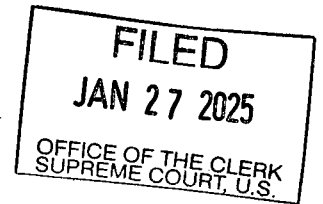


24-6432

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

37 **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
- 43 1. Is a judge refusing the Oath of Office committing a judicial act protected by the 11th Amendment of
44 the Constitution or an administrative act not protected by the 11th Amendment?
- 45 2. Is a judge who refuses Oath of Office, which is an unconstitutional act, and who issues void orders
46 and void judgments from the bench under the protections of the 11th Amendment of the Constitution?
- 47 3. If a judge has not taken his oath of office and issues orders and judgments from the bench, are the
48 Orders and Judgments void ab initio?
- 49 4. Is a judge, who has not taken the Oath of Office, issues void orders and judgments from the bench, is
50 he/she doing so in his judicial capacity or individual capacity?
- 51 5. Does the Commonwealth of Pennsylvania County Court have jurisdiction over Diversity of
52 Citizenship matters under the protection of Article III, Section 2, Clause 1 of the Constitution?
- 53 6. If a County Court does not have jurisdiction over Diversity of Citizenship matters, are the Orders and
54 Judgments void ab initio ?
- 55 7. Does the Commonwealth of Pennsylvania County Court, Federal District Court, and Federal
56 Appellate Court have the authority to denationalize an American National recognized by Department
57 of Justice under AA222141 by falsely labeling American Nationals "sovereign citizens" in a manner
58 that does not violate 5th Amendment of the Constitution, 14th Amendment of the Constitution, Treaty
59 of Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25, U.N. Declaration on the Rights
60 of Indigenous Peoples Article 3, Article 4, Article 8, Article 10?
- 61 8. Can an Appellate court uphold a void judgment in a manner that does not violate protections under
62 5th Amendment of the Constitution, 14th Amendment of the Constitution, Article 6 Treaty of Peace
63 and Friendship 1836 (in force 1837) Article 24 Treaty of Peace and Friendship 1836 (in force 1837),
64 Treaty of Peace and Friendship 1836 (in force 1837) Article 6, Article 24, 25?
- 65 9. When a verified claim of Diversity of Citizenship is made, does the County Court, Federal District
66 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

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

Petitioner is a recorded American National with Department of Justice credential number AA222141. Petitioner declares **Common Law jurisdiction** in this UNITED STATES SUPREME COURT matter on the basis of Federal Question, Diversity of Citizenship, and Rights of Indigenous Peoples.

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

Members of UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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

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

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

U.S. ATTORNEY for the EASTERN DISTRICT OF PENNSYLVANIA is JACQUELINE C. ROMERO who is a 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

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

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

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

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

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

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

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

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

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

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

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

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

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

188

3. TABLE OF CONTENTS WITH APPENDIX & TABLE OF AUTHORITIES

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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
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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)
231

232 **4. CITATIONS OF OPINIONS AND ORDERS**
233

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT OPINION
Case Number: 23-3255
Case Title: Zemirah El v. Bernard Moore dba ADMINISTRATIVE
CLERK
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 OF PENNSYLVANIA ORDER
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 VOID ORDER
PENNSYLVANIA
Case Number: 2021-04529
Case Title: SRI SAI Properties, LLC v. Melody C. Thompson
Date of Order: 12/6/2021

234 **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.

239
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).

242 **6. Authorities involved in the case**

243 **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 **U.S. Constitutional Provisions**

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

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

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

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

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

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

U.S. Constitution for the united States of America Article III, Section 2

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

United Nations Provisions

United Nations Declaration on the Rights of Indigenous Peoples Article 3

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

United Nations Declaration on the Rights of Indigenous Peoples Article 4

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

United Nations Declaration on the Rights of Indigenous Peoples Article 8

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

United Nations Declaration on the Rights of Indigenous Peoples Article 10

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

Pennsylvania Constitutional Provisions

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

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

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

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

Statutes

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

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

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

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

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

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

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

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

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

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

Cases

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

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

390 Constitution Art. VI, clause 2, state policies...must give way to overriding federal
391 treaties and conflicting arrangements.”
392

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

394 “Courts are constituted by authority and they cannot act beyond the power delegated to them.
395 If a court acts without authority, its judgment and order are regarded as nullities. They are
396 not voidable, but simply void; and from no bar to a remedy sought in opposition to them, even
397 prior to a reversal. They constitute no justification; and all persons concerned in executing
398 such judgments, or sentences, are considered, in law, as trespassers.”
399

400 ***Stump v. Sparkman, 435 U.S. 349 (1978)*** - This case solidified the rule that judicial immunity applies
401 to acts within a judge’s judicial capacity, even if those acts are wrong or unconstitutional. However, the
402 refusal to take an oath of office would not be seen as an act within the judicial capacity, so judicial
403 immunity would not protect a judge from consequences in such a case. Judges have absolute immunity
404 from liability as long as they are performing a judicial act and there is not a clear absence of all jurisdiction.
405

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

409

410 7.STATEMENT OF THE CASE

411
412 FACTS OF DEFAULT JUDGMENT REFERRED TO CLERK OF COURT

413
414 Petitioner mailed Summons with Complaint, to Respondent via certified mail return receipt, pursuant to 45
415 CFR § 1149.16 (a)(1)-(2), and the return receipt was signed in wet signature by Respondent on November
416 28, 2022. The signed Summons and Complaint return receipt along with Affidavit Certification of Service
417 signed by Petitioner.

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

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

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

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

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

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

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

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

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

431
432 FACTS OF THE QUESTION OF JUDICIAL IMMUNITY IN COMPLAINT AND APPEALS

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

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).

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

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

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

Third Circuit Appellate Court denied Petitioner's PETITION FOR REHEARING on October 28, 2024

Petitioner now appeals to the UNITED STATES SUPREME COURT

11. THE LEGAL QUESTION PRESENTED FOR REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Timeline of Void Orders :

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

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

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

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

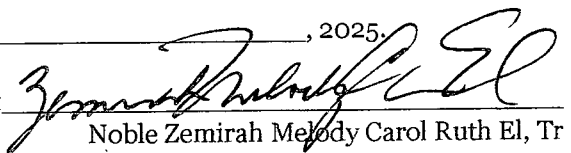
13. CONCLUSION

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

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

Signed this 27 day of January, 2025.

Autograph of Appellant


Noble Zemirah Melody Carol Ruth El, Tr
UCC 1-103, UCC 1-308, All Rights Reserved

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 El

Zemirah Melody Carol Ruth El, Tr

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