

# District Court of the United States

for the

\_\_\_\_\_ District of \_\_\_\_\_ (state name here)

(your name), et al

Plaintiff/Petitioner

v.

(opposing party's name), et al

Defendant/Respondent

Civil Action No. \_\_\_\_\_

## PETITION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a petitioner in this matter and I do hereby declare that not only am none for the payment of fees as suggested. As a member of the public, I pay taxes into the Federal System, which taxes are thereby utilized in conjunction with other members of the public to supply the courts annual budget, which include not only salaries, security, stationery, and other related costs.

In support of this petition and as honest person squarely release, I am exercising my right to freely practice my religion as I choose, I answer the following questions under penalty:

*I live below the poverty line, have debts greater than \$\_\_\_\_,\_\_\_\_.\_\_\_\_, and once those debts are offset places me with a negative credit rating.*

*That since the presidential declaration 2039, I have had no access to income, as the national emergency is still ongoing as evidenced by the March 9, 1933 act, and all regular banking activity had been suspended since that date, and I have no access to a regular income until such suspension is declared rescinded and/or revoked!*

*That not only does my Native American noncitizen national status appear to provide an exemption, and my being part of the Social Security trust fund documents that I believe beneficiary of the trust, and this court sits as trustee without provision at law for assisting the fortnight accessing the benefits of that agreement, I do believe that this well documents my inability to pay the fees being requested by this court, I also believe that the assessment of fees for a 2nd time amounts to double jeopardy when taken into account with the Congressional budget that is delegated to the court through the administrative office of the United States courts: Judicial Conference committees, with input from the courts, advise the AOUSC as it develops the **annual judiciary budget** for approval by the U.S. Congress ... [www.usgovernmentmanual.gov/Agency](http://www.usgovernmentmanual.gov/Agency).*

It is my belief that this successfully rebut any presumption that I am required to pay such fees, and I do hereby bring forth my constitutional challenge such a process and/or procedure requiring the payment of fees a 2<sup>nd</sup> time to access to judicial branch of government.

There has been no evidence placed on any record with the exception of a presumption, then I am required to pay fees to obtain redress by way of an appeal, and I do hereby bring forth my formal **CONSTITUTIONAL CHALLENGE** to any such requirement, any rule, or statute as a violation of my right to process, to access the court, and/or to redress.

**3. To Whom It May Concern.** In the past 12 months, I have received income from the following sources (check all that apply):

- |                                                    |       |      |
|----------------------------------------------------|-------|------|
| (a) Business, profession, or other self-employment | ' Yes | ' No |
| (b) Rent payments, interest, or dividends          | ' Yes | ' No |
| (c) Pension, annuity, or life insurance payments   | ' Yes | ' No |
| (d) Disability, or worker's compensation payments  | ' Yes | ' No |
| (e) Gifts, or inheritances                         | ' Yes | ' No |
| (f) Any other sources                              | ' Yes | ' No |

*\*please note that any of my yes answers to the questions above are explained in the next:*

|                             |          |
|-----------------------------|----------|
| <b>list of the revenue:</b> | \$ _____ |
| <b>list of the revenue</b>  | _____    |
|                             | +        |
| <b>Total</b>                | \$ _____ |

*Please take special judicial notice what other courts have Held:*

A guilty plea, by itself, does not bar a federal criminal defendant from challenging the constitutionality of his statute of conviction on direct appeal. Pp. \_\_\_\_ - \_\_\_\_, 200 L. Ed. 2d, at 42-47.

(a) This holding flows directly from this Court's prior decisions. Fifty years ago, in *Haynes v. United States*, the Court addressed a similar claim challenging the constitutionality of a criminal statute. Justice Harlan's opinion for the Court stated that the defendant's "plea of guilty did not, of course, waive his previous [constitutional] claim." [390 U. S. 85, 87](#), n. 2, [88 S. Ct. 722](#), [19 L. Ed. 2d 923, 1968-1](#) C.B. 615. That clear statement reflects an understanding of the nature of guilty pleas that stretches, in broad outline, nearly 150 years. Subsequent decisions have elaborated upon it. In *Blackledge v. Perry*, [417 U. S. 21](#), [94 S. Ct. 2098](#), [40 L. Ed. 2d 628](#), the Court recognized that a guilty plea bars some "'antecedent constitutional violations,' " related to events (such as grand jury proceedings) that "'occu[r] prior to the entry of the guilty plea.'" *Id.*, at 30, [94 S. Ct. 2098](#), [40 L. Ed. 2d 628](#) (quoting *Tollett v. Henderson*, [411 U. S. 258](#), [266-267](#), [93 S. Ct. 1602](#), [36 L. Ed. 2d 235](#)). However, where the claim implicates "the very power of the State" to prosecute the defendant, a guilty plea cannot by itself bar it. [417 U. S.](#), at 30, [94 S. Ct. 2098](#), [40 L. Ed. 2d 628](#). Likewise, in *Menna v. New York*, [423 U. S. 61](#), [96 S. Ct. 241](#), [46 L. Ed. 2d 195](#), the Court held that because the defendant's claim was that "the State may not convict [him] no matter how validly his factual guilt is established," his "guilty plea, therefore, [did] not bar the claim." *Id.*, at 63, n. 2, [96 S. Ct. 241](#), [46 L. Ed. 2d 19](#). In more recent years, the Court has reaffirmed the *Menna-Blackledge* doctrine's basic teaching that "'a plea of guilty to a charge does not waive a claim that--judged on its face--the charge is one which the State may not constitutionally prosecute.'" *United States v. Broce*, [488 U. S. 563, 575](#), [109 S. Ct. 757](#), [102 L. Ed. 2d 927](#) (quoting *Menna*, *supra*, at 63, n. 2, [96 S. Ct. 241](#), [46 L. Ed. 2d 19](#)). Pp. \_\_\_\_ - \_\_\_\_, 200 L. Ed. 2d, at 42-44.

*Class v. United States*, 138 S. Ct. 798, 800-01 (2018).

If Mr. Rodney class had the right to bring forth constitutional challenges on appeal, and that right was recognized in a criminal case, then equal protection of law holds that I have the very same right to challenge the constitutionality of a statute, rule, regulation, ordinance, code and/or law, and I do hereby choose and elect to do so within this my right of appeal as first right.

This court must recognize my presentment/petition not only as reasonable but in a manner that is clearly understandable as to what my intentions are, to appeal the decision of the district court that was made in error, to challenge the statute and/or authority alleged or presumed by the bankruptcy court, to challenge the reliance, and or application of presumption within the framework of a fair trial right of access, as unconstitutional, unfair, denial of right to process, and an impediment to accessing the court. Here are the opinions of the several courts who have agreed that this court must consider my presentments as any ordinary person who is reasonable would perceive. (See the Judiciary act of 1789 enacted by Congress September 24 of that year as well as the following opinions:

- ***The allegations of the petition must be "sufficiently clear and definite that a person of average intelligence would know what is intended."*** State ex rel Juv. Dept. v. Hayworth, 35 Or. App. 161, 164, 581 P.2d 100 (1978), [State v. Darnell](#), 619 P.2d 1321 (Or. Ct. App. 1980)
- [Brehm](#), 746 A.2d at 254 (explaining that even under a pleading standard that requires particularized allegations, "the pleader is not required to plead evidence"); Taggart v. George B. Booker & Co. , 35 A.2d 499, 500-01 (Del. Super. 1943) ("**Generally it is not necessary to plead evidence; and the rule requiring particularity is relaxed where the matter is peculiarly within the knowledge of the complaining party. A pleading is sufficient if it is intelligible to a person of ordinary understanding and affords him, the court and the jury the means of determining what is intended.**"). [Firefighters' Pension Sys. of Kan. City v. Presidio, Inc.](#), 251 A.3d 212 (Del. Ch. 2021)
- **A petition is not required to be in any particular form, but it must be so expressed as to enable a person of common understanding to know what is intended.** [Feder v. Samson](#), 22 Misc. 111 (N.Y. Sup. Ct. 1897)

- Fed. R. Civ. P. 23(c)(2)(B) provides that a notice "must [be] clearly and concisely state[d] in plain, easily understood language." Fed. R. Civ. P. 23(c)(2)(B). *"The notice should be drafted in such a manner as to make it understandable by the people to whom it is directed."* ; 5-23 Moore's Federal Practice - Civil §23.104, 1(b) (2016); see also In Re Deepwater Horizon, 739 F.3d 790, 819 (5th Cir. 2014); Mendoza v. Tucson Sch. Dist., 623 F.2d 1338, 1351 (9th Cir. 1980) (notice should be in lay terms). [Scott v. Family Dollar Stores, Inc.](#), Civil Action No.: 3:08-CV-540-MOC-DSC (W.D.N.C. Feb. 21, 2017)
- One of the definitions of "notice" is "knowledge." Bouvier's Law Dictionary (Rawle's Third Revision 1914) p. 2368. Knowledge however obtained is within the definition. *If the language of a complaint enables "a person of common understanding to know what is intended," it is sufficient.* § 2-1004, Burns' 1933, § 110, Baldwin's 1934. We would be placing too great a burden upon a plaintiff if we were to hold that this allegation did not sufficiently inform the defendant of the issue to be tried. [Wise v. Curdes](#), 219 Ind. 606 (Ind. 1942)
- *A pleading need only convey enough information that the defendant is able to understand the gravamen of the complaint.* Payton v. Rush-Presbyterian-St. Luke's Med. Ctr., 184 F.3d 623, 627 (7th Cir. 1999). [Bell v. Sheahan](#), 04 C 7184 (N.D. Ill. May. 25, 2005), [Woodal v. Village of Washington Park](#), No. 02-CV-0597-DRH (S.D. Ill. Apr. 26, 2006); [Full House Productions, Inc. v. Showcase Productions, Inc.](#), No. 05 C 4602 (N.D. Ill. Nov. 30, 2005); [Phillips Randolph Enterprises, LLC v. Rice Fields](#), 06 C 4968 (N.D. Ill. Jan. 11, 2007); [Blackmon-Mooring Steamatic Catastrophe v. County of Cook](#), 04 C 3517 (N.D. Ill. Aug. 4, 2004); [Bilal v. Rotec Industries, Inc.](#) No. 03 C 9220 (N.D. Ill. Aug. 4, 2004) and 03 C 9220 (N.D. Ill. Jun. 2, 2004).
- This court cannot concur with this contention. *A pleading in Justice's Court is not required to be in any particular form. It is sufficient if expressed so as to enable a person of common understanding to know what is intended.* Code Civ. Pro., § 2940. Technical precision in matters of form is not required in pleadings in Justice's Court. [Totman v. Drake](#), 52 Misc. 60 (N.Y. Cnty. Ct. 1906)
- Plaintiffs' proposed notice is formatted in an accessible, easy to read format. *In addition, Plaintiffs' notice is drafted in plain language that is understandable to a layperson. For that reason, the Court has adopted Plaintiffs' proposed format as its starting point, with modifications to the content for the following reasons.* [Acevedo v. Workfit Med. LLC](#), 14-CV-06221 EAW (W.D.N.Y. Oct. 24, 2014)
- *A pleading need only convey enough information to allow the defendant to understand the gravamen of the complaint.* Payton v. Rush-Presbyterian-St. Luke's Med. Ctr., 184 F.3d 623, 627 (7th Cir. 1999); [Thompson v. O'Bryant](#), 08 C 68 (N.D. Ill. Apr. 30, 2008); [Laborers' Pension Fund v. G.K. Harris. LTD](#); [Rosen v. Mystery Method, Inc](#); [Gordon v. Vitalis Partners, LLC](#)
- *The notice must be worded concisely and clearly, in plain, easily understood language; it should be drafted in a way that it is understandable by the people to whom it is directed.* See Fed.R.Civ.P. 23(C)(2)(b). [Nelson v. Wakulla County](#), 985 So. 2d 564 (Fla. Dist. Ct. App. 2008)
- We hold that plaintiff's declaration possessed the necessary elements to notify defendant that plaintiff claimed that he was entitled to the money given to it by plaintiff. *Allegations of pleadings are sufficiently clear if they are understandable by the court and counsel.* Massachusetts Bonding Co. v. Keefe, 100 N.H. 361, 362-63, 127 A.2d 266, 267-68 (1956); RSA 514:8.21, [Milne v. Burlington Homes, Inc.](#), 379 A.2d 198 (N.H. 1977)
- *The complaint here is "written in such a manner as to enable persons of common understanding to know what is intended."* See State v. Simon, 120 Wn.2d 196, 199, 840 P.2d 172 (1992). Next, we ask whether Norby and Burdge have shown that they were nonetheless prejudiced by any vague or in artful language in the charging document. See Kjorsvik, 117 Wn.2d... [City of Seattle v. Norby](#), 88 Wn. App. 545 (Wash. Ct. App. 1997)

As stated, the United States Congress supplies the budget of the court to the United States administrative office of the United States Courts please take notice officially up with budgeting covers: **"The Administrative Office of the United States Courts (AO) is an administrative agency that is the central support entity for the judicial branch,"** [https://www.law.cornell.edu/wex/administrative\\_office\\_of\\_the\\_united\\_states\\_courts/](https://www.law.cornell.edu/wex/administrative_office_of_the_united_states_courts/); see also- <https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>, which documents: In recognition of the constitutional separation of powers among the three branches of the federal government, Congress has given the judiciary authority to prepare and execute its own budget. The Administrative Office, in consultation with the courts and with various Judicial Conference committees, prepares a proposed budget for the judiciary each fiscal year. The proposal is reviewed and approved by the Judicial Conference with an accompanying set of detailed justifications. By law, the President must include the judiciary's proposed budget as a part of the unified federal budget submitted to Congress each year. After Congress enacts a budget for the judiciary, the Judicial Conference approves a plan to spend the money and the Administrative Office distributes funds directly to each court, operating unit, and program in the judiciary. Individual courts have considerable authority and flexibility to conduct their work, establish budget priorities, make sound business decisions, hire staff, and make purchases, consistent with Judicial Conference policies.

4. Amount of money that I have in cash or in a checking or savings account: \$ \_\_\_\_\_.\_\_\_\_\_.

5. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

|                         |               |
|-------------------------|---------------|
| Housing (rent)          | \$ _____.____ |
| Transportation          | _____.____    |
| Utilities, Phone        | _____.____    |
| Auto Loan               | _____.____    |
| Credit card payments    | _____.____    |
| Auto & Health Insurance | _____.____    |
| Grocery & medications + | _____.____    |
| Total                   | \$ _____.____ |

6. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

|             |               |
|-------------|---------------|
| <u>LOAN</u> | \$ _____.____ |
|-------------|---------------|

|             |               |
|-------------|---------------|
| <u>CARD</u> | \$ _____.____ |
|-------------|---------------|

|                |               |
|----------------|---------------|
| <u>SEVICES</u> | \$ _____.____ |
|----------------|---------------|

As an American citizen I have the right to access to court, the right to petition the court for redress of grievance which means I have the right to appeal any adverse judgments lodged against my person and/or my interests and/or my property and/or my possessions. The right to be secure in one's rights, possessions, and/or property and not have those rights seized in nor taken away secured by the Constitution and I do hereby exercise my right to protect myself and petitioned this court for redress of grievance, I don't believe there can be any objections.

I appear to be aware, that the alleged constitutional amendment 14 at section 4 does not constitute filing fees as a debt owed to the United States, since a petition is a right and not a privilege, it cannot be a presumed debt in the sense that such is to be valid and may never be challenged. Since only debts of the United States presumably can never be challenged, statutes, rules, regulations, ordinances, codes and the like can be challenged at any time even on appeal as they lend directly to the right of a body having jurisdiction over a matter, or so we believe.

*Verification and Validation:*

I attest, ascribe, as well as a firm that the aforementioned information is wholly accurate, witnessed by and before God on the date indicated, based on firsthand information and/or belief”

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

\_\_\_\_\_  
*Printed name*

\_\_\_\_\_  
*Petitioner's signature*