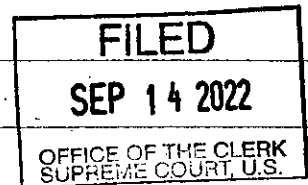


No. **22-5616**

ORIGINAL

IN THE SUPREME COURT OF THE
UNITED STATES



EX PARTE, Deonte Jenkins-Bey

Petitioner

PETITION FOR WRIT OF HABEAS CORPUS

Deonte Jenkins-Bey

In Propria Persona sui juris

Moorish American Sovereign

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U.C.C. 1-207/308, U.C.C. 1-103

Wallens Ridge State Prison

272 Dogwood Drive

Big Stone Gap, VA 24219

QUESTION(S) PRESENTED

By Special Visitation comes now the Petitioner, Deante Jenkins-Bey, A Moorish American Sovereign by birthright, In Propria Persona, Sui juris Unconstitutionally mis-labeled, criminally Denationalized And Unlawfully Detained In the Commonwealth of Virginia. Absent this courts intervention, the petitioner will continue to be held as a Political hostage. Unconstitutionally by Ex Post Facto labels and laws that does not Assert the true identity (proper status) of this free Moorish American man, is todays Judicial Business: The supreme laws of the United States and all the other Free National Governments Judicially upheld, there can be no legal proceeding without the right order establishment of Proper status And Apposite Jurisdiction these two pillars of law must be in place and have Precedence before the adjudication of all formal matters of lawful substance can be addressed. This Petition Invokes the extraordinary jurisdiction of this court because all other traditional avenues lacks any available corrective Process except said Supreme and or World Court.

The Questions Presented are :

- ① Should this court use its power to grant a Writ of Habeas corpus To a Moorish American Sovereign man who has no available forum To raise his compelling claim of Denationalization?
- ② What branch of law Authorized the states to apply abolished slave labels (Negro, Black, Colored) to any person of African Descent after 1865?

③ Are Blacks "SLAVES" or otherwise "PERSONS" as used in the 14th Amendment, and how can they be made first class citizens without their Inalienable Free National Descendant Name of their forefathers?

④ As for "BLACKS" with criminal Records, what crimes can "Property" possibly commit which it's Owner, The slave master is not accountable for, in a court of law?

⑤ How can the label "Black" find no formal place within Nationalities of the Human Family and still be made a "citizen" of any free National Constitutional Government?

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PARTIES TO PROCEEDING

Deonté Jenkins-Bey Is a Moorish American Sovereign "In Propria Persona" Sai Jus held as a political hostage is the movant herein this extraordinary writ of Habeas Corpus proceeding before the Supreme Court of the United States (of) America. Petitioner Is unlawfully held in the custody of Harold W. Clark, the director of the Virginia Department of Corrections. For reasons stated within petition, petitioner is also listing the United States et al, United States Congress and the United States Supreme Court as parties.

PETITION FOR WRIT OF HABEAS CORPUS

I, Deonté Jenkins-Bey Respectfully petition for a writ of Habeas Corpus.

DECISION BELOW

This petition is an original Proceeding in this court but relates to an unlawful Detainment and unduly conviction on behalf of the Commonwealth of Virginia

STATEMENT OF JURISDICTION

This Courts Jurisdiction is invoked pursuant to its Authority under 28 U.S.C 2241 And 2254 To grant writ of Habeas Corpus, As well as pursuant to Rule 20.4 of the rules of this court and the all writs Act, 28 U.S.C 1651 (a)

STATEMENT FOR NOT FILING IN DISTRICT

Rule 20.4 requires an original petition for a 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 not making application to the district court of the district in which appellant is held" 2) to "set out specifically how and where the petitioner has exhausted available remedies in the state courts"; 3) to "show that exceptional circumstances warrant the exercise of the courts discretionary powers"; and 4) to show "that adequate relief cannot be obtained in any other form or from any other court." Petitioner meets these requirements.

1) Petitioner claims give rise to a legal conflict between slavery and freedom, and itself then a constitutional issue. The reason for not making an application to the district court where Petitioner is held is because "jurisdiction cannot be sustained by a lower court or entertain and decide any claim of conflict between federal and state laws; (Hagons v. Lavine, 415 U.S. 528 (1974)) The conflict question is itself a constitutional matter within the meaning of Article 3 section 2 of The UNITED STATES CONSTITUTION. Only the "Proper Status" can be heard in the "Proper Jurisdiction" being "Denationalized" as "A Black" is not a lower or District 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 INTERNATIONAL COURT OF JUSTICE. This court jurisprudence regarding Statutory Interpretation provide that the petitioner should be permitted via 28 USC 2254

2) Now, to the Question of "STATES" Ownership of slaves / Black label via BLACK BIRTH CERTIFICATES, BLACK LICENSES, ARREST RECORDS OF BLACKS (SEE APPENDIX E) and all other official state level. The states are only limited to their federal jurisdiction Allocations. In brief the "BLACKS" are wards of the states, the states are united and empowered by Congressional legislation and congress must answer to the constitution which is 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 JUDGEMENT" (See PENNOYER VS NEFF, 95. US 714. 24 Led 565)

Jurisdiction is essentially the authority conferred by Congress, to decide a given type of case one way or the other. "HAGANS VS. LAVINE". For REASONS stated herein, there is an absence of available state corrective process pursuant to 28 U.S.C. 2254 (B)(i) and Circumstances exist that render such process ineffective to protect the rights of Applicant pursuant to 28 U.S.C (B)(ii) 2254

3) Exceptional circumstances warrant the exercise of this courts discretionary power to issue a writ of habeas corpus for the reasons set forth, infra, in the statement of facts and the reasons for granting writ.

4) unless this court grants this Habeas corpus petition, Issues referenced above, then "Adequate relief cannot be obtained in any form or from any other U.S. Court. No other court can redress or grant relief where the united states is a party.

CONSTITUTIONAL AND STATUTORY

PROVISIONS INVOLVED

This Petition 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 and the public safety may require it.

Article I, section 9 clause 3 of the United States Constitution Provides:
No bill of Attainder or ex post facto law shall be passed.

Article I, section 10 of The UNITED STATES CONSTITUTION provides:

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 a payment of debts; pass any bill of attainder, ex post facto law or law impairing the obligations of contracts, or granting title of nobility.

Article III, section 2 of The United States Constitution In relevant Part provides:

The judicial power shall extend to all cases, in law and Equity arising under this constitution, the laws of the United States, and Treaties made, or which shall be made, under their Authority; - to all cases affecting Ambassadors, other public ministers and consuls; - to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; - to controversies between two or more states; [between a state and citizens of another state; -] between citizens of different states, - between citizens of the same state claiming lands under Grants of different states, [and between a state, or the citizens thereof; - and foreign states, citizens or subjects.]

The eighth Amendment Provides:

Excessive bail shall not be required, Nor excessive fines Imposed Nor cruel and unusual punishment inflicted.

The thirteenth Amendment provides:

Section 1; Neither Slavery, Nor involuntary servitude, except As a punishment for a crime whereof the party shall be duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The fourteenth Amendment Provides, In relevant part:

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 wherein they reside: No state shall make or enforce any law which shall abridge the (privileges) or immunities of the (citizens) of the united states; Nor shall any state deprive any person of life, liberty, or property without due process of law; Nor any person within its jurisdiction the equal protection of the law.

Treaty of Peace - Morocco (see appendix D)

STATEMENT OF THE CASE

I. INTRODUCTION:

Petitioner is a Moonish American Natural Human Being possessing all $5/5^{THS}$ Components, and is not the "persons" of Article I of the U.S. CONSTITUTION who were $3/5^{THS}$ of a human (slave) Nor the "persons" (entity) of the 14TH amendment who are subject (Property) to the jurisdiction thereof. Therefore, this Aggrieved Moonish challenges the legality of the status inflicted upon petitioner and the jurisdiction of the UNITED STATES et al, who by way of the STATE OF VIRGINIA has been participants in Denationalization and enforcing "ex post facto laws"

Violation of Article I, section 9 (cl. 3) And section 10 of the United States Constitution, As well as violating the 13th Amendment with Utilizing Abolish Slave labels, which in turn caused petitioner to be a political Hostage.

The Failure of the United States by way of the commonwealth of Virginia to properly Identify and name the petitioner "In Propna Persona" is in conflict with the jurisprudence of all United States court system which is found upon Two Master Words; "STATUS" AND "JURISDICTION". Without these two legal principles there cannot be a lawful proceeding to have any trial without true application of their Necessary conditions 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 Judgement" (PENNOVER vs. NEFF, 95 U.S. 714, 24 Fed. 565 (1877))

II UNCONSTITUTIONAL AND UNLAWFUL ACTS:

- A) All people who are free Nationals are born with the "INALIENABLE RIGHT" to the inherent Nationality of their forefathers, eg. Chinese, German, Egyptian, or Moorish. Any act, lawful or disguised, which deprives a person or people of this birthright, Given by their creator is a act of denationalization and Genocide. These are 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 by way of the Commonwealth of VIRGINIA having illegally labeled and identified petitioner as "BLACK" (slave) In arrest records (See Appendix E) Birth certificates, prison status, etc. Is unconstitutional and any courts that enforce the forementioned acts by imposing the Defacto label "BLACK" on petitioner status is "criminally liable" Ignorantia juris non excusat?

All slave identifying marks of Negro, Black, Colored, etc., which were labels given to these enslaved, which were also abolished with their Institution because the labels/names forced upon captured and imported African moors were an act of denationalization which placed them out of their "Proper persona" and separated them from the Human family (3/5 clause) to be treated unfairly and unjustly. According to federal rule title 18 U.S.C section 241 through 242. In relevant part states "No one has the right (especially under judges, and courts, etc) to Denationalize, Deprive any rights, privileges, or immunities by reason of color or race." Whereas the courts are hereby demanded to prove that black is a lawful Status, with a descendant nature within the scope of nationality or National origin of forefathers, equal to all other people. Further prove this status existed before the establishment of the continental congress and after its Congressional death in 1865.

In additional, Black 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 was declared Abolished In 1865 Enactment of the Thirteenth Amendment along with the Institution of slavery? It is the 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 ministerially; thus having no judicial immunity, and unlike courts of law, do not obtain jurisdiction by service of process, nor even by arrest and compelled appearance" (Boswell v. Otis) Further more these cruel and unusual acts committed by the United States by way of the STATE OF VIRGINIA is in violation of the ~~8th~~ 8th Amendment.

B) 13th Amendment Violation:

As a result of the congressional ratification of the thirteenth Amendment in 1865 the Moors were emancipated from slavery (see app. C) The congressional manumission of the 13th amendment Abolishment of slavery brought forth a new clean and pure nation into existence. This new nation then became one family bearing one free national name, Moorish American. Therefore as a free Moor "In Propria Persona" one can not be "ouly" convicted (unless in accordance with treaty) of any crime that would make slavery or servitude legal. This inturns violates the 13th & compels petitioner to bondage inside the United States.

III. TREATY VIOLATION:

The treaty of peace and friendship between the United States and Morocco has articles built in concerning the treatment of Moors accused of crimes in the United States. (see app. D) This treaty forbids Moorish Muslims of being tried in any Christian courts of law and to have a "Blue ribbon jury" or Islamic Consul representation. That treaty was and is to ensure proper jurisdiction is at law. By acts stated within -

this petition as well as past history it is clear the UNITED STATES has been continuously disregarding their own supreme laws which they speak exclusively through (Constitution, laws, and Treatises)

REASONS FOR GRANTING WRIT

I) Exceptional circumstances warrant the exercise of this court's original Habeas Jurisdiction.

This case presents several exceptional circumstances. First, as the aforementioned facts indicate, Petitioner Evidence of denationalization is substantial. In HAGANS VS. LAVINE it was established that a "substantial" Question was necessary to support Jurisdiction. How the word "black" can find No Formal place within Nationalities of the human family and still can be made "citizen" of any free National and Constitutional Government is truly a Substantial Question. There is no difference from a black slave or a free black, It still deludes to slavery.

II. This court should resolve The state of VIRGINIAS Jurisdictional claim over Petitioner by using colorable amendments.

A) Mental slavery violates the second Fifth, the right of mind (the soul) of the five Gifts from the creator (Soul, spirit, Body, nationality, creed). A person must be made consciously whole before he can become a citizen, have the rights of a citizen and be "subject" to the jurisdiction of a "citizen". It is a Divine, Natural and lawful impossibility to make a denationalized Person (Property) Into a Citizen of a free National Government.

1) The Negro, Black and colored's referred to as Persons in its unchanged (1779) U.S. Constitution as 3/5^{THS} is the same property referred to in the (1868) fourteenth amendment. If the fourteenth amendment overruled the 3/5 clause and or the Dred Scott decision then the same slave labels Black, Negro, and colored that lawfully began in 1779 should not still be certified as subjects to the jurisdiction thereof (state owned property).

2) There is not a rightful law on earth that can make a citizen from a mold designed to produce the slaves of property and African American etc. Being another misnomer is in the egg slot of slave labels and further promotes Denationalization being that ones Nationality couldn't possibly be two continents.

III) This court should redress the rights, That this Aggrieved Meekish Petitioner is being deprived of.

Section 2254(a)(3)(i) permits this court to grant this petition, being that no state corrective process is available. The State of VIRGINIA is merely a vessel for the UNITED STATES to employ there colorable fourteenth Amendment, and this Amendment has been a tool used to covertly violate the Substantive and International rights of the petitioner.

A) The state is prohibited from violating substantive rights, OWENS v. CITY, 445 US 662 (1980); and it can not by one power (e.g. taxation/eminent domain) as a matter of law.

U.S. and UT v. Daniels, 92 p. 159, Nor indirectly that is prohibited to it directly. Fairbanks v. U.S. 181, U.S. 283, 294, 300:.)

There has been clear ex post facto laws and labels violation for my entire existence that violates rights secured by the constitution. In *Miranda v. Arizona* 384 U.S. 436, 125 it was stated, where rights secured by the constitution are involved, there can be no rule-making or legislation, which would abrogate them.

8) The United States by way of the STATE OF VIRGINIA has completely undermined laws concerning substantive rights and the judicial laws governing jurisdiction. "Lack of jurisdiction cannot be waived or overcome by agreement of parties". (See *Griffin v. Matthews*, 310 F. Supra 341, 342 (1969)) and "Want of jurisdiction may not be cured by consent of parties" (See *Industrial Addition Association v. C.I.R.*, 323 US 310, 313).

If any Tribunal finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. (See *Louisville v. Motley*, 211 US 149, 295, et 42.) "The accuser bears the burden of proof beyond a reasonable doubt." Petitioner hereby challenges the UNITED STATES ET AL of proving petitioner is a "BLACK" National (which has been the status compelled on petitioner since birth) and is not the Moorish American "In Propria Persona" Sovereign by birth right as stated in the proclamation and declaration of Nationality and Sovereignty (See Appendix A) and upon this impossibility of this court proving that the status that has been imposed on petitioner is correct which will make the

Jurisdiction and servitude correct as well as legal, Then this Aggrieved Moorish American petitioner demands the release from this unjust bondage, and for all rights to be restored.

Conclusion

The petition for writ of Habeas Corpus should be granted, for the undeniable miscarriage of Divine Rights gifted to petitioner from the creator.

UCC-1-207/308

without Prejudice

Deeati Jerkins-Bey

In Propria Persona

Moorish American Sovereign

Date submitted: Aug -1 2022