

No. _____

**In the
Supreme Court of the United States**

SEAN HOUSTON ET AL.,

Petitioners,

v.

MERRICK BRIAN GARLAND,
ATTORNEY GENERAL OF THE UNITED STATES; ET AL.,

Respondents.

**On Petition for Writ of Certiorari to
the United States for the Sixth Circuit**

PETITION FOR A WRIT OF CERTIORARI

houston; lasean
dejong/grantee/beneficiary
Petitioner in propria persona sui juris
% 3079 S Baldwin Road Suite 1006
Orion, Michigan Rfd Near: 48359
(248) 981-5175

April 25, 2024

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QUESTIONS PRESENTED

I. Whether the court of appeals of the United States for the Sixth Circuit made a presumably erroneous judgement In Affirming the Lower Court, *sua sponte* dismissal of complainants cause of action, for lack of subject matter jurisdiction, against the title, rights, privilege or immunity specially claimed by complainants under the constitution, treaties, laws or authority of the United States, rather than try complainants cause de novo.

II. Whether the district court of the United States Eastern District of Michigan made a presumably erroneous judgement *sua sponte* dismissing complainants cause of action for lack of subject matter jurisdiction against the title, rights, privilege or immunity specially claimed by complainants under the constitution, treaties, laws or authority of the United States.

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Petitioner Sean Houston is an individual who is the trustee of a personal trust with the name SEAN HOUSTON EL FOUNDATION TRUST, in and through, houston; lasean dejong/beneficiary and ROMAINE KRITINI DAVENPORT TRUST, in and through, davenport; romaine kritini /beneficiary
- There are no corporate petitioners

Respondents and Defendants-Appellees below

Federal Defendants

- Janet Louise Yellen, Sec. Treasury U.S.
- Merrick Brian Garland, Atty. General U.S.
- Antony John Blinken, Sec State U.S.
- Marilynn Roberge Malerba et al., Treasurer U.S.
- Debra Anne Haaland, Sec. Interior U.S.
- Kilolo Kijakazi, Comm. Social Security Admin.
- Charles Paul Rettig, Comm. Internal Revenue
- Miguel Cardona et al., Sec. Education U.S.
- Major General Duane R. Miller, Army U.S.
- Alejandro Nicholas Mayorkas, Sec. Homeland Sec. U.S.

Maryland Defendants

- Robert J. Contee III, Executive/Chief of Police, Metropolitan Police Department
- John D. B. Carr, Prince George's County Sheriff

Illinois Defendants

- Jay Robert Pritzker, Governor
- Kwame Raoul, Atty. General
- Karen A. Yarbrough, Cook County Clerk/Rec. Deeds
- Marc D. Smith, Dir. Dept. Child Fam Serv.
- Larrisa Redfield, Sup. Lutheran Soc. Serv

Michigan Defendants

- Dana Nessel, Atty. General
- Jocelyn Benson, Sec State
- Robert S Wittenberg, Oakland County Treasurer
- Lisa Brown, Oakland County Clerk/Reg. Deeds
- Phyllis C. McMillen, Oakland County Circuit Judge
- John Michael Chmura, 37th Dist. Ct. Judge
- Julie A. Nicholson, 52nd Judicial Dist. Ct. Judge
- Cynthia Thomas Walker, 50th Judicial Dist. Ct. Judge

- Sheila Miller-Martin, 50th Judicial Dist. Ct. Judge
- Annette Gattari-Ross, 37th Dist. Ct Admin. Mag.
- Michael J. Bouchard, Oakland County Sheriff
- Anthony M. Wickerham, Macomb County Sheriff
- Jackeline Buchanan, Chief Executive, Genisys Credit Union
- Douglas Brenner, Chief Executive, Brenner Oil Company
- Brian Herschfus, Attorney, Wood, Kull, Herschfus, Obee & Kull, P.C.
- Christopher J. Trainor, Chief Executive, Christopher Trainor & Assoc.
- Krystina Rose Doss, Attorney, Christopher Trainor & Assoc.
- Richard G. Roosen, Attorney, Roosen, Rachetti, Olivier, PLLC
- Kimberlee Basha, Executive Principle, Autovest, LLC
- Charles M. Shepperd, Sole Member, Shepperd Properties, LLC
- Pernell James Williams, Pernell James Williams Estate

Texas Defendants

- Thomas A. Moore Jr., Chief Executive, First Investors Financial Srvc.
- Walter Collins, Chief Executive, Collins Asset Group LLC.
- (The suit is brought against the particular defendants, as representatives of the numerous class to which they belong.)

Relators

- All other parties named in the initial complaint, relators, are materially interested, either legally or beneficially, in the subject-matter of this suit, are too numerous to be all brought before the Court, and as such, petitioners are *sui juris* and suing in behalf of their entire class as People called Moors/beneficiaries so that they may come in under the decree and take the benefit of it.

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 1 *POINTS AND AUTHORITIES

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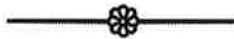
PETITION FOR A WRIT OF CERTIORARI

Petitioner houston; lasean dejong, a private People called Moors, and beneficiary, in propria persona *sui juris*, is thereby aggrieved, and demanding an appeal in the nature of a writ of certiorari and that the judgement of the lower court therefrom may be reviewed and reversed; to have the whole case and every matter in controversy in it decided in a single appeal, under section 5, Judiciary Act 26 stat 826 Chap 517 of (1891).



OPINIONS BELOW

The Opinion of the U.S. Court of Appeals in included at App.1a. The opinion of the U.S. District Court, E.D. Michigan is included at App.4a.



JURISDICTION

The Sixth Circuit entered judgment on January 26, 2024. This Court has jurisdiction under 28 U.S.C. 1254(1).

The constitutional grant of judicial power is as follows: “The judicial power shall extend to all cases in law and equity “arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; . . . to controversies between a state, or citizens thereof, and foreign

states, citizens or subjects." The court of appeals of the United States, Sixth Circuit, as People bound by oath to be Persons Worthy of Trust, "shall have appellate jurisdiction of all civil actions wherein the matter in controversy arises under the Constitution, laws or treaties of the United States and is between citizens of a state and foreign states or citizens or subjects thereof." The power of the supreme court of the United States, under the sixth section of the Judiciary Act of March 3, 1891, to issue the writ of certiorari extends to every case pending in the circuit court of appeals where the decision is against the title, rights, privileges, or immunities specially claimed by the complainants and is under the constitution, or any treaty or statute of, or commission held or authority exercised under the United States and demands it be re-examined and reversed or affirmed in the supreme court of the United States upon a writ of certiorari, and the entire case be open and before the supreme court for its determination.

Petitioners have brought a cause averring jurisdictional facts which the validity or construction of any treaty made under its authority, are drawn into question; or the "title or right specially set up by one of the parties may be defeated by one construction of the constitution or law of the United States; or the jurisdiction of the court is in issue; and require the question be certified to the supreme court of the United States from the court below for decision; and demand that their appeal be allowed and the question of jurisdiction be certified to the supreme court; and the certificate further state that there is sent the proofs placed upon the public record, and a full and

complete record of the inquiry in regard to the jurisdiction would be presented to the supreme court of the United States upon appeal, and that the supreme court be enabled to review the facts and the evidence upon which the court below bases its decree, so far as to determine whether the conclusion of the courts below were warranted by the evidence before it.

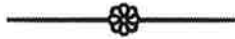
Petitioner's appeal from a circuit court, revised by certiorari or appeal, grants the supreme court, jurisdiction upon the ground, that it is one arising under the constitution or some law or treaty of the United States; that the title, rights, privilege or immunity specially claimed by complainants under the constitution, and treaties are in jeopardy of being destroyed; that the suit does involve a controversy between a citizen of a state and a foreign state, citizen or subject; that the matter in dispute does exceed, exclusive of interest and costs, the sum or value of \$2,000. Petitioners require that the supreme court dispose not merely of the constitutional question, or other federal questions, but of the entire case, including all questions, whether of jurisdiction or of merits.

***"Equity will take jurisdiction to avoid
a multiplicity of suits"***

Petitioners, as People called Moors, and Subjects of the Al Maroc Shereefian Empire, making her/his uncontroverted claims under rights protected by treaties, invokes this court's judicial jurisdiction under the Treaty of Marrakech (1786), the Treaty of Algiers Articles (1795), Treaty of Algiers Articles (1796) and (1797), the Treaty of Tripoli Articles (1796), the Treaty of Tunis Articles (1797), the Treaty of Tunis Article (1824), and the Treaty of Marrakech Articles (1836), the Treaty of Madrid Article (1880);

the constitution for the United States of America in congress assembled (1789); the Bill of Rights for the United States of America in congress assembled (1791) Amendment I, Amendment V, and Amendment IX.; the Judiciary Act 1 stat 73, (1789); and the Judiciary Act 26 stat 826 Chap 517, (1891).

“When Chancery has jurisdiction for one purpose, it will take jurisdiction for all purposes.”



INTRODUCTION

A. Assignment of a Presumably Erroneous Conclusions

Petitioners contend that the courts below, by mistake, or error, have committed presumably erroneous judgements, not sustained by proof, against petitioners, in his administrative capacity, and not in his judicial capacity under equity, as demanded by petitioners in their initial complaint, although the importance of the questions involved, in substance and in fact, are a matter affecting the interests of this nation in its internal or external relations including its adherence to United States obligations under international law, the Law of Nations. The judgements of each court were conclusions, not sustained by proof, and determined from evidence considered outside of the pleadings, unsupported by admissible prima facie evidence; without any objection to the admissibility of any deposition, deed, grant, or other exhibit found on the face of the public record, in the court, as evidence, and otherwise deemed to have been admitted by consent.

Petitioners further contend that the judgement by the judge of the United States for the district court of the United States, Eastern District of Michigan, AFFIRMED by the court of appeals of the United States for the Sixth Circuit, determining that complainants suit does not really and substantially involve a dispute or controversy within the jurisdiction of said court; or that the parties to said suit have been improperly or collusively made or joined, either as complainants or defendants, for the purpose of creating a case cognizable; were presumably erroneous, or upon a personal conviction, without impartiality; were rendered without the seal of the court or signed by the clerk thereof, and in contravention of courts of the United States procedures and their duty as public trustees; were without judicially giving their judgments on the whole record, sustained by facts sufficiently proved and controlled by fixed rules of law, that appear upon the public record, that create a legal certainty of their conclusions, and not merely on the points stated by counsel.

Petitioners further contend that the judge of the United States for the district court of the United States, Eastern District of Michigan has committed a presumably erroneous decree against the title, rights, privileges, or immunities specially claimed by petitioners, and it also being *prima facie* evidence that petitioner's core equitable rights are "not" cognizable and are being destroyed beyond repair in the "at law" jurisdiction.

Petitioners further contend that the judgements of both lower courts were entered without any evidence being before the court being entered by any defendant, to the contrary, each defendant stood silent, their

silence being their confession that they had no defense to make to petitioner's claims and, admit the material allegations of the claims to be true, in substance and in fact; are willfully and knowingly in breach of their fiduciary duties to the complainants; and are recklessly engaged in unsafe and unsound practices which are part of a pattern of misconduct and discriminatory practices towards petitioners in the premises.

Petitioners further contend that the judges for the court of appeals of the United States for the Sixth Circuit have AFFIRMED said erroneous decree against petitioner's rights by denying petitioner's demand that their equitable appeal be tried de novo.

Petitioners further contend that the lower court "did not" render equal justice towards them, denying them full and adequate equitable relief. The petitioners have brought an equitable cause, true in substance and in fact, as appears on the face of the public record, fairly stated, upon the whole merits of the case set forth by petitioners before both of the courts of the United States, requiring an equitable decree, which shall ascertain and protect present rights; to redress present wrongs; to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer.

Petitioners further contend that their appeal, which was docketed in the appellate court in time, gives that court jurisdiction of the subject-matter of the appeal, with power to make all such orders, consistent with the practice of courts of equity, as may be appropriate and necessary for the furtherance of justice. (see Treaty of Madrid Article V. (1880))

Petitioner respectfully petition the supreme court of the United States to award an alternative writ of mandamus to compel the judges of the United States for the court of appeals of the United States, Sixth Circuit to sign the Bill of Exceptions, or show good cause to the contrary.

B. Rulings Below

Petitioners contend that the original ruling, May 2, 2023, initiated in the district court of the United States, Eastern District of Michigan; appealed (de novo) to the court of appeals of the United States, Sixth Circuit, to receive complete justice, because the petitioners believe that the judge of the United States the district court of the United States, Eastern District of Michigan, may have a personal bias or prejudice against the petitioners; asserting facts not entered on the face of the public record by any defendants. Acting in only his administrative capacity, and not in his judicial capacity under equity, as demanded by petitioners in their initial complaint, although the importance of the questions involved the validity or construction of a treaty made under the authority of the United States or any obligation of the United States under international law, the Law of Nations; making his impartiality reasonably questionable. These assertions are being made in good faith.

In this Petition for a Writ of Certiorari, to the supreme court of the United States petitioners further contend that said initial rulings are, in substance and in fact, erroneous; contrary to Equity, good conscience and good reason; repugnant to the various treaties with the Al Maroc Shereefian Empire, the constitutional provisions, and the laws of the United States of America in Congress assembled; an interpretation which would

render a clause in any treaty of no effect; and a destruction of the petitioner's core equitable titles, rights, privileges or immunities, as People called Moors, and Subjects of the Al Maroc Shereefian Empire.

Petitioner's cause of action is of a purely equitable nature and "is not" cognizable at law. Petitioners further contend that whatever tends to produce equality in national agreements, ought to be favored.

***"Equity imputes an intent to
fulfill an obligation."***

Petitioners further contend that upon the law of positive authority, as well as, upon a principle of natural justice, that even the Declaration of Independence (1776), proved no obligatory operation upon any free inhabitant of the United States of North America, who did not choose, with intention and purpose, to remain in that country or has taken an oath of allegiance to some member of that confederation.

Petitioners rely exclusively on the recognition and enforcement of purely equitable rights. All defendants, as People bound by oath to be Persons worthy of Trust, (public trustees) including, but not limited to, all legislative, executive and judicial officers, both of the United States and of the several states, bound to support all treaties made, or which shall be made, the constitutions, and the laws of the United States; appointed and qualified as either implied administrators, or constructive or expressed fiduciaries, once entered upon the discharge of their duties as such, have taken advantage of the trust and confidence reposed in her/him by the petitioners, and thereby benefiting her/himself to the petitioner's injury, by blocking, clogging, depriving petitioners of property,

titles, rights, privileges, exemptions or immunity specially claimed by petitioners by treating petitioners as an enemy or an ally to an enemy of the United States of America in Congress assembled, or the United States for the District of Columbia; or otherwise prohibiting petitioner's private enjoyment, use, possession, and benefit of his reputation, ability to labor and her/his own senses, lands, tenements, rents, profits, goods and chattels, without their consent, and each being guilty of the grossest possible breach of good faith.

Petitioners further shows, unto your Honors, that petitioners have called upon each defendant(s) to either Affirm or Deny their trust relation with her/him; each stand silent as their acceptance of dishonor, misconduct, and their confession that they have no defense to make, but, on the contrary, admit the material allegations of the claims to be true, in substance and in fact; by their silence each have knowingly or willfully refused to render a specific performance, by due particularity; to provide petitioners with a full accounting of all accounts whether Open, Stated or Settled; to provide petitioners a list of real, personal, and equitable assets; to provide petitioners with a list of all debts or other property so held by the Alien Property Custodian or by the treasurer of the United States and due to petitioner's estate during such time as she/he was deprived, as an incident to the right of redemption; to release any and all collateral, and return all remaining trust res, by reconversion of said "Account", to petitioners, as Moor heir/beneficiaries; and to make discovery, under oath, any statement of account of their acting's and doings as administrators or fiduciaries aforesaid. All acting's and doings, neglects and pretenses, and other conduct on the part of said

defendants, are contrary to equity and good conscience, and tend to manifest wrong, great harm, injury, and oppression of petitioners in the premises.

Due to said exigent circumstances petitioners are unequivocally and undeniably without adequate, complete, and certain remedy "at law," sufficient to meet all the demands of Justice owed and due to petitioners by virtue of her/his private special and particular political status as People called Moors, beneficiaries, both Subjects of the Al Maroc Shereefian Empire and free inhabitants of a Mohammedan nation, neither lunatics, paupers, vagabonds, fugitives from justice, nor nationals of a designated enemy country.

May it please your Honors, that the said defendants, have been regularly served with subpoena to answer the complainant's bill; have been regularly brought before the Court and made party to complainant's bill; and any other persons who may be confederating together at present and unto petitioners unknown, whose names, when discovered, may be herein inserted, and they be made parties respondent hereto, for contriving to harm and oppress petitioners in the premises. Defendants have made an appearance as parties in the lower courts, presumably accepting the jurisdiction of the court; having entered no defenses, nor denied specifically **any** of the substantive claims of the petitioners, the existence of their "guilt" stands.

Petitioners further contend that they have entered bills of exceptions to all presumptions made by the defendants and judges of the United States of both lower courts at the proper time and place, containing the truth, in substance and in fact, as appears affirmatively on the face of the public record of the case, fairly stated. Petitioners Bills of Exceptions have laid

wholly ignored and unanswered by any of the judges of the United States of either of the courts below. The judge of the district court has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court, “that a right that grows out of, or is protected by, a treaty; it prevail against all laws, or decisions of the courts of the states; and is protected, if she/he makes her/his claim under the treaty.”; or has decided an important federal question in a way that conflicts with obligations of the United States under international law, AFFIRMED by the court of appeals of the United States, Sixth Circuit. (*see Owing v Norwood’s lessee*, 5 Cranch, 344. 2 Cond. Rep. 275).

The remedies sought by petitioners are of a purely equitable and substantive nature, and the petitioners elects to apply for equitable relief and are aware that it is an established principle that when there is a conflict between the rules of law and the rules of equity, over the same subject matter, the rules of equity shall prevail.



STATEMENT OF THE CASE

I. Factual history

I, houston, lasean dejong, a private People called Moors, beneficiary/heir, in propria persona *sui juris majoris aetatis suae*, (in my proper person, in my own right, who has attained the Age of Majority), beneficiary, Subject of the Al Maroc Shereefian Empire and free inhabitant of a Mohammedan nation, “but

not citizen of the United States for the District of Columbia, nor a Citizen of the United States of America in Congress assembled," neither lunatic, pauper, vagabond, fugitive from justice, nor enemy or an ally to an enemy of the United States of America in Congress assembled; competent to take up my own affairs, able to pass and repass with a regime of economic liberty without any inequality, without an administrator, a personal representative, a guardian, an executor, or a trustee to defend our core equitable rights, titles, and interests in the same said estates, and I must guard our good names, against the destruction of our reputation, and our rights to equal Justice being rendered on our behalf, which are protected by our privity as heir/beneficiaries to the treaties already decided and the written constitution, intended for petitioners, by its makers as an equitable mortgage/compact, which in "fact" a trust arises.

Petitioners further contend that there does exist a clear Conflict and Variance of Law concerning the same matter that causes destruction to the petitioner's equitable rights as Moor beneficiaries, and heirs.

Petitioners of this APPEAL IN THE NATURE OF A WRIT OF CERTIORARI to the supreme court of the United States, come now by special restricted appearance, as a "friend of the court" and affiant herein and she/he shall be treated as friendly, respected and esteemed. Your Honors would expect no less privity as co-heirs to same said mortgage/compact. In the absence of a Consul court petitioners call a Court of Equity into activity by good conscience, good faith and by his own reasonable diligence, to avoid a multiplicity of suits.

Your orator being *sui juris*, now having knowledge of his own rights, with opportunity to assert them, he

does not delay unreasonably so to do, contends that all People bound by oath to be Persons worthy of Trust, including, but not limited to, the governor of the District of Columbia, and all entities part and parcel to the body corporate for municipal purposes being subject to the Code of law for the United States for the District of Columbia, shall at all times be subject to the Congress of the United States, and shall "not" exercise powers inconsistent with the Constitution, treaties, and laws of the United States.

Petitioners have further tendered valuable and sufficient consideration, on special deposit, in the form of postal money orders, for the appointment of each lower court; having duly affixed a canceled stamp, as a tender of performance for the stamp duty "to support Government and to pay Interest on the Public Debt," on any instrument, document, writing, or paper which shall be admitted or used as evidence in any Court of the United States, duly filed affirmatively on the face of the public record of the district court of the United States, Eastern Michigan district and that of court of appeals of the United States, Sixth Circuit as proof of the merit of the cause. Petitioners believe, by mistake, or error, our postal money orders (Security instruments) may have been mutilated, defaced, destroyed, lost or stolen if the courts below have determined that petitioners equitable cause of action was "thoroughly frivolous."

Petitioners have, by undisputed affidavit, ordered that, as to them, complainant's bill be taken as confessed, and the cause be set for hearing ex parte. Petitioners further contend that an allegation that the defendant has a good and valid defense, without setting it out so that the Court can judge of its merits,

cannot be noticed at all. The failure of the adverse party to give such information, or otherwise, shall not be allowed to plead such grant, or give it in evidence upon the trial; and neither party shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim.

Petitioners contend that all defendants have failed to prove any facts, "to a legal certainty," that the complainant's suit does not, really and substantially, involve a dispute or controversy within the equity jurisdiction of the court averred by the complainants.

Petitioners further contend that:

houston; lasean dejong/Moor beneficiary, and davenport; romaine kritini/Mooress beneficiary makes her/his purely equitable cause of action against the named defendants to defend her/his equitable rights, titles, and interests in the same said estate and must guard her/his good name, against the destruction of her/his reputation, and her/his rights to equal Justice being rendered towards them;

complainants properly identified each defendant; identified in such a fashion there is no room for mistaken identity;

complainants have proven (1) That a complete diversity of citizenship, between themselves and the defendants, does in reality exist; in substance and in fact, and have demonstrated by affidavit (see Declarations of Intention and FOIA) being affirmatively entering on the face of the public record as evidence of nationality, which have gone undisputed by

any defendant. (2) That the subject-matter of the suit is within the jurisdiction of a court of equity. (3) That the suit is one arising under the constitution or laws of the United States, or treaties made under their authority. (4) that each defendant was afforded due process including written notice, notice of default, summons, and subpoena;

that stipulations of a treaty, constitutional provision, acts of legislation, or laws have been identified by its proper or common name;

that their claims are in non-prejudicial language and detail so as to enable a person of average intelligence to understand nature of cause; the actual act or acts constituting the destruction of rights complained of;

that their purely equitable cause parrots no statute;

that by presumptions and a form of paper genocide, defendants attempted to denationalize or naturalize complainants by imposing statutes codes, ordinances and other colorable instrumentalities and titles or treated complainants as enemies, allies of an enemy or nationals of a designated enemy country;

that their claims clearly state the facts upon firsthand personal knowledge, except as to matters therein stated on information and belief to be true;

Your orator further contends that the statements in this affidavit "Petition for A WRIT OF CERTIORARI"

are true, in substance and in fact, of my own first-hand personal knowledge, except as to matters therein stated to be on information and belief; are made in good faith; and these matters I believe and contend that the original ruling from the judge of the district court of the United States, Eastern Michigan district (2nd) day of May, two thousand twenty-three; de novo appealed to the judges of the United States at the court of appeals of the United States, Sixth Circuit, who AFFIRM the district court's judgment, the (26th) day of January, two thousand twenty-four; is presumably erroneous; is contrary to Equity, good conscience and good reason; was rendered without the seal of the court or signed by the clerk thereof; and is repugnant to the various treaties with the Al Maroc Shereefian Empire, the constitutional provisions, and the laws of the United States of America in Congress assembled including, but not limited to, the Judiciary Act 1 stat 73 § 25., and § 26., (1789), and the Judiciary Act 26 stat 826 Chap 517 § 5., § 6. (1891).

Petitioners further contend that she/he, in reality, have rights that grow out of or are protected by a treaty. It is our duty to guard our good name, against the destruction of our reputation, and our titles and rights to equal Justice being rendered towards us, which are protected by our privity as heirs to the treaties and the written constitution, intended for Moors, by its' makers as an equitable mortgage/compact, including, but not limited to, the Treaty of Marrakech (1786), the Treaty of Algiers (1795), Treaty of Algiers (1796) and (1797), the Treaty of Tripoli (1796), the Treaty of Tunis (1797), the Treaty of Tunis (1824), and the Treaty of Marrakech (1836), and the Treaty of Madrid (1880), which prevail against all

laws, or decisions of the courts of the states; and we are protected, if we make our claim under the treaties, as stated by this court itself.

Petitioners further contend that the cause of action we require to be reviewed, as beneficiaries and relators, is of a purely equitable nature; is cognizable in Equity; and our core equitable rights are "not" cognizable at law and are being destroyed in the at law jurisdiction and will in "fact" continue to be destroyed beyond repair.

Petitioners rely exclusively on the recognition and enforcement of our primary equitable rights, titles, privileges, and immunities. Petitioners further contend that I/we are aware that our right to equitable relief is accompanied by a reciprocal duty to first give equity to our adversary.

Petitioners DENY that they have made any bad faith claims intended to harass, delay or embarrass any defendants or judges of the United States; there is collusion between him/them and any of the parties; they made any legal arguments concerning any statutory schema; they made factual contentions that are clearly baseless; or they made any legal arguments or claims based on any indisputably meritless legal theory; that she/he has been designated as an enemy or an ally to an enemy of the United States of America in Congress assembled, or the United States for the District of Columbia; instead petitioners have relied entirely on our reciprocal treaties which provide for a beneficiary who has a right to claim an estate to make said claim and be rendered said estate once her/his claim is made and proven. (*see* Treaty of Marrakech (1786) and Treaty of Algiers (1795), Treaty of Algiers (1797) and the Treaty of Marrakech (1836).

In an abundance of caution, to do complete justice and ensure that equal justice shall be rendered, petitioners have given equity; have clearly showed that he/they have fully, and in good faith, complied with every preliminary or prerequisite to such writ that he/they are clearly entitled to; and they gave each defendant reasonable notice of their bono fide claims and tried to meet the defendants on the way to court. Instead, each defendant stood silent, their silence being their confession that they had no defense to make to petitioner's claims, but on the contrary, admit the material allegations of the claims to be true, in substance and in fact, and are willfully and knowingly in breach of their fiduciary duties to the complainants; they are clearly liable to be so moved against; they have neither AFFIRMED nor DENIED that petitioners have no interest in what is claimed and, as reversioners, the defendants "in fact," have an equitable right in what is claimed; and that it "is not" held in trust for the benefit of the petitioners; that petitioners protested, duly noted, and certified the defendant's dishonor by *pro confesso* as appears on the face of the public record in the district court.

The substance of the petitioner's complaint that the at law side of the court leaves them without due process, adequate nor equitable remedy for wrongs done to them by fiduciaries who are in dishonor of their responsibilities to the petitioners, as beneficiaries, and who have confederated to "direct, control, manage, supervise, vest or prohibit," petitioner's claim of any rights, titles, interest, credits emitted, lands or other property, equity, rents and profits of complainant's estates, by the presumptions of discretionary power of the Alien Property Custodian, without first proving

that complainant(s) or their relators have been designated as an enemy or an ally to an enemy of the United States of America in Congress assembled, or the United States for the District of Columbia; hereby doing petitioners irreparable harm and destroying their treaty protected rights.

Petitioners further contend that the judge of the United States district court, Eastern Michigan district, *sua sponte* dismissed the petitioners equitable cause of action for lack of subject matter without the official seal of the court being affixed or signed by the clerk thereof; presumably ignoring the courts constitutional grant of judicial powers or courts of the United States procedures; the Judiciary Act 1 stat 73 (1789); and the Judiciary Act 26 stat 826 Chap 517 (1891) in their entirety, which extends subject matter jurisdiction to the federal courts in all cases in law and equity.

Rather the court below based its conclusions on current statutory schema and evidence outside the pleadings that was not entered affirmatively on the face of the public record by any of the defendants. The Courts neither construed the petitioner's complaint liberally nor held the petitioners to a less stringent standard than petitioners represented by counsel.

Petitioners further contend that the petitioner's complaint has in reality, drawn into question the validity of a treaty or statute of, or an authority exercised under the United States, "and the decision of the court below is against the title, right, privilege or exemption specially claimed by the petitioners, under such clauses of the said Constitution, treaty, statute or commission.

Petitioners further contend that the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided. (pursuant to the Judiciary Act of (1789) 1 stat 73 § 9. and § 11.); and petitioner's cause was duly brought before both courts of the United States to recover the forfeiture annexed to an articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, yet the judge of the United States, district court, Eastern Michigan district rendered a presumably erroneous judgment against the petitioner's attempt to recover so much as is due her/him according to equity, AFFRIMED by the judges of the United States, court of appeals of the United States, Sixth Circuit.

Petitioners further contend that the judge of the United States, district court, Eastern Michigan district, ORDER; AFFIRMED by the judges of the court of appeals of the United States, Sixth Circuit, as People bound by oath to be a Person worthy of Trust, have reached a presumably erroneous judgement by subjecting petitioners and their relators to a Legal mode of Proceedings; by dismissing petitioner's special cause, for lack of subject matter jurisdiction, presumably to unlawfully transform, by order or amendment, against the objection of the petitioners, an original suit in equity into an action at law, subjecting the petitioners to a wholly different system of administration of rights and remedies than under the original process.

Petitioner's equitable cause was, in substance and in fact, initiated in the Chancery Court at the district court of the United States, Eastern Michigan district; then made a de novo appeal to the Chancery Court of the court of appeals of the United States, Sixth Circuit and now make an appeal in the nature of a Petition for Writ of Certiorari to the supreme court of the United States.

Petitioners further contend that all named defendant(s) to this cause of action have failed to appear; enter any evidence affirmatively on the face of the public record; willfully and knowingly are in breach of your fiduciary duty to the petitioners; they each stand silent as their acceptance of dishonor, misconduct, and their confession that they have no defense to make, but, on the contrary, admit the material allegations of the claims to be true, in substance and in fact, by their silence; failed to fulfill the requirement proof in attempting to reform or overthrow complainants written instruments; before this cause was called to trial at either district court of the United States, Eastern Michigan district or the court of appeals of the United States, Sixth Circuit.

Petitioners further contend that Rules of Evidence in law and in equity require claims to be proven by evidence affirmatively entered on the record.

"The union of legal and equitable causes of action in one suit is prohibited" by § 913, Revised Statutes (United States Comp. St. 1901, p. 683). In national courts legal causes of action, in original cases, must be prosecuted in actions at law where the parties may have a trial by jury, causes of action in equity where appeal may be made to the conscience

of the chancellor. And the Federal Courts may not lawfully transform by order or amendment against the objection of a defendant or plaintiff an original action at law into a suit in equity, or an original suit in equity into an action at law, because such a course of action would be to subject the defendant or plaintiff to a wholly different system of administration of rights and remedies under the original process." Judge Sanborn of the Eighth Circuit, (1912)

Petitioners further contend that the petitioner's evidence sustains their bill; do not exhibit our bill by fraud, but spontaneously for our own security; our complaint proves subject matter jurisdiction based on the evidence that was entered on behalf of the petitioners; at no time has any defendant made a good and valid defense so that the Court can judge of its merits; instead defendants have given no such information.

Petitioners require their petition be reviewed, and this Honorable court shall proceed to hear the argument on the part of the Petitioners and the court shall give judgment according to the right of the cause. (*see* Rule 17 Supreme Court Rules 1912). Your orator demands their core private equitable rights, that grow out of and are protected by a treaty, be vindicated, and wrongs be redressed, in a Court of Equity; to be heard on our special private equitable cause, as proven on the face of the public record. "To take advantage of a People by the betrayal of her/his confidence, is a sort of treason against good faith and shocks the conscience of all mankind." The doors of the

Chancery Court are open to every person who has suffered a wrong cognizable in Equity. (Henry R. Gibson)

Petitioners further contend that the decisions so ordered by the judge of the United States, district court, Eastern Michigan district, and AFFIRMED by the judges of the United States at the court of appeals of the United States, Sixth Circuit, are as undeniably erroneous as a court of law can have or exercise consistently with the law of nations; a betrayal of our confidence; a shock to our conscience; are inconsistent with the reciprocity any treaty protections afforded to Moors by intent and purpose expressed in all the Treaties with the Al Maroc Shereefian Empire negotiated and concluded with the President and Citizens of the United States of North America, as well as, the constitution for the United States of America in Congress assembled (1789); the Bill of Rights for the United States of America in Congress assembled Amendment I, Amendment V, and Amendment IX. (1791); the Judiciary Act of 1 stat 73 (1789); and the Judiciary Act 26 stat 826 Chap 517 (1891). Petitioners further contend that a trust arises from those said treaties for which petitioners are beneficiary/heir by way of our ancestors expressed intent and purpose as Subjects of the Al Maroc Shereefian Empire.

Under the rules of Chancery due and owing to the petitioners by way of her/his special and particular political status and primary equitable rights to the same said Estate, that were intended for petitioners, as the sole exclusive heir and beneficiary, by maxims ("only God can create an heir,") and has continued to be her/his bono fide claims, as People called Moors, from the beginning of our "special cause" complaint.

Petitioners further contend that the decisions so ordered by the judge of the United States, district court, Eastern Michigan district, and AFFIRMED by the court of appeals of the United States, Sixth Circuit, are undeniably erroneous and prima facie evidence petitioners primary equitable rights are "not" cognizable and are destroyed in the "at law" jurisdiction. Petitioners are without equal Justice being rendered towards them, with full and adequate relief given; and are relegated to being legally incapacitated, and as a perpetual minors, if not "dead" in the law, reduced to a political and economic status without rights, left with only benefits and privileges, incapable of taking up my own rights and handling my own affairs as was intended by our ancestors. Nowhere in the constitution, treaties or laws of the United States of America in Congress assembled, nor the Code of the District of Columbia, are any People bound by oath to be Persons worthy of Trust, subject to the public faith, granted the authority to change the nationality of complainants from being aboriginal People called Moors and Subjects of the Al Maroc Shereefian Empire; or reduce their political and economic status without rights, without her/his consent Petitioners contend that her/his ancestor's intent and purpose established multiple Trust relations within all the Treaties with the Al Maroc Shereefian Empire negotiated and concluded with the President and Citizens of the United States of North America, the supreme law of the land, is for the protection of its Moor Subjects for which we are heir/beneficiaries. As expressed in your constitutional indenture, the constitution for the United States of America in Congress assembled Article VI, § 2 & § 3. (1789)

Petitioners further, show unto your Honors that she/he claim the same equitable rights protected by treaties as any French national is entitled to claim, and have called upon the court of appeals of the United States, Sixth Circuit, to acknowledge and enforce the treaties and the constitutional provisions; to render a specific performance, by due particularity; as fiduciaries of this trust relation; to provide petitioners with a full accounting of all accounts whether Open, Stated or Settled of the said estate as in conscience and equity they ought to have done or be attached and compelled to answer as “Equity compels all the fiduciary/defendant(s) to do that which an upright and conscientious woman/man would have done without compulsion,” as well as, other items listed in their Preposed Order to numerous to list. (*see* Treaty of Marrakech (1836))

Rather than address the substance and fact of the petitioners claims or any evidence affirmatively entered unto the face of the public record, the district court *sua sponte* dismissed the petitioner’s complaint for lack of subject matter jurisdiction, concluding that the petitioners failed to plead a cognizable federal cause of action based on an “at law” statute which the petitioners have plead from the outset that their equitable by nature cause was not cognizable in the at law jurisdiction. (*see* Treaty of Marrakech (1836) and Treaty of Tripoli (1796))

The district court was vested with original jurisdiction of equity causes such as this matter, pursuant to, constitution for the United States of America in Congress assembled, Art III, § 2§§ 1, and Article VI, § 1, § 2, and § 3, (1789); the Judiciary Act 1 stat 73 § 9. § 11, § 16, § 20, § 25., § 26, (1789); the Judiciary Act of

26 stat 826 Chap 517 § 2., § 4., § 5., § 6., § 7, § 10, § 11., (1891) and the supreme court of the United States (*see* Equity Rules (1912), which provides “the district courts original jurisdiction to try claims of an equitable nature according to rules with which the supreme court of the United States has prescribed, regulating proceedings in equity in the courts of the United States.

This Court shall have appellate jurisdiction to review the District Courts dismissal of Appellants complaint pursuant to constitution for the United States of America in Congress assembled, Art III, § 2§§ 1, and Article VI, § 1, § 2, and § 3, (1789); the Judiciary Act 1 stat 73 § 9. § 11, § 16, § 20, § 25., § 26, (1789); the Judiciary Act of 26 stat 826 Chap 517 § 2., § 4., § 5., § 6., § 7, § 10, § 11., (1891) and the supreme court of the United States (*see* Equity Rules (1912), which provides “the courts of appeals shall have jurisdiction of appeals from all decisions of the district courts of the United States.”

Petitioners do hereby grant personal and subject matter jurisdiction to your Honors, as People bound by oath to be Persons worthy of Trust, and the conscience of the Queen/King, and call into activity your judicial appellate grant of authority to dispense, and adjudge each of the fourteen separate equitable causes of action, under the exclusive inherent equity jurisdiction, conferred by the Treaty of Marrakech (1786); the constitution for the United States of America in Congress assembled, (1789); the Judiciary Act, 1 stat 73 (1789); the Treaty of Tunis (1824), the Treaty of Marrakech, ARTICLE (1836). and the Treaty of Madrid, (1880).

It is unquestionably true that the harshness of the common law, its unfitness to cope with fraud, its incapacity to do justice in many cases, the defects in its remedies, the opportunities it gave the strong to oppress the weak, and its general inadequacy to meet the requirements of equity. Our core equitable rights are not cognizable at law, it gave wholly inadequate remedy, or else merely allowed damages for the wrong, remedy when allowed being often wholly worthless. The fact that the complainant(s) have had to bring similar causes before the "at law" courts, having yet receiving complete justice is *prima facie* evidence that our equitable rights are not cognizable by that venue.

Petitioners have been subjected to a Legal mode of Proceedings which are inconsistent with the private treaty protections claimed by complainant(s). Petitioners further contend that there still exists a definite distinction in modes of procedure. It's easy to say that the distinctive modes of equity procedure are alone abrogated by the legislature, while the principles, doctrines, and rules of the equity jurisprudence and jurisdiction are wholly unaffected.

May it please your Honors, the said defendants, who are People bound by oath to be Persons Worthy of Trust, have failed to answer, or make defense to the claims; after being granted reasonable time so to do; render to petitioners, under oath, make discovery any statement of account of their acting's and doings as administrators or fiduciaries aforesaid, to the destruction of rights, injury and loss of the petitioners. (see Treaty of Marrakech (1836))

Petitioners desire an order taking her/his bill for confessed, the failure of the defendants, as People

bound by oath to be Persons worthy of Trust to make any defense being deemed prima facie evidence that she/he has no defense to make, but, on the contrary, admits the material allegations of the bill to be true.

Petitioners further contend that all People bound by oath to be Persons worthy of Trust, including, but not limited to, the governor of the District of Columbia, and all entities part and parcel to the body corporate for municipal purposes being subject to the Code of law for the United States for the District of Columbia, shall at all times be subject to the Congress of the United States, and shall “not” exercise powers inconsistent with the Constitution, treaties, and laws of the United States. Therefore, the decision of judge of the United States, district court, Eastern Michigan district, [to use Federal Rules of Civil Procedure Rule 12(h)(3) as a grounds for dismissal], were a presumably erroneous; were entered without any objection to the admissibility of any deposition, deed, grant, or other exhibit found in the record, in the court, as evidence, and otherwise deemed to have been admitted by consent, presumably due to personal bias or prejudice; and an unlawful attempt to transform by order an original suit in equity into an action at law against the objection of the petitioners; and the subsequent AFFIRMATION by the court of appeals of the United States, Sixth Circuit, are a contravention and a palpable error by the court of appeals and is also prima facie evidence that our primary equitable rights are “not” cognizable and are destroyed in the “at law” jurisdiction.

“No delay will prejudice a defrauded party as long as he was ignorant of the fraud; and, especially, if the defendant concealed the facts which it was his duty to

disclose, or deceived the petitioner by misstatements, or otherwise lulled his suspicions. The sleep of the petitioner cannot be used as a defense by him who caused that sleep, for that would be to take advantage of his own wrong." (Henry R. Gibson § 70 Latches).

II. Proceedings below

The remedies sought are of a purely equitable nature, and the petitioner elects to apply for equitable relief and notices that it is established principle that when there is a conflict between the rules of law and the rules of equity, over the same subject matter, the rules of equity shall prevail. Further, the petitioner states that no equal justice, adequate, sufficient, or speedy remedy "at law" can provide complete justice. Petitioners therefore attach a "Table of Authorities" that are based upon well-established inherent principles and equity jurisprudence.

Further, the petitioner does notice that this cause is in accordance with the soul, intent and purpose of the rules of the supreme court of the United States, and that Defendants are believed to be governed exclusively in accordance with said intent and rules.

Wherefore the foregoing, petitioners therefore requires that the Justices of this honorable court issue a decree for the petitioner's special request for Declaratory Relief of the rights, duties, powers, privileges, exemptions and immunities between the parties.



REASONS FOR GRANTING THE PETITION

Petitioners requires this Petition for a Writ of Certiorari be granted on proper grounds and in keeping with good conscience and good reason; upon consideration petitioners to the bill; and upon the pleadings and proof in the cause, and the *pro confesso* heretofore entered on the face of the public record against the defendants. The destruction of complainant's core equitable rights leaves her/him legally incapacitated, and as a perpetual minor. The Chancery Court gives remedy and has full jurisdiction to do everything necessary for the welfare of persons under disability and shall be subject to the general equity power of such court so far as the same may be necessary to the ends of justice. "The stipulations in a treaty between the United States and a foreign power, are paramount to the provisions of the constitution of a particular state, or the confederacy." (see TREATISE ON TREATIES)

The Great Duties of the supreme court of the United States:

(1) To see that the rights and privileges reserved to themselves by the People in their constitution are maintained inviolate;

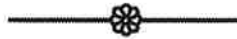
(2) To keep Legislature, the courts, municipal corporations, and all other creatures of the law, within their constitutional and lawful jurisdiction;

- Everyone is presumed to know the law and the defendant is presumed to know that his failure to make defense is equivalent to an

admission, on his part, that the facts set forth in the bill are true, Acting on these presumptions, the court, accordingly, treats the bill as confessed, and decrees the relief the confession warrants. (Henry R. Gibson)

- To revise and correct, or remand for corrections, every error made by any inferior court. Whereby the complaining litigant was in any way injured, or deprived of his equitable rights; and to issue all processes, and make all orders, rules, judgements, and decrees necessary to fully effectuate its appellate jurisdiction, or to fully enforce its own mandate. (Henry R. Gibson)

“Equity will not allow a statute to be used as cloak for fraud.”



CONCLUSION

Petitioners respectfully petition this court for an Appeal in the nature of a writ of certiorari to review the dismissal entered by the judge of the United States, district court, Eastern Michigan district; and the AFFIRMATION of the court of appeals for the United States, Sixth Circuit of the said district court's presumably erroneous judgement after the filing of the Notice of de novo Appeal on the grounds that both the district court of the United States, Eastern Michigan district dismissal for lack of subject matter jurisdiction and the AFFIRMATION by the court of appeals for the United States, Sixth Circuit is contravention and in conflict with all the treaties made with the Al

Maroc Shereefian Empire, the laws of the United States of America in Congress assembled, are in violation of their fiduciary duties, and charters. (*see Treaty of Marrakech (1836)*)

Petitioner's rights are being destroyed if they "cannot" rely strictly on reciprocity, proper and complete good faith treatment of their fiduciaries in the absence of any guardian/ward relation. Defendants are taking advantage of the trust or confidence reposed in her/him by petitioners, and thereby benefiting her/himself to the petitioner's injury, being guilty of the grossest possible breach of good faith.

Petitioners do, in reality, have rights that grows out of, or are protected by, a treaty. This Court itself has acknowledged that said rights shall prevail against all laws, or decisions of the courts of the states; and said rights are protected, if she/he makes her/his claim under the treaty. Petitioners require that all People bound by oath to be Persons worthy of Trust, shall be indemnified by fulfilling their fiduciary duties.

Required Special and General Relief

It is proper to state that the protection of aboriginal Moors by this Government rests upon its treaty with the Al Maroc Shereefian Empire (1786), again in (1836), and redeclared at the Madrid convention (1880), based on the British and Spanish treaties and on the convention of 1863 between France and the Al Maroc Shereefian Empire.

Petitioners are entitled to equal Justice being rendered towards her/him; the termination of any guardian/ward relation, making any presumed administration of our estates absolute void; an adequate,

complete, and certain equitable remedy, and equitable relief, for the destruction of her/his core equitable rights, interests, or estates as the cestui que/beneficiary of the subject matter; and the restoration of her/his property for which she/he has made a rightful claim, under the jurisdiction of exclusive equity jurisprudence, as stipulated, with intent and purpose, in the treaties with the Al Maroc Shereefian Empire.

Wherefore the foregoing, finding no material facts in dispute and with the above declaration of facts given your orator therefore requires that this honorable court expose and right the wrongs committed by designing and crafty men; and required guardians, and trustees to do right towards those depending on them; and above all, to detect and correct frauds and unconscientious conduct; issue a decree for complainant's special request for Declaratory Relief of the core equitable rights, title, duties, powers, privileges, exemptions and immunities between the parties, injunctive relief in the form of petitioner's *Quia Timet*, and Preposed Order in their entirety be decreed, which are operative and binding upon all the parties to the suit, whether they be natural or artificial persons, and whether under disability or not."

***"Equity sees that as done what
ought to be done"***

Petitioners may also have such further and other relief in the premises as the nature of her/his case shall require and as to your Honors shall deem just. That this relief has been granted on proper grounds and in keeping with good reason and good conscience.

"The path of the righteous man is beset on all
sides by the inequities of the selfish and the

tyranny of evil men. Blessed is he who, in the name of charity and good will Shepherds the weak through the valley of darkness, For he is truly his brother's keeper and the finder of lost children. And I will strike down upon thee With great vengeance and furious anger Those who attempt to poison and destroy my brothers And you will know

my name is the Lord When I lay my vengeance upon thee." (Ezekiel 25:17)

Further Complainant Sayeth Naught,

Respectfully submitted,

houston; lasean dejong/grantee/beneficiary
Petitioner in propria persona sui juris
% 3079 S Baldwin Road Suite 1006
Orion, Michigan Rfd Near: 48359
(248) 981-5175

April 25, 2024

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App.1a

**ORDER, U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT
(JANUARY 26, 2024)**

NOT RECOMMENDED FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

SEAN HOUSTON,
AKA LASEAN DEJONG HOUSTON,

Plaintiff-Appellant,

and

ROMAINE KRISTINI DAVENPORT TRUST,

Plaintiff,

v.

MERRICK B. GARLAND,
ATTORNEY GENERAL, ET AL.,

Defendants-Appellees.

No. 23-1530

On Appeal from the United States District Court
for the Eastern District of Michigan

Before: MCKEAGUE, MURPHY, and
BLOOMEKATZ, Circuit Judges.

App.2a

Sean Houston, a pro se Michigan plaintiff, appeals the district court's judgment sua sponte dismissing his complaint for lack of subject-matter jurisdiction. This case has been referred to a panel of the court that, upon review, unanimously concludes that oral argument is not needed. *See* Fed. R. App. P. 34(a). We affirm for the reasons that follow.

Houston, a self-proclaimed "private Moor, Americas aboriginal illinoisian national" and "Subject of the Al Maroc Shereefian Empire," filed a complaint on behalf of himself and the Romaine Kritini Davenport Trust in the district court against numerous federal, state, and local public officials, private citizens, and business entities. Houston sought a declaration of various rights that he claimed to possess as a Moor under the Treaty of Marrakech of 1786, the Treaty of Marrakech of 1836, the Treaty of Tunis of 1824, the "1789 constitution of the united states of America in congress assembled," and the Judiciary Act of 1789. Among other claims for relief, Houston demanded a decree that he is "'in fact' a private Moor" and "Subject of the Al Maroc Shereefian Empire" but not "a citizen of the united states for the district of columbia" or a "Citizen of the united states of America in congress assembled" and the right to claim as "grantee absolute" 1,863 acres of land of his choosing from the Department of the Interior. The district court sua sponte dismissed Houston's complaint for lack of subject-matter jurisdiction. The district court concluded that (1) Houston failed to plead a cognizable federal cause of action under 28 U.S.C. § 1331, (2) complete diversity among Houston and the defendants was absent, so 28 U.S.C. § 1332 did not provide subject-matter jurisdiction over the complaint, and (3) it

lacked subject-matter jurisdiction under *Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999) (per curiam), because Houston's complaint was frivolous.

Rather than address the substance of the district court's order, Houston's appellate brief poses a series of questions for this court to "[s]how 'good' cause why and by what right" did the district court dismiss his complaint. By failing to develop any comprehensible argument that the district court committed an error in dismissing his complaint, Houston has forfeited appellate review of the district court's judgment. See *Geboy v. Brigano*, 489 F.3d 752, 766-67 (6th Cir. 2007). Moreover, we confronted a materially indistinguishable set of allegations and claims for relief in a recent case that Houston filed and concluded that dismissal was appropriate because his complaint was "thoroughly frivolous." *Houston v. Houston*, No. 21-1656, 2022 WL 3452473, at *2 (6th Cir. June 1, 2022), *cert. denied*, 143 S.Ct 353 (2022). We reach the same conclusion here.

AFFIRMED.

ENTERED BY ORDER OF
THE COURT

/s/ Kelly L. Stephens
Clerk

**OPINION AND ORDER, U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
(MAY 2, 2023)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN HOUSTON AND ROMAINÉ KRITINI
DAVENPORT TRUST,

Plaintiffs,

v.

MERRICK GARLAND, ET AL.,

Defendants.

Case No. 2:22-cv-13036

Before: Honorable Stephen J. MURPHY, III,
United States District Judge.

**OPINION AND ORDER
SUA SPONTE DISMISSING THE CASE**

Plaintiffs Sean Houston and the Romaine Kritini Davenport Trust filed a pro se complaint against more than two dozen Defendants. ECF 1. Twelve Defendants filed motions to dismiss. ECF 8; 13; 25; 31; 32; 34; 37; 38; 40; 44; 60; 68. One Defendant moved for summary judgment. ECF 12. Plaintiff Houston responded to two of the motions to dismiss. ECF 42;

43. And Plaintiff Houston moved to strike ECF 32, one of the motions to dismiss. ECF 41. After reviewing the complaint, the Court finds that it lacks subject matter jurisdiction and will sua sponte dismiss the complaint. The Court will also deny all pending motions as moot.

BACKGROUND

In 2021, Plaintiff Houston “sued his own estate and a host of private individuals and public officials.” *Houston v. Houston*, No. 2:21-cv-11888, 2021 WL 4290198, at *1 (E.D. Mich. Sept. 21, 2021), *aff’d*, No. 21-1656, 2022 WL 3452473 (6th Cir. June 1, 2022), *cert. denied sub nom.*, *Houston v. Est. of Houston*, No. 22-151, 143 S. Ct. 353 (Mem) (2022). In that case, it was difficult for the Court to ascertain the relief Plaintiff Houston sought. *Id.* It was clear, however, that Plaintiff Houston “alleged six sources of subject matter jurisdiction.” *Id.* at *2. He alleged that “the 1787 Treaty of Marakesh, the 1824 Treaty of Tunis, U.S. Const. Art. VI, U.S. Const. Art. III, § 2, cl. 1, the Judiciary Act of 1789, and the Articles of Confederation, Art XII” conferred subject matter jurisdiction on the Court. *Id.* (alterations omitted). But after painstaking review of the 142-page complaint, the Court determined that “[n]one of the six sources that Plaintiff cites for federal-question jurisdiction confer subject matter jurisdiction over the causes of action in the complaint.” *Id.* at *3. The Court thus dismissed the complaint. *Id.* at *5-6. Plaintiffs filed the present complaint, which is nearly identical to Plaintiff Houston’s previous complaint, less than two months after the United States Supreme Court denied Plaintiff Houston’s petition for certiorari. *Compare Houston v. Houston*, No. 2:21-cv-

11888, ECF 1, 18 (E.D. Mich.) (Murphy, J.), *with* ECF 1.

The present complaint fares no better than the last. Plaintiffs alleged six sources of subject matter jurisdiction: (1) the 1787 Treaty of Marakesh; (2) the 1824 Treaty of Tunis; (3) U.S. Const. Art. VI; (4) U.S. Const. Art. III, § 2, cl. 1; (5) the Judiciary Act of 1789; and (6) the Treaty of Marakesh 1836. ECF 1, PgID 15. And the nearly impenetrable complaint contained several causes of action. First, Plaintiffs requested “a private declaratory decree acknowledging that complainants are, ‘in fact,’ a private people called Moors, Americas aboriginal nationals, and subjects of the Al Maroc Shereefian Empire, ‘but not citizen of the United States for the District of Columbia, nor a citizen of the United States of America in Congress assembled.” *Id.* at 22 (alterations omitted). Second, Plaintiffs asked “for the termination of any guardian [] ward relation, making any presumed administration of [their] estates absolute[ly] void” and to “have decedent’s legal estate, LaSean DeJong Houston Estate et al., and Romaine Kritni Davenport Estate et al., restored to complainant(s) as the sole exclusive heirs and beneficiaries.” *Id.* at 22-23. (emphasis omitted). Third, Plaintiffs requested “relief against all liability of the [e]state as the ‘implied equitable surety’ or secondary liability imposed upon her/him in all legal proceedings of a general military character.” *Id.* at 25. Fourth, Plaintiffs reasserted “[Plaintiff Houston’s] original claim” from the prior case and sought “equitable relief from the burden caused by”: “(i) trespass upon your orator’s inherent right to equal justice”; “(ii) exoneration of all liability and obligations imputed to your orator”; and “(iii) subrogation of

all rights, title, and interests against the complainant with respect to any irrevocable obligation arising from a quasi-trust relationship.” *Id.* at 26-27 (alterations omitted). Fifth, Plaintiffs asked “for [] relief against the destruction of rights born of special private fiduciary trust relations between the parties.” *Id.* at 28. Sixth, Plaintiffs requested “relief against the destruction of rights arising [from] claims by defendant(s) [W]illiams, [P]ernell [J]ames et al., that he has allegedly sustained personal injuries arising out of an alleged motor vehicle accident with complainant(s) or his property.” *Id.* at 31. Seventh, Plaintiffs requested an order “to render a specific performance, put a stop to injuries which are being inflicted upon complainant, his heirs and beneficiaries; based on *malum prohibitum* . . . claims, without proof of harm.” *Id.* at 33. And eighth, Plaintiffs asked the Court to “extinguish any tax obligation” and “to produce a full accounting . . . and to pay over whatever may be due or belong to him or the balance due complainant on a fair accounting.” *Id.* at 40 (alterations omitted). Plaintiffs also requested a plethora of injunctive relief related to preventing Defendants from enforcing State and federal law against them. *Id.* at 19-21, 32-39. Although non-exhaustive, the foregoing list captures the essence of Plaintiffs’ numerous claims.

LEGAL STANDARD

Federal courts have limited subject matter jurisdiction under the Constitution and federal statutes. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Under current statutory schema, federal courts have subject matter jurisdiction over two categories of cases: those that arise under federal law

and those in which there is an amount in controversy over 75,000 dollars and the parties have completely diverse citizenship. 28 U.S.C. §§ 1331, 1332(a); *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1746 (2019).

Federal Rule of Civil Procedure 12(h)(3) requires that “[i]f [a] court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” In the Sixth Circuit, courts have “broad discretion with respect to what evidence to consider in deciding whether subject matter jurisdiction exists, including evidence outside of the pleadings.” *Cartwright v. Garner*, 751 F.3d 752, 759 (6th Cir. 2014) (citation omitted). In general, a district court should “not sua sponte dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff the opportunity to amend the complaint.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (italics omitted). But a district court may, “at any time, sua sponte dismiss a complaint for lack of subject matter jurisdiction” if “the allegations of [the] complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Id.* (italics omitted). Courts should also construe pro se complaints liberally and hold pro se plaintiffs to a less stringent standard than plaintiffs represented by counsel. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam).

DISCUSSION

The Court will first discuss whether it has subject matter jurisdiction over the case based on a federal question. See 28 U.S.C. § 1331. Then, the Court will address whether it has subject matter jurisdiction

over the case based on diversity of citizenship. *See* 28 U.S.C. § 1332. Last, the Court will determine whether the case may be sua sponte dismissed.

I. Federal Question

In its order dismissing Plaintiff Houston's previous case, the Court thoroughly discussed why each of the six alleged sources of subject matter jurisdiction failed. *See Houston*, No. 2:21-cv-11888, ECF 7, PgID 533-541 (E.D. Mich. Sept. 21, 2021) (Murphy, J.). In that case, Plaintiff Houston relied on: "(1) the 1787 Treaty of Marakesh; (2) the 1824 Treaty of Tunis; (3) U.S. Const. Art. VI; (4) U.S. Const. Art. III, § 2, cl. 1; (5) the Judiciary Act of 1789; and (6) the Articles of Confederation, Art XII." *Id.* at 532 (citation omitted). In the present case, Plaintiffs relied on five of the same sources of subject matter jurisdiction. *See* ECF 1, PgID 15. But Plaintiffs did not rely on the Articles of Confederation. *See id.* Instead, they argued that "the Treaty of Marake[s]h 1836" conferred subject matter jurisdiction.¹ *Id.*

¹ Although Plaintiffs argued that "the Treaty of Marrakech 1836" confers subject matter over the complaint, the copy of "the Treaty of Marrakech 1836" which they filed on the docket as exhibit 'O' is identical to the 1836 Treaty of Morocco. *Compare* ECF 5, PgID 71, with The Avalon Project, *The Barbary Treaties 1786-1816: Morocco – Treaty of Peace; September 16, 1836* (Yale Law School 2008), <https://bit.ly/2XpZAu1> [<https://perma.cc/Z7X4-UTH5>]. And the United States Department of State does not list the Treaty of Marrakech 1836 as an active treaty. *See generally* United States Department of State, *A List of Treaties and Other International Agreements of the United States in Force on January 1, 2020* 311 (2020), <https://bit.ly/3lxs3Xh> [<https://perma.cc/PE5X-832Z>]. Thus, the Court will liberally construe

Because the Court previously analyzed the first five sources of alleged jurisdiction and found that they did not confer subject matter jurisdiction, the Court will make the same finding here for the reasons previously stated. *See Houston*, 2021 WL 4290198, at *2-5. Moreover, the Court already analyzed and rejected the argument that the 1836 Treaty of Morocco confers subject matter jurisdiction. *Id.* at *3. The Court found that “even if the Court liberally construes the complaint to refer to the 1836 Treaty of Morocco . . . the 1836 Treaty also fails to confer federal-question jurisdiction for any of Plaintiff’s claims.” *Id.* Thus, all six of Plaintiffs’ alleged bases of federal question subject matter jurisdiction fail.

II. Diversity of Citizenship

As discussed above, the current statutory scheme for diversity jurisdiction requires that the parties have diverse citizenship and that the amount in controversy exceed 75,000 dollars. 28 U.S.C. § 1332(a); *Home Depot U.S.A., Inc.*, 139 S. Ct. at 1746. Diversity of citizenship must be complete, meaning that “each defendant is a citizen of a different State from each plaintiff.” *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373 (1978) (emphasis in original). When determining citizenship of the parties for purposes of diversity jurisdiction, the domicile of each party is used. *Stifel v. Hopkins*, 477 F.2d 1116, 1120 (6th Cir. 1973). Domicile involves two elements: physical presence in a State and intent to remain in the State.

Plaintiffs’ reference to “the Treaty of Marrakech 1836” to be references to the 1836 Treaty of Morocco.

See Napletana v. Hillsdale Coll., 385 F.2d 871, 872-73 (6th Cir. 1967).

While Plaintiff claims that he is not a citizen of the United States, he listed an address in Orion, Michigan under his signature. ECF 1, PgID 60. The address under Plaintiff's signature is sufficient evidence for the Court to believe that Plaintiff has a physical presence in Michigan and an intent to remain in Michigan. *See Napletana*, 385 F.2d at 872-73. Plaintiff then listed at least one Defendant, the Attorney General of Michigan Dana Nessel, as having a Lansing, Michigan address. ECF 1, PgID 7. Accordingly, there is no complete diversity of citizenship. *See Owen Equip. & Erection Co.*, 437 U.S. at 373; *see also Erwin-El*, 2019 WL 2763314, at *1 (holding that a plaintiff alleging he was a sovereign citizen was a citizen of Michigan because the complaint stated that he lived in Michigan).

III. Sua Sponte Dismissal

Civil Rule 12(h)(3) requires that “[i]f [a] court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” As explained above, the Court lacks subject matter jurisdiction for all of Plaintiff's claims. The Court will therefore sua sponte dismiss the complaint under Rule 12(h)(3). And even if the Court could liberally construe any of the claims in the complaint as arising under a federal law or constitutional provision, the Court would still dismiss the complaint for lack of subject matter jurisdiction because the claims are frivolous. *Apple*, 183 F.3d at 479; *see also Erwin-El*, 2019 WL 2763314, at *1; *Chase Manhattan Mortg. Corp. v. Blakely-El*, No. 06-10343, 2007 WL 1041256, at *1

(E.D. Mich. Apr. 5, 2007) (Feikens, J.); *King v. Corp. of U.S. of Am.*, No. 05 CV 72849, 2005 WL 3320866, at *4 (E.D. Mich. Dec. 7, 2005) (Cleland, J.).

WHEREFORE, it is hereby ORDERED that the complaint [1] is DISMISSED.

IT IS FURTHER ORDERED that pending motions [8]; [12]; [13]; [25]; [31]; [32]; [34]; [37]; [38]; [40]; [41]; [42]; [43]; [44]; [60]; [68] are DENIED AS MOOT.

This is a final order that closes the case.

SO ORDERED.

/s/ Stephen J. Murphy, III
United States District Judge

Dated: May 2, 2023



SUPREME COURT
PRESS