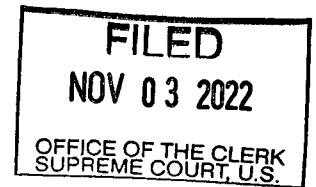


ORIGINAL



No. 22-596

IN THE SUPREME COURT OF THE UNITED
STATES

Lamon-Sandal-Dewayne: Donnell – Petitioner

v.

UNITED STATES OF AMERICA – Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI
TO

United States Court of Appeals Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

Lamon-Sandel: Donnell

5033 Wagner Circle

The Colony, Texas 75056

Questions Present For Review

The Court lacks subject matter and personal jurisdiction for the reasons below:

- 1) Is this Court, and all public offices, a FOREIGN STATE as defined under FRCP Rule 4(j) and under Title 28 – JUDICIARY AND JUDICIAL PROCEDURE? The Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at Title 28 U.S.C. 1330, 1332, 1391, 1441(d) and 1602-1611, and is being jurisdictionally challenged, and that “full disclosure” of the “true” jurisdiction of this Court has been asked, but has stayed “silent”.
- 2) Any failure to disclose the true jurisdiction is a violation of 15 Statutes at Large? For

this was passed to remove the people of the United States of America from the federal citizenship under the 14th Amendment.

Chapter (Section I), enacted July 27, 1868.

- 3) When a magistrate acts without jurisdiction, it is a violation of the judge's statutory territorial jurisdiction under Title 28 U.S.C. 636(a) as prescribed by Congress?
- 4) It is the court's responsibility to prove it has subject matter jurisdiction, and where a Judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the prosecutor's responsibility to prove, on the record that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally,

as in a private administrative process,
as was done herein. It is the petitioner's
right to challenge jurisdiction, and it is
the prosecutor's duty to prove it exist.
The respondent herein was given the
opportunity (multiple times) to the facts of
jurisdiction on the administrative record,
but was acquiesced by tacit procurement
to the fact that the constitutional and due
process violations alleged by the petitioner
did, in fact occur, and did, in fact, deprive
the court of the subject matter jurisdiction,
which is now the record before the court?

- 5) That it is not the prosecutor's duty and
obligation to provide ALL of the facts that
establish the court's jurisdiction, and place
them upon the record even in a collateral
attack against jurisdiction?

LIST OF PARTIES

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:

- 1) Lamon-Sandal-Dewayne: Donnell, Plaintiff
and Petitioner
- 2) Ernest Gonzalez, Defendant and
Respondent
U.S. Attorney's Office
101 E. Park Blvd., Suite 500
Plano, Texas 75074
- 3) UNITED STATES OF AMERICA,
Respondent(s)
COUNSEL FOR UNITED STATES
James Gillingham
110 N. College, Suite 700
Tyler, Texas 75702

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IN THE SUPREME COURT OF

UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of

certiorari be issued to review the judgement

below.

OPINIONS

For the case from Federal Courts:

- 1) The opinion of the United States Court of
Appeals appears at Appendix A page 10 to
the petition and is unpublished.

For cases from the Appellate Court:

- 1) The opinion of Appellate Court of the Fifth
Circuit Court to review the merits appears
at Appendix B page 34 to the petition and is
unpublished.

JURISDICTION OPINION

For cases from Federal Courts:

- 1) The date on which the United States Court of Appeals decided my case was August 16, 2022. No petition for rehearing was timely filed in my case.

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a Writ of Certiorari before judgment to review a decision of a United States District Court for the Eastern District of Texas, Sherman Division.

OPINIONS BELOW

The opinion of the United States District Court for the Eastern District of Texas, Sherman Division for which this petition is filed is reported of Cause Number 4:20-CV-00714-SDJ-CAN in which was filed under 28 USC 1331. [Decision is shown in Exhibit “A”]

JURISDICTION

The case is docketed in the United States District Court for the Eastern District of Texas, Sherman Division as cause 4:20-CV-00714-SDJ-CAN and decided on 12/15/2021 before Christine A. Nowak, Magistrate Judge. [See Exhibit “A”]

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

1. The Unreasonable Searches and Seizures
Clause of the Fourth Amendment “shall not
be violated”.
2. The Due Process Clause of the Fifth
Amendment provides that no person shall
“be deprived of life, liberty, or property,
without due process of law”.
3. The Equal Protection Clause of Section 1 of
the Fourteenth Amendment provides that
no State shall “deny to any person within
its jurisdiction the equal protection of the
laws.”

4. Under Federal Criminal Code F.R.C.P. 12(e) and the Administrative Procedure Act, to insure the right to disclosure of the nature and cause of "The Respondent's Action(s)" by ordering the Respondent to answer the "Petition for Redress/Demand for more definite statement to determine the nature of cause of "The Respondent's Action"".
5. The United States Court of Appeals for the Fifth Circuit in moving forward, knowing that the Petitioner has served a Special Visitation, Commercial Affidavit and Petition for Redress upon the Respondent as the Petitioner demands have not been answered and avoided by the Respondent, was a clear act of bad faith on the part of both the Court of Appeals and the Respondent.

6. As the Petitioner, was never a party in interest, a substituted party of recorded or a proper party to any other pleading regarding “The Respondents Action” the United States District Court for the Eastern District of Texas, Sherman Division and not acquire jurisdiction over the Petitioner, a violation of F.R.C.P. 12(b)(2) lack of jurisdiction.
7. The United States Court of Appeals for the Fifth Circuit in moving forward, knowing that the United States Magistrate Judge for the Eastern District of Texas, Sherman Division issued a warrant for the search and seizure of Petitioner in the Northern District of Texas, Dallas Division beyond his jurisdiction, at the request of Respondent, a violation of the Federal Magistrate Act, 28 USC§636(a).

STATEMENT OF THE CASE

Petitioners request this Court to exercise its power and discretion under Rule 11 of its rules to grant a Writ of Certiorari after judgment to the United States Court of Appeals for the Fifth Circuit, which has entered judgment on an appeal of this case. The case presents question about jurisdiction. This Court, and all public offices, is defined under F.R.C.P. Rule 4(j) as a FOREIGN STATE, and as defined under TITLE 28-JUDICIARY AND JUDICIAL PROCEDURE the Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at Title 28, §§1330, 1332, 1391(f), 1441(d), and 1602-1611, and is being jurisdictionally challenged, and “full disclosure” of the “true” jurisdiction of this Court has been challenged.

FACTUAL BACKGROUND

A. Plaintiffs

Plaintiff Lamon-Sandal-Dewayne: Donnell, is a Secured Party Creditor with Filings with the Secretary of State, UCC Number 11636329; Trust Number 117023143, Discharge Bonds 117349936.

An Affidavit of Notice was sent to the United States District Court for the Eastern District of Texas, Sherman Division on 11/24/2015 and 2/25/2016. Rescinding Signature for Non-Full Disclosure of Contract signed, showing that I'm Holder-In-Due Course of all document(s). I do not take any Benefits from the Government as the Birth Certificate and Social Security was discharged to the U.S. Secretary of State, as well as other Government Agencies.

PROCEEDINGS BELOW

A. The State Court

This Action commenced in the Magistrate Court for the Eastern District of Texas, Sherman Division on 3/16/2010, with the arrest of Petitioner in the Northern District of Texas, Dallas Division, and sentencing was on 4/25/2013, in the United States District Court for the Eastern District of Texas, Sherman Division by Judge Richard A. Schell. An Affidavit of Notice was sent on 11/24/2015 and 2/25/2016, to rescind signature on contract signed for Non-Full Disclosure.

(a) "Without proof of the jurisdiction of the magistrate, would be against all principle, and might lead to the most scandalous abuses". In re Kaine, 14 Howard 103, 144-146;

- (b) “It has been held that they (magistrate) are protected only when they act within their jurisdiction”. *Randall v. Brigham*, 7 Wall 523, 536, 19 L.Ed 285, 291;
- (c) “The action of the committing magistrate that is clear and wholly without jurisdiction, the remedy by habeas corpus will lie”. *Hyde v. Shine*, 199 U.S. 62, 50 L.Ed. 90, 93.

B. The District Court

This action commenced in September 21, 2020.

The Complaint alleged that the defendants prove jurisdiction under 28 USC 1331. The request of 28 USC 1331, was ruled under other statute(s) to the Magistrates liking. The request of Jurisdiction was ignored in any/all matters. [See Exhibit “A” for ruling on United States District Court for the Eastern District of Texas, Sherman Division]

- (a) “The law provides that once the State and Federal Jurisdiction has been challenged, it must be

proven.” Main v. Thiboutat, 100 S. CT. 2502 (1980);

(b) “Once jurisdiction is challenged, it must be proven.” Hagans v. Lavine, 415 U.S. 533;

(c) “Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack.” Thompson v. Tolmie, 2 Pet. 157, 7 L.Ed. 381; Griffith v. Frazier, 8 Cr. 9, 3 L.Ed. 471;

(d) “No sanctions can be imposed absent of proof of jurisdiction.” Standard v. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b);

(e) “The proponent of the rule has the burden of proof.” Title 5 U.S.C., Sec. 556(d);

(f) “Jurisdiction can be challenged at any time, even on final determination.” Basso v. Utah Power & Light Co., 495 2d 906, 910;

(g) “When jurisdiction challenges the act of Federal or State official as being illegal, that official cannot simply avoid liability based on the fact that he is a public official.” United States v. Lee, 106 U.S. 196, 220, 221, 27 L.Ed. 171

(h) Officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law. Owens v. City of Independence, 445 U.S. 622, 100 S. Ct. 1398; Hafer v. Melo, 502 U.S. 21

C. The Court of Appeals

The Appeal was submitted on May 11, 2022 and Affirmed on August 16, 2022 and again, jurisdiction issues were disregarded in all matters, affirming with the United States District Court for the Eastern District of Texas, Sherman Division [See Exhibit “B” for ruling on Appeals Court.]

REASON FOR GRANTING THE WRIT

I. This Court Should Exercise Its Power to Grant Review Before Judgement.

The circumstances of this case make it appropriate for granting Petitioners request for proof of jurisdiction.

First, the case present issues of fundamental importance. It concerns important constitutional and civil rights, and the resolution of these issues will almost certainly have effects that extend far beyond the parties to the case.

Second, this Court knows, it is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law.

It is, in fact, the Court responsibility to prove, on the record, that jurisdiction exists, and

jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is Ernest Gonzalez duty to prove it exists.

The respondent herein was given the opportunity (multiple times) to put the facts of jurisdiction on the record, but acquiesced by tacit procurement to the fact that the constitutional and due process violations alleged by the petitioner did, in fact, occur, and did in fact deprive the court of subject matter jurisdiction, which is now the record before the court.

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus. Sanchez v. Hester, 911 S. W. 2d. 173 (Tex. App.-Corpus Christi 1995).

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

Void judgment under federal law is one in which
rendering court lacked subject matter jurisdiction
over dispute or jurisdiction over parties, or acted
in a manner inconsistent with due process of law
or otherwise acted unconstitutional in entering
judgement. U.S.C.A. Const. Amend. 5, Hayes v.
Louisiana Dock Co., 452 N.E. 2d 1383 (III App. 5
Dist. 1983) [Emphasis added].

CONCLUSION

For the foregoing reasons, Lamon-Sandal-
Dewayne: Donnell respectfully request the
Court to grant his petition for certiorari before
judgement.

The petition for writ of certiorari should be
granted.

Respectfully submitted,

Lamon-Sandal-Dewayne: Donnell Dec. 08, 2022

Lamon-Sandal-Dewayne: Donnell Date: