<<YOUR NAME>>

<<ADDRESS>>

<<CITY>>, <<STATE>> <<ZIP>>

Email: <<EMAIL ADDRESS>>

**UNITED STATES DISTRICT COURT**

**DISTRICT OF <<DISTRICT NAME>>**

|  |  |
| --- | --- |
| **<<YOUR NAME>>,  *Sui Juris,* a human being**  **Plaintiff**  **v.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Deputy Commissioner, Social Security Administration**  **Respondent** | **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**  **Civil Case No: <<CASE NO>>** |

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# BACKGROUND

At issue in this civil action is the refusal by the Social Security Administration ("SSA") to update personal identifying information within their information systems pertaining to me, as afforded under applicable federal regulation and in accordance with my declaration. I have submitted an updated SSA Form SS-5, thereby changing my civil status election with the SSA as permitted under federal regulation and commensurate with my change of domicile. The SSA refuses, purportedly as a matter of agency "policy," to update its information systems to reflect my newly declared civil status. The SSA's refusal to update my civil status has not only created a conflict between me and the SSA, but has also created a situation conducive to conflict with other parties, as my civil status declared to these parties is not congruent with the now outdated and incorrect civil status transmitted to them by the SSA. Additionally, the SSA has not cooperated with my efforts to obtain remedy under the Administrative Procedure Act ("APA"), thereby necessitating this civil action.

The dispute between me and the SSA ostensibly stems from a disagreement over who is embraced by the Form SS-5 Block 5 elections of "U.S. Citizen" and "Legal Alien Allowed To Work." SSA "policy" seems to suggest that every political citizen of the nation of the United States, whether through the Fourteenth Amendment or an Act of Congress, is a "U.S. Citizen" for the purposes of the Form SS-5 Block 5 election. Additionally, SSA "policy" seems to suggest that foreign nationality is a prerequisite for one to possess a civil status of "Legal Alien Allowed To Work." I disagree with both of these apparent suppositions. Although politically I am a citizen of the state of \_\_\_\_\_\_\_\_\_\_ and the nation of the United States, as a domiciliary of the state of \_\_\_\_\_\_\_, I qualify as a "Legal Alien Allowed To Work" for civil purposes within the Social Security franchise. Consequently, I am not within the SS-5 Block 5 sub-category of "U.S. Citizen" embracing a political citizen of the nation of the United States domiciled within the boundaries of the "United States" geographically defined for certain civil purposes within the Social Security franchise.

The SSA claims their "policy" does not permit me to make such an election. However, as an American national and political citizen of the state of \_\_\_\_\_\_\_, my "alien" civil status is not within the lawful scope of SSA "policy," as I am not a person of foreign nationality or a political alien. My "alien" civil status is coincident through my civil citizenship in the state of \_\_\_\_\_\_ and the American system of federalism, and is a political affiliation of domicile protected by the First Amendment to the United States Constitution. In bringing this civil action, I allege the following:

# JURISDICTION AND VENUE

1. The jurisdiction of this Court is proper under 28 U.S.C. §§ 1331 and 1361, as this action relates to the existence of a federal question related to the Social Security franchise, and is an action in the nature of a mandamus directed towards the Commissioner of the SSA.
2. I exhausted efforts to obtain administrative remedy under 5 U.S.C. § 552a(d).
3. The United States government has expressly waived sovereign immunity pursuant to 5 U.S.C. § 552a(g)(l) by virtue of actions taken by the SSA, in satisfaction of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(1).
4. An actual, justiciable controversy now exists between me and the SSA, and the requested relief is proper under 5 U.S.C. § 552a(g)(l), 5 U.S.C. §§ 701 - 706, and 28 U.S.C. §§ 2201-2202.
5. Venue in the United States District Court for the \_\_\_\_\_\_\_\_ District of \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ Division is proper pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 405(g), as I the Plaintiff reside in\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

# PARTIES

## Plaintiff:

1. I am a citizen of the nation of the United States and the state of \_\_\_\_\_\_\_ through the political citizenship provisions of the Fourteenth Amendment to the United States Constitution.
2. I am a statutory national of the nation of the United States by virtue of my allegiance to the same and the political citizenship provisions of the Fourteenth Amendment to the United States Constitution.
3. For the purposes of the Social Security franchise, my domicile and the civil citizenship it commutes are within the geographical boundaries of the state of \_\_\_\_\_\_\_\_\_ not embraced by Art. IV,§ 3, cl. 2 of the United States Constitution.
4. The choice of law which applies to all civil litigation is the law of the state and not federal government pursuant to Federal Rule of Civil Procedure 17(b)(1) and the Rules of Decision Act, 28 U.S.C. 1652.
5. Agency: I am not acting in a representative capacity of any corporation in bringing this suit, either federal or state, in the context of Federal Rule of Civil Procedure 17(b)(2).
6. I am a number holder in the United States government Social Security franchise. The number and the card it is printed on may be property of the SSA per 20 C.F.R. § 422.103(d), but the use of said card cannot and does not make me into a public officer within the government of any kind, nor act as a source of in personam federal civil jurisdiction under Federal Rule of Civil Procedure 17(b)(2).
7. In the public-sector I am/am not (choose one) a federal statutory “employee per 5 U.S.C. §2105.
8. In the private-sector I am in a legal employer- employee relationship which I seek to preserve and continue.
9. I am already or have already filing tax returns as the statutory alien and therefore “individual” identified in 26 C.F.R. § 1.1441-1(c )(3). Hence, I seek only to have a uniform and consistent RECOGNIZED status among and between the various federal agencies. Any attempt to make one agency status different from others represents a fraud upon the United States and a perjury if presented on any government form. Therefore, by this action I seek to prevent the crime of perjury in submitting the various government forms which describe my status.

## Defendant:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ("Commissioner") is the Deputy Commissioner of the SSA, and as of the date of this filing, is the acting Commissioner of the SSA pursuant to 42 U.S.C. § 902(b)(4), and may be served legal process through the Office of General Counsel, at Room 617, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.
2. I hereby certify that the Defendant is acting WITHOUT the scope of their official duties pursuant to 28 U.S.C. § 2679(d)(3) and thereby waives official immunity in this case by virtue of the violation of Constitutional rights documented herein and not expressly surrendered by any known provision of the Social Security Act.

# STATEMENT OF FACTS

## United States Constitution:

1. The United States government is seated within the District of Columbia per Art. 1, Section 8, Clause 17 and 4 U.S.C. § 72.
2. The District of Columbia is described as a geographical entity in Art. I, § 8, cl. 17 of the United States Constitution.
3. The geography associated with the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands constitute "Territory and other Property belonging to the United States" where "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations ...",pursuant to Art. IV,§ 3, cl. 2 of the United States Constitution.
4. There are geographical areas within the fifty states that constitute "other Property belonging to the United States" where "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations ... ", pursuant to Art. IV, § 3, cl. 2 of the United States Constitution.
5. There are geographical areas within the fifty states that do not constitute "other Property belonging to the United States" where "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations. . .”, pursuant to Art. IV, §3, cl. 2 of the United States Constitution.
6. The First Amendment to the United States Constitution implicitly guarantees the right to freely associate.
7. I am free to associate my domicile with geography not embraced by Art. IV, § 3, cl. 2 of the United States Constitution.
8. Congress generally possesses subject matter jurisdiction over political aliens (persons of foreign nationality) within the borders subject to the political jurisdiction of the nation of the United States, in part through its power to regulate commerce with foreign nations pursuant to Art. I, § 8, cl. 3 of the United States Constitution, through its power to establish a uniform rule of naturalization pursuant to Art. I § 8, cl. 4 of the United States Constitution, and through its broad authority over foreign affairs.

## The Social Security franchise generally - United States Code, Title 42:

### The Social Security franchise and associated civil status

1. The SSA is an agency of the United States government.
2. A person may apply for a Social Security Number ("SSN") by submitting a completed Form SS-5 to the SSA.
3. A person assigned an SSN is regarded by the SSA as a "number holder."
4. Form SS-5 is promulgated under the provisions of Title 42, Chapter 7, Section 405 of the United States Code.
5. Block 5 of Form SS-5 provides for four designations, each of which is utilized by the SSA for establishing an associated status code for civil purposes.
6. The civil status code associated with a Form SS-5 Block 5 designation is referred to by the SSA as a "CSP Code."
   1. A Form SS-5 Block 5 designation of"U.S. Citizen" imputes a CSP Code of"A."
   2. A Form SS-5 Block 5 designation of "Legal Alien Allowed To Work" imputes a CSP Code of "B."
   3. A Form SS-5 Block 5 designation of "Legal Alien Not Allowed To Work" imputes a CSP Code of "C."
   4. A Form SS-5 Block 5 designation of"Other" imputes a CSP Code of"D."
7. The CSP Code associated with a number holder's Form SS-5 Block 5 designation is generally reflected in that individual's Numident Record.

### The terms "United States," "State," and "includes"

1. For the purposes of Title 42 of the United States Code, Chapter 7, unless otherwise provided, the term "United States" is defined under 42 U.S.C. § 1301(a)(2).
2. The term "United States" defined under 42 U.S.C. § 1301(a)(2) means every appropriately[[1]](#footnote-1) specified "State" defined under 42 U.S.C. § 1301(a)(l) regarded collectively.
3. The term "United States" as defined under 42 U.S.C. § 1301(a)(2) ,may be regarded by the SSA in ONLY a geographical sense.
4. The term "includes" defined under 42 U.S.C. § 1301(b) is deployed within the definition of the term "State" defined under 42 U.S.C. § 1301(a)(l).
5. The term "includes" defined under 42 U.S.C. § 1301(b) is a term of enlargement.
6. When used to define a 'term' within Title 42, Chapter 7 of the United States Code, the term "includes" defined under 42 U.S.C. § 1301(b) shall not be deemed to exclude other things otherwise within the meaning of the 'term' defined.
7. The term "includes" defined under 42 U.S.C. § 1301(b) can be used to import a general class, some of whose particular instances are those specified in the applicable definition.
8. The term "includes" defined under 42 U.S.C. § 1301(b) embraces neither things not specified within the definition of a 'term' in which it is deployed, nor other things outside the general class of those things specified within the definition of said 'term.'
9. The District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are specified in the 42 U.S.C. § 1301(a)(l) definition of the term "State."
10. None of the fifty states is specified within the 42 U.S.C. § 1301(a)(l) definition of the term "State."

### The term "United States" in its political sense

1. The term "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense is representative of the nation of the United States.
2. Each "State" appropriately specified under 42 U.S.C. § 1301(a)(l) is a political subdivision of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense.
3. The fifty states are political subdivisions of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense.
4. As political subdivisions, the fifty states are within the same general class as each "State" appropriately specified under 42 U.S.C. § 1301(a)(l) when used to define the term "United States" under 42 U.S.C. § 1301(a)(2) in its political sense.
5. The fifty states are other things otherwise within the meaning of the term "State" defined under 42 U.S.C. § 1301(a)(l) when used to define the term "United States" under 42 U.S.C. § 1301(a)(2) in its political sense.
6. When used to define the term "United States" under 42 U.S.C. § 1301(a)(2) in its political sense, the term "State" defined under 42 U.S.C. § 1301(a)(l) also embraces each of the fifty states.

### The term "United States" in its geographical sense

1. The term "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense constitutes a statutory domestic municipal jurisdiction where an Act of Congress is locally applicable and congressional legislative sovereignty extends.
2. Each "State" appropriately specified under 42 U.S.C. § 1301(a)(l) in its geographical sense may be collectively regarded as "Territory and other Property belonging to the United States" where "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations ...",pursuant to Art. IV, § 3, cl. 2 of the United States Constitution.
3. Each "State" appropriately specified under 42 U.S.C. § 1301(a)(l) in its geographical sense constitutes a domestic municipal jurisdiction where an Act of Congress is locally applicable and congressional legislative sovereignty extends.
4. Those portions of the fifty states not embraced by Art. IV,§ 3, cl. 2 of the United States Constitution do not constitute domestic municipal jurisdictions where an Act of Congress is locally applicable and congressional legislative sovereignty extends.
5. For the purposes of establishing a collective statutory domestic municipal jurisdiction where an Act of Congress is locally applicable and congressional legislative sovereignty extends, those portions of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution are not within the same general class as the geography of each "State" specified under 42 U.S.C. § 1301(a)(l).
6. Those portions of each of the fifty states not embraced by Art. IV,§ 3, cl. 2 of the United States Constitution are not other things otherwise within the meaning of the term "State" defined under 42 U.S.C. § 1301(a)(1) when used to define the term "United States'' under 42 U.S.C. § 1301(a)(2) in its geographical sense.
7. When used to define the term "United States" under 42 U.S.C. § 1301(a)(2) in its geographical sense, the term "State" defined under 42 U.S.C. § 1301(a)(l) does not embrace those portions of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution.

### The term "alien"

1. The meaning of the term "alien" defined under 8 U.S.C. § 1101(a)(3) is deployed in the Form SS-5 Block 5 designations of"Legal Alien Allowed To Work" and "Legal Alien Not Allowed To Work."
2. The term "alien" defined under 8 U.S.C. § 1101(a)(3) means any person not a citizen or national of the United States.

### Application of terms for civil purposes

1. As an American national, my civil status for the purposes of Form SS-5 is established through a Block 5 election commensurate with my national political citizenship status and my choice of domicile.
2. Domicile relates to a geographical location.
3. Domicile and residence do not have to be co-located.
4. The acronym 'U.S.' as styled in the Form SS-5 Block 5 "U.S. Citizen" designation refers to the term "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
5. The word 'Citizen' as styled in the Form SS-5 Block 5 "U.S. Citizen" designation refers to a political citizen of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense.
6. A person who is a political citizen of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense who has a domicile within the geographical boundaries of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Northern Mariana Islands, may rightfully elect a Form SS-5 Block 5 civil status of"U.S. Citizen."
7. A person who is a political citizen of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense who has a domicile within the geographical boundaries of that portion of any of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution is not embraced by the Form SS-5 Block 5 civil status designation of "U.S. Citizen."
8. A Form SS-5 Block 5 "U.S. Citizen" designation is an election indicative of a person within the sub-category of political citizens of the nation of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense who possess a domicile within the geographical boundaries of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
9. The Form SS-5 Block 5 "U.S. Citizen" election does not circumscribe every political citizen of the nation of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense.
10. For the purposes of Form SS-5 Block 5, the scope of the term "alien" defined under 8 U.S.C. § 1101(a)(3) changes when the meaning of the term "United States" defined under 42 U.S.C. § 1301(a)(2) and deployed therein is regarded in either its political or geographical sense.
11. When the "United States" defined under 42 U.S.C. § 1301(a)(2) is deployed in its political sense to the term "alien" defined under 8 U.S.C. § 1101(a)(3), the term describes a person of foreign nationality.
12. When the "United States" defined under 42 U.S.C. § 1301(a)(2) is deployed in its geographical sense to the term "alien" defined under 8 U.S.C. § 1101(a)(3), the term describes an American national domiciled within geographical boundaries of one of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution in addition to a person of foreign nationality.
13. For civil status purposes under the Social Security franchise, a number holder with a domicile within geographical boundaries of one of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution is not a citizen or national of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
14. For civil status purposes under the Social Security franchise, a number holder with a domicile within the geographical boundaries of one of the fifty states not embraced by Art. IV,§ 3, cl. 2 of the United States Constitution, is a legal "alien" with respect to the statutory "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
15. A person of foreign nationality is generally required to tender an alien admission number or an alien registration number (A·Number) in the course of obtaining a work-eligible SSN.
16. A person who is a native-born citizen of one of the fifty states and of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense would generally not possess federally-issued evidence of a politically "alien" status reflective of foreign nationality, such as an alien admission number or an alien registration number (A-Number).
17. A person who is a native-born citizen of one of the fifty states and of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense is generally allowed to work by virtue of that political citizenship and the nationality it in-part commutes.
18. A political citizen of one of the fifty states who is domiciled within the geographical boundaries of one of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution qualifies as an SSA Form SS-5 Block 5 "Legal Alien Allowed To Work."
19. An SS-5 Block 5 "U.S. Citizen" election, reflected by CSP Code A in a number holder's Numident Record, establishes prima facie evidence with the SSA of a domicile within the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
20. An SS-5 Block 5 "U.S. Citizen" election, reflected by CSP Code A in a number holder's Numident Record, establishes prima facie evidence of a domicile within the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense with other parties to whom that information is transmitted.
21. An SS-5 Block 5 "Legal Alien Allowed To Work" designation, reflected by CSP Code B in the Numident Record of a number holder of foreign nationality, establishes prima facie evidence with the SSA of a politically "alien" legal status to the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense.
22. An SS-5 Block 5 "Legal Alien Allowed To Work" designation, reflected by CSP Code B in the Numident Record of a number holder of foreign nationality, establishes prima facie evidence of a politically "alien" legal status to the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense with other parties to whom that information is transmitted.
23. A Form SS-5 Block 5 "Legal Alien Allowed To Work" election, reflected by CSP Code Bin the Numident Record of a number holder of American nationality, establishes prima facie evidence with the SSA of a civilly foreign domicile and imputed "alien" legal status with respect to the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
24. An SS-5 Block 5 "Legal Alien Allowed To Work" election, reflected by CSP Code B in the Numident Record of a number holder of American nationality, establishes prima facie evidence of a civilly foreign domicile and imputed "alien" legal status with respect to the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense with other parties to whom that information is transmitted.

## Employee benefits, Code of Federal Regulations, Title 20

1. The regulatory language of 20 C.F.R. § 422.110(a) permits a number holder to change the name or other personal identifying information previously submitted in connection with an application for a social security number card by completing and signing a Form SS-5 as a means of correcting the erroneous information.
2. The CSP Code reflected in a number holder's Numident Record is representative of-that number holder's SS-5 Block 5 designation-related data established in SSA information systems at the time that Numident Record was generated.
3. The CSP Code associated with a number holder's SS-5 Block 5 designation constitutes personal identifying information embraced by the provisions of 20 C.F.R. § 422.110(a).
4. A CSP Code established in SSA information systems which is not reflective of a number holder's recently changed domicile and its correctly related civil status constitutes erroneous information which may be changed under the provisions of 20 C.F.R. § 422.110(a).
5. A number holder who is a political citizen of the nation of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense, who wishes to establish a civilly foreign domicile and imputed "alien" civil status with the SSA with respect to the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense, may submit a Form SS-5 pursuant to 20 C.F.R. § 422.110(a) designating a civil status of"Legal Alien Allowed To Work."
6. The SSA is obligated to update its information systems to reflect a civil status change lawfully submitted by a number holder under the provisions of 20 C.F.R. § 422.110(a).

## Administrative Procedure Act, 5 U.S.C.§ 500, et seq.

1. The Administrative Procedure Act ("APA") allows me to request an amendment to a government agency record pertaining to me.
2. My Numident Record constitutes a government agency record pertaining to me.
3. An American national number holder's Form SS-5 submission to the SSA changing the Block 5 civil status election from "U.S. Citizen" to "Legal Alien Allowed To Work" under the provisions of 20 C.F.R. § 422.110(a) constitutes a request to amend personal identifying CSP Code information reflected in SSA information systems and the related Numident Record, pursuant to 5 U.S.C. § 552a(d)(2).
4. I submitted an updated Form SS-5 to the SSA pursuant to 20 C.F.R. § 422.110(a) and 5 U.S.C. § 552a(d)(2) on \_\_\_\_\_\_\_\_\_\_\_\_\_(date), thereby effectuating a Block 5 civil status change from that of"U.S. Citizen" to that of"Legal Alien Allowed To Work."
5. The SSA has acknowledged in writing the receipt of my \_\_\_\_\_\_\_\_\_\_\_\_\_ Form SS-5 submission in accordance with 5 U.S.C. § 552a(d)(2)(A).
6. With respect to my attempt to obtain administrative remedy preceding this civil action, the SSA has not performed either of the two possible courses of action prescribed under 5 U.S.C. § 552a(d)(2)(B).
7. With respect to my attempt to obtain administrative remedy preceding this civil action, the SSA has not fulfilled its obligations to me under 5 U.S.C. § 552a(d)(3).
8. The SSA has permitted commencement of this civil action under the provisions of 5 U.S.C. §§ 552a(g)(1)(A) and (g)(1)(D).

## Judicial Review, 5 U.S.C.§ 701, et seq.

1. Pursuant to 5 U.S.C. § 702, I am entitled to judicial review as a result of the SSA failing to act in my interests in accordance with the provisions of the APA.
2. Pursuant to 5 U.S.C. § 706(1), this Court can compel SSA actions which are unlawfully withheld or unreasonably delayed.
3. Pursuant to 5 U.S.C. § 706(2)(A), this Court can set aside an SSA action found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
4. Pursuant to 5 U.S.C. § 706(2)(B), this Court can set aside an SSA action found to be contrary to constitutional right, power, or privilege.
5. Pursuant to 5 U.S.C. § 706(2)(C), this Court can set aside an SSA action found to be in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.
6. Pursuant to 5 U.S.C. § 706(2)(D), this Court can set aside an SSA action found to be without observance of procedure required by law.

# CLAIMS

## Count One: Declaratory Judgment

1. I incorporate by reference and reallege paragraphs 1- 101 of this complaint.
2. As it relates to this civil action, there now exists a bona fide, actual, present, and practical need to establish as a matter of law, the scope of the SSA Form SS-5 Block 5 "U.S. Citizen" civil status designation as being representative of a political citizen of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its political sense who possesses a domicile within the statutory domestic municipal jurisdiction of the "United States" defined under 42 U.S.C. § 1301(a)(2) in its geographical sense.
3. As it relates to this civil action, there now exists a bona fide, actual, present, and practical need to establish as a matter of law, the scope of the SSA Form SS-5 Block 5 "Legal Alien Allowed To Work" civil status designation as being not only applicable to a person of foreign nationality, but also applicable to an American national with a domicile within the geographical boundaries of one of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution.
4. The declaration sought by me relates to a present and ascertainable controversy between me and the SSA regarding the Form SS-5 Block 5 civil statuses of "U.S. Citizen" and "Legal Alien Allowed To Work" and to whom they may rightfully and legally apply.
5. The declaration sought by me seeks to protect my right to freely associate under the First Amendment to the United States Constitution with respect to my choice of domicile and the civil status it commutes in the course of participating in the Social Security franchise.
6. The declaration sought by me seeks to allay an actual, present, adverse, and antagonistic interest presently existing between me and the SSA as it relates to my declared civil status the SSA utilizes internally, and the conflicting status transmitted by the SSA either directly or indirectly to other parties which has created a condition conducive to conflict between me and said parties.
7. The actual, present, adverse, and antagonistic situation which now exists between me and the SSA is before this Court through proper process following the exhaustion of attempts by me to obtain administrative remedy through the APA.
8. The declaration sought by me shall establish whether or not I, as a political citizen of the nation of the United States imputing a political status of American national, domiciled within geographical boundaries of one of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution, am lawfully and legally eligible to elect a Form SS-5 Block 5 civil status of "Legal Alien Allowed To Work" without being a person of foreign nationality or otherwise possessing federally-issued evidence of a politically "alien" legal status such as an alien admission number or an alien registration number (A-Number).

## Count Two: Preliminary Injunction

1. I incorporate by reference and reallege paragraphs 1 - 109 of this complaint.
2. There is an imminent likelihood of irreparable harm to me civilly, monetarily, and potentially criminally, if this Court does not direct the SSA to fully process my lawfully and legally submitted SSA Form SS-5, thereby updating my declared civil status made with the SSA under the provisions of 20 C.F.R. § 422.110(a) and the APA, from the civil status of "U.S. Citizen" to that of"Legal Alien Allowed To Work."
3. Apart from the provisions of 20 C.F.R. § 422.110(a) and the APA, there are no other remedies available to me under law other than this avenue to obtain injunctive relief through which I may compel the SSA to honor my declared civil status change.
4. Obtaining injunctive relief from this Court protects my right to freely associate my domicile under the First Amendment to the United States Constitution, and mitigates a condition conducive to legal and financial infirmities imposed by other parties, while in no way adversely affecting the Social Security franchise.
5. Granting the requested injunctive relief will not contravene the public interest, but rather preserves the safeguards of liberty inherent to the American system of federalism and guaranteed by the Constitution of the United States, thereby promoting the public interest.
6. The merits of this civil action are supported by the United States Constitution, relevant case law, statutory as well as regulatory language, and the rules of statutory states not embraced by Art. IV, § 3, cl. 2 of the construction, and portend a substantial likelihood of me prevailing in proving the merits of this matter.

# PRAYER FOR RELIEF

WHEREFORE, I respectfully request this Court enter judgment providing for the following relief:

1. Declare to the Commissioner that the term "United States" defined under 42 U.S.C. § 1301(a)(2), when used in a geographical sense, does not also embrace the geography of the fifty states not embraced by Art. IV, § 3, cl. 2 of the United States Constitution.
2. Declare to the Commissioner that the term "alien" defined under 8 U.S.C. § 110l(a)(3), when deployed for certain civil purposes, also extends to an American national domiciled within geographical boundaries of one of the fifty states not embraced by Art. IV,§ 3, cl. 2 of the United States Constitution.
3. Declare to the Commissioner that not every "alien" embraced by the SSA Form SS-5 Block 5 designation of "Legal Alien Allowed To Work" is a person of foreign nationality.
4. Declare to the Commissioner that not every "alien" embraced by the SSA Form SS-5 Block 5 designation of "Legal Alien Allowed To Work" will possess an alien admission number or an alien registration number (A-Number).
5. Declare to the Commissioner that SSA "policy" may not contravene the lawful and legal processing of a Form SS-5 Block 5 civil status election of "Legal Alien Allowed To Work" submitted by an American national.
6. Declare to the Commissioner that the SSA "policy" actions, as set forth above, unlawfully withheld and unreasonably delayed a change of civil status to which I have a lawful and legal right to declare and establish under the United States Constitution, federal statute, and federal regulation.
7. Declare to the Commissioner that the SSA "policy" actions, as set forth above, constitute an abuse of discretion and were not performed in accordance with 20 C.F.R. § 422.110(a), the APA, and the United States Constitution.
8. Declare to the Commissioner that the SSA "policy" actions, as set forth above, constitute a violation of constitutional right, power, and privilege that I as a political citizen and domiciliary of one of the fifty states possess.
9. Declare to the Commissioner that the SSA ''policy" actions, as set forth above, were performed in excess of authority and statutory right.
10. Declare to the Commissioner that the SSA "policy" actions, as set forth above, were performed without observance of procedure required by law.
11. Order the Commissioner to update the SSA information systems in such a way so as to reflect my Form SS-5 Block 5 civil status election of "Legal Alien Allowed To Work" (CSP Code B) as designated in my \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Form SS-5 submission.
12. Order the Commissioner to update my Numident Record in such a way so as to reflect my Form SS-5 Block 5 civil status election of "Legal Alien Allowed To Work" (CSP Code B) commensurate with my \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Form SS-5 submission.
13. Order the Commissioner to place a textual annotation within a relevant SSA information system data field, readily observable by auditors, indicating that my Form SS-5 Block 5 civil status election of "Legal Alien Allowed To Work" (CSP Code B) is not erroneous.
14. Award me fees and costs incurred in bringing and maintaining this action pursuant to 28 U.S.C. § 2412.
15. Grant me such other and further relief as this Court may deem necessary and appropriate.
16. NOT render the ruling of the court in this case “void for vagueness” by confusing citizenship terms using any of the techniques documented in Exhibit (1), Sections 10, and 11.1.

# DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b), Federal Rules of Civil Procedure, I demand a trial by jury for all the issues plead herein so triable.

# CRIMES RESULTING FROM A FAILURE OR REFUSAL TO ENTERTAIN THIS CASE

1. A failure or refusal by the court to hear this case or a decision to dismiss it shall result in the the following crimes, which would be protected, continued, and expanded by a failure or refusal to address the issues:
   1. 18 U.S.C. § 911: Impersonating a statutory “U.S. citizen”. Complainant would continue to be compelled by the Social Security Administration in impersonating a statutory “U.S. citizen” franchisee pursuant to 8 U.S.C. §1401.
   2. 18 U.S.C. § 4: Accessory after the fact. Both the SSA and this court would become parties to the crime of impersonating a statutory “U.S. citizen”.
   3. 18 U.S.C. § 1001: Statements or entries generally. Information in the records of the SSA shall be knowingly and wilfully false and fraudulent.
   4. Eminent domain without compensation in violation of the Fifth Amendment and Identity theft. All the rights that attach to my otherwise private property which would have to be surrendered because of the false belief that I have the “protection franchise status” of statutory “national and citizen of the United States” and am therefore subject to any and every whim of Congress.
2. The above crimes affirmatively establish a duty to both speak, to intervene, and act to prevent the crimes documented herein. Silence on such important criminal issues shall therefore establish:
   1. An estoppel by acquiescence and default.
   2. A default under Federal Rule of Civil Procedure 17(b).
3. Authorities on when silence may be equated with fraud:

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

[U.S. v. Prudden, 424 F.2d. 1021 (5th Cir. 1970)]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

"Silence can be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior by the IRS. Our revenue system is based on the good faith of the taxpayer and the taxpayers should be able to expect the same from the government in its enforcement and collection activities."

[U.S. v. Tweel, 550 F.2d. 297, 299 (5th Cir. 1977)]

See also:

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

# AFFIRMATION

I declare under penalty of perjury from *without* the “United States” defined in 28 U.S.C. § 1603(c ) and 26 U.S.C. § 7701(a)(10) and only when litigated under the following conditions that the foregoing facts, exhibits, and statements made by me are true, correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. §1746(1).

1. Jury trial in a state court.
2. No jurist or judge may be a “U.S. citizen” under 8 U.S.C. §1401, or a “taxpayer” under 26 U.S.C. § 7701(a)(14).
3. No jurist or judge, like the Alleged Defendant, may be in receipt of any federal financial or other benefit or employment nor maintain a domicile on federal property.
4. The common law of the state 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, *Erie RR v. Tompkins*, [304 U.S. 64](http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=304&page=64) (1938).
5. Any judge who receives retirement or employment benefits derived from I.R.C., Subtitle A recuse himself in judging the law and defer to the jury instead, as required under 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.

Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the court shall constitute withdrawal of consent to make a general appearance or submit myself to the jurisdiction of this foreign court and foreign state. 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 the Untied States.

|  |  |
| --- | --- |
| Dated: | <<YOUR NAME>> Sui Juris, natural person  All rights reserved, U.C.C. §1-308 |

# EXHIBITS

## EXHIBIT 1: Memorandum of Law entitled “Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen”

Exhibit 1 attached and entitled “Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen” is a Memorandum of Law which conclusively and exhaustively proves the following facts directly pertinent to the resolution of this dispute:

1. There are TWO contexts for geographical terms: POLITICAL/CONSTITUTIONAL and CIVIL/STATUTORY. The two are mutually exclusive and non-overlapping for the vast majority of federal subject matters, and especially for citizenship terms.
2. A Fourteenth Amendment “citizen of the United States” is NOT equivalent to the statutory “national and citizen of the United States” defined in 8 U.S.C. §1401. In fact, the two are mutually exclusive. It represents cognitive dissonance and a conflict of law to PRESUME or IMPLY that a POLITICAL/CONSTITUTIONAL “citizen of the United States” is equivalent to the statutory “national and citizen of the United States” referenced in 8 U.S.C. § 1401 and on SSA Form SS-5.
3. CIVIL/Statutory “nationals and citizens of the United States” defined in 8 U.S.C. § 1401 are those born anywhere in the American Union but domiciled on federal territory, to include the District of Columbia.

“The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.**”

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

1. Civil statutory status originates from and attaches to one’s choice of civil domicile. A person may be domiciled in only one place at a time, and therefore be a statutory “citizen” in only place at a time. I am a statutory “citizen” in the state of my residence but not the statutory “national and citizen of the United States” per 8 U.S.C. § 1401.

1. 48 U.S.C. Chapter 14-Trust Territory of the Pacific Islands

   Termination of Trust Territory of the Pacific Islands

   The Trust Territory of the Pacific Islands, which included the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau, terminated. The Trusteeship Agreement terminated with respect to the Republic of the Marshall Islands on Oct. 21, 1986, with respect to the Federated States of Micronesia and the Commonwealth of the Northern Mariana Islands on Nov. 3, 1986, and with respect to the Republic of Palau on Oct. 1, 1994. See Proc. No. 5564, Nov. 3, 1986, 51 F.R. 40399, set out as a note under section 1801 of this title, and Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of this title.

   For provisions relating to the Northern Mariana Islands, formerly set out as notes under section 1681 of this title, see chapter 17 (§ 1801 et seq.) of this title. For provisions relating to the

   Federated States of Micronesia, the Marshall Islands, and Palau, formerly set out as notes under section 1681 of this title, see chapter 18 (§ 1901 et seq.) of this title. [↑](#footnote-ref-1)