

KEEP THE BLACK IN YOUR WRIT AND THE RED IS WHAT YOU NEED TO CHANGE

FOR EDUCATION PURPOSES ONLY

Mail 2 COPIES this to your state supreme court REGISTERED MAIL. NOT CERTIFIED MAIL! Once you file this you do not go to any more court hearings in family court or if you go you have to state that you do not consent to the Family court hearing, you are demanding a judicial hearing in your common law rights. as you are not playing their chess game that you will never win! You are demanding to have a trial by jury.

IN THE SUPREME COURT OF THE STATE OF (Your state)

Your name
Plaintiff,

Case No. **you won't have the case number until the state takes it and assigns you a case #**

v.

Your judge only, do not add anyone else but your first Judge. Just their first and last name only

(In Individual Capacity)

Defendant.

DEMAND FOR JURY

ACTION FOR WRIT OF MANDAMUS BY RIGHT UNDER COMMON LAW

INTRODUCTION

Please make sure the text retains its original meaning but is completely reworded. If there is a specific court case or any constitutional provisions mentioned, do not remove them.

This Petition for a Writ of Mandamus is brought as a matter of right under common law principles. As established, “Writs of mandamus, like other prerogative writs, were primarily issued by the King’s Bench, a court of common law and not equity.” *Crocker v. Piedmont Aviation, Inc.*, 49 F.3d 735 (D.C. Cir. 1995). A writ of mandamus must be issued when a clear duty exists, and no other remedy at law is available. As articulated by the United States Supreme Court, “That a writ of mandamus ought in all cases to be granted, where the law has provided no specific remedy.” *United States v. Lawrence*, 3 U.S. 42 (1795).

The Petitioner asserts a fundamental and private right to a judicial proceeding and due process of law, as guaranteed by the United States Constitution. The Petitioner has suffered a constitutional injury due to the Defendant's failure to exercise the necessary judicial jurisdiction of the lower court, thereby preventing the proper attachment of jurisdiction. Consequently, the nature of the proceedings and the entries on the record are inaccurate and fail to conform to the requirements of law. This failure constitutes a violation of the Petitioner's substantive right to due process protections.

The record of the proceedings, alongside the Defendant's actions, reflects a deliberate intent to oppress, harass, and injure the Petitioner's substantive rights. The Defendant's actions were malicious, wanton, and undertaken with knowledge, aimed at depriving the Petitioner of her lawful rights. This is evident from the inaccurate records and the conduct reflected therein.

The exercise of judicial jurisdiction is a ministerial duty—a clear, non-discretionary act mandated by law and not subject to judicial discretion. Without this act, the court's jurisdiction is not properly invoked, and no judicial decisions can be rendered in the case. A judicial officer cannot exercise discretion or proceed in equity until the ministerial act of attaching the court's judicial jurisdiction is performed. This mandatory duty must be fulfilled before any judicial authority can be exercised.

The Defendant's failure to exercise judicial jurisdiction constitutes a knowing refusal to perform a ministerial duty, thereby denying the Petitioner access to judicial review and due process of law. For judicial jurisdiction to attach, the judge must enter a proper judicial order or court entry that conforms to the legal requirements prescribed by law.

The Defendant's intentional failure to perform this essential act violates their public and ministerial duties as prescribed by law and the Constitution. The Petitioner has not knowingly or voluntarily waived her right to judicial proceedings. Consequently, mandamus is the sole remedy to compel the Defendant to exercise judicial jurisdiction and to ensure the Petitioner's fundamental right to judicial proceedings and due process of law is upheld.

JURISDICTION

This Honorable Court has subject-matter of Petitions for Writ of Mandamus in Common Law.

VIOLATION OF SUBSTANTIVE RIGHTS

Right to a Lawsuit, Legal Proceedings and Due Process of Law: Please make sure the text retains its original meaning but is completely reworded. If there is a specific court case or any constitutional provisions mentioned, do not remove them.

1. The act of exercising Jurisdiction of the court is a ministerial duty required by law to ensure the administration of justice and the protection of the fundamental private right to legal proceedings and due process of law guaranteed by the United States Constitution.
2. The failure to attach jurisdiction by nonperformance of ministerial duty, such as a judicial officer's refusal to attach judicial jurisdiction, is not merely an error in law but a willful refusal to perform a legally mandated act required to ensure due process of law.

“The case in 9 Clark Finely, 251, recently decided England, in the House of Lords has been much relied on in argument for the defendant in error. But upon examination of that case, it will be found that it had been decided by the Court of Session in Scotland, in a former suit between the same parties That the act complained of was a mere ministerial act which the party was bound to perform; and that this judgement had been affirmed in the House of Lords, and the action against the party, for refusing to do the act, was maintained, not upon the ground only that it was ministerial, but because it had been decided to be such by highest judicial tribunal known to the laws of Great Britain. The refusal for which the suit was brought took place after this decision; and the learned Lords, by whom the case was decided, held that the act of refusal, under such circumstances, was to be regarded as willful, and with knowledge.” Kendall v Stokes 44 U.S. 87, 103 (1845)

3. A Public Judicial officer's refusal to discharge their ministerial duty of exercising the judicial jurisdiction of the court results in a denial of the plaintiff's right to be heard by a court of law.
4. Courts do not have the power to sit in an advisory role in non-judicial proceedings. courts must remain within their constitutional role and cannot be involved in guiding or directing parties in non-judicial proceedings. Doing so is a constitutional violation, both of the State of **(your state)** Constitution and of the United States Constitution, amounting to a deliberate usurpation in judicial power by overstepping the courts judicial authority.

(put your state constitution laws) Constitution, specifically **Article 3, section 1**, which provides: **the below is a certain state constitution; you need to look up your state law that is in your state and make sure you name the ARTICLE and SECTION of the law. You**

can use ChatGbt or google, and ask it to, “What article in the (your State) state constitution grants judicial power to the courts”

“The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.”

“The inability of the courts of the United States to exercise power in any other than regular judicial proceedings were decided in Hayburn’s Case as early as 1792.” In *Re Pacific Ry. Commission* 32F 241,258 (9th Cir. 1887). ‘If it was expected that the court, when it’s aid is invoked, should examine the subject of inquiries to see their character, so as to be able to determine propriety and pertinence of the questions, and the propriety and necessity of producing the books, papers, and documents asked for by the commission, then it would be called upon to exercise advisory functions in an administrative or political proceeding, or to exercise judicial power. If the former, they cannot be invested in the court.” In *Re Pacific Ry Commission* 32F 241, 258 (9th Cir. 1887).

5. The Plaintiff has a fundamental right to a jury by her peers guaranteed under the 7th Amendment of the United States Constitution to be the finder of fact regarding the intentional trespass of Plaintiff’s right to the courts judicial power to attach to the proceedings in the matter of (your case number), as well as the fatally irregular documents issued by Defendant as non-judicial and therefore unconstitutional.
6. The Plaintiff has been unable to exercise her rights due to the deliberate failure by Defendant to attach the judicial jurisdiction of the court, therefore, Plaintiff is barred from securing relief or remedy at law, to which no statute of limitations can apply.

Supporting Case Law and Arguments

Any case mentioned you can keep

Carper v. Fitzgerald: 121 U.S. 87 (1897), the court said: “when a judge signs “judge”, they are not using government force of law, they are signing in individual capacity”.

Examples of cases that emphasize the importance of procedural compliance include:

Lakewood v. Plain Dealer Publ. Co., 486 U.S. 750 (1988): “placing unbridled discretion in the hands of a government official or agency” is unconstitutional.

United States v. Montalvo-Murillo, 495 U.S. 711 (1990): Emphasizes the necessity of following procedural rules in judicial processes.

Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866): Discusses the importance of lawful authority in issuing and enforcing court orders.

Marbury v. Madison (1803): Established the principle that an act of the court must be lawful to be enforceable.

Earle v McVeigh, 91 US 503, 23 L Ed 398. Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests before he is affected by any judicial decision on the question.

Old Wayne Mut. Life Assoc. V. McDonough, 204 U. S. 8, 27 S. Ct. 236 (1907); Scott v McNeal, 154 U.S. 34, 14, S. Ct. 1108 (1894); Pennoyer v. Neff, 95 U.S. 714, 733 (1877). Void In Violation of Due Process: Due Process is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/She is acting as a private person, and not in the capacity of being a judge (and, therefore, has no jurisdiction). The United States Supreme Court, in Twining v. New Jersey, 211 U.S. 78, 29 S.Ct. 14, 24, (1908), stated that "Due Process requires that the court which assumes to determine the rights of parties shall have jurisdiction.";

Owen v. Independence, 100 S.C.T. 1398, 445 US 622; Scheuer v. Rhodes, 416 U.S. 232. An illegal order is forever void if IN VIOLATION OF THE CONSTITUTION "Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."

PRAYER FOR RELIEF

Wherefore Plaintiff, **(your name)** requests the following relief:

For this Honorable court to issue Writ of Mandamus to order that the lower courts Judicial Jurisdiction attach to case number **(case number)** **(your county)** County Common Pleas Court Domestic**(your county)** County, **(your state)**. Compensation for losses suffered in the amount of **\$(what money you have lost cause of your case)**

There is a Filing fee to file within your state supreme courts, google it and and get a cashiers check of the amount. If you cannot afford the fee, call the supreme court clerk and ask what your state requires you to fill out so you do not have to pay.

Respectfully Submitted,

By: _____
(name)
(Home address)

AFFIDAVIT OF TRUTH

I, **(name)**, being of sound mind and over the age of eighteen (18), hereby affirm and declare under penalty of perjury, as follows:

1. I am above the age of 18yrs.
2. I reside at (address here)
3. I am the Plaintiff in the within action and the Defendant in the matter of (Name of your case) Case No. (####) in (your county) County, (state)
4. I have never knowingly waived my right to legal proceedings and due process of law.
5. I adopt, fully restate, and incorporate all the facts contained in the above action for a Writ of Mandamus herein, and I solemnly swear that those facts are true, and accurate, based on my personal knowledge.
6. The facts and allegations contained therein are facts admissible in evidence and I am competent to testify to all matters stated herein.

By:_____

(name)

(Home address)

The use of a notary below is for identification only and not for entrance into any foreign jurisdiction.

(your county) County)
) ss.
 State of (your state))

On this _____ day of (date you are filing it), 2024, before me, the undersigned, a Notary Public in and for _____, personally appeared the above-signed, known

to me to be the one whose name is signed on this instrument, and has acknowledged to me that he/she has executed the same. (You will need to get it notarized. My bank does it for me for free)

The next page is VERY important!! Make sure you keep going!

CERTIFICATE OF SERVICE

A copy of the foregoing shall be served, by U.S. Certified Mail, return receipt requested, to the Defendant. Judge Name, The court address where your judge works, the date you mailed it Certified Mail

By:_____

(name)

(Home address)