

WRIT OF EXECUTION TO THE ENVIRONMENTAL MARSHAL

“This writ is judicially enforceable and protects a legal right to clean water, clean food, clean air, clean earth, and clean government and is issued under Writ of Mandamus.”

Applicable Law and Rules

1. The Declaration of Independence, 1777; Preamble to the Constitution for the United States of America, the Republic, 1787.
2. Amendment Articles IX and X of the Bill of Rights Amendment to the Constitution for the United States of America, Joint Tenants in the Sovereignty of America, hereinafter the people of the United States, as contemplated in the Preamble, *sui Juris*. [28 U.S.C. §1746(1)] (“If executed without the United States:¹ “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”)
3. General Orders No. 100 : The Lieber Code – INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD,² SECTION I, Military Law – Military jurisdiction – Military necessity – Retaliation, Article 16, that provides in part, “It does not admit of the use of poison in any way, nor of the wanton devastation of a district.”
4. General Orders No. 100 : The Lieber Code – INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD, SECTION III, Deserters – Prisoners of war – Hostages – Booty on the battle-field, Article 70, that provides in part, “The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare.”
5. Maritime Law (See ADMIRALTY & MARITIME LAW GUIDE Codes/Rules).
6. Public Law 92-500 Federal Water Pollution Control Act Amendments of 1972, 86 Stat. at 816, October 18, 1972, providing by Act of Congress an Environmental Court, Sec. 9.
7. Federal Rules of Civil Procedure, Rule 4.1. Serving Other Process, (a) In General. “Process...must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose,” as is the Environmental Marshal.
8. Federal Rules of Civil Procedure, Rule 69. Execution, made applicable by Federal Rules of Bankruptcy Procedure 7069³ and 9014,⁴ provides that “A money judgment is enforced by a writ of execution, unless the court directs otherwise.” (See also 18 U.S. Code § 1595(a))

¹“For purposes of this subsection, the term “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.” (28 U.S.C. 1338(a)); and more specifically defined under Maritime Law, Title 33 U.S.C. 1362(5) (“The term “person” means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.”)

²Prepared by Francis Lieber, promulgated as General Orders No. 100 by President Lincoln, 24 April 1863. Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, LL.D., Originally Issued as General Orders No. 100, Adjutant General’s Office, 1863, Washington 1898: Government Printing Office.

[Federal Rules of Bankruptcy Procedure](#) › [PART VII—ADVERSARY PROCEEDINGS](#) › Rule 7069. Execution

Rule 7069. Execution

Rule 69 Federal Rules of Civil Procedure applies in adversary proceedings.

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in text are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Federal Rules of Bankruptcy Procedure › PART IX—GENERAL PROVISIONS › Rule 9014. Contested Matters

Rule 9014. Contested Matters

(a) MOTION. In a contested matter not otherwise governed by these rules, relief shall be requested by motion, and reasonable notice and opportunity for hearing shall be afforded the party against whom relief is sought. No response is required under this rule unless the court directs otherwise.

(b) SERVICE. The motion shall be served in the manner provided for service of a summons and complaint by Rule 7004 and within the time determined under Rule 9006(d). Any written response to the motion shall be served within the time determined under Rule 9006(d). Any paper served after the motion shall be served in the manner provided by Rule 5(b) F. R. Civ. P.

(c) APPLICATION OF PART VII RULES. Except as otherwise provided in this rule, and unless the court directs otherwise, the following rules shall apply: 7009, 7017, 7021, 7025, 7026, 7028–7037, 7041, 7042, 7052, 7054–7056, 7064, 7069, and 7071. The following subdivisions of Federal Rules of Civil Procedure Rule 26, as incorporated by Rule 7026, shall not apply in a contested matter unless the court directs otherwise: 26(a)(1) (mandatory disclosure), 26(a)(2) (disclosures regarding expert testimony) and 26(a)(3) (additional pre-trial disclosure), and 26(f) (mandatory meeting before scheduling conference/discovery plan). An entity that desires to perpetuate testimony may proceed in the same manner as provided in Rule 7027 for the taking of a deposition before an adversary proceeding. The court may at any stage in a particular matter direct that one or more of the other rules in Part VII shall apply. The court shall give the parties notice of any order issued under this paragraph to afford them a reasonable opportunity to comply with the procedures prescribed by the order.

(d) TESTIMONY OF WITNESSES. Testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding.

(e) ATTENDANCE OF WITNESSES. The court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify.

NOTES

(As amended Mar. 30, 1987, eff. Aug. 1, 1987; Apr. 26, 1999, eff. Dec. 1, 1999; Apr. 29, 2002, eff. Dec. 1, 2002; Apr. 26, 2004, eff. Dec. 1, 2004; Apr. 16, 2013, eff. Dec. 1, 2013.)

NOTES OF ADVISORY COMMITTEE ON RULES—1983

Rules 1017(d), 3020(b)(1), 4001(a), 4003(d), and 6006(a), which govern respectively dismissal or conversion of a case, objections to confirmation of a plan, relief from the automatic stay and the use of cash collateral, avoidance of a lien under §552(f) of the Code, and the assumption or rejection of executory contracts or unexpired leases, specifically provide that litigation under those rules shall be as provided in Rule 9014. This rule also governs litigation in other contested matters.

Whenever there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter. For example, the filing of an objection to a proof of claim, to a claim of exemption, or to a disclosure statement creates a dispute which is a contested matter. Even when an objection is not formally required, there may be a dispute. If a party in interest opposes the amount of compensation sought by a professional, there is a dispute which is a contested matter.

When the rules of Part VII are applicable to a contested matter, reference in the Part VII rules to adversary proceedings is to be read as a reference to a contested matter. See Rule 9002(1).

COMMITTEE NOTES ON RULES—1999 AMENDMENT

This rule is amended to delete Rule 7062 from the list of Part VII rules that automatically apply in a contested matter.

Rule 7062 provides that Rule 62 Federal Rules of Civil Procedure, which governs stays of proceedings to enforce a judgment, is applicable in adversary proceedings. The provisions of Rule 62, including the ten-day automatic stay of the enforcement of a judgment provided by Rule 62(a) and the stay as a matter of right by posting a

supersedeas bond provided in Rule 62(d), are not appropriate for most orders granting or denying motions governed by Rule 9014.

Although Rule 7062 will not apply automatically in contested matters, the amended rule permits the court, in its discretion, to order that Rule 7062 apply in a particular matter, and Rule 8005 gives the court discretion to issue a stay or any other appropriate order during the pendency of an appeal on such terms as will protect the rights of all parties in interest. In addition, amendments to Rules 3020, 4001, 6004, and 6006 automatically stay certain types of orders for a period of ten days, unless the court orders otherwise.

GAP Report on Rule 9014. No changes since publication.

COMMITTEE NOTES ON RULES—2002 AMENDMENT

The list of Part VII rules that are applicable in a contested matter is extended to include Rule 7009 on pleading special matters, and Rule 7017 on real parties in interest, infants and incompetent persons, and capacity. The discovery rules made applicable in adversary proceedings apply in contested matters unless the court directs otherwise.

[Rule 7017. Parties Plaintiff and Defendant; Capacity - Rule 17 Federal Rules of Civil Procedures applies in adversary proceedings, except as provided in Rule 2010(b).

[Rule 2010. Qualification by Trustee; Proceeding on Bond

(a) BLANKET BOND. The United States trustee may authorize a blanket bond in favor of the United States conditioned on the faithful performance of official duties by the trustee or trustees to cover (1) a person who qualifies as trustee in a number of cases, and (2) a number of trustees each of whom qualifies in a different case.

(b) PROCEEDING ON BOND. A proceeding on the trustee's bond may be brought by any party in interest in the name of the United States for the use of the entity injured by the breach of the condition.

Subdivision (b) is amended to permit parties to serve papers, other than the original motion, in the manner provided in Rule 5(b) Federal Rules of Civil Procedures. When the court requires a response to the motion, this amendment will permit service of the response in the same manner as an answer is served in an adversary proceeding.

Subdivision (d) is added to clarify that if the motion cannot be decided without resolving a disputed material issue of fact, an evidentiary hearing must be held at which testimony of witnesses is taken in the same manner as testimony is taken in an adversary proceeding or at a trial in a district court civil case. Rule 43(a), rather than Rule 43(e), Federal Rules of Civil Procedures would govern the evidentiary hearing on the factual dispute. Under Rule 9017, the Federal Rules of Evidence also apply in a contested matter. Nothing in the rule prohibits a court from resolving any matter that is submitted on affidavits by agreement of the parties.

Subdivision (e). Local procedures for hearings and other court appearances in a contested matter vary from district to district. In some bankruptcy courts, an evidentiary hearing at which witnesses may testify usually is held at the first court appearance in the contested matter. In other courts, it is customary for the court to delay the evidentiary hearing on disputed factual issues until sometime after the initial hearing date. In order to avoid unnecessary expense and inconvenience, it is important for constitutional counsels to know whether they should bring witnesses to a court appearance. The purpose of the final sentence of this rule is to require that the court provide a mechanism that will enable attorneys to know at a reasonable time before a scheduled hearing whether it will be necessary for witnesses to appear in court on that particular date.

Other amendments to this rule are stylistic.

Changes Made After Publication and Comments:

The Advisory Committee made two changes to subdivision (d) after considering the comments received addressing the proposed rule. First, the word “material” is inserted to make explicit that which was implied in the published version of the proposed rule. Second, the reference to Federal Rules of Civil Procedures, Rule 43(a) was removed. The purpose of proposed subdivision (d) was to recognize that testimony should be taken in the same manner in both contested matters and adversary proceedings. The revision to the published rule states this more directly.

The Committee Note was amended to reflect the changes made in the text of the rule.

COMMITTEE NOTES ON RULES—2004 AMENDMENT

9. 28 U.S.C. § 451 defines a court created by an Act of Congress, regardless of whether it is a court proceeding accordingly to statutory or common law, to be recognized as a “court of the United States,” the judges of which are entitled to hold office during good behavior;⁵ and defines the judges / tribunals of the national Environmental [district]Court “judge[s] of the United States,” the judges / tribunals of which are entitled to hold office during good behavior; proceeding in aid of its original jurisdiction over all environmental matters in the districts contemplated in Articles 16 and 70 of Lieber Code, General Orders 100 (1863) including all state judicial districts, Chapter 5 of Title 28, all county districts, all municipal sewer and water districts, and all other Federal Environmental jurisdictions in regard to sources of pollution owned or operated within a Federal Zip Code Zone subject to compliance with Federal standards and limitations of law mandated by the Act of Congress’ Cause of Action, Sec. 2, Sec. 505(f). See also Sec. 2, Federal Facilities Pollution Control, Sec. 313 (“The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act.”) Enforcement of overt acts of war crimes that are principles of law being committed within a Mayor’s territorial military venue is the responsibility of the Mayor. Process of service of the writ upon the Mayor, as the highest executive officer of the municipal district, is the duty of the United States marshal or their designee pursuant to 28 U.S.C. § 1651.
10. 28 U.S.C. § 1651 provides in part, that “the Supreme Court and all courts established by Act of Congress may issue writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”
11. 28 U.S.C. § 566(c) provides in part, that “the United States Marshal Service shall execute all lawful writs, process, and orders issued under authority of the United States, and shall command all necessary assistance to execute its duties,”; and (a) the United States Marshal

The rule is amended to provide that the mandatory disclosure requirements of Fed. R. Civ. P. 26, as incorporated by Rule 7026, do not apply in contested matters. The typically short time between the commencement and resolution of most contested matters makes the mandatory disclosure provisions of Rule 26 ineffective. Nevertheless, the court may by local rule or by order in a particular case provide that these provisions of the rule apply in a contested matter.

Changes Made After Publication. No changes since publication.

COMMITTEE NOTES ON RULES—2013 AMENDMENT

A cross-reference to Rule 9006(d) is added to subdivision (b) to call attention to the time limits for the service of motions, supporting affidavits, and written responses to motions. Rule 9006(d) prescribes time limits that apply unless other limits are fixed by these rules, a court order, or a local rule.

Changes Made After Publication and Comment. No changes were made after publication and comment.

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subs. (b) and (c), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

⁵*Except* for 28 U.S.C. 1746(2) judges of the United States that are in the United States and subject to compliance with U.S. Codes 33 U.S.C. 1311, 1306, and 1307, so as to not be operating a war crime in violation of Articles 16 and 70 of the Lieber Code. Such misconduct by a 28 U.S.C. 1746(2) judge in the United States municipal courts constitutes a breach of entitlement of hold office in good behavior as mandated under the laws of the United States of America. (28 U.S.C. 451).

Service shall perform in its “primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States [Environmental] District Courts as provided by law;” and (e)(1)(A) the United States Marshal Service shall perform pursuant to their authority to “provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.”

Instructions

1. To obtain a writ of execution from the Environmental Court, the Environmental marshal must first obtain a certified copy of the judgment from the clerk of the Environmental Court. This copy must be attached to the Court’s Writ of Execution “cover page” and submitted to the clerk. The clerk will issue the writ and give the original of the writ, with the certified copy of the judgment, to the Environmental marshal requesting the writ. All Environmental Court Writs may be in similar form but shall all have the Court Seal and Seal of the Clerk embossed onto them for lawful authentication purposes. The clerk will keep one copy of the writ and judgment for the court files.
2. The Environmental marshal obtaining the writ of execution to United States marshals shall serve the United States Marshal Service of the Federal District within which the subject property is located. The papers submitted to the Marshal must be accompanied by a completed Form [USM-285](#) in correspondence with the Service of Process, Process Receipt and Return, INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL. This form is a five-copy form set designed as a control document for process served by the U.S. Marshal or their designee. The Form USM-285 may be obtained directly from a Marshal’s office and filled out by hand, or filled out on-line, five copies printed, and delivered to the United States Marshals Service by the Environmental marshal that requested the writ of execution from the Clerk of the Environmental Court, via USPS *Priority* Mail or by FAX.
3. The judgment shall be registered pursuant to 28 U.S.C. § 1963⁶ under the Certification of Foreign Judgment for Registration in Another District. The Clerk of The United States District Court shall assign the Advanced Process number and record the documents on Pacer. [NOTICE TO JUDGES AND MAGISTRATE JUDGES OF THE UNITED STATES DISTRICT COURT – STAND DOWN! Your limited jurisdiction is inferior. Your involvement may be construed as a conspiracy to obstruct justice, opposed to promoting the general welfare.]

⁶ “A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner. Such a judgment entered in favor of the United States may be so registered any time after judgment is entered. A judgment in an action for the recovery of money or property entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade may be registered by filing a certified copy of the judgment in any other district or, with respect to the Court of International Trade, in any judicial district, when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the *judgment for good cause shown*. A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner *in any district in which the judgment is a lien*.

The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.

4. The United States marshals or deputy marshals shall proceed according to the Special Instructions of Form USM-285 to carry out the execution of the Environmental Court writs pursuant to the authority of the United States (28 U.S.C. 1651) and pursuant to their powers and duty as defined pursuant to FRCP, Rule 4.1(a), and 28 U.S.C. 566(c).
5. The United States marshals or deputy marshals shall provide the return on all writs to the Clerk of the United States District Court to be file stamped, recorded on Pacer, and provide the marshal or deputy a Clerk Certified copy of the filing to return on writ to the appropriate Environmental marshal via FAX and then original via USPS *Priority Mail*.
6. Payment of the fees prescribed by the Judicial Conference pursuant to the standard of 28 C.F.R. 0.114,⁷ and shall be multiplied times three (3X) for good cause shown.⁸ The Environmental marshal who requested the writ is entitled to one-third of the service fee.

⁷28 CFR 0.114 - Fees for services. § 0.114 Fees for services.

- (a) The United States Marshals Service shall routinely collect fees according to the following schedule:
- (1) For process forwarded for service from one U.S. Marshals Service Office or sub-office to another - \$8 per item forwarded;
 - (2) For process served by mail - \$8 per item mailed;
 - (3) For process served or executed personally - \$65 per hour (or portion thereof) for each item served by one U.S. Marshals Service employee, agent, or contractor, plus travel costs and any other out-of-pocket expenses. For each additional U.S. Marshals Service employee, agent, or contractor who is needed to serve process - \$65 per person per hour for each item served, plus travel costs and any other out-of-pocket expenses.
 - (4) For copies at the request of any party - \$.10 per page;
 - (5) For preparing notice of sale, bill of sale, or U.S. Marshal deed - \$20 per item;
 - (6) For keeping and advertisement of property attached - actual expenses incurred in seizing, maintaining, and disposing of property.
- (b) Out-of-pocket expenses include, but are not limited to, advertising, inventorying, storage, moving, insurance, guard hire, prisoner transportation and housing, and any other third-party expenditure incurred in executing process.
- (c) Travel costs, including mileage, shall be calculated according to 5 U.S.C. chapter 57.
- (d) "Item" is defined as all documents issued in one action which are served simultaneously on one person or organization.
- (e) "Process" is defined to include, but is not limited to, a summons and complaint, subpoena, writ, orders, and the execution of court-ordered injunctions, and civil commitments on behalf of a requesting party. Process may also include the execution of ancillary court orders (other than subpoenas issued on behalf of indigent defendants and arrest warrants) in criminal cases.
- (f) The United States Marshals Service shall collect the fees enumerated in paragraph (a) of this section, where applicable, even when process is returned to the court or the party unexecuted, as long as service is endeavored.
- (g) Pursuant to 28 U.S.C. 565, the Director of the United States Marshals Service is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements for the service of summonses on complaints, subpoenas, and notices, and for security guards.
- (h) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1.5 percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall not be less than \$100.00 and shall not exceed \$50,000. The U.S. Marshal's commission shall apply to all judicially ordered sales and/or execution sales, including but not limited to all private mortgage foreclosure sales. If the property is not disposed of by Marshal's sale, the commission shall be set by the court within the range established above.

[56 FR 2437, Jan. 23, 1991, as amended by Order No. 2316-2000, 65 FR 47862, Aug. 4, 2000; AG Order No. 3017-2008, 73 FR 69554, Nov. 19, 2008; 78 FR 59819, Sept. 30, 2013].

7. Upon completion of execution of the Environmental Court writs the United States marshal or deputy marshal or specially appointed official shall deposit the invoice for his services and costs incurred for payment with the Mayor's Office, as payment of service fees is an element of the writ of mandamus served upon the Mayor. The Mayor of a franchised sewer district is the first and foremost liable party for any unlawful acts of a military nature occurring within the Mayor's 'military' district, as the Mayor is the principal of all employees operating within the Mayor's territorial jurisdiction. The Mayors are agents of the United States having Martial Law powers / duties / responsibilities within their assigned territory to assure no weapons of mass destruction are operating to poison the people of his district, their water or food.

Caption

1. Identify the State Division in which you are going to Register with a State Judicial District in which the foreign judgment was filed, the County, the municipality, and the Federal Environmental Zone (zip code) within which the judgment debtor resides. Example: *"California State Division / Santa Barbara County / Santa Barbara Municipality / 93101."*
2. "In re": Insert the name of the judgment debtor as it appears in the judgment. Then insert "In re the people of the United States," unless it is already provided on the form.
3. "Case No.": Insert the environmental case number assigned by the court at the time of filing. "Adv. Process No.": For the clerk of the United States District Court to assign to record under in the foreign judicial district court⁹ within the foreign or different United States District Court territorial federal jurisdiction which is located in the State judicial district in which the judgment is a lien or property is of subject.

Boxes

1. The name and address of the judgment creditor is the people of the United States and is already provided. The address is the address provided to the United States Marshal at the time of issue of the Writ of Execution to the United States Marshal's Office located within the federal district where the subject-property is located. The judgment creditor is the party in whose favor the judgment was entered.
2. State the name and address of the judgment debtor. The judgment debtor is the party against whom the judgment is entered. You can retrieve that information off of the Writ of Execution delivered to the United States Marshals for service, issued by the hand and seal of the clerk of the Environmental Court.

Other Information

1. The "Amount of the Judgment" is the total amount due under the judgment including any costs allowed by the court pursuant to Rule 54 of the Federal Rules of Civil Procedure –

⁸See False Claims Act and R.I.C.O. Act civil causes of action authorizing treble (3Xs) damages.

⁹ "Foreign judgment" means any judgment, writ, decree, or order of a court of the United States, or of any other court which is entitled to full faith and credit in a state. Which also means this definition is applicable in all 50 states.

- Judgment; Costs.¹⁰ This amount does not include any interest due after the judgment was entered on the docket.
2. “Other Costs” will be completed by the Clerk of The United States District Court. This may include any fee for photocopies and certification of the judgment, foreign judgment recording fees, etc., unless these fees were included in “Amount of Judgment.”
 3. “Date of Entry of Judgment” is the date the judgment was entered on the court docket. The rate of interest on the judgment is determined by the date of the entry. The fixed interest rate on all unpaid judgment debts of an environmental nature is ten (10%) percent per annum. The clerk of the Environmental Court shall maintain a record of payments.

¹⁰Rule 54. Judgment; Costs

(a) DEFINITION; FORM. “Judgment” as used in these rules includes a decree and any order from which an appeal lies. A judgment should not include recitals of pleadings, a master's report, or a record of prior proceedings.

(b) JUDGMENT ON MULTIPLE CLAIMS OR INVOLVING MULTIPLE PARTIES. When an action presents more than one claim for relief—whether as a claim, counterclaim, cross-claim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities.

(c) DEMAND FOR JUDGMENT; RELIEF TO BE GRANTED. A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings.

(d) COSTS; ATTORNEY’S FEES.

(1) *Costs Other Than Attorney’s Fees.* Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 days’ notice. On motion served within the next 7 days, the court may review the clerk’s action.

(2) *Attorney’s Fees.*

(A) *Claim to Be by Motion.* A claim for attorney’s fees and related nontaxable expenses must be made by motion unless the substantive law requires those fees to be proved at trial as an element of damages.

(B) *Timing and Contents of the Motion.* Unless a statute or a court order provides otherwise, the motion must:

- (i) be filed no later than 14 days after the entry of judgment;
- (ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;
- (iii) state the amount sought or provide a fair estimate of it; and
- (iv) disclose, if the court so orders, the terms of any agreement about fees for the services for which the claim is made.

(C) *Proceedings.* Subject to Rule 23(h), the court must, on a party’s request, give an opportunity for adversary submissions on the motion in accordance with Rule 43(c) or 78. The court may decide issues of liability for fees before receiving submissions on the value of services. The court must find the facts and state its conclusions of law as provided in Rule 52(a).

(D) *Special Procedures by Local Rule; Reference to a Master or a Magistrate Judge.* By local rule, the court may establish special procedures to resolve fee-related issues without extensive evidentiary hearings. Also, the court may refer issues concerning the value of services to a special master under Rule 53 without regard to the limitations of Rule 53(a)(1), and may refer a motion for attorney’s fees to a magistrate judge under Rule 72(b) as if it were a dispositive pretrial matter.

(E) *Exceptions.* Subparagraphs (A)–(D) do not apply to claims for fees and expenses as sanctions for violating these rules or as sanctions under 28 U.S.C. §1927.

4. America nationals are the people of the United States that represent the true and pure Sovereign power, the supreme power of America. In all cases, it shall be a matter of national security for the United States Marshals to serve and to protect the America National as a priority. The America national is a protected class of persons having three (3) immunities as provided them by law, 1st as an America national entitled to Sovereign Immunity as guaranteed him under Amendment Article XI, Constitution for the United States of America (1819); 2nd as a Minister for the Environment entitled to Amendment 13 Immunity as provided in Public Policy, Public Law 92-500, Sec. 2., and Sec. 505(a)(1)(ii) ; 3rd as a Grand Juror (“federal jurist”) for the Environmental Court regarding criminal matters; and in some cases, a 4thimmunity is cloaked upon the Environmental Marshals who are entitled to all above immunities plus, as an Officer of the Environmental Court, is entitled to priority protection by the United States Marshals and their designees, 28 U.S.C. 566(d). All Officers of the Environmental Court are known as America Nationals, Ministers for the Environment ordained by God pursuant to Genesis 1:26, and are each a fellowcitizen as defined in Ephesians 2:19 and as contemplated in America’s Declaration of Independence, 1776, having a duty as defined by Supreme Law in Romans 13 and further as mandated pursuant to Act of Congress, The Constitution for the United States of America Preamble, *the people of the United States*, and in all matters of the Environmental Court, America nationals inherent of the supreme power of the people and accordingly entitled to wit:
 1. Exempt from foreign, COPORATE/FEDERAL UNITED STATES, STATES, and MUNICIPAL military jurisdictions, and all State of Union interstate compact easements;
 2. A Status of the America Diplomat qualified for immunity as guaranteed by Right and as defined in Amendment Article XI, Bill of Rights Amendment, 1819, are Federal jurists, court officers, Federal witnesses, and threatened persons entitled to personal protection by the United States Marshals Service as authorized by 28 U.S. Code § 566(e)(1)(A), i.e., persons specially appointed to execute Environmental Court writs;
 3. A civilian-traveler not subject to municipal/military codes, rules or regulations as are all agents of the United States. *Rodriguez v. Ray Donovan* 769 F2d 1344, 1348 (1985) (“All codes, rules and regulations are applicable to the government authorities only!”);
 4. Supreme standing authorized the national government of the people, the sovereign power of America, fellowcitizens and citizens of America are Joint Tenants in the Sovereignty of America (slang “*sovereign-citizens*”). The author and source of law in America, creator of Congress and the national government, in whose name and by whose authority Congress publish, on July 4, 1776, *The unanimous Declaration of the thirteen united States of America*, who ordain and establish, on March 4, 1789, the *Constitution for the United States of America*, and in whom all political power inheres, i.e., the America nationals, are joint tenants in the sovereignty, in contradistinction to Congress, who exercise sovereign authority as well, but only in territory and other property belonging to the United States; to wit:

The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the Prince and the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without

subjects...and have none to govern but themselves; the citizens of America are equal as fellowcitizens, and as joint tenants in the sovereignty. [Underline emphasis added.] *Chisholm v. Georgia*, 2 U.S. 419, 471 (1793).

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, 370 (1886).

5. Supreme authority, as contemplated in the Preamble of the Constitution for the United States, by Supreme Law as defined in Article VI, Clause 2, Constitution for the United States of America, the International Covenant on Civil and Political Rights, Article 1., Sec. 1, the Bill of Rights Amendment to the Constitution for the United States of America, 1819, the Lieber Code of 1863, Instructions for the Government of Armies of the United States in the Field, Article 16., and 70., and the American Rule of Law;
6. Cause of Action as provided for in public policy defined by Act of Congress, Public Law 92-500 Federal Water Pollution Control Act Amendments of 1972, Sec. 2. Federal Water Pollution Control Act, Citizen Suits, Sec. 505;
7. Original, non-statutory, common law and final jurisdiction over all matters involving the environment and brought in the Environmental Court to wit:

The judgment of a court of record is 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)
8. The America national venue is transnational in the adjudication of environmental crimes on the North American Continent as provided for by Act of Congress, Public Law 92-500, Sec. 2., Declaration of Goals and Policy, Sec. 101(c).
9. The Environmental Court is a court established by Act of Congress under Sec. 9. Environmental Court, Public Law 92-500, commissioned by the sovereign body politic of the people of the United States on July 11, 2013, pursuant to authority and powers retained by the America nationals as guaranteed them under Amendment Articles IX and X, Bill of Rights Amendment to the Constitution for the United States, 1819. See 28 U.S. Code § 1651 (“The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”); and
10. Federal enforcement of the Environmental Court Writs by the United States marshals or deputy marshals, or other specially appointed official having federal authority as provided pursuant to FRCP, Rule 4.1(a), as provided for by Act of Congress pursuant to Public Law 92-500, Sec. 2., Title III Standards and Enforcement, Federal Enforcement, Sec. 309, the Federal Rules of Civil Procedure, Rule 69, made applicable by Federal Rules of Bankruptcy Procedure, Rules 7069 and 9014, providing that “A money judgment is enforceable by a writ of execution, unless the court directs otherwise,” and 28 U.S. Codes § 566(c) provides in part, that “the United States Marshal Service shall execute all

lawful writs, process, and orders issued under authority of the United States, and shall command all necessary assistance to execute its duties.” Indemnity ((LAW OF PEACE, Volume 1, Headquarters, Department of the Army, September 1979).

NOTICE TO ALL “NECESSARY ASSISTANCE”: For any necessary assistance within the federal judicial district within which the property is located to be liened, etc., or any of his agents, to refuse to execute according to his duty as authorized by the United States (See 28 U.S.C. §566(c)) to “execute all lawful writs, process, and orders issued under authority of the United States, and shall command all necessary assistance to execute its duties” to serve all writs issued by the Environmental Court in the interest of restoration and preservation of the environmental peace and clean water, to refuse to serve the Great Writ would be a suspension of the writ with and by prejudice, and would work a tort upon its Petitioner, and would be construed as an act complicit with Respondent in his continuing acts of human trafficking and trafficking persons to constitute acts of genocide against the people of the United States by daily committing unlawful discharges of chemical and biological warfare agents, and also as an operator of a source(s) discharging pollution unlawfully since July 1, 1973, a chemical and biological weapon of mass destruction operated with intent to harm, to cause unjust enrichments. (See 18 U.S.C. §2332(a)). Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a). [18 U.S.C. §1581] (See also 18 U.S.C. §1581(b)).

This **Continuing Extraordinary Writ of Mandamus** commands assistance of the United States marshals and deputy marshals, County Sheriff and deputy sheriffs, to serve process (writs) of the Environmental Court. Criminal Indictments and arrests may be made against any subject party who fails to honor the writs of the Environmental Court as authorized all State authorities under 33 U.S.C. §1319(a) for criminal violation of §1311, §1316, and §1317 as provided for under §1319(c)(3)(A), the maximum fine of \$250,000.00 per count. The arresting officer(s) shall receive a 10% Appreciation Award of \$75,000.00 and will be appointed by the Environmental Court to execute the civil collections and evictions to first assure funding for the \$75,000.00 Award from assets ceased via the civil actions.

IT IS SO ORDERED.

The Court.

Seal of the Court

Date: February 22 2018

Seal of the Clerk

By :

Sandra Loren
Clerk / Deputy Clerk

