

ORIGINAL

Faruq El Bey  
C/O 792 Brentnell Avenue  
Columbus, Ohio Territory  
Ohio State Republic  
[Postal Zone 21]

13-1847

**LEGAL NOTICE OF REMOVAL**  
**FROM MUNICIPAL COURT TO FEDERAL COURT**  
**PURSUANT TO TITLE 28 § 1441- §1446**  
**PROPER ARTICLE III JURISDICTION**

Plaintiff(s) / Respondent(s)

City of Columbus Police Department / 120 Marconi Blvd, Columbus OH 43215  
State of Ohio Superior Court / 65 South Front Col. OH 43215  
FCMC Traffic Violations Bureau / 373 South High St. Columbus Ohio 43215  
State of Ohio  
Columbus Police Officer Windsor Badge No. 1228  
Officer Barry badge no 1836, State Highway Patrol  
Officer Christian Niemi badge no. 1904  
120 Marconi Blvd, Columbus OH 43215

(1) Quo warranto;  
(2) Mandamus;  
(3) Habeas corpus;  
(4) Prohibition;  
(5) Proceudo;

ORIGINAL JURISDICTION  
"MINISTERSCONSULS  
DIPLOMATS"  
Article III, Section 2; Article VI  
United States Republic Constitution  
Treaty of Peace and Friendship  
'Established Law of the Land'

FILED  
NOV 21 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

v.

Federal Question(s):  
Constitution, Treaty;  
Religious Liberty;  
Due Process;  
Substantive Rights of Travel, etc.,  
Supreme Court Rulings

Faruq El Bey, A Natural Person, In Propria Persona, Sui Juris (not to be confused with nor substituted with Pro Se); and not a Statutory Person.

**Petitioner / Alleged Accused,**  
  
(Hereinafter Petitioner)

Official Notice is hereby served on the STATE OF OHIO SUPERIOR COURT; all Judicial Sub-Divisions; Officials; Agents; and above named Plaintiff-all cases and Jurisdiction / Venue moved to Federal Court. All Matters, Complaints, Traffic Tickets / Suits, Citations / Bills of Exchange (misrepresented as lawful warrants, etc.), must be filed with Federal Court, pursuant to Jurisdiction named hereinafter.

**I.**

**JURISDICTION**

Jurisdiction / Venue are hereby placed in one Supreme Court, pursuant to Article III Section 2 for The United States Republic, and the several States, under the Constitution; Article VI; and reaffirmed by obligatory Official Oaths.

“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 jurisdictions;--to controversies to which the United States shall 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 all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

COMES NOW, Faruq El Bey, In Propria Persona, Sui Juris (not to be confused with Pro se), Aboriginal Indigenous Moorish-American; possessing Free-hold by Inheritance status; standing squarely affirmed and bound to the Zodiac Constitution, with all due respect and honors given to the Constitution for the United States Republic, North America. Being a descendant of Moroccans and born in America, with the blood of the Ancient Moabites from the Land of Moab, who received permission from the Pharaohs of Egypt to settle and inhabit North-West Africa / North Gate. The Moors are the founders and are the true possessors of the present Moroccan Empire; with our Canaanite, Hittite and Amorite brethren, who sojourned from the land of Canaan, seeking new homes. Our dominion and inhabitation extended from Northeast and Southwest Africa, across the Great Atlantis, even unto the present North, South and Central America and the Adjoining Islands-bound squarely affirmed to THE TREATY OF PEACE AND FRIENDSHIP OF SEVENTEEN HUNDRED AND EIGHTY-SEVEN (1787) A.D. superseded by THE TREATY OF PEACE AND FRIENDSHIP OF EIGHTEEN HUNDRED AND THIRTY-SIX (1836) A.D. between Morocco and the United States (<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1866t.htm> or at Bevines Law Book of Treaties) the same as displayed under Treaty Law, Obligation, Authority as expressed in Article VI of the Constitution for the United States of America (Republic):

#### THE TREATY OF PEACE AND FRIENDSHIP OF 1836 A.D.

##### Between Morocco and the United States

##### Article 20

“If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties, and whenever the Consul shall require any Aid or Assistance from our Government, to enforce his decisions, it shall be immediately granted to him.”

##### Article 21

“If any Citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal Justice shall be rendered, the Consul assisting at the Trial; and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.”

## II

### PARTIES

#### Plaintiffs

1. STATE OF OHIO SUPERIOR COURT, private corporation; foreign to the United States Republic; and all COLUMBUS CITY Employees; Agents; Officers; Contractors; Assignees, etc., being Plaintiffs, Claimants, or Parties of Interest in the ‘Color-of-Law’ processes instituted by them, or any one of them, against Faruq El Bey.
2. Officer Barry badge no. 1836, State of Ohio Highway Patrol, private corporation, foreign to the United States Republic; and foreign to the organic Ohio Republic.
3. Officer Christian Niemier badge no. 1904, State of Ohio Highway Patrol, private corporation, foreign to the United States Republic; and foreign to the organic Ohio Republic.
4. Columbus Police Officer Windsor Badge No.1228, officer of the Columbus Police Department, private corporation, foreign to the United States Republic; and foreign to the organic Ohio Republic.
5. CITY OF COLUMBUS POLICE DEPARTMENT, private corporation foreign to the United States Republic; and foreign to the organic Ohio Republic.

6. STATE OF OHIO, corporation established in the year SEVENTEEN SEVENTY-SIX (1776), foreign to the organic Ohio state Republic; and foreign to the United States Republic of North America.

7. TRAFFIC VIOLATION BUREAU, private corporation; foreign to the United States Republic; and foreign to the organic Ohio Republic.

### Petitioner

Faruq El Bey, In Propria Persona, Sui Juris (not to be confused with Pro se) Aboriginal, Indigenous Moorish American National, C/O 792 Brentnell Avenue, Columbus Territory, Ohio Republic [Postal Zone 21].

I, Faruq El Bey, In Propria Persona, Sui Juris; Aboriginal, Indigenous Moorish American National, Freehold by Inheritance with Birthrights and protected and secured Inalienable Rights, makes with this NOTICE OF REMOVAL of the unconstitutional Complaint – Summons / Ticket – Suit / Bill of Exchange / Action, Number 1534640 and case numbers 2013 TRD175623 and 2013 TRD 146346. Petitioner is with reasonable expectation that the Officers / Agents, and Officials, holding any position of Public Trust, or political office, are prohibited, under Official Oath, under the authority of The Law of the Land, from the use of the official position(s) or office(s) to violate the Constitution for the UNITED STATES OF AMERICA; and thus, by the abuse of authority, and the practice of superseding their 'limited' jurisdictional powers, violate and abridge the Natural, Divine, Unalienable, and Secured Rights of the People; terminating with the cause of damage to this Petitioner / Plaintiff.

### III

### CAUSE OF ACTION

1. The Petitioner / Faruq El Bey, August 29, 2013 while traveling on interstate 70 westward was detained by Policeman / Prosecuting Witness, Officer Windsor Badge Number 1228; employed by the City of Columbus police department, who stated that Faruq El Bey was in violation of city code/CTC 2133.03, which is private policy (being classed as law). The Petitioner / Faruq El Bey, presented "Identification" identifying himself . Officer Windsor Badge No. 1228, demanded petitioner Faruq El Bey to surrender petitioners property ( car keys ) . Officer Windsor Badge number 1228, proceeded to demand Petitioner / Faruq El Bey to exit his property onto the public highway. Petitioner /Faruq El Bey refused. Officer Windsor badge no. 1228 placed metal handcuffs on petitioner. Officer Windsor badge number 1228, released petitioner after presenting petitioner with a Summons / Ticket- suit number 1534640 with the "name" RICCO L. GASTON.

2. The Petitioner / Faruq El Bey, May 4, 2013, while traveling on Livingston Avenue eastward was detained by Policeman/ Prosecuting witness, Officer Barry, badge no. 1836; employed by the STATE OF OHIO HIGHWAY PATROL who stated that Faruq El Bey was in violation of ORC4513.263 B1 which is private policy (being classified as law).

3. The Petitioner / Faruq El Bey, May 29, 2013, while traveling on Livingston Avenue westward was detained by Policeman / Prosecuting witness, Officer Christian Niemier, badge no. 1904; employed by the STATE OF OHIO HIGHWAY PATROL who stated that Faruq El Bey was in violation of ORC 4513.263 B1 which is private policy ( being classified as law).

The STATE OF OHIO SUPERIOR COURT is an unconstitutional, private corporation, not delegated by Congress, under Article III, Section 2 of the Constitution; and that the Officers does not, and did not provide 'Due Process' protected and secured for the People, by the Amendments IV, V, VI, VII, VIII, IX, and X of the United States Constitution, to which the Judges and Officers in every State is bound (by Official Oath) to support and to uphold. Any statutory regulation, ordinance, or laws of any State, to the contrary, notwithstanding.

This allegedly - accused Petitioner believes that in accord with the Substantive Rights retained by the Petitioner, notifying all parties of the Petitioner's Moorish American (Identification / Status) and that the Petitioner was not, is not, and does not, waive any Inalienable Rights to due process; and affirmed that any action be adjudicated in a lawfully delegated jurisdiction and venue.

**The Officers** of STATE OF OHIO commanded that the Petitioner Pay Fines and Costs Imposed under threat, duress, and coercion with a 'man-of-straw' / misnomer word, misrepresented as implying my name, and typed upon the Order / Instrument, and was improperly spelled, "RICCO L. GASTON" in ALL CAPITAL LETTERS. That misnomer and CORPORATE - NAME, "RICCO L. GASTON" is clearly (an artificial – person / entity); is not me, the Natural Person; is a deliberate grammatical error, intended for injury to me; and is clearly not of consanguine relationship to me or to my nationality, in

any form, truth, or manner,; nor to my Moorish Family Bloodline. This is a in violation of my secured rights to my name and nationality; a violation of International Law; and a violation of the Obligations of the Officers of the Court; and a violation of their fiduciary duties and Official Oaths to uphold and to support Article VI of the United States Constitution; and thus, violating my Substantive Rights, and the Articles of Part 1 of 'The Rights of Indigenous People' ([http://en.wikisource.org/wiki/Draft:United\\_Nations\\_Declaration\\_on\\_the\\_Rights\\_of\\_Indige...](http://en.wikisource.org/wiki/Draft:United_Nations_Declaration_on_the_Rights_of_Indige...)) as follows:

"Indigenous People have the right to a full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations; The Universal Declaration of Human Rights; And International Human Law."

Article 5 of the Rights of Indigenous People

"Every Indigenous individual has the Right to a Nationality."

Article 15 of the Declaration of Human Rights (<http://www.un.org/Overview/rights.html>)

"everyone has a right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his name."

This Petitioner made a "Reservation of Rights" as stated on the ticket / summon / suit/ complaint No. 1534640 and signed for the record; name, correct spelling of name.

Plaintiff Officer Windsor Badge number 1228, Officer Barry badge no.1836, Officer Niemier badge no. 1904, and 'TRAFFIC VIOLATIONS BUREAU', FRANKLIN COUNTY MUNICIPAL COURT is with the 'want of jurisdiction' by knowingly and willingly conspiring (under a Color-of-Authority) to deny this Petitioner, Faruq El Bey, (after this Petitioner made a reservation of rights and stating for the record; name, correct spelling of name, and national status) his Inalienable Rights, the right to a Name and Nationality of his choosing, etc. The State / Accuser(s) alleged and assumed the Petitioner of being a Corporate Ward-ship 14th Amendment Artificial Negro Person / citizen, which resulted in an unlawful arrest-of-rights, immunities and liberties; which is in direct contradiction to, and a violation of, the Fourth (IV) Amendment of the Constitution for the United States (Republic); violating Article VI of the Constitution, by way of violating The Treaty of Peace and Friendship of EIGHTEEN HUNDRED-THRITY-SIX (1836) A.D.; Congressional Resolution # 75, Philadelphia Pennsylvania; a violation of Article 15 of 'The Universal Declaration of Human Rights' of Nineteen Hundred and Forty-Eight (1948) A.D. - General Assembly, United Nations; a violation of 'The Declaration of the Rights of The Child' of Nineteen Hundred and Fifty-Nine(1959) A.D(<http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>); and violating 'The Rights of Indigenous Peoples'; and that the Officers of THE STATE OF OHIO knowingly committed 'fraud' against the Petitioner (Faruq El Bey) by abusing their authority, in that they failed to correct a known violation; and did not aid in preventing said such abuse of authority, while having (by law) the obligation to do so; and violated the Fifth Amendment of The Bill of Rights of Seventeen Hundred and Ninety-One (1791) A.D.; impeding the Peoples' **right to due process under the Law, and equal protection of the Law**, Article 1 Section 10 of The Constitution for The United States of America (Republic) which secures this Petitioner the right to contract and conspiracy to commit fraud against this Petitioner and against the United States Republic.

#### IV

#### CONCLUSION

1) It is a sin for any group of people to violate the Constitutional Laws of a Free National Government.

2) The Delegates, which comprise the majority of Aboriginal and Indigenous Freeholders, by Birthright, Inheritance, and Primogeniture, and declared 'for the record' and known by the consanguine / Pedigree of their / our Forefathers, as Moors / Muurs; and the European Colonial Settlers of the United States of America, did, on the fifteenth day of November in the year Seventeen Seventy-seven (1777), and in the second year of the Independence of The United States of America, agreed to certain *Articles of Confederation* and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania,

Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia; wherein they did declare that the style of the Confederacy shall be the United States of America.

3) All parties to the *Articles of Confederation* of 1778 did also agree that *Article IX* shall set forth the procedure for resolving a dispute brought before the Congress of the United States by a freely associated compact State of the United States of America.

4) All parties to the *Articles of Confederation* of 1778 did also agree that no Congress shall thereafter alter *Article IX* of the *Articles of Confederation* unless it has received confirmation to do so by every State in the Union (*Article XIII* of the *Articles of Confederation*).

5) The United States, pursuant to an "Act" of the States sitting in Congress under the *Articles of Confederation* of Seventeen Hundred and Seventy-Eight (1778) A.D., authorized a Constitutional Convention for the purpose of forming a more perfect Union, to establish justice, to insure domestic tranquility, to provide for the common defense, to promote general welfare, and to secure the blessings of liberty, did ordain and established a Constitution for the United States. The Constitution for the United States was declared to be a "revision" to the *Articles of Confederation* of 1778 (*REPORT OF PROCEEDINGS IN CONGRESS*, Wed., Feb.21, 1787 [*Journals of the Continental Congress*, vol. 38]).

6) The Constitution for the United States was established by the People of the United States of America, and not by the States in their sovereign capacity (*In reg Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412) and was ratified by the People sitting in Convention of the Original 13 States of the United States of America (*United States Constitution*, VII: 1:1).

7) The Constitution for the United States is a Compact which constitutes a binding trilateral Contract between the People, the freely associated compact States of the United States of America, and the United States [e.g. *Article 10* of the *Bill of Rights* to the *Constitution of the United States*] (*In reg Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412).

8) By the wording of *Article VI* of the *Constitution for the United States*; the Congress is required to review its legislation from time to time to determine if the legislation was made pursuant to the provisions of that Constitution.

9) The parties to the Compact of the United States Constitution further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (*Article 9* of the *Bill of Rights* to the *Constitution for the United States*).

10) The parties to the Compact also agreed that the Powers not delegated to the United States under the U.S. Constitution are reserved to the States or to the People (*Article 10* of the *Bill of Rights* to the *Constitution for the United States*).

11) On February 24, 1855; the Congress of the United States created the United States Court of Claims. The Court of Claims was authorized to execute the mandates of *Article IX* of the *Articles of Confederation* of 1778 and *Article I* of the *Bill of Rights* to the *Constitution for the United States* (10 Stat. 612, sec. 1, sec. 7)

12) The Congress of the United States also enacted the "*Bowman Act*" of March 3, 1883 (22 Stat. 485) and the "*Tucker Act*" of March 3, 1887 (24 Stat. 505) to clarify the jurisdiction of the Court of Claims. Under these Acts, either House of Congress may submit any claim or matter to the United States Court of Claims for investigation and determination of facts. The Court was to report its findings back to Congress for Congressional determination.

13) Notwithstanding the limitations imposed upon the United States Claims Court by *P.L. 97-164* and its subsequent United States Court of Federal Claims by *P.L. 102-572*; the Congress of the United States is barred by *Article IX* and *Article XIII* of the *Articles of Confederation* and by *Article I* of the *Bill of Rights* to the *Constitution for the United States* to limit its investigations to moneyed claims.

14) The continual refusal of the United States Congress to resolve the Petitions of Grievances that were submitted to it, by the several States of the Union, violates the "*Good Faith*" agreement that all grievances submitted would be expeditiously resolved as mandated by the *Articles of Confederation* of 1778.

15) Between the years of 1866 and 1868 (and other years); several states within the United States known as "States" submitted Petitions to the Congress of the United States for Redress of Grievances. These Petitions have passed from Congress to Congress for over one hundred years, with the Congress refusing to take any action to resolve the disputes as required by *Article IX* of the *Articles of*

*Confederation of 1778 and Article I of the Bill of Rights to the Constitution for the United States.* These Petitions challenged the procedure by which the Congress used to amend the Constitution for the United States. The Amendments in question are the unlawfully - ratified 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments (hereinafter referred to as the "Three Dead Badges of Law").

16) "No change in ancient procedure can be made which disrupts those fundamental principles, which protect the citizen in his private right and guard him against the arbitrary action of the government." Ex Parte Young, 209 US 123.

17) The Constitution for the United States of America binds all judicial officers at Article 6, wherein it does say, "This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land, and the Judges of every State shall be bound thereby, anything in the Constitution or laws of any state to the Contrary, notwithstanding," see Clause 2.

18) Black's Law Dictionary 4<sup>th</sup> Ed. Defines "Law of the land", - When first used in Magna Charta, the phrase probably meant the established law of the kingdom, in opposition to the civil or Roman law. It is now generally regarded as meaning general public laws binding on all members of the community. *Janes v. Reynolds*, 2 Tex 251; *Beasley v. Cunningham*, 171 Tenn. 334. 103 S.W.2d 18, 20110 A.L.R. 306. It means due process of law warranted by the constitution, by the common law adopted by the constitution, or by statutes passed in pursuance of the constitution *Mayo v. Wilson*, 1 N.H. 53.

19) Clause 3, clarifies the scope of this requirement when it states that "...All judicial officers, both of the United States and of the several states shall be bound to support this Constitution..."

20) The 5<sup>th</sup> Amendments require that all persons within the United States must be given due process of the law and equal protection of the law.

21) The unconstitutional charges being applied to this Petitioner are not in pursuance of the Constitution for the United States of America, wherein it does guarantee, and this Petitioner does declare the equal protection of the right to "life liberty and the pursuit of happiness" in the 1<sup>st</sup> Amendment, which includes the right to travel as evidenced in positive law and *stare decisis*, to wit; *Chicago Motor Coach v. Chicago* 169 NE 221 "the use of the highways for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived"; *Teche Lines v. Danforth*, Miss. 12 So 2<sup>nd</sup> 784, 787 "the right to travel on the public highways is a constitutional right", *Slusher v. Safety Coach Transit Co.*, 229 KY 731, 17 SW 2D 1012, affirmed in *Thompson v. Smith* 154 S.E. 579 - "The right to travel upon the public highways and transport my property thereon, by automobile is not a mere privilege, which may be permitted or prohibited at will, but a common right which one has to life, liberty and the pursuit of happiness" and the State's application of 625 ILCS 5/et seq is "notwithstanding", Article VI cl.2 Ibid.

22) The Petitioner claims full and equal protection of the Law in *Marbury v. Madison* 5 US 137 - "The Constitution of these United States is the Supreme Law of the Land. Any law, that is repugnant to the Constitution, is null and void of law."

23) The unconstitutional charges being applied to the Petitioner are repugnant to the Constitution because they deny a right established and guaranteed in the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments, and in United States Supreme Court '**Stare Decisis**' so noted above, where this court has no authority to adjudicate contrary.

24) The unconstitutional charges under which the Petitioner is being forced to answer are non-constitutional on their face and unconstitutional when applied to the Petitioner because they do not have an enacting clause or single subject title, thereby denying due process of law.

25) Due Process of law is not necessarily satisfied by any process which the Legislature may prescribe. See: *Abrams v. Jones* 35 Idaho 532, 207 P. 724.

26) "Due Process of Law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction; and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." *Cooley*, Const. Lim. 441.

27) Due Process as defined in H. C. Black's Law Dictionary, 4<sup>th</sup> Edition. "Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning

when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles, which have been established in our systems of jurisprudence for the enforcement and protection of private rights.”

28) “To give such proceedings any validity, there must be a tribunal competent by its constitution—that is by the law of its creation—to pass upon the subject-matter of the suit; and if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction obey service of process within the state or his voluntary appearance. *Pennoyer v. Neff*, 95 U.S. 733, 24 L.Ed. 565.”

29) “Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved.”

30) “If any question of fact or liability be conclusively presumed against him, this is not due process of law, *Zeigler v. Railroad Co.*, 58 Ala. 599.

31) These phrases in the Constitution do not mean the general body of the law, common and statute, as it was at the time the Constitution took effect; for that would seem to deny the right of the Legislature to amend or repeal the law. They refer to certain fundamental rights which that system of jurisprudence, of which ours is a derivative, has always recognized. *Brown v. Levee Com’rs* 50 Miss. 468.”

32) All orders or judgments issued by a judge in a court of limited jurisdiction must contain the findings of the court showing that the court has subject-matter jurisdiction, not allegations that the court has jurisdiction. In *re Jennings*, 68 Ill.2d 125, 368 N.E.2d 864 (1977) (“in a special statutory proceeding an order must contain the jurisdictional findings prescribed by statute.”)

33) In *Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997). Without subject-matter jurisdiction, all of the orders and judgments issued by a judge are void under law, and are of no legal force or effect. In *Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) (“Every act of the court beyond that power is void”).

34) The Petitioner assert, *Midland Coal Co. v. Knox County*, 268 Ill.App.3d 485, 644 N.E.2d 796 (4th Dist. 1994) (“Special statutory jurisdiction is limited to the language of the act conferring it, and the court has no powers from any other source”...)

35) The “language of the act” the complainants confer upon “has no powers from any other source” *Midland Coal Co. v. Knox County*, *Ibid*, no evidence on it’s face of valid law, as it lacks the mandatory enacting clause,

36) That the purpose of thus prescribing an enacting clause — “the style of the acts” — is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake and fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. “Statutes,” § 65, p. 104; *Joiner v. State*, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

37) “That the almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to ‘identify’ it as an act of legislation by expressing on its face the authority behind the act.” 73 Am. Jur.2d, “Statutes,” § 93, p. 319, 320; *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D. 356 (1932).

38) That for an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the People can readily identify the authority for that particular law.

39) That “It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law.” *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swann v. Buck*, 40 Miss. 270.

40) This Plaintiff (a court of limited jurisdiction), lacks the power to act and have proceeded beyond the strictures of the statutes, and that the statutes being applied are created from revised statutes and

codes of a foreign and unidentified source, as they fail to show from what authority in law they exist, where they fail to show on their face, the mandatory enacting clause.

41) Said revised statutes and codes fail to show a necessary and mandatory enacting clause on their face, giving them lawful force and effect. Said revised statutes and codes are private codes and statutes and are not law, do not compel this Petitioner to perform and do not apply to him, and fail to show "authority for the court to make any order." Levy. Industrial Common Ibid, Midland Coal Co. v. Knox County, Ibid.

42) The Petitioner, demand all rights under the common law based upon the status as a matter of due process of law and to determine what legal rights the Petitioner has in this court and what rights will be denied, if any, to determine what jurisdiction the Plaintiff is attempting to apply to this Natural Born Citizen.

43) The Petitioner is not subject to the jurisdiction of this Plaintiff.

44) This Petitioner has no contract with STATE OF OHIO SUPERIOR COURT, or with the State of OHIO; or with any other segment of the United States of America that can grant jurisdiction over human rights; or over political, economic, social and cultural rights of Indigenous Peoples.

45) The Petitioner is Aboriginal / Indigenous within the meaning of the description of the Draft Declaration of the Inter-American Declaration of the Rights of Indigenous Peoples at Article 1 Definition:

46) "In this Declaration Indigenous Peoples are those who embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."

47) Indigenous People are separate and distinct; alien to this administration; and have a separate and distinct status from the administrators of the colonial occupiers of the land; as recognized in the Declaration on Principles of International Law of Friendly Relations and Cooperation Among States; wherein it does say under the Principles of Equal Rights and self determination of Peoples (B5): "The territory of a colony or other Non-Self Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it..."

48) Colonial legislatures were divested of their legislative powers, and required to transfer jurisdiction and all powers over the cultural rights of indigenous and minority peoples to those peoples and prohibited from making any law that effects the rights of indigenous people to fully and effectively enjoy their right to self-determination in Article 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Adopted by General Assembly resolution 1514 (XV) of 14 December 1960. See Article 5 to wit: "Immediate steps shall be taken, in Trust and Non-Self Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire..."

49) Colonial courts were divested of, and required to, transfer the judicative power and all power to the people of this territory, *ibid*.

50) See 'The American Declaration of the Rights and Duties of Man' (Adopted by the Ninth International Conference of American States Bogota, Colombia, 1948 at Article 5, Article 17, Article 26)

51) The United States of America is required to obey the requirements of the Declaration on the Principles of International Law and to obey the principles of international law enumerated therein.

52) The Vienna Convention on the Law of Treaties requires that the United States of America fulfill its obligations incurred thereunder.

53) The United States of America is a member of the United Nations, and is bound by the Charter of the United Nations to promote and protect the Rights of Indigenous Peoples.

54) The Declaration of the Granting of Independence to Colonial Countries and People UN GA #1514 specifically required the United States of America to transfer *all power* to the peoples of this land, and this specifically includes all legislative, executive and judicial powers.

55) The State of Ohio through its commercial agencies, on the Drivers License, and other misrepresented Instruments, has committed 'fraud' to accomplish what is called in legal contemplation, "Capitis Diminutio Maxima", which is that my natural name has been murdered and I was resurrected as a non-natural, created entity subject to regulation and denied the protections of national and international law. This constitutes Fraud and denies due process of the law and the Freedom from the Practices and Policies of Apartheid described in the International Convention on the Suppression and Punishment of the Crime of *Apartheid* Adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 November 1973 at Articles 1, 2 and 3, and the right not to be compelled to perform under any contract or agreement not entered into voluntarily, intentionally and knowingly.

56) **Executive Order Number: 13107**, 63, Federal Register, 68,991 (1998)- Implementation of Human Rights Treaties, which states "It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party including the ICCPR, the CAT and the CERD." FRANKLIN COUNTY MUNICIPAL COURT, by way of its Officers, violated 'Due Process' and, conspired to deprive rights of the Petitioner; and did neglect to prevent deprivation of rights at Title 18, U.S.C. 241 and Title 18, U.S.C. 242.

57) *Maine v. Thiboutot* 448 US 1, 100 SCT 2502 – Officers of the court have no immunity, when violating a constitutional right from liability. For they are deemed to know the law.

58) Note that the presiding judge, and any judge acting as organ of the court, is aware that 42 USC 1986 requires the person(s) adjudicating legal processes, to correct wrongs, and that their failure to correct the wrongs that were addressed constitutes Fraud under Rule 9(b) of the FRCP, cross referenced to 28 USC 1746, and that this Fraud constitutes a Perjury on the Oath of Office at 18 USC 1621, deprives us of rights, at 18 USC 241, and 242, Conspires to deprives rights at 42 USC 1985; is an extortion of rights at 18 USC 872, and is actionable under 42 USC 1983.

59) **Judicial officers have no immunity when they have no jurisdiction over subject matter.**

60) This court shall take mandatory Judicial Notice of the adjudged decision of the Supreme Court of the United States of *Bradley v Fisher* 80 U.S. 335 (1871), 351,352 that officers of the court have no immunity when they have no jurisdiction over the subject-matter. And further in *Bradley v Fisher* on page 352 and 352 is as follows: "Where there is clearly no jurisdiction over the subject matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible." This evidence of *Bradley v Fisher* 80 U.S. 335 (1871).

61) Either subject-matter jurisdiction exists, or it doesn't. Subject-matter jurisdiction has been denied, it must be proved by the party claiming that the court has subject-matter jurisdiction as to all of the requisite elements of subject-matter jurisdiction

62) "The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived." – *Chicago Motor Coach vs. Chicago*, 169 NE 22; *Ligare vs. Chicago*, 28 NE 934; *Boon vs. Clark*, 214 SSW 607; 25 Am. Jur. (1<sup>st</sup>) Highways Sect. 163.

63) "The right of a citizen (or others similarly situated) to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty, and the pursuit of happiness." – *Slusher v. Safety Coac Transit Co.* 229 Ky 731, 17 SW2d 1012, affirmed by the Supreme Court in *Thompson v. Smith* 154 S.E. 579. (emphasis added)

64) "The right to Travel; The right to Mode of Conveyance; The Right to Locomotion are all absolute Rights, and the Police cannot make void the exercise of rights. *State v. Armstead*, 60 s. 778, 779, and 781"

65) "The right to Park or Travel is part of the Liberty of which the Natural Person and citizen cannot be deprived without "due process of Law" under the fifth Amendment of the United States Constitution. *Kent v. Dulles* 357 US 116, 125:"

66) "State Police Power extend only to immediate threats to public safety, health, welfare, etc., *Michigan v. Duke* 266 US, 476 LED. At 449:"

- 67) "Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such traveler owed nothing more than "due care" (as regards to tort for negligence) to the public and the owner owed no other duty to the public (eg. State), he / she and his / her auto, having equal rights to and on the roadways / highways as horse and wagons, etc.; this same right is still substantive rule, in that speeding, running stop signs, and traveling without license plates, or registration are not threat to the public safety, and thus, are not arrestable offenses. *Christy v. Elliot*, 216 I 131, 74 HE 1035, LRA NS 1905 – 1910: *California v. Farley* 98 CED Rpt/ 89, 20 CA 3<sup>rd</sup> 1032 (1971)"
- 68) "Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. *Maranda v. Arizona* 384 US 4336, 125:"
- 69) "The claim and exercise of Constitutional Rights cannot be converted into a crime. *Miller v. Kansas* 230 F 2<sup>nd</sup> 486, 489:"
- 70) "For crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional right. *Serer v. Cullen* 481 F. 945:"
- 71) "If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. *Louisville v. Motley* 2111 US 149, 29S. CT. 42. "The Accuser Bears the Burden of Proof Beyond a Reasonable Doubt."
- 72) "In light of my status the complaint against me must be brought before an Article III court as per the rules governing the Treaty of Peace and Friendship of 1787."
- Therefore in accord with the official oath of the officers of this court et al that all fraudulently presented improperly serviced instruments as per bill of exchange / suits / ticket / complaint # 1534640 be dismissed, discredited and expunged from the record, etc.
- 73) "Lack of Federal Jurisdiction can not be waived or overcome by agreement of parties". *Griffin v. Matthews*, 310 F supra 341, 342 (1969): "
- 74) "Want of Jurisdiction may not be cured by consent of parties"> *Industrial Addition Association v. C.I.R.*, 323 US 310, 313."
- 75) "In Supreme Court case *Murdock v. Penn.* 319 US 105  
*"No state shall convert a liberty into a privilege, license it, and attach a fee to it"*.
- 76) See also; *Shuttlesworth v. Birmingham* 373 US 26  
*"If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."*
- 77) "Petitioner asserts *"Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them"* *Miranda v. Arizona* 384 U.S. 436, 491.
- 78) "An unconstitutional statute has been held to confer no authority on, and to afford no protection to, an officer acting thereunder." Also, "Officers cannot be punished for refusing to obey unconstitutional statute." (CJS 16, sec. 101, p. 479) "Such laws are in legal contemplation, as inoperative as though ' they had never been passed or as if the enactment had never been written, and are regarded as invalid or void from the date of enactment, and not only from the date on which it is judicially declared unconstitutional. Such a law generally binds no one, confers no rights, affords No Protections, and imposes no duties, and compliance therewith is unnecessary." (CJS 16, p. 469).
- 79) "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." – 16 Am Juris 2<sup>nd</sup>, Sec 177 late 2d, Sec 256.
- 82) "The State cannot diminish rights of the People." – *Hurtado v. California*, 110 U.S. 516
- 82) "The state is a people and not the created form of government." – *Texas v. White*, 7 Wallace, 700-74.
- 82) "The individual may stand upon constitutional rights. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business or to open his door to an investigation, so far as it may tend to incriminate him. He owes no such duty or the state, since he receives nothing

therefrom, beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the state... He owes nothing to the public so long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43 (1905).

83) "The makers of the Constitution conferred, as against the government, the Right to be let alone; the most comprehensive of rights, and the right most valued by civilized men." – United States Supreme Court Justice Brandeis in Olmstead v. Unites States (1928).

84) Based on customary international laws, the 5<sup>th</sup> Amendment of the Constitution for the United States of America, which guarantees due process of the law and Article IV of same Constitution Section 1; Full Faith and Credit shall be given in each State to the public Acts, Records and judicial proceedings of every other state...

85) No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin...

## V

### RELIEF

1. **The Enforcement of the following:** The Divine Constitution and By-Laws of the Moorish Science Temple of America; The Moorish Nation of North America; Act VI: By Being Moorish American, you are Part and Parcel of this said government and Must Live the Life Accordingly; Article VI of the United States Constitution Republic / The Treaty of Peace and Friendship of EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D., Classifies Moorish Americans as Federal Citizens Possessing Freehold by Inheritance Status-Truth A-1. See Article 3, Section 2 of 'The Constitution for the United States of America'.

1) I, Faruq El Bey, demand Due Process as protected by the Fourth (4<sup>th</sup>) and Fifth (5<sup>th</sup>) Amendments of the Constitution for the United States of America (Republic).

2) I, Faruq El Bey, demand this United States Supreme Court stop these abuses of the colorable authority by the Plaintiff as it pertain to this Petitioner.

3) I, Faruq El Bey, demand if any criminal charges be found, let them be placed upon the Plaintiffs.

4) I, Faruq El Bey, demand this United States Supreme Court view this Petitioner (in my Proper Person) as a Moorish American National (Natural Born Citizen of the Land) and not as a (brand) NEGRO, BLACKMAN (person), COLORED, AFRICAN-AMERICAN, or any other SLAVE TITLE or 'nom de guerre' imposed upon me for misrepresentation 'Actions' or other acts of 'Misprision' that a misdirected society may "believe" to be true.

5) I, Faruq El Bey do not, under any condition or circumstance, by threat, duress, or coercion, waive any rights Inalienable or Secured by the Constitution or Treaty, and, hereby requests the United States Supreme Court to fulfill their obligation to preserve the rights of this Petitioner (A Moorish Americans) and carry out their Judicial Duty in 'Good Faith' by ordering Plaintiff to be brought before the Law to answer for their criminal and unjust actions.

6) All UNCONSTITUTIONAL Citations – Summons / Ticket – Suit / (misrepresented) Bill of Exchange: Number 1534640, case numbers 2013 TRD 175623 and 2013 TR D 146346 and any other 'Order' or 'Action' associated with it / them, to be dismissed and expunged for the record on it's face and merits; or, otherwise, be brought before a legitimately - delegated, and competent 'Court of Law' of International jurisdiction / venue.

7) All City, County and State Officials are to be informed of the Law of the Land (Constitution) and their obligation to uphold the same and to no longer be excused without action on the part of the Sheriff for violating the same. And to be made cognizance of the recompense of colorable actions on their part, by not adhering to the Law.

8) Any Plaintiff, Corporate or Natural, Party-Claimants; Involvements be found guilty of the charges and shall result in immediate Recusal of Office.

9) Plaintiff STATE OF OHIO is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its official capacity.

10) Plaintiff STATE OF OHIO SUPERIOR COURT is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its official capacity.

11) Plaintiff CITY OF COLUMBUS POLICE DEPARTMENT is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its private capacity.

12) Plaintiff Policeman, Officer Windsor badge no.1228, is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in his private capacity.

13) Plaintiff Officer Barry badge no. 1836, is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in his private capacity.

14) Plaintiff Policeman, Officer Christian Niemier badge no. 1904, is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in his private capacity.

**TRIAL BY JURY OF MY OWN PEERS WAS, AND IS, DEMANDED**

I declare under the penalty of perjury under the law of the UNITED STATES CODES that the above is true and correct to the best of my knowledge and honorable intent.

Day 20 November, 2013 = 1433 M.C.

I Am

*JARUA ELISEY*



Authorized Representative Natural Person. In Propria Persona: All Rights Reserved © 2013-2018 U.C.C. 1-103