

22-7274

No. 5:22-CT-3366-D

FILED

APR 05 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

NO. 22-7468

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

Jorge Galeas-Menchú-El, Jr. — PETITIONER
(Your Name)

vs.

ADAM GIBSON AND LOGAN MILLER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jorge Galeas-Menchú-El, Jr. In Rem, Private Citizen and
(Your Name) National of the United States of America, in the family of
Nations, etc.

Non-Domestic Post Office Box 506
(Address)

Mary, North Carolina Exempt Drum. Reg.
(City, State, Zip Code)

(Phone Number)

RECEIVED

MAR 17 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Has the US District Court coveted claimant's unalienable Birthrights to Due process and equal protection of the law within the meaning of the Ten Commandment of the Holy Bible?

How can the United States District Judge proceed in this case without complying with Marbury V. Madison 5 U.S. 137?

How can the United States District Judge dismiss claimant's complaint without bringing the claimant to the right court as mandated by Pennoyer V. Neff. 95 US 733, 24 L. Ed 565?

How can the United States District Judge take non-mandatory judicial notice of the adjudged decision of the Supreme Court of the United States of Bradley V. Fisher, 80 U.S. 333 (1871), 351, 352?

How can the United States District Judge be against his own duties to protect the Constitution and do justice for all?

How can the Section of the PLRA applies to a private Citizen and National of the United States of America, in the family of Nation, etc?

Has the US District court properly denies petitioner's filing in accordance with Crandall V. State of Nevada 73 US 6 Wall. 35 (1867) (73 US 441)?

Has the US District court properly denied petitioner's right to Due process and equal protection of the law by failing to comply with Biffie V. Morton Rubber In duca Inc. 785 S.W. 2d 143, 144 (Tex. 1990)?

Has the US District court held his oath of office in a good faith and comply with the public policy?

Has the US District court applied the proper statute to this private Citizen and National of the United States of America, in the family of Nations?

Has the US District court complied with HJR 192 of June 5th, 1933?

Has the US District court comply with federal Rule of Civil procedure 9(a)?

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

Marbury v. Madison 5 U.S. 137
Pennoyer v. Neff, 95 U.S. 733, 24 L. Ed 565
Bradley v. Fisher, 80 U.S. 333 (1871), 351, 352.
Crandall v. State of Nevada 73 US 6 Wall 35 (1867) (73 US 44)
Biffie v. Morton Rubber India Inc. 785 S.W. 2d 143, 144 (Tex 1990)
Norton v. Shelby County, 118 U.S. 425 (1886)
Hamaver v. Woodruff, 82 U.S. (15 Wall.) 439 (1872)
U.S. v. Minker 350 U.S. 179 at 187 and 6767-10-198 cod-subtitle F. CH.
ZSA, part 1 Sec 7214

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TABLE OF AUTHORITIES CITED

CASES		PAGE NUMBER
Marbury	V. Madison	5 U.S. 137
Pennoyser	v. Neff.	95 U.S. 733, 24 L. Ed 565
Bradley	V. Fisher.	80 U.S. 333 (1871), 351, 352
Crandall	V. State of Nevada	73 US 6 Wall 35 (1867) 73 US 44
Biffie	V. Morton Rubber In dua Inc.	785 S.W. 2d 143, 144 (Tex 1990)
Norton	V. Shelby County.	118 U.S. 425 (1886)
Hamaver	V. Woodruff.	82 U.S. (15 Wall.) 439 (1872)
U.S. V. Minker		350 U.S. 179 at 187 and 6767-10-198 cod-Subtitle F. CH
75A, Part 1	Sec. 72 14	

STATUTES AND RULES

Federal Rule of Civil Procedure 9(a)
 Federal Rule of civil procedure Rule C
 Federal Rule of civil procedure Rule 9(h)
 Title 18 USCS §1203
 Title 18 USCS §1091 chapter 50A
 Title 18 USCS §1202
 Title 18 USCS §1201
 The RICO ACT Title 18 USC §§1961-1968
 The Sovereign Immunity Act Title 28 USC Sec. 1602 et seq
 Title 18 US Criminal Codes Section 112
 Title 18 US Criminal Codes Sections 241 and 242
 Title 18 USCS §100
 Title 18 USC sections 1621, 245, 3571
 Title 18 USC §2331 and §802 [USA PATRIOT ACT, search to second occurrence]
 Federal Rules of civil procedure Rule 12 (b)(1), 12 (b)(2), 12(b)(3), 12(b)(4), 12(b)(5), 12(b)(6) and Rule 19(a)
 Foreign Sovereign Immunities Act, 28 USC §1602 et seq
 28 USC §1605
 28 USC §636

OTHER

Vienna Convention on Diplomatic Relations and Optional protocols
 Peace Treaty of 1783
 Declaration of Human Rights
 United Nations Declaration on the Rights of Indigenous Peoples
 Immunity clause of the United States Constitution
 American Jurisprudence 2nd Edition §177
 Ten Commandment of the Holy Bible (KJV)
 psalm 98: 9 of the Holy Bible (KJV)
 House Joint Resolution of June 5, 1933

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 _____ 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 A to the petition and is

- ☒ reported at MENCHI-EL JR. V. GIBSON, et al 522 Ct 8366 (2nd 22); 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 _____.

☒ 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

Immunity Clause of the 5th Amendment

Article III

Article I § 10.

HJRA - 192 of June 5, 1933

28 USC § 636

Federal Rule of Civil Procedure 9(a)

Federal Rule of Civil Procedure 11. 9(h)

Public Law 73-10

Title 31 USC § 5118

Title 18 USC § 245, § 241 and § 242

The American Jurisprudence 2nd Edition, § 177

Title 18 USC § 112

Title 18 part I chapter I § 11

Title 18 part I chapter 45 § 970

Title 18 part I chapter 51 § 1116

Title 42 chapter 21 Section § 1983

Ten commandment of the Holy Bible (KJV)

Psalm 98: 9

IMMUNITY ACT Title 28 USC sec. 1602 et seq.

Title 18 USCS § 1091 chapter 50A

Title 18 USCS § 1202, § 1201 and § 1203

RICO ACT Title 18 USC §§ 1961-§§ 1968

Federal Rules of Civil Procedure Rule 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(4), 12(b)(5), 12(b)(6) and Rule 19(a).

Title 18 USC § 2331 and § 802 LUSA PATRIOT ACT, Search to second occurrence]

Constitution of El Salvador

The Prison Litigation Reform Act's ("PLRA")

STATEMENT OF THE CASE

This case is an appeal from the denial of Original Jurisdiction. Jorge Galeas Merchú-El, Jr. in Rem, Private Citizen and National of the United States of America, in the family of Nations, etc. On or about September 22nd, 2022 claimant mailed a Summons, a Notice to Claim for Return of Private and Personal Property, a Truth Affidavit In The Nature of Supplemental Rules C(6), a Truth Affidavit In The Nature of Supplemental Rules for Administrative And Maritime claims Rules C(6) with specific Negative Averment and Denial Corporations Existence pursuant to Federal Rules of Civil Procedure 9(a), Exhibit A, Affidavit: Revocation of Power of Attorney and a Power of Attorney.

Claimant mailed his pleadings to be filed in the District Court of the United States and NOT in the United States District Court. Claimant requested that his pleading be filed in accordance with the U.S. Supreme Court case: *Crandall v. State of Nevada*, 73 U.S. 35 (1867), pursuant to *Biffie v. Monton Rubber Induc. Inc.* 785 S.W. 2d 143, 144 (Tex 1990) and Title 18 USC §2071. On or about 12/06/22, the United States District Court entered an Order and a Judgment, dismissing claimant's claims and denied claimant's proceeding within the meaning of Article III of the Constitution of the United States and within the meaning of Federal Rules of Civil Procedure Rule 9(h), and pursuant to psalm 98: 9 on which claimant's unalienable Birthrights to property has been violated which constitutes a miscarriage of Justice by the wrong court not having any personal and subject matter jurisdiction over the case nor over the claimant. See Appendix B, C, D, E and F.

REASONS FOR GRANTING THE PETITION

Petitioner contends that the Order and Judgment are erroneous and that he is entitled to the relief sought for the reasons stated in the Notice to claim for Return of Private and Personal property and supported documents. The following are additional facts that Petitioner submits in support of this petition:

Petitioner pleadings were mailed to be filed in the District Court of the United States and NOT the United States District Court. The Clerk has erroneously applied the wrong Jurisdiction without having any personal and subject matter Jurisdiction over the case and over the claimant, especially when Petitioner's proceeding is in Rem under Article III of the United States Constitution. Pursuant to 28 USC §636, cooperation with the court on this matter is by consent, and Alleged Petitioner does not and has not, at any time, consented to the jurisdiction of the United States District Court.

Petitioner shows that the writ will be in aid of the Courts appellate Jurisdiction, that exceptional circumstances warrant the exercise of the Courts discretionary Powers, and that adequate relief cannot be obtained in any other form or from any other court, due that no public Policy has been followed and the statute has been applied erroneously to petitioner due that he is a Private Citizen and National of the United States of America, in the family of Nations, an Aborigine/Indigenous Mayan/Moor from the land known as El Salvador, a Public Minister of Justice and Ambassador from El Salvador holding an Obligation, duty and a Mission, etc. [see Appendix D, and E]

Petitioner is claiming his body, titles, names, private and personal property, all of his unalienable Birthrights to property, and his inalienable, insurable, equitable, legal, proprietary, vested, direct, entire and security interests, as well as his lawful ownership and actual possession rights to private and personal property. In accordance with Rule 8(a) of the Federal Rules of Civil procedure A pleading which sets forth a claim for relief, whether an Original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the Courts jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of Jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded. By not granting Claimant's proceeding in the Original Jurisdiction and his relief, the United States District Court erred and abused its discretion by misapplying the statute and constitutes a miscarriage of Justice in violation of Petitioner's unalienable Birthrights to property guaranteed and protected under the Immunities Clause of the 5th Amendment of the Constitution of the United States of America. Jorge Galeas-Menchú El, Jr. is full entitled to recover exemplary damages against the United States District Court for causing irreparable harms to all of claimant's unalienable Birthrights due to the deliberate indifference and gross negligence of the United States District Court. See Appendix B, C, D, E, F, and G.

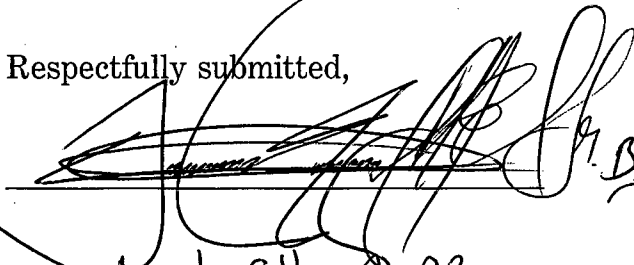
Petitioner Jorge Galeas-Menchú-El, Jr. who is also a Secured Party Creditor holds a Priority perfected inalienable, equitable, legal, proprietary, vested, direct, entire and security interests on his body, titles by nature, names, privacy, private and personal property and all his unalienable Birthrights as described by sections 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 62, 64, 77, 78, 79, 80, 81, 85, 86, 87, 91, 96, 97, 99, 100, 101, and 102 of his Non-Negotiable Security Agreement filed with the Secretary of the State on January 11th, 2016. See Appendice B, C, D, E, and F

CONCLUSION

When there is conflict between the rule of Law and the rule of equity, the rule of equity shall prevail.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



By: Jorge Galeas-Menchú-El, Jr.
Grantee/Beneficiary
under God

Date: March 9th, 2023

Amicus curiae