

Case No. 18-7080

IN THE UNITED STATES SUPREME COURT

YUSUFU DANMOLA,
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent,

FILED
DEC 03 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

"On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth
Circuit

Yusufu Danmola
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Beaumont, Texas 77720

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QUESTIONS FOR REVIEW

- (1) Is the Court Allowed to Enforce a Law not in Pursuance with the Constitution?
- (2) Are The People Prohibited Liberty Of Usage of the Uniform Commercial Code in the Criminal Court?

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Constitutional and Statutory Provisions

(1) Art. 6 U.S. Constitution

(2) U.C.C. Sec. 1.103

Corporate Disclosure Statement

The Creditor in this instance is Yusufu Danmola which is also known in the U.C.C. 1 financing statement as Abdullah Danmola U.C.C. number 341846739 and Debtor YUSUFU DANMOLA also known as ABDULLAH DANMOLA. Collateral statement holding Hold Harmless and Indemnity Agreement, Security Agreement, Common Law Copyright and Limited Power of Attorney. No other party holds 10% stock or more in the corporate fiction. Yusufu Danmola also beneficiary of birth certificate attached to social security number 341-84-6739.

Un published Opinion of
U.S.D.C.

The above-captioned action was initiated on May, 2017, by the receipt of the clerk of court from plaintiff, Yusufu Danmola, of a four-page document titled "Complaint," to which plaintiff attached two pages that appear to be a continuation of the somewhat irrational statements made in the complaint. Doc. 1. After having conducted the initial review required by 28 U.S.C. § 1915, the court has concluded that plaintiff's complaint and whatever relief he purports to seek thereby should be dismissed.

Plaintiff is a prisoner seeking redress from a governmental entity, United States of America. Consequently, § 1915A is applicable. It directs that the court shall review as soon as practicable after docketing a complaint in a civil action in which a prisoner seeks redress from a governmental entity, and that, upon review, the court shall dismiss the complaint if it is frivolous or fails to state a claim upon which relief may be granted. Plaintiff's complaint is frivolous, and it fails to state a claim upon which relief may be granted. Therefore,

The court ORDERS that plaintiff's complaint, and whatever relief he seeks by such complaint, be, and are hereby, dismissed pursuant to the authority of 28 U.S.C. § 1915A(b).

Unpublished Opinion of 5th
Circuit Court

Yusufu Danmola federal prisoner # 54779-177, filed civil rights complaint pursuant to *Bivens v Six Unknown Named Agents of FBI*, 403 U.S. 388, 390-98 (1971). He now appeals the district court's dismissal of his complaint as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(b). We review the district court's ruling de novo. See *Geiger v. Jowers*, 404 F.3d 371, 373 (5th Cir. 2005). A complaint is frivolous if it has no arguable basis in fact or law." *Morris v. McAllester*, 702 F.3d 187, 189 (5th Cir. 2012). In addition, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544; 570, 127 S. Ct. 1955, 1974 (2007)).

As with the complaint in the district court, the majority of Danmola's claims on appeal involve assertions that his federal conviction for being a felon in possession of a firearm violates the second amendment and that his criminal proceedings were rife with constitutional violations. However, he may not recover damages for his "allegedly unconstitutional conviction or imprisonment" until he has proven "that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's

issuance of a writ of habeas corpus." Heck v. Humphrey, 512 U.S. 477, 486-87, 114 S. Ct. 2364, 2372 (1994) (footnote omitted) ; see also Stephenson v. Reno, 28 F.3d 26, 26-27 & n.1 (5th Cir. 1994) (applying Heck in a Bivens action). Danmola has not made the requisite showing.

In addition, Danmola asserts that the prison law library was inadequate because he was unable to obtain copies of the Texas Constitution and the Uniform Commercial Code to aid him in filing pro se motions challenging the criminal proceedings. Because he had refused the offer of court-appointed representation, he had no constitutional right of access to a law library in order to prepare for his pro se defense at trial. See Degrate v. Godwin, 84 F.3d 768, 769 (5th Cir. 1996). Although Danmola also complains that prison officials opened his legal mail outside of his presence, in violation of prison policy, such an action does not constitute a violation of his constitutional rights. See Brewer v. Wilkinson, 3 F.3d 816, 825 (5th Cir 1993). The district court properly concluded that Danmola's claims were frivolous and that he had failed to state a claim upon which relief could be granted. See Iqbal, 556 U.S. at 678, 129 S Ct. at 1949; Morris, 702 F.3d at 189. Accordingly, the judgment of the district court is AFFIRMED.

Parties Judgment to be Reviewed

Judge JOHN MCBRYDE U.S.D.C., Judge TERRY R. MEANS U.S.D.C., Judge JEFFREY L. CURETON, U.S.D.C. Appellate Court Judges HIGGINBOTHAM, JONES, and SMITH, and MELISSA MATTINGLY Deputy clerk and LYLE W. CAYCE clerk of Appellate Court Fifth Circuit.

Statement of Jurisdiction

On September 7, 2018 the judgment of the district Court was affirmed by Fifth Circuit judges HIGGINBOTHAM, JONES, and SMITH for case No. 17-10647. Such petition being brought before the Court before 90 days have been exceeded holds proper jurisdiction in the Supreme Court to be heard. Such complaint was believed to be "frivolous" in the District Court and dismissed pursuant to 28 U.S.C. 1915A(b) in case No. 4:17-cv-416 by Judge JOHN MCBRYDE. The constitutional provision to confer this Court jurisdiction to review is Art. 3 sec. 2 of the U.S. Constitution.

Facts of the Case

Upon the first detention hearing 9/16/2016 Danmola was presented a indictment for case No. 4:16-cr-222-Y. Danmola was asked like the rest of the defendants to state his name. Danmola stated, "I am the living, breathing, flesh and blood man with a soul Yusufu Danmola, not to be confused with the fiction."

The judge after asking questions about Danmolas pro se representations on previous accounts in State Courts orderd Danmola's detention. Danmola did not enter a plea for reasons of such being inappropriate at the time.

Upon Second Detention hearing 9/21/2016 it was presented why Danmola should be further detained by U.S. attorney Gatto. Danmola upon his turn had very few questions to ask witness presented by Gatto. His main concern was offering acceptance of the charges for value which Danmola did by presenting the charging instrument to the judge who Danmola instructed to be given to the clerk. The judge reading that which was written diagonal on the indictment, "Accepted for value" with the social security number and Secured Party name and account number for the U.C.C. which had a money order on the bottom. Acted as if such had no relevance.

Danmola giving further notice to the Court that he has reserved his rights under U.C.C. sec. 1.308 and the same was posted in the TARRANT COUNTY COMMERCIAL RECORDER news paper with no excuse to all parties in TARRANT COUNTY and that he would not accept any attempts at expatriation of any kind. Further giving applicability of the U.C.C. in the Court in the following terminology, "the code must be construed in harmony with the common law unless there is a clear legislative intent to abrogate the common law." As well as no knowledge of a law in the constitution that prohibits a felon from possessing a firearm. Danmola also informed the Court of his filing of a U.C.C. 1 financing statement to confirm his secured party status. Still Danmola was placed in detention.

Upon trial 1/10/2017 Danmola was forced into the trial even upon stating, "I do not understand," when asked do you plead guilty, not guilty, or no contest. While upon much unconstitutional practices Danmola was found guilty.

Upon Sentencing hearing 6/13/2017 more unconstitutional practices occurred upon Danmola and he was sentenced to 115 months in the B.O.P., which Danmola appealed to the Fifth Circuit. Danmola filed the civil case as well for 4:17-cv-416 which was dismissed by judge JOHN MCBRYDE pursuant to 28 U.S.C. 1915 A(b) 5/23/2017. An appeal was filed to the Fifth Circuit and placed on the docket as well.

After a brief was submitted for criminal case 4:16-cr-222-Y which was appeal No. 17-10583. Such was dismissed by Danmola with the remedy sought to release Danmola from the B.O.P. which the Court said it granted in pursuance to Danmola's motion 4/16/2018 by LYLE W. CAYCE and MELISSA V. MATTINGLY clerk and deputy clerk of the Fifth Circuit. Yet Danmola was not released from the B.O.P.. Danmola requesting the brief to be heard due to not acknowledging the "prayer" to release Danmola was denied 5/8/2018 and told the case is closed. The civil case 17-10647 concluding to findings in the criminal appeal due to no direct appeal and overturning of such case affirmed the findings of the U.S.D.C. 9/7/2018.

Question 1.

Is the Court Allowed to Enforce a Case
Not in Pursuance with the Constitution

Constitutional Provision Relied
Upon:

Article 6. U.S. Constitution

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, under the Authority of the United States, shall be the supreme Law of the Land; and the judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the contrary notwithstanding."

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and the sever

eral States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

The "sovereignty" of the people going as far back as 1783 to the "Treaty of Peace" signed by John Adams and Thomas Jefferson. Stands as the most significant time in American history and where the power of the "people" came from. The people being made kings without subjects with the power to form and enter into compacts led to the erection of the U.S. Constitution which is the most important "contract" between the American people. This is what makes the "Preamble" so very important to show the people created it and hold the power and not the government. The Republican form of government being paramount to the Constitution being kept as well as that which our flag stands for is the reason for Article 4. Sec. 4. of the U.S. Constitution.

Art. 4 Sec. 4 U.S. Constitution

"The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Republican Government- One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated.--- In re Duncan, 139 U.S. 449, 11 S. Ct. 573, 35 L.Ed. 219, Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627 Blacks Law Dictionary, Fifth Edition, p. 626

It is by this very reason the "sovereign" elect persons delegated into office to carry out specific duties which the people created for such specific office. Thereby a oath is required to be taken by those who take an office in order to keep from transgression of the Constitution.

Oath of Office

An individual, except the president, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me GOD. This section does not affect other oaths required by law.

Such brings us to the domain the "sovereign" is to conduct business concerning law and facts in regards to issues in the States of the union called "Court". Where those from judges to all forms of officers of the Court ranging from Attornies, Clerks, Baliffs who have all taken the respective oath of office carry out their respective delegated duties.

Court- The person and suit of the sovereign, the place where the sovereign sojourns with his regal retinue, wherever that may be. Blacks Law Dictionary 5th Edition page 318

Yet there is one last position which is the greatest position of all due to the king prior to the Revolution being judge, jury, and executioner who was able to do anything to the people. Such is the "jury" which is a panel of 12 of the sovereign people who judge suits of law and equity to insure the Constitution is followed and corruption does not find its way into the Court. They are held to a oath as well.

Jurist Oath

I vow to the Governor of the Universe, in my capacity as jurist, to insure that all public servants uphold the U.S. Constitution and Bill of Prohibitions (Rights); and to carry out all of my deliberating under Natural Law; principled under Justice, Honor, and Mercy; And to strictly adhere to the following two legal maxims:(1) Every right when withheld must have a remedy, and every injury it's proper redress, and (2) In the absence of a victim there can be no crime "corpus delecti", the State cannot be the victim. It is the duty of all the people to share in the governing of them-selves and to secure their government by participating as jurist.

It is important to know these positions and oaths with specificity to know the corruption that is taking place. Danmola was charged with Unlawful Possession of a Firearm by a Felon which is in fact a "unconstitutional" charge. The fact of the matter is the UNITED STATES is not delegated the power to make such a charge. Neither can they enforce a charge of such.

10th Amendment U.S. Const.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

"The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is, that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this right, originally belonging to our forefathers, trampled under foot by Charles I. and his two wicked son and successors, re-established by the revolution of 1688, conveyed to this land of liberty by the colonists, and finally incorporated conspicuously in our own Magna Carta!" District of Columbia v. Heller (2008).

Such is void with the right given to the "people". The people are not divisible giving some rights others do not possess. More importantly a prohibition Amendment would first have to be passed by Congress construed with Art. 5 of the U.S. Constitution by 2 3rds of both houses or 2 3rds of the States legislatures in a convention. The Constitution discloses no such law thereby the 10th Amendment "respectively" gives the right to the States and the people. Texas Constitution Art. 1 Sec. 23 concurring with the 2nd Amendment that, "Every" citizen shall have the right to keep and bear arms in the lawful defense of himself or the State." Section 29 holding all laws contrary to the "Bill of Rights" of Texas are "void". A statute by Congress

doesn't even have jurisdiction in the States of the Union but in District of Columbia and territories outside the States of the Union.

United States v. Cruikshank, 92 U.S. 542 (1875)- The court ruled the application of the First and Second Amendments "was not intended to limit the powers of the State governments in respect to their own citizens" and "has no other effect than to restrict the powers of the national government," respectively.

"The second amendment declares taht it shall not be infringed, but this, as has been seen, means no more than it shall not be infringed by congress. This is one of the amendments that has no other effect than to restrict the powers of the national government, leaving the people to look for their protection against any violation by their fellow-citizens of the rights it recognizes to what is called in City of New York v. Miln, 11 Pet. [116 U.S. 252, 102] 139, the 'powers which relate to merely municipal legislation, or what was perhaps more properly called internal police,' not surrendered or restrained' by the constitution of the United States." Presser v. Illinois, 116 U.S. 252 (1886).

"The laws of Congress in respect to those matters (outside of Constitutionally delegated powers) do not extend into the territorial limits of the States (of the Union), but have force only in the District of Columbia and other places that are within the exclusive jurisdiction of the national government." Caha v. U.S., 152 U.S. 211 (1894).

"There is a canon of legislative construction which teaches Congress, that, unless a contrary intent appears, (legislation) is meant to apply only within the territorial jurisdiction of the United States." U.S. v. Spelar, 338 U.S. 217 at 222 (1949).

"The term "territories" generally refers to the political subdivisions created by Congress and not within the jurisdictional boundaries of any of the several States of the Union." 86 C.J.S. (Corpus Juris Secundum)

Yet in this particular instance the criminal case had no "victim" which violates the second maxim of the jurist oath "corpus delecti". Someones 4th Amendment rights would have to be violated by Danmola which is not the case. So in this instance the government claims "society" is the victim. Danmola is a "electrician" by trade who has not trespassed on anyones person, house, papers or effects.

victim- A person harmed by a crime, tort, or other wrong. Blacks
Law Tenth Edition

It doesn't take a rocket scientist to see that the "UNI-
TED STATES" claims to be the victim which it cannot because it
is "all" the "states" combined. The same second maxim is still
violated. Which the judge and prosecutor who took a oath not
to "deviate" from the Constitution did by telling the jury they
cannot come to their own conclusion of what the law is which
takes away the most important right of the jury. This is the
most pivotal "fraud" used to win the 98% conviction rate the
Fed. has at this time. A statute rules and the Constitution is
second class.

"Since the constitution is intended for the observance of
the judiciary as well as other departments of government and the
judges are sworn to support its provisions, the courts are not
at liberty to overlook or disregard its commands or counteract
evasions thereof, it is their duty in authorized proceedings to
give full effect to the existing constitution and to obey all
constitutional provisions irrespective of their opinion as to
the wisdom or the desirability of such provisions and irrespec-
tive of the consequence, thus, it is said that the courts should
be in our alert to enforce the provisions of the United States
Constitution and guard against their infringement by legislative
fiat or otherwise in accordance with these basic principles, the
rule is fixed that the duty in the proper case to declare a law
unconstitutional cannot be declined and must be performed in
accordance with the delivered judgment of the tribunal before
which the validity of the enactment it is directly drawn into
rule, it is the duty of the courts to declare that the consti-
tution and not the Statute governs in cases before them for
judgment." 16 Am Jur 2d., Sec 155., emphasis added

"It may be that it is the obnoxious thing in its mildest
form; but illegitimate and unconstitutional practices get their
first footing in that way; namely, by silent approaches and
slight deviations from legal modes of procedure. This can only
be obviated by adhering to the rule that constitutional provi-
sions for the security of persons and property should be lite-
rally construed. A close and literal construction deprives them
of half their efficacy, and leads to gradual depreciation of
the right, as if it consisted more in sound than in substance.
It is the duty of the Courts to be watchful for the Constitu-
tional Rights of the Citizens, and against any stealthy encr-
oachments thereon. Their motto should be obsta Principiss."
Boyd v. United, 116 U.S. 616 at 635 (1885)

"Trust in the jury is, after all, one of the conerstones of our entire jurisprudence, and if that trust is without foundation we must re-examine a great deal more than the nullification doctrine." Judge David L. Bazelon

With all this judge JOHN MCBRYDE sais this is a "frivolous" suit sought for redress in his ruling to dismiss the cival action. Yet by another "statute". Constitutionally he has no jurisdiction to determine such and his judgment on its face is void . This is a civil action against the United States.

11th Amendment U.S. Const.

"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 Citizens of another State, or by citizens or Subjects of any Foreign State."

The Fifth Circuit Affirmed his judgment which they say cannot be rewarded to Danmola because Danmola did not overturn the conviction. However the clerk LYLE W. CAYCE backed by the deputy clerk MELISSA MATTINGLY 4/16/2018 dismissed Danmolas case by a motion filed by Danmola to "Dismiss Appeal" due to the State dropping the case and thought the Fed would follow suit for. Yet Danmola asked for the "remedy" to be released from the B.O.P. which order was granted in "pursuance" with Danmolas motion. Upon Danmola not being released he filed a "motion for reconsideration" to have his brief heard but was denied by the clerk and told the case was closed 5/8/2018 violating Danmolas due process. Danmola was in the TARRANT COUNTY JAIL fighting the criminal case which was being appeald yet originally a State case. The fact remains the judgment is void for such constitutional violation. The 5th Circuit judges taking advantage of this along with other modes to "deviate" from the constitution by way of local practice.

"Courts are constituted by authority and they cannot go

beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." William v. Berry, HOW. 945, 940 12 L.Ed. 1170, 1189 (1850)

"A judgment is void if the court acted in a manner inconsistent with due process. A void judgment is a nullity and may be vacated at anytime." In re Marriage of Hampshire, 261 Kan. 854, 862, 939 P.2d 58 (1997).

"Subject-matter jurisdiction, because it involves a Courts power to hear a case, can never be forfeited or waived. Consequently, defects in subjectmatter jurisdiction require correction regardless of whether the error was raised in district Court." United States v. Cotton, 535 U.S. 625, 630 (2002); Accord Jordan v. Gilligan, 500 F.2d 701 (6th CA,1974) ("A Court must vacate any judgment entered in excess of its jurisdiction."): Burrell v. Henderson, et al., 434 F.3d 826, 831 (6th CA 2006) (Denying a motion to vacate a void judgment is a per se abuse of discretion."); State v. Swiger, 125 Ohio. App. 3d 456. (1995) ("If the trial court was without subjectmatter jurisdiction of the defendants case, his conviction and sentence would be void ab initio.")

Judge JOHN MCBRYDE denied a "motion to void order and judgment." He even held it was "incomprehensible." Due his claim of a "frivolous" case the law had to be provided as well as extraordinary law to prove such was false. Yet deviation was again done by the Court. Although the Case was in the 5th Circuit he made claims the case was closed and saw no reason why relief should be granted. The Fifth Circuit has been sent a "motion to void order and judgment" I have yet to hear from them. The U.S.D.C. for the criminal case was sent a "motion to void order and judgment" but was told by judge TERRY R. MEANS that he could not rule on it and filed a 2255 on his own volition and instructed Danmola to dismiss if he did not want to file the 2255 Danmola never filed himself. Danmola filed the 2255 in fear of loosing his 2255 chance if he chose to dismiss which seems the judge might be trying to do.

Question 2.
Are The People Prohibited Liberty Of Usage of The Uniform
Commercial Code in The Criminal Court

Statutory Provision Relied Upon

U.C.C. Sec. 1.103. Construction of Title to Promote Its Purposes and Policies; Applicability of Supplemental Principles of Law:

(a) This title must be liberally construed and applied to promote its underlying purposes and policies, which are:

(1) to simplify, clarify and modernize the law governing commercial transactions;

(2) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties; and

(3) to make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

Argument

Danmola who has filed a U.C.C. 1 Financing statement account 341846739 in Washington which is to be recognized in all other States construed with Art.4 Sec. 2 of the U.S. Constitution is an "agreement" between the Creditor Abdullah Yusufu Danmola also known as Yusufu Danmola and the Debtor ABDULLAH YUSUFU DANMOLA also known as YUSUFU DANMOLA. The "juristic person" in this instance serves the purpose as that of a human being in the "statutory" process.

Juristic Person (in Hold Harmless and Indemnity Agreement filed in U.C.C. 1 collateral statement)- In this Hold-Harmless and Indemnity Agreement the term "juristic person" means an abstract, legal entity ens legis, such as a corporation, created by construct of law and considered as possessing certain legal rights and duties of a human being; an imaginary entity, such as Debtor ABDULLAH YUSUFU DANMOLA also which, on the basis of legal reasoning, is legally treated as a human being for the purpose of conducting commercial activity for the benefit of a biological, living being, such as Creditor.

"Observation: A person has a property right in the use of his or her name which a person may transfer or assign." Gracey v. Maddin, 769 S.W. 2nd 497 (Tenn. Ct. App. 1989).

"From the earliest times the law has enforced rights and exacted liabilities by utilizing a corporate concept-by recognizing that is, juristic persons other than human beings. The theories by which this mode of legal operation has developed, has been justified qualified, and defined are the subject matter of a very sizable library, The historic roots of a particular society, economic pressures, philosophic notions, all have had their share in the law's response to the ways of men in carrying on their affairs through what is now the familiar device of the corporation----Attribution of legal rights and duties to a juristic person other than man is necessarily a metaphorical process. And none the worse for it. No doubt, 'Metaphors in law are to be narrowly watched.'" Cardozo, J., in Berkey v. Third Avenue R. Co., 244 N.Y. 84, 94.

Such juristic person serving such purpose due to the contract put in place by the UNITED STATES who has in "fact" used the juristic person for commercial purposes by way of contract in the Court. C.F.R. 27.72.11 holding, "All crimes are made commercial by way of contract" has construed the U.C.C. into the Criminal Court sufficing for U.C.C. Sec. 1.103(a)(1)(2)(3) and (b). Yet Danmola being creditor and entered into a "agreement" with Debtor has a "security interest" defined in U.C.C. Sec. 1.201. "General Definitions" section in regards to "agreement" and "security interest". Danmola being deprived of U.C.C. Law by the B.O.P. Law Library was not heard in the Court even though he gave many references to his distinction between the juristic person and himself. His first Detention hearing he told the Court, "I am the living, breathing, flesh and blood man with a soul named Yusufu Danmola not to be confused with the fiction." Such is "notice" and "knowledge" of such information. The Second Detention hearing Danmola told the Court upon his chance

to speak that his rights are reserved under U.C.C. Sec. 1.308 and that he would not accept any attempts of expatriation. "Notice" and "knowledge" again given and even submitted by way of affidavit (see enclosed Reservation of Rights Affidavit) that was not accepted by Court when mailed without rebuttal which is a common law plain error and violation of Fed. Rules of Crim. Pro. 47 (d).

U.C.C. Sec. 1.202. Notice; Knowledge

(a) Subject to Subsection (f), a person has "notice" of a fact if the person:

- (1) has actual knowledge of it;
- (2) has received a notice or notification of it; or
- (3) from all the facts and circumstances known to the person at the time in question, has reason to know that it exist.

(b) "knowledge" means actual knowledge. "Knows" has a corresponding meaning."

(c) "Discover," "learn," or words of similar import refer to knowledge rather than to reason to know.

(d) A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to Subsection (f), a person "receives" a notice or notification when:

- (1) it comes to that person's attention; or
- (2) it is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individuals attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

Such "notice" and "knowledge" was relevant due to the fact that "expatriation" in fact occurs in the District Court by way

of the 14th Amendment (see 15 United States Statute at Large, July 27th, 1868). This is why Danmola placed emphasis on stating he is not a 14th Amendment citizen in order to remain "sovereign". You will notice in every document and motion Danmola has "without prejudice" on such. Such reason is because the Court and government have conspired to extract the "sovereignty" of Danmola and others by terminology of being a United States Citizen. Danmola is a "State Citizen of the Republic". The Treaty of Peace of 1783 and the sovereignty attained by such being violated by the Court and government. U.S.C. 18. 241, U.S.C. 18 242, U.S.C. 18 2071 and U.S.C. 18 2382 engaged in by the Court and government. Even though Congress is not able to have its laws undelegated to operate in the States of the Union the government and Court have operated the statutes, but they are enforcing such in violation of the 9th Amendment which denies and disparages the rights of the people to use the U.C.C. which cannot be denied due to the enumeration of the Amendments which they are using the 14th Amendment in order to do.

"All laws, rules, and practices are repugnant to the Constitution are null and void." Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176, (1803).

"The common law is the real law, the supreme Law of the land, the code rules, regulations, policy and statutes are "not the law". Self v. Rhay, 61 Wn (2d) 261

"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process... " Rodrigues v. Ray Donovan (U.S. Department of Labor) 769 F.2d 1344, 1348 (1985)

The self same 2nd Detention hearing Danmola gave "notice" and "knowledge" of the U.C.C. 1 financing statement on record which has a Common Law Copyright of all the names of ABDULLAH YUSUFU DANMOLA including YUSUFU DANMOLA. The likes of which are enforceable by "action" which Danmola has done in accordance with "notice" and "knowledge" construed to have all liberally made to apply by U.C.C. Sec. 1.305(b).

U.C.C. Sec. 1.305. Remedies to be Liberally Administered

(b) "Any right or obligation declared by this title is enforceable by action unless the provision declaring it specifies a different and limited effect.

All thereby stated to the Court in 2nd Detention hearing to be made to be "Liberally Administered" as well as made to be enforced in "Good Faith". Danmola gave a copy of the "instrument" known as "indictment" to the judge to give to the clerk by specific instruction of Danmola which the judge read aloud having "ACCEPTED FOR VALUE" with the account number and creditor and Debtor name with the Social Security number for the Debtor. Such also had a "Money Order" on the bottom which was to be used to discharge the instrument which is made commercial by way of contract in accordance with C.F.R. 27.72.11. Danmola presenting the "action" necessary to give "notice" and "knowledge" of the instrument to be "Liberally Administered" was Danmola's right as Creditor. The business was to be concluded at that point due to Hold Harmless and Indemnity Agreement which holds in financing statement:

"This Hold-harmless and Indemnity Agreement is mutually agreed upon and entered into between the juristic person: ABDULLAH YUSUFU DANMOLA," and any and all derivatives and

variations in spelling of said name hereinafter jointly and severally "Debtor," except, "Abdullah Yusufu Danmola," the living, breathing, flesh-and-blood man, known by the distinctive appellation Abdullah Yusufu Danmola, hereinafter- "Creditor."

"For valuable consideration Debtor hereby expressly agrees and covenants, without benefit of discussion, and without division, that Debtor holds harmless and undertakes the indemnification of Creditor from and against any and all claims, legal actions, orders, warrants, judgments, demands, liabilities, losses, depositions, summonses, law suits, costs, fines, liens, levies, penalties, damages, interests, and expenses whatsoever both absolute and contingent, as are due and as might become due, now existing and as might hereafter arise, and as might be suffered/incurred by, as well as imposed on, Debtor for any reason, purpose, and cause whatsoever. Debtor does hereby and herewith expressly covenant and agree that Creditor shall not under any circumstance, nor in any manner whatsoever, be considered an accommodation party, nor a surety, for Debtor."

Yet even the tender of payment construed with HJR-192 was in the instance refused then tender of payment still is "discharged" in accordance with U.C.C. Sec. 3.603 which was to be discharged in "Good Faith" due to Danmola giving "notice" and "knowledge" by "action" which required such be "Liberally Administered":

U.C.C. Sec. 1.304. Obligation of Good Faith

"Every contract or duty within this title imposes an obligation of good faith in its performance and enforcement."

U.C.C. Sec. 3.603. Tender of Payment

(a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.

(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is still discharge, to the extent of the amount of the tender, of the obligation of an indorser of accommodation party having a right of recourse with respect to the obligation to which the tender relates.

(c) If tender of payment of an amount due on a instrument is made to a person entitled to enforce the instrument, the obligation of the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

Yet the government has breached the contract of the Secur-

ed Party and by "fraud" has acted as the Creditor of the "Juristic Person" YUSUFU DANMOLA which they are not in fact. There were "distinct" lines drawn that were never to be crossed which infringed Danmola's security of person, papers and effects which violates the 4th Amendment. The impairment of contract violating Art. 1 Sec. 10 of the U.S. Constitution which also resulted in violation of Due Process further turned into a 6th Amendment violation upon the Court forcing Danmola into a Commercial Agreement due to silent contract in place by asking Danmola, do you plead guilty, not guilty, or no contest. Danmola replied, "I do not understand" and proceeded to ask a question when Danmola was cut off and forced into the proceeding without "consent". Such was done due to the Court not willing to prove that it in fact had no jurisdiction which the Court was to provide by the 6th Amendment due to Danmola being confused of the law being thrust on him not of the Constitution.

U.C.C. Sec. 1.306. Waiver of Renunciation of Claim or Right After Breach.

"A claim or right arising out of an alleged breach may be discharged in whole or part without consideration by agreement of the aggrieved party in an authenticated record."

"There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent." Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.. 70.

"The term "liberty" ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his own conscience... The established doctrine is that this liberty may not be interfered with, under guise of protecting public interest, by legislative action." Meyer v. Nebraska, 262 U.S. 390, 399, 400.

"The right to be let alone the most comprehensive of rights and the right most valued by civilized men. To protect that

right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." *Olmstead v. U.S.*, 277 U.S. 438, 478 (1928).

The 5th Circuit in the Affirming of judge JOHN MCBRYDE's claim of a "frivolous" claim fails to see that a Power of Attorney is within the U.C.C. 1 Collateral statement. Such makes Danmola the acting "Attorney" in this extent. Danmola cannot be undermined even in a pro se extent and must be given a fair opportunity to retrieve all law necessary to defend himself which is a "sovereign" right in origin. The claim the 5th Circuit has made by local practice that Danmola has no constitutional right to attain U.C.C. Law or Texas Constitution due to not having a government assisted attorney is "void". The "court" is the domain of the "sovereign" where he must have a fair trial in proper "jurisdiction". If due process is denied in any way the whole proceeding is void. To be an attorney is a common Law occupation which cannot be deprived to any man. The treating of Danmola's legal papers also must have the same protection as any other attorneys who had "legal mail" on them. Thereby his 4th Amendment rights further intruded upon.

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights." *Sherar v. Cullen* 481 F.2d 946 (1973).

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment." *Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957)

"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice." *Davis v. Wechler*, 263 U.S. 22, 24; *Stromberg v. California*, 238 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449.

Reason Why Certiorari Should be Granted

The reason why this certiorari should be granted is that as the preamble stated "We the People" created this Constitution for the blessings of "Liberty". Such was trampled over by those who "invaded" our republican form of government by "deviating" from the Constitution. Danmola should not have to claim to be a "sovereign". This is the natural state of the people, again by "fraud" removed from the people. Law and fact have been presented that proves remedy and proper redress must be given in this instance.

Conclusion

The Treaty of Peace and Amendments of the U.S. Constitution declare that the Court lacked Subjectmatter jurisdiction in a various amount of ways. But also it is proven that oaths were violated and parties engaged in conspiracy against the rights of Danmola. Such "fraud" illegally imprisoned Danmola the Common Law was desecrated and even Affidavits Reservation of Rights and Affidavit of Prohibition (see enclosed) confirming much herein was also not responded too. This is basic common law. It is hoped that this Justice Court is that of one that keeps its oath and delegated duty in high regard.

Prayer

Danmola prays that this Certiorari is granted and Danmola restored his person and property in release from the B.O.P. as well as the fine amount paid in the Reservation of Rights Affidavit by the UNITED STATES in the amount of minutes or per instance such rights were violated which is approximately about \$10,000,000.00. Such for proper remedy and redress of Danmola, FIAT JUSTITIA RUAT COELUM.

Date: 11/27/2018

Without Prejudice U.C.C. Sec. 1.308
Without Recourse U.C.C. Sec. 1.103

Sui Juris:

Y. D.
Yusufu Danmola

Affidavit

I Yusufu Danmola, being over 18 years of age do swear that all facts and statements are true and correct under the penalty of perjury.

Date: 11/27/2018

Y. D.
Yusufu Danmola