

**In the United States District Court
for the District of Colorado**

Petitioner	}	
	}	Libel of Review
	}	
v.	}	- common law counterclaim in admiralty -
	}	- notice lis pendens and -
	}	- verified statement of right -
	}	
Respondent	}	Re: God-given unalienable rights in the
	}	original estate - Article III; Constitution
	}	

Comes now Petitioner of the Nomen family making a special visitation by absolute ministerial right to the district court, "restricted appearance" under Rule E(8). Respondent has been making false claims and this counterclaim and notice lis pendens are now in the "exclusive original cognizance" of the United States through the district court - see the First Judiciary Act of September 24, 1789, Chapter 20, page 77.

Jurisdiction: In international law and according to the law of the land, agents of a foreign principal are required to file any pretended claim in the appropriate district court prior to exercising rights to that claim. The district courts have "exclusive original cognizance" of all inland seizures and this includes vessels in rem (Rule C(3)) such as trust organizations and legal names (abbreviated name. Nomen, PETITIONER NOMEN, Respondent, Henry Paulson, John Snow etc.)

"...the United States, ... within their respective districts, as well as upon the high seas; (a) saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land,..." *The First Judiciary Act*; September 24, 1789; Chapter 20, page 77. *The Constitution of the United States of America*, Revised and Annotated - Analysis and Interpretation - 1982; Article III, §2, Cl. 1 *Diversity of Citizenship*, U.S. Government Printing Office document 99-16, p. 741.

This fact of protocol - filing a claim in district court according to international law - is beyond dispute and extends into antiquity: "Meanwhile those who seized wreck ashore without a grant from the Crown did so at their peril." *Select Pleas in the Court of Admiralty*, Volume II, A.D. 1547-1602; Introduction - Prohibitions, *Note as to the early Law of Wreck*, Selden Society, p. xl, 1897. Even the IRS recognizes the protocol:

"Place for filing notice; form. Place for filing. The notice referred to in subsection (a) shall be filed -- with the clerk of the district court. In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated..." Title 26 U.S.C. §6323.

Respondent, acting as "City METRO officer - TITLE HERE" *city* of Washington, *District* of Columbia is agent of a foreign principal, a "foreign state" defined at Title 28 of the United States Codes §1603, and Title 22 U.S.C. §611 the **Division of enforcement** for the **Department of revenue** (for example C.R.S. §24-1-117 [Colorado]) under principal State Governor in convention with METRO organization a.k.a. *Public Administrative Services Headquarters* (PASHQ - signed for example by Edwin C. Johnson by John T. Bartlett; *The Public Papers and Addresses of Franklin D. Roosevelt, The Year of Crisis 1933* Random House p. 21.) The *Department of Revenue* of course being the execution of bankruptcy proceedings against the citizens of the United States since 1933 currently formed "International Monetary Fund" and "World Bank" etc. - the State, City METRO municipal and police powers under United Nations charter law - protected by the same alleged positive law jural society (international treaty) exemptions home rule (of for example, Article VI and Article XX of the *State of Colorado* Constitution, "**Transfer of government.**")

The district court for the District of Colorado has acquired exclusive original cognizance of this counterclaim for the United States because this is a federal question - a Constitutional matter involving a man on the land complaining about theft and kidnap - Title 18 U.S.C. §§ 661 and 1201 respectively and irregular extradition from the asylum state into the United States custody, treason - Constitution, Article III §3 and Title 18 U.S.C. §2381 by an agent of a foreign principal, creating diversity of citizenship - Title 28 U.S.C. §§1331 and 1333 respectively. The presentments (notification) are arbitrary and capricious clearly implying that if Petitioner fails to comply with the suggested terms there will be "law enforcement" actions by way of inland seizure. Speaking historically, the districts, formed in 1790 for handling the financial obligations of the United States could not come into existence until after formal expression of remedy in the 'saving to suitors' clause (1789) quoted above and codified at Title 28 U.S.C. §1333. The law is paraphrased in the Internal Revenue Codes:

"Form. The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary. Such notice **shall be valid notwithstanding any other provision of law** regarding the form or content of a notice of lien." Title 26 U.S.C. §6323(F)(3). *emphasis added*

The only excuse for the discretionary authority granted administrative agencies is the judicial oversight demonstrated in this invocation of an Article III court.

Law of the flag: Man is created in the image of God and to reduce a man to chattel against the national debt is an affront to God. Exodus 13:16 and Genesis 1:27.

Cause of action

CAUSE OF ACTION HERE. This presumption is erroneous and based upon endorsements of private credit from the Federal Reserve that have never been made in good faith. The subjection to Special Drawing Rights (Paper Gold) is one thing but presuming endorsement of fractional lending practiced outside the scope of lawful money is unlawful and such presumption is defeated by law herein, *nunc pro tunc*. See Title 12 U.S.C. §411; petitioner is and always would have exercised right to handle lawful money had the option ever been presented in good faith. Any contract based in endorsement is naked and void any consideration; therefore it is invalid. The subject presentment utilized for the claim was regular enough but Petitioner wishes to invoke judicial review "any other provision of law" and nullify any justification for any further such theft action - manifest in actual or threatened kidnap. The presentment(s) upon which the theft is based has been refused for cause timely (considering preparation of proper remedy) and the red ink original refusal for cause has been returned to Respondent in his copy of the counterclaim and summons. All other copies and the original counterclaim filed with the court have black ink (copy) refusals for cause on the presentment(s).

Verified statement of right

Petitioner owns the house, all property and land free and clear located at geophysical coordinates XXXX x XXXXX. [Insert a digital photograph of the house here.]

Stipulation of acceptable answer

The issue is simple. Agents of a foreign principal are required to file their complaint in the appropriate district court prior to exercising any claim against a man on the land. This is international and common law. Respondent must directly address the validity of the (telephone) certificate of search that clearly shows there have been no claims filed against "Petitioner" or any pseudonym through which Petitioner may be engaged in contract. The court clerk James R. Manspeaker (District of Colorado now replaced by Gregory Langham) obfuscated remedy by denying proper certificates so respondent and anyone else for that matter can easily research case history against Petitioner or any legal name. Respondent may call (303) 844-3433 to conduct searches and of course the Article III judge can research cases in chambers. It is however reasonable to say that if the respondent is moving on a valid claim and judgment in the district court then the respondent knows what case that is.

The United States is not a party in interest to this action. Any registered attorney responding for Respondent cannot be a citizen of the United States due to the *de jure* Thirteenth Amendment of the Constitution. A certified copy is attached and fully incorporated into this counterclaim. (The federal judge assigned this case is competent to adjudicate under Article III due to "inactive" status with the State Supreme Court attorney register.) Addressing the certificate of search is the only response that will be considered an answer to this counterclaim. Failure to answer will be met with default judgment for Petitioner according to the notice on the face of the summons.

Stipulation of remedy

The recourse sought is immediate exclusive original cognizance of the United States through the district court. This case is repository for evidence for injunctive relief from any future presentments and theft or kidnap actions from *any* foreign agents or principals. Petitioner's wife, First Maiden may use this evidence repository for any future refusals for cause as well. Though the theft/kidnap could be justified by notice and sophistry under the color of law of municipal structure, the proceedings have obviously been under the pretended authority of unconscionable contract and the recourse requested is proper. There is no excuse for the arbitrary and capricious attorney actions - **debt action in assumpsit** - that have confronted good men and women since the Banker's Holiday. Roosevelt implemented a "voluntary compliance" national debt (upon the States by Governor's Convention) but utilized the 1917 *Trading with the Enemy Act* to compel citizens of the United States to comply. The substitution of *citizen of the United States* for the German nationals on this land was against *Stoehr v. Wallace*, 255 U.S. 239 (1921) where the Court clearly expresses "The Trading with the Enemy Act, originally and as amended, is strictly a war measure..." - directly citing the Constitution Article I, §8, clause 11. The war on the Great Depression 1) does not count and 2) would only last the duration of the emergency if it did. Presentments will be treated as described by the following example of clerk instruction:

**Petitioner
street address
Colorado Springs, Colorado.
[zip]**

United States District Court
for the District of Colorado
901 19th Street - A105
Denver, Colorado.
[80294]

Registered mail # RA XXX XXX XXX US

Dear clerk;

Please file this refusal for cause in the case jacket of Article III case 03-XXXX. This is evidence if this presenter claims I have obligations to perform or makes false claims against me in the future. A copy of this instruction has been sent with the original refusal for cause back to the presenter in a timely fashion.

Certificate of Mailing

My signature below expresses that I have mailed a copy of the presentment, refused for cause with the original clerk instruction to the district court and the original presentment, refused for cause in red ink and a copy of this clerk instruction has been mailed registered mail as indicated back to the presenter within a few days of presentment.

_____ *example* _____
Petitioner

Presenter's name
Address
Anywhere, State.

Registered mail # RA XXX XXX XXX US

[presenter's code]

Respondent and all principals and agents are hereby properly notified. There is no governmental immunity to cover "law enforcement officers" who choose to interfere with our rights to the land and violators will be arrested by the U.S. Marshal according to Rule C of the *Supplemental Rules for Certain Admiralty and Maritime Claims*. Respondent and all principals and agents are left with their remedy:

COURTS OF THE UNITED STATES ... 136. When a seizure has been voluntarily abandoned, it loses its validity, and no jurisdiction attaches to any court, unless there be a new seizure. 10 Wheat. 325; 1 Mason, 361. *First Judiciary Act*, September 24, 1789. *Bouvier's Law Dictionary* 1856.

Upon offense by hostile presentment after the inevitable default by Respondent (including all agents, principals and any and all offensive presentments), after fair notice by refusal for cause like the above clerk instruction a certificate of exigent circumstances will be issued pursuant to Rule C(3)(a)(ii)(B) *Arrest Warrant* and the clerk will immediately issue an arrest warrant for Respondent or named agent or principal to be taken into custody for the violations of law. Presentments of any kind from Respondent or any agent acting for the bankruptcy of the United States through the District may be considered hostile threat of seizure.

Stipulation regarding character and residential address

The use of a residential address is by right. All 'privileges' associated with postal delivery are compensated, usually prepaid in honestly won U.S. currency. Petitioner is not Pro Se and is not representing himself. The clerk shall not change the name of this suit on the docket from the name on the filing fee receipt. Petitioner retains the unalienable right to hold the district court clerk to the obligations to perform of file clerk for the United States working in the United States Courthouse. This

includes the expectation that if and when this cause reaches default judgment against the Respondent, the default judgment will be filed in full cognizance of the United States and will appear on the docket as "Default judgment for the plaintiff." Petitioner is authorized by fidelity bond to file default judgment in lieu of district court action. Any such judgment will stand on the truth for validity. Any character assassination will activate Instrumentality Rule and pierce the corporate veil of the United States and all agencies. Usage of residential address is non-assumpsit and changes Petitioner's character not in the least:

The privilege against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, nor to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. **It cannot be claimed by attorney or solicitor.** It is valid only when insisted upon by a belligerent claimant in person. Quote from federal judge Lee in *United States v. Johnson et al.* No. 11400, Middle District of Pennsylvania, 76 R. Supp. 538; 1947 U.S. Dist. LEXIS 3057, February 26, 1947. *emphasis added*

The highlighted bold sentence in the above quote admonishes against any clerk action that falsely brands Petitioner Pro Se - to imply that Petitioner is representing himself before the district court. Petitioner is responsible asylum state visiting his judiciary under Rule E(8). If an Article I (active attorney) "judge" is assigned this case or the Article III judge chooses to protect the fiduciary interests of the Bank and Fund, to act as an attorney under Article I, maintain silence. The cash filing fee is fully paid in public money and not in private credit (US notes in the form of Federal Reserve notes). The funds were redeemed lawful money according to the US Supreme Court's interpretation of the Congress' definition from **US v Rickman; 638 F.2d 182**

In the exercise of that power Congress has declared that Federal Reserve Notes are legal tender and are redeemable in lawful money. And, **US v Ware; 608 F.2d 400**

United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

Any presumptions made about the funds for this filing fee are that Petitioner has already exercised entitlement to redeem any Federal Reserve Bank notes tendered as legal tender for all debts public and private. Furthermore any and all funds discussed have been in redemption of Federal Reserve Bank notes, not endorsement thereof:

"BANKRUPTCY. The state or condition of a bankrupt.
2. Bankrupt laws are an encroachment upon the common law. The first in England was ..." *Bouvier's Law Dictionary* 1856.

All testimony will be without immunity - **piercing the corporate veil and Instrumentality Rule.**
Petitioner is a man with God-given unalienable rights, one living and regenerate entity of sound mind

and body. For some realistic perspective the Credit River Money Decision is attached and fully incorporated into this counterclaim. Respondent is clearly the debtor and Petitioner is clearly creditor. Petitioner is framing the accusation of fraud by omission in that if Petitioner had known about redeeming lawful money in good faith Petitioner would have been doing so since Petitioner's first paycheck ever!

No magistrates

No one may handle this case but an Article III judge. The nature of this cause is injunctive relief, albeit preemptive. Title 28 U.S.C. §636(b)(1)(A) cannot ensue, "...except a motion for injunctive relief..."

attachments fully incorporated:

- 1) Certificate of search on "Petitioner" from clerk of the district court is exempted due to falsifications by district court clerk James R. Manspeaker on such certificates. Respondent is provided with information to check for case histories
- 2) presentment from Respondent on or around XX/XX/XX refused for cause. The red ink original refusal is in the counterclaim served upon Respondent. The original counterclaim filed in the district court has a copy of each refusal
- 3) A certified copy of Title 12 U.S.C. §411 published at El Paso County Clerk and Recorder Reception #207015932
- 4) certified copy of the *de jure* Thirteenth Amendment to the Constitution published at El Paso County Clerk and Recorder Reception #95110459
- 5) certified copy of the Credit River Money Decision published at the El Paso County Clerk and Recorder Reception #203290555
- 6) if possible a copy of the Withdrawal Slip or Signature Card associated with the US court filing fee has been attached.

street address
Colorado Springs, Colorado. [zip]

Addresses

United States District Court
for the District of Colorado
901 19th Street - A105
Denver, Colorado.
[80294]

(303) 844-3433

Petitioner
Street address
Colorado Springs, Colorado.
[zip]

(719)

Respondent
Service address
Service city, State.
[service code]

(

SUMMONS IN A CIVIL ACTION

United States District Court
for the
District of Colorado

Civil Action File No.

Petitioner }
 }
Plaintiff, }
 }
v. }
 }
Respondent }
 }
Defendant. }

SUMMONS

To the above named Defendant(s): Respondent; service address; service city, State; [Service code]

You are hereby summoned and required to serve upon

Petitioner
Street address
Colorado Springs, Colorado. [zip]

AND FILE WITH THE CLERK OF THE COURT

an answer to the complaint which is herewith served upon you, within 20 days of service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Gregory Langham - Clerk

Deputy Clerk

(Seal of Court)

Date:

Clerk, U.S. District Court for the District of Colorado; 901 19th Street - A105; Denver, Colorado 80294

NOTE: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure

**In the United States District Court
for the District of Colorado**

Re: 04-XXXX

Default judgment

Respondent has failed to assert any claim to Petitioner by proving the certificate of search in the district court to be faulty or fraudulent within the twenty days stipulated. As stipulated on the summons properly formed and served;

You are hereby summoned and required to serve upon plaintiff, whose address is: Petitioner; street address; Colorado Springs, Colorado. [zip] AND FILE WITH THE CLERK OF THE COURT an answer to the complaint which is herewith served upon you, within twenty 20 days of service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

default judgment is hereby entered and the injunctive relief sought in the counterclaim is awarded to Petitioner. Respondent is by law to forfeit seizure upon Petitioner's property and person. If Respondent fails to do so, a certificate of exigent circumstances will issue calling for Respondent's arrest in the cognizance of the State Department and Speaker of the House.

street address
Colorado Springs, Colorado. [zip]

The round-date and certificate of mailing testify that certified copies of this default judgment were posted as follows:

United States District Court
for the District of Colorado
901 19th Street - A105
Denver, Colorado.
[80294]

Registered mail # RA XXX XXX XXX US

Respondent
Service address
Service City, State.
[service code]

Registered mail # RA XXX XXX XXX US

David Merrill
(719) sanitized

Your case is for one primary purpose - to establish an evidence repository for refusals for cause on future presentments. Therefore stay focused on your court which has, at worst, concurrent jurisdiction with the federal judiciary. The moment the federal judge says anything in favor of the defendant(s) this is recusal and full authority is conveyed to the state - which in light of the 1933 bankruptcy, is **you**. The authority is in the man or woman who publishes opinions, rulings and judgments on the county level through the county clerk and the U.S. Courthouse serves conduit for information and notices to the foreign agents in admiralty.

There are three major steps:

- 1) **filing.** The agents of a foreign principal have been making *false claims* because they (if you require it) are required to file their claim in the appropriate district court prior to exercising any such claim against a man or woman in this land. Therefore you are filing a counterclaim albeit an original action in the district court. If the clerk is confused, explain that it is *because there has been no action in the district court* that you have right to make a counterclaim. [Note: a \$30 miscellaneous case jacket will accomplish the objective - evidence repository - but the suitor will forfeit the published default judgment and its ability to convince bankers, employers and credit reporting agencies that the presenter is proceeding on a false claim; garnishments, levys etc.]
- 2) **service.** At filing you will receive the summons(es) with authorization of the United States seal. Take this to a professional private process server. The United States Marshal or local sheriff can also handle this but not if you are suing a prominent official (like the Sheriff or City Manager). A private professional process server is preferred. If you are pressed for the fee, anyone over 18 uninterested in the case who can provide a notarized affidavit of service will do. But look for experience, "Are you a qualified agent of the defendant, qualified to receive process?" Someone who will get names and provide detailed descriptions on the affidavit. Remember to file your Proof of Service with the USDC promptly.
- 3) **default judgment.** After 21 days the issue is ripe for default judgment. There is a bill of exchange on file with Richard Grasso NYSE since August 13, 2001 for all the money in the world to back your judgment by fidelity bond (secured confidence.) However, it is preferable to simply rely on the truth - that the defendant never filed in the appropriate district court prior to exercising a claim. Compared to the truth, the bill is only ink on paper; a representation of the Bible's original estate belonging to the rightful heirs. Nobody has challenged the bill to date but confidence in the truth goes a lot further and requires no citing the bill.

Following and during the ripening of your judgment, you must be careful to understand that all mail material, including the envelopes are suits. Do not open anything from the defendant or district court (including no return address) that is to any other name than the name on the summons. Mark it "Return to Sender. Not residing here." Mark over the address, name and bar codes so the material will not show up again.

If letters from your case have been altered to upper case or they have attached your family's name to yours - any alterations are character assassination! Do not open the material. A favorite attorney trick is to not lick the flap and instead use a little transparent tape. This way, the attorney may try to assert that you had the opportunity to read the material before returning it - thus you have received notice. If this poor sealing happens, whoever saw the poor seal first should sign a short statement on the back of the envelope "Arrived at XXXX street unsealed and taped. Returned unopened and unread." Sign in front of a notary public and get the notary seal on the back of the envelope. Copy the letter and take it with the copy to the post office. As you return the letter have the clerk round-date your copy for evidence you physically returned the matter to the sender. You may put a \$.90 cent stamp on your copy and have the postal clerk cancel the stamp(s). This is certificate of mailing affixed so that you cannot lose the traditional paper slip.

If anybody ever sends you letters with no return address the best advice is to treat it as above. Do not mark the letter at all but take a copy to the post office and have the clerk (certificate of mailing) put .90 stamp on your copy only and cancel with the rounddate. Now you have evidence you returned it unopened. The inspector has authority to open the letter and either put the return address on it for the sender or return it to the sender.

You should file certified copies of the 13th Amendment and Credit River Money Decision separately within a few days of filing your counterclaim. This way you can acquire copies certified by the United States district court clerk later. The clerk only certifies the first or last page of a document so these should be filed separately also so you can get the documents authenticated "stand-alone" too, instead of as part of your counterclaim.

A useful model is that each time you reach in your mailbox you are grabbing a handful of suits against you. At first try studying your mailbox contents for at least ten minutes before opening *anything*. It is much easier to decline or refuse with the suit on the envelope than the material within. Understanding this trade for intelligence is utmost in curing remedy

permanently. The intelligence is sometimes worth \$25 (registered mail back to the presenter and into your evidence repository). Sometimes the \$25 is more than the intel is worth. Once you open the suit you have appeared for the entity on the envelope. If the spelling on the envelope is not your full true name in upper and lower case like on the summons and it is obviously related to the case **do not open it**. It is character assassination. If you open it you are appearing. A Radio Shack catalog is a suit, albeit relatively benign. A utility bill is also a suit - settle out of court by paying the amount (if regular) and the constructive trust is that the utilities will be provided for another month... Get it? Examine the suits while they are simplest, on the outside of the envelope. Every law suit starts with notice (service) so keep your eyes open. Don't feel obligated to open somebody else's mail. Defeat that conditioning and staying out of prison is easy.

You are to take responsibility for being an honest merchant marine inland with your affairs in order. The affairs of the United States are handled in admiralty, thus all the gold fringes. However once you establish your character is inland, above the high-tide mark, you have the law of the land on your side and in the cognizance of the U.S. through the district court. Welcome to *We the People*.