

No. 21-1252

**IN THE  
SUPREME COURT OF THE UNITED STATES**

---

MARIA HERTA

*PETITIONER,*

**v.**

JOHN MCBRIDE, DOUGLAS B. MESLOW, TED V.  
JUDE, ELLEN L. MASS

*RESPONDENTS.*

On Petition for Writ of Certiorari to the United  
States Court of Appeals for the Eighth Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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# I

## QUESTIONS PRESENTED FOR REVIEW

Harassed for years, challenging subject matter jurisdiction was relevant; causation of breach of duty, tort, and trespassing without subject matter jurisdiction itself is simply frivolous matter. Jurisdiction challenged every proceedings turns into contempt court, harassment, threats, and abusive conviction. Accused of committing crime driving freely on public roads with SUSPENDED DRIVER LICENCE (DL contract never existed). Once the ID was out of contract, state of MN has no entitlement, the contract expire then. The individuals' enter purposely, engaged in conduct that causes injury and damages. INDIVIDUALS IN THEIR OWN CAPACITY violated my rights given by GOD knowingly, diligently, purposely, wrongfully injured me with prejudice.  
**"The lord should judge the people with equity."**  
**Psalm 98:9**

Administrative government courts, a contract is need it to be in place before that court can compel.

**Existed NONE!**

"Once jurisdiction is challenged, it must be proved."  
Hagans v. Levine, 415 U.S. 533, n. 3.

- **Any failure to disclose the true jurisdiction is a violation of 15 Statutes at Large?**
- **If is not subject matter jurisdiction, aren't you in violation of the federal law? Federal Constitution P.319US 113**

## II

- I claim that I'm not member of the government fiction law nor associate, I am flesh and blood man, could you verify personam jurisdictions over me, did you have subject matter jurisdiction?
- If you have financial interest, and you are on record not having subject matter jurisdiction, continuing to proceed isn't a violation of constitutional rights under 42 US codes 1983, 1985, 1986 you can sue everyone, year 1982 reports remove judicial immunity for violating someone's rights. When the judge is involved in a scheme of bribery (conflict of interest); the Alemann cases, Bracey v. Warden, U.S. Supreme Court No. 96-6133; June 9, 1997).
- Administrative Commercial courts to be dysfunctional when Duo Process ignored, and law of the land imperil when Chief of Justice Douglas B Meslow and bench judge at that time Ted V. Jude telling you, "you can't use law here, any statement of the law differs from the law I give you discard it" as I was instructed to follow their "rules" in an abusive trial? The individuals are liable for punitive money damages When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a "minister" of his own prejudices. [386 U.S. 547, 568]; TORT! Is it in Conflict with the Supreme

### III

law of the land Art VI paragraph 2? . Murdugh v Pensylvenya if a law has no other purpose than to chill assertation of constitutional rights by penalizing those who choose to exercise them it is unconstitutional. In cases where a law conflicted with the Constitution, Marshal wrote, then, "The very essence of judicial duty" was to follow the Constitution. " The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that, "when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct.

- **If a political member of this fictional law harms you in these administrative commercial courts without following the exact course of the LAW, this constitutes a DUE PROCESS violation; does it offend the rule of law?**

US code sec 556D clear is says if they deny you Due Process of law, all jurisdiction ceases automatically. 557D, and sec 706 of that code if you can prove they deny you, you can say, they might have jurisdiction, but they lost it when they deny Due Process. Any ruling which involves a violation of due process of law under the Fifth, Sixth, or Seventh Amendments is also a void judgment. A violation of due process; Johnson v. Zerbst, 304 U.S. 458,

## IV

- **Do you consider it to be your right to represent yourself in court of law?**

First amendment. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress 42 U.S. Code § 1983 - Civil action for deprivation of rights

- **If you don't drive in commerce, do you need a driver license if you travel at your convenience on public roads, socializing, shopping, school, not hired as a driver...can states diminish your rights from freely enjoyment of traveling and issue a license and fee for it?**

First amendment, Boyd Boyd vs volume 116 US reports pg 616 the court is to protect against encroachment of constitutionality or secured liberty  
Amendment 5: Northon v Shelby County 1886US reports vol118 pg 425 state may not convert a secured liberty into privilege. Mudook v Penn, 319 US 105 (1943) No state may convert any secured liberty into a privilege and issue a license and a fee for it. Science the privilege in question is guaranteed by the Federal Constitution, and exists independently of state authority; the inquiry as to

## V

**whether the State has given something for which it can ask for something in return is irrelevant.** P.319. U.S. 115. States can't convert a secured into privilege and issue a license and a fee for it.

- **Aren't you in violation of my rights to travel freely incumbent?**

Brian v US reports vol 237 pg 28. Can you charge me with willfulness from not having DL?  
Shutthleworth v Birmingham Alabama you can't charge me with willfulness for not having DL. I don't need a driver license to exercise my First Amendment. Can a state steal my rights? Shapiro v Thomson 394 US 618 is saying, you have a right to travel length-width-breadth of your society without encumbrance, that's why they call it **FREE SOCIETY.**

- **Do you consider Fiction Law to be above the Constitution of the USA, and "We the People for the People" with Congress to obey International Monetary Fund rules in the United States of America?**

**US code 26 never enacted as a public law, does the International Monetary Fund even exist in law?** You couldn't prove standing in court 28 code rule 17a1 you have no right to be there. Your perpetrator fellows, you impersonation officer and claiming to be handled unlawful authority and you are neither. You have no jurisdiction to hear it was over your limits.

## VI

- **Can a judge have judicial function in administrative commercial courts?**

**“If” let’s say, they have judicial immunity, they are in violation of penal code title 18 US code section 241,242 and in violation of title 42 US reports the year 1982 reports section 1983, 1985, 1986. The two cases remove judicial immunity for violation of someone’s constitutional rights.**

- **The presence of malice and the intention to deprive a person of his /her civil rights, isn’t that wholly incompatible with the judicial function? Isn’t it a breach of duty?**

The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that “not every action by a judge is in exercise of his judicial function. ... It is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse.”

- **Any member of political entities’ local, state, federal must agree to identify as a legal fiction within the jurisdiction of the government for the government once personam /subject matter jurisdiction is challenged?**

There is no discretion to ignore lack of jurisdiction. Joice v US.474 2D 215

## VII

- **The Constitution of the USA should be known and Common Law Courts to raise so confusion with Fiction Law and Fiction Courts conflicts are ceased?**
- **Convicted under a statute subsequently held unconstitutional in contempt court, court lacking jurisdiction, proceeds without authorization, fiction judge having financial interest in retirement funds, getting certain percent of all tickets, can a court have a writ of assistance that has civil equity in a criminal case?**  
States may not impose charge for the enjoyment of a right granted by the Federal constitution P. 319 U.S. 113. A judge is liable for injury caused by a ministerial act; to have immunity the judge must be performing a judicial function. See, e.g., *Ex parte Virginia*, 100 U.S. 339; 2 Harper & James, *The Law of Torts* 1642-1643 (1956).  
The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. **BREACH OF DUTY!!!**
- **Can anyone deny life, liberty and property without Due Process of Law?**  
Art 14 from U.S. Constitution," nor shall any states deprive any person of life liberty or property without due process." Additionally, any rulings, which involves a violation of Due Process under



## VIII

5,6,7 amendment is also a void judgment, Void judgment can be attacked or vacated at any time, there being no statutes of limitation. A void judgment is one, which from its inception was a complete nullity that is without legal force or effect. Invalid! "Federal judiciary needs to do more to ensure judges don't participate in cases where they have financial conflicts of interest, justices required by federal ethic law saw to recuse themselves from cases where they have personal financial interest."  
Chief Justice John Roberts

- **Can anyone obey unconstitutional law and courts force you to be bound to a contract with unlawful performance?**

14<sup>th</sup> amendment, I'm one of the people and the Constitution of the USA, makes the government to my jurisdiction. Marbury v Madison 5 US137 (1803) no provision of the Constitution is design to be without effect. Anything that is in conflict is null and void in law. For the purposes of review, it has been said that clear violations of laws on reaching the result, such as acting without evidence when evidence is required, or making a decision contrary to all the evidence, are just as much jurisdictional error as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. Borgnis v. Falk Co., 133 N.W. 209.

## **IX**

### **LIST OF PARTIES**

**[x]** All parties appear in the caption of the case on the cover page.

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Case Number: 21-cv-1956DSD/HB

Date of entry 10/1/2021

United States Court of Appeals for the Eighth  
Circuit  
Case Number: 21-3353

Date of entry January 4, 2022

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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**

1.) **From the United States Court of Appeals 8 Circuit judgment** is that won't dismiss the case; if I pay they will proceed on the phone conversation with the clerk! On paper, they were dismissed in forma pauperis after they asked me to pay and the case is without court order. Unpublished.

2.) **Opinion of the US District Court for the District of Minnesota, from the order they submitted: Judge David S. Doty** is saying the complaint is hard to follow; he talks about the case in trying to puzzle up the case and saying that I want them to convert conviction. He continues defending the individuals his main focus, ignoring the fact that they are sued in a civil case for lack of jurisdiction that has been challenged, proceeding under fictional law using statutory law being in conflict with the law of the land how the law should be applied and the law they should follow. **He is defending the individuals in the order** assuming that, if I just call "**individuals**" I failed, he acted as they are being sued in official capacity. His order defends

individuals in their official capacity. Sending my materials in, "I request a potential theory of liability" he added. **I do not agree!** I sued in civil court individuals in their **own capacity** as I mentioned in United States Court of Appeal Eighth Circuit for violating my civil rights 42 U.S.C. § 1983. District court recognized that by federal law they lack jurisdiction to proceed in civil cases and suffering I go through. **Judge David S. Doty** is saying, "he concluded that "I'm indigent" and he is satisfied." I'm not only indigent, I'm orphan too and he forgot to mention that. Dismisses in forma pauperis. MOOT! They admitted over state court decisions only the Supreme Court has jurisdiction to review the case. 3.) In US District Court, District of Minnesota judgment in civil case is a fatal error in judgment and the case she said was trial or heard. Trial by whom? Heard by whom? Unpublished. In conclusion has nothing to do neither with converting abusive conviction nor with individuals in their official capacity. I request the case to be reviewed in a civil case-suing wrongdoer for their willfulness, malicious act committing TORT, and if TREASON as it is Judicial Branch is reached for judgment.

**"A state or city can't lawfully do to you what your neighbors cannot do to you."**

## **JURISDICTION**

Lack of jurisdiction -

## IV CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### CASES

- 1.) 5 US code section 556D Henes vs Turner and Mc Nutt vs General Motors Acceptance Corporation says," Once the jurisdiction is finally challenged the burden is on the claimant to make any and all proofs and failing that they give up the claim. Heynes vs Printer are a follow up case.
- 2.) "Once jurisdiction is challenged, it must be proved." Hagans v. Levine, 415 U.S. 533, n. 3.
- 3.) Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. McLean v. Jephson, 123 N.Y. 142, 25 N.E. 409.
- 4.) **"No sanction** can be imposed absent proof of jurisdiction". Stanard v. Olesen, 74 S.Ct. 768.
- 5.) Traffic tickets in both state and federal are prohibited. 28 US code section 455 Coming vs Missouri
- 6.) A minority of decisions has held that if an inferior judge acts malicious or corruptly he may incur liability. Kalb v. Luce 291NW.841, 234Wisc 509.
- 7.) Volume 16 constitutional law section 97, tells the judge how the law should be interpret, says" to safeguard the liberty and purity of the people in regard to both person and property 31 US 273, 28,
- 8.) ." The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal

Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct.

9.) Under Federal law, which is **applicable to all states**, the U.S. Supreme Court stated that **if a court is "without authority, its judgments and orders are regarded as nullities**. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned **in executing such judgments or sentences, are considered, in law, as trespassers**.

Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

10.) Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

11.) The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse."

12.) Title 42 US Code Sec. 1983, 1985,

13.) 16 AmJur2d.117 courts must apply the terms of the constitution as written and they are not at liberty to search for meaning beyond the instrument.

14.) 16AmJur2d,Sec.155

15.) Title18, US Code Sec 2381 In the presence of two or more witnesses of the time overt act, or in open court of law, if you fail to timely move to protect and defend the Constitution of the USA, you are subject to the charge of capital, felony, and treason.

16.) Title 5, US Code Sec.556 (d), Sec. 557, Sec. 706: Courts lose jurisdiction if they do not follow Due Process of Law.

17.) A judge is liable for injury caused by a ministerial act; to have immunity the judge must be performing a judicial function. See, e. g., Ex parte Virginia, 100 U.S. 339 ; 2 Harper & James, The Law of Torts 1642-1643 (1956).

The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. BREACH OF DUTY!!!

18.) If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason.

19.) 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 imperative as though it has never been passed Northon v Shelby County 1886 US reports vol 118 pg 425

20.) State may not convert a secured liberty into privilege Murdoch v Pennsylvania If a law has no other purpose than to chill assertion of constitutional

rights by penalizing those who choose to exercise them it is unconstitutional. Any classification, which serves to **penalize** the exercise of a right of interstate travel, unless is shown to be necessarily to promote compelling government interest, is unconstitutional.

**21.) Public Act 230, 287, recorded at 2.2 or 3.1**

Rights and power: "if is not within the Constitution of the USA and the general law of the state, you have no rights and no power." Government power is limited!

22.) Through § 1983, Congress sought "to give a remedy to parties deprived of constitutional rights, privileges and immunities by an official's abuse of his position." Monroe v. Pape, 365 U. S. 167, 172 (1961). Accordingly, it authorized suits to redress deprivations of civil rights by persons acting "under color of any [state] statute, ordinance, regulation, custom, or usage." 42 U. S. C. § 1983.

23.) Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress 42 U.S. Code § 1983 - Civil action for deprivation of rights

24.) States can't diminish rights of the people.  
Hurtado California 110 US 516.

25.) I don't need a driver license to exercise my First Amendment. Can a state steal my rights? Shapiro v Thomson 394 US 618 is saying, you have the right to travel length-width-breadth of your society without encumbrance, that's why they call it FREE SOCIETY.

26.) Any violation of the rights causes an action against under title 42 U.S.C section 1983

27.) Any ruling which involves a violation of due process of law under the Fifth, Sixth, or Seventh Amendments is also a void judgment. A violation of due process; Johnson v. Zerbst, 304 U.S. 458,

28.) A minority of decision has held that if an inferior judge acts malicious or corruptly he may incur liability. Kalb v Luce, 291 N.W, 841, 234, WISC 509

29.) Once jurisdiction was challenged the burden shifts to the court to prove jurisdiction. Rosemond v. Lambert 469 F2d416.

30.) The title 18 US code 2381 when a judge committed treason by saying, "you can't use the constitution here in this courtroom."

31.) The court is to protect against any encroachment of constitutionality secured liberty. 1886 Boyd v US report vol 116 pg 616

32.) If there is no subject matter jurisdiction, aren't you in violation of the federal law? Federal Constitution P.319US 113

33.) Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation or rationale." ASIS v. US 568 F2d 284.

34.) No sanction can be imposed absent proof of jurisdiction". Stanard v. Olesen, 74 S.Ct. 768.

- 35.) "Once jurisdiction is challenged, it must be proved." Hagans v. Levine, 415 U.S. 533, n. 3.
- 36.) A violation of due process; Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019 (1938); Pure Oil Co. v. City of Northlake, 10 Ill.2d 241, 245, 140 N.E.2d 289 (1956).
- 37.) When the judge is involved in a scheme of bribery (conflict of interest); the Alemann cases, Bracey v. Warden, U.S. Supreme Court No. 96-6133; June 9, 1997).
- 38.) In violation of penal code title 18 US code section 241,242 and in violation of title 42 US reports the year 1982 reports section 1983, 1985, 1986. The two cases remove judicial immunity for violation of someone's constitutional rights.
- 39.) You couldn't prove standing in court 28 code rule 17a1 you have no right to be there. Your perpetrator fellows, you impersonation officer and claiming to be handled unlawful authority and you are neither.
- 40.) Case US reports Murdoch vs Pennsylvania 1943 recorded at 319 US 105 I don't need a license to exercise my First Amendment right Govern vs City of Birmingham Alabama; Murdock vs Pennsylvania 1943 US report 319 pg 105 – no driver license. An unconstitutional act wrongfully done doesn't really matter how many times in a row you did it is still unconstitutional.
- 41.) 556D, 5 US. Code 557D section 706, "you can't deny life, liberty, property.
- 42.) Haver v Malo 502 US 28 very clearly is saying, "if any officer violates your constitutional right you can sue them in their own capacity because clearly



you can't hide behind your official capacity to do Illegal acts and its illegal to violate someone's constitutional rights. Hafer v. Melo, 502 U.S. 21 (1991)

43.) Harfer v Melo opinion of the court," "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured..."

44.) I demand a declaratory judgment that is constitutional must be in my favor and enforced in my interest protection of rights Breyers v U.S 273 Us 28 and the 40 Supreme Court cases that support that mandate.

45.) Marbury vs Madison 5 US 137 (1803)

## STATUTES

1.) 42 U.S. Code § 1983 - Civil action for deprivation of rights

2.) § 1983's authorization of suits to redress deprivations of civil rights by persons acting "under color of" state law sued in their personal capacity come to the court as individuals and thus fit comfortably within the statutory term "person," cf. 491 U. S., at 71, n. 10.

3.) The Eleventh Amendment does not bar § 1983 personal-capacity suits against state officials in federal court. Id., at 237, 238

4.) The Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law.” Scheuer, supra, at 237

5.) State officials, sued in their individual capacities, are “persons” within the meaning of § 1983.

### **Constitution Provision**

Amendment V and XIV

1. Article VI, Clause 2

2. Art3 Sec 3.

3. Art 6 Section 2

**4. Art 3 section 2 federal courts have jurisdiction over all cases involving foreign government and Admiralty and Maritime cases.**

5. 1 AMENDMENT, XIV Amendment ALSO 5<sup>th</sup> Amendment, of DUE process, equal protection under the law. Right to happiness, Right to travel freely and unencumbered.

6. Rights 4,5,6 unreasonable search and seizure shall not be violated.

7. Art 3 clause 1 of the constitution says, “ You serve as a judge of a court of record in good behavior.” You have financial interest, unconstitutional, and you are on record not having subject matter jurisdiction.

8. Traffic regulation isn’t mention in the Constitution, the supreme law of the land, therefor; the power general falls on state pursuant to 10 amendments, “The power not delegated to the USA by the Constitution nor prohibited by it to the STATES, are reserved to the STATES or to the People.”

9. Art 1 section 9- 10
10. Art IV section 2
11. Art 6
12. Under the 4<sup>th</sup>, 5<sup>th</sup>, 14<sup>th</sup> amendment. The Due Process Clause provides that no state shall deprive any "person" of "life, liberty or property" without due process of law. You can't deny life, liberty, and property; you can't take something for public use without compensation.
13. In violation of 14<sup>th</sup> amendment section 1 "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."
14. Bill of attendance- If I challenge jurisdiction the burden falls on the defendant to prove jurisdiction on traffic tickets, there is no jurisdiction on traffic tickets here in the USA.
15. I am a free person. Argument 114 "Constitution must be construed with the references to the common law, that means, the law of the little people not corporation.
16. Bill of Rights against government action denying the process that is "DUE" that is unconstitutional.

**In violation of your judicial conduct:**

1. Canon 2 Rule 2.2. Bias Prejudices and Harassments.
2. Canon 3 Rule 3.1
3. Violation of their judicial canon 7, you, not supposed to have any financial interest in any matter that comes before your court.

4. Also, Michigan code rule 200381, which says, "You can't have a financial interest in the outcome of the case."

5. Minnesota Constitution, Sec. 7. Due Process; prosecutions; double jeopardy; self-incrimination; bail; habeas corpus. No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

6. Judges sworn article 11 paragraphs 1 in this state, which says, "That shall swear to **protect and defend the Constitution of the United States of America.**

## V STATEMENT OF THE CASE

**“The Constitution is just a piece of paper and don’t you forget it!” Antonin Scalia.** I challenged jurisdiction and it’s on the record and they haven’t timely proven and they don’t have a claim. I suffer greatly emotional and psychologically.

Back in Feb/2016, I was stopped randomly without a reason by a constable in MN, and questioned about my health, random question, and I got a ticket for 280\$ telling me that I drive with DL suspended. I went right the way to the DL department and got the paper proving that I have no contract with MN, having DL from the state. With all my effort to fix the error in the system, I fail to be left alone. I end up in the court system. MN State provided me with an ID card, which expired. The state asked me for renewal. I never renewed the ID card with Minnesota. I was found not guilty on 03/28/2016 driving after cancellation by the first bench judge Gregory G. I still have to go to court meeting another bench judge. I have no idea that I’m entering into a contract with the International Monetary Fund, I have no clue why I was rescheduled to a different judge. The next bench judge, meeting Ellen L Mass noticed that I have no contract, still pushes her agenda further to coerce money, I have no say, my rights are not there, I can’t defend myself, I can’t talk, basically there is no case. She talks. I can’t see her or hear her clearly. I am called a criminal in a criminal case, traffic ticket. In that day, I get no

answer, but she schedule another meeting, I get no paper with her decision...I cried, I go to cashier and pay 280\$ because I was student and have summer accelerated class Biology, it was to much for me to stay fight back, by paying, basically they say, "you are guilty. " I didn't know this either. I noticed then, with facts/ evidence, documents, from their DL department saying I have no contract with them, by paying I thought that I'm left alone not that I would become guilty. I don't know how in this Deposition 09/01/2016 Mass Ellen L, she finds me guilty of driving after cancelation, privileges. I don't know anything about this one- I have printed out from their corporation a long time ago a paper. She seems to sentence me on the same day because I pay calling "sentencing." I have no idea that I'm convicted overall- When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges orders are void, of no legal force or effect. She is in violation of 5<sup>th</sup> amendment and XIV amendment provided by the constitution equal protection of life liberty and property. 1925 case Giltow v New York

The court stated that due process clause of the 14 amendment protects the First amendment right of freedom of speech from INFRINGEMENT by the state or federal government.

On 29/ December/ 2017 before New Year 2018 around 8 pm, again I'm stopped randomly by a constable, accused again that I drove with my DL

suspended, and accused for not stopping at the stop sign. I tried to question that, how, by whom? The constable throws my DL from Illinois on the board without answering any question and he tries to leave the scene. I got 2 tickets right the way and he left. Driving after suspension and failure to stop to the stop sign. I used my lights and my horn to let him know I was following him, nobody on the street, a minor child 7 years old in my car, very cold, foggy and night after 8 pm. I followed the constable until he stopped. I recorded the scene. I asked for his badge. Home checking him, his badges did not match with his citations identification number. I was accused of driving carelessly; I got the third citation in about one hour. I called his supervisor. I complained about how he reacted and what happened because I couldn't find my DL. Eventually I found it in my car. I do have a Driver License deliberated by the state of Illinois, active, on the forms; I sign I-207 UD (under duress). Never been suspended in reality. I have no contract with State of Minnesota Driver License or with the corporation.

Dec/29/ 2017 again, I motioned to get my money back to Mass. I went to court in the beginning of 2018, motioning to get my 280\$ back, I was questioning, how come my DL is still suspended if I paid? At the hearing, the wrongdoer Ellen Mass did not let me talk for a few minutes, she finished with me, and she said, done! I acquaint you with statutory law and fiction law and practices in state courts. I have no rights, I can't defend myself, and she leaves happily

with 280\$ to earn it without merit. I was egregious at how she is applying justice. Tyrannical behavior over vulnerable populous against the rule of law of the land.

I have now in 2018 three citations and started a new beginning in court. This time they want around 2500\$ and I am a criminal in 2016, a petty misdemeanor criminal, now in 2018, I will become misdemeanor" criminal traffic ticket."

I have no contract with MN having DL. I have proof!

From DL Chicago, IL, I have proof that my DL never was suspended and is active, no criminal record. I am a dangerous criminal in state eyes under their statutory law, with their rules being repugnant to federal law. In court I was asked, am I guilty, I said no! I was asked if I would fight back, I said yes! The bench judges Gregory G. Galler, smiled and said, "Welcome to the Government!"

I was moved from bench judge to bench judge until I reached the chief justice of that corporation by the end of the year November 6 / 2018. I have seen all prosecutors from one agency. With each judge being a different prosecutor. I think I met around 6-7 bench judges in my case and some assigned to my case I never saw.

I was set up for a trial around July /2018 on that day, prosecutor, student, bench judge Ted V. Jude, and



myself in the trial room. The rules I have to follow were repugnant to the Constitution of the USA. I did not agree with a few things so we rescheduled that trial.

In October /4/2018, I send to Ted V. Jude, a motion telling him, "dismissal with prejudice for failure to state a cause of action which relief me be granted by this court being in violation of my Constitutional rights payable in silver and gold coins, and dismissal of lack of jurisdiction by law, I challenge jurisdiction for new trial in upper court assigned by the Constitution of the USA."

Once, I show up to this next trial meeting I meet the same individual Ted V. Jude, I question his oath of office with me being outside the box in special appearance, was lots of people there, lawyers, prosecutors' and so on... he recognizes that he is in violation of his oath of office, he apologies in open court. I show his oath of office publicly to Ted V Jude. I asked to be seen by someone with constitutional law and the bench judge. Ted. V Jude said, "I give you one!" He couldn't move on that day. Trial ceased! Now, this time for good...

I was rescheduled for 5<sup>th</sup> of November 2018 to see the one I want with constitutional law. I was assigned to bench judge John McBride for trial.

On November /5 2018, John McBride said my name, he asked if that was me. I was out of the box. He said, "Come in..." From outside the box I told him

that I'm here in a special appearance from the general appearance and that I'm myself. I asked him, we start? He said, "yes! "I asked what court is this? He said, "criminal court!" I asked, is this civil action, or criminal action? John McBride said, "criminal action!"

I said by the Constitution of the USA it grants two different criminal jurisdictions one under common law the other criminal jurisdiction under Admiralty or military tribunal. From that moment, he stopped, paused for a moment, and asked if I'm a lawyer or I was in law school. I told him that I have the right to appear as myself in my own personam without a licensed attorney and in order to intelligently defend myself I have to know the jurisdiction that this court is operating under because Common law jurisdiction is different from the rules of criminal procedure under an Admiralty / military tribunal. I need to know under which jurisdiction you intend to try me in order for me to proceed with this case. The 6<sup>th</sup> Amendment grants me the right to know the jurisdiction being applied.

JohnMcbride claimed that is "statutory jurisdiction." I told him I had never heard such a thing as criminal action under statutory jurisdiction and there is no such jurisdiction established in the Constitution of the USA. I asked him, could you show me where I can find this to publish a rule of criminal procedure under statutory jurisdiction and where this nature cause and jurisdiction exist? I asked the court to dismiss the case for lack of jurisdiction, but he declined. I ask the court to dismiss because of no

cause of action. John McBride, decline. I make a motion to withdraw the case because the court has failed to identify the legitimacy of jurisdiction. He becomes clumsy, appalling, and compunctious, he overlaps me, forces his side to enmesh, keep on asking, anything else, and anything else? His last words, "Everything has declined!" I told him, I do not consent to give him jurisdiction over me, and for this court to have any action, the table has to have 4 legs, and they are missing. I told him he is in violation of my Constitutional rights from the First Amendment, 1,4,5,6, and 14.

John McBride said, "I can't use the Constitution of the USA in this trial, he will stop me and he also asserted that in that court he can do whatever he wants." I said, "No sir, here you can't do whatever you want"! I read him the code that puts him behind bars, Title 18US code, Sec 2381. **Reason for me being contempt of court!**

Just to **demand** that you can hear traffic violation does not reach the level of specific matter, the subject matter jurisdiction has not been established. There was no injured party, I was injured. **Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation or rationale."** ASIS v. US 568 F2d 284. You knowingly tried to take away my rights with impunity. You commit TORT, negligence, and intentional infliction of emotional distress. **YOU ARE ALL IN VIOLATION of Canon 2.3 BIAS**

PREJUDICE AND HARASMENT. A minority of decision has held that if an inferior judge acts malicious or corruptly he may incur liability. Kalb v Luce, 291 N.W, 841, 234, WISC 509

I told him, he can lose his judicial immunity being in violation of penal code title 18US code section 241,242 and in violation of title 42 US reports the year 1982 reports section 1983, 1985, and 1986. These two cases remove judicial immunity for violation of someone's constitutional rights. I told him, you took an oath in office to defend and protect the Constitution of the USA, he lied in open court saying, "he never took an oath of office." I showed his oath of offices signed and certified by the State of MN in support of the Constitution of the USA. I asked him if he has financial interest in the case. "Federal judiciary needs to do more to ensure judges don't participate in cases where they have financial conflicts of interest, justices required by federal ethics law saw to recuse themselves from cases where they have personal financial interest." Chief Justice John Roberts

He leaves for a minute and comes back with a lardy female in a courtroom. I don't know what was; he was reading something, he passed it to me at the end was about statute DL suspension. I showed him again the oath of office, in open court he apologizes. He said, "I thought you wanted to know if I took the oath of office here." Punitive damages may be awarded, assuming the behavior was willful and not merely mistaken.

I asked him again in what criminal court I would be tried.

I was contempt of court for 5 days. He said, "you will be in contempt of court for 5 days and tomorrow morning you will be tried on the 6<sup>th</sup> of November / 2018. He breached his duty, which means he agreed to pay damages, you harmed me graciously and you acted reckless, your behavior was malicious and willful you create defamation to my character, because what you did to me creates shame, and you harm my reputation having clean background and clean criminal record.

"Deputy Luke and another guy directed me to the door. I was returned back to the courtroom at 1:30 pm in 5<sup>th</sup> of November for further hearing handcuffed and ankle. I asked the same question in what criminal court I'm at trial and the judge answered it was statutory jurisdiction, and I said to show the legitimacy of this jurisdiction. John McBride said, "done!" I was taken into custody pretty late. In custody the lady who took the order said, "What is this, I've never seen a such thing in my life." I did not cooperate in the room, order me to go in different room with me were 3 female and a male, she grab me by the arm so hard, cause me bruise and

I was terribly in pain I couldn't say nothing. I was thrown on the stomach the man took my boots off, others 2 restrained me and another come and looks at me. All my stuff was left in the courtroom; nobody home knew anything about me and I have a minor in care. In custody I was directed to cell number 13.

They gave some cards so I could call, but I wasn't allowed to use them that evening. Suddenly the guard brought food, I protested, I refused their food, I kicked the food out from the cell. The guard asked me if I needed a nurse. I told him he might need one because I have a science background. I'm in court from morning to evening all day, I eat nothing. They already have to turn lights off, and then I realize I read the Constitution of the USA all night. I hear children saying that they want to sleep to stop reading. A girl who was in the courtroom said, "From the court told her not to talk to me." She was transferred the next morning to jail. I hear door and key noises all night pretty loud. I was pretty sick the next morning.

Some guy in 6<sup>th</sup> of November/2018 came after me at 9:00 am. I wasn't allowed to have the flag with me in the courtroom. Somebody walk in the courtroom and people said good morning Mr. Meslow, I have no idea who it is, he passed me, I thought it was the same McBride from behind, dressed in court robe. I asked what happened now? His reply was, "depend how it goes." (Douglas B. Meslow).

Under the threats that I will be in court for 5 days and harassed in custody, exhausted, sick, weak, my vision was pretty dim, he did not introduce himself, sat down, I have a terrible headache. I was pretty frightened of the situation because my immunity was pretty low, I can't defend myself. I asked in what jurisdiction you intend to try me, he said statutory jurisdiction. I ask you to show me the legitimacy of

that jurisdiction and the publication. He said, "done!" "He ominously said," you can't use the Constitution of the USA here, I will stop you." His rules for me are similar to Ted V. Jude, another statement from the rules I have to follow, "If an attorney's argument contains any statement of the law that differs from the law I give you disregard the statement." Do you notice a pattern of unconstitutional behavior? If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason. I was stripped of my rights and forced into trial, otherwise I will probably be held in custody for another 4 days. I have no idea that in 6<sup>th</sup> of November/2018, I am actually assigned to a different bench judge; nevertheless, he is chief of justice of the 10th Judicial District court of Minnesota Douglas B. Meslow. I have to perform in a trial without my will. I request in motion any document from their franchiser in 2017, Minnesota Statutes rule 171.15 to show that I have a contract with the state. They bring a witness from DL and the prosecutor provides him with a false document in hope to trick the guy saying that I got DL. The witness noticed that my document was deliberated in 2016 proof that is no DL contract. Prosecutor paper is May /2018 and his paper said nothing important. The witness in open court said, "they are different dates and different papers. "They fail!!! Meslow was pretty confused by his statement. Careless driving based on Minnesota statute 169.13.2, I should drive in a manner that I endanger a person or property, the constable his body cam

shows I drive. 35mi/hr, he followed me for a long time that evening before he stopped me and wasn't even close to the stop sign that he mentioned I didn't stop. I questioned why he follows me for so long that night once I see his video. I do not drink, I do not smoke, and I have a minor child in my car. I follow him up squad; follow up questions pursue rule 9. I request all documents to prove careless driving. He fails! I have recordings too; they have no idea that they exist. We sat face to face, and I waited for a while for the constable to come to me for a long period. I felt harassed all these years. When he shows up, he tries to make me turn off the cam, I asked him for his badge. I left! Jury finds me guilty with my proof that I am not guilty of anything. They have no idea what happened to me in 5<sup>th</sup> of November/2018 or that I can't say much because I'm under threats so I was convicted find by jury guilty. After the jury left, Meslow asked me if I wanted to testify. I said, do you think I'm an infant? I asked him if he could cage the brain. He wants me to volunteer, I did not know that was punishment, and so I said okay. I did serve at the library 30 /hr and. I went on 7<sup>th</sup> of November to the doctor to get a paper saying that I got a bruise on my arm in contempt court. I wrote in 14 days a complaint to the MN judiciary board. Coronavirus happened. I couldn't sue. Before suing in district court in 2021, my car was racked, my house vandalized and my court paper copy stolen, humiliated, called a liar, I got threats; I left the state for two weeks. I got my copy paper back by requesting them from the Judiciary board in June/2021 "They stole the copy not originals." The



guy who works at the Judiciary after saying he provided the paper was removed; he is not anymore working there. I should have received them in a week, but nothing happened. When I called the judicial board a woman answered and she said, "he is not there anymore." I was hacked, invited on Facebook, called a liar, confronted. There are lots of facts, documents and videos from court to the Bar Association to International Monetary Fund and their abuses I exposed. I'm one of the people, not some fictional creation of the state to be ruled over and abused by their rules, codes, and regulation. Judges don't have licenses and have personal interest in the case for financial reasons there is no jurisdiction. Nobody is saying that you have to follow the law that you break it everyday, if you breach the contract you pay in damages and you agree upon. Clear is as you as a promisor you took an oath to follow the law of the land you have the right to damages (money reward), whenever you breach the contract.

## REASONS FOR GRANTING THE PETITION

“Why do we care about the rule of law?” Justice Steve Breyer added. “Because the law is one weapon — not the only weapon — but one weapon against tyranny, autocracy, irrationality.” I emphasize that is national interest, and with fortitude, fancied, **Common Law Courts** creates viaduct **with Fiction Law Courts**, gully WITH THREACHIOS STATES STATUS is ceased. “We the people are the masters of both the Congress and the courts not to overthrow the Constitution but to overthrow the man who perverted the Constitution.” Abraham Lincoln

1. The case needs to be review-suing wrongdoer for their willfulness, malicious act, committing TORT, breach of duty, and if TREASON, Judicial Branch signified for dereliction.

2. **The Constitution of the USA is not Jack in the Box to be used only in case of emergency.**  
The Constitution of the USA, people think is dead when actually is an orphan in need of home.

3. Common Law Courts for the people are needed!

4, It's hard to see justice for impoverished and proletarian when Due Process violation and the rule of law are missing to benefit sundry people where their power is diminished under statutory law, once challenged subject matter jurisdiction everything converts into harassment and abuses. The law provides that once State and Federal jurisdiction has been challenged, it must be proven. Main v. Thiboutot, 100S. Ct. 2502 (1980)

The International Monetary Fund- District of Columbia- Bar Association is not above the law nor that exists in law. They are in violation of their corporation or franchiser; they promise to be within the Constitution of the USA and create a pool of victims by encroachment. 16Am Jur2d, sec 260 although, it is manifested that an unconstitutional provision in the statute is not cured because included in the same act with valid provisions and that there are no degrees of constitutionality.

Statutory law/ fiction laws are both tyrannical!  
Court must prove on the record all jurisdiction facts related to the jurisdiction asserted. Latana v Hopper, 102F.2D 188; Chicago vNew York, 37 F Supp 150.  
Trespass violating my constitutional rights and with no subject matter jurisdiction, defamation-libel by creating this conviction malicious act.

John McBride, Douglas B Meslow, Ted V Jude, Ellen L Mass, took an oath in office to defend and protect the Constitution of the USA and you as promisor have a choice or you perform or you pay in damages.  
**YOU HAVE THE POWER BUT NOT THE RIGHT TO BREACH THE CONTRACT.** Justice Oliver Wendell Holmes Jr. declared in a famous line “the duty to keep a contract at common law means a prediction that you must pay damages if you do not keep it.”

The individuals are liable for punitive money damages. When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge but as a "minister" of his own prejudices. [386 U.S. 547, 568]; TORT!!!!

Civil rights, and the resolution of these issues will almost certainly have effects that extend beyond the individual tinkering. This Court Should Exercise Its Power to Grant Review Before Judgment. **“The purpose of all is justice.” Franz Rudolf von Weiss**

### CONCLUSION

Your honor, I please the court specifically precluded from performing their major task constitutional, and I motion most graciously with prejudice for failure of action for which relief be granted by this court making the wrongdoer acquaint as promisor you have a choices or you perform to defend and protect the Constitution of the USA or you pay in damages. I like to collect my cost and fees for having to defend myself, this patently; frivolous, spurious complaint I ask for 70 million dollars.

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Maria Herta

Date: March/7/2022