

Supreme Court Of The United States

Anthony Romero Horn, Sr.

Vs.

The United States

***{Portions of the Application for Petition of Writ Of Certiorari
have been retyped and embedded within the Court Brief
Petition.}***

Supreme Court Of The United States

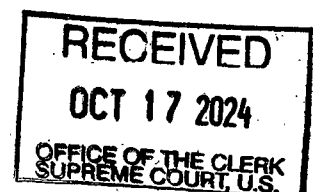
Anthony Romero Horn, Sr.

Vs.

The United States

I am petitioning the Courts on merits of loss and damages due to unlawful and coercive methods performed agents of the United States [Department of Health and Human Services, United States Court of Federal Claims, United States Court Of Appeals For The Federal Circuit].

I have had to relocate to my place of origin to have support because of these occurrences.



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Anthony Romero Horn, Sr. — PETITIONER
(Your Name)

VS.

United States — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States Court of Federal Claims
United States Court of Appeals For The Federal Circuit

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

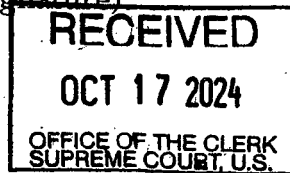
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

_____, or

☐ a copy of the order of appointment is appended.

Anthony Romero Horn, Jr.
(Signature)



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Anthony Romero Horn, Sr., am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
Total monthly income:	\$ 0	\$	\$ 0	\$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ 0	\$ 0
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

N/A

Amount owed to you

\$ 0

Amount owed to your spouse

\$ 0

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name
A'King R.L. Hom

Relationship
Son

Age
11-12

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

Rent or home-mortgage payment
(include lot rented for mobile home)

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

Home maintenance (repairs and upkeep)

Food

Clothing

Laundry and dry-cleaning

Medical and dental expenses

You

Your spouse

Living with
my Brother

\$

\$

\$

\$

\$ N/A

\$ N/A

\$ 1,500.00

\$ →

\$

\$

\$ 500.00

\$ →

\$ N/A

\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>\$150.00</u>	\$ <u>\$150.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>\$2,300.00</u>	\$ <u>—————→</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes

☒ No

If yes, describe on an attached sheet.

Don't know how much longer I will be in this particular location.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes

☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

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

Executed on: October 9, 2024

Anthony Thomas Davis, Jr.
(Signature)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☐ reported at June 7, 2024; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 06/06/2024.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

No. _____

**In The
Supreme Court Of The United States**

Anthony Romero Horn, Sr.- Petitioner

Vs.

The United States- Respondent(s)

Proof Of Service

I, Anthony Romero Horn Sr., do swear or declare that on this
Date October 9, 2014, as required by Supreme
Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN*
FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the
above proceeding or that party's counsel, and on every other person required to
be served, by depositing an envelope containing the above documents in the
United States mail properly addressed to each of them and with first-class postage
prepaid, or by delivery to a third party commercial carrier for delivery within 3
calendar days.

The names and addresses of those served are as follows:

Elaine Debra Kaplan, Molly Rebecca Silfen, Lisa L. Reyes, Debra L. Samler

United States Court of Federal Claims

717 Madison Place N.W.

Washington, D.C. 20439

Jarrett B. Perlow, Claire C. Cecchi, Tiffany P. Cunningham, Kara Fernandez Stoll

United States Court of Appeals For The Federal Circuit

717 Madison Place N.W.

Washington, D.C. 20439

Kara Marie Westercamp, Brian M. Boynton, William James Grimaldi, Patricia M. McCarthy

Department of Justice Civil Litigation Branch

950 Pennsylvania Avenue N.W.

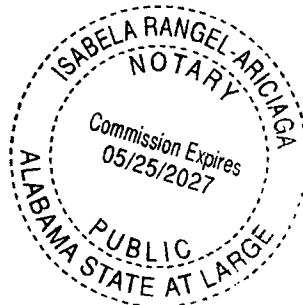
Washington D.C. 20530

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

Executed on October 9, 2024

Anthony Romero Horn, Sr.

Anthony Romero Horn, Sr.



[Signature]
10/09/2024

Jurisdiction:

Discovery:

Child Support Agencies thrive on ***"Secrecy and Immunity"***, attempting to hide behind the 11th Amendment, believing they're untouchable. Compelling them to provide 'discovery', they know their games are over, and they have not a ***'factual foundation'*** to stand on. Forcing their hand through discovery exposes ***THE TRUTH*** and thereby ***THEIR INTENTIONAL FRAUD, AND PROVIDES CLARITY.***

This is the ONE THING they and their Legal Counsel fear the MOST; "Transparency"!!!! This is where they revealed their nervousness, stopping at nothing [i.e. planting a Judge that has prior knowledge on the bench to grant to them of the prior proceedings in their favor] to avoid that exposure.

They don't want the truth seen, because once IT IS- EVERYTHING CHANGES. The ***EVIDENCE UNCOVERED, WILL UNVEIL ALL OF THEIR UNCONSTITUTIONAL VIOLATIONS and UNLAWFUL ACTIVITIES [i.e. Lack of Full Disclosure and ANY Acknowledgment thereto].*** It will reveal their ***FRAUDULENT PRACTICES, VIOLATIONS OF MY RIGHTS, and ABUSE OF POSITION- DECEPTIVELY!!!!***

BY THIS- it demands them to come full frontal with ***WHAT THEY DO NOT WANT TO BE SHOWN.*** It confronts their unlawful activities they've been performing for years during my ignorance thereto. ***IGNORANCE-LACK OF AWARENESS that THEY HAVE BEEN WILLFULLY TAKING ADVANTAGE OF, YET- USING TO BLINDSIDE THE PROCEEDINGS and COVETIOUSLY ABSOLVE THEMSELVES FROM PROSECUTION.***

BY THIS- is why they've been doing everything to ***WITHDRAW FOCUS***

AWAY FROM "DISCOVERY"; Discovering that they never made mention of a Six Year Statute of Limitations, dictating that there's limited time frame in which to address disagreement, discovering that; **NO CONSENT WAS GIVEN**, but by nepotism and favoritism, they were enabled to use **MY UNAWARENESS** as a tool of blindsiding my claims, discovering that; **IF AWARENESS OF THE STATUTE WAS NOT DISCLOSED- THEREBY CANNOT LATER BE USED AND CONSTUED AS IT WAS KNOWN OF OR SHOULD HAVE BEEN KNOWN OF**, discovering that; **WITHHOLDING AND OR OMITTING SPECIFIC TERMS cannot HAVE EFFECTIVENESS** to substantiate any standings.

By THIS- Their Legal Counsel whom is a Civil Litigation Liaison IN CONTRACT LAWS, knows THAT AGREEMENT TO/SIGNATURES IN ACKNOWLEDGMENT are what BINDS PARTIES to ANY AND ALL CONTRACTS. You cannot fail to make parties AWARE THEN USE IT HOLD THE STANDINGS OF. Twisting the language of accrue of claims vs. occurrence of breach: I remind the court the of the difference:

Accrue; [as in to accumulate over time or amount to](how they twist the language to benefit their lack of standings)

Claim; State or assert that something is the case, typically without provision of proof [assert, declare, profess] 2) An assertion of the TRUTH OF SOMETHING, typically one that is DISPUTED OR IN DOUBT, 3) A demand of request for something considered ONE'S DUE.

Thereby; my CLAIM ACCRUED [April 2023] once THE OCCURRENCE OF A BREACH [January 2023] was discovered. If I had knowledge of THE BREACH when IT OCCURRED [November 21, 2008]- I WOULD HAVE ADDRESSED IT, and THAT- IS WHAT THEY INTENDED MY NOT KNOWING NOR BEING MADE AWARE OF.

By 'shielding misconduct', these VOID DOCTRINES give contribution to the narrative of undermining the principles of accountability and equal protection under the law, aligning with the definition of CRIMEN FALSI, where deceit is used to perpetuate injustice; false justifications for immunity that ultimately cause harm and injuries to others under the justice system. THIS- distracts from the actual harms caused by their misconduct.

Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.

Hicks v. Feiock (1988)- "...underscores that due process applies even in contempt proceedings, that the burden of proof cannot be improperly shifted, and FAIRNESS MUST BE UPHELD"

Fuentes v. Shevin (1972); "...Court ruled that seizing property without PROPER NOTICE and the OPPORTUNITY TO CHALLENGE THE ACTION violates the 14th Amendment[due process clause 1.3] DUE PROCESS requires timely notice and a FAIR HEARING"

- "Alternative Dispute Resolutions undermine KEY DUE PROCESS PROTECTIONS guaranteed by the Constitution, without proper legal safeguards"

U.S. vs. Sage, 92 F.3d at 106; United States Court of Appeals, Second Circuit. New York- "...Child Support agreements are equivalent to interstate contracts and rejecting the idea that child support payment obligations are somehow 'different'..."

18 USC ss1341 [Fraud and Swindling]

Section 1(a); Implementation of Human Rights Obligations

Plow. 64. Day v. National Bond & Investment Co., Mo.App., 99 S.W.2d 117, 119.- "...Person(s) acting as if they are in an OFFICIAL capacity as an employee of a government unit, but taking actions that are unauthorized." [a Color of Office act]

Rule 52. Findings and Conclusions by the Court; Judgment on Partial Findings

18 USC ss241; [Conspiracy against Rights]

ASIS v. US, 568 F2d 284- "...A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rationale".

Pennsylvania v. Jennifer Ann Fink (2020)- "Fink, a child support enforcement officer, was charged with identity theft and accused of stealing the SSN of a non-custodial parent to access their financial information".

Pennsylvania v. Michael David Pyles (2018)- "Pyles, a former child support enforcement officer, was found guilty of identity theft and sentenced to 2-5 years in prison for stealing the SSNs of non-custodial parents to access their financial information".

United States v. Tanya Marie Walker (2019)- "Walker, a former

employee of Pennsylvania Department of Human Services, was sentenced to 12 months in prison for stealing the SSNs of non-custodial parents and using them to obtain personal loans”.

United States v. Angela Dawn Smith (2017)- “Smith, a former employee of the Pennsylvania Department of Human Services, was sentenced to 18 months in prison for stealing the SSNs of non-custodial parents and using them to obtain personal loans”.

Parens Patrie Doctrine [Full Disclosures must be given]

Civil Rule 5.

Rule 26. Initial Disclosures

16 CFR 4331.1

Rule 33. Interrogatories to other parties which must be answered under oath in writing.

Rule 36. Requests for Admission (a)Scope and Procedure(2)&(3)

45 CFR ss264.30

Knox v. Eighth Judicial Dist. Court of State, 381 P.3d 631

People v. Lopez, 62 Ca.Rptr. 47, 254 C.A.2d 185

People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.]- “...In every criminal trial, the prosecution must prove corpus delicti or the body of the crime itself- i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause”.

Sherer v. Cullen 481 F. 945

Statutes and Rules:

"He at whose risk a thing is done, should receive profits arising from it"

The "Hobbs Act" allows for civil actions to be brought against individuals or entities that have engaged in extortionate practices.

42 USC ss1983; *"Provides an individual the right to sue 'State Government Employees and others' acting under color of state law for Civil Rights Violations"*

"Caveat emptor (let the buyer beware)"

Rule 26. Initial Disclosure

Canterbury v. Spence- *"U.S. Supreme Court established that healthcare providers have a **DUTY TO DISCLOSE RELEVANT INFORMATION TO PATIENTS**, even if they don't think it will impact the patient's decision".*

16 CFR 433.1(a); *Person. An individual, corporation, or any other business organization-* **(b); Consumer.** *A natural person who seeks or acquires goods or services for personal, family, or household use-* **(f); Contract.** *Any oral or written agreement, formal or informal, between a creditor and a seller, which contemplates or provides for cooperative or concerted activity in connection with the sale of goods or services to consumers or the financing thereof-* **(g); Business Arrangement.** *Any understanding, procedure, course of dealing, or arrangement, formal or informal, between a creditor and a seller, in connection with the sale of goods or services to consumers or the financing thereof.*

"Consent makes the law: the terms of a contract, lawful in its purpose, constitute the law as between the parties"

Rodriques v. Ray Donovan (U.S. Department of Labor) 769 F.2d 1344, 1348 (1985); "...All codes, rules, and regulations are for government authorities only, not Human/Creators in accordance with God's Laws. All codes, rules, and regulations are unconstitutional and lacking due process".

Cobbs v. Grant- "...court ruled that healthcare providers obtain 'INFORMED CONSENT' by presenting information in a way **THAT IS UNDERSTANDABLE** to the patient".

42 USC ss6503; [Forced Contracts]

42 USC ss3603/3604 [Intimidation]

41 USC ss6503; [Breach or Violation of Required Contract Terms]

"The agreement of the parties makes the law of the contract"

Schloendorff v. Society of New York (1914)- "...the court ruled that a surgeon who performs an operation without a patient's consent, commits assault".

Slater v. Baker & Stapleton (1767)- "...court ruled that it is the law of surgeons to obtain a patient's consent before performing an operation".

"He who consents cannot receive an injury"

"A contract founded on a base and unlawful consideration, or against good morals, is null"

16 CFR ss433.2; A creditor or assignee of the contract is thus subject to all claims or defenses that the consumer could assert against the seller. FTC Holder Rule protects the consumer's existing claims and defenses.

Self v. Rhay, 61 Wn (2d) 261; [Supreme Court Decision]- “The Common Law is the real law, the Supreme Law of the Land, the codes, rules, regulations, policy and statutes are NOT THE LAW”

“Every consent involves a submission; but a mere submission does not necessarily involve consent”

Georgia v. Randolph, 547 U.S. 103 (2006)- “...court ruled that a warrantless search of a defendant’s residence based on the consent of an estranged wife was unreasonable and invalid”.

Title XI Special Proceedings Rule 73 [Referral for Civil Actions]

28 USC ss1654; In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

26 USC ss6903; Notice of Fiduciary relationship

“People must be able to refuse consent without detriment, and must be able to withdraw consent easily at any time”

Affirmative Consent: Was expressed overt actions or words indicating agreement, by Myself- The Plaintiff??

Freely Given Consent: Was consent offered of my own free will without being induced by fraud, coercion, violence, or threat of violence towards Myself- The Plaintiff??

Capacity To Consent: Was Myself- The Plaintiff, granted the liberties [afforded safeguards] of capacity, or legal ability to consent??

“Consent gives VALIDATION, Validation grants SUBSTANTIATION”

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

Anthony Romero Horn, Sr.- Petitioner

Vs.

**The United States- Respondent(s)
ON PETITION FOR A WRIT OF CERTIORARI TO**

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
PETITION FOR WRIT OF CERTIORARI**

**Anthony Romero Horn, Sr.
102 Stonehaven Way
Pelham, Alabama 35124
(202)531-4177**

Cover Page

QUESTION(S) PRESENTED:

"In Commerce, Truth is Sovereign" (Exodus 20:16; Psalm 117:2; Matthew 6:33; II Corinthians 13:8);- "To Lie, is to go against the mind".

1) Equity regards that as done that ought to be done:

a) What are the elements that "Validate a Contract"??

A "Valid Contract" requires "Voluntary Participation" in which all parties must freely agree to the terms without coercion, fraud, or duress.

"Under Contract Law", this is known as 'Mutual Assent or a "Meeting Of The Minds", where both/all parties FULLY UNDERSTAND AND CONSENT to the agreement. Without voluntary participation, the contract can be CHALLENGED AS INVALID. Federal Regulations (e.g. 45 CFR 302.70) mandate informed consent in agreements like Acknowledgement Of Paternity (AOP), ensuring the "Contract's Validity". [e.g. Reporting Delinquencies to Credit Agencies]

-Where is the Contract??;

-Was Full Disclosure to the Terms and Conditions given??; [16 CFR ss4331.1]

-Actual Judgment, Actual Article III Judge's/Clerk of Court's Signature??;

-Were "All/Both Parties" granted opportunity to consent according to regulatory requirements??; [Rule 26- Initial Disclosure]

-Was "Oral Acknowledgement or Signature given/acquired to substantiate said agreement and or contract??

"A matter must be expressed to be resolved" (Hebrews 4:16; Philippians 4:6; Ephesians 6:19-21).- "He who fails to assert his rights, has none".

2) Equity follows the Law- [It is only when there is some important circumstance disregarded by the Common Law Rules that Equity interferes]; Graf v. Hope Building Corporation, 254 N.Y. 1 at 9 (1930)- "Equity works as a Supplement for Law and does not supersede the prevailing Law":

b) Were the Rules and Regulatory Procedures followed by the Legal Person Actor(s), that govern them within their Professional and Official

Capacities by the Oaths they were/are sworn to??

"Summonses or Citations should not be granted before it is expressed under the circumstances whether the summons ought to be made"

- Is/was there an "Injured Party"?? [How many were involved];
- Who is the Corpus Delicti?? [Name, Physical Description, etc.];
- Is/was there Tangible Evidence on File?? [Police Report/Report Number, Photos of Injuries, Damages Incurred, Properties Destroyed and or Vandalized, etc.];
- Were/are there any witnesses?? [Names, Phone Numbers, Addresses];
- Was Due Process of the Law Rendered?? [Actual Summons, Name of Respondent, Day, Date, Time, Location of Services Rendered, Named Process Server(s)]??;

"Under our system of government upon the individuality and intelligence of the citizen, the STATE does claim to control him/her, except as his/her conduct to others, (Injured Party) leaving him/her the sole judge as to all that affects himself/herself". [Mugler v. Kansas 123 U.S. 623, 659-60.]

"An office ought to be injurious to no one".

"A workman is worthy of his hire" (Exodus 20:15; Leviticus 19:13; Matthew 10:10; Luke 10:7; II Timothy 2:6).- "It is against equity for free men not to have the free disposal of their own property".

- c) Were all "Evidentiary Facts" brought into considerable light and or ***able to be submitted*** for Judicial Review before the Court of Competent Jurisdiction??
- ALL HAVE RIGHT TO A FAIR AND IMPARTIAL HEARING BEFORE A NEUTRAL DECISION MAKER, WHOM IS UNBIASED IN THEIR OPINION AND ORDER, without fear of Judicial Tampering, Evidentiary Facts must be brought into a Considerable Light- Fairly and Thoroughly Reviewed and or Examined; in order to grant a Sound Judgment, and not whisked away in denial to levy any proceeding or to favor a party.

-In order for a Contract of Compelled Performance to have and hold substantial effect, "Full Disclosure" and the "understanding" [therein] of the terms and conditions must be present, WITHOUT SURPRISE, willful neglect and FAILURE TO DISCLOSE with intent to deceive. A **Ghost of a Six Year Statute of Limitations** has no bearings nor effect, when the **"Implied" is not and or was not made aware of it**, neither gave Oral nor Written Acknowledgement to it- **"Ab Initio"**. [Rule 26; 16 CFR 4331.1]

"Equity will not allow a STATUTE to be used as a CLOAK FOR FRAUD" [e.g. Statute Of Limitations under and within Lack of Full Disclosure]- "Equity prevents a party from relying upon the ABSENCE OF A STATUTORY FORMALITY, if to do so, would be 'Unconscionable' and unfair".- [Due Process must be proven]

-A "Void Order or Claim has no legal effect Ab Initio- from the very beginning/outset and therefore does not need to be "APPEALED", although for convenience it may sometimes be necessary to have it set aside (Lord Denning in MacFoy v. United Africa Co. Ltd. [1961] and Firman v. Ellis [1978] QB 866) whereas a 'voidable' order or claim has legal effect unless and until it is set aside. Therefore, while a void order or claim does not have to be obeyed and can be ignored and its nullity can be relied on as a defence when necessary (Wandsworth London Borough Council v. Winder [1985] A.C. 461).

-A "Void Order" results from a "Fundamental Defect" in proceedings (Upjohn LJ in Re Pritchard (Deceased) [1963] 1 Ch 502 and Lord Denning in Firman v. Ellis [1978] 3 WLR 1 or from a 'without jurisdiction/ultra vires act of a "public body" or judicial office holder (Lord Denning in Pearlman v. Governors Of Harrow School [1978] 3 WLR 736).

"A forestaller is an oppressor of the poor, and a public enemy to the whole community and country"

-A 'without jurisdiction/ultra vires act is any act which a Court did not have power to do (Lord Denning in Firman v. Ellis [1978] QB 866).

"False in one (particular), false in all"

-Similarly, if the Higher Court's Order is founded on that of a 'Lower

Court's Void Act or Invalid Claim', then the Higher Court's Decision will ALSO BE VOID (Lord Denning in MacFoy v. United Africa Co. Ltd. [1961] 3 All FR). [What is their Delegation of Authority??]

"The People of the State do not yield their sovereignty to the agencies which SERVE THEM. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The People- INSIST on remaining informed so that they may retain control over the instruments they have created". [Waring v. The Mayor of Savannah, 60 Georgia at 93.] (Stats. 1953, c. 1588, p.3270, sec. 1.)

"Equitable Interests of a Party, in the outcome of unlawful/illegal transactions, who suffer a breach, may be entitled to the Equitable Remedy of Specific Performance".

"Equity will not suffer a wrong to be without remedy".

-The evidence [or lack thereof from the defendants] would have prevented the current supposed and void judgment from being rendered.

"An unrebutted affidavit becomes the judgment in Commerce" (Hebrews 6:16-17).- [Any proceeding in a court, tribunal, or arbitration forum consists of a contest, or duel, or commercial affidavits wherein the points remaining unrebutted in the end stand as the truth and the matters to which the judgment of the law is applied.]

-An Agency cannot act as both Creditor and Tribunal in Child Support Proceedings;

-The Legal Person Actor(s) and Tribunals have been engaging within acts of Moral Turpitude and Constitutional Tort behaviors.

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even Judges have no immunity- (See Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21: Officials and Judges cannot claim to act in good faith in willful Deprivation of Law, they certainly cannot plead ignorance of the law, for learned Officials and Judges pleading ignorance of corrupt and unlawful acts they willfully engaged in, therefore have

no immunity, Judicial or otherwise, in matters of rights secured by the Constitution for the United States of America;

- Evidentiary Facts were not examined neither allowed entry into the Court's Dockets to verify the claims petitioned, under reassignment of Judicial Duties;
- Time windows of reply between Myself, the Plaintiff and Respondents were Biased and purposed to frustrate filings and preparation by and from Myself, the Plaintiff;
- Legal Person Actor had/has Pecuniary and or Financial Interests in the subject matter disputed;
- Legal Person Actor had/has Prior Knowledge of the Disputed Facts in proceedings;
- Legal Person Actor should have been or should have recused herself according Federal Regulations;

"Ignorance of the Law does not excuse misconduct in anyone, least of all a sworn officer of the Law".

"A neglected duty often works as much against the interests as a duty wrongfully performed".

"Failure to enforce the law does not change it".

"It is the duty of all officials whether Legislative, Judicial, Executive, Administrative, or Constitutional to perform every official act as not to violate Constitutional Provisions".

-All means "ALL", NOT A SELECT OR ORGANIZATION OF A FEW... The Courts are in Service to the Public, not the Public in Service to the Courts.

"All are equal under the Law (God's Law- Ethical and Natural Law) [Exodus 21:23-25; Leviticus 24:17-21; Deuteronomy 1:17-18; Deuteronomy 19:21; Matthew 22:36-40; Luke 10:17; Colossians 3:25].- "No one is above the law".
"Commerce by the Law of Nations, ought to be common, and not to be converted into a Monopoly and the Private gain of a few".

"Not every action by any judge is in exercise of his (her) judicial function. It is not

a judicial function for a judge to commit an intentional tort even though the tort occurs in the Courthouse, when a judge acts as Trespasser of the Law, when a judge does not follow the law, the judge loses subject matter jurisdiction and the

"Judge's Orders Are Void", of "No Legal Effect"- Yates vs. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962)

"Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from days of Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335, 351". Manning v. Ketcham, 58 F.2d 948.

-The Chief Judge [Kaplan] likely knew of the professional background of the judge given prior to reassignment of the proceedings;

-Reassignment was done with purposed provisions of aid and comfort to the defendants;

"Whatever is acquired by the servant, is acquired for the master"

-The defendants are violatants in committal of fraud under and aligned with a Foreign Agency: Services Australia doing business as "Child Support Agency";

-Services Australia oversees and launders Federal Funds through "DUNS and Bradstreet";

"A Slave is not a Person"

-I am a Free, Living Man, whom has no master; except that being GOD;

-The Department of Health and Human Services (United States) violated the rights of Myself, the Plaintiff, in sharing my personal information with the Foreign Entity;

"Whatever is acquired by the servant, is acquired for his master"

-Child Support and its principles have been ruled "Unconstitutional", thereby making all orders in **VOIDANCE OF THE FEDERAL LAWS;**

"He who acts by or through another, acts for himself"

d) Why didn't the State Officers within their "Official Capacities" follow and or adhere to FEDERAL REGULATORY PROCEDURES??;

-They are in violation of "Separation Of Powers";

"Outward acts evince the inward purpose"

-Non Res Judicatas, Legal Person Actor(s) imposing their own wills to make Respondents become "Unwittingly Involved" to illegal/unlawful processes;

"External acts indicate undisclosed thoughts"

-Operating in "Coram Non Judice" forums, lacking jurisdiction;

-Performing acts "Ultra Vires";

"External actions show internal secrets"

-Acting "Non Judicially";

-Issuing Void Orders, in lack of Judicial Signature and Seal of The Court;

"A Void Judgment is one which, from its inception, was a complete nullity and without legal effect"- Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972). Hobbs v. U.S. Office of Personnel Management. 485 F.Supp. 456 (M.D. Fla. 1980).

51b. The government is to be subject to the law, for the law makes the government. C.L.M.

51c. Obedience makes government, not the name by which it is called. C.L.M.

51d. The law themselves desire that they should be governed by right. Co. Litt. 174b.

Fordyce v. City of Seattle, 840 F. Supp. 784 (W.D. Wash. 1993) US District Court for the Western District of Washington- 840 F. Supp. 784 (W.D. Wash. 1993)[July 29, 1993]- "Personal Feelings does not trump an Individual's rights".

"Remove the cause and the effect will cease"

"An un rebutted Affidavit stands as Truth in Commerce (I Peter 1:25; Hebrews

6:13-15).- “He who doesn’t deny, admits”.

- The defendants did not validate standing with proof of Acknowledgement to the Contracts in question;
- The defendants did not argue the factual findings of Molly Rebecca Silfen’s professional background;

“Truth is expressed by means of an Affidavit (Leviticus 5:4-5; Leviticus 6:3-5; Leviticus 19:11-13; Numbers 30:2; Matthew 5:33; James 5:12)

- The defendants did not present any evidentiary facts to rebut the factual findings presented by Myself, the Plaintiff;

“Reason is a ray of Divine Light” [Isaiah 1:18]

- Evidentiary facts were not allowed to be presented to validate and or support the claims by Myself, the Plaintiff;

“Sacrifice is the measure of credibility (One who is not damaged, put at risk, or willing to swear an oath that he consents to claim against his commercial liability in the event that any of his statements or actions is groundless or unlawful, has no basis to assert claims or charges and forfeits all credibility and right to claim authority”. (Acts 7 Life/Death of Stephen)

- All Public Officials swore an Oath **[Under Title 41A:2-1]** to uphold the Constitution, in which each State or Territory has its procedures, and they are not often followed, especially in the Lower Courts (District, Trial, Admiralty, Etc.) The Federal Rules of Civil + Criminal Procedure is what supposed to be informative as to how things are supposed to be done at the Highest Level, in which State Procedures should and supposed to Comply with Federal Rules and Regulatory Procedures. Rather, instead, it is in business to incentivize and monopolize those entrusted with the duties of upholding the offices they’re sworn to.

“A Lien or Claim can be satisfied only through rebuttal by Counter-Affidavit Point-for-Point, resolution by Jury, or payment (Genesis 2-3; Matthew 4; Revelations).- “If the Plaintiff does not prove his case, the defendant is

absolved".

-I, the Plaintiff, was not allowed to submit evidence to substantiate and or prove my claims;

"Proofs are to be weighed not numbered; that is, the more worthy or credible are to be believed". [It doesn't matter how many men say something, because the Word Of God is SUPERIOR TO ALL. It does not matter how many people believe a lie, it's still a lie. And in democracy, a lie is the truth].

-Aid and Comfort was the deciding force in the proceedings rather than Right and Rules that govern them;

-Influence Peddling and Nepotism was a very present and Dark Cloud;

"He ought not to be heard who advances a proposition contrary to the rules of law"

-The defendant did not prove nor provide any evidence to substantiate their statements and or standings within the proceedings, rather relied on the nepotism/favoritism, influence peddling to the Court;

"This is a Maxim of the Civil Law, where everything must be proved by two witnesses. [Matthew 18:16, II Corinthians 13:1]

-Judgment is and can only be rendered when both parties have presented enough evidentiary facts 'fairly' in order to give sound conclusions and resolution to the matter disputed;

"The presumption is always in favor of the one who denies"

-Where's the proof??

"All things are presumed to be lawfully done and duly performed until the contrary is proved"

-No Signature, No Consent;

-Lack of Full Disclosure, Intentional Deceit;

"A presumption will stand good until the contrary is proved"

-Lack of Evidence from and by the Defendants

"Equity will take jurisdiction to avoid a multiplicity of suits"

"A Void Judgment is one which has no legal force or effect whatsoever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed".- City of Lufkin v. McVicker, 510 S.W. 2d 141 (Tex. Civ. App.- Beaumont 1973).

"He who alleges contradictory things ought not be listened to"

-Judge was not acting Judicially, displayed partiality and bias;

Cooke v. United States, 91 U.S. 389, 398 (1875)- "When the United States 'comes down' from its position of sovereignty, and enters the 'Domain of Commerce', it submits itself to the same laws that govern individuals there".

United States v. Bostwick, 94 U.S. 53, 66 (1877)- "The United States when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf".

"Equity delights to do justice and not by halves"

Owens v. Independence, 100 S.C.T. 1398, 455 us 622- "Officers of the court have NO IMMUNITY, when VIOLATING A CONSTITUTIONAL RIGHT, from LIABILITY, FOR THEY ARE DEEMED TO KNOW THE LAW"!!!!

"He who comes into Equity must come with clean hands"

Hoffsomer v. Hayes, 92 Okla 32, 227 F.417- "The courts are not bound by an Officer's Interpretation of the law under which he presumes to act".

"Criminal De Facto governments covetously intend on expanding their power ['Ultra Vires'] in violation of the Constitution and in violation of the Purpose of their creation; to PROTECT PRIVATE RIGHTS, make bold attempts in deceiving people into exchanging THEIR INALIENABLE RIGHTS for taxable privileges, and thereby those PRIVATE RIGHTS become DIMINISHED".

...The History of Liberty is the history of the Limitation of Government Power,

NOT THE INCREASE OF IT”.- [Woodrow Wilson, President of the United States]-

“No servant can serve two masters”- [Luke 16:13; Matthew 6:24]

“To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon FAVORED INDIVIDUALS to aid private enterprises and build up PRIVATE FORTUNES, is nonetheless a robbery because it is done under the forms of law that is called- ‘Taxation’. This is not LEGISLATION, IT IS DECREE UNDER LEGISLATIVE FORMS”.- [Loan Association v. Topeka, 20 Wall. 655 (1874)]

“I am classified as a Citizen of Heaven”- [“but our citizenship is in heaven”- Philippians 3:20] based on my religious beliefs which outweighs any government interest.; Callahan v. Woods, 736 F.2d 1269 (1984) U.S. v. Seeger, 380 U.S. 163 (1965); Borden v. State, 11 Ark.527 (1851), 44 Am. Dec. 21, my Right to the Freedom, free exercise, and Expression of Religion is as defined U.S. Constitution, Amendment I; “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”.

“If ever the Law of God and man are at variance, the former are to be obeyed in derogation of the later”

Hamilton v. Regents, 293 U.S. 245, 262 (1934); Cantwell v. Connecticut, 310 U.S. 296 (1940); “Allegiance cannot be due to two Sovereigns” (Talbot v. Janson, 3 U.S. 133 (1795)- [Luke 16:13; “We must OBEY GOD rather than man”].

-Sovereignty flows DOWNHILL from its SOURCE; THE SOVEREIGN PEOPLE- as INDIVIDUALS not as a “Collective”;

-The people cannot simultaneously serve GOD and the Government;

-The people are the “Masters” and Government is their “Servant”
[Government of the People, For the People, BY THE PEOPLE]

“Matthew 6:24; No one can serve two masters; for either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve both God and money”.

-All authority derived from the Sovereign People is delegated to the

government by the State and Federal Constitutions;

- The Legislative Branch writes implementing regulations that describe how it interprets the Statutes written by the Legislative Branch;

- The Judicial Branch interprets or reconciles the implementing regulations against the Statutes to determine how they affect the Rights of the People;

“Whatever is done in excess is prohibited by law”

A Void Judgment insofar as it purports to be pronouncement of court, is an absolute nullity”- Thompson v. Thompson, 238 S.W.2d 218 (Tex.Civ.App.- Waco 1951).

Williamson v. U.S. Department of Agriculture, 815 F.2d, 369, ACLU Foundation v. Barr, 952 F.2d 457, 293 U.S. App. DC 101, (CA DC 1991).- “It is the duty of all officials whether Legislative, Judicial, Executive, Administrative, or Constitutional to perform every official act as not to violate constitutional provisions”.

“... every MAN is independent of all laws, except those prescribed by NATURE. He is NOT bound by ANY INSTITUTIONS formed by his fellow man WITHOUT HIS CONSENT”. [Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.]

“For a Crime to exist, there must be an Injured Party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional Rights”. [Sherar v. Cullen, 481 F. 945.]

“Equity will not aid a volunteer”- [Equity cannot be used to take back a BENEFIT that was VOLUNTARILY but MISTAKENLY CONFERRED without CONSULTATION of the receiver- THIS, PROTECTS- THE “DOCTRINE OF CHOICE” [e.g., Title XI Special Proceedings Rule 73], the Carte Blanche Rule of Accommodation DOES NOT QUALIFY, neither does GENERAL- IMPLIED CONSENT!!!!

Ubi Jus Ibi Remedium; “Where there is Right, there must be remedy”

“Equity aids the vigilant, not those who slumber on their rights”

28 USC ss2462: Time For Commencing Proceedings; Except as otherwise provided by act of congress, an action suit, or proceeding for the enforcement of

any civil fine, penalty, or forfeiture, pecuniary, or otherwise, shall not be entertained unless [Commenced] within five years from the date "WHEN THE CLAIM [NOT THE BREACH] FIRST ACCRUED", if, within the same period, the "Offender of Property" is found within the United States in order that proper service may be made thereon. (June 25, 1948, ch. 646, 62 Stat. 974)

Facts:

The Statute of Limitations Rule of Law is dependent on where you live (Jurisdiction) and also whether the contract is "Oral or Written". The "Clock Starts" when the Plaintiff/Petitioner/Appellant "becomes aware of the breach". Thereby- the statute of limitations on a "claim of breach of contract" is a time period within which the "Aggrieved Party" must file a lawsuit or otherwise "Toll The Clock", or forever lose their right to bring a claim. This arises from the notion that sooner or later- things have to be settled. It is a "Statute", because it is normally a "matter of statutory law", i.e. laws written on the books.

Statute of Repose vs. Statute of Limitations:

Statute of Repose: Limits the time within an action may be brought based upon when a particular event occurred and does not permit extensions.

Statute of Limitations: Is in similarity to a Statute of Repose but, "May be Extended" for a variety of reasons (such as the minority of the victim- petitioner and or asserter of a claim).

- 1) A Jurisdiction can/may "Toll" or "Suspend" the "Limitation Period" in exceptional circumstances such as if the "Aggrieved Person(s)- (Plaintiff/Petitioner/Appellant) is a "Minority" or has **"FILED IN A PROCEEDING"**;

-In these instances, "the running of limitations" is "Tolled or Paused";

- 2) Equitable Tolling may also be applied if an individual (or party) may intimidate a "Moving Party" into "not reporting" or has been **"PROMISED A SUSPENDED PERIOD"**;

-Intimidation: Reassignment of Judicial Duties from a "Senior Judge"

to a "Junior Judge" with prior knowledge to levy the proceedings in giving aid and comfort to a party "Favorably";

-Granting a party extended lengths of response time whilst denying the Plaintiff/Petitioner equal response time in order to frustrate and add pressure to the proceedings and filings from and by the Plaintiff/Petitioner;

3) The Statute of Limitations may begin when the harmful event, such as "Fraud or Injury" occurs, or ***it may begin when the harmful event is "Discovered"***.

-The U.S. Supreme Court has described the "Standard Rule" of when time begins as- ***"When the Plaintiff has complete and present cause of action"***;

-The Rule has existed since the 1830's;

-The "Discovery Rule" applies in other cases (i.e. Medical Malpractice- Violating HIPPA Laws and Permissible Practices);

-In Private Civil Matters- the limitations of period may be shortened or lengthened by "AGREEMENT OF THE PARTIES".

4) How can a "Junior Judge" (two weeks in/after appointment) undo/deconstruct the entries of a "Senior Judge" (10 Years +), within a proceeding that had been on-going for a time of approximately 3 months prior to her assignment to it??;

-Rushing to the deconstruction of the proceedings in prejudice, and building the already preconceived/predetermined outcome.

5) A Junior Judge cannot override a Senior Judge's Rulings, so how then could Molly Silfen's order have any standings including basis by void orders given in a State Hearing??;

-Only if a Judge is of a "Higher Position" than that of the "Initial Judge" can they override the previous Judge's Orders;

-Example: A Circuit Judge can overrule a District Judge's orders, but one Circuit Judge cannot overrule another Circuit Judge's orders, but an En Banc Panel of Circuit Judges can overrule one Circuit Judge's orders;

-If the Opinion and Order is about a "Matter of Discretion" rather than a "Matter of Law" - then and only then - a Second Judge may modify it, but there must have been a "Substantial" change in circumstances presented;

-The Judge only controls the calendar, presides over sentencing, has the power to enforce the orders, set bail, etc., however, in a vast majority of cases, the Prosecutor (Plaintiff/Petitioner/Appellant- Asserter) HAS MORE POWER OVER THE CASE OUTCOME (Criminal or Otherwise) than the Judge.

THEREBY- Molly Rebecca Silfen, even under and by directorial of Chief Judge Elaine Debra Kaplan, does **NOT** possess the Reigns to make such rulings, neither can the Appellant Court of Appeals support it.

"Deliberate falsehood in one matter will be imputed to related matters"

A "Parent" [Parentis] supervises a "Minor" [Minority- Junior], the "Minor" **DOES NOT** supervise the "Parent".

"The faculty or right of offering proof is not to be narrowed"

"An act done by me against my will is not my act"

Personal Jurisdiction: a "Court's Power" over a "Person or Entity" who is party to, or involved in, a case or controversy before the Court, including its "Power to Render Judgments" affecting that "Person or Entity";

Subject Matter Jurisdiction [Cannot be Waived]: The "Authority or Power" that each court has over "Certain Types" of legal disagreements (disputes).

"A concealed fault is equal to deceit"

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceedings in the court whose judgment is the subject of this petition are as follows:

United States Court Of Federal Claims;

Elaine Debra Kaplan, Molly Rebecca Silfen, Lisa L. Reyes, Debra L. Samler

United States Court Of Appeals For The Federal Circuit;

Jarrett B. Perlow, Claire C. Cecchi, Tiffany P. Cunningham, Kara Farnandez Stoll

Dept. Of Justice Civil Litigation Branch;

Kara Marie Westercamp, Brian M. Boynton, William James Grimaldi, Patricia M. McCarthy

Related Cases:

Ashby v. White, Bivens v. Six Unknown Named Agents, Madison v. Marbury

Callahan v. Woods, 736 F.2d 1269 (1984) U.S. v. Seeger, 380 U.S. 163 (1965);

Borden v. State, 11 Ark.527 (1851), 44 Am. Dec 21

U.S. Constitution; Amendment I, Amendment VI, Amendment VIII, Amendment XIV- Due Process Clause 1.3,

Murdock v. Penn, 319 U.S. 105

Shuttlesworth v. Birmingham, 373 U.S. 262

ASIS v. US, 568 F2d 284

Sherar v. Cullen, 481 F. 945

Waring v. the Mayor of Savannah, 60 Georgia at 93. Stats. 1953, c. 1588, p.3270, sec. 1

U.S. v. Throckmorton, 98 US 61

Owen v. City of Independence, 100 S. Ct. 1398

Maine v. Thiboutot, 100 S. Ct. 2502

Hafer v. Melo, 502 U.S. 21

Hamilton v. Regents, 293 U.S. 245, 262 (1934); *Cantwell v. Connecticut*, 310 U.S. 296 (1940)

Talbert v. Janson, 3 U.S. 133 (1795)

Graf v. Hope Building Corporation, 254 N.Y. 1 at 9 (1930)

Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

Mugler v. Kansas 123 U.S. 623, 659-60

Fordyce v. City of Seattle, 840 F. Supp. 784 (W.D. Wash. 1993)

Garner v. Louisiana, 368 U.S. 157, 174 [82 S. Ct. 248, 257, 7 L. Ed. 2d 207] (1961)

Fuentes v. Pennsylvania Child Support Enforcement (2011)

Frazier v. Pennsylvania Child Support Enforcement (2014)

In re: A.S.C. (2018)

Williamson v. U.S. Department of Agriculture, 815 F.2d, 369, *ACLU Foundation v. Barr*, 952 F.2d 457, 293 U.S. App. DC 101, (CA DC 1991)

Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962)

Bradley v. Fisher, 13 Wall 335, 351

Manning v. Ketcham, 58 F.2d 948

Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972)

Hobbs v. U.S. Office of Personnel Management. 485 F.Supp. 456 (M.D. Fla. 1980)

City of Lufkin v. McVicker, 510 S.W. 2d 141 (Tex. Civ. App.- Beaumont 1973)

Thompson v. Thompson, 238 S.W.2d 218 (Tex.Civ.App.- Waco 1951)

Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943)

United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)

Redfield v. Fisher, 292 P 813, at 819 {1930}

70 Am. Jur. 2nd Sec. 50, VII Civil Liability

Nudd v. Burrows, 91 U.S. 426

Boyce v. Grundy, 3 Pet. 210

Cooke v. United States, 91 U.S. 389, 398 (1875)

United States v. Bostwick, 94 U.S. 53, 66 (1877)

Loan Association v. Topeka, 20 Wall. 655 (1874)

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)

Rodriques v. Ray Donovan (U.S. Department of Labor) 769 F.2d 1344, 1348 (1985)

Self v. Rhay, 61 Wn (2d) 261

"Also nothing shall be intended to be within the jurisdiction of an inferior court, but what is expressly so alleged: and if part of the cause arises within the inferior jurisdiction of, and part thereof without it, the inferior court ought not hold plea. 1 Lev. 104: 2 Rep. 16. See tit Abatement, l. 1. An inferior court not of record "1835 Tomlins Law Dictionary, [emphasis added]

A court not of record is... or where the proceedings are not according to the course of the common law, 1 Inst. 117-260": 4 Rep. 52: 2 Rol. Ahr. 574. See Record. Tomlins Law Dictionary 1835"

[Administrative courts are not sanctioned by Parliament, and are not part of the De Jure Laws and usages of the realm. All administrative courts are UNLAWFUL because they do have a Jury PRESENT].

[The judge does not sit Judicially, but acts as a corporate administrative officer].

[A Statutory administrative court is for commerce, in practice (de facto). It is a place of corporate banking offering a dispute resolution service for consenting parties, LIVING MEN AND WOMEN (UNWITTINGLY) consent to be JOINED TO (JOINDER) artificial legal persons, obligated to settle the accounts of commercial (adhesion) contracts].

"Anyone may renounce a law introduced for his own benefit"

[Common law acknowledges the LAWFUL RIGHTS possessed by LIVING MEN AND WOMEN. Statutes prescribe Legislation to administer artificial LEGAL PERSONS].

"No one is obliged to accept a benefit against his consent"

[The Courts; The Judiciary compromises two types of court venues; a Corporate Administrative Court, and a Common Law Court of Record].

"No man ought to be burdened in consequence of another's act"

Opinions Below

Court of Federal Claims Opinion; Page III (Discussion II):

"A twisting of language is unworthy of a judge"

Paragraph I (Top of page);

"...A plaintiff bears the burden of establishing subject matter jurisdiction by a preponderance of the evidence" Estes Express Lines v. United States, 739 F.3d 689, 692 (Fed. Cir. 2014)"

A) 1:23-cv-00509-MBH (Senior Judge Marian Blank Horn)

- 1) June 9, 2023; Myself- the Plaintiff, filed documentation "Requesting the Court's Permission to File Amended Complaints": The Clerk's Office did not file the submission because the submission did not comply with the privacy requirements of RCFC 5.2(a), because the plaintiff included his Social Security Number without redaction. Furthermore, the submission was not signed by the plaintiff and the pages of the submission were not numbered. The court is, therefore, unable to determine where the request ends and the amended complaint begins. The court INSTRUCTS the Clerk's Office to **REJECT [NOT DENY]** the June 9, 2023 submission. **(See Appendix for attachments of proof)**

Plaintiff's response to the defendant's motion to dismiss remains due by

Friday, June 30, 2023. **[See Appendix for attached documented proof]**

a) **Rejection vs. Denial:**

Reject; (verb) dismiss as inadequate, inappropriate, or not to one's taste-

(noun) a person or thing **dismissed as failing to meet standards or satisfy tastes; (example: reject- to turn away momentarily; until necessary standards have been met and or satisfied)**

Deny; (verb) state that one refuses to admit the truth or existence of-

Refuse to give or grant (something requested or desired) to someone [to not allow or grant access to something or someone]

B) June 20, 2023; Myself the Plaintiff resubmitted the same documentation with all corrections adhering to the RCFC Rules of Court, and the clerk's office filed them onto the courts dockets before the prescribed deadline of June 30, 2023.

"A judge is not to act upon his(her) personal judgment or from a dictate of private will, but to pronounce according to law and justice"

C) July 3, 2023; A directorial order issued by Chief Judge Elaine Debra Kaplan in reassignment of the case proceedings from Senior Judge Marian Blank Horn, to Junior Judge Molly Rebecca Silfen-

Page II Paragraph III;

"...On a motion to dismiss under rule 12(b)(1) of the Rules of the Court of Federal Claims (RCFC), "a court must accept as true **all undisputed facts** asserted in the plaintiff's complaint and draw all reasonable inferences in favor of the plaintiff. [Citations Omitted] If the court determines that it lacks subject-matter jurisdiction, it must dismiss the action".

"It is the duty of a judge to declare the law, not to enact the law or make it"

Page VI Paragraph II;

"...The court may deny Mr. Horn's motion to amend his complaint under RFCF 15(a)(2) if the amendment would be futile.- A proposed amendment is

Page III Paragraph VI;

"...This court's jurisdiction is primarily defined by the Tucker Act, which provides the court with exclusive jurisdiction to decide specific types of monetary claims against the United States".[Citations Omitted] The Tucker Act provides this court with jurisdiction to decide actions pursuant to contracts with the United States, actions to recover illegal exactions of money by the United States, and actions brought pursuant to money-mandating statutes, regulations, executive orders, or constitutional provisions".[Citations Omitted]

"He(she) who decides anything, a party being unheard, though he(she) should decide right, does wrong"

Page III Paragraph X (Bottom of page);

"...This court may dismiss a complaint for failure to prosecute when a plaintiff fails to respond to a motion by the government. RCFC 41(b) ("If the plaintiff fails to prosecute... the court may dismiss on its own motion[.]") [Citation Omitted]- ("[Plaintiff] failed to file an opposition to the government's motion to dismiss by the trial court's deadline. Accordingly,... the court dismissed [plaintiff's] complaint for failure to prosecute".)

"It is improper to pass an opinion on any part of a sentence, without examining the whole"

28 U.S.C. ss1491(a)(1); *"The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States". To the extent that Mr. Horn's claims can be construed as against private persons, the District of Columbia, its courts or agents, or other non-federal actors, this court lacks jurisdiction over those claims.*

Last Sentence;

"The Court also notes that... the District of Columbia and its courts are not agents of the United States".

D) All public servants of the Courts are and must be Bonded; No Bond- No

Employment in government [How then are these agents allowed access and presence in government offices, if, they're not agents of the United States?? [i.e. State Agents of State Agencies within The United States]

"The government cannot confer a favor which occasions injury and loss to others"

Page IV Paragraph II (Last Sentence);

"... The court accepts the government's proposal and construes Mr. Horn's motion to strike (ECF No. 12) as a response to the motion to dismiss".

"A good judge decides according to justice and right, and prefers equity to strict law"

Page IV Paragraph IV;

"...Under the Tucker Act, [e]very claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues".

E) Claim vs. Breach (Definition);

Claim; an assertion of the truth of something, typically one that is disputed or in doubt. A demand or request for something considered one's due. (Claim; April 11, 2023 when Myself the Plaintiff was made and brought awareness thereof- reason for action; thereby claim accrued)

Breach; an act of breaking or failing to observe a law, agreement, or code of conduct. (Breach; November 21, 2008)

He who spares the guilty punishes the innocent" [Mark 15:6-15, Luke 23:17-25, John 18:38-40]

F) Elaine Debra Kaplan had purpose in reassigning the case proceedings to Molly Rebecca Silfen in provisional guidance to give aid and comfort to the defendants, knowing that an Official that has prior knowledge of disputed matters should recuse or be recused of such responsibilities.

"The judge is condemned when a guilty person escapes punishment"

G) Reassignment done with purpose to levy the proceedings, intentionally;
Nepotism and Influence Peddling has poisoned the foregoing thereof.

"Of the credit and duty of a judge, no question can arise; but it is otherwise respecting his(her) knowledge, whether he(she) be mistaken as to the law or fact".

Page IV Paragraph IV;

"... The Tucker Act's six-year statute of limitations is considered [jurisdictional], as it limits government's waiver of sovereign immunity, and the court must consider the timeliness of a claim even if neither party raises it".

H) The Tucker Act does not have standing when all was done deceitfully-intentionally, omitting terms and conditions, use of coercion, threat of arrest, under duress toward a respondent; [**"False in one (particular), false in all"- AB INITIO.**]

Court of Appeals Order- Page III Paragraph IV;

"... The six-year time limit of ss2501 commences to run when claimants KNOW or should know of their potential claims, and here more than six years have passed from the time Mr. Horn knew or should have known of these claims to the filing of Mr. Horn's complaint".

I) Acknowledgment to the Tucker Act's six-year statute of limitations has yet been proven, and without proof of full disclosure and acknowledgment to any such statute, thereby **ARE NON SUBSTANTIAL**;

"No one should be judge in his(her) own cause"

J) The Court of Federal Claims and Court of Appeals intentionally twists the language, construing the actual meaning and interpretations thereof; knowingly- that; without following the law, adherence to regulations, **EVERYTHING THAT FLOWS THEREAFTER IS OF NO CONSEQUENCE...** in which both Lack the Integrals to do what is incumbent of them by God's Law and their Oaths-

"What appears not does not exist, and nothing appears judicially before

judgment”

-No fair review was given, just a whisk to the proceedings to aid the defendants in avoiding prosecution.

“Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty”

Constitutional and Statutory Provisions:

28 U.S.C. 453, 28 U.S.C. 455, 18 USC 2071, 18 USC 2076, 36 USC 705.03, 45 CFR 303.5, 16 CFR 4331.1(a)(b)(c)(d)(e)(f)(g)(i), Title XI; Special Proceedings Rule 73, 28 USC ss636(c)(5), 14 Amendment; Due Process Clause 1.3, 4th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, 10th Amendment, 13th Amendment, Rule 4: Summons, 28 USC 1691, 42 USC 1301(10)(D), 42 USC 666(7)(a), 42 USC 12203(a)(b), Civil Rule 5, Rule 26, Rule 33, Rule 60(b), 42 USC 1983, 18 USC 241, 18 USC 242, 18 USC 245, 18 USC 666, 18 USC 246, Supremacy Clause of the Constitution; Article VI Paragraph II, New Jersey Legislation 41A:2-1

Statement of the Case:

“... We have considered Mr. Horn’s remaining arguments and find them unpersuasive. For the foregoing reasons, we affirm”. [Court of Appeals Panel]

The foregoing proceedings were scheduled for argument on June 6, 2024 and judgment decided on June 7, 2024; mandate given on July 29, 2024.

Foundation Of Law:

The “***Magna Carta Charter***” and the “***Rule of Law***”;

The Magna Carta Charter, issued June 1215, was/is the first document to put into writing ‘***the principle***’, that, the king and his government was ***NOT ABOVE THE LAW***. It sought to prevent the king from exploiting his power, and placed ‘***limits***’ of royal authority by establishing law as a power in itself.

The “Rule of Law”, its founding belief, was and is the significance of the establishment of principles that limited government power and provided for the right to a trial by jury. These concepts were/are foundational in protecting

“Individual liberties”.

The focus that a ***“government should be constitutional, and that, the law of the land should apply to everyone”***. At the center of that focus, the idea that all citizens, including those in power, should be ***FAIRLY and EQUALLY*** ruled by the law. It began the tradition of ***‘respecting the law’***, limiting government power, providing access to justice and ***the protection of human rights***.

Magna Carta, also guaranteed ***‘due process of law’***, ***freedom from arbitrary imprisonment, trial by jury of peers***, and other fundamental rights inspiring and informing the Founding Fathers of this nation of the United States, when and in their writing of the Declaration of Independence, United States Constitution, and Bill Of Rights.

Many broader constitutional principles are rooted in eighteenth-century understanding of Magna Carta, such as the theory of representative government, the idea of supreme law, and ***‘judicial review’***. But, Magna Carta’s legacy is reflected most clearly in the Bill of Rights, the first 10 Amendments to the Constitution ratified by the states in 1791. In particular, ***amendments Five through Seven*** set ground rules for a speedy and fair jury trial, and the ***Eighth Amendment*** prohibits excessive bail and fines.

The Magna Carta and United States Constitution, both, share the common purpose; ***to control leadership and government*** by laws that give ***recognition in support of the rights of the governed***.

The Magna Carta restricted the powers of a rebellious king and the Bill of Rights limited the power of the government and protected individual liberties. Magna Carta’s establishment of a council of barons to monitor the king’s actions influencing the founding fathers’ creation of a set of rules and procedures to limit government power.

The ‘Great Charter’ was signed by King John of England in 1215, and was Europe’s first written constitution and established the principle that ***‘the sovereign’ was subject to the rule of law***. They embedded those rights into the laws of the states, later into the Constitution and Bill of Rights. Both- Magna Carta and the United States Constitution ***gave ‘the people’ a voice in government***.

Both created separate branches of government, both established checks and balances on the people.

The writing of the Bill of Rights and state constitutions inspired by conception of the Magna Carta, ***that “certain rights and liberties are so fundamental that their violation is a direct abuse of governmental power”***. The Magna Carta became to represent the idea that ‘the people’ can assert their rights against an oppressive ruler and that the power of government can be limited to protect those rights. These concepts clearly foundational and central to both the Declaration of Independence and United States Constitution.

Phraseology; “by law of the land” was used in all American documents before the Constitution. Magna Carta’s concept; that no man is above the law, not even the king, was a milestone in constitutional thought. Magna Carta’s principles influenced the idea of freedom from unlawful searches and seizures in the United States.

Due Process; the Fifth Amendment’s Guarantee of Due Process to All Americans is a direct result of the Magna Carta’s Guarantee of proceedings according to the “Law of the Land”:

Today, only a few parts of the ***Original Magna Carta*** remain in use to the Legal system, those include ***Clauses 1, 13, 39, and 40***;

“... First of all, we have granted to God, and by this present charter have confirmed for us and our heirs forever, that the English Church shall be free, and shall have its rights intact and its liberties uninfringed upon”- [Magna Carta Clause One]

-Partiality is in existence in disguise as rationale to fit the ineptness and lack of adherence to Oath and Integrity. [No Maxim of Mannerisms, just self indulgent lusts].

“... the city of London and other cities, towns, boroughs, and ports shall have all their ancient liberties and free customs, both by ‘land and water’ (L.A.W.)”.- [Magna Carta Clause 13]

-Fifth Amendment to the Constitution; [*"no person shall be deprived of life, liberty, or property, without due process of law".*]- **is a direct descendent of Magna Carta's guarantee of proceedings ACCORDING TO THE "LAW OF THE LAND".**

"No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled or in any way destroyed, nor shall we go against him or send against him, unless by LEGAL JUDGMENT of his peers, or by the LAW OF THE LAND".- [Magna Carta Clause 39]

-Sixth Amendment to the Constitution; [*"In all criminal prosecutions, the accused shall enjoy the right to a speedy and PUBLIC TRIAL, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense".*]- **{Where is/who is the Corpus Delicti??} (Reference Title XI; Special Proceedings: Rule 73- Counsel of referral)**

-Seventh Amendment to the Constitution; [*"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re examined in any Court of the United States, than according to the RULES OF THE COMMON LAW".*]- **{No Jury means NO COURT, MEANS LACK OF DELEGATED AUTHORITY}**

"... To no one will we sell, to no one deny or delay right or justice"- [Magna Carta Clause 40]- **{Article 29 of the Magna Carta; "The body of a free man is not to be arrested, or imprisoned, or disseised, or outlawed, or exiled, or in any way ruined, nor is the king to go against him or send forcibly against him, except by JUDGMENT OF HIS PEERS or by LAW OF THE LAND".}**

-Eighth Amendment to the Constitution; [*"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted".*]

“Declaration of Independence; ... whenever ANY FORM OF GOVERNMENT becomes destructive to these ends, it is the RIGHT OF THE PEOPLE to alter or to ABOLISH IT, and to institute new government”.

“Definite, legal conclusions cannot be arrived at upon hypothetical averments”

Reasons For Granting The Writ:

In the foregoing of petitioning the Court of Federal Claims, the Chief Judge took it upon herself in willingness to aid and comfort the defendants, thereby reassignment of the case proceedings to a Junior Judge in the place of a Senior Judge. This, led to biased time windows to frustrate the filings, by Myself the Plaintiff/Petitioner/Appellant; with purpose underestimating that I would not be prepared to reply to the opposing party's motions and or responses to my claims.

-Judges are required to uphold their Oath of Office, primarily to uphold the Integrity of the Judicial System and ensure that they are committed to their responsibilities;

1) *Commitment to the Law-*

a) A Judge's commitment to uphold the Constitution; the law and the principles of justice;

2) *Accountability-*

b) It serves as a reminder of the Judge's Duty to act “Impartially and Fairly”, holding themselves accountable to the Public and the Legal System;

Firstly, the Chief Judge, Elaine Debra Kaplan in her official capacity of profession likely knew of the judge in reassignment's background prior to appointing her to the case proceedings **[42 USC 12203(a)(b); Code of Civil Procedure 170.1(3)(A)]**.

Why wasn't the Federal Rules followed?? As clearly written, by the prescribed regulations; any official whom has '**prior knowledge**' of the matters disputed,

should recuse themselves or be recused thereof [28 USC 144; 28 USC 453; 28 USC 455; 36 USC 705.03(a)].

3) **Public Confidence-**

- c) The enactment of upholding their Oath helps maintains Public Trusts in the Judiciary, it signifies that Judges are serious about their roles and responsibilities;

From then forward, partiality was present like a very dark cloud. My filings were delayed, until I called the clerk's office to inquire as to why were they not being entered into the court's dockets (**see appendix for attachments of proof**). My documents were being attacked under the directorial of Molly Rebecca Silfen. My evidence was entered into the dockets by the Senior Judge Marian Blank Horn, but then scrutinized by the Junior Judge upon her assignment. This is was/is a blatant attack on my filings. This was done with hopes that I would miss the response deadline prescribed by the courts, so therein, the defense could file with good standing- a motion to dismiss. [*Maxims; "He who flees judgment confesses his guilt"; "Justice is neither to be denied nor delayed"*]

4) **Legal Requirement-**

- d) Their Oath is a Constitutional Mandate, adhering to it is necessary to legitimacy of the Judicial Process;

All of which, is an obvious **display of guile** on the part of the defendants in order to avoid prosecution. To peddle influence, reliance of nepotism/favoritism to covet their lack of evidence/proof in standing. Even as I type this, I feel no faith in the Judicial system of process because of the acts of the aforementioned officials and those in aid to them. It is supposed to be incumbent of those of their offices to promote 'public confidence' and remove doubt from the public, that, they are capable to render service that is prescribe of them and their duties to office.

5) **Professional Ethics-**

- e) It aligns with the Ethical Obligations of Judges to conduct themselves with Integrity and Respect for the Law;

Yet, rather than uphold it- they abuse it to their personal usage. Phone calls,

secret meetings/emails, to warn and make others in different branches and departments aware of what to look out for and or deter. Fairness is the furthest from their mannerisms, and they're ruled by their financial interests at the expendage of those injured by their processes and lack adherence to what is supposed to govern them in their official capacity.

6)**Overall**, their mannerisms serve as vital affirmation of the Judge's dedication to '**Justice and the Rule of Law**', ensuring that they approach each case with the **PROPER MINDSET** and legal foundation

I, as the petitioner/plaintiff/appellant cannot make this court nor any of its officers **attend to their mannerisms and integrities** in following the laws prescribed by federal regulations and each of **your own equities**. Neither am I at all capable in forcing any who may be reviewing this, act with sincerities needed to render what should be. I honestly feel in between conspiracies of persons whom are entrusted to the duties granted to them, that impartiality and unbiasedness is not and will not present any standing on my behalf. An officer knows the laws, but fail willfully to execute accordingly; they fear their colleagues in law and their reactions rather than **GOD who sits high and looks low**. [**"II Timothy 3:5; Having a form of godliness, but denying the power thereof"**.]

Reassigning the case to a Junior Judge whom has a background as a Lawyer Advocate to the defending party against what Federal Rules prescribe, intentionally; knowing that said Judge has prior knowledge of the subject matter disputed, only after two weeks in appointment as an Article III, from a Senior Judge with 10 Years plus experience on the bench; all and definitely says: Prejudice against me and my claims for remedy, RIGHTFULLY!!!!

Evidence removes doubt or presumption, why then, ISN'T ANY PROOF BEING PROVIDED BY THE DEFENDANTS to state and or show otherwise?? When a defendant cannot rebut WITH PROOF, AGAINST A PETITIONER'S CLAIMS, IS IT NOT TAKEN AS TRUTH?? THIS, is what is intended; that, THE QUESTION OF EVIDENCE not be allowed and the defendants NOT ABLE TO PROVIDE ANY PROOF TO ARGUE AGAINST MY CLAIMS- INTENTIONAL WITHDRAWAL FROM FACTUAL EVIDENTIARY PROOF!!!!

In Closing:

The Court of Federal Claims did not grant fairness and impartiality, no fair review was given, my evidence wasn't allowed into the dockets, because thereby; a different Opinion and Order must have been rendered and adjudged. The defendants had no standings nor substantial arguments, just reliance on the nepotism of camaraderie. The Court of Appeals had no intention of giving argument, just made seemingly, that, it happened.

I, Anthony Romero Horn Sr., Subrogee/Implied Surety, send you, the Judges, Justices, and Administrators of the Supreme Court of the United States- District of Columbia, Notice of Subrogation and Invocation to MY RIGHTS THEREIN; invoking your Oaths to Office, and as Officers and Servants to the Public. To and in appointment of these matters- invoking the Court of and in Equity, to set right the obliviousness, to correct err of personams, in address of willful failure of their Official Capacities, I petition you... YOUR SERVICE and DUTIES TO OFFICE- Maxim of Your Mannerisms... THIS I DECREE!!!!

"...Officia, Iuramenta, et Equititates Anglice te compellunt"!!!!

"Where the Divinity is insulted the case is unpardonable"

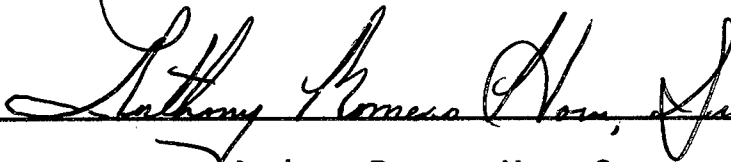
"Human things never prosper when divine things are neglected"

Proverbs 4:7; "Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding"

Conclusion:

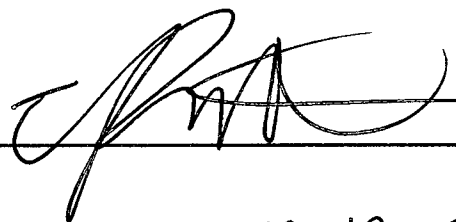
The Petition for a Writ of Certiorari should be Granted.

Respectfully submitted,



Anthony Romero Horn, Sr.

Date: October 1, 2024

Notary Signature: _____

Commission Expiration Date: 05/25/2027

Notary Seal:



Supreme Court Of The United States

Appendix A:

Adjudged Opinion and Order of The Trial Court

In the United States Court of Federal Claims

No. 23-509 C

Filed: September 22, 2023

**ANTHONY ROMERO
HORN, SR.**

Plaintiff

v.

JUDGMENT

**THE UNITED STATES
Defendant**

Pursuant to the court's Opinion and Order, filed September 22, 2023, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiff's complaint is dismissed for lack of subject-matter jurisdiction.

Lisa L. Reyes
Clerk of Court

By: *Debra L. Samler*

Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00.

In the United States Court of Federal Claims

ANTHONY ROMERO HORN, SR.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 23-509 C

(Filed: September 22, 2023)

Anthony Romero Horn, Sr., Hyattsville, MD, pro se.

Kara M. Westercamp, Civil Division, United States Department of Justice, Washington, DC, for defendant.

OPINION AND ORDER

Dismissing Complaint for Lack of Jurisdiction and Addressing Other Papers

SILFEN, *Judge.*

Mr. Anthony Romero Horn, Sr., filed a complaint in this court for, among other things, monetary relief stemming from a November 2008 District of Columbia family court order, in which Mr. Horn was ordered to pay child support. Accompanying his complaint, Mr. Horn filed a request to proceed in forma pauperis, seeking to litigate this case without paying the court's filing and administrative fees. ECF No. 2. Having reviewed Mr. Horn's application, the court **grants** his motion to proceed in forma pauperis.

The government filed a motion to dismiss Mr. Horn's complaint. ECF No. 10. Later, Mr. Horn filed a motion to amend his complaint. This court does not have jurisdiction over Mr. Horn's claims, both because they are not within the court's prescribed subject-matter jurisdiction and because even if they were, those claims would be time-barred. Mr. Horn's proposed motion to amend his complaint does not correct the issues relating to this court's lack of subject-matter jurisdiction, and an amendment would therefore be futile. Thus, this court **dismisses** Mr. Horn's complaint and **denies** his request to amend his complaint.

I. Background

On April 11, 2023, Mr. Horn filed this action raising various constitutional, criminal, and state law claims. ECF No. 1-1.¹ All of Mr. Horn's allegations appear to stem from the enforcement of a child support order from the D.C. Child Support Services Division that was issued against Mr. Horn some time before November 21, 2008. *See id.* at 1. Mr. Horn's allegations include that (1) he was not properly served papers by the court in his child support case (*id.* at 2); (2) his case was overseen by a magistrate judge, who, Mr. Horn argues, does not have the constitutional authority to rule on Mr. Horn's case (*id.* at 1-3); and (3) various local and municipal staff members committed criminal acts and violated his rights by entering orders against him without signatures (*id.* at 2-4). Mr. Horn's allegations name numerous District of Columbia employees including the magistrate judge or judges overseeing his case, the Deputy Clerk of the D.C. Superior Court, the D.C. Attorney General, and staff at the D.C. Child Support Services Division. *Id.* at 1-4. According to Mr. Horn, the unlawful garnishment of his wages has resulted in his losing two vehicles and being evicted more than once. *Id.* at 3. In his complaint, Mr. Horn shows an unpaid balance to a "Department of Human Services" of \$62,632 as of December 29, 2022. *Id.* at 15.

II. Discussion

The government moves to dismiss the complaint, arguing, among other things, that (1) the statute of limitations bars all of Mr. Horn's claims (ECF No. 10 at 2); (2) the court lacks jurisdiction to consider Mr. Horn's claims arising from criminal statutes (*id.* at 3); (3) Mr. Horn's claims identify several individuals who work for the District of Columbia and the D.C. Child Support Services Division as defendants, and this court only has jurisdiction over claims against the United States (*id.* at 3-4); and (4) Mr. Horn's constitutional claims are non-money mandating and outside of the jurisdiction prescribed by the Tucker Act (*id.* at 4-5). Mr. Horn responds that the government's motion to dismiss is proof of collusion between the U.S. Department of Health and Human Services and the District of Columbia to continue to violate his rights and should therefore be denied.² *See* ECF No. 12 at 1-6.

On a motion to dismiss under rule 12(b)(1) of the Rules of the Court of Federal Claims (RCFC), "a court must accept as true all undisputed facts asserted in the plaintiff's complaint and draw all reasonable inferences in favor of the plaintiff." *Trusted Integration, Inc. v. United States*, 659 F.3d 1159, 1163 (Fed. Cir. 2011). If the court determines that it lacks subject-matter jurisdiction, it must dismiss the action. *See* RCFC 12(b)(1), (h)(3); *see also Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) ("Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.").

¹ The argument and background to Mr. Horn's complaint appear in an unpaginated exhibit to the complaint, ECF 1-1. Accordingly, the court refers to the ECF filing page numbers.

² Mr. Horn's response to the government's motion to dismiss is titled a "Motion to Strike," and in his filing, Mr. Horn requests that the court strike and dismiss the government's motion to dismiss. As discussed below, the court interprets Mr. Horn's filing as a response to the government's motion to dismiss as well as a motion to strike.

A “plaintiff bears the burden of establishing subject matter jurisdiction by a preponderance of the evidence.” *Estes Express Lines v. United States*, 739 F.3d 689, 692 (Fed. Cir. 2014) (citation omitted).

This court’s jurisdiction is primarily defined by the Tucker Act, which provides the court with exclusive jurisdiction to decide specific types of monetary claims against the United States. See 28 U.S.C. § 1491(a)(1); see also *Kanemoto v. Reno*, 41 F.3d 641, 644 (Fed. Cir. 1994); 28 U.S.C. § 1491(a)(1). The Tucker Act provides this court with jurisdiction to decide “actions pursuant to contracts with the United States, actions to recover illegal exactions of money by the United States, and actions brought pursuant to money-mandating statutes, regulations, executive orders, or constitutional provisions.” *Roth v. United States*, 378 F.3d 1371, 1384 (Fed. Cir. 2004).

The U.S. Court of Federal Claims has traditionally held the pleadings of a pro se plaintiff to a less stringent standard than those of a litigant represented by counsel. See *Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (quoting *Haines v. Kerner*, 404 U.S. 519, 520 (1972)) (stating that pro se complaints “however inartfully pleaded are held to less stringent standards than formal pleadings drafted by lawyers.” (marks omitted)). Accordingly, the court has exercised its discretion in this case to examine the pleadings and record “to see if [a pro se] plaintiff has a cause of action somewhere displayed.” *Ruderer v. United States*, 188 Ct. Cl. 456, 468 (1969). Regardless, pro se plaintiffs still have the burden of establishing the court’s jurisdiction by a preponderance of the evidence. See *Landreth v. United States*, 797 F. App’x 521, 523, 2020 WL 114521 (Fed. Cir. 2020) (citing *Taylor v. United States*, 303 F.3d 1357, 1359 (Fed. Cir. 2002)); accord *Curry v. United States*, 787 F. App’x 720, 722 (Fed. Cir. 2019) (citing *Taylor and Kelly v. Sec’y, U.S. Dep’t of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)).

A plaintiff may amend his complaint under RCFC 15(a)(1) as a matter of course either (A) within “21 days after service of the pleading” or (B) “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under RCFC 12(b), (e), or (f), whichever is earlier.” Additionally, a party may amend his complaint under RCFC Rule 15(a)(2) with the other party’s consent or the court’s leave, which should be given “when justice so requires.” Courts construe this language liberally, and generally grant leave to amend barring any “apparent or declared reason” not to permit amendment. *A & D Auto Sales, Inc. v. United States*, 748 F.3d 1142, 1158 (Fed. Cir. 2014) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)). However, the court should deny leave to amend if the amendment would be futile. *Id.*

A. Mr. Horn has prosecuted his claims

In a response to Mr. Horn’s motion to amend his complaint, the government argues that this court should dismiss Mr. Horn’s complaint for failing to prosecute his claims. ECF No. 18 at 1-2. According to the government, because Mr. Horn failed to file a response to the motion to dismiss, this court would be justified in dismissing his complaint. *Id.*

This court may dismiss a complaint for failure to prosecute when a plaintiff fails to respond to a motion by the government. RCFC 41(b) (“If the plaintiff fails to prosecute . . . the court may dismiss on its own motion[.]”); see *Cerf v. United States*, 621 F. App’x 651, 652 (Fed. Cir. 2015) (“[Plaintiff] failed to file an opposition to the government’s motion to dismiss by the trial court’s

... deadline. Accordingly, ... the court dismissed [plaintiff's] complaint for failure to prosecute.”); *Coakley & Williams Constr., Inc. v. United States*, No. 11-191C, 2012 WL 2866291, at *1-2 (Fed. Cl. July 13, 2012) (dismissing case pursuant to RCFC 41(b) where the government sought “dismissal of plaintiff's complaint with prejudice for failure to prosecute”). In some cases, this court has first ordered the plaintiff to show cause for failing to respond to the government's motion before dismissing for failure to prosecute. *See, e.g., Reaves v. United States*, No. 03-2174C, 2005 WL 6112619, at *1 (Fed. Cl. Aug. 5, 2005) (“Defendant filed a motion to dismiss, which Plaintiff failed to timely oppose ... [Then], the Court entered an Order to Show Cause directing Plaintiff to demonstrate why the Court should not dismiss his complaint for failure to prosecute.”).

Here, dismissing Mr. Horn's complaint for failure to prosecute would be inappropriate. As the government acknowledges in its motion (*see* ECF No. 18 at 1), Mr. Horn has submitted multiple filings after the government's motion to dismiss, including a “motion to strike” the government's motion (ECF No. 12) and a motion to amend his complaint (ECF No. 16). In responding to those motions, the government suggests that this court could construe Mr. Horn's motion to strike as a response to the motion to dismiss. ECF No. 15. This court did not issue an order directing Mr. Horn to otherwise respond to the government's motion to dismiss, nor did he receive any warning from the court that any inaction might result in dismissal. The court accepts the government's proposal and construes Mr. Horn's motion to strike (ECF No. 12) as a response to the motion to dismiss. Mr. Horn has sufficiently prosecuted his case.

B. The statute of limitations bars Mr. Horn's claims in this court

This court lacks jurisdiction to hear Mr. Horn's complaint because his claims are barred by the six-year statute of limitations. Mr. Horn does not directly address the government's argument that his claims are time barred in his reply, nor does he do so in his motion to amend his complaint.

Under the Tucker Act, “[e]very claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues.” 28 U.S.C. § 2501. The Tucker Act's six-year statute of limitations is considered “jurisdictional,” as it limits the government's waiver of sovereign immunity, and the court must consider the timeliness of a claim even if neither party raises it. *John R. Sand & Gravel Co. v. United States*, 552 U.S. 130, 134 (2008). Causes of action under the Tucker Act accrue as soon as “all events have occurred to fix the Government's alleged liability.” *Martinez v. United States*, 333 F.3d 1295, 1303 (Fed. Cir. 2003) (*en banc*).

Mr. Horn's complaint centers around the enforcement of a child support order that was entered sometime before November 21, 2008. *See* ECF No. 1-1 at 1. Mr. Horn's complaint also alleges that the government's unlawful action led to the loss of a vehicle in 2014, allegedly due to his inability to satisfy his child support obligations. *Id.* at 3. Even if this court otherwise had subject-matter jurisdiction over Mr. Horn's child support order, or claims relating to the repossession of his vehicle, those claims occurred more than six years ago and are late in this court, *see Martinez*, 333 F.3d at 1304, depriving the court of the authority to hear the case, *see John R. Sand & Gravel*, 552 U.S. at 753-54.

C. This Court also does not have jurisdiction over the subject matter of Mr. Horn's claims

The government argues that, in addition to Mr. Horn's complaint being time barred, this court otherwise lacks jurisdiction over the subject matter of Mr. Horn's claims. The government contends that the court lacks jurisdiction over claims arising from (1) criminal statutes, (2) D.C. Superior Court decisions, (3) actions undertaken by various local officials, and (4) constitutional provisions that are not money mandating. ECF No. 10 at 2-5. Mr. Horn's response does not directly address the substance of the government's argument. *See generally* ECF No. 12.

The various claims by Mr. Horn that allege criminal conduct—including 18 U.S.C. § 242, deprivation of rights under color of law, 18 U.S.C. § 245, federally prohibited activities, and 18 U.S.C. § 666, theft or bribery related to federal funds—are outside this court's jurisdiction. *Jones v. United States*, 440 F. App'x 916, 918 (Fed. Cir. 2011) (“[T]he CFC . . . has no jurisdiction over criminal matters generally.”); *see also*, *Canuto v. United States*, 651 F. App'x 996, 997-98 (Fed. Cir. 2016) (holding that 18 U.S.C. § 242 is not money-mandating and noting “the general rule that the Tucker Act does not grant the Court of Federal Claims jurisdiction to enforce the federal criminal code”); *Spehr v. United States*, 51 Fed. Cl. 69, 93 (2001), *aff'd*, 49 F. App'x 303 (Fed. Cir. 2002) (holding 18 U.S.C. § 245 is not money mandating because its provisions do not confer “a substantive right to recover money damages against the United States”); *Williams v. United States*, No. 21-CV-1632, 2022 WL 838301, at *3 (Fed. Cl. Mar. 21, 2022), *aff'd*, No. 2022-1712, 2023 WL 193163 (Fed. Cir. Jan. 17, 2023) (holding the Court lacks jurisdiction over 18 U.S.C. § 666 claims). This court therefore lacks jurisdiction to decide Mr. Horn's claims stemming from the various criminal statutes he cites.

Mr. Horn's complaint contains allegations against the D.C. Government Child Support Services Division and includes the “Judge Magistrate(s), the Deputy Clerk, Attorney General, and Assistant Attorney General” as individuals who have allegedly deprived him of his rights. ECF No. 1-1 at 1; *see also* ECF No. 12 at 4. It is settled that this court's jurisdiction does not extend to claims against defendants other than the federal government. *Starnes v. United States*, 162 Fed. Cl. 468, 472 n.4 (2022) (citing *United States v. Sherwood*, 312 U.S. 584, 588 (1941) (additional citations omitted)); *see* 28 U.S.C. § 1491(a)(1) (“The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States”). To the extent that Mr. Horn's claims can be construed as against private persons, the District of Columbia, its courts or agents, or other non-federal actors, this court lacks jurisdiction over those claims. *See Sindram v. United States*, 67 Fed. Cl. 788, 794 (2005) (“Congress has not authorized the court to adjudicate claims against the District of Columbia or any of its agencies.”) (citing 28 U.S.C. § 1491); *see also* *Poblete v. United States*, No. 17-1069C, 2017 WL 6334790, at *4 n. 3 (Fed. Cl. Dec. 12, 2017) (“The Court also notes that . . . the District of Columbia and its courts are not agents of the United States.”).

The First, Fourth, and Sixth Amendments, and the Due Process and Equal Protection clauses of the Fourteenth Amendment are not money-mandating. *See United States v. Connolly*, 716 F.2d 882, 887 (Fed. Cir. 1983) (First Amendment); *Dupre v. United States*, 229 Ct. Cl. 706, 706 (1981) (Fourth Amendment); *Ogden v. United States*, 61 Fed. Cl. 44, 47 (2004) (Sixth Amendment); *LeBlanc v. United States*, 50 F.3d 1025, 1028 (Fed. Cir. 1995) (Due Process and Equal Protection Clauses of the Fourteenth Amendment). In certain cases, these amendments may serve

as the underlying basis for claims that fall within this court's jurisdiction. See *Holley v. United States*, 124 F.3d 1462, 1466 (Fed. Cir. 1997) ("The presence of a constitutional issue does not erase the jurisdiction of the Court of Federal Claims based on a properly brought claim under the Tucker Act"). Here, however, Mr. Horn does not tie the various alleged constitutional violations to money-mandating statutes that this court has jurisdiction over. This court does not have jurisdiction over Mr. Horn's claims against the government arising under these constitutional provisions.

D. Mr. Horn's proposed amendments to the complaint would be futile

The court may deny Mr. Horn's motion to amend his complaint under RFCF 15(a)(2) if the amendment would be futile. *A & D Auto Sales*, 748 F.3d at 1158. A proposed amendment is futile if it would not survive a motion to dismiss. *Meyer Grp., Ltd. v. United States*, 115 Fed. Cl. 645, 650 (2014) (quoting *Shoshone Indian Tribe of the Wind River Reservation v. United States*, 71 Fed. Cl. 172, 176 (2006)). "The party seeking leave must proffer sufficient facts supporting the amended pleading that the claim could survive a dispositive pretrial motion." *Id.* (quoting *Kemin Foods, L.C. v. Pigmentos Vegetales Del Centro S.A. de C.V.*, 464 F.3d 1339, 1354-55 (Fed. Cir. 2006) (internal quotations omitted)).

Here, Mr. Horn's second proposed amendment to his complaint would not cure any of the deficiencies discussed above.³ Mr. Horn has not alleged new facts that would alter whether his claims are time barred, nor has he alleged violations of any money-mandating statute that this court would otherwise have jurisdiction over. Allowing Mr. Horn to amend his complaint would be futile.

III. Conclusion

For the reasons stated above, this court **grants** Mr. Horn's application to proceed in forma pauperis, **grants** the government's motion to dismiss, **denies** Mr. Horn's motion to amend the complaint, and **dismisses** Mr. Horn's complaint. The Clerk of the court shall enter judgment accordingly.

IT IS SO ORDERED.

s/ Molly R. Silfen
MOLLY R. SILFEN
Judge

³ Mr. Horn's first request to amend his complaint was timely and received by the court on June 9, 2023, but it was rejected for failing to comply with the rules of this court and for including undated personal information (ECF No. 11).

Supreme Court Of The United States

Appendix B:

Adjudged Opinion of The Appellant Court

United States Court of Appeals for the Federal Circuit

ANTHONY ROMERO HORN, SR.,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1054

Appeal from the United States Court of Federal Claims in No.
1:23-cv-00509-MRS, Judge Molly R. Silfen.

JUDGMENT

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

AFFIRMED

FOR THE COURT

June 7, 2024
Date



Jarrett B. Perlow
Clerk of Court

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ANTHONY ROMERO HORN, SR.,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1054

Appeal from the United States Court of Federal Claims
in No. 1:23-cv-00509-MRS, Judge Molly R. Silfen.

Decided: June 7, 2024

ANTHONY ROMERO HORN, SR., Bessemer, AL, pro se.

KARA WESTERCAMP, Commercial Litigation Branch,
Civil Division, United States Department of Justice, Wash-
ington, DC, for defendant-appellee. Also represented by
BRIAN M. BOYNTON, WILLIAM JAMES GRIMALDI, PATRICIA M.
McCARTHY.

Before STOLL and CUNNINGHAM, *Circuit Judges*, and
CECCHI, *District Judge*.¹

PER CURIAM.

Anthony Romero Horn, Sr. appeals from a final decision by the United States Court of Federal Claims dismissing his complaint for lack of jurisdiction. *Horn v. United States*, No. 23-509 C, 2023 WL 6182544 (Fed. Cl. Sept. 22, 2023) (“*Decision*”). Because the Court of Federal Claims properly dismissed the complaint, we affirm.

BACKGROUND

Mr. Horn filed the present suit against the United States in the Court of Federal Claims seeking monetary relief from a District of Columbia family court order requiring Mr. Horn to pay child support. In his complaint, Mr. Horn raised several constitutional, criminal, and state law claims alleging that: (1) “he was not properly served papers by the court in his child support case”; (2) “his case was overseen by a magistrate judge, who, [he] argues, [did] not have the constitutional authority to rule on [his] case”; and (3) “various local and municipal staff members committed criminal acts” against him. *Decision*, 2023 WL 6182544, at *1. The Court of Federal Claims concluded it lacked jurisdiction over Mr. Horn’s complaint as his claims were not filed within the six-year statute of limitations as required by 28 U.S.C. § 2501. Further, the court explained that it lacked subject matter jurisdiction over all of Mr. Horn’s claims, including (1) his claims alleging criminal conduct; (2) his claims against defendants other than the federal government; and (3) his claims under the First,

¹ Honorable Claire C. Cecchi, District Judge, United States District Court for the District of New Jersey, sitting by designation.

HORN v. US

3

Fourth, Sixth, and Fourteenth Amendments, which are not money-mandating.

Mr. Horn appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(3).

DISCUSSION

We review the Court of Federal Claims' dismissal for lack of jurisdiction *de novo*. *Waltner v. United States*, 679 F.3d 1329, 1332 (Fed. Cir. 2012). Any "[f]indings of fact relating to jurisdictional issues are reviewed for clear error." *Roman v. United States*, 61 F.4th 1366, 1370 (Fed. Cir. 2023).

The Tucker Act provides that: "Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues." 28 U.S.C. § 2501. The statute of limitations is a jurisdictional requirement that cannot be waived. *See John R. Sand & Gravel Co. v. United States*, 457 F.3d 1345, 1355 (Fed. Cir. 2006).

After analyzing Mr. Horn's arguments, we conclude that the trial court did not err in holding that Mr. Horn's claims are time-barred under the Tucker Act. Mr. Horn's complaint stems from his "child support order that was entered sometime before November 21, 2008," and the resulting loss of his vehicle in 2014 "allegedly due to his inability to satisfy his child support obligations." *Decision*, 2023 WL 6182544, at *4. The six-year time-limit of § 2501 "commences to run when claimants know or should know of their potential claims" and, here, more than six years have passed from the time Mr. Horn knew or should have known of these claims to the filing of Mr. Horn's complaint. *She-monsky v. United States*, 215 F.3d 1340, 1999 WL 542849, at *1 (Fed. Cir. 1999) (citation omitted); *see also Shoshone Indian Tribe of Wind River Rsrv., Wyo. v. United States*, 672 F.3d 1021, 1030 (Fed. Cir. 2012) ("[U]nder § 2501, a claim does not accrue until all the events which fix the

government's alleged liability have occurred and the plaintiff was or should have been aware of their existence." (internal quotation marks and citations omitted)). Further, to the extent that Mr. Horn argues the Court of Federal Claims erred by not considering that he was unaware of the six-year time limit, the statute of limitations is not tolled by a party's lack of knowledge of the time limit. See *Menominee Tribe of Indians v. United States*, 726 F.2d 718, 720–21 (Fed. Cir. 1984) ("It is settled . . . that 28 U.S.C. § 2501 is not tolled by the [parties'] ignorance of their legal rights." (emphasis omitted)).

Mr. Horn also seems to challenge the Court of Federal Claims' dismissal of his claims alleging constitutional violations of the Fourth, Sixth, and Fourteenth Amendments for lack of subject matter jurisdiction.² We see no error in the court's dismissal. For a party's claim to come within the subject matter jurisdiction of the Court of Federal Claims, the party "must identify a . . . source of substantive law that creates the right to money damages," or in other words, is "money-mandating." *Fisher v. United States*, 402 F.3d 1167, 1172 (Fed. Cir. 2005) (citation omitted). We have repeatedly held that the constitutional claims asserted by Mr. Horn are not money-mandating. See *Allen v. United States*, 546 F. App'x 949, 951 (Fed. Cir. 2013) (holding that the Fourth and Fourteenth Amendments are not money-mandating and thus, do not provide jurisdiction

² To the extent that Mr. Horn raises new issues in his appeal briefs, we do not consider these arguments because they were not raised in his submissions to the Court of Federal Claims. As a court of appellate review, we do not consider issues raised for the first time on appeal. See *Hitsman v. United States*, 825 F. App'x. 859, 861 (Fed. Cir. 2020) ("Ordinarily, we 'do[] not give consideration to issues not raised below.'" (alteration in original) (quoting *Hormel v. Helvering*, 312 U.S. 552, 556 (1941))).

HORN v. US

5

under the Tucker Act); *Drake v. United States*, 792 F. App'x 916, 920 (Fed. Cir. 2019) ("The Court of Federal Claims, however, does not have jurisdiction to render judgment on claims against the United States based on the Sixth Amendment because it is not money mandating."); *Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997) ("Because monetary damages are not available for a Fourth Amendment violation, the Court of Federal Claims does not have jurisdiction over a such a violation.").

We have considered Mr. Horn's remaining arguments and find them unpersuasive.³ For the foregoing reasons, we affirm.

AFFIRMED

COSTS

No costs.

³ On May 9, 2024, Mr. Horn filed a petition for writ of mandamus requesting that we order the Department of Health and Human Services and the District of Columbia Department of Motor Vehicles to remove the indefinite suspension of his commercial driver's license. We do not have jurisdiction to do so. See 28 U.S.C. § 1295; see also *Perry v. United States*, 524 F. App'x. 680, 682 (Fed. Cir. 2013) ("A writ of mandamus is not a substitute for the regular appeal process, . . . and cannot be used [] to rectify [a party's] failure to file in the court that has jurisdiction over his claim.").

**Additional material
from this filing is
available in the
Clerk's Office.**