

**TO THE SUPREME COURT OF THE UNITED STATES
PETITION FOR EMERGENCY REVIEW**

PEOPLE & STATE, EX REL. John F. Hutchens & T.W. Arman,
and on behalf of Iron Mountain Mines, Inc. et al, and on behalf of a class.
(Two miners and 8000 acres of land v. United States) (Real Parties in Interest.)
Petitioners,

v.
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-DOJ et al
Usurpers, temporary interim receivers, false claimants, trespassers
Respondents,

Civil No. 2:91-cv-00768- Circuit No. 09-70047

On Petition for Intervention, Supersedeas, Qui Tam, Ejection, Wrongful Taking,

writ of certiorari

ABOLISH EPA-CERCLA-SUPERFUND:

EX POST FACTO; BILL OF ATTAINDER; CRIME OF INFAMY;

Is, or is not, the act contrary to the provisions of the fifth amendment to the Constitution of the United States?

Does, or does not, the act, directly or indirectly, deprive any person of property without due process of law?

Is the State deprived by the Act of any right guaranteed to it in the Constitution of the United States, or therein implied?

"If the purpose of this statute was to divest the title of the owner of land in this way, It is unconstitutional. . . . It would be a proceeding which condemns without hearing, proceeds without Inquiry, and renders judgment without trial. It would not be due process of law" Alexander v. Gordon, 101 Fed. 91, 98, 41 CCA 228

The sole test of adverse holding under the statute is whether the true owner is actually disseized for the limitation period. "Actual occupancy of land to the exclusion of the true owner, regardless of whether in good faith or bad faith . . . satisfies the calls of the statute. Such adverse possession of part of a tract under color of title, with Intent to claim the whole, in legal effect extends to the boundaries of the tract." Ovier v. Morrison, 142 Wis. 243, 247, 125 NW 449 (per Marshall, J.).

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FACILITY COMPLIANCE AUDIT

With petitions to relocate & survey the Lode Mining Patents and the Agricultural College Patent of Mr. T.W. Arman.

[\$ 482] P. Property in Custodia Legis. Property in custodia legis cannot be acquired by adverse possession. 69

EMERGENCY PLANNING, COMMUNITY RIGHT-TO-KNOW, POLLUTION PREVENTION

"U.S. Marshall McKeough explained the object of the meeting in a few pertinent remarks. He said that Mr. Hutchens told him on yesterday that unless they give up the water in the creek aforesaid, that he, Hutchens, would take a body of men and take the water by force of arms and hold the same until he and his men were whipped off the ground.

His party as above mentioned claim right of possession of the water, and are suing for Breach of Patent, False Claims, and Wrongful Taking by force.

In this dilemma Mr. Arman calls upon all his fellow-miners and countrymen to assist him in defending his rights, agreeable to the old miners' laws.

They said that this was a serious affair, they are willing to defend the old established miners' laws and the right."

"Pursuant to adjournment meeting met at 1 o'clock, were called to order by the tenant-in-chief, Mr. Hutchens.

Committee reported as follows, having thoroughly investigated the laws and customs of the miners of Iron Mountain.:

We fully concur in the opinion that Mr. Arman is fully entitled to all the water in Slickrock Creek, Boulder Creek, Spring Creek, and Flat Creek, except four torn-heads each, which is allowed for the beds of the streams ; also that the burning of his forest, and the destruction of his dam and other property and the taking of his water from his race by force of arms are malicious acts, and should not be submitted to by those who are in favor of law and order.

"On motion, the report was received and the committee discharged.

"On motion it was 'Resolved, That we assist Mr. Arman in turning the water

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into his race and that we sustain him to the last extremity in keeping it in the race.'

"On motion, the meeting then adjourned for the purpose of carrying this resolution into effect."

Whether the law is in force at any given time is for the jury. *Harvey vs. Ryan*, 42 Cal. 626.

SPECIAL DEPUTY SERGEANT INSPECTOR GENERAL

The United States certainly has an interest in protecting the thousands of citizens in the United States of this class action from unconscionable environmental laws violating constitutional protections, fundamental rights, private property rights and other civil rights retained by the people, but the United States California attorneys are moot.

Because of § 3729. False claims, with *qui tam* and 811, 1085, and 1107 & 1160 Code of Civil Procedure, and the likelihood that this matter could go on indefinitely, the Court should dismiss this case. The petitioner has further demonstrated a willingness to serve in a capacity consistent with an office sufficient to warrant the creation *quo Warranto* of such office and agency.

NOTICE: IMPOSITION OF PROPRIETARY CONTROL BY THE RESIDENT DEPUTY FIRE MARSHALL - FOREST WARDEN - CHANCELLOR OF THE GALES & STANNARIES - OCTOBER 23

ENVIRONMENTAL COMMAND OFFICER - PRIVATE INSPECTOR DISASTER ASSISTANCE DIRECTORATE

The circuit court erred in not analyzing U.S. and California law as to whether the EPA actions are both procedurally and substantively unfair and unconscionable.

You generally examine the first and second factors together. See *Bauman*, 557 F.2d at 654 (the second factor "is closely related to the first"). *Inc.*, 409 F. Supp. 2d 1196, 1201 (C.D. Cal. 2006),

Differing court interpretations of a statute "is evidence that the statute is ambiguous and unclear." *U.S. v. Iron Mountain Mines, Inc.*, 812 F. Supp. 1528, 1557 (E.D. Cal. 1993).

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False Claims to obtain a DETERMINATION OF PROBABLE CAUSE under Section 107(1) of CERCLA, 42 U.S.C. §9607 (1); CERCLA lien provisions; and under CERCLA Due Process Requirements.

False Claims of Steven W. Anderson, Regional Judicial Officer May 4, 2000)

False Claims of James Pedri, Rick Sugarek, Kathleen Salyer, Keith Takata.

* * *

Because all five Bauman factors favor relief, and none militates against it, you should conclude that the balance of factors favors issuing all the writs. The district court’s consent decree should be stayed by rule 62(g)(h), and the intervention should be granted with;

CREATION OF THE OFFICE OF THE WARDEN OF THE ARBORETUM;

The act is contrary to the provisions of the fifth amendment to the Constitution of the United States.

The act, directly and indirectly, deprives these persons of property without due process of law.

The State is deprived by the Act of right guaranteed to it in the Constitution of the United States, or therein implied.

ABOLISH EPA-CERCLA-SUPERFUND: UNCONSTITUTIONAL LAW

Declared under penalty of perjury under the laws of the State of California.

Date: October 22, 2010 Signature: 

John F. Hutchens, Warden

VERIFICATION AFFIDAVIT

I, John F. Hutchens, hereby state that the same is true of my own knowledge, except as to matters which are herein stated on my own information or belief, and as to those matters. I believe them to be true. Affirmed this day.

Date: October 22, 2010 Signature: 

John F. Hutchens, Warden