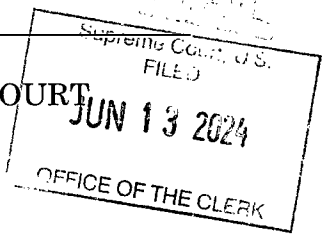
24-5440

Case No.



IN THE UNITED STATES COURT SUPREME COURT

In Re: Edward Moses Jr

Appeal to the United States Supreme Court
from the Louisiana Supreme Court

PETITION FOR WRIT OF CERTIORARI

SUBMITTED BY:

Edward Moses, Jr
The Royal Crown, Ltd
1150 Sherwood Forest Blvd
Baton Rouge, LA 70815
Ph:225-256-0084

proper person

QUESTION (s) PRESENTED

On May 29, 2024, the Louisiana Supreme Court issued the following:

> It is ordered that respondent, Edward Moses, Jr., Louisiana Bar Roll number 30646, be and he hereby is suspended from the practice of law on a reciprocal basis for a period of one year. It is further ordered that respondent shall not be eligible to apply for reinstatement to the practice of law in Louisiana pursuant to Louisiana Supreme Court Rule XIX, § 24(K) unless and until he submits to a comprehensive mental health evaluation through the Judges and Lawyers Assistance Program and files a copy of the evaluation report in this court and with the ODC.
>
> The right of the ODC to object to respondent's reinstatement under Supreme Court Rule XIX, § 24(K) or seek any other relief is reserved. Nothing in our order should be read as precluding the reinstatement of respondent in the United States District Court for the Middle District of Louisiana if otherwise permitted under the rules of that court; however, under no circumstances shall respondent be reinstated to the practice of law in Louisiana without an express order from this court. In re Moses, 2024-B-00295 (La. May 29, 2024)

In re Moses, 2024-B-00295 (La. May 29, 2024)

1. Is "Emperor Moses" the real party in interest entitled to an injunction barring the state officials from operating within the Atakapa Indian Nation

2. Chevron is overruled. Can a State Court issue a decision recognizing the "Atakapa Indian TRIBE OF משה†MOSES under the federally recognized Indian tribe list act of 1994? Yes

3. Did the District Court Violate Edward Moses Jr's right to confront the government in attorney suspension proceedings? yes

CORPORATE DISCLOSURE

Pursuant to Rule 29.6, Applicant "Emperor Moses," states that there is no parent or publicly held company owning 10% or more of the corporation's stock, and that no publicly held company owns any portion of Applicant.

PARTIES TO PROCEEDING

The parties to the proceeding below are:

Applicant, Edward Moses Jr, in his official capacity as Emperor of the American Empire, LTD – "Emperor Moses"

Respondents are Mr. Gregory Tweed, Office of Disciplinary Counsel

RELATED PROCEEDINGS

In re Atakapa Indian De Creole Nation East Baton Rouge Parish Docket No:713366

In re Atakapa Indian 22-00539-BAJ-RLB (M.D. La. Nov 08, 2022)

In re Edward Moses Jr, No. 3:23-mc-0084-BAJ-RLB (M.D. La. 2023)

In re Moses, 2024-B-00295 (La. May 29, 2024)

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CASE NO.

IN THE UNITED STATES COURT SUPREME COURT

In Re: Edward Moses Jr

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

EDWARD MOSES JR respectfully petitions this court for a writ of certiorari to review the judgment of the Louisiana Supreme Court in this case.

OPINIONS BELOW

The opinion of the Louisiana Supreme Court is published at "In re Moses, 2024-B-00295 (La. May 29, 2024)

JURISDICTION

The Judgment of the Louisiana Supreme Court was entered on May 29, 2024. The jurisdiction of this court is invoked under 28 USC §1257.

STATEMENT OF THE CASE

Pursuant to Louisiana Supreme Court Rule XIX, § 21, the Office of Disciplinary Counsel ("ODC") filed a petition seeking the imposition of reciprocal discipline against respondent, Edward Moses, Jr., an attorney licensed to practice law in Louisiana, based upon discipline imposed by the United States District Court for the Middle District of Louisiana. *In re Moses*, 2024-B-00295 (La. May 29, 2024)

On March 7, 2024, The Louisiana Supreme Court rendered an order giving respondent and the Louisiana Office of Disciplinary Counsel thirty days to demonstrate why the imposition of identical discipline would be unwarranted." *Ibid* Appellant filed a timely response in which he asserted that reciprocal discipline is unwarranted." *Ibid* He asserted that although he is an attorney, he did not appear in these proceedings, in the Middle District and the Louisiana Supreme Court in his individual capacity, but rather solely in his official capacity as 'the Christian Emperor d'Orleans Trust protector of the Atakapa Indian "TRIBE OF משׁה†MOSES" (Foreign) Express Spendthrift Trust. *ibid* Appellant timely appealed the Louisiana Supreme Court's Reciprocal Discipline order. *Ibid* The Louisiana Reciprocal Disciplinary Order is based on a September 14, 2023, sanctions order from the United States District Court Middle District of Louisiana which imposes a $15,000 fine against him and his law firm (which is trust property and outside of the jurisdiction of any state or nation.) The order also suspends him from practicing law in the Middle District of Louisiana for one year with the threat of expulsion.

BACKGROUND

On March 30, 2023, Pope Francis renounced the 550-year-old Doctrine of Discovery, which granted European nations the right to claim the lands they discovered on behalf of Christendom.[1][2] It should be noted that on October 21, 2021, Louisiana was ordered to file a petitory action in state court.[3] This case arises out of an ex parte application for trust instructions and temporary restraining order, preliminary and permanent injunction barring state officers and employees from operating within the Atakapa Nation. The case was filed in state court but removed by the United States to federal court.[4] The U.S. District Court for the Middle District of Louisiana sitting en banc made the following findings of fact:

> It is true that the Nineteenth JDC's December 8, 2021, Final Judgment—which still stands—made the July 21, 2021, Baton Rouge City Court Judgment which granted a permanent injunction protecting the Atakapa Indian "TRIBE OF מֹשֶׁהMOSES" possession of Historic Louisiana and the Sixteenth JDC's December 8, 2020, Trust Order executory in the Nineteenth Judicial District.[5] True also, the Sixteenth JDC's December 8, 2020, Order granted Mr. Moses authority to administer the Atakapa Indian "TRIBE OF מֹשֶׁהMOSES" Express Spendthrift Trust. see In re Edward Moses, Jr., U.S. District Court for the Middle District of Louisiana, Case No. 23-00084 - BAJ. Rec Doc 8 pg. 23-24

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[1] https://www.npr.org/2023/03/30/1167056438/vatican-doctrine-of-discovery-colonialism-indigenous
[2] https://www.governing.com/context/what-the-repudiation-of-the-doctrine-of-discovery-means-for-indian-country
[3] Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 9-3
[4] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.2-3 p.24-33, Rec Doc.8.p.12, 14¶2
[5] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.2-3 p.24-33, Rec Doc.8.p.23

The two judgments made executory were executed and enforced immediately as if they had been judgments of the 19th Judicial District Court rendered in an ordinary proceeding.[6] The United States District Court Middle District of Louisiana further found that:

> The December 8, 2020 "Order" from the Sixteenth JDC declares "the Atakapa Indian "TRIBE OF משה†MOSES" (foreign) Express Spendthrift Trust... a foreign trust 'governed by the Law of Moses, a jurisdiction other than Louisiana," whose property is held to the exclusion of any other "State or Nation," under the dominion of "the CHRISTIAN EMPEROR D'Orleans Edward Moses Jr."[7]

Stated another way, the Sixteenth Judicial District Court's December 8, 2020 Order granted "Emperor Moses" full authority to act under the provisions of the "Atakapa Indian TRIBE OF משה†MOSES Foreign Express Spendthrift Trust" ...[sic] with full protection from all claims of any person both juridical and natural.[8] In accordance with the Federally Recognized Indian Tribe List Act of 1994, the December 8, 2020, Order from the Sixteenth JDC recognized "the Atakapa Indian Nation" and its sovereignty.[9][10] On December 29, 2021, "Emperor Moses" filed a wholly new "Application For Ex Parte Trust Instructions, Emergency Temporary Restraining Order, Preliminary and Permanent Injunction" (the "Application").[11]

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[6] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.24
[7] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.25-28¶1, Rec Doc.8.p.11-12
[8] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.29
[9] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-2 pg.3
[10] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.4fn 99, pg.27¶1, pg.34¶2
[11] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 8 pg.12

The "December 29 Application" prompted four additional developments.[12] First, on January 7, 2022, the Nineteenth JDC sua sponte vacated the December 8, 2021 Executory Judgment, on the basis that the final judgment was erroneously signed.[13] Second, on May 20, 2022 the Louisiana First Circuit Court of Appeal reversed—reinstating the Final Judgment—on the basis that Louisiana law prohibits a trial court from sua sponte changing a judgment notwithstanding it was signed in error."[14] *In re Atakapa Indian de creole Nation*, 2022-0208, 2022 WL 1599997 (La. App. 1 Cir. 5/20/22). Third, after the time delay to appeal the Final Judgment to the Louisiana Supreme Court had passed, on June 22, 2022 "Emperor Moses" executed the judgments immediately when he transferred the entirety of his property, both corporeal and incorporeal, movable and immovable including MOSES LAW FIRM, LLC and all rights into the Atakapa Indian "TRIBE OF משׁה†MOSES" Foreign Express Spendthrift Trust, the Covenant of one Heaven, by trust transfer deed.[15] Then he filed the trust transfer deed into the East Baton Rouge Clerk of Court conveyance records.[16] At this point, if not before, the state court judgments became absolutely final and entitled to full faith and credit." *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 1980) Finally, on June 29, 2022 the Nineteenth JDC granted "Emperor Moses"' ex parte trust instructions again recognizing inter alia

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[12] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 8 pg.12
[13] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.8 pg.13
[14] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec. Doc.2-3 pg.22-23
[15] Atakapa IV 3:22-cv-00539-BAJ-RLB Rec Doc. 9-1; Atakapa IV, No. 3:23-cv-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.2
[16] Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.2

the Atakapa Indian nation and their sovereignty in accordance with the Federally Recognized Indian Tribe List Act of 1994.[17] Under this order, the Nineteenth Judicial District Court granted "Emperor Moses" a temporary restraining order and preliminary injunction barring the state from operating within the Atakapa Nation but left the application for permanent injunctive relief open.[18]

In conformity with 28 USC 2403 the Nineteenth JDC then certified to both the United States and the State of Louisiana Attorneys General that the constitutionality of the 1803 Louisiana Purchase Treaty[19] and the 1811 Louisiana Enabling Act §2[20] were called into question.[21] The Nineteenth JDC ordered the United States and the Louisiana Attorneys General to intervene into the ex parte proceedings to present evidence of the constitutionality of the 1803 Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act.[22] On July 8, 2022, the United States, was served with the June 29, 2022, Show Cause Order.[23] On August 8, 2022, the United States removed this case to federal court but failed to intervene into the proceedings. On August 15, 2022, Emperor Moses' filed a motion to remand/motion to dismiss for want of jurisdiction.[24] The United States Attorney General argued vehemently for the court to deny the motion to remand/motion to dismiss for lack of jurisdiction. On September 16, 2022, the United States District

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[17] Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.34¶2
[18] Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.48¶3
[19] Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.11-18
[20] https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=002/llsl002.db&recNum=0678
[21] Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.49¶1-2
[22] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.49¶¶5-6
[23] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.50
[24] takapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.3

Court for the Middle District of Louisiana also certified to both the United States and the State of Louisiana Attorneys General that the constitutionality of the 1803 Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act were in fact called into question.[25] After a flurry of motion practice the district court denied the motion to remand on the basis that the district court properly exercised jurisdiction over the constitutional challenge.[26] "Emperor Moses" then filed a motion for summary judgment and a Federal Civil Procedure rule 21 motion to sever the Application for injunctive relief from the trust instructions. The United States and State of Louisiana filed motions for sanctions, but they also filed oppositions to the motion for summary judgment.[27]

On May 25, 2023, the United States district court reversed itself and dismissed this case for [sic] lack of jurisdiction.[28] Then the United States District Court, Middle District of Louisiana dismissed the motion for summary judgment and motion to sever as moot.[29] In the case of a continuing trust such as that here in question, after adjudication in Federal Court, the corpus was re-awarded to "Emperor Moses" for further administration in accordance with the terms of the trust." *Princess Lida of Thurn and Taxis v. Thompson*, 305 U.S. 456, (1939) Finally, the United States District Court, Middle District of Louisiana issued a show cause

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[25] Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.19
[26] Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.40
[27] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.) Rec Doc.6
[28] Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.53
[29] Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.53

order why sanctions should not be imposed.[30] Emperor Moses filed among other defenses a motion to dismiss for failure to state an offense and attached the United States and the State of Louisiana's responses to the Motion for Summary judgment's statement of undisputed facts as an exhibit.[31]

Edward Moses Jr's Indian/Non-Indian and sovereign status are jurisdictional challenges requiring the government to present competent evidence not presumptions. *United States v. Haggerty*, 997 F.3d 292 (5th Cir. 2021) citing "*Lucas v. United States*, 163 U.S. 612, 16 S.Ct. 1168, 41 L.Ed. 282 (1896) However, the government was not ordered to answer the motion to dismiss, thus depriving Emperor Moses of his right to confront his accusers. Emperor Moses filed a timely notice of intent to appeal. On May 29, 2024, the Louisiana Supreme Court imposed Reciprocal Discipline after a review of the United States District Court for Louisiana Middle District's record involving this case. This timely appeal followed.

REASONS FOR GRANTING THE PETITION

A.

1. Is "Emperor Moses" the real party in interest entitled to an injunction barring the state officials from operating within the Atakapa Indian Nation

The Louisiana Supreme Court did not grant Emperor Moses a disciplinary hearing, it merely reviewed the record in the US District Court then issued the reciprocal disciplinary order." *In re Moses*, 2024-B-00295 (La. May 29, 2024)

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[30] Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.54
[31] Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.5-6

a. The Real Party in Interest

"It is the general rule that courts must look to the substantive law creating the right being sued upon to determine compliance with the real party in interest requirement, and for at least two reasons we look to Louisiana law in order to measure Emperor Moses' claims." *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 1980)

The real party in interest in this trust administration case is the Christian Emperor D' Orleans, Ltd trust protector of the Atakapa Indian TRIBE OF משׁה†MOSES (Foreign) Express Spendthrift Trust, supra." "First Emperor Moses is the trustee of an express trust who may sue in Louisiana state courts. " *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 1980) "see also La.Code Civ. Pro. art. 699 ("Except as otherwise provided by law, the trustee of an express trust is the proper plaintiff to sue to enforce a right of the trust estate.")..." *In re Cannon,* 166 So.3d 1107 (La. App. 1st Cir. 2015) And he may sue in Federal courts under Federal Rule of Civil Procedure 17(a) which provides that a "trustee of an express trust ... may sue in that person's own name without joining the party for whose benefit the action is brought .... *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 1980) (W)hen a declaration of trust is made in writing, all previous declarations by the same trustor are merged therein," Id. at § 2254, but when documents are executed contemporaneously with the trust agreement and are cross-referenced to each other, as was the Amended Trust Judgment in this case, trust Instructions... and Trust Agreement in this case,

they must be regarded as one instrument.[32] *Ibid* In *Read v US* the Fifth Circuit Court of Appeal held that like judicial review of all issues of Civil Law, Trust law begins not with an examination of jurisprudence but with the plain wording of the Trust Code [La.R.S. 9:1721], read as a whole and interpreted according to its own rules of construction." *Read v. U.S. ex rel. Dep't of Treasury*, 169 F.3d 243, 248 (5th Cir. 1999). Unfortunately, the Louisiana Supreme Court departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by the United States District Court Middle District of Louisiana when they both failed or refused to apply Louisiana Trust Law in this case. If they had applied Louisiana trust law to this case then they would have found that under La. Revised Statute 9:2111, a trustee shall exercise only those powers conferred upon him by the provisions of the trust instrument or necessary or appropriate to carry out the purposes of the trust and are not forbidden by the provisions of the trust instrument. *Cockerham v. Cockerham*, 201 So.3d 253 (La. App. 1st Cir., 2013)

In this case, the Louisiana Supreme Court held that, [sic] ""He asserted that although he is an attorney, he did not appear in these proceedings in his individual capacity, but rather solely in the capacity of 'the Christian Emperor d'Orleans Trust protector of the Atakapa Indian TRIBE OF משה†MOSES (Foreign) Express Spendthrift Trust.'..." *In re Moses*, 2024-B-00295 (La. May 29, 2024) "The Foreign Trust instrument is 'deemed to be legally executed and shall have the same force

[32] Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.2-3pg.34-50

and effect in Louisiana as if executed in the manner prescribed by the laws of Louisiana.'..." *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. 1st Cir., Aug 20, 2024)

b. Violation of Emperor Moses' rights under the Establishment Clause

The Louisiana Supreme Court and the Louisiana Middle District Court violated Emperor Moses' rights under the Establishment Clause by among other things referring to his religious beliefs as "Bizarre." When a litigant claims a violation of his rights under the Establishment Clause, Members of this Court 'loo[k] to history for guidance.'..." *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022) "The Free Exercise Clause of the First Amendment which applies to the States through the Fourteenth Amendment states that..."Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. *Church of Lukumi Babalu Aye, Inc v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) Under the Free Exercise Clause, a law that burdens religious practice need not be justified by a compelling governmental interest if it is neutral and of general applicability." *ibid* However, where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest. ibid Neutrality and general applicability are interrelated, and failure to satisfy one requirement is a likely indication that the other has not been satisfied. Ibid Emperor Moses argues that he is deprived of

his absolute right to participate in the political process, that he is singled out in a way that leaves him politically isolated and powerless."[33] *South Carolina v. Baker*, Iii, 485 U.S. 505, 108 S.Ct. 1355, 99 L.Ed.2d 592 (1988) The First Amendment of the United States Constitution embraces two concepts, —freedom to believe and freedom to act." *Cantwell v. State of Connecticut*, 310 U.S. 296, 60 S.Ct. 900, 84 L.Ed. 1213, 128 A.L.R. 1352 (1940) "Religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection...." *Church of Lukumi Babalu Aye, Inc v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) "

The Divine Right of Kings" like animal sacrifice is mentioned throughout the Old Testament and the Quran..." *ibid* Thus, Emperor Moses' assertion of "Kingship" (Psalms 45) like that of "animal sacrifice" in the *Church of Lukumi Babalu Aye* case as an integral part of his religion 'cannot be deemed bizarre or incredible...."*id* The policy of the common law, which gives the crown so many exclusive privileges and extraordinary claims is founded, in a good measure, if not altogether, upon the doctrine of the "Divine Right of Kings,"[34] Deuteronomy 17:14-15 King James Version; Deuteronomy 18:15-19 King James Version or, at least, upon a sense of their exalted dignity and pre-eminence..., and upon the notion, that they are entitled to peculiar favor, for the protection of their kingly rights and office. *Charles River Bridge v. Warren Bridge*, 11 Pet. 420, 9 L.Ed. 773, 36 U.S. 420 (1837)

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[33] Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.8pg.2

[34] https://x.com/EdwardMosesJr/status/1476716827338289153

The Atakapa Indian "TRIBE OF משׁה†MOSES" inextricably aligns with Israel and the ultra-Orthodox [Jewish] community; " *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 208 L.Ed.2d 206 (2020) together with the Islamic Community...."*Church of Lukumi Babalu Aye, Inc v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) In fact, the Atakapa Indian "TRIBE OF משׁה†MOSES"" embraces any nation, state or religion that is devoted to the teachings of the Torah, the Law of Moses." Even Jesus because he said, "I did not come to abolish the "Law of Moses," but to fulfill it." Matthew 5:17 KJV "According to Judeo-Christian belief, the Ten Commandments were given to Moses by God on Mt. Sinai. *Van Orden v. Perry*, 125 S.Ct. 2854, 162 L.Ed.2d 607, 545 U.S. 677 (2005)

"Moses" is a lawgiver as well as a religious leader." Ibid It goes without saying that the Atakapa Indian "TRIBE OF משׁה†MOSES"" are the descendants, sons of the lawgiver, our progenitor, Moses. Musa is our grandfather, our "God." See Exodus 7:1 King James Version, wherein יהוה said, "Musa, see I have made thee a God to Pharoah" .... Psalms 82:6 also see Exodus 20:1-2 King James Version wherein Musa wrote in the first commandment, "I am ... thy God ... thou shall have no other gods before me." Musa is our author of creation when he wrote in the first sentence of the Torah, "In the beginning God created the heaven and the earth .... Gen 1:1 KJV "The public is more likely to consider the religious aspect of "Kingship and God" worship amongst the Atakapa Indian "TRIBE OF משׁה†MOSES" as part of what is a broader moral and historical effect reflective of our cultural heritage." *Van Orden v.*

Perry, 125 S.Ct. 2854, 162 L.Ed.2d 607, 545 U.S. 677 (2005) "Such acknowledgments of the role played by our grandfather and the "Law of Moses" in our Nation's heritage are common throughout America." *Van Orden v. Perry*, 125 S.Ct. 2854, 162 L.Ed.2d 607, 545 U.S. 677 (2005) "We need only look within this court's own Courtroom." *Van Orden v. Perry*, 125 S.Ct. 2854, 162 L.Ed.2d 607, 545 U.S. 677 (2005) The principle that government may not enact laws that suppress religious belief, or practice is so well understood that few violations are recorded in this court's opinions." *Church of Lukumi Babalu Aye, Inc v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) Freedom of belief protected by that Clause embraces freedom to profess or practice that belief, even including doing so for a livelihood." *Daniel v. Paty*, 435 U.S. 618, 98 S.Ct. 1322, 55 L.Ed.2d 593 (1978) The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 208 L.Ed.2d 206 (2020)

c. The Federal District Court lacked subject matter jurisdiction

"Emperor Moses" filed a motion to remand/motion to dismiss for want of jurisdiction in this case. [35] Appx.B pg.14 In the Princess Lida case this Court held that the principle applicable to both federal and state courts that the court first assuming jurisdiction over property may maintain and exercise that jurisdiction to the exclusion of the other, is not restricted to cases where property has been

[35] Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 3

actually seized under judicial process before a second suit is instituted, but applies as well where suits are brought to marshal assets, administer trusts, or liquidate estates, and in suits of a similar nature where, to give effect to its jurisdiction, the court must control the property. *Princess Lida of Thurn and Taxis v. Thompson*, 305 U.S. 456, (1939) It is undisputed that this matter is a trust administration case, and it is likewise undisputed that the Nineteenth Judicial District Court in East Baton Rouge Parish assumed jurisdiction over the property of the Atakapa Indians when it issued the June 29, 2022, Trust Instructions.[36] The state court in this case maintains jurisdiction to the exclusion of the Federal Courts.

Congress expressly said so: "If at any time before final judgment it appears that the district court lacks subject matter jurisdiction over a case removed from state court, the case shall be remanded." 28 U.S.C. § 1447(c)...Precedent supports what the plain text says. The Supreme Court has noted that "the literal words of 28 USC § 1447(c), on its face, give . . . no discretion to dismiss rather than remand an action. The statute declares that, where subject matter jurisdiction is lacking, the removed case shall be remanded." Appx.B pg.17-18, 22-25 *Int'l Primate Prot. League v. Adm'rs of Tulane Educ. Fund*, 500 U.S. 72, 89, 111 S.Ct. 1700, 114 L.Ed.2d 134 (1991)

[36] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3pg.34-50

d. The US District Court identified a federal controversy over land between the Atakapa Indians and the United States

"Article III of the Constitution limits the jurisdiction of federal courts to 'Cases' and 'Controversies.' U.S. Const., Art. III, § 2." *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 134 S.Ct. 2334, 189 L.Ed.2d 246 (2014) The record establishes that regardless of which party was entitled to the land, the Atakapa Indians'[37] right to possession of their ancestral lands held in their trust—is plainly enough alleged to be based on federal law and is not so insubstantial, implausible ... or otherwise completely devoid of merit as not to involve a federal controversy.[38] "The East Baton Rouge Amended Trust Judgment ... granted 'Emperor Moses' ownership of 'Historic Louisiana..." *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. Aug 20, 2024) *Coeur D'Alene Tribe v. Hawks*, 933 F.3d 1052 (9th Cir. 2019) quoting *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, (1974) In this case the reader can glean from the US District court's analysis that a federal controversy over land between the Atakapa Indian"TRIBE OF משה†MOSES" and the United States exists:

> Even assuming that Mr. Moses' December 29 Application was somehow related to the Nineteenth JDC's administration of the "TRIBE OF משה†MOSES" Express Spendthrift Trust, Mr. Moses's prior-exclusive-jurisdiction rule argument still fails.[39] Why? Because the prior

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[37] "Both courts here relied on the Court of Appeals' prior decision in *Atakapa Indian De Creole Nation v. Louisiana*, 943 F.3d 1004 (5th Cir. 2019) Holding that the Atakapa Indians anti-trust class action claims were frivolous

[38] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), **Appx.E** Rec Doc. 2-3 p.25-28¶1, Appx.B Rec Doc.8.p.11-12

[39] takapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.) **Appx.E** Rec Doc. 2-3 p.34¶1

> exclusive-jurisdiction rule does not apply when the United States is a party to the action and holds a competing claim to the land in dispute, when the state court cannot "make a complete determination of the basic issue in the litigation"; "confusion could be caused by inconsistent judgments"; and the United States' "claim of right or interest in the property ... precedes the state court litigation." *Sid-Mars Rest. & Lounge*, 644 F.3d at 275 (discussing *Leiter Mins., Inc. v. United States*, 352 U.S. 220, 226-28 (1957)). Plainly these conditions are satisfied when, as here, the object of Mr. Moses's state court litigation is to usurp the United States' sovereign authority over the territory of Louisiana. Again, Mr. Moses should know this because it is the central holding of the Sid-Mars decision, cited in Mr. Moses's Show Cause response.[40] Appx.B pg.22-25

Louisiana was ordered to file a petitory action in state court.[41] This court should remand for the limited purpose of allowing the state court to determine title." *U.S. v. Sid–mars Rest. & Lounge Inc.*, 644 F.3d 270 (5th Cir. 2011) If not, then the United States should file suit to quiet title in Federal Court since it did not intervene into the underlying proceeding. Ibid Nevertheless, where the Federal Government takes on or has control or supervision over tribal monies or properties, a fiduciary relationship normally exists with respect to such monies or properties ...even though nothing is said expressly in the authorizing or underlying statute (or other fundamental document) about a trust fund, or a trust or fiduciary connection. Appx.B pg.17 *United States v. Mitchell*, 463 U.S. 206, 103 S.Ct. 2961, 77 L.Ed.2d 580 (1983)

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[40] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.8 pg.24fn81
[41] Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 9-3

e. A good faith argument that the Atakapa Indians application for final injunctive relief is warranted by existing law.

To obtain permanent injunctive relief, the plaintiff must establish by a preponderance of the evidence: "(1) actual success on the merits; (2) that it is likely to suffer irreparable harm in the absence of injunctive relief; (3) that the balance of equities tip in that party's favor; and (4) that an injunction is in the public interest."[8] *Crown Castle Fiber, L.L.C. v. City of Pasadena, Texas*, 76 F.4th 425, 441 (5th Cir. 2023), cert. denied, 144 S.Ct. 820 (2024); see also *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 32, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008). The first two factors of the traditional standard are the most critical. It is not enough that the chance of success on the merits be "better than negligible...." *Nken v. Holder*, 129 S.Ct. 1749, 173 L.Ed.2d 550, 556 U.S. 418, 77 USLW 4310 (2009)

""Ordinarily, when a party seeks an injunction, it is deemed that exclusion is an irreparable harm" ..." id "Once an applicant satisfies the first two factors, the traditional injunction inquiry calls for assessing the harm to the opposing party and weighing the public interest. These factors merge when the Government is the opposing party." Id The Equal Protection Clause of the Fourteenth Amendment provides that: "[N]o state shall ... deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. AMEND. XIV, § 1. The intent of the provision is "to prevent the States from purposefully discriminating between individuals on the basis of race." *Shaw v. Reno*, 509 U.S. 630, 642, 113 S.Ct. 2816 2824, 125 L.Ed.2d 511 (1993) ("Shaw I").

As applied to redistricting, the Equal Protection Clause bars "a State, without sufficient justification, from 'separating its citizens into different voting districts on the basis of race." *Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 187, 137 S.Ct. 788, 797, 197 L.Ed.2d 85 (2017) (citing *Miller v. Johnson*, 515 U.S. 900, 911, 115 S.Ct. 2475, 132 L.Ed.2d 762 (1995)). Thus, the Equal Protection Clause prohibits the creation and implementation of districting plans that include racial gerrymanders, with few exceptions. "A racial gerrymander [is] the deliberate and arbitrary distortion of district boundaries ... for [racial] purposes." *Shaw I*, 509 U.S. at 640 (citing *Davis v. Bandemer*, 478 U.S. 109, 164, 106 S.Ct. 2797 2826, 92 L.Ed.2d 85 (1986) (Powell, J. concurring in part and dissenting in part), abrogated on other grounds by *Rucho v. Common Cause*, 588 U.S. 684, 139 S.Ct. 2484, 204 L.Ed.2d 931 (2019)). Courts analyze racial gerrymandering challenges under a two-part burden-shifting framework. First, a plaintiff bears the burden to prove that "race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *Miller*, 515 U.S. at 916. This requires a plaintiff to show that "the legislature 'subordinated' other factors - compactness, respect for political subdivisions, partisan advantage, what have you - to 'racial considerations.'" *Cooper v. Harris*, 581 U.S. 285, 291, 137 S.Ct. 1455 1464, 197 L.Ed.2d 837 (2017) (citing *Miller*, 515 U.S. at 916).

The plaintiff may make the requisite showing "either through circumstantial evidence of a district's shape and demographics or more direct evidence going to

legislative purpose, that race was the predominant factor motivating the legislature's decision." *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 267, 135 S.Ct. 1257 1267, 191 L.Ed.2d 314 (2015) (citing Miller, 515 U.S. at 916).

If Plaintiff meets the burden of showing race played the predominant factor in the design of a district, the district must then survive strict scrutiny. *Cooper*, 581 U.S. at 292. At this point, the burden of proof "shifts to the State to prove that its race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper*, 581 U.S. at 285 (citing *Bethune-Hill*, 580 U.S. at 193).

"Racial gerrymandering, even for remedial purposes" is still subject to strict scrutiny. *Shaw I*, 509 U.S. at 657. Where the state seeks to draw a congressional district by race for remedial purposes under Section 2, the state must have a "strong basis in evidence" for "finding that the threshold conditions for section 2 liability are present" under *Gingles*. And, to survive strict scrutiny, "the district drawn in order to satisfy § 2 must not subordinate traditional districting principles to race substantially more than is 'reasonably necessary' to avoid § 2 liability." *Bush v. Vera*, 517 U.S. 952, 979, 116 S.Ct. 1941 1961, 135 L.Ed.2d 248 (1996). This case involves a challenge to the constitutionality of the Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act.[42] Appx.B pg.14,16,22-24 The 1811 Louisiana Enabling Act §2 was directed to all "Free White males citizens of the United States" who were eligible and... authorized them to choose representatives to form a convention, who

[42] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3p.11-18, 49-50

shall be apportioned amongst the several counties, districts and parishes, within the said territory of Orleans, in such manner as the legislature of the said territory shall by law direct....[43],[44] Like the 1811 Louisiana enabling act, the United States' first militia Act's requirement that only free whites enroll caused States to amend their militia laws to exclude free blacks." *Dist. of Columbia v. Heller*, 128 S.Ct. 2783, 171 L.Ed.2d 637, 554 U.S. 570, (2008) "The laws were administered by the white man alone." *The Slaughterhouse Cases*, 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872) The effect of this unconstitutional act is still reverberating throughout the Louisiana territory today. In a recent case, *Callais v. Landry*, on cross examination, Senator Seabaugh acknowledged that, in determining how to draw the new districts, protecting the districts of Mike Johnson and Stephen Scalise - two of Louisiana's representatives (white men) in the United States House of Representatives, serving as Speaker and Majority Leader, respectively - were important considerations. Id. at 60:8-20. *Callais v. Landry*, CIVIL 3:24-CV-00122 DCJ-CES-RRS (W.D. La. Apr 30, 2024)

Jurisdiction is given to the circuit court in suits involving the requisite amount, arising under the Constitution or laws of the United States (18 Stat. at L. 470, chap. 137, U. S. Comp. Stat. 1901, p. 508), and the question really to be determined under this objection is whether the acts of the legislature, the 1811 Louisiana Enabling Act §2 ... when enforced, took property without due process of law; and although that question might incidentally involve a question of fact, its

[43] https://www.govinfo.gov/content/pkg/STATUTE-2/pdf/STATUTE-2-Pg641-2.pdf#page=1
[44] https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=002/llsl002.db&recNum=0678

solution, nevertheless, is one which raises a Federal question. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The Federal Court's judicial power is required to extend to this case under Article III of the US Constitution because a fiduciary relationship necessarily arises when the United States Government assumed such elaborate control over forests and property which belong to the Atakapa Indians without due process of law.[45]" *United States v. Mitchell*, 463 U.S. 206, 103 S.Ct. 2961, 77 L.Ed.2d 580 (1983). "All of the necessary elements of a common-law trust are present: a trustee (the United States), a beneficiary (the Atakapa Indians), and a trust corpus (Historic Louisiana Territory)." Ibid "It is well established that a trustee is accountable in damages for breaches of trust. Ibid

f. The Doctrine of Ex Parte Young: The Atakapa Indian's application for final injunctive relief is for a continuing federal law violation

"The 14th Amendment provides that no state shall deprive any person of life, liberty, or property without due process of law, nor shall it deny to any person within its jurisdiction the equal protection of the laws." *Ex parte Edward Young,* 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The question that arises is whether there is a remedy that the parties interested may resort to, by going into a Federal court of equity, in a case involving a violation of the Federal Constitution, and obtaining a judicial investigation of the problem, and, pending its solution, obtain freedom from suits, civil or criminal, by a temporary injunction, and, if the question be finally decided favorably to the contention of the company, a permanent

[45] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Appx.B Rec Doc.2-3p.4-21

injunction restraining all such actions or proceedings. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) When a court employs "the extraordinary remedy of injunction," *Weinberger v. Romero–Barcelo*, 456 U.S. 305, 312, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982), it directs the conduct of a party, and does so with the backing of its full coercive powers. *Nken v. Holder,* 129 S.Ct. 1749, 173 L.Ed.2d 550, 556 U.S. 418, 77 USLW 4310 (2009) On November 9, 2017, the Atakapa Indians were granted a judgment of possession in state court to recover their property wherever found.[46]

On June 29, 2022 the Nineteenth Judicial District Court issued an AMENDED ORDER" ("the East Baton Rouge Parish Amended Trust Judgment") in that matter, which set forth extensive orders, including enjoining "judges, ... sheriffs, deputy sheriffs, [and] constables ... from executing and/or enforcing the laws of the State or Federal Government ... or serving process, or doing anything towards the execution or enforcement of those laws, within the Atakapa Nation. *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. 1stCir. Aug 20, 2024)

In a case like this involving an injunction that prescribes a detailed code of conduct, it is more appropriate to identify the character of the entire decree." *Int'l Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994) Fundamentally, the general doctrine ... that the circuit courts of the United States will restrain a state officer from executing an

[46] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.4-2p.14-22

unconstitutional statute of the state, when to execute it would violate rights and privileges of the complainant which had been guaranteed by the Constitution, and would work irreparable damage and injury to him, has never been departed from....*Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The doctrine of Ex parte Young ... allows a suit against a state official to go forward, notwithstanding the Eleventh Amendment's jurisdictional bar, where the suit seeks prospective injunctive relief in order to end a continuing federal-law violation. *Seminole Tribe Florida v. Florida*, 517 U.S. 44, 116 S.Ct. 1114, 134 L.Ed.2d 252 (1996)

i. The Atakapa Indians remain a distinct political community occupying its own territory

As a result of the rebellion against the King of Great Britain by its thirteen colonies, acting as a unit, the powers of external sovereignty allegedly passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States." *United States v. Export Corporation*, 299 U.S. 304, 57 S.Ct. 216, 81 L.Ed. 255 (1936) As an aside, "the assailants of a king ... in England are liable to be punished for treason. *Phillips v. Payne*, 92 U.S. 130, 23 L.Ed. 649 (1875) Such was the rule of the common law.... ibid In Worcester, the State of Georgia sought to seize Cherokee lands, abolish the Tribe and its laws, and apply its own laws to tribal lands. see *Haaland v. Brackeen* (2023) quoting *Worcester v. Georgia*, 31 U.S. 515, (1832) Holding Georgia's laws unconstitutional, this Honorable Court acknowledged that Tribes remain "independent political

communities, retaining their original natural rights." This court further held that the Cherokee, like other American Tribes, remained a distinct community occupying its own territory . . . in which the laws of [a foreign State] can have no force, and which the citizens of [that foreign State] have no right to enter, but with the assent of the [Americans] themselves, or in conformity with treaties, and with the acts of Congress." Ibid.

ii. The Atakapa Indians Tribal Membership

Prior to European, Anglo-Saxon and Caucasians arrival, Louisiana was a foreign country occupied by numerous tribes of Indians, exclusively, the Atakapa Indians.[47] *Johnson v. M'Intosh*, 21 U.S. 543, (1823) In *Carcieri v. Salazar*, 555 U.S. 379 (2009), this court relied on "Webster's New International Dictionary 1671 (2d ed.1934); and also, Black's Law Dictionary 1262 (3d ed.1933) "for the ordinary meaning of the word "now," as understood when the Indian Reorganization Act was enacted." The court reasoned that one should use the definition of the word at the time that the act was created. Using this same logic, we turn to the American Dictionary of English Language, Webster, Noah 1828 Vol 1 pg 12 to define the term "American" as: n. A native of America originally applied to the aboriginals or copper-colored races, found here by Europeans. According to Samuel George Morton the founder of Penn Medical Center in Philadelphia the American Race - is marked

[47] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.4, 19-21

by a brown complexion....[48] The name "Indian" was given to the inhabitants of this continent, on its discovery by Columbus, under the erroneous supposition that the new land was part of India, think United States Vice President Kamala Harris, and it is with reference to the descendants of the aborigines that the term is used in the federal statutes here controlling (*Frazee v. Spokane County*, 29 Wash. 278, 69 P. 779 (1902)); they do not include Caucasian men adopted into the tribes at a mature age, but only those persons who, by the usages and customs of the Americans, are regarded as belonging to the American race... *State v. Phelps*, 93 Mont. 277 (Mont.1933) In *State of Louisiana v. Judge of Commercial Court*, 15 La. 192 (1840) John N. Stiles, an American Indian, a free man of color was arrested and committed to prison on a warrant for having failed to leave the State of Louisiana, after having been notified to depart and forever to remain out of the same....

In an equally important case, *Danzell v. Webquish*, 108 Mass. 133 (Mass.1871) Christopher Danzell ... was a colored man of Indian descent, a "black Indian" -- the court there held that under United States common law, people of color were classified as Indians, codified by Massachusetts Statute of 1869, c. 463, § 1 which specifically stated, that "all Indians, and "people of color", heretofore known and called Indians, within this Commonwealth, are hereby made and declared to be citizens of the Commonwealth...." It was held by this court in the "Dred Scott" case, only a few years before the outbreak of the civil war, that a man

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[48] Samuel George Morton, Crania Americana; or a comparative view of the skulls of various Aboriginal Nations of North and South America pg. 6 (1839)

of full-blooded African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States." *The Slaughterhouse Cases*, 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872) On the other hand, this same court in that same Dredd Scott case recognized that there are "Free colored people," American Indians in Louisiana..." *Dred Scott, Plaintiff In Error v. John Sandford*, 60 U.S. 393, 19 How. 393, (1856) In *Plessy v. Ferguson* "petitioner was seven-eighths Caucasian and one-eighth negro blood; that the mixture of colored blood was not discernible in him."[49] It is true that the question of the proportion of copper-colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different states;[50] some holding that any visible admixture of black blood stamps the person as belonging to the colored race (*State v. Chavers*, 5 Jones [N. C.] 1);[51] others, that it depends upon the preponderance of blood (*Gray v. State*, 4 Ohio, 354; *Monroe v. Collins*, 17 Ohio St. 665);[52] and still others, that the predominance of white blood must only be in the proportion of three-fourths (*People v. Dean*, 14 Mich. 406; *Jones v. Com.*, 80 Va. 544).[53] But these are questions to be determined under the administration of the Christian Emperor de Orleans, Trust Protector of the Atakapa Indian Nation[54]

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[49] Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)
[50] Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)
[51] Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)
[52] Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)
[53] Plessy v. Ferguson, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)
[54] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.29-30

because the right to define tribal membership belongs to "HIM". *Boff v. Burney*, 168 U.S. 218, 18 S.Ct. 60, (1897)

iii. The Tale of Two Territories, Louisiana and Orleans

In 1804, Historic Louisiana was divided into two territories, Louisiana and Orleans.[55] *Samuel Downes v. George Bidwell*, 182 U.S. 244 (1901) The Atakapa Indian nation is the only tribal nation wherein two parishes was set aside in the Orleans Territory.[56,57] Appx.B pg.17 *McGirt v. Oklahoma*, 140 S.Ct. 2452, 207 L.Ed.2d 985, (2020) The Atakapa Indians' application for permanent injunctive relief therefore seeks prospective injunctive relief in order to end a continuing federal-law violation.[58] "It is the settled doctrine of this court that a suit against individuals, for the purpose of preventing them, as officers of a state, from enforcing an unconstitutional enactment, to the injury of the rights of the plaintiff, is not a suit against the state..." *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The various authorities we have referred to furnish ample justification for the assertion that individuals who, as officers of the state, are clothed with some duty in regard to the enforcement of the laws of the state, and who threaten and are about to commence proceedings, either of a civil or criminal

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[55] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.19-21

[56] Attakapas Parish, a former parish (county) in southern Louisiana, was one of the twelve parishes in the Territory of Orleans, newly defined by the United States federal government following its Louisiana Purchase in 1803.
At its core was the Poste des Attakapas trading post, which developed as the current city of St.Martinville.https://en.wikipedia.org/wiki/Attakapas_County,_Orleans_Territory#:~:text=Attakapas%20Parish%20was%20formally%20created,of%20Mexico%20to%20the%20south.

[57] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.22-30

[58] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.50

nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution, may be enjoined by a Federal court of equity from such action. *Ex parte Edward Young*, 209 U.S. 123, (1908) "If the question of unconstitutionality, with reference, at least, to the Federal Constitution, be first raised in a federal court, that court, as we think is shown by the authorities cited hereafter, has the right to decide it, to the exclusion of all other courts." Ibid "The Federal court cannot, of course, interfere in a case where the proceedings were already pending in a state court." *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908)

iv. <u>The Louisiana Supreme Court lacks jurisdiction over this matter.</u>

"Appellate courts have a duty to examine subject matter jurisdiction sua sponte, even when the parties do not raise the issue. *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. 1st Cir., Aug 20, 2024) In this case, In March 2024, the Louisiana Office of Disciplinary Counsel ('ODC') filed a petition in the Louisiana Supreme Court seeking the imposition of reciprocal discipline against respondent, Edward Moses, Jr., an attorney licensed to practice law in Louisiana, based upon discipline imposed by the United States District Court for the Middle District of Louisiana." *In re Moses*, 2024-B-00295 (La. May 29, 2024) Although "Edward Moses Jr" is an attorney, he did not appear in these proceedings in his individual capacity, but rather solely in the capacity of 'the Christian Emperor d'Orleans Trust protector of the Atakapa Indian "TRIBE OF משׁה†MOSES"' (Foreign) Express Spendthrift Trust...." *In re Moses*, 2024-B-00295

(La. May 29, 2024) The Sixteenth Judicial District Court for Iberia Parish, State of Louisiana issued the Atakapa Indian TRIBE OF משׁה†MOSES Foreign Express Spendthrift Trust" order on December 8, 2020, which decreed in part that the Trust was a foreign trust governed by the law of Moses, a jurisdiction other than Louisiana. *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. 1st Cir., Aug 20, 2024) The Louisiana Supreme Court lacks jurisdiction over this matter.

The Trust instrument was "deemed to be legally executed and shall have the same force and effect in this state as if executed in the manner prescribed by the laws of this state. *Ibid* The December 8, 2020, Iberia Parish Trust Order decrees that all powers ... have now been lawfully conveyed to the CHRISTIAN EMPEROR D'ORLEANS [Moses]..." ibid Additionally, the Iberia Parish Trust Order states, that the 'CHRISTIAN EMPEROR D'ORLEANS [Moses], trust protector of the [Atakapa Indian Trust] ... has full authority to act..." *ibid* The court cannot, of course, interfere in this proceedings because as mentioned earlier, the June 29, 2022, East Baton Rouge Parish state court Amended Trust Judgment enjoins Louisiana judges, ... sheriffs, deputy sheriffs, [and] constables et al... from executing and/or enforcing the laws of the State or Federal Government ... or serving process or doing anything towards the execution or enforcement of those laws, within the Atakapa Nation in order to end a continuing federal-law violation. *Ex parte Young,* 209 U.S. 123, (1908)

2. Chevron is overruled. Can a Court issue a decision recognizing the "Atakapa Indian TRIBE OF משׁה‡MOSES under the federally recognized Indian tribe list act of 1994? Yes

In light of this court's recent decision in *Loper Bright Enterprises v Raimondo*, 22-451 (June 28, 2024) holding that "Chevron Deference" is overruled. "Courts may not defer to an agency interpretation of the law simply because a statute is ambiguous..." *Loper Bright Enters. v. Raimondo, Sec of Commerce*, 22-1219, 22-451 (Jun 28, 2024) The Federally Recognized Indian Tribe List Act of 1994 states that "Indian tribes may be recognized by: (1) an 'Act of Congress;' (2) 'the administrative procedures set forth in part 83 of the Code of Federal Regulations [;]' or (3) 'a decision of a United States court...." *State v. White*, 556 S.W.3d 110 (Mo. App. 2018) The word "Or" is used as a function word to indicate an alternative.[59]

"The requirement means that the Indian Tribe can obtain formal recognition by one of three ways; either by an 'Act of Congress, or by 'the administrative procedures set forth in part 83 of the Code of Federal Regulations, or by a decision of a United States court...." *Pulsifer v. United States*, 22-340 (2024) Based on the record created in the United States District Court, Middle District of Louisiana, the jurisdiction that imposed the discipline, there is such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this honorable Court could not, consistent with its duty, accept as final the conclusion that the state courts did not issue decisions that formally recognize the Atakapa

[59] https://www.merriam-webster.com/dictionary/or

Indians.[60] Recognition is often effected by an express "written or oral declaration....*Zivotofsky v. Kerry*, 135 S. Ct. 2076, 192 L.Ed.2d 83, 576 U.S. 1 (2015) King James of Great Britain foretold of the rise of "Emperor Moses,"[61] Deuteronomy 17:14-15; Deu 18:15-19, John 14:12-17, 26 King James Version. In 1948, U.S. President Truman formally recognized Israel in a signed statement of 'recognition." *Zivotofsky v. Kerry*, 135 S. Ct. 2076, 192 L.Ed.2d 83, 576 U.S. 1 (2015)

Consistent with Israel's recognition, the Louisiana Sixteenth and Nineteenth Judicial District Courts both recognized the Atakapa Indian **"TRIBE OF משׁה†MOSES"** sovereignty."[626364] Recognition of Indian tribes—is a distinct issue from the recognition of foreign countries." *Zivotofsky v. Kerry*, 135 S. Ct. 2076, 192 L.Ed.2d 83, 576 U.S. 1 (2015) In Black's law dictionary revised 4th edition (1968) the word "recognized," means no more than actual and publicly known, as contrasted with proposed, pretended or secret." *Commonwealth v. Kimball*, 299 Mass. 353, 13 N.E.2d 18 (Mass. 1938) The Federally Recognized Indian Tribe List Act of 1994 § 103(4) further states that a tribe which has been recognized by a decision of a United States court may not be terminated except by an Act of the United States Congress. see *United Tribe of Shawnee Indians v. US*, 253 F.3d 543 (10th Cir. 2001) "These two propositions mean that—absent a waiver or congressional authorization—federal courts lack subject matter jurisdiction over a suit against (1)

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[60] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 8 pg.2
[61] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.2-2 pg.3¶F2-3
[62] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.27¶1, 34¶2
[63] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.34¶3
[64] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.35¶1

a tribe, (2) an arm or instrumentality of the tribe, or (3) tribal employees acting in their official capacities." *Spivey v. Chitimacha Tribe of La.*, 79 F.4th 444 (5th Cir. 2023)

a. Under U.S. Federalism are State courts adequate forums to formally recognize the Atakapa Indian Nation? Yes

The Louisiana Sixteenth and Nineteenth Judicial District Courts both recognized that the Covenant of One Heaven and its attached documents are the governing documents of the [sic] "Atakapa Indian Nation."[656667] Under U.S. Federalism State courts are adequate forums for the vindication of federal rights. *Burt v. Titlow*, 134 S. Ct. 10, 187 L. Ed. 2d 348, 571 U.S. 12 (2013) "[T]he States possess sovereignty concurrent with that of the Federal Government, subject only to limitations imposed by the Supremacy Clause. ibid Under this system of dual sovereignty, this court has consistently held that state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States." Ibid This principle applies to claimed violations of constitutional, as well as statutory, rights. Ibid Indeed, "state courts have the solemn responsibility equally with the federal courts to safeguard constitutional rights," and this Court has refused to sanction any decision that would "reflec[t] negatively upon [a] state court's ability to do so."... ibid "Justice Alito writing for the court said, "there is no intrinsic reason why the fact that a man

[65] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.27¶1, 34¶2
[66] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.34¶3
[67] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.35¶1

is a federal judge should make him more competent, or conscientious, or learned ... than his neighbor in the state courthouse."[68] Thus, the Atakapa Indian "TRIBE OF משׁה†MOSES" is formally recognized by the Louisiana Sixteenth and Nineteenth Judicial District court judgments as an international government[69] under the Federally Recognized Indian Tribe List Act of 1994.[70]

b. The Atakapa Indians count as separate sovereigns under the Double Jeopardy Clause.

"The East Baton Rouge June 29, 2022 Amended Trust Judgment appointed '[Moses] as judge ad hoc..." *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. 1st Cir., Aug 20, 2024) 34 U.S.C. §20101(f) states in part that, as used in this section, the term "offenses against the United States" does not include-(3) an offense triable by an Indian tribal court or Court of Indian Offenses. *Pulsifer v. United States*, 22-340 (Mar 15, 2024) Indian tribes like the Atakapa Indians count as separate sovereigns under the Double Jeopardy Clause. *Commonwealth v. Valle*, 136 S.Ct. 1863, 195 L.Ed.2d 179 (2016) Originally, this Court has noted that, "the tribes were self-governing sovereign political communities," possessing (among other capacities) the "inherent power to prescribe laws for their members and to punish infractions of those laws.") Ibid ('Congress has plenary authority to limit, modify or eliminate the [tribes'] powers of local self-government')."Ibid But unless and until Congress withdraws the Atakapa Indians tribal power...the Atakapa

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[68] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec. Doc.2-3 pg.22-23
[69] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.35¶5
[70] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pp.38¶3-6, 40¶7, 41¶6-8, 42)

Indian community retains that power in its earliest form. Ibid Unlike the thirteen colonies, who obtained their powers of external sovereignty as a result of their rebellion from the King of Great Britain, supra. For the Atakapa Indian "TRIBE OF משׁה†MOSES" the earliest form of "primeval "self-governance or, at any rate, "pre-existing" sovereignty that they retain can be found in Exodus 7:1, when יהוה said to our progenitor, Moses, see I have made thee a God to Pharoah.... King James Version The ultimate source" of a tribe's "power to punish offenders" thus lies in its "primeval" or, at any rate, "pre-existing" sovereignty: here the Atakapa Indian "TRIBE OF משׁה†MOSES" power to punish offenders lies where our progenitor, Moses took his seat to serve as Judge for the people. Exodus 18-13 King James Version. The Atakapa tribal power of prosecution is "attributable in no way to any... federal authority." *Commonwealth v. Valle*, 136 S.Ct. 1863, 195 L.Ed.2d 179 (2016)

Equally so, the United States Congress has never withdrawn the Atakapa Indians' tribal power. As a result, the scope of a judge's jurisdiction must be construed broadly where the issue is the immunity of the judge. *PHI Ngo v. Spears*, 22-C-183 (La. App. Jun 29, 2022) A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority...." ibid "This immunity extends to justices of the peace as well as those that sit on the Supreme Court and shields judges unless they act either in the clear absence of all jurisdiction over subject matter, or in a nonjudicial capacity, ultra vires. Ibid Consequently, unless and until Congress withdraws the Atakapa Indians

tribal power—including the power to prosecute—the Atakapa Indian community retains that authority in its earliest form. The earliest form of "primeval "tribal power or, at any rate, "pre-existing" sovereignty that they retain can be found in (Exodus 2:10 wherein our progenitor, Moses was raised as a ... Prince. King James Version) and in (The Book of Jasher 76:1, wherein out progenitor, Moses ... was still King in the land) .... As such, the Nineteenth Judicial District Court's June 29, 2022, trust instructions read as follows:

> IT IS ORDERED, ADJUDGED and DECREED that precedence shall be and is hereby given to the Crowned Head, in regard to priority of rank between the Emperor of the American Empire majestically referred to as the Christian Emperor D'Orleans Edward Moses Jr and any Republic or Democracy.[71]

Compare judicial immunity to that of a king. "A king is born to power and can 'do no wrong...." *Trump v. Vance*, 140 S. Ct. 2412, (2020) The title emperor seems to denote a power and dignity superior to that of a king .... Henry Campbell Black, Black's Law Dictionary, 616-617 (West Publishing Co.) (4th Ed. 1968)

c. <u>"Emperor Moses" is entitled to Sovereign Immunity</u>

The June 29, 2022, trust instructions granted by the Nineteenth Judicial District Court interpret Emperor Moses' core administrative powers to wit:

> IT IS ORDERED, ADJUDGED and DECREED that the principle that the acts of a monarch are in subordination to the laws of the country, applies only where there is any law of higher obligation than his will; the rule contended for may prevail in an Anglo-Saxon, British or European

[71] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.44¶1

province, but certainly not in the Atakapa Indian "TRIBE OF משה†MOSES" provinces.[72]

18 U.S.C. § 112 adopts the definitions found in 18 U.S.C. § 1116(b) "Foreign official" means-- (A) a Chief of State or the political equivalent, President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity.... *U.S. v. Vasquez*, 867 F.2d 872 (5th Cir. 1989) Internationally protected person" means-- (A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own. *ibid* [73] "The record establishes that "Emperor Moses" is the head of State of the Atakapa Indian"TRIBE OF משה†MOSES", an independent nation. This is enough to support a finding that Emperor Moses is a 'foreign official' under 18 U.S.C. § 1116(b)." *ibid*

The common-law rule is that 'no suit or action can be brought against the king, even in civil matters, because no court can have jurisdiction over him. *Franchise Tax Bd. of Cal. v. Hyatt*, 139 S.Ct. 1485 (2019) The Emperor of the American Empire"[74] like the King of England, as sovereign of the nation, is said to be independent of all, and subject to no one but God: and his crown is styled Imperial, on purpose to assert that he owes no kind of subjection to any potentate

[72] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec doc. 2-3p.35¶1
[73] Atakapa IV, No. 3:23-cv-00084-BAJ-RLB (M.D. La.), Rec Doc.2-2, Rec Doc.2-4, Rec Doc.2-3 pg.34-35
[74]Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-4

on earth.[75] *Nathan v. Virginia*, 1 U.S. 77 (1781) The principle that government may not enact laws that suppress religious belief or practice is so well understood that few violations are recorded in this court's opinions." *Church of Lukumi Babalu Aye, Inc v. City of Hialeah*, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) "The sovereign is 'exemp[t] ... from all [foreign] jurisdiction....[76] *Franchise Tax Bd. of Cal. v. Hyatt*, 139 S.Ct. 1485 (2019) The imposition of discipline was unwarranted in this case because this inference is drawn, that the Louisiana Middle District court having no jurisdiction over "Emperor Moses," all its process against "HIM," must be coram non judice, and consequently void." *Nathan v. Virginia*, 1 U.S. 77 (1781)

3. Did the Louisiana Supreme Court Violate Edward Moses Jr's right to confront the government in the attorney suspension proceedings? yes

"If a litigant asserts the right in court to 'be confronted with the witnesses against him,' U.S. Const., Amdt. 6, this court requires lower courts to consult history to determine the scope of that right." *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022) Attorney suspension proceedings are adversarial and quasi-criminal in nature. *In re Rosales*, No. 17-50667 (5th Cir. Mar 27, 2018) As such, an attorney is entitled to procedural due process which includes notice and an opportunity to be heard in ... suspension proceedings." Id ... Such proceedings ... provide the attorney with his constitutionally guaranteed opportunity to confront the government's evidence and rebut the same." *Sealed*

[75] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-3 pg.34-35, Rec.Doc.2-4
[76] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-3 pg.29, 34-35

Appellant 1 v. Sealed Appellee 1, 211 F.3d 252 (5th Cir. 2000) Here, there was none. "The serious contempt fines imposed here while characterized as civil were in fact criminal in nature and constitutionally could be imposed only through a jury trial." *Int'l Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994)" Edward Moses Jr's Indian/Non-Indian and sovereign status are jurisdictional challenges requiring the government to present competent evidence not presumptions. *United States v. Haggerty*, 997 F.3d 292 (5th Cir. 2021) citing "*Lucas v. United States*, 163 U.S. 612, 16 S.Ct. 1168, 41 L.Ed. 282 (1896) However, the government was not ordered to answer the motion to dismiss. The court simply dismissed Emperor Moses' pleading, thus depriving HIM of his right to confront his accusers.

a. Is the sanction of $15,000 penalty and one year suspension excessive enough to afford Emperor Moses a trial by jury?

The Court's inherent authority was explained by this Court as follows: Federal courts possess certain "inherent powers," not conferred by rule or statute, "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R. Co.*, 370 U.S. 626, 630-631, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962). That authority includes "the ability to fashion an appropriate sanction for conduct which abuses the judicial process." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44-45, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991) see Goodyear Tire & Rubber Co. v. Haeger, ___ U.S. ___, 137 S. Ct. 1178 1186, 197 L. Ed. 2d 585 (2017). For the Court to act pursuant to its inherent authority, there must be bad faith.... Id.; *Oregon*

RSA No. 6 v. Castle Rock Cellular of Oregon Ltd. Partnership, 76 F.3d 1003, 1007 (9th Cir. 1996); Also see *Int'l Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994) (distinguishing compensatory from punitive sanctions and specifying the procedures needed to impose each kind)." *Goodyear Tire & Rubber Co. v. Haeger*, 137 S.Ct. 1178, 197 L.Ed.2d 585 (2017) The Rule in question contemplates that occasions may arise when the trial judge must immediately arrest any conduct of such nature that its continuance would break up a trial, so it gives him power to do so summarily." *Sacher v. United States*, 343 U.S. 1, (1952) We think 'summary' as used in this Rule ... refers to a procedure which dispenses with the formality, delay and digression that would result from the issuance of process, service of complaint and answer, holding hearings, taking evidence, listening to arguments, awaiting briefs, submission of findings, and all that goes with a conventional court trial. *Ibid* The purpose of that procedure is to inform the court of events not within its own knowledge. *Ibid* The Rule allows summary proceedings only as to offenses within the knowledge of the judge because they occurred in his presence. *Ibid* "Conviction without trial is not only inherently unfair in the first court, but the unfairness is carried up to the appellate level." *Ibid*

b. <u>The alleged criminal contempt was punitive and committed beyond the presence of the Louisiana Supreme Court</u>

The fines are $15,000 in this case is punitive. "The issue before us accordingly is limited to whether these fines, despite their noncompensatory character, are coercive civil or criminal sanctions." *Ibid* "Where, as here, 'a serious

contempt is at issue, considerations of efficiency must give way to the more fundamental interest of ensuring the even-handed exercise of judicial power.'..." *ibid* A contempt sanction is considered civil if it 'is remedial, and for the benefit of the complainant. *Int'l Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994) But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court...."ibid "Thus, a 'flat, unconditional fine' totaling even as little as $50 announced after a finding of contempt is criminal if the contemnor has no subsequent opportunity to reduce or avoid the fine through compliance. *Int'l Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994) "Alleged contempt committed beyond the court's presence where the judge has no personal knowledge of the material facts are especially suited for trial by jury. ibid

CONCLUSION

The petition for a writ of certiorari should be granted.

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