

In The Chancery Court For Jackson County, Missouri

denny-ray:hardin]
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Petitioner]
.
vs] Case Number: 1916CV05668
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Gary A. Fenner, Judge]
UNITED STATES DISTRICT COURT]
WESTERN DISTRICT OF MISSOURI]
400 East 9th Street]
Kansas City, Missouri 64106]
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.
Respondent]

"Bill Of Equity By Affidavit"

Comes Now, Denny Ray of the family of Hardin, a private citizen, seeking the restoration of "Rights" endowed by his Creator, as established by Congress in the "Declaration of Independence" of July 4th, 1776, to be certain unalienable "Rights" of Life, Liberty and the Pursuit of Happiness. This "Bill of Equity By Affidavit" is the exercise of the 1st Amendment Right to petition government for the redress of grievances, that have taken Petitioner's "Rights" of Life, Liberty and the Pursuit of Happiness in violation of the 1st, 4th, 5th, 6th, and 8th Amendments of the

Constitution for the united States of America. Petitioner seeks correction of past wrongs and the restoration of "Rights" taken without jurisdiction or authority of law. Petitioner will proceed within the Missouri Common Law standard that says a good petition states the facts and the authorities relied upon.

"Jurisdiction"

The "Chancery Court", according to "Black's Law Dictionary" is a "Court of Equity", a "Court of Law" proceeding at "Common Law". The Maxims of law are clear, "He who comes to equity must come with clean hands." "One who seeks equity must do equity." "Equity delights to do justice and not by halves." "Equity will not allow a remedy that is contrary to law." "Equity will take jurisdiction to avoid a multiplicity of suits." "Equity follows the law." "Equity will not allow a statute to be used as a cloak for fraud." "Equity will not suffer a wrong to be without remedy." These principles of law establish the "Chancery Court" has authority and jurisdiction to hear and determine "Rights" of this cause of action.

"Statement Of Claim"

Petitioner has a substantial Right to Life, Liberty and the Pursuit of Happiness that has been taken away without an injured party, without a signed complaint, without a lawful warrant supported by probable cause and without due process of law. Petitioner has been unlawfully, illegally and unconstitutionally seized and incarcerated in the Federal Bureau of Prisons, without a lawful Judgment, competent fact witness, injured party or findings of fact and conclusions of law establishing evidence of a crime.

Petitioner has been diligent in his fight to restore his God given unalienable "Rights" through the Federal District Courts, Federal Circuit Courts and Supreme

Court of the United States who have utilized "statutes to cloak their fraud" in denial of remedy and adjudication of their rules, statutes, cases and codes, that condemn the conduct of the Respondent. Petitioner has fought 8 years to restore "Rights" and through "conspiracy against rights" has been deprived of vindication to allow a fraudulent "Order of Incarceration" to stand unchallenged.

Petitioner stands on his 5th Amendment Right that prohibits taking Life, Liberty or property without due process of law. Petitioner states he is wrongfully incarcerated and is entitled to restoration of "Rights" to Life, Liberty and the Pursuit of Happiness. The evidence of wrong doing by the Respondent is a matter of Public Record and through denial of the "Legal File" and "Transcripts" the crimes perpetuated against Petitioner has been concealed to protect corruption of process.

"Request for Equitable Relief"

Petitioner seeks remedies that will correct the wrongs of the past. Petitioner comes before this "Chancery Court" with clean hands based upon the Maxim, "Equity will not suffer a wrong to be without remedy." When seeking an equitable relief, the one that has been wronged has the stronger hand. The stronger hand is the one that has the capacity to ask for a legal remedy (Judicial relief). In equity, this form of remedy is usually one of specific performance or an injunction (injunctive relief). These are superior remedies to those administered at common law such as damages. The legal Maxim, "Where there is a right, there must be a remedy."

Petitioner seeks not only damages, but legal remedy, injunctive relief, concurrent remedy and speedy remedy to allow all facts, law and evidence to be examined for full understanding of the wrongs that have been done. "Equity delights to do justice and not by halves." When a court of equity is presented with a

good claim of equitable relief, and it is clear that the Plaintiff also sustained monetary damages, the court of equity has jurisdiction to render legal relief e.g., monetary damages. Hence equity does not stop at granting equitable relief, but goes on to render a full and complete collection of remedies.

The following are the remedies requested and the Rationale for this Court's consideration of why it should act upon that request.

1. Order for Production of Documents:

The United States District Court and the Respondent have refused to date to release the "Legal File" and "Transcripts" of all the pre-trial and trial actions. These Public Records establish the defenses raised (written and verbal) and the denial of "Rights" perpetuated under color of law to wrongfully convict.

Rationale for Order:

These Records are clear evidence of the crimes and injuries inflicted by members of the United States District Court in defiance of rights, privileges and immunities secured by law. This Chancery Court should "Order" the production of documents to have a clear understanding of the facts, law and evidence in Case Number 4:10-CR-00131-FJG-1 and 4:10-00131-01-CR-W-GAF. In the interest of truth this Chancery Court should issue the "Order".

2. Order to Produce Judgment with Findings of Facts and Conclusions of law:

Petitioner is currently incarcerated based upon an unsigned "Order of Incarceration" issued by the Respondent after a bench trial. Because every witness presented by the prosecution, stated under oath that they were not injured and did not sign a complaint against Petitioner, there was no competent fact witness who testified to the indictment at Petitioner's trial. This clearly establishes lack of evidence to support a finding of "Guilt" by the Respondent.

Rationale for Order:

Because Petitioner has been incarcerated for almost 8 years the facts, law and evidence of his guilt should be easily produced from the records of the court. Failure to produce would establish clear violations of due process required by the 5th Amendment. By "Ordering" the Respondent to support his "Order of Incarceration" by facts, law and evidence, this Chancery Court will easily see the miscarriage of justice that has occurred.

3. Request for Writ of Habeas Corpus:

In the past almost 8 years, over 15 Habeas Corpuses have been denied or dismissed to allow the criminal acts of the Respondent to stand unchallenged. All Habeas Corpuses were filed under Article I, Section 9 of the Constitution and every Admiralty Court fraudulently claimed the authority to deny a prisoner the "Right" to challenge his incarceration.

Rationale for Writ:

Because the Petitioner is unlawfully incarcerated at AUSP Thomson Illinois (Camp) based upon the Order of the Respondent, a Writ of Habeas Corpus is

necessary to produce Petitioner before the Chancery Court for any hearing scheduled in this cause of action. Only by a fair and impartial hearing of the issues of this cause can the wrongs of the past be corrected.

4. Order for Immediate Release:

Should the foregoing facts, law and evidence establish the truth of unlawful incarceration beyond reasonable doubt, Petitioner requests "Order of Immediate Release". This step is necessary to correct the miscarriage of justice in this cause of action.

5. Expungement of Criminal Record:

Should the foregoing facts, law and evidence establish by the preponderance of evidence that Petitioner was denied due process of law, Petitioner requests this Chancery Court to "Order" the expungement of all records related to arrest, prosecution, conviction and incarceration of Petitioner.

Rationale for Order:

To allow an illegal, unlawful and unconstitutional conviction to stand after exposure of the miscarriage of justice would be furtherance of the conspiracy that created the wrong. The Chancery Court should "Order" all records expunged to correct the wrong of the past.

6. Order of Award of Damages:

Because the injuries of the Petitioner were done with malice, intent and knowledge to inflict harm by the Respondent, Petitioner is entitled to just compensation for the loss of 8 years of his life. These damages should be assessed against the United States Government who is responsible for the conduct of its agents who have caused injuries.

"Request For All Other Relief"

Petitioner requests all other relief the Chancery Court deems fair and just to correct this miscarriage of justice. In addition to personal damages, punitive damages should be considered as a detour ant to all Federal Courts who might engage in this criminal conduct. It has become common practice for State Courts to allow the Feds to remove cases from their jurisdictions so the United States District Courts can obstruct justice and allow the corruption to prevail. As a private citizen of Missouri State, Petitioner requests any attempt to remove this case from Chancery Court of the Missouri State be met with legal challenge to establish the United States District Court has "Common Law Jurisdiction". Everyone knows the United States District Courts have no "Common Law" authority. Petitioner has suffered 8 years of incarceration and believes speedy remedies are warranted in this cause of action.

"Summation"

In today's modern world, We the People have become nothing more than a talking point for Politicians, a body to fill a bed in a prison for the Courts and a tool of lawyers to fleece taxpayers. We the People are private citizens who work, pay taxes and depend upon our government to serve and protect us. It has become almost impossible to find a Judge of integrity, an FBI agent who is not corrupt, willing to lie and cheat to achieve a conviction at any cost and a media willing to destroy a life for a few lines in the news. This is truly Satan's world full of hate,

hurt and despair. The only thing that gives me hope is my faith in God. I pray God will touch the heart of the Chancellor of this Chancery Court and for once allow one of We the People to prevail against all odds that seek to suppress and oppress to maintain their illusion of power. Petitioner stands once again saying "I have injured no-one and I do not deserve to be in prison". I pray the Chancellor will have the integrity, honor and courage to oppose the powers that be and the desire to learn the truth of this cause of action.

"Statement Of Truth"

I, Denny Ray of the family of Hardin, do hereby state that the foregoing is the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability. So help me God!!!

God's will be done!!!!

Respectfully Submitted,

denny-ray:hardin, private citizen

Mailing Address:

DENNY RAY HARDIN

Inmate Number 22264-045

ADMINISTRATIVE UNITED STATES PENITENTIARY

P.O.Box 1002

Thomson, Illinois 61285

"Authorities Relied Upon"

The following are the facts, law and evidence that are the foundation of the Arguments against my incarceration.

A. Authority of Grand Jury:

1. The government of the United States has infringed upon the sovereignty of Missouri State by dividing it into Corporate Judicial Districts.

28 U.S.C. 105 Missouri

"Missouri is divided into judicial districts to be known as the Eastern and Western Districts of Missouri. [June 25, 1948]

2. Petitioner was not allowed to appear, voir dire or examine witnesses before the Grand Jury.

Fact: Indictment was handed down May 5, 2010 and Petitioner was arrested without warrant on May 10, 2010 by FBI.

28 U.S.C. 1867 establishes rights of accused in criminal cases.

3. The Assistant United States Attorney Brian P. Casey presented two witnesses to the Grand Jury for Indictment.

FBI Agent Nathan Holms Van Sickle and an Agent of the Department of Education.

Fact: Both these individuals testified at Petitioner's Trial and stated under Oath, they were not injured and filed no complaint.

Crime: Because these individuals claimed injuries before the "secret grand jury" constitutes "perjury" 18 U.S.C. 1621, to provide hear-say testimony to unlawfully obtain an indictment constitutes, False Declarations before a grand jury 18 U.S.C. 1623.

4. 5th Amendment Right violation for denial of due process of law. Because there is no signed complaint (Rule 3 Federal Rules of Criminal Procedure) to be investigated by the grand jury, the Indictment is "Fraud upon its face" for lack of "probable cause". A signed complaint is "probable cause" for an indictment.

B. Argument of Jurisdiction:

1. Throughout the last 8 years the Argument of lack of Jurisdiction has been repeatedly challenged and denied, dismissed and ignored by all courts.

Press ganging - By seizing Petitioner and bringing him before an Admiralty Court, who failed to state its jurisdiction, criminal "conspiracy against rights" 18 U.S.C. 241 is established.

Inland Piracy - By operating an Admiralty Court upon the land, every judge is an "Inland Pirate" who has seized the People's court to operate it as his personal domain as "The Captain of the Ship".

Evidence:

Jurisdiction was lawfully challenged from the first Petition to Dismiss. In every pre-trial motion. In every pre-trial hearing. Every time I spoke at Trial the following was said first:

Petitioner: "I object to these proceedings because jurisdiction is not stated on the record."

Respondent: "Denied".

Throughout the Appeal process the challenge to jurisdiction was denied as frivolous. In all the Habeas Corpuses the challenge to jurisdiction was denied, dismissed or ignored.

The "legal files" and "Transcripts" establish the truth that jurisdiction has been the challenge since day one, with no statement present in the court's record.

C. Jurisdiction:

"But when a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial

immunity is lost. See *Bradly v. Fisher*, 80 U.S. (13 Wall) at 351 ("when the want of jurisdiction is known to the judge, no excuse is permissible") *Turner v. Raynes*, 611 F.2d 92.95 (5th Cir 1980) (Stump is consistent with the view that "a clearly inordinate exercise of unconfirmed jurisdiction by a judge - one so crass as to establish that he embarked on it either knowingly or recklessly - subjects him to personal liability')." [*Rankin v. Howard*, 633 F.2d 844 (1980)].

Fact:

Petitioner's 28 U.S.C. 2255 Appeal (4:13-CV-01014-GAF) back to the Western District was denied by the Respondent. Respondent knew he had no jurisdiction to act but did so with malice, intent and knowledge.

Authority:

28 U.S.C. 47 Disqualification of Trial Judge to hear Appeal.

"No judge shall hear or determine an appeal from a decision of a case or issue tried by him."

A judge is deemed to know the law and can only violate it with malice, intent and knowledge.

To mask the fraud of jurisdiction the United States District Courts fraudulently claim 18 U.S.C. 3231 gives them jurisdiction to hear and determine criminal cases.

18 U.S.C. 3231

"The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."

"The United States District Court is not a true United States Court established under Article III of the Constitution to administer the Judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under 4,3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts in offering an opportunity to non-residents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court." [Balzac v. Porto Rico, 258 U.S. 298, 43 S.Ct. 343 (1922) Emphasis added]

"The term 'District Court of the United States', as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describe the Constitutional courts created under Article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a District Court of the United States. Reynolds v. United States, 98 U.S. 145, 154, 25 L.ed 1041; The City of Panama, 101 U.S. 453, 460, 25 L.Ed 1061; In re Mills, 135 U.S. 263, 268, 10 S.Ct. 762, 34 L.Ed 107; McAllister v. United States, 141 U.S. 174, 182, 11 S.Ct. 949, 35 L.Ed 693; Stephens v. Cherokee Nation, 174 U.S. 445, 476, 477, 19 S.Ct. 722, 43 L.Ed 1041; Summers v. United States, 231 U.S. 92. 101, 102, 34 S.Ct. 38, 52 L.Ed3 137; United States v. Burroughs, 289 U.S. 159, 163, 53 S.Ct. 574, 77 L.Ed 1096. Not only did the promulgating order use the term District Courts of the United States in its historic and proper sense, but the omission of provision for application of the rules to the territorial courts and other courts mentioned in the authorizing act clearly shows the limitation that was intended." [Mookini v. U.S. 201, 58 S.Ct. 543 (1938)]

In the Judicial Code 1911, 36 Stat. 1087 - 1169 abolished the "District Courts of the United States" and replaced them with the Legislative courts "United States District Courts". The difference between the two is Legislative vs Judicial. All Legislative courts are fraud, claiming the authority to conduct a judicial process.

"Bill of attainder. Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. *United States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed 484, 492; *United States v. Lovett*, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed 1252. An act is a "bill of pains and penalties" when the punishment is less severe; both kinds Section 9 Cl. 3 (as to Congress); Art. I, Sect. 10 (as to State Legislatures)." [Black's Law Dictionary, Sixth Edition p. 165]

Art. I, Sect. 9: No Bill of Attainder or ex post facto law shall be passed.

Art. I, Sect. 10: ... pass any Bill of Attainder, ex post facto law....

Legal Question: If the United States District Courts are Article III Judicial Courts, why are they using an Article IV Legislative name?

Article III: District Courts of the United States

Article IV: United States District Courts

D. Congress

Neither the U.S. Supreme Court nor any inferior Court can "Ordain or Establish" an inferior Court or confer Article III powers upon it.

"It is contended that Congress has reversed this current by permitting the Supreme Court to legislate upon it. Congress could not confer, nor could the Supreme Court exercise the authority to ordain and establish 'inferior federal courts' and fix the jurisdiction wherefore which power *615 was given to congress alone by the Constitution. Suffice it to say Congress gave the Supreme Court 'power to prescribe ***rules of pleading, practice and procedure*** in criminal cases in district courts of the United States'. 18 U.S.C.A. 687. Unless the transfer of jurisdiction from one court to another is governed by rules of pleading, practice or procedure, the statute was of no avail." [U.S. v. Bink, 74 F.Supp. 603, D.C. Or. (1947)]

"This court has no authority to interpolate a limitation that neither expressed nor implied. Our duty is to execute the law, not make it." [U.S. v. Wong Kim Ark. 169 U.S. 649 (1898)]

Article I, Section 8 Powers of Congress:

To regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes.

To provide for Punishment for Counterfeiting the securities and current coin of the United States.

To constitute Tribunals inferior to the Supreme Court.

To define and punish Piracies and Felonies committed on the high seas and other offenses against the law of Nations.

To make all laws which shall be necessary and proper for carrying into Execution the foregoing powers vested by this Constitution in the government of the United States, or in any Department or officer thereof.

Note: The only other place in the Constitution that allows Congress to punish is in Article III Section 3.

Article III, Section 3: Treason defined, Proof of, Punishment of

The Congress shall have power to declare the punishment for Treason...

The Congress, Presidents, Supreme Court and BAR Associations have created a system of corruption of all three branches of government by abuse of power, exceeding lawful authority and defrauding the people. This corruption began with the Lincoln Administration. Lincoln disbanded Congress, suspended Habeas Corpus, declared Marshall Law and removed the Original 13th Amendment. During the Civil War Lincoln Incorporated the United States into "UNITED STATES INC." and created the corruption of government that operates today.

Original 13th Amendment

"If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from an emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

Publication of the Original 13th Amendment:

"Word of Virginia's 1819 ratification spread throughout States and both Rhode Island and Kentucky published the new Amendment in 1822. Ohio first published in 1824. Main ordered 10,000 copies of the Constitution with the 13th Amendment to be printed for use in schools in 1825, and again in 1831 for the Censes Edition. Indiana Revised Law of 1831 Published the 13th Article, on page 20. Northwestern Territories published in 1833. Ohio published in 1831 and 1833. Then came the Wisconsin Territory in 1839; Iowa Territory in 1843; Ohio again in 1848; Kansas Statutes in 1855; and Nebraska Territory six times in a row from 1855 to 1860."

Note: I first read the Original 13th Amendment in the archives of UMKC Law School in the 1820 version of the Missouri Constitution.

A "title of nobility" is "Esquire" or "Esq." used by all members of BAR Associations. "Esquire" is one rank below a "Knight" in the Gentry Ranking System of England. "B.A.R." stands for "British Accredited Registry".

Article I, Section 9: "No title of nobility shall be granted by the United States."

Article I, Section 10: "No State shall... grant any title of nobility."

Legal Question: Who is issuing a title of nobility prohibited by the Constitution in the United States?

All BAR Association members are deemed to be "Foreign Agents" 22 U.S.C. 611 and required to register as "Foreign Agents" under the "Foreign Agent Registry Act".

Legal Question: Why is the majority of our Congress "Foreign Agents" of the BAR Association?

Our forefathers believed the British Government was such a threat they passed and ratified the Original 13th Amendment. But it is clear the Presidents from 1819 through 1861 all studied law and were lawyers.

Legal Question: Are BAR Associations members united in conspiracy to deny Constitutional Government to the American People? Why are attorneys who challenge corrupt government disbarred by the BAR Associations? Why are Constitutional Rights prohibited in the Admiralty Courts of the United States?

The only place any of this matters is in our Courts, by abolishing Constitutionally Chartered "District Courts of the United States" under Article III and replacing them with Article IV "United States District Courts" operated by "Administrative Law Judges" for issuance of "Bills of Attainder" incarcerating private citizens without judicial due process of law this corruption has denied all prisoners their 5th Amendment Right. This fact is supported by the following:

All illegal acts of setting up the Department of Justice and the "Judicial Districting" of Missouri State was done by President Harry S. Truman (1945-1953) on June 25, 1948. By making the "Department of Justice" an "Executive Department" 28 U.S.C. 501 and establishing "Judicial Districts" for "United States District Courts" Truman seized power over the "Judicial Branch".

28 U.S.C. 501 Executive Department (Original June 25, 1948)

"The Department of Justice is an executive department of the United States at the seat of government."

28 U.S.C. 503 Attorney General (Original June 25, 1948)

"The President shall appoint, by and with the advice and consent of the Senate, an Attorney General of the United States. The Attorney General is the head of the Department of Justice."

28 U.S.C. 105 Missouri (Original June 25, 1948)

"Missouri is divided into judicial districts to be known as the Eastern and Western District of Missouri."

Federal Rules of Criminal Procedure (Original June 25, 1948)

18 U.S.C. 3231 Criminal Jurisdiction

28 U.S.C. 1291 Final Decisions of District Courts

The President Lyndon B. Johnson (1963 - 1969) was not satisfied with control of the judges and added many Deputy Attorney Generals, Solicitor General, Assistant Attorney General, etc, to expand the operations of government.

28 U.S.C. 509 Functions of Attorney General (Original Sept. 6, 1966)

"All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions --

(1) vested by subchapter II of Chapter 5 of title 5 in administrative law judges employed by the Department of Justice;

(2) of the Federal Prisons Industries, Inc.; and

(3) of the Board of Directors and officers of the Federal Prison Industries, Inc."

This is usurpation of power by the "Executive Branch" to regulate the "Judicial Branch" and control the "United States District Courts" to operate as a "puppet" of the President to allow lawyers to enforce imposter laws for the profit of the BAR Association consortium. By giving "administrative law judges" employed by the Department of Justice, under the control of the Attorney General and President, a clear "conflict of interest" is established for every "Judge". Every "judge" has an "oath of office" to support the "Constitution for the United States" and is subject to termination for not following the Attorney General and their staff that routinely violate the Rights of the American People as follows."

"routine -activities theory (1985) the theory that criminal acts occur when (1)a person is motivated to commit the offense (2) a vulnerable victim is available, and (3) there is insufficient protection to prevent the crime.

When a judge is forced to follow the criminal acts of a corrupt Attorney General, due process of law is lost, and injustice, under color of law, is then a matter of routine. Every American is at risk today because our government can attack, defame, prosecute and incarcerate without due process of law, all Americans are potential "victims" of the "conspiracy against rights" by all those in government who aid and abet the crimes of public officials. Not until every American regardless of race, creed, color, religion, beliefs and financial status is treated equally and protected by our judges will there exist a sense of equality in our "Rights". Our forefathers called them unalienable "Rights" endowed by our Creator for every man and woman to be free to live their life, treasure the liberty they possess and to be Happy in the pursuit of their dreams. Imagine a world where we are all respected.

“Conclusions of Law”

Through years of representation of B.A.R. Association Membership our Constitutional government has been corrupted in the interest of “Foreign Agents” that my case proves are not accountable to the laws of our Nation. I believe these authorities establish I was wrongfully prosecuted, wrongfully convicted and wrongfully incarcerated. But this is not a problem limited to me, it is present in every case prosecuted in the United States District Courts, by attorneys who aid and abet the criminal conduct of imposter judges fraudulently posing as “Judicial Officers”. I demand an investigation of this case.