

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

2017 MAY 15 PM 12:30

JEFFREY P. COLWELL  
CLERK

BY \_\_\_\_\_ DEP. CLK

**In the De Jure District Court of the United States**

**For the District of Colorado**

THE UNITED STATES OF AMERICA §  
Kimberly Shields §  
Bruce A Doucette §  
Steven Dean Byfield §  
Stephen Nalty §  
Harlan Smith §

Claimants §

v. §

UNITED STATES (incorporated) §  
DONALD JOHN TRUMP §  
FEDERAL BUREAU OF INVESTIGATIONS §  
STATE OF COLORADO §  
CYNTHIA COFFMAN §  
COLORADO BAR ASSOCIATION §  
MICHAEL A. MARTINEZ §  
PATRICIA M. JARZOBSKI §  
MARTIN F. EGELHOFF §  
ROBERT S. SHAPIRO §  
CHRIS BYRNE §  
FBI AGENTS DOE 1 - 50 §  
KIM DOE §  
STANLEY L. GARNETT §  
ITNERNAL REVENUE SERVICE §

ANY OTHER YET NAMED PARTICIPANTS §  
Defendants §

CASE # 17-cv-01046-KMT  
Writ of Error Qua Corum Nobis Residant  
Re: Erroneous Title and Tafoya's Order  
Directing Claimants

---

**Writ of Error Quae Coram Nobis Residant**

---

1. COMES NOW THE COURT, ON ITS OWN MOTION, TO review the facts, record, and process resulting in the clerk's mislabeling the title of the case on the docket and the order submitted by the magistrate Kathleen M. Tafoya, hereinafter "Tafoya", titled ORDER DIRECTING PLAINTIFFS TO FILE AMENDED COMPLAINT.

**Summary**

2. On the 27<sup>th</sup> day of April claimants filed an action at law in a court of record even though the clerk of the court through its ignorance assign a civil case number under the statutory system of numbering.
3. In the action one of the claimants listed is the United States of America and one of the defendants is listed as United States, the corporation that was incorporated in 1871. The action explained very clearly that the initials USA referred to the United States of America as organized under The Constitution for the United States of America and that the initials US referred to the United States as defined in 28 USC § 3002(15)(A) in which the United States is defined as "A federal corporation.
4. The court can only presume that the clerks naming as a defendant in the title of the case on the docket was meant to hide the fact that the courts have ruled there are two United States, "one to be maintained under the Constitution, with all its restrictions, the other to be maintained by Congress outside and independently of that

instrument, by exercising such powers as other nations of the earth are accustomed to exercise.” Downes v. Bidwell, 182 U.S. 244 (dissenting opinion by Justice John Marshall Harlan)

5. In this case the USA is not, in fact a defendant. The US, however, is a defendant. It is the corporation that is a defendant not the country known as the United States of America or USA.
6. This Writ of Error also addresses the document submitted to the court titled ORDER DIRECTING PLAINTIFFS TO FILE AMENDED COMPLAINT purporting to be an order submitted by Tafoya and accepted for the erroneously accepted by the clerk for the record.
7. his court has great admiration for the magistrates. Their training, experience and wisdom are of great value in guiding this court toward a just resolution of issues.
8. But, we are mindful of the wisdom of Thomas Jefferson when he said, “We all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, *by relationship*, by a spirit of party, by a devotion to the executive or legislative; that it is better to leave a cause to the decision of cross and pile<sup>1</sup> than to that of a judge biased to one side.”<sup>2</sup>
9. It is, in part, with that inspiration that this court is established as a court of record.<sup>3</sup>

#### DETAIL

10. The following is organized into three sections:

<sup>1</sup> Cross and pile: a coin flip.

<sup>2</sup> Thomas Jefferson to Abbe Arnoux, 1789. Papers, 15:283

<sup>3</sup> See paragraph 13 and Black's Law Dictionary, 4th Ed., 425, 426

I. Judicial cognizance

II. Findings of facts, Discussion and Conclusion of Law

III. Impeachment and Writ

**I. Judicial Cognizance**

11. This court takes judicial cognizance of and decrees the following:
12. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5<sup>th</sup> Edition, page 760.]
13. The people of the United States of America, and Colorado do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the United States of America and the Colorado state.<sup>4</sup>
14. Two distinguishing and critical characteristics of a court of record are: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, AND Proceeding according to the course of common law.
15. On the 3<sup>rd</sup> day of May, 2017 Tafoya submitted a document for the record purporting to be an order of this court.
16. Tafoya has not filed an action against claimants named herein.

<sup>4</sup> We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure tranquility; provide for the common defense; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the "State of Colorado."

17. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.<sup>5</sup>
18. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the constitution of the United States.<sup>6</sup>
19. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..." [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]
20. "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]
21. "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]
22. "A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice.

<sup>5</sup> Nevada Constitution, Section 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]

<sup>6</sup> Nevada Constitution, Section 2, All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people;.

- (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected.” 1  
Blackstone's Commentaries, 270, Chapter 7, Section 379.
23. “The state cannot diminish rights of the people.” [Hertado v. California, 100 US 516.]
24. “The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.” [Davis v. Wechsler, 263 US 22, 24.]
25. “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.” [Miranda v. Arizona, 384 US 436, 491.]
26. “There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights.” [Sherar v. Cullen, 481, F 946.]
27. “Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, **either directly**, or through representatives chosen by the people, to whom those powers are specially delegated.” [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]
28. “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” [Constitution for the United States of America, Article VI, Clause 2.]
29. “COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.” [Black's Law Dictionary, 5th Edition, page 318.]
30. “COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and

determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority.” [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

31. “COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:
32. **A.** A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
33. **B.** Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
34. **C.** Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]
35. **D.** Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

36. **E. Generally possesses a seal.**” [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
37. “...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law....” [Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]
38. “Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court.” Magna Carta, Article 34.
39. “Trespass. Any misfeasance or act of one man whereby another is injuriously treated or damaged.” 3 Bl. Comm. 208 An injury or misfeasance to the person, or rights of another person, done with force and violence, either actual or implied in law.’<sup>7</sup>
40. “**Trespass.** In its more limited and ordinary sense, it signifies an injury committed with violence, and this violence may be either actual or implied; and the law will imply violence though none is actually used...’<sup>8</sup>
41. “Inferior courts” are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law.” Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652; “Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to

<sup>7</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

<sup>8</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171



statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.”

42. “However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. ‘The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it.’” *Ex parte Watkins*, 3 Pet., at 202-203. [cited by *SCHNECKLOTH v. BUSTAMONTE*, 412 U.S. 218, 255 (1973)]

43. "The people have succeeded to the rights of the king, the former sovereign of this state. They being expressly named... The People are not expressly included in the general provisions are not, therefore, bound by general words in a statute restrictive of prerogative, without of the act, and nothing shall be taken against them by implication. Where the People are not named they are not bound.... but he cannot be divested of any right, power or interest, unless the statute is made by express words to extend to him... It is a maxim of the common law, that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the King shall be bound by such act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King, in such case he shall not be bound, unless the statute is made by express words to extend to him." (*The People v. Herkimer*, 4 Cowen (NY) 345, 348 (1825).

44. “The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason.” U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

## **II. Findings of Fact, Discussion and Conclusion of Law**

45. The record shows the claimants filed an action against defendants named herein;
46. The record shows that Tafoya entered a document on the record purporting to be an order of this court.
47. The above entitled action is at law in a court of record. Consent from the parties hereto named in said action is not required.
48. In said “order” Tafoya changed the claimants own identifier from “claimant” to “plaintiff”. Claimants have not consented to such a change in self identification.
49. Tafoya erroneously referred to claimants as “pro se”. Claimants are not pro se. This is a term used by inferior courts to take jurisdiction over those who have refused to accept consent of the inferior court by claiming to be “one of unsound mind” a designation assigned to clients of attorneys when hired by the client. Those who hire attorneys are considered wards of the inferior court and a ward is “an infant or one of unsound mind”. As stated in the first paragraph of the action, claimants are “of sound mind” and have proven to know more about the law than the magistrate who has assumed the duties of the tribunal in this case.
50. The action clearly details the conspiracy that the defendants are involved in. The allegations detail that the defendants are retaliating against the claimants for doing their duty as people of the United States of America and of Colorado in stopping corruption by those who have aided

corporations to overthrow the governments of the United States of America and the Colorado state with the aid of the BAR associations of the ABA and the CBA. These should be simple matters for the defendants to answer as some of them have been proven to not be on a valid oath of office and/or not on a valid bond as detailed in Exhibit B.

51. The genius of a court of record is not to be undermined. It is the birthright of every American to settle issues in a court of record, if he so chooses. That choice has been made in this matter, and has been so stated in the first paragraph in this action.

52. The magistrate and clerk are a persons appointed or elected to perform ministerial service in a court of record<sup>9</sup> because all judicial functions in a court of record are reserved to the tribunal, which must be independent of the magistrate.

53. The magistrate of this court, Tafoya, has usurped the independent powers of the tribunal of this court of record by making, under color of law<sup>10</sup>, discretionary judgments which are reserved to and should have been made by the tribunal independently of the person of the magistrate designated generally to merely file documents for the court.<sup>11</sup>

54. On February 27<sup>th</sup>, 2017 claimants filed a claim consisting of Actions for Trespass and Actions for Trespass on the Case for damages. The opening sentence decreed, “Comes now, Kimberly Shields, (“Kim”); Bruce Doucette, (“Bruce”); Steven Byfield, (“Byfield”); Stephen

9 Official's duty is “ministerial” when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts. (Long v. Seabrook, 260 S.C. 562, 197 S.E. 2d 659, 662; Black's Law Dictionary, Fifth Edition, page 899)

10 18 USC 242 makes deprivation of rights under color of law a felony punishable up to 20 years in prison.

11 One characteristic of a court of record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689] [Black's Law Dictionary, 4th Ed., 425, 426]

Nalty, (“Nalty”); Harlan Smith, (“Smith”); People of The United States of America, (“U.S.A.”) and the Colorado state (unincorporated) of sound mind, and The United States of America (“U.S.A.”), (unincorporated), hereinafter claimants, in this court of record and complains of each of the following:”

55. The magistrate has no authority to act as the tribunal in a court of record. “The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason.” U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). This applies to clerks of the court as well, since clerk’s, even when the clerk is making entries on the docket for notice to all parties hereto.
56. Even if the docket entries by the clerk of the court was done at the direction of the magistrate, any ruling, entry or order issued by the magistrate (judge) in a court of record is both an attempt by the magistrate to usurp the authority of this Court, but also an act of treason<sup>12</sup> to overthrow the republican<sup>13</sup> form of government and is addressed in the varying levels of Seditious Contempt of Constitution. The clerk is responsible the commission of a crime even if the magistrate directed the clerk to perpetrate the crime.

<sup>12</sup> The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

<sup>13</sup> Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

57. Nowhere did the clerk or the magistrate object to claimants being people of the United States of America or any other state within the union.

58. At no time did any of the defendants object to the court being a court of record.

59. It is the design of our system of jurisprudence that courts have no jurisdiction until a party comes forth and declares a cause needing resolution. The particular jurisdiction depends on how the cause is declared by the claimant(s), counterclaimant(s), plaintiff(s) or counterplaintiff(s). Jurisdiction may be administrative, at law, in equity, or in any of many other formats. In this case the jurisdiction is at law in a court of record under the sovereign authority of the people.

60. It is essential to understand what are a sovereign, a magistrate, a court, and a court of record.

61. A court is “The person and suit of the sovereign.”<sup>14</sup>

62. The sovereign is the people either in plural<sup>15</sup> or in the singular capacity.<sup>16</sup> Singular capacity in this case is Kimberly Shields, Bruce A Doucette, Steven Dean Byfield, Stephen Nalty and Harlan Smith.

63. Colorado, The State of Colorado and th United States have no general soveriegnty. Theirs is a clipped sovereignty. Whatever sovereignty they have is limited to their constitutionally defined spheres of control. The general sovereignty is reserved to the

14 Black's Law Dictionary, 4th Ed., 425, 426

15 PEOPLE, n. [L. populus.] The body of persons who compose a community, town, city or nation. We say, the people of a town; the people of London or Paris; the English people. In this sense, the word is not used in the plural, but it comprehends all classes of inhabitants, considered as a collective body,... Webster's 1828 Dictionary

16 PEOPLE.... Considered as.... Any portion of the inhabitants of a city or country. Ibid.

people without diminishment.<sup>17</sup> When a state attempted to diminish one's rights, it was determined that the state could not diminish rights of the people.<sup>18</sup>

64. It is by the prerogative of the sovereign<sup>19</sup> whether and how a court is authorized to proceed. In this case, the chosen form of the court is that of a court of record.

65. A qualifying feature of a court of record is that the tribunal is independent of the magistrate appointed to conduct the proceedings.<sup>20</sup>

66. The magistrate is a person appointed or elected to perform ministerial service in a court of record<sup>21</sup>. His service is ministerial because all judicial functions in a court of record are reserved to the tribunal, and by definition of a court of record, that tribunal must be independent of the magistrate. The non-judicial functions are "ministerial" because they are absolute, certain and imperative, involving merely execution of specific duties arising from fixed and designated facts.

17 "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves" CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472 "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament;..." Lansing v. Smith, 4 Wendell 9 (N.Y.) (1829), 21 American Decision 89; 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1'67; 48 C Wharves Sec. 3, 7.

18 Hertado v. California, 100 US 516

19 "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.] The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

20 Court of Record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

21 Long v. Seabrook, 260 S.C. 562, 197 S.E.2d 659, 662; Black's Law Dictionary, Fifth Edition, p 899

67. The only fictitious entity named as a claimant is the United States of America, herein represented by the people whose duty it is to defend when a corporation attempts to usurp the authority granted the United States of America by the people.

68. At implementation of the Constitution March 4, 1789, the soul of law in America was personal liberty under the common law; to wit; “Personal liberty consists in the power of locomotion, of changing situation, of removing one’s person to whatever place one’s inclination may direct, without imprisonment or restraint unless by due course of law.” William Blackstone and John Innes Clark Hare, cited in John Bouvier, Bouvier’s Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914) (hereinafter “Bouvier’s”), p. 1965 (s.v. “Liberty”).

69. “Due course of law,” supra, is synonymous with “due process of law” and means process according to the law of the land, i.e., the Constitution, interpreted according to the principles of the common law; to wit: “Due process of law is process according to the law of the land. . . .” Mr. Justice Matthews, delivering the opinion of the Court in *Hurtado v. California*, 110 U.S. 516, 533, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884). “Due process of law . . . refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . .”

70. Most of Tafoya asserted deficiencies are included in the action. This appears to be an attempt by another member of the BAR to interfere with an action to come to the aide of defendant BAR members.
71. Tafoya stated in the document purporting to be an order, “Furthermore, to state a claim in federal court, a plaintiff must explain (1) what a defendant did to him; (2) when the defendant did it; (3) how the defendant’s action harmed him; and (4) what specific legal right the defendant violated as to each and every claim.”
72. The court having reviewed the action as filed notes that the action alleges the defendant tampered with the grand jury by arresting members of the grand jury for having done their duty. It specifies the date on which the grand jury members were in arrested. It specifies that evidence the grand jury held in its possession was stolen by defendants. It specified that the defendants obligation was to protect the rights of the people and were the specifically those who violated said rights. The allegation even included evidence of the conspiracy between the CBA and the governor of Colorado at the time and the defendants actions appear to be that of those continuing the conspiracy.
73. The magistrate is also not permitted to make orders in this court for several reasons. The first of which is this is a court of record and the duties of the magistrate are independent of that of the tribunal. The definition of a court of record was clearly provided in Exhibit A, the Law of the Case. Said definition comes straight from Black’s Law Dictionary, 4<sup>th</sup> Edtion. Although, two most important criteria were deleted in the 5<sup>th</sup> Edition, definition closest to the originating documents for the Untied States of America are the definitions



by which this court must abide. Simply redefining a word would void any and all Constitutions at the whim of the next in power.

74. The second reason is the magistrate, Tafoya is not on a Constitutional oath, said oath having been taken after March 1<sup>st</sup>, 1991, when the oath was materially changed thus eliminating the support for the Constitution for the United States of America as required by said constitution at Article VI, Clause 3<sup>22</sup>. As such, Tafoya is not qualified to sit on the bench for the District Court of the United States. The oath is also not valid as the oath that was taken, if done so correctly, included a religious test in violation of the aforementioned article and foot noted below.

75. A third reason that Tafoya is not permitted to make orders, Tafoya is a foreign agent member of the BAR. The arguments affecting Tafoya are the same as those presented against some of the defendants in the Action as Law as filed.

76. No officer of government, not even Tafoya, has immunity. "Officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or

22 Clause 3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

otherwise, in matters of rights secured by the Constitution for the United States of America.” *Owen vs City of Independence*, 100 S Ct. 1398; *Maine vs. Thiboutot*, 100 S. Ct. 2502; and *Hafer vs. Melo*, 502 U.S. 21 “We have no officers in this government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority” *Pierce v. United States*, (“The Floyd Acceptances”), 7 Wall. (74 U.S.) 666, 677 In these cases he is not sued as, or because he is, the officer of the government, but as an individual, and the court is not ousted of jurisdiction because he asserts authority as such officer. To make out his defense he must show that his authority was sufficient in law to protect him... It is no answer for the defendant to say I am an officer of the government and acted under its authority unless he shows the sufficiency of that authority. *Cunningham v. Macon*, 109 U.S. 446, 452, 456, 3 S.Ct. 292, 297 and *Poindexter v. Greenhow*, 114 U.S. 270, 287, 5 S. Ct. 903, 912 Under Federal Tort Claims Act similarly, federal law enforcement officers who generally enjoy absolute immunity from tort liability may nonetheless be held liable for the tort of trespass. *Black v Sheraton Corp. of America*, 184 US App DC 46,564 F2d 531, 541 (1977)

77. An order submitted from one not authorized to make orders is void. “A void judgment which includes judgment entered by a court which . . . lacks inherent power to enter the particular judgment . . . can be attacked at any time, in any court, either directly or collaterally . . .” *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999). “A judgment is void if the court that rendered it . . . acted in a manner

inconsistent with due process." *Margoles v. Johns*, 660 F.2d 291 (7th Cir. 1981) cert. denied, 455 U.S. 909, 102 S.Ct. 1256, 71 L.Ed.2d 447 (1982); *In re Four Seasons Securities Laws Litigation*, 502 F.2d 834 (10th Cir.1974), cert. denied, 419 U.S. 1034, 95 S.Ct. 516, 42 L.Ed.2d 309 (1975).

78. Tafoya interference in this matter obstructs due process of law. "Due process of law is process according to the law of the land". . . Due process of law in the latter [the Fifth Article of Amendment to the Constitution] refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein **prescribed and interpreted according to the principles of the common law. . . .**" *Hurtado v. California*, 110 U.S. 516, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884).
79. As such any judgment submitted without due process is void. "A judgment is void if the court that rendered it . . . acted in a manner inconsistent with due process." *Margoles v. Johns*, 660 F.2d 291 (7th Cir. 1981) cert. denied, 455 U.S. 909, 102 S.Ct. 1256, 71 L.Ed.2d 447 (1982); *In re Four Seasons Securities Laws Litigation*, 502 F.2d 834 (10th Cir.1974), cert. denied, 419 U.S. 1034, 95 S.Ct. 516, 42 L.Ed.2d 309 (1975).

### **III. Impeachment and Writ**

80. THE COURT, HAVING REVIEWED THE FACTS, THE RECORD, AND THE PROCESS BY WHICH THE CLERK erroneously named USA as a defendant rather than US and accepted for the record a document purporting to be an order of this court;
81. And, desiring that fair justice be served for all parties, defendants, as well as claimants,

82. NOW THEREFORE THE COURT issues this WRIT OF ERROR QUAE CORAM  
NOBIS RESIDANT, to wit,

83. IT IS THE ORDER OF THIS COURT THAT the clerk correct the docket to reflect the  
Claimant and defendant as United States of America et. al. v. United States  
Incorporated et. al.

84. IT IS FURTHER THE ORDER OF THE COURT THAT the document purporting to be  
an order signed and submitted by the magistrate Tafoya is hereby vacated as it is a void  
order submitted by an officer not authorized to make orders.

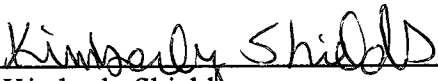
85. IT IS FURTHER THE ORDER OF THIS COURT THAT the action at law as filed is  
accepted by the court and does not required amending except as so desired by the  
claimants named herein.


86. IT IS FURTHER ORDERED, ADJUDGED, and DECREED that any additional rogue  
interference with court procedures by any officer of this court including the magistrate,  
court administrator or clerk or any other court of government agency or organization be  
it corporate or otherwise will be a contempt of the court and perpetrators will be held in  
contempt, without motion and without hearing.

87. IT IS FURTHER ORDERED, ADJUDGED, and DECREED the magistrate and the  
defendants are hereby invited to file and serve on all other interested parties and  
magistrate a brief no later than 20 days from the filing of this writ to show cause to this  
court why this order is not valid or should be modified. There will be no oral argument.

The court, mindful of the rights of the parties and the importance of fair play, will  
liberally construe the written arguments presented.

Witness the hand and seal of the court this 15<sup>th</sup> day of May, in the year of our Lord 2017.

  
By: Kimberly Shields  
Attornatus Privatus

  
Witnessed by: Michael R. Hamilton  
Chief Justice for the Superior Court  
for the united States of America (Non corporate)

**Please serve defendants.**

<b>United States</b> 1600 Pennsylvania Ave, Wahington, D.C. 20500	<b>Donald John Trump</b> 1600 Pennsylvania Ave. Washington, D.C. 20500	Federal Bureau of Investigation 8000 East 36th Avenue Denver, Colorado 80238
State of Colorado 1300 Broadway, 10th Floor Denver, Colorado 80203	Cynthia Coffman 1300 Broadway, 10th Floor Denver, Colorado 80203	Colorado BAR Association 1900 Grant Street # 900 Denver, Colorado 80203
Michael A. Martinez <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203	Patricia M. Jarzowski 1900 Grant Street # 900 Denver, Colorado 80203	Martin F. Egelhoff <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203
Robert S. Shapiro 1300 Broadway, 10th Floor Denver, Colorado 80203	Chris Byrne	Kim Doe (FBI) 8000 East 36th Avenue Denver, Colorado 80238
FBI Agent Doe 1-50 8000 East 36th Avenue Denver, Colorado 80238	Stanley L. Garnett Justice Center 1777 Sixth Street Boulder, CO 80302	Internal Revenue Service 1500 Pennsylvania Avenue Northwest, Washington, DC 20229

### CERTIFICATE OF SERVICE

I, certify that a true and correct copy of the foregoing document Writ of Habeas Corpus was served upon all named defendants by placing it in a sealed envelope First Class Mail Postage prepaid in the U.S. and address mail to:

<b>United States</b> 1600 Pennsylvania Ave, Washington, D.C. 20500	<b>Donald John Trump</b> 1600 Pennsylvania Ave. Washington, D.C. 20500	Federal Bureau of Investigation 8000 East 36th Avenue Denver, Colorado 80238
State of Colorado 1300 Broadway, 10th Floor Denver, Colorado 80203	Cynthia Coffman 1300 Broadway, 10th Floor Denver, Colorado 80203	Colorado BAR Association 1900 Grant Street # 900 Denver, Colorado 80203
Michael A. Martinez <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203	Patricia M. Jarzowski 1900 Grant Street # 900 Denver, Colorado 80203	Martin F. Egelhoff <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203
Robert S. Shapiro 1300 Broadway, 10th Floor Denver, Colorado 80203	Chris Byrne 8000 East 36th Avenue Denver, Colorado 80238	Kim Doe (FBI) 8000 East 36th Avenue Denver, Colorado 80238
FBI Agent Doe 1-50 8000 East 36th Avenue Denver, Colorado 80238	Stanley L. Garnett Justice Center 1777 Sixth Street Boulder, CO 80302	Internal Revenue Service 1500 Pennsylvania Avenue Northwest, Washington, DC 20229

Dated: 15 day of May, 2017

By: *Houngye - HACINA TOPA*