No. 26-5633

IN THE SUPREME COURT OF THE UNITED STATES

NOA KANEALII IO PONO I KELII UA MAU,

Petitioner,

v.

TYLER C. SAITO, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITIONER'S REPLY TO THE BRIEF IN OPPOSITION OF RESPONDENTS KALALEA PLANTATION LLC AND BENJAMIN F. GARFINKLE

Noa Kanealii Io Pono I Kelii Ua Mau, Petitioner Un-represented

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INTRODUCTION

1. Respondents' opposition confirms the importance of the questions presented but does not resolve them.

2. The central question is not whether the United States lawfully controls the Hawaiian Islands or a congressional construct of the U.S. Hawai'i or whether federal courts exercise jurisdiction within the Hawaiian Islands or by one of its Republic of Hawai'i, Territory of Hawai'i, State of Hawai'i.

3. The question is whether a federal appellate court may conclusively determine the Petitioner as a United States citizen, reject the asserted alienage as kanaka-maoli Hawaiian under 28 U.S.C. § 1350 and without identifying and applying any controlling alienage citizenship statutes or laws.

4. Respondents defend the Ninth Circuit's reliance upon United States v. Lorenzo, 995 F.2d 1448 (9th Cir. 1993), and invoke the Newlands Joint Resolution, 30 Stat. 750 (1898).

5. Neither sources, however, independently adjudicated Petitioner's alienage, national identity or citizenship under 8 U.S.C. §§ 1101(a)(3), 1101(a)(22), or 1405 and or any other lawful source.

Respondents additionally conflate three legally distinguishable entities:

i. Ko Hawaii Pae Āina, identified in the English diplomatic record as the Hawaiian Islands and recognized by the United States as an independent treaty-making sovereign;

ii. Republic of Hawaii, owns no physical maritime territory in the Ko Hawaii Pae Aina and is not now or has ever been an original contracting party to the 1849 Hawaiian Treaty of Friendship, Commerce and Navigation; and

iii. State of Hawai'i, a creation of the United States Congress under its constitutional framework and operates within the physical maritime and territorial boundaries of the Ko Hawaii Pae Aina.

6. Petitioner maintains that the sovereign protections for his national identity as one of the kanaka-maoli Hawaiian people, the treaty protected rights, and the domestic state and international legal personality of Ko Hawaii Pae Āina is continuing. These measures under the rule of law require lawful adjudication, remedies and redress.

7. Petitioner does not concede that the construction of the United States congress by or thru its creations, [un]recognitions or annexation treaty[s] without the Ko Hawaii Pae Aina's people and their peaceful government conclusively extinguishes any rights belonging to the kanaka-maoli Hawaiian people domiciled within the Hawaiian Islands just like me.

The Court should grant the petition to determine whether the Ninth Circuit employed the correct statutory and lawful analysis.

I. THE ABSENCE OF A CIRCUIT CONFLICT DOES NOT DISPOSE OF THIS PETITION

8. Respondents argue that Supreme Court Rule 10 requires denial because Petitioner has not demonstrated a conflict among federal courts of appeals.

9. That argument mistakes an important consideration for an absolute jurisdictional prerequisite.

10. Rule 10 recognizes that certiorari may be warranted where a lower court decides an important federal question in a manner that conflicts with relevant decisions of this Court or otherwise presents a compelling reason for review.

11. Petitioner identifies a federal statutory question concerning the meaning of alienage under U.S.C. 28 §1350, and in this petition affecting an entire race and national group of kanaka-maoli people known to the world as Hawaiians.

12. The Alien Tort Statute provides federal jurisdiction over qualifying civil actions brought by an alien for torts committed in violation of the law of nations or a treaty of the United States.

13. Congress separately defines an alien as a person who is neither a citizen nor a national of the United States. 8 U.S.C. § 1101(a)(3).

14. That definition does not expressly require the Petitioner to establish citizenship in a recognized foreign sovereign state.

15. Yet the Ninth Circuit reformulated Petitioner's asserted alienage as a requirement to establish citizenship in a foreign sovereign nation.

The difference is material.

16. An individual's inability to establish foreign citizenship does not, by itself, establish United States citizenship. (Petitioner provided Affidavit, Certificate of Hawaiian Birth and 1849 Treaty)

17. Respondents have not identified a holding in Lorenzo that supplies the missing statutory and or lawful determination.

18. The petition therefore presents a question of federal statutory interpretation rather than merely a disagreement over the application of settled judicial precedents.

II. UNITED STATES v. LORENZO DOES NOT DETERMINE PETITIONER'S INDIVIDUAL CITIZENSHIP

19. Respondents' principal reliance upon United States v. Lorenzo fails to distinguish criminal subject-matter jurisdiction from individual citizenship, national identity and alienage.

20. Lorenzo concerned a federal criminal prosecution and objections to the exercise of federal criminal jurisdiction.

21. This Petition presented a controversy concerning the application of the Alien Tort Statute of the Petitioner asserting my national identity under the Ko Hawaii Pae Āina belonging to the national group of people known as "Hawaiian".

The controlling statutory and lawful inquiries are different.

The relevant provisions include:

* 28 U.S.C. § 1350, governing Alien Tort Statute jurisdiction;

* 8 U.S.C. § 1101(a)(3), defining alienage;

* 8 U.S.C. § 1101(a)(22), defining United States nationality; and

* 8 U.S.C. § 1405, prescribing citizenship rules applicable to specified persons associated with Hawaii.

Lorenzo did not determine Petitioner's identity, ancestry, nationality, date of birth, or citizenship.

22. Nor did it adjudicate the continuing international obligations arising under the 1849 Treaty of Friendship, Commerce and Navigation between the United States and the Hawaiian Islands.

23. Petitioner does not contend that an assertion of separate national identity automatically defeats federal criminal jurisdiction in the United States. Petitioner's case is civil in nature.

24. Rather, Petitioner maintains that the exercise of federal [extra] territorial jurisdiction does not by itself establish every individual's citizenship for the purposes of different federal statutes and cause of actions.

25. The Ninth Circuit's reliance upon Lorenzo therefore leaves unanswered lawful and statutory question arising and actually presented by this petition.

III. THE NEWLANDS JOINT RESOLUTION DID NOT AND DOES NOT ELIMINATE THE NEED TO DISTINGUISH THE ANNEXATION WITH THE SELF DECLARED REPUBLIC OF HAWAII FROM THE INTERNATIONAL TREATY OBLIGATIONS OF 1849

26. Respondents rely upon In re Wilder's S.S. Co., 183 U.S. 545 (1902), and Territory of Hawaii v. Mankichi, 190 U.S. 197 (1903), to establish a recognized domestic legal effects of annexation.

27. Petitioner is not asking this Court to disregard the decisions or review the ownership of title over the Hawaiian territory or private kuleana property and property rights of the Petitioner, that would come later.

28. The narrower issue is whether a U. S. recognition of a self-declared Republic of Hawaii conclusively determines the separate international-law-questions raised by the obligations of the United States and the (Hawaiian Islands) Ko Hawaii Pae Aina in the 1849 treaty.

The treaty was concluded between the United States and the Hawaiian Islands.

29. Its preamble recognized the contracting parties as separate states exercising international treaty-making capacity.

30. Article I established peace and amity.

31. Article VIII distinguished United States citizens from subjects of the Hawaiian sovereign and addressed reciprocal rights.

32. Article XVI prescribed a procedure concerning the treaty's duration and termination.

33. Petitioner maintains that these provisions establish lawful obligations "Promises" that cannot be broken solely by substituting a self-declared Republic of Hawaii for Ko Hawaii Pae Aina, one of the original high contracting sovereigns.

34. The self-declared Republic of Hawaii is not and has never been a named high contracting party of any kind or otherwise to the 1849 treaty.

35. The U. S. Newlands Joint Resolution subsequently accepted a purported cession offered by that self-declared Republic absent any lawful title or ownership of any lands within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands to cede to anyone anywhere at anytime.

36. Petitioner disputes whether that U. S. domestic legislative measure with that self-declared Republic, standing alone, and without any consent by the kanaka-maoli Hawaiian people and its government establishes a lawful termination of any or all international obligations of the United States of America owed to all the kanaka-maoli Hawaiian people of the Ko Hawaii Pae Āina protected under the 1849 treaty just like me.

This position requires distinguishing:

37. First, any domestic and international lawful effects attributing to the U. S. Newlands Joint Resolution by the United States courts affecting the national Hawaiian group of people.

38. Second, the international lawful effects of any purported transfer of the Hawaiian Islands within the physical maritime and jurisdictional territorial boundaries public and private.

39. Third, the separate question is whether the U. S. obligations under the 1849 treaty by the U. S. Newlands Joint Resolution and or by any further congressional actions terminated, superseded, or otherwise rendered inoperative under any applicable laws, and

40. Fourth, the effects, if any from these coordinated plans of different actions, then and now upon Petitioner's asserted national identity and inherited private kuleana property rights.

41. The recognition of the Newlands Joint Resolution with the self-declared Republic doesn't eliminate the need to identify what lawful proposition these particular actions has actually established, in fact here, it compels lawful review.

42. Petitioner maintains that the international sovereignty, constitution treaty and neutrality of the Ko Hawaii Pae Ãina constitutes a continuing lawful protection and claims, and not merely a historical description.

43. The Court need not conclusively resolve these claims, these would be down the road, but should determine whether the Ninth Circuit employed the proper statutory and lawful citizenship and alienage analysis.

IV. SECTION 1405 REQUIRES APPLICATION TO THE INDIVIDUAL, NOT MERELY CITATION TO THE STATUTE

44. Respondents invoke 8 U.S.C. § 1405 and emphasize its provision concerning persons born in Hawai'i on or after April 30, 1900. Petitioner agrees the test will reveal the Respondents conflation.

45. Petitioner acknowledges that Congress enacted this citizenship provision, a coordinated plan of different actions, it's aim is at the destruction of the essential foundation of life belonging to the national group of kanaka-maoli people known as Hawaiians.

46. The disputed question is whether the Ninth Circuit actually applied the statute and the law to Petitioner's citizenship, alienage, individual and national identity circumstances.

47. Section 1405 contains distinct citizenship rules, including provisions addressing persons born during specified periods and persons who were citizens of that [self-declared] Republic of Hawaii on August 12, 1898.

48. The lawful effect of each provision depends upon its statutory terms and effects upon applicant.

49. Respondents argue that Petitioner has not demonstrated why § 1405 would fail to establish his citizenship, this burden was never on Petitioner. Petitioner's day in court or any discovery has never been allowed, and the doors of the court is always closed to Petitioner and any path for relief is strictly limited by the courts offering of passages as if I am one of the Native Hawaiians defined by congress under USC 42 §§11701 and 11711.

50. This contention presents a substantial obstacle to Respondents position and Petitioner's alienage and citizenship must be analyzed under the actual statutory legal test.

51. Nevertheless, the Ninth Circuit's memorandum relied upon Lorenzo rather than expressly identifying which citizenship requirement governed Petitioner's alienage circumstances.

52. Petitioner maintains that his asserted national identity under the Ko Hawaii Pae Āina must be distinguished from any citizenship attributed through the self-declared Republic of Hawaii and subsequently any additional United States congressional legislative support of that proposition.

53. The question is whether Petitioner's asserted alienage (kanaka-maoli) distinction has any lawful significance under these governing statutes or other international lawful sources.

54. Petitioner seeks his day in court to adjudicate these question, not an exemption from statutory analysis.

V. KA PALAPALA HEMOLELE IS THE ASSERTED ESSENTIAL FOUNDATION OF PETITIONER'S NATIONAL LEGAL ORDER

55. Respondents' footnote characterizing Petitioner's reliance upon Ka Palapala Hemolele as incoherent is deliberate and do not address the distinction expressly drawn in the petition.

56. Petitioner identifies Ka Palapala Hemolele as the Primary Authority, and the Essential Foundation of his Christian national identity, inheritance, and understanding of the legal order of his country the Ko Hawaii Pae Āina.

57. This is not a claim that the Holy Bible, standing alone, constitutes a modern land patent or establishes citizenship under federal law. Although the kuleana of kanaka-maoli are drawn from the Holy Bible.

58. Petitioner distinguishes asserted foundational authority from the subsequent positive and lawful instruments through which property and governmental rights are recognized and administered through the Christian principles of the Holy Bible.

59. These instruments include the 1839 Declaration of Rights, 1840 and 1852 Constitution, The Statute Laws of His Majesty the King of the Hawaiian Islands Vol I, 1845 and 1846 and II, 1847, The Board of Commissioners to Quite Land Titles in the Hawaiian Islands 1845, Land Commission Awards, Royal Patents, Government Grants, Judicial Probates, Decisions, and Hawaiian Laws, Recorded and Registered conveyances of our Crown, Government and Alii lands, Titles and Deeds, Ancestral Genealogies, Inherited private family kuleana properties, property rights and interests and Wills & Testaments.

60. The self-declared Republic of Hawaii is a separate kind of enterprise and is not interchangeable and have no relationship with the foundational lawful order Petitioner invokes and is subject to.

61. Petitioner maintains that the continuity of his asserted national lawful order and the continuing significance of its foundational authority are relevant to any and all lawful claims advanced the people of the Hawaiian Islands just like me.

62. Whether those sources establish an enforceable right under federal law remains a separate question.

63. Respondents' characterization does not answer that question.

VI. THE PETITION PRESENTS A NARROW QUESTION DESPITE RESPONDENTS' PRESERVATION AND PLEADING OBJECTIONS

64. Respondents argue that Petitioner did not substantively oppose the motions to dismiss, declined to file a second amended complaint, and did not fully develop the present arguments in the lower courts.

65. Petitioner acknowledges that some of these procedural circumstances may present questions concerning preservation and the suitability of this case for certiorari, however, these past and present patents and campaigns targeting any kanaka-maoli seeking legal representation for judicial relief in State of Hawaii or USDC is equivalent as if a bill of attainment is the decision, no representations is available, the court limits recourse.

66. Nevertheless, the Ninth Circuit expressly addressed Petitioner's asserted alienage under the Alien Tort Statute and rejected it through reliance upon Lorenzo. Closed the court door and made me a national or citizen of the United States of America.

67. Petitioner seeks review of that determination.

68. The Court need not adjudicate the ultimate ownership of the Aliomanu property, resolve every international treaty question, or determine every alleged violation of international law to consider whether the Ninth Circuit applied the correct lawful standard and test.

69. Nor does Petitioner contend that proof of alienage alone would establish a viable Alien Tort Statute claim.

70. Under Sosa v. Alvarez-Machain, 542 U.S. 692 (2004), a claimant must satisfy the separate requirements governing actionable violations of international law.

71. Those requirements remain distinct from the statutory question of alienage.

72. The appropriate relief would permit the lower court to consider the governing statutory provisions and any remaining jurisdictional, pleading, preservation, and merits issues.

CONCLUSION

Respondents have not demonstrated that United States v. Lorenzo adjudicated Petitioner's citizenship under 8 U.S.C. §§ 1101(a)(3), 1101(a)(22), 1405 or any other lawful source.

Nor have they established that the recognition of a domestic annexation in In re Wilder's S.S. Co. and Territory of Hawaii v. Mankichi independently resolves every question concerning the 1849 treaty, Petitioner's asserted continuing national identity under the Ko Hawaii Pae Āina, or the application of the Alien Tort Statute.

The petition presents a question concerning the proper lawful method for determining statutory alienage.

For these reasons, Petitioner respectfully requests that the Court grant the petition for a writ of certiorari, vacate the judgment insofar as it rests upon the challenged alienage determination, and remand for further proceedings consistent with the governing law.

Respectfully submitted,

November 4, 2026, Kahuku, Kau, Mokupuni Hawaii, Ko Hawaii Pae Aina. H. I.

/s/ Noa Kanealii Io Pono Kelii Ua Mau

Petitioner, Unrepresented

CERTIFICATE OF SERVICE

Petitioner declares that he will serve all the parties of interest in this case by email and first class mail through USPS, HIPS or personal hand delivery at their last known address. Petitioner ask that the U. S. Supreme Court see the Petitioners need for assistance of council and appoint an appropriate law firm and lawyers.

November 4, 2026, Kahuku, Kau, Mokupuni Hawaii, Ko Hawaii Pae Aina. H. I.

/s/ Noa Kanealii Io Pono Kelii Ua Mau

Petitioner, Unrepresented