

No.

23-7015

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Relief from Judgment

FILED

AUG 20 2023

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

Colby Jerome Hale El — PETITIONER
(Your ~~Name~~) Appellation

vs.

Reignborn — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Colby Jerome Hale El
(Your ~~Name~~) Appellation)

c/o Centennial State Prison, P.O. Box 600
(~~Address~~)(Mailing Location)

Canon City, Colorado [81215]
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) What is the remedy for someone who is already convicted in a State court if the U.S. District Court originally and intentionally, Improperly filed a Notice of Removal to where this case was never remanded?
- (2) Does petitioner have to exhaust a Writ of Habeas Corpus in the State courts only to have it come back to the United States District Court years later, to address the U.S. District Courts mishandling of the Notice of Removal as one of petitioner's grounds?
- (3) Are the remedies different when the U.S. courts violate 28 U.S.C. § 1455 (b)(3), (b)(4), or (b)(5)?
- (4) If the State of Colorado finds petitioner competent to stand trial, can the State Public Defender's Office file an appeal for case no. 22-CR-339 on petitioner's behalf without his CONSENT?
- (5) Can the State of Colorado's, Public Defenders Office action to file an appeal on my behalf without my knowledge or consent. Interfere with my legal strategy if ~~they~~ their legal grounds raised are not the legal grounds petitioner wants to raise in his Writ of Habeas Corpus?
- (6) In the Colorado Revised Statute 18-3-201(2), "Emergency Medical Service Provider engaged in the performance of his or her duties," means a peace officer, as described in 16-2.5-101. When you look at section 16 of article 2.5 of the Colorado Revised Statute from 16-2.5-101 through 16-2.5-152. How come you cannot find Emergency Medical Service Provider, Emergency Medical Care Provider or a Firefighter?
- (7) If I am not under a investigation for arson can firefighters arrest or perform a Terry Stop and no crime was committed?
- (8) How come I can only sue Emergency Medical Care Providers and Emergency Medical Service Providers in their private capacity's and not in their official capacity's pursuant to Colorado Revised Statute 18-3-201?
- (9) Is there a filing fee for a Notice of Removal?
- (10) Is there a filing fee form for a Notice of Removal?
- (11) If the United States District Court of Colorado does not have Notice of Removal forms on their website does that stop the petitioner from filing his own Notice of Removal?
- (12) Does the United States Court of Appeals not have to check the record to see if the case has been remanded or an evidentiary hearing has been had? (Pursuant to Title 28 U.S.C. § 1455 (b)(4) and (b)(5)?

QUESTION(S) PRESENTED

- (13) Would a new trial be considered double ~~je~~ jeopardy in a State or Federal court?
- (14) Was the proper procedure for the U.S. Court of Appeals to remand the case back down to the U.S. District Court to auto-correct the U.S. District courts procedural errors?
- (15) What are the intentions or purpose of the U.S. District Court of Colorado or U.S. Court of Appeals for the Tenth Circuit not to Honor a Notice of Removal from a Moorish American National?

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:

Rick Reigenborn, Sheriff

Mike Eason

Brian S. Mason

RELATED CASES

The People of the State of Colorado v. Colby Jerome Hale El, No. 22-CR-339,
District Court, Adams County, Colorado, Judgment entered ~~1~~ Mar. 1, 2023

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- APPENDIX J Grievance No. 18 161873 which was sustained and kept going back to the Major violating petitioner's Due Process to exhaust state remedies. Title 28 U.S.C. § 636 was taken off the Law Kiosk for a Non-Consent to an Article I U.S. Magistrate
- APPENDIX K Grievance No. 18 161949 is the response from the Sgt., Sgt. Needham who's body-camera footage caught all the mail that I had labeled with dates and written 28 U.S.C. § 1746(1) on the envelopes
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- APPENDIX R No help from the U.S. District Court of Colorado, I am in Fear of my Life. And I filed an Affidavit of Fact to disqualify Susan B. Prose from Case No. 24-cv-435. This is for Case No. 24-cv-189

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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 I don't know; 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 B to the petition and is

☒ reported at I don't know; 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 _____ 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 _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; 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 May 23, 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) Universal Declaration of Human Rights, Article 15: (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor deprived the right to change his nationality.
- (2) Article VI (6), Section 2, of the United States Republic Constitution, "all treaties made, or which shall be made ... shall be the supreme law of the land; and All judges, in every State, shall be bound thereby."
- (3) Article III (3), Section 2, Clause 2, of the United States Republic Constitution, "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all 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."
- (4) Public Law 857-Aug. 1, 1956 [70 Stat. 774] "Whereas Morocco is now the only foreign country where the consuls of the United States exercise such jurisdiction; and Whereas it is the policy of the United States to discontinue the exercise of extraterritorial jurisdiction in Morocco at such times as it becomes appropriate: Therefore be it"
- (5) The Treaty of Peace and Friendship of 1786 A.D. superseded 1836 A.D., between his Imperial Majesty the Emperor of Morocco and the United States at Article 20: "If a citizen of the United States, or any person under their protection, shall ~~require~~ have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require in aid or assistance from our government, to enforce his decision, it shall be immediately granted to him."
- (6) The Treaty between Morocco and the United States at Article 21: "If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatsoever."
- (7) Title 28 U.S.C. § 1251 (b)(1), "All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties"
- (8) Title 28 U.S.C. § 1455 (b)(3), "The filing of a notice of removal of a criminal prosecution shall not prevent the state court in which prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded"
- (9) State v. El, 23-cv-2362, *4, (EP)(CLW)(D. N.J. October 17, 2023), "Section 1455 also mandates [t]he United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal shall not be permitted, the court shall make an order for summary remand."
- (10) Fed. R. Crim. P. 52 (b) Plain Error. A plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

STATEMENT OF THE CASE

- (1) I am Colby Jerome Hale El, a Moorish American National, In Propria Persona, Sui Juris, In Proprio Solo, In Proprio Heredes at all times and all points in time.
- (2) Petitioner asserts, "those whom would utilize good faith as a corner stone to their FRAUD are ~~the~~ 'hostes humani generis.'" Colby Jerome Hale El, September 16, 2023
- (3) This issue was not actually litigated in any prior action so it can not be Collateral Estopped.
- (4) Pursuant to 28 U.S.C. § 1455 (b)(1) all the deficiencies for petitioner's Legal Notice of Removal under 28 U.S.C. §§ 1441 - 1446, Were deficiencies for a Title 42 U.S.C. § 1983 and not a Notice of Removal. This was made aware to the United State Court of Appeals for the Tenth Circuit in petitioner's 'Affidavit of Fact/ Writ of Reconsideration,' See Appendix A. Also see Appendix M, the Tenth Circuit never addressed the Notice of Removal or the Constitutional Challenge to the State of Colorado's statutes 18-3-201(2), C.R.S. cross-referencing 16-2.5-101. Giving, Firefighters and paramedics a Color-of-Authority under the executive branch. If you read the language of 16-2.5-101 C.R.S. and scan through the list of peace officers in Article 2.5, firefighters and paramedics are not listed. No one but the Coroner is listed in the medical field as a peace officer and a fire arson investigator can only become a peace officer during arson or related crimes.
- (5) On January 30, 2022, petitioner was detained and assaulted by Adams County firefighters and paramedics.
- (6) On March 3, 2022, ~~the~~ petitioner pointed out at his preliminary hearing that firefighters are not listed as peace officers in 16-2.5-101. And fire arson investigators are the only ones listed as peace officers and that fire arson investigators can only become peace officers during a arson investigation. This means that they cannot pull anyone over for speeding. See page 5, lines 11 through 17 of this transcript.
- (7) Between, May to June of 2022, I sent certified mail to the Attorney General of Colorado, Philip Weiser. For a Notice of Intent to sue and to let him know that the Colorado statute was vague.
- (8) In July of 2022, I was bonded out of jail to a P.O. Box in Loveland, Colorado.
- (9) Between, July to August of 2022, I wrote another complaint to Attorney General Philip Weiser on his website from my email address halecolby201@gmail.com again notifying him of the vagueness of Colorado's statute.
- (10) In October of 2022, I sent Arturo Hernandez an email, via, halecolby201@gmail.com. I attached my Proclamation and Declaration of my Nationality, and a Change of name with a copy of the certified mail slip to the Supreme Court of the United States.

STATEMENT OF THE CASE

- (11) On October 6, 2022, I filed a Legal Notice of Removal, see U.S. District Court of Colorado case no. 22-cv-2624 (ECF. No. 1). On document number Ten (10), second paragraph, the court asked petitioner to use the court-approved Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) and Complaint form. This order was filed October 11, 2022 (ECF No. 3) see Appendix L. On January 20, 2023, the U.S. District Court of Colorado wrote me a letter explaining to me that they don't have Notice of Removal forms, See Appendix E. Which means the United States District Court of Colorado had petitioner chasing rainbows to cure deficiencies that were conjured to waste time and enlisted the Boulder County Jail, to further deny me Due Process, by not having access to the Law Library were I would have been able to catch their mistake in time.
- (12) On February 27, 2023, against petitioner's will he was taken to trial in Adams County, Colorado were petitioner challenged jurisdiction the whole time. And, March 1, 2023 petitioner was convicted on Second degree assault on a peace officer only on hearsay. The reason this is significant is because on the first day of trial for the Adams County case. Petitioner filed a lawsuit against the Boulder County Jail and the same Magistrate Judge for this case 22-cv-2624. Issued an Order for case no. 22-cv-3099, document number 27, and on page 2, footnote 1, he states: "Plaintiff ~~has~~ also has filed a Notice of Removal (ECF. No. 23). Plaintiff, however, cannot remove a state case in this 1983 civil rights action. If plaintiff wishes to remove a state court case, he must do so in a new action."
- (13) On October 6, 2022, Gordon P. Gallagher did not know about Notice of Removals, then 4 months later on the first day of trial. February 27, 2023, he issues a order about the procedure to remove a State court criminal case. Had he done the same thing for this case 22-cv-2624 or now 22-1437, I would not be in prison now.

Date received:

REASONS FOR GRANTING THE PETITION

- (1) Petitioner knows that this will set the Gold Standard for Notice of Removals for Moorish American Nationals. And will create an oversight on Notice of Removals in the State of Colorado, that will bring fairness, integrity, and the public reputation of judicial proceedings back in alignment with Good Faith
- (2) Petitioner asserts this was discrimination against Moorish Americans in North America. How many countless others have been denied this Due Process? How many countless other Moorish Americans in the future will be denied that right?
- (3) Petitioner's due process is currently being denied by the State of Colorado filing an appeal on petitioner's Criminal case. Without my CONSENT, evidence has been manufactured on transcripts, perjured testimony, and there was no evidence of an assault. Petitioner, is not, 'Non Compos Mentis,' I gave no Consent to file this appeal.
- (4) Petitioner's constitutional challenge to Colorado's Revised Statutes 18-3-201 and 16-2.5-101. Void-for-Vagueness doctrine and Overbreadth doctrine. That firefighters and paramedics, etc. Are not "peace officers" that is petitioner's find and no one else should litigate this fact but petitioner. The Supreme Court of the United States is the petitioner's safeguard against rogue officers of the court encroachment on his United States Republic Constitution and Treaty Rights.
- (5) Officers of the court; judges, clerks, prosecutors, etc., have to believe in two things when they are inside of their courtroom. One is a god of their understanding to have High Morals and Standards to do the right thing. And second they have to believe in the United States Republic Constitution and that it is the Supreme Law of the Land. Petitioner's 'Notice of Removal' was intentionally not filed correctly to were the proper procedure would have been followed. Instead imaginary deficiencies were conjured, along with Boulder County Jail denying petitioner access to the law library. For over four months, and if a thorough investigation was done to see the Conspiracy to violate, not only my rights in a Colorado courtroom. But others rights as well. When petitioner files an appeal with the United States Court of Appeals for the Tenth Circuit. Petitioner addressed the constitutional challenge to the state statute and that it was a Notice of Removal, for his appeal and nothing was addressed. I was given a scripted response, with no effect by the Tenth Circuit. Title 28 U.S.C. § 1455 mandates a summary remand (b)(4), and if not a summary remand then an evidentiary hearing (b)(5). Unfortunately, petitioner has to come to the highest court of the Union to do what the inferior courts should have done the first time.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Colly Jerome Noli Es

Natural Person - In Propria Persona, Sui Juris and Sui Heredes -
In Solo Proprio: Authorized Representative; All Rights Reserved

Date: February 28, 2024