

2. Any and all charges by the government prosecutor were made with false allegations, and outright lies. The indictment by a Grand Jury was obtained by false and misleading statements by the prosecutor, with allegations that IRC sections of criminal penalties contained in IRC sections which are governed by 27 CFR regulations can apply to 26 CFR Income Tax issues. Any such Indictment is faulty on its face, and must be dismissed. The Internal Revenue Code (the Book 68A)is not Statutory Law. Public Law 591 authorized the Issue of the IRC as a reference book, but did not make it positive statute law. There is no 26 USC as referenced in the Indictment, as no Public Law passed by congress has designated the IRC as statute law, as 26 USC. To indicate falsely in an official document filed to secure an indictment, violates 18 USC 241, and 18 USC chapter 47, and constitutes Criminal Conspiracy by the USJD lawyers.

3. The Federal Court rules of Judicial Conduct and Procedures require that Questions of Subject Matter Jurisdiction be resolved before the Court can proceed further. For the court to proceed with this case without first providing an Instanter Hearing and resolving the Issue of Subject Matter Jurisdiction would almost surely be viewed by the Appellate Courts as an Abuse of Discretion, and a clear violation of 28 USC 372 (a), a criminal offense. (Wilton v. Seven Falls Co., 515 US 277 (1995) ,
(General Electric Co. v. Joiner, 522 US 136 (1977)).

4. Arguments that 28 USC gives the U.S. District courts jurisdiction over “ any offenses against the United States “ are not valid in 26 CFR statutes for Income Taxes, as no Criminal Acts or Criminal Penalties are in the statutory laws in 26 CFR regulations for Individual Income Taxes. There are no crimes identified in 18 USC pertaining to Income Tax violations, or 26 CFR violations, which is the very reason that congress conferred no Criminal Subject Matter Jurisdiction on the District Courts. All the enforcement sections of the IRC are enacted by 27 CFR elements, and only pertain to taxes on alcohol, tobacco, firearms, and gaming establishments. No part of 18 USCS contains criminal offenses for any 26 CFR acts.

The Supreme Court in Gould v. Gould, 25 U.S. 150 (1917) Ruled that the Government in any agency cannot apply, or implicate that one portion of U.S. Code can apply to another U.S. Code Section.

This ruling clearly prohibits the use of a 27 CFR rule for a 26 CFR subject or action.

Therefore, the Defendant moves that all charges against him be dismissed, as the Court lacks proper subject matter jurisdiction for Criminal Prosecution on 26 CFR..

The Defendant moves that he be granted personal recognizance for appearance if the Honorable Court is required to postpone the Instanter Hearing due to time constraints.

The Defendant moves that only the Judge issuing the warrant, the judge accepting the indictment, the Judge to preside over this matter, conduct the instanter hearing and or any hearing for arraignment. The defendant defers any plea until proper Subject Matter Jurisdiction by the Court can be proven.

The defendant takes exception to his arrest without cause, and cedes no authority to the US District court for any plea which is entered in this case by any Judge or Magistrate over his direct objections, and entry into the records of this Writ of Habeas Corpus.

Prayer

The Defendant Prays that the court act immediately on this Motion in the Interest of Justice.

Respectfully,

Dated: _____

Defendant
Pro se

In witness to the signature being confirmed of the identity of the person here signed,

I set my signature and seal as Notary Public _____

Dated _____.