

Janice Sue Taylor
3341 Arianna Court
Near Gilbert, Arizona
Pursuant to U.S.C. 28 §1746 (1)

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**DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA) Case No: CR-10-0400-PHX-MHM
) REBUTTAL OF GOVERNMENTS
Plaintiff,) MOTION TO DISMISS
Vs.) FOR UNLAWFUL USE
) OF A MISNOMER
Janice Sue Taylor, sui juris)
)
Defendant)
)

NOTICE TO THE COURT, CLERK OF COURT and UNITED STATES ATTORNEY

This motion is filed for above caption hearing in the district court of the United States, and not the "United States District Court". If the recipient clerk is unable to process this pleading, please direct it to the proper official.

MOTION TO DISMISS

Comes now Janice Sue Taylor, a living woman, not a corporation or other type of artificially created person, and not domiciled in the District of Columbia; hereinafter the MOVANT, by Special Visitation or Appearance, not granting jurisdiction nor recognizing this court's right to try her; but intervening in a foreign jurisdiction on behalf of the Alleged Defendant, PERSONA JANICE SUE TAYLOR, hereinafter the Accused. Movant is not trained in the law, nor is She an attorney, nor is She appearing Pro Se; but rather of right in Sui Juris.

Movant accepts Prosecutors response to the Motion to Dismiss for unlawful use of a Misnomer (doc 130) stating that the motion submitted by Movant is Frivolous, upon proof of claim that the following is not true, and has no basis which would impact Movant negatively in any due process or fair trial proceedings.

1. Movant respectfully moves this court to DISMISS the INDICTMENT of March 30, 2007, per FRCrP Rule 12(b)(3)(A) in that Plaintiff is without capacity to indict; in the nature of FRCvP Rule 9(a) in that Plaintiff is without capacity to sue.
2. The complaint purports to be a criminal action initiated by a Plaintiff, "UNITED STATES OF AMERICA", for alleged violations of laws or administrative codes of the

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1 federal United States government and asking for imprisonment. The Movant has no
2 knowledge of any statute, rule, regulation or other provision of law that would permit
3 action against her by an entity known as "**UNITED STATES OF AMERICA**".

4 3. The "**UNITED STATES OF AMERICA**" exists only as the union of the 50 States
5 united, that as a unified body created the federal "**UNITED STATES**" government by
6 and through the ratification of the Federal Constitution. Therefore, Movant contends that
7 "**UNITED STATES OF AMERICA**" does not exist in any capacity to file a suit or seek
8 injunctive relief, or more seriously, criminal charges against the Movant.

9 4. Furthermore, the very definition of the "**UNITED STATES**" is nonexistent in the
10 FRCrP, particularly at Rule 1(b), formerly Rule 54(c), nor found by the Movant in USC
11 title 28, except as a corporation (28 USC §3002 (15)(A) foreign to the 50 union States.

12 5. This Indictment is a fraudulent attempt to deceive the public into believing that the
13 federal government sits as a **central** government, rather than the **limited** government that
14 it is.

15 6. Title 4 section 72 also fortifies this to wit:

16 *All offices attached to the seat of government shall be exercised in the District*
17 *Of Columbia, and not elsewhere, except as otherwise expressly provided by law.*

18 7. Absent a showing by the Plaintiff of the lawful authority granted by Congress to bring the
19 instant action in the name of "**UNITED STATES OF AMERICA**", the Court is in want
20 of jurisdiction in this matter.

21 8. The instant "case" is nothing but an effort by the alleged person known as the "**UNITED**
22 **STATES**" to take the property, liberty and indeed, noting the time of imprisonment
23 asked, the very life of the Movant by suborning this honorable Court into creating a claim
24 on its behalf which does not otherwise exist.

25 9. The **UNITED STATES OF AMERICA** has no interest in the process; on the contrary,
26 their interest here is in seeing that the specifications under which both the "**UNITED**
27 **STATES**" and this honorable Court were established are upheld to the letter. These
28 specifications include the provisions of the Articles of Confederation, Declaration of
29 Independence, in which are recognized the inalienable rights of men/women to life,
30 liberty and property, that the sole legitimate purpose of government is to assist Americans
31 in making these rights secure, and that policies, procedures or pretexts which are
32

1 destructive of these ends, that is, which interfere with or threaten rights such as the right
2 to property, are legitimate.

3 10. These specifications also include Article 1, section 2 and 9 and the First, Fourth, Fifth,
4 Eighth, Ninth, Tenth, Eleventh and Thirteenth Articles of amendment of the **Constitution**
5 **for the united States of America 1791 A.D.**

6 11. Furthermore, their inapplicability in the instant case notwithstanding, the statutes invoked
7 by the Plaintiff specify that relevant actions are to be taken cognizance of at the instance
8 of the “**United States**”, and are to be brought in the name of the “**United States**” – NOT
9 the “**UNITED STATES OF AMERICA**”.

10 **Rule 17 Civil Rules of Procedure**
11 **Plaintiff and Defendant; Capacity; Public Officers**

12 **(a) Real Party in Interest.**

13 *(1) Designation in General.*

14 *An action must be prosecuted in the name of the real party in interest. The*
15 *following may sue in their own names without joining the person for whose*
16 *benefit the action is brought:*

17 *(A) an executor;*

18 *(B) an administrator;*

19 *(C) a guardian;*

20 *(D) a bailee;*

21 *(E) a trustee of an express trust;*

22 *(F) a party with whom or in whose name a contract has been made for*
23 *another's benefit; and*

24 *(G) a party authorized by statute.*

25 *(2) Action in the Name of the United States for Another's Use or Benefit.*

26 *When a federal statute so provides, an action for another's use or benefit **must** be*
27 *brought in the name of the **United States**. (Note is does not say may)*

28 12. Any claims from Plaintiff that this is a Criminal case and the above rule refers to Civil
29 cases does not fly according to Rule 2 of the Civil Rules of Procedure which states that :

30 **There is one form of action — the civil action.**

31 26 USC §7402 Jurisdiction of district courts.

32 (a) To issue orders, processes, and judgments.

*The district courts of the **United States** of the instance of the **United States** shall have such jurisdiction to make and issue actions, writs and orders of injunction, and of ne exeat republicia, orders appointing receivers, and such other orders and processes, and to render such judgments and decrees as may be necessary or appropriate for the enforcement of the internal revenue laws. The remedies hereby provided are in addition*

1 to and not exclusive of any and all other remedies of the **United States** in such courts or
2 otherwise to enforce such laws. [Emphasis added].

3 (f) General jurisdiction;

4 For general jurisdiction of the district courts of the **United States** in civil actions
5 involving internal revenue, see section 1340 of Title 28 of the United States Code.

6 28 USC §1345 **United States** as a plaintiff

7 Except as otherwise provided by an Act of Congress, the district Courts shall have
8 original jurisdiction of all civil actions, suits or proceedings commenced by the **United**
9 **States**, or by any agency or officer thereof expressly authorized to sue by an Act of
10 congress [emphasis added]

11 13. Considering the forgoing explicit statutory language, the Prosecutor cannot argue that
12 there is no legally meaningful difference between the "**United States** and the "**UNITED**
13 **STATES OF AMERICA**". Movant demands Prosecutor to prove the statutes herein are
14 fraudulent or prove where it specifically refers to "**UNITED STATES OF AMERICA**"
15 as a legal entity to sue Movant. Movant demands the Court to require the Prosecutor to
16 accord the words of Congress, *supra*, their proper due.

17 14. Further, Movant cannot understand the Internal Revenue Code. If there is such an
18 explicit jurisdictional statement for mere civil actions, why can Movant **not find** such a
19 statement for much more serious criminal statutes? Movant cannot assume, not has
20 Prosecutor shown **explicit jurisdiction** of the district court in 26 USC §7201, §7203 over
21 the indictment charges, nor any other associated section pertaining to cases under the
22 heading of "**UNITED STATES OF AMERICA**". Perhaps there is no criminal
23 jurisdiction for this court? Prosecutor has not shown it therefore admits there is none.

24 TITLE 18>PART I> CHAPTER I> §23.1

25 18 USC §23.1 Court of the **United States** defined.

26 *As used in this Title, except where otherwise expressly provided, the term "court*
27 *of the "United States" includes the District Court of Guam, the District Court for*
28 *the Northern Marianna Islands, and the District Court of the Virgin Islands.*

29 TITLE 4 USC section 72 also fortifies this to wit: Public Office

30 *All offices attached to the seat of government shall be exercised in the District*
31 *of Columbia, and not elsewhere, except as otherwise expressly provided by law*

32 15. Even showing a codified criminal jurisdiction like the civil, *supra*, Plaintiffs argument as
being the "**UNITED STATES OF AMERICA**" fails as the "**UNITED STATES OF**
AMERICA" does not exist in any capacity to press criminal charges against the Movant.

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1 16. Movant agrees with Prosecutor in his response of doc 130, pg 2 paragraph 1, lines 1-3, he
2 is working for the Corporation known as the "UNITED STATES". But nowhere in his
3 response does he give his authority to represent the "UNITED STATES OF
4 AMERICA", nor does Prosecutor give any definition other than Frivolous to the
5 argument raised by Movant. The Prosecutors failure to identify and obey the statutes as
6 determined by congress, leave him perpetrating in FRAUD upon the court. Trying to
7 impersonate an officer of the "UNITED STATES OF AMERICA", without ability to
8 prove he is one, is a criminal offense.

9
10 17. Movant has provided the statutes herewith for proof of her statements and has challenged
11 the Prosecutor to either admit them or state why he denies them. Frivolous is not
12 accepted as a legitimate fact or evidential proof when the above Statutes of Law are in
13 direct conflict with the Prosecutors stance. Prosecutor has not stated on the record that he
14 is or was hired by the "UNITED STATES OF AMERICA" by authority of Congress to
15 represent any criminal action against Movant.

16
17 **WITHOUT PREJUDICE**

18 Pursuant to UCC 1-308: "I reserve my right not to be compelled to perform under any
19 contract, commercial agreement or bankruptcy that I did not enter knowingly, voluntarily,
20 and intentionally. And furthermore, I do not and will not accept the liability of the
21 compelled benefit of any unrevealed contract or commercial agreement or bankruptcy". I
22 have made a timely and explicit reservation of my rights and insist that any statutes used in
23 my defense shall be construed to be in harmony with the Common Law.

24
25
26 **RELIEF REQUESTED**

27 **DISMISS** the entire INDICTMENT of March 30, 2007 with prejudice. Movant demands
28 this court to dismiss all counts against the accused alleged defendant JANICE SUE TAYLOR
29 based on this Challenge to jurisdiction, and cancel the indictment herein, forthwith; and whatever
30 further relief shall be deem equitable. Since the issue raised here are of law, an immediate
31 appeal would be hereby requested.
32

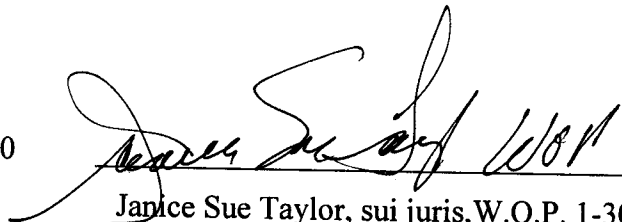
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1 Movant demands this court to provide documentation sworn true, correct and complete of the
2 Constitutionality of all issues herein. **UNITED STATES OF AMERICA**, being a bankrupt
3 country, Findings of fact and conclusions of law are required on all documents in answer to any
4 issues herein.

5 Movant demands this court allow no excludable delay to answer these admissions.
6 Prosecutor as an office of public trust and profit, required to protect Movant's rights as required
7 by law, already knew or should have known issues herein, and is presumed to have reviewed
8 them with the Grand Jury at the time of Indictment. Who did Prosecutor say he represented
9 when before the Grand Jury? Did the Prosecutor explain the difference between the **UNITED**
10 **STATES** and the **UNITED STATES OF AMERICA** to the Grand Jury?
11

12
13 Movant demands this court for RELIEF forthwith.
14

15
16
17
18 Dated this 9th day of October, 2010



19 Janice Sue Taylor, sui juris, W.O.P. 1-308
20 Of one's own right, possessing full social and
21 Civil rights, sovereign character and capacity.
22 Pursuant to U.S.C. 28 §1746 (1)
23 Without the United States
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Certificate of Service

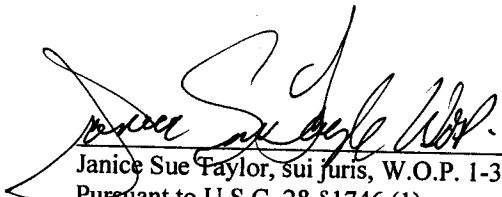
I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document Rebuttal of Governments response to Motion to Dismiss for Misnomer. Said Right Extended To Any Attorney. Whether Or Not At Bar, If Providing Or Proposing To Provide "Assistance - Not Force - Of Counsel" with the Clerk of the Court for the [Alleged] United States District Court For The [Alleged] District Of Arizona, said [Alleged] Court Appearing And Existing [Supposedly] As A Possession Of Its Own And NOT Lawfully Existing In The Legal or Organic County of Maricopa, Legal or Organic [Proposed] State of Arizona, and have mailed a copy hereof, postage prepaid thereon, to the Alleged U.S. Attorney's Office at the following addresses set forth below.

Frank T. Galati,
James Richard Knapp,
Office of the Alleged U.S. Attorney
40 N. Central Ave. # 1200
Phoenix, Arizona near 85004

Susan Anderson
850 W. Adams Street, Suite 201
Phoenix, Arizona near 85007

RESPONSE TO THIS EXHIBITED NOTICE IS REQUIRED - *Qui Tacit, Consentire Videtur, Ubi Tractatur De Ejus Commodo* (He[She] who is silent is considered as assenting [to the matter in question] when his[/her] interest is as stake.)

Dated this 9TH day of November, 2010 A.D


Janice Sue Taylor, sui juris, W.O.P. 1-308
Pursuant to U.S.C. 28 §1746 (1)
Without the United States