No. 17-1532

In The

Supreme Court of the United States

Launce Kramer

PETITIONER

Vs.

United States District Court Southern District of Ohio

United States Court of Appeals for the Sixth Circuit

United States Supreme Court

Petition for Rehearing

Launce Kramer
~~5902 Christine Ct.~~
1281 E. FORK RD.
~~Burlington, Wisconsin 53105~~
LOWER SALEM, OH. 45745

LIST OF PARTIES

All parties appear in the caption of the case on the cover page and/or as follows:

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PETITION FOR REHEARING

Pursuant to Rule 44.1, Petitioner respectfully petitions this Court for Rehearing.

INTRODUCTION

Now Comes Aggrieved parties (U.C.C. § 1-201 (2)) LAUNCE KRAMER; CARMEN KRAMER© (hereinafter Aggrieved party), Sui Juris, Secured Party (U.C.C. § 9-105), NON-PERSON (U.C.C. § 1-201 (27)), NON-RESIDENT, NON-DEBTOR (28 U.S.C. § 3002 (4)), NON-CORPERATED, NON-FIXTION, NON-SUBJECT, NON-PARTICIANT in any government programs, a Living flesh and blood Man and Woman standing on the ground, Sovereign, NON-CITIZEN, under Special Appearance (Rule 8 (E)) not generally, NON-DEFENDANT (U.C.C. § 1-201 (14)), Holder-In-Due-Course (U.C.C. § 3-302 (A) (2)) of all documentation (U.C.C. § 5-102 (6)) of the "Entity" Cestui Que Vie trust Launce Kramer, Carmen Kramer©, representing the Corporate Fiction.

A Writ of Certiorari was filed with the United States Supreme Court and denied on June 11, 2018.

ARGUMENT - 1

For the claimant(s) are "transient foreigner" **without legal domicile as defined in [28 USC 332 (d), 4 USC 110 (d)**. In the event that the "State" (Legal Fiction) makes a claim against claimant(s) herein declares his "person" to be "stateless person" and outside any/all general jurisdiction of the federal government. [All "stateless persons" fail to be subject to the jurisdiction of any federal courts because domiciled outside of the general jurisdiction of the federal government].

The term state in 26 U.S. Code 3121(e) specifically includes only the named U.S. territories and possessions of the District of Columbia, Puerto Rico; the Virgin Islands, Guam and American Samoa. H.R. 97 defining the word state, and 26 U.S. Code 3121 (e) are the same. I have checked with Legislative Counsel and the Congressional Research Service, about the definition. According to these legal experts the definitions are not the same. **The term state in 26 U.S. Code 3121 (e) specifically includes only the named U.S. territories and possessions of the District of Columbia, Puerto Rico, the Virgin Islands, Guam and American Samoa.** In addition, this section of the U.S. Code.

RESERVATION OF RIGHTS - 2

The "United States" and the "United States of America" are not one and the same. Congress is expressly prohibited from re-defining any/all terms found in the U.S. Constitution (See Preamble; "Constitution for the United States of America"); Article II, Section 1, Clause 1 ("2:1:1) (a private citizen may appear on behalf of the United States ex. Rel").

The U.S. Department of Justice does not enjoy general power(s) of attorney to represent the UNITED STATES OF AMERICA. [Compare 28 U.S.C. 547 (1), (2) Duties. Willful misrepresentation by officer(s) employed by the Department is actionable under the Mc Dade Act, 28 U.S.C. 530 B [Ethical standards for Attorneys for the Government). Since IRS is domiciled in Puerto Rico , it is thereby excluded from the definition of federal agencies which can be represented by the Department of Justice. The IRS Chief Counsel, appointed by the President under authority of 31 U.S.C. 301(f)(2), can appear, or appoint a delegate to appear in federal court on behalf of IRS and IRS employees. As far as powers of attorney are concerned, the chain of command begins with Congress, flows to the President, and then to the IRS Chief Counsel, and NOT to the U.S. Department of Justice.

DEPARTMENT OF JUSTICE REPRESENTATION ASSUMES FACTS SHOWN NOT IN EVIDENCE - 3

The Department of Justice have had sufficient actual Notice(s) and ample opportunities to establish conclusively on any/all record(s) **of jurisdiction** on any/all matter(s) as well the requisite power(s) of Attorney and delegation(s) of authority do exist, as a matter of law. Plaintiff's D/B/A UNITED STATES OF AMERICA; any/all agent(s) has failed to support its allegations that Defendants were/are Taxpayers. Plaintiffs failed to prove all conditions precedent had been met prior to commencing any tax "collections" and prior to commencing this action. The regulation already cited by the Department of Justice in *United States of America v. Wishart* [Case No: CR-00-20227-JF,] **clearly** and **emphatically** bars Department of Justice representation of IRS Employees in all proceeding(s) to the misconduct of any/all IRS personnel.

Department of Justice refusing to recognize that IRC Section(s) 7402 and 7403 explicitly confers original jurisdiction upon the district courts of the United States (DCUS) and not upon the USDC.

Department of Justice refusing to recognize that statute(s) conferring original jurisdiction upon all Federal District Courts **must be strictly construed.**

IRS EVIDENCE OF FRAUD - 4

The IRS initial Complaint "did not" and also "presume" that the Respondent(s) are either "federal citizens" or "resident aliens" or that LAUNCE B. KRAMER and/or CARMEN KRAMER holds a federal office of some kind, neither of which is the truth of the matter.

The United States District Circuit neglected or refused to recognize these controlling class distinctions, **see, in particular, the regulation at 26 CFR 1.1 (b) which attempted to create a**

specific liability for all federal citizens and all resident aliens, but without a corresponding federal statute that created a liability for taxes imposed by IRC subtitle (A). Neither class is mentioned anywhere at IRC§1.

Since IRS is domiciled in Puerto Rico , it is thereby excluded from the definition of federal agencies which can be represented by the Department of Justice. The IRS Chief Counsel, appointed by the President under authority of 31 U.S.C. 301(f)(2), can appear, or appoint a delegate to appear in federal court on behalf of IRS and IRS employees. As far as powers of attorney are concerned, the chain of command begins with Congress, flows to the President, and then to the IRS Chief Counsel, and NOT to the United States Department of Justice.

The IRS is not an organization within the United States Department of the Treasury. The United States Department of the Treasury was organized by statutes now codified in Title 31 of the United States Code, abbreviated "31 U.S.C." The only mention of the IRS *anywhere* in **31 U.S.C. §§ 301-313** is an authorization for the President to appoint an Assistant General Counsel in the United States Department of the Treasury to be the Chief Counsel for the IRS. See 31 U.S.C. 301(f) (2).

Title 26 of the United States Code; ("U.S.C.") **Has *ever* been enacted into positive law, and what are the legal implications if Title 26 has *not* been enacted into positive law.** Another, less obvious case of deliberate deception is the statute at IRC section 7851(a) (6)(A), where it states that the provisions of subtitle F shall take effect on the day after the date of enactment of "this title". Because the term "this title" is not defined *anywhere* in the IRC, least of all in the section dedicated to definitions, one is forced to look elsewhere for its meaning, or to derive its meaning from context.

Throughout Title 28 of the United States Code -- the laws which govern all the federal courts -- the term "this title" clearly refers to Title 28. This fact would tend to support a conclusion that "this title", as that term is used in the IRC, refers to Title 26 of the United States Code. **However, Title 26 has never been enacted into positive law, as such.**

Even if the IRS were a lawful bureau or department within the United States Department of the Treasury (which they are NOT), the existence of undue influence by the Executive Branch would violate the fundamental principle of Separation of Powers. This principle, in theory, keeps the three branches of the federal government confined to their respective areas, and prevents any one branch from usurping the lawful powers that rightly belong to the other two branches.

The Separation of Powers principle is succinctly defined in *Williams v. United States*, 289 U.S. 553 (1933); however, in that decision the Supreme Court erred by defining "Party" to mean only Plaintiffs in Article III, contrary to the definition of "Party" that is found in Bouvier's Law Dictionary (1856).

The federal judiciary, contemplated by the organic United States Constitution, was intended to be independent and unbiased. These two qualities are the essence, or *sine qua non* of judicial power, *i.e.* without which there is nothing. Undue influence obviously violates these two qualities. See *Evans v. Gore* supra.

That further, I do hereby declare that I am not and I never was a "taxpayer" as that term is defined in the Internal Revenue Code, a "person liable" for any Internal Revenue tax, or a "person" subject to the provisions of that Code, and declare that I am, and have always been, a "non-taxpayer;" that courts have recognized and acknowledged that individuals can be non-taxpayers, "... for with them Congress does not assume to deal and they are neither of the subject nor of the object of revenue laws...," as stated by the Court in *Long* v. *Rasmussen*, 281 F. 236 (1922), and also *Delima v. Bidwell*, 182 U.S. 176, 179 and *Gerth v. United States*, 132 F. Supp. 894 (1955).

That said **"Form 1040"** contained no reference to any law or laws which would explain just exactly who is or is not subject to or liable for the income tax, nor did it contain any notice or warning to anyone that merely sending said completed **"Form 1040"** to the IRS would waive my right to privacy secured by the **4th Amendment** and my right to not having to be a witness against myself secured by the 5th Amendment to the United States Constitution, and that the "Form 1040" would in itself constitute legal evidence admissible in a court of law, that the filer is subject to and liable for the income/excise tax even though and regardless of the fact that I, as a free individual, am actually and legally not subject to or liable for any income/excise tax and have no legal duty or obligation whatsoever to complete and file a "Form 1040".

APPOINTMENT OF TRUSTEES

Executor, Acceptor and Principle state that if a Licensed Practitioner is required, for any reason, to represent them in the release of liens, the closure of escrow and the return of all property, said Practitioner takes on the robe of Trusteeship and therefore takes on the full responsibility of debt and liability of such action releasing the Executor, Acceptor and Principle of any and all claims and damages. Said Practitioner is also required to come under TITLE 28, PART V, CHAPTER 115 § 1746, Unsworn declarations under penalty of perjury, USAM TITLE 9 Criminal Resource Manual 1760 Perjury Cases & Title 22 CFR FOREIGN RELATIONS 92.18 Oaths and affirmations defined, upon entry of said public service to the court. Executor, Acceptor and Principle appoint the said Agent(s) mentioned above.

Executor, Acceptor and Principle has revoke, rescind and cancel any and all signature placing them in any position of trusteeship for accounts/cases, *nunc pro tunc* to: 9/9/70 and 3/22/76 birthdates prior to the placement of ink footprints on birth documents, from any known or unknown contracts conferring trusteeship.

Executor, Acceptor and Principle hereby appoint, EDMUND A. SARGUS JR., ADMINISTRATIVE JUDGE; PRINCIPAL TRUSTEE, MICHAEL H. WATSON, United States District Circuit Court Judge; Co-Principal Trustee's: CAROLINE D. CIRAOLO; ROBERT J. WILLIE; TAMARA W. ASHFORD; LORETTA A. LYNCH; ELIZABETH P. DEAVERS; MICHAEL H. WATSON; who accepted the duty to serve the people with their oaths of offices, hereinafter TRUSTEES, as trustees for the aforementioned accounts/cases *nunc pro tunc*: to date 9/9/70 and 3/22/76 of inception of said accounts/cases, POWER OF ATTORNEY OF LIMITED FIDUCIARY TRUSTEESHIP DUTY of each of the political subdivisions of TRUSTEES as they have assumed the title of sovereign to hold that political subdivision office. Such power of attorney is only limited when such claims or allegations are made against LAUNCE KRAMER & CARMEN KRAMER. All Motion(s) and Appointed Trustee was disregarded.

REMEDY MANDATED BY LAW

All premises having been duly considered, relator respectfully requests the Clerk of this honorable Court, on behalf of the United States:

(1) to certify to the Office of the U.S. Attorney General that the constitutionality of the following Acts of Congress has now been properly drawn and proven:

(a) the Rules Enabling Act at 28 U.S.C. 2072(b), for violating Article I, Section 1, the Separation of Powers Doctrine, and the *ex post facto* Clause in the U.S. Constitution;

(b) all income tax provisions in subtitle A of the Internal Revenue Code, for deliberate vagueness in violation of the Ninth Amendment and of the Nature and Cause Clause in the Sixth Amendment; and,

(c) the Act of June 25, 1948, 62 Stat. 869 *et seq.*, also known as Title 28 of the United States Code, for vagueness, for violating the *ex post facto* Clause, for violating the Separation of Powers, and for violating the general principle that statutes granting original jurisdiction to federal courts must be *strictly* construed; Furthermore, to confirm this understanding, through coven and covetous actions by and through the Social Security Administration, the INTERNAL REVENUE SERVICE INC. and past employers through a Corporate created Entity have and continue to perpetuate inland privateering and repeated **"Hobbs Act"** violations (larceny) **violating Title 18 USC Sections 1951, 1962 of June 25, 1948** c. 645, 62 Stat. 793 (September 13, 1994) Public Law 103-322 Title XXX, Sec. 330016 (1)(L), 108 Stat. 2147, as evidenced in the case of **UNITED STATES OF AMERICA VS. ADAM STILLO, SR and JOSEPH STILLO,** No's: 94-2678 and 94-2679, (decided June 19, 1995) (CA. 7th Circ) a prosecution for a criminal enterprise scheme resulting in the depletion of assets of the victims and,

(2) to certify Movant's intervention for presentation of all evidence admissible in the above entitled case, and for argument(s) on the question of the Constitutionality of said Acts of Congress as well as the Federal Courts, and/or Writ ruling from the Supreme Court.

CONCLUSION

For the written reason(s) stated; LAUNCE B. KRAMER and CARMEN KRAMER; respectfully request the Supreme Court to enforce THE UNITED STATES OF AMERICA; any/all Agents that has committed fraud against the Plaintiff(s) to answer any/all jurisdictional question(s)as well as stated Title 26, 1040 forms; since the burden of proof lies within the asserters. "No sanctions can be imposed absent proof of any/all issue(s).

Respectfully Submitted:

Launce B. Kramer ______ Date Aug. 30, 2018

LAUNCE B. KRAMER

Carmen Kramer ______ Date August 30, 2018

CARMEN KRAMER