

1 Your name
2 Your address
3 [City, ST ZIP Code]

4
5 [COURT NAME]

6
7 [PLAINTIFF'S NAME],

Case No.: [Number]

8 Plaintiff,

9
10 vs.

11 [DEFENDANT'S NAME],

12 Defendant

13 **NOTICE FOR PETITION**
14 **INVOKING THE RIGHT FOR A**
15 **NON-STATUTORY**
16 **WRIT OF HABEAS CORPUS**
17 **IS A STATE CONSTITUTIONAL**
18 **RIGHT TO REMEDY WITHOUT**
19 **DELAY A JUDGMENT CORAM**
20 **NON-JUDICE AGAINST THE**
21 **PETITIONER IS “ABSOLUTELY**
22 **VOID” AS HELD BY THE**
23 **SUPREME COURT IN MATTER**
24 **VIRGINIA V. RIVES, 100 US 313-**
25 **SUPREME COURT 1880**
26 **[ORAL PRESENTATION IS**
DEMANDED]

27 **NOTICE FOR PETITION**

28 **INVOKING THE RIGHT FOR A NON-STATUTORY**

29 PETITIONNON-STATUTORYWRIT OF HABEAS CORPUSCONSTITUTIONAL REMEDY TO VACATE A
30 VOID JUDGMENT MADE BY A PERSON NOT A JUDGE CORAM NON-JUDICE IS EVIDENCE OF CLEAR
31 CONVINCING EVIDENCE OF AN ADJUDICATED FACT VIRGINIA V. RIVES, 100 US 313-SUPREME
32 COURT 1880 THAT A JUDGMENT MADE CORAM NON-JUDICE ARE ABSOLUTELY VOID AND A
33 VIOLATION OF DUE PROCESS UNDER FEDERAL RULE 60(B)(4)[ORAL PRESENTATION IS
34 DEMANDED] - 1

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WRIT OF HABEAS CORPUS
IS A STATE CONSTITUTIONAL RIGHT TO REMEDY
WITHOUT DELAY A JUDGMENT CORAM NON-JUDICE AGAINST
THE PETITIONER IS “ABSOLUTELY VOID” AS HELD BY THE
SUPREME COURT IN MATTER VIRGINIA V. RIVES, 100 US 313-
SUPREME COURT 1880
[ORAL PRESENTATION IS DEMANDED]

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Comes Now, the Petitioner [type in your name and address and please remove brackets after because we want the court to believe you wrote this writ of habeas corpus] is a *State Citizen*¹ *invoking*² his right to file a non-statutory writ of habeas corpus.

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JURISDICTION TO PRESENT A NON-STATUTORY WRIT OF
HABEAS CORPUS

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At the outset it should be noted that the Writ is being presented in pursuance of

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¹ "One may be a citizen of a State and yet not a citizen of the United States. *Thomasson v State, 15 Ind. 449*; *Cory v Carter, 48 Ind. 327* (17 Am. R. 738); *McCarthy v. Froelke, 63 Ind. 507*; *In Re Wehlitz, 16 Wis. 443.*"

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Mc Donel v State, 90 Ind. Rep. 320 at pg 323;

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² **Invoke** : to appeal to or cite as authority, to petition for help or support
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1 Section 14 of the Judiciary Act of 1789, 1 Statutes at Large 73, which has not,
2 insofar as the relevant points are involved, been either amended or abolished,
3 and thus provides a sufficient statutory jurisdiction for the Writ, if one is needed.
4

5 More importantly, Petitioner cites Article I, Section 9, Clause 2 of the
6 Constitution of the united States { 1787-1791 } as *mandating* the availability of
7 the Great Writ, most particularly in the utter absence of any declared state of
8 rebellion or invasion which might provide the basis for the suspension of the
9 Writ.
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11 Furthermore, the jurisdiction to present this writ of habeas corpus is secured by
12 federal constitution and state of [Type in your State and remove brackets]
13 Constitution and thereby a state judge must respect and protect persons from
14 violations of federal constitutional rights.³
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16 Hereby the petitioner has the right to file a writ of habeas corpus to force the
17 court to comply with jurisdiction to issue an order to vacate a support order that
18 was created in violation of due process by a judge surrogate also known as a
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24 ³ “State Judges, as well as federal, have the responsibility to respect and protect persons from
violations of federal constitutional rights.” Gross v.State of Illinois, 312 F 2d 257; (1963).

1 “person not a judge” or “coram non judice” and thereby is “absolutely void.”⁴

2 Because the petitioner has the right under the constitution to file a writ of
3 habeas corpus he is not required to file an appeal because a writ of habeas
4 corpus takes precedence over the *procedural orderliness and conformity*⁵ of
5 filing an appeal.
6

7
8 The facts will prove the judgment issued by *judge surrogate*⁶ is coram non-
9 judice and thereby “absolutely void” and thereby all subsequent actions in
10 response to this judgment coram non-judice are void, including the State child
11 support agency’s administrative income withholding order.
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13 **FACTS TO SUPPORT THIS STATE COURT HAVING THE**

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17 ⁴ “If the petition filed in the State court before trial, and duly verified by the oath of the defendants,
18 exhibited a sufficient ground for a removal of the prosecutions into the Circuit Court of the United States, they were
19 in legal effect thus removed, and the writ of habeas corpus was properly issued. All proceedings in the State court
20 subsequent to the removals were coram non judice and absolutely void.” *VIRGINIA v. RIVES, 100 US 313-*
SUPREME COURT 1880

21 ⁵ “While cases may arise where the right to invoke habeas corpus may
22 take precedence over “procedural orderliness and conformity”” *People v. Schildhaus, 8 N Y 2d 33,*

23 36

24 ⁶ “Judge surrogates are referred to by various titles, including masters, referees, commissioners,
25 magistrates, and hearing officers. The decision-making occurs within the traditional judicial system as an extension
26 or tier of the court. Judge surrogates examine evidence, take testimony, and enter findings or make
27 recommendations for case disposition. In many jurisdictions, a judge must approve the order.” (page 81) *Essentials*
for Attorneys in Child Enforcement **CHAPTER SIX EXPEDITED JUDICIAL AND ADMINISTRATIVE**
PROCESSES https://www.acf.hhs.gov/sites/default/files/programs/ess/essentials_for_attorneys_ch06.pdf

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32 VIOLATION OF DUE PROCESS UNDER FEDERAL RULE 60(B)(4)[ORAL PRESENTATION IS
33 DEMANDED] - 4

1 **JURISDICTION AND ETHICAL DUTY TO ISSUE A WRIT OF**
2 **HABEAS CORPUS AND VINDICATE THE RESTRAINT OF**
3 **CONSTITUTIONAL RIGHTS**
4

5 1. It is a fact [Type in your name and remove the brackets] is a man and a state
6 citizen,⁷ and thereby as a state citizen⁸ he is not required by law to contract
7 with a state agency under 42 USC Section 654 without his expressed⁹ or
8 implied consent for the establishment of a contractual duty for support
9 obligation.¹⁰
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17 ⁷ "One may be a citizen of a State and yet not a citizen of the United States. *Thomasson v State*, 15
18 *Ind. 449*; *Cory v Carter*, 48 *Ind. 327* (17 *Am. R. 738*); *McCarthy v. Froelke*, 63 *Ind. 507*; *In Re Wehlitz*, 16 *Wis.*
19 *443*."

20 **Mc Donel v State, 90 Ind. Rep. 320 at pg 323;**

21 ⁸ "It will be admitted on all hands that with the exception of the powers granted to the states and
22 the federal government, through the Constitutions, the people of the several states are unconditionally sovereign
23 within their respective states." **Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997.**

24 ⁹ **express (adj.)**

25 late 14c., "stated explicitly, not implied, clearly made known" from Old French *espres*, *expres*
26 (13c.), from Latin *expressus* "clearly presented, distinct, articulated precisely," past participle of *exprimere* (see
27 *express* (v.1)). Also late 14c. as an adverb, "specially, on purpose;" it also doubled as an adverb in Old French. An
28 *express train* (1841) originally was one that ran to a certain station. <https://www.etymonline.com/word/express>

29 ¹⁰ The Term **Obligation** used in **U.S. Code § 654. State plan for child and spousal support** means
30 *an established duty, whether or not fixed, arising from an **express or implied contractual**, grantor-grantee, or*
31 *licensor-licensee relationship, for a fee-based or similar relationship, from statute or regulation* "defined under **42**
32 **USC § 1320a-7a(s)**

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1 2. It is a fact the petitioner is not a private person¹¹ or person¹² and thereby is
2 not subjected to legal process,¹³and quasi-judicial proceedings¹⁴ without his
3 expressed or implied consent.
4

5 3. It is a fact the evidence of a support order *coram non-judice*¹⁵ by a *judge*
6 *surrogate*¹⁶ without consent is “*absolutely void*¹⁷”and thereby this court has
7 the duty to issue a writ of habeas to vindicate the restraint of constitutional
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12 ¹¹ **42 USC SECTION 659 private person (4)**The term “private person” means a person who
13 does not have sovereign or other special immunity or privilege which causes the person not to be subject to legal
14 process.

15 ¹²42 USC § 1301(a)(3)The term “person” means an individual, a trust or estate, a partnership, or a
16 corporation.

17 ¹³ **42 USC § 659(i)(5)The term “legal process”** means any writ, order, summons, or other similar
18 process in the nature of garnishment— (A)which is issued by— (i)a court or an administrative agency of competent
19 jurisdiction in any State, territory, or possession of the United States;

20 ¹⁴ **Quasi-judicial Definition 1)** A proceeding conducted by an administrative or executive official
21 that is similar to a court proceeding, e.g. a hearing. A court may review a decision arising from a quasi-judicial
22 proceeding. 2) A judicial act performed by an official who is either not a judge or not acting in his or her capacity as
23 a judge.

24 ¹⁵ What is CORAM NON JNDICE? In presence of a person not a judge. When a suit is brought
25 and determined in a court which has no jurisdiction in the matter, then it is said to be coram non judice, and the
26 judgment is void. ***Manufacturing Co. v. Holt, 51 W. Va. 352, 41 S. E. 351***

¹⁶ “*Judge surrogates are referred to by various titles, including masters, referees, commissioners, magistrates, and hearing officers. The decision-making occurs within the traditional judicial system as an extension or tier of the court. Judge surrogates examine evidence, take testimony, and enter findings or make recommendations for case disposition. In many jurisdictions, a judge must approve the order.*” (page 81) ***Essentials for Attorneys in Child Enforcement CHAPTER SIX EXPEDITED JUDICIAL AND ADMINISTRATIVE PROCESSES*** https://www.acf.hhs.gov/sites/default/files/programs/css/essentials_for_attorneys_ch06.pdf

¹⁷ “If the petition filed in the State court before trial, and duly verified by the oath of the defendants, exhibited a sufficient ground for a removal of the prosecutions into the Circuit Court of the United States, they were in legal effect thus removed, and the writ of habeas corpus was properly issued. All proceedings in the State court subsequent to the removals were coram non judice and absolutely void.” ***VIRGINIA v. RIVES, 100 US 313-SUPREME COURT 1880***

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1 rights and void the support order issued by a judge surrogate.

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3 4. It is a fact before this court that the support order was established in
4 violation of due process and is absolutely void and is evidence before this
5 court that the undersigned petitioner has been deprived of federal right to
6 due process that was supposed to be secured by Expedited Processes 45 CFR
7 303.101(c)(2)¹⁸ and was not. [YOU ARE GOING TO ATTACH TO THIS
8 PETITION A COPY OF THE SUPPORT ORDER AND WRITE ON
9 BOTTOM OF FIRST PAGE “EXHIBIT #1” AND PLEASE DELETE
10 THESE INSTRUCTIONS]
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13 5. It is an adjudicated fact People v. Schildhaus, 8 NY 2d 33 - NY: Court of
14 Appeals 1960 in State Courts a Writ of Habeas Corpus can be filed before an
15 appeal or filed without exhausting administrative remedies. The New York
16 Court of Appeals held a Writ of Habeas Corpus is “the Great Writ” and is so
17 *primary and fundamental* that it must take precedence over considerations of
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24 ¹⁸ EXPEDITED PROCESSES 45 CFR 303.101(C)(2)(c) Safeguards. Under expedited processes:
25 (2)The due process rights of the parties involved must be protected
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1 procedural orderliness and conformity¹⁹ and thereby this adjudicated fact
2 People v. Schildhaus, 8 NY 2d 33 - NY: Court of Appeals 1960 is proof of
3 grounds for the petitioner to file a writ of habeas corpus to remedy a support
4 order made in violation of due process.
5

6 6. It is an adjudicated fact Lonchar v. Thomas, 517 U. S. 314, 324 (1996); see
7 also Slack v. McDaniel, 529 U. S. 473, 483(2000) a denial of this Writ of
8 Habeas Corpus is a serious act²⁰ and must be fully clarified in writing in the
9 courts findings for denying a constitutional right to remedy by invoking a
10 writ of habeas corpus against the evidence of a violation of due process.
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12 7. It is an adjudicated fact²¹ Meyer v. Nebraska, 262 US 390 - Supreme Court
13 1923, a writ of habeas corpus can be for non-physical restraint of liberty and
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18 ¹⁹ "Although the challenge to the jurisdiction of the Magistrates' Court could have been raised by
19 the defendant on appeal from the judgment of conviction (see People v. Scott, 3 NY 2d 148), and although that
20 might have been a more orderly and regular method of procedure, the right to invoke habeas corpus, "the historic
21 writ of liberty", "the greatest of all writs", is so primary and fundamental that it must take precedence over
22 considerations of procedural orderliness and conformity." (See U. S. Const., art. I, § 9; N. Y. Const., art. I, § 4;
People ex rel. Tweed v. Liscomb, 60 N.Y. 559, 566, 591, supra; People ex rel. Sabatino v. Jennings, 246 N.Y. 258,
260.)" People v. Schildhaus, 8 NY 2d 33 - NY: Court of Appeals 1960

23 ²⁰ "[d]ismissal of a first federal habeas petition is a particularly serious matter, for that dismissal
24 denies the petitioner the protections of the Great Writ entirely, risking injury to an important interest in human
25 liberty."Lonchar v. Thomas, 517 U. S. 314, 324 (1996); see also Slack v. McDaniel, 529 U. S. 473, 483(2000)

26 ²¹ "Without doubt, it denotes not merely freedom from bodily restraint but also the right of the
individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry,
establish a home and bring up children, to worship God according to the dictates of his own conscience, and
generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness
by free men" Meyer v. Nebraska, 262 US 390 - Supreme Court 1923

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1 thereby the court cannot refuse to accept and docket this writ of habeas
2 corpus. *Please clarify a lawful reason for refusing to accept this petition to*
3 *invoke a non-statutory writ of habeas corpus.*
4

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6 **EVIDENCE INTRODUCED INTO THE COURT ARE MARKED AS**

7
8 **EXHIBITS** **[YOU CAN ADD MORE EVIDENCE]**

- 9 1. **EXHIBIT # 1** TRUE COPY OF COURT ORDER THAT IS
10 CAUSING THE RESTRAINT OF LIBERTY AND DEPRIVATION
11 OF PROPERTY. **[ON SUPPORT ORDER ON BOTTOM OF FIRST**
12 **PAGE WRITE EXHIBIT #1, AND ANY OTHER EVIDENCE YOU**
13 **HAVE IN SUPPORT MARK AS EXHIBIT # 2, 3,ETC.]**
14
15

16
17 Dated this [day] of [Month], [year].

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20 _____
Your NAME

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