
**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

Oakland Courthouse, 1301 Clay Street, Oakland, California 94612

Tribunal - Unified United States Common Law Grand Jury

P.O. Box 59; Valhalla, New York 10595

TO - Special Assistant U.S. Attorney Melinda L. Haag, FBI Agent Matthew Ernst, U.S. Marshal Donald O’Keefe, and Magistrate Judge William Haskell Alsup
UNITED STATES DISTRICT COURT CASE NO CR 05-00611 WHA, statutory
Court of Origin - FOR THE NORTHERN DISTRICT OF CALIFORNIA, de facto

Kurt F. Johnson and Dale Scott Heineman

Petitioner

Against

Special Assistant U.S. Attorney Melinda L. Haag, FBI Agent Matthew Ernst, U.S. Marshal Donald O’Keefe, and Magistrate Judge William Haskell Alsup

Respondents

FEDERAL CASE NO. 1776-1789-2015, de jure

Writ Mandamus Coram Ipso Rege¹

CONTEMPT OF COURT

THE GREAT WRIT OF LIBERTY is “*the writ of habeas corpus and subjiciendum, issuing at common law out of courts of Chancery, King’s Bench, Common Pleas, and Exchequer.*” Ex parte Kelly, 123 N.J.Eq. 489, 198 A. 203, 207. “*In the United States habeas corpus exists in two forms: common law and statutory. The Constitution for the United States of America acknowledges the Peoples’ right to the common law of England as it was in 1789. It does not consist of absolute, fixed*

¹ KING’S BENCH. The supreme court of common law in England, being so called because the king used formerly to sit there in person, the style of the court being “coram ipso rege.”

and inflexible rules, but broad and comprehensive principles based on justice, reason, and common sense.” Miller v. Monsen, 37 N.W.2d 543, 547, 228 Minn. 400. “This is the well-known remedy for deliverance from illegal confinement, called by Sir William Blackstone the most celebrated writ in the English law, and the great and efficacious writ in all manner of illegal confinement.” 3 Bl. Comm. 129.

US Constitution Article I Section 9 The privilege of the writ of habeas corpus shall not be suspended.

28 USC 2243 Issuance of writ; return; hearing; decision; A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto. The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days.

This court of justice has taken judicial notice of the Federal Rules of Civil Procedure, Title 28, United States Code, insofar as it is not repugnant to the common law. F.R.C.P. Rule 55 regarding default² is applied here.³ The record shows that on August 7, 2015 the *Petition* was filed; a *Writ of Habeas Corpus to Show Cause* issued; the *Petition* and *Writ* were duly served upon the respondents; no Return was filed; a *Notice of Default* was filed on August 14, 2015. So, no claim may be made that the State court was unaware of this court’s proceedings; nor, may the respondents claim they were unaware of the consequences for failure to make a Return on the *Writ of Habeas Corpus*. Simply stated; the parties against whom a Judgment for Affirmative Relief is sought, have failed to plead or otherwise defend, as provided by these rules; and, that fact has been brought before the court by Affidavit in accordance with F.R.C.P. Rule 55(a), see attached.

² Federal Rules of Civil Procedure, Rule 55. Default: (a) Entry. When a party against whom a Judgment for Affirmative Relief is sought, has failed to plead, or otherwise defend, as provided by these rules; and, that fact is made to appear [has been brought before the court] by Affidavit or otherwise, the clerk shall enter the party's Default. (b) Judgment: Judgment by Default may be entered as follows: (1) By the Clerk: When the plaintiff's claim against a defendant is for a sum certain, or for a sum which can, by computation, be made certain, the clerk, upon request of the plaintiff, and upon Affidavit of the amount due, shall enter Judgment for that amount and costs, against the defendant, if the defendant has been defaulted for failure to appear, and is not an infant or incompetent person. (2) By the Court: In all other cases, the party entitled to a Judgment by Default, shall apply to the court therefor; but, no Judgment by Default shall be entered against an infant, or incompetent person, unless represented in the action by a general guardian, committee, conservator, or other such representative, who has appeared therein. If the party against whom Judgment by Default is sought, has appeared in the action, the party, or, if appearing by representative, the party's representative, shall be served with written Notice of the Application for Judgment at least three (3) days prior to the Hearing on such Application. If, in order to enable the court to enter Judgment; or, to carry it into effect; it is necessary to take an account, or to determine the amount of damages, or to establish the truth of any averment by evidence, or to make an investigation of any other matter; the court may conduct such Hearings; or, Order such references, as it deems necessary and proper; and, shall accord a right of trial by jury to the parties, when, and as required, by any statute of the United States. (c) Setting Aside Default: For good cause shown, the court may set aside an Entry of Default; and, if a Judgment by Default has been entered, may likewise set it aside, in accordance with Rule 60(b).

³ Courts of record have an inherent power, independently of statutes, to make rules for the transaction of business. 1 Pet. 604, 3 Serg. & R. Penn. 253; 8 id. 336, 2 Mo. 98.

On August 14, 2015 the Grand Jury filed a default and Memorandum of decision of the default (see attached) and thereby the de facto court was ordered to **ABATE AT LAW** all proceedings in and relating to UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, de facto, CASE NO CR 05-00611 WHA, against Kurt F. Johnson and Dale Scott Heineman.

The above named de facto Court ignored the Habeas Corpus and have yet to release Kurt F. Johnson and Dale Scott Heineman from illegal custody. After reviewing this case we have concluded the following:

- (1) The court that prosecuted Kurt F. Johnson and Dale Scott Heineman was a statutory court and not a court of record⁴ and therefore had no Constitutional Authority to incarcerate.
- (2) Both the grand jury and trial jury were tampered with to secure statutory indictments and statutory prosecutions⁵ by said court not of record under color of law.
- (3) There were no injured parties⁶.
- (4) There were no sworn affidavits⁷.
- (5) There was no due process⁸.
- (6) This was a political case with vindictive prosecution

Because of the aforesaid conclusions and from information received in that pressure is being applied upon both Kurt F. Johnson and Dale Scott Heineman to somehow stop the probing and actions of the Grand Jury's Judicial Review Board let us be clear neither Kurt F. Johnson or Dale Scott Heineman have the power to stop our involvement in this investigation, we are far beyond that. Furthermore vindictiveness has already been established and we are therefore warning all involved if we become aware of any maltreatment we will pursue all involved with kidnaping and torture charges to the fullest extent of the Common Law.

In conclusion Special Assistant U.S. Attorney Melinda L. Haag, FBI Agent Matthew Ernst, U.S. Marshal Donald O'Keefe, and Magistrate Judge William Haskell Alsup are in contempt of court and herein are ordered, one last time, to release Kurt F. Johnson and Dale Scott Heineman immediately as previously ordered by the tribunal, see attached, or we will bring this action before the full Grand Jury for Judicial remedy upon all conspirators including all officers providing felony rescue.

⁴ **COURTS OF RECORD and COURTS NOT OF RECORD** the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231].

⁵ "The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law", Self v. Rhay, 61 Wn (2d) 261; "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent." Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

⁶ "For a crime to exist there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." Sherar v. Cullen, 481 F. 945.

⁷ "Indeed, no more than affidavits is necessary to make the prima facie case." United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982

⁸ Due course of law, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice [court of record]". Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542

This Court is gracing Special Assistant U.S. Attorney Melinda L. Haag, FBI Agent Matthew Ernst, U.S. Marshal Donald O'Keefe, and Magistrate Judge William Haskell Alsup with the opportunity to amend their error and abate at law immediately all proceedings in and relating to UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, de facto, CASE NO. CR 05-00611 WHA, against Kurt F. Johnson and Dale Scott Heineman.

THE COURT November 5, 2015.

seal

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Unified United States Common Law Grand Jury Administrator