

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

United States of America,)
 Plaintiff)
)
v.) Case No. 10-00162-01-23-CR-W-FJG
) (Request Judicial Notice Hearing)
) Rule 201(d) within 5 days
NaRicco T. Scott)
 Defendant)

Notice: Request the Courts to take Judicial Notice
of adjudicative facts. Opportunity to be heard Hearing
Requested. Also, Demand my Right to Due Process.

COMES NOW the Defendant, NaRicco T. Scott, pursuant to the
Federal Rules of Evidence Rule 201, Title 28, U.S.C.A. ask and
requests this Court to take Judicial Notice of facts that were
submitted to the Courts. The reason for this notice is to move
the Court to take Judicial Notice Rule 201 and give the Defendant
the opportunity to be heard and grant the hearing, asked by the
Defendant. Failure to do so violates the defendant's Due Process
Right. Also violates Rule 201, Fed. Rule. Evi. See (Exhibit 1,
Article II Judicial Notice.)

The United States District Courts are Civil Courts and Criminal
Courts over petty crime, misdemeanor crimes. 18-3231 district courts
of the United States are courts of D.C., Washington not the United
States District Court for the Western District of Missouri (Civil
Courts).

U.S. Supreme Court
U.S. v. Mersky

The result is that neither the statute nor regulations are
complete without the other and only together do they have any
force. In effect, therefore, the construction of one necessary
involves the construction of the other. U.S. v. Mersky (361 US
431, 4 L.Ed 2nd 423).

Legislators, Judges and Government Agents have all taken
oaths to uphold and protect our constitution. For a Court to
have authority to adjudicate a dispute, it must have jurisdiction
over the parties and over the type of legal issues in dispute. A
person charged with a felony cannot be tried in a criminal court
authorized to hear only misdemeanor cases. The U.S. Constitution
gives jurisdiction over some types of cases to Federal court only.
Cases involving ambassadors and consuls or public ministers, admirally
and maritime cases and cases in which the United States is a party
must be heard in Federal Courts. Congress has also created subject
matter jurisdiction by statute, mandating that antitrust suits, most
securities lawsuits, bankruptcy proceedings and patent and copyright
cases be heard in Federal Courts.

Defendant asks this Court to grant this Notice in light of the circumstances that he has recently been granted leave to pro se in this case.

Bill of Rights
Amendment V

No person shall be held to answer for capital, or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the military, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

Due process of law: to have the right to controverting by proof, ever material fact... If any question of fact or liability be conclusively presumed against him this is not due process of law. (See Black's Law Dictionary).

The Due Process Clause requires that prosecution to prove, beyond reasonable doubt, all of the elements included in the definition of the offenses of which the Defendant is charged. Patterson v. New York, 432 US 197, 210 (1977).

Defendant requests and demands this Court to produce documentation or proper material, to all the Judicial Notice that Defendant has submitted to the Court. Prove that: Title 21 statute 841, 846 is an active, revised, positive, codified law. And also passed by Congress, inside the Federal Register. Also see Code of Regulations Book (CFR), Federal Register (FR) for more detail facts.

Defendant also requests, demands the Court to produce all material and documents to support there: Jurisdictional territorial. Defendant challenged D.O.J. Defendant has facts and (Exhibits #1-A thru 4B see). To support allegations, elements.

Absent the production of such required documentation showing lawful Federal Jurisdiction, would indicate that this Court has no jurisdiction over this case # 10-00162-01-23-CR-W-FJG.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, it's proceedings are absolutely void in the fullest sense of the term." and must be dismissed, Dillon v. Dillon 187 p 27

The famous Wickard v. Filburn (1942) case, relied on by our U.S. Attorney, Federal Judges and Supreme Court Justices to claim jurisdiction under the interstate commerce clause, actually says quite the opposite:

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 falls to others... the Government gave

the farmer a choice which was, of course, designed to encourage cooperation and discourage non-cooperation. It is hardly lack of due process for the Government to regulate that which it subsidizes. - Wickard (317 US 111, 129-131).

Because Filburn was accepting benefits (subsidy prices for his wheat); he was liable for the agency's penalties, as he was in violation of the program regulations. Were any of the "others", those farmers who did not register to receive benefits, prosecuted under commerce clause powers? Of course not, they grew all the wheat they wanted.

There is in no Federal Jurisdiction over Non-registrants. Which is a deprivation of my right to due process of law, (pretending there is a law that establishes jurisdiction is a crime at 18 USC Section 242).

UNITED STATES CODE
TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

CHAPTER 13 - CIVIL RIGHTS

Statute 242. Deprivation of rights under color of law.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any state... to the deprivation of any rights,... secured or protected by the Constitution or laws of the United States,... shall be fined under this title or imprisoned not more than one year, or both; and ... if such acts include the use,... or threatened use of a dangerous weapon,... shall be fined... or imprisoned not more than 10 years, or both; and if death results from the acts committed... or if such acts include kidnapping... shall be fined... or imprisoned for any term of years or for life, or both, or may be sentenced to death.

The indictment did not allege a Federal Crime, by means of a connection with interstate commerce. This action deprives Mr. Scott of a basic protection from charges not found by and not even presented to the Grand Jury, which indicted him (see: Orfield, Criminal Procedure: for Arrest to Appeal, p. 243).

Mr. Scott asserts his Fifth and Sixth Amendment right of Due Process, in arguing that he was never indicted by the Grand Jury for affecting any commerce. Finally, Title 21 of the United States Code is a non-positive law title, that has not been certified constitutionally by the Supreme Court of the United States. Neither has this title been enacted into law by Congress. This statute is clearly un-constitutional, and I, NaRicco T. Scott, respectfully ask this Court to allow Justice to satisfy the appearance of justice. Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960).

Respectfully submitted, Sui Juris
At law,

NaRicco T. Scott, pro se
100 Highway Terrace (22266045)
Leavenworth, KS 66048