

20-7924  
No. \_\_\_\_\_

ORIGINAL  
Supreme Court, U.S.  
FILED  
AUG 21 2020  
OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

Edward Shane West-El PETITIONER  
(Your Name)

vs.  
Armando Vasquez — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eleventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Edward Shane West-El  
(Your Name)  
c/o 17701 NW 32 Ave  
(Address)

Miami Gardens, FL 33056

(City, State, Zip Code)

786 277-6525  
786 487-8050

(Phone Number)

## **QUESTIONS PRESENTED**

1. In *Earle v McVeigh*, 91 US 503, 23 L Ed 398, it says “ Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question.” Why is the Petitioner not being heard as of yet?
2. The Petitioner would like to know the reason why taxes were being deducted from his pay check, Secondly is the Petitioner getting the correct pay per hour as well as overtime, being the employee started work as a longshoremen in or around November 1996?

## **LIST OF PARTIES**

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

Armando Vasquez

## **RELATED CASES**

No.'s 20-12237, 20-12125, 20-12149, 20-12024, 20-12234, & 20-12126

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

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

**OPINIONS BELOW**

**[ ] For cases from federal courts:**

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

7/21/20

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

A

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

5/26/20

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

B

**[ ] For cases from state courts:**

N/A

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 7/21/20.

No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

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

[ ] For cases from **state courts**:

*N/A*

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

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

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **1. Article 1, Section 8, Clause 1.**

“ The Congress shall have power to lay and Collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and General Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; The Constitution for the United States of America.

### **2. Internal Revenue Code, Title 26, Chapter1, Part 31, Section 3402(p)-1 (26CFR31.3402)**

provides that the I.R.S. form W-4 is a voluntary withholding agreement between an employer and an employee. There is no law requiring a worker or employee to complete the I.R.S. Form W-4.

### **3. Izner vs. McCumber**

“income is” SC of the U.S., the gain from capital derived from labor contract the services of laborers. It’s the money that the Corporations make not the Natural Person.

### **4. 31 U.S. Code 3124 Exemption from taxation (a) Stocks and Obligations of the United States Government are exempt from taxation by a State or Political subdivision of a State.**

The exemption applies to each form of taxation that would require the obligation, the interest on the obligation, or both, to be considered in computing tax.

### **5. “ Our tax system is based on individual self-assessment and voluntary compliance”-**

**Mortimer Caplin, Internal Revenue Audit Manual (1976).**

6. The Treaty of Peace and Friendship of 1836 A.D.

Article 20 and Article 23

7. The Constitution of the United States

Article 6

## **STATEMENT OF THE CASE**

On or around July 21, 2020 the clerk of court David J. Smith issued the Petitioner an entry of Dismissal for failure to prosecute. Also on or around June 2, 2020, Angela E. Noble, the clerk of court for the United States District Southern District of Florida, Issued the Petitioner an Ordering and Designation of Reporter's Transcripts [Pursuant to FRAP 10 (b)]. That was an unconstitutional act. " An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." Norton vs Shelby County, 118 U.S. 425. On or around May 26, 2020, Marcia G. Cooke denied the Petitioner's Affidavit of Financial Statement to proceed in Forma Pauperis, As far as the original complaint goes, Around February or March of 2020, the Petitioner spoke with Armando Vasquez regarding his wages and income tax being taken out of his wages. The Petitioner wanted to know why all of a sudden around September or October 2019; the Petitioner noticed income taxes being taken out of his wages. On or around October 8, 2019, the Petitioner filled out a W-4 per threatening request from C.K, Oneal of the Internal Revenue Service. The Petitioner wrote N/A across the W-4. The wages the Petitioner inquired about was the overtime situation. The overtime pay rate did match with the information from the Collective Bargaining Agreement page 9 and 10. When the Petitioner asked Armando Vasquez about the situation the Petitioner does not remember his reply, but the Petitioner does not recall being reimbursed for that overtime pay from May 2019, August 2019 and February 2020, in which the Petitioner believes it is supposed to be a double time pay rate. The Petitioner does remember Armando Vasquez

telling him that" the income tax being taken out of your wages is part of the contract my/your local has with Eller I.T.O. or something of that manner." I told him, " I am not in the Union" and he replied " well you shouldn't be working."

Cynthia J. Mills, IRS Disclosure Officer 1995 " in regards to the fact that IRS is not Positive law, but is for those who choose to subject themselves to it by voluntarily entering into an employee agreement." Respondent Armando Vasquez if found guilty is being sued for \$100,000.

## REASONS FOR GRANTING THE PETITION

### **THE TREATY OF PEACE AND FRIENDSHIP OF 1836 A.D. Between Morocco and the United States**

#### **Article 20**

“ 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.”

### **Universal Declaration of Human Rights 1948**

#### **Article 3**

Everyone has the Right to life, liberty, and security of persons.

#### **Article 5**

No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward Shane West - EJ

Date: 3/8/21