

IN THE

Supreme Court of the United States

—
GARY METALLIC AND RICK VAN GUILDER
(formerly MAHICAN TRIBE AND MI'KMAQ TRIBE),

OBJECTING AND REQUISITIONING PARTIES,
Complainants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
SPAIN, UNITED KINGDOM AND UNITED STATES,

RESPONDING PARTIES,
Respondents.

—
OBJECTION TO 10M102 AND *PRAECIPE* TO THE CLERK OF THE COURT

—
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REQUIRED THAT the Clerk comply with Rule 22(1) and, correspondingly, undocket Docket No. 10M102, retract its Distribution and remove it from the Court's Conference agenda scheduled for April 15, 2011, ON THE GROUNDS:

(1). AMENDED STYLE OF CAUSE. Docket No. 10M102 concerns a case formerly styled *Mahican Tribe and Mi'kmaq Tribe v. Canada et al.* and currently (Amendment Appended) styled *Gary Metallic and Rick Van Guilder v. Canada et al.* The amendment to the style of cause renders it consistent with the content of the documents constituting the case, being 1^{stly} the Rule 22 Motion for Leave to File a Motion for Leave to File a Document in Excess of Word Limits in Most Extraordinary Circumstances and Related Relief, 2^{ndly} the Motion for Leave to File a Bill of Complaint, and 3^{rdly} the Bill of Complaint.

(2). *PRIMA FACIE* FORCE AND EFFECT OF THE CONTENT. The said content establishes that each of those persons *prima facie* as a matter of jurisdictional law alone can complain *pro se* and sign *qua*: "An 'affected' Ambassador and Public Minister...within the meaning of Art. III, §2, ¶2."

(3). ART. III, §2, ¶2. This is the *Constitution's* Original Jurisdiction Clause which stipulates in so far as relevant to this case, specifically as a case of first instance with regard to a constitutional question of jurisdiction alone not previously judicially considered in relation to an Indian Tribe, "In all Cases affecting Ambassadors, other public Ministers and Consuls...the supreme Court shall have original Jurisdiction."

(4). DETERMINATIVE PRECEDENT. *Cherokee Nation v. State of Georgia*, 30 US 1 (5 Pet.) (1831), settled Tribes are States (Johnson, J, dissenting) albeit not "foreign" (Thompson and Story, JJ, dissenting) and, since the Cherokee complainant explicitly

relied exclusively upon the reference in the General Jurisdiction Clause, Art. III, §2, ¶1, to disputes “between a state [Georgia] and foreign states [Cherokee Nation],” in the result Marshall, CJ, held [p.20], “this court cannot interpose; *at least in the form in which those matters are presented.*” [Emphasis added]

(5). *LOCUS STANDI. Qua* State a Tribe is sovereign and as such has Ambassadors and public Ministers for negotiating and signing treaties with the United States pursuant to the Treaty Clause, Art. II, §2, ¶2. They themselves as individuals can rely *pro se* upon this Court’s Original Jurisdiction Clause, Art. III, §2, ¶2, as is now more readily apparent in consequence of the reformatting of the style of cause as amended.

(6). REASON FOR AMENDMENT. The reason for the amendment is that the Clerk *per* Deputy Rapp initially refused to docket the case on the ground that Rule 9 of the *Rules of the Supreme Court* signifies that only a member of the Supreme Court bar could sign on behalf of a group and the case’s signatories aren’t members.

(7). VOID AND SUPERCEDED MOTION TO AMEND. Upon the basis of the erroneous assumption of law alone that in order to replace the group names in the style of cause with the individual names not similarly requiring representation by a member of the Supreme Court bar, the said signatories attempted to deliver (but did not in fact deliver since the respondents were not served) a procedural law Motion to Amend one of the three (3) documents constituting the case, namely the above-mentioned preliminary Rule 22 Motion to a Single Judge for Leave to Exceed the Limited Word Count in Most Extraordinary Circumstances and Related Relief. The “word count” concerns the combined content of the Motion for Leave to File a Bill of Complaint and the Bill of Complaint.

(8). CONFLICTED CHARACTER OF THE LEGAL ESTABLISHMENT. The “Most” extraordinary of the set of “Most Extraordinary Circumstances” identified in the said preliminary procedural Rule 22 Motion to a Single Judge is the fact that since 1871 the lawyers, judges and administrators of the legal system have obstructed and ignored the constitutional question of jurisdictional law alone of Indian tribal sovereignty, inclusive of the necessarily-incident issue of the *locus standi* of tribal “Ambassadors and public Ministers” within the meaning of Art. III, §2, ¶2.

(9). NECESSITY OF PROCEEDING *PRO SE*. In virtue of this institutional conflict of interest the complainants do not want to be represented by a member of the Supreme Court bar or any other bar and the members of the bars do not want to represent them.

(10). *FEDERAL RULES OF CIVIL PROCEDURE* (FRCP) RULE 15(1)(A). Subsequent to filing the null and void Motion to Amend the outstanding Rule 22 Motion to a Single Judge, the complainants learned they were entitled to amend as of right without applying for the permission of a Judge or the Court. The consequence is the amendment above-referenced.

(11). STRATEGIC NECESSITY OF RULE 22 SINGLE JUDGE. If and when the outstanding Rule 22 Motion to a Single Judge regularly is processed by the Clerk of this Court it is probable the obstructing and ignoring will end. Even if Breyer, J, the Single Judge seized of the Motion under Rule 22 does not grant the requested permission the request can be repeated before Thomas, J, who is the only judge in modern times who has recognized the existence of the constitutional question of jurisdictional law alone to which this particular complaint is restricted. He has invited it whereas the balance of the Court has ignored it.

(12). MASKING OF MOTION TO AMEND RULE 22 MOTION AS RULE 21 MOTION. The Clerk irregularly docketed the null and void (unserved) Motion to Amend the existing Rule 22 Motion to a Single Judge by misrepresenting it as a “Motion to direct the Clerk to file a bill of complaint” and docketing it as 10M102, as if it were a Rule 21 Motion to the Court; which the Clerk then Distributed and Entered on the Court Conference Agenda for April 15, 2011.

(13). GROSS INJUSTICE OF CLERK’S MISREPRESENTATION. The *Supreme Court Rules* and the true facts are simple, clear and plain. The complainants/moving parties could not legally, did not in fact, and strategically never would have made a Rule 21 Motion to the Court rather than amend their outstanding and critical Rule 22 Motion.

(14). EXPLICIT JURISDICTIONAL DUTY OF CLERK. Rule 22(1) requires the Clerk with regard to the outstanding preliminary Rule 22 Motion for Leave to File a Motion for Leave to File a Document in Excess of Word Limits in Most Extraordinary Circumstances and Related Relief to “transmit it *promptly* to the Justice concerned.” [Emphasis added]

(15). CONCLUSION. Therefore the Clerk should do just that and, correspondingly, should un-docket Docket No. 10M102, retract its Distribution and delete it from the Court’s Conference Agenda scheduled for April 15, 2011.

DATE: April 4, 2011.

/s/ “Rick Van Guilder”
 RICK VANGUILDER
 (An “affected” Ambassador and
 Public Minister of the Mahican
 Tribe within the meaning of Art. III,
 §2, ¶2 of the *Constitution*)

/s/ “Gary Metallic”
 GARY METALLIC
 (An “affected” Ambassador and
 Public Minister of the Mi’kmaq
 Tribe within the meaning of Art. III,
 §2, ¶2 of the *Constitution*)

APPENDIX:
AMENDMENT TO THE CASE TITLE PAGE.
FRCP RULE 15(1)(A)

No.

IN THE

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(herein amended to GARY METALLIC AND RICK VAN GUILDER),
Complainants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
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Respondents.

Amendment to the Case Title Page
FRCP Rule 15(1)(A)

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THE CASE TITLE PAGE is amended by:

1. Changing the names of the complainants/moving parties to:

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2. Changing the address for service information to:

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DATE: April 4, 2011.

/s/ "Rick Van Guilder" _____

RICK VANGUILDER

(An "affected" Ambassador and
Public Minister of the Mahican
Tribe within the meaning of Art. III,
§2, ¶2 of the *Constitution*)

/s/ "Gary Metallic" _____

GARY METALLIC

(An "affected" Ambassador and
Public Minister of the Mi'kmaq
Tribe within the meaning of Art. III,
§2, ¶2 of the *Constitution*)