**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| --- | --- |
| **Attorney General:**  **Chief Administrator of the Court:** |  |

**CONSTITUTIONAL VIOLATIONS BY STATE ACTORS**

**IN THEIR PERSONAL AND OFFICIAL CAPACITIES**

Court and Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**To All:**

***I accept your Oath of Office***: [Print Name(s)]:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ***In Propria Persona***, who is wrongfully accused (hereinafter, “ACCUSED”); duly sworn, deposes under penalty of perjury and says:

The ACCUSED suffered undue prejudice due to the denial of “Access to the Courts”, because his (her) paperwork was unjustly RETURNED and refused acceptance by the Clerk(s) and\or Staff(s) of this Court whose names are listed above. Paperwork should have been accepted without questions and filed in the above action, or either transferred to cure for the want of jurisdiction, in accordance with 28 U.S.C. Section 1631- *Transfer to Cure Want of Jurisdiction* [1].

It is a fundamental doctrine of law that a party, to be affected by a personal judgment, he must have his day in court, and an opportunity to be heard. See, Renaud v. Abbott, 116, US 277, 29 L Ed 629, 6 S Ct 1194. Without An Opportunity to be heard then ALL Orders and Decisions are Void ***Ab Initio***.

The Supremacy Clause establishes that the federal constitution and laws generally, take precedence over state laws, and even State constitutions. It prohibits States from interfering with the RIGHTS of the ACCUSED and the inalienable exercise of his (her) constitutional powers that are entrusted to him exclusively.

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights and is not entitled to respect in any other tribunal. See, Sabariego vs. Maverick, 124 US, 261, 31 L Ed 430, 8 S Ct 461.

A **VOID** judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it.

The ACCUSED had no chance of winning his case, because the Clerk(s) listed in the above completely ignored well-established written Federal and State laws, which effectively denied the ACCUSED, “Access to the Courts,” in violation of the First, Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States.

A reasonable probability exists, that if the Clerk(s) would have complied with the said written Constitutional laws, the outcome of the proceedings would have been different because the paperwork would have been heard under the (***Tucker Act***[2] *may apply*) or either transferred to a court having proper jurisdiction.

The Fundamental Rights of, “Access to the Courts,” is protected and secured by the Constitution of the United States, to wit: the **FIRST** Amendment right “to petition the government for a redress of grievances,” the **FOURTH** Amendment right “to life, liberty and property”, the **FIFTH** Amendment right “to Due Process of Law”, and the **FOURTEENTH** Amendment right “of Equal Protection under the laws”.

The **RIGHT** to sue and defend in the courts is one of the highest and most essential privileges of citizenship and must be allowed by each State to the citizens of all other States to the same extent that is allowed to its own citizens. See Chambers vs. Baltimore & O.R.R., 207 U.S. 142, 148 (1907); McKnett vs. St. Louis & S.F. Ry., 292 U.S. 230, 233 (1934).

The constitutional requirement is satisfied if a non-resident is given “Access to the Courts” of the State upon terms which, in themselves, are reasonable and adequate for the enforcing of any rights he may have, even though they may not be technically the same as those accorded to resident citizens. See Canadian Northern Ry. vs. Eggen, 252 U.S. 553 (1920. “The right of access to the courts is basic to our system of government, and it is well established today that it is one of the fundamental rights protected by the Constitution.” See Ryland vs. Shapiro, 708 F.2d 967, 971 (5th Circuit, 1983).

**CONCLUSION**

For the foregoing reasons, the issues and controversy within this jurisdiction against the ACCUSED are mandatorily resolved with or without a settled ORDER of this Court and with prejudice in his favor. ***If not***, then a Summons and Complaint as of a denial of rights (*shall*) then to be filed in Federal (*or State*) Courts on the questions of denial of due process pursuant to 42 U.S.C. Section 1983 for the sum of at least One Million Dollars ($1, 000,000).

Respectfully Submitted,

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

***In Propria Persona sui juris***

**Address:**

***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

[1]Title 18 USC - Crimes and Criminal Procedure, Part I – Crimes, Chapter - Records and Reports

Section 2071 - Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

[2] Under the Tucker Act of 1887, the United States waived its sovereign immunity as to certain kinds of claims. Although the government is immune to lawsuits and as a general rule, the *Tucker Act* exposes the government to liability for certain claims. Specifically, a federal statute or regulation, and claims in cases not arising in tort. The relevant text of the Act is codified in 28 U.S.C. §§ 1346(a) and 1491, 28 U.S.C. § 1491.

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