

OCT 26 2021

OFFICE OF THE CLERK

No. _____

21-6338

IN THE
SUPREME COURT OF THE UNITED STATES

DANQUAN A. FANNING — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS/3:16-cr-00257-CMC/3:20/cv-03523
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Danquān A. Fanning # 32147-171
(Your Name)

FCI-Williamsburg, P.O.Box 340
(Address)

Salters, S.C. 29590
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

WHETHER the UNITED STATES DISTRICT COURT being a Article IV
Territorial Court illegally usurped Article III, Constitutional
Authority and illegally entered an illegal Judgment and
Conviction against Fanning

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:

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Mookini v. United States, 58 S.Ct. 543, 3030 U.S. 210 L.Ed. 748 at p. 205	<u>5</u>
Balzac v. United States, 1922, 42 S.Ct. 343, 258 U.S. 298, 66 L.Ed. 627 at p. 258 U.S. 312.	<u>5</u>

STATUTES AND RULES

18 U.S.C. § 3231	<u>6</u>
Article III of the United States Constitution	

OTHER

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Claims:

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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

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A 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☒ is unpublished.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 _____; 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☒ is unpublished.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 _____ 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☐ is unpublished.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 _____ 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 September 14, 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

The Fourth Amendment

The Fifth Amendment

The Sixth Amendment

The Seventh Amendment

STATEMENT OF THE CASE

UNITED STATES COURT DISTRICT COURT JUDGE. Cameron McGowan Currie did with knowledge aforethought and with deceptive intent did usurp Article III Constitutional Authority of which she had not been granted and entered a final judgment in my case. The UNITED STATES DISTRICT COURT was without Legislative and Subject Matter jurisdiction due to it being a territorial court under Article IV Court.

Specifically, the court's execrable and patently false presumption of having possessed Article III Constitutional Authority to adjudicate Petitioner's case is an illusion and is non-conducive to the public's confidence of the judicial system. It's imperative that this court recognize that although the lower may have been granted Art. III authority it was however, not granted Constitutional Authority and the attached documents will clearly establish which court is which, the one that is granted Article III Constitutional Authority and the one that has been granted Territorial Authority.

The Court's heading is a clear indication which is which. This lower court and the lower court's were selected to set up a system of private court which operate under the territorial illusion.

The court's presumption that it had Article III Constitutional Authority to enter a final judgment in Petitioner's case is just an illusion to cover its lack of subject matter jurisdiction. Petitioner is basing his claim's on the Supreme Court, and Statutes.

The United States Supreme Court was unambiguous in its decision in *Mookini v. United States*:

Specifically, the court held that: The Article III district court was defined in a 1938 Supreme Court decision: *Mookini v. United States*, 58 S.Ct. 543, 303 U.S. 210 L.Ed. 748 at p. 205.

" The term "district courts of the United States." as used in the rules, without an addition expressing a wider connotation has its historic significance. It describes the constitutional courts created under Article III of the constitution. Court's of the Territoriales are Legislative courts, properly speaking and are "Not" District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Court of the United States " does not make it a "District Court of the United States with Article III Constitutional Authority."

The reading is plain the lower court does not not had it ever had Article III Constitutional Authority over citizens of the several states party to the Constitution. Here Petitioner's indictment was fundamentally defective from the onset depriving the court of subject matter jurisdiction and/or constitutional authority to enter any judgments against this Petitioner. Specifically, the court did with knowledge aforethought commit a "Treasonist and Impreachable" Act.

To describe the instant courtwe find the following Supreme Court decision governing this type of unconstitutional court and its actions:

The Legitimate Territorial court, designed as a United States District Court, was defined by the Supreme Court in *Balzac v. Porto Rico* (Spelling is correct) in 1922, 42 S.Ct. 343, 258 U.S. 298, 66 L.Ed. 627 at p. 258 U.S 312.:

" The United States District Court is "Not" a true United States court established under Article III of the Constitution to administer the judicial powers of the United States therein conveyed. It is created in virtue of the sovereign congression faculty, granted under Article IV, § 3 of that instrument, of making all needful rules and regulations respecting the

territory belonging to the United States. The resemblance of its jurisdiction to that of a true United States District Court in offering an opportunity to non-residence of resorting to a tribunal not subject to local influence, does "not" change its character as a mere territorial court."

Here the Supreme Court's plain language clearly states that the lower court in the instant case does not nor has it ever had Article III Constitutional Authority or Statutory authority to enter any judgments against this Petitioner or any citizen of the several states party to the Constitution. Here this outlaw court exceeded its jurisdiction in every degree. This conviction and sentence must be dismissed for lack of Article III Constitutional Authority to enter any judgments against this Petitioner, nor subject matter jurisdiction.

Based on the Criminal Jurisdiction of the United States found at 18 USC § 3231, is vested in the "district court of the United States" " Not " United States District Courts." Specifically, "NO" Article III or Article 1 jurisdiction of the United States is vested in United States District Courts situated in the Union of several states party to the Constitution. They are courts created by Congress---they are private courts created by a judicial consortium. For the most part appointed under authority of article III § 1 of the constitution to preside in lawful courts of the United States, "But" without constitutional authority!!! of Statutory Authority, elected to set up a system of private court which operate under the territorial illusion.

The facts, law, statutes, Supreme Court and the Constitution, the lower courts acted without Article III Constitutional Authority and a total lack of subject matter jurisdiction creating an unconstitutional conviction and sentence and must be dismissed in its entirety.

The law is clear in this area, this article IV United States District Court acted totally outside of its territorial authority admiralty jurisdiction not allowed to operate within the Union of several states party to the Constitution, its failure to inform the Petitioner of its Article IV jurisdiction violated 18 USC § 1001 Article IV Courts do not now nor have they ever had the jurisdictional authority to try, convict or sentence a state citizen in its article IV courts to do so is fraud and treason and an impeachable act.

These lower article IV admiralty courts are rogue courts illegally trying and convicting innocent persons in its private jurisdictions.

Wherefore, Petitioner's Certiorari should be granted, justice deserves it and Petitioner be released from illegal incarceration.

Note

The question presented may not be adequately presented, but simply put, according to this Supreme Court's very own laws and decisions the UNITED STATES DISTRICT COURT for the DISTRICT OF SOUTH CAROLINA was without Article III Authority and Subject Matter Jurisdiction to enter a judgment against a citizen of the several states party to the constitution.

REASONS FOR GRANTING THE PETITION

The writ should be granted based on the lower courts illegal usurpsion of Article III Constitutional Authority and illegally trying, convicting and sentencing defendants without legal authority of the Article III Authority and jurisdiction

An Article IV has never been granted Article III Constitutional authority to try and convict citizens of the several states party to the Constitution, basically, the United States is a corporation based on United States Code, so it can only try, convict and sentence government employees, the documents attached hereto will establish this fact.

Petitioner ask that his writ be granted because he knows that he has redress and this court should want to solve this issue.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Danquon Fanning

Date: 10/27/21