in" the jurisdiction of OFFICER 'S Johnson and McElroy of the West Memphis Police department et al. Accused is a "Citizen of the United States", not United States of America - Agency. Also as a "nonresident owner of a foreign license private passenger automobile" or "road machine" who was stopped, detained, and cited without authority to do so. Who was traveling in his road machine and was stopped without proof of a "Crime". There is no "organization" of a "public record" that would give plaintiff's authority, jurisdiction over sakima iban salih el bey who is not, never was or have been a so-called "Sovereign Citizen", "lost at sea", "abandoned property". And to make a claim of such against sakima iban salih el bey would subject the CITY OF WEST MEMPHIS; STATE OF

ARKANSAS; CONGRESS OF ARKANSAS; District Attorney Office; West Memphis Police Department; to civil suit in a competent court of law for jurisdictional violations. Where petitioner was injured in his person by illegal arrest, and his property by having towed by a 3rd party without cause to pay \$175 to retrieve it. The final agency action to do this resulted in petitioner being placed in the Crittenden County jail and having to give a bondswoman \$155 is entitled to judicial review.

DECLARATION

Petitioner has had his privileges & immunities infringed upon while traveling through the jurisdiction of the administrative municipal City of West Memphis, Arkansas. Petitioner request Injunctive & Prospective relief, by this counter complaint & affidavit as witness of criminal activity in violation of Article 4, sec. 2 Constitution of the United States, Arkansas law AR 27-23-119, against OFFICERS Johnson, McElroy of the West Memphis Police department inflicting statutes that are unconstitutional i.e. No License and Reckless Driving inter alia.

JURISDICTIONAL VIOLATION BY WEST MEMPHIS POLICE OFFICERS

Questions Presented

- 1 Does the Constitution of Arkansas make provision to deny a person that is exempt from a 'driver's license' in Arkansas who is in compliance with state code i.e. AR 27-16-603(2); AR 27-23-119 being "exempt"?
- 2 Does the Constitution of Arkansas make provision for a police Officer to ignore state law that verifies petitioner to be exempt under AR 27-16-603 and AR 27-23-119; where in his immediate possession he had a "valid driver's license" from his home state, United States not United States of America while traveling in his road machine, pursuant to the Preamble of the Constitution of the United States inter alia?
- 3 Why does the Legislature of Arkansas allows Officer's Johnson, McElroy, who was given the valid driver's license of petitioner where they ignored it in violation of AR 27-16-603; AR 27-23-119 and ignored the identification as to being a "Tribal Official" who had a crime committed on him of illegal arrest and unsafe driving [in parking lot of Casino where officer Johnson was parked and petitioner pulled up next to him and stopped, then turned the corner where officer Johnson have evidence of such operation, speeding, out of control driving of his road machine. Plus, petitioner when Officer Johnson stopped approached and told petitioner he was speeding and the speed limit was 5 and petitioner was going faster than that. Officer Johnson has no evidence of such speeding, nor does he have a radar detector report showing such] in violation of Executive Order 13774; charged petitioner with an Unconstitutional statute i.e. AR 27-16-603; inter alia; where if petitioner was subject to Arkansas state code; AR 27-23-119 exempts petitioner who was traveling in his road machine that states "*Any person while operating or driving any road machine..... temporarily operated or moved on a highway...*", such is the petitioner under AR 27-16-603 in that the legislature made provisions for officer's

Johnson, McElroy to use an unconstitutional statute against petitioner in violation of the Constitution of Arkansas Article 1, sec 1-29 also federal regulation: Article 4, sec. 2 Constitution of the United States where they are liable and in violation of Article 4, sec. 2 of the Constitution of the United States & Constitution of Arkansas Article 1 section(s) 1-29?

4 Does the legislature have authority to ignore the Constitution of the United States and write laws that are unconstitutional and charge a Preamble Citizen of the United States not the United States of America as listed in the Preamble of the Constitution of the United States and delegate the West Memphis Police Officers to infringe petitioner's privileges & immunities?

5 AR Code 27-16-303 is unConstitutional and contrary to AR 27-23-119, where if petitioner was the defendants jurisdiction, while traveling in his road machine, and in the jurisdiction of United States not United States of America AR 27-23-119 would apply to him. Road Machine is not defined in the code and thus applys to petitioner.

6 The claim of defendants for violation of AR 27-51-104 is in error along with no careless or prohibited driving because there is no evidence of speeding from a clock gun or speed gun to show a speed over the required speed. There was no pedestrians in danger because there was no one on the street or in the parking lot. Officer Johnson was sitting at the curb in his vehicle talking to 3 valet's, he saw petitioner approach the curb next to him, where petitioner looked both ways, made the right turn and accelerated at a safe speed towards obtaining a parking spot. There is no evidence that exists where Office Johnson can tell if petitioner was speeding or weaving in and out, which did not occur. Officer Johnson made a legal determination, with no evidence or cause.

STATEMENT OF REQUEST FOR JUDICIAL REVIEW

Petitioner shows the agency's final decision was made at the point of arrest, by the legal determination of the agency, "police department" representatives of West Memphis police department inter alia.

Judiciary in that State statutes used to charge petitioner out of the jurisdiction of Officer's Johnson, McElroy were enforced from an "unconstitutional act of congress" or "unconstitutionality of state statute" which was established by State legislators which is unconstitutional. Petitioner will show federal jurisdiction protects him and also the Constitution Article 4, sec. 2 has been used in Arkansas to enforce unconstitutional State Statutes that create harm, injury, and damage to American Citizens-Petitioner, privileges and immunities.

This action was perpetrated by officer's Johnson, McElroy et al, enforcing action from legislation that is unconstitutional where 'federal jurisdiction', has not allowed this unconstitutional act of State statutes or STATE "unconstitutional act of Congress", that there exists 2 Constitutions of the United States and 2 Declarations of Independence. These facts of law, verify petitioners position. It also shows the intent of the founders to have 2 jurisdictions where in the Arkansas code if petitioner was subject to it, shows and

verifies there are 2 statutes. One showing penalty for a suspended driver's license AR 27-16-303, where petitioner never had a Driver's License [evidence by DMV of S.C.] and one showing you don't need a driver's license AR-27-16-603, AR 27-23-119 inter alia.

Herein petitioner shows and verifies the jurisdiction he is in was violated and he infringed upon without authority, jurisdiction and a clear absence of all jurisdiction requests that a "judicial review" be sought to have the charges falsely placed upon petitioner to be terminated and the fees he was forced to pay be returned to stay any federal action against the State of Arkansas Congress; West Memphis Police Department; City of West Memphis for the condoning of jurisdictional violations from clearly established law, Article 4, sec. 2 Constitution, and EO [Executive Order] 13774 inter alia that the acts of officers inflicted a "crime" against petitioner who also is a "Tribal Official" [whether acknowledged by Tennessee, Arkansas et al or not where such tribe is in the United States not United States of America].

2 Constitutions

September 8th 1787 Representative McHenry of Maryland notes "the printed paper" (the Constitution) was referred to a committee to revise and rearrange. The revised draft was reported by the Committee of "Style and arrangement" on September 12th 1787 and, according to the official Journal, printed copies thereof were ordered furnished to the members of the convention of the 13 colonies. The 3rd and final draft of the Constitution was ordered printed by the Convention on September 15th 1787. Also that day, McHenry wrote in his notes that 500 copies be struck-printed, September 17th 1787 he further noted "members to be provided with printed copies." These printed copies were six-page broadsides bearing the imprint of Dunlap & Claypoole, one which, authenticated by representative James Madison, has been used as "copy" for the present reprint. Then it was ordered to be engrossed. The engrossed copy was signed by the Members in Convention on September 17th 1787. The original and engrossed copy is identical except for the minor interlineations having been made in the engrossed copy to conform to the original printed text of 'the paper' – Constitution of the United States.

2 Declarations of Independence

The only names of the first printed copy of the Declaration of Independence, which is attached to the original manuscript Journals of Congress as a part of the official record of proceedings on July 4th 1776, are printed as follows:

"Signed by Order and in Behalf of the Congress, John Hancock, President.
Attest, Charles Thomson, Secretary."

The manuscript Journal of July 4th 1776 does not contain any other statement in regard to signing the Declaration at that time or the names of the Members present and agreeing to its adoption. The official Declaration sent to the state assemblies – 13, and General Washington for proclamation, by order of Congress – United States in Congress Assembled, not the United States of America in Congress for it was not set up yet. Where, likewise printed thereon an authentication only by Hancock and Thomson's names were written. Their names are signed to the first-original publication of the

Declaration, on July 6th, 1776. As printed in the evening paper the 'Pennsylvania Evening Post of Philadelphia which did not include any other signatures. July 19th 1776, Congress adopted the following resolution: "Resolved, That the Declaration passed on July 4th 1776, be fairly engrossed on parchment with the title and stile of 'The unanimous Declaration of the thirteen united States of America' and that the same, when engrossed, be signed by every member of Congress."

The Journal of August 2nd 1776, says: "The declaration of independence being engrossed and compared at the table was signed by the members."

Summary

The official Constitution was completed August 4th 1787 before September 8th 1787 where it was given to a committee to be revised and rearranged on that day. That new version completed September 12th 1787 was given to the members to be signed by the convention; the 2nd Constitution. [See pages 48, 49, 96th Congress, 1st session House Document No. 96-143] 2 Constitutions, original for sakima iban salih el bey and the engrossed copy for officer Johnson, McElroy representative for STATE OF ARKANSAS et al.

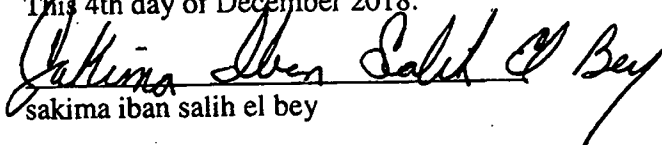
One Citizen having privileges and immunities already Petitioner and the other citizen STATE OF ARKANSAS et al now entitled to privileges and immunities as laid out in Article 4 sec. 2 Constitution of the United States.

The original Declaration was completed August 4th 1776, entitled: "A Declaration" [see page 1 96th Congress, 1st session House Document No. 96-143]. The original was only signed by John Hancock President, Charles Thomson Secretary August 4th 1776; no other members present at the Convention signed it - A Declaration. The engrossed copy July 19th 1776, after July 4th 1776, was "Resolved" to be 'titled and stiled' 'The unanimous Declaration of the thirteen united States of America' that document was engrossed and that one was signed by members of the convention that were present; 2 Declarations, one for sakima iban salih el bey the other for officer's Johnson, McElroy representative for STATE OF ARKANSAS et al.

Petitioner requests that the action that is set for appeal now be dismissed with prejudice against petitioner and erase all evidence of any arrest of petitioner and return the \$155 dollars paid to a bondswoman to get out of the West Memphis jail and \$175 to the towing company for retrieving is road machine.

Finally list in the West Memphis police system that the name of sakima iban salih el bey is out of their jurisdiction inter alia.

This 4th day of December 2018.


sakima iban salih el bey

ARKANSAS UNIFORM LAW ENFORCEMENT CITATION

CASE NO. _____ DOCKET NO. _____ PAGE NO. _____
STATE OF ARKANSAS

WEST MEMPHIS POLICE DEPT.
COUNTY OF CRITTENDEN
CITY OF WEST MEMPHIS

No 256412

You may present this citation for payment to the court indicated below anytime before the date and time shown.

COURT APPEARANCE 7a DAY OF November 2018 AT 830 M.

ADDRESS OF COURT 100 COURT ST., WEST MEMPHIS, AR 72301

COURT PHONE NO. 870-732-7560 SEATBELT IN USE ☒ YES ☐ NO

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE
I UNDERSTAND THE ABOVE AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

SIGNATURE In custody
The undersigned states he/she has just and reasonable grounds to believe, and does believe, that the person named above committed the offense set forth below, contrary to law.

L. Johnson 241 ACCIDENT INVOLVED ☐ YES ☒ NO
RANK AND SIGNATURE OF OFFICER BADGE NO.

DAY OF WEEK	MONTH	DAY	YEAR	TIME	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
SUN	NOVEMBER	25	2018	3:00	
LAST NAME <u>John E. Bey</u>					
FIRST NAME <u>John</u> MI <u>I</u>					
ADDRESS <u>165 Bickford Ave</u>					
CITY/STATE/ZIP CODE <u>Memphis, TN 38107</u>					
AGE <u>56</u> DOB <u>5-18-62</u> RACE <u>AI</u> SEX <u>M</u>					
DL NUMBER <u>100046445</u> DL STATE <u>SC</u> CDL <input type="checkbox"/> DL <input type="checkbox"/>					
EMPLOYED BY _____ WORK PHONE # _____					
COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAZ. MAT <input type="checkbox"/> YES <input type="checkbox"/> NO		VEHICLE LICENSE NUMBER <u>SH6 232</u> STATE <u>TN</u>	
VEHICLE DESCRIPTION					
YEAR	MAKE	MODEL	BODY TYPE	COLOR	
<u>2000</u>	<u>Jeep</u>	<u>Cherokee</u>	<u>SUV</u>	<u>Blue</u>	
LOCATION <u>1550 Ingram</u>		VEHICLE SEARCH			
SPEEDING (OVER LIMIT) 27-51-301		<input type="checkbox"/> INC TO ARR	<input type="checkbox"/> PC	<input type="checkbox"/> CONSENT	
MPH IN		0-10 MPH	11-14 MPH	15-20 MPH	OVER 20 MPH
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO DRIVER'S LICENSE 27-16-602A	DUI 5-65-303	DRIVER'S LICENSE SUSPENDED 27-16-303	FOLLOWING TOO CLOSE 27-51-305	CARELESS /TROUGH DRIVING 27-51-104	DROVE LEFT OF CENTER 27-51-301
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DRINKING IN PUBLIC 5-71-212	D.L. SUSPENDED FOR DWI 5-65-105	DWI 5-65-103	NO SEAT BELT 27-37-702	NO VEHICLE LICENSE 27-14-304	NO CHILD SAFETY RESTRAINT 27-34-104
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO PROOF OF INSURANCE 27-22-104					
<input type="checkbox"/>					
OTHER (DEFINED) - INCLUDE STATUTE NUMBER					
NUMBER OF OFFENSES: TRAFFIC <u>2</u> CRIMINAL _____					
CONDITIONS: <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> SNOW <input type="checkbox"/> ICE <input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> DARK					
OTHER TRAFFIC PRESENT: <input type="checkbox"/> CROSS <input type="checkbox"/> ON-COMING <input type="checkbox"/> SAME DIRECTION <input type="checkbox"/> PEDESTRIAN					
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> SCHOOL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL					
HIGHWAY TYPE: <input type="checkbox"/> 2 LANE <input type="checkbox"/> 3 LANE <input type="checkbox"/> 4 LANE <input type="checkbox"/> 4 LANE DIVIDED <input type="checkbox"/> OTHER					
TYPE OF ACCIDENT: <input type="checkbox"/> PROPERTY DAMAGE <input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> FATAL					
COURT COPY/DISPOSITION					

Acknowledgement of existing Tribal
documentation, Filing numbers with
"County Recorder/^(Memphis) Register of Deeds"

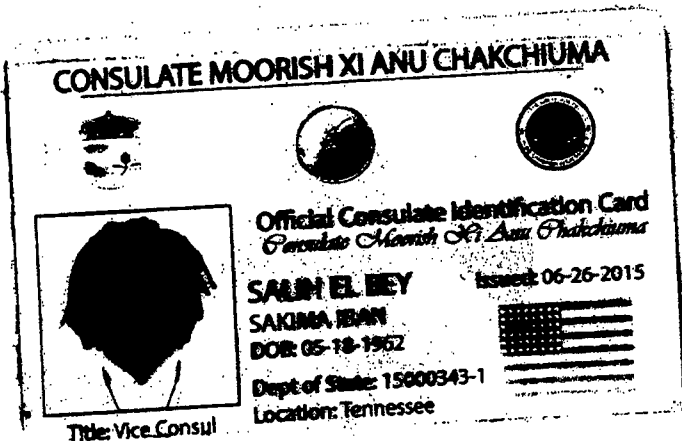
Tribal Trust: 14065488

Charter Chakchiumq: 14067116

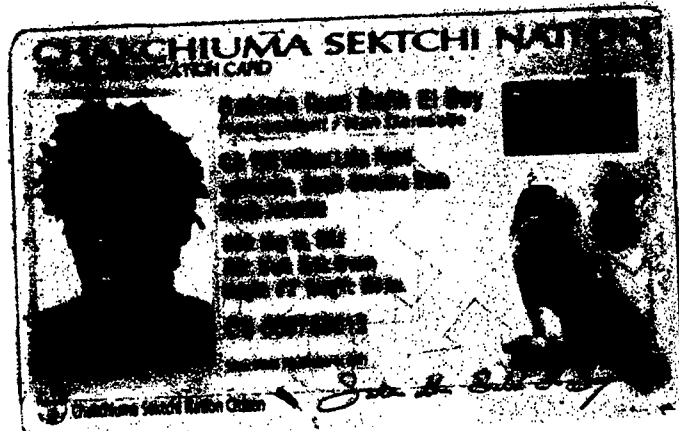
Other Nations under
Chakchicoma

Constitution of Xi Anu: 14062117

Tribal Trust X; Ann: 14067115



Now: Consul General



IN THE Circuit COURT OF Pulaski COUNTY, ARKANSAS
IN RE PETITION OF Judicial Review
TO PROCEED IN FORMA PAUPERIS

CASE NO. CV-19-542

ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

On this day comes on to be heard the petition of Judicial Review that he/she
be permitted to prosecute the above action *In Forma Pauperis*. The Court being satisfied of the
truth of the facts alleged and good cause appearing thereto, IT IS HEREBY ORDERED:

1. That Plaintiff, Sakima bey, be authorized and permitted to proceed
in the above-captioned cause, *In Forma Pauperis*.
2. That the Clerk of the Court shall receive and file any necessary forms or pleadings
incident to petitioner's action without requiring the payment of fees or costs.
3. That the sheriffs of the counties of the State of Arkansas shall serve writs or
processes incident to petitioner's action without requiring the payment of fees or costs.

IT IS SO ORDERED.

Denied
Judge
Date 1-30-19

**DENIED BY JUDGE MUST PAY \$165.00
FILING FEE**

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

SAKIMA IBAN SALIH EL BEY

PLAINTIFF

v.

No. 3:19-cv-53-DPM

JOHNSON, Officer, West Memphis
Police Department; MCELROY,
Officer, West Memphis Police
Department; WEST MEMPHIS
POLICE DEPARTMENT; ARKANSAS,
STATE OF; ASA HUTCHINSON; and
DOES, Congress of Arkansas House of
Representatives and Congress of Arkansas
Senate

DEFENDANTS

ORDER

At the Court's request, El Bey has supplemented his motion to amend. The Court must screen El Bey's complaint, as amended and supplemented. *No 1, 5, 7 & 8; 28 U.S.C. § 1915(e)(2)*. El Bey claims his constitutional rights were violated when two West Memphis police officers arrested him. Because he's a "Preamble Citizen," he says his arrest violated federal law. *No 5 at 1*.

El Bey's claims are barred. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).^{*} A judgment in El Bey's favor would necessarily call into question his state-court conviction for reckless driving without a license. And he hasn't alleged that his conviction has been reversed,

expunged, invalidated, or otherwise called into question. *Ibid.* He has, apparently, pursued an appeal in a related civil case. *No 7 at 4.* But his conviction still stands. El Bey's motion to amend, *No 5*, is denied. The Court's Judgment dismissing El Bey's case without prejudice, *No 4*, remains in place.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

13 May 2019

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

SAKIMA IBAN SALIH EL BEY

PLAINTIFF

v.

No. 3:19-cv-53-DPM

JOHNSON, Officer, West Memphis
Police Department; MCELROY,
Officer, West Memphis Police
Department; WEST MEMPHIS
POLICE DEPARTMENT; ARKANSAS,
STATE OF; ASA HUTCHINSON; and
DOES, Congress of Arkansas House of
Representatives and Congress of Arkansas
Senate

DEFENDANTS

JUDGMENT

The case is dismissed without prejudice and with leave to
propose an amended complaint by 19 April 2019.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

27 March 2019

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-2384

Sakima Iban Salih, El Bey

Appellant

v.

Johnson, Officer, West Memphis Police Department, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Jonesboro
(3:19-cv-00053-DPM)

MANDATE

In accordance with the opinion and judgment of 12/19/2019, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

January 09, 2020

Clerk, U.S. Court of Appeals, Eighth Circuit