

IN THE SUPREME COURT OF UNITED STATES

In re,

Martize James Sermon-ET,

In Propra persona, Sui Juris,

Petitioner;

v.

UNITED STATES CONGRESS, ET AL.

Respondents,

On Petition for Writ of Habeas Corpus (National)  
From the U.S. Court (of STATE OF INDIANA) (Delaware County lower Circuit Court #5) Petition  
for Post Conviction Relief 4 (Coram Nobis);  
Notice of Withdrawal of Submission; and Emergency writ of Mandamus and Prohibition

Martize James Sermon-ET  
765 215-4511#  
4490 West Reformatory Road  
Pendleton, Indiana.

RECEIVED

FEB 27 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## CONSTITUTIONAL QUESTIONS

A) How the word "Black" can find no formal place within the nationalities of the human family and still can be made "citizen" of any free national and constitutional government?

# TABLE OF CONTENTS

|                                                                                                 |              |
|-------------------------------------------------------------------------------------------------|--------------|
| COVER PAGE . . . . .                                                                            | 0            |
| CONSTITUTIONAL QUESTIONS . . . . .                                                              | i            |
| TABLE OF CONTENTS . . . . .                                                                     | ii           |
| LIST OF PARTIES . . . . .                                                                       | iii          |
| TABLE OF CITED AUTHORITIES . . . . .                                                            | v            |
| OPINIONS BELOW . . . . .                                                                        | vii          |
| JURISDICTIONAL PROVISIONS . . . . .                                                             | 1            |
| REASONS WHY NO APPLICATION WAS MADE IN<br>ANY OTHER COURT . . . . .                             | 2            |
| EXCEPTIONAL CIRCUMSTANCES EXIST WARRANTING<br>JUDICIAL REVIEW NOT AVAILABLE IN ANY OTHER COURT. | 3            |
| EXHAUSTION OF ADMINISTRATIVE AND STATE REME-<br>DIES . . . . .                                  | 4            |
| STATEMENT OF THE CASE . . . . .                                                                 | 7            |
| ARGUMENT IN SUPPORT . . . . .                                                                   | 10           |
| REPARATIVE INJUNCTIVE RELIEF . . . . .                                                          | 15           |
| CONCLUSION . . . . .                                                                            | 17           |
| WORD COUNT . . . . .                                                                            | 18           |
| APPENDIX TABLE OF CONTENTS . . . . .                                                            | App. 1, 2, 3 |

## LIST OF PARTIES

- 1) UNITED STATES CONGRESS, H154 Capitol Building  
Washington, D.C.
- 2) UNITED STATES, Attorney General, Jeff Sessions,  
John A. Wilson Building, 10<sup>th</sup> Street + Construction Ave NW  
Washington, D.C.
- 3) UNITED STATES, Solicitor General,  
950 Pennsylvania Ave. NW Suite 5143  
Washington, D.C.
- 4) STATE OF INDIANA, Attorney General, Curtis T. Hill Jr.  
302 West Washington Street  
Indianapolis, Indiana, 46204
- 5) STATE OF INDIANA, Governor, Eric Holcomb  
206 State House, 200 West Washington Street  
Indianapolis, Indiana, 46224
- 6) INDIANA SUPREME COURT/CHIEF JUSTICE ADMINISTRATOR  
315 State House, 200 West Washington Street

7) UNITED STATES COURT OF FEDERAL CLAIMS

717 Madison Place NW, Washington, D.C.

8) INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT

311 West Washington Street, Suite 300

Indianapolis, Indiana 46204

9) CLERK OF COURT, DELAWARE COUNTY, Michael A. King

100 West Washington Street, Muncie, Indiana, 47305

10) STATE OF INDIANA DEPARTMENT OF CORRECTIONS:

Attn: Commissioner, Richard E. Carter Jr.

302 West Washington Street, Indianapolis, Indiana

Attn: Superintendent / Warden, Dushan Zatecky

4490 West Reformatory Road, Pendleton, Indiana

46064

## TABLE OF CITED AUTHORITIES

### CASES:

### PAGE NUMBER:

|                                                          |        |
|----------------------------------------------------------|--------|
| Boswell v. Otis, 9 How. 336, 348; to wit .....           | 11     |
| Fay v. Noia, 372 U.S. 391, 838 G. 822, 9 L.Ed. 2d 837... | 10     |
| Hagans v. Lavine, 415 U.S. 553 .....                     | 1      |
| Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565.....         | 11     |
| Scott v. Sanford, 60 U.S. (19 How.) 404, 15 L.Ed. 691... | 11, 12 |

### CONSTITUTIONAL PROVISIONS:

|                                                               |           |
|---------------------------------------------------------------|-----------|
| U.S. Const. Art. I sec. 9 cl. 2 ; .....                       | 10        |
| U.S. Const. Art. III sec. 2 cl. 1, 2, 3, .....                | 1, 12     |
| U.S. Const. Amdt. (6) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 ..... | 17        |
| U.S. Const. Amdt. 13 .....                                    | 8, 10     |
| U.S. Const. Amdt. 14, 15 .....                                | 8, 10, 12 |

### FEDERAL RULES:

|                                           |    |
|-------------------------------------------|----|
| 18 U.S.C.A., 241-242 .....                | 11 |
| 18 U.S.C.A., 1201, 1203 .....             | 9  |
| 28 U.S.C.A., 1201, 1203, 1204, 1205 ..... | 9  |
| 28 U.S.C.A., 1251 .....                   | 1  |
| 28 U.S.C.A., 1343(3) .....                | 1  |

28 U.S.C.A 1651 ..... 1

OTHER PROVISIONS:

Divine Constitution of Moorish America....

Charter of the U.N. and Statute of International Court of Justice ..... 2

District of Columbia Organic Act of 1871..

State of Indiana Constitution of 1816.....

Statute of International Court of Justice..

Rules of Court International Court of Justice

Uniform Victims of Crime Act (Five Articles).

Restatement of the Law of Contracts; Restatement of the Law of Torts ..... 17

United Nations Declaration (61/295) on the Rights of Indigenous Peoples ..... 17

The Universal Declaration of Human Rights in

1948 ..... 17

## OPINIONS BELOW

In the United States Supreme Court

Petitioner respectfully issues this (National) writ of Habeas Corpus, for reviewing the following:

1. Petition for Post Conviction Relief 1 / Coram Nobis, filed June 12, 2017, decided February 2, 2018.

2. Notice To Withdrawal of Submission, filed January 25, 2018, decided January 19, 2018.

3. Emergency Writ of Mandamus and Prohibition filed and decided February 1, 2018, before the Indiana Supreme Court Chief Justice Administrator.

The jurisdiction of this court is invoked under U.S. Const. Art III; 28 U.S.C.A. 1651; 2241; 2242; 2243; 2254; 2255 (encompasses all Constitutional Claims); 2403(b); Sup. Ct. R. 14.1(e)(v); 20

## JURISDICTIONAL PROVISIONS

The United States Supreme Court has Original / Proper jurisdiction of the Constitutional Challenges and Issues, and Case and Controversy. Art. III Sec. II, 28 U.S.C.A. 1251 et seq.; 28 U.S.C.A. 1651(a); 28 U.S.C.A. 2241

The scope and extent of jurisdiction of federal courts are governed by 28 U.S.C.A. 1251 et seq.

Under the U.S. Sup. Ct. Rulings, *Hogans v. Lavine*, jurisdiction cannot be sustained by a lower court, or entertain and decide any claim of conflict between federal and state laws, that the conflict question is itself a Constitutional Matter within the meaning of 28 U.S.C.A. 1343(3), proper jurisdiction. A substantial question must be raised: "How the word 'Black' can find no formal place within the nationalities of the human family and still can be made 'citizen' of any free national and constitutional government?"

## REASONS WHY NO APPLICATION WAS MADE IN ANY OTHER COURT

The "proper status" can be heard in the "proper jurisdiction", with proper party responding. Being "Black" is not a district or Superior Court issue. In fact, the "black label" would leave any Court "in want of jurisdiction"; except the U.S. Sup. Ct., A Special Congressional Committee and or the United Nations International Court of Justice, (The World Court). The U.S. District Court(s), and the U.S. Fed. Ct. of Claims, etc... have no jurisdiction over being labeled Negro, Black, Colored, etc... The states are only limited to their federal allocations. The lower courts are in excess of jurisdiction in making of some order or judicial act. The only thing left for the United States Supreme Court to do is execute judgment.

EXCEPTIONAL CIRCUMSTANCES EXISTS WARRANTING THE  
JUDICIAL REVIEW NOT AVAILABLE IN ANY OTHER COURT

The lack of original and competent jurisdiction to hear and determine a Case and Controversy constitutes Exceptional Circumstances as basis for raising "questions" for the first time on Habeas Corpus, concluding constitutional challenges now extends to the writ. *Fay v. Noia*, 372 U.S. 391, 83 S. Ct. 822, 9 L.Ed. 837

The constitutional acts of congress are called into question.

In brief, the "Blacks" are wards of the states, the states are united and empowered by Congressional legislation, and Congress must answer to the Constitution, which is overseen by the U.S. Supreme Court.

## EXHAUSTION OF ADMINISTRATIVE / STATE REMEDIES

1. The Petitioner issued Service of Process upon the: Clerk of Congress; District of Columbia - Mayor; Indiana Governor; Clerk of Court Delaware County the following; for Administrative purposes:

a. Lawful Notice to Vacate Void Judgment for Lack of Jurisdiction,

b. Averment of Jurisdiction / Quo Warranto,

c. Affidavit in the Nature of Writ of Discovery,

d. Notice and Demand for Default Judgment,

upon October 21, 2017, by Certified Mail Return Receipt.

2. The Petitioner brought a Civil Action lawsuit Complaint / Cause of Action, against Delaware County Public officials, and Public Officers of the Court and County. The Special Judge appointed Kit C. Dean Crane of Indiana Supreme Court dismissed action

3. The Petitioner filed a "Complaint to Recover Damages" with the U.S. Dist. Ct. Southern-Indiana, (two) causes appeared before the record, misconstrued by court to be a civil action lawsuit against Kit C. Dean Crane. The Courts dismissed actions. (See: App. 22, 23)

4. The Petitioner filed a Complaint against the "United States" (only defendant available, therein) in the U.S. Court of Federal Claims, this cause was dismissed for "lack of jurisdiction", upon the court. (See: App. 24)

5. The Petitioner filed an State of Indiana, Post Conviction Relief 1 Petition (with attached supporting documents for filing), upon June 12, 2017. (See: App. 1-20)

a. The State of Indiana answered Petition and moved for Summary Disposition, and Findings of Fact Conclusions of Law (Proposed), upon July 17, 2017. (App. 9-11)

b. The Petitioner moved for Notice of withdrawal of Submission, etc. for unreasonable delay in the proceedings, upon January 10, 2018. (App. 12-18)

c. The Petitioner awaited a satisfactory time between filings, and Clerk of Court did not adhere or follow "Rules of Court" regarding Notice to withdrawal of Submission, by Petitioner, Petitioner, then sought review from Indiana Supreme Court Chief Justice Administrator, for emergency writ of Mandamus and Prohibition. The Chief Justice Administrator dismissed "Original Action", February 1, 2018. (See: App. 18-19)

d. The Post Conviction Court, Granted the States Motion For Summary Judgment, and tendered the removed Findings of Fact and Conclusions of Law from State of Indiana, in its Denying Petitioner's Petition for Post Conviction Relief 1, upon February 2, 2018, one day following Indiana Supreme Courts entry Order. This National writ of Habeas Corpus is timely brought for adjudication, hereby. (App. 19)

## STATEMENT OF THE CASE

1. The Petitioner has been deprived of his Liberty as a living Man, Freeborn Moorish baby, since local Hospital officials (Ball Memorial Hospital/Eleemosynary corporation) Denationalized Petitioner, by replacing Nationality and tribal names, and used a 'slave label' "Negro", "Black", or "Colored" upon the Original Application for Certificate of Live Birth, and any and all attached documents, certificates, and Records of Birth, etc., upon August 19, 1974.

2. The Petitioner lawfully and publically Proclaimed his Nationality (Moorish American) before the Moorish American Government, according to The Divine Constitution of Moorish America, and the Divine Creed therewith, April 8, 2014; October 15, 2015; and a Public Declaration of the same with the Delaware County (State of Indiana) Records Office.

3. The Birth Certificate(s) of STATE OF INDIANA has the State Seals stamped upon the State Deed of Slave Ownership (e.g. property; person upon the state) authorized by Congress through its signature signed as the last Article on each of the Reconstruction Amendments. (Particularly the 14th Amendment)

4. The American 'State' issued Birth Certificate are the official anchors to a chain of judicial documents declaring me as property (subjects) of the courts via the states wherein they may reside.

5. The Petitioner challenged the U.S. Courts, jurisdiction over his personage, and the Title of Ownership and Assumable Jurisdiction of the courts. The two legal principles of "State" and "Jurisdiction" is not upon their records, therefore, there was no or not a lawful proceedings, in criminal, Title IV-D courts, etc.. The court(s) lacked jurisdiction to give an In Personam Judgment.

6. The identifications of Negro, Black, Colored upon any documents, records, contracts, applications, affidavits, etc... to describe Petitioner is Federal Sins and Crimes against humanity and war (e.g.) Denationalization, Hostage taking (Kidnapping), Colorable Citizenry, Enslavement, Mental Slavery, and Genocide. The defendants, et al., is criminally and civilly Liable and Liable for Damages, and acts of Wrongs, requiring Restitution, and Just Compensation, (See 28 U.S.C.A. 1201; 1203, 1204; 1205, and 18 U.S.C.A. 1091)

## ARGUMENT IN SUPPORT

The Petitioner writ is not to determine prisoners guilt or innocence, and only issue which is whether prisoner is restrained of his liberty by due process, and challenge a state conviction on constitutional grounds that related to the jurisdiction of the state court. But, the scope of the inquiry was gradually expanded, concluding that the writ now extends to all constitutional challenges. US Const. Art. 1 Section 9 (and by state constitutions), (See also: 28 U.S.C.A. 2241 et seq.)

The claim of the 13<sup>th</sup> Amendment to abolish all entities of slavery (slave owners, slave Masters, slaves, e.g. Negro, Black, Colored) now becomes ex post facto in the 14<sup>th</sup> Amendment, which then declares the same Negro, Black, Colored Slaves as "Citizens", disguised under the word "Person" and made subject to the jurisdiction. This claim gives rise to a legal conflict between Slavery and Freedom, Constitutional Issue...

According to Federal Rule Title 18 Section 241-242, —  
"No one has the right, especially under Judges, and courts,  
etc. To Denationalize, deprive any rights, privileges  
or immunities by reason of Color or Race"

"Courts enforcing mere statutes do not act judicially,  
but merely ministerially; thus, having no Judicial  
Immunity. And like Courts of Law, do not obtain juris-  
diction by Service of Process, nor even arrest and com-  
pelled appearance" (See: *Boswell v. Otis*, 9 How. 336,  
348; to wit)

"Any court, which lacks personal jurisdiction, is  
also a court without power to issue an "In Personam  
judgment" (*Pennoyer v. Neff* 95 U.S. 714, 24 L.Ed. 565)

A person must be made consciously whole before  
he can become a citizen have the rights of a citizen  
and be subjected to the jurisdiction of a citizen.

"Negroes could never be citizens of the U.S." (See:  
*Dred Scott Case* of 1857)

Legally, all so called Negro, Black, Colored, etc... were (are) declared labels and names of slaves, as property, introduced through Black Codes laws of 1774 replacing Nationality and tribal names of the enslaved Africans. In 1779, Congress ratified these labels and slavery lasted until 1865 during the time of lawful slavery. (See: 14<sup>th</sup> and 15<sup>th</sup> Amendment(s)). These labels are encompassed in the "3/5 Clause" of 1779. The labels are sustained through the "All persons born" (Birth Certificate) clause of the 14<sup>th</sup> Amendment. The "OR NATURALIZED" clause does not apply and cannot apply to anyone or anything not of a previous citizenship or existing national origin; especially Negro, Black, Coloreds because of no national or indigenous significance. The Petitioner is indigenous to the land cannot be naturalized.

Additional Constitutional Questions Presented:

a) What branch of law authorized the states

to apply abolished slave labels (Negro, Black, Colored) to any person, of African descent, after 1865?

b) Are Blacks, "slaves" or otherwise "Persons" as used in the 14<sup>th</sup> Amendment, and how can they be made 1<sup>st</sup> class citizens without their inalienable free national descendant name of their forefathers?

c) As for Black with criminal records, what crimes can <sup>property</sup> possibly commit which its owner, the slave master, is <sup>not</sup> accountable for in a court of law?

d) Therefore, who owns the Negro, Black, and Colored, that was declared out in 1865 with the Institution of Slavery?

Whereas the courts are hereby demanded to prove that Negro, Black, Colored is a lawful status, with a descendant Name within the scope of nationality or national origin of forefathers, equal to

all other people. Further prove this status existed before the establishment of the Continental Congress and after its congressional death in 1865. In addition, Negro, Black, Colored is declared "Property" and no property can testify against itself in any court of law. Only its owner must appear. Blacks are not mentally or spiritually equipped to commit criminal acts against any nation they have no national constitution or inherent government of their own. to wit: all misdemeanors and felony cases preceeding from identifications records with defendant described as or indicated as Negro, Black, Colored, etc. is ex post facto to the U.S. Constitution.

## REPARATIVE INJUNCTION

1. The Petitioner makes a Claim upon his proper proof (Status) identification, for the "State owned Certificate of Live Birth" (BLANK CLAIM CHECK), and the interest compounding annually since 1865 A.D., signed by Congress, and confirmed by Congress, payment into court, ~~██████████~~, upon issuance<sup>pay</sup> to the Order of "bearer, Martize James Devion-El, in order of cash Cor "Cashiers Check", signed by signer, payable on demand, for the promise of the performance of agreement tendered as extinguishing debt in whole by execution and delivery of Negotiable papers and no part payment (or partial payment), only Final Settlement (Closing) (Satisfaction), <sup>payment</sup> guaranteed by signer, for value and interest, after maturity.

2. An Reporative / Preventive Injunction and Restraining Order against acts of Congress pertaining to my Inalienable Rights Unalienable.

3. An injunction requiring the defendant to restore plaintiff to the position that the plaintiff occupied before the defendant committed the wrong, threatened acts, unlawful restraint of liberty, Travel, Labor, false imprisonment, exposure to risk of serious bodily injury, involuntary servitude, ~~and~~ unlawful search and seizure without lawful warrant or probable cause, and the wrongful taking of property, etc... (See also: Restatement of the Law, Restitution, section 1)

## CONCLUSION

The Petitioner does not claim Negro, Black, Colored, or any name that deludes to Slavery as an identity. I am a Sovereign People as a Moonish American, with Sovereign Immunity. U.S. Const. Art. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. The Free Exercise of Nationality and Birthrights is the Freedom and to be like God is Moons Birthright and his Divine Birth Heritage, not property of fallen humanity. The truth is, Repatriation, Replevin (personal), "Liberation" is a Divine Birthright Heritage and Inalienable Right. The Declaration of Human Rights states: "Declaration of war commence when any nation transgress upon the sovereignty of another or murders one or more citizens of another," this Great writ of Liberty, Writ of Habeas Corpus should issue, or show cause why it should not be granted.

6/29/5 U.N. Declarations on the Rights of Indigenous Peoples. Articles 1 thru 46