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Roanne Eye
c/o 10024 N. W. 4th Street
Plantation, FL 33324

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Roanne Eye,	:	
Plaintiff,	:	**EMERGENCY PETITION FOR EXTRAORDINARY WRIT UNDER RULE 21 (c)**
v	:	
The United States government,	:	**CASE: ______________________**
Defendant,	:	

COMES FORTH Roanne Eye, petitioning the Court for a Stay From Imminently Pending Trial Proceedings under the authority of an Emergency Petition For Extraordinary Writ under Rule 21 (c) of the Federal Rules of Appellate Procedure, concerning the imminent trial proceedings currently under way in the "U.S. District Court For The Southern District of Florida," for good cause sufficient to justify such an writ believed to be shown herein, and requests the Court's immediate intervention into federal criminal case number 0:11-cr-60004-JIC-1, U.S. versus Roanne Eye, and shows the Court as to why its exigent intervention for writ under Rule 21 (c) is sought as follows.

1. On or about January 11, 2011, Roanne Eye, a business person employed by the banking industry as a consultant, was indicted for certain claims by a certain agent of the Internal Revenue Service federal agency for acts claimed by the agent to be criminal in nature, but, as to the merits of those claims, not at specific issue here, Roanne Eye had ample reason to believe that she was not guilty of any actual crime as alleged, and so determined to oppose the charges by every conceivable means of defense at her disposal;

2. Roanne Eye, as a professional consultant, having become studied about certain points of law over many years, came to understand the law as it pertains to challenges for lack of standing and lack of jurisdiction, and reviewing a number of court cases involving Supreme Court decisions and decisions of a number of the circuit courts, came to realize that the claims or charges against her were not only frivolous or else twisted to imply what they did not actually mean, but more importantly, under the conditions in which she existed in her business and her Florida residence, she recognized and so asserted that the government itself had neither standing or jurisdiction over her as it might have had conditions been other than they were;

3. Consequently, before the date of her arraignment, as well as during her arraignment, she began to challenge a number of key points of jurisdiction, some

critical in the interests of justice, making such appearances as followed by way of special appearance, not general appearance, and at no time and under no condition deviated from her position that the government had no provable standing or jurisdiction in association with her, which failure – *first* by the government itself to prove its own standing and jurisdiction – was basic to whether or not the court – as a second step procedure subsequent to the government's primary actions – itself had jurisdiction and standing, for, reasoned Roanne Eye, *if* the government cannot prove its own standing and jurisdiction, straightforward, and it is that same inability to prove jurisdiction and standing that must be, next, transferred to the district court for its own subsequent proceedings, how can the court not lack standing and jurisdiction the same as the government, which could not prove jurisdiction and standing by the facts and before the fact of any trial proceeding that it wished to pursue on that basis.

4. However, both the government and the district court simply ignored the facts and the points of jurisdiction and standing law so raised and challenged, by their silence, but not by their silence only, but also by employing a number of unorthodox, or else unlawful, strategies which did not work to prove what they thought to prove, such as, but not limed to, the circumvention of the United States Postal Service as the requisite carrier to mail articles of information to the

residence of Roanne Eye, by using such carriers as Federal Express in the stead of the U.S. Postal Service, making it obvious that their claim for jurisdiction and standing were failing (the clerk of court was provided an entire packet of ready made address labels containing Roanne Eye's full legal address thereon which the United States Postal Service would have readily delivered all U.S. mail to);

5. Following which they, the assistant U.S. attorney prosecuting the case, the district court judge, and the clerk of court, decided to end the matter by simply asserting that they were no longer going to mail anything to the accused party, Roanne Eye, because they could not make their proof of jurisdiction and standing work through either the Postal Service or any unofficial carrier as well, and Roanne Eye, they reasoned, would simply have to go without knowledge as to the going-ons of the district court and its proceedings no matter what the consequence of her not knowing such critical information as that might cause her, placing her, Roanne Eye, at uncommon risk as a result of her unmet challenge for both jurisdiction and challenge placed, first before the government and second before the court, thereafter.

6. As a part of the proceedings carried out by the district court judge to assert a claim of jurisdiction where the government, by and through its assistant U.S. attorney representative, could prove none, at least two (2) things happened to

allow the district court to entertain the pretext that it had jurisdiction and standing after all, the First being that the district court judge, in open court, ordered Roanne Eye that she submit to the question of jurisdiction by accepting mail from the United States Postal Service if it bore the designation of the district court thereon, sidestepping the well known fact that no law exists to command or order any citizen to receive mail through the United States Postal Service, particularly when it has been stated openly by the one to receive the same that no mail will be opened and received unless or until certain simple conditions are met, conditions set by the receiver, not the sender, of such mail.

7. It should be noted here as an aside that the government, in order to prove, openly, its case in chief claim for jurisdiction and standing, as an alternative to the United States mail, could have elected to at least attempt direct delivery of the articles that it deemed important in order for the procedure leading up to trial to be properly maintained and ongoing, except that by doing so, using the FEMA emergency example where a signed release from the property owner during catastrophic conditions is required by law before any agent of that Department may legally venture thereon, which would have immediately disproven the government's claim for authoritative jurisdiction over the domicile of residence if choosing that method of transferring government or court documents to an

accused, such as Roanne Eye, leaving both the government and the district court with no visible, concrete means of proving jurisdiction or standing before the fact of proceeding, *not* by way of claim after proceeding, inclusive of any trial condition, civil or criminal, itself.

8. Taking further into account that by attempting to deliver the government's desired articles directly to the premises of Roanne Eye, thereby circumventing the use of the United States Postal Service by that same act, would raise the question as to why either the government or the court would have to do such a suspect act as that, except that, by not doing so, it would leave the defendant without rightful access to the proceedings of the court during a time of most dangerous legal conditions, a critical violation of Roanne Eye's civil and procedural rights in a criminal case, which it has done so to wrongfully made defendant, or defendant-alleged where neither jurisdiction or standing have been proven, at all, Roanne Eye, which act of taking away her procedural and constitutional rights to know of the ongoing court proceedings, not to have them hidden from her in order to maintain the unproven claim that the government and the court both had jurisdiction in the case, cannot be excused for the sake of forcing a jurisdiction and standing condition where none is proven, whatsoever, as has been done in the existing case against Roanne Eye.

9. And second, the procedure that was employed to lay a claim for alleged jurisdiction and standing was accomplished where the district court judge ordered the case, already having been accepted into his own court, to be transferred to a lower court, or magistrate's court, where the lower court, in order to give the higher court a claim for jurisdiction and standing, where a lack thereof had been challenged, not by mere claim but by providing significant evidence and reasoning to that end, that it, the higher district court, could not achieve or have proven, and did not do so before on its own behalf, neither did the government enter any pleading demonstrating, not merely saying, that it itself had jurisdiction or standing, declared and ordered that the district court, being higher than the magistrate's court, had jurisdiction and standing over the case after all.

10. This is paramount to in a military setting for example, of a private or E1 stating that because the sergeant had authority over him, the private, that the sergeant's authority must also extend to other unproven areas of military authority throughout the base based on the direct authority of the sergeant over the private, and this scenario can be extended to the lieutenant establishing the military authority of the captain over the lieutenant, and so declaring, for that reason, the captain's authority over the entire base, and the captain establishing the military authority of the colonel over the captain and so declaring, for that reason, the

colonel's authority over the entire command militarywide, even in the face of existence of higher generals over the command, and in civil court life, the magistrate deciding for the federal judge above him what form of authority, jurisdiction, and standing that he, the higher federal judge above him, actually had, and *conversely*, did not have, at any time.

11. This would be paramount to a district court judge declaring, as an official, defining process, the jurisdiction of circuit court judges over all of the district judges and not the one declaring it only, recognizing by that idea that if a district court judge could declare the circuit judges' jurisdictional authority, then that same district court judge could *undeclare* by that same authority the circuit court judges' jurisdictional authority. Commonly referred to as the principle of the chain of command or authority, the authority of the lower is never over the higher, and where the subject matter pertains to one's requisite jurisdictional authority not belonging to one below it, cannot supplant that requisite jurisdictional authority with its own.

12. This was the second combination of proceeding that the district court continued its claim that both it and the government had their proven jurisdiction based upon, although neither of them had a shred of proof or actual reasoning that they did, except by the district judge's trying to order it upon the defendant and

the magistrate judge, from a lower court's position, ordered that the district judge above him to have it, in order that the pretext for jurisdiction and standing could continue, and in time, get under way as the district court's judicial parties expected it to in Roanne Eye's case from the beginning.

13. As Roanne Eye, from the outset of the case, came to realize that her arguments were first impression, that they were based upon strong constitutional principles that the Supreme Court and the circuit courts had maintained as the true renderings of the Constitution, submitted a straight, simple motion that, according to that which is determined to be true in the Constitution, the Constitution be obeyed at all times.

14. This simple motion was immediately met and countered with a motion submitted by the assistant U.S. attorney that the court *deny* the motion to obey the Constitution, and that the court was to, instead, obey the "Federal Rules of Criminal Procedure" <u>in the place thereof</u>, and this, the motion to obey the Constitution, was one of the motions that the lower court, the court of the magistrate judge, struck down, and upheld instead the motion that the Constitution was to be replaced by the Federal Rules of Criminal Procedure instead, done at the same time that the higher district court was declared to have its want of jurisdiction and standing, otherwise unproven, whatsoever, by anyone else.

15. While such an idea would shock the sensibilities of most people, as it did those of Roanne Eye and others around her, she continued to try to find opportunities, when they presented themselves, to make necessary appearances in court without compromising her stand that the government, and consequently the district court, had no jurisdictional authority in her case, except that it prove it to her, by at least some real and reasonable means, not by the mere saying of it. The government cited no case information in any of its own pleadings that even hinted that it had the jurisdiction and standing claimed for during that time.

16. But these foregoing heinous and lawless acts by the district court's conspiring authorities did not end there, for the acts of apparent due process violations continued, almost daily, in one form or another, too numerous here to recount every one, among which was, following Roanne Eye's original challenges, the assistant U.S. attorney prosecuting the case, in pursuing a superseding indictment, omitted one of the allegations in the first indictment, because the allegation itself, in conjunction with the challenge for jurisdiction and standing that was being stipulated to by Roanne Eye, would have served as exculpatory in nature. In other words, before a federal grand jury the assistant U.S. attorney acted, knowingly, to suppress exculpatory evidence, which so far as is known and understood, a federal criminal act, and though the district court

judge was made aware of this fact, he was determined that his new, lower court ordered, jurisdiction was not to be overcome by such evidence as that, and so, simply put, it wasn't.

17. In part of Roanne Eye's original case proceedings, she revealed that the assistant U.S. attorney's client, the IRS federal agency, was not only an agency with unclean hands, but some of that uncleanness, dating back to <u>August 18, 1954</u>, as entered by it into the Federal Register of that year, involved the shocking insertion into that Register, by the said agency, the declaration of the workings and grounds for a Gun Tax, <u>nothing to do with an Income Tax</u> or the Sixteenth Amendment or any other recognized issue concerning income taxes, but a Gun Tax, carried over from the Congress' own passing of the IRC of 1954 two days earlier, <u>August 16, 1954</u>, wherein at page 725 thereof, the Act called for National Gun Control, demanding certain information concerning privately owned guns in the hands of private citizens, inclusive of the type of gun owned, the serial number of the gun, who owned the gun, and the most insidious of all, where in one's home or office such guns were kept at *usually*.

18. Which IRS proposed Gun Tax of <u>August 18, 1954</u> involved the IRS proclamation that all guns down to the common rifle and shotgun were to have imposed thereupon, at the manufacture and the transfer levels, a <u>Gun</u> <u>Tax</u> of $200.

per gun, on top of or in addition to the sale price thereof, in 1954, while all guns that were to be manually, single shot loaded, and not a worthy, serious gun for either defending oneself, or more importantly, the nation, were to be taxed by a Gun Tax of $1. only. Additionally, any gun that might be confiscated for failure to pay the Gun Tax would not be resold to the public, and no notice was to be given as to that condition, making it possible to effectively remove large numbers of guns from then hands of private citizens for failure to pay the Gun Tax of 1954.

19. Such an obvious condition as this, even the attempt of it, even if the attempt were unsuccessful, is recognized, not only by many military commanders, but by many common people as an attempt to subvert the protections offered by the Second Amendment, and therefore an act of Article III, Section 3, Clause 1 Treason, a very serious realization indeed, and when the assistant U.S. attorney was noticed that her client was the involved agency department that committed that act, and that its hands were unclean for any claim for alleged fraud raised against her, not the merits of the case, although the agency did not take its act beyond the *attempt* of treason as was submitted by it in the Federal Register of 1954, the assistant U.S. attorney's official response was, "Yes, but this case is not about guns." Again, focusing on the assistant U.S. attorney's statement, "Yes [my client did commit an attempted treason back in 1954], but this case is not about

guns," [and so, in essence, "my client's very unclean hands should not be considered in this case for its own grave fraud against the entire nation, let's consider your case that we say exists because my client is trustable now"].

20. Following the assistant U.S. attorney's response, Roanne Eye informed the same that such knowledge as she, assistant attorney, now had, but was unwilling to bring to the attention of other federal officials about the treasonous act having ever been committed, constituted the federal crime known as misprision of treason, and this same knowledge was extended to the district court judge, who elected not to act upon it to the same extent as the assistant U.S. attorney had elected to not act upon it, or to *at least* recognize the agency-client bringing its charges, still without on-the-record *proven* jurisdiction and standing, as having "unclean hands," very, sufficient to oust the case, a case that should never have been continued as far as it had in the first instance.

21. Recognizing that Roanne Eye's bill of rights' rights, among which was the Fifth Amendment's requisite protection of due process, she, having come to recognize that her legal rights were being eroded by the district court's judicial officers, brought a formal Bivens action, with the facts tried to jury, against those particular persons who were openly involved, or acted in concert with, the diminishment or utter destruction of her most basic rights, exceeding the

violations of proceeding with trial in the face of, not only non-proven standing and jurisdiction, but actual fraudulent jurisdiction (the use of Federal Express to go around the United States Postal Service, in order to acquire jurisdiction by that means), constituting the known judicial offenses of abuse of discretion, abuse of process, misuse of process, and contemptuous conduct.

22. Which Bivens action, because of the accuracy of the work within it, brought about the voluntary recusal of judge after judge after judge, within the district, until a judge, the last one, was found to sit for it, however, while the named federal defendants in the case, including the assistant U.S. attorney, the judge, and the magistrate judge who ordered the judge above him to have jurisdiction and standing in the case, were to have 60 days for answering, the Bivens defendant assistant U.S. attorney' answer came 3 days out of time, or in default, the answer of the judicial defendants came on the 60th day, and while Roanne Eye could indicate, upon reading that answer, that it was both skewed and flawed in numerous places, the greater point is that numerous judges, upon reading the charges made and the evidence and reasoning that the acts by the defendants did not fall under "qualified immunity," recused themselves from the case, preserving the idea that the charges made, if proven true, would indicate that abuses were certainly made by such defendants, to the ongoing damage during the events

leading up to trial, which, while the results of a trial are cognizably matters for appeal, actual acts that constitute abuses committed against a defendant who is, helpless within the legal system, unable to raise the slightest defense against such acts as that.

22. Bear in mind that the concept of the trial was never intended to be a procedure where the accused, presumed to be innocent until proven guilty, if ever, could be toyed with by the accusing parties, nor was it ever the intent that a judge ever be more or less than neutral on the purposes behind the trial, nor to insist that a plaintiff, no matter the plaintiff, must be supported in its vie for jurisdiction that it cannot prove or maintain without the support of the court's judge to do so, for to do so would constitute distinct bias on that judge's part, and no number of cited cases demonstrating it this way or that way can ever make up for such treatment as that, being thus sufficient to request that the judge in question voluntarily recuse himself if being noticed as to sufficient facts that point toward a bias existing on his part, whether he was aware of it, bias, or not.

23. From the time of Roanne Eye's first appearances before the district court, at all times maintaining her position of special appearance and challenging, by the evidence and on the record, that neither the government or the court had proven grounds for claim of jurisdiction in her case, her pleadings were not established so

as to try to try the case outside of actual trial, recognizing that it is the duty of the jury to bring that about, nor did the assistant U.S. attorney commit to other than such pleadings such as motion in limine and motion to deny motion to obey the constitution, and as the date of scheduled time drew nearer, there came a point in time when the current district judge tried to reassign the case to a different judge, though none other would take it, leaving the original district judge to continue forward on his own, one of the problems being time, for at that time, and not before, the assistant U.S. attorney had requested two weeks for trial that she would need to put on her case, while the district judge had only allotted for one week for trial.

24. Eventually the district judge found the time to schedule the two weeks of trial that the prosecution said that it would need to put on its case, however, the defense, Roanne Eye, was extended no such request to know what amount of time she would need to put on her defense, and while this point of equal right for time to put on the defense's case was brought, on the record, to the district judge's attention, he ignored the request entirely, and indicated that he was moving for trial regardless of all of the defendant's pleadings stating that jurisdiction, challenged procedurally and with significant evidence and not based on a mere claim, had still not been proven, or even attempted to be proven, the district judge

relying upon the magistrate's order that the district judge had it, leaving the defendant, Roanne Eye, without any delegated time to put on her own defense, call witnesses for that defense as provided for by the Sixth Amendment, and not be limited to the prosecution's delegated time frame, limited to cross examine the prosecution's witnesses only, leaving the entire trial one sided before it begins;

25. Which obvious *ex parte* trial condition, or a one-sided trial, Roanne Eye attempted to notice the district court of, to no avail, and, while asking a judge to recuse himself is always distasteful and often creates resentment among judges, all things considered, it seemed the only thing left to do, short of bringing these exigent matters before this court, which Roanne Eye did on the date of the last calendar call, September 21, 2011, bringing into remembrance the numerous acts favoring, above reason or right, the prosecution, including the willingness to provide the prosecution its requested time but to allow the defense no time at all to put on its own case, the result of which was, the assistant U.S. attorney being present at that hearing, that the said assistant attorney immediately spoke up and offered to answer the petition for the voluntary recusal herself, and that she would "have him his answer the same day," which she did, the district judge, based on "his provided for answer," denying the motion thereafter altogether.

26. And as a part of that swift answer for the district judge, a part of the reasoning as to why the defense, Roanne Eye, should not have any time for her own defense, or to put on her own case, and for which, not already extended to the defense any request for reasonable time as the defense itself might see and believe there to be a necessity for, the assistant U.S. attorney offered the following words of argument in support of that very denial of time for the defense as the prosecution had doled itself out to have, to wit:

> "Eye seeks recusal of a United States District Judge on the grounds that Eye has not been afforded time to put on her case" and "recusal would reward Eye for attempting to manipulate the legal system to engage in judge shopping."

27. On the first quote, the assistant U.S. attorney has confirmed what has transpired as it pertains to having an allocated amount of time to put on one's case; she, the assistant U.S. attorney, is comfortable with her two weeks to put on her own case as a result of some additional alleged witnesses that she dug up and insisted that the district court judge allow her the additional time for, while she is swift to propose that the defendant, Roanne Eye, should not be granted any time at all for her own defense, because it might delay the trial, not indefinitely, or else she might have to cede some of her own obtained time over to the defense:: - "one side gets to have two weeks and the other side gets none," and the judge that endorses that position is not … biased?

28. Which Roanne Eye's asking only for equal time or some kind of time in the first place, and not wishing to motion that the judge recuse himself for obvious bias, suddenly Roanne Eye is guilty of "judge shopping" as the real reason for her motion to recuse, while also stipulating that, other than the *lower court *ordering* the higher court to *have its jurisdiction** as set forth above, or else the very day that the district court judge ordered Roanne Eye to have jurisdiction bound upon her by way of the United States Postal Service, or in other words, to ignore the lack of any federal law that requires that a person receive the United States mail, or receive and open the United States mail, or even have a mailbox or postal address whatsoever and thereby to succumb to the court's and the government's claim of jurisdiction, the only two ways in which the district court could, and did, allege its own jurisdiction, except that as to how the government's attorneys demonstrated jurisdiction in the case, they didn't, they never have, no visible way to prove it, not even an *attempt* to prove it - just *say it* - at all.

29. It is this point, the FACT that neither the government nor the district court judge or magistrate judge have at any time provided a scintilla of evidence, of substance, that they have any jurisdiction or standing in the case in question, meaning that all of the district court's claims otherwise, though factually made, are illegitimate, or de facto, and therefore patently illegal or fraudulent, the basis

for the assistant U.S. attorney's nest statement, reading, with knowledge, between the lines:

> "The principles incorporated in sections 144 and 455 contemplate the ordinary situation in which if a judge is disqualified, he may be replaced by one who is not disqualified. Those principles can hardly be considered applicable to a situation in which a plaintiff has deliberately chosen to adopt a course of procedure which might disqualify every federal judge in the country."

30. The adopted "course of procedure" which the assistant U.S. attorney alludes to here is that of one of the most basic, fundamental, necessity to safeguard rights of requiring the provability of jurisdiction and standing, being something that every federal judge in the country respecting the law surrounding this issue would support to begin with, consequently, such case material or wording must have referred to case conditions different than this one and so is not applicable.

31. The bulk of the assistant U.S. attorney's pleadings from their beginning is to do a recital of the case, commencing with the indictment, indicating that Roanne Eye submitted case pleadings that challenged, by significant evidence and not mere claim, the government's jurisdiction and standing in her case, a statement that no one could possibly see any evidence of bias in the acts of the district court judge, her interest-conflicting opinion, claims that the allegations of her client's 1954 treason in the factum, that while the treason committed back then was "yes," true, the federal crime of "misprision of treason" is only "frivolous," meaning 'true," -

'but we don't want or need to do anything about that, because who is going to do anything to us if we don't?'

32. Ordinarily, Roanne Eye would not bring up these particular point in the assistant U.S. attorney's answer for the district court judge in the case, except that it is likely that the assistant U.S. attorney will want the Court to see her answer, and it would seem better, since it is the defendant Roanne Eye who is charging non-"during trial" abuses as violating some of her most valuable civil rights, that the Court hear it from her, Roanne Eye, so that it might have a better idea of what is going on, <u>not</u> as the assistant U.S. attorney might try, it not knowing that the Court already knew her claims, to claim it to be otherwise.

33. The assistant U.S. attorney moved swiftly, immediately, to "protect the district court judge's interests," and her own, but the problem, however, with such swift actions, was that the submitted motion was <u>not</u> to have the district judge volunteer to recuse himself only, but in the event that he did not do so, to refer the matter to the chief judge or other judge for the question of an involuntary disqualification if such other judge, not an assistant U.S. attorney, should see evidence of such bias as defendant Roanne Eye had stipulated was the fact of the case before the district court.

34. Consequently, the district court judge's decision to strike the motion and refuse to voluntarily recuse himself, was likewise acted upon by such denial so as to not provide any other judge the opportunity to determine that there were no underlying motives of bias in favor of the opposing party, such as would allow that opposing party the opportunity to answer for him, which was in fact exactly what happened, the assistant U.S. attorney showering her response with a full arsenal of cited court cases proving or claiming this or that, knowing that defendant Roanne Eye would have no time to answer such a flurry of citings, much less to expose the false or misleading statements made by the assistant U.S. attorney;

35. And it should be duly noted that it is *prima facie* that where a judge will not trust another judge's opinion when a question for a concern for bias is raised, that there is something patently amiss with that judge's decision, in violation of the maxims of law that frown on a judge determining his own worthiness and cause, to hide behind the decision instantly made, indicates without doubt that something may be amiss that should not be allowed to remain amiss, justifying a closer look at what the grounds for his denying the motion for recusal asked of him by another court and another judge, the least that can be done in the interests of justice, still at the heart of the American judicial system;

36. It should also be known that a part of the assistant U.S. attorney's reasoning as to why the district court judge should not recuse himself was because the defendant, Roanne Eye, was only "judge shopping," although it was the district court judge himself that was "shopping" for a different judge to take the case, however, it was not until Roanne Eye realized that she that she was to be short changed, or denied any allotted amount of time to put on her own defense, that she began to realize that an extreme bias had emerged on the part of the district court judge that she had not, before that time, thought to exist, and that if it were that obvious to her, it should also be obvious to others, particularly other judges, if but taking the time to examine the facts, by which examination of facts another judge, not biased, would be able to take control of the case and the trial without compromising away the rights of the defendant as might be done if an intervention were not the case instead.

37. And no, we do not deny or do away with the Constitution, upon which the rights of so many still depend, and opt to replace it with the "Federal Rules of Criminal Procedure," the very motion to propose the replacement of the one for the other an *uncontestable abuse* of discretion to do so; act so as to trick the system; knowingly suppress *exculpatory evidence* before a grand jury, propose to answer for a United States judge while, as a codefendant in a Bivens action,

existing in conflict of interest in doing so, request and obtain a generous amount of time for the prosecution to put on its case while opposing and denying the defense any time at all to put on its own case, and calling it justice and the American way when it definitely is not.

38. Your honors will note that throughout this petition, Roanne Eye has not input the name of a single person other than herself, giving only the case number and federal district in which these things, believed to be unlawful and deliberately destructive against her, acts outside of trial and before trial, *not* proceedings *at trial* that are subject to being raised after trial, on appeal, and the facts as she understands them to be, to be taken in conjunction therewith.

39. This is because she wanted to keep names and personalities and reputations out of the picture, but to keep all points made, or hopefully made, strictly viewable and perceivable as the way they actually are, and not simply how she, Roanne Eye, would like for them to be, any claims to the contrary, if any, notwithstanding.

40. Roanne Eye is asking for the Court's extraordinary writ to stay the immediately impending trial of Roanne Eye where claims by the government and the district court and magistrate court judges as to their having either standing or

jurisdiction are both false and fraudulent, with more than a scintilla of evidence point to that fact, this issue does not involve arguments or evidence presented or to be presented at trial that are routinely subject to appeal post trial, the defendant, alleged, in the case, has been denied the right to be made privy to the proceedings of record of the district court because the district court was unable to maintain its jurisdictional ability to make it so, the district court judge has favored the prosecution with two weeks of time to put on its own case as was requested by it, prosecution, while the defense, asking for equal time or at least some time, was provided none, there being more than a scant amount of evidence that the district court judge that denied the defense's right to any time to put on its own case is extremely biased for the prosecution and the prosecution's client, irrespective of the claim by the assistant U.S. attorney, the district court judge's conflict of interest Bivens codefendant, that he is not, notwithstanding, with the pending trial straight ahead being made to incorporate all of these defects, and more, into the trial, will render such trial as grossly inequitable for the defendant upon the date of its beginning, and continuing thereafter to its conclusion.

41. Extraordinary Remedy. Respectfully, the defendant, Roanne Eye, petitions the Court for its writ in remedy for stay of immediate, not eventual, trial, and for its order striking the magistrate judge's order for unproven district court

jurisdiction to be applied to the district court case; for its order striking the motion that the Federal Rules of Criminal Procedure be considered as a replacement for the United States Constitution; for its order that the defense, Roanne Eye, be given equal time or else reasonable time to put on her case at trial and not be denied, altogether, any time for the defense at all, and finally, in the face of the spurious, false claim by the assistant U.S. attorney for "judge shopping" by the defense in order to get a "better judge," to review these records and the fact that the district court judge is a named defendant in a Bivens action because of his constitutional violations and abuses in the district case, and require that he, under Title 28, U.SC., Section 455 (b)(5)(i), not under 455 (a), be involuntarily disqualified from the case as a matter of law applicable to his particular self only, not for the exhibiting of extreme bias favoring the prosecution, as demonstrated by him, only.

Respectfully Petitioned,

_______/______/_________

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Roanne Eye, Rule 21 (c) Plaintiff

CERTIFICATE OF SERVICE

I, Roanne Eye, in accordance to the requirements of Rule 21 (c) of the Federal Rules of Appellate Procedure, hereby certify that I have given notice of this petition for extraordinary writ for extraordinary remedy to the United States District Court For The Southern District of Florida, in district court case number 0:11-cr-60004-JIC-1, so far as is reasonably possible, not having first filed this case there, also being a Rule 21 (c) directive accordingly.

Dated this ____________day of ________________, 2011 A.D.

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Roanne Eye