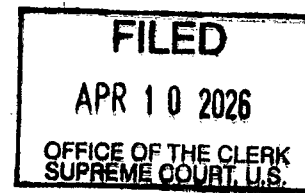


26-5555

ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

In re: James Christopher of the family Castle - PETITIONER

vs.

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF CALIFORNIA
AND
UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

James Christopher of the family Castle
c/o JAMES CASTLE
79093097
LOMPOC II FCI
3901 Klein Blvd.
Lompoc, Ca. 93436

QUESTIONS PRESENTED

1. Acknowledgment and validity plus ultimately relief is sought for Petitioner's properly presented Bill of Complaint in Equity Presentment to Void Proceedings and Jurisdiction.
2. Clarification on the proper jurisdiction (Art. I v Art. III Court) to hear a claim against the property of the estate/trust of an infant/minor v. a claim against the estate/trust itself.
3. Clarify jurisdiction of court able to provide opinion and remedy for a matter expressed in contract as a private remedy.
4. Clarify ability of a United States District Court 'judge' to remove a matter from a legislative court jurisdiction to a constitutional court jurisdiction when presented with an equitable matter.
5. Clarify the legality for a United States District Court, Clerk of Court office to use Defendant's credit as the collateral for the instant matter's liability bond and its subsequent conversion to a security without disclosure, approval or signature to/from Defendant or its beneficiary.
6. To what extent is the liability of the Court/Judge for denying good tender offered for discharge/settlement of an equitable complaint.

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:

Benjamin B. Wagner, U.S. Attorney
Phillip A. Talbert, U.S. Attorney
Audrey B. Hemesath, Asst. U.S. Atty
Shelly D. weger, Asst. U.S. Atty
Tanya Syed, Asst. U.S. Atty
Jill Marie Thomas, Asst. U.S. Atty
Todd Alexander Pickles, U.S. Atty (level unknown)
Garland E. Burrell, Jr., Judge
Morrison C. England, Judge
John A. Mendez, Judge
Kimberley J. Mueller, Judge
Deborah Barnes, Magistrate
Allison Claire, Magistrate
Carolyn K. Delaney, Magistrate
Edmond F. Brennan, Magistrate
Michael Hansen - Public Defender
Andre Birotte, Jr., U.S. Attorney
Robert E. Dugdale Asst. U.S. Attorney
Wesley L. Hsu, Asst U.S. Attorney
Eric D. Vandavelde, Asst. U.S. Attorney
Ronald Cheng, Asst. U.S. Attorney

All above, Respondents

James Christopher Castle, Petitioner

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- Davis v Pringlie**, 69 L.Ed. 974, 268 US 315
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- ExParte McCardle**, 7 Well 506, 514; 19 L.Ed. 264 (1869)
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- Penhallow v Doane's Administrators**, 3 US 54; 1 L.Ed. 57; 3 Dall. 54 (1795)
- Pennoyer v Neff**, S.Ct. (1878)
- Schlesigner v Reservists Comm. to Stop the War**, 418 US 208, 227, 41 L.Ed.
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- Sherer v Cullen**, 481 F. 945
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- United States v Deeb**, 944 F. 2d 545, 548 (9th Cir.)
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- United States v James Christopher Castle**, 2:15-cr-00190-GEB-MCE-JAM-KJM-
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- United States v James Christopher Castle**, 3:14-cr-00338-VC (N.D.Ca. 2022)

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FRCP Rule 4

SCOTUS Rule 20

SCOTUS Rule 29

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49 Statute 3097

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18 USC §23.1

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18 USC §1344(1)

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28 USC §610

28 USC §1331

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28 USC §1652

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H.R. 4489 P.L 291, 59 Stat. 669

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Habeas Corpus ad Subjicendum

**IN THE
SUPREME COURT OF THE UNITED STATES**

PETITION FOR WRIT OF HABEAS CORPUS

OPINION

Petitioner respectfully prays that a writ of habeas corpus issue to review the ~~matter~~ enclosed.

Further, Petitioner respectfully submits a lack of jurisdiction of the inferior courts to provide an opinion on this matter.

The United States court of appeals fails in its ability to provide an opinion in this matter as it is not a court able to provide remedy in private, equitable matters.

JURISDICTION

Petitioner is barred from an appeal as withdrawal notice was filed to force USDC to hear Petitioner's Habeas Corpus for Ineffective Assistance of Counsel (Dkt 842 - USDC EDCa., Dkt. 20 - USCA 9th Cir.). This circumstance followed an untimely petition for rehearing.

Petitioner believes this Writ of Habeas Corpus falls under SCOTUS jurisdiction via its Rule 20, rather than Certiorari Rules.

**CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED**

- Constitutional Amendments: 5th, 6th, 11th and 14th
- Article I §8
- Article III §2

STATEMENT OF THE CASE

See Petition for Writ of Habeas Corpus page 8

REASONS FOR GRANTING THE PETITION

See Petition for Writ of Habeas Corpus page 5

In re: James Christopher, family of Castle
Petitioner
care of:
Lompoc FCI II
3901 Klein Blvd.
Lompoc, California

**IN THE SUPREME COURT OF
THE UNITED STATES OF AMERICA**

Juris et de Jure

Petition for Writ of Habeas Corpus ad Subjicendum

re: United States District Court in the Eastern District of California
[2:15-cr-00190-GEB-MCE-JAM-KJM-TLN]

James Christopher, family of Castle (Petitioner), a Federal prisoner at Lompoc FCI II, Lompoc, California has been wrongly convicted and sentenced in the United States District Court in the Eastern District of California (USDC). Petitioner, a natural person of creditor status, recognizing no relief or equitable remedy for him in the administrative inferior courts, requests leave to appeal under Supreme Court of the United States (SCOTUS) Rule 20 [28 USC §2241], and makes his in forma pauperis application to this honorable Court in accordance with its Rule 29.

HISTORY

An indictment, as an inferior Article I of the Constitution for the United States of America court procedure, was filed on September 10, 2015, naming JAMES CHRISTOPHER CASTLE (Defendant) and six others. The indictment charged conspiracy to commit bank fraud (18 USC §371), falsely making bank documents (18 USC §493) and bank fraud (18 USC §1344(1)). The True Bill void of Grand Jury Foreman or accuser signature.

Jury trial for Defendant commenced on July 19, 2021. On August 2, 2021, a guilty verdict was returned on all counts. A sentence of 180 months was pronounced and applied on May 19, 2022.

Between the conviction and sentencing dates, circa February 10, 2022, Petitioner filed an exparte request for removal of counsel, citing ineffective assistance of counsel. Pro se status was granted.

Immediately upon returning to the record to memorialize Petitioner's pro se status, Petitioner claimed equity jurisdiction and served a Bill of Complaint in Equity Presentment to Void Proceedings and Jurisdiction (BoCE) to the court and prosecution. (ECF 784)

Subsequently, the court did not consider this presentment, correctly so as they had no jurisdiction to do so according to **United States v Mitchell**, 683 F.Supp. 2d 427 (E.D.Va 2010) ("...once district court entered judgment in his criminal case... district court had neither direct statutory nor ancillary jurisdiction to expunge defendant's conviction solely on equitable grounds.") Petitioner's BoCE clearly falls within those equitable grounds.

Petitioner, on May 24, 2022, simultaneously filed both 28 USC 2255 Writ of Habeas Corpus for Ineffective Assistance of Counsel (HC) within the USDC and a Notice of Appeal within the United States Appellate Court for the Ninth Circuit (USCA) (22-10134).

On August 16, 2022, Petitioner received an Order from Magistrate Deborah Barnes, whom Petitioner's HC had been referred for review, stating the EDCA could not hear a HC while an existing appeal was pending, "unless extraordinary or unusual circumstances were present." (**U.S. v Deeb**, 944 F.2d 545, 548 (9th Cir.)) Magistrate then Ordered Petitioner to either withdraw the HC (with ability to refile post appeal) or to provide the "extraordinary or unusual circumstances" which Ms. Barnes had already expressed, "[t]he record here suggests no extraordinary or unusual circumstances." (ECF 835)

Petitioner filed a request for additional time to respond as he was in-transit for two months. (ECF 839)

Petitioner, on September 25, 2022, Noticed the courts (both USDC and USCA, ECF 842 and Dkt. 20 respectively) of the withdrawal of Petitioner's Notice of Appeal to the USAC. USAC formally withdrew the Notice of Appeal

on October 24, 2022. (Dkt. 24) Now no further hinderances existed for the USDC to provide an answer to Petitioner's HC.

USDC responded on October 31, 2022, Ordering the United States to respond to Petitioner's HC. United States opposition was filed in January 2023. USDC mothballed the matter for three(3) years no providing any response until December 19, 2025, when magistrate of the USDC gave a recommendation to deny the motion to then administrator/judge Kimberley J. Mueller. Mueller subsequently removed herself and assigned the matter to administrator/judge Troy L. Nunley.

REASON TO BE HEARD

Hearing Peititioner's HC shall provide the inferior courts resolution to the equitable matter conundrum before it. As Petitioner clearly states herein, both his BoCE as well as Defense exhibit A (of 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN) from the jury trial, clearly represented as a "Private International Remedy", estoppes the inferior courts (both USDC and USCA) from original jurisdiction.

The USDC correctly did not hear Petitioner's BoCE submitted post judgment (**Mitchell**). During trial, the USDC was never confronted with the Private Remedy argument as counsel never brought it up and Petitioner was barred by administrator/judge England from testifying to it as the court upheld prosecution's objection that Petitioner was not listed as and "expert witness" (no voir dire was requested). A voir dire conversation would have verified expertise and should have allowed/permitted Petitioner to testify. Petitioner would have cited **Park National Bank v Michael OildCompany**, 702 F. Supp. 703 (N.D.Ill. 1989); "...neither statute nor its legislative history indicates congressional intent to create private remedy..." Private remedy being the exclusive jurisdiction of equity. Private remedy being for private natural persons, not artificial persons. Private remedy being heard properly in an Article III Court, not in an inferior administrative Article I court, which is barred from adjudicating private citizens without their consent. Petitioner neither intentionally, knowingly or willfully granted such consent nor waived any of his rights.

Failure to exhaust administrative remedy is not a valid reason to disregard this HC which the inferior lower courts lack jurisdiction to hear, let alone adjudicate equitable pleas and other private remedies. Request of Petitioner for the inferior court to remove this matter to a venue and jurisdiction able to provide Petitioner remedy has gone ignored. Petitioner herein, presents one of both equitable plea and private remedy. Each expresses and validates the inferior court's lack of jurisdiction, requiring this court to provide Petitioner remedy.

EXCEPTIONAL CIRCUMSTANCES

This matter is indeed exceptional. If 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN is allowed to stand, it creates precedent where the rule of law and equitable remedy are deemed impotent and of no lawful merit. It would provide footing and traction for those who advocate Chancery courts do not have merit, clout or distinction in modern day courts. This matter constitutes a direct assault on the basis of the western system of law and the distinction between commercial claims amongst fictions and remedies amongst and on behalf of private, natural persons.

This court has provided opinion on this jurisdictional question in **Steel Co v Citizens Better Env.**, 523 US 83, 89-101 (1998). The court took issue with the inferior USDC's grasping for power for which they were not enumerated nor entitled. This assault on control, in this instance, being a cause of action heard disregarding the necessity to first establish subject matter jurisdiction, "a position embraced by several Courts of Appeals" (**Steel Co.**, at 93). "The Ninth Circuit has denominated this practice [usurping jurisdiction without standing] - which it characterizes as "assuming jurisdiction for the purpose of deciding the merits - the doctrine of hypothetical jurisdiction." (See e.g., **United States v Troescher**, 99 F.3d 933, 934, n 1 (1996))." Here the Ninth Circuit is at it again, this time out of the Eastern District of California (Sacramento).

Contrary to the Court of Appeals belief, the Supreme Court of the United States has provided clarity on this issue: "We declined to endorse such an approach because it carries the courts beyond the bounds of authorized judicial action and thus offends fundamental principles of separate powers... "when[jurisdiction] ceases to exist, the only function re-

maining to the court is that of announcing the fact and dismissing the case..." (**ExParte McCardle**, 7 Well 506, 514, 19 L.Ed. 264 (1869)). The requirement that jurisdiction be established as a threshold matter "springs from the nature and limits of the judicial power of the United States" and is "inflexible and without exception..." (**Mansfield C.& L.M.R. Co. v Swan**, 111 US 379, 382, 28 L.Ed. 462, 4 S.Ct. 510 (1884)). "Hypothetical jurisdiction produces nothing more than a hypothetical judgment... disapproved by this court from the beginning. (**Muskrat v United States**, 219 US 346, 362, 55 L.Ed. 246, 31 S.Ct. 250 (1911); **Hayburn's Case**, 2 Dall 409, 1 L.Ed. 436 (1792)). The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, ... restraining [the lower courts] from acting permanently regarding certain subjects." [i.e.: equity, private remedy, treatise, etc...] (See **United States v Richardson**, 418 US 166, 179, 41 L.Ed.2d 678, 94 S.Ct. 2940 (1974); **Schlesinger v Reservists Comm. to Stop the War**, 418 US 208, 227, 41 L.Ed. 2d 706, 94 S.Ct. 2925 (1974))."

Such is the case in this matter. The USDC having ignored their duty to recognize their lack of jurisdiction and brazenly act upon such rights reserved for this court using constructiv, implied and adhesion contracts to presume jurisdiction without consent to said jurisdiction provided knowingly, willingly or intentionally by Petitioner. Article III distinction, the court uniquely able to hear equity and private remedy matters, is of paramount importance for the People and Chancery courts.

It is imperative to the continued perpetuation and appropriate application of our Constitution that a natural person can be heard as a natural person in our courts and even more importantly that the courts recognize and treat a natural person as a private citizen, age of majority creditor when properly claimed and expressed to these inferior courts. If for no other purpose than removing such matters to venues where a private citizen, age of majority creditor may receive an equitable hearing.

ADEQUATE RELIEF

It is clear the inferior USDC and USCA hold no remedy for Petitioner as neither are able to hear nor provide private and/or equitable remedy; neither able to be considered nor enumerated to them by Congress; such argument

arguments are Constitutional questions reserved for SCOTUS. This is logical as the courts, created by Congress, are administrative in nature, are creatures of commerce acting amongst similar creatures of artificial nature. Hence, the distinction between the Article I (Congressionally created) and Article III (Constitutionally provided) courts. The former never intended to cater to private citizens - only artificial persons (unless consented to). The latter to, in part, provide remedy for the private natural person under the Constitution, precedent, custom and equitable law.

Petitioner's herein writ fulfills each of the conditions to be heard set forth by SCOTUS Rule 20 [28 USC §2241].

STATING THE CASE

Petitioner submits the BoCE (Appendix A) to the proper Article III Court which it holds original jurisdiction for dismissal of the entire matter with prejudice.

However, Petitioner wishes to bring to SCOTUS's attention additional jurisdictional issues, each delineated herein. Each issue clearly expressing the USDC's lack of jurisdiction. As an inferior-congressionally created-legislative-administrative-Article I §8 court with limited ambit, scope and jurisdiction; without enumerated power to punish; without authority to hear criminal matters without consent; without authority to adjudicate unlike parties (artificial persons v natural persons) without consent; its degradation is prolific.

To wit:

1. Unlike parties: The USDC is an Artificial person, the government is an Artificial person; each are barred and unable to contract with anything other than other Artificial persons without consent: "...a government can interface only with other artificial persons." (*Penhallow v Doane's Administrators*, 3 US 54; 1 L.Ed. 57; 3 Dall. 54 (1795)) Petitioner is not an Artificial person, nor has he provided consent to the lower/inferior court. Government's claim fails in a proper Article III court. They are unable to be harmed; they have no first-hand knowledge to the facts; they are not holder-in-due-course; they are unable to produce a harmed witness with first-hand knowledge of the facts. The courts and United States are unlike persons to the Petitioner who is a

natural man.

2. BoCE claim by government against an infant/minor estate/trust property is the proper exclusive original jurisdiction of an equitable court - not a United States District Court. Petitioner's BoCE proves 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN is such a claim.

3. Congress has not provided intent for USDC's (nor USAC) to create private remedy, thus their courts have no authority or jurisdiction to adjudicate such a matter of private remedy. "...fraud action fails under 18 USC :1344, because neither statute nor its legislative history indicates congressional intent to create private remedy and thus this court is without jurisdiction." (**Park Nat'l Bank v Michael Oil Co.**, 702 (N.D.Ill. 1989)) Petitioner's mortgage default process, the underlying catalyst for the complaint, is exactly such a private remedy. (see Appendix B)

4. 11th Amendment. Petitioner's equitable claim. USDC is without Article III power to sanction or punish without consent of the parties. No consent was knowingly, willingly or intentionally provided by Petitioner, nor has Petitioner ever relinquished his rights. If the court applied constructive and/or implied contracts to gain such assumed/presumed consent, it was an essential mistake and herein clarified such presumed consent redacted, removed as never provided.

5. Both Court and Government officials failed to verify their authority upon request for oath of office and performance bond.

6. Standing - Holder-in-due-course. Government fails on indictment as they are not the holder-in-due-course. There is no signature upon any document of any claimed harmed party. Standing of government fails as they experienced no personal injury caused by Petitioner and there was no legal right abridged by the Petitioner; BOTH are required for standing.

7. Improper Venue. USDC, when properly noticed of a natural person, a creditor expressing age of majority status, failed to remove the matter to a proper Article III venue. Presiding judge failed his good behavior.

8. Void Contracts. Failing proper contracts, all action is void. USDC had/has no standing, no authority, no venue, no jurisdiction to hear, let alone act in the matter concerned other than to acknowledge these failures and dismiss the matter.

Lastly, no valid contract was/is in effect. Full disclosure of the financial nature of the matter was never disclosed to Petitioner. (see Appendix A, Exhibit D - the securitization of 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN)

The following information further expands and expresses each of the eight (8) GROUNDS contesting jurisdiction of the United States District Court in the Eastern District of California (USDC).

GROUND I - Plaintiff (United States) not holder-in-due-course; unlike parties

It has been previously established the United States is a corporation (28 USC §3002(15)(A); **US v Bond**, 564 US 217, 222, 131 S.Ct. 2355, 180 L.Ed. 2d 269 (2011); **Penhallow v Doanes Administrators**, 3 US 54, 1L Ed. 57; 3 Dall. 54 (1795) ("In as much as every government is an artificial person..."); **Davis v Pringlie**, 69 L.Ed. 974, 268 US 315 ("the United States is a corporation."); **Bigby v United Staters**, 47 L.Ed. 519, 188 US 400 (1903) ("the United States is a corporation created by the Constitution."); **Helvening v British-American Tobacco Co.**, 69 F. 2d 528 (2nd Cir. App. Ct.) (1938) ("The United States is a corporation. As such corporate entity, it must have a corporate residence; that residence is within the United States.")

Specifically, the geographical area known as the District of Columbia, its various territories and all land ceded or leased to it by other states.

It is contended that the claimed harmed parties (Financial Institutions) and parties listed to receive restitution as part of the judgment in USDC 2:15-cr-00190 (E.D.Ca.) Ecf 794, pgs. 29-33, (Title Companies) re-

requested permission from the United States (via State government corporations division) to conduct commercial enterprise within the United States by registering with a Secretary of State Office for incorporation. Such action technically makes the Financial Institutions and Title Companies subsidiaries of the United States obligating these companies to its statutes, codes, rules and regulations, which are "merely corporate rules of conduct." (Bond)

This relationship suggests United States legal status to act on behalf of its subsidiaries, and therefore legal standing for the United States in this matter as Plaintiff. It is conceded that an Article I (Congressionally created) court appropriately accommodates these artificial persons in a commercial, legal context.

As it has also been established, the USDC and the government are each artificial persons - creations of man that, according to **Penhallow**, "... a government can interface only with other artificial persons... [therefore] no government, ... agents, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."

The USDC, the Federal United States government, Financial Institutions, Title Companies are each artificial persons. I, herein, contend that Petitioner is neither an artificial person nor a trustee for an artificial person other than his daughter's minor estate/trust until their age of majority and directs the government to prove Petitioner is not a private citizen, creditor, age of majority, beneficiary of the Defendant (who, by citation - **Penhallow** - MUST also be an artificial person) in 2:15-cr-00190 (USDC). As the Petitioner is a natural person and not an artificial person, the USDC holds no jurisdiction unless consented to - which I attest has not knowingly, willingly or intentionally done - and if so construed, such coerced consent is revoked, rescinded and disavowed, as are any constructive, implied, accommodation contracts applied or presumed by the USDC. Such a presumption is a plain error and essential mistake by the USDC.

If however, the USDC is not a Congressionally created (Article I, Section 8 of the Constitution for the United States of America) court and is in

fact acting in an Article III constitutionally provided court capacity, I contend the Plaintiff is not a "holder-in-due-course" actor in this matter.

An Article III court proceeding where a private citizen, a creditor claims an equitable forum, he may only be opposed by a similar natural person. Artificial persons are unable to appear or be harmed by an unlike being as the United States (and the purported harmed Financial Institutions and Title Companies) only exist on paper. The Petitioner, in accord with the 6th Amendment, must be able to confront and question his accuser. These unlike parties make this necessity impossible.

I would challenge the individual "United States" to present themselves for testimony verifying and validating their standing as Plaintiff, a harmed party and holder-in-due-course with first person knowledge in the matter; a party due the purported debt owed by the homeowners claimed by the financial institutions that purportedly loaned their money to justify a Deed of Trust property lien.

Failure to provide an individual that can attest to be the United States, the reverse of *Penhallow* also holds true: only individuals (natural persons) may contract with other individuals (unless consented to). Without like persons, no court has the ability to hear that matter unless the parties consent to a commingling of persons.

Petitioner, a private citizen, a natural man, an age of majority creditor, refutes any such consent has been granted.

It is clear there is no individual who can claim to be the "United States", "The UNITED STATES", "The United States of America" or any other permeation - or any corporation for that matter. To claim otherwise is nonsensical. Nevertheless, it is incumbent upon the United States to present the signature of the owner of the United States as holder-in-due-course; a hand to shake; a voice with whom to converse, to create a valid contract. Unilateral contracts are void if not all elements, intentions and obligations are not fully expressed therein.

Constructive and/or implied contracts using accommodation rights are void as the Petitioner retained all his rights throughout all proceedings and never complied to such coercive and devious dealings of the government or the court.

Without a contract there is no claim. No claim, no charges."...[No] contract there is no case." (*Erie Railroad Co. v Tompkins*, 304 US 64 (1938)).

Without such a claim, there can be no claim of harm. For a crime to exist there must be an injured party. There can be no sanction or penalty imposed on one because of this Constitutional right. (*Sherer v Cullen*, 481 F. 945)

The government cannot produce a holder-in-due-course or valid contract to face the Petitioner. Therefore, this matter must be dismissed for failure to produce an injured party, for lack of an inferior court jurisdiction, lack of a valid contract between the parties and for absence of a valid owner signature to the contract between like persons.

**GROUND II - Bill of Complaint in Equity Presentment to Void
Proceedings and Jurisdiction (BoCE) (Appendix A)**

Petitioner, as the Real Party in Interest, sole beneficiary to the Defendant infant/minor trust JAMES CHRISTOPHER CASTLE, expresses the trust and his age of majority within the BoCE (Appendix A).

BoCE claims tender was special deposited on the account receivable books of the court (USDC) via government's commercial filings (claim against the trust) and/or other deposits into the courts registry expressing a qualified endorsement. This asset now being traded in the Fidelity Advisor Convertible Securities Fund, symbol: FCCVX, CUSIP: 316145838 (Appendix A, Exhibit D). This tender has not been applied to the trust's purported debt to the claim in the USDC. Tender accepted, but not applied is a breach of contract and can be construed as theft of Petitioner's rightful assets as beneficiary of the trust.

BoCE expresses this conflict of interest between the Petitioner and the USDC - each claiming beneficial status. USDC listed beneficial status becomes moot once Petitioner claims and publicly expresses age of majority status, thus stepping up to take his rightful status as sole beneficiary without stewardship of the trust assets.

USDC acted outside its jurisdiction by administering the PROPERTY of the trust liened by the United States indictment. USDC's scope of jurisdiction ends at administering the ESTATE of an infant/minor - even after age of majority expression - until transfer of the assets has been executed to the age of majority natural person. The USDC has no status in law to do so. Administration of said assets is self-evident as the exclusive jurisdiction of equity to which the USDC is without.

Petitioner is due relief from the United States claim and judgment for the USDC's refusal to apply the tender received and Petitioner is due recompence for government's and USDC's harmful actions against his physical person and securitization of trust assets without consideration.

Petitioner's private citizen creditor status has been on the public record for decades. The most recent expression being in the United States District Court in Northern District CA, 3:14-cr-0038-VC, ECF 40, Sept '21.

GROUND III - Private Remedy

Petitioner created a private remedy program to assist distressed homeowners under foreclosure proceedings during the financial crisis (2007-2010). The program consisted of several avenue of investigation to identify potential irregularities in the bank lending and mortgage process which included the securities created thereupon.

Among these avenues: full securitization and forensic audits were conducted on considered properties. If any irregularities were identified, a "Notice of Private International Remedy Demand" was mailed (either by registered or certified mail) to the purported "lender" as listed on the Deed of Trust and any other purported agents, assigns or holders-in-due-course. (See Appendix B - Exhibit A)

The private remedy contained questions and demands by the Grantor (homeowner or their agent/assign) of the DOT made upon the Trustee(s) to answer and provide information to verify/validate or refute the findings of the audits and other investigations. If the Trustee failed responding to this demand, the Grantor, having suspicions of financial irregularities, has the right to revoke or modify the trust. (The Restatement of the Law of Trusts, 2nd Ed., §32(e) - Reservation of power to modify, "Settlor reserves right to revoke in whole or in part and a power to modify.") This includes the right to remove/replace the Trustee for cause. The private equitable remedy further clearly stated if no response was received, or a "non answer response" received, it would be concluded the recipient consented and acquiesced to the facts, information and conclusions contained therein. (Appendix B - Exhibit A, p.6, ¶4)

In accordance with proper commercial default procedures, follow-up "Notice of Fault and Opportunity to Cure", "Notice of Default and Consent to Judgment" and "Notice of Final Judgment" (default judgment) were sent. (Appendix B - Exhibits B-D). These documents are proof exhaustion of administrative remedy was completed. Once the private remedy/judgment was perfected, authorities and rights (Appendix B - Exhibit A, p.9, pt.43; "Grantor has the right to modify the Deed of Trust...") were exerted by the Grantor to remove the void lien and reconvey the property (this included removing the DOT trustee for breach of trust and fiduciary malfeasance) via county Recorder's Office filings.

The defaulted financial institutions and their agents/assigns ignored the private remedy, continued on their non-judicial foreclosure path and caused clouded title. This triggered claims on the title insurance. Financial institutions and/or their assigns, in communication with the Title companies, omitted the fact they had been consensually defaulted and had no valid lien or claim on the subject property, duped the Title insurance companies to pay out their claim falsely stating the DOT had not been settled/satisfied/paid. The government subsequently filed a federal complaint on behalf of the Title companies falsely directed toward Petitioner and others to recover the funds ignorantly paid to financial institutions.

The action against Petitioner was erroneously heard by the USDC, regardless of any perceived contract, appearance or consent by Petitioner. **Black's Law Dictionary**, 5th Ed. partially explains this under "consent jurisdiction" definition (p.440), "[p]arties may not, by agreement, confer subject matter jurisdiction on a federal court that would not otherwise have it."

Balance of the reasoning - Petitioner's private remedy action is equitable in nature and only properly heard in an equitable, Article III jurisdiction as expressed in Park Nat'l Bank v Michael Oil Co., 702 F. Supp. 703 (N.D. Ill. 1989), "...fraud action fails under 18 USC §1344, because neither statute nor its legislative history indicates congressional intent to create private remedy and thus this court [Article I] is without jurisdiction." If the court cannot create private remedy, it is clear private remedy is beyond its scope and only naturally then must follow that private remedy is barred from being heard/adjudicated within said court.

The court referred being United States district court's created by Congress. USDC acting as one of those courts. The absence of history or statute enumerating USDC's ability to hear private remedy & the private remedy being Petitioner's Notice of Private International Remedy Demand (Appendix B) and follow-up Notices perfecting administrative remedy with a default judgment - coupled with consent jurisdiction definition, is definitive upon USDC failing jurisdiction.

I now submit the United States, regardless of any perceived contract between the parties, was barred from bringing the matter before the USDC as this court is without jurisdiction to hear a claim against any party where the claim is inherently equitable in nature.

Action against the Petitioner was erroneously heard by the USDC disregarding the necessity to first establish subject matter jurisdiction, "a position embraced by several Courts of Appeals..." (**Steel Co. v Citizens for Better Env.**, 523 US 93 (1998) "[t]he Ninth Circuit has denominated this practice - which it characterizes as "assuming jurisdiction for the purpose of deciding the merits - the doctrine of hypothetical jurisdiction. (See, e.g., **United States v Troescher**, 99 F.3d 993, 994 n 1 (1996))."

SCOTUS however, perceived this action as erroneous: "We decline to endorse such an approach because it carries the courts beyond the bounds of authorized judicial action and thus offends fundamental principles of separation of powers. This conclusion should come as no surprise, since it is reflected in a long and venerable line of our cases." "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." (**Ex Parte McCandle**, 7 Wall 506, 514, 19 L.Ed.264 (1869)). "On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question from the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it." (**Great Southern Fire Proof Hotel Co. v Jones**, supra at 453, 44 L.Ed. 842, 20 S.Ct. 510 (1884))."

"This court's insistence that proper jurisdiction appear begins at least as early as 1804." (**Capron v Van Norden Cranch**, 126, 2 L.Ed. 229 (1804)) "Every appellate court has a special obligation to 'satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review', even though the parties are prepared to concede to it." (**Mitchell v Maurer**, 293 US 237, 244, 79 L.Ed. 338, 55 S.Ct. 162 (1934)) "And if the record discloses that the lower court was without jurisdiction this court will notice the defect although the parties

make no contention concerning it. [When the lower court] lack[s] jurisdiction, we have jurisdiction on appeal, not of the merits but merely for the purpose of correcting the error of the lower court entertaining the suit." (*United States v Corrick*, 298 US 435, 440, 80 L.Ed. 1263, 56 S.Ct. 829 (1936) (footnotes omitted))." The requirement that jurisdiction be established as a threshold matter "springs from the nature and limits of the judicial power of the United States and is 'inflexible and without exception.'" (*Mansfield C. & L.M.R. Co v Swan*, 111 US 379, 382, 23 L.Ed.462, 4 S.Ct.510 (1884))

"While some of the above, as must be acknowledged to have diluted the absolute purity of the rule that Article III jurisdiction is always an antecedent question, none of them even approaches approval of a doctrine of 'hypothetical jurisdiction' that enables a court to resolve contested questions of law when its jurisdiction is in doubt. Hypothetical jurisdiction produces nothing more than a hypothetical judgment - which comes to the same thing as an advisory opinion, disapproved by this court from the beginning." (*Muskrat v United States*, 219 US 346, 362, 55 L.Ed. 246, 31 S.Ct. 250 (1911); *Hayburn's Case*, 2 Dall. 409, 1 L.Ed. 436 (1792)) "Much more than legal niceties are at stake here. The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, restraining the courts from acting at certain times, and even restraining them from acting permanently regarding certain subjects. [i.e.: equity, private remedy, treatise, etc...](See *United States v Richardson*, 413 US 166, 179, 41 L.Ed. 2d 678, 94 S.Ct.2940 (1974); *Steel Co.* at 89-101.)

All USDC actions in 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN should be vacated, made void and the matter either removed to a proper jurisdiction and venue or dismissed with damages and restitution provided to Petitioner with a recommendation the government and title companies redirect their efforts toward the true culprits - the financial institutions, their agents/assigns.

GROUND IV - 11th Amendment/Foreign Relations

The 11th Amendment of the Constitution of the United States of America reads as follows: "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 term 'judicial power' styled with a lower case 'j' refers specifically to the power an Article I congressionally created court able to Administer the laws, codes, rules, statutes and regulations executed by Congress. This forbids judicial power wielded by these lower/inferior courts to adjudicate matters outside their enumerated scope. Specifically referring to suits in law or equity that include "citizens of another state" or "citizens or subjects of any foreign state."

"One of the United States" referring to citizens of any of the fifty states of the United States (the subsidiary corporations created and styled by Congress upon entry to the United States) (ex: STATE OF VIRGINIA, STATE OF CALIFORNIA, etc...). The "citizens of another state" referring to those citizens of states which include the fifty sovereign states (those states who gave up some of their sovereignty to join the Union) (ex: Commonwealth of Virginia, Republic of California, etc...) "[C]itizens or subjects of any foreign state" referring to citizens of any other internationally recognized foreign nation. Of importance here the sovereign states are as foreign to the United States (Federal government) as any foreign nation.

"No sovereignty can extend its process beyond its own territorial limits to subject either person or property to its judicial decisions. Every exertion of authority beyond these limits is a mere nullity, and incapable of binding such person or property in other tribunals." (Pennoyer v Neff, S.Ct. (1878))

The Federal government being that great sovereign corporation residing within the District of Columbia with jurisdiction limited to those actions within the United States. "[T]he States and the people retain the rest." (Bond, 854)

Any crime without the Federal government is not subject to its jurisdiction. Outside its jurisdiction the Federal government lacks the ability to prosecute. The ability to regulate interstate commerce has no bearing on jurisdiction unless the crime occurred "within the United States."

"The allocation of powers in the Federal system preserves the integrity, dignity and residual sovereignty of the states... to ensure that states function as political entities in their own right." **L Ed Digest: States, Territories, and Possessions, §16.** Put another way, these sovereign states act "without" (are foreign to) the Federal United States.

Upon entry to the Union of states, those sovereign Commonwealths and Republics agreed to cede some of their inherent sovereign rights "to form a more perfect Union." (**United States of America Constitution Preamble**)

This did not uniformly strip these sovereign entities of their inherent sovereignty. Part of the evidentiary distinction between the sovereign states and the Federal government is the existence of separate court systems. The Constitution of the United States only addressing the Judicial and judicial power found within that Federal government.

These two distinctly different, specifically styled powers identifying their source; Judicial power provided for by Article III; judicial power granted congressionally in Article I.

"The first Supreme Court pronouncement on the distinction between Article III courts and Article I courts came in **American Insurance Co. v Canter**, 26 US (1 Pet.) 511, 7 L.Ed. 242 (1828), where Chief Justice Marshall stated that legislative courts are "incapable of receiving Judicial power." (**Marathon Pipeline Co. v Northern Pipeline Const. Co.**, 12 B.R. 946, 1981 U.S. Dist. LEXIS 9883 (4th Div. Mn.) (1981))

When an actor is without Article III authority, that actor is without Judicial power. Those judicial (legislatively granted authority) actors are merely administrators (**Boswell v Otis**, 9 How. 342, 348; to wit 13 L.Ed. 164, 50 US 336) of the United States corporate rules of conduct unable to judge or power to sanction unless consented to by each party

in each circumstance (Bond, 211, 217, 222) ("protects the liberty of the individual from arbitrary power.")

To claim authority of judicial power and actor - judicial administrator - is required to take an oath of office (28 USC 453). We have established the United States Federal government and the sovereign Union states are foreign to one another. The former drawing its work force from the latter. We may therefore conclude that all judicial administrators, being drawn from the sovereign Union states of which they are citizens, upon taking an oath to the foreign United States Federal government are now foreign to their sovereign Union state.

28 USC 1481(2)(4) state, once an oath of office is taken with a foreign entity, citizenship is relinquished, the oath taker now a foreign entity, foreign agent, holder of a foreign office. Every public office of the United States is a foreign state to the sovereign Union States; i.e. every single Article I Federal court is considered a separate foreign entity. Each of these foreign persons a for profit entity as proven by the existence of both an employer identification number as well as a Dunn & Bradstreet commercial identification number and rating (D&B for USDC d/b/a/ as United States Courts #003187213; United States Department of Justice #011669674 (EIN 53-0197022); Ninth Circuit #015024602).

Following this foreign entity/agent line of logic, all holders of foreign entity office (i.e. court administrators, a.k.a. judges and magistrates) according to 22 USC Chapter 11, identifies all public officials as foreign agents. All court officers, including appointed judges are public officials having taken oath to hold office, therefore are foreign agents.

"No person shall act as an agent of a foreign principle unless he had filed with the Attorney General a true and complete registration statement." Request to produce the oath and registration statement from the USDC foreign agent administrator was ignored (ECF 806, p.5, lines 10-12) (see GROUND VI, ¶12)

In summary, all "judicial power" of the inferior Federal courts comes from the congressional Judiciary Act of 1789, as does the Attorney General position. "Judicial power" comes from Article III, §2 of the

Constitution for the United States of America. The 11th Amendment to said Constituion granted all Judicial power (in law, equity, treaties) to SCOTUS exclusively, without the lower/inferior legislatively created appellee and district courts, the prosecutors office all court officers and the right of the Federal government to bring suit against the People unless consent is granted. Petitioner, one of the People, has not knowingly, willingly or intentionally provided any such consent.

Together, these revelations result in immunity from prosecution by the inferior courts as the People are protected by the 11th Amendment. Those lower/inferior Article I courts have no Judicial power of an Article III court. This provides the People Foreign Sovereign Immunity because these Article I courts are foreign persons within the United States Federal government; the People are without the Federal government unless consenting to their jurisdiction.

Furthermore, **FRC v GE**, S.CT., 281 US 464 (1930) declares there are no judicial courts, while **Keller v P.E.**, S.Ct, 261 US 428, 1 stat. 138-178, states, "[j]udges do not enforce statutes and codes. Legislative Administrators enforce statutes and codes. There have not been any judges in America since 1789. There have just been administrators."

This confirms that the USDC and its presiding administrator, under color of law, lacked both the jurisdiction and authority to enforce Judicial power to issue an Order to punish or invoke a sentence against Petitioner in any, but especially an equitable matter, which as we know is the exclusive original jurisdiction of SCOTUS.

It is requisite of the USDC to disclose and verify its true jurisdiction if for no other reason to be able to claim clean hands and good faith - especially in an equitable matter. Failure to disclose is a violation of 15 Statutes at Large, Chapter 249, §1, enacted July 27, 1868.

I pray for a vacating of the judgment and dismissal of the claim against Petitioner, for failure of the USDC to disclose and verify its true jurisdiction and failure to remove the claim to the proper jurisdiction and venue pursuant to FRCT Rule 4(j) which defines the USDC as a foreign state within itself, defined in 28 USC, Chapter 97 - Jurisdictional Immunities from Foreign States, §1602-1611.

GROUND V - Equity/Ambassadorship

United States Constitution Article III, §1; "[t]he Judicial Power of the United States, shall be vested in one supreme Court,..." Section 2. "[That] Judicial power shall extend to the Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..., and to all Cases affecting Ambassadors." Petitioner makes claim to each, either of which providing SCOTUS original jurisdiction to the Writ of Habeas Corpus ad Subjicendum now before the Court.

EQUITY

Entered as Appendix A to this Writ is Petitioner's Bill of Complaint in Equity Presentment to Void Proceedings and Jurisdiction and its accompanying exhibits expressing Petitioner's private status and expression of the Trust. The same Trust being registered with the United States Patent and Trademark Office (USPTO) number 1,140,097. United States (Federal government) trespass upon Petitioner's intellectual property (JAMES CHRISTOPHER CASTLE and all derivatives thereof) is exhibited by the indictment lodged with the United States District Court in the Eastern District of California, 2:15-cr-00190-GEB-MCE-JAM-KJM-TLN and subsequently securitized and traded within Fidelity Advisor Convertible Securities Fund, Symbol FCCVX, CUSIP: 316458838, as JAMES CASTLE (CC 2:15-cr-00190-MCE). (See Appendix A, Exhibit A, point 15; Exhibit D)

Further evidence of this equitable status of the matter lay in the original complaint filed against the defendant JAMES CHRISTOPHER CASTLE. The matter holds at its base controversy regarding Deeds of Trust, the assigned res (asset/property) and the Administration thereof by its trustee (See Appendix B).

All causes of action against Petitioner are the result of private remedy action by the Grantor against the Trustee of a Deed of Trust. Property of Trusts being the exclusive jurisdiction of Article III courts. (See Appendix A pgs. 2-5 - stating the property of trusts is exclusively adjudicated in equity in contrast to the trust itself, which is administered in the lower/inferior courts. These private contracts (DOT's) can be applied directly to the entire argument found in Exhibit A of Appendix A - Verified Memorandum of Law and Points of Authorities on Trust.

Equitable jurisdiction necessity is verified by the multiple counts of claimed 18 USC 1344(1) infringement in the original complaint which controversy centered on actions regarding and in association with the private equitable DOT contract and subsequently disposition of the trust property. An Article III court, in this case SCOTUS, is that court with original jurisdiction to hear this equitable matter.

AMBASSADORSHIP

Petitioner submits that he is a private citizen, age of majority, creditor, foreign actor to the United States (See Appendix A - Exhibits B-C). SCOTUS retains original jurisdiction regarding any matter involving Ambassadors, who as foreign agents representing a state, are immune to prosecution while within a foreign state.

Argument. Under various codes (28 USC 453, 4 USC 101.1 and .2, 33 USC 3331) an Oath of office is required to take public office within the United States Federal government. This applies to all Federal government employees, appointed office holders or elected officials without exception. A required Oath to hold office includes all Administrators, Judges, Magistrates and all Officials/Attorney General's office-holders within the DOJ. This requirement encompasses all branches of government. As also previously stated (GROUND IV), 8 USC§1481, states, once an Oath of office is taken, citizenship is relinquished, the oath taker now a foreign entity (in relation to those without the United States), agency within the corporate United States government and required to register as a foreign entity. The Oath of office to any Federal government appointment, is such a foreign appointment.

The application of the Oath and Registration codes, while irrefutably valid on-the-books law, are notoriously loosely applied in reality. In many legal circles it has been expressed these requirements are not applicable in a contemporary legal context. Like many rules and laws on the books, these are claimed to have fallen into disuse and are frivolous. This is faulty reasoning, an attempt at casuistry or blatant obfuscation of Congressional intent.

Petitioner contends this inaccurate assessment is dangerous. Just as immigration laws on the books but not until recently enforced, the Oath,

bonding and registration requirements are equally as valid today as when adopted. These codes exist for a purpose - they were enacted for a reason. Oaths were created to hold those in trusted public offices (elected/appointed/hired) accountable to the People whom they serve. Their actions reflecting the desires of an orderly society for the People's benefit. During bad behavior the Oath is meant to hold the offending public official liable. This is the purpose of the liability bond requirement (which accompanies the Oath) allows the office holder to operate in commerce.

Legally, without an Oath or liability bond on record, Administrators, Judges, Magistrates and all other Federal government actors/employees are not being held to the corporate rules, regulations, codes, statutes and laws of the United States Federal government and are instead acting as rouge actors in a for-profit scheme (see GROUND IV Dunn & Bradstreet identification numbers) with little to no impartial, unbiased oversight while enjoying immunity for their actions while holding office.

With an Oath, these actors are in fact foreign agents working for a foreign Federal government in relation to the sovereign Union states and their private citizens. These citizens, being private in nature, without the public, without the Federal government "UNITED STATES" (corporate name style)/United States or its agencies.

If the public office holders within the Federal government are themselves foreign agents and required to register as such, then the UNITED STATES and its agents are foreign to private citizens. More importantly for this discussion is the converse is also true: private citizens are foreign to and without the UNITED STATES.

Those citizens who claim the status of private citizen, age of majority, creditor and express their beneficial status within their c'estui que trust are without the UNITED STATES Federal government and are foreign agents due recognition as domestic Ambassadors of their de jure Union sovereign State. (i.e.: Commonwealth of Virginia, Republic of Texas, etc.).

Ambassadors (international or domestic) have immunity within a foreign jurisdiction under the 1961 Vienna Convention of Diplomatic Relations.

The Congressionally created lower/inferior courts are such foreign jurisdiction entities to Petitioner. They have no subject matter or personal jurisdiction to indict let alone adjudicate any matter involving an Ambassador unless jurisdiction is consented to by the immune party. Petitioner has expressed and memorialized his private status (see Appendix A, exhibits B and C) and has not waived his immunity or consented to the Federal government foreign jurisdiction at any time knowingly, willingly or intentionally. If there be a claim of an existing contract with this foreign jurisdiction, I hereby revoke and rescind the signature on said contract. I further deny any contract exists. Constructive, implied, accommodation right and presumptive contracts are void ab initio attempting to create contract within the United States without consent.

The Constitution is clear, any matter concerning an Ambassador is the original jurisdiction of the Supreme Court of the United States of America. The Writ now before the court is such a matter.

GROUND VI - Officials Authority Not Verified

The administrator presiding over the matter, being called a Judge under color of law, the clerk of court and the attorney representing the United States are each public officials who are required to take an oath to uphold the Constitution of the United States of America prior to taking office. (28 USC 453) (4 USC 101.1 and .2) (see also GROUND III - Foreign status)

Petitioner previously requested public official John A. Mendez (administrator under color of law acting as Judge in USDC) in writing, to provide his oath and performance/liability bond. This request was ignored. (ECF 806, p.5, line 10-12) ("I need you to fulfill your oath, your Honor and that would require you to go ahead and provide me the information I requested [proof of Oath and bond]." I now reaffirm this request and in addition add the new administrator/judge assigned the matter, the Honorable Troy L. Nunley, the representative United States attorney and the USDC clerk of court to produce their oaths of office in addition to providing their performance/liability bonds purportedly on file with the Secretary of State's Office complete with notary and Seal to validate they are lawful officials with public government authority. These provide the authority and qualify them to contract with Petitioner on the United States behalf (each being a purported government official per Office being held in good behavior) should Petitioner consent to said offered contract.

It is reasonable and good faith duty upon these reputably public officials to show and prove their authority considering the seriousness and fact that Petitioner's liberty, property and even life are at stake. As all administrators/judges, clerks of court and attorneys who act within the USDC are officers of the court, they do not represent the People, they are a product of the legislative branch of government. To allow such actions would represent a usurpation of power by commingling the separation of power. This forbids them from entering contracts, as one party, against the People. To do so renders any contract (constructive, implied, accommodation or expressed) between one of the People and these parties null and void unless consented to by each party.

It is further requested each actor acting on behalf of the USDC or United States in this matter show their registration as a foreign agent. This registration (required by 22 USC Chapter 11§612, to hold office. Once citizenship is relinquished (Oath of office to the United States Federal government which is foreign to the sovereign states of the Union) each actor must register as a foreign agent. Failure to provide this registration is corroborating evidence that Petitioner's due process and equal protection rights were never afforded under the law. This being in direct violation of both the 5th and 14th Amendments to the Constitution of the United States of America, protection of which is afforded a private citizen of one of the several sovereign Union states, age of majority creditor seeking remedy in an ArticleIII equitable court.

Failure of the said officials to provide proof of their public authority, proof of liability bond and foreign agent registration is agreeance and admittance to not being whom they publicly purport themselves. This destroys any actions taken by these actors in that Office capacity and voids any court process to which they were involved. Without verification of status and authority to hold Office, Petitioner's judgment and sentencing are void.

GROUND VII - Standing

The United States Federal government has no standing to prosecute. The 2:15-cr-00190 USDC indictment is void of any person with first-hand knowledge to support probable cause. The United States Attorney did not conduct the investigation; they have no first-hand knowledge of the events. All government claims are heresay evidence. This matter was investigated by the Federal Bureau of Investigation (FBI), yet no such agent testified to the facts.

The FBI agent or officer who conducted the investigation would have had to sign the indictment required two people's signatures; first, the holder-in-due-course as the primary signatory; second the natural person victim as a secondary signatory.

For the United States Attorney to have authority to sign on behalf of the holder-in-due-course there must have been a power of attorney authorizing it. I am not aware of said POA nor do I believe such a POA exists. In the alternative, the Office holds such authority itself and the holder of that office must provide proof of their authority to operate said office in commerce (i.e.: provide Oath and Bond). Without proper authority via contract to lawfully prosecute, judgment/sentencing are void and to be vacated. Release of Petitioner is required absent a valid claim.

Furthermore, the United States did not and will never obtain standing as an injured party in an Article III court against a natural person. **(Penhallow)** The United States is an artificial corporate fiction. Only a natural person is able to fulfill the injured party requirement to claim standing.

Maxim of Law: There can be no crime without an injured party.

The United States Attorney erroneously signed the indictment without being the holder-in-due-course. Without authority as holder-in-due-course proceeding with a complaint is fraud according to Uniform Commercial Code 3-308. Dismissal with prejudice for fraud upon Petitioner and the USDC is appropriate. **(Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 US 238 (1944))**

Without standing, which the United States is wanting, the USDC - all courts - are legally and constitutionally estopped and incapable of proceeding: "Courts only adjudicate justifiable controversies." (**United States v Interstate Commerce Commission**, 337 US 426, 430.) "The requirement of standing however has a core component derive directly from the constitution. A plaintiff must allege personal injury fairly traceable to the defendants allegedly wrongful conduct and likely to be redressed by the requested relief." (**Allen v Wright**, 486 US 737, 751 (1984))

Allen, of course references Article III §2 of the Constitution of the United States of America, which requires a plaintiff to present a case before a court may proceed. "The Judicial power shall extend to all cases..."; "The case-or-controversy doctrines state fundamental limits on federal judicial power in our system. The Article III doctrine that requires a litigant to have standing to invoke the power of a federal court is perhaps the most important of these doctrines." (**Id.** 486 US 750)

"Standing consists of two absolutely essential elements: 1) violation of a legal right; and 2) personal injury. Neither one without the other is sufficient, both are required." (**Tyler v Judges of the Court of Registration**, 179 US 405.) The United States can claim neither in this matter.

1) Violation of a legal right is not forthcoming as Petitioner's procured default judgments upon all purported financial institution lenders and purported holders-in-due-course of legal rights via DOT on the subject properties listed as individual counts under 18 USC 1344(1) claims. Therefore, harm on a financial institution was not legally possible as Petitioner correctly exhausted his administrative remedies. (see Appendix B, exhibits A-D).

2) Personal Injury. There is no culpability as there were no injured parties caused by Petitioner. No natural persons were harmed as agreed to by the government for if there were they would have been listed as such within the complaint. The title companies listed as harmed parties under the 1344(1) restitution claim have no standing against Petitioner for two reasons; 1. they, under 18 USC 20 are not financial institutions nor insured by the FDIC; and 2. they were not harmed by Petitioner nor did Petitioner cause others to harm them. Title companies were harmed by National Association Financial Institutions and other financial

lenders (FI's) who falsely claimed legal standing on properties which they were not holders-in-due-course nor held standing. Their standing as trustee on the property DOT having been modified in accordance with established trust law (see GROUND III). The FI's were defaulted in private equitable fashion using the same foreclosure procedures they use to foreclose. Administrative remedy was exhausted; notice of default and default judgment provided. They were removed as trustee from the DOT for cause by the Grantor/Settlor (**The Restatement of the Law of Trusts**, 2nd Ed. §331 - Modification of Trust by Settlor) with the replacement trustee given authority to reconvey the property to the proper legal owner. (see Appendix B, exhibit A, p.9, pt. 43; p.9-10, Express Notice of Waiver of Tort to all who Trespass and Terms of Contract; exhibit D, p. 1-2) A trust with a revocable assignment can be revoked and/or modified (*Id.*) All DOT's include revocable assignments as they are sold/reassigned after execution. This is evidenced by the securitization audits conducted on each property DOT prior to processing and subsequent default of FI's

Title company remedy lies with the FI's who falsely claimed standing and holder-in-due-course capacity while omitting their knowledge of the private default executed against them prior to demanding recompense on Title Insurance held by new owners of the subject property.

Based upon the information provided within this GROUND, a dismissal, after vacating judgment and sentencing of Petitioner, is required due to lack of standing by the United States or the parties they claim to represent.

GROUND VIII - Improper Venue

It is now asserted the claim, action, trial and judgment against the Petitioner was entered in any improper venue and now request its judgment remanded back to the USDC to be vacated and dismissed with prejudice. "There is but one cause of action and that is civil." (FRCP Rule 2)

28 USC §1631 TRANSFER TO CURE WANT OF JURISDICTION

Whenever a civil action is filed in a court as defined in §610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that there is a want of jurisdiction, the court shall, if it is in the interest of justice transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it was transferred.

A definitive distinction in style and construction of courts named in the federal statutes is necessary to express in order to quantify their specific unique jurisdiction.

28 USC §1391, attests, this court, "United States District Court" or "United States district court" ... falls under chapter 97, JURISDICTIONAL IMMUNITIES OF FOREIGN STATES as a Foreign State Court. This would include the court where Petitioner had been adjudicated and Petitioner now incarcerated as a result.

This information was not properly disclosed by either:

- a. Clerk of court at the time of the indictment filing; or
- b. Court/administrator/judge; or
- c. Prosecutor; or
- d. Defendant's attorney(ies) at the time of arraignment (which was conducted via ZOOM without consent), trial or sentencing (each a due process violation.)

In conjunction with the USDC being a Foreign State Court, it is pertinent and necessary to disclose its status and to disclose to the defendant the full spectrum of their rights. Partial disclosure is

insufficient and suggests intended omittance causing withholding of said rights.

Petitioner was never disclosed his rights under The Foreign Sovereign Immunities Act of 1976. Never, during Petitioner's court action, was he properly served per FRCP Rule 4, nor ever read his Miranda Rights.

Petitioner, holding such foreign status to the United States, has immunities under the International Organizations Immunities Act (IDIA) of 1945. Congress adopted this Act by passing HR 4489, P.L. 291, 59 Stat. 669, and codified it under 28 USC, §1652. Additional immunities are held by Petitioner under 49 Stat. 3097, Treaty Series 881, Rights and Duties of the States, also codified under 28 USC, § 1652.

Petitioner opines the Court take Notice that 28 USC, §610 clearly expresses the 'district court of the United States' is and was the proper jurisdiction and venue as an Article III court to hear and adjudicate a claim against the Petitioner.

Title 28 USC: Judiciary and Judicial Procedure

Section 610 defined: "As used in this chapter the word "courts" includes the courts of appeals and district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade." What is not found in the code definition is any jurisdiction or venue provided for the "UNITED STATES DISTRICT COURT" or "U.S.DISTRICT COURT", or "United States District Court."

Maxim of Law: That which is expressed is included, that which is not is excluded.

In direct contrast to excluding the UNITED STATES DISTRICT COURT/United States District Court, all other courts provided for and defined by legislative enactment are listed herein below:

- 28 USC §1331. The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States;

-28 USC §1343 (as an Act of Congress) Civil Rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

1. To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in 42 USC §1985;

2. To recover damages from any person who fails to prevent or aid in preventing wrongs mentioned in 42 USC §1985, which he had knowledge were about to occur and power to prevent;

3. To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by an Act of Congress providing for the equal rights of citizens or of all persons within the jurisdiction of the United States.

-28 USC §1652 State laws as rules of decision
The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply.

TAKE NOTICE to the use of style which identify specific courts; the use of upper/lower case, the combination of words. These are used to depict **specific** courts within the United States Federal government (Article I courts).

The individually identifiable courts listed within the United States Code are as follows:

1. 18 USC §23.1: "court of the United States";
2. 26 USC Rule 10: "United States Tax Court";
 - a. 26 USC §7402: "district courts of the United States";
 - b. 26 USC §7403: "district court of the United States";
 - c. 26 USC §7404: "United States district court";
3. 28 USC §1391: "United States District Court of the District of Columbia";
4. 28 USC §610: "district courts of the United States".

Of this list, 1. refers specifically to territories of the United States; 2.a., 2.b. and 4 refer to those courts able to hear civil actions, enforce liens, make orders and judgments; 2.c. is for tax summons; 3. is for civil action against a foreign state. As one can observe, the Code is not shy in its differing use of capitalization and lower case styling; it is quite specific in its styling; the styling is purposeful and intentional.

Nowhere in the codes, rules, Acts, regulations or laws does it provide original jurisdiction for the styled "UNITED STATES DISTRICT COURT" nor "United States District Court", nor any place provides for its authorization. In contrast, we find 18 USC §3231 - District Courts, "the district courts of the United States shall have original jurisdiction, exclusive of the courts of the States of all the offences against the laws of the United States." No other court by name or style is mentioned. (That which is expressed is included, that which is not is excluded.)

No original jurisdiction appears to be provided for the "UNITED STATES DISTRICT COURT" or "United States District Court". Without Congressional or Constitutional authority, without original jurisdiction, without venue, all actions by this so called 'court' are void ab initio, fraudulent in nature and without adjudicating authority.

By claiming such jurisdiction, venue and authority a UNITED STATES DISTRICT COURT (United States District Court) is misappropriating the authority uniquely provided to the "district court of the United States."

Having pointed out the lack of Congressional authority or even mention of the existence of the UNITED STATES DISTRICT COURT (United States District Court), the indictment, all judgments and sentencing of Petitioner must be voided, vacated and dismissed as entered in an improper venue.

CONCLUSION

Petitioner was erroneously convicted and sentenced in an unofficial/without jurisdiction or authority court as explained, cited, exhibited and validated within the preceding eight GROUNDS. Therefore, 2:15-cr-00190 GEB-MCE-JAM-KJM-TLN requires vacating of judgment and dismissal for the variety of reasons herein expressed. Any and all constructive, implied, accommodation rights, presumed, adhesion or expressed contracts between the parties therein void. A conviction/judgment cannot stand without proper contract(s), standing, jurisdiction, venue, etc. between the parties as demonstrated through the multitude of case law and other authorities cited herein.

Petitioner prays this court recognize the necessity to remind the United States, in an effort to deter further abuse, not to bring forward improper indictments within improper venues without the jurisdiction, standing, being holder-in-due-course, or having true harmed individual with first-hand knowledge to the facts. The United States was represented by CA-BAR attorney/ies who are presumed to know and follow the law. Deviations from these basic standards are unconscionable.

The Respondent is required to rebut this Declaration point-by-point and make verbatim record of fact finding and conclusion of law. Anything less constitutes a frivolous denial and shall result in a consensual default judgment, vacating of the USDC judgment and dismissal of the matter with prejudice and immediate release of the Petitioner.

This ends the Declaration

Dated: 03-01-26

by: 

Petitioner prose, private citizen,
age of majority creditor, James
Christopher of the family Castle

mailing: c/o JAMES CASTLE

79093097

Lompoc II FCI

3901 Klein Blvd.

Lompoc, CA 93436-2906

VERIFICATION

STATE OF CALIFORNIA

S.S HABEAS CORPUS

COUNTY OF SANTA BARBARA

I, the man, James Christopher of the family Castle, a private citizen creditor, pursuant to 28 USC §1746; "I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

(All Rights Reserved Without Prejudice; UCC 1-207, 1-308, 1-103)

Signed on this 16th day of March, in the year 2026 a.d.
by the undersigned authority.

by: 
Petitioner pro se, private citizen,
creditor James Christopher, family
of Castle
106 Iowa Avenue
Fairfield, Iowa

mailing: c/o JAMES CASTLE
LOMPOC FCI II
3901 KLEIN BLVD
LOMPOC, CA 93436