

No.17-1038
In The
Supreme Court of the United States

In Re :Oliver-Vaughn:Douce. Al-Dey Inpropia Persona Sui
Juris Ex Rel Heir Executor Consul Perelena-Blanch: Douce
(Deceased) We The People,

Petitioner,

v.

BREVARD COUNTY TAX COLLECTOR OFFICE, LISA
CULLEN, JIM FORD, VICKIE HENDERSON, BRIAN
HANLON, SCOTT ELLIS, OCEAN TAX DEED INVESTME
NT LLC, UNITED STATES, BREVARD FIFTH CIRCUIT
COURT

Respondent(s),

On Petition for an Extraordinary Writ Mandamus
Prohibition For Brevard County Fifth Circuit Court
On Land Patent

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1 : I am : Oliver-Vaughn:Douce, Al-Dey Sui Juris respectfully Presenting for rehearing of the court's per curiam denied issue on March 26, 2018 The Executor :Douce Al-Dey No: 17-1038 move this court to grant this petition for rehearing already a brief filed. Pursuance 44.1 this petition rehearing is filed within 25 days of this court decision enter in this case am Requesting the court to issue a mandate, include 2403,b by the governmental action against,merit 10 Stat 701 land Patent exclusive rights violation.

FACTUAL FOR REHEARING

Since the passage of the authority of Congressional Act 1855 10 Stat. 701 sign into law by the President has never been repeal and now this court has entered and, issue exist A per curtain opinion. without brief or argument. This rehearing is to vacate reversing. An error made on to bounty land patent private person home where a judgment void on its face lower court Error, by misrepresent, deprive access to there Court in brief App #35 objection 8/25/15, the facts that there court had a financial interest in the case, the court judge was challenge for is constitutional Oath for office 5 USC 3331, a clear conflict, of interest on the take, the said Sheriff are also taking brave and testifying, as witness in the same case, the county making money from the same transaction when jurisdiction Status Venue lacking a Foia 552a Once that court was Served a challenge on 8/25/15 brief App#35 prior to App #20a

This court Should not resolve the substantial Factual Issues without full briefing already filed 51.1
A judgment Become VOID, may not be rendered in violation of the constitutional protection the validity of a judgment may be affected by a failure to give the constitutionally required due process of law notice, and opportunity to be heard Earle v. McVeigh, 9us 503, L Ed 398, See also Resta-

tements, Judgment 4(b). Prather v. Loyd, 86 Idaho 382 P2d 910 no relief from any court, an improbable harm have been done if no assistance from this court in the interest of justice i wish for relief remedy herein in violation of 5th Amend, Also violate Art 3 Sec. 2 Cl. 3 U.S. constitution deprive of a trial, by jury, by impartial jury in all cases the 7th Amendment mandate preservd that right only, over \$20 over Land and Art 4 Section 4 for the republic. The 9 and 10th Amend violated prohibits government and its agency to create any law that violates the rights of the people and to use false tax as a tax scheme in stealing land patent from the people, the constitution is to restrain government state and federal from abusing, the people to protect the right of the people from a tyronical agency as Tax collector appraiser to modifying in

REASON FOR GRANTING THE PETITION

trying to circumvent the constitution in creating liability violating Art 1 Congress has the right to make law only. the county can not tax with impunity without proof see 15 USC 1692 See App# 1 to 5 there is no tax law to tax UCC 9-109.14 consumer goods Petitioner has a right to Subrogation as Sui Juris beneficiary over the estate Trust. Fraud by lower court Franklyn v. Franklyn court must not be a party, See Chrysler V. Brown footnote 23 S Ct could not fine any such as Title 26, is not codified in Statute at Large not positive law, the filed breif must be included be read in ful respondent illegal tax action was malice unconstitutional infringement on exclusive right this court can not ignore the 5th 6th Amend and Art 3. Sec. 2. Cl. 3. right by jury trial violation a liability created by assessor office inviolation seperation of power, only art 1 Congress can make law, no man should buy there land patent private land build there home have it taken away by illegal tax deed created on top of original patent

land when no law can produce by anyone app1 appellee have no standing in law. the public importance interest at stake Art 3 Court 552a must say what the law is the Marbury v. Madison 5 US 137, (1803) when no debt is ownd if any such law exist prove it on record so i can get the oportunity to settle it. if exist if refuse to be silent

month to fraud the Attorney that filed papers in lower court had no License to practice law, it was declared in U.S. v. High Country Broadcasting rule any attorney file document in any court for a corporation must have a License when comes apparent see Ca. Business & professional Code 6067,6068. Title 4 USC 101. Required violation of 28 USC 530b which is a mandate Act 18 USC 912 impersonation, 18 USC 3 report a felony. "Well isn't that a violation of judicial canon number 7? You're not supposed to have any financial interest in any matter that comes before the court." raise a conflict of interest herein. There is no seal signature on the court order, no clerk or Seal signature Judge not a Art 3 judge that have judicial Powers lower court or Appellees have no standing, or contract pursuant to R.1691 USC Title 28 this defect can not be corrected the action must be remand reverse and dismiss can not be cured, challenge pursuant 28 USC 1602, CCP Sec. 473 d Stump v. Sparkman, misrepresent on court Treaty Series 881 covention of right 3097 relinquish make that judgement against land Patent void, must be reverse the appellees that file the case have no License to file claim for corporate against private people state citizen

A PROCEEDING BELOW

Public Land Cancelation of lands:Patent for fraud: Statute of limitations FRCP 60, California Law Review, 164-166, 1916 designed to prevent fraud the means by which it is wade successful and secures and "7 This language, however, so often quoted was with the respect to a statute which limited the period of time the cause of action accrued; but it is argued that it makes no difference whether the the period of the limitation commences to run from a fixed date, such as the date of the issuance of patent or whether it commences to run from the accrual of the cause of action it' affect in no way the reason upon no way the rule is based,"it reman for the United State Supreme court to settle in United States v. Price 111 F. 2d 206 as now a secondary deed is created on top, by way of fraud has been challenge by original land patent Title first inline first in time ireporable harm, by the colorable Deed that was created will be done if this error not corrected reviewed by this

Courts shall not deny for want of form as any reasonable people understand this language from the first congress in 1789, clearly outlines the intent of what a court is to be and that court is to know the law" and must assist sovereign people in our courts to plead out case before a jury of our peers U.S. constitution Art iii Sec.2 Cl 3 with Consul of our choice, by fraud where land patent rights was violated from lower court prior, discretion, and by their rules prescribe (a) Judiciary Act of September 24.1789 Section 342 First Congress, Sec. 1,ch.20,1789, lower court had no standing or jurisdiction, the appellant Attorney lack proper credentials, all parties was never present due process under the 5th Amend was violated appellant was never herd or compensated for is land an have the right to Subrogation court should direct appellee to certify that i have that right to. Cestui que vie Trust. Court must take judicial Notice of judicial facts R. 201. "No state legislature or executive or judicial officer can war against the Constitution without violating his undertaking to support it." **Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401**
Proceeding Before This Court

ALL Judicial powers of inferior courts come from the Judicial Act of 1789 as the Attorney General position. Judicial power" come from Article iii Section 2 of the Constitution The Elevent Amendment removed All Judicial powers in law and equity Treaty contracts and the right of the State to bring suit against the people, there are no judicial Courts in America and there has not been since 1789 Judge do not enforce Statute and codes Executive administrator enforce statutes and code, there have not been any judge in America since 1789 there have just been administrators FRC.v GE 281, US 464, Keller v PE261 US 428 1 Stat.138 -178., the position of the Attorney General and prosecutor, of both the United States and several States comes under the judicial branch not the executive branch of the government all Attorney comes under the judicial branch and are judicial officers under the Supreme Court, not under the secretary of State as license professionals which means they can only represent the courts not the people or the state the elevent amendment removed all judicial power from inferior court and The prosecutors office as well as from all court officer in law equity and both the eleventh amendment makes a foreign State

separation from the position of the public office position to throw off the people the people have eleventh amendment immunity Because there is no judicial power of the inferior court and the People have foreign Sovereign immunity Article iii Section 2 diversity U S Constitution, the judicial powers shall extend to all case in law and equity arising under this constitution the laws of the united states and treaty made or which shall be under their authority to all case in affecting Ambassadors other public minister and Consul ; - to all cases of Admiralty and maritime jurisdiction ; - to controversies to which the united States shall be a party; - to controversies between two or more States; - between; - a State and Citizens of another State and Between Citizen of different States; between Citizen of the same state claiming land under Grant of different states and between a state or the Citizens thereof, and foreign States Citizen or subjects". Eleventh Amendment" the judicial power of the united states shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the united states by citizen of another State, or by Citizen or Subjects of any foreign States.

Aston Scott there is no money equity trust law bill in equity
Edition 2011

rendition of the difference between law and equity very simple all law are colorable fiction why? there is no money when they look at form character when you bring an action under form and character you waive equity and it extinguishes equity because the court can't look at substance when you do that remember one of the maxim of equity, equity look at substance not form it look at same intent nature and key and intent nature and intent of the litigant #2 equity recognize beneficiaries which mean that when you go in there at law on the side of court which the public side you cannot bring up trust law because if they don't because if they don't recognize beneficiary they don't recognize trust law #2 therefore you are dead before you ever get start were not in law the court is a place everybody has gotten action about what a court is a place where contract is made it's not what all of these buildings are that you call courts are made are privately own trading company have duns # they have sec .code pic code case code their if you go in equity this is what kings did in 1066 the kings bench had a room where he convene court there of the regist room a court of equity is a court of consciousness and

substance take priority over form equity look at substance not form, this been going on for thousand of years after 1933 common law does not give you remedy equity dose like if you going to be an injury party equity will give you a temporary restraining order before your injured if your going in at law you have to get injured and then you get your TRO but equity prevent the injury before it happen as equity work as substance equity ties all of there case involve a constructive trust in equity as soon the act was committed by actual constructive fraud a constructive trust was created by operation of law that mean that on equitable lien was created or establish and legal beneficiary and legal and beneficial title merge together when that happen equity dose what should have been done in the first instance so as soon as they did the act the constructive trust was created they all become constructive trustee date on tort because of fraud happen so title amerge,

a lien was created your already won your case if you go in equity they don't even teach this to a lawyer in law school the bar association has manage to hide this from the general public taxes are equity interest on principal return back you have settlement closure you dealing in state law until there is argument between beneficiary and the trustee as to what taxes are owed complaint create an agreement between trustee and beneficiary as to what taxes are owed if you don't come in there as the beneficiary or executor of the estate then your not, you don't have standing to come into court because when you come in there as beneficiary you are expressing trust which is correct if heir executor you being I am beneficiary of the posterity trust constitution of the preamble under the constitutional trust the constitution is an express trust and Posterity is the people that created it, I am also the Donor created the trust that i become grantor settler the beneficiary heir to that trust so the judges of these court of equity has a fiduciary as an oath to uphold that trust if they dont they are in breach of fiduciary duty they have a duty to uphold the right an The remedy of the beneficiary trust. And that I heir have right to Subrogation court to direct appellee to certify that i have that right. Over Cestui que vie Trust.

From the time when McCulloch v. Maryland, 1819. Wheat. 316, 4 L.Ed. 579. Was decided. a n unbroken line of cases adopting the

principles of that decision has established the inherent non tax ability by the states of property held by the United States. Am Moorish American National the Auth Rep on behalf, over the style all capitalization, name come as Heir Donor Grantor Executor beneficiary over this trust herein Defense lack of jurisdiction over the subject matter may be raise at any time, even on appeal."Hell Top Developers v. Holiday Service Corp., 478 So. 2d 368 (Fla 2nd DCA 1985. Fl.Stat.196.181 Exemption.

Petitioner US Patent No:3386228 land locate township 28 South of range 36 East Sec. 15 for 10 Stat 701 infringe on by county tax office us government agent illegally for fraudulent unconstitutional tax not kown, no law exist for any such tax on private people state citizen land own by sovereign state people.

At that time forever to our assign heirs up on serve 1855 which patent made,an exhibit original bill now come a governmental agent as brevard county tax collector United States in the back ground wants to remain silent on this issue while appellant is

damage when no such authority delegated to the parties to tax the private peoples land right that they own, the false tax deed created on july 23,2015 is viod,tax deed, as in reference case issued was false an fraudulently made, as the Maxwell Land grant Company, an certain parties who made this survey under contract with the government conspired to cheat and defraud the government of the United States including a large amount of land than was intended to embraced by original grant of the republic of mexico,appellant wish for relief is that deed must be declared void so for as it include land within the state of florida to have is land return to him now a colorable deed can not stand against land patent each of the section carry a specific clause for protection.from the very things government art attempting to do now, based on fraud it is quite oblivious that ground set out in the bill act prohibit the action taken by this govermentals an it agency for gain on private land the fraud should be remanded back to the beginning See United States v. Maxwell Land Grant Co, 121 U.S. 325 (7 S.Ct. 1015, 30 L,Ed. 949) and others 1 Decided April 18,1817 Argument of counsel from pge 327,357,

First important case: Marbury v. Madison, 5 U.S.137 (1803.

This is one of the leading cases in the history of the U.S. The opinion of the court was "Anything that is in conflict is null and void of law; Clearly for a secondary law to come in conflict to supreme was illogical; for certainly the supreme law would prevail over any other law, and certainly our forefathers had intended that the supreme law would be the basis for all laws, and for any law to come in conflict would be null and void of law. It would bear no power to enforce, it would bear no obligation to obey, would purport to settle as though it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded by a court of law. No courts are bound to uphold it, and no citizens are bound to obey it. It operates as a mere nullity or a fiction of law, which means it does't exist in law." You will hear this all the time: "Well, we have police powers.

Broad and sweeping police powers". Black's' Law Dictionary says "Police powers: The law of eminent domain in a state or political domain to enact laws for the common good and welfare, and to curb crime, and in great big black letters it says "Within constitutional limitations...See 10th amendment". Do they have powers to take away rights guaranteed by the constitution? Obviously they don't. The 9th amendment put a clear limit on

that.appellee has no such right to take appellant land patent put In public action for private gain was court challenged an deprive Violate 6th 7th Amend the local court never had any jurisdiction, and is not operating as a constitutional court violate 5th amend

5 amendment. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia,when in actual service in time Of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.Due process: You have a right to due process of the law.If they don't give you due process, Title 5 US. C sec. 556 (d) is clear and specific and says if they deny you due process of the law all jurisdiction ceases automatically. If

they deny you due process at any time, and you can prove it, you can force a showdown...You can say "Well, they might have had jurisdiction at one time, judge, but they lost it when they denied me due process.

one possesses the other does not. *United States v. Cruikshank* 92 US 542 (1876)...A very important case. "Within the area of delegated powers, expressed or implied, this amendment does not reduce the powers of the United States"...*U.S. v. Manning* 215 fed sup, p 272. "The federal union has only those powers expressly conferred on it, and those reasonably implied from powers granted, while each state has all governmental powers except such as the people by the constitution have conferred to the United States. Denied to the state or reserved to the people themselves. *Anderson v Gladden* 188 fed sup., 666: "It is when federal legislation attempts to confer power upon the National government that it is not within the expressed or implied powers given by the constitution, that the legislation becomes vulnerable to this amendment." Now, what are we talking about here? The Brady Bill...That's not within their powers, they have no 10th Amendment powers

U.S Court of Appeals Rules IRS or any others can not apply Force against allege taxpayer without a Federal court order Taxpayers Free to ignore an IRS Summons. Queensbury NY - On January 25,05 the U.S. Court of Appeals for the Second Circuit held that can not be held to turn over personal and Private property to the IRS absent of court order, Quoting From decision (*Schulz v. IRS* Case N0.04-0196-cv): There is no Law require private person private man state citizen patent land pursuant see Appendix 1 through 8 false tax, herein, no one put Forth as yet, Art 1 Sec. 8 Cl 1, See. 31USC742.no tax.

Whereas defined pursuant to Supreme Court Annotated Stat- Ute: *Clearfield Trust Co. v. United States* 318 U.S. 363-371 1942: "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private Citizen the court can only decide only cases" in Controversies." U.S. Const. Art. iii, Sec.2, Cl.1. As Justice Roberts, writing for the majority, so eloquently said: there no misunderstanding as As to the function of this court It is some time said that the court assumes a power to overrule or control the action of the representatives. This is a misconception. The Const is the

supreme law of the land ordained and established by the people. I am the people all legislation must conform to the principle it lay down. See App 1 through 8 congressional record and letter research attach. See Am jur vol. 16 const. Law sec. 97 in favor of the people.

CONCLUSION

While being damage by the government from an illegal taxing On land patent private home not i commerce no law has produce Deprived denie of is day in court now before this court Article 3 To address my issuse from per curian, while a few petitioners who manage to do so rare opportunity to have his case heard by The Supreme Court of the United States.no man have to pay a fee just to have the right to own is land exercise a right my only Hope. Shuttleworth v Burmingham Alabama.

For the foregoing reasons this Court should grant the petition For rehearing vacate the order restore calender case to its merits Docket.

2/10/18

respect fully presented,

Auth Repby:

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CERTIFICATION OF CONSUL SUI JURIS

I certify that this petition for rehearing is presented in good faith
and not for delay. Under penalty of perjury 28 USC 1746

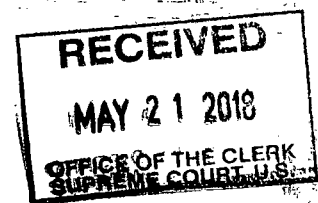
Auth Rep:by

4/10/18 *Oliver-Vaughn: Duce Al Dey Sui Juris*
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