

PAMELA M KNIGHT
by Pamela Marsha Knight
c/o 4401 Shoalwood Avenue
Austin, Texas 78756

FILED FOR
2005 JUN 12 PM 1:02
DAVID
COUNTY
TRAVIS COUNTY

Cause No. C-1-CV-05-001462

CITIBANK (SOUTH DAKOTA) N.A. § **IN THE COUNTY COURT**
 § **AT LAW #2**
 § **TRAVIS COUNTY, TEXAS**
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PAMELA M KNIGHT

**MOTION TO DEMAND THIS COURT READ ALL PLEADINGS
FILED WITH THIS COURT AND ADHERE ONLY TO
CONSTITUTIONALLY COMPLIANT LAW AND CASE LAW AND
MORE PARTICULARLY THE BILL OF RIGHTS IN ITS RULINGS**

Comes now Pamela Marsha Knight, an American Citizen who retains full constitutional Rights and enjoys benefits thereof, case manager, authorized representative for PAMELA M KNIGHT, alleged Defendant (herein), in special appearance, to prevent further harm and damage, without accepting the jurisdiction of the court, in the above captioned matter and lawfully and prudently moves this Honorable Court, pursuant to the oaths sworn by the presiding judge and all attending public officers and their duties to the national Constitution in any and all proceedings before this Honorable Court in this matter, to wit:

1. To read, comprehend, consider and rule upon all motions, notices, evidence and pleadings filed with this Court - with Court's rulings based only in and supported by laws, statutes and settled case law in agreement with and not in opposition or contradiction to the National Constitution, particularly the Bill of Rights; and
2. To honor, uphold and abide by the oaths taken by the presiding judge and attending court officers, pursuant to the Constitution of the United States of America, Article VI, Clauses 2 and 3, and Constitutional requirements thereof; and
3. Pursuant to those oaths, to base and support all rulings in law, or case law, which is **Constitutionally compliant** and which will **not**: (A) deny the powers of and Rights guaranteed in the National Constitution; (B) deny Constitutional Rights to American

Citizens, in this instant case; (C) violate duly enacted federal and/or state constitutionally compliant laws; (D) shield, exonerate or hold Defendant harmless and immune from violating federal or state laws, federal or State Constitutions, violating Constitutional Rights and Rights of due process of law, wrongdoing(s), crimes, criminal activity(ies), fraud, collusion and conspiracy, insurrection, sedition and anarchy; and

4. To acknowledge that American Citizens are Sovereign in this Nation, and that the government, this, and other Courts serve the American Citizens pursuant to: (A) *limited* powers delegated from the Constitution, which delegated powers are *derived from the People*; (B) oaths taken to uphold the Constitution(s); (C) the Constitution and, specifically, the Bill of Rights; (D) powers authorized only by the Constitution or duly enacted laws in full compliance therewith, specifically, the Bill of Rights, and (E) acknowledge that lack of Constitutional authority precludes any action and voids any ruling by this Court. *See* attaching, MEMORANDUM IN SUPPORT OF MOTION TO DEMAND THIS COURT READ ALL PLEADINGS.


Wherefore, since the National Constitution is the **Supreme Law of this Land**, to which this Court and presiding judge are sworn the alleged Defendant respectfully moves this Honorable Court to grant this Motion based in and supported by the federal Constitution, for the aforesaid reasons, to honor and uphold Constitutional Rights during all judicial proceedings, to read motions, notices, pleadings, duly consider factual testimony and evidence and issue rulings based only in law and case law compliant with and not in opposition or contradictory to the Constitution.

Respectfully submitted by order of PAMELA M KNIGHT.

DATED this 12th day of June 2006,

 *proceeding Sui Juris*

Pamela Marsha Knight, America Citizen, unrepresented
Travis county Texas


no telecopier number

MEMORANDUM IN SUPPORT
OF
MOTION TO DEMAND THIS COURT READ ALL PLEADINGS

“Conduct of trial judges must be measured by standards of fairness and impartiality.” *Greener v. Green*, 460 F.2d. 1279 (U. S. Ct. App.).

“A judge must maintain a high standard of judicial performance with emphasis upon conducting litigation with scrupulous fairness and impartiality.” *Pfizer, Inc. v. Lord*, F. 2d 532, cert. Denied 92 S. Ct. 2411, 406 U.S. 976.

“Rights can only be take away by due process in accordance with the Constitution.” *Hale v. Henkle*, 201 U.S., 43 at 74.

That court proceedings must be within Constitutional provisions has been forcefully established by the Supreme Court. **See:** *Smith v. U.S.*, 360 U.S. 1; *Muskrat v. United States*, 219 U.S., 346.

“All laws which are repugnant to the Constitution are null and void.” *Marbury v. Madison*, 5 U.S. 137, 174, 176.; **“A legislative act contrary to the Constitution is not law.”** *Carter v. Carter Coal Co.*, 298 U.S. 238. A law that **“impinges upon a fundamental Right explicitly or implicitly secured by the Constitution is presumptively unconstitutional.”** *Mobile v. Bolden*, 446 U.S., 55, 76; *Harris v. McRay*, 448 U. S., 297, 312.

Case law cannot be substituted for law, but rather, used in support of law, and that law must be based in and compliant with the Constitution to be valid. Case law is only a person’s *interpretation* of law, and “interpretation” of law is not authorized by the Constitution. Case law not based on a Constitutionally compliant law or case law that denies and opposes the powers of and Rights guaranteed in the Constitution, especially the Bill of Rights, is null and void, without force or effect whatsoever, and any court which uses Constitutionally non-compliant law or case law to support a

ruling from that court denies the Constitution, provides no due process forfeits any claimed jurisdiction, and the ruling is null and void, without force or effect upon an American Citizen. **“A judgment entered in violation of due process is void.”** *World Wide Volkswagon V. Woodsen*, 444 U.S., 286, 291; *National Bank v. Wiley*, 195 U. S., 257; *Pennoyer v. Neff*, 95 U.S., 714. **“If the Bill of Rights is not complied with, the court no longer has jurisdiction to proceed. The judgment...pronounced by a court without jurisdiction is void.”** *Johnson v. Zerbst*, 304 U.S., 458, 468.

Nowhere in the Constitution is it stated that the government, the States or divisions thereof are sovereign and exempt, held harmless or exonerated, or can be held so, by the courts, for wrongdoing and crimes committed against American Citizens. No American government can declare itself sovereign and exempt itself from wrongdoing against Citizens, and no court has any Constitutional authority to do so for any government or division thereof and cannot use laws or case law opposed to and not in agreement with the Constitution to do so. If this were to be done, then that government and that court commit treason. All laws must be in agreement with the Constitution and any law(s) not in agreement with the Constitution are null and void, as is non-compliant case law. **“An unconstitutional law cannot operate to supersede any existing, valid law; indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it.”** *16 Am. Jur 2d, 177, late Am Jur 2d, 256.*

As stated, *interpretation* of law is not delegated or authorized by the Constitution, and Courts have no Constitutional authorization to create or change law. Since Courts have no authority to create law, they have no authority to exempt any government or division thereof from laws that prohibit wrongdoing to American Citizens. The law cannot be interpreted beyond the language of the law, and neither added to nor deleted from. Laws must be specific, and must exist to be enforced. **“If it is law, it will be found in the books; if it is not to be found there, it is not law.”** *Boyd v. U.S.*, 116 U.S., 616. In referring to law, a Supreme Court case reads: **“...it is the established rule not to extend their provisions by implication beyond the**

clear import of the language used, or to enlarge their operation so as to embrace matters not specifically pointed out. In case of doubt, they are construed most strongly against the government and in favor of the Citizen.” *Gould v. Gould*, 245 U.S., 151 at 153. This court cannot deny the Constitution and no Constitutional Article or Amendment authorizes this Court to do so. *Watson v. Memphis* 375 U. S., 526; 10 L. Ed 529; 83, held that when a court violates the unambiguous language of the Constitution, fraud is perpetrated and no one is bound to obey it.

There is no delegated power of Sovereignty or immunity in the Constitution to any division of government. America “set up government by the consent of the governed and the Bill of Rights denies those in power and legal opportunity to coerce that consent.” *West Virginia State Board of Education v. Barnette*, 319 U.S., 624. The power of government is delegated by the Constitution and the People, and our founding fathers and the People were and are not foolish enough to delegate sovereignty and immunity to the government that “serves” the People. Were this to be so, then that government, as sovereign, would have **dictatorial** powers since it would be immune and held exempt from wrongdoing it commits against the People, and bear absolutely no responsibility to the People, which is antithetical to the intentions of our founding fathers. To have done so by those who wanted to guarantee “freedom” for the People through the Constitution, would have, instead, created slavery to a sovereign, immune and tyrannical government, without recourse, which this Court is duty bound to protect us from.

Since the Constitution is the law of the land, all public officers have taken oaths to the Constitution. “**But whenever the judicial body is called into play, it is responsible directly to the fundamental law and no other authority can intervene to force or authorize the judicial body to disregard it.**” *Yakus v. U.S.*, 321 U.S. pg. 468. No judge is authorized to deny the Constitution and all are directly responsible to it. The Constitution upholds the Rights of American Citizens. American Citizens are Sovereign in this Nation. An enemy of America (The People) is one who wants to harm or destroy America, (The People), denies and defies the law of the land and harms the Sovereign (The People) by denying Rights. **Treason is defined**, in part,

as adhering to the enemy and giving aid and comfort to the enemy, who is one who harms the Sovereign and opposes, denies or defies the Constitution. A public officer or judge who denies the Constitution and harms the American Citizen by denying that Citizen his/her Rights guaranteed in the Constitution gives aid and comfort to the enemy and thus commits treason. An enemy who harms the government harms the People, since the government is the servant of and direct representative of the People, charged with upholding their Rights, and serves the People pursuant to the Constitution and oaths taken thereto.

Denying Constitutional Rights, due process, the Bill of Rights and all Constitutional Rights, which are essential elements in the American judicial system. Without these elements, there is no justice, no valid ruling, and that ruling is void. *See: World Wide Volkswagon, supra; National Bank, supra; Pennoyer, supra; Johnson, supra.*

The Fourteenth Amendment enacted laws, under specific power granted to the Congress, to prevent state and federal public officers from holding office after having taken an oath to support the Constitution of the United States and thereafter setting aside either state or federal laws, intentionally, with sufficient force and effect, by using the public office held to engage in or aid and abet insurrection. See 18 U.S.C. § 2384; *In Re Charge to Grand Jury*, 62 F. 828, which addresses aiding and abetting insurrection; Sections 3 and 4, Fourteenth Amendment, Const. U.S.

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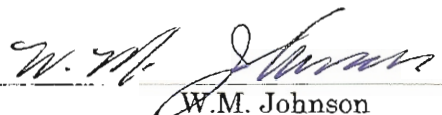
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO DEMAND THIS COURT READ ALL PLEADINGS** and its attaching **MEMORANDUM IN SUPPORT** was by me hand delivered on June 12th, 2006 to the Travis County Clerk, 1000 Guadalupe, Austin, Texas for filing into **Cause No. C-1-CV-05-001462**, and then by me delivered to:

Allen Adkins, 00910050, MCCLESKEY, HARRIGER, BRAZILL & GRAF, L.L.P., P.O. Box 3340, Lubbock, Texas 79452-3340; via prepaid USPS First Class Mail used, and

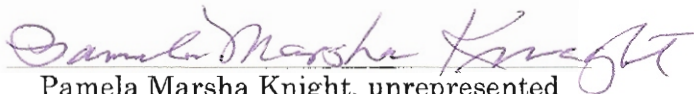
MCCLESKEY, HARRIGER, BRAZILL & GRAF, L.L.P., 5010 University Avenue, Lubbock, Texas 79413; via prepaid USPS First Class Mail used; and

Jennifer J. Spencer, Fulbright & Jaworski L.L.P., 2200 Ross Avenue, Suite 2800, Dallas, Texas 75201; via prepaid USPS First Class Mail used.



W.M. Johnson

A party competent to testify. Not a party to this action.
Acting as independent agent authorized by



Pamela Marsha Knight, unrepresented
Travis county Texas