

24-5866

Case No.

ORIGINAL

IN THE UNITED STATES COURT SUPREME COURT

Supreme Court, U.S.
FILED

JUN 13 2024

OFFICE OF THE CLERK

In Re: Edward Moses Jr

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

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 March 15, 2024, the United States Fifth Circuit Court of Appeal held that,

Edward Moses, Jr., a lawyer who has proclaimed himself “Emperor of the American Empire” and the trustee of the “Atakapa Indian de Creole Nation,” has filed a motion for permission to proceed as a sanctioned litigant. This court previously imposed a \$2,500 sanction in light of Moses’s repeated advancement of frivolous claims. *Moses v. Edwards*, No. 21-30270, 2022 WL 1605233, at *1 (5th Cir. May 20, 2022) (unpublished). The sanction remains unpaid. Moses seeks to appeal a disciplinary action that resulted in the district court imposing a \$15,000 fine against him and his law firm and suspending him from practicing law in the Middle District of Louisiana for one year. He asserts that he is a hereditary monarch who is immune from punishment and implies that his role as Emperor and trustee of the Atakapa effectively was established by state court judgments related to his alleged administration of a putative spendthrift trust. To obtain permission to proceed as a sanctioned litigant, Moses must demonstrate that he raises a nonfrivolous issue. See *Gelabert v. Lynaugh*, 894 F.2d 746, 748 (5th Cir. 1990). Moses has not made the required showing. He instead repeats the frivolous claims that he has been admonished not to raise and which, given his legal training, he should know are baseless. Appx.A

1. Whether Emperor Moses is the real party in interest entitled to an injunction barring the state officials from operating within the Atakapa Indian Nation based on a challenge to the constitutionality of the 1803 Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act.
2. Did the Fifth Circuit Court of Appeals misapprehend and misapply the clearly erroneous standard and accordingly erred in dismissing petitioner’s appeal? Yes
3. Chevron is overruled. Can a State Court issue a decision recognizing the “Atakapa Indian TRIBE OF ᎠᏓᏆᏰ MOSES under the federally recognized Indian tribe list act of 1994? Yes
4. 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. Justin Jack, in his official capacity as Assistant United States Attorney General, and Mrs. Morgan Ducote Rogers Louisiana Assistant Attorney General

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 Edward Moses Jr, No. 24-90001 (5th Cir. 2024)

QUESTION (s) PRESENTED ii

1. Whether Emperor Moses is the real party in interest entitled to an injunction barring the state officials from operating within the Atakapa Indian Nation based on a challenge to the constitutionality of the 1803 Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act. ii

2. Did the Fifth Circuit Court of Appeals misapprehend and misapply the clearly erroneous standard and accordingly erred in dismissing petitioner’s appeal? Yes..... ii

3. Chevron is overruled. Can a State Court issue a decision recognizing the “Atakapa Indian TRIBE OF ~~EMPEROR~~ MOSES under the federally recognized Indian tribe list act of 1994? Yes ii

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

CORPORATE DISCLOSURE iii

PARTIES TO PROCEEDING iii

RELATED PROCEEDINGS iii

TABLE OF CONTENTiv

OPINIONS BELOW xii

JURISDICTION xii

STATEMENT OF THE CASE..... 1

BACKGROUND 1

REASONS FOR GRANTING THE PETITION..... 7

1. Whether Emperor Moses is the real party in interest entitled to an injunction barring the state officials from operating within the Atakapa Indian Nation 7

a. The Real Party in Interest 7

b. Violation of Emperor Moses’ rights under the Establishment Clause..... 9

c. The District Court lacked subject matter jurisdiction.....	12
d. The US District Court identified a federal controversy over land between the Atakapa Indians and the United States	13
e. A good faith argument that the Atakapa Indians application for final injunctive relief is warranted by existing law.	15
f. The Doctrine of Ex Parte Young: The Atakapa Indian's application for final injunctive relief in state court is for a continuing federal law violation	17
2. Did the Fifth Circuit Court of Appeals misapprehend and misapply the clearly erroneous standard and accordingly erred in dismissing this appeal? yes	24
a. District Court findings of fact – The Fifth Circuit is bound by <i>June Med. Servs. L. L. C. v. Russo</i>	24
b. Reviewing Court's Clearly Erroneous Standard	25
3. Chevron is overruled. Can a Court issue a decision recognizing the "Atakapa Indian TRIBE OF ᠠᠲᠠᠴᠠᠭᠠᠨ MOSES under the federally recognized Indian tribe list act of 1994? Yes	27
a. Under U.S. Federalism are State courts adequate forums to formally recognize the Atakapa Indian Nation? Yes	28
b. The Atakapa Indians count as separate sovereigns under the Double Jeopardy Clause.....	30
c. Under 18 U.S.C. §1116(b) The Atakapa Indian Nation is a Foreign Government	33
d. "Emperor Moses" is entitled to Sovereign Immunity	35
4. Did the US District Court Violate Edward Moses Jr's right to confront the government in the attorney suspension proceedings? Yes	37

a. Is the sanction of \$15,000 penalty and one year suspension excessive enough to afford Emperor Moses a trial by jury?	38
b. The alleged criminal contempt was punitive and committed beyond the presence of the United States District Court for the Middle District of Louisiana and the Fifth Circuit Court of Appeal.	39
CONCLUSION	40
Appendix 1 FIFTH CIRCUIT COURT OF APPEAL JUDGMENT	42
Appendix 2 UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA	43
CERTIFICATE OF SERVICE	44
 CASES	
Anderson v. City of Bessemer City, North Carolina, 470 U.S. 564, 105 S.Ct. 1504, 84 L.Ed.2d 518 (1985)	26
Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019)	13
Boff v. Burney, 168 U.S. 218, 18 S.Ct. 60, 42 L.Ed. 442 (1897)	19
Carcieri v. Salazar, 555 U.S. 379 (2009)	19
Chambers v. NASCO, Inc., 501 U.S. 32, 44-45, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991)	38
Charles River Bridge v. Warren Bridge, 11 Pet. 420, 9 L.Ed. 773, 36 U.S. 420 (1837)	11
Church of Lukumi Babalu Aye, Inc v. City of Hialeah, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993)	10, 11
Cockerham v. Cockerham, 201 So.3d 253 (La. App. 2013)	9

Coeur D'Alene Tribe v. Hawks, 933 F.3d 1052 (9th Cir. 2019)	13
Commonwealth v. Kimball, 299 Mass. 353, 13 N.E.2d 18 (Mass. 1938)	28
Commonwealth v. Valle, 136 S.Ct. 1863, 195 L.Ed.2d 179 (2016)	30, 31
CrossFit, Inc. v. National Strength and Conditioning Assoc., No. 14-cv-1191-JLS-KSC, 2017 WL 4700070 *3 (S.D. Cal. Oct. 19, 2017).....	39
Daniel v. Paty, 435 U.S. 618, 98 S.Ct. 1322, 55 L.Ed.2d 593 (1978)	11
Dred Scott, Plaintiff In Error v. John Sandford, 60 U.S. 393, 19 How. 393, 15 L.Ed. 691 (1856).....	21
Elias De Lima v. George Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901)	23
Franchise Tax Bd. of Cal. v. Hyatt, 139 S.Ct. 1485 (2019)	36, 37
Gelabert v. Lynaugh, 894 F.2d 746, 748 (5th Cir. 1990)	ii
Gray v. State, 4 Ohio, 354.....	21
Haaland v. Brackeen, 21-376, 21-377, 21-378 (Jun 15, 2024)	19, 32
In re Atakapa Indian de creole Nation, 2022-0208, 2022 WL 1599997 (La. App. 1 Cir. 5/20/22).....	4
In re Edward Moses, Jr., U.S. District Court for the Middle District of Louisiana, Case No. 23-00084 - BAJ	2
In re Rosales, No. 17-50667 (5th Cir. Mar 27, 2018).....	37
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)	13

Int'l Union, United Mine Workers of America v. Bagwell, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994)	18, 38, 39, 40
Isaacson v. Brnovich, 610 F.Supp.3d 1243 (D. Ariz. 2022)	29
Johnson v. M'Intosh, 21 U.S. 543, (1823)	19
Jones v. Com., 80 Va. 544	22
June Med. Servs. L. L. C. v. Russo, 140 S.Ct. 2103, 207 L.Ed.2d 566 (2020)	24, 26
Kiowa Tribe of Oklahoma v. Manufacturing Tech., 523 U.S. 751, (1998)	34
Leiter Mins., Inc. v. United States, 352 U.S. 220, 226-28 (1957)	14
Link v. Wabash R. Co., 370 U.S. 626, 630-631, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962)	38
Loper Bright Enterprises v Raimondo, 22-451 (June 28, 2024)	1, 27
Lucas v. United States, 163 U.S. 612, 16 S.Ct. 1168, 41 L.Ed. 282 (1896)	6, 38
McGirt v. Oklahoma, 140 S.Ct. 2452, 207 L.Ed.2d 985 (2020)	22
Monroe v. Collins, 17 Ohio St. 665	21
Moses v. Edwards, No. 21-30270, 2022 WL 1605233, at *1 (5th Cir. May 20, 2022	ii, 39
N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022)	9, 37

Nathan v. Virginia, 1 U.S. 77 (1781)	36
Oneida Indian Nation v. County of Oneida, 414 U.S. 661, (1974)	13
Oregon RSA No. 6 v. Castle Rock Cellular of Oregon Ltd. Partnership, 76 F.3d 1003, 1007 (9th Cir. 1996)	39
People v. Dean, 14 Mich. 406.....	22
PHI Ngo v. Spears, 22-C-183 (La. App. Jun 29, 2022)	31
Phillips v. Payne, 92 U.S. 130, 23 L.Ed. 649 (1875)	19
Piambino v. Bailey, 610 F.2d 1306 (5th Cir. 1980)	4, 7, 8
Princess Lida of Thurn and Taxis v. Thompson, 305 U.S. 456, (1939)	6, 12
Pulsifer v. United States, 22-340 (Mar 15, 2024)	30
Read v. U.S. ex rel. Dep't of Treasury, 169 F.3d 243, 248 (5th Cir. 1999)	8
Roman Catholic Diocese of Brooklyn v. Cuomo, 141 S. Ct. 63, 208 L.Ed.2d 206 (2020)	11, 12
Rost v. United States, 44 F.4th 294 (5th Cir. 2022).....	30
Sacher v. United States, 343 U.S. 1, (1952)	39
Samuel Downes v. George Bidwell, 182 U.S. 244 (1901)	22
Sealed Appellant 1 v. Sealed Appellee 1, 211 F.3d 252 (5th Cir. 2000)	37

Seminole Tribe Florida v. Florida, 517 U.S. 44, 116 S.Ct. 1114, 134 L.Ed.2d 252 (1996)	18
Smith v. Spizzirri, 22-1218 (May 16, 2024)	15
South Carolina v. Baker, Iii, 485 U.S. 505, 108 S.Ct. 1355, 99 L.Ed.2d 592 (1988)	10
Spivey v. Chitimacha Tribe of La., 79 F.4th 444 (5th Cir. 2023)	13
State v. Chavers, 5 Jones [N. C.] 1	21
State v. White, 556 S.W.3d 110 (Mo. App. 2018)	27
Susan B. Anthony List v. Driehaus, 573 U.S. 149, 134 S.Ct. 2334, 189 L.Ed.2d 246 (2014)	13
The Slaughterhouse Cases, 83 U.S. 36, 21 L.Ed. 394, 16 Wall. 36 (1872)	21
Trump v. Vance, 140 S. Ct. 2412, (2020)	9, 32
U.S. v. Sid-mars Rest. & Lounge Inc., 644 F.3d 270 (5th Cir. 2011)	14
U.S. v. Vasquez, 867 F.2d 872 (5th Cir. 1989)	34, 36
United States v. Export Corporation, 299 U.S. 304, 57 S.Ct. 216, 81 L.Ed. 255 (1936)	19, 31, 35
United States v. Haggerty, 997 F.3d 292 (5th Cir. 2021)	6, 38
United States v. Mitchell, 463 U.S. 206, 103 S.Ct. 2961, 77 L.Ed.2d 580 (1983)	15, 16
United States v. Trump, Criminal Action 23-257 (TSC) (D. D.C. Dec 01, 2023)	35

United States v. Wheeler, 435 U.S. 313, 98 S.Ct. 1079, 55 L.Ed.2d 303 (1978).....	34
United Tribe of Shawnee Indians v. US, 253 F.3d 543 (10th Cir. 2001)	28
Weinberger v. Romero-Barcelo, 456 U.S. 305, 312, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982)	17
Worcester v. Georgia, 31 U.S. 515, (1832)	19, 23

STATUTES

18 U.S.C. § 1116(b).....	34, 35, 36
18 U.S.C. § 112	35
18 U.S.C. §11	32
18 U.S.C. Sec. 112	33
28 U.S.C. § 1447(c)	12
28 USC §1254 (1).....	ix
28 USC 2403.....	4
34 U.S.C. §20101(f).....	30
La. Revised Statute 9:2111	9
La.R.S. 9:1721.....	8
Massachusetts Statute of 1869, c. 463, § 1	20

OTHER AUTHORITIES

1803 Louisiana Purchase Treaty.....	5
1811 Louisiana Enabling Act.....	5, 15
1811 Louisiana Enabling Act §2.....	5, 15
Black's law dictionary revised 4 th edition (1968)	28
Book of Jasher 76:1	32
Deuteronomy 17:14-15 King James Version.....	10
Deuteronomy 18:15-19 King James Version.....	10
Exodus 18-13 King James Version.	31
Exodus 2:10.....	32
Exodus 7:1.....	11, 31
Henry Campbell Black, Black's Law Dictionary, 616-617 (West Publishing Co.) (4th Ed. 1968)	9, 32
Samuel George Morton, Crania Americana; or a comparative view of the skulls of various Aboriginal Nations of North and South America pg. 6 (1839	19
the Louisiana Purchase Treaty	15
United States Bureau of Indian Affairs, 84 Fed. Reg. 1200 (Feb. 1, 2019).....	34
U.S. CONST., AMDT. 6.....	34

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 March 15, 2024, United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinions of the Fifth Circuit Court of Appeal and the Us District Court are not published. Copies reproduced in the appendix.

JURISDICTION

The Judgment of the Fifth Circuit Court of Appeal was entered on March 15, 2024. A timely writ of certiorari was filed on June 13, 2024. The clerk received the writ on June 18, 2024, but returned the writ on June 20, 2024. The clerk gave applicant a 60-day extension to make corrections. The jurisdiction of this court is invoked under 28 USC §1254.

STATEMENT OF THE CASE

In light of this court's recent decision in *Loper Bright Enterprises v Raimondo*, 22-451 (June 28, 2024) holding that Chevron is overruled, the District Court's sanctions order and judgment will not survive this court's review, thus certiorari should be granted. Before the Court is Edward Moses, Jr., an Attorney licensed to practice in Louisiana who appears solely in his official capacity as the "Emperor of the American Empire" majestically referred to as the Christian Emperor D'Orleans trust protector of the "Atakapa Indian "TRIBE OF 𐤀𐤓𐤌𐤔MOSES" (foreign) Express Spendthrift Trust, "Emperor Moses."¹ Appellant timely appealed a September 14, 2023, sanctions order from the United States District Court Middle District of Louisiana. Appx. B The United States District Court's order 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.

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.²³ It should be noted that on October 21, 2021, Louisiana was ordered to file a petitory action in state court.⁴ This case arises out of

¹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.8 p.2, Rec Doc.

² <https://www.npr.org/2023/03/30/1167056438/vatican-doctrine-of-discovery-colonialism-indigenous>

³ <https://www.governing.com/context/what-the-repudiation-of-the-doctrine-of-discovery-means-for-indian-country>

⁴ Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 9-3

an ex parte application for trust instructions and temporary restraining order, preliminary and permanent injunction barring the state from operating within the Atakapa Nation. The pleadings were filed in state court but removed by the United States to federal court.⁵ The U.S. District Court for the Middle District of Louisiana sitting en banc at the sanctions hearing 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 ἠψῆ†MOSES” possession of Historic Louisiana and the Sixteenth JDC's December 8, 2020, Trust Order executory in the Nineteenth Judicial District.⁶

True also, the Sixteenth JDC's December 8, 2020, Order granted Mr. Moses authority to administer the Atakapa Indian “TRIBE OF ἠψῆ†MOSES” 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

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.⁷ 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 ἠψῆ†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

⁵ 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

⁶ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.2-3 p.24-33, Rec Doc.8.p.23

⁷ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.24

other “State or Nation,” under the dominion of “the CHRISTIAN EMPEROR D’Orleans Edward Moses Jr.”⁸

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 ᵿᵿᵿᵿMOSES Foreign Express Spendthrift Trust” ...[sic] with full protection from all claims of any person both juridical and natural.⁹ 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.¹⁰¹¹ 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”).¹²

The “December 29 Application” prompted four additional developments.¹³ 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.¹⁴ 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.”¹⁵ *In re Atakapa Indian de creole Nation*, 2022-0208, 2022 WL

⁸ 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

⁹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.29

¹⁰ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-2 pg.3

¹¹ 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

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.12

¹⁴ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.8 pg.13

¹⁵ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec. Doc.2-3 pg.22-23

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 ᏓᏍᏉᏗᏍᏉ MOSES” Foreign Express Spendthrift Trust, the Covenant of one Heaven, by trust transfer deed.¹⁶ Then he filed the trust transfer deed into the East Baton Rouge Clerk of Court conveyance records.¹⁷ 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 the Atakapa Indian nation and their sovereignty in accordance with the Federally Recognized Indian Tribe List Act of 1994.¹⁸ 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.¹⁹ In conformity with 28 USC 2403 the Nineteenth JDC then certified to both the United States and the State of Louisiana Attorneys

¹⁶ 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

¹⁷ Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.2

¹⁸ Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.34¶2

¹⁹ Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.48¶3

General that the constitutionality of the 1803 Louisiana Purchase Treaty²⁰ and the 1811 Louisiana Enabling Act §2²¹ were called into question.²² 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.²³

On July 8, 2022, the United States, was served with the June 29, 2022, Show Cause Order.²⁴ 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.²⁵ 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 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.²⁶ 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.²⁷ "Emperor Moses" then filed a motion for summary judgment and a rule 21 motion to sever the

²⁰ Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.11-18

²¹ <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=002/llsl002.db&recNum=0678>

²² Atakapa IV, No. 3:23-mc-00539-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.49¶1-2

²³ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.49¶5-6

²⁴ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.50

²⁵ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.3

²⁶ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.19

²⁷ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.40

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.²⁸ On May 25, 2023, the United States district court reversed itself and dismissed this case for [sic] lack of jurisdiction.²⁹

Then the United States District Court, Middle District of Louisiana dismissed the motion for summary judgment and motion to sever as moot.³⁰ In the case of a continuing trust such as that here in question, after adjudication in Federal Court, the corpus was reawarded 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 order why sanctions should not be imposed.³¹ 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.³² 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,

²⁸ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.) Rec Doc.6

²⁹ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.53

³⁰ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.53

³¹ Atakapa IV, 3:22-cv-00539-BAJ-RLB Rec Doc.54

³² Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.5-6

thus depriving Emperor Moses of his right to confront his accusers. Emperor Moses filed a timely notice of intent to appeal. In the appellate court Emperor Moses filed a timely MOTION TO WAIVE FEES ON APPEAL "Stay or Injunction Pending Appeal. On March 15, 2024, the Fifth Circuit dismissed Edward Moses Jr's appeal in its entirety, supra. this timely petition for writ of certiorari followed.

REASONS FOR GRANTING THE PETITION

A.

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

- a. The Real Party in Interest

The Fifth Circuit court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by the lower courts, as to call for an exercise of this Court's supervisory power. "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 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 Judgment in this case, trust Instructions... and Trust Agreement in this case, they must be regarded as one instrument.³³ *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 Fifth Circuit Court of Appeal 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

³³ Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.2-3pg.34-50

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. 2013) In this case, the Fifth Circuit Court of Appeal held that, [sic] "He asserts that he is a hereditary monarch who is immune from punishment, supra." The trust instrument here states in part that the CHRISTIAN EMPEROR D'Orleans Edward Moses Jr is granted full authority to act under the provisions of the "Atakapa Indian TRIBE OF ᏓᏍᏉᏍᏉ MOSES Foreign Express Spendthrift Trust" ... with full protection from all claims of any person both juridical and natural.³⁴ This court similarly held in *Trump v Vance* that "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)

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

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) 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."

³⁴ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.29

Church of Lukumi Babalu Aye, Inc v. City of Hialeah, 508 U.S. 520, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993) 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* The Fifth Circuit Court of Appeal has decided an important question of federal law that has not been, but should be, settled by this Court. Appx.A

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.”³⁵ *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) 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 divine right of kings,³⁶ 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*,

³⁵ Atakapa IV, 3:23-mc-0084-BAJ-RLB Rec Doc.8pg.2

³⁶ <https://x.com/EdwardMosesJr/status/1476716827338289153>

11 Pet. 420, 9 L.Ed. 773, 36 U.S. 420 (1837) The Atakapa Indian "TRIBE OF מֹשֶׁה 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 מֹשֶׁה MOSES" embraces any nation, state or religion that is devoted to the teachings of the Torah, the Law of Moses." ibid Even Jesus because he said, " I did not come to abolish the "Law of Moses," but to fulfill it." Matthew 5:17 KJV It goes without saying that the Atakapa Indian "TRIBE OF מֹשֶׁה MOSES" are the descendants of the lawgiver, our progenitor, Moses. Musa is our grandfather, our "God." See Exodus 7:1, King James Version, where יהוה said to our progenitor, Musa, see I have made thee a God to Pharoah.... KJV, 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 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 District Court lacked subject matter jurisdiction

Emperor Moses filed a motion to remand/motion to dismiss for want of jurisdiction in this case.³⁷ 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 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.³⁸ 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

³⁷ Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 3

³⁸ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3pg.34-50

remanded." 28 U.S.C. § 1447(c)...Precedent supports what the plain text says. The Supreme Court has noted that "the literal words of § 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 *Spivey v. Chitimacha Tribe of La.*, 79 F.4th 444 (5th Cir. 2023) quoting *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)

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'³⁹ 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.⁴⁰ *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

³⁹"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.

⁴⁰ 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

from the US District court's analysis that a federal controversy over land between the Atakapa Indian "TRIBE OF ᠠᠲᠠᠴᠠᠫᠠᠨ 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 ᠠᠲᠠᠴᠠᠫᠠᠨ MOSES" Express Spendthrift Trust, Mr. Moses's prior-exclusive-jurisdiction rule argument still fails.⁴¹ Why? Because the prior 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.⁴² Appx.B pg.22-25

Louisiana was ordered to file a petitory action in state court.⁴³ 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

⁴¹ takapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.) Appx.E Rec Doc. 2-3 p.34¶1

⁴² Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.8 pg.24fn81

⁴³ Atakapa IV, No. 3:22-cv-00539-BAJ-RLB (M.D. La.), Rec Doc. 9-3

...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)

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

Article III of the United States Constitution provides that "[t]he judicial power shall extend to all Cases . . . arising under this Constitution, the Laws of the United States, and Treaties." §2. *Pulsifer v. United States*, 22-340 (2024) "Here, as in other contexts, the use of the word 'shall' 'creates an obligation impervious to judicial discretion.'..." *Smith v. Spizzirri*, 22-1218 (May 16, 2024) "Unlike the word 'may,' which implies discretion, the word 'shall' usually connotes a requirement'...." *ibid* This case involves a challenge to the constitutionality of the Louisiana Purchase Treaty and the 1811 Louisiana Enabling Act.⁴⁴ 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 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....^{45,46} 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

⁴⁴ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3p.11-18, 49-50

⁴⁵ <https://www.govinfo.gov/content/pkg/STATUTE-2/pdf/STATUTE-2-Pg641-2.pdf#page=1>

⁴⁶ <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=002/llsl002.db&recNum=0678>

laws to exclude free blacks." *Dist. of Columbia v. Heller*, 128 S.Ct. 2783, 171 L.Ed.2d 637, 554 U.S. 570, (2008) 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 ... if enforced, would take property without due process of law; and although that question might incidentally involve a question of fact, its 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 assumes such elaborate control over forests and property which belong to the Atakapa Indians.⁴⁷" *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

⁴⁷ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Appx.B Rec Doc.2-3p.4-21

- f. The Doctrine of Ex Parte Young: The Atakapa Indian's application for final injunctive relief in state court 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 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) November 9, 2017, the Atakapa Indians were granted a judgment of possession in state court to recover their property wherever found.⁴⁸ On June 29, 2022, the 19th Judicial District Court granted Atakapa Indian trust instructions

⁴⁸ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.4-2p.14-22

then issued a temporary restraining order and preliminary injunction barring state officials from operating their laws within the Atakapa Indian Nation.⁴⁹ Emperor Moses is a protected person. 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 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)

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

⁴⁹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Appx.B Rec Doc. 2-3 pg.22-33, pg.48¶3

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*. Prior to European, Anglo-Saxon and Caucasians arrival, Louisiana was a foreign country occupied by numerous tribes of Indians, exclusively, the Atakapa Indians.⁵⁰ *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

⁵⁰ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.4, 19-21

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 a founder of Penn Medical Center in Philadelphia the American Race - is marked by a brown complexion....⁵¹

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, i.e., 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

⁵¹ Samuel George Morton, *Crania Americana; or a comparative view of the skulls of various Aboriginal Nations of North and South America* pg. 6 (1839)

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 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."⁵² 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;⁵³ 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);⁵⁴ others, that it depends upon the preponderance of blood (*Gray v. State*, 4 Ohio, 354; *Monroe v. Collins*, 17 Ohio St. 665);⁵⁵ and still others, that the predominance of white blood must only be in the

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 *Plessy v. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)

⁵⁵ *Plessy v. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)

proportion of three-fourths (*People v. Dean*, 14 Mich. 406; *Jones v. Com.*, 80 Va. 544).⁵⁶ But these are questions to be determined under the administration of the Christian Emperor de Orleans, Trust Protector of the Atakapa Indian Nation⁵⁷ because the right to define tribal membership belongs to “HIM”. *Boff v. Burney*, 168 U.S. 218, 18 S.Ct. 60, (1897)

In 1804, Louisiana was divided into two territories, Louisiana and Orleans.⁵⁸ *Samuel Downes v. George Bidwell*, 182 U.S. 244 (1901) The Atakapa Indian nation is the only tribal nation wherein a parish was set aside in the Orleans Territory for them.⁵⁹ Appx.B pg.17 *McGirt v. Oklahoma*, 140 S.Ct. 2452, 207 L.Ed.2d 985 (2020) Not only that, but the Atakapa Indians together with their Opelousas band, the Heron or Blackfoot is the only tribe of Louisiana recognized in the American States papers.⁶⁰ AppxC The Atakapa Indian “TRIBE OF ᵿᵿᵿᵿMOSES” is an ancient American Nation, ranging from present day Florida to Louisiana⁶¹ through Texas.⁶² Just like the Georgia Cherokee, Texas and Louisiana et al seized Atakapa lands, abolished the Tribe and its laws, and applied their own laws to Atakapa Ancestral

⁵⁶ *Plessy v. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256 (1896)

⁵⁷ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.29-30

⁵⁸ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.19-21

⁵⁹ 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.

⁶⁰ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-1

⁶¹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-1, American States Papers;

⁶² Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 5-3, Exhibit Texas House Resolution and Library of Congress Maps

lands.⁶³ And in the latter case, after a customhouse had been established at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast."⁶⁴ *Elias De Lima v. George Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901). The actions utilized by Florida, Louisiana and Texas to disenfranchise the Atakapa Indians were deemed unconstitutional by this Court in *Worcester v. Georgia*, 31 U.S. 515, (1832). The Atakapa Indians do not have a treaty with the United States, France or Spain.⁶⁵ Therefore, the Atakapa Tribal Nation, remains "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 State] have no right to enter, but with the assent of the Atakapa Indians themselves."⁶⁶

The Atakapa Indians' application for permanent injunctive relief therefore seeks prospective injunctive relief in order to end a continuing federal-law violation.⁶⁷ "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

⁶³ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.4 fn.99, pg.19-21

⁶⁴ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.4, 6-10

⁶⁵ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.15¶6

⁶⁶ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.22-30

⁶⁷ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.50

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 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, 28 S.Ct. 441, 52 L.Ed. 714 (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) This case should be remanded back to state court.

2. Did the Fifth Circuit Court of Appeals misapprehend and misapply the clearly erroneous standard and accordingly erred in dismissing this appeal? yes

a. District Court findings of fact – The Fifth Circuit is bound by *June Med. Servs. L. L. C. v. Russo*

The courts 'retain an independent constitutional duty to review factual findings where constitutional rights are at stake." *June Med. Servs. L. L. C. v. Russo*, 140 S.Ct. 2103, 207 L.Ed.2d 566 (2020) In this case, a single justice of the appellate court erroneously shifted focus from the "district court's factual findings" to "Edward Moses Jr's assertions in order to improperly dismiss this appeal to wit:

Moses asserts that he is a hereditary monarch who is immune from punishment and implies that his role as Emperor and trustee of the Atakapa effectively was

established by state court judgments related to his alleged administration of a putative spendthrift trust. Appx.A

'It is most true that this court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. *Ex parte Edward Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. Ibid The judiciary cannot pass it by because it is doubtful. Ibid With whatever doubts, with whatever difficulties, a case may be attended, the judiciary must decide it, if it be brought before the court. The judiciary has no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. Ibid The one or the other would be treason to the Constitution. Ibid

b. Reviewing Court's Clearly Erroneous Standard

This court has held that a lower court judgment, entered by a tribunal that was closer to the facts than the single Justice, is entitled to a presumption of validity." *Graves v. Barnes Register v. Bullock Mariott v. Smith Archer v. Smith* 8212 795, 405 U.S. 1201, 92 S.Ct. 752, 30 L.Ed.2d 769 (1972) As mentioned supra, the three judge court in the sanctions hearing found from the record that:

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 ᎠᏍᏉᏍᏉMOSES" possession of Historic Louisiana and the Sixteenth JDC's December 8, 2020, Trust Order executory in the Nineteenth Judicial District.⁶⁸ True also,

⁶⁸ Appx.B, , Rec Doc.8. p.23; No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc.2-3 p.24-33

the Sixteenth JDC's December 8, 2020, Order granted Mr. Moses authority to administer the Atakapa Indian "TRIBE OF ᠠᠲᠠᠴᠠᠭᠠᠨ MOSES" Express Spendthrift Trust.⁶⁹

"We start from the premise that a district court's findings of fact, 'whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility....' *June Med. Servs. L. L. C. v. Russo*, 140 S.Ct. 2103, 207 L.Ed.2d 566 (2020) "In applying [this] standard to the findings of a district court sitting without a jury, appellate courts must constantly have in mind that their function is not to decide factual issues de novo." Ibid Pressing on this point, the United States District Court sitting without a jury found from the record that:

The December 8, 2020 "Order" from the Sixteenth JDC declares "the Atakapa Indian "TRIBE OF ᠠᠲᠠᠴᠠᠭᠠᠨ 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.""⁷⁰

"The Atakapa ancestral lands are held in trust jure coronae, supra..." *John Bell, Plaintiff In Error v. Columbus Hearne, Samuel Hearne, and Samuel Dockery*, 60 U.S. 252, 19 How. 252, 15 L.Ed. 614 (1856) In short, there is no legal or practical basis to depart from the familiar standard that applies to all 'findings of fact.' "Id."⁷¹ Findings of fact shall not be set aside unless clearly erroneous...." *Anderson v. City of Bessemer City*, North Carolina, 470 U.S. 564, 105 S.Ct. 1504, (1985)

⁶⁹ Appx.B Rec Doc.8. p.23-24

⁷⁰ Appx B Rec Doc.8.p.11-12, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.25-28¶1

⁷¹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3pg.28¶2

3. Chevron is overruled. Can a Court issue a decision recognizing the "Atakapa Indian TRIBE OF ᲡᲣᲚᲘᲗMOSES 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) This court should grant certiorari because the fifth Circuit Court of Appeals has decided an important question of federal law that has not been but should be, settled by this Court. 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.⁷² "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

⁷² <https://www.merriam-webster.com/dictionary/or>

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 Indians.⁷³ 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)

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) 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

⁷³ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 8 pg.2

governing documents of the [sic] "Atakapa Indian Nation."⁷⁴⁷⁵⁷⁶ 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* "

There is no intrinsic reason why the fact that a man is a federal judge should make him more competent, or conscientious, or learned ... than his neighbor in the state courthouse – Justice Alito delivered the opinion of the court." *Ibid*⁷⁷ The Atakapa Indian "TRIBE OF אֱלֹהִים MOSES" is (1) formally recognized by Louisiana Sixteenth and Nineteenth Judicial District court judgments as an international government⁷⁸ with (2) an independent economic system composed of an American

⁷⁴ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.27¶1, 34¶2

⁷⁵ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.34¶3

⁷⁶ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 p.35¶1

⁷⁷ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec. Doc.2-3 pg.22-23

⁷⁸ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.35¶5

Central Bank Digital Currency, the “ACBDC”;⁷⁹ The “ACBDC” is a liquid asset used alongside physical notes and coins that can be transferred as a means of payment or held as a store of value. Under the Federally Recognized Indian Tribe List Act of 1994, the Atakapa Indians’ formal recognition was adjudged by decisions of Louisiana state courts.⁸⁰

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

"Applying the terms of the trust instrument and applicable Law of Moses this court must conclude that the court test and the control test are not met under 26 CFR 301.7701-7 *Rost v. United States*, 44 F.4th 294 (5th Cir. 2022) The state court properly deemed the Atakapa Indian trust a foreign person. The June 29, 2022, Nineteenth Judicial District Court trust instructions hold:

IT IS ORDERED, ADJUDGED and DECREED that “His Majesty” shall exercise the same power and authority to dispose of the Atakapa Indian “TRIBE OF מֹשֶׁה MOSES” Civil and Criminal, and trade policies as a sitting judge.⁸¹

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-

⁷⁹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. pg.35-43

⁸⁰ 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)

⁸¹ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.35¶2

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 Indian community retains that authority 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 מֹשֶׁה†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 יְהוָה 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 מֹשֶׁה†MOSES" power to punish tribal 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 our 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.⁸²

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)

⁸² Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.44¶1

c. Under 18 U.S.C. §1116(b) The Atakapa Indian Nation is a Foreign Government

Here, the terms of the June 29, 2022, trust instructions explicitly state:

IT IS ORDERED ADJUDGED AND DECREED that a temporary restraining order, preliminary injunction 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. Appx.E pg.48 ¶3

The June 29, 2022, trust instructions granted by the Nineteenth Judicial District Court's interpretation of Emperor Moses core legislative powers are as follows:

IT IS ORDERED, ADJUDGED and DECREED that for the Emperor of the American Empire majestically referred to as the CHRISTIAN EMPEROR D'ORLEANS Edward Moses Jr trust protector of the Atakapa Indian "TRIBE OF מֹשֶׁה MOSES", the laws of an absolute monarch are not its legislative acts—they are the will and pleasure of the monarch expressed in various ways—if expressed in any, it is a law; there is no other law making, law repealing power—call it by whatever name—a royal order—an ordinance—a cedula—a decree of council—or an act of an authorized officer—if made or promulgated by the Emperor, by his consent or authority, it becomes as to the persons or subject matter to which it relates, a law of the Empire.⁸³

"These powers are possessed exclusively by and are entirely under the control of the Crown." *United States v. Corporation*, 299 U.S. 304, 57 S.Ct. 216, 81 L.Ed.

⁸³ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec doc. 2-3p.34 ¶3

⁸⁴ Atakapa IV, No. 3:23-cv-00084-BAJ-RLB (M.D. La.), Rec Doc.2-3 pg.35¶5

⁸⁵ Atakapa IV, No. 3:23-cv-00084-BAJ-RLB (M.D. La.), Rec Doc.2-4

⁸⁶ Atakapa IV, No. 3:23-mc-0084-BAJ-RLB (M.D. La.), Rec Doc. 2-3 pg.28¶2, 29

divested them of some aspects of the sovereignty which they had previously exercised. Id By specific treaty provision they yielded up other sovereign powers; by statute, in the exercise of its plenary control, Congress has removed still others.id.

The Atakapa Indians however did not make a treaty with the United States. They are not incorporated within any reservation territory of the United States.... Yes, Tribes retain the inherent sovereignty the Constitution left for them. But no, Congress does not possess power to “calibrate ‘the metes and bounds of tribal sovereignty. *Haaland v. Brackeen*, 21-376, 21-377, (Jun 15, 2024)

d. “Emperor Moses” is entitled to Sovereign Immunity

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

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 province, but certainly not in the Atakapa Indian “TRIBE OF 𐏃𐏃𐏃𐏃MOSES” provinces.⁸⁷

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

⁸⁷ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec doc. 2-3p.35¶1

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* ⁸⁸ "The record establishes that "Emperor Moses" is the head of State of the Atakapa Indian "TRIBE OF מֶלֶךְ מֹשֶׁה MOSES", an independent country. This is enough to support a finding that Emperor Moses is a 'foreign official' under 18 U.S.C. § 1116(b)." *ibid* All sovereigns are in a state of equality and independence, exempt from each other's jurisdiction, and accountable to no power on earth, unless with their own consent." *Nathan v. Virginia*, 1 U.S. 77 (1781) That sovereigns, with regard to each other, were always considered as individuals in a state of nature, where all enjoy the same prerogatives, where there could be no subordination to a supreme authority, nor any judge to define their rights, or redress their wrongs. *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"⁸⁹ 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 on earth.⁹⁰ *Nathan v. Virginia*, 1 U.S. 77 (1781) No compulsory action can be

⁸⁸ 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

⁸⁹ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-4

⁹⁰ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-3 pg.34-35, Rec.Doc.2-4

brought against him, even in his own courts.⁹¹ *Ibid* "The sovereign is 'exemp[t] ... from all [foreign] jurisdiction." *Franchise Tax Bd. of Cal. v. Hyatt*, 139 S.Ct. 1485 (2019) 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 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." *Ibid*

4. Did the US District 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 Appellant 1 v. Sealed Appellee 1*, 211 F.3d 252 (5th Cir. 2000) Here, there was none.

⁹¹ Atakapa IV, No. 3:23-mc-00084-BAJ-RLB (M.D. La.), Rec.Doc.2-3 pg.29, 34-35

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. The alleged criminal contempt was punitive and committed beyond the presence of the United States District Court for the Middle District of Louisiana and the Fifth Circuit Court of Appeal.

The fines are \$15,000 in this case and \$2500.00 in *Moses v. Edwards*, No. 21-30270, 2022 WL 1605233, at *1 (5th Cir. May 20, 2022) (unpublished). "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.

/s/Edward Moses, Jr 1150 Sherwood Forest Blvd Baton Rouge, LA 70815 Ph:225-256-0084
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