10/9/26

No. 25-1221

In the Supreme Court of the United States

BRANDON JOE WILLIAMS,

Petitioner,

v.

UNITED STATES
SMALL BUSINESS ADMINISTRATION,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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April 8, 2026

QUESTIONS PRESENTED

1. Whether a corporation, which is considered a "person" in accordance with 8 U.S.C. § 1101(b)(3), was born in the United States in accordance with 8 U.S.C. § 1401(a) and is a US citizen, can have "sovereign immunity."

2. Whether a government corporation has sovereign immunity from suit when it can clearly "sue and be sued" in accordance with statute.

3. Whether a removal from State to Federal court can take place under 28 U.S.C. § 1442 when the originating court does not fall under the definition of a "State court" in 28 U.S.C. § 1442(d)(6).

PARTIES TO THE PROCEEDINGS

Petitioner and Appellant-Plaintiff below

- BRANDON JOE WILLIAMS

Note: Brandon Joe Williams has consistently filed in the district and appellate courts under the name of his sole proprietorship which contains the registered mark "®" and identified himself as representing the sole proprietorship. The courts have removed the registered mark and mention of the sole proprietorship from its opinions and orders. There is precedent in this Court for a sole proprietorship as the identified Petitioner. *See* Supreme Court Docket 18-451, *Aloha Bed & Breakfast, a Hawai`i Sole Proprietorship v. Diane Cervelli, et al.*, cert. denied Mar. 18, 2019, where this Court docketed the petition under the name of the sole proprietorship.

Respondent and Appellee-Defendant below

- United States Small Business Administration

LIST OF PROCEEDINGS

Federal Court

U.S. Court of Appeals for the Ninth Circuit

No. 25-1808

BRANDON JOE WILLIAMS*, *Plaintiff-Appellant v.* United States Small Business Administration, *Defendant-Appellee*

Judgment Date: July 16, 2025

U.S. District Court, C.D. California

Case No. 2:24-cv-09553-RGK-SK

BRANDON JOE WILLIAMS*, *Plaintiff* v. United States Small Business Administration, *Defendant*

Judgment Date: February 27, 2025

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* Note: In all the proceedings, Petitioner filed the case under the name of the sole proprietorship BRANDON JOE WILLIAMS® but the court removed the registered mark symbol in its case caption.

State Court

Los Angeles County Superior Court

No. 24NNCV04461

BRANDON JOE WILLIAMS* v.
United States Small Business Administration

Removal Order Notice Date: November 5, 2024

Order Dismissing Case Date: May 27, 2025

The case was removed improperly to the U.S. District Court under 28 U.S.C. § 1442, Despite careful filings showing that removal under 28 U.S.C. § 1442 was impossible, it was said by the docket item #23 on this case: "The Court finds that removal under § 1442(a)(l) was proper." Order granting the defendant's motion for dismissal is that same docket item (#23), issued December 30th, 2024.

There are no other directly related proceedings within the meaning of this Court's Rule 14.1(b)(iii).

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The Order of the U.S. Court of Appeals for the Ninth Circuit dated July 16, 2025 is included at App.1a. The Order of the U.S. District Court, Central District of California dated February 27, 2025 is included at App.2a. These orders were not designated by the courts for publication.

JURISDICTION

The Ninth Circuit entered judgment on July 16, 2025. (App.1a), Petitioner timely postmarked and mailed this petition for certiorari on or around October 8, 2025, which is around one week prior to the 90 day cut-off date. By letter dated March 2, 2026, the Clerk of Court provided an additional 60 days to refile a booklet petition in compliance with Rule 33.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

Lower courts just ignored the petitioner when talking about the definition of "State court" in 28 U.S.C. § 1442(d)(6). Neither the district court or appeals court had jurisdiction. This case needs to be returned to the original California State court because it was never able to be removed in accordance with 28 U.S.C. § 1442 and this is part of the reason I am here requesting help.

CONSTITUTIONAL PROVISIONS INVOLVED

The petitioner of this writ, BRANDON JOE WILLIAMS®, being a US citizen, only has access to the Bill of Rights via the 14th Amendment and the Incorporation Doctrine cases that incorporated certain points of the first ten Amendments under the 14th Amendment.

The owner of the petitioner, Brandon Joe Williams, as a white citizen of California, has no additional protections due to the 14th Amendment, as clarified by the Honorable Mr. Miller in a case that he delivered on the day after he delivered the *Slaughter-House Cases*, 83 U.S. 36. That case is *Bradwell v. State*, 83 U.S. 130. Brandon Joe Williams has direct and unabridged access to all of the first 10 Amendments without regard to any aspect of the cases involved in the Incorporation Doctrine or the 14th Amendment. This includes the 3rd, 7th, 9th and 10th Amendments, which have never been incorporated for US citizens.

INTRODUCTION

Brandon Joe Williams, a State citizen of California (non US citizen) and free white man, became aware of the functionality of negotiable instruments (unconditional promises and orders to pay), negotiation, indorsements, etc, after having taken on a "loan" with the United States Small Business Administration via his sole proprietorship and US citizen named

BRANDON JOE WILLIAMS®. Once he understood that the original notes that were issued to secure the original "loan" had actual monetary value and could be swapped at the Federal Reserve Discount Window using the provisions of 12 U.S.C. § 412, he realized that the "loan" itself was instantly fully satisfied due to the original notes being the "collateral security" (quoting 12 U.S.C. § 412) to fund the loan.

Originally, due to this being a primarily California Commercial Code complaint, this case was filed in a California State court. The case was then improperly removed to Federal Court under 28 U.S.C. § 1442 even though that the originating court does not fall under the definition of a "State court" in accordance with 28 U.S.C. § 1442(d)(6). This is also echoed in Rule 47 of the Supreme Court Rules.

The case was then subsequently dismissed in a Federal district court for "sovereign immunity," then also dismissed from the 9th Circuit Appeals for summary disposition regarding that same incorrect idea.

The definition of a "State court" in 28 U.S.C. § 1442(d)(6) says: "includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court." This is also echoed in Rule 47 of the Supreme Court Rules:

"The term 'state court,' when used in these Rules, includes the District of Columbia Court of Appeals, the Supreme Court of the Commonwealth of Puerto Rico, the courts of the Northern Mariana Islands, the local courts of Guam, and the Supreme Court of the Virgin Islands. References in these Rules to the statutes of a State include the statutes of the District

of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territory of Guam, and the Territory of the Virgin Islands."

It makes no mention of any area outside of the exclusive territorial jurisdiction of the Federal government, such as California. Any presumption that the definition somehow magically includes other things outside of that definition was heavily rebutted by BRANDON JOE WILLIAMS® in all the cases and appeals involved in this. This is a massive and terrible situation that is being misapplied in literally every single Circuit of our glorious Nation. This is an alarming situation which should be considered a National Emergency.

Then, as regards to my other question for the Supreme Court, the UNITED STATES SMALL BUSINESS ADMINISTRATION is a corporation under the United States and, as a "person" under 8 U.S.C. § 1101(b)(3) and US citizen under 8 U.S.C. § 1401(a), does not, in itself, have or need "sovereign immunity." The idea that a US citizen would have "sovereign immunity" is an unfounded idea and has absolutely no basis in law. I will prove this conclusively in this writ.

STATEMENT OF THE CASE

1. Federal courts operate under 4 U.S.C. § 71 and 4 U.S.C. § 72, which clearly delineates that the operations of the courts in those respects are in the District of Columbia and exercised in the District of Columbia, in essence. This is why the definition of "State court" in 28 U.S.C. § 1442(d)(6) is only involving the District

of Columbia or US territories and insular possessions. This definition cannot presume to include things that are not mentioned in the definition. A State like California is not within the exclusive territorial jurisdiction of a Federal court. This is made abundantly clear in this quote by the Honorable David J. Brewer in *Caha v. U.S.*, 152 U.S. 211 (U.S. Supreme Court 1894):

> "This statute is one of universal application within the territorial limits of the United States, and is not limited to those portions which are within the exclusive jurisdiction of the national government, such as the District of Columbia. Generally speaking, within any State of this Union the preservation of the peace and the protection of person and property are the functions of the state government, and are no part of the primary duty, at least, of the nation. The laws of Congress in respect to those matters do not extend into the territorial limits of the States, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government."

2. The States are all individual and sovereign. Each one being a separate nation, in itself, with its own citizens and government. In order to be a citizen of a State, you need to be a "free white person" in accordance with how it is described in the Naturalization Act of 1802. This is made abundantly clear by the Honorable Justice Henry Billings Brown in *Downes v. Bidwell*, 182 U.S. 244 (U.S. Supreme Court 1901) when he said:

> "we have in this country substantially or practically two national governments; one, to

> be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise."

3. There were many cases, some very strange, that determined who was a "free white person" and who was not. A great example would be *In re Najour*, 174 F. 735 (N.D. Ga. 1909).

4. The "US citizen" category was created by Congress to Federally protect the freed "negro" slaves, which is robustly covered in the *Slaughter-House Cases*, 83 US 36. Mr. Samual Freeman Miller, while teaching himself law as a doctor, swore himself to the freeing of the negroes and the ending of slavery. While obviously the entire Supreme Court was involved with the *Slaughter-House Cases*, 83 U.S. 36, a cursory review of the history of Mr. Miller's past shows that over two decades of his life had been devoted to eventually freeing the enslaved negro. The creation of the US citizen category did not involve or include the "free white people" who were citizens of a State, as Mr. Miller makes clear in this quote from *Slaughter-House Cases* 83 U.S. 36:

> "We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all; and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested: we

mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter. If Mexican peonage or the Chinese coolie labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent. But what we do say, and what we wish to be understood is, that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said

> was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished, as far as constitutional law can accomplish it."

5. The US citizen category, under the 14th Amendment, was expanded to include legal fictions in first the Dictionary Act of 1871 (found today at 1 U.S.C. § 1), then was fully solidified in *Santa Clara County v. Southern Pacific Railroad Co.*, 118 U.S. 394 (US Supreme Court 1886). Here is the exact quote from the case:

"One of the points made and discussed at length in the brief of counsel for defendants in error was that 'corporations are persons within the meaning of the Fourteenth Amendment to the Constitution of the United States.' Before argument, MR. CHIEF JUSTICE WAITE said:

> "The Court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution which forbids a state to deny to any person within its jurisdiction the equal protection of the laws applies to these corporations. We are all of opinion that it does."

6. Since this time, all non-whites, persons (*Slave Trade Clause*) residing in the District of Columbia or a US territory/insular possession, and legal fictions have all fallen into the "US citizen" 14th Amendment Federal class of citizenship. This never included white people (*Preamble*-"We the People") who were citizens of their respective State. Mr. Miller does a great job in

showing and describing how State citizens have no right to the 14th Amendment in *Bradwell v. State*, 82 U.S. 130, where the Supreme Court had to deal with a white woman who had an original domiciliary State, was also a resident (meaning not a citizen of that State) of another State, while also exclaiming that she was a "US citizen." Mr. Miller set her straight in his final opinion by letting her know that a citizen of a State has no right to the 14th Amendment at all in this quote:

> "As regards the provision of the Constitution that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, the plaintiff in her affidavit has stated very clearly a case to which it is inapplicable.
>
> The protection designed by that clause, as has been repeatedly held, has no application to a citizen of the State whose laws are complained of. If the plaintiff was a citizen of the State of Illinois, that provision of the Constitution gave her no protection against its courts or its legislation."

7. The white people's (not "persons") State citizenship class has fallen out of view over the years. This has also been complicated by the fact that everyone has a sole proprietorship and has a hard time determining the difference between themselves and their business that has the same name that they do. This has contributed to the confusion regarding "sovereign immunity." Also, it is confusing that the sole proprietorship falls under the 14th Amendment while a white citizen of a State does not (in fact, if a

white State citizen says they are a US citizen, they risk a felony violation of 18 U.S.C. § 911).

8. Moving on to the subject of "sovereign immunity," in *Bank of United States v. Planters' Bank of Georgia*, 22 U.S. 904, the American hero Justice John Marshall says the following, showing clearly that sovereign immunity for a corporation is impossible:

> "It is, we think, a sound principle, that when a government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character, and takes that of a private citizen. Instead of communicating to the company its privileges and its prerogatives, it descends to a level with those with whom it associates itself and takes the character which belongs to its associates, and to the business which is to be transacted. Thus, many states of this Union who have an interest in banks are not suable even in their own courts; yet they never exempt the corporation from being sued. The State of Georgia, by giving to the bank the capacity to sue and be sued, voluntarily strips itself of its sovereign character so far as respects the transactions of the bank and waives all the privileges of that character. As a member of a corporation, a government never exercises its sovereignty. It acts merely as a corporator, and exercises no other power in the management of the affairs of the corporation than are expressly given by the incorporating act."

9. Looking at the definition of a "person" in 8 U.S.C. § 1101(b)(3) we have the definition of: "an individual

or an organization." Then, looking up the definition of "organization" in 8 U.S.C. § 1101(a)(28), we have: "The term 'organization' means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects."

10. Comparing the above to 8 U.S.C. § 1401(a), a "person" who is born in the United States and subject to the jurisdiction is a U.S. national and U.S. citizen. This includes "organizations."

11. If the UNITED STATES SMALL BUSINESS ADMINISTRATION is an "organization" in accordance with 8 U.S.C. § 1101(a)(28) and is a US citizen in accordance with 8 U.S.C. § 1401(a), then it becomes an absolute physical and legal impossibility that it has "sovereign immunity." The US citizen class is a class that was originally created by Congress in an attempt to protect the released negroes who were being abused in sick and vile ways by the States. Then, for some odd reason, legal fictions were added into that same 14th Amendment citizenship pot. This has caused massive confusion ever since.

12. Any corporation that the sovereign body called "United States" creates would be, by definition, a US citizen. That US citizen does not enjoy any sort of immunity and wouldn't need to, which matches perfectly with the quote from the Honorable John Marshall above. Federal Reserve Notes are simply just promissory notes (unconditional promises to pay in accordance with UCC 3-104) and the government can print all the US Currency Notes they want in accordance with 31 U.S.C. § 5115. So the petitioner, nor his owner, can

harm the SBA or "United States" (defined in 4 U.S.C. § 71) by taking Federal Reserve Notes from the SBA in a judgement. All the US Currency Notes produced can be swapped at the Federal Reserve Discount Window for Federal Reserve Notes, as desired, in accordance with 12 U.S.C. § 412. So any idea that sovereign immunity applies to financially protect the United States or to financially protect the SBA is irrelevant. Even if the petitioner took trillions from the SBA in a judgement, all that would do is inflate the value of a Federal Reserve Note, but it would not financially endanger the government or the SBA in any way.

13. It is also crystal clear in 15 U.S.C. § 634(b)(1) that the SBA may "sue and be sued in any court of record of a State having general jurisdiction, or in any United States district court."

14. This quote from *19 Corpus Juris Secundum section 883* also helps to clearly explain the situation: "The United States government is a foreign corporation with respect to a state." This is exactly why the very first version of Social Security cards said "EMPLOYEE'S SIGNATURE."

15. This quote, given by the Honorable Chief Justice Morrison Remick "Mott" Waite in *United States v. Cruikshank*, 92 U.S. 542 (1875), helps clarify the above situation; but it should be taken with the knowledge that legal fictions had not been added in as "persons" under the 14th Amendment until 1886:

> "We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it

> allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. *Slaughter-House Cases*, 16 Wall. 74."

16. This quote from the Honorable Clemente Nascimento Candelas in *U.S. v. Valentine*, 288 F. Supp. 95 (1968) shows, with clarity, what absolute rights the US citizen class has (prior to the Incorporation Doctrine infusing the white man's rights into the 14th Amendment class):

> "The only absolute and unqualified right of a United States citizen is to residence within the territorial boundaries of the United States."

17. You can see further clarity by this quote from the Civil Rights Act of 1866, now found in 42 U.S.C. § 1981(a) (bolds and underlines added to bring attention): "All **persons** within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property **as is enjoyed by white citizens**, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

18. Another excellent quote found right after the above section is 42 U.S.C. § 1982 (bolds and underlines added to bring attention): "All **citizens of the United States** shall have the same right, in every State and

Territory, **as is enjoyed by white citizens** thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

19. The best and most clear place I have ever seen this described is in *ELLEN R. VAN VALKENBURG v. ALBERT BROWN*, 43 Cal. 43 (California Supreme Court 1872), where the Honorable Chief Justice William T. Wallace says:

> "No white person born within the limits of the United States, and subject to their jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the status of citizenship to the recent amendments to the Federal Constitution. The history and aim of the Fourteenth Amendment is well known, and the purpose had in view in its adoption well understood. That purpose was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States, who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, had at the same time left them without the status of citizenship. These persons were not white persons, but were, in the main, persons of African descent, who had been held in slavery in this country, or, if having themselves never been held in slavery, were the native-born descendants of slaves. Prior to the adoption of the Fourteenth Amendment it was settled that neither slaves, nor those who had been such, nor the descendants of these, though native and free born, were

> capable of becoming citizens of the United States. (*Dred Scott v. Sanford*, 19 How. 393.) The Thirteenth Amendment, though conferring the boon of freedom upon native-born persons of African blood, had yet left them under an insuperable bar as to citizenship; and it was mainly to remedy this condition that the Fourteenth Amendment was adopted."

REASONS FOR GRANTING THE PETITION

These three questions are all terribly important for each and every Circuit and district court in the country. State courts would not be under the jurisdiction of this court in accordance with Supreme Court Rule 47. Each time that I have brought up the fact that any of the 50 sovereign States are not included in the definition of a "State court" under 28 U.S.C. § 1442(d)(6), it is met with complete disbelief. I have spoken to professionals all over the country and it's as if no one has ever even looked at the definition and it's been this old, dusty presumption. This is due to the tremendous lack of knowledge regarding the fact that we have two distinct and clear separate systems in America: a Constitutional Republic and a Federal Democracy. Clearing this up will cause a massive wave of cases to be overturned that were removed incorrectly and it will clean up this national issue of illegal removals in every single Circuit.

The situation regarding "sovereign immunity" and the difference between our Constitutional Republic and our Federal Democracy is so wildly out of control

that it needs no specific cases to prove its existence. This is the centerpoint of the destruction, degradation and downfall of our entire county. The ideas behind taxation, driver's licenses, bank accounts and a majority of the confusion regarding all criminal cases can all be sorted out by clearly defining the two very different classes of citizenship, their purpose, what races or nationalities are allowed to be in both of them, etc. All of this work is necessary to clear up this massive misunderstanding whether a corporation, which is a US citizen, can have sovereign immunity.

In terms of circuit split as regards to sovereign immunity, I will only list one to be related to my case in the 9th Circuit, as I think that will suffice: *Kirtz v. Trans Union LLC*, No. 21-2149 (3d Cir. 2022). This then had a writ of certiorari granted by the Supreme Court in *DEPT OF AGRICULTURE RURAL DEV. HOUSING v. Kirtz*, 601 U.S. 42 (U.S. Supreme Court 2024). I wish to have this same action for my case in the 9th Circuit, but I also intend to go much deeper and to permanently weed out this "sovereign immunity" situation for our entire nation. No more confusion on this subject is needed, not in the 9th Circuit and not anywhere else.

I. Recent Cases, by Circuit, Grossly Misapplying 28 U.S.C. § 1442 (Originating Courts Are Not "State Courts" Within the Definition of 28 U.S.C. § 1442(d)(6) or Rule 47 in the Supreme Court Rules)

First Circuit: *Moore v. Electric Boat Corp.*, 25 F.4th 30 (1st Cir. 2022)

Second Circuit: *Connecticut ex rel. Tong v. Exxon Mobil Corp.*, No. 21-1446 (2d Cir. 2023)

Third Circuit: *Attorney General New Jersey v. Dow Chemical Company*, No. 24-1753 (3d Cir. 2025)

Fourth Circuit: *Maryland v. 3M Co.*, 24-1218 (4th Cir. 2025)

Fifth Circuit: *Martin v. LCMC Health Holdings*, 23-30522 (5th Cir. 2024)

Sixth Circuit: *Michigan v. Facchinello*, No. 24-1132 (6th Cir. 2025)

Seventh Circuit: *Thompson v. Army and Air Force Exchange Service*, No. 23-2447 (7th Cir. 2025)

Eighth Circuit: *Doe v. BJC Health System*, No. 23-1107 (8th Cir. 2023)

Ninth Circuit: *Brandon Joe Williams® v. United States Small Business Administration*, No. 25-1808 (9th Cir. 2-25)

Tenth Circuit: *The People of the State of Colorado v. Murphy*, No. 23-1099 (10th Cir. 2024)

Eleventh Circuit: *Caver v. Central Alabama Electric Cooperative*, 845 F.3d 1135 (11th Cir. 2017)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Brandon Joe Williams
Brandon Joe Williams,

White Californian,

Petitioner Pro Se

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April 8, 2026