

SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO  
CITY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF  
CALIFORNIA and CITY OF SAN  
BERNARDINO a Municipal Corporation vs. Benny Gonzalez Juarez

For the Disqualification of the de facto<sup>2</sup> Judge JOHN M. TOMBERLIN and for the Disqualification of Prosecuting attorney representing the city of San Bernardino DAMIAN NORTHCUTT for lack of credentials and fraud on the court. Any uncertified attorney who files any documents with the court is in violation of C.P.C 115. Only an Article 3, fully credential judge can sit on a case, involving a live, natural person Benny-Gonzalez: Juarez, for the U.S. Supreme court for these judicial officers are hereby removed and terminated on the following information on this Cases Civil-Case-No.CIVDS-1939295 and Criminal-Case-No-MSB18006124 for the California Supreme Court examining committee has no certificate of admittance to practice law in California issued and certified by the clerk of the Supreme Court as mandated by Law. BAR cards do not qualified any person to practice Law in California, For the 3De Facto Court has no proper seal it is a De facto Seal it is illegal or illegitimate and unconstitutional;

For the court is in violation of certified laws;  
These are certified Laws they cannot be ignored, denied or overruled;

<sup>2</sup> **Blacks-5th De facto-Judge**-a judge who functions under color of authority but whose authority is defective in some procedural form. Riley v. Bradley, 252 Ala. 282, 41 So.2d 641.

<sup>3</sup> **Blacks-5th De Facto-Court**-One established, organized, and exercising its Judicial Function under authority of a statute apparently valid, through such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a de facto Government.

**Blacks-10th De facto court;** (1) A court functioning under the Authority of a Statute that is later adjudged to be invalid also termed Court de facto (2) A Court established and acting under the Authority of a De facto Government.

**Inferior courts<sup>1</sup>, are those whose jurisdiction is limited and special.**

<sup>1</sup> "inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte I Ex Parte Kearny, 55 Cal 212; Smith v. Andrews, 6 Cal.652

Notice and Motion to Dismiss Complaint.

To All interested Parties please take NOTICE: that the Respondent, Benny-Gonzalez: Juarez hereby requests an Expungement of the Plaintiffs Complaint for the False Accusations and False collection of a Debt and is supported by the Memorandum of Points of Authorities attached and incorporated herein and is to be heard and presented on this Notice and Motion to Expunge and with any other pertinent facts deemed necessary at the place

assigned above, on the date and time Noticed above and in support of and with regards to the following matters now stated herein:

Dated this <sup>g</sup>th day of July, 2021,

## I. MOTION FOR DISMISSAL

I, Benny-Gonzalez: Juarez request from this court an Order of Dismissal For Lack of Subject Matter Jurisdiction, and particularly for the following reasons:

### A. The Legal Standard For A Motion to Dismiss

17 2. "Lack of jurisdiction may be raised for the first time in this court, when it appears on the face of the bill and proceedings, and it may be taken notice of by this court on its own motion." *Syl. Pt. 3, Charleston Apartments Corp. v. 20 Appalachian Elec. Power Co., 118 WVa. 694, 192 S.E. 294 (1937).*

The United States Constitution, Amendment XIV, Section 1 provides "No state shall deprive any person of life, liberty, or property without due process of law." *In Morrissey v. Brewer (1972) 408 US. 471*, the United States Supreme Court said:

(a). Dismissal is appropriate only when it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations set forth in the Complaint. *Newman v. Universal Pictures*, 813 F.2D 1519, 1521-22 (9<sup>th</sup> Cir. 1987) Additionally the court must View all allegations in the Complaint in the *light* most favorable to the non-movant and must accept all material allegations, as well as any reasonable inferences *to* be drawn from them, as true. *North Star Int'l v. Arizona Corp. Comm'n, 72 0 F2d 578, 581 (9th Cir. 1983).*

### B. STATEMENT OF FACTS TO SUPPORT MOTION FOR DISMISSAL

:

4. This Court does not have Subject Matter Jurisdiction in that this matter arises from a private contract by and between two non-complaining parties. THE PEOPLE OF THE STATE OF CALIFORNIA and CITY OF SAN BERNARDINO is not a party to the private contract and has not established any right to sue in this matter furthermore the City has failed to state a lawful claim upon the respondent and upon which relief may be granted, and

### C. Points and Authorities In Support of Dismissal:

5. "The court has no jurisdiction of the subject of the cause of action alleged

in the pleading" ( 430.1 O(a) C.C.P.):

5 (a) CALIFORNIA JURISPRUDENCE 3d Ed. (Rev) Part 1, COURTS, § 97 reads (emphasis added, footnotes omitted): "No court or tribunal can acquire jurisdiction by the mere assertion of it or where the facts on which jurisdiction depends are falsely alleged. Jurisdiction in any proceeding is conferred by the constitution or by statute, and any mode thereby prescribed for the acquisition of jurisdiction must be strictly complied with. As noted previously, jurisdiction in a particular case may involve three different aspects--jurisdiction over the cause or subject matter, jurisdiction over the parties, and jurisdiction over the thing, or res, if any."

7. This Court does not have Subject Matter Jurisdiction in that this matter arises from a private contract by and between two non-complaining parties. The County of San Bernardino is not a party to the private contract and has not established any right to sue in this matter furthermore the City has failed to state a lawful claim upon the respondent and upon which relief may be granted, and (1). The California Supreme Court has held: No Court or officer can acquire jurisdiction by the mere assertion of it, or by falsely alleging the facts on which jurisdiction depends [cites omitted], *Mulligan v. Smith* (188Jf 59 Cal. 206, 236. (2). A court cannot, by presuming to act, invest itself with jurisdiction. Therefore it is proper to inquire into the record, but solely to determine that question. *Mannix v. Superior Court* (1933) 133 Cal.App. 740, 743; 24 P.2d 507.

8. Jurisdiction over the Person and Parties - Respondent is not a "person" so defined by statute, nor is the respondent an employee, artificial entity, legal fiction, customer or a resident in office, This Court, the Plaintiff, Plaintiffs Counsel and all agents, officer and employees are "Person" of the codes and the statues, and by oath, affirmations, contract and by duty bound under the federal and state constitutions and under the codes and the statutes for the smooth running of the government and is evidenced in the oaths, affirmations and contracts all "Persons" here present do know they have taken and can be brought into these records if so needed. Respondent is not knowingly under any public contract for which's he receives any benefit to so declare her or define her status as a "person" of the codes, and

9. California appellate courts have held, [1] Jurisdiction of the person is obtained by the legal service of a valid process issued out of a court of competent jurisdiction in a case or proceeding properly pending, or by a party voluntarily appearing, or by his seeking, taking or agreeing to some act or step in the proceeding or action to his benefit, or to the detriment of the other party, other than by one contesting the jurisdiction over his person only. (*Sec. 1014, Code Civ. Proc; Chaplin v. Superior Court* ~ 81 Cal. App. 367 [253 Pac. 954], *Grinbaum v. Superior Court*, 192 Cal. 528 [221 Pac. 635]).

10. Sovereignty is in the people, Respondent is a flesh and blood *being*; is one of

the people of the California; is one of the people of the united states of America; is in the office of Sovereign political power holder as lawfully decreed *in* the State Constitution at article I, is not a creation of the State and who can regulate only what it has created, furthermore, respondent has at no time willingly, knowingly, intentionally, or voluntarily agreed to subordinate his position as sovereign and creditor of the government agencies which include this court and said municipality and from which all those employed and here present receive from said entities some form of benefit and alike, and Respondent does not yield to the entities we (the People) have created for the conducting of the people's business, through signature, or words, actions, or inaction's; and that a sovereign is exempt from suit on the logical grounds that "there can be no legal Right as against the authority that makes the law on which that Right depends." *Kawananakoa v. Polyblank*, 205 US. 349, 353, 27 S Ct. 526, 527, 51 L. Ed. 834 (1907), and

12. that said Rights of the Sovereign and of the People precede the existence and organization of the state, are in the common law and can only be taken by due process and in accordance with the Constitution'

13). that "in common usage the term "Person" does not include the Sovereign, statutes employing the person are ordinarily construed to exclude the sovereign." *Wilson v. Omaha Tribe*, 442 US. 653,667 (1979) (quoting *United States v. Cooper Corp.*, 312 US. 600,604 (1941)). See also *United States v. Mine Workers*, 330 US. 258, 275 (1947), and more particularly because:

A court cannot, by presuming to act, invest itself with jurisdiction.

Therefore it is proper to inquire into the record, but solely to determine that question. *Mannix v. Superior Court* (1933) 133 Cal.App. 740, 743; 24 P.2d 507.

15. According to CGC § 11000, state agencies include, but are not limited to, the CITY OF SAN BERNARDINO, and the CITY OF SAN BERNARDINO POLICE DEPARTMENT, etc: (a). § 11000. (a) As used in this title, "state agency" includes every state office, officer, department, division, bureau, board, and Commission. (b). § 11400. (a) This chapter and Chapter 5 (commencing with Section 11500) constitute the administrative adjudication provisions of the Administrative Procedure Act. (c). §11410.20. Except as otherwise expressly provided by statute: (a) this chapter applies to all agencies of the state.

16. CGC § 11523 provides the proper procedure for the Agency (or Defendant) to request judicial review of the administrative Agency's final decision or order:

(a). § 11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject, however, to the statutes relating to the particular agency.

17. "Officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law." *Owen v. Independence*, 100 S. CT 13 98.

18. The court is to protect against any encroachment of constitutionally secured liberty." *Boyd v. U S*, 116 US 616.

19. "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed." *Norton v. Shelby County*, 118 us 425

20. Proceedings in a court are legally void where there is an absence of jurisdiction." *Scott v. McNeal*, 154 US 34; *RE Bonner*, 151 US 242

21. The Fifth Amendment mandates that all judicial proceedings must proceed by due process.

22. Since all judges take an oath of office to uphold the Constitution and the Supreme Court has additionally held that government employees who violate a law in the performance of duties do not represent the government, should we conclude that adjudication? This is the only guarantee that a court of admiralty, a star chamber proceeding, a kangaroo court, or an arbitrary proceeding by whatever name does not occur.

23. "That court proceedings must be within Constitutional provisions has been forcefully established by the Supreme Court." *Muskrat v. United States*, 219 US 346; *Smith v. U S* 360 U S. 1.

24. In every circumstance without exception, government officials must hold the Constitution for The United States of America (1791) and the California Constitution (1849) supreme over ANY other laws, regulations, or orders.

25. Every police (executive officer) or judicial officer has sworn an oath to protect and lives, property, AND RIGHTS of the Citizens of the united states of America under the supreme law of the land. ANY act to deprive state Citizens of their constitutionally protected rights is a direct violation of their oath of office.

#### **D. ARGUMENT**

26. According to CGC §11410, §11410.20, §11410.50, § 11425.10(a)(1 & 2), §11503, §11502(a), & §11523, supra, this judicial court has no jurisdiction to lawfully hear an administrative matter until administrative due process procedures have been exhausted, and

27. This judicial court can only review the facts and conclusions of law found in the executive Agency's administrative final determination or order, and only after the Agency (or Defendant) petitions for a writ of mandate for judicial review. See CGC §11523, supra, and

28. The Agency with original jurisdiction has not filed a petition for a writ of mandate for judicial review with this judicial court in accordance with CGC § 11523. Therefore, this court has no jurisdiction to hear this matter, and This judicial branch court has no lawful authority to impose its opinion, where no original jurisdiction

administrative agency petition stands in compliance with the AP A requesting it to do so, and

30. No judicial determination has properly been requested. The law requires that jurisdiction be properly invoked. Without jurisdiction, this court cannot consider this matter. This case should be dismissed for lack of subject matter jurisdiction, and

**F. PRAYER**

31. As this court has no jurisdiction over the person and there is no subject matter jurisdiction to consider and that the respondents have failed to state a claim for which relief may be granted in Case No.CIVDS1939295 the Responding party asks the court to grant said order of Dismissal for Lack of Subject Matter Jurisdiction, furthermore that it be granted - with-prejudice against the Petitioner.

I, Benny-Gonzalez: Juarez certify under the laws of the State of California that I have read the foregoing and it is true and accurate.

Executed this Day, the Fifteenth (15th) day of February in the year of Our Lord, Two Thousand and Twenty-One (2021), in the city of San Bernardino, in the County of San Bernardino, in the State of the California, and in the united States of America.

\_\_\_\_\_)  
[PROPOSED] ORDER OF DISMISSAL FOR LACK OF SUBJECT MATTER JURISDICTION  
The Court having reviewed the evidence presented in the Memorandum of Points & Authorities For Notice & Motion To Dismiss For Lack of Subject Matter Jurisdiction, and all pleadings and papers on file, and being fully advised therein now finds:

Good cause appearing therefore, IT IS ORDERED that:  
COUNTER-COMPLAINT- CITY OF SAN BERNARDINO ET AL VS.JUAREZ Page 11 of 12  
Case No. : CIVDS 1 9 3 92 9 5, and all court determi nations and orders issued therein, rs dismissed, with prejudice, for *lack* of subject matter jurisdiction.

Dated this \_ day of \_\_\_\_\_ , 2021  
JUDGE/ John M. Tomberlin  
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
CITY OF SAN BERNARDINO

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**Crimes by Judges**

Remove the Bonding Authority;  
Remove the Judge From the Bench;

## Shut Down the Courthouse

Read the following excerpts from: U.S. Criminal Injustice System: Crooked Judges, Corrupt Lawyers and Criminal Corporation.

In exchange for controlling things for the benefit of the big corporations, U.S. judges and lawyers are allowed to act like perverts with regard to the average person.

They lie, rob, cheat, steal, kill and destroy any mere average person or U.S. citizen

America's FBI and Department of Justice collect files on judicial corruption like they collect files on everything else, but they hold back from acting, even in cases where they have clear enough evidence to bring an indictment in minutes.

The judges who take bribes are gladly eager to help law enforcement railroad and convict innocent people. The mutual back-scratching of cops and judges is routine.

Secrecy, gag orders, and the court files you will never see America is increasingly a closed society, with much of its legal activity carried on in secret.

The secret detention (Political Prisoners)

America's domestic legal system and much of the important legal activity is secret and hidden.

Corrupt judges obstruct, or impede, the due administration of justice

NOTICE: Obstruction of Justice is a criminal complaint pursuant to the omnibus clause, or "catch-all provision" of 18 U.S.C. § 1503, which provides:

“Whoever ...corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be (guilty of an offence).”

Corrupt judges do many things to influence, obstruct, or impede the due administration of justice.

Corrupt judges obstruct justice by using various techniques to render decisions and issue orders that deny justice.

Corrupt judges favor certain parties and law firms.

Corrupt judges do it for money or other considerations, or they may do it simply because they favor certain attorneys and political allies.

Corrupt judges Deny **Constitutional** Rights

The **Constitution** is meaningless to corrupt judges. They simply violate **Constitutional rights** with no regard for the people they damage.

Corrupt judges that I have encountered have violated my Constitutional rights.

Corrupt judges rape of your rights to **due process**.

Corrupt judges deny the right to call witnesses, to testify under oath, to cross-examine witnesses,

Corrupt judges deny the right to introduce evidence, to file answers to motions filed by the favored party,

**Corrupt judges deny the right to file lawsuits, and to contact witnesses.**

They Violate and Ignore the Rules of Civil Procedure

**By violating and ignoring the Rules of Civil Procedure and the Rules of Evidence, corrupt judges commit obstruction of justice.**

They allow the favored party to break rules and get away with it. For example, in my cases, the opposing parties have not filed a single affidavit as to facts for the last three years.

The Local Rules of Civil Procedure require that all alleged statements of fact in motions and other filings must be supported by affidavit. This has not been done by the opposing parties since 2008, but every motion that I file has an affidavit or a sworn verification.

Other rules are ignored as well so the favored parties can get away with just about anything.

They Order Monetary Sanctions against Parties they want to Damage

The criminal judges inflict damage on parties who aren't favored by ordering monetary sanctions against them. They inflict financial punishment to break people.

They Refuse to Disqualify Themselves.

The **Constitution** and case law clearly provide that we are supposed to be entitled to a fair and impartial judge, but the corrupt judges simply ignore the law.

They refuse to disqualify themselves so they can inflict damage on parties who aren't favored.

They create counterfeit securities see: <https://freedomriver.wordpress.com/securitisation-is-illegal/>

The courts avoid taxes on profits gained from securitizing court cases.

You can report the court for tax evasion, also called tax fraud, which is the illegal act of a taxpayer attempting to reduce a tax obligation by purposefully reporting false information. by filing a 3949-A see: [form 3949-A](#)



Convene court without competent jurisdiction.

Personam or subject matter jurisdiction is never proven/invoked

This Court has assumed jurisdiction where it does not exist which is Treason to the **Constitution.**

*Cohen v. Virginia*, 19 U.S. 264, 404 (1821). "We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be Treason to the **Constitution.**"

Judges Oath of Office Contract not correct

Person administering judge's oath does not have an oath AND/OR recorded his copy of judges Oath.

Judges bond does not exist

The charging instruments / the supporting sworn Affidavits do not exist

An Affidavit from judge describing the nature and authority of this court does not exist

a Bill of Particulars from prosecutor Interrogatories, Admissions are not in the record

Subpoena or depose the Attorney General; the cop and all hostile witnesses ASAP.

Prosecutor does not have firsthand knowledge therefore he is an Incompetent witness.

"Judge, do you hold the full judicial power of the state? Or is it the military power?"

When requested an Affidavit that the judge has no bias, no conflict of interest and no interest in the outcome of this case does not exist

Judges/courts use the ALL CAPS NAME a legal fiction, a constructive trust or cestui que trust or corporation which lawfully different from a living, breathing human. Judges/courts form a constructive trust. The trust is created independently of the intentions of the parties.

*A relationship by which a person who has obtained title to property has an equitable duty to transfer it to another, to whom it rightfully belongs, on the basis that the acquisition or retention of it is wrongful and would unjustly enrich the person if he or she were allowed to retain it.*

Your Honor, on the last hearing a Magistrate (judge) \_\_\_\_\_ entered a Plea for me against my will and I didn't have Assistance of Counsel at that time. I am unlearned in the law. Didn't that violate my **Constitutional** Right of Assistance of Counsel secured in the Sixth Amendment?

Today Officers of the actual government held office in dual capacity, i.e. in both USA and US Inc. status.

“How can I make a legal determination on what you are asking me to do?”

There is no gold or silver coin in circulation. It is impossible to pay. The law does not require the impossible.”

The Judge is practicing law from the bench?”

“Mr. (United States) Attorney, are you an organic part of the (federal) Justice Department?

Are you prosecuting me upon your own recognizance, or did somebody authorize you to?”

“May I ask if this Prosecutor is a competent witness with first hand knowledge? If he is not, for the record may I order him not to speak as he only has hearsay evidence? Is he an Interloper?”

“Where is the Victim? Where is the First-Hand Eye-Witness? Where is a competent Accuser?”

“The info on my Birth is hearsay, and you won’t admit Hearsay evidence into this court, right?”

“What is the Tax Identification Number of this Court?” (Proves Court is a corporation.)

The judge’s office was not created by law?”

The underlying presumptions of this contract were never disclosed to me

OPTIONS: \*\*\*Get a certified copy of the Judge’s oath and file it into the case, to lock him in.

Does this court recognize that I am a sovereign? If “NO”, quote [[RCW 42.17.251](#)] Let the record show that by absence of stipulated facts, that this court recognizes that I am the sovereign. As a matter of law, isn’t a License defined as permission to do an act that would otherwise be unlawful?

Let the record show that as a sovereign, I convene this court today for my benefit.

My Name is My j-o-h-n hyphen h-e-n-r-y colon space d-o-e, and I am here on behalf of the Bankrupt DEBTOR, “MY NAME,”

In Admiralty the rules of evidence and burden of proof are reversed, you are presumed guilty until you prove you are innocent, the opposite of how the Common Law works. In the Common Law, you are innocent until proven guilty in a Trial by Jury of peers, neighbors.

In Common Law, the burden of proof of claim is on the Prosecution, be it Man/Woman, Corporation or State. The plaintiff has to PROVE their case, not just allege the case.

You, regarded as an "Ens Legis" "**PERSON**" become subject to "**Subrogation**" in an "action in REM" in **Admiralty j Special Maritime, Lex Mercatoria Jurisdiction**, that was overlaid upon the land by deception in bankruptcy between 1871-1966 and thereafter, 99 years to complete the overthrow.

"Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of treaty by which foreign territory is acquired . "U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S. Ct. 456, 42 Led 890. (Emphasis\_ added)

In the case; *The People v. Herkimer*; 4 Cowen 345; 1825 N.Y. LEXIS 80 the court ruled: The people have succeeded to the rights of the King, the former sovereign of this State. They are not, therefore, bound by general words in a statute restrictive of prerogative, without being expressly named. » (Emphasis added)

The term "Person" in the Statute is never defined, therefore the general word "Person" in a Statute would indicate a Corporation, and do not apply or bind a sovereign, a natural man/woman born within in a De Jure State, without there being a definition within the statute that expressly identifies them as the "liable party" under the Statute.

A "Statute" is a type of a commercial Bond.

"Statute": also sometimes means a kind of bond or obligation of record, being an abbreviation for "statute merchant" or "statute staple". Black's Law Dictionary 4th, Pg. 1581.

That's why the "savings" clause was put into play and "collusive joinder" is prohibited - 1789 Judiciary Act (see below) you can't drag a "man" into a foreign/fiction jurisdiction without a nexus/contract that is without "fraud" –

### **Pleadings “Want Of Form” Language**

The *alleged* Debtor wishes to point out to the Court that she is **NOT** an individual schooled in the law, but as an individual exercising her rights under law for the proper action of the Court from the **fraudulent** actions on the part of the *alleged* Creditor in question. As such, the *alleged* Debtor asks the court look to the **substance** of other pleadings **rather than** the form and asks the court to take **judicial notice** pursuant to **Section 32** of the **Judiciary Act of 1789 (1 Stat. 73)** which specifies that “*courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form.*” The *alleged* Debtor further asks the court to take **judicial notice** pursuant to **Rule 201** of the **Federal Rules of Evidence** of the **enunciation of principles** stated in **King v. Knoll (No. 04-04149-JAR)**, **Whitney v. State of New Mexico (113 F.3d 1170)**, and **Haines v. Kerner (404 U.S. 519)**, wherein the courts directed that those who

are unschooled in law making complaints/pleadings shall have the court look to the **substance** of the complaint/ pleadings **rather than** the form and hereby makes the following pleadings/notices in the above referenced matter **WITHOUT** waiver of any defenses.

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[The-14th-Amendment-Is-Unconstitutional](#)

The 14th Amendment Is Unconstitutional  
- Judge L.H. Perez

*It is difficult to emphasize strongly enough, the importance of this memorandum written by Judge Perez. History is always written by the 'victor'. In this case — again — the victor was the small group of powerful U.S. and International financiers who have orchestrated every war in which Americans have fought and died, and who have installed their minions in all levels of both federal and state government today... executive, legislative, judicial, bureaucratic. Because this group also controls the media and the educational system in America, they have successfully promulgated their version of the War of Northern Aggression which they labeled the 'Civil War'.*

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“A party must **have standing to file** suit at its inception and **may not remedy** this **defect** by **subsequently obtaining** standing.” *Venture Holdings & Acquisitions Grp., LLC v. A.I.M. Funding Grp., LLC*, 75 So. 3d 773, 776 (Fla. 4th DCA 2011).

...**mere allegation of facts necessary for jurisdiction** without supporting **proof** is **fatally defective** *United States v. One 1972 Cadillac, Coupe Deville, Etc.*, 355 F. Supp. 513 (E.D. Ky. 1973)

I conclude that without proof, from the beginning, deprives them of “**standing**” and they can’t go looking for something after the fact. If they don’t have the “**evidence**” at the start, they can’t create or manufacture it.

If those two letters are not - in evidence as proof - before they went to the grand jury they had no standing to move and

I believe Bob's claim is to show malfeasance and the injuries and damages from a "**fatal defect**" from the beginning.

