

Janice Sue Taylor
Near 3341 Arianna Court
Near Gilbert, Arizona

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	S DEPUTY

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

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

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 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.

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

The "**UNITED STATES OF AMERICA**" exists only as the union of the 50 States united, that as a unified body created the federal "United States" government by and through the ratification of the Federal Constitution. Therefore, Movant contends that "**UNITED STATES**

1 **OF AMERICA**” does not exist in any capacity to file a suit or seek injunctive relief, or more
2 seriously, criminal charges against the Movant.

3 Furthermore, the very definition of the “United States” is nonexistent in the FRCrP,
4 particularly at Rule 1(b), formerly Rule 54(c), nor found by the Movant in USC title 28, except
5 as a corporation (28 USC §3002 (15)(A) foreign to the 50 union States.

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

8 Title 4 section 72 also fortifies this to wit:

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

11
12 Absent a showing by the Plaintiff of the lawful authority granted by Congress to bring the
13 instant action in the name of “**UNITED STATES OF AMERICA**”, the Court is in want of
14 jurisdiction in this matter.

15 The instant “case” is nothing but an effort by the alleged person known as the “United
16 States” to take the property, liberty and indeed, noting the time of imprisonment asked, the very
17 life of the Movant by suborning this honorable Court into creating a claim on its behalf which
18 does not otherwise exist. The United States of America has no interest in the process; on the
19 contrary, their interest here is in seeing that the specifications under which both the “United
20 States” and this honorable Court were established are upheld to the letter. These specifications
21 include the provisions of the Articles of Confederation, Declaration of Independence, in which
22 are recognized the inalienable rights of men/women to life, liberty and property, that the sole
23 legitimate purpose of government is to assist Americans in making these rights secure, and that
24 policies, procedures or pretexts which are destructive of these ends, that is, which interfere with
25 or threaten rights such as the right to property, are legitimate. These specifications also include
26 Article 1, section 2 and 9 and the First, Fourth, Fifth, Eighth, Ninth, Tenth, Eleventh and
27 Thirteenth Articles of amendment of the Constitution for the united States of America 1791 A.D.

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

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

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

2 (1) *Designation in General.*

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

6 (A) *an executor;*

7 (B) *an administrator;*

8 (C) *a guardian;*

9 (D) *a bailee;*

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

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

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

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

15 *When a federal statute so provides, an action for another's use or benefit must be brought*
16 *in the name of the United States.*

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

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

20 26 USC §7402 Jurisdiction of district courts.

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

22 *The district courts of the United States of the instance of the United States shall have*
23 *such jurisdiction to make and issue actions, writs and orders of injunction, and of ne*
24 *exeat republicia, orders appointing receivers, and such other orders and processes, and*
25 *to render such judgments and decrees as may be necessary or appropriate for the*
26 *enforcement of the internal revenue laws. The remedies hereby provided are in addition*
27 *to and not exclusive of any and all other remedies of the United States in such courts or*
28 *otherwise to enforce such laws. [Emphasis added].*

29 (f) General jurisdiction

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

32 28 USC §1345 United States as a plaintiff

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

 Considering the forgoing explicit statutory language, the Plaintiff cannot argue that there is
no legally meaningful difference between the "United States and the "UNITED STATES OF

1 **AMERICA**". Movant demands the Court to require the Plaintiff to accord the words of
2 Congress, supra, their proper due.

3 Further, Movant cannot understand the Internal Revenue Code. If there is such an explicit
4 jurisdictional statement for mere civil actions, why can Movant **not find** such a statement for
5 much more serious criminal statutes? Movant cannot assume, not has Plaintiff shown **explicit**
6 **jurisdiction** of the district court in 26 USC §7201, §7203 over the indictment charges, nor any
7 other associated section. Perhaps there is no criminal jurisdiction for this court? Plaintiff has not
8 shown it and now admits there is none per FRCvP Rule 8(d).

9 TITLE 18>PART I> CHAPTER I> §23.1

10 18 USC §23.1 Court of the **United States** defined.

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

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

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

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

20
21 **WITHOUT PREJUDICE**

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

28
29
30 **RELIEF REQUESTED**

31 **DISMISS** the entire INDICTMENT of March 30, 2007with prejudice. Movant demands this
32 court to dismiss all counts against the accused alleged defendant JANICE SUE TAYLOR based
on this Challenge to jurisdiction, and cancel the indictment herein, forthwith; and whatever

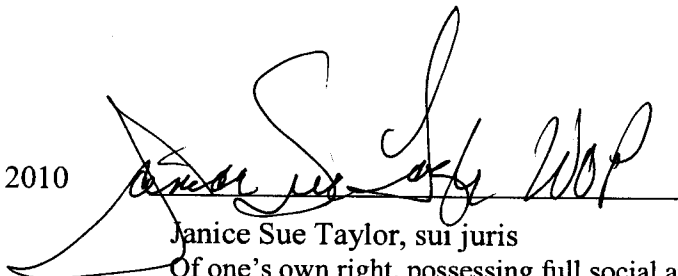
1 further relief shall be deem equitable. Since the issue raised here are of law, an immediate
2 appeal would be hereby requested.

3 Movant demands this court to provide documentation sworn true, correct and complete of the
4 Constitutionality of all issues herein. Findings of fact and conclusions of law are required on
5 all documents in answer to any issues herein.

6 Movant demands this court allow no excludable delay to answer these admissions. Plaintiff
7 As an office of public trust and profit, required to protect Movant's rights as required by law,
8 already knew or should have known issues herein, and is presumed to have reviewed them with
9 the Grand Jury at the time of Indictment.
10

11 Movant demands this court for RELIEF forthwith.
12

13
14
15
16
17 Dated this 4th day of October, 2010



18 Janice Sue Taylor, sui juris
19 Of one's own right, possessing full social and
20 Civil rights, sovereign character and capacity.
21

22 **Certificate of Service**

23 I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document Motion to
24 Dismiss. Said Right Extended To Any Attorney, Whether Or Not At Bar, If Providing Or Proposing To Provide "Assistance -
25 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.

26 Frank T. Galati,
27 James Richard Knapp,
28 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

29 **RESPONSE TO THIS EXHIBITED NOTICE IS REQUIRED - Qui Tacit, Consentire**
30 **Videtur, Ubi Tractatur De Ejus Commodo (He[She] who is silent is considered**
31 **as assenting [to the matter in question] when his[her] interest is as stake.)**
32

Dated this 4th day of October, 2010 A.D

