



Treaty of Peace and Friendship of 1787 between the Empire of Morocco and the United States.



United States District Court District of Massachusetts

Notice to the agent is notice to the principal, notice to the principal is notice to the agent. UCC 1 -202: notice, knowledge. An instrument is deemed in law filed at the time it is delivered to the clerk. See *Biffe v. Morton Rubber, Inc.*, 785 S.W. 2d 143, 144 (tex. 1990).

Case number: 1:19-cv-10219-PBS

FILED
IN CLERKS OFFICE
2020 SEP 29 AM 10:10
U.S. DISTRICT COURT
DISTRICT OF MASS.

Leonitus Jabir Bey

Plaintiff, Claimant

v.

David Allen Pender, The Commonwealth of Massachusetts, et al

Defendant(s)

WRIT OF SUMMARY JUDGEMENT

Date: 8 Safar 1442: 25 September, 2020

This writ of summary judgement is being made pursuant to the common-law principles contained in the Federal Rules of Civil Procedure Rule 56.

The defense has no genuine dispute as to any material facts; therefore, I am entitled to judgement as a matter of law based on the following facts.

Fact 1. –

The defendant knowingly and intentionally used unnecessary force by treating a traffic infraction as a crime by approaching my parked vehicle with a taser in his hand and aggressively yelling “*Is this what you want*”. When this fact was brought up in federal court, the judge verbally expressed concerns as to why the defendant had a taser drawn and ready at what was supposed to be an ordinary traffic stop. The defendant is barred from claiming that “*the defendant has no knowledge that said alleged acts were illegal and/or unconstitutional*”, as he claims to be a law enforcement officer.



As stated on July 23rd, 2020 under oath the defendant, David Allen Pender is on record stating the following:

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Q. *So you're a Lowell Police officer. So, officers are – so you enforce law, right, correct?*

A. *Correct.*

Q. *Okay. So, you would know some law –*

A. *I know.*

Q. *– seeing as how you enforce it?*

A. *I hope so, yes.*

Since he claims to be a law enforcement officer, he is bound to know law and the doctrine of ignorance of the law is no excuse applies to him in his personal and official capacity (both on and off duty). See *Barlow v. United States; Jerman v. Carlisle, McNellie, Rini, Kramer & Uch LPA; People v. O'Brien (1892) 96 Cal. 171, 176 [31 P. 45].*; and *People v. Snyder Crim. No. 22293 Supreme Court of California. October 18, 1982*, which states “*It is an emphatic postulate of both civil and penal law that ignorance of a law is no excuse for a violation thereof... If a person accused of a crime could shield himself behind the defense that he was ignorant of the law which he violated, immunity from punishment would in most cases result.*”

“*Ignorance of the law is no excuse in any country. If it were, the laws would lose their effect, because it can always be pretended.*” - Thomas Jefferson.

Additionally, as a law enforcement officer, as he claims to be, pursuant to the full faith and credit clause of the united States constitution, which all officers are bound to by oath or affirmation, the defendant must be familiar with the fact that “*Traffic infractions are not a crime.*” see *People v. Battle, 50 Cal. App. 3, step 1, 123 Cal. Rptr. 636,639*. Therefore, no taser should have been drawn, nor should I have been punched in the face; therefore, I am entitled to relief. The



defendant's actions are clear indicators and proof of excessive and or unnecessary forced used, without warrant or cause and a blatant disregard for my rights protected by the constitution. The defendant is also barred from claiming that *"the defendant has qualified immunity from this suit as the alleged acts complained of occurred within the scope of the Defendant's Official duties"*, as the defendant alleged that he was responding to a traffic infraction, yet it is stated in *Michigan v. Duke* 266 US, 476 Led. At 449 that *"Police Power extends only to immediate threats to public safety, health, welfare, etc.,"*. Which traffic violations are not immediate threats to public safety, see *California v. Farley Ced. Rpt. 89, 20 CA3rd 1032 (1971)*. Since traffic violations are not crimes, which the defendant is basing the entire altercation on criminal activity, it is prima facia evidence that the defendant had a predisposition to use excessive force and is barred from basing his unnecessary use of force on my alleged conduct, as he lacked jurisdiction to even engage in said stop as it was not an immediate threat to public safety, nor can the defendant prove that it was.

As stated on July 23rd, 2020 under oath the defendant, David Allen Pender is on record stating the following:

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Q. *Just plainly, like, if a law and a code is the same thing in your eyes.*

A. *Is a law and a code – No, I would say they are not the exact same thing, no.*

Q. *Okay. And how long have you been an officer?*

A. *Approximately 33 and a half years.*

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Q. *Okay. And what was the reason you engaged in the pursuit?*

A. *I attempted to pull you over for a marked lanes violation and an illegal lane change.*

Q. *A marked lanes violation?*

A. *That is correct.*

Q. *And an illegal lane change?*



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A. *Correct.*

Q. *Which are civil or criminal?*

A. *Those are civil.*

Q. *Oh, civil. Civil. And the lane – What’s – what was the other one? The lane –*

A. *It’s – so the 89.4A was the marked lane violation; 89.2 is the unsafe lane change.*

Q. *And that’s also civil, correct?*

A. *That is correct.*

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Q: *At what point did I become a criminal?*

A: *When you failed to stop for a police siren and blue lights. You broke several laws when you did the marked lanes and unsafe lane changes. So, at that point, by the time I pulled into the driveway where you pulled into, you were already under arrest in my mind. You were going to be placed under arrest.*

Q: *Oh, but that’s in your mind.*

A: *That’s all that matters when it comes to arresting somebody is what I think. Its not what you think, sir.*

Q: *It’s not what your --- it’s not what your –*

A: *It’s not what you think. You broke the law and I was going to arrest you.*

Q: *Hold on. It’s not what the people pay you to do? It’s not what your codes and regulations order you to do? It’s what you say?*

A: *It’s exactly what it is. The law says if you fail to stop, you’re subject to arrest.*

Q. *Is it civil or criminal?*

A. *You failed to stop.*

Mr. Louison: *Hold on.*

By Mr. Bey:

A. *It doesn’t matter. You were under arrest.*

Speeding, driving without a license, wrong plates or no plates, no registration, no tags, etc., have been held to be “nonarrestable” offenses. Cal. V. Farley, 98 Cal. Rep. 89., 20 CA 3d 1032



David Allen Pender, an officer who, out of his own mouth admits to knowing law and knowing that a traffic stop is a civil issue violated the 6th amendment and *State v Edwards* which states that in order for a crime to exist there must be an injured party.

Fact 2. –

The information provided regarding the defendant's past of abusing his wife see Article from the lowellsun.com and attached exhibits. Although, after being placed on administrative leave, his wife Melissa Pender, of 18th Street, dropped the charges after David Pender signed an "accord & satisfaction" agreement, which meant that Melissa Pender will not press charges and in no regard means he was not guilty of said charges. According to the article published January 23rd, 2013 and Updated July 12, 2019 at 12:00 am, the accord & satisfaction document stated "*The complainant acknowledges that she has been satisfied as to any and all injuries arising out of the incident which is the subject of the complaint.*" (Source <https://www.lowellsun.com/2013/01/23/assault-charges-dropped-against-city-officer/amp/>.) And an altercation involving a student, resulting in the defendant being placed on six-month suspension without pay, in which he was required to complete anger-management training for using unnecessary force against a 16-year-old student, is proof that the defendant has a history of using excessive force. Some top city elected and appointed officials said privately to the City Manager, Kevin Murphy, that Pender should be fired. It was also quoted in the article that "*Officer Pender cannot offer any plausible explanation as to the origin of the marks and bruises*" on the victim. This history of the use of excessive force is evident in this case: as I was punched 6 (six) times in the face and body slammed on the ground while in handcuffs by the defendant. To wit, my claim constitutes one upon which relief may be granted. See article from the LowellSun.com by



Christopher Scott, Published January 26 2017 at 12:00 am. Updated July 11, 2019 at 12:00 am.

(Source: <https://www.lowellsun.com/2017/01/26/lowell-police-officer-suspended-6-months/>)

Fact 3. –

As stated on July 23rd, 2020 under oath the defendant, David Allen Pender is on record stating that he operates under color of law, a clear violation of federal law 18 USC 241 and 242 and article VI of the constitution which states all laws of any state contrary to the constitution are not withstanding.

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Q: ... *Do you operate under color of law, right? COL? You operate under color of law?*

A: *Yes.*

Q: *Okay. Are you aware that that's federally against the law?*

A: *I have no clue.*

Q: *Okay. One second. One second. You did take an oath, right? You did take an oath to the constitution?*

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Mr. Bey: *For – to become a police officer. He had to take an oath to the constitution?*

A: *I was sworn in by the Lowell – City of Lowell, yes.*

Q: *Sworn in by the city, but did you take an oath to the constitution?*

A: *I don't recall what's the question they ask you at the time. I know it's to uphold the laws of this state, in the Commonwealth of Massachusetts and stuff. So, I don't know exactly what they ask you that day when youre sworn in. Again, that was almost 34 years ago.*

18 U.S. Code § 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, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien,



or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

18 U.S. Code § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)



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JUDGEMENT

The Court must adhere to stare decisis and res judicata and find David Allen Pender guilty. Failure to do so will be a direct and egregious violation of the Constitution Article IV section 1 and Article VI.

Based on the above indisputable facts, the courts must find the defendant guilty of using unnecessary force, but fined pursuant to 18 USC 1091 (a) Whoever, whether in time of peace or in time of war and with specific intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such (2) causes serious bodily injury to members of that group; definition ‘serious bodily injury’ (2) Definitions. (A) the Term “severe mental pain or suffering” shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given to the term in section 2340(2) of this title; (1)(B) as meaning bodily injury that involves- (E) the term “serious mental pain or suffering” shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term “severe mental pain or suffering” (as defined in section 2340(2) of this title), except that – (i) the term “serious” shall replace the term (severe) where it appears... with the fine of \$1,000,000 (One-Million Dollars) in lawful money for his acts of genocide.

In the court of law, all are innocent until proven guilty beyond a reasonable doubt, due to the reported history of David Allen Pender by the Lowell Sun, there is no possible way David Allen Pender can be innocent beyond a reasonable doubt based on the documented evidence regarding Pender and his New Year’s drunken assault on his wife, the use of unnecessary force against a defenseless 16 year-old minor and his involvement in a sexual-harassment charge against a co-worker. Pender has a blatantly obvious history of abuse and due the fact that the police department is a fraternal order and policemen and women refer to each other as brothers and sisters



in arms, he has never been charged for his crimes and those who he has assaulted see the amount of people on Pender's side as severe opposition and most likely were unwilling to sue based on the opposition they would have faced. David Allen Pender must be fined for unnecessary use of force, genocide, deprivation of rights under color-of-law, violation of the Treaty of Peace and Friendship between the Morocco and the united States and pay to the plaintiff and his consul 9 (nine) million dollars (9,000,000.00) in cash, no checks, no money-order and no bank transfers or wiring.

UNDER PENALTY OF PERJURY

Under penalty of perjury and persecution from the Moorish nation, I do declare and state for the record, to the best of my ability, with a sound and conscious mind and heart, without malice intent, that all claims and statements made in this instrument are true, factually and lawfully based and not made for nor intended to be used for fraud, misrepresentation, misprision nor usurpation. It is furthermore stated and affirmed that all statements made are made in pursuant to and respect for the federal, constitutional and treaty laws of the united States and the natural, ecclesiastical, civic, theocratic and national laws of the State of Morocco. A Free Moorish American national and citizen of the free National government of Morocco, I Am: Leontius Jalib Fey® All rights reserved and retained. In honor of my Moabite ancestors to time immemorial, exercising the Divine and Common-Law-Right to Jus Postliminii, in accordance with the high principles of Love, Truth, Peace, Freedom and Justice, as commanded by my Holy Prophet and guide El Hajj Sharif Abdul Ali (Noble Drew Ali) I affix my autograph / signature hereto.

A Copy of this command of summary judgment has been sent to the defendant via his attorney.

Jamhal Talib Abdullah Bey

Consul Jamhal Talib Abdullah Bey – A Free Moorish American Moslem.

Moors can never be and are not citizens of the United States Federal Corporation – see 28 USC 3002 (15)(A). Denationalized Moors who are branded negro, blacks, colored, latino et alia, were lied to and told that the 14th Amendment was ratified in 1868 which was claimed to have reversed the Dred Scott v Stanford case stating that Blacks were never intended to be and could never be US Citizens. The 14th Amendment was declared unconstitutional by the 90th Congress, 1st session Volume 113 part 12, June 12, 1967 page 15641 of the congressional record. HR 1203 of Georgia and HR 0689 of Illinois recognize Moors as a sperate nation of people; recognize Moorish Americans as being aboriginal and indigenous to the Americas; recognize Noble Drew Ali as a Prophet and further support the fact that Moorish Americans as a result of the 13th amendment with its 20 sections were liberated from forced servitude, erroneously referred to as slavery.