

Henry-Dale; Goltz and
Evangelina-Salinas; Goltz
Sovereign American Citizens

Lodgment
Into the
DISTRICT COURT of the UNITED STATES
For the
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA)	
)	
Petitioner)	
)	
-against-)	No. SA-06-CA-0503-XR
)	
Henry-Dale Goltz)	
Evangelina Goltz)	
Defendants-in-error)	

**Defendants-in-error MOTION to REJECT
UNITED STATES' MOTION FOR SUMMARY JUDGMENT -
FOR FAILING TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED
FOR WANT OF GEOGRAPHIC (TERRITORIAL) JURISDICTION**

The United States' Motion for Summary Judgment is premature, lacking in law and fact, and it must be immediately rejected. The action brought by the United States against Sovereign American Citizens Henry-Dale; Goltz and Evangelina-Salinas; Goltz must be Dismissed with Prejudice for failing to state a claim for which relief may be granted for want of Geographic Jurisdiction. No Court has authority to grant relief to Plaintiff if it has no Geographic Jurisdiction to act in the matter. Questions cannot be addressed by this Court, or any Court, when an issue of Jurisdiction has been raised. Defendants-in-error have raised and argued questions of Jurisdiction in a Motion to Dismiss with Prejudice recently filed with this Court (See Exhibit A, attached). Until the matter of Constitutionally-granted Geographic Jurisdiction is addressed and proven by the Plaintiff, this Court has no Constitutional authority to advance this case.

The attached Exhibit B, entitled FEDERAL JURISDICTION, is a Commentary prepared by Lowell Becraft, Attorney at Law. Passages regarding the limitations on Jurisdiction of the Federal-Republics' Central Government – The United States – are highlighted for easy reference. In addition, the following facts of law must be taken into consideration:

1. Title 26 of the United States Code has not been passed into positive law, rendering those code sections subject to authority provided by the Statutes At Large. Unless the United States identifies the Statute At Large that provides for Jurisdiction over the Defendants-in-error, Sovereign American Citizens, the sections of the Code cited by the Plaintiff have no force and effect, and are merely Private Law to be enforced only within the United States, its territories and possessions and Places ceded to the United States.
2. “Statements of counsel [regarding jurisdiction] in their briefs or arguments are not sufficient for the purposes of granting a motion ... for summary judgment.” *Trinsey v Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647. Jurisdiction must be proven.
3. “Statutes conferring federal jurisdiction are to be strictly construed and **any doubts** with respect thereto are **to be resolved against such jurisdiction.**” *Kirby v. U.S.*, D.C.S.C. 1979, 479 F. Supp. 863. [**Bold** added for emphasis]
4. The “burden of **proving** facts necessary **to sustain jurisdiction** is on the Plaintiff.” *Escude Cruz v. Ortho Pharmaceutical Corp.*, C.A.1st, 1980, 619 F. 2d 532 [**Bold** added]
5. “**Federal courts cannot be given authority beyond that which the Constitution has conferred.**” *Nadal v Puerto Rico Dev. Co.*, D.C. Puerto Rico 1975, 399 F. Supp. 1222
6. In *The State of Rhode Island v. The State of Massachusetts*, 37 U.S. 657, 718, the U.S. Supreme Court said: “However late this objection [as to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction. Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them; the question is, whether on the case before a court, their action is judicial or extra-judicial; with or without the authority of law; to render a judgment or decree upon the rights of the litigant parties. If the law confers the power to render a judgment or decree, then the court has jurisdiction; what shall be adjudged or decreed between the parties, and with which is the right of the case, is judicial action, by hearing and determining it.” 6 Peters, 709; 4 Russell 415; 3 Peters 203-7.

Defendants-in-error, Henry-Dale Goltz and Evangelina Goltz, Sovereign American Citizens by reason of Alienage and Domicile, MOVE this Honorable Court, mindful of its Constitutional Duties and Obligations owed to *Sovereign American Citizens*, and on the basis of its Presiding Officer and all attending Officers of the Court, constantly and continuously aware of their sworn Oaths of Office, in any and all proceedings before this Honorable Court and recalling specifically the recent Constitutional Motions filed in this Court in this case, to acknowledge that

said Court, because it lacks appropriate and proper *geographic jurisdiction*, and by being made barren of the necessary *geographic jurisdiction*, it matters not whether said Court possesses *subject matter jurisdiction* and/or *personal jurisdiction*, for without *geographic jurisdictional authority*, the Court cannot proceed to hear the merits of this case and render binding and enforceable judgments, which define and declare the rights and duties of the parties involved in this case.

THEREFORE, for these and other reasons placed before this court, Defendants-in-error, Henry-Dale Goltz and Evangelina Goltz MOVE this Honorable Court to reject the Plaintiff's Motion for Summary Judgment, issue an ORDER to Dismiss with Prejudice and grant to Defendants-in-error, as the Court deems appropriate, the monetary relief previously described.

By My Hand:

By My Hand:

Henry-Dale Goltz (pro per)

Evangelina-Salinas Goltz (pro per)

Affidavit of Truth

We, Henry Dale Goltz and Evangelina Salinas Goltz, do solemnly affirm that the Pleading attached hereto is true and correct to the best of our knowledge and belief.
So help us, God.

Affirmed by: _____
Henry-Dale; Goltz

Affirmed by: _____
Evangelina Salinas; Goltz]

Subscribed and sworn to before me this _____ day of November 2006.

SIGNATURE OF NOTARY OR AUTHORIZED OFFICIAL

CERTIFICATE OF SERVICE

I certify that on this 14th day of November, 2006 A.D., a true and exact copy of the aforesaid Motion was sent, first class postage prepaid, by U.S. mail, to

Michelle C. Johns
Attorney, Tax Division
Dept of Justice
717 North Harwood, Suite 400
Dallas, TX 75201

Attorney of record for Plaintiff

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Henry-Dale Goltz, Sovereign American Citizen