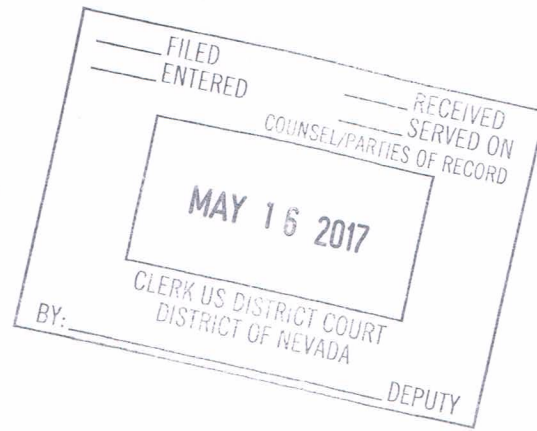


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**IN THE DE JURE FEDERAL DISTRICT COURT
DISTRICT OF NEVADA**

Thomas Benson

Counterclaimant

v.

STATE OF NEVADA
CLARK COUNTY
COUNTY OF CLARK
CITY OF LAS VEGAS
KENNETH MEAD
MICHAEL MADLAND
DOUGLAS GILLESPIE
D. KING

KVVU BROADCASTING CORP.
LAS VEGAS METROPOLITAN POLICE
UNITED STATES FEDERAL BUREAU
OF INVESTIGATIONS(FBI)
B. VANOOSBREE
CLARK COUNTY SHERIFF DEPARTMENT
S. JUNG
UNITED STATES DEPARTMENT OF THE
TREASURY
FBI AGENTS DOE THROUGH 40
LAS VEGAS METROPOLITAN POLIC DOES1
THROUGH 30
DEPARTMENT OF THE TREASURY DOE1
DEPARTMENT OF THE TREASURY DOE2
UNITED STATES INC.

CASE NO: 2:17-cv-00447

Ruling and Judgment

EWING BROTHER'S, INC.	§
LAS VEGAS REVIEW JOURNAL	§
ELI SEGALL	§
JASON GUNNELL	§
	§
	§
Counterdefendants	§

Ruling

1. COMES NOW THE COURT THE COURT TO consider all of the arguments entered into the record by the parties hereinto entered. This decision is divided into three parts; I. Judicial cognizance, II. Findings of Fact, Discussion and Conclusion of Law and, III. Ruling on Action

I. Judicial Cognizance

2. This court takes judicial cognizance of and decrees the following:
3. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]
4. The people of Nevada do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the Nevada state.¹
5. According to Nevada Revised Statutes 1.020, all courts in Nevada are courts of record, the decisions of which not even the Supreme Court of the United States can question.²

¹ We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution. – Nevada Constitution Preamble

² "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)]

6. 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.
7. The United States shall guarantee to every State in this Union a Republican Form of Government, ...³
8. ...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.]
9. 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.]
10. 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.]
11. 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. (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.
12. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]

³ Constitution for the United States of America – Article IV Section 4.

13. 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.]
14. 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.]
15. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherar v. Cullen, 481, F 946.]
16. 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.]
17. 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.)
18. 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.]
19. 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]

20. Pursuant to the NRS 1.020 the Municipal Court, District Court is **required** to be a court of record. See: NRS 1.020 NRS. 1.020. Courts of record. The following courts are courts of record:

1. The Supreme Court;
2. The Court of Appeals;
3. The district courts;
4. The Justice courts; and
5. The municipal courts:
 - (a) In any case in which a jury trial is required; or
 - (b) If so designated pursuant to NRS 5.010.

21. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

- 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)
- 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]
- 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;