

APPENDIX

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

March 28, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1138	UNITED STATES OF AMERICA, Plaintiff - Appellee v. MICHAEL OLIVER, Defendant - Appellant
Originating Case Information: District Court No: 3:24-cr-30108-DWD-1 Southern District of Illinois District Judge David W. Dugan	

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is DISMISSED because it is frivolous.

In this case, appellant seeks to appeal the denial of his motion for a declaratory judgment seeking to dismiss an indictment on a sovereign immunity theory under the Foreign Sovereign Immunities Act. Denials of requests to dismiss indictments are not typically appealable before entry of final judgment, *see United States v. Schock*, 891 F.3d 334, 338 (7th Cir. 2018), but to the extent denial of immunity in a criminal case is a collateral order, appellant's assertion of immunity is frivolous. *See United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) ("We have repeatedly rejected ... theories of individual sovereignty, immunity from prosecution, and their ilk."); *see also Turkiye Halk Bankasi A.S. v. United States*, 598 U.S. 264, 272 (2023) (holding Foreign Sovereign Immunities Act does not provide immunity in criminal proceedings). A frivolous assertion of immunity does not invoke this court's appellate jurisdiction even if it might otherwise be available. *See Apostol v. Gallion*, 870 F.2d 1335, 1339 (7th Cir. 1989).

APPENDIX A

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Subject:Activity in Case 3:24-cr-30108-DWD USA v. Oliver Order on Motion for Miscellaneous Relief

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U.S. District Court

Southern District of Illinois

Notice of Electronic Filing

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Case Name: USA v. Oliver

Case Number: 3:24-cr-30108-DWD

Filer:

Document Number: 97(No document attached)

Docket Text:

ORDER DENYING [96] Motion for Declaratory Judgment by Michael Oliver: Defendant, proceeding pro se, has filed a Motion for Declaratory Judgment in which he seeks dismissal of the indictment and indicates that the Court lacks jurisdiction over him. Defendant raises various arguments including but not limited to the following: Defendant's rights under the Foreign Sovereign Immunities Act and the act of the state doctrine; Defendant possessing not only foreign, but sovereign state status; Defendant's status as a corporation; Defendant's status as an Indian and Indigenous American with ancestors and bloodline tracing back to Abraham; Defendant's authority to exercise the sovereign powers as the head of the Hebrew Nation-State; and Defendant's status as a foreign government. To the extent that Defendant seeks to dismiss the indictment, the motion is untimely. See Fed. R. Crim. P. 12(b)(3). Further, Defendant's arguments, which appear to be grounded in (or closely related to) the so-called sovereign citizen movement (See *El v. AmeriCredit Financial Services, Inc.*, 710 F.3d 748, 750 (7th Cir. 2013), for a description of the beliefs of so-called sovereign citizens), are unsupported under law and frivolous. See *United States v. Bjorkman*, 270 F.3d 482, 490 (7th Cir. 2001) ("[D]istrict judges

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

King Michael Oliver

40 Monroe Co. Jail

225 E. 3rd Street

Waterloo, IL 62298

February 3, 2025

CLERK

United States Court of Appeals

219 S. Dearborn Street

Chicago, IL 60604

RE: 3:24-cr-3408-DWD (Appellant Brief enclosed)

PLEASE send me a filed/stamped copy of this filing!

You should have received my NOTICE OF APPEAL Friday, give or take a day or two, and I am expecting some type of response by this Friday (2-7-25) so I DONT HAVE THE APPEAL NUMBER YET!

Thank you so much for your time and service!

Sincerely,

King Michael Oliver

2-3-25

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always have subject-matter jurisdiction based on any indictment purporting to charge a violation of federal criminal law."); *United States v. Benabe*, 654 F.3d 753, 757 (7th Cir. 2011) (noting that such claims have repeatedly been rejected by the Seventh Circuit). Accordingly, the Motion is DENIED. Signed by Judge David W. Dugan on 1/14/2025. (dsw) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED.

3:24-cr-30108-DWD-1 Notice has been electronically mailed to:

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