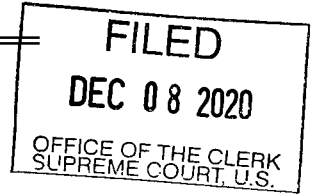


20-803  
No. 20-\_\_\_\_\_

ORIGINAL



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In The  
**Supreme Court of the United States**

—◆—  
Morgan Joseph Langan,

*Petitioner,*

v.

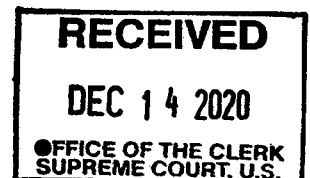
United States, State of Arizona,

*Respondents.*

—◆—  
**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Federal Circuit**

—◆—  
**PETITION FOR A WRIT OF CERTIORARI**

—◆—  
Morgan Joseph Langan  
Post Office Box 741  
Cornville, Arizona  
United States of America  
(928) 649-1921  
morganlangan@yahoo.com  
Petitioner



## **QUESTION PRESENTED**

Does the State of Arizona possess the transcendental sovereignty to take away petitioner's vested rights in private property by a mere legislative act that usurps the power of the judicial branch and alters the nature of our republican and free government as guaranteed under Article IV § 4 of the Constitution for the United States of America?

## **PARTIES TO THE PROCEEDING**

Morgan Joseph Langan was the plaintiff in the United States Court of Claims and Appellant in the United States Court of Appeals for the Federal Circuit. Respondents the United States and the State of Arizona were the defendants in the Court of Claims proceedings and appellees in the court of appeals proceedings.

## **RELATED CASES**

- United States District Court, District of Arizona-Case No. CV-15-08120-PCT-DGC (SEALED)
- Supreme Court of the United States Case No. 15-9808 Morgan Joseph Langan v. ZB, National Association, et al.
- United States Bankruptcy Court, District of Arizona Case No. 3:18-bk-01019-DPC and Adversary No. 3:18-ap-00048DPC. In re: MORGAN JOSEPH LANGAN
- United States Court of Federal Claims Case No. 18-900C MORGAN JOSEPH LANGAN v. THE UNITED STATES.
- United States Court of Federal Claims Case No. 1:18-cv-01603-LKG Morgan Joseph Langan v. United States and State of Arizona
- United States Court of Appeals for the Federal Circuit Case No. 2020-1057

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## **PETITION FOR A WRIT OF CERTIORARI**

On petition for a writ of certiorari to the United States Court of Appeals for the Federal Circuit, Morgan Joseph Langan petitions this Court to review the judgement of the United States Court of Appeals for the Federal Circuit.



## **OPINIONS BELOW**

The Court of Federal Claims Case No. 18-1603C, opinion filed August 16, 2019 is not published, reproduced at App. 25-44. Motion for Reconsideration was denied September 24, 2019 and reproduced at App. 13-24. The Court of Appeals for the Federal Circuit Case No. 20-1057 decided May 6, 2020 reproduced at App. 1-12; Petition for Rehearing En Banc denied July 21, 2020, reproduced at App. 45, 46.



## **JURISDICTION**

A timely filed petition for rehearing was denied by the United States Court of Appeals for the Federal Circuit on 21 day July, 2020 A.D. This petition is timely filed under the Court's 150 day COVID-19 extension. This Court has appellate jurisdiction under 28 U.S.C. §1254(1) and original jurisdiction under Article III § 2 Subsection 2 in this case in which a State is a party under the judicial power that extends to this controversy to which the United States is a party.



## EQUITY JURISDICTION

Petitioner invokes this Courts' exclusive equity jurisdiction to provide relief in this exceptional case in which the law provides no remedy. The State of Arizona created laws that eliminate substantive rights guaranteed by the constitution and that impair the obligations of private contracts. As Alexander Hamilton explained in *Federalist*, No. 80, "there is hardly a subject of litigation between individuals, which may not involve those ingredients of *fraud, accident, trust, or hardship*, which would render the matter an object of equitable rather than of legal jurisdiction." Hamilton elaborated in *Federalist*, No. 83, that "the great and primary use of a court of equity is to give relief in extraordinary cases, which are exceptions to general rules." Supreme Court Justice Joseph Story, echoed Hamilton, in *Commentaries on Equity Jurisprudence* (1836) writing that "cases must occur to which the antecedent rules cannot be applied without injustice, or to which they cannot be applied at all."

Justice Story identifies in § 856 *Commentaries on the Constitution* (1838) that a case is "a suit in law or equity, instituted according to the regular course of judicial proceedings; and involves any question arising under the constitution, laws, or treaties of the United States, it is within the judicial power confided to the Union." Additionally, Justice Story confirms in § 860: "Agreements to convey lands, claimed under the grants of different states, may afford another example of the necessity of an equitable jurisdiction in the federal courts." The State of Arizona granted parcel numbers



associated with the land subject to this case that are in conflict with land patent # 791 granted by United States of America prior to the formation of the State.

Joseph Story provides the context for the contracts foundational to this case in his Commentaries § 860. *“It has also been asked, and may again be asked, why the words, “cases in equity,” are found in this clause? It is the peculiar province, for instance, of a court of equity, to relieve against what are called hard bargains. These are contracts, in which, though there may have been no direct fraud or deceit, sufficient to invalidate them in a court of law; there may have been some undue, and unconscionable advantage taken of the necessities, or misfortunes of one of the parties, which a court of equity would not tolerate.”*

Chief Justice Taney stated in *Bennett v. Butterworth*, 11 How. 669, 674, 13 L. Ed. 859: “The Constitution of the United States, in creating and defining the judicial power of the general government, establishes this distinction between law and equity, and a party who claims . . . an equitable (title), must proceed according to rules which this court has prescribed (under the authority of the Act of August 23, 1842), regulating proceedings in equity in the courts of the United States.” Quoted from and as promulgated in Hopkins Federal Equity Rules, 1912, where the Rule applicable to this case is found on page 3, paragraph 2: “And the Federal Courts may not lawfully transform by order or amendment . . . an original suit in equity into an action at law.” This suit commenced in equity and has been transformed by order and amendment into an action

at law where the record documents that petitioner was deprived of property under color of law and without due process of law therefore this case arises under the Constitution in order to remove the legal clog upon petitioner's equitable titles in order to preserve his right to petition the government for redress of grievances under Amendment 1. The rule is: "Equity will not suffer a wrong without a remedy." Suits in Chancery, H. R. Gibson, 2nd Edition 1907 Chapter III Article I § 31 & 33.

The Judicature Act of 1875 and 1 Pomeroy Equity Jurisdiction (5th ed. p. xxiv) provide precedent for granting this petition: "Generally, in all matters in which there is any conflict or variance between the rules of equity and the rules of common law with reference to the same subject matter, the rules of equity shall prevail." Quoted in *Rudisill v. Whitener*, 146 N.C. 403 (1907), *Ex Parte Sedillo*, 34 N.M. 98 (1929), *Hack v. Concrete Wall Company*, 350 Mich. 118 (1957), *Fairey v. Gardner*, 233 S.C. 297 (1958), *Jaffe-Spindler Co. v. Genesco, Inc.*, 747 F.2nd 253 (4th Circuit N.J. 1984). The opinion in this case issued by the U.S. Court of Appeals for the Federal Circuit (USCAFC) is split with the decision of the 4th Circuit and the states identified herein. The conflicts and variances between the rules of law and the rules of equity are hereby submitted.

The USCAFC denial of relief proves beyond a reasonable doubt that there is no remedy or equal justice at law in this case. Therefor a circuit split exists with the decision of the 4th Circuit N.J. and multiple state

supreme courts where the rules of equity prevail when there is a conflict or variance with the rules of law as are present in this case. Justice Story clarified the definitive rule that applies to this case in § 852 of Commentaries on the Constitution: “The propriety of the delegation of jurisdiction, “in cases arising under the constitution,” rests on the obvious consideration, that there ought always to be some constitutional method of giving effect to constitutional provisions.”

Petitioners’ allodial title and freehold standing on the land when merged with his private status as an American, grants his capacity as one of the people to petition this Court for a redress of grievances under the constitution. Petitioner seeks the good reason and good conscience of the justices that they may act as keepers of the people’s conscience at this critical time in the history of our great Nation and prays for the protection of this Court of equity to grant equal protection under the law of the land while seeking the procedural protections provided by former rule 48.2 of this Court and the 1912 Federal Equity Rules. This case provides a vehicle in support of this Court’s appellate jurisdiction and to say what the law is regarding the legal, equitable and equal protection of private property rights for all Americans.



## CONSTITUTIONAL PROVISIONS INVOLVED

**Article I § 10 subsection 1:** “No State shall . . . pass any . . . law impairing the obligation of contracts.”

**Article III § 2 Subsection 1:** “The judicial power shall extend to all cases in Law and Equity. . . .”

**Article IV § 1, § 2 Subsection 1 and § 4:** “The United States shall guarantee to every State in this Union a republican form of government.”

**Amendment I:** “The (R)ight of the people . . . to petition the government for a redress of grievances (shall not be abridged).”

**Amendment IV:** “The right of the people to be secured in their persons, houses, papers and effects . . . shall not be violated.”

**Amendment V and as in the Arizona Constitution Article II § 4:** “No person shall be deprived of life, liberty, or property without due process of law.”



## INTRODUCTION

In the State of Arizona and similarly in 26 other States a citizen’s right to possess, use and dispose of private property is not reviewed by a judge when a party conducts a non-judicial foreclosure sale. Across the boarder in New Mexico, and 22 other states of the Union, a citizen holds a right to challenge claims

entered against title prior to seizure of his land and is entitled to have a judge review the claims made by another party. In Arizona, title is determined by the one making the claim. As shocking to the conscience as this may be, the record in the Court of Claims verifies this truth. This State process granted the non-judicial taking of private property. In this case, no judge reviewed a creditor's claimed title prior to invoking the State's power to seize petitioner's home and no court has redressed this grievance even since the claim has subsequently been proven to be based upon fraudulent documents on exhibit in the lower courts.

This case represents a historic opportunity for this Court to give effect to the constitutional powers that have been usurped by the State as taken from the judiciary by the legislative and executive branches of the government. Speaking in dissent in *Murr v. Wisconsin*, 137 S.Ct. 1933 (2017), Chief Justice Roberts clarified "the word property in the takings clause to mean the group of rights inhering in a citizen to a thing, as the right to possess, use and dispose of it. Property interests are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." State law that takes private property and transfers it to another party is contrary to the supreme law of the land when accomplished without due process and judicial review. Additionally, the State of Arizona legislature excluded the judicial branch from defining property interests or even reviewing existing rules. This form of State law is

not an independent source to define property interests that were created in a higher dimension.

In this Court “The general rule, of course, is that absent an ‘extraordinary situation’ a party cannot invoke the power of the state to seize a person’s property without a *prior* judicial determination that the seizure is justified.”; *Brock v. Roadway Exp., Inc.*, 481 U.S. 252, 261-62 (1987) (plurality). *See, also United States v. Eight Thousand Eight Hundred & Fifty Dollars (\$8,850) in U.S. Currency*, 461 U.S. 555, 562 n.12 (1983). This Court consistently expresses a clear, simple constitutional rule: Due process requires “that an individual be given an opportunity for a hearing *before* he is deprived of any significant property interest.” *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971). This rule has limited exceptions that are triggered only by truly exigent circumstances not present in this case.

This Court has reiterated this rule many times. “[T]he Court has upheld procedures affording less than a full evidentiary hearing if some kind of a hearing ensuring an effective initial check against mistaken decisions is provided before the deprivation occurs, and a prompt opportunity for complete administrative and judicial review is available.” (internal quotation marks omitted); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (quoting *Boddie*, 401 U.S. at 379). In this case the record documents that no administrative or judicial review was provided before the deprivation occurred.

Procedural due process imposes constraints on governmental decisions that burden protected interests in life, liberty, or property, *see Mathews v. Eldridge*, 424 U.S. 319, 332 (1976), while substantive due process protects against official conduct that is conscience-shocking and violates a fundamental right that is deeply rooted in history, and supported by the concept of ordered liberty. *Slusarchuk v. Hoff*, 346 F.3d 1178, 1181–82 (8th Cir. 2003) (citing *Moran v. Clarke*, 296 F.3d 638, 651 (8th Circuit)). The record documents the shocking consequences of the legislative acts of the State of Arizona that violate both procedural and substantive due process rights without redress or remedy at law.

State of Arizona non-judicial foreclosure laws precluded the remedy granted by the Arizona Constitution requiring due process prior to depriving a citizen of property. Petitioner accepted a grant from the State of Arizona in the Arizona Constitution Article II Section 4: “No person shall be deprived of life, liberty, or property without due process of law.” Justice Story concludes in § 697 that “(A) *grant is in fact a contract executed . . . A state law therefore annulling conveyances between individuals, and declaring, that the grantors shall stand seized of their former estates notwithstanding those grants, would be as repugnant to the constitution, as a state law discharging the vendors from the obligation of executing their contracts of sale by conveyance.*” State laws prevented petitioner from fulfilling his obligation to defend title to his land while

the record clearly demonstrates that no remedy exists at law to redress these grievances.

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### STATEMENT OF THE CASE

Justice Story eloquently summarizes the question presented by this case in his Commentaries § 712: *“Whether indeed, independently of the constitution of the United States, the nature of republican and free governments does not necessarily impose some restraints upon the legislative power, has been much discussed. It seems to be the general opinion, fortified by a strong current of judicial opinion, that since the American revolution no state government can be presumed to possess the transcendental sovereignty to take away vested rights of property; to take the property of A and transfer it to B by a mere legislative act. A government can scarcely be deemed to be free, where the rights of property are left solely dependent upon a legislative body, without any restraint. The fundamental maxims of a free government seem to require, that the rights of personal liberty, and private property should be held sacred. At least, no court of justice, in this country, would be warranted in assuming, that any state legislature possessed a power to violate and disregard them; or that such a power, so repugnant to the common principles of justice and civil liberty, lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people, in the usual forms of the constitutional delegation of power. The people ought not to be presumed to*



*part with rights, so vital to their security and well-being, without very strong, and positive declarations to that effect.”*

The question in this case asks whether the legislature of the State of Arizona may take away petitioner’s vested rights in private property then transfer that property to another party outside the requirements of the Constitution. Justice Story confirms this to be an act the State of Arizona has no power to undertake. Additionally, petitioner shows the Court that the taking of petitioner’s property, peculiar to this case, was based upon documents that were subsequently proven to be fraudulent. Those documents are on exhibit in the lower courts. Had State court preserved the power to review these documents and the titles held by each party this travesty of justice would never have occurred.

Banking factions acting under charter from the United States have invaded the State of Arizona lobbying for laws to be enacted by the State legislature that override the constitutional guarantees for due process and judicial review. These laws denied petitioner equal protection under the law. State legislative acts deprived petitioner of property and did not require a bank to produce even the formality of proof of title while being unjustly enriched. Justice Story in § 678 Commentaries expresses that creating such a legislative act . . . *“constitutes an irresistible argument against the existence of the power. In a free government it would be intolerable; and in the hands of a reigning faction, it might be, and probably would be, abuse to the*

*ruin and death of the most virtuous citizens.*” This case documents the unconstitutional conditions that resulted in the destruction of petitioner’s rights, trust in local government and impairment of contractual agreements with Wall Street banking factions. (See also Appendix “Q” in USCAFC; four hundred fifty-six pages providing a detailed explanation of the role of these banking factions.) In the Federalist Paper No. 78, Alexander Hamilton warned: . . . “there is no liberty, if the power of judging be not separated from the legislative and executive powers”.

Therefor, an unconstitutional condition exists in the State of Arizona where the State legislature exercised power greater than the coequal judicial branch. The power to determine title to private property has been usurped from the judiciary and absorbed by the legislature. The people intended that Arizona have a republican form of government which is impossible without an independent judiciary.

Arizona Citizens have been denied equal access to an independent judiciary that is part of one whole system of justice. This Court’s supervisory power is the last line of defense for this American and every American similarly situated. As exhibited by the record an independent judiciary is essential to protect basic unalienable rights of life, liberty, and the pursuit of happiness. Foundational to this trust agreement is the truth that being secure in one’s home is an essential element of happiness. In this case, petitioner’s home was seized and his family terrorized by State officers using weapons in the collection of a private extension

of credit powered by a bank operating under charter as a law of the United States using fraudulent instruments now on exhibit in the record of the courts below. Plaintiff has diligently petitioned the government to redress these grievances.

Banks under charter from the United States invoked the power of the State to seize petitioner's property without a *prior* judicial determination that the seizure was justified. Chief Justice Roberts completes the statement of this case from *Murr v. Wisconsin*, 137 S.Ct. 1933 (2017), "In that the takings clause stands as a buffer between property owners and governments, when government action interferes with property rights, the next question becomes whether that interference amounts to a "taking". The paradigmatic taking is a direct government appropriation or physical invasion of private property. Depriving the owner of the right to possess, use and dispose of the property, is an action giving rise to a "*per se* taking" because it is perhaps the most serious form of invasion." In this case a military style SWAT team invaded petitioner's home with weapons drawn and using fraudulent paperwork provided by a bank that was never reviewed by a judge; this must be considered a classic example of a *per se* taking.



### **REASONS FOR GRANTING THIS PETITION**

This case provides the court with an opportunity to say what the law is throughout the land. According to this Court's rules, primary consideration in selecting

cases for review is “To decide cases presenting issues of great importance beyond the particular facts and parties involved.” Top of mind importance to every American today, particularly during this current emergency in the form of a “health crisis”, is the power being exerted by the States over the people of the state often in violation of Constitutionally protected rights. 50 States issuing 50 different executive orders and mandates perhaps with the good intention to ensure a balance between the overall health and welfare of the general public while considering constitutional liberties. While some States provide guidelines and recommendations that most people seem to support to prevent an overrun of our healthcare capacity, others are fining or even putting individuals in jail under the color of law for violations.

As an example, Attorney General of the State of Louisiana Jeff Landry issued opinion No. 20-0068, on July 15, 2020 addressing the issues facing his State and identifying the constitutional violations related to orders issued by the State’s governor as empowered by special State legislative acts. Each of the 50 States have created legal provisions to deal with a variety of emergency situations; some suspend constitutional protections in order to prescribe the procedures for conduct of State business; there are no provisions that permit city councils, county boards or even governors to enact substantive law that override constitutional guarantees intended to perfect our Union.

The States have been emboldened by the ability to overcome the due process of law guarantee that is

included in most state constitutions and the federal constitution requiring judicial review. Since a State has been allowed to violate this sacred principle; the next level is forcing citizens to stay away from their church and family members.

The grant to be secure in one's house against unreasonable seizures is foundational to our American way of life. Even though it was granted by the people, I as one of the people may not, of course, seize my neighbor's property without judicial review to determine if I held the title to do so. Therefor neither may the government. This fundamental principle of fairness, justice and equity has been ignored far too long by this government. Silence on this issue has allowed us to get to this very dangerous situation where individual constitutional rights are being overridden by what the government considers to be the "greater good" of all. This may be a temporary right granted government during an emergency, yet when the emergency has ended so has the government's right. These are very real issues that this Court now has an opportunity to address by granting this petition.

This is a call for this Court's supervisory power to perfect our union under one whole system of justice and to resolve the obvious split between the States 27 to 23 and the resulting circuit splits; including also that some circuits preside over both judicial and non-judicial States.

**I. The special acts of the State of Arizona legislature have barred petitioner's right to petition this government for a redress of grievances.**

Under the pretext of *res judicata* yet absent judicial review the decisions of the State courts have not been reviewable by any court. The Constitution for the United States of America guarantees to Arizona and its private citizens a Republican Form of government, however, absent an independent judicial branch an Arizona Citizen is not entitled to the privilege and immunity of due process and judicial review guaranteed to a Citizen in New Mexico or one of the several other 22 judicial foreclosure States. Justice Story addresses this in Commentaries § 818: "*Where there is no judicial department to interpret, pronounce, and execute the law, to decide controversies, and to enforce rights, the government must either perish by its own imbecility, or the other departments of government must usurp powers, for the purpose of commanding obedience, to the destruction of liberty. The will of those, who govern, will, under such circumstances, become absolute and despotic; and it is wholly immaterial, whether power is vested in a single tyrant, or in an assembly of tyrants. No remark is better founded in human experience, than that of Montesquieu, that "there is no liberty, if the judiciary power be not separated from the legislative and executive powers." And it is no less true, that personal security and private property rest entirely upon the wisdom, the stability, and the integrity of the courts of justice. If that government can be truly said to be despotic*

*and intolerable, in which the law is vague and uncertain, it cannot but be rendered stillly more oppressive and more mischievous, when the actual administration of justice is dependent upon caprice, or favour, upon the will of rulers, or the influence of popularity. When power becomes right, it is of little consequence, whether decisions rest upon corruption, or weakness, upon the accidents of chance, or upon deliberate wrong. In every well organized government, therefore, with reference to the security both of public rights and private rights it is indispensable, that there should be a judicial department to ascertain, and decide rights, to punish crimes, to administer justice, and to protect the innocent from injury and usurpation.”*

Foundational and unique to this case is the right of the people to petition the government for a redress of grievances and especially considering the ongoing use of petitioner’s incorrect name, standing and status by the lower courts including the requirement that he participate in the system of commerce created by banking entities under emergency declarations contrary to the constitution. Given the peculiar nature of this case, should it be determined by this Court that it would be in the best interests of justice that a special jury be empaneled to determine both the facts and law that shall prevail in this case; petitioner is prepared to brief the Court in this regard using as precedential, *Georgia v. Brailsford*, 3 U.S. (3 Dall.) 1 (1794).

At issue in that case as in this, is the ownership and the extinguishment of debt. The current commercial system that separates Americans from rights

granted under the Constitution, has placed the people at odds with their government. Especially considering the constitutional prohibition against the State of Arizona demanding a thing, other than gold and silver coin, be tendered in payment of debts. Article I § 10 subsection I of the Constitution.

## **II. Arizona Citizens are entitled to the rights, privileges and immunities available to Citizens in the several states**

Under Article IV § 2 subsection 1 of the Constitution, an Arizona Citizen is entitled to the privileges and immunity of due process and judicial review available to Citizens in several States that maintain a co-equal judicial branch and are thus protected by a republican form of government. Once again we rely upon Justice Story's interpretation of the founder's intentions in § 819 of his Commentaries: *"In the national government the (judicial) power is equally as important as in the state governments. The laws and treaties, and even the constitution, of the United States, would become a dead letter without it. Indeed, in a complicated government, like ours, where there is an assemblage of republics, combined under a common head, the necessity of some controlling judicial power, to ascertain and enforce the powers of the Union, is, if possible, still more striking. The laws of the whole would otherwise be in continual danger of being contravened by the laws of the parts. The national government would be reduced to a servile dependence upon the states; and the same scenes would be again acted over in solemn mockery,*



*which began in the neglect, and ended in the ruin, of the confederation. Power, without adequate means to enforce it, is like a body in a state of suspended animation. For all practical purposes it is, as if its faculties were extinguished. Even if there were no danger of collision between the laws and powers of the Union, and those of the states, it is utterly impossible, without some superintending judiciary establishment, that there should be any uniform administration or interpretation of them. The idea of uniformity of decision by thirteen independent and co-ordinate tribunals (and the number is now advanced to (fifty)) is absolutely visionary, if not absurd. The consequence would necessarily be, that neither the constitution, nor the laws, neither the rights and powers of the Union, nor those of the states, would be the same in any two states. And there would be perpetual fluctuations and changes, growing out of the diversities of judgment, as well as of local institutions, interests, and habits of thought.”*

### **III. A republican form of government consists of three co-equal branches of government.**

Under the current form of the State of Arizona government, the legislative branch has the power to exclude the judicial branch from reviewing laws created by the legislature. Particularly disturbing about this usurpation of judicial power is that it has led to violations of both the state and United States constitutions. Under Article IV § 4, the United States is empowered to restore a republican form of government to Arizona and its private Citizens. Establishing three

coequal branches of state government is an essential element of this Constitutional guarantee.

Returning power to the state judicial system to oversee titles to land and property is a critical requirement of this guarantee. This can be accomplished in this case by ruling that State non-judicial foreclosure laws Arizona Revised Statutes A.R.S. Title 33 § 801 to 821 violated petitioner's constitutionally protected rights to due process and judicial review. Plaintiff relies upon Justice Story's wisdom in Commentaries § 834: "*(T)he independence of the judiciary is indispensable to secure the people against the intentional, as well as unintentional, usurpations of the executive and legislative department. It has been observed with great sagacity, that power is perpetually stealing from the many to the few; and the tendency of the legislative department to absorb all the other powers of the government has always been dwelt upon by statesmen and patriots, as a general truth, confirmed by all human experience. If the judges are appointed at short intervals, either by the legislative, or the executive department, they will naturally, and, indeed, almost necessarily, become mere dependents upon the appointing power. If they have any desire to obtain, or to hold office, they will at all times evince a desire to follow, and obey the will of the predominant power in the state. Public justice will be administered with a faltering and feeble hand. It will secure nothing but its own place, and the approbation of those, who value, because they control it. It will decree, what best suits the opinions of the day; and it will forget, that the precepts of the law rest on eternal*

*foundations. The rulers and the citizens will not stand upon an equal ground in litigations. The favourites of the day will overawe by their power, or seduce by their influence and thus, the fundamental maxim of a republic, that it is a government of laws, and not of men, will be silently disproved, or openly abandoned.”* Banks hold the economic power in the State and the legislature tends to follow and obey their will where Citizens are not equal under State law as exhibited in this case.

**IV. Each State shall give full faith and credit to the public acts, records and judicial proceedings of the State of Arizona.**

This Court’s supervisory power is requested to interpret Congress’s intention in prescribing the manner in which the public records and judicial proceedings of the State of Arizona must be changed in order to comply with the requirements under Article IV § 1 of the Constitution for the United States. Official county records in Arizona are not audited. The effects of this inaction has been proven by audit in other non-judicial foreclosure states for example by Essex County Massachusetts Register of Deeds John O’Brien “My registry is a crime scene . . . every day I come in and look at over 40,000 fraud documents that have corrupted homeowners’ chains of title.”; and in San Francisco, Assessor-Recorder Phil Ting, “84% of sampled foreclosures contain at least one clear violation of California’s foreclosure law”. State of Arizona law encourages expediency over truth because mortgagees who file fraudulent documents on the record are assured by law

a judge will never review or verify these documents further impairing both the moral and legal obligations required by a contract.

In this case, refusal by State of Arizona officials to correct public records continue to cloud titles to petitioner's private property while giving full faith and credit to fraudulent documents and resulting judicial proceedings.

**V. Petitioner was required by contract to defend title to his land and property; State laws impaired this obligation. The law allowed a party not named in the contract to determine title to private property, absent judicial review.**

The parties agreed by private contract that petitioner, then as grantor, held an obligation to defend title to the land subject to this suit. It is essential that this Court say what the law is regarding State law that precludes a party from defending title as obligated under the private contract. Again, Justice Story's words address this situation in § 703. *"In the next place, what may properly be deemed impairing the obligation of contracts in the sense of the constitution? It is perfectly clear, that any law, which enlarges, abridges, or in any manner changes the intention of the parties, resulting from the stipulations in the contract, necessarily impairs it. Any deviation from its terms by postponing, or accelerating the period of performance, which it prescribes; imposing conditions not expressed in the*

*contract; or dispensing with the performance of those, which are a part of the contract; however minute, or apparently immaterial in their effect upon it, impair its obligation. Nor is this all. Although there is a distinction between the obligation of a contract, and a remedy upon it there are certain remedies existing at the time, when it is made, all of which are afterwards wholly extinguished by new laws, so that there remain no means of enforcing its obligation, and no redress; such an abolition of all remedies, operating in presenti, is also an impairing of the obligation of such contract.”*

The banking contracts that initiated this case are hard bargains and in the form of London Interbank Offered Rate (LIBOR) notes (See Exhibit V USCFC). Such instruments were determined to be illegal *per se* by the 2nd Circuit New York in *Gelboim v. Bank of America Corp. et al.* 13-3636-cv (L) 2nd Circuit, page 4 opinion of 5/23/2016 lines 3 thru 6: “(1) horizontal price-fixing constitutes a *per se* antitrust violation . . . (3) a consumer who pays a higher price on account of horizontal price-fixing suffers antitrust injury.” Petitioner is a horizontally injured party who paid the ultimate price resultant from this free market manipulation. Page 32 lines 6 thru 8: “[S]ince price fixing agreements have been adjudged to lack any redeeming virtue, [they are] conclusively presumed illegal without further examination . . . ” Quoting *Catalano*, 446 U.S. at 650.

On May 23, 2018, Chief Bankruptcy Judge, Daniel P. Collins in Case No. 3:18-bk-01019-DPC and in the related adversarial case No. 3:18-ap-00048-DPC,

ordered the attorney for the bank to prove the title the bank held when it seized petitioner's home on February 03, 2018. The attorneys on June 14, 2018 admitted they had no proof of the title they claimed, see Exhibit B USCFC. Prior to receiving this admission, and in order to save his home, petitioner was forced to enter into a settlement agreement with the banks and motioned the court for Judicial Review of the Settlement (see Exhibit E USCFC). However, review was declined despite Congress's expressed intention that a bankruptcy judge act as an "arbiter of justice" compelled to review any settlement affecting a bankruptcy estate.

Petitioner trusts Justice Story's words to determine what constitutes an impairment of contractual obligations in § 700. *"It seems agreed, that, when the obligation of contracts is spoken of in the constitution, we are to understand, not the mere moral, but the legal obligation of contracts. The moral obligation of contracts is, so far as human society is concerned, of an imperfect kind, which the parties are left free to obey or not, as they please. It is addressed to the conscience of the parties, under the solemn admonitions of accountability to the Supreme Being. No human lawgiver can either impair or reach it. The constitution has not in contemplation any such obligation, but such only, as might be impaired by a state, if not prohibited. It is the civil obligation of contracts, which it is designed to reach, that is, the obligation, which is recognised by, and results from the law of the state, in which it is made. If, therefore, a contract, when made, is by the law of the place declared to be illegal, or deemed to be a*

*nullity, or a nude pact it has no civil obligation, because the law in such cases forbids its having any binding efficacy, or force. It confers no legal right on the one party, and no correspondent legal duty on the other. There is no means allowed, or recognised, to enforce it for the maxim is, ex nudo pacto non oritur actio. But when it does not fall within the predicament of being either illegal, or void, its obligatory force is coextensive with its stipulations.”*

The banks misuse their granted charter by ignoring moral accountability. Citizens are forced to do business with criminal organizations under State laws that must be declared unconstitutional to preserve our union. In this case, even though the CEO of the bank that initiated this LIBOR contract was sentenced to 30 years in prison for manipulation of these contracts, plaintiff was not allowed a hearing to examine the title held by the bank. Nationally, the government has proven overwhelming evidence against banks of “robo-signing”, illegal *per se* contracts, criminal indictments and in this case admission of fraud (see Exhibit B USCFC). Yet despite this the bankers are not held responsible for their actions by our government and thus the consequences fall on the backs of every American home owner to dispute these “hard bargains”. Enough is enough.



## CONCLUSION

**“The right of the people to be secure in their person, houses, papers and effects, against unreasonable searches and seizures shall not be violated” Amendment IV**

Plaintiff’s personal experience prays for the compassion of the Justices. Being removed from one’s home under false pretenses is the most humiliating and degrading experience a family may be forced to endure. The “mind set” taken by State officials regarding this situation can be summarized by the statements most often heard by petitioner: “stop complaining, just pay your mortgage” and impliedly “don’t bother us with your petty problems”. Over the decades, banking factions have methodically destroyed our economy under the color of law leading to an estimated 17 and ½ million American families being removed from their homes since 2007. The majority were dispossessed of their home through the use of State statutes contrary to the constitution and/or the use of fraudulent paperwork and illegal *per se* contracts. Another wave of foreclosures is about to hit the legal system resulting from this current “emergency” to which there appears no remedy at law. Plaintiff prays that this Court grant this petition of paramount importance to perfect our union, to redeem our constitution and to restore justice as synonymous with equity. Today, millions of American families are facing the unconstitutional taking of their homes absent judicial review, due process and equal justice under the law.



This is contrary to the intention of our founders and the truth that no person is above the law.

This is the dawn of a new era as expressed in John 8:32: "And you shall know the truth, and the truth shall make you free" combined with John 14:6 "I am the way, the truth and the life."; and James 1:25 "(T)he one who looks intently into the perfect law of freedom and perseveres, and is not a hearer who forgets, but a doer who acts, such a one shall be blessed in what he does."



### **AFFIDAVIT**

I, Morgan Joseph, family Langan do certify, verify and state under penalty of perjury under the laws for the United States of America that the statements and claims set forth in the forgoing petition and the references to records, exhibits and appendices in related cases are true and accurate to the best of my knowledge and belief and are based upon an undying love for America and allegiance to this Constitution for the United States of America as executed without the United States. I appear before this Court in person to remove the clog upon the equity of redemption for myself and all those similarly situated. Humbly I come to engage in a debate of consequence and to challenge accepted wisdom. I expected to be treated badly. Nonetheless, I have stood undaunted. As was required and expected by my oath. For it is Trust that is required to secure freedom.

I pledge my life and invoke the same dedication expressed by our great founder George Washington in his Thanksgiving Proclamation on the third day of October in the year of our Lord 1789: I am devoted “to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be—That we may then all unite in rendering unto him our sincere and humble thanks—for his kind care and protection of the People of this Country.” I pray for this Court to hear this case in equity.

May God Bless the United States of America,

....., *Cestui Que Vie*

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