

201-7439

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Chief, CURTIS JOHNSON, Pro se — PETITIONER
(Your Name)

vs.

Paul Benton — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Mississippi, Court of Appeals of the State of Mississippi
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Chief, CURTIS JOHNSON

(Your Name)

24988 Highway 17 North

(Address)

Lexington, MS. 39095

(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

Under Article 1, Section 8 of the United States Constitution, it gives Congress plenary powers to deal with Indian affairs. Congress can limit, modify, or eliminate powers that tribes possess by setting boundaries and extinguishing rights reserved in treaties.

The questions presented here are:

1. Whether Article 1, Section 8 of the United States Constitution authorizes or allows state courts to deal with Indians affairs regarding reserved Treaty rights?
2. Whether reserved rights attached to the 1790 Treaty with the Creeks and the 1832 Treaty with the Creeks allow state courts to convict Indians for trespass while occupying their ancestral lands for nearly 200 legally documented years?
3. Whether Article 6, Clause 2, of the United States Constitution inhibits state laws from applying to Indians in Indian country?

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

*Johnson v. Benton, Court of Appeals Case # 2019-CP-01087-COA
Judgement rendered January 04, 2022

*Johnson et al, v. Benton Trial Court Case # 26CH1:13-cv-00155
Judgement rendered June 12, 2019

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TABLE OF AUTHORITIES CITED

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OTHER

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 _____ 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 United States Appeals court appears at Appendix B to the petition and is

reported at 2021 WL 4566494; 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 October 05, 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: January 04, 2022, and a copy of the order denying rehearing appears at Appendix A.

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 February 10, 2022. A copy of that decision appears at Appendix C.

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

1. Article 1, Section 8 of the United States Constitution gives Congress plenary powers to deal with Indians.

2. Article 6, Clause 2, Constitutes what is the supreme law of the land.

1790 Treaty with the Creeks assured American Indians lands would be secured from encroachment of European settlers.

3. 1832 Treaty with the Creeks further assured American Indian lands would be secured from encroachment of Europeans settler because of unlawful encroachment.

4. 18 U.S.C. 1151 defines Indian Country

5. McGirt v. Oklahoma, 591 U.S.____ (2020).

STATEMENT OF THE CASE

I, CURTIS JOHNSON, the Appellant, seeks review of the judgement that is wholly known to the U.S. Governments legal history. This case is in fact one where an American Indian is involved in a land dispute with a person of European decent on the other side.

My ancestors by blood, Jeff Anderson, his wife, Mariah Anderson, are the grandparents of my great grandfather Walter Johnson were residents of the Virginia territory. The 1790 and the 1890 census does not list Jeff Anderson or any of his family members as slaves, free, black, or white.

The lands in this dispute are the lands that Jeff Anderson and his family, along with Walter Johnson occupied since the 1830's continuously as American Indians. The history of the journey for American Indians for lands "promised" to them is nothing new to these Courts. I, CURTIS HENRY JOHNSON, have lived on this 1500+ acre tract occupied by Walter Johnson and his descendants my entire Natural life which equals 47 years according to the Gregorian calendar.

I, CURTIS JOHNSON, declared and claimed my American Indian status to Paul Benton, the appellee, and to all elected officials of Holmes County, Mississippi. On October 10, 2018 I entered our lands and advised Paul that he was in fact and in law the trespasser. Paul filed suit against me, CURTIS, for civil/criminal trespass. A timely Motion to Dismiss was filed by me, CURTIS on the grounds that American Indians could not trespass on their lands they have occupied with reserved Treaty Rights attached to them. 18 U.S.C. 1151 was cited in my motion that defines Indian Country and that Mississippi did not have jurisdiction to try me, an American Indian for civil/criminal trespass actions but that motion was denied due to "no proof" as to being a non-federally recognized Indian Tribe and because of the Courts ethnological misconception of me did not fit with what the Court perceived to be an Indigenous Person.

REASONS FOR GRANTING THE PETITION

The court of appeals decision will set a precedent that will unravel centuries old treaty rights for over 400 unrecognized Indian Tribes across this country that currently govern themselves and will prohibit future Indian Tribes from reclaiming Indian status nationwide and will also set a precedent that takes the plenary power away from Congress when it comes to dealing with Indian affairs and would give state courts authority to say who is or who is not an American Indian based on its perception of a Natural Persons ethnological appearances.

Oral history of Walters family coming from the East as Indian was sometimes told during family gatherings. In those times I was not aware of a treaty, the meaning of a treaty or the Constitution but not being knowledgeable of the Constitution, federal laws or Treaty's does not make them any less enforceable. "Ignorance of the Laws excuses no one".

The 1790 Treaty with the Creeks and the Treaty with the Creeks of 1832 have not been abrogated, therefore these perpetual agreements afforded to me have been violated along Article 1, Section 8 of the United States Constitution and Article 6, Clause 2, of the United States Constitution.

THE COURT OF APPEALS' DECISION IS INCORRECT

The Court of Appeals decision rests on the proposition that where one cannot prove they are a member of a federally recognized Indian tribe, that one is not an Indian nor a member of an Indian Tribe.

Contrary to the Court of Appeals opinion, it has been long understood in this Court the National importance in making Treaty's as well as upholding those perpetual agreements that are the Law of the Land. *McGirt v. Oklahoma*, 591 U.S. __ (2020), is a ripe case with Supreme Court precedence which doubles down on rights reserved in treaty's and what is or is not Indian Country.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chief, CURTIS JOHNSON

Date: March 02, 2022