

In the DISTRICT COURT OF NORTHERN GEORGIA

Jo'Von-Montell Hollowell, American Indian, sovereign

Plaintiff [at law]

Jurisdiction: Article III, court of record

writ of habeus corpus "ad subjiciendum"

-against-

Merrick Garland - U.S. Attorney General et. al;

Respondent[s]

Case no. \_\_\_\_\_

writ of habeus corpus "ad subjiciendum"

Comes now, i, Jo'Von-Montell Hollowell, a Sovereign Cherokee National of the non-B.I.A. Tsaliagi Tribal Cherokee Nation, in federal custody, comes forth "sui jurist propria persona" to hereby file this writ of habeus corpus "ad subjiciendum" in this DISTRICT COURT OF NORTHERN GEORGIA, to bring forth the body of Plaintiff [at law], and release Plaintiff [at law] into the jurisdiction of the Tsaliagi Tribal Cherokee Nation, dismissing all charges under grounds of;

- 1: violating Plaintiff's unalienable right to "keep and bear arms" [Article II, Bill of Rights];
- 2: violating Plaintiff's unalienable right to "due process", liberty, life, and property;
- 3: violating Plaintiff's unalienable Treaty rights, and Cherokee Treaties which are Supreme Law of the Land;
- 4: Lack of jurisdiction [personal & subject matter] over a Sovereign Tsaliagi Tribal Cherokee National

Every man has the right to challenge and collaterally attack his sentence and imprisonment for all illegal, unconstitutional violations, to be released, and restored to his original state by means of habeus corpus. SCOTUS had ruled "section 2255 of the revised judicial code, permitting federal prisoners to attack his sentence by motion" in the sentencing court, is not limited to impinge upon his right to attack his conviction by habeus corpus; for "section 2255 suspended the writ of habeus corpus in violation of U.S. Const. Art 1<sup>st</sup> Ch. 2<sup>nd</sup>

<sup>3</sup>  
1: in exercising this right, i have filed 3x habeus corpus, one under 28 U.S.C. 2241, of which the Act of Congress of 1867 (14 stat. 385) is incorporated into; the U.S. DISTRICT COURTS have jurisdiction to determine whether a prisoner has been deprived of liberty in violation of <sup>4</sup>  
Constitutional rights;

1: sui jurist propria persona; "Latin"; of one's own right, independent"

2: United States v. Hayman 342 U.S. 205

3: Hollowell v. Williams 1:22-cv-4534; Hollowell v. Byrne 1:22-cv-1832; Hollowell v. Dist. Ct. of N. Ga. 1:23-cv-3848

4: United States v. Hampton, cited by SCOTUS in Hayman 342 U.S. 205

Exhibit A

\* the well known rule of the DISTRICT COURT is to apply the laws as understood by SCOTUS, and today's rulings recognize that rule.<sup>5</sup> the DISTRICT COURT OF N. G. A. has recognized this rule in United States v. Kazmende, a case involving a machine gun and a challenge pertaining to Bruen,<sup>6</sup> in which the court proved their regulation using some historical precedents; it is not clear to why this court refuses to do the same in this matter. Bruen is the current and Constitutional precedent that is required.

\* to quickly cover 28 U.S.C. 2255 savings clause

\* the Eleventh Circuit ruled "section 2255 savings clause applies to a claim when: 1) the holding of that SCOTUS decision establishes the petitioner was convicted for a non-existent offense; 2) that claim is based upon a retroactively applicable SCOTUS decision; 3) circuit law squarely foreclosed such a claim at the time it otherwise should have been raised in the petitioners appeal, trial, or first 2255 motion"<sup>7</sup>

\* Bruen was ruled after my trial April 6<sup>th</sup>, 2022, but prior to sentencing August 23<sup>rd</sup>, 2022, on June 23<sup>rd</sup>, 2022. the crime i was convicted of does not exist in historical precedents at any time until the Gun Control Act of 1968 or the Brady Bill. even then, the limit to how many firearms one can purchase, sell, whether privately or in store, or gun show has never been limited nor prohibited. it has always been a simple precursor to "keep and bear arms";

\* the Eleventh Circuit also ruled "for purposes of the savings clause under 2255, with regard to the non-existent offense test, a petitioner must show that he is 'imprisoned for conduct that is not prohibited'; i. e. he must show that he is actually 'innocent'; "Even if a habeas petitioner makes the necessary showing to invoke the savings clause under 2255, he would still need to demonstrate cause and prejudice or actual innocence;" and to establish "actual innocence," a habeas petitioner must demonstrate that in light of all the evidence, it is more likely than not that no reasonable juror would have convicted him. "actual innocence" is factual innocence, not mere legal insufficiency;<sup>8</sup>

- to "demonstrate actual innocence", your prosecutor Norman L. Barnett admitted on record, in open court, August 23<sup>rd</sup>, 2022 (after Bruen) that the alleged crime he just prosecuted me for, is my Second Amendment right to exercise, with Jean-Paul Boulet,

5: United States v. Hampton, cited by SCOTUS in Hayman 342 U.S. 205

6: New York State Rifle Ass'n v. Bruen, no. 20-843, June 23<sup>rd</sup>, 2022

7: Wofford v. Scott 177 F.3d 1236 - Eleventh (11<sup>th</sup>) circuit

8: Sawyer v. Holder 326 F.3d 1363 - Eleventh (11<sup>th</sup>) circuit

• Byron L. Conway, Stephanie E. Gabay Smith all witnessed this fact. it can get no more "factual" than that. knowing full well that no man can be convicted and imprisoned for the exercise of a Constitutionally protected right; meaning that i, Jo'Von Montell Hollowell, National of Tsaliagi Cherokee Nation is in fact an innocent man, having done no wrong; i am entitled to this habeus corpus, as a matter of law and of right.

• There can be no "summary dismissal" or "premature" under Rule 4 of section 2254 for this habeus corpus. this conviction, as unlawful as it stands, was affirmed by the 11<sup>th</sup> CIRCUIT APPEALS COURT and not published. "the DISTRICT COURT should not summarily dismiss petitions containing sufficient allegations of Constitutional violations; moreover, due to pro-se petitioners general lack of expertise, courts should review habeus petitions with lenient eye, allowing borderline cases to proceed"<sup>9</sup>

• it has also been ruled that "in order to escape instant dismissal under Rule 4 of section 2254, petition need not show to certainty or even to probability that Constitutional violations has occurred; it is sufficient that the facts pleaded point to real possibility of constitutional error, and when petition presents such a possibility, DISTRICT COURTS should not dismiss without requiring response from respondent or taking other action to follow development of record;"<sup>10</sup>

\* to cover the Second Amendment violation, and why Norman L. Barnett stated that it is my right;

7: to start from the change in law, SCOTUS ruled in Bruen, that "the government must determine whether the Second Amendment plain text covers an individual's conduct, and justify that the regulation is consistent with the nation's historical traditions of regulations; to carry out this burden, the government must point to historical precedent from before, during, and after the founding that evinces a comparable tradition of regulation; put it another way, the government must prove that its firearm regulation is part of the historical traditions that delimits the outer bounds of the right to keep and bear arms"<sup>11</sup>

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9: Williams v. Hullman, 722 F.2d 1048 (1983)

10: Dillard v. Blackburn, 780 F.2d 509, 20 fed. R. Evid. Serv. (C8C) 123 (1986)

11: Bruen no. 20-843, June 23<sup>rd</sup> 2022

- SEE attached memorandum of law

• the purchasing of firearm[s], is simply a precursor to "keeping and bearing arm[s]", and naturally to "keep arm[s]" means to have weapon[s]. there has never been a law to "limit the quantity" of firearm[s] one may purchase, sell, collect, gift, or bear. "it is not a privilege or right granted by the Constitution, nor is it dependant upon that instrument for its existence. it has been pre-existing and "shall not be infringed";<sup>92</sup>

"substantive due process prohibits government from invading personal immunities that are implicit in concept of ordered liberty,<sup>123</sup> and so rooted in People's traditions and conscience as to be ranked fundamental; a private, or in store buy or sell, in any quantity is in fact, the day-to-day traditions of the People, and Indians, since firearm[s] were introduced to the People, and my Ancestors, pre-founding. the statute or regulation and history" starts in the late 1960's by way of the "Brady Bill"; or "Gun Control Act of 1968";

"18 U.S.C. 922(a)(1)(A), 923(a), (924(a)(1)(D)", as used in this matter, violated my unalienable right to "keep and bear arm[s]". no scholar, nor anyone in this 11<sup>th</sup> circuit courts has identified a single document, or historical precedent that justified their regulation in this matter. there were no forms in existence or regulations on the People for firearms prior to 1968's Brady Bill, not even a bill of sale, which was introduced (not as law) to the People in 1864, for all buy or sell of real property;

"a dealer in firearms, as defined in 18§922(a)(1)(A), is a person who devotes time, attention, and labor into dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms; but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby or who sells all or part of his collection";<sup>124</sup>

"the government did not prove that i was dealing firearms as a regular course of trade or business. they did prove that i have a beautiful collection of firearms, and that i work for a living, as my last employer was Titan Solar Power, as a lead electrician, and only showed me visiting the store 2x in a 3 month span. no evidence showed that any firearm i own [even military issued] were ever disposed of for criminal purposes, nor for the principal objective of livelihood and profit, only showing occasional sales, exchanges, clandestine activity, opportunity, financial incentive, and training;

123: United States v. Cruikshank, cited by SCOTUS in Heller, 554 U.S. 590

124: United States v. McLaurin 731 f.3d 258, 2<sup>nd</sup> Cir. 2013

125: United States v. Kazmende, 1:22-cr-236 (11<sup>th</sup> Cir. 2023)

• this is an outlier of your legal traditions that deprive the People of fundamental rights with no pre-deprivation process.  
"shall not infringe" restrains a legislature ability to infringe that right through legislature; "no longer should lower courts evaluating firearm restrictions defer to the determination of legislatures" because while that judicial deference to legislative interest balancing is understandable and elsewhere appropriate, it is not the deference the Constitution demands;  
and while "end-justifies-the-means" rationalizations should generally be understood as antithetical to the rule of law,

Bruen, now leaves no doubt that such rationalizations have no place in your Second Amendment jurisprudence; <sup>[18]</sup>

• this 11<sup>th</sup> circuit courts have established a history of stripping the People of their rights with no remorse, and of their Second Amendment rights for engaging in any "alleged conduct" that a legislature says is felonious, which without the statute, would be otherwise innocent acts. <sup>[19]</sup> an isolated sale in his home state would not place a citizen in the business of dealing in firearms, in the absence of other characteristics indicative of such business <sup>[20]</sup>

• in Heller, 554 U.S. 570, the United States Supreme Court ruled "the Second Amendment does not by its own force apply to anyone but the federal government. it means that it shall not be infringed upon by Congress; <sup>[21]</sup> the ban or regulation of "selling weapons without a license", and "false statements" by signing a document, are outliers that your founding fathers, and my ancestors would have never accepted. your restricting the liberty of the People, and contradicting the fundamental rights protected by the Second Amendment's outer bounds of the right to keep and bear arms." <sup>[22]</sup>

• the government failed to justify or prove that their regulations are consistent with the nations historical traditions of firearm regulation. "only then may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command"; the regulation, charged <sup>[23]</sup> started in 1968, by the Brady Bill. it did not exist prior, at any time period;

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15: Bruen, no-20-843, June 23<sup>rd</sup> 2022, cited by U.S. Supreme Court in United States v. Harris

16: United States v. Jackson, 352 F. Supp. 672

17: District of Columbia v. Heller, 554 U.S. 570

18: United States v. Cruikshank cited by Supreme Court in Heller, 554 U.S. 570

19: Bruen, no-20-843, June 23<sup>rd</sup> 2022

• legislatures simply do not have the authority to "rule-make," because "where rights secured by the Constitution are involved, there can be "no rule making" or "legislation" which would abrogate them;<sup>18</sup> there is no reason to why this 11<sup>th</sup> CIRCUIT COURTS judges/magistrates, of which are frequently tasked with answering these kinds of historical, analogical questions, refuse to do the same for this habeus corpus;

• this charade of "cat and caged mouse" this 11<sup>th</sup> CIRCUIT COURTS are engaged in acts of nothing less than lawless violence, kidnapping, human trafficking, theft, willfull oppression, treason ect.; i do not understand why this 11<sup>th</sup> CIRCUIT has denied, and overlooked, even overruled valid laws, and treaties within my previous habeus filings.

\* to cover the claim of status as an indian, and membership of an recognized indian Nation with valid treaties

3: since the forefront of this matter, the DISTRICT COURT has known of the proven fact that i am a National of the non-B.I.A. Tsalagi Cherokee Nation. not only is this my right as an American indian to belong to a tribe, and to self-identify, but no discrimination shall arise from the exercise of such a right, by any State; the DISTRICT COURT trial court knew that the law requires them to contact my tribe, instead, the court contacted the Eastern band of Cherokees. i am a western Cherokee, not eastern, and the Eastern Band is not my tribe. two seperate tribes, two seperate trusts, yet under the Cherokee Nation.

• even though the law requires the government to bear the burden of verifying my status and membership, i took the liberty to contact my tribe. a thorough investigation was completed in this matter, and submitted our Tribal Judicial findings/decree from my Cherokee Court, and found me innocent. these findings were submitted to this Entire 11<sup>th</sup> CIRCUIT COURTS, Christopher Carr, Merrick Garland ect.; in which clearly declared my status as a National of the Nation. "tribal court decrees are entitled to full faith and credit," yet they were ignored and "rejected" with NO JUSTIFICATION; against the laws IN FRONT of their faces;

• government-to-government policy; declared by Congress in "h.con. res.331", and "s.j. res.14", and "s.con. res 76"; the United States and all indian tribes and Nations have a government-to-government policy, enshrined and protected in the U.S. Constitution of 1776 (of which my ancestors wrote) and 1789 (the corporate federal Constitution); of which has Never been upheld;

18: Marbury v. Madison no. 5 U.S. 137 (2 cranch)

19: American Declaration on the Rights of Indigenous Peoples

20: 18 U.S.C. 1738; also see Sheppard v. Sheppard, 104 Idaho 1, 655 P.2d 895 (1982); Coeur d'Alene Tribe v. Johnson, 162 Idaho 454, 405 P.3d 13 (2017)

merely stating that my status and membership as a National of the non-B.I.A. Cherokee Nation is "rejected" with no point of law, and frivolous, when you have valid proof in the case, not only violates my substantial unalienable rights as an American Indian, but my treaty rights, and our Treaties themselves, secured by the Supremacy Clause of the Constitution as the law of the land; this is not just some harmless or discretionary matter; this is kidnapping and trafficking;

law is not discretionary, especially when involving substantial rights and Treaties; this is well known and elementary;

"the Supreme Court need not expressly overrule any precedent, rather a latter panel must simply determine that a former's panel decision has fallen unequivocally out of step with some intervening change in law; the 9<sup>th</sup> Circuit Court of Appeals in Bruce, no. 03-30171, that "once a defendant properly raises the issue of his Indian status, the ultimate burden of proof remains upon the government; and "although the requirements may vary depending upon the purpose for which Indian status is claimed, courts can not be ignorant of the collateral consequences their rulings might have to future proceedings;"

"it is a well known rule that the Circuit Court of Appeals must follow precedents of the Supreme Court of the United States, as well as their sister circuits. jurisdiction was challenged on behalf of the fact that i am a Born National of the non-B.I.A. Tsalagi Tribal Cherokee Nation, of which, only belongs in an Article III court, created by Congress, not a non-constitutional court created by legislature, enforcing statutes; of which i have been forced by threats and abuse of power;

"jurisdiction must be proven when challenged, it can not be assumed; the law requires proof of jurisdiction to appear on the record of the administration agency and all administrative proceedings; the court must prove on record, all jurisdictional facts related to the jurisdiction asserted; no jurisdiction was presented nor proven at any time before, during, or after trial by this 11<sup>th</sup> Circuit;

19: SEE E.G. U.S.A. v. JOVON MONTELL HOLLOWELL no. 22-12905, 11<sup>th</sup> Circuit 2023 [NOT PUBLISHED]

20: SEE E.G. *ff* in re: JOVON MONTELL HOLLOWELL no. 23-12864, 11<sup>th</sup> Circuit 2023

21: United States v. Rahimi; 61 f.4<sup>th</sup> 443

22: United States v. Bruce no. 03-30171

23: Bruce no. 03-30171

24: Stuck v. Medical Examiners 94 c.a. 2d 751, 711, p 25-389

25: Flagans v. Levine 415 U.S. 528

26: Lantana v. Hopper 102 f.2d 416

• this 11<sup>th</sup> CIRCUIT knows full well that they do not have jurisdiction. i have proven my status and membership of a recognized Indian Nation. i have presented all laws, SCOTUS precedents, and even legislature that have all declared "Indian tribes retain jurisdiction over all their members" <sup>37</sup> especially in matters not expressly given by our treaties or Indian Major Crimes Act. there was only one member of the Cherokee Nation at all proceedings, i am by law, <sup>38</sup> only amenable in the Courts of the Cherokee Nation;

"the Cherokee Nation has no provision for punishment for the alleged crimes, for they do not exist. this power can not be given to the District Courts, to punish for crimes that do not exist within our Treaties, Indian Major Crimes Act, and the Constitution. these laws were put in place to prevent this kind of tyrannical, ungodly, merciless so-called "justice" of the United States Government upon Indians and our Nations and Tribes;

\* to cover the violation to my unalienable right to due process

4: the Supreme Court of the United States have made it clear. the Second Amendment standard accords with how we protect other Constitutional rights. Take, for instance, the freedom of speech in the First Amendment, to which Heller repeatedly compared the right to keep and bear arms. in that context [when] the government restricts speech, the government bears the burden of proving the constitutionality of its actions; and to carry out that burden, the government must generally point through to historical evidence about the reach of the First Amendment's protection; <sup>39</sup>

• accordingly, "if a litigant asserts the right in court to be confronted with the witnesses against him" U.S. Const., Amdt. 6, we require courts to consult history to determine the scope of that right; now i shall cover the fourth amendment, to cover the violation of due process, i turn to the doctrine of the fruits of the poisonous tree, <sup>40</sup> 1920 first.

<sup>37</sup>: *Duro v. Reina*, SCOTUS; Public Law 102-137 (105 Stat. 646) H.R. 192; Act of Congress 1895, 18 Stat. 316, 318 c.80

<sup>38</sup>: Act of Congress, 1890, 26 Stat. 81c, 82; Treaty of 1866, *in re Mayfield* no. 15 original 141 U.S. 107

<sup>39</sup>: *Wood v. Brieber* 54 F.R.D. 7-10-11 (B.D. Wis. 1972); *Fratkenthaler v. Rizzo* 54 F.R.D. 339 (E.D. Pa. 1973); *Bruen* no. 20-843

<sup>40</sup>: *Bruen*, no. 20-843, June 23<sup>rd</sup> 2022

<sup>41</sup>: fruits of the poisonous tree; a rule under which evidence that is a direct result of illegal conduct, on the part of an official is inadmissible in a criminal trial against victim of illegal search and seizure;

• fruits of the poisonous tree, established (recognized) in 1923 by Justice Frankfurter, it is "a rule under which evidence that is a direct result of illegal conduct on the part of an official is inadmissible in a criminal trial against the victim of the conduct." basically "Evidence seized in violation of the 4<sup>th</sup> Amendment including any fruit of the poisonous tree, may not be used against the victim of the illegal search and seizure";<sup>36</sup>

• as previously asserted, buying multiple firearms is not felonious conduct to warrant any unauthorized search and seizure of my property, and search of my home. What constitutes a felony? "an intrinsically evil act[s] such as murder, kidnapping, rape, arson, mayhem, armed robbery and other such atrocious crimes. no one commits a felony accidentally without foreknowledge of the act";<sup>37</sup>

• there was no felony act committed for Benjamin Southall, Shaun Griffith and their A.T.F. cohorts to follow me to my private residence, falsely imprison me in my home, search my home, and take and carry away my property. to add more fuel to the fire, over a year later, i was arrested under "threat of death" with no warrant, and no crime being committed in the presence of any officer; [see attached memorandum of law]

• the specific authority for arrests is grounded in the ancient settled Maxims of Law, which no statute can abrogate without violating the "due process of law" provision in the Constitution. at law, it has always been the rule that except in cases where the public security has demanded it, arrests and property seizures without a warrant is deemed to be unlawful;<sup>38</sup>

• "at law, acts that are "malum per se", that is wrong or unlawful by their nature, were often felonies or breaches of the peace, and subject to arrest without warrant. but that is not the law for an act that was only "malum prohibitum", being made unlawful only by statute, and without such enactment, would be otherwise innocent acts. the law asserts that for such statutory misdemeanors, not amounting to a breach of the peace, there is no authority in an officer to arrest without a warrant";<sup>39</sup>

36: United States v. Cervantes 678 f.3d 798

37: Treatise on false arrest and false imprisonment, Charles Weisman p. 31

38: at law: means a thing to be done, or moving according to the common law; Blacks 4<sup>th</sup>

39: American Jurisprudence "arrests" 2d vol. 5

40: Commonwealth v. Giorman 192 N.E. 618, 620; Burns v. Erben 40 N.Y. 463, 466 (1869)

• "no person should be deprived of life, liberty, or property without due process of law", and it is a maxim of law that "Liberty is more favored than all things"; (Dig. 50,17,122); thus the law favors liberty above all things and applies the most liberal interpretation to it; Mr Justice Campbell has declared; the Constitution has also provided that no one shall be deprived of liberty without due process of law, and has provided that no warrant shall issue except upon oath or affirmation establishing probable cause. it has been settled for centuries, and the doctrine has been recognized here, that except in cases of reasonable belief of treason or felony, or breach of peace committed in presence of an officer, there is no due process of law without a warrant, issued by a court or magistrate upon a proper showing or finding;

• it is truly needless to cite 400+ years of history and precedents, since pre Magna Charta, the laws are clear, this is elementary, no warrant = no search, no seizure, no arrest. anything else is a felony on the officer's part, and all evidence from the unlawful search and seizure, or arrest, is fruits of the poisonous tree, and is inadmissible in any criminal trial. "the government must establish one of the traditional exceptions to the fruits of the poisonous tree", to overcome a suppression notice;

• when i required to receive the search and seizure warrant, along with the arrest warrant, (during my unlawful search of my home, and seizure of my property, and during my unlawful arrest) i was told "we are the A.T.F", and "we have an indictment." also in court, i required to see warrants and were told by Jean-Paul Boulee "you saw the indictment", on more than one occasion, an "indictment" and "A.T.F." are not warrants, then the denial of my notice to dismiss due to illegally obtained evidence, filed April 20<sup>th</sup> 2022, without justification in open court; the law is clear;

• "the rule on burden of proof in a criminal trial, where any arrest was made without a warrant, if challenged by the defendant, is presumptively invalid, and the burden is upon the state to justify it as one not only authorized by statute, but also not one violative of Constitutional provisions; in this matter, the firearms and my phone are fruits of the poisonous tree, and without justification or authority, could not be used as evidence against me in this "criminal" [trust action];

47: North v. People 139 Ill. 81, 28 N.E. 966, 972 (1891)

48: Cillor v. Wayne County 43 Mich. 76, 97, 4 N.W. 492, 495-96 (1880)

49: United States v. Mosley, 454 F.2d 249

50: Treatise on false arrest and false imprisonment - Charles Weisman p. 31 p.

• SCOTUS has made it very clear, what the law truly is by ruling "the common law is the real law, the Supreme law of the land.<sup>45</sup> the codes, rules, regulations, policy and statutes are not the law; legislated statutes enforced upon the People, in the name of law are a fraud. they have no authority and are without mercy. justice without mercy is Godless and therefore repugnant to the Constitution. "men must be governed by God or they will be ruled by tyrants" - William Penn;

• Lawmakers were given authority by the People to legislate codes, rules, ordinances, regulations, and statutes, which are policies, procedures and law to control the behavior of bureaucrats, elected officials, appointed officials, municipalities and agencies, but were never given authority to control the behavior of the people, as SCOTUS made this clear by ruling "all codes, rules, and regulations are for government authorities only, not human/creators in accordance with God's laws.<sup>46</sup> All codes, rules, and regulations are unconstitutional and lacking due process";

• Legislatures simply do not have the authority to "rule-make"; especially when rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them;<sup>47</sup>

• Seeing that i have the right to attack this unconstitutional, malicious prosecution and imprisonment by habeus corpus, as this right "shall not be suspended", and no law requires i, man to file any "2255 motion", but this 11<sup>th</sup> circuit courts are required by law, to present an Article III, court of record, and address all violations asserted herein;

- i, now move this court to issue this habeus corpus, and dismiss the charges for violating my unalienable right[s] to keep and bear arms (Article II, Bill of Rights), to due process (Article IV, II Bill of Rights), and lack of jurisdiction over a Nation of the non-B.I.A. Tsaliagi Cherokee Nation;

\* the undersigned is a sovereign, Tsaliagi Cherokee National, 

i say now all herein be true under penalty of perjury, and will verify in open court;

Jovan Montell Hollowell

without prejudice U.C.C. 1-103.6

Tsaliagi Tribal Nation, American Indian

Sovereign, beneficiary

12/08/2023

<sup>45</sup> Self v. Ray, 61 Wn(2d) 261

<sup>46</sup> Rodriguez v. Ray Donovan (U.S. Dept. of Labor) 769 f.2d 1344, 1348 (1985)

<sup>47</sup> Marbury v. Madison no. 5, 139 (2 cranch)

Article 1, Section 9, cl. 2 "the Privilege of the Writ of habeus corpus shall not be suspended"

- "SEE attached 12 page memorandum of law"

Opinions Below

- the opinion of the UNITED STATES COURTS OF APPEALS, 11<sup>th</sup> CIRCUIT appears at appendix C, and has been deemed "not to be published";
- order / summary dismissal of the UNITED STATES DISTRICT COURT OF NORTHERN Georgia appears at appendix D, (1 of 6) dismissals to habeas writs submitted to the court, and 11<sup>th</sup> CIRCUIT COURT OF APPEALS, and "writ of mandamus" (as construed by the CIRCUIT COURT);

## Jurisdiction

- as i am an indian not taxed, Cherokee National of the Tsaliagi Goldfalcon Thunderbird Nation, protected under our Delaware Treaty of 1788, and not of your system, laws, or government; and as your 11<sup>th</sup> CIRCUIT has fraudlently operated outside of their lawful authority, without jurisdiction, or honoring our Treaties or the Constitution for the United States, concealing their treasonous agenda by hiding i, man in a detention facility, restricting my access [and my Tribe's] to the Court[s], public records, when no crime has been committed;
- i have the right to redress, yet have been denied by every court [including this SCOTUS]. as the laws, and our treaties protected in the Constitution are clear;
- the jurisdiction of this court is invoked under Article III, § 11 of the Constitution
- if for some unforeseen reason a "statute" is required [even though your laws do not apply to us]
- Consent was never given. i was forced to comply or stay enslaved by each court; i have submitted my paperwork to. the UNITED STATES 11<sup>th</sup> CIRCUIT APPEALS COURT did not publicly publish their unlawful opinion that bluntly expresses their treasonous desire to monopolize and overthrow the Constitution; with the DISTRICT COURT OF NORTHERN GEORGIA sealing transcripts, and not sending or responding to any lawful notice or F.O.I.A., depriving i, man of my "right" to a "fair and full appeal";
- no petition for "rehearing" was filed. i am not a "legal federal citizen", nor do i fall under this "rehearing"..., and from the wanton acts of this 11<sup>th</sup> CIRCUIT, the outcome would have been the same;
- thus i believe this 28 U.S.C. § 2254 invokes the jurisdiction of this court, as well as 28 U.S.C. 2241

## Constitutional and statutory provisions involved

- 1: Article I, section II, clause III "indians not taxed"
- 2: Article III, section II
- 3: Article VI, clause II
- 4: Bill of Rights[s], Article[s] 1, 4, 5, 6, 10, 9
- 5: 13<sup>th</sup> Amendment
- 6: 14<sup>th</sup> Amendment
- 7: Treaty of 1778
- 8: Treaty of 1792, Peace and Friendship

## Acts of Congress

- 1: H. Con. Res. 332
- 2: Plain writing act of 2010
- 3: Freedom of Information Act
- 4: Indian Civil Rights Act of 1968
- 5: Indian Tribal Justice Act of 1993

## Statutory provisions

- 1: 28 U.S.C. 1738
- 2: 28 U.S.C. 2265
- 3: 8 U.S.C. 1481

## Statement of case

- On April 20<sup>th</sup> 2020, after purchasing items of nomenclature, hunting gear, and select weaponry from Arrowhead Pawn Shop in Jonesboro Georgia, i was profiled, racially, and "flagged" by A.T.F. agent Shaun Griffith, who works at the shop, (the court lied and stated that he does not). only 26 pieces of weaponry was purchased within a 120 day span, with tools and hunting gear;
- i pulled into my private residence, and was surrounded by these agents, detained, and harassed for over 6 hours, without warrant, probable cause, and by force of threats and intimidation techniques, to forcefully take only the property (weapons) purchased from their shop only, and not any of my other weapons, that was in my locked armory; and my phone; of which, all bears tribal symbols;
- on August 11<sup>th</sup> of 2021; i was surrounded and kidnapped without warrant, by these same agents, and trafficked to the DISTRICT COURT, where i was held overnight;
- on August 12<sup>th</sup> of 2021; magistrate Catherine M. Salinas ignored my demand to an Article 111 court of record, as i refused, and did not enter any plea. She stated; "i will enter a plea in for you", set a ransom for 10,000 U.S.D., and "pre-trial" probation, all of which i never signed nor consented to, thus the real fun comes next;
- i was denied my tribal counsel, all of my presentments, both lawful notices and Tribal documents was ignored by John H. Larkins III; a "B.A.R." attorney was forced to be my counsel "to benefit the court" (as stated by Larkins), and through many means of threats and intimidation (because i invoked my right to remain silent) a so-called "trial" was scheduled;
- now, the Court, under order of Jean-Paul Boutele, presented fraudulent claims of a "crime" in front of a petit jury, persuading the People to find an innocent guilty, jurisdiction was, and has been challenged, repeatedly; but was never presented nor proven. all demands for redress, and the violations to my unalienable rights, and treaty rights, were all ignored;

- i have stated numerous times that i am an indian not taxed, i am a Cherokee National of the Delaware Cherokees. i am not a legal person or citizen, i am not of the United States, and have proven such, yet i have been unlawfully prosecuted, and concealed by the 11<sup>th</sup> circuit in a detention facility, operated by the U.S. Marshal's;
- no crime, legally or lawfully has been committed by i, man, and no violation to any treaty. i have done no wrong, simply wish to return home to my Tribe and daughter;

i say now, under penalty of perjury, all herein be true, lawful, and will verify in open court;

Respectfully Submitted,  
John-Marcell Howell  
Tsali Cherokee Nation  
- without prejudice -  
06/02/2024

Reason[s] for granting habeus

- as i do not wish to burden this court, i simply have no other choice. i have exhausted every lawful remedy to redress, but have been unlawfully denied, with no justification.
- i am an innocent man, having did no wrong, nor am i of your UNITED STATES. i have been kidnapped and enslaved by the 17<sup>th</sup> CIRCUIT, whom seems to be monopolizing and deceiving the people. they have shown to have a strong desire to overthrow the Constitution and act as their own Supreme Court.
- i have done all i can, even filed a claim within Washington D.C., Court of Claims, and D.O.J.; i simply wish for the laws and our treaties to be honored, and to be released back into the hands of my Tribe, restored to my original state. i have no other choice but to come forth, and request that this honorable Supreme Court grant this habeus corpus, releasing me into the hands of my nation, and return me to my original state;
- i say now, i swear under penalty of perjury, all herein be true, lawful, and will verify in open court;

Respectfully Submitted,  
John Montell Abellwell, beneficiary,  
Tsalayi Tribal Cherokee National  
- Without prejudice -  
06/02/2024

## Conclusion

as the laws are clear, this writ of habeus corpus should be granted

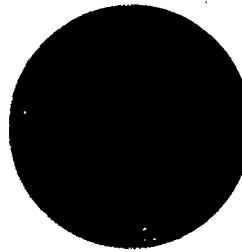
Respectfully Submitted,  
Jo Von-Montell Hollowell  
Jo Von-Montell Hollowell, beneficiary  
Tsaliagi Tribal Cherokee National  
- without prejudice -  
06/02/2024

## Index to appendices

- Appendix A: Tsalagi Tribal Judicial Counsel judgement
- Appendix B: Tsalagi Nation Notice to Perform, stands in all 50 states
- Appendix C: Opinion of 11<sup>th</sup> CIRCUIT COURT OF APPEALS
- Appendix D: order of dismissal, x2, DISTRICT COURT OF NORTHERN GEORGIA
- Appendix E: judicial notice for constitutional review [on behalf of habeus in U.S.D.C.N.Ga.]
- Appendix F: right to redress [on behalf of habeus in U.S.D.C.N.Ga.]
- Appendix G: Treaty of 1778, Delaware Treaty
- Appendix H: Treaty of 1791, Peace and Friendship w/ Cherokee Nation



**Tsalagi (pronounced Cherokee)**  
**Indigenous Native**  
**American Association of Tribal**  
**Nations**



**Gold Falcon Thunderbird Clan**

**Chief Tribal Attorney General /Tribal Marshal**

P. O. Box 7721 2055 Dimond Hill Rd. Cumberland RI, 02864

P. O. Box 5155 Columbus Georgia 31906

June 1, 2022

**Tribal Judicial Council Finds Jovon Hollowell Innocent**

**And having broken no law; blameless.**

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL**

**NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

**Federal Case No 1:21-CR-239-JPB-JKL**

**Federal Case 1-21-CR-00239-JPB-JKL**

Whereas the Tsalagi Tribal Judicial Council has completed their investigation.

Whereas upon review of this case, we find and hold that according to the U. S. Constitution, the Treaties, and the Great Law of Peace Wampums, there has been no breaking of any law, there has been no crime committed by this Tribal Member in the aforementioned case. We grant the Great Hand of Peace and Friendship to Jovon Hollowell for remaining steadfast and unmovable in lawful battle.

***Whereas we find no fault in you nor flaw in your stand; your Status remains with us!***

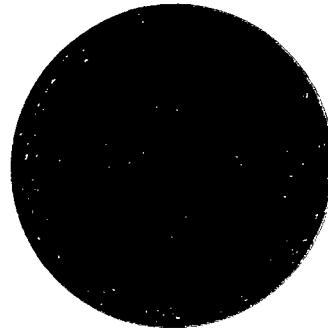
Whereas these findings may be passed on to Georgia Attorney General Christopher Carr and other state officials to perform a full investigation of the Federal proceedings.

Say One, So Say We All Tsalagi Tribal Judicial Council

*Chief Tribal Attorney General*

Chief Tribal Attorney General, Chief Strong Eagle

*Chief Strong Eagle*



## **Tsalagi, (GWY A YANISA) American Autochthonous, Confederacy--- Blood Nations**

*Aniyowiya / Yanisa Embas*  
**Gold Falcon Thunderbird Clan**

### **H. CON. RES. 331**

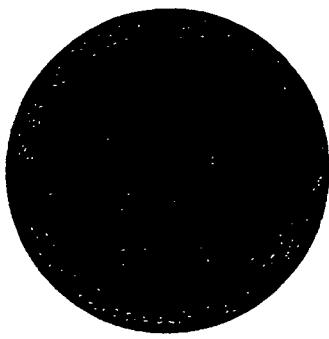
**(2) the Congress also hereby reaffirms the constitutionally  
Recognized government-to-government relationship  
with Indian tribes which has been the cornerstone of this  
Nation's official Indian policy.)**

### **CONSTRUCTIVE NOTICE; [PERFORMANCE] REQUIREMENTS**

From: Tsalagi, (GWY A Yanisa) American Autochthonous, Confederacy---Blood Nations  
Non-Resident, Non-Domestic, Non-Federal Delivery  
c/o Tribal Chief Attorney General  
P.O. Box 7721 2055 Diamond Rd.  
Rhode Island 02864, Indian Country  
Rhode Island Republic, America

Certified Mail #

To: GOVERNOR/Brian Kemp. AG Christopher M. Carr /Public Safety Director Mark  
McDonough  
c/o Governor Brian Kemp [DBA]  
Governor; State of Georgia  
206 Washington St. SW,  
Atlanta GA 30334



## ***Tsalagi, (GWY A***

Re: Constructive Notice: [Performance] Requirements

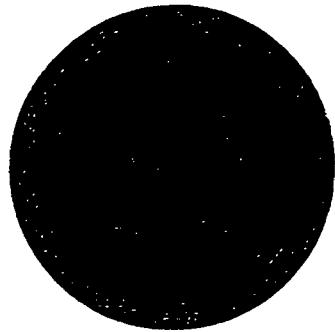
Sir/Madams, Successors:

We, Tsalagi, People, (GWY) American Autochthonous, Confederacy-- Blood Nations, do now hereby serve- individual capacity- official capacity, GOVERNOR- OFFICE- State of Georgia; [DBA] Chief Executive Officer in accordance with Office Oath; Any successors, with: Constructive Notice: [Performance] Requirements.

### **CONSTRUCTIVE NOTICE: [PERFORMANCE REQUIREMENTS]**

The Americus and America the Republic is Sovereign land (United States), - The Americus; North, Central & South, Republic thereof, Non-Commercial, Non-Corporate, Non-Federal, applied- All Indigenous Americus Nations; Members families; includes, yet non-limited with what herein listed, known; Governments, Governmental entities, Agents, employees of said Government; Law Enforcement.

1. First, - foremost, according - Divine perpetual unchanging law, Our 'People' follow The Great Law of Peace with spiritual man/woman, servants in bond- [covenant /treaty] only; Great Spirit, -all universes; HEAVENS, by - WORDS- spoken- written, with Natural Laws, are sovereign, superior. Any [Entity] man's Laws, treaties; made- broken. Any laws, - men, Government, which do not, accord fully with - Divine LAWS, even in extent "jobs and titles", which are, no effect- affect, on, - Us. We, 'People' claim; reclaim, 'Our Unalienable-Inalienable Rights', as true flesh and blood living. "Man / Womb-Man".



We, 'People' -Not, U.S. Citizens, - United States person(s) pursuant to 28 U.S.C. §3002(10), a person\*, person(s), United States, 14<sup>th</sup> Amendment – Constitution [United States] citizens, nor property; United States Corporation, nor, - We - residents, resident aliens.

2. We, 'People' -Not, holders, stock; any Government entity. Nor, *non-resident aliens*: United States Federal Government nor surety for any.
3. In Our lifetime, historical events show manythings. One; most significant event- Our new knowledge, Our National status, Our genealogical ancestry: We, 'People' indeed, True-Beings, descendant, Bloodlines-- "AUTOCHTHONOUS INDIGENOUS PEOPLES" of *The Americas Turtle Island*, declared most ancient indigenous people whom ruled over various lands, [mothered/fathered] Thee, original peoples within North, Central and South America.
4. Thou ANASAZI known, original inhabitants of North Gate. Insuring Antiquity for Our family lineage; Cherokee/Tsalagi (GWY) Keetowah-Chickasaw- Choctaw-Creek-Yamasee-Guale, Mechica, ANASAZI-Olme, et al, it is necessary for Us- standing within- Our proper capacity: Declare- Proclaim- true status - Autochthonous Cherokee/Tsalagi (GWY), Keetowah-Chickasaw-Choctaw-Creek- Yamasee-Guale, ANASAZI-Olme, et al, thereby; dissolving Any-All, political bands, assumable jurisdictions, former standings, - claims.
5. We, Thee-Autochthonous People; Cherokee/Tsalagi (GWY A tsalaghihi Yaniša), Keetowah-Chickasaw-Choctaw-Creek-Yamasee-Guale, Mechica thee ANASAZI 'People' - American, freeborn Living Soul, personifying Spirit through Our True form, within Americus Gates, Each Gate. You,

We, each, every one of Us, experiencing thee; own- individual, life experience through VIABLE KNOWLEDGE, endowed- each, True-Being, by Creator of all life, in all Countries; Nations: Universes.

6. [By] Applicable law:

1. A TREATY OF PEACE AND FRIENDSHIP, TREATY OF CAMP HOLMES, AUGUST 24, 1835, CODIFIED AS 7 STAT. 474
2. ARTICLE VI, CLAUSE 2, U.S. CONSTITUTION:

“THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF: AND ALL OTHER TREATIES MADE, OR WHICH SHALL BE MADE UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND: AND THE JUDGES IN EVERY STATE SHALL BE FOUND THEREBY ANYTHING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING.”

3. NO AGREEMENT TO 18 UNITED STATES CODE STATUTE 1151, 1154, 1156 (DEFINITIONS OF INDIAN COUNTRY). THE LAW READS: “EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 1154 AND 1156 OF THIS TITLE, THE TERM, “INDIAN COUNTRY,” AS USED IN THIS CHAPTER, MEANS:

(A) ALL LAND WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE

OF ANY PATENT, AND INCLUDING RIGHTS OF WAY RUNNING  
THROUGH THE RESERVATION.

(B) ALL DEPENDENT INDIAN COMMUNITIES WITHIN THE  
BORDERS OF THE UNITED STATES WHETHER WITH THE  
ORIGINAL OR SUBSEQUENTLY ACQUIRED TERRITORY  
THEREOF, AND WHETHER WITHIN OR WITHOUT THE LIMITS  
OF A STATE, AND

(C) INDIAN ALLOTMENTS, THE INDIAN TITLES TO WHICH HAVE  
NOT BEEN EXTINGUISHED INCLUDING RIGHTS OF WAY  
RUNNING THROUGH THE SAME.

4. 18 UNITED STATES CODE, STATUTE 1152 (EXCLUSIVE CRIMINAL  
JURISDICTION OVER INDIAN AFFAIRS). THE LAW READS:

"EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, THE  
GENERAL LAWS OF THE UNITED STATES AS TO THE  
PUNISHMENT OF OFFENSES COMMITTED IN ANY PLACE WITHIN  
THE SOLE AND EXCLUSIVE JURISDICTION FOR THE UNITED  
STATES, EXCEPT THE DISTRICT OF COLUMBIA, SHALL EXTEND  
TO THE INDIAN COUNTRY.

THIS SECTION SHALL NOT EXTEND TO OFFENSES COMMITTED BY  
AN INDIAN AGAINST THE PERSON OR PROPERTY OF ANOTHER  
INDIAN, NOT TO ANY INDIAN COMMITTING ANY OFFENSE IN THE  
INDIAN COUNTRY WHO HAS BEEN PUNISHED BY THE LOCAL LAW

OF THE TRIBE, OR TO ANY CASE WHERE, BY TREATY  
STIPULATIONS, THE EXCLUSIVE JURISDICTION OVER SUCH  
OFFENSES IS OR MAY BE SECURED TO THE INDIAN TRIBES  
RESPECTIVELY.

5. NO AGREEMENT TO TITLE 25 UNITED STATES CODE STATUTE  
1301] WHICH READS: FOR PURPOSES OF THIS SUBCHAPTER THE  
TERM:

- (1) "INDIAN TRIBE" MEANS ANY TRIBE, BAND OR OTHER GROUP  
OF INDIANS SUBJECT TO THE JURISDICTION OF THE UNITED  
STATES AND RECOGNIZED AS POSSESSING POWERS OF SELF  
GOVERNMENT:
- (2) "POWERS OF SELF GOVERNMENT" MEANS AND INCLUDES ALL  
GOVERNMENTAL POWERS POSSESSED BY AN INDIAN TRIBE,  
EXECUTIVE, LEGISLATIVE AND JUDICIAL AND ALL OFFICES,  
BODIES AND TRIBUNALS BY AND THROUGH WHICH THEY ARE  
EXECUTED INCLUDING COURTS OF INDIAN OFFENSES: AND  
MEANS THE INHERENT POWER OF INDIAN TRIBE, HEREBY  
RECOGNIZED AND AFFIRMED; TO EXERCISE CRIMINAL  
JURISDICTION OVER ALL INDIANS:
- (3) "INDIAN COURT" MEANS TRIBAL COURT OR COURT OF INDIAN  
OFFENSE: AND
- (4) "INDIAN" MEANS ANY PERSON WHO WOULD BE SUBJECT TO  
THE JURISDICTION OF THE UNITED STATES AS AN INDIAN

UNDER SECTION 1153, TITLE 18, IF THAT PERSON WERE TO COMMIT AN OFFENSE LISTED IN THAT SECTION IN INDIAN COUNTRY TO WHICH THAT SECTION APPLIES.

6. AGREEMENT WITH 2<sup>ND</sup> AMMENDMENT, U.S. BILL OF RIGHTS:  
A WELL-REGULATED MILITIA: NECESSARY- SECURITY WITHIN FREE STATE, RIGTH FOR 'PEOPLE': KEEP, BEAR ARMS, SHALL NOT BE INFRINGED.
7. AGREEMENT 9<sup>TH</sup> AMMENDMENT, U.S. BILL OF RIGHTS:  
THE ENUMERATION IN THE CONSTITUTION OF CERTAIN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.
8. AGREEMENT TO 28 UNITED STATES CODE STATUTE 1738: FULL FAITH AND CREDIT SHALL BE EXTENDED TO TRIBAL COURT JUDGEMENTS.
9. AGREEMENT TO 18 UNITED STATES CODE STATUTE 2265: SHALL BE EXTENDED TO TRIBAL COURT PROTECTIVE ORDERS.
10. AGREED TO INDIAN CIVIL RIGHTS ACT OF 1968 [WHERE NO CONFLICT WITH DIVINE LAW] WHICH PROVIDES:
  - 1). MAKE OR ENFORCE ANY LAW PROHIBITING THE FREE EXERCISE OF RELIGION, OR ABRIDGING THE FREEDOM OF SPEECH, OR THE PRESS, OR THE RIGHT OF THE PEOPLE TO

PEACEABLY ASSEMBLE AND TO PETITION FOR A REDRESS OF GRIEVANCES.

- 2). VIOLATED THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS AGAINST UNREASONABLE SEARCH AND SEIZURES, NOR ISSUE WARRANTS, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSON OR THING TO BE SEIZED;
- 3). SUBJECT ANY PERSON FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY;
- 4). COMPEL ANY PERSON IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF.
- 5). TAKE ANY PRIVATE PROPERTY FOR A PUBLIC USE WITHOUT JUST COMPENSATION.
- 6). DENY TO ANY PERSON IN A CRIMINAL PROCEEDING THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION, TO BE CONFRONTED WITH THE WITNESS AGAINST HIM, TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND AT HIS OWN EXPENSE TO HAVE THE ASSISTANCE OR A COUNSEL FOR HIS DEFENSE.

7). REQUIRE EXCESSIVE BAIL, IMPOSE EXCESSIVE FINE, INFILCT CRUEL AND UNUSUAL PUNISHMENTS, AND IN NO EVENT IMPOSE FOR CONVICTION OF ANY ONE OFFENSE, ANY PENALTY OR PUNISHMENT GREATER THAN IMPRISONMENT FOR A TERM OF ONE YEAR AND A FINE OF \$5000.00 OR BOTH!

8). DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF ITS LAWS OR DEPRIVE ANY PERSON LIBERTY WITHOUT DUE PROCESS OF LAW.

9). PASS ANY BILL OF ATTAINER OR EX-POST FACTO LAW, OR

10). DENY TO ANY PERSON ACCUSED OF AN OFFENSE PUNISHABLE BY IMPRISONMENT THE RIGHT UPON REQUEST, TO A TRIAL BY JURY OR NOT LESS THAN SIX PERSONS.

11). AGREEMENT TO "THE INDIAN TRIBAL JUSTICE ACT OF 1993 [WHERE NO CONFLICT WITH DIVINE LAW]" - WHICH REAFFIRMED THE RESPONSIBILITY OF THE U.S. GOVERNMENT TO TRIBAL GOVERNMENTS, INCLUDING THE PROTECTION OF THE SOVEREIGNTY OF EACH TRIBAL GOVERNMENT AND CONFIRMED THAT CONGRESS, THROUGH STATUTES, TREATIES AND ADMINISTRATIVE AUTHORITIES, HAS RECOGNIZED THE SELF DETERMINATION, SELF RELIANCE AND INHERENT SOVEREIGNTY OF INDIAN TRIBES.

a. Further, We, Tsalagi (GWY'A Tsalagihi Yanisa), American Autochthonous, Confederacy--- Blood Nations; 'People' affirm oath-thee notion, all that is, all that may be conceived or perceived, is given via Universal Creation, Sovereign Creator, and each of our unique and individual lives is the ever growing, ever expanding, ever evolving proof; this awareness fact. Whereas-we overstand that to know, Our own direct experience- Spirit. Our duty extend beyond mere intellectual imaginings, trickery, games, - invoke, - provoke, - aspire; live accordingly as righteousness- peace; overstanding that You too as We are all Spirit Beings and do owe "All" thee Great Spirit, Creator/Creatress, evidenced through our greatest spiritual sense; intellect, knowledge, our witnessing- where we are, - what we are true flesh, blood, men/womb-man!

b. We, 'People'- Tsalagi, (GWY A Tsalagihi, Yanisá), American Autochthonous, Confederacy--- Blood Nations; declare through penalty, perjury, laws of GREAT SPIRIT; My word is my bond, that foregoing, true-correct. [Made Pursuant] for Tsalagi, (GWY A Tsalagihi Yanisa), American Autochthonous, Confederacy--- Blood Nations: Constitution, Universal Declaration of [Human] 'People' Rights, UN res. 61/295 [Declaration of [Human] 'People' Rights, UN res. 60/147 [Human] 'People' Rights Laws, Hague Convention, & [Title 28, U.S.C. Section §1746], see *Treaty of Camp Holmes 1835* (7 Stat 474) C.f. [Public Law 97-280] A Treaty of peace and Friendship (7-2-1791)

We are commonly known and hereafter referred to as:  
Autochthonous Ministerial Ambassadors, also Diplomatic Agents / Foreign Officials of the Tsalagi, (GWY A Tsalagihi Yanisa) American Autochthonous, Confederacy--- Blood Nations

- ❖ Pursuant to The Universal Declaration of Human Rights Article 15, which the United States and all its Departments are subject to:
  - 1) Everyone has the right to a Nationality.
  - 2) No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality, [USC Title 8, 1481]
- ❖ Pursuant to the Declaration of Indigenous Rights enacted by the Organization of American States and all its Departments, subject to All Articles incorporated.
- ❖ Pursuant to the United Nations Declaration of Indigenous Peoples UN 61/195 All Articles Incorporated
- ❖ Pursuant to UN 60/147 Basic Principles and Guidelines on the Rights to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
- ❖ Pursuant to the Treaty of Watertown 1776 and the United States Constitution [Article VII]
- ❖ Pursuant to the Treaty of Camp Holmes 1835 (7 Stat 474) C.f. [Public Law 97-280]
- ❖ Pursuant to The United States Code Title. 18 Section 112 Protections of International Protected Persons
- ❖ Pursuant to United States Code Title. 18 Section 241 Conspiracy Against Rights & 242 Deprivation of Rights Under Color of Authority

11. We are not under the jurisdiction of Roman Civil Law, Admiralty Law, Administrative Law (Administrative Code of Law), Bankruptcy Law, as per the United States Federal Government and (or) their subsidiary corporations, nor under the jurisdiction of the King (or Queen) of Great Britain per debts owed and items pledged through treaty to Great Britain, nor are we subject to any Legal codes, statutes, ordinances or language of the legal society that is not in agreement with Divine Natural law or the Great law of Peace.

12. We have Our Right via natural born America /Autochthonous Confederacy--- Blood Nations, National [Natural] status, declared in Declaration of Status" filed with OFFICES- to Secretary of State, for the United States with International Criminal Court and U.N High Commissioner for People [Human] Rights. We claim all rights, including rights offered by the united states of America, the Republic, as well as protections provided by the original constitutions and established Cherokee, Tsalagi (GWY A Tsalagihi, Yanisa) / Keetowah-

**Chickasaw- Choctaw-Creek, Yamassee, Guale, Delaware, Muscogee, Iroquois et al Treaties.** Our superior 'Rights' stem from laws thee, 'CREATOR', 'GREAT SPIRIT' interpreted - reissued "Amose / Moses", ultimately flowing through; Magna Carta (Charta), Declaration of Independence, Bill of Rights in the united States of America. Rights, known, found within *common law jurisdiction*; individuals of the State are entitled to all rights, which formally belonged to the King by his prerogative. *Lansing v. Smith* 21D. 89 (1829).

13. We, People choose being inhabitants within, Sovereign landmass of Turtle Island; [United States] of America in THE AMERICAS INDIGENOUS (INDIAN COUNTRY) under AUTONOMY.
14. We receive 'post' and no mail! The correct wording for TSALAGI, (GWY A YANISA), Indigenous American Confederacy -- Blood Nations; receive 'post' notification(s), documents, service, and (or) any 'lawful' materials.

Tsalagi, (GWY A Pronounced Tsälägíhi Yänisa), America /Autochthonous Confederacy -- Blood Nations

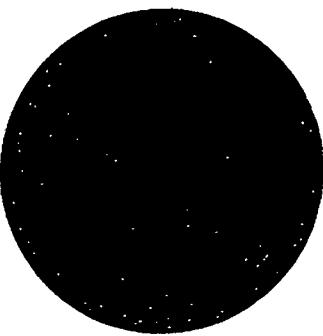
Non-Residents, Non-Domestic, Non-Federal Delivery  
c/o Columbus  
Georgia, Indian Country  
Republic America

No other wording will be considered 'lawful', nor will any items sent to Us at another mailing location other than above, be considered delivered, sent or serviced.

\*person - Internal Revenue Code -7343 Definition of "Person"  
Source - 145(d), 894 (bX2X9), 1718(aX4),  
2557(d)(8), 2707(d), 3228 (in part), 3710(c),  
3793(b)(2), 1939 Code Republic as opposed to  
Democracy in definition contained in The American  
Military Training Manual 1928.

**Further be it noted:**

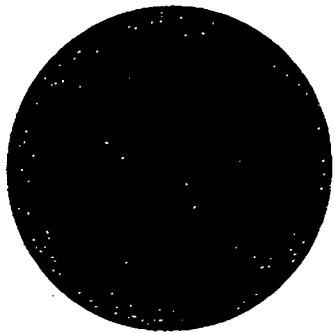
1. We, Tsalagi 'People' (GWY A, pronounced Tsalagihhi, Yanisa), America /Autochthonous Confederacy-- Blood Nations, Rights in having property (Property- "The unrestricted and exclusive right to own a thing, right to dispose; a thing in every lawful way, to possess it, to use it, and to exclude everyone else from interfering with, highest right man can have, have a thing.") in one (1) Traveling Carts, with Chassis identification number, i.e., 2G1WA5EK9A1149794/ or any other ID number. These things are property and exclusively described and known as a 'private conveyance'. They ARE NOT any 'MOTOR VEHICLE' term defined in [United States Code Title 18-31], relevant part "...used for commercial purposes..." We do not use said Traveling Cart for commercial purposes!
2. Whereas in past, through various 'frauds', threats, coercion, duress, - conspiracies; We were forced, induced into giving AWAY equity, ownership rights, etc. in Our Traveling Carts to Government entities. We have complete equity, property ownership in said Traveling Carts. You are not, allowed to include said Traveling Carts in State inventory and you are, prevented from using said Below Traveling Carts as chattel. It is hereby noticed as a ***non-bondable*** items.
3. Whereas We, Tsalagi (GWY A, pronounced Tsalagihhi, Yanisa), American/Autochthonous Confederacy-- Blood Nations, do not 'DRIVE' in said ***Traveling Carts***, driving constitutes commercial activity. We "convey" from place to place according to needs, affairs, - private life, private conveyance. We have - right of 'travel' upon All, highways, byways, land ways. (The right of a 'People' to travel upon public highways to transport property thereon, in ordinary course of life, businesses a common right, which, has under his/her right to enjoy life, liberty to acquire, possess property, and to pursue happiness and safety).
4. Whereas It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and... includes the right...to operate an automobile thereof; for usual, ordinary purposes of life and business. It is not a mere privilege, like, privilege of moving a house in the street, operating a business in the street, or transporting persons or property for hire along the street, which a city may permit or prohibit at will." (Emphasis added), C.f. [Thompson v. Smith, 154 SE circa 1920]. We also state and note that the 'driver's license' is a requirement for commercial activity, which commercial activity is taxed to support the management and regulation of such activity.



5. Whereas We, Tsalagi (GWY A, pronounced Tsalaghi Yanisa) America/Autochthonous Confederacy--- Blood Nations, enrolled members do individually own 'personal property' in said traveling carts, therefore, We will not be forced into paying 'tribute' (personal property tax). ("The tax system is based upon voluntary assessment and payment, not upon restraint." see [Flora v. United States 362 U.S. 145] "Irrespective of what a tax is called by State code, if its purpose is to produce revenue, it is an income tax receipts tax under the 'Buck Act". See [Humble Oil and Refining Company v. Cayert 1971 464 SW 2d. 170, aff'd. (Tex) 478 SW 2d 926, cert. Den. 409 U.S. 967, 34, Ed. 2d. 234, 93 S.Ct. 293].
6. Whereas We do not own or operate [motor] vehicles. We have no need for motor vehicle registration or motor vehicle tag. Do know; 'We' own private conveyance which may not be forced into paying 'rent' nor 'tax' for right of using said owned item.
7. Whereas We will not be forced into breaking Our treaty (*covenant*) with Our CREATOR, 'Great Spirit', through being forced into slavery, involuntary servitude, to insure others with further profits of idol-worshipers (insurance companies), which participate in usury! Either slavery nor involuntary servitude...shall exist within the [United States], or any place subject to their jurisdiction." See [United States Constitution of America's, Amendment XIII – 1]. Your Government cannot protect Tsalagi (GWY A, pronounced, Tsalaghi, Yanisa) Wrath and Penalty Our CREATOR / Manetto's *Covenant broken* serves Wrath and Penalty. THIS penalty is severe and permanent.

**You- your successors required performance:**

1. You, in your individual and official capacity, are under the jurisdiction of the United States Federal Government. See [Buck Act (40USCS 104-113) and also "Public Salary Tax" Act of 1939"]. Also take notice to Cf [Springfield v. Kenny, (1951 App.) 104 N.E. 2d. 65.], and therefore must conduct actions accordingly.
2. The Governmental entity of your "State" (more properly known and termed as a Corporation) is under the jurisdiction of the United States Federal Government, and under 18 U.S.C. – 2241, it is a felony for any person who denies another of any common law right due him/ her under the Supreme Organic Law of the Land.
3. Be advised, We are not "within the United States", but, Lawfully We are "without the United States" per Title 28 U.S.C. – 1746 Subsection 1, and you and your State, Rhode Island Government are "within". You have no office with



Tsalagi (GWY A, pronounced TsalaGihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations. (Any officer or employee of the United States acting in connection with any revenue law of the United States who is guilty of any extortion or willful oppression under color of law shall be dismissed and may be fined up to \$10,000 and imprisoned for 5 years." IRC ~~§~~ 7214(a).

4. Whereas We, 'People' of Tsalagi (GWY A, pronounced TsalaGihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations, plainly and clearly challenge, in total, your individual, official, and Government of this State jurisdiction(s) to Our individual self (body). Our right to travel in Our private conveyance. Our right to not pay personal-property-tax on Our private conveyance, Our right not to pay for a motor vehicle registration and tag, Our right to not pay for the insurance of others, or oneself, when We are conveying in Our private conveyance, Our right not to give your corporation (Government) ownership (equity rights) in Our private conveyance, and challenge is made concerning Our right to not be forced under duress, thereto loss of life, loss of liberty; to not classify Our private conveyance as a 'motor vehicle when We know that term or status not to be true. "When jurisdiction is not squarely challenged, the subject matter is presumed to exist." See Cf, [(Burkes v. Lasher 441 U.S. 471)]. "Where jurisdiction is challenged, it must be proven." See Cf, [(Hagens v. Levine 415 U.S. 528 at 533)].
5. Whereas We, Tsalagi (Gwy A, pronounced TsalaGihi Yanisa) America/Autochthonous Confederacy--- Blood Nations, further challenge jurisdiction of the State of Rhode Island as to Our status as a state citizens and any or all points contained in this notice. "Whatever the form in which Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertains who purports actions for the Government stays within the bounds of authority...this is so even though...the agent may have been unaware of the limitations upon authority, see (Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380, 384 (1947).
6. Whereas We are not in any arrangement, Contract, or covenant with your Government, or the Federal Government of the United States Government. If any contract does exist, then We hereby revoke, withdraw, and void all permission-signature to the validity of said contract. All contracts are null, and void should any have existed. This Document stands too as an "Affidavit & Revocation" of thus herein stated as evidence and proof.
7. YOU HAVE TEN (10) DAYS IN WHICH TO REPLY FROM THE RECEIPT OF THIS REGISTERED MAIL # PAS PER U.C.C. 3-505 (2). Reply must have proof of jurisdiction, We maintain right to challenge any and all, evidence of your claimed,

in any jurisdiction. reply must have proof of all relevant facts, which you may want to contest.

8. A fault must be, considered to exist if you do not comply (U.C.C. 1-201(16)). Said fault, being on your part, would create a fraud through material misrepresentation, which would vitiate anything from the beginning as per U.C.C. 1-103. (Note: "...fraud vitiates the most solemn contracts, documents and even judgments." See (U.S. v. Throchmorton 98 U.S. 61 at P. 65.)
9. You have received this following Notice listed as Tsalagi (GWY A, pronounced Tsalagihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations:
  - a. "Charter" registry number **T1242019**
  - b. "Providence County Archives #B/P: 1794/ Pgs. 120 inst# **104298**
10. You are required to exhibit instrument(s) that contain our signatures, which obligates Tsalagi (GWY A, pronounced, Tsalagihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations, 'People' to conform, to your demands, to have a motor vehicle title, motor vehicle tag, motor vehicle driver's license, and motor vehicle insurance under agreement in accordance with U.C.C. 1-201 (3).
11. Provide Us with proof of claim maintained as security interest (U.C.C. 1-2-1 (37)) in my body / property which makes you a Holder (U.C.C. 1-201 (20)), to make a presentment.
12. Provide evidence of authority to make presentment and what Territorial Application (U.C.C. 1105) exists that we have agreed upon, which contains our signatures?
13. Since We have declared and affirmed Our status as "Autochthonous American Nationals", and We are not a 'person' as described in 26 U.S.C. — 7343, please provide (as in you are required) Us with the copy of the source of income and from what 'geographical part' and statutorily defined "United States" you purport it came from, in order to substantiate a claim based on agreement.
14. What presumption(s) are you laboring under, which supports claims that We, as "Autochthonous Nationals such as, Cherokee / Keetoowah-Chickasaw-Choctaw-Creek-Yamasse- ANASAZI" et al, are effectively connected with a trade or business with the statutorily defined "United States" that causes or caused demand that We have to have a motor vehicle, a motor vehicle tag, motor vehicle insurance, and motor vehicle driver's license?

15. Provide the negotiable instruments We were supposed to have signed that were "Payable To," that would make you a Holder in Due Course (U.C.C. 3-805) in order for you, or your State to make a presentment and demand for payment without contract.

16. Reveal which principle you are operating under in this instance, The Board of Governors of the Federal Reserve Bank or the "United States".

17. You are required to list, post, codify, etc. the coded Traveling Information Carts and Conveyance Information Sign Cards with information that can be accessed by a bar code reader with all agencies, law enforcement regulatory bodies, counties, municipalities of and for the State of Rhode Island. (We conclude that proper interpretation of the phrase 'satisfactory evidence of identity' requires an officer accept as presumptively satisfactory any reliable documentary evidence of identity that bears minimum amount of data required by the Vehicle Code licensing and citation statutes. The form identification will bear a photograph and description of the person, their signature, their current address, and must be, currently and serially or otherwise numbered. Such documentary evidence is the functional equivalent of a driver's license, because it is of equivalent reliability, and because it bears the information necessary to the citation process. **When presented with such proof, an officer must accept it as 'satisfactory'.** Cf, [People v. Monroe]. (Emphasis added))

18. You are required to inform, notice, and (or) serve all members of any law enforcement agencies and/or bodies as to the lawful existence of these items (they are privately owned).

19. You are required to prevent any and all members of any law enforcement agency or body from illegal profile stops, kidnapping, human trafficking, and stealing Our private traveling cart and holding it for ransom, and / or stealing Our identification sign cards, or in any otherwise way, preventing Tsalagi (GWY / A / pronounced Tsalagihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations, from liberty of Travel- court actions without due process of law. Any Harassment from State and Local Law / "Statute & Code" Enforcement will constitute an immediate action against the [State and violation of States' Peace Officers' Standards and training and complete forfeiture of his or her Post Registration to not be bonded as a "Police officer / Policy Agent"] prosecution of Officer(s) to the limit of Unified Nations.

You are advised (noted of facts and violation(s) stated above, and how it constitutes intent to commit fraud) that the United States Code provides for substantial criminal and monetary damages to be assessed should the State of Rhode Island, employees, agencies, -Governmental bodies violate Our rights. Please govern yourself accordingly.

We, "Emissary Consul" Tsalagi (GWY A, pronounced Tsalagihi, Yanisa) America/Autochthonous Confederacy--- Blood Nations, 'People' declare majority age, Each Emissary, jointly and severally capable of making this Constructive Notice, Presentment; and that this Notice is, made with clean hands in good faith, with Explicit Reservation of all American/ Autochthon Rights, Acknowledged, Executed, and Certified this Constructive Notice: Made with clean intent to the best of Our knowledge, with penalty of perjury pursuant to Laws of the [United States of America], 28 USC 1746(1), except as to matters stated to be on information and belief, and as to those, believed to be true, this twenty seventh Day of the Tenth Month, A.D. Two-thousand Twenty-one.

Teste meipso,

Return to:

TSALAGI (GWY), America/Autochthonous Confederacy--- Blood Nations

Non-Residents, Non-Domestic Non-Federal Delivery  
c/o P.O. BOX 7721-2055 Diamond Hill Rd.  
Cumberland Rhode Island 02864  
Indian Country  
Rhode Island Republic  
America

NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL

JURAT

"de jure" Russell County  
on the Alabama Republic  
in the Organic United States of America)

) Affirmed

Before me, this 19 Day of the Fourth Month, C.E. Two thousand Twenty-one,  
Below Signed Ministers/Diplomatic Agents/Foreign Officials did positively  
identify self to me, did acknowledge, execute this Notice as true and correct.

Autograph:

*Chief Strong Eagle*

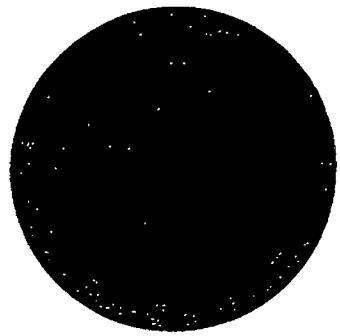
Chief, Charles "Strong Eagle" Jackson.

*Brianna*  
Notary Stamp Notary Public All Rights Reserved Without Recourse

My Commission Expires

*8-24-2022*

BRIANNA CURRINGTON  
Notary Public, State of Alabama  
Alabama State At Large  
My Commission Expires  
August 24, 2022



Seal

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PLEASE FIND CURRENTLY ISSUED TAG INFORMATION LISTED BELOW THESE TAGS MAY BE USED AS UNIVERSAL TAGS FOR VEHICLES TRANSPORTING FOREIGN OFFICIALS/DIPLOMATIC AGENTS. ADDITIONAL TAGS AND VEHICLES MAY BE ADDED AS ISSUED BY OUR TRIBE. ALL VEHICLES BEARING TSALAGI INDIGENOUS AMERICAN TRIBAL SEAL AND LOGO ISSUED BY THIS TRIBE ARE INCLUSIVE WHETHER LISTED BELOW OR NOT. PLEASE CONTACT OUR COUNCIL OF ELDERS AT THE ABOVE REFERENCED MAILING LOCATION IF THERE ARE ANY ADDITIONAL QUESTIONS, OR CALL US DIRECTLY AT: 323-303-2525.

***N.B. All Chief's or Members with Tribal tag, ID's or Seals are Diplomatic Agents/Foreign Officials.***

1. Supreme Grand Chief, Karl "Goldfalcon" Von Clegg Tribal Marshal Service.

"Gold, 1986 Nissan, 300ZX vin #on file"      **Tsalagi tag NA (With SEAL)**

2. Chief, Eddie "Standing Bear" Director National Security, Tribal Marshal Service & Tribal

Police. "Tan, 1998 Lexis, vin #on file"      **Tsalagi tag NA (With SEAL)**

3. Chief, Kristi "Morning Star" Chief, Director of Public Safety, Tribal Marshal Service & Tribal Police, any car or truck available from motor pool.

4. Chief Charles "Strong Eagle" Chief Tribal Attorney General, Tribal Marshal & Tribal Police and other Chief's and Tribal members. Vehicles & Tags are on file at Embassy or central office.

[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

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No. 22-12905

Non-Argument Calendar

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USA,

Plaintiff-Appellee,

versus

JOVON MONTELL HOLLOWELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Georgia  
D.C. Docket No. 1:21-cr-00239-JPB-JKL-1

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Before NEWSOM, GRANT, and TJOFLAT, Circuit Judges.

PER CURIAM:

JoVon Hollowell, proceeding *pro se*, appeals his convictions for dealing firearms without a license and making false statements to a federally licensed firearms dealer. Hollowell argues that the court did not have jurisdiction over him because he is a citizen of the Cherokee Nation rather than the United States, citing the Major Crimes Act.<sup>1</sup> He also contends that he was not tried by a jury of his peers, as the jury did not consist of his fellow tribal members. We hold that the District Court had jurisdiction, and we affirm Hollowell's convictions.

I.

On June 15, 2021, a federal grand jury charged Hollowell in a three-count indictment. Count one charged Hollowell with dealing firearms without a license, in violation of 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D). Counts two and three charged Hollowell with making false statements to a federally licensed firearms dealer, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2). The indictment alleged that Hollowell violated the statutes in Clayton County, Georgia, which is in the Northern District of Georgia. Following a hearing, the District Court permitted Hollowell to represent himself *pro se* with standby counsel.

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<sup>1</sup> See 18 U.S.C. § 1153.

Hollowell later filed a document that the District Court construed as a motion to dismiss for lack of jurisdiction. There, he summarily argued that the court lacked jurisdiction. The District Court denied the motion, finding that there was jurisdiction based on the indictment.

During jury selection, Hollowell moved for a mistrial because the jury did not consist of his peers, as none of the jurors were Indigenous. The Government argued that there was no legal basis for a mistrial, and the District Court denied the motion.

At trial, the Government called Benjamin Southall. Southall testified that he worked for the Bureau of Alcohol, Tabaco, and Firearms (“ATF”), investigating violations of federal firearms laws. Southall added that he witnessed Hollowell buy firearms from Arrowhead Pawn in Clayton County, Georgia.

The Government also admitted a receipt for firearms Hollowell bought from Arrowhead Pawn. Additionally, the Government admitted an ATF Form 4473 “Firearms Transaction Record” that Hollowell completed with each firearm that he purchased—which federal firearms licensees are required to obtain before transferring a firearm to a purchaser. On the form, Hollowell stated that he was a U.S. Citizen, lived in Dunwoody, Georgia, and answered “yes” in the fields asking whether he was the actual transferee or buyer of the firearm. The Government also admitted text messages that showed Hollowell had coordinated with potential customers about meeting to buy the firearms he had purchased from Arrowhead Pawn.

Collectively, the evidence demonstrated that Hollowell made false statements when he purchased sixteen firearms over a two-month period with intent to resell the firearms for profit. The jury found Hollowell guilty on all counts.

After the trial, Hollowell filed multiple documents arguing that the court lacked jurisdiction due to his Indigenous nationality of the Cherokee Nation. At his sentencing hearing, Hollowell again objected that the court lacked jurisdiction over him as a citizen of the Cherokee Nation. Further, he contended that the jury did not consist of his peers. The District Court overruled Hollowell's objections and it imposed a total sentence of forty-six months' imprisonment followed by three years of supervised release. Hollowell timely appealed.

## II.

We review questions of statutory subject matter jurisdiction *de novo*. *United States v. Grimon*, 923 F.3d 1302, 1305 (11th Cir. 2019).

## III.

Although he makes multiple conclusory arguments, all of Hollowell's arguments rely on the same premise: the District Court did not have jurisdiction because he is a citizen of the "Tsalagi Cherokee Nation" and did not commit any offense under the Major Crimes Act, 18 U.S.C. § 1153. Hollowell also asserts that he was not tried by a jury of his peers because the jury did not consist of fellow tribal members. We disagree.

District courts have jurisdiction to hear cases involving “all offenses against the laws of the United States.” 18 U.S.C. § 3231. “[A]n indictment charging that a defendant violated a law of the United States gives the district court jurisdiction over the case . . . .” *McCoy v. United States*, 266 F.3d 1245, 1252 (11th Cir. 2001). And “[a] federal district court has personal jurisdiction to try any defendant brought before it on a federal indictment charging a violation of federal law” in its district. *United States v. Rendon*, 354 F.3d 1320, 1326 (11th Cir. 2003).

As to Hollowell’s main contention, the District Court had both subject matter and personal jurisdiction. The indictment charged Hollowell with violating federal laws—dealing in firearms without a license and making false statements to a federally licensed firearms dealer—based on his firearm purchases from Arrowhead Pawn in suburban Atlanta. As we have previously noted, “[s]ubject matter jurisdiction in every federal criminal prosecution comes from 18 U.S.C. § 3231. . . . That’s the beginning and the end of the jurisdictional inquiry.” *McCoy*, 266 F.3d at 1252 n.11 (omission in original) (quoting *Hugi v. United States*, 164 F.2d 378, 380 (7th Cir. 1999)). Thus, Hollowell’s status as a Native American is irrelevant.<sup>2</sup>

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<sup>2</sup> Although Hollowell does not explicitly refer to himself as a “sovereign citizen,” he asserts that the District Court lacked jurisdiction because he is a “natural man.” We have summarily rejected “so called ‘sovereign citizen[]’” theories as frivolous. *Cantu v. City of Dothan*, 974 F.3d 1217, 1223 n.2 (11th Cir. 2020) (quoting *United States v. Sterling*, 738 F.3d 228, 233 n.1 (11th Cir. 2013)).

Likewise, Hollowell's invocation of the Major Crimes Act is immaterial. The Major Crimes Act applies to crimes committed "within . . . Indian country." 18 U.S.C. § 1153(a). Indian country includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government." *Id.* § 1151. Suburban Atlanta does not meet that definition. *See McGirt v. Oklahoma*, 140 S. Ct. 2452, 2459, 207 L. Ed. 2d 985 (2020) (noting that the "key question" under the Major Crimes Act is whether an offense was committed in Indian country).

Finally, Hollowell has abandoned any argument that he was not tried by a jury of his peers. Although we construe *pro se* filings liberally, "this leniency does not give a court license to serve as *de facto* counsel for a party or to rewrite an otherwise deficient pleading in order to sustain an action." *United States v. Padgett*, 917 F.3d 1312, 1317 (11th Cir. 2019) (quoting *GJR Invs., Inc. v. County of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998)). Hollowell's filing fails to point to any law or supporting authority for this argument. At best, Hollowell's assertion is based on his sovereign citizen argument, which this Court has summarily rejected as frivolous. *See United States v. Sterling*, 738 F.3d 228, 233 n.1 (11th Cir. 2013). And "simply stating that an issue exists, without further argument or discussion, constitutes abandonment of that issue and precludes our considering the issue on appeal." *Singh v. U.S. Att'y Gen.*, 561 F.3d 1275, 1278 (11th Cir. 2009) (per curiam); *see also Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) ("[I]ssues not briefed on appeal by a *pro se* litigant are deemed abandoned."). Hollowell, thus, has abandoned this issue.

22-12905

Opinion of the Court

7

Accordingly, we hold that the District Court had jurisdiction and we affirm Hollowell's conviction.

**AFFIRMED.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JOVON MONTELL HOLLOWELL,	:	PRISONER HABEAS CORPUS
Petitioner,	:	28 U.S.C. § 2241
	:	
v.	:	
	:	
WARDEN B. TRIPP,	:	CIVIL ACTION NO.
Respondent.	:	1:24-CV-659-SCJ-JEM

**ORDER AND FINAL REPORT AND RECOMMENDATION**

Petitioner, JoVon Montell Hollowell, confined in the Robert A. Deyton Detention Facility in Lovejoy, Georgia, submitted a *pro se* petition for a writ of habeas corpus that the Court considers under 28 U.S.C. § 2241. (Doc. 2.)<sup>1</sup> Petitioner also submitted an application for leave to proceed *in forma pauperis*. (Doc. 1.) For the purpose of dismissal only, Petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) is GRANTED.

The matter is before the Court for a preliminary review of the construed § 2241 petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases, which also applies to Section 2241 actions, as provided in Rule 1(b). Summary dismissal of a habeas petition is proper when the petition and the attached exhibits plainly reveal that relief is not warranted. *See* 28 U.S.C. foll. § 2254, Rule 4; *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (stating that Rule 4 dismissal is

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<sup>1</sup> The Clerk is DIRECTED to update the docket sheet to reflect that the proper cause of action is under § 2241.

appropriate when petition “appears legally insufficient on its face”). For the reasons stated below, the undersigned RECOMMENDS that the construed § 2241 petition be DISMISSED WITHOUT PREJUDICE.

**I. DISCUSSION**

A jury found Petitioner guilty of (1) dealing firearms without a license, and (2) making false statements to a federally licensed firearms dealer. *See Judgment & Commitment, United States v. Hollowell*, No. 1:21-CR-239-JPB-JKL-1 (N.D. Ga. Aug. 30, 2022). The Eleventh Circuit affirmed. *See United States v. Hollowell*, No. 22-12905, 2023 WL 5950500 (11th Cir. Sept. 13, 2023) (per curiam).

Petitioner signed his construed § 2241 petition on February 12, 2024. (Doc. 2 at 4.) Petitioner challenges his convictions on the ground that he is a member of the Cherokee Nation and not subject to federal jurisdiction. (*Id.* at 2-4.) Petitioner raised that same argument before the Eleventh Circuit, which rejected it.

“[C]hallenges to the execution of a sentence, rather than the validity of the sentence itself, are properly brought under § 2241.” *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008). In the present case, Petitioner’s jurisdictional claim challenges the validity of his sentence rather than its execution. *See Benitez v. Warden, FCI Miami*, 564 F. App’x 497, 499 (11th Cir. 2014) (per curiam). Petitioner may not use the present § 2241 action to challenge the validity of his sentence. Instead, Petitioner “must file a [28 U.S.C. § 2255] motion to vacate in the court that tried and sentenced him, where he can challenge issues about his trial and sentencing.” *McCarthan v. Dir. of Goodwill*

*Indus.-Suncoast, Inc.*, 851 F.3d 1076, 1092 (11th Cir. 2017) (en banc), *cert. denied sub nom. McCarthan v. Collins*, 583 U.S. 1012 (2017).

The saving clause of 28 U.S.C. § 2255(e) permits a federal prisoner to attack his sentence via § 2241 if “the remedy by motion is inadequate or ineffective to test the legality of his detention.” 28 U.S.C. § 2255(e). The Eleventh Circuit has limited the applicability of § 2255(e) as follows:

A motion to vacate is inadequate or ineffective to test the legality of a prisoner’s detention only when it cannot remedy a particular kind of claim. Even if a prisoner’s claim fails under circuit precedent, a motion to vacate remains an adequate and effective remedy for a prisoner to raise the claim and attempt to persuade the court to change its precedent, and failing that, to seek certiorari in the Supreme Court.

*McCarthan*, 851 F.3d at 1099. Because Petitioner has not presented any claims satisfying the limited scope of § 2255(e), he is not entitled to § 2241 relief.

Petitioner also seeks relief under 28 U.S.C. § 1651, which includes the common-law writs of *audita querela* and *coram nobis*. (Doc. 2-1 at 18.) The Eleventh Circuit has explained the following:

Certain common-law writs may be used to “fill the interstices of the federal post-conviction remedial framework.” [*United States v. Holt*, 417 F.3d 1172, 1175 (11th Cir. 2005) (internal quotation marks omitted)]. However, a “writ of *audita querela* may not be granted when relief is cognizable under § 2255,” regardless of whether a § 2255 motion would have succeeded. *Id.* In addition, a writ of *coram nobis* is unavailable to federal prisoners. *See United States v. Garcia*, 181 F.3d 1274, 1274 (11th Cir. 1999) (“*Coram nobis* relief is unavailable to a person . . . who is still in custody.”).

*United States v. Searcy*, 448 F. App'x 984, 985 (11th Cir. 2011) (per curiam). In the present case, Petitioner may not obtain relief under § 1651 because he may file a § 2255 motion to vacate.

Accordingly, the undersigned **RECOMMENDS** that the construed § 2241 petition (Doc. 2) be **DISMISSED WITHOUT PREJUDICE**.

**II. CONCLUSION**

For the reasons stated above, the undersigned **ORDERS** that Petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) is **GRANTED** for the purpose of dismissal only. The undersigned **RECOMMENDS** that the construed § 2241 petition (Doc. 2) be **DISMISSED WITHOUT PREJUDICE**.<sup>2</sup>

The Clerk is **DIRECTED** to (1) send Petitioner a § 2255 motion to vacate stamped with case number 1:21-CR-239-JPB-JKL-1,<sup>3</sup> and (2) terminate the referral to the undersigned in the present case.

**SO ORDERED AND RECOMMENDED**, this 6th day of March, 2024.

  
\_\_\_\_\_  
J. ELIZABETH MCBATH  
UNITED STATES MAGISTRATE JUDGE

<sup>2</sup> Because a federal prisoner does not require a certificate of appealability (COA) to appeal the dismissal of a § 2241 petition, the undersigned offers no COA recommendation in this matter. *See Sawyer v. Holder*, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).

<sup>3</sup> There is no filing fee for a § 2255 motion to vacate and thus no need to submit an application for leave to proceed *in forma pauperis*. If Petitioner completes and returns the § 2255 motion, the Clerk will file it in Petitioner's criminal case and assign a new civil action number for the § 2255 motion.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JOVON MONTELL HOLLOWELL, : PRISONER HABEAS CORPUS  
Petitioner, : 28 U.S.C. § 2241  
: :  
v. : :  
: :  
JEAN-PAUL BOULEE et al., : CIVIL ACTION NO.  
Respondents. : 1:23-CV-5832-SCJ-JEM

**ORDER AND FINAL REPORT AND RECOMMENDATION**

Petitioner, JoVon Montell Hollowell, confined in the Robert A. Deyton Detention Facility in Lovejoy, Georgia, submitted a *pro se* petition for a writ of habeas corpus that the Court considers under 28 U.S.C. § 2241. (Doc. 1.)<sup>1</sup> Petitioner also submitted an application for leave to proceed *in forma pauperis*. (Doc. 2.) For the purpose of dismissal only, Petitioner's application for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

The matter is before the Court for a preliminary review of the construed  
§ 2241 petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases, which also applies to Section 2241 actions, as provided in Rule 1(b). Summary  
dismissal of a habeas petition is proper when the petition and the attached exhibits plainly reveal that relief is not warranted. See 28 U.S.C. foll. § 2254, Rule  
4; McFarland v. Scott, 512 U.S. 849, 856 (1994) (stating that Rule 4 dismissal is

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<sup>1</sup> The Clerk is DIRECTED to update the docket sheet to reflect that the proper cause of action is under § 2241.

appropriate when petition “appears legally insufficient on its face”). For the reasons stated below, the undersigned **RECOMMENDS** that the construed § 2241 petition be DISMISSED WITHOUT PREJUDICE as premature.

I. **DISCUSSION**

A jury found Petitioner guilty of (1) dealing firearms without a license, and (2) making false statements to a federally licensed firearms dealer. *See Judgment & Commitment, United States v. Hollowell*, No. 1:21-CR-239-JPB-JKL-1 (N.D. Ga. Aug. 30, 2022). The Eleventh Circuit affirmed. *See United States v. Hollowell*, No. 22-12905 (11th Cir. Sept. 13, 2023) (per curiam).

Petitioner signed his construed § 2241 petition on September 7, 2023, while his appeal was pending. (Doc. 1 at 4.) The Court “assume[s] that [the petition] was delivered to prison authorities [for mailing on] the day [that Petitioner] signed it . . . .” *Washington v. United States*, 243 F.3d 1299, 1301 (11th Cir. 2001) (per curiam). However, the petition was postmarked more than three months later, on December 14, 2023. (Doc. 1-1 at 2.) Petitioner challenges his convictions on the ground that he is a member of the Cherokee Nation and not subject to federal jurisdiction. (Doc. 1 at 1-32.) Petitioner raised that same argument before the Eleventh Circuit, which rejected it.

Petitioner’s § 2241 claim is “properly brought . . . [on] direct appeal . . . .” *Garcon v. Palm Beach Cnty. Sheriff’s Office*, 291 F. App’x 225, 226 (11th Cir. 2008) (per curiam) (dismissing as premature § 2241 petition filed by federal pretrial detainee who was subsequently convicted). “[A]bsent extraordinary circumstances, a defendant may not seek collateral relief while his direct appeal

is pending, as the outcome of the direct appeal may negate the need for habeas relief." *United States v. Casaran-Rivas*, 311 F. App'x 269, 272 (11th Cir. 2009) (per curiam) (holding that 28 U.S.C. § 2255 motion to vacate should be dismissed as premature if movant can pursue direct appeal).

In the present case, the construed § 2241 petition is premature because Petitioner signed it while his direct appeal was pending. Following the Eleventh Circuit's decision affirming Petitioner's convictions, he may have pursued further appellate relief by seeking reconsideration in the Eleventh Circuit or certiorari in the United States Supreme Court. Thereafter, the proper procedure is for Petitioner to file a § 2255 motion to vacate.

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Accordingly, the undersigned RECOMMENDS that the construed § 2241 petition (Doc. 1) be DISMISSED WITHOUT PREJUDICE as premature.<sup>2</sup>

## II. CONCLUSION

For the reasons stated above, the undersigned ORDERS that Petitioner's application for leave to proceed *in forma pauperis* (Doc. 2) is GRANTED for the purpose of dismissal only. The undersigned RECOMMENDS that the

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<sup>2</sup> Petitioner filed four previous habeas cases that were dismissed without prejudice as premature. See Order, *Hollowell v. Boulee*, No. 1:23-CV-4158-SCJ (N.D. Ga. Oct. 16, 2023); Order, *Hollowell v. Dist. Ct. of N. Ga.*, No. 1:23-CV-3848-SCJ (N.D. Ga. Oct. 4, 2023); Order, *Hollowell v. Williams*, No. 1:22-CV-4534-JPB (N.D. Ga. Apr. 17, 2023); Order, *Hollowell v. Byrne*, No. 1:22-CV-1832-JPB (N.D. Ga. July 26, 2022).

construed § 2241 petition (Doc. 1) be **DISMISSED WITHOUT PREJUDICE** as premature.<sup>3</sup>

The Clerk is **DIRECTED** to terminate the referral to the undersigned.

**SO ORDERED AND RECOMMENDED**, this 31st day of January, 2024.



J. ELIZABETH McBATH  
UNITED STATES MAGISTRATE JUDGE

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<sup>3</sup> Because a federal prisoner does not require a certificate of appealability (COA) to appeal the dismissal of a § 2241 petition, the undersigned offers no COA recommendation in this matter. *See Sawyer v. Holder*, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).

writ of habeus corpus.

Assigned to: Christopher C. Byl

Notice  
judicial notice for Constitutional judicial review

• COMES Now, i, Jövon-Montell Hollowell, a Cherokee National of the non-B.I.A.<sup>1</sup> Tsalagi Goldfalcon Thunderbird Clan, to hereby present this notice of judicial review to move this DISTRICT COURT, and Christopher C. Byl to exercise a constitutional judicial review in the adjudication of this writ of habeus corpus [above case number cited], as your "legal authority" to review and lawfully grant this writ, comes from the Act of Congress of 1867, which is now known as "title 28 of the United States Code, section 2241" (28 U.S.C. 2241); also see attached memorandum of law (updated);

- to quickly cover and prove this exercise of lawful, constitutional judicial review;

A • since the infamous Marbury v. Madison, by the Supreme Court of the United States, [hereinafter will be referred to as SCOTUS], in 1803 ruling, establishing the already well known fact that the Constitution is the real law, [as clearly declared in Supremacy Clause], this ruling also established "judicial review" for courts in matters, such as this present habeus corpus;

B • in 1867, Congress pass an act, id. at (14 Stat. 385), of which is currently incorporated, and known as "title 28, United States Code, section 2241" (28 U.S.C. 2241); of which gave the DISTRICT COURTS the jurisdiction to determine whether a prisoner has been deprived of his liberty in violation of Constitutional rights;

• this was declared by the SCOTUS in numerous cases.<sup>3</sup> this jurisdiction is "subject-matter" as you have the power to adjudicate valid claims of Constitutional and treaty violations alleged within the habeus corpus, within a 3 day time period;

1: non-B.I.A.: not of or within the incorporated "BUREAU OF INDIAN AFFAIRS"

2: United States v. hayman 342 U.S. 205 (1952)

3: - within "hayman, 342 U.S. 205", the SCOTUS cited multiple authorities;

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Appendix F

\* to briefly cover the grounds that warrant this Constitutional judicial review;

note: "for all laws, cited cases, and breakdown of facts, see attached memorandum of law;"

1: the 11<sup>th</sup> CIRCUIT, has seemingly set "its own precedent," and standards for a habeas writ to qualify for the "section 2255 savings clause";

- "the petitioner must show that he is imprisoned for conduct that is not prohibited, as well as cause, prejudice and actual innocence";... SEE e.g. [Sawyer v. Holder, 11<sup>th</sup> CIRCUIT]

- "the savings clause applies to a claim when; the holding of that SCOTUS decision establishes the petitioner was convicted for a non-existent offence";... SEE e.g. [Wofford v. Scott, 11<sup>th</sup> CIRCUIT]

- "a habeas petitioner must demonstrate that in light of all the evidence, it is more likely than not that no reasonable juror would have convicted him";... SEE e.g. [Sawyer v. holder, 11<sup>th</sup> CIRCUIT]

• this "standard" has been proven within habeas writ, and first memorandum of law, but let's be clear;

"Even though it is his second amendment right, we here in the legal society feel:..."

- this one statement, made by Norman L. Barnett, in open court August 23<sup>rd</sup>, 2022, properly clears the 11<sup>th</sup> CIRCUIT's criteria. it also shows:

A: a blatant disregard for the law, and a clear desire to overthrow the United States Constitution;

B: ill-will and malice, for they knew full well that no crime has been committed, and in turn, utilized deceitful practices, vindictively, to strip me of my identity as a Cherokee Nation, labeling me as "black, mentally unstable, convicted felon," undermining our treaties;

C: a blatant disregard for the life and liberty and property of the People, which is theft, extortion, official oppression, treason, kidnapping and enslavement;

- it also shows, and raises some grave concerns on this "legal society" he is a part of and speaks for? this society of "legal personnel" has that much power and control as to have an entire federal system, utilize it's power and name to harm the People, deceive the People, and freely overthrow the well established law, the Constitution; ...?

D: - with this statement, and the "dealer in firearms", as defined in 18 U.S.C. 927(a)(1)(A) also the exact same evidence [the photos that showed one of my collections], if presented in front of a jury, in light of the governments efforts to "paint the element of a crime existing", it is clear that no reasonable juror would have found me guilty, without any doubts. also, given that this statement was made in front of Jean-Paul Boulee, the law required this matter to be dismissed, as any honorable Judge would have did, as an oath was sworn, under the name of "God", to uphold the Constitution;

- instead i was labeled "mentally unstable", and forced to serve (now 25 months) of a 46 month enslavement, with an additional 3 years of perpetual slavery to the UNITED STATES FEDERAL GOVERNMENT, under guise of "probation"; thus, stripping me of my right to "keep and bear arms", for as a "convicted felon" [Even though is protected under "the People" in the Article II, Bill of Rights], i am "subject" to additional enslavement periods, for merely exercising my unalienable right, of which "Shall not be infringed";

- thus it is clear that i am entitled to my right to collaterally attack this conviction under a writ of habeus corpus, as "the writ of habeus corpus shall not be suspended", and no rule, can over write, or overrule the demands of the Constitution;

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41: Prange v. U.S. UNITED STATES 69 f. 4<sup>th</sup> 96

Conviction reversed, "convicted felon protected under the people of the Second Amendment"

Bindelvup v. U.S. UNITED STATES 836 f.3d 336

Conviction reversed, non-violent criminal history,

2: i have proven the law, and what is required of the Courts when an indian of an actual Tribe, presents and raises the issue of his status and treaty obligations.

A: the government is required to uphold the government-to-government relationship with all tribes, as it was established in the Constitution,.. see e.g. H. Con. res. 331; S. Con. Res. 76

- to be clear, let's cover a few facts;

• "indians not taxed" was established and written in the Constitution of 1776. it was even transferred to the current corporate charter of 1789. the government-to-government relationship is also established; simple, the United States deals with all tribes on a government to government basis;

- the Bureau of INDIAN AFFAIRS, of which has "federally recognized tribes" (only 3 tribes of the Cherokee Nation) was created in March of 1824. there are over 400<sup>+</sup> tribes that are not "federally recognized", or have removed the recognition, and dissolved the corporation in order exercise their right to "indians not taxed";

Article I, section 2, clause 3, "indians not taxed"

- all tribes are sovereign, Subjects of a separate sovereign -  
cited: Tax notes, today's international, by David Stewart

- going back through history, "indians not taxed" has been defined to mean;

"tribal indians are not taxable, as long as they  
remain subject to the jurisdiction of their tribe  
in any degree, and hold tribal allegiance in any degree;"...

- what is a tax?...

- in the Etymology dictionary, C. 1300, tax(v) is defined as;

"impose a tax on", and directly from Latin  
"taxare", Evaluate, estimate, assess, handle;  
also to "censure, charge", pie root of tag "to  
touch, handle"; also a sense of "to burden,  
put a strain on";

- in the Ballentines Law dictionary, 3<sup>rd</sup> edition; tax, is defined as;

"a forced burden", charge, exaction, imposition,  
or contribution assessed in accordance with  
some reasonable rule of apportionment by  
authority of a sovereign State upon the persons  
within its jurisdiction;

- the definition of "indians not taxed", was made clear during the drafting of the "Civil Rights Act of 1866" (same year that the Cherokee Treaty of 1866 was ratified). in the Congressional Globe, February 1<sup>st</sup>, 1866, on the 3<sup>rd</sup> day of the "debate"; Mr. Trumbull plainly, and clearly defined "indians not taxed" as;

"all indians are considered virtually as foreigners  
as a description of a person connected to those tribes  
with whom we made treaties with. that is what  
that phrase means";

- he also plainly and clearly declared that;

A: "they are not to be taxed by anyone, State or Federal;"

B: "indians belong to a foreign government;"

- this was all agreed to, and the "Civil Rights Act of 1866" was passed;
- as it is clear, the government has a government to government policy with all indian tribes, as all indians belong to a foreign government, and are not to be taxed, by anyone, State or Federal, of which this relationship was reaffirmed in: H. Con. Res. 331, and S. Con. Res. 76; both of which were passed in the late 1980's, clearly declares Congress wants this relationship to be with all tribes, as established in the Constitution;

- also purposefully excluding the word "recognized", meaning BUREAU OF INDIAN AFFAIRS, "federally recognized" tribes; there also was no "BUREAU OF INDIAN AFFAIRS", or a "federally recognized" tribe list during the drafting of both Constitution[s] (of 1776, and of 1789);

B: "indians not taxed" also appears in the 14<sup>th</sup> amendment. i've given cited authorities, law and fact on the distinct differences of "Citizen" mentioned in this amendment, and proof that this has been long recognized, in my (attached) memorandum of law;

- in the 14<sup>th</sup> amndt.; a "Citizen (capital C)"; is a person born within a State of the United States. A Sovereign, protected under the Bill of Rights, and their State Constitution;
- a "citizen (lowercase c)"; is a person either, 1) born within a FEDERAL UNITED STATES Territory (which is not a State), or have obtained UNITED STATES citizenship upon emigration;
- "indians not taxed"; is purposefully put in place to exclude all indians from citizenship; as the equal protection clause is for federal citizens only; citizen=federal citizen. proven by,...

- by the SCOTUS in the Elk v. Wilkins<sup>5</sup> case, where the Court ruled;

"indians born within the territorial limits of the UNITED STATES, members of, and owing allegiance immediately to, one of the indian tribes are ... no more born in the UNITED STATES and "Subject to the jurisdiction thereof," within meaning of the first section of the 14<sup>th</sup> amendment... [in part] the second section of the 14<sup>th</sup> amendment confirms this view;"

"Subject to the jurisdiction thereof," tribal indians were not, are not to become citizens, as long as they hold tribal allegiance; there are over 400+ non-federally recognized tribes; and of the Cherokee Nation, only 3 tribes are federally recognized, but they are not the only tribes of Cherokee indians in the United States.

- as it is clear, all tribal indians, who are members of one of the indian tribes are not federal citizens of the UNITED STATES. Even when born "territorial limits", if he owes allegiance to one of the indian tribes, he is not a citizen of the UNITED STATES, and not "Subject to the jurisdiction thereof";

1: i was born within limits of "Berrien Springs, Michigan" (of which is not "FEDERAL TERRITORY"), and raised within my Nation; the Tsaliagi Goldfalcon Thunderbird Clan, and the Western Band of Cherokees; i am not a federal citizen;

2: My Nation, dissolved the "corporation" to exercise the rights of all Tribal Indians according to their naturalization rights; this right is (not limited to) "indians not taxed"; as "INTERNAL REVENUE CODE 501(c)(3) and 501(a)" expressively declares "Exempt from federal income taxation" as well. a "corporation" can be taxed, my Nation is not a "taxable corporation", we are indians, and we are not taxed;

• this can be Googled, it is public, all can see, as Candice C. Logan found and presented in open court August 23<sup>rd</sup>, 2022. She also stated that she "contacted" the "Eastern band of Cherokees" (a recognized BUREAU OF INDIAN AFFAIRS tribe) instead of my tribe; when she was told that "i am not from their tribe", she made a suggestion for "contempt of court";

• this action, in addition to the trial courts actions, not only show a blatant disregard for the Constitution, but a disregard for "expressly valid maritime statutes", as title 7 of the United States Codes, section 1738, which declares;

"tribal court judgements shall be entitled to full faith and credit";

- as they all ignored my Tribal Judicial Counsel judgements on this matter, my tribes Notice to Perform, [valid in all states], our treaties, and all other lawful demands;

• these actions shows a blatant desire to overthrow the Constitution, official oppression, treason, monopolizing, slavery, and, a continuation of a dark history of the FEDERAL GOVERNMENT, not upholding treaties with all tribes, stripping us of our identity, rights, sovereignty, land and property, culture and history, with humiliation that stems from the null and void orders, rulings, and dismissals, and the forced label[s] of (in this matter) "black", "sovereign citizens", "mentally unstable";

3: i've proven how the Court lacked all vital elements of jurisdiction;

- personal, subject-matter, venue, and territorial

- i am not a federal citizen (personal)

- no crime was committed, all notices and presentments are lawful, not "legal" (subject-matter)(territorial)

- no Article III, court of record was presented by the court (venue)(subject-matter)

- no Federal territory, or interstate or intrastate commerce was affected (territorial)(subject-matter)

- all points were thoroughly covered in attached memorandum of law (25 pages);

4: i have proven the violation[s] against my unalienable right to due process of law, protected under the United States Constitution, and my individual rights secured under our treaties;

- WHEREFORE: as all herein is valid and constitutional, i hereby move this court, and Christopher C. Byl, to take judicial notice, and exercise its constitutional authority by lawfully adjudicating this matter in judicial forum, granting this writ as the Constitution, the law[s], and our Treaties demand, thus releasing this innocent Indian from this enslavement, within 3 days of receiving this notice, back into the hands of my Nation;

- i say now, i swear all herein is valid and true, and will verify in open court;

SEE attached memorandum of law.

J. Von-Mortell: Hollowell

J. Von-Mortell: Hollowell, beneficiary

Tsalagi Tribal Cherokee Nation

04/24/2024

9/9

## Right to Redress

- i, Chief Jo'Von-Montell Hollowell, National of the Delaware Cherokees, the Aniyuwaya Goldfalcon Thunderbird Clan, son of Chief Tribal Attorney General, Chief Strong Eagle, comes forth, and hereby require this court, to uphold the law presented herein, and release i, man into the hands of my Nation, without delay, immediately;

- as a Tribal Chief and son of one of my Nation's Chief Tribal Attorney Generals, i am a foreign diplomatic agent of the Delaware Cherokees, and i am entitled to diplomatic immunity, as pursuant to the Diplomatic Relations Act [22 U.S.C. 254],

- within the Diplomatic and Consular immunity guidance for law enforcement and judicial officers, 2018, by the U.S. Dept. of State, Office of Foreign Missions, made it very clear, [in part]

1: diplomatic agents and their family members enjoy the highest degree of privileges and immunities, we are not to be handcuffed, arrested, or detained, and neither their property (including vehicles) nor residences may be searched or entered;

2: diplomatic agents also enjoy complete immunity from the jurisdiction (criminal or civil) of the hosts country's courts and thus can not be prosecuted, no matter how serious the offense;

- the Nation[s] concerned [one herein above stated], concluded Treaties, and these treaties, and our immunities was secured in the Constitution[s], the Supremacy Clause, and Article I, Section 11, Clause III, "indian not taxed", and the 24<sup>th</sup> Amendment "indian not taxed";

\* those treaties are [to name a few]:

- the first ever treaty ever ratified, The Treaty of 1778, with the Delaware Nation. of Indians, this Treaty established the Trust relationship between the United States and all Indian tribes, also giving us the authority to our 14<sup>th</sup> State; the Treaty still stands valid in this present day, declared in H. Con. Res. 331 of 1988, and enshrined in the Library of Congress;

• our Treaty of 1791, Treaty of Holston, Peace and Friendship, ratified with the Cherokees of the Delaware Nation, which established, and confirmed the immunities and privileges and protections that my People inherently enjoyed, declaring that unless of robbery, murder, or rape, you have no authority over us; this treaty still stands valid as well, and enshrined in the Library of Congress;

- Both of these Treaties were secured within the Supremacy Clause as the Law of the Land, and our immunities from the reach of the United States as foreign diplomats, was already enshrined in the Constitution for the United States of 1776, due to the fact that there were already written Treaties with the Warrior Cherokees of the Delaware Nation, such as the Hopewell Treaty of 1794; this security is Article I, Section II, Clause III "Indians not taxed", and then further with the 14<sup>th</sup> amendment enshrined within your corporate charter, the CONSTITUTION OF THE UNITED STATES of 1789, "Indians not taxed"; and further secured by the SCOTUS in "Elk v. Wilkins 122 U.S. 94 (1884);

- this was further confirmed with the passing of the CIVIL RIGHTS ACT of 1866, where Trumbill made it plain and clear, the United States only deal with Indians through Treaty and not law, and are not subject to the jurisdiction or laws of the United States;

- Understanding this well-established law, the SCOTUS re-confirmed this in "Duro v. Reina 495 U.S. 676 (1990), when they ruled; "Indian tribes retain jurisdiction over all their members in all criminal matters"; thus you are required to uphold the laws herein presented; as they are blatantly clear, you are required to release me immediately into the hands of my Nation. This is not a request, you have kidnapped me, and held me for over 26 months;

- Our Sovereignty pre-dates the Constitution. "Indians not taxed" means that we never agreed to your laws or rules. We do not have the limitations of the Bill of Rights. This was confirmed in "Talton v. Mayes 163 U.S. 376 (1896)" by the SCOTUS when they ruled "Indians not subject to Fifth amendment limitations applicable to State and Federal government, because of their distinctiveness that predates the Constitution";

- thus, I present the Indian Civil Rights Act of 1968, which you are required to uphold. This act clearly defines;

a: Powers of self-government as; [in part]

- all governmental powers possessed by an Indian tribe
- the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians

b: Indian as;

- any person who would be subject to jurisdiction of United States as an Indian under 1153, title 18, if that person were to commit an offense listed in that section in Indian country

c: Indian tribe as;

- any tribe, band, or group of Indians

note: for purposes of this Notice; Indian country

- land that is located within the exterior boundaries of an Indian reservation is Indian country - Ballentine's Law 3<sup>rd</sup> ed.
- land within the limits of a reservation, as used in this section, 18 U.S.C. § 1151
- all Indian allotments, the Indian titles to which have not been extinguished
- lands that exist outside of formal reservations

18 U.S.C 1151 and 40 C.F.R. § 271.3

3 of

U.S. v. Homsey 279 U.S. 476 (1926); Epa. gov; Pelican v. United States 232 U.S. 442 (1914) 22

- Indian country status is not lost by cession to, or acquisition by, a State of civil and criminal jurisdiction pursuant to;
  - Public Law 83-280; see e.g.;
  - *California v. Cabazon Band of Indians* 480 U.S. 202, 207 n.5 (1987)
  - Dept of Justice website, Archives CRM 500-999, 677 "Indian country defined"
- the UNITED STATES Agreed to support the United nations Declaration on Rights of indigenous peoples; for there are 3 federally recognized Cherokee Tribes, one being my Nation, the Cherokee Nation [non-B.I.A., Constitution "not taxed", treaty of 1778, 1792, 1794 etc]; and [B.I.A.] United Keetoowah Band of Cherokees in Oklahoma, and Eastern Band of Cherokees in North Carolina

- as i have presented proof that i am a Cherokee National, and my Tribe exercised its lawful inherent jurisdiction, finding me innocent, presenting the Tribal Judicial Counsel judgement, right from the desk of the Chief Tribal Attorney General (one) of our Tribe;

\* Jean-Paul Boulee, [for whomever else may this Notice to Cure is submitted to];

\* as a DISTRICT JUDGE/MAGISTRATE for the FEDERAL GOVERNMENT, who swore an oath to uphold the Constitution for the United States, are required to uphold our Treaties and follow all of your laws. you have no power or authority to pick and choose what laws you "feel fit"; as the laws herein presented are invalid, and i swear now under penalty of perjury, that all herein be true, lawful, and valid, and will verify in an Article III Court of record, under oath; you are required to;

a: dismiss this matter, as your laws do not apply to me, you only have authority to speak to me by treaty, all of which you have violated gravely;

b: you are required to release me immediately into the hands of my Nation, from the custody of your U.S. Marshal's, here at Robert A. Deyton Detention Facility, as the law herein plainly requires; i am not to be arrested nor detained;

C: you are required to return my property and/or compensate me for the taking and carrying away, and unlawful distribution of stolen property;

- the Official immunities Act applies to this case because there are Treaties involved, a diplomatic agent of a foreign nation, that under the laws presented herein (since you require point of law) you are required to treat us with respect and with regard for the privileges and immunities to which we are entitled, pursuant to international law, therefore our treaties preclude any jurisdiction that can be exercised by this court; see e.g. official immunities act;
- knowing that you are required to uphold all SCOTUS precedents, Acts of Congress, Treaties, and the Constitution, it is needless to cite any authorities. this is kindergarten;
- Any denial is treason, ignor[ance] of the law, is no excuse for no man, especially a judge who sits in "seat of trust" [see e.g. "original 13<sup>th</sup> amendment of 1776"] and is obligated to uphold all laws
- as we are still under treaties, you lack the subject-matter jurisdiction, and have lacked this jurisdiction since day one of its inception. you have forced [i, man] to appear in your so-called criminal court, and your altered transcripts prove this plain and blatant. [i will cover the transcripts herein];
- the Second Continental Congress in adopting the Northwest Ordinance pledged that our property would not be taken from us without our consent and that our property and rights would not be disturbed.
- you have a fiduciary obligation as a trustee, and are required to do what is beneficial for [i, man] the beneficiary. this was declared by the SCOTUS recently in;

2: United States v. Jicarilla Apache Nation 132 S. Ct. 2323, 2324-25 (2021).

"the United States has recognized the existence of the trust responsibility and that the government must follow a "humane and self-imposed" policy, and has charged itself with moral obligations of the highest responsibility and trust obligations to the fulfillment of which the national honor has been committed;

- to deny or ignore this requirement to release i, man, and return my property, is a blatant disregard, and disrespect to the national honor of the United States;

- in this same case [above #1], the court explained clearly;

"Congress has expressed this policy in a series of statutes, and in other cases, we have found that particular "statutes and regulations" clearly establish fiduciary obligations of the government in some areas, once federal law imposes such duties, the common law could play a role, but the applicable statutes and regulations establish [the] fiduciary relationship and define the contours of the United States fiduciary responsibilities"; see e.g. Jicarilla Apache Nation (2021)

2: United States v. White Mountain Apache Tribe 537 U.S. 465, 475 (2003)

"Certain obligations are so fundamental to the role of trustee that the United States must be held accountable for failing to conduct itself in a manner that meets the standard of a common law trustee" ...;

... "one of the fundamental common-law duties of a trustee  
is to preserve and maintain trust assets"...

- For more than 2 centuries, and more within the last 4<sup>+</sup> decades, every administration has recognized and protected the trust responsibility and the unique government-to-government relationship between the United States and Indian tribes.
- Secretary Order no. 8292 - (2013) was very clear; 7 principles the government must honor;
  - a: all federal agencies must understand their obligation to abide by and enforce trust duties
  - 1: respect tribal sovereignty and self determination
  - 2: ensure to the maximum extent possible that... treaty and similarly recognized rights are protected;
  - 3: work with Indian tribes and individual Indian beneficiaries to avoid or resolve conflicts to the maximum extent possible in a manner that accommodates and protects... treaty and similarly recognized right
- this was made effectively immediately, therefore there are no questions to be asked here;
- as John H. Harkins III stated during the farretta hearing;

"these laws will not be relaxed for your benefit. my Nation and I, man will push for full prosecution to the maximum Extent of all laws possible. holding, hiding, concealing, tampering and altering will not save you. to hold me any further of having these laws plain and blatant, will come back and haunt you all. history shows GRAVE consequences for all judicial officers and authorities that engages in the same actions that you have engaged in with this matter;

- and also at the very end of trial, Jean-Paul Boulee stated;

"i gave you a fair trial" then i yelled, no screamed at the top of my lungs that "you did not honor our treaties, government to government policy, denied me tribal counsel..."

• yet none of this is in the transcripts. this is very concerning because,

a: the original raw notes, and original certified transcripts will show that you altered these transcripts

b: the audio, and audio/video footage of the hearing held on August 23<sup>rd</sup>, 2022 will also show that you in fact altered these transcripts, which now makes clear to why the trial transcripts and P.S.R. report was filed under seal, and no transcript[5] were ever sent to me, even after my numerous notices and F.O.I.A. requests;

c: all points mentioned, are standard operating procedure, but they are not shown in transcripts meaning;

a: you prosecuted a man and sentenced him without a P.S.R. report, and no one gave closing statements, so how was this hearing "legally" concluded? who or what law was followed?

b: you altered the transcripts to conceal your treasonous actions

c: you forced a man through a process without following any lawful or legal process established

d: no objections were covered, and the P.S.R. was never addressed or objected to

e: no probation officer presents the P.S.R. report

- all points can be rebutted by simply producing the audio and audio/video footage of the hearing, and an certified original copy of the transcript's

- thus, as an Article III judge, appointed by Trump, June 14<sup>th</sup>, 2019, School of University of Georgia School of law 1996; Washington and Lee University, Jean-Paul Boulee, you are required to uphold all laws, yet you have went against your Article III oath of office. your credentials show that you are very educated. why act in dishonor?

\* final point

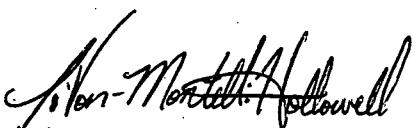
- on Ballotpedia.org, which is a digital encyclopedia of American politics and elections. They are the nation's premier resource for unbiased information, and receive their information directly from the Federal Election Commission, State Board Election, Secretary of State. Its repository is within the Library of Congress;
- here you are shown to the public to be an Article III judge, meaning that you lied when you stated that "the Court did not have subject-matter jurisdiction to consider" my previously filed habeas writ 04/27/2023. [which we know the law, and this was proven in current filed habeas writ] as you not only have the power under 28 U.S.C. § 2242, you have this power as an Article III judge, whom sentenced i, man without a jury present. You are an Article III judge, you know full well that only the jury gives punishment and sets restitution. Once tried, it can not be appealed or tried again in any court, even the SCOTUS.
- as an Article III judge, you know what an "Indian not taxed" is, and you know about the enforcement of our treaties, and the fact that you had no jurisdiction, yet you chose, willingly not to give Peace nor Friendship to i, man or my Nation.
- as an Article III judge, you also fully understand the penalties, fines, and incarceration, including disbarment for your actions, is this not true? you are obligated and required to hold office and receive compensation under good behavior, is this not true?
- thus, knowing that all herein be true, as i swear under penalty of perjury, you are required to honor your trust relationship with my Nation, and myself, by upholding our Treaties, as you know full and well that your laws do not apply to me. you are required to dismiss this matter, return my property, and release me without delay, meaning immediately as these laws require herein;

- to label i, man "mentally unstable", when the law supports my every action, is more than harmful, but i require clarity, for you and your cohorts are the ones who not only broke well-established Constitutional law, but our Treaties, and your own Statutes, rules, codes, and regulations, also major (and all) SCOTUS precedents regarding Indians of all tribes, and you tamper with transcripts, that still proves all the crimes you and your cohorts committed.

• i will forgive all, if i am released immediately, with my property you stole from me returned, and to be compensated (i will settle) for no less than forty-five million dollars and zero cents (45,000,000 U.S.D.). [note: the longer you chose to keep me unlawfully held captive, the higher my settlement price]

- ignoring or summarily dismissal will "come back to haunt you", as harkins stated in the farretta hearing. You are required to uphold all herein, the law is not discretionary, and you know this full well as an Article III judge. the law[s] will not be relaxed for treason, human trafficking, tampering with court transcripts, official oppression, lawless violence, perjury, robbery, theft, extortion, perpetual slavery... etc. [to name a few]

- i say now, i swear under penalty of perjury, all herein be true and real law, lawful;

  
Von-Montell Hollowell  
Von-Montell Hollowell, beneficiary  
Tsalagi Tribal Cherokee National

05/10/2024

Notice of Service

Case: 1:21-cr-00239

Proof of Service

\* I say now, I, JoVon-Montell Hollowell, National of the Constitutionally recognized Cherokee Nation within the Delaware Nation, Aniyuwaya Goldfalcon Thunderbird Clan, have served this "Notice to Cure, Right to Redress" to the Clerk of Court, Kevin P. Weimer at the DISTRICT COURT OF NORTHERN GEORGIA, located at;  
75 Ted Turner dr. #222, Atlanta, Georgia 30303

- to be served upon the following;

Chief Judge, Timothy C. Batten S.R.

and

District Judge, Jean-Paul Boulee

- I, say now, I swear under penalty of perjury, all herein be true, and will verify in open court;

  
Tsaliyi' Tribal Cherokee National  
JoVon-Montell Hollowell  
05/20/2024

# INDIAN AFFAIRS.

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## LAWS AND TREATIES.

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Vol. II.  
(TREATIES.)

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COMPILED AND EDITED  
BY  
CHARLES J. KAPPLER, LL. M.,  
CLERK TO THE SENATE COMMITTEE  
ON INDIAN AFFAIRS.

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WASHINGTON:  
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1904.

# TREATIES.

## TREATY WITH THE DELAWARES, 1778.

*Articles of agreement and confederation, made and entered into by Andrew and Thomas Lewis, Esquires, Commissioners for, and in Behalf of the United States of North-America of the one Part, and Capt. White Eyes, Capt. John Kill Buck, Junior, and Capt. Pipe, Deputies and Chief Men of the Delaware Nation of the other Part.*

Sept. 17, 1778.  
7 Stat., 18.

### ARTICLE I.

That all offences or acts of hostilities by one, or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

All offenses mutually forgiven.

### ARTICLE II.

That a perpetual peace and friendship shall from henceforth take place, and subsist between the contracting parties aforesaid, through all succeeding generations: and if either of the parties are engaged in a just and necessary war with any other nation or nations, that then each shall assist the other in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation: and that if either of them shall discover any hostile designs forming against the other, they shall give the earliest notice thereof, that timeous measures may be taken to prevent their ill effect.

Peace and friendship perpetual.  
In case of war, each party to assist the other.

### ARTICLE III

And whereas the United States are engaged in a just and necessary war, in defence and support of life, liberty and independence, against the King of England and his adherents, and as said King is yet possessed of several posts and forts on the lakes and other places, the reduction of which is of great importance to the peace and security of the contracting parties, and as the most practicable way for the troops of the United States to some of the posts and forts is by passing through the country of the Delaware nation, the aforesaid deputies, on behalf of themselves and their nation, do hereby stipulate and agree to give a free passage through their country to the troops aforesaid, and the same to conduct by the nearest and best ways to the posts, forts or towns of the enemies of the United States, affording to said troops such supplies of corn, meat, horses, or whatever may be in their power for the accommodation of such troops, on the commanding officer's, &c. paying, or engageing to pay, the full value of whatever they can supply them with. And the said deputies, on the behalf of their nation, engage to join the troops of the United States aforesaid, with such a number of their best and most expert warriors as they can spare, consistent with their own safety, and act in concert with them; and for the better security of the old men, women and children of the aforesaid nation, whilst their warriors are engaged against the common enemy, it is agreed on the part of the United States, that a fort of suf-

United States to have free passage to forts or towns of their enemies.

Such warriors as can be spared, to join the troops of the United States.

## TREATY WITH THE DELAWARES, 1778.

ficient strength and capacity be built at the expense of the said States, with such assistance as it may be in the power of the said Delaware Nation to give, in the most convenient place, and advantageous situation, as shall be agreed on by the commanding officer of the troops aforesaid, with the advice and concurrence of the deputies of the aforesaid Delaware Nation, which fort shall be garrisoned by such a number of the troops of the United States, as the commanding officer can spare for the present, and hereafter by such numbers, as the wise men of the United States in council, shall think most conducive to the common good.

## ARTICLE IV.

Neither party to inflict punishment without an impartial trial.

Nor protect criminal fugitives, etc.

For the better security of the peace and friendship now entered into by the contracting parties, against all infractions of the same by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or offenders by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be to the laws, customs and usages of the contracting parties and natural justice: The mode of such trials to be hereafter fixed by the wise men of the United States in Congress assembled, with the assistance of such deputies of the Delaware nation, as may be appointed to act in concert with them in adjusting this matter to their mutual liking. And it is further agreed between the parties aforesaid, that neither shall entertain or give countenance to the enemies of the other, or protect in their respective states, criminal fugitives, servants or slaves, but the same to apprehend, and secure and deliver to the State or States, to which such enemies, criminals, servants or slaves respectively belong.

## ARTICLE V.

Agent to be appointed by the United States to trade with the Delaware Nation.

Whereas the confederation entered into by the Delaware nation and the United States, renders the first dependent on the latter for all the articles of clothing, utensils and implements of war, and it is judged not only reasonable, but indispensably necessary, that the aforesaid Nation be supplied with such articles from time to time, as far as the United States may have it in their power, by a well-regulated trade, under the conduct of an intelligent, candid agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department by promoting the common interest, than the sinister purposes of converting and binding all the duties of his office to his private emolument: Convinced of the necessity of such measures, the Commissioners of the United States, at the earnest solicitation of the deputies aforesaid, have engaged in behalf of the United States, that such a trade shall be afforded said nation, conducted on such principles of mutual interest as the wisdom of the United States in Congress assembled, shall think most conducive to adopt for their mutual convenience.

## ARTICLE VI.

United States guarantee to them all territorial rights as bounded by former treaties.

Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion, that it is the design of the States aforesaid, to extirpate the Indians and take possession of their country: to obviate such false suggestion, the United States do engage to guarantee to the aforesaid nation of Delawares, and their heirs, all their territorial rights in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they the said Delaware nation shall abide by, and hold fast the chain

## TREATY WITH THE SIX NATIONS, 1784.

5

of friendship now entered into. And it is further agreed on between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress: Provided, nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress. And it is also the intent and meaning of this article, that no protection or countenance shall be afforded to any who are at present our enemies, by which they might escape the punishment they deserve.

To have a representation in Congress on certain conditions.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at Fort Pitt, September seventeenth, anno Domini one thousand seven hundred and seventy-eight.

Andrew Lewis,	[L. S.]
Thomas Lewis,	[L. S.]
White Eyes, his x mark,	[L. S.]
The Pipe, his x mark,	[L. S.]
John Kill Buck, his x mark,	[L. S.]

In presence of—

Lach'n McIntosh, brigadier-general, commander the Western Department.  
 Daniel Brodhead, colonel Eighth Pennsylvania Regiment,  
 W. Crawford, colonel,  
 John Campbell,  
 John Stephenson,  
 John Gibson, colonel Thirteenth Virginia Regiment,  
 A. Graham, brigade major,  
 Lach. McIntosh, jr., major brigade,  
 Benjamin Mills,  
 Joseph L. Finley, captain Eighth Pennsylvania Regiment,  
 John Finley, captain Eighth Pennsylvania Regiment.

## TREATY WITH THE SIX NATIONS, 1784.

Oct. 22, 1784.

7 Stat., 15.

*Articles concluded at Fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, between Oliver Wolcott, Richard Butler, and Arthur Lee, Commissioners Plenipotentiary from the United States, in Congress assembled, on the one Part, and the Sachems and Warriors of the Six Nations, on the other.*

The United States of America give peace to the Senecas, Mohawks, Onondagas and Cayugas, and receive them into their protection upon the following conditions:

## ARTICLE I.

Six hostages shall be immediately delivered to the commissioners by the said nations, to remain in possession of the United States, till all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas and Cayugas, or by any of them, in the late war, from among the people of the United States, shall be delivered up.

Hostages to be given till prisoners are delivered up.

## ARTICLE II.

The Oneida and Tuscarora nations shall be secured in the possession of the lands on which they are settled.

Possession of lands secured.



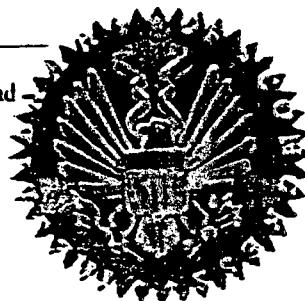
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THIS IS TO CERTIFY that the collections of the Library of Congress contain a publication entitled **THE PUBLIC STATUTES AT LARGE OF THE UNITED STATES OF AMERICA, VOLUME VII**, and that the attached photocopies - the title page, the verso of the title page, and pages 39 through 42 on which appear *A TREATY OF PEACE AND FRIENDSHIP, Made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Chiefs and Warriors of the Cherokee Nation of Indians, on the Part and Behalf of the said Nation, July 2, 1791* - are a true representation from that work.

THIS IS TO CERTIFY FURTHER, that the work is marked with a Library of Congress stamp that bears the date July 01, 1986.

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Gregori T. Cooper  
Duplication Services, Section Head  
Office of Business Enterprises  
Library of Congress



## A TREATY OF PEACE AND FRIENDSHIP

Made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Chiefs and Warriors of the Cherokee Nation of Indians, on the Part and Behalf of the said Nation.

July 2, 1791.

Proclamation,  
Feb. 7, 1792.

The parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee Nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The President of the United States, by William Blount, Governor of the territory of the United States of America, south of the river Ohio, and Superintendent of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with the advice and consent of the Senate of the United States: And the Cherokee Nation, by the undersigned Chiefs and Warriors representing the said nation, have agreed to the following articles, namely:

### ARTICLE I.

There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

Peace and  
friendship per-  
petual.

### ARTICLE II.

The undersigned Chiefs and Warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves and the said Cherokee nation, to be under the protection of the United States of America, and of no other sovereign whosoever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

Indians ac-  
knowledge pro-  
tection of U. S.

### ARTICLE III.

The Cherokee nation shall deliver to the Governor of the territory of the United States of America, south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States: And the United States shall on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

Prisoners to  
be restored.

### ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation, is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugelo river; thence north east to the Occunna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct

Boundaries.

## TREATY WITH THE CHEROKEES. 1791.

line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a south west line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a south west line will strike the mouth of Duck river.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described, beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods, to be immediately delivered to the undersigned Chiefs and Warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned Chiefs and Warriors, do hereby for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, release, quit-claim, relinquish and cede, all the land to the right of the line described, and beginning as aforesaid.

## ARTICLE V.

Stipulation for a road.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river.

## ARTICLE VI.

U. S. to regulate trade.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

## ARTICLE VII.

Guarantee.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

## ARTICLE VIII.

No citizen to settle on Indian lands.

If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

## ARTICLE IX.

Nor hunt on the same.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United States may from time to time authorize to grant the same.

## ARTICLE X.

Indians to deliver up criminals.

If any Cherokee Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

## ARTICLE XI.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Citizens of  
U. S. commit-  
ting crimes in  
Indian territory  
to be punished.

## ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

Retaliation  
restrained.

## ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or suspect to be formed in any neighbouring tribe, or by any person whatever, against the peace and interest of the United States.

Cherokees to  
give notice of  
designs against  
U. S.

## ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

U. S. to make  
prospects.

## ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

Animosities to  
cease.

## ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States.

Ratification.

IN WITNESS of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the Treaty Ground on the bank of the Holston, near the mouth of the French

## TREATY WITH THE CHEROKEES. 1791.

Broad, within the United States, this second day of July, in the year of our Lord, one thousand seven hundred and ninety-one.

WILLIAM BLOUNT, (L. S.)

*Governor in and over the Territory of the United States of America, south of the River Ohio, and Superintendent of Indian Affairs for the Southern District.*

Chulcoah, or the Boots,  
Squollocutah, or Hanging Man,  
Occuana, or the Badger,  
Enoleh, or Black Fox,  
Nontuaka, or the Northward,  
Tekakissa,  
Chutolah, or King Fisher,  
Tuckaseh, or Tarrapin,  
Katche,  
Kunnochatauloh, or the Crane,  
Cauquillehanah, or the Thigh,  
Chesquotteloneh, or Yellow Bird,  
Chickasawtche, or Chickasaw Killer,  
Tuskegateche, or Tuskega Killer,  
Kulsetche,  
Tinkahalene,  
Sawutteh, or Slave Catcher,  
Akuah,  
Oosenah,  
Kenotetah, or Rising Pawn,  
Kanestetoka, or Standing Turkey,  
Yonewatlech, or Bear at home,

Long Will,  
Kunoskeskie, or John Watts,  
Nenetooyah, or Bloody Fellow,  
Chuquilatague, or Double-Head,  
Koolaquah, or Big Acorn,  
Toowayeloh, or Bold Hunter,  
Jahlo-oconoyshka, or Middle Striker,  
Kinneah, or Cabin,  
Tallotehe, or Two Killer,  
Kouliouke, or Stopt Still,  
Kulatche,  
Anquotague, the Little Turkey's Son,  
Talohteske, or Upsetter,  
Cheakoneake, or Outer Lister,  
Keshukaune, or She Reigns,  
Toonaunailoh,  
Teestcke, or Common Disturber,  
Robin McClemore,  
Skyuka,  
John Thompson, Interpreter,  
James Cery, Interpreter.

## DONE IN PRESENCE OF

Daniel Smith, Secretary of the Territory of the United States, south of the River Ohio. Thomas Kennedy, of Kaintuckey. James Robertson, of Mero District. Claiborne Watkins, of Virginia. Jno. M. Whitney, of Georgia. — Fauche, of Georgia. Titus Ogden, of North-Carolina. John Chisolm, of Washinton District. Robert King. Thomas Gegg.

To the Indian names are subjoined a mark and seal.

## ADDITIONAL ARTICLE

Feb. 17, 1792.

*To the Treaty made between the United States and the Cherokees on the second day of July, one thousand seven hundred and ninety-one.*

Proclamation  
Feb. 17, 1792.

It is hereby mutually agreed between Henry Knox, Secretary of War, duly authorized thereto in behalf of the United States, on the one part, and the undersigned chiefs and warriors, in behalf of themselves and the Cherokee nation, on the other part, that the following article shall be added to and considered as part of the treaty made between the United States and the said Cherokee nation on the second day of July, one thousand seven hundred and ninety-one; to wit:

Increase of annual payment to Indians.

The sum to be paid annually by the United States to the Cherokee nation of Indians, in consideration of the relinquishment of land, as stated in the treaty made with them on the second day of July, one thousand seven hundred and ninety-one, shall be one thousand five hundred dollars instead of one thousand dollars, mentioned in the said treaty.

In testimony whereof, the said Henry Knox, Secretary of War, and