DATED : 05.01.2017 - 2nd amendment filed recorded/email to RCJ QB h:reed – r:bailey – hannah:evans **Ref – the flesh & blood living souls;** mike: clarke cases 2MA90015 & of ann: clarke of CoP 10370284 The Creditors ~ i man the Executor & Beneficiary of the Estates ~ served papers on the Queens Bench, for the Attorney General and HM Treasury ~ **WE ARE NOT DEAD LEGAL FICTION'S we are alive-in-law**

i man, ex mason, raised from the dead to fight legal NAME fraud of SLAVERY by barratry & personage.

Talk: Pro Per - From Wikipedia, the free encyclopedia – proof of life court form 206 prior served on QB

PRO PER - IN PROPRIA PERSONA - Latin - In ones own proper person. To appear as yourself as a natural man or woman (a non fiction) in court **without the assistance or the liability of an attorney**.

PRO SE - Latin - For himself - on one's own behalf. To appear for yourself as a legal fiction. A person who "represents" himself but is not in court as himself. An imaginary person in court without the assistance or the **liability of an attorney**.

Have you ever asked why it is, that no one is allowed to enter a courtroom, as plaintiff or defendant, in Propria Persona or Pro Per?

Propria Persona, commonly abbreviated as Pro Per, simply means that you are entering the court as **the real flesh in the case**. That is, in the flesh blood and soul, as i man or wo/man named. The court may reluctantly allow you to enter the court Pro Se, representing the fictional person in the case, or the court will allow an attorney to represent the person in the case.

But, the court will never let you appear as a real person in Pro Per. Why is this ? QB room 37 pro per

The reason is because you (the flesh) are not the same person that is actually named in the case.

How could an imaginary legal fiction ever appear in court in the flesh???

The cause of action, or the case, is always between the two legal fictions.

The State is also a fictional person that exists only on paper.

It is a rule in pleading that pleas to the court must be pled in propria persona, because, if pled by attorney, they admit the jurisdiction of the court, as an attorney is an officer of the court, and he is presumed to plead after having obtained permission from the court, **which admits the courts jurisdiction over you.**

Therefore, **Your appearance MUST always be in Pro Per**, and **never with or by an attorney.**

This is evident by the way your name is spelled in the court's documents in **all capital letters**. All courts today in the U.S. and UK are legal fictions, military courts acting against civilians, under the Emergency War Powers Act of March 9, 1933.

The courts of today are no longer under the judicial branch of government. They are under the executive branch of government. This is evident by the gold fringed flag in every courtroom. A gold fringed flag is a military flag (See Title 4, USC 1).

The flag serves as notice to all, that they are entering a military court. The Courts can only prosecute another legal fiction, except in cases of **Common Law crimes** that actually injure a real person such as **financial rape**, murder, **robbery, and other trespasses** as is the cases here by personage & barratry!

The United States Supreme Court observed in its unanimous decision in the case Kay v. Ehrler 499 U.S. 432, that a lawmaking body may instead prefer to discourage attorneys from electing to appear in

propria persona because such self-representation may often conflict with the general public and legislative policy favoring the effective and successful prosecution of meritorious claims.

The high court observed that "Even a skilled lawyer who represents himself is at a disadvantage in contested litigation. Ethical considerations may make it inappropriate for him to appear as a witness. He is deprived of the judgment of an independent third party in framing the theory of the case, evaluating alternative methods of presenting the evidence, cross-examining hostile witnesses, formulating legal arguments, and in making sure that reason, rather than emotion, dictates the proper tactical response to unforeseen developments in the courtroom.

The adage that "a lawyer who represents himself has a fool for a client" is the product of years of experience by seasoned litigators. However, what they neglect to say is that a lawyer who hires another lawyer, still is a fool as a client.

If you are a pro-se litigant facing a motion to dismiss or some other ruling because of a minor technicality or because of an error found in your paperwork, you are not without considerable precedent to protect your position.

There are five major federal decisions which offer you considerable protection. In your opposition to such motions, you may do well to cite these cases:

1. Picking v. Pennsylvania Railway , (151 F2d. 240) Third Circuit Court of Appeals. In Picking, the plaintiffs civil rights claim was 150 pages and described by a federal judge as "inept."

Nevertheless, it was held:

"Where a plaintiff pleads pro-se in a suit for protection of civil rights, the court should endeavor to construe plaintiffs pleading without regard to technicalities."

2. Walter Process Equipment v. Food Machinery 382 U.S. 172 (1965) it was held that in a "motion to dismiss, the material allegations of the complaint are taken as admitted." From this vantage point, courts are reluctant to dismiss complaints unless it appears the plaintiff can prove no set of facts in support of his claim which would entitle him to relief (see Conley vs. Gibson).

3. Puckett v. Cox , it was held that a pro-se complaint requires a less stringent reading than one drafted by a lawyer(456 F2d 233 (1972 Sixth Circuit USCA)

4. Conley v. Gibson . 355 U.S. 41 at 48(1957) Justice Black said, "The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to rule 8(f) FRCP all pleadings shall be construed to do substantial justice."

5. Trinsey v Pagliaro D.C.Pa. 1964, 229 F. Supp. 647. "Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." Pro Per and pro se litigants should therefore always remember that the majority of the time, the motion to dismiss a case is only argued by the opposing attorney, who is not allowed to testify on the facts of the case, the motion to dismiss is never argued by the real party in interest.

It should also be argued that to dismiss a civil action or other lawsuit in which a serious factual pattern or allegation of a cause of action has been made would itself be violative of procedural due process as it **would deprive a pro per or pro se litigant** of **equal protection of the law compared** to the **party who is represented by counsel. - ie PANNONE LLP & The Court of Protection!!!**