Case No.

IN THE UNITED STATES COURT SUPREME COURT

EMPEROR OF THE AMERICAN EMPIRE, also known
as the Christian Emperor D'Orleans
Edward Moses Jr

Plaintiff – Applicant

v.

John Bel Edwards, Louisiana Governor, Donald Trump, US President et al,

Defendants - Respondents

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT ON APPLICATION TO RECALL AND STAY MANDATE ISSUED BY THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS

EMERGENCY APPLICATION FOR IMMEDIATE ADMINISTRATIVE RELIEF
TO RECALL AND STAY MANDATE
ISSUED BY THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

SUBMITTED BY:

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proper person

IDENTITY OF PARTIES, CORPORATE DISCLOSURES STATEMENT, AND RELATED PROCEEDINGS

The parties to the proceeding below are:

Applicant, Emperor of the American Empire, LTD – "Emperor Moses"

Pursuant to Rule 29.6, Applicant "Emperor Moses" states that no individual applicant has any parent corporation, and that no publicly held company owns any portion of Applicant.

Respondents are Mrs. Karen J. King, in her official capacity as Assistant United States Attorney General, Mr. Mathew Block and Mr. John Walsh on behalf of Louisiana Governor John Bel Edwards

The related proceedings are:

In re: Atakapa Indian "TRIBE OF משה MOSES' Express Spendthrift Trust. "No. 2022 CW 0208 (La. App. 1st Cir. May 20, 2022)

Moses v. Edwards et al, No. 21-30270 (5th Cir May 20, 2022) (order dismissing case with prejudice, sanctions)

Moses v. Edwards et al, No. 6:21-cv-00450 (W.D. Louisiana May 5, 2021) (Order dismissing case with prejudice)

Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019)

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TO THE HONORABLE SAMUEL A ALITO, JR ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT

The Applicant requests that this court stay execution of the judgment and the mandate of the Fifth Circuit Court of Appeals and execution of the judgment of the United States District Court for the Western District of Louisiana in this case pending consideration by this Court of his petition for certiorari. The Court of Appeals' judgment at issue affirmed the district court's removal of applicant's petition for writ of quo warranto from state court. The applicant maintains that failure to stay immediately the judgment and mandate of the Court of Appeals will cause immeasurable and irreversible harm. Columbus Board of Education v. Penick, 439 U.S. 1348, (1978) The respondents are former United States President Donald Trump, current United States President Joseph Biden and Louisiana Governor John Bel Edwards. **App.1.ROA.10-12** This stay application comes to this court after the state court had issued a ruling dismissing applicant's petition for writ of Quo Warranto. **App.10.ROA.436:22-32, 437:1-3** "The state court proceeding in this case is a statutory one in quo warranto."[1] **App.10.ROA.5** How did we get here? Louisiana used Dominion Voting Systems during the 2019 Gubernatorial Election.[2] These Dominion systems do not provide a paper record of votes to guard against error, fraud, or mistake. *id*

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[1] Grand Lodge, Knights of Pythias v. O'CONNOR, 95 F.2d 477 (5th Cir. 1938)

[2] https://www.theadvocate.com/baton_rouge/news/politics/elections/article_1c79fb70-492d-11ea-8175-9f79c1cc4d65.html

On October 12, 2019, the Louisiana Secretary of State posted the official results of the Louisiana Governor's race which ended with a runoff between Governor John Bel Edwards and Mr. Eddie Rispone. **App.4.ROA.126** The official results of the Louisiana Gubernatorial race ended as follows:

A.	**John Bel Edwards**	**- 47%**
B.	Eddie Rispone	- 27%
C.	Ralph Abraham	- 24%
D.	Oscar Dantzler	- 1%
E.	Gary Landrieu	- 1%
F.	Patrick Landry	- 1%
	TOTAL	101%

Under Louisiana CC 1948 Error, Fraud, and Duress vitiates consent. The percentage of total votes between the parties is supposed to add up to 100%. **App.4.ROA.126** However, a closer look reveals that the percentage of total votes actually add up to 101% or +1. **App.4.ROA.46, 126** Under Louisiana jurisprudence, the burden is on the respondent in a quo warranto proceeding to show by what authority he or she claims or holds office. Billiot v. Wiltz, 16-1047 (La.App. 3 Cir. 5/24/17), 222 So.3d 964; Schexnayder v. Yolande Schexnayder & Son, Inc., 12-885 (La.App. 5 Cir. 5/23/13), 119 So.3d 624. Applicant submits that the Governor cannot show by what authority he holds or claims office with an apparent source code calculation error. Afterwards on December 8, 2020 the Louisiana state court in Iberia Parish issued a trust judgment granting appellant full authority to act under the provisions of the Atakapa Indian "**TRIBE OF** משה**MOSES** Express Spendthrift Trust. **App.6.ROA.59**

On December 21, 2020 "Emperor Moses" filed an Emergency Petition for Writ of Quo Warranto into Louisiana state court against Louisiana Governor John Bel Edwards and former President Donald Trump [Joseph Biden]. **App.3.ROA.5, 10** The Quo Warranto order specifically commanded the defendants to file a written answer [sic] not more than the date and time assigned for the hearing. **App.3.ROA.12** Applicant requested hearing date was December 23, 2020. The target date however was passed presumably because of the Christmas holidays but on January 6, 2021 the state court reset the hearing date to February 24, 2021. **App.3.ROA.12** More importantly, on January 6, 2021, in an unprecedented and unexpected turn of events, the United States Government was overthrown and dissolved by coup d'état. **App.3.ROA.14, 133** Black's law dictionary defines a coup d'etat, usu. Violent, change of government through seizure of power. Black's Law Dictionary pg.355 (7th ed. 1999) An insurrection took place..." Trump v. Thompson, 20 F. 4th 10 (D.C. Cir. 2021) Black's Law Dictionary defines an insurrection as a violent revolt against an oppressive authority, usu. a government. Black's Law Dictionary pg. 811 (7th ed. 1999) On January 6, 2021, a joint session of Congress convened in the U.S. Capitol to certify the vote count of the Electoral College..." United States v. Miller (D. D.C. 2022)" The certification of the Electoral College results by Congress is "business conducted by a[n] . . . official body."..." United States v. Miller (D. D.C. 2022)

"Indeed, it is business required by both the Twelfth Amendment and the Electoral Count Act. See U.S. Const. Amend. XII; **3 U.S.C. § 15-18.**" United States v. Miller (D. D.C. 2022) Senate minority leader, Mr. Mitch McConnell confirmed that former President Donald Trump practically and morally incited an insurrection at the seat of the United States government, the US Capital.[3] **ROA.133** Thus, the former president had a specific task, a proxy war. **App.3.ROA.14-16, App.4.pg.133, App.10.pg.428** Former United States President Donald Trump sent the Oath Keepers paramilitary and Proud Boys among other white supremacist groups consisting of former military and current police officers "as the tip of a spear that pierced the official body of the prince..."[4] with the single goal of seizing the seat of the United States government long enough to dissolve the presidential confirmation joint meeting and to terminate the peaceful transfer of power.[5] **App.4.ROA.133** As the domestic terrorists violently seized the U.S. Capitol building, the certification process of the presidential election results were suspended and members of the House and Senate, as well as Vice President Pence, were hurriedly evacuated from the House and Senate chambers." Trump v. Thompson, 20 F. 4th 10 (D.C. Cir. 2021); United States v. Grider (D. D.C. 2022).

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[3] https://www.politico.com/news/2021/02/13/mcconnell-condemns-trump-acquitted-469002

[4] United States v. Pezzola (D. D.C. 2021)

[5] https://news.yahoo.com/capitol-march-not-permitted-until-210803676.html

United States Statute "3 U.S.C. 16" titled "Seats for officers and Members of two Houses in joint meeting" states that such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared, and no recess shall be taken ... **App.4.**ROA.133 fn.3 ("The preeminent canon of statutory interpretation requires us to 'presume that the legislature says in a statute what it means and means in a statute what it says. 'Franco v. Mabe Trucking Co., 3 F.4th 788 (5th Cir. 2021) " By rule, the two houses were forbidden from taking a recess. Additionally, the statute unfortunately does not provide a remedy in the event that the two Houses in joint meeting" are in fact dissolved prior to completion of the electoral count and declaration of electoral votes. Thus, the United States like a mortally wounded bestiarii on the Roman Coliseum floor was left for dead.

Following the violent January 6, 2021 proxy battle a "Hostile Takeover," of America, Inc's "Corporate Sole" ensued. It is well settled law that the United States is a "political or governmental corporation...." United States v. Perkins, 163 U.S. 625, (1896) On January 7, 2021 "Emperor Moses" a "Corporate Predator" acquired the "Corporate Sole of America," from his mortally wounded prey, the United States. "Emperor Moses'" real objective was to takeover "the Corporate sole of America." There is nothing improper in this goal...." Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)" The dictionary definition of "takeover": 'the acquisition of ownership or control of a corporation typically accomplished by ... a merger.'

Black's Law Dictionary pg. 1466 (7th ed. 1999) suggests that a takeover indeed occurred in this case." U.S. Fire Ins. Co. v. F.D.I.C., 981 F.2d 850 (5th Cir.1993) See Harms v. Cavenham Forest Industries, Inc., 984 F.2d 686 (5th Cir. 1993) (Analogizing plant shutdowns to the hostile takeover and spin-off of operations at issue here). On January 15, 2021, "Emperor Moses" filed an emergency petition for injunctive relief into the state court record. **App.3.ROA.14** On January 19, 2021, the United States Attorney General for the Western District of Louisiana was properly served with the Petition for writ of Quo Warranto. **App.7.ROA.328** On January 25, 2021, Governor John Bel Edwards was properly served with the quo warranto pleading. **App.7.ROA.333** On January 25, 2021 United States' president Mr. Donald Trump was served with the Emergency petition for injunctive relief through the United States Attorney General's Office in Lafayette Louisiana. **App.7.ROA.335** On January 28, 2021, Louisiana Governor John Bel Edwards was served with the Emergency petition for injunctive relief. **App.7.ROA.333** On February 19, 2021 Governor John Bel Edwards fax filed an answer together with exceptions into the state court proceedings. **App.7.ROA.340-357** However, Governor Edwards failed to file his original answer and exceptions into the record. **App.7.ROA.358, App.8.ROA.401-402** This is important because Louisiana R.S. 13:850, which provides for filing by facsimile and states, in pertinent part "provides that 'within seven days' after the Court receives a fax filing, all of the

original documents and payment shall be delivered to the Clerk of Court." Jenkins v. AIU Ins. Co. People Ready Temp Serv. (La. App. 2022)

> "C. If the filing party fails to comply with any of the requirements of Subsection B of this Section, the facsimile filing shall have no force or effect." Allen v. Driver of Ford F-150, Sergeant Lasalle Driver, Lasalle Corr., LLC, 333 So.3d 540 (La. App. 2022)

In this case, Governor Edwards original Exception and answer was never delivered to the clerk of court within the seven days permitted by La. R.S. 13:850(B). As such, Governor Edwards fax-filing had no force or effect." Hawthorne v. Norfolk S. Corp., 319 So.3d 882 (La. App. 4th cir., 2021) On the other hand, Former United States President Donald Trump and Current United States President Mr. Joseph Biden both failed to file an answer and they both failed to appear at the February 24, 2021 Quo Warranto Hearing. **App.5.ROA.122-123:1-9, App.10.pg.415** "An answer is required in ... quo warranto proceedings." Securities Finance Co. v. Hawkins, 195 So.2d 695 (La. App. 1967) The Quo Warranto filed in this case was a summary proceeding. "Under Louisiana summary procedure if the defendant fails to appear at the trial, plaintiff may introduce his evidence immediately and secure whatever relief is justified thereby, without the necessity of taking a default." Securities Finance Co. v. Hawkins, 195 So.2d 695 (La. App. 1967)

The State court sustained Governor John Bel Edwards fax filed exception and dismissed the case against the governor as well as the absent federal actors on the basis that a quo warranto proceeding is the improper procedure to challenge an

election. **App.10.pg.ROA.435:22-29** Shortly after the hearing concluded and before "Emperor Moses" could file a motion for new trial or an appeal of the state court dismissal, the United States Attorney General for the Western District of Louisiana removed this case to federal court. **App.1.pg.ROA.5-33** On February 26, 2021 the District Court issued the removal order. **App.2.pg.ROA.34-35** On March 18, 2021 applicant filed a motion for writ of mandamus into the federal district court seeking remand to state court with instructions. **App.4.pg.ROA.36-137** On March 26, 2021, the United States Attorney responded to the removal order. **ROA.138-403** On March 31, 2021 the magistrate issued her report and recommendations. **App.9.pg.ROA.404-409** The magistrate recommended that the claim against Louisiana State Governor John Bel Edwards be dismissed as having already been definitively ruled upon by the state court prior to removal. **App.9.pg.ROA.407** The Magistrate also recommended dismissal of the claims against the former and current United States President for lack of standing. **App.9.pg.ROA.407** On April 14, 2021 appellant filed an objection to the magistrate's report and recommendations. **App.10.pg.ROA.410-439** On March 28, 2021 the United States attorney filed a response to appellant's objection to the magistrate's recommendation. On May 5, 2021, after considering Emperor Moses' objections, the district court rendered judgment adopting most of the magistrate's recommendations. **App.11.pg.ROA.443** The district court rejected the magistrate's recommendation to dismiss the case against Governor Edwards.

App.11.pg.ROA.443 The district court also rejected the magistrate's recommendation to dismiss the case against the former and current United States Presidents for lack of standing. **App.11.ROA.443** The district court alternatively dismissed this case in accord with an unrelated case, "Atakapa I[6]," which was a petition for writ of habeas corpus and a Anti-trust class action. **App.11.ROA.443** On May 19, 2021, appellant filed a motion to waive filing fees and a notice of appeal. **App.12.ROA.445-446** On May 24, 2021 the district court issued an order denying appellant's motion for leave to proceed informa pauper on the basis that the appeal was not taken in good faith. **App.13.ROA.448** On July 21, 2021 the Baton Rouge City Court issued "His Majesty" a consent judgment maintaining a permanent injunction of historic Louisiana immovable property. **App.17.** On December 8, 2021 the East Baton Rouge District Court issued a final judgment making the Iberia Parish trust judgment and the Baton Rouge City Court judgments executory.[7] **App.17.** The judgments made executory were executed or enforced immediately. **App.17.** On April 26, 2022 applicant filed a motion to disqualify Assistant United States Attorney and the United States Attorney General's Office from these proceedings. Through email conversation, Assistant United States Attorney informed applicant that the Government represented President Trump, when the petition for writ of quo warranto was removed to federal court from Louisiana state

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[6] Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019)

[7] " In re: Atakapa Indian De Creole Nation Also Known as **TRIBE OF** ‡משה‡**MOSES'** Express Spendthrift Trust. (La. App.1st. Cir., May 20, 2022)

court. **App.16.Email.Bates.Moses.002** Once removed, the Government switched sides and now currently represent sitting President Joseph Biden, an apparent conflict of interest.. **App.16.Email.Bates.Moses.002** The burden for Trump was to show by what authority he claims the office. President Donald Trump still claims that the 2020 Presidential election was stolen thus he is the rightful United States President.[8] Whereas the burden for United States President Joseph Biden was to show by what authority he holds office. (3) The fifth Circuit denied the motion to disqualify counsel. Applicant filed a motion to reconsider the denial of the motion to disqualify. On May 20, 2022, the Louisiana first Circuit court of appeal granted writ to make the Atakapa Indian **"TRIBE OF משׁה†MOSES** Trust executory. On May 20, 2022 a panel denied the motion to reconsider then they dismissed the entire appeal and ultimately, the court sanctioned applicant without a hearing. This unexplained order deprives applicant of a "careful review of the facts and a meaningful decision" to which he is "entitled. "Nken v. Holder, 556 U.S. 418, 427 (2009). On June 29, 2022 the 19th Judicial District Court in Louisiana issued an order granting applicant among other things an injunction from state and federal laws operating within the Atakapa Indian **"TRIBE OF משׁה†MOSES."** The Fifth Circuit in this case has yet to offer any explanation regarding the district court's lack of subject matter jurisdiction to remove the state court proceeding. Applicant

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[8]https://www.detroitnews.com/restricted/?return=https%3A%2F%2Fwww.detroitnews.com%2Fstory%2Fnews%2Fpolitics%2F2022%2F04%2F03%2Ftrump-repeats-michigan-election-fraud-claims-heres-what-records-show%2F7257181001%2F

moved for a stay of the 5th Circuit mandate. The Court denied the motion. This Court should grant a stay of the district court's removal order and allow an orderly appellate process to play out. Furthermore, applicant faces immediate irreparable injury many times over both financially and to his reputation as a sovereign. More fundamentally, the Fifth Circuit's order contradicts bedrock First, Sixth, and 14th Amendment principles established by this Court regarding effective assistance of counsel, a party's religious liberties, and a party's right to petition the court for redress under the 1st Amendment of the United States Constitution and a party's right to due process. For all these reasons, applicant requests immediate relief to maintain the decades-old status quo. Dayton Bd. Of Educ. v. Brinkman, 439 U.S. 1358, 1359 (1978) (Rehnquist, J., in chambers) ("the maintenance of the status quo is an important consideration" in resolving emergency applications). Applicant requests (1) an administrative order vacating the Fifth Circuit panel financial sanctions order. An emergency order from this Court will allow the appellant the opportunity to seek timely review of the 5th Circuit Court's decision. Frank v. Walker, 574 U.S. 929 (2014)

OPINIONS BELOW

The district court's sanctions order is available at Moses v. Edwards (5th Cir. May 20, 2022) and reproduced at App.14 The Fifth Circuit's disqualification order is unreported and reproduced at App.16

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §§ 1254(1), 1651, and 2101(f), and Supreme Court Rule 23.

CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

Pertinent constitutional and statutory provisions are reproduced at App.37a-55a.

STATEMENT

"Emperor Moses" presents an application for stay of the judgment and mandate of the Court of Appeals for the fifth Circuit." Dayton Board of Education v. Brinkman, 439 U.S. 1358, (1978) "'The applicant urges that this case be stayed because it raises many of the issues presented by Allen v. McCurry, 449 U.S. 90, (1980)[9]" "Congress has specifically required all federal courts to give preclusive effect to state-court judgments whenever the courts of the State from which the judgments emerged would do so." Allen v. McCurry, 449 U.S. 90, (1980) In the present case, the judgment from the Louisiana state court quo warranto proceeding and the Atakapa Trust pursued to judgment in state court shall be as conclusive of the rights of the parties in every court as in that where the judgment was rendered. The State Court dismissed the case as frivolous too but ultimately rejected Governor Edwards request for sanctions because the Atakapa Indian "**TRIBE OF**

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[9] Dayton Board of Education v. Brinkman, 439 U.S. 1358, 99 S.Ct. 28, 58 L.Ed.2d 67 (1978)

משה†MOSES" trust judgment cloaks "Emperor Moses" with absolute sovereign immunity from all claims of any persons both juridical and natural. **App.6.ROA.59, App.10.pg.ROA.435:22-29 436:22-32, 437:1-3** This Louisiana state court ruling is the law of the case. " Juneau v. State, 956 So.2d 728 (La. App. 2007), citing Petition of Sewerage and Water Bd. of New Orleans, 278 So.2d 81 (La. 1973) Preserving the status quo 'is an important' equitable consideration in the stay decision. Dayton Bd. of Educ. v. Brinkman, 439 U.S. 1358 1359, (1978)

A. Quo Warranto Proceeding under Supreme Court, Fifth Circuit, and Louisiana Law

A writ of Quo Warranto is an ancient common-law writ "in the nature of a writ of right for the king against a person who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right." Superior Oil Co. v. City of Port Arthur, 726 F.2d 203 (5th Cir. 1984)" **App.10.ROA.74** "These suits are therefore of a civil nature." Ames v. State of Kansas Johnston Kansas Pac Ry Co v. Same, 111 U.S. 449, (1884)

Under Louisiana Law "this mandate is only issued for the decision of disputes between parties in relation to the offices in corporations, as when a person usurps the character of Mayor of a city, and such like. Small v. Levy, 355 So.2d 643 (La. App. 1978) With regard to offices of a public nature, that is, which are conferred in the name of the State by the Governor, with or without the consent of the Senate, or by election, the usurpations of them are prevented and punished in the manner directed by special laws. "... Small v. Levy, 355 So.2d 643 (La. App.

1978) This case satisfies the statutory standard provided under Louisiana Code of Civil Procedure 3901-3902. A Quo warranto is a writ directing an individual to show by what authority he claims or holds public office, or office in a corporation or limited liability company, or directing a corporation or limited liability company to show by what authority it exercises certain powers. Its purpose is to prevent usurpation of office or of powers. Under paragraph (e) of the official revision comment on Article 3901; it states...that after the hearing in a mandamus proceeding, the court may render judgment making the writ peremptory. A similar article would be unnecessary in quo warranto proceedings. Mandamus, by definition, is an order directing performance. A writ of quo warranto, on the other hand, does not direct the defendant to perform or to cease from performing some act, but it orders the defendant to show by what authority he is acting. "The function of the writ of quo warranto is narrow and its scope limited. A prompt reply is mandated by the statute." Foreman v. Hines, 314 So.2d 460 (La. App. 1975).

B. STANDING TO BRING QUO WARRANTO PROCEEDING

Plaintiff, appearing alone and solely in his capacity as the Emperor of the American Empire majestically referred to as the Christian Emperor D'Orleans as claimant to the vacant offices, brought this petition for a Writ of Quo Warranto under LSA-C.C.P. Art. 3901 in as a summary proceeding directed at the defendants, Louisiana Governor John Bel Edwards and United States President Donald Trump [Joseph Biden] et al to show by what authority they were holding public office.

App.3.ROA.10-21 Small v. Levy, 355 So.2d 643 (La. App. 1978) citing Lelong v. Sutherland, 134 So.2d 627 (La. App. 1961)" "This brings us to the threshold issue in this case does the plaintiff possess the right to bring the quo warranto action?" Small v. Levy, 355 So.2d 643 (La. App. 1978) This court held that it is well settled law that the United States is a "political or governmental corporation...." United States v. Perkins, 163 U.S. 625, (1896) This court held that the United States is an **artificial** government; not the result of gradual growth but formed by the union of independent States; not formed for the benefit of any family, or ruler, or person, but formed to secure certain ends for those who thus united. Legal Tender Cases Knox v. Lee Parker v. Davis, 79 U.S. 457, (1870) On the other hand, the Emperor of the American Empire majestically referred to as the Christian Emperor D'Orleans also a political or governmental corporation is a real government, a monarch and a deity, formed for the benefit of the Atakapa Indian "**TRIBE OF** משה†**MOSES** to secure certain ends for those who thus united...."[10] Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019) " Emperor Moses claimed the two vacant offices thus he has standing to bring this quo warranto action.[11] **App.3.ROA.11**

[10] HCR 62 Designating the second week in October as Indigenous Peoples' Week for a 10-year period beginning in 2021 (Texas Session Laws (2021 Edition))

[11] In re: Atakapa Indian "TRIBE OF משה†MOSES" Express Spendthrift Trust (La.App. 1st Cir., May 20, 2022)

C. The District Court lacked subject matter jurisdiction under 28 USC 1447 (c) to issue the removal order from the Louisiana State Court quo warranto proceeding. Moses v. Edwards (5th Cir. 2022)

A party may remove an action from state court to federal court if the action is one over which the federal court possesses subject matter jurisdiction. See 28 U.S.C. § 1441(a). The removing party bears the burden of showing that federal jurisdiction exists, and that removal was proper. De Aguilar v. Boeing Co., 47 F.3d 1404, 1408 (5th Cir. 1995); Jernigan v. Ashland Oil Inc., 989 F.2d 812, 815 (5th Cir. 1993) (per curiam); Willy v. Coastal Corp., 855 F.2d 1160, 1164 (5th Cir. 1988). The Fifth Circuit rule is that to determine whether jurisdiction is present for removal, the court considers the claims in the state court petition as they existed at the time of removal. Cavallini v. State Farm Mut. Auto Ins. Co., 44 F.3d 256, 264 (5th Cir. 1995). Any ambiguities are construed against removal because the removal statute should be strictly construed in favor of remand. Acuna v. Brown & Root, Inc., 200 F.3d 335, 339 (5th Cir. 2000); Manguno v. Prudential Property & Casualty, 276 F.3d 720 (5th Cir. 2002) "In this case, the United States Attorney General bears the burden of showing that removal of the state case was proper." Manguno v. Prudential Property & Casualty, 276 F.3d 720 (5th Cir. 2002) However, when we consider the claims in the state court petition as they existed at the time of removal, we find that the state claims had been dismissed prior to removal. **App.10.ROA.436:22-32, 437:1-3** The federal court for the Western District of Louisiana thus lacked subject matter jurisdiction to remove this case from state

court. see also U.S. ex rel. State of Wis. v. First Fed. Sav. & Loan Ass'n, 248 F.2d 804, 809 (7th Cir.1957) ("The Fifth Circuit held, except as otherwise specifically provided by statute, that there is no original jurisdiction in the federal district court to entertain an information in the nature of quo warranto.") "The District Court correctly granted the motion to remand." Williams v. Tri-County Community Center, 452 F.2d 221 (5th Cir. 1971)

As stated in Barron and Holtzoff, Wright's Edition, Federal Practice and Procedure, #109, pp. 536-7, if the federal court is without jurisdiction, it must remand the case, and if lack of jurisdiction requires remand, the federal court may not take any further action in the case. Hedges v. Rudeloff, D.C., 196 F.Supp. 475. In the absence of affidavits establishing a conflict in facts, see Smith v. City of Jackson, 5 Cir., 358 F. 2d 705, the Court is limited to the pleadings as of the time removal was effected. Hedges v. Rudeloff, supra. The burden is on the petitioner and if federal jurisdiction is doubtful the case will be remanded. See Barron and Holtzoff, #109, pp. 538-40. Williams v. Tri-County Community Center, 323 F.Supp. 286 (S.D. Miss. 1971) The Government cannot meet its burden."'[A] lack of subject matter jurisdiction may be raised at any time....' Giles v. NYL-Care Health Plans, Inc., 172 F.3d 332, 336 (5th Cir.1999)." Cozzo v. Tangipahoa Parish Council, 279 F.3d 273 (5th Cir. 2002) The stay applicant has made a strong showing that he is likely to succeed on the merits, 28 USC 1447 (c) states that if at any time before final judgment it appears that the district court lacks subject matter jurisdiction the

case shall be remanded back to the state court. In the District Court's removal order in this case the court explicitly stated:

> Considering the removal of this action, formerly Case No. 136864 - C, 16th Judicial District Court, Parish of Iberia, under 28 U.S.C. 1447(b) and the obligation of this Court to proceed with the litigation, it is necessary that the Court have a complete record of all proceedings in the State Court as well as an opportunity to consider those matters not previously ruled upon by the State Court **App.2.ROA.34**

The federal court is without jurisdiction, it must remand the case, the federal court may not take any further action in this matter.

D. Criteria for grant of Stay

1. A reasonable probability of succeeding on the merits for violation of Full Faith and Credit right given by § 1, article 4, of the Constitution."

While the United States Supreme Court has at times referred to the clause in terms of individual "rights," it consistently identifies the violators of that right as courts. Adar v. Smith, 639 F.3d 146 (5th Cir. 2011)" ("When a court refuses credit to the judgment of a sister state ..., an asserted federal right given by § 1, article 4, of the Constitution is denied.")." Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) "In this case, the District Court and the Fifth Circuit's failure properly to accord full faith and credit to the state court judgments are subject to ultimate review by the Supreme Court of the United States." Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) See "Anglo– Am. Provision Co. v. Davis Provision Co., 191 U.S. 373, (1903) (the full faith and credit clause "establishes a rule of evidence rather than of jurisdiction")

..." Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) The Magistrate in this case stated clearly that [sic] the Court will not attempt to interpret these Atakapa Indian "TRIBE OF משה†MOSES" "trust" judgments. **App.9.ROA.407**

On the other hand, on May 20, 2022 the Louisiana First Circuit Court of appeal granted Emperor Moses' writ making the December 8, 2020 Atakapa Indian "TRIBE OF משה†MOSES" Express Spendthrift Trust judgment and a July 21, 2021 Baton Rouge City Court land injunction executory.[12] **App.17** The trust judgment thus is given retroactive effect overruling the magistrate's prior jurisprudential interpretation or lack thereof. **App.17.** Hulin v. Fibreboard Corp., 178 F.3d 316 (5th Cir. 1999) Next, on February 24, 2021, the State Court issued an oral order dismissing applicant's petition for quo warranto. **App.10.ROA.436:22-32, 437:1-3** The order was a final order. "See Ueckert v. Guerra, ___F.4th ___, No. 22-40263, 2022 WL 2300431, at *2 (5th Cir. Jun. 27, 2022) (recognizing that an oral order can constitute an appealable final judgment)." United States v. Rodriguez (5th Cir. 2022) See "Magnolia Petroleum Co. v. Hunt, 320 U.S. 430, (1943) (noting that "the clear purpose of the full faith and credit clause" was to establish the principle that "a litigation once pursued to judgment shall be as conclusive of the rights of the parties in every court as in that where the judgment was rendered"). **App.10.ROA.436:22-32, 437:1-3** The clause thus became the "vehicle for exporting local res judicata policy to other tribunals." Adar v. Smith, 639 F.3d 146 (5th Cir.

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[12] **In re: Atakapa Indian "TRIBE OF משה†MOSES" Express Spendthrift Trust** (La.App. 1st Cir 2022)

2011) The Fifth Circuit theorized that the Supreme Court has described the full faith and credit clause as imposing a constitutional "rule of decision" on courts. Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) **App.10.ROA.436:22-32, 437:1-3**

The cases thus couple the individual right with the duty of courts and tether the right to res judicata principles.id This explains the usual posture of full faith and credit cases: the issue arises in the context of pending litigation—not as a claim brought against a party failing to afford full faith and credit to a state judgment, but as a basis to challenge the forum court's decision. Such cases begin in state court, and the Supreme Court intervenes only after the court denies the validity of a sister state's law or judgment. Adar v. Smith, 639 F.3d 146 (5th Cir. 2011); "Johnson v. N.Y. Life Ins. Co., 187 U.S. 491, (1903) (noting that the litigant could not claim her full faith and credit "right" had been denied "until the trial took place")." Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) "(no federal question arises until a court fails to give full faith and credit to the law of a state court)." Adar v. Smith, 639 F.3d 146 (5th Cir. 2011) The district court and the Fifth Circuit dismissed this case without giving full faith and credit to the two judgments of the Louisiana state courts. **App.6.ROA.59, App.10.436:22-32, 437:1-3** Therefore, applicant contends that he has a reasonable probability of succeeding on the merits for violation of his Full Faith and Credit right given by § 1, article 4, of the Constitution." The federal question is ripe thus he properly makes the claim to the

United States Supreme Court that the full faith and credit of his Louisiana state court judgments rights have been denied.

2. Irreparable harm will result from the denial of the stay; ""The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."

i Federal Civil Procedure Rule 11

> "(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b)."

The Western District of Louisiana ruled as follows:

> Plaintiff's counsel filed a response to this show cause order on February 12, 2019." Atakapa Indian De Creole Nation v. Louisiana (W.D. La. 2019)
>
> "IT IS ORDERED that Plaintiff's counsel pay a monetary penalty to the court in the amount of $2,500.00. Plaintiff's counsel will have until Tuesday, March 12, 2019 at 4:00 p.m. to pay such amount in full to the U.S. District Clerk of Court for the Western District of Louisiana." Atakapa Indian De Creole Nation v. Louisiana (W.D. La. 2019)

The Louisiana Western District and the fifth circuit court of appeal-imposed sanctions against "Emperor Moses" without notice or a hearing. The rule of the fifth Circuit is that imposing Rule 11 sanctions without notice and hearing constitutes an abuse of discretion by the court'. Goldin v. Bartholow, 166 F.3d 710, 722 (5th Cir.1999)." Marlin v. Moody Nat. Bank, N.A., 533 F.3d 374 (5th Cir. 2008) The Fifth Circuit Court of Appeals in this case held,

> "We again remind him of his professional obligations, and we WARN him that filing or prosecuting frivolous

litigation will result in additional sanctions." Moses v. Edwards (5th Cir. 2022)

Irreparable harm. There can be no question that the challenged restrictions, if enforced, will cause irreparable harm. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, (1976) Roman Catholic Diocese of Brooklyn v. Cuomo, 141 S. Ct. 63, 67 (2020) The 5th Circuit is literally restraining applicant from making novel arguments in state or federal court subject to sanctions. The Fifth Circuit sanctions like the district court sanctions[13] they were fashioned after without a hearing in violation of due process should be deemed void. The panel order creates immediate unlawful obligations. Equally important, the order undermines the orderly appellate process in the fifth Circuit and in the United States Supreme Court which necessitates this motion for stay. Appellant's emergency motion asks the United States Supreme Court to vacate this court's sanctions order and remand this case back to State Court. Considering the fifth circuit's ruling in United States v Brenda Rodriguez (5th Cir 2022), Thompson v. Dall. City Attorney's Office, 913 F.3d 464 (5th Cir. 2019) citing Allen v. McCurry, 449 U.S. 90, (1980) and Superior Oil Co. v. City of Port Arthur which concluded that a prior state quo warranto judgment barred relief granted by the federal district court." Superior Oil Co. v. City of Port Arthur, 726 F.2d 203 (5th Cir. 1984); Morin v. City of Stuart, 111 F.2d 773, (5th Cir. 1940) there is at least a reasonable probability that the Supreme

[13] Atakapa Indian De Creole Nation v. Louisiana (W.D. La. 2019)

Court is likely to grant appellant's forthcoming certiorari petition, and more than a fair prospect that appellant will prevail in that Court.) See Thompson v. Dall. City Attorney's Office, for the proposition that "a party cannot litigate in federal court a claim previously dismissed in state court." Thompson v. Dall. City Attorney's Office, 913 F.3d 464 (5th Cir. 2019) citing Allen v. McCurry, 449 U.S. 90, (1980); see United States v Brenda Rodriguez (5th Cir 2022) and Kipps v. Caillier, 197 F.3d 765, 770 (5th Cir. 1999), to impose sanctions under its inherent power, "a court must make a specific finding that the attorney acted in bad faith." Here, the district court did not make a specific finding that "Emperor Moses" acted in bad faith. **App.12.ROA.448** Therefore, this court should vacate the appellate court's sanctions order. This court should revisit, reverse and remand Atakapa Indian de Creole Nation v. Louisiana, 943 F.3d 1004, 1006-07 (5th Cir. 2019) since it is the basis for the sanctions in this case. The fifth circuit rule is that District courts have "inherent power to issue sanctions against attorneys for bad faith conduct in litigation," but "the threshold for the imposition of such sanctions is high." Kipps v. Caillier, 197 F.3d 765, 770 (5th Cir. 1999). To impose sanctions under its inherent power, "a court must make a specific finding that the attorney acted in bad faith." Id. (quotations omitted). Here, the district judge relied on his inherent power, but he did not make a specific finding that "Emperor Moses" acted in bad faith. The district judge therefore abused his discretion in ordering appellant to pay $2500.00 as a sanction. The panel's sanction order in this case like the district court sanctions order it is fashioned after

is void because the judge deprived "His Majesty" of a public hearing prior to punishment under Fed. Civ. Proc. Rule 11. "His Majesty" is entitled to a contradictory hearing before a neutral and detached judge to show cause why conduct specifically described in the order had not violated Rule 11(b). "The Rule in question contemplates that occasions may arise when the trial judge must immediately arrest any conduct of such nature that its continuance would break up a trial, so it gives him power to do so summarily." Sacher v. United States, 343 U.S. 1, (1952) We think 'summary' as used in this Rule ... refers to a procedure which dispenses with the formality, delay and digression that would result from the issuance of process, service of complaint and answer, holding hearings, taking evidence, listening to arguments, awaiting briefs, submission of findings, and all that goes with a conventional court trial. Sacher v. United States, 343 U.S. 1, (1952)

The purpose of that procedure is to inform the court of events not within its own knowledge. Sacher v. United States, 343 U.S. 1, (1952) The rule allows summary procedure only as to offenses within the knowledge of the judge because they occurred in his presence. Sacher v. United States, 343 U.S. 1, (1952) The alleged offenses at issue in this case did not occur in the judge's presence. Thus, "conviction without trial is not only inherently unfair in the first court, but the unfairness is carried up to the appellate level." Sacher v. United States, 343 U.S. 1, (1952) No man should be forced to trial before a judge who has previously publicly attacked his personal honor and integrity. The risk to impartial justice is too great.

Sacher v. United States, 343 U.S. 1, (1952) This court has said that "a judge who does this should no more be permitted to try the lawyer he accuses than a judge should be permitted to try his own case." Cf. Tumey v. State of Ohio, 273 U.S. 510 (1927). As a General rule "orderliness as a judicial goal commands adherence to Supreme Court precedent." Thompson v. Dall. City Attorney's Office, 913 F.3d 464 (5th Cir. 2019) Thus, Mcgirt v. Oklahoma and Oklahoma v. Castro-Huerta controls this case.

In McGirt, the United States Supreme Court held that the state cannot exercise jurisdiction over an Indian in Indian country. McGirt v. Oklahoma, 140 S.Ct. 2452, 207 L.Ed.2d 985 (2020) To the extent that a State lacks prosecutorial authority over crimes committed by Indians in Indian country is the result of a separate principle of federal law that precludes state interference with tribal self-government. Oklahoma v. Castro-Huerta (2022)" Edward Moses, Jr., 'Emperor of the American Empire,' majestically referred to as the 'Christian Emperor D'Orleans,' moved to appeal in forma pauperis ('IFP') the dismissal of the removed complaint..." Moses v. Edwards (5th Cir. 2022) The Catholic Church preserved my grandparents' records, Joseph and Athemis. The Catholic Church identified both as "Savages" or "Indians." "Edward Moses, Jr., is the trust protector of the 'Atakapa Indian de Creole Nation.' This group is not a federally recognized Indian tribe..." Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019)

However, the nation-state is recognized in the American State Papers, Indian Affairs, Vol. I (Serial No. 07), pp. 724. "Edward Moses Jr also descends 'from the East Atakapa Nation through his grandmother Fanchon and his grandfather, Jupiter, Chief Captain of the Western Atakapa Indian Nation[.]..." Atakapa Indian De Creole Nation v. Louisiana (W.D. La. 2018) **Attakapas Parish** was a former parish (county) in southern Louisiana the only Roman Civil Law State and was one of twelve parishes in the Territory of Orleans, newly defined by the United States federal government following the Louisiana Purchase.[14] At its core was the *Poste des Attakapas* trading post.[15] Atakapa District predates the establishment of Louisiana.[16] It was organized by the second session of the first legislature of the Territory of Orleans in 1807.[17] In fact Atakapa history predates the United States.

ii Under 18 U.S.C. §11, definition of Foreign Government

On June 29, 2022 the Louisiana State Court in East Baton Rouge Parish issued an order establishing that under 18 U.S.C. § 11, the Atakapa Nation is a Foreign government that "the United States is at peace with, irrespective of recognition by the United States." **App.17** In accordance with 18 U.S.C. § 112(c) the Emperor of the American Empire majestically referred to as the Christian Emperor

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[14] https://en.wikipedia.org/wiki/Attakapas_County,_Orleans_Territory

[15] https://en.wikipedia.org/wiki/Attakapas_County,_Orleans_Territory

[16] http://stmartinparishclerkofcourt.com/history.aspx

[17] https://en.wikipedia.org/wiki/Attakapas_County,_Orleans_Territory

D'Orleans Edward Moses Jr is the Head of State and Chief Executive Officer of an international organization, the Atakapa Indian, "TRIBE OF משׁה†MOSES" Irrevocable Express Spendthrift Trust.[18] **App.17** "The provisions of 18 U.S.C. §§ 112(b)(1) and 112(b)(2) are for the protection of foreign officials, official guests, and internationally protected persons. U.S. v. Birk, 797 F.2d 199 (5th Cir.1986). 18 U.S.C. § 112 adopts the definitions for foreign government, foreign official, and Internationally protected person etc. found in 18 U.S.C. 1116(b)." U.S. v. Vasquez, 867 F.2d 872 (5th Cir. 1989) And by reason of the facts herein alleged "Emperor Moses" claims that the Fifth Circuit Court of Appeal had no jurisdiction of this action, and that, if any jurisdiction for said act in fact exists in any court, it is vested solely in the supreme court of the United States, pursuant to the provisions of the constitution and the statutes of the United States in such case made and provided.'

iii 18 U.S.C. § 112 Protection of foreign officials, official guests, and internationally protected persons, "Emperor Moses"

In U.S. v. Vasquez, "Eddie Serrato Vasquez appealed his conviction for attempting to threaten Pope John Paul II and threatening Pope John Paul II by letter in violation of 18 U.S.C. §§112(b)(1) and 112(b)(2). The fifth circuit court affirmed the conviction under § 112(b)(1)." U.S. v. Vasquez, 867 F.2d 872 (5th Cir. 1989)" The record established that the Pope who is the former vicar (acting "on

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[18] **In re: Atakapa Indian "TRIBE OF משׁה†MOSES" Express Spendthrift Trust** (La.App. 1st Cir 2022)

behalf of) Christ, the anointed-one is the head and director of the Vatican State. Whereas the Christian Emperor D'Orleans is the head of the Atakapa Indian, "**TRIBE OF משה†MOSES**"[19], an absolutely sovereign independent nation-state. **App.17** This is enough to support a finding by the court that "Emperor Moses" like the Pope is a 'foreign official' and internationally protected person under 18 U.S.C. § 112." U.S. v. Vasquez, 867 F.2d 872 (5th Cir. 1989) Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a state, or by any judge or justice, whereby the person of any public minister of any foreign prince or state, authorized and received as such by the president, or any domestic or domestic servant of any such minister is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void. In re Baiz, 135 U.S. 403, (1890) Emperor Moses contends that he was well received by the United States President and the United States Congress when they signed into Law the bill making "Juneteenth a United States Federal Holiday. Therefore, the sanctions order in this case should be deemed void.

iv If this case is to be retried it should be retried in the United States Supreme Court

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction." U.S. Const. Art. III - Sec. 2

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[19] **In re: Atakapa Indian "TRIBE OF משה†MOSES" Express Spendthrift Trust** (La.App. 1st Cir May 20 2022)

"Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer. This court has held that it is true that sanctions under rule 11 violations like criminal contempt committed in a trial courtroom can under some circumstances be punished summarily by the trial judge." Murchison, 349 U.S. 133, (1955) Moreover, as shown by the judge's statement here might himself many times be a very material witness in a later trial. Murchison, 349 U.S. 133, (1955) If the charge should be heard before that judge, the result would be either that the defendant must be deprived of examining or cross-examining him or else there would be the spectacle of the trial judge presenting testimony upon which he must finally pass in determining the guilt or innocence of the defendant. Murchison, 349 U.S. 133, (1955)

In either event the government would have the benefit of the judge's personal knowledge while the accused would be denied an effective opportunity to cross-examine. Murchison, 349 U.S. 133, (1955) The right of a defendant to examine and cross-examine witnesses is too essential to a fair trial to have that right jeopardized in such way. Murchison, 349 U.S. 133, (1955) It was a violation of due process for the District Court[20] in Atakapa I and the Fifth Circuit Courts of Appeal in this case to sanction "Emperor Moses" without a hearing." Murchison, 349 U.S. 133, (1955) Thus, the sanctions judgment rendered by the District Court in "Atakapa I" and the panel in this case against "His Majesty" should be deemed void.

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[20] Atakapa Indian de Creole Nation v. Louisiana, 943 F.3d 1004, 1006-07 (5th Cir. 2019)

3. Public Interest. The Christian Emperor D' Orleans Edward Moses Jr, for our family, the Catholic Church had answers

Finally, it has not been shown that granting the applications will harm the public. As noted, the State and Federal Government both failed to show by what authority they claim or hold office. Roman Catholic Diocese of Brooklyn v. Cuomo, 141 S. Ct. 63, 68 (2020) The State has not shown that public would be imperiled. The restrictions at issue here, by effectively barring first amendment freedom of speech, and strikes at the very heart of the First Amendment's guarantee of the right to petition the Government for a redress of grievances. Id Before allowing this to occur, we have a duty to conduct a serious examination of the need for such a drastic measure. Roman Catholic Diocese of Brooklyn v. Cuomo, 141 S. Ct. 63, 68 (2020) On the other hand, the parties were not allowed a full evidentiary hearing to develop the question of permanent equitable relief. They are entitled to a complete hearing on the merits before a final judgment granting or denying permanent relief is rendered. Thus, this court should REMAND for an expedited hearing. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)

E. DISQUALIFICATION OF ASSISTANT UNITED STATES ATTORNEY AND THE GOVERNMENT FROM THIS QUO WARRANTO PROCEEDING

"While the appeal was pending, Applicant like Bruce Committe moved to disqualify opposing counsel due to an alleged conflict of interest. Bruce Committe v. Gentry (5th Cir. 2021) But Committe did not attempt to establish that an attorney-client relationship had existed between himself and opposing counsel." Bruce

Committe v. Gentry (5th Cir. 2021) As a general rule, courts do not disqualify an attorney on the grounds of conflict of interest unless the former client moves for disqualification." In re Yarn Processing Patent Validity Litig., 530 F.3d 83, 88 (5th Cir. 1976). Unlike Bruce Committee applicant did show the fifth circuit " why the 'narrow exceptions' to its general rule found in In re Yarn Processing Patent Validity Litig does in fact apply to disqualify opposing counsel..." Bruce Committe v. Gentry (5th Cir. 2021) "The court should disqualify the Assistant United States Attorney and the Government from these proceedings on its own motion as a matter of public policy." In re Yarn Processing Patent Validity Litigation, 530 F.2d 83, 88 (5th Cir. 1976) What is involved is a matter of public interest involving the integrity of the Bar. Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) When the propriety of professional conduct is questioned, any member of the Bar who is aware of the facts which give rise to the issue is duty bound to present the matter to the proper forum, and a tribunal to whose attention an alleged violation is brought is similarly duty bound to determine if there is any merit to the charge. Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) The issue having arisen here on plaintiff's motion, those attorneys representing other parties to the litigation were obligated to report the relevant facts to the Court for its determination. Indeed, the Code of Professional Responsibility EC 1-4 mandates such action: "A lawyer possessing unprivileged knowledge of a violation of DR 1-102 shall report such knowledge to a tribunal or

other authority empowered to investigate or act upon such violation."[21] Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) Once a conflict of interest appears from the facts, and where the matters embraced in the pending action are substantially related to those in the other actions, the law will not inquire into the force of the impact or its potential damage. For the Court to do so would require it to speculate as to the course a litigation would take and would tend to undermine the confidence of clients that their counsel would be constant in their loyalty to their interests, a confidence essential to our adversary legal process. Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) As already stated, considerations of public policy, no less than the client's interests, require rigid enforcement of the rule against dual representation where one client is likely to be adversely affected by the lawyer's representation of another client and where it appears he cannot exercise independent judgment and vigorous advocacy on behalf of the one without injuring the interests of the other. Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) A lawyer should not be permitted to put himself in a position where, even unconsciously he will be tempted to "soft pedal" his zeal in furthering the interests of one client in order to avoid an obvious clash with those of another, at least in the absence of the express consent of both clients. Such is the

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[21]https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/2011build/mod_code_prof_resp.pdf

case here. Estates Theatres, Inc. v. Columbia Pictures Indus., Inc., 345 F.Supp. 93 (S.D. N.Y. 1972) The duty not to represent conflicting interests is an outgrowth of the attorney-client relationship itself, which is confidential, or fiduciary, in a broader sense. EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969)

The dual basis for the rule against representing conflicting interests is implicit in its statement as formulated in Canon 6 of the American Bar Association's Canons of Ethics: The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed. EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969) This canon has recently been construed not to require proof of the acquisition, use, or misuse of confidential information as a condition for disqualification. EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969) A person seeking to disqualify his former counsel from continuing to appear against him need show only (1) the former representation, (2) a substantial relation between the subject matter of the former representation and the issues in the later lawsuit, and (3) the later adverse representation. EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969) In this case, (1) Assistant United States Attorney Karen King admits in the email transmissions that the government represented Donald Trump in this "Quo Warranto" proceeding under Louisiana Code of Civil Procedure 3901 (2) President

Donald Trump still claims that the 2020 Presidential Election was stolen thus he is the rightful president. The burden for Trump was to show by what authority he claims the office. Whereas the burden for Biden was to show by what authority he holds office. (3) Thus, the government's former client Donald Trump's interests are presently adverse to those of the United States Government's present client, Joseph Biden." AUSA King failed to appear and she failed to file an answer at the State court hearing. Consequently, both presidents failed to carry their burdens. **App.4.ROA.45** Accordingly, "His Majesty" is entitled to judgment under Louisiana Code of Civil Procedure 3902. 3902 titled "Judgment" provides that when the court finds that a person is holding or claiming office without authority, the judgment shall forbid him to do so. It may declare who is entitled to the office and may direct an election when necessary. When the court finds that a corporation or limited liability company is exceeding its powers, the judgment shall prohibit it from doing so.LA CCP Art. 3902 Judgment;

Canon 9 of the Code of Professional Responsibility cautions that "A lawyer should avoid even the appearance of professional impropriety" and it has been said that a "lawyer should avoid representation of a party in a suit against a former client, where there may be the appearance of a possible violation of confidence, even though this may not be true in fact." American Bar Association, Standing Committee on Professional Ethics, Informal Opinion No. 885 (Nov. 2, 1965). Emle Industries, Inc. v. Patentex, Inc., 478 F.2d 562 (2nd Cir. 1973)

"Disqualification is in the public interest, the court cannot act contrary to that interest." Emle Industries, Inc. v. Patentex, Inc., 478 F.2d 562 (2nd Cir. 1973) "The Court, on its own motion, may disqualify an attorney for violation of the Canons of Ethics." Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956)" And, by a parity of reason, it is the responsibility of the Court to ascertain whether there is any merit to the accusation once an alleged violation of the Canons has been called to the Court's attention." Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956) The former client need show no more than that the matters embraced within the pending suit wherein his former attorney appears on behalf of his adversary are substantially related to the matters or cause of action wherein the attorney previously represented him, the former client.[22] The Court will assume that during the course of the former representation confidences were disclosed to the attorney bearing on the subject matter of the representation.[23] It will not inquire into their nature and extent. Only in this manner can the lawyer's duty of absolute fidelity be enforced and the spirit of the rule relating to privileged communications be maintained." Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956) The Assistant United States Attorney continued representation of President Joseph Biden in this quo warranto proceeding violates the duty of fidelity that she owes to President Donald Trump.

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[22] "The Court of Appeals for the Second Circuit has approved Judge Weinfeld's reasoning. Consolidated Theatres, Inc., v. Warner Bros. Cir. Man. Corp., 2 Cir. 1954, 216 F.2d 920. See Note, 69 Harv. L.Rev. 1339, 1340 (1956)" Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956)

[23] Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956)

The classic exposition of that duty is found In re Boone, 83 F. 944 (N.D. Cal. 1897), where Circuit Judge Morrow said: "The test of inconsistency is not whether the attorney has ever appeared for the party against whom she now proposes to appear, but it is whether her accepting the new retainer (assignment) will require her, in forwarding the interests of her new client, to do anything which will injuriously affect her former client in any matter in which she formerly represented him, and also whether she will be called upon, in her new relation, to use against her former client any knowledge or information acquired through their former connection." Empire Linotype School v. United States, 143 F.Supp. 627 (S.D. N.Y. 1956) "The law is well settled that an attorney, having acted as such for a client, cannot thereafter assume a hostile position to him about the same matter, and cannot later use against him knowledge or information obtained from his client while that relation subsisted." In United States v. Bishop, 90 F. 2d 65, 66, where there was a reversal of the lower court because it refused to grant a motion to exclude the counsel from appearing by reason of their former relations, the Court said: "It is well settled that an attorney who has acted for one party cannot render professional services in same matter to the other party, and it makes no difference in this respect whether the relation itself has terminated, for the obligation of fidelity still continues * * * "Since as held by federal courts, attempting to act for one party to a litigation after being engaged to represent the adverse litigant, and seeking to use the knowledge acquired from the first litigant for the benefit of the second, is such

culpable conduct as justifies disbarment." United States v. Bishop, 90 F.2d 65 (6th Cir. 1937) While no fraudulent intent appears, the practice gave appellee an improper advantage, and the ethical objections are insuperable. Porter v. Huber, 68 F.Supp. 132 (W.D. Wash. 1946) This error is so vital that even though no other error appeared, the judgment necessarily must be reversed." Porter v. Huber, 68 F.Supp. 132 (W.D. Wash. 1946) We find the rule stated again in other language in 5 Am. Jur. 298:"It is both the right and the duty of the court to prohibit or restrain an attorney from acting for one whose interest is adverse to that of a former client." In 7 C.J.S., Attorney and Client, § 48, p. 828, it is announced that the test of inconsistency to be applied is * * * Whether he will be called upon, in his new relation, to use against his former client any knowledge or information acquired through their former connection." Porter v. Huber, 68 F.Supp. 132 (W.D. Wash. 1946) "Disqualification vindicates the former client's trust in and reliance on his attorney. EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969) It promotes the use of the legal system for the adjudication of disputes by upholding the dignity of the legal profession." EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969)

CONCLUSION

WHEREFORE, appellant prays that this court issue an order granting full faith and credit to the Louisiana state court trust judgments and the state court judgment dismissing this matter on the merits then REVERSE the sanctions orders

as void and REMAND for an expedited hearing in this case and Atakapa Indian De Creole Nation v. Louisiana (W.D. La. 2019) on the issues regarding permanent relief." Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)." FURTHERMORE, this Honorable court should find "The authorities and ethical principles heretofore discussed impose a clear duty on the Court to require present counsel for President Joseph Biden to withdraw." EF Hutton & Company v. Brown, 305 F. Supp. 371 (S.D. Tex. 1969) Thus, "this court must vacate the judgment and conclude that the government attorney, in participating in this suit, is at least inadvertently unprofessional." Porter v. Huber, 68 F.Supp. 132 (W.D. Wash. 1946) "This does not alter the fact that it is improper for them to appear in this cause, and, therefore, after briefing is completed this Court should order that their names be stricken as counsel for President Joseph Biden in this Quo Warranto Proceeding." Porter v. Huber, 68 F.Supp. 132 (W.D. Wash. 1946)

SUBMITTED BY:

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Case No.

IN THE UNITED STATES COURT SUPREME COURT

EMPEROR OF THE AMERICAN EMPIRE, also known
as the Christian Emperor D'Orleans
Edward Moses Jr

Plaintiff – Applicant

v.

John Bel Edwards, Louisiana Governor, Donald Trump, US President et al,

Defendants - Respondents

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT ON APPLICATION TO STAY REMOVAL ORDER AND VACATE SANCTIONS ORDER ISSUED BY
THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS

APPENDIX

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proper person

Appendix 18 MOTION FOR STAY DENIAL

United States Court of Appeals for the Fifth Circuit

No. 21-30270

EDWARD MOSES, JR., EMPEROR OF THE AMERICAN EMPIRE
also known as CHRISTIAN EMPEROR D'ORLEANS,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS, *Louisiana Governor*;
DONALD TRUMP, *U. S. President*; UNITED STATES OF AMERICA,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:21-CV-450

ORDER:

IT IS ORDERED that appellant's opposed motion to stay issuance of the mandate pending the filing of a certiorari petition is DENIED.

IT IS FURTHER ORDERED that appellant's alternative opposed motion to stay issuance of the mandate for 21 days is DENIED.

JERRY E. SMITH
United States Circuit Judge

Appendix 15 REHEARING DENIAL

United States Court of Appeals for the Fifth Circuit

No. 21-30270

EDWARD MOSES, JR., EMPEROR OF THE AMERICAN EMPIRE
also known as CHRISTIAN EMPEROR D'ORLEANS,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS, *Louisiana Governor*;
DONALD TRUMP, *U. S. President*; UNITED STATES OF AMERICA,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:21-CV-450

ON PETITION FOR REHEARING EN BANC

Before SMITH, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

Appendix 14 APPELLATE COURT DISMISSAL

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
May 20, 2022
Lyle W. Cayce
Clerk

No. 21-30270
Summary Calendar

EDWARD MOSES, JR., *Emperor of the American Empire also known as Christian Emperor D'Orleans*,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS, *Louisiana Governor*;
DONALD TRUMP, *U. S. President*; UNITED STATES OF AMERICA,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:21-CV-450

Before SMITH, HIGGINSON, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Attorney Edward Moses, Jr., self-proclaimed "Emperor of the American Empire," also known as "Christian Emperor D'Orleans," moves to appeal *in forma pauperis* ("IFP") the dismissal of the removed complaint

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

seeking a writ of *quo warranto* to challenge the right of the President and the Governor to hold their offices. Among various bizarre and frivolous assertions, Moses contends that, as Emperor of the American Empire and protector of the "Tribe of [symbols] Moses," he is entitled to the writ—and the offices—because the elections were invalid and the Government of the United States was dissolved by a coup d'état on January 6, 2021. The district court dismissed the complaint under *Atakapa Indian de Creole Nation v. Louisiana*, 943 F.3d 1004, 1006–07 (5th Cir. 2019), since the claims are frivolous.

Because Moses raises no nonfrivolous issue for appeal, he fails to refute the district court's certification that an appeal is not in good faith, and it is apparent that the appeal is meritless. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997). The motion to appeal IFP is DENIED, and the appeal is DISMISSED as frivolous. *See id.*; 5TH CIR. R. 42.2.

In 2019, Moses was sanctioned $2500 by the Western District of Louisiana; he has since been reminded of his obligation as an attorney not to advance frivolous litigation under Federal Rule of Civil Procedure 11 and Louisiana's Rules of Professional Conduct. In light of the apparent ineffectiveness of prior sanctions and warnings, we SANCTION Moses in the amount of $2500. We again remind him of his professional obligations, and we WARN him that filing or prosecuting frivolous litigation will result in additional sanctions.

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
May 20, 2022
Lyle W. Cayce
Clerk

No. 21-30270
Summary Calendar

EDWARD MOSES, JR., EMPEROR OF THE AMERICAN EMPIRE *also known as* CHRISTIAN EMPEROR D'ORLEANS,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS, *Louisiana Governor*; DONALD TRUMP, *U. S. President*; UNITED STATES OF AMERICA,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:21-CV-450

Before SMITH, HIGGINSON, and WILLETT, *Circuit Judges*.

JUDGMENT

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED as frivolous.

IT IS FURTHER ORDERED that in light of the apparent ineffectiveness of prior sanctions and warnings, we SANCTION Moses in the amount of $2500. We again remind him of his professional obligations, and we WARN him that filing or prosecuting frivolous litigation will result in additional sanctions.

Appendix 11 DISTRICT COURT JUDGMENT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

EDWARD MOSES JR	**CASE NO. 6:21-CV-00450**
VERSUS	**JUDGE ROBERT R. SUMMERHAYS**
JOHN BEL EDWARDS, ET AL.	**MAG. JUDGE CAROL B. WHITEHURST**

JUDGMENT

On March 31, 2021, United States Magistrate Judge Carol B. Whitehurst issued a Report and Recommendation [ECF No. 8], recommending that this matter be dismissed with prejudice. After an independent review of the record, and consideration of the objections filed, the Court hereby ADOPTS the findings and conclusions set forth therein, with the exception of the two full paragraphs on page 4. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that all claims asserted in this suit are **DISMISSED WITH PREJUDICE** for lack of jurisdiction, because the claims are frivolous pursuant to *Atakapa Indian de Creole Nation v. Louisiana*, 943 F.3d 1004 (5th Cir. 2019).

THUS DONE in Chambers on this 5th day of May, 2021.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

Appendix 9 MAGISTRATE REPORT AND RECOMMENDATION

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

EDWARD MOSES JR	**CASE NO. 6:21-CV-00450**
VERSUS	**JUDGE ROBERT R. SUMMERHAYS**
JOHN BEL EDWARDS ET AL	**MAGISTRATE JUDGE CAROL B. WHITEHURST**

REPORT AND RECOMMENDATION

This is Mr. Moses's third case of which this Court is aware in a series of similarly bizarre cases which have been dismissed a frivolous. *Atakapa Indian de Creole Nation v. Louisiana*, 943 F.3d 1004, 1006 (5th Cir. 2019) ("Atakapa I") (dismissing Plaintiff's "exotic claims" as "obviously without merit" and frivolous); and *Atakapa Indian de Creole Nation v. Edwards*, 838 F. App'x 124 (5th Cir. 2021) ("Atakapa II") (describing the suit as "similarly implausible" and frivolous). The court's resources are again called upon to respond to Mr. Moses's spurious, frivolous, and wholly meritless claims.

Mr. Moses is a Louisiana licensed attorney. In *Atakapa I*, the Fifth Circuit described Plaintiff's claims as follows: "The plaintiff, a lawyer who styles himself both a monarch and a deity, brought claims on behalf of an Indian tribe alleging that the defendants have, among other misdeeds, monopolized 'intergalactic foreign trade.'" *Atakapa I*, at 1005. The court instructed that certain claims, including those

asserted therein, are subject to dismissal for lack of subject matter jurisdiction by virtue of their frivolousness and implausibility:

> Some claims are "so insubstantial, implausible, ... or otherwise completely devoid of merit as not to involve a federal controversy." *See Oneida Indian Nation of N.Y. v. Oneida Cty.*, 414 U.S. 661, 666, 94 S.Ct. 772, 39 L.Ed.2d 73 (1974). Federal courts lack power to entertain these "wholly insubstantial and frivolous" claims. *Southpark Square*, 565 F.2d at 343–44. Determining whether a claim is "wholly insubstantial and frivolous" requires asking whether it is "obviously without merit" or whether the claim's "unsoundness so clearly results from the previous decisions of (the Supreme Court) as to foreclose the subject." *Id.* at 342.
>
> *Atakapa I, at* 1006.

After citing numerous examples of Plaintiff's bizarre allegations,[1] the court dismissed Plaintiff's claims for lack of subject matter jurisdiction.

A little over a year later, the Fifth Circuit considered another such suit which Plaintiff filed in the Middle District Court of Louisiana against more than 150 defendants. He "invoked myriad federal laws and treaties yet makes no coherent argument as to why he is entitled to relief under any of them. The defendants include

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[1] Examples include: 1) Plaintiff "refer[ed] to himself throughout under such titles as: 'His Majesty,' '[T]he Christian King de Orleans,' '[T]he God of the Earth Realm,' and the 'Trust Protector of the American Indian **Tribe of** [unrecognized symbol] **Moses**' (bold and Hebrew script in original)." 2) "[T]he Atakapa are being held in 'pupilage' by the United States and as 'wards" of Louisiana;' and 3) Plaintiff argued "that the defendants are attempting to 'monopoliz[e] ... domestic, international and intergalactic commercial markets.'"

corporations and local, national and international leaders, among others, but Plaintiff does not explain their connection to the allegations." *Atakapa II*.

Mr. Moses has now filed this third suit (of which the Court is aware). Referring to himself as "The Emperor of the American Empire majestically referred to as the Christian Emperor D'Orleans," he filed the instant suit in the 16th Judicial District Court of Louisiana, styled as an Emergency Petition for Writ of Quo Warranto against (now former) President Donald Trump and Governor John Bel Edwards. (Rec. Doc. 1-1). Though the allegations are, again, bizarre, Mr. Moses appears to seek an order that the United States does not have authority over "the historic Louisiana Empire, new Spain," and commanding President Biden and Governor Edwards to show by what authority they hold their respective offices. (Rec. Doc. 1-1, ¶1-6). The United States removed the matter on February 24, 2021. (Rec. Doc. 1). On the same day, prior to the United States having appeared in the state court proceedings, the state court conducted a hearing on the quo warranto and dismissed Plaintiff's claims against Governor Edwards on exceptions. (Rec. Doc. 4-2; Rec. Doc. 7-3, p. 42-44; Rec. Doc. 7-3, p. 72). As such, Governor Edwards is no longer a party to this matter.

After removal, Mr. Moses, referring to himself as "His Majesty," filed a Petition for Writ of Mandamus in this Court on March 18, 2021. (Rec. Doc. 4). He attached as an exhibit an order signed by a state court judge purporting to establish

a trust entitled, "TRIBE OF [indecipherable symbol] MOSES Express Spendthrift Trust, the Covenant of One Heaven (Exodus 24:7, 31:18, 34:10,27) and its corresponding attachments [which is] a foreign trust governed by the Law of Moses…" (Rec. Doc. 4-1). Mr. Moses apparently contends this document establishes him as "trust protector" with some sort of ecclesiastical power. (See e.g. Rec. Doc. 4-1, p. 4). The Court will not attempt to interpret these "trust" documents.

Further, relying upon YouTube videos, Mr. Moses contends the 2019 Louisiana gubernatorial election results were mis-calculated. (Rec. Doc. 4, p.11-12). To the extent Mr. Moses seeks to compel Governor Edwards to appear and substantiate his authority for serving as elected governor, the Court recommends that this claim be dismissed as having already been definitively ruled upon by the state court prior to removal. (Rec. Doc. 4-2; Rec. Doc. 7-3, p. 42-44; Rec. Doc. 7-3, p. 72).

Mr. Moses also seeks an order compelling the President of the United States to show by what authority he holds office. Mr. Moses lacks standing to assert such a claim, because quo warranto actions must be brought by the government. *Johnson v. Manhattan Ry. Co.*, 289 U.S. 479, 502, 53 S. Ct. 721, 729, 77 L. Ed. 1331 (1933); *United States v. Machado*, 306 F. Supp. 995, 1000–01 (N.D. Cal. 1969), citing cases. Article III standing must be considered by the court *sua sponte* where necessary.

Ford v. NYLCare Health Plans of Gulf Coast, Inc., 301 F.3d 329, 332 (5th Cir. 2002).

Finally, the Court cautions Mr. Moses to consider his professional obligations under F.R.C.P. Rule 11 and Louisiana Rules of Professional Conduct Rule 3.1.

Conclusion

For the reasons discussed herein, the Court recommends that Plaintiff's claims be DISMISSED WITH PREJUDICE pursuant to *Atakapa I* and for lack of standing.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d

1415 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. §636(b)(1).

THUS DONE in Chambers, Lafayette, Louisiana on this 31st day of March, 2021.

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE

Additional material from this filing is available in the Clerk's Office.