

BANKRUPTCY COURT OF THE UNITED STATES
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION IN DETROIT

CASE NO. 13-53846
Hon. Steven Rhode

EX PARTE PETITION FOR A WRIT QUO WARRANTO

CAUSE FOR RELIEF:

Now Comes the Plaintiffs by and through James Cole, Jr., Citizen District Councilman, Sui Juris, In Autre Droit and demands the following: The Plaintiffs file this Ex parte Petition for a Writ Quo Warranto demanding that Judge Steven Rhodes show cause by what authority he has to officiate this instant case. It is a controversy froth with judicial violations listed alphabetically (a. through o.) on pages three, four and five—herein.

HISTORY:

Judge Rhodes, Governor Snyder, Kevyn Orr and their team of protagonist continue to violate every conceivable Human Rights for Plaintiffs, abrogated their fiduciary responsibility, unjustly enrich themselves and the undeserving Corporate Carpetbaggers. Conflict of interest via academic, corporate, political and marital unifications—purportedly.

The Plaintiffs also face a veritable conflict of Interest emanating, festering and projected from the abusive application of courtroom skullduggery per the hands and fist of Judge Steven Rhodes— notwithstanding all due respect to this Federal Court System. Substance for this extraordinary writ continues within the sullied hands of Judge Rhodes, Governor Snyder and Kevyn Orr:

- a. Quasi classmates
- b. Quasi fraternity
- c. Unholy alliances with the gubernatorial and municipal enemies of Detroit's Indigenous Citizenry—in order to deplete all of the assets of Indigenous Citizenry . . .
- d. Supports the gubernatorial and municipal leaders of demagoguery and usurpation over Detroit's Citizenry . . .
- e. Ex parte abuses—cavorting judicially with gubernatorial and municipal agents at the expense of Indigenous Detroiters . . .
- f. Sua sponte abuses keeping the plaintiff in the dark, guessing and hopelessly seeking Human Rights Justice . . .
- g. Judicially supporting parties/agents/carpetbaggers [the financial 1% leaders] that pursue a fast-track policy of plundering and pilfering the assets of Detroit's Indigenous Citizenry under the bankruptcy fallacy and fiction . . .

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EASTERN DISTRICT OF MICHIGAN
DETROIT

- h. Portraying malignant intent as harmless neglect during this ongoing high-speed action to destroy the legal and lawful possessions of Detroit's Indigenous Citizenry.
- i. Judge Rhodes' callous engagement of his judicial scalpel to facilitate the slicing up and assigning valuable Detroit's trillion-dollar-plus assets to hostel, anti-Detroit, plutocratic leadership under the authoritarian reign representing a gubernatorial, municipal and judicial coup d'état over the Citizenry of Detroiters . . .

Quo Warranto is the Proper Procedure

The Plaintiffs further assert that Judge Rhodes and his loyal companions continue to violate (with impunity) life, liberty and the pursuit of happiness of nearly all of Detroit's Indigenous Citizenry. Summery that justifies this Quo Warranto as proper procedure lies in the pages of 2,3,4,5 and 6.

Argument

Judge Rhodes and his loyal companions refused, failed and neglected to officiate his duties that comports with his obligations for the flesh and blood citizenry of Detroit.

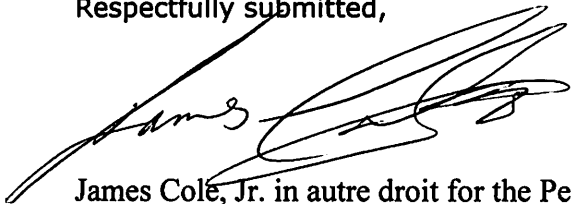
Whatever the form in which the Government functions, anyone entering into an arrangement with the Government **takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority.** The scope of this authority may be explicitly defined by Congress or be limited by delegated legislation, properly exercised through the rulemaking power. See *Federal Crop Insurance v. Merrill*, 332 US 380 (1947).

The Plaintiffs/Petitioner maintain the right to exercise this Writ of Quo Warranto. See *Lewis v. Drake*, 641 S.W. 2d 392, 395 (Tex.App.-Dallas 1982)(orig. proceeding)

Relief:

The Petitioners Move that this Court under necessity and reasons stated herein as supported by law, declare the actions of Judge Rhodes continue to violate The Constitutional Rights of Detroiters by abusing the laws and statutes of the United States. Remedy lies in a writ of quo warranto declaring Judge Rhodes' actions null and void ab initio.

Respectfully submitted,



James Cole, Jr. in autre droit for the Petitioners herein

February 21, 2014

BANKRUPTCY COURT OF THE UNITED STATES

EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION IN DETROIT

**PURSUANT TO THE TUTELEDGE AND COMMAND
OF THE ARTICLE III COURT AND ITS ARTICLE III JUDGE
UNDER THE U.S. CONSTITUTION CONFOCAL WITH
THE SIXTH CIRCUIT COURT IN CINCINATTI, OHIO;
SEEKING REMEDIES INTUITIVELY AGGRESSIVE TOWARDS THE**

FOLLOWING VIOLATIONS

(42 U.S.C §1983, §1985, §1986, §1988, § 14141)

(5 U.S.C. §556, §557, §706)

CONSTITUTIONAL VIOLATIONS

ARTICLE 1 § 10 CL. 1

4TH AMENDMENT

5TH AMENDMENT

14TH AMENDMENT

CIVIL/CRIMINAL RICO AND CORA

42 U.S.C. §§ 1973 a(c), 1983;

5 U.S.C. § 556D, 557, 706,

18 U.S.C. § 2381

In the Common Law not Admiralty nor Maritime

CASE NO. 13-53846

Hon. Steven Rhodes

United States ex rel James Cole, Jr.-el Cherokee, sui juris, in autre droit and a Detroit Citizen District Councilman and creditor (A constituent of lawful persons within the ancient distinction of the indigenous, constitutionally protected class) [hear in after known as advocate for those partially listed as Detroit's team of petitioners/plaintiffs]

For

The aggressive team (inter alia—inter alios) embedded in AFSME as an Indigenous distinction of flesh and blood persons under the U.S. Constitutionally Protected Class:

James C. Williams

Robert Domka

Ed Collins

Kenneth Coleman

James M. Williams

Dean Fox

Robert Chase

Christopher Jones

Kelly Crawford

Sam White

**James M. Anderson
Pavey Horton
Keisha Ford
Jonathan Eili
James Anderson
Elton Robertson
Dynita McCaskill
Scott Sledge
Wanda Beckom
Bryant Sherman
Albert Weatherbee**

Representing a partial list that shall exceed a thousand plaintiffs of flesh and blood persons—also known as creditors . . .

James Cole, Jr., Detroit Citizen District Councilman, sui juris, in autre droit (not pro se) UCC: 1-207, 1-308, and 1-103.6

nonresident/non domestic

First Class, u.S.A. Delivery

c/o [P.O. Box 7434]

**Near detroit, michigan republic state [48207] respectively,
313-918-5661**

For all those listed in and aligned with this instant case . . .

Plaintiffs,

v

**Detroit City Corporation, an ARTIFICIAL, BONELESS AND BLOODLESS PERSON—
tacitly, per its Corporate admissions; Detroit’s Mayor Duggan; Detroit’s Mayor Dave Bing;
Detroit’s Mayor Kwame Kilpatrick; All of Detroit’s Council Persons excluding Brenda Jones
and Jo Ann Watson during the reign of the three Detroit Mayors fixed to this instant case;
Governor Rick Snyder and all of his involved agents including his Lansing and Cleveland Law
Firms.**

Defendants/Responders

JUDICIAL NOTICE

AND/OR INCORPORATED BY REFERENCE

AND

ITS PENUMBRAS ANCILLARY TO THE
STRUCTURAL PURPOSE AND RIGHTS OF JUSTICE

Plaintiffs/Petitioners, are aggrieved flesh and blood persons in, for and with this instant *case*. *This case remains a controversy predicated (substantively) on the history of the 1921 Black Wall Street annihilation.* According to the devastating activities generated against Detroiters and its Citizenry, the Defendants/Responders including Judge Rhodes are conspiring to mold Detroit and its Indigenous Citizenry into a fate similar to that of the 1921 Black Wall Street phenomenon. This entitled case demands a writ of Quo Warranto against Judge Rhodes—absent of any collateral attack of frivolity or capriciousness. See Exhibit A. Petitioners *also demand just compensation of three million United States dollars to be paid by each Defendant to each plaintiff for fraud, for CORA and for RICO—notwithstanding treble damages to undeserving private corporations which are deemed just and proper for any continued assault by the Defendants as they pursue their criminal enterprise against the Indigenous Citizenry of Detroit with all related pilfering of assets. The harm rather than protect reflect the contradictory actions of Defendants that demonstrate the process of confiscating land and giving away trillions of dollars in assets.* It shall be clear and established that Defendants shall not be permitted to file bankruptcy nor perpetuate any more lies to facilitate their legal fiction for stealing land, laundering money and unjust enriching.

JURISDICTION

- 1 Plaintiffs—existing between one and a thousand—hereby invoke the foundational **Jurisdiction** of justiciable controversy in the State of Michigan. Plaintiffs' subject matter, in rem, in personam jurisdiction and the **Jurisdiction** over the **Legal Claims** alleged in this petition pursuant to **MCLA 600.601; MCLA 600.2932(1); MCLA 600.2932(5); MCLA 168. 625 ; MCLA 168.626 ; MCLA 168.826(2)** and **Personal Jurisdiction** over the

Defendants named in this petition pursuant to **MCLA 600.705 and MCR 2.105(G)**. **Notwithstanding the laws of jurisdiction emanating from the State of Michigan, jurisdiction projected via the U.S. Constitution's Supremacy Clause—Article VI § ii supports and addresses the gravity of this instant case.**

Therefore, the sine qua non of Federal Jurisdiction is proper in this court according to:

- a. 42 U.S.C. §1983: The Rhodes Court Breached its fiduciary duty to the people as Trustee to defend unalienable rights secured by the people.
The Rhodes Court vitiates the following codes in order to unjustly enrich the 1% CORPORATE PERSONS OF BLOODLESS AND BONELESS ARTIFICIAL STATURE at the expense of Detroit's Indigenous Citizenry.
- b. 42 U.S.C. §1985: Conspiracy to interfere with Civil Rights . . .
- c. 42 U.S.C. §1986: Action for neglect to prevent . . .
- sd. 42 U.S.C. §1988: Proceedings in vindication of civil rights . . .
- e. 42 U.S.C. §14141: Cause of Action . . .
- f. 42 U.S.C. § 1320a-7b (b): Federal Anti-Kickback Statute . . .
- g. 18 U.S.C. § 2381: Treason . . .
- h. 18 U.S.C. § 1960 (relating to illegal money transmitting businesses), which has the effect of making this offense a money laundering predicate through the cross-reference in 18 U.S.C. § 1956(c)(7)(A).

- i. 5 U.S.C. §556: Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision lack of due process challenges judicial immunity . . .
- j. 5 U.S.C. §557: Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record (lacking due process challenges judicial immunity) . . .
- k. 5 U.S.C. §706: Scope of Review (lack of due process challenges judicial immunity) . . .

- l. **Constitutional Violations Article 1 §10 cl. 1: Ex post facto laws, laws impairing the Obligation of Contracts or [quasi] granting any Title of Nobility . . .**
- m. **IV Amendment: Rights to be secure in and of ones assets . . .**
- n. **V Amendment: Rights under due process . . .**
- o. **XIV Amendment: Rights under equal protection and due process . . .**
- p. **XV Amendment: Right to vote not to be denied or abridged via any fictional legal action . . .**
- q. **Civil/Criminal RICO/CORA: pursuant to the gubernatorial, municipal and judicial pattern and practice as defined (inter alia) in the 6th ed. of Black's Law Dictionary:**

Racketeering Influence Peddling Corrupt Organization

RICO claim, a civil plaintiff or prosecutor must allege the existence of seven elements: "(1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce." 18 U.S.C.A. § 1962. *Moss v. Morgan Stanley, Inc.*, C.A. N.Y., 719 F.2d 5, 17.

(Resource not cited)

CORA (empirical legal definition):

Corrupt Organization Racketeering Activity

Element 1 - Existence of an enterprise . . .

Element 2 - Association with the enterprise . . .

Element 3 - Pattern of racketeering activity . . .

Element 4 - Knowingly conducted or participated in an enterprise through pattern of racketeering . . .

9th ed. of Black's Law Dictionary:

conspiracy, n. (14c) An agreement by two or more persons to commit an unlawful act, coupled with an intent to achieve the agreement's objective, and (in most states) action or conduct that furthers the agreement; a combination for an unlawful purpose. 18 USCA § 371. _ Conspiracy is a separate offense from the crime that is the object of the conspiracy. A conspiracy ends when the unlawful act has been

committed or (in some states) when the agreement has been abandoned. A conspiracy does not automatically end if the conspiracy's object is 352 conspirator defeated. *See* Model Penal Code § 5.03(7); *United States v. Jiminez Recio*, 537 U.S. 270, 123 S.Ct. 819 (2003). Also termed *criminal conspiracy*. Cf. ATTEMPT (2); SOLICITATION (2). [Cases: Conspiracy ~1.1,23.1.] conspiratorial, *adj.*

chain conspiracy. (1959) A single conspiracy in which each person is responsible for a distinct act within the overall plan, such as an agreement to produce, import, and distribute narcotics in which each person performs only one function. ■ All participants are interested in the overall scheme and liable for all other participants' acts in furtherance of that scheme. [Cases: Conspiracy ~24(3).] "In a 'chain' conspiracy, the court looks to whether the parties serve as links in a chain. In *Blumenthal v. United States* (1947), the Supreme Court found that the parties had agreed to sell liquor at prices exceeding the ceiling set by regulations of the Office of Price Administration. The Court found that the agreements were steps in the formulation of one larger general conspiracy. By reason of all having knowledge of the plan's general scope and common end, the disposing of whiskey, they could be drawn together in a single conspiracy." Ellen S. Podgor & Jerold H. Israel, *White Collar Crime in a Nutshell* 52 (2d ed. 1997).

The Destruction of Black Wall Street

The events that destroyed a thriving Black Oklahoma community 92 years ago were much more than a 'race riot'



EXHIBIT
A

By Josie Pickens Writer



The "Little Africa" section of Tulsa, OK in flames during the 1921 race riot

Greenwood, Oklahoma, a suburb of Tulsa, was the type of community that African Americans are still, today, attempting to reclaim and rebuild. It was modern, majestic, sophisticated and unapologetically Black. Tragically, it was also the site of one of the bloodiest and most horrendous race riots (and acts of terrorism) that the United States has ever experienced.

Today marks ninety-two years since as many as 300 African Americans lost their lives and more than 9,000 were left homeless when the small town was attacked, looted and literally burned to the ground beginning in 1921. It's impossible, however, to realize what was lost in Greenwood, which was affectionately known as "Black Wall Street."

The Greenwood community seems almost imagined when we examine it through a historical lens. The oil booms of the early 1900's had many moving to Tulsa for a shot at quick economic gains and high life, and African Americans hoped to prosper from the new industry as well. Tulsa, like many cities and towns throughout the US, was hostilely segregated, with African Americans settling into the northern region of the city. As we often saw before integration, Blacks in the area created entrepreneurial opportunities for themselves, which housed an impressive business center that included banks, hotels,

cafes, clothiers, movie theaters, and contemporary homes. Greenwood residents enjoyed many luxuries that their White neighbors did not, including indoor plumbing and a remarkable school system that superiorly educated Black children.

It was pure envy, and a vow to put progressive, high achieving African Americans in their place that would cause the demise of the Black Mecca many called "Little Africa", and its destruction began the way much terrorism, violence and dispossession against African Americans did during that era. A young White woman accused a young Black man of attempted sexual assault, which gave local mobs and White men acting as police just cause to invade the unsuspecting community. On the malevolent and horrifying attack, Linda Christenson writes the following:

"The term "race riot" does not adequately describe the events of May 31—June 1, 1921 in Greenwood... In fact, the term itself implies that both blacks and whites might be equally to blame for the lawlessness and violence. The historical record documents a sustained and murderous assault on black lives and property. This assault was met by a brave but unsuccessful armed defense of their community by some black World War I veterans and others.

During the night and day of the riot, deputized whites killed more than 300 African Americans. They looted and burned to the ground 40 square blocks of 1,265 African American homes, including hospitals, schools, and churches, and destroyed 150 businesses. White deputies and members of the National Guard arrested and detained 6,000 black Tulsans who were released only upon being vouched for by a white employer or other white citizen. Nine thousand African Americans were left homeless and lived in tents well into the winter of 1921."

Recently, the mother of a Palestian activist friend of mine asked me why African Americans don't fight harder for reparations. It was a difficult question to answer, but my most immediate response centered on the historical erasure of communities like Greenwood and the state-sponsored violence against African Americans that created its expiry. Even after slavery was abolished, any advancements towards the American dream, that Blacks paid most dearly to establish, was met with revulsion and terror, often from those whose legal obligation was to serve and protect. For that a debt is surely owed. Further, when we consider the deaths of those Black Tulsans and the inevitable property loss that followed, we again see one example of many that proves how wealth inequities and disparities became a part of the substance of this nation- inequities and disparities that must be considered before we go blaming Black youth for the catastrophes this nation has endorsed.

And as we consider what has become the new face of terror, we should never forget that Greenwood was bombed from the sky by White local and national law enforcement organizations.

To learn more about the attack on "Black Wall Street," check out Scott Ellsworth's account here. Never forget.

Josie Pickens is a cultural critic and educator. Follow her musings on twitter: @jonubian