

update: 04/04/2020



joniah joni el

c/o post office box 65, o'brien-republic, oregon territory, non-domestic without the US
moorish americans original natural people of the land – north america / northwest amexem

~ affidavit of fact ~ writ in the nature of ~

unlawful occupation of sovereign original indigenous land

failure to appear

exhibit sheet

i am joniah joni el, a natural living being, moor american national, in propria status, sui juris, in proprio solo in proprio heredes. i am an original indigenous sovereign moorish american national and i am exercising all my rights at this time and at all points in time. whereas all US Corporate Persons, Assigns, Agents and Heirs, are in violation of the treaty of peace and friendship -1786 and 1836 and the Constitution for The United States of america 1789 and 1791

“...sovereignty itself remains with the people, by whom and for whom all government exists and acts.
and the law is the definition and limitation of power...” [yick wo v. hopkins, 118 us 356, 370]

Article 30: United Nations Declaration on the Rights of Indigenous Peoples

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or **requested by the indigenous peoples concerned.**

re: document: notice to appear, maco cause000000005 13jje

proof of claim

all supporting documents can be download from the: www.spiritualbreeze.org, as listed below

notice to appear posted on 03/30/2020

exhibit a. failure to appear...posted: spiritualbreeze.org/public/notice2/cause13

exhibit b. universal commercial code financing statement ... filed

exhibit c. affidavit of the national trust ... www.spiritualbreeze.org/forgottenstrolls

exhibit e. treaty of peace & friendship ... www.spiritualbreeze.org/forgottenstrolls

exhibit f. civil orders july 4, 2014 ... www.spiritualbreeze.org/forgottenstrolls

exhibit g. united nations declaration on the rights of indigenous peoples...www.spiritualbreeze.org/forgottenstrolls

exhibit h. affirmation and allegiances to the moorish american federal government, attached

CC: D. C., GOVERNMENT CORPORATE, Ida Williams

ATTORNEY GENERAL, WA DC

Muriel Bowser dba RECORDER OF DEEDS, MAYOR

Civil Feed Back and TAX AND REVENUE

Peter Defazio dba COMMISSIONER

SECRETARY OF STATE

Asst. Attorney General - Michael Kron

Asst. Atty. Gen. Henry Kantor

Larry Orvis dba SGT MAJOR US PROVOST MARSHAL GENERAL

Kevin Vereen dba ARMY PROVOST MARSHAL GENERAL

Wayne L. Morse

Ida.williams@dc.gov

oag@dc.gov

eom@dc.gov

ocfo@dc.gov and Civil.Feedback@usdoj.gov

2134 Rayburn Office Building, Washington DC 20515

oregon.sos@oregon.gov

michael.c.kron@doj.state.or.us

judgekantor@gmail.com

Usarmy.pentagon.hqda-pmg.list.npe-mgt@mail.mil

ndrc@conus.army.mil

AApropdoc@ord.uscourts.gov



moorish nation republic federal government
~ empire of the moors, new jeruslaem, amexem/Africa/ 'the north gate'/earth ~
temple of the moon and sun
the true and de jure natural peoples – heirs of land
~ i.s.l.a.m. ~

**Affidavit of Fact, Writ in the Nature of
unlawful occupation of sovereign original indigenous land**

reference affidavit; notice to appear: maco cause000000005 13jje

To: Ann Aiken dba UNITED STATES DISTRICT JUDGE, James A. Redden dba UNITED STATES DISTRICT JUDGE, **to include all Other Agents, Assigns And Heirs:**

Your dismissal is a fair and just decision, in the light of truth; whereas Corporate Person(s); Ann Aiken dba UNITED STATES DISTRICT JUDGE acting as a government official, you are in violation of Article III, Section II of the United States Constitution (1791) and have no authority over the living, "non pro tunc". you are in breach of contract law and are charged with unlawful occupation of sovereign original indigenous land.

Whereas:

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." ASIS v. US, 568 F2d 284.

all CORPORATE/ Corporate/ corporate **alleged** contracts with **joniah joni el**, and all derivatives thereof are publicly revoked, terminated, cancelled and abolished forever as all contracts that begin in fraud remain in fraud.

i **joniah joni el**, upon my inherited status, being a descendant of the ancient moabites in other respect known as american – al moroccan – moor, standing squarely affirmed upon my oath to the 'five points of light' – **love, truth, peace, freedom, and justice**; being competent (in my own proper persona) to attest to this affidavit upon which i place my autograph; whereas, i state, proclaim, and declare this affidavit to be true, correct, not misleading, and not intended to be presented for any misrepresented, 'colored' or improper use or purpose.

chronos: muharram, 1, 1, 1430 | April 4 2020 |

i am:

Joniah Joni el

joniah joni el, autograph non-negotiable, a natural living being, judge/vizir/minister, in propria persona sui juris, in proprio solo, andin proprio heredes. free moor/muur northwest amexem / northwest africa / north America, all rights exercised at all times

Amen, amen dico vobis, quaecumque alligaveritis super terram erunt ligata et Ego in caelo et quaecumque solveritis super terram erunt soluta et in caelo
Amen, amen dico vobis, quaecumque alligaveritis super terram erunt ligata et Ego in caelo et quaecumque solveritis super terram erunt soluta et in caelo
Amen, amen dico vobis, quaecumque alligaveritis super terram erunt ligata et Ego in caelo et quaecumque solveritis super terram erunt soluta et in caelo

Truly, I say to you, whatever you bind on earth will be bound in heaven and whatever you loose on earth will be loosed in heaven





moorish nation republic federal government
~ empire of the moors, new jeruslaem, amexem/Africa/ 'the north gate'/earth ~
temple of the moon and sun
the true and de jure natural peoples – heirs of land
~ i.s.l.a.m. ~

failure to appear

Cause of Action no. maco cause000000005_13jje

Re: universal sovereign affidavit of command to appear in court
unlawful occupation of sovereign original indigenous land

date commanded to appear

Wednesday April 1, 2020 at 1: 15 pm pacific standard time
court

moorish american consular court online
<https://join.freeconferencecall.com/joniahjoniel>
dial in number (425) 436-6200, access code: 661646

Article 30: United Nations Declaration on the Rights of Indigenous Peoples

1. **Military** activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise * **freely agreed with or requested by the indigenous peoples concerned.**

To:[Ann Aiken dba UNITED STATES DISTRICT JUDGE],
[James A. Redden dba UNITED STATES DISTRICT JUDGE]
to include all Other Agents, Assigns And Heirs

See attached pdf for additional list of Debtors/Corporate Employees

the above listed Corporate persons has failed as commanded to appear at the moorish american consular court to state your name and nationality for the record, and on the record to the people who are the moorish national republic federal government. this court has sovereign jurisdiction in all matters on our land.

failure to appear is now just cause for your arrest.

In pursuant to Civil Order issued to President Obama on July 4th 2014 states: * “Despite every act of abolition and declaration of prohibition against both peonage and slavery, it has been the policy of the so called US government” to enslave the natural people of the land as well as the citizens and to operate as a rogue state among the nations of the world,” there for your acts of violence against the people must come to an end. your judgement and remedy is self-executing, you are hereby sentence to be arrested. The American Provost Marshal are commanded by the people to arrest you immediately and place in jail until such time to be deported to Puerto Rico, Guam, Guan-tan-amo Bay Cuba permanently. all of your commerce and that of all Agents, Principals, Heirs and Assigns are hereby terminated by way of sovereign universal commercial code 1 lien.

as moorish american nationals we are the law, and we remain in honor at all time. this judgement is complete

date: muharram, 1, 1, 1430 [April 4, 2020]

i am:

Joniah Joni e
joniah joni el, autograph non-negotiable, a natural living being, judge/vizir/minister, in propria persona sui juris, in proprio solo, and in proprio heredes. free moor/muur northwest amexem / northwest africa / north America, all rights exercised at all times

amen, amen dico vobis, quaecumque alligaveritis super terram erunt ligata et ego in caelo et quaecumque solveritis super terram erunt soluta et in caelo
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truly, i say to you, whatever you bind on earth will be bound in heaven and whatever you loose on earth will be loosed in heaven



Scheduling Orders/Judgments/Other Orders

1:20-cv-00089-AA El v. Malinovitz
et al

PROSEPTY

proof of fraud

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." *ASIS v. US*, 568 F2d 284.

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 2/13/2020 at 3:06 PM PST and filed on 2/13/2020

Case Name: El v. Malinovitz et al

<<--- color of law

Case Number: 1:20-cv-00089-AA

Filer:

Document Number: 6

Docket Text:

OPINION AND ORDER: Plaintiff's IFP Petition, ECF No. [2], is DENIED with leave to refile. Plaintiff shall have thirty (30) days in which to either pay the filing fee or file an amended IFP petition. Plaintiff is advised that failure to either pay the filing fee or file an amended IFP petition within the allotted time will result in a judgment of dismissal. The Clerk is directed to mail a copy of the Court's IFP petition form to Plaintiff along with a copy of this Order. The Complaint, ECF No. [1], is DISMISSED with leave to amend. Plaintiff shall have thirty (30) days from the date of this Order in which to file an amended complaint. Plaintiff is advised that failure to file an amended complaint within the allotted time will result in the entry of a judgment of dismissal. Signed on 2/13/2020 by Judge Ann L. Aiken. (*Mailed IFP form and this Order to Pro Se party on 2/13/2020.*) (ck)

1:20-cv-00089-AA Notice has been electronically mailed to:

1:20-cv-00089-AA Notice will not be electronically mailed to:

Joniah Joni El
c/o P.O Box 65
O'Brien, OR 97534

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=2/13/2020] [FileNumber=6896266-0] [a906ee6d487957f7018867c2ee75041ecd1fb0c155e50feaef4e2f8bd652b4a26c5c4fda19f0c52eac836c33ff0421f8ce523b1a3a1a803b57bf031d03752d46]]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

JONIAH JONI EL,

<<- - - color of law

Civ. No. 1:20-cv-00089-AA

Plaintiff,

OPINION & ORDER

v.

JEFFERY L. MALINOVITZ;
JEFFERY LAWRENCE MALINO;
SHERIFF DAVE DANIEL; SHERIFF
AARON POTER; KEVIN L. MURRAY;
DANIEL MALCOM BURDIS,

Defendants.

AIKEN, District Judge.

Plaintiff Joniah Joni El seeks leave to proceed *in forma pauperis* ("IFP") in this action. ECF No. 2. For the reasons set forth below, the IFP petition is DENIED with leave to refile and the Complaint, ECF No. 1, is DISMISSED with leave to amend.

LEGAL STANDARD

Generally, all parties instituting any civil action in United States District Court must pay a statutory filing fee. 28 U.S.C. § 1914(a). However, the federal IFP statute, 28 U.S.C. § 1915(a)(1), provides indigent litigants an opportunity for meaningful access to federal courts despite their inability to pay the costs and fees associated with that access. To authorize a litigant to proceed IFP, a court must make two determinations. First, a court must determine whether the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a)(1). Second, it must assess whether the action is frivolous, malicious, fails to state a claim upon which relief may be granted,

or seeks monetary relief from a defendant who is immune to such relief. 28 U.S.C. § 1915(e)(2)(B).

In regard to the second of these determinations, district courts have the power under 28 U.S.C. § 1915(e)(2)(B) to screen complaints even before service of the complaint on the defendants, and must dismiss a complaint if it fails to state a claim. Courts apply the same standard under 28 U.S.C. § 1915(e)(2)(B) as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive a motion to dismiss under the federal pleading standards, the complaint must include a short and plain statement of the claim and “contain sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard . . . asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* The court is not required to accept legal conclusions, unsupported by alleged facts, as true. *Id.*

Pro se pleadings are held to less stringent standards than pleadings by attorneys. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). That is, the court should construe pleadings by *pro se* plaintiffs liberally and afford the plaintiffs the benefit of any doubt. *Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 623 (9th Cir. 1988). Additionally, a *pro se* litigant is entitled to notice of the deficiencies in the complaint and the opportunity to amend, unless the complaint’s deficiencies cannot be cured by amendment. *Id.*

DISCUSSION

Plaintiff's IFP petition reports "n/a" in nearly every field, or else leaves the field blank. The only exception is the portion asking Plaintiff to list any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value he owns, including any item of value held in someone else's name. In response, Plaintiff writes "all property is held in trust, value unlimited." Based on these answers, the Court cannot make a finding that Plaintiff is unable to pay the costs of this action. Plaintiff's IFP petition is therefore DENIED with leave to refile. Plaintiff shall have thirty (30) days in which to either pay the filing fee or submit an amended IFP petition. Plaintiff is advised that failure to either pay the filing fee or submit a completed IFP petition within the allotted time will result in entry of a judgment of dismissal. The Clerk is directed to mail Plaintiff a copy of the IFP petition form along with a copy of this Order.

Additionally, the Complaint in this case is disjointed and does not clearly explain Plaintiff's cause of action. It generally appears that Plaintiff claims some right to property in Josephine County but was evicted and/or trespassed from the that property by the Josephine County Sheriff's Office at the request of Defendant Jeffery Malinovitz, acting on behalf of NM Management LLC, which owns the property. Plaintiff appears to assert some sort of sovereign citizen theory. "Courts across the country have uniformly rejected arguments based on the sovereign citizen ideology as frivolous, irrational, or unintelligible." *Mackey v. Bureau of Prisons*, 1:15-cv-1934-LJO-BAM, 2016 WL 3254037, at *1 (E.D. Cal. June 14, 2016) (internal quotation marks and citation omitted). The Court concludes that Plaintiff has failed to state a claim and the Complaint must be DISMISSED.

Plaintiff shall be given thirty (30) days in which to file an amended complaint. Plaintiff is advised that failure to file an amended complaint within the allotted time will result in a judgment

of dismissal. If Plaintiff chooses to file an amended complaint, he should briefly and clearly explain what his claims are, why he believes this Court has jurisdiction, who the defendants are, what the defendants have done, and why he believes the defendants should be held liable. In drafting an amended complaint, Plaintiff should bear in mind that the Court does not know anything about the facts of Plaintiff's case, other than what is included in the pleadings. For additional guidance, the "Handbook for Self-Represented Parties" is available free of charge on the United States District Court for the District of Oregon's website.


CONCLUSION

For the reasons set forth above, Plaintiff's IFP Petition, ECF No. 2, is DENIED with leave to refile. Plaintiff shall have thirty (30) days in which to either pay the filing fee or file an amended IFP petition. Plaintiff is advised that failure to either pay the filing fee or file an amended IFP petition within the allotted time will result in a judgment of dismissal. The Clerk is directed to mail a copy of the Court's IFP petition form to Plaintiff along with a copy of this Order.

The Complaint, ECF No. 1, is DISMISSED with leave to amend. Plaintiff shall have thirty (30) days from the date of this Order in which to file an amended complaint. Plaintiff is advised that failure to file an amended complaint within the allotted time will result in the entry of a judgment of dismissal.

It is so ORDERED and DATED this 13th day of February, 2020.

not a live being —>>


ANN AIKEN
United States District Judge