

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

FILED
STATESVILLE, N.C.
MAR 25 2015
U.S. District Court
Western District of N.C.

Jeffrey T. Maehr,)	
Petitioner)	
)	Docket #5:09CR27-RLV
v.)	
)	Order of Forfeiture
United States of America)	Certified Mail # 7014-2120-0004-6670-5340
Respondent)	
)	

**NOTICE OF DISPUTE AND UNLAWFUL ACTIONS
PETITION FOR RELEASE OF ASSETS**

Petitioner comes before this honorable Court, Sui Juris, in response to the recently received court document regarding the above case. (See exhibit A). Petitioner comes with Lawful NOTICE to this Court of unlawful actions by Plaintiff under color of law, under Title 18 ⁽¹⁾ and Title 42 ⁽²⁾, and Petitions for return of rightful assets and

¹ **USC 18 §241; CONSPIRACY AGAINST RIGHTS:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free exercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both;

USC 18 §242; DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both;

18 USC § 2382 - Misprision of treason
Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both. (Emphasis added).

² **USC 42 § 1983; CIVIL ACTION FOR DEPRIVATION OF RIGHTS:** Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

proper adjudication of claims herein. Petitioner has recently been made aware of all the court proceedings and allegations, and is providing new information not provided for previously to the best of my knowledge at this time. Petitioner has standing ⁽³⁾ to intercede in this instant case due to his assets now being in UNITED STATES government possession unlawfully, and has NEW evidence that a fraud has been committed in these proceedings.

Petitioner also NOTICES the court that, as a party in interest, he was never provided opportunity to provide testimony or evidence in either written or oral form for this case in support of his rights under law, or to cross examine and challenge standing of Plaintiff, which is surely his right, presently being a damaged party in this case.

JUDICIAL NOTICE

Petitioner first wishes to bring Judicial NOTICE to this Court of the following facts of law and evidence which appear to have been violated, overlooked and/or ignored in the course of proper Due Process for Defendant Bernard Von Nothaus, and all alleged victims of Defendant's alleged criminal activity, per the following;

1. There is no evidence of standing by the "UNITED STATES" of record in this instant case. The Court is required to verify standing of Plaintiff, regardless of whether such standing was every challenged in proceedings:

USC 42 § 1985; CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: If two or more persons in any State or Territory conspire for the purpose of depriving, either directly or indirectly any persons rights the party so injured or deprived may have an action for the recovery of damages against any one or more of the conspirators.

42 USC § 1986 - Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action;

³ See Exhibit B for warehouse receipt asset verification for standing as one of the People who created government*, to be bringing evidence to this case previously denied or deprived Petitioner, and who has been damaged or about to be damaged by the UNITED STATES.

* "Governments are instituted among Men, deriving their just powers from the consent of the governed," (Declaration of Independence.)

"It is well established that the court has an independent obligation to assure that standing exists, regardless of whether it is challenged by any of the parties." *Summers v. Earth Island Institute, No. 07-463, U. S., (March 3, 2009) - citing Bender v. Williamsport Area School Dist., 475 U. S. 534, 541 [1986].*

Presumptions cannot be taken as any sort of evidence;

"The power to create [false] presumptions is not a means of escape from constitutional restrictions." *Heiner v. Donnan, 285, US 312 (1932) and New York Times v. Sullivan, 376 US 254 (1964).*

"This court has never treated a presumption as any form of evidence." *A.C. Aukerman Co. v. R.L. Chaides Const. Co., 960 F.2d 1020, 1037 (Fed. Cir. 1992).*

"[A] presumption is not evidence." *Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935).*

"[A presumption] cannot acquire the attribute of evidence . . ." *New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938).*

2. Plaintiff, in suit against Defendant, is named the "UNITED STATES OF AMERICA" which consists of all 50 states of the union, and represents ALL lawful American citizens of the 50 united States, however throughout the suit, the term "UNITED STATES" is used, without any defining elements or limitations presented to determine the entity complaining. It is only presumed to be the same entity as the "UNITED STATES". For example, Article III defines "United States"⁽⁴⁾ as the 50 united States of the Union.

However, the Act of 1871 created a government for Washington DC... forming the corporate "UNITED STATES" with a new Constitution for this government called "Constitution OF the UNITED STATES" rather than the organic constitution named "Constitution FOR the united states of America." This now is two "United States, so which one is to receive forfeited funds in this case? The for-profit Corporate UNITED STATES which mostly serves itself, or the dejure united

⁴ According to the United States Constitution, Article 3, §3"

"Treason against the United States, shall consist only in levying War against them, or in adhering to their (the 50 states and people-JTM) enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court." (Emphasis added)

several states of America, the 50 states and People which the federal government is created to lawfully and Constitutionally serve?

The "United States of America" and the "UNITED STATES" can be two entirely different entities (contrary to revisionist actions over the years) and therefore the Court has been misled (fraud on the court) as to who the party is that is allegedly the recipient of the "forfeited" goods in this instant case, and a theft is clearly in the process of being perpetrated under color of law, by the corporate entity ""UNITED STATES", and now supported by this Court, and NOT for the benefit of the American People who allegedly have been damaged.

18 U.S. Code § 5 - United States defined

The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone. (Emphasis added).

18 U.S. Code § 3077 - Definitions

(4) "United States", when used in a geographical sense, includes (is limited to-JTM) Puerto Rico and all territories and possessions of the United States;

The above definitions of the "United States" is only "presumed" to be the same entity or definition as the Plaintiff, "United States of America" in the above suit, but this is incorrect. The key component to 18 U.S.C. § 5 code above is that the defined territorial sense "subject to the jurisdiction of the United States." Along with 18 U.S.C. § 3077, neither includes the 50 united States, the union of States, and ONLY includes the very limited corporate government (⁵) "UNITED STATES", and under Article I, has overstepped its jurisdictional authority in the 50 united States in this case and is acting in its corporate capacity to wrongly defraud the Defendant and Petitioner of their, and other American's, assets.

The Department of Justice (DOJ), an entity of the UNITED STATES corporation, is NOT representing the 50 united States, because it CANNOT do so in most cases, and ONLY has jurisdiction in the limited territories, except as authorized by the Constitution under Article I, §8, AS TO ANY State jurisdiction. Further, any other

⁵ The united states "...is a corporation, a legal fiction that existed well before the Revolutionary War." *Republica v. Sween, 1 Dallas 43.*

United States Code Title 28, Part VI, Chapter 176, Subchapter A, § 3002;
(15) "United States" means, (A) a Federal corporation.

alleged powers are limited to the “jurisdiction of the United States”, as defined below.

“To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” Article 1, § 8, Clause 17.

Title 4 U.S.C. §72 Public offices at seat of Government “All offices attached to the seat of government shall be exercised in the District of Columbia and not elsewhere, except as otherwise expressly provided by law.” (Art. I, §8-JTM)

“The laws of congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.” *CAHA v. U.S.*, 152 U.S. 211 (1894).

The Jurisdiction of the United States corporate/national government is the following as defined in 26 USC:

26 U.S. Code § 3121 - Definitions

(e) State, United States, and citizen
For purposes of this chapter—

(1) State

The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) United States

The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

The word “includes” is an inclusive term and ONLY means what is stated, NOT what is stated and “everything else” one might want to presume is meant.

The corporate “United States”, as defined in law, CANNOT be trying this case against Defendant because it has ZERO standing against Defendant, which was never proven in this instant case, as required, and certainly has ZERO standing to

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be seizing assets of those who were exercising their constitutional rights to contract under law ⁽⁶⁾ with anyone they choose and to exchange anything they wish for products or services.

No coercion was ever made or suggested against anyone involved with the Liberty Dollar, and all “investors” involved did so voluntarily, and of their own free will and authority under the Constitution, and certainly were never “harmed” or injured in any way because there was true value in all elements of the exchange process, and no fraud or damage occurred. (See #5 below). The corporate “UNITED STATES” nor the People of America were ever harmed by the actions of Defendant, in ANY LAWFUL way.

3. The United States Government, with its limited powers as described in Article I, § 8, DOES include the issue of “counterfeiting” of current coin. ⁽⁷⁾

However, the defendant in no way violated this Article. Defendant, in NO way, counterfeited “current coin of the United States” government. The coins were NOT an attempt to deceive people into believing they were any representation of “current coin.” In fact, if that was the plan, defendant failed miserably because the Liberty Coins were in no way an attempt to counterfeit “current coin” of the United States, and to suggest this was the plan is to be presenting a malicious, false prosecution and false evidence contrary to the Constitution. This Court has been defrauded.

4. Defendant was, in fact, complying with the Constitutional limitations on what is classified as “lawful money” and offering the American people the choice to support the Constitution, ⁽⁸⁾ contrary to the unconstitutional fiat currency called the “Federal Reserve Note” now being propagated by the “UNITED STATES” corporate entity, in criminal violation of the Constitution, and in support of a major collusive criminal theft of assets of all Americans as well as ALL other nations, to this day.

⁶ “Free will in making private contracts, and even in greater degree in refusing to make them, is one of the most important and sacred of the individual rights intended to be protected.” State ex. rel. Zillmer v. Krentzberg, 114 Wis. 530, 90, N. W. Rep. 1098, 58 L.R.A. 748, 753 (1902).

⁷ Article I, § 8 “To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;”

⁸ Article 1, § 10. No state shall...make anything but gold and silver coin a tender in payment of debts;

Congress ⁽⁹⁾, NOT the Federal Reserve, is authorized to regulate “money” as COIN, NOT as paper that has no intrinsic value and is not backed by anything of value, and is provided by a private, NON-federal banking cartel which is an unconstitutional activity... i.e., in other words, it is “counterfeiting” a worthless fiat substance (computer digits and printed paper with no intrinsic value) into genuine “money” and presenting it as “legal tender” instead of “lawful money” as required by our Constitution.

For the “United States” to be seeking the assets of Defendant and other Americans, while condoning and supporting, and even defending, private banking families and their creation of counterfeit “money” out of nothing, and charging America’s interest for that counterfeiting scam is not only a major conflict of interest, but unconscionable activity under color of law, and is actually “warring” against the Constitution and the united 50 States and its People, ⁽¹⁰⁾ which is clearly treason in its highest order because it directly injures and damages EVERY American in this union.

It is a shame that there are DOJ attorneys and others who have no conscience in manipulating the Court and Jury with lies, misrepresentations, and half truths in this case. This is clearly jury tampering through withholding evidence instrumental to being fully informed as to the laws regarding “counterfeiting” and the true nature of this suit and agenda, and the true end result of asset forfeiture of those damaged by this action.

The Federal Reserve PRIVATE banking cartel is the greatest counterfeiter in the world, and the DOJ ignores them for the last 100 years, while they destroy our

⁹ Congress has no authority to delegate the duty described in Article I, § 8, especially to a private banking corporation. Is it any wonder the Federal Reserve and government are fighting hard to prevent a lawful audit? What do they have to hide or fear if it is all lawful and not committing fraud against America and other nations?

¹⁰ “No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.” *U.S. Supreme Court COOPER v. AARON, (1958)*. What is the penalty for this “warring”?

18 USC § 2381 - Treason; “Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.” (Emphasis added)

financial system, ⁽¹¹⁾ and yet the DOJ goes after a 70 year old man who actually broke no laws, provided a voluntarily agreed upon service, and was trying to show the scam the government and private banks are involved with... but the "UNITED STATES" corporation doesn't like competition against its fake money scam, or exposure of its fraud and chose to act unlawfully to protect its interests in keeping the public ignorant of the truth. What cowards and what lack of character, and what treason by them all.

5. The Liberty Dollar pieces in question were of far more actual, tangible, value than a "Federal Reserve Note" that has zero intrinsic value, therefore, there was NO injured party in this voluntary exchange, with no real, tangible damage⁽¹²⁾ and therefore, no standing for a third party (DOJ/UNITED STATES) to interfere with our right to contract with anyone we choose. For the UNITED STATES/DOJ to stand in and attempt theft of funds and to deprive free Americans of their assets without Due Process of law for EACH alleged damaged party is clearly criminal at best for those committed to justice and liberty.

The corporate "UNITED STATES" has suffered NO injury in fact,⁽¹³⁾ and has not

¹¹ "It is well enough that people of the nation do not understand our banking and money system, for if they did, I believe there would be a revolution before tomorrow morning." Henry Ford. "If the American people ever allow private banks to control the issue of their currency, first by inflation, then by deflation, the banks...will deprive the people of all property until their children wake-up homeless on the continent their fathers conquered." Thomas Jefferson

¹² The Courts have now settled upon the rule that, "at an irreducible minimum," the constitutional requisites under Article III for the existence of standing are that the party seeking to sue must personally have suffered some actual or threatened injury that can fairly be traced to the challenged action of defendant and that the injury is likely to be redressed by a favorable decision. Valley Forge Christian College v. Americans United, 454 U.S. 464, 472 (1982); Allen v. Wright, 468 U.S. 737, 751 (1984); Lujan v. Defenders of Wildlife, 112Ct.2130,2136 (1992).

The Court announced that parties had standing when they suffered "injury in fact" to some interest, "economic or otherwise," that is arguably within the zone of interest to be protected or regulated by the statute or constitutional provision in question. Assn. of Data Processing Service Org. v. Camp, 397 U.S. 150 (1970); Barlow v. Collins, 397 U.S. 159 (1970).

¹³ [T]he irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an 'injury in fact'— an invasion of a legally protected interest which is (a) concrete and particularized and (b) 'actual or imminent, not "conjectural" or "hypothetical."' Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be 'fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court. Third, it must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" Bennett v. Spear, 520 US 154, 162, 137 L Ed 2d 281 (1997). (Footnote continued on next page)

proven such an injury, and there is no complaining party which has come forth that can prove any "injury in fact" in this instant case, and therefore, standing has been proven to NOT exist for the "UNITED STATES", and this case is a fraud on the court itself, and against all Americans in the 50 states who are now damaged by this fraudulent action.

In what way has the outcome of this case "redressed" ANY "injury in fact" of record, in what manner, and to whose benefit? How many hoops will the Court make those invested in lawful contracting jump through to not be cheated out of their assets, and to hold Plaintiff accountable for these obvious criminal actions?

6. Petitioner has Amicus Briefs available on the subject of the corporate UNITED STATES jurisdiction, and clarification between the "UNITED STATES" and the "United States of America". Public discussion refuting the allegations can also be found in many places, including...

<http://www.forbes.com/sites/georgeleef/2014/12/09/protecting-us-from-a-terrorist-who-made-pure-silver-coins-the-bernard-von-nothaus-case/>.

CONCLUSION

It is clear that the prosecution did so maliciously, and with intent to stop lawful right to contract (competition) to counter the financial fraud the UNITED STATES government is involved with, under color of law, and stifle free exercise of constitutional rights by free Americans.

Dozens of mediums of exchange have been utilized within the United States of America over the past few decades, and many are STILL in use today and have never been deemed "counterfeiting" or even challenged.

Defendant was targeted because of his success in educating people about the government's fraud, and how it is destroying our economy and stealing our children's children's assets. Utilizing the same medium our Founding Generation used for coinage by the Defendant was NOT meant to deceive, but to convince the People of what is REAL money and has REAL value. This warring attack on our financial system CANNOT stand in a free society and under a Constitution that prohibits such actions, and severely penalizes such actions.

"If, in connection with the claim being asserted, a litigant who commences suit fails to show actual or imminent harm that is concrete and particular, fairly traceable to the conduct complained of, and likely to be redressed by a favorable decision, the Federal Judiciary cannot hear the claim." *Lujan*, 504 U.S., at 560-561, 112 S.Ct. 2130. (Also see Exhibit D)

The ONLY "damage" that the "UNITED STATES " could point to would be that their monopoly on alleged "money" creation, control and manipulation was being interfered with by those waking up to the Federal Reserve fraud, and the theft of our assets. Claiming this would, of course, incriminate the corporate UNITED STATES itself (in RICO league with a private corporation) in the greatest fraud the American people have been under for over 100 years. Will this honorable Court continue to allow this damage to our Constitution and our finances which affect us all? This case should be in the United States Supreme Court.

Regarding the criteria provided to verify claim under 21 U.S.C. § 853 (n), in particular #3, Petitioner obtained said assets over the course of 17 years as the warehouse certificates clearly prove, and has 150+ emails covering that period of time to prove relationship if the court requires such burden of paperwork and cost to judicial economy, to be provided. In addition, possession of said assets is prima facie evidence of ownership. To require more "hoops" is simply a ploy to obtain assets through burdening those involved even more.

REMEDY

Petitioner moves this honorable Court to review the new evidence, and to dismiss this case to avert a travesty of justice and the damage to Defendant, and other Americans who were complying with, and supporting, the Constitution for the United States of America.

All parties with standing in this case should be allowed, under Due Process of the 5th and 14th Amendments, to provide evidence, testimony and rebuttal to the alleged crimes, and to challenge standing of this usurping corporation called the "UNITED STATES". To do otherwise would be to subvert the Constitutional authority over the UNITED STATES government, and deprive the People who created the government of their property and rights in one fell swoop. In lieu of that, Petitioner makes THIS Petition argument on behalf of ALL parties involved, on their behalf.

ALL parties involved should be compensated for their deprivation of property by the UNITED STATES in this malicious prosecution (IF THE UNITED STATES CORPORATE ENTITY IS TO RECEIVE CONFISCATED FUNDS), to the tune of the HASLIP (infra) case cited below.

In the event this Court will not correct this confiscation error of the People's assets, Petitioner rightfully stands in for the People of the United States of America (¹⁴)

¹⁴ Exhibit C clearly states that the "United States of America" may receive forfeited property. Petitioner represent the People making up the United States of America, and is a valid recipient for

and those damaged, who have been deprived of a voice in this case, and seeks full restitution of ALL assets on behalf of the People damaged in this unlawful attempt at forfeiture under color of law.

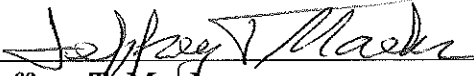
Said full restitution to be placed in a trust fund to be returned to all the People who have evidence of claims, and the remaining unclaimed funds to be retained in trust until returned to Defendant under proper and lawful Due Process.

In addition, Defendant shall be made whole through removal of any alleged criminal record and with remaining assets to be returned to Defendant in its entirety. Petitioner moves this honorable Court to sanction the DOJ and attorney employees involved with this fraud, and to provide for compensatory and punitive damages to Defendant and all those claiming asset return for their loss of use of the funds, as well as the emotional burden of this fraud over the years, and to make a statement that the government CANNOT get away with fraud in THIS honorable court.

Compensatory and punitive damages for fraud to be based on *PACIFIC MUTUAL LIFE INSURANCE CO. v. HASLIP, et al.*, and to be equitably distributed among Defendant and all parties with standing in this instant case as potential fraudulent loss dictates, or as the court sees fit to provide for said damages.

Lastly, Petitioner motions the Court for leave to appear (if necessary) either through written medium, or video conferencing or phone appearance, as he is a disabled veteran and cannot travel distances easily and has no funds to do so. He also reserves the right to call additional professional witnesses to testify to the facts and evidence involved.

Respectfully submitted to the required, unbiased, judicial machinery under the Constitutional Rule of Law in this honorable Court, and submitted as a flesh and blood creation of the living God, acting under HIS laws, and not under any other corporate, or statutory or other unnamed jurisdiction which might conflict.



Jeffrey T. Maehr
924 E. Stollsteimer Rd
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assets in trust as delineated above.

CC:

Thomas R. Ascik
Assistant U.S. Attorney
100 Otis St., Rm. 233
U.S. Court House
Asheville, NC 28801

Judge Richard L. Voorhees
U.S. District Judge
200 W. Broad St., Rm. 304
Statesville, NC 28677

Electronic Copy to: Ron Paul/Campaign for Liberty; Senator Rand Paul; Congressman Trey Gowdy; American Center for Law and Justice/ACLJ; Freedom Watch/LarryKlayman.

NOTARY WITNESS

I declare under penalty of perjury, as a lawful Notary for the State of Colorado, that the foregoing 12 page "NOTICE of unlawful actions - Petition for release of assets" document to the UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NORTH CAROLINA, STATESVILLE DIVISION, addressed to 200 W. Broad St., Rm. 304, Statesville, NC 28677, mailing by first class Certified Mail, # 7014-2120-0004-6670-5340, was presented before me by Jeffrey T. Maehr, known to me to be the person stated herein, and acknowledged this document on this 20th day of March, 2015;

PATRICIA MARTINEZ
Notary Printed Name

Patricia Martinez
Notary Signature

SEAL

