

North American National Flag of Truce:



IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2017 AD
NO. 17-7136

Alphonza Leonard Phillip Thomas Bey,
Aggrieved; Principal,
- against -
FRANK PERRY; U.S. et al.,
Respondents

Supplemental Brief In The Nature of
Truth Annexed to Application to Justice
John G. Roberts Jr. [ie. A petition for a writ
of Certiorari to review a case pending in
the N.C. Court of Appeals 4th Circuit] -
no. 17-6927

Supplemental Brief as an Application to
John G. Roberts- FIDUCIARY.

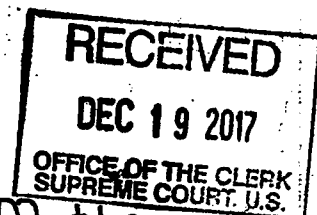
United States Government,
National President and Consul-by Special Appearance:
Alphonza Leonard Phillip Thomas Bey,
Location: C/O Non-Domestic with respect to the US.
22385 McGirts Bridge Road Laurinburg
North Carolina State Republic near [28352]
Phone number: 910-844-3078

To:
Justice
John G. Roberts
2017 AD

© ®

National "E Pluribus Unum" Motto

Alphonza Leonard Phillip Thomas Bey



• Job Termination Notice of U.S. Clerks et al. •
Due to Oppressive Regulation etc. of Me.

Now comes the Aggrieved, Alphonza Leonard Phillip Thomas Bey,
in Propria Persona Sui Juris, to bring this New Matter
To wit:

I made Request to the lower U.S. Federal Courts
for documents using verbatim language this Court
wrote in its Clerk's letter dated 10-24-2017AD,
and after this request the lower U.S. Federal Courts
returned the documents attached to MY Writ to
John G. Roberts with its Rated "CR" matter and
Service date of 11-14-2017AD.

NEW MATTER

Now it appears these documents sent as a result
of my above verbatim Request was a Artifice/
CONSPIRACY of the U.S. Federal Clerks et al., To wit:

I articulate these Facts because after the lower
U.S. Federal Courts appeared to fill my request an
Unexpected Source Cross Checked the lower
Federal Courts Records and Found the needed
attached U.S. Federal Court documents, Some
of which were not sent to Me when the
lower U.S. Federal Courts claimed to fill my
documents Request.

Next in time, on 12-8-2017AD/after the unexpected
Cross Check the U.S. District Ct. sent examples 7-8
attached. This equals sending in Parts which
should have been sent in Whole/artifice; this wrong
is enhanced by the long lapse in time that you may inspect.

This burden of figuring and fixing in light of these
facts is oppression within the meaning of Title 18 of U.S.C.
CH. 13 Sec. 241 which says in part "If two or more
persons conspire to injure, oppress..." - The focus of
this brief is the oppression and this U.S. Law.

Alphonza Leonard Phillip Thomas Bey

1081-26

Justice
John G. Roberts
2017AD



These actions of the U.S. Clerks enhance the Charge of Misprision of Treason handed down in my Prior writ with its Fine currently in effect.

Also the Cross Check of the lower 4th. Cir. Ct. of Appeals Records turned out to contain my writ, Attached, saying to NOT have my Registered Property destroyed, i.e. My entire record from Durham County Republic and Alamance County Republic with its original Circulating Note/Credit instrument/Accepted for Value Certificate of live Birth-terms of which appear on the Record for All Parties and have been accepted.

And So Still having enough time to get these documents in the negative affect of the artifice Should not take. These 1. Required documents 2. Said artifice and 3. destruction of my Property that would result is oppression.

The U.S. Clerks et al., are Fired [i.e. Pertaining to Me.] These are MY Sincere Religious Conviction(S).

1 I am National or (Nations) President of Seal affixed/ enclosed at Cover. Pursuant to title 28 U.S.C. 1746 (1) and execute "Without the United States", I affirm under Penalty of Perjury under the laws of the United States of America that the foregoing is true and correct, to the best of MY belief and informed Knowledge Complete.

Justice

John G. Roberts

201740

And Further deponent saith naught. I affix my Signature to the above affirmation with explicit reservation of all my Unalienable rights, to Property

1 Reference to the United States Government is to "the name of a Sovereign occupying the position analogous to that of other Sovereigns in the Family of nations." The term "United States" is a metaphor. Cf: *Chooen & Allison Co. Vs. Evatt*, 65 S.Ct. 870, 880, 324 U.S. 652, 89 L.ed. 1252

Alphonza Leonard Phillip Thomas Bey



without Prejudice to any of these rights, Pursuant to
U. C. C. 1-308, 1-103.6 and 1-105.

Dated the 9th day of the 12th month, 2017 AD.

151: 



Consul-by Special Appearance,
Natural Person: In full life,
Ex. Rel. ALPHONZA LEONARD
PHILLIP THOMAS, III et al, and
all sub forms thereof

Justice
John G. Roberts
2017 AD

National "E Pluribus Unum" Motto

Alphonza Leonard Phillip Thomas Be J



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Justice
John G. Roberts
2017-20



Ex-1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALPHONZA LEONARD PHILLIP	)	
THOMAS, III,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:16CV524
	)	
FRANK L. PERRY,	)	
	)	
Respondent.	)	

JUDGMENT

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 20, 2016, was served on the parties in this action. No objections were filed within the time limits prescribed by section 636.

The court has reviewed and hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that the Petition (Doc. 2) is DENIED and this action is DISMISSED.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

November 16, 2016

Ex-2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALPHONZA LEONARD PHILLIP
THOMAS, III,

Petitioner,

v.

FRANK L. PERRY,

Respondent.

1:16CV524

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a prisoner of the State of North Carolina serving a sentence of life without parole for murder in case 10CRS05755, submitted a Petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed *in forma pauperis*. Rule 4, Rules Governing Section 2254 Cases, states in pertinent part:

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

Petitioner lists a single ground for relief which states in its entirety, “[t]he U.S. is in commercial dishonor.” (Petition [Doc. #2], § 12.) Petitioner’s supporting facts state only that “I asked the Alamance Serperior [sic] Court for my Bid Bond Back. I recieved [sic] no response. I accepted for value and consideration all charges and returned for full settlement for cause and account number 10CRS05755 and made my exemption available for the Alamance BC to use . . . in other words Pursuant to Rule 8 FRCP ‘I Accept for Value.’ My affirmative defense. Common Law Rule of Confession and Avoidance under

Affirmative Defenses. (Cf: All Documents of case 13R229 filed in Durham Co. Civil files).” (Id.) He later filed a Supplement [Doc. #3] containing papers that he apparently submitted to the state courts and which indicate that he is part of the Moorish Divine and National Movement of the World or similar entities. It is difficult to decipher any overall meaning from Petitioner’s claim. However, it is clear that he is using civil and commercial law concepts and his claimed nationality or ethnicity in an attempt to attack his conviction and/or life sentence. This is also indicated by various other portions of his Petition where Petitioner mentions negotiable instruments, Housing and Urban Development, a letter rogatory, breach of contract, and a challenge to subject matter jurisdiction. Regardless of the exact meaning of Petitioner’s claims, it is clear from the face of the Petition that he is not entitled to relief. Commercial and civil law cannot somehow be used to invalidate a criminal conviction or sentence. Nor is a person’s nationality or ethnicity relevant. See El-Bey v. United States, No. 1:08CV151, 2009 WL 1019999, at *1 (M.D.N.C. Jan. 26, 2009) (unpublished) (collecting cases rejecting “Moorish” identity claims). Accordingly, the Petition should be dismissed. Because the Petition is being dismissed pursuant to Rule 4(b), Rules Governing Section 2254 Proceedings, Respondent need not respond. The Clerk will notify Petitioner of the dismissal and entry of judgment.

In forma pauperis status will be granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that the Petition [Doc. #2] be denied and that judgment be entered dismissing the action.

This, the 20th day of October, 2016.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

EX-3

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-6927

ALPHONZA LEONARD PHILLIP THOMAS, III,

Petitioner - Appellant,

v.

FRANK L. PERRY,

Respondent - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:16-cv-00524-TDS-JEP)

Submitted: September 28, 2017

Decided: October 3, 2017

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alphonza Leonard Phillip Thomas, III, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alphonza Leonard Phillip Thomas, III, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying Thomas' 28 U.S.C. § 2254 (2012) petition. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court's order was entered on the docket on November 16, 2016. The notice of appeal was filed, at the earliest, on July 19, 2017.* Because Thomas failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); *Houston v. Lack*, 487 U.S. 266, 276 (1988).

FILED: October 16, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6927
(1:16-cv-00524-TDS-JEP)

ALPHONZA LEONARD PHILLIP THOMAS, III

Petitioner - Appellant

v.

FRANK L. PERRY

Respondent - Appellee

O R D E R

Upon consideration of the motion to stay the mandate, the court denies the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

U.S. Ct. OF Appeals 4th Circuit

Ex-5

Beto Wilkinson, Metz King.
Alphonza Leonard Phillip Thomas-Bey
Appointed

FRANK PERRY et al

Respondent

Case no. 17-6927

Disposition of
Record with
Clerk-17-6927<
Case No. J

CH

I Alphonza Leonard Phillip Thomas-Bey, I
PROPER PERSON - Sci Juris make the following
Request.

The Voluminous Record I have sent in
Connection with the above captioned
Case. I do NOT want destroyed.

Today I am seeking an extension
to File Notice of Appeal. Therefore I
would like my Record,

- Stored by You or Your General
Admin. Service until the Court-
Your Court will need to view it
with in their Jurisdiction.

OR

- Sent back to me or left at Your
Front door for Pick up

Preservation of my Record is my Obiect.

Please Communicate best option; or
Send Remedy as soon as possible. Record.
my Proposed order and best remedy for all
Parties is:

RECEIVED

2017 OCT 13 AM 11:20
U.S. COURT OF APPEALS
FOURTH CIRCUIT





ORDER

Hold the Record until the case returns to the Court - 4th Circuit Appeals Court, within its Jurisdiction.

Pursuant to title 28, U.S.C. 1746 (c) and execute "without the United States", I affirm under Penalty of Perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge complete. And Further deponent saith naught. I affix my signature to the above affirmation with explicit reservation of all my unalienable rights, to property without prejudice to any of these rights, Pursuant to U.C.C. 1-308, 1-103.6 and 1-105.

Dated the 6th day of October,
2017 AD.

/s/ : ALPHONZO R. ESTER

Consul-by Special Appearance,
Natural Person : IN full Life





Certificate of Service

The foregoing documents were placed in the U.S. mail postage prepaid to the following party:

A.S. Connor-Clerk-1100 E. Main
St. Suite 501 Richmond VA 23219

This the 6th day 10th month Year 2017 AD
Via Prison mail system;

Pursuant to title 28, U.S.C. 1746 (1) and execute "Without the United States", I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge complete. And further defendant Smith haught. I affix my signature to the above affirmation with explicit reservation of all my unalienable rights, to property without prejudice to any of these rights, pursuant to U.C.L. 1-309, 1-103.6 and 1-105.

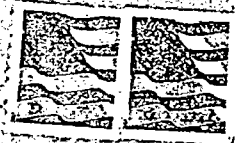
Dated the 6th day of 10th Month
2017 AD

/s/:

CONSUL-BY SPECIAL APPEARANCE,
NATURAL PERSON: IN FULL LIFE



Therese Leonard Phillip Thomas - Box 128745
20355 McBride Blvd P. Box
Durham, North Carolina State
Zip 276352



A.S. Connor - Clerk
U.S. Ct. of Appeals 4th Cir.
1100 E. Main Street
Suite 501 Richmond VA
23219

Legal Mail



Outgoing Packages

Staff Signature

[Handwritten Signature]

Inmate Signature

[Handwritten Signature]

IG-617AD



B6

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALPHONZA LEONARD PHILLIP	)	
THOMAS, III,	)	
	)	
Petitioner,	)	
	)	1:16CV524
v.	)	
	)	
FRANK L. PERRY,	)	
	)	
Respondent.	)	

ORDER

Before the court is the motion of Petitioner Alphonza Leonard Phillip Thomas, III for an extension of time to file notice of appeal. (Doc. 15.) For the reasons set forth below, the motion will be denied.

Thomas, a prisoner of the State of North Carolina serving a sentence of life without parole, filed a petition for writ of habeas corpus on May 16, 2016. (Doc. 1) On November 16, 2016, this court denied Thomas' petition and dismissed the action. (Doc. 7.)

On July 19, 2017, at the earliest,¹ Thomas filed notice of appeal to the Fourth Circuit. (Doc. 8; Doc. 11.) He actually

¹ The Fourth Circuit noted that, despite the fact that the notice of appeal was docketed on July 21, 2017, it is assumed to have been filed on the earliest day it could have been delivered to prison officials for its mailing to the court. (Doc. 13 at 2.) This is based on the "mailbox" rule: that a prisoner's appeal is deemed to have been filed when the prisoner "deliver[s] the notice to prison authorities for forwarding to the District Court." Houston v. Lack, 487 U.S. 266, 270 (1988).

filed two separate documents. One notice of appeal, which contains only a plain statement of an intent to appeal, is dated July 19, 2017. (Doc. 8.) The second notice of appeal is dated July 27, 2017. (Doc. 11.) In the second notice of appeal, Thomas stated that he was aware that his appeal was untimely but claimed he had "new evidence" to excuse its tardiness. (Id. at 1-2.)² He also argued that his delay was contributed to by the fact that he had just recently become aware of how to contact the court and that it was difficult to file an appeal from prison. (Id. at 2.)

On October 3, 2017, the Fourth Circuit found Thomas's appeal to be untimely and dismissed it for lack of jurisdiction. (Doc. 13 at 2.) In so doing, the court noted that under Fed. R. App. P. 4(a), a party has 30 days after the entry of the district court's final judgment or order to note an appeal, unless the district court extends or reopens the appeal period. (Id. at 2.)

This appears to have prompted Thomas's October 12, 2017, motion to extend the time for filing notice of appeal based on excusable neglect. (Doc. 15.) Thomas now claims for the first time that on November 23, 2016, he gave his timely notice of appeal to an official at the prison in which he is incarcerated, but that the prison lost it. (Id. at 1.) Thomas also contends that he did

² Thomas does not explain what the new evidence is, except to say that it pertains to a judgment from the United States District Court that was rendered on June 19, 2017. (Doc. 11 at 2.) The docket reflects no such judgment on that date, nor is there evidence of any judgment in this case which creates evidence constituting excusable neglect for Thomas.

not know that his notice of appeal had been misplaced or lost until October 6, 2017, presumably when he saw the Fourth Circuit's dismissal of his appeal. (Id.) Of course, this overlooks Thomas's notice of appeal dated July 19, 2017, which Thomas does not mention. Thomas now requests that this court "reset" his time to file an appeal on the grounds that his untimely appeal was out of his control. (Id. at 2.)

A district court can extend the time to file a notice of appeal if the moving party makes the appropriate motion within 30 days after the time to file a notice of appeal has expired. Fed. R. App. P. 4(a)(5). Alternatively, a district court can reopen the time for a party to file a notice of appeal for 14 days, but cannot do so if the requesting motion is filed more than 180 days after the entry of the judgment. Fed. R. App. P. 4(a)(6).

Here, the judgment was entered on November 16, 2016. Thomas's notice of appeal was, filed at the earliest, on July 19, 2017, and the present motion was filed no earlier than October 6, 2017. Neither filing falls within six months of the entry of judgment. Therefore, the court is precluded from granting Thomas an extension of time to file a notice of appeal, nor could it reopen the time to file an appeal if such relief were requested.

For these reasons, therefore,

IT IS ORDERED that Thomas's motion for an extension of time to file notice of appeal, or alternatively construed as a motion

to reopen the time for doing so, (Doc. 15) is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

November 1, 2017

Ex 7

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALPHONZA LEONARD PHILLIP	)	
THOMAS, III,	)	
	)	
Petitioner,	)	
	)	1:16CV524
v.	)	
	)	
FRANK L. PERRY,	)	
	)	
Respondent.	)	

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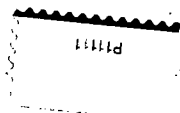
/s/ Thomas D. Schroeder
United States District Judge

November 1, 2017



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UNITED STATES DISTRICT COURT
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GREENSBORO, NC 27401

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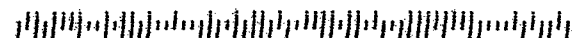
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TIC 11

ALPHONZA LEONARD PHILLIP THOMAS, III
#1287495
SCOTLAND CORRECTIONAL INSTITUTION
22385 MCGIRTS BRIDGE RD.
LAURINBURG, NC 28353

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