

No. 21-5704
20-7690
(8:18-CV-01654-TDC)

Supreme Court, U.S.
FILED

APR 14 2021

OFFICE OF THE CLERK

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Antoine Martineau Hill-El — PETITIONER
(Your Name)

vs.

Calvin Johnson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Antoine Martineau Hill-El
(Your Name) Reg No. #44166-007

USP- Pollock, P.O. Box 2099
(Address)

Pollock, Louisiana [71467] Non-Domestic without the U.S.
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- ① Under what delegated authority did the State of Maryland for Montgomery County Maryland called the United States has to go beyond the First Amendment required protections of privacy rights of established religious culture tribal surnames of free national descent names of freedom of religion and the Tenth Amendment delegated authority by the use of color of the law to make petitioner a Fourteenth (14th) Amendment corporate U.S. citizenship status going beyond due process to deny or disporage certain rights that are based on Fifth Amendment due process protections within the enumeration in the Constitution for the united states of America, the Bill of Rights (1791) I thru X, and Thirteenth Amendment (XIII) Section 1 and Section 2?
- ② Under what authority gives The State of Maryland to infringe upon real party in interest privacy right protections of private property by the assigned prosecutor who was representing the State of Maryland for Montgomery County Maryland called the United States using color of the law Article I legislative proceeding to violate Article III judiciary proceedings due process Fifth Amendment using commercial crimes of statutory offenses by use of color of law without giving full-disclosure of all the material facts, breaching constitutional compact agreements, treaties, law of nations, of not upholding oaths to protections of sovereign state citizens, of unreasonable searches and seizures ~~(without prejudice)~~ without probable cause against secured protected rights the Constitution for the united states of America and the Bill of Rights (1791) I thru X Amendments established foundation of supreme law of the land?

LIST OF PARTIES

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

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	US District Court for the Western District of Louisiana (Shreveport Division)- Civil Action # 18-651-P MEMORANDUM ORDER by Judge Fote and Magistrate Judge Hornblady dated: June 1, 2018
APPENDIX B	US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order) dated: July 10, 2018 by US District Judge Theodore D. Chuang (Doc #5, Filed: 7/11/18 pg 1 of 3)
APPENDIX C	US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order) dated: August 3, 2018 by US District Judge Theodore D. Chuang (Doc #8, Filed: 8/6/18 pg 1 of 2)
APPENDIX D	US District Court - District of Maryland - Civil Action # TDC-18-1654 (Court Order - Memorandum Opinion) dated: 10/14/20 by US District Judge Theodore D. Chuang (Doc #18, Filed: 10/14/20 pg 1 of 1)
APPENDIX E	US District Court - District of Maryland - Civil Action # TDC-18-1654 (Memorandum Opinion) dated: 10/14/20 by US District Judge Theodore D. Chuang (Doc #17, Filed: 10/14/20 pg 1 of 7)
APPENDIX F	US Court of Appeals For the Fourth Circuit - Appeal No # 20-7690 (8:18-cv-01654-TDC) (Judgment) dated: 3/29/21 a total of 3 pages, and the (Mandate) dated: April 20, 2021 filed by Patricia S. Connor, Clerk a total of 1 page.)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- Dred Scott v. Sandford, [15 LEd 691], See: S.C. 19 How 393-633 (1857)
- Marbury v. Madison, 5 US 137, 174, 175 (1803)
- John Elk, Plaintiff vs. Charles Wilkins, [28 LEd 643] (See: S.C. Reporters ed., 94-123 (April 8, 1884), Nov 3, 1884 decided)

STATUTES AND RULES

State of Maryland Statutory Offense CR3-402:CH (original)
 Montgomery County Maryland (Robbery)

OTHER

- Constitution for the United States of America 1776
- Declaration of Independence
- Articles of Association 1774
- Treaty of Peace and Friendship of 1787
- The Bill of Rights 1791 I thru X

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☒ reported at United States District Court District of Maryland; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

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

- ☒ reported at Court of Appeals of Maryland Robert C. Murphy Courts of Appeal Bldg.; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 29, 2021.

☒ No petition for rehearing was timely filed in my case.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was October 4, 2017 & Dec 5, 2017.
A copy of that decision appears at Appendix A.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Comes now Antoine Martuain Hill-El petitioner proceeding pro se who has civil liberties and civil immunities declared and entitled to this natural man created equal within the established Unanimous Declaration of Independence, Article III Section 1 and Section 2, natural God-given unalienable rights guaranteed for natural people in this history of American law stated compact within the Articles of Association dated on October 20, 1774 affirmed the mutual promises of equal protection guarantees within the union to all of mankind. Because Article I legislative color of law methods of government undue interferences of mis-application of statute(s) CR3-402:CR, and VOP-Violation of Probation (Original Robbery Offense) are null and void which the lower courts defaulted of never proving statutory jurisdiction within Rules of Criminal Procedure showing evidence, and authority the State of Maryland had to proceed in either criminal jurisdiction authorized by the Constitution for the united states of America within this jurisdictional challenge, and null and void breach of plea that is not knowingly, nor intelligent, nor valid. The judgment is Void is an attack, not on the judgment on the merits, but instead on the jurisdiction of the court to address those merits. A judgment is void if due process is violated, or fraud is committed, or the court lacks jurisdiction.

During and after the Civil War, the original Thirteenth Amendment Section 1 and Section 12 was replaced and a new Thirteenth Amendment was issued first by Executive Order, and then enacted under Martial Law on December 18, 1865, the Fourteenth Amendment was enacted similarly on July 28, 1868 and the Fifteenth Amendment enacted similarly on March 30, 1870. The 2005 conviction for robbery was collaterally attacked in the State of Maryland United States District Court for The District Court of Maryland concerning the color of law statutory commercial crimes of which is a breach of plea, violation of oath, nor was the petitioner duly convicted, this misnomer of errors, nor providing due process Article III judiciary proceeding of supreme law of the land treaty laws, placing a lack of jurisdiction of a not knowingly, nor intelligent plea, nor is VOP-Violation upon petitioners valid from the unconstitutional violations of personal inquiries the District of Columbia Circuit is settling the null and void offenses that illegally deceived the State of Maryland to falsely place a detainer, without upon petitioner to embargo, trespass, infringe upon privacy rights protected secured liberties and immunities. This involuntary servitude of a breach of fiduciary duties of a null and void guilty plea on the robbery charge which is a color of the law called a Commercial Crime Title 27CFR 72.11 states: All crimes are Commercial Crimes and that are under color law which is presumed to be law based under prima facie meaning a assumption or presumption of law that is not articulated in the Constitution for the united states of America as actual Constitutional law, but rather Commercial Crimes which is not law, but rather a Robbery is color of the law.

"Whose rights secured by the Constitution for the united states of America such as civil liberties and civil immunities of privacy protections is involved, there can be no rule making or legislation which would abrogate them. (See) Miranda v. Arizona, 384 US 436, 491

"The Constitution of these United States is the supreme law of the land, and any law that is repugnant to the Constitution for the united states of America is null and void law. (See) Marbury v. Madison, 5 US 137, 174, 175, (1803)

The color of the law robbery is an Article I legislative proceeding deprived due process Fifth Amendment requirement of Article III Judicial proceeding when the Commercial Crime used by color which concealed alteration breached the guilty plea making it null and void violating due process not duly convicting the petitioner which is a real notice of the true nature of the charged offenses and it was not real notice of the critical elements placing involuntary servitude of human trafficking because of the treaty violations, unconstitutional violations of the Article I legislative null and void judgment that is not a lawful supremacy clause Article III judicial judgment of Constitutional law which the assigned prosecutor move statutory Commercial crime of robbery has no lawful authority. These unconstitutional violations deprived secured due process protections entitled to petitioner which unlawfully violated the Thirteenth Amendment (XIII) Section 1 and Section 12 that are as follows:

(XIII) Thirteenth Amendment

Section 1: "Neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Section 12: "The traffic in slaves with Africa is hereby forever prohibited on the pains of death and the forfeiture of all the rights and property of persons therein; and the descendants of Africans shall not be citizens."

The use of color of law Article I legislative use naturalization branded names of a corporate person called American Corporate Citizen, African American, Black, United States citizenship status as a U.S. citizenship placed upon any African descendant such as Antoine Martuain Hill-El petitioner who is not to be human trafficked stated above violations by color of law who was never informed of methods of such deception of miscarriage of justice denies due process from this interferences of a color of law destroying a judicial proceeding which unconstitutionally breached the entire plea negotiations from this method of fraud lacking jurisdiction that is an assumption of jurisdiction.

The Fourteenth Amendment brought the freed slaves, whose previous owner(s) were private plantation owners and transferred those slaves under slavery of the government, the assumed ten miles square or square ten miles jurisdiction of Washington D.C.

The remainder of the compact party people of the posterity related thereto, could still invoke the power over government through original jurisdiction of the Republic side of the Constitution for the united states of America only in limited application from

any curtailed privilege and immunity effected pursuant thereto by way of the Act of July 27, 1868, c. 249, § 1, 155 Stat. 223. Rev. Stat. § 1999, now Title 8 USC 800-801 ("Expatriation Act") July 27, 1868, c. 249, § 1, 155 Stat. 223 Title 8 USC A, Section 1482, 1483; 22 also (See): Title 28 USC 297(a)(6) 50 states union and their Federal Government and Pan American Union of 1928 north of America.

Violations of the Thirteenth Amendment Section 1 and Section 12 required protections against debt bondage, peonage, involuntary servitude, nor violations of such miscarriage of justice of prosecutor misconduct by the assigned prosecutor forced upon petitioner being trespassing by infringement of assigned prosecutor unconstitutional actions branding label sui juris as a U.S. citizen that unlawfully affected First Amendment freedom of religion and Resolution Seventy-Five (75) dated: April 17, 1933 denying obligated duties by oath which currently is violating Title 4 USC Section 101 & 102, Fourth Amendment "Oaths" which compacts, agreements of fiduciary responsibilities are neglected from these serious errors by incompetence that are not in accordance with the Constitution for the united states of America nor had the State of Maryland for Montgomery County Maryland have lawful claim, nor lawful jurisdiction because upon review of addressing the merits it will reflect not proving Rules of Criminal Procedure showing evidence which gives the assigned prosecutor jurisdiction and authority to proceed in either Criminal jurisdiction authorized by the Constitution for the united states of America within this jurisdictional challenge, breach of plea agreement never established lawfully of negotiations being not knowingly, nor intelligent, nor was plea voluntary from use of color of law unlawful actions of prosecutor who is without delegated authority to deprive due process violating the Tenth Amendment requirements of established authority.

The State of Maryland for Montgomery County Maryland (Circuit Court) District Court called the United States District Court District Maryland need to be reminded that powers not delegated to the State/Federal Government, nor prohibited to the States are reserved to the States or to the People. The existence of express limitations on State Sovereignty may equally imply that caution should be exercised before concluding that unstated limitations on State power were intended by the framers. (See): John H. Alder, et al. Petitioners v. Maine, (98-436) 715 A2d 172 (June 23, 1999), Justice Kennedy, Supreme Court of the United States) citing: City of Berne v. Flores, 521 US 506, 507 (1997).

This entire matter is such as Dred Scott v. Sandford [155 U.S. 691], See: S.C. 19 How 393-633 (1857) stated the declared foundation that is established law for petitioner is still enforced and never changed by Chief Justice Roger B. Taney in this landmark supreme Court case; that We, the People of the United States and can not sue in any court of the United States, nor We, the People of the Preamble states can NOT be a U.S. citizen, black, slave, nor freeman, which if any breach of due process that is unconstitutional from 14TH Amendment states of slave called U.S. citizen that is a corporate fiction, called black, African American states that no freeman can be labeled nor branded as chattel property making such as this matter is completely null and void infringing upon privacy protections of culture heritage of our forefathers tribal free descent national name not respecting oaths concerning prosecutor actions against the religious establishment of religion or prohibiting the free exercise thereof concerning petitioner Moorish American national culture, language, or Islamic jurisprudence because pursuant to Appendix B in April 17, 1933, the Penn. House of Representatives, The Assembly, produced Appendix B, Resolution No. 75, gave petitioner legal right as to his dutiful inheritance by birthright as a Moorish American national to use his descent free national name "El" or "Bey" tribal names which due process of treaty protections of The Treaty of Peace and Friendship 1787 of free passage Article 3 can not be violated because this treaty was renewed every fifty years and still in force since 1987 which remains perpetual. The State of Maryland has no delegated authority to violate Universal Declaration of Human Rights - Article 4 "Principles we find (a) everyone has the right to a nationality (b) statelessness shall be avoided (c) no one shall be arbitrarily deprived of his nationality also pursuant to the Universal Declaration of Human Rights - Article 15 [Fifteen] (1) everyone has a right to a nationality (2) no one shall be arbitrarily deprived of his nationality, nor the right to be denied to the right to change his nationality. (See): Copyright Clause of the United States Constitution Article I, § 8 Clause 10 stated: "To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations. Meaning petitioner is not State nor Federal property of the United States nor his private property can not be infringed with duress, coercion, threats, and petitioner is NOT bound by said Constitution based on engagements, treaty law protections recognized by the Nations of the Earth and international law protects roots of the Dominions, nor not!

STATEMENT OF THE CASE

Petitioner Antoine Marturain Hill-El who proceeding pro se filed a 28 USC 2254 for Petition for a Writ of Habeas Corpus on date of May 15, 2018. On the date of June 1, 2018 pursuant to the authority granted in Title 28 USC 1406, was ordered the clerk of court transfer civil action No. 18-651-P assigned by Judge Foote, and Magistrate Judge Mark L. Hornsby ordered the transfer to the U.S. District Court for the District of Maryland, Southern Division, signed in Judge Hornsby chambers of which the case is transferred in the district the alleged cause of action. Because on date of May 15, 2018 the petitioner filed a 2254 and on July 27, 2018 pro se petitioner filed an Amended Petition for a Writ of Habeas Corpus pursuant to Title 28 USC 2254. ECF No. 17 and petitioner filed a renewed Motion for leave to Proceed In Forma Pauperis. ECF No. 6, but based the information provided in Motion for leave to Proceed In Forma Pauperis. ECF No. 2, was denied as moot. Petitioner Antoine Marturain Hill-El, collaterally attacks his 2005 conviction for robbery in the Circuit Court for Montgomery County, Maryland arguing generally since color of law deprived by infringing upon secured privacy right protections, First Amendment requirements deprived from these due process violations not in accordance with the Constitution for the United States of America, the Thirteenth Amendment Section 1 and Section 12 prohibition on slavery and involuntary servitude, the provision in Article VI states that debts are valid only against the United States called the State of Maryland for Montgomery County Maryland because no form of debt bondage by color of law methods can violate the delegated authority of the Ninth Amendment and the Tenth Amendment and natural rights within the Bill of Rights (1791) I think Amendment including the Universal Declaration of Human Rights Article Fifteen Article 15 Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality, and based on Federal Rule of Civil Procedure 60(b)(4) motion to vacate judgment may be brought up at any time, from any court place if void or null from errors concerning defects. The lower court judgment is void for want of subject matter jurisdiction, due to lack of proper services of process, properly naming proper parties, and presentment or indictment of Grand Jury. (See) *Antoine v. Allen Turner, Inc.*, 66 F.3d 105 (6th Cir. 1995) This means the petitioner can not be time barred when he can bring up a void judgment issue at anytime. The Supreme Court has ruled that Federal Rule Civil Procedure 60(b)(4) can be used as a continuation of a criminal case, not a new case under a new civil docket number playing an unquestionable role to play in petitioner Antoine Marturain Hill-El habeas corpus. The Rule is often used to relieve parties from the effect of a default judgment mistakenly entered against them, but the Rule should have preserves petitioner opportunity to obtain vacatur of a judgment that is void for lack of subject matter jurisdiction and a consideration just as valid in habeas cases as in any other, since the absence of jurisdiction altogether deprives a federal court of the power to adjudicate the rights of the parties. This judgment is void but is an attack, not on the judgment, on the merits but instead on the jurisdiction of the court to address those merits. Because petitioner void judgment can be raised at anytime, if judgment is void if due process is violated, fraud is committed or the court lacks jurisdiction.

A court generally may not rule on the merits of a case without first determining that it has jurisdiction over the category of claim in the suit (subject matter jurisdiction). *Sinochem Int'l Co. Ltd v. Malaysia Int'l Shipping Corp.*, 549 U.S. 497, 430 31 (2007) (declining to address jurisdiction and holding that district court had authority to dismiss action on forum non conveniens grounds before considering the merits) (citing *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 93 102 (1998) (rejecting doctrine of "hypothetical jurisdiction" that would allow a court to rule on issues of law before adjudicating jurisdiction). Quoting *Mar. v. Ashcroft*, 532 F.3d 157, 168 (2d Cir. 2008) Determining the existence of subject matter jurisdiction is a threshold inquiry and a claim is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to adjudicate it. Once jurisdiction is challenged, the court can not proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action. (See) *Melo v. US*, 505 F.2d 1026.

(See): *Marbury v. Madison*, 5 U.S. 137, 174, 175 stated: "The Constitution of the United States is supreme law of the land that is repugnant to the Constitution is null and void of law. ALSO (See) *Ex parte Owen*, 10 Okla. Crim. Rep. 284, 136, P197, Ann. Ca 1916 4522, stated: "Courts should not tolerate or condone disregard of law and arbitrary usurpation of power on the part of an officer. Our is a government of law and not of men and before any act of any official will be sustained by the courts such act must be authorized by law. This court is to protect against any encroachment of constitutionally secured liberty. (See): *Boyd v. United States*, 46 U.S. 66. However, the procedural errors that have been made, whether criminal, civil, commercial or otherwise, still dealt with a corporate fiction. Even if the court had served the defendant properly, it failed to serve proper Notice and Service of Process. (See) *Bank of Augusta v. Earle*, 55 U.S. 91, at 526, 13 Pd. 274, at 278 (1835).

Furthermore, this court is compelled to provide appropriate relief under auspices of the Federal Rules of Civil Procedure, Rule 60(b)(4) where judgment is void. The fact the petitioner challenge jurisdiction, due process violations of protections the Constitution for United States of America, In *Dred Scott v. Sandford*, 19 Howard (60 U.S.) 393, 451 (1857) Chief Justice Roger B. Taney borne in the mind that there is no law of nations standing between the people of the United States and their Government and interfering with their relations to each other. The powers of the government and the privacy protection rights of the citizens under it are secured liberties, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others.

The State of Maryland has no power over the person or property of a citizen, but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of the statesmen or jurists upon relations of master and slave, can enlarge the powers of the Government, or take from the citizens the rights they have reserved.

REASONS FOR GRANTING THE PETITION

Pursuant To Title 28 USC 1746 (1) Under Penalty of Perjury Issues of Supporting Facts and Arguments (1) One, (2) Two, and (3) Third/Three

Issue 1: Violation of Universal Declaration of Human Rights Article Fifteen (15)

Supporting Facts and Argument.

Comes now petitioner Antoine Martwain Hill of petitioner proceeding pro se who has natural rights of protected civil liberties and civil immunities declared and the sui juris, natural man created equal within the established Unanimous Declaration of Independence of the United States of America, Judiciary Article III Section (1) and Section (2) of natural God-given (protection) rights guaranteed for natural people in this system of American law which discrimination, slavery discontinued any form of bondage or servitude discontinued involuntary servitude slavery by deprivations of due process, by compact agreements, mutual promises of engagements stated also within the Articles of Association of October 20, 1774 affirmed these mutual promises of equal protections guaranteed within the union to all of mankind to be granted Fifth Amendment due process protections and to have NO infringements or trespass upon privacy protections, nor any form of interferences from use of color to brand Fourteenth Amendment US citizen status against the free national descent name "El" or Bay culture tribal name of his forefather and foremothers by birthright, no interferences are to be allowed against exclusive rights of nationality of a freeman estate birthrights and inheritance of petitioner tribal descendant name, Truth Freedom by inheritance within Universal Declaration of Human Rights - Article 15, everyone has a right to a nationality, no one shall be arbitrary deprived of this nationality, nor denied the right to change his nationality, and Resolution No. 75 dated April 17, 1933 (Moorish American Society of Philadelphia and the use of their Names 1774) of which due process violations unlawfully against Antoine Martwain Hill - El protections of First Amendment requirements of no interference by government is allowed because law respecting an establishment of religion of an inheritance based on culture, of which free exercise of petitioner free national descent tribal name "El" can not be violated when this is lawful ancestral Title of Nobility, often called surnames and also serve as tribal names. (See: John Elk v. Wilson, 120 U.S. 1, 1887, 12 S.Ct. 222, 32 L.Ed. 863) (See: SC Reports ed. 94-123 April 8, 1884, Nov 3, 1884 decided), Also (See: Dred Scott v. Sandford, 19 U.S. 407, 1857) (See: S.C. 19 How 393-633 (1857))

Issue 2: Violation of Fifth Amendment requirements

Supporting Facts and Argument.

The petitioner due process was deprived by color of law against secured liberties denying all forms of due process from Article I Color of law statutory charged offense of Robbery legislative proceedings to alter contract law during plea agreement negotiations which the petitioner was not informed of the color of law proceedings nor of how color proceedings are legend Tenth Amendment delegated authority of being in accordance with the Constitution for the united states of America breaching oaths of Fourth Amendment to deny due process of plea agreement Article III Judicial proceeding of a constitutional charged offense of a valid plea agreement negotiation which breached the plea agreement of the State of Maryland was supposed to have a criminal prosecution ascertain by law, not color of law, nor during plea was the petitioner informed of the nature and cause of the accusation which violated the Sixth Amendment that the past counsel ineffective of incompetent assistance and is an officer for the court's assigned prosecutor and the client must yield by losing to the court's officer called the ineffective actions of counsel many years ago (sup) tampering with proceedings failures of just the foundation of fiduciary obligations, duties and responsibilities for client causing breach of plea neglected to uphold privacy protections, guaranteed to petitioner since he was unintelligent of knowingly to understand the nature of cause, the critical elements, essential elements of a real actual real notice, when petitioner was never informed of the nature of the offense of a actual real notice of color of the law proceedings of commercial crimes statutory presumptions of the law. This color of law deprived secured privileges, immunities, protections, treaty law, making this breach of plea, null and void, not a knowingly, nor voluntarily, nor an intelligently contracted plea. (See) Henderson v. Morgan, 426 US 637 (1976), Also (See: McCarthy v. United States, 394 US 459, 466 (1969), (See: Constitution for the united states of America limited federal enclaves, made with Emancipation Act 1913, Bush Act 1940 by Art I, Sec 17 and Article II, 3 clause, the Copyright Clause Art I, 8, cl 8, 9 and Clause 10.

Issue 3: Violation of Thirteenth Amendment Section 1 and Section 2

Supporting Facts and Argument.

The due process protections were violated within Thirteenth Amendment (XIII) Section 1 and Section 2 because the government assigned prosecutor breached plea negotiations, lacked subject matter jurisdiction by use of Article I legislative proceedings Color of law to deprive all forms of due process denying Article III Judiciary proceedings, because of these unconstitutional breaches of contract law, unconstitutional proceedings of color by any government agents, employees, and representatives USA, assigned prosecutor, nor the State of Maryland never duly convicted petitioner by breach of plea negotiations and human trafficked petitioner by misnomer, labeling him a U.S. citizen branded slave name to oppress his status as Moorish American national to the second class citizen of an Fourteenth Amendment corporate fiction or vessel breach of "Fiduciary Duty" by not giving petitioner Real Notice of full disclosure, nor informed the petitioner of all material facts as required under U.C.C. good faith explanation and written notice but the State of Maryland government (a) assigned prosecutor, ineffective counsel of the past never objected the procedural errors, has a void judgment not in accord of supreme law of the land, Breached their fiduciary duty by collusion allowing petitioner to correct errors by a mistaken identity of the petitioner who is a Moorish American national, sui juris, not a corporate fiction called a person labeled by the use of fraud color of law unconstitutional violations of the Constitution for the united states of America when assigned judges have taken oath to uphold the lex mercatoria, compacts of the system of laws which is adopted by all commercial nations, and constitutes a part of the law of the land, it is part of the common law, not to unlawfully deprive due process from concealment of material facts which the State of Maryland is without cause of action, Corpus delicti, no victim or witness, lacking jurisdiction. (See) Dred Scott v. Sandford, 19 U.S. 407, 1857. See SC 19 How 393-633 (1857).

Reasons for Granting
The
Petition

- Because this is a Title 28 USC 1406 "Cure or waiver of defects," and Habeas Corpus relief and Rule 60(b)(4) were lawful litigations which ~~adhere to~~ follow:
- ① Federal Habeas Corpus relief is not to be denied to prisoners alleging constitutional deprivations solely on the ground that relief should have been sought by appeal. (See: Kaufman v. United States, 394 US 217, 22 L Ed 2d 227, 89 SCt 1008 (1969))
 - ② Federal Court of Appeals held to have mistakenly upheld denial of habeas relief, where denial was based on finding not made by federal district court, and evidence supported accused's claim of ineffective assistance of counsel. (See: Burden v. Zant, 510 US 132, 126 L Ed 2d 611, 114 SCt 659 (1994))
 - ③ Inexcusable or inordinate delay by state in processing claims for relief may make state process ineffective to protect habeas petitioner's rights and may excuse exhaustion of state remedies. (See: Harris v. Champion, 15 F3d 1538 (10th Cir. 1994) and Givens v. Green, 12 F3d 1041 (11th Cir. 1994))
 - ④ Petitioner's release from custody will not render habeas petitioner moot if collateral consequences of conviction persist to give petitioner a substantial stake in judgment of conviction which survives satisfaction of sentences imposed on him. (See: Puckner v. Kruzicki, 11 F3d 541 (7th Cir. 1994))
 - ⑤ Congress promulgated Prisoner Litigation Reform Act of 1995 (PLRA) to curtail prisoner tort, civil rights, and condition's litigation, not the filing of habeas corpus petitions. (See: Anderson v. Singletary, 111 F3d 801 (11th Cir. 1997))
 - ⑥ Both district and circuit judges can issue certificate of appealability (COA) sought following denial of a defendant's motion to vacate or petition for habeas corpus petition. (See: Tiedman v. Bensch, 182 F3d 518 (8th Cir. 1999))
 - ⑦ Writ of habeas corpus may issue if state court proceeding was fundamentally unfair as result of Constitution, laws, or treaties of United States. (See: Spaggs v. Parker, 235 F3d 261 (6th Cir. 2000))
 - ⑧ Habeas corpus is exclusive means for prisoners to attack fact or duration of their confinement. (See: Katzner v. Montgomery County, 303 F3d 339 (5th Cir. 2002))
 - ⑨ Federal prisoner who sought habeas relief under general federal habeas statute was not required to obtain a certificate of appealability to proceed on appeal. (See: Free v. Miles, 333 F3d 550 (5th Cir. 2003))

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Explicit Reservation of All Unalienable Rights pursuant to: UCC 1-207,
UCC 1-103, and UCC 1-308. Without Prejudice
Arthur Mortimer, Jr. - 82

Date: April 15, 2021