

09-10125

United States Court of Appeals
Fifth Circuit

USA vs WESLEY DAVID BOWDEN

Appeal Brief

From:

THE UNITED STATES
DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF TEXAS
DALLAS DIVISION

Appeal for Wesley David:
family of Bowden
in propria persona

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Table of Authorities

Laws of Nature

Laws of God of the Bible giving birth to
Common Law

Unalienable Rights endowed by my Creator

The Original, united States of America

The Constitution for the united States of America
dated 17 September 1787 as amended with the

Bill of Rights effective 15 December 1791

Texas Constitution of 1836

26 USC 2201 (a) + (v)

28 USC 1332

28 USC 1746 (1)

28 USC 1602 - 1605

18 USC 241 + 242

UCC 9 - 307 (h)

Jurisdictional Statements

I, Wesley David. family of Bowden, appeal upon the fact that I am a sovereign inhabitant domiciled upon the Land called Texas. I am not a party to the US statutes therefore they are named only so the US District Court and it's officer should have complied with or options given to me. I am bound by God's Laws which gave birth to Common Law. I am not a UNITED STATES CITIZEN because I am not a resident of Washington D.C. or any of it's territories, I am "without the UNITED STATES". The US District Court has jurisdiction over fictitious entities with all capital letters but not the living breathing sovereign man. I am the secured party to the debtor WESLEY DAVID BOWDEN^① which is the defendant.^②

The Fifth Circuit Court of Appeals has jurisdiction because it is an Article Three court pursuant to the Common Law of America.

Dates

D

31 July 2008	- Defendant convicted
12 January 2008	Defendant sentenced
22 January 2008	Petition to appeal sent
22 January 2008	Petition to appeal in forma pauperis sent but never received by court

¹ p 15

² p 16

- 16 May 2009 Petition to reopen case
30 May 2009 Petition to proceed in
forma pauperis
8 July 2009 Appeals court granted petition
to re-instate appeal
31 Aug 2009 District Court granted petition
to proceed in forma pauperis
12 Sept 2009 Reply to Appeals court that
I, Wesley David Bowden,
Am continuing to proceed in
PROPRIA PERSONA.

The final judgment of guilty was issued by
the UNITED STATES DISTRICT COURT for the
Northern District of Texas - Dallas Division on
31 July 2008 on the defendant, the fiction,
WESLEY DAVID BOWDEN

Statement of Issue

The only issue in the appeal is jurisdiction of the UNITED STATES DISTRICT COURT. The foundation for the lack of jurisdiction is that I, Wesley David: family of Bowden, Am a sovereign. A sovereign in record and substance supported by my life style & actions. I take no benefits from the corporate US govt. All social security benefits have been relinquished and I am not a registered voter. The united States Constitution of 1787 and the Texas Constitution 1836 establish what rights I have relinquished and what benefits I will receive.

Relief Sought

I, Wesley David: Family of Bowden, wish to establish an understanding that I am not a UNITED STATES CITIZEN. I am an inhabitant domiciled upon the Land of Texas. I have separated Wesley David: Family of Bowden, the living man from WBSLEY DAVID BOWDEN[®] which is the defendant and a fiction.

I am the authorized Agent for the fiction. UCC1 was filed in 1999 establishing the separation of WBSLEY DAVID BOWDEN[®], the debtor from Wesley David: Family of Bowden, the secured party.

An Affidavit was recorded in 2000 by the clerk of Dallas County TEXAS. I believe the UNITED STATES DISTRICT COURT was in error in the conviction dated 3/1 July 2008 of the defendant WBSLEY DAVID BOWDEN and then illegally placed Wesley David: Family of Bowden in prison.

Therefore I pray that the Fifth Circuit Court of Appeals will set the record straight and declare that I, Wesley David: Family of Bowden, am not the defendant and will separate me from this case, with prejudice for lack of jurisdiction. This has been my declaration from the first time I was brought in to court plus the declaration that I am in this court under duress and that I have never knowingly or willingly given this court jurisdiction. I was wrongfully imprisoned.

Summary of the Argument

I have the right to brief the issue in the appeals court on the lack of jurisdiction of the US District Court over Wesley David: Family of Bowden concerning the offensive conduct alleged by the corporate U.S. government - UNITED STATES. My defense of Lack of Jurisdiction can be raised at any time especially the challenge to jurisdiction on direct appeal. Wesley David: Family of Bowden is the secured party and WESLEY DAVID BOWDEN is the debtor and the defendant. They are each separate and distinct. Separation is the essence of this case. WESLEY DAVID BOWDEN was indicted and convicted but Wesley David: Bowden family was kidnapped and has been falsely and illegally imprisoned for 438 days as of 9 Oct, 2009.

Statement of fact

It is by the way of proof of claim that I Wesley David: family of Bowden, a sovereign An inhabitant domiciled upon the land of Texas desires to present a petition for redress and a demand for judicial notice.

Statements of fact were ineffective & inconsequential in the US District Court as though facts had no relevance to the truth. Take judicial notice that I am not a taxpayer.

Demand for - proof of claim:

1. - that, Wesley David: family of Bowden, hereafter referred to as I or me, is a Federally privileged employee - only then would I be a taxpayer.
2. - that I have received any money from the U.S. Government or money from anyone.
3. - that I am proceeding in pro se vs propria persona
4. - that I have received benefits beyond the scope of the Texas Constitution of 1836 or the United States Constitution of 1787
5. - that I am a UNITED STATES CITIZEN as I have expatriated from the corporate U.S. as I am "without the U.S."

- 6- that the U.S. District Court has jurisdiction over a living, breathing man who is a sovereign and has no social security account nor is he a registered voter.
- 7- that I have a contract with the corporate UNITED STATES
- 8- that I am a resident in a federal zone in the UNITED STATES vs an inhabitant domiciled on the land of TEXAS which is foreign to corporate UNITED STATES.
- 9- that the united state Constitution is in force.
- 10- that I am the corporation WESLEY DAVID BOWDEN²
- 11- that upper and lower case names can be styled on the charging instrument as the plaintiff and defendant as in USA vs John Doe
- 12- that there is a law that requires me to have a social security account and number as a sovereign before a company or a living ^{MAN} may employ me and compensate me for my labor.
- 13- that I am a tax payer.
- 14- that I have exchanged my rights as a sovereign for the benefits and privileges of a UNITED STATES CITIZEN - a slave.
- 15- that I plead not guilty vs my plea of sovereign immunity.

Zplb

16. - that I was created by the state as a person and that the affidavit resulting that is not recorded by the clerk of Dallas County, Texas.
17. - that the UNITED STATES DISTRICT COURT has a claim against me.
18. - that I have ever been charged with a crime in the UNITED STATES DISTRICT COURT of case number 3:08-CR-89-1. (2)
19. - that Wesley David: Family of Bowden (2) is styled as the defendant in UNITED STATES DISTRICT COURT case number 3:08-CR-89-1

The fact is Wesley David: Family of Bowden is the secured party to the debtor WESLEY DAVID BOWDEN. A UCC I was recorded with the TEXAS Secretary of State in 1999 to give evidence of this.

This evidence was also recorded in the form of an affidavit in the clerk's office of the US District Court but the judge disallowed most of my document and evidence.

I stated the fact that I had never willingly or knowingly given jurisdiction to the court and that I was not the defendant.

2 p 16 1 p 15

Conclusion

I pray that the Fifth Circuit Court of Appeals will first and foremost seek the truth and will know the truth when found.

1) I, Wesley David: Family of Bowden, hereafter referred to as I or me, am not A ~~UNITED STATES CITIZEN~~.

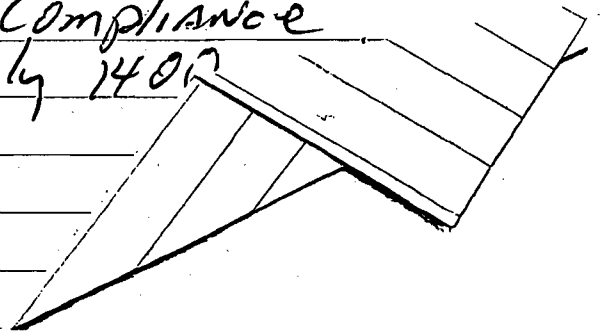
2) I am not the defendant in case Number 3:08-cr-89-1. (2)

3) The precise relief is to separate me from this case with prejudice for lack of jurisdiction, restore all my rights, to make me whole in all ways for suffering and loss of income and loss of affection of wife and children while falsely imprisoned. In addition to provide me with all options available to me by the statutes of the UNITED STATES for kidnapping and false imprisonment. The indirect relief is to overturn the verdict with prejudice for lack of jurisdiction and restore me as stated above.

To place a void judgment with prejudice in my favor is my prayer to this court.

Certification of Compliance

This brief has approximately 1400
It is in compliance.



Verification

I, Wesley David: family of Bowden,
verify that the above statements are
true and correct to the best of
my knowledge.

Executed pursuant to 28 USC 1746(C1)
on this 9th day of October 2009 by me,

Wesley David: family of Bowden

Certification of Service

I, Wesley David: family of Bowden, certify that
I mailed ~~sent~~ (6) true and correct copies
of the foregoing brief addressed to:

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
NORTHERN DISTRICT OF TEXAS
1100 Commerce - Room 1452
DALLAS, TX 75242-1495

by certified mail # 7008 1830 0001 7037 8948

Executed pursuant to 28 USC 1746(1)
on this 9th day of October 2009 by me,

Wesley David: family of Bowden

Reply for Wesley Bowden 37386-17,
P.O. Beaumont Low-XA
P.O. Box 26020
Beaumont TX 77720.

After the 20th October 2009
I will be in transit to
Hutchins Texas

Please send to:

Mrs. Wesley Bowden
10455 N. Central Expw
#109-255

Dallas Texas [75231]
because I don't know
the address in Hutchin
Texas.

Appendix

1. UCC 1 p 15

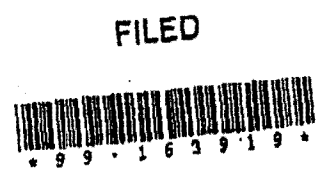
2. charging instrument p 16

99-163919
8/13/99 02:59 PM
Texas Secretary of State

FINANCING STATEMENT -- FOLLOW INSTRUCTIONS CAREFULLY

This Financing Statement is presented for filing pursuant to the Uniform Commercial Code and will remain effective, with certain exceptions, for 5 years from date of filing.

A. NAME & TEL. # OF CONTACT AT FILER (optional)		B. FILING OFFICE ACCT. # (optional)	
C. RETURN COPY TO: (Name and Mailing Address)			
Wesley David of bowden Post Office Box 671288 Dallas, Texas 75367			
D. OPTIONAL DESIGNATION (if applicable):		LESSOR/LESSEE	CONSIGNOR/CONSIGNEE
		NON-UCC FILING	



1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b)

1a. ENTITY'S NAME			
OR			
1b. INDIVIDUAL'S LAST NAME BOWDEN		FIRST NAME WESLEY	MIDDLE NAME DAVID
1c. MAILING ADDRESS c/o 9717 N. Central Expwy.		CITY Dallas	STATE COUNTRY POSTAL CODE TX USA 75231
1d. D.B. OR TAX I.D.# 442-46-5457	OPTIONAL ADD'L INFO RE ENTITY DEBTOR	1e. TYPE OF ENTITY Legal Person	1f. ENTITY'S STATE OR COUNTRY OF ORGANIZATION Oklahoma
			1g. ENTITY'S ORGANIZATIONAL I.D.#, if any 33-7412 and 28 <input type="checkbox"/> NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b)

2a. ENTITY'S NAME			
OR			
2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
2c. MAILING ADDRESS		CITY	STATE COUNTRY POSTAL CODE
2d. D.B. OR TAX I.D.#	OPTIONAL ADD'L INFO RE ENTITY DEBTOR	2e. TYPE OF ENTITY	2f. ENTITY'S STATE OR COUNTRY OF ORGANIZATION
			2g. ENTITY'S ORGANIZATIONAL I.D.#, if any <input type="checkbox"/> NONE

3. SECURED PARTY'S (ORIGINAL S/P or ITS TOTAL ASSIGNEE) EXACT FULL LEGAL NAME - Insert only one secured party name (3a or 3b)

3a. ENTITY'S NAME			
OR			
3b. INDIVIDUAL'S LAST NAME of bowden		FIRST NAME Wesley	MIDDLE NAME David
3c. MAILING ADDRESS post office of States united		CITY Dallas	STATE COUNTRY POSTAL CODE Texas USA

4. THE FINANCING STATEMENT covers the following types or items of property:
 The above named secured party, Wesley David of bowden, a living soul herein secures all rights, equity and security interest and Title in Standard Certificate of Live Birth 33-7412 Registrar's number 28 as received by State of Oklahoma State Department of Health on February 7, 1944 and the pledge represented by same but not limited to the pignus or hypotheca, hereditments, the res, the energy and all products derived there from, all signatures, all contracts, license, agreements, judgments, Mortgages, all insurance policies, bank and retirement accounts, all stocks, preferred stocks, bonds, vehicles, cars, trucks, certificates, notes, titles, deeds, land, buildings, real estate, inheritance, all salaries, wages, debentures, indentures, pledges, munc pro tunc January 13, 1944, is accepted for value and exempt from levy pursuant HJR 192 and UCC 10-104 the order is herein released to secured party, Wesley David of bowden and all fingerprints, blood type, all descriptive features, photographs, all tangible and intangible assets including the debtors complete estate within, above, below or upon planet earth predicated on the Strawman described above as the debtor, transmitting utility and this NATIONAL FINANCING STATEMENT will be in full force until released or five years, from this date or the death of the secured party. Debtor is not guarantor to any other account by explicit reservation.

5. CHECK BOX If applicable	6. THIS FINANCING STATEMENT is signed by the Secured Party instead of the Debtor to perfect a security interest (a) in collateral already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or (b) in accordance with other statutory provisions (additional data may be required)	7. If filed in Florida (check one) Documentary stamp tax paid <input type="checkbox"/> Documentary stamp tax not applicable <input type="checkbox"/>
8. REQUIRED SIGNATURE(S) Debtor WESLEY DAVID BOWDEN		9. THIS FINANCING STATEMENT is to be filed (for record) for recording in the REAL ESTATE RECORDS Attach Address(es) <input type="checkbox"/> (if applicable)
		10. Check to REQUEST SEARCH CERTIFICATE(S) on Debtor(s) (ADDITIONAL FEE) (optional) <input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2

(1) FILING OFFICER COPY.-- NATIONAL FINANCING STATEMENT (FORM UCC1) (TRANS) (REV. 12/18/86)

RECORDS AND REGISTRY, INC. P.O. BOX 616 ANOMA, LA 70508 (504) 481-1178

2
15

ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
APR - 9 2008
CLERK, U.S. DISTRICT COURT
By *[Signature]* Deputy

UNITED STATES OF AMERICA

v.

WESLEY DAVID BOWDEN

§
§
§
§
§

No.

3-08 CR-089-B

File Under Seal

INDICTMENT

The Grand Jury Charges:

Count One
Attempt to Evade or Defeat Payment of Tax
(Violation of 26 U.S.C. § 7201)

On or about the 15th day of April, 1993, and continuing through on or about the date of this indictment, in the Northern District of Texas, Wesley David Bowden, a resident of Dallas, Texas, did willfully attempt to evade and defeat the payment of the income tax due and owing by him to the United States of America for the calendar years 1992 through 1996, in the total amount of \$239,736, as shown below, by concealing and attempting to conceal from the Internal Revenue Service the nature and extent of his assets and income through a pattern of conduct including, but not limited to, the establishment of nominee trusts and the placement of funds and property therein, and the use of false or misleading information in connection with his employment and certain financial transactions: