

cc. DRK

ORIGINAL

Eric Richard; eleson,® Secured Party  
 In Care Of: MULE CREEK-II STATE PRISON  
 Fac. D-16-A103-3Low [J-59564]  
 U.S.P.S. Box 409089  
 Ione, California  
 Near [PZ: 95640-9089] N. America  
 Authorized Representative for and via:  
 ERIC RICHARD ELESON®, Trust (J-59564)

RECEIVED  
 CLERK U.S. DISTRICT COURT  
 MAR 20 2017  
 3:30 PM  
 DISTRICT OF HAWAII

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

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district court of the united States  
 for the district of Hawaii [If Necessary]

The words "district court of the united States" commonly describe constitutional courts created under Article III, Section 1 .... U.S.C.A. Constitution of the United States, Article III, Section 1, Note 114

ALLEGED STATE OF HAWAII,

Petitioner,

vs.

DONALD TRUMP,  
 PRESIDENT OF UNITED STATES

Respondent

vs.

Eric Richard; eleson®, Secured Party,  
 Tertius Interveniens/Auth. Rep. ex rel.  
 ERIC RICHARD ELESON®, Trust, (J-59564)

Tertius Interveniens

) Case No. 1:17-cv-00050-DKW-KJ  
 )  
 ) Judge: \_\_\_\_\_  
 )  
 ) TERTIUS INTERVENIENS NOTICE OF  
 ) LACK OF STANDING OF STATE OF  
 ) HAWAII TO CHALLENGE PRESIDENT'S  
 ) EXECUTIVE ORDER (TRAVEL BAN);  
 ) (FRCvP RULE 20 (a)(2)(B) & 28 USC § 1331);  
 ) EXHIBITS "A" TO "F"; JUDICIAL  
 ) NOTICE OF ALL DOCUMENTS  
 ) CERTIFICATE OF SERVICE BY MAIL

COMES NOW, Eric Richard; eleson®, Secured Party, Tertius Interveniens/Authorized Representative for Tertius Interveniens (hereinafter, T.I.) in support of Respondent, DONALD TRUMP, and submits his NOTICE (and Proof) of alleged STATE OF HAWAI'I's Lack of Standing to File Challenge to Respondent's Executive Order (Travel Ban), until U.S. Supreme Court resolves Tertius Interveniens's Challenge to the Constitutionality of an (alleged) Act of Congress, Fraudulently Adopting the Failed Treaty of Annexation of the Republic of Hawai'i via an unconstitutional Joint Resolution of 1897. ("Newland's Resolution").

I.

BACKGROUND  
STATEMENT OF FACTS

1. During Nov/Dec. of 1989, T.I. obtained document(s) (attached hereto as Exhibit "A"), from the STATE OF HAWAII Archivist, and filed them (with a Subpoena) in Case No. Cr. 89-1659, on December 27th, 1989. It was T.I.'s intention to use these documents to file a Habeas Corpus to Vacate the VOID Judgment, as there was NO valid Governor to Appoint the Attorney General (HI Const. Art XVI, §4 & HRS §85-32), from which the County District Attorney(s) are empowered to prosecute Cases (T.I.'s No(s) 7165(2), 7754(2), & 7688(2) - 5/20/1984). T.I. suffered family problems and had to leave Hawai'i.
2. In 1995, during T.I.'s Trial, he stated on the Stand (sworn Testimony) that the above had occurred and provided the Court with his Case No. to obtain proof and copies. This was NOT done, and was IGNORED by the CA Superior Court, which then used the VOID conviction as a "Strike."
3. During T.I.'s 9th Circuit Appeal (No. 15-16697), T.I. received an Internet Article by University of Hawaii (Manoa) Richardson School of Law, Professor, Mr. Williamson Chang. T.I. had a friend obtain Internet documents with the Vote Tally of the 'Failed' Treaty, and Failed (illegally used) Joint Resolution of 1897. T.I. then sent to the Court a 2nd Demand for Judicial Notice; and the Challenge to the Constitutionality of Acts (FRCvP Rule 5.1/28 USC §2403) with Exhibits (attached hereto as Exhibit "C"). These documents were IGNORED by the Justices and they refused to perform their "Ministerial Duty" pursuant to said FRCvP Rule 5.1/28 USC §2403! The Case was then (illegally) Dismissed as "Time-Barred." "Fraud vitiates everything, documents, Contract, and even the most solemn Judgments." U. S. v. Throckmorton, 98 US 61, 64, 25 L. Ed. 93 (1798). This Honorable Court may also consider Exhibit(s) "A," "B," & "C" as "Filed" in this instant case, as if done originally, for its own purposes.
4. T.I. then submitted a Petition for Writ of Certiorari (Exhibit "D") to the U.S. Supreme Court which was allegedly filed on May 23, 2016, and Docketed on September 19, 2016. (#16-5987). T.I. then sent F.O.I.A.'s to:
  - 1) the U.S. ATTORNEY GENERAL (w/Non-Response)
  - 2) the LIBRARY OF CONGRESS (w/Mr. John Nave's Non-Response)
  - 3) the CHAIRMAN, COMM. on RULES & ADMIN. of SENATE (No Response)
  - 4) the SECRETARY OF STATE, JOHN KERRY (w/No Response)

- 5) the NATIONAL ARCHIVES & RECORDS ADMINISTRATION (w/No Response)
- 6) the OFFICE OF SECRETARY OF STATE (FOIA Div. - Referred back to NARA)

and received NO responsive "Official" document(s). (See: F.O.I.A.'s attached hereto as Exhibit "E") These were also sent to the U.S. Supreme Court Clerk as "Added Exhibit "3" to the 9th Circuit filed Challenge; and is now in the hands of NARA's "Special Access" Division.

5. T.I. was recently forced to send a NOTICE OF VOID ORDER to the (alleged) Clerk of the U.S. Supreme Court (& others) as T.I.'s Issues REQUIRE Certiorari pursuant to Fairbank v. United States, 181 US 283, 285-286 (1901), citing: Marbury v. Madison, 1 Cranch 137, 177 (1801), for the very same reasons stated in those (2) Cases! (attached hereto as Exhibit "F"), which brings us to the present.

**II. STATE OF HAWAI'I'S LACK OF STANDING TO CHALLENGE RESPONDENT TRUMP'S EXECUTIVE ORDER.**

1. It is not disputed that the Treaty of Annexation of the Republic of Hawai'i FAILED. (U.S. Constitution, Art. II, Cl. 2, §2).
2. It is also undisputed that where a Constitutional Provision exists applicable to the issue, NO alleged Act of Congress may circumvent its application. (Fairbank, *supra*, at 285-286).
3. Since U.S. Constitution Art. II, Cl. 2, §2 exists (was available in 1898 onward also!), there is absolutely NO AUTHORITY for the President & Congress to entertain an Act of Congress (Joint Resolution of 1897 - "Newland's Resolution") to replace or circumvent the Constitutional Provision.
4. Further, as shown by T.I.'s Documented Evidence (to which Judicial Notice was supposed to have been taken!), even if the J.R. were authorized, it would have been required to have a "simple majority" (51%) of the Senator(s) present (ie: 45 of the 88 present) to "Pass." Since only 42 of the 88 present Voted: "AYE," the J.R. also FAILED! and its "declared" passing IS A FRAUD!

**III. STANDING OF TERTIUS INTERVENIENS**

1. T.I. is being harmed by the proven VOID Judgment. That VOID Judgment is an issue (Ground SEVEN) in T.I.'s Habeas Corpus/Certiorari and also his Challenge to the Constitutionality of Statute/Acts (Exhibit "C") which is required to be resolved by the U.S. Supreme Court. (Fairbank, *supra*).
2. T.I. has relevant documented evidence pertaining to the alleged "Standing" of a Party to this action which touches upon Jurisdiction, to which this Court is required to take Judicial Notice.

IV. TERTIUS INTERVENIENS CLAIMS/ISSUES ARE REQUIRED TO BE RESOLVED BEFORE THE INSTANT CASE CAN MOVE FORWARD.

1. Given the unresolved status of T.I.'s Challenge to the Constitutionality of using an unauthorized Joint Resolution of 1897 (WHICH ALSO FAILED!) to validate a Failed Treaty, the requirement of "Standing" by the (alleged) STATE OF HAWAII to Challenge to President's Executive Order is in question.
2. Until the U.S. Supreme Court GRANTS (the required) Certiorari in T.I.'s Case (16-5987) and resolves the issues bearing on the Constitutional validity of the Annexation of Hawai'i; OR, this Honorable Court, after reviewing and taking Judicial Notice of T.I.'s documented Evidence, ISSUES its own ORDER, VOIDING the above-cited 1984 convictions (as ULTRA VIRES) - thereby making MOOT T.I.'s Standing in this instant action; the STATE OF HAWAII is without "Standing" to bring the instant Challenge to the President's Executive Order; and must be DISMISSED.

3/12/17

Respectfully Submitted,

*Eric Richard; eleson, SPC*

Eric Richard; eleson<sup>©</sup>, Secured Party,  
*Tertius Interveniens*/Auth. Rep., ex rel.,  
ERIC RICHARD ELESON<sup>©</sup>, Trust (J-59564),  
Exemption No. 559828464 (*juris et de jure*)  
Holder-In-Due-Course, Record Owner  
Trade Name Owner, Sovereign American  
Bond No. C-52971371