

No. 23-6202

Supreme Court, U.S.
FILED

SEP 29 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Damarius A. Gaines ^{pro, se} — PETITIONER
(Your Name)

vs.

Warden Jackson "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Damarius Dantavious Gaines
(Your Name)

990 Wisack Highway
(Address)

Bishopville SC, 29010
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

(1) IS A PRE-1933 PRIVATE U.S. CITIZEN AND CESTUI QUE TRUST WHO IS NOT AN ENEMY, ALLY OF AN ENEMY, OR FOREIGN NATIONAL PRECLUDED FROM SUING THE U.S. GOVERNMENT FOR THE RETURN OF VESTED PRIVATE TRUST PROPERTY UNDER 50 U.S.C. SEC. 4309(a) BECAUSE OF INCARCERATION?

(2) DID THE LOWER COURTS' RULINGS VIOLATE THE CESTUI QUE TRUST PETITIONER'S 1st, 5th, 9th, & 14th AMENDMENT RIGHTS OF THE U.S. CONSTITUTION WHEN: (a) DENIED THE REDRESS OF GRIEVANCE; (b) JUST COMPENSATION, (c) PROTECTION OF THE CONSTITUTION AND, (d) DUE PROCESS BY REFUSING JUDICIAL REVIEW UNDER 50 U.S.C. SEC. 4309(a) WHERE ARTICLE III ALLOW SUCH SUIT AGAINST THE GOVERNMENT?

(3) Is United Nation in violation of Title 22. 109 SubChapter 11 Section 10224, or doing illegal practice making Title 22. 109 Subchapter 11, Section 10224. State of South Carolina in support of illegally detaining petitioner that's a civilian unjustly confined against will and liberty of all United States Constitutional Rights?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Catherine T. Huey
David R. Wagner
Geoffrey Benedict Eaton
Warden Shane Jackson

RELATED CASES

Wilkins v. Gaddy 559 U.S. 341 130 S.Ct. 1175 175 L.Ed.2d 995
Martin v. Duffy 858 F.3d 239
Wright v. Collins 766 F.2d 821
Van Aggelen v. United Nation 311 Fed. Appx. 4107

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- APPENDIX D: Administrative remedy provided in attempt to settle before addressing notice to Supreme Court.
- APPENDIX E Notice of claim to Secretary of State to prove violation of commercial code
- APPENDIX F Conspiracy to interfere with civil rights)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix 12 to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☒ reported at The South Carolina Court of Appeals; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the The South Carolina Court of Appeals court appears at Appendix A to the petition and is

☐ reported at Remittitur; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 17, 2023.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was May 20, 2020.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE III

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; - to all Cases affecting Ambassadors, orther public Ministers and Consuls; - to All Cases of admiralty and maritime Jurisdiction; - to Controversies to which the United States shall be a Party; - to Controversies between two or more States; - between a State and Citizens of another State; - between Citizens of different States; -between Citizens of the same State claiming Lands under the Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Claims, except in Cases of Impeachment, shall be by jury; and such trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

AMENDMENT 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of free speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances.

AMENDMENT V

No person shall be held for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATUTE

50 UNITED STATES CODE SERVICE SECTION 4307(C)

If the President shall so require any money or other property including (but not thereby limiting the generality of the above) patents, copyrights, applications therefor, and rights to apply for the same, trade marks, choses in action, and rights and claims of every character and description owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy, not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or the same may be seized by the Alien Property Custodian; and all property thus acquired shall be held, administered and disposed of as elsewhere provided in this Act.

Any requirement made pursuant to this Act, or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering, or recording of conveyances, transfers, or assignments of any such property or rights as may be covered by such requirement (including the proper office for filing, registering, or recording conveyances, transfers, or assignments of patents, copyrights, trade-marks, or any rights therein or any other rights); and if so filed, registered, or recorded shall impart the same notice and have the same force and effect as a duly executed conveyance, transfer, or assignment to the Alien Property Custodian so filed, registered, or recorded.

Whenever any such property shall consist of shares of stock or other beneficial interest in any corporation, association, or company or trust, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instrument representing the same or any other beneficial interest to cancel upon its, his, or their books all shares of stock or any other beneficial standing upon its, his, or their books in the name of any person or persons, or held for, on account of, or on behalf of, or for the benefit of any person or persons who shall have been determined by the President, after investigation, to be an enemy or ally of enemy, and which shall have been required to be conveyed, transferred, assigned, or delivered to the Alien Property Custodian or seized by him, and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the Alien Property Custodian or otherwise, as the Alien Property Custodian shall require.

The sole relief and remedy of any person having any claim to an money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act., and in the event of sale or other disposition of such property by the Alien property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

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Title 22, 109, Subchapter 11, Section 10224

Support of greater United Nations action with respect to Burma

(a) Sense of Congress

(1) The United Nations Security Council has not taken adequately to condemn the February 1, 2021, Coup in Burma, Pressure to Burmese military to cease its violence against civilians, or Secure the release of those unjustly detained.

(b) Support for greater action

(1) Pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021, Coup and calling on the Burmese military to cease its violence against the people of Burma and release without preconditions the journalists, pro-democracy activists and political officials that it has unjustly detained.

Rule 10-14) petition for certiorari

Rule 34) Proceedings in forma pauperis

Statute

50 USC § 4309 (a) Claims to property transferred to custodian; notice of claim; filing; return of property; suit to recover; Sale of Claimed property in time of war or during national emergency.

(a) In general. Any person not an enemy or ally of enemy claiming interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of a enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the Said Custodian a notice of his Claim under oath and in such form and containing such particulars as the Said Custodians shall require, and the president, if application is made thereof by the Claimant, may order the payment, conveyance transfer, assignment, or delivery to said Claimant of the money or other property so held by the Alien property Custodian or by Treasurer of the United States, or of the interest therein to which the President shall determine said Claimant is entitled; provided, That no such order by the president shall bar any person from the prosecution of any suit at law or in equity against Claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application or if the Claimant shall

Statute

shall have filed the notice as above required and shall have made no application to the President, said Claimant may institute a suit in equity in the Supreme Court of the District of Columbia [the United States District Court for the District of Columbia] or in the district court of the United States for the district in which such Claimant resides, or if a Corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant) to establish the interest, right, title, or debt so claimed, and if so established the court shall order payment, conveyance, transfer, assignment, or delivery to said Claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said Claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court or until final judgment or decree shall be entered against Claimant or suit otherwise terminated; provided further, That upon a determination made by the President, in time of war or during any national emergency declared by the President that the interest and welfare of the United States require sale

Statute

the sale of any property or any property or interest or any part thereof claimed in any suit filed under this subsection and pending on or after the date of enactment of this proviso [enacted Oct. 22 1962] the Alien property Custodian or any Successor officer, or agency may sell such property or interest or part thereof, in conformity with law applicable to sales of property by him, at any time prior to the entry of final judgment in such suit. No such sale shall be made until thirty days have passed after the publication of notice in the Federal Register of the intention to sell. The net proceeds of any such sale shall be deposited in a special account established in the Treasury and shall be held in trust by the Secretary of the Treasury pending the entry of final judgment in suit. Any recovery of any claimant in any such suit in respect of the property or interest or part thereof so sold shall be satisfied from the net proceeds of such sale unless such claimant, within sixty days after receipt of notice of the amount of net proceeds of sale serves upon the Alien property Custodian, or any Successor officer or agency, and files with the court an election to waive all claims to the net proceeds, or any part thereof and to claim just compensation instead. If the court finds that the claimant has established an interest, right, or title in any property in respect of which such an election has been served and filed it shall proceed to determine the amount which will constitute just compensation for such interest, right, or title, and shall order payment to the claimant of the amount so determined.

Statute

An order for the payment of just compensation hereunder shall be a judgment against the United States and shall be payable first from the net proceeds of the sale in an amount not to exceed the amount the claimant would have received had he elected to accept his proportionate part of the net proceed sale and the balance if any, shall be payable in the same manner as are judgments in cases arising under Section 1346 or title 28, United States Code [28 USCS § 1346]. The Alien Property Custodian or any successor officer or agency shall, immediately upon the entry of final judgment, notify Secretary of the Treasury of the determination by final judgment of the claimant's interest and right to the proportionate part of the net proceeds from sale, and the final determination by judgment of the amount of just compensation in the event of claimant has elected to recover just compensation for the interest of/in the property claimed.

STATEMENT OF THE CASE

Petitioner is a Private American National citizen of the United States. Protected by Section 1 of the 14th Amendment to the Constitution of the United States of America.

Petitioner has not express or implied any contract with the federal or state government that may have altered or modified the said first class citizenship status thereby reducing said status in substance to a quasi-corporation/artificial by operation of law or otherwise.

Petitioner is a member of the American Political Community known as "we the People" established and ordained by the "United States of America Constitution" to secure the blessing of Liberty in which Petitioner is a beneficiary-interested member.

Petitioner is the beneficiary of the express Grantor Trust:

DAMORIOUS DONTAVIOUS GAINES Private Trust

Petitioner in efforts to settle all claims against the corporate Sole and Trust estate Damorius Gaines conveyed to the Internal Revenue Service Advisory Group private bonds and sundry documents recorded in 2021 Stimulus tax Forms 1040-SR All related to Cooper trust account under fraudulent business corporation with misspelled All capital letter name artificial/person that's not Petitioner's corporation nor giving consent to conduct business.

Attachment / Appendix C giving proof of fraudulent business deals to IRS Advisors without official consent, being fraudulent misspelled name.

STATEMENT OF THE CASE

Conveyed and transferred into private Trust Business Cooper Account here at Lee Correctional Institution. Having been reported by authenticated by the 2020-2021 Tax return

Petitioner delivered to respondents office a Notice of Interest Notice of Claims, Conveyance and private Trust Arrangement with Special and Private trust indenture, Affidavit of Status, Securities and other Sundry documents which were recieved by respondents office. April 17th 2023 See Appendix A

Respondents office refuse and/or disclaim Petitioner's Status right to claim legal title by nature to corporate sole DAMORIOUS DONTAVIOUS GAINES I.D. # XXX-XX-1116 and its property right to convey legal title by and retain and hold equitable title.

After failure to release said property Petitioner caused to be delivered a statement of interest Special deposit, Notice of deed Securities and other Sundry papers demanding performance of their duties as trustees and provided 60 days in which to produce a full and private accounting to Secutorry of State. See Appendix E

Petitioner's Administrative Remedy Award against Catherine T. Huey was reported and Confiscated by respondent. The income tax return filing and award was transferred to Respondent via Special deposit into private business Trust.

Due to respondent's to provide full accounting of all assets Petitioner served on Respondent a Notice of claim

STATEMENT OF THE CASE

demanding release and return of all Trust property. Petitioner has an interest in the res. and trust property. See Appendix D

Respondent's refusal to return the Trust Res property and RELEASE the Beneficiary from government warehousing, left no recourse but to initiate the Bill equity under 50 U.S.C. Sec 4309(a) as an enforcement action to return property.

In addressing to united states court of Appeals for the fourth circuit with proof and facts of being beneficiary of private trust addressing to treasurer of united states and security of state of property being used for commercial use without my consent or authority to any form of contract. A written order to proceed in forma pauperis See appendix A

In Respondent's Confirmation of intent to keep petitioner's private property, filed a motion to dismiss under 28 USC 1915 Sec. (e)(2)(B)(i) and/or Federal rule of civil Procedure, Rule 12(b)(6) See Appendix A

The district Court adapted the report and recommendation of the Magistrate Judge denying Petitioner's Bill of equity as frivolous, citing petitioner is a prisoner and member of Some Sovereign Movement. See Appendix A

Reason For Granting The Petition

The lower courts decision and opinion is erroneous and conflicts with Article III, Sec. 2 and the 1st, 5th, 9th, and 14th Amendments of U.S. Constitution.

The U.S. Constitution of the United States does not support the confiscation of its citizens property without the opportunity of due process of law to redress his grievance and obtain just compensation required. Petitioner filed Notice of Claim under oath in accord to 50 U.S.C. Sec. 4309(a) for the return of vested property as the cestui que Trust. The laws are clear, the rights of a Trust will be protected in equity. *Corstons v. Central Nat. Bank & Trust Co. of Des Moines*, 416 NW 2d 33 (Iowa 1990)

Where equitable property interest may arise as the result imposition of a resulting or constructing trust. *Jewell v. Jewell*, 602 S.W. 2d. 315 (1980).

To recover the private trust property transferred to and seized by the United States, Petitioner had to allege and prove (1) that he is not an enemy ally of an enemy or foreign national; (2) that he has an interest, right or title in the vested property and is the true owner of the property or said beneficial owner. *Ladue & Co. v. Rogers*, 259 F.2d 905; *Beck v. Clark*, 88 F.S. 565. Petitioner met his burden See Appendix A-F.

The established rule through-out the Union Circuits is that a court which has taken jurisdiction and cognizance of a cause for any purpose will ordinarily retain jurisdiction. In re Marriage of Longhem and Kolde, 153 Wash. 2d 553, 106 P. 3d 212 (2005)

Reason For Granting The Petition

and decide all issues which are involved in the subject matter of the dispute between litigants, and award relief which is complete. *Mogensen v. Mogensen*, 273 Neb. 208, 729 N.W. 2d 444 (2007); *In re Estate of Shaw*, 2004 OK Civ. App. 38, 90 P.

3d 588 (Div. 2, 2004) and finally disposes of the litigants

Brtex v. Cihal, 245 Neb. 756, 515 N.W. 2d 628 (1994).

So as to accomplish full justice between parties litigant, *Wilmont v. Homes, Inc. v. Weiler*, 42 Del. Ch. 8, 202 A. 2d 576 (1964).

Petitioner was not seeking judicial review for an administrative determination because the administrative remedy and the judicial remedy are each completely independent of each other; Congress has made this clear even to the extent of putting an "and/or" on the statute books. In no sense, then can the independent judicial remedy under 50 U.S.C. Sec 4309(a) be said to be a judicial review of an administrative action. It is independent of any administrative action being taken. It requires the court to make plenary de novo adjudication of all the controverted issues as they would in any lawsuit between citizens. *Schilling v. Rogers*, 363 U.S. 666, 4 L. ed 2d 1478, 80 S. Ct 1288. The lower court erroneously and unconstitutionally applied administrative procedures and law to this case.

See Title 22. 109 Subchapter 11. Section 10224: Support of greater United Nation action with respect to Burma

(a) Sense of Congress, (1) The United Nation Security Council has not taken adequately to condemn the February 1, 2021

STATEMENT OF THE CASE / Reason for granting petition

militia to cease its violence against civilians, or secure the release of those unjustly detained.

(b) Support for greater action (1) pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021 Coup and calling on the Burmese military to cease its violence against people of Burma and release without pre-conditions the journalists, pro-democracy activists and political officials that is unjustly detained.

The finality and exclusivity of administrative relief didn't apply in this case. Unless of course. The *Cestui que Trust* doesn't have the right to redress his grievance against the government for the confiscation of his private trust property and refusal to return it without just compensation because he is incarcerated and presumed member of some foreign movement of which was not proven. Legislative courts enforce statutes, therefore, anytime the court is enforcing a code or statute it is an administrative hearing. Court's enforcing statutes do not act judicially. *Thompson v. Smith*, 154 SE 579; *FRC v. GE* 28 US 464; *Keller v. PE*, 261 US 428.

The lower court violated petitioner's fundamental right to due process of the 14th Amendment of the United State Constitution by refusing a equitable judicial hearing under 50 U.S.C. Sec. 4309 (a). In plain language the statute 50 U.S.C. 4309(a) allow any person not an enemy or ally of an enemy to sue the Attorney General, prosecutors in Federal Court has been previously upheld

STATEMENT OF THE CASE / Reason for granting petition

in *Markham v. Cabel*, 326 U.S. 410, 40, 66 S.Ct. 193, 196
40 L.Ed. 165. The suit under the act is petitioner's only remedy
limited by the provision of 50 U.S.C. 4307(c), which is upheld
in *Becker Steel Co. v. Cummings*, 296 U.S. 74, 79 56 S.Ct. 15;
80 L.Ed. 54. Congress has demonstrated its intent to foreclose
judicial review of vested property under the act. By not
addressing issue raised to lower court. With the most extensive
scrutiny determination of judicial and jurisdictional or
Constitutional facts of the case presented to the court. With
only poor accusations of failure to object or timely file objection
which being false.

As it is obvious that the issues at hand presented by petitioner
are a jurisdictional and constitutional fact which the court was
required to provide not only a judicial determination of the facts, but
also a de novo judicial hearing under the Act, especially since
the suit was against the U.S. Government and governed by Article III.

The action wasn't a suit to determination of Judge in his full
capacity of an administrative officer. There is not a provision
that application must be made for administrative relief before
suit is brought. There is simply a requirement of filing notice of
claim which statute distinguishes for an administrative return,
later being optional. *Draeger Shipping Co. v. Crowley*, (D.C. NY)
49 F.S. 215; *Duisberg v. Crowley*, (D.C. NY 54 F.S. 365)

STATEMENT OF THE CASE / Reason For Granting Petition

If there ever were a new law created to effect the incarcerated cestui que Trust. The newly-created rights which of legal nature will be enforced in courts of law. As the rights must be enforced by suits in courts of equity. If the statute of a State is created enforced by action and grounds of defense in pleading in the courts of the State thereof, cannot be properly be entertained in Federal Court. To permit it would be to disregard legal and equitable right and remedies. *Jewett Cor. Co v. Kirkpatrick Const. Co.*, 107 F. 622,

Equity will not suffer a wrong without a remedy. *In re Mossau* 334 N.J. Super. 112, 756 A. 2d 1076 (Ch. 2000); *Discover Bank v. Owens* 129 Ohio Misc. 2d 7, 2004-Ohio 7333, 822 N.E. 2d 869 (Mon. Ct. 2004); *Crafts v. Pitts* 161 Wash. 2d 16 162 P. 3d 382 (2007). Will not suffer a right to exist without a remedy. *Christos Health Southwest Texas v. Griffen*, 175 S.W. 3d 548 (Tex App. Beaumont 2005) review denied (Oct. 27, 2006).

Statutory changes that most jurisdictions provide for the granting of legal and equitable relief by the same tribunal and abolish distinctions in pleading form are still recognized. *Wellington v. Hotel Associates v. Miner*, 543 A. 2d 656 (R.I. 1988)

Reason For Granting Petition

Bump v. Stewart, Wimer & Bump, P.C. 336 N.W. 2d 73 (Iowa 1983) States that irregularities, and technicalities made by Petitioner's form will be disregarded, especially when enforcing rules to prevent justice to prevail. Murphy v. Murphy, 698 N.E. 2d 877 (Ind. Ct. App. 1988)

Courts are not restricted by how forms appears on face of papers constituting memorials of the transactions, but inquire into the real facts. "Kelly v. Intermountain Planned Parenthood, Inc. 828 P.S. 788 (D. Mont. 1992)

The disregard the established rule of law and equity in petitioner's case is blatant violation of said Cestui Que Trust's Constitutional protections and to allow the ruling, order and Judgment to stand will not only have a devastating affect on this Cestui Trust

Petitioner and those similarly situated but will dishonor the Constitution of the United States of America and the legal Jurisprudence.

Reasons For Granting The Petition

In humane treatment, constant discrimination, favoritism unfair indirect treatment by staff, officers, and administration (classification) Friday September 22nd was first time Petitioner was provided Soap, Paper, and envelopes that's mandatory from Commissary when inmates are indigent. In over two months. Petitioner has been blocked from making phone calls until Friday September 22nd. Each inmates has privilege of two free five minute phone calls a week. Starting over every Sunday. Petitioner is require a 30 Second phone call. Only one. Petitioner was moved to F-3 unit inside a cell that leaks some type of gas into the air giving me constant head ache's. No light to see at night without borrowing something that improper to have just to make light. Petitioner has been having hunger pains for two month's losing weight from small portions of food on trays that's way less than 3800 calories that's required for the average size individual. August 8th the Clerk of Supreme court writ of Certiorari was delivered to Petitioner with 60 days to get into compliance with presentment. From August 8 until the present date Saturday September 23rd Petitioner has been denied access to law library/court over 25 times. While other inmates on this yard, unit and prison were allowed to proceed with duties and activities. Every element of Conspiracy has been forced upon me Since November 21st 2021 when Petitioner first addressed to Anderson County Prosecutor Catherine T. Huey, and Attorney General Alan Wilson requesting the return of private property; and Settlement of fraudulent business being conducted under commercial law violation. All measures of action, intimidation, enforcement and restraints have been conducted

Reason for Granting The Petition

to steer me away from addressing the said facts to the Supreme Justices with original jurisdiction over all affairs of Federal Law and Civil procedures. I pray, and come in good faith that all issues will be resolved with respect to democracy, and operation of law.

Petitioner has put his all into gaining access to the highest Court known to Man, for my just, due process and redress of grievance of violation of all my Constitutional right(s) as a private citizen with competent knowledge of intellectual property artificial entity Sole Corporation being used for personal gain by the State of South Carolina incorporate agencies. And wish to settle tax obligations. Once my property is return to me the source, and removed from South Carolina agency warehousing.

Petitioner being a minority in a environment of mainly Christian and muslim faith is constantly discriminated against by administration being more in favor to the mass. Petitioner not having any claimed religion title study all forms of religion. In this setting that is not respected in a nation where the mass is a part of some collective group. Tends to have my religion belief violated by administration with disregard to Chaplain Services on the regular. Even rejection from Constructive movement in violation of Article III Sect. 2. Amendment 1.

Petitioner to Sell Off Shares that investors have invested in Pertaining
Petitioner Carolina Corporation. Dealing with the Cooper trust fund account.
Answerisation from proceeds being added to DAMORIEUS DONTAVIOUS GAINES
With account
Trust

DAMORIEUS DONTAVIOUS GAINES being artificial Person (corporation)
that said character's inside caption wish for death of share holder's
dealing with said Cooper trust fund account, and third parties without
Petitioner's consent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Damarius Gaines

Date: October 19th 2023