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IN THE  
SUPREME COURT OF THE UNITED STATES

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Rachel Crook,  
Petitioner,

v.

SHEA FIDUCIARY SERVICES, et. al,  
Respondent(s).

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

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**MOTION FOR RECONSIDERATION OF  
DENIAL OF IN FORMA PAUPERIS**

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Petitioner, Rachel M. Crook, moves this Honorable Court to reconsider the denial of the motion for leave to proceed in forma pauperius entered on October 18, 2021. Petitioner is an indigent beneficiary and administrator of the United States of America with inalienable rights to protect, preserve, and defend person or property. No fees are required for the beneficiary, appearing pro se, to conduct judicial business. Petitioner is aware of and asserts her right to the “guaranty of free justice and open courts” as explained in 16A Am Jur, Constitutional Law, § 613.

“In most of the state constitutions there are provisions, varying slightly in terms, which stipulate that **justice shall be administered to all without delay or denial, without sale or prejudice,** and that the courts shall always be open to all alike.<sup>44</sup> These provisions are based largely upon the Magna Charta, Chapter 40, which provides: ‘We will sell to no man, we will not deny to any man, either justice or right.’”[emphasis added]

“The California Constitution contains no such provision, but, nevertheless, by the enumeration therein of **fundamental rights, guarantees the right to appear personally in court in pursuit or defense of a constitutional right, whether of person or property.**

O’Connell v Judnich, 71 Cal App 386, 235 P 664, holding that the right to acquire and protect property must of necessity include the right to use all proper and legal means to accomplish those ends, that a person having the lawful right to acquire property has under the constitution the equal right to the perfect enjoyment of that property and that, as a necessary incident to that right, the full power accorded to all appearing in person to prosecute [emphasis added] or defend actions for its protection or preservation.” (SEE Exhibit 1 – Am Jurs 2d 16A – Constitutional Law, § 613. “Guaranty of free justice and open courts”)

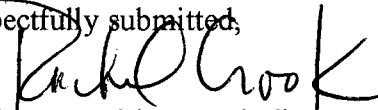
The United States Constitution is an iron clad contract with corresponding decisions of the Supreme Court of the United States of America which are the supreme law of the land guaranteeing all posterity of indigenous beneficiaries to a guarantee of free justice and open courts. No fees are required to commence any actions within beneficiary's courts, SEE **Murdock v. Pennsylvania(1943); U.S. Reports vol. 319, page 105.** Any time an agency converts a right into a privilege or demands a fee for the enjoyment, assertion, or engagement of a right, the Supreme Court of the United States of America has previously ruled that Petitioner can ignore cost and fees and engage in that right with impunity, SEE **Shuttlesworth v Birmingham (1963), U.S. Reports vol. 373, page 262.** Petitioner relies on her indigenous beneficiary status under the 7th, 9th, and 10th Amendments, including but not limited too, Article 6, Section 2, of the United States Constitution, referencing the word “all”, with federal courts having jurisdiction over all matters within United States borders. Petitioner has relied solely on the letter of the law as it was written.

In light of Petitioner’s motion, she is thankful and grateful for the preservation of her rights and the protection of this court to acknowledge that there is no fee required for engaging in her constitutional rights, including but not limited too, the guaranty of free justice and open courts.

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Dated: November 7, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Crook", written over the typed name.

UCC 1-308 without prejudice  
Rachel Crook, Beneficiary and  
Administrator of the United States  
of America, and Pro Se litigant

Rachel Crook  
Pro Se Litigant  
19004 Sheffield Street  
Hesperia, CA 92345  
760-998-3000

## Declaration of Beneficiary of the United States of America

I, Rachel Crook, declare as follows:

I am the beneficiary of the United States Constitution and California Constitution by birth right and the executive administer of my 9<sup>th</sup> and 10<sup>th</sup> Amendment rights. No fees are required for the beneficiary, appearing Pro Se, to conduct judicial business.


### **Am Jurs 2d 16A § 613. Guaranty of free justice and open courts; generally**

“In most of the state constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike.”<sup>44</sup> These provisions are based largely upon the Magna Charta, Chapter 40, which provides: ‘We will sell to no man, we will not deny to any man, either justice or right.’”**[emphasis added]**

“The California Constitution contains no such provision, but, nevertheless, by the enumeration therein of fundamental rights, guarantees the right to appear personally in court in pursuit or defense of a constitutional right, whether of person or property. O’Connell v Judnich, 71 Cal App 386, 235 P 664, holding that the right to acquire and protect property must of necessity include the right to use all proper and legal means to accomplish those ends, that a person having the lawful right to acquire property has under the constitution the equal right to the perfect enjoyment of that property and that, as a necessary incident to that right, the full power accorded to all appearing in person to prosecute **[emphasis added]** or defend actions for its protection or preservation.” (See Exhibit 1 – Am Jurs 2d 16A - “Guaranty of free justice and open courts”)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2021, in Hesperia, California



UCC 1/308 without prejudice  
Rachel Crook, Beneficiary and  
Administrator of the United States  
of America, and Pro Se litigant

**EXHIBIT 1**

*"Am Jurs 2d 16A, Constitutional Law – Guaranty of free justice and open courts"*

CONSTITUTIONAL LAW 53-50-000



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AMERICAN  
JURISPRUDENCE

AMERICAN  
JURISPRUDENCE  
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CONSTITUTIONAL  
LAW

§§ 360-869

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prerequisite for a divorce in the state has been sustained,<sup>36</sup> as have rules or regulations requiring local residence for continued public employment,<sup>37</sup> or for unemployment insurance benefits.<sup>38</sup> And "parietal" regulations or policies of colleges or universities requiring unmarried full-time undergraduate students to reside in campus dormitories or residence halls have been upheld against the challenge that they unconstitutionally violated the right of travel of students.<sup>39</sup> Also, a village zoning ordinance prohibiting occupancy of one-family dwellings by more than two unrelated persons, but allowing occupancy by any number of persons related by blood, adoption, or marriage, was not aimed at transients and thus did not violate a person's right of interstate travel.<sup>40</sup>

### § 612. Protection of right from interference by private parties.

The constitutional right of interstate travel is a right which is secured not only against governmental interference,<sup>41</sup> but also against interference by private parties.<sup>42</sup> Thus, the constitutional right of travel of Negro citizens will be protected against interference by private parties through intimidation, threats, or assaults.<sup>43</sup>

## 7. FREE JUSTICE AND OPEN COURTS; REMEDY FOR ALL INJURIES

### § 613. Guaranty of free justice and open courts; generally.

In most of the state constitutions there are provisions, varying slightly in

teenth Amendment; (3) that whatever might be the sources of this right of free movement—the right to go to any state or stay home as one chooses—it was an incident of national citizenship and occupied a high place in our constitutional values; (4) that although a state could impose narrow and limited qualifications to this right of free ingress and egress, a state had no power to pick a citizen up and forcibly remove him from its boundaries where there was no basis of extradition; and (5) that whether the right of ingress and egress was bottomed on the privileges and immunities clause of the Fourteenth Amendment, the commerce clause, or a basic liberty inherent in national citizenship, a state could not take it from a citizen.

**Annotation:** 27 L Ed 2d 862 § 7.

36. *Sosna v Iowa*, 419 US 393, 42 L Ed 2d 532, 95 S Ct 553.

37. *McCarthy v Philadelphia Civil Service Com.*, 424 US 645, 47 L Ed 2d 366, 96 S Ct 1154 (municipality's requirement that firemen reside within the municipality); *Wardwell v Board of Education (CA6 Ohio)* 529 F2d 625 (board of education rule requiring teachers to establish residence within the city's school district).

But a 1-year durational residency requirement of a state law limiting petroleum and pipeline jobs to residents of the state was unconstitutional since it violated the right of interstate migration. *Hicklin v Orbeck (Alaska)*

565 P2d 159, revd on other grounds 437 US 518, 57 L Ed 2d 397, 98 S Ct 2482.

38. Where claimants of unemployment insurance, after losing their jobs in New York City, moved to their native communities in Puerto Rico, which was an area of high persistent unemployment, the denial of compensation on the ground that they were unavailable for work did not deny their constitutional right to travel, the right to equal protection of the laws, or their due process rights. *Patino v Catherwood*, 29 NY2d 331, 327 NYS2d 638, 277 NE2d 658.

39. *Poynter v Drevdahl* (WD Mich) 359 F Supp 1137; *Pratz v Louisiana Polytechnic Institute* (WD La) 316 F Supp 872, affd 401 US 1004, 28 L Ed 2d 541, 91 S Ct 1252.

**Annotation:** 31 ALR Fed 813 § 5[c].

40. *Belle Terre v Boraas*, 416 US 1, 39 L Ed 2d 797, 94 S Ct 1536.

41. § 611, supra.

42. *Griffin v Breckenridge*, 403 US 88, 29 L Ed 2d 338, 91 S Ct 1790; *United States v Guest*, 383 US 745, 16 L Ed 2d 239, 86 S Ct 1170.

**Annotation:** 27 L Ed 2d 862 § 9.

43. *Griffin v Breckenridge*, 403 US 88, 29 L Ed 2d 338, 91 S Ct 1790; *United States v Guest*, 383 US 745, 16 L Ed 2d 239, 86 S Ct 1170.

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terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike.<sup>44</sup> These provisions are based largely upon the Magna Charta, Chapter 40, which provides: "We will sell to no man, we will not deny to any man, either justice or right."<sup>45</sup> The chief purpose of the Magna Charta provision was

44. *Brotherhood of R. Trainmen v Barnhill*, 214 Ala 565, 108 So 456, 47 ALR 270; *Davidson v Jennings*, 27 Colo 187, 60 P 354; *Day v Day*, 12 Idaho 556, 86 P 531; *Henderson v State*, 137 Ind 552, 36 NE 257; *Hanson v Krebziel*, 68 Kan 670, 75 P 1041; *Universal Adjustment Corp. v Midland Bank, Ltd.*, 281 Mass 303, 184 NE 152, 87 ALR 1407; *Ahmed's Case*, 278 Mass 180, 179 NE 684, 79 ALR 669; *Re Peters*, 119 Minn 96, 137 NW 390; *State ex rel. Davidson v Gorman*, 40 Minn 232, 41 NW 948; *Coffman v Bank of Kentucky*, 40 Miss 29; *Re Chambers's Estate*, 322 Mo 1086, 18 SW2d 30, 67 ALR 41; *Ex parte French*, 315 Mo 75, 285 SW 513, 47 ALR 688; *Randolph v Springfield*, 302 Mo 33, 257 SW 449, 31 ALR 612, later app (Mo App) 275 SW 567; *British-American Portland Cement Co. v Citizens' Gas Co.*, 255 Mo 1, 164 SW 468; *Malin v La Moure County*, 27 ND 140, 145 NW 582; *Re Lee*, 64 Okla 310, 168 P 53; *Ex parte Ellis*, 3 Okla Crim 220, 105 P 184; *Marquardt v Fisher*, 135 Or 256, 295 P 499, 77 ALR 265; *Narragansett Electric Lighting Co. v Sabre*, 50 RI 288, 146 A 777, 66 ALR 1553, reh den (RI) 147 A 668, 66 ALR 1567 and later app 51 RI 37, 150 A 756, 70 ALR 46, reh den (RI) 151 A 363, 70 ALR 52; *McCoy v Handlin*, 35 SD 487, 153 NW 361; *Harrison, Pepper & Co. v Willis*, 54 Tenn 35; *Townsend v Townsend*, 7 Tenn 1; *Clem v Evans (Tex)* 291 SW 871, 51 ALR 1135; *Russell v Industrial Transp. Co.*, 113 Tex 441, 251 SW 1034, 51 ALR 1, adhered to 113 Tex 449, 258 SW 462, 51 ALR 8; *McCoy v Kenosha County*, 195 Wis 273, 218 NW 348, 57 ALR 412; *Re Keenan's Will*, 188 Wis 163, 205 NW 1001, 42 ALR 836.

Article 2, § 6, of the Oklahoma Constitution, provides: "Right and justice shall be administered without sale, denial, delay, or prejudice." Maryland's Constitution (Declaration of Rights, Art 19) provides that every man ought to have remedy "speedily without delay, according to law of the land." Idaho's Constitution, Art 1, § 18, is substantially the same as that of Oklahoma. In the constitutional provisions of practically all of the states denial and delay of justice are prohibited. Arkansas (1874) Art 2, § 13; Colorado (1876) Art 2, § 6; Connecticut (1818) Art 1, § 12; Delaware (1897) Art 1, § 9; Florida (1885) Declaration of Rights, § 4 (now contained in Article I, § 21); Illinois (1870) Art 2, § 19; Indiana (1851) Art 1, § 12; Kentucky (1890) § 14; Massachusetts (1780) Art 1, § 11; Maryland (1867) Declaration of Rights, § 19; Maine (1819) Art 1, § 19; Minnesota (1857) Art 1, § 8; North Carolina (1876) Art 1, § 35; North Dakota (1889) § 22; New Hampshire

(1902) Art 1, § 14; Oregon (1857) Art 1, § 10; Pennsylvania (1873) Art 1, § 11; Rhode Island (1842) Art 1, § 5; South Carolina (1895) Art 1, § 15; Tennessee (1870) Art 1, § 17; Vermont (1793) Art 1, § 4; West Virginia (1872) Art 3, § 17; Wisconsin (1848) Art 1, § 9; Alabama (1901) Art 1, § 13; Mississippi (1890) § 24; Montana (1889) Art 3, § 6; Wyoming (1889) Art 1, § 8. *State ex rel. Short v Owens*, 125 Okla 66, 256 P 704, 52 ALR 1270.

The Constitution of Ohio expressly provides (Ohio Const Art 1, § 16) that all courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. *Cincinnati Gazette Co. v Timberlake*, 10 Ohio St 548.

The California Constitution contains no such provision, but, nevertheless, by the enumeration therein of fundamental rights, guarantees the right to appear personally in court in pursuit or defense of a constitutional right, whether of person or property. *O'Connell v Judnich*, 71 Cal App 386, 235 P 664, holding that the right to acquire and protect property must of necessity include the right to use all proper and legal means to accomplish those ends, that a person having the lawful right to acquire property has under the constitution the equal right to the perfect enjoyment of that property and that, as a necessary incident to that right, the full power accorded to all appearing in person to prosecute or defend actions for its protection or preservation.

45. *Henderson v State*, 137 Ind 552, 36 NE 257; *Knee v Baltimore C. P. R. Co.*, 87 Md 623, 40 A 890; *State ex rel. Davidson v Gorman*, 40 Minn 232, 41 NW 948; *Re Chambers's Estate*, 322 Mo 1086, 18 SW2d 30, 67 ALR 41; *State ex rel. Short v Owens*, 125 Okla 66, 256 P 704, 52 ALR 1270; *Re Lee*, 64 Okla 310, 168 P 53; *Narragansett Electric Lighting Co. v Sabre*, 50 RI 288, 146 A 777, 66 ALR 1553, reh den (RI) 147 A 668, 66 ALR 1567 and later app 51 RI 37, 150 A 756, 70 ALR 46, reh den (RI) 151 A 363, 70 ALR 52; *Harrison, Pepper & Co. v Willis*, 54 Tenn 35.

In Ohio, the "open court" concept is derived from two basic sources, namely, (1) the Constitution (Ohio Const, Art 1 § 16) and (2) recognized principles of the common law. The basis of the constitutional guaranty of an "open court" is to be found in the development of common law, and is a recognized right of the people, without constitutional sanction. E.

to prohibit the king from selling justice by imposing fees on litigants through his courts<sup>46</sup> and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes.<sup>47</sup> It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so.<sup>48</sup> The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the state itself.<sup>49</sup> The right of access to the courts has been recognized with respect to prisoners.<sup>50</sup>

A constitutional provision that right and justice shall be administered according to such guaranties is mandatory upon the departments of government. Hence, it requires that there shall be no unreasonable and unjustifiable delays in the administration of justice,<sup>51</sup> and that a cause shall not be heard before a prejudiced court,<sup>52</sup> although the word "prejudice," in the constitutional provision that justice shall be administered without prejudice, cannot be said to apply to contempts committed by a litigant after he has accepted the forum.<sup>53</sup> These guaranties cannot be destroyed, denied, abridged, or impaired

by legislative enactments.<sup>54</sup> But in some instances, because of the nature of the power which would be involved in litigation or because of agreements between parties concerning extraordinary subject matter, such constitutional provisions do not prevent an abridgment of the right of individuals to seek court redress.<sup>55</sup> Thus, such provisions were not intended to change the law with respect to certain rights which are vested in the state—which alone can exercise sovereign powers—such as the exclusive right of the sovereign state to dissolve a corporation or wind up its affairs.<sup>56</sup>

Scripps Co. v Fulton, 100 Ohio App 157, 60 Ohio Ops 147, 72 Ohio L Abs 430, 125 NE2d 896, app dismd 164 Ohio St 261, 58 Ohio Ops 9, 130 NE2d 701.

46. Re Lee, 64 Okla 310, 168 P 53; Narragansett Electric Lighting Co. v Sabre, 50 RI 288, 146 A 777, 66 ALR 1553, reh den (RI) 147 A 668, 66 ALR 1567 and later app 51 RI 37, 150 A 756, 70 ALR 46, reh den (RI) 151 A 363, 70 ALR 52.

47. Henderson v State, 137 Ind 552, 36 NE 257; Lommen v Minneapolis Gaslight Co., 65 Minn 196, 68 NW 53; Malin v La Moure County, 27 ND 140, 145 NW 582; Re Lee, 64 Okla 310, 168 P 53.

48. Greenwood Cemetery Land Co. v Routt, 17 Colo 156, 28 P 1125.

49. Malin v La Moure County, 27 ND 140, 145 NW 582.

50. See 60 Am Jur 2d, PENAL AND CORRECTIONAL INSTITUTIONS § 49.

51. Unreasonable and unjustifiable delays in the administration of justice are condemned by the Florida Constitution. Blount v State Road Dept. (Fla) 87 So 2d 507.

Justice without delay. 2 Fla L Rev 1.

52. Day v Day, 12 Idaho 556, 86 P 531; Ex parte Ellis, 3 Okla Crim 220, 105 P 184.

53. State ex rel. Short v Owens, 125 Okla 66, 256 P 704, 52 ALR 1270.

54. Ex parte Ellis, 3 Okla Crim 220, 105 P 184; Townsend v Townsend, 7 Tenn 1; Union Sav. & Invest. Co. v District Court, 44 Utah 397, 140 P 221.

55. The constitutional guaranty "to obtain justice and right freely" is not impaired by requiring a successful candidate for office to go to another county to answer an election contest. Ashley v Wait, 228 Mass 63, 116 NE 961, 8 ALR 1463, error dismd 250 US 652, 63 L. Ed 1190, 40 S Ct 53.

56. Union Sav. & Invest. Co. v District Court, 44 Utah 397, 140 P 221.

A constitutional provision that every person ought to find a certain remedy by having recourse to the laws, for all injuries which he may receive in his person, property, or character, and ought to obtain right and justice freely and without purchase, has no application to a statutory provision for the appraisal and acquisition by the corporation of the shares of stockholders not consenting to a sale or lease of the corporation's assets and franchises. Narragan-

RULE OF LAW

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