

AUG 24 2022

OFFICE OF THE CLERK

No.

22-5650

IN THE SUPREME COURT OF THE
UNITED STATES

EX PARTE, BOBBY D. HATHAWAY-BEY

Petitioner

PETITION FOR WRIT OF HABEAS CORPUS

BOBBY D. HATHAWAY-BEY

IN PROPRIA PERSONA SUI JURIS

MOORISH AMERICAN-SOVEREIGN

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

WALLERS RIDGE STATE PRISON

272 DOGWOOD DRIVE

BIGSTONE GAP, VA 24219

ORIGINAL

QUESTION(S) PRESENTED

By special visitation comes now the Petitioner Bobby D. HATHAWAY-Bey, A Moorish American Sovereign by birthright, in Propria Persona, Sui Juris unconstitutionally mislabeled, criminally denationalized and unlawfully detained in the Commonwealth of Virginia. Absent this court's 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 today's Judicial Business: The Supreme laws of the United States and all other Free National Governments Judicially Uphold, 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 another traditional Avenue 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 indelible 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

BOBBY D. HATHAWAY-BRY IS a Moorish American Sovereign "in propria persona" sui juris 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 21st, United States Congress and the United States Supreme Court as parties.

PETITION FOR WRIT OF HABEAS CORPUS

I BOBBY D. HATHAWAY-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 Rule of this court and the all writs Act, 28 U.S.C 1651(a)

STATEMENT FOR NOT Filing in District

Rule 20.4 requires on 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.

Constitutional And Statutory

Provisions Involved

This petition involves ~~this~~ 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 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 grant any 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 law 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~~ 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.

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 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 where in 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 Moorish American Natural human being possessing all 5ths components, and is not the "persons" of Article I of the U.S. Constitution who were 3/5ths of a human (slave) nor the "persons" (Entity) of the 14th amendment who are subjects (property) to the Jurisdiction thereof. Therefore, this aggrieved Moorish 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"

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, person status etc etc... is unconstitutional and any courts that enforce the fore mentioned acts by imposing the de facto 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 those enslaved, were also abolished with their institution because: the labels/names forced upon captured and imported African Mooks were an act of Denationalization which placed them out of their "proper persons" and separated them from the human family (315 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, deprived any rights, privileges, or immunities by reason of color or race", where as 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 fore fathers, 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 addition Black is declared "property" and no ~~person~~ 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 mass statutes, Do not act
Judicially, but merely Ministerially; thus having no Judicial
immunity, and unlike courts of law, Do not obtain ~~the~~
Jurisdiction by service of process, nor even by arrest
and compelled appearance." ~~See~~ (Boswell vs. atis) further
more these cruel and unusual acts committed by the United
States by way of the state of Virginia is in violation of
the Eighth amendment.

B) 13 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 thirteenth
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 proper person" one can not be
"Duly" convicted (unless in accordance with treaty) of any
crime that would make slavery or servitude legal. This
in turn violates the thirteenth amendment & 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 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 ~~that~~ threw (Constitution, laws and treaties)

REASONS FOR GRANTING writ

I) Exceptional circumstances warrant the exercise of this Courts original habeas Jurisdiction.

This case presents several exceptional circumstances. First, as the afore mentioned facts indicate, petitioner evidence of Denationalization is substantial. In *Habans vs. Laving* it was ~~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 Substerial 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 and creed). A person must be made consciously whole before he can become a citizen, have the right 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 Person's in it's unchanged (1779) U.S. Constitution as 3/5th is the same property referred to in the (1868) fourteenth amendment. If the fourteenth amendment over ruled 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 staples 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's this aggrieved Moorish petitioner is being deprived of.

Section 2254(a)(6)(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 their 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 *owns v. City*, 445 U.S. 662 (1980); and it can not by one power (e.g. taxation/eminent domain) as a matter of law. U.S. and *UT v. Daniel*, 22 P. 159, nor indirectly that is prohibited to it directly. *Fairbanks v. US* 181, U.S. 283, 294, 300; there has been clear ex post facto laws and labels violation for my entire existence which ~~was~~ violates rights secured by the Constitution. In *Miranda v. Arizona* 384 U.S. 436, 125 it was stated, ~~where~~ where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them.

3) 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. Ct. 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 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 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.

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.

Without Prejudice
Bobby D. Hathaway Bell
in propria persona Surjor's
Moorish American Sovereign

Date Submitted: July 31 2022

Declaration

Pursuant to 28 U.S.C. 1746, I Bobby D. Hathaway-Bey
("in propria persona") declare under penalty of perjury
that the following is true and correct.

Declaration of Verification, The Declarant swears
that the facts stated in this Forma Pauperis are True to
my knowledge and the facts stated on information and
belief are true to the best of my knowledge and belief.

Without Prejudice
Bobby D. Hathaway-Bey
In Propria Persona Suitor
Moorish American Sovereign

August 14, 2022