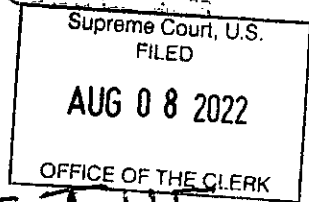


NO. _____

22-5344 ORIGINAL



IN THE
SUPREME COURT OF THE
UNITED STATES

Eric McCray-EI - PETITIONER

VS.

Harold W. Clarke - RESPONDENT

Writ of Habeas Corpus To
No other Court Ruled on Merit of Case

Eric McCray-EI

W.R.S.P

P.O. Box 759

Big Stone Gap, VA (24219)

N/A - Phone Number

Question Presented

Petitioner (ex parte) Eric McCray-EI "in Propria Persona" Sui Juris is an Moorish American Sovereign who has been unlawfully imprisoned by the Commonwealth of Virginia due to the state not having Subject Matter Jurisdiction, by failing to identify the Proper Party in Propria Persona to render any such Judgment in any Manner. Absent this Courts intervention, the Petitioner will continue to be held as a Political Hostage unconstitutionally by ex post Facto labels and laws that hasn't presented the true identity (Proper Status) of this Free Moorish American-Man. This Petition invokes the extraordinary jurisdiction of this Court because all other traditional avenues (State Courts and Federal District Courts), lack the necessary means to rectify or decide the herein claims of conflict between Federal and State laws, Human rights laws, and the U.N. Declaration on rights of Indigenous People.

The questions Presented are:

- 1.) Should this Court use its Power to grant Writ of Habeas Corpus to a Moorish-American Sovereign man who has no other available Forum to raise his Compelling claims of Ex Post Facto, an international law violation and the lack of Subject Matter Jurisdiction on behalf of Mislabeling and Misnaming the Petitioner?
- 2.) What branch of law authorized the states to apply abolished slave labels (Negro, Black, Colored) to any Person of African descent after 1865? This reinstates such persons a Chattel-Property and reopens the institution of slavery under Colorable Constitutional Amendment.
- 3.) Are Blacks "Slaves" or otherwise "Person", as used in the 14th Amendment, and how can the be made 1st class citizens without their inalienable Free National descent name their forefathers.

4.) How the label "Black" can find no formal place within the nationalities of the Human Family and still be made "Citizen" on any free National and Constitutional Government.

5.) IF one can produce a Black Slave - the same one must also produce the Black Slave owner correct? The Burden of Proof lies on the Court! Not on a Moor.

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Parties to the Proceeding

Petitioner, by Special Visitation, Eric McCray-El a Moorish American Sovereign "In Propria persona" Sui Juris held as a Commonwealth of Virginia Prisoner, is the movant herein this extraordinary Writ of Habeas Corpus Proceeding before the Supreme Court of the United States. Mr. Eric McCray-El is in the custody of Harold W. Clark the Director of the Virginia Department of Correction. Jason S. Miyagress is the Attorney General for the State of Virginia, Contact

Information: Office of the Attorney General

202 North Nineth Street

Richmond, Virginia.

Petitioner For Writ of Habeas Corpus

Eric McCray-El respectfully petition for a writ of Habeas Corpus

Decision Below

This Petition For Writ of Habeas Corpus is an original Proceeding in this Court, but relates to an unlawful imprisoned on the behalf of the Norfolk City Circuit Court by way of the Commonwealth of Virginia for failing to properly identify the petitioner in Propria Persona and for the lack of subject Matter Jurisdiction. In the allege Criminal matter, Where the Commonwealth of Virginia was the Plaintiff in the Matter.

Statement of Jurisdiction

This Moorish American Sovereign Plaintiff By Private Authority invokes this Court Jurisdiction Pursuant to its authority under 28 U.S.C. §§ 2241 and 2254 to grant a writ of Habeas Corpus as well as pursuant to rule 20.4 of the rules of this court, the all writs act, 28 U.S.C. § 1651(a) and Sovereign Immunities Act of October 21, 1976 C.E., and 28 U.S.C. 1602

Statement of Reason for not Filing in the District Court

Rule 20.4 requires an original petition for writ of Habeas Corpus by a state prisoner 1. to "Comply with the requirements of U.S.C. § 2241 and 2242, and in particular with provision in the last paragraph of § 2242, which requires a statement of the reasons for making application to the district court of the district in which the appellant is held" 2. to "Set out specifically how and where the petitioner has exhausted available remedies in the state court or otherwise comes within the provision of 28 U.S.C. 2254(b)" 3. to show that exceptional circumstances warrant the exercise of the courts discretionary powers" 4. to show that adequate relief cannot be obtained in any other form or from any court." Petitioner Eric McCray-EI meets these requirements.

1. By the petitioner's proper person status being unconstitutional and unlawfully labeled as Black (de facto label) in violation of the United States of America's Constitution Article I Section 9 (Cl. 3) and Section 10 ex post facto laws and also violation of the 13th Amendment, The claim of the 13th Amendment to abolish all entities of slavery (slave names, slave masters, slave e.g. Negro, Black and colored) Now becomes ex post facto in the 14th Amendment which declares the same Negro, Black and colored slaves as "citizens" disguised under word "Persons" and made subject to the jurisdiction. This claim give rise to a legal conflict between slavery and freedom. And, is itself then, a Constitutional issue. The reason for not making an application in the district court where the petitioner is held is because under the United States Supreme Court ruling (Hagans v. Lavine, 415 U.S. 528) (1974) jurisdiction cannot be sustained by a lower court, or entertain and decide any claim of conflict between federal and state law?

This ruling also states, as example, that the conflict questions is itself a Constitutional matter, within the meaning of (28 U.S.C 1343(a)(3)) proper jurisdiction only the "proper status" can be heard in the "proper jurisdiction", being Black is not a district court or Superior Court issue. In fact the ex post facto "Black label" would leave any Court "In want of Jurisdiction" except the U.S. Supreme Court, a Special Congressional Committee and/or the United Nation International Court of Justice (The World Court), in the Hague Netherlands. This Interpretation provide that the petitioner should be permitted via (28 U.S.C § 2254).

2. Jurisdiction is always in want of proper parties to be presented, The scope and extent of jurisdiction of federal courts has the unquestionable authority to entertain suits to redress a person deprived, under color of state laws, and of Constitutional rights, Now, to the question of "State" ownership of slaves/Black labels, via Black birth certificates, Black licenses, arrest records of blacks, and other officials state levels? The states are only limited to their federal jurisdiction allocations. In Brief, the "Black" are words of the states, the states are united and empowered by Congressional legislation and Congress must answer to the Constitution which overseen by the U.S. Supreme Court. Also any court which lacks personal jurisdiction is also a court without power to issue an "In Personam" Judgment (See Pennoyer v. Meff, 95 U.S. 714, 24 led 565) "Jurisdiction is essentially the authority conferred by Congress, to decide a given type of case one way or the other. The state court has no authority over the said issue herein, these reason. This Court Jurisprudence regarding statutory interpretation provides that the petitioner should be permitted via (28 U.S.C § 2254(b)(1)(B)(i) and also in (28 U.S.C § 2254(b)(1)(B)(ii))

3. Exceptional Circumstances Warrant the exercise of this Courts discretionary Power to issue a writ of Habeas Corpus For the reasons set forth, Infria, in the statement of facts and of the reasons For Granting Writ.

4. Unless this Court grants this Habeas Corpus Petition issue referenced above, then Adequate relief Cannot be obtained in any form and from any other United States Court. No other Court Can redress or grant relief when there claims of Conflict, where Constitutional ex post Facto laws, and denationalization are claims made, which further Violates Universal Human Rights, and United Nation Declaration on the Rights of Indigenous People laws herein.

Constitutional and statutory Provision involved

This petitioner involves the following provisions of the United States Constitution:

Article I, Section 9, Clause 2, of the United States Constitution Provides:

The privilege of the writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the Public Safety may required it.

Article I, Section 9, Clause 3, of the United States Constitution Provide:

No Bill of attainder or ex post facto law shall be Passed

Article I, Section 10, of the United States Constitution Provides:

1. No state shall enter into any treaty, alliance, or Confederation, grant letters of Marque and reprisal; Coin Money; emit Bills of Credit, make anything but Gold and Silver coin a tender in Payment of debts; Pass any Bill of attainder, ex post facto law, or law impairing the obligations of Contract, or grant any title of Nobility
2. No state shall without the consent of Congress lay any impost or duties on Imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net Produce of all duties and Imposts, laid by any state on imports or exports, shall be for the use of The Treasury of the United States; and all such laws shall be subjected to the revision and control of Congress.
3. No state shall, without the consent of Congress, lay any duty of Tonnage, keep Troops, or ships of war in time of Peace, enter into any agreement or compact with any other state; or with Foreign Power, or engage in war, unless actually invaded, or in such imminent Danger as well not admit of delay.

The Eighth Amendment Provides:

Excessive bail shall not be required, Nor excessive fines imposed Nor Cruel and Unusual Punishments inflicted

The Thirteenth Amendment Provides:

1. Neither Slavery Nor involuntary servitude, except as a Punishment for a Crime where of the party shall have been duly convicted, shall exist within the United States, or any Place Subject to their Jurisdiction

X

2. Congress shall have Power to enforce this article by appropriate legislation,

The Fourteenth Amendment Provides:

1. All Persons born or Naturalized in the United States, and Subject to the Jurisdiction thereof, are citizens of the United States and of the State where in they reside. No State shall make or enforce any law which shall abridge the Privilege or immunities of Citizens of the United States; Nor shall any State deprive any Person of life, liberty, or Property without due Process of law; Nor deny to any Person within its Jurisdiction the equal Protection of the laws.

4. The Validity of the Public debt of the United States, authorized by law, including debts incurred for Payments of Pensions and bounties for Services in suppressing insurrection or rebellion, shall not be questioned. But neither the United State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any Slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have Power to enforce, by appropriate legislation, the Provision of this article.

28 U.S.C. A § 1203: Kidnapping Statute

28 U.S.C. A § 1251: original Jurisdiction Provides

(a) The Supreme Court shall have original and exclusive Jurisdiction of all Controversies between two or more States

(b) The Supreme Court shall have original but not exclusive Jurisdiction of:

- (1) All actions or Proceedings to which ambassadors, other Public Ministers, Consuls, or Vice Consuls of Foreign States are Parties;
- (2) all Controversies between the United States and a State;
- (3) all actions or Proceedings by a State against the citizens of another State or against aliens

28 U.S.C. § 1343(a)(3) "Civil rights and elective franchise provides" in relevant Parts;

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any Person:

- (3) To redress the deprivation, under color of any State law, Statute, ordinance, regulation, custom, or usage, of any right, Privilege or immunity of Congress providing for equal rights of citizens, or of all persons within the jurisdiction of the United States.

28 U.S.C. § 2254(b)(1)(B): Provides;

(b)(1) an application for writ of habeas corpus on behalf of a Person in custody pursuant to the judgment of a State Court shall not be granted unless it appears that -

(b)(i) - There is an absence of available state corrective process; or

(B)(ii) circumstances exist that render such process ineffective to protect the rights the applicant.

I. Introduction

By Special Visitation comes now Eric McCray-EI a 31 year old Moorish-American Sovereign "In Propria Persona", sui juris. I am the movant (Herein after referred to as "Petitioner") in this Extraordinary Writ of Habeas Corpus, moves this Court to release the Petitioner from this unconstitutional unjust, and unlawful Imprisonment in the matter where the Commonwealth of the state of Virginia was the Plaintiff. This Aggrieved Moorish American Sovereign Petitioner Challenges the legality of the Status imposed upon the Petitioner and Jurisdiction of the United States by way of the Commonwealth of Virginia. The United States by way of the state of Virginia were the Participants in denationalizing and enforcing ex post facto laws by way of de facto labels of Slavery, which Violates the 13th Amendment, and (Article I, Section 9 (CL. 3) and Section 10 of the United States OF America Constitution, which in turn cause the Petitioner to be an Political Hostage. The Failure of the United States by way of the Commonwealth of Virginia Failure to Properly identify and name the Petitioner "In Propria Persona" is in Conflict with the Jurisprudence of all United States Court Systems which is Founded upon two master words "Status" and "Jurisdiction", without these two legal principals there cannot be a lawful Proceeding to have any trail without true application of their necessary condition and will make the law ex post-facto to the United States Constitution and leave any Court "In Want OF Jurisdiction", Any Court which lacks Personal Jurisdiction, is also a Court without Power to issue an "In Personam" Judgment (See, Pennoyer v. Meff, 95 U.S. 714, 24 Led. 565) (1877)

II. UnConstitutional and unlawful acts

All People, who are free Nationals, are born with the "inalienable Rights" to the inherent nationality of their fore-fathers, e.g. Chinese, German, Egyptian or Moorish. Any act, lawful or disguised which deprives a person or people of this birth right, given by their Creator is an act of Denationalization and "Genocide". These First degree Felony Criminal Violations for any government to enact upon a people under colorable Amendments to its Constitutional laws. Hence: Formal Charges!! The United States and the Commonwealth of Virginia mislabeled and misidentified This Aggrieved Moorish American Sovereign petition as "Black" in Arrested Records, Birth Certificates, Person status, etc. etc. Makes these acts unconstitutional, Being that this Confirmation is in dire violation of the U.S. Constitution's Article I, section 9 (CL. 3) and section 10, which is "ex post facto laws and labels" and for the United States by way of the Commonwealth of Virginia that enforced the fore mentioned Acts, and by imposing the facto "Black" label on the Petitioner's status is "Criminally liables/Names were applied to captured and import African Moors were "Demurable" and an act of Denationalization which placed them out of their "proper person", to be treated unfairly and unjustly. According to the (Federal Rule Title 18 U.S.C section 241 through 242) states "No one has the right, especially under Cades, and Courts, etc.) To denationalize, deprive any rights, privileges, or immunities by reason of color or race". Whereas the courts are here by demanded to prove that Negro, Black, Colored is a National origin with a descendant nature within the scope of nationality of fore-fathers, equal to all other people, a lawful status. Further prove this status existed before the establishment of the Continental Congress and after its Congressional death in 1865.

In addition, Negro, Black, and colored is declared "Property" and no Property can testify against itself in any Court of law. Only its owner must appear. Therefore who owns the Negro, Black, and colored, that declared abolished in the 1865 enactment of the 13th Amendment, with the institution of Slavery? Its appearance of the "Rightful owner of the Property, Not the Property, required to answer in a Court of law." (Courts enforcing mere Statutes?) "Do not act judicially, but merely ministerally; thus having no judicial Immunity. And, unlike Courts of law, do not obtain Jurisdiction by Service of Process, nor even arrest and compelled appearance" (See. Boswell V. Otis, 9 How. 336, 348; to writ).

Furthermore these Criminal and Unconstitutional Acts committed by the United States by way of the Commonwealth of Virginia by failing to properly identify this Aggrieved Moorish American Plaintiff "In Propria Persona" are acts of "Denationalization" and a form of Genocide. These inhuman acts are in violation of the 8th Amendment of the U.S. Constitution by unconstitutionally and unlawfully holding the Petitioner in custody as a Political Hostage, basically kidnapping the Petitioner in violation of (18 U.S.C. § 1203) which is a Federal Crime.

This Aggrieved Moorish American Sovereign Petitioner asserts that the true appellation of this Petitioner "In Propria Persona" has not been presented in any of the Courts documents or any documents of the United States by of the Commonwealth of Virginia, and that a derivative of a "Person status" or name is not the legal status, Name or, identity "In Propria Persona". Furthermore this Aggrieved Petitioner has no abdicated his Position as a Sovereign to one of a lesser, deplorable or demurable status of a Black, Negro, Colored, African American, Nor that of a United States Citizen or etc.

(See Each Appendix A, and B) To understand fully the Petitioner

"Propria Persona," Culture, Birthright, Nationality, Origin of Fore-Fathers and Fore-Mothers etc.

In addition, the Supreme Court of the United States (in the landmark case) of "Dred Scott v. Sandford" 60 U.S. (19 Howard) 398, (1857) held that Negro-Whether held to slavery or free- were not included and were not intended to be included in the "Category" of "Citizen" (Subjects of the Union State Rights). This statement further shows that Negro, Black, or Colored were never meant to be citizens so the only ties to those ex post facto labels is "Property."

Futhermore, In addition, to what has been stated above and throughout without a valid Contract, Agreement, A meeting of the minds or Foundational Instrument with this Aggrieved Moorish American Sovereign Petitioners bonafide Signature "In Propria Persona" On it, requiring Specific Performance and Placed into evidence on the Courts records, the United States by way of the Commonwealth of Virginia has no legal Standing, thus Jurisdiction, and legal existence to further unlawfully, and Unconstitutionally hold this Moorish Petitioner Captive in their Custody or any Custody et al.!

III. Treaty Violation

The Treaty of Peace and Friendship between the United States and Morrocco (The First and oldest treaty to date agreed upon by U.S.) has Articles built in concerning the treatment of Moors Accused of a crime in the U.S., This treaty forbids Moorish Moslems being tried in any Christian Court of law and to have either a "Blue Ribbon Jury" or islamic Consul representation.

The Treaty was and is to ensure Proper Jurisdiction is at law. By the acts stated throughout this Petition as well as history of the Pass and Present, is proof, that this treaty has never been honored by the United States and the states that reside, especially the experience this Aggrieved Moorish American Sovereign Moslem Petitioner has witnessed throughout most of my life.

IV. International Violation of law

For all of the above mentioned acts committed by the United States and the Commonwealth of Virginia, it is clear that, these international laws have been violated to wit;

1. International Covenant on Civil and Political Rights, as follow;
 - (a) Part II Article 3 Provides: The states Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant
 - (b) Part III Article 8 Section 1 and 2 Provides:
No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. And Secondly;
No one shall be held in servitude.
 - (c) Part III Article 9 Section 1 Provides:
everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law;
 - (d) Part III Article 24 Section 3 Provides:
Every child has the right to acquire a nationality.

2. Universal Declaration of Human Rights, as follows;

(A) Article 1 Provides in relevant Part:

All humans are born free and equal in dignity and rights

(b) Article 2 Provides in relevant parts:

Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, or social-origin, property, birth, or other status

(C) Article 4 Provides:

No one shall be held in slavery or servitude, slavery and slave trade shall be prohibited in all their forms.

(d) Article 5 Provides

No one shall be subject to torture or cruel, inhumane or degrading treatment or punishment.

(e) Article 6 Provides:

Everyone has the right to recognition everywhere as a person before the law

(F) Article 7 Provides

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination

(g) Article 15 Provides Section 1 and 2

First, Everyone has the right to a nationality
Secondly, No one shall be arbitrarily deprived of his nationality nor denied the right to change his/her nationality,

3. United Nation Declaration on Rights of Indigenous People as Follows;

(a) Article 2 Provides:

Indigenous People and individuals are Free and equal to all other people and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in Particular that based on their indigenous origin or identity

(b) Article 1e Provides:

Every Indigenous individual has the right to a Nationality

(c) Article 7 Section 1 and 2 Provides:

First, Indigenous individuals have the right to life, Physical and mental integrity, liberty and Security of Person

Secondly, Indigenous People have the Collective right to live in Freedom, Peace and Security as distinct People and shall not be Subjected to any act of Genocide.

(d) Article 8 Section 2(a) Provides:

States shall provide effective mechanisms For Prevention of, and Redress for:

any action which has the aim or effect of depriving them of their integrity as distinct Peoples, or of their Cultural Values or ethnic identities

(e) Article 41 Section 2 Provides:

Indigenous People have the right to the recognition observance and enforcement of Treaties, agreements, and other Constructive arrangements Concluded with States or their successors and to have States honor and respect such treaties, agreements and other Constructive arrangement.

(F) Article 46 Section 2 Provides:

In the exercise of the right enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected.

The exercise of the rights set forth in this Declaration shall be subjected only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

V. REASON FOR GRANTING

the Writ

Its Very clear that the United States and the Commonwealth of Virginia has Violated all of these Substantive, and International rights mentioned throughout this entire Habeas Corpus. The Supreme Court decision that was ruled states, "The State is Prohibited from Violating Substantive Rights. (See Owens V. City, 445 US 662 (1980), and it Cannot by one Power (e.g. Taxation, Eminent Domain) as a Matter of law. (See U.S. and U.T. V. Daniel, 22 P. 159), Nor indirectly that which is Prohibited to it directly (See Fairbanks V. U.S., 181, U.S. 283, 294, 300:)

There has been clear ex Post Facto laws, and labels Violations throughout my entire existances, being held an Political hostage; Where Rights Secured by the Constitution are involved, there Can be no rule-making or legislation, which would abrogate them (See: Miranda V. Arizona 384, U.S. 436, 125:). The United States by way of the Commonwealth of Virginia Court, has Completely Undermind laws Concerning Substantive Rights and the judicial laws governing Jurisdiction. "Lack of Federal Jurisdiction Cannot be Waived or Overcome by Agreement of Parties (See: Griffin V. Matthew, 310 F. Supra 341, 342 (1969) and Want of Jurisdiction may not be Cured by ~~the~~ Consent of Parties" (See: Industrail Addition Association V. C.I.R, 323 U.S. 310, 313)

CONCLUSION

The Petition For Writ of Habeas Corpus should be
Granted

Respectfully Submitted,
Eric McGray- El *Eric McGray- El*
"In Propria Persona", Sui Juris
Moorish American Sovereign, Currently
Imprisoned at: W. R. S. P
P.O. Box 759
Big Stone Gap, VA. (24219)