

24 - 5070
No.

FILED

JUL 05 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Sulieman Bey ex rel
JAVARIS MARQUEZ TUBBS — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA "et al" RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO.

United States Court of Appeals Fifth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sulieman Bey ex rel JAVARIS MARQUEZ TUBBS
(Your Name)

FCI TALLADEGA, PMB 1000
(Address)

TALLADEGA, ALABAMA
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Was the sentence imposed in violation of the constitution or laws of the United States?
2. Is the U.S. District Court for the Western District of Louisiana, Monroe Division, ordained and established by an Act of Congress at Article III to act judicially?
3. Is the U.S. District Court of Western Louisiana, Monroe Division, a "District Court of the United States"?
4. Did the U.S. District Court have jurisdiction to impose such sentence?
5. Did the U.S. District lack subject matter jurisdiction?
6. Did the U.S. District Court lack In Personam jurisdiction?
7. Did the U.S. District Court lack Territorial jurisdiction?
8. Was affiant arbitrarily deprived of right to a name and nationality under 'color' of law?
9. Is the United States of America's claim of personam jurisdiction of affiant via 'state birth certificate', proof of 'Denationalization', 'crimes against humanity', 'Genocide'?
10. Is the Moorish Divine and National movement of the worlds legal notice / judicial notice; name declaration; proclamation; correction; Nunc Pro Tunc to affiants right to a name and a nationality; cultural; political 'status' of choice?
11. Did the plaintiff and the district court judge conspire against affiants rights by claiming jurisdiction (U.S. Citizenship) via 'birth certificate'?
12. Did the plaintiff and the district court judge deprive affiant of rights under 'color' of law?
13. Was there a 'conflict of identity', and of nationality on the part of the plaintiff and the judge?
14. Can affiant be compelled to associate?
15. Does affiant as a 'Natural Person' have the right to self autonomy, self governance, and to determine his own 'political status' of the "state"?
16. Are the right to travel, the right to mode of conveyance, the right to locomotion, the right to free movement, all absolute rights?

QUESTION(S) PRESENTED

17. Is the 'Birth Certificate' a state deed of ownership?
18. Are the judges, senators, representatives, and members of the several state legislators, all executive, and judicial officers both of the united states and several states, bound by Oath or Affirmation to Article VI of the U.S. Republic Constitution?
19. Is the (Treaty of Marrakech), the Treaty of peace and friendship between Morocco and the United States supreme law of the land?
20. Are treaties, including United Nation Charters, 'Supreme Law of the Land'?
21. Is 'black' a "color or race"?
22. Is 'black' a nationality or a political slave label?
23. Are the labels negro, black, colored, african-american, etc., an act of 'denationalization' or 'genocide'?
24. Does the birth certificate confer jurisdiction to the state?
25. Do all individuals have the right to a name and nationality?
26. Does 'status' determine jurisdiction?
27. Is the Moorish Divine and National Movement, legal / judicial notice; name declaration; correction; proclamation and publication; a name change or a status correction?
28. Is Article I of the U.S. Republic Constitution, 3/5 of all other 'persons' clause retroactively applied ex post facto, to the all 'persons' born 14th amendment 'citizen'?
29. Does the 14th amendment to the U.S. constitution, 'all persons born' clause hold Moorish Nationals hostage under ex post facto slave labels e.g. negro, black, colored, african-american, etc?
30. Is the 14th amendment to the U.S. constitution ex post facto to the 13th amendment, reinstating slavery via the black code laws?
31. Has Dred Scott v. Sandford 15 L.Ed. 691, 19 How 393, ever been overturned?
32. Are negroes, blacks, coloreds, african-americans, 'citizens' according to the U.S. Republic constitution, and meaning and intent of framing founding fathers?

QUESTION(S) PRESENTED

33. Does the birth certificate declare negroes, blacks, coloreds, african-americans, as 'property' (subjects), via the state wherein they reside? Is the 'state seal' on the birth certificate proof of claim?
34. How is it a negro, black, colored, african-american, can be made a 'citizen'?
35. Is U.S. citizenry for artificial, corporate persons?
36. Is the United States a Federal Corporation?
37. How can the word 'black' find no formal place within the nationalities of the human family, and still can be made a 'citizen' of any free national constitutional government?
38. Are blacks "slaves" or "persons", as used in the 14th amendment, and how can they be made first-class citizens without their inalienable free national descent name of their forefathers?
39. Is the unlawful taking and carrying away of a human being by force, fraud, threats, or intimidation, and against his will, a act of kidnapping?
40. Is the Moorish American National 'political status' "state" a diversity of citizenship issue?
41. Which branch of law authorized the states to apply abolished slave labels, [negro, black, colored, african-american], to any person of african descent, after 1865?
42. Does this act reinstate such persons as chattel-property, and reopens the institution of slavery under colorable constitutional amendments?
43. Does this case arising under the constitution of the United States and Treaties, involve "federal question" jurisdiction?
44. Did the United States of America deny affiant of procedural and substantive rights to life, liberty(freedom), and property(in)alienable rights, without due process of law?
45. Can a judge deny a jurisdictional claim without the plaintiff / accuser first bearing the burden of proof?
46. Can jurisdiction be established by consent, stipulation, agreement of parties, or waiver?
47. Can a jurisdictional claim be procedurally defaulted?

QUESTION(S) PRESENTED

48. Does a defendant need to show cause and prejudice to justify his failure to raise a jurisdictional claim?
49. Does a natural person / human being have a right to freedom of expression / association or disassociation?
50. Do natural persons / human beings have the right to self governance / self autonomy?
51. Does the sentence imposed violate Tapia v. United States, [740 F.3d 370] 131 S.Ct. at 2391, and the sentencing reform act?
52. Can a supervised release sentence be imposed / increased to prison, to promote rehabilitation / treatment?
53. Can above the sentencing guideline sentence be imposed to promote rehabilitation / treatment in a supervised release revocation hearing?
54. For a crime to exist, does there have to be an injured party (corpus delicti)?
55. Must a case be dismissed, if the tribunal (court) finds absence of proof of jurisdiction over person or subject matter, or where due process was denied?
56. Is it a crime for a judge to practice law from the bench?
57. Is Moor American a "state"?
58. Is the United States of America, (U.S.A.) a foreign jurisdiction to Moors?
59. Is the word 'person' a corporation, unless it says 'natural person'?
60. Is it 'fraud' to impose the 14th amendment on the people?
61. Are U.S. citizens property and franchises of the federal government?
62. Is the ability to regulate the people unconstitutional and repugnant to the constitution?
63. Are (Birth) Rights personal property?
64. Are the rights of the people derived from governmental agencies, either municipal, state, or federal, or even from the constitution?
65. Does the term "person" include the sovereign?

QUESTION(S) PRESENTED

66. Must a court have jurisdiction over the human being, alleged crime, and land, prior to the court exercising judicial power?
67. Do statutes have jurisdiction over the people?
68. Once jurisdiction is challenged, must it be proven to exist by written documentation?
69. Is it fraud by an Article III judge, that sits in a municipal court to administer judicial power?
70. Can a magistrate, administrative officer of the executive branch sit in a judicial capacity?
71. Does the office of the prosecutor rest in the executive branch?
72. If the prosecutor is an attorney, officer of the court, which is part of the judicial branch, is this a 'conflict of interest'?
73. Must a complaint identify at least one plaintiff by true name, for a action to commence?
74. Is the united states an entity?
75. Can the United States write a complaint?
76. Are all actions carried on by a governmental agency carried out by its agents and actors?
77. Is violating one's oath (or Affirmation) 'perjury'?
78. Are judgements from courts with no jurisdiction nullities?
79. Is the united States district court of Western Louisiana, Monroe division, a territorial / legislative court?
80. Does the government, state or federal have jurisdiction over a human being?
81. Can an inanimate object press charges against an animate object?
82. Are governments corporations?
83. who do statutes apply to?
84. Does the 14th amendment apply negatively to a class of people, and contradict the united States Republic Constitution which is not written for a specific class of people, it is written for everyone?
85. Do codes, including united States Codes, Statutes, and Ordinances regulate government employees only?

QUESTION(S) PRESENTED

86. Can a court bring in a living, breathing person and have jurisdiction over them?
87. Does the law say that if you do not declare that you are a non corporate entity, you are a corporation?
88. Is it 'fraud' because the court failed to tell us they had no jurisdiction?
89. Are all courts (including those in Washington D.C., U.S. District Courts (federal courts) and circuit courts, FOREIGN STATES to Moors?
90. Can the judge obtain jurisdiction by simply saying he has jurisdiction?
91. May the plaintiff (accuser) stipulate that the court has jurisdiction?
92. Must the plaintiff provide written proof of jurisdiction, and must file that written proof into the case?
93. May jurisdiction be challenged at anytime?
94. When the plaintiff fails to provide jurisdiction, is any sentence or finding of the court void?
95. Is it 'fraud' from the inception, because the court already knew I was not a corporation and they knew they did not / do not have jurisdiction over the body?
96. Are declared Moors (declared nationality) protected under International Law?
97. Did congress replace statutes with International law, placing all states under International law?
98. Did the International Organization Immunities Act relinquish every public office of the United States to the United Nations?
99. Is citizenship relinquished once an "oath of office" is taken, thus becoming a foreign entity, agency, or state, meaning every public office is a foreign state, including all political subdivisions, (i.e. every single court is considered a separate foreign entity)?
100. Can a foreign entity, agency, or state bring any suit against "The People" according to Article XI of the Bill of Rights?

QUESTION(S) PRESENTED

101. Can the judge deny a section 2255 motion challenging subject matter jurisdiction without the plaintiff (accuser) bearing the burden of proof of its existence?
102. Can the appellate court deny a certificate of appealability for not paying a filing fee, when the petitioner has already been granted prior approval to proceed in forma pauperis, by the district court, in the prior proceeding?
103. Is negro, black, colored, a 'suspect classification'?
104. Is negro, black, colored, a 'protected person'?
105. Is jurisdiction once challenged to be proven by the asserter or the court?

LIST OF PARTIES

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

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

United States of America

Terry A. Doughty

Cristina Walker

Mary J. Mudrick

Brian Christopher Flanagan

Casey Stevens

RELATED CASES

United States v. TUBBS, 2:05cr00243, 2:06cr00451, Eastern District California. Judgement entered Mar. 27, 2009.

United States v. TUBBS, 2:05cr00243, 463 Fed.Appx.706, 2011 U.S. App. LEXIS 25771, Eastern District California. Judgement entered Dec. 23, 2011

United States v. TUBBS, 3:19cr00391, 3:19cr00392, Western District Louisiana, Monroe Division. Judgement entered Mar. 1, 2023.

United States v. TUBBS, 3:19cr00391, 2024 U.S. Dist. LEXIS 33852, Western District Louisiana. Monroe Division. Judgement entered Feb. 26, 2024.

United States v. TUBBS, 3:19cr00391, 3:19cr00392, 2024 U.S. Dist. LEXIS 60189, Western District Louisiana, Monroe Division. Judgement entered Apr. 1, 2024.

United States v. TUBBS, No. 24-30155, No. 2430156, 2024 U.S. Dist. LEXIS 10338, United States Court of Appeals Fifth Circuit. Judgement entered Apr. 29, 2024.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION	

INDEX TO APPENDICES

APPENDIX A

Decision of the United States Court of Appeals Fifth Circuit.

APPENDIX B

Decision of the United States District Court Western District Louisiana, Monroe Division.

APPENDIX C

Decision of United States Court of Appeals Denying Timely Filed Petition for Rehearing.

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
Wooley v. Maynard, [430 U.S. 703] (1977)	2
Abood v. Detroit Board of Education, [431 U.S. 209] (1977)	2
Sei Fujii v. State (1952) 38 Cal.2d 718, 242 P2d 617	2
Dillon v. Dillon, 187 P.27	3
City Street Improvement Co. v. Pearson, 181 C.640 185 P.962	3
Lowe v. Alexander, 15 C.296, People v. Board of Delegates of San Francisco Fire Dept., 14 C.479	3
Hagans v. Lavine, 415 U.S. 533	3
In Re Marriage of Hampshire, 261	4
Gray v. Internal Affairs Bureau, 292 F.Supp.2d 475 (S.D.N.Y. 2003)	4
Eagerton v. Valuations, Inc., 698 F.2d 1115, 35 Fed.R.Serv.2d (callaghan) 1546 (11th Cir.1983)	4
Merritt v. Hunter, C.A. Kansas 170 F.2d 739	4
STATUTES AND RULES	
Fed.R.Civ.P. 12(h)(3)	4
18 USC § 241	5
18 USC §242	5
8 USC, Chapter 12, § 1101(a)(42)	5
18 USC, Chp.12, §207(e)	5
18 USC §4001(a)	6
18 USC § 241 & 242	9
28 USC, Chp.176, Section 3002(15 A).	9
18 USC §§ 241-242	10
22 CFR 92.12 - 92.31 FR Heading "Foreign Relationship"	11
8 USC §1481.	11
22 USC, Chp.11. (Foreign Relations and Intercourse)	11
28 USC, Chp.176, §3002(15 A).	11
OTHER	
Article 20, Universal Declaration of Human Rights	2
Article 3 and Article 4, United Nations rights of Indigenous Peoples	2
Articie 15, Universal Declaration of Human Rights	3
Principle 3, Declaration of the Rights of the Child	3
Article 6, United Nations Rights of Indigenous Peoples	3

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
Eberhart v. Integrated Design & Constr., Inc., 167 F.3d 861, 871 (4th Cir.1999)	4
Schwartz v. United States, 976 F.2d 213, 217 (4th Cir.1992)	4
Eckel v. MacNeal, 628 N.E.2d 741 (Ill.App.Dist.1993)	4
Girardi v. Heep, 203 F.3d 820 (4th Cir. 12/30/1999)	4
Armstrong v. Manzo, 380 U.S. 545, 552 (1965)	5
Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994, 158 F.R.D.	5
United States v. Oregon, 366 U.S. 634, 649, 6 L.ED.2d 575, 81 S.Ct. 1278 (1961)	6
Case v. Bowles, 327 U.S. 92, 102, 90 L.Ed. 552, 66 S.Ct. 438 (1946)	6
Oklahoma ex rel Phillips v. Guy F. Atkinson Co., 313 U.S. 508, 534, 85 L.Ed. 1487, 61 S.Ct. 1050 (1941)	6
 STATUTES AND RULES	
Fed.R.Civ.P. 4(j)	11
22 CFR 93.1 - 93.2	11
28 USC §1330	11
28 USC §1608	12
28 USC §1602 - 1611 (Foreign Sovereign Immunities Act)	12
15 Statutes at Large, Chp.249, §1 "Acts Concerning American Citizens in a Foreign State".	12
Coram Non Judice	12
28 USC, Chp.176, §3002(15 A).	14
18 USC §§ 241-242	15
8 USC §1481	15
40 USC §255	16
40 USC §3112	17
OTHER	

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
United States v. Darby , 312 U.S. 100, 124, 85 L.Ed. 609, 61 S.Ct. 451, 132 ARL 1430 (1941)	6
U.S. v. Brown , 381 U.S. 437, 448-49, 85 S.Ct. 1707, 14 L.Ed. 484, 492	7
U.S. v. Lovett , 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252	7
Holzer v. Deutsche Reichsbahn Gesellschaft , Misc, 830, 290 N.Y.S. 181, 191.	7
Civil right cases , 109 U.S. 3, 3 S.Ct. 18, 27 L.Ed. 835	7
Roe v. New York (1970, SDNY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670.	9
Frace v. Long Beach City high School Dist. (1943), 137 P.2d 60,58. (98 U.S. 145)	9
	10
STATUTES AND RULES	
18 & 28 USC	18
18 USC §§659, 660, 842, 844, 875, 922, 1231, 1301, 1343, 1365, 1951, 1953, 1962, 1992, 2101, 2251, 2312, 2314, 2316, 2317, 2421, 2422, 2423.	18
44 USC §552 et seq.	18
44 USC §1505 et seq.	18
44 USC §1505(a)(1)	18
28 USC §535.	18
1 CFR 601-701(ii)	20
1 CFR 1.	20
1 USC §204(a)	20
Title 18 & 28, USC	21
Title 18 & 28, USC	22
OTHER	
22 Corpus Juris Secundum, Crim, see 17.	18
Fed. Reg. Act 1 Seq., 44 USCA 301 et seq.	19
Fed. Reg. Act, 82 Stat. 1274	22

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
Maine v. Thiboutot , 448 U.S. 1	10
Mookini v. U.S. , 303 U.S. 201 (1938) <i>98 U.S. 145</i>	10
McNutt v. General Acceptance Corp. , 298 U.S. 178 (1936).	13
Maxfield v. Levy , 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 381, 1 L.Ed. 424.	13
Hagans v. Lavine , 415 U.S. 533.	13
Louisville Rail Road v. Motley , 211 U.S. 149, 29 S.Ct. 42.	13
Cirt Street Improvement Co. v. Pearson , 181 C.640, 185 P.962.	14
Lowe v. Alexander , 15 C.296, People v. Board pf Delegates of San Francisco Fire Dept. , 14 C.479,	14
Penhallow v. Doane's Administrators (3 U.S. 45, 1 L.Ed. 57, 3 Dall. 54.	14
Western Turf Assn. v. Greenberg , 204 U.S. 359.	14
STATUTES AND RULES	
44 USC §1505(a)	22
Fed.R Crim.P. Rule 54(2) .	22
18 USC §3238.	22
18 USC §§3551,3553, thru 3559)	25
Fed.R.Crim.P. Rule 54(d)	25
18 USC §3553	26
Fed.R.Crim.P. Rule 54(c)	26
18 USC §4001(a)	26
18 USC §3553(a)(2)	27
18 USC §3553	27
18 USCS §3582(a)	27
18 USCS §3583(e)	27
18 USC §3582(a)	28
OTHER	
(Lex Loci), of the "Law of the Place".	23
Orfield, Criminal Procedure from Arrest to Appeal , 243.	24
942 C.J.S. "Indictments and Informations" , (1 P.883).	25
22 Corpus Secundum, "Criminal Law' , 324, P.390.	25
Res Judicata	26

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
2032 U.S. 243	14
Middleton v. Low, 30 C596, citing Prosser v. Secor, 5 Barb, (N.Y.) 607, 608.	15
Loos v. American Energy Savers, Inc., 168 Ill.App.3d 558, 522 N.E.2d 841 (1988).	15
Paulsen v. Paulsen, 658 N.W.2d 49, Neb.App., 2003.	15
Maine v. Thiboutot, 100 S.Ct. 250.	15
Utah Power & Light Co., 495 F.2d 906, 910.	15
U.S. v. Benson, 495 F.2d 481 (1946).	16
Adams v. United States, 319 U.S. 312, 63 S.Ct. 1122, 87 L.Ed. 1421 (1943).	16

STATUTES AND RULES

18 USC §3582(a)	29
Fed.R.Civ.P. Rule 8(b)(1)	29
Fed.R.Civ.P. 7(a)	29
Fed.R.Civ.P. 8(b)(6)	29
Fed.R.Civ.P. 8(1)(a)(b)	29
Fed.R.Civ.P. 8(b)(2)	29
28 USC §2255	29
28 USC §2255	30
Fed.R.Civ.P. Rule 8	30
Fed.R.Civ.P. 8(a)(1)	30
Fed.R.Civ.P. 12(h)(3)	30

OTHER

Plain Error	28
(Rec.Doc.51)	29
(Rec.Doc.53)	29
(Rec.Doc.48)	29
(Rec.Doc.51)	29

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
United States v. Johnson, 337 F.2d 180 (aff'd) 86 S.Ct. 749, (383 U.S. 169) 15 L.Ed. 681 Cert Den. 87 S.Ct. 44, 134 and at 385 U.S. 846, 17 L.Ed.2d 117.	16
40 U.S.C. 3112	17
3 Wheat at 350-351	17
United States v. flores, 289 U.S. 137, 151 (1932).	17
United States v. Gradwell, 243 U.S. 476, 485 (1916)	17
Donnelley v. United States, 276 U.S. 505-511 (1927)	17
Jerome v. United States, 318 U.S. 101, 104 (1942)	17
Norton v. United States, 92 Fed.2d 753 (1927)	17
United States v. Grossman, 1 Fed.2d 941, 950-51 (1924).	17
Bailey v. Drexel Furniture Company, 259 U.S. 20.	18
Nigro v. United states, 276 U.S. 332 (1929)	18
STATUTES AND RULES	
18 USC §§ 241-242	33
28 USC, Chp.176, §3002(15 A)	37
4 USC, Chp.1	38
18 USC, Part 1, Chp 13, §§ 241-242	38
Fed.R.App.P. 24(3) (prior approval)	39
49 Statute 3097 Treaty Series 881 (Convention on Rights of States)	39
International Organization Immunities Act	39
28 USC §1746(1)	40
26 USC §7701(a)(9) and (a)(10)	40
26 USC §7710(a)(30)	40
26 USC §7701(c)	40
26 CFR §1.1441-1(c)(3)	40
OTHER	
Document #11 pgs. 69-75	31
Revocation Hearing Transcript, pg.10, lines 9-10; pg.12, lines 1-8;	31
Stare Decisis	32
Revocation Transcript pg.13, lines 21-24	32
Revocation Transcript pg.13, lines 24-25; pg.14, lines 1-3;	32

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
Hotch v. United States, 212 F.2d 280 (9th Cir.1954), at P.283	18
A.L.A. Schechter Poultry Corp. v. United States, 295 U.S. 495, 550, 70 L.Ed. 1570, 55 S.Ct. 837, 97 ALR 947 (1935)	19
Wei v. Robinson, 246 F.2d 739 (7th Cir.1957), Cert. Den. 78 S.Ct. 144, 355 U.S. 879.	19
Wolfson v. United States, 492 F.2d 1386, 204 S.Ct. 83 (1974).	19
Shafer v. United States, 229 F.2d 124, Cert. Den. 76 S.Ct. 78, 351 U.S. 931.	19
Northern States Power Co. v. Rural Electrification Administration, 248 F.Supp. 616 (1965).	19
United States v. Mersky, 361 U.S. 431, 438 (1960).	19
United states v. Reinis, 794 F.2d 506 (9th Cir.1986).	20
United states v. Two hundred Thousand dollar, 590 F.Supp. 846 (S.D. Fla.1984).	20
STATUTES AND RULES	

OTHER

Revocation Transcript pg.7, line 4;	32
Revocation Transcript pg.3, lines 19-25; pg.4, lines 1-22;	33
Revocation Transcript pg.7, lines 11-25; pg.9, lines 1-5; pg.13, lines 8-13;	33
Document #11, pgs. 69-75, pg ID# 119-125;	33

TABLE OF AUTHORITIES CITED

	PAGE NUMBER
CASES	
United States v. Welden , 377 U.S. 95 (1964).	20
Stephan v. United States , 319 U.S. 423 (1943).	20
Best Foods v. United States , 147 F.Supp. 749, 37 Cust.Ct.1 (1956).	20
Pearl v. Motor Vessel Bering Explore 373 F.Supp. 927 (1974).	20
United states v. Nevers , 7 F.3d 59 (5th Cir.1993).	20
United States v. Larionoff , 431 U.S. 864, at 973, 97 S.Ct. 2150, at 2156, 53 L.Ed.2d, 48 at 56. <i>Id</i> , at 873 N.12, 97 S.Ct. at 2156, N.12.	20
Manhattan Gen. Equip. Co. v. C.I.R. , 297 U.S. at 134	20
Neel v. United States , 266 F.Supp. at 10.	20
Western Union Teleg. Co. v. F.C.C. , 541 F.2d 346, 354 (3rd Cir,1976), Cert. Den. 429 U.S. 1029 (1977).	20
Morning v. Family p. Services Inc. 411 U.S. 356, 369 (1973)	20
United States v. Mersky , <i>Supra</i> .	20
STATUTES AND RULES	

OTHER

Revocation Transcript pg.13, lines 13-18; pg.3, lines 19-22;	33
Revocation Transcript pg.7, lines 5-8; pg.3, lines 19-25;	33
Revocation Transcript pg.3, lines 19-25;	33
Revocation Transcript pg.4, lines 1-25;	34
Revocation Transcript pg.3, lines 19-25; pg.4, lines 1-3;	34

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
United States v. Pupo, 841 F.2d 1235.	21
United States v. Young, 730 F.2d at 224.	21
United States v. Mcrary, 665 F.2d 664, 678, 679 (5th Cir.1982).	21
United States v. Stirone, 361 U.S. 212, 4 L.Ed.2d 252, 80 S.Ct. at 273.	21
United States v. Wuco, 535 F.2d 1225 (9th Cir.1976) Cert. Den. 429 U.S. 978, 97 S.Ct. 488, 50 L.Ed.2d 586 (1976).	21
Hale v. United States, 89 F.2d (4th Cir.)	21
United States v. Berlin, 472 F.2d 1002, 1007 (2nd Cir. 1973).	21
United States v. Beard, 414 F.2d 1014, 1017 (3rd Cir.)	21
United States v. Lopez, at 2 F.3d 1342(holding of the Fifth circuit Court of Appeals).	22
Norton v. Shelby Co. Supre, 118 U.S. 425, 441, 6 S.Ct. 1121 (1886).	22
In Re: McCowan, (1917) 177 C.93, 170 P.1100.	22

STATUTES AND RULES

OTHER

Revocation Transcript pg.6, lines 19-21; pg.14, lines 18-20;	34
Document 11 (docket sheet) pgs. 1-75;	34
Revocation Transcript pg.81, lines 7-20; pg.87, lines 1-13;	34
Revocation Transcript pg.7, lines 11-24; pg.14, lines 21-25; pg.15, lines 1-9;	34

TABLE OF AUTHORITIES CITED

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
United States v. Mechanik, 475 U.S. 66, 70, 106 S.Ct. 938, 941, 89 L.Ed.2d 50 (1989).	24
United States v. Hocker, 841 F.2d 1245.	24
Arizona v. Ramsey, 467 U.S. 203, 212, 81 L.Ed.2d 164, 104 S.Ct. 2305 (1984).	24
Oregon v. Kennedy, 456 U.S. 667, 691, 692, N.34, 72 L.Ed.2d 416, 102 S.Ct. 2083 (1983).	24, 25
United States v. Lopez, No.931260 (Decided Apr. 26th 1995).	25
Bowles 346 F.2d 285, 286 (1965).	26
Allcock v. Allcock, 437 N.E. 2nd 392 (Ill.App. 3 Dist).	26
Ray Anthony Harris v. United States, 149 F.3d 1304; 1998 U.S. APP. LEXIS 20715 ; 11 Fla. l. Weekly Fed. C 1735, (11th Cir.1998)	27
United States v. Corey P. Wooley, 740 F.3d 359; 2014 U.S. App. LEXIS 1122 (5th Cir.2014)	27

STATUTES AND RULES

OTHER

Revocation Transcript pg.9, lines 1-16; pg.13, lines 8-20;	35
Black Code Law	35
Revocation Transcript pg.14, lines 4-8;	35
Revocation Transcript pg.32, lines 11-21;	35
Revocation Transcript pg.62, lines 4-10;	35

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
United States v. Clyde Bennett Mills, 2012 U.S. Dist. LEXIS 56087 (5th Cir.2012).	27
United States v. Jesus Javier Garza, 706 F.3d 655; 2013 U.S. APP. LEXIS 2386 (5th Cir.2013).	27
United States v. James Linder, 782 Fed.Appx. 904; 2019 U.S. APP. LEXIS 23226 (11th Cir.2019).	27
United States v. Kevin Taylor, 859 Fed.Appx. 520; 2021 U.S. APP. LEXIS 18042 (11 Cir.2021).	27
Culbertson, 712 F.3d at 243.	28
Escalante-Reyes, 689 F.3d at 423.	28
United States v. Tatum, 512 F.Appx. 402, 402 (5th Cir.2013), (applying [740 F.3d 368].	28
Escalante-Reyes, 689 F.3d at 419, (quoting Puckett, 556 U.S. at 135 (2009).	28

STATUTES AND RULES

OTHER

Revocation Transcript pg.13, lines 21-24;	35
Document 11, pgs. 8-10, pg ID# 58-60; pg.11, pg ID# 61; pg.14, pg ID# 64; pgs. 15-16, pg ID# 65-66; pgs. 24-25, pg ID# 74-75; pgs.35-40, pg. ID# 85-90; pgs. 42-47, pg. ID# 92-97; pgs. 64-66, pg. ID# 114-116; pgs. 68-75, pg. ID# 118-125;	35

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Escalante-Reyes, 689 F.3d at 425 (quoting United States v.	28
Olano, 507 U.S. 725, 736, 113 S.Ct. 1770, 123 L.Ed.2d 508 (1993)	28
[2014 U.S. APP. LEXIS 31]	28
Culbertson, 712 F.3d at 244.	28
Tapia, [740 F.3d 370] 131 S.Ct. at 2391.	28, 29
United States v. Garcia-Quintanilla, 574 F.3d 295, 304 (5th Cir.2009)	29
Roy Anthony Harris v. United States, 149 F.3d 1304; 1998 U.S. APP. LEXIS 20715.	30
United States v. Griffin, 303 U.S. 226, 229, 82 L.Ed. 764, 58 S.Ct. 601 (1938).	30
Celotax Corp. v. Catrett, 477 U.S. 317, 322 (1986).	30
Page v. Wright, 116 F.2d 449 (7th Cir.1940), Cert, dismissed, 312 U.S. 710, 61 S.Ct. 831, 85 L.Ed. 1142 (1941).	30

STATUTES AND RULES

OTHER

Revocation Transcript pg.14, lines 9-17	35
Revocation Transcript pg.12, lines 18-25; pg.13, lines 1-3;	35
ex post facto law	35
Document 11, pg.68, pg. ID# 118;	36
Revocation Transcript pg.13, lines 24-25; pg.14, lines 1-7;	36

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
Creedon v. New Hampshire, 154 F.Supp. 176 (D.N.H. 1957)	30
Gray v. Internal Affairs Bureau, 292 F.Supp.2d 475 (S.D.N.Y. 2003).	30
Loos v. American Energy Savers, Inc., 168 Ill.App.3d 558, 522 N.E.2d 841 (1988).	30
Mugler v. Kansas 1213, U.S. 623, 659-60.	32
Miranda v. Arizona, 384 U.S. 436, 125.	32
Miller v. Kansas, 230 F.2d 486, 489.	32
Kent v. Dulles, 357 U.S. 116, 125.	32
Thompson v. Smith, 154 SE 599.	32
Sberer v. Cullen, 481 F.945.	32
Louisville v. Motley, 211 U.S. 149, 29 S.Ct. 42.	32
Melo v. U.S. 505 F.2d 1026.	33

STATUTES AND RULES

OTHER

Revocation Transcript pg.7, lines 11-24;	36
Document 11, pg.19 of 75, pg. ID# 69;	36
Revocation Transcript pg.7, lines 11-24, 18-25; pg.15, lines 1-9;	36
Rights of indigenous People', Part II, Article 6	37
U.C.C. 1-207 / 1-308; U.C.C. 1-103	39

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
McNutt v. GMAC, 298 U.S. 178.	33
Wuest v. Wuest, 53 Ga2d 339, 127 P2d 934, 937.	34
Re Cavitt, 254 P.599.	34
Dillon v. Dillon, 187 P.27.	34
Griffin v. Matthews, 310 F.Supp 341, 342 (1969).	35
Industrial Addition Association v. C.I.R., 323 U.S. 310, 313.	35
Middleton v. Low, 30 C596, citing Prosser v. Secor, 5 Barb, (N.Y.) 607, 608.	35
Merritt v. Hunter, C.A. Kansas 170 F.2d 739.	35
Babcock & Wilson v. Parsons Corp., 430 F.2d 531 (1970).	35
Sherer v. Cullen, 481 F.945.	35
Dred Scott v. Sandford, 15 L.Ed. 691, 19 How 393.	35
Matter of C.H., 210 Mont. 184, 683 P.2d 931, 938.	36

STATUTES AND RULES

OTHER

Document 11, pg. 26 of 75, pg. ID# 76	39
Docket #29 entered 03/16/23 (3:19cr00391); Docket #20 entered 06/22/23 (3:19cr00392)	39
Fed.R.App.P. 24(3) (prior approval)	39
Docket 11, pg. 26 of 75, pg. ID# 76	40

TABLE OF AUTHORITIES CITED

CASES

Louisville v. Motley, 211 U.S. 149, 29 S.Ct. 42.	PAGE NUMBER
	36
Marbury v. Madison, 5 U.S. 137, 174, 176 (1803).	38

STATUTES AND RULES

OTHER

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was APR. 29, 2024.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: APR. 29, 2024, and a copy of the order denying rehearing appears at Appendix _____.

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

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

For cases from state courts:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article 1 of the Bill of Rights (First Bill of Rights)	pg.1
First Article of the Bill of Rights	pg.2
First Amendment Law	pg.2
Article VI. Clause 2, United States Republic Constitution	pg.2
14th Amendment	pg.3
Fifth Article of the Bill of rights	pg.3
Article VI, United States Republic Constitution	pg.5
Articles 9 & 10 of the Bill of Rights	pg.5
Article IV, Section 4 of the Unites States Repppublic Constitution	pg.6
Article IX & X of the Bill of Rights	pg.6
14th Amendment	pg.6
14th Amendment	pg.7
13th Amendment	pg.7
Article 1, Section 9, Clause 3. U.S. Republic Const.	pg.7
Article 1, Section 10, Clause 1. U.S. Republic Const.	pg.7
Article 3, Section 2. U.S. Republic Const.	pg.7
the 3/5 clause	pg.7
14th Amendment	pg.8
Article 1, Section 3. U.S. Republic Const.	pg.8
Article 1, Section 9. U.S. Republic Const	pg.8
13th Amendment	pg.8
14th Amendment	pg.9
13th Amendment	pg.9
Article 1, Section 9, Clause 3	pg.9
Article 1, Section, Clause 1	pg.9
Article VI, Bill of Rights	pg.9
Article Vi, Bill of Rights	pg.10
Article III, U.S. Republic Const.	pg.10
Article III, U.S. Const.	pg.11
Eleventh Amendment	pg.11
Article III, U.S. Republic Const.	pg.12
Article IV, Section 4	pg.12
Article III, U.S. Republic Const.	pg.12
Article VI	pg.13
14th Amendment	pg.14

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article III, U.S. Republic Const.	pg.15
Article II, (Article of Confederation)	pg.16
Article 5,(Articles of Confederation)	pg.16
Article 1, Section 8, Clause 17, U.S. Republic Constitution	pg.16
Articles of Confederation	pg.17
Article 1, Section 8, Clauses 1-18. U.S. Republic Constitution	pg.17
Tenth Article of the Bill of Rights	pg.23
Tenth and Eleventh Amendment, U.S. Republic Const.	pg.23
Tenth Article of the Bill of Rights	pg.23
3 J.Story commentaries on the Constitution of the United States	pg.24
Fixth and Sixth Amendment, U.S. Republic Constitution	pg.24
Article III, U.S. Republic Constitution	pg.26
Article III, U.S. Republic Constitution	pg.30
Fifth Amendment U.S. Republic Constitution	pg.34
Sixth Amendment, U.S. Republic Constitution	pg.34
14th Amendment	pg.35
13th Amendment	pg.35

STATEMENT OF THE CASE

Affiant affirms that the sentence was imposed in violation of the United States in that the plaintiff / accuser never provided proof of jurisdiction (D.O.A.O.) Delegation of Authority Order from congress to act judicially at Article III, and that the United States District court, Western district of Louisiana, Monroe Division, is not a 'District Court of the United States', and therefore lacked jurisdiction to impose such sentence in absence of written proof of jurisdiction filed into the case.

The court further erred by consenting, stipulating, and agreeing that jurisdiction exists, when jurisdiction cannot be conferred upon the court in this manner. Again the court erred by imposing a sentence over three times the sentencing guideline range of 8-14 months, to give affiant time to address apparent mental health issues, in violation of Tapia v. United States, and the sentencing reform act. The court and the plaintiff conspired against the rights of affiant and deprived affiant of rights under 'color-of-law' and 'color-of-authority', in that they both agreed that the court had jurisdiction of affiant via a state owned birth certificate with a ALL CAPITAL LETTERS person, who is identified as affiant, a 'black' person of color or race, clearly not identifying affiant, who is of flesh and blood natural person with a pedigree / bloodline of the human race.

The plaintiff and the court erroneously called affiants Moorish Divine and National Movement legal notice / judicial notice; name declaration; proclamation; correction; a simple name change, when in truth it is a Nunc Pro Tunc 'political status' "state", correction of affiants true name and nationality and allegiance to his Moorish American estate. These acts by both the plaintiff and the court denied affiant the right to a name and a nationality, and cultural, political status of choice, compelling affiant to be a U.S. citizen, 'artificial / corporate 'person', who, is civilly dead in the eyes of law, civiliter mortuus, a clear cause of 'conflict of identity' and of nationality as well as a violation of the First Bill of rights freedom of expression / association or disassociation, and a violation of International Law, humanitarian treaties which prohibits compelled association. Affiant was denied the right to self autonomy, self governance, and the right to travel, to free movement, which are all absolute rights.

The plaintiff and the court violated Article VI of the United States Republic Constitution to uphold and support the supreme law of the land, which includes United Nations Charters, Treaties. Affiant affirms that the plaintiff and court claimed jurisdiction of affiant via a ex post facto law, being the 14th amendment

STATEMENT OF THE CASE

person (black), which is a ex post facto slave label that was abolished with the institution of slavery in the 13th amendment. Affiant affirms that this label in conjunction with the black code laws, reestablishes the 3/5th of all other 'persons' clause retroactively applied to all 'persons' born under the 14th amendment citizenry. According to the ruling in the infamous Dred Scott v. Sandford case, negroes, blacks, coloreds, according to the United States Republic Constitution, and meaning and intent of the framing founding fathers, are not, and could not be 'citizens' of the Union States, as that word is used in the Constitution. Affiant affirms that these acts by the plaintiff and court proves that the birth certificate declares negroes, blacks, coloreds, african-americans, etc., as 'property' (subjects) via the state wherein they reside, proof being the state seal on the certificate of live birth. These acts of 'denationalization' and 'genocide' are clear crimes against humanity.

Affiant affirms that the unlawful warrant and arrest of this natural person is a act of kidnapping. Affiant affirms that the court denied him of 'due process of law', by failing to have the plaintiff / accuser bear the burden of proof that jurisdiction exists before proceeding with the hearing. The court proceeded with the hearing three times after jurisdiction was challenged, asking for pleas into the case, allowing the plaintiff to call witnesses, stipulating to jurisdiction via the birth certificate and compelled U.S. citizenry, while at the same time acknowledging that the court had a oath bound sworn duty to first address jurisdictional issues before the court could proceed, but failed to do so each time and continued to violate 'due process' by proceeding with the case each time the jurisdiction issue was brought forth. Affiant affirms that the judge practiced law from the bench, entering pleas on affiants' behalf, acting as prosecutor, and being biased threatening to duct tape affiant three (3) times. The court should have dismissed the case in absence of proof of jurisdiction over person, subject matter, or where due process was denied.

Affiant affirms that the ability to regulate the people is unconstitutional, and repugnant to the constitution, in that the United States is a federal Corporation, and that codes, including United States codes, statutes, and ordinances regulate government employees only, they cannot ever regulate the people. Affiant affirms that the court erred in denying his §2255 motion to vacate on frivilous grounds that affiant did not raise as grounds for relief, and therefore failed to address the jurisdictional claims, and failed to order the plaintiff / accuser to respond

STATEMENT OF THE CASE

to the allegations in which the plaintiff /accuser bears the burden of proof. The court denied the §2255 motion under false pretenses that affiant challenged the statutory maximum of the sentence, when in fact the six (6) grounds for relief in affiants §2255 raised no issue concerning a statutory maximum sentence.

Affiant challenged the very power of the court to hear, decide, and apply law (jurisdiction) which, a claim of this sort cannot be waived and can be raised at anytime for the first time even on appeal. Nor can a jurisdictional claim of this sort be waived, or procedurally barred / defaulted, and should have been addressed by the plaintiff / accuser/. Affiant affirms that the plaintiff /accuser failed to address the jurisdictional claims (allegations) asserted against it, in its reponse, and therefore under Fed.R.Civ.P. (8), admitted to the allegations against it, when it failed to admit, plead, or otherwise defend.

Affiant affirms that all statutes fall under the United Nations and International law, and that all public offices and officers are foreign states, entities, and agents, and that the United States of America is a foreign jurisdiction to moors, who are Al citizens (AA222141) with a permanent character, which comes from the United States Codes, Title 22, Chapter 2, Sections 141-143. It references the highest rank of citizen. Therefore, amendment XI of the United States Republic constitution prohibits suits by citizens of another state, or by citizens or subjects of any foreign state. Affiant affirms that he is immune from criminal and civil jurisdiction by, and of, the Union States Rights Republic (U.S.A.) pursuant to, but not limited to the United States supreme Court and the 'Acts of State'. Affiant again affirms that the sentence imposed violated Tapia v. United States and the sentencing reform act, by imposing or increasing a sentence to promote rehabilitation / treatment per 18 USC §3582(a). Affiant affirms that there is no injured party, that the United States is an entity, per 28 USC Chapter 176, section 3002 15A, therefore the United States cannot write a complaint, and that for a crime to exist there has to be an injured party. Some identifiable human being has to complain under penalty of perjury for an action to commence. Affiant affirms that his discovery requests were denied in the form of a 'averment of jurisdiction' which would have enabled affiant to determine the status and jurisdiction of all parties involved. Affiant requested that all parties of interest provide official proof of oath of office and official bonds. Affiants discovery request went unanswered by the plaintiff and the court. Affiant further affirms that the prosecution rests in the executive branch, but as an assistant

STATEMENT OF THE CASE

U.S. attorney, is an officer of the court, which is the judicial branch, which is a 'conflict of interest', separation of powers. Affiant affirms that the Article III judge sitting in a territorial / municipal / administrative court, becomes a 'clerk' magistrate / administrative officer of the executive branch and cannot administer judicial power.

Affiant affirms that the court committed 'fraud' because the court failed to tell affiant that they had no jurisdiction over living, breathing, human beings. Affiant again affirms that the court does not determine jurisdiction, and that jurisdiction cannot be obtained by the court by simply saying they have it. The plaintiff / accuser must prove that the court has jurisdiction, and must provide written proof of jurisdiction, and file that written proof into the case. Affiant affirms that the plaintiff failed to provide written proof of jurisdiction, making any sentence or finding of the court void. Affiant affirms that as a declared and proclaimed Moor, as the plaintiff clearly stated for the record, he is protected under International law.

Affiant affirms that the District Court approved affiant to proceed with his §2255 motion to vacate in forma pauperis, and that under the Fed.R.App.P. rule 24(3) (prior approval), affiant should have been able to proceed on appeal to the Fifth Circuit Court of Appeals for a certificate of appealability without further authorization. The appellate court erred by dismissing affiants' motion for certificate of appealability, due to affiant not paying the filing fee, the appellate court should have accepted affiants motion as previously authorized, and this violation of law has prejudiced affiant with undue delay. Affiant affirms that the plaintiff and court treated affiant without due respect and 'due process' rights under the law, and affiants substantive rights and constitutionally-secured rights and immunities have been violated, breached, and abridged under 'colorable circumstances. Affiant affirms that the plaintiff and the court treated affiant as a refugee, a nationless, stateless rogue, of 'suspect classification', a 'protected person'. Affiant affirms that any unilateral, adhesion contracts, constructs, alleging a violation of supervised release, are void ab initio, and forthwith 'cured' and 'rescinded'. Affiant was denied all lawful constitutional safeguards established by the 'supreme law of the land' and should be released immediately from false imprisonment imposed by unconstitutional tribunals.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals Fifth Circuit, has so far departed from the accepted and usual course of judicial proceedings, by dismissing affiants certificate of appealability for want of prosecution, for failing to file the filing fee when affiant had documented prior approval in the district court proceeding in which he is appealing. The United States Court of Appeals Fifth Circuit sanctioned the clear / plain error of the district court who denied affiants §2255 motion to vacate without first addressing and deciding the jurisdictional issues, that could not be waived or defaulted by affiant because the plaintiff /accuser bears the burden of proof. As affiant is a declared / proclaimed Aboriginal / indigenous, Sundry free moor, Natural Person, and all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme court has original jurisdiction, it's only appropriate for this court to exercise its supervisory power, to keep the inferior courts bound and in check to it's fiduciary duties and oath bound obligations to uphold and support the constitutional covenant of its construction, which has national implications of precedential importance. For these reasons the court should grant affiants petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

All Rights Reserved without Prejudice
Suleiman Bey

Date: July 5th 2024