

20-8198

In The Supreme Court of The United States

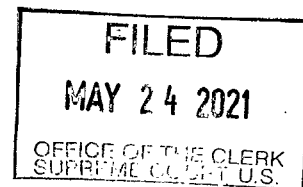
Khayree Smith-El , Petitioner

V.S.

174th District Court, Harris County, TX - Respondent

Writ of National Habeas Corpus
Jurisdictional Challenge, Agreement thereof
In Propria Persona Sui Juris

Khayree Smith-El
Ferguson Unit
12120 Savage Dr
Midway, TX 75852



ORIGINAL

QUESTIONS PRESENTED

- A) What branch of law authorized states to apply abolished slave labels (negro, black, colored) to any person of African descent after 1865? This act reinstates such persons as chattel property and reopens the institution of slavery under colorable constitutional amendments.
- B) Are blacks 'slaves' or otherwise 'persons', as used in the 14th amendment, and how can they be made 1st class citizens without their inalienable Free National descendant name of their forefathers?
- C) As for Blacks with criminal records, what crimes can 'property' possibly commit which its owner, the slave master, is not accountable for in a court of law?
- D) If one can produce a (Black)'slave', the same one must also produce 'the (black) slave owner.'

LIST OF PARTIES

[✓] ALL parties appear in the caption of the case on the cover page.

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National Habeas Corpus

Now comes the petitioner, Khayree Smith-El, Marriah American, in propria persona sui juris, to move this avowment of jurisdiction to the status of the petitioner, to hereby challenge the respondent, 174th Harris County District Court of Texas.

The Supreme laws of the United States uphold there can be no legal proceeding without the right order establishment of proper status and apposite jurisdiction. These two pillars of law must be in place and have precedence before the adjudication of all formal matters of lawful substance can be addressed.

U.S. Supreme Court Cases Cited: Dred Scott v. Sandford.

Prior to adjudication, the respondent Denationalized the petitioner with the slave label of 'Black' via the usage of arrest reports, Court documents and indictment. At no time did the defendant establish proper status or jurisdiction in written personam.

The above cited Supreme Court decision combined with resolves of Elion Gonzales of Cuba v. S. The laws and citizens of the United States were the lawful gnosis personifying the supreme issue of status and jurisdiction; these issues are relevant to the immediate matters of nationality of the petitioner.

The act of denationalization (labeling the petitioner 'Black' prior to adjudication) is a crime according to Federal Rule Title 18, Section 241-242, "No one has the right, especially under judges and courts, etc, to denationalize, deprive any rights, privileges or immunities by reason of Color or Race."

'Black' is an unlawful status, as it is a true slave name and this confirmation is in dire violation of the U.S. Constitution Article 1, Section 9 (Clause 3) and 10, which is "Ex post facto" and the courts that enforce these laws are criminally liable. "Black" does not in any way denote or allude to a natural person with inalienable rights that the Court must respect.

Per the Supreme Court ruling of Dred Scott v Sandford, 60 US (Howard) 393, 15 L.ed. 641, Dred Scott, whom was labeled as "Black", did not have lawful status, thus, he did not have rights to the court. Nor did the US Supreme Court have jurisdiction to hear his claim.

This decision has never been overturned by any other US Supreme Court ruling, nor has there been any act of congress that passed a law to overturn this US Supreme Court ruling.

With the abolishment of the Institution of Slavery via the 13th Amendment also included all slave labels. FACT: all slave names, slave owners and slaves were legally abolished in 1865. The slave identifying marks of Negro, Black and Colored, etc. which were names given to those enslaved were also voided with their institution because these names that were applied to captured and imported African Moors were "demurible" and an act of denationalization, which placed them out of their "proper person" to be treated unfairly and unjustly.

All Misdemeanors and Felony cases proceeding from identification records with the petitioner described or indicated as Negro, Black, Colored, African-American, etc. is Ex Post Facto to the US Constitution. Thereby, the arrests, prosecution, convictions and all sentencing of "persons"/"property"/"slaves" without the presence of their slave owners are tainted laws of colorable slavery. Thus, all "Blacks" are lawfully 3/5 of a person (slave). Whereas, the defendant is hereby demanded to prove that "Black" is a lawful status with a descendant nature within the scope of Nationality or National origin of forefathers equal to all other people. Further, prove this status existed before the establishment of the Continental congress and after it's congressional death in 1865. In addition, "Black" is declared property and no property can testify against itself in any court of law. Only it's owner must appear. Therefore, who owns the "Blacks" that was declared out of law in 1865? It is the appearance of the rightful owner of the property (person), not the property, required to answer in a court of law. "Courts enforcing mere statutes do not act judicially but ministerially; thus, having no judicial immunity. And ~~unlike~~ unlike courts of law, do not obtain jurisdiction by service of process, nor even compelled appearance." (Boswell v Otis, 9 How. 336, 348.)

"Jurisdiction is essentially the authority, conferred by Congress, to ~~not~~ decide a given type of case one way or another" (Hagans v. ~~LaVine~~ Lavine, 415 US 528, 94 S.Ct 1372, 39 L.ed 2d 571).

Jurisdiction is a term which embraces every kind of judicial action. It defines the powers of the courts to inquire into facts, apply the law, make decisions and declare judgement. Jurisdiction is always in want of proper parties to be present. Under the ruling of Hagans v.S. Lavine, jurisdiction cannot be sustained by a lower court or entertain or decide any claim of conflict between state and Federal laws. This ruling also states, as example, that the conflict question itself is a constitutional matter within the meaning of 28 USC § 1343(3), proper jurisdiction. The claim of the 13th Amendment to abolish all entities of slavery (Slave owners and Slave names e.g. Negro, Black and Colored) now become Ex post Facto in the 14th Amendment, which then declares the same Negro, Black and Colored slaves as "citizens," disguised under the word persons (Commercial property) and made subject to the jurisdiction. This claim gives rise to a legal conflict between slavery and Freedom. And, is itself then a constitutional matter. Hagans v. Lavine further establishes that a "substantial" question was necessary to support jurisdiction. The primary 'substantial' question to be answered by the court is: "How the word 'Black' can find no formal place within the nationalities of the human family and still can be made a 'citizen' of any free National and constitutional government?"

Once the jurisdiction of the Court is challenged, it, the court, must investigate the authenticity of the status in question before it can proceed. This forces the court "in personam" jurisdiction, where it must prove it has power over the personage of the ~~person~~ ^{defendant}. Any court that lacks personal jurisdiction is also a court without power to issue an in personam judgement. (Pennoyer v. Neff, 95 US 714, 214 L.ed. 568).

The respondent, the 174th District Court of Harris County, TX, in full authority to exercise the powers of the U.S. Constitution, joined with the entire embodiments of Congress, now have the burden of proof to any jurisdiction to justly govern the petitioner in his proper person.

Now, the respondent, being in want of said jurisdiction and therefore without power to issue an "In personam judgment", this petitioner does hereby proclaim his inalienable right is to be free and released in his own right and proper person.

Relief Sought

To over turn conviction and commute this sentence due to lack of jurisdiction and denaturalization. To immediately release this petitioner in his proper person in his own right and true freedom. The relief sought is what is required by law from this court.

VERIFICATION

That I affirm under penalty of perjury under the common laws of America, without 'United States', under the laws of the United States of America that the foregoing is true and correct to the best of my current information, knowledge and belief, per 28 USC 1746(1).

Khayree M. B. B.

In propria persona sui juris

Certificate of Service

I hereby certify that a true and correct copy of the foregoing National Habeas Corpus has been furnished by US mail to: The Clerk of the Supreme Court of the U.S.; one 1st Street, NE Washington, DC 20543

5-24-2021

Date

Khayree M. B. B.

Morish American

In propria persona

REASON FOR GRANTING PETITION

The State has knowingly committed the federal crime of 'denationalization' by applying the abolished slave label of 'black' against me. All people who are Free Nationals are born with the inalienable rights to inherent the nationality of their forefathers i.e. Mexican, Moorish, etc. Any act, lawful or disguised, which deprives a person or people of this birthright given to them by their Creator is an act of denationalization and genocide because it places them outside of the constitutional protection of the law. These are first degree criminal violations for any government to enact upon a people under colorable amendments to its constitutional laws. This confirmation is in dire violation of the US constitution Article 1, section 9 (clause 3) and 10, which are Ex post facto and the courts that enforce these laws are criminally liable. FACT: All slave names, slave owners and slaves were legally abolished in 1865 via the 13th Amendment. The slave identifying marks of negro, black, colored, etc. which were given to those enslaved, were also voided with their institution because these names that were applied to captured and imported African Moors were 'durable' and placed them out of their proper person to be treated unfairly and unjustly. Hence, all 'blacks' are lawfully 3/5 of a person (slave). The supreme laws of the US judicially uphold there can be no legal proceeding without the establishment of 1) proper status and 2) correct jurisdiction. Jurisdiction cannot be sustained by a lower court. The claim of the 13th amendment to abolish all entities of slavery (slaves, slave owners and slave names e.g. negro, black and colored) now become Ex post facto in the 14th amendment where it then declares the same negro, black and colored slaves as citizens 'disguised under the word person and made subject to the jurisdiction. This claim gives rise to the legal conflict between slavery and freedom which is a constitutional issue. The supreme court, empowered by the US constitution is the only court that can address this matter of proper jurisdiction, denationalization and slavery. To not grant this petition would express that the States have been lawfully authorized by this US supreme court (per the constitution) and congress to reinstate the Institution of slavery.

REASON FOR NOT APPLYING TO DISTRICT COURT

Prior to adjudication I was denationalized through unlawful procedures and given the slave label of 'black'. Per US constitution article 1, section 2 (clause 3), all 'blacks' are 3/5 of a person(slave). And per US supreme court decision of Dred Scott v Sandford."The 'black' man has no rights that true US citizens are bound to respect." Thus, 'black' is not proper status and only the proper status can be heard in the proper jurisdiction. being 'black' is not a district court or superior court issue. In fact, the 'black' label would leave any court in want of jurisdiction except the U.S. supreme court. Under the Supreme court ruling of Hagans v Lavine jurisdiction cannot be sustained by a lower court or entertain and decide any claim of conflict between federal and state laws. This ruling also expresses that the conflict itself is a constitutional matter regarding 'proper jurisdiction'. the claim that the 13th amendment abolishes all entities of slavery(slaves, slave owner and slavenames,e.g. negro, black, colored,etc) now becomes Ex Post Facto in the 14th amendment which then declares the same negro, black and colored slaves as 'citizens' disguised under the word person made subject to the jurisdiction. This claim gives rise to the conflict between slavery and freedom and is itself a constitutional matter. District courts do not have authority to decide constitutional matters raised in this habeas corpus, only the US supreme court can correct the matter. Any application to district courts, per article 3, section 1 and 2 of the US constitution, regarding jurisdictional challenges and proper status would be unconstitutional, as district courts are only delegated limited authority and cannot lawfully act on or even respond to jurisdictional challenges regarding the above matters. The State, via its district courts, are operating under 'assumable jurisdiction', denationalization and reopening the 'Institution of slavery'//.

CONCLUSION

THE PETITION FOR WRIT OF NATIONAL HABEAS CORPUS SHOULD BE GRANTED
RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'Moorish American', written over a horizontal line.

Moorish American

In propria persona sui juris

date: 5-24-2021