

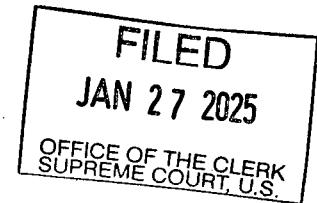
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24-6432

ORIGINAL

No.

In the
Supreme Court of the United States



Zemirah Melody Carol Ruth El, Trustee,

Petitioner

v.

BERNARD MOORE, doing business as ADMINISTRATIVE CLERK
Respondent

On Petition For Writ Of Certiorari
To The Third Circuit Court

AFFIDAVIT OF TRUTH

PETITION FOR WRIT OF CERTIORARI

Zemirah Melody Carol Ruth El, Trustee Petitioner
% 575 Pinetown Road, Unit 131
Near [Fort Washington, Pennsylvania [19034]]
Phone: 240-393-6342

1. QUESTIONS PRESENTED FOR REVIEW

38 There are two issues from the Decision of the Third Circuit Court up for review: 1.) the issue of judicial
39 immunity under conditions of a judge's refusal to take oath of office and questionable authority of void
40 orders and void judgments; 2.). the issue of case dismissal without enacting Default Judgment Referred by
41 Clerk Order.

- 42 1. Is a judge refusing the Oath of Office committing a judicial act protected by the 11th Amendment of
43 the Constitution or an administrative act not protected by the 11th Amendment?

44 2. Is a judge who refuses Oath of Office, which is an unconstitutional act, and who issues void orders
45 and void judgments from the bench under the protections of the 11th Amendment of the Constitution?

46 3. If a judge has not taken his oath of office and issues orders and judgments from the bench, are the
47 Orders and Judgments void ab initio?

48 4. Is a judge, who has not taken the Oath of Office, issues void orders and judgments from the bench, is
49 he/she doing so in his judicial capacity or individual capacity?

50 5. Does the Commonwealth of Pennsylvania County Court have jurisdiction over Diversity of
51 Citizenship matters under the protection of Article III, Section 2, Clause 1 of the Constitution?

52 6. If a County Court does not have jurisdiction over Diversity of Citizenship matters, are the Orders and
53 Judgments void ab initio?

54 7. Does the Commonwealth of Pennsylvania County Court, Federal District Court, and Federal
55 Appellate Court have the authority to denationalize an American National recognized by Department
56 of Justice under AA222141 by falsely labeling American Nationals “sovereign citizens” in a manner
57 that does not violate 5th Amendment of the Constitution, 14th Amendment of the Constitution, Treaty
58 of Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25, U.N. Declaration on the Rights
59 of Indigenous Peoples Article 3, Article 4, Article 8, Article 10?

60 8. Can an Appellate court uphold a void judgment in a manner that does not violate protections under
61 5th Amendment of the Constitution, 14th Amendment of the Constitution, Article 6 Treaty of Peace
62 and Friendship 1836 (in force 1837) Article 24 Treaty of Peace and Friendship 1836 (in force 1837),
63 Treaty of Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25?

64 9. When a verified claim of Diversity of Citizenship is made, does the County Court, Federal District
65 Court, and Federal Appellate Court have authority to denationalize litigant by falsely alleging litigant

67 is a "sovereign citizen" and force a false jurisdiction upon an American National recognized by
68 Federal Justice credential AA222141 credential, in a manner that does not violate protections under
69 5th Amendment of the Constitution, 14th Amendment of the Constitution, Treaty of Peace and
70 Friendship 1836 (in force 1837) Article 6, Article 24, 25, U.N. Declaration on the Rights of Indigenous
71 Peoples Article 3, Article 4, Article 8, Article 10?

72 10. When a Federal District Court Orders **Default Judgment Referred to Clerk of Court**, is the
73 Federal Clerk of Court in contempt of court when it fails to follow the court order in a manner that
74 protects 5th Amendment of the Constitution, 14th Amendment of the Constitution, Treaty of Peace
75 and Friendship 1836 (in force 1837) Article 6, Article 24, 25?

76 11. When a Federal District Court Orders **Default Judgment Referred to Clerk of Court**, and the
77 Clerk of Court fails to comply, can Federal District Court subsequently dismiss the case without
78 violating protections under 5th Amendment of the Constitution, 14th Amendment of the
79 Constitution, Treaty of Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25?

80 12. Is the Federal Appellate Court a co-conspirator of contempt of court by upholding Federal District
81 Clerk of Court's refusal to execute **Default Judgment Referred to Clerk of Court** in a manner
82 that violates 5th Amendment of the Constitution, 14th Amendment of the Constitution, Treaty of
83 Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25?

2. LIST OF PARTIES AND PROCEEDINGS**PARTIES INVOLVED**

86 Petitioner is Zemirah Melody Carol Ruth El. I, Zemirah Melody Carol Ruth El (hereafter referred to
87 as Petitioner), sui juris, solo proprio, solo hereditaments, a Natural Born Indigenous American National, of
88 the **Aniyunwayi Tribe** on my Mother's side, of mind, body and soul (Trinity of Man), of age of majority,
89 and competent to be a witness in a trial or trial by jury of my peers, to Uphold, Protect and Enforce the
90 TREATIES, Organic Constitution, Bill of Rights, and the Articles of Confederation. This incidentally makes
91 me an American National (See Appendix H, Public Law 857) and a common Man of the Sovereign People of
92 the united states for America Republic 1787.

93 Petitioner is a recorded American National with Department of Justice credential number AA222141.

94 Petitioner declares **Common Law jurisdiction** in this UNITED STATES SUPREME COURT matter on the
95 basis of Federal Question, Diversity of Citizenship, and Rights of Indigenous Peoples.

97 Respondent is BERNARD MOORE, doing business as ADMINISTRATIVE CLERK for MONTGOMERY
98 COUNTY IN THE COMMONWEALTH OF PENNSYLVANIA. Respondent is a Citizen of the
99 Commonwealth of Pennsylvania

101 Members of UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

- 102 • JUDGE PATTY SHWARTZ is a Citizen of the Commonwealth of Pennsylvania
- 103 • JUDGE L. FELIPE RESTREPO is a Citizen of the Commonwealth of Pennsylvania
- 104 • JUDGE ARIANNA J. FREEMAN is a Citizen of the Commonwealth of Pennsylvania

106 Members of the UNITED STATES DISTRICT COURT for the EASTERN DISTRICT OF PENNSYLVANIA

- 107 • HONORABLE MIA ROBERTS PEREZ is a Citizen of the Commonwealth of Pennsylvania,
- 108 • HONORABLE JOEL H. SLOMSKY is a Citizen of the Commonwealth of Pennsylvania

110 U.S. ATTORNEY for the EASTERN DISTRICT OF PENNSYLVANIA is JACQUELINE C. ROMERO who is a
111 Citizen of the Commonwealth of Pennsylvania

112

LIST OF ALL PROCEEDINGS

113 UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, Case Number: 23-3255, Case Title:
114 Zemirah El v. Bernard Moore dba ADMINISTRATIVE CLERK, Date of Opinion: 11/5/2024, Court Order:
115 10/28/2024

116

117 UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT Case Number 23-2960 **WRIT OF**
118 **MANDAMUS PETITION**, Case Title: IN RE ZEMIRAH MELODY CAROL RUTH EL, Trustee, Date of
119 Opinion: 4/8/2024

120

121 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, Case Number:
122 D.C. Civil Action No. 2:22-cv-04062, Case Title: EL, TR v. MOORE, Date of Order: 12/14/2023

123

124 COURT OF COMMON PLEAS OF MONTGOMERY COUNTY PENNSYLVANIA Case Number: 2021-04529,
125 Case Title: SRI SAI Properties, LLC v. Melody C. Thompson, Date of Order: 12/6/2021

126

DEFINITIONS

127 **AMERICAN**. Pertaining to the western hemisphere or in a more restricted sense to the United States. See
128 Beardsley v. Selectmen of Bridgeport, 53 Conn. 493, 3 A. 557, 55 Am.Rep. 152. (Black's Law Dictionary, 4th
129 Edition)

130

131 **CITIZEN**. A member of a free city or jural society, (civitas,) possessing all the rights and privileges which can be
132 enjoyed by any person under its constitution and government, and subject to the corresponding duties. "Citizens"
133 are members of community inspired to common goal, who, in associated relations, submit themselves to rules of
134 conduct for the promotion of general welfare and conservation of individual as well as collective rights. In re
135 McIntosh, D.C.Wash., 12 F. Supp. 177. (Black's Law Dictionary, 4th Edition)

136

137 **PEOPLE**. A state; as the people of the state of New York. A nation in its collective and political capacity. Nesbitt v.
138 Lushington, 4 Term R. 783; U. S. v. Quincy, 6 Pet. 467, 8 L.Ed. 458; U. S. v. Trumbull, D.C.Cal., 48 F. 99. The

139 aggregate or mass of the individuals who constitute the state. Solon v. State, 54 Tex.Cr.R. 261, 114 S.W. 349; Loi
140 Hoa v. Nagle, C.C.A.Cal., 13 F.2d 80, 81. (Black's Law Dictionary, 4th Edition)

141
142 **Indigenous American National.** Means people who have a historical connection to the western hemisphere
143 before colonization and who consider themselves distinct from other groups in the region pertaining or relating to
144 a nation as a whole.

145
146 **INDIGENOUS PEOPLE.** The United Nations defines indigenous peoples as groups of people who have a
147 historical connection to a region before colonization and who consider themselves distinct from other groups in the
148 region. They have their own cultures, languages, and political systems, and they are often dependent on the land
149 and natural resources where they live.

150 (<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#>)

151
152 **THE PETITIONER'S LAND.** The Petitioner's Land is Land held in Private Trust described as
153 Coordinates

154 Latitude 40.10420110° N, Longitude -75.3956287° W. County Parcel #: 58-00-06780-61-4.

155
156 **NATIONAL.** Pertaining or relating to a nation as a whole; commonly applied in American law to institutions,
157 laws, or affairs of the United States or its government, as opposed to those of the several states. The term "national"
158 as used in the phrase "national of the United States" is broader than the term "citizen". Brassert v. Biddle,
159 D.C.Conn., 59 F.Supp. 457, 462. (Black's Law Dictionary, 4th Edition)

160
161 **Natural Born Indigenous American National.** Means any flesh and blood, living, breathing Man or
162 Woman who has a historical connection to the western hemisphere before colonization and who consider
163 themselves distinct from other groups in the region pertaining or relating to a nation as a whole.

164
165 **Natural Man or Woman.** Means any flesh and blood, living, breathing Man or Woman, created by God, who
166 notifies any Representative of the "government of the United States" or the "UNITED STATES Corporation",
167 verbally or in writing, that he is not a Strawman, Vessel in Commerce, Corporate Fiction, Legal Entity, ens legis, or

168 Transmitting Utility, of, for, by, to the “united States of America”, the “government of the United States”, the “State
169 of Pennsylvania”, i.e., “Commonwealth of Pennsylvania” “Republic of Pennsylvania”, or to the ‘UNITED STATES
170 Corporation”. This is not to be confused with the Fictitious Legal Entity that was created by the
171 Government/Parents and is represented by MELODY CAROL RICHARDSON©.

172
173 **SOVEREIGN.** A person, body, or state in which independent and supreme authority is vested; a chief ruler with
174 supreme power; a king or other ruler with limited power. (Black’s Law Dictionary, 4th Edition)

175
176 **SOVEREIGN CITIZEN.** “Sovereign citizen” is a catchall phrase referring to a variety of anti-government
177 individuals and groups who share some common beliefs and behaviors. The organizations to which many
178 sovereign citizens belong have a variety of names: Moorish Nation, The Aware Group, Washitaw Nation, the
179 North Carolina American Republic, Republic of United States of America, etc. The same views may be embraced
180 by Freeman, Freemen on the Land, Sons of Liberty, and Aryan Nation. (A QUICK GUIDE TO SOVEREIGN
181 CITIZENS UNC, School of Government, March 2013)

182 **TREATY OF PEACE AND FRIENDSHIP 1787:** The longest standing Treaty between the United
183 States and any other country. Morocco was the first Nation to recognize the united states of America, and
184 they did so in their Treaty with the new corporation. Morocco allowed the united states of America to do
185 Commerce on the land with an agreement based in Amity.

186

187

TABLE OF CONTENTS

	<i>Page</i>
190 191 1. QUESTIONS PRESENTED FOR REVIEW.....	2
192 2. LIST OF PARTIES AND PROCEEDINGS.....	4
193 PARTIES INVOLVED.....	4
194 LIST OF ALL PROCEEDINGS.....	5
195 DEFINITIONS.....	5
196 3. TABLE OF CONTENTS WITH APPENDIX & TABLE OF AUTHORITIES.....	8
197 TABLE OF CONTENTS.....	8
198 TABLE OF AUTHORITIES.....	8
199 5. BASIS OF JURISDICTION.....	9
200 6. Authorities involved in the case.....	9
201 7. STATEMENT OF THE CASE.....	14
202 8. Arguments for Allowance of the Writ.....	16
203 9. APPENDIX.....	18
204 10. STATEMENT OF THE FACTS.....	18
205 11. THE LEGAL QUESTION PRESENTED FOR REVIEW.....	20
206 12. ARGUMENTS - WHY THE SUPREME COURT SHOULD GRANT THE WRIT.....	20
207 13. CONCLUSION.....	24

TABLE OF AUTHORITIES

209 Treaty of Peace and Friendship Article 6	
210 Treaty of Peace and Friendship Article 24	
211 Treaty of Peace and Friendship Article 25	
212 U.S. Constitution for the united States of America Amendment XI	
213 U.S. Constitution for the united States of America Article VI	
214 U.S. Constitution for the united States of America 14th Amendment, Section 1	
215 U.S. Constitution for the united States of America 5th Amendment	
216 U.S. Constitution for the united States of America Article III, Section 2	
217 United Nations Declaration on the Rights of Indigenous Peoples Article 3	
218 United Nations Declaration on the Rights of Indigenous Peoples Article 4	
219 United Nations Declaration on the Rights of Indigenous Peoples Article 8	
220 United Nations Declaration on the Rights of Indigenous Peoples Article 10	
221 Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law	
222 Title 42 U.S.C. § 1983 - Civil action for deprivation of rights	
223 28 U.S.C. § 454 Practice of law by justices and judges	
224 28 U.S.C. § 453 Oaths of Justices and Judges	
225 Constitution of the Commonwealth of Pennsylvania Article V Section 15(a)	
226 Public Law 857	

227 Kolovrat v. Oregon, 366 U.S. 187, 194, 81 S.Ct. 922 (1961)
228 Elliott v. Peirsol, 26 U.S. 328, 340 (1828)
229 Stump v. Sparkman, 435 U.S. 349 (1978)
230 Forrester v. White, 484 U.S. 219 (1988)

4. CITATIONS OF OPINIONS AND ORDERS

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT OPINION

Case Number: 23-3255

Case Title: Zemirah El v. Bernard Moore dba ADMINISTRATIVE
LERK

Date of Opinion: 11/5/2024

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT ORDER

Case Number 23-2960

WRIT OF MANDAMUS PETITION

Case Title: IN RE ZEMIRAH MELODY CAROL RUTH EL, Trustee

Date of Opinion: 4/8/2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT ORDER
OF PENNSYLVANIA

Case Number: D.C. Civil Action No. 2:22-cv-04062

Case Title: EL, TR v. MOORE

Date of Order: 12/14/2023

COURT OF COMMON PLEAS OF MONTGOMERY COUNTY
PENNSYLVANIA

Case Number: 2021-04529

Case Title: SRI SAI Properties, LLC v. Melody C. Thompson

Date of Order: 12/6/2021

5. BASIS OF JURISDICTION

235 The time limit for appealing to the Supreme Court of the United States from a decision of a district court is
236 ninety (90) days after the judgment is entered. Petitions for writs of certiorari are ninety (90) days after the
237 judgment pursuant to U.S.C. §§ 1254, 1257, and 2101(c). See U.S. Department of Justice Title 2: Appeals
238 2-4.211.

240 There is diversity of citizenship between the parties and the amount in controversy exceeds the sum of
241 \$75,000. The district court had jurisdiction under 28 U.S.C. § 1332(a).

6. Authorities involved in the case

Treaty Provisions

244

245 **Treaty of Peace and Friendship Article 6**

246 *If any Moor shall bring Citizens of the United States or their Effects to His Majesty, the Citizens
247 shall immediately be set at Liberty & the Effects restored & in like Manner, if any Moor not a
248 Subject of these Dominions, shall make Prize of any of the Citizens of America or their Effects, &
249 bring them into any of the Ports of His Majesty, they shall be immediately released as they will
250 then be considered as under His Majesty's Protection.*

251

252

253 **Treaty of Peace and Friendship Article 24**

254 *If any differences shall arrise by either Party infringing on any of the Articles of this Treaty,
255 Peace and Harmony shall remain notwithstanding in the fullest force, untill a friendly
256 Application shall be made for an Arrangement, & untill that Application shall be rejected, no
257 Appeal shall be made to Arms; & if a War shall break out between the Parties, Nine Months
258 shall be granted to all the Subjects of both Parties to dispose of their Effects & retire with their
259 Property; And it is further declared, that whatever indulgences in Trade or otherwise shall be
260 granted to any of the Christian Powers, the Citizens of the United States shall be equally
261 entitled to them.*

262

263 **Treaty of Peace and Friendship Article 25**

264 *This Treaty shall continue in full force with the Help of God, for fifty Years. [with regard to
265 treaties with the Barbary States, they should "continue for the same Term of 10 years or for a
266 Term as much longer as can be procured". See Instructions to the American Commissioners,
267 May-June 1784]*

268

269

270 **U.S. Constitution for the united States of America Article VI**

271 *All Debts contracted and Engagements entered into, before the Adoption of this Constitution,
272 shall be as valid against the United States under this Constitution, as under the
273 Confederation.*

274

275

276

277

*This Constitution, and the Laws of the United States which shall be made in Pursuance
thereof; and all Treaties made, or which shall be made, under the Authority of the United
States, shall be the supreme Law of the Land; and the Judges in every State shall be bound
thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

278

279 **U.S. Constitution for the united States of America 14th Amendment, Section 1**

280 *All persons born or naturalized in the United States, and subject to the jurisdiction thereof,
281 are citizens of the United States and of the State wherein they reside. No State shall make or
282 enforce any law which shall abridge the privileges or immunities of citizens of the United
283 States; nor shall any State deprive any person of life, liberty, or property,
284 without due process of law; nor deny to any person within its jurisdiction the equal
protection of the laws.*

285

286 **U.S. Constitution for the united States of America 5th Amendment**

287 *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a
288 presentment or indictment of a Grand Jury, except in cases arising in the land or naval
289 forces, or in the Militia, when in actual service in time of War or public danger; nor shall any
290 person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be
compelled in any criminal case to be a witness against himself, nor be deprived of life,*

291 ***liberty, or property, without due process of law; nor shall private property be taken***
292 ***for public use, without just compensation.***

293
294 **U.S. Constitution for the United States of America Article III, Section 2**

295 *The judicial Power shall extend to all Cases, in Law and Equity, arising under this*
296 *Constitution, the Laws of the United States, and Treaties made, or which shall be made, under*
297 *their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to*
298 *all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United*
299 *States shall be a Party;—to Controversies between two or more States;—between a State and*
300 *Citizens of another State,—between Citizens of different States,—between Citizens of the same*
301 *State claiming Lands under Grants of different States, and between a State, or the Citizens*
302 *thereof, and foreign States, Citizens or Subjects.*

303 **United Nations Provisions**

304
305 **United Nations Declaration on the Rights of Indigenous Peoples Article 3**

306 *Indigenous peoples have the right to self-determination. By virtue of that right they*
307 *freely determine their political status and freely pursue their economic, social and*
308 *cultural development.*

309
310 **United Nations Declaration on the Rights of Indigenous Peoples Article 4**

311 *Indigenous peoples, in exercising their right to self-determination, have the right to*
312 *autonomy or self-government in matters relating to their internal and local affairs, as*
313 *well as ways and means for financing their autonomous functions.*

314
315 **United Nations Declaration on the Rights of Indigenous Peoples Article 8**

316 *Section 1. Indigenous peoples and individuals have the right not to be subjected to forced*
317 *assimilation or destruction of their culture.*

318
319 **United Nations Declaration on the Rights of Indigenous Peoples Article 10**

320 *Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation*
321 *shall take place without the free, prior and informed consent of the indigenous peoples*
322 *concerned and after agreement on just and fair compensation and, where possible, with the*
323 *option of return.*

324 **Pennsylvania Constitutional Provisions**

325
326 **Constitution of the Commonwealth of Pennsylvania Article V Section 15(a)**

327 *The regular term of office of justices and judges shall be ten years and the regular term of office*
328 *for judges of the municipal court in the City of Philadelphia and of justices of the peace shall be six*
329 *years.*

330
331 **Constitution of the Commonwealth of Pennsylvania Article V Section 17(a)**

332 *(a) Justices and judges shall devote full time to their judicial duties, and shall not engage in the*
333 *practice of law, hold office in a political party or political organization, or hold an office or*
334 *position of profit in the government of the United States, the Commonwealth or any municipal*
335 *corporation or political*

336
337 **Statutes**

340 **Title 42 U.S.C. § 1983 - Civil action for deprivation of rights**

341 *Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any*
342 *State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the*
343 *United States or other person within the jurisdiction thereof to the deprivation of any rights,*
344 *privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured*
345 *in an action at law, suit in equity, or other proper proceeding for redress, except that in any*
346 *action brought against a judicial officer for an act or omission taken in such officer's judicial*
347 *capacity, injunctive relief shall not be granted unless a declaratory decree was violated or*
348 *declaratory relief was unavailable. For the purposes of this section, any Act of Congress*
349 *applicable exclusively to the District of Columbia shall be considered to be a statute of the District*
350 *of Columbia.*

351 **28 U.S.C. § 454 Practice of law by justices and judges**

352 *Any justice or judge appointed under the authority of the United States who engages in the*
353 *practice of law is guilty of a high misdemeanor*

355 **28 U.S.C. § 453 Oaths of Justices and Judges**

356 *Each justice or judge of the United States shall take the following oath or affirmation before*
357 *performing the duties of his office: "I, _____, do solemnly swear (or affirm) that I will*
358 *administer justice without respect to persons, and do equal right to the poor and to the rich, and*
359 *that I will faithfully and impartially discharge and perform all the duties incumbent upon me as*
360 *_____ under the Constitution and laws of the United States. So help me God."*

362 **FRCP § 55 (b)(1) Entering a Default Judgment by the Clerk**

363 *If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the*
364 *clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment*
365 *for that amount and costs against a defendant who has been defaulted for not appearing and who*
366 *is neither a minor nor an incompetent person.*

368 **Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law**

369 *Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any*
370 *person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any*
371 *rights, privileges, or immunities secured or protected by the Constitution or laws of the United*
372 *States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily*
373 *injury results from the acts committed in violation of this section or if such acts include the use,*
374 *attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this*
375 *title or imprisoned not more than ten years, or both; and if death results from the acts committed in*
376 *violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated*
377 *sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined*
378 *under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to*
379 *death.*

381 **Cases**

382 ***Kolovrat v. Oregon, 366 U.S. 187, 194, 81 S.Ct. 922 (1961)***, where the Supreme Court of the United
383 States rendered the following Stare Decisis:

384 *"A state cannot refuse to give foreign nationals their treaty rights because of fear*
385 *that valid international agreements may possibly not work completely to the*
386 *satisfaction of state authorities. Under the supremacy clause of the United States*

Constitution Art. VI, clause 2, state policies...must give way to overriding federal treaties and conflicting arrangements.”

Elliott v. Peirsol, 26 U.S. 328, 340 (1828):

“Courts are constituted by authority and they cannot act beyond the power delegated to them. If a court acts without authority, its judgment and order are regarded as nullities. They are not voidable, but simply void; and from no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification; and all persons concerned in executing such judgments, or sentences, are considered, in law, as trespassers.”

Stump v. Sparkman, 435 U.S. 349 (1978) - This case solidified the rule that judicial immunity applies to acts within a judge's judicial capacity, even if those acts are wrong or unconstitutional. However, the refusal to take an oath of office would not be seen as an act within the judicial capacity, so judicial immunity would not protect a judge from consequences in such a case. Judges have absolute immunity from liability as long as they are performing a judicial act and there is not a clear absence of all jurisdiction.

Forrester v. White, 484 U.S. 219 (1988) - This case made it clear that judicial immunity does not extend to administrative acts. Refusing to take an oath could be seen as an administrative or procedural act, not a judicial one, and therefore would not be protected by immunity.

409

410 **7.STATEMENT OF THE CASE**

411 **FACTS OF DEFAULT JUDGMENT REFERRED TO CLERK OF COURT**

412 Petitioner mailed Summons with Complaint, to Respondent via certified mail return receipt, pursuant to 45
413 CFR § 1149.16 (a)(1)-(2), and the return receipt was signed in wet signature by Respondent on November
414 28, 2022. The signed Summons and Complaint return receipt along with Affidavit Certification of Service
415 signed by Petitioner.

416 Respondent failed to serve a responsive pleading within the 21 days of receipt of the Summons and
417 Complaint in violation of FRCP Title III, Rule 12(a)(1)(A)(i).

418 Petitioner filed Motion for Default Judgment 12/20/2022 and HONORABLE JOEL H. SLOMSKY Ordered
419 Default Judgment Referral to Clerk of Court on 1/11/2023 pursuant to FRCP 55(b)(1). (See Appendix C)

420 Respondent filed Motion to Dismiss [Petitioner's] Complaint 1/18/2023

421 Petitioner filed Rebuttal to Respondents Motion to Dismiss [Petitioner's] Complaint 1/31/2023.

422 District Court Dismissed [Petitioner's] Claim with Prejudice on 12/14/2023

423 Petitioner Filed an Appeal with Third Circuit Appellate Court pursuant to FRAP Title II, Rule 3(c)(1)(B) on
424 December 28, 2023.

425 The Appellate Court filed a Judgment affirming District court's decision on September 26, 2024 upholding
426 judicial immunity and reviewed Default Judgment.

427 Petitioner filed for rehearing pursuant to Fed. R. App. P. 35(b)(3) on October 10, 2024

428 The Appellate Court filed a Judgment denying Petition for Rehearing on October 28, 2024.

429

430 **FACTS OF THE QUESTION OF JUDICIAL IMMUNITY IN COMPLAINT AND APPEALS**

431

432 The Oath of Office of Respondent was signed by him in wet ink December 30, 2009. A true and correct
433 certified copy of Respondent's Oath of Office, expired at the time of the Petitioner's Void Ejectment Order
434 (December 6, 2021), is dated September 21, 2022. COURT OF COMMON PLEAS OF MONTGOMERY
435 COUNTY PENNSYLVANIA, Case Number: 2021-04529, SRI SAI Properties, LLC v. Melody C. Thompson
436 Date of Order: 12/6/2021.

437

438

439

440

441 Respondent, doing business as Administrative Clerk ruled on the CIVIL ACTION - EJECTMENT filed in
442 Montgomery County Court, administered the case outside of his Oath of Office.

443

444 Petitioner declared by Affidavit **Diversity of Citizenship** on the record, for the record over the CIVIL
445 ACTION - EJECTMENT matter.

446

447 On August 18, 2021 the Montgomery County Court Ejectment case was removed to Article III Consular
448 Court. (See Appendix E) The removal to Article III Court (see appendix E) was not honored by
449 Respondent who, notwithstanding, signed void Ejectment Order (see Appendix D) which was
450 subsequently carried out by County Sheriffs.

451

452 Petitioner was summoned to attend a hearing on February 7, 2022. In that hearing Petitioner declared
453 that Respondent had abandoned the courtroom for the record after which Petitioner was subsequently
454 instructed by staffers in the courtroom to leave the courtroom.

455

456 Petitioner left the courtroom swiftly out of threat duress and coercion of Void Wrongful Ejectment Orders
457 (see Appendix D) issued by Respondent and Ejectment actions already in progress by County Sheriffs
458 trespassing The Petitioner's Land. (See Appendix G)

459

460 Petitioner filed a Complaint with Pennsylvania Eastern District Court October 7, 2022 suing Respondent
461 who fraudulently ruled on the case outside of the Oath of Office. The District Court complaint claims
462 **Diversity of Citizenship** and Title 18 U.S.C. 242 Deprivation of Rights Under Color of Law.

463

464 Pennsylvania Eastern District Court Dismissed the Complaint with Prejudice. Listed below is the sequence
465 of actions on the case:

- 466 1. Petitioner filed Complaint to Pennsylvania Eastern District Court October 7, 2022
- 467 2. Respondent failed to respond before deadline
- 468 3. Petitioner enters Motion for Default Judgment 12/20/2022

- 469 4. The Court entered an Order by Judge Joel Slomsky for Default Judgment Referred to Clerk of Court
470 on January 11, 2023 (See Appendix C)
- 471 5. Respondent entered a void Motion to Dismiss [Petitioner's] complaint on January 18, 2023
- 472 6. The Court Delayed the hearing for several months between January 2023 and November 2023
473 without
474 entering a judgment
- 475 7. Petitioner appealed to Third Circuit Appellate Court for Writ of Mandamus Petition on November 6,
476 2023 citing FRCP Rule 1 which requires a just, speedy determination
- 477 8. The District Court Dismissed the Complaint with prejudice on December 14, 2023 citing judicial
478 immunity and failing to acknowledge Judge Joel Slomsky for Default Judgment Referred to Clerk of
479 Court on January 11, 2023. (See Appendix C)
- 480 9. Petitioner Filed an Appeal with Third Circuit Appellate Court pursuant to FRAP Title II, Rule
481 3(c)(1)(B) on December 28, 2023.
- 482 10. Appellate Court filed Judgment affirming District court's decision on September 26, 2024 upholding
483 judicial immunity and reviewed Default Judgment for abuse of discretion without referencing The
484 District Court's ORDER DEFAULT JUDGMENT REFERRAL TO CLERK OF COURT except to call it a
485 "matter of docket control" within the discretion of the District Court.
- 486 11. Petitioner filed for rehearing pursuant to Fed. R. App. P. 35(b)(3) on October 10, 2024
- 487 12. Third Circuit Appellate Court denied Petitioner's PETITION FOR REHEARING on October 28, 2024
- 488 13. Petitioner now appeals to the UNITED STATES SUPREME COURT

489 **8. Arguments for Allowance of the Writ**

490 The Pennsylvania Eastern District failed to carry out its own ORDER DEFAULT JUDGMENT REFERRAL
491 TO CLERK OF COURT pursuant to FRCP § 55 (b)(1) in response to Petitioner's Motion for Default
492 Judgment. Further, The Court did not enter relief from the Order pursuant to FRCP 60. The case was
493 dismissed with prejudice with a standing Order Default Judgment thus rendering injury to Petitioner and
494 violating Petitioner's Constitutional rights, Treaty rights, and Diversity of Citizenship protections. In
495 addition, renders the District Clerk of Courts in contempt of court and case unsettled with an issue of
496 DEFAULT JUDGMENT.

497

498 Therefore the writ should be allowed for review due to the contradictions around District Court Case
499 Dismissal with unsettled issue of DEFAULT JUDGMENT.

500

501 The Appellate court upheld the District Court's decision to dismiss the case on the basis that judicial
502 immunity applies to acts within a judge's judicial capacity, even if those acts are wrong or
503 unconstitutional. **Stump v. Sparkman, 435 U.S. 349 (1978)**. However, the refusal to take an oath of
504 office would not be seen as an act within the judicial capacity, so judicial immunity would not protect a
505 judge from consequences in such a case. Judges have absolute immunity from liability as long as they are
506 performing a judicial act and there is not a clear absence of all jurisdiction.

507

508 The lower court's determination to grant the Respondent judicial immunity under the protections of 11th
509 Amendment is erroneous. That decision erroneously accepts Respondent's unconstitutional act of refusing
510 to take Oath of Office as a judicial act. Judicial immunity does not extend to administrative acts. Refusing
511 to take Oath of Office is seen as an administrative or procedural act, not a judicial one, and therefore would
512 not be protected by immunity. **Forrester v. White, 484 U.S. 219 (1988)**

513

514 Respondent, then, was under no authority to issue Orders and Judgments against Petitioner in 2021 and
515 did so in fraud. Such Orders and judgments, void ab initio, violated Petitioner's protections under Treaty
516 rights, Constitutional provisions, and provisions under the U.N. Declaration on the Rights of Indigenous
517 Peoples.

518

519 Therefore the writ should be allowed for review due to the contradictions around judicial immunity and
520 administrative acts that violate judicial immunity lending itself to injuries to litigants.

521

522

9. APPENDIX

Appendix A Decision of Third Circuit Court

Appendix B Decision of Pennsylvania Eastern District Court

Appendix C ORDER DEFAULT JUDGMENT Federal District Court

Appendix D County Administrative Clerk's Void Ejectment Order

Appendix E Notice of Removal of County Case to Article III Consul Court

Appendix F True and Correct copy of Certified OATH OF OFFICE signed by Respondent

Appendix G Petitioner's Land Deed Montgomery County Book Ao194, Page 2450, dated April 16 1998

Appendix H Public Law 857

523

10. STATEMENT OF THE FACTS

524

525 The Oath of Office of Respondent (see Appendix F) was signed by him in wet ink December 30, 2009. A
526 true and correct certified copy of Respondent's Oath of Office, expired at the time of the Petitioner's Void
527 Ejectment Order (December 6, 2021), is dated September 21, 2022. (See Appendix D).

528

529 Respondent, doing business as Administrative Clerk ruled on the CIVIL ACTION - EJECTMENT filed in
530 Montgomery County Court, administered the case outside of his Oath of Office. (Appendix F)

531

532 Petitioner declared by Affidavit **Diversity of Citizenship** on the record, for the record over the CIVIL
533 ACTION - EJECTMENT matter.

534

535 On August 18, 2021 the Montgomery County Court Ejectment case was removed to Article III Consular
536 Court. The removal to Article III Court (See Appendix E) was not recognized by Respondent who,
537 notwithstanding, signed Ejectment Order (see Appendix D) which was carried through by County Sheriffs.

538

539 Petitioner was summoned to a hearing on February 7, 2022. In that hearing Petitioner declared that
540 Respondent had abandoned the courtroom for the record after which Petitioner was subsequently
541 instructed by staffers in the courtroom to leave the courtroom.

542

543 Petitioner left the courtroom swiftly out of threat duress and coercion of Void Wrongful Ejectment Orders
544 issued by Respondent (see Appendix D) and Ejectment actions already in progress by County Sheriffs
545 trespassing The Petitioner's Land. (See Appendix G)

546

547 Petitioner filed a Complaint with Pennsylvania Eastern District Court October 7, 2022 suing Respondent
548 who fraudulently ruled on the case outside of the Oath of Office. (See Appendix F) The District Court
549 complaint claims **Diversity of Citizenship** and Title 18 U.S.C. 242 Deprivation of Rights Under Color of
550 Law.

551

552 Pennsylvania Eastern District Court Dismissed the Complaint with Prejudice. Listed below is sequence of
553 actions on the case:

- 554 1. Petitioner filed Complaint to Pennsylvania Eastern District Court October 7, 2022
- 555 2. Respondent failed to respond before deadline
- 556 3. Petitioner enters Motion for Default Judgment 12/20/2022
- 557 4. The Court entered an Order by Judge Joel Slomsky for Default Judgment Referred to Clerk of
558 Court on January 11, 2023
- 559 5. Respondent entered a void Motion to Dismiss [Petitioner's] complaint on January 18, 2023
- 560 6. The Court Delayed the hearing for several months between January 2023 and November
561 2023 without entering a judgment
- 562 7. Petitioner appealed to Third Circuit Appellate Court for Writ of Mandamus Petition on
563 November 6, 2023 citing FRCP Rule 1 which requires a just, speedy determination
- 564 8. The District Court Dismissed the Complaint with prejudice on December 14, 2023 citing
565 judicial immunity and failing to acknowledge Judge Joel Slomsky for Default Judgment
566 Referred to Clerk of Court on January 11, 2023. (See Appendix C).

567 9. Petitioner Filed an Appeal with Third Circuit Appellate Court pursuant to FRAP Title II, Rule
568 3(c)(1)(B) on December 28, 2023.

569 Appellate Court filed Judgment affirming District court's decision on September 26, 2024
570 upholding judicial immunity and reviewed Default Judgment for abuse of discretion without referencing
571 the District Court's ORDER DEFAULT JUDGMENT REFERRAL TO CLERK OF COURT (See Appendix C)
572 except to call it a "matter of docket control" within the discretion of the District Court.

573 Petitioner filed for rehearing pursuant to Fed. R. App. P. 35(b)(3) on October 10, 2024
574 Third Circuit Appellate Court denied Petitioner's PETITION FOR REHEARING on October 28, 2024
575 Petitioner now appeals to the UNITED STATES SUPREME COURT

576

577 **11. THE LEGAL QUESTION PRESENTED FOR REVIEW**

578

579 Is a Judicial judge who commits an unconstitutional act of refusing Oath of Office protected under
580 Eleventh Amendment Immunity while violating 28 U.S.C. § 453 Oaths of Justices and Judges?
581 Under what authority is a Judicial judge who refuses Oath of Office enacting Orders and Judgments ?
582 Under what jurisdiction is a Judicial judge who refuses Oath of Office enacting Orders and Judgments?
583 Are orders and judgments issued by a Judicial judge who refuses Oath of Office void ab initio?
584 Can a District Court dismiss a case with prejudice without enforcing Court Order on the docket or granting
585 relief from Order Default Judgment... pursuant to FRCP 60(b) without violating Constitutional and Treaty
586 rights of Indigenous American litigant? In this case, an Order for Default Judgment pursuant to FRCP 55
587 (b)(1) was entered by The Court, with no Objection to the Order entered by the Defendant, nor a relief from
588 Order by The Court.

589

590 Can a Pennsylvania Eastern District Court complaint be Dismissed with Prejudice without enforcing
591 ORDER DEFAULT JUDGMENT REFERRAL TO CLERK OF COURT?

592 **12. ARGUMENTS - WHY THE SUPREME COURT SHOULD GRANT THE WRIT**

593

594 **Arguments for Default Judgment explaining why the Supreme Court should grant the writ:**

595

596 Appellate Court, in it's opinion, upheld District Court's denial of Default Judgment saying
597 Respondent had a meritorious defense. The Appellate Court failed to address The District Court's
598 ORDER DEFAULT JUDGMENT REFERRAL TO CLERK OF COURT (see Appendix C) at all.

599 Petitioner, however, finds that the Clerk of Court was given an Order pursuant to FRCP 55
600 (b)(1) which it failed to execute. An Objection by Respondent was not entered contesting the judicial
601 Order, which implies that the Clerk of Court stands in Contempt of Court and Petitioner is injured as
602 a result.

603 SUPREME COURT should grant the writ to ensure Constitutional, Treaty, and Diversity of
604 Citizenship rights are protected in cases where Clerk of Court is issued an Order pursuant to FRCP 55
605 (b)(1), fails to follow the Order and now stands in Contempt of Court.

606

607 **Argument for Denying Immunity explaining why the Supreme Court should grant writ:**

608

609 SUPREME COURT should grant the writ to ensure Constitutional, Treaty, and Diversity of
610 Citizenship rights are protected in cases where Administrative Clerks fail to take Oath of Office, an
611 unconstitutional act, then, the protection of the 11th Amendment, issued void orders and void
612 judgments without authority and which resulted in injury and damage to Indigenous American
613 litigants protected by Constitution, Treaty, Diversity of Citizenship laws.

614

615 THIRD CIRCUIT COURT erroneously avers Respondent, in his official capacity, is protected by
616 Eleventh
617 Amendment immunity.

618 **OBJECTION:** The action of an Administrative Clerk failing to take the Oath of Office is
619 unconstitutional and an administrative act; not a judicial act. How then can an unconstitutional
620 non-judicial act be protected by Eleventh Amendment immunity? Further, the Court cannot act
621 beyond its authority. *Elliott v. Peirsol, 26 U.S. 328, 340 (1828)*. Authority underwhich orders
622 and judgments are made when a judge refuses Oath of Office is unclear.

623
624 THIRD CIRCUIT COURT erroneously avers Respondent, in his individual capacity, is protected by
625 absolute immunity extending to claims of damages. Larsen v. Senate of the Commonwealth. 152 F.3d
626 240, 249 (3d Cir. 1998), in any action brought against a judicial officer for an act or omission taken in
627 such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was
628 violated or declaratory relief was unavailable, 28 U.S.C. § 1983.

629 **OBJECTION:** Petitioner objects to Respondent having immunity because Respondent was not under
630 Oath of Office at the time of the CIVIL ACTION - EJECTMENT complaint. Respondent can be sued
631 in his official capacity in violation of 28 U.S.C. § 453 Oaths of Justices and Judges, 28 U.S.C. § 454
632 Practice of law by justices and judges, Constitution of the Commonwealth of Pennsylvania Article V
633 Section 15(a), and Constitution of the Commonwealth of Pennsylvania Article V Section 17(a).

634
635 Petitioner objects to Respondent having absolute immunity extending to claims and damages
636 because Respondent refused the Oath of Office. The action of an Administrative Clerk failing to take
637 the Oath of Office is unconstitutional and administrative. In addition Petitioner objects to the
638 requirement for violation of declaratory decree or declaratory relief pursuant to Title 42 U.S.C. § 1983
639 because it undermines protections of Title 18, U.S.C., Section 242 Deprivation of Rights Under Color
640 of Law. In Respondent's individual capacity he allegedly willfully and wantonly violated the following
641 in a way that violated Petitioners Constitutional, Treaty, and deprivation rights under color of law 28
642 U.S.C. § 453 Oaths of Justices and Judges, 28 U.S.C. § 454 Practice of law by justices and judges,
643 Constitution of the Commonwealth of Pennsylvania Article V Section 15(a), Constitution of the
644 Commonwealth of Pennsylvania Article V Section 17(a).

645
646 THIRD CIRCUIT COURT erroneously avers Judicial actions in the CIVIL ACTION - EJECTMENT
647 case were functions normally performed by a judge. Gallas v. Supreme Ct. of Pa., 211 F.3d 760, 768
648 (3d Cir. 2000).

649 **OBJECTION:** Judicial actions in the CIVIL ACTION - EJECTMENT case were functions performed
650 by a judge **who refused oath of office**. Actions, orders, and judgments of negligent and wanton
651 disregard for Constitution cannot be considered "actions normally performed by a judge." The use of

652 the Gallas v Supreme Ct. of Pa. citation is inappropriate in this context as it presumes 28 U.S.C. § 453
653 Oaths of Justices and Judges, 28 U.S.C. and § 454 Practice of law by justices and judges, Constitution
654 of the Commonwealth of Pennsylvania Article V Section 15(a), and Constitution of the Commonwealth
655 of Pennsylvania Article V Section 17(a) protect unconstitutional acts.

656
657 SUPREME COURT should grant the writ to ensure Constitutional, Treaty, and Diversity of
658 Citizenship rights are protected in cases where Indigenous Americans are slandered by The Court
659 being misclassified the slanderous and frivolous label “sovereign citizens”.

660
661 THIRD CIRCUIT COURT erroneously avers Petitioner is a “sovereign citizen.”

662
663 **OBJECTION:** Petitioner DOES NOT declare to be “sovereign citizen.” Petitioner is an Indigenous
664 American National and cannot be denationalized by the state. Kolovrat v. Oregon, 366 U.S. 187, 194,
665 81 S.Ct. 922 (1961). Petitioner is not a “sovereign citizen” as, by definition, 14th Amendment citizens
666 are subjects of the UNITED STATES and are not sovereign. The language used by District Court and
667 Appellate court appears to denationalize Petitioner in violation of U.N. Declaration on the Rights of
668 Indigenous Peoples Article 4, Article 8.

669
670 Timeline of Void Orders:

671
672 UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Case	Case Title:	Date of	Court
Number:	Zemirah El v. Bernard Moore dba	Opinion:	Order:
23-3255	ADMINISTRATIVE CLERK	11/5/2024	10/28/2024

673 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Case Number:	Case Title:	Date of Order:
D.C. Civil Action No. 2:22-cv-04062	EL, TR v. MOORE	12/14/2023

674 COURT OF COMMON PLEAS OF MONTGOMERY COUNTY PENNSYLVANIA

Case Number:
2021-04529

Case Title:
SRI SAI Properties, LLC v. Melody C.
Thompson

Date of Order:
12/6/2021

675

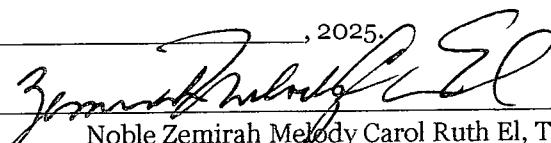
676 To Avoid Erroneous Judicial Violations of Indigenous American Litigants Constitutional Rights and
677 Statutory Laws, This Court Should Promulgate Rules of Procedure for all the United States Courts and
678 Litigants to Follow When a Fact of Error, Mistake, or Oversight Has Been Made By the Appellate Court.
679 This case presents this Court with an opportunity to set a standard in the face of judicial actions that
680 violate rights of Indigenous American litigants protected by the 5th Amendment of the Constitution, 14th
681 Amendment of the Constitution, Constitutional right to diversity of citizenship protections under Article
682 III, Section 2, Clause 1, Treaty of Peace and Friendship 1836 Article 6, Article 24, Article 25, U.N.
683 Declaration on the Rights of Indigenous Peoples Article 3, Article 4, Article 8, Article 10 . Absent
684 intervention by this Court, the Appellate Courts will work to undermine the carefully-crafted rights of
685 such litigants that this Court has spent the past 200+ years upholding.

686

13. CONCLUSION

687 For the foregoing reasons and good faith, Petitioner respectfully requests that this Court issue a writ of
688 certiorari to review the judgment of the Third Circuit Appellate Court. Dated this 27th, day of January,
689 2025.

690
691 I, Zemirah Melody Carol Ruth El, Tr, **declare under penalty of perjury that the foregoing is true**
692 **and correct.**

693 Signed this 27 day of January 2025.
694 Autograph of Appellant 
695 Noble Zemirah Melody Carol Ruth El, Tr
696 UCC 1-103, UCC 1-308, All Rights Reserved
697
698

699

No. _____

In the
Supreme Court of the United States

Zemirah Melody Carol Ruth El, Trustee,

Petitioner

v.

BERNARD MOORE, doing business as ADMINISTRATIVE CLERK
Respondent

~ AFFIDAVIT OF TRUTH ~

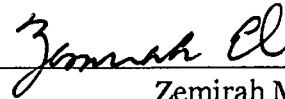
CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the document contains 4,099 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27th day of January, 2025.

Autograph of Appellant



Zemirah Melody Carol Ruth El, Tr
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Address [REDACTED]

[REDACTED]
Phone #: [REDACTED]

Email: [REDACTED]

1/27/2025
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