

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PATRICK T. O’NEALL,

Petitioner,

v.

DEAN MINOR,

Respondent.

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No. 4:17-CV-1297-AGF

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner’s motion for declaratory and preliminary injunctive relief. ECF No. 33. For the reasons set forth below, the motion will be denied.

BACKGROUND

In 2011, Petitioner Patrick O’Neill was convicted of driving while intoxicated and sentenced, as an aggravated offender, to 15 years in prison. Execution of that sentence was suspended, and Petitioner was placed on probation. In 2013, Petitioner’s probation was revoked and his was sentence executed. After pursuing post-conviction relief in state court, Petitioner filed a petition for habeas relief in this Court in 2017. That petition remains pending. Petitioner was released on parole in July 2018.

On April 22, 2019, Petitioner filed the present motion for declaratory and preliminary injunctive relief on the basis that he is not in fact the “artificial person(s)/commercial entity(ies)/legal fiction(s)” Patrick Thomas O’Neill but rather a “Private Natural Man, a Live Sentient Being of flesh and blood, an American National

and NOT a corporate U.S. citizen,” intervening on behalf of O’Neill and not subject to the laws of the United States or any state. (ECF No. 33 p. 2) Petitioner claims, therefore, that the underlying conviction against O’Neill was entered without jurisdiction and is invalid, so his habeas petition should be granted.

DISCUSSION

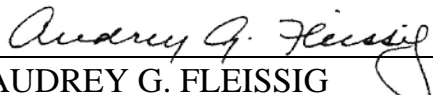
In considering whether to grant injunctive relief, the Court must consider the following factors: (1) the threat of irreparable harm to the movant; (2) the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that the movant will succeed on the merits; and (4) the public interest. *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981) (en banc).

The Court finds that injunctive relief is not warranted because there is no possibility that Petitioner’s claim could succeed on the merits. Petitioner essentially argues that the state court lacked personal jurisdiction over him because he is not Patrick O’Neill but rather a sovereign citizen not subject to the laws of Missouri or the United States. This argument finds no support in American jurisprudence. *See U.S. v. Schmitt*, 784 F.2d 880, 882 (8th Cir. 1986) (deeming “entirely frivolous” appellants’ argument that the court lacked personal jurisdiction over them because they were “Natural Freemen” and not a “juristic identity”). Consequently, Petitioner’s motion for declaratory and preliminary injunctive relief will be denied. Petitioner’s habeas petition is fully briefed, remains pending, and will be addressed in due course.

CONCLUSION

For the reasons set forth above,

IT IS HEREBY ORDERED that Plaintiff's motion for declaratory and preliminary injunctive relief is **DENIED**. ECF No. 33.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 29th day of May, 2019.