

**UNITED STATES COURT
HAWAII JUDICIAL DISTRICT
CITY OF HONOLULU**

GEORGE PEABODY EX REL)	
UNITED STATES OF AMERICA)	
PETITIONER)	
VS)	CASE NO. ____CV07-00012__
HELEN GILLMOR,)	CERTIFIED UNITED STATES MAIL
MARY ROSE FERIA,)	70060100000414631496
SUE BEITIA ET AL)	
RESPONDENTS)	

DECLARATORY JUDGMENT
STATEMENT OF JURISDICTION
COMPLAINT PETITION ACTION AT LAW
CAVEAT AND PROHIBITION
MANDAMUS AND PRAECIPE
MEMORANDUM BRIEF OF LAW
VERIFICATION, OATH OF OFFICE AND NOTICE OF SERVICE

COMES NOW, George Peabody, United States National Citizen Sui Juris in Proper Persona representative of the United States of America and real party to the action who appears to conduct Court himself a natural being under 28 U.S.C. § 1654 entering his court by right swears, affirms and verifies as proved in accordance with 28 U.S.C. § 1746 the following DECLARATORY JUDGMENT, STATEMENT OF JURISDICTION, COMPLAINT PETITION ACTION AT LAW, CAVEAT AND PROHIBITION, MANDAMUS AND PRAECIPE, MEMORANDUM BRIEF OF LAW, VERIFICATION, OATH OF OFFICE AND NOTICE OF SERVICE for the following case of trespass on his rights.

STATEMENT OF JURISDICTION

Claimant, George Peabody, is a United States Citizen/National.

Respondents named and by reference are United States Citizen/Nationals deriving an income from a pattern of racketeering activity.

Claimant has jurisdiction to take his case in UNITED STATES COURT pursuant to the Unanimous Declaration, the Constitution for the United States of America, Acts of Congress made under the authority of the Constitution for the United States of America and the United States Code including but not limited to 18 U.S.C. § 1961 et seq., 42 U.S.C. § 1981 et seq., 28 U.S.C. § 1331, 28 U.S.C. § 1343, 28 U.S.C. § 1345, 28 U.S.C. § 1355, 28 U.S.C. § 1391, 28 U.S.C. § 1395, and 18 U.S.C. § 241 et seq. George Peabody further claims and demands inherent to his status as a United States Citizen proceeding in United States Court all substantial rights existing that cannot be abridged by rule under 28 U.S.C. § 2072, that cannot be limited by regulatory practice under Rule 82 and reserves and retains the right to extend, modify, or reverse existing law or establish new law under common procedural Rule 11.

COMPLAINT PETITION ACTION AT LAW

In accordance with general rules of procedure (H.I.) George Peabody United States Citizen sui juris claims relief for the following verified reasons.

Rule 8. General Rules of Pleading

(a) Claims for Relief.

A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain

- (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it,**
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and**
- (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.**

1. COURT is invoked, convened, and held under the jurisdiction of the Constitution for the United States of America and Laws made under its authority already stated and verified upon the record of judicial proceedings.

2. HELEN GILLMOR, MARY ROSE FERIA and SUE BEITIA defendants of record have schemed and willfully conspired to deny redress of grievance and justice to George Peabody by concealing his judgment number 06-00431 and willfully obstructing his right of petition in violation of the Constitution and Laws of the United States of America under its authority.

3. George Peabody claims by demand his right to republican form of government, his jurisdiction, his right to establish law and three times the pecuniary penalty of ten thousand dollars (\$10,000.00) entered in case number 06-00431 for a total of thirty thousand dollars (\$30,000.00) due and payable by the defendants with respect to 18 U.S.C. § 1964 where the defendants are estopped from denying the essential allegations of the criminal offense in a private prosecution for the crime.

CAVEAT AND PROHIBITION

The United States Clerk, SUE BEITIA, all deputy clerks, the judges having the United States Court as their duty station and all other court officials employed and compensated for their services by United States of America and owing allegiance and obedience thereto are hereby ordered not to obstruct justice or to attempt to deny to George Peabody due process, petition for redress, protection of the law or republican form of government in accordance with the Constitution for the United States of America and Acts of Congress under its authority including but not limited to demanding a bribe to perform a duty owed under 18 U.S.C. § 201, interfering with the enjoyment of federally protected activities under 18 U.S.C. § 245, obstructing the free exercise of religious belief in justice under 18 U.S.C. § 247, an act of extortion under 18 U.S.C. § 872, blackmail under 18 U.S.C. § 873, claiming the authority of the United States of America under 18 U.S.C. § 912, falsifying facts in violation of 18 U.S.C. § 1001, mail fraud under 18 U.S.C. § 1341, hindering access to court of record under 18 U.S.C. § 1512, removing the record of judicial proceedings in violation of 18 U.S.C. § 2071, refusing to make the record under 18 U.S.C. § 2076, engaging in rebellion against the laws of the United States in accordance with 18 U.S.C. § 2383, attempting to practice law in court of record prohibited by 28 U.S.C. § 454 and 28 U.S.C. § 955 or showing contempt of this court by misbehavior, disobedience or resistance of the law as defined at 18 U.S.C. § 401 by peremptory order issuing from this court with the judicial power of the United States of America.

MANDAMUS AND PRAECIPE

The United States Clerk, SUE BEITIA, all deputy clerks, the judges having the United States Court as their duty station and all other court officials employed and compensated by United States of America and owing allegiance thereto are hereby ordered to obey the Supreme Law of the Land, the Constitution for the United States of America and Acts of Congress made under its authority and to perform their duties faithfully in accordance with 28 U.S.C. § 1361, to take acknowledgments under 28 U.S.C. § 459 and 28 U.S.C. § 953, to honor their oaths in due administrative of justice pursuant to 28 U.S.C. § 453 and 28 U.S.C. § 951 to truly and faithfully enter and record the judicial proceedings, and all judges, magistrates and justices compromised in their duty to administer justice shall be disqualified and shall recuse themselves where their impartiality to administer the record is questioned, where they are biased or prejudiced against a competent party conducting his tribunal sui juris, where their knowledge of legal practice compromises their duty to serve the tribunal, where their governmental employment effects their ability to obey the court, where they have acted or attempted to act as a lawyer in the proceeding and for any other reason expressed at 28 U.S.C. § 455 and any other violation of the Constitution for the United States of America not possibly within the scope of their office as put forth in 28 U.S.C. § 2679 by peremptory order issuing from this court with the judicial power of the United States of America.

MEMORANDUM BRIEF OF LAW

Since Helen Gillmor has admitted that she has difficulty comprehending the law this treatise will be as simplified as possible. Regardless it is obligatory upon her and the other defendants to understand it or to have it explained to them by competent counsel.

“ignorantia juris neminem excusat”

That is to say that ignorance does not present a defense nor does it excuse a crime. Gillmor has attempted to represent COURT in the complete absence of any jurisdiction to do so and has failed, given the opportunity, to present any authority beyond her own erroneous beliefs in support of her contentions of law that she is an arbiter. Ms Gillmor has sent threatening messages by United States mail to prevent George Peabody from exercising his constitutional right to petition. At the time made it was an offense in posse and when done in esse through the admission of defendant Mary Rose Feria (H.I.) it became a crime actionable as other crimes under the civil and criminal jurisdiction granted United States Court by 42 U.S.C. § 1988 for the vindication of rights and to punish offenses against law being expressly enlarged for this purpose.

“The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property.” IN RE SAWYER, 124 U.S. 200 (1888)

Gillmor, Feria and Beitia constructively stand convicted of contempt and obstruction of justice by prima facie evidence upon the posting of this document and, unless they affirmatively refute the facts in person within twenty days of service they are guilty as charged and subject to the penalty of paying the thirty thousand dollars (\$30,000.00) demanded in this complaint.

Gillmor, Feria and Beitia may accept responsibility for their acts and proceed nolo contendere to obey COURT in accordance with the general oath of office duly required or they may request a jury trial and involuntary servitude imprisoned in a suitable location upon conviction.

THEREFORE it is the determination of this COURT the judgment in case number 06-00431 cannot be denied and is lawful for the purposes of prosecution and execution and that HELEN GILLMOR, MARY ROSE FERIA and SUE BEITIA and all those acting under color of law under them by virtue of their employment within the court system are constrained from committing crimes against the United States of America against Citizen/Nationals of the United States of America. **IT IS FURTHER** adjudged and decreed as determined by 18 U.S.C. § 402 that the defendants pay to George Peabody, the complainant party injured, a pecuniary penalty of thirty thousand dollars (\$30,000.00) in restitution for the injustice done to him.

It is so ordered this day _____ January 8, 2007 _____.

VERIFICATION, OATH OF OFFICE AND NOTICE OF SERVICE

I, George Peabody, ex rel sui juris, do solemnly swear and affirm upon oath that I faithfully execute the Office of Citizen of the United States, and to the best of my Ability, preserve, protect and defend the Constitution for the United States and further that I swear and affirm under the laws of the United States of America in accordance with 28 U.S.C. § 1746 that the foregoing DECLARATORY JUDGMENT, STATEMENT OF JURISDICTION, COMPLAINT PETITION ACTION AT LAW, CAVEAT AND PROHIBITION, MANDAMUS AND PRAECIPE, MEMORANDUM BRIEF OF LAW, VERIFICATION, OATH OF OFFICE AND NOTICE OF SERVICE are all true and correct to my personal knowledge, information and belief agreeable to Rule 11 and that I have served, filed and recorded all documents upon the United States Court for the District of Hawaii, Honolulu by sending the originals to the office of the Court at _____ Honolulu, Hawaii 96850 _____ by Certified United States Mail Number 70060100000414631496, summoned HELEN GILLMOR by Certified United States Mail Number 70060100000414631502, summoned MARY ROSE FERIA by Certified United States Mail Number 70060100000414631519, summoned SUE BEITIA by Certified United States Mail Number 70060100000414631526, notified Attorney General Alberto Gonzales by Certified United States Mail Number 70060100000414631533, notified United States Attorney Ed Kubo by Certified United States Mail Number 70060100000414631540, notified FBI Director Robert S. Mueller III by Certified United States Mail Number 70060100000414631557 this 8th day of January, 2007.

In witness thereof I hereupon put my hand and seal.

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

November 29, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: Civil No. 06-00431 HG-KSC
CASE NAME: George Peabody v. Linda Lingle, et al.
ATTYS FOR PLA: Pro se
ATTYS FOR DEFT: Robyn B. Chun, Russell A. Suzuki

JUDGE: Helen Gillmor REPORTER:
DATE: TIME:

COURT ACTION: **MINUTE ORDER**

The Court has reviewed the proposed filing of Plaintiff received by the Court on November 28, 2006. The order entered by this Court on September 26, 2006 instructed Plaintiff not to file in this Court his own documents signed by him and labeled as "Orders," Injunctions," "Judgments," or "Writs of Execution." The Court declines to file the inappropriate and misleading packet of materials. Mr. Peabody is admonished to follow the order of September 26, 2006 and cease attempting to file documents in this case.

The packet is treated as correspondence received and shall not be filed.

Submitted by: Mary Rose Feria, Courtroom Manager

cc: above parties
Judge Helen Gillmor's chambers

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SUE BEITIA ET AL)	
RESPONDENTS)	

SUMMONS TO ANSWER

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to serve upon George Peabody, plaintiff, whose mailing address is HC01 BOX 770, Kaunakakai, Molokai, HI 96748, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Date: January 8, 2007
