

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

FILED

MAY 31 2006
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

IN THE MATTER OF: §
§
Samuel Saldana, Jr., Propia Personam §
§
and §
§
UNITED STATES OF AMERICA, §
Judge Robert A. Junell, §
Judge Stephen H. Capelle, §
AUSA Mark Twain Roomberg, §
AUSA Joseph H. Gay, Jr., §
IRSSA Jeff Allen, §
USPO Amanda L. Garcia, §
_____ §

Crim. No.: MO-03-CR-147

Civ. No.: _____

*** NOTICE ***

CROSS LABEL PURSUANT TO 28 USC § 1333
SAVING TO SUITOR CLAUSE

NOW COMES Samuel Saldana, Jr., "Propia Personam" hereby files this Motion pursuant to "Saving to Suitor" Clause of 28 USC § 1333(1) which enables maritime litigants to pursue available Common Law Remedies, if they prefer them to those supplied in admiralty; it affords litigants choice of remedies, not forums; 28 USC § 1333 bestows upon maritime suitors right to pursue non-admiralty

remedies, but does not foreclose right of defendants to litigate in federal court if some basis for federal jurisdiction, other than admiralty exist.

Pacific Far East Line, Inv. v. Ogden Corp., (1977, ND Cal.) 425 F. Supp. 1239.

Under 28 USC § 1333, which in conferring admiralty jurisdiction upon federal district courts, exclusive of courts of states, saves to suitors "in all cases all other remedies to which they are otherwise entitled." Admiralty's Jurisdiction is "exclusive" only as to those maritime causes of action begun and carried on as proceedings in rem, that is, where vessel or thing is itself treated as offender and made defendant by name or description in order to enforce lien; it is this kind of in rem proceeding which State courts cannot entertain; jurisdictional act leaves State court competent to adjudicate maritime causes of action in proceedings "in personam", that is, where defendant is person, not ship or some other instrument of navigation. **Madruga v. Superior Court of California (1954) 346 US 556, 98 LED 290.**

Exclusive admiralty jurisdiction of federal court under 28 USC § 1333 is limited to causes of action begun and carried on in rem, while under "saving to suitors" clause of § 1333, suitor who holds in personam claim which might be enforced by suit in personam under admiralty jurisdiction of federal courts may also bring suit, at his election, in state court or on "common law" side of federal court. **Lavergne v. Western Co. of North America, Inc., (1979 La.) 371 So. 2d. 807; see also Cramer v. Association Lif Ins. Co. (1990 La. App. 1st Cir. 1990 La. App. Lexis 1937).**

Consent could not give jurisdiction if it did not exist as to subject matter of Suit. **The Club Royale (1935, DC. N.J.) 13 F Supp. 123).**

Due process of law (Fourth, Fifth and Sixth Amendments) as guaranteed by The Constitution of The United States require that the "person in the Subject Matter" must be properly named; the court must issue a summons for the appearance of the "person in the Subject Matter" under official court Seal signed by the presiding judge; the summons must be attached to a sworn complaint of a "damaged victim"; and the summons must be given to the county sheriff who must personally serve it upon the "person in the Subject Matter".

The United States District Courts were Created by Act of Congress on June 25, 1948, codified at 28 USC § 132 and jurisdiction there of title 28 chapter 25, list civil, admiralty, maritime, patent, bankruptcy etc.

Samuel Saldana, Jr., "Propia Personam" hereby "Reserves all Rights" under common law pursuant to UCC 1-207 and UCC 1-103.6.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof of the Bill of Particulars; sworn complaint; and identity of the damaged victim in Criminal No. MO-03-CR-147 pursuant to UCC 3-305.

Samuel Saldana, Jr., "Propia Personam" request a court appearance in an Article III court of record, with Common Law jurisdiction, precided by an Article III Judge.

Samuel Saldana, Jr., "Propia Personam" here by request a Special and/or limited appearance to challenge the jurisdiction of this court, and to demand what jurisdiction the court is

exercising in the action against defendant SAMUEL SALDANA, JR. in Criminal No. MO-03-CR-147.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof of documentation pursuant to Title 40 USC § 225 wherein United States of America has jurisdiction where cause of action alleged in Criminal No. MO-03-CR-147 occurred.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof that Internal Revenue Service Agent Jeff Allen is an employee of The United States. See *Diversified Metal Products, Inc., v. T-Bow Company Trust, Internal Revenue Service, and Steve Morgan*, No. C.V. 93-0405-E-BLW, July 18, 1996.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof showing that the cause of action in Criminal No. MO-03-CR-147 is positive law, with proof of publishing in The Federal Register.

Samuel Saldana, Jr., "Propia Personam" demands proof that members of the Grand and Petit Jurors are citizens of The United States; and residents of the federal territory within the judicial district for a year as required by 28 USC 5 and The Sixth Amendment.

Samuel Saldana, Jr., "Propia Personam" demands proof of document describing territory that comprises this courts judicial district.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof that The United States District Court Judge Robert A. Junell, resides within the judicial district of this court as required by Section 3 of The Judiciary Act of 1789 and Section 134 of Title 28.

Samuel Saldana, Jr., "Propia Personam" hereby demands proof where the magistrate judge Stephen H. Capelle and judge Felix Recio have authority under The United States Constitution to make a plea for a defendant charged with a felony crime.

Samuel Saldana, Jr., "Propia Personam" demands proof where **Titles 18 and 26 Regulations** are published in The Federal Register or Code of Federal Regulations. See **US v. Mersky 361 US 431**.

Samuel Saldana, Jr., "Propia Personam" has been kidnapped for ransom, through Fraud and Perjury in the cause of action in **CR. No. MO-03-CR-147**. The Unites States of America, and all federal agencies within the authority of The United States of America and its employees through legal extortion, have violated The Common Law right to life, liberty, and Property of Samuel Saldana, Jr., "Propia Personam".

"officers of law, in the execution of process, are obligated to know the requirements of the law, and if they mistake them, whether through ignorance of design, and any one is harmed by their error, they must respond in damages."

Rogers v. Marshall (United States use of Rogers v. Conklin)
1 wall (US) 644, 17 led 714. See also Trezevant v. City of Tampa, 741 F2d, 336 (1984). Where in the damages established were at \$25,000 for 23 minutes.

Samuel Saldana, Jr., "Propia Personam" demands proof showing that this is a court of Record and Constitutional Court of due process of law under The Constitution of The United States.

Samuel Saldana, Jr., "Propia Personam" demands proof showing if this is an Administrative Tribunal.

Samuel Saldana, Jr., "Propia Personam" demands proof of what jurisdiction the court is exercising against defendant **SAMUEL SALDANA, JR.**, in **CR. No. MO-03-CR-147** and what part of The United States Constitution does the court derive its authority.

Samuel Saldana, Jr., "Propia Personam" demands proof of any maritime contracts between the defendant **SAMUEL SALDANA, JR.** in **CR. No. MO-03-CR-147** and **UNITED STATES OF AMERICA, UCC 2-302.1; UCC 3-401.1; UCC 3-305.2(c); UCC 3-403.42** and **UCC 3-505.**

Samuel Saldana, Jr., "Propia Personam" demands proof under The Constitution of The United States where this court has criminal jurisdiction under Common Law.

Samuel Saldana, Jr., "Propia Personam" demands proof pursuant to **Title 40 USC § 225** where in United States of America accepted jurisdiction to the geographic location from the **STATE OF TEXAS;** and where the **STATE OF TEXAS** surrendered jurisdiction of geographic location where "cause" of action in **CR. MO-03-CR.147** allegedly occurred and documentation showing concurrent jurisdiction with the **STATE OF TEXAS.**

Samuel Saldana, Jr., "Propia Personam" demands proof where the rules of Criminal Procedure for statutory jurisdiction is published.

Samuel Saldana, Jr., "Propia Personam" demands that this court state on the record that it has authority under The Constitution of The United States of America to conduct criminal action against real live, flesh and blood man as defendant under statutory jurisdiction there by denying defendant the right to defend in his own Person.

Samuel Saldan, Jr., "Propia Personam" request proof of any superior claim of the Holder-in-due-Course; request proof of the commercial instruments that created the debt; request proof of

the "person" or person(s) making the presentment; and what part of The Constitution of The United States delegated authority to the "person(s)" to make the presentment. UCC-3-501; Article 3 of The United States Constitution; HJR192; The Identity Theft and Assumption Deterrence Act of 1998, Public Law 105-318; and Wright v. State of Georgia 373 US 284 10L ed 2d. 349, 83 CT. 1240 (1963).

Samuel Saldana, Jr., "Propia Personam" hereby demands proof of documentation established that The Internal Revenue Service is an agency of The United States, see United States Answers and Claims pp.4 by Betty H. Richardson, U.S. Attorney, Boise Idaho, Diversified Metal Products, Inc., v. T-Bow Company Trust, Internal Revenue Service, and Steve Morgan, No. CV. 93-0405-E-BLW July 18, 1996.

Samuel Saldana, Jr., "Propia Personam" demands that The UNITED STATES OF AMERICA disclose all criminal bonds; all Commercial lien(s)/bond(s) Certificates; the expiration dates of the bonds; which "persons" secured the bond(s)/lien(s); the holder of the bond(s) or lien(s); copies of the Judgement lien(s); and certified copies of the abstract of the Judgment, 28 USC § 3201; UCC 3-305.52 (See Appendix B letter from executive office of The United States Attorney on Criminal bonds).

Samuel saldana, Jr., "Propia Personam" demands that the cause of action against SAMUEL SALDANA, JR. defendant in CR. No. MO-03-CR-147 be dismissed with prejudice for lack of Jurisdiction.

Alternatively Samuel Saldana, Jr., "Propia Personam" hereby **CONDITIONALLY ACCEPTS FOR VALUE (for THIRTY DAYS FROM DATE OF FILING OF THIS CROSS LIBEL MOTION) THE INDICTMENT Criminal No. MO-03-CR-147**

against SAMUEL SALDANA, JR. defendant (USDC, WESTERN DISTRICT OF TEXAS, MIDLAND/ODESSA DIVISION) upon PROOF OF CLAIM FOR WHICH RELIEF CAN BE GRANTED in accordance with Public Policy HJR-192, UCC 10-104 and UCC 1-104.

Samuel Saldana, Jr., "Propia Personam" hereby demands a hearing if this Claim is dismissed without a hearing, then Samuel Saldana, Jr., "Propia Personam" claims a discharge of all debts pursuant to UCC 3-601.

Date: May 25, 2006

RESPECTFULLY SUBMITTED,

"Non-ASSUMPSIT"

REPRESENTATIVE OF:

SAMUEL SALDANA, JR.

"Without Recourse"


Samuel Saldana, Jr.

"All rights' reserved"

UCC 1-207 and 1-103.6

Care of:

[27138-179

Post Office Box 26020]

Beaumont, Texas [77720-6020]

AFFIDAVIT

I, Samuel Saldana, Jr., "Propia Personam" declare that under penalty of perjury under The Laws of The United States of America that the foregoing is true and correct, 28 USC § 1746.

Date: May 25, 2006


Samuel Saldana, Jr.

CERTIFICATE OF SERVICE

I, Samuel Saldana, Jr., certify that on this date May 25, 2006 2006, a true and correct copy of the foregoing Motion: **CROSS LIBEL PURSUANT TO 28 USC § 1333 SAVING TO SUITOR CLAUSE** was sent to the following:

1. Clerk of The Court, United States District Court, 200 E. Wall Room 107, Midland, Texas 79701. *Certified Mail: 7002 2410 7104 4760.*
2. AUSA Mark T. Roomberg, U.S. Dept. of Justice, 606 NW loop 410, Suite 600, San Antonio, Texas 78216.
3. AUSA Joseph H. Gay Jr., Suite 600 U.S. Attorneys of Texas, Western Division of Texas, 601 NW Loop 410, San Antonio, Texas 78216-5597.
4. IRSSA Jeff Allen, United States Dept. of the Treasury, Internal Revenue Service, Criminal Investigation, 7201 I-40 West, Ste. 105, Amarillo, Texas 79106.
5. USPO Amanda L. Garcia, 100 E. Wall Suite P-108, Midland, Texas 79701.



U.S. Department of Justice

Executive Office for United States Attorneys
 Freedom of Information/Privacy Act Staff
 600 E Street, N.W., Room 7300
 Washington, D.C. 20530
 202-616-6757 Fax 202-616-6478

FEB 24 2006

Requester: Samuel Saldana, Jr. Request Number: 06-513

Subject of Request: Self

Dear Requester:

Your recent request for records from the Executive Office for United States Attorneys (EOUSA) has been received. Before the Executive Office can begin processing your request, it is necessary for you to correct one or more deficiencies. Please comply with the paragraphs checked below:

1. A requester must provide a notarized example of his/her signature or a certification of identity under penalty of perjury. This insures that information pertaining to an individual is released only to that person. A form is enclosed for your use.
2. The files and records of United States Attorneys are maintained in over one hundred separate offices throughout the United States. Please identify the specific United States Attorney's office(s) where you believe records may be located. This would be primarily the district(s) in which a prosecution or litigation occurred.
3. To insure that records are properly identified, provide subject's full name, current address, and date and place of birth.
4. A request must describe the records sought in sufficient detail to allow location of the records with a reasonable amount of effort (i.e., processing the request should not require an unduly burdensome effort or be disruptive of Department operations). Please provide more specific information about the records you seek, such as appropriate dates, locations, names, nature of the records, etc.
5. Please note that your original letter was split into separate files ("requests"), for processing purposes, depending on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

By making a FOIA/PA request, you agree to pay fees up to \$25, as stated in 28 C.F.R. § 16.3(c), unless you request a waiver of fees (according to requirements in 28 C.F.R. § 16.11(k)). Indigency does not constitute a basis for a fee waiver. Please note that pursuant to 28 C.F.R. § 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28

"Appendix B"

the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release any documents to you (in excess of 100 free pages). Without such payment, your request file will be closed without further action.

Once you have corrected the above deficiencies, please submit a new request for the documents. This is a final determination and your request for information has been closed. When we have received your new, corrected request, we will open a new file for you. **Please send your new, corrected request to the address above.**


You may appeal my decision in this matter by writing within sixty (60) days from the date of this letter, to:

Office of Information and Privacy
United States Department of Justice
1425 New York Avenue
Suite 11050
Washington, D.C. 20530-0001

Both the envelope and the letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records, if any, are located; or in the District of Columbia.

Sincerely,


William G. Stewart II
Acting Assistant Director

NOTE: Please tell us if you want all records or just bonds.

Enclosure(s)