Damages of $37,822,100 demanded of 31 Federal actors in the Houston case; criminal complaint filed with military

SUPREMECOURTCASE

Lufkin magistrate recommends the Court grant United States' motion for summary judgment; Petitioner responds

FEBRUARY 17, 2016SUPREMECOURTCASE

After five months of silence there is movement in the Lufkin Division.

A Lufkin Division actor has made a move to compensate for the Lufkin Court's lack of constitutional authority to take territorial and personal jurisdiction in Tyler County, Texas, and facilitate theft of Petitioner's real property under color of authority.

Petitioner on September 14, 2015, demanded the Lufkin Court's constitutional authority—and following the United States' failure to respond thereto, on September 30, 2015, alleged lack of territorial and personal jurisdiction in Tyler County, Texas, and demanded dismissal of the case, to which demand the United States never filed an opposition.
Petitioner's September 14 and 30, 2015, unanswered demands signify that the Lufkin Court has no territorial or personal jurisdiction in Tyler County, Texas, the United States is not entitled to summary judgment, and Petitioner is entitled to dismissal with prejudice of the case.

With no dismissal forthcoming, Petitioner on January 14, 2016, filed an Affidavit of Information (criminal complaint) with the military and served the Lufkin Division actors with a copy, as well as aVerified Accounting of Offenses and Debt and a Demand for Payment.
Whereupon, United States Magistrate Judge Keith F. Giblin on January 22, 2016, entered a *Report and Recommendation on Motion for Summary Judgment and Motions to Dismiss* (the "Report and Recommendation"), hyperlinked below, in which he cherry-picks from the record of the Lufkin Division case

certain facts, which he presents as conclusive "proof" that the United States is entitled to summary judgment, and Petitioner's real property—to the exclusion of all material facts and evidence in the same record from Petitioner's September 14 and 30, 2015, filings, and the United States' failure to respond thereto, that supersede and nullify those he uses as the basis of his recommendation.

Magistrate Giblin is applying the Government policy, *"Never respond, confirm, or deny when confronted with a situation where anything you say will work against you,"* and pretending that Petitioner never made the September 14 and 30, 2015, demands and allegations.

Magistrate Giblin is counting on his co-workers to go along with the ruse.

This convention has a name: culture of silence.

In an impartial judicial system such custom could never gain any footing.

Magistrate Giblin is gambling that the general appearance of his 11-page Report and Recommendation is so "official" and its contents so "thorough" and "authoritative" that the idea of verifying its conclusions and recommendation against the actual record of the case never crosses the reader's mind.

Silence, fraud, and judicial fraud

"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.24

". . . 24. See United States v. Sclafani, 265 F.2d 408 (2d Cir.), cert. den., 360 U.S. 918, 79 S.Ct. 1436, 3 L.Ed.2d 1534 (1959); c.f., Avery v. Clearly, 132 U.S. 604, 10 S.Ct. 220, 33 L.Ed. 469 (1890); Atilus v. United States, 406 F.2d 694, 698 (5th Cir. 1969); American Nat'l Ins. Co., etc. v. Murray, 383 F.2d 81 (5th Cir. 1967)." United States v. Prudden, 424 F.2d 1021 (5th Cir. 1970)."

"'Fraud in its elementary common law sense of deceit — and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir.1985) — includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. . . .'" Justice Stevens (dissenting) in McNally v. United

States, 483 U.S. 350, 371 (1987), quoting Judge Posner in United States v. Holzer, 816 F.2d 304 (1987).

Ongoing silence on the part of the United States for the last five months, followed by the preposterous whitewash of the record by Magistrate Giblin, operates to confirm that Petitioner has correctly identified the ultimate Achilles' heel of every de facto United States District Court throughout the Union: no constitutional authority to take territorial and personal jurisdiction.

Magistrate Giblin's employer, plaintiff United States, is too terrified to reply to Petitioner's demands and put anything in writing, lest it be used as evidence of a crime—hence the stratagem of the Report and Recommendation.

Magistrate Giblin's "solution" to his employer's jurisdictional problem is to ignore the evidence, falsify the record, and recommend that the Lufkin Judge "authorize" the taking of Petitioner's home in Tyler County, Texas, without constitutional authority—among numerous other offenses, a felony of the first degree under the Texas Penal Code.

The Report and Recommendation is a desperation attempt to stave off the inevitable.

General ignorance of the jurisdictional provisions of the Constitution is what has led to the disappearance of judicial-branch Article III constitutional courts and proliferation of legislative-branch Article IV territorial courts, called "United States District Courts" (28 U.S.C. 132(a)), of which the Lufkin Division court is one.

Anyone who can grasp pages 3–5 of Petitioner's Objection to Lufkin Magistrate's Report and Recommendation, hyperlinked below, will know more about constitutional jurisdiction than any law professor (or at least what he teaches and will admit to).

That Government has been so successful at defrauding and swindling other Americans of their wealth over the last century or so without constitutional authority, is no reason that Petitioner has to go along with the charade, bend to pretended authority, and consent to the theft of his home under pretext of a judicial proceeding.

"Extra territorium jus dicenti non paretur impune. One who exercises jurisdiction out of his territory cannot be obeyed with impunity." John Bouvier, Bouvier's Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914), p. 2134. Lufkin Division actors who conspire to falsify the record, exercise jurisdiction out of their territory, and take Petitioner's property without constitutional authority are whistling past the graveyard if they think they are going to do it with impunity.

Petitioner on February 16, 2016, filed the aforementioned Affidavit of Information (criminal complaint) with Angelina County, Texas, District Attorney Art Baureiess, who has authority to charge and prosecute Lufkin Division actors for violations of the Texas Penal Code.

The more that Lufkin Division actors struggle, the messier it is going to get.

"Semper necessitas probandi incumbit et qui agit. The claimant is always bound to prove (the burden of proof lies on him)." Id. at2162.
"Qui tacet consentire videtur ubi tractatur de ejus commodo. A party who is silent is considered as assenting, when his advantage is debated." Id. at 2158.
"De non apparentibus et non existentibus eadem est ratio. The law is the same respecting things which do not appear and things which do not exist." Id. at 2130.
"Idem est non probari et non esse ; non deficit jus sed probatio. What is not proved and what does not exist, are the same ; it is not a defect of the law, but of proof." Id. at 2136.
"Actore non probante, reus absolvitur. If the plaintiff does not prove his case, the defendant is absolved." Id. at 2124.
"Omnia præsumuntur legitime facta donec probetur in contrarium. All things are presumed to be done legitimately until the contrary is proved." Id. at 2152.
"Quod per recordum probatum, non debet esse negatum. What is proved by the record, ought not to be denied." Id. at 2159.
"Facta sunt potentiora verbis. Facts are more powerful than words." Id. at 2134.
This situation is not going to go away and magically disappear just because Magistrate Giblin has decided to play make-believe with the record: Lufkin Division actors have no authority to take Petitioner's home—and are liable to Petitioner in individual capacity if they do, for criminal offenses knowingly and

willfully committed without the scope of their office or employment under color of authority.
Lufkin Magistrate's Report and Recommendation
Petitioner's Objection to Lufkin Magistrate's Report and Recommendation
* * * *

Damages of $37,822,100 demanded of 31 Federal actors in the Houston case; criminal complaint filed with military

JANUARY 28, 2016SUPREMECOURTCASELEAVE A COMMENT
In the original Houston Division case, 31 Federal actors in the United States District Court, United States Department of Justice, and United States Court of Appeals for the Fifth Circuit, taken collectively, committed over 10,000 felonies while perpetrating the theft of Petitioner's house in Montgomery County, Texas.

This is known as "Engaging in Organized Criminal Activity" (Texas Penal Code Sec. 71.02).
Presently, United States District Courts located throughout the Union purport to have territorial and personal jurisdiction, over property located and people residing there.

Success of such United States District Courts, in tandem with the United States Department of Justice, in defrauding and depriving the American People of life, liberty, and property, depends utterly on concealment of the fact that the Constitution authorizes Government to exercise territorial and personal

jurisdiction ***only in geographic area in which Congress have power of territorial and personal legislation***.
There is no provision of the Constitution that confers upon Congress the power of territorial or personal legislation anywhere within the Union.

Congress have power of territorial and personal legislation (two of the three aspects of *exclusive legislation*, the other being subject-matter) only as expressly provided in Articles 1 § 8(17) and 4 § 3(2) of the Constitution.
The geographic area in which the Constitution grants Congress power of territorial and personal legislation is *"Territory or other Property belonging to the United States"* (Constitution, Article 4 § 3(2)), e.g., the District of Columbia and the territories.
There really is nothing more to the Federal con than that simple fact.

Government is usurping exercise of territorial and personal jurisdiction in extra-constitutional geographic area throughout the Union, and engaging in organized criminal activity in doing so.

Every such act is an instance of usurpation, constituting breach ofoath of office and treason to the Constitution.[1]
Petitioner is in the process of effectuating remedy in the Houston Division case, for the unlawful taking of Petitioner's home without constitutional authority (theft), and the below-hyperlinked instruments represent the first step toward that end.

The below-hyperlinked Affidavit of Information was filed with the same 65 senior officers in military authority as previous criminal complaints.

Letter to 65 senior officers in military authority, January 28, 2016 (10.3 MB)
Affidavit of Information, Purported Houston Litigation, January 28, 2016
Demand for Payment (of Damages), 31 Federal actors, January 28, 2016
* * * *

[1] We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to

the constitution. . . . *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821).

Petitioner files superseding Lufkin criminal complaint; demands payment of debt totaling $195,988,000

JANUARY 14, 2016SUPREMECOURTCASELEAVE A COMMENT

"[T]he germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body, (for impeachment is scarcely a scare-crow) working like gravity by night and by day, gaining a little to-day & a little tomorrow, and advancing it's noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the states, & the government of all be consolidated into one. to this I am opposed; because whenever all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated. . . ." Thomas Jefferson, quoted in "From Thomas Jefferson to C. Hammond, 18 August 1821," Founders Online, National Archives (http://founders.archives.gov/documents/Jefferson/98-01-02-2260 [last update: 2015-12-30]).

In today's Federal criminal justice system, offenses carry a *debt*, a commercial term, misleadingly also called a *fine*, a governmental term.

All Federal civil and criminal proceedings are commercial debt-collection exercises conducted under the provisions of Title 28 U.S.C. *Judiciary and Judicial Procedure* Chapter 176 *Federal Debt Collection Procedure*.

In Federal debt-collection proceedings, there is no geographical United States—only a corporate United States; to wit:

"As used in this chapter:
". . . (15) "United States" means—
"(A) a Federal corporation;
"(B) an agency, department, commission, board, or other entity of the United States; or
"(C) an instrumentality of the United States." Title 28 U.S.C. Judiciary and Judicial Procedure, Chapter 176 Federal Debt Collection Procedure, Section 3002(15).

The meaning of the definition of "United States" in subsections (15)(B) and (C) of 28 U.S.C. 3002 being indeterminable without application thereto of the definition in subsection (15)(A): Subsection (15)(A) is the controlling definition of "United States" in Title 28 U.S.C. *Judiciary and Judicial Procedure* Chapter 176*Federal Debt Collection Procedure*—and in all Federal civil and criminal proceedings "United States" means ***a Federal corporation***; and the supreme parent Federal corporation, over all other Federal corporations and all other Federal entities of any kind, is the District of Columbia Municipal Corporation. [1]
As demonstrated in the below-hyperlinked Affidavit of Information (criminal complaint), United States District Courts located throughout the Union are debt-collection mills, extorting those who come before them under false pretenses, in behalf of the District of Columbia Municipal Corporation, and depriving them of the "unalienable Rights" (*The unanimous Declaration of the thirteen united States of America* of July 4, 1776, Preamble) of "Life, Liberty, and the pursuit of Happiness" (*id*.), i.e., life, liberty, and property,[2] without due process of law, i.e., process according to the law of the land,[3] the Constitution.
Whereas: Judicial-branch Article III constitutional courts of limited jurisdiction no longer exist—only de facto[4] legislative-branch Article IV District of Columbia Municipal Corporation territorial courts of general jurisdiction, called "United States District Courts,"***specially created by Congress in name only*** at 28 U.S.C. 132(a), outside the provisions of 28 U.S.C. 451, which enumerates all de jure[5] courts of the United States, such as the nonexistent Article III "district court" and "district court of the United States," which courts are defined expressly but also deceitfully—***as no such court has physical existence***; and
Whereas: There is no constitutional authority that gives any United States District Court the capacity to hear and decide civil and criminal proceedings in any county, parish, or borough in America; and

Whereas: United States District Judges and United States Magistrate Judges operating in nominal so-called United States District Courts, as constituted at 28 U.S.C. 132(a) and located within the Union, are ***positions or offices which have no lawful existence under the Constitution***; and
Whereas: Every United States District Court located within the Union is a pretended court whose United States District Judges and Magistrate Judges participate in a combination with other Federal actors from the United States Department of Justice, deprive every Union-member resident with whom they come in pretended official contact, of one or more of the rights to life, liberty, and property, and either conspire to commit or commit one or more of the following offenses in the course of performing their pretended official duties every time pretended official contact is made, including, without limitation: breach of the peace; false personation; simulating legal process; false search warrant; searches without warrant; transportation, sale, or receipt of stolen vehicles, vessels, livestock, goods, securities, or moneys; false arrest warrant; false arrest; false information and hoaxes; fraud and related activity in connection with obtaining confidential phone records information; harassment; stalking; conspiracy against unalienable rights; deprivation of unalienable rights under color of law; public disturbance involving acts of violence; solicitation to commit a crime of violence; carrying concealed firearm while personating a law enforcement officer; false imprisonment; impersonating public servant; abuse of official capacity; murder; capital murder; manslaughter; mayhem; extortion by officers or employees of the United States; robbery; aggravated robbery; unlawful discharge of firearm; burglary; embezzlement; unlawful request for subpoena of bank records; theft; kidnapping; aggravated kidnapping; assault; aggravated assault; mail fraud; perjury; aggravated perjury; racketeering; terrorism; torture; war crimes; unlawful interception, use, or disclosure of wire, oral, or electronic communications; unlawful access to stored communications; illegal divulgence of public communications; and fraudulent use or possession of identifying information; and
Whereas: There exists no judicial-branch Article III constitutional court of limited jurisdiction, as contemplated by the Framers and provided in the Constitution, to which Petitioner can resort for redress or compensation for violations of Petitioner's right to property and due process of law, committed by officers of the United States District Courts and United States Department of Justice; and
Whereas: Conclusive (indisputable) legal evidence of the offenses enumerated in the below-hyperlinked Affidavit of Information lies in the purported record of

the purported United States District Court for the Eastern District of Texas, purported Tyler and Lufkin Divisions; and
Whereas: Federal bench officers and courts that hear appeals of decisions in civil and criminal causes originating in a United States District Court, are aiding and abetting the Federal actors therein involved and augmenting organized criminal activity and therefore cannot be trusted; and
Whereas: As augured by Jefferson 195 years ago, *supra*, all "State" (District of Columbia) courts are District of Columbia Municipal Corporation legislative tribunals enforcing the *rules and regulations*of District of Columbia municipal law, commanding what is right and prohibiting what is wrong, a power authorized by the Constitution only at Article 4 § 3(2) and only in "Territory or other Property belonging to the United States," *id*.; and
Whereas: It is reasonable (and equitable) that Federal actors establishing, maintaining, and participating in organized criminal activity are personally liable for the same respective amount of debt associated with the same offenses for which individual Americans are held liable, under color of law, office, and authority, in purported civil and criminal proceedings in purported courts called "United States District Courts"; and
Whereas: It is unreasonable to believe that Petitioner can obtain remedy with the help of other members of the same organized criminal activity (United States Department of Justice and United States District Courts) as those who committed the offenses specified and sworn to in the below-hyperlinked Affidavit of Information; and
Whereas: There exists no public forum to which Petitioner can repair for remedy of violations of Petitioner's unalienable Right to "the pursuit of Happiness" (*The unanimous Declaration of the thirteen united States of America* of July 4, 1776, Preamble), i.e., the right to property (*see Slaughterhouse Cases*, fn. 2, *infra*), and the right to due process of law (Fifth Article of Amendment to the Constitution), perpetrated in organized criminal activity by the aforesaid Federal actors,[6]
Wherefore: Petitioner has no option but to pursue remedy privately.
Affidavit of Information, Pretended Lufkin Litigation, January 14, 2016
Demand for Payment, January 14, 2016
Verified Accounting of Offenses and Debt, January 14, 2016
* * * *

[1] "An Act to provide a Government for the District of Columbia," ch. 62, 16 Stat. 419, February 21, 1871 [*Go to* "Turn to image" 419]; later legislated in "An Act Providing a Permanent Form of Government for the District of Columbia," ch. 180, sec. 1, 20 Stat. 102, June 11, 1878, to remain and continue as a municipal corporation (brought forward from the Act of 1871, as provided in the Act of

March 2, 1877, amended and approved March 9, 1878, *Revised Statutes of the United States Relating to the District of Columbia . . . 1873–'74* (in force as of December 1, 1873), sec. 2, p. 2); as amended by the Act of June 28, 1935, 49 Stat. 430, ch. 332, sec. 1 (Title 1, Section 102, District of Columbia Code (1940)).
[2] Rights to life, liberty, and the pursuit of happiness are equivalent to the rights of life, liberty, and property. . . . *Slaughterhouse Cases*, 83 U.S. (16 Wall.) 36, 116 (1872).
[3] Due process of law is process according to the law of the land. . .
. . . Due process of law in the latter [the Fifth Article of Amendment to the Constitution] refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . . Mr. Justice Matthews, delivering the opinion of the court in *Hurtado v. California*, 110 U.S. 516, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884).
[4] DE FACTO. In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs which exists actually and must be accepted for all practical purposes, but which is illegal or illegitimate. In this sense it is the contrary of *de jure*, which means rightful, legitimate, just, or constitutional. . . . Henry Campbell Black, *A Dictionary of Law* (West Publishing Co.: St. Paul Minn., 1890), p. 325.
[5] DE JURE. Of right ; legitimate ; lawful. In this sense it is the contrary of *de facto*, (which see.) . . . *Id*. at 328.
[6] The same 65 senior military officers notified in the previous Affidavits of Information (post of December 30, 2015, *infra*), as well as the Chief Justice of the Supreme Court of the United States and Chief Judge of the United States Court of Appeals for the Fifth Circuit, have been sent an original of the instant Affidavit of Information.

Criminal complaint filed with military authorities against all Lufkin Federal actors

DECEMBER 30, 2015SUPREMECOURTCASELEAVE A COMMENT

The Union is the collective of the 50 respective commonwealths united by and under authority of the Constitution, and the geographic area they occupy.
There is no provision of the Constitution that grants Congress power of *territorial* or *personal legislation* anywhere within the Union—only *subject-matter legislation* over certain things (Article 1 § 8(1-16)).
This means that Congress have no legislative power over property located anywhere within the Union or any American residing there, a limitation confirmed by the Supreme Court:

"The several States of the Union are not, it is true, in every respect independent, many of the right [sic] and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State[of the Union] possesses exclusive jurisdiction and sovereignty over persons and property within its territory. . . ." [Underline emphasis added.] Pennoyer v. Neff, 95 U.S. 714, 722 (1878).

Notwithstanding that there is no provision of Article III of the Constitution that authorizes Congress to ordain and establish any court with power of *territorial* or *personal jurisdiction* anywhere in the Union (only jurisdiction to hear or decide certain controversies (Article 3 § 2(1)): The United States District Courts created by Congress (28 U.S.C. 132(a)) and doing business throughout the Union are usurping exercise of *territorial* and *personal jurisdiction*over property located there and Americans residing there.

Wherefore, despite the seeming impossibility of such a state of affairs, strictly legally speaking, every Federal bench officer, including, without limitation, every Supreme Court justice, is culpable for:

- criminal negligence of the provisions of the Constitution relating to jurisdiction, in respect of the legislative powers therein conferred upon Congress;
- violation of his oath of office to *"support and defend the Constitution of the United States against all enemies, foreign and domestic . . . [and] bear true faith and allegiance to the same"* (5 U.S.C. 3331); and
- Treason to the Constitution; to wit:

"We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution." Cohens v. Virginia, *19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821).*

What separates Man from the beasts is the faculty of *reason*:

- *"Ratio est radius divini luminis. Reason is a ray of the divine light." Henry Campbell Black, A Law Dictionary (West Publishing Co.: St. Paul, Minn., 1891) (hereinafter "Black's 1st"), p. 995.*
- *"Ratio est formalis causa consuetudinis. Reason is the formal cause of custom." Id.*

- *"Ratio est legis anima, mutata legis ratione mutatur et lex. Reason is the soul of law ; the reason of law being changed, the law is also changed." Id.*

At implementation of the Constitution March 4, 1789, the soul of law in America was <u>personal liberty under the common law</u>; to wit:

"Personal liberty *consists in the power of locomotion, of changing situation, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due course of law." William Blackstone and John Innes Clark Hare, cited in John Bouvier, Bouvier's Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914) (<u>hereinafter "Bouvier's"</u>), p. 1965 (s.v. "Liberty").*

"Due course of law," *supra*, is synonymous with "due process of law" and means process according to the law of the land, i.e., the Constitution, interpreted according to the principles of the common law; to wit:

"Due process of law is process according to the law of the land. . . ." Mr. Justice Matthews, delivering the opinion of the Court in Hurtado v. California, 110 U.S. 516, 533, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884).

"Due process of law . . . refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . ." Id. at 535.

On June 30, 1864 (*see* <u>Memorandum of Law, August 10, 2015</u>, pp. 4-14), Congress invoked the sovereignty of the American People to override their will as declared in the Constitution, and changed, beginning with the revenue act of that date, the reason of law in America, from *personal liberty under the common law* to <u>*civil liberty under municipal (Roman civil) law*</u>, i.e., rules and regulations commanding what is right and prohibiting what is wrong; to wit:

"Under the Roman law, civil liberty was the affirmance of a general restraint, while in our law it is the negation of a general restraint." Ordronaux's Constitutional Legislation, quoted in Bouvier's, p. 1965 (s.v. "Liberty").

There is only one provision of the Constitution that expressly grants Congress power to make rules and regulations—Article 4 § 3(2), which provides, in pertinent part:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . ."

All *"Territory or other Property belonging to the United States," id.*(which is enumerated at Article 1 § 8(17) of the Constitution), ***is extraneous to the Union.***

Congress have no authority to legislate rules and regulations (statutes) for the 50 commonwealths united by and under authority of the Constitution and admitted into the Union, or the Americans who reside there—and in such geographic area the Department of Justice and United States District Courts are bereft of constitutional authority to take jurisdiction and execute or declare or enforce any such rule or regulation (statute) enacted by Congress.

The contents of this webpage reflect Petitioner's efforts to dissolve unconstitutional, felonious, and treasonous attempts to impose Federal rules and regulations on Petitioner in order to justify seizure of Petitioner's property.

"Est autem vis legem simulans. Violence may also put on the mask of law" (Black's 1st, p. 433)—and Federal elements today, like an occupying army, usurp exercise of territorial and personal jurisdiction and impose rules and regulations throughout the Union and deprive the Americans residing there of life, liberty, and property without due process of law, under municipal (Roman civil) law of the District of Columbia, in treason to the Constitution.

Notwithstanding the monstrousness of such organized outlawry,*reason*, not violence, is the answer.

It has taken all this time—roughly 100 years (since Federal actors first began enforcing provisions of the fraudulent Sixteenth and Eighteenth Articles of Amendment to the Constitution on Americans residing throughout the Union; *see* Memorandum of Law, August 10, 2015, p. 8)—for someone to divine the question that Federal aggressors are required by blackletter law[1] to answer, but cannot without also incriminating themselves for treason to the Constitution.

Petitioner's objective is the exact estimation of effort that gets Federal actors to honor their oath of office and bear true faith and allegiance to the Constitution and cease usurping exercise of territorial and personal jurisdiction without *"Territory or other Property belonging to the United States"* (Constitution, Article 4 § 3(2)).

For the first time in their professional life, upon receipt ofPetitioner's September 14, 2015, objection to denial of due process of law and demand for the constitutional authority that gives the Lufkin Court the capacity to take jurisdiction in Tyler County, Texas, the Federal judges, magistrates, law clerk,

attorneys general of the United States, and DOJ attorneys involved in that case hewed to the provisions of the Constitution relating to jurisdiction and ceased attempting to defraud Petitioner and deprive Petitioner of Petitioner's property under color of law, office, and authority.
Despite this positive sign, however, said actors cannot be trusted to resign their office or refrain from committing the same crimes against other Americans less knowledgeable in such matters than Petitioner, and therefore must be brought under control.

Wherefore, in accordance with provisions of the Fourth Article of Amendment to the Constitution, and as provided in 18 U.S.C. 4*Misprision[2] of felony*, Petitioner on December 30, 2015, filed by Priority Mail *USPS Tracking* with certain of the only Federal authorities who might be worthy of trust—65 senior officers in military authority—an affidavit of information (criminal complaint), upon probable cause of misdemeanor, felony, and treason supported by oath and particularly describing the persons to be seized, against every Federal actor in the Lufkin Division case, and a second affidavit of information limited to the Lufkin Judges and Magistrate Judges only.
Petitioner also lodged each Affidavit of Information with the Chief Justice of the Supreme Court and the Chief Judge of the Fifth Circuit Court of Appeals—and sent each Lufkin Federal defendant his own copy.

"Ubi jus, ibi remedium. Where there is a right, there is a remedy," Bouvier's, p. 2165—and every Federal Lufkin defendant is liable to Petitioner for damages for, among other things, denial of the constitutional right to due process of law—wherefore, Petitioner has remedies.
These criminal complaints are the first step on the path to obtaining remedy.

Affidavit of Information No. 1 – all Federal actors, Lufkin Division
Affidavit of Information No. 2 – Lufkin Division judges only
* * * *

[1] blackletter law. One or more legal principles that are old, fundamental, and well settled. ● The term refers to the law printed in books set in Gothic type, which is very bold and black. — Also termed *hornbook law*. *Black's Law Dictionary,* Seventh Edition, Bryan A Garner, Editor in Chief, (West Group: St. Paul, Minn., 1999), p. 163.
[2] mis-pri′sion, mis-prizh′un, *n.* . . . *Law*. . . . The concealment of a crime, especially of treason or felony. . . . *A Standard Dictionary of the English Language,* Isaac K. Funk, Editor in Chief (Funk & Wagnalls Company: New York, 1903), p. 1133.

The lesson they do not teach in law schools or high school civics classes: the Hoax of Federal Jurisdiction

DECEMBER 15, 2015SUPREMECOURTCASELEAVE A COMMENT

- **Part 1: Article III federal courts *versus* United States District Courts**

The Constitution creates the judicial power of the national government at Article 3 § 1 and delineates the character of the controversies to which the judicial power extends at Article 3 § 2(1); to wit, respectively and in pertinent part:

"Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . .

"Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States will be a party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In a judicial sense, "jurisdiction" (from the Latin *jus* right, *dictio* act of saying) means, essentially, the legal power, right, or authority of a court to hear and decide causes and pronounce the sentence of the law *within a certain geographic area; to wit:*

"forum . . . 2 a : a judicial body or assembly . . . b : the territorial jurisdiction of a court forum before personal jurisdiction may be exercised — National Law

Journal" Merriam-Webster's Dictionary of Law (Merriam-Webster, Incorporated: Springfield, Mass., 1996), p. 201.

"—Territorial jurisdiction. Jurisdiction considered as limited to cases arising or persons residing within a defined territory, as a county, a judicial district, etc. The authority of any court is limited by the boundaries thus fixed. . . ." Henry Campbell Black, A Law Dictionary, Second Edition (West Publishing Co.: St. Paul. Minn., 1910) (hereinafter "Black's 2nd"), p. 673.

The true distinction between courts is as to species of jurisdiction, i.e., *general* or *limited*; to wit:

"General jurisdiction is that which extends to a great variety of matters. General jurisdiction in law and equity is jurisdiction of every kind that a court can possess, of the person, subject-matter, [and] territorial . . .

". . . Limited jurisdiction (called, also, special and inferior) is that which extends only to certain specified causes." [Emphasis in original.] John Bouvier, Bouvier's Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn.: 1914) (hereinafter "Bouvier's"), p. 1761.

"—Limited jurisdiction. . . . The true distinction between courts is between such as possess a general and such as have only a special jurisdiction for a particular purpose . . ." Black's 2nd, p. 673.

It is well settled that trial courts ordained and established by Congress under authority of Article III of the Constitution, *supra*, are courts of limited jurisdiction, with authority only over certain controversies; to wit:

- *"The character of the controversies over which federal judicial authority may extend are delineated in Art. III, § 2, cl. 1. . . ." Insurance Corporation of Ireland, Ltd., v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 701 (1982).*
- *"Federal courts are courts of limited jurisdiction . . ." Hart v. FedEx Ground Package System Inc., 457 F.3d 675 (7th Cir. 2006).*
- *"[T]he jurisdiction of the federal courts is limited not only by the provisions of Art. III of the Constitution, but also by Acts of Congress. Palmore v. United States,411 U. S. 389, 411 U. S. 401; Lockerty v. Phillips,319 U. S. 182, 319 U. S. 187; Kline v. Burke Constr. Co.,260 U. S. 226, 260 U. S. 234; Cary v. Curtis, 3 How. 236, 44 U. S. 245." Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 372 (1978).*
- *"It is a fundamental precept that federal courts are courts of limited jurisdiction." Id. at 374.*

- *"The courts of the United States are all of limited jurisdiction . . ." Ex Parte Tobias Watkins, 28 U.S. 193, 3 Pet. 193, 7 L.Ed. 650 (1830).*
- *"[S]tate courts are courts of general jurisdiction . . . . By contrast, federal courts are courts of limited jurisdiction . . ." Gottlieb v. Carnival Corp., 43 6 F.3d 335, 337 (2nd Cir. 2006).*

Whereas: Only courts with *territorial jurisdiction* (an aspect of general jurisdiction) can take cognizance of civil and criminal causes; and
Whereas: All Article III federal trial courts are courts of *limited jurisdiction* (certain controversies only),
Wherefore: No trial court ordained and established by Congress under Article III of the Constitution is authorized to take cognizance of civil and criminal causes.
Notwithstanding the above blackletter law,[1] Title 28 U.S.C.*Judiciary and Judicial Procedure* Chapter 176 *Federal Debt Collection Procedure* Section 3002 *Definitions* provides, in pertinent part:
"As used in this chapter:
". . . (8) 'Judgment' means a judgment, order, or decree entered in favor of the United States in a court and arising from a civil or criminal proceeding regarding a debt."
Whereas: No inferior trial court ordained and established by Congress under authority of Article III of the Constitution is invested with territorial jurisdiction; and
Whereas: No Article III federal trial court has the territorial jurisdiction necessary to take cognizance of civil and criminal causes and enter judgments arising from a civil or criminal proceeding; and

Whereas: Every *United States District Court* (28 U.S.C. 132(a)) located throughout the Union takes cognizance of civil and criminal causes and enters judgments arising therefrom; and
Whereas: No Federal trial court can take cognizance of civil and criminal causes and enter judgments arising therefrom unless authorized to do so by the Constitution; and
Whereas: Article III of the Constitution is devoid of such authority,
Wherefore: No United States District Court is an Article III court—and we must look elsewhere in the Constitution for the authority that gives United States District Courts the territorial jurisdiction necessary to take cognizance of civil and criminal causes and enter judgments in favor of the United States arising

from a civil or criminal proceeding regarding a debt, as authorized by statute in 28 U.S.C. 3002(8).

- **Part 2: Treason to the Constitution**

The only provision of the Constitution that grants Congress power to create inferior courts with territorial jurisdiction to take cognizance of civil and criminal causes and enter judgments arising therefrom, is an *implied* authority, Article 4 § 3(2), also known as the *territorial clause*; to wit, in pertinent part: *"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . ."*

Whereas: As granted in Article 1 § 8(17) of the Constitution (*infra*), Congress have power of exclusive legislation (territorial, personal, and subject-matter) in *"Territory or other Property belonging to the United States"* (*supra*); to wit: *"Section 8. The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings;"*; and

Whereas: The full extent of the *"Territory or other Property belonging to the United States"* (*id*. at 4 § 3(2)) today is the collective of:

- the District of Columbia;
- Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, Palmyra Atoll, Wake Atoll, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Midway Atoll, North Island – JACADS, Sand Island, Kingman Reef, and Navassa Island[2]; and
- any other *"Places purchased . . . for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings"*(*id.* at 1 § 8(17)); and

Whereas: All courts created by Congress under authority of Article 4 § 3(2) of the Constitution are *legislative Article IV territorial courts of general jurisdiction* (territorial, personal, and subject-matter jurisdiction); and

Whereas: Every United States District Court is authorized by statute (28 U.S.C. 3002(8)) to exercise general jurisdiction and take cognizance of civil and criminal causes and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt; and

Whereas: Every United States District Court is authorized at Article 4 § 3(2) of the Constitution to exercise territorial jurisdiction and *"dispose of and make all needful rules and regulations respecting the Territory or other Property belonging to the United States*"; and
Whereas: Every commonwealth united by and under authority of the Constitution and admitted into the Union—numbering 50 at present, the last of which being Hawaii, August 21, 1959—is situate*without* all *"Territory or other Property belonging to the United States"* (*id*.), and
Whereas: There is no constitutional authority for any United States District Court to exercise territorial jurisdiction and take cognizance of civil and criminal causes and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt anywhere within the exterior limits of the geographic area occupied by the 50 respective commonwealths united by and under authority of the Constitution and admitted into the Union; and
Whereas: Every United States District Court doing business within the exterior limits of the Union is a legislative-branch Article IV territorial court of general jurisdiction, under the exclusive control Congress, extending its jurisdiction beyond the boundaries fixed therefor by the Constitution at Article 4 § 3(2) (*"Territory or other Property belonging to the United States"*), and usurping exercise of jurisdiction in extra-constitutional geographic area (the Union), under color[3] of law, office, and authority, and therefore a kangaroo court[4]; and
Whereas: "We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution," Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821),
Wherefore: Every single Congressman, Federal bench officer, and Department of Justice attorney is in violation of his oath of office and culpable for, among numerous other crimes and high crimes: fraud; misfeasance, malfeasance, and nonfeasance in public office; misprision of felony; misprision of treason; and treason to the Constitution.

- **Part 3: Legislative fraud on the part of Congress; connivance therewith on the part of Federal bench officers and Department of Justice attorneys**

The only 26 U.S.C. 7701(a)(10) "State"[5] of the 26 U.S.C. 7701(a)(9) "United States"[6] whose residents are liable to tax under Title 26 U.S.C. *Internal Revenue Code* is the Title 26 U.S.C. State of District of Columbia.[7]

Notwithstanding the above statutory fact, bench officers in the Federal judiciary and attorneys in the Department of Justice treat virtually every American as a resident of the District of Columbia: liable to tax under Title 26 U.S.C. *Internal Revenue Code* and subject to all other Federal rules and regulations.

Said Federal officers justify this by construing / interpreting any of an unknown number of *"acts and statements"* (26 C.F.R. 1.871-4(c)(2)(iii)) arising in the course of normal and ordinary interaction between individual Americans and government agencies / programs, as evidence of *"a definite intention to acquire residence in the [26 U.S.C. 7701(a)(9)] United States"* (26 C.F.R. 1.871-4(c)(2)(iii)), i.e., the District of Columbia.

Such *"acts and statements"* include evidence created through the application of one's signature to a driver's license application, voter registration form, tax return, application for Social Security benefits, IRS Form W-4, passport application, and any other of the myriad government forms one encounters in the course of his life—and require that the applicant certify that he is a citizen or resident of the (statutory) *United States* or resident of a (statutory) *State*.[8]

Americans who make such *"acts and statements"* are deemed to have made a general election (comprehensive choice) to be (1) treated as a resident of the District of Columbia under general legislation at 26 U.S.C. 6013(g)(1) or (h)(1), (2) liable to tax under Title 26 U.S.C. Chapters 1 *Normal taxes and surtaxes* and 24*Collection of Income Tax at Source on Wages*, and (3) subject to all legislation within the 26 U.S.C. 7701(a)(9) "United States" (District of Columbia only), not just income-tax statutes; to wit:

"Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda. When the law is special, but its reason is general, the law is to be understood generally." Bouvier's, p. 2156.

We learn from the Supreme Court, however, that such "legislation" is legally fatally flawed, and therefore ultimately unenforceable; because no one can *elect* (choose)—or *appear to elect*—to be treated as a resident of a particular place for the purpose of taxation (or any other purpose) without also having a factual presence in that location; to wit:

"When one intends the facts to which the law attaches consequences, he must abide the consequences whether intended or not. 13. One can not elect to make his home in one place in point of interest and attachment and for the general purposes of life, and in another, where he in fact has no residence, for the purpose of taxation. . . ." Texas v. Florida, 306 U.S. 398 (1939).

To acquire residence in a particular place one must do one of two things: (1) establish bodily presence as an inhabitant (by taking up housekeeping in a fixed

and permanent abode), or (1) realize earnings (by way of permanency of occupation) from a source located therein.

Wherefore: It is clear that Congress have another master than the American People—and that every Federal bench officer and DOJ attorney is in connivance with Congress and complicit in the legislative fraud and treason to the Constitution.

- **Part 4: Dealing with the Hoax of Federal Jurisdiction**

That the statutes of Congress may authorize United States Attorneys to bring suit in United States District Court is insufficient, in and of itself, to vest jurisdiction in any such court; to wit:

"So, we conclude, as we did in the prior case, that, although these suits may sometimes so present questions arising under the Constitution or laws of the United States that the Federal courts will have jurisdiction, yet the mere fact that a suit is an adverse suit authorized by the statutes of Congress is not in and of itself sufficient to vest jurisdiction in the Federal courts." Shoshone Mining Co. v. Rutter, 177 U.S. 505, 513 (1900).

It is well settled that before a federal judge can rely on the authority of a statute for jurisdiction to hear and decide a particular cause, said judge must confirm that the Constitution has given him the capacity to take it; to wit:

"It remains rudimentary law that '[a]s regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. . . . *To the extent that such action is not taken, the power lies dormant.' The Mayor v. Cooper, 6 Wall. 247, 252, 18 L.Ed. 851 (1868) (emphasis added); accord, Christianson v. Colt Industries Operating Co., 486 U.S. 800, 818, 108 S.Ct. 2166, 2179, 100 L.Ed.2d 811 (1988); Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 379-380, 101 S.Ct. 669, 676-677, 66 L.Ed.2d 571 (1981); Kline v. Burke Construction Co., 260 U.S. 226, 233-234, 43 S.Ct. 79, 82-83, 67 L.Ed. 226 (1922); Case of the Sewing Machine Companies, 18 Wall. 553, 577-578, 586-587, 21 L.Ed. 914 (1874); Sheldon v. Sill, 8 How. 441, 449, 12 L.Ed. 1147 (1850); Cary v. Curtis, 3 How. 236, 245, 11 L.Ed. 576 (1845); McIntire v. Wood, 7 Cranch 504, 506, 3 L.Ed. 420 (1813)." [Underline emphasis only added.] Finley v. United States, 490 U.S. 545 (1989).*

Bereft of lawful authority, United States District Courts located within the Union depend utterly upon the ability of their respective bench officers to prevaricate,[9] dissemble,[10] and sidestep issues that would destroy the charade of legitimacy and appearance of impartiality.
Until Petitioner's September 14, 2015, Objection and Demand andSeptember 30, 2015, Demand for Dismissal, Petitioner had never heard of a Department of Justice attorney failing to respond to a challenge of jurisdiction or a United States District Judge refusing to rule on a motion or abandoning an ongoing case (and failing to provide otherwise for its disposition).
But that is what happened in the Lufkin Division case (*see* October 28, 2015, post, *infra*).
Here is the reason:

Anything either DOJ attorney would have said, whether for or against Petitioner's demand for the Lufkin Court's constitutional authority, would have amounted to admission of fraud or treason to the Constitution or proof of incompetence.

Whereas, DOJ attorneys can back out of a case without incident, this is not so for a United States District Judge; to wit:

"Judicis officium est opus diei in die suo perficere. It is the duty if a judge to finish the work of each day within that day." Bouvier's, p. 2140.
"Boni judicis est lites dirimere, ne lis ex lite oritur, et interest republicæ ut sint fines litium. It is the duty of a good judge to prevent litigations, that suit may not grow out of suit, and it concerns the welfare of a state that an end be put to litigation." Id. at 2127.
The Lufkin Judge has a duty not only to Petitioner, but to the American Republic—by way of his oath of office (5 U.S.C. 3331), to*"bear true faith and allegiance"* (*id.*) to the Constitution and *"well and faithfully discharge the duties of the office"* (*id.*) of United States District Judge—and conclude the instant litigation; to wit:
"When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction." Melo v. U.S., 505 F.2d 1026.
Instead, the Lufkin Judge went silent.

The Fifth Circuit Court of Appeals (to whom Petitioner would appeal for resolution of the instant unresolved motion), explains in *United States v. Prudden*, 424 F.2d 1021 (5th Cir., 1970), the significance of the Lufkin Judge's silence:

"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.24

". . . 24. See United States v. Sclafani, 265 F.2d 408 (2d Cir.), cert. den., 360 U.S. 918, 79 S.Ct. 1436, 3 L.Ed.2d 1534 (1959); c.f., Avery v. Clearly, 132 U.S. 604, 10 S.Ct. 220, 33 L.Ed. 469 (1890); Atilus v. United States, 406 F.2d 694, 698 (5th Cir. 1969); American Nat'l Ins. Co., etc. v. Murray, 383 F.2d 81 (5th Cir. 1967)."

Presently, there is a neglected unresolved motion on both the Lufkin and Houston Division Docket.

Notwithstanding the fraudulent statutory definitions of "State" throughout the United States Code, *"We are bound to interpret the constitution in the light of the law as it existed at the time it was adopted," Mattox v. U.S.,* 156 U.S. 237, 243 (1895).

Wherefore, no United States District Judge has constitutional authority to expound or enforce Federal statutes in Texas or any other of the *"several States of the Union"* (*infra*) against any American residing there or property located there; to wit:

"The several States of the Union are not, it is true, in every respect independent, many of the right [sic] and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State[of the Union] possesses exclusive jurisdiction and sovereignty over persons and property within its territory. . . ." [Underline emphasis added.] Pennoyer v. Neff, 95 U.S. 714, 722 (1878).

"Judici officium suum excedenti non paretur. To a judge who exceeds his office (or jurisdiction) no obedience is due," Bouvier's, p. 2140, and, as demonstrated hereinabove and elsewhere in this webpage, every United States District Judge and Magistrate in every United States District Court within the Union, in connivance with Congress and conspiracy with officers of the Department of Justice, is exceeding his jurisdiction, beyond the boundaries fixed by the Constitution, at Article 4 § 3(2), for Federal trial courts of general jurisdiction, and perpetrating the Hoax of Federal Jurisdiction.

"Qui jure suo utitur, nemini facit injuriam. He who uses his legal rights harms no one," *id*. at 2157, and there is nothing prohibiting any other litigant from making the same demands as Petitioner, in any other Federal case, civil or criminal, anywhere in the Union.
No United States District Judge or Magistrate can reply responsively (meaningfully) to a demand for dismissal of a Federal case, civil or criminal, within the Union, for lack of constitutional authority that gives the particular United States District Court the capacity to take jurisdiction and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt, in the defendant's particular county, parish, or borough, without also producing evidence of serious wrongdoing on his part.

Evidently, the Lufkin and Houston Judges have "taken the Fifth"*sub silentio*[11] and refused to answer their respective unresolved motion on the ground that it may tend to incriminate them.
The Hoax of Federal Jurisdiction can be concealed no longer.

Petitioner is in the process of rectifying matters in these cases, and will report developments as they occur.

* * * *

[1] blackletter law. One or more legal principles that are old, fundamental, and well settled. ● The term refers to the law printed in books set in Gothic type, which is very bold and black. — Also termed *hornbook law*. *Black's Law Dictionary,* Seventh Edition, Bryan A Garner, Editor in Chief, (West Group: St. Paul, Minn., 1999) (hereinafter "Black's 7th"), p. 163.
[2] U.S. Dept. of the Interior, Office of Insular Affairs, (1) "All OIA Jurisdictions," and (2) "U.S. Territories under U.S. Fish and Wildlife Jurisdiction or Shared with Johnston Atoll Chemical Agent Disposal System (JACADS): (1)http://www.doi.gov/oia/islands/index.cfm, (2)http://www.doi.gov/oia/islands/islandfactsheet2.cfm, respectively.
[3] COLOR. An appearance, semblance, or *simulacrum*, as distinguished from that which is real. A *prima facie* or apparent right. Hence a deceptive appearance ; a plausible, assumed exterior, concealing a lack of reality ; a guise or pretext. . . . Henry Campbell Black, *A Law Dictionary* (West Publishing Co.: St. Paul, Minn., 1891) (hereinafter "Black's 1st"), p. 222.
[4] kangaroo court. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. . . . 2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. Black's 7th, p. 359.
[5] The 26 U.S.C. 7701(a)(10) *States* are the bodies politic of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and no other. Memorandum of Law, August 10, 2015, pp. 8–14.
[6] The 26 U.S.C. 7701(a)(9) *United States* is the collective of the geographic area occupied by the bodies politic of the six respective 26 U.S.C. 7701(a)(10) *States*, *supra*, fn. 5. *Id.*

[7] *Id.* at 15.
[8] In all Federal law, "State" is a statutory term and means, ultimately, the District of Columbia, *id.*., which is why use of "State" is avoided in this webpage.
Unpunctuated, grammatically incorrect, two-capital-letter United States Postal Service ("U.S.P.S.") designators for each of the putative *50 States* (50 political subdivisions of the District of Columbia; *id*. at 11), and ZIP Codes, are *political*—not *geographical*— identifiers.
ZIP Codes are assigned to United States Post Offices *only*, not geographic areas,*Domestic Mail Manual* ("DMM") § 602-1.8.1 *Purpose of ZIP Code*, the purpose of which is to facilitate *processing* of mail within and between U.S.P.S. facilities only, *id.*at 708-10.1 and 2—not *delivery* of mail, *id*. at 602-1.8.1.
Use of a ZIP Code is voluntary, *id*. at 602-1.3(e)(2); to wit:
"We note that under section 122.32 of the U.S. Postal Service Domestic Mail Manual, the use of a zip code remains voluntary. See United States Postal Service Domestic Mail Manual § 122.32, at 55 (Mar. 1992). . . ." Joseph Peters v. National Railroad Passenger Corporation, 966 F.2d 1483, 296 U.S.App.D.C. 202, 22 Fed.R.Serv.3d 1123 (1992).
Carrier delivery of mail is free, DMM § 508-4.1.2 *Purpose*; postage pays for transmission of mail between U.S.P.S. facilities only, *id*. at 708-10.2 *Application*.
[9] pre-var′i-cate . . . *v*. . . . *i*. . . . To use ambiguous or evasive language for the purpose of deceiving or diverting attention; misrepresent by shape or turn of statement; give a wrong color to facts in speaking or answering; quibble; shuffle. . . . *A Standard Dictionary of the English Language,* Isaac K. Funk, Editor in Chief (Funk & Wagnalls Company: New York, 1903), p. 1410.
[10] dis-sem′ble . . . *v*. . . . *i*. . . . To put on false appearances; disguise the reality; represent a thing or things untruly. *Id*. at 531.
[11] SUB SILENTIO. Under silence ; without any notice being taken. . . . Black's 1st, p. 1129.

Houston Judge a no-show on appointed hearing-date

NOVEMBER 24, 2015SUPREMECOURTCASELEAVE A COMMENT

The Houston Division case is the initial case and the one that Petitioner appealed to the Fifth Circuit and, thereafter, the Supreme Court.

When the Supreme Court declined to review the decision of the Fifth Circuit, who affirmed the judgment in the Houston Division, Petitioner returned to the Houston Court and filed a motion to vacate the original Judgment and Order (Houston Dkt. #82), as void for multiple reasons.
The hearing date for the motion was set for September 30, 2015.

On September 29, 2015, the Houston Judge made a ruling and entered an Order (Houston Dkt. #83) denying the motion.
A month later, on October 28, 2015, Petitioner filed in the Houston Division case, Petitioner's *Motion to Vacate the Court's May 23, 2014, Amended Final Judgment (Dkt. #53) and Order of Sale and Vacature (Dkt. #54) as Void for (a) Lack of Constitutional Authority that gives the Court the Capacity to Take Jurisdiction and Enter Judgments, Orders, and Decrees in Favor of the United States Arising from a Civil or Criminal Proceeding Regarding a Debt, in Harris County, Texas, and (b) Denial of Due Process of Law* (the "October 28, 2015, Houston Motion to Vacate") (hyperlinked below).
The contents of the October 28, 2015, Houston Motion to Vacate are substantially identical to those of Petitioner's September 14, 2015, Lufkin Division Objection and Demand—in response to which the Lufkin Judge and plaintiff United States disappeared and declined to participate any further.
The October 28, 2015, Houston Motion to Vacate was docketed and a hearing set for November 18, 2015 (Houston Dkt. #84).
November 18, 2015, however, came and went with no word from the Houston Judge.

The Houston Court (as every other United States District Court in America) is a legislative-branch Article IV territorial court of general jurisdiction with authority only in the District of Columbia (for proof of this fact, see Houston Division Record, Fifth Circuit Record,Supreme Court Record, or Lufkin Division Record), masquerading as a judicial-branch Article III constitutional court of limited jurisdiction (of which, since no later than June 25, 1948, there are no more: *see* 28 U.S.C. 132 and parenthesized legislative history thereunder).
In every civil or criminal proceeding in every United States District Court in America, "United States" means *a Federal Corporation* (28 U.S.C. 3002(15))—and the supreme Federal corporation, over all other Federal corporations and other Federal entities of any kind, is the District of Columbia Municipal Corporation (inc. February 21, 1871, 16 Stat. 419).
Every United States District Court in America, such as the Houston Court, is a District of Columbia Municipal Corporation tribunal, expounding and enforcing municipal (Roman civil) law, beyond the boundaries fixed therefor by the Constitution at Article 4 § 3(2): "Territory or other Property belonging to the United States"—such as the District of Columbia.

Neither Harris County, Texas (in the Houston Division case), nor Tyler County, Texas (in the Lufkin Division case), is situate within "Territory or other Property belonging to the United States."

The only geographic area in which any United States District Court anywhere in America is authorized to hear and decide cases is the District of Columbia—and every such "court" is a kangaroo court[1], operating under color[2] of law, office, and authority, deceiving and extorting the American People, with no constitutional authority to be doing business in any county, parish , or borough in America.
When cornered, District of Columbia Municipal Corporation legislative-branch officers—e.g., Federal judges, magistrates, and DOJ officers—routinely fall back on the policy of "Never respond, confirm, or deny."

This approach, however, will not work under these circumstances for all Federal officers.

Whereas, the Lufkin DOJ attorneys can disregard with impunity Petitioner's Demand for the constitutional authority that gives the Lufkin Court the capacity to take jurisdiction in Tyler County, Texas, and walk away from the case; the Lufkin Judge enjoys no such luxury: He cannot ignore his responsibility to attend to and conclude the case and dismiss for lack of jurisdiction under Federal Rule of Civil Procedure 12(b)(1) or (h)(3) or failure to prosecute under 41(b), without violating his oath of office; to wit:
"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." [Underline emphasis added.] 5 U.S.C. 3331 Oath of office.
There is, however, a bigger situation:

- The most important policy—over all others—in the Federal judicial system is to *maintain the appearance of impartiality* (not impartiality per se, only the *appearance* thereof);

- No one in government has come forward with the constitutional authority that gives any United States District Court the capacity to take jurisdiction and enter judgments, orders, and decrees in favor of the United States arising from a civil or criminal proceeding regarding a debt (28 U.S.C. 3002(8)), in any county, parish, or borough in America;
- The reason no one in government has come forward is that there exists no such constitutional authority[3];
- It is not possible to have a fair proceeding in a kangaroo court;
- Every United States District Court in America is a legislative-branch Article IV territorial court of general jurisdiction, usurping exercise of jurisdiction in extra-constitutional geographic area;
- Every United States District Court in America is a kangaroo court;
- The Hoax of Federal Jurisdiction can be concealed no longer; and
- The appearance of impartiality is crumbling under the weight of fraud and treason to the Constitution.

The reason the Houston Judge failed to rule on Petitioner's October 28, 2015, Houston Motion to Vacate (hyperlinked below) as appointed on November 18, 2015, in Houston Dkt. #84, is that anything he may say that actually addresses the issue set forth in the motion—*either for or against Petitioner*—will amount to a confession of fraud and treason to the Constitution.

But as with the Lufkin Judge, the Houston Judge's oath of office requires that he make a ruling on Petitioner's October 28, 2015, motion within a reasonable time—or be in violation thereof.

The Lufkin Division case is over in substance, DOJ attorneys having abandoned the case and the Lufkin Judge having violated his of oath of office (70 days of silence, despite the duty to dismiss for lack of jurisdiction or failure to prosecute, within a reasonable time).

The clock is ticking in the Houston Division.

Having been defrauded and deprived of Petitioner's real and personal property in the Houston Division case under color of law, office, and authority, by way of complicity among the Houston Judge, Fifth Circuit Judges, and Supreme Court Justices, Petitioner is active in rectifying matters and will report all developments on this webpage as they occur.

Houston Motion To Vacate, October 28, 2015

* * *

Bonus:
Jeff Rense interviews John Trowbridge on RenseRadio.com (Nov. 16, 2015)
* * *

[1] *kangaroo court.* A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. . . . 2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. *Black's Law Dictionary,* Seventh Edition, Bryan A Garner, Editor in Chief, (West Group: St. Paul, Minn., 1999), p. 359.
[2] COLOR. An appearance, semblance, or *simulacrum*, as distinguished from that which is real. A *prima facie* or apparent right. Hence a deceptive appearance ; a plausible, assumed exterior, concealing a lack of reality ; a guise or pretext. . . . Henry Campbell Black, *A Law Dictionary* (West Publishing Co.: St. Paul, Minn., 1891), p. 222.
[3] *Idem est non probari et non esse ; non deficit jus sed probatio*. What is not proved and what does not exist, are the same ; it is not the defect of the law, but of proof. John Bouvier, *Bouvier's Law Dictionary*, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914), p. 2136.
De non apparentibus et non existntibus eadem est ratio. The law is the same respecting things which do not appear and things which do not exist. *Id*. at 2130.

Docket and record, Houston and Lufkin Division Federal tax cases.

NOVEMBER 5, 2015SUPREMECOURTCASELEAVE A COMMENT

Houston Division case:

Not until shortly after Petitioner filed in the Supreme Court did Petitioner discover the obscure artifice used by the district judge to justify pretending that Petitioner is a resident of the geographic area in which the United States District Court for the Southern District of Texas, Houston Division is authorized to exercise jurisdiction: the District of Columbia.

You did not misunderstand the previous sentence.

The only geographic area in which any contemporary United States District Court in America has jurisdiction is the District of Columbia.

The supreme political authority in America is the *American People*(Declaration of Independence, Conclusion; Constitution, Preamble), referred to by the Supreme Court as "joint tenants in the sovereignty"; to wit:
"[A]t the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." Chisholm v. Georgia, 2 U.S. 419, 471 (1793).
The sovereign authority in the District of Columbia, however—as ordained by the American People (the "Joint Tenants in the Sovereignty") in the Constitution (Article 1 § 8(17))—is *Congress*.
Whereas, there is no provision of the Constitution that authorizes Congress to legislate rules or regulations (statutes) against Joint Tenants in the Sovereignty, this is not so with residents of the District of Columbia—who are subject to any legislation Congress may impose on them.

To ensnare Joint Tenants in the Sovereignty in the banker-contrived artifice of income tax in behalf of their banker creditor, Congress enacted recondite[1] legislation that would foreclose Joint Tenants in the Sovereignty from fully comprehending the law, by transmuting certain everyday *words* into statutory *terms* with a convoluted or constitutionally opposite definition and meaning, and formulating statutes (and statutory definitions) using obscure rules of statutory construction to guarantee maximum complexity—thereby allowing Federal executive and judicial officers to operate within the "letter of the law" and justify treating Joint Tenants in the Sovereignty as residents of the District of Columbia, but without having to explain what they are doing.
"*Uno absurdo dato, infinita sequuntur*. One absurdity being allowed, an infinity follow,"[2] and today we are dealing, literally, with an infinity of absurdities foisted upon us in the wake of the initial absurdity perpetrated by Congress June 30, 1864 (described in detail in both the Houston and Lufkin Record).
On that date, Congress quietly decreed that the word "state" (and shortly thereafter "State" and "United States") means *"the territories and the District of Columbia"* (13 Stat. 223, 306, ch. 173, sec. 182, June 30, 1864 [*Go to* "Turn to image" 306])—but ultimately translates to the *District of Columbia only* and

excludes by design all commonwealths united by and under authority of the Constitution and admitted into the Union.

Since June 30, 1864, any Joint Tenant in the Sovereignty (you) who innocently believes or admits that he resides in a *state*, *State*, or the*United States*, unwittingly confesses or concedes that he is a resident of the District of Columbia—and subject to the absolute, exclusive legislative power of Congress and jurisdiction of District of Columbia executive and bench officers (Department of Justice attorneys and United States District Judges and Magistrates).

Congress incorporated the District of Columbia as a municipal corporation February 21, 1871,[3] and have ruled the District of Columbia under municipal (Roman civil) law ever since.

Petitioner had the Houston Division case won following Petitioner's initial March 19, 2014, motion to dismiss for lack of jurisdiction (Houston Docket #18)—because there was no evidence in the record that Petitioner was a resident of the only statutory "State" of the statutory "United States" whose residents are liable to tax under Title 26 U.S.C.: the District of Columbia.

The judge stacked the deck against Petitioner by commanding *sua sponte*[4] the DOJ attorney to file in the record what the judge would use *sub silentio*[5] to justify pretending that he was authorized to treat Petitioner as a resident of the District of Columbia: one of Petitioner's tax returns.

Courtesy of Congress, the filing of a tax return is one of an indefinite number of undefined "*acts or statements"* that purportedly prove *"a definite intention to acquire residence in the [statutory] United States"* (26 C.F.R. 1.871-4(c)(2)(iii)), i.e., the District of Columbia.

In combination with legally defective congressional legislation at 26 U.S.C. 6013(g) and (h), actors in government pretend that the filing of a tax return constitutes one's voluntary election (choice) to be treated as a resident of the District of Columbia, and thereafter pretend that they are authorized to treat the filer as such without disclosing what they are doing.

The only flaw is that an alleged *"definite intention to acquire residence"* is insufficient legal ground in and of itself for someone to acquire or be granted residence or be treated by a government officer as a resident of a given place. Under such logic, every non-American crossing the border into America without authorization could claim the right to be treated as a resident (Note: There is no substantial difference between being*treated* as a resident and *being* a resident).

Residence depends on *facts* and is established in one of two ways: through bodily presence as an inhabitant of, or realization of earnings in, a given place / geographic area.

The Supreme Court, whose opinions are not law per se, but have the*effect* of law, affirms that no one can *elect* (choose) to be treated as a resident of a particular place for the purpose of taxation (or any other purpose) without also having a factual presence in that location; to wit:

"When one intends the facts to which the law attaches consequences, he must abide the consequences whether intended or not. 13. One can not elect to make his home in one place in point of interest and attachment and for the general purposes of life, and in another, where he in fact has no residence, for the purpose of taxation. . . ." Texas v. Florida, 306 U.S. 398 (1939).

Exercise of jurisdiction (from the Latin *jus* right, *dictio* act of saying) always is confined to a specific geographic area.

In a judicial sense, "jurisdiction" means, essentially, the legal power, right, or authority to hear and determine causes and pronounce the sentence of the law *within the exterior limits of a defined geographic area*.

When the Houston Division judge ruled "This court has jurisdiction" (Houston Dkt. #42), he was pretending *sub silentio* that the alleged "quasi-contractual right to treat Petitioner as a resident of the District of Columbia by reason of the Court's unilateral application of the provisions of 26 U.S.C. 6013(g) or (h) against Petitioner" is the same thing as *jurisdiction—**which it is not***.

The entire Houston Division evolution was necessitated by complicity on the part of the district judge, appeals court judges, and Supreme Court justices that (1) the tax return ordered entered in evidence by the district judge is "proof" of *"a definite intention [on the part of Petitioner] to acquire residence"* in the District of Columbia, (2) Petitioner elected (chose), under 26 U.S.C. 6013(g) or (h), to be treated as a resident of the District of Columbia for purposes of tax under Chapters 1 and 24 of Title 26 U.S.C., and (3) the district judge is authorized to treat Petitioner as a resident of the District of Columbia and conceal from Petitioner the legal authority he is using to do it.

It took Petitioner over 19 months in the Houston Division, Fifth Circuit, Supreme Court, and Lufkin Division cases[6] to ascertain precisely what to say and do—***no more, no less***—to get the agreement of the judges, magistrates, and DOJ attorneys in the Lufkin Division case that (1) the Hoax of Federal Jurisdiction is over, and (2) they are culpable for fraud and treason to the Constitution.

There is no reason why that particular filing (Lufkin Dkt. #58) will not work to bring any other Federal case, civil or criminal, anywhere in the Union, to a halt —because there is no constitutional authority that gives any contemporary United States District Court the capacity to take jurisdiction and *"enter judgments, orders, and decrees in favor of the United States and arising from a civil or criminal proceeding regarding a debt"* (28 U.S.C. 3002(8)) in any county, parish, or borough in America—and no one can produce such authority.

Houston Division Docket	Houston Division Record (17MB)
Fifth Circuit Docket	Fifth Circuit Record (2.5MB)
Supreme Court Docket	Supreme Court Record (14MB)

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Lufkin Division case:

The Houston Division case commenced January 7, 2014, the Lufkin Division case exactly six months later, July 7, 2014.

Using knowledge and experience gained in the Houston Division, Petitioner took a proactive stance in the Lufkin Division case and had things going backwards from the beginning: None of the two judges, three magistrates, or two DOJ attorneys made any progress in 14 months.

As in the Houston Division, the Lufkin Court was masquerading as a constitutional Article III judicial-branch court of limited jurisdiction.

No judge in a court of limited jurisdiction has authority to order any litigant to do anything—and when the Lufkin judge issued hisSeptember 17, 2014, "Order Governing Proceedings" commanding plaintiff and defendant to perform in accordance with his wishes and timetable, Petitioner made a motion that the Lufkin Court certify said Order and allow Petitioner to appeal to the Fifth Circuit Court of Appeals for a ruling on its constitutionality (Lufkin Dkt. #21). An "Order Governing Proceedings" (or similar title) is issued by every judge in every civil action in every United States District Court in America.

Whereas, Article III trial courts (which no longer exist) are judicial-branch courts of *limited jurisdiction* (subject-matter jurisdiction only) and the judge in such proceedings a mere referee, it is incumbent on the plaintiff to prosecute the case or face dismissal of the complaint for failure to do so.

The only provision of the Constitution that gives Federal courts of law the power to exercise *personal jurisdiction* (an aspect of general jurisdiction) over litigants and order them to perform as commanded, is an implied authority, Article 4 § 3(2)—and all such courts are Article IV legislative-branch courts of *general jurisdiction*under the exclusive control of Congress.
That any United States District Judge in any civil action issues an order commanding the plaintiff or defendant to do anything, is incontrovertible evidence that (1) the judge is a legislative-branch officer exercising personal jurisdiction over the litigants and prosecuting the case *sua sponte*, and (2) the court is an Article IV legislative court of general jurisdiction—with authority only in*"Territory or other Property belonging to the United States"*(Constitution, Article 4 § 3(2)), such as the District of Columbia.
All motions are in the nature of a ***request***—and the Lufkin Court denied Petitioner's motion / request to certify the aforesaid Order Governing Proceedings for appeal to the Fifth Circuit.
Petitioner is a Joint Tenant in the Sovereignty *(Chisholm v. Georgia,*2 U.S. 419, 471 (1793)).
The reason Petitioner's last two Lufkin Division filings are ***demands***(and not motions) is that there is no constitutional authority that gives the Lufkin Division judges or magistrates capacity to take jurisdiction in Tyler County, Texas—making all of them outlaws usurping exercise of jurisdiction in extra-constitutional geographic area, Petitioner the ranking participant in the Lufkin Division Federal-jurisdiction charade, and a ***demand*** the proper form of address.
Lufkin Division Docket Lufkin Division Record (68MB)
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[1] recon*dite* . . . *adjective* . . . very difficult to understand and beyond the reach of ordinary comprehension and knowledge : deep . . . *Merriam-Webster's Unabridged Dictionary*, Incorporated Version 2.5 (Merriam-Webster, Inc.: Springfield, Mass., 2000), s.v. "Recondite."
[2] John Bouvier, *Bouvier's Law Dictionary,* Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn.: 1914), p. 2166.
[3] "An Act to provide a Government for the District of Columbia," ch. 62, 16 Stat. 419, February 21, 1871 [*Go to* "Turn to image" 419]; later legislated in "An Act Providing a Permanent Form of Government for the District of Columbia," ch. 180, sec. 1, 20 Stat. 102, June 11, 1878, to remain and continue as a municipal corporation (brought forward from the Act of 1871, as provided in the Act of March 2, 1877, amended and approved March 9, 1878, *Revised Statutes of the United States Relating to the District of Columbia . . . 1873–'74* (in force as of December 1, 1873), sec. 2, p. 2); as amended by the Act of June 28, 1935, 49 Stat. 430, ch. 332, sec. 1 (Title 1, Section 102, District of Columbia Code (1940)).

[4] SUA SPONTE. Lat. Of his or its own will or motion ; voluntarily; without prompting or suggestion. Henry Campbell Black, *A Dictionary of Law* (West Publishing Co.: St. Paul Minn., 1891), p. 1129.
[5] SUB SILENTIO. Under silence ; without any notice being taken. . . . *Id*.
[6] The record of these cases is a presentation of law, fact, and evidence not found anywhere else.