

No. 20-22-1124

2/8/2023

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTIAN GILEBRT TONY NADAL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit
No. 22-55262

PETITION FOR WRIT OF CERTIORARI

CHRISTIAN G.T. NADAL
PRO SE
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May 15, 2023

ORIGINAL

QUESTIONS PRESENTED

1. Are catalogues given to Petitioner ie: Global Sales Limited and Shotgun News fraudulently advertising for sale illegal machinegun and silencer kits to Petitioner and the public? Catalogues that state "No Federal Registration or License is Required to purchase these items for sale, NO FFL REQUIRED TO PURCHASE? The lower courts should have answered the question per Title 28 U.S.C.A. Section 1331 - Federal Question and Title 28 U.S.C.A. Section 2201 - Creation of Remedy - Chapter 151 Declaratory Judgment.

Are the machinegun and silencer kits advertised for sale in the catalogues given to Petitioner listed in the Coram Nobis / Title 28 U.S.C. 1331 of the Petition listed at pages 20 to 59, Machine guns and silencers Regulated under Title 18 and 26 U.S.C.A.?

2. Does the United States Department of Justice knowingly giving and distributing catalogues advertising through a fraud scheme and selling illegal machineguns and silencers to Petitioner and the public violate the 2nd Constitutional Amendment Rights of the persons illegally convicted of purchasing those machineguns and silencers?
3. Does Heck v. Humphrey, 512 U.S. 477 (1994) violate Petitioner's 5th and 14th Constitutional Amendment Rights when used by Federal Courts and the United States Attorney's office to stop his civil complaints. Complaints that have

shown the Petitioner is innocent of the alleged crime in his criminal case?

4. Is the Petitioner a vexatious litigant by filing his Habeas Corpus appeals and adding new evidence showing his actual innocence while the Courts continuously refuse to answer any legal question raised on the motions for habeas corpus and appeals?
5. Petitioner's Coram Nobis should be Granted due to the facts of federal law show Petitioner's actual innocence?

PARTIES TO THE PROCEEDINGS

All parties to the proceedings are identified in the caption.

RELATED PROCEEDINGS

US District Court of Arizona-Phoenix
Christian Nadal v. Sarco Incorporated,
CIV-96-0630-PHX-CAM (MS), March 11 1996,
April 01, 1996, May 15, 1996, Aug 07, 1996,
Aug 16, 1996, Aug 26, 1996.

US District Court of Arizona-Phoenix,
Christian Nadal v. Sarco Incorporated,
CIV- 96-630 PHX CAM, Sep. 27, 1996.

US District Court of Arizona-Phoenix
Christian Nadal v. Sarco Incorporated,
CIV 96-630 PHX EHC (MS), Nov 01 1996, Jan 29,
1997, Feb 11, 1997, Feb 24, 1997.

US District Court Central District of California-Los
Angeles
United States, v. Christian Nadal,
CV-96-8061-RSWL; CR-93-698-RSWL, 2255
Motion, Nov 18, 1996, Jan 1, 1997, April 11, 1997.

US Court of Appeals Ninth Circuit
United States v. Christian Nadal,
US Court of Appeals Docket Number: 97-55531;
No. 99-71649; Lower Court Docket Number: CV-
96-8061-RSWL; CR-93-698-RSWL, June 21, 1999,
Aug 12, 1999, Nov 18, 1999, 188 F.3d 516 (9th

Cir. 19-99).

US Supreme Court

United States v. Christian Nadal, No. 00-5940,
US Court of Appeals Docket Number: 97-55531;
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CR-93-698-RSWL, Nov 23, 1999, Dec 6, 1999,
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US District Court Central District of California-Los Angeles

United States v. Christian Nadal, CV-98-2986-
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US Court of Appeals Ninth Circuit

United States v. Christian Nadal, US Court of
Appeals Docket Number: 99-71649; Lower Court
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US Supreme Court

United States v. Christian Nadal, June 15, 2000,
June 20, 2000, cert. Denied.

US District Court Central District of California-Los Angeles

Christian Nadal v. Sarco Incorporated, Civil No.
CV 97-2102-ABC(Mc), Apr 08, 1997, Jun 03, 1997.

US District Court Central District of California-Los Angeles

Christian Nadal v. Sarco, Incorporated, Case No.
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US District Court Central District of California-Los Angeles

Christian Nadal v. R.P.B.; Shooters Equipment Company; Sarco, Inc., Case No. CV 97-5717 ABC; CV 97-5718 ABC; CV 97-2102 ABC, Oct 27, 1998.

US Court of Appeals Ninth Circuit

Christian Gilbert Nadal v. R.P.B. Committed Fraud, US Court of Appeals Docket Number: 98-56994; Lower Court Docket Number: CV-97-05717-ABC-1, Dec 28, 1998.

US District Court Central District of California-Los Angeles

Christian Nadal v. R.P.B.; Shooters Equipment Company; and Sarco, Inc., CV-97-5718 ABC; CV 97-2102 ABC, Dec 31, 1998, Dec 31, 1998.

US Court of Appeals Ninth Circuit

Christian Gilbert Nadal v. R.P.B.; Shooters Equipment Co.; and Sarco, Inc., No. 98-56994, D.C. Nos. CV-97-05717-ABC; CV-97-05718-ABC; CV-97-02102-ABC, Jun 02, 2000.

US District Court Central District of California-Los Angeles

Christian Nadal v. Sarco, Inc., CV 01-1301 ABC (MANx), July 24, 2001.

US Court of Appeals Ninth Circuit

Christian Nadal v. R.P.B. Committed Fraud, No. 56-994, CT/AG#: CV-97-05717-ABC-1 (MAN), July 27, 2000.

US District Court Central District of California-Los Angeles

Christian Nadal v. Sarco Incorporated, CV 01-1301
GAF(MANx), April 09, 2001, April 20, 2001, May
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US District Court of Arizona

Christian Nadal v. Global Sales Limited, CIV 96-
2234-PHX-ROS, Nov 26, 1996. Nov 29, 1996, Jun
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US District Court of Arizona-Phoenix

Christian Nadal v. Global Sales Limited, AA-OK,
Incorporated, CIV 96-2234-PHX-ROS, Aug 21,
1998.

US Court of Appeals Ninth Circuit

Christian Gilbert Tony Nadal v. United States
District Court for the District of Arizona, District
Court for the District of Arizona, No. 98-80519,
DC# CV-96-2234-ROS Arizona, Aug 27, 1998.

US District Court of Arizona-Phoenix

Christian Nadal v. Global Sales Limited, CIV 96-
2234-PHX-ROS(MS), Sep 27, 1999. Sep 29, 2000,
Nov 28, 2000.

US Court of Appeals Ninth Circuit

Christian Gilbert Nadal v. Global Sales Limited;
AA=OK Incorporated, No. 00-17070, CT/AG#: CV-
96-02234-ROS, Jun 04, 2001, Jan 12, 2001, Mar
19, 2001.

US District Court of Arizona-Tucson
Christian Nadal v. Bureau of Prisons, CIV 97-053
-TUC-RTT Nov 17, 1997, Jan 5, 1999, Jan 29,
1999, Mar 11, 1998, Apr 06, 1998, Apr 13, 1998.

US Court of Appeals Ninth Circuit
Christian Gilbert Tony Nadal v. United States
Bureau of Prisons; Mike Adams; Blake Davis; Tom
Comer; Jackie White; Ivan O. White; Ed Crosley,
US Court of Appeals Docket Number: 99-15228,
Lower Court Docket Number; CV-97-00053-JMR,
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US District Court of Arizona-Phoenix
Christian Gilbert Tony Nadal, CIV- 97-1096-PHX
-ROS (MS) 2241 Motion, May 20, 1997, Jun 17,
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US Court of Appeals Ninth Circuit
Christian Gilbert Nadal v. Mike Adams, US Court
of Appeals Docket Number: 98-15120; Lower
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1998; Aug 24, 1998, Jan 15, 1999; Feb 04, 1999.

US District Court Central District of California-Los
Angeles
Christian Nadal v. Shooters Equipment Company,
CV 97-5718 LGB (CTx), CV 97-5717 JSL (JGx),
CV 97-5718 ABC (E), CV 97-5718-ABC(MAN) Jul
29, 1997, Aug 01, 1997, Aug 25, 1997, Sep 04 1997,
Oct 07, 1997, Dec 05, 1997, Dec 31, 1997, Jan 30,
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US District Court Central District of California-Los
Angeles

Christian Nadal v. R.P.B. Industries, CV 97-5717 JSL (JGx); CV 97-5718 LGB (CTx); CV 97-5717-ABC(MANx), CV 97-5717-ABC(VAP), CV 97-5717 ABC; CV 97-5718 ABC; CV 97-2102 ABC July 29, 1997, Aug 01, 1997, Oct 15, 1997, Sep 16, 1998, Oct 27, 1998, July 18, 2000.

US District Court Central District of California-Los Angeles

Christian Nadal v. R.P.B. Industries; Shooters Equipment Company; and Sarco, Inc., CV 97-5717 ABC; CV 97-5718 ABC; CV 97-2102 ABC Dec 31, 1998.

United States Supreme Court

Christian Nadal v. R.P.B. et al., US Supreme Court Docket Number NO. 00-6337 Aug 28, 2000, Oct 02, 2000, Oct 29, 2000 "brief in opposition", Nov 27, 2000 Writ Denied.

US District Court Central District of California-Los Angeles

Christian Nadal v. Cobray Firearms, Incorporated, CV 97-7021 IFP(WMB); CV 97-2101 (MAN) Sep 23, 1997, Oct 10, 1997, Oct 30, 1997.

US Court of Appeals Ninth Circuit

Christian Gilbert Nadal v. Cobray Firearms, Incorporated, US Court of Appeals Docket Number: 97-56717; Lower Court Docket Number: CV-97-07021-WMB Dec 16, 1997, Feb 19, 1998, Aug 21, 1998, Sep 23, 1998.

US District Court Eastern District of California-Fresno

Christian Nadal v. Raymond Andrews, CV F 99
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US District Court Eastern District of California-
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**APPENDIX C - Order in the District Court
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**APPENDIX D - Order in the Ninth Circuit
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PETITION FOR A WRIT OF CERTIORARI

Petitioner Christian Gilbert Tony Nadal respectfully request the issuance of a writ of certiorari to review the judgement of the United States Court of Appeals for the Ninth Circuit.

DECISION BELOW

The decision of the United States Court of Appeals for the Ninth Circuit is NOT FOR PUBLICATION and was filed on November 22, 2022 as Case No. 22-55262; D.C. Nos. 2:21-cv-07590-RWSL; 2:93-cr-000698-RWSL-1.

JURISDICTION

The Ninth Circuit entered judgment on November 22, 2022. This Court's jurisdiction is invoked under 28 U.S.C. Sec. 1254.

STATUTORY PROVISION

Writ of Coram Nobis, Title 28 U.S.C.A. Section 1331 Federal Question, 2nd Constitutional Amendment, Title 28 U.S.C.A. Section 2201 Creation of Remedy, Declaratory Judgment – Chapter 151, Title 18 U.S.C.A. Section 1001 Statements or Entries Generally, Title 26 U.S.C.A. Section 5845(b), Machinegun, Title 26 U.S.C.A. Section 5841 Registration, Title 26 U.S.C.A. Section Transfer Tax, Title 26 U.S.C.A. Section 5812 Transfers, Title 18 U.S.C.A. Section 924(a)(25) "firearm silencer"

Federal Rule Involved

Federal Case Law

United States v. Bradley, 892 F.2d 634 @ 635
(7th Cir. 1990):

“(asserting that parts may be machineguns without a frame or receiver),” “United States v. Campbell, 427 F.2d 892, 893(5th Cir. 1990)(implicitly holding that parts may be machineguns without a frame or receiver)”

United States v. Was, 684 F.Supp. 350 @353(D. Conn. 1998):

“The second clause regulates any combination of parts of any kind, where the combination is “intended to be used to convert a weapon into a machine-gun.” “Defendant concedes that the AR-15 auto-sear is physically made up of more than one part.⁴ The auto-sear thus can not be excluded from the ambit of the “combination of parts” portion of the second clause section 5845(b).” @ 354” “in addition, the government produces two technical reports from the Firearms Technology of ATF, stating that the auto-sears functioned to convert a semiautomatic AR-15 receiver to a machinegun.”

F.J. Vollmer Co. v. Higgins, 23 F.3d 448 @ 449
(D.C. 1994):

“machinegun conversion kits are, according to the bureau, “used to convert semiautomatic weapons into automatic weapons without the use of a machinegun receiver.” Brief for Appellee at 2. Such a conversion kit is itself a “machinegun” under 18 U.S.C. Section 921(a)(23), which incorporates the National Firearms Act definition of the term in 26 U.S.C. Section 5845(b):”

United States v. Kindred, 931 F.2d 609 @ 610
(9th Cir. 1991):

"inoperable World War I machinegun lacking internal parts qualified as a machinegun because the gun could be converted into a fully automatic weapon."

Christian Nadal v. Bureau of Prisons, CV-97-053-TUT-RTT (U.S. Attorney, Daniel G. Knauss, Motion For Judgment On The Pleadings filed April 9th, 1998 @ page 3 & 4:

"Exhibit C, the pre-sentence report, shows also that Nadal gave a number of machinegun kits to his coconspirator, Christopher Berwick, for Assembly which he then sold to the agents. These also qualify as transfers under 18 U.S.C. Section 922(o)(1). Cf., **United States v. Bradley**, 822 F.2d 634 (7th Cir. 1990), Cert. Den. 495 U.S. 909(1990), (transfer of parts sufficient to convert a weapon to a machinegun was a "transfer in gross" sufficient to qualify as a machinegun in violation of 26 U.S.C. Section 5845)."

United States v. Kelly, 548 F.Supp. 1130 @ 1136
(4th Cir. 1977)

"The government also introduced testimony of a Firearms Enforcement officer who stated that in his opinion the modified bolt trigger housing constituted a combination of parts designed and intended for use in converting a weapon into a machinegun as defined in 26 U.S.C. Section 5845(b)."

United States v. Campbell, 427 F.2d 893(5th Cir. 1970):

"firearms as defined in U.S.C. 5845(b), that is six M-2 conversion kits assembled on M-1 carbine trigger housings, which had not been registered to them in the National Firearms Registration and Transfer records maintained

under 26 U.S.C. 5841, all in violation of U.S.C. A. 5861(d) and for willfully and knowingly transferring "firearms as defined in 26 U.S.C. 5845(a)(b) that is, six M-2 conversion kits assembled on M-1 carbine trigger housings, with-out having paid the transfer tax required in U.S.C. 5861(e), 5871."

United States v. Smith, 477 F.2d 399 @ 400

United States v. Catanzaro, 368 F.Supp. 450 @ 453

United States v. Luce, 726 F.2d 47 @ 48, 49

United States v. Evans, 712 F.Supp. 1435(D. Mont. 1989

United States v. Evans, 928 F.2d 858(9th Cir. 1991)

United States v. Bascue, 5 F.Supp.2nd 1139(D. OR 1998)

United States v. Roh, Case No. SACR 14-167 (JWS)

United States v. Jimenez, 191 F.Supp.3d 1038 (2016)

United States v. Bishop, 926 F.3d 621(2019)

Federal Statute Law

Title 26 U.S.C.A. Section 5845(b):

"Machinegun.—The term "machinegun"

means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

Title 18 U.S.C.A. Section 921(a)(25):

"The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication."

Title 26 U.S.C.A. Section 5841 Registration of firearms.:

"(b) By whom registered.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor."

"© How registered.— Each manufacturer shall notify the Secretary of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued there

-under to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section."

Title 26 U.S.C.A. Section 5811 – Transfer tax:

"(b) By whom paid.—The tax imposed by subsection (a) of this section shall be paid by the transferor."

Title 26 U.S.C.A. Section 5812 – Transfers:

"(a) Application.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary may by regulations prescribe; and (6) the application form shows that the Secretary has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law."

2nd Constitutional Amendment Right – The Right to Bear Arms

5th Constitutional Amendment Right – Due Process of Law

14th Constitutional Amendment Right – Equal Pro-

tections of the Law

Title 28 U.S.C.A. Section 1331 – Federal Question

Title 28 U.S.C.A. Section 2201 – Creation of Reme

-dy – Chapter 151 – Declaratory Judgment

STATEMENT OF THE CASE

Between January 28, 1992 and July 14, 1993 the United States Department of Justice (USDJ) through its subagencies, the United States Federal District Court of Central District of California, the United States Attorney's Office (USAO), the Federal Bureau of Investigation, (FBI) and the Bureau of Alcohol, Tobacco and Firearms (BATF) gave to Petitioner, Christian Nadal several weapons catalogues ie: Global Sales Limited and Shotgun News. FBI 302 Report, See Ex. 1, p. 15 of Petition. At trial, the government objected to petitioner introducing the catalogues as evidence.

1. Case history

(x)FBI Agent, Michael German (fired from the FBI in 2004) and his informant, Gary Peacock (felon for armed robbery) purchased about half of the Sten machineguns from Sarco, Inc. and Global Sales Ltd. that Petitioner was convicted of. Gary Peacock was paid \$150,000 to set Petitioner up on these firearms violations. All of the Sten machineguns purchased by Petitioner were paid for on his credit card.

At trial the Court and the U.S. Attorney cited Title 26 U.S.C. Section 5845(b) Machinegun, Title 18 U.S.C. 922(o)(1) Machineguns possessed after the 1986 ban. The U.S. Attorney, Gregory Jessner stated to the jury at trial that the machinegun kits were legal to purchase. Please see, Trial Transcript Volume II, page 11. 1

The Court refused to address the legality of the machinegun kits advertised for sale in the catalogues that were given to Petitioner. Whether the machinegun and silencer kits were machineguns and silencers per Federal Statute Law and Federal Case Law regulated under Title 18 and 26. The Court of Appeals reversed Petitioner's wife's conviction stating that "No reasonable jury could have convicted Doris." United States v. Nadal, No. 93-50849, No. 93-50851 (9th Cir. 1995), also United States v. Nadal, 64 F.3d 667 (9th Cir. 1995). A Writ of Certiorari was filed by Petitioner with the United States Supreme Court which was Denied on Nadal v. United States, 512 US 1122 (1996).

On March 11, 1996 Petitioner filed Christian Nadal v. Sarco, Incorporated, CIV-96-0630-PHX-CAM (MS) whom along with Global Sales Limited, CIV-96-2234-PHX-ROS were the primary seller, distributor of the machineguns and silencers sold to (x)FBI Agent, Michael German and the Petitioner. Sarco, Inc. was called in by the government to testify, but, when the Petitioner stated to the Court that he purchased the majority of the weapons from Sarco and paid by credit card the government never called Sarco to the stand.

On October 18, 1996, Petitioner filed his 2255 Motion to Vacate his Conviction. Judge, Ronald S.W. Lew denied the 2255 petition and refused to address the legality of the machinegun and silencer kits advertised in the catalogues given to Petitioner by the FBI/BATF. The Ninth Circuit Court of Appeals

¹ Vol II, p 11. Exhibit 4-E. This machinegun was made from a

denied, the appeal United States v. Nadal, 188 F.3d 516 (9th Cir. 1999).

After April 9th 1998, Petitioner filed a "Judicial Notice to the Ninth Circuit Court of Appeals while his 2255 Motion was pending before the Court, United States of America v. Christian Nadal, No. 97-55531, D.C. No. CV-96-08061-RSWL. In Petitioners' other case Christian Nadal v. Bu-Reau of Prisons, CV-97-053-TUT-RTT, the United States Attorneys' Office of Tucson, AZ; US Attorney, Daniel Knauss, stated in his Motion For Judgment on the Pleadings filed on April 9th, 1998 @ page 3 & 4: 2.

Sten machinegun kits sold to the (x)FBI Agent, Michael German and to Petitioner and at that time to 14,000 other citizens by Sarco alone.

On November 26th, 1996 petitioner filed Chris-tian Nadal v. Global Sales Limited, CIV-96-2234-PHX-ROS. The Court ordered the United States Marshalls Office to serve Global Sales Limited in Reno, Nevada then again the Court Ordered the United States Marshall's to now serve AA-OK, Incorporated the complaint since

kit. You may be surprised, perhaps even astonished, to learn that these kits are readily available. They can be purchased legally.

2 "Exhibit C, the pre-sentence report, shows also that Nadal gave a number of machinegun kits to his co-conspirator, Christopher Berwick, for assembly which he then sold to the agents. These also qualify as transfers under 18 U.S.C. Section 922(o)(1). Cf., United States v. Bradley, 822 F.2d 634

Global shutdown operations in Reno, NV after being served and restarted under AA-OK, Inc. which again refused to answer the complaint and defaulted.

In the Global Sales Limited case the Court Ordered Petitioner to file Motion for Default Judgment.

On February 25th, 1998 per Judge Silver's DE-Fault Judgment Procedure List, Petitioner sent Motion's for Default Judgment to both Global Sales limited and AA-OK, Incorporated. These motions for Default Judgment sat in front of Judge, Roslyn Silver for two years.

On January 23rd, 1997 Petitioner filed Christian Nadal v. Bureau of Prisons, CV-97-053-TUT-RTT, case No. 99-15228 (9th Cir.). On January 5, 1999, Judge, John Roll applied Heck v. Humphrey, 512 U.S. 477 (1994) on Petitioners' Christian Nadal v. Bureau of Prisons case after the US Attorney's office, US Attorney, Daniel G. Knauss in Tucson, AZ stated on April 9, 1998 that the machinegun kits sold by Sarco and Global Sales in Petitioners' case were machineguns per Title 26 U.S.C. Sec. 5845.

On May 20, 1997 Petitioner filed Christian Nadal v. Mike Adams, CIV-97-1096-PHX-ROS (MS), Case No. 98-15120 (9th Cir. 1998). Habeas

(7th Cir. 1990), Cert. Den. 495 U.S. 909 (1990), (transfer of parts sufficient to convert a weapon to a machinegun was a "transfer in gross" sufficient to qualify as a machinegun in violation of 26 U.S.C. Section 5845.)"

Corpus 2241 Motion because Judge Lew denied his 2255 Motion.

On July 30, 1997 Petitioner filed Christian Nadal v. R.P.B. Industries, CV-97-7517-JSL-(JGX), CV-97-5717-ABC(MAN) and Christian Nadal v. Shooters Equipment Company, CV-97-5718-(LGB)(CTx), CV-97-5718-ABC(MAN).

On September 12, 1997 Petitioner filed Christian Nadal v. Cobray Firearms, CV-97-7021 (WMB), Case No. 97-56717 (9th Cir. 1998).

On September 2, 1999 Petitioner filed Christian Nadal v. Raymond Andrews, CV-F-99-6070-REC-LJO-P a Habeas Corpus Motion Section 2241 on the Violent Crime Control and Law Enforcement Act of 1994 application to Petitioner.

On December 21, 1999 Petitioner filed Christian Nadal v. Raymond Andrews, CIV-F-99-6784, OWW-HGB-P demanding the Court to identify the machinegun and silencer kits involved in Petitioner's case. On March 9, 2001 the case was transferred "IN THE INTEREST OF JUSTICE" back to the trial Judge, Ronald Lew which denied the Petition.

On December 27, 2004 Petitioner filed Doris Nadal and Christian Nadal v. Gregory Jessner, CV-04-10494-ABC(MAN after Petitioner received the December 9, 2003 letter from the Attorney, Mary H. Seuttinger, of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) office stating that machinegun kits are machineguns regulated under Title 26 U.S.C.A. Section 5845(b).

See Ex. 5, p. 19 of Petition. 3

Contradicting what the U.S. Attorney stated to the jury at trial.

In late 2017 Petitioner was told about United States v. Roh, Case No. SACR 14-167 JVS, Central District of California, Santa Ana, CA which cited United States v. Jimenez, 191 F.Supp.3d 1038 which ruled that the trigger housing of the M-16 was a part of a machinegun, therefore a machinegun. This M-16 trigger housing is identical to the Sten machinegun trigger housing, MAC 9/10/11 trigger housing etc. Sold by Sarco, Inc., R.P.B. Industries, Global Sales Limited and Cobray Firearms Company.

On March 1, 2018 Petitioner filed Christian Nadal and Robbie Bascue v. United States of America, Case No. 4:18-cv-00001-DN under 28 U.S.C.A. Section 1331 Federal Question asking the Court to identify the firearms advertised and sold in the catalogues given to Petitioner. The case was dismissed without prejudice.

On October 16, 2018 Petitioner filed Christian Nadal, Robbie Bascue v. United States of Am

3 *"To clarify my letter of November 21, 2003, please be aware that a machine gun parts kit is also prohibited under the definition of a machine gun as defined in 26 U.S.C. Section 5845(b). Section 5845(b) not only includes machine guns as defined above, but, also, "any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in possession or under the control of a person."*

-erica, Case No.4:18 cv-00069-ND under 28 USCA Section 1331 Federal Question. The case was dismissed due to Jurisdiction. The United States Attorney, John Huber and Todd Hilbig stated in his RESPONDENT UNITED STATES OF AMERICA'S MOTION TO DISMISS dated December 19, 2018

The United States Attorneys' office confirmed that the machinegun and silencer kits advertised and sold through the catalogues that the government gave to Petitioner were machineguns and silencers regulated under Title 18 and 26. Thus confirming that the Los Angeles US Attorneys' Office perjured themselves at Petitioners' trial.

The United States Attorney in their RESPONDENT UNITED STATES OF AMERICA'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS cited McQuiggin v. Perkins, 133 S.Ct. 1924 (2013): 5

Under Title 28 U.S.C.A. Section 2255(h): 6

4 "This request for declaratory judgment, however, contains no "actual controversy." 82 This Court is not faced with "a case... within its jurisdiction."

5 "McQuiggin held that the "actual innocence" gateway to habeas review survived the passage of the AEDPA statute of limitations." etc.

6 "a prisoner can bring a second successive petition based on-ly on facts that clearly demonstrate actual innocence or a new rule of constitutional law that the Supreme Court has made retroactive. There is no provision for new rules of statutory interpretation."

In Christian Nadal v. Sarco Incorporated,
Judge, Nagles', October 27, 1998 Order at page 5: 7

Catalogues given to Petitioner stated: See Ex. 7A,
7B, p. 21, 22 of Petition.
ie: Global Sales Limited, that stated: 8

Or for their Auto-Sears , M-16 trigger sets, MAC 9/
10/11, Sten machinegun kits and silencer kits, both
catalogues Global Sales Limited and Shotgun News
stated: (as shown in the petition Exhibits). 9

7 "Nadal claims that the Federal government, through know-
ingly false advertising, intended to induce people to purchase
weapons that the government knew to be illegal. If Nadal were
permitted to bring a section 1983 action against the govern-
ment based on this belief, any judgment in his favor would ne-
cessarily undermine the prior finding that Nadal had the re-
quisite intent to commit fraud. In other words, if the govern-
ment had convinced Nadal through its advertisements that the
weapons were not illegal to possess. Nadal could not properly
be said to have knowingly used the mail to commit an illegal
act. The government's fraudulent misrepresentation would, ne-
gate the element required to convict Nadal of fraud."

8 "To our knowledge none of the items for sale by us requires
any special Federal or State license to purchase or possess. Un-
der Current Federal law no restrictions are placed on inter-
state / intrastate purchases and shipping of the gun parts,
parts sets, or accessories currently offered for sale in this cata-
log. These items can be sold & shipped to anyone, any age,
any address. However, some State and local laws MAY apply!
It is your responsibility to check this before ordering!"

9 "Global Sales Ltd. Auto-Sears
"No Federal License or Registration is necessary for purchase
or ownership! Other NFA rules may apply! DROP-IN AUTO
SEARS made after Nov 1, 1981 have been ruled to be a ma-
chinegun in and of themselves by ATF (Ruling 81-4)"
TPF & Shotgun News Auto-sears "NO FFL REQUIRED"

SEC	Silencers	"ITS SIMPLE ITS LEGAL"
RPB	MAC kits	"BATF APPROVED"
Sten kits w/without receivers		"NO REGISTRATION OR LICENSE NEEDED TO PURCHASE OR POSSESS"

United States v. Jessner, V-04-10494 PSG
(ABC)(MAN) on September 13, 2005 Hearing, As-
sistant United States Attorney, Robert Lester sta-
-ted (Please see) Exhibit 45 at page 82 of the Original Petition: 10

The United States Judiciary and the United States Attorney's office in **Jessner** above confirmed that the United States Department of Justice through its FBI and BATF Agencies distributed to the public and to the Petitioner Catalogs that they

10 **MR. LESTER:**

It's a big "if." But I will assume for the sake of this discussion that the gun company is advertising in a magazine to sell items that are illegal to sell/or illegal to buy. I'll assume that for the sake of this discussion. Then of course I would encourage my friends in the criminal division to consider and the FBI --

THE COURT: Go after the gun company as well as the purchasers.

MR. LESTER:

That's right. I would certainly recommend that to that extent that my recommendation would serve of any interest to any of those people.

THE COURT: And you would also assert that the fact that the gun company was engaging in an illegal conduct does not excuse the purchaser from the gun company. If it was illegal, to possess or purchase such weapons. Yes?

MR. LESTER: Precisely."

knew were actively engaged in a Consumer Fraud Scheme of fraudulently advertising illegal weapons for sale and selling illegal weapons to the public and the Petitioner. The Court and the US Attorneys' Office confirm that the US Department of Justice knew that it was giving to Petitioner catalogues that would sell illegal weapons that would thereby place the public and the Petitioner in violation of the Law.

On September 21, 2021, Petitioner filed this instant Petition Christian Nadal v. United States States of America, 2:21-CV-7590-RSWL-1 under 28 U.S.C.A. Section 1331 Federal Question, 2nd Constitutional Amendment, Case No. 22-55262 (9th Cir. 2022), the court then converted the Petition in to a Coram Nobis Petition.

The Court again denied the Petition and refused to answer the legality of the machineguns and silencers even after two other California Federal Courts in United States v. Roh, Case No. SACR 14-167 JVS citing United States v. Jimenez, 191 F.Supp -p.3d 1038 (Dis. ND. Calif. 2016) and the BATF letter stated that the exact same trigger housing sold by Sarco, Inc., Cobray Firearms, R.P.B. Industries and Global Sales Limited were machineguns.

2. Statement of facts of law

Petitioner states that per Federal Statute Law and federal Case Law that the machineguns and silencer kits are regulated under Title 18 & 26. The kits can be purchased with or without the receiver tubes. The government at trial did not state that!

The following case law confirms that just one part or a combination of parts of a machinegun/silencer is a weapon regulated under Title 18 & 26.¹¹

Federal Statute Law 12

QUESTIONS PRESENTED

1. Are the catalogues given to petitioner ie: Global Sales Limited and Shotgun News fraudulently advertising for sale illegal machineguns and silencers kits machineguns and silencers to the petitioner and the public when those catalogues explicitly state that NO Fed

¹¹ United States v. Roh, Case No. 14-167 JVS (Dist. C.D. Calif.) citing United States v. Jimenez, 191 F.Supp.3d 1038 1038 (D.CA 2016); United States v. Bradley, 892 F.2d 634 @ 635 (7th Cir.1990) citing United States v. Campbell, 427 F.2d 892 @ 893 (5th Cir. 1970); United States v. Was, 684 F.Supp. 350 @ 353 (D.Conn. 1998); F.J. Vollmer v. Higgens, 23 F.3d 448 @ 449 (D.C. 1994); United States v. Kindred, 931 F.2d 609 @ 610 (9th Cir. 1991); United States v. Bradley, 548 F. Supp. 1130 @ 1136 (4th Cir. 1977); United States v. Palmieri, 21 F.3d 1265 @ 1272 (3rd Cir. 1994), 93-5134 United States v. Palmieri; United States v. Smith, 477 F.2d 399, 400 (8th Cir. 1973); United States v. Catanzaro, 368 F.Supp. 450 @ 453 (D. Conn. 1973); United States v. Luce, 726 F.2d 47 @ 48 (1st Cir. 1984); United States v. Evans, 712 F.Supp.1435 (D.Mont. 1989); United States v. Evans, 928 F.2d 858 (9th Cir. 1991); United States v. Bishop, 926 F.3d 621 (10th Cir. 2019); United States v. Kelly, 548 F.Supp. 1130 @ 1136 (4th Cir. 1997).

¹² "Title 26 U.S.C. Section 5845(b) "Machinegun"; Title 18 U.S.C. Section 921(a)(25) "Firearms silencer"; Title 18 U.S.C. Section 921(a)(24) "Machinegun"; Title 26 U.S.C.(d); "Receive a firearm illegally"; Title 26 U.S.C. 5861(e) "transfer a firearm illegally"; Title 26 U.S.C. Section 5841 "Registration of firearm-s"; Title 26 U.S.C. Section 5811 "Transfer tax"; Title 26 U.S.C. Section 5812 "Transfers".

-eral Registration or License is Required to Purchase these items for sale, NO FFL is Required to purchase? The Lower Courts should have answered the questions per Title 28 U.S. C.A Section 1331 – Federal Question and Title 28 U.S.C.A. Section 2201 – Creation of Remedy - Chapter 151 – Declaratory Judgment

Are the machinegun kits and silencer kits advertised for sale in the catalogues given to Petitioner listed in the Coram Nobis / Title 28 U.S.C. Section 1331 of the Petition listed at pages 20 to 59 machineguns and silencers regulated under Title 18 and 26 U.S.C.?

Global Sales Limited now AA-OK, Incorporated again refused to answer the Court Order to answer the complaint and defaulted. Shotgun News shut down in 2015 and stopped allowing weapons companies advertising machineguns and silencers kits for sale to the public.

After Petitioner had StormFront, a European American website place Petitioners warning to the public about this Federal Government Weapons Scam next to the BATFEs' website. The BATFE started placing pictures of the Auto-Sears, and machinegun kits and silencer kits on their webpage to warn the public about their illegality. You can no longer find Auto-Sears for sale to the public. (Please see) this instant Coram Nobis Petition. Exhibit 46 @ page 85 – 88.

Immediately after trying to serve R.P.B. Industries and Shooters Equipment Company, these

two weapons companies stopped advertising their illegal MAC Machinegun kits, Silencer kits to the public in Shotgun News.

Sarco Incorporated, answered the complaint and stated that they had sold 14,000 Sten machine gun kits to the public. Sarco also sells .50 and .30 Caliber machinegun kits among many others as shown in Exhibit 25 to 44 of the Coram Nobis Petition. The Federal Court applied Heck v. Humphrey, on Sarco, Inc. Thereby allowing Sarco, Inc. and R.P.B. Industries to continue to this day on selling illegal machinegun and silencer kits to the public.

Petitioner asked the Lower Courts to state and make a Declaratory Judgment on whether these machinegun and silencer kits were fraudulently advertised for sale to the public and regulated under Title 18 and 26 U.S.C. The Petitioner requested under Title 28 U.S.C.A. Section 1331 – Federal Question, Title 28 U.S.C.A. 2201 – Creation of remedy – Chapter 151 – Declaratory Judgment to state the legality of these kits. The Courts repeatedly refused to answer the Motions for a Declaratory Judgment and state the issue of the kits.

2 Did the United States Department of Justice knowingly by giving and distributing catalogues Advertising through a fraud scheme and selling illegal weapons to Petitioner and the public violate the 2ND Constitutional Amendment Rights of those persons illegally convicted of purchasing those machineguns and silencers.

Petitioner claims that the Federal Government giving him catalogues that advertise for sale and state that the machinegun and silencer kits, Auto-Sears are legal to purchase is a Consumer Fraud Scheme.

Petitioner also claims that selling to him illegal machinegun and silencer kits through weapons companies that the Government licensed that by statute law was required to register and pay the \$200 transfer tax prior to transferring them to Petitioner and (x)FBI Agent, Michael German is illegal.

13 *"The court, after reviewing the evidence in the light most Favorably to the government, must determine whether the jury could reasonably find the defendant guilty beyond a reasonable doubt."* **United States v. Bernhardt**, 840 F.2d 1441, 1448 (9th Cir. 1988). Criminal statutes must give fair notice of their scope: It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between Lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, If arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them." **Grayned v. City of Rockford**, 408 U.S. 104, 108 (1972) (emphasis supplied). More stringent standards are applied where the vagueness challenge involves a criminal statute or the exercise of constitutional rights. **Village of Hoffman Estates v. Flipside Hoffman Estates, Inc.**, 455 U.S. 489-99 (1982); **Mcormack v. Herzon**, 788 F.3d 1017, 1031 (9th Cir. 2015)."

Petitioner claims that the Federal Government knew that these companies were violating the law and knew that it would cause Petitioner and the persons who purchased these kits to be in violation of the law as confirmed by Judge, Nagle and AUSA, Robert Lester in Nadal v. Jessner, See Ex: 45, p. 82 of Petition. Petitioner claims that Judge, Ronald S.W. Lew should have addressed this issue in the instant Coram Nobis/Petition 1331.

Petitioner claims that the Federal Government is operating a Consumer Fraud Scheme through the US Attorneys' Office, FBI and BATFE by distributing and having these catalogues that advertise and illegally sell machinegun and silencer kits \machineguns and silencers to both Petitioner and the public.

For the sole purpose to illegally convict, steal the properties, illegally intern persons in the Federal Concentration Camp System also known as the Bureau of Prisons and make them a felon so that the people can no longer own firearms in violation of their 2nd Constitutional Amendment Rights.

3 Does Heck V. Humphrey, violate Petitioner's Rights to due Process of the law, 5th and 14th Constitutional Amendment Rights when used by the Federal Courts and the United States Attorney's Office to stop a civil complaint that shows that the Petitioner is innocent of the alleged crime in his criminal case?

Petitioner claims that applying Heck v. Humphrey to his civil cases does violate his 5th and 14th Constitutional Amendment Rights. As stated above in this instant Petition and Brief, when the Federal Courts applied Heck v. Humphrey on Nadal v. Jessner, Nadal v. Sarco, Nadal v. Global Sales Limited and Nadal v. Bureau of Prisons, it knew that it would stop all of Petitioners' civil complaints.

Thereby protecting the government, its weapons companies that operate as informants for the government ie: Sarco Incorporated and R.P.B. Industries who were called in as witnesses for the government at Petitioners' and Robbie Bascues trials.

Petitioner claims that his 5th and 14th Constitutional Amendment Rights were violated when the Court refused to answer his issues raised in his Petitions and this instant Coram Nobis / 1331 Petition.

The Court in the interest of justice is required to answer Petitioners' issues raised in his Petitions and this instant Coram Nobis/ 1331 Petition.

4 Is Petitioner a Vexatious Litigant by filing his Habeas Corpus 2255, 2241 and Coram Nobis Motions allowed by law?

Petitioner claims that he is not a vexatious litigant by rightfully filing his 2255, 2241 and Coram Nobis Motions.

Petitioner claims that the Court, Judge, Ronald S.W. Lew continuously and repeatedly refused to

answer any legal questions on the kits issue raised in the Habeas Corpus motions and in this instant motion.

Petitioner stated in his Response to Court Order filed January 31, 2022, that he filed his 2255 motion with new evidence from the Federal Government itself ie: Nadal v. Bureau of Prisons, when Tucson, AZ, US Attorneys' office stated that the machinegun kits were machineguns under 58-45(b). In this instant Coram Nobis/1331 Petition, the BATF letter stating machinegun kits, parts etc. are machineguns regulated under Title 18 & 26. See Ex. 5, p. 19 of Petition. The very same BATF and FBI Office that gave Petitioner the weapons catalogues stating that these weapons were legal to purchase and possess.

Petitioner claims that he has a legal right to file these 2255, 2241 and Coram Nobis/ 1331 Petitions. That the Court should by law have answered the questions raised in these motions. Had the Court Raised or answered these issues prior to trial, the Petitioner would not have had to file all of these motions. United States v. Jimenez, 191 F.Supp. 3d @ 1040: 14

14 "A pretrial motion to dismiss a criminal case is appropriate "if it involves questions of law rather than fact." United States v. Shortt Accountancy Corp., 785 F.2d 1448, 1452 (9th Cir. 1986) (citations omitted). A district court "may make preliminary findings of fact necessary to decide the questions of law presented by pretrial motions so long as the court's findings on the motion do not violate the province of the ultimate finder of fact."

The Court and the US Attorneys' Office cited to the jury Title 26 U.S.C. Section 5845(b). The Court and the US Attorneys' Office cannot state that they did not know the law that the machinegun and silencer kits were not machineguns and silencers regulated under Title 18 & 26 and sold illegally to the Petitioner, (x)FBI Agent, Michael German and the public. The jury was unreasonable as confirmed by the 9th Circuit Court of Appeals on Petitioners' Direct Appeal as the jury clearly could not read or understand the law.

5 Petitioner's Coram Nobis should be Granted due to the facts of law that clearly show the Petitioners' actual innocence.

The fact of law, contrary to what the 9th Circuit Court of Appeals stated in their Opinion of this instant case, clearly states that the Auto-Sears advertised in the catalogues given to Petitioner were machineguns per federal statute law and as ruled in United States v. Was. These Auto-Sears immediately stopped being sold by Global Sales, Ltd. after they were served by the US Marshalls Office. No thanks to the US Attorneys' Office and the Court.

The Sten and MAC machinegun kits advertised and sold by Sarco Incorporated, Global Sales Limited and R.P.B. Industries are also machineguns regulated under Title 18 & 26. These Sten and MAC machineguns stopped being advertised and sold by Global and R.P.B. immediately after being served the complaint against them as well as the silencer kits sold by Global, R.P.B. and Shoot

ers Equipment, Co. Thanks to Heck v. Humphrey and protected by the US Department of Justice, the Courts and the US Attorneys' Office, Sarco and R.P.B., today continue to sell their illegal machine-gun with / without the upper receiver and silencer kits.

While these companies named above have continued to sell their illegal machineguns and silencers to the public, Petitioner lost his job flying Boeing 747s for Continental Airlines, his income, his pension and was separated from his wife while interned in the Federal Concentration Camp System for 6 ½ years. His wife was illegally interned for 2 years until her illegal conviction was reversed.

The Coram Nobis here clearly shows an error of fact that is distinguished from law.

The (x)FBI Agent, Michael German at trial testified that Petitioner told them that once they had assembled the machinegun and silencer kits together that they should register them. Both Petitioner and Michael German had purchased the majority of the weapons on their credit card and shipped to their homes in their names letting the BATFE and all Law Enforcement Agencies know that they had these weapons. See Ex. 6, p. 20 of Petition. At trial the silencers showed that they had been damaged when test fired by the government since they were bent to make them inoperative.

At Chino, CA Airport where Petitioner had his 19-42 Lockheed Lodestar parked next to the Memphis

Bell B-17 Bomber which carried about 10, .50 / .30 Caliber machineguns, Petitioner showed (x)FBI Agent, Michael German the weapons. None of which are registered since they were kept somewhat non-functional, but, still illegal.

Petitioner claims that this Writ of Coram Nobis as stated by the US Attorneys' Office in Salt Lake City, UT in Christian Nadal v. United States, Case No. 4:18-cv-00069-DN is his only remedy left to correct the error and have his illegal conviction reversed.

Petitioner claims that it was a legal impossibility for him to register the weapons that he and the agents purchased from Sarco, Inc., Global Sales, Ltd. and R.P.B. Industries.

Petitioner claims that a Coram Nobis has no time limit of when to file the motion when actual innocence is shown McGuiggin v. Perkins, 133 S.Ct. 1924 (2013).

Petitioner claims that Judge, Ronald S.W. Lew would not have granted this Coram Nobis even if filed after his probation was over.

REASONS FOR GRANTING THE WRIT

As in Jimenez and Bishop where each defendant were convicted for just possessing one part only of a machinegun, the kits stated above only had one missing part or needing a part to be bent into shape. Clearly these kits are illegal. Petitioner can't even purchase them to introduce them as evidence in this very Court due to their illegality.

CONCLUSION

The issue presented before this Court concerns the lives of hundreds of thousands of American Citizens that have purchased these illegal machine-gun and silencer kits Nation Wide which should be addressed by this United States Supreme Court.

The District Court in its Order dated December 15, 2021 and March 2, 2022 on the 2nd page of both Orders states: The allegations against Petitioner concerned the manufacturer and sale of illegal firearms and their parts. Not once did the Courts ever answer or address the issue of whether the machinegun / silencer kits, parts kits or parts were a firearm regulated under Title 18 or 26. Yet, the Court convicted Petitioner of the Auto-Sears (4 parts) ruled by United States v. Was after it gave through the FBI and BATFE catalogues that stated they were legal to purchase "NO FFL REQUIRED TO PURCHASE OR POSSESS". The Court also convicted Petitioner of the machineguns that were already manufactured by Sarco, R.P.B. and Global as a machinegun when the kits contained the exact same trigger housing as in United States v. Roh and United States v. Jimenez. The same applies to silencer kits sold to both Petitioner and the agents.

The Court states that Petitioner's arguments are baseless and meritless, yet other Courts found merit in his claims and Ordered the United States Marshalls to serve the complaints against several weapons companies that Judge, Ronald SW Lew is

protecting. Judge Lew and the Ninth Circuit never once answered any of the Federal Case Law cited in any of Petitioner's Petitions concerning the kits.

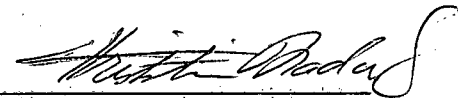
It is a legal impossibility for the Petitioner, Christian Nadal to register and pay the \$200 Transfer Tax per Title 26 U.S.C.A. Section 5841, 5811, 5812 for the machineguns and silencers that he and Michael German purchased from the catalogues given to him by the FBI and BATFE.

Based on the foregoing, Petitioner respectfully request that his Petition for a Writ of Certiorari and his Coram Nobis and a full reversal of his illegal conviction and a dismissal of all charges be GRANTED.

Respectfully submitted,

Dated: May 15, 2023.

By:



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