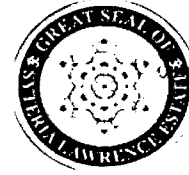


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Moorish Science Temple of America Consular Court

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Case No. _____

IN THE SUPREME COURT OF THE UNITED STATES

In re: TAQUAN RAHSHE GULLETT-EL, Debtor.
Taquan Rahshe Gullett-El, General Executor, Heir Apparent.
In Propria Persona, Affiant-Appellant

Petitioner

V.

INTERNAL REVENUE SERVICE,
AMERICAN BAR ASSOCIATION,
14th Amendment Fictitious Defendant(s)-Appellee(s)

Respondent(s)

ON PETITION FOR WRIT OF CERTIORARI TO
ELEVENTH CIRCUIT COURT OF APPEALS (Nos. 21-13426-JJ, 21-13429-JJ) and
DISTRICT COURT MIDDLE FLORIDA (Nos. 3:20-cv-01047-TJC, 3:20-cv-01075-TJC)
BANKRUPTCY COURT MIDDLE FLORIDA (Nos. 3:20-bk-00618-JAF, 3:20-ap-00030-JAF)

PETITION FOR WRIT OF CERTIORARI

*United States Copyright Office Recording V15017 D224 USPTO Trademark Case ID # 98048204 /
Copyright Office Reg. No. VAU000123456 /
U.S. Customs and Border Patrol (CBP) Recordation No. COP 23-00122*

**Sheik Maalik Taquan Rahshe Gullett El (also called Taquan Gullett-El)
Honorable Consular General of Morocco**

**Bloodright Heir Ancestral Estate Genealogy Lineage Chart and Geodetic Survey and Instrument of Accession
of the Greater Moorish Empire & the Washitaw De Dugdahmoundyah Muuraysh (Moorish) American
Kingdom of Aamaru / Moorish Science Temple of America Consular Court / Aamaru Religious Consul
Association / Washitaw De Dugdahmoundyah Mu'uraysh (Moorish) American Society of Sheikesses & Sheiks:
care of / rural route 422 East 27th Street Duval County Florida republic**

Latitude 24°30' N to 31° 26' N; Longitude 79°48' W to 87°38' W – Above Sea Level

**Washitaw De Dugdahmoundyah Timucuan, Al Andalusia,
Northwest Amexem, Maghrib Al-Aqsa Morocco**

Status and Standing

(Judicial Notice: Fed. R. Evid. 201 & Fla. Stat. § 90.201)

As-Salaamu-Walakium.

1. Peace be upon those who follow The Right Guidance. For the record, I am Sheik Maalik Taquan Rahshe Gullett El (also called :Taquan :Gullett-El), (hereinafter "Heir Apparent"), a natural people, in full life, *sui juris*. My nationality / citizenship is Moorish American verified by our national identification card under classification number ©AA222141, Class A1, in the Library of Congress Copyright Office, Washington, District of Columbia republic, being an autochthonous, aborigine, and indigenous sovereign national and Bloodright Heir of the Moroccan Empire, Maghrib al-Aqsa, at Northwest Amexem / North America by **Jus Sanguinis (Blood, Deed, Creed, and Custom)**. See **United States Copyright Office Recording V15017 D224 (July 15, 2023) USPTO Trademark Case ID # 98048204 / Copyright Office Reg. No. VAU000123456 / U.S. Customs and Border Patrol (CBP) Recordation No. COP 23-00122** (hereinafter, "Holy Appanage Cretionis Muniment of Autochthonous Title: Sovereign Royal Assent of the Kingdom of Aamaru").

2. I am a Moorish American National under the consular jurisdiction of the **Moorish Science Temple of America Consular Court (a Theocratic state)** for the protection and enforcement of my and our people's treaty rights secured under the **Treaty of Peace with Morocco of 1787/1836 (signed at Meccanez; copy at Tangiers)** between the United States of North America and Moroccan Empire, which is in full force and effect under **Article 25 of the Treaty of Peace with Morocco 1836**, and the Constitution for the United States of North America. See "Consular Notification and Access" manual 5th Edition 2018, issued by the United States Department of State. See **Holy Appanage EXHIBIT W, X - United States-Morocco Free Trade Agreement** Implementation Act Dec. 22, 2005 (70 F.R. 76651, Pres. Proc. No. 7971, 2005 WL 3526577 (Pres.)) P.L. 108-302, 118 Stat. 1103 (**19 U.S.C. § 3805 nt. 1**) signed by George W. Bush - Bilateral Treaty of Amity and Commerce signed on: Sept. 16, 1836, Entered into force on: Jan. 28, 1837, Citation: 8 Stat. 484. See **Harmonized Tariff Schedule (HTS) General Note 27, HTS General Note 3-Rates of Duty (Special Tariff Treatment)**.

3. I come now by Special Visitation as in Species for the Lawful, Inexorable, Unshakeable, Resolute purpose of National Impressment (Law of Impressment), to engage the parties by invocation of treaty birthrights, ex rel. Sheik Maalik Taquan Rahshe Gullett El, as authorized representative, ex rel. the artificial corporate person / nom de guerre TAQUAN RASHE GULLETT-EL (any and all alphabetical and/or numerical variations and/or derivations); and make presentment of this **Petition for Writ of Certiorari to 11th Cir. #'s 21-13426 & 21-13429** entered on **October 1, 2023 in re: conclusive evidence of overt acts of Fraud, Article III Section 3 Treason, Misprison of Treason, Apartheid, and Genocide by unlawful 14th Amendment forced conscription scheme**; in accordance with the principles of the specified rights enumerated in the **Treaty of Peace with Morocco 1836 (signed at Meccanez; copy at Tangiers)** between the United States of North America and the Moroccan Empire; the Treaty of Peace and Friendship signed at Tripoli November 4, 1796; the Madrid Convention on the Right of Protection in Morocco signed July 3, 1880; the **General Act of the International Conference of Algeciras** signed April 7, 1906; the **General Agreement on Tariffs and Trade (GATT)**, the **Agreement on Trade-Related Intellectual Property Rights (TRIPS)**, the **Convention on the Prevention and Punishment of the Crime of Genocide** (102 Stat. 3045, Dec. 9, 1948, U.N.T.S. 278) which is codified into the Genocide Convention Implementation Act of 1987 at 18 U.S.C. § 1091 *et seq.*, and the **International Convention on the Suppression and Punishment of the Crime of Apartheid** (July 18, 1976, 1015 U.N.T.S. 243); **attaching criminal penalties to the norm against Genocide and Apartheid with universal jurisdiction for enforcement**. See **Moorish Science Temple of America Consular Court Instrument of Accession**.

4. Affiant does hereby establish a constitutional court of record to establish a summary judgment of the Truth and Facts placed upon the public record. Affiant establishes only Truth, Facts, Honor, and Fair Justice.

Jurisdiction and Venue. Consular Jurisdiction and Venue under Treaty Law, per Articles 20 and 21 of the Treaty of Peace and Friendship of 1836 between the United States of North America and Moroccan Empire; and per Article III Section 2 of the Constitution for the United States of North America – Diversity of Nationality / Citizenship Case. United States Code of Laws of a General and Permanent Character – Title 22 Chapter 2 Consular Courts – Sections 141, 142, 143.¹

ISSUES PRESENTED FOR REVIEW

1. Whether the Supreme Court of the United States has jurisdiction to correct the multiple errors of the bankruptcy court, district court, and circuit court of appeals in the disposition of bankruptcy proceeding, adversary proceeding, and directly-related appeals. See *In re Morris*, 950 F.2d 1531, 1534 (11th Cir. 1992) – factors determining discretionary jurisdiction.
2. Whether the Supreme Court of the United States has jurisdiction to grant the relief denied by the bankruptcy court, district court, and circuit court of appeals in the disposition of bankruptcy proceeding, adversary proceeding, and directly-related appeals for persistent, repeated, and continued violation of the bankruptcy automatic stay and discharge injunction. See *In re Morris*, 950 F.2d 1531, 1534 (11th Cir. 1992) – factors determining discretionary jurisdiction.
3. Whether the Supreme Court of the United States has jurisdiction to dissolve the unlawful injunction of M.D.Fla. # 3:17-cv-00881-TJC-JBT (Doc. 7, Pgs. 1-17), the dissolution of which is challenged and preserved in Supreme Court No. 18-9138 Petition for Writ of Certiorari-Motion to Remand. See Cert. Pet. S.CT. 18-9138, Pgs. 5-14, Prgphs. 1-30. See *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 577 (2004) (quoting *Kontrick v. Ryan*, 540 U.S. 443, 455 (2004)) – A litigant generally may raise a federal court's (injunction) lack of subject-matter jurisdiction at any time in the same civil action, even initially at the highest appellate instance. See *Thomas v. Blue Cross & Blue Shield Ass'n*, 594 F. 3d 823, 828 (11th Cir. 2010) - Indeed, this Court is obliged to address the (injunction's) lack of subject matter and in personal jurisdictional question *sua sponte*, even though the issue is properly preserved in 11th Cir. Appellant's Initial Brief. In accord see *Frulla v. CRA Holdings, Inc.*, 543 F. 3d 1247, 1250 (11th Cir. 2008).

See *Heck v. Humphrey*, 512 U.S. 477, at 482 (1994) – establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction.

¹ See Moorish Science Temple of America Consular Court Instrument of Accession / Commencement / Inauguration of a Theocratic state deposited, filed, registered, recorded with Mr. Miguel de Serpa Soares, UN Under-Secretary General (Certified Mail Restricted Delivery # 7012 1970 0002 0972 0708)

See *Heck v. Humphrey*, 512 U.S. 477, at 482 (1994) – establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction.

LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT

1. The parties are: (A) Taquan-Rahshe :Gullett-El; (B) UNITED STATES OF AMERICA; (C) UNITED STATES DEPARTMENT OF JUSTICE; (D) UNITED STATES ATTORNEY’S OFFICE; (E) FEDERAL BUREAU OF PRISONS; (F) INTERNAL REVENUE SERVICE; (G) AMERICAN BAR ASSOCIATION; (H) UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT; (I) UNITED STATES DISTRICT COURT MIDDLE FLORIDA JACKSONVILLE DIVISION; (J) UNITED STATES BANKRUPTCY COURT MIDDLE FLORIDA JACKSONVILLE DIVISION; (K) UNITED STATES PROBATION OFFICE; (L) Cunningham, Collette B.; (M) Thresher Taylor, Michelle; (N) Fitzgerald, Edward M.; (O) Funk, Jerry A.; (P) Corrigan, Timothy J.; (Q) Prelogar, Elizabeth B.;

2. Affiant-Appellant has no corporate interests to disclose.

TABLE OF CONTENTS

1. MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0
2. Moorish Science Temple of America Consular Court Raised Seal Authentication Page	i
3. Caption Page	ii
4. NOTICE (Status and Standing)	iii
5. ISSUES PRESENTED FOR REVIEW	iv
6. LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT	v
7. TABLE OF CONTENTS	vi
8. TABLE OF AUTHORITIES	vii - xv
9. CASES INVOLVED	xvi
10. PROCEDURES AND ORDERS BELOW	xvii
11. Filing Dates Establishing the Timeliness of Appeal	xvii
12. JURISDICTION	xix
13. Assertion that the Appeal is from a Final Order or Judgment	xix
14. STATEMENT OF THE CASE	xxi
15. Statement of the Issues Presented for Review	xxvii
16. Summary of the Argument	xxvii
17. REASONS FOR GRANTING THE PETITION	xxvii
18. Petition for Writ of Certiorari to 11 th Cir. #'s 21-13426 & 21-13429	1
19. Timeliness of 11 th Circuit Appeal	2
20. Jurisdiction to Determine Remedial and Compensatory Damages	5
21. Jurisdiction to Vacate Void Order and Injunction "official Federal policy" of Genocide	10
22. Conclusion	12
23. Consular Verification	xxviii
24. Certificate of Service	xxix
25. INDEX TO APPENDIX	xxx

TABLE OF AUTHORITIES

Noble Qur'an and Sunnah	iii
<i>Advisory Opinion on the Reparation for Injuries Suffered in the Service of the United Nations</i> (1948-1949) [1949] I.C.J. Rep. 174 (digested in 43 Am. J. Int'l. L. 589 (1949))	passim
<i>American Surety Co. v. Baldwin</i> , 287 U.S. 156 (1932)	passim
<i>Anderson v. Creighton</i> , 483 U.S. 635, 640 (1987)	passim
<i>Anderson v. United States</i> , 417 U.S. 211, n.12 (1974)	passim
<i>Anti-Fascist Committee v. McGrath</i> , 341 U.S. 123, at 171-172 (1951)	passim
Apostille Convention Abolishing the Requirement of Legislation for Foreign Public Documents (5 October 1961)	iii
<i>Ashcroft v. al-Kidd</i> , 563 U.S. __ (2011)	passim
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009)	passim
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 544 (2007)	passim
<i>Berger v. United States</i> , 295 U.S. 78, 82-83 (1935)	passim
<i>Bishop Paiute Tribe v. County of Inyo</i> , 291 F.3d 549, 565, U.S. App. LEXIS 28181 (9 th Cir. 2002)	passim
<i>Bivens v. Six Unknown Fed. Narcotics Agents</i> , 403 U.S. 388 (1971)	passim
<i>Boddie v. Connecticut</i> , 401 U.S. 371, 375 (1971)	passim
<i>Brady v. Maryland</i> , 373 U.S. 83 (1963)	passim
<i>Buckley v. Fitzsimmons</i> , 509 U.S. 259 (1993)	passim
<i>Burns v. Reed</i> , 500 U.S. 478, at 496 (1991)	passim
<i>Burt v. Hennessey</i> , 929 F.2d 457 (9 th Cir. 1991)	passim
<i>Bush v. Balfour Beatty Bahamas, Ltd. (In re Bush)</i> , 62 F.3d 1319, 1322 (11 th Cir. 1995)	passim
<i>Butz v. Economou</i> , 438 U.S. 478, at 506 (1978)	passim
<i>California v. Trombetta</i> , 457 U.S. 485 (1984)	passim
<i>Carey v. Piphus</i> , 435 U.S. 247, at 266-267 (1978)	passim
<i>Caterpillar Inc. v. Lewis</i> , 519 U.S. 61 73-74 (1996)	passim

<i>Chambers v. Nasco</i> , 501 U.S. 32, 45 (1991)	<i>passim</i>
<i>Christopher v. Cox (In re Cox)</i> , 493 F.3d 1336, 1340, n.9 (11 th Cir. 2007)	<i>passim</i>
<i>Church of Lukumi Babalu Aye, Inc. v. Hialeah</i> , 508 U.S. 520, 540-541 (1993)	<i>passim</i>
<i>Connor v. Coleman</i> , 440 U.S. 612, 624 (1979)	<i>passim</i>
Convention on Choice of Court Agreements (30 June 2005)	iii
Convention on International Access to Justice (25 October 1980)	iii
Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (5 July 2006)	iii
Convention on the Law Applicable to Trusts and On Their Recognition (1 July 1985)	iii
<i>Convention on the Prevention and Punishment of the Crime of Genocide*</i> (102 Stat. 3045, Dec. 9, 1948, U.N.T.S. 278)	<i>passim</i>
<i>Correctional Services Corp. v. Malesko</i> , 534 U.S. 61, 66 (2001)	<i>passim</i>
<i>Crane v. Kentucky</i> , 476 U.S. 683, 687-688, 690 (1986)	<i>passim</i>
<i>Crawford-El v. Britton</i> , 523 U.S. 574 (1998)	<i>passim</i>
<i>Dred Scott v. Sandford</i> , 60 U.S. 393-633 (19 Howard), 15 L. Ed 691 (1857)	iii
<i>Davis v. Passman</i> , 442 U.S. 228 (1979)	<i>passim</i>
<i>Farmer v. Brennan</i> , 511 U.S. 825, 837 (1994)	<i>passim</i>
<i>Fisher Island Ltd. v. Solby+ Westbrae Partners (In re Fisher Island Invs., Inc.)</i> , 778 F.3d 1172, 1189 (11 th Cir. 2015)	<i>passim</i>
<i>FTC v. Dean Foods Co.</i> , 384 U.S. 597 (1966)	<i>passim</i>
Geneva Conventions	iii
<i>George Moore Ice Cream Co. v. Rose</i> , 289 U.S. 373 (1933)	<i>passim</i>
<i>Giglio v. United States</i> , 405 U.S. at 150, 154 (1972)	<i>passim</i>
Great Law of Peace	iii
<i>Greene v. Lambert</i> , 288 F.3d 1081 (9 th Cir. 2002)	<i>passim</i>
<i>Grogan v. Garner</i> , 498 U.S. 279, 284, n.11 (1991)	<i>passim</i>

<i>Grupo Dataflux v. Atlas Global Group, L.P.</i> , 541 U.S. 567, 577 (2004)	<i>passim</i>
<i>Government of France v. Lobrandtsen-Moller Co.</i> , 48 F. Supp. 631 (S.D.N.Y. 1943)	<i>passim</i>
Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (15 November 1965)	iii, <i>passim</i>
HAGUE EVIDENCE CONVENTIONS	iii, <i>passim</i>
<i>Harlow v. Fitzgerald</i> , 457 U.S. 800, at 818-819 (1982)	<i>passim</i>
<i>Hartman v. Moore</i> , 547 U.S. 250, at 261-262, 265-266 (2006)	<i>passim</i>
<i>Heck v. Humphrey</i> , 512 U.S. 477, at 482 (1994)	<i>passim</i>
Holy Koran Circle Seven	iii
<i>Hoskins v. Yanks (In re Yanks)</i> , 931 F.2d 42, 43, n.1 (11 th Cir. 1991)	<i>passim</i>
H.R.Rep. No. 95-595, at 384 (1977)	<i>passim</i>
<i>Imbler v. Pachtman</i> , 424 U.S. 409, at 429 (1976)	<i>passim</i>
Injil	iii
<i>In re Bilzerian</i> , 100 F.3d 886, at 889-890 (11 th Cir. 1996)	<i>passim</i>
<i>In re Feldmeier</i> , 335 B.R. 807 (D.Or. 2005)	<i>passim</i>
<i>In re McLean</i> , 794 F.3d 1313, at 1318-1319 (11 th Cir. 2015)	<i>passim</i>
<i>In re Robinson</i> , 776 F.2d 30, at 41 (2 nd Cir. 1985)	<i>passim</i>
<i>In re Special Proceedings</i> , 373 F.3d 37, at 41-44 (1 st Cir. 2004) (D.D.C. Apr. 7, 2009) (Order) (Docket No. 375)	<i>passim</i>
<i>In re Winship</i> , 397 U.S. 358 (1970)	<i>passim</i>
Inter-American Conventions and all annexes thereto	iii
<i>International Shoe Co. v. Washington</i> , 326 U.S. 310, 316 (1945)	<i>passim</i>
<i>*International Tribunal Renders Verdict Finding United States Guilty of a Variety of Human Rights Abuses Including Genocide and Crimes Against Humanity*</i> <u>Spirit of Mandela International Tribunal** (www.spiritofmandela.org)</u> <u>United Nations International Tribunal 2021** (www.tribunal2021.com)</u>	
<i>Jackson v. Virginia</i> , 443 U.S. 307, at 314-315 (1979)	<i>passim</i>
<i>Jesner v. Arab Bank, PLC</i> , 138 S. Ct 1386 (2018)	<i>passim</i>

<i>Kontrick v. Ryan</i> , 540 U.S. 443, 455 (2004)	passim
Leech, Oliver, & Sweeny, <i>The International Legal System</i> 768, at 629 (1973)	passim
<i>Lozman v. City of Riviera Beach, Florida</i> , 138 S. Ct. 1945, at 1954-1955 (2018)	passim
Madrid Convention for Protection in Morocco (1880)	iii, passim
<i>Manuel v. City of Joliet</i> , 137 S. Ct. 911, at 916 (2017)	passim
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137, 147 (1803)	passim
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	passim
<i>Missouri v. Jenkins by Agyei</i> , 491 U.S. 274 (1989)	passim
<i>Morris v. Jones</i> , 329 U.S. 545, 552 (1947)	passim
Organic Constitution for the United States of America (1787)	iii
Constitution Supremacy Clause (Article VI, Section 2)	passim
Fifth Amendment	passim
Fourteenth Amendment	passim
<i>O'Shea v. Littleton</i> , 414 U.S. 485, 503 (1974)	passim
<i>Oyama v. California</i> , 332 U.S. 633 (1948)	passim
<i>Oyler v. Boles</i> , 368 U.S. 448, 456 (1962)	passim
<i>Palazzo v. Gulf Oil Corp.</i> , 764 F.2d 1381, 1385 (11 th Cir. 1985)	passim
<i>Procup v. Strickland</i> , 792 F.2d 1069 (11 th Cir. 1986) (<i>en banc</i>)	passim
<i>Pu v. Mitsopoulos (In re Mitsopoulos)</i> , 548 B.R. 620 (Bankr. E.D.N.Y. 2016)	passim
<i>Reichle v. Howards</i> , 566 U.S. 658 (2012)	passim
Restatement (Second) of Torts § 682, Illustration 1 (1977)	passim
<i>Richlin Sec. Service Co. v. Chertoff</i> , 553 U.S. 571 (2008)	passim
<i>Roche v. Evaporated Milk Ass'n</i> , 319 U.S. 21, 25 (1943)	passim
ROME STATUTE	iii
<i>Schweiker v. McClure</i> , 456 U.S. 188, at 196 (1982)	passim
Senate Report No. 95-989	passim
<i>Sosa v. Alvarez-Machain</i> , 542 U.S. 692 (2004)	passim

S. Rep. No. 1020, 82d. Cong., 1 st Sess., 7-8 (1951)	<i>passim</i>
<i>Standefer v. United States</i> , 447 U.S. 10, at 18, 19 (1980)	<i>passim</i>
Statute of the International Court of Justice	iii
Statute of the International Criminal Court	iii
Suhuf	iii
TAQUAN RASHIE GULLETT ESTATE CAVEAT, 4 th Jud. Cir. Duval Co. Fl. # 16-2017-CP-001025, DOC # 2017104658, OR BK 17971 Pages 674-680	iii
TAQUAN RASHIE GULLETT ESTATE NOTICE OF TRUST, 4 th Jud. Cir. Duval Co. Fl. # 16-2017-CP-001286, DOC # 2017133137, OR BK 18009 Pages 978-986	iii
TAQUAN RASHIE GULLETT ESTATE Personal Replevin Claim, 4 th Jud. Cir. Duval Co. Fl. # 16-2017-CA-002142, DOC # 2017082163, OR BK 17940 Pages 1656-1663	iii
Tawrah	iii
<i>The Sapphire</i> , 78 U.S. (11 Wall.) 164 (1871)	<i>passim</i>
<i>The Western Sahara Opinion</i> (1974-1975) [1975] I.C.J. Rep. 6	<i>passim</i>
<i>Thompson v. Louisville</i> , 362 U.S. 199, 204-205 (1960)	<i>passim</i>
Treaty of Peace and Friendship (1787)	iii, <i>passim</i>
United Nations Charter (59 Stat. 1046 – June 26, 1945) Articles 1(3), 55(c), 56, 62(2), 68, and 76(c)	iii, <i>passim</i>
United Nations Covenant (Convention) on Civil and Political Rights (1966)	iii
United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (14 December 1960)	iii, <i>passim</i>
United Nations Declaration on the Rights of Indigenous (Autochthonous) Peoples (2007)	iii, <i>passim</i>
United Nations ECOSOC Resolutions 1503 (XLVIII) (27 May 1970)	iii
United Nations International Tribunal 2021	iii
United Nations Resolution 1 (XXIV) (13 August 1971)	iii
<i>United States v. Agurs</i> , 427 U.S. 97 (1976)	<i>passim</i>
<i>United States v. American Investors of Pittsburgh, Inc.</i> , 879 F.2d 1087, 1095 (3 rd Cir. 1989)	<i>passim</i>

<i>United States v. Armstrong</i> , 517 U.S. 455, at 477 (1996)	<i>passim</i>
<i>United States v. Bagley</i> , 473 U.S. 667, 676 (1985)	<i>passim</i>
<i>United States v. Curran</i> , 20 F.3d 560, 567 (3 rd Cir. 1994)	<i>passim</i>
<i>United States v. De La Garza</i> , 516 F.3d 1266 (11 th Cir. 2008)	<i>passim</i>
<i>United States v. Gabriel</i> , 125 F.3d 89, 99 (2 nd Cir. 1997)	<i>passim</i>
<i>United States v. Gumbs</i> , 283 F.3d 128, at 134-135 (3 rd Cir. 2002)	<i>passim</i>
<i>United States v. Hasting</i> , 461 U.S. 499, 505 (1983)	<i>passim</i>
<i>United States v. Heckler</i> , 428 F. Supp. 269 (S.D.N.Y. 1976)	<i>passim</i>
<i>United States v. Hsia</i> , 176 F.3d 517 (D.C. Cir. 1999)	<i>passim</i>
<i>United States v. Jones</i> , 620 F.Supp. 2d 163 (D.Mass. May 18, 2009)	<i>passim</i>
<i>United States v. Kales</i> , 314 U.S. 186 (1941)	<i>passim</i>
<i>United States v. Lester</i> , 363 F.2d 68, 73 (6 th Cir. 1996)	<i>passim</i>
<i>United States v. Munsingwear, Inc.</i> , 340 U.S. 36 (1950)	<i>passim</i>
<i>United States v. Stevens</i> , Cr. No. 08-231 (E.G.S.)	<i>passim</i>
<i>United States v. United States District Court</i> , 334 U.S. 258, 263 (1948)	<i>passim</i>
Universal Declaration of Human Rights (1948)	iii, <i>passim</i>
<i>University of South Alabama v. American Tobacco Co.</i> , 168 F.3d 405 (11 th Cir. 1999)	<i>passim</i>
Vienna Convention on the Law of Treaties (1969)	iii
<i>Walden v. Walker (In re Walker)</i> , 515 F.3d 1204, 1210 (11 th Cir. 2008)	<i>passim</i>
<i>Washington v. Davis</i> , 426 U.S. 229, 240 (1976)	<i>passim</i>
<i>Washington v. Texas</i> , 388 U.S. 14, at 18-19 (1967)	<i>passim</i>
W. Friedman, O. Lissitzyn, & R. Pugh, <i>International Law Cases and Materials</i> 1 54, at 201 (1969)	<i>passim</i>
<i>Wilson v. Republic Iron & Steel Co.</i> , 257 U.S. 92 (1921)	<i>passim</i>
<i>Wisconsin Dep't. of Corrections v. Schacht</i> , 524 U.S. 381, 392-393 (1998)	<i>passim</i>
<i>Wood v. Georgia</i> , 370 U.S. 375, 390 (1962)	<i>passim</i>

Zabur	iii
Zodiac Constitution AA222141 (Truth – A1)	iii

STATUTES

8 U.S.C. § 1101	iii
11 U.S.C. § 106(a)(1), (b)	<i>passim</i>
11 U.S.C. §§ 523(a)(7)	<i>passim</i>
11 U.S.C. § 524	<i>passim</i>
11 U.S.C. § 525	<i>passim</i>
11 U.S.C. § 727	<i>passim</i>
18 U.S.C. § 2(b)	<i>passim</i>
18 U.S.C. § 4	<i>passim</i>
18 U.S.C. § 242	<i>passim</i>
18 U.S.C. § 287	<i>passim</i>
18 U.S.C. § 1091	<i>passim</i>
18 U.S.C. § 1093	<i>passim</i>
18 U.S.C. §§ 1116(b)(1),(2),(3),(4)	iii
18 U.S.C. § 1521	<i>passim</i>
18 U.S.C. § 3013	<i>passim</i>
18 U.S.C. § 3663A	<i>passim</i>
22 C.F.R. § 92.54	<i>passim</i>
22 C.F.R. § 92.66(a)	<i>passim</i>
26 C.F.R. § 301.7430-3(a)	<i>passim</i>
26 U.S.C. § 6201(d)	<i>passim</i>
26 U.S.C. § 6320(b)	<i>passim</i>
26 U.S.C. § 6325(a)	<i>passim</i>

26 U.S.C. § 7214 _____ *passim*

26 U.S.C. § 7430(c)(5) _____ *passim*

26 U.S.C. § 7432 _____ *passim*

26 U.S.C. § 7433 _____ *passim*

26 U.S.C. Chapter 64 _____ *passim*

28 U.S.C. § 158(a) _____ *passim*

28 U.S.C. § 1291 _____ *passim*

28 U.S.C. § 1350 _____ *passim*

28 U.S.C. § 1447(c) _____ *passim*

28 U.S.C. § 1746 _____ *passim*

28 U.S.C. § 1781 _____ *passim*

28 U.S.C. § 3002(15)(A),(B),(C) _____ *passim*

28 U.S.C. § 2101(e) _____ *passim*

28 U.S.C. § 2241(c)(2) _____ *passim*

28 U.S.C. § 2256(2)(A),(B) _____ *passim*

28 U.S.C. Chapter 176 _____ *passim*

42 U.S.C. § 1983 _____ *passim*

Fla. Stat. § 90.301 _____ *passim*

Fla. Stat. § 92.525 _____ *passim*

Fla. Stat. § 90.902 _____ *passim*

UCC § 3-305 _____ *passim*

UCC § 3-601 _____ *passim*

RULES

Fed. R. App. P. 4(a)1(A)	<i>passim</i>
Fed. R. App. P. 32(a)(7)(A)	<i>passim</i>
Fed. R. App. P 32(f)	<i>passim</i>
Fed. R. Bankr. P. 1016	<i>passim</i>
Fed. R. Bankr. P. 4007	<i>passim</i>
Fed. R. Bankr. P. 7001	<i>passim</i>
Fed. R. Bankr. P. 7004(b)(4), (5)	<i>passim</i>
Fed. R. Bankr. P. 7008	<i>passim</i>
Fed. R. Bankr. P. 7013	<i>passim</i>
Fed. R. Bankr. P. 8002(a)(1)	<i>passim</i>
Fed. R. Bankr. P. 8002(d)(1)(B)	<i>passim</i>
Fed. R. Civ. P. 8(a), (d)(1), (e)	<i>passim</i>
Fed. R. Civ. P 13(a)(1)(A), (2)(A), (c), (e)	<i>passim</i>
Fed. R. Crim. P. 42(a)(2)	<i>passim</i>
Fed. R. Evid. 201	<i>passim</i>
Fed. R. Evid. 301	<i>passim</i>
Fed. R. Evid. 901 / 902	<i>passim</i>
Fed. R. Evid. 902(10)	<i>passim</i>
Fla. Stat. § 90.201	<i>passim</i>
S. Ct. R. 11	<i>passim</i>
S. Ct. R. 17.1	<i>passim</i>
S. Ct. R. 20.1	<i>passim</i>

CASES INVOLVED

1. C.D.Cal. Case No. 2:14-cr-00725-CAS (lead), *United States v. Gullett-El, Taquan Rashe*, Entry of Judgment: March 15, 2017.
2. D.D.C. Case No. 1:15-cv-00652-EGS, *United States v. Gullett-El, Taquan Rashe*, Entry of Judgment: pending.
3. C.D.Cal. Case No. 2:19-cv-10247-CAS, *Gullett-El, Taquan Rashe v. United States*, Entry of Judgment: July 13, 2020
4. C.D.Cal. Case No. 2:21-cv-05720-JAK-JDE, *Gullett-El, Taquan Rashe v. Lucy Salas, Probation Officer, et al.*, Entry of Judgment: November 18, 2021.
5. C.D.Cal. Case No. 2:21-cv-09264-JAK-JDE, *Gullett-El, Taquan Rashe v. Lucy Salas, Probation Officer, et al.*, Entry of Judgment: December 15, 2021.
6. Ninth Circuit Appeal Case No. 20-55808, *Gullett-El, Taquan Rashe v. United States*, Entry of Judgment: December 17, 2021
7. Ninth Circuit Appeal Case No. 21-56275, *Gullett-El, Taquan Rashe v. Lucy Salas, Probation Officer, et al.*, Entry of Judgment: January 14, 2022.
8. Ninth Circuit Original Case No. 21-71442, *Gullett-El, Taquan Rashe v. United States*, Entry of Judgment: pending.
9. Ninth Circuit Appeal Case No. 22-55062, *Gullett-El, Taquan Rashe v. Lucy Salas, Probation Officer, et al.*, Entry of Judgment: pending.
10. Bankr.M.D.Fla. Case No. 3:20-bk-00618-JAF (Chapter 7 Bankruptcy), *In re: Gullett-El, Taquan Rashe*, Entry of Judgment: September 27, 2021.
11. Bankr.M.D.Fla. Case No. 3:20-ap-00030-JAF (Ch. 7 Adversary Proceeding), *Gullett-El, Taquan Rashe v. United States, et al.*, Entry of Judgment: July 22, 2020.
 - 11th Cir. Appeal # 21-13426 (Ch. 7 / Adversary Proceeding Appeal), Entry of Judgment: July 7, 2023.
 - 11th Cir. Appeal # 21-13427 (Ch. 7 / Adversary Proceeding Appeal), Entry of Judgment: July 7, 2023.
 - 11th Cir. Appeal # 21-13428 (Ch. 7 / Adversary Proceeding Appeal), Entry of Judgment: July 7, 2023.
 - 11th Cir. Appeal # 21-13429 (Ch. 7 / Adversary Proceeding Appeal), Entry of Judgment: July 7, 2023.
12. Supreme Court Case No. 18-6630, *In re: Taquan Gullett*, Entry of Judgment: February 19, 2019.
13. Supreme Court Case No. 18-9138, *Taquan Rashe Gullett-El v. Timothy J. Corrigan, et al.*, Entry of Judgment: November 25, 2019.

PROCEDURES AND ORDERS BELOW

Filing Dates Establishing the Timeliness of Appeal

1. Affiant-Appellant filed this Petition for Writ of Certiorari to 11th Circuit Nos. 21-13426 and 21-13429 on or about October 1, 2023. The Entry of Judgment for 11th Circuit 21-13426 and 21-13429 was on July 7, 2023. See **EXHIBIT A** – Unpublished Opinion of the Court Case 21-13426, Doc. 54-1 (14 pages). See **EXHIBIT B** – Unpublished Opinion of the Court Case 21-13429, Doc. 50-1 (14 pages).
2. The Entry of Judgment for Bankruptcy Appeal Nos. M.D.Fla. #3:20-cv-01047-TJC, M.D.Fla. #3:20-cv-01062-TJC, M.D.Fla. #3:20-cv-01065-TJC, and M.D.Fla. #3:20-cv-01075-TJC was on September 20, 2021. See **EXHIBIT C** – Order Dismissing Bankruptcy Appeal as Frivolous Nos. M.D.Fla. #3:20-cv-01047-TJC, M.D.Fla. #3:20-cv-01062-TJC, M.D.Fla. #3:20-cv-01065-TJC, and M.D.Fla. #3:20-cv-01075-TJC, Doc. 8 (6 pages).
3. Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 12) for the **Order Striking Document as Unintelligible (App. Doc. 6 Pgs. 6-7)** (see **EXHIBIT D**) was timely filed in the Bankruptcy Court on April 2, 2020, within 14 days of the Order. See Fed. R. Bankr. P. 8002(a)(1). On September 23, 2020, Notice of Appeal was transmitted to the District Court via M.D.Fla. 3:20-cv-01065-TJC. On September 20, 2021, after a **One-Year-Prejudicial-Delay**, the District Court dismissed Bankruptcy Appeal M.D.Fla. 3:20-cv-01065-TJC as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99. Notice of Appeal (M.D.Fla. 3:20-cv-01065-TJC, D.E. 10) for the Order Denying Motion To Proceed In Forma Pauperis was timely filed in the District Court on October 4, 2021, within 30 days of the final order. See Fed. R. App. P. 4(a)1(A). On October 5, 2021, Notice of Appeal was transmitted to the Circuit Court via 11th Cir. 21-13427. On December 14, 2021, the Circuit Court dismissed 11th Cir. 21-13427 for lack of jurisdiction. See Bankr.M.D.Fla. 3:20-ap-00030-JAF Case Docket, **App. Doc. 13 Pgs. 40-55**.
4. Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 48) for the **Order Granting Motion To Stay Discovery (App. Doc. 4 Pgs. 10-11)** (see **EXHIBIT E**) was timely filed in the Bankruptcy Court on June 19, 2020, within 14 days of the Order. See Fed. R. Bankr. P. 8002(a)(1). On September 23, 2020, Notice of Appeal was transmitted to the District Court via M.D.Fla. 3:20-cv-01062-TJC. On September 20, 2021, after a **One-Year-Prejudicial-Delay**, the District Court dismissed Bankruptcy Appeal M.D.Fla. 3:20-cv-01062-TJC as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99. Notice of Appeal (M.D.Fla. 3:20-cv-01062-TJC, D.E. 9) for the Order Denying Motion To Proceed In Forma Pauperis was timely filed in the District Court on October 4, 2021, within 30 days of the final order. See Fed. R. App. P. 4(a)1(A). On October 5, 2021, Notice of Appeal was transmitted to the Circuit Court via 11th Cir. 21-13428. On December 14, 2021, the Circuit Court dismissed 11th Cir. 21-13428 for lack of jurisdiction. See Bankr.M.D.Fla. 3:20-ap-00030-JAF Case Docket, **App. Doc. 13 Pgs. 40-55**.

5. Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 61) for the Order Granting Motion To Dismiss Adversary Proceeding (App. Doc. 1 Pgs. 1-5) (see **EXHIBIT F**) was timely filed in the Bankruptcy Court on August 19, 2020, within 21 days of the Order. See Fed. R. Bankr. P. 8002(d)(1)(B). See Notice of Appeal Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 61, Page 1, Paragraphs 2 & 3. On September 24, 2020, Notice of Appeal was transmitted to the District Court via M.D.Fla. 3:20-cv-01075-TJC. On September 20, 2021, after a One-Year-Prejudicial-Delay, the District Court dismissed Bankruptcy Appeal M.D.Fla. 3:20-cv-01075-TJC as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99. Notice of Appeal (M.D.Fla. 3:20-cv-01075-TJC, D.E. 9) for the Order Denying Motion To Proceed In Forma Pauperis was timely filed in the District Court on October 4, 2021, within 30 days of the final order. See Fed. R. App. P. 4(a)1(A). On October 5, 2021, Notice of Appeal was transmitted to the Circuit Court via 11th Cir. 21-13426. See Bankr.M.D.Fla. 3:20-ap-00030-JAF Case Docket, App. Doc. 13 Pgs. 40-55.

6. Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 69) for the Order Dismissing Notice of Appeal Regarding Order Granting Motions To Dismiss Dated July 21, 2020 (App. Doc. 53 Pgs. 882-883)² (see **EXHIBIT G**) was timely filed in the Bankruptcy Court on September 14, 2020, within 14 days of the Order. See Fed. R. Bankr. P. 8002(a)(1). On September 22, 2020, Notice of Appeal was transmitted to the District Court via M.D.Fla. 3:20-cv-01047-TJC. On September 20, 2021, after a One-Year-Prejudicial-Delay, the District Court dismissed Bankruptcy Appeal M.D.Fla. 3:20-cv-01047-TJC as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99. Notice of Appeal (M.D.Fla. 3:20-cv-01047-TJC, D.E. 16) for the Order Denying Motion To Proceed In Forma Pauperis was timely filed in the District Court on October 4, 2021, within 30 days of the final order. See Fed. R. App. P. 4(a)1(A). On October 5, 2021, Notice of Appeal was transmitted to the Circuit Court via 11th Cir. 21-13429. See Bankr.M.D.Fla. 3:20-ap-00030-JAF Case Docket, App. Doc. 13 Pgs. 40-55.

² Upon the filing of an appeal, the bankruptcy court is divested of its control over matters on appeal but retains jurisdiction to implement or enforce the order or judgment. *DiCola v. Am. S.S. Owners Mut. Prot. & Indem. Ass'n (In re Prudential Lines, Inc.)*, 170 B.R. 222, 243-44 (S.D.N.Y. 1994), *appeal dismissed*, 59 F.3d 327 (2nd Cir. 1995); *accord NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585 (6th Cir. 1987) (bankruptcy court may enforce or implement (as opposed to alter) a judgment despite filing of appeal); *NBD Bank v. Fletcher (In re Fletcher)*, 176 B.R. 445, 446 n.1 (Bankr.W.D.Mich. 1995) (rendering a written opinion after a party filed a notice of appeal is permissible as an aid to the appellate court's review). **Filing of a notice of appeal deprives the bankruptcy court of jurisdiction to enter orders that would affect or modify any issue or matter on appeal.** *Bialac v. Harsh Inv. Co. (In re Bialac)*, 694 F.2d 625 (9th Cir. 1982); *Hyman v. Iowa State Bank (In re Health Care Prods.)*, 169 B.R. 753, 755 (M.D.Fla. 1994) (filing notice of appeal from appealable order divests lower court of jurisdiction over issues related to the appeal).

JURISDICTION

1. The certiorari jurisdiction of the Supreme Court is pursuant to 28 U.S.C. § 2101(e) and S. Ct. R. 10(a), (c), 11. Also, Original jurisdiction is pursuant to the Constitution Article III, Section 2, Clause 1; 28 U.S.C. § 1251; Judiciary Act of 1789; and Supreme Court Rule (S. Ct. R.) 17.
2. This Petition for Certiorari is in aid of the Supreme Court's appellate jurisdiction which includes the Supreme Court's exercise of its general supervisory control over the federal court system. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 147 (1803) – the term “‘appellate jurisdiction’ is to be taken in its larger sense and implies in its nature the right of superintending the inferior tribunals.” See *Connor v. Coleman*, 440 U.S. 612, 624 (1979) – when a lower federal court refuses to give effect to, or misconstrues the mandate of the Supreme Court, its action may be controlled by the Supreme Court.
3. The authority of the appellate court “is not confined to the issuance of writs in aid of jurisdiction already acquired by appeal but extends to those cases which are within its appellate jurisdiction although no appeal has been perfected.” See *FTC v. Dean Foods Co.*, 384 U.S. 597 (1966) (quoting *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 25 (1943)). This authority extends to support an ultimate power to review, although not immediately and directly involved. See *United States v. United States District Court*, 334 U.S. 258, 263 (1948). See S. Ct. R. 11, 17.1, 20.1. See 28 U.S.C. § 2101(e).
4. The Supreme Court also has jurisdiction pursuant to the United Nations Charter (59 Stat. 1046 – June 26, 1945) Articles 1(3), 55(c), 56, 62(2), 68, and 76(c). The United States has internationally pledged itself, through the provisions of the United Nations Charter (duly ratified and adopted by the United States) to promote respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, colour, sex, language, religious belief, political opinion and expression³, national or social origin, property, birth or other status. See *Oyama v. California*, 332 U.S. 633 (1948). The United Nations Charter (United States treaty) is indicative of public policy, and courts may treat its provisions as part of the law of the land. See *Oyama v. California*, 332 U.S. 633, at 650, 673-674 (1948).

Assertion that the Appeal is from a Final Order or Judgment

5. This Petition for Writ of Certiorari to 11th Circuit Nos. 21-13426 and 21-13429 is timely as it is mailed to the Supreme Court Clerk on or about October 1, 2023, which is within ninety (90) days of the July 7, 2023, entry date of judgment for Eleventh Circuit Appeal Nos. 21-13426 & 21-13429. Eleventh Circuit Appeal # 21-13426 is from the District Court's final Order Denying Motion To Proceed In Forma Pauperis which disposed of all

³ Political, jurisdictional, or international status of the country or territory to which a person belongs; whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

Affiant-Appellant's claims. Eleventh Circuit Appeal # 21-13427 is from the District Court's final Order Denying Motion To Proceed In Forma Pauperis which disposed of all Affiant-Appellant's claims. Eleventh Circuit Appeal # 21-13428 is from the District Court's final Order Denying Motion To Proceed In Forma Pauperis which disposed of all Affiant-Appellant's claims. Eleventh Circuit Appeal # 21-13429 is from the District Court's final Order Denying Motion To Proceed In Forma Pauperis which disposed of all Affiant-Appellant's claims.

6. Furthermore, Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF Appeal #'s 21-13426, 21-13427, 21-13428, 21-13429 state claims of substantive and procedural due process violations, including without limitation: (i) no evidence of violation of 18 U.S.C. § 2(b) and insufficient evidence of violation of 18 U.S.C. §§ 287, 1521 — **Affiant is actually innocent**; (ii) denial of a meaningful opportunity to present a defense; (iii) violation of bankruptcy stay & discharge injunction — **damages / dischargeability**; (iv) prejudicial delay in the directly related Bankruptcy Proceeding Bankr.M.D.Fla. 3:20-bk-00618-JAF and Adversary Proceeding Appeals M.D.Fla. #'s 3:20-cv-01047-TJC / 3:20-cv-01062-TJC / 3:20-cv-01065-TJC / 3:20-cv-01075-TJC — **damages**; (v) inability / unwillingness of the “safeguards of the crucible of the judicial process” to check Constitutional Rights, Natural Rights, and Human Rights infringements pursuant to an “official Federal policy” of retaliation — **procedural obstruction; 1983/Bivens damages; denial of redress for grievances damages**; (vi) denial of appeal, dismissal of appeal, and striking of appeal⁴ from the record in Bankr.M.D.Fla. # 3:20-bk-00618-JAF (See D.E. 72, 73, 77, 85, 89, *App. Doc. 30 Pgs. 463-473*) — **procedural obstruction; 1983/Bivens damages; denial of redress for grievances damages**. All claims stated relate back to C.D.Cal. 2:14-cr-00725-CAS and Compulsory Counterclaim D.D.C. 1:15-cv-652-EGS by the same core of operative facts in both time and type, and arose out of the same conduct, transaction, or occurrence. See 11 U.S.C § 106(a)(1), (b). See Fed. R. Bankr. P. 7013. See Fed. R. Civ. P 13(a)(1)(A), (2)(A), (c), (e).

⁴ Upon the filing of an appeal, the bankruptcy court is divested of its control over matters on appeal but retains jurisdiction to implement or enforce the order or judgment. *DiCola v. Am. S.S. Owners Mut. Prot. & Indem. Ass'n (In re Prudential Lines, Inc.)*, 170 B.R. 222, 243-44 (S.D.N.Y. 1994), *appeal dismissed*, 59 F.3d 327 (2nd Cir. 1995); *accord NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585 (6th Cir. 1987) (bankruptcy court may enforce or implement (as opposed to alter) a judgment despite filing of appeal); *NBD Bank v. Fletcher (In re Fletcher)*, 176 B.R. 445, 446 n.1 (Bankr.W.D.Mich. 1995) (rendering a written opinion after a party filed a notice of appeal is permissible as an aid to the appellate court's review). **Filing of a notice of appeal deprives the bankruptcy court of jurisdiction to enter orders that would affect or modify any issue or matter on appeal.** *Bialac v. Harsh Inv. Co. (In re Bialac)*, 694 F.2d 625 (9th Cir. 1982); *Hyman v. Iowa State Bank (In re Health Care Prods.)*, 169 B.R. 753, 755 (M.D.Fla. 1994) (filing notice of appeal from appealable order divests lower court of jurisdiction over issues related to the appeal).

STATEMENT OF THE CASE

1. In the year 2011, a tax return was filed for the year 2010 which claimed a \$149,296 refund and \$74,431 taxes to be deducted from the claimed refund⁵. The Internal Revenue Service (IRS) / American Bar Association (ABA)⁶ subjected this 2010 tax return transaction to an inconsistent theory on the one and same transaction by invalidating the claim for a refund, but validating the taxes that were to be deducted from the refund. See Appendix (App.) Docs. 51, 52 Pgs. 874-881. See D.D.C. 1:15-cv-00652-EGS (Suit To Enforce Federal Tax Lien), Compulsory Counterclaim, Doc. 4, 4-1 (Pgs. 1-180), 7, 8, 10, 13, 19, 20, 21, App. Doc. 51 Pg. 874-878. See Report and Recommendation (R&R) (D.D.C. 1:15-cv-00652-EGS Doc. 22), Pages 4-5 – R&R concedes that the IRS/ABA is collecting on the alleged “false, fictitious, and fraudulent” 2010 tax return.
2. Then, sometime in the year 2011, the IRS filed an approximately \$74,431 unlawful Federal Tax lien (the taxes that were to be deducted from the refund) against Affiant-Appellant in Los Angeles County in violation of due process of law, equal protection of the law, and federal law / agency regulations (28 U.S.C. Chapter 176 – Federal Debt Collection Procedure; 26 U.S.C. Chapter 64 – Due Process For Tax Lien Collection; 26 U.S.C. §§ 6201(d), 6320(b), 6325(a), 7432, 7433, 7214, and others). See App. Doc. 11 Pg. 34.
3. The IRS then began collecting on the \$74,431 unlawful lien by levying Affiant-Appellant’s bank accounts. On or about the time when the IRS/ABA filed and began collecting on the unlawful lien, Affiant-Appellant began an administrative proceeding before the IRS to obtain an administrative remedy. See 26 C.F.R. § 301.7430-3(a) and 26 U.S.C. § 7430(c)(5) – Administrative proceeding means any procedure or other action – anything – before the IRS/ABA.
4. This administrative proceeding consisted of 90-125 notarized documents of credible exculpatory evidence admissible as self-authenticating evidence under Federal Rules of Evidence (Fed. R. Evid.) 901 / 902. During the year 2016 trial of C.D.Cal. 2:14-cr-00725-CAS, the Notary Public who notarized the 90-125 documents-evidence of administrative proceedings testified and gave verification of their authenticity. Some of the 90-125 documents-evidence was also submitted as credible exculpatory evidence into this directly related civil action for enforcement of the Federal Tax Lien. See D.D.C. 1:15-cv-00652-EGS (Doc. 4-1, Pgs. 1-180). The year 2016 trial also admitted the \$74,431 unlawful Federal Tax lien as evidence. See App. Doc. 11 Pg. 34.

⁵ JUDICIAL NOTICE (Fed. R. Evid. 201): see Affidavit For Contempt Sanctions For Violation of Stay and Discharge Injunction App. Doc. 34 Pgs. 582- 645; see Memorandum of Fact and Law In Support of Affidavit For Contempt Sanctions App. Doc. 35 Pgs. 646-690

⁶ Appellee(s) / Defendant(s)-Respondent(s) American Bar Association (ABA) are a parent corporation whose subsidiaries include without limitation the IRS, CFTB, FBOP, and DOJ. See Addendum Affidavit of Objection To Defendants’ Motion To Dismiss / Motion To Stay Discovery App. Doc. 29 Pgs. 439-462. See Judicial Notice of Adjudicative Facts App. Doc. 27 Pgs. 412-425. The wrongful conduct attributed to the IRS/CFTB/FBOP/DOJ is attributable to the ABA.

5. Contemporaneously with the IRS/ABA's unlawful Federal Tax lien filing, the California Franchise Tax Board (CFTB) produced an approximately \$100,000 unlawful unverified assessment based upon the one and same year 2010 tax return transaction, in violation of agency regulations and due process of law. Affiant-Appellant did, upon multiple occasions, request written verification of the unlawful lien and unlawful assessment signed under the penalty of perjury, but to no avail. Subsequent to the \$74,431 unlawful lien filing and \$100,000 unlawful assessment, and while continuing to collect for over four (4) years on the \$74,431 and \$100,000, an (alleged) criminal investigation and egregious abuse of process was instituted as a subterfuge for collection of the \$74,431 and \$100,000 (dischargeable) debts. Sometime between October 2014 and December 2014, the (alleged) criminal investigation and egregious abuse of criminal process produced an Indictment. See *App. Doc. 10 Pgs. 30-33*.

6. It is highly unlikely and improbable that the IRS/ABA's investigators/prosecutors complied with their moral, ethical, and lawful duty of disclosing the exculpatory information/evidence⁷ to the Grand Jury of C.D.Cal. 2:14-cr-00725-CAS that:

(A) IRS / ABA / CFTB / Department of Justice (DOJ) were actively collecting on the one and same year 2010 tax return transaction for which they were seeking a criminal indictment; and

(B) The IRS/ABA filed an approximately \$74,431 unlawful Federal Tax lien in year 2011 in Los Angeles County against the target of the Grand Jury investigation over four (4) years prior to their seeking of a criminal indictment – and, the credible admissible exculpatory evidence of the 90-125 self-authenticating notarized documents-evidence of administrative proceedings before the IRS between years 2010-2014 which is testimony to these facts.

7. The IRS/ABA/CFTB/DOJ's investigators'/prosecutors' fraud by misrepresentation in procuring the Indictment (probable cause) of C.D.Cal. 2:14-cr-00725-CAS resulted in Affiant-Appellant's false arrest/imprisonment, unlawful detainment, duress, egregious abuse of process, and malicious prosecution⁸ beginning on or about February 12, 2015, and continuing through this present day (the IRS/ABA/CFTB/DOJ is continuing to collect

⁷ See United States Attorneys Manual, Title 9, Section 9-11.334 (August 1, 1979) – It is the Department's internal policy to do so in many circumstances, if the prosecutor is personally aware of substantial evidence that directly negates the guilt of the target of the investigation, the prosecutor must present or otherwise disclose such evidence to the grand jury before seeking an indictment against such a person – ordinarily, a prosecutor should also give the target the opportunity to testify before the grand jury (*Id.* at sections 9-11.252-253). **NOTE:** Affiant was not afforded this opportunity. "Where a prosecutor is aware of any substantial evidence negating guilt he should, in the interests of justice, make it known to the grand jury, at least where it might reasonably be expected to lead the jury not to indict." See *United States v. Ciambrone*, 601 F.2d 616, at 623 (2nd Cir. 1979). See *United States v. Deerfield Specialty Papers, Inc.*, 501 Supp. 796, U.S. Dist. LEXIS 14060 (E.D.Pa. 1980). See *A.B.A. Project on Standards for Criminal Justice — *The Prosecution Function*, § 3.6, pp.90-91.

"Although the Due Process Clause of the Fourteenth Amendment, as interpreted by *Brady*, only mandates the disclosure of material evidence, the obligation to disclose evidence favorable to the defense may arise more broadly under a prosecutor's ethical or statutory obligations." See *Cone v. Bell*, 129 S. Ct. 1769, at 1783 (2009) (quoting *Kyles v. Whitley*, 514 U.S. 419, 473 (1993) and *A.B.A. Model Rules of Professional Conduct 3.8(d).

"The egregious failure of the government to disclose plainly material exculpatory evidence in this case extends a dismal history of intentional and inadvertent violations of the government's duties to disclose (AUSA prosecuted for criminal contempt for failure to disclose material exculpatory evidence). ***See *United States v. Jones*, 620 F. Supp. 2d 163, at 166 (D. Mass. June 1, 2009)***.

⁸ "The Supreme Court has 'pegged commencement of a prosecution to the initiation of adversary judicial criminal proceedings – whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.'" (quoting *Rothgery v. Gillespie County*, 554 U.S. 191, 198 (2008).

upon the \$74,431 and \$100,000 to this very day – over 12 years – despite the bankruptcy discharge on July 23, 2020). In July 2016, C.D.Cal. 2:14-cr-00725-CAS went to trial. In August 2016, Affiant-Appellant was erroneously/wrongfully convicted on insufficient evidence as to the charges of 18 U.S.C. §§ 287, 1521, on Counts 1, 2, 3, 4, and no evidence as to the charges of 18 U.S.C. § 2(b) charged duplicitously on Counts 1, 2, 3, 4.

8. On March 15, 2017, judgment and sentence were pronounced in C.D.Cal. 2:14-cr-00725-CAS. See App. Doc. 12 Pgs. 35-39. A part of the judgment and sentence was imposition of a \$400 special assessment (\$100 per Count) pursuant to 18 U.S.C. § 3013 which was improperly re-delegated to the Federal Bureau of Prisons (FBOP) to unlawfully collect⁹ by Institutional Financial Responsibility Program (IFRP). On or about August 23, 2017, and again on or about December 1, 2019, FBOP agents at FCC Coleman USP-1 and FCI Coleman Medium attempted to coerce and extort Affiant-Appellant under duress into signing an IFRP payment contract for Affiant-Appellant's consent to their unlawful collection of the \$400 special assessment imposed by the C.D.Cal. 2:14-cr-00725-CAS sentencing court. See App. Doc. 20 Pgs. 258-302, Doc. 25 Pgs. 351-389, Doc. 34 Pgs. 582-690. This unlawful collection activity is directly related to and in furtherance of the duress, egregious abuse of process, and malicious prosecution, as a subterfuge for collection of the \$74,431 and \$100,000 dischargeable debts.

9. On February 24, 2020, Bankr.M.D.Fla. 3:20-bk-00618-JAF commenced. The \$74,431 unlawful IRS lien, the \$100,000 unlawful CFTB assessment, and the \$400 erroneous/wrongful conviction special assessment were listed as dischargeable debts on the Chapter 7 bankruptcy schedules. See App. Doc. 31 Pgs. 474-562. The IRS/ABA/CFTB/FBO/DOJ, Adversary Proceeding (A.P.) Defendants-Respondent(s), and Chapter 7 (Ch. 7) Creditors were given adequate fair notice by Bankruptcy Commencement Notice from the Bankruptcy Noticing Center. The IRS/ABA/CFTB/FBOP/DOJ, and A.P.Defendants-Respondent(s) were given additional fair notice by Affidavit For Adversary Proceeding, Bankr.M.D.Fla. 3:20-ap-00030-JAF (D.E. 1, 123 pgs.). See App. Doc. 14 Pgs. 56-178. The Adversary Proceeding commenced to determine the dischargeability (523(a)(6) – willful and malicious injury, 523(a)(2) – false pretenses, false representation, actual fraud), undue hardship (student loan debt), and any exception, of scheduled debts and proof of claim/interest by Affiant-Appellant. Also, to determine the validity, priority, or extent of lien or other interest in property, for recovery of money/property (from fraudulent transfer), and for injunctive relief (enjoining oppression and genocide by unlawful debt collection practices). See App. Doc. 14 Pg. 56 - Adversary Proceeding Cover Sheet.

⁹ Federal courts have consistently held that FBOP's action in setting up a schedule of restitution / fine payments under the IFRP, which is an improperly re-delegated judicial function, is unlawful. And the imposition of sanctions for failure to acquiesce in FBOP's IFRP Program is not in accordance with law. See 5 U.S.C. § 706(2)(a). See *United States v. Gunning*, 401 F.3d 1145 (9th Cir. 2005); *Soroka v. Daniels*, 467 F. Supp. 2d 1097 (D.Or. 2006); *United States v. Sansett*, 925 F.2d 392, 398-399 (11th Cir. 1991); *United States v. Weichert*, 836 F.2d 769, 772 (2nd Cir. 1988), cert. denied, 488 U.S. 1017 (1989); *United States v. Miller*, 77 F.3d 71 (4th Cir. 1996); *United States v. Ahmad*, 2 F.3d 245, 248-249 (7th Cir. 1993); *United States v. Pendergast*, 979 F.2d 1289, 1293 (8th Cir. 1992); see Memorandum of Fact and Law In Support of Affidavit For Contempt Sanctions, Bankr.M.D.Fla. 3:20-bk-00618-JAF (App. Doc. 35 Pgs. 662-663).

10. Neither Ch.7 Creditors nor A.P.Defendants-Respondent(s) filed any objection or exception or complaint against the discharge or dischargeability of any debt liability(ies) / obligations in Bankr.M.D.Fla. 3:20-bk-00618-JAF or Bankr.M.D.Fla. 3:20-ap-00030-JAF. A.P.Defendants-Respondent(s) defaulted in Bankr.M.D.Fla. 3:20-ap-00030-JAF on April 13, 2020. See *App. Doc. 21 Pgs. 303-315*. The last day to oppose discharge or dischargeability in Bankr.M.D.Fla. 3:20-bk-00618-JAF was June 19, 2020, and this date expired without any objection from Ch.7 Creditors or A.P.Defendants-Respondent(s) (i.e. Default).

11. There being no properly invoked provision that prevented the discharge of all the validly claimed debt liability(ies) / obligations, on July 23, 2020, as an operation of law, all of the debt liability(ies) / obligations were discharged by the Order of Discharge entered in Bankr.M.D.Fla. 3:20-bk-00618-JAF. See *App. Doc. 5 Pgs. 12-13*. See Fed. R. Evid 301 – Rule of Presumption. See 11 U.S.C. §§ 524, 727. See *In re Robinson*, 776 F.2d 30, at 41 (2nd Cir. 1985). Said Order of Discharge voids any judgment at any time obtained, and operates as an injunction against the commencement or continuation of an action, the employment of process, or an act to collect or recover or offset against personal liability or property of the debtor. See 11 U.S.C. §§ 524, 525, 727. Discharge in Bankruptcy Proceeding M.D.Fla. 3:20-bk-00618-JAF is an additional defense to C.D.Cal 2:14-cr-00725-CAS on Certiorari Review (S.Ct. 21-7140) to 9th Cir. #'s 20-55808, 21-56275, 21-71442, 22-55062, and is an additional defense in the directly related civil action D.D.C. 1:15-cv-00652-EGS – Suit To Enforce Federal Tax Lien. See UCC §§ 3-305 – Defenses and Claims in Recoupment; 3-601 – Discharge and Effect of Discharge.

12. Said Order of Discharge acts as a default judgment due to Ch.7 Creditors' / A.P.Defendant(s)'-Respondent(s)' failure to timely object or in any way oppose discharge or dischargeability. See *Morris v. Jones*, 329 U.S. 545, 552 (1947) – Preclusion (Res Judicata and Collateral Estoppel¹⁰) occur at the time of judgment, even if obtained by default. In accord see *In re Bilzerian*, 100 F.3d 886, at 892 (11th Cir. 1996); *Hoskins v. Yanks (In re Yanks)*, 931 F.2d 42, 43, n.1 (11th Cir. 1991); *Bush v. Balfour Beatty Bahamas, Ltd. (In re Bush)*, 62 F.3d 1319, 1322 (11th Cir. 1995); *Grogan v. Garner*, 498 U.S. 279, 284, n.11 (1991).

¹⁰ The preclusive effect of a judgment is defined by claim preclusion and issue preclusion, which are collectively referred to as “res judicata.” See *Taylor v. Sturgell*, 553 U.S. 880, at 892-893 (2008). Claim preclusion describes the rules formerly known as “merger” and “bar,” while issue preclusion encompasses the doctrines once known as “collateral estoppel” and “direct estoppel.” See *Migra v. Warren City School Dist. Bd. of Ed.*, 465 U.S. 75, 77, n.1 (1984).

13. The preclusive issues adduced from the bankruptcy proceeding impugn and invalidate the conviction and sentence in C.D.Cal. 2:14-cr-00725-CAS under the doctrine of judicial estoppel¹¹ by fully rebutting the presumptions of: (A) jurisdictional standing to sue; (B) probable cause; (C) prosecutorial regularity underlying the charging decision; (D) regularity of grand jury proceedings; and (E) a rational trier of fact having found proof of guilt beyond a reasonable doubt for the essential elements of the alleged crimes. See *Heck v. Humphrey*, 512 U.S. 477, at 482 (1994) – establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction.

14. Affiant-Appellant sought Remedial and Compensatory Damages from the Bankruptcy Court as contempt sanctions against the IRS/ABA/CFTB/FBOP/DOJ and A.P.Defendant(s)-Respondent(s) for violation of the Automatic Stay Injunction. See App. Docs. 18, 19, 20, 21, 22, 23, 24, 25, 26 Pgs. 208-411, Doc. 28, 29 Pgs. 426-462. Adversary Proceeding Bankr.M.D.Fla. # 3:20-ap-00030-JAF was denied discovery, dismissed, and closed without adjudication of any claims on the merits. See Bankr.M.D.Fla. # 3:20-ap-00030-JAF, D.E. 6, 13, 35, 38, 39, 41, 59, App. Doc. 13 Pgs. 40-55. Affiant-Appellant sought Remedial and Compensatory Damages from the Bankruptcy Court as contempt sanctions against A.P.Defendant(s)-Respondent(s) for violation of the Discharge Injunction. See App. Docs. 32, 33, 34, 35, 36, 37, 38, 39 Pgs. 563-764. Bankruptcy Proceeding Bankr.M.D.Fla. # 3:20-bk-00618-JAF was denied discovery and closed without adjudication of any claims on the merits. See Bankr.M.D.Fla. # 3:20-bk-00618-JAF, D.E. 55, 57, 62, 64, App. Doc. 30 Pgs. 463-473. See *In re Ganous*, 138 B.R. 110 (Bankr.S.D.Fla. 1992) – Bankruptcy Court is required to determine dischargeability and contempt sanctions for violation of injunctions and is the exclusive jurisdiction to do so pursuant to the Bankruptcy Code. See also. 11 U.S.C. §§ 523(a)(7), 524; Fed. R. Bankr. P. 4007, 7001.

15. Affiant-Appellant appealed to the District Court. See Bankr.M.D.Fla. # 3:20-ap-00030-JAF, D.E. 12, 48, 61, 69, App. Doc. 13 Pgs. 40-55. The District Court prejudicially delayed the appeal proceedings for one year, then denied adjudication of all claims on the merits and dismissed all appeals as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99. Affiant-Appellant appealed to the District Court. See Bankr.M.D.Fla. # 3:20-bk-00618-JAF, D.E. 65, 76, 78, 87, App. Doc. 30 Pgs. 463-473. The Bankruptcy Court denied appeal in forma pauperis, dismissed appeal for failure to pay filing fee, and ordered appeal to be stricken from the record. See Bankr.M.D.Fla. # 3:20-bk-00618-JAF, D.E. 72, 73, 77, 85, 89, App.

¹¹ “Where a party assumes a certain position in a legal proceeding, and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position, especially if it be to the prejudice of the party who has acquiesced in the position formerly taken by him.” See *New Hampshire v. Maine*, 532 U.S. 742 (2001) (quoting *Davis v. Wakelee*, 156 U.S. 680, 689 (1895)). “The doctrine of judicial estoppel prevents a party from asserting a claim in a legal proceeding that is inconsistent with a claim taken by that party in a previous proceeding.” See 18 C. Weight, A. Miller, & E. Cooper, *Federal Practice and Procedure* § 4477, p. 782 (1981) – “absent any good explanation, a party should not be allowed to gain an advantage by litigation on one theory, and then seek an inconsistent advantage by pursuing an incompatible theory.” The purpose of judicial estoppel is “to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.” See *New Hampshire v. Maine*, at 750-751.

Doc. 30 Pgs. 463-473. Affiant-Appellant now appeals to the Supreme Court of the United States for (A) adjudication of all claims on the merits, (B) determination of discharge / dischargeability, (C) compulsion of discovery, (D) entry of default and default judgement, (E) entry of contempt sanctions for violation of automatic stay and continued violation of discharge injunction, (F) award of damages, and (G) award of Remedial and Compensatory Damages.

Statement of the Issues Presented for Review

1. The issues presented for review are: (A) The District Court prejudicially delayed the appeal proceedings for one year, then denied adjudication of all claims on the merits and dismissed all appeals as frivolous by Order Denying Motion To Proceed In Forma Pauperis. See Bankr.M.D.Fla. 3:20-ap-00030-JAF, D.E. 99, App. Doc. 13 Pg. 54. (B) The Bankruptcy Court denied appeal in forma pauperis, dismissed appeal for failure to pay filing fee, and ordered appeal to be stricken from the record. See Bankr.M.D.Fla. # 3:20-bk-00618-JAF, D.E. 72, 73, 77, 85, 89, App. Doc. 30 Pg. 472-473. Affiant now appeals to the Supreme Court of the United States for (C) adjudication of all claims on the merits, (D) determination of discharge / dischargeability, (E) compulsion of discovery, (F) entry of default and default judgement, (G) entry of criminal contempt sanctions for violation of automatic stay and continued violation of discharge injunction, (H) award of damages for civil and criminal liability, and (I) award of Remedial and Compensatory Damages.

Summary of the Argument

1. In Bankr.M.D.Fla. 3:20-bk-00618-JAF and Bankr.M.D.Fla. 3:20-ap-00030-JAF, the Bankruptcy Court and the District Court abused discretion and made clear errors of mixed questions of law, fact, and jurisdiction, which necessarily requires remedy, correction, and cure by de novo review. See *In re McLean*, 794 F.3d 1313, at 1318-1319 (11th Cir. 2015); *Fisher Island Ltd. v. Solby+ Westbrae Partners (In re Fisher Island Invs., Inc.)*, 778 F.3d 1172, 1189 (11th Cir. 2015); *Christopher v. Cox (In re Cox)*, 493 F.3d 1336, 1340, n.9 (11th Cir. 2007). See *Walden v. Walker (In re Walker)*, 515 F.3d 1204, 1210 (11th Cir. 2008). In 11th Circuit Nos. 21-13426 and 21-13429, the Eleventh Circuit Court of Appeals abused discretion and made clear errors of mixed questions of law, fact, and jurisdiction, which necessarily requires remedy, correction, and cure by de novo review. See *In re McLean*, 794 F.3d 1313, at 1318-1319 (11th Cir. 2015); *Fisher Island Ltd. v. Solby+ Westbrae Partners (In re Fisher Island Invs., Inc.)*, 778 F.3d 1172, 1189 (11th Cir. 2015); *Christopher v. Cox (In re Cox)*, 493 F.3d 1336, 1340, n.9 (11th Cir. 2007). See *Walden v. Walker (In re Walker)*, 515 F.3d 1204, 1210 (11th Cir. 2008).

REASONS FOR GRANTING THE PETITION

1. The judgments rendered in the Ninth Circuit (C.D. Cal. Case Nos. 2:14-cr-00725-CAS / 2:19-cv-10247-CAS, 9th Cir. Nos. 20-55808, 21-56275, 21-71442, 22-55062) and Eleventh Circuit (Bankr.M.D.Fla. Case No. 3:20-bk-00618-JAF / Bankr.M.D.Fla. Case No. 3:20-ap-00030-JAF, 11th Cir. Nos. 21-13426, 21-13427, 21-13428, 21-13429) and Federal Circuit (D.D.C. 1:15-cv-00652-EGS-RMM) have resulted in conflicting Circuit resolutions arising out of the one and same transaction, which shows unusual, exceptional, special circumstances, and the high probability that Affiant-Appellant will succeed on appeal. Also, the issues presented for review constitute important and novel constitutional issues likely to reoccur in the future, which calls for the supervisory authority (aid of appellate jurisdiction) of the Supreme Court. See 28 U.S.C. § 2101(e). See S. Ct. R. 10(a), (c), 11.

Petition for Writ of Certiorari to 11th Cir. #'s 21-13426 & 21-13429
Jurisdiction and Venue. Consular Jurisdiction and Venue under Treaty Law, per Articles 20 and 21 of the Treaty of Peace and Friendship of 1836 between the United States of North America and Moroccan Empire; and per Article III Section 2 of the Constitution for the United States of North America – Diversity of Nationality / Citizenship Case.
United States Code of Laws of a General and Permanent Character –
Title 22 Chapter 2 Consular Courts – Sections 141, 142, 143.¹

1. In support of this Petition for Writ of Certiorari, Affiant-Appellant directs the Court's attention to take JUDICIAL NOTICE of the 11th Cir. #'s 21-13426 & 21-13429 "Appellant's Initial Brief with Appendix Volumes I & II," "Appellant's Reply Brief with Appendix Volume III," "Appellant's Opposition To Motion For Summary Affirmance and Stay of Briefing Schedule and Opposition To Motion To Strike For Non-Conformity," "Motion For Sanctions," "Motion To Expedite Appeal," "Opposition To Motion To Stay Briefing Schedule," and "Opposition To United States' 4th Motion for Extension of Time," all annexed by reference hereto as if fully set forth herein.

2. All issues presented in this Petition for Writ of Certiorari relate back the to the Chapter 7 Petition's \$74,431, \$100,000, and \$400 unlawful debt collection activity of C.D.Cal. 2:14-cr-00725-CAS-1 (egregious abuse of process) and D.D.C. 1:15-cv-652-EGS (Suit To Enforce Federal Tax Lien) by the same core of operative facts in both time and type, and arose out of the same conduct, transaction, or occurrence. See 11 U.S.C § 106(a)(1), (b). See Fed. R. Bankr. P. 7013. See Fed. R. Civ. P 13(a)(1)(A), (2)(A), (c), (e). See Appellant's Initial Brief (AIB) pages xvii, 1-6. The unlawful debt collection activity in violation of automatic stay and discharge injunction persists to and through this present day.

3. The issues presented for Supreme Court de novo review are: (A) the District Court's one-year prejudicial delay; (B) the Bankruptcy Court's dismissal of Adversary Proceeding and denial of appeal; (C) adjudication of all claims on the merits, (D) determination of discharge / dischargeability, (E) compulsion of discovery, (F) entry of default and default judgement, (G) entry of criminal contempt sanctions for violation of automatic stay and continued violation of discharge injunction, (H) award of damages against Appellees for civil and criminal liability, and (I) award of Remedial and Compensatory Damages against Appellees. See Appellant's Initial Brief (AIB) and Appendix (App.) No. 21-13426 (Doc. 4 & 5) and No. 21-13429 (Doc. 6 & 7). See *Heck v. Humphrey*, 512 U.S. 477, at 482 (1994) – establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction.

¹ See Moorish Science Temple of America Consular Court Instrument of Accession / Commencement / Inauguration of a Theocratic state deposited, filed, registered, recorded with Mr. Miguel de Serpa Soares, UN Under-Secretary General (Certified Mail Restricted Delivery # 7012 1970 0002 0972 0708)

4. The ABA's Response Brief did not challenge or refute the verified issues that: (i) the ABA is a parent corporation whose subsidiaries include without limitation the IRS, CFTB, FBOP, and DOJ, therefore the wrongful conduct attributed to the IRS/CFTB/FBOP/DOJ is attributable to the ABA; (ii) C.D.Cal. 2:14-cr-00725-CAS (egregious abuse of process) and D.D.C. 1:15-cv-652-EGS (Suit To Enforce Federal Tax Lien) are unlawful debt collection activity in violation of automatic stay and discharge injunction; (iii) the \$74,431, \$100,000, and \$400 debt liabilities were discharged on July 23, 2020, by the Order of Discharge; (iv) the Order and Injunction of M.D.Fla. 3:17-cv-00881-TJC is void and is an "official Federal policy" of Genocide and retaliation subject to vacatur; (v) Appellees and all AP. Defendants were properly served with the Adversary Proceeding in a manner consistent with Fed. R. Bankr. P. 7004(b)(4), (5); (vi) Affiant-Appellant has fully established his dischargeability claims and damages claims; (vii) the bankruptcy court erred by denying compulsion of discovery, entry of default and default judgment, entry of contempt sanctions for violation of automatic stay and discharge injunction, and award of remedial and compensatory damages. See *Montgomery v. State*, 55 Fla. 97 (1908) - Testimony received without objection and in no way controverted should be given all the probative force and effect that the meaning of the testimony naturally and ordinarily affords without technical requirements or limitations.

5. The ABA's entire Response Brief² is essentially a regurgitation of the IRS's argument in their Motion For Summary Affirmance — that Affiant-Appellant's Notice of Appeal was (allegedly) untimely and the issue was (allegedly) not adequately briefed and (allegedly) abandoned — which this Court denied on July 8, 2022. This same meritless contention is the gravamen of the IRS's Response Brief. Both the ABA and IRS concede that Affiant Appellant briefed the issue of timeliness of his Notice of Appeal. See ABA Resp. Brf. Pgs. 20-21. See IRS Resp. Brf. Pgs. 22-27. The Eleventh Circuit holds that Affiant-Appellant does not abandon his claim(s) by (allegedly) failing to raise them "plainly and prominently" enough in his initial brief on appeal. See *Regions Bank v. Legal Outsource PA*, 936 F. 3d 1184, 1197 (11th Cir. 2019)³.

Timeliness of 11th Circuit Appeal

6. Appellees ABA and IRS contend that Affiant-Appellant has abandoned or waived the timeliness-of-appeal issue, but the 11th Circuit's holdings disagree. See *Regions Bank v. Legal Outsource PA*, 936 F. 3d 1184, 1197 (11th Cir. 2019); *Allstate Ins. Co. v. Swann*, 27 F.3d 1539, 1542 (11th Cir. 1994); *Fed. Sav. & Loan Ins. Corp. v. Haralson*, 813 F.2d 370, 373 n.3 (11th Cir. 1987). Where an alleged waiver or forfeiture of a particular claim by

² Citation abbreviations in this Petition for Certiorari are as follows: Appellant's Initial Brief (AIB) Appendix (App.), Appellant's Reply Brief (AREPB.) Appendix (Appx.); ABA's Response Brief (ABA Resp. Brf.) Supplemental Appendix (Supp. App.); IRS's Response Brief (IRS Resp. Brf.) Supplemental Appendix (Supp. App.).

³ *Regions Bank v. Legal Outsource PA*, 936 F. 3d 1184, 1197 (11th Cir. 2019) - when initial brief was read in light of the record, the other briefs in the appeal, and the principle that briefs should be read liberally to ascertain the issues raised on appeal, the Court of Appeals had no doubt that defendant fairly presented the argument that the district court erred when it dismissed at least one of her counterclaims, and plaintiff conceded in its own brief that defendant raised the issue.

Affiant-Appellant in an initial brief is raised, the Appellees waive or forfeit the alleged waiver or forfeiture by conceding it in their own Response Brief that Affiant-Appellant raised it. See *Regions Bank v. Legal Outsource PA*, 936 F.3d 1184, 1197 (11th Cir. 2019). That the ABA and IRS concede in their Response Briefs that Affiant-Appellant raised the timeliness-of-appeal issue in his Initial Brief suggests that Affiant-Appellant's Initial Brief gave the ABA and IRS fair notice that the timeliness-of-appeal was an issue⁴.

7. Furthermore, the ABA's and IRS's assertions about what is or is not abandoned does not bind the Supreme Court or the Eleventh Circuit, and to be sure, the ABA's and IRS's abandonment claims are overstated. The ABA's and IRS's concession on the issue of timeliness-of-appeal means that they reasonably understood that it is an issue and to read this contention any other way would be a violation of the rule that "briefs should be read liberally to ascertain the issues raised on appeal." See *Allstate Ins. Co. v. Swann*, 27 F.3d 1539, 1542 (11th Cir. 1994). The abandonment rule would swell to a scope previously unimagined if the Supreme Court and the Eleventh Circuit were to hold that an appellant abandons their legal theory whenever they place undue emphasis on one part of their factual narrative over another. See *Regions Bank v. Legal Outsource PA*, 936 F.3d 1184, 1197 (11th Cir. 2019).

8. The Appellees will not be prejudiced upon de novo review of Affiant-Appellant's claims stated in this appeal, and failure to review de novo would seriously undermine confidence in the judicial system⁵. The Court's rule on abandonment is a sound prudential practice, not a statutory or constitutional mandate, nor a jurisdictional limitation. See *United States v. Campbell*, 26 F.4th 860 (11th Cir. 2022); *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1332 (11th Cir. 2004); *United States v. Levy*, 391 F.3d 1327, 1335 (11th Cir. 2004); *Dean Witter Reynolds, Inc. v. Fernandez*, 741 F.2d 355, 360 (11th Cir.1984); *Wright v. Hanna Steel Corp.*, 270 F.3d 1336, 1342 (11th Cir. 2001); *Narey v. Dean*, 32 F.3d 1521, 1526–27 (11th Cir.1994); *Davis v. United States*, 512 U.S. 452, 464 (1994).

⁴ *Regions Bank v. Legal Outsource PA*, 936 F.3d 1184, 1197 (11th Cir. 2019) - For purposes of determining whether an issue has been abandoned on appeal, the main principle that animates the abandonment rule is fair notice. As we have explained, "an appellee is entitled to rely on the content of an appellant's brief for the scope of the issues appealed," and suggests that Regions' brief gave fair notice. *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1330 (11th Cir. 2004) (quoting *Pignons S.A. de Mecanique v. Polaroid Corp.*, 701 F.2d 1, 3 (1st Cir. 1983)); accord *Haralson*, 813 F.2d at 373 n.3.

⁵ This Court has discretion to reach this timelines-of-appeal issue on the basis that: (1) it involves pure question of law involving constitutional ramifications and refusal to consider it would result in manifest miscarriage of justice; (2) appellant raises objection to order(s) which he had no opportunity to raise at district court level; (3) interest of substantial justice is at stake; (4) proper resolution is beyond any doubt; (5) issue(s) presents significant questions of general impact or of great public concern; (6) review is necessary to reach a decision on the merits; (7) there could be a retrial/remand; (8) there is substantial competent evidence in favor of Affiant-Appellant's claims of error; (9) this Court is undertaking a de novo "plain error" review; (10) the issue(s) of timeliness-of-appeal and vacatur of the void injunction order M.D.Fla. 3:17-cv-00881-TJC cannot be waived in this matter; (11) it is necessary to avoid a misleading application of law. See *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1332 (11th Cir. 2004); *Dean Witter Reynolds, Inc. v. Fernandez*, 741 F.2d 355, 360 (11th Cir.1984); *Wright v. Hanna Steel Corp.*, 270 F.3d 1336, 1342 (11th Cir.2001); *Narey v. Dean*, 32 F.3d 1521, 1526–27 (11th Cir.1994).

9. Furthermore, Affiant-Appellant's Brief properly raised the issue of timeliness of the Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, Doc. 61, pages 1-10). See AIB, page xv, paragraph 7. See generally, AIB pages xiv-xvii & 1. Taken as a whole, Affiant-Appellant's Initial Brief including the two volume Appendix and this Reply Brief adequately briefs the issue(s). Moreover, the Notice of Appeal (Bankr.M.D.Fla. 3:20-ap-00030-JAF, Doc. 61, pages 1-10) is a motion for excusable neglect and to reopen time to file pursuant to Fed. R. Bankr. P. 8002(d)(1) and a notice of appeal which includes (1) Notice of Appeal, (2) Affidavit of Merits To Appeal, (3) Notice of Appeal and Statement of Election, and (4) Certification to Court of Appeals by All Parties. See ABA Resp. Brf. Supp. App. Pgs. 31-40. The timeliness and substance of Bankr.M.D.Fla. 3:20-ap-00030-JAF, Doc. 61, is a mixed question of fact, law, and jurisdiction which is properly the subject of *de novo* review on the merits before this Court. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

10. Due process (Notice and Opportunity) requires that notions of fair play and substantial justice are not offended. See *International Shoe Co. v. Washington*, 326 U.S. 310, 319 (1945) - Whether due process is satisfied must depend rather upon the quality and nature of the activity in relation to the fair and orderly administration of the laws which it was the purpose of the due process clause to insure. At the time of the filing of the Notice of Appeal and Motion (Doc. 61), Affiant-Appellant was being held incommunicado and was subjected to continuous maximum security prison lockdown conditions at Coleman Medium due to the COVID-19 pandemic and other objects of penological interest. Due to the circumstances beyond Affiant-Appellant's control and Appellees' (FBOP) mail tampering / obstruction / delay / hindering / withholding, Affiant-Appellant was never served with and had no knowledge of the Order Dismissing Adversary Proceeding, which precluded a filing of Notice of Appeal within 14 days of the order, and this uncontrollable delay in receipt of mail does constitute "excusable neglect" and "good cause." See ABA Resp. Brf. Supp. App. Pg. 31. Under these circumstances, it is impossible to file a Notice of Appeal within 14 days of the order being appealed.

11. Affiant-Appellant asserts that due to the cumulative effects of the COVID-19 pandemic, being held incommunicado, continuous prison lockdown conditions, limited/lack of access to prison law library, inadequate prison law library resources, limited/lack of access to personal legal papers/materials, and Appellees' (FBOP's) mail tampering / obstruction / delay / hindering / withholding, some or all of the delay can be attributed to government interference and the Notice of Appeal and Motion (ABA Resp. Brf. Supp. App. Pgs. 31-40) should be deemed timely, or should be qualified as timely, pursuant to Fed. R. Bankr. P. 8002(d)(1) and the doctrine of equitable tolling.

12. Additionally, the courts have granted equitable tolling, or indicated that equitable tolling would be available, if some or all of the delay can be attributed to government interference, including without limitation: frequent and extended prison lockdown conditions, inability to utilize or limited/lack of access to prison law library, inadequacy of prison law library resources, inability to utilize or limited/lack of access to personal legal

papers/materials. See *Holland v. Florida*, 560 U.S. at 649, 653 (2010). See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013). See *Espinoza-Matthews v. California*, 432 F.3d 1021, 1027-1028 (9th Cir. 2005).

13. The Appellees' and the lower courts' conduct with regards to the issue of timelines-of-appeal, as well as the Appeal proceeding in its entirety, is nowhere close to the "notions of fair play and substantial justice" nor the "fair and orderly administration of the laws" which must be met in order to satisfy due process (Notice and Opportunity). Appellees' conduct extends a pattern and practice flagrant disregard for and violation of court rules and procedures, professional rules of conduct, civil law, bankruptcy code, tax code, and criminal code, and binding 11th Circuit and Supreme Court precedent. The Appellees IRS and ABA and the lower courts may not employ their own wrongful conduct to shield them from liability. See *Turner v. Burnside*, 541 F.3d 1077, 1084-1085 (11th Cir. 2008). See *Porter v. Nussle*, 534 U.S. 516-517, 524 (2002).

Jurisdiction to Determine Remedial and Compensatory Damages

14. The Bankruptcy Act of 1978 (Act) established a United States bankruptcy court in each judicial district as an adjunct to the district court for such district. The Act grants United States bankruptcy courts broad jurisdiction of all civil proceedings arising under Title 11 or arising in or related to cases under Title 11. See *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). Included within the bankruptcy courts' jurisdiction are suits to recover accounts, controversies involving exempt property, actions to avoid transfers and payments as preferences or fraudulent conveyances, and causes of action owned by the debtor at the time of the petition for bankruptcy. The bankruptcy courts can hear claims based on state law as well as those based on federal law. See 1 W. Collier, Bankruptcy ¶ 3.01, pp. 3-47 to 3-48 (15th ed. 1982).

15. With respect to both personal jurisdiction and venue, the scope of the Act is also expansive. Although the Act does not in terms indicate the extent to which bankruptcy judges may exercise personal jurisdiction, it has been construed to allow the constitutional maximum. See, e.g., *In re Whippany Paper Board Co.*, 15 B.R. 312, 314-315 (Bankr.N.J. 1981). Furthermore, the Act permits parties to remove many kinds of actions to the bankruptcy court. The judges of the bankruptcy courts are vested with all of the "powers of a court of equity, law, and admiralty," except that they "may not enjoin another court or punish a criminal contempt not committed in the presence of the judge of the court or warranting a punishment of imprisonment." 28 U.S.C. § 1481 (1976 ed., Supp.IV). In addition to this broad grant of power, Congress has allowed bankruptcy judges the power to hold jury trials, § 1480; to issue declaratory judgments, § 2201; **to issue writs of habeas corpus under certain circumstances, § 2256; to issue all writs necessary in aid of the bankruptcy court's expanded jurisdiction, § 451** (1976 ed. and Supp.IV); see 28 U.S.C. § 1651; and to issue any order, process or judgment that is necessary or appropriate to carry out the provisions of Title 11, 11 U.S.C. § 105(a) (1976 ed., Supp.IV). See *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 55 (1982).

16. In the year 2011, a tax return transaction occurred which resulted in alleged debt liabilities of \$74,431 and \$100,000. Appellees ABA and IRS began unlawful debt collection activities to collect on the alleged debt liabilities of \$74, 431 and \$100,000. See AIB Pgs. 19-24.

17. On or about December 14, 2014, Appellees ABA and IRS commenced Egregious Abuse of Process C.D.Cal. 2:14-cr-00725-CAS-1 as a subterfuge to collect on the alleged debt liabilities of \$74,431 and \$100,000. See AIB App. 30-34. Egregious Abuse of Process C.D.Cal. 2:14-cr-00725-CAS-1 resulted in another alleged debt liability of \$400 (which is a civil statutory lien/tax and thus dischargeable). See *United States v. Munoz-Flores*, 495 U.S. 385, 399-400 (1990). See AIB App. Pgs. 650-652. On or about April 29, 2015, Appellees ABA and IRS commenced Suit to Enforce Federal Tax Lien D.D.C. 1:15-cv-00652-EGS directly related to Egregious Abuse of Process C.D.Cal. 2:14-cr-00725-CAS-1 to collect on the alleged debt liabilities of \$74,431 and \$100,000. See AIB App. 874-881.

18. On February 24, 2020, Bankr.M.D.Fla. 3:20-bk-00618-JAF commenced. The \$74,431 unlawful IRS lien, the \$100,000 unlawful CFTB assessment, and the \$400 erroneous/wrongful conviction special assessment were listed as dischargeable debts on the Chapter 7 bankruptcy schedules. See AIB Pgs. 19-24. On March 2, 2020, Adversary Proceeding, Bankr.M.D.Fla. 3:20-ap-00030-JAF commenced to determine the dischargeability (523(a)(6) – willful and malicious injury, 523(a)(2) – false pretenses, false representation, actual fraud), undue hardship (student loan debt), and any exception, of scheduled debts and proof of claim/interest by Affiant-Appellant. Also, to determine the validity, priority, or extent of lien or other interest in property, for recovery of money/property (from fraudulent transfer), and for injunctive relief (enjoining oppression and genocide by unlawful debt collection practices). See AIB Pgs. 19-24.

19. Appellees ABA and IRS, as well as all A.P. Defendants-Respondent(s) were properly served in a manner consistent with Fed. R. Bankr. P. 7004(b)(4), (5)⁶. See AIB App. 173-203. See AIB App. 204-205, 206-207 – **Affidavit of Notary Presentment and Service to the Civil Service Clerk at the office of the United States Attorney 300 N. Hogan St., Suite 700, Jacksonville, Florida 32202**. Neither Appellees ABA and IRS nor A.P.Defendants-Respondent(s) filed any objection or exception or complaint against the discharge or dischargeability of any debt liability(ies) / obligations in Bankr.M.D.Fla. 3:20-bk-00618-JAF or Bankr.M.D.Fla. 3:20-ap-00030-JAF. Appellees ABA and IRS and A.P.Defendants-Respondent(s) defaulted in Bankr.M.D.Fla. 3:20-ap-00030-JAF on April 13, 2020. See AIB Pgs. 19-24. The last day to oppose discharge or dischargeability in Bankr.M.D.Fla. 3:20-bk-00618-JAF was June 19, 2020, and this date expired without any objection from Appellees ABA and IRS or A.P.Defendants-Respondent(s) (i.e. Default).

⁶ Seventeen (17) of the Bankr.M.D.Fla. 3:20-ap-00030-JAF Adversary Proceeding (A.P.) Defendants-Respondent(s) appeared “Pro Se” in violation of *Palazzo v. Gulf Oil Corp.*, 764 F. 2d 1381 (11th Cir. 1985) – corporations CANNOT appear pro se. See AIB App. 41-43. All seventeen (17) Pro Se Corporations defaulted.

20. There being no properly invoked provision that prevented the discharge of all the validly claimed debt liability(ies) / obligations, on July 23, 2020, as an operation of law, all of the debt liability(ies) / obligations were discharged by the Order of Discharge entered in Bankr.M.D.Fla. 3:20-bk-00618-JAF. Appellees ABA and IRS concede that the \$74,431, \$100,000, and \$400 validly claimed debt liabilities were discharged on July 23, 2020. See IRS Resp. Brf. Pg 14. This Court has jurisdiction to determine the extent of Remedial and Compensatory Damages for the Appellee ABA's and IRS's willful and malicious injury / fraud of the Egregious Abuse of Process C.D.Cal. 2:14-cr-00725-CAS-1 case and Suit to Enforce Federal Tax Lien D.D.C. 1:15-cv-00652-EGS case presented in Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF, and this Court has jurisdiction to determine the extent of Remedial and Compensatory Damages for the Appellee ABA's and IRS's violation of automatic stay and continued violation of discharge injunction presented in Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF and Bankr.M.D.Fla. 3:20-bk-00618-JAF. See AIB Pg. 23.

21. In support of this Court's jurisdiction to determine the extent of damages for the Appellee ABA's and IRS's and lower courts' willful and malicious injury / fraud presented in the Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF, Affiant-Appellant presents a records search from GMEI Utility (a service of the Depository Trust & Clearing Corporation (DTCC)) **showing fraud by constitutional emoluments⁷ of 19, 624 foreign corporations buying / selling / trading Affiant-Claimant's SSN/CUSIP 571-63-8532 in international commerce, showing fraud by constitutional emoluments of 48,486 foreign corporations using Affiant's SSN/CUSIP C.D.Cal. 2:14-cr-00725-CAS in international commerce, showing fraud by constitutional emoluments of 98,144 foreign corporations using Affiant's SSN/CUSIP C.D.Cal. 2:14-cr-00725-CAS-1 in international commerce, showing fraud by constitutional emoluments of 69,666 foreign corporations buying / selling / trading Affiant's SSN/CUSIP D.D.C. 1:15-cv-00652-EGS in international commerce, showing fraud by constitutional emoluments of 26,376 foreign corporations buying / selling / trading Affiant's SSN/CUSIP Bankr.M.D.Fla. 3:20-bk-00618-JAF in international commerce, showing fraud by constitutional emoluments of 26,996 foreign corporations buying / selling / trading Affiant's SSN/CUSIP Bankr.M.D.Fla. 3:20-ap-00030-JAF in international commerce, showing fraud by constitutional emoluments of 32,846 foreign corporations buying / selling / trading Affiant's SSN/CUSIP M.D.Fla. 3:17-cv-00881-TJC in international commerce, showing fraud by constitutional emoluments of 32,491 foreign corporations buying / selling / trading Affiant's SSN/CUSIP M.D.Fla. 3:20-cv-01047-TJC in international commerce, showing fraud by constitutional emoluments of 32,491 foreign corporations buying / selling / trading Affiant's SSN/CUSIP M.D.Fla. 3:20-cv-01062-TJC in international commerce, showing fraud by constitutional emoluments of 32,491 foreign corporations buying / selling / trading Affiant's SSN/CUSIP M.D.Fla. 3:20-cv-01065-TJC**

⁷ Emolument – any advantage, profit, or gain received as a result of one's employment or holding of office. Black's Law Dict. 8th Ed.

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★ 213800PSHGK5WBNODE23	JJ RUBIN FAMILY SETTLEMENT	United Ki...	Active
★ 213800K9A6KFTHIVIR88	PIONEER INSTITUTIONAL FUNDS - INSTITUTIONAL 21	Luxemb...	Inactive
★ 213800WESAP7NUY6PB44	THE ROSSELSON FAMILY TRUST NO 21	United Ki...	Active
★ 213800Z4TRJIRTM7RC71	JJJ TRADERS LTD.	Belize	Active
★ 213800ZKOCVCQ9Z4UY18	JJT DIMENT SETTLEMENT	United Ki...	Active
★ 213800XI6OVP74TS4G48	JJM TRUST EXECUTIVE PENSION SCHEME	United Ki...	Active
★ 213800KMCVV7ZQR9AO90	21 SOLSTICE FUNDS SICAV PLC - APHELIUM REAL ESTATE FUND	Malta	Active

★ LEI	Legal Name	Country	Entity Status
★ 2138006QP317QXLBIE42	MRS. J.J.-A. WALTON MARRIAGE SETTLEMENT	United Ki...	Active
★ 21380043WW4ZVG664953	JJSK INVESTMENTS LIMITED	United Ki...	Active
★ 213800D4JC69Y9H1W511	EHI FRANCE 21 STRASBOURG	France	Inactive

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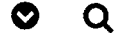
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★ 213800ZKOCVCQ9Z4UY18	JJT DIMENT SETTLEMENT	United Ki...	Active
★ 213800XI6OVP74TS4G48	JJM TRUST EXECUTIVE PENSION SCHEME	United Ki...	Active
★ 213800KMCVV7ZQR9AO90	21 SOLSTICE FUNDS SICAV PLC - APHELIUM REAL ESTATE FUND	Malta	Active

★ LEI	Legal Name	Country	Entity Status
★ 2138006QP317QXLBIE42	MRS. JJ.-A. WALTON MARRIAGE SETTLEMENT	United Ki...	Active
★ 21380043WW4ZVG664953	JJSK INVESTMENTS LIMITED	United Ki...	Active
★ 213800D4JC69Y9H1W511	EHI FRANCE 21 STRASBOURG	France	Inactive

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in international commerce, showing fraud by constitutional emoluments of 32,491 foreign corporations buying / selling / trading Affiant's SSN/CUSIP M.D.Fla. 3:20-cv-01075-TJC in international commerce, showing fraud by constitutional emoluments of 209,210 foreign corporations buying / selling / trading Affiant's SSN/CUSIP 11th Cir. 21-13426-JJ in international commerce, showing fraud by constitutional emoluments of 209,211 foreign corporations buying / selling / trading Affiant's SSN/CUSIP 11th Cir. 21-13427-JJ in international commerce, showing fraud by constitutional emoluments of 209,211 foreign corporations buying / selling / trading Affiant's SSN/CUSIP 11th Cir. 21-13428-JJ in international commerce, showing fraud by constitutional emoluments of 209,210 foreign corporations buying / selling / trading Affiant's SSN/CUSIP 11th Cir. 21-13429-JJ in international commerce, **actively and currently through present day via the United States Bureau of the Fiscal Services.** See ARep.B Appx. Doc. 59 Pgs. 991-1035.

22. The foregoing evidence in conjunction with the evidence of a partial-disclosure FOIA response listing individual and corporate withholdings of money credits in the millions of dollars under Affiant-Appellant's Social Security Number (SSN) and Registered Fictitious Business Name presented in Affiant-Appellant's Initial Brief (see AIB App. Pgs. 26-29, 847-870), is credible admissible evidence to further support the plausibility of Affiant-Appellant's damages claims presented in Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF, and most definitely has the necessary subject-matter-jurisdiction-nexus effect on the estate being administered in bankruptcy. See *Matter of Lemco Gypsum, Inc.*, 910 F. 2d 784, 789 (11th Cir. 1990).

23. Affiant-Appellant is Competent General Executor, Heir Apparent, and Moor American National (see ARep.B Appx. Docs. 54-58 Pgs. 884-990) in the matter of Trust before the Court discharging his fiduciary responsibility as an informant, with honor, to enforce equal protection under the law as loss prevention in this Consolidated Appeal 21-13426 / 21-13429 relating Appellee ABA's and IRS's and lower courts' unlawful collection activity, abuse of process, and fraud upon the court through malfeasance of office and prosecutorial misconduct resulting in constitutional emoluments in violation of U.S. Constitution Article I, Section 9, Clause 8; 26 U.S.C. § 7214; 18 U.S.C. § 1951; 18 U.S.C. § 241; 18 U.S.C. § 242; 18 U.S.C. § 1091; 18 U.S.C. § 3281; 18 U.S.C. § 2381; 18 U.S.C. § 2382; 18 U.S.C. § 1512; and 18 U.S.C. § 1513.⁸

24. In support of this Court's jurisdiction to determine the extent of Remedial and Compensatory Damages for the Appellee ABA's and IRS's violation of automatic stay and continued violation of discharge injunction

⁸ See Moorish Science Temple of America Consular Court Instrument of Accession / Commencement / Inauguration of a Theocratic state deposited, filed, registered, recorded with Mr. Miguel de Serpa Soares, UN Under-Secretary General (Certified Mail Restricted Delivery # 7012 1970 0002 0972 0708)

presented in Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF and Bankr.M.D.Fla. 3:20-bk-00618-JAF, Affiant-Appellant presents continued violation of automatic stay and discharge injunction actively and presently through current day. The \$74,431 and \$100,000 from the Egregious Abuse of Process C.D.Cal. 2:14-cr-00725-CAS-1 case and Suit to Enforce Federal Tax Lien D.D.C. 1:15-cv-00652-EGS case are still the subject of unlawful collection activity in violation of discharge injunction because the cases are still being prosecuted and Appellees ABA and IRS have not issued a Certificate of Release of Lien. If a certificate was issued, then when did they issue it? Where is it at? Where is the citation to the evidentiary record? Why did they not include the certificate in their supplemental appendix and direct the Court's attention to it?

25. Furthermore, Appellees ABA and IRS concede that the lower court erred on the issue of the \$400 (dischargeable civil statutory lien/tax) special assessment necessary for the subject-matter-jurisdiction-nexus effect on the estate being administered in bankruptcy. See IRSResp.Br. Pgs. 32-34. The verified facts stated in Affiant-Appellant's Initial Brief show that Appellees ABA and IRS and the lower courts violated the automatic stay and discharge injunction by continuous efforts to unlawfully collect on the \$400 special assessment. See AIB Pg. 21, AIB App. Pgs. 258-302, Pgs. 351-389, Pgs. 582-690. On August 1, 2022, Appellees ABA and IRS did flagrantly demand payment of the discharged \$400 special assessment under color of lawful authority, even though the obligation was discharged on July 23, 2020 by Bankr.M.D.Fla. 3:20-bk-00618-JAF Order of Discharge and the obligation ceased by statute 18 U.S.C. § 3013(c) March 15, 2022. See AREp.B Appx. Docs. 60-61, Pgs. 1038-1040 - Payment Demand Letter and Email. JUDICIAL NOTICE: Tort Claim Docket for C.D.Cal. # 2:22-cv-05395-JAK-JDE filed on August 3, 2022.

26. The payment demand letter and email sent on August 1, 2022 constitutes an unlawful deprivation of constitutionally protected liberty interest and property interest via trespass by unlawful collection activity and abuse of process in violation of 26 U.S.C. § 7214,⁹ 18 U.S.C. § 1951, 18 U.S.C. § 241, 18 U.S.C. § 242, bankruptcy discharge injunction, and others.

27. The foregoing evidence is credible admissible evidence to further support the plausibility of Affiant-Appellant's damages claims presented in Adversary Proceeding for continued violation of automatic stay and discharge injunction actively and currently through present day, and most definitely has the necessary subject-matter-jurisdiction-nexus effect on the estate being administered in bankruptcy. See *Matter of Lemco Gypsum, Inc.*, 910 F. 2d 784, 789 (11th Cir. 1990). Appellees' ABA and IRS and lower courts' conduct extends a pattern

⁹ Title 26 U.S.C. § 7214(a)(8)'s statutory specification requiring reporting in writing is reasonable prior notice that this felony must be reported to proper authorities, which makes 18 U.S.C. § 4 (Misprison of Felony) applicable to all United States' officers, agents, and employees involved with the cases from which this current proceeding has arisen including without limitation C.D.Cal. 2:14-cr-00725-CAS-1, C.D.Cal. 2:22-cv-05395-JAK-JDE, C.D.Cal. 2:22-cv-006334-CAS, 9th Cir. 22-1362, D.D.C. 1:15-cv-652-EGS, Bankr.M.D.Fla. #'s 3:20-bk-618-JAF / 3:20-ap-00030-JAF, and 11th Cir. #'s 21-13426 / 21-13429. See *United States v. Heckler*, 428 F. Supp. 269 (S.D.N.Y. 1976).

and practice of frivolous motions and misleading arguments in bad faith for the purpose of unnecessary prejudicial delay and irreparable injury to Affiant-Appellant and the resolution of this Consolidated Appeal, in flagrant disregard for and violation of court rules and procedures, professional rules of conduct, civil law, bankruptcy code, tax code, and criminal code, and binding 11th Circuit and Supreme Court precedent. The Appellees IRS and ABA and the lower courts may not employ their own wrongful conduct to shield them from liability. See *Turner v. Burnside*, 541 F.3d 1077, 1084-1085 (11th Cir. 2008). See *Porter v. Nussle*, 534 U.S. 516-517, 524 (2002).

28. Furthermore, Appellees' ABA and IRS and lower courts egregious abuse of process unlawful debt collection activity precludes any requirement of the filing of a proof of claim for their waiver of sovereign immunity. See *In re Hardy*, 97 F. 3d 1384 (11th Cir. 1996); *In re Jove Engineering, Inc.*, 92 F. 3d 1539 (11th Cir. 1996). See AIB App. Pgs. 258-302, Pgs. 351-389, Pgs. 582-690. And Affiant-Appellant has thoroughly exhausted administrative remedy with regard to his tort claim(s) and damages claims. See AIB App. Pgs. 563-581. Moreover, further exhaustion of administrative remedy is not required because: (i) administrative remedies would be futile, (ii) the actions of the tortfeasors clearly and unambiguously violate statutory and/or constitutional rights, and (iii) the administrative procedure is clearly shown to be inadequate to prevent irreparable injury. See *Terrell v. Brewer*, 935 F.2d 1015, 1019 (9th Cir.1991); *Sapp v. Kimbrell*, 623 F.3d 813 (9th Cir. 2010); *Fraley v. U.S. Bureau of Prisons*, 1 F.3d 924, 925-926 (9th Cir. 1993); *Wooford v. Ngo*, 548 U.S. 81, at 90-91 (2006).

Jurisdiction to Vacate Void Order and Injunction "official Federal policy" of Genocide

29. The issue of vacatur of the void M.D.Fla. 3:17-cv-00881-TJC Order and Injunction "official Federal policy" of Genocide and retaliation is squarely before this Court because it is the policy that the bankruptcy court relied upon for dismissing Adversary Proceeding Bankr.M.D.Fla. 3:20-ap-00030-JAF, it is the policy that the bankruptcy court relied upon for dismissing Affiant-Appellant's appeals, it is the policy that the district court relied upon for its one-year prejudicial delay and dismissal of Affiant-Appellant's appeals, it is the policy that the Appellees ABA and IRS rely upon for their meritless contentions in their briefs, and it is the policy that underlies all of Affiant-Appellant's established dischargeability and damages claims in this Consolidated Appeal. The void Order and Injunction M.D.Fla. 3:17-cv-00881-TJC-JBT was unlawfully removed and lacks subject matter jurisdiction and in personam jurisdiction, and is therefore **void, required by law to be vacated, and required by law to be remanded sua sponte**. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) – subject-matter jurisdiction cannot be forfeited or waived; accord *United States v. De La Garza*, 516 F.3d 1266 (11th Cir. 2008); *University of South Alabama v. American Tobacco Co.*, 168 F.3d 405 (11th Cir. 1999).

30. The bankruptcy court's reliance upon the void Order and Injunction M.D.Fla. 3:17-cv-00881-TJC in its Order Dismissing Adversary Proceeding, grants and modifies the void Order and Injunction and changes the legal relationship of the parties by binding them to an unlawful and unenforceable order. See 28 U.S.C. § 1292(a)(1). See *Mamma Mia's Trattoria, Inc. v. Original Brooklyn Water Bagel Co.*, 768 F. 3d 1320, 1324-28 (11th Cir. 2014).

At the time of removal from State court, and before entry of final judgment, the record of M.D.Fla. 3:17-cv-00881-TJC-JBT shows lack of subject-matter jurisdiction and lack of in personam jurisdiction, and the Government concedes these points. See United States' Motion To Dismiss (Doc. 5) M.D.Fla. 3:17-cv-00881-TJC-JBT, Pages 11-13, 20 (ARep.B. Appx. Doc. 62 Pgs. 1051-1053, 1060). See Order and Injunction (Doc. 7) M.D.Fla. 3:17-cv-00881-TJC-JBT, Page 13 – "The United States' Motion To Dismiss (Doc. 5) is **GRANTED**" (AIB App. Pg. 805). See *Ashcroft v. Iqbal*, 556 U.S. 662, 692 (2009) – "We do not normally override a party's concession." See e.g. *United States v. International Business Machines Corp.*, 517 U.S. 843, 855 (1996) – holding that "it would be inappropriate for us to examine in this case, without the benefit of the parties' briefing," an issue the Government has conceded.

31. Furthermore, Affiant-Appellant's Initial Brief includes without limitation a Motion To Terminate/Dissolve the unlawful Order and Injunction, as well as a Motion To Remand. See AIB Pgs. 42, 44, 48. See *Cable Holdings of Battlefield, Inc. v. Cooke*, 764 F.2d 1466, 1471 (11th Cir. 1985)¹⁰. In accord see *Birmingham Fire Fighters Ass'n 117 v. Jefferson County*, 280 F.3d 1289, 1292-1293 (11th Cir. 2002) – "In order to decide whether the district court's order is ripe for appeal a reviewing court must first examine 'whether there is an underlying decree of an injunctive character,' and then decide whether the ruling appealed from has 'changed the underlying decree in a jurisdictionally significant way.' Of course, we are not governed by the district court's own characterization of the order as an 'interpretation' or 'clarification,' as distinguished from a 'modification.' Instead, we make our own determination, and in doing so we take a 'functional approach, looking not to the form of the district court's order but to its actual effect. Functionally, an order modifies the original decree when it actually changes the legal relationship of the parties to the decree."

32. Indeed, this Court is obliged to address the lack of subject matter and in personal jurisdictional question *sua sponte*, even though the issue is properly preserved in Appellant's Initial Brief. See *Thomas v. Blue Cross & Blue Shield Ass'n*, 594 F.3d 823, 828 (11th Cir. 2010). In accord see *Frulla v. CRA Holdings, Inc.*, 543 F.3d 1247, 1250 (11th Cir. 2008). See *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 577 (2004) (quoting *Kontrick v. Ryan*, 540 U.S. 443, 455 (2004)) – A litigant generally may raise a federal court's (injunction) lack of subject-matter jurisdiction at any time in the same civil action, even initially at the highest appellate instance. See Supreme Court No. 18-9138 Petition for Writ of Certiorari-Motion to Remand. See Cert. Pet. S.C.T. 18-9138, Pgs. 5-14, Prgphs. 1-30. Moreover, the Supreme Court holds that Affiant-Appellant's timely Motion To Terminate/Dissolve and Motion To Remand the unlawful Order and Injunction preserved in the Appellant's Initial Brief presents a live controversy which is appealable under 28 U.S.C. § 1292(a)(1). See *United States v. Oakland*

¹⁰ The courts of appeals shall have jurisdiction of appeals from interlocutory orders of the district courts of the United States granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court. 28 U.S.C. § 1292(a)(1).

Cannabis Buyer's Coop., 532 U.S. 483, 488 (2001) – Denial of the Cooperative's motion to modify the injunction, however, presented a live controversy that was appealable under 28 U.S.C. § 1292(a)(1). In accord see *Carson v. Am. Brands*, 450 U.S. 79, 82-85 (1981); *Abbot v. Perez*, 138 S. Ct. 2305, 2319-2320 (2018).

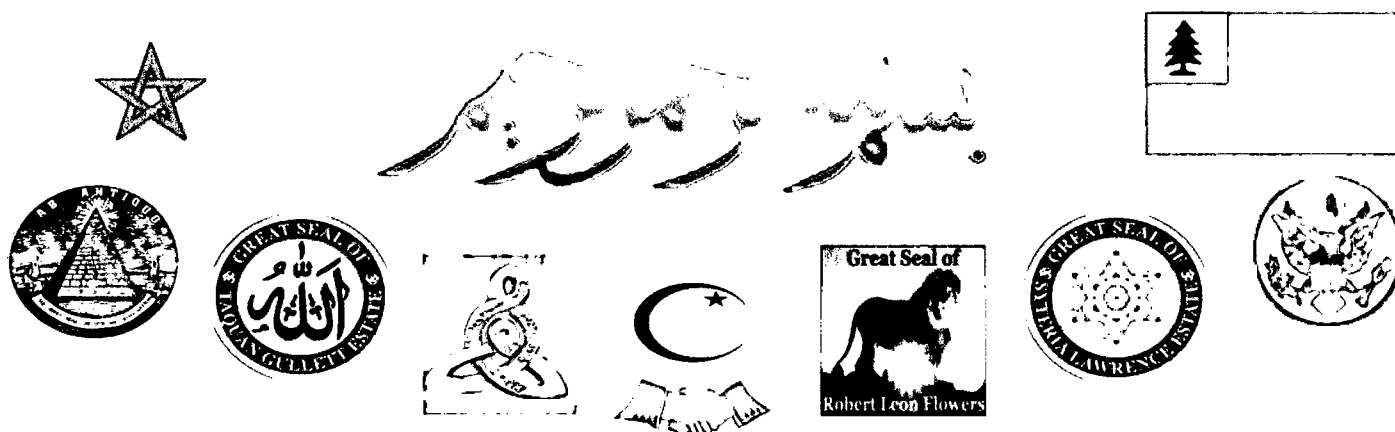
33. The bankruptcy court's Order Dismissing Adversary Proceeding and the district court's Orders Dismissing Appeals constitute Genocide pursuant to an "official Federal policy" of Retaliation and Denial of Redress, Denial of Justice, Denial of Equality Before the Law, Abuse of Discretion, Arbitrary and Capricious Decision / Action by granting and modifying the void and unlawful *Procup* injunction M.D.Fla. # 3:17-cv-00881-TJC-JBT (Doc. 7, Pgs. 1-17), **which lacks subject matter and in personam jurisdiction and which can never be waived**. See *Ins. Corp. of Ir. v. Compagnie Des Bauxites De Guinee*, 456 U.S. 694, 701-702 (1982) – the validity of an order of a federal court depends upon that court having jurisdiction over both the subject matter and the parties. *Stoll v. Gottlieb*, 305 U.S. 165, 171-172 (1938). Specifically, the bankruptcy court's Order Dismissing Adversary Proceeding and the district court's Orders Dismissing Appeals rely upon the void and unlawful *Procup* injunction M.D.Fla. # 3:17-cv-00881-TJC-JBT (Doc. 7, Pgs. 1-17) which is based on an "official Federal policy" of retaliation and Genocide.¹¹

Conclusion

34. Affiant-Appellant respectfully invites and urges the Eleventh Circuit Court of Appeals to: (A) appoint disinterested counsel to investigate and prosecute an **Ex Rel. Action / Humanitarian Intervention and Level 3 Audit** of the **constitutional emoluments fraud** by a full inventory, forensic tracing, certified audit trail, and accounting of all the Estate Rights, Titles, and Interests, based upon the genocide damages evidence proffered and preferred in this Consolidated Appeal, for such equitable relief as may be appropriate to insure the minimum corrective measures necessary, access to adequate redress, and effective remedies for all infringements; (B) declare the \$74,431, \$100,000, and \$400 debts discharged; (C) reopen bankruptcy proceeding to determine undue hardship discharge of student loans; (D) vacate the void unlawful *Procup* injunction and remand M.D.Fla. 3:17-cv-00881-TJC, M.D.Fla. 3:17-cv-00472-TJC and M.D.Fla. 3:17-cv-00440-TJC. See *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986) (*en banc*) – We hold that the district court's injunction was overbroad; (E) compel discovery / letters rogatory; (F) enter default and default judgment against IRS/ABA and all A.P.Defendant(s)-Respondent(s); (G) award damages for Genocide, willful and malicious injury, false pretenses, false

¹¹ See Order and Injunction, M.D.Fla. 3:17-cv-00881-TJC-JBT (Doc. 7, pgs. 1-17). See S. Ct. 18-9138 (Pet. for Cert. / Pet. for Reh'g.). See S. Ct. 18-6630 (Pet. for Mandamus / Pet. for Reh'g.). See *Pembaur v. Cincinnati*, 475 U.S. 469, at 484-485 (1986) – The Supreme Court holds that a county prosecutor's order to forcibly enter the plaintiff's clinic was a "municipal policy." "The Supreme Court has recognized the right to petition as one of the most precious of the liberties safeguarded by the Bill of Rights – 'high in the hierarchy of First Amendment values.'" See *Lozman v. City of Riviera Beach, Florida*, 138 S. Ct. 1945, at 1955 (2018) (quoting *BE & K Constr. Co. v. NLRB*, 536 U.S. 516, 524 (2002)). An official retaliatory policy can also be difficult to dislodge. There can be little practical recourse when the government itself orchestrates the retaliation. For these reasons, when retaliation against protected speech is elevated to the level of official policy, there is compelling need for, adequate avenues of redress. See *Lozman*, at 1954-1955.

representation, actual fraud, priority or extent of lien or other interest in property, subrogation, unjust enrichment, quantum meruit, breach of trust / breach of fiduciary duty / breach of (executory) contract, and for recovery of money / property from fraudulent transfer; (H) award damages for egregious abuse of process and unlawful debt collection in violation of automatic stay and discharge injunction; (I) enter criminal contempt proceedings and sanctions for violation of stay and discharge injunction; and (J) award costs, fees, and expenses incurred for prosecution of appeal and all of the directly related matters.



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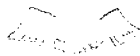
Sheik Maalik Taquan Rabshe Gullett El (also called Taquan Gullett-El)
Honorable Consular General of Morocco

Bloodright Heir Ancestral Estate Genealogy Lineage Chart and Geodetic Survey and Instrument of Accession of the Greater Moorish Empire & the Washitaw De Dugdahmoundyah Muuraysh (Moorish) American Kingdom of Aamaru / Moorish Science Temple of America Consular Court / Aamaru Religious Consul Association / Washitaw De Dugdahmoundyah Mu'uraysh (Moorish) American Society of Sheikesses & Sheiks: care of / rural route 422 East 27th Street Duval County Florida republic
Latitude 24° 30' N to 31° 26' N; Longitude 79° 48' W to 87° 38' W – Above Sea Level
Washitaw De Dugdahmoundyah Timucuan, Al Andalusia,
Northwest Amexem, Maghrib Al-Aqsa Morocco

Consular Verification

I, Sheik Maalik Taquan Rahshe Gullett El, Moorish Science Temple of America Consular Court (©AA222141 Aborigine Moorish American Class A1 Citizenship Number in Library of Congress), Divine Immortal Spirit in Living Flesh and Blood Competent Natural Man of majority by firm sound mind and righteous upright moral integrity, *Sui Juris*, do hereby declare and affirm under penalty of perjury under the Universal Law of Allah The Exalted and Majestic that the foregoing is true, correct, certain, complete to the best of my own first-hand personal knowledge, not misleading, admissible as evidence, and in accord with the righteous upright moral integrity of my honorable intent, and if called upon to offer testimony as to the veracity of the evidence herein proffered and preferred, I shall so state.

This affidavit is dated on or about the 16th day of Rabi Al-Awwal in the
Year of Al-Fattah, Al-Mannan, Al-Muti, As-Shaafi, Ar-Rafeeq, As-Sabur,
Allah The Exalted and Majestic
Fourteen Hundred Forty-Four (1445)
[Gregorian Calendar Year (G.C.Y.) 2023 – October, 1]
Witness the hand and seal of the Honorable Consular General of Morocco:



By:

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General Executor, Moorish American National

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Certificate of Service

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- 1) **Scott S. Harris, Clerk of the Supreme Court of the United States:**
1 First Street, NE; Washington, District of Columbia 20543
- 2) **Elizabeth B. Prelogar, Solicitor General of the United States, Department of Justice:**
950 Pennsylvania Ave., N.W., Room 5614, Washington, D. C. 20530-0001
- 3) **Michelle Thresher Taylor, Assistant United States Attorney for Acting United States Attorney Karin Hoppmann:**
(formerly Collette B. Cunningham, Assistant United States Attorney for Maria Chapa Lopez, United States Attorney):
400 North Tampa Street, Suite 3200; Tampa, Florida 33602 / (300 North Hogan Street, Suite 700; Jacksonville, Florida 32202)
- 4) **Edward M. Fitzgerald, Holland & Knight, LLP for American Bar Association:**
200 South Orange Avenue, Suite 2600; Orlando, Florida 32801 / 321 North Clark Street; Chicago, Illinois 60610

Cc for service of Letters Rogatory to:

- 1) **Maj. Gen. Duane R. Miller, United States Provost Marshal General (EI 115 625 345 US):**
2800 Army Pentagon; Washington, District of Columbia 20310 (9510 8121 9334 3066 1079 04)
- 2) **Vice Admiral Darse E. “Del” Crandall, Judge Advocate General (EI 115625 354 US):**
Rear Admiral Christopher C. French, Deputy Judge Advocate General: (9510 8121 9333 3066 0408 68)
1322 Patterson Avenue, Suite 3000; Washington Navy Yard, District of Columbia 20374-5066
- 3) **Mr. Anthony J. Blinken, Office of Secretary of State, United States Department of State:**
1100 L. Street, N.W.; Room 11006; Washington, District of Columbia 20522-1710
- 4) **Mr. Rashmi Bartlett, Office of Inspector General, United States International Trade Commission:**
Office of Inspector General / 500 E. Street, S.W.; Washington, District of Columbia 20436



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