

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

NaRicco T. Scott #22266045  
CCA 100 Highway Terrace  
Leavenworth, KS 66048

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NaRicco T. Scott  
Defendant

)  
)Case No. 10-00162-01-23-CR-W-FJG  
)Notice For Lack Of  
)Jurisdiction.  
)Notice of Hearing Request 14 Days  
)2nd Superceeding Indictment June 7, 2011  
)  
)

JUDICIAL NOTICE

FOR LACK OF JURISDICTION

Defendant NaRicco T. Scott hereby submits to this Court Judicial Notice  
for lack of jurisdiction.

THE PRECEDENT UPON WHICH THE FEDERAL GOVERNMENT'S ABILITY TO GOVERN  
INTERSTATE COMMERCE, WICKARD V. FILBURN, 317 U.S. 111, IS PREMISED  
UPON THE FACT THAT THE PLAINTIFF IN THAT CASE REGISTERED IN A  
FEDERAL PROGRAM; BECAUSE DEFENDANT NEVER TOOK ADVANTAGE AS A  
REGISTRANT OR RECIPIENT OF BENEFITS OF A FEDERAL PROGRAM, THE  
WICKARD BASIS OF JURISDICTION IS INAPPLICABLE HERE.

Wickard v. Filburn, 317 U.S. 111 (1942), is considered to be the controlling  
precedent upon which Congress has relied to expand the definition of  
interstate commerce. The common notion is that nearly any aspect of  
commerce can be regulated if a piece of wheat could be governed by the  
federal government. In fact, in that case, the federal government had  
developed a subsidy system to help farmers in a particular field, that  
of wheat farming. One farmer, the plaintiff in the Wickard, 317 U.S.  
111, filed a complaint asking to enjoin enforcement of the Agricultural  
Adjustment Act of 1938. The Act set up quotas for farmers and imposed  
penalties for farmers who while taking advantage of the federal subsidies  
dolled out by the agency, wanted to be immunized from the penalties  
associated from not following the conditions required to take advantage  
of these benefits.

Defendant never registered nor received benefits from any federal  
agency regulating controlled substances. Therefore, the federal government  
lacks the jurisdictional basis asserted in Wickard, 317 U.S. 111. As  
the Wickard court wrote, acknowledging the role the plaintiff had in  
bringing about federal jurisdiction over his activity:

We can hardly find a denial of due process in these circumstances,  
particularly since it is even doubtful that appellee's burdens under  
the program outweigh his benefits. It is hardly lack of due process  
for the Government to regulate that which it subsidizes. 317 U.S.  
111 at p. 130.

The Supreme Court clearly states that unregulated "others" exist outside  
the jurisdiction of the administrative agency.

It is of the essence of regulation that it lays a restraining hand

on the self-interest of the regulated and that advantages from the regulation commonly fall to others. Ibid. at p. 129

Defendant is one of the "others", as defendant has never registered for benefit or received benefit from any federal agency regulating controlled substances.

THEREFORE, defendant, NaRicco T. Scott hereby submits to this Court Judicial Notice for lack of jurisdiction. or attached in this case.

Respectfully submitted,

NaRicco T. Scott, June 8th, 2011

PROOF OF SERVICE

I, NaRicco T. Scott, hereby certify that I properly placed Judicial Notice, ~~For Lack Of Jurisdiction~~ For Lack Of Jurisdiction, in an envelope, sealed the envelope and mailed it with First Class postage at Leavenworth, Kansas 66048, in CCA on June 8th, 2011.

The letter was addressed as follows:

Brent Venneman, Assistant U.S. Attorney  
400 East 9th Street, Fifth Floor  
Kansas City, Missouri 64106

Server's Address: NaRicco T. Scott, Pro se  
100 Highway Terrace (22266045)  
Leavenworth, Kansas 66048

NaRicco T. Scott, June 8th, 2011

CERTIFICATE OF SERVICE

I, NaRicco T. Scott, Sui Juris At Law, hereby certify that I properly placed notice. Judicial Notice of Adjudicative Facts. § Rule 201. In Support of Notice Exhibits. In an envelope, sealed the envelope and mailed it with first class postage, at C.C.A., Correction Corporation of America, at 100 Highway Terrace, Leavenworth, Kansas 66048. On this day 25<sup>th</sup> of July 2011.

NaRicco T. Scott

Defendant, NaRicco T. Scott, hereby submits to this Court, Judicial Notice, for lack of jurisdiction.