

The Moorish National Republic Federal Government Northwest Africa.
The Moorish Divine And National Movement of The World.
Northwest Amexum / Northwest Africa / North America.
'The North Gate'.

Societas Republicae Ea Al Mauritanos.
Aboriginal and Indigenous Natural Peoples of the Land.
The true and De jure Al Moroccans / Americans.

NO. 24-5070

In the Supreme Court of the United States

Suliman Bey Ex Rel "In re" [JAVARIS MARQUEZ TUBBS]
petitioner

VS.

(UNITED STATES OF AMERICA "et al" - Respondent(s))

Petition for Rehearing of an Order Denying
A Petition for writ of Certiorari Pursuant
to S.Ct. Rule 44(1)(2).

This petition is presented together with certification of Counsel, and is restricted to the grounds specified in paragraph(s) 1, and 2 of Rule 44 of this court. It is presented in good faith and not for delay, as the Supreme Court is the only forum ~~affiant~~ can seek redress other than the International Criminal Court.

The Supreme Court or any other Court of appellate jurisdiction may affirm, modify, vacate, set aside, or reverse any judgement, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgement, decree, or order.

or require such further proceedings to be had as may be just under the circumstances. (28 U.S.C. Sec 2106 Determination).

The Fifth Circuit Court of Appeals was obligated to review the jurisdiction of the lower court, as well, this Supreme Court is also obligated to notice possible absence of jurisdiction in cases before it. "United States Supreme Court is obligated to notice possible absence of jurisdiction in case before court on certiorari even when issue is not raised by party. *Izumi Seimitsu Kogyo Kabushiki Kaisha v. U.S. Philips Corp.*, 510 U.S. 27, 114 S.Ct. 425, 126 L.Ed. 2d 396, Fla. L. Weekly Fed. S 661, 93 Cal. Daily Op. Service 8776, 93 D.A.R. 15009, 27 Fed. R. Serv. 3d (Callaghan) 427, 1993-2 Trade Cas (CCH) 70428, 28 U.S.P.Q. 2d (BNA) 1930, 1993 U.S. LEXIS 7635 (1993), reh'g denied, 510 U.S. 1081, 114 S.Ct. 904, 127 L.Ed. 2d 95, 1994 U.S. LEXIS 947 (1994).

In fact, the Supreme Court may raise its own motion to the question of jurisdiction of Court below, before considering questions raised by petition of certiorari. "Before considering questions raised by petition for certiorari Supreme Court may raise its own motion on the question of jurisdiction of Court below, on which Supreme Court's own jurisdiction depends. *Trainor v. Sun-Shine Mining Co.*, 308 U.S. 66, 60 S.Ct. 44, 84 L.Ed. 85, 1939 U.S. LEXIS 129 (1939), reh'g denied, 309 U.S. 693, 60 S.Ct. 464, 84 L.Ed. 1034, 1940 U.S. LEXIS 988 (1940).

Since the crux of petitioner's claim is a jurisdictional challenge, and jurisdiction cannot be waived or overcome by agreement of parties, the court must satisfy itself not only of

its own jurisdiction, but also that of lower court directing the lower court to dismiss suit for want of jurisdiction. *Mitchell v. Maurer*, 293 U.S. 237, 55 S.Ct. 162, 79 L.Ed. 338, 1934 U.S. LEXIS 25 (1934),

"The court has power to notice plain error in exceptional circumstances, especially in criminal cases, in the public interest of its own motion, notice errors to which no exception has been taken, if errors are obvious or if they otherwise affect fairness, integrity, or public reputation of judicial proceedings. *Silber v. United States*, 370 U.S. 717, 82 S.Ct. 1287, 8 L.Ed. 2d 798, 1962 U.S. LEXIS 853 (1962).

Intervening Circumstances of Substantial and Controlling Effect. (Record of Adequately Stated Facts):

United States District Court, Western District of Louisiana, Monroe Division. USA v. TUBBS; Docket No. 3:19CR00391, 3:19CR00392. From the Reporter's Official Transcript of Final revocation hearing before the Honorable Terry A. Doughty United States District Judge March 1, 2023

pg. 2. lines 1-17:

1. P-R-O-C-E-E-D-I-N-G-S
2. THE COURT: All right. Good morning. Everybody be
3. seated. All right.
4. We are here on a supervised release revocation proceeding
5. for two different docket numbers, case numbers 3:19CR391 and
6. case number 3:19CR392. It's United States of America, and the
7. Name on it is Javaris Tubbs.
8. And I understand Mr. Tubbs has changed his name.
9. Mr. Tubbs, how do you want me to refer to you? Didn't you
10. change your name or something?

11. THE DEFENDANT: Bey.

12. THE COURT: Bey, Okay. I'll just call you Mr. Bey.

13. All right. I'm ready to proceed, ready to proceed at this

14. time. My understanding was that Mr. Manning has been appointed

15. standby counsel.

16. Mr. Bey, do you still intend to represent yourself?

17. THE DEFENDANT: Correct.

Pg. 3, lines 19-25:

19. Okay, And, Mr. Bey, at this time -- and I do understand

20. -- Mr. Bey, it's my understanding you wish to object to the

21. jurisdiction of this court?

22. THE DEFENDANT: Yes, I do, yes.

23. THE COURT: And I understand that. So I'm going to

24. reserve and allow you the right to object to the jurisdiction

25. of this court and allow you to argue that in just a minute, but

Pg. 4, lines 1-25:

1. --

2. All right. At this time, though, reserving your right to

3. that, do you admit or deny any of these violations?

4. THE DEFENDANT: I do not consent to these

5. proceedings. I reserve all the explicit reservations, the

6. rights, all rights reserved without prejudice, UCC 1-308.

7. THE COURT: Okay. So you're saying -- wait. What

8. now? Tell me again what you said.

9. THE DEFENDANT: I said I have explicit reservation of

10. rights, all rights reserved without prejudice UCC 1-308. I do

11. not consent to these colorable proceedings.

12. THE COURT: Okay. All right.

13. THE DEFENDANT: I'm not that person --

14. THE COURT: Okay. All right.

15. THE DEFENDANT: -- that's mentioned here in this --

16. in these documents.

17. THE COURT: Okay. All right. Then --

18. THE DEFENDANT: I can prove that today.

19. THE COURT: All right. Well, I'll take that as a

20. denial. So there's no admission.

21. So, MS. Mudrick, if you will call a witness or receive

22. -- proceed with the hearing in this matter.

23. MS. MUDRICK: Your Honor, we call to the stand

24. Mr. Casey Stevens. I need to come to this one. Okay. I

25. thought that was the mic. Okay.

pg. 6, lines 3-25:

3. THE DEFENDANT: Your Honor, I do not consent to these

4. colorable proceedings. The jurisdiction has not been proved on

5. the record here. I put in averment of jurisdiction to produce

6. -- for the Court to produce their certified delegation of

7. authority order from Congress.

8. THE COURT: All right. Let me tell you what I'm

9. going to do --

10. THE DEFENDANT: Judicial Power -- judicial power is

11. one Supreme Court and in such inferior courts as the Congress

12. from a time to time ordained and established. I Challenge the

13. jurisdiction of the Court to prove that they have been ordained

14. or established by an act of Congress. And it hasn't been

15. proven. Under proven under Rule 12 of the Federal Rules of

16. Civil Procedure, they have 21 days to answer. I have averment

17. of jurisdiction on the record, so we can't decide anything

18. until that's put on the record.

19. THE COURT: All right. So I do agree that I've got
20. to address the jurisdiction issue before we can proceed any
21. further.

22. So, MS. MUDRICK, do you want to argue anything on the
23. jurisdictional - -

24. Let me let you, Mr. Bey, since you're the one who's making
25. the objection to the jurisdiction, do you want to state
Pg. 7, lines 1-25:

1. anything of why you think there's no jurisdiction by this Court
2. in this matter?

3. THE DEFENDANT: One moment. Get my paperwork here.

4. It's hard with these handcuffs on. I've been kidnapped.

5. On the challenge of jurisdiction, the burden of proof lies

6. on the accuser. So the accuser - the accuser has the burden
7. of proof of proving jurisdiction once jurisdiction is
8. challenged.

9. MS. MUDRICK: Your Honor, if I may.

10. THE COURT: Okay. Go ahead then, MS. Mudrick.

11. MS. MUDRICK: Using Mr. Tubbs' own submission,

12. Mr. Tubbs has filed into the record a birth certificate

13. indicating he was born a male child to Beverly Bryant in
14. California, which is a state within the United States. He was
15. born on June 24th of 1975 at approximately 6:55am in the
16. State of California, which is a state in the United States of
17. America.

18. Mr. Tubbs subsequently, on January 20th of 2020, filed
19. paperwork to show his nationality to be that of Meers. As a
20. result, everything that happened prior to January 30th of 2020
21. falls within the jurisdiction of this Court because at that

22. time Mr. Tubbs was Javaris Tubbs. And the jurisdiction of this
23. Court, since you an Article III judge, falls within the
24. jurisdiction of this court.

25. THE DEFENDANT: Objection. The judge may be a
Pg. 8, lines 1-25.

1. Article III Judge, but the United States District Courts are
2. not sanctioned by acts of Congress. The United States District
3. Court doesn't have judicial authority from Congress.

4. THE COURT: All right. Hang on. I'm going to let
5. her argue, and then I'll allow you to argue. So you can object
6. to something, but there's nothing to object to. She's arguing
7. right now.

8. Go ahead, MS. MUDRICK.

9. MS. MUDRICK: And because Your Honor, you're an
10. Article III Judge and he was born in the United States of
11. America and he falls within the jurisdiction of this Western
12. District of Louisiana by the mere fact that he was convicted in
13. California, his supervision was transferred to the Western
14. District of Louisiana, which gives you authority to act upon
15. any type of violations of that supervision prior to the time of
16. January 3rd of 2020.

17. We submit to this Court that you have the jurisdiction to
18. deal with this man as whomever he says he is today, but he was
19. born, God given name by his mamma, he was born Javaris Tubbs,
20. and we think that this Court has the jurisdiction to hear this
21. matter. And we yield now to see what Mr. Tubbs has to say.

22. THE COURT: Okay. All right. All right. She's
23. presented -- MS. Mudrick has presented her argument. Do you
24. want to present your argument of why you believe there's no

25. jurisdiction in this court?

Pg. 9 lines 1-20:

1. THE DEFENDANT: Your Honor, the argument of a birth
2. certificate, a birth certificate is a colorable document, and
3. it's an artificial document for the artificial person on it
4. signed over to the Registrar which is the probate court
5. Certificate to death and things of that nature.
6. I am a Natural person, flesh and blood person. And I come
7. here before you under -- under -- excuse me one moment -- under
8. Special appearance in propria -- as a natural person in propria
9. persona sui juris, the same as the Declaration of Independence
10. was given when your foremothers and fathers decided that the
11. government, or whatever, was stepping on them, that everybody
12. has the right to self-autonomy. They declared their
13. independence in the form of a proclamation, a declaration, and
14. it became standing that they were a nation because of that.
15. I have before me my legal notice and declaration of my
16. proper name change.
17. THE COURT: What date was that name change?
18. THE DEFENDANT: The name declaration change? January
19. of 2020. Okay. That's where the declaration of name change
20. Come.

Pg. 13, lines 4-25:

4. Resolutely the true, indigene nobles of the Al Moroccan
5. Empire, Free Moors, bearers of the name/titles: Ali, El, Bey,
6. Dey and Al are excluded from the Union States rights republic
7. U.S.A. jurisdiction.
8. The color -- the birth certificate has a colorable name on
9. it as black. There's no black people. There's no white

10. people. That is not a pedigree bloodline; therefore, it's a
11. void document. It's void ab initio from its inception. So to
12. bring the birth certificate in to claim jurisdiction is not
13. -- not happening. And jurisdiction has to be proved. The
14. certified delegation of order has to be admitted in to the
15. court showing where this Court has jurisdiction, not the judge.
16. The judge may be Article III, but the United States District
17. Court has not proven that they are a sanctioned Article III
18. judicial power from the Congress, from an act of Congress. And
19. until that is proven, then I'll go to my next -- my next issue
20. here.

21. For one, for a crime to exist, there must be an injured
22. party, corpus delicti. There can be no sanction or penalty
23. imposed on one because of this constitutional right, sherrer
24. versus Cullen 481 F 945. If any tribunal Court finds absence
25. of proof of jurisdiction over a person in subject matter, the
pg. 14, lines 1-25:

1. case must be dismissed Louisville versus Mottley 211 U.S. 149
2. 29 Supreme Court, 42. The accuser bears the burden of proof
3. beyond a reasonable doubt.
4. Lack of federal jurisdiction cannot be waived or overcome
5. by agreement of parties Griffin versus Matthews 310 F. Supp 341
6. 342 1969. And want of jurisdiction may not be cured by consent
7. of parties, Industrial Addition Association versus C.I.R. 323
8. US 310, 313.

9. I have numerous documents here, EIN from the IRS, doing
10. business, doing business as assumed name certificate from the
11. state and the county where the straw -- the strawman, as you
12. would call them, or the business is located. I have a W-8 BEN

13. from the IRS showing I'm not a statutory U.S. person, or a
14. person or individual here for the records. And I have a notice
15. of rescission of signatures. You can't compel a person to
16. contract and to be who you want to be. And still, again, this
17. Court has yet to prove its jurisdiction on the record.
18. THE COURT: Okay. All right. First of all, I need
19. to address the jurisdiction first. It is correct that that has
20. to be addressed first when there's a jurisdictional issue.
21. First of all, as Ms. Madrick, you know proved -- and I'm
22. going to go by Mr. Tubbs for now because the name change didn't
23. take place until January of 2020.
24. Mr. Tubbs was born in California. He came by birth in the
25. United States, became a United States Citizen.

Pg. 15, lines 1-9, 22-25:

1. THE DEFENDANT: I object again.
2. THE COURT: I'm ruling. I'm ruling right now.
3. THE DEFENDANT: you can't force a person to be a
4. citizen.
5. THE COURT: If you don't be quiet -- if you don't
6. hush, I'm going to get them to get some tape and tape your
7. mouth shut until I have time to rule. You can object after.
8. But, anyway the -- you don't know what I'm going to rule
9. yet. But, anyway, he was -- became a United States Citizen.
22. This Court has jurisdiction to hear cases and
23. controversies. And one of the cases and controversies is this.
24. we have been transferred, by order of the Court, his -- the
25. supervised release on his cases and at his request to be moved

Pg. 16, lines 1-11:

1. -- to be transferred here. So we have jurisdiction to hear this

2. cases. And we have jurisdiction to hear the proceeding against
3. him, a revocation of supervised release. He was on supervision
4. here, and we have the jurisdiction to hear his -- these
5. proceedings. And I rule that the Court has jurisdiction in
6. this matter.

7. He was convicted -- he was convicted. All those issues
8. should have been brought up in the Eastern District of
9. California because whatever he had there was transferred here.
10. And so we had what they had. So I find that there is
11. jurisdiction and we'll proceed. Go ahead.

pg. 17, lines 5-25:

5. THE COURT: Okay. I already read the allegations.

6. And they were all alleged to have been committed while he was
7. on supervision. So I'm going to deny the objection for
8. jurisdiction. I'm going to rule this Court has jurisdiction to
9. proceed. So, at this point, we'll proceed.

10. MS. Mudrick, you can come back up and continue your
11. examination of the witness.

12. (Continuing Direct Examination By MS. Mudrick).

13. Q. Mr. Stevens, --

14. A. Yes, Ma'am.

15. Q. -- when the Western District of Louisiana --

16. THE DEFENDANT: Again, Your honor, again, for
17. jurisdiction -- again, for jurisdiction, you can't -- you can't
18. consent to jurisdiction. You have to provide it into the
19. record. The record has to reflect where's your certified
20. delegation of authority order from Congress?

21. THE COURT: All right. I've already ruled --

22. THE DEFENDANT: I don't see that.

23. THE COURT: Hang on, I've already ruled on
24. jurisdiction. I'm going to make your objection to the
25. jurisdiction continuing so you don't have to keep up and object
pg. 18, lines 11-16:

11. THE COURT: -- to sit down at this point. You have
12. had your opportunity to argue there's no jurisdiction. I ruled
13. against you. And that's -- your rights are reserved to appeal,
14. or whatever, on jurisdiction. So I'm going to -- his rights
15. are reserved so let's go ahead and proceed. Okay.
16. Go ahead, MS. Mudrick.

The court imposed a sentence of Imprisonment for rehabilitative purposes in violation of 18 USC Sec 3553 (a)(2), 18 USC Sec 3582 (a), and *Tapia v. United States*, [40 F.3d 370] 131 S.Ct. at 2391.

pg. 90, lines 2-5; 14-15:

2. THE COURT: Okay. Thank you. All right.
3. So, first of all, I've already found there's jurisdiction
4. with this Court. And I've, you know, stated the reasons for
5. that.

14. he's now claiming we have no jurisdiction over it. So I find
15. we do have jurisdiction.

pg. 91, Lines 22-25:

22. MS. MUDRICK: Your Honor, I think he says he's
23. agreeing to the 36 months as long as he don't have to come back
24. to the --

25. THE DEFENDANT: No, no, no, I didn't say that because
pg. 92, lines 1-25:

1. the violation, the class C violations don't call for 36 months.

2. I didn't say that.

3. THE COURT: Okay. Anyway. I'll continue. I find

4. that there were all these class B violations that he violated.

5. THE DEFENDANT: Class B, Your Honor?

6. THE COURT: I'm sorry. Class C violations. Thank

7. you. That he violated his conditions of probation.

8. The suggested range for a class C violation is eight to 14

9. months. And the statutory maximum is 36 months imprisonment,

10. pursuant to 18 U.S.C. Sec 3583(e)(3).

11. I'm going to find that the 60-month term of supervised

12. release previously imposed in docket number 19-391 is revoked.

13. I'm going to find the 60-month term of supervised release in

14. Docket Number 19-392 is revoked; and he's sentenced to a

15. mandatory sentence 36 months on each one to run concurrently

16. with each other.

17. And I realize I'm going over the guideline range, but I

18. feel like in this case the violations, the attempt to deceive

19. the Court with a change of name, the attempt to -- all the

20. things he did, leaving the jurisdiction of the Court, and just

21. basically not complying with anything, deserves that.

22. I also believe that -- I'm also going to recommend he

23. receive testing and mental health treatment with the Bureau of

24. Prisons because obviously he's got some mental health issues

25. that need to be addressed. And this will help give time --

Pg. 94, lines 1-2:

1. THE DEFENDANT: Your Honor --

2. THE COURT: Hang on. This will give time to do that.

Pg. 95, lines 3-12:

3. THE DEFENDANT: I'm objecting to the Statutory

4. minimum term of imprisonment.

5. THE COURT: Sure, I understand. And let that be --

6. let that --

7. THE DEFENDANT: Statutory maximum term yes.

8. THE COURT: Right. Let that objection be noted for

9. the record. Thank you.

10. THE DEFENDANT: Right.

11. THE COURT: All right. Your objection is so noted.

12. Thank you.

Affiant affirms that these are clear and plain due process violations by the Court proceeding with the case, deciding jurisdiction by consent and agreement of parties, without the plaintiff/accuser providing written proof of jurisdiction into the record. Affiant affirms that he is being denied due process of law by the Court proceeding with the case/hearing before first addressing and deciding the 'status' and 'jurisdictional' issues. Furthermore, the United States of America by and through its undersigned agent, the District Court judge, proceeded with the hearing/case, by asking for pleas into the case, allowing the prosecutor/accuser to call witnesses without first proven on the record that the court has jurisdiction (delegation of Authority order - from Congress), assuming jurisdiction by agreement of parties, by simply saying he has it, and allowing the plaintiff/accuser to do the same, in violation of the Fifth Article of the Bill of Rights to the United States Republic Constitution.

Affiant affirms that the actions of the Court to proceed with the hearing/case without subject matter being first proven on the record, violated due process of law, rendering

the decision/judgment of the court void and invalid for failing to observe safeguards. Affiant affirms that failure to reverse this decision where the record adequately stated facts, would negatively affect the "fairness, integrity or public reputation" of the sentencing proceeding and result in a miscarriage of justice because it would permit a District Court to impose a substantial upward variance based on a factor that has been clearly prohibited by the Supreme Court and Congress. "Although questions as to legality of petitioner's prison sentence which were raised in his brief before Supreme Court has apparently been neither preserved below nor properly raised in petition for certiorari, Supreme Court will decide such questions where record adequately states facts for final determination of basic issues, Federal Court of Appeals denied petitioner's appeal in forma pauperis for lack of adequate basis, and petitioner was not represented by counsel in courts below and upon his petition for certiorari," *Pollard v. United States*, 352 U.S. 354, 77 S.Ct. 481, 1 L.Ed.2d 393, 1957 U.S. LEXIS 1251 (1957). "United States Supreme Court, in reviewing Federal Court of Appeals' decision, may, in appropriate circumstances, consider issues not present in jurisdictional statement or petition for certiorari, and not presented in Court of Appeals," *Vance v. Terrazas*, 444 U.S. 252, 100 S.Ct. 540, 62 L.Ed.2d 461, 1980 U.S. LEXIS 63, reh'g denied, 445 U.S. 920, 100 S.Ct. 1285, 63 L.Ed.2d 606, 1980 U.S. LEXIS 1086 (1980).

Affiant humbly requests a rehearing in this matter, or requests the Court to direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances

Respectfully Submitted,
Shulemon Bay EX Bel
Shulemon Bay

JAVARIS MARQUEZ TUBBS

DECLARATION

Under penalties of perjury from without the "United States" as defined in 28 U.S.C. § 1746(1) and 26 U.S.C. § 7701(a)(9), I declare that I have examined the information in this petition to the best of my knowledge and belief it is true, correct, and complete. I further certify from without the "United States" that: The human named in this document is not a statutory "U.S. person", "person", or "individual" as defined in 26 U.S.C. § 7710(a)(30) or 26 U.S.C. § 7701(c), or C.F.R. § 1.1441-1(c)(3) respectfully, would have to hold a public office to be any of these entities, and does not consensually hold such an office.

Respectfully submitted,

I Am; Sulieman Bey
Sulieman Bey

Natural Person, In Propria Persona Sui Juris

Attorney-In-Fact: Authorized Representative

Ex Relatione: **JAVARIS MARQUEZ TUBBS**

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U.C.C. 1-207 / 1-308; U.C.C. 1-103

**CERTIFICATION OF A PARTY
UNREPRESENTED BY COUNSEL**

Affiant affirms that he is a party unrepresented by counsel in these proceedings, on certiorari, and in the Courts below. Affiant affirms that this petition is restricted to the grounds specified in paragraph(s) 1 & 2 of Rule 44 of this court. Affiant further affirms that this petition is presented in good faith and not for delay.

Respectfully submitted,

I Am: Sulieman Bey
Sulieman Bey

Natural Person, In Propria Persona Sui Juris

Attorney-In-Fact: Authorized Representative

Ex Relatione: **JAVARIS MARQUEZ TUBBS**

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U.C.C. 1-207 / 1-308; U.C.C. 1-103

CERTIFICATE OF SERVICE

I hereby certify on this 6 day of December, 2024, I personally placed the foregoing Petition for Rehearing, Certification of a Party Unrepresented by Counsel, in the prison legal mail system, with first-class postage addressed thereto, addressed to the clerk of the Court for the United States Supreme Court, and simultaneously served upon the counsel of record / interested parties listed below, and I further certify that they are listed as counsel of record with the Fifth Circuit, as well as interested parties in this matter.

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Washington, D.C. 20530-0001

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Respectfully submitted,

I Am; Sulieman Bey
Sulieman Bey

Natural Person, In Propria Persona Sui Juris
Attorney-In-Fact: Authorized Representative
Ex Relatione: **JAVARIS MARQUEZ TUBBS**
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