

NO: 21-*200*

Supreme Court, U.S.

FILED

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SUPREME COURT OF THE UNITED STATES

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WILLIE FRANK WALKER

PETITIONER

VS

STATE OF FLORIDA

On Petition for a Writ of Certiorari to

The United States Court of Appeals

For the Eleventh Circuit

1. QUESTIONS PRESENTED

QUESTION PRESENTED FOR REVIEW

The Court lacks subject matter and personal jurisdiction for the reasons below.

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1. This Court, and all public offices, is defined under FRCP Rule 4(j) as a FOREIGN STATE, and as defined under TITLE 28-JUDICIARY AND JUDICIAL PROCEDURE

The Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at

Title 28, §§§§§ 1330, 1332, 1391(f), 1441(d), and 1602-1611, and is being jurisdictionally challenged, and “full disclosure” of the “true” jurisdiction of this Court has been asked but has stayed silent?

2. Any failure to disclose the true jurisdiction is a violation of 15 Statutes at Large, For this was passed to remove the people of the united States of America from the federal citizenship under the 14th amendment. Chapter 249 (section 1), enacted July 27, 1868?

3. It is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the plaintiff's responsibility to prove, on the record, That jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is the plaintiff/prosecutor's duty to prove it exist. The respondent herein was given the opportunity (multiple times) to put the facts of jurisdiction on the administrative record, but acquiesced by tacit procurement

to the fact that the constitutional and due process violations alleged by the petitioner did,
in fact, occur, and did, in fact, deprive the court of subject matter jurisdiction, which is
now the record before the court?

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4. That it is not the prosecutor's duty and obligation to provide ALL the facts that establish the court's jurisdiction, and place them upon the record – even in a collateral attach against jurisdiction?
5. The Prosecutor(s) has failure to comply with any/all request of jurisdictional issues for the record in which violates the "Accardi Doctrine" in which the U.S. Supreme Court has provided. The prosecutors originally asserted that the Court had personal and subject-matter jurisdiction and no evidentiary documents were presented. Like any other evidence placed on record, all evidence pertaining to lawful jurisdiction can and be inspected by all parties in the case. Shouldn't they be presented instead of tacit admission?
6. For The Claimant; is "transient foreigner" **without legal domicile as defined in [28 USC 1332 (d), 4 USC 110 (d)]**. In the event that the "State" (Legal Fiction) makes a claim against claimant(s) herein declares his "person" to be "stateless person" and outside any/all general jurisdiction of the federal government. [All "stateless persons" fail to be subject to the jurisdiction of any/all courts because domiciled outside of the general jurisdiction of the federal government].

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TABLE OF AUTHORITIES

CASES

Main v. Thiboutot 100 S, CT 2502 (1980)

Mc Nutt v. GMAC 298 U, S,178

Maxfields Lessee v. Levy 4 U.S. 308

U.S. SUPREME COURT "Accardi Doctrine"

STATUTES

TITLE 28 1330; 1332; 1391(f) 1441 (d) 1602-1611

28 USC 1332(d)

4 USC 110 (d)

28 USC 1257

MCL 450.681 Sec 1

P.A. 354 in 1917

CONSTITUTIONAL PROVISIONS

UNITED STATES CONSTITUTION, AMENDMENT XIV

II. PETITION FOR WRIT OF CERTIORARI

Willie Walker, an inmate and being held by the STATE OF FLORIDA, respectfully petitions to review any/all sentencing Courts of this matter.

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III. OPINION BELOW

The decision by the 11th District of Appeals is marked "Exhibit "A".

IV. Jurisdiction

Willie Walkers petition for appeal was denied by the 11th District Court. Willie Walker invoked this courts jurisdiction under 28 USC 1257, having timely filed this petition for a writ of certiorari within ninety days of the ruling.

v. United States Constitution, Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States , nor shall any State deprive any person of life, liberty, or property, without due process of law, not deny any person within its jurisdiction the equal protection of the laws.

VI. STATEMENT OF THE CASE

The Court lacks subject matter and personal jurisdiction for the reasons below.

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STATE, and as defined under TITLE 28-JUDICIARY AND JUDICIAL PROCEDURE

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It is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the plaintiff's responsibility to prove, on the record,

That jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is the plaintiff/prosecutor's duty to prove it exist. The respondent herein was given the opportunity (multiple times) to put the facts of jurisdiction on the administrative record, but acquiesced by tacit procuration to the fact that the constitutional and due process violations alleged by the petitioner did, in fact, occur, and did, in fact, deprive the court of subject matter jurisdiction, which is now the record before the court.

That it is not the prosecutor's duty and obligation to provide ALL the facts that establish the court's jurisdiction, and place them upon the record – even in a collateral attach against jurisdiction.

The Prosecutor(s) has failure to comply with any/all request of jurisdictional issues for the record in which violates the “Accardi Doctrine” in which the U.S. Supreme Court has provided. The prosecutors originally asserted that the Court had personal and subject-matter jurisdiction and no evidentiary documents were presented. Like any other

evidence placed on record, all evidence pertaining to lawful jurisdiction can and be inspected by all parties in the case. Shouldn't they be presented instead of tacit admission.

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VII. ARGUMENT

The Trail Courts jurisdiction has been challenged therefore, no matter how it is stated- once challenged must be proven. With a claim of lack of jurisdiction, the only course of action for a case previously decided without lawful jurisdiction is, to declare the case void from beginning. The Respondent(s) has never met the standards to prove lawful jurisdiction existed, from the beginning, [See Main v. Thiboutot, 100 S. Ct 2502(1980) The law provides that once State and Federal jurisdiction has been challenged, it must be proven.]

Jurisdiction, once challenged, is to be proven, not by the Court, but by the party attempting to assert jurisdiction, the burden of proof of jurisdiction lies with the asserter. The Court is only to rule of the sufficiency of the proof tendered, See McNutt v.GMAC, 298 U.S. 178. The origins of this doctrine of law may be found in Maxfield's Lessee v. Levy4 U.S. 308.

VIII. CONCLUSION

For the foregoing reasons, Willie Walker respectfully request that this Court issue a Writ of certiorari to review the above stated reasons. The request implied is to order the Respondent(s) to produce evidence of fact(s) they relied upon to determine the courts jurisdiction or acknowledge that non existed from the beginning. The United States Supreme

Court has stated (sites omitted) the challenge of subject matter may be raised at any time, it never stated what form.

The MCL 450.681 Sec. 1 and P.A. 354 in 1917 is in plain English about how illegal it is for a Corporation representing another corporation, or anyone outside of itself, i.e. Herbert Erving Walker III attorney at law. The Court would lack persona jurisdiction if there is not a nexus between parties; and all attorneys comes under the Judicial Branch and are judicial officers under the Supreme Court which means they can only represent the Court and not the People, the State or bring forth evidence, therefore this Aggrieved Party challenges the asserted jurisdiction of the Court in the aforementioned cause for the record.

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Dated this 30th day of July 2021.

Willie, Esq: Walker Jr

Willie Walker