

DKW

UNITED STATES DISTRICT COURT
for the District of Hawaii

DKW

State of Hawaii, Plaintiff
v.
Donald Trump; Department
of Homeland Security, et al.,
Defendants.
[IN RE: Second Trump Administration
Travel Ban Litigation]

Civil No.

Motion To Intervene and To
Dismiss AND ENJOIN Defendants

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 13 2017

at 4 o'clock and 00 min M.
SUE BEITIA, CLERK

Frederick Banks, Intervening Plaintiff,
or Amicus Curiae Movant

Intervening Plaintiff and Amicus movant Frederick Banks, an American Indian

("Banks") files the foregoing Motion to Intervene and to dismiss this case in plaintiff's favor by enjoining Defendants from enforcing the ban.

1. Defendants in their Second Travel Ban again seek to exclude citizens from 6 muslim countries (excluding IRAQ) from traveling to the USA for a 90 day period.
2. The Court lacks subject matter jurisdiction and legal authority to grant the travel ban. A panel of the 9th circuit found that only the general government (Congress through legislation not Executive Action by the president) can exclude "Asiatic" citizens of foreign nations from the "right to immigrate" or travel to the USA. Charge to Grand Jury 30 F. Cas 992 (9th Cir. 1872) and the ban violates 8 USC § 1182 and the Equal protection and due process Clause of the U.S. Constitution. The Constitution forbids "discrimination by the General Government against any citizen because of his race." Korab v. Fink, 748 F.3d 875, 892 (9th Cir. 2012). Both this Court and the 9th circuit Court of Appeals is bound by Charge to the Grand Jury, supra with the 9th circuit "Sitting en banc announces an alternate rule." Hart v. Massaman 266 F.3d 1155, 1171 (9th Cir. 2001); Moody v. Albemarle Paper Co 417 US 622, 626 (1974). As a result this Court lacks jurisdiction and legal authority to grant or uphold a travel ban and the case must be dismissed in Plaintiff's favor enjoining Defendants from enforcing the travel ban.


3. In addition the executive through the issuance of unlawful FISA warrants may be responsible by technology utilized by the CIA of instigating random acts of illegal non-violent and violent conduct. See Interviews with DR. John Hall author of "Guinea Pigs" and DR. Robert Duncan, a CIA Scientist at youtube.com (explaining Technology used on "Targeted Individuals")
4. As a result the court should order all FISA records be disclosed surrounding what Defendants perceive as actions by foreign persons to necessitate their travel ban pursuant to 50 USC § 1806(f). In considering this Motion the Court applies the Indian Canon of Construction. All

Rules, Regulations, Statutes, Treaties and Constitutional provisions are construed in Banks' and Indians favor. The construction of Statutes instead of being strict is liberal. *Choate v. Trapp* - US - (), and general acts of Congress are not applied to Indians in a strict manner. *Doney v. USA* - F. Supp. - (10th Cir. Kan 1965) Aff'd - Fed - (10th Cir.).

In the alternative the Court should sua sponte enjoin Defendants from enforcing the ban.

Wherefore, Judgment should be entered for plaintiffs and against Defendants enjoining Defendants from enforcing the travel ban, the Motion should be granted along with all other warranted or requested relief. The Motion to Disclose Foreign Intelligence Surveillance Act documents and materials under 50 USC § 1806(f) should be granted.

Respectfully Submitted,


Frederick Banks
#05911068
FMC
PO Box 1600
Butner, NC 27509

Intervening Plaintiff +
Amicus

Certificate of Service

I hereby certify that on this 9th day of March, 2017 I served a true and correct copy of the foregoing by mail delivery upon the following:

Office of the US Attorney
Federal Building
300 Ala Moana Blvd
Honolulu, HI 96850

cc: All parties of record via electronic notification


Frederick Banks