

OCT 24 2022

OFFICE OF THE CLERK

No. 22-407

IN THE

SUPREME COURT OF THE UNITED STATES

Maria Herta,

PETITIONER,

v.

Terrie E. Roberts,

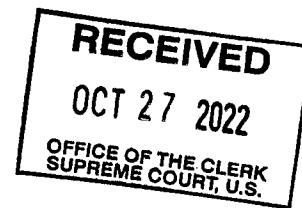
RESPONDENT.

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

PETITION FOR A WRIT OF CERTIORARI

Maria Herta, *Pro Se*
18680 Caminito Cantilena #226
San Diego, California 92128
(813) 665-7304
satty1803@yahoo.com

ORIGINAL



QUESTIONS PRESENTED FOR REVIEW

"The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression." Declaration of the Rights of Man, 1789

- I'm not political member or associate and claimed to be the living breathing flesh and blood man, can you prove jurisdiction through other matter such as using jurisdiction of common law?
- Once being challenged in corporate tribunal the Constitution of the USA creates conflict with this United States Corporation (federal government) and their statutory law that supersedes the Constitution of the USA and your free speech is denied and stripped of your rights. Monetary compensation can be considered as being ANYONE in violation of the oath of office to defend and protect the Constitution of the United States?
- Aren't you afraid of a strong national government?
- Can you give consent contractually if its under threats, duress or coercion?
- Is it the federal system solving disputes or arguments when they take away more freedom than giving away?

- Threaten me, refusing to identify herself being political, as I asked her to recuse herself for being there unlawfully, no license, no jurisdiction, under her void rules does the behavior comply with Supreme Court or malice intent against the common law?
- Is it government, "U. S. Corporation, (District of Columbia) International Monetary Fund employee or their, "UNIONS" including Terrie E. Roberts as a member in her individual capacity to move toward authoritarianism and away from democracy and against the Constitution of the United States?
- When I request to be heard on record, Terrie E. Roberts starting yelling at me not only her, another reporter sitting there next to her I was closer to witness a fight in between these two reporters virtually. I was frighten for my life as well for their safety, then Terrie takes over in saying, "Ms. Herta listen to me", I say," sure"! She continues, "You are in "Court", you are not going to disrupt the "court", I promise you..." Under threats you get what you want unconstitutional?
- Is it Supreme law of the land above all corporations and nations in commerce on American continent?
- In special appearance is there any reason prohibition of freedom of speech once you challenge jurisdiction and inquire identification of the individuals in their own capacity?

- Sued Maria Herta in civil action as the transcript reflects and Terrie E. Roberts said it also. I am in "FAMILY COURT", fake tribunal, corporate for profit when no political party injured and in special appearance the individual Terrie E. Roberts once challenged constitutional on record as I requested to be... she is harassing me so I go in contract under corporate policy, mute me, denying me free speech, yelling, intimidating me, ruling unconstitutional, can political body be excused from monetary damages once frauds are committed?
- Do you believe that if you take two oaths; one to Defend and Protect the Constitution of the USA and the other is the oath to protect your corporation as foreign government corporation, and you are challenged in **Common Law** you are entitled to ignore the Constitution of the USA in favor of your statutory law and use your abusive power and aggressively demanding it in favor it under duress, does the federal corporation have judicial power to do that?
- Can foreign federal government corporation policy (rules, ordinances, regulation) being demanded by this corporation is above law without people consent?

"The purpose of all is justice." Franz Rudolf von Weiss

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

RELATED CASES

United States Court of Appeals for the Ninth Circuit, *Maria Herta v. Terrie E. Roberts*

Case Number: 22-55594
Date of entry August 17, 2022

United States District Court, Southern District of California, *Maria Herta v. Terrie E. Roberts*

NO.22-cv-00156-LAB-RBB
Date of entry June 1, 2022

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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

United States Court of Appeals for the Ninth Circuit, *Maria Herta v. Terrie E. Roberts case unreported.*

Case Number: 22-55594
Date of entry August 17, 2022

United States District Court, Southern District of California, *Maria Herta v. Terrie E. Roberts case unreported.*

NO.22-cv-00156-LAB-RBB
Date of entry June 1, 2022

Per clerk appeal tribunal 9th circuit conversation saying they are "not courts of record, and the case unpublished! Terrie E. Roberts never was served in district or in appeal.

JURISDICTION

Supreme Court can take jurisdiction of my petition under 28 U.S.C. § 1254(1).

United States Court of Appeal for the Ninth, Circuit, **Mandate**, Sept 08, 2022 and United States Court of Appeal for the Ninth, Circuit, **Order** August 17/2022. Where the judgment was void because procured buy fraud City of Chicago v Central Nat. bank, 479 N.E. 2d 1040, 1044 (III . App. Ct.1985).

District tribunal not federal appeal tribunals have jurisdiction to hear the merit, they are not common-law courts of record. The **common law** is the real law; the **Supreme Law of the Land**, the code, rules, regulations, policy and statutes are " not the law". "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme law of the land. The judge is engaged in acts of treason. Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. (1958).

Any member of political entities' local, state, federal (corporations) must agree to identify as a legal fiction within the jurisdiction. There is no discretion to ignore lack of jurisdiction. Joice v US.474 2D 215(1973) Self v. Rhay, 61 Wn (2d) 261. Jurisdiction in personam or subject matter jurisdiction never was by contract or trust reached by Terrie E. Roberts or their corporation.

Jurisdiction is a private **COMMON LAW** matter not Foreign Corporation privilege. Jurisdiction can never be waved, **you have it or you don't!**

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) U.S Constitution I Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

2) U.S Constitution V Amendment

No person shall be deprived of life, liberty, or property, without due process of law; Article V, Bill of Rights

3) U.S. Constitution IX Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

4) U.S Constitution X Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. 10th amendment, this contract is to limit the government U.S Corporation.

5) U.S. Constitution Article III

6) U.S Constitution Article III section 1

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior Courts, shall hold Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their continuance in office.

7) U.S. Constitution Article VI clause 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

8) Article I Legislative Branch Section 8

Enumerated Powers Clause 14

To make Rules for the Government and Regulation of the land and naval Forces says clearly the government makes the rules for the government not the people.

9) 16Am Jur2d, sec 177 late 2d.sec 256

No official immunity or privileges of rank or position survive the commission of unlawful acts.

10) The Law of Torts 1642-1643 (1956)

The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. Willful act, emotional distress, causing personal injuries

11) U.S. code 26

NEVER BEEN ENACTED AS PUBLIC LAW

12) MAGNA CARTA 1215

To no one will we sell or deny or delay right or justice. DUE PROCESS

13) 42 U.S. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured...Terrie is liable for punitive money damages

14) Title 28 USC 3002 Section 15 (A)

States That THE UNITED STATES is CORPORATION and Not a Government. THE UNITED STATES BECAME A FOREIGN CORPORATION IN 1871 [though I think this should say, United States, in congress assembled, created a corporation called UNITED STATES].

15) **18 U.S. Code § 1001** Statements or entries generally (a)(1)(2) (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— a. falsifies, conceals, or covers up by any trick, scheme, or device a material fact; b. makes any materially false, fictitious, or fraudulent statement or representation; or

16) **18, U.S.C., Section 242** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both;

17) Title 18, US Code Sec.2381
In the presents of two or more witnesses of the same overt act, or in a open court of law, if you fail to timely move to protect and defend the Constitution of the United States and honor your oath of office, you are subject to the charge of capital felony treason.

18) Title 5, US Code Sec. 556(d), Sec. 557, Sec.706: Courts lose jurisdiction if they do not follow Due Process Law.

19)P. 319 U.S. 113

A judge is liable for injury caused by a ministerial act; to have immunity the judge must be performing a judicial function

STATEMENT OF THE CASE

Transcript of the record

"On Aug 26/2021 Terrie E. Roberts is saying," I'm not understanding what you are saying, and she is repeating again," are you Maria Herta?

- I tell her, I'm here in a special appearance...

Ms. Maria Herta just a second, I'm having you sworn in. I say, "no, mam... mam"! I'm here in special appearance. Are we on record? I want to challenge jurisdiction.

- She is saying," You want to challenge jurisdiction?"

I said, "correct mam"! Yes. The law provides that once State and Federal jurisdiction has been challenged, it must be proven. Main v. Thiboutot, 100S. Ct. 2502 (1980)

She is saying, okay, "I'm gone have you sworn in..." I stopped her. I say, mam, do you hear what I'm saying, and are we on record? She continues, "Ms. Herta, do you hear what am I saying?"

I asked, mam, who are you? I asked her, can you... she barged, and I asked her, excuse me, can you IDENTIFY yourself mam? She did not identify herself being political. She stopped for a while... silence... I asked again, whom am I speaking with? She is raising her voice,"

Ms. Herta, this is Judge Terrie E. Roberts, you filed a motion to be heard in my court”

Was I aware that I'm filing a motion in her court??? NO!

Was I aware of going in contract with her without my consent? NO!!! I tell her, “No, I don't know any contract, and I'm not aware of it, and I OBJECT, when I could be heard, the day I was invited in her fiction court on August 30/2021. I say, I challenge jurisdiction personam and also subject matter jurisdiction. Can you go into a contract unlawfully, unconstitutional?

Again she is telling me,” I want you to swear in so you tell me” I say, “mam are we on record”?

Again, silence from Terrie E. Roberts's side! I asked for a second time,” are we on record” silent in her fictional courtroom...she said,” wait a second.”

I asked her again,” I want to be on the record. A little silence then, she is saying that, “I DONT UNDERSTAND WHAT YOU'RE SAYING MAM.”

I ask her again, are we on record, then I say, “I challenged jurisdiction and I want to be on record”. Is silence for a few seconds, and someone whispers to her, “record.” She ignored it...Then, someone from the audience from inside her courtroom is saying,” she is saying that,” she wants to be on record.”

I SAY,” YES, RECORD”! THE gentlemen repeat for her again, on the record!” I said correct”! Thank you

veryyy, I couldn't finish the word, she barges again, Terrie E. Roberts started yelling to me in open court. "Ms. Herta listen to me", I say," sure"! She continues, "you are in court, you are not going to disrupt the court, I promise you..." Is this a threat?

The International Monetary Fund- District of Columbia- Bar Association is not above the law nor that they exists in law. They are in violation of their corporation or franchiser; they promise to be within the Constitution of the USA and create a pool of victims by encroachment. 16Am Jur2d, sec 260 although, it is manifested that an unconstitutional provision in the statute is not cured because included in the same act with valid provisions and that there are no degrees of constitutionality. The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original]. The judge then acts not as a judge, but as a private individual (in his person).

Cooper v. Aaron (US. 1958) No state legislator or executive or judicial officer could war against the Constitution without violating his undertaking to support it.

I say," mam," she is covering me up," I promise you, she is yelling, "listen" you are being recorded!!!! Ok, thank you!

I'm here in a special appearance-challenging jurisdiction, Terrie E. Roberts is again trying to disrupt me, and I am not...

Somebody started screaming at me again, saying in open court," I am a record reporter," Terrie E. Roberts stopped her from continuing and told her," she doesn't have to speak, I need you to raise your right hand and you can tell me all the reasons why you are challenging jurisdiction. I will not hear one word from you until the petitioner and I are sworn in. So are you ready to raise your right hand and then you can tell me your arguments?"

- I say, excuse me before we start, sworn in, can you identify yourself, she said in open court," NO... NO!"

I asked, NO?

Statutory law/ fiction laws are both tyrannical! Court must prove on the record all jurisdiction facts related to the jurisdiction asserted. Latana v Hopper, 102F.2D 188; Chicago v New York, 37 FSupp 150. Trespass violating my constitutional rights and with no subject matter jurisdiction, defamation-libel by creating this conviction malicious act.

Before we start, I identify myself this is "judge Terrie Roberts." Silence in her courtroom... I asked again,

"Can you...?" She interrupts me again, asking," are you ready to raise your right hand, if you are not I will remove you from this hearing. Are you ready to raise your right hand and then you can tell your argument?"

I told her that, "I'm here in special appearance, I'm not a member of any "affiliation," (meaning political member or associate), I said, before you can hear the matter, any matter, personam jurisdiction, and subject matter jurisdiction.

At that moment,

- Terrie E. Robert said," Ms. Herta right now, I mute you." She mutes me, but I could hear in her fictional courtroom.
Violation of first amendment.

My day was over then, but she continues civil rights are violated so I sue her being in violation of my civil rights and federal law. Statutory law being repugnant to the law of the land! She continues on record with the other part:

Are you," X" person? If you can raise your hand to be sworn in! Thank you Mrs. "X" you can have a seat then she goes on record.

- On the record: Terrie E. Roberts continues," The record um, just to make it clear, the record who reflects (she is laughing sarcastically), that the court has trying

numerous time um, to get Ms. Herta to at list raise her right hand to be sworn in, she has refused to do that, and continues to interrupt the court and DEMANDS that the court identify who it is...um, and so I understand Ms. Herta, she is trying, she is OBJECTING, she is making a special appearance and she is OBJECTING to this court JURISDICTION."

I can hear her I was muted!

Any unconstitutional act of an official will at least be a violation of the oath of that official to execute the duties of his office, and therefore grounds for his removal from office. No official immunity or privileges of rank or position survive the commission of unlawful acts. 16 Am Jur 2d, Sec 177 late 2d, Sec 256:

Any ruling which involves a violation of due process of law under the Fifth, Sixth, or Seventh Amendments is also a void judgment.

- You are a private entity, and as an International Monetary Fund member, you don't even exist in law. US code 26 never was enacted as a public law.

On what authority do you perform Terrie E. Roberts, only in individual own capacity, correct? I have your oath of office and you swore in to protect and defend

the Constitution of the United States of America, you fail to do so. You are in violation of my civil rights and Federal law. I sue you in a civil case as an individual in own capacity.42 U.S. Code § 1983 - Civil action for deprivation of rights'. § 1983's authorization of suits to redress deprivations of civil rights by persons acting "under color of" state law sued in their personal capacity come to the court as individuals and thus fits comfortably within the statutory term "person," cf. 491 U. S., at 71, n. 10.

The Eleventh Amendment does not bar § 1983 personal-capacity suits against state officials in federal court. Id., at 237, 238. The Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law." Scheuer, supra, at 237

State officials, sued in their individual capacities, are "persons" within the meaning of § 1983.

After talking with the other party (petitioner), she is saying, "The court over the objection of Ms. Herta, the court is finding that this court does have exclusive jurisdiction to make this ORDER, because she said, that children been here in this county for more than 6 months, they been in the state for more than 6 months." To all free man of our kingdom we have also granted...all the liberties written out below." Magna Carta. 1215 When

judges act when they do not have jurisdiction to act, or they enforce a void order (an order issued by a judge without jurisdiction), they become trespassers of the law, and are engaged in treason.

The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse."

She is saying," California does have jurisdiction under family code 3048, another code she pops up 3421a, saying that California is now her home state.

I never heard of such a thing that exists! She is operating under fiction law (statutory law) in her fiction court that I object to consent to be heard committing frauds.

Terrie says to the petitioner," you filed this motion on July 30/2021, saying the party (me), the (defender) have a meeting family court services on Aug. 26/ 2021 at 8:00 am and mediator wrote on report indicating that, she could not conduct a mediation because the mother continues to interrupt her, to yell at her, and she basically she stopped the meeting. I called in when I was invited at 8:am August/ 26/2021, for follow up questions about the paper and nothing else. I received lots of

appointments already from this agency, which were all set up for me in advance even for NEW YEAR, JANUARY 2022. I did not participate in making all these appointments!

- I have no idea who the agency is!

I called before this meeting happened, I called their business office number provided on their paper, they refuse to communicate, I called the one that makes all the appointments for me, they refuse to communicate, they want me to be in mediation only. SO WE MET AT 8:00 AM, the woman refuses the meeting, she is rescheduling for 9:00 am, and she also wants me to call in that morning at 8 and also at 9:00 am, I asked who are you, and she said, "you can't question me you just answer my questions. "I was who said that? What do you mean?

- I continue, is the petitioner there?

The "person on the other line said, "The petitioner is not there." I said if you question me I do have right to question you. She hangs up.

I'm calling their business office, I called the clerk, I complained, I called their human resources to ask who they are, and what is all this and I did complain about this abusive meeting on Aug 26/2021 appointments. This is harassment not civil case, abuse of power and control. Terrie is saying in her court, "my plan today- was to send the party trying to explain to the mother why she has to participate in this process, and to explain, um, why, um (I am on mute, I can hear, I can't talk), mediator needs to talk

with both of you, so the mediator can make recommendation to the court. Can you Terrie E. Roberts before suggesting anything, can you identify yourself, and admit that you are a fake court under fiction law under statutory law, which I never accepted, and I never hired you to decide anything for me FREE PERSON? She is saying now, "I participate" (for follow up question only) and she is saying that the petitioner's proof of service was wrong served was served on Aug 23/2021, indicating that personally was served. She is saying that the process said that is not saying the date she was served. They filed it on Aug 8 /2021, but they did not show the date. So this service is defective!!" She still continues talking.

Terrie E. Roberts admitted that I follow up in mediation as well, I refused to participate and that she has no personam jurisdiction and no subject matter jurisdiction. Few minutes later, in her words she said," she doesn't have to have personam jurisdiction over the mother."

- I was sued as "she said" in a civil matter and there on her form was" MY NAME", I show up in special appearance to challenge jurisdiction only). Terrie E. Roberts, what land do you own in the United States of America that you have jurisdiction on? NADA! To make it clear you have jurisdiction only on political member or associates not over FREE person.

What political members or associates were injured?

Once jurisdiction is challenged, the burden follows on you to prove subject matter jurisdiction. She ignored the fact that she operates UNLAWFUL and forces her into proceeding UNLAWFULLY and lures the petitioner to try to serve me again, who is injured party? "In her inclination she is trying now to refer me to a different person so that mediator is not interfering with Terrie E. Robert's recommendation." She is saying, "she doesn't know if I will participate at all." Then she continues talking with petitioner. In violation of 5,6,7 amendment and First Amendment, Due Process! •A violation of due process; Johnson v. Zerbst, 304 U.S. 458 once State and Federal jurisdiction has been challenged, it must be proven She is doing another appointment for the petitioner she said! " If Ms Herta is disruptive again...she is saying, "I send you the petitioner back to the mediator at list the mediator interviewing you, Terrie E. Roberts said, period! I may have you come back here. She schedules the petitioner Oct. 6/2021, 1 a' clock to call the mediator. Reschedules her fictional court date Oct. 27/2021 at 1: 45 pm. Terrie gives again proof of service and petition to give me. I don't understand what is going on. She is saying this matter will continue October 27/2021 she is ordering that I go too as well to the mediation on October 6/2021 At the end she is saying THIS IS A CIVIL MATTER. I don't understand anything from that day; I just know that I'm in the wrong court. Tribe of FRAUDS! Court of no records.

Day 2 in her court: October 27/2021

Terrie E. Roberts said, good afternoon Ms. Herta I say Hello I'm here. I'm in special appearance. Can you hear me? I understand that you make a special appearance, right? I say, "correct", and I want to be on record as well. She said, "I'm sorry?"

- I say, and I want to be on record as well!

Terrie. E. Robert said, "you are on record now."

I say, thank you! She continues, "if you can raise your right hand and sworn please."

- I say, "I challenge jurisdiction first"! Silence in her fictional courtroom...

Ok, mam, you can and I, we try to have this conversation with you before, Terrie E. Roberts said, "you can challenge my jurisdiction and I want to hear your reasons for challenging in it you like to first swear to tell the truth, if you're not going to take the oath again today, then I will not be able to hear from you, but I want to give you the opportunity to tell me everything on the record and tell me why you believe that I do not have jurisdiction, but I cannot hear that argument until you take the oath. So are you willing to raise your right hand to be sworn so I can hear your argument?" I say, "we cannot discuss any other matter till I challenge jurisdiction and you prove that you have it, personam jurisdiction and subject matter jurisdiction as well". States may not impose charge for the enjoyment of a right granted by the Federal constitution P. 319 U.S. 113. A judge is liable for injury caused by a ministerial act; to have immunity

the judge must be performing a judicial function. See, e. g., Ex parte Virginia, 100 U.S. 339; 2 Harper & James, The Law of Torts 1642-1643 (1956). The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. BREACH OF DUTY!!! I was lured and deceit in this fiction court.

Silence in her fictional courtroom again and I got disconnected. I called back to connect with each other and I say hello, hello... Terrie E. Roberts again she said," good afternoon Ms. Herta I guess we lost you, I was letting you know that I do not have to have personal jurisdiction over you to make custody order, I have to have subject matter jurisdiction and I'm finding that I have subject matter jurisdiction over your child because has lived in California for more than 6 months and under family code 3431 that's all the court has to find for me to make orders regarding custody."

Can I see the contract? I say, **mam...**

She interrupted me," if you like to be heard on that, I will have you raise your right hand to be sworn." I tell to Terrie E. Robert again, she doesn't have personam jurisdiction and I am sued MARIA HERTA as defender in civil matter as "you" said last time so you don't have also subject matter jurisdiction and I would like you too before any procedure/matters, I like you to show the license," you know", and then going... she barges in...I say, "Yes, yes"!

Terrie E. Roberts saying, "what do you mean showing the license? "

I say, "your license, operating by the state, that you are license to operate as a judge. Do you have one?

Terrie E. Robbers is saying, "okay well, I, I, I am a reporter judge appointed by the governor of California' and I don't have a license that I need to show you mam!"

"We the people are the masters of both the Congress and the courts not to overthrow the Constitution but to overthrow the man who perverted the Constitution." Abraham Lincoln

I say, "Okay, then, I ask you to recuse yourself from the bench"!

On what basis she asked?

First of all, I did not hire you, she owns no land in the USA to have any jurisdiction, nor exclusive jurisdiction exist on private person, she is hiding that she is private political a member of the International Monetary Fund. She does have jurisdiction only on political members or associates, not on private persons. In her court being sued also I see no one from political members or associates to be injured, can I injure you as corporation? I did not agree to go under statutory law as she tried, as she said, "numerous time" to force me to go under

oath, basically without my will to consent to her jurisdiction to be heard.

- And I did challenge common law jurisdiction. On base that you don't have a license, you took an oath of office. I have it in front of me by saying that you defend the Constitution of the United States, you do not proceed lawfully and I ask you to recuse yourself. Yes! And you said you don't have personam jurisdiction, but you have subject matter jurisdiction, which is not true. You don't have it! That is required from the Supreme Court, court of the land, law of the land, and you don't have it. Terrie E. Roberts said, "ok, ok, ok thank you Ms. Herta, so I'm gone mute you now, as you are not participating and taking the oath." She mutes me, and continues to proceed.

The individual Terrie E. Roberts is liable for punitive money damages. Emotional distress, threatened, harassed, exposure, risk of being harm. When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge but as a "minister" of his own prejudices. 2 Harper & James, The Law of Torts 1642-1643 (1956). Murduch v Pensylvenya if a law has no other purpose than to chill assertion of constitutional rights by penalizing those who choose to exercise them it is unconstitutional. Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. McLean v. Jephson, 123 N.Y. 142, 25 N.E. 409.

REASONS FOR GRANTING THE PETITION

Jefferson said," The idea is that government can do only what the constitution specifically say it can do." The rights of the government U.S. Corporation (foreign corporation) do not supersede the rights of the people. Tribunals must uphold constitutional laws passed by Congress.

Petitioner, Maria Herta herein ("I", "me" or "myself"), I am a flesh and blood being a natural living soul on American continent hereby, I declare that I'm not 14th amendment quasi citizen and writ of certiorari must be granted. Thomas Paine when he was angry with Great Britain communists, he just moved to America in Philadelphia he believed in independence, freedom and democracy that are Americans' values and traditions. He became American instantly! Title 28 USC 3002 Section 15 (A) States That THE UNITED STATES is a CORPORATION and Not a Government. THE UNITED STATES BECAME A FOREIGN CORPORATION IN 1871 [though I think this should say, United States, in congress assembled, created a corporation called UNITED STATES]

Reason for granting the petition, "People and government for the U.S Corporation has clear RIGHTS and RESPONSIBILITIES, BOTH obey by the same law. "John Locke The court is to protect against any encroachment of constitutionality secured liberty.1886 Boyd v US report vol 116 pg 616

Federal courts have jurisdiction over all cases involving foreign government and admiralty and maritime cases not outside of it. Power may be exercise strictly according to the mere spirit of Bill of Rights as interpreted by Congress. The letter is subject to Congress, outside of it, is a strict letter of guarantees of the Constitution and the Bill of Rights in the form that the federal government (U.S. foreign corporation) cannot have DIRECT control over the people because the PEOPLE are the ones who employ Congress.

I can't consent to be part or party. Law is absolute
it needs to be not debatable! Judicial authority
can't produce delegation of authority, don't
have it!

The power of any judge of the bench in the United
States is ultimately circumscribed to the confine of
the United States Constitution. As we stated in
Herb v. Pitcairne, 51 N.E.2d 277, 280, (III. S. CT.,
1943); "The act of a tribunal beyond its jurisdiction
is null and void whether without its territorial
jurisdiction or behind its power. Section 1 of
the Constitution has expressly placed all
legislative power in the Congress. The Supreme
Court has stated that the Congress and the
President, like the courts, posses no power not
derived from the Constitution. ExParte Quirin,
317 U.S. 1, 25 (1942). Youngstown Sheet & Tube Co.
v. Sawyer, 343 U.S. 579 (1952). Article III reposes
no legislative powers in the federal courts.

I stated for the record who I am, and Terrie E. Roberts refuses to do so!

Terry v. Ohio, 392 U. S. 1. The California court has defined "credible and reliable" identification as "carrying reasonable assurance that the identification is authentic and providing means for later getting in touch with the person who has identified himself."

You can't get jurisdiction by tricking a fraudster, deciding to put an official contract in application without you knowing who you are, no courts of record, no jurisdiction, no authority to be there, Terrier E. Robert was challenged. She considers having exclusive jurisdiction over my property to reach fraudulently without merit punishable by the court of record. Kidnapped and harassed, ruling is against the constitution, violation of my rights.

42 U.S. § 1983. civil actions for deprivation of rights. Terrie E. Roberts is in violation of 18 U.S. Code § 1001 statements or entry generally (a)(1)(2). (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- a. falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- b. makes any materially false, fictitious, or fraudulent statement or representation; or

18, U.S.C., Section 242 This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. Deprivation of rights under color of law. The court is not a Court of Law. Statutes are not laws. The law provides that once State and Federal jurisdiction has been challenged, it must be proven. Main v. Thiboutot, 100S. Ct. 2502 (1980). The Law of Torts 1642-1643 (1956). The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function. **Willful act, emotional distress, causing personal injuries.** Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... It is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse." Challenging subject matter personam jurisdiction was relevant; causation of breach of duty, tort, and trespassing without subject matter jurisdiction itself is simply **FRIVOLOUS** matter. Jurisdiction challenged! "Once jurisdiction is challenged, it must be proved." Hagans v. Levine, 415 U.S. 533, n. 3. Title 5, US Code Sec. 556(d), Sec. 557, Sec.706 , Henes vs Turner and Mc Nutt vs General Motors Acceptance Corporation says;" Once the jurisdiction is finally challenged the burden is on the claimant to make any and all proofs and failing that they give up the claim." Heynes vs Printer is a follow up case. BREACH OF DUTY!!!

Common Law of England it has been said that without references to this Common Law the language from the federal Constitution could not be understood. Authority to hear cases under the Constitution of the U.S.A is insufficient to allow federal courts subject matter jurisdiction science Congress sets up and establishes the rules for federal courts; they also must be statutory ground for jurisdiction. Terrie E. Roberts took an oath to DEFEND and PROTECT the Constitution of the USA; no judicial power can through frauds get it.

- It violates the First Amendment, suppressing the right to free speech and limiting accountability and protests of foreign agent "U.S. corporation actions law will be used as "sword" to HARM the "clearly established "First amendment.
- The courts (tribunal) lacks subject matter jurisdiction as well as personam jurisdiction. "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme law of the land. The judge is engaged in acts of treason. Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. (1958). There is no discretion to ignore lack of jurisdiction. Joyce v. U.S. 474 F 2d 215 (1973). **The tribunal is not acting judicially.**

"The purpose of all is justice." Franz Rudolf von Weiss

English parliament had science 1688 aloud free speech that you today suppress it.

Hafer v. Melo - 502 U.S. 21, 112 S. Ct. 358 (1991).

Personal-capacity suits seek to impose individual liability upon a government officer for actions taken under color of state law. On the merits, to establish personal liability in a 42 U.S.C.S. § 1983 action, it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right.

- Terrie E. Roberts acting under the color of law and without authority to be delegated to her in common law subjecting me to fiction law under her fraud family tribunal in civil case when there is no political member or associate injured. I wasn't a defendant, in special appearance, as natural, living and breathing soul I have no possibility of due process of law and freedom of speech in violation of First and Fifth Amendment rights!
- 42 U.S. Code § 1983 Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured...Terrie is liable for punitive money damages.

"Unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been, passed. Norton v. Shelby County, 118 U.S. 425 p. 442.

All laws, rules and practices which are repugnant to the Constitution are null and void Marbury v. Madison, 5th US 137 (1803). Art 6 paragraphs 2 do not recognize U.S corporation foreign government at all in law. U.S. code 26 public law never been enacted.

Pierson v. Ray, 336 U.S. 547, 567 n.6 (1967), citing Ex Parte Virginia: When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a "minister" of his own prejudices. 'Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one. 'Thomas Paine.

In Butz v Economou, 438 U.S. 478, 490-91 (1977) the Supreme Court addressed this question in the context of sovereign immunity (and therefore not within the strict confine of the expressed provision of the Supremacy Clause, as is here involved). It observed, "Science an unconstitutional act, even if authorized by statute, was viewed as not authorized in contemplation of law, there could not be immunity defense. Frauds upon tribunals, employee failure to follow procedures, the unlawful activity of undisclosed conflict of interest. Tribunals exceeding

statutory authority, violation of due process, defective service of process and no contract to validate Terrie E. Robert standing, fraud!!! Self v. Rhay, 61 Wn (2d). 261. No person shall be deprived of life, liberty, or property, without due process of law;-- Article V, Bill of Rights. The court is administering in a capacity that exceeds the court's inferior and limited jurisdiction. The defendant knew the law and did not intervene to stop the abuses and violation of the oath she has in file deprivation of the constitutional rights **committing frauds, tort, and treason**. Title 18, US Code Sec.2381: In the presents of two or more witnesses of the same overt act, or in a open court of law, if you fail to timely move to protect and defend the Constitution of the United States and honor your oath of office, you are subject to the charge of capital felony treason. I was and still am kidnapped by government U.S Corporation members or associates through acts of frauds and practices of abusing authority by the Color of law in a tribunal with commercial jurisdiction; I have unalienable rights, inherent. God given rights that are secured to me and I don't understand what is their living superior to mine?

Article 1 section 8 clause 14 says clearly the government makes the rules for the government not the people.

16Am Jur2d, sec 260 although, it is manifested that an unconstitutional provision in the statute is not cured because included in the same act with valid provisions and that there are no degrees of constitutionality. Title 18 U.S.C. §242

There every man is independent of all laws, except those prescribed by nature. US Corporation does not have judicial power! Cruden v. Meale, 2 N.C. 338 (1796) 2S.E. Constitutional 'rights' would be of little value if they could be indirectly denied. Gomillion v. Lightfoot, 364 U.S. 155 (1966)

No person shall be deprived of life, liberty, or property, without due process of law; Article V, Bill of Rights

Rousseau believed a "government" gets authority from the people.

- To exercise judicial power that was never delegated is a supreme violation against Article III of the American Constitution.
- Article III Section I The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior Courts, shall hold Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their continuance in office.
- The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom

of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

It is impossible to have only government foreign corporation employee rights protected by law of the land or by their void statutes and held no accountability when they are in violation of their oath of office to defend and protect the Constitution of the United States. Why do we care about the rule of law?” Justice Steve Breyer added. “Because the law is one weapon — not the only weapon — but one weapon against tyranny, autocracy, irrationality.”

Any member of political entities’ local, state, federal must agree to identify as a legal fiction within the jurisdiction. There is no discretion to ignore lack of jurisdiction. Joice v US.474 2D 215 (1973).

If we had elected officials who acted in the best interest of the people there wouldn’t be threats and unruly behavior. **10th amendment, this contract is to limit the government U.S Corporation.** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

You can do only what people give you the authority to do. 9th amendment protects personal privacy and other rights.

Preventing concentration of power does prevent people from doing the kind of HARM, which really concentrated power can do.

The evidences are insufficient to justify the decision August 17 2022 from the United States court of appeals for the 9 circuit judgments. The decision is DEFECT no authority to hear the merit and they do LIE in saying being frivolous case, with transcript, can their judgment be fact or bias? Article 6 sections 2 never authorize them only if they got their authority through frauds. The case has nothing to do with the code assertion 28 U.S. code 1915(e)(2), no relationship.

- SCHROEDER, O'SCANLAIN, and FORREST, 9 Circuit Judges fail to reach to their political member Terrie E Roberts to receive what was denied to me, Due Process and FREE SPEECH and settle the case for frauds. To no one will we sell or deny or delay right or justice. “— Magna Carta, 1215. Appeal 9th circuit foreign corporation asked me in their ORDER to send the motion in forma pauperis. I send the mail first to District Southern California as DIRECTED, and they took the form out and resend it to federal 9th circuit without the motion. I do have copy of that document too recorded on June 15/2022 with stamp on being recorded, and resend it to the appeal per request, odious aristocrats! June 17/2022 their order without merit. Southern District California taking out “in forma pauperis” form from federal 9th circuit corporation mail.

Appeal 9th circuit foreign corporation asked me in their ORDER to send the motion in forma pauperis. I send the mail first to District Southern California as DIRECTED, and they took the form out and resend it to federal 9th circuit without the motion. I do have copy of that document too recorded on June 15/2022 with stamp on being recorded, and resend it to the appeal per request, odious aristocrats! June 17/2022 their order without merit.

- Larry Alan Burns, title district judge Southern District of California, to state my income instead him to come with a resolution to my complaint and settle the case. Unlawful behavior from this corporation! I did not “fell” as he says to identify my average income. I did not generate income as proven to federal 9th circuit I do work. I was asked to file second Motion to proceed in forma Pauperis, and again is saying that I fill it on “different form, I completely fell to fill the right form.” I fill up the correct form, and I send to the Southern District of California a copy with the stamp on being recorded on March29/2022, second motion. Ignorance exist at this level TOO, they lie that I did not file the right forma pauperis motion, when they have already send me a copy of that been recorded in their system or taking forma pauperis motion out from federal 9 circuit tribunal again being recorded. Chaos! Both decisions are void of lack of jurisdiction Johnston v Francher 447 F. Supp 509 (W.D. Okla., 1977).

Harfer v Melo opinion of the court," "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured..." You compromise your rights with your political chicanery foreign corporation in conflict with the Constitution of the U.S. 42 U.S. § 1983. Civil actions for deprivation of rights It was John Locke's formula for "limited government. Exceeds the statutory authority! Equity will not complete an imperfect gift of theory, will not allow a STATUS to be used as a' clock for frauds "status are not even laws.

"I rather be a FREE CITIZEN of the small Republic of Massachusetts than an oppressed subject of the great American empire.

_____ From the Boston Gazette,
November 1787

Title 28 USC 3002 Section 15 (A) States That THE UNITED STATES is a CORPORATION and Not a Government. THE UNITED STATES BECAME A FOREIGN CORPORATION IN 1871 [though I think this should say, United States, in congress assembled, created a corporation called UNITED STATES].

The power of any judge of the bench in the United States be ultimately circumscribed to the confine of the United States Constitution. As we stated in Herb v. Pitcairne, 51 N.E.2d 277, 280, (III. S. CT., 1943);

"The act of a tribunal beyond its jurisdiction is null and void whether without its territorial jurisdiction or behind its power.

Marbury v Madison 5 US137 (1803) no provision of the Constitution is design to be without effect. Anything that is in conflict is null and void in law. It violates the First Amendment, suppressing the right to free speech and limiting accountability and protests of foreign agent "U.S. corporation actions law will be used as "sword" to HARM the "clearly established "First amendment.

Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). John Marshal chief of the Supreme Court was anything that is in conflict is known void of law. Clearly he said that for a secondary law to come in conflict with the supreme law was illogical for certainly the supreme law will prevail. "We now stand an independent People." George Washington in a letter to Marquis de Lafayette. April 1783

For the purposes of review, it has been said that clear violations of laws on reaching the result, such as acting without evidence when evidence is required, or making a decision contrary to all the evidence, are just as much jurisdictional error as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. *Borgnis v. Falk Co.*, 133 N.W. 209.

When you depart from voluntarily cooperation in trying doing well by using force, the bad moral value of force triumph over good intentions.

“We need to channel the energy to restore and reclaim this country's traditional values and founding principles of limited government closest to the people and individual freedom and responsibility,” Rick Santorum

Locke said,” People give power to a government “IF” protects their natural rights.”

A minority of decision has held that if an inferior judge acts malicious or corruptly he may incur liability. *Kalb v Luce*, 291 N.W, 841, 234, WISC 509

Respondent Terrie E. Roberts. is not adhering to the Law of the Land and thereby, engaged in acts of High Treason, this court should grant this petition for writ of certiorari.

CONCLUSION

"[No one can doubt] whether people of the U.S. will support the Government established by their voluntary consent and appointed by their free choice..." John Adams, May 16, 1797.

Your honor, I please the court specifically precluded from performing Terrie E. Robert major task constitutional. I motion most graciously with prejudice for failure of action for which relief be granted by this court making the wrongdoer acquaint as promisor you have a choices or you perform to defend and protect the Constitution of USA or you pay in damages felt harassed, threaten, lied, deceit, emotional distress, my life endangered as my minor son. My rights violated and ruled over unconstitutional against the rule of law.

Justice Oliver Wendell Holmes Jr. declared in a famous line "the duty to keep a contract at common law means a prediction that you must pay damages if you do not keep it." I like to collect my cost and fee for having to defend myself, this patently; frivolous, spurious complaint. Frauds have no status or limitation. I ask for 150 million dollars payable in gold and silver.

Respectfully yours,

October / 19 /2022
Maria Herta, *Pro Se*
18680 Caminito Cantilena #226
San Diego, California 92128
(813) 665-7304
satty1803@yahoo.com

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APPENDIX A

**UNITED STATES COURT OF APPEAL
Sept 08, 2022
FOR THE NINTH CIRCUIT**

**Molly C. DWYER, CLERK
U.S COURT OF APPEALS**

MARIA HERTA

NO. 22-55594

Plaintiff-Appellant,

**D.C. NO. 3:22-cv-00156-LAB-RBB
Southern District of California
San Diego**

v.

TERRIE E. ROBERTS,

MANDATE

Defendant-Appellee.

The judgment of this Court, entered, August, 17, 2022, takes effect this date. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

**FOR THE COURT:
Molly C. Dwyer
CLERK OF COURT
By: Quy Le
Deputy Clerk
Ninth Circuit Rule 27-7**