

No. 22-5592

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Harry Sharad James-EI — PETITIONER
(Your Name)

vs.

EDDIE M. BUFFALO, JR., et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Harry Sharad James-EI # 1211724
(Your Name)

P.O. Box 506
(Address)

Maury, NC 28554
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Does Substantial and Procedure Due Process of the 5th and 14th Amendments require all courts to establish Subject Matter Jurisdiction, and do courts (Federal and STATE) have the authority to ignore the lack of Subject Matter Jurisdiction once challenged?

2.) Do congress and STATE legislatures have the lawful authority to use "Peonage" as a Form of Punishment, and is "Peonage" a Violation of the 13th Amendment of The Constitution of The United States of America?

LIST OF PARTIES

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

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: STATE OF NORTH CAROLINA

RELATED CASES

- HARRY SHAROD JAMES a/k/a Harry Sharod James-EI v. BUFFALO E, JR, No. 3:21-CV-00275-MR, U.S. District Court for Western District of North Carolina. Judgment entered Feb. 7, 2022
- James-EI v. BUFFALO E, JR, No. 22-6240, U.S. Court of Appeals for the Fourth Circuit. Judgment entered Aug. 12, 2022

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- Article III and 6 of The Constitution of The United States of America
- The 5th, 8th, 13th, 14th Amendments of The Constitution of The United States of America
- Article 6 of The Convention of Human Rights (entered into force on (July 18th 1978))

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 12, 2022.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

• 49 Stat. at L. 3097; Treaty Series 881 "Article 4"

"States are Juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law."

• 42 U.S.C.A 1994 - "Peonage abolished"

"The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or state of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or state, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise are declared null and void."

• 18 U.S.C. A 1581 (a) - "Peonage; obstructing enforcement"

whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both."

• 27 C.F.R. 72.11 - "Meaning of terms"

"Commercial Crimes. Any of the following types of crimes (Federal or state): offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapon; prostitution; extortion; swindling and confidence games; and attempting to commit; conspiring to commit, or compounding and of the foregoing crimes. will be treated as if such were commercial crimes." (The terms "includes" and "including" do not exclude things not enumerated which are in the same general class).

Attached Pg #4

- The Convention of Human Rights (entered into force July 18th 1978)
Article 6 - Freedom from Slavery "No one shall be Subject to Slavery or to involuntary Servitude, which are prohibited in all their forms, as is the Slave trade and traffic in women."
- 5th Amendment of The Constitution of The United States of America
"No person shall be held to answer for a capital, or otherwise infamous crime, nor be deprived of life, Liberty, or property, without due process of law."
- 8th Amendment of The Constitution of The United States of America
"nor cruel and unusual punishment inflicted"
- 13th Amendment of The Constitution of The United States of America
"Neither Slavery nor involuntary Servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place Subject to their Jurisdiction"
- 14th Amendment of The Constitution of The United States of America
"No State shall make or enforce any law which shall abridge the privileges 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."

Attached Pg #5

Article III Sec. 2 of The Constitution of The United States of America.

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction."

STATEMENT OF THE CASE

Petitioner Harry Sharod James-EI is a prisoner of the State of North Carolina. The petitioner is currently serving a life sentence following his June 10th 2010 conviction of first-degree murder and robbery with a dangerous weapon in Mecklenburg County, North Carolina. Petitioner sought appellate review and the North Carolina Court of Appeals rendered its decision on October 18, 2011 finding no error. Following a petition for discretionary review, the North Carolina Supreme Court remanded the proceeding to the trial court for resentencing pursuant to Miller v. Alabama. Petitioner was resentenced on December 12, 2014 to life imprisonment without parole. Petitioner sought review and the appellate court reversed and remanded the matter to the trial court to issue findings of fact on mitigating factors as required by N.C. Gen. Stat. 15A-1340.19C(a). Petitioner was resentenced to life with the possibility of parole.

REASONS FOR GRANTING THE PETITION

On June 10, 2010 Petitioner Harry S. James-EI, was convicted by respondent STATE OF NORTH CAROLINA via its employees while acting under color-of-State Law of First degree murder and Robbery with a dangerous weapon and given life with the possibility of parole. Petitioner James-EI, move a motion Challenging the Subject Matter Jurisdiction of the "STATE" court and the "Federal" court during Habeas Corpus proceedings. Both the STATE and Federal Court refused to establish Subject Matter Jurisdiction. "A determination regarding a trials Courts' Subject Matter Jurisdiction is a question of Law" - Swanson v. Perez-Swanson, ___ A.3d ___ Appellate court of Connecticut (July 27, 2021). "Objection that federal court lacks Subject Matter Jurisdiction may be raised by party or by court on its own initiative, at any stage in litigation, even after trial and entry of Judgment." - Arbaugh v. Y&H Corp. 126 S.Ct. 1235 (2006). "Subject Matter Jurisdiction, because it involves a Courts' Power to hear a case, can never be forfeited or waived." - United States v. Cotton, 535 US 625, 630, 122 S.Ct. 1781, 152 L.Ed.2d 860 (2002).

The reason for petitioner James-EI challenging Subject Matter Jurisdiction of the STATE OF NORTH CAROLINA and THE UNITED STATES DISTRICT COURT OF NORTH CAROLINA WESTERN DIVISION is, "Only the Jurisdiction of the Supreme Court is derived directly from the Constitution Every other court created by the general government derives its Jurisdiction wholly from the authority of congress" - Carter v. Allstate Insurance Co. 743 F.Supp.2d 103 (2010). "only congress defines the lower federal courts Subject Matter Jurisdiction" - Kontrick v. Ryan, 540 U.S. 443, 452, 124 S.Ct. 906, 157 L.Ed.2d 867 (2004). "Congress must of Course, adhere to constitutional limits in doing so." odum v. Penske Truck Leasing Co. L.P. 893 F.3d 739 - (10 Cir. 2018). Pursuant to Article 4 of 49 Stat. 3097; Treaty Series 881 Congress placed all Federal Courts inferior to the Supreme Court under international Jurisdiction. The name of this international Jurisdiction is not in the record. During the Habeas Corpus proceedings along with post conviction proceeding Petitioner James-EI request that Both the "STATE" and "Federal" court to produce the name of the Jurisdiction it is operating under pursuant to Article III of The Constitution of The United States of America, along with the "Mittimus Papers" of the court. Both courts refused and dismissed my case without establishing Subject Matter Jurisdiction.

(Please see attache pg. 8)

"Federal court may not, via doctrine of 'hypothetical Jurisdiction', decide Cause of action before resolving whether court has Article III Jurisdiction; doing so would carry courts beyond bounds of authorized judicial action and thus offend fundamental principles of Separation of powers, and would produce nothing more than Hypothetical Judgement, which would come to same thing as advisory opinion, disapproved by Supreme Court from the beginning; abrogating." Steel v. Citizens for a Better Environment, 118 S.Ct. 1003 (1998). Without producing the name of the Jurisdiction that Both (STATE and Federal) courts are operating under along with the "Mittimus Paper" the court's abused their discretion by not establishing Subject matter Jurisdiction, which makes all Judgements against petitioner null and void. Pursuant to Article III the Supreme court has Original Jurisdiction of this case, because respondent STATE OF NORTH CAROLINA is named. The Fourth Circuit Court of Appeals Subject Matter Jurisdiction is defined by congress and not the Constitution, also, Petitioner James-El did not need The Fourth Circuit's court of Appeals permission to challenge Subject matter Jurisdiction. Habeas corpus writs are the only and proper way to challenge the Subject matter Jurisdiction of the Federal courts. Petitioner James-El was deprived of Substantial/Procedural Due Process; Equal Protection of the Law, which is Cruel and

unusual punishment. Without the Supreme Court intervening to either declare all Judgements against petitioner James-El null and void, or force the inferior Federal Courts and STATE courts to produce the name of the Jurisdiction they are operating under, he has no other Form of Justice.

- Argument # 2 for Question #2.

Petitioner James-El is declared a "Peon" by Respondant STATE OF NORTH CAROLINA, via it's employees while acting under Color of STATE Law. Pursuant to 27 C.F.R. 72.11 All crimes (Federal and STATE) are Commercial Crimes. Which means that a Commercial Contract was established and breached by Petitioner.

This commercial contract was never brought to petitioners' attention, nor, was this commercial contract entered into evidence at his trial, or Habeas Corpus proceedings. Petitioner James-El, did "NOT" enter into any Commercial Contract knowingly, intelligently, nor intentionally.

"Contracts of Peonage may be breached at anytime because Contracts of Peonage are unconstitutional"-

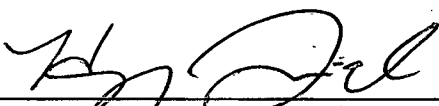
Alonzo Bailey v. STATE OF ALABAMA, 219 us 219, 31 S.Ct. 145 (1911). Petitioner James-El incarceration is a direct violation of the 13th Amendment and Article 6 of The American Convention of Human Rights "Pact of San Jose', costa Rica" (Nov. 22, 1969 entered into force July 18th, 1978), because he was not granted

lawful Substantial and Procedural Due Process which deprives him of Equal protection of the Law made applicable through the 14th Amendment which is Cruel and unusual punishment. Without the Supreme Court declaring the Judgements of peonage against Petitioner James-EI null and void, and, or force the inferior Federal courts and STATE courts to produce the commercial contracts, he has no other way for Justice, and would be a violation of 42 U.S.C.A 1994 ; 18 U.S.C.A 1581 (a).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



without prejudice

Date: September 1st, 2022