

## **APPENDIX TABLE OF CONTENTS**

### **OPINIONS AND ORDERS**

Order, U.S. Court of Appeals for the Seventh Circuit (May 10, 2024) .....	1a
Order, U.S. Court of Appeals for the Seventh Circuit (July 11, 2024) .....	3a
Decision and Order, U.S. District Court Eastern District of Wisconsin (October 27, 2023) .....	5a

### **OTHER DOCUMENT**

Complaint, U.S. District Court Eastern District of Wisconsin (July 26, 2023) .....	9a
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App.1a

**ORDER, U.S. COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT  
(MAY 10, 2024)**

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NON PRECEDENTIAL DISPOSITION  
To be cited only in accordance  
with Fed. R. App. P. 32.1

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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ROY C. DERKSEN,

*Plaintiff-Appellant,*

v.

STATE OF WISCONSIN, ET AL.,

*Defendants-Appellees.*

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No. 23-C-3194, No. 23-C-0997

Appeal from the United States District Court  
for the Eastern District of Wisconsin  
Lynn Adelman, Judge Submitted May 10, 2024\*  
Decided May 10, 2024

Before: Frank H. EASTERBROOK, Circuit Judge,  
Amy J. ST. EVE, Circuit Judge,  
John Z. LEE, Circuit Judge.

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\* We have agreed to decide the case without oral argument because the appeal is frivolous. Fed. R. App. P. 34(a)(2)(A).

**ORDER**

A traffic stop resulted in Roy Derksen's arrest by deputy sheriffs in Fond du Lac County, Wisconsin. He was detained and then charged with fleeing from an officer, Wis. Stat. § 346.04, and resisting an officer, Wis. Stat. § 946.41. The prosecution remains ongoing—Derksen's frivolous attempt to "remove" the criminal prosecution to federal court having been rebuffed. See *Wisconsin v. Derksen*, No. 23-C-1125 (E.D. Wis. Aug. 25, 2023).

Meanwhile, Derksen sued the State of Wisconsin and various state and local entities in federal court, asserting that enforcing Wisconsin's "quasi administrative law" against him is unconstitutional because Wisconsin is "a fictional entity of unrevealed status, and no proof of lawful existence and authority, and unproven standing to sue." The court dismissed Derksen's complaint because his claims are based on a frivolous theory of sovereign citizenship. See *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011). And it was obviously correct to do so. We have repeatedly rejected variations of claims like Derksen's that states are not legal entities and United States citizens are not bound by state law (or vice versa). See *Bey v. Indiana*, 847 F.3d 559, 560 (7th Cir. 2017).

Derksen has 14 days to show cause why he should not be subject to sanctions, including an order to pay the appellees' fees and costs. See Fed. R. App. P. 38.

**AFFIRMED.**

App.3a

**ORDER, U.S. COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT  
(JULY 11, 2024)**

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UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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ROY C. DERKSEN,

*Plaintiff-Appellant,*

v.

STATE OF WISCONSIN, ET AL.,

*Defendants-Appellees.*

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No. 23-3194

Appeal from the United States District Court  
for the Eastern District of Wisconsin

No. 23-C-0997

Lynn Adelman, Judge.

Before: Frank H. EASTERBROOK, Circuit Judge,  
Amy J. ST. EVE, Circuit Judge,  
John Z. LEE, Circuit Judge.

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**ORDER**

Our decision in this appeal, issued on May 10, 2024, gave Derksen 14 days to show cause why the court should not impose a penalty under Federal Rules of Appellate Procedure Rule 38 in response to this frivolous appeal. Derksen did not respond or ask for

additional time to do so, and the time for response has lapsed.

For the reasons given in our order of May 10, we fine Derksen \$1,000 for engaging in frivolous litigation. The fine, payable to the Clerk of Court, is due immediately. Until Derksen has paid in full this sanction, the clerks of all federal courts in this circuit will return unfiled any papers submitted either directly or indirectly by or on behalf of Derksen. *See In re City of Chicago*, 500 F.3d 582, 584-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). In accordance with our decision in *Mack*, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. *See Mack*, 45 F.3d at 186-87. This order will be lifted immediately once Derksen makes full payment. *See City of Chicago*, 500 F.3d at 585-86. If Derksen, despite his best efforts, is unable to pay in full all outstanding sanctions and filing fees, he is authorized to submit to this court a motion to modify or rescind this order no earlier than two years from the date of this order. *See id.*; *Mack*, 45 F.3d at 186. Any such application for relief must show in detail why the fine has not been fully paid.

**DECISION AND ORDER, U.S. DISTRICT  
COURT EASTERN DISTRICT OF WISCONSIN  
(OCTOBER 27, 2023)**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROY CHARLES DERKSEN,

*Plaintiff,*

v.

STATE OF WISCONSIN, ET AL.,

*Defendants.*

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Case No. 23-C-0997

Before: Lynn ADELMAN,  
United States District Judge.

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**DECISION AND ORDER**

Plaintiff Roy Dersken, pro se, filed a complaint in this court against the State of Wisconsin, Fond du Lac County, and several state and county officials. He purports to bring claims arising out of a traffic stop that resulted in his arrest and criminal charges. The criminal case is ongoing. Before me now are defendants' motions to dismiss the complaint on various grounds. There are two motions: one filed by the State of Wisconsin and its officers, and one filed by Fond du Lac County and its officers. Plaintiff has not filed a

response to either motion. Independently of the motions to dismiss, I have authority to dismiss claims that are frivolous or malicious, fail to state claims on which relief may be granted, or seek monetary relief against a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B); *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) (“district courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status”).

Plaintiff filed a lengthy complaint in which he generally alleges that the State of Wisconsin has no legal authority to charge him with violations of its laws. Although plaintiff mentions multiple constitutional provisions and federal laws, I cannot identify a viable legal theory against any defendant. A few excerpts from the complaint highlight the nature of plaintiff’s suit. He alleges that the State of Wisconsin is “a fictional entity of unrevealed status, and no proof of lawful existence and authority, and unproven standing to sue.” (Compl. ¶ 28.) Plaintiff alleges that although he was charged with a felony, it was a “quasi-law felony,” and the state cannot prove that he was “subject to said quasi law.” (*Id.* ¶ 32.a.) Plaintiff alleges that Wisconsin has no jurisdiction to bring a criminal case against him for violating its laws, and he contends that the state-court judge deprived him of due process by refusing to hold a hearing on his motion to dismiss for lack of jurisdiction. (*Id.* ¶¶ 36-41.) Plaintiff also alleges that his federal rights were violated because the state required him to post bond using United States currency rather than gold or silver coins. (*Id.* ¶ 4.) Plainly, all these allegations relate to frivolous claims akin to those brought by so-called sovereign citizens. *See United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (collecting cases and holding

that arguments suggesting that person is outside the jurisdiction of criminal courts should be summarily rejected).

The only allegations in the complaint that might give rise to a conceivable claim are those that relate to the traffic stop. However, plaintiff does not directly allege any recognizable Fourth Amendment claims, such as that he was stopped without probable cause or reasonable suspicion. Instead, his claim is that because he did not consent to be governed by Wisconsin's traffic laws, the sheriff's deputies had no authority to enforce those laws against him. Again, the allegation that Wisconsin law-enforcement officers cannot enforce Wisconsin's traffic laws is frivolous.

Because plaintiff's complaint contains only frivolous allegations, I will dismiss it on that ground and without discussing the other reasons for dismissal raised in defendants' motions. Further, I will not grant leave to amend because it is clear that any amendments would be futile. See *O'Boyle v. Real Time Resolutions, Inc.*, 910 F.3d 338, 346-47 (7th Cir. 2018).

For the reasons stated, IT IS ORDERED that defendants' motions to dismiss (ECF Nos. 9 & 14) are GRANTED to the extent that the complaint and this action are dismissed as frivolous. The Clerk of Court shall enter final judgment.

App.8a

IT IS FURTHER ORDERED that the state defendants' motion to join the county defendants' motion to dismiss (ECF No. 15) is GRANTED.

Dated at Milwaukee, Wisconsin, this 27th day of October, 2023.

/s/ Lynn Adelman  
United States District Judge

App.9a

**COMPLAINT, U.S. DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
(JULY 26, 2023)**

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THE DISTRICT COURT OF THE UNITED  
STATES, EASTERN DISTRICT OF WISCONSIN

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ROY CHARLES DERKSEN,  
W11579 Hemp Rd. Brandon, Wisconsin [53919]  
920-960-3907

*Plaintiff,*

v.

STATE OF WISCONSIN, STATE OF WISCONSIN  
FOND DU LAC COUNTY, WISCONSIN Governor  
Tony Evers, Wisconsin State Capital Attorney  
General Josh Kaul, Wisconsin State Capital  
Magistrate Tricia L. Walker, 160 Macy St, Fond du  
Lac, WI 54935, Fond du lac County District Atty Eric  
Tony, 160 Macy St, Fond du Lac, WI 54935, Fond du  
Lac County Clerk of Court Ramona M. Geib 160  
Macy St, Fond du Lac, WI 54935, Fond du Lac  
County Sheriff and officers; 180 Macy Street, Fond  
du Lac, WI 54935, Fond du Lac County Sheriff Ryan  
Waldschmidt Benjamin Bigelbach, Brennan Wagner,  
Chris Randall, Lucas Olsen, Conspirators as yet  
unknown, John Doe 1 to 30, Jane doe 1 to 30,

*Defendants.*

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Case No. 23-C-0997

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App.10a

**1. Parties**

A. STATE OF WISCONSIN, a de facto legal fiction, acting in commerce, same status as a private corporation.

B. FOND DU LAC COUNTY, WISCONSIN, a subsidiary of THE STATE OF WISCONSIN

The following sued in their personal capacity only, not in official capacity.

A. Governor Tony Evers,

B. Attorney General Josh Kaul, Wisconsin State Capital

C. Fond du Lac county Magistrate Tricia L. Walker, 160 Macy St, Fond du Lac, Wi 54935

D. Fond du lac County District Atty Eric Tony, 160 Macy St, Fond du Lac, Wi 54935

E. Fond du Lac County Clerk of Court Ramona M. Geib 160 Macy St, Fond du Lac, Wi 54935

F. Fond du Lac County Sheriff and officers; 180 Macy Street, Fond du Lac, Wi. 54935 1 Fond du Lac County Sheriff Ryan Waldschmidt

G. Benjamin Bigelbach,

H. Brennan Wagner,

I. Chris Randall,

J. Lucas Olsen,

**COMPLAINT FOR DECLARATORY,  
INJUNCTIVE AND MONEY DAMAGES FOR;  
DEPRIVATION OF CONSTITUTIONAL  
RIGHTS UNDER COLOR OF LAW  
CONSPIRACY TO DEPRIVE PLAINTIFF OF  
CONSTITUTIONAL RIGHTS.  
FAILURE TO PROTECT PLAINTIFF FROM  
CONSPIRACY TO DEPRIVE PLAINTIFF OF  
HIS CONSTITUTIONAL RIGHTS WHEN THEY  
HAD THE POWER AND NOTICE TO DO SO**

Comes now the Plaintiff Roy C. Derksen, one of the people of America in his own natural person, seeking relief and redress with complaints against Defendants above named, for depriving Plaintiff of constitutional rights under color of State Law, custom, practice and usage, as well as conspiracy to deprive and/or failure, neglect or refusal to protect plaintiff from said deprivations, although it was within their power to do so.

**2. Jurisdiction**

This Court has jurisdiction under TITLE 42 USC 1983, and Title 18; 241, 242, 1331, as well as. Art III, Sect. 2 Constitution of the United States.

3. Plaintiff and individuals, named are citizens and residents of the State of Wisconsin. Defendants are employees of the STATE OF WISCONSIN and The County of FOND DU LAC

**STATEMENT OF CLAIMS.**

4. On September 11, 2021 the plaintiff/accuser, Roy Derksen (Derksen), One of the people living in the republic of Wisconsin, was traveling as a passenger in

App.12a

an automobile, and was accosted, arrested and incarcerated by the defendant FOND DU LAC COUNTY OFFICERS listed above. During the intrusion into Derksen's life and pursuit of happiness, several guns were pointed at him without explanation causing substantial stress and emotional trauma.

When Derksen inquired what this was the cause of the intrusion, he received no answer.

5. Derksen declined to answer any questions, informing the arresting officer of his intent to remain silent.

i. Derksen was handcuffed behind his back and forced to sit in a hard rear seat of a police car, causing constant pain for an extended period of time estimated 45 minutes. Officer refused to alleviate pain by removing handcuffs or transferring them to the front of him upon my complaint.

ii. Derksen was eventually transported to incarceration facility and put behind jail bars, without the defendants involved ascertaining whether or not he was a status of person subject to the jurisdiction of the nature of quasi law involved.

iii. False arrest and incarceration.

iv. After 4 days of incarceration, on Sept 15, 2021, Derksen was required to tender \$500 Federal Reserve Notes in order to be released from incarceration, in violation of the American constitution Art 1 section 10, "no state shall make anything but gold and silver coin a tender in payment of debt . . .".

v. Derksen was required to sign a bond form to be released, which he did, signing "without prejudice"

App.13a

with intention to preserve all his rights and waive none, objecting to the unlawful acts against him.

vi. A condition of the bond was that he could have no contact with a witness to the event, a violation of Derksen's 1st amendment and other rights, "stacking the deck" for the State Plaintiff.

vii. No Grand Jury proceeding took place, violating Derksen's constitutional protections under the 5th amendment.

viii. Derksen was charged with a Wisconsin Vehicle Code, "Rules of the Road "Felony", a quasi-law felony, without proof of him being subject to said quasi law.

ix. This attack upon Derksen is hereby alleged to have violated and still is violating his rights to liberty and constitutional due process, under mere color of law.

x. Derksen is not a licensee, and has not knowingly consented to be subject to quasi type law, nor contracted with the legal fiction, THE STATE OF WISCONSIN, the plaintiff in the attack against him.

xi. No allegation or evidence appears on the record that Derksen is of a licensee status, or has consented to be subject to the quasi law, nor other support for power over him.

xii. Derksen challenged personam and subject matter jurisdiction in February of 2022, and the magistrate/ minister refused to hold a hearing upon Derksen's attempt to set a hearing., violating his right to due process and prolonging his mental stress and wellbeing, a violation of his right to be heard. 5th Amendment to the federal constitution and Wis Const Art 1 sect 7.

App.14a

xiii. The plaintiff has presented no jurisdictional facts or proof on the record of substantial nexus with the Plaintiff yet the officials are moving forward as if jurisdiction has been proven on the record.

xiv. The official in charge of the quasi color of law matter is forcing the matter forward to trial on the merits in violation of Derksen's constitutional right to require all aspects of jurisdiction evidence be proven on the record, and nature of law disclosed. A violation of the 6th Amendment of the federal constitution.

xiv. As Derksen is not of the status of a licensee, it is plain and clear that the State "traffic" court lacked jurisdiction.

*State v. Stehlek*, 262 Wis. 642

" . . . The right to impose the condition is not based upon culpability, but instead it is incident to his status as a licensee."

"When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation. the action should be dismissed for want of jurisdiction." *Melo v. United States*, 505 F.2d 1026, 1030 (8th Cir. 1974)+

The above cited decisions and authorities cited therein conclusively establish the rule that if the issue is presented in any way the burden of proving jurisdiction rests upon him who invokes it. *Lantana v. Hopper*, 102 F2d 188; *Chicago v. New York*, 37 F Supp 150.+

**NATURE AND CAUSE DEMANDED,  
NOT ANSWERED**

16. Derksen demanded to know the Cause and Nature of the law being used against him in the form of a Bill of Particulars served upon the prosecutor, shortly after being released from Jail in September of 2021. No adequate response was received to this date, a violation of his rights set in the 6th Amendment if the Federal Constitution and Art 1 sect 7 of the Wisconsin constitution.

Nature of law and proof of standing and Jurisdiction would include;

- a. Nature of Accusing entity, whether a corporation, a legal fiction of what type,
- b. Standing of accusing entity-what is the nexus? In *U.S. v. Burr*, 309 U.S. 22, the Court stated, in part:

“When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation.”

- c. The use of private commercial paper [debt currency or Federal Reserve Notes] removes the sovereignty status of the governments of We, the People, and reduces them to a “fictional entity,” rather than a republican form of government. As with any corporation or person, this “entity” cannot compel performance upon its corporate statutes or corporation rules unless it, like any other corporation or person, is the holder-in-due-course of some contract or commercial agreement between it, and the one upon whom demands

App.16a

for performance are made, and is willing to produce said document, and place the same into evidence before trying to enforce its demands.

17. The quasi de facto government must have a contract entered in evidence to compel performance.

18. Clearfield Doctrine—"private commercial paper is used by corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation" .

19. Governments Have Descended to the Level of *Mere Private Corporations*. *Clearfield Trust Co. v. United States*, 318 U.S. 363-371 1942

20. 1942: "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen . . . where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned.

. . . For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government."

21. Derksen's right to know the Nature of the law being used to attack him and take his freedom, his time and property is being plainly violated under mere color of law.

TEMPORARY INDUCTION NEEDED, LATER CONVERTED TO PERMANENT for stopping the deprivation of Derksen's rights.

22. Derksen is being pushed to trial by the state magistrate without the Nature of law being revealed, intentionally depriving him of his right to know,

which is a conspiracy under mere color of law, for which he seeks an injunction to stop the further damage to his life.

23. Derksen has from the beginning, and continues asserting his right to constitutional Art. III judicial due process and common law protections in the ongoing attack on his liberty, his status, and property.

24. Derksen filed an Abatement with Ramona M. Geib, as Fond du Lac County Clerk of Court. She failed to stop the attack on Derksen, when she had the power to do so by granting Derksen's demanded abatement.

25. The defendants have and are conspiring together for depriving him of many rights and seriously hindering his pursuit of happiness under mere color of law.

26. He has been suffering ongoing damages for nearly two years so far, because of defendants' actions and failure to do their duty, which duty is protecting my God given liberty, as the constitution requires.

27. The damages to him and his family are injuries in fact

28. The plaintiff in the State color of law case is "THE STATE OF WISCONSIN", which is a fictional entity of unrevealed status, and no proof of lawful existence and authority, and unproven standing to sue.

29. Derksen was arrested under Color, Custom, and usage of the STATE OF WISCONSIN VEHICLE CODE.

30. STATE OF WISCONSIN VEHICLE CODE is Administrative in nature and requires the evidentiary proof of the existence of "implied consent" of Derksen filed on the record, upon challenge.

31. Derksen is not of the status of a licensee, and the accusers admitted that by tacit admission by not rebutting affidavits, and having made no claim that he is of such status.

32. The STATE OF WISCONSIN, in the attack against Derksen, is some type of de facto fictional entity acting under mere color of law abrogating rights as a practice, taking Derksen's time, liberty and property.

- a. Derksen was charged with a Wisconsin Vehicle Code "Felony", a quasi-law felony, without proof of him being subject to said quasi law, though he demanded said proof a violation of constitutional rights.

The STATE OF WISCONSIN and its agents are violating Derksen's right to due process, to his right to a republican form of government, and more.

### **VIOLATIONS OF LAW AND DERKSEN'S RIGHTS**

33. Causes of action, and subject matter of this case is Deprivation of and Conspiracy for Deprivation of Constitutional due process and other rights, and damages caused under mere color of law, as dealt with in the following Federal Laws.

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Pos-

App.19a

session, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.

, to 'make or enforce' 'any' Thing . . . to the Contrary' of these 'clearly established' laws IS a 'crime', called 'color of law abuse'

Federal Criminal Codes USC 18-241&242,

And; 'failure to keep from harm' or 'neglect to prevent' 'deprivation of rights under color of law'!

Civil offense:

U.S.C. 42-1983 & 1986. U.S.C. 28-1331

- a. 1st Amendment violation. One of the unjust conditions of the bond was that he have no contact concerning the matter with a witness to the arrest, violating his constitutional due process right to mount a defense.
- b. This reveals prejudice in favor of the S.O. W., as well as violating Derksen's guaranteed Freedom of Speech and Freedom of association rights under the First Amendment to the U.S. constitution.
- c. Deprived of judicial Due process. The accuser in the state case, the S.O.W. produced a complaint accusing Derksen of a "traffic code felony" and several lesser accusations, which was given to Derksen on Sept 15, 2021, after he suffered four days in jail, depriving him of Grand Jury protection.

- d. No grand jury proceedings took place, which is plainly a violation of his right to constitutional due process protections, which go back to 1215 AD, the Magna Carta clause 99 of the 1215 charter.

No free man shall be arrested or imprisoned or disseised or outlawed or exiled or in any way victimised, neither will we attack him or send anyone to attack him, except by the lawful judgment of his peers or by the law of the land.

And; Amendment V, U.S Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury

THE STATE OF WISCONSIN and its employees, beneficiaries, and subsidiary counties, as a practice, use Quasi law undisclosed presumption that the accused has agreed to be subject to it, and has over the years, abrogated rights under appearance of law. It has reached a point where few understand the liberties our forefathers fought and died for.

34. Deprivation of Constitutional Due process

- a. The defendants have committed actual criminal violations from the willful acts, and failure to act to prevent violation of Derksen's liberty, by the public servants who deprived and are depriving Derksen of his God given constitutional rights.
- b. THE STATE OF WISCONSIN, (S.O.W) of the status of a commercial corporation, has

App.21a

and is damaging Derksen, and has and is violating Derksen's right to due process, as well as many other people's, and doing it as a practice, deceptively, without full disclosure.

- c. S.O.W. is the Plaintiff in the state case against Derksen, all the officials involved, the police officers, the prosecutor, the tribunal, all have financial connection to the Plaintiff
- d. The bias of the administrative hearing official, is apparent by her putting law and argument into the record for the benefit of the prosecution, with very little of the prosecution's input. In contrast putting nothing in the record in support of Derksen's rights.
- e. The Court Official ruled on her own argument, instead of being an impartial hearing officer ruling on what is presented. This is common practice in the quasi-law system the defacto STATE OF WISCONSIN has created violating Derksen's right to impartial judicial tribunal.

35. NO DAMAGE ALLEGED! The allegations in the S.O. W. complaint on file accusing Derksen in the State case do not include any allegation of INJURY IN FACT, to any one, or any property, nor allegation of interfering with nor disturbing another's Rights.

- a. Briefly; Article III is the guardian of individual liberty and separation of powers the Court has long recognized.

The "Art. III doctrine of "standing" has a core constitutional component that a plaintiff must allege personal injury fairly traceable to the defendant's

allegedly unlawful conduct and likely to be redressed by the requested relief' *Allen v. Wright*, 468 U.S. 737 (1984), U.S. Supreme Court.

"The duty of this Court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it." *Tyler v. Teresia Walkers of Court of Registration*, 179 U. S. 405 (1900), and *California v. San Pablo & Tulare R. Co.*, 149 U.S. 308 (1893),

- b. Derksen has the right to Republican form of government, with common law protections, and judicial process, never having knowingly, with full disclosure, agreed to subject himself to quasi law, or quasi-judicial tribunals.
- c. Derksen has made it abundantly clear on the record of the State case, that he demands all his rights and waives none, and that he came to court hearings under threat and duress, in special visitation, determined to challenge all elements of jurisdiction.
- d. Wisconsin Constitution Art 1. Section 7. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him . . . ;

And the Federal Constitution, protects the people in Amendment VI with similar language. . . . , and to be informed of the nature and cause of the accusation;

36. Derksen filed a DEMAND FOR DISMISSAL FOR NO JURISDICTION on 2/ 07/ 22.

37. DENIED A HEARING; Derksen tried to set a hearing with the Clerk of Court, who told him to contact the Defendant Tricia Walker's Secretary. Several attempts were made to contact the said secretary to no avail. At the next status hearing, Teresia Walker stated that she refused to hear the Demand, because it was not filed by an attorney. This is an independent prejudicial act by the official, violating Derksen's constitutional right to due process, and damaging him with mental stress and frustration because of the denial of his right to his grievance be heard. The failure has damaged Derksen substantially by prolonging his mental stress for threat of being a felon, as well as taking a tremendous amount of time to mount a defense against the attack.

38. No objection to holding a hearing from the prosecutor appears on the record. Derksen alleges this violates his due process right to be heard, and his right to an impartial tribunal, 5th Amendment, Federal Constitution and Art 1 sect 7 Wisconsin Constitution. Supra.

39. After Tricia Walker refused to hear the Demand for Dismissal Derksen filed, I asked my assistant of counsel Kirk Everson, to file the jurisdictional challenge based on Constitutional grounds, and he told me he couldn't. Why not, I asked. He replied; "I don't understand the constitution and no one in this courthouse does." I asked, don't

I have the right to constitutional due process?

He replied; "They don't do that anymore."

. . . . "I am an officer of the court, and I can't file it".

App.24a

This reveals the system and practice the defacto "STATE OF WISCONSIN" has of violating rights under mere color of law.

40. When I insisted on fighting for Article III due process on constitutional grounds, he said he couldn't assist me, and I should take a deal they offered, which would require me to waive rights, and admit to a status not true, and a crime not true. "Don't be Jesus", he advised, as he held an agreement document in front of me, and shoving a pen at me to use to sign, telling me I would be stupid not to sign. I declined, and said "I want you to do what I want". He refused.

41. At the next hearing Attorney Kirk Everson told the court we were not in agreement and asked to be relieved from duties as my counsel. I agreed he was not competent, and knew he had prejudice, from his statement about being an officer of the court. He was relieved from serving me in Dec of 2022, a week before the Teresia Walker had set the case for trial.

42. This reveals that the STATE OF WISCONSIN has developed a system controlling the tribunals, the officers, and even the attorneys who are supposed to defend, yet are "officers of the Court" and must play the quasi law game, or else.

43. The magistrate informed Derksen that he could only have representation from a bar attorney, all of whom are officers of the court and are under a measure of control from the STATE OF WISCONSIN entity. This is a denial of Derksen's right to counsel of choice.

44. The STATE OF WISCONSIN is an artificial entity that has developed a process and system of using quasi law as a practice, without disclosing the

type of law being used, a method of deceptively encroaching and abrogating constitutional due process and other rights, thereby unlawfully taking property, liberty, and right to pursue happiness of Derksen, and many other people under color of law. A stealthy encroachment on liberty of the people.

45. The Teresia Walker made rulings and argument against Derksen without being moved to do so by the S.O.W, revealing prejudice, conflict of interest, and violation of my right to an impartial tribunal.

46. Seems obvious the bias shown is to further the system and practice of the STATE OF WISCONSIN using quasi law to encroach upon Derksen's rights.

#### **INFLICTION OF PEONAGE AND INVOLUNTARY SERVITUDE**

47. Under the 13th. amendment to the constitution Derksen is protected against peonage and involuntary servitude, which the actions of Defendants are causing, under mere color of law.

48. Derksen, is protected under Title 18 U.S.C., Sec. 241 and 242 from the acts of Defendants, who are conspiring to break the chains the constitution has them bound with, and use mere color of law to take Derksen's property, his liberty, his right to pursuit of happiness, his reputation in the community, his status, his honor, and his peace. And this system in practice is doing the same to many, many, many other people.

49. AT the very least, the public servants need to obey their oath concerning those people who claim rights, and quickly act to cease color of law activity against such ones who have damaged no one and are not of licensee or other low status.

50. They need to disclose the nature of law being used against the people, and reveal any hidden or secret presumptions of status so the people can mount a defense against the deprivations.

51. This quasi law attack is causing a lot of stress, frustration, anxiety and fear not only for himself but also for his family, and the rule of law for the country I love, for our posterity. It is costing me a lot of money and time, and has continued for nearly 2 years, so far.

52. Is this also a violation of his right to a speedy trial?

#### **CRUEL AND UNUSUAL PUNISHMENT**

53. Even though the unproven accusations are victimless, non-judicial color of law "crime" matters, if Derksen is convicted of the so called administrative "felony" he is charged with, it would have a serious devastating effect on his life, changing his status to a "felon", with all the attendant effects, the same as if he had caused some type of real damage to someone and been convicted with constitutional due process. His standing in the community would be irreparably damaged, he would lose his right to vote, to own firearms for his protection and for hunting. This system of practice violates the people's right to be free from excessive, cruel and unusual punishments, that do not fit the so called "crime" alleged, which is in reality, a set of administrative quasi law rules, akin to rule by a dictator, even a coup by public servants against the constitution.

54. The Defendants did and are violating their Oaths of office. They did so under Color, Custom and usage of Federal and State Law. Defendants acted

Grossly, Willfully, Wantonly, Unlawfully, Carelessly, Recklessly, Negligently, Maliciously, purposefully, Intentionally and Discriminatingly against Derksen, and did so deceptively using mere color of law. This as part of a system where the public servants act as if they are sovereigns, making rules, and using courts and police to put People in fear of their servants, and using quasi color of law with the guns of police, and tribunals which are partial to further the S.O.W.'s interests.

55. This results in, instead of justice and protection of rights, a system that punishes those who claim their God given rights and want to maintain their liberty, enslaving them to quasi law.

56. The felonies herein alleged committed by the public officials are legitimate ones, causing actual "Injury in Fact". Derksen seeks redress, and wants to stop those who are not abiding by their oaths. He demands they abide by the constitutional limits on their powers. He is working to stop them from perjuring the constitution, and damaging the rights of Derksen and people like him, belligerent claimants in person.

### QUESTIONS PRESENTED

a. Is the supreme Court of the united states of America the court of original jurisdiction when a State is a party?

b. Does the STATE OF WISCONSIN lack standing to sue Derksen, especially when acting in a defacto corporate status?

c. Can the state of Wisconsin use something other than gold and silver coin as tender in payment of debt?

App.28a

d. Does using fiat currency indicate the "STATE OF WISCONSIN" is something other than constitutional de jure government?

e. Does the constitutional requirement for revealing the nature and cause of the charges include the requirement to reveal what type of law jurisdiction is being attempted?

f. Does the constitutional requirement for revealing the nature and cause of the charges include the requirement to reveal the standing and nexus the accuser has with the accused.

g. Is the state court magistrate immune from suit when moving forward without jurisdiction being proven?

h. Is there immunity for the defendants when acting in quasi law instead of judicial under Art III law?

i. Is the Tricia Walker personally liable under title 18 and 42, (supra) depriving Derksen of his right to know the "nature of the charges" include the type of law and jurisdiction being attempted as well as the status and lawful standing of the accuser?

j. Should the defendants have done their duty and stopped the mere color of law non judicial attack on Derksen?

k. Was Derksen's right to due process violated when the Teresia Walker refused to allow a hearing on the Demand for dismissal for no jurisdiction?

l. Can the defendant conspirators force Derksen into involuntary servitude licensee status?

App.29a

m. Did the Teresia Walker violate Derksen's rights by moving the case forward without Jurisdiction evidence being entered into the record in response to Derksen's challenge to it?

n. Does making rulings and argument from the bench without input from the prosecution violate Derksen's right to impartial justice?

o. Does the Teresia Walker and others involved lose immunity from suit when acting under mere color of law instead of judicial law?

p. Did and does the "STATE OF WISCONSIN" have the status and standing to sue Derksen under Art III constitutional law?

q. If THE STATE OF WISCONSIN, is a De Facto or corporate entity, attacking Derksen with something other than Article III judicial process, does it need to prove Derksen is subject to whatever type law it is, when challenged and objected to?

r. Is the 'STATE OF WISCONSIN' liable for suit when acting in commerce as a defacto fictitious entity?

s. Is it the solemn duty of the courts to protect Derksen's right to due process?

t. Are the STATE actors in this case liable for the damage they caused under title 241, 2 of title 18 and 1983 of title 42?

u. Does the constitution allow the STATE OF WISCONSIN something other than gold and silver coin a tender in payment of debt?

v. When the SOW acts in commerce using private FRNS, it is not a defacto entity?

**FURTHER**

57. This subject matter of this case is far reaching for the preservation of liberty from encroachment of rights under mere color of law. The licensing process has been expanding at an alarming rate, as well as the abrogation of judicial process.

**DECLARATORY AND INJUNCTIVE RELIEF**

a. Immediate Temporary Injunction converting to permanent stopping the state action from further damage to Derksen in the State case, ordering the action to stop.

b. A hearing has been set for August 29, and a trial has been scheduled for September 13, without jurisdiction being proven, which will damage Derksen further.

c. An injunction is needed soon to stop further damage.

d. Require that the STATE OF WISCONSIN give full disclosure of the nature of law they are using to prosecute people. And, develop a method of protecting the rights of those who want to be free from the quasi law system.

**FROM DEFENDANT PARTIES**

a. STATE OF WISCONSIN-as fictitious entity in commerce, unlawful arrest, 5000 plus minutes in jail, and deprivation under mere color of law; title 42-2 Million for damages to Derksen. PUNATIVE DAMAGES; 10 million, or as the court decides effective for punitive damages, to be used to train all public servants to understand their oath to obey the constitution, and better understand the limits of their police

App.31a

power, and how they are to protect rights rather than abrogate them.

b. FOND DU LAC COUNTY-Part of the STATE OF WISCONSIN system, having responsibility to train the public officials and police correctly, to protect and serve rather than attack and collect. Redress for Derksen's damages-100,000.

c. Tricia Walker, magistrate defendant;

1. Find she had and has the power and duty to stop the damaging action but failed to do so, under mere color of law, violating Derksen's rights to constitutional due process, in opposition to her oath of office, conspiring with the others.
2. Claim of Damages to Derksen \$175,000.

d. Josh Kaul, Attorney General Wisconsin. Failed to stop color of law attack when he was given notice by affidavit. \$50,000.

e. Eric Tony, as Fond du lac County District Atty.

Has the power to stop violating Derksen's right to due process, but failed to do so. Damages sought \$80,000.

f. Ryan Waldschmidt, as Fond du Lac County Sheriff Conspiring against Derksen under mere color of law, perjuring oath, failing to stop color of law attack on Derksen, admitting it is his duty by failing to rebut the affidavit served on him. Damages sought, \$50,000

g. Ramona M. Geib, as Fond du Lac County Clerk of Court. Failed to stop the attack on Derksen, by granting Derksen's demanded abatement. She is a

willing part of the State system conspiring against Derksen under mere color of law, perjuring oath. Damages sought \$20,000.

h. Sargent Gregory Andersen, official capacity, conspiring against Derksen under mere color of law, false arrest and incarceration perjuring oath. Damages sought \$25,000

i. Benjamin Bigelbach, as Fond du Lac County Sheriff's officer; official capacity, conspiring against Derksen under mere color of law, false arrest and incarceration perjuring oath. Damages sought \$25,000

j. Brennan Wagner, as Fond du Lac County Sheriff's officer. official capacity, conspiring against Derksen under mere color of law, false arrest and incarceration perjuring oath. Damages sought \$25,000

k. Chris Randall, as Fond du Lac County Sheriff's officer official capacity, conspiring against Derksen under mere color of law, false arrest and incarceration perjuring oath. Damages sought \$25,000.

l. Lucas Olsen, as Fond du Lac County Sheriff's officer. official capacity, conspiring against Derksen under mere color of law, false arrest and incarceration perjuring oath. Damages sought \$25,000.

WHEREFORE, the Derksen respectfully request that this Court

1. Take jurisdiction of this cause and give judgment on the merits, or set it for a hearing.
2. Declare that the defendants have violated the rights of Derksen for the reasons specified above under mere color of law.

App.33a

3. Issue a preliminary injunction, later to be made permanent, forbidding continuing attacking Derksen under mere color of law with a non-judicial action.
4. Declare that The STATE OF WISCONSIN must prove all elements of jurisdiction before proceeding further against Derksen, including the type of law being asserted against him.
5. Enjoining the defendants from enforcing quasi law against Derksen
6. Award Derksen costs and fees including service fees, as the defendants refuse to waive official service of process.
7. Award the Derksen redress for damages done under mere color of law, as specified above in the above CLAIMS AGAINST DEFENDANTS.
8. Award Punitive damages as specified above under claims.
9. Award all other proper relief that will further justice, protecting the rights of the people preserving liberty and rule of law, and as the court seems appropriate n rind just.

/s/ Roy Derksen  
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