

NO: \_\_\_\_\_

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IN THE SUPREME COURT  
OF THE UNITED STATES

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Jamahl-Harim:Simmons©- PETITIONER

Vs.

Louis Lappen-RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
United States Court of Appeals for the Third Circuit

PETITION FOR WRIT OF CERTIORARI

Jamahl-Harim:Simmon©

3946 Carpenter Ave. #1

Studio City, Ca. [91694]

## Questions Presented for Review

The State Trial Court lacks subject matter and personal jurisdiction for the reasons below.

1. This Court, and all public offices, is defined under FRCP Rule 4(j) as a FOREIGN STATE; and as defined under TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE. The Sovereign Immunities Act (FSIA) of 1976 is a United States law, codified at Title 28 §§§ 1330, 1332, 1391, 1441(d) and 1602-1611, and is being jurisdictionally challenged, and “full disclosure” of the “true” jurisdiction of the State Trial Court has been asked but has stayed “silent”?

2. Any failure to disclose the true jurisdiction is a violation of 15 Statutes at Large. For this was passed to remove the people of the United States of America from the federal citizenship under the 14<sup>th</sup> amendment. Chapter 249 (Section I), enacted July 27, 1868?
3. It is the Prosecutor's responsibility to prove a court has subject matter jurisdiction, and where a Prosecutor arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the prosecutor's responsibility to prove, on the record that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private

administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is the plaintiff/prosecutor's duty to prove it exist. The respondent herein was given the opportunity (multiple times) to prove the facts of jurisdiction on the administrative record, but was acquiesced by tacit procuration to the fact that the constitutional and due process violations alleged by the petitioner did, in fact occur, and did, in fact, deprive the court of the subject matter jurisdiction, which is now the record before the court?

4. That it is not the prosecutor's duty and obligation to provide ALL of the facts that

establish the court's jurisdiction, and place  
them upon the record even in a collateral attack  
against jurisdiction?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1). Jamahl-Harim:Simmons©, Plaintiff and Respondent
- 2). Louis Lappen, et al  
Defendant/Respondent  
615 Chestnut Street  
Philadelphia, Pa. 19106

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**IN THE SUPREME COURT OF  
THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of  
certiorari be issued to review the judgment below.

**OPINIONS**

For the case from **Federal Courts**:

- 1) The opinion of the United States Court of Appeals appears at Appendix A p.19 to the petition and is  
 reported at \_\_\_\_\_ ; or  
 has been designated for publication but is not yet reported; or  
 is unpublished

2) The opinion of the United States Court of Appeals appears at Appendix A p.19 to the petition and is

reported at \_\_\_\_\_ ; or

has been designated for publication but is not yet reported; or

is unpublished

For cases from **Appellate Court**:

1) The opinion of the Appellate Court to review the merits appears at Appendix B p.23 to the petition and is

reported at \_\_\_\_\_ ; or

has been designated for publication but is not yet reported; or

is unpublished

- 2) The opinion of Appellate Court for the Third Circuit appears at Appendix B p.23 to the petition and is
- reported at \_\_\_\_\_ ; or
- has been designated for publication but is not yet reported; or
- is unpublished

### **JURISDICTION OPINION**

For cases from **Federal Courts**:

- 1) The date on which the United States Court of Appeals decided my case was July 16, 2018. An Extension of Time being granted on October 19, 2018.
- No petition for rehearing was timely filed in my case

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_

An extension of time to the petition for the writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No: N/A

## **PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully petitions for a Writ of Certiorari before judgment to review a decision of a United States District Court for the Eastern District of Pennsylvania.

### **OPINIONS BELOW**

The opinion of the United States District Court for the Eastern District of Pennsylvania for which this petition is filed is reported of Cause Number 2-18-cv-00873 in which was filed under 28 USC 1331. [Decision is shown in Exhibit "A"]

### **JURISDICTION**

The case is docketed in the United States for the Court of Appeals for the Third Circuit as Cause 18-1667 and decided on July 16, 2018 before Shwartz,



Krause, and Fisher, Circuit Judge(s). [See Exhibit  
“B”]

## **CONSTITUTIONAL AND STATUTORY**

### **PROVISIONS INVOLVED**

1. The Equal Protection Clause of Section 1 of the Fourteenth Amendment provides that no State shall “deny to any person within its jurisdiction the equal protection of the Laws.”
2. Under Federal Criminal Rule F.R.C.P. 12 (e) and the Administrative Act, to insure the right to disclosure of the Nature and cause of “The Respondent’s Action(s)” by ordering the Respondent to answer the “Petition for Redress/Demand for more definite Statement

to determine the nature of Cause of “The Respondent’s Action.”

3. The United States Court of Appeals for the Third Circuit in moving forward, knowing that the Plaintiff had served a Special Visitation, Commercial Affidavit and Petition for Redress upon the Respondent as the Plaintiff’s demands have not been answered and avoided by the Respondent, was a clear act of bad faith on the part of both the Court of Appeals and the Respondent.
4. As the Plaintiff, was never a party in interest, a substituted party of record or a proper party to any other pleading regarding “The Respondents Action” United States District

Court for the Eastern District of Pennsylvania did not acquire jurisdiction over the Plaintiff, a violation of F.R.C.P. 12(b) (2) lack of jurisdiction.

### **STATEMENT OF THE CASE**

Petitioners request this Court to exercise its power and discretion under Rule 11 of its rules to grant a Writ of Certiorari after judgment to the United States Court of Appeals for the Third Circuit, which has entered judgment on an appeal of this case. The case presents questions about jurisdiction. This Court, and all public offices, is defined under FRCP Rule 4(j) as a FOREIGN STATE, and as defined under TITLE 28- JUDICIARY AND JUDICIAL PROCEDURE the Sovereign Immunities Act (FSIA) of 1976 is a United

States law, codified at Title 28, §§§§§ 1330, 1332, 1391 (f), 1441 (d), and 1602-1611, and is being jurisdictionally challenged, and “full disclosure” of the “true” jurisdiction of this Court has been challenged.

## **FACTUAL BACKGROUND**

### **A. Plaintiffs**

Plaintiff Jamahl-Harim:Simmons©, is a Secured Party Creditor with Filings with the Secretary of State, UCC Number 20152103555; Trust Number 183581227,107925-0001302095. An Affidavit of Notice was sent to the United States District Court for the Eastern District of Pennsylvania on 01/12/2018. Rescinding Signature for Non-Full Disclosure of Contract sign, showing that I'm Holder-In-Due Course of all document(s). I do not take any Benefits

from the Government as the Birth Certificate and Social Security was discharged to the U.S. Secretary of State, as well as other Government Agencies.

### **PROCEEDINGS BELOW**

#### **A. The State Court:**

This Action commenced on December 23, 2013, and sentencing was on April 29, 2016, in The United States District Court for the Eastern District of Pennsylvania by Judge C. Darrell Jones. An Affidavit of Notice was sent on 01/12/2018, to rescind signature on contract signed for Non-Full Disclosure.

#### **B. The District Court**

This action commenced in February 13, 2018. The Complaint alleged that the defendants prove jurisdiction under 28 USC 1331. The request of 28

USC 1331 was changed to the Clerks likings of the change of the 28 USC 1331 and was ruled under other statue(s). The request of Jurisdiction was ignored in any/all matters. [See Exhibit "A" for ruling on United States District Court Eastern District of Pennsylvania] ...

- (a) "The law provides that once the State and Federal Jurisdiction has been challenged, it must be proven." *Main V. Thiboutot*, 100 S. Ct. 2502 (1980);
- (b) "Once jurisdiction is challenged, it must be proven." *Hagans V. Lavine*, 415 U.S. 533;
- (c) "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection,

and afford no justification, and may be rejected upon direct attack.” Thompson V. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr. 9, 3 L.Ed. 471;

- (d) “No sanctions can be imposed absent of proof of jurisdiction.” Standard V. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b);
- (e) “The proponent of the rule has the burden of proof.” Title 5 U.S.C., Sec. 556(d);
- (f) “Jurisdiction can be challenged at any time, even on final determination.” Basso V. Utah Power & Light Co., 495 2<sup>nd</sup> 906 at 910.
- (g) When Jurisdiction challenges the act of Federal or State official as being illegal, that official cannot simply avoid liability based on the fact

that he is a public official. [United States V. Lee  
106 U.S. 196, 220, 221, 1 S. CT 240, 261].

Let it be known, until such a time as written proof of jurisdiction is demonstrated and filled in the court record of this case, the Accused shall be entitled to the conclusive presumption that lawful jurisdiction is lacking in Personam and In Rem. Let this statement serve as Constructive Notice that this common-law constitutional entity, in the eyes of the Law, intends to prosecute to the fullest extent of the Law anyone who infringes its rights as "officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law, Owens V. City of Independence, 448 U.S. 1, 100 S. Ct. 2502; Hafer V. Melo, 502 U.S. 21.



### **C. The court of Appeals**

The Appeal was submitted on March 29, 2018 and Affirmed on July 16, 2018 and again, jurisdiction issues were disregarding in all matters affirming with the United States District Court for the Eastern District of Pennsylvania [See Exhibit “B” for ruling on Appeals Court].

### **REASONS FOR GRANTING THE WRIT**

#### **I. This Court Should Exercise Its Power to Grant Review Before Judgment.**

For several reasons, the circumstances of this case make it appropriate for granting Plaintiffs request for proof of jurisdiction.

First, the case presents issues of fundamental importance. It concerns important constitutional and

civil rights, and the resolution of these issues will almost certainly have effects that extend far beyond the parties to the case.

Second, this Court knows, it is the Prosecutor's responsibility to prove the court has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. It is, in fact, the Court responsibility to prove, on the record, that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is the State's/Agent(s) Louis

**Lappen duty to prove it exists. The respondent herein was given the opportunity (multiple time) to put the facts of jurisdiction on the record but acquiesced by tacit procurement to the fact that the constitutional and due process violations alleged by the petitioner did, in fact, occur, and did, in fact, deprive the court of subject matter jurisdiction, which is now the record before the court.**

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W. 2d. 173, (Tex. App.-Corpus Christi 1995).

**The law provides that once State and Federal jurisdiction has been challenged, it must be proven. Main v. Thiboutot, 100 S. Ct. 2502 (1980)**

Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties or acted in manner inconsistent with due process of law or otherwise acted unconstitutional in entering judgment, U.S.C.A. Const. Amend. 5, Hays v. Louisiana Dock Co., 452 N.E. 2d 1383 (III App. 5 Dist. 1983). [Emphasis added].

## CONCLUSION

For the foregoing reasons, Jamahl-Harim:Simmons© respectfully request the Court to grant his petition for certiorari before judgment.

The petition for writ of certiorari should be granted.

Respectfully submitted,

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Jamahl-Harim:Simmons©

Date: 11.8.18