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Case No. 2024-B-00295

ORIGINAL

RKB

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 REHEARING

SUBMITTED BY:

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proper person

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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, petitioner EDWARD MOSES JR ("petitioner" or "Mr. Moses") respectfully petitions this Court for an order (1) granting rehearing, (2) vacating the Court's November 4, 2024, order denying certiorari, and (3) re-disposing of this case by granting the petition for a writ of certiorari, vacating the May 29, 2024 Louisiana Supreme Court reciprocal disciplinary order, and remanding this matter back to the State Court for further consideration in light of this court's ruling in *Rippo v. Baker*, 137 S. Ct. 905, 197 L.Ed.2d 167 (2017) for the purpose of determining whether Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.

This case is high profile and poses a question about the propriety of universal injunctive relief - a question of great significance that as is court stated in Labrador has needed its attention for some time. *Labrador v. Poe*, 144 S.Ct. 921 (2024) The universal injunction in this case is of the highest order because it protects an American Monarch's jurisdiction over his nation, hence it enjoins the United States 2021-present elections until a final merits decision is reached regarding the jurisdictional issue.[1] This Court is responsible for resolving questions of national importance. *Labrador v. Poe*, 144 S.Ct. 921 (2024) Mr. Moses argues that reciprocal discipline in this matter is not warranted because the rigid dichotomy between

[1] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.49¶4

Citizens of the United States (European immigrants and other immigrants) and Americans (so-called Blacks or negroes) have been a point of contention from the inception of the United States in 1776. On the same day as the denial of his petition, this Court granted petitions for writ of certiorari in LOUISIANA V. CALLAIS, PHILLIP, ET AL. docket number 24-109 consolidated with ROBINSON, PRESS, ET AL. V. CALLAIS, PHILLIP, ET AL. docket number 24-110, two cases that raise the same issue(s) as that raised in this case with respect to the white population and so-called "Black or negro population" of Louisiana and two Black-opportunity districts voted into existence by the Louisiana Legislature.

This call to strike down the 1811 Louisiana Enabling Act as unconstitutional is based on the controlling effect and "core purpose" of the Equal Protection Clause: to do away with all governmentally imposed discrimination based on race. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. ___ (2023) The 1811 Louisiana Enabling Act §2 which was directed at all "Free White males citizens of the United States" who was eligible and... authorized them to choose representatives to form a convention, who 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....[2],[3] *State ex rel. Thayer v. Boyd*, 31 Neb. 682, 48 N.W. 739 (Neb. 1891) He seeks rehearing on that part of the

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

issue not raised in his petition for a writ of certiorari because objectively speaking, the probability of actual bias on the part of the judge(s) or decisionmaker(s) in this case is too high to be constitutionally tolerable. As grounds for this petition for rehearing, petitioner states the following:

1. Objectively speaking this case poses a question about the propriety of universal injunctive relief a question of great significance that has been in need of this Court's attention for some time.

The Louisiana Code of Judicial Conduct Canon 2 states in part that, "A judge shall respect and comply with the law." *Daurbigney v. Liberty Pers. Ins. Co.*, 272 So.3d 69 (La. App.3rd Cir. 2019) "And that a Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities." Rippo ... directs that recusal may be required even where proof of actual bias is lacking." *Rippo v. Baker*, 137 S. Ct. 905, 197 L.Ed.2d 167 (2017) The Louisiana Supreme Court acquiesced in the Federal Court's factual findings. The record reflects that the East Baton Rouge Amended Trust Judgment grants to 'Emperor Moses' inter alia ownership of 'Historic Louisiana' and its natural and civil fruits, buildings, and plantings." *U.S. Bank v. Moses*, 2023 CA 1292, 2023 CW 0661 (La. App. Aug 20, 2024) A permanent injunction at play in this trust administration case protects the Atakapa Indian Nation's possession of their ancestral lands.[4] The United States District Court Middle District of Louisiana found that:

> The December 8, 2020 "Order" from the Sixteenth JDC declares "the Atakapa Indian "TRIBE OF משה MOSES"

[4] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3p.24, 32

> (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."[5]

Correspondingly, the record reflects that early in the trust administration litigation below, the state district court issued a universal preliminary injunction, infra. *Labrador v. Poe*, 144 S.Ct. 921 (2024) The state district court enjoined the State from enforcing any aspect of its duly enacted laws within the Atakapa Nation, infra. In *Arizona v. Navajo Nation* this court held that to maintain a breach of trust claim, the Tribe must establish, among other things, that the text of a treaty, statute, or regulation imposed certain duties on the *United States. Arizona v. Navajo Nation* 143 S.Ct. 1804, 216 L.Ed.2d 540(2023) Here, Mr. Moses argues that in 2017 under PL 115-121, HR 984 – The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017, the United States Congress admitted on the record that all non-reservation Indians, like the Atakapa Indians were reclassified as negro to wit:

> (57) the Virginia Vital Statistics Bureau classed all non-reservation Indians as ``Negro...."[6] United States Public Laws of the 115th Congress, 2nd Session (2018)

Every citizen of the United States is also a citizen of a State or territory. *United States v. Wheeler*, 435 U.S. 313, 98 S.Ct. 1079, 55 L.Ed.2d 303 (1978) He may be said to owe allegiance to two sovereigns and may be liable to punishment for an infraction

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[5] 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

[6] PL 115-121, HR 984 – Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017

of the laws of either. Ibid It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. *United States v. Cruikshank Et Al,* 23 L.Ed. 588, 92 U.S. 542 (1875) The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. Ibid

He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. ibid In return, he can demand protection from each within its own jurisdiction. *United States v. Cruikshank Et Al,* 23 L.Ed. 588, 92 U.S. 542 (1875) The exception here is the American negro, not the native American, the American negro having been reclassified from an Indian to a negro, by the fourteenth amendment, was unlawfully declared by the government to be a citizen of the United States against his will. *The Slaughterhouse Cases,* 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872)

That the 14th amendment's main purpose was to establish the citizenship of the negro can admit of no doubt. *The Slaughterhouse Cases*, 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872) Eliminating racial discrimination means eliminating all of it. Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 600 U.S. ___ (2023) Accordingly, this Court has held that the Equal Protection Clause applies "without regard to any differences of race, of color, or of nationality"- it is "universal in [its] application." *Yick Wo v. Hopkins*, 118 U.S. 356, 369. For "[t]he guarantee of equal protection cannot mean one thing when applied to one individual

and something else when applied to a person of another color." *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College,* 600 U.S. ___ (2023)

In *Elk v. Wilkins*, 112 U.S. 94, (1884) this Court ultimately held that an Indian was not a citizen of the United States under the fourteenth amendment of the constitution. The Court reasoned that like children born within the United States of ambassadors, he was not subject to the jurisdiction of the United States because he owes allegiance to a tribe—not to the United States.[7] *Fitisemanu v. United States*, 426 F.Supp.3d 1155 (D. Utah 2019) The Atakapa Indian "TRIBE OF משׁה†MOSES" unlawfully reclassified as negro has an absolute right to complain about being subjected to this dual form of Government. The American negro having regained his status as a free man are entitled to self-determination and to pledge their allegiance to their tribal Nation—not to the United States. Negro slavery alone was in the mind of the Congress which proposed the thirteenth amendment of the United States Constitution.... *The Slaughterhouse Cases*, 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872). Based on the record created in the Louisiana Middle District Court, it is clear that Congress has expressly repudiated the policy of terminating recognized Indian tribes and has actively sought to restore recognition to tribes that previously have been terminated.[8] The Atakapa Indian Nation is recognized in the American States Papers.[9] With these facts as a backdrop the Louisiana State district courts recognized

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[7] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.27¶3, Rec Doc.4-1
[8] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.4-4 p.1¶5
[9] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-1

the Atakapa Indian "TRIBE OF מֹשֶׁה†MOSES"" as an international government.[10] Then the State District Court granted the nation-state the following universal preliminary injunction until a final decision on the merits.:

> ...enjoining the Europeans of the state, the governor, attorney general, judges, justices of the peace, sheriffs, Deputy sheriffs, constables, and others the officers, agents, and servants of the state, from executing and/or enforcing the laws of the state or federal government or any of these laws or serving process or doing anything towards the execution or enforcement of those laws, within the Atakapa Nation.[11]

U.S. Bank v. Moses, 2023 CA 1292, 2023 CW 0661 (La. App. 1stCir. Aug 20,2024)

See *Haaland v. Brackeen* (2023) quoting *Wǫrcester v. Georgia*, 31 U.S. 515, (1832) holding Georgia's laws unconstitutional, the United States Supreme Court acknowledged that Indian Tribes remain "independent political communities, retaining their original natural rights." The state in this case did not appeal the injunctions. As a result, the relevant government officials *are enjoined* from enforcing its laws during the period of litigation. *Labrador v. Poe*, 144 S.Ct. 921 (2024)

In accordance with the 1994 Federally Recognized Indian Tribe List Act, the United States has a trust responsibility to the Atakapa Indian Tribal Nation.[12] The United States also has a trust responsibility to maintain a government to government relationship with the Atakapa Indians.[13] Based on the facts established here,

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[10] Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.35¶5
[11] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3p. 48 ¶3
[12] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.4-4 p.1
[13] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-4, Rec Doc.4-4 p.1

reciprocal discipline is unwarranted because there is such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject.

2. The Doctrine of Ex Parte Young – Louisiana District Attorneys and State judges inter alia are enjoined from the execution or enforcement of those laws within the Atakapa Nation

JUSTICE GORSUCH concurring in *Labrador v. Poe* wrote that members of this Court have long held that, "'[a]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.'" *Labrador v. Poe*, 144 S.Ct. 921 (2024) The doctrine of Ex parte Young ... however, 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) "District Attorney's and State judges are often considered ... state officials..." *Arnone v. Cnty. of Dall. Cnty.*, 29 F.4th 262 (5th Cir. 2022) quoting *McMilliam v. Monroe County Alabama*, 520 U.S. 781, 117 S.Ct. 1734, 138 L.Ed.2d 1 (1997) It is the settled doctrine of the United States Supreme 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) Furthermore, the general discretion regarding the enforcement of the laws by a state

officer when and as he deems appropriate is not interfered with by an injunction which restrains the state officer from taking any steps towards the enforcement of an unconstitutional enactment, to the injury of complainant. Ibid In such case no affirmative action of any nature is directed, and the officer is simply prohibited from doing an act which he had no legal right to do. id *In Worcester,* 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 [American Indians] themselves, or in conformity with treaties, and with the acts of Congress." see *Haaland v. Brackeen* (2023) quoting *Worcester v. Georgia,* 31 U.S. 515, (1832) An injunction to prevent him from doing that which he has no legal right to do is not an interference with the discretion of an officer. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908)

The difference between an actual and direct interference with tangible property and the enjoining of state officers from enforcing an unconstitutional act, is not of a radical nature, and does not extend, in truth, the jurisdiction of the courts over the subject-matter. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) In the case of the interference with property, the person enjoined is assuming to act in his capacity as an official of the state, and justification for his interference is claimed by reason of his position as a state official. Ibid Such official cannot so justify when acting under an unconstitutional enactment of the legislature.

ibid So, where the state official, instead of directly interfering with tangible property, is about to commence suits which have for their object the enforcement of an act which violates the Federal Constitution, to the great and irreparable injury of the complainants, he is seeking the same justification from the authority of the state as in other cases. ibid The sovereignty of the state is, in reality, no more involved in one case than in the other. The state cannot, in either case, impart to the official immunity from responsibility to the supreme authority of the United States. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The question in this case is not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, the average judge in his position who is enjoined from the execution or enforcement of Louisiana state laws in the Atakapa Indian ancestral lands is likely to be neutral, or whether there is an unconstitutional potential for bias'."*Rippo v. Baker*, 137 S. Ct. 905, 197 L.Ed.2d 167 (2017)

The granting of the petitions for writ of certiorari in similar cases raising the same issue with regard to universal injunctions constitutes "intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented sufficient to warrant rehearing of the order denying certiorari in Mr. Moses' case. Sup. Ct. R. 44 The state court's universal injunction carries with it wide ranging effects. A preliminary injunction is an extraordinary remedy never awarded as of right. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 24, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008) The district court's preliminary injunction

operates to prevent state authorities from taking any action to interfere with Emperor Moses' ability to govern.[14]

CONCLUSION

For the foregoing reasons, petitioner Edward Moses Jr prays that this court (1) grant rehearing of the order denying his petition for writ of certiorari in this case, (2) vacate the Court's Nov 4, 2024, order denying certiorari, and (3) grant the petition for a writ of certiorari then strike down the 1811 Louisiana Enabling Act §2 on the basis that it violates the equal protection clause, vacate the May 29, 2024, Louisiana Supreme Court Reciprocal Discipline order then remand for a hearing.

Date: November 29, 2024

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[14] Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-4, Rec Doc.2-3 p.22-29, 32, 34-35

Case No. 2024-B-00295

IN THE UNITED STATES COURT SUPREME COURT

In Re: Edward Moses Jr

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

CERTIFICATE

I hereby certify on this 29th, day of November 2024 that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

/s/Edward Moses Jr in his official capacity as trust protector of the Atakapa Indian "TRIBE OF משׁה†MOSES" (foreign) Express Spendthrift Trust

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IN THE UNITED STATES COURT SUPREME COURT

In Re: Edward Moses Jr

appeal to the United States Supreme Court
from the United States Fifth Circuit Courts of Appeal

CERTIFICATE OF SERVICE

I, EDWARD MOSES JR, hereby certify under penalty of perjury that I have this 29th day of November 2024, caused a copy of this petition for writ of certiorari" to be served via electronic mail and or via first class mail to:

Mr. Gregory Tweed
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