

No. .

IN THE
SUPREME COURT OF THE UNITED STATES

James-Benjamin; Barstad — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON, et.al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

WASHINGTON STATE SUPREME COURT
SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR SPOKANE COUNTY
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James-Benjamin; Barstad®
C/O BARSTAD®, JAMES [759730]

(Your Name)

~~WEST COMPLEX, D-E-133~~
~~WASHINGTON STATE PENITENTIARY~~

MSC-IB-23-1L
COYOTE RIDGE CORRECTIONS CENTER
P.O. Box 781,

(Address)

~~1313 N. 13th. AVENUE~~
~~WALLA WALLA, WA [99362]~~

N. 1301 EPARATA AVENUE
CONNELL, WA [99236]

(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

1. Has the Great Writ of Habeas Corpus been suspended in America? If so, what entity has declared war against and invaded America?
2. Could STATE OF WASHINGTON CORPORATION and/or UNITED STATES CORPORATION obtain Personal and/or Subject Matter Jurisdiction, and Venue over James-Benjamin; Barstad, a Private Natural Man without a Contract granting them said Jurisdiction and/or Venue?
3. If STATE OF WASHINGTON CORPORATION and/or UNITED STATES CORPORATION acts without Jurisdiction, is such action Void Ab Initio?
4. If, once challenged, Jurisdiction, venue, and the cause and nature of the charge(s) are not proven, does this then constitute a compulsory counterclaim, pursuant to FRCP 13(a), requiring remedy in law, due to and owing to the Petitioner, Secured Party/Creditor, who has become Holder-In-Due-Course?

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:

Jointly and severally, in both private and public capacities:

1. Steven J. Tucker, dba: SPOKANE COUNTY PROSECUTOR
2. Larry D. Steimetz, dba: ASSISTANT SPOKANE COUNTY PROSECUTOR
3. Thomas E. Merryman, dba: SPOKANE COUNTY SUPERIOR COURT JUDGE
4. All members of WASHINGTON STATE COURT OF APPEALS and WASHINGTON STATE SUPREME COURT
5. Katherine J. Faber, dba: ASSISTANT WASHINGTON STATE ATTORNEY GENERAL
6. John C. Dittman, dba: ASSISTANT WASHINGTON STATE ATTORNEY GENERAL
7. Stephen Sinclair, dba: SECRETARY OF WASHINGTON STATE DEPARTMENT OF CORRECTIONS
8. Robert Herzog, dba: SECRETARY OF WASHINGTON STATE DEPARTMENT OF CORRECTIONS
9. Dee Sharp, dba: PROGRAM MANAGER, WASHINGTON STATE DEPARTMENT OF LICENSING, UNIFORM COMMERCIAL CODE DEPARTMENT

TABLE OF CONTENTS

OPINIONS BELOW..... 1
JURISDICTION.....2.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3
STATEMENT OF THE CASE 4
REASONS FOR GRANTING THE WRIT 7
CONCLUSION.....13

INDEX TO APPENDICES

- APPENDIX A
- APPENDIX B
- APPENDIX C
- APPENDIX D
- APPENDIX E
- APPENDIX F

*SEE
NEXT
PAGE*

INDEX TO APPENDICES

APPENDIX A: Filing of Personal Restraint Petition (10/04/16), Supreme Court No. 93674-9

APPENDIX B: Transfer PRP to Appellate Court (11/30/16), No. 34778-8

APPENDIX C: Rejection of Petitioner's Status (1/29/17), Appellate Court No. 34778-8

APPENDIX D: Order Dismissing PRP (7/23/17), Appellate Court No. 34778-8

APPENDIX E: Motion for Discretionary Review (7/24/17) Supreme Court No. 94780-5

APPENDIX F: State not Responding (8/16/17), Supreme Court No. 94780-5

APPENDIX G: Petitioner's Crossclaim (10/02/17) Supreme Court No. 94780-5

H: Review Denied (1/24/18), Supreme Court No. 94780-5

APPENDIX I: Habeas Corpus filed, Superior Court transfers to Appellate Court (12/22/17)

APPENDIX J: Review of Habeas Corpus denied, Supreme Court

APPENDIX K: Review of Habeas Corpus denied, U.S. District Court (1/12/18)

APPENDIX L: PRP (Habeas) Dismissed (5/15/18), Appellate Court, No. 35947-6

APPENDIX M: Motion for Discretionary Review (6/14/18), Supreme Court No. 95957-6

APPENDIX N: Review Denied (7/26/18), Supreme Court No. 95957-6

APPENDIX O: U.S. SUPREME COURT, requiring Certiorari/Amended Habeas Corpus (1/26/18)

INDEX TO EXHIBITS

EXHIBIT 1: Documents of Title, Filed in STATE OF WASHINGTON and COLORADO

EXHIBIT 2: "Conditional Acceptance For Value (CAFV) Upon Proof of Claim(s)," to KATHERINE J. FABER

EXHIBIT 3: "Petition for a Writ of Habeas Corpus," "Writ of Habeas Corpus," "Praecipe to the Clerk," filed in Spokane county Superior court

EXHIBIT 4: "Ex Parte Motion to Vacate Void Judgment," Memorandum in Support... "Notice of Crossclaim and Affidavit of Default," Writ of Quo Warranto," "Motion to Exclude STATE...", "Acceptance for Value," "Non-Negotiable Actual and Constructive Notice"

EXHIBIT 5: Papers returned by U.S. SUPREME COURT, and AMENDED AFFIDAVIT IN SUPPORT FOR WRIT OF HABEAS CORPUS, to comply with Clerk's Instructions (See APPENDIX O).

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix N to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the SPOKANE COUNTY SUPERIOR COURT court appears at Appendix I to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

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 file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was ~~10/24/2017~~ ^{and 07/26/2018} _____.
A copy of that decision appears at Appendix N and (C)

A timely petition for rehearing was thereafter denied on the following date: ^{7/26/18} ~~10/24/2017~~ _____ and a copy of the order denying rehearing appears at Appendix N.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

APPENDIX 3 INCLUDES ALL COURT DECISIONS,
IN CHRONOLOGICAL ORDER, EXCEPT APP. 2 and APP. 1,
LAST AND FIRST DECISIONS, RESPECTIVELY, REGARDING
"WRIT OF HABEAS CORPUS"
R

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Legislative Act of February 21, 1871, Forty-First Congress. Session III, Chapter 62, pg. 419.

Title 50 U.S.C. Appx., Chapter 106, 40 Stat. 411 (October 06, 1917).

12 Stat. 319.

Title 50 U.S.C. §§ 21, 213, 215, App. 16.; 50 U.S.C.A. § 1622

26 C.F.R. Ch. 1, § 303.1 - 6(a).

31 C.F.R. Ch. 5, § 500.701.

27 C.F.R., §§ 72.11; 250.11.

U.S. Statutes. Vol. 15, Ch. 249, pg. 223, 40th Congress (July 7, 1868)

Trading With the Enemy Act (H.R. 4960, Pub.Law 91, Oct. 06, 1917).

Emergency Banking Relief Act (48 Stat. 1, Ch. 1, Title 1, § 1(b), March 09, 1933).

Federal Truth in Lending Act (Title 15 U.S.C. § 1601, et.seq.).

House Joint Resolution (HJR-192) of June 05, 1933.(Chap. 48, 48 Stat. 112 (Pub.L. •

Reorganization Plan No. 26, of 1949.

U.S. Constitution, Article I § 10, Article XI § 1; 5th, 6th, 14th Amendments.

State of Washington Constitution, Article I § 13.

TABLE OF AUTHORITIES CITED

CASES

<u>Barlow v. Ground</u> , 943 F.2d 1132 , 1137 (9th Cir. 1991)	12
<u>Beck v. City of Upland</u> , 527 F.3d 853, 862 (9th Cir. 2008)	11
<u>Blankenthorn v. City of Orange</u> , 485 F.3d 1468 , 1482 (9th Cir. 2008)	11-12
<u>Borunda v. Richmond</u> , 885 F.2d 1382 , 1390 (9th Cir. 1988)	12
<u>Erie Railroad v. Thompkins</u> . 304 U.S. 64-92	7
<u>Hagen v. Lavine</u> , 415 U.S. 528, 39 L.Ed.2d 528, 94 S.Ct. 1327 (1974)	10
<u>Sloman v. Tadlock</u> , 21 F.3d 1462 , 1474 (9th Cir. 1996)	11
<u>U.S. v. Chiarito</u> , 69 F.Supp. 317 (D.Or. 1946)	10
<u>Waring v. Mayor of Savannah</u> , 60 Ga., page 93	9
_____, 2011 U.S. Dist.LEXIS 78125 [114] at *4	12

STATUTES AND RULES

50 U.S.C.A. Appendix and § 1622	7
CFR § 72.11	8
RCW 10.01.050	10-11
RAP 15.3(b)	5
FRCP Rule 9(b)	10
FRCP Rule 13(a)	13

~~***~~ PLEASE TAKE JUDICIAL NOTICE: The underlying documents, i.e., "Petition for a Writ of Habeas Corpus," "Writ of Habeas Corpus," "Quo Warranto," "Conditional Acceptance For ~~Waiver~~ (CAFV) Upon Proof of Claim(s)" also contain multiple "Authorities Cited" that are relevant to this Petition.

STATEMENT OF THE CASE

Petitioner was arrested on May 25, 1996, in Spokane, Washington. Petitioner (James-Benjamin; Barstad®) was presumed to be the Surety/Guarantor for the DEBTOR (JAMES BENJAMIN BARSTAD®). Petitioner was sentenced to serve Fifty (50) years, pursuant to WASHINGTON V. JAMES BENJAMIN BARSTAD, SPOKANE COUNTY SUPERIOR COURT No. 96-1-01310-3). These presumptions have been properly and lawfully rebutted by the Secured Party (hereinafter Petitioner) (See EXHIBIT 1). Petitioner has asserted his position as a Sovereign, Non-Resident Alien, domiciled without UNITED STATES and/or STATE OF WASHINGTON. Both UNITED STATES and STATE OF WASHINGTON have accepted Petitioner's standing through default and non-rebuttal.

All persons/Individuals named in the "List of Parties" have been served a Conditional Acceptance For Value (CAFV) upon Proof of Claim. All persons/Individuals have refused and/or failed to answer the CAFV, thereby stipulating and agreeing to the conditions, i.e, that Petitioner is a non-"person," and that their corporate statutes have no Jurisdiction over the Private Property of the Secured Party/Petitioner (See EXHIBIT 2). Since they had no Jurisdiction, and have failed to prove Jurisdiction, their de facto action(s) are VOID ab initio for FRAUD.

Petitioner has litigated numerous appeals in STATE OF WASHINGTON courts. Once exhausted, Petitioner filed a Personal Restraint Petition (PRP) to challenge a prison disciplinary issue (state SUPREME COURT No. 93674-9; COA No. 347178-8-III). Within this PRP, Petitioner brought a challenge to the Jurisdiction of the Organic trial court. WASHINGTON COURT OF APPEALS refused to acknowledge Petitioner's status as outside UNITED STATES / STATE OF

WASHINGTON. The PRP was dismissed on July 03, 2017. Petitioner appealed to WASHINGTON SUPREME COURT (No. 94780-5). Review was denied, but the SUPREME COURT held that Petitioner needed to present his challenge to jurisdiction of the Organic trial court "by way of separate and independent [PRP]." (All court findings are enclosed. See APPENDICES). Petitioner was informed by WASHINGTON COURT OF APPEALS that he "does not present an arguable basis for collateral relief either in fact or law, given the constraints of the [PRP] vehicle." (Order Dismissing PRP, page 9, July 3, 2017). At that time, Petitioner could not glean exactly "which" issue(s) they were referring to in their holding. As such, Petitioner presumed this meant the challenge to jurisdiction and filed a "Petition For a Writ of Habeas Corpus" with the Organic trial court. That court transferred the case to WASHINGTON COURT OF APPEALS to be heard as a PRP. Petitioner was informed that habeas corpus has been suspended, that a PRP "supersedes ... habeas corpus. See RAP 16.3(b)." (Letter, state SUPREME COURT, January 5, 2018).

Petitioner then filed an "Affidavit and Notice of Personal Service of Petition of Writ of Habeas Corpus, Writ of Habeas Corpus, and Notice of Hearing," along with an "Order for Issuance of Writ of Habeas Corpus [by Higher Court Directive]" to all relevant STATE OF WASHINGTON courts, the Eastern District of Washington UNITED STATES court. None of these courts honored the Great Writ. Finally, Petitioner requested an Emergency Writ of Habeas Corpus with this U.S. Supreme Court. Again, Petitioner is being denied Habeas Corpus, and forced to file a Writ of Certiorari.

Petitioner now again appears in Special Visitation, to notice this court that all offers and presentments have been Accepted For Value, predicated upon

Proof of Claim(s). All STATE OF WASHINGTON actors have failed to bring forth the required Proof Claim(s). Therefore, they have failed to state a claim upon which relief can be granted, and have stipulated to all the facts as they operate in favor of the Petitioner. Attached Exhibits will show the facts touching upon these matters. What/where is My remedy? Does it lie in Diversity of Citizenship, or in Bankruptcy?

Since all STATE OF WASHINGTON courts and the UNITED STATES COURT FOR EASTERN WASHINGTON DISTRICT have all offered no remedy, nor "proof" of Jurisdiction, Petitioner believes this U.S. Supreme Court is the only available resource remaining, save possibly under Diversity of Citizenship or Bankruptcy. When Petitioner challenged Jurisdiction, venue, and failure to notify the Petitioner of the Nature and Cause of the charges in the STATE OF WASHINGTON courts, the issue was danced around, ignored completely, and eventually "stated as fact" without any "proof" of such Jurisdiction, venue, and/or the nature and cause. The questions in Petitioner's Writ of Habeas Corpus have never been answered, nor Petitioner's Writ of Quo Warranto. Petitioner requires His Remedy.

REASONS FOR GRANTING THE WRIT

PLEASE TAKE JUDICIAL NOTICE: The CAFV, "Writ of Habeas Corpus," and "Quo Warranto Demand for Identification) required questions to be answered by the lower courts involved with the underlying cause(s). Petitioner herein requires this Court to answer the questions contained within these documents.

(1) Assignment of Question One:

It appears that the Organic Constitution has been suspended. It also appears that the right to a Petition of Writ of Habeas Corpus has also been suspended. However, Article 1 § 13 of the Constitution of the State of Washington states, "The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion the public safety require it." I don't see tanks rolling down the street and there are not airplanes dropping bombs. Judge Michael D. Price did not grant Petitioner the writ, fully knowing the conditions did not exist to suspend the writ. As such, he is guilty of misprision of treason.

The 14th Amendment to the UNITED STATES Constitution created a different citizenship from the Citizenship created in Article 4 § 2 of the Constitution of the United States for the united Several States of America. Also, it set up a different court system from Common Law and Equity. Rather, we now have a system of equity "at law," as opposed to "in law," since UNITED STATES Corporation is considered to hold the governmental office of "person." See, Trading With the Enemy Act, 50 U.S.C.A App. and 50 U.S.C.A. 1622; Erie Railroad v. Thompkins, 304 U.S. 64-92.

There is no way to "pay" debts at law. House Joint Resolution 192 of June 5th, 1933, codified at Chap. 48, 48 Stat. 1172 (Pub.L.) created the only method

to avoid the appearance of fraud by the Congress. Petitioner has lawfully taken this option to rebut the presumption that He, Secured Party/Creditor, James-Benjamin; of the Barstad® Family, and His DEBTOR, strawman/ens legis, JAMES BENJAMIN BARSTAD® are the same "person." This has been accepted by STATE OF WASHINGTON.

EXHIBIT 1 includes all UCC-1 Filings and copies of the CHARGE-BACK to the Treasury. Petitioner has obtained an Exemption Identification Number and taken control of His Treasury Direct Account. Since "all crimes are commercial, i.e., since all "state" actions impose quasi-monetary fines, they also violate Article I § 10 and Article XI § 1 of the Constitution of the United States for the united Several States of America, as well as violating the U.S. Bankruptcy. See CFR 72.11. There are no longer any Article III courts of Common Law and Equity. There are only Article I Legislative Tribunals administering the bankruptcy of the UNITED STATES.

Pationer was seized. Papers were drawn and given to the Petitioner, in the name of the DEBTOR. Where is the physical location of STATE OF WASHINGTON? How can the Petitioner commit any "crime" in a fiction of law? STATE OF WASHINGTON has failed to answer questions to prove jurisdiction, venue, and the nature and cause of the Original action. See enclosed documents, all served upon STATE OF WASHINGTON courts. They have never proven jurisdiction in the Original cause. Petitioner demands the Order of the court(s) to be released to him immediately, the charges discharged, and all Private Property to be returned/discharged immediately, to include all Bonds and the Petitioner's corpus.

2) Assignment of Question Two:

In the latest "Motion for Discretionary Review," Washington State Supreme provided only the "statutory" definition(s) of jurisdiction. They failed to prove that Petitioner, Secured Party/Creditor, i.e., "James-Benjamin; of the Barstad® Family," committed any crime. They failed to prove whether any crime was committed in "Washington" (Republic) or WASHINGTON STATE (fiction). The court documents are addressed to JAMES BENJAMIN BARSTAD®, the DEBTOR, and claim to be representing STATE OF WASHINGTON (fiction). STATE OF WASHINGTON has no Certificate of Title to DEBTOR, JAMES BENJAMIN BARSTAD®, DEBTOR. The CAFV required STATE OF WASHINGTON agents to provide any contract showing Bona Fide Signature of the Petitioner, wherein He has agreed to be subject to the "statutes" of the Corporate Constitutions and bylaws, i.e., "codes, regulations, and the like." See, for example, Waring v. Mayor of Savannah, 60 Georgia, page 93. STATE OF WASHINGTON has continuously failed to provide such non-existent contract. Petitioner herein provides the only Contract He has made with the UNITED STATES and STATE OF WASHINGTON, i.e., "Notice and Legal Demand." Please refer to it (EXHIBIT A) for guidance. Once challenged, Jurisdiction must be proven. See "Motion for Discretionary Review" for caselaw. See, APPENDICES.

Petitioner also requested information regarding the nature and cause of the Original action. See, "Motion for Discretionary Review," "Quo Warranto," and "Writ of Quo Warranto." (APPENDICES). The Original court action claims to be "criminal," but STATE OF WASHINGTON never explained how "they" derive such a conclusion. Obviously, the only way this could be is if the Original action is under Military/Admiralty Jurisdiction and that a contract between STATE OF WASHINGTON and Petitioner was breached by the Petitioner. Again, the only

contract is the one enclosed herein ("Notice and Legal Demand"). Without honoring the "remedy" provided to Me by HJR-192 (Pub.L. Chap.48, 48 Stat. 112), there is no excuse for the FRAUD committed by the government. Shall we proceed to Tort Grant Petitioner His Remedy.

3) Assignment of Question Three:

Again, Petitioner has offered STATE OF WASHINGTON multiple opportunities to PROVE Jurisdiction, venue, and the Nature and Cause of the Original Action, No. 96-1-01310-3. The questions asked in the CAFV, the Writ of Habeas Corpus, and the Quo Warranto have never been answered. "Jurisdiction cannot be presumed in any court, even in preliminary stages." United States v. Chiarito, 69 F.Supp. 317 (D. Or. 1946). "Where Jurisdiction is challenged, it must be proven... The law requires Proof of Jurisdiction to appear on the record of the administrative agency and all administrative proceedings... Jurisdiction may never be assumed, it must be proven." Hagen v. Lavine, 415 U.S. 528, 39 L.Ed.2d 528, 94 S.Ct. 1327 (1974). The trial court, in failing to submit facts on the record of the instant case, conferring Jurisdiction on the trial court in the absence of the lawful official flag of the United States of America, is in violation of the Law of Washington 1881 § 770; codified in Revised Code of Washington (RCW) 10.01.050, as well as a Fed. Rules of Civil Procedure (FRCP) Rule 9(b), a procedural violation for fraud.

Petitioner has filed UCC-1 Filings Nos. 2008-253-64211-8; 2008-~~347~~-0326-~~3~~; 2009-04~~3~~-4688-8, all registered in STATE OF WASHINGTON Department of Licensing, Business Division (of the Secretary of State Office). Then, after liens were in effect for over seven years, the Spokane county Prosecutor somehow convinced them to remove said liens. Subsequently, Petitioner re-

filed COUCC No. 2016-201-0433, directly in the STATE OF WASHINGTON Secretary of State Office and the Colorado Regional UCC Office. At no time has STATE OF WASHINGTON registered ANY claim(s) against either the Petitioner, Secured Party/Creditor James-Benjamin; , nor DEBTOR JAMES BENJAMIN BARSTAD®.

STATE OF WASHINGTON has failed to prove jurisdiction. They have refused/failed to answer any questions regarding the jurisdiction, venue, nature and cause of the Original Action. All their documents name the wrong "person" as the party-in-interest. RCW 10.01.050 is also known as Law of Washington 1881 § 770, and states, "No person charged with an offense against the law shall be punished for such offense, unless he shall have been duly and legally convicted thereof in a court of competent jurisdiction of the case and the person." How about when the "person" charged is not the same "individual" doing the punishment?

In order for a charging court to "assume jurisdiction," they must have the proper person's name, as party-in-interest. Also, the 9th Circuit has determined that a District Attorney's independent decision to charge someone with the same crime they were arrested for creates a presumption that there was probable cause to arrest. Beck v. City of Upland, 527 F.3d 853, 862 (9th Cir. 2008). It is the plaintiff who bears the burden of producing evidence to rebut the presumption and they must present more than "conclusory allegations." Sloman v. Tadlock, 21 F.3d 1462, 1474 (9th Cir. 1996); Blankenthorn v. City of Orange, 485 F.3d 463, 482 (9th Cir. 2007). It can be rebutted "by showing, for example, that the prosecutor was pressured or caused by the investigating officers to act contrary to his independent judgment or that the investigating officers presented the prosecutor with information

known by them to be false." Blankenthorn, 485 F.3d at 482. Or in instances where the prosecutor relied on police reports and the reports themselves omitted important information or contained accounts [such as proper party named/not named in documents], the jury could determine that the officers "procured the filing of the criminal complaint by making false representations or material omissions to the prosecuting attorney." Borunda v. Richmond, 885 F.2d 1382, 1390 (9th Cir. 1988). See also Barlow v. Ground, 943 F.2d 1132, 1137 (9th Cir. 1991).

Pleading the specific content of a false misrepresentation [for a "frivolous claim"] involves "more than conclusory allegations or generic facts." 2011 U.S. Dist. LEXIS 78125 [WL] at *4. Instead, "the plaintiff must specify what is false or misleading about a statement, and what ~~it~~ is false." Id. While the STATE OF WASHINGTON may claim the Secured Party/Creditor appellant/petitioner was "tried and convicted," they cannot show how he was ever served proper service of process, in proper styling of the court(s), with documents bearing his True Christian Appellation. They also cannot provide an affidavit sworn as true, correct, and complete, from an injured party (corpus delicti). All of the "persons" STATE OF WASHINGTON claim as "injured parties" are all strawmen, ens legis fictions of law. Petitioner needs His Remedy.

3) Assignment of Question Three:

Any judgment made outside of lawful jurisdiction is void ab initio. Please refer to the enclosed "Motion to Vacate Void Judgment," and its "Memorandum in Support of Motion to Vacate Void Judgment." Those documents contain full argument, which this court should consider as if fully reproduced within this petition.

4) Assignment of Question Four:

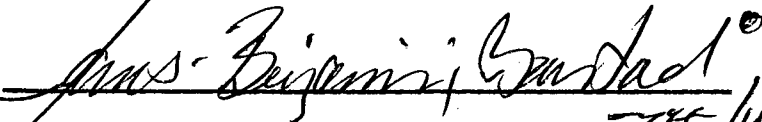
Petitioner served the CAFV upon multiple STATE OF WASHINGTON agents/employees, requiring that they "proof their claim(s)." All served parties failed/refused to prove any claim(s) against either Secured Party/Creditor or the DEBTOR. All documents related to DEBTOR and the Original Action(s) have been "Accepted For Value" and are "Returned For Discharge."

Since STATE OF WASHINGTON has failed to prove their claims, they have failed to state a claim upon which relief can be granted, and therefore initiated a compulsory counterclaim pursuant to ARCP 13(a). Where is Petitioner's Remedy? Does it lie in Tort, Diversity of Citizenship, or Bankruptcy? Release all Orders of the court to Me immediately, including all bonds and corpus.

CONCLUSION:

STATE OF WASHINGTON has failed to prove any jurisdiction. They are operating in a de facto, ultra vires manner. Petitioner herein has followed all Commercial procedures. STATE OF WASHINGTON has failed to state a claim upon which relief can be granted. Petitioner requires His Remedy. Release all Orders of the court immediately to the Secured Party Petitioner, or direct Him as to where His Remedy lies. A corrected Writ of Habeas Corpus is enclosed, per clerk's letter. See APPENDIX D.

Respectfully submitted,


Mas Benjamin Gaudet

77EE/1001-308

Date: August 20, 2018