

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA  
(Fictitious Plaintiff)

VS.

CASE# 10-00320-16-CR-W-DGK

Frank M. Alvarez  
(Real Party in Interest)

MOTION OF SEVERANCE

"It is the duty of the court to Declare the meaning of what is written and not what is intended to be written. J.W. Seavey Hop Crop V. Pollock. 20 Wn 2d 337, 348-49 147 P2d 310 (1944) cited with approval in Berg V. Huderman, 115 Wn 2d at 69." (WAB)

"We have stated time and time again that courts must PRESUME that a legislature says in a statute what it means and means in a statute what it says there."  
Bank V. German, 503 U.S. 249, 253-54, 112 S.Ct. 1146, 117 L.Ed.2d 391 (1992).

Comes now, Frank M. Alvarez, the living breathing, flesh and blood Sovereign man, majority age and sound mind. Competent to state the the matters set forth herein, do swear and affirm that the foregoing is true, correct, and complete not misleading with the 1<sup>st</sup> hand knowledge of the facts herewith. A sovereign natural born free state citizen, In Propria Persona, proceeding *Sui Juris* at Law, with Assistance Special pursuant to Declaration in Compliance with Title 28 U.S.C 1746 (c) "without THE UNITED STATES" under penalty of perjury, sworn to within the united states of America.

By reason of aforementioned Facts, I do hereby exercise my inalienable rights as a natural born free state citizen upheld by various courts decisions, to rescind, to cancel, to Render Null Void, "Nunc Pro Tunc"; both currently retroactively to the time of signing, based upon the "Constructive fraud" and misrepresentation perpetrated upon me by the Federal Government.

Defendant in error the real party in interest, Frank Michael Alvarez does solemnly request upon demand that this real party in interest be severed from the alleged co-defendants upon this indictment. Real Party in interest has a multiplicity of prejudicial and unlawful issues that are current in fact, such as:

(1) Based upon the exact language used in this indictment and what was alleged against "ME" the natural born citizen, it is clear and without question that my count 1 alleged charge could spill over prejudice to the natural born citizen alleged "minor" participation in the so called conspiracy. U.S. V Price, 13 F.3d, 711-18 (3d Cir 1994)

(2) The exact language used against this natural born free state citizen of unrelated charges can create the possibility that the alleged defendant in error, would be placed in a position to be one of the convicted based on considerations other than the facts. Brown V. U.S. 391 U.S. 123, 31, n. 6, 54-1620 C.E.D 2d 476 (1968) (WB)

(3) Defendant in Error is Sui Juris at Law and based upon the Joinder of this case my specific Trial Rights and Constitutional Provisions have been affected based upon the requests of the Public Defenders for my alleged co-defendants. Extensions and continuances have been issued unbeknownst to me and in my natural born citizen Sui Juris status these are major Constitutional Violations which must be considered, (WB) U.S. V. Mejia, 448, F.3d 436, 446 (D.C. Cir 2006).

(4) Sui Juris real party in interest Inalienable rights for "we the people" have been purposely violated. Defendant in error asserted his 11<sup>th</sup> Amendment Right which affords this natural born free state citizen the same protection as "any" level of the Government. This natural born free state citizen Sui Juris at Law cannot be charged in Law or Equity claims by "any" level of the Government. <sup>11<sup>th</sup></sup> Openly bias, illegal and prejudicial proceedings have on the surface created an overthrow of the Constitutional form of Government and this Defendant in error is reporting these actions to authorities of the tilting of the Scales of Justice. Article VI U.S. Constitution <sup>(33)</sup>

This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, "Shall be, the Supreme Law of the Land". <sup>(33)</sup>

(5) ~~Wherein these truths are set forth~~, it is my Prayer the presiding Judge rules favorably upon my request and grant a severance in this case so this Sui Juris at Law may defend oneself without the interference of Public Defense working for the alleged Co-Defendants. Please allow the truth to set me free! For there is no Corpus Delicti and Defendant in Error is Innocent of all charges. Natural born free state citizen request that this court provide any other relief that justice requires.

"Injuria Non Excusat Injuriam" "Inter Alia"  
one wrong does not justify another Among other things

## Certificate of Service

I Frank M. Alvarez, the living, breathing, flesh and blood natural born free state citizen *Sui Juris* at Law comes with this motion of severance, being placed before this clerk of Court of the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION on this day of 11<sup>th</sup> and month of May in the year of our Lord 2011.

Judge Grey Keys  
400 E. 9th St  
K.C. Mo. 64106

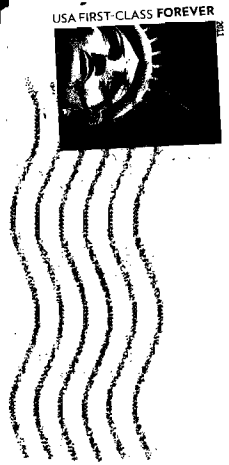
Chief Judge  
400 E. 9th St  
K.C. Mo. 64106.

Bruce Rhoades  
U.S. Attorney's office  
400 E. 9th Street  
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Frank Alvarez

Frank Alvarez. 14667. 045  
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Leavenworth, KS 66048

KANSAS CITY 641-551  
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c/o ~~XXXXXX~~  
Clerk of court  
US District Court  
400. E 9th ST  
K.C. Mo. 64106

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