No. 03-9252

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
APR - 1 2004
OFFICE OF THE CLERK

In re: Daniel Albert Bellon — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
United States District Court, at Boise, Idaho
US Court of Appeals, 9th Circuit, San Fran, Calif.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI Habeas Corpus

DANIEL ALBERT BELLON
(Your Name) IMSI J1-04
PO Box 51
(Address)
Boise, Idaho 83707
(City, State, Zip Code)
N/A
(Phone Number)

Original Jurisdiction
Extraordinary Writ
Habeas Corpus

Rule 20.4, (c) Statement

~~QUESTION(S) PRESENTED~~

Clerk of the Court! Don't you send this damned petition back to me! I've made all of the damned correction you wanted and you still sent the damned thing back!!!!

1. This Petition is to invoke the Courts original jurisdiction under Article III U.S Const. note: original jurisdiction NOT appellate jurisdiction. SC Rule 17., and; also,

2. a Petition for an extraordinary write of "Habeas Corpus" under Art. I, sec 9, pg 2, U.S Const.

3. Rule 20.1, exceptional circumstances. I am offended by the 14th Amendment U.S. Const. it is against my 1st. Amdt- religious and political freedoms.

4. I am also offended by being a beneficiary under account number 368-52-7621, held with the Social security administration for the same reason.

Statement (continued)

this Court is the only Court in this Country that have authority to remove me from the debtor status of paragraphs 3. and 4, above.

5. I brought my claim before the U.S. District Court, District of Idaho, case. # CV-03-331-S-LMB. the Court dismissed my case with prejudice. (frivolous)

6. I sent Notice of Appeal, to the 9th Circuit, case #, 04-35082, this order or judgment will be decided any day. however, the 9th circuit does NOT have authority to remove me from the debtor liability, the social and political status, and to absolve me from all liabilities of that debtor status.

7. Only the "Supreme Court for the United States Of America", has the de jure power to remove me from this debtor status.

NOTE: no other court in this LAND has the power to remove me from the debtor status of the 14th Amendment and SSAN 368-52-7677, do you understand!! do not, do not!! return this damned Petition to me.

there is NO other Court in this land that can provide remedy to me.

8. SC Rule 22. - request an individual justice. - Clerk! if you would please hand this petition to an Justice for me, Hell no that he's Court there, is the only Court that is able to grant me remedy. no other court can, I request that this Petition be given to an individual justice for adjudication and relief.

9. Relief Sought.

the relief sought is to remove me from the SSAN 368-52-7677, and the debtor status of a 14th Amdts Citizen.

Statement
Why I havn't exhausted State Remedy?

I am not a 14th Amendment citizen of the United States Government. I was not born in the United States and I do not reside in the "State of Idaho".

I hold NO social or political connections to either of the ~~of~~ above named entities.

I am not a citizen of the "State of Idaho" so why should I have any reason at all to exhaust any remedy with it.

I own no allegiance to iether the United States or the "State Of Idaho" so please don't tell me that I have to exhaust their remedy at all.

The above statement is true and correct under penalty of perjury.

Executed this March 29th, 2004

D A Bellon

1 of 1.

STATEMENT OF THE CASE

1. The US District Court at Boise, Idaho, has refused to discharge me from the debtor status of the 14th Amed. citizenship and the SSAN 568-52-7627. At present it is in the 9th Circuit to be adjudicated but, I expect them to too dishonor my request for discharge from the social and political jurisdiction of the US government, and the corporate "State of Idaho."

2. the status of the 14th Amendment citizenship has removed me from the original jurisdictional protections and guarantees of a republican form of government as Article IV sec 4, US Const. grants to me, So I wish to return to the private jurisdiction and outside the public jurisdiction.

NOTE, no other Court is able to provide the relief I request.

I.

REVIEW OF COMPLAINT

A. Standard of Law

The Court is required to review complaints seeking relief against a governmental entity or an officer or employee of a governmental entity to determine whether summary dismissal is appropriate. 28 U.S.C. §§ 1915 and 1915A. The Court must dismiss a complaint or any portion thereof which states a claim that is frivolous or malicious, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e) and 1915A.

B. Background

Petitioner is incarcerated at the Idaho State Correctional Institution in Boise. He brings this pro se action against the United States Government. His claims are confusing and are not based on any recognized theories of law. In his "Petition for immediate change in immigration status, surrender of SSAN document" (Docket No. 3) (emphasis in original), Petitioner claims this Court has jurisdiction through his bankruptcy Case No. 03-20013.[1] He seeks to change his "status and standing from public to private jurisdiction," to "close" his social security account number, and to be returned "to the de jure land in the American Union of sovereign states/territories." On the same day he filed the Petition in this case, Petitioner filed motions 1) to amend his Petition to change

[1] Petitioner filed a pro se petition for Chapter 7 relief on January 3, 2003. An order of discharge was entered on April 21, 2003.

"immigration" to "emigration" (Docket No. 4); and 2) for summary judgment (Docket No. 5) on his Petition and renouncing his allegiance to both the United States and the state of Idaho. He also filed an Affidavit renouncing his United States citizenship (Docket No. 6) and an Affidavit renouncing his Idaho citizenship (Docket No. 7).[2] Petitioner has subsequently filed almost monthly motions for immediate hearing (Docket Nos. 10, 12, 13, 14, and 15). These motions contain other allegations such as 1)being "victimized" by a state court judge and prosecutor (Docket No. 10); 2) demanding an "honorable discharge" from the status of a Fourteenth Amendment citizen, alleging deprivation of his right to counsel (on the theory that there are no attorneys to represent the private interests of a non-fourteenth amendment citizen), and demanding that his home in Kooskia, Idaho, be seized by the IRS and returned to him (Docket No. 12); and 3) alleging that his constitutional freedoms and rights are being violated by the State of Idaho (Docket No. 13). Petitioner had previously raised some of these issues in his bankruptcy case.[3]

In addition to the above, Petitioner has submitted letters to the Court 1) indicating that he is being mistreated by prison guards and being transferred to maximum security in

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[2] Petitioner had previously requested a hearing in bankruptcy court seeking a determination discharging "the legal fiction identified as SSAN 368-52-7627, from the living Man Daniel Albert Bellon, to dissolve all attachments of this legal fiction from [him], the real living Man. And to return the living Man back to the land a free and private living Man " and to be released or transferred from the Idaho State Correctional Institution. *See* Docket No. 47. Those requests were denied by Summary Order (Docket 48).

[3] In its Memorandum of Decision (Emery) (Docket No. 42), the bankruptcy court noted that a state court decree quieted title against him in the Kooskia property and determined that Petitioner's right, title, and interest in that property had been terminated in that action.

retaliation for refusing to sign paperwork, and 2) requesting that he be "rescued" from unlawful captivity.

C. Applicable Law and Discussion

A pro se litigant must have an opportunity to amend a complaint to overcome deficiencies unless it is clear that they cannot be overcome by amendment. *See Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000). A pro se pleading may be dismissed without notice of the deficiencies and an opportunity to amend if a complaint "lacks merit entirely" and "cannot be saved" by amendment. *Id.*, at 1129.

The Court is obligated to raise the issue of subject matter jurisdiction *sua sponte*. *See Solano v. Beilby,* 761 F.2d 1369, 1370 (9th Cir. 1985); *Miller v. Transamerican Press, Inc.,* 709 F.2d 524, 527 n.2 (9th Cir. 1983). Whether subject matter jurisdiction exists is a question of law. *Nike, Inc. v. Comercial Iberica de Exclusivas Deportivas, S.A.,* 20 F.3d 987, 990 (9th Cir. 1994).

The Court will consider the Petition, motions, and letters together to determine whether Petitioner has stated any valid cause of action that will allow him to proceed.

Liberally construed, Petitioner's claims encompass the following areas: 1) renunciation of U.S. and state citizenship; 2) termination of his social security number; 3) setting aside a state court judgment quieting title against him; 4) an Eighth Amendment excessive force and retaliation claims; and 5) a habeas corpus claim.

The Court will address each of Petitioner's claims in turn.

Petitioner has filed a Motion to Proceed in Forma Pauperis (Docket No. 1), supported by an affidavit of assets and a prison trust account statement. In his affidavit, Petitioner states that he received $620.00 during the past twelve (12) months from a friend and from the sale of a guitar on E-bay. Petitioner further alleges that he has no cash, checking or savings accounts, and that he does not own an interest in real estate, stocks, bonds, notes, automobiles or other valuable property. Petitioner's prisoner trust account statement shows a balance of $12.82. Petitioner also alleges that he is not currently employed.

If Petitioner chooses to go forward, the Court will reconsider this motion. Unless and until he files an Amended Complaint, this motion is moot.

III.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Petitioner's claims to revoke his United States and Idaho citizenships, revoke his social security number, and set aside the state court action quieting title against him are deemed frivolous and are DISMISSED with prejudice. ↑little boxs not not consideration

IT IS FURTHER HEREBY ORDERED that Petitioner's claim to be released from custody is DISMISSED without prejudice pending exhaustion of his federal claims in state court.

Note: The United States Supreme Court is only to review the above order in the box. The rest of this order I need to resolve in State Court.