

ORIGINAL

Res  
No. 23-6740 (VSAP4)

23-7299

FILED

APR 10 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

of America (Amexem)  
(PETITION FOR WRIT OF MANDAMUS)

In Re Devon a Gayles El, in propria persona PETITIONER  
(Your Name) EXCEL: DEVON A. GAYLES ©  
All Rights Reserved

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Devon a. Gayles El, in propria persona Sui Juris; Account No:  
(Your Name) EXCEL: DEVON ARMOND GAYLES © #1363653  
All Rights Reserved; VCC: 1-207/1-308/1-103

527 Commerce Drive  
(Address)

Elizabeth City, North Carolina (27906)  
(City, State, Zip Code)

(Phone Number)

## QUESTION(S) PRESENTED

Federal Question(s):

Constitution; Treaty; Due Process;  
Substantive Rights of Nationality and Status,  
Supreme Court Rulings

ORIGINAL JURISDICTION "MINISTERS CONSULS DIPLOMATS" (USC: TITLE 22, Chap. 2 § 141)  
Article III, Section 2; Article VI United States Republic Constitution  
Treaty of Peace and Friendship "Established Law of the Land"

## LIST OF PARTIES

- [ ] All parties appear in the caption of the case on the cover page.
- [X] 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:

- STATE OF NORTH CAROLINA (Dept. of Adult Corrections)

## RELATED CASES

- House Journal 4 January 1790 - 20 January 1790 (Sundry Free Moors v. South Carolina)
- Abrams v. Jones, 35 Idaho 532, 207 P. 724.
- Marbury v. Madison, 5 U.S. 137
- Pennoyer v. Neff, 95 U.S. 733, 24 L. Ed. 565
- In Interest of M.V., 288 W. App. 3d 300, 681 N.E. 2d 582 (1st Dist. 1997)
- State v. Patterson, 4 S.E. 350, 352, 98 N.C. 660
- Joiner v. State 158 S.E. 2d 8, 10, 223 Ga. 367 (1967)
- Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932)
- Hagans v. Lavine
- Bradley v. Fisher 80 U.S. 335
- Maranda v. Arizona, 384 U.S. 433, 125
- Industrial Addition Association v. C.I.R., 323 VS 310, 313
- Thompson v. Smith, 154 SE 583
- Norton v. Shelby County, 118 U.S. 425 p. 442
- Burns v. Supp. Ct., 5F, 140 Cal. 1.

## TABLE OF CONTENTS

OPINIONS BELOW.....	6
JURISDICTION.....	7
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	8
STATEMENT OF THE CASE .....	9
REASONS FOR GRANTING THE WRIT .....	11
CONCLUSION.....	13

## INDEX TO APPENDICES

- APPENDIX A    AFFIDAVIT OF TRUTH IN SUPPORT OF  
WRIT OF MANDAMUS
- APPENDIX B    Federal and state Orders and Opinions
- APPENDIX C    Nationality and Status Documents  
Recorded with the state of North Carolina
- APPENDIX D    Treaty of Peace and Friendship of 1787  
Between Morocco and United States
- APPENDIX E    ZODIAC CONSTITUTION  
By C.M. Bey / CAAZZZ441 / LIBRARY OF CONGRESS  
WASHINGTON, DC 1946-52
- APPENDIX F    • UNITED STATES REPUBLIC CONSTITUTION ARTICLE 3 and 6  
and Bill of Rights Amendments 1-5  
• TITLE 22 FOREIGN RELATIONS AND INTERCOURSE  
• THE STATE RECORDS OF SOUTH CAROLINA / Moroccan Sundry  
Moors v. STATE OF SOUTH CAROLINA

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Janes v. Reynolds, 2 Tax 251	19
Beasley v. Cunningham, 171 Tenn. 334, 103 S.W. 2d 18, 20110 A.L.R. 306	19
Mayo v. Wilson, 1 N.H. 53	19
Abrams v. Jones, 35 Idaho 532, 207 P. 724.	20
Marbury v. Madison 5 VS 137	20
Pennoyer v. Neff, 93 U.S. 713, 24 L. Ed. 568	22
Teigler v. Railroad Co., 58 Ala. 599.	22
Brown v. Levee Com'rs 80 Miss. 468	22
Midland Coal Co. v. Knox County, 1268 Ill. App. 3d, 485 644 N.E. 2d 796	23
Preckel v. Burne, 243 N.W. 823, 826, 62 N.A. 356	24
People v. Dettenthaler, 77 N.W. 450, 451, 118 MICH. 595	25
Swann v. Buck, 40 Miss. 220	25
Maine v. Thibortot, 448 US 1, 100 S.Ct. 2502	30
Bradley v. Fisher 80 U.S. 335, 352, 851	30
Maranda v. Arizona, 384 U.S. 4336, 125	32
Louisville v. Motley, 211, US 149, 295, CT. 42	32
<b>STATUTES AND RULES</b>	
Title 22, Chap. 2, Sec. 141-145 (FOREIGN RELATIONS AND INTERCOURSE)	2, 10
Title 28, USC § 1257 (a) - 28 USC § 1254 (1)	5
73 Am. Jur. 2d § 93, P. 319, 320	24
Title 18, USC 241 and 242	30
In re Jennings, 68 Ill. 2d. 125, 368 N.E. 2d. 364	23
In Interest of M.V., 208 Ill. App. 3d 300, 680 N.E. 2d 532 (1st Dist. 1997)	23
82 C.J.S. "Statutes", § 65, P. 104	24

### OTHER

Treaty of Peace and Friendship of 1787 A.D. / 1836 A.D.	2, 3
Universal Declaration of Human Rights	7, 8, 28
The Rights of Indigenous People	7, 8, 26, 27, 29
Congressional Resolution #75 Philadelphia Pennsylvania	9
The Declaration of Rights of the Child	9
Journals of the Continental Congress, vol. 38	15
Report of Proceedings in Congress, vol. 38 - Wed. Feb. 21, 1787	15
(In re Opinion of the Justices, 104 A. 673, 674, 116 Me. 544, 5 A.L.R. 1412)	15
Bowman Act (22 Stat. 483) and Tucker Act (23 Stat. 505)	17
Executive Order Number 13107, 63, Federal Register, 68, 991	30

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B 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 B 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 \_\_\_\_\_ 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 December 22, 2013.

☒ 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

### Zodiac Constitution

5 U.S.C.S., Sec. 1501 (1)

United States Republic Constitution, Article 3 and 6

U.S.C. Title 22, Chapter 2, Section 141 (Foreign Relations and Intercourse

U.S.C. Title 28 § 1254 (1) and 1257

United States Republic Constitution, Amendments 4, 5, 6, 7, 8, 9

20 U.S. Code § 1351

Articles of Confederation of 1778, Article 1, 9, 13

Bill of Rights to the Constitution of the United States, Article 1 and 10  
10 stat. 612, Sec. 1. Sec. 1

The American Declaration of the Rights and Duties of Man at  
Article 5, Article 11 and Article 26

General Assembly Resolution 3068 (XXVIII) at Articles 1, 2, and 3

Executive Order No. 13107, 63, Federal Register 68, 991 (1990)

U.S.C. Title 18 § 241 and 242



## STATEMENT OF THE CASE

Devon a Gayles El, A Mür/Moor and Public Minister while occupying his home in Cincinnati, Ohio was detained by Policeman / Prosecuting Witness, Officer Anthony Johnson, who was employed by the police department at Asheville, North Carolina assisted by Cincinnati's Sheriff's department (without a United States Republic Constitution, Amendment 4 Warrant) who stated that Devon a Gayles El was in violation of Statute 14-11 of North Carolina which is private policy (being classed as law);

The STATE OF NORTH CAROLINA SUPERIOR COURT is an Unconstitutional, private corporation, not delegated by Congress, under Article 3, Section 2 of the Constitution of the United States Republic; and that the Officers does not / did not provide 'Due Process' protected and secured for the people (natural people), by the Amendments 4, 5, 6, 7, 8, 9, and 10 of the United States Republic Constitution, to which the Judges and Officers in every state is bound (by Official Oath) to support and to uphold. Any statutory regulation, ordinance, or laws of any State, to the contrary, notwithstanding.

The Officers of the STATE OF NORTH CAROLINA commanded that the Petitioner be imprisoned by way of Color of Authority, threat, duress, and coercion under a brand name / corporate construct, misrepresented as implying my name, and typed upon the Order / Instrument, and was improperly

spelled, "DEVON ARMOND GAYLES", in ALL CAPITAL LETTERS. That misnomer and CORPORATE NAME > DEVON ARMOND GAYLES is an artificial-person/entity (see: North Carolina, Wake County Register of Deeds) and not me, the Natural Person (Recorded, Proclaimed and declared) Devon a Gayles El a Free Moor of Washitaw de Dugdah moundayah Nation (V.N. 215/1993).

Therefore, this is in violation of my secured rights to my name and nationality; a violation of International law; and a violation of the Obligations of the Officers of the Court; and a violation of their fiduciary duties and Official Oaths to uphold and support Article 6 of the United States Constitution; and thus, violating my Substantive Rights, and the Articles of Part 1 of The Rights of Indigenous People.

Officer Anthony Johnson and the State was with the want of Jurisdiction by knowingly and willingly conspiring under color of law, office, and authority to deny this Moor, Devon a Gayles El due process. The State/Judge/Accuser(s) alleged and assumed the Petitioner of being a Corporate Ward-Ship 14th Amendment Artificial Negro Person/Black Citizen, which resulted in an unlawful arrest - of - rights, immunities and liberties; which is in direct contradiction to, and a violation of, the Fourth (4th) Amendment of the Constitution for the United States (Republic), violating Article 6 of the Constitution, by way of violating The Treaty of Peace and Friendship of 1787/1836 A.D.; Congressional Resolution # 75, Philadelphia Pennsylvania; etc. (see: Appendix A)

## REASONS FOR GRANTING THE PETITION

The STATE OF NORTH CAROLINA did not have proper Jurisdiction or venue, therefore, no lawful or legal trial should have been held, (see: Article 3 and 6 of the Constitution for the United States, Article 20 of the Treaty of Peace and Friendship between Morocco and United States of 1787/1836 and Title 22, Chapter 2, Section 141-143 and 28 U.S. Code § 1351. With Moors/Muirs, any non-federal sanctioned court (INFERIOR) is 'improper jurisdiction'. If a court is not operating with Constitutional law and Treaty (STATE OF NORTH CAROLINA SUPERIOR COURT), it is 'Color of Law' and fraudulent according to law. Therefore, any colorable or negative law (Non Organic Constitution) is in blatant violation of the U.S. Constitution and the Treaty of Peace and Friendship of 1787/1836.

Moors/Muirs are not citizens of the Union States Society, but are the People of the Continental United States, being PART and PARCEL of the government to which the Union of States are obligated. The Constitutions of the two Nations, in conjunction with Treaties, are the working tools for adjudication in all jurisdictional arguments, procedures and venue. Therefore, where provisions are not made to address Foreign Relations and Intercourse in a Consular Court, as prescribed by law, then no jurisdiction exists. Therefore, I, Devon a Gayles El, a public minister of Washitaw Nation, is/was entitled to lawful due process At Law.


The STATE OF NORTH CAROLINA and its agency / agencies, person or persons operated beyond their jurisdiction or Delegation of Authority, which is a violation of the Constitution and the Treaty of Peace and Friendship of 1787, Article 20 and 21, and by these Officials using Color of Authority they violated my right to due process of law (see: Amendment 5 and the United States Constitution Article 3, section 2 and Article 6.).

Therefore, if a Al Moroccan (Moor/Mūr) is tried in any State Court without State and Federal Constitutions entered into evidence, then proceedings are unlawful. Constitutions and Treaties limit the Authority of Judges, and determine whether or not a court has jurisdiction in a particular case. So if a Union State judge (MUNICIPAL) adjudicates a case against a Moor/Mūr, outside of Constitutional law, then they have violated and abridged the rights of that natural person - Devon a Gayles El (see: Article 6, of the United States of America of a General and Permanent Character - Title 22, chapter 2, section 141-143. Every judge in every State is bound by oath to uphold the Constitution with all Treaties in force. This is why adequate relief cannot be obtained by way of the lower (Administrative) courts and why The Supreme Court's discretionary powers are petitioned, due to original and appellate jurisdiction dealing with Constitutional and Treaty issues rest with the Supreme Court of the United States Republic (Dejure).

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

I AM:   
In Propria Persona: All Rights Reserved: VCE: 1-207/1-308

Date: 04/01/2024