

FEDERAL PLEADING ATTACHMENT

This form is presented as an attachment to the pleading included with it. It is provided to unambiguously and concisely establish:

1. The nature of this pleading.
2. The relationship of the Submitter to this proceeding.
3. The citizenship and domicile of the Submitter.
4. The rules for establishing fact relating to the response of the opposing party and the ruling of the court on the merits of this pleading.
5. The specific response requested of the court in dealing with this pleading.
6. The affirmation or oath applying to the entire contents of the pleading that is attached.
7. That consent to the jurisdiction of the Court is not provided and may not be "presumed" based on submission of this pleading. Any presumption to the contrary is a tortious violation of the Constitutional rights of the Submitter.

SECTION 1: LEGAL PROCEEDING INFORMATION

1. Name of Plaintiff	
2. Name of Respondent	
3. Case Number	
4. Date filed	
5. Court	
6. Judge	

SECTION 2: SUBMITTER INFORMATION

7. Name			
8. Tax status (check one)	<input type="checkbox"/> Taxpayer <input type="checkbox"/> Nontaxpayer <small>(see: http://famguardian.org/Subjects/Taxes/Articles/Taxpayer/Nontaxpayer.htm)</small>		
9. Relationship to case (check one)	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Respondent/Defendant <input type="checkbox"/> Wrongfully accused innocent third party		
10. Mailing address <small>(NOTE: NOT a domicile)</small>			
11. City		12. State	
13. Zip		14. Country	
15. CITIZENSHIP: (check all that apply)		16. DOMICILE (check only one):	
<input type="checkbox"/> "national" but not "citizen" under federal law. Diversity of citizenship under 28 U.S.C. §1332(a)(2) . Inhabit state of the Union and am "nonresident alien" under 26 U.S.C. 7701(b)(1)(B) . Please rebut: http://sedm.org/Forms/MemLaw/WhyANational.pdf		<input type="checkbox"/> Heaven (or no place on earth, whichever you prefer). I have a religious objection to having an earthly domicile. A "transient foreigner" for the purposes of all governments on earth. See: http://sedm.org/Forms/MemLaw/Domicile.pdf	
<input type="checkbox"/> "U.S. citizen" under 8 U.S.C. §1401 . Born in District of Columbia or federal territory or possession.		<input type="checkbox"/> "United States" (District of Columbia, see 26 U.S.C. §7701(a)(9) and (a)(10))	
<input type="checkbox"/> "U.S. national" under 8 U.S.C. §1408 . Born in American Samoa or Swain's Island		<input type="checkbox"/> Federal areas within state: _____ (state name)	
<input type="checkbox"/> Foreign National. Country: _____. Nonresident alien under 26 U.S.C. §7701(b)(1)(B)		<input type="checkbox"/> Nonfederal areas within state: _____ (state name)	
		<input type="checkbox"/> Federal territory or possession. Territory/possession name: _____	

NATURE OF PRESENCE OF SUBMITTER FOR HEARING OF THIS PLEADING

Presence of Submitter in the instant matter shall be by "special visitation". He is a nonresident party and a transient foreigner who is not subject to the territorial jurisdiction of this foreign tribunal and he/she does not waive his/her rights or voluntarily consent to the jurisdiction of this court by making an "appearance" in this matter:

appearance. A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The **voluntary submission** to a court's jurisdiction.

In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.

*An appearance may be either general or special; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d 372, 375, 376.
[Black's Law Dictionary, 6th Edition, page 97]*

This petition instead constitutes a Petition for Redress of Grievances protected and guaranteed under the Petition Clauses of the First Amendment to the United States Constitution. If this matter is being heard by a Magistrate Judge, be advised that pursuant to [28 U.S.C. §636\(c\)](#), consent of BOTH parties to the action to the jurisdiction of the Magistrate is required, and that Submitter does NOT consent to said jurisdiction.

SECTION 3: REQUESTS OF COURT

(Requests of court in the context of this proceeding)

Submitter/movant petitions for the following of this Court in addition to those things mentioned in the attached pleading:

1. That the court remain silent on all issues raised in this pleading which the Court concurs and agrees entirely with. Any facts or statements or admissions included in this pleading which are not denied or rebutted by either the Court or the opposing party with supporting evidence and under penalty of perjury shall therefore constitute an Admission to the truthfulness of each statement or conclusion as required by [Federal Rule of Civil Procedure Rule 8\(d\)](#).
2. Unless otherwise provided by law or the Federal Rules of Civil or Criminal Procedure, this Court has 60 days in which to make a ruling after the filing of the final pleading by the moving party to make a ruling. Any ruling which is delayed beyond 60 days would be an unreasonable and prejudicial denial of due process and obstruction of justice even if done by omission, in violation of [18 U.S.C. §1509](#). To otherwise allow the Court to ignore motions without limitation is to leave the moving party without any remedy at law, which is contrary to the principles of law. This provision is therefore intended to prevent such prejudicial bad faith delay tactics by the Court in the instant matter.
3. That the court affirm its agreement with the facts and conclusions in this pleading by indicating that it doesn't have an obligation to respond to the issues raised herein or any part thereof. The oath of office of the judge establishes the affirmative fiduciary obligation to address these issues and any judge who does not honor his or her oath to support, defend and protect the Constitutional rights of the litigants under his or her care is acting not as a "public officer" or "judge", but as a private individual and de facto judge who is usurping public office with the goal of personal gain in violation of [18 U.S.C. §208](#) and [28 U.S.C. §455](#).

"... the maxim that the King [or the Judge] can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name."

*"This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self-government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? **The doctrine is not to be tolerated.** The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. **It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth.**"*

[\[Poindexter v. Greenhow, 114 U.S. 270; 5 S.Ct. 903 \(1885\)\]](#)

4. That the court or the opposing counsel use the word "frivolous" to describe or identify any issue, fact, or legal argument raised by the Submitter that the court regards as truthful, accurate, and correct on any issue.
5. That the court cite foreign caselaw not from the domicile of the Submitter if it agrees with the facts and conclusions of the Submitter on a specific issue. The Submitter calls this tactic "punting", whereby irrelevant caselaw is used to disguise or conceal or encrypt a lack of genuine lawful jurisdiction by a court. This tactic has proved a favorite tactic of U.S. attorneys who know they lack jurisdiction. The Submitter reminds this Court that his/her domicile is not within any United States Judicial District or any Internal Revenue District, and therefore no case below the U.S. Supreme Court may be cited. In fact, the only remaining Internal Revenue District under Treasury Order 150-02 and confirmed by [26 U.S.C. §7408\(c\)](#) is the geographical description in [Article 1, Section 8](#), Clause 17 of the Constitution, being that of the District of Columbia. Certainly, federal tax questions are "federal questions" to be handled exclusively by federal courts, but ONLY in the case of "taxpayers" defined under [26 U.S.C. §7701\(a\)\(14\)](#), which the Submitter declares under penalty of perjury that he is NOT. [Subtitle A of the Internal Revenue Code](#) is "private law" that may only be applied to those who voluntarily make themselves subject to it, by entering into federal employment, which is described in the code as a "trade or business" and defined as a "public office" (see [26 U.S.C. §7701\(a\)\(26\)](#)) in the federal corporation defined in [28 U.S.C. §3002\(15\)\(A\)](#). See: <http://sedm.org/Forms/MemLaw/TradeOrBusScam.pdf>. There is no enacted positive law statute nor federal rule, including [Fed.Rule.Civ.Proc. 17\(b\)](#), which would confer jurisdiction upon this court to unilaterally change the domicile of the Submitter so as to create jurisdiction that does not otherwise lawfully exist. Neither does the Declaratory Judgments Act, [28 U.S.C. §2201\(a\)](#) confer upon this court the authority to "presume" that the Submitter is a "taxpayer" if he or she states under penalty of perjury that he or she is a "nontaxpayer" not subject to the I.R.C.. All such prejudicial presumptions against a natural person protected by the Bill of Rights constitute a tort by the judge and an implied waiver of official and judicial immunity:

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." [\[Cooper v. Aaron, 358 U.S. 1 \(1958\)\]](#)

"... the official would not be excused from liability if he failed to observe statutory or constitutional limitations on his powers or if his conduct was a manifestly erroneous application of the statute..." [\[Butz v. Economou, 438 U.S. 478 \(1978\)\]](#)

The U.S. Supreme Court and the Court of Claims are the only courts with the authority to rule on "international matters" such as this involving "nonresident aliens" who are "nontaxpayers", transient foreigners, and foreign sovereigns under diversity of citizenship ([28 U.S.C. §1332\(a\)\(2\)](#)) cases such as the Submitter. Even the IRS abides by this rule of not citing caselaw below the U.S. Supreme Court as codified in the Internal Revenue Manual:

1 "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position. 2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code. 3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers."

6. That if the court use the word "taxpayer" to refer to the Submitter, that it shall mean a person not liable for any internal revenue tax under Subtitle A of the Internal Revenue Code unless and until it proves with evidence and not presumption that the Submitter is otherwise liable. All presumption which prejudices constitutionally guaranteed rights is unconstitutional and a tort. See Presumption: Chief Means for Unlawfully Expanding Federal Jurisdiction
<http://sedm.org/Forms/MemLaw/Presumption.pdf>

SECTION 4: ENCLOSURES:

(Enclosures provided with this form)

Check	Enclosure description	Mandatory/optional
<input type="checkbox"/>	Affidavit of Corporate Denial (http://sedm.org/Forms/Affidavits/AffCorpDenial.pdf)	Mandatory
<input type="checkbox"/>	IRS Form 56: Notice Concerning Fiduciary Relationship (http://famguardian.org/TaxFreedom/Forms/IRS/IRSF56-Modified.pdf)	Optional

SECTION 5: AFFIRMATION APPLYING TO THIS AND ALL OTHER PLEADINGS BY SUBMITTER IN THIS ACTION

(The following Affirmation verifies everything said in this and every other pleading, petition, or motion made by the Submitter in this action)

I declare under penalty of perjury under the laws of the Republic where I live but do not maintain a domicile and from without the "United States" defined in 28 U.S.C. §1603(c), 26 U.S.C. §7408(c), and 26 U.S.C. §7701(a)(9) and (10) and only when litigated under the following conditions that the facts, exhibits, and statements made by in this and the attached pleading me are true, correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. §1746(1).

- Jury trial in a court of a state of the Union and not a federal court.
- Diversity of citizenship under 28 U.S.C. §1332(a)(2).
- No jurist or judge may be a "U.S. citizen" under 8 U.S.C. §1401, a "taxpayer" under 26 U.S.C. §7701(a)(14), or be in receipt of any federal financial or other privilege, benefit, or employment, nor maintain a domicile on federal territory in order to avoid violating 18 U.S.C. §597 and 28 U.S.C. §455.
- The common law of the state of the Union and no federal law or act of Congress or the Internal Revenue Code are the rules of decision, as required Fed.R.Civ.P. Rule 17(b), 28 U.S.C. §1652, and *Erie RR v. Tompkins*, 304 U.S. 64 (1938).
- Any judge who receives retirement or employment benefits derived from Subtitle A of the I.R.C. recuse himself in judging the law and defer to the jury to judge both the facts and the law, as required under 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
- All of the pleadings, exhibits, and statements made, including those about the law, are admitted into evidence and subject to examination by the jury.
- None of the pleadings in the case are sealed or unpublished so as to cover up government wrongdoing or otherwise obstruct justice.
- The signator is not censored or restricted by the judge in what he can say to the jury during the trial.
- Submitter is treated as a "foreign sovereign" under the Foreign Sovereign Immunities Act, 28 U.S.C. §1602 through 1611.
- Submitter is not treated as a "person" under 26 U.S.C. §6671(b) or 26 U.S.C. §7343, which is defined as an officer of a corporation or partnership who has a fiduciary duty. See:
<http://sedm.org/Forms/MemLaw/WhyThiefOrEmployee.pdf>
<http://sedm.org/Forms/Affidavits/AffCorpDenial.pdf>
- Submitter is not treated as an "individual", which is defined in 5 U.S.C. §552a(a)(2) as a "U.S. Citizen" under 8 U.S.C. §1401 or a permanent resident, who collectively are domiciliaries of the "United States".

Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the court shall constitute evidence of duress upon the Submitter. This affirmation is an extension of my right to contract guaranteed under Article 1, Section 10 of the United States Constitution and may not be interfered with by any court of a State of the Union or of the United States.

17. Submitter signature:		18. Date signed:	2-12-2006
	Signature		

SECTION 6: FREE REFERENCES WHICH CONFIRM THIS SUBMISSION:

Assessments: http://famguardian.org/TaxFreedom/CitesByTopic/assessment.htm	Family Guardian-Taxes page: http://famguardian.org/Subjects/Taxes/taxes.htm
Master File Decoding: http://famguardian.org/Tools/MFDecoder/MFDecoder.htm	Liberty University: http://sedm.org/LibertyU/LibertyU.htm
Substitute for Returns (SFRs): http://famguardian.org/TaxFreedom/CitesByTopic/SubsForReturn.htm	Great IRS Hoax book: http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm