

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 13-01017 JMS
)	CR. NO. 13-01018 JMS
Plaintiff,)	
)	ORDER DENYING “AMICUS
vs.)	CURAIE (SIC) NOTICE AND
)	DEMAND FOR THE RECORD”
DENNIS RAYMOND ALEXIO,)	
)	
Defendant.)	
_____)	

ORDER DENYING “AMICUS CURAIE (SIC) NOTICE AND DEMAND FOR THE RECORD”

I. INTRODUCTION

On June 26, 2015, a document was filed in these actions entitled “Amicus Curaie (sic) Notice and Demand for the Record” (the “document”). Doc. No. 154.¹ The document is substantially similar to a filing received by the court on April 22, 2015 entitled “Notice of Private American Citizenship Status, Amicus Curiae Affidavit for the Record[,] Notice of Private Citizenship Status to the Moving Party[,] Demand for Proof of Claim from the Moving Party.” Doc. Nos.

¹ Here, the court refers to the docket in *United States v. Alexio*, Cr. No. 13-01017 JMS. The identical document is also filed at Doc. No. 141 in a related case, *United States v. Alexio*, Cr. No. 13-01018 JMS. For ease of reference, this Order refers only to the docket in Cr. No. 13-01017 JMS.

128, 129. The document is signed by Defendant Dennis Raymond Alexio

(“Defendant”) as:

Third Party Intervener Pre-1933 Private Citizen of the
United States Agent American Freeman; American
National Private Citizen of the State of Hawaii Special
and Private Resident in Exclusive Equity Within a Non-
Militarily-Occupied Estate County of Honolulu
Grantor/Settlor/Beneficiary of Private Business Trust
“DENNIS RAYMOND ALEXIO”

Doc. No. 154 at 11. Elsewhere, Defendant refers to himself as “Agent/Attorney of Record for Defendant Beneficiary of ‘DENNIS RAYMOND ALEXIO,’ Property of the UNITED STATES.” *Id.* at 13. And the document purports to be filed as “friend of the Court Dennis Raymond Alexio . . . third party intervener and real party in interest regarding defendant ‘DENNIS RAYMOND ALEXIO,’ rebutting Plaintiff’s presumption that Alexio is Defendant ‘DENNIS RAYMOND ALEXIO.’” *Id.* at 1.

In substance, the document purports to provide notice of Defendant’s “status,” and apparently seeks to have this court order the government to address or recognize his claims, and/or to withdraw the charges against him. The court construes the document as a request for judicial notice and request for an order to show cause. Based on the following, Defendant’s requests are DENIED.

II. BACKGROUND

Among other assertions, the document states that

Alexio, a third party intervener and real party in interest, and by the authority of Jesus Christ, is making a special, ministerial visitation under threat, duress and coercion of potential loss of life, liberty and/or property due to a case of mistaken identity and/or false presumption of law on the part of the Plaintiff [United States], i.e. that Alexio is Defendant “DENNIS RAYMOND ALEXIO.”

Id. at 1-2. It asserts that “Alexio is not the Defendant.” *Id.* at 2. Rather, the document claims that “Alexio is a Pre-1933 Private American National ‘Citizen of the United States’ protected by Section 1 of the Fourteenth Amendment to the Constitution of the United States evidence by attached public record.” *Id.* (citing “Declaration of Status of Dennis Raymond Alexio” and associated exhibits).

In turn, the “Declaration of Status of Dennis Raymond Alexio: American Freeman” refers to Alexio’s birth certificate as a “unilateral contract” and “business instrument” that deprived “private American National Citizens” of their “sovereignty as a People.” Doc. No. 154-2 at 34. Because Defendant has purportedly rescinded or terminated his status as “Surety for the State-created, Public U.S. Citizen ‘DENNIS RAYMOND ALEXIO,’” *id.* at 3, he now claims he has “returned to [his] former status of being an American Freeman and American National in Equity, i.e., a *de jure* Private National Citizen of the United States

under section 1 of the Fourteenth Amendment[.]” *Id.* at 36. The purpose of the document is seemingly to provide notice of and to explain the basis of Defendant’s theory.

Although not clear, Defendant apparently seeks, among other relief, to have the government “admit[], confess[] and accept[]” his claims,” and “withdraw its action and claims against Defendant.” Doc. No. 154-1. He has attached a proposed order seeking to require the government “in what appears to be a case of mistaken identity,” to “show cause why Defendant and its Third Party Intervener are to be treated by the Court as one and the same ‘person’ as defined under 50 USC App. 5(b) as amended by 12 USC 95a.” *Id.*

III. DISCUSSION

Defendant appears to be raising a type of “sovereign citizen” claim.² Adherents of such claims or defenses “believe that they are not subject to government authority and employ various tactics in an attempt to, among other things, avoid paying taxes, extinguish debts, and derail criminal proceedings.” *Gravatt v. United States*, 100 Fed. Cl. 279, 282 (2011) (citations omitted). But “[c]ourts across the [United States] have uniformly rejected arguments based on

² This is true even though the document states that “Alexio is neither a ‘sovereign citizen’ nor has ever claimed such a status promoting anarchy and dissolution of western civilization born of the Protestant Reformation.” Doc. No. 154 at 4.

[a] redemption theory or substantially similar theories,” *United States v. Staten*, 2012 WL 2389871, at *3 (M.D. Pa. June 25, 2012) (citing cases),³ describing them as “frivolous, irrational [and] unintelligible.” *Id.* (quoting *United States v. Ornelas*, 2010 WL 4663385, at *1 (S.D. Ala. Nov. 9, 2010)).

“[C]ourts have encountered these claims before, namely, in the antics and writing of extremists who wish to dissociate themselves from the social compact undergirding this nation’s democratic institutions, including the independent judicial branch of government.” *United States v. Mitchell*, 405 F.

³ Although not clear, Defendant may be attempting to raise parts of an anti-government “redemption theory,” described as follows:

According to the theory, the convict has a split personality: a real person and a fictional person called a “strawman.” The strawman came into being when the United States went off the gold standard in 1933 and pledged its citizens as collateral for its national debt. Proponents of the theory believe that the government only has power over the strawman and not the real person. The real person, however, can “redeem” the fictional person by filing a [Uniform Commercial Code] financing statement. This allows the real person to acquire an interest in the fictional person that trumps the government’s power. Redemption theorists believe that the government must pay the real persons millions of dollars to use the strawman’s name or keep him in custody.

Staten, 2012 WL 2389871, at *3 (quoting *Monroe v. Beard*, 2007 WL 2359833, at *2 (E.D. Pa. Aug. 16, 2007)).

Courts have also rejected a similar theory “that the U.S. government created individual treasury accounts for each U.S. citizen in the 1930s that are referenced whenever the citizen is referred to in all capital letters,” and thus when court filing refers to a defendant in capital letters, “they are referring to the treasury account and not the actual [defendant].” *United States v. Singleton*, 2004 WL 1102322, at *2 (N.D. Ill. May 7, 2004).

Supp. 2d 602, 605 (D. Md. 2005). *Mitchell* summarizes these types of anti-government theories:

Though the precise contours of their philosophy differ among the various groups, almost all antigovernment movements adhere to a theory of a “sovereign” citizen. Essentially, they believe that our nation is made up of two types of people: those who are sovereign citizens by virtue of Article IV of the Constitution, and those who are “corporate” or “14th Amendment” citizens by virtue of the ratification of the 14th Amendment. The arguments put forth by these groups are generally incoherent, legally, and vary greatly among different groups and different speakers within those groups. They all rely on snippets of 19th Century court opinions taken out of context, definitions from obsolete legal dictionaries and treatises, and misplaced interpretations of original intent. One of the more cogent [--] in the sense that it is readily followed -- arguments is that there were no United States citizens prior to the ratification of the 14th Amendment. All Americans were merely citizens of their own state and owed no allegiance to the federal government. As a result of that amendment, however, Congress created a new type of citizen -- one who now enjoyed privileges conferred by the federal government and in turn answered to that government.

One of the ramifications of this belief is the dependent belief that, unless one specifically renounces his federal citizenship, he is not the type of citizen originally contemplated by the Constitution. And, in their view, the Constitution requires all federal office holders to be the original or sovereign type of citizen, a state citizen rather than a United States citizen. As a result, all federal officers are holding office illegally and their laws and rules are thus constitutionally suspect.

Id. at 605 (quoting *The Anti-Government Movement Guidebook*, National Center for State Courts, at 51 (1999) (“NCSC Guidebook”)).

Members of the anti-government movement will often attempt to avoid conferral of jurisdiction onto a court by refusing to identify themselves or denying that they are the person named in a warrant or summons.

....

.... It is the belief of members of the movement that they can file a document renouncing their citizenship to become a nation subject only to their own local common-law, and not subject to the law of their state or the federal government. Another ground for a follower’s refusal to identify himself may be his refusal to recognize himself as a “person.” This particular objection comes from what appears to be a somewhat mystical distinction between a “person” and a “human being” according to the anti-government movement’s philosophy.

Id. at 606 (quoting NCSC Guidebook at 63).

Other cases describe a similar theory based upon a belief that the passage of the Fourteenth Amendment somehow led to fictitious entities:

The foundation of Plaintiff[s’] claim is equal parts revisionist legal history and conspiracy theory. Supposedly, prior to the passage of the Fourteenth Amendment, there were no U.S. citizens; instead, people were citizens only of their individual states. Even after the passage of the Fourteenth Amendment, U.S. citizenship remains optional. The federal government, however, has tricked the populace into becoming U.S. citizens by entering into “contracts” embodied in such documents as birth certificates and social security cards.

With these contracts, an individual unwittingly creates a fictitious entity (*i.e.*, the U.S. citizen) that represents, but is separate from, the real person. Through these contracts, individuals also unknowingly pledge themselves and their property, through their newly created fictitious entities, as security for the national debt in exchange for the benefits of citizenship.

Bryant v. Wash. Mut. Bank, 524 F. Supp. 2d 753, 758 (W.D. Va. 2007) (footnote omitted). “The attempt to divide oneself into two separate entities . . . is a legal fiction and has been struck down consistently in courts around the country.”

Santiago v. Century 21/PHH Mortg., 2013 WL 1281776, at *5 (N.D. Ala. Mar. 27, 2013) (citing cases). *Cf. Rice v. Maryland*, 2010 WL 2773575, at *3 n.2 (D. Md. July 13, 2010) (“Such a [‘flesh and blood’ sovereign] defense has been repeatedly rejected and has been viewed by [the Fourth Circuit] as a ‘self-defeating legal strategy.’”) (citing *United States v. Jenkins*, 311 F. App’x 655, 656 (4th Cir. 2009)).

Given Defendant’s repeated references to being a “Pre-1933 Private American National ‘Citizen of the United States’ protected by Section 1 of the Fourteenth Amendment,” Doc. No. 154 at 2, it is evident that Defendant is adhering to the same type of “sovereign citizen” theories that caselaw has flatly rejected. This court, like many other courts across the United States, concludes that “‘sovereign citizens,’ like all citizens of the United States, are subject to the

laws of the jurisdiction in which they reside.” *Paul v. New York*, 2013 WL 5973138, at *3 (E.D.N.Y. Nov. 5, 2013) (quotation marks and citations omitted). “[T]he conspiracy and legal revisionist theories of ‘sovereign citizens’ are not established law in this court or anywhere in this country’s valid legal system.” *Id.* (quoting *Santiago*, 2013 WL 1281776, at *5). *See also United States v. James*, 328 F.3d 953, 954 (7th Cir. 2003) (“Laws of the United States apply to all persons within its borders.”); *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (“Regardless of an individual’s claimed status of descent, be it as a ‘sovereign citizen,’ a ‘secured-party creditor,’ or a ‘flesh-and-blood human being,’ that person is not beyond the jurisdiction of the courts. These theories should be rejected summarily, however they are presented.”).

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IV. CONCLUSION

The court DENIES Defendant’s “Amicus Curaie (sic) Notice and Demand for the Record.” Doc. No. 154. The court DENIES Defendant’s request to order the government to “show cause why Defendant and its Third Party Intervener are to be treated by the Court as one and the same ‘person.’” Doc. No. 154-1. The court DENIES Defendant’s attempts to establish that “Alexio is not the Defendant.” Doc. No. 154 at 2.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, July 2, 2015.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge

United States v. Alexio, Cr. Nos. 13-01017 JMS & 13-01018 JMS, Order Denying “Amicus Curaie Notice and Demand for the Record”