

No.

23-5720

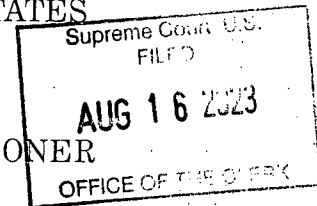
ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Terrance A. McCawley
(Your Name)

— PETITIONER



VS.

Curtis Fell

— RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

☒ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

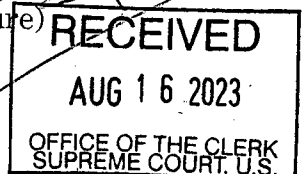
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

, or

☐ a copy of the order of appointment is appended.

(Signature)



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Terrance A. McCawley, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 72	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): <u>N/A</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 72	\$ 0	\$ 0	\$ 0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	_____	_____	\$ 0
N/A	_____	_____	\$ 0
N/A	_____	_____	\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	_____	_____	\$ 0
N/A	_____	_____	\$ 0
N/A	_____	_____	\$ 0

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model _____
Value 0

☐ Motor Vehicle #2
Year, make & model _____
Value 0

☐ Other assets
Description _____
Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

N/A

\$ 0

\$ 0

N/A

\$ 0

\$ 0

N/A

\$ 0

\$ 0

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

TAM-B

daughter

8

TAM-B

daughter

7

TAM-B

son

5

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ 0

\$ 0

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <u> </u>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u> </u>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u> </u>	\$ 0	\$ 0
Total monthly expenses:	\$ 0	\$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

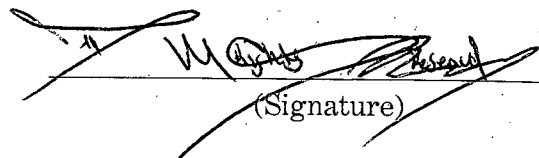
If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2023


(Signature)

Consequently, his right to the free exercise of religion is inhibited as the laws of the Moorish nation demand the "practice" of religious precepts in all affairs. "Love, Truth, Peace, Freedom and Justice must be proclaimed and practiced by all citizens of the Moorish Science Temple of America. . . ." Act 3. Moorish Divine Constitution and By-Laws.

By virtue of the right to self-government the nation of Moors assembled have enacted laws to govern the internal affairs of its society. A member of the society, McCauley-Bey is subject to the regulations imposed by that official authority. The criminal prosecution for compliance to the code of conduct enforced by the Moorish government gives the effect of diminishing his National association. The State transmits the thought that maintenance of his political affairs is wrong and curtails that association by looking to punish and prevent the exercise of rites, customs and traditions exclusive to the society. The proceedings carried out at the circuit court displaces the authority the foreign state has to regulate persons and property within its jurisdiction.

John Locke scribed in his paper Letter Concerning

Rights. Exercise of these basic freedoms in America has traditionally been through the media of political associations. Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents."

In an earlier decision, this Court held that "The right of peaceable assembly is a right cognate to those of free speech and free press and is equally fundamental."

DeLonge v. Oregon, 299 U.S. 353 (1937).

Thus the right of assembly is an independent right similar in status to that of speech and press. Moorish peoples have distinct national interests as American citizens and have organized under common socio-political bonds expressed through the Moorish Science Temple of America.

The State gives no regard to the legal standing of the Moorish government nor the rights and obligations of McCauley-Bey as an active member of the society.

Regarding the free exercise of religion, the Court has well established opinion concerning this right. "The free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one

desires. Thus, the First Amendment obviously excludes all governmental regulation of belief as such." Sherbert v. Verner, 374 U.S. 398 (1963).

"No showing of mere rational relationship to some colorable State interest would justify substantial infringement of party's constitutional right to free exercise of religion." Thomas v. Collins, 323 U.S. 516 (1945). (See also, Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Cantwell v. Connecticut, 310 U.S. 296 (1940))

The door of religious freedom made by the American Constitution swings open to all, and people may enter through it and worship as they desire. Without religious freedom, no search for truth would be possible; without religious freedom, no discovery of truth would be useful; without religious freedom, religious progress would be checked and we would no longer march forward toward the nobler life which the future holds for the races of men; without religious freedom, there would be no inspiration to lift our heads and gaze with fearlessness into the vast beyond, seeking a hope eternal...

Accordingly, "An individual's freedom to speak, to worship,

and to petition the government for the redress of grievances could not be vigorously protected from interference by the State if a correlative freedom to engage in group effort toward those ends were not also guaranteed."

Roberts v. United States Jaycees, 468 U.S. 609 (1984).

However, "Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices." Reynolds v. United States, 98 U.S. 145 (1878).

The Temple was established by the founder of the Moorish American nation for the express purpose of extending the divine rights of the national organization to a specific group of people. These rights include, but are not limited to, free speech, the free exercise of religion, and the right of Moorish peoples peaceably to assemble which denotes a right to self-government. Without consideration for the legal rights of the foreign nation, the State infringes the sovereign interests of the Moorish government with intent to further incapacitate the Moorish national for his enforcing the home rule authority of the Moorish American association. The State's actions impose arbitrary restrictions and restraints on Petitioner's First Amendment

rights under color of law.

To deprive any person in any State or Territory of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States under color of law is an act criminalized by the federal government.

18 USC [§] 242. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State or Territory in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same is also considered a violation of the laws of the United States. 18 USC [§] 241. The concerted action of officers or employees of the State and/or its subdivision which oppress McCauley-Bey in the free exercise and enjoyment of First Amendment rights, or for his having so exercised them, has gone unchecked and demonstrates a need for the Court to consider implementing a policy within its authority.

2. Terrance A. McCauley, being a citizen of a foreign state and domiciled therein, is in custody for an act done under the authority of the foreign state, the validity and effect of which depend upon the law of nations.

The State of Wisconsin presumes a violation of its statutory code. Living according to the laws of the Moorish national government, McCauley-Bey argues that the State intends to punish acts that are lawful under the authority of a foreign sovereign. The issues of this case present an apparent conflict of laws. Pursuant to the law of nations, individual nation-states are equal, independent, and hold their own rights. Under modern concepts of international law, a nation's sovereign authority must be limited so that the sovereign authority of other states is protected. These principles are embodied in Article IV of the American Constitution.

Under the laws of the Moorish Theocracy citizens are required to demonstrate the tenets of the Islamic faith as taught within the society. The Temple has an inherent power to police members suspected of deviating from the standards set by the government. This power, essential to the organization's existence, is usurped by the State which refuses to extend the rule of *lex domicilii* to the Temple. In other words, the refusal to extend international comity to the foreign nation denies full faith and credit to the charter of the Moorish American association and effects the entire class abiding by the laws of the society.

The issues avoided by the court(s) thus far are the legal rights of the lawfully chartered National organization which provides for the regulation of proclaimed Moors, and the rights and obligations of those American citizens as patrons of the Temple. The State acts contrary to the foreign policy of the United States and the Seventh Circuit sanctions such departure from the accepted and usual course of judicial proceedings.

The Supremacy Clause does not permit a State to disregard the laws of the United States at its discretion to further its own interests. "The Supremacy Clause requires state judges to give effect to federal law in cases of conflict with the State's constitution or laws." Testa v. Katt, 330 U.S. 386 (1947).

The circuit court's reluctance to dismiss the case led to the filing of a habeas action at the Western District of Wisconsin. The district court reasoned that the petitioner's argument, that the Rock County Circuit Court cases were nonjusticiable because he is a citizen of a foreign state and the proceedings interfere with the interests of that government, asserted a sovereign citizen-type theory as a basis for relief. APP. B.

Conclusion

The petition for habeas relief should be granted, the judgment(s) of the lower court(s) vacated, and the case remanded to the circuit court for dismissal. Petitioner also seeks declaratory judgment which specifically declares the respective rights of the Moorish Science Temple of America and/or the rights of the class of persons that hold beneficiary certificates thereof, and any other relief the Court finds appropriate.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted May 19, 2023

Decided May 23, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1332

TERRANCE A. MCCAULEY,
Petitioner-Appellant,

v.

CHRIS STEVENS,
Respondent-Appellee.

Appeal from the United States District
Court for the Western District of
Wisconsin.

No. 23-cv-53-wmc

James D. Peterson,
Chief Judge.

ORDER

Terrance McCauley seeks a certificate of appealability to challenge the denial of his petition for a writ of habeas corpus under 28 U.S.C. § 2254. We have reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, we DENY the request for a certificate of appealability, the request for leave to proceed in forma pauperis, and all other pending motions.

Appendix A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE A. MCCAULEY,

Petitioner,

Case No. 23-cv-53-wmc

v.

TROY KNUDSON,

Respondent.

JUDGMENT IN A CIVIL CASE

IT IS ORDERED AND ADJUDGED that judgment is entered denying petitioner Terrance A. McCauley's petition for a writ of habeas corpus under 28 U.S.C. § 2241 and dismissing this case as frivolous.

/s/

Joel Turner, Clerk of Court

2/1/2023

Date

Appendix B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE A. MCCAULEY,

Petitioner,

v.

OPINION and ORDER

23-cv-53-wmc¹

TROY KNUDSON,

Respondent.

Terrance A. McCauley has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a brief in support. Dkt. 1–2. He seeks to dismiss the criminal proceedings against him in four Rock County Circuit Court cases as nonjusticiable because he is a “citizen of the Moorish American Theocratic Government” and the proceedings interfere with the sovereign interests of that government. Dkt. 2 at 5–6.

I have warned McCauley in dismissing a civil rights lawsuit and in denying a prior § 2241 petition that “[a]ny future cases or motions that [he] files based on the assertion that he is sovereign and beyond the jurisdiction of the courts will be dismissed immediately as frivolous.” *Moorish Science Temple of America ex rel McCauley v. McCrory*, No. 22-cv-475-wmc, 2022 WL 5241859 at *3 (W.D. Wis. Oct. 6, 2022); *McCauley-Bey v. Jefferson Cnty. Sheriff’s Office*, No. 22-cv-73-wmc, 2022 WL 16906465 (W.D. Wis. Oct. 6, 2022). Because such patently frivolous arguments do not support any claim that McCauley is “in custody in violation of the Constitution or law or treaties of the United States,” 28 U.S.C. § 2241, the petition will be denied without further analysis.

¹ I am exercising jurisdiction over this case for the purpose of this order only.

Under Rule 11 of the Rules Governing Section 2254 Cases (which can be applied to cases under § 2241 as well), I must issue or deny a certificate of appealability when entering a final order adverse to a petitioner. The question is whether “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations and citations omitted). Because McCauley has not made a substantial showing of a denial of a constitutional right, no certificate will issue.

ORDER

IT IS ORDERED that:

1. Petitioner Terrance A. McCauley’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, Dkt. 1, is DENIED and this case is DISMISSED as frivolous.
2. Petitioner’s motion for an injunctive order, Dkt. 3, and his motion to intervene, Dkt. 4, are DENIED as moot.
3. Petitioner is DENIED a certificate of appealability. If petitioner wishes, he may seek a certificate from the court of appeals under Fed. R. App. P. 22.
4. The clerk of court is directed to enter judgment accordingly and close this case.

Entered February 1, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge

No.:

In the Supreme Court of the United States

Terrance A. McCauley, Petitioner

v.

Curtis Fell, Custodian

Proof of Service

I, Terrance Arnez McCauley-Bey, do declare that on this date, August 8, 2023, as required by Supreme Court Rule 29

I have served the enclosed Motion for Leave to Proceed In Forma Pauperis and Petition for Writ of Habeas Corpus on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. - Those served are as follows:

Curtis Fell, Rock County Sheriff's Office, 200 E. U.S. Hwy, 14
Janesville, Wisconsin 53545 -

I declare upon penalty of perjury that the foregoing is true and correct.
Executed on August 8, 2023.

