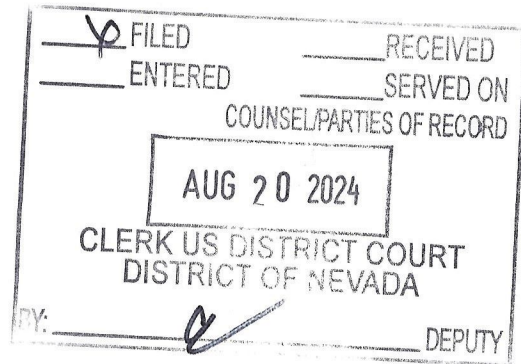


Dale-Scott-Heineman.
[REDACTED] at [REDACTED] 8
Las Vegas, Nevada-state
Near Clark County [89104]
DScottH@protonmail.com



IN THE UNITED STATES DISTRICT COURT OF NEVADA
SITTING IN THE CAPACITY OF AN ARTICLE III COURT

Dale-Scott-Heineman. True Party in Interest.
Petitioner.

vs.

Merrick Garland dba MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
Agent/Employee,

Ismail Ramsey dba ISMAIL RAMSEY,
UNITED STATES ATTORNEY,
Agent/Employee,

James E. Keller dba JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY,
Agent/Employee,

Case Number 05-cr-00611(DLJ) WHA,
DOES 1-1,000,

Respondents.

Civil Action No.
2:23-CV-00448-JAD

**Notice for Misidentification of
Petitioners' Standing and
Misapplication of Rules by this Court
now Sitting in the Capacity of an Article
III Court, as Affidavit.**

State of Nevada.....)

) ss, Notice for Misidentification of Petitioners' Standing and Misapplication
County of Clark.....) of Rules by this Court now Sitting in the Capacity of an Article III
Court, as Affidavit.

Comes Dale-Scott-Heineman, Originator/Creator/Executor/Employer, one of the
"We-the-People", the true-party-in-interest, hereinafter Petitioner, records this Notice for
Misidentification of Petitioners' Standing and Misapplication of Rules by this Court now
Sitting in the Capacity of an Article III Court, as Affidavit, as Magistrate Judge
Maximiliano D. Couvillier III is not an Article III judge, but an interloper attempting to
adjudicate on a matter outside of his capacity and fiduciary duty as a Magistrate judge in

NOTICE FOR MISIDENTIFICATION OF PETITIONERS' STANDING AND MISAPPLICATION OF RULES BY THIS COURT NOW
SITTING IN THE CAPACITY OF AN ARTICLE III COURT, AS AFFIDAVIT

violation of by and through the Articles of Confederation, Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP Rule 6, Jury Selection and Service Act of 1968, 82 Stat. 59, 28 U.S.C. sec. 1867(e) and 28 U.S.C. sec. 1867(f) that provides the exclusive means for party charged with federal crime to challenge jury. United States v Cooper (1984, CA10 Kan) 733 F.2d 1360, 15 Fed Rules Evidence Serv 415, cert den (1984), 467 US 1255, 82 L Ed 2d 847, 104 S.Ct. 3543 where Compliance with the procedural provisions of the Act is the exclusive means of challenging the jury on the basis of a violation of the statute United States v. Arnett, 342 F. Supp. 1255, 1258 (D.Mass. 1970), Americans with Disabilities Act 104 Stat 328;

Additionally, the record shows that Respondents are in default when they failed to timely file an answer to Petitioners Memorandum in Opposition to United States' Motion to Dismiss Petitioners Second Amended Complaint, as Affidavit constituting a default and acceptance of points 1-14, restated herein-below, by and through the doctrine of ladders and laches of law, by and through the chain certification method 28 U.S.C. Rule 44, and the doctrine of acquiescence, silence– tacit procurement, stare decisis, res judicata by and through the Administrative Procedures Act Title 5 sec's. 552, 552a– the Administrative Law;

The record reflects that Respondents/employees/agents/trustees/fiduciaries have all deliberately ignored Petitioners standing as Originator/Creator/Executor/Employer, one of the “We-the-People”, the true-party-in-interest and the privity of that Great Charter/Trust/Contract for which whom enjoys *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata, attempts to apply ex post facto laws that have no bearing on Petitioner, whatsoever;

There exists no record that Magistrate Judge Maximiliano D. Couvillier III is an Article III judge nor has the standing to hear any matter relating to this instant action; The duly constituted verified evidence of the case shows that:

1. Petitioner is *not* subject to ex post facto laws; and that
2. Petitioner is *not* the subject for ex post facto laws; and that
3. Respondents do *not* possess a letter of marque showing that Petitioner is a subject and subject to ex post facto laws; and that
4. Petitioner is *not* a “person” as defined by the Supreme Court of the United States 56 L.Ed. 2d 895, a “public”, “an entity”, “an individual”, “a resident”, “a citizen of the United States”, “a citizen of the United States of America”, “a subject of the United States”, “a subject of the United States of America”, “a sovereign citizen”, “a transmitting utility”, “an accommodation party”, “a surety”, “a debtor”; and that
5. Respondents *are* third-party interlopers and are not trespassing upon Petitioners unalienable and protected rights when Respondents foist ex post facto laws upon Petitioner; and that
6. Respondents *are* overthrowing the original form of government, the Constitution and the “We-the-People” of the Original United States of America when Respondents foist ex post facto laws upon Petitioner; and that
7. Petitioner *does* enjoy *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50The Articles of Confederation, the Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S.C.S. sec. 552 (3)(A); FRCrP RULE 6; Americans with Disabilities Act 104 Stat 328; and that
8. “We-the-People” *are* the employer of the United States of America; and that
9. Respondents have the fiduciary obligation for the Petitioner under the terms of the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50The Articles of Confederation, the Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl 3, Article III, Sec. 1, Sec. 2,

Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, the Constitution of the United States; and that

10. The Constitution of the United States of America *is* the Supreme Law of the land, and all contracts and treaties prior for the making of the Constitution of the United States of America: and that
11. Petitioner *is* the Originator/Creator/Executor/Employer of the United States of America:
12. Petitioner *is* the United States of America and shall not sue Petitioners fiduciaries/employees:
13. Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803)², Penhallow v. Doane's Administrators, 3 U.S. 3 Dall. 54 (1795), Hale v. Henkel, 201 U.S. 43 (1906), Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920), Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808), Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943), U.S. v Holzer, 816 F. 2d 304, 307 (1987), Georgia Department v. Sistrunk, 291 S.E. 2d 524, 526 (1982), State ex rel Nagle v. Sullivan, 40 P. 2d 995, 997, *is* settled law, stare decisis:
14. Respondents/fiduciaries agents/employees in their public and private capacity(s), known to be agents of agencies *do* hide themselves behind ex post facto rules, laws, regulations and policies and *do* deny Petitioner access to his agency documents and records by purporting that some exemption exists for these documents and records in violation of Petitioners Standing and protected by contract/constitutional due process rights as the Originator/Creator/Executor/Employer of the United States of America by and through the Articles of Confederation, the Northwest Territorial Ordinance #1, 7 STAT 13, the Enabling Act, the Constitution of the United States of America – Article I, Sec. 9, Cl. 3, Article III, Sec. 1, Sec. 2, Sec. 3, Article IV, Sec. 4, Article VI, Sec. 2, Bill of Rights Amendments 1, 2, 4, 9, 10, 1 STAT 1 through 1 STAT 50, 5 U.S. Code sec. 552 (3)(A); FRCrP Rule 6.; Americans with Disabilities Act 104 Stat 328; and that

Representations

Magistrate Judge Maximiliano D. Couvillier III is not an Article III judge shall timely rebut points 1-14 hereinabove supported by verified evidence showing that he is either an Article III Judge or an interloper hoping to create a diversion in order to confuse the Court, the public, and the furtherance of justice in the public interest. The Maxim of Law that “an Unrebutted Affidavit is Truth” is codified in the rules of procedure where non-rebutted affidavits are prima facie evidence. “Indeed, no more than (Affidavits) is necessary to make the Prima Facie Case.” U.S. v. Kis (7th Cir. 1981). Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982, and that “Uncontested Affidavit taken as true in support of Summary Judgment.” Seitzer v. Seitzer, 80 Cal. Rptr. 688. He who created the disability must cure the disability;

Warranties

Petitioner, one of the “We-the-People” *is* the Original Creator/Executor/Employer and *is* the United-States-of-America, and *is* the Original Creator/Settlor/Executor for this Constitution/Charter/Trust/Contract wherein “We-the-People” have privity of that Great Charter/Trust/Contract and enjoy *all* immunities from *all* acts of Congress, *all* Codes of Federal Regulations, and *all* administrative/executive orders, and *all* policies by and through the Articles of Confederation, 7 STAT-13, Northwest Territorial Ordinance #1 and the Constitutions, 1-STAT-50 by Res judicata, and that

Magistrate Judge Maximiliano D. Couvillier III shall timely rebut points 1-14 hereinabove supported by verified evidence and produce the documents and records requested in the Second Amended Complaint; and that:

Any appearance of violating these doctrines by any/all employees/agents/trustees/fiduciaries shall be taken as an act of aggression and for the overthrowing of the Constitution and the “We-the-People” of the Original United States of America; and “We-the-People” as the employer of the United States of America, thereupon shall “show cause”, “removal from office” and “impeachment” will be “instituted instantly”; Broadrick et al. v. Oklahoma et al. 413 U.S. 601,620 (1973), Employees of the Department of Public Health and Welfare of

NOTICE FOR MISIDENTIFICATION OF PETITIONERS’ STANDING AND MISAPPLICATION OF RULES BY THIS COURT NOW SITTING IN THE CAPACITY OF AN ARTICLE III COURT, AS AFFIDAVIT

Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279,322,323 (1973), Colten v. Kentucky, 407 U.S. 104,122 (1972), 7 Howard 419, 1 S.Ct. 601 Cooley, Const. Lim. 503; Southerland, Notes on U.S. Const. p 649:

Magistrate Judge Maximiliano D. Couvillier III shall take notice that:

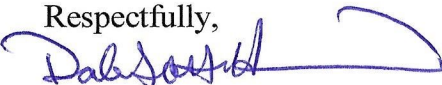
“In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution.” Chisholm v. Georgia, 2 Dall 419, 471; Penhallow v. Doane's Administrators, 3 Dall 54, 93; McCullock v. Maryland, 4 Wheat 316,404,405; Yick Yo v. Hopkins, 118 U.S. 356, 370(1886); and

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.” Yick Wo v. Hopkins, 118 U.S. 356 (1886);

““We the People” formed the governments of the several States. Under our constitutional system, therefore, a State is not the sovereign of its people. Rather, people are sovereign.” Employees of the Department of Public Health and Welfare of Missouri et al., v. Department of Public Health and Welfare of Missouri et al., 411 U.S. 279;

“Since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us? The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents.” Colten v. Kentucky, 407 U.S. 104,122 (1972);

Dated: August 20, 2024

Respectfully,

Dale-Scott-Heineman.
Original Creator/Settlor/Executor,
Real party in interest.

//

Using a notary on this Notice for Misidentification of Petitioners' Standing and Misapplication of Rules by this Court now Sitting in the Capacity of an Article III Court, as Affidavit does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into a foreign jurisdiction.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF NEVADA

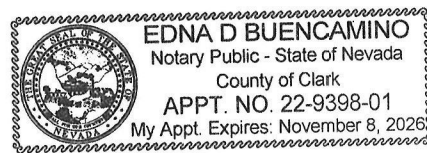
COUNTY OF CLARK

On 08/20/24 before me, EDNA D. BUENCAMINO, personally appeared Dale Scott Heineman, who proved to me on the basis of satisfactory evidence to be the living soul whose name is subscribed to the hereto-attached Notice for Misidentification of Petitioners' Standing and Misapplication of Rules by this Court now Sitting in the Capacity of an Article III Court, as Affidavit and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the hereto-attached Instrument being the living soul who executed said Instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



CERTIFICATE OF SERVICE

I, Dale Scott Heineman, hereby certify that on the 20th day in the month of August in the year 2024, I caused to be sent via United States Postal Mail delivery, in a first class, post-paid envelope the following document(s):

1. Notice for Misidentification of Petitioners' Standing and Misapplication of Rules by this Court now Sitting in the Capacity of an Article III Court, as Affidavit;

To: JASON M. FRIERSON UNITED STATES ATTORNEY representing the individuals and/or entities herein below named:

*MERRICK GARLAND,
UNITED STATES ATTORNEY GENERAL,
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

ISMAIL RAMSEY,
UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
CALIFORNIA DIVISION
450 Golden Gate Avenue
San Francisco, CA 94102

*JAMES E. KELLER,
ASSISTANT UNITED STATES ATTORNEY
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
400 S. Virginia St.
Reno, NV 89501

Case Number 05-cr-00611(DLJ) WHA
450 Golden Gate Avenue
San Francisco, CA 94102

***Respondents served via Representative in care of:**

R. THOMAS COLONNA ASSISTANT UNITED STATES ATTORNEY
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101 on behalf of JASON M. FRIERSON
UNITED STATES ATTORNEY

I, Dale-Scott: Heineman, do affirm, certify that I caused to be sent the above-referenced document(s) to all Respondents herein named via their representative thereof, and on the day indicated above, under the pains and penalties of perjury.

Done this 20th day of August 2024



Dale Scott Heineman
Original Creator/Settlor/Executor,
Real Party in Interest.

//