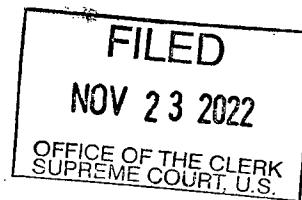


No. 22-6590 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Harry Sharod James-El — PETITIONER
(Your Name)

In re Harry Sharod James-El
vs.
USCA4 No. 22-6317 — RESPONDENT(S)

~~ON PETITION FOR WRIT OF CERTIORARI TO~~
Extraordinary writ of Mandamus

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

~~NOTICE OF PETITION FOR CERTIORARI~~
Extraordinary writ of Mandamus

Harry Sharod James-El # 1211724
(Your Name)

P.O. Box 506
(Address)

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

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Petitioner is seeking a mandamus, to order the UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, and UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA, to allow Petitioner to challenge the Subject Matter Jurisdiction of those courts, and produce the name of the Jurisdiction they are operating under.

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:

RELATED CASES

- USCA 4 No. 22-6317
- 5:19-CV-03074-FL "USDC Eastern District of North Carolina"

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5,6
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A - UNITED STATES COURT OF APPEALS FOR FOURTH CIRCUIT
Order renaming Petitioner motion to challenge Subject Matter
Jurisdiction as a motion to reconsider

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

		PAGE NUMBER
- <u>Carter v. Allstate Insurance, Co.</u>	743 F.Supp. 2d. 103 (2010)	5
- <u>Kontrick v. Ryan</u> , 540 U.S. 443, 452, 124 S.Ct. 906, 157 L.Ed. 2d. 867 (2004)		5
- <u>Maine v. Thiboutot</u> , 100 S.Ct. 250		5
- <u>Odom v. Penske Truck Leasing Co. L.P.</u> , 893 F.3d 739 (10th Cir. 2018)		5
- <u>Steel Co. v. Citizens for a Better Environment</u> , 118 S.Ct. 1003 (1998)		5

STATUTES AND RULES

- 28 U.S.C.A 3002 (15)(A)	3
- 49 Stat. 3097; Treaty Series 881 (Article 4)	3

OTHER

The 5th, 7th, 18th, 14th Amendments of The Constitution of The United States of America. ~~App~~ Pg's 5, 6

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 _____ 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 November 9, 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. 3097; Treaty Series 881 (Article 4) "Rights and Duties of States" "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."
- 28 USC 3002 (15)(A) "UNITED STATES" means federal corporation.
- 5th Amendment "No Person Shall be held to answer for a Capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual Service in time of war or public danger; nor Shall any person be Subject for the same offence to be twice put in Jeopardy of life or limb; nor Shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, Liberty, or property without due process of law; nor shall private Property be taken for public use, without just Compensation."
- 7th Amendment "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury Shall be preserved, and no fact tried by a jury Shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."
- 8th Amendment "Excessive bail Shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."
- 14th Amendment, Section 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 wherein they reside. 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."

STATEMENT OF THE CASE

On March 19, 2019 petitioner James-El filed a civil action with the UNITED STATES (28USCA 3002 (15)(A) District Court for THE EASTERN DISTRICT OF NORTH CAROLINA (5:19-cv-03074-FL) which he had to appeal to THE UNITED STATES (28USCA 3002 (15)(A) COURT OF APPEALS FOR THE FOURTH CIRCUIT. Petitioner was granted *informa pauperis* status in both Courts, however, On April 4, 2022, the USCOA Fourth Circuit granted *informa pauperis* status and on October 26, 2022, they revoked it.

Petitioner filed a motion in opposition to the Court revoking *informa pauperis* status and Challenge Subject Matter Jurisdiction of The UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT. The Court ignored petitioners challenge of the Courts Subject Matter Jurisdiction and renamed the motion as a motion to reconsider (Appendix A).

REASONS FOR GRANTING THE PETITION

The law provides that "Jurisdiction, once challenged, cannot be assumed and must be decided" - maine v. Thiboutot, 100 S.Ct. 250.

"as an axiom of our Federal System, congress alone 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." - odom v. Penske Truck Leasing Co. L.P., 893 F.3d 739 (10th Cir. 2018).

Pursuant to Article 4 of 49 Stat. 3097; Treaty Series 881 "Rights and duties of States" congress place all inferior Federal Courts under International Law. Petitioner James-El filed a civil Tort Claim in THE UNITED STATES (28 USCA 3002(15)(A)) DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA which got denied and was re-examined by THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, However, none of these courts are operating under the Common Law as required by the 7th Amendment of The Constitution of The United States of America. "Only the Jurisdiction of the Supreme Court is derived directly from the Constitution. Every other Court Created by the Government derives its jurisdiction wholly from the authority of Congress" - Carter v. Allstate Insurance, Co., 743 F. Supp. 2d 103 (2010). The lower Federal Courts are operating under a "Hypothetical Jurisdiction", "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 something as advisory opinion, disapproved by Supreme Court from the beginning; abrogating" - Steel Co. v. Citizens for a Better Environment, 118 S.Ct. 1003 (1998).

Petitioner request that this Supreme Court grant this request for mandamus, ordering both THE UNITED STATES DISTRICT COURT FOR THE EASTERN NORTH CAROLINA, and THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT to produce the name of the jurisdiction it is operating under on the record, because currently, it does not exist on the record and petitioner is being deprived of substantial and procedural due process, which is cruel and unusual.

Punishment. The Courts are refusing to do so, therefore, petitioner has no other form of relief seeking to know the name of the jurisdiction that the lower courts are operating under unless this court orders them to do so.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


~~December 6th~~ S. J. El
~~without prejudice~~

Date: December 6th 2022.