

Comes Now Janet Mavis Marcusse, suae potestate esse, Sui Juris, Sovereign Citizen of Iowa State, expressly not a citizen of THE UNITED STATES ("federal citizen"), appearing not generally but specially as Sui Juris in the above entitled Matter to notify "this Court" that a Void Order has been entered by Ellen S. Carmody on August 4, 2004, originally against Case No: 1:03-mj-666, and is hereby deemed and Declared Void Ab Initio:

1. There is no time limit for attaching a Void Judgment per Eggl v. Fleetguard, Inc., 1998 ND 166, 583 N.W. 2d 812.

"A Void Order is an Order issued without Jurisdiction by a Judge and is Void Ab Initio and does not have to be declared Void by a Judge to be Void. Only an inspection of the Record of the Case showing that the Judge was without Jurisdiction or violated a person's Due Process Rights or where fraud was involved in the attempted procurement of Jurisdiction, is sufficient for an Order to be Void." Potenz Corp. v. Petrozzini 170 Ill. App 3d 617, 525 N.E. 2d 173, 175 (1988). In Instances herein, the Law has stated that the Orders are Void Ab Initio and not Voidable because they are already Void. There is a misconception that only a Judge may declare an Order Void, but this is not the Law:

- (1) There is no Statute nor Case Law that supports the position and should there be any Case Law that allegedly supported this Argument, that
- (2) Case would be directly contrary to the Law established by the U.S. Supreme Court in Valley v. Northern Fire & Marine Ins. Co. 254 U.S. 348, 41 S. Ct. 116 (1920) as well as other state courts. A party may have a court vacate a Void

Order, but the Void Order is still Void Ab Initio, whether vacated or not; a piece of paper does not determine whether an order is void, it just memorializes it, makes it legally binding and voids out all previous orders returning the case to the date prior to action leading to void ab initio.

2. The courts lacks Jurisdiction in this Case. Multiple, repeated requests of this court have been filed asking it to prove its jurisdiction starting in January, 2002, and have persisted to this Date with absolutely no response whatsoever from this court. This is Fraud. The Supreme Court is clear on this point, "The Law provides that once state and federal jurisdiction has been challenged, it must be proven. "State of Maine v. Thiboutot 100 S Ct. 2502 (1980).

As clearly stated in the Notice I filed on December 9, 2002 against Case # 1:02-mc-78, "Your decision to fall silent in this matter will also constitute fraud, because you had a legal and moral duty to answer by virtue of the fact that your name and title are showing on said Subpoena, pursuant to US v Tweel, 550 F 2d 297, 299 (1997). See also 18 USC Sect. 1001 (a federal felony) and 1961 et. seq. (RICO)."

A Maxim in Law is that an un rebutted Affidavit stands as truth. "Agencies must respond to arguments made to them." Lwin v INS 144 F. 3d 505, 512 (7th Cir. 1988) Fed. Prac. & Proc., Sect. 3522, "The limits upon federal jurisdiction whether imposed by the Constitution or Congress must be neither disregarded nor evaded."

There is even Evidence in this Case that this court has tried to prevent filings (Exhibit #6). I have been physically assaulted every time I have attempted to assert any Constitutional Rights in this Court; indeed I now can't even finish a sentence in this court without getting beat up. The Transcripts prove that my question or statements have always had to do with Constitutional Considerations. Our Motions have all been ignored, therefore, Mandatory Judicial Notice is demanded for Exhibits #1, #2, #3, #4, #5, and #6, a partial sampling of the Filings, Letters and Responses that we have made to this Court in an earnest attempt to make it follow the Constitution.

Once due process is denied, all Jurisdiction ceases.

3. Personal Jurisdiction does not exist as I expatriated several years ago.

Take Mandatory Judicial Notice of Exhibit #7. I am not a citizen of the federal United States nor a 14th Amendment citizen. See Affidavit dated November 6, 2004 already filed for additional evidence of this court's lack of Personal Jurisdiction. See also Exhibit #8.

As proven by the Evidence attached to Criminal Complaint dated November 4, 2004, perjury and fraud was committed by Thomas Gezon and Samuel Moore to obtain an arrest Warrant against me in July, 2002 not only to fraudulently convert the Boss Assets away from the our group's first Lien on them, (Criminal Complaint dated November 3, 2004, filed on the Record), but also to have an excuse to "steal" ALL of the Client's funds (See Exhibit #15 and #16).

My valid "Address" for service was provided on June 4, 2002, well in advance of the court date in July 2002, but was deliberately ignored by the Department of Justice to defraud the court into my unlawful arrest and now to unlawfully continue to detain me based on WILLFUL FALSE CHARGES and slander of running a PONZI!

A Grand Jury must be convened to look into criminal charges against these Government Officials. No Indictment can stand in the face of this much perjury and fraud Per In Re Marriage of Schmitt, No. 00-DK-0168 which quoted Di Nardo v. Lamela, 183 Ill. App. 3d 1098 1101 (1989), Mugavero, 317 Ill. App. 317 Ill. App 3d at 165 and Mullane v. Central Hanover Bank & Trust Co. 339 U.S. 306 314-15, 94 L. Ed 865, 873 70 U.S. S. Ct. 652, 657 (1950), service on an Attorney, who does not personally represent the recipient, does not constitute valid service. The Department of Justice was properly noticed of this in a timely manner. See Exhibit #10 (Gov. Exhibit #30). This letter is clearly from James Sullivan yet Gov. Exhibit #29 states that "Ms. Marcusse had refused to accept regular and certified mail", without any evidence to support it and instead evidence on the record proves that this claim was a lie. This is perjury committed by the Department of Justice in collusion with this court. Judges can at least look at the evidence, or be culpable for fraud as well.

Further, Samuel Moore admitted on the court's record on July 28, 2004, that Michael Carney had given him information on a "big transfer" for me (See Exhibit #15). This repeated fraud against me is why I was NOT allowed a valid full Detention Hearing, why

I have been unlawfully detained and why I have been repeatedly assaulted.

(See Exhibit #9)

It is also why Carmody has now ordered a psychiatric exam. This is a last ditch attempt to discredit and/or silence me by having the "excuse" to force me to take a public defender.

"An illegal arrest is assault and battery." State v. Robinson 145 Me 77, 72 At 12d 260, 262 (1950). Incredulously, Ellen S. Carmody states in her November 30, 2004 Order for a psychiatric Exam that "Janet Marcusse seems to believe ... in a conspiracy against her." No! It is a Fact backed by the evidence, not a Belief as Carmody is well aware. The Supreme Court has held in UNITED STATES v. Shabari, 513 U.S.10, 16 (1994) that the "essence of a conspiracy" is an attempt to commit an unlawful act." Dozens of unlawful acts have been committed against me by government employees party to this case.

4. Due Process has been consistently denied. I was not "allowed" the minimum basic requirements for a full and lawful Preliminary/Detention Hearing, i.e., the ability to present witnesses and/or evidence. Because I demanded on the record government officials' credentials to which I am by law entitled, I was removed from court and deprived of all due process. As the result, Department of Justice perjury was allowed by a biased judge to stand unchallenged, and an Indictment based on the same was obtained.

"Government may not prohibit or control the conduct of a person for reasons that infringe upon Constitutionally guaranteed freedoms." Smith v. U.S. 502 F 2d 512, "Defendant has a right to due process of law. Due Process means fundamental fairness." Hampton v. United States 96 S. Ct. 1646, 1652 (1976). "Fundamental Fairness" does not mean only "allowing" the Department of Justice to speak, present "evidence" and in this case, "control" the judge's actions. "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." EARLE V. McVEIGH 91 U.S. 503 23 L.Ed 398.

I filed a Writ of Mandamus on July 28, 2004 (See Exhibit # 11) requesting a number of required "proofs" of authority as the question of jurisdiction had never been addressed by this court. "Authority" had been obtained by fraud and force so far in this case.

Per the Supreme Court, the Supreme Law of the land, it states in Ryder v. United States. 115 S. Ct. 2031, 132 L.Ed. 2d 136, 515 U.S. 177 that I am required to initiate a direct challenge to the authority of anyone representing himself or herself as a government officer or agent prior to the finality of any proceeding in order to avoid the implications of defacto officer doctrine. When challenged, those posing government officers and agents are required to affirmatively prove whatever authority they claim. See also the former 26 U.S.C. 7804 (b) now published in 7801.

Ellen S. Carmody avoided the Demands in my Writ, repeatedly throughout three hearings, Refusing in defiance of the Law to answer until after I was "safely" removed from the court and

deprived of a full Detention Hearing. A review of the Transcript will note Item 6 which demanded Thomas Gezon's Surety bonded Constitutionally prescribed Oath was ignored completely. Previous requests for Gezon's Oath and Surety Bonds were in July 2002 (Exhibit #12) filed on the court's record in December 2002 (Exhibit #13) in Exhibit # 3, constituting four separate requests for Gezon's "authority." Exhibit #2, filed against Case# 1:02-mc-78 on December 9, 2002, demanded Gezon's lawful powers of attorney to represent the United States of America. Another case, most notably the anti-trust case the government brought against Microsoft Corporation demonstrated that Department of Justice Attorneys have no powers of attorney to represent the United States of America, nor does the United States of America have any "standing to sue". I have been waiting for two years for this proof the Supreme Court says I am entitled to receive if I only request it. How hard can this be? If the government could prove their authority they would. The fact that they repeatedly refuse to do so indicates they CAN'T prove it evidencing fraud. For government officials to claim otherwise is ludicrous given what occurs when one asks for verification of authority in the federal courts today.

This is not just unique to the federal court in Grand Rapids, Michigan. All over America, the simple act of asking for a judge's oath of office causes court to shut down. How difficult can it be to produce a simple piece of paper which should be on record with the Clerk of Courts, or for that matter, available right in the offices of these government officials? After all, it is not considered unusual to ask a police officer for verification and they are known to be very cooperative in providing it. Nothing could be further from the truth in federal court. Over the past 2-1/2 years, it has proven to be impossible for any of us to obtain any federal officials' oaths

of office, financials, surety bonds, or delegation of authority papers. We have been told to contact a long list of officials in Washington, D.C., the Secretary of State of Michigan, the Clerk of Courts, etc., etc., with the latest being the "Atkins Publishing" that Ellen Carmody mentioned on the record. Six months later, no one has been able to find "Atkins Publishing" relating to any financials, which makes it all highly suspect, just as everything to do in regards to any proof of authority in a federal court today is concerned, leading one to conclude that fraud is unquestionably involved. If not, then produce the address and telephone number of the Atkins Publishing stated on the record. Better yet, produce what was requested in the Writ of Mandamus from July 28, 2004. I have the absolute right to ask for these items and the absolute right to receive them without being beat up, incarcerated for over six months without a detention hearing, strip searched, fed stale and moldy food, deprived of medical care, verbally abused by obviously emotionally disturbed prison guards, all because I had the "audacity" to ask for a few government officials' credentials? Is this the "standard of justice" in America today, the land of the "free"? Only an INSANE individual would consider tolerating this arrogant style of dictatorial "justice" from "public servants" without remark. I will take this matter all the way to the Supreme Court if necessary.

Willful misrepresentation is a violation of the McDade Act at 28 U.S.C. 530 B. It is therefore painfully obvious that the Department of Justice is pretending to represent the United States of America, intentionally to avoid exercising the judicial power of the United States, thereby depriving me of my Constitutional Rights, such as the Right to due process as guaranteed by the Fifth Amendment.

The United States District Court is territorial, not an Article III court that I require, as I stated on the record. For merely wanting to know the “nature” of the “action” against me, I have been assaulted repeatedly, (Exhibit #14), totally deprived of due process, unlawfully detained, deprived of medical treatment, jurisdiction has been fraudulently assumed in the total absence of the proof thereof, and I am now subjected to several fraudulent “Orders”. This court has refused to inform me as required, if the “criminal” accusation against me is in the NATURE OF an action in law, equity, Admiralty or Maritime jurisdiction. Courts used to disclose this, but no longer do so in order to disguise their fraudulent NATURE. Because this court is afraid of the truth in this case, they pretend I’m mentally incompetent, which is even more FRAUD upon the record and upon me. As the result, I have voided this “Order” for fraud, lack of due process, and lack of jurisdiction.

“The fundamental requisite of due process of law is the opportunity to be heard.” Grannis v. Ordean 234 U.S. 385, 394. “And of course, an impartial decision maker is essential.” Wong Yang Sung v. McGrath 339 U.S. 33, 49-50 (1950) “But the difficulty with any argument premised on the proposition that the statutes do not require a hearing is that, without such hearing, there would be no constitutional authority.” 339 U.S. 33, 49 (1950) “Fraud destroys the validity of everything into which it enters.” Nadd v. Burrows 91 U.S. 426 “Where jurisdiction is denied and squarely challenged, jurisdiction cannot be assumed to exist ‘sub silentio’ but must be proven.” Hagans v. Lavine 415 U.S. 528, 533 N 5.

Remedy to be Recorded

"Sovereignty, itself is, of course not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." Yick Wo v. Hopkins and WooLee v. Hopkins 188 US 356 (1886)

"All codes, rules and regulations are applicable to the government authorities only, not Human/Creators in accordance with God's Laws. All codes, rules and regulations are unconstitutional and lacking in due process." Rodriguez v. Ray Donovan (U.S. Dept. of Labor) 769 F 2d 1344 1348 (1985)

"A legislature must not obstruct our obedience to Him from whose punishment they cannot protect us. Robin v. Hardaway, 1 Jefferson 109; 1 Am Jur 2d 14.

All rules, laws and practices which are repugnant to the Constitution are null and void.

"Marburg v. Madison, 5th US (2 Cranch) 137, 180.

It is said that a voidable order or judgment must be attacked by a 60(B) type of Motion.

However, a "Supreme Court" Void Order is void ab initio. Hence, my formal notification that the Order Holding Defendant dated August 4, 2004 issued by Ellen Carmody is hereby declared formally and officially void ab initio. I must be immediately released from unlawful detention.

Notice of Void Order Dated August 4, 2004 - Mandatory Judicial Notice
Originally Submitted December 8, 2004 and Rejected by Court Order

NOTICE:

The State Supreme Courts have held that those who aid, abet, advise and execute the Order of a Judge who acts without Jurisdiction are equally guilty.

“Refusal to obey a Void Order is not contempt.” Wolski v. Lippincott 25 N.W. 2 d 754, 755 (Nebraska 1947)

The government and court must PROVE JURISDICTION NOW or immediately CEASE and DESIST in all unlawful activities. Dismiss all charges and release me immediately.

Originally executed on December 8, 2004 at the Newaygo County Jail, White Cloud, Michigan while unlawfully detained.

I declare being the Age of Majority, under the penalties of the Laws of the United States of America that the foregoing is true, correct, complete, and not misleading. I stand in proper person with Assistance, Special and I have reserved all of My Rights under the UCC.

No jurisdiction is hereby granted by the entry of this Notice upon the record to this foreign court.

Janet Mavis Marcusse

Without Prejudice UCC 1-207

Janet Mavis Marcusse

Signed under Duress

Date: February 21, 2005

American; Christian

Private, Sentient, Civilian, Sovereign Citizen:

United States of America, a Republic;

".....at the mouths of two, or at the mouths of three the matter is established."

Deuteronomy 19: 15

Amey Mefalke

Divine and Common Law Witness

Dawn Marie Romanghi

Divine and Common Law Witness

FILED - GF

05 FEB 23 PM 3:55

RONALD J. ... CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT MICH
BY CR

PROOF OF SERVICE

Case: 1:04 cr 165

I, Janet Maivis Marcusse, Sui Juris, hereby certify, under penalty of perjury, under the laws of the United States of America, without the "United States", that I am at least 18 years of age, a Citizen of one of these united States of America, and that I served the following document(s):

3 original - CLAIM NOTICE OF VOID ORDER
dated August 4, 2004

1 to be stamped and returned

The undersigned hereby certifies that on the date of 2-23-05, delivered the above document(s) by ~~placing same in a properly addressed envelope and depositing in the US Mail to:~~ handing it to court representative.

Filings covered under Prison Reform Act of 1997.

Signed: Janet Maivis Marcusse

All Rights Reserved Without Prejudice